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of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, November 1, 1993*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

WASHINGTON, DC.
November 1, 1993.

I hereby designate Hon. G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray that Your blessing, O gracious God, that abounds with every good thing, will be with us and every person this day. Your promises, O God, point to all the spiritual gifts that make us truly human and capable of good and righteous acts. May Your good spirit that lifts us up and shows us the way of truth, lead, guide and direct us this day and in all the days to come. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. HAMBURG] please come forward and lead the House in the Pledge of Allegiance.

Mr. HAMBURG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3167. An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

The message also announced that the Senate insist upon its amendments to the bill (H.R. 3167) "An act to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MOYNIHAN, Mr. BAUCUS, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 656. An act to provide for indoor air pollution abatement, including indoor radon abatement, and for other purposes;

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries;

S.J. Res. 75. Joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week";

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day";

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month";

S.J. Res. 122. Joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month";

S.J. Res. 131. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week";

S.J. Res. 135. Joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Week";

S.J. Res. 139. Joint resolution to designate the third Sunday in November of 1993 as "National Children's Day";

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week";

S.J. Res. 145. Joint resolution to designate the period commencing on November 21, 1993, and ending on November 27, 1993, and the period commencing on November 20, 1994, and ending on November 26, 1994, each as "National Adoption Week"; and

S.J. Res. 147. Joint resolution designating October 23, 1993, through October 30, 1993, as "National Red Ribbon Week for a Drug-Free America".

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
November 1, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Friday October 29, 1993 at 10:48 a.m.: that the Senate passed without amendment: H.J. Res. 205.

With great respect, I am,

Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

CRIME ON THE CALENDAR

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, it has been brought to my attention that tomorrow the House will consider six substantive bills that deal with the issue of crime.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I have to protest this decision to consider crime legislation on the Suspension Calendar, where debate is limited to 40 minutes and no amendments are in order.

Last Thursday, the majority leader made no mention of this in our colloquy outlining the program for this coming week. It amounts to a surprise attack on those Members who would have made plans to be here for debate and votes on these very important issues. Furthermore, tomorrow is election day in many States and cities. Representatives from New York, Virginia, New Jersey, where crime is a top priority, are being unfairly excluded from this important debate, and I suspect they will be mighty displeased to hear of this decision to alter the schedule so drastically.

Mr. Speaker, crime is the No. 1 issue that faces our country today. It should not be considered by the House in such a piecemeal fashion.

NAFTA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, In recent months there have been numerous studies on the economic impacts of NAFTA. Studies by the Congressional Budget Office, the General Accounting Office, and the Brookings Institution reach the same conclusion, that NAFTA will benefit the American economy both in the short run and the long run.

Similarly, in a recent letter to the President, 286 economists, including 13 Nobel Prize winners representing different political and theoretical traditions, made the same point.

Luckily in the case of NAFTA, one does not have to be a Nobel Laureate or have a Ph.D. in economics to see the potential benefits of NAFTA. One needs only to look at United States export growth to Mexico over the last 5 years to fully understand that increased trade with our northern and southern neighbors is a good thing.

Why? Because, United States exports to Mexico have more than doubled during this period to $41 billion in 1992.

Mexico is moving quickly towards becoming our second largest trading partner, just behind Canada and ahead of Japan. With NAFTA, Mexican buying power for United States products will grow further.

How does this translate into jobs? Seven-hundred thousand U.S. jobs are now supported by our increasing trade with Mexico. NAFTA will add another 200,000 jobs by 1995.

The bottom line is that if we are serious about promoting job growth at home, we need to pursue a policy that will strengthen, not weaken, the economies of Mexico and our other Latin American trading partners.

We should also remember that most of the United States jobs lost over the last few decades have gone to Asia, not Mexico. NAFTA would reverse this trend, bringing some of these jobs back home.

A study sponsored by the Japanese Economic Planning Agency confirms this, concluding that will make life more difficult for Japan and the rest of Asia by shifting more trade and investment to North America as a result of the agreement's stiff rules of origin provisions.

NAFTA may be bad news for Japan, but it will clearly be good for America.

So, it is worth asking ourselves, if NAFTA is so bad for the United States economy, why is Japan so worried?

HOW SOON THE WORLD FORGETS

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, "How soon some forget." And how often: "Did they ever know?" We might say that about the civil rights movement in the United States, where we have a generation that has forgotten what this Nation went through in the 1960's and the progress that was made.

With the Holocaust in Europe, we have worldwide revisionists who want to forget, or try to deny it ever existed.

Recently, the Forward, a fine New York newspaper, noted a lecture by Prof. Vidal-Naquet, who, recalling Marcel Proust, pointed out that we cannot—and should not—forget things past. Vidal-Naquet described the growing group worldwide of what he called "a scary assortment of kooks and scholars, 'respectable' academics and hateful anti-Semites. Yet all of them share one common trait: a wish to 'assassinate' the past—to erase, distort, and falsify the historical record, and above all, to discount the memories of the survivors."

It is sad to see this type of venal, determined effort go on throughout this Nation and others. Just as we see the lack of understanding of what America was like before the Civil Rights Act of 1964—and since, some will try to forget Pol Pot and the butchery and the holocaust of Cambodia under Pol Pot, this group is concentrating on trying to forget the Holocaust of Europe where 6 million Jews were killed by Adolf Hitler's Nazi Germany.

This revision is a tragic act which is occurring in this society and elsewhere. The rest of us must be even more vigilant in the future than we have been in the past.

I include for the RECORD the article which appeared in the Forward on October 22, 1993, and from which I quoted.

PROUSTIAN PROF STIRS NYU WITH ATTACK ON CHOMSKY—LUCETTE LAGNADO AUDITS VIDAL-NAQUET

NEW YORK.—The ghost of Marcel Proust was summoned the other night to a New York University townhouse in Greenwich Village. His mission? Nothing as genteel as sipping tea or nibbling at a Madeleine. It was to lead a movement to fight those who wish to obliterate the past. The doe-eyed rovelist, who devoted his life to extolling the importance of memory, was the hero of a lecture by the French intellectual Pierre Vidal-Naquet, whose life mission is also the remembrance of things past, some of them dangerous indeed.

Mr. Vidal-Naquet, a Greek classical scholar and hero of the French left, has taken on the task of exposing the growing Holocaust revisionist movement, whose goal is to deny that the Nazi killing of six million Jews ever took place. During a passionate lecture Tuesday night at NYU's Maison Franchise, he attacked a number of academic scholars, including the conflicted M.I.T. professor, Noam Chomsky, for lending their academic imprimatur to books that promote historical revisionism.

KOOKS AND SCHOLARS

A squat and rumpled figure, Professor Vidal-Naquet describes the Holocaust revisionists as a scary assortment of kooks and scholars, "respectable" academics and hateful anti-Semites. Yet all of them, he says, share one common trait: a wish to "assassinate" the past—to erase, distort, and falsify the historical record, and above all, to discount the memories of the survivors. Mr. Vidal-Naquet is the author of "Assassins of Memory," a series of essays on the denial movement.

Enrapturing an audience of students and professors, Mr. Vidal-Naquet outlined the global danger spots where revisionists, he said, are making serious inroads. He asserted efforts to rewrite the history of World War II are part of a vast international movement.

"One has the impression of an international enterprise," in which, he said, participants from Boston to Paris, from Oslo to Riyadh, correspond with one another. A "flood" of their writings is now on the market.

BE CAREFUL

Mr. Chomsky was singled out by Mr. Vidal-Naquet, who noted that Mr. Chomsky had written a preface to a book by a leading French anti-Semite and revisionist named Robert Faurisson. Mr. Vidal-Naquet recalls sending several letters to Mr. Chomsky urging him not to associate himself with the works of a leading Jew-hater, but he says the M.I.T. professor ignored him. Mr. Chomsky, contacted by the Forward, expressed anger over the attack, saying "Vidal-Naquet cares nothing about Holocaust revisionism."

Mr. Vidal-Naquet's attack on Mr. Chomsky is noteworthy in part because Mr. Chomsky is also an icon of the intellectual left. "I could speak for hours about Chomsky," Mr. Vidal-Naquet said with a mischievous smile. "In 1979, I learned that he was writing a preface to Faurisson, and I wrote to him, "be careful—Faurisson is an old anti-Semite. I gave him two or three examples.". But the M.I.T. professor went ahead with the preface. Mr. Chomsky confirmed that the Frenchman "did write me a letter saying he [Faurisson] is an anti-Semite. I wrote him I don't care," he said, then, quickly catching himself, added, "but I defend his freedom of expression anyway." Mr Vidal-Naquet, he charged, "concocts lies."

TARRED HERO

Mr. Vidal-Naquet forcefully described the revisionist movement as "a delayed time bomb," whose ultimate effect will be to erase the evidence and the memory of the

Nazi killing of the Jews. The revisionist movement is worst in Germany, Mr. Vidal-Naquet said, and there is a built-in interest to pretend Hitler's horrors never happened. But the second country cited by Mr. Vidal-Naquet is America, where he depicts an unlikely band of extremists—like the head of the Liberty Lobby, Willis Carto and California's Institute for Historical Review—all collaborating in the effort to rewrite history.

Also cited by Mr. Vidal-Naquet was Saudi Arabia, "an ally of the U.S.," where sales of the Protocols of the Elders of Zion remain brisk.

In his native France, where anti-Semitism is also surging, even a genuine hero of the anti-Nazi resistance is being tarred. "It has become fashionable in some circles to state that the Chief of the Resistance, Jean Moulin, was in the '30s, a Soviet spy," Mr. Vidal-Naquet disclosed. He joked that, if the trend to tar those who opposed the Germans continues, "the only patriot during the War will be Marshal Pétain."

Mr. Vidal-Naquet said the Nazis had intended for the world never to believe their crimes had taken place. He cited a speech by Heinrich Himmler, where he said his goal was "to make these people [the Jews] disappear from the earth." Toward the end of the War, Mr. Vidal-Naquet said, the Germans systematically destroyed much of their killing machines—gas chambers were blown up, documents destroyed.

"When the War was over, everything was ready for the destruction of memory—everything, except the survivors." But they are dying. Hence the need to preserve the past and value it even above the present and the future. "The historian must become a pupil of Marcel Proust," the professor said. "Memory must become a part of history."

A GREAT LEADER, A GREAT MAN: SENATOR FRANK ROBERTS REMEMBERED

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, today the people of Oregon are in mourning. State Senator Frank Roberts died yesterday after a long and courageous struggle against cancer.

Oregon has been blessed by some outstanding legislators over the years but it is safe to say that none has been more prestigious than Frank Roberts. Senator Roberts was a public servant in the very best tradition. Throughout his more than a quarter-century in elected office, he never forgot his commitment to the poor, to the environment, to justice, to human rights and to Oregon. Senator Roberts died as he lived—with courage, with humor, and with intensity.

Senator Roberts' family members have also dedicated themselves to serving Oregon. They have my deepest sympathy at this time of loss.

When Governor Barbara Roberts was sworn in as Oregon's first woman Governor in 1990, her husband, Senator Frank Roberts, said, "Now you can call me Oregon's first gentleman." To the people of Oregon, Senator Frank Roberts will always be Oregon's first gentleman. We will miss his guidance, his courage, his integrity, and we will always be in his debt.

CONTINUATION OF IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–156)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1993, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on October 28, 1992.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are needed in the process of implementing the January 1981 agreements with Iran and in the eventual normalization of relations with that country.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1993.*

□ 1210

COMMUNICATION FROM THE CHAIRMAN AND RANKING REPUBLICAN MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the chairman and ranking Republican member of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 28, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the authority vested in the Committee on House Administration by House Rule X, Clause 4(d)(3), and the Subcommittee on Administrative Oversight of the Committee on House Administration pursuant to Clause 3(j)(2), the Subcommittee has directed the following, effective on November 1, 1993: "The responsibility for the operation of the Member Pay and Mileage function is transferred to the Director of Non-Legislative and Financial Services, subject to the oversight of the Subcommittee on Administrative Oversight of the Committee on House Administration."

It is intended, to the extent applicable, that the Member Pay and Mileage function continue to operate under the existing statutory authority of the Sergeant at Arms, but at the direction of the Director of Non-Legislative and Financial Services, until such time as the necessary statutory changes are enacted.

Pursuant to the House Employees Position Classification Act, 2 USC §291 et seq., the Subcommittee further directs:

The following positions are transferred to the Finance Office, Office of the Director of Non-Legislative and Financial Services:

Position number, position title, and grade

30–012: Administrator, Finance & Payroll, HS 10/05.
30–017: Cashier, HS 12/06.
30–032: Payroll Technician, HS 08/10.

Upon receipt of a copy of this letter, the Sergeant at Arms is directed to continue to carry out the ministerial function imposed by statute with regard to the operation of the Member Pay and Mileage function, subject to the direction of the Director of Non-Legislative and Financial Services, and to continue to work cooperatively with the Director and the Subcommittee on Administrative Oversight of the Committee on House Administration to ensure that the Member Pay and Mileage function is executed in a timely manner.

Sincerely,

CHARLIE ROSE,
Chairman.
BILL THOMAS,
Ranking Republican Member.

TEN REASONS TO SUPPORT NAFTA

The SPEAKER pro tempore (Mr. HAMBURG). Under a previous order of the House, the gentleman from New Mexico [Mr. RICHARDSON] is recognized for 5 minutes.

Mr. RICHARDSON. Mr. Speaker, there are 10 reasons to support NAFTA:

First. National security: American foreign policy in the years ahead will be grounded in what President Clinton has called the three pillars of our national interest: Revitalizing our economy; updating our security forces for a new era; and protecting democracy as the best means to protect our own national security while expanding the reach of freedom, human rights, prosperity, and peace. NAFTA will reinforce these objectives.

Second. Economic renewal: To be strong abroad we must be strong at home. To do that we must use all the tools at our disposal to generate growth here and to bring down barriers to our goods and services worldwide. NAFTA helps us do that by rolling back barriers to United States trade in goods and services in Mexico and Canada.

Third. Economic competitiveness: NAFTA will create the world's largest trading bloc with over 370 million consumers and a total annual output of $7 trillion, providing a United States-led platform to compete with European and Japanese-led trading blocs regardless of the Uruguay round outcome.

Fourth. Global leadership: NAFTA will signal to the world that the United States will offer international economic leadership to compliment political and military leadership.

Fifth. Democratic reform: President Clinton is committed to forging a true partnership for the Americas—a Western Hemispheric Community of Democracies—to strengthen democratic institutions, defend human rights, to fight for social justice, to support economic reform and free markets, and to protect the environment. NAFTA serves to reinforce democratic reforms taking place throughout Latin America.

Sixth. Economic liberalization: NAFTA will support and encourage Latin American moves toward democracy, market economics, and growth. Mexico's turn toward market-oriented policies and the success of those policies in producing jobs, investment, and growth have been important incentives for the economic revolution which is underway throughout Latin America.

Seventh. United States-Mexico relations: Few relationships among nations have been as complex as that between the United States and Mexico. A historically difficult relationship, even as recently as the mideighties, has been replaced by a spirit of partnership. Whether we like it or not, our economies are inextricably linked. Through NAFTA we recognize our comparative positions and build a foundation for stronger cohesion and cooperation on common problems challenging our nations such as narcotics, migration, health, and the environmental problems along our 2,000-mile border.

Eighth. Environmental protection and health: Protection of the global commons requires joint action—no one country can do it alone. Throughout the Western Hemisphere there are a number of perplexing transboundary environmental and public health challenges that will require multilateral cooperation including problems such as global warming, the extinction of endangered species, rain forest depletion, desertification, illegal dumping of hazardous waste, and marine pollution. The spread of infectious diseases such as cholera also threatens the entire hemisphere, with several cases already reported along the United States-Mexico border. Accordingly, if we are serious about improving the environment, passage of NAFTA is critical. NAFTA is the most environmentally sensitive trade agreement ever negotiated and will serve to promote greater environmental protection efforts in Mexico and throughout Latin America.

Ninth. Trade is better than aid: We need to acknowledge that financial assistance—foreign aid—to Latin America is much less effective than economic growth through trade in raising living standards.

Tenth. The alternative: If NAFTA fails the foreign policy repercussions will be quite serious:

The United States will be seen as an unreliable partner to international agreements.

Mexico and other Latin American countries will see rejection of NAFTA as rejection of Mexico and its leadership.

Further, Latin America and Caribbean countries will be convinced that we have lost our commitment to hemispheric leadership and our common future.

Globally, governments will conclude that the United States has lost national dynamism, has rejected an agreement that is clearly in its best interests, and is turning inward.

Rejection of NAFTA will undermine Mexican President Salinas and push the Presidential succession in Mexico toward nationalistic positions. It will jeopardize capital flows currently stabilizing the Mexican economy. Further reforms would be less likely.

Rejection of NAFTA will also undermine economic and political reform movements in Central and South America and the Caribbean. This will, without question, lead to an increase in illegal immigration.

In today's increasingly competitive global economy, Japan and Europe are quickly rounding up allies in formidable regional trading blocs. NAFTA will put together our own strong team, which we will need to compete and win in the face of tomorrow's economic challenges. If we fail to get Mexico on board, and later the rest of Latin America, they could well be picked off by our rivals. Defeating NAFTA may seem politically expedient in the short-term, but it will seriously undermine America's ability to be competitive in the global economy long term.

Whether we like it or not, the world is constantly changing. As President Clinton has said, we need to make change our friend, not our enemy. We cannot do that by retreating. We must do that by competing.

Mr. Speaker, on the issue of national security, I yield to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, an expert on this issue.

Mr. MONTGOMERY. Mr. Speaker, I appreciate very much the gentleman yielding to me.

Mr. Speaker, I want to go on record today, and I notified the gentleman of this several weeks ago, that I am in strong support of NAFTA. On behalf of my colleagues, I want to thank the gentleman for the work he has done and the strong stand that he has taken on this issue. It just makes a lot of sense to me and to the people that I have talked to in my home State that this is the right thing to do, especially for jobs.

Mr. Speaker, I know, and I will be very brief, in our State when the tariffs were reduced in Mexico on American goods coming into Mexico several years ago for manufacturers in my State, they were able to sell more goods. Therefore, they were able to give more jobs to our people who need those jobs.

Mr. Speaker, I find nothing but pluses on NAFTA. I want to thank the gentleman in the well for what he has done to support his commonsense project.

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman. I think his addition to those who support NAFTA sends a strong signal that for national security reasons, for foreign policy reasons, NAFTA is important. It is truly a great pleasure to have the gentleman join those supporters of NAFTA.

IN SUPPORT OF NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I appreciate the gentleman making this time available to me.

Mr. Speaker, I want to basically conclude my statement by talking about the issue of the environment.

□ 1220

NAFTA will help clean up the environment. Without NAFTA, we will have no cleaning up of the border. Without NAFTA, there will not be this joint commission that will be able to initiate sanctions and fines against countries and companies that pollute the environment. Without NAFTA, reforms on Mexico's democracy will probably not take place. Without NAFTA, economic liberalization in Mexico, the Mexican basic protectionist market will continue. But most importantly, the United States will lose this important market.

So I want to conclude by thanking the gentleman from Mississippi and again stressing to him how important it is that he as a leader in the Congress on national security issues has joined those supporting NAFTA, because it is in the best interests of this country.

Mr. MONTGOMERY. I think the gentleman makes an excellent point about national security. We have some dangers to the south of our border in Central and South America. By having this treaty worked out, it certainly gives us better national security.

I am not worried so much about Mexico, but when we go further south we have a number of problems, and we have been involved in them. In fact, we have troops right now today in Panama. And NAFTA will help our national security, no question about it.

Mr. RICHARDSON. If the gentleman will yield, the rest of the hemisphere in Latin America, whether we are talking about Argentina, or Chile, or Central American countries, what they want the most from us is not necessarily military assistance or aid, they want trade. They want to compete economically and jointly with us. And they are entering into free trade blocs among themselves.

So the most we can do to advance America's national security interests is to band together with our comrades in Latin America, with our friends in Latin America to jointly work toward economic growth that we can compete against Japan and Europe. And I thank the gentleman for stressing that point. The gentleman from Mississippi has been a leader on our Central American policy on issues relating to the Panama Canal. And I think it is particularly important that on national security issues he has sent this signal by supporting NAFTA, saying that NAFTA is good for America's national security, and I thank my friend.

Mr. MONTGOMERY. I thank the gentleman from New Mexico and I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HORN) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, on November 2.

(The following Members (at the request of Mr. HAMBURG) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes each day, on November 1, 2, 3, 4, and 5.

Mr. DE LUGO, for 60 minutes, on November 2.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mr. MCCOLLUM.

Mr. CLINGER.

(The following Members (at the request of Mr. HAMBURG) and to include extraneous matter:)

Mr. SAWYER.

Mr. HOYER in two instances.

Mr. POSHARD.

Mr. DE LUGO.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. MENENDEZ.

Mr. ROSTENKOWSKI.

Mr. FORD of Michigan.

Ms. FURSE.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries; to the Committee on Education and Labor.

S.J. Res. 75. Joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 119. Joint resolution to designate the month of March 1994 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 122. Joint resolution designating December 1993 as "National Drunk and Drugged Driving Prevention Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 131. Joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 135. Joint resolution designating the week beginning October 25, 1993, as "World Population Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 139. Joint resolution to designate the third Sunday in November of 1993 as "National Children's Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 145. Joint resolution to designate the period commencing on November 21, 1993, and ending on November 27, 1993, and the period commencing on November 20, 1994, and ending on November 26, 1994, each as "National Adoption Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 147. Joint resolution designating October 23, 1993, through October 30, 1993, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on Post Office and Civil Service.

BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On October 27, 1993:

H.R. 2403. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

On October 28, 1993:

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, Pennsylvania as the National Aviary in Pittsburgh;

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2824. An act to modify the project for flood control, James River Basin, Richmond, Virginia; and

H.J. Res. 283. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 2, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2077. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the continued promotion of confirmed officers on a promotion list when the Senate has not given its advice and consent to all officers on the list, and for other purposes; to the Committee on Armed Services.

2078. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-125, "Vending Site Assignment Lottery Temporary Amendment Act of 1883," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2079. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-128, "Commission for Men Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2080. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-124, "Metropolitan Police Housing Assistance Program and Community Safety Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia

2081. A letter from the Secretary of Education, transmitting a draft of proposed legislation to provide for the collection and dissemination of statistics designed to show the condition and progress of education in the United States, to promote and improve the cause of education throughout the Nation, and for other purposes; to the Committee on Education and Labor.

2082. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 2722. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters, law enforcement officers, and incumbent elected judges; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; with amendments (Rept. 103–314). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3160. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586, and for other purposes; with an amendment (Rept. 103–315). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 3419. A bill to simplify certain provisions of the Internal Revenue Code of 1986, and for other purposes; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 3420. A bill to amend section 424 of the Housing and Community Development Act of 1987 to modify the requirements for minimum property standards regarding individual residential water purification and treatment units for properties subject to mortgages insured under the single-family housing mortgage insurance program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of Texas (for himself, Mr. Kasich, Mr. Cox, Mr. Franks of New Jersey, Mr. Baker of California, Mr. Ballenger, Mr. Blute, Mr. Boehner, Mr. Burton of Indiana, Mr. Crapo, Mr. Dickey, Mr. Duncan, Mr. Gallegly, Mr. Greenwood, Mr. Hancock, Mr. Hansen, Mr. Kingston, Mr. Livingston, Mr. McHugh, Mr. Packard, Mr. Rohrabacher, Mr. Rogers, Mr. Royce, Mr. Solomon, Mr. Talent, Mr. Torkildsen, and Mr. Zeliff):

H.R. 3421. A bill to amend the Congressional Budget Act of 1974 to establish a Federal mandate budget and to impose cost controls on that budget, and for other purposes; jointly, to the Committees on Government Operations, Rules, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 243: Mrs. Vucanovich and Mr. King.

H.R. 244: Mrs. Vucanovich, Mr. King, and Mr. Oxley.

H.R. 1517: Mr. Fields of Texas.

H.R. 1598: Ms. Furse.

H.R. 2191: Mr. Washington.

H.R. 2443: Mr. Stearns, Mr. Bilbray, Mr. Pickle, Mr. Spratt, Mr. Bevill, Mr. Baesler, Mr. Torricelli, Mr. Callahan, Mr. Clay, Mr. Cooper, Mr. Strickland, Mr. McCrery, Mr. Bilirakis, Mr. Sundquist, Mr. Skaggs, Mr. Kim, Mr. McCloskey, Mr. Combest, Mr. Edwards of Texas, Mr. Tanner, Mrs. Mink, Mr. Hoke, Mrs. Lloyd, Mr. Barrett of Nebraska, Mr. Grandy, Mr. Canady, Mr. Vento, Mr. Hutto, Mr. Murphy, Mr. Sarpalius, Mr. Hutchinson, and Mr. Hefner.

H.R. 2666: Mrs. Mink.

H.R. 2912: Mr. Hilliard, Mr. Holden, Mr. Clay, Mr. Barcia of Michigan, Mr. Borski, Mr. Meehan, and Mr. Kopetski.

H.R. 3131: Mr. McHale.

H.R. 3136: Mr. Gutierrez, Mr. Barrett of Wisconsin, Mr. Hinchey, Mr. Rush, Ms. Roybal-Allard, Ms. Waters, and Mr. Torres.

H.R. 3250: Mr. Solomon.

H.R. 3345: Mrs. Unsoeld.

H.R. 3350: Mr. Hughes.

H.R. 3351: Mr. Hughes and Mr. McHale.

H.R. 3353: Mr. Hughes.

H.R. 3354: Mr. Hughes.

H.R. 3355: Mr. Hughes.

H.R. 3367: Mr. Shays.

H.R. 3375: Mr. Hughes.

H.J. Res. 268: Mr. Reed, Mr. Upton, Mr. Owens, Mr. Castle, Mr. Horn, Mr. Bishop, Mr. Carr, Mr. Edwards of Texas, Ms. Velazquez, Mr. Wyden, Mr. Darden, Mr. Bonilla, Mr. Gallo, Mr. Lightfoot, Ms. Molinari, Ms. Dunn, Mr. Grandy, Mr. Houghton, and Mr. Solomon.

H. Con. Res. 20: Mr. Tejeda, Mr. Fingerhut, Ms. Shepherd, and Mr. Foglietta.

H. Con. Res. 139: Mr. Gordon, Mr. Reed, Mr. Bliley, Mr. Swett, Ms. Brown of Florida, Mr. Machtley, Mr. Bunning, Mr. Klink, Mr. Lantos, Mr. Ravenel, Mr. Sanders, Mr. Klug, Mr. Lewis of Florida, Ms. Pryce of Ohio, Mr. Skeen, Mr. Nussle, Mr. Grandy, and Mr. Rahall.

SENATE—*Monday, November 1, 1993*

(Legislative day of Wednesday, October 13, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (JOSEPH I. LIEBERMAN).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If any of you lack wisdom, let him ask of God, that giveth to all liberally, and upbraideth not; and it shall be given him.—James 1:5.

Eternal God, Father of us all, this is a critical day in the life of the Senate. I pray for a special covering of Your grace upon this place today. Grant that this room be filled with light and love. Anoint each one who speaks, that not one word will be uttered that will be later regretted. Let it be a moment in the life of the Senate which can be looked back upon with gratitude and pride.

Let Thy will be done here today as it is in Heaven.

We pray in His name who is Life and Love Incarnate. Amen.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 5 minutes each.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa [Mr. GRASSLEY].

C-17 PROGRESS PAYMENTS

Mr. GRASSLEY. Mr. President, I would like to take a few moments to explain my amendments on C-17 progress payments.

The amendment was adopted by voice vote last week.

Senator D'AMATO is a cosponsor.

I did not have an opportunity to speak in detail on the amendment before its adoption.

Mr. President, this is an important piece of legislation, so I want to be sure that my colleagues understand it very well. I would like to alert my colleagues to the fact that this amendment is now part of the Senate bill.

My hope is that it will stay there and become law.

Mr. President, let me make one point crystal clear at the outset.

The sole purpose of our amendment is to keep C-17 progress payments in line with the law.

Our purpose is not to sabotage the C-17 program.

We need to modernize our fleet of transport aircraft, but if we stay on the present course, there will be no C-17 fleet. The C-17 will self-destruct under the sheer weight of mounting costs and mismanagement.

If we continue down this road much further, we will end up short on strategic airlift.

Mr. President, we need to get back to basics.

It is like returning to fundamentals in football practice. We need to practice blocking and tackling instead of trying fancy new plays.

Complicated acquisition reform legislation is not the answer.

All we need to do is follow the rules on the books. That is the purpose of the amendment we adopted.

The amendment would attempt to enforce current law—but a law that the Department of Defense [DOD] inspector general [IG] charges has been violated on C-17 contracts.

The law needs to be reenergized. It needs to be brought back to life.

Our amendment would impose sanctions where there are none. It would put some teeth in the law. It would bring fiscal penalties for noncompliance.

Our amendment would prohibit the use of fiscal year 1994 C-17 procurement funds for making progress payments that are not consistent with section 2307 of title 10 of the United States Code.

What exactly does section 2307 say. It says:

> The Secretary of Defense shall ensure that any payment for work in progress (including materials, labor, and other items) under a defense contract that provides for such payments is commensurate with the work, which meets standards of quality established under the contract, that has been accomplished.

Mr. President, what does this really mean?

It means: First, payments must be equal in value to the work performed minus standard holdback; and second, the work performed must meet quality standards established in the contract.

Mr. President, this law is supposed to bring some measure of discipline to defense contracting.

It is very compact yet far-reaching. In just a few words, it covers a lot of important territory.

To get paid, under the law, the contractor must perform work on time and within cost that meets standards of quality set in the contract. If the contractor fails at that, payments are either withheld or reduced according to the seriousness of the deficiency.

Mr. President, careful study of the DOD IG's report on the C-17 convinced us of the need to enforce this law.

The problems giving rise to that need are carefully and thoroughly documented in the DOD IG's report dated January 14, 1993, concerning financial mismanagement on C-17 contracts.

The IG report is all about illegal or improper progress payments to McDonnell Douglas.

An emerging $1.5 billion cost overrun on C-17 fixed-price contracts precipitated a financial crisis that led to the improper payments.

The contractor, McDonnell Douglas, is threatened with major financial losses and may soon file claims.

To soften the blow, senior Air Force officials devised various schemes to cover-up mounting schedule delays and the burgeoning cost overrun—all to maintain a uninterrupted flow of money to the company.

This was a backdoor bailout operation.

First, there was the cost mischarging scheme.

When all fiscal year 1990 R&D money for the C-17 was exhausted and there were still big R&D bills to pay, Air Force officials arbitrarily shifted R&D costs to the production contract that was fat on cash.

This procedure—known as the infamous journal voucher transfer operation—violated several statutes.

Yet it continues even today.

Eventually $500 to $600 million in R&D expenses will have to be shifted back to the R&D contract where they belong. Sadly, there is no R&D money to cover those expenses.

The ceiling on the R&D contract has been breached, and the Antideficiency Act has been violated.

McDonnell Douglas will have to pick up at least part of the tab.

The journal voucher transfer operation temporarily prevented a cost overrun on the R&D contract and made

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

McDonnell Douglas appear to be performing efficiently. It hid the cost overrun and made McDonnell Douglas look good.

The deception facilitated a steady flow of money and the award of follow-on contracts.

Had the true costs been known up front, the payments might have stopped.

But payments continued.

The cost mischarging scheme then contributed to the second problem—premature progress payments to McDonnell Douglas.

The IG says improper or illegal progress payments totaled $349 million.

Clearly, these payments constituted potential violations of section 2307 of title 10 of the United States Code.

Mr. President, the new Secretary of Defense, Les Aspin, disciplined four of the five senior Air Force officials who engineered illegal C-17 payments.

This was a courageous move.

It sends the right signal to the rest of the weapons purchasing community: zero tolerance of dishonesty and mismangement.

Admittedly, Mr. President, the misconduct that precipitated reprimands dished out by Secretary Aspin occurred between July 1, 1990, and December 31, 1990.

That was 3 years ago. But there's been no letup. These problems are continuing right up to the present time.

Mr. President, I should like to quote from the House Armed Services Committee Report No. 103-200, dated July 30, 1993.

The very same problems persist today.

I quote from page 77:

> After an existence set of hearings, the committee learned that the C-17 remains a seriously troubled program with contractual and program issues intertwined in a way that has defied remedy: (1) full scale development is still not complete, and flight testing will not be complete until 1995 at the earliest; (2) the contractor may be in default on the full-scale development contract and plans to seek $1.2 billion in claims against the government; and (3) lax management by the Air Force may be signaling that the government has no intention of enforcing the contract terms or terminating the program.

Mr. President, that is a devastating assessment. It is an indictment of the C-17 program.

The Senate Armed Services Committee Report No. 103-112, dated July 27, 1993, is almost as critical of the C-17 program as its House counterpart.

This is what the Senate Armed Services Committee says about the C-17. I quote from page 40:

> The committee is at the limit of its patience with the C-17 program, due to serious mismanagement by the Air Force and the contractor, and is approaching the point of advocating program termination.

Mr. President, we have serious criticism about the C-17 coming from both Armed Services Committees. That is reason for concern. That is a red-warning flag. We need to pay attention. That criticism is based on extensive knowledge.

Mr. President, my concerns flow from two related developments.

First, C-17 aircraft delivered to date do not meet important contract specifications like the aircraft range and cargo-carrying capacity. Nor has the C-17 demonstrated the ability to carry cargo into short, 3,000-foot runways as required by contract.

Official Air Force and DOD documents, such as the DD-250—or material inspection and receiving report—clearly indicate that C-17 aircraft delivered to date have significant contract deficiencies.

Mr. President, I am not talking about Mickey Mouse problems, either.

The C-17 does not meet range-payload specifications or specs as they are called. The C-17 cannot carry cargo into a short, 3,000-foot runway.

That is not rinky dink stuff. We are talking about the primary justification for the C-17.

Second, DOD is developing an unsatisfactory solution for the problem.

The plan is outlined in a memo from the new DOD acquisition czar, Mr. John M. Deutch, to the Secretary of the Air Force. It is dated May 11, 1993.

Mr. Deutch has essentially told the Air Force to revise the C-17 specs as the service sees fit.

That is a license to steal.

The Deutch memo gives credence to the House Armed Services Committee's warning that the "government has no intention of enforcing the terms of the contract."

The Deutch plan will help the contractor and the airplane meet the specs. The specs will be lowered.

This is contractor nourishment at its worst.

The specs will meet the airplane rather than having the airplane meet the specs. This is one way to achieve harmony on contracts. It is also a waste of money.

We paid McDonnell Douglas top dollar to meet much more stringent specs.

More stringent specs are more expensive because they involve greater risk. They may not be feasible.

If the C-17 cannot meet the more stringent specs, then McDonnell Douglas must either correct the problem or repay the Government a reasonable sum of money for lost performance.

Otherwise, Mr. President, the contract should be terminated for default.

Mr. President, that is not going to happen. The contract will be modified to meet the airplane.

We are headed down that road—again.

News reports suggest that the deed is done.

The C-17's range-payload specifications have been adjusted downward on three different occasions—November 1985, March 1990, July 1991. They are about to take another dive.

Each time we paid for higher specs but end up with lower ones and still pay full price and more.

This is just one more example of the rubber baseline.

The practice of harmonizing contract specs to match product performance makes a mockery of defense contracting.

Mr. President, if contracts are constantly modified to meet product performance, what value do contracts have?

Mr. President, the Armed Services Committee has attempted to grapple with the problem.

Section 124 of the defense authorization bill would withhold all future funds until certain, specific program milestones are met.

The committee drew a line in the sand on a long list of important performance requirements.

The Armed Services Committee's proposal is an attempt to impose some discipline on the C-17 Program and to prevent further erosion of critical aircraft performance specifications.

Mr. President, our amendment would buttress the section 124 of the fiscal year 1994 Defense authorization bill. It would dovetail with section 124.

It would attempt to draw a line on contract specifications.

It would remind DOD to follow the law of the land.

It would help to reinforce and reinvigorate section 2307 of title 10, which the DOD IG says is being ignored and abused.

Last, Mr. President, our amendment would hopefully help to ensure: First, that progress payments on fiscal year 1994 contracts are commensurate with the work performed; and second, that the work performed meets the quality standards established in those contracts.

If fiscal year 1994 C-17 aircraft are on schedule, within cost, and meet contract specifications, then the money will flow as planned. If not, then there's a problem—as there should be.

What is the bottom line?

I want to send a clear signal to the Air Force: Obey the law when making progress payments on C-17 contracts. And that's it.

Mr. President, I hope the committee will protect our amendment in conference.

If you support the C-17 Program but want better management, then you should support my amendment.

RECOGNITION OF SENATOR MURKOWSKI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is now recognized to speak for up to 15 minutes.

Mr. MURKOWSKI. Mr. President, I wish the Chair a good morning.

NATIONAL RED RIBBON WEEK

Mr. MURKOWSKI. I would like to share with my colleagues the realization that last week we all supported and passed National Red Ribbon Week for a drug-free America. I, along with the senior Senator from Alaska [Mr. STEVENS] introduced legislation proclaiming National Red Ribbon Week. As we know, Red Ribbon focused the Nation's attention on the dangers of drug abuse and the benefits of a life without dependence on illegal drugs.

I congratulate the work of the National Family Partnership Volunteers, for their dedication to freeing our Nation from the grip of illegal drug use. The volunteers are responsible for coordinating educational activities on the perils of drug abuse.

In my State of Alaska, on October 25, we celebrated the kickoff of the week's events with the participation by the FBI and the Alaska State Troopers in the Anchorage Town Square. This celebration was duplicated in other areas of Alaska as well. It was the beginning of a week of celebration of a drug-free life and awareness of the dangers of drug abuse. Communities all over Alaska participated in the activities.

We have seen progress in the war on drugs, and we have seen emergency visits reduced in our hospitals. Annual surveys of high school seniors show a decline. Statistics like these should spur others to work harder.

I congratulate all those who have devoted so much time and talent to this important endeavor.

NATIONAL FAMILY CARE GIVERS WEEK

Mr. MURKOWSKI. Mr. President, furthermore, we are going to be introducing this week legislation to proclaim the week of November 21 to November 27 as National Family Care Givers Week.

The purpose of the week is to recognize those who sacrifice their time and energy for the care of elderly patients—relatives, friends, and neighbors—who need day-to-day assistance. The number of Americans 65 or older is growing dramatically. The number of frail elderly 85 and over is growing as well. Over 5 million elderly people have disabilities that require daily care. Eighty percent of those elderly receive care from family members, often wives, daughters, and daughters-in-law, who sacrifice employment opportunities and careers to provide that care. Their contributions help maintain strong family ties and provide an environment of caring and nurturing.

This week, which the legislation sets aside for recognition, really provides the opportunity to commend those individuals for their care of our elderly, and will generate the appreciation that is needed for their dedication and sacrifice.

Similar legislation, Mr. President, has been introduced in the House by Representative OLYMPIA SNOWE. I urge all of my colleagues to cosponsor this important legislation when it is introduced later this week.

THE AMERICAN FAMILY

Mr. MURKOWSKI. Mr. President, this morning I would like to take the opportunity to bring to the attention of this body, a report entitled "The Index of Leading Cultural Indicators." It is authored by William Bennett and published jointly some time ago by Empower America, the American Heritage Foundation and the Free Congress Foundation.

It is not a very long report, Mr. President, a mere 22 pages, but I think it is an extraordinarily good statistical portrait of the moral, social, and behavioral condition of modern American society over the past 30 years.

The American family, the study suggests, has reached a code blue status. Too many children are being raised today without the same level of parental care and attention that children in generations past were given. I fear that children growing up today really lack the secure foundation that many children enjoyed yesterday.

Mr. President, I would like to share a personal experience my wife had not so long ago. She was gardening in her front yard a few blocks from here when a car pulled up to the front curb. A young man leaped out the car and asked my wife if she would call 911 for emergency. It seemed that the man's friend sitting in the passenger seat had suddenly become unconscious. Well, apparently he had a drug overdose. My wife ran into the house, phoned 911, and called our neighbor, who is a Capitol Hill police officer, for assistance. Within a matter of minutes, a fire truck arrived, followed by two ambulances and three police cars. They revived the man, and gave him a shot, which we assume neutralized the effects of the drugs.

In the meantime, a neighbor from up the street came down and informed the officers present, that she had witnessed the same car stop further up the block. The driver got out and put something in the trunk of the car, and then proceeded to throw an object down the storm drain. The officers checked the storm drain and could see a needle and a plastic bag. Because there was no paraphernalia found in the car, and the police did not have a search warrant, they were forced to release the two men.

If you are upset, Mr. President, so am I. There were six rescue vehicles involved in this episode, and some 10 persons assisting the situation. This drug addict cost hardworking taxpayers at least $2,000 only to drive off and probably die another day in another area. All of this occurred in close proximity to two grade schools.

This incident, I think, demonstrates the social problems we face and our inability as a society to effectively deal with them. What causes this breakdown and what can we do as individuals in a society to stop it? A strong foundation through a proper home life is essential. Stable parents are the key component to a child's development and long-term success in life.

Let me refer to the charts that I have, Mr. President. As you can see, this is a chart provided by the U.S. Bureau of the Census, and it shows an increase in single-parent families from about 10 percent in 1960 to just approximately 27 percent in 1990. So we have seen a tripling in the last three decades. Today, 17 million children live in single-parent homes in the United States.

Single-parent families are disadvantaged in terms of both time and finances. Approximately 90 percent of single-parent homes are homes without a father. This is indeed unfortunate, but it is a reality in the society we live in today. Seventy-three percent of children from single-parent families will be in poverty at some point during their childhood, while only 20 percent of children in two-parent families will experience poverty. And 22 percent of children from one-parent families will be in poverty 7 years or more compared with 2 percent from two-parent families.

What becomes of children who do not receive a solid upbringing where a parent or parents do not provide steady guidance and values? Well, unfortunately, Mr. President, many of them turn to crime.

That leads me to my second chart.

Here we show the juvenile violent crime arrest rates. The source of this is the Federal Bureau of Investigation. It shows the growth in violent crime for juveniles from 1965 up through 1990, and as you can see, the violent crime arrests are per 100,000. This is the fastest growing segment of the juvenile population that are involved in law enforcement exposures. The reality is that juvenile arrests have quadrupled.

More than 70 percent of juveniles in State reform institutions, unfortunately, come from fatherless homes. A while back, I came across a special report entitled "Saving Arizona's Children." One incident reported particularly caught my attention. A 14-year-old girl named Roseanne Garcia ran into her family's apartment and found her younger brother Cruz sitting on a sofa shot in the face by another boy who has since been charged with second-degree murder. She struggled to help, but the wound was fatal. It was the second time that Roseanne had knelt by a dying boy. A few years ago she witnessed a friend murdered in a drive-by shooting. Her father, Cruz Garcia, was gunned down during a quarrel last year, and she has since seen two other friends shot. Roseanne, who just had a baby, said she thinks it is "weird" that she has witnessed so much violence. But, she says, "I am kind of over it now."

I think we only have to turn to the Washington Post today to recognize the significance of what this fear and terror means. On the front page today we saw an article depicting young people who were planning their own funerals. Imagine that, Mr. President, planning their own funerals, because they were fearful about the neighborhood they lived in and saw so much death and terror that they were fearful that they, too, would eventually be marked for death. These young people were planning their own funerals. It is absolutely incredible.

Let me refer to the last chart. This is teen suicide rates—the source is the National Center for Health and Statistics—teen suicide rates per 100,000 among 15- to 24-year-olds. You can see, in 1960, rather modest but still startling rate of suicides moving up to almost off the chart in 1990. The rate at which teenagers are taking their own lives is clearly increasing. Since 1960, the teen suicide rate has more than tripled. Suicide is now the third leading cause of death among adolescents, behind motor vehicle accidents and other accidents.

I believe there is a direct correlation between the turmoil in the home and children venting their frustration and confusion in violence against themselves and others. I might say certainly in our State of Alaska we are not spared from these unfortunate circumstances. In 1990, six young Alaskans decided to end their own lives in the ultimate tragedy of suicide.

So, Mr. President, as we address the responsibility that we have for those less fortunate, we must recognize, first of all, that the answer is not just spending money. We spend more money than ever on social programs, and yet so many of our social ills seem resistant to governmental cures. Government leaders have been treating a patient whom they know nothing about and using tools and procedures that have been proven to fail.

Let us face it, Government really is not good at solving many of our social problems. In most cases, it should not be involved at all. When it tries to control social problems, it makes them worse. Government perhaps should take the Hippocratic oath of "do no harm" before creating social policies.

We might ask ourselves some basic questions. First and foremost, is this activity legitimately within the jurisdiction of the Federal Government? If it is, what kind of behavior would this legislation invoke? Does it support or undermine families? Will it encourage or discourage individual responsibility? Will it provide effective assistance to those in dire need, or will it be diverted to a bloated bureaucracy?

The Alaska Supreme Court recently adopted civil rule 100 entitled "Mediation." This was effective July 15, 1993. This is an example of my home State evaluating current law and assessing ways to utilize the law and its resources that, at best, will encourage rather than discourage in many cases the family unit. Mediation may be one of the most effective forms.

Society needs to heal the family wounds. It may not prevent an inevitable split, but it may make divorce in many cases less painful. Mediation can reduce the psychological cost of confrontational divorce proceedings. Children of adversarial divorces are often the children who end up having difficulties in school or end up as juvenile delinquents. In some instances, where conflicts may arise solely from a lack of communication and compromise, mediation may even help families remain intact.

The courts and the community, for the sake of families, must be willing to explore all reasonable alternatives to a court-based resolution of family issues. The State cannot replace the family in cultivating responsibility of individuals, independence, self restraint, and right conduct.

Mr. President, I ask unanimous consent if I may be allowed to finish. I have another minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Reserving the right to object. My understanding is that there is another unanimous consent for me to speak for 10 minutes and then a third beginning at 11 o'clock for Senator BYRD.

The ACTING PRESIDENT pro tempore. The Senator is correct on both statements.

Mr. DORGAN. I will not object.

(Mrs. MURRAY assumed the chair.)

Mr. MURKOWSKI. The State cannot replace the family in cultivating responsibility, independence, self restraint, and right conduct. These are key virtues which are essential to the health of a free and democratic nation. The best Government social policy is a policy that encourages family life. It is a goal that this Congress and our President must be willing to commit to.

Finally, Mr. President, to restore the rewards rather than penalties of marriage does not require social engineering. Rather, it requires that the State stop interfering with the national forces that have done the job quite effectively for a long, long time.

Mr. President, I ask that the article from the Wall Street Journal dated October 29, 1993, entitled "The Coming White Underclass" by Charles Murray, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 29, 1993]

THE COMING WHITE UNDERCLASS

(By Charles Murray)

Every once in a while the sky really is falling, and this seems to be the case with the latest national figures on illegitimacy. The unadorned statistic is that, in 1991, 1.2 million children were born to unmarried mothers, within a hair of 30% of all live births. How high is 30%? About four percentage points higher than the black illegitimacy rate in the early 1960s that motivated Daniel Patrick Moynihan to write his famous memorandum on the breakdown of the black family.

The 1991 story for blacks is that illegitimacy has now reached 68% of births to black women. In inner cities, the figure is typically in excess of 80%. Many of us have heard these numbers so often that we are inured. It is time to think about them as if we were back in the mid-1960s with the young Moynihan and asked to predict what would happen if the black illegitimacy rate were 68%.

Impossible, we would have said. But if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized male adolescents made norms—physical violence, immediate gratification and predatory sex. That is the culture now taking over the black inner city.

But the black story, however dismaying, is old news. The new trend that threatens the U.S. is white illegitimacy. Matters have not yet quite gotten out of hand, but they are on the brink. If we want to act now is the time.

In 1991, 707,502 babies were born to single white women, representing 22% of white births. The elite wisdom holds that this phenomenon cuts across social classes, as if the increase in Murphy Browns were pushing the trendline. Thus, a few months ago, a Census Bureau study of fertility among all American women got headlines for a few days because it shows that births to single women with college degrees doubled in the last decade to 6% from 3%. This is an interesting trend, but of minor social importance. The real news of that study is that the proportion of single mothers with less than a high school education jumped to 48% from 35% in a single decade.

CLASS DIFFERENCES

These numbers are dominated by whites. Breaking down the numbers by race (using data not available in the published version), women with college degrees contribute only 4% of white illegitimate babies, while women with a high school education or less contribute 82%. Women with family incomes of $75,000 or more contribute 1% of white illegitimate babies, while women with family incomes under $20,000 contribute 69%.

The National Longitudinal Study of Youth, a Labor Department Study that has tracked more than 10,000 youths since 1979, shows an even more dramatic picture. For white women below the poverty line in the year prior to giving birth, 44% of births have been illegitimate, compared with only 6% for women above the poverty line. White illegitimacy is overwhelmingly a lower-class phenomenon.

This brings us to the emergence of a white underclass. In raw numbers, European-American whites are the ethnic group with the most people in poverty, most illegitimate children, most women on welfare, most unemployed men, and most arrests for serious crimes. And yet whites have not had an "underclass" as such, because the whites who might qualify have been scattered among the working class. Instead, whites have had "white trash" concentrated in a few streets on the outskirts of town, sometimes a Skid Row of unattached white men in the large cities. But these scatterings have seldom been large enough to make up a neighborhood. An underclass needs a critical mass, and white America has not had one.

But now, the overall white illegitimacy rate is 22%. The figure in low-income, working-class communities may be twice that. How much illegitimacy can a community tolerate? Nobody knows, but the historical fact is that the trendlines on black crime, dropout from the labor force, and illegitimacy all shifted sharply upward as the overall black illegitimacy rate passed 25%.

The causal connection is murky—I blame the revolution in social policy during that period, while others blame the sexual revolution, broad shifts in cultural norms, or structural changes in the economy. But the white illegitimacy rate is approaching that same problematic 25% region at a time when social policy is more comprehensively wrongheaded than it was in the mid-1960s, and the cultural and sexual norms are still more degraded.

The white underclass will begin to show its face in isolated ways. Look for certain schools in white neighborhoods to get a reputation as being unteachable, with large numbers of disruptive students and indifferent parents. Talk to the police; listen for stories about white neighborhoods where the incidence of domestic disputes and casual violence has been shooting up. Look for white neighborhoods with high concentrations of drug activity and large numbers of men who have dropped out of the labor force. Some readers will recall reading the occasional news story about such places already.

As the spatial concentration of illegitimacy reaches critical mass, we should expect the deterioration to be as fast among low-income whites in the 1990s as it was among low-income blacks in the 1960s. My proposition is that illegitimacy is the single most important social problem of our time—more important than crime, drugs, poverty, illiteracy, welfare or homelessness because it drives everything else. Doing something about it is not just one more item on the American policy agenda, but should be at the top. Here is what to do:

In the calculus of illegitimacy, the constants are that boys like to sleep with girls and that girls think babies are endearing. Human societies have historically channeled these elemental forces of human behavior via thick walls of rewards and penalties that constrained the overwhelming majority of births to take place within marriage. The past 30 years have seen those walls cave in. It is time to rebuild them.

The ethnical underpinning for the policies I am about to describe is this: Bringing a child into the world is the most important thing that most human beings ever do. Bringing a child into the world when one is not emotionally or financially prepared to be a parent is wrong. The child deserves society's support. The parent does not.

The social justification is this: A society with broad legal freedoms depends crucially on strong nongovernmental institutions to temper and restrain behavior. Of these, marriage is paramount. Either we reverse the current trends in illegitimacy—especially white illegitimacy—or America must, willy-nilly, become an unrecognizably authoritarian, socially segregated, centralized state.

To restore the rewards and penalties of marriage does not require social engineering. Rather, it requires that the state stop interfering with the natural forces that have done the job quite effectively for millennia. Some of the changes I will describe can occur at the federal level; others would involve state laws. For now, the important thing is to agree on what should be done.

I begin with the penalties, of which the most obvious are economic. Throughout human history, a single woman with a small child has not been a viable economic unit. Not being a viable economic unit, neither have the single woman and child been a legitimate social unit. In small numbers, they must be a net drain on the community's resources. In large numbers, they must destroy the community's capacity to sustain itself. Mirabile dictu, communities everywhere have augmented the economic penalties of single parenthood with severe social stigma.

Restoring economic penalties translates into the first and central policy prescription: to end all economic support for single mothers. The AFDC (Aid to Families With Dependent Children) payment goes to zero. Single mothers are not eligible for subsidized housing or for food stamps. An assortment of other subsidies and in-kind benefits disappear. Since universal medical coverage appears to be an idea whose time has come, I will stipulate that all children have medical coverage. But with that exception, the signal is loud and unmistakable: From society's perspective, to have a baby that you cannot care for yourself is profoundly irresponsible, and the government will no longer subsidize it.

How does a poor young mother survive without government support? The same way she has since time immemorial. If she wants to keep a child, she must enlist support from her parents, boyfriend, siblings, neighbors, church or philanthropies. She must get support from somewhere, anywhere, other than the government. The objectives are threefold.

First, enlisting the support of others raises the probability that other mature adults are going to be involved with the upbringing of the child, and this is a great good in itself.

Second, the need to find support forces a self-selection process. One of the most shortsighted excuses made for current behavior is that an adolescent who is utterly unprepared to be a mother "needs someone to love." Childish yearning isn't a good enough selection device. We need to raise the probability that a young single woman who keeps her child is doing so volitionally and thoughtfully. Forcing her to find a way of supporting the child does this. It will lead many young women who shouldn't be mothers to place their babies for adoption. This is good. It will lead others, watching what happens to their sisters, to take steps not to get pregnant. This is also good. Many others will get abortions. Whether this is good depends on what one thinks of abortion.

Third, stigma will regenerate. The pressure on relatives and communities to pay for the folly of their children will make an illegitimate birth the socially horrific act it used to be, and getting a girl pregnant something boys do at the risk of facing a shotgun. Stigma and shotgun marriages may or may not be good for those on the receiving end, but their deterrent effect on others is wonderful—and indispensable.

What about women who can find no support but keep the baby anyway? There are laws already on the books about the right of the state to take a child from a neglectful parent. We have some 360,000 children in foster care because of them. Those laws would still apply. Society's main response, however, should be to make it as easy as possible for those mothers to place their children for adoption at infancy. To that end, state governments must strip adoption of the nonsense that has encumbered it in recent decades.

The first step is to make adoption easy for any married couple who can show reasonable evidence of having the resources and stability to raise a child. Lift all restrictions on interracial adoption. Ease age limitations for adoptive parents.

The second step is to restore the traditional legal principle that placing a child for adoption means irrevocably relinquishing all legal rights to the child. The adoptive parents are parents without qualification. Records are sealed until the child reaches adulthood, at which time they may be unsealed only with the consent of biological child and parent.

Given these straightforward changes—going back to the old way, which worked—there is reason to believe that some extremely large proportion of infants given up by their mothers will be adopted into good homes. This is true not just for flawless blue-eyed blond infants but for babies of all colors and conditions. The demand for infants to adopt is huge.

Some small proportion of infants and larger proportion of older children will not be adopted. For them, the government should spend lavishly on orphanages. I am not recommending Dickensian barracks. In 1993, we know a lot about how to provide a warm, nurturing environment for children, and getting rid of the welfare system frees up lots of money to do it. Those who find the word "orphanages" objectionable may think of them as 24-hour-a-day preschools. Those who prattle about the importance of keeping children with their biological mothers may wish to spend some time in a patrol car or with a social worker seeing what the reality of life with welfare-dependent biological mothers can be like.

Finally, there is the matter of restoring the rewards of marriage. Here, I am pessimistic about how much government can do and optimistic about how little it needs to do. The rewards of raising children within marriage are real and deep. The main task is to shepherd children through adolescence so that they can reach adulthood—when they are likely to recognize the value of those rewards—free to take on marriage and family. The main purpose of the penalties for single parenthood is to make that task easier.

One of the few concrete things that the government can do to increase the rewards of marriage is make the tax code favor marriage and children. Those of us who are nervous about using the tax code for social purposes can advocate making the tax code at least neutral.

A more abstract but ultimately crucial step in raising the rewards of marriage is to make marriage once again the sole legal institution through which parental rights and responsibilities are defined and exercised.

Little boys should grow up knowing from their earliest memories that if they want to have any rights whatsoever regarding a child that they sire—more vividly, if they want to grow up to be a daddy—they must marry. Little girls should grow up knowing from their earliest memories that if they want to have any legal claims whatsoever on the father of their children, they must marry. A marriage certificate should establish that a man and a woman have entered into a unique legal relationship. The changes in recent years that have blurred the distinctiveness of marriage are subtly but importantly destructive.

Together, these measures add up to a set of signals, some with immediate and tangible consequences, others with long-term consequences, still others symbolic. They should be supplemented by others based on a re-examination of divorce law and its consequences.

VIRTUE AND TEMPERANCE

That these policy changes seem drastic and unrealistic is a peculiarity of our age, not of the policies themselves. With embellishments, I have endorsed the policies that were the uncontroversial law of the land as recently as John Kennedy's presidency. Then, America's elites accepted as a matter of course that a free society such as America's can sustain itself only through virtue and temperance depend centrally on the socialization of each new generation, and that the socialization of each generation depends on the matrix of care and resources fostered by marriage.

Three decades after that consensus disappeared, we face an emerging crisis. The long, steep climb in black illegitimacy has been calamitous for black communities and painful for the nation. The reforms I have described will work for blacks as for whites, and have been needed for years. But the brutal truth is that American society as a whole could survive when illegitimacy became epidemic within a comparably small ethnic minority. It cannot survive the same epidemic among whites.

RECOGNITION OF SENATOR DORGAN

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to speak for up to 10 minutes.

LETTERS ABOUT NAFTA FROM NORTH DAKOTANS

Mr. DORGAN. Mr. President, in a couple of short weeks we will be voting on the North American Free Trade Agreement. My office received a half-dozen or so of these booklets, as I am sure most other offices in the House and Senate did recently. It is called "NAFTA, Our Economy, Our Future, the North American Free Trade Agreement." It is a book done beautifully in three colors, glossy pages. It is expensively done, but appropriately so, because those who support the North American Free Trade Agreement have a lot of money—American corporations and others who want to access cheap labor in Mexico and sell back into our country. That is what this trade agreement is all about. They have plenty of money to sell this agreement. Mexico has a great deal of money invested in this agreement and is selling it as aggressively as it can, and so, too, are those in Mexico's corporate sector.

They have a coupon for every State in this booklet, and I thought I would demonstrate the absurdity of its claims for NAFTA. The coupon for my State of North Dakota talks about the importance of Mexico and Canada to us with respect to trade. Here is our coupon: North Dakota, $229 million annually in North Dakota exports to Canada and Mexico. That means, they say, 7,800 jobs. They want you to believe that is what is riding on this vote on NAFTA, 7,800 jobs. Well, if you look at it, you find that of those 7,800 jobs, 7,300 of them have nothing to do with this subject. That is 500 jobs, even if you believe those figures, in North Dakota, that will be created as a result of exports to Mexico—not 7,800. To 500 from 7,800 is a big difference.

The reason I mention this is that this is part of the glossy carnival of information displayed around this town to support NAFTA. I am on the Joint Economic Committee, and we did an evaluation of the major studies cited about NAFTA. Chairman DAVID OBEY in the House of Representatives had a press conference. Just yesterday, again, I saw the Labor Secretary say that 19 out of 20 studies support NAFTA—19 out of 20 studies. Get the 20 studies, and I will show you how phony that is. Of the 20 studies, 8 are the same study, except 4 were the preliminary drafts, and 4 were the final drafts.

Let me give you other examples of those studies. Ten of the studies begin by assuming that no investment will be diverted from the United States to Mexico. This entire treaty is about diverting investment from the United States to Mexico. It is about the United States investing in Mexico. Two-thirds of new investment in Mexico now comes from the United States. At least that much will come under NAFTA. So if you decide we will study NAFTA, assuming no investment will occur in Mexico from the United States, of course, you are going to show a positive impact.

Seven of the studies begin by assuming that the United States will experience no net change in its employment. Well, if you are asking the question, "Will NAFTA cost us lost jobs?" and then start your study by assuming there are no lost jobs, how phony is that? How absurd are these economic studies?

I used to teach economics, but I have overcome that experience, as I have told my colleagues before, to go on and lead a productive life. Economics is sort of psychology pumped up by helium, and you find somebody to do a study for you and you say, "Show us how good NAFTA will be for our country, and assume there will be no United States net investment in Mexico and there will be no change in our employment base." That is the absurd approach used these days to sell this trade treaty.

This treaty, at its roots, is about American enterprises that want to access cheap dollar-an-hour labor in Mexico and sell back into our country. Of course it will cost us lost jobs; of course it is going to.

The International Trade Commission said it is only going to mean lower income for those who are unskilled. We asked them which Americans are unskilled. It turns out that their definition is 70 percent of the American work force.

The economist, Lester Thurow, came to our committee. I asked, "Will this mean lower wages, generally speaking." He said, "Only for two-thirds of the American work force." Well, that is a pretty significant problem. Instead of all this nonsense, the glitzy corporate sales job and the information from the administration that takes, in my judgment, phony numbers from phony studies. Let me read some letters from North Dakotans. Maybe, just maybe, the opinions of working Americans ought to be the final word on trade treaties. They know we have had a decade of bankrupt trade policies that have weakened this country, eroded our job base and, in my judgment, damaged our future.

Randolph Nodland farms in western North Dakota. He is the person who wrote to me on behalf of the North Dakota Resource Council. He wrote:

> The Dakota Resource Council opposes the Proposed North American Free-Trade Agreement.
>
> Several thousand North Dakota jobs would be at risk if NAFTA passes. Many workers in North Dakota currently receive too low a wage. Creating an atmosphere making it attractive for companies to move their operations to Mexico would allow wage levels to further deteriorate.
>
> If NAFTA passes, farmers in all three countries will be going neck and neck to outproduce each other to make up for losses in commodity prices * * *
>
> Under the proposed NAFTA the whole democratic process as we know it is being abridged.

From Myron Yantzer, Bismarck, ND, AFL–CIO:

> Why would a State that has severe out-migration of young population and a State that spent $20 million-plus—and millions more by cities and counties and development associations across this State to create jobs—be in favor of NAFTA?
>
> The United States gives up its right to the judicial process in regard to trade disputes. In its stead we get an international panel which has no allegiance to the people of the United States. We have seen this process at work firsthand with the wheat trade from Canada* * *

From Mark Froemke, American Federation of Grain Dealers in Grand Forks, ND:

> American businesses take advantage of low Mexican wages and labor standards to blackmail American workers to keep their plants open. Here they must work for less.

> Also, the sugar industry in North Dakota and Minnesota, an industry that generates $1.25 billion in revenue, will be undermined by NAFTA.

From Wayde Schafer, Bismarck, ND, Sierra Club:

> No effort was made to close loopholes that leaves U.S. environmental laws vulnerable to attack under NAFTA.
>
> NAFTA won't allow the public to have a say when U.S. environmental laws are challenged as trade barriers.

From Tim Courneya up in northeastern North Dakota, Northarvest Bean Growers Assocation:

> Canadians should be prohibited from using their freight subsidies to ship beans across the United States to Mexico, to avoid damage to U.S. bean producers. * * *

From Charlotte Meier, North Dakota Pork Producers Council:

> The North Dakota Pork Producers cannot support NAFTA in its present form. Granted, there is great potential for exporting pork, but because the vast majority of North Dakota's pork producers are also grain producers. * * * So, without some changes made in the NAFTA program we cannot support it at this time.

Karen and Craig Scott of Bismarck, ND, wrote to me:

> We worked very hard this past legislative session getting bills passed to protect our State from unethical waste dumpers.
>
> Will these laws still protect our State or will they be considered as interfering with interstate commerce laws if NAFTA is passed?

Erlys Paul, Bismarck, writes to me:

> Please vote no on NAFTA. Anyone who thinks this will not take jobs away from our already hurting labor force had better think again. It's big business' way of avoiding all our unions and employer taxes, OSHA, environmental regulations * * * Incentives to stay in business in this country should be granted. When the jobs are gone, who's going to have money to buy the goods and services produced in Mexico?

Larney Werth, a registered nurse in Moorhead, MN, says:

> If I would negotiate for my union in the manner the U.S. negotiators negotiated NAFTA, I would soon be out of office.

Linda Grenz, Dickinson, ND, wrote to me. Linda writes about multinational companies that set up plants in poor nations and pay workers less than required for nutrition and human needs. Then she says this:

> It all spells greed. * * *
>
> The Modern day business philosophy, yuppie mentality, is skim companies, embezzle or defraud up to the top for power and profit. This off-balance mentality has degraded our lifestyle and weakened the U.S. economy and added to our hardships in the job place.

From Lawson Jones, president of U.S. Durum Growers Association:

> I have produced durum wheat every year since starting my career in agriculture in 1972. There has been economic incentives in the past to do so and environmental reasons (crop rotation, water conservation, etc.) to continue. However, I am faced with seeking alternatives to durum production due to the economic impact of unfair trade practices of Canada.
>
> The world will be at a great advantage under a fair and open trade scenario. We must not let Canada be a parasite to achieving a world where the best of what can be done is maximized. We must get this NAFTA agreement corrected.

From Edwin Schafer, Calvin, ND:

> I have no quarrel with free trade if it is really free. The way NAFTA is set up, in my opinion, it would bring our standards of living down to others' level instead of raising their standards.
>
> NAFTA perhaps has some merit, but the way it is written it would work a severe hardship on labor and agriculture.

From Bert Holvik, Fargo, ND:

> Vote against the so-called "Fair Trade Agreement with Mexico," as it will hurt all American workers by exporting more jobs out of our country.

My point is the people out there in the country know full well what is going on, and that is why this is not selling. This is a trade treaty that does not have the votes to pass it in both the House and Senate.

So a lot of worrying, nervousness, and handwringing is going on because the Members of the House and Senate who go home and listen to the folks back home understand. They discuss over a cup of coffee what is happening. American corporations want cheap labor to sell back into this country. This is about greed and profits. It is not about advancing this country's economic interest.

This proposed trade agreement could have initiated a thoughtful discussion of fundamental trade policy for this country. Instead, in my judgment, it has become a thoughtless exhibit of glitzy, carnival-like booklets saying, "Let us promote phony numbers, phony studies," telling us an ill-conceived treaty is good for this country.

Madam President, I want to point out today the huge difference between what I see about the North American Free Trade Agreement in here Washington, and what I hear from people in my home state.

I have here a very slick, full-color booklet I received in the mail. The booklet is called, "NAFTA—Our Economy, Our Future," and was produced and distributed by the USA-NAFTA, the major national and international corporate interests who are pushing the Mexican trade agreement so hard.

Let me say that I did not get one of these booklets in the mail, but about a half dozen. Capitol Hill was papered with these things.

And the NAFTA-USA sponsors tell me this booklet "lays out clearly why NAFTA should be supported and provides specific information about how NAFTA will benefit your State."

Well, it is appropriate this booklet was produced in a sales catalog format, because it is a slick sales job and nothing more. The idea here is: tell the folks anything that will make them buy the product.

So, the booklet announces in bold statements and big red letters how many jobs NAFTA will create in the United States. Of course, there is no bottom line information here. It says nothing about how NAFTA will increase imports from Mexico; nothing about the jobs to be lost as NAFTA encourages more relocation of businesses to Mexico; nothing about the investment capital that NAFTA will pull out of the United States and into Mexico.

Instead of a "buy American" message, we get, "buy NAFTA," and "buy Mexican."

And, in the body of this NAFTA catalog they have coupons purporting to show the benefits of NAFTA for each State. But, when I find the coupon for North Dakota, I find it has nothing to do with NAFTA.

The North Dakota coupon has, in big red letters, "$229 million," and "7,800 jobs." Do those numbers have anything to do with the potential effects of NAFTA. Absolutely not. The $229 million is someone's estimate of North Dakota's exports. Exports that have already been shipped.

The coupon also announces 7,800 jobs that someone has estimated already exist because of products exported from North Dakota. The figure has nothing to do with NAFTA. NAFTA is most likely to cost my State jobs in the next several years, not increase them.

Besides that, the State-by-State export numbers come from a grossly inaccurate measurement attempted by the Commerce Department. In fact, our government does not track where our exports are actually produced. It tracks only from where products were exported. If a ship loaded with North Dakota grain is loaded out of New Orleans, it is recorded as a Louisiana export.

The whole presentation of State export numbers are only phony, inaccurate figures cooked up by NAFTA proponents to sell a trade agreement that is as flawed as their sales pitch.

This booklet is just one more piece of the carnival campaign that multinational corporations and the Mexican Government have sponsored on Capitol Hill to sell a terribly flawed trade agreement. It is the kind of thing I see in Washington day in and day out.

On the other hand, I also hear about NAFTA from North Dakota people. The farmers, workers, and small business owners from my State give me a much different impression of NAFTA than I get in Washington.

For example, in Washington we see that major food and agricultural corporations have joined together to support NAFTA. But, back in North Dakota the producers' organizations—actual farmers—who represent the producers of five of North Dakota's six largest crops oppose NAFTA. The farmers who grow wheat, barley, potatoes, edible beans, and sugar beets all tell me NAFTA is a bad deal for them.

So, to provide a little change of pace to corporate America's NAFTA sideshow in this town, I brought with me a few letters from North Dakota people.

I hope, Madam President, in these next 2 weeks as the House and Senate vote on this treaty we will decide, not that we want to close our borders, but we want our borders to be opened; not that we do not want to compete, we do want to compete. But instead, we do not want any longer trade treaties that are not fair. We insist—we demand—fair trade so this country can advance its economic interests, create jobs, and move ahead with a sound and strong economy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. BYRD. Madam President, talk of a balanced budget constitutional amendment is again in the air, and the proponents are on the verge of claiming victory before the Senate floor debate begins. Senate Joint Resolution 41—which has been introduced by Senator SIMON and other Senators—if passed by Congress and ratified by the States, would require that the Federal budget be balanced annually, whether the economy is strong or weak, unless three-fifths of the whole number waived the requirement in any 1 year.

Here is the section that I have just talked about. Section 1 of the proposed constitutional amendment.

"Total outlays for any fiscal year shall not exceed total receipts for that fiscal year"—that means every year—"unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote."

So, what this is saying is that total spending for any year, for every year, shall not exceed total receipts. The two must balance each to the other unless "three-fifths of the whole number of each House"—which, in the case of the Senate, would mean 60 votes; three-fifths of the whole number—not three-fifths of a quorum, not three-fifths of those present and voting, but three-fifths of the Senators who are elected and sworn—"unless three-fifths of the whole number of each House of Congress shall provide by law, meaning passed by both Houses and signed by the President, "for a specific excess of outlays over receipts by a rollcall vote."

It cannot even be done by unanimous consent. The waiver has to be by a rollcall vote.

Madam President, this amendment is nothing more than a precatory expression of pious hope.

Read what it says; "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

Madam President, God said, "Let there be light," and there was light. But man is not God, and to say that outlays for any fiscal year "shall" not exceed total receipts for that fiscal year, does not make it happen, anymore than would be the case if a constitutional amendment were added stating that the forest primeval shall be restored by the year 2000, or that the environment shall be pure by the year 2000, or that the Nation's rivers shall revert to their original pristine state by the turn of the century.

We could just as hopefully bid the Mississippi River cease its flow toward the sea, or that the mighty Missouri remain chained at its original sources.

Saying it will not make it happen, even if it is the Constitution that says it. This is an empty exercise in voodoo budget balancing, and Senators should know better than to disfigure the face of the Constitution with warts filled with wind, and encumber it with ropes made of sand.

This is a feel good amendment. It simply states that "total outlays for any fiscal year shall not exceed total receipts for that fiscal year." Why not just have a constitutional amendment that says, "The Members of Congress shall have spine"?

Having a constitutional amendment say that Members shall have spine does not guarantee that they will ever have spine. But having such an amendment could make us all feel good. We can vote for that; it would make us feel good. Then we can go home and tell the people we voted for a constitutional amendment to balance the budget. That would make me feel good. I am almost tempted, or I would have been, to vote for Senate Joint Resolution 41.

The amendment states that the Congress may rely on estimates of outlays and receipts in its implementation of the article by appropriate legislation.

That is to be found in section 6. I shall read section 6 in the proposed constitutional amendment to balance the budget.

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

Madam President, total outlays and total receipts cannot be known at the beginning of any fiscal year. All that we will have are the estimates of outlays and receipts for any year. Actual outlays and receipts frequently vary from our estimates by billions of dollars. We do not know what the outlays are until the Treasury issues the checks at the end of the fiscal year, September 30. Even then we do not know. Estimates often vary. We really will not know until about October 15, 15 days after the entire fiscal year has passed.

We do not know what was actually spent until the monthly Treasury statement is published on the 15th business day of October of each year.

Now, remember, we are talking about balancing a budget in a fiscal year, every fiscal year, every year, unless the Congress, by three-fifths votes of each House, waives that requirement. Well, how do we know how much the total expenditures are? How will we know how much the total revenues are? We cannot know until the fiscal year is gone.

But, even that figure that the Treasury issues in its statement published on the 15th day of October is subject to later revision as more data become available.

The point is that no matter how hard we may try to project outlays and receipts, we have invariably failed. Receipts are often lower than expected, and outlays are often greater than expected, and nothing in this amendment cures that problem. It does not say that at midterm or quarter-term of the fiscal year we will take a new look and readjust and correct our course.

Without provisions of enforcement, the mere hortative language only creates expectations which are bound to fail of accomplishment. One of the Ten Commandments says, "Thou shalt not kill." Yet, we go on killing. In Leviticus, we are told, "Thou shalt love thy neighbor as thyself." Yet, we go on loving ourselves without even knowing the name of our next door neighbor.

Senate Joint Resolution 41 is not self-fulfilling. Both the proponents and the amendment itself remain mute about the course that the proponents would advocate to achieve a balanced budget.

The amendment itself does not advocate the course. The proponents have not advocated the course, by which a balanced budget is to be achieved.

If the amendment is ever added to the Constitution—and we hear that it almost has the votes, now, to pass—it would require a two-thirds vote of this body and two-thirds vote of the other body. The amendment will not go to the President. Constitutional amendments do not go to the President for him to sign or to veto. They go directly to the people. And then the people ratify or refuse to ratify the proposed amendment. If three-fourths of the States approve the ratification of the amendment, then it is riveted into that document. Then what?

At that point, large spending cuts or tax increases or both would thus be required even in slow growth periods. That is what this amendment will do.

In fact, larger spending cuts or tax increases would be required in slow growth periods than in periods of robust growth—exactly the opposite of what is needed to stabilize a weak economy and prevent recessions.

The amendment, therefore, not only risks making recessions of greater frequency, greater depth, and greater duration, but by mandating a balanced budget by fiscal year 1999—a year for which a deficit of $223 billion is projected by CBO—or within 2 years following ratification, whichever is later—would also impose restraints on the economy in excess of those entailed in the recently enacted budget law—a double whammy that can stifle economic growth and cause unemployment to soar. The three-fifths waiver provision would prove ineffective as most recessions are already underway before they are recognized as such.

So any recession will already be upon us before it is recognized as such. Sometimes a recession is not recognized as a recession until a month, 2 months or several subsequent months have passed, How are we then going to waive, by three-fifths vote, this requirement, so as to provide a law for a specific excess or outlays over receipts? How are we going to do that?

Moreover, by mandating such severe and sudden budget reductions, Senate Joint Resolution 41 would curtail public investments in roads, airports, waterways, education, civilian research, and other infrastructure needed for short- and long-term economic growth, to say nothing of its disastrous effects on our Nation's defense planning and military strength.

We hear it said we ought to balance our budget. The American people have to balance their personal budgets. Every family has to balance its budget. States balance their budgets. The Federal government ought to balance its budget.

Let us take a look at that.

Businesses borrow to finance the purchase of high technology and other equipment. Businesses borrow to modernize plants and equipment.

States borrow. My State of West Virginia borrows. Other States borrow to pay for roads, schools, and other capital projects.

Families borrow.

They borrow to buy what? To buy an automobile. What else? Buy a home. I know. Because I have had to borrow in my lifetime to buy a home. My wife and I have worked hard to pay off the mortgage on the home. We borrowed the money. We did not balance our budget, did we? No, we borrowed the money. And we paid it over a period of years, the principal and the interest, on that borrowed money. Do not let it be said that the Federal government should balance its budget like every family in America balances its budget. Only a few fortunate families are able to balance their budgets.

I remember my coal mining foster father bought a 26-acre farm over in Mercer County, WV, years ago, back in the twenties. He paid $1,800 for it. Did he pay it cash on the barrel head? No. He had to borrow the money. He had to get someone else to sign a note for him. So families borrow to buy a farm, or farm equipment, or to finance a college education. Many people borrow money to finance the college education of their sons and daughters.

Unless three-fifths of the whole number of both Houses would vote for such Federal borrowing on an annual basis, the Federal Government would be denied the methods that most businesses, States, and families and local governments use to finance investments critical to their proper functioning, economic prosperity, stability, and well-being.

Now let us take a look at the sections of the amendment involving limit on the debt. Under Senate Joint Resolution 41, the debt limit cannot be increased unless three-fifths of the whole number of each House votes to do so by rollcall. Increases in the debt limit often muster only a bare majority, and then with difficulty.

We have seen the debt limit increased here in this Senate upon occasion by a majority of one or two votes, and, then, it was like pulling teeth.

What would happen if Congress failed to increase a debt limit? The Secretary of the Treasury would be forced to delay payments of interest and principal on maturing Federal debt, Federal employees would be sent home, all but essential government services would shut down. Is that what we want? Federal expenditures would cease, Federal contracts would be violated, and if not checked immediately, a financial crisis would sweep over this country and would shock the economic empires of the world. It would lead to an economic earthquake. With such dire consequences, the temptation would be great for a two-fifths-plus-one minority to refuse to vote for a debt limit increase unless some demands were met. Minority rule would not be a pretty sight.

The amendment raises serious equity problems by requiring more votes in each House to raise taxes than to cut funding for programs. This is an inequity that would favor large corporations and the wealthy, who receive Government benefits through tax subsidies, over the average American household, whose benefits come through programs.

I again point out that the amendment provides no instructive steps as to how the goal of the balanced budget is to be achieved. It simply says that "The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts."

My friend PAUL SIMON, just arrived on the Senate floor just in time. Let me repeat.

> The Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts.

In other words, the burden for getting our fiscal house in order will still be right here where it is now and downtown at the other end of Pennsylvania Avenue. The burden will still be on the Congress working with the President to make the tough decisions to bring about the actual implementation of the amendment.

Now, why go through the constitutional amendment process? We are allowed 7 years under this amendment for its ratification. Why wait 7 years? Why go through this constitutional process of allowing 7 years and having the American people, through at least three-fourths of their legislatures, approve the ratification of this amendment? Why not make the tough decisions now? Congress and the President already have the power. This amendment does not give the Congress and the President any more power than they now have to balance the budget. Why not make the tough decisions now? It is only a matter of biting the bullet, and making hard decisions. We do not need a constitutional amendment for that. To adopt a resolution providing for a constitutional amendment will only give us a few more years in which to pat ourselves on the back and say to the people: We have adopted a constitutional amendment to balance the budget, which really means absolutely nothing. Zero. We will just be putting off the hard decisions until the constitutional amendment is ratified, and then it will all be right back in our laps. It will be déjà vu all over again.

The bottom line is that it will take courage to solve this problem of the Nation's deficits, and the adoption of a constitutional amendment will not give us any more spine than we already have.

It took courage to pass the reconciliation bill which provided for 5 years of budget reductions. And if I am reading the press correctly, the President had to go over to the other body and make a lot of promises there in order to get the votes to pass his package.

Every Senator supports a balanced Federal budget. I support a balanced budget, and I want to lower the Federal deficits, but the answer must not be to perform a lobotomy on our Nation's most sacred principles of checks and balances and separation of powers —the foundation of the Constitution— simply because we are frustrated. The solution to the problem will take time, and it can only be found through courage and leadership. President Clinton has tried to provide that leadership. He had to work night and day to get the reconciliation bill passed in order to reduce the deficits over a 5-year span.

A vote for this constitutional amendment is a vote for delay, at least until the year 1999. It is as phony as a $3 bill.

I have never seen a $3 bill just as I will never see a balanced budget through this amendment. It is a cop-out. It will straitjacket the government in recessions, and it will force us to overload services and programs on the states, and, in the end, it will open the way to litigation and the invitation to the courts of this country to become the super offices of management and budget and involve themselves in the legislative control over the purse. It would enthrone the judges of this country with the power to tell the people where the money will be spent and how revenues will be raised. These judges will become unelected representatives of the people. The end result would be taxation without representation. We fought one war over that principle a little over 200 years ago.

If this amendment is adopted, we will have sold a bill of goods to the American people. They will end up with a deficit problem potentially worse than the one we now have. The current cynicism toward government will spread like the leprosy. Where? To the Constitution. What this amendment really is is a prescription for minority rule. Do we want a government by minority? It stands the Constitution on its head.

I have great respect for Senator PAUL SIMON and the other proponents of this amendment. These men and women, the cosponsors, must surely believe that what they are doing is right.

The proponents will claim that an overwhelming supermajority of the American people are saying that they want a constitutional amendment, according to the polls. I believe that what the supermajority of the American people are saying is that they are concerned about the fiscal situation that confronts this country. The polls ask, "Do you favor a balanced budget amendment?" The people say, "yes." But the polls do not ask the questions: "Would you like to have your taxes raised?"

"Would you like to have your Social Security payments cut?" How about that?

"Would you want to see veterans' pensions or veterans' compensation cut?" How about that?

"Where do you stand on that?"

These are the questions that ought to be asked in connection with any poll that attempts to sound out the true feeling of the American people regarding a constitutional amendment to balance the budget. However, without enforcing legislation, this constitutional amendment does not save one penny nor does it cost one penny to anybody. It does not cut any program by one thin dime. It is painless, odorless, tasteless, easy to swallow. It is not only a quack remedy; it is a bogus remedy.

Madam President, section 5 of the resolution provides the Congress with the ability to waive the requirements of the amendment at any time that a declaration of war is in effect.

I continue to read:

> The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Madam President, if the Nation found itself in a situation so serious that the Congress passed a declaration of war, then certainly the Congress would exercise this waiver. No doubt about it.

However, as a practical matter the United States has been involved in three wars and numerous other military engagements over the past 48 years and none of them has been conducted under a declaration of war.

Section 5 goes on to provide for a waiver of the balanced budget requirement if the Congress passes a joint resolution declaring that the United States is engaged in a conflict that poses imminent and serious military threat to the national security. This would appear to provide the flexibility required, but it is easy to envision scenarios where this scheme would break down. If a military emergency develops late in a fiscal year and the President, as Commander in Chief, takes immediate steps to address the crisis, such as happened in Operation Desert Shield, then how would the funding be affected? Even if the Congress passed a resolution supporting the President's initial action, the situation might not clearly meet the test of "imminent and serious military threat to national security." The Congress might be deeply divided on the policy with only a narrow majority supporting the President's action. Let us remember that the resolution authorizing the use of force in the Persian Gulf passed the Senate by a vote of 52 to 47. If a situation did not meet the test of section 5 and three-fifths of the Congress would not vote to waive this amendment as provided in section 1, then the Nation could find itself with a Commander in Chief forced to operate in violation of this constitutional requirement. I am sure that this is not the intent of the proponents of the amendment, but unfortunately it is a very possible outcome.

Madam President, the three-fifths waiver, the three-fifths requirement to waive the requirements of section 1 would have the real effect of diluting the power of the small States of this country. I hope that the rural States and smaller States will take a long, hard look at this provision. If this amendment is ratified, we are going to have to balance this budget, come hell or high water, in any and every fiscal year—recession, depression or no—unless "three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote."

Now, that dilutes the voting strength of the small and medium-sized States in this country. It puts into the hands of the large States vast bargaining power.

Let me illustrate my point. I will take only six States. How many votes would be required to defeat any waiver? It only takes two-fifths plus one vote of either House. The Senate might unanimously support a waiver of section 1 in a given year. In the Senate, all the States are equal. This is the only forum in this government in which all the States—large States, small States, middle-sized States, are equal. Little West Virginia is equal to the mighty State of California. West Virginia has three votes in the other body. California has 52.

Two-fifths plus one of the other body, that is where the voting strength of the small States would be diluted. There are 435 Members of the other body. One-fifth is 87. Two-fifths is 174. Two-fifths plus one is 175. All that is needed to block the waiver of section 1 would be 175 votes. I will name six States that have 177 votes: California, with 52; New York, with 31; Texas, with 30; Florida, with 23; Pennsylvania, with 21; and Illinois, with 20. That adds up to 177 votes.

We could substitute Ohio for Illinois with 20. Ohio has 19 votes. If we do that we have 176 votes. Remember that 175 votes will block the waiver of section 1.

If we substitute Ohio for Pennsylvania—remove Pennsylvania with 21 votes and put in Ohio with 19 votes, we hit it right on the nose, 175 votes.

So, under this scenario, 6 States have, by virtue of the provision in the proposed constitutional amendment, outvoted the other 44. How do small States feel about that? The big States can have the ability to band together and bargain. If those six States stood solidly, they could say to any President, they could say to the whole Senate, they could say to the rest of the Members of the House—think of it—"We will not budge unless you give to us this or that."

The other 44 States can read it and weep as well.

Madam President, small States had better take a good, hard look at the fine print with this constitutional amendment. And Senators, like ROBERT C. BYRD, who represent a small State, had also better take a hard look because in the other body, small States will not stand a chance. Large States can say, as Fitz-James did, "Come one, come all. This rock shall fly, from its firm base as soon as I."

The people of the small States and the newspapers in the small States had better take notice. Small States are going to be left out of the bargain.

Perhaps it would only be in an extreme situation or in theory that six States would line up as they are lined up on the charts, but it is possible. Small States will be penalized under this amendment. Make no bones about it.

What about the argument that 49 states have some type of statutory or constitutional balanced budget requirement, so why should we not have a balanced budget amendment to the Federal Constitution?

We have heard that. We have heard it, and we are going to hear it again.

This argument is simplistic, perhaps interesting, but really not relevant.

The States, unlike the Federal government, are not required to raise and support armies, not required to provide and maintain a navy, not required to provide for the common defense and general welfare of the United States. Nor do they carry the responsibility of conduct of international relations or fiscal and economic policy for the Nation.

Moreover, there are fundamental differences in Federal and State fiscal and budgeting structures. Balanced budget requirements for States generally affect operating budgets but not capital budgets, whereas the Federal Government operates on a unified budget. Operating and capital budgets are not separate and distinct here as they are in Charleston, WV, where my State capital is located. The proposed balanced budget amendment to the U.S. Constitution would require the total Federal budget to be balanced, including capital investment, pension funds, and operating expenditures, and it would require it each and every year.

Furthermore, balanced budget requirements and practices at the State levels leave much room for evasion, so that not everything meets the naked eye. Revenues and expenditures are often shifted from one fiscal year to the next, off-budget agencies are often used, program and funding responsibilities are shifted to county and local governments, short-term borrowing and borrowing from pension funds are common at the State level. Much State borrowing is made through off-budget, non-guaranteed debt instruments which require higher interest payments.

The States are in debt.

You hear the Governors say, "We balance our budgets." Mr. Reagan used to" say, "Well, we balanced our budget in California, the States have to balance their budgets." "The States have it," Mr. Bush said. "They balance their budgets."

But in fact, they do not. The States are in debt.

They incur bonded indebtedness. They borrow money for highways, schools, prison facilities, soldiers' bonuses, unemployment relief, rural credit systems, recreational and health facilities, and so on.

Mr. President, should the amendment be finally grafted onto the Constitution, and were it to fail of enforcement, which is likely in view of the fact that it would still require Members of Congress to summon up the courage to make the hard choices and tough decisions, the Constitution would be demeaned and cheapened. What would we then have done to the fabric of the great Constitution? We would have a Governor operating outside the legitimacy of the Constitution, and that great document will then be under a cloud. Let us not forget that once an item is written into the Constitution, if it fails to meet the expectations and hopes of the people, then the people's faith in the Constitution and in their Government will once more be dashed. And it would require a number of years to repeal that amendment to the Constitution, if that should occur. If the people see the balanced budget provision of the Constitution being avoided, it would only be a matter of time until other constitutional articles and amendments would also be violated. If this provision can be avoided and violated with impunity, why not extend the violations to the first amendment or to the fourth amendment or to the fifth amendment or to the eighth amendment, or to others?

Madam President, I will have more to say on this subject at another time.

My time has expired.

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute remaining.

Mr. BYRD. I thank the Chair.

Madam President, this is a matter that is soon going to confront us. I noted a good editorial in the Washington Post today entitled "A Sloppy Way To Govern." I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Nov. 1, 1993]

A Sloppy Way To Govern

To pass his budget last summer, President Clinton had to promise some further votes on fiscal matters later in the year. Those fuzzy and incautious promises are now coming due. The problem for the president and the leadership in Congress is that they may not have control over the terms of the votes. The anti-spenders are teeing up the choices in such a way that members will mainly be able to vote against spending in the abstract, say yes to cutting without saying how. That will be fine for the holidays; everyone can go home having cast the perfect vote, which is always for virtue without pain. Only later will they—or someone—have to figure out how to govern within the limits to which these showy and unwise propositions would condemn them.

The most dangerous of the proposals is the misnamed balanced budget amendment to the Constitution. It's the granddaddy of false promises. It wouldn't require a balanced budget, just a three-fifths vote in both houses to pass an unbalanced one. It would empower minorities; anyone with an idea that could command the allegiance of 41 percent of either house could hold the government hostage. The theory is that such a system would somehow lead to leaner government. The effect would much more likely be the opposite.

There are lots of years when for economic or social reasons the government ought to run a deficit. To do so the party in power would have to win the support of 20 percent more members in each house than it does today. The president, or someone, would have to bargain with more stray members; who thinks that that would lead to an epidemic of self-denial? Last summer, when this president needed every Democratic vote, is a case in point. By all means reduce the deficit, the professed fiscal conservatives of the party came round to say one after the other, but surely not at the expense of * * * imposing an energy tax, increasing grazing fees, cutting farm supports as much as the president proposed, taxing a larger share of Social Security benefits, cutting defense, cutting Medicare. The president had to deal for votes and then was condemned for dealing by some of the very people who threatened to withhold their votes until he dealt. Will they change the Constitution to bar that too?

In the House, meanwhile, some members now also are proposing what they describe as $103 billion in further spending cuts over the next five years. To lock some of these supposed savings in place, they would reduce the already tight appropriations caps that were set for the next several years in the budget. The problem is, they don't specify enough new cuts to get the caps down to the new levels they propose; instead they try to snatch some administration proposals that the president needs to get spending down to the existing caps. Not fair; by one estimate, to get total spending down to the point they propose, they would have to list $70 billion more in specific cuts than they have. That's the opposite of a blank check; it's a blank cut. They would also preempt and pocket as "cuts" some health care savings that the president has proposed to use in financing health care reform.

This is no way to do the government's business. The amendment and proposed cuts both are ragged, slapdash policymaking that a lot of members think would do them some short-term political good. They would meanwhile do the country long-term substantive harm. The Democrats should beat them back.

Mr. BYRD. The Washington Post yesterday carried an op-ed piece written by Robert C. Byrd entitled "A Hollow and Dangerous Promise; Wishful Thinking Won't Balance the Budget." I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Oct. 31, 1993]

(By Robert C. Byrd)

A Hollow and Dangerous Promise; Wishful Thinking Won't Balance the Budget

Talk of a balanced budget constitutional amendment is again in the Washington air, proving that the days of quack medicines and vaudeville magic shows are not yet in the past. This current version, S.J. Res. 41, states that "total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

What about these terms of budgetary art, "outlays" and "receipts"? The amendment states that Congress may rely on estimates of outlays and receipts for purposes of its implementation because total outlays and receipts cannot be known at the beginning of any fiscal year and estimates are all we have. But in reality, actual outlays and receipts often vary from estimates by billions. We cannot actually know what the Treasury has spent—the outlays—until Treasury has issued all of the checks at the end of the fiscal year.

The point is that no matter how hard we may try to project actual outlays and receipts, we will invariably fail. Receipts are often lower than expected, and outlays are often greater, and nothing in the proposed amendment addresses that problem. In fact, whether the budget is in balance cannot be accurately known until after the end of each fiscal year, when it would be too late to correct the shortfall.

Moreover, S.J. Res. 41, if passed by Congress and ratified by the states, would require that the federal budget be balanced annually—whether we have a strong or a weak economy—unless three-fifths of the whole number of both Houses of Congress waive the requirement. Large spending cuts or tax increases or both would thus be required yearly, whether the economy was booming or busting—exactly what Dr. Kevorkian would order to help a sick economy die a speedy death!

The amendment, therefore, would practically ensure that recessions will be deeper and longer. By mandating a balanced budget by 1999—a year in which a $223 billion deficit is projected by the Congressional Budget Office—severe and sudden budget cuts would most certainly end public investments in roads, airports, waterways, education, civilian research and development, and defense planning—not to mention precipitous cuts in entitlement programs and large tax increases, provided the numerical obstacle course thrown up by this amendment in the case of tax increases can be overcome.

Yes, that's right, the amendment makes balancing the budget a constitutional mandate and then, in that same language to be grafted onto the Constitution, in effect removes one of the tools to accomplish the task! This proposal would actually put the government in the hands of a minority when it comes to a tax increase to balance the budget. Two-fifths plus one member of either body could block a tax increase for the purpose of putting the budget in balance. Thus, the amendment would tend to balance the budget on the backs of the elderly and the working people who would be hurt most by the budget cuts. Do we want to "rig" the Constitution in such a way as to favor one group over another when it comes to getting our budget in balance? I certainly think not. If we are going to put that kind of a "no tax increase fix" in constitutional budget-balancing language, then we ought to do the same for tax reductions.

And what of this oft-repeated argument that 49 states have some type of balanced-budget requirement? The argument is mindlessly simplistic and really not relevant. The states are not required to "raise and support armies," or "provide and maintain a navy," or provide for the "common defense and general welfare of the United States," nor do they carry the burden of conduct of international affairs or fiscal and economic policy for the nation.

Most states use capital budgeting techniques, and their "balanced budget" requirements generally affect only their operating budgets. In fact, the states are in debt. They incur bonded indebtedness, borrow money for highways, schools, prison facilities, unemployment, recreation and health facilities etc.; they are also greatly assisted by the federal contribution to their financial well-being. Such federal assistance to states, however, would most certainly be sharply curtailed if we aped their balanced budget requirements at the federal level. The federal budget is a unified one. So, such an amendment would require total balance.

Businesses borrow to finance everything from high-tech equipment to bigger dumpsters. Families borrow to buy a car, educate a child or purchase a home. Borrowing to invest for a better tomorrow is hardly seditious activity. Are we willing to deny the federal government the ability to borrow and invest on behalf of future generations?

In short, this amendment is bad business for our Constitution. Even worse, it is a deception because it amounts to nothing more than a precatory expression of pious hope. In fact, it will not balance the budget. God said, "Let there be light," and there was light. But man is not God, and to say that outlays for any fiscal year "shall not exceed total receipts," does not make it happen, any more than would be the case if a constitutional amendment were added stating that the forest primeval shall be restored by the year 2000. Saying it will not make it happen, even if it is the Constitution that says it. To adopt such an amendment will only give us politicians the next election to pat ourselves on the back and tell the people we have done something. Congress and the president already have the power to work toward a balanced budget. Why don't we just do it now instead of putting off the hard decisions until the amendment is ratified? The reason is that making these very tough decisions is unpopular. Voting to cut entitlements, cut programs, cut defense and raise taxes does not encourage one's constituents to build statues. The bottom line is courage. I do not see how a constitutional amendment will give us politicians any more spine than we now have.

Instead, we will typically put hard decisions off until the last possible moment, when our budget-balancing actions will have to be precipitous, which, of course, is the worst possible thing for our nation's economy. If we succeed in grafting this wart full of wind onto our Constitution and it fails for lack of enforcement, the Constitution would be demeaned and cheapened. We would have a government operating outside the legitimacy of its own Constitution, and that great and revered document would be under a cloud. If the people's faith in the Constitution fails, then what have we left as a nation? If this balanced budget provision is avoided and violated with impunity, which it is likely to be, why not violate the First, Fourth, Fifth or any of the other amendments that are central to our individual freedoms and way of life?

On the other hand, the end result of the adoption and enforcement of this false and unwise amendment would be to pave the way for the ultimate resolution of its impact by the courts. Beneficiaries of programs arbitrarily cut would turn to the courts for recourse. If the courts concluded that the Constitution required that a tax be imposed to bring receipts and outlays in line, the destruction of our precious constitutional checks and balances would have been achieved.

This "great idea" is a dangerous quick fix intended to let the politicians relax and claim that they have solved the nation's worst problem. It is the nirvana of irresponsibility to claim that this amendment will do anything constructive except get a few people reelected—if, in fact, that can be viewed as constructive.

"We must never forget that it is the Constitution we are expounding," said Chief Justice John Marshall, in *McCulloch* v. *Maryland*. My own modest footnote would be: Let us not forget that it is the Constitution we are amending.

Mr. BYRD. Madam President, an article written by Albert R. Hunt and appearing in the Wall Street Journal of Thursday, October 28 of this year entitled "Congress vs. the Framers—and Reason." I ask unanimous consent that it be printed in the RECORD also.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 28, 1993]

CONGRESS VS. THE FRAMERS—AND REASON

(By Albert R. Hunt)

Despite tough competition, Congress may be on the verge of its dumbest act in years: monkeying with the Constitution, while ignoring the Founding Fathers as well as contemporary constitutional scholars, ranging from liberal Archibald Cox to conservative Robert Bork. In the process, lawmakers would display the rankest hypocrisy.

This remarkable feat would be a constitutional amendment to mandate a balanced budget. The only exceptions would be war or if a statutory three-fifths of the total members of both houses vote for an unbalanced budget. The chief Senate sponsor, Paul Simon (D., Ill.), says he has a commitment from the leadership that it will come up within the next month.

In 1986, the Senate voted on a similar measure and it lost by one vote; the environment is more conducive today. Private tallies suggest supporters are only a handful of senators away from the required two-thirds support. If it passes the Senate, favorable action is likely in the House, where it fell nine votes short last year, a margin more than offset by electoral changes.

The prospect is mind-boggling. The same institution that has approved $2.6 trillion of red ink over the past dozen years now wants to cure the problem by amending the Constitution. Many supporters cynically figure this will divert attention from their cowardice in tackling real budgetary issues and priorities. "To use the Constitution for such a purpose not only trivializes it by an irrelevancy but, in the long run, would reduce the respect for, and therefore the effectiveness of, our bulwark of liberty," charges Archibald Cox, chairman emeritus of Common Cause and the former U.S. solicitor general and Harvard law school professor.

Even in the short run the people may be much smarter than these politicians think. By an overwhelming 77% to 17%, people don't think a constitutional amendment actually would produce a balanced budget, according to this week's Wall Street Journal/NBC News national survey.

Experience is on their side. Take, for example, the 65 members of the House who this year voted against both the Clinton deficit reduction plan, with many saying it relied too much on tax hikes, and the Republican alternative, with many saying it cut spending too much. Yet these 36 Republicans and 29 Democrats are sponsoring the balanced-budget amendment.

"We need the forced discipline of a constitutional amendment," explains Rep. Sonny Callahan (R., Ala.), one of the 65. Why did he vote against the GOP budget-cutting plan? Mr. Callahan says it was too tough on Medicare and other sensitive entitlements.

In the Senate, the amendment's patron saint, Paul Simon, last week sent a private memo to President Clinton advocating an expansive new program for the inner cities. It apparently is interesting and meritorious; it also is totally at odds with his amendment.

It's tough to figure whether this amendment would do more harm economically or politically. Even most traditionally conservative economists agree that trying to balance the federal budget in recessionary times is crazy. And in a well-reasoned 25-page analysis, Robert Greenstein, of the liberal Center on Budget and Policy Priorities, convincingly argues that under a balanced budget amendment—which could take effect before the end of the decade—the poor would bear "the heaviest sacrifices since they are the weakest constituency."

But the political damage might be even greater. Since a balanced budget often would be politically and economically disastrous, the real issue would be how to get a 60% vote for revenue and spending measures; in both houses, 40.1% of the members would have an effective veto power.

There's an illustrative model: California, where a two-thirds legislative majority is required to pass a budget. This minority rule has had the effect of decreasing accountability, increasing the influence of special interests and creating a general chaos that has served neither the politicians nor the people well. Whatever reforms are desirable for Congress, becoming more like the California Legislature isn't one of them.

This year it would have meant that President Clinton never would have gotten a budget through, or it would have been one almost identical to the last Bush budget, after voters demanded change. The effect, in the House at least, would be to give Newt Gingrich veto power over fiscal policy.

Sounds pretty good, some conservatives no doubt are thinking. Think harder. This minority rule also would have killed the Reagan tax cuts of 1981, which fell 23 votes short of three-fifths of the House. And, if conservatives really believe that Mr. Gingrich has a real shot to be speaker before the decade is out, how about liberal Democratic Rep. Barney Frank exercising a similar veto power?

"This is a conservative measure that conservatives haven't thought about," worries Robert Bork. "It would create a real mess."

He highlights two likely unintended consequences; more regulation and more power accruing to unelected judges. Congress almost surely would try to get around any binding fiscal restraints by escalating regulatory measures, which, Judge Bork argues, "could be worse than taxation from a conservative point of view." Moreover, if lawmakers circumvented the limits simply by adopting wildly unrealistic estimates, there's no enforcement mechanism. The result: the courts would get deeply into fiscal policy.

Writing economics into the Constitution and requiring a supermajority for important actions aren't new ideas. In the Federalist Papers, Number 58, James Madison considered the idea of a supermajority and persuasively rejected it: "The fundamental principle of free government would be reversed. It would be no longer the majority that would rule; the power would be transferred to the minority."

Over the next few weeks, as Congress decides whether to profoundly change the Constitution, take your pick: James Madison or Sonny Callahan.

THE HYPOCRITICAL 65

Here are the 65 members of the House who earlier this year voted against both the Clinton and the Republican plans for reducing the deficit but now sponsor a balanced-budget constitutional amendment:

Democrats: Browder (Ala.), Coppersmith (Ariz.), Condit (Calif.), Deal (Ga.), Rowland (Ga.), Lipinski (Ill.), Long (Ind.), Roemer (Ind.), Baesler (Ky.), Hayes (La.), Minge (Minn.), Parker (Miss.), Danner (Mo.), Skelton (Mo.), Swett (N.H.), Andrews (N.J.), Pallone (N.J.), Mann (Ohio), Traficant (Ohio), English (Okla.), Johnson (S.D.), Clement (Tenn.), Chapman (Texas), Edwards (Texas), Geren (Texas), Hall (Texas), Laughlin (Texas), Sarpalius (Texas), Wilson (Texas)

Republicans: Callahan (Ala.), Stump (Ariz.), Huffington (Calif.), Allard (Colo.), Hefley (Colo.), McInnis (Colo.), Schaefer (Colo.), Canady (Fla.), Diaz-Balart (Fla.), Fowler (Fla.), Ros-Lehtinen (Fla.), Stearns (Fla.), Kingston (Ga.), Burton (Ind.), Grandy (Iowa), Leach (Iowa), Lightfoot (Iowa), Roberts (Kan.), Rogers (Ky.), Bentley (Md.), Emerson (Mo.), Hancock (Mo.), Barrett (Neb.), Bereuter (Neb.), Vucanovich (Nev.), Boehlert (N.Y.), Taylor (N.C.), Gillmor (Ohio), Regula (Ohio), Machtley (R.I.), Spence (S.C.), Duncan (Tenn.), Bateman (Va.), Goodlatte (Va.), Petri (Wis.), Roth (Wis.)

Mr. BYRD. I yield the floor.

VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The PRESIDING OFFICER (Mr. DORGAN). Under the previous order, the question now before the Senate is the motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Arizona [Mr. DECONCINI], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Mr. SARBANES] are necessarily absent.

I also announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is absent because of illness in family.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—10

Boxer
Chafee
DeConcini
Faircloth
Gramm
Jeffords
Kennedy
McCain
Moseley-Braun
Sarbanes

So the motion was agreed to.

ISSUANCE OF A SUBPOENA

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. Res. 153, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 153) to comply with the issuance of a subpoena.

The Senate proceeded to consider the resolution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

PRIVILEGES OF THE FLOOR

Mr. DOLE. Mr. President, I ask unanimous consent that Senator PACKWOOD's attorneys, Dan Rezneck and Jim Fitzpatrick, be entitled permission to be on the floor during this debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. BRYAN].

Mr. BRYAN. Mr. President, I ask unanimous consent that Martha Rogers, of Senator MIKULSKI's staff, be permitted floor privileges during the consideration of the Packwood resolution. Ms. Rogers is Senator MIKULSKI's designee on the Ethics Committee.

The PRESIDING OFFICER. Is there objection. The Chair hears none and it is so ordered.

Mr. BRYAN. Mr. President, and Members of the Senate, I deeply regret the necessity of being here this afternoon in these proceedings, but the actions of Senator PACKWOOD and his counsel leave us no alternative.

We are here today in response to unanimous action taken by the Senate Ethics Committee—all six members—who support a resolution to enforce compliance with the subpoena issued by the Ethics Committee on the 20th of October and served upon Senator PACKWOOD and his counsel on the 21st.

There has been a failure to respond to that subpoena. So this proceeding today will simply, if the resolution is approved, authorize counsel for the Senate to proceed to district court to seek the enforcement, in court, of that subpoena.

There have been concerns raised by a number of Senators about constitutional and privacy issues. Let me emphasize that if this resolution is approved today, as I hope it will be, Senator PACKWOOD and his counsel would have every opportunity, as is their right, to assert any constitutional or other issue of privilege before the U.S. district court.

The documents in question are diaries—diaries dictated by Senator PACKWOOD—which cover the period of time from January 1, 1989, to the present.

The committee had reviewed, under a voluntary agreement, diaries covering a period of 20 years when the voluntary review was halted after the committee reviewed and asked for copies of diary entries related to possible misconduct outside the scope of the original proceedings.

I think it may be helpful, Mr. President, and Members of the Senate, to recount the chronology of how we have gotten to the floor this afternoon.

On February 4 of this year, the newly appointed Ethics Committee announced it was conducting a preliminary inquiry of Senator PACKWOOD concerning three items: First, allegations of sexual misconduct; second, attempts to intimidate and discredit the alleged victims; and, third, misuse of official staff in efforts to intimidate and discredit. The committee anticipated ending the preliminary inquiry, which is the first phase under the procedure of the Ethics Committee.

Our actions today are as a consequence of Senate Resolution 338, which created the Ethics Committee, and rule 7 of the committee's rules of procedure which deals with the issuance of subpoenas.

Following the determination to open the preliminary inquiry on each of those three phases, on March 29 and again on July 16, the committee issued to Senator PACKWOOD document requests asking the Senator to make available to the committee all relevant material that he had in his possession relative to those issues. The committee did not receive in response to those document requests, either with respect to the one on March 29 or July 16, any material from the diaries. The committee thus assumed in good faith that no information was contained in the diaries themselves which were relevant to the inquiry.

Let me indicate that the committee had read a media account that there was a diary that Senator PACKWOOD maintained and in one of the documents, pursuant to the document request, there was reference to a diary. But the committee chose not to pursue the diary because, in response to the documents request, the committee assumed that Senator PACKWOOD would make all relevant material available, including diary entries that were relevant to this proceeding.

On October 5 and October 6, the Ethics Committee counsel conducted a deposition of Senator PACKWOOD. During the deposition taken on October 6, Senator PACKWOOD testified that his diaries contained relevant information. Since the committee was now aware that information from the diaries was indeed relevant to the ongoing inquiry, the committee requested access to those diaries. Negotiations began between Senator PACKWOOD's attorneys and committee counsel.

Those negotiations were consummated on the 8th of October and an agreement was reached under which the Senator agreed to allow committee review of the diaries.

To respect the private nature of certain information, the committee, the Ethics Committee, through its staff, offered to allow the Senator's attorneys to mask with tape portions of the diaries dealing with three areas: The attorney-client privilege, the doctor-patient privilege, and those matters which were personal, private family matters.

Let me emphasize, those were decisions which Senator PACKWOOD would be able to make on his own and then the diaries would be made available for inspection by the committee staff.

The Senator's attorneys would then deliver the masked diaries to the committee's counsel who would in the presence of the Senator's attorneys review each volume. The committee staff would not take notes or make copies. If the committee desired a copy of the page, counsel would mark that page for later copying by the Senator's attorney in their office.

At no point would the committee retain physical possession of the diaries. So, during the ongoing review of some 5,000 pages of this diary, each morning the diary would be brought in, the committee's staff would be there, Senator PACKWOOD's attorneys would be there, and they would review a page at a time. When a matter was deemed relevant it was marked and then on the following day that marked page would be copied and returned. At the end of each day, all of the diary, both those entries that had been marked as well as the remaining portions which had yet to be read, would be retained in the possession and custody of Senator PACKWOOD's attorneys.

The diary itself has become the object of considerable speculation. Senator PACKWOOD—over many years—maintained this diary for a good many years. He dictated it to an employee in his office who subsequently transcribed it, single-space, 8 by 10 pages. So these 5,000 pages were part of a larger 8,200-page—but for a number of days, from about October 12, on to October 17, the review process continued, with each entry being relevant to be marked and copied the following day.

On Sunday, October 17, while reviewing diaries in the year 1989, committee counsel came across information that was not taped which indicated a possible misconduct by Senator PACKWOOD, unrelated to the current inquiry. The information raised questions about a possible violation of one or more laws and/or Senate rules. Counsel marked these entries to be copied, consistent with the procedure which had been agreed upon in the past, and which had been complied with in each of the previous days during the course of the 5,000-page review.

On Monday morning, October 18, Jim Fitzpatrick, attorney for Senator PACKWOOD, called Victor Baird, chief counsel for the committee, and he asked Mr. Baird about his interest in certain diary entries which had been marked for copying the day before.

Mr. Baird told Mr. Fitzpatrick that the material in question raised concerns about possible additional violations.

Mr. Baird told Mr. Fitzpatrick specifically which criminal laws and which Senate rules may be involved. Mr. Fitzpatrick expressed concern that the committee might consider additional potential violations.

Later in the day, Senator PACKWOOD's attorneys informed the committee that copies of the material reviewed the day before, which committee counsel had marked for copying, would not be made available to the committee and that no more diary entries would be delivered until additional material was masked. That is additional material beyond the three originally agreed upon—the attorney-client privilege, the doctor-patient privilege, as well as those matters that were personal and family in nature.

The committee refused to agree to the change proposed by the counsel which, in our view, violated the earlier voluntary agreement under which committee counsel had reviewed about 5,000 pages of the diary, covering a period of some 20 years.

The committee then proposed that a hearing examiner be brought into the process to review the diaries from 1989 forward. The hearing examiner that was proposed, former Solicitor General for President Bush, former judge, Judge Ken Starr.

The examiner would ensure that the only masked material would be material related to the original three categories under the original agreement: Attorney-client, physician-patient privilege, and personal private family matters.

This was necessary because attorneys for Senator PACKWOOD had already begun taping additional materials in the diaries beyond the scope that was originally agreed to on October 8. The hearing examiner would be able to lift the tape to ensure the material was in one of the three original categories, and then allow committee counsel to review the masked diary.

The committee counsel would copy relevant pages as was the procedure that was agreed upon, and the examiner would keep the diaries in his possession.

This proposal was rejected by Senator PACKWOOD.

On October 20, the Senate Ethics Committee met to consider the refusal to produce the diaries from the 1989 time period forward, and the contents of a letter from Senator PACKWOOD's attorneys. This letter laid out the conditions under which Senator PACKWOOD would produce these diaries from 1989 forward.

I ask you to pay close attention, because repeatedly in the past week Senator PACKWOOD's attorneys have tried to create an impression that they are willing to turn over all of the diary material to a hearing officer and let him determine what the committee should review. This is not true, as you will see, as there are major restrictions that are placed on the committee.

Condition No. 1—

Mr. President, I ask unanimous consent that a copy of the letter sent to Senator BRYAN and Senator MCCONNELL dated October 20, 1993, and signed by counsel for Senator PACKWOOD, Mr. James F. Fitzpatrick, and Mr. Daniel A. Rezneck be incorporated and made a part of this RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BRYAN. There are several conditions. Let me go through them very carefully because I think it is important for the Senate to understand that the committee was fully prepared to allow the hearing examiner to independently review all of the information within the three categories that were originally agreed upon, that that information could be masked. But not any information that was beyond the three categories, the attorney-client, doctor-patient, and personal and family measures.

This is a very artfully and skillfully drafted document because at first blush one would have the impression that the entire contents of the diary is going to be made available to the committee. As you will see, that is not the case.

The first condition is that Senator PACKWOOD would withhold from both the hearing examiner and the committee, all entries that they would determine that are not relevant to the committee's ongoing inquiry into sexual conduct—misconduct, and intimidation.

Let me read from paragraph 6 of this letter.

> Thus, the remaining volumes—

Referring to the time period from 1989 to the current 1993, and these are the only volumes that are in question. The committee has examined the 5,000 pages from 1969 down to 1989. These are the diary entries which are subject to the subpoena, and which brings us before the full Senate today. Let me repeat:

> Thus, the remaining volumes which have not yet been provided to the committee staff already, the end of 1990, 1991 and 1992, will also be redacted—

For those who may not be familiar with this term, that means to be masked or covered over so that these entries for the end of 1990, 1991 and 1992 will also be redacted—

> for those entries which relate to political, campaign, staff or similar activities and are wholly unrelated to the sexual misconduct/intimidation issues set forth in the committee's February 4, 1993 statement.

Now, that is significant. Because the information which the committee staff came upon on October 17 deals with areas outside the scope of sexual misconduct, of intimidation, and the use of staff to assist in that intimidation. So it is clear at this point that condition No. 1 is that there would be additional redacted material which not even the hearing examiner would have access to.

Paragraph No. 7, which is part of condition 2, is that the committee would not have copies of the material viewed at October 17, which raised the concerns of the possible misconduct.

"The hearing examiner," and I quote on paragraph 7:

> The hearing examiner would be provided a list of all portions of the diaries redacted as involving wholly collateral issues unconnected to the subject matter of the Committee's inquiry. * * *

So, not only would there be additional information redacted but that, indeed, the very material that was redacted would not be provided; only a list of those portions of the diary would be provided.

Condition No. 3 is that the committee would agree not to pursue at this time any other possible incriminating evidence. And, again, I read from the letter:

> We propose that further inquiry into collateral issues be set aside for the moment so that we can resolve the immediate allegations of sexual misconduct and intimidation.

The committee will still be free to seek to obtain the portions of the diaries dealing with such collateral matters at a later time in connection with any separate investigation it decides to initiate. Senator PACKWOOD will be free to seek to resist such discovery at that time. The status quo will thus be preserved.

So not only is there going to be additional redacted material—the hearing examiner will not have the full information contained in the diary, he will get some type of a list—we would further be obligated under this proposal not to consider the additional material at this time, and there is no assurance, under the provisions of the letter of October 20, that the committee would ever have access to it under any circumstances. The operative language is that we would be free to seek it and, by implication, Senator PACKWOOD and his attorneys would be free to resist or object.

That was a totally unacceptable proposal. The message, it seems to us, was clear: "Back off for now, but if you go forward later, we'll still fight you in court."

The committee responded that the committee could not agree to this severe limitation on its responsibility. The chairman and the vice chairman of the committee signed a subpoena on the evening of October 20, which was served on Senator PACKWOOD on the morning of October 21. Discussion during the day on October 21 failed to convince Senator PACKWOOD to produce the documents. Senator PACKWOOD's attorneys were told that if they did not produce the documents immediately, the committee intended to meet later in the day to consider a resolution to the Senate to compel compliance.

The committee met at 5 p.m. on October 21, and the committee voted unanimously—all six members in attendance—to seek the resolution which is before the Senate today and that is to go to court if the diaries were not produced or en route to the hearing examiner by 7:30 p.m. that evening, the evening of October 21. Senator PACKWOOD's attorneys were informed of this decision and the documents were not produced. The Ethics Committee submitted a resolution, now before the Senate, and a report late on the evening of October 21.

At that point, there were a series of misstatements, misleading statements that, in our view, was part of an orchestrated effort to confuse and, in my judgment, to misrepresent the situation that the Ethics Committee had before it. I want to take each of these in order.

The first of these is that the committee wanted information on other people's private lives. That assertion is false. That was part of an effort to characterize the committee as a renegade committee; that it was on a fishing expedition, or some sort of a witch hunt.

It is clear from all of our discussions that the committee is not interested in the private and consensual relationships of Members of Congress. If a page or paragraph was marked by the committee counsel—remember, these are single spaced, 8 by 10 typed pages—other references on that page may have been incidental to the information that we were seeking, but the committee did not seek to involve anyone else's private or personal lives, as such entries may have been reflected in the diary.

For example, in the illustration used by Senator PACKWOOD's attorney regarding a Member of the House, there was information on that page in which Senator PACKWOOD referred to Senator PACKWOOD's relationship with one of Senator PACKWOOD's female former staff members. That reference was the committee's interest. In addition, the committee has no intention of making these diaries public. Statements by the Senator's attorneys which appear to threaten the diaries are going to be made public or expose certain information on individuals not connected with the committee's inquiry on Senator PACKWOOD were highly irresponsible. The information from the diaries which has been made public came from statements by Senator PACKWOOD and his attorneys, not the committee.

I ask unanimous consent that the statement by James M. Fitzpatrick, counsel to Senator PACKWOOD, which I believe was released on October 22—that would be the day following the action taken by the committee and the submission of this resolution and the report and which, again, was calculated to give the impression that the committee was on a witch hunt and was on a fishing expedition—be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JAMES F. FITZPATRICK, COUNSEL TO SENATOR BOB PACKWOOD

The Senate Ethics Committee today has taken the unprecedented step of subpoenaing in their entirety the private, personal dairies of Senator Packwood. This decision constitutes a frontal attack on the constitutional right to privacy contained in the Fourth Amendment to the Constitution. Chief Justice Burger has said "that truly private papers or communications, such as a personal diary . . . lie at the core of First and Fourth Amendment interests." Every Supreme Court Justice has agreed that private, personal diaries are protected by the right of privacy enshrined in the Constitution.

The subpoena of these diaries is an overreaching and unnecessary act by the Committee. We have no concern about the Committee having access to all information relevant to this inquiry. Senator Packwood has voluntarily agreed to make available to the Committee all information from the diaries which relates in any way to the pending allegations of sexual misconducts and intimidation which the Committee defined as the scope of its inquiry in February 1993. We have tried to accommodate the Committee's legitimate needs for information, while being alert to the privacy interests of Senator Packwood and other persons.

The Committee has precipitated the constitutional privacy crisis because of its insistence on access to information in the diaries that has absolutely nothing to do with the allegations of sexual misconduct and intimidation that are the defined subject of the Committee's inquiry. The Committee staff originally limited its claims to copies of entries in the diaries that arguably deal with these issues, and we voluntarily supplied such material. However, they have now changed course and seek to rummage through the diaries, in an unrestrained roving expedition, in search of any information which may lead to new and broader investigations of the Senator, unrelated to the original charges.

The staff has now indicated that they want access to entries in the diaries relating specifically to the following matters:

1. A conversation with a Senator about that Senator's extended affair with a staff member and the problems of his divorce.
2. A description of an affair by a Senate staff member with a member or the Democratic Congressional leadership.
3. Private consensual personal relationships with non-staff persons having absolutely nothing to do with the allegations of sexual misconducts by Senator Packwood, with no apparent regard for the rights of privacy of the women involved.
4. Campaign fund-raising activities.
5. References to former female staffers who are not witnesses, are not complainants, and have never been in the Washington Post or other newspapers.
6. Materials dealing with the Senator's divorce proceedings.
7. Entries dealing with lobbyists visiting the Senator's office, with nothing to do with unconsensual sexual activity.
8. References to a long-time staffer who loaned the Senator excess furniture from the apartments she owned for his temporary use in his new apartment.

Senator Packwood has produced, and will continue to produce, all information relevant to the inquiry. But if the Constitutional right of privacy is also to be respected, the line must be drawn in these most personal, private documents.

When presented with a case dealing with President Nixon's private personal diaries, every member of the Supreme Court and the Solicitor General agreed that his diaries must be returned to him because the government had no right to them that could outweigh his constitutionally protected right to privacy. (*Nixon* v. *Administration of General Services*, 433 U.S. 425 (1977).) If that right of privacy is afforded a former President, it is equally deserved by any United States Senator.

We know of no case where a court has ever required the wholesale production of personal, private diaries, as the present subpoena requires. In one case the District Court rejected such an attempt outright. In the only other case that we have found, the Court of Appeals agreed that diary entries relevant to the charges at issue should be produced—we agree with that and have offered to do so—but held that information in the diaries not relevant to the issues in the case should be protected in the Constitutional interests of privacy. (*Cooke* v. *New Mexico Junior College Board*, 579 F.2d 568 (10th Cir. 1979). The Court noted, in language pertinent to the situation here, that this "is not an instance where the plaintiff is stonewalling"; "his offer to produce relevant entries should be amply sufficient to satisfy the defendants in their discovery efforts." The Court also indicated that in the event of a disagreement over relevancy, a "neutral designate" should make the decision on relevancy. We offered to follow that course, but the Committee rejected it.

Mr. BRYAN. Mr. President, on October 25, in a floor statement, Senator PACKWOOD stated:

> In the case of the Democratic congressional leadership, we had covered over his name with a piece of paper and the Ethics Committee lifted the piece of paper and saw the name.

That statement is inaccurate. That statement, however, was broadcast by virtually every media outlet in America, giving the clear impression that the committee staff had uncovered a masked portion of the diary that was provided and thereby acting in an unethical or irresponsible manner. That was not the case at all.

I ask unanimous consent that a transcript of Senator PACKWOOD's statement on the floor of Monday, October 25, be printed in the RECORD in this proceeding, together with the edited copy, or remarks, which I am going to explain in just a moment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ETHICS COMMITTEE

Mr. PACKWOOD. Madam President, I wish to speak not only on the unemployment bill or in response to Senator Bumpers, but on a matter involving the Ethics Committee and the issue that is before them involving my conduct. I want to refer very specifically to a small portion of it.

I keep a diary, a personal diary that is now about 8,200 single-spaced pages long. I dictate it normally every morning between 6:15 and 6:30 or a quarter of 7. It is the happenings of the day before. In it are the hopes and the dreams and the despairs of all of us: Family problems; in it are negotiations with Chairman Rostenkowski over the tax reform bill; in it are meetings with President Nixon involving Watergate; in it meetings with President Nixon and myself involving Clement Haynesworth; and Jimmy Carter's briefing on Desert One. It is all these. Except for family matters and privileged matters the Ethics Committee wants to subpoena the entire diary and look at it all.

Three days ago my lawyer put out a statement indicating some of the things that were in the dairy, including an extended affair that one Senator had with a member of his staff; including an affair that a staffer had with a member of the current congressional Democratic leadership.

But I want to emphasize something, Madam President. These were not threats by my lawyer. This was not so-called gray mail—that if my dairy is subpoenaed I will tell these things. There were things that the Ethics Committee has seen in the dairy and demanded that we produce.

In the case of the Democratic congressional leadership, we had covered over his name with a piece of paper and the Ethics Committee was told it was a Democratic House leader, and has nevertheless demanded that we produce that page in the diary. Every single thing that my attorney said would be produced has already been demanded by the Ethics Committee to be produced.

This diary I have kept for 25 years. As I say, it is in excess of 8,000 pages long now, and the secrets in that diary are safe with me. It is willed to the Oregon Historical Society. It is not to be revealed until years after my death. I have no intention of ever using this for blackmail, gray mail or anything else. But I want the Senate to clearly understand that it is the Ethics Committee that has demanded the production of the pages of the diary upon which is contained the information to which my lawyer made reference.

This was not a threat by us. This was not some statement that if we must produce, these are the things it will show. It was designed to show what the Ethics Committee has already demanded we produce that we think is totally unrelated to any of the charges against me.

We are perfectly willing to reveal everything in the diary that has any material reference at all to the charges. We do not think it fair, and we think it is probably unconstitutional, that I be required to reveal, from a personal diary, incidents of any kind that are totally unrelated in any way, shape or form to any charge that is currently against me.

I thank the Chair.

Mr. BRYAN. Mr. President, that evening, Senator PACKWOOD corrected the official RECORD to read:

> In the case of the Democratic congressional leadership, we had covered over his name with a piece of paper and the Ethics Committee was told it was a Democratic House leader.

That is quite a significant difference between the accusation that was earlier made, which I quote:

> In the case of the Democratic congressional leadership, we had covered over his name with a piece of paper and the Ethics Committee lifted the piece of paper and saw the name.

Later on October 28, after I issued a statement, which generated some controversy in which that correction was identified in that statement, Senator PACKWOOD took to the floor and apologized to the committee counsel. However, the segment of the original floor speech making the serious claim against the committee's integrity was nevertheless aired on the 25th on television and other news accounts throughout the country.

The third misstatement that is, in our judgment, part of this calculated strategy, is that there was some agreement that the committee would look the other way if it saw evidence of new violations. That assertion is false as well.

In an October 27 interview on National Public Radio—and I have a transcript of that interview. I ask unanimous consent that the interview of October 27 be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

OCTOBER 27, 1993.

ETHICS COMMITTEE SUBPOENAS SENATOR PACKWOOD'S DIARIES

NEAL CONAN, Host: This is Morning Edition. I'm Neal Conan. The unanimous decision by the Senate Ethics Committee to subpoena the diaries of Senator Bob Packwood is turning into a nasty fight that threatens to embarrass not just Packwood, but the whole Senate. The embattled senator, an Oregon Republican says his diary tells tales of other congressional indiscretions. He denies that he's blackmailing his colleagues. Last night, the Senate leadership delayed a floor vote on the matter in hopes of avoiding a filibuster. More from NFR legal affairs correspondent Nina Totenberg.

NINA TOTENBERG, Reporter: According to Senate sources, Packwood appeared before Ethics Committee lawyers for questioning under oath early in October, and at that time made a number of references to his diaries in order to defend himself. According to sources, this was the first time that the Ethics Committee knew about the diaries, and Packwood was informed that since he had used the diaries to defend himself, he had to produce the full document for inspection by committee lawyers. That is the commonly accepted practice in all legal disputes. Once some side relies on a document, the other side is entitled to see the full document.

But Packwood's lawyers say the committee wanted to see too much, that it wanted to see items not relevant to the existing charges against the Oregon senator, and that the committee wanted to know about personal relationships Packwood had, relationship that had been unknown to the committee. Here's Packwood lawyer Jim Fitzpatrick.

JIM FITZPATRICK, Packwood Lawyer: They asked for pieces of the diary that described women who had never appeared anywhere in the papers or in any other fashion that we knew of in connection with this case. They asked that we copy material about a longtime employee loaning furniture to Senator Packwood temporarily when he moved into a new apartment. They asked for material dealing with his divorce. All that we thought was completely apart from what we expected the staff to do, which is to look at the issues that are before the committee.

TOTENBERG: While that may have seemed out of line to Packwood and his lawyers, a number of senators said yesterday that the diaries contained leads that the Ethics Committee is obligated to investigate, leads about possible new incidents of harassment of employees, intimidation of witnesses, and abuse of power. Thus when Packwood's lawyers called a halt to the diary inspection, the Ethics Committee voted unanimously to issues a subpoena. Packwood's lawyer asserts that the committee was never supposed to pursue new leads.

Mr. FITZPATRICK: The ground rules were that the committee was not going to use review of this diary to create new incidents. The agreement was that they have received—they spent a year inquiring of people as to whether they might want to file an allegation. There's a finite universe there. They are not using this diary to build their case. That was a clear understanding between us.

TOTENBERG: But members of the Ethics Committee met with the fellow senators in party caucuses yesterday and flatly denied that assertion. They argued that to allow Packwood to keep his diaries secret now would amount to a double standard, that an average citizen who tries to use his diaries in his own defense would lose in a flash if he tried to conceal them from opposing lawyers conducting an investigation. Said one senator, "You can't have one standard for citizens and another for United States senators."

The existence of the diaries first became publicly known last week when the Ethics Committee announced that it had voted without dissent to subpoena the 11,200 pages of single-space personal musings dating back to 1969. Immediately, Packwood and his lawyer released a statement declaring that the senator was seeking to keep the diaries secret to protect not only his privacy, but the privacy of other senators and House members whom he named in the diaries as having affairs with staff members. Yesterday, Packwood denied that the statement was any sort of extortion.

Senator ROBERT PACKWOOD, (R-OR): I have no intention of ever using this for blackmail, graymail or anything else, but I want the Senate to clearly understand that it is the Ethics Committee that has demanded the production of the pages of the diary, upon which is contained the information that my lawyer made reference to. This was not a threat by us. This was not some statement that we must produce, these are the things that will show.

TOTENBERG: Packwood and his lawyer say they intend to fight the subpoena in court if necessary. Here's lawyer Fitzpatrick.

Mr. FITZPATRICK: I don't think the Supreme Court has ever squarely considered a contested Fourth Amendment Right as it deals with personal private diaries. I don't believe in the entire jurisprudence of the United States there has been an example in which I am aware in which the federal government has attempted wholesale to subpoena private diaries.

TOTENBERG: Not so, say many other lawyers, noting that most recently, Oliver North was forced to produce his diaries for the Iran-Contra independent counsel. And as for the power of congressional committees, some scholars assert that power is particularly broad when investigating Congress' own members. These scholars say that only a claim of self-incrimination would protect the diaries. Here's Georgetown law professor Sam Dash who served as chief counsel for the Senate Watergate Committee.

SAM DASH, Georgetown University: The Supreme Court has for many years interpreted the right of the Congress—both the House and the Senate—to have broad subpoena powers to support their constitutional authority to legislate and also to police their own members, and it goes back all the way to the time of parliament, the right of the House of Commons. So the Senate committee has the power to insist that through its subpoena power that he turn over to the committee his personnel papers, including diaries.

TOTENBERG: Packwood and his lawyers have proposed a compromise—that an independent lawyer he brought in to examine the diaries and to vouch for the deletions Packwood makes for reasons of privacy and relevance, but the proposed compromised is swathed in controversy too because senators say Packwood proposes to delete all information that might provide new leads about misconduct. In short, he views the current investigation as limited to the 26 women who've come forward alleging unwanted sexual advances and limited to those instances of alleged witness intimidation that have already been discovered. Anything new that his diary might produce, he asserts, is now off limits, and while constitutional lawyers are gearing up their big guns for big constitutional questions, the question facing the Senate may be considerably more run-of-the-mill. Senate Majority Leader George Mitchell, himself a former federal judge, hinted at that earlier this week in an interview with NFR.

Senator GEORGE MITCHELL (D), Majority Leader: If one side seeks to use a document to support its case, can that be done while denying the document to the other side?

TOTENBERG: Meanwhile, the Senate is hesitating. Before this controversy moves to its next logical step—that is, going to court to enforce the subpoena—the full Senate must vote its approval, and some senators are queasy, they're queasy about subpoenaing private diaries, and as one source put it, a lot of people are scared. At the same time

> though, the Ethics Committee seems to have abandoned its partisan wrangling. Said one source, "The Republicans are sad, but united with the Democrats. They are no alternative now." And that view was reinforced, noted one senator, when Packwood made incendiary charges about the Ethics Committee on the Senate floor, only to quietly correct the written record when few were looking. On Monday, he said that if his diaries were revealed, they would show that one member of the Democratic leadership had had a longtime affair with a staffer, and his remarks portrayed the Ethics Committee as a peeping Tom on a witch hunt.
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> Senator PACKWOOD [on Senate floor]: In the case of the Democratic congressional leadership, we had colored over his name with a piece of paper, and the Ethics Committee looked at the piece of paper, saw the name, and has demanded that we produce that page in the diary.
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> TOTENBERG: By Tuesday after the statement had aired on radio and TV across the country and some members of the Ethics Committees were up in arms, Packwood had changed the written transcript to portray a more passive and respectful Ethics Committee. The Congressional Record now shows Packwood saying that in the case of the Democratic congressional leader who had an affair with a staffer, "We had covered over his name with a piece of paper, and the Ethics Committee was told it was a Democratic House leader." I'm Nina Totenberg in Washington.
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> CONAN: And it's 11 minutes before the hour.

Mr. BRYAN. Mr. President, this is October 27. That would be the Wednesday following the action taken by the committee unanimously approving the resolution to go forward to ask for compliance with the subpoena. In a colloquy with Nina Totenberg, Mr. Fitzpatrick, counsel for Senator PACKWOOD, made the following statement on National Public Radio, and I quote:

> The ground rules were that the committee was not going to use review of this diary to create new incidents. The agreement was that they have received—they spent a year inquiring of people as to whether they might want to file an allegation. There's a finite universé there. They are not using this diary to build their case. That was a clear understanding between us.

That statement is false.

The point was specifically raised during discussions over the voluntary production of the diaries. That dates back to the period of after October 6 when Senator PACKWOOD, in response to a question asked during his deposition, indicated that the diary had relevant information. That was when the agreement was entered into as to the circumstances under which the diary would be made available to the committee and those three areas that I talked about previously. It was agreed that they be masked off. At that time, Senator PACKWOOD's attorneys were expressly advised by the committee staff that the committee could not turn a blind eye to evidence of any other possible violations even if unrelated to the ongoing inquiry. That point was made clear to Senator PACKWOOD's lawyers and was part of the basis of the understanding by which the diaries were made available to the committee staff. Following that discussion, that agreement, the diaries were produced on a voluntary basis.

The fourth statement that creates a false impression is that Senator PACKWOOD's attorneys are not aware of the nature of the committee's new concern. That statement is also false. As I have indicated earlier, Mr. Fitzpatrick called Mr. Baird, chief counsel for the committee, on the morning of October 18, that was following the October 17 deposition in which the two items which were in the diary raised the possibility of other violations.

And on that morning of October 18, Mr. Fitzpatrick asked why certain diaries were marked for copying. Mr. Baird told Mr. Fitzpatrick that the entries raised concerns about possible violations outside of the ongoing inquiry. Mr. Baird told Mr. Fitzpatrick specifically what Senate rules and/or laws including criminal laws might be involved. Mr. Fitzpatrick expressed concern the committee would consider possible violations outside its ongoing inquiry. That conversation occurred on the morning of the 18th in which specific references to applicable statutes and Senate rules were specifically discussed by committee counsel to Senator PACKWOOD's lawyers.

I might also point out that the letter of October 20—you will recall that is the one that I referenced previously which raises the very limited conditions under which the diaries would be made available—contains a reference which I think makes it equally clear that counsel for Senator PACKWOOD fully understood the nature of the committee's concern. Let me cite that letter as well.

In part, the letter reads:

> We will meet with the committee staff to assure it that those collateral issues which it has identified from the 1989 and 1990 diaries are inconsequential and do not justify a separate investigation.

That is a direct quote from the letter itself authorized by Senator PACKWOOD's lawyers. Let me repeat.

> We will meet with the committee staff to assure it that those collateral issues which it has identified from the 1989 and 1990 diaries are inconsequential and do not justify a separate investigation.

So I think it is clear that Senator PACKWOOD's counsel knew the nature of the concerns.

In another reference in the October 20 letter, Senator PACKWOOD's attorneys write:

> We will deliver all remaining entries that the Committee staff has identified from 1984, 1985, 1986, 1989 and early 1990, except for copies of those entries that relate to wholly collateral issues described above unrelated to the sexual misconduct/intimidation inquiry. Those entries will be held for any further proceedings. * * *

That quote again is taken from the October 20 letter. Senator PACKWOOD's attorneys have been fully informed since the morning of October 18 what the committee's concerns are and what rules, what laws may possibly be involved.

As misstatements were made and titillating gossip ran amok last week, I felt as chairman of the Senate Ethics Committee I had two choices: I could remain silent and allow these misstatements to remain uncorrected, or I could issue a statement. I chose the latter course of action.

Let me indicate that as each of these misstatements unfolded—and in some instances were repeated many times—neither I nor any member of this committee conducted an interview or the staff tried to review or rebut in any way publicly these misstatements. So, in effect, what we had allowed to occur was a misimpression in terms of what the committee was seeking to accomplish and to suggest the committee counsel itself had been unfair and unethical in terms of lifting materials that had previously been redacted. No statement was made.

Let me just say, Members of the Senate, that no Senate Ethics Committee in the history of this institution has ever been confronted with a situation that we deal with in the Chamber today. No Member of the Senate under investigation in any form by the Senate Ethics Committee has ever in the history of the committee refused to comply with a document request. As the lawyers in this Chamber will know, that is a matter of first impression—unprecedented.

I felt it was my obligation and my duty as chairman to correct that misinformation. I do not believe that it is possible for me to discharge my duties to the individual Members of the Senate, to the Senate as an institution, or to the American public unless that misinformation is corrected. And in some instances it was not only misleading, it was blatant misinformation. And I think, moreover, it would be impossible for the Senate today to make an informed judgment without knowing the seriousness of the matter the committee feels it must pursue.

I discussed these matters with the vice chairman. I indicated to him that I intended to make such a statement. He chose not to sign that statement, but he was aware of my intention to do so. And he did not object to the issuance of the statement.

Let me now address some issues that deal with constitutional and other privileges.

The Senate Ethics Committee has been charged with having violated the fourth amendment rights of Senator PACKWOOD under the Constitution.

Let me note at the outset that Senator PACKWOOD has never asserted a fifth amendment right, and it is the view of the committee as advised by our counsel that the fifth amendment would not protect the diaries from production. The fifth amendment is a testimonial right, the right not to be forced to compel, one to give oral testimony against one's self. These document entries were voluntarily made by Senator PACKWOOD at a time before any of these proceedings arose. So it is our view that the fifth amendment does not apply, and a view that has been expressed, as a number of you know, by a number of constitutional scholars who have debated this over the public airways over the past few days.

The colorable argument can be made that there is a fourth amendment issue against unreasonable search and seizure, and I wish to address that for a moment.

I have served as a deputy district attorney and public defender, as attorney general, and I have great respect for the Constitution and the law. And so I offer this evaluation to my colleagues here based upon our own analysis of the law and our attempts here to balance the important issues of privacy which are before us.

The fourth amendment, as I have indicated, protects a citizen from unreasonable search and seizure—and the court will likely look at any case which would be brought before it as to several factors.

Let me indicate the factors that I think are particularly relevant here. There are two very distinguishing characteristics about the factual circumstance we find ourselves in today.

First of all, Senator PACKWOOD voluntarily agreed to make available to the committee the diaries.

We went through 5,000 pages of that. It was only on the 17th of October when the matters were called to the committee staff's attention that there are other issues beyond the scope of the original preliminary inquiry, that an issue arose about not making the diary available. The fact that he made the diary available to the committee is, I think, a very significant factor to be considered.

Second, it is equally clear that Senator PACKWOOD has relevant information related to the committee's inquiry in that diary, and that came out during the course of the deposition of October 6. Senator PACKWOOD had earlier failed to provide the committee with the relevant information from the diaries until specifically requested in October 6.

Senator PACKWOOD's lawyer, on October 20 in a letter, confirmed that there is information in the diaries relevant both to the allegations of sexual misconduct and to other violations not related to the original inquiry.

The Ethics Committee has taken steps to ensure that attorney-client privilege and patient-physician privilege, and personal, private family matters are removed from the committee's review.

The committee's subpoena asked only for those diaries of January 1, 1989, to the present. And moreover, committee staff has already seen information which raised questions of possible violations of the law. It was only at this point that Senator PACKWOOD refused to provide further diaries.

There have been also charges made that Senator PACKWOOD is being treated differently than an ordinary citizen. I want to respond briefly to that.

The Ethics Committee in the conduct of its investigatory responsibility would be somewhat analogous to the functions of a grand jury with respect to a private citizen. It is clear under the law that with the showing of probable cause, a subpoena could be obtained subject obviously to the right to challenge that in court.

It is equally clear that a search warrant could be obtained upon a showing of probable cause to obtain diaries of a private citizen that contained information that is relevant to a grand jury investigation or a procedure. I think all have commented on this subject in the past few days. I have acknowledged that.

So to that effect, a prosecutor would have two options. One would be to go to a judge to obtain a search warrant for private papers, including diaries, and if the prosecutor can show probable cause to believe that private papers contain evidence that the law may have been violated, the prosecutor could get a search warrant to obtain all of the records in question.

Another option would be the issuance of a subpoena itself.

So with respect to the differential treatment, Senator PACKWOOD is being treated no differently than a private citizen, who has in his or her possession the diary information that would be relevant to a violation of law. That information would be available under a search warrant or subpoena subject to, obviously, the right of counsel to challenge that, which is Senator PACKWOOD's counsel's right. As I have indicated previously, if this resolution is approved, and this matter goes to court, all of these constitutional legal arguments can be raised at that point, and I would suggest in a more appropriate forum than a forum of the U.S. Senate to raise the technical issues that are raised here.

The Ethics Committee has given Senator PACKWOOD every reasonable opportunity to produce his diaries. We tried to respect his privacy by allowing three categories of personal information to be omitted from committee review.

The publication of items in the diary have all been made by Senator PACKWOOD and his attorneys, not the committee.

I would like to comment on just one other aspect before concluding, and yielding the floor to Senator MCCONNELL.

Regarding the call for the committee to charge the Senator or to refer the matter to the Justice Department, the fact remains that we do not have the copies of the material which was viewed by our counsel which raised the questions of possible violation of law. We saw those on October 17, and we marked them, as was the procedure, so that they could be provided to us on the following day. And on October 18, Senator PACKWOOD's counsel made it clear that that information would not be available. If we opened a preliminary inquiry at this point without having that information and pursuing it, we would be guilty of the very thing that we are accused of doing, and that is making a prejudgment.

We made it very clear that we do not know what the ultimate course of this line of inquiry will be. But clearly the Ethics Committee cannot turn a blind eye when it finds the information that may indeed raise the possibility of other violations beyond the scope of its original inquiry.

That is why we are here today, because that information, the information which the committee sought, is being withheld from the committee.

Let me just say that I know that a number of my colleagues are uncomfortable being placed in this position on the floor. I understand that. None of us who ran for the U.S. Senate ran with the hope that we would be placed on an Ethics Committee where we would be forced to serve judgment on the conduct of our fellow Members. That is, nevertheless, a responsibility which this committee has been required to assume. I believe that the committee has acted responsibly. They have acted diligently. They have spent hundreds of hours to date on this case of trying to deal with some very, very difficult issues.

What this committee asks is your support to move forward to the next step, to allow this matter to be heard by a Federal district court judge to make the determinations of the legal and privacy issues which have been raised by Senator PACKWOOD's counsel. I hope that we can get this matter behind us and to resolve it. But clearly the committee cannot do the duty which is imposed upon it by law or to discharge its responsibilities unless we are able to pursue information which is known to the committee that may involve possible violations of those provisions of the law.

I yield the floor.

EXHIBIT 1

ARNOLD & PORTER,
Washington, DC, October 20, 1993.

Hon. RICHARD H. BRYAN,
Russell Senate Office Building,
Washington, DC.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS BRYAN AND MCCONNELL: As we discussed with Mr. Baird last night, we are eager to continue and complete the Ethics Committee's current inquiry into the allegations set forth in its February 4, 1993 statement (attached hereto). As discussed with Mr. Baird, we propose the following steps to resolve our dispute over collateral discovery issues so that the inquiry into alleged sexual misconduct and intimidation can move forward to a prompt conclusion, while the Committee preserves its rights to move forward separately on collateral issues when this inquiry is concluded.

1. We will provide the Committee staff with the volumes of Senator Packwood's private diaries that cover the remainder of 1990 and 1991. These can be made available immediately.

2. We will provide the staff with all transcribed portions of the Senator's 1992 diaries immediately thereafter. These include the time periods most relevant to the February 4, 1993 allegations—April through July and October through December, 1992.

3. We will provide the staff with the remaining 1992 segments of the diaries as soon as they are transcribed and reviewed. If necessary, the staff can recall Senator Packwood to question him about these portions.

4. Senator Packwood's deposition will reconvene on Thursday morning, October 21, or as soon thereafter as is convenient for the staff, and will continue as long as necessary until complete.

5. All the volumes of Senator Packwood's diaries that are furnished to the Committee staff have been, and will continue to be, redacted for privileged and family matters. As Mr. Baird suggested, we are agreeable to submitting all volumes from 1989 on to an independent hearing examiner to ensure that these portions have been properly redacted for privileged or family matters. If the hearing examiner determines that any portions have not been properly redacted, those segments will be made available to the Committee staff unredacted for its review.

6. We propose that further inquiry into collateral issues be set aside for the moment so that we all can resolve the immediate allegations of sexual misconduct and intimidation. Thus, the remaining volumes which have not yet been provided to the Committee staff already—the end of 1990, 1991 and 1992—will also be redacted for those entries which relate to political, campaign, staff or similar activities and are wholly unrelated to the sexual misconduct/intimidation issues set forth in the Committee's February 4, 1993 statement. This is being done because the Committee staff, in reviewing the 1989 and early 1990 volumes, identified documents for copying that related to issues having nothing to do with the sexual misconduct/intimidation issues. This attempted discovery goes far beyond the sexual misconduct/ intimidation issues for which the diaries were made available for examination and threatens to turn the examination of Senator Packwood's diaries into a roving expedition or dragnet outside the scope of the February 3, 1993 statement.

7. The hearing examiner would be provided a list of all portions of the diaries redacted as involving wholly collateral issues unconnected to the subject matter of the Committee's inquiry as set forth in its February 4, 1993 statement. He or she can determine if those portions are wholly unrelated to the sexual misconduct/intimidation allegations. If the hearing examiner determines that any of these portions are in any way related to the sexual misconduct/intimidation allegations, they will be made available to the Committee staff for its review.

8. We will keep a record of all such collateral matters redacted from the diaries. Neither the Ethics Committee nor Senator Packwood would relinquish any rights with respect to these materials. If the hearing examiner agrees that the redacted material is wholly unrelated to the sexual misconduct/intimidation allegations, the Committee will still be free to seek to obtain the portions of the diaries dealing with such collateral matters at a later time, in connection with any separate investigation it decides to initiate. Senator Packwood will be free to seek to resist such discovery at that time. The status quo will thus be preserved, and no one's rights will be prejudiced.

9. We will deliver all remaining entries that the Committee staff has identified from the 1984, 1985, 1986, 1989 and early 1990 diaries, except for copies of those entries that relate to wholly collateral issues as described above unrelated to the sexual misconduct/intimidation inquiry. Those entries will be held for any further proceedings as set out in paragraph 8.

10. We will meet with the Committee staff to assure it that those collateral issues it has identified from the 1989 and 1990 diaries are inconsequential and do not justify a separate investigation.

We sincerely hope that these proposals will lead to the continuation and prompt completion of the sexual misconduct/intimidation inquiry. We request the opportunity to discuss these matters with you at any time convenient to you to try to arrive at a fair resolution protecting the rights of all.

Sincerely yours,

JAMES F. FITZPATRICK.
DANIEL A. REZNECK.

The PRESIDING OFFICER. The Senator from Nevada yields the floor.

The Chair recognizes the Senator from Kentucky.

SYMPATHIES FOR THE DEMISE OF SENATOR MC CONNELL'S MOTHER

Mr. MCCONNELL. Mr. President, first of all, I would like to take this opportunity to thank the majority leader, the Republican leader, and many of the rest of my colleagues who sent their sympathies over the last few days for the death of my mother last Thursday.

I appreciate very much your expressions of sympathy and your condolences.

Let me also say at the outset, Mr. President, particularly to my GOP colleagues, I noted with some interest this morning that Roll Call described me as one of the most conservative and most partisan Members of the Senate.

I was not here last week when there was some discussion in our caucus about this case. Let me say to all of you that Senator SMITH, Senator CRAIG, and I have spent countless hours making certain that this case was handled in a fair way, in particular because the colleague under scrutiny was a member of our caucus. And I would say that is why the Senate Ethics Committee vote presumably was made 3-3, so that there would not be the temptation for either side to take advantage of the other. And it is my view that that has been the way we have proceeded.

Mr. President, in my statement I will be covering some of the same issues and facts which the chairman discussed in his statement. It is necessary, however, for me to do this to make absolutely clear that the committee's decision to issue the subpoena was bipartisan—unanimous, in fact—and was based on a shared view of the issues and facts presented by this controversy. Unlike a lot of issues that get debated on this floor, the subpoena of the diaries had total bipartisan support within the committee, and that fact needs to be stressed here at the outset.

Before I get into the details of the debate, I think it is important to remind everyone what this debate is really about and what it is not about. This debate is not about allegations of sexual misconduct or witness intimidation, which are the bases of the underlying case. Presumably, that debate will occur whenever the committee is able to finish its investigation. Frankly, both the chairman and I had planned to be hearing the completion of this case by now. But obviously the subpoena issue has derailed our efforts to reach that goal.

In any event, the allegations in this case are not the subject of today's debate. Nor is this debate about the secret sex life of the Senate—although that is bound to disappoint a lot of C-SPAN viewers out in the public.

While some have argued otherwise, this debate really should not be about individual privacy rights and the Constitution, for reasons I will explain shortly. No, this debate is properly about whether the Senate Ethics Committee should have the ability to fully and adequately investigate allegations of misconduct which are brought to its attention and whether the committee should be able to obtain and review evidence which it has determined to be relevant and within its jurisdiction. That is the fundamental issue to be decided today.

Nine months ago, I agreed to serve as vice chairman of the Senate Ethics Committee. Most of my colleagues told me I ought to have my head examined. They said that serving on the Ethics Committee is like bungee jumping over a short cliff—the thrill is over quickly. To tell you the truth, when I was appointed to the committee, it did not have a great reputation. That is not to say anything against its previous members. They had served honorably and had done their best with some very tough cases. Nevertheless, a lot of people criticized the committee for appearing to whitewash some offenses, for dragging its feet, for being partisan and fractious, and for failing to thoroughly investigate some cases and issues. I personally think most of those criticisms were unfair and undeserved. Nevertheless, that was how the Ethics Committee was perceived.

In addition, Mr. President, the committee's reputation took a beating every time any of its members essentially freelanced and released statements airing their own view of a case.

This made the committee appear divided and indecisive. In at least one instance, there were serious questions raised as to whether the committee's rules had been breached by the unauthorized disclosure of sensitive materials. All of this, whether justified or not, reflected poorly on the committee and debased its reputation.

So when I became vice chairman, I determined that I would do whatever I could to bolster the committee's reputation or at least not hurt it. In fact, all of the new members of the committee, as well as its new chairman, Senator BRYAN, felt the same way I did. I think everybody on the committee, including the professional staff, has worked overtime—I repeat, overtime—to see this case concluded as expeditiously as possible and to make sure that our investigation is as thorough as possible. We have tried to interview or depose every witness who was willing to speak to the committee, including primary witnesses, corroborating witnesses, and witnesses for the accused. Committee staff has traveled to Oregon on countless occasions, even just to see one potential witness. We have tried to follow up on every lead and every allegation with painstaking effort.

Further, Mr. President, the committee has labored intensively to gather and analyze every piece of evidence that we felt was relevant to the allegation raised in this case. The committee staff has reviewed literally thousands of pages of documents, including memoranda, correspondence, notes, and schedules.

In short, I can report with confidence that the Ethics Committee has been fulfilling its obligations to the Senate and to the public in this difficult case. It has done so honorably, conscientiously, and professionally.

The question before the Senate today is whether this body, which our committee serves, is willing to uphold the high standards we have set for ourselves and allow us to complete the task before us with all of the information we believe we need to get the job done right. What I am referring to, of course, is the committee's unanimous decision to subpoena the diaries of our colleague, Senator PACKWOOD.

If I could, Mr. President, let me spend a minute or two describing just how we got to this point and how the diaries became a necessary part of the committee's evidence-gathering process. Interestingly enough, the committee did not initially ask for the diaries that are now the subject of this debate. What we asked for in two separate document requests, dated March 29, 1993, and July 16, 1993, was all documents in the Senator's possession which related in any way to the allegations of sexual misconduct or witness intimidation or to the people making these allegations.

Mr. President, it is important to note that no diaries or diary entries were turned over to the committee in response to these requests, despite the fact that at least portions of the diaries were obviously within the scope of the document requests. I will have more to say on this later, but I want to point out the bitter irony that, if Senator PACKWOOD's attorneys had responded properly to the committee's earlier requests, simply by producing those diary entries relating directly to the allegations before us, it is inconceivable that we would be in the position we find ourselves in today, arguing before the Senate and the entire world over a committee subpoena of complete diaries. In other words, if the committee's request had been complied with, then the committee would have gotten what it wanted and the rest of the diaries would have remained undisturbed in Senator PACKWOOD's safekeeping for ever and ever. None of the subpoena of the diaries in toto, the media circus, the floor fight would have ever occurred. As the old poem goes, what a tangled web we weave, indeed.

In any event, the committee simply assumed that its document request had been honored in good faith. It never brought up the existence of any diaries or asked what they might contain. Instead, the committee found out about the diaries and was forced to consider them as relevant evidence because they were brought up by the Senator himself in his deposition of October 5 and 6.

In that deposition, the Senator cited his diaries as evidence to corroborate assertions he was making. Thus we have a second bitter irony in this case, because the Senator made reference to and relied upon the diaries in his deposition essentially gave the committee no other choice but to demand that the diaries be turned over for review, something the committee had no intention of doing prior to that event.

These diaries, we discover, had been dictated over a period of two decades. For much of that time, the diaries had been transcribed by a Senate employee using Senate office equipment at Senate expense. As far as I know, the diaries were always kept not at home but in the office.

After the committee made a request for the diaries, there was extensive—I repeat extensive negotiation between the attorneys for the committee and those representing Senator PACKWOOD.

A number of issues were discussed in great detail, including the security of the diaries, the confidentiality of their contents, and the treatment of any related or unrelated material which the committee might come across.

In particular, the question was raised by the Senator's counsel whether we would consider evidence of any other misconduct that we found in the process of reviewing the diaries. In response, the Senator's counsel was informed that the committee could not turn a blind eye to any suggestion of misconduct that came to its attention.

Now, obviously, the committee would need to make some affirmative decision by a vote of a majority of its Members to expand the scope of its preliminary inquiry or initiate a new separate inquiry, but the committee could not agree up front to simply disregard any evidence of unrelated misconduct until some future date. And that is what the Senator's counsel was told up front.

Knowing all of this, the attorneys representing the Senator concluded an agreement to turn over the diaries to the committee with certain limited portions masked from view. Specifically the committee allowed the masking of all privileged information, attorney-client and doctor-patient interactions. This was not a matter of being charitable. The committee was legally obligated to permit the masking of such material.

In addition, however, the committee agreed to allow the masking of private family matters. This was not something we were legally obligated to do. Rather it was a good-faith gesture on our part, signaling that we were not interested in providing or in rummaging through the diaries as we have been accused of doing.

Instead we requested limiting access to these diaries on the ground that we needed to collect all information relevant in any way to our inquiry to the allegations that had been raised and to every person involved in the case.

In accordance with our agreement, the committee, Mr. President, has gone to extraordinary and unprecedented lengths to guarantee the security and the confidentiality of the diaries. Diaries have been reviewed by committee staff only—I repeat only—in the company of the Senator's counsel. Relevant entries have been marked by the staff and the diaries returned to the Senator's counsel in their entirety.

The Senator's counsel, not our staff, has made copies of the marked entries and provided them to the committee.

Mr. President, in order to minimize any possibility of leaks, almost none of the diaries have been reviewed by more than one committee staffer, except where a decision needed to be made by the committee's chief counsel about the probity of a particular entry. Let me repeat. In order to protect the legitimate privacy interest of Senator PACKWOOD, each of his diaries was reviewed by only one committee staffer, accompanied at all times by one of the Senator's attorneys. In rare instances, individual entries were reviewed by more than one committee staffer in order to make a determination about relevancy.

No committee member or their staff representative has seen a single page from these diaries. Let me repeat. Not a single member of the committee or any of our personal staff has seen a single page of these diaries.

Senator BRYAN has never seen one of these diaries. Our staffs have never seen one of these diaries. None of us. Further, every one of the committee attorneys who has participated in the diary-review process has signed a nondisclosure agreement which prohibits them from ever disclosing any sensitive material which they have seen or encountered during their service to the committee. In fact, we have all signed the same agreement.

Any violation of this agreement, however slight, however slight, is grounds for immediate dishonorable explusion from the Senate. Moreover, by the terms of the agreement that we have all signed, any financial gain which may be received from making unauthorized disclosures must be handed over to the committee.

In other words, Mr. President, if a staffer decided to write a book that disclosed committee sensitive information, such as private diary entries, that staffer would be immediately terminated and any royalties the staffer received would be the property of the committee.

Also, Mr. President, in accordance with our agreement with Senator PACKWOOD, the diaries have never, never at any time left the custody and control of the Senator or his attorneys.

This unusual arrangement was another good-faith gesture by the committee to demonstrate that we care just as much about the security and confidentiality of the diaries as Senator PACKWOOD did.

Now, my reason, Mr. President, for discussing these procedures at such great length is to make the point that the committee has shown deep concern over the legitimate privacy interests of our colleague, Senator PACKWOOD.

This committee has bent over backward to protect these interests, and every inference that has been made to the contrary, particularly by the Senator's attorneys, is patently false and should be retracted with an immediate apology to the committee.

Now, under our agreement, which comprehensively protected the Senator's privacy interests, the staff of the committee has reviewed over two decades' worth of diary entries without any mishap, leak, protest, or difficulty. I repeat—without any mishap, leak, protest, or difficulty.

Then, the committee staff marked for copying a diary entry which raised issues which were not directly related to the terms of the committee's preliminary inquiry. There was nothing sinister about this. The staff was merely doing what it was obligated to do.

The Senator's counsel had been informed prior to our agreement that the committee could not and would not agree to overlook any unrelated issues which the diaries might raise. It is unfortunate that these unrelated issues have now become the subject of so much discussion and speculation. It was certainly not my wish that this should happen, and I will have more to say on that momentarily.

In any event, Senator PACKWOOD's attorneys refused to provide copies of these particular diary entries and refused to turn over any diaries unless the committee would agree not—not—to consider other potential misconduct until the completion of its current preliminary inquiry.

Now, Mr. President, when this matter was brought to the full committee by the staff, three things became apparent to me:

First, even though a few diary entries vaguely suggested the possibility of other unrelated misconduct, there was nothing conclusive about any of this. It was just as likely that the circumstances described in these diary entries were completely ordinary and innocent.

At the same time, it was also apparent to me that the committee had an absolute right, as well as a duty, to examine those diary entries, consider them in context, and obtain any other evidence which the committee needed to help it decide whether an actual preliminary inquiry was warranted.

The third thing that was immediately apparent to me was that we were not dealing with some issue of first impression. We were dealing with an abrogation of an agreement negotiated and concluded in good faith by the committee with Senator PACKWOOD's attorneys. In fact, we had even discussed the very issue which the Senator's attorneys now sought to raise as an objection.

The committee had an agreement with the Senator. The Senator's attorneys chose to violate that agreement. And that agreement, together with the act of violation, supersedes the objection of relevancy which the Senator's attorneys are now attempting to make, regardless of any theoretical merit such an objection may or may not have.

We had an agreement, Mr. President. The committee lived up to its end of the bargain, which was to safeguard the security and confidentiality of the diaries to the maximum extent ever undertaken by this committee.

We now seek to enforce the other end of the bargain. That is not to say that I or the committee simply dismissed out of hand the issues of relevancy and privacy which this controversy has raised. On the contrary, the committee carefully considered the legal arguments made by the Senator's counsel. We directed the committee staff to provide us extensive legal analysis on these issues.

Mr. President, I am satisfied, having examined the arguments made by the Senator's counsel and the responses prepared by our own staff, that the objections raised against the committee's review of the diaries are not persuasive, particularly not at this stage of the process.

The Senator's private entries in the diaries are greatly attenuated by the fact that he made the diaries relevant to this inquiry by heavily relying on them in his deposition.

The privacy interest is further attenuated by the fact that large portions of the diaries were transcribed by a Senate employee, using Senate equipment at Senate expense and, to my knowledge, the diaries were kept on Senate property.

Further, Mr. President, as I have already described at great length, the committee has taken every possible step to ensure the security of and the confidentiality of these documents.

Now, Mr. President, on the issue of relevance. The rules of this body make it clear that the committee has the authority to determine what evidence is relevant to its inquiries. Further, the committee is duty bound to consider and pursue every substantial indication of misconduct which comes to its attention.

The Packwood diaries are relevant to the committee's current inquiry and they address other matters which are clearly within the committee's jurisdiction and obligation to investigate.

For all of these reasons, Mr. President, the committee's subpoena should be honored and enforced.

That brings us almost up to date, except for the events of last week.

Sadly, this inquiry, which has up to now been conducted with remarkable professionalism and dignity, suddenly took on all the trappings of a lurid political sideshow. On the one hand, the attorneys for Senator PACKWOOD were practically running rampant on the TV talk shows doing their best to make the committee look like a group of teenagers prowling around for pornography.

After several days of this, the chairman told me he wanted to issue a statement. I said that I thought it would be more judicious to wait until the floor debate to present our case.

It seemed to me, Mr. President, that the facts were so clearly on our side that the delay would not hurt us. And it also seemed that our proper role was to be discrete and judicial and not succumb to the public relations feeding frenzy that was going on out there.

In any event, the chairman decided to issue such a statement by himself. As soon as my office received a copy, my staff contacted the chairman's office and asked that I be given an opportunity to review the statement and at least offer my comments before it was generally released. However, we were told that statement had already been given to Helen Dewar of the Washington Post.

I have now had a chance to read the chairman's statement in its entirety.

Late last week, the Republican leader described the statement as unfortunate. While I deeply respect the chairman and commend him for all of the work he has done to rebuild the reputation of the committee, I, frankly, have to agree with the Republican leader's assessment. It was an unfortunate statement. It was unfortunate, first of all, because it said more than the facts support, in my personal view.

Specifically, it indicated that the diary entries contained information that suggested violations of criminal law. Now, I cannot predict what the committee will find or decide about any of the matters that it is now investigating. Perhaps something will prove to be a criminal violation; perhaps not.

All I can say right now, under the limitations imposed by the committee's rules, is that any information we may have today on misconduct unrelated to our preliminary inquiry is inconclusive at best. For the chairman to employ the nuclear rhetoric of criminality in a public context struck me as injudicious and inappropriate. Because if the committee ultimately decides that no criminal conduct occurred, we will either be accused, unfairly, of whitewashing the case, or be accused, with good reason, of smearing the Senator.

The statement also was unfortunate because it at least appeared to introduce a hint of partisanship into our proceedings. I think it was the only statement that has come out of the committee that was not jointly agreed to by the chairman and the vice chairman.

The statement at least raised the question of whether the committee's rules were violated by the unauthorized disclosure of committee-sensitive material. In fact, the distinguished former chairman of the Ethics Committee, Senator WALLOP, made that charge in public over the weekend.

Now, Mr. President, frankly I do not know if the committee's rules were violated by the chairman's statement. But I do believe that public statements about other possible misconduct and potential criminality certainly raise questions about the committee's commitment to confidentiality and privacy. And that is very, very unfortunate given all of the effort the committee has made to safeguard sensitive documents which it has reviewed or received.

Now, let me hasten to add it is not my purpose to condemn the chairman here. We have worked together well. He has probably labored harder than anyone to improve the tattered reputation of the committee and to see the present case resolved as expeditiously and as thoroughly as is humanly possible. I respect him greatly, and I thank him for his prodigious efforts on behalf of our committee and this body. But because of the accumulated acts of last week—from both sides—I am afraid that the reputation of this committee and this body has suffered somewhat.

Finally, I cannot leave this discussion about the reputation of the committee and this body without commenting on the extreme bad faith demonstrated by the attorneys for Senator PACKWOOD. As I said at the beginning, relevant portions of the diaries should have been turned over to the committee in response to its document request of March 29 and July 16. The failure to respond forthrightly and voluntarily to this reasonable committee request is simply inexcusable and unprecedented in committee history.

Then, after negotiating and concluding an agreement for the voluntary production of the diaries, Senator PACKWOOD's counsel sought to renege on that agreement, to which they should have been honor bound at that point.

Finally, once the committee issued its subpoena, the Senator's lawyers took to the airwaves and peddled an extremely lurid and misleading characterization of the committee's process.

These acts of bad faith transcend the proper role of defending a case before the Ethics Committee, and they cannot be tolerated. This body should not tolerate such bad faith and apparent contempt for the proper exercise of the disciplinary functions of the Senate —which, Mr. President, brings us at last to the decision we face today.

A lot of people in the media and in the public think that we cannot handle the job of disciplining our fellow Members and guarding the integrity of this institution. I do not believe that. I never have. If I did believe that to be true, I never would have agreed to serve on this committee.

The question before us today is really whether we are up to the job. That is the question before us today: Are we up to the job? Can we, through the instrument of the Ethics Committee, impartially and thoroughly investigate incidents of misconduct by our colleagues? And will we give the committee the authority it needs to get the job done right?

If you believe the answer is yes, you will vote to uphold the unanimous decision of the Ethics Committee: All three Republicans and all three Democrats. And that decision was to subpoena the diaries of Senator PACKWOOD.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky yields the floor. Who seeks recognition?

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon [Mr. PACKWOOD].

Mr. PACKWOOD. Mr. President, I know others want to speak, but I want to clarify just a few procedural matters if I might.

The distinguished chairman, Senator BRYAN, indicated that the committee in this acts like a grand jury. But it more accurately acts like a prosecutor, jury, and judge. They have all the functions combined together. They gather the evidence, they review the evidence, they weigh the evidence. The committee staff basically is the prosecutor. The committee looks at it and they make the decision. It is not a normal process of what we would understand as a judicial process or the prosecutor would not ever be allowed to approach the judge and talk to the judge by himself. But this is the situation we found.

I know Senator BRYAN indicated that we might as well go to court. This does not have to go to court, Senator. It does not have to. But everything that you have said and everything that Senator MCCONNELL has said about what the agreement was as to the diaries has been based upon what the committee counsel has told you.

Numerous times my attorneys have asked to appear before the committee to argue a position. I do not mean the substance of the charges—to argue a procedural position. And in every single case we were denied. On a number of occasions Mr. Fitzpatrick, who has been mentioned several times here, has been in contact with Mr. Baird, the chief counsel, about some particular issue. They would argue about it, hassle about it. Mr. Fitzpatrick would call Mr. Baird back at the Ethics Committee, and we would be told he had gone to the chairman's office, and we would call him and he would be in the chairman's office.

So, understand that if this had to go to court—and it does not have to—there will be an explanation of what the agreement was that will be different from what you have heard today, because the chairman and the vice chairman, with all due respect to them, have heard only one side. Never once has the chairman or the vice chairman ever talked to my lawyers, met with my lawyers. And I do not mean by themselves. We wanted to come on our procedural motion—committee counsel would be there—much as if prosecuting counsel and defense would appear before the judge to argue a motion.

So I know that what the chairman and the vice chairman tell you is what they think any agreement was that existed. All I can say is that is not my attorney's view of it and would not be my attorney's view of it if it were presented to court and you had to argue to a judge for enforcement of the subpoenas. But that—let me pass over that and talk about the diaries a moment.

First, let me indicate for the last time, all of these diaries that are under subpoena, from 1989 to 1991, were not typed by a Government employee. This person has not been a Government employee for a decade. She used to be my employee. She got married, married a Navy guy and went all over the world with him when he was transferred about, and I would mail the tapes to her wherever she was in the world. She transcribed them. She is now back in Washington, continues to be, and has not been employed for a decade by the U.S. Senate. So these have not been typed by a Government employee.

These diaries are as personal as anything you can write. They have 8,200 pages, maybe 8,400 pages now, I am not sure how many. And everything is in them: Lengthy descriptions of meetings with Presidents, from President Nixon onward. My first meeting with President Nixon by myself when he called me down, and I thought it was going to be in a group, and he called me down to lobby me on the appointment of Judge Haynesworth and we went back for 45 minutes, I guess, the two of us, without even Bryce Harlow there, who is his principal liaison in Congress. Meetings with President Reagan, President Bush. A wonderful description of the meeting with President Carter when Desert One failed.

These are all history and, I think, of marginal importance to some historian some day when they write. These books are left to the Oregon Historical Society, not to be opened until way after my death. And they may be footnote references; they may be more for others.

Are there personal things in there? Sure. Family heartaches. Disappointments. Irritation with the car repairman. They are all there.

And when we were asked to produce them—I want you to understand the fear that any one of us has about leaks.

Here is a story in the paper today: Senate Ethics Committee investigators believe Bob PACKWOOD "might have broken the law by pressuring a lobbyist to offer his wife a job in 1990.* * * " Sources who speak on condition of anonymity said that "Packwood's diaries mention the job offer," and the man who "worked for PACKWOOD in the seventies," a newspaper reports.

That information did not come from us. I do know who it came from. I had no interest in getting it out. But most of us operate in this town on the basis that if more than two people know it, it is going to be public information.

Now as to the diaries. My lawyers had advised me we had strong constitutional rights, if we wanted to exercise them, of not having to produce personal, private diaries that no one until this day had ever seen, not until I showed them to my lawyers and they began to share them with the committee under an agreement where they simply disagreed as to what the agreement was.

No one had ever seen them except the woman who typed them, and it is the same woman who has typed them for as long as I have been keeping them. My former wife never saw them, my children, no other staff member. So they were very, very personal.

Is there humor in them? Sure. Are there nasty comments about some of you when I got mad or something? Sure. Are there warm comments about you? You bet. But personal beyond all measure.

Did the committee know we had these diaries? Yes. Early on we had submitted a memorandum to the committee, the things they had asked us to produce that mentioned some of the things that related to some of the complaints. We produced them. This was months ago. One of the memos referred to the diaries. This summer when they were interviewing witnesses, at least on one occasion quite extensively in an interview that one of my staff sat in on, the witness mentioned the diaries. There was an article in the Oregonian in August extensively talking about the diaries and saying the committee should subpoena them. So the existence of the diaries were not at all unknown to the committee. They had not asked for them.

Now comes the incident as to whether or not I used them as a shield in my defense. I was being deposed and I was under oath. The committee counsel asked me about a particular incident concerning one of the complainants and then asked if I had—I am paraphrasing—exculpatory information. I said yes, a year later, this one who had complained was drinking wine with me in the office one night, she stood up, approached me, put her arms around me and gave me a great big kiss and said, "You are wonderful." I responded: "Warts and all?" And she laughed and she knew the reference. That was in the diary. I turned to my attorneys who were sitting with me and I said, "What do I do? I'm asked if I have any other information that would corroborate the statement I made. It was in the diary. If I say no I'm guilty of perjury. If I say yes, I have opened up the diaries." So I said yes, and it was at this stage that the issue of the diaries came into play. I did not want to volunteer this information. But I was literally between a rock and a hard place to either say no, there is nothing there, which would have been a lie or to say yes and open them up. That is how they came.

At some stage, as I say, I hope we do not have to go to court and there is a way out of this and not going to court, but if we go, the judge will have to hear the arguments between the attorneys on the different sides.

As to what we intended with the diaries, I want to first back up to an agreement we had—and we have used Judge Kenneth Starr, former Solicitor General, former Court of Appeals judge on both sides in this case—we had a disagreement with the committee over whether certain documents that the attorneys had were subject to the so-called attorney-client privilege and, if so, they cannot be turned over to the committee. Obviously, if you could, you would never tell your lawyers anything.

There was a disagreement. Judge Starr was mutually agreed upon to review the documents. And here is what we did. We gave him a list of the documents and the documents that were contested. The list was for purposes of reference. He had the documents. He looked at the documents and made the decisions as to what was attorney-client privilege, but he did not have just the list. That is like a table of contents. He had the documents.

Whatever the letter that Senator BRYAN referred to may have said, it was never our intention to keep from Judge Starr—we have suggested using him again for the diaries and initially when the committee said they wanted these diaries and, in fact, in the subpoena that is before you, they say they want them for the charges that I am charged with. We were prepared to give to Judge Starr and are prepared to give to Judge Starr—and I think he is acceptable to the committee also—all of the diaries under subpoena 1989 onward. We would redact, cover over the material that we thought was irrelevant and we would give him a list of what we covered over. He would go through the list and he could lift up the cover every place he wanted, put it back on and decide what to give to the committee and we would not argue. We thought that was a fair agreement.

Now, forgetting for a moment what the agreement was as to the production of these diaries and realizing that the committee has only heard their attorney's side, we have an entirely different view of it. They start going through the diaries and they go through them for about 20 years, 1969 to 1980, although there may have been some years they did not ask for, some 6-month period they did not ask for, but say 20 years. Most of the things they marked for those 20 years were arguably relevant.

My attorneys will argue, if we have to go to court on this—they had reserved the right to argue relevance—but I can make an argument for you. I can give you an example. One of the complainants is mentioned in the diary only once; that she was an employee in 1969 and she is mentioned that she was going to meet with me and my wife and another staffer and we were going to pick out curtains for the office. Does that shed anything at all on the charge? No. Is it relevant? We gave it to them, although it is probably relevant because she is mentioned. It does not add any further information as to the charge. That is what I mean by arguably relevant.

As to the incident involving the Democratic leader, I did apologize for the one mistake I made. I thought initially my attorney had said Mr. Baird had lifted the piece of paper and had seen the Democratic leader's name. I said that was in error. Mr. Baird apparently—they can correct me if I am wrong—asked why that was redacted. My attorney lifted it up and said it was a significant leader of the House and we had been covering these so we did not embarrass public leaders. "Do you want to see it?" Mr. Baird said no.

That night in the markings on the pages—you do not mark the whole page, you mark what you want—that part that was covered was marked. There was a passage a line or two down that correctly related to another situation that could have been relevant and that could have been marked without the passage relating to the Democratic leader, but it was not. That is neither here nor there. I do not think that of great magnitude. For 20 years arguably some things are relevant but nothing major.

Then we came to the 1989 situation and—this is the first time I heard, by the way, and I am still confused and it was very difficult to have the chairman brand me as a criminal last week and there is no one ringing this bell. I could bring the headlines in from all over this country. There is hardly a story—I mean headlines—that does not have the word "Packwood" and "criminal" in it. And if this committee were to see all the material and absolutely clearly issue a 6 to 0 statement that there was nothing criminal about this for the rest of my life, that bell will never be unrung.

But today is the first time I have heard, if you can understand our confusion, as to what other charges they claim to have seen. I heard the chairman say that Mr. Baird, talking to Mr. Fitzpatrick had mentioned—I thought you said "an" incident. I thought I heard the vice chairman say three. My fellow Senators, I honestly do not know what this possible criminal charge might be and I do not know if the chairman and the vice chairman are talking about different things or the same thing.

When I say this does not have to go to court, I say as follows: If I knew what these charges were, or charge, if it is one, if I knew, then we might be able to say perhaps that could be negotiated also, if I knew what it was. But I mean specifically what it was. Maybe we can give you the documents on that. We do not know what it is. But to hear the vice chairman say it is the committee that will determine relevance is not the same as saying the judge will determine relevance.

If we give all of these diaries over in response to the charges of sexual misconduct, intimidation, misuse of staff and intimidation, plus whatever this other thing is that I have been accused of possible criminal conduct, whatever it might be, if based on that charge the committee now has access to all of the diaries and they get to determine relevance at the same time they are going through determining relevance, they see everything else.

They see everything that is unrelated to any charge, that is unrelated to anything they have ever heard, that is unrelated to anything that has ever been written other than what I may have put in my diary, and then they say, because we have seen it, under our rules we must pursue it, which is a bootstrap argument.

Picture this situation, if you will. You are accused of taking gifts from a prohibited source above the limit, and the Ethics Committee investigates. The committee decides there is information to pursue the charge, and the committee, therefore, says that it wants, and it is within its scope and power to see, the financial records and the bank statements and the credit card receipts and the certificates of deposit and everything else, everything about your financial history in pursuing its charge, and then they want to interview your staff, which they probably could, you are knowingly guilty of taking gifts.

Then they ask you to produce things in your personal files relating to these gifts. And I am going to get back to this point in a minute as to relevancy, because they may be able to make you produce things from your files, personal files—personal letters, your diaries—that are relevant to the charge of did you take a gift.

If you kept a diary, could they pursue it to see if you took a gift? Maybe. But could they say, give us your personal papers and your diaries and let us see if you have illegally taken gifts, and while we are looking we will see if you have practiced law on the weekend and took money, which violates the rules. We will see if you have illegally used the frank. We will see—just put in dot, dot, dot.

I do not think this Senate would allow that. I do not think a court would allow it. So the issue here really boils down to not the issue of relevance to the charges. There is no dispute about that. We will supply all that evidence, although I have to say the sense of personal violation in supplying this material is more than most people can understand. But we will supply it.

You might arguably be able to reach an agreement, arguably, as to this other charge or charges that they say they have found, if we could know what they are. But to be branded a criminal in the paper—and the story does not say "possibly criminal" or "maybe criminal"; it says criminal—and not know what they are, to have your friends call and say what is it, and you say you do not know, is difficult.

Now, they say we must know—this is just a random list of things that they have said they wanted to see. Meetings with different lobbyists. One was an AT&T lobbyist. He literally has no relevance to this case. He is not a witness. He does not know any of the complainants. And he has never given me a gift, so far as I know. I mean he has no connection.

There is an entry in the diary that he was in to see me—I think the issue, as I recall, was probably the modified final judgment and could the old Baby Bell companies get into competition. I am sure that was it. That has been the argument. That has been the long argument for a decade. It probably was.

They want information listed.

Then they said they are interested in private sexual lives. They have listed six women, four of whom have no connection to Government or the Senate. One is in the medical field. One is a journalist.

I mean they have utterly no connection. They are not a complainant. They are not a lobbyist. In one case they do not even live here. They want that information.

Now, for the life of me, I do not understand the relevance of that to any charge or to whatever this other thing may be that may be criminal.

So all I am saying is this: If the Senate wants to get to a situation where you can be charged with something—something—and then because you are charged with something the Ethics Committee, to which you will have no rights to argue your position procedurally, your lawyers will never see them; they will hear only from their counsel—to be charged with something and then have the committee say we want to see everything and when we see everything, if something comes to our attention that we should charge you with, we will charge you with that, too, that is where we are.

Now, as I say, there is a major, major disagreement between my attorneys, who come from the law firm of Arnold & Porter, which is one of the most respected law firms in this country, a difference of opinion as to what the agreement was, but the chairman and the vice chairman have never heard their side of what the agreement was.

I know that no one wants to vote on this, and I know that no one wants to go to court, least of all me, least of all the Senate. And I know that maybe if the committee would tell me specifically what these other things are, or thing—I should not say that—thing or things are, we might be able to work out the same arrangement with Judge Starr that we apparently could work out on matters relating to the actual allegations I am charged with.

But I cannot make that agreement if I do not know what they are, and I am not going to guess at what they are. So as we debate this in the Chamber this afternoon, remember there is a possible solution, and that solution is that we would give everything relevant to the charges that we now know. We would like to see what the other charges are.

Here I am not making an agreement. I am not going to second guess my lawyers. I am not saying tell us what the charges are; we promise to respond. I do not know what the charges are. But there is a possibility, if we knew, it could be worked out.

And the committee could have everything relevant to those other—I do not want to say charges. They are not charges—allegations, information, knowledge that they have and we do not.

Now, with that, Mr. President, there are probably others on both sides that want to speak, but I thought you should know the background of the diaries, what is in them; that we did not voluntarily bring up the subject. I had no choice when I talked to my lawyers but to answer "yes" rather than "no" and put myself in the position of perjury.

And I thank the Chair.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Oregon yields the floor. Who seeks recognition?

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as a member of the Senate Ethics Committee, I rise in support of this resolution and to comment on some of the issues which have been raised about the conduct of this very serious investigation.

The Senate of the United States meets today to make a grave decision, and there is no one in this body who takes pleasure in this debate.

We are faced with a difficult, I might say a melancholy, responsibility.

But it is our responsibility. And I say to my colleagues, and to the people of the United States who are watching this debate, that on a matter of this gravity it is essential that we take action according to the highest of principles.

When I was appointed to the Ethics Committee, I set forth for myself a series of principles which I believed should be followed throughout this process.

The principles that I set out for myself were:

First, that as a member of the Ethics Committee, I believed that its proceedings should serve to affirm the honor of the U.S. Senate, to make clear the importance placed by this body on principles of responsibility and accountability.

Second, the processes must provide every reasonable protection to all parties concerned, all reasonable protections to anyone who is alleged to be a victim and to anyone who has been accused. Our process should neither be a witch hunt nor a whitewash.

And, finally, the work of the Ethics Committee should be fair, complete, comprehensive, and credible.

In our work so far the Ethics Committee has followed these principles. Although the proceedings have been arduous and lengthy, the committee has not stepped back from its responsibilities. My colleagues on this committee have acted with integrity and with fairness, as has the committee staff. In every instance, the committee and its staff have acted to protect the due process rights of all parties concerned. We accepted this assignment in the name of the U.S. Senate, and we have performed this assignment in a manner that I believe can bring credit to the Senate.

Now, what do we need in order to do our job? First, we need access to the facts. Second, we need to be able to follow all leads. We need access to the facts, and we need to be able to follow all leads. We have a right, a legal right, to that information, and in order to carry out our responsibilities on the Senate's behalf we have a duty to examine that information.

This is what this resolution is about. And here is what it is not about.

This is not personal nor is it partisan. The vote by the Ethics Committee to proceed on this matter was bipartisan and unanimous. We do not prejudge Senator PACKWOOD nor the material we seek.

This is not an attempt to pry. We are not the Senate Select Committee on Voyeurism. We have no prurient interest in this information. We are not reporters from some scandal sheet. We are the U.S. Senate Committee on Ethics. Through these past long months the material in question has been treated with the utmost respect.

I wish my colleagues to be very clear how this committee has proceeded. We agreed that Senator PACKWOOD's lawyers would retain possession of the diaries at all times. They had the sole discretion to mask over entries related to privileged information, that between an attorney and a client, a physician and a patient, and personal family matters.

Each day the Ethics Committee counsel reviewed the remaining entries in the presence of one of Senator PACKWOOD's lawyers. At the end of each day, committee counsel did indicate to Senator PACKWOOD's counsel those pages they wished to be copied. Then Senator PACKWOOD's lawyers would take repossession of those diaries. At no time did those diaries ever leave the purview of Senator PACKWOOD's attorneys. The Senator's attorneys then took back those full pages. And this process continued for 5,000 pages—5,000 pages—without one criticism or complaint.

But today we are at an impasse, an impasse caused by the dilatory and stonewalling tactics of Senator PACKWOOD's lawyers. After months of trying to work in good faith, the Ethics Committee learned suddenly that an agreed-upon procedure for the review of Senator PACKWOOD's diaries was agreed upon no more.

Let us be clear. The issue is not the nature of the material contained in Senator PACKWOOD's diaries. This resolution does not even ask the Senator to decide whether those materials be relinquished. It simply asks the Senate to let the courts decide whether the diaries will continue to be available to the committee as they have been.

The Ethics Committee does not seek to publish or brandish this material. We seek to continue with the same respect to privacy which governed our work as we considered the first several thousand pages. That is what we are asking in this resolution, and that is all we ask. To vote against this resolution is a vote to close the courthouse door to its own Senate Ethics Committee.

But the question facing the Senate today is even more profound. That question is whether the Senate will retreat from our commitment to a serious investigation. Will the Senate demonstrate that we can investigate and, if necessary, discipline our own?

I had hoped that the committee could meet its original deadline for gathering the information, completing its inquiry, and issuing the report. I still hope that this necessary step will not long delay the report. At some point I would expect the Ethics Committee to hold public hearings.

I believe this resolution is the only way we can act in a manner consistent with the principles I set forth earlier—providing fairness to all parties, affirming the honor of the U.S. Senate, and presenting the whole truth to the U.S. Senate and to the American people.

I urge you to vote for this resolution. I urge you to enable this investigation to go forward. Think of the responsibilities entrusted by the Constitution to this body and by the voters in our States. We vote to confirm or reject Justices to the U.S. Supreme Court. We vote whether or not this Nation will go to war. The decisions we make are of the highest magnitude.

So are the standards by which we should abide. And, therefore, I hope that you will leave open the courthouse door to resolving a dispute and leave that courthouse door open to be pursued by your own U.S. Senate Ethics Committee.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not see the majority leader on the floor. I am wondering if I might suggest—I know Senators want to be here to hear the different members of the committee—if we might either have a period of morning business or a 30- or 40-minute recess so that Senators might be able to attend to some other matters, like lunch; and we can have a period of morning business, or a 30-minute recess or whatever.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business during which Senators may be permitted to speak for not to exceed 10 minutes each; and on any subject other than the pending matter, and that the period continue until 3 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, so that there can be no misunderstanding by Senators, during the period for morning business, statements will not be in order on the subject matter of the pending resolution.

Mr. STEVENS. If the Senator will yield, might I inquire of the leader whether it is the intention of the leadership to bring the Packwood matter to a vote today?

Mr. MITCHELL. If debate is completed, yes. But I have no idea how many Senators wish to speak, or for how long. We are obviously not going to cut off anyone. No Senator will be precluded from speaking and saying whatever he or she wants.

I repeat, so there is no misunderstanding, that the purpose of the period for morning business, as suggested by the Republican leader, was to permit Senators to have a break and have other meetings or lunch. We do not want some Senators to leave and have others try to debate the subject during the period for morning business. We will have this period for morning business to conduct other business, and we will resume at 3 p.m. I encourage all Senators to return by 3 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President, I want to respond briefly to the distinguished President pro tempore, who spoke against the constitutional amendment earlier. I will not spell out at this point why we need the constitutional amendment saying that we have to have a balanced budget unless there is a 60-percent vote to the contrary. I would like to respond to his statements. Let me make clear that I have great respect for the Senator from West Virginia. He is one of the great Members of this body, and we should not use the word "great" lightly. He is someone for whom I have great respect.

When he says that the constitutional amendment does not spell out the details, he is correct. But that is what a constitutional amendment should do. Congress, through the statute, spells out the details. We do not do that in a constitutional amendment. In a constitutional amendment—and I see my friend from West Virginia on the floor—we establish principles. And the Constitution was written as a safeguard against abuses by Government. And the Senate has to make a determination: Have we abused the privilege of deficits?

We have had deficits every year since 1969, and I think we justify doing what Thomas Jefferson suggested almost two centuries ago that we should do. Thomas Jefferson suggested that—and he was not in the United States when the Constitution was written; he was in Paris negotiating for us. When he came back, he said, "If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money. One generation should not be able to obligate the next generation." And as in most things, I think Thomas Jefferson was right, except that we permit some flexibility, because Senator BYRD was right that there are times when you should have deficits. But we should not do that year after year after year after year.

Second, my friend from West Virginia says it could cause trouble with the economy. Talk about trouble with the economy—what have we done with these deficits? When the New York Federal Reserve Board study says in the decade of the 1980's the deficits, because of their cutbacks in savings, have cost us 5 percent growth in GNP, in national income. And the Congressional Budget Office says 1 percent in GNP means 650,000 jobs. That means we have cost this country 3¼ million jobs through the deficit. And the long-term danger, and my reason for fighting for this ultimately, is not simply the short-term danger; long-term, I think, if we do not have a constitutional amendment, we are going to monetize the debt. We are just going to print money. I do not think it will happen when I am here. I do not think it will happen when Senator BYRD is here or Senator SARBANES or Senator MATHEWS; but that is where we are headed. That is what the financial markets fear. We need fiscal restraint.

Why go through the constitutional process? "We can do it now," Senator BYRD says. But we have demonstrated over and over and over again that we are unwilling to do it. Only when we have had a new President were we barely able—and I mean barely able—to muster the effort to do something about the deficit.

Senator BYRD says a vote for this is a vote for delay. I think quite the contrary. If we pass this, and if it is clear the States will adopt it—and I think it will be clear very quickly that the States will adopt it—then we will all have to move down that path, and that means cuts in some spending. That means increases in revenue. But we are going to have to go down that path very quickly.

Senator BYRD describes passage of it as a cop-out. I think the defeat of this is a cop-out. When it is described as a gimmick, I thought of Representative OLYMPIA SNOWE of Maine, who is supporting it, who said at a press conference when asked, "If this were a gimmick, Congress would have passed it a long time ago." I am afraid she was telling the truth.

It is going to mean that we are forced to make some tough decisions. It is very interesting that under Gramm-Rudman, under the budgetary decision, no one on the floor got up and said let us ignore the law, because we respect the law. And if we respect the law, infinitely more do we respect the Constitution. When we go over to the side over there to take that oath of office, we take only one oath: To uphold, defend and protect the Constitution. I believe strongly in that Constitution. But when you have only the statutory restraints—I am not suggesting that that did not do some good because I think it did, both the 1990 summit agreement and Gramm-Rudman. I think they did have a wholesome impact.

But the difficulty with the statutory restraint is as soon as it gets to be a little too awkward, we change the law. We cannot do that with the Constitution. That is why it is important.

My friend from West Virginia uses the argument that it will dilute the power of the small States—and he has that chart that is very impressive.

My friends from the larger States—and I am not one of the top five, but Illinois is one of the larger States—could make a chart for the U.S. Senate saying you are giving too much power to the small States. The reality is ordinarily on controversial matters the Illinois delegation or the California delegation or the New York delegation do not vote together. I really do not fear that.

One of the main criticisms I receive—and my friend from West Virginia will understand this—people say, "Well, we are just going to start voting 60 percent year after year after year easily."

I do not think that will happen. I think it will be a restraint on us, first of all, because it is in the Constitution and, second, it is not that easy to get 60 votes.

I think the fundamental question is, how serious a problem do we have? Is it serious enough that we should change the Constitution?

I suggest, Mr. President, it is that serious, that we are headed down the road to monetizing the debt. And I do not see anything other than a constitutional restraint that is going to prevent that.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SIMON. I am pleased to yield to my colleague from West Virginia.

Mr. BYRD. I will take 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend.

There is no doubt in my mind that he, as I said this morning, is as sincere and conscientious in his support of the constitutional amendment approach as I am sincere in opposing it. There is one thing that I should say. I was in error in my impression that the Senator's amendment required a three-fifths vote to raise revenue. I was in error in that. I did not include that in my speech this morning because, as we went over the speeches in my office before I came to the floor, we found that was an error, and I struck it out in my speech. Unfortunately, I included it in the op-ed piece which appeared this past Sunday.

I was under the impression somehow that the Senator's constitutional amendment would require a three-fifths vote to raise revenue. It does require more than a majority of those present and voting. I believe I am correct in that. It requires a majority of the whole House and the whole Senate, which means that, in the Senate, it would certainly require a 51-vote majority. That is going beyond what is required to cut taxes or to cut funding for programs.

I asked the Senator earlier today if his amendment last year, the proposed constitutional amendment of last year or some previous year, required a three-fifths vote to raise revenue. I have no explanation for how that crept into my thinking.

But I wanted to make it clear for the record that we did discover that in our office. I had included it in my speech. I took it out. When I came to the floor and made my speech, my friend, Mr. SIMON, reminded me, following the speech, that I had made that error in my op-ed piece. So I accept that error and it was certainly without intent, but I still apologize for it.

Mr. SIMON. I thank my colleague from West Virginia. There are not too many of us who have the ability and the strength of character to get up on the floor and say I made a mistake on something. I particularly appreciate that.

I would oppose any constitutional amendment that required three-fifths for raising revenue. I think that would be a real barrier to doing precisely what I know both the Senator from West Virginia and I want to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I know we are going to debate this issue at greater length in the near future, but I rise in strong support of the position taken by the very distinguished Senator from West Virginia in opposition to the balanced budget amendment.

I hope Members will stop and think long and hard about amending the Constitution. This amendment would be devastating for our economy, and promote gridlock by requiring supermajorities to conduct part of our economic policy.

In effect, what you are doing is turning control of the Senate's decisionmaking process over to a minority of Members while denying a majority the ability to make the necessary decisions regarding our economic situation.

Mr. President, I want to address an additional point. It is constantly asserted that the States balance their budgets because they have constitutional requirements to do so. But State governments kept their budgets on the same basis that the Federal Government keeps its budget, the State budgets would be unbalanced. That would be true of corporations in America and individuals as well, because the Federal Government does not have a separate capital budget. State governments have capital budgets. They identify certain items that represent capital investments and in order to fund the spending on those items, they issue bonds and borrow money. Individuals do the same thing when they buy a house. They undertake a loan and pay it back over a period of years.

The Federal Government does not have a capital budget, and at the very minimum, before you start talking about a balanced budget amendment, you ought to straighten out the budgeting process in order to provide for a capital budget. If we do not do so, we are going to be in an extraordinary position where we try to pay for all the capital expenditures involved in the Federal budget in 1 year instead of paying for them over time the way the State governments do and the way the private sector does.

So I really want to underscore the fact that this situation is not parallel with what State governments are doing.

Second, the Senator from Illinois says the financial markets will take heart by his amendment. What the financial markets take heart from is a real deficit reduction program which actually reduces the deficit as we did earlier this year through a combination of spending cuts and revenue increases. When we faced up to that job and finally enacted a deficit reduction measure, we did get a positive response in the financial markets. That is real deficit reduction.

A balanced-budget amendment is not real deficit reduction. In fact, a balanced budget amendment may put us in a position where if we encounter a recession or a depression, we will be unable to respond to it. In the past, when we have encountered a recession or a depression, the deficit has gone up, not down.

If we are in a recession or a depression, and then try to cut the deficit even further and balance the budget, we are simply going to drive the economy even further into the ground. It is very important that this be understood.

I am sure the Senator from Illinois will say that we can waive the provision if we reach that point. We may waive it or we may not waive it. The Senator's amendment requires 60 votes in order to waive it, and that may not be available.

We just passed the deficit reduction package here in this body by a vote of 51 to 50, with the Vice President casting the deciding vote, on a measure that represented real deficit reduction. If we had required 60 votes in order to pass it, we would never have been able to do so.

So if you keep trying to establish these supermajorities, you increasingly put the Senate in a box where it is not able to do its business.

Where the issues are extremely important and complex, it is often difficult enough just to achieve a majority, a simple majority, 51 Members of the Senate, if they are all present and voting. If you raise that threshold up to 60 you would, in effect, immobilize the institution.

This is a very important issue, and it is one that really requires Members to think it through very carefully and to appreciate the various circumstances in which we may find ourselves when we are confronting difficult decisions.

I would hope most Members would say the last thing they would want to do if we are in a recessionary or depressionary period is precipitate the economy even further into an economic downturn. Yet the risks are very high with this amendment that that is exactly what would happen.

Now, we have tried to bring the deficit down, and that is a desirable objective, but the way to do it is to make the individual, difficult, specific decisions on the spending and the revenue side that must be made in order to accomplish that objective.

The solution is not to put forth something that sounds like a panacea, but is just chock full of difficulties. We will reap the consequences of trying to put into the basic constitutional law of the Nation something that needs to be handled in the course of responsible and prudent budgetmaking.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. HOLLINGS. Mr. President, with respect to the debate on the North American Free-Trade Agreement with Mexico, this Senator, as we know, has long since introduced into the Senate—and there is a similar measure on the House side—the common market approach for a new NAFTA, rather than the one presently proposed.

That comes after studied review of all the different initiatives that have been made over the years with respect to a free-trade agreement, and realizing the disparity, Mr. President, between Mexico and the United States.

We are looking forward to trying to build democracy, as John F. Kennedy said in his letter to President Kubitschek of Brazil at the time he initiated the Alliance for Progress. President Kennedy said you must first have the institutions of a free market, namely democracy itself, free elections, and a free press, and a competent and clean judiciary.

So what really occurs, Mr. President, is that we are differing substantially from the particular measure being submitted and particularly with respect to the comments made—I keep listening to those on the other side of this particular issue, knowing I may have missed something. I have been watching this now for a couple of years develop, and the more convinced I am of the danger of this particular NAFTA that has been proposed.

Ergo, yesterday, I picked up just a part of the discourse respecting NAFTA, the "One-on-One" program with John McLaughlin and the distinguished Secretary of Labor Robert Reich. Reich reminds me of Hutchison's comment with respect to education. He said the purpose of education was to unsettle the minds of the youth and inflame their intellect. That is the type of fellow Bob Reich is. I have known him for several years now. I have the greatest respect for him.

But with respect to the NAFTA agreement, I do not hesitate 1 second in stating that he is totally off target on this one.

I happen to know about jobs. I have been in that exercise for 40 years. We know how to prepare the community. We now know how to balance budgets that they were talking about a minute ago. We know how to get triple A credit ratings. We know how to put in skilled training. And we know how to solicit and how to provide the different techniques and all for the attraction of industry.

He does not have to come and tell us about Japan and Germany. This particular Senator has already helped to track over 100 German industries in the little State of South Carolina. And, of course, we have 45 Japanese industries. So do not put up that bogeyman that Iaccoca and the administration continue to try to sell.

On yesterday, again, in his discourse with John McLaughlin, Mr. Reich said, "We cannot turn our backs on this opportunity." Japan and maybe the former West Germany and even Europe, they are going to step into the breach. They are going to take these opportunities away from us. Ergo, Iaccoca's statement that the Japanese and Europeans are against NAFTA. They are afraid that they will be on the outside looking in. Totally false.

I asked Ambassador Kantor to furnish me that. It has been over a week now. He continues to refuse. When I asked him the question in the formal hearing before our Committee of Commerce, he said, "Numerous periodicals and articles?" I said, "Furnish one."

I put in there how the Bank of Tokyo was bullish on NAFTA. I put in there Roh Tae Woo and the Koreans were bullish on NAFTA. I put in how the people of the Republica of China—the Chiang Kai-sheks had about 100,000 acres down there, building a big yarn plant, the largest in the world right now. I put in there right on down the list of Volkswagen putting in their billion dollar increase not for trade in Mexico but as a duty free platform into the richest market of the world, the dear old U.S.A. And, similarly, Nissan of Japan. And the only reason there are not more in there now, they do not have protection for that investment.

Eliminate chapter 11 of NAFTA and that is the end of the agreement, I can tell you that right now.

American industry, European, Japanese, all of industry would like to produce with low wages and no clean air and no clean water and no plant closings and no parental leave and none of this health care and everything else of that kind; no minimum wage like we have or anything else; standard of living; and just down there with very productive workers and just ship right straight in, just as if from Texas, right into the richest market in the world.

And then Mr. Reich has the audacity to say that American workers, and I express word for word for what he says: "I think that they are expressing the legitimate accumulated grievances and concerns and anxieties and insecurities that American working men and women have had over the last 12 years."

Mr. President, I ask unanimous consent to continue for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. If you can see the statement made by the distinguished Secretary of Labor when he says, "The old days are gone when you could keep your old job forever."

Now, come on. That is Harvard thinking. That is up East where you write books and everything else like that.

Yes, we have got an itinerant society. But we are talking about the competition of Japan. And I am constantly being put up as that we ought to emulate maybe the Japanese—they have job loyalty to their employer and the employer has loyalty to their employee.

Not with the Secretary of Labor. He said that is old-hat thinking. We are just going to be changing jobs, not going to keep your old job forever, he says. Two million workers are looking for jobs now. There is one thing we are going to build in this country: A system to ease the adjustment of workers from one job to the next.

Welfare, there was the crowd that was going to reform welfare. Here is the crowd that comes to town that is going increase welfare. What we need are jobs.

They all talk about consumer confidence. What we need are consumers. They do not have any money. Rightfully, they are very nervous when they hear this kind of talk that we are all going to get on welfare and you are not going to be able to keep your old job.

Everyone goes to work in loyalty to their employers, thinks he is going to stay there and be appreciated and everything else of that kind.

Then, of course, when he goes into the actual figures of jobs and everything else of that kind, he tries to refute DAVID OBEY's studies over there on the Joint Economic Committee. He finally says, "Well, the job creation in NAFTA initially is going to be relatively small."

So he is standing around with the quick answers. He is not giving us reason for venturing into this particular agreement, particularly when he insists now that we have created a $5.3 billion trade surplus with Mexico, over 55 percent of it on capital goods, industrial supplies. And under the Brookings study and in the Harvard Business Review it will disappear in just a few years after trading with ourselves, Mr. President, and after we sent the equipment and parts and they begin to build their own factories and we are helping it there. Yes, there is that sucking sound. General Motors is closing up in the United States. I do not know of any new plants. Chrysler is closing up here. The new plants are down in Mexico. General Motors, the largest employer, 41 plants, 73,000 employees, largest employer in Mexico.

And then he wonders why the people of America, the workers of America, are nervous and upset. And the President is going around responding to the chambers of commerce and saying it is just an environment of fear.

It is an environment of common sense. That opportunity has been closing over the last 40 years, as we tried to build capitalism. Fine, we have done it. But now we cannot just come along and say, "sooey pigs," everybody just produce, with all this great standard? I voted for the free-trade agreement between Canada and the United States, over the objection of my textile industry, because we had the same standard of living. They do not have that standard of living.

The blue chip corporations of America ought not to come down and say what-all they are going to do now in helping Salinas and build Mexico. What they are going to do is best told not by their promises but by their performance. We have been down there. After 25 years it is really a terrible hovel situation. There are no streets, just alleys, and paths—dirt. There are no floors—dirt. There is no running water, there is no plumbing, there are no toilet facilities in the place. The electricity is only to half the people, and those who have it have to supplement.

I went in one place, the fellow said, "Wait a minute, I have a little TV over here." I said, "What is that battery over there?" He said, "Well, if I use the TV and the light both, the light goes out, so I have to have a car battery if I want to watch the TV at the same time, and not in the dark."

This is right from here to the doorway, one of the most beautiful plants in the world. Oh, yes, they have the flag and the lawn and everything else—high productivity. But not building democracy in Mexico. That is what we need to be doing with the fall of the wall. It is not build what they call a tariff wall, but tear down the wall of the oligarchy and the PRI down in Mexico, so we can have democracy.

A 2,000-page NAFTA agreement without the single word democracy appearing therein. That is what President Kennedy had in mind when he submitted his Alliance for Progress, but now they are running up to the north, east, south saying how Kennedy would be for it; down to the chamber of commerce and everything else, trying to get them to swap Main Street for Wall Street.

I can tell my colleagues here and now we are going to be in terrible trouble if this goes forward. Secretary Reich knows better. We are losing the jobs.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Chair in his capacity as Senator from the State of Tennessee suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask, since we have under the unanimous consent 5 minutes remaining, I ask for that time to be allocated to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the reason I asked for the further recognition is the article by Aaron Bernstein, in the Business Week of November 8, 1993, that has just come out. In there he has his article, "An Anti-NAFTA Argument You Haven't Heard," with respect to the free-trade agreement, relative to this.

> What does this mean for U.S. jobs? McCleery doesn't ask, because he assumes the U.S. economy will fill in lost jobs with new ones. But Georgia State University economist Donald Ratajczak figures that $1 billion of the U.S. investment generates about 30,000 jobs. Assuming a $2.5 billion annual capital outflow, that would mean 375,000 potential new jobs lost over five years—more than wiping out the 170,000 gain that Gary Clyde Hufbauer and Jeffrey J. Schott of the Institute for International Economics in Washington predict will occur in five years if NAFTA passes. Bruce G. Arnold, the economist who wrote the CBO paper, acknowledges that investment outflows could wipe out potential job gains from NAFTA, but he admits that "no one has looked at it much."

Therein, Mr. President, with respect to the fear that Secretary Reich was talking about, and the unsteadiness and apprehensions and misgivings over the last 12 years, it is the fear over the last 12 days, with this argument they have been putting out.

When they put out such specious arguments that you are going to have job gains when you know you are going to have job losses and they finally admit to it and then they say, "Just modest" and everything else like that—when you bring the Ambassador, Ambassador Kantor, the Special Representative on Trade, comes forward, and you ask about that 200,000 figure and he finally acknowledges that 200,000 figure they have been using is a gross figure and does not take in the imports—just the exports. It does not include the imports. Therein is the fallacy of it.

So the net at best, given the most, given that everything stays constant: The economy stays the same, the employment rate and everything else stays the same, there is no change in inflation, everything of that kind—at best it is 90,000 jobs and we change over that without NAFTA. That is going to happen this year, as Lester Thurow of Harvard has said, one way or the other.

We ought to read this entire argument. I quote again:

> Some quick arithmetic suggests that investment lost under NAFTA could outweigh potential gains from increased trade. "Most economic models of NAFTA don't look at capital movements," says Edward E. Leamer, a trade economist at the University of California at Los Angeles. "And it might give a different answer as to whether NAFTA is good or bad for the U.S. work force if they did."
>
> Indeed, of 19 NAFTA forecasts reviewed by the Congressional Budget Office (CBO), just five looked at the issue. Four of these assumed—bizarrely—that any investment surge in Mexico would come from somewhere other that the U.S. The only study delving into the issue, by Robert K. McCleery, and American economist at Kobe University in Japan, predicted that NAFTA would displace about $2.5 billion of investment from the U.S. to Mexico annually.

That is not a third party Ross Perot. That is an American studying over there as an economist and making it in Japan itself. He is talking about a sucking sound of $2.5 billion annually going down to Mexico.

Most respectfully to Secretary Reich, the Secretary of Labor, he should understand it is not the misgivings or fears of the American people over the last 12 years. It is the statements he makes, and the others in the administration and the arguments they make, that give us grave, grave concern; to know from being in this game over the many, many years, they are totally off base. They are politically running around trying to PR it and have no idea in the world of what they are doing.

I yield the floor.

INDOOR AIR QUALITY ACT OF 1993

Mr. LAUTENBERG. Mr. President, I rise in support of S. 656, the Indoor Air Quality Act of 1993. This legislation would require EPA to comprehensively address the threat to human health posed by indoor air contamination. That is why I am an original cosponsor of S. 656. I want to commend Senator MITCHELL, the sponsor of this important legislation, for his leadership in addressing this health threat.

According to EPA's Report to Congress on Indoor Air Quality:

Indoor air pollution represents a major portion of the public's exposure to air pollution and may present serious health risks;

The total costs of indoor air pollution, including medical costs and lost productivity, are in the tens of billions of dollars a year;

We need to expand efforts to mitigate exposure to indoor air pollutants; and

We need to invest in an expanded research program.

Indoor air pollutants such as radon, asbestos, volatile organic compounds, environmental tobacco smoke, carbon monoxide, biological contaminants, and pesticides, pose a serious threat to the health of our citizens. As early as 1987, EPA identified indoor radon and other indoor air pollutants as areas of relatively high risk but low EPA efforts.

In a more recent EPA study of indoor air quality in 10 large buildings focusing on a class of pollutants known as volatile organic compounds [VOC's], EPA concluded that VOC's are ubiquitous indoors, almost every compound is found at higher levels indoors than out, and in some new buildings, some VOC's were measured at levels 100 times higher than outdoor levels. Similarly, the World Health Organization has determined that up to 30 percent of new or remodeled commercial buildings may have high rates of health or comfort complaints related to indoor air pollutants.

This is of particular concern because people spend approximately 90 percent of their time indoors, making the risk to health from indoor air pollutants potentially greater than air pollution outdoors. And the people most exposed to indoor air pollution, the young, the elderly, and the chronically ill, are often the most susceptible to its adverse effects.

The effects of indoor air pollutants are serious. Radon is estimated to cause up to 14,000 cancer deaths a year. Other indoor air pollutants, including environmental tobacco smoke, may be responsible for another 11,000 deaths annually.

Environmental tobacco smoke is a significant public health threat. The Surgeon General has determined that environmental tobacco smoke is a cause of disease, including lung cancer, in nonsmokers. And earlier this year, EPA issued a scientifically peer-reviewed report concluding that environmental tobacco smoke is a carcinogen. According to the report, 3,000 lung cancer deaths per year among nonsmokers result from exposure to tobacco smoke. Environmental tobacco smoke also causes more than 200,000 lower respiratory tract infections in young children annually, resulting in 7,500 to 15,000 hospitalizations.

Other long-term effects to exposure of harmful levels of other indoor air pollutants include respiratory illnesses, central nervous system disorders, and reproductive problems.

Acute reactions to certain pollutants include headaches, throat skin and eye irritation, fatigue, shortness of breath, and nausea.

The Consumer Federation of America estimates that the health costs from indoor air pollution approach $100 billion a year.

In addition, an estimated 15 percent of the U.S. population have an increased allergic sensitivity to common chemicals. Many of these people have a predisposition to become allergic to certain chemicals after a sensitizing exposure.

Hypersensitivity can occur upon reexposure. Among the more common symptoms are those involving the nervous and respiratory systems.

EPA has been slow to react to the threat posed by indoor air pollutants. That is why the majority leader and I introduced the legislation, which was enacted as title IV of the Superfund Amendments and Reauthorization Act of 1986, requiring EPA to establish a radon and indoor air pollution research program.

The Indoor Air Quality Act builds on our prior legislation. It would require EPA to:

Expand and strengthen indoor air research, and establish a technology demonstration program;

Conduct an assessment of indoor air quality in schools;

Develop health advisories on indoor air contaminants which may occur in indoor air at levels which may reasonably be expected to have an adverse impact on human health;

Prepare a response plan using existing regulatory authorities and other specified nonregulatory authorities to reduce exposure to indoor air contaminants; and

Make grants to States to develop and implement indoor air pollution strategies.

The bill also expands the authority of the National Institute of Occupational Safety and Health to conduct assessments of sick buildings.

As chairman of the Senate Subcommittee on Superfund, Ocean and Water Protection, I held hearings on this bill in May 1989, and the subcommittee approved the bill later that year with a number of changes. These changes include requiring EPA to:

Prepare a report on multiple chemical sensitivities, and expand its research program to address the effects of indoor air pollutants on those who suffer from multiple chemical sensitivities;

Conduct an assessment of indoor air problems in buildings housing child care facilities;

Conduct research with the Department of Transportation on indoor air pollution in public and private transportation;

Establish a program to address the role of ventilation in protecting the public from indoor air contaminants; and

Provide an assessment of indoor air monitoring and mitigation services provided by private firms.

This legislation passed the Senate in 1990 and again in 1991. Unfortunately, the Congress ended before the House had a chance to act.

While we still need to pass S. 656, we know enough about the threats posed by some indoor air contaminants to move beyond the provisions of S. 656. That is why I introduced S. 657, the Indoor Radon Abatement Act of 1993, which would strengthen the Nation's effort to reduce the threat posed by radon, S. 261, PRO-KIDS, which would make all federally funded children's programs smoke-free, and S. 262, PRO-FEDS, which would make all Federal buildings, including Congress, smoke-free. An earlier version of S. 657 passed the Senate last year and S. 657 was approved by the Environment Committee earlier this year. Both of the bills dealing with tobacco smoke have passed the Senate this year, PRO-KIDS on a rollcall vote of 95-3 and PRO-FEDS on a voice vote. I hope the Congress will also enact these critically needed bills.

Mr. President, Americans want clean air. And that concern does not end when they step into their home, place of employment, school, or their house of worship. The Indoor Air Quality Act establishes a comprehensive, balanced program to address the public health threat posed by indoor air contamination.

I urge my colleagues to support this bill.

THE BELL ATLANTIC-TCI MERGER

Mr. INOUYE. Mr. President, I rise to express a few comments about the proposed merger between Bell Atlantic and TCI. Although all the details of the proposed merger are not yet clear, I am concerned about one aspect of the proposal—the disposition of the TCI cable properties that are located in the Bell Atlantic region. At the press conference announcing the merger proposal, representatives of Bell Atlantic and TCI promised that the cable properties in the Bell Atlantic region would be sold, traded, or spun off into entities that are totally separate from the new Bell Atlantic. Congress and the Justice Department were given assurances that the new Bell Atlantic would comply with the letter and the spirit of section 613 of the Communications Act of 1934, which provides that:

> It shall be unlawful for any common carrier, * * * to provide video programming directly to subscribers in its telephone service area, either directly or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the common carrier.

I have long supported this provision as an essential means of promoting competition between the cable and telephone industries. This policy has proved successful, as the cable industry has grown to become a strong force in the communications industry. Now that cable operators have constructed networks separate from those of the telephone companies, it appears that some changes in section 613 may be warranted. It now appears that it would serve the interest of the consumer to allow the owners of these two networks to compete with each other across the full range of services. For instance, it would appear to be most efficient to allow both the telephone companies and the cable companies to carry video, voice and data traffic over their networks as long as both cable and telephone markets are opened to competition. Competition between the two providers, and potentially other providers, would stimulate investment, lower prices for consumers, and encourage diversity.

For these reasons, Senator DANFORTH and I introduced a bill that would amend section 613 to permit the telephone companies to provide cable service under certain conditions. One of the most fundamental conditions of this bill is that a telephone company may not enter the cable business by purchasing the existing cable property in the region where it provides telephone service or by engaging in a joint venture or partnership with the existing cable operator. Section 8 of the bill amends section 613 to provide that—

> No local exchange carrier, * * * may (A) purchase * * * more than a 5-percent financial interest, any management interest, or any other interest, in any cable system that is providing service within the carrier's telephone exchange service area * * *; or (B) enter into any joint venture or partnership with such cable system.

If a telephone company were permitted to purchase or joint venture with the existing cable company in its region, there would be no competition between the two industries. Promoting competition is fundamental to protecting the interests of consumers. Without this provision prohibiting a telephone company from buying out the existing cable company or from joint venturing, I could not support amending section 613 to permit the telephone companies to enter the cable business.

For these reasons, I have paid particularly close attention to the questions raised about the possibility that the new Bell Atlantic might desire not to sell the TCI cable properties in its region to a separate entity. Several press accounts indicate that Bell Atlantic may be considering spinning off these cable properties to its shareholders and folding them back into Bell Atlantic at some future date. The letter that I received from Mr. Raymond Smith, chairman of the board and chief executive officer of Bell Atlantic dated October 26, 1993, is not reassuring on this score. Mr. Smith's letter, for instance, indicates a commitment to "spin off or sell all TCI and Liberty cable systems in the Bell Atlantic region." The letter goes on to note that there will be no common officers, no common directors, and no common employees of the new Bell Atlantic and the owners of the in-region cable properties. What is left unclear by this letter is what form of spinoff is being contemplated. If the in-region cable properties are spun off to the same shareholders that also own Bell Atlantic stock, the possibility for joint management or control could still exist, even if there were no common officers, directors, or employees. If, for any reason, the new Bell Atlantic were to attempt to retain ownership or control, in any way, or form joint ventures with the cable properties in its telephone service region, I regret that I would be unable to support the proposed merger.

The proposed transaction between Bell Atlantic and TCI is a mammoth rearrangement of the communications industry. There is much about this proposal that deserves greater scrutiny by Congress and the Justice Department. I believe that if Bell Atlantic were to dispose of these in-region cable properties to an entity completely separate from Bell Atlantic, such action would remove a major potential obstacle to the merger going forward.

I would like at this time to introduce into the RECORD a letter expressing similar concerns that has been sent to me by the National Association of Broadcasters.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF BROADCASTERS,
Washington, DC, October 28, 1993.

Hon. DANIEL INOUYE,
Chairman, Communications Subcommittee, Senate Committee on Commerce, Science, and Transportation, Hart Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Broadcasters, I want to raise with you the concerns we have regarding the proposed merger between Bell Atlantic and TCI. As you have recognized through your authorship of S. 1086, the Telecommunications Infrastructure Act of 1993, Congress needs to establish federal policies to regulate operations by telephone companies and other competitors in the modern telecommunications era. Until Congress acts definitively, however, a merger of this magnitude requires stringent oversight by Congress and other appropriate government agencies to protect the interests of the consumers and businesses.

I would encourage the Communications Subcommittee to carefully examine the issues raised by this merger, including its impact upon the broadcasting industry. Clearly, the interests of our industry and the public we serve could be irrevocably harmed by a $30 billion-plus merger between the nation's largest cable company and a regional Bell operating company, which together would control information delivery to approximately one quarter of the nation's homes.

Let me state for the record that NAB does not oppose the entry of telephone companies into the provision of video services. NAB recently revised its formal Board policy statement on these matters to make our position clear—we support "telco entry" into video services, so long as this entry promotes competition in the local marketplace. We strongly oppose any telco entry into video services that reduces competition or that results in the substitution of one monopoly for another. For example, telephone companies should not be permitted to buy out or obtain control of existing cable television systems within their service area.

NAB urges your Subcommittee to view this proposed merger in light of its potential effects upon competition. I hope that you will explore in detail many of the troubling questions it raises, including the following:

What will happen to the cable systems in which TCI has an attributable ownership interest that are located within Bell Atlantic's service area? Will Bell Atlantic/TCI be permitted to retain these systems, thereby combining two large monopolies into an even larger monopoly? If these systems are divested, will they be sold to true third parties, or to those in which Bell Atlantic/TCI maintains an ownership interest or other relationship?

Will potential competitors have the ability to gain non-discriminatory access to Bell Atlantic/TCI networks or other facilities? Will Bell Atlantic/TCI be permitted to become a super gatekeeper to the homes and businesses in its region?

What will be the impact of the proposed merger on programming availability and pricing? Will Bell Atlantic/TCI be able to acquire exclusive rights to the most popular programs and services in its region, or to bid up the price of such programs and services to the point that they effectively are denied to potential competitors? Alternatively, will Bell Atlantic be able to exercise monopsony powers to demand unfairly low prices or favorable terms from those who seek to sell programming or services within its market area?

Who will pay the costs of upgrading Bell Atlantic/TCI facilities to transmit video and other broadband forms of information? Will Bell Atlantic/TCI be able to cross-subsidize its video operations through its telephone services rate payers?

Until these and other issues are resolved to the satisfaction of your Subcommittee, I strongly urge you to take all appropriate steps to delay the consummation of this merger.

I appreciate your consideration of our views and concerns. Please do not hesitate to contact me if I can be of assistance to you in this important issue.

Kindest regards,

EDWARD O. FRITTS.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Friday, October 29, the Federal debt stood at $4,422,511,446,437.79, meaning that on a per capita basis, every man, woman, and child in America owes $17,217.66 as his or her share of that debt.

QUORUM CALL

Mr. PRYOR. Mr. President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Boxer
Bryan
Burns
Coverdell
Craig
Danforth
Daschle
Dole
Dorgan
Durenberger
Feinstein
Ford
Gorton
Graham
Heflin
Hollings
Hutchison
Inouye
Kennedy
Levin
Lieberman
Mathews
McConnell
Mikulski
Mitchell
Murray
Pell
Pryor
Shelby
Simon
Simpson
Smith
Specter

The PRESIDING OFFICER. The Chair informs the Senate that a quorum is not present.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I move to request the Sergeant at Arms to require the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arizona [Mr. DECONCINI] are necessarily absent.

I also announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 93, nays 0, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—7

Biden
DeConcini
Faircloth
Gramm
Jeffords
McCain
Moseley-Braun

The PRESIDING OFFICER. The yeas are 93, the nays are 0. The motion is agreed to, and, with the addition of these Senators voting, a quorum is present.

ISSUANCE OF A SUBPOENA

The Senate continued with the consideration of the resolution.

Mr. SMITH. Madam President, I rise today to support the resolution before us, the Ethics Committee resolution, directing Senate legal counsel to bring a civil action to enforce the committee's subpoena to Senator PACKWOOD.

As a member of the Ethics Committee, I voted in committee to issue that subpoena, as did all of my colleagues. I did so then, and I support the resolution now, because I feel that this course of action is necessary in order for the committee to complete its inquiry into this very important matter.

We have to seek what is relevant to this investigation and also to seek what is within our jurisdiction to do so. That is clearly outlined to us on page 18 of the Rules of Procedure for the Select Committee on Ethics, which says very briefly:

> The information reported to the committee may be obtained from a variety of sources, including but not limited to the following: * * *

And one of those following is:

> Information developed during a study or inquiry by the committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings.

In trying to prepare my remarks today as I came to the floor, and in thinking about this all weekend, I asked myself a hundred times if I asked myself once: Is there another way? Is there a compromise, or is there another way this could be done to avoid this situation?

In my mind, the answer is no. Voting to direct the Senate to enforce the committee's subpoena was extremely difficult and agonizing for all of us in the committee, as it is for all of our colleagues now. Senator PACKWOOD is, of course, a Senator, a colleague, and in our case, for the three of us on this side, a Republican Senator. Not that that should make the agony any more difficult, but in judging a colleague, especially a colleague in your own party, it does put a lot more pressure on those of us who have to be in that position.

It was the result of weeks—I say weeks—of tedious negotiation between committee counsel acting at the direction of the committee and attorneys for Senator PACKWOOD. During these negotiations, Senator PACKWOOD's attorneys attempted—I am expressing what I believe, and although it is my opinion, I believe others share that opinion—to renegotiate agreements that were already agreed upon by the two parties. These negotiations resulted in delays in the committee's ongoing attempt to obtain relevant information in this inquiry.

We have been criticized in the press as a committee for that. I realize that in the negotiations between two parties, these things happen. I am not saying they are unnecessary, but they did happen, and there has been a lot of criticism on both sides, especially the committee being criticized for delaying this action.

As everybody is well aware, the information in question is part of Senator PACKWOOD's personal diaries, which is why we are here. It has been stated by the chairman and vice chairman that there were some press reports about the diaries. For the most part, the personal diaries of Senator PACKWOOD first came to light in a formal sense during Senator PACKWOOD's deposition before the committee. I listened very carefully to Senator PACKWOOD's comments about that, his reasoning, and his ideas behind why he introduced those diaries, or why he felt he had to. His continued reference to the diaries, however, led the committee investigators to conclude that the diaries contained information that was relevant to the committee's inquiry. It then became clear that the documents should have been part of previous document requests made by the committee, asking Senator PACKWOOD for all relevant information he had regarding this particular investigation.

Senator PACKWOOD then did agree to supply his entire diary—his entire diary—under conditions very clearly spelled out. It has been repeated already on the floor, but for emphasis again, I will state that the attorney-client and physician-patient privilege matters, and information dealing with personal, private family matters, were to be masked. They would be masked, as the chairman said, by Senator PACKWOOD. We did not challenge that. Senator PACKWOOD would mask those items.

Based on later revelations, I believe that agreement between the two parties was broken. I think it was broken by Senator PACKWOOD.

Under the terms of that agreement, the committee reviewed thousands of pages, approximately 5,000, of Senator PACKWOOD's diary. However, Senator PACKWOOD halted this process because he wanted the opportunity to mask additional information that was not within the confines of the original agreement—not within the confines of the original agreement.

In lieu of a subpoena, which is where we are today, the committee tried very hard, I believe, to accommodate Senator PACKWOOD by offering a compromise by which a hearing examiner, specifically, as you all know now, Judge Starr, would review the remainder of the Senator's diaries to ensure that the masked portions were, in fact, within the scope of the original agreement.

Senator PACKWOOD rejected that. He rejected that offer. That left the committee with no option other than to pursue a subpoena.

There have been a lot of things said in the press about members of this committee, about Members of the Senate, and about Senator PACKWOOD. It is very regrettable. But there is no one, I think, of those of my colleagues on the committee—because we have had some debate about it—no one has a greater respect for an individual's privacy than I do and his private writings or her private writings. I am also someone, though, who feels that an agreement made between two parties ought to be honored. I think that is the issue right now: An agreement made between two parties ought to be honored.

Let me clarify that a little bit, if I might.

Madam President, Senator PACKWOOD offered up his entire diary to the committee under the masking limitations that I just noted. He said he had no choice.

He did have a choice. When the negotiations took place on the diary, he could have said attorney-client, physician-patient, personal-private family matters, and he could have added a fourth one. He could have said only material relevant to the inquiry at that point in time. He did not. He allowed the committee to review 5,000 pages and then stopped the process, changed the rules. He said, "We have to do another masking."

Did Senator PACKWOOD mean the entire diary in the original agreement? That is a question all of you are going to have to think about. Did he mean the entire diary, or he did he mean just the 5,000 pages? I think he meant the entire diary. There were no conditions as far as how many pages we were going to look at. Can he change his mind? Can Senator PACKWOOD change his mind and restrict the access? It is his diary. Why cannot he change his mind?

Here is why I do not think he can and why we have this tough decision here. If we agree to that restricted access, if we add that condition to the diary, even if nothing else in the diary of a nonrelevant nature is in ethical or criminal violation, even if it is not, the appearance will be that it is. That is going to be the appearance, and both Senator PACKWOOD and the committee are covering it up. That is what the appearance will be. That is what those out in the press will say, the same people that still say the Lincoln assassination is not solved. It will go on forever.

That is unfair to the Senate. It is unfair to Senator PACKWOOD, and it is certainly unfair to this committee. And it will also fuel the feeding frenzy of every sensationalist journalist in America.

The Senate and its Members must be above reproach. This resolution before you says that we are. That is what it says. It says that we are looking at everything within the scope of relevance and within the jurisdiction that this Senate tasked us with this book of rules. That is why we have a bipartisan recommendation before us, unanimously, and that is why that recommendation, in my opinion, must be upheld.

The committee began looking into this matter almost a year ago and has made every effort to conduct a fair and thorough inquiry into this matter. And I believe that throughout this process the committee has gone out of its way to assure that Senator PACKWOOD has been treated fairly as have those who have accused him of misconduct.

Some of the things that came to light recently bother me, and I will comment on that in a moment. There has been a lot of talk around this town that the committee has been on a "fishing expedition," looking for information which is outside the scope of the committee's inquiry. Frankly, as one Member, I resent it. We have a situation in the U.S. military academies of an honor code. We have an honor code here in the Senate, and we offered Senator PACKWOOD the opportunity to review his diaries and to take out information along the lines of what he said. We did not challenge him. He masked entries in his diary, and we took his word.

I would like to remind my colleagues that although the committee has a particular charter in this case, which is to investigate allegations of sexual misconduct and intimidation of witnesses, as I indicated to you before, information obtained during the course of an inquiry on subjects unrelated to the inquiry which may be a violation of Senate rules can be brought before the committee. If the committee feels that there is substantial, credible evidence that the new material warrants expanding the inquiry, then that can be done by a majority vote of the committee.

This has been a very difficult debate on a terrible issue. It is an issue of integrity, in my opinion, to the Senators, to Senator PACKWOOD, to all Senators, and to the Senate as an institution. I sincerely hope that, in a bipartisan way after a great deal of thought and agony over the past several days, my colleagues will join the committee, under the leadership of Senators BRYAN and MCCONNELL, and support the committee resolution.

Before concluding, Madam President, I do want to touch on one other matter in regard to the statement that was made by the chairman last week.

I take my responsibility, as we all do, as a member of the Senate Ethics Committee very seriously, and meetings of the Ethics Committee have been thoughtful, deliberative, and have been nonpartisan. I do not know of any example, nor am I aware of any partisanship, that ever surfaced in this committee—ever.

I have the greatest respect for the chairman, and he knows that, and there has never been any problems between us nor, as far as I know, between anyone on the committee. But I believe, in fairness, that the unilateral statement that was made by the chairman requires just a brief response.

We all make mistakes. I believe, honestly and with respect, that this was a mistake. This was an emotional time. There is a lot of information out there today being put out by the press that is not accurate. Some of it, I would agree, as has already been stated by Senator PACKWOOD's lawyers, I do not believe is exactly accurate. It is an emotional time, and the chairman felt he needed to respond. He had a right to respond, and he did.

But the cover page indicates that the statement was released to explain how the committee reached their decision. The chairman's statement was not a product of the committee. It was reviewed by committee staff, I understand, but it was written, for the most part, by personal staff or at least reflected the Senator's personal views. All Senators should be clear on this point. The Ethics Committee did not meet and approve the chairman's statement, nor was there any vote of the committee to release the statement. That is all I am saying. He has a right to make a statement, he made the statement, but it was not a committee statement.

Second, I am very concerned about the unfairness of trying a Member of this body, any Member, in the media. This past week there have been a number of stories in the Washington Post and other publications that are, frankly, pretty disturbing, and I think these stories emanated not directly from the Senator from Nevada, but when the Senator went into his caucus and told other members of his party that Senator PACKWOOD's personal diaries contained what the chairman perceived to be evidence of possible criminal violations, that is very disturbing.

But then to see a systematic, orchestrated leaking of that material to the press by members of that caucus, that is unfair—that is unfair—and, in my view, unprecedented.

I think the Senator from Nevada shared that information in good faith and I think that was violated. I think some of you in that caucus, on that side, did him an injustice.

In contrast, Senator MCCONNELL discussed the matter of the subpoena with the Republican conference last week and never mentioned any committee confidential materials at all; strictly procedure.

For the past 4 days, the newspaper headlines have shown just how destructive words can be. Publicly stated, unsubstantiated charges, are splashed throughout newspapers across America.

The New York Times reads, Friday, October 29: "Senator Says Packwood's Diaries May Indicate Criminal Activities."

The Washington Post reads, Friday, October 29: "Panel Sees Broader Packwood Inquiry, Diaries Said To Suggest Criminal Acts."

USA Today, again last Friday: "Another Twist in Packwood Saga: Possible Criminal Violations."

Where is the fairness and decency in this?

This was not the intention of the chairman, and I know that. But the press just has this attitude that they have to sensationalize something when it comes to somebody in the U.S. Senate. There is no fairness in this.

And it is a quantum leap to even suggest, I believe, as the vice chairman said, that there is some kind of criminal conduct here; a quantum.

Mr. President, my colleagues should also be aware that the statement issued by the chairman, on one point at least, is in error.

Specifically, on page four, it states that "if the committee saw information related to possible other misconduct, the committee would be compelled to pursue that material." In fact, the committee rules clearly state that if additional allegations are brought before the committee, and the committee feels that such allegations warrant expanding the inquiry against Senator PACKWOOD, a majority vote would be required to do so, a majority vote of the committee. If new, credible evidence of misconduct is brought to the attention of the committee, it is the committee as a whole that must weigh these charges. It is not a job for reporters and editors to weigh those charges.

As I have indicated, I intend to support this resolution. On that issue, the committee is in agreement; the subpoena must be enforced.

And although there have been some unfortunate comments, in my opinion, that should not deflect from the task that we have here at hand.

It does give one pause, however, when members of the committee, in my opinion, get used by the press and, in essence, we see public, unsubstantiated charges that unfairly tarnish a colleague in the media.

I think we could certainly safely say that what Senator PACKWOOD has endured on the other charges alone are bad enough in terms of image, but to deal with something else now, criminal activities, we are bound to a higher standard than that, my colleagues. I deeply regret that that happened. And I deeply regret that the word "committee" was used as the focal point as the reason, as the jump-off point, if you will, for that material—in an innocent manner, I might add—to happen.

But, in spite of this, we should not be turned away from doing what we were tasked to do—to complete the inquiry. In my opinion, we cannot complete the inquiry if we do not get access to the diaries as specified in the subpoena. The resolution before us will allow us to do that. I encourage all of my colleagues to support that resolution.

Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Madam President, as another new member of the Senate Ethics Committee whose on-the-job training came with the preliminary inquiry into the allegations of sexual misconduct and attempts to intimidate that have been brought against Senator PACKWOOD, I want to emphasize my firm conviction that Chairman BRYAN and Vice Chairman MCCONNELL have provided exemplary leadership to the committee over the past 10 months as it sought to consider and dispense with the Packwood matter and all other issues pending before it.

The Packwood case, as we all know, raises difficult ethical, legal and personal issues that few relish exploring. Yet, the integrity of the Senate as an institution and the rights of the alleged victims of misconduct require that these issues be addressed.

Both the chairman and the vice chairman have been judicious, nonpartisan and fair in leading the committee through this sobering exercise. They deserve our appreciation for their dedicated effort, our confidence in their direction of the committee, and our respect for their judgment. They certainly have mine.

In fact, as a result of this exercise, I have concluded that we ought to consider a new procedure in this body. For every proposal made to members of the committee on how we might do our work better, there should be a concomitant commitment to serve one year on the panel. With advice ought to come participation.

In addition, given some of the unfortunate talk outside this Chamber that has been circulating in regard to the actions and motives of the Ethics Committee staff, I want to state for the record that I have been enormously impressed by the professionalism, seriousness, discretion, and commitment of that staff throughout the Packwood inquiry. No one wants to conduct a thorough and a fair inquiry more than do members of the committee staff.

Madam President, there is little doubt that the committee is on strong constitutional ground regarding the issuance of this subpoena today. Yet that is not the issue here today. That remains an issue left to the courts.

Regardless of our view of the constitutionality of this issue, however, it is imperative that we not create a double standard—one for a Member of the Senate, another for every other American.

The question before us this afternoon—as Senators BRYAN and MCCONNELL and my other colleagues have so clearly described—the question that each Senator must ask is straightforward: Will the U.S. Senate stand behind the integrity of its ethics process?

The chairman and vice chairman have outlined how we have gotten to this point. I do not want to belabor the history of the road to the subpoena. I do, however, want to address some of the salient points of the journey that brought this member of the Ethics Committee to support the subpoena.

Senator PACKWOOD argues that terms of the voluntary review of the diaries were interpreted differently by his lawyers than by the committee counsel. Yet, in early October, Senator PACKWOOD and his attorneys must have felt that any constitutional right of privacy of Senator PACKWOOD or others mentioned in the Senator's diaries were adequately protected by the committee's review of the diaries under those circumstances or they would not have turned them over.

Over 6 days in mid-October, the committee staff reviewed about 5,000 pages of the Senator's diaries covering a 20-year period under the terms of this voluntary agreement. Senator SMITH laid that out very clearly.

Let me state again—5,000 pages were reviewed by the committee staff without a problem and, perhaps most importantly, without a protest.

Again, Senator PACKWOOD's attorneys would have to have concluded that the Senator's privacy concerns were sufficiently protected during this review or the material would not have been turned over to the committee.

It is important to emphasize, no one has charged Senator PACKWOOD with misconduct relating to any issue. But the committee has a responsibility to pursue new information revealed in its review of the diaries further. When it attempted to act on that responsibility, only then, only then did Senator PACKWOOD's attorneys suddenly demand a change in the previously agreed to rule for review of the diary

I also want to address the criticism that has been directed at Chairman BRYAN for releasing a statement last Thursday on the committee's decision to ask the Senate to enforce its subpoena. Some Members are concerned about how part of that statement was worded. Others may be asking how the committee could put the Senate in the position of debating this resolution in a public forum.

I know that the chairman issued that statement only after considerable soul searching and with provocation in an effort to place the committee resolution in some appropriate context.

No one in this room will deny that this man is as fair-minded as anyone in this body, and has attempted to conduct this whole process in the most fair manner possible. He would not, indeed is not, prejudging a colleague. But no one is more sensitive to the committee's responsibility to follow through on information brought to its attention than the chairman.

No member of the committee is prejudging Senator PACKWOOD. Senate Resolution 153 is simply an effort to discharge the committee's responsibilities.

As for the question of how the Senate was put in the spot it is in today, the record outlined by the chairman's statement and on the floor today speaks for itself.

I ask each Senator in this body today, what would you do if, in attempting to conduct a thorough and judicious inquiry into allegations of ethical violations against a colleague, you were confronted with evidence of potentially serious wrongdoing by the Senator unrelated to the current inquiry?

Would you reach the conclusion that your responsibility as a member of the Senate Ethics Committee, a Member of the Senate, and a servant of the public requires that you pursue that lead in as judicious a manner as possible; or would you decide against it because the lawyers of the Senator whose behavior is in question have decided to change the ground rules for review of documents in midstream?

That having been said, each one of us here today knows the bottom line in this matter.

Six U.S. Senators have taken on a burden for this body. For the sake of the integrity of this institution, we have agreed to sit in judgment of our peers.

We all know how enthusiastically this burden is avoided by Senators, and how glad each of us is for every year in which it has not fallen upon us.

Every member of the Senate Ethics Committee prays no serious complaints will be filed on his or her watch, and hopes any that are will prove baseless.

But when serious matters do appear, they must be dealt with. That is why we exist. It is the only reason.

Were we to sweep problems under the rug, the entire reason for this committee's existence would be gone.

It is to the great credit of Chairman BRYAN and Vice Chairman MCCONNELL that there has been no sweeping in the matter before us. By a bipartisan vote of 6 to 0 we have done our job.

By insisting that previous agreements between Senator PACKWOOD's counsel and our committee be honored, and that material indicating potential wrongdoing be examined, we have acted as would any reputable investigator anywhere in America.

If the full Senate now votes to start sweeping things back under the rug, if it votes to deny a united committee the tools it feels it must have to do its job, what then is left?

The sole purpose of this committee is to protect the reputation of the U.S. Senate by shining an impartial light on possible ethical violations. If the Senate now votes to turn off that light, what conclusion do you think our countrymen will draw?

And how will that affect our ability to do the job you have demanded we do?

We all know the answer. If this committee cannot subpoena material it unanimously judges to be necessary, then it has lost the ability to do the job you have given it and should simply be abolished.

That is what the vote we are about to make is all about.

I urge my colleagues to give the committee the authority it needs to continue doing its job. And I remind you again that the job for which it seeks these tools is the protection of the reputation of the body in which we all serve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, and my colleagues, in the Senate, 6 months ago for the first time in any serious manner, I picked up this pamphlet and began to read in detail the Rules of Procedure for the Select Committee on Ethics of this body. As a freshman Senator, I had read it but only in passing, because never did I think I would have to deal with it nor ever did I think that it would be used against me in any meaningful sense.

I am now quite familiar with this pamphlet because the minority leader asked, some 6 months ago, that I serve as a member of the Senate Committee on Ethics.

So I found it interesting, on Friday the 22d, when a good number of you came to me, as you did, I am sure, to other members of the Ethics Committee, in a bipartisan fashion the day following the filing of Senate Resolution 153. And the question almost all of you asked was: Is there any way out of this? Is there any way around this?

That expression was not one of, "Can we avoid it? Can we avoid the issue? Can we cover it up?" But it was a very sincere statement on all of your parts to suggest that the Senate ought not subject itself to this kind of process, or procedure; that something, somehow had gone wrong and therefore, "couldn't you fix it?"

Nothing went wrong. In my firm opinion, the Senate Ethics Committee operated properly, under the rules. We are here today because of those rules and our right to proceed in a certain fashion. So I ask you today not to judge the committee, but take your responsibility one step further, and probably at a different time, and that is to take the time to read in a meaningful way this pamphlet and to, in a more serious way, question the process and the procedure by which you, collectively as Senators, have asked this body to proceed under article I section 5 of the Constitution. That is the responsibility to discipline ourselves and to maintain the integrity to do so.

If I were given the same set of circumstances under the rules that you have asked us to operate under, I would have voted with the majority of the committee, and I would have voted the same. We should not make these procedures, though, more than they really are. I am very fearful that the media and certain interest groups have tried, and possibly they have tried based on what I believe is improper disclosure on the part of the chairman of the Ethics Committee in one instance. For that I am sorry and I am disappointed. But this resolution at this moment in time is not about sexual misconduct or intimidation. This resolution is not about facts. This resolution is about the process and how best we get at the facts. That is our charge, and most assuredly that is our responsibility.

As of February of this year, we reaffirmed these rules and procedures. Once again, in every legitimate fashion, the Senate has the right to change them. But until you decide to do that, I think it is very incumbent upon all of you to support the committee unless you can find, and unless you have heard today with all of the detail that has been brought forth by the chairman and the vice chairman and all of the members of this committee, that in some way we have possibly erred.

I would suggest to you that we have not. I would remind my colleagues that this is only a preliminary investigation, and I do believe that the committee has been painstaking throughout its investigation on the allegations against Senator BOB PACKWOOD.

As only a member of the Ethics Committee—and I am only one of many—you can rest assured that I will argue justice and that justice will be done for those who may have had wrongdoing perpetrated against them but also justice for our colleague because when article I, section 5 remands to us constitutionally the right to discipline ourselves, it also provides for us the right of assuring the integrity of the body and the Members who serve within it.

While we must be of concern, we cannot be so selective as to suggest that we, and we alone, have the right to determine the destiny of the serving of a U.S. Senator in this body. We can only determine what are the ground rules for his or her conduct during their time of service here. We have argued for over two centuries, and very exclusively, that the right of the Member to serve rests only with the citizens he serves or she serves and not with this body.

So let me conclude by saying to all of you that what we are about is not abuse. We do not want to abuse the right of the victims themselves to be heard. We most assuredly do not want to abuse the right of the accused or the right of the innocents in the context of the diaries that are under debate today. But we are charged with a responsibility and, as I have expressed to you, that responsibility is one that is constitutional but it is one that is also amendable and it may be transformed by a majority vote of this body and not the Ethics Committee on which I serve.

So as we deliberate in the remaining hours of this debate, let us recognize the responsibility we have to this Nation, to this institution, to its Member, BOB PACKWOOD, and to those who may have had wrongdoing against them, and let us not be our own worst enemies.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Oregon [Mr. PACKWOOD] is recognized.

Mr. PACKWOOD. I thank the Chair.

Mr. President, if I might respond just briefly to some of the comments. My good friend, Senator SMITH from New Hampshire, made reference to my continued reference to the diary. I think the RECORD will show that I referred to it once, I think—I am going from memory—in response to the question, "Is there any other material?" And I had to decide to say no, which would have been perjurious, or to say yes, which would have been true. At that stage, there was not much more reference to the diary. So I did not make a continued reference to it.

Let me tell you the practical situation I was up against when they asked for the production of the diaries. I asked my attorneys —and I am going to take their advice considering what I am paying—I said, "Tell me my alternatives. If they come to us and we are going to"—there is a difference of opinion as to what the agreement was as to the terms of inspecting the diaries. Senator DASCHLE said he knew what the agreement was, but he never heard my attorneys argue what the agreement was. Senator SMITH never heard my attorneys argue in person. We heard Victor Baird, the chief counsel, argue and the staff argue as to what the agreement was. But for anybody to say this was the agreement, they had only heard one side, may beg the issue of was there a difference of opinion about the agreement?

But now let us say we got to the place where there is a disagreement. Let us say—and I am not here arguing what may or may not have to be argued in court if we cannot solve this, was there an agreement to relevancy or not. Let us say the committee now says to us, "No, we don't agree to your relevancy limitation." At this stage, I talk to my attorneys and say, "What is our alternative? What if we just don't give them to them?" "Well, they can subpoena us." "Tell me the effect"—I realize the politically damaging effect of being subpoenaed. The very fact you are in politics and you are subpoenaed is not a plus. So I can be subpoenaed.

What happens then, if they go to court and demand all the diaries, want to see everything, other than family matters, attorney-client matters and medical matters? What happens if we win in court and the court says you can only hear relevant matters—this is district court—they can appeal it to the court of appeals, they can appeal it to the Supreme Court. How long will that take? It could take years. How much will it cost? A lot.

So it is easy enough to talk about waiver of rights or whether or not rights were waived. Realize the practical situation any one of you could be faced with if you want to resist the threat of the subpoena. That is the background of what we would have had to be faced with had we gone to court, if we had gone to court, and had the Senate taken it all the way up to the Supreme Court on this issue of what do you have to produce.

I do not think there are many lawyers that would argue that if we had not produced the diaries at all, all of the courts would say all you have to produce is relevant matter if you are starting from scratch. Again, my attorneys, the committee's attorneys can argue, if we have to, in court as to what was the agreement.

But had we done nothing, had we stonewalled it, had we said, "No, we're not going to give you anything," then all that would have been produced would have been relevant material, period, by an order, absent this argument of what was the agreement and was their a waiver of your constitutional rights.

Senator SMITH says the Senate now is honor bound. If the Senate does not see all of the diaries, then there will be a cloud over the Senate and a cloud over me. Even if there is nothing in the diaries—no evidence of criminality, no evidence of any other violation of ethics—if the Senate does not see it all, there is a cloud.

Would there have been a cloud had we simply exercised and said we are not going to give you anything, take us to court and at the end of a long, tortuous year or two of court procedure, hundreds of thousands of dollars of expenses for you, the Senate and me and all you got was relevancy, would there be a cloud? Would people say, "Well, the court hasn't given the Senate all of the diaries, there's a cloud over the Senate. There's a cloud over the Senate."

I do not think so. But what this really does say to anybody before the Ethics Committee is: Do not cooperate. Do not in any way give them anything. Dig in your heels. Do not try to make any agreements that might hasten the process.

By the time they wanted the diaries, the story in the Washington Post was almost a year old—this matter had been going on before the committee for the better part of a year and I, frankly, did not look forward to a 2-year court battle, if that is what it would have been, over just the issue of do we have to produce the diaries and, if so, what portions of them?

Senator DASCHLE talks about a double standard. Is there one standard for U.S. Senators and another for the common citizen? If this was a criminal case and you are a district attorney and you went to court and you said, "I think the defendant is guilty of criminal conduct, I think he is guilty of criminal conduct"—let me read the headlines: Washington Times, "Ethics Chairman, Packwood Diaries Point to Other Crimes."

Washington Post: "Diaries Said Suggest Criminal Activities."

USA Today—headlines: "Possible Criminal Violations."

St. Louis Post Dispatch: "'Criminal Violations Possible,' Senator Says."

Newsday: "Packwood Panel Probes Criminal Charges."

Dallas Morning News: "Inquiry Takes Turn Toward Possible Criminal Wrongdoing."

Los Angeles Times: "Packwood Case Grows More Serious With Suggestions of Criminality."

As I have said earlier, the chairman has branded me all over this country as a criminal. Passed out the information apparently, if Senator MCCONNELL is correct, to Helen Dewar of the Washington Post, I guess gave out a press release of some kind, or statement, and then went up into the press gallery and gave it out. It was out on the wires at 3:34 in the afternoon, subsequently put in the CONGRESSIONAL RECORD. I do not know or not if it appeared in the CONGRESSIONAL RECORD, but he passed it out to the news media branding me a criminal.

Now let us talk about a double standard. What do you think any bar association or judge would do to a district attorney who says, "I think the defendant is guilty of criminal conduct," and puts out a press release to this end. That district attorney would be the equivalent of disbarred or censured by the judge.

What do you think would be the judge's attitude if the district attorney went to the judge and said, "I think the defendant is guilty of criminal conduct. I want a general search warrant."

Do you not think the judge would say, "Mr. District Attorney, be a little more specific. What are you looking for?" "I do not think I will say it. I just think I wish to search all of his diaries to see what is in them. There is this one incident"—again, I keep coming back to the incident that the chairman has referred to as criminal, possibly criminal, and apparently it is this incident on which the general warrant to search all of my diaries is based.

And Senator DASCHLE says double standard. Do you think on that kind of a statement, a common citizen would be subject to a search of all of his papers? Not in a court in this land would you be subject to that kind of a search.

So if we are going to talk about double standards, let us be very careful what we are talking about. Nor is a Senator going to be treated better than any other citizen. But given these circumstances and almost exactly these facts and the statement by a district attorney that the defendant is guilty of criminal conduct, puts it out in the press before there has ever been a trial, there is not a citizen in this country that would be subject to produce papers that this subpoena is asking me to produce.

I thank the Chair.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. BRYAN], the chairman of the committee.

Mr. BRYAN. Mr. President, I wish to respond very briefly to some of the comments Senator PACKWOOD has made. I will take them in the order in which they were made.

Senator PACKWOOD, when he first addressed the Chamber, indicated that he had been denied access to the committee. The chairman and the vice chairman made a determination that we should receive all legal arguments advanced by Senator PACKWOOD through legal briefs and memoranda of law submitted by his counsel. In each and every case those documents submitted by Senator PACKWOOD's lawyers were carefully considered and reviewed and rejected in those cases in which we disagreed with the position that was advocated on his behalf.

It has been said repeatedly since the evening of the 21st of October by Senator PACKWOOD and his lawyers that we do not have any idea what the committee is talking about with respect to the possibility of other violations.

Let me again restate that on the morning of the 18th of October—this would have been the day following the deposition that for the first time the committee's counsel, in reviewing the diary on that systematic basis that has been described to you so frequently by the members of the committee, in the presence of his own counsel, came across some entries that indicated to our counsel the possibility of other violations.

On the following morning, on the 18th, when Senator PACKWOOD's lawyers did not return to continue the taking of the deposition, a conversation occurred between Mr. Baird, chief counsel, and Mr. Fitzpatrick. At that time, Mr. Fitzpatrick specifically identified one of the two entries to which we are making reference, and he and Mr. Baird had a discussion.

Mr. Baird was specific as to the specific provision that was of concern, and he was equally specific in outlining the possible violations of the United States Code that was involved and a possible violation of other Senate ethics rules. A specific conversation occurred on the 18th.

Thereafter, and prior to the receipt of the letter sent to the committee by Senator PACKWOOD's lawyers—this is the letter of October 20, which has been referred to on several occasions—Mr. Baird, as the chief counsel for the committee, and Mr. Fitzpatrick had another conversation in which Mr. Fitzpatrick said, "Look, I believe we can explain those entries and that they really do not have any significance." That is specific. That is two conversations.

Finally, let me ask you to address your attention to the letter sent to Senator MCCONNELL and myself dated on the 20th. I think it is important to read from that. Paragraph 9 reads as follows. This is their letter to Senator MCCONNELL and myself:

> We will deliver all remaining entries that the committee staff has identified from the 1984, 1985, 1986, 1989 and early 1990 diaries, except for copies of those entries that relate to wholly collateral issues as described above unrelated to the sexual misconduct/intimidation inquiry. Those entries will be held for any further proceeding as set forth in paragraph 8.

Paragraph 10:

> We will meet with the committee staff to assure it that those collateral issues it has identified from the 1989, 1990 diaries are inconsequential and do not justify a separate investigation.

My colleagues, I suggest to you most strongly that the evidence circumstantially with respect to paragraphs 9 and 10 bears out the version that our chief counsel has informed both Senator MCCONNELL and myself and all members of the committee, namely, that he had a specific conversation on the 18th of October in which the entries were discussed with specificity and the nature of the possible violations were identified even as to the section of the United States Code and other possible ethics rules. And to further substantiate what counsel, our counsel, has told us, that there was a subsequent conversation in which Mr. Fitzpatrick indicated that the collateral matters can be explained as inconsequential, paragraph 10 in the letter that was sent to us makes that point.

So I find it inconceivable that the assertion continues to be made that the Senator and his counsel do not know what it is that the committee is interested in pursuing.

There has been a great deal of discussion about the agreement. I think it is very interesting that although Senator PACKWOOD has indicated that he and his attorneys have a totally different understanding of the agreement, after several hours of debate, we still do not know what their understanding is, if in point in fact they have a difference of opinion as to what the agreement was.

With respect to the offer to provide the information to Judge Starr, we continue to hear that, yes, that information will be available, that we will provide a list. That is something that is fundamentally different than what the committee has sought and which is the subject of the subpoena that is before us, and that is namely that the entire 1989, 1991, 1992, and 1993 diary entries be made available to Judge Starr for his independent evaluation to see if those matters which are redacted only relate to the terms of the original understanding, the attorney-client relationship, the doctor-patient relationship, and those matters which are personal and family in nature.

With respect to Senator PACKWOOD's comments about the six women who he and his counsel do not have any idea what relevance their testimony might have, I think a word of explanation needs to be offered.

The procedure by which the examination and the identity of provisions deemed relevant by counsel in examining the diaries was in effect a trifurcated process.

First, counsel would identify those areas in which they believed that tentatively the information contained therein was relevant. That deals with the process of marking and identifying and the copies being provided the following days.

The process contemplated a second and a third stage. The second stage was a discussion which would occur at the end of the review of the diary, to sit down with Senator PACKWOOD's counsel and committee counsel to see if there could be an agreement reached as to which entries may or may not be relevant at the conclusion of the diary entry.

Obviously, we are not at that stage because the examination of the diary was interrupted.

And finally, the third stage, that if there was a disagreement between Senator PACKWOOD's counsel and our counsel as to the relevance, those areas in which there was a disagreement would be taken to the committee and the committee would make a judgment as to its relevance.

At this point, we are still in the first stage; that is, to cite, mark, and tentatively identify those entries which may have relevance.

Let me be very clear. Senator PACKWOOD has said several times that I have said that he is guilty of a criminal offense. I have made no such statement. My statement is in the RECORD. It was placed in the RECORD for reasons which I have stated. I believe it is important that the Senate understand in the context of what was, in my judgment, a disinformation campaign, that we were on this fishing expedition, that we were being recklessly irresponsible in terms of the privacy issue.

Senator MCCONNELL I think most articulately spoke to the committee's concern, and endeavored to respect that privacy consideration having gone above and beyond the call of duty, recognizing that this was a private diary and the sensitivity which a Member might have with respect to it.

But my statement was only with respect to the possibility of such criminal violations, and was made in the context that I think this Senate needs to know of the potential gravity of the offense before it makes a judgment. You need to have an informed judgment whatever it is, agree or disagree with the committee. But I think that the committee could be faulted for withholding information. I felt it was important.

Senator McCONNELL has expressed his view, and I respect that we have a difference.

Finally, it has been suggested that a private person would have a far different standard with respect to providing the information in the diary.

Let me just say that the most analogous situation is that if a prosecutor in the review and examination of diary information came upon such an entry, as did counsel for the committee, there is no question in my mind but what that information would be made available to that prosecutor.

So I would respectfully disagree with the observation Senator PACKWOOD made that somehow he is being held to a different standard.

Remember, as we have indicated during the course of this debate, that there is no constitutional right to the privacy with a diary per se. There are a number of cases in which diaries have been provided, that there is no fifth amendment to the right against self-incrimination with respect to the diary, and indeed, even at this point, counsel for Senator PACKWOOD has not asserted the claim that the issue in a legal sense involves the fourth amendment whether or not this involves an unreasonable search and seizure.

And we have outlined what we think are the balancing factors. The two most critical are that the diary entries were made available to us pursuant to the agreement entered into on October 8, and, in addition to that, that on October 6, Senator PACKWOOD made clear in his deposition that there was relevant information in that diary—information that the committee needed to evaluate to properly discharge its duties in making a full and complete investigation.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I would like to conclude my portion of this with two comments, because I was struck by something that the chairman said.

He said Senator PACKWOOD was never denied access to the committee; that every one of the letters and consent to our requests for meetings we read and rejected.

Let me add one other thing he said. On October 18 a specific conversation occurred—quoting "a specific conversation occurred"—between committee counsel and my lawyer. That is what his counsel told him. He had not heard our side. Did you hear our side of that issue, Mr. Chairman? No.

Do you know how much we depend on staff around here, and we listen to them. They tell us things, and we trust their judgment. It is understandable. I am not blaming the chairman for trusting the chief counsel.

But when he says we heard their arguments, because he got a letter, and then the chief counsel of the committee has access to his ear, and the chief counsel says, Mr. Chairman, a specific conversation occurred and this was it and he repeats "a specific conversation occurred." He has heard one side of the argument, not two.

Again, picture the situation if you are a normal citizen in normal life and you are before the court. You picture the district attorney going to the judge, and saying, "your Honor, I had a conversation with the defense lawyer and this is what it was." And the defense lawyer is told by the judge there was a specific conversation and this is what it was. The defense lawyer says, "can I approach, Your Honor?" No. Send me a letter.

You get back, read your letter, and the argument is rejected. That is the disparity of the access and influence.

Lastly, so there is no confusion about these documents we will present to Judge Starr, we are prepared to return, the agreement is reached, and the documents offered. When we said we will provide a list, it is a matter of convenience for the judge. If we cover, redact, as the term is used, any number of things, we would provide a list for the judge that says on page 333, here is this cover, here is this cover, here on page 944, here is this cover. It would make it a lot easier for him.

If the judge does not want that, does not want the list, we will give him the documents, cover up what we think should be redacted, and he can list each one. He can list, whether he has a list or not.

But I do not want anyone to be confused into thinking that what we are suggesting is that we are just going to give Judge Starr a list. He will have the list, and he will have the documents to corroborate the list.

I thank the Chair.

Mr. COHEN. Mr. President, could I direct one or two questions to the chairman of the committee?

The PRESIDING OFFICER. Senator COHEN.

Mr. COHEN. Mr. President, I think it is pretty clear that there is quite a bit of discomfort in this Chamber about the scope and the power of a committee investigation as to any individual Member and what that might bode for future allegations dealing with Members.

Once Senator PACKWOOD answered the question that he in fact maintained a diary, could the committee have subpoenaed the entire diary without reference to the issue of relevancy?

Mr. BRYAN. It is my view, in response to the question, that once Senator PACKWOOD identified the diary and in his testimony during the deposition indicated that the diary had relevant information in it, it is my view that at that point the committee would be entitled.

Mr. COHEN. No, but would it be without any reference to relevancy? Could the committee at that point say we want the entire 8,200 pages, without reference to relevant information, or would the committee have had to specify relevancy as one of the tests?

Mr. BRYAN. I do not believe the committee would be confined to it. I think the committee at that point would have to have access to the diary in order to make a determination on its own as to what information would be relevant in a broad sense to an investigation of any kind of misconduct, whether within or beyond the scope.

I do not believe that the procedure would be that Senator PACKWOOD would be able to make that judgment. In fact, as Senator McCONNELL pointed out very effectively, to some extent, what the committee did in trying to protect the privacy of Senator PACKWOOD was extraordinary; that is, we allowed him to make the judgment of what was personal, private family matters.

We did not, ourselves, seek to interpose a secondary judgment and say we do not think that is family and personal and private. We accepted that. And as the Senator knows, the redacted material covering that was masked over, and that has not been an issue.

Mr. COHEN. In other words, Senator PACKWOOD would not have been allowed to mask out all material unrelated to the original charges? As I understand it, there were allegations made concerning sexual harassment and intimidation and a variety of those complaints, and that he would not have been permitted to redact all that information in the 8,200 pages, but for those references to material relating to the charges.

Mr. BRYAN. That would be my view, and I believe that is the view of counsel. In addition, we have an agreement—although there is a disagreement as to its nature—we did have an agreement that in effect permitted access to the committee of the entire diary, subject to those three areas we talked about.

Mr. COHEN. The questions being raised by a number of colleagues is whether or not at some future time, aside from the issue involving Senator PACKWOOD, if some individuals or group filed a complaint against any Member of the Senate pertaining to campaign violations, fundraising, whatever it might be, and then it is turned over to committee and a credible witness or organization levels a charge against an individual Senator; the committee conducts an investigation and says we want all relevant information in your files pertaining to this allegation, and they turn over everything to the committee at that point, and do they say we have relevant letters or documentation? What are the limitations, if any, that the committee then has upon its inquiry?

Mr. BRYAN. In response, I think Senator McCONNELL addressed it at least indirectly when he indicated "the irony"—in his words, and I adopt them—that at that point on October 6, or even at the time of the original document requests, March 29 and July 16, if Senator PACKWOOD said, you know, I have a diary, and here are some relevant entries and I will provide them to you; at that point, the issue would have been moot as far as the committee was concerned, and we would not be on the floor today.

Mr. COHEN. Well, that is the original question I asked you. If in fact Senator PACKWOOD said I have a diary, 8,200 pages long, and I am giving you 30 pages of relevant information of the 8,200, would that have been satisfactory to the committee, or would the committee then insist, no, we want all 8,200 pages? That is really what the issue is, I think, for many Members.

Mr. BRYAN. Certainly, at that early stage, before the new information came to our attention, we would have been content to have had the information the Senator identified.

Mr. COHEN. At that point, had he simply said I have a diary with 30 pages of relevant information, the committee would have accepted his definition of what is relevant and not insisted upon a full examination of the 8,200 pages?

Mr. BRYAN. I think it is fair to say if that had been provided at the time, that would have been satisfactory to the committee. Our situation now, as the Senator from Maine knows, is quite different. The committee, during the course of that examination, has seen information that it had no way of knowing was there. Now we are being asked to renegotiate the agreement and in effect turn a blind eye. That we cannot do.

Mr. COHEN. I am trying to interpose a hypothetical question in terms of the kinds of allegations that are made against any candidate, somebody running for office, or for reelection, the kind of challenge that is leveled on a regular basis, and what the scope of the committee's jurisdiction is. It has been suggested by one Member on this side that perhaps you ought to rewrite the rules and give some definition to the scope of the committee.

Aside from the Packwood case, I think many Members are concerned as to what is the scope. Once an allegation is made against any Senator, does that mean the committee then will determine what is relevant, irrelevant, and conduct a wholesale investigation of the files of that Senator?

Mr. BRYAN. Clearly, a threshold determination would have to be made that indeed the diary or the personal information contained any relevant information at all. The committee assumed, when Senator PACKWOOD did not produce the diary, that it contained no such relevant information. Let us be very clear on that.

In response to the document requests on the 29th of March and July 16, the committee was aware that a diary existed. It did not request the diary and in effect defer to the judgment of Senator PACKWOOD that there was nothing relevant with respect to it.

Mr. COHEN. Clarify one final point. A substantial issue has been made by Senator PACKWOOD concerning his position that now he is in a deposition-like stage in which the committee poses the question, or staff poses the question, in terms of the existence of a diary, and he then is faced with denying it to the committee, perjury, or admitting its existence. Could he have said, yes, I have a diary and I am now going to furnish you with 30, 40, or 50 pages? Would that have been sufficient to satisfy the committee as to the original charges?

Mr. BRYAN. I am not sure that I can answer that question at this point.

Mr. COHEN. Perhaps during the course of the deliberations it would be helpful to me and other Senators, I am sure, that we have some clarification. Thank you.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair. I would like to pose a question to the chairman and the vice chairman of the Ethics Committee. I am very much impressed with the attention that the Senate has been giving this very important matter. I think we all want to be fair, and I think we all have some questions. It seems to me that in separating the wheat from the chaff, if we can, the cooperation between Senator PACKWOOD and the committee, and the staffs of the committee and Senator PACKWOOD, were going quite well until Sunday, October 17. It seems to me that on Sunday, October 17, an impasse was reached, and I would like to ask a question a little more about that, because had it not been for that happening on Sunday, October 17, I suspect we would not be here today at the request of the Ethics Committee to authorize issuance of or approval for a subpoena.

I quote from the chairman's letter, which I think is part of the RECORD:

> On Sunday, October 17, while reviewing the diaries, under the original agreement, the committee counsel came across the information indicating possible misconduct by Senator PACKWOOD unrelated to the current inquiry. This information raised questions about a possible violation of one or more laws, including criminal laws. Committee counsel brought this information to the attention of the chair and the vice chair.

During the statements at least, I interpreted the remarks made by the chair and the vice chair that no member of the committee, including them, had seen of their own eyes, any word, any page, any sentence of the Packwood diaries, and some 5,000 pages had been submitted up until Sunday, October 17.

My first question of the Chair and the Vice Chair is, it is still correct, then, that neither the Chair nor the Vice Chair or any other members of the committee have seen anything, any word, any paragraph, any sentence, of the diaries that have been examined by staff as I understand it up to this point?

Mr. BRYAN. If the Senator's question is directed to the diary entries that were discovered on October 17, the answer would be that we have not seen them. Of course, understand that as soon as counsel saw them, marked them in the ordinary course of procedure, the following day those entries would have been copied and would have been provided to counsel. On October 18 Mr. Fitzpatrick indicated that those diary entries, those pages, if you will, would not be provided. So I have not seen those, and Senator McCONNELL can answer.

Mr. EXON. I assume the same is true from the vice chairman; is that correct?

Mr. McCONNELL. I would say to my friend from Nebraska that is correct. I have not seen them.

Mr. EXON. May I ask this question? It seems to me that happening on October 17 is very, very important. Has the chairman of the committee or the vice chairman of the committee been advised in any detail by members of their staff, who did review that information, that subsequently you did not receive copies of, been advised as to the details of the information that has alleged possibly violation of one or more laws including criminal laws.

Mr. BRYAN. The answer to the Senator's question is yes.

Mr. EXON. Does the vice chairman of the committee agree with that?

Mr. McCONNELL. Yes.

Mr. EXON. So then, while it is not known to any of us, at least the Chair and the Vice Chair seem to agree with counsel or members of the staff who reviewed that material on October 17 that both the chairman and the vice chairman conclude with what they have been advised by counsel that there is a chance of violation of the law and possibly criminal law; is that correct?

Mr. McCONNELL. I would say to my friend from Nebraska I made no such conclusion. I have reached no such conclusion.

Mr. EXON. The Senator has reached no such conclusion.

Mr. MCCONNELL. I have reached no such conclusion.

Mr. EXON. But you were told of information from members of the staff that made you believe that at least you should go forward with this subpoena because it was of sufficient concern to you, if I understand it correctly, that it may well have been and you wanted more information; is that correct?

Mr. MCCONNELL. It is the opinion of the vice chairman of the committee that the original agreement under which the subpoenas were turned over should have been honored at the beginning of the diaries to the end of the diaries.

Mr. BRYAN. I would simply indicate that certainly formed no judgment with respect to where that information may lead.

Counsel has advised us with some measure of specificity with the potential provisions of the United States Code that may have been violated. Let me emphasize the word "may." This may lead nowhere. We have not been able to pursue that information in the diary, but I certainly make no conclusion in terms of whether or not any of the potential violations indeed exists. I have no way of knowing that. That is the whole purpose of getting access to the diaries so the judgment can be made as to whether there are such violations. There may not be.

Mr. MCCONNELL. If the chairman will yield, I think another way to put it is I think we have an obligation not to ignore.

Mr. EXON. I thank the chairman and vice chairman.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, I may be in the minority here in that I find myself somewhat confused. I understand what the subpoena is seeking, but I am not quite sure I understand whether there are any boundaries here at all.

I listened with great interest to the question of the Senator from Maine, and I listened with great interest to the question of the Senator from Nebraska. I thought when the members of the committee, for all of whom I have great respect, and I am truly thankful they have the job and I do not—being chairman of another committee that occasionally has contentious issues before us is bad enough. This one I would not want on a bet.

Having said that, I am I thought and maybe, again, I may be the only one with this dilemma, but I thought that originally the purpose of the agreement that is in dispute, whether the agreement is, as characterized by Senator PACKWOOD's counsel—at some point, I guess, if this goes to court, he is going to contest the characterization of the agreement they made as unanimously characterized by the committee.

But let us assume for the moment that the committee's characterization is correct, which I am prepared to do for the moment. As I understand it, you learned at some point of the diaries and at some point you thought that it were useful to have those diaries to determine whether or not any of the allegations that were formally brought against Senator PACKWOOD were, in fact, going to be corroborated or disproved or at least have evidence offered that may contradict the charges made in those diaries. So you entered into an agreement because we keep talking about the agreement here and, as I understand the agreement you entered into, you said there were three things that would be exempted from your consideration, able to be redacted by counsel, and you trusted Senator PACKWOOD and his counsel to determine whether anything fell within these three categories. And the categories were attorney-client privilege, doctor-patient privilege, and the one that I am a little confused on personal-family related matters.

Now my first question is, Did you accept those three categories because you thought that they were the only things that he would have a right in court to resist making public to you, or did you set out those three categories because what you meant to do was proscribe what you should look at for the purposes of only looking at the charges brought against Senator PACKWOOD? That is my first question. I ask that to the vice Chair as well as the Chair or anyone on the committee if you could answer that.

Mr. MCCONNELL. I would say to the chairman of the Judiciary Committee the first two is a matter of law; the last is a matter of accommodation.

Mr. BIDEN. Then let me put it in my own words and you correct me if I am wrong. That, as I understand it, as a matter of law, were this a criminal proceedings the only things that Senator PACKWOOD would be able to withhold potentially would be two of those three items, attorney-client privilege and the matter relating to doctor-patient; is that correct, as a matter of law?

Can anyone on the committee advise me of that because I do not know the answer to that question or Senator PACKWOOD if he knows the answer to that if he has a view could answer that question.

Mr. BRYAN. I was distracted. I apologize to the Senator from Delaware. If he could restate the second question.

Mr. BIDEN. The Senator from Kentucky said in answer to my question that (a) the reason why we exempted the three items you exempted from your consideration from your pursuit of your investigation of these diaries was because, as a matter of law, they were the only things that could or would be exempted if there were a court proceedings. At least that is how I understood the answer. As a matter of law, is that correct?

Mr. BRYAN. Responding to the question, I agree with Senator MCCONNELL's answer that the first two are currently protected. That would be the attorney-client and the doctor-patient. Again the other I would adopt the language that Senator MCCONNELL used which was a matter of accommodation to the Member.

Mr. BIDEN. I will not intrude on the time any longer. I have two questions that follow on to that.

If that is correct, and I accept it for the moment to be accurate, because I have no independent knowledge because I am not an expert in this area. I simply do not know. I am trying to learn as the rest of us as we go along here.

If that is correct then, as I understand it, the next general point made by all 6 members of the committee was as counsel was looking through roughly 5,000 pages of redacted material, you came across a piece of information that was unrelated to the reason why you were looking at the diary in the first instance, that you were looking at the diary to find out whether or not there had been coercion or pressure put by Senator PACKWOOD on any of the people complaining against him and, second, whether or not the charges of the 20-some individuals against Senator PACKWOOD had any grounding or foundation for you to move beyond to make a recommendation to the Senate as a whole that we should act in some way to chastise or take action against Senator PACKWOOD. So you were looking at it for those two reasons.

In the process of looking at it, after about 5,000 pages, by a series of circumstances that have now been explained by the committee and Senator PACKWOOD, which seem not to be contentious, there was another piece of information that came to your attention, the information to which the distinguished Senator from Nebraska referred, which is something that may possibly be a violation of law and/or of the ethics of the Senate, unrelated to the original charges.

And, as a consequence of that, counsel for Senator PACKWOOD said, "That's it. We're not going to even let you copy those pages and we're not going to let you look at any more of the original diary." Is that correct?

Mr. BRYAN. That is correct.

Mr. BIDEN. Now, you are asking us to support a subpoena request subpoenaing the remainder of the diary so you can continue the process.

But are there any conditions upon which you are going to look at the remaining 4,000 or 3,000 or 2,000 pages of diary? Are you now going to look at—would you allow Senator PACKWOOD's counsel and Senator PACKWOOD to redact the remaining 3,000 or how many thousand pages that are left and say, "Redact everything except that which applies to the potential new charge and the original charges?" Or, are you saying, let us look at the remaining several thousand pages because we not only want to find out whether there is anything in there that would shed light on the original charges and the new potential violation, but there may be other bad things he did that he will acknowledge in his own hand through his diaries that are none of the above, that do not have anything to do with the 28 or how many charges against him, have nothing to do with the attempt to put pressures on those witnesses not to come against him, and have nothing to do with the new matter that you, I think, appropriately, said you have seen it, you cannot ignore it, so you have to respond to it? Are you saying they are the only things you will look at? Or are you saying there may be other bad things he did and maybe he will have admitted to it by his own hand in the remaining 2,000 pages of his diary and we want to know about those, too?

I realize that is a layman's question, but I think that is how a lot of us, from our discussion, are kind of looking at this and, I suspect, the public at large.

What is it you want the remainder of the diaries for? For what purpose?

And I am not saying you should not; I just want to know what you want them for.

Mr. BRYAN. As the Ethics Committee understands its charge under the law, it is to make a thorough inquiry as to any possible violations that may exist, underscore the word "possible." We do not know, without having seen it, what interrelationship, if any, might exist with respect to any new material that might be in the diary.

Mr. BIDEN. Interrelationship to what?

Mr. BRYAN. Interrelationship to the three primary offenses on which the Ethics Committee has voted to establish a preliminary inquiry.

Moreover, as Senator MCCONNELL points out, now, having been charged with knowledge of new material which might involve other violations, we certainly cannot turn a blind eye at that. We are obligated, in doing our duty, to pursue that. I do not see, consistent with the spirit of that, how we could enter into some kind of agreement, not knowing what may be in there, to say, "Look, if there is something else"—there may or may not be, we have no way of knowing it—"we will not look at that."

Mr. BIDEN. I want to make it clear to the committee, I am not asking them to enter into anything. I am just trying to understand. I do not know.

My questions were prompted by the question of the distinguished Senator from Maine. If, in fact, under our ethics rules, anyone can write a letter, as I understand it, to anyone on the committee and say, "I think that Senator Smedlap killed Cock Robin. I think that happened," they either violated the law or it was an ethical trespass of some kind and you are obliged to look at it, are you not? As I understand it, under our rules, you are obliged to take a look at this.

In the process of looking at whether Smedlap killed Cock Robin, are you able to say, "Oh, by the way, I understand that you keep a notebook and that you keep a diary. And I also understand that you have recorded all of your speeches. We demand that you produce all of your speeches that are recorded, all of anything you have written at all, diary form or otherwise, because it might be relevant."

I guess you do not have to say it might be relevant, but because "Someone said you killed Cock Robin. So produce everything for us."

Now, at that point, if that is done, first of all, my question: Could you do that? Could we, the Senate, demand anything that someone had written that was in their possession if a charge was made, unsubstantiated or otherwise, from an individual that bore no direct relationship or a showing that anything you have written relates to that charge?

Mrs. BOXER. Will the Senator yield to me for a question, because I am confused about your question.

Mr. BIDEN. I would be happy to yield for a question. I do not know the answer to my own question, so I would be happy to yield.

Mrs. BOXER. I think what the Senator seems to be doing is drawing a parallel with this case. This case is about a Senator who gave his diaries to the Ethics Committee.

Mr. BIDEN. I understand that. I understand that. But I thought the point was made that it would not have been relevant whether or not he gave the diaries. The committee has made the point it does not matter whether or not he gave the diaries.

As I understand it, if he had said on a TV show, "By the way, I have a diary," as I understand it, the committee would have been able to say, "Oh, you have a diary? Produce the diary for us." So it is relevant, it seems to me, unless I am wrong about that.

I ask the chairman and vice chairman, if you had learned of the existence of the diary, other than through the Senator's offering part of the diary to substantiate his side of an argument relating to one of the charges made against him, would you have been able to subpoena and believe you had the right to the diary? How relevant is it that he raised the diary?

Mr. BRYAN. First, let me say that we are dealing with a totally different factual situation than the Senator from Delaware has hypothesized. Here we had two factors. One, we had the Senator himself, in the course of a deposition, making reference to the diary and clearly having relevant information. I do not think there is any dispute as to that. That is quite important.

Second, during the course of that review, the Senate Ethics Committee counsel had come across additional information. That would clearly establish, in my view, anything that would be analogous to a probable cause threshold standard in a proceeding involving a private citizen either as a consequence of a grand jury investigation or criminal proceeding.

(Mr. FEINGOLD assumed the chair.)

Mr. BIDEN. With all due respect, I do not have a formed view on what the right answer to this is. But we are setting a precedent here. We are doing something here that is going to live in history. Unrelated to any of us, it is going be around 2 years, 10 years, 50 years, 100 years from now.

My question is: When I vote on this, it is one thing if we say we are voting that the reason why these diaries should be subpoenaed is because the Senator offered them in evidence on his own behalf and his own defense. That is one thing. And I may or may not vote for that.

There is a second issue: Are we saying something beyond that? Are we saying what I understand would be the case in a criminal proceeding and before a grand jury, that whether or not he brought forward the existence of the diary for purposes of defending himself in a deposition, whether or not he did it, would we still be able to get the diary? Because we are establishing a precedent here, and I want to know what the answer to that is. That is all. I do not know how I am going to vote on it no matter what the answer is. But I just want to make sure I understand the precedent we are setting. That is all. Can someone on the committee answer the following question for me:

Are you basing your claim, the Senate's claim, to the remainder of the diary on the fact situation that he, Senator PACKWOOD, raised their existence and used them for his defense? Or are you grounding it on a broader principle, that is, if you are charged with anything before the Ethics Committee and if you know of the existence of written material that may or may not be related to the charge, you are—we are entitled to access to that written material?

What are you grounding the request on?

I am not arguing with you. I just want to know what it is.

Mr. BRYAN. Let me make response as best I can. We are grounding the request upon, No. 1, that the Senator during the course of his deposition has testified as to information in the diary that is clearly relevant. I do not believe that is at issue.

And second, that we have come across additional information which suggests the possibility of other violations.

The Senator has expressed concern that what we do here establishes a precedent, and I agree with that. But every precedent, as the Senator knows as a lawyer, is confined to the facts. In this particular case the two facts, it seems to me, that make it particularly persuasive is that the Senator has testified as to the contents of the diary and, clearly, there is relevant information in that. That came out during the course of the deposition on October 6.

And, third, the Senate's legal staff, the Ethics Committee staff, has seen information which suggests the possibility of other violations.

If the committee goes forward to approve this resolution, the proposition that would be advanced, in terms of a legal precedent, is under these two factual circumstances. The Senate has gone on record in supporting the Ethics Committee in providing the diary. I think that is the extent of it.

Mr. DASCHLE. Will the chairman yield on that?

Mr. BIDEN. I thank the chairman for his comment. But because——

Mr. DASCHLE. Will the Senator yield because I do not think——

Mr. BIDEN. I will be delighted.

Mr. DASCHLE. I want to clarify why I voted for this resolution in the committee and why we are here tonight.

Mr. BIDEN. To make it clear, I am not questioning anyone on the committee.

Mr. DASCHLE. I know you are not.

Mr. BIDEN. You all know so much more about this than we do because you have had to work so hard at it. I just want to know what I am about to vote on, and whether or not we are stipulating in this vote that the only grounds upon which we believe the Senate has the right to these documents is because the Senator raised them, and in the process of raising them, the terms of reviewing them revealed another potential problem and therefore you are obliged to look at it further? If that is what the thing we are going to vote on specifies, that is one thing.

But I heard during this debate, Members suggest, that the mere existence of the diary was sufficient grounds upon which to demand its production.

It has been a long time since I practiced criminal law. It is a long time since I practiced law. But it seems to me there is some basis for that broad assertion in a criminal proceeding. I just want to know whether or not the standard we are applying here is one that is as broad as in a criminal proceeding or as narrow as defined by the chairman?

The last point I will make, about the reason for this question—and I yield to my friend, I yield to the committee, because I am anxious to have an answer—I also am aware that there are no standards by which the committee must operate. I know from painful experience, doing Supreme Court hearings, there is no requirement that the committee abide by the rules of evidence.

The distinguished Senator from West Virginia, the most knowledgeable man in this body, and I would daresay probably the most knowledgeable man in our history about Senate precedents, pointed out during one of those debates on the floor that this is not a criminal proceeding. It is not a criminal proceeding going on in the committee. It was not a criminal proceeding going on in the Judiciary Committee on the Supreme Court nominee, ergo, the requirements of criminal law to protect the innocent from a criminal charge do not prevail.

But the Senate ultimately sets whatever standard it wishes in how it wishes to proceed. We are setting a standard here. We are about to vote on setting a standard. I want to know what?

I am not arguing we do not have a right to set the standard. We do. I just want to know what the standard is that we are setting and I would like to know it with some precision. The reason is obvious, it seems to me. Because we are about to set a precedent by whatever standard we set that I will be prepared to live by, not only personally, but the Senate. And that, it seems to me, is in part what this is about.

I am not questioning the committee's right. I want to know what the standard is. That is all.

I will be happy to yield to my friend from South Dakota or yield the floor.

Several Senators addressed the Chair.

Mr. DASCHLE. Will the Senator yield to me?

Mr. BIDEN. I yield for the question the Senator from South Dakota had.

Mr. DASCHLE. I think this has become unnecessarily complicated, and I am confused by all the questions posed by the Senator from Delaware. But let me clarify again.

First, this standard is the one applied in criminal law outside the U.S. Senate. No one should be misled about that. That is what every expert has told us, and I think we ought to be clear on that point.

Second, we are simply asking Senator PACKWOOD to live up to the original agreement that took us through five-eighths of this entire process; 5,000 of the 8,000 pages were reviewed by the committee under the procedures that were mutually agreed to. So there should not be any misunderstanding about that.

The final point I would make is the one I attempted to make in my statement. Unless you want to sit there with us day after day, week after week, month after month, then I would hope, at the very least, you would consider the judgment made by six U.S. Senators about the process and allow the courts to interpret this precedent-setting question you raise. That is the bottom line. Do we support the action taken on a unanimous basis by three Republicans and three Democrats about process—leaving constitutional law to the courts themselves?

I thank the Senator for yielding.

Mr. BIDEN. Mr. President, I would like to make the point to my friend from South Dakota whom I consider a personal friend.

I do not "seem to be concerned about this." I am concerned about this, Senator, first.

Second, I understand the dilemma the committee is in. I respect it. I would also point out, too, I have been in a similar circumstance. I would point out another contentious array, the entire U.S. Judiciary Committee voted unanimously. I did not come to the floor and say, "By the way, are you going to trust the committee, all of you?" I did not say that. All of you had an opinion. All of you had very vocal and vociferous opinions, and you rightly questioned whether or not our judgment was correct without benefit of the hundreds of hours of time that the members of the committee had spent on investigating that matter before it came to your attention.

So I do not view that as a standard that should preclude me from asking the question, anymore—unless we are going to set a standard from this moment on that if a committee votes unanimously, the rest of the Senate should, in effect, say, "No problem." I like that standard, being chairman of the committee. Usually my committee votes unanimously with me on contentious matters. But I did not think that was the standard. And I am sorry for confusing this matter. I do not say this as an advocate of any position. I just want to know at some point with some specificity, what is the basis upon which we are requesting this, beyond the fact that six Members think it is a good idea? It probably is.

You represent a broad cross-section of this body—intellectually, politically, and in every way. So I do not question that. But I would like to know: Is the reason for the request for the remainder of the diary because the Senator put it in evidence, so to speak, on his own? And then you understandably came across something else that warrants investigation? Or is it as a matter of right?

The last point I would make to my friend from South Dakota is, this is the kind of reach you would have in a criminal proceeding. The difference here is, to get to the point where a criminal proceeding takes on this much air, there are a lot more hurdles that have to be overcome than someone writing a letter. Not in this case, but again the precedent. You write a letter to the grand jury, you write a letter to a prosecutor, you write a letter saying, "I think Charlie killed Cock Robin." No court in the world is going to, by the way, based on that letter—no other evidence —demand all the documents in the possession of that individual.

There is a higher threshold in criminal law to get to the point where you are able to get all this information. But under our rules, with which I do not quarrel, any individual in America can write a letter to this body and say: "Charlie killed Cock Robin," and you are required to investigate, as I understand our rules.

So I would note there is a distinction with a difference. The threshold to get this much information that must be reached in a criminal proceeding is mildly greater than the threshold that must be reached in a proceeding before the Ethics Committee to get this information.

We do not have to abide by that. We can say the rules are whatever we wish them to say. But it seems to me that we should at least—those of us who do not have the benefit of having spent all those hours—should know with some specificity how broad we believe the authority to be and the rationale for its breadth. That is all.

I truly apologize to any of the members of the committee who were offended by my asking these questions. My strong inclination and belief is you have an obligation to follow through on the charge that you, in fact, think may exist as a consequence of uncovering information, and you clearly have an obligation on our behalf to follow through on the charges by the women who have come before the committee. I just want to know what beyond that you are seeking, and why you are seeking it, and the rationale for seeking it, and the grounds upon which you seek it.

I yield the floor, hopefully forever.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, let me try to respond briefly to what I think may have been the question of the Senator from Delaware.

Rule 3(c)(2) of the Rules of Procedure of the Ethics Committee says as follows:

> A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions and subpoenas that the chairman and vice chairman deem appropriate to obtain information upon which to make any determination provided for by this rule.

What I think that says is we do have rather broad discretion. But the protection to the Senator, as I have repeatedly said, with regard to this question of what would happen if we stumbled across some other potential offense, the protection to the Senator, I would say to the Senator from Delaware, is that it takes four members of the Ethics Committee to pursue a preliminary inquiry.

So the Senator is protected by the nature of the committee. It requires, with a three-three committee, bipartisan consensus, at least to the point of getting four votes before we can proceed.

Of course, we get all kinds of absurd complaints before the committee—you would not believe it—and they are not pursued because there are not any four members of the committee who warrant them serious enough to justify time and energy on behalf of the committee.

So, ultimately, the protection to the Senator is that it takes four members on a three-three committee to pursue a preliminary inquiry.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my question is directed to the chairman of the committee. The chairman of the committee has repeatedly made reference to the fact that the proceedings were conducted with fairness, and that is possibly a decision the Senate must reach, the degree of fairness and equity accorded our colleague. But the thing that concerns me is that this proceeding has been, in my judgment, seriously tainted by the word "criminal." And I was a former assistant U.S. attorney for many years and tried a number of cases.

If I understand the facts that have been divulged by the chairman and, indeed, corroborated by the vice chairman, that section of the diaries which is reputed to be the foundation for the use of the word "criminal" was never seen or examined by a U.S. Senator. I see the chairman acknowledging that to be correct.

Mr. BRYAN. The Senator from Virginia is correct and the reason for that——

Mr. WARNER. Let me just finish the question and then you may answer.

Given that, why not accord our colleague the benefit of the doubt as to the presence or the absence of facts which attached the significance of criminality? Why could the chairman not have characterized in his communication to the Senate, indeed the whole of the United States, that there is material in the judgment of the staff which might be the basis for misconduct, not characterizing it as "criminal," why was the necessity to use the word "criminal" in the judgment of the chairman—and if I understand, the vice chairman did not concur in the decision to use the word "criminal"—based solely on a staff report?

Mr. BRYAN. Let me indicate to the first half of the Senator's question by way of response that two members of the staff examined and reviewed the question entries on the 17th of October. In reporting to me and to all members of the committee, they characterized it in the fashion which I have indicated the possibility of these violations having occurred.

It was my judgment and, obviously, the Senator disagrees and I respect him greatly and understand his position, that in light of what was occurring, this committee was subject to a barrage, if you will, of disinformation every single day, not only on the floor of the Senate from time to time, but in media accounts all over the country, indicating that the committee was on a fishing expedition, that they had no idea what we were talking about, that the committee was inquiring into personal relationships unrelated to the inquiry. I set the record straight in a manner which I thought was appropriate.

I respect the Senator's right to disagree. I discussed this with Senator McCONNELL. He did not agree to the issuance of the statement.

Mr. WARNER. Mr. President, if I may ask, did you tell other members of the committee?

Mr. BRYAN. I did.

Mr. WARNER. Might I say then, did you feel it strengthened your case to get the subpoena to use the word "criminal," or had not the legal justification for the subpoena been just as well intact predicated on your arguments had it just been characterized as additional grounds for misconduct?

Mr. BRYAN. Clearly, in my judgment, it strengthens the argument for the subpoena. I am not suggesting that it would be a necessary standard to establish before getting the subpoena, but it certainly strengthens the argument, in my judgment, indicating the specific nature of the potential or possible violation. And again, as I have indicated, that was described to us with some specificity by our counsel in terms of the various provisions of the United States Code that may have been violated.

Mr. WARNER. Mr. President, I respectfully disagree with the chairman.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I would like to first ask a couple questions of the chairman, if I may, and then make an observation, depending on the answers.

I would ask, first of all, I think the question of the Senator from Delaware is neither unimportant nor irrelevant, but I do think the fact pattern here that the Chair and Vice Chair have laid out placed before the Senate a very narrow question, but it is important to understand that.

The Senator from Delaware is 100 percent correct in wanting to be clear about it, and if it were my judgment that this vote were a vote legitimizing the turning over of any papers upon demand, simply by virtue of an allegation without judgment as to relevancy or voluntariness, et cetera, I would vote "no." I think that is what is disturbing a lot of people here, that that is not what I believe we have in front of us. And I think we have to keep our eye focused on what the issue is in front of the Senate. I think it is very important to keep the eye of that focus because the issue is larger than just the Senate obviously.

So I would ask the chairman, it is my understanding that the chairman has said that had Senator PACKWOOD first turned over relevant materials to the committee in response to the original request—and those relevant materials only came to 10 pages or 20 pages—that would have been the end of the issue; the request of the committee would have been deemed to have been met. Is that correct?

Mr. BRYAN. The answer is yes.

Mr. KERRY. Second, it is my understanding that the committee, in fact, made an original request to Senator PACKWOOD for all relevant materials. Is that accurate?

Mr. BRYAN. The Senator is correct. The Ethics Committee made not one but two such requests, the first being on the 29th of March, and a subsequent request having been made on the 16th of July, each requesting documents that were relevant to the inquiry which was then underway.

Mr. KERRY. And the judgment as to what was relevant was left up to the Senator from Oregon, was it not?

Mr. BRYAN. The Senator from Massachusetts is correct.

Mr. KERRY. So if the Senator from Oregon had, in fact, turned over what the Senator from Oregon all alone with his attorneys judged to be relevant, that would have been the end of the issue. Is that correct?

Mr. BRYAN. That is correct. And it was that situation that caused the distinguished vice chairman to note the irony of the failure to provide that information to the committee.

Mr. KERRY. I thought the vice chairman pointed it out well when he talked about the tangled web that gets woven here.

So in point of fact, there was a narrow request for relevant documents. Now, it was only in the course of the Senator's own answer, with counsel present, not under duress, that the Senator made an acknowledgement, in keeping with his desire to tell the truth, that the diaries existed. Is that correct?

Mr. BRYAN. I wish to be a little careful how I respond to the Senator from Massachusetts. The Ethics Committee was aware initially, by way of a media report, of the existence of the diaries. Secondarily, there was information in a document provided that also made reference to the diary.

But the significance of the testimony on October 6 was for the first time the Senator testified that there was relevant evidence in the diary. In other words, his response during the course of that deposition indicated the first time that, indeed, there was information relevant to the inquiry. The Ethics Committee, having concluded that by reason of the Senator's failure on the 29th of March and the 16th of July to provide the documents, that therefore the diary must not contain any relevant information and the Ethics Committee chose not to seek the diary at that point.

Mr. KERRY. In point of fact, that even strengthens further the narrowing of the issue with respect to the question from the Senator from Delaware because it points out that the Ethics Committee was not interested in the diaries, even though it knew of their existence, until it understood the relevancy by virtue of the answer from the Senator from Oregon. Is that correct? It was the relevancy answer that gave them relevancy to the committee and it was not because of the media knowledge, it was not because of outside knowledge; it was because the Senator created relevancy by virtue of his answer. Is that correct?

Mr. BRYAN. That is correct.

Mr. KERRY. So only at that point does the Senate Ethics Committee say we need this document.

Now, with respect to the question of redactions, the redactions that are provided to the committee, I take it, are decided upon also by Senator PACKWOOD and his attorneys. Is that correct?

Mr. BRYAN. That was the original understanding with the three categories that have been mentioned, two of which were required by law in our judgment, the third being the personal family matters which we accorded to him as a matter of personal accommodation and respect for their contents.

Mr. KERRY. But now these redactions are made by the Senator himself and his attorneys without counsel to the Ethics Committee seeing what is redacted. Is that accurate?

Mr. BRYAN. That is correct.

Mr. KERRY. I might comment also that the request was made for relevant materials, but the Senator from Oregon did not in fact turn over all relevant materials. Correct?

Mr. BRYAN. That is correct.

Mr. KERRY. So the document that is redacted, that is provided to the committee as a document which has three exceptions.

Now, I heard the Senator from Oregon earlier say to all of us that this is a standard that would not be applied to anybody else in the country, and in fact if a prosecutor in this country stood up and said that there was a possible criminal violation or something, that would be unacceptable.

That happens every day in America. By virtue of definition of prosecutor, district attorney or attorney general in an investigation in a criminal court, there is a possibility of criminal sanction, and they comment on them all the time: We are investigating it; we are pursuing it; we are going to give it its fullest investigation; there is the possibility of activity; we are going to look at it, which I understand is what the Senator from Nevada said.

Now, I would like to point out to my colleagues, and I do this very respectfully, I caution us, we are being tested here obviously, and you have to stop and think about this issue of double standard.

Redaction is a fancy word for keeping something out of public view. In the Oliver North notebooks, which we struggled for 3 years or more to get unredacted and open access to, after several years we found that, indeed, redactions were means of keeping from the American public the full story. I personally, in an investigation, would not accept redactions if there is relevancy to a particular document.

We have learned our lesson the hard way in Iran/Contra and otherwise. This committee made a judgment. I might add in this judgment we are affording our colleague, which is our choice, but we have to accept responsibility for it, we are affording our colleague a privilege afforded to no other American citizen in a document judged to be relevant to an investigation. No American citizen can go out and decide with their counsel what they are going to turn over in an investigation. You cannot do that.

Now, the privilege is asserted here that it is medical, doctor-patient relationship, lawyer-client privilege, and personal family information.

This committee has bent over backward. They do not know what the personal family information is.

Now, I will say to my friend from Delaware, I do not believe you can, as a matter of law, afford this privilege to any American citizen because the lawyer-client privilege is a privilege between you and your counsel, not between you and a piece of paper that you decide to write on. That is a letter to yourself. And before this proceeding it was never shown to his attorneys, never shared with his attorneys, nor ever shared with his doctor. You do not get lawyer-client privilege unless you are discussing it and it is the work product of the lawyer and a client, and you do not get doctor-patient relationship unless it is privileged information between doctor and patient. There is no patient here and doctor, nor lawyer. It is a person writing down their personal thoughts for themselves and for the future, for posterity.

It is only by virtue of a privilege afforded him different from any other citizen in this Nation that he and he alone knows what is behind those redactions and what is in that document.

Now, only on the most narrow basis that the chairman has described, relevancy, acknowledged by Senator PACKWOOD, relevancy and a process to which he did not object for all of those pages, suddenly something came up and he said, "Whoops, better find a way not to have this one understood."

Now, the Senator said early that, "I wish we were not in this process." We all wish we were not, but, you know, when the Senator stands on the floor and says, "I wish they would tell me what it is all about," it is a little bit disingenuous. He knows what page it is. He knows precisely what was redacted. He has those documents. He could list it, read the page, and he knows exactly what it says. He knows exactly what it is about.

So I just think we have to stop and judge for ourselves whether or not it is appropriate for us to go so much further than we would for any other citizen in this country or whether it is appropriate for these six Senators doing the tough work for all of us, who are simply asking for the process to work, not to make a judgment, no final judgment, just to have the ability to tell America that we are not going to cover anything up and we are not going to apply double standards.

Mr. BENNETT. Mr. President, will the Senator yield for a comment?

Mr. KERRY. I yield for a question, not for a long comment. I am about to sit down.

Mr. BENNETT. I appreciate what the Senator is saying because I have been in the situation where my diary has been subpoenaed and used in an investigation. I have been in a situation where my files have been subpoenaed and used in an investigation. And I have not been able to redact anything. So far I am with the Senator from Massachusetts.

I would like to ask this one question, though, with respect to this circumstance. In the circumstances where I have been subjected to this kind of problem, I have been confident that the material that I supplied would not, in fact, get into the public arena unless some final charges were brought and that confidentiality was maintained. In both instances that I have referred to, there was never any public notice of any kind of anything that I turned over to the investigating authority because they found that I was not guilty of anything. They returned the documents to me, and there was never any public notice at all.

Would the Senator not agree that the history of committee staff leakage in the Senate has been such that the Senator from Oregon may well be properly concerned about turning this over to the committee, because, as he pointed out to us earlier today, there have been leaks from those diaries, and his concern may be less with the law than with the media? Would the Senator agree with that?

Mr. KERRY. Let me answer the distinguished Senator. I think there is not one of us here who does not live in terror of leaks, any kind of leak. I have seen them. The Senator from New Hampshire and I experienced them in the select committee. I have seen them in the Intelligence Committee. We all understand that.

But there has been no leak to date, not one, from this committee regarding this matter. And it was not until the issue was joined by virtue of Senator PACKWOOD's attorneys going public with inaccuracies—and for several days those inaccuracies began to cloud this institution and the perceptions of this debate, at which point the chairman made a judgment.

Now, some may disagree with that judgment. You know, I think people on our side of the aisle disagree with that judgment. That is a rough one.

But that is not what this debate is about. There is still, to this moment, no leak about the specificity of those items, with the sole exception, I guess, of some story that appeared today. I do not know whether that is true, not true, I have no knowledge about it, and none of us here do. But none of this process began until this issue was joined by virtue of the refusal to proceed forward with the committee's request.

I think from what I have heard about this committee's efforts, they have taken extraordinary measures, the maximum possible, to secure this information. No members of the committee have even seen the diary, with one person looking at it from the committee and the diary permanently in the possession of counsel for Senator PACKWOOD.

It seems to me you have very clear accountability if anything gets out. This is a one-person chain of responsibility here. So, frankly, I am not concerned in this capacity. It is my understanding that this is a rather extraordinary level of safeguard that they have gone to.

I do not think that is a reason, incidentally, to undercut the capacity of this committee to send a message to the country that this process works. I know everybody is uncomfortable with it. We are all uncomfortable with it. But this is a narrow issue, not a broad issue. It is only as to the issue of relevancy. It is only as to the issue of relevancy stated by the Senator himself. It is only as to the issue of relevancy stated by the Senator, with very severe limitations, with his own ability to redact. That is a rather remarkable level of restraint.

If we are not willing under those circumstances to uphold the capacity of our committee, then whichever Senator said this committee should be disbanded is absolutely correct, and we will be disgraced for it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, I have a fairly brief question of the chairman. I will not make a statement, but if I could I will ask a brief question. I understand when the committee becomes aware of something a Senator may have done wrong, it is obligated to look into it, or to at least start the procedure.

How far back in the Senator's career can the committee go? Can it go to the beginning of the Senator's career?

Mr. BRYAN. The answer to the Senator's question is that under the rules of the Ethics Committee there is no statute of limitations.

Mr. PRESSLER. So the committee could go back to the beginning of the Senator's career. If you became aware of this possible criminality by reading of it, or your staff had read of it, in Senator PACKWOOD's diary, or if you were presented with a situation where there was not anybody to complain to or who wrote in and had a question, or if there was a newspaper article 20 years old that suggested criminality on the part of the Senator, would you be inclined to look into such possible criminality?

Mr. BRYAN. I think it is very difficult to make a judgment in the context of a very limited hypothetical, but under the rules of the Senate Ethics Committee—and I happen to believe that these rules are good ones—the Ethics Committee may commence a preliminary inquiry. That is our first step irrespective of the manner in which it comes to our attention. In other words, it does not require a sworn statement; it does not require a statement. If the committee becomes aware of a situation, the committee has the authority to go forward, and has, indeed, done so. It depends, obviously, upon how serious the information or the allegation might be and under what circumstance.

Mr. MCCONNELL. Again, let me say to my friend, the Senator from South Dakota, at the risk of being redundant, the ultimate protection for a Senator who refuses is that it takes four votes on a committee—that is, three Republicans and three Democrats—to initiate a preliminary inquiry. So it is not like a Senator has no protection whatsoever against any kind of claim that may just——

Mr. PRESSLER. Is there not yet a preliminary inquiry on possible criminality?

Mr. MCCONNELL. If there are any other suggestions of improper conduct—I am not ready to conclude that there are—it would take a majority of a committee of six to pursue them.

Mr. PRESSLER. I am not here to make a speech. I am trying to understand the scope of the Ethics Committee's power in this matter. It is important.

The chairman has stated there was a barrage of misinformation, and he responded to it. The standard for a public response by the committee—it is troublesome for me. When there is broad misinformation surrounding a trial, the judge probably does not respond to the press until it is all over, if then, if ever. We depend on the Ethics Committee—at least I hold them in very high esteem; the very, very highest esteem. It has a judicial role. What is the standard for responding in public by the committee? Were all the members of the committee consulted about this response?

Mr. BRYAN. No. I consulted with the chairman, or rather the vice chairman, as he has indicated, and I agree that he did not agree with issuing a statement.

Mr. PRESSLER. How would you define the standard for public response? If it is misinformation about the committee, disseminated throughout this proceeding, would you feel it necessary to hold a news conference?

Mr. BRYAN. Let me just say that I have held no news conference. I make that very clear. There is no standard for—save, from time to time the vice-chairman and I have made statements initially indicating that a preliminary inquiry was held. We made that statement on February 4. We made a statement sometime, as I recall, earlier in October that we expected that the preliminary inquiry phase would be concluded by the end of the month. So we have made statements from time to time.

Mr. PRESSLER. I understand there is a nondisclosure policy, rule 9(d), that provides "no member of the Select Committee on Ethics * * * shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way in whole or in part or by way of summary * * * any classified or committee sensitive information, document or material, received or generated by the Select Committee on Ethics," and so forth. Does your statement fall within rule (9)(d)? You might consult that rule, because I have a copy of it here.

Mr. BRYAN. As I say, I do not believe that it does, in light of the circumstances, where I indicated to the committee vice chairman what my intention was, although he disagreed.

Mr. PRESSLER. My last comment is: Many of us not on the committee are very much dependent on this committee. I have a great deal of confidence in its members. I am not criticizing my friend. I am just trying to get some of the material out here. I thank the chairman very much.

Mr. BRYAN. If I can say in response to the comment, I just hope that the Senator from South Dakota is as concerned about a deliberate intent to create a false impression as to what the committee was about to undertake, and a series of statements that went on day after day after day after day, in which the committee's action was unfairly characterized. I think that is unfair and does the Senate a great disservice.

Mr. PRESSLER. I am equally concerned about that.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, there are a number of issues involved here. One is self-incrimination. Another is the right of privacy. Another is the question of waiver of either self-incrimination or privacy, if those two issues existed in the first place. And in my view, if there is properly a right of privacy inherent in a diary, that right has been waived. The courts are very clear that one must claim his right to self-incrimination or privacy at every stage, and that it can be waived. And I think it has been waived here.

My concern, Mr. President, is with relevancy. At each stage of this argument, my colleague from Nevada and my colleague from Kentucky have both talked about—Senator BRYAN talked about probable cause for a private citizen. Senator MCCONNELL talked about fully investigating complaints on matters relevant to charges before the committee.

My concern, Mr. President, here is that the information at issue is not relevant to any charge pending before the committee. I may be wrong on that or mistaken, but it seems to me that there are, I think, two charges pending before the committee having to do with sexual misconduct and maybe intimidation. And the information involved here that is the subject of this inquiry and this subpoena is not that part of the diary relating to sexual misconduct or intimidation; that is conceded, as I understand it. Rather, the issue here is whether those parts of the diary relating to other possible charges, not now charged, may be gotten at by the subpoena.

Mr. President, it seems to me that a fundamental precept of due process is notice and relevance. Any subpoena in any criminal court, and in any civil court in the land, can be traversed by showing lack of relevance to the charge. The problem here, Mr. President—and I have read these rules as carefully as I could, these rules of procedure of the Ethics Committee—and one problem is they do not clearly require a charge. There is a preliminary inquiry. There is an initial inquiry, and there is an investigation—three different levels here. It does not really refer too much to a charge.

Throughout the rules, they talk about a complaint, and if you make a complaint, the complaint has to be sworn under oath. I guess if you have a complaint, then it is written, and it is under oath, and there is in effect a charge. But there is this other species of charge which can arise from the newspaper; it can arise from anonymous complaints; it can arise from any series of things. What it requires, as I read these rules, Mr. President, in order to have a preliminary inquiry, is to have credible evidence. That is the trigger to launch a preliminary inquiry. An initial inquiry takes credible evidence and a belief that a charge may have occurred, and an investigation requires substantial reason to believe that there is substantial evidence that a charge has occurred.

There are three stages, then, and we are at the preliminary stage. Again, the preliminary stage seems to require credible evidence. If it does not require it, then it uses the words "credible evidence," and surely there has to be some trigger here.

The committee can bring a charge, I believe, at any time they wish. I believe they can charge these additional things—we read in the paper that they have something to do with a job or something with the Senator's wife. I do not know what it has to do with. But if there is any credible evidence, then I think Senator PACKWOOD ought to be entitled to notice, and he ought to be entitled to a requirement of connexity of relevance to the charge.

If we should make that requirement, we would not be, in my judgment, hamstringing this committee at all. If we were to say—for example, suppose we were to amend this resolution and after subpoena, put in: To secure information or evidence relevant to any charge or complaint pending before the committee. Suppose we made that requirement here. That would not hamstring the committee. It would simply tell the committee, make a charge and get any evidence you want that is relevant to that charge.

Mr. President, I want to ask the distinguished chairman—who has done a very able and terrific job on this, and I agree with everything anyone has said about the difficulty of the job and what they have done. I simply want to try to make a difference—I mean, to draw that line between what is a fishing expedition on one hand and a due process procedure on the other hand. I ask the distinguished chairman, if we put a requirement in this resolution that required that the subpoena be only to secure information or evidence relevant to any charge or complaint pending before the committee, would that hamstring the committee?

Mr. BRYAN. The answer to that, in my opinion, responding to the Senator from Louisiana, is that it would. In effect, we are not in a position to make a charge until we have access to the information.

Mr. JOHNSTON. Well, you can make a charge based on an anonymous statement. You have had staff members of the committee who have seen the information, and they can tell you what is in it. Can you not make a charge based on that?

Mr. BRYAN. I think that would be grossly unfair to Senator PACKWOOD. That would be, in effect, a prejudgment that this information has characterized a suggestion or possibility of other violations. We have always, I think, been very clear to that.

Mr. PACKWOOD. Can I ask a question at this stage? You mean to say that based upon the information that you have read, you do not have any information to make a charge, but you have enough to call me a criminal?

Mr. BRYAN. I have never referred to the Senator as a criminal.

Mr. PACKWOOD. Possible criminal conduct. You had enough information to do that?

Mr. JOHNSTON. Mr. President, you see, that is my problem. We are talking about a subpoena to get evidence where there is no credible evidence of a crime. If there is credible evidence, then I think, under these rules, you may begin a preliminary inquiry.

Ms. MIKULSKI. Will the Senator from Louisiana yield?

Mr. JOHNSTON. I will in just a moment. Suppose Rush Limbaugh says: "All Senators are crooks."

And they say, well, you know, Senators ought to be required to prove that they are not. So we want all your personal correspondence, your credit cards, all your telephone records, everything. So you issued a subpoena for that, and I came and I said: Look, there is no charge pending about this. It is not relevant to anything. It only suggests a possibility. It seems to me that you have enough evidence if there is credible evidence here of a crime that it ought to be charged, and if not, you should not be able to have a subpoena to enforce that. Tell me where that is wrong.

Mr. BRYAN. Let me just respond by saying that the rules contemplate there may be such a circumstance. Under rule 7(a), which deals with subpoenas, it indicates expressly that the chairman and the vice chairman, acting jointly, as we did in this instance, at any time before a preliminary inquiry may secure a subpoena.

So that is before a preliminary inquiry. As the Senator pointed out, we have a three-stage process: preliminary inquiry, initial review, and investigation.

So clearly the rules contemplate that a subpoena may be issued under such circumstances.

Let me respectfully suggest what the alternative consequences would be of the Senator's proposed course of action; that is, that a committee would have to ignore information which it has access to and which it acquired lawfully which indicated that there may be a violation of the rule and would not be able to pursue that until such time as it had charged the Senator. I think that would be a very limited circumstance.

I do not believe that we can ignore any information that comes to our attention which may lead to information that we could conclude would violate, and in this particular case, as the Senator from Louisiana knows, the Senator from Oregon knows what that information is. He is the one who has had custody and possession of the diary as pointed out to him.

Mr. JOHNSTON. Is it less than credible evidence that a violation may have occurred?

Mr. BRYAN. No, because it comes from the hand of the Senator himself. I would not characterize it as less than credible.

Mr. JOHNSTON. Then a charge can be made, and it seems to me it should be. I mean, if there is credible evidence, you ought to have a charge so they would have notice. You could make that charge now, without slowing down this inquiry and without limiting the inquiry at all, could you not?

Mr. BRYAN. What Senator MCCONNELL pointed out is it requires affirmative vote of four Members to open up a formal inquiry at this point. That is the protection that is afforded the Senator. The rule makes it very clear that a subpoena can be issued with or without the opening of a preliminary inquiry to gather information and with respect to these other possible violations. That is the situation in which we find ourselves.

Mr. JOHNSTON. I know that rule 7 says that, but I think it contemplates throughout the law that you are to entitled notice and relevance to a charge. That is my concern.

I yield to the Senator from Maryland.

(Mrs. BOXER assumed the chair.)

Ms. MIKULSKI. Madam President, I think the points of the Senator from Louisiana are well taken and well made.

My question would be to the Senator from Louisiana. What would you have the Ethics Committee do?

Picture this situation, a hypothetical situation: The Senate is conducting a preliminary inquiry into a charge of breach of the Senate code of ethics in the course of that and has one or two items. We are not talking of the lettres de cachet like in the French Revolution. But we are already underway.

In the course of that investigation, new evidence presents itself that is not validated but is the early signal that some other breach of conduct could have occurred, and it gives the members of the committee pause and feeling that under our code to be on the Ethics Committee to follow through which is to see if there have been breaches of conduct.

Would you have encouraged us in this hypothetical situation to follow those leads or when there is only the preliminary possible hint that something else is going to occur?

Mr. JOHNSTON. I think the Senator's question illustrates the point better than I could have. What is the trigger for a subpoena? Is it a possible hint? Is it a soupçon of evidence? Is it a possible lead? Or is it credible evidence.

Now the rules speak in terms of credible evidence. I confess to say they do not speak in terms of requiring credible evidence before there can be a preliminary inquiry, but I think that is the spirit of it.

I worry that you could get a subpoena for anybody in this body with the slightest soupçon of evidence, the slightest whiff of a charge and get your diaries, your personal papers, and everything else, and I think it is a protection for someone to say at least that there is a requirement of credible evidence and have this vote of four Members.

Ms. MIKULSKI. To follow up on my question, first, to the Senator from Louisiana. The committee is at a distinct disadvantage because we cannot give the specificity of our concerns. Because we do follow a code of conduct of nondisclosure, we cannot go into the details of why we want to pursue this in this forum——

Mr. JOHNSTON. No.

Ms. MIKULSKI. And any hypothetical will never be as convincing. And, second, then—if the Senator will yield—to not appreciate the safeguard of six Senators, three from each party, chosen by the majority leader and the minority leader, ostensibly for their fairness on matters, to think that we would kind of go cruising for opportunities to issue subpoenas I think really calls into question about the sobriety under which the Ethics Committee undertakes its work.

Mr. JOHNSTON. The Senator misunderstands my point if she thinks that I believe this committee is cruising or seeking to do things unfairly. Absolutely not.

Ms. MIKULSKI. I know you are not calling us into question.

Mr. JOHNSTON. The question is, what should we require before we subpoena private papers?

Ms. MIKULSKI. Probable cause.

Mr. JOHNSTON. Probable cause?

Ms. MIKULSKI. Probable cause.

Mr. JOHNSTON. I submit to you probable cause is a much stronger test than credible evidence and there is no—I do not know that. I just do not think you——

Ms. MIKULSKI. No.

Mr. JOHNSTON. You have stated there is probable cause. I think you can amend these charges at any time you want, at any time there is probable cause or evidence.

Ms. MIKULSKI. The Senator is correct. I used a legal term. What I was talking about was there was probity there.

I yield.

I thank the Senator for his courtesy in answering the question.

Mr. JOHNSTON. Madam President, I will not proceed any longer. I will listen to the rest of this debate. I hope that my colleagues will zero in on this question. I think it is a very serious question. We have all the talk about the Senate being on trial, but, look, we also have a duty not just to Senator PACKWOOD but a duty to the Constitution, fairness to this body, to precedent. I mean, we are talking about precedent here. How many subpoenas are going to be issued in the future for fishing expeditions, and how do you tell the difference between a fishing expedition and a due process subpoena? That is the question we ought to address ourselves to.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I wish to address inquiries to the distinguished chairman of the committee, if he will join me.

Our resolution deals with directing the Senate counsel to proceed to enforcement of this subpoena. In reviewing the committee's report, I find the subpoena described on page 2, but I have not been able to obtain a copy of the subpoena. Is a copy of the subpoena available?

Mr. BRYAN. The minority whip, the distinguished Senator from Wyoming, just came to the vice chair and myself and asked for copies to be distributed, and we have indicated that Senator MCCONNELL can speak for himself. But there is no objection certainly from me, and I do not believe there is any from him, and they are being distributed.

Mr. BROWN. I thank the chairman.

Second, it is not unusual in legal proceedings for attorneys on both sides to make a written memorandum for their files, and perhaps a joint memorandum for inclusion in their files, of understandings or agreements with regard to important pieces of evidence.

Did counsel for the committee prepare or have in their files a written memorandum regarding their agreement over the diary?

Mr. BRYAN. In response to the Senator from Colorado, there is no written memorandum of the agreement.

Mr. BROWN. I wonder if Senator PACKWOOD's attorneys have a copy of a memorandum or any written recording of their understanding of the agreement. Certainly they are not required to present it, but at least it would be helpful to this Member to know if we have some written memorandum of this agreement, since it does bear on the relevancy.

Mr. PACKWOOD. I am advised we have notes of the discussions but not a formal memorandum for the file.

Mr. BROWN. For my own purposes, inasmuch as that is an issue, if either party would care to present that to us, I would appreciate it.

To the chairman: I assume what we are operating off of the recollection of the staff attorneys involved who negotiated this. Was the agreement with regard to the use of the diary or the review of the diary related only to the charges that were involved? In other words, did the agreement that they recall, was it subject only to charges that were then present, or was it an agreement that could change if, indeed, criminal charges were added?

Mr. BRYAN. That issue arose during the discussion following the October 6 reference by Senator PACKWOOD to the diary. What followed was a discussion as to the circumstances under which the diary information would be available.

During the course of that discussion, counsel for Senator PACKWOOD—I believe it was Mr. Fitzpatrick—suggested that the committee agree to limit itself if it found other violations. The committee staff expressly declined to be so limited. Thereafter, pursuant to the agreement, the information in the diaries, the 5,000 pages that you heard about during the course of this debate, were made available to the committee.

Mr. PACKWOOD. Could I ask a question?

I heard the distinguished committee chairman say some time ago that had we, at the time the diary incident came up—if I could have the chairman's attention—at the time the incident came up, at that stage, had we offered to provide all relevant material, that would have satisfied the committee. Did he say that? I thought I heard that earlier in the transcript.

Mr. BRYAN. I do not believe I made that statement.

Mr. PACKWOOD. What did you say earlier in response to the question?

The PRESIDING OFFICER. The Chair would say, the Senator from Colorado has the floor.

Has he yielded to the Senator from Oregon for a question?

Mr. BROWN. I yield to the Senator from Oregon for a question.

Mr. PACKWOOD. Could the Senator repeat, then, what he did say if we had offered all the relevant material? Somebody said, if they gave you 30 pages that was all relevant, that would have satisfied the committee.

Mr. BRYAN. I believe what I did say at the time—and I had many questions this afternoon—I believe what I did say was parallel, in effect, to what the Senator from Kentucky had said; that, indeed, if the Senator had provided to us at the time of document production the information which the Senator deemed relevant, it would have been accepted by the committee. And that is what I said.

Mr. PACKWOOD. If I could ask him one last question and I will sit down.

Did your committee counsel advise you that my lawyers offered to produce, at the time the diary issue came up, all relevant evidence to the charges and to have Judge Starr review both the evidence we produced and the diaries in totality to see if we had given you everything?

The PRESIDING OFFICER. The Chair would like to remind the Senators that, under the Senate rules, the Senator from Oregon can ask a question to the Senator from Colorado. If he wishes to pose that question to the Senator from Nevada, that would be his choice.

Mr. BROWN. Madam President, to expedite this, I would like to pose this question to the chairman, if he is willing to respond.

Mr. BRYAN. I take it the Senator from Colorado is incorporating by reference the Senator from Oregon's question to me.

Mr. BROWN. Yes.

Mr. BRYAN. Let me defer for a moment to see whether or not such an understanding was there.

Mr. PACKWOOD. It was not an understanding. Was it a proposal?

Mr. BRYAN. Let me just say that I think it might be more appropriate—I will try to respond directly to Senator PACKWOOD. We are not clear from the question whether or not the question has reference to a point of time in which the original agreement was entered into on October 8, or whether it has reference to the point in time during the 18th of October, after the controversy arose. It is not clear in my mind what the frame of reference to the time is.

The Senator asked the question. I am not trying to be evasive. I am happy to try to respond.

Mr. BROWN. I would yield to the Senator from Oregon for the purpose of clarifying this.

Mr. PACKWOOD. I thank the Chair, and I appreciate—I thank the Senator from Colorado—if the Chair would let us have a normal colloquy at this time.

At the time this first came up, after the 6th or 7th, did my counsel make an offer to your counsel to produce all relevant diaries, anything relevant to the charges in them, and to give that evidence to Judge Starr, along with all of the diaries, to see if we had properly indicated what was relevant?

Mr. BRYAN. I am informed by counsel that he has no such recollection and indicated that none of the co-counsel from the staff recall such an offer being made.

Mr. PACKWOOD. I believe my counsel indicated it was made to—this is one of the problems we are going to have. Our counsel indicate we made that offer, and it was turned down.

The PRESIDING OFFICER. Does the Senator from Colorado wish more time?

Mr. BROWN. I would like to complete my time.

I simply would ask both the chairman and the Senator from Oregon if their counsel are comfortable in conveying in written form their understanding of the agreement. Obviously, it would not be required, but it would be helpful to me to understand what we have in writing.

Madam President, I direct my next question to the chairman. If I understood his response correctly, the staff's understanding of the agreement was that the potential of bringing criminal charges or other charges was not something that would negate their access to the diary.

Have I stated that fairly in the counsel's recollection?

Mr. BRYAN. Senator, we have been trying to look for information to respond to the first half of the Senator's question.

May I respond to that, and then I will try again to the second.

The Senator asked whether or not our counsel will set forth in writing what his understanding of the agreement was.

May I invite the attention of the Senator to the statement which I made on the floor today and which I read. I will read it again if the Senator will allow me to do so.

Here, in writing, is what our counsel has informed us.

> An agreement was reached under which the Senator agreed to allow Committee review of the diaries. To respect the private nature of certain information, the committee offered to allow the Senator's attorneys to mask with tape portions of the diaries dealing with attorney-client and physician-patient privilege, and personal, private family matters. The Senator's attorneys would then deliver the masked diaries to the Committee counsel who would, in the presence of the Senator's attorneys, review each volume. The Committee staff would not take notes or make copies. If the Committee desired a copy of a page, counsel would mark that page for later copying by the Senator's attorneys in their office. At no point would the committee retain physical possession of the diaries.

That is our counsel's statement of what occurred. In writing.

Mr. BROWN. The other question I have is this: Was this access that is described therein limited to the charges that were then present? Or was that access guaranteed even if additional charges were brought?

Mr. BRYAN. The answer is that the access was not limited; that during the course of the negotiations during the timeframe of the 6th, 7th and 8th, I am informed by counsel that Mr. Fitzpatrick attempted to secure an agreement by which the committee would be limited and precluded from looking at other possible violations. Our counsel responded that the committee would not be bound by such an agreement and thereafter, pursuant to the agreement, the diaries were made available and we went through the procedure that you are familiar with, Senator, the 5,000 pages with the Senator's counsel and our counsel having reviewed them until we came upon the situation of the morning of the 17th of October when the new information was discovered.

Mr. BROWN. I thank my colleague.

We have heard earlier today that the Senator from Oregon, through his attorneys, had asked to have access to the committee for the purposes of making motions or making presentations. And that request was denied.

Can the chairman verify if that is the case? I think it would be helpful, to the extent that he would care to give us the view of the committee in terms of that practice?

Mr. BRYAN. Senator McCONNELL and I discussed on a number of occasions that request. We had periodic requests.

What we indicated was that in effect they could brief any point of law, make any request, and that we would consider it. But we did not feel it appropriate to be meeting with the Senator and his counsel periodically during the course of review. Perhaps Senator McCONNELL can amplify that.

Mr. McCONNELL. I might say to my friend from Colorado that also applied to the complaining parties and their counsel. We, the members of the committee, certainly felt it inappropriate to meet with them as well.

Mr. BROWN. Thank you.

As I understand the subpoena, it will require the delivery of not only the diary but other documents. Is it fair to assume that this will include some items that are not relevant to the current charges?

Mr. BRYAN. I think one could reasonably conclude that might be the case, because the information which was discovered on the 17th of October is not relevant to the earlier preliminary inquiry.

I qualify all of this because the committee, being unable to pursue this information, there could conceivably be an interrelationship. We do not know that. But it is possible.

It would be impossible for the committee to make such conclusion because at this point we have only the information of the 17th, and have been denied access to any more information.

Mr. BROWN. Do the Federal Rules of Evidence allow you to require the production of evidence, records, that are irrelevant to the charges that have been brought?

Mr. BRYAN. I believe that the answer to that, and it is difficult to give you an abstract response, but that once information has come to the attention of the prosecutor I believe that information would be available. That is to say that although the point of inquiry may have been on some other matter, if indeed the prosecutor comes into possession of additional information lawfully, the prosecutor is not limited to only looking at that information which first formed the basis of the inquiry or the investigation.

By way of analogy, I think a grand jury would not be so precluded in the course of an investigation. That if it originally was making inquiry because of A, B, and C, later determined that D, E, and F may be involved, I believe the grand jury would certainly have access to the additional information in D, E, and F.

Mr. BROWN. I was trying to refer to the Federal Rules of Evidence with regard to a subpoena duces tecum, as we are asking the counsel to go to court for.

My inquiry was, if this were another citizen, not a Member of the U.S. Senate, but a person anywhere in the country, would the Federal Rules of Evidence provide for the delivery of those documents without a showing of relevance?

Mr. BRYAN. The answer is I think the standard is the same. We have in this instance a showing of relevance in the first instance with respect to the information made available through Senator PACKWOOD's deposition when he made reference to that. We also have in our possession lawfully acquired information which suggests the possibility of other violations. That is information that we have.

I would think in the analogous circumstance, that yes, in the case of a proceeding outside the Senate's rules of the ethics procedure, that information would be available and could be compelled to be produced.

Mr. BROWN. I raise the point because I guess one question that occurs to me, voting for this action by the Senate counsel, is whether or not we are authorizing or compelling the production of evidence that normally would not be capable of being compelled to be delivered?

Mr. BRYAN. I will yield to the Senator from Kentucky.

Mr. McCONNELL. I say to my friend from Colorado, I am not personally an expert on this, but counsel has handed me a decision that might well shed some light on the inquiry the Senator from Colorado raises.

In United States versus R Enterprises, a 1991 case, in reference to your question about what would apply to any other citizen:

> Respondents argued that the prosecution was required to make a preliminary showing of relevance or admissibility before it could subpoena the requested materials. The Supreme Court ruled that there was no requirement that a grand jury subpoena be shown to seek only relevant and admissible evidence. Because a grand jury can investigate merely on suspicion that the law is being violated or

> even to find assurance that it is not, a prerequisite of relevance would be contrary to the grand jury's basic mission.
>
> The Court ruled that a grand jury subpoena is presumed to be reasonable and that the burden of showing that a grand jury subpoena is unreasonable rests on the subpoenaed party, which must show that there is no reasonable possibility that the category of materials sought will produce information relevant to the general subject of the investigation.

That is in response to the Senator's question about any other citizen.

Again, at the risk of excessive redundancy here let me remind the Senator as well that the pursuit of any additional violation would require four of the six members of the Ethics Committee to concur.

Mr. BROWN. Let me say I appreciate the Senator's response, and it is most helpful because it answers the question with regard to the grand jury function.

We are all aware the Ethics Committee involves a combination of functions. Is there any guidance that the chairman or the vice chairman can give me with regard to the next step: Subpoenaing information to be used in a trial, for presentation of evidence, after the grand jury phase is finished? I recognize this may be a legal point that may require additional research.

Mr. BRYAN. We certainly would have no idea what additional evidence may be adduced as a result of this process. I think the Senator may receive some comfort that all of these legal arguments that the Senator propounds can be addressed to the Federal court if the Senate approves this resolution.

Our action today is not dispositive of that issue. Senator PACKWOOD will not be precluded from raising all of these points under, frankly, a procedure and under circumstances that are far less confining than what the vice chairman and I and the members of this committee are operating under.

Mr. BROWN. I notice that the rules of the committee do specifically reference the Federal Rules of Evidence. I guess the question I am asking, then, is whether the Senator from Oregon would in any way be precluded from raising the protections that exist in the Federal Rules of Evidence if this subpoena question were brought before a Federal court?

Mr. BRYAN. The answer is "no." I do not believe he would be precluded.

One point that I need to make to the Senator from Colorado is, as the Senator from Massachusetts has pointed out, indeed the committee has gone beyond what a private citizen would be entitled to because the Senator has been permitted to redact—that is, to cover up—those references in his diary that deal with strictly personal and family matters. That is not required under the law and would be an extraordinary, unheard of procedure to be offered to a private citizen. This committee did so because of the sensitivity it felt with respect to the Senator's privacy interests.

Mr. BROWN. I thank the chairman and vice chairman for their remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise today in support of the resolution by the Select Committee on Ethics to enforce the committee's subpoena to Senator BOB PACKWOOD.

First, I want to thank Senators BRYAN, MCCONNELL, DASCHLE, CRAIG, MIKULSKI, and SMITH for the many hours they have dedicated to a very tough assignment. Over the last 10 months, they have worked diligently to investigate the very serious allegations made against Senator PACKWOOD.

Two years ago, I sat at home in my living room, like millions of other Americans, and watched a strikingly similar debate in front of the Senate Judiciary Committee, and I remember thinking: "Why don't they get it? Why don't they understand that throughout this country, women who have been victims of sexual misconduct are watching? They are waiting to see if the courageous souls who speak out will be believed or at least given a fair opportunity to have their side of the story heard."

Over the last week and throughout this debate today, I have listened to the conversations and rhetoric surrounding the resolution before us. Frankly, my fellow colleagues, I have been astounded. The conversations that I have been hearing in the hallways and the elevators in the U.S. Senate are deeply disturbing. Many of my colleagues are worried about their personal privacy and the implications of this vote for that privacy. I find it difficult to understand those concerns, given the nature of the materials that the committee wants to subpoena from Senator PACKWOOD and given the nature of our job as public servants.

We have heard a lot recently about how private these diaries are, but it was Senator PACKWOOD himself who brought the diaries to the attention of the Ethics Committee to bolster his case.

According to the committee, the diaries were regularly dictated by the Senator from Oregon and they were transcribed and maintained in his Senate office. I do not understand how journals kept and maintained in a public office at taxpayer expense can be called personal diaries. In my mind, they do not constitute private diaries.

We are all public servants in the U.S. Senate. We were elected by the citizens of our home States to represent them to the best of our ability. Each of us gave up a great deal of privacy when we chose to accept that charge. But, more importantly, we all agreed to abide by the rules of this body, and we swore on an oath to protect and defend the Constitution.

Article I of the U.S. Constitution grants the Senate the authority to discipline its Members. The Senate established the Ethics Committee and assigned it an important duty—the duty to investigate allegations of improper conduct, violations of law, and violations of the rules of the Senate.

The Senate also requires that the committee recommend appropriate disciplinary action.

I, like most Americans, have been watching this process with regard to the allegations against Senator PACKWOOD, and I believe that it is in my responsibility as a U.S. Senator to support the committee in its work.

I believe that Members of this body must demonstrate to the people of this Nation that we will not abdicate our responsibility to discipline ourselves.

The committee has stated that the material it seeks from Senator PACKWOOD is relevant to the allegations made against him and it suggests other possible violations. Once again, I want to remind my colleagues of the duty of the committee. Members and staff of the committee are required not only to conduct investigations of wrongdoing, but to report any credible information suggesting that a Senator may have violated rules or laws.

The Select Committee on Ethics is fully bipartisan and the committee voted unanimously to adopt the resolution before us today. The Senate now must decide whether to support the committee and enforce its subpoena of documents from Senator PACKWOOD.

The investigation of Senator PACKWOOD by the Ethics Committee is a response to very serious allegations against him. We need to remember today that the committee is investigating allegations of sexual misconduct, allegations that Senator PACKWOOD attempted to intimidate and discredit the women making the claims, and allegations that he misused his official staff in attempts to intimidate and discredit.

I heard one of my colleagues say today this debate is not about sexual misconduct. True, the resolution before us allows the Ethics Committee to move forward in its process. But it also appears we are here today because some want to delay that process.

Madam President, the message of this vote today does go beyond the support of the Ethics Committee request. A vote for the resolution sends a message to citizens throughout our Nation that sexual misconduct in this Senate will be investigated to the fullest possible extent. A vote against this resolution sends a clear message also to every woman in this country: If you are harassed, keep quiet, say nothing; the cards are stacked against your ever winning.

Procedure, rules, and other issues will obscure the allegations being investigated. Even here today, I am shocked and surprised that through the nature of this debate, it appears to portray the Senator from Oregon as the victim. I remind my colleagues, more than two dozen women have brought their allegations to this body. Clearly, they see themselves as the victims in this debate.

A vote against this resolution would be a tragedy. It is time to move on. The Nation's business awaits. But let us not forget the example that we are setting for ourselves and our country today.

I yield back the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Madam President, I have listened to the arguments and feel as if we are getting away from the issue at hand. The issue at hand is that a resolution is before the Senate to authorize the Senate legal counsel to go to court to compel the production of documents for which a subpoena has been issued. There are a lot of collateral issues that are raised by such a resolution.

We, in effect, in the Senate have to authorize the legal counsel to proceed to district court wherein an opportunity will be afforded for both the Ethics Committee and Senator PACKWOOD to raise issues pertaining to the constitutional issues and to the question of whether there was a waiver. Also involved in the question of waiver is whether or not there was an agreement, and if so, what the agreement was.

We in the Senate are in an unusual forum. I think the parties have at least one arm tied behind their backs when they come here to make a presentation on the merits.

First, Senator PACKWOOD's counsel is not allowed to speak on the Senate floor. Second, the counsel to the chairman of the committee and the vice chairman of the committee are not allowed to speak either. These are the two parties between which an agreement was apparently worked out; therefore, whether there was an agreement, what the details were concerning it, and whether there has been a violation of the agreement are questions which we will never be able to determine on the Senate floor.

If the matter goes to court, however, the attorneys can speak. There can also be evidentiary hearings, witnesses, as well as an opportunity for examination and cross-examination relative to what that agreement was, whether there was a violation, or any other issue that needs legal resolution.

I think the acknowledgment has been made that at this stage the Ethics Committee is in the stage analogous to a grand jury. A grand jury has wide authority and can do a lot of things. If charges are made and there is testimony that occurs during a grand jury which indicates that another violation of law may have occurred, the grand jury proceeds with further inquiry.

They do not go back and amend the original warrant that might be charged. For example, suppose that in a grand jury setting you have a person that is being investigated and there is a question as to whether that person ought to be indicted by a grand jury for grand larceny. In the middle of the investigation it arises that the person charged may have committed forgery, and so the district attorney decides at that time that he wants to issue a subpoena to produce certain documents to compare signatures relative to the matter. The district attorney does not have to then go and change the warrant and charge the man, in addition to grand larceny, with forgery. You pursue because you do not know whether an indictment is going to be handed down.

That is the situation we are in today. The Ethics Committee has come across certain new evidence, and in the forum that we are in today places the committee under a restriction as to what they can produce.

I am not sure, having served on the Ethics Committee for a long time, whether or not the committee can tell us right now, even if I were to ask them, what they have discovered. If we are to be able to make a determination, I think we ought to know what they discovered and what it might lead to. But under their interpretation of the rules, they cannot provide us with such information. And, again, this is an example of an arm being bound behind the back of the parties involved.

Alternatively, should the court get the matter, they are going to take a deposition. They are going to look at the diaries. They are going to look at all of the circumstances, and they are going to ask: What did you discover? What do you think this will lead you to? All questions that need to be asked.

Now, the issue pertaining to what the agreement was, what was redacted, whether or not there was a violation, whether or not it is within the scope and the purview of the committee at the particular time to go forward and to pursue this; all of this centers around the issue of privacy.

Now, the privacy issue arises because of the nature of a diary. If this was just a book of accounts or something similar thereto, I do not think we would all be as concerned as we are. Our concern comes because of the fact that a diary is something very private to an individual. A diary is what you write down, and the privacy involved in this is a matter that is personal and therefore we want to be very cautious about how we treat it.

Now, we do not know exactly where the law is pertaining to the privacy question. I have looked at the cases that the committee cited. I have looked at the cases that have been cited by Senator PACKWOOD's counsel. There is no clear answer. The language that came out of the Nixon case against the General Services Administration contained the dictum:

> When Government intervention is at stake, public officials, including the President, are not wholly without privacy rights in matters of personal life unrelated to any acts done by them in their public capacity.

Now, that tells us that public officials are not wholly without privacy. We do not, however, know the extent of this privacy. It seems to me that the time has come for us to let the court decide this issue of privacy regarding the diaries in question here. If we make the decision, I think we will be doing so in an improper forum that does not have all of the protections that we would like to have present; this includes all of the facts and all of the applicable law. We do not have briefs before us, and yet we are considering making a determination pertaining to this issue of privacy.

Now, the court may hold that privacy is limited. They may hold that under the fourth amendment this is a reasonable search, or that under the circumstances which come forward out of the diaries themselves, that there is enough probable cause for the subpoena to be reasonable.

We do not know at this time what the committee is trying to pursue and what the evidence they seek is. So, in essence, we would be making a decision which ought to be made in court, in my judgment.

Now, the other issue arises after you get to the issue of privacy. If you decide there is a right of privacy, then you get to the question of waiver. All of the questions and arguments we have concern the agreement, the redactions, and whether these are within the purview of what the original charges were in this case. All of these issues would be considered as to whether or not there was a waiver of privacy rights.

First, in order to move to the question of waiver you must have a privacy right. If there is no privacy right, then all of the matter pertaining to the agreement and the other matters relative thereto will not arise because the waiver question cannot arise.

If we really want to get down to it, there are many issues, very important and undecided issues, that the courts should determine. We ought to let the courts decide this rather than decide this ourselves in this forum which, in my judgment, is the improper forum for such a decision.

Some argue that dangerous precedents may be set. I contend we are merely instructing legal counsel to pursue this matter in the courts. The reasons why we are instructing legal counsel to pursue may vary among each of us. I may have certain grounds while others may have different reasoning. I do not think that precedents are necessarily going to be set by directing legal counsel to pursue this matter in the court system.

Some have said that this is a fishing expedition. And, there have been decisions issued by the Supreme Court, saying that grand juries cannot get involved in an arbitrary fishing expedition. And, if you get into an arbitrary fishing expedition, it is wrong. But at the same time a grand jury does have the right of inquiry. The grand jury has the right to inquire and move forward, and they have the obligation to do so.

When the parties involved in this matter get to court, the first thing Senator PACKWOOD would probably do is file a motion to quash the subpoena on the various grounds that have been discussed. This would allow the Senator and his counsel to be heard on all of the issues involved.

To me there are a lot of undecided issues. I do not know how they are going to come out. There is here a lot of law that has not yet been written on the right of privacy.

But I think when we get down to it this is not the forum for us to determine the issues of privacy, waiver of privacy, and any of the other matters we have discussed. In my judgment, these are for the courts to determine.

That issue which is really a side issue is not really related to the issue that we have to determine. The 6–0 vote by the Ethics Committee was done before that occurred. And being before it occurred, it seems to me that what occurred after that time may show some feeling of overzealousness or on the other hand it may show a desire to respond. There are arguments both ways.

I do not think that is our issue. Our issue here is whether or not we ought to pursue what the Ethics Committee feels is a legitimate area of inquiry and a legitimate area of investigation.

We can go off on all of this as to what may be the status, but I would say we ought to leave it to the courts. This is not the proper forum to determine all of the constitutional issues and the other matters that are involved.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I honor, respect, and really cherish this institution and the Members that make up this institution. The men and women who sit on both sides of the aisle, I think, deserve and have my friendship and respect. But my respect and admiration for Chairman BRYAN, Vice Chairman MCCONNELL, and those that make up the Ethics Committee is underscored for the devotion to the management of this Ethics Committee.

But, Madam President, I think it is important that I do say something about my colleague from Nevada, someone that I served with in my entire adult life in government. There is no one that has a better temperament, lifestyle, experience, and sets a better example to serve as chairman of the Senate Ethics Committee, than RICHARD BRYAN. I speak from a long-time personal association with him.

But, Madam President, as Ben Franklin said, "To serve the public faithfully and at the same time please it entirely, is impossible."

I feel the same way about this body and its role in ensuring the continuance of democratic institutions in this country. Duty is often a hard thing, Madam President, and no more ever than it is today.

We are asked to vote to possibly intrude on the privatemost thoughts of a fellow Senator. If he were a private man, I would possibly have no hesitation in determining that Senator PACKWOOD's diaries were private papers, protected by the fourth amendment. But they are not private papers. And, Madam President, we are not private men and women. We are Members of a body the public perception of which, like Caesar's wife, must be above suspicion. Upon our shoulders, upon our names, upon our reputations, rests much of the confidence of the people in the validity and reality of this Republic.

Government derives its just powers only from the consent of the governed. Can that consent be much longer freely given if the people do not believe that we govern honestly, openly, and above reproach?

We few at this moment, we unhappy few, must assume the responsibility to ensure continuing public faith in this Nation, its Government, and the institutions—especially the U.S. Senate—which form that Government about which I speak. I do not relish the task, none of us do, Madam President, but I like all of us must bear that burden.

I will vote to subpoena what could be, if he were not a Member of this body, the private papers of Senator PACKWOOD.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, I have discussed with the Republican leader, with the chairman and vice chairman of the Ethics Committee, with Senator PACKWOOD and with others, how best to proceed to a resolution of this matter. Based upon those meetings and the recommendations made by those persons, I have decided that it would be best were we to discontinue consideration of the matter for the day at this time. Therefore, I will shortly have the Senate go into recess until tomorrow.

The Senate will return to consideration of this matter at 10 a.m. tomorrow, and it is my intention—which I have expressed to all those with whom I have discussed the matter—that we continue in session tomorrow until the matter is resolved.

Under the prior order, the Senate will stand in recess between the hours of 12:30 and 2:15 p.m. tomorrow to accommodate the respective party conferences, and I intend that we will do so; that is, we will comply with that order and we will be in recess for that period of time.

In addition, pursuant to a separate order, the Senate is now scheduled to vote on cloture on a separate matter at 2:15, and if cloture is invoked, to have a period of debate and a series of votes relating to certain nominations. I will shortly ask unanimous consent that the vote on cloture, the ensuing debate, and subsequent votes occur following disposition of this matter so that this matter will not be interrupted for debate and voting on unrelated matters.

We will go out in just a few minutes. There will be no further debate on this matter this evening. We will return to consideration of this matter at 10 a.m. tomorrow, and except for the period between 12:30 and 2:15 p.m., when we will be in recess for the party conferences, we will remain on this matter until it is resolved, however long that takes tomorrow.

Mr. METZENBAUM. What about committee hearings?

Mr. MITCHELL. Mr. President, before Senators leave——

The PRESIDING OFFICER. The Senate will be in order. The majority leader is speaking.

Mr. MITCHELL. There will be a procedural vote on a motion to instruct the Sergeant at Arms to request the presence of Senators at 10 tomorrow. We will begin with another vote in an attempt to secure the presence of as many Senators as possible.

Mr. BYRD. Mr. President, will the majority leader yield for a question?

Mr. MITCHELL. I yield.

Mr. BYRD. Is it the intention, also, that committees not meet tomorrow?

Mr. MITCHELL. Mr. President, yes, that is my intention. Stated positively, it is my intention that there not be committee meetings tomorrow while the Senate is considering this matter.

Mr. President, accordingly, there will be no votes this evening. The consideration of the pending matter will not continue.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1587, THE FEDERAL ACQUISITION STREAMLINING ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that, when the Committee on Governmental Affairs reports S. 1587, the Federal Acquisition Streamlining Act of 1993, the bill then be referred to the Committee on Armed Services for a period not to exceed 30 session days; that, if the Armed Services Committee has not reported S. 1587 within that time period, the bill then be automatically discharged and referred to the Committee on Small Business for a period not to exceed 20 session days, whose consideration of the bill shall be limited to the subject matter contained in title IV of the introduced bill; that, if the Small Business Committee has not reported S. 1587 within that period, the bill then be automatically discharged and placed on the Senate calendar; further, for the purposes of this agreement, session days would include all days except those when the Senate had recessed or adjourned for more than 3 days pursuant to the adoption of a concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on October 29, 1993, received a message from the President of the United States, submitted a withdrawal and sundry nominations, which were referred to the appropriate committees.

The nominations received on October 29, 1993, are shown in today's RECORD at the end of the Senate proceedings.

REPORT ON THE NATIONAL EMERGENCY WITH IRAN—MESSAGE FROM THE PRESIDENT—PM 63

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1993, to the Federal Register for publication. Similar notices have been sent annually to the Congress and the Federal Register since November 12, 1980. The most recent notice appeared in the Federal Register on October 28, 1992.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are needed in the process of implementing the January 1981 agreements with Iran and in the eventual normalization of relations with that country.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1993.*

REPORT ON PROPOSED RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Armed Services, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on Small Business.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 37 proposed rescissions of budget authority, totaling $1.9 billion.

These proposed rescissions affect programs of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, State, and Transportation, International Security Assistance programs, and programs of the Agency for International Development, the Army Corps of Engineers, the General Services Administration, the Small Business Administration, the State Justice Institute, and the United States Information Agency. The details of these proposed rescissions are set forth in the attached letter from the Director of the Office of Management and Budget and in the accompanying report.

Concurrent with these proposals, I am transmitting to the Congress FY 1994 supplemental appropriations language requests that would remove a variety of restrictions that impede effective functioning of the government, including certain proposals outlined in the recommendations of the National Performance Review.

Together, the supplemental language requests and the rescission proposals would result in a total budget authority reduction of $2.0 billion. My Administration is committed to working closely with the Congress to produce legislation that will achieve this level of savings.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1993.*

MESSAGES FROM THE HOUSE

At 2:32 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1845. An act to establish the Biological Survey in the Department of the Interior.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1845. An act to establish the Biological Survey in the Department of the Interior; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1697. A communication for the Principal Deputy Comptroller, Department of Defense, transmitting, pursuant to law, notice relative to funding sources for study of Arctic nuclear waste disposal; to the Committee on Armed Services.

EC–1698. A communication from the Principal Deputy Comptroller, Department of Defense, transmitting, pursuant to law, notice relative to funding sources for the Nuclear Reactor Safety Program; to the Committee on Armed Services.

EC–1699. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 1605. A bill to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations; to the Committee on Commerce, Science, and Transportation.

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 1606. A bill to provide Federal assistance to States and local governments required to comply with direct cost Federal mandates; to the Committee on Governmental Affairs.

By Mr. BIDEN:

S. 1607. A bill to control and prevent crime; read the first time.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 1605. A bill to authorize the Secretary of Transportation to convey vessels in the National Defense Reserve Fleet to certain nonprofit organizations; to the Committee on Commerce, Science, and Transportation.

MERCHANT MARINE MEMORIAL ENHANCEMENT ACT OF 1993

Ms. MIKULSKI. Mr. President, I rise today to introduce the Merchant Marine Enhancement Act. This bill will assist in the refurnbishment of two merchant marine Liberty ships and one Victory ship so they can serve as the centerpiece of America's contribution to the ceremonies commemorating the 50th anniversary of the invasion of Normandy on June 6, 1994.

The bill requires the Secretary of Transportation to transfer six vessels in the National Defense Reserve Fleet to three nonprofit organizations. The organizations will scrap these vessels and use the proceeds to refurbish three Merchant Marine Memorial ships. One of these ships, the *John Brown* is docked in my neighborhood of Fell's Point, Baltimore, a mile away from my house.

Merchant marine veterans and volunteers have already spent a significant amount of time and effort readying the *John Brown* and the other two ships, the *Jeremiah O'Brien* and the *Lane Victory* for the trip to Normandy. We now have the opportunity to help ensure these efforts will not be wasted.

I feel it is extremely fitting that the merchant marine be included and duly recognized in this memorial ceremony. During World War II, it was the men of the merchant marine going on Liberty ships across the cruel waters of the North Atlantic, and the Japanese submarine-laden waters of the South Pacific, carrying the kinds of supplies needed so that we could win the war. President Roosevelt called our merchant marine then the "heroes in dungarees" for their courage and their valiant service during the Second World War.

Most recently, whether it has been in Korea, Vietnam, and now most recently in Desert Storm, one of the most important backups that our American military had was the merchant marine.

Mr. President, the 50th anniversary of the invasion of Normandy is just 7 months away. The three ships to be repaired must be drydocked as soon as possible to allow for the required repairs. I am pleased to point out that companion legislation, which was introduced by my colleague Congresswoman HELEN DELICH BENTLEY, has already been approved by the House Merchant Marine and Fisheries Committee. I urge my colleagues to pass this piece of legislation in an expeditious manner.

Mr. President, I ask uanimous consent that the text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merchant Marine Memorial Enhancement Act of 1993".

SEC. 2 CONVEYANCE VESSELS.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey without consideration all right, title, and interest of the United States in 2 vessels described in subsection (b) to any nonprofit organization which operates and maintains a Liberty Ship or Victory Ship as a memorial to merchant mariners.

(b) VESSELS DESCRIBED.—Vessels which may be conveyed under subsection (a) are vessels which—

(1) are in the National Defense Reserve Fleet on the date of the enactment of this Act;

(2) are not less than 4,000 displacement tons;

(3) have no usefulness to the Government; and

(4) are scheduled to be scrapped.

(c) CONDITIONS OF CONVEYANCE.—As a condition of conveying any vessel to an organization under subsection (a), the Secretary shall require that before the date of the conveyance the organization enter into an agreement under which the organization shall—

(1) sell the vessel for scrap purposes;

(2) use the proceeds of that scrapping for the purpose of refurbishing and making seaworthy a Liberty Ship or Victory Ship which the organization maintains as a memorial to merchant mariners, to enable the ship to participate in 1994 in commemorative activities in conjunction with the 50th anniversary of the Normandy invasion; and

(3) return to the United States any proceeds of scrapping carried out pursuant to paragraph (1) which are not used in accordance with paragraph (2).

(d) DEPOSIT OF AMOUNTS RETURNED.—Amounts returned to the United States pursuant to subsection (c)(3) shall be deposited in Vessel Operations Revolving Fund created by the Act of June 2, 1951 (65 Stat. 59; 46 App. U.S.C. 1241a).

(e) DELIVERY OF VESSELS.—The Secretary shall deliver each vessel conveyed under this section—

(1) at the place where the vessel is located on the date of the approval of the conveyance by the Secretary;

(2) in its condition on the date; and

(3) without cost to the Government.

(f) EXPIRATION OF AUTHORITY TO CONVEY.—The authority of the Secretary under this section to convey vessels shall expire on the date that is 2 years after the date of the enactment of this Act.

By Mr. SASSER (for himself and Mr. MATHEWS):

S. 1606. A bill to provide Federal assistance to States and local governments required to comply with direct cost Federal mandates; to the Committee on Governmental Affairs.

FEDERAL MANDATE FUNDING ACT OF 1993

• Mr. SASSER. Mr. President, it is my pleasure to introduce, on behalf of myself and my colleague, Senator MATHEWS, the Federal Mandate Funding Act of 1993.

Our legislation offers tangible relief from unfunded Federal mandates in three ways: First, it imposes a moratorium on new mandates for a 2-year period, unless the Federal Government shares in the cost, in order to give State and local governments breathing room. Second, it amends the "fiscal note" provision of the Budget Act to provide that Congress follow up on the State and local cost estimates, now performed by law, by including a cost-sharing statement before mandating legislation is considered. Finally, it establishes a Federal mandate assistance fund. This is a modified form of revenue sharing that targets assistance to State and local governments based on their relative mandate burdens, and their relative fiscal ability to meet those burdens.

This is a realistic and timely approach to relieving the burden of unfunded mandates. We all know that "National Unfunded Mandates Day" was observed by State and local governments this past Wednesday, October 27. Literally dozens of pieces of legislation have been introduced this session in both Houses, seeking to reform different aspects of the mandate problem.

Our bill and related legislation will be the focus of future hearings by the Senate Government Affairs Committee.

Let me explain briefly how our bill would interact with and amend the existing mandates process.

LEGISLATION MANDATING

The State and Local Government Cost Estimate Act, which I sponsored in 1981 and which is now permanently authorized, requires the Congressional Budget Office [CBO] to prepare a "fiscal note," or estimate of costs to State and local governments, before legislation can be considered. Although this is technically required only when the impact would be greater than $200 million, as a practical matter the CBO does it for all mandating legislation. The problem, it has become clear, is that this yellow caution light has no red light to back it up.

That is what our bill provides, by stipulating that when a statutorily significant mandate is proposed, one in excess of $200 million, Congress must include a specific statement of what reimbursement or cost-sharing it intends to authorize. Such a Federal share must be at least 20 percent of direct costs to State and local governments. This provision is enforceable by a point of order which can be waived only by majority vote, or in the case of emergency legislation certified by the President as is now provided by the Deficit Reduction Act.

In short, our legislation makes the President and Congress answer not only, "how much is the bill?" But "how much is the Federal Government chipping in?" The constitutions of several States, including Tennessee, require State legislatures to include a cost-sharing statement like ours before they can mandate to local governments in the State. None of them requires that there be complete reimbursement or indeed, any cost-sharing at all—though our provision would stipulate a 20 percent minimum. Nevertheless, experience at the State level shows that when the legislature is required to address the cost-sharing issue head-on, it has a salutary effect in holding down unfunded or underfunded mandates.

Again, the issue is not whether certain mandates are proper or desirable, or whether local governments should be able to opt out of compliance. The issue is whether the Federal Government pays a fair share, and that is what our bill seeks to redress.

REGULATORY MANDATING

A significant source of excessive mandating arises from the rulemaking process. There simply is not sufficient requirement that rulemaking agencies consider differences among localities, or alternative means of living up to the laws' intent. The result is the widely-criticized "one-size-fits-all" style of rulemaking. We have all heard the example, by now, of the nationwide requirement that localities test their drinking water for a pesticide that was used only on pineapples in Hawaii, and not there since 1977.

The answer lies in reforming the rulemaking process to afford greater flexibility in complying with mandates. This would reduce mandate costs just by doing away with excessive or unnecessary regulation. The administration, as a follow-up to its National Performance Review, is already reviewing existing regulations for this purpose. In addition, my good friend and colleague, Senator GLENN, has introduced legislation to reform the existing Regulatory Flexibility Act. I look forward to working with him on this legislation and urge its prompt consideration by the Senate.

FINANCIAL DIFFICULTIES IMPOSED BY MANDATES

Finally, even if Congress authorizes cost-sharing for a particular program, and even if rulemaking recognizes local distinctions and allows flexibility in compliance, some localities will still find it fiscally difficult to carry out mandates. Here again, our legislation today provides relief for fiscally distressed governments.

"Fiscal distress" can arise from a combination of factors. Obviously, some communities face greater needs than others, in areas such as social welfare, education, and public safety. Others have difficulty meeting mandate costs simply because of constraints on available resources, such as small communities which lack a large tax base.

Therefore, this legislation creates a Federal Mandate Assistance Fund, to be administered by the Treasury Department. Allocations from this fund would be made on the basis of two sets of criteria: relative burden of Federal mandates, and relative need factors.

An allocation to each State would be based on: First, the combined total of Federal mandates to the State and its local governments, as a share of the national total; and second, the relative need factor of the State, as a function of population, per capita income, general tax effort, and relative fiscal gap.

Then, suballocations to local governments are to be administered by each State as follows: A portion of the State's overall allocation must be set aside for local use, based on local mandate costs as a percentage of the State and local total. Then, under plans submitted by the State and approved by the Secretary of the Treasury, funds would be available to a local government on the basis, again, of: First, its mandate burden compared with all local governments in the State; and second, the local government's relative need factor.

Mr. President, I think this legislation offers meaningful relief for Federal mandates imposed on State and local governments. It extends fiscal assistance to governments with the most mandate burdens and the least means to pay for them. It makes this assistance available in block form for use by State and local governments to defray mandate costs and each government's allocation is based on its overall mandate and needs factors.

Finally, in addition to the permanent changes made by our bill—the cost-sharing point of order, and the mandate assistance fund—the bill would impose an outright 2-year moratorium on any new statutory or regulatory mandates, unless Federal funds are specifically provided to help offset the cost. This will give hard-pressed communities time to catch their breath.

Mr. President, with all respect for colleagues who may espouse a different approach, I believe our legislation offers real and practical relief for unfunded mandates—not just the notion that we can walk away from mandates that are costly.

The legislation seeks to insure that there will be no guesswork about who picks up the check or whether the Federal Government contributes fairly. It assists all State and local governments in financing mandates and provides targeted assistance to those local governments that need it most.

We are acutely aware of the budget constraints the Federal Government itself faces. But this is all the more reason why the Executive and the Congress must recognize how the shoe pinches at the local level, and stop mandating programs without sharing in the cost. Despite our budget problems, now is the time to add State and local mandate relieve to our domestic spending priorities.

I ask unanimous consent that the full text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Mandate Funding Act of 1993".

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1)(A) The term "Federal mandate" means a Federal law or regulation that requires a State or unit of general local government to carry out an action for which the State or unit of general local government incurs a direct program cost.

(B) Such term does not include laws or regulations—

(i) enforcing the Constitutional or statutory rights of individuals; or

(ii) requiring a State or unit of general local government to contribute matching amounts of funding as a condition for receiving Federal grant assistance.

(2) The term "Secretary" means the Secretary of the Treasury.

(3) The term "State" has the same meaning as in section 6501(8) of title 31, United States Code.

(4) The term "unit of general local government" has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 3. MORATORIUM.

(a) IN GENERAL.—For the period beginning on the date of enactment of this Act and ending 2 years after such date, any duty or requirement imposed by Federal statute or regulation that creates a Federal mandate shall not apply to a State or unit of general local government unless the State or unit of general local government receives a Federal share toward the cost of such mandate.

(b) APPLICATION.—This section shall apply only to statutes or regulations that take effect on or after the date of the enactment of this Act.

SEC. 4. FEDERAL MANDATE ASSISTANCE FUND.

(a) ESTABLISHMENT AND ADMINISTRATION OF FUND.—There is established in the Department of the Treasury a Federal Mandate Assistance Fund (referred to as the "Fund"), which shall consist of amounts appropriated to the Fund.

(b) PAYMENT AND USE.—

(1) PAYMENT.—The Secretary shall pay from the Fund, to each State which qualifies for a payment under this section, an amount equal to the sum of any amounts allocated to the State under this section at the beginning of each fiscal year.

(2) USE.—Amounts paid to a State under this section, and allocated and paid to units of general local government within such State under this section, shall be used by such State and units of general local government to reimburse the costs of Federal mandates.

(c) QUALIFICATION FOR PAYMENT.—Under regulations issued by the Secretary, a State shall qualify for payment of the amount allocable to it under subsection (d) only after it has furnished, to the Secretary's satisfaction, the following:

(1) STATE AND LOCAL MANDATE COSTS.—The State shall furnish, and the Secretary shall certify, an estimate of the combined cost to the State and to units of general local government within such State of Federal mandates during the next fiscal year.

(2) FORMULA FOR ALLOCATION TO UNITS OF GENERAL LOCAL GOVERNMENT.—The State shall submit, and the Secretary shall approve, a plan for the allocation to units of general local government in the State, out of the amount allocated to the State under this section, in conformance with the conditions and criteria set forth in subsection (d).

(d) ALLOCATION FORMULAS.—

(1) STATE ALLOCATIONS.—(A) Under regulations issued by the Secretary, the Secretary shall allocate to each State, out of the amount authorized for the period under subsection (b), an amount proportionate to the product of—

(i) the total estimated cost of Federal mandates to the State, and units of general local government in the State, as a ratio of the total estimate of such costs for all States, multiplied by

(ii) the need factor of the State as a ratio of the combined need factor of all States.

(B) The need factor shall be the product of—

(i) the population of the State;

(ii) the relative per capita income of the State;

(iii) the general tax effort factor of the State; and

(iv) the relative fiscal gap factor of the State.

(2) ALLOCATIONS TO UNITS OF GENERAL LOCAL GOVERNMENTS.—

(A) SET-ASIDE OF FUNDS.—Each State shall set aside, out of the amount paid to it by the Secretary under this section, an amount equal to the ratio which the federal mandate costs of all units of general local government in the State bear to the combined Federal mandate costs of both the State and its units of general local government.

(B) PAYMENT OF FUNDS.—Under the plan submitted by the State for approval by the Secretary, pursuant to subsection (c)(2), the State shall pay to each unit of general local government in the State, from the amount set aside under subparagraph (A), an amount proportionate to the product of—

(i) the cost of Federal mandates to such unit of general local government, as a ratio of the cost of such mandates to all units of general government in the State; and

(ii) the local need factor of such unit of general local government, defined as the product of its population, relative per capita income, and general tax effort factor.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

SEC. 5. REQUIREMENT OF IMPLEMENTATION PROVISION; POINT OF ORDER.

Section 403 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(d) POINT OF ORDER.—

"(1) GENERAL RULE.—(A) Except as provided by paragraph (2), it shall not be in order in the Senate to consider any bill or resolution which would impose any duty or requirement on State or local governments which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of $200,000,000 or more with respect to any particular program, project, or activity, unless such bill or resolution contains an implementation provision setting forth the Federal share of such cost.

"(B)(i) The Federal share of costs referred to in subparagraph (A) shall be not less than 20 percent of the costs incurred by the State or local government in meeting direct program costs.

"(ii) The Federal share of costs referred to in subparagraph (A) may include—

"(I) reimbursement for direct administrative costs of State and local governments in implementing the program, project, or activity; and

"(II) Federal cost-sharing or matching grant funding.

"(C) A point of order made under this subsection may be waived in the Senate by a majority vote of the Members voting, a quorum being present, or by the unanimous consent of the Senate.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any bill or resolution, including any amendment thereto or conference report thereon, which is in compliance with any order issued under either section 251(b)(2)(D) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(3) DEFINITION.—For purposes of this subsection—

"(A) The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

"(B)(i) The term 'Federal mandate' means a Federal law or regulation that requires a State or local government to carry out an action for which the State or local government incurs a direct program cost.

"(ii) Such terms does not include laws or regulations—

"(I) enforcing the Constitutional or statutory rights of individuals; or

"(II) requiring a State or local government to contribute matching amounts of funding as a condition for receiving Federal grant assistance.".

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date of enactment of this Act.●

ADDITIONAL COSPONSORS

S. 297

At the request of Mr. STEVENS, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 479

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 1226

At the request of Mr. AKAKA, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1226, a bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1408

At the request of Mr. LOTT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1443

At the request of Mr. WARNER, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1480

At the request of Ms. MIKULSKI, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1480, a bill to amend the provisions of the Public Health Service Act regarding grants to States for projects relating to Alzheimer's disease, and for other purposes.

S. 1500

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1500, a bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces in obtaining training and employment as managers and employees with public housing authorities and management companies.

S. 1552

At the request of Mr. WARNER, the names of the Senator from Virginia [Mr. ROBB], the Senator from Alaska [Mr. STEVENS], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1552, a bill to extend for an additional 2 years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial.

S. 1594

At the request of Mr. SHELBY, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 1594, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to require a reduction in the discretionary spending limits in each fiscal year by an amount equal to the total of any reductions made in existing programs for the previous fiscal year.

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. BRYAN], the Senator from Maine [Mr. COHEN], the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Tennessee [Mr. MATHEWS], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 140

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Colorado [Mr. BROWN], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day."

SENATE JOINT RESOLUTION 145

At the request of Mr. HATCH, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. WARNER], the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. AKAKA], the Senator from Kansas [Mr. DOLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Washington [Mr. GORTON], the Senator from Idaho [Mr. CRAIG], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Alabama [Mr. SHELBY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Connecticut [Mr. DODD], the Senator from Ohio [Mr. GLENN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Delaware [Mr. ROTH], the Senator from Mississippi [Mr. COCHRAN], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. PELL], the Senator from Maryland [Mr. SARBANES], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 145, a joint resolution to designate the period commencing on November 21, 1993, and ending on November 27, 1993, and the period commencing on November 20, 1994, and ending on November 26, 1994, each as "National Adoption Week."

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. RIEGLE, the names of the Senator from Delaware [Mr. ROTH], the Senator from Nebraska [Mr. EXON], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of the Congress that United States truck safety standards are of paramount importance to the implementation of the North American Free-Trade Agreement.

ADDITIONAL STATEMENTS

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

• Mr. DODD. Mr. President, I rise today to express my appreciation for the fine work of the National Commission to Prevent Infant Mortality. The commission's funding will be expiring soon, so this is an appropriate time to reflect on its important accomplishments since its inception.

Led by Gov. Lawton Chiles of Florida, whom many of us know from his distinguished service in this body, the commission documented and forced us to confront the tragedy of the multitude of infants in this country who do not survive to see their first birthday.

If that was all the commission had done, it would have been a significant achievement. But Governor Chiles and the other members of the commission, including Lynda Johnson Robb, were not content to be simply the bearers of grim tidings. They wanted to help forge the solution as well.

The commission, therefore, moved on to identify promising ways to reach out to expectant mothers and young families. It provided leadership in making improving the health of mothers and children a priority at the State and local levels. It has promoted the need for integrating services for families so that they are viewed as a whole and important needs do not fall through the cracks.

Above all, the commission has underscored to us and the public that what happens to children during their early years, and even before birth, plays an enormous role in the adults they will become. In other words, a good beginning truly has no end.

Perhaps the commission's most important achievement has been the Resource Mothers project. A few years ago, as I focused on ways to provide supportive services to families early on so that we could avoid many of the problems currently overwhelming the child welfare system, I became interested in the approach of home visiting.

Frankly, I was not surprised to learn that Lawton Chiles and the commission had been there before me. The Resource Mothers train lay-persons from the community to work with pregnant women in their homes, help them learn about child development, and link them to all-important health and social services in the community. The commission provided invaluable insights and advice as I developed a strong bill—ultimately enacted—to establish a Federal home visiting program.

The commission, which was acutely aware that every day we lose waiting for the Congress and the Federal Government to act means losing precious time for mothers and infants, moved on its own to spread the Resource Mothers concept.

Last April, I was pleased to join Governor Chiles and Lynda Robb to help kick off a national Resource Mothers project to provide assistance to communities that wish to adopt this effective means of reaching mothers and children and improving child health and development.

Early on, the commission recognized that only to focus on maternal and child health services was to perpetuate the fragmentation of services that drives families to distraction. Therefore, the commission has reached out to other groups to form alliances on behalf of children and their myriad needs. Two of these initiatives are the National Health/Education Consortium and the National Consortium for African American Children.

Mr. President, I believe the commission members—who, by the way, include a dear friend and constituent of mine, Margaret S. Wilson of Eastern Connecticut State University—should be highly commended for their exemplary work on behalf of children and families. The commission's staff, led by Executive Director Rae Grad, also has been outstanding, an unparalleled resource for information on mothers and infants. I particularly want to thank Mary Carpenter, who provided a wealth of information and technical advice on home visiting.

Mr. President, although the commission is expiring, the problem of infants whose lives are over before they have hardly begun is still with us. I hope that the Department of Health and Human Services will give the commission adequate funds for a rational and dignified shut-down.

I also hope the Department will take seriously the need for a Federal focal point on these issues that will fill the gap created by the commission's demise.

For my part, I intend to continue my own longstanding commitment to preventive services that support families and promote healthy child development. We in this body, and the Nation as a whole, cannot afford to lose sight of the need to invest in children and to ensure that they have a good start in life. Nothing else is so critical for our society and our Nation's future, and I can think of no more fitting legacy for the commission than to keep our attention focused on this need.•

COMMENDING BRECK SCHOOL OF MINNEAPOLIS, MN

• Mr. DURENBERGER. Mr. President, I rise today to recognize Breck School of Minneapolis, MN, as a "Blue Ribbon School of Excellence." I ask that my colleagues join me in expressing my sincerest and most heartfelt congratulations to Breck.

For more than a decade, the U.S. Department of Education has recognized the Nation's finest schools via the Blue Ribbon School Program. Schools that are selected provide an excellent model of what is right about America's schools. Breck's selection as a blue ribbon school was a natural one. Its history is a story of change, of the consistent pursuit of diversity and spiritual values, and of academic growth.

Breck is a college-preparatory school that actively seeks and values racial, socioeconomic, religious, geographic, and academic diversity. Breck's curriculum is evolutionary. The faculty of each discipline decides on an essential core of knowledge to teach. The Breck educators then incorporate technology, critical thinking skills, research techniques, good study habits, and extemporaneous writing and speaking requirements. This effort focuses on the development of academically well-rounded students. Breck, however, is much more.

Besides academic preparation, Breck values dictate a broader view of what constitutes college preparation. Fostering physical development and emotional and spiritual growth, instilling ethical values and a sense of community and social awareness, and promoting an appreciation for each and every individual, are all components of the Breck college-preparatory process. All students take courses in ethics, present a senior speech to the student body, and make a commitment to provide community service.

Breck School demonstrates all that is best about providing a well-rounded education to students and should provide an example to all schools aspiring to become a blue ribbon school. Breck's mission and value statements say it best and I request that they be included in the CONGRESSIONAL RECORD.

The statements follow:

THE MISSION

Breck's Mission is to:

Prepare each student for a college whose culture is compatible with the individual's needs, interests and abilities.

Help develop each student's unique talents and potential to excel by nurturing independence and self-worth.

Instill in each student a deep sense of social responsibility.

VALUES

Breck believes in a strong sense of values under which the school operates:

That each student is unique and has special talents and capabilities.

That each student's potential is best realized by a challenging academic program and appropriate support.

That each student's intellectual growth is enhanced by the acquisition of knowledge, analytical and language skills, the development of creative and critical thinking, and the cultivation of artistic appreciation and expression.

That the student's physical and emotional growth are important in the development and pursuit of potential.

That each student's life is enriched in a diverse community where differences among people are recognized and appreciated.

That each student should develop spiritual and ethical values and his or her relationship with God.

That each student should accept responsibility for the common good and develop a desire to contribute to those in need.•

THE "MERCHANT OF MAYHEM"

• Mr. SIMON. Mr. President, today, I would like to share an important Chicago Tribune article with my colleagues. In the words of the article's author, David Jackson, "it is the story of lax Federal inspections, ineffective gun registration laws and the mayhem that results in the streets." This is the story of "how one gang got its guns."

The article details the deadly transactions between Federal firearms licensee James Board of Highland, IN, and Chicago's gangs. To date, at least 60 of Board's guns "have been confiscated by Chicago police from murder suspects, drug dealers and gang members." The horror does not stop there, however: for every month he was in business, Board illegally sold at least 100 guns a month from a converted den in his home, including 800 low-caliber, semiautomatic pistols during one 9-month period. Needless to say, his weapons should be turning up at Chicago crime scenes for a long time to come.

As many of my colleagues may know, I am the sponsor of legislation to strengthen the laws pertaining to federally licensed firearm dealers, like James Board. As Mr. Board could undoubtedly tell you, in this country, it is easier to get a license to deal firearms than it is to obtain a driver's license. To make matters worse, the Bureau of Alcohol, Tobacco and Firearms [ATF], the agency charged with overseeing the nearly 290,000 firearms dealers in the United States, is constrained by the present weaknesses in Federal law. For example, the ATF must issue a Federal dealer's license, even if they know that dealer would be operating in violation of State or local laws.

Unfortunately, James Board is not the first Federal licensee responsible for distributing thousands of firearms to gangs and criminals. Given the present state of our Federal laws, he will not be the last either. I ask that my colleagues join me in my fight to enact this much needed legislation—before another "Merchant of Mayhem" is allowed to feed the fire of crime sweeping our streets.

I ask that the full "Merchant of Mayhem" story be entered at this point in the RECORD.

The article follows:

MERCHANT OF MAYHEM

(By David Jackson)

His hands stuffed into the pockets of a winter coat, Rocky Salazar fingered the snubnosed .25-caliber pistol he carried like a lucky stone.

A 15-year-old soldier in the Satan Disciples street gang, Salazar was standing on West Chicago Avenue one February evening last year when a fellow Wells High School student happened to walk past.

The boy "gave me a bad look," Salazar later explained to police, and so he shouted a gang slogan and fired once, sending a slug into the back of 19-year-old Rosalio Jiminez, and wounding him severely. Salazar was arrested and charged in Juvenile Court with aggravated battery and unlawful use of a weapon.

There were three unusual things about Salazar's gun.

He had neglected to obliterate the serial number on its blue steel casing.

Police happened to recover the weapon.

The federal agents decided to trace it.

Their search led to a ranch-style home on a prosperous, tree-lined street in Highland, Ind., where entrepreneur James Board sold firearms from a converted family den.

Its wide front lawn bedecked with bright flowers and a stone angel, Board's home served as a crucial link in the underground pipeline through which hundreds of guns flowed daily onto Chicago's streets and into the hands of gang members like Salazar.

During one nine-month period in 1991, the cherubic Hoosier illegally distributed more than 800 low-caliber semi-automatic pistols to Chicago gangs, federal records show.

This is the story of how one gang got its guns.

Told in state and federal court records, as well as interviews with the participants, it is a tale of lax federal inspections, ineffective gun registration laws and the mayhem that results on the streets.

Federal officials say it is in many ways typical: Board was not a devious career criminal who figured out new ways to cheat the system, but one of many licensed gun salesmen who discovered the quick profits that can be made in America's unsupervised and scantly regulated arms market. Methods like his are being reproduced in home-grown weapons shops across the country, enabling gangs to procure low-caliber semi-automatic handguns by the crateload.

"In the old days, the majority of guns used by felons may have been stolen in burglaries of homes or gun shops, but those days are long gone," said assistant U.S. Atty. Stephen Sinnott, who supervises the prosecution of illegal gun deals in Chicago.

Today's gangs get most of their guns the way Salazar got his, using strawman purchasers and licensed but unscrupulous dealers. In its 2,000-mile journey from a Mira Loma, Calif. foundry to Chicago's chilly, asphalt killing fields, the weapon was shipped to Board's home and from there, passed into the hands of a loose network of gang members and outsiders who help them.

Among them was Manuel Robles, a shaggy-haired foreman at a Southwest Side shower door factory. Acting as the middleman, Robles ordered bulk quantities of pistols from Board and stored them in the back of a co-worker's van, according to records and interviews.

A fellow factory worker introduced Robles to gang lieutenant Juan "Lil' Player" Alvarez, 21. Alvarez, his body stitched with black pitchfork tattoos, dispensed the weapons to the street.

"I was just the delivery man," Alvarez said in an interview. "I would drive up certain streets and certain people would be in a car and I would drop [the guns] off and that was it. I made $100 if anything each time."

To date, about 60 of Board's guns have been confiscated by Chicago police from murder suspects, drug dealers and gang members. As for the hundreds of others Board sold illegally, "The repercussions of these weapons will be felt on the streets for a long time to come," U.S. Bureau of Alcohol, Tobacco and Firearms spokesman Jerry Singer said.

In a coffee shop in Michigan City, Ind., James Board look deep drags from a low-tar cigarette and fiddled with his tawny mustache.

An unemployed, 37-year-old truck driver with a wife and two children, Board began dealing guns in 1988 because "it was an easy business to get started in. There's not a lot of upfront costs," he said.

Board's only previous arrest was in 1981, for speeding. "I didn't know anything about gangs," said Board, a lifelong resident of Highland, Ind.

"I was basically looking for a business I could do out of the house so I could help raise the kids."

After paying a $30 application fee and waiting 45 days for federal bureaucrats to determine that he had no felony convictions or mental illness, Board became one of America's 287,000 federally licensed firearms dealers and manufacturers. He was free to order unlimited amounts of guns without background checks or waiting periods. The license allowed him to sell nearly any kind of gun to any adult who swore he or she had no criminal record.

About three-quarters of the dealers work out of their homes, like Board, federal records show, and fewer than 1 in 10 is visited annually by one of ATF's 220 inspectors.

Board had been selling guns for two years before he was first inspected in 1990. Crammed in a cardboard box, the few receipts he bothered to keep were in shambles, federal reports show. Board nervously explained to inspectors that he had in some cases mislaid invoices and in others merely forgotten to complete federally required gun-selling forms, according to a 21-page agent's report.

But because it was his first inspection, Board was not punished. Instead, he was given an easy-to-read, government-published handbook on "The Cans and Can'ts of the Gun Control Act," and allowed to continue selling.

Documents seized in a later search warrant revealed that at the time he was illegally selling about 100 guns a month. Those sales were never recorded by Board, as federal rules require.

Agents had no way of knowing about the sales because, unlike automobile and land titles, gun sales records by law are not computerized or kept by a central government agency. Instead, each dealer keeps records separately in his or her own shop. Gun lobbyists have blocked laws that would create a central registry of guns by invoking the deep-rooted fear that if officials knew to whom the weapons were sold, they could more easily seize them.

As a consequence, such federal inspections rarely turn up evidence of under-the-table dealing, officials say. In 1992, for example, only 24 licenses were revoked, while 35,562 new licenses were issued.

When he was caught, Board was charged in an Indiana federal court with five counts of failing to keep records of the weapons he sold, as well as related violations. He pleaded guilty to one count involving a 26-gun sale, and served 16 months in prison. He was released in September.

Described in case agents' reports and court records, his illegal sales entailed a frenetic minuet of long distance phone calls, highway travel and old-fashioned elbow grease.

It is not clear how Robles found his way to Board, but it is not difficult to find a gunshop. There's a crowded market of dealers who advertise in sporting magazines, pass out their business cards at county gun shows and list their phone numbers in the Yellow Pages under Guns & Gunsmiths.

Most of Board's customers were police officers and collectors who bought one or two expensive, high-caliber pistols at a time.

"No cheap junk," Board said.

But when Robles arrived, Board said, he tripled his income to about $15,000 a year. "Basically, he seemed like a regular, hard-working Joe. He said he wanted to ship guns down to Mexico. I asked him, 'Is everything on the up and up?', and he said 'Yeah.' I took his word for it."

By 1991, Robles was placing near-weekly orders for .25-caliber semi-automatic pistols, asking for "the little ones," according to government reports and transcripts of taped phone conversations.

Board would then get on the phone himself, calling among wholesalers to determine the lowest price. In one typical transaction, Board paid Wisconsin and Michigan wholesalers about $35 each for 70 pocket-sized semi-automatics, selecting Lorcin L25 models like the one Salazar used.

Advertised in glossy sporting magazines as "Our number one selling lady's gun," the L25 features a "comfort zone grip that fits snug in your palm."

Cops call it a "gut gun," because it is sure to be effective only when fired at close range and against soft flesh. More than 10,000 were made last year.

"We have no way of telling from the license if he is a one-man operation or has 500 employees, so we have no reason to be suspicious," said Michael Saporito, senior vice president of R.S.R. Wholesale Guns Inc., of Winter Garden, Fla., whose Midwest subsidiary shipped 40 of the 70 guns.

Board offered the weapons to Robles for $50 each. When Robles agreed on the price, Board had the wholesalers send the guns to a Hammond UPS station, where they were held for cash on delivery.

Board said he rarely stocked guns in the house because he did not want his 9-year-old son and 5-year-old daughter to find them.

Instead, he drove to Chicago and got $3,500 cash from Robles. Then he drove back to Hammond and paid for the guns, doubled back to Chicago, and placed the boxload of guns in the back of a waiting van in the parking lot of Robles' factory.

Board prided himself on such service.

In one transaction watched by federal agents, Alvarez pulled up next to the van in a red and black trimmed Blazer and picked up 23 pistols in a box marked "auto parts."

Alvarez, who admitted that he was "deep into" the hierarchy of the Satan Disciples, had a criminal record dating to 1988, when he was caught at Juarez High School with a 25-

caliber Raven semi-automatic in his coat pocket. He was expelled and sentenced to 18 months' probation for that crime. He was arrested 15 more times in the next four years, court records show.

Alvarez said he did not consider the mayhem the guns caused on the streets.

"What's happening out there really don't concern me," he said. "The only thing I was interested in was the amount of cash I was going to be paid. I was not thinking of whose hands they were in."

When he was arrested with Board's guns, Alvarez was charged with both state and federal offenses. He has already served a year in state prison, and in November will begin a 14-month federal sentence.

Robles, who pleaded guilty to federal weapons distribution charges, awaits sentencing.

Federal officials are currently mulling a host of reforms that will reduce the number of kitchen-table dealers like Board.

Today, Board favors a ban on the retail sale of pocket-sized pistols, as well as more stringent background checks on dealers and owners. But he stops short of calling for the kind of government-maintained registry of guns that would have allowed inspectors to catch him earlier.

"See, a lot of gun owners are afraid that if the government knew where all the guns were, the government could seize them," Board said.

"If people could trust the government, there wouldn't be any problem, but they can't."•

EXCESSIVE, BURDENSOME GOVERNMENT

• Mr. WALLOP. Mr. President, the hardest challenge for a free society is to preserve liberty against the predations of an uncertain, chaotic world. What is mystifying is that people often regard their freedoms in a cavalier, if not contemptuous, fashion.

Look at us here in America. We do have the moral grounding in freedom—the American Revolution was an outburst of freedom against the straitjacket of mercantilism and tyrants. While we vanquished those predators, we have created a new one. It is the specter of entitlement. One of the legacies of the 1960's generation is the novel idea that people have unlimited rights and entitlements. Legitimate rights are submerged in this stew of trivialities. And, the idea of individual responsibility is ridiculed as an archaic concept. Yet, legitimacy and responsibility comprise the bedrock of freedom. Fracture them, and liberty is toppled.

Where is the threat, eroding freedom. We can start with reinventing Government, the new enthusiasm of the 1960's generation running the executive branch of our Government. It should be difficult to argue against making Government more efficient and effective. However, the Clinton-Gore review is more interested in making big government more palatable rather than efficient or effective. Where is the diminishing of Government, of control? I cannot find it anywhere in their glossy, multicolor report printed on high grade paper at four times the normal cost of Government publications.

After boldly declaring that our Government does not work, the report offers but timid solutions to make "Government work better and cost less." It merely recommends ways to make Government better for Government employees. It empowers Federal employees, rather than private citizens. Instead of reinventing Government, it recommends ways to rearrange it and thus to reinvigorate it.

In contemplating what they are seeking, I am reminded of an observation by George Washington about why we should not readily embrace big government. He said, "Government is not eloquence, it is not reason. It is like fire, a dangerous servant and a fearful master." And added Thomas Paine, "Government even in its best state is but a necessary evil, in its worst state an intolerable one."

Another example of the pursuit of serenity through big government is the recent Clinton budget which is really the largest tax bill in history. That bill is egalitarianism at its worst. It was crafted by Democrats enamored with the seductive appeal of class envy and intent upon punishing anybody who may have succeeded in the 1980's. It has new retroactive marginal tax rates approaching 40 percent of income, including even retroactive taxes on the dead who cannot change their behavior even if they wanted to. It has lower thresholds on estate incomes; a cap on the deductibility of executive compensation; limits on the amount of meals and entertainment that can be deducted; and an elimination of the deduction for lobbying expenses. And, in exchange for all these new taxes, it promises spending cuts at some vague future date. All were proposed and sold to the American people under the guise of equality. By convincing people that the economic successes of the 1980's must have been ill-gotten, the administration's propaganda obfuscated, distorted and deceived the American people into thinking that the largest tax increase in history was good for the middle-class, good for the country and good for the economy.

One of the things our forefathers—the framers of our Constitution—knew was that taxation presented an opportunity for the majority to oppress a minority with the means to be taxed. So they included significant restraints on direct taxes in the Constitution. We now ignore those. And our economy is suffering as a result. In the 1950's, when our economy was growing at twice its current rate, only 50 cents of every Federal tax dollar collected was from direct taxes on individuals, consisting of payroll and income taxes. Today over 83 cents of each Federal dollar collected is taken from these taxes on individuals. And it will get worse, not better under Clinton's economic package. Washington's insatiable demand for the country's resources is strangling the economy. History is repeating itself before our eyes, but our eyes are shut.

Let us not kid ourselves. The measure of the Government's burden on our economy is the size of Government. It matters little whether the cost of excessive Government is financed through excessive taxes or excessive borrowing. Each has the same crippling effect on our economic future. It will doom us—just as surely as it has doomed other great civilizations—to inevitable economic, political and military decline.

This country came into being on the basis of a revolt against taxes. The Federal Government was originally not given the power to tax and then received only limited powers to tax in our Constitution. President Jefferson, whom Democrats claim as their own, ran on an anti-Federal tax platform and won on that basis in 1800. President Carter even described the Internal Revenue Code as "a disgrace to the human race."

History also tells us that great societies decline. Bureaucracies and armies grow, consuming more and more of a country's productivity through increasing levels of taxation inevitably sapping the very ingenuity and personal industry that made our country great. It happened to Rome, to Spain, to France, and to Great Britain. Now it is happening to us.

Our economy is losing ground to the faster growing so-called Asian tigers. Those countries have adopted the less taxes-less regulation policies that made America great. Their citizens now save more than we do, in spite of the fact the savings rate in pre-war Japan was the same as it was in the United States. Unlike Japan, we now tax savings, so we have less.

We now limit the deductibility of executive compensation, but set no limits on the people who add fantasy to our lives—the sports athletes and movie stars. Why is it that the people in America who create wealth, take risks and provide the jobs in this country, are punished, but those who do none of these things are idolized and rewarded? As more and more countries try to emulate us, we seem to be trying to emulate them. At some point, we will cross. Perhaps we already have.

We must seek a path back to limited Government. We must return to the principles of limited taxation upon which our prosperity is based. Those who evaded the draft during the 1960's because they believed a war immoral should understand that there will be many who will evade this tax because they feel it to be no less immoral. Retroactive and punitive tax increases upon those whose hard work has brought them prosperity with spending cuts to be offered sometime later is an immoral fraud upon our citizens. And it is made worse by the pathetic demagoguery that says because Americans did exactly what their Government asked them to do, they have profited unfairly and have not paid their fair share of the burden of Washington's excesses.

It is time. Let us step back and ask ourselves fundamental questions about what Government should look like. The Vice President could have, but did not, offer recommendations to reduce regulations on businesses and to empower citizens, only on Government. The Vice President could have, but did not, propose programmatic cuts that actually reduce the size and reach of Government. The Vice President could have, but did not, ask whether a program should exist at all, instead of merely streamlined. The Vice President could have, but did not, ask whether a program should exist at all, instead of merely streamlined. The Vice President could have, but did not, offer to hold Government accountable for its results. Republicans should. Republicans will.

If we embark on the course that this President has selected, we will vastly increase both the power of the Federal Government and the scope over which it wields its awesome strength in our lives. Once that occurs, it may well take true revolution and not just a sagebrush rebellion to put our Government back in its proper place. Make no mistake, this Government does not seek to serve Americans. It insists on its right to control Americans. This is not America's dream. It is our nightmare.●

A TRIBUTE TO VIVIAN HUGHES AND MARILYN SMITH OF WETHERSFIELD, CT

● Mr. LIEBERMAN. Mr. President, I rise today to honor two of my constituents from Connecticut who have dedicated themselves to community service, Vivian Hughes and Marilyn Smith. Vivian Hughes has been a member of the Wethersfield Democratic Town Committee since 1954. Marilyn Smith has worked at the voting polls in Wethersfield for over 50 years. These women have been dedicated volunteers, generously giving of their time and energy. Through the years, Vivian and Marilyn have worked tirelessly to promote political awareness and action in Wethersfield. They set an example for community service and for future generations of community activists.

The town of Wethersfield is truly grateful to Vivian and Marilyn. It is my pleasure to commend them for their lifetime of public service.●

TELEVISION VIOLENCE

● Mr. SIMON. Mr. President, as many of my colleagues may know, I have been fighting for a reduction in television violence for many years now. During the past several months, I have entered several quality news articles on the issue into the RECORD, in the hopes of furthering the message that violence in entertainment television does indeed promote aggressive behavior.

Mr. President, I ask that another such article, "Violence In, Violence Out," be printed in full at this point in the RECORD.

The article follows:

[From Coast Weekly, Sept. 30, 1993]

VIOLENCE IN, VIOLENCE OUT

(By Carl M. Cannon)

Tim Robbins and Susan Sarandon implore the nation to treat Haitians with AIDS more humanely. Robert Redford works for the environment. Harry Belafonte marches against the death penalty.

Actors and producers seem constantly to be speaking out for noble causes far removed from their lives. They seem even more vocal and visible now that there is a Democrat in the White House. But in the one area over which they have control—the excessive violence in the entertainment industry—Hollywood activists remain fairly silent.

This summer, Washington was abuzz with talk about the movie *Dave*, in which Kevin Kline stars as the acting president. But every time I saw an ad featuring Kline, the movie I couldn't get out of my head was *Grand Canyon*. There are two scenes in it that I believe explain much of what has gone wrong in America.

Kline's character has a friend, played by Steve Martin, who is a producer of the B-grade, violent movies that Hollywood euphemistically calls "action" films. But after an armed robber shoots Martin's character in the leg, he has an epiphany.

"I can't make those movies any more," he decides. "I can't make another piece of art that glorifies violence and bloodshed and brutality * * *. No more exploding bodies, exploding buildings, exploding anything. I'm going to make the world a better place."

A month or two later, Kline calls on Martin at his Hollywood studio to congratulate him on the "new direction" his career has taken.

"What? Oh that." Martin said dismissively. "—— that. That's over. I must have been delirious for a few weeks there."

He then gins up every hoary excuse for Hollywood-generated violence you've ever heard, ending with: "My movies reflect what's going on; they don't make what's going on."

This is Hollywood's last line of defense for why it shows murder and mayhem on the big screen and the little one, in prime time and early in the morning, to children, adolescents, and adults: We don't cause violence, we just report it.

Four years ago, I joined the legion of writers, researchers, and parents who have tried to force Hollywood to confront the more disturbing truth. I wrote a series of newspaper articles on the massive body of evidence that establishes a direct cause-and-effect relationship between violence on television and violence in society.

The orchestrated response from the industry—a series of letters seeking to discredit me—was something to behold.

The fact is, on the one issue over which they have power, the liberals in Hollywood don't act like progressive thinkers: they act like, say, the National Rifle Association.

Guns don't kill people, people kill people.

We don't cause violence in the world, we just reflect it.

The first congressional hearings into the effects of television violence took place in 1954. Although television was still relatively new, its extraordinary marketing power was already evident. The tube was teaching Americans what to buy and how to act, not only in advertisements, but in dramatic shows, too.

Everybody from Hollywood producers to Madison Avenue ad men would boast about this power—and seek to utilize it on dual tracks; to make money and to re-make society along better lines.

Because it seemed ludicrous to assert that there was only one area—the depiction of violence—where television did not influence behavior, the television industry came up with this theory: Watching violence was cathartic. A violent person might be sated by watching a murder.

The notion intrigued social scientists, and by 1956 they were studying it in earnest. Unfortunately, watching violence turned out to be anything but cathartic.

In the 1956 study, one dozen four-year-olds watched a "Woody Woodpecker" cartoon that was full of violent images. Twelve other preschoolers watched "Little Red Hen," a peaceful cartoon. Then the children were observed. The children who watched "Woody Woodpecker" were more likely to hit other children, to verbally accost their classmates, break toys, be disruptive, and engage in destructive behavior during free play.

For the next 30 years, researchers in all walks of the social sciences studied the question of whether television causes violence. The results have been stunningly conclusive.

"There is more published research on this topic than on almost any other social issue of our time," University of Kansas professor Aletha C. Huston, chairwoman of the American Psychological Association's task force on Television and Society, told Congress in 1988. "Virtually all independent scholars agree that there is evidence that television can cause aggressive behavior."

There have been some 3,000 studies of this issue—85 of them major research efforts—and they all say the same thing. Of the 85 major studies, the only one that failed to find a causal relationship between television violence and actual violence was paid for by NBC. When the study was subsequently reviewed by three independent social scientists, all three concluded that it actually did demonstrate a causal relationship.

Some highlights from the history of TV violence research:

In 1973, when a town in mountainous western Canada was wired for television signals, University of British Columbia researchers observed first and second graders. Within two years, the incidents of hitting, biting, and shoving increased 160 percent in those classes.

Two Chicago doctors, Leonard Evon and Rowell Huesmann, followed the viewing habits of a group of children for 22 years. They found that watching violence on television is the single best predictor of violent or aggressive behavior later in life, ahead of such commonly accepted factors as parents' behavior, poverty, and race.

"Television violence affects youngsters of all ages, of both genders, at all socio-economic levels and all levels of intelligence," they told Congress in 1992. "The effect is not limited to children who are already disposed to being aggressive and is not restricted to this country."

Fascinated by an explosion of murder rates in the United States and Canada that began in 1955, after a generation of North Americans had come of age on television violence, University of Washington Professor Brandon Centerwall decided to see if the same phenomenon could be observed in South Africa, where the Afrikaner-dominated regime had banned television until 1975.

He found that eight years after TV was introduced—showing mostly Hollywood-produced fare—South Africa's murder rate skyrocketed. His most telling finding was that the crime rate increased first in the white communities. This mirrors U.S. crime statistics in the 1950's and especially points the finger at television, because whites were the first to get it in both countries.

Bolder than most researchers, Centerwall argues flatly that without violent television programming, there might be as many as 10,000 fewer murders in the United States each year.

In 1983, University of California, San Diego, researcher David P. Phillips wanted to see if there were a correlation between televised boxing matches and violence in the streets of America.

Looking at crime rates after every televised heavyweight championship fight from 1973 to 1978, Phillips found that the homicide rate in the United States rose by an average of 11 percent for approximately one week. Phillips also found that the killers were likely to focus their aggression on victims similar to the losing fighter: if he was white, the increased number of victims were mostly white. The converse was true if the losing fighter was black.

In 1988, researchers Daniel G. Linz and Edward Donnerstein of the University of California, Santa Barbara, and Steven Penrod of the University of Wisconsin, studied the effects of horror movies and "slasher" films on young men.

They found that depictions of violence, not sex, are what desensitizes people.

They divided male students into four groups. One group watched no movies, a second watched non-violent, X-rated movies, a third watched teenage sexual-innuendo movies, and a fourth watched the slasher films *Texas Chainsaw Massacre, Friday the 13th, Part 2, Maniac* and *Toolbox Murders*.

All the young men were placed on a mock jury panel and asked a series of questions designed to measure their empathy for an alleged female rape victim. Those in the fourth group measured lowest in empathy for the specific victim in the experiment—and for rape victims in general.

The anecdotal evidence is often more compelling than the scientific studies. Ask any homicide cop from London to Los Angeles to Bangkok if television violence induces real-life violence and listen carefully to the cynical, knowing laugh.

Ask David McCarthy, police chief in Greenfield, Massachusetts, why 19-year-old Mark Branch killed himself after stabbing an 18-year-old female college student to death. When cops searched his room they found 90 horror movies, as well as a machete and a goalie mask like those used by Jason, the grisly star of *Friday the 13th*.

Ask the families of the 35 young men who committed suicide playing Russian roulette after seeing *The Deer Hunter*.

Ask George Gavito, a lieutenant in the Cameron County, Texas, sheriff's department, about a cult that scarified at least 13 people on a ranch west of Matamoros, Mexico. The suspects kept mentioning a 1986 movie, *The Believers*, about rich families who engaged in ritual sacrifice. "They talk about it like that has something to do with changing them," Gavito recalled later.

Ask LAPD lieutenant Mike Melton about Angel Regino of Los Angeles, who was picked up after a series of robberies and a murder in which he wore a blue bandanna and Fedora identical to that of Freddy, the sadistic antihero of *Nightmare on Elm Street*. In case anybody missed the significance of his disguise, Regino told his victims that they would never forget him, because he was another Freddy Krueger.

Ask Britain Home Secretary Douglas Hurd, who called for further restrictions on US-produced films after Michael Ryan of Hungerford committed Britain's worse mass murder in imitation of *Rambo*, massacring 16 people while wearing a US combat jacket and a bandoleer of ammunition.

Or ask Manteca, California, police detective Jeff Boyd about 13-year-old Juan Valdez, who, with another teenager, went to a man's home, kicked him, stabbed him, beat him with a fireplace poker, and then choked him to death with a dog chain.

Why, Boyd wanted to know, had the boys poured salt on the victim's wounds?

"Oh, I don't know," the youth replied with a shrug. "I just seen it on TV."

Numerous groups have called, over the years, for curbing television violence; the National Commission on the Causes and Prevention of Violence (1969), the US Surgeon General (1972), the Canadian Royal Commission (1976), the National Institute of Mental Health (1982), the US Agency General's Task Force on Family Violence (1984), the National Parent Teachers Association (1987), and the American Psychological Association (1992).

During that time, cable television and movie rentals have made violence more readily available, while at the same time blazing a bloody path for network TV. But even leaving aside cable and movie rentals, a study of television programming from 1967 to 1989 showed only small ups and downs in violence, with the violent act moving from one time slot to another, but the overall violence rate remaining pretty steady—and pretty similar from network to network.

"The percent of prime-time programs using violence remains more than seven out of 10, as it has been for the entire 22-year period," researchers George Gerbner of the University of Pennsylvania Annenberg School for Communication and Nancy Signorielli of the University of Delaware wrote in 1990. For the past 22 years, they found, adults and children have been entertained by about 16 violent acts, including two murders, in each evening's prime-time programming.

They also discovered that the rate of violence in children's programs is three times the rate in prime-time shows. By the age of 18, the average American child has witnessed at least 18,000 simulated murders on television.

By 1989, network executives were arguing that their violence was part of a larger context in which bad guys get their just desserts.

"We have never put any faith in mechanical measurements, such as counting punches or gunshots," said NBC's Alan Gerson. "Action and conflict must be evaluated within each specific dramatic context."

"Our policy," added Alfred R Schneider of ABC, "makes clear that when violence is portrayed [on TV], it must be reasonably related to plot development and character delineation."

Of course, what early-childhood experts could tell these executives is that children between the ages of four and seven simply make no connection between the murder at the beginning of a half-hour show and the man led away in handcuffs at the end. In fact, psychologists know that very young children do not even understand death to be a permanent condition.

But all of the scientific studies and reports, all the wisdom of cops and grief of parents have run up against Congress' quite proper fear of censorship. For years, Democratic Congressman Peter Rodino of New Jersey chaired the House Judiciary Committee and looked at calls for some form of censorship with a jaundiced eye. At a hearing five years ago, Rodino told witnesses that Congress must be a "protector of commerce."

"Well, we have children that we need to protect," replied Frank M. Palumbo, a pediatrician at Georgetown University Hospital and a consultant to the American Academy of Pediatrics. "What we have here is a toxic substance in the environment that is harmful to children."

Arnold Fege of the national PTA added, "Clearly, this committee would not protect teachers who taught violence to children. Yet why would we condone a steady diet of children being exposed to TV violence year after year?"

Finally there is a reason to hope for progress.

Early this summer, Massachusetts Democrat Edward Markey, chair of the House Energy and Commerce subcommittee on telecommunications, said that Congress may require manufacturers to build TV sets with a computer chip so that parents could block violent programs from those their children could select.

He joins the fight waged by Senator Paul Simon, a liberal Democrat from Illinois, who flipped on a hotel television set hoping to catch the late news. "Instead," he has recalled many times, "I saw a man being sawed in half with a chainsaw, in living color."

Simon was unsettled by the image and even more unsettled when he wondered what repeatedly looking at such images would do to the mind of a 14-year-old.

When he found out, he called television executives, who hold him that violence sells and that they'd be at a competitive disadvantage if they acted responsibly.

Why not get together and adopt voluntary guidelines? Simon asked. Oh, that would be a violation of anti-trust law, they assured him.

Simon called their bluff in 1990 by pushing through Congress a law that allowed a three-year moratorium on anti-trust considerations so that the industry could discuss ways to jointly reduce violence.

Halfway through that time, however, they'd done nothing, and an angry Simon denounced the industry on the Senate floor. With a push from some prominent industry figures, a conference was held in early August in Los Angeles, where several hundred of the nation's top TV executives met to discuss the issue of television violence. No concrete resolutions came from the conference, but a clear message emerged: The industry must reduce violence in its programming or the federal government is going to step in.

The government, of course, possesses the power to regulate the airwaves through the FCC, and Simon and others believe that this latent power to control violence—never used—has put the fear of God in the producers. He also thinks some of them are starting to feel guilty.

"We now have more people in jail and prison per capita than any country that keeps records, including South Africa," Simon says. "We've spent billions putting people behind bars, and it's had no effect on the crime rate. None. People realize there have to be other answers, and as they've looked around, they have settled on television as one of them."

Maybe Simon is right. Maybe Hollywood executives will get together and make a difference.

Or maybe, like Steve Martin in *Grand Canyon*, producers and directors from New York to Beverly Hills will wake up after Simon's anti-trust exemption expires December 1, shake off the effects of their holiday hangovers, and when asked about their new commitment to responsible film making, will answer:

"What? Oh that —— that. That's over. We must have been delirious for a few weeks there."•

TRICENTENNIAL CELEBRATION OF THE TOWNSHIP OF FREEHOLD, NJ

• Mr. BRADLEY. Mr. President, I rise today to commemorate the tricentennial anniversary of the township of Freehold, NJ.

Freehold, established by legislation signed by Gov. Andrew Hamilton on October 31, 1693, was one of the first townships in Monmouth County. In the past three centuries, it has had the distinction of being a witness to, and a participant in, many exciting, historical events. In addition to being one of the oldest communities in one of the Original Thirteen Colonies, Freehold has a permanent place in the history of our country as the site where Gen. George Washington and the Continental Army turned back the British forces at the Battle of Monmouth.

Reflecting on its rich heritage as it looks to its exciting future, Freehold has observed this special anniversary throughout 1993. Yesterday, on October 31, 1993, the celebration ended with an exciting parade and the dedication of a permanent memorial containing a time capsule that will be opened 100 years from now. Freehold residents of 2093 will have had an opportunity to examine the successes and failures of our generation. With an optimistic spirit, I join the Freehold residents of 1993 in hoping that we have made a better future and that our legacy of concern and hard work has been an example for the generations which have followed.

I am very proud of the impressive milestone that Freehold just commemorated. I am pleased to have this opportunity to pay tribute to this exceptional New Jersey community and to record its tricentennial celebration in the pages of the CONGRESSIONAL RECORD.•

BILL READ FOR FIRST TIME— S. 1607

Mr. BIDEN. Mr. President, I am about to speak to the Violent Crime Control and Law Enforcement Act of 1993 that is at the desk. This bill is substantially similar to the crime bill that I introduced on behalf of the Attorney General, the President and many others several weeks ago, S. 1488, but it includes additional funding for two critical programs: Community policing and grants to States for boot camps and some help with their prison systems. Several other changes are made as well to improve the habeas corpus reform provision and the penalty provisions.

I will address each of these changes in detail, as well as all of the provisions of this important legislation, when we consider the bill later this week.

Mr. President, my bill is at the desk, and I ask for its first reading.

The bill was read for the first time.

ADJOURNMENT FOR 30 SECONDS

Mr. BIDEN. Mr. President, I ask unanimous consent the Senate stand adjourned for 30 seconds; and that when the Senate reconvenes, the Journal of proceedings be deemed to have been approved to date; that the call of the Calendar be waived; that no motions or resolutions come over under the rule; that my bill or resolution receive its second reading; and that the morning hour be deemed to have expired; and that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, at 7:41:33 p.m., the Senate adjourned until 7:41:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

BILL READ FOR THE SECOND TIME—S. 1607

The PRESIDING OFFICER. The bill will be read for a second time.

The bill was read for the second time.

Mr. BIDEN. Mr. President, it is my understanding that the Republicans would have an objection to further consideration. So, therefore, I object on their behalf.

The PRESIDING OFFICER. The objection is heard. Pursuant to rule XIV, paragraph 4, the bill will be placed on the Calendar.

ORDERS FOR TUESDAY, NOVEMBER 2, 1993

Mr. BIDEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, November 2; and that when the Senate reconvenes on Tuesday, November 2, the Journal of proceedings be deemed to have been approved to date; that the call of the Calendar be waived; that no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, the pending question will be a motion to instruct the Sergeant at Arms to request attendance of absent Senators; that upon the conclusion of that vote, the Senate resume consideration of Senate Resolution 153; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences; and as if in executive session, I ask unanimous consent that the vote on the motion to invoke cloture on the Executive Calendar nominations occur upon disposition of Senate Resolution 153; further, that prior to the cloture vote, there be 60 minutes for debate on the motion to invoke cloture; that the time be equally divided and controlled between Senators PELL and McCONNELL, or their designees; further, that all other provisions of the previous order relating to the Executive Calendar nominations remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I now ask that it be in order to request the yeas and nays on the motion to instruct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ADJOURNMENT UNTIL TUESDAY, NOVEMBER 2, 1993, AT 10 A.M.

Mr. BIDEN. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 10 a.m., Tuesday, November 2, as previously ordered.

The motion was agreed to; and at 7:44 p.m., the Senate adjourned until Tuesday, November 2, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate October 29, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF STATE

MARTIN L. CHESHES, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

BRIAN J. DONNELLY, OF MASSACHUSETTS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 48TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

INTER-AMERICAN DEVELOPMENT BANK

L. RONALD SCHEMAN, OF THE DISTRICT OF COLUMBIA, TO BE U.S. EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 3 YEARS, VICE LARRY K. MELLINGER, RESIGNED.

DEPARTMENT OF STATE

NELSON F. SIEVERING, JR., OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

U.S. INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

M. DOUGLAS STAFFORD, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ANDREW S. NATSIOS, RESIGNED.

THE JUDICIARY

HENRY LEE ADAMS, JR., OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE SUSAN H. BLACK, ELEVATED.

SUSAN C. BUCKLEW, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE WILLIAM J. CASTAGNA, RETIRED.

THEODORE KLEIN, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA VICE JAMES W. KEHOE, RETIRED.

DEPARTMENT OF JUSTICE

PATRICK MICHAEL PATTERSON, OF FLORIDA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS VICE KENNETH W. SUKHIA, RESIGNED.

KATRINA CAMPBELL PFLAUMER, OF WASHINGTON, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS VICE MICHAEL D. MCKAY, RESIGNED.

CHARLES JOSEPH STEVENS, OF CALIFORNIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE GEORGE L. O'CONNELL, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

MARGARET A. BROWNING, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1997, VICE JOHN N. RAUDABAUGH.

DEPARTMENT OF COMMERCE

SUE E. ECKERT, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE MICHAEL PAUL GALVIN, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

MARTIN A. KAMARCK, OF MASSACHUSETTS, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM OF 4 YEARS EXPIRING JANUARY 20, 1997, VICE ENGINE KISTLER LAWSON, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DWIGHT P. ROBINSON, OF MICHIGAN, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, VICE RAOUL LORD CARROLL, RESIGNED.

EXECUTIVE OFFICER OF THE PRESIDENT

STEVEN KELMAN, OF MASSACHUSETTS, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY, VICE ALLAN V. BURMAN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE FOR LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWARD P. BARRY, JR. [redacted] U.S. AIR FORCE.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 29, 1993, withdrawing from further Senate consideration the following nomination:

NATIONAL LABOR RELATIONS BOARD

MARGARET A. BROWNING, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 1996, VICE MARY CRACRAFT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 25, 1993.

EXTENSIONS OF REMARKS

ENABLE PRESIDENT ARISTIDE'S RETURN TO HAITI

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Ms. FURSE. Mr. Speaker, I am outraged at today's New York Times report that participants in the coup that ousted President Aristide were on the CIA dole. That kind of meddling in the affairs of a country which has held a democratic election, and elected a credible leader such as President Aristide, contributes to the kind of violence we are seeing in Haiti today. If we are to support democracy in the world, we must overcome our past practices of supporting unrepresentative, dictatorial, and in some cases murderous regimes. I ask unanimous consent to include the New York Times report in the RECORD.

President Aristide has called for a total blockade of his country as the only way to bring the military thugs in power there to their knees. He also requests that no outside military intervention be brought to bear in his country.

The United Nations, the Organization of American States, and the United States all called for Mr. Cedras to step down October 15. I grew up in South Africa and I have seen the power of economic sanctions. I support President's Aristide's call for further sanctions. And I believe we must examine our country's various foreign policy initiatives which sometimes work at cross-purposes.

The payoff of Haitian hooligans is another example of the need to declassify as much of our national budget as possible. This declassification will allow us to support democracy in its truest form.

[From the New York Times, Nov. 1, 1993]

KEY HAITI LEADERS SAID TO HAVE BEEN IN THE C.I.A.'S PAY

(By Tim Weiner)

WASHINGTON, October 31.—Key members of the military regime controlling Haiti and blocking the return of its elected President, Jean-Bertrand Aristide, were paid by the Central Intelligence Agency for information from the mid-1980's at least until the 1991 coup that forced Mr. Aristide from power, according to American officials.

As part of its normal intelligence-gathering operations, the C.I.A. cultivated, recruited and paid generals and politicians for information about everything from cocaine smuggling to political ferment in Haiti, they said.

Without naming names, a Government official familiar with the payments said that "several of the principal players in the present situation were compensated by the U.S. Government." It was not clear when the payments ended or how much money they involved, although they were described as modest.

REPORTING CALLED ONE-SIDED

Supporters of Mr. Aristide said the payments proved that the C.I.A.'s primary sources of information in Haiti were Mr. Aristide's political enemies, and they criticized the agency's reporting on Haiti as one-sided.

Michael D. Barnes, a former member of Congress who is a spokesman for Mr. Aristide, said, "Given what the C.I.A. has done in the past two weeks, namely the attempted character assassination of Jean-Bertrand Aristide, it wouldn't be surprising to learn that the C.I.A. had been working with his political enemies in Haiti for many years.

But Representative Robert G. Torricelli, a New Jersey Democrat who serves on the House Intelligence and Foreign Affairs Committees and who confirmed the payments, defended the intelligence relationships as crucial to United States policy-makers in trying to gain an understanding of Haitian politics.

"The U.S. Government develops relationships with ambitious and bright young men at the beginning of their careers and often follows them through their public service," he said. "It include people in sensitive positions in the current situation in Haiti."

A member of Congress familiar with the recruiting of sources of information within the Haitian Government said the information received was a mixed bag. "There are things we should have been getting for the money which we didn't get—for example, on the narcotics side," he said. Members of the current regime are suspected of receiving lucrative payments from drug traffickers to protect shipments of cocaine passing through Haitian airfields en route to the United States.

The C.I.A.'s activities in Haiti also included a covert operation, authorized by President Ronald Reagan and the National Security Council, which involved an aborted attempt to influence an election held in January 1988, the officials said.

Haiti was then under the control of a military ruler, Lieut. Gen. Henri Namphy, who assured the Reagan Administration that the elections would be free and fair. But the ballot was widely perceived as rigged by the military, and the campaign was marked by killings of civilians.

ARISTIDE URGED BOYCOTT

Mr. Aristide, who was not a candidate, had urged a boycott of the election. The operation undertaken by the C.I.A. aimed at seeing the election go forward, the officials said, but it also involved plans to slip campaign money to candidates. In a rare action, the payments were blocked by the Senate Select Committee on Intelligence, the officials said. The attempt was first reported today by The Los Angeles Times.

In the 1980's, the United States undertook covert operations and military actions throughout the Caribbean and Latin America to support pro-United States and anti-Communist governments. Several prominent figures in the region were on the United States intelligence payroll during the decade.

OVERTHROWN IN A COUP

The officials who described the payments to Haitian generals and politicians said they were not intended to install any one leader as the President of Haiti.

In 1990, in the first free election in 20th-century Haiti, Mr. Aristide won 67.5 percent of the vote in a field of 10 candidates. He was overthrown in a September 1991 coup. The military regime controlling Haiti has blocked his return—which was to have taken place Saturday under an accord negotiated by the Clinton Administration and signed by the military leaders last summer—with a widespread campaign of intimidation, violence and murder.

Supporters of Mr. Aristide say the C.I.A., which does not make policy but which can influence policy-makers through its reporting, has undermined the chances of his return. In recent briefings to Congress, Brian Latell, the C.I.A.'s chief analyst for Latin American affairs, has described Mr. Aristide as unstable and as having a history of mental problems.

In a 1992 report widely circulated in Washington, Mr. Latell described a meeting with Lieut. Gen. Raoul Cédras, Haiti's current military dictator, and praised him as one of "the most promising group of Haitian leaders to emerge since the Duvalier family dictatorship was overthrown in 1986."

The Clinton Administration, in turn, questioned the C.I.A.'s analyses and praised Father Aristide as a rational and reasonable man.

The officials who described the payments to generals and politicians in the current regime in exchange for information said they were a normal and necessary part of gathering intelligence in a foreign country.

"These relationships are crucial so that we can anticipate changes in volatile societies," Representative Torricelli said. He said the quality and quantity of information the C.I.A. provided on Haiti was generally praiseworthy.

But Robert Pastor, the chief National Security Council officer for Latin American affairs from 1977 to 1981, said, "It appears that the portrait of Aristide is seriously flawed. Whether that is in part due to intelligence contacts that began as a result of these operations is a legitimate and important question that needs an answer."

THE NAGORNO-KARABAKH CONFLICT CONTINUES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. HOYER. Mr. Speaker, while the attention of the world is focused on the latest crisis, older crises continue. For example, in the last few weeks, many commentators have decried and issued warnings about Russia's destabilizing activities in Georgia. These warnings are justified, and I share the concern of those who see Russia reasserting its hegemonic control over former Soviet Republics by instigating and perpetuating ethnic warfare.

But other ethnic conflicts in the former U.S.S.R. which erupted in the late 1980's still

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have not been resolved. In fact, the oldest such crisis, in Nagorno-Karabakh, drags on, seemingly resistant to the efforts of international mediators. While the level of armed hostilities has fallen, and Azerbaijan's government has reached cease-fire agreements through direct talks with the Karabakh Armenians, a political solution to the conflict remains distant.

In this connection, I would like to bring to the attention of my colleagues an article in the New York Times on October 27. The author, Mark Uhlig, was a Times correspondent from 1988 to 1991. While the article does not offer guidelines to the most difficult problem in territorial disputes—namely, how to proceed if one side is unwilling to negotiate over border changes—it is a thoughtful analysis which I urge my colleagues to read. Mr. Speaker, I ask that it be submitted in its entirety in the RECORD.

[From the New York Times, Oct. 27, 1993]

THE ENDLESS WAR

(By Mark A. Uhlig)

STEPANAKERT, AZERBAIJAN.—Bloody upheavals in Moscow and the Republic of Georgia have given outsiders a new appreciation of the lethal forces at play in the struggle to redefine the former Soviet Union. But such insights scarcely qualify as news for the people of Nagorno-Karabakh, where thousands have died in fighting since Soviet rule there began to collapse in 1988.

Pitting a defiant Armenian enclave against ethnically Turkish Azerbaijan, which surrounds it, the Nagorno-Karabakah war has the tragic distinction of being the former Soviet Union's most prolonged and deadly internal dispute. It has devastated major cities and displaced 500,000 people in a humanitarian disaster affecting Armenia, Azerbaijan, Russia, Turkey, Iran and Georgia.

The dispute also vividly demonstrates Russia's longstanding tactic of exploiting ethnic conflicts as a means of consolidating its regional influence. It was precisely that goal that led Stalin to attach Armenian-dominated Karabakh to its hostile Azeri neighbor in 1921. Despite Armenian protests, the arrangement survived until 1988, when the enclave's governing body petitioned President Mikhail Gorbachev to unite Nagorno-Karabakh with Armenia.

Mr. Gorbachev responded by sending Soviet troops to carry out the forced relocation of Nagorno-Karabakh Armenians, and Azeri forces encircled Nagorno-Karabakh with a punishing military siege. Since mid-1992, however, ethnic Armenian troops have pressed the offensive, creating a land corridor to Armenia and pushing outward to occupy nearly one-fifth of Azerbaijan.

The effect of this advance, like the Azeri predations that preceded it, has been to turn once rich mountain valleys and productive towns into depopulated wastelands. In the occupied zone of Azerbaijan, the road to Agdam, once a thriving Azeri city of 100,000, is littered with the charred hulks of tanks and armored personnel carriers from both sides. Antitank mines laid by the retreating Azeris dot the highway and have been marked with stakes by Nagorno-Karabakh forces, obliging visitors to trace a careful slalom for several miles. In Agdam, only scorched facades remain in the looted commercial district, save for a sky-blue mosque, which the invading troops spread in a gesture of conqueror's largesse.

The extent of recent gains by the Nagorno-Karabakh forces has prompted many outsiders to portray them as the aggressors, despite their inferior numbers. But the most conspicuous winner in the recent battlefield shifts has been Russia, which has extended and withdrawn its forces in Azerbaijan to prod that oil-rich republic to join the Commonwealth of Independent States.

At the height of the Nagorno-Karabakh forces' offensive into Azerbaijan this summer, the Azeri army mutinied against Azerbaijan's President, Abulfaz Elchibey, who had opposed membership in the C.I.S. He was replaced by the former Communist Party boss, Geidar Aliyev, who brought the country into the confederation in late September. One cue, Russian troops are said to be preparing to return to Azerbaijan to help stabilize Mr. Aliyev.

Fearful of undercutting Russia and anxious to keep the crisis from spreading, the United States and other Western powers have reflexively demanded that Nagorno-Karabakh accept its status as an Azeri territory. But such an approach does nothing to cure the instability of that Soviet-imposed relationship, and cannot hope to provide the basis for a lasting peace. Until proposed solutions move beyond Stalin's map and Russia's self-interest, the bloodshed in Transcaucasia is likely to know no boundaries at all.

BIPARTISAN HEALTH CARE REFORM ESTABLISHING A NATIONAL INFORMATION SYSTEM TO SUPPORT HEALTH CARE REFORM

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. SAWYER. Mr. Speaker, Congressman DAVE HOBSON and I recently introduced H.R. 3137, the Health Care Information Modernization and Security Act of 1993. Senators BOND and RIEGLE introduced a companion bill in the Senate (S. 1494). This bill is a bipartisan, bicameral effort to address the problems of excessive paperwork and substantial administrative costs associated with health care services. It will be a crucial component of our Nation's efforts to reform our health care delivery system. The data infrastructure envisioned in the bill is not only essential to reform, it is also compatible with each of the reform plans under consideration.

Our proposal would establish the framework for a national health care information network by adopting uniform data collection standards. Those standards will ensure that the data used by health care providers is timely, accurate, and consistent. They will also ensure that the data is comparable from place to place. That comparability is the key to universality and portability.

At the same time, Americans want a system they can trust.That's why a primary focus of our bill is ensuring the privacy of patient health care records. The bill would impose strict penalties for violations of the privacy and confidentiality of a person's medical records.

First, Americans want good information. In order to create a useful information network, the Government must set uniform standards for collecting data. Consistent, widely accepted standards for the collection and use of data are a necessary foundation for any health information system. Hospitals, physicians, and other users of the network need to share a common set of accepted standards so they can communicate, so that they are speaking the same language. And the information they use should be accurate and up to date.

Second, Americans want a system they can trust. H.R. 3137 would ensure that strict privacy and confidentiality requirements are in place. Americans want to be sure that their health care records will only be used by the medical professionals they have chosen to help treat them. That's why our legislation calls for stiff penalties for violating the privacy and confidentiality of a patient's records.

Creating a national database will result not only in a reduction in overall health care costs, but will also save patients and providers valuable time—time often spent completing and processing claim forms. This means Americans will not have to fill out piles of forms each time they visit a new doctor or go to the hospital. And doctors won't have to spend valuable time filling out papers, when they could be treating patients.

In order to accomplish these two primary goals—useful information and privacy—H.R. 3137 would establish a Health Care Data Panel. This panel will develop and implement uniform standards for data collection within 9 months after enactment of the bill. The panel will also be responsible for developing privacy and confidentiality requirements and imposing criminal and civil penalties for violations of these requirements. Specifically, the panel would develop civil fines and penalties, as well as recommend to Congress appropriate criminal penalties.

Finally, the panel, in consultation with industry experts, will develop regulations that would govern the operation and management of the electronic data system. The objective of the regulations is to ensure the use of uniform processes to yield accurate data, as well as the privacy of individuals who are receiving health care services.

Overall health care costs are spiraling. Clearly, concern about costs is a primary reason why the Nation is moving toward comprehensive health care reform. Rising costs mean lower wages for American workers, higher prices for the products they purchase, and more expensive premiums that force many Americans out of the health care system. A substantial portion of these costs, 25 cents out of every hospital dollar, goes to administration alone and does not buy any patient care.

Equally important, health care claim forms and related paperwork are confusing for both consumers and providers, and time-consuming to fill out. By reducing paperwork and simplifying the system through an integrated information network, we can curb escalating health care costs and save valuable time. This legislation represents a fundamental step toward the goal of providing affordable, high-quality, efficient care for every American.

IN CELEBRATION OF 25 YEARS OF SUCCESS: GONZALEZ & TAPANES, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Armando Gonzalez and Gustavo Tapanes, who this year celebrate the 25th anniversary of the founding of their partnership, which has since grown into one of the most successful wholesale grocery distributorships in the country. On the evening of November 6, 1993, friends, family, and associates will gather at the Meadowlands Sheraton Hotel in East Rutherford, NJ, to join in the celebration of Gonzalez & Tapanes' 25 years of success.

The history of Gonzalez & Tapanes is a true American success story. Armando and Gustavo, both of whom had left their native Cuba to seek a new life of freedom in the United States, established their partnership on October 16, 1968, with just $500 and a handshake. At the time, Gustavo Tapanes had been working in an auto parts factory by night and marketing a small line of groceries out of the trunk of his car to local bodegas by day. Armando Gonzalez headed to New Jersey hoping to find a partner to work with as a sales representative for a specialty foods marketer based in Miami. Gonzalez and Tapanes pooled their resources and immediately their business began to grow. From one car, they expanded to two, and through their own hard work, they were able to reinvest their profits into the business. In just a few weeks, they were able to expand into a warehouse in West New York, NJ, at the modest rent of $75 a month. Within months, they had hired their first salesman, who brought his truck to the business. A short time later, more salesmen and independent vendors joined the effort, and Gonzalez & Tapanes, Inc. was on the road to success.

Today, Gonzalez & Tapanes, Inc. has two major distribution locations, one in North Bergen, NJ, and one in Miami, FL. Their New Jersey location is a 55,000 square-foot building and complex, storing over 1 million pounds of frozen goods, and another half-million pounds of refrigerated items. During the mid-1980's, Swanson/Campbell, Sarah Lee, Kraft, and a host of other national brands entered into agreements for the wholesale distribution of Gonzalez & Tapanes products. The business has grown to over 100 employees, boasts over 3,000 retailers, and provides warehousing and supplies to several hundred subdistributors and jobbers in a 50-mile radius of the plant, as well as to others in Virginia, Delaware, Pennsylvania, Connecticut, Massachusetts, New York, and Florida.

As the Hispanic Market News noted:

> Without the specialized wholesale services provided by Gonzalez & Tapanes, the small independent supermarket and bodega retailer could not keep the price of his groceries competitive with the larger chains of supermarkets. Therefore, in fact, G&T is directly responsible for supporting and maintaining business for small retailers, who in turn, support the quality of life for the communities they serve. This is a direct and quantifiable multi-million dollar boost to New Jersey's Economic "Bottom Line."

Mr. Speaker, Armando Gonzalez and Gustavo Tapanes arrived in the United States from their native Cuba to pursue the American dream, and they have achieved extraordinary success. I ask that my colleagues join me today in celebrating their success, and in extending my best wishes for another prosperous quarter-century.

THE TAX SIMPLIFICATION AND TECHNICAL CORRECTIONS ACT OF 1993

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, I am pleased to introduce today H.R. 3419, the Tax Simplification and Technical Corrections Act of 1993.

This revenue-neutral legislation is based largely upon H.R. 13, the Tax Simplification Act of 1993, and H.R. 17, the Technical Corrections Act of 1993, as introduced earlier this year. In preparing this bill, I have worked with the members of the Ways and Means Committee on a bipartisan basis to make necessary modifications to the previously introduced legislation in order to update it and to ensure revenue neutrality.

The bill simplifies tax laws relating to individuals, pensions, partnerships, international operations of U.S. corporations, tax-exempt bonds, estates and gifts, and a variety of other tax matters. These provisions will simplify life for the taxpaying public, return preparers, tax administrators, and the courts, without disturbing major policy objectives or increasing the deficit.

The bill also makes necessary technical corrections to recently enacted tax legislation, including the Omnibus Budget Reconciliation Act of 1993, and other legislation within the jurisdiction of the Committee on Ways and Means. It is my understanding that, with the exception of those 1993 act technicals and corrections of mere clerical errors, every tax-technical-correction provision in this bill has already passed the Congress.

This legislation was developed on a bipartisan basis by the committee's staffs and the staff of the Joint Committee on Taxation, with assistance from the appropriate executive branch departments and agencies, and the Office of the Legislative Counsel.

This legislation is long overdue. Almost all of the provisions in this bill passed the Congress last year as part of H.R. 11, the Revenue Act of 1992. Unfortunately, that legislation was vetoed by President Bush. The simplification provisions are the culmination of an ongoing major initiative that I announced nearly 4 years ago to simplify the tax laws. While there are many more improvements that I would like to make to our tax system, it is important to move forward with these limited housekeeping measures rather than to wait until a broader bill can be enacted.

The Committee on Ways and Means will be meeting in the near future to consider further legislative action with respect to this bill. It is my hope and expectation that this legislation can be supported on both sides of the aisle, and that its ultimate enactment will mark an important step forward in the much-needed simplification and improvement of the tax laws.

TRIBUTE TO ROBERT H. ELROD, PRESIDENT-ELECT OF NATIONAL ASSOCIATION OF REALTORS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. McCOLLUM. Mr. Speaker, it is my pleasure today to be able to pay tribute to a citizen of my district who has been recognized by his peers with election to the highest office of his national association. Bob Elrod of Windemere, a small Orlando suburb, will be installed on November 16 as president of the National Association of Realtors and I take this opportunity to congratulate him.

Bob Elrod is a former State Senator in Florida who has played a vital role in the development of the Orlando area, both as a widely respected civic and political leader and as real estate broker in the community. Bob is a former president of both the Greater Orlando and Florida Associations of Realtors, and with his election to head National Association of Realtors, he will represent the largest trade and professional association in the world with over 750,000 members.

Bob has been an outstanding member of the central Florida community, contributing his time and energy both in the realms of business and politics and to the betterment of us all. Mr. Speaker, I again congratulate Bob on his election and I know that all of the Orlando area wishes him well in his tenure as president of the National Association of Realtors.

CONGRATULATIONS TO THE NEWTON ALL-STAR YOUNG WOMEN'S SOFTBALL TEAM

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. POSHARD. Mr. Speaker, it is with great pride that I salute the Newton All-Star softball team for a home-run season that led them to the 1993 Babe Ruth National Championship title. The Newton All Stars achieved this title by defeating teams from four States, including the defending national champions.

The young women of the Newton All Stars seized the opportunity during the Babe Ruth Softball Tournament to showcase not only their athletic abilities, but their sincere passion for the game of softball. The Newton All Stars exemplify the meaning of team work through the dedication and sportsmanship they have demonstrated throughout their 1993 season. As a former teacher and coach, I believe these young women are not only champions in sport, but they serve as role models for their peers and adults. They are an example to us all of what can be accomplished through hard work and determination. I hope others, children and adults alike, will be encouraged to participate and learn from the rich experience of being involved in sports.

The Newton All Stars ended their championship season with a record of 30–10. The team spent all but two of their summer weekends on the road, seeking out the best competition possible. While on the road, the team won many titles including the Clinton and Wabash Valley Tournaments and the Mattoon Bagelfest. These young women also include as part of their winning record second place finishes at the Terre Haute and West Terre Haute tournaments.

I would like to enter into the CONGRESSIONAL RECORD the names of the team members and managers who have worked so diligently to achieve the Babe Ruth National Championship title so they may receive the recognition they deserve.

Elizabeth Beals, Jill Birch, Julie Burton, Manager Ray Burton, Heather Harding, Alexa Hartigan, Manager Dan Hartigan, Nancy Lidy, Michelle McCrory, Peggy Meinhart, Jennifer Radke, Jenny Stanley, Julie Stanley, Amanda Wallace, and Jessica Wilson.

UNITED STATES IS LEADING WESTERN ARMS MERCHANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. HOYER. Mr. Speaker, as we look with horror upon the carnage that relatively unsophisticated weapons have made possible in Bosnia and Herzegovina, controlling the flow of arms to the region would seem to be one of the more obvious steps to take the prevent or limit spillover into a wider Balkan conflict.

However, in a cold-war hangover, the United States is leading the pack of Western arms merchants and governments helping Greece and Turkey build up their arsenals. The world's top two arms importers, according to the United Nation's newly inaugurated Register of Conventional Arms, Greece and Turkey are both NATO allies and historical antagonists. With the Soviet Union dissolved and Russia militarily weak, it seems clear that the only purpose for such buildups is either to threaten the other—a NATO ally—or to cast a longer shadow over the Balkans. Neither is in the interest of the United States.

The challenge of balancing the United States' commercial and foreign policy interests in weapons promoting stability at lower force levels and peaceful resolution of disputes is not one which we have yet faced squarely. As the world's leading arms exporter, and as the country to which many states under threat look for security guarantees, the United States has a particular role to play. Greece and Turkey participate with the United States and other major arms exporters and importers in not only developing the United Nations register but in further expanding its provisions among the members of the Conference on Security and Cooperation in Europe [CSCE]. The United Nations Register was designed to be a source of information, and thus public and governmental pressure, on states that import or export weapons indiscriminately. Some of that pressure could usefully be turned on Greece and Turkey, but also on the United States to seriously question what national interests are being served by these sales of conventional weaponry and what objectives are in fact being met.

PACIFIC INSULAR POLICY

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 1, 1993

Mr. DE LUGO. Mr. Speaker, as you know, the Northern Mariana Islands [N.M.I.] is the only jurisdiction in the American political family whose people are not represented here in the people's house.

This fact imposes a special responsibility on us to listen to the commonwealth's representative in Washington and other elected leaders on matters that affect their islands—and that is something that I try especially hard to do in my capacity as chairman of the subcommittee with basic responsibility for insular issues.

And we should listen to N.M.I. leaders on both matters directly concerning their islands and those with a more general relationship, such as policy regarding the western Pacific region.

The current edition of Pacific Islands Monthly magazine—a helpful publication on the region—includes a thoughtful column on United States policy regarding the N.M.I. and other areas of the region, particularly Guam, written by key assistants to the commonwealth's governor and lieutenant governor.

It provides an important perspective of which Members should be aware. And, without meaning to endorse all of the points it makes, I want to include it in the RECORD so that our colleagues can be exposed to them.

One observation that the column makes that I do want to underscore, however, is that the Department of the Interior has had a one-size-fits-all mentality in its past handling of matters regarding the U.S. insular areas.

This observation has a particular relevance now that the Department's outstanding new Secretary, Bruce Babbitt, has agreed to informally reconsider the role it should have in insular affairs with those of us who represent the insular areas. Many of us have been concerned that a plan developed within the Department to give the agency a major new responsibility to lead the entire executive branch in the handling of matters affecting the insular areas carries with it vestiges of this mentality.

Recognizing the different circumstances, needs, and aspirations of the insular areas, we are cautious about efforts to coordinate the various policies affecting the insular parts of the American political family, as if a single policy can be fixed.

Our goal, by contrast, is to ensure that the different insular members of the American political family receive the consideration they should as national policies of all sorts are made and reconciled.

As, I think, our great new President would be willing to accept, it is time to replace the outmoded strictures of past Federal-insular relations with new approaches that allow insular areas to chart their own course within the American family. The column argues this and, I think, this probably also means that the change should not include paternal structures.

I am hopeful that the Department's new policymakers will also recognize this.

The column follows.

[From the Pacific Islands Monthly, October, 1993]

IN SEARCH OF A PACIFIC POLICY

(By Tim Bruce and Mike Malone)

The American-flag islands of the Northern Marianas and Guam need a rational Pacific policy from President Bill Clinton. Located 1300 south of Japan, this Western Pacific archipelago offers a policy agenda to the new US president. Here is a prescription for success. No Bashing: Harsh US trade measures perceived as hostile by Asia, particularly by Japan or China, may reawaken irrational xenophobic sentiments. The results could be an economic Cold War or worse.

Proudly flying the stars and stripes, but looking to Asian neighbours for bread and butter, these flag-islands host up to a million Japanese tourists annually. Guam and the Northern Marianas hope mainland economic frustrations won't drive Clinton to a season of Asia-bashing. "Politically, each morning we face Washington DC," says Lorenzo Guerrero, Governor of the Commonwealth of the Northern Mariana Islands. "But by noon we're looking to Japan, the country that sustains our economy." Senator Joe T San Augustin, Speaker of the 21st Guam Legislature, put it much the same way: "Politically, we face east (Washington); economically, we face west (Asian Pacific Rim)."

The first casualty in a US-Asian Cold War will be loss of Japanese investment in the US flag islands. Last year 900,000 Japanese tourists spent nearly $1.2 billion in the Marianas. With a total land mass the size of Dallas, Texas, the islands receive only 33 per cent fewer Japanese tourists than annually visit the entire US mainland. The economy of the mainland United States might survive such a Cold War; in fact even be stimulated by it but economies in Guam and the Northern Marianas will be devastated. Investment partnership with Asian neighbours has brought the islands close to economic self-sufficiency. A sour US-Pacific relationship will reverse the progress made since direct air links to Japan brought prosperity. Clinton must accept that in foreign policy Japan lacks a helmsman, is unpredictable and, if pushed, likely as not to veer into excessive nationalism.

Maintain a military presence: The United States now has fewer than 100,000 troops in Asia. A military pullout will remove the United States as key player in the Pacific and signal the end of US interest in the region's political future. The last time the US made a signal like that—setting a timetable for Philippine independence—Japan invaded Luzon. As the world fragments into trade blocks, there will be ever-increasing opportunities for hostile confrontations. A convincing American military capability is needed in Pacific East-Asia to keep peace among highly competitive Asian countries in times of aggressive economic maneuvering. Case in point: China's designs on Spratly Island oil.

Get active economically. If the United States intends to be a Pacific power, it must be active economically. As US assistant trade representative for Asia and Pacific Affairs, Sandra Kristoff, said: "One of the major changes in the new world order is that economic policy is now foreign policy. Everything revolves around economics and will continue to do so." If the United States can't play in the Asian-Pacific economic league, it will be a second rate power. Some believe World War II never finished. What we see is a lengthy battle in a century-long competition between the US and Japan for control of the Pacific and Asia. Japan's economic victory at the end of this Century may become as significant as the American military victory in the Forties.

Japan's pre-war finance minister, Korekiyo Takahashi, understood well: "It is much harder to nullify the results of an economic conquest than those of military conquest." If Clinton means to see the US a Pacific power, he should: back the efforts of outfits like the Overseas Private Investment Corporation which encourages American investment in the Pacific; ask Congress to expand the Trade and Development Program; make good on Bush's much ballyhooed and unfulfilled promise to establish a Joint Commercial Commission for cooperative-development of Pacific nations. Lastly, put some real resources into the Pacific Basin Development Council, key to stimulating political-economic development in the US flag islands.

Respect local sovereignty. Loyal outpost of the United States from the Spanish-American War through the horror of World War II, the territory of Guam asks for a well-earned elevation to unique Commonwealth status within the US political family. The Northern American political family, bargained for full autonomy under a Commonwealth Covenant. Yet, Uncle Sam's inflexible paternalism has denied islanders in Guam and the Northern Marianas real control over local affairs. The 15 islands in the Marianas chain found the Bush administration largely deaf to requests for custom made political arrangements. In search of respect, the NMI has been forced to litigation, and Guam forced to negotiate a bureaucrat labyrinth to Commonwealth status. The Republican White House let the "one size-fits all" mentality of the Department of the Interior deal with the islands. Some local leaders hope for a repeat of the Carter days, when Democrats opened with fresh ideas and dealt sympathetically with the islands' desire for local marine jurisdiction.

Asian nations watch to see if they can live with Clinton. If the man from Arkansas means to announce a sincere interest in new forms of Pacific cooperation, he can start with his own US flag islands. To demonstrate to Asia that the US means to lead in innovative political arrangements for the 21 Century, it should grant Guam the Commonwealth status it has so long desired and withdraw Federal claims of the Northern Mariana's ancestral marine resources.

In a stroke, and without spending a dime, the new Democratic administration can establish its leadership in flexible political arrangements in the Asian-Pacific. Economic success will follow.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 2, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 3

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Martha Anne Krebs, of California, to be Director of the Office of Energy Research, Department of Energy.
SD-366

Governmental Affairs
To hold hearings to examine Federal mandates on State and local governments.
SD-342

Indian Affairs
To hold hearings on S. 720, to clean up open dumps on Indian lands.
SR-485

10:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the effects of potential restructuring in the National Aeronautics and Space Administration (NASA).
SR-253

Labor and Human Resources
To hold hearings to examine methods for meeting the health care needs of all Americans.
SD-430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 297, to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs, S. 455, to increase Federal payments to units of general local government for entitlement lands, S. 761, to revise the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, S. 1047, to convey certain real property in Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and H.R. 1134, to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado.
SD-366

Commission on Security and Cooperation in Europe
To hold hearings to review events taking place in Russia and possible future events, and their implications for U.S. policy.
SD-628

NOVEMBER 4

9:00 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on ocean mining policy.
SD-366

Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings on making Government operate more efficiency and effectively, focusing on the use of electronic delivery of Federal services.
SD-342

Rules and Administration
Business meeting, to consider the nomination of Michael F. DiMario, of Maryland, to be Public Printer, Government Printing Office, S.J. Res. 143, providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution, S.J. Res. 144, providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution, S. 716, to require that all Federal lithographic printing be performed using ink made from vegetable oil, H.R. 877, to authorize the establishment of the National African-American Museum within the Smithsonian Institution, and to consider other pending committee business.
SR-301

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine issues relating to discrimination in the financial lending industry.
SD-538

Environment and Public Works
Superfund, Recycling, and Solid Waste Management Subcommittee
To hold hearings to examine superfund liability issues.
SD-406

Finance
To resume hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American.
SD-215

Foreign Relations
To hold hearings to review foreign policy issues.
SD-419

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 787, to require the Secretary of Transportation to issue an air worthiness directive related to dense and continuous smoke in aircraft, and S. 1469, to require air carriers to provide 90 days' notice to the

Secretary of Transportation, the appropriate State agencies, and affected communities prior to the termination, suspension, or significant reduction of air service.

SR–253

2:30 p.m.

Select on Intelligence

To hold hearings to examine the North American Free Trade Agreement (NAFTA).

SD–628

NOVEMBER 5

9:00 a.m.

Foreign Relations

To hold hearings on the nomination of Robert S. Gelbard, of Washington, to be Assistant Secretary of State for International Narcotics Matters.

S–116, Capitol

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to review the Immigration and Naturalization Service's criminal alien program.

SD–342

NOVEMBER 9

9:30 a.m.

Energy and Natural Resources

To hold hearings on the use of risk analysis and cost-benefit analysis in setting environmental priorities.

SD–366

10:00 a.m.

Foreign Relations

Business meeting, to mark up proposed legislation for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States, and to consider pending nominations.

SD–419

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings to examine U.S. Forest Service proposals to define and implement ecosystem management and how it compares with efforts underway by the Bureau of Land Management to implement their version of ecosystem management.

SR–332

NOVEMBER 10

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Finance

To hold hearings to review the Uruguay Round of multilateral trade negotiations.

SD–215

NOVEMBER 16

9:30 a.m.

Indian Affairs

To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona.

SR–485

Special on Aging

To hold hearings to examine health care reform issues, focusing on prescription drug price competition.

SD–G50

NOVEMBER 18

9:30 a.m.

Indian Affairs

To hold hearings on S. 1345, to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College.

SR–485

2:30 p.m.

Indian Affairs

To hold hearings on H.R. 734, to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona.

SR–485

NOVEMBER 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 1526, to improve the management of Indian fish and wildlife and gathering resources.

SR–485

POSTPONEMENTS

NOVEMBER 3

3:00 p.m.

Conferees on H.R. 1268.

To assist the development of tribal judicial systems.

EF–100, Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, November 2, 1993*

The House met at 12 noon.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 2, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to be conscious of our responsibility to those most vulnerable among us, especially to children and those who are in need of guidance and nurture. With all the pressures and tensions of life and the lack of security for too many, we pray that each person will contribute to others with an attitude of support and genuine concern. Help make strong the foundation of respect and confidence between people so the least among us will sense the glory of this world of beauty and hope and faith. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] please come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MAKING IN ORDER ON WEDNESDAY, NOVEMBER 3, 1993, CONSIDERATION OF CERTAIN MOTIONS TO SUSPEND THE RULES

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1 of rule XXVII, it be in order at any time on Wednesday, November 3, 1993, for the Speaker to entertain motions to suspend the rules and pass the following bills:

H.R. 3355, Community Policing Act, as amended;

H.R. 3350, Substance Abuse Treatment for Federal Prisoners, as amended;

H.R. 3351, Alternative Punishments for Young Offenders, as amended;

H.R. 3353, Anti-Juvenile Gangs and Drug Trafficking Grants, as amended;

H.R. 3354, Substance Abuse Treatment For State Prisoners as amended; and

H.R. 2814, Amendments to Federal Rules of Civil Procedure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BROOKS. Mr. Speaker, reserving the right to object, and I shall not object, I am willing to agree to the unanimous-consent request of the gentleman to defer consideration of these crime bills until tomorrow. It is my understanding that due to the elections in several States and the inability of minority members of the Judiciary Committee to be here for the consideration of these bills, it would be more convenient for the minority to have these bills considered tomorrow.

That appears to be a reasonable request and I am willing to agree to this short postponement in the House's consideration of these important crime bills.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Texas for bearing with us on this, because I think it aids both sides. In view of the tardy scheduling of them last week, unbeknownst to some of us, Members will make plans. And these matters are, as the gentleman indicates, very important legislation.

I am sure Members would want their votes to be recorded on them.

Mr. BROOKS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 101

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. QUINN] be removed as a cosponsor of H.R. 101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZATION OF MINORITY EMPLOYEE TO FILL VACANCY

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 292) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 292

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the sixth of the minority employees authorized therein shall be David K. Kehl, effective November 1, 1993 to fill an existing vacancy until otherwise ordered by the House, to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95-94.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
November 2, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, November 1, 1993 at 6:10 p.m. and said to contain a special message from the President wherein he transmits 37 proposed rescissions of budget authority in accordance with the Congressional Budget and Impoundment Control Act of 1974.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

PROPOSED RESCISSIONS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-157)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of 1974, I herewith report 37 proposed rescissions of budget authority, totaling $1.9 billion.

These proposed rescissions affect programs of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, State, and Transportation, International Security Assistance programs, and programs of the Agency for International Development, the Army Corps of Engineers, the General Services Administration, the Small Business Administration, the State Justice Institute, and the United States Information Agency. The details of these proposed rescissions are set forth in the attached letter from the Director of the Office of Management and Budget and in the accompanying report.

Concurrent with these proposals, I am transmitting to the Congress FY 1994 supplemental appropriations language requests that would remove a variety of restrictions that impede effective functioning of the government, including certain proposals outlined in the recommendations of the National Performance Review.

Together, the supplemental language requests and the rescission proposals would result in a total budget authority reduction of $2.0 billion. My Administration is committed to working closely with the Congress to produce legislation that will achieve this level of savings.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1993.*

RAIN AND REFORM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, well, it looks like reform week has been pushed back another week.

To the majority Democrats, real reform must seem like rain: Reform, Reform go away. Come back another day.

The Democrats do not want reform. They want to defend the status quo and maintain their dominance of this institution.

We already have seen what they have done to the Joint Committee on the Organization of the Congress. Several senior Democrats now want to change the rules and reform a Senate procedure. Why have they come up with this sudden revelation in the last weeks of October? The only answer is: To derail the reform efforts of the joint committee.

When it comes to campaign reform, the Democrats are even more off base. Instead of requiring money to be raised in district, or limiting PAC contributions, the Democrats want to tax the American people to pay for their campaigns. And they call this reform?

Mr. Speaker, reform is not rain. It should not be avoided or put off to another day.

As a North Carolinian, let me say "go Panthers."

TERM LIMITS

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, as a member of the Joint Committee on the Reorganization of Congress, I have recently witnessed resistance to some very reasonable reforms that would undoubtedly improve this institution. It has been manifested in continued delays in bringing forth meaningful congressional reform legislation. Term limits on committee chairmanships would reduce this reluctance. I am convinced that many Members would not oppose reform efforts if they didn't have a professional interest in seeing Congress stay the way it is.

Under today's system, a Member of Congress who has a strong proposal is expected to wait until they have enough seniority to complete the work, no matter how advantageous their ideas. Many Members have suffered under this constraint and are on the verge of finally getting their chance. Understandably, a reform which would change the system gives them some worries. Of course there is always the risk that an unsuccessful election year could assure their good ideas are never given a second glance. The primary reason for this is the committee system and particularly the allocation of committee chairmanships. Term limits on these seats would help solve this problem.

The adoption of term limits on committee chairs would allow Members of Congress who want a shot at a chairmanship, greater opportunity to enjoy that position. Their new expertise would benefit the legislative process. Limits on terms also encourages those who hold the seat to act on their priority matters expediently. Term limits on this position would be good for the process and it is supported by Members in both parties. I am reminded of a saying. Diapers and politicians both need to be changed often, and for the same reason. It applies to committee chairs as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. DARDEN). Pursuant to the provisions of clause 5 of rule I, the Chair announcement that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, November 3, 1993.

VETERANS' COMPENSATION RATES AMENDMENTS OF 1993

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to amend 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rates Amendments of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

Section 1114 is amended—

(1) by striking out "$85" in subsection (a) and inserting in lieu thereof "$87";

(2) by striking out "$162" in subsection (b) and inserting in lieu thereof "$166";

(3) by striking out "$247" in subsection (c) and inserting in lieu thereof "$253";

(4) by striking out "$352" in subsection (d) and inserting in lieu thereof "$361";

(5) by striking out "$502" in subsection (e) and inserting in lieu thereof "$515";

(6) by striking out "$632" in subsection (f) and inserting in lieu thereof "$648";

(7) by striking out "$799" in subsection (g) and inserting in lieu thereof "$819";

(8) by striking out "$924" in subsection (h) and inserting in lieu thereof "$948";

(9) by striking out "$1,040" in subsection (i) and inserting in lieu thereof "$1,067";

(10) by striking out "$1,730" in subsection (j) and inserting in lieu thereof "$1,774";

(11) by striking out "$2,152" and "$3,015" in subsection (k) and inserting in lieu thereof "$2,207" and "$3,093", respectively;

(12) by striking out "$2,152" in subsection (l) and inserting in lieu thereof "$2,207";

(13) by striking out "$2,371" in subsection (m) and inserting in lieu thereof "$2,432";

(14) by striking out "$2,698" in subsection (n) and inserting in lieu thereof "$2,768";

(15) by striking out "$3,015" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,093";

(16) by striking out "$1,295" and "$1,928" in subsection (r) and inserting in lieu thereof "$1,328" and "$1,978", respectively; and;

(17) by striking out "$1,935" in subsection (s) and inserting in lieu thereof "$1,985";

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$103" in clause (A) and inserting in lieu thereof "$105";

(2) by striking out "$174" and "$54" in clause (B) and inserting in lieu thereof "$178" and "$55", respectively;

(3) by striking out "$71" and "$54" in clause (C) and inserting in lieu thereof "$72" and "$55", respectively;

(4) by striking out "$82" in clause (D) and inserting in lieu thereof "$84";

(5) by striking out "$191" in clause (E) and inserting in lieu thereof "$195"; and

(6) by striking out "$160" in clause (F) and inserting in lieu thereof "$164".

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$466" and inserting in lieu thereof "$478".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) in subsection (a)(1), by striking out "$750" and inserting in lieu thereof "$769";

(2) in subsection (a)(2), by striking out "$165" and inserting in lieu thereof "$169";

(3) in subsection (a)(3), by striking out the table therein and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–7	$794	O–3	$897
E–8	838	O–4	948
E–9	[1]875	O–5	1,044
W–1	812	O–6	1,177
W–2	844	O–7	1,271
W–3	869	O–8	1,392
W–4	920	O–9	1,492
O–1	812	O–10	[2]1,636
O–2	838	–	

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $943.

"[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,753.";

(4) in subsection (c), by striking out "$191" and inserting in lieu thereof "$195"; and

(5) in subsection (d), by striking out "$93" and inserting in lieu thereof "$95".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$319" in clause (1) and inserting in lieu thereof "$327";

(2) by striking out "$460" in clause (2) and inserting in lieu thereof "$471";

(3) by striking out "$595" in clause (3) and inserting in lieu thereof "$610"; and

(4) by striking out "$595" and "$117" in clause (4) and inserting in lieu thereof "$610" and "$120", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$191" in subsection (a) and inserting in lieu thereof "$195";

(2) by striking out "$319" in subsection (b) and inserting in lieu thereof "$327"; and

(3) by striking out "$162" in subsection (c) and inserting in lieu thereof "$166".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1993.

□ 1210

The SPEAKER pro tempore (Mr. HAMBURG). Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3340, the bill now under consideration, and H.R. 3341, the next bill to come under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3340, as amended, provides for a 2.6-percent increase in the rates of disability compensation paid to service-connected veterans and the rates of dependency and indemnity compensation [DIC] paid to most survivors of veterans who die of service-connected disabilities. These rate increases would become effective December 1, 1993.

Consistent with the intent of Congress expressed in this year's reconciliation bill, H.R. 3340 also provides for a flat $9 monthly rate increase for DIC beneficiaries who were "grandfathered" or protected under last year's Dependency and Indemnity Compensation Reform Act.

Mr. Speaker, unlike pension benefits, compensation and DIC rates are not indexed. Each year Congress must review the rates and pass legislation to insure that these benefits keep up with inflation. There are approximately 2.2 million veterans receiving disability compensation. As of June 30 of this year, there were about 276,000 surviving spouses and 36,000 children receiving DIC benefits. So, this bill means much to many men, women, and children whose lives have been affected by disabilities incurred while serving on active duty. For the increased benefits to be received in their January checks, the Congress must pass this legislation before Thanksgiving Day.

I want to thank our ranking minority Member and my good friend, BOB STUMP, for his usual cooperation and support of the bill. I also want to thank the chairman and ranking minority Member of our Subcommittee on Compensation, Pension and Insurance, JIM SLATTERY and MIKE BILIRAKIS, for their fine work on the bill.

There follows a more detailed explanation of the bill as reported:

PROPOSED COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE ADJUSTMENTS

Sections 2 through 6 of H.R. 3340 as reported would provide, effective December 1, 1993, and 2.6 percent cost-of-living adjustments in the rates of compensation and dependency and indemnity compensation.

Should be proposed 2.6 percent rate increase be enacted, the changes in compensation and DIC rates effective December 1, 1993 would be as follows:

COMPENSATION AND DIC RATES EFFECTIVE DEC. 1, 1993

	(Increase monthly rate)	
	From	To
Percentage of disability or subsection under which payment is authorized:		
(a) 10 percent	$85	$87
(b) 20 percent	162	166
(c) 30 percent	247	253
(d) 40 percent	352	361
(e) 50 percent	502	515
(f) 60 percent	632	648
(g) 70 percent	799	819
(h) 80 percent	924	948
(i) 90 percent	1,040	1,067
(j) 100 percent	1,730	1,774
Higher statutory awards for certain multiple disabilities:		
(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of the following: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	70	70
(k)(2) Limit for veterans receiving payments under (a) to (j) above	2,152	2,207
(k)(3) Limit for veterans receiving benefit (l) to (n) below	3,015	3,093
(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eye (5/200) visual acuity or (less), permanently bedridden or so helpless as to require aid and attendance	2,152	2,207
(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance	2,371	2,432
Percentage of disability or subsection under which payment is authorized:		
(n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural below action with prosthesis in place or anatomical loss of both legs to near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis	2,698	2,768
(o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rates at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent or total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis	3,015	3,093
(p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed	3,015	3,093
(p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rates at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear of service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed	3,015	3,093
(p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed	3,015	3,093
(p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of	....	....
(q) [This subsection repealed by Public Law 90–493.]	3,015	3,093
(r) (1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at night for aid and attendance in addition to such rate	1,295	1,328
(r) (2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate	1,928	1,978
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	1,935	1,985
(t) [This subsection repealed by Public Law 99–576.]	....	....

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80, or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below:

	Increase (monthly rate)	
	From	To
If and while veteran is rated totally disabled and—		
Has a spouse	$103	$105
Has a spouse and child	174	178
Has no spouse, 1 child	71	72
For each additional child	[1] 54	55
For each dependent parent	82	84
For each child age 18–22 attending school	160	164
Has a spouse in nursing home or severely disabled	191	195
Has disabled, dependent adult child	191	195

DEPENDENCY AND INDEMNITY COMPENSATION

The rates of dependency and indemnity compensation payable with respect to service-related deaths occurring on and after January 1, 1993, (and payable with respect to any service-connected death if payments based on a veteran's rank would result in a lesser payment) would be increased by 2.6 percent, from $750 to $769 for the base rate, and from $165 to $169 for the additional amount or "kicker" payable if the veteran suffered from a service-connected disability rated as totally disabling for a period of at least eight years immediately preceding death.

The following table reflects increases provided for surviving spouses of deceased veterans whose service-connected deaths occurred prior to January 1, 1993, and who are not receiving dependency and indemnity compensation (DIC) payments under the new rate structure at a higher rate. The Committee notes that, pursuant to section 12008(b) of Public Law 103–66, the Omnibus Budget Reconciliation Act of 1993, the cost-of-living adjustment for protected or "grandfathered" DIC rates under the terms of Public Law 102–568, are limited to one half of the adjustment to the new base rate of DIC. As a result, the adjustment in these rates would be $9:

Pay grade	Increase (monthly rate)	
	From	To
E–7	785	794
E–8	829	838
E–9	[1] 866	[1] 875
W–1	803	812
W–2	835	844
W–3	860	869
W–4	911	920
O–1	803	812
O–2	829	838
O–3	888	897
O–4	939	948
O–5	1,035	1,044
O–6	1,168	1,177
O–7	1,262	1,271
O–8	1,383	1,392
O–9	1,483	1,492
O–10	[2] 1,627	[2] 1,636

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $943.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,753.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows.

	Increase (monthly rate)	
	From	To
One child	$319	$327
Two children	460	471
Three children	595	610
Each additional child	117	120

Section-By-Section Analysis of H.R. 340, as Amended

Section 1 states that this Act may be cited as the Veterans' Benefits Amendments of 1993.

Section 2 would amend subsections (a) through (j) of present section 1114 to increase by 2.6 percent the basic monthly rates of compensation paid to veterans with service-connected disabilities rated from 10 to 100 percent. The Committee bill would also increase by 2.6 percent:

The higher monthly rates of compensation authorized under subsections (l) through (o) and (s) of section 1114 for veterans with certain combinations of severe disabilities;

The maximum amount payable monthly to a veteran under subsection (p), which authorizes the Secretary to pay the next higher rate or intermediate rate to a veteran whose disabilities exceed the requirements for any of the rates prescribed in section 1114, or who is both blind and deaf;

The rates payable monthly under subsection (r) to veterans who are in need of aid and attendance; and

The rate payable under subsection (s) to veterans who are permanently housebound.

Section 3 would amend paragraph (1) of present section 1115 of title 38, relating to additional compensation payable monthly to veterans with service-connected disabilities rated as 30 percent or more disabling who have spouses, children, or dependent parents, to increase those allowances by 2.6 percent. Under paragraph (2) of present section 1115, which is not amended by the Committee bill, the additional compensation payable for dependents to veterans rated from 30- to 90-percent disabled is prorated so that, for example, a veteran rated at 30 percent receives 30 percent of that amount specified in paragraph (1) of section 1115.

Section 4 would amend present section 1162 of title 38, relating to the clothing allowance payable annually to a veteran receiving compensation whose disability requires the use of a prosthetic or orthopedic appliance or appliances, including a wheelchair, that tends to wear out or tear the veteran's clothing, to increase that allowance by 2.6 percent.

Section 5 would amend section 1311 of title 38, relating to the rates of dependency and indemnity compensation (DIC) for the surviving spouses of veterans whose deaths are service connected.

Clause (1) of section 5 would amend present section 1311(a)(1) to increase by 2.6 percent (from $750 to $769) the base rate of DIC payable monthly to the surviving spouse of a veteran who has died as a result of service-connected disability.

Clause (2) of section 5 would amend section 1311(a)(2) to increase by 2.6 percent (from $165 to $169) the additional amount payable to a surviving spouse of a veteran who was rated as totally disabled due to a service-connected disability for at least eight years immediately preceding death.

Clause (3) of section 5 would amend the rate table in section 1311(a)(3) to reflect a $9 increase in each DIC rate contained therein.

Clause (4) of section 5 would amend subsection (c) of present section 1311 of title 38 to increase by 2.6 percent the additional amount of DIC payable monthly to a surviving spouse who is a patient in a nursing home or who is helpless or blind or so nearly helpless or blind as to be in need of regular aid and attendance.

Clause (5) of section 5 would amend subsection (d) of present section 1311 of title 38 to increase by 2.6 percent the DIC payable monthly to a surviving spouse who is so disabled as to be permanently housebound.

Subsection (a) of section 6 would amend present section 1313 of title 38, relating to DIC for surviving children of veterans whose deaths were service-connected, to provide a 2.6 percent increase in the monthly rates of DIC payable to the veteran's children where no surviving spouse is entitled.

Benefits payable at DIC rates under section 1318 of title 38 to the surviving children of certain veterans compensated at the 100 percent rate whose deaths were not service connected would also be automatically increased as a result of this increase.

Subsection (b) of section 6 would amend present section 1314 of title 38, relating to supplemental DIC for certain surviving children.

Paragraph (1) of subsection (b) would amend subsection (a) of present section 1314 to provide a 2.6 percent increase in the additional allowance payable monthly to a child eligible for DIC who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (2) of subsection (b) would amend subsection (b) of present section 1314 to provide a 2.6 percent increase in the DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child who has attained the age of 18 and who became permanently incapable of self-support before reaching age 18.

Paragraph (3) of subsection (b) would amend subsection (c) of present section 1314 to provide a 2.6 percent increase in the additional DIC payable monthly, concurrently with the payment of DIC to a surviving spouse, to a surviving child pursuing a course of educational approved under title 38.

Section 7 would provide that the amendments made by this Act will take effect on December 1, 1993.

Mr. Speaker, this is a good bill and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3340, as amended, the Veterans' Compensation Rate Amendments of 1993. It is imperative that we provide our service-connected veterans, their dependents and survivors, with an increase in the rates of their compensation payments. We do this to ensure that their monthly benefits will keep up with inflation.

As Mr. MONTGOMERY has stated, this increase is 2.6 percent and reflects the rise in the consumer price index.

I wish to take this opportunity to congratulate the gentleman from Kansas [Mr. SLATTERY], chairman of the subcommittee, and the ranking minority member, Mr. BILIRAKIS, for their work on this measure.

Appreciation is also given to my friend and colleague, SONNY MONTGOMERY, for his able leadership in bringing this bill to the floor.

This bill deserves the support of all of our members, and I recommend its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Arizona [Mr. STUMP] for his cooperation, the gentleman from Kansas [Mr. SLATTERY], and others who have handled this bill. It must be passed.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 3340, a bill to provide a cost-of-living adjustment for service-connected disabled veterans and their dependents.

I believe it is important that we pass an increase in the cost-of-living for those veterans whose disabilities are of service origin, and for their dependents and survivors. The 2.6-percent increase is in line with that being provided to Social Security recipients and is consistent with the agreement we reached with the other body on budget reconciliation.

I fully support this measure and urge my colleagues to vote for H.R. 3340.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3340, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans."

A motion to reconsider was laid on the table.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the Senate bill (S. 616) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1993".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1993, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in sections 1114, 1115, 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased pursuant to section 2 of the Veterans' Compensation Cost-of-Living Adjustment Act of 1992 (Public Law 102-520; 106 Stat. 3318; 38 U.S.C. 1114 note) and each of the rates provided for in paragraphs (1) and (2) of section 1311(a) of such title as amended by section 102(a) of the Dependency and Indemnity Compensation Reform Act of 1992 (title I of Public Law 102-568; 106 Stat. 4321). The increase shall be made in such rates and limitations as in effect on November 30, 1993, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraphs (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1993, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

MOTION OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Montgomery moves to strike all after the enacting clause of the Senate bill, S. 616, and to insert in lieu thereof the provisions of H.R. 3340, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

"A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3340) was laid on the table.

INCREASING CONGRESSIONAL MEDAL OF HONOR PENSION

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3341) to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

The Clerk read as follows:

H.R. 3341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN RATE OF SPECIAL PENSION FOR PERSONS ON THE MEDAL OF HONOR ROLL.

(a) IN GENERAL.—Section 1562(a) of title 38, United States Code, is amended by striking "$200" and inserting "$400".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret the distinguished chairman of our Subcommittee on Compensation, Pension and Insurance, JIM SLATTERY of Kansas is unable to be in the city today to handle this bill. He and the ranking minority member of the subcommittee, MIKE BILIRAKIS, and another member of the committee, FLOYD SPENCE of South Carolina, are the chief sponsors of this legislation. I thank all of them for their efforts in bringing the bill to the floor today. I also want to thank the very able ranking minority of the full committee, BOB STUMP, for supporting the bill and for his cooperation.

The Medal of Honor, our highest decoration for valor, was established in the early years of the Civil War. A bill passed by both Houses of Congress and signed by President Lincoln on December 21, 1861, authorized the Secretary of the Navy to prepare 200 medals which were to be awarded to enlisted men of the U.S. Navy "as shall most distinguish themselves by their gallantry in action and other seamanlike qualities during the present war."

In 1862 Congress extended the award to enlisted men of the U.S. Army and to officers in 1863.

On April 21, 1916, Congress approved an act which provided for the creation of a "Medal of Honor Roll," upon which honorably discharged medal recipients who earned the medal in combat and who had attained the age of 65 years were to be recorded and provided a special pension of $10 per month for life. The primary purpose of this act was to give medal recipients the same special recognition shown to holders of similar British and French decorations for valor. Limiting the award to the nominal sum of $10 monthly emphasized that it was not given as a pension, but to provide a small amount for personal comforts in the advanced years of life.

In 1961, Congress increased the special pension from $10 to $100 per month, and also reduced the age requirement from 65 to 50 years. In doing so, the Congress noted that "it is impossible to place a price tag on valor, honor, patriotism, or other virtues." The committee noted, however, that, in some cases, holders of the Medal of Honor were living in destitute circumstances and felt that a special pension of $100 would help those most in need. The age requirement was again lowered in 1964 to 40 years of age, and, in 1965, the age limitation was eliminated altogether.

In 1978, Congress raised the pension amount from $100 to $200 per month.

H.R. 3341, as reported, would increase the benefit from $200 to $400 per month.

Mr. Speaker, according to the Department of Veterans Affairs, there are 202 persons receiving the special pension. By law, it is paid regardless of any other benefits to which the recipient is entitled. According to the Congressional Budget Office, enactment of this bill would result in insignificant costs. It would have no pay-go implications.

Mr. Speaker, the history of the Medal of Honor, the deeds for which it has been awarded, and those who have earned the medal are of the greatest concern to the Nation they have served. As others have said before me, the most supreme acts of heroism are recognized by the award of the Medal of Honor.

I urge my colleagues to support H.R. 3341 as reported by the Committee on Veterans' Affairs.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3341, which provides an increase in the benefit awarded to recipients of the Congressional Medal of Honor.

As the gentleman from Mississippi has explained, the committee believes an adjustment in this special pension is justified in light of the increases in inflation since the last adjustment in 1979.

I wish to commend our colleague from South Carolina, FLOYD SPENCE, for his having introduced the original legislation to increase this special pension for the 202 remaining recipients of this unique honor. Appreciation is also extended to the subcommittee chairman, JIM SLATTERY, and the ranking minority member, MIKE BILIRAKIS, for their work on this bill.

I want to commend my friend and chairman of the Committee on Veterans' Affairs, SONNY MONTGOMERY, for moving this bill so quickly.

I recommend we pass this increase in the special pension to recipients of the Congressional Medal of Honor.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I also want to commend the gentleman from Arizona [Mr. STUMP] for his work on this legislation, as well as the gentleman from Kansas [Mr. SLATTERY] and the gentleman from Florida [Mr. BILIRAKIS], who are on our committee.

This rate increase helps our most highly decorated soldiers, the Medal of Honor recipients.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 3341 which would increase the special Medal of Honor pension from $200 per month to $400 per month. Congressional Medal of Honor recipients have not received any increase in their pensions for approximately 15 years.

The purpose for raising this benefit is to recognize the effects of inflation since 1978 and to adjust it accordingly.

I wish to acknowledge the efforts of our colleague from South Carolina, the Honorable FLOYD SPENCE, who sponsored similar legislation. Mr. SPENCE recognized a true need in the Veteran community and responded accordingly. I commend him for his actions.

Recipients of the Medal of Honor are richly deserving of this increase and I strongly urge my colleagues to support this bill.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 3341.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT TECHNICAL AMENDMENTS OF 1993

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3160) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586, and for other purposes, as amended.

The clerk read as follows:

H.R. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act Technical Amendments of 1993".

SEC. 2. AMENDMENTS TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601–5785) is amended—

(1) in section 103—

(A) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears, and

(B) in paragraph (22) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively,

(2) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5532" and inserting "payable under section 5376",

(3) in section 204 by redesignating subsections (h) and (i) as subsections (f) and (g), respectively,

(4) in section 206(a)(2)—

(A) in subparagraph (A) by adding at the end the following: "Except as provided in subparagraph (C), all members shall be appointed for a term of 3 years", and

(B) in subparagraph (C)(i) by striking "appointed" the first place it appears and inserting "first appointed to the Council",

(5) in section 233—

(A) in subsection (a)(14) by striking ", beginning after the five-year period following December 8, 1980,",

(B) in subsection (c)(3)—

(i) in the matter preceding subparagraph (A) by striking "the requirements of subsection (a), (12)A), (13), (14), or (23)" and inserting "any requirement of paragraph (12)(A), (13), (14), or (23) of subsection (a)", and

(ii) in subparagraph (B)(i) by striking "section 222 (c) and (d)" and inserting "subsections (c) and (d) of section 222", and

(C) in subsection (d) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (12)(A), (13), (14), and (23) of subsection (a)",

(6) in section 241(d)(2)—

(A) by inserting a comma after "personnel" the first place it appears, and

(B) by striking "personnel,," and inserting "personnel,",

(7) in section 243(a)—

(A) in paragraph (3) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively,

(B) in paragraph (7)(D) by inserting "activities)" after "recreational",

(C) in paragraph (11) by striking "and" at the end,

(D) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively, and

(E) by redesignating the second paragraph (5) as paragraph (6),

(8) in section 244(3)—

(A) by inserting a comma after "judges",

(B) by inserting a comma after "persecutors", and

(C) by striking "attorneys,," and inserting "attorneys,",

(9) in section 248(a)(2)(B)(ii) by striking "for" and inserting "For",

(10) in section 261(a)—

(A) in paragraph (5)—

(i) by inserting "(including self-help programs for parents)" after "programs", and

(ii) by inserting before the period at the end the following:

", including programs that work with families during the incarceration of juvenile family members and that take into consideration the special needs of families with limited-English speaking ability", and

(B) in paragraph (7) by striking "juveniles," and all that follows through the end of such paragraph, and inserting the following: "juveniles;

"that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with such system.",

(11) in section 261(b)(5) by inserting ", community service personnel," after "law enforcement personnel",

(12) in section 281(a)(8) by striking "substances analogues" and inserting "substance analogues",

(13) in subpart II of part D by inserting before section 282 the following:

"AUTHORITY TO MAKE GRANTS AND CONTRACTS",

(14) in the first part I by inserting the following before section 291:

"AUTHORITY TO CALL AND CONDUCT CONFERENCE",

(15) in section 291(c) by striking "18 months" and inserting "48 months",

(16) by redesignating the second part I as part J,

(17) in section 299(a)—

(A) in paragraph (1) by striking "years 1993," and inserting "fiscal year 1993 and such sums as may be necessary for fiscal years",

(B) in paragraph (2)(A) by moving the left margin of clauses (i) and (ii) 2 ems to the left, and

(C) in paragraph (5) by striking "(A) Subject to subparagraph (B)" and inserting "Subject to paragraph (2)(B)", and

(18) in section 299C(c)(2) by striking "this paragraph" and inserting "paragraph (1)".

SEC. 3. EFFECTIVE DATES.

(A) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—The amendments made by section 2(4) shall take effect on November 4, 1992.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here this morning to vote on a package of amendments that make technical and conforming changes to the Juvenile Justice and Delinquency Prevention Act of 1974.

As a result of the reauthorization bill passed last year, several minor errors were made which require our prompt attention.

The bulk of these corrections are a matter of grammar, punctuation, and citation.

Several others are conforming and clarifying in nature.

I call Member's attention to two corrections that were discovered after this legislation was marked up at full committee and are included in the package before them.

The first correction extends the time under which a White House conference on juvenile justice can be convened.

Under current law the conference must be convened within 18 months of the passage of the reauthorization bill, which was November 4 of last year.

Because of the change in administrations, an extension is necessary.

The correction provides an additional 30 months under which the conference can be completed.

Under this change, the conference must be convened no later than 48 months after enactment of the reauthorizing legislation.

The second correction clarifies the authorization levels to reflect the original intent of Congress when the reauthorization legislation was passed.

The House bill set the authorization level for the act at $150 million for fiscal year 1993, and such sums as are necessary for fiscal years 1994, 1995, and 1996.

The Senate bill set the authorization at such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

The reauthorization bill incorrectly set the authorization level at $150 million for fiscal years 1993, 1994, 1995, and 1996.

This provision corrects the error by establishing the authorization level of $150 million for fiscal year 1993, and such sums as are necessary for fiscal years 1994, 1995, and 1996, as was originally intended.

The Juvenile Justice and Delinquency Prevention Act is the Nation's primary Federal effort to address the ravages of social disease on our youth and our communities.

This package of technical corrections provides the necessary refinements to allow the program to run efficiently and effectively.

In closing, Mr. Speaker, I would like to thank the gentlewoman from New York [Ms. MOLINARI], ranking member of the subcommittee, who has worked diligently with me on this legislation.

I appreciate her efforts, and I am certain the country's troubled youth do as well.

I urge Members to support this legislation and vote in favor of its passage.

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Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California [Mr. MARTINEZ], as well as my Republican colleague, Ms. MOLANARI, for their efforts to bring H.R. 3160, the Juvenile Justice and Delinquency Prevention Act Technical Amendments Act of 1993, to the floor today. All of us in Congress have a responsibility to ensure that all the t's are crossed and all the i's are dotted, and my colleagues have lived up to this responsibility with the utmost professionalism.

Beyond the grammatical and clarifying amendments, this bill also extends the time limit for the White House Conference on Juvenile Justice. This Conference would be especially helpful given the extreme rise in violent juvenile crime.

Mr. Speaker, we support this bipartisan technical amendments bill and urge its speedy passage.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAMBURG). The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 3160, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 3160, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HIGHER EDUCATION TECHNICAL AMENDMENTS OF 1993

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3376) to make certain technical and conforming amendments to the Higher Education Act of 1965, as amended.

The Clerk read as follows:

H.R. 3376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES EFFECTIVE DATES.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Technical Amendments of 1993".

(b) REFERENCES.—References in this Act to "the Act" are references to the Higher Education Act of 1965.

(c) EFFECTIVE DATES.—Except as otherwise provided therein, the amendments made by this Act shall be effective as if such amendments were included in The Higher Education Amendments of 1992 (Public Law 102–325).

SEC. 2. TECHNICAL AMENDMENTS.

(a) AMENDMENTS TO TITLES I, II, AND III OF THE ACT.—The Act is amended—

(1) in section 103(b)(2), by increasing the indentation of subparagraphs (A) through (E) by two em spaces;

(2) in section 104(b)(5)(C), by striking "subpart" and inserting "part";

(3) in section 241(a)(2)(B), by striking "information service" and inserting "information science";

(4) in section 301(a)(2), by striking the comma after "planning";

(5) in section 312(c)(2), by inserting "the" before "second fiscal year" the second place it appears;

(6) in section 316(c), by striking "Such programs may include—" and inserting the following:

"(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such program may include—";

(7) by reducing by two em spaces the indentation of each of the following provisions: sections 323(b)(3), 331(a)(2)(D), and 331(b)(5);

(8) in section 326(e)(2)—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B);

(9) in section 331(b)(2), by reducing the indentation of subparagraphs (B) and (C) by four em spaces; and

(10) in section 331(b)(5), by striking "an endowment" and inserting "An endowment".

(b) AMENDMENTS TO PART A OF TITLE IV OF THE ACT.—Part A of title IV of the Act is amended—

(1) in section 401(a)(1), by striking the last sentence;

(2) in section 401(b)(6), in the matter preceding subparagraph (A), by striking "single 12-month period" and inserting "single award year";

(3) in section 401(b)(6)(A), by striking "a baccalaureate" and inserting "an associate or baccalaureate";

(4) in section 401(b)(6)(B), by striking "a bachelor's" and inserting "an associate or baccalaureate";

(5) in section 401(b)(8)(A), by striking "(determined in accordance with regulations issued by the Secretary)";

(6) in section 401(i), by striking "part D of title V" and inserting "subtitle D of title V";

(7) in section 402A(b), by striking paragraph (2) and inserting the following:

"(2) DURATION.—Grants or contracts made under this chapter shall be awarded for a period of 4 years, except that—

"(A) the Secretary shall award such grants or contracts for 5 years to applicants whose peer review scores were in the highest 10 percent of scores of all applicants receiving grants or contracts in each program competition for the same award year; and

"(B) grants made under section 402G shall be awarded for a period of 2 years.";

(8) in section 402A(c)(1), by inserting before the period the following ", except that in the case of the programs authorized in sections 402E and 402G, the level of consideration given to prior experience shall be the same as the level of consideration given this factor in the other programs authorized in this chapter";

(9) in section 402A(c)(2)(A), by inserting "with respect to grants made under section 402G, and" after "Except";

(10) in section 402A, by amending subsection (e) to read as follows:

"(e) DOCUMENTATION OF STATUS AS A LOW-INCOME INDIVIDUAL.—(1) Except in the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual's parent or legal guardian;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.

"(2) In the case of an independent student, as defined in section 480(d), documentation of an individual's status pursuant to subsection (g)(2) shall be made by providing the Secretary with—

"(A) a signed statement from the individual;

"(B) verification from another governmental source;

"(C) a signed financial aid application; or

"(D) a signed United States or Puerto Rico income tax return.";

(11) in section 402C(c), by striking "and foreign" and inserting "foreign";

(12) in section 402D(c)(2), by striking "either";

(13) in section 404A(1), by striking "highschool" and inserting "high school";

(14) in section 404B(a)(1)—

(A) by striking "section 403C" and inserting "section 404D"; and

(B) by striking "section 403D" and inserting "section 404C";

(15) in section 404B(a)(2), by inserting "shall" after "paragraph (1)";

(16) in section 404C(b)(3)(A), by striking "grades 12" and inserting "grade 12";

(17) in section 404C(b)(3)(D)(i), by striking "section 401D of this subpart" and inserting "section 402D";

(18) in section 404C(b)(3)(D)(ii), by striking "section 401D of this part" and inserting "section 402D";

(19) in section 404D(d)(3), by striking "program of instruction" and inserting "program of undergraduate instruction";

(20) in section 404D(d)(4), by striking "the" the first place it appears;

(21) in section 404E(c), by striking "tuition" and inserting "financial";

(22) in section 404F(a), by striking "under this section shall biannually" and inserting "under this chapter shall biennially";

(23) in section 404F(c), by striking "biannually" and inserting "biennially";

(24) in section 404G, by striking "an appropriation" and inserting "to be appropriated";

(25) in section 409A(1), by striking "private financial" and inserting "private student financial";

(26) in section 413C(d)—

(A) by striking ", a reasonable proportion of the institution's allocation shall be made available to such students, except that" and inserting "and"; and

(B) by striking "5 percent of the need" and inserting "5 percent of the total financial need";

(27) in section 413D(d)(3)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(28) in section 415C(b)(7), by striking the period at the end and inserting a semicolon;

(29) in section 419C(b)—

(A) by striking "for a period of not more than 4 years for the first 4 years of study" and inserting "for a period of not less than 1 or more than 4 years during the first 4 years of study"; and

(B) by adding at the end the following:

"The State educational agency administering the program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence), except that—

"(1) if the amount appropriated for this subpart for any fiscal year exceeds the amount appropriated for fiscal year 1993, the Secretary shall identify to each State educational agency the number of scholarships available to that State under section 419D(b) that are attributable to such excess; and

"(2) the State educational agency shall award not less than that number of scholarships for a period of 4 years.";

(30) in section 419D, by adding at the end the following new subsection:

"(d) CONSOLIDATION BY INSULAR AREAS PROHIBITED.—Notwithstanding section 501 of Public Law 95–1134 (48 U.S.C. 1469a), funds allocated under this part to an Insular Area described in that section shall be deemed to be direct payments to classes of individuals, and the Insular Area may not consolidate such funds with other funds received by the Insular Area from any department or agency of the United States Government."; and

(31) in section 419G(b), by striking "the District of Columbia, the Commonwealth of Puerto Rico,".

(c) AMENDMENTS TO PART B OF TITLE IV OF THE ACT.—Part B of title IV of the Act is amended—

(1) in section 422(c)(7), by striking the semicolon at the end of subparagraph (B) and inserting a period;

(2) in section 425(a)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;" and

(B) by striking the semicolon at the end of clause (iv) and inserting a period;

(3) in section 425(a)(1), by inserting at the end thereof the following:

"(C) For the purpose of subparagraph (A), the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(4) in section 427(a)(2)(C)(i), by inserting "section" before "428B or 428C";

(5) in section 427A(e)(1), by striking "under this part," and inserting "under section 427, 428, or 428H of this part,";

(6) in section 427A(i)(1), by amending subparagraph (B) to read as follows:

"(B)(i) during any period in which a student is eligible to have interest payments paid on his or her behalf by the Government pursuant to section 428(a), by crediting the excess interest to the Government; or

"(ii) during any other period, by crediting such excess interest to the reduction of principal to the extent provided in paragraph (5) of this subsection.";

(7) in section 427A(i)(2)(B), by striking out "outstanding principal balance" and inserting in lieu thereof "average daily principal balance";

(8) in section 427A(i)(4)(B), by striking out "outstanding principal balance" and inserting in lieu thereof "average daily principal balance";

(9) in section 427A(i)(5)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (4)";

(B) by striking "principle" and inserting "principal"; and

(C) by inserting before the period at the end of the second sentence the following: ", but the excess interest shall be calculated and credited to the Secretary";

(10) in section 427A(i), by adding at the end the following new paragraph:

"(7) CONVERSION TO VARIABLE RATE.—(A) Subject to subparagraphs (B) and (C), a lender or holder may convert the interest rate on a loan made pursuant to section 428 or 428H that is subject to the provisions of this subsection to a variable rate which is adjusted quarterly. The applicable rate of interest for such loans for each 3-month period beginning on January 1, April 1, July 1, or October 1, shall be determined on the first day of the month preceding such 3-month period, and shall be equal to (i) the bond equivalent rate of the 91-day Treasury bill auctioned at the final auction held prior to the first day of the month preceding such 3-month period; plus (ii) 3.25 percent if the first disbursement of the loan occurred prior to July 23, 1992, or 3.10 percent if the first disbursement of the loan occurred on or after July 23, 1992.

"(B) A lender or holder shall notify the borrower within 30 days of the conversion of the loan to a variable interest rate.

"(C) The interest rate on a loan converted to a variable rate pursuant to this paragraph shall not exceed the maximum interest rate applicable to the loan prior to such conversion.

"(D) Loans on which the interest rate is converted in accordance with subparagraph (A) shall not be subject to any other provisions of this subsection.";

(11) in section 428(a)(2)(C)(i), by striking the period at the end and inserting "; and";

(12) in section 428(a)(2)(E), by inserting "or 428H" after "428A";

(13) in section 428(a)(3)(A)(v)—

(A) in subclause (I), by striking out "before the first disbursement of the loan; or" and inserting "before the loan is first delivered to the borrower; or"; and

(B) in subclause (II), by striking out "before the first disbursement of the loan" and inserting "before the loan is first delivered to the borrower";

(14) in section 428(b)(1)(A)—

(A) by striking clauses (ii) and (iii) and inserting the following:

"(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

"(I) $3,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

"(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

"(I) $5,500; or

"(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;";

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

"(iv) in the case of a student who has received an associate or baccalaureate degree and is enrolled in an eligible program for which the institution requires such degree for admission, the number of years that a student has completed in a program of undergraduate education shall, for the purposes of clauses (ii) and (iii), include any prior enrollment in the eligible program of undergraduate education for which the student was awarded such degree; and";

(15) in section 428(b)(1)(B), by striking the matter following clause (ii) and inserting the following:

"except that the Secretary may increase the limit applicable to students who are pursuing programs which the Secretary determines are exceptionally expensive;";

(16) in section 428(b)(1), by amending subparagraph (N) to read as follows:

"(N) provides that funds borrowed by a student—

"(i) are disbursed to the institution by check or other means that is payable to, and requires the endorsement or other certification by, such student, unless such student requests that the check be endorsed, or the funds transfer authorized, pursuant to an authorized power-of-attorney; and

"(ii) are, at the request of the student, disbursed directly to the student by the means described in clause (i), in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled or at an eligible foreign institution;";

(17) in section 428(b)(1)(U)—

(A) by striking "this clause;" and inserting "this clause"; and

(B) by inserting a comma after "emergency action" each place it appears;

(18) in section 428(b)(1), by striking subparagraph (V);

(19) in section 428(b)(2)(F)(i), by striking "each to provide a separate notice" and inserting "either jointly or separately to provide a notice";

(20) in section 428(b)(2)(F)(ii), by striking "transferor" and inserting "transferee";

(21) in section 428(b)(2)(F)(ii)(I), by striking "to another holder";

(22) in section 428(b)(2)(F)(ii)(II), by striking "such other" and inserting "the new";

(23) in section 428(b), by striking paragraph (7) and inserting the following:

"(7) REPAYMENT PERIOD.—(A) In the case of a loan made under section 427 or 428, the repayment period shall exclude any period of authorized deferment or forbearance and shall begin—

"(i) the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution); or

"(ii) on an earlier date if the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier date.

"(B) In the case of a loan made under section 428H, the repayment period shall exclude any period of authorized deferment or forbearance, and—

"(i) if such loan is made to a borrower that has borrowed a loan made under section 427 or 428 for the same period of instruction—

"(I) interest shall begin to accrue or be paid by the borrower on the day the loan is disbursed, or, if the loan is disbursed in multiple installments, on the day of the last such disbursement; and

"(II) the repayment period with respect to principal begins in accordance with subparagraph (A); and

"(ii) if such loan is made to any other borrower, the repayment or accrual of interest shall begin as described in clause (i)(I), but the borrower shall be required to elect whether the repayment of principal shall begin as described in clause (i)(II), or on the day immediately after the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).

"(C) In the case of a loan made under section 428A, 428B, or 428C, the repayment period shall begin on the day the loan is disbursed, or, if the loan is disbursed in multiple installments, on the day of the last such disbursement, and shall exclude any period of authorized deferment or forbearance.";

(24) in section 428(b), by adding at the end thereof the following new paragraph:

"(8) MEANS OF DISBURSEMENT OF LOAN PROCEEDS.—Nothing in this title shall be interpreted to prohibit the disbursement of loan proceeds by means other than by check or to allow the Secretary to require checks to be made co-payable to the institution and the borrower.";

(25) in section 428(c)(1)(A), by striking the last sentence and inserting the following: "A guaranty agency shall file a claim for reimbursement with respect to losses under this subsection within 45 days after the guaranty agency discharges its insurance obligation on the loan.";

(26) in section 428(c)(2)(G), by striking "demonstrates" and inserting "certifies";

(27) in section 428(c)(3), by striking subparagraph (A) and inserting the following:

"(A) shall contain provisions providing that—

"(i) upon written request, a lender shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to in writing by the parties to the loan with the approval of the insurer, and otherwise consistent with the regulations of the Secretary, if the borrower—

"(I) is serving in a medical or dental internship or residency program, the successful completion of which is required to begin professional practice or service, or is serving in a medical or dental internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training, provided that if the borrower qualifies for a deferment under section 427(a)(2)(C)(vii) or subparagraph (M)(vii) of this paragraph as in effect prior to the enactment of the Higher Education Amendments of 1992, or section 427(a)(2)(C) or subparagraph (M) of this paragraph as amended by such amendments, the borrower has exhausted his or her eligibility for such deferment; or

"(II) has a debt burden under this title that equals or exceeds 20 percent of income;

"(ii) the length of the forbearance granted by the lender—

"(I) under clause (i)(I) shall equal the length of time remaining in the borrower's medical or dental internship or residency program, if the borrower is not eligible to receive a deferment described in such clause, or such length of time remaining in the program after the borrower has exhausted his or her eligibility for such deferment; or

"(II) under clause (i)(II) shall not exceed 3 years; and

"(iii) no administrative or other fee may be charged in connection with the granting of a forbearance under clause (i), and no adverse information regarding a borrower may be reported to a credit bureau organization solely because of the granting of such forbearance;";

(28) in section 428(e)(2)(A)—

(A) by striking "(i)";

(B) by striking "(I)" and inserting "(i)"; and

(C) by striking "(II)" and inserting "(ii)";

(29) in section 428(j)(2), in the matter preceding subparagraph (A), by striking "lender of last resort" and inserting "lender-of-last-resort";

(30) in section 428A(b)(1), by striking subparagraph (B) and inserting the following:

"(B) In the case of a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education—

"(i) $5,500; or

"(ii) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year.";

(31) in section 428A(b)(1)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

"(C) For the purposes of this paragraph, the number of years that a student has completed in a program of undergraduate education shall include any prior enrollment in an eligible program of undergraduate education for which the student was awarded an associate or baccalaureate degree, if such degree is required by the institution for admission to the program in which the student is enrolled.";

(32) in section 428A(b)(3)(B)(i), by striking "section 428" and inserting "sections 428 and 428H";

(33) in section 428A(c)(1), by striking "sections 427 or 428(b)" and inserting "section 427 or 428(b)";

(34) in section 428B(c)(2), by striking "borrower." and inserting "borrower, and sent to such institution.";

(35) in section 428C(a)(3)(A), by striking "delinquent or defaulted borrower who will reenter repayment through loan consolidation" and inserting "defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loan";

(36) in section 428C(a)(4)(A), by striking ", except for loans made to parent borrowers under section 428B as in effect prior to the enactment of the Higher Education Amendments of 1986";

(37) in section 428C(a)(4)(C), by striking "part C" and inserting "part A";

(38) in section 428C(c)(2)(A)(vi), by inserting a period after "30 years";

(39) in section 428C(c)(3)(A), by inserting "be an amount" before "equal to";

(40) in section 428F(a)(2)—

(A) by striking "this paragraph" and inserting "paragraph (1) of this subsection"; and

(B) by striking "this section" and inserting "this subsection";

(41) in section 428F(a)(4), by striking "this paragraph" and inserting "paragraph (1) of this subsection";

(42) in section 428F(b), by adding at the end thereof the following new sentence: "A borrower may only obtain the benefit of this subsection with respect to renewed eligibility once.";

(43) in section 428G(c)(3), by striking "disbursed" and inserting "disbursed by the lender";

(44) in section 428H(d)(2), by striking subparagraph (B) and inserting the following:

"(B) in the case of a student at an eligible institution who has successfully completed such first and second years but has not successfully completed the remainder of a program of undergraduate education, $5,000.";

(45) in section 428H(e)(1), by striking "shall commence 6 months after the month in which the student ceases to carry at least one-half the normal full-time workload as determined by the institution." and inserting "shall begin as described in section 428(b)(7)(B).";

(46) in section 428H(e)(4), by striking "427A(e)" and inserting "427A";

(47) in section 428H, by redesignating subsection (l) as subsection (h);

(48) in section 428I(g), by striking "the Federal False Claims Act" and inserting "section 3729 of title 31, United States Code,";

(49) in section 428J(b)(1), by striking "sections 428A, 428B, or 428C" and inserting "section 428A, 428B, or 428C";

(50) in section 428J(b)(1)(B), by striking "agrees in writing to volunteer for service" and inserting "serves as a full-time volunteer";

(51) in section 428J(c)(1), by striking "academic year" each place it appears and inserting "year of service";

(52) in the heading for section 428J(d), by striking "OF ELIGIBILITY" and inserting "TO ELIGIBLE";

(53) in section 428J, by amending subsection (e) to read as follows:

"(e) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying service. The borrower shall receive forbearance while engaged in qualifying service.";

(54) in section 430A(f)(1), by striking the comma at the end and inserting a semicolon;

(55) in section 432(m)(2)—

(A) by striking "DEFERMENT FORM" and inserting "DEFERMENT FORMS"; and

(B) by striking "a common deferment reporting form" and inserting "common deferment reporting forms";

(56) in section 433(b), in the matter preceding paragraph (1), by striking "60 days" and inserting "30 days";

(57) in section 433(e), by striking "section 428A, 428B," and inserting "sections 428A, 428B,";

(58) in section 435(d)(2)(D), by striking "lender; and" and inserting "lender;";

(59) in section 435(d)(2), by increasing the indentation of the matter following subparagraph (F) by two em spaces;

(60) in section 435(d)(3), by striking "435(o)" and inserting "435(m)";

(61) in section 435(m)(1)(A), by striking "428 or 428A" and inserting "428, 428A, or 428H,";

(62) in section 435(m)(2)(D)—

(A) by inserting "(or the portion of a loan made under section 428C that is used to repay a loan made under section 428A)" after "section 428A" the first place it appears; and

(B) by inserting "(or a loan made under section 428C a portion of which is used to repay a loan made under section 428A)" after "section 428A" the second place it appears;

(63) in section 437, by amending subsection (b) to read as follows:

"(b) PAYMENT OF CLAIMS ON LOANS IN BANKRUPTCY.—The Secretary shall pay to the holder of a loan described in section 428(a)(1)(A) or (B) or section 428A, 428B, 428C, or 428H, the amount of the unpaid balance of principal and interest owed on such loan—

"(1) when the borrower files for relief under chapter 12 or 13 of title 11, United States Code;

"(2) when the borrower who has filed for relief under chapter 7 or 11 of such title commences an action for a determination of dischargeability under section 523(a)(8)(B) of such title; or

"(3) for loans described in section 523(a)(8)(A) of such title, when the borrower files for relief under chapter 7 or 11 of such title.".

(64) in section 437(c)(1)—

(A) by striking "If a student borrower" and inserting "If a borrower";

(B) by striking "under this part is unable" and inserting "under this part and the student borrower, or the student on whose behalf a parent borrowed, is unable"; and

(C) by striking "in which the borrower is enrolled" and inserting "in which such student is enrolled"; and

(65) in section 437(c)(4), by adding at the end thereof the following sentence: "The amount of a loan, and interest on a loan, which is canceled under this subsection shall be treated the same as loans under section 465(a)(5) of this title."

(66) in section 437A(a), in the matter preceding paragraph (1), by striking ", to the extent of funds appropriated under subsection (d)";

(67) in section 437A(c)(2), by inserting a period at the end;

(68) in section 437A, by striking subsection (e); and

(69) in section 439(r)(12), by striking "section 522" and inserting "section 552".

(d) AMENDMENT TO PART C OF TITLE IV OF THE ACT.—Part C of title IV of the Act is amended—

(1) in section 442(d)(4)(C), by striking "three-fourths in the Pell Grant family size

offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(2) in section 442(e)—

(A) by inserting "(1)" after the subsection heading; and

(B) by adding at the end the following new paragraph:

"(2) If, under paragraph (1) of this subsection, an institution returns more than 10 percent of its allocation, the institution's allocation for the next fiscal year shall be reduced by the amount returned. The Secretary may waive this paragraph for a specific institution if the Secretary finds that enforcing this paragraph would be contrary to the interest of the program.";

(3) in section 443(b)(2)(A), by striking "institution;" and inserting "institution; and";

(4) in section 443(b), by amending paragraph (5) to read as follows:

"(5) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement shall not exceed 75 percent for academic year 1993–1994 and succeeding academic years, except that the Federal share may exceed such amounts of compensation if the Secretary determines, pursuant to regulations promulgated by the Secretary establishing objective criteria for such determinations, that a Federal share in excess of such amounts is required in furtherance of the purpose of this part;"; and

(5) in section 443(b)(8), by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) that are only on campus and that—

"(i) to the maximum extent practicable, complement and reinforce the education programs or vocational goals of such students; and

"(ii) furnish student services that are directly related to the student's education, as determined by the Secretary pursuant to regulations, except that no student shall be employed in any position that would involve the solicitation of other potential students to enroll in the school; or

"(B) in community service in accordance with paragraph (2)(A) of this subsection;".

(e) AMENDMENTS TO PART E OF TITLE IV OF THE ACT.—Part E of title IV of the Act is amended—

(1) in section 462(a)(2)(D), by striking "if the institution which has" and inserting "if the institution has";

(2) in section 462(d)(4)(C), by striking "three-fourths in the Pell Grant family size offset" and inserting "150 percent of the difference between the income protection allowance for a family of five with one in college and the income protection allowance for a family of six with one in college";

(3) in section 462(e), by reducing the indentation of paragraph (2) by two em spaces;

(4) in section 462(h)(4), by reducing the indentation of subparagraph (B) by two em spaces;

(5) in section 463(a)(2)(B)(i)(II), by striking "7.5 percent" and inserting "7.5 percent for award year 1993–1994 and has a cohort default rate which does not exceed 15 percent for award year 1994–1995 or for any succeeding award year";

(6) in section 463(c)(4), by striking "shall disclose" and inserting "shall at least annually disclose";

(7) in section 463, by adding at the end the following new subsections:

"(d) LIMITATION ON USE OF INTEREST BEARING ACCOUNTS.—In carrying out the provisions of subsection (a)(10), the Secretary may not require that any collection agency, collection attorney, or loan servicer collecting loans made under this part deposit amounts collected on such loans in interest bearing accounts, unless such agency, attorney, or servicer holds such amounts for more than 45 days.

"(e) SPECIAL DUE DILIGENCE RULE.—In carrying out the provisions of subsection (a)(5) relating to due diligence, the Secretary shall make every effort to ensure that institutions of higher education may use Internal Revenue Service skip-tracing collection procedures on loans made under this part.";

(8) in section 463A, by striking subsections (d) and (e);

(9) in section 464(c)(2)(B) by striking "repayment or" and inserting "repayment of";

(10) in section 464(c)(6), by striking "Fullbright" and inserting "Fulbright";

(11) in section 464(e), by striking "principle" and inserting "principal";

(12) in section 465(a)(2)(D), by striking "services" and inserting "service";

(13) in section 465(a)(2)(F), by striking "or" at the end;

(14) in section 465(a), by reducing the indentation of paragraph (6) by 2 em spaces; and

(15) in section 466(c), by reducing the indentation of paragraph (2) by two em spaces.

(f) AMENDMENTS TO PART F OF TITLE IV OF THE ACT.—Part F of title IV of the Act is amended—

(1) in the table contained in sections 475(c)(4) and 477(b)(4), by inserting "$" before "9,510";

(2) in section 475(f)(3)—

(A) by striking "Income in the case of a parent" and inserting "If a parent";

(B) by striking "(1) of this subsection, or a parent" and inserting "(1) of this subsection, or if a parent"; and

(C) by striking "is determined as follows: The income" and inserting "the income";

(3) in section 475(g)(1)(B), by inserting a close parentheses after "paragraph (2)";

(4) in the table contained in section 475(g)(3), by adding a last row that is identical to the last row of the table contained in section 476(b)(2);

(5) in section 476, by adding at the end thereof the following new subsection:

"(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's contribution from income or assets.";

(6) in section 477 by adding at the end thereof the following new subsection:

"(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.";

(7) in section 478—

(A) by striking "1992–1993" each place it appears and inserting "1993–1994"; and

(B) in subsection (c)(1), by striking "1992" and inserting "1993";

(8) in section 478(h), by striking "Bureau of Labor Standards" and inserting "Bureau of Labor Statistics";

(9) in section 479(a)(1), by inserting "of" after "(c)";

(10) in section 479(b)(1)(B)(i)—

(A) by inserting "(and the student's spouse, if any)" after "student" each time it appears; and

(B) by striking "such";

(11) in section 479(b)(2), by striking "five elements" and inserting "six elements";

(12) in section 479(b)(2)(E), by striking the semicolon and inserting a comma;

(13) in section 480(c)(2), by striking "Title" each place it appears and inserting "United States Code, title";

(14) in section 480(d)(2), by inserting "or was a ward of the court until the individual reached the age of 18" prior to the semicolon; and

(15) in section 480, by adding at the end the following new subsections:

"(k) DEPENDENTS.—(1) Except as otherwise provided, the term 'dependent of the parent' means the student, dependent children of the student's parents, including those children who are deemed to be dependent students when applying for aid under this title, and other persons who live with and receive more than one-half of their support from the parent and will continue to receive more than half of their support from the parent during the award year.

"(2) Except as otherwise provided, the term 'dependent of the student' means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

"(l) FAMILY SIZE.—(1) In determining family size in the case of a dependent student—

"(A) if the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents including the student;

"(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and that parent's dependents, including the student; and

"(C) if the parents are divorced and the parent whose income is so included is remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependents of the new spouse if that spouse's income is included in determining the parents' adjusted available income.

"(2) In determining family size in the case of an independent student—

"(A) family members include the student, the student's spouse, and the dependents of the student; and

"(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and the student's dependents.

"(m) BUSINESS ASSETS.—The term 'business assets' means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.".

(g) AMENDMENTS TO PART G OF TITLE IV OF THE ACT.—Part G of title IV of the Act is amended—

(1) in section 481(a)(3)(B), by inserting before the semicolon the following: ", except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary";

(2) in section 481(a)(3)(D)—

(A) by striking "are admitted pursuant to section 484(d)" and inserting "do not have a high school diploma or its recognized equivalent"; and

(B) by inserting before the period the following: ", except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that it exceeds such limitation because it serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a high school diploma or its recognized equivalent'';

(3) in section 481(a)(4), by amending subparagraph (A) to read as follows:

''(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy;'';

(4) in section 481(d), by amending paragraph (2) to read as follows:

''(2) For the purpose of any program under this title, the term 'academic year' shall require a minimum of 30 weeks of instructional time, and, with respect to an undergraduate course of study, shall require that during such minimum period of instructional time a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at an institution that measures program length in credit hours, or at least 900 clock hours at an institution that measures program length in clock hours.'';

(5) in section 481(e) by striking paragraph (2) and inserting the following:

''(2)(A) A program is an eligible program for purposes of part B of this title if it is a program of at least 300 clock hours of instruction, but less than 600 clock hours of instruction, offered during a minimum of 10 weeks, that—

''(i) has a completion rate of at least 70 percent, as determined in accordance with the regulations of the Secretary;

''(ii) has a placement rate of at least 70 percent, as determined in accordance with the regulations of the Secretary; and

''(iii) satisfies such further criteria as the Secretary may prescribe by regulation.

''(B) In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to have satisfied the requirements of this paragraph.'';

(6) in section 481(f), by striking ''State'' and inserting ''individual, or any State,'';

(7) in section 482(c), by adding at the end the following new sentence: ''For award year 1994–95, this subsection will not apply to regulatory changes affecting parts B, G, and H of this title.'';

(8) in section 483(a)(1), by striking ''section 411(d)'' and inserting ''section 401(d)'';

(9) in section 483(a)(2), by inserting at the end the following new sentence: ''No data collected on a form for which a fee is charged shall be used to complete the form prescribed under paragraph (1).'';

(10) in section 483(a)(3), by inserting at the end the following sentence: ''Entities designated by institutions of higher education or States to receive such data shall be subject to all requirements of this section, unless such requirements are waived by the Secretary.'';

(11) in section 483(f), by striking ''address, social security number,'' and inserting ''address or employer's address, social security number or employer identification number,'';

(12) in section 484(a)(4)(B), by striking the semicolon and inserting the following: ''(or if the student is ineligible for or unable to obtain a social security number, such student's identification number); and '';

(13) in section 484(a)(5), by striking ''in the United States for other than a temporary purpose and able to provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident'' and inserting ''able to provide evidence from the Immigration and Naturalization Service that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident'';

(14) in section 484(b)(2)—

(A) in subparagraph (A), by striking ''and'';

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) after subparagraph (B), by inserting:

''(C) has applied for a loan under section 428H, if eligible.'';

(15) in section 484(b)(3), by striking ''part B'' and inserting ''part B or D'';

(16) in section 484, by striking subsection (f);

(17) in section 484(g), by inserting a comma after ''Part D'' each place it appears;

(18) in section 484(h)(4)(B), by striking ''constitutes'' and inserting ''constitute'';

(19) in section 484(i)(2)—

(A) by striking ''(h)(4)(A)(ii)'' and inserting ''(h)(4)(A)(i)''; and

(B) by striking ''documentation,'' and inserting ''documentation, or'';

(20) in section 484(i)(3)—

(A) by striking ''(h)(4)(B)(ii)'' and inserting ''(h)(4)(B)(i)''; and

(B) by striking '', or'' and inserting a period;

(21) in section 484(i), by striking paragraph (4);

(22) in section 484(n), by striking ''part B, C,'' and inserting ''parts B, C,'';

(23) in section 484(q)(2), by striking ''a correct social security number'' and inserting ''documented evidence of a social security number that is determined by the institution to be correct'';

(24) in section 484B(a), by striking ''grant, loan, or work assistance'' and inserting ''grant or loan assistance'';

(25) in section 484B(b)(3), by striking ''subsection (d)'' and inserting ''subsection (c)'';

(26) in section 485(a)(1)(F)(iv), by inserting ''under'' after ''awards'';

(27) in section 485(a)(1)(F)(viii), by striking the period;

(28) in section 485(a)(1)(F), by striking clause (vi) and redesignating clauses (vii) and (viii) as clauses (vi) and (vii), respectively;

(29) in section 485(a)(1)(L), by inserting a comma after ''full-time'';

(30) in section 485(a)(3), by striking subparagraph (A) and inserting the following:

''(A) shall, for any academic year beginning more than 270 days after the Secretary first prescribes final regulations pursuant to such subparagraph (L), be made available to current and prospective students prior to enrolling or entering into any financial obligation;'';

(31) in paragraphs (1)(A) and (2)(A) of section 485(b), by striking ''under parts'' and inserting ''under part'';

(32) in section 485(e), by adding at the end the following new paragraph:

''(9) This subsection shall not be effective until the first July 1 that follows, by more than 270 days, the date on which the Secretary first prescribes final regulations pursuant to this subsection. The reports required by this subsection shall be due on that July 1 and each succeeding July 1 and shall cover the 1-year period ending June 30 of the preceding year.'';

(33) in section 485B(a)—

(A) by striking ''part E'' and inserting ''parts D and E''; and

(B) by striking the second period at the end of the third sentence;

(34) in section 485B(a)(4), by striking ''part E'' and inserting ''parts D and E'';

(35) in section 485B(c), by striking ''part B or part E'' and inserting ''part B, D, or E'';

(36) in section 485B(e), by striking ''under this part'' each place it appears and inserting ''under this title'';

(37) in section 487(a)(2), by striking '', or for completing or handling the Federal Student Assistance Report'';

(38) in section 487(c)(1)(F), by striking ''eligibility for any program under this title of any otherwise eligible institution,'' and inserting ''participation in any program under this title of an eligible institution,'';

(39) in section 489(a), by striking ''484(c)'' and inserting ''484(h)''; and

(40) in section 491(h)(1), by striking ''subtitle III'' and inserting ''subchapter III''.

(h) AMENDMENTS TO PART H OF TITLE IV OF THE ACT.—Part H of title IV of the Act is amended—

(1) in section 494C(a), by striking the first and second sentences and inserting the following: ''The Secretary shall review all eligible institutions of higher education in a State to determine if any such institution meets any of the criteria in subsection (b). If any such institution meets one or more of such criteria, the Secretary shall inform the State in which such institution is located that the institution has met such criteria, and the State shall review the institution pursuant to the standards in subsection (d). The Secretary may determine that a State need not review an institution if such institution only meets the criterion in subsection (b)(10), such institution was previously reviewed by the State under subsection (d), and the State determined in such previous review that the institution did not violate any of the standards in subsection (d).'';

(2) in section 494C(i), by striking ''sections 428 or 487'' and inserting ''section 428 or 487'';

(3) in section 496(a)(2)(A)(i), by inserting ''of institutions'' after ''membership'';

(4) in section 496(a)(3)(A), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(i)'';

(5) in section 496(a)(5)—

(A) by striking the period at the end of subparagraph (L) and inserting a semicolon; and

(B) by inserting after subparagraph (L) the following:

''except that subparagraphs (G), (H), (I), (J), and (L) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;'';

(6) in section 496(c), by striking ''for the purpose of this title'' and inserting ''as a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this title'';

(7) in section 496(l)(2)—

(A) by striking ''institutution'' and inserting ''institution''; and

(B) by striking ''association leading to the suspension'' and inserting ''association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension'';

(8) in section 496(n)(1), by amending subparagraph (B) to read as follows:

''(B) site visits, including unannounced site visits as appropriate, at accrediting agencies and associations, and, at the Secretary's discretion, at representative member institutions.'';

(9) in section 498(c)(3), by amending subparagraph (C) to read as follows:

"(C) such institution establishes to the satisfaction of the Secretary, with the support of a report of an independent certified public accountant prepared under generally accepted accounting principles (except as provided herein), that the institution has sufficient resources (which shall include, as a current asset, the equity in land, buildings, and other facilities owned and occupied by such institution and used to provide the education and training services described in such institution's official publications and statements) to ensure against precipitous closure, including the ability to meet all of its financial obligations, including refunds of institutional charges and repayments to the Secretary for liabilities and debts incurred in programs administered by the Secretary; or";

(10) in section 498(f), by inserting after the second sentence the following: "The Secretary may establish priorities by which institutions are to receive site visits, and may coordinate such visits with site visits by States, guaranty agencies, and accrediting bodies in order to eliminate duplication, and reduce administrative burden.";

(11) in section 498(h)(1)(B), by amending clause (iii) to read as follows:

"(iii) the Secretary determines that an institution that seeks to renew its certification is, in the judgment of the Secretary, in an administrative or financial condition that may jeopardize its ability to perform its financial responsibilities under a program participation agreement.";

(12) in section 498(h)(3), by striking "the Secretary may terminate"; and inserting "the Secretary may, after providing the institution an opportunity to show that the institution meets those responsibilities, terminate";

(13) in section 498, by amending subsection (i)(1) to read as follows:

"(i) TREATMENT OF CHANGES OF OWNERSHIP.—(1) An eligible institution of higher education that has had a change in ownership resulting in a change of control shall not qualify to participate in programs under this title after the change in control (except as provided in paragraph (3)) unless it establishes that it meets the requirements of section 481 (other than the requirements in subsections (b)(5) and (c)(3)) and this section after such change in control.";

(14) in section 498(i)(3), by amending subparagraph (A) to read as follows:

"(A) the sale or transfer, upon the death of an owner of an institution, of the ownership interest of the deceased in that institution to a family member or to a person holding an ownership interest in that institution; or";

(15) in section 498(j), by amending subsection (j)(1) to read as follows:

"(j) TREATMENT OF BRANCHES.—(1) A branch of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, must be certified under this subpart before it may participate as part of such institution in a program under this title, except that such branch shall not be required to meet the requirements of sections 481(b)(5) and 481(c)(3) prior to seeking such certification. Such branch is required to be in existence at least 2 years prior to seeking certification as a main campus or free-standing institution."; and

(16) in section 498A(e), by striking "Act," and inserting "Act".

(i) AMENDMENTS TO TITLES V THROUGH XII OF THE ACT.—The Act is amended—

(1) in section 505(b)(2)(D)(iii), by striking the period and inserting a semicolon;

(2) in section 525, by striking subsection (c) and inserting the following:

"(c) WAIVERS.—For purposes of giving special consideration under section 523(d), a State may waive the criteria contained in the first sentence of subsection (b) for up to 25 percent of individuals receiving Paul Douglas Teacher Scholarships on or after July 1, 1993.";

(3) in the first sentence of section 530A—

(A) by striking "means" and inserting "is determined both during a scholar's education and when the scholar 'begins teaching and means"; and

(B) by striking "elementary and secondary school teachers" each place it appears and inserting "preschool, elementary, and secondary school teachers";

(4) in section 535(b)(1)(C), by striking the semicolon and inserting a period;

(5) in section 537(a), by inserting "IN" before "GENERAL";

(6) in section 545(d), by striking "parts B, D," and inserting "part B, D,";

(7) in section 580B, by striking "(a) Authorization.—";

(8) in section 581(b)(2), by striking "402A(g)(2)" and inserting "402A(g)";

(9) in section 597(d)(1), by striking "Development and" and inserting "and Development";

(10) in section 602(a)(3), by striking "(1)(A)" and inserting "(1)";

(11) in section 602(a)(4), by striking "(1)(A)" and inserting "(1)";

(12) in section 603(a), by striking "RESOURCES" and inserting "Resource";

(13) in section 607(c), by redesignating the last paragraph as paragraph (3);

(14) in section 714, by striking "(a) IN GENERAL.—";

(15) in section 715(b)—

(A) by striking "(1) STATE GRANTS.—";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(C) in paragraph (2) (as so redesignated) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(D) by reducing the indentation of such paragraphs (1) and (2) (as so redesignated) by two em spaces;

(16) in section 725—

(A) by redesignating paragraphs (2) through (5) as subparagraphs (3) through (6), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) shall require that the first loans for capital projects authorized under section 723 be made no later than March 31, 1994, and that the provisions of part B be administered under the Education Department General Administrative Regulations (EDGAR), if final regulations have not been completed by that date to implement the provisions of part B;"

(17) in section 726, by inserting a period after "title" the first time it appears and striking the remainder of the sentence;

(18) in section 731(a), by striking "faculties," and inserting "faculty,";

(19) in section 731(c), by striking "enactment of";

(20) in section 734(e)—

(A) by striking "FACULTIES" and inserting "FACULTY"; and

(B) by striking "faculties" and inserting "faculty";

(21) in section 781(b), by striking "Education Amendments of 1992," and inserting "Education Amendments of 1992";

(22) in section 782(1)(A), by striking "outpatient care of student" and inserting "outpatient care of students";

(23) in the matter preceding paragraph (1) of section 802(b), by inserting after "fiscal year" the following: "the Secretary shall reserve such amount as is necessary to make continuing awards to institutions of higher education that were, on the date of enactment of the Higher Education Amendments of 1992, operating an existing cooperative education program under a multiyear project award and to continue to pay to such institutions the Federal share in effect on the day before such date of enactment. Of the remainder of the amount appropriated in such fiscal year";

(24) in section 803(b)(6)(A), by striking out "data";

(25) in section 803(e)(2)—

(A) by striking "Mexican American" and inserting "Mexican-American"; and

(B) by striking "Mariana" and inserting "Marianian";

(26) in section 901(b)(2), by striking "such part" and inserting "such title";

(27) in section 922, by striking subsection (f) and inserting the following:

"(f) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994;

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994;

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(28) in the second sentence of section 923(b)(1), by striking "granting of such fellowships" and all that follows through "set forth in this section," and inserting "granting of such fellowships for an additional period of study not to exceed one 12-month period,";

(29) in section 923(b)(2), by striking out the second and third sentences and inserting the following: "Such period shall not exceed a total of 3 years, consisting of not more than 2 years of support for study or research, and not more than 1 year of support for dissertation work provided that the student has attained satisfactory progress prior to the dissertation stage, except that the Secretary may provide by regulation for the granting of such fellowships for an additional period of study not to exceed one 12-month period, under special circumstances which the Secretary determines would most effectively serve the purposes of this part. The Secretary shall make a determination to provide such 12-month extension of an award to an individual fellowship recipient for study or research upon review of an application for such extension by the recipient. The institution shall provide 2 years of support for each student following the years of Federal predissertation support under this part. Any student receiving an award for graduate study leading to a doctoral degree shall receive at least 1 year of supervised training in instruction during his or her doctoral program.";

(30) in section 923(b), by adding at the end the following new paragraph:

"(3) CONTINUATION OF AWARDS UNDER PRIOR LAW.—Notwithstanding any other provision of law, in the case of an individual who was awarded a multiyear fellowship under this part before the date of enactment of the Higher Education Amendments of 1992, awards to such individual for the remainder of such fellowship may, at the discretion of the institution of higher education attended by such individual, be subject to the requirements of this subsection as in effect prior to such date of enactment. The institution shall be required to exercise such discretion at the time that its application to the Secretary for a grant under this part, and the amount of any such grant, are being considered by the Secretary.";

(31) in section 924, by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, the Secretary may use funds appropriated pursuant to this section for fiscal year 1994 to make continuation awards under section 923(b)(3) to individuals who would have been eligible for such awards in fiscal year 1993 if such section had been in effect.";

(32) in section 931(a), by inserting after the first sentence the following new sentence: "These fellowships shall be awarded to students intending to pursue a doctoral degree, except that fellowships may be granted to students pursuing a master's degree in those fields in which the master's degree is commonly accepted as the appropriate degree for a tenured-track faculty position in a baccalaureate degree-granting institution.";

(33) in the third sentence of section 932(a)(1), by striking "doctoral" and inserting "graduate";

(34) in section 932(c), by striking "doctoral" and inserting "graduate";

(35) in section 933(b), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be—

"(i) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994;

"(ii) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(I) $9,000 for the academic year 1993–1994;

"(II) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(B) The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(36) in section 941, by striking "the part" and inserting "this part";

(37) in section 943(b), by striking "foreign languages or area studies" and inserting "foreign languages and area studies";

(38) in section 945, by striking subsection (c) and inserting the following:

"(c) TREATMENT OF INSTITUTIONAL PAYMENTS.—An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this part in amounts that exceed the institutional payments made by the Secretary pursuant to section 946(a) may count such payments toward the amounts the institution is required to provide pursuant to section 944(b)(2).";

(39) in section 946, by striking subsection (a) and inserting the following:

"(f) INSTITUTIONAL PAYMENTS.—(1) The Secretary shall (in addition to stipends paid to individuals under this part) pay to the institution of higher education, for each individual awarded a fellowship under this part at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be—

"(A) $6,000 annually with respect to individuals who first received fellowships under this part prior to academic year 1993–1994;

"(B) with respect to individuals who first receive fellowships during or after academic year 1993–1994—

"(i) $9,000 for the academic year 1993–1994;

"(ii) for succeeding academic years, $9,000 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

"(2) The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.";

(40) in section 951(a), in the matter preceding paragraph (1), by inserting "Pacific Islanders," after "Native Americans,";

(41) in section 1004(a), by striking "part" and inserting "subpart";

(42) in section 1011(d), by striking "part" and inserting "subpart";

(43) in part D of title X, by redesignating section 1181 as section 1081;

(44) in section 1081(d) (as so redesignated) by inserting a comma after "this title)" and after "such institutions";

(45) in section 1142(d)(2), by inserting "program" after "literacy corps";

(46) in section 1201(a), by striking "subpart 3 of part H," and inserting "subpart 2 of part H of title IV of this Act,";

(47) by amending section 1204 to read as follows:

"TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

"SEC. 1204. (a) The Secretary is required to waive the eligibility criteria of any postsecondary education program administered by the Department where such criteria do not take into account the unique circumstances in Guam, the Virgin Islands, American Samoa, the Republic of Palau, the Commonwealth of the Northern Mariana Islands, and the freely associated states.

"(b) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under chapter 1 of subpart 2 of part A of title IV of this Act.";

(48) in section 1205, in the section heading, by inserting "NATIONAL ADVISORY" before "COMMITTEE";

(49) in section 1205(a), by inserting "National Advisory" before "Committee" the first place it appears;

(50) in paragraphs (1) and (6) of section 1205(c), by inserting "of title IV of this Act" after "part H";

(51) in section 1205(f), by striking "Accreditation and Institutional Eligibility" and inserting "Institutional Quality and Integrity";

(52) in section 1209(f)(1), by striking "the Act" and inserting "this Act";

(53) in title XII, by redesignating section 1211 (as added by section 6231 of the Omnibus Trade and Competitiveness Act of 1988) as section 1212; and

(54) in section 1212(e)(2) (as so redesignated), by inserting close quotation marks after "facilities" the first place it appears.

(j) AMENDMENTS TO THE 1992 AMENDMENTS.—The Higher Education Amendments of 1992 is amended—

(1) in section 401(d)(2)(A), by inserting "the first place it appears" before "the following:";

(2) in section 425(d)(1)—

(A) by inserting "the second sentence of" after "(1) in"; and

(B) by striking "in the second sentence";

(3) in section 425(d)(4)—

(A) by inserting "the second sentence of" after "(4) in"; and

(B) by striking "in the second sentence";

(4) in section 426(c), by striking "new subsections" and inserting "new subsection";

(5) in section 432(a)(3), by striking "427(a)(2)(C) and 428(b)(1)(M)" and inserting "427(a)(2)(C), 428(b)(1)(M), and 428B(d)(1)";

(6) in section 432(a)—

(A) by redesignating paragraphs (13), (14), and (15), as paragraphs (14), (15), and (16), respectively; and

(B) by inserting immediately after paragraph (12) the following new paragraph:

"(13) that the changes made to subsections (a) and (c) of section 435, as they relate to the elimination of vocational schools from the definition of an eligible institution and to the repeal of the definition of a vocational school, shall be effective as of the effective date of final regulations implementing section 481(e)(2)(A) of the Act;";

(7) in section 446, by striking subsection (c);

(8) in section 465(a), by amending paragraph (1) to read as follows:

"(1) in subparagraph (A), by striking 'and such determination' and all that follows through 'such chapter 1';";

(9) in section 484, by inserting after subsection (h) the following new subsection:

"(i) EFFECTIVE DATE.—The amendments made by subsection (g) with respect to the addition of subsection (n) shall be effective on and after December 1, 1987.";

(10) in section 486(a)(3), by striking "section 1" and inserting "section 103";

(11) in section 498—

(A) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively;

(B) by inserting immediately after paragraph (2) the following new paragraph:

"(3) the changes made to section 481(b) and (c), relating to the references to an eligible program, shall be effective as of the effective date of final regulations implementing section 481(e)(2)(A) of the Act;"; and

(C) by amending paragraph (4) (as redesignated by subparagraph (A)) to read as follows:

"(4) section 481(e), as added by such amendments, relating to the definition of an eligible program, shall be effective as of the effective date of final regulations implementing paragraph (2)(A) of such section;";

(12) in section 1409(b)(1), by striking "the Asbestos Hazard Emergency Response Act" and inserting "section 202 of the Toxic Substances Control Act (15 U.S.C. 2642)";

(13) in section 1422(9), by striking "has placed" and inserting "have placed";

(14) in section 1442(c), by striking "Chairman" and inserting "Chairperson";

(15) in section 1541(g), by striking "educational" and inserting "education"; and

(16) in section 1554(a)(1), by striking "4" and inserting "6".

(k) AMENDMENT TO THE 1986 AMENDMENT.—Section 1507(a)(12) of the Higher Education Amendments of 1986 is amended by striking the period and inserting a semicolon.

(l) ACCREDITATION THROUGH TRANSFER OF CREDIT.—(1) An institution of higher education which satisfied the requirements of section 1201(a)(5)(B) of the Act prior to the enactment of the Higher Education Amendments of 1992, shall be considered to meet the requirements of section 1201(a)(5) of the Act if—

(A) within 60 days after the date of enactment of the Higher Education Technical Amendments of 1993, such institution has applied for accreditation by a nationally recognized accrediting agency or association which the Secretary determines, pursuant to subpart 2 of part H of title IV of the Act, to be a reliable authority as to the quality of education or training offered; and

(B) within 2 years of the date of enactment of the Higher Education Technical Amendments of 1993, such institution is accredited by such an accrediting agency or association or, if not so accredited, has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(2) Paragraph (1) of this subsection shall be effective July 23, 1992.

(m) AMENDMENT TO PART D OF TITLE IV OF THE ACT.—Section 453(b)(2)(B) of the Act is amended to read as follows:

"(B) if the Secretary determines it necessary in order to carry out the purposes of subparagraph (A) and attain such reasonable representation (as required by subparagraph (A)), selecting additional institutions.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor the Higher Education Technical Amendments of 1993. These amendments would make technical and clarifying changes to the Higher Education Act. The committee has been working for a year on compiling these amendments, necessitated by the reauthorization of the Higher Education Act in 1992, with input from the higher education community, Members of Congress, and the Department of Education.

Changes to the Higher Education Act included in this legislation fall into one of two categories: First, corrections in punctuation, grammar, spelling, cross-references, and typographical errors; or second, clarifications of the intent of Congress regarding the Higher Education Amendments of 1992.

In an effort to alleviate confusion regarding the Federal Direct Student Loan Program, I am also amending the bill to clarify that the Secretary's authority to select institutions, beyond those which apply, to participate in the direct loan program.

Over the past week, much concern has been expressed about language contained in the Higher Education Act giving the Secretary of Education the ability to force institutions to participate in the Federal Direct Student Loan Program in order to meet the 40-percent participation requirement for the 1995–96 school year contained in the Omnibus Budget Reconciliation Act of 1993.

While there is language allowing the Secretary to select institutions, in addition to those who apply, to participate in the direct loan program, this language does not penalize institutions for refusing the Secretary's invitation.

Furthermore, this language is a holdover from the direct loan pilot program. The opponents of direct lending wanted to ensure that in selecting participants for the direct loan program, a representative cross-section of institutions were selected to participate in direct loans. Therefore, the Department was required to ensure a representative sample of the guaranteed program.

Because of the confusion over the purpose of this selection language, I have included language to clarify that the Secretary's selection authority contained in section 453(b) of the Higher Education Act pertains only to his ability to reach a representative cross-section and this language does not give him the authority to draft institutions into the direct loan program in order to meet any legislated percentages of participating institutions.

I would like to draw to your attention a few of the other clarifying changes that are included in this legislation.

At the request of the Department of Education, we included a 1-year waiver of a provision of the master calendar regarding the effective date of regulations published after December 1. This waiver would affect the integrity provisions in parts B, G, and H of title IV only. This would allow the numerous integrity provisions contained in the Higher Education Amendments of 1992 to go into effect prior to the 1995–96 award year. In light of the hearings held last week by Senator NUNN's Subcommittee on Investigations, it is imperative that the program integrity changes in the 1992 amendments take effect as soon as possible.

In the Higher Education Amendments of 1992, several changes were made to the title IX Patricia Roberts Harris Fellowship Program. The current law does not directly address how the Department of Education should treat recipients of a Patricia Roberts Harris Foundation who have received at least 1 year on their award. Seventy-seven institutions currently have Patricia Roberts Harris fellowship recipients who have received 2 years on their award who have no way of paying for these students' third and final year.

This bill provides that such students may be subject to the requirements of the fellowship program in effect prior to date of enactment of the Higher Education Amendments of 1992. This legislation also allows for 1994 appropriations to make continuation awards for those individuals who received at least 1 year on their award prior to the Higher Education Amendments of 1992.

The American Dental Association, the American Bar Association, the American Speech-Learning-Hearing Association, and other membership organizations requested clarification of the requirement for accrediting bodies to be separate and independent from their accrediting associations.

Statements made on the House floor during consideration of the Higher Education Amendments of 1992 clarified that this separation was not required for accrediting bodies with no title IV purpose. However, the Department of Education informed us that a technical amendment is necessary to achieve congressional intent. Without this clarification these organizations will be required to undergo costly restructuring to meet the separate and independent requirements.

Representatives KILDEE, MEYERS, SOLOMON, and SPRATT requested a clarification that institutions that had been considered to be accredited pursuant to three other institutions accepting their credits for transfer prior to the Higher Education Amendments of 1992 would continue to be eligible for Federal student financial assistance if these institutions achieved accreditation within the next 2 years. Many of these institutions are in the process of becoming accredited.

I would also like to clarify the intent behind two of the provisions of this legislation. Section 2(b)(1) deletes a sentence that the Department of Education informs us is being used by institutions to keep off of the reimbursement method of Pell distribution. The Department has informed us that the sentence is unnecessary because it is Department of Education policy to advance each institution that is not on reimbursement at least 85 percent of Pell grant funds. In light of this policy, the committee agreed that this sentence was no longer necessary. The committee intends that the Department continue its current policy of advancing institutions 85 percent of their Pell funds.

Section 2(c)(26) clarifies the skip-tracing provision in the Higher Education Act. Current law requires a guaranty agency to "demonstrate" to the Secretary that it has attempted to locate defaulted borrowers before it can be reimbursed for defaulted loans. This provision would change the word "demonstrate" to "certify." It is not the intent of this amendment to lessen the duty of care of guaranty agencies or to limit the access of institutions of higher education to guaranty agency data. The Department believes that this language will clarify the intent of Congress that guaranty agencies not be reimbursed for faulty servicing.

Mr. Speaker, I want to thank the gentleman from Tennessee [Mr. GORDON] for his cooperation in working out what I believe is an amicable way to approach his problems without violating our commitment to the minority to keep this bill strictly technical and not substantive in nature.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. GORDON] for the purposes of a colloquy.

Mr. GORDON. Mr. Speaker, is it the committee's intent by including an amendment in this package that the Secretary of Education's possible conscription authority contained in section 453(b) is limited solely to providing a reasonable representation of the institutions in the higher education community?

Mr. FORD of Michigan. If the gentleman will yield, the gentleman is correct in his description of the technical and clarifying effect of the amendment. It was the committee's intention that the possible use of this conscription authority would be limited to the compiling of a cross-section of the community. It is in everyone's interest that we are able to see how the direct lending program works throughout the community. I would also ask the gentleman that he join me in sending a letter to Secretary Riley requesting the Department to limit their use of conscription authority only to obtaining a cross-section sample of the schools making up the 5 percent of loan volume that is the participation goal for this year.

Mr. GORDON. I would be pleased to join with the chairman in sending the letter.

Finally, Mr. Speaker, let me just very briefly sincerely thank the chairman, the gentleman from Michigan [Mr. FORD], his staff, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Wisconsin [Mr. PETRI], and the other members of the committee for helping us to clarify this issue that was of concern to many of us. I do appreciate his cooperation. I am glad that we can put this behind us and move on to other important things.

Mr. FORD of Michigan. I thank the gentleman.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3376, the higher education technical amendments. H.R. 3376 is a noncontroversial bill, and merely makes technical corrections to the Higher Education Act which were necessitated by changes made during the 1992 reauthorization. These changes all fall into one of two categories. They are either corrections in punctuation, grammar, spelling, cross-references, and typographical errors; or they are strict clarifications of congressional intent. For instance, H.R. 3376 makes a clarification to changes in the Byrd Scholarship program sought by my colleague from Wisconsin, Mr. KLUG, to cover instances when appropriations are insufficient to fund these scholarships for 4 years. It makes an important clarification with respect to different loan limits for students based upon the year in which they were enrolled in school, and it clarifies that students in less than 600 clock hour programs are eligible for student loans if those programs maintain a 70 percent graduation rate and a 70 percent placement rate, ensuring that quality short-term training programs will continue to exist.

The committee has been working for a year on these corrections, and the legislation before us today is the result of the input received from a Members of Congress of both parties, both on and off the committee, the education community, and the Department of Education. This bill is strictly technical in nature and is noncontroversial, and I urge my colleagues to support its passage under suspension of the rules.

Mr. GOODLING. Mr. Speaker, I rise to support H.R. 3376, legislation making technical corrections to the Higher Education Act which is a bipartisan bill that I cosponsored along with several of my Republican colleagues. Chairman FORD and I have gone to great lengths to insure that this bill is a purely technical bill making only grammatical corrections and clarifying original congressional intent to the 1992 Higher Education Act Amendments.

I am especially pleased that this legislation clarifies what we sought to do in the 1992 Higher Education Act Amendments by ensuring that quality programs providing short-term education and training would retain eligibility for the Federal Family Education Loan Program [FFELP]. This was achieved by amendment section 481(e) to require that programs of less than 600 clock hours would have to demonstrate verifiable completion and job placement rates of at least 70 percent. However, our intent, as reflected in a colloquy on the House floor last year, was to preserve eligibility of all short-term programs until regulations detailing these new requirements were promulgated. This bill clarifies that policy.

I am also glad that this legislation clarifies congressional intent with regard to different loan limits for students based upon the year in which they were enrolled in school. Since enactment of the 1992 Higher Education Act Amendments, questions have arisen as to whether undergraduate students who are enrolled in programs requiring an associate's degree for admission are entitled to third or first year loan limits. This bill clarifies that such students are and have been eligible to borrow as third year undergraduates for both Stafford and SLS loans if they have successfully completed 2 years of any postsecondary program and the prerequisites for admission to the new program include at least 2 years of prior postsecondary education. If the prerequisite is a baccalaureate degree, then the new program is considered a fifth year undergraduate program for guaranteed student loan purposes. H.R. 3376 allows students enrolled at institutions which require an associate or baccalaureate degree to remain eligible for the higher loan limits.

I support passage of H.R. 3376 so that provisions in the Higher Education Act amendments are clarified and corrected to ensure that congressional intent is clear. I urge my colleagues to support this bill.

Mr. SOLOMON. Mr. Speaker, this week the House will consider H.R. 3376, the Higher Education Technical Amendments of 1993, which will rectify certain provisions of the Higher Education Act deemed detrimental to students and the furtherance of quality education. While some controversy has arisen regarding the need for some further technical amendments to clarify other areas of the Act, I wish to bring the attention of this body to one very important amendment which is included in H.R. 3376.

The Higher Education Amendments of 1992 struck the longstanding provision of section 1201(a) allowing an alternative to accreditation through what has been called the three-institution-certification process to establish institutional eligibility to participate in the title IV programs. As a result of this provision, students at several otherwise eligible and very reputable institutions were unintentionally excluded from access to the financial assistance to which they were entitled and which they needed to continue their education. Section 2(1) of this act corrects that error.

However, in addition to the legislative correction made by this act, accomplishing the intended results require the Secretary of Education to exercise his discretion to waive certain regulatory provisions so as to assure that student financial assistance documents submitted under section 487(c)(7) covering the period between the effective date of the 1992 amendments and enactment of this act are promptly processed and the attendant funding is provided. Likewise, we expect the Secretary to notify lenders that Federal Family Education Loan applications submitted by students attending the affected institutions during the period in question should be treated as submitted in timely fashion for that period of enrollment. Taken together with this provision, the actions of the Secretary will ensure that a technical oversight does not cause harm to eligible students and their institutions.

☐ 1230

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAMBURG). The question is on the motion offered by the gentleman from Michigan [Mr. FORD] that the House suspend the rules and pass the bill, H.R. 3376, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 3376, the bill just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1507) to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FORD of Michigan moves to strike out all after the enacting clause of the Senate bill, S. 1507, and insert in lieu thereof the text of H.R. 3376, as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. FORD].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title of the Senate bill was amended so as to read: "A bill to make certain technical and conforming amendments to the Higher Education Act of 1965."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3376) was laid on the table.

IMMEDIATE FULL PENTAGON DISCLOSURE ON CHEMICAL WEAPONS IN THE PERSIAN GULF

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, less than 3 years ago, more than 600,000 young American men and women went to the Persian Gulf to turn back Saddam Hussein's aggression in Kuwait. Through their sacrifice, the United States-led international coalition accomplished that mission and destroyed Iraq's aggressive war machine before it could threaten the entire Middle East. We owe a debt to these soldiers and that includes looking at any and all factors that may have contributed to the gulf war syndrome that has afflicted so many who fought in Desert Storm. In recent months, there have been increasing reports that many of these men and women may have been exposed to low-level chemical weapons poisoning.

Several committees in both the House and the other body have held hearings on this issue, and more need to be conducted. However, I believe that the Department of Defense must come forward immediately with full disclosure of all information that it has concerning possible exposure to chemical weapons.

The people of this country and especially the soldiers and their families who fought in Desert Storm deserve nothing less. Congress should not have to extract information piece by piece. All records should be released to the American people by the Department of Defense now.

That is why I have called for a hearing by the Committee on Armed Services on this matter. We need to know what the Department of Defense knew and when did they know it.

SPECIAL ORDER TIME CHANGE

Mr. GORDON. Mr. Speaker, I ask unanimous consent to change the 30-minute special order on November 3, 1993, for the Honorable BART STUPAK to a 60-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to rule I, the Chair declares the House in recess until 3:30 p.m.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 3:30 p.m. today.

□ 1530

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HAMBURG] at 3 o'clock and 30 minutes p.m.

SEA OF OKHOTSK FISHERIES ENFORCEMENT ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3188) to amend the Central Bering Sea Fisheries Enforcement Act of 1992, as amended.

The Clerk read as follows:

H.R. 3188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FISHERIES ENFORCEMENT IN CENTRAL SEA OF OKHOTSK

SEC. 101. SHORT TITLE.

This title may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1993".

SEC. 102. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea"; and

(2) in section 306—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) in order as paragraphs (3), (4), (5), (6), and (7); and

(B) by inserting after paragraph (1) the following:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the "Northwest Atlantic Fisheries Convention Act of 1993".

SEC. 202. REPRESENTATION OF UNITED STATES UNDER CONVENTION.

(a) COMMISSIONERS.—

(1) APPOINTMENTS, GENERALLY.—The Secretary shall appoint not more than three individuals to serve as the representatives of the United States on the General Council and the Fisheries Commission, who shall each—

(A) be known as a "United States Commissioner to the Northwest Atlantic Fisheries Organization"; and

(B) serve at the pleasure of the Secretary.

(2) REQUIREMENTS FOR APPOINTMENTS.—

(A) The Secretary shall ensure that of the individuals serving as Commissioners.—

(i) at least one is appointed from among representatives of the commercial fishing industry; and

(ii) one (but no more than one) is an official of the Government.

(B) The Secretary may not appoint as a Commissioner an individual unless the individual is knowledgeable and experienced concerning the fishery resources to which the Convention applies.

(3) TERMS.—

(A) The term of an individual as a Commissioner—

(i) shall be specified by the Secretary at the time of appointment; and

(ii) may not exceed four years.

(B) An individual who is not a Government official may not serve more than two consecutive terms as a Commissioner.

(b) ALTERNATE COMMISSIONERS.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Commissioner at a meeting of the General Council or the Fisheries Commission, designate an individual to serve as an Alternate Commissioner.

(2) FUNCTIONS.—An Alternate Commissioner may exercise all powers and perform all duties of the Commissioner for whom the Alternate Commissioner is designated, at any meeting of the General Council or the Fisheries Commission for which the Alternate Commissioner is designated.

(c) REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary shall appoint not more than three individuals to

serve as the representatives of the United States on the Scientific Council, who shall each be known as a "United States Representative to the Northwest Atlantic Fisheries Organization Scientific Council".

(2) ELIGIBILITY FOR APPOINTMENT.—

(A) The Secretary may not appoint an individual as a Representative unless the individual is knowledgeable and experienced concerning the scientific issues dealt with by the Scientific Council.

(B) The Secretary shall appoint as a Representative at least one individual who is an official of the Government.

(3) TERM.—An individual appointed as a Representative—

(A) shall serve for a term of not to exceed four years, as specified by the Secretary at the time of appointment;

(B) may be reappointed; and

(C) shall serve at the pleasure of the Secretary.

(d) ALTERNATE REPRESENTATIVES.—

(1) APPOINTMENT.—The Secretary may, for any anticipated absence of a duly appointed Representative at a meeting of the Scientific Council, designate an individual to serve as an Alternate Representative.

(2) FUNCTIONS.—An Alternate Representative may exercise all powers and perform all duties of the Representative for whom the Alternate Commissioner is designated, at any meeting of the Scientific Council for which the Alternate Representative is designated.

(e) EXPERTS AND ADVISERS.—The Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives may be accompanied at meetings of the Organization by experts and advisers.

(f) COORDINATION AND CONSULTATION.—

(1) IN GENERAL.—In carrying out their functions under the Convention, Commissioners, Alternate Commissioners, Representatives, and Alternate Representatives shall—

(A) coordinate with the appropriate Regional Fishery Management Councils established by section 302 of the Magnuson Act (16 U.S.C. 1852); and

(B) consult with the committee established under section 209.

(2) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coordination and consultations under this subsection.

SEC. 203. REQUESTS FOR SCIENTIFIC ADVICE.

(a) RESTRICTION.—The Representatives may not make a request or specification described in subsection (b)(1) or (2), respectively, unless the Representatives have first—

(1) consulted with the appropriate Regional Fishery Management Councils; and

(2) received the consent of the Commissioners for that action.

(b) REQUESTS AND TERMS OF REFERENCE DESCRIBED.—The requests and specifications referred to in subsection (a) are, respectively—

(1) any request, under Article VII(1) of the Convention, that the Scientific Council consider and report on a question pertaining to the scientific basis for the management and conservation of fishery resources in waters under the jurisdiction of the United States within the Convention Area; and

(2) any specification, under Article VIII(2) of the Convention, of the terms of reference for the consideration of a question referred to the Scientific Council pursuant to Article VII(1) of the Convention.

SEC. 204. AUTHORITIES OF SECRETARY OF STATE WITH RESPECT TO CONVENTION.

The Secretary of State may, on behalf of the Government of the United States—

(1) receive and transmit reports, requests, recommendations, proposals, and other communications of and to the Organization and its subsidiary organs;

(2) object, or withdraw an objection, to the proposal of the Fisheries Commission;

(3) give or withdraw notice of intent not to be bound by a measure of the Fisheries Commission;

(4) object or withdraw an objection, to an amendment to the convention; and

(5) act upon, or refer to any other appropriate authority, any other communication referred to in paragraph (1).

SEC. 205. INTERAGENCY COOPERATION.

(a) AUTHORITIES OF SECRETARY.—In carrying out the provisions of the Convention and this title, the Secretary may arrange for cooperation with other agencies of the United States, the States, the New England Fishery Management Council, and private institutions and organizations.

(b) OTHER AGENCIES.—The head of any Federal agency may—

(1) cooperate in the conduct of scientific and other programs, and furnish facilities and personnel, for the purposes of assisting the Organization in carrying out its duties under the Convention; and

(2) accept reimbursement from the Organization for providing such services, facilities, and personnel.

SEC. 206. RULEMAKING.

The Secretary shall promulgate regulations as may be necessary to carry out the purposes and objectives of the Convention and this title. Any such regulation may be made applicable, as necessary, to all persons and all vessels subject to the jurisdiction of the United States, wherever located.

SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) PROHIBITION.—It is unlawful for any person or vessel that is subject to the jurisdiction of the United States—

(1) to violate any regulation issued under this title or any measure that is legally binding on the United States under the Convention;

(2) to refuse to permit any authorized enforcement officer to board a fishing vessel that is subject to the person's control for purposes of conducting any search or inspection in connection with the enforcement of this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention;

(3) forcibly to assault, resist, oppose, impede, intimidate, or interfere with any authorized enforcement officer in the conduct of any search or inspection described in paragraph (2);

(4) to resist a lawful arrest for any act prohibited by this section;

(5) to ship, transport, offer for sale, sell, purchase, import, export, or have custody, control, or possession of, any fish taken or retained in violation of this section; or

(6) to interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that the other person has committed an act prohibited by this section.

(b) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (a) shall be liable to the United States for a civil penalty, or may be subject to a permit sanction, under section 308 of the Magnuson Act (16 U.S.C. 1858).

(c) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under paragraph (2), (3), (4), or (6) of subsection (a) shall be guilty of an offense punishable under section 309(b) of the Magnuson Act (16 U.S.C. 1859(b)).

(d) CIVIL FORFEITURE.—

(1) IN GENERAL.—Any vessel (including its gear, furniture, appurtenances, stores, and cargo) used in the commission of an act that is unlawful under subsection (a), and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act that is unlawful under subsection (a), shall be subject to seizure and forfeiture as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

(2) DISPOSAL OF FISH.—Any fish seized pursuant to this title may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations issued by the Secretary.

(e) ENFORCEMENT.—The Secretary and the Secretary of the Department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in sections 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861(a), (b)(1), and (c)) for that purpose.

(f) JURISDICTION OF COURTS.—The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under this section and may, at any time—

(1) enter restraining orders or prohibitions;

(2) issue warrants, process in rem, or other process;

(3) prescribe and accept satisfactory bonds or other security; and

(4) take such other actions as are in the interests of justice.

SEC. 208. UNITED STATES-CANADA FISHERY MANAGEMENT AGREEMENT.

(a) NEGOTIATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the Committee established under section 209, is authorized and encouraged to initiate negotiations with the Government of Canada for the purpose of entering into an international fishery agreement with Canada for the conservation and management of fisheries of mutual concern in the northwest Atlantic Ocean, with particular emphasis on transboundary stocks of groundfish and ensuring the success of New England groundfish restoration efforts pursuant to the Magnuson Act.

(b) CONTENTS OF AGREEMENT.—An agreement entered into pursuant to this section shall—

(1) provide for timely and periodic exchanges of scientific information relating to the conservation and management of fisheries stocks of mutual concern;

(2) provide for routine meetings between the officials of the United States and Canada responsible for the conservation and management of fisheries;

(3) establish procedures for the identification of conservation and management measures that would be mutually beneficial; and

(4) identify procedures for the implementation within each country of conservation and management measures identified as mutually beneficial.

(c) APPLICATION OF EXISTING LAW.—An agreement entered into pursuant to this section shall be subject to section 203 of the Magnuson Act (16 U.S.C. 1823).

(d) LETTER.—Not later than one year after the date of enactment of this Act, and annually thereafter until the effective date of an agreement entered into pursuant to this section, the Secretary of State shall transmit to the Congress a letter describing activities of the Secretary under this section.

SEC. 209. CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of State and the Secretary of Commerce, shall jointly establish a consultative committee to advise the Secretaries on issues related to the Convention and in the development and implementation of a fishery agreement pursuant to section 208.

(b) MEMBERSHIP.—(1) The membership of the Committee shall include representatives from the New England Fishery Management Council, the States represented on that Council, the Atlantic States Marine Fisheries Commission, the fishing industry, the seafood processing industry, and others knowledgeable and experienced in the conservation and management of fisheries in the Northwest Atlantic Ocean.

(2) TERMS AND REAPPOINTMENT.—Each member of the consultative committee shall serve for a term of two years and shall be eligible for reappointment.

(c) DUTIES OF THE COMMITTEE.—

(1) NORTHWEST ATLANTIC FISHERIES ORGANIZATION.—Members of the consultative committee may attend—

(A) all public meetings of the General Council or the Fisheries Commission;

(B) any other meetings to which they are invited by the General Council or the Fisheries Commission; and

(C) all nonexecutive meetings of the United States Commissioners.

(2) UNITED STATES-CANADA FISHERIES MANAGEMENT AGREEMENT.—Members of the consultative committee shall advise the Secretaries on any agreements established under section 208.

(d) RELATIONSHIP TO OTHER LAW.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the consultative committee established under this section.

SEC. 210. ADMINISTRATIVE MATTERS.

(a) PROHIBITION ON COMPENSATION.—A person shall not receive any compensation from the Government by reason of any service of the person as—

(1) a Commissioner, Alternate Commissioner, Representative, or Alternative Representative;

(2) an expert or adviser authorized under section 202(e); or

(3) a member of the consultative committee established by section 209.

(b) TRAVEL AND EXPENSES.—The Secretary of State shall, subject to the availability of appropriations, pay all necessary travel and other expenses of persons described in subsection (a)(1) and of not more than six experts and advisers authorized under section 202(e) with respect to their actual performance of their official duties pursuant to this title, in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code.

(c) STATUS AS FEDERAL EMPLOYEES.—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter 17 of title 28, United States Code, respectively.

SEC. 211. DEFINITIONS.

In this title the following definitions apply:

(1) AUTHORIZED ENFORCEMENT OFFICER.—The term "authorized enforcement officer" means a person authorized to enforce this title, any regulation issued under this title, or any measure that is legally binding on the United States under the Convention.

(2) COMMISSIONER.—The term "Commissioner" means a United States Commissioner to the Northwest Atlantic Fisheries Organization appointed under section 202(a).

(3) CONVENTION.—The term "Convention" means the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, done at Ottawa on October 24, 1978.

(4) FISHERIES COMMISSION.—The term "Fisheries Commission" means the Fisheries Commission provided for by Articles II, XI, XII, XIII, and XIV of the Convention.

(5) GENERAL COUNCIL.—The term "General Council" means the General Council provided for by Article II, III, IV, and V of the Convention.

(6) MAGNUSON ACT.—The term "Magnuson Act" means the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(7) ORGANIZATION.—The term "Organization" means the Northwest Atlantic Fisheries Organization provided for by Article II of the Convention.

(8) PERSON.—The term "person" means any individual (whether or not a citizen or national of the United States), and any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State).

(9) REPRESENTATIVE.—The term "Representative" means a United States Representative to the Northwest Atlantic Fisheries Scientific Council appointed under section 202(c).

(10) SCIENTIFIC COUNCIL.—The term "Scientific Council" means the Scientific Council provided for by Articles II, VI, VII, VIII, IX, and X of the Convention.

(11) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each of the fiscal years 1994, 1995, and 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, H.R. 3188 authorizes U.S. participation in two important multilateral efforts to conserve and manage fisheries.

The decline of fisheries worldwide, and the need for multilateral cooperation in fisheries management, has received much international attention lately. Last year the Rio Summit, this year the United Nations, and a recent Food and Agriculture Organization Report, all focused on the dismal state of global fishery stocks. If this tide is to be turned, the United States and all coastal states have a responsibility to participate in international organizations that provide responsible management and conservation for shared resources on the high seas.

This bill demonstrates the United States' commitment to shared management of shared resources in two specific instances. First, in the Sea of Okhotsk, an area known as the Peanut Hole in international waters completely surrounded by the exclusive economic zone [EEZ] of the Russian Federation, Russian resources are being adversely affected by foreign fishing. This bill would prohibit U.S. fishing in the Peanut Hole until a cooperative agreement has been reached among the nations that fish there.

Second, the bill authorizes U.S. participation in the Northwest Atlantic Fisheries Organization. Although the United States was instrumental in the negotiations which established this international body, and the Senate ratified the treaty in 1983, legislation to implement NAFO has never been enacted. While American fishermen have not generally fished in the NAFO regulatory area, two U.S. boats did so this summer and more may follow suit in the future.

Today, the House is considering two other bills reported by the Merchant Marine and Fisheries Committee. The first would encourage Mexico and countries in the Eastern Atlantic to comply with the International Commission for the Conservation of Atlantic Tunas—an agreement governing the harvest of swordfish and tuna in the Atlantic Ocean—the second, would encourage countries like Poland to agree to a long-term management treaty for pollock in the North Pacific. In this context, it would be hypocritical for the United States to continue to ignore NAFO, and it could, indeed, hinder our ability to negotiate these other important international fishery agreements.

By requiring the United States to work cooperatively in these two areas where fisheries of importance to our fishermen occur, this bill signals a renewed U.S. commitment to the multilateral management of fisheries on the high seas. In addition, it is an important step toward ensuring a cooperative effort to restore our global fisheries. I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 3188. The bill will promote the much-needed conservation of several straddling fishery stocks in international waters.

While I defer to my colleagues on title II of the bill which authorizes U.S. membership in the Northwest Atlantic Fisheries Organization, I would like to comment on title I.

Last year, the Congress enacted the Central Bering Sea Fisheries Enforcement Act of 1992 to conserve the living marine resources of the Donut Hole. While the statute has promoted conservation efforts for the region, it has had unwanted results. Certain fishermen no longer able to fish in the Donut

Hole have moved to the Peanut Hole, an area which needs a similar conservation effort, not an increased fishing effort.

The bill amends the statute to prohibit U.S. fisherman from fishing in the Peanut Hole and uses the penalties available in the Magnuson Fishery Conservation and Management Act. The amendment simply solves a problem we did not expect last year.

The bill is noncontroversial, well supported, and important for U.S. negotiators in their efforts to establish international conservation and management agreements for declining stocks in international waters. I urge the backing of the bill.

Mr. FIELDS of Texas. Mr. Speaker, I rise in strong support of H.R. 3188, a bill that will protect the straddling stocks of fish in an area of international waters in the Sea of Okhotsk known as the Peanut Hole, as well as allowing the United States to become a member of the Northwest Atlantic Fisheries Organization [NAFO].

The Peanut Hole is a tiny region encircled by the exclusive economic zone [EEZ] of the Russian Federation. Similarly, the Central Bering Sea area, also known as the Donut Hole, is a small enclave of international waters surrounded by the EEZ's of the United States and the Russian Federation. The commercial species harvested from the Donut Hole and the Peanut Hole spawn in the EEZ's rather than these international waters, which, under international law, vests certain rights in the countries of origin. While foreign fishermen do not have the right to fish in the EEZ's they may traverse these zones and harvest in international waters. The United States and the Russian Federation have attempted to negotiate fishing regulations with other nations who have refused to agree to long-term conservation plans for these areas.

In order to regulate fishing in the Donut Hole, the United States enacted the Central Bering Sea Fisheries Enforcement Act of 1992—Public Law 102-582. Under this statute, foreign vessels found fishing in the Donut Hole are denied U.S. port privileges while U.S. vessels carrying out similar harvests are subject to civil penalties under U.S. law. Unfortunately, the Central Bering Sea Fisheries Enforcement Act appears to have had unexpected consequences; some fishermen no longer able to fish in the Donut Hole have moved to the Central Sea of Okhotsk.

H.R. 3188, which I have cosponsored, extends the existing prohibition against Americans fishing in the Donut Hole, provided by the Central Bering Sea Fisheries Enforcement Act, to authorize the use of identical penalties against American fishermen found fishing in the Peanut Hole.

This legislation should help negotiators to establish long-term international means of managing straddling stocks in the Peanut Hole, as well as other areas of international waters with similar stocks as the Donut Hole in the Central Bering Sea.

This legislation will also allow United States participation in NAFO. While the United States was involved in the negotiations which created this organization in 1978, it has yet to enact implementing legislation. This legislation will enable the administration to take a more active role in NAFO's management and conservation recommendations, and give the American fishermen greater access to research.

Mr. Speaker, this legislation was reported unanimously by the Merchant Marine and Fisheries Committee, and I urge its adoption.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 3188, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to prohibit fishing in the Central Sea of Okhotsk, and for other purposes.".

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION IMPROVEMENT ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2684) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, as amended.

The Clerk read as follows:

H.R. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "National Fish and Wildlife Foundation Improvement Act of 1993".

SEC. 102. COOPERATIVE PROGRAMS WITH NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701) is amended by inserting "and the National Oceanic and Atmospheric Administration" after "the United States Fish and Wildlife Service".

SEC. 103. MEMBERSHIP OF BOARD OF DIRECTORS OF FOUNDATION.

(a) CONSULTATIONS REGARDING APPOINTMENTS.—

(1) IN GENERAL.—Section 3(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(b)) is amended by adding at the end the following: "The Secretary of the Interior shall consult with the Under Secretary of Commerce for Oceans and Atmosphere before appointing any Director of the Board.".

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to appointments of Directors of the Board of Directors of the National Fish and Wildlife Foundation made after the date of the enactment of this Act.

(b) EXPANSION OF BOARD.—Section 3(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "nine" and inserting "15"; and

(2) in paragraph (2) by striking "three" and inserting "4".

(c) INITIAL TERMS.—Of the Directors on the Board of Directors of the National Fish and Wildlife Foundation first appointed pursuant to the amendment made by subsection (b)(1), notwithstanding the second sentence of section 3(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(b))—

(1) 2 shall be appointed to a term of 2 years;

(2) 2 shall be appointed to a term of 4 years; and

(3) 2 shall be appointed to a term of 6 years;

as specified by the Secretary of the Interior at the time of appointment.

(d) COMPLETION OF APPOINTMENTS.—The Secretary of the Interior shall appoint the additional members of the Board of Directors of the National Fish and Wildlife Foundation authorized by the amendment made by subsection (a), by not later than 60 days after the date of the enactment of this Act.

(e) AUTHORITY OF BOARD NOT AFFECTED.—The authority of the Board of Directors of the National Fish and Wildlife Foundation to take any action otherwise authorized by law shall not be affected by reason of the Secretary of the Interior not having completed the appointment of Directors of the Board of Directors of the National Fish and Wildlife Foundation pursuant to the amendment made by subsection (b)(1).

SEC. 104. REAUTHORIZATION OF NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

(a) REAUTHORIZATION.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a) by striking "not to exceed $15,000,000" and all that follows through the end of the sentence and inserting "$25,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998."; and

(2) by adding at the end the following:

"(c) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Foundation under any other Federal law.".

(b) CLERICAL AMENDMENT.—Section 10(b)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709(b)(1)) is amended by striking "paragraphs (2) and (3)," and inserting "paragraph (2),".

SEC. 105. CONVEYANCE OF SENECAVILLE NATIONAL FISH HATCHERY.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Ohio without reimbursement all right, title, and interest of the United States in and to the property known as the Senecaville National Fish Hatchery, located in Senecaville, Ohio, including—

(1) all easements and water rights relating to that property, and

(2) all land, improvements, and related personal property comprising that hatchery.

(b) USE OF PROPERTY.—All property and interests conveyed under this section shall be used by the Ohio Department of Natural Resources for the Ohio fishery resources management program.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on any date on which any of the property or interests are used other than for the Ohio fishery resources management program.

TITLE II—BROWNSVILLE WETLANDS POLICY CENTER

SEC. 201. SHORT TITLE.

This title may be cited as the "Brownsville Wetlands Policy Act of 1993".

SEC. 202. ESTABLISHMENT OF WETLANDS POLICY CENTER AT THE PORT OF BROWNSVILLE, TEXAS.

(a) ESTABLISHMENT OF CENTER.—For purposes of utilizing grants made by the United States Fish and Wildlife Service there may be established in accordance with this title, on property owned or held in trust by the Brownsville Navigation District at the Port of Brownsville, Texas, a wetlands policy center which shall be known as the "Brownsville Wetlands Policy Center at the Port of Brownsville, Texas" (in this title referred to as the "Center"). The Center shall be operated and maintained by the Port of Brownsville with programs to be administered by the University of Texas at Brownsville.

(b) MISSION OF THE CENTER.—The primary mission of the Center shall be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of South Texas to focus on wetland matters for the purposes of protecting, restoring, and maintaining the Lagoon Ecosystems of the Western Gulf of Mexico Region.

(c) BOARD OF DIRECTORS.—The Center shall be governed by a Board of Directors to oversee the management and financial affairs of the Center. The Board of Directors shall be cochaired by the Port of Brownsville, the University of Texas at Brownsville, and the designee of the Director of the Fish and Wildlife Service, and shall include as members other representatives considered appropriate by those cochairs.

(d) OVERSIGHT OF THE CENTER.—

(1) ANNUAL REPORT.—The Board of Directors of the Center shall prepare an annual report and submit it through the Director of the United States Fish and Wildlife Service to the Congress.

(2) CONTENTS.—Annual reports under this subsection shall cover the programs, projects, activities, and accomplishments of the Center. The reports shall include a review of the budget of the Center, including all sources of funding received to carry out Center operations.

(3) AVAILABILITY OF INFORMATION.—The Board of Directors of the Center shall make available all pertinent information and records to allow preparation of annual reports under this subsection.

(4) GENERAL ACCOUNTING OFFICE.—The Comptroller General of the United States shall periodically submit to the Congress reports on the operations of the Center.

SEC. 203. GRANTS.

The Director of the United States Fish and Wildlife Service shall, subject to the availability of appropriations, make grants to the Center for use for carrying out activities of the Center.

SEC. 204. LEASE.

The Director of the United States Fish and Wildlife Service, subject to the availability of appropriations, may enter into a long-term lease with the Port of Brownsville for use by the Center of wetlands property owned by the Port of Brownsville. Terms of the lease shall be negotiated, and the lease shall be signed by both parties, prior to the disposal of any Federal funds pursuant to this title. The lease shall include a provision authorizing the Director to terminate the lease at any time.

SEC. 205. OTHER REQUIREMENTS.

As conditions of receiving assistance under this title—

(1) the University of Texas at Brownsville shall make available to the Center for fiscal years 1994, 1995, 1996, and 1997—

(A) administrative office space;

(B) classroom space; and

(C) other in-kind contributions for the Center, including overhead and personnel; and

(2) the Port of Brownsville shall make available up to 7,000 acres of Port Property for the programs, projects, and activities of the Center.

The Board of Directors of the Center shall include in their annual report under section 202(d) a statement of whether these conditions have been met.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the United States Fish and Wildlife Service $5,000,000 for fiscal year 1994, $4,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996; and such sums as may be necessary for fiscal year 1997, for making grants to the Center under section 203, including for use for the establishment, operation, maintenance, and management of the Center.

SEC. 207. RELATIONSHIP OF CENTER WITH THE CENTER FOR ENVIRONMENTAL STUDIES AND SERVICES, CORPUS CHRISTI, TEXAS.

None of the funds appropriated pursuant to this title may be used to relocate any of the administrative operations of the United States Fish and Wildlife Service from the Center for Environmental Studies and Services Building on the campus of Corpus Christi State University, to the Brownsville Wetlands Policy Center at the Port of Brownsville, Texas, established pursuant to this title.

TITLE III—WALTER B. JONES CENTER FOR THE SOUNDS AT THE POCOSIN LAKES NATIONAL WILDLIFE REFUGE

SEC. 301. FINDINGS.

The Congress finds the following:

(1) The Pocosin Lakes National Wildlife Refuge, located in northeastern North Carolina, provides unique opportunities for observing and interpreting the biological richness of the region's estuaries and wetlands.

(2) Although there are 10 national wildlife refuges in eastern North Carolina, not one has an educational or interpretative center for visitors.

(3) The State of North Carolina, Tyrrell County, the town of Columbia, the Conservation Fund, and private citizens have proposed to enter into a partnership with the United States Fish and Wildlife Service to establish an educational and interpretative facility to be known as the Center for the Sounds.

(4) Establishment of the Center for the Sounds would bestow economic benefits upon Tyrrell County and the town of Columbia.

(5) The Federal Government has designated the Albemarle-Pamlico estuary system of northeastern North Carolina as an estuary of national concern.

(6) Throughout his congressional career, the Honorable Walter B. Jones was a strong supporter of the National Wildlife Refuge System.

(7) During his years of service in the House of Representatives, Walter B. Jones supported the establishment and expansion of National Wildlife Refuges in eastern North Carolina; these include 6 new National Wildlife Refuges established in his district, including the Alligator River National Wildlife Refuge and the Pocosin Lakes National Wildlife Refuge, which are respectively the third largest and fifth largest National Wildlife Refuges east of the Mississippi River.

(8) Walter B. Jones helped increase refuge acreage in his district by over 303,000 acres, thus ensuring the protection of these lands for wildlife habitat and public recreation.

(9) Walter B. Jones' support for reintroducing endangered red wolves into the wild at Alligator River National Wildlife Refuge was a major factor in securing public acceptance of, and support for, this first successful effort to reintroduce endangered predators into formerly occupied habitat.

(10) Walter B. Jones devoted much of his congressional career, including his years as Chairman of the Merchant Marine and Fisheries Committee, to the conservation of fish and wildlife, for the benefit of the Nation and the people of North Carolina.

(11) Walter B. Jones should most appropriately be recognized for his work on behalf of fish and wildlife conservation by having the Center for the Sounds at the Pocosin Lakes National Wildlife Refuge System named in his honor.

SEC. 302. AUTHORITY TO CONSTRUCT AND OPERATE FACILITY.

The Secretary of the Interior may, subject to the availability of appropriations, construct and operate a facility at the Pocosin Lakes National Wildlife Refuge in Tyrrell County, North Carolina, which shall be known as the "Walter B. Jones Center for the Sounds", for the following purposes:

(1) Providing public opportunities, facilities, and resources to study the natural history and natural resources of northeastern North Carolina.

(2) Offering a variety of environmental educational programs and interpretive exhibits.

(3) Fostering an awareness and understanding of the interactions among wildlife, estuarine and wetland ecosystems, and human activities.

(4) Providing office space and facilities for refuge administration, research, education, and related activities.

SEC. 303. DESIGN.

The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this title are consistent with the cultural and natural history of the area with which the facility will be concerned.

SEC. 304. COST SHARING.

The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this title, and shall take appropriate steps to seek to obtain such contributions.

SEC. 305. REPORT.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress on progress made in designing and constructing a facility under this title, including steps taken under section 304 to obtain contributions and any such contributions that have been pledged to or received by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I rise in support of H.R. 2684, the National Fish and Wildlife Foundation Improvement Act of 1993.

Since established by the Committee on Merchant Marine and Fisheries in 1984, the National Fish and Wildlife Foundation has funded almost 800 conservation projects, in literally every corner of our Nation. By using a partnership approach, $90 million worth of conservation has been achieved with only $28 million in Federal appropriations—maybe we should let the Foundation run our new health care system.

On the tried-and-true philosophy of, "If it ain't broke, don't fix it," this bill makes only minor changes: It expands the Foundation's board of directors from 9 members to 15; it gives explicit authority for the Foundation to work with the National Oceanic and Atmospheric Administration on marine conservation projects; and it authorizes Federal appropriations at the current level of $25 million per year for the next 5 years.

In addition, the committee amendment adds the text of three other bills: H.R. 2604, authorizing the establishment of the Brownsville Wetlands Policy Center at the Port of Brownsville; H.R. 2495, directing the Secretary of the Interior to convey the Senecaville National Fish Hatchery to the State of Ohio; and H.R. 2961, authorizing the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds in North Carolina. Each of these bills has passed the House previously, and they are being added to this bill to facilitate their consideration as a package by the other body.

Mr. Speaker, the provision of this bill have two things in common; they enhance fish and wildlife research and management, and they enjoy widespread and bipartisan support. I urge the Members to continue their strong support and pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS] who opposes this legislation.

Mr. THOMAS of Wyoming. Mr. Speaker, I appreciate being yielded this time.

Mr. Speaker, I rise in opposition to this bill. Certainly there is merit in it. There is merit I most any bill that is put together and spends $25 million a year. Many things can be accomplished by spending $25 million, but of course that is not the question. The question is the priority of how do we spend money.

Mr. Speaker, every day we hear arguments about where our money ought to go. Every day we cancel programs, and we say we can no longer afford those. I think this one deserves that same kind of scrutiny.

It does allow for the authorization of $25 million a year for 4 years. It anticipates the appropriation of that amount of money in the report. Certainly it is very much the same mission as the mission for the Fish and Wildlife Service which says it is to conserve, protect, enhance fish and wildlife in their habitats for the continuing benefit of people, and spends, to do that, a half a billion dollars. Now I am for that. I think that is an excellent idea.

The question is: "How much can you spend, and how much do you continue to spend in this issue?" There are private organizations that do things similar to this now, for instance the Nature Conservancy that does not have Federal dollars involved. We certainly are not short on our efforts for fish and wildlife. We do it in the Park Service, we do it in the Forest Service, we do it in the BLM, we do it in the Fish and Wildlife. This Fish and Wildlife Service manages 91 million acres encompassing 482 national wildlife refuge systems, 28 waterfowl production areas, and 51 coordination areas on an annual basis, so we do have substantial amounts of this.

This group, and again I do not argue with the merits, but I simply argue the priority. I have been very close to the Department of the Interior. Indeed it is my understanding there was an office there for some time, and it does, indeed, raise private money, and I am for that. But I cannot imagine that it is necessary to have Federal money to do that in addition to the Federal money that we now spend.

My main concern, of course, is that we do not have the resources to properly fund those facilities now in place. Our National Park System has billions of dollars of needs that are unfunded, that are unfunded, and it seems to me that those are the kind of priorities that need to be taken into place.

So, I do not rise to criticize the system at all. I rise to talk about the priorities, and in my judgment this priority would not rank as high as the others that we have, and I do not think there is a soul in this place that would not agree with the notion that we have to set some priorities, talk about cutting, and all the time we never do it. We need to do it, and I think this is an area where we ought to begin, and I thank the gentleman from Massachusetts [Mr. STUDDS], and I thank the gentleman from Alaska [Mr. YOUNG] for having yielded this time to me.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2684 and urge its adoption by the House.

H.R. 2684, as amended, contains the text of several important measures approved by the Committee on Merchant Marine and Fisheries. It reauthorizes the National Fish and Wildlife Foundation, and includes several technical improvements to the law establishing the Foundation. It authorizes conveyance of a fish hatchery to the State of Ohio. It authorizes establishment of a wetlands policy center in Brownsville, TX. Finally, it authorizes establishment of the Walter B. Jones Center for the Sounds in North Carolina.

While nothing in this bill is controversial, I want to direct the attention of my colleagues to the section which authorizes the Walter B. Jones Center. Those of you, like myself, who had the privilege of serving with the late Walter B. Jones know of his dedication to the conservation and management of our natural resources. Congressman Jones served for many years as chairman of the Merchant Marine and Fisheries Committee, and was responsible for establishing several national wildlife refuges in his district. He also personally championed the reintroduction of the endangered red wolf to his district in North Carolina. Unfortunately, his untimely death prevented him from finishing all that he hoped to accomplish.

The Center for the Sounds will provide an opportunity to study the natural history and natural resources of northeastern North Carolina by offering a variety of environmental education programs. It will foster an understanding of the interaction between the wetland ecosystem and human activities. Further, the Center will be designed to provide office space and facilities for administration of the Pocosin Lakes National Wildlife Refuge. Finally, the Center will serve as a fitting tribute to a man who worked hard for the conservation of natural resources in his State.

Mr. Speaker, this is an excellent bill and one which the House adopted unanimously last year. I believe it deserves our full support.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Speaker, this bill now incorporates language authorizing the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge in eastern North Carolina.

On September 21 of this year, the House approved my bill, H.R. 2961, to accomplish the same thing. The legislation was approved by a vote of 425–0. In 1992, the House also passed a similar bill. Thus, this is a noncontroversial provision.

Walter B. Jones was chairman of the Committee on Merchant Marine and Fisheries 12 years. He represented eastern North Carolina for 26 years; during that time, he was a strong advocate for the National Wildlife Refuge System. Over 303,000 acres in his congressional district were added to the refuge system during his tenure, and the Pocosin Lakes Refuge was established.

This refuge was established through a land donation from the Conservation Fund, so that no Federal acquisition funds were needed. It is certainly appropriate for the Federal Government to invest a small amount in this refuge by the authorization of this Center.

The bill calls for significant cost-sharing between the Interior Department, local and State governmental agencies. And Federal spending will be subject to future appropriations. Previous centers of this type have cost in the range of $2 million to $5 million.

The local governments have embraced the refuge, and believe the Center for the Sounds will contribute to their economic development strategy, which relies heavily on ecotourism.

I urge support for the Walter B. Jones Center for the Sounds and for the bill generally.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just express my sadness at the remarks of the gentleman from Wyoming [Mr. THOMAS]. So far as I know, this is the first voice ever raised in this Chamber on either side of this aisle in opposition to this proposition. It was a beloved project of our late distinguished Republican colleague, the gentleman from New York, Mr. Conte. It was created in the Republican administration. It is a two-fer. The statute requires at least a two-for-one match by private moneys. It has been enormously successful and very modest, and I would hope the gentleman would take a careful look at it as it operates in cooperative projects with Ducks Unlimited, I expect, in his home State and elsewhere. It is not a lot of money, and it does accomplish a great deal and has a lot of friends. Amongst them is the awesome gentleman from Alaska [Mr. YOUNG], I would point out to the gentleman.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of H.R. 2684, a bill to reauthorize and improve the National Fish and Wildlife Foundation.

When legislation establishing the Fish and Wildlife Foundation was adopted by this House almost a decade ago, we were all hopeful that the Foundation would be successful in forming partnerships to improve our country's ability to conserve our natural resources. I doubt any of us expected it to be as successful as it has been.

The Foundation has done an outstanding job of combining federally appropriated funds with private contributions. Since its creation in 1984, the Foundation has achieved a match ratio of between $2 to $4 for every Federal dollar appropriated. This has resulted in more than 660 grants, worth more than $79 million, for conservation projects throughout the United States and in 15 other countries.

We are all aware of the need to prioritize Federal spending. This legislation provides us with the opportunity to reauthorize a program that is exemplary in its use of Federal money and serves the valuable functions of promoting habitat conservation, environmental education, and natural resources management.

Under the terms of this legislation, the Fish and Wildlife Foundation would be reauthorized for 5 years at its current authorization level and their Board of Directors would be increased from 9 to 15 members.

Mr. Speaker, I also support the committee amendment. The language adds to the text three noncontroversial fish and wildlife bills previously adopted by the House.

Mr. Speaker, I support the adoption of this important legislation and urge my colleagues to support this bill as well.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAMBURG). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2684, as amended.

The question was taken.

Mr. THOMAS of Wyoming. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ESTABLISHING AN INTERNATIONAL FISHERY AGREEMENT FOR CONSERVATION AND MANAGEMENT IN CERTAIN WATERS OF THE BERING SEA

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 135) calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

The Clerk read as follows:

H. CON. RES. 135

Whereas there exists a small, central enclave in the Bering Sea known as the Donut Hole that is more than two hundred nautical miles seaward of the baselines from which the breadth of the territorial seas of the United States and the Russian Federation are measured and that encompasses less than 10 percent of the Bering Sea;

Whereas the Donut Hole and surrounding areas have been part of one of the world's most productive regions of fishing for important commercial species;

Whereas one of the most highly valued fisheries is the Aleutian Basin pollock stock which straddles the United States and Russian exclusive economic zones and the Donut Hole but spawns only inside the exclusive economic zones;

Whereas fishing in the Donut Hole for the Aleutian Basin pollock stock began only in the mid-1980's and does not constitute a traditional high seas fishery;

Whereas the past productivity of these fishery resources has resulted in their overuse and their subsequent dramatic declines exemplified by the harvest of Aleutian Basin pollock by fishermen from distant-water fishing nations which has recently plummeted from a peak of approximately one million four hundred thousand metric tons in 1989 to a low of approximately ten thousand metric tons in 1992;

Whereas in an effort to prevent the commercial extinction of the Aleutian Basin pollock stock, the Russian Federation and the United States substantially reduced, then suspended, domestic fisheries inside their respective exclusive economic zones;

Whereas conservation of the fishery resources in the exclusive economic zones has little success if similar conservation measures are not achieved in the Donut Hole;

Whereas the United States and the Russian Federation have made significant efforts with the distant-water fishing nations to negotiate effective conservation and management arrangements for the Donut Hole;

Whereas the distant-water fishing nations refused to suspend operations until the fishery collapsed and was no longer economically viable;

Whereas international law attempts to balance freedom of fishing in international waters with the interests of the coastal states in conserving and developing fish stocks within their own exclusive economic zones and the interests of all nations in conserving the living marine resources, but these efforts may not succeed due to the inherent difficulty associated with establishing effective conservation, management, and enforcement controls in international waters;

Whereas international negotiations have not yet succeeded in reaching a permanent means to control fishing in the Donut Hole despite continuing attempts to resolve the issues since the 1980's;

Whereas on April 4, 1993, at the Vancouver Summit, the Presidents of the United States and the Russian Federation agreed, inter alia, "to develop bilateral fisheries cooperation in the Bering Sea, the North Pacific, and the Sea of Okhotsk for the purpose of preservation and reproduction of living marine resources and of monitoring the ecosystem of the North Pacific Ocean";

Whereas the Congress of the United States has passed the Central Bering Sea Fisheries Enforcement Act of 1992 (Public Law 102-582) which denies port privileges to those vessels that violate international agreements concerning Central Bering Sea fishery resources;

Whereas the collaborative conservation efforts of the United States, Russian Federation, and distant-water fishing nations will provide enhanced fishery resources;

Whereas delegates from the People's Republic of China, Japan, the Republic of Korea, the Republic of Poland, the Russian Federation, and the United States signed a joint resolution at the Fifth Conference on the Conservation and Management of the Living Marine Resources of the Central Bering Sea on August 14, 1992, which provided for a temporary suspension of all commercial fishing in the Donut Hole during 1993 and 1994;

Whereas these delegations met most recently in Tokyo in June, 1993, to negotiate a long-term management agreement for the Donut Hole and were not able to finalize such an agreement;

Whereas delegates from each of these nations have expressed their consensus concerns for the long-term conservation and management of the fishery resources of the Donut Hole; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should take appropriate measures to conserve the resources of the Donut Hole;

(2) the United States should continue its pursuit of an international agreement, consistent with its rights as a coastal state, to ensure proper management for future commercial viability of these natural resources;

(3) the United States, working closely with the Russian Federation should, in accordance with international law and through multilateral consultations or through other means, promote effective international programs for the implementation and enforcement of regulations of the fisheries by those nations that fish in the Donut Hole;

(4) the United States nonetheless should be mindful of its management responsibility in this regard and of its rights in accordance with international law to fully utilize the stock within its own exclusive economic zone;

(5) the United States should accept as an urgent duty the need to conserve for future generations the Aleutian Basin pollock stock and should carry out that duty by taking all necessary measures, in accordance with international law; and

(6) the United States should foster further multilateral cooperation leading to international consensus on management of the Donut Hole resources through the fullest use of diplomatic channels and appropriate domestic and international law and should explore all other available options and means for conservation and management of these living marine resources.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, House Concurrent Resolution 135, introduced by the gentleman from Alaska, expresses congressional support for conservation of Pollock stocks in the area known as the Donut Hole, a section of the Bering Sea surrounded by the exclusive economic zones [EEZ's] of the United States and Russia.

Fishing in the Donut Hole did not begin in earnest until the mid-1980's, but harvests quickly peaked at 1.4 million metric tons in 1989. Stocks rapidly declined, and both the United States and Russia acted to restrict fishing within their EEZ's. Unfortunately, unchecked foreign fishing within the Donut Hole undermined these conservation efforts and by 1992 only 10,000 metric tons were harvested from that area.

In response to this dramatic decline, the United States, Russia, Poland, Korea, China, and Japan finally agreed to a moratorium on fishing in the Donut Hole for 1993 and 1994. Negotiations for a longer term management program are currently underway.

House Concurrent Resolution 135 will strengthen the position of our negotiators at the next round of discussions in November, by demonstrating that the U.S. Congress recognizes the need for a multinational agreement to manage fishing in the Donut Hole, and strongly supports the efforts to conserve the living resources of the Central Bering Sea. The administration, the fishing industry, and the environmental community have all endorsed this bill, and I urge Members to support it today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 135. It is time that we put back what is missing from the Donut Hole.

If you pick up a donut and look through its center, you find nothing. If you consider the Central Bering Sea as a donut, you also find a hole. Where you once got a good bite, there is nothing now but a hole in the Bering Sea with no fish resources left for the taking.

Overfishing by foreign fishermen has caused this absence of Aleutian Basin pollock. Major efforts are needed to replenish the stock. While international law does not allow foreign fishermen to take any of the "Donut," they are free to look for crumbs in the "Hole"—the middle of the plate. They have wiped out the commercial fishing of the Donut Hole and damaged the rest of the Central Bering Sea surrounding this hole.

The United States and the Russian Federation have imposed strict regulations on their own fishermen to conserve the remaining stock. But fishermen from other nations continue to lick the plate clean. Their governments have refused to implement conservation measures other than a short-term moratorium. To provide for the needs of everyone, all nations must agree to a long-term conservation and management plan for replenishing the pollock in the Donut Hole and around it. Such action is fully supported by the administration, U.S. fishermen, and Greenpeace.

House Concurrent Resolution 135 expresses the sense of Congress that an international agreement is vital to return the fishery to commercial viability. It will assist the U.S. negotiators in their efforts to establish such a long-term conservation and management plan for the area. We must do all we can to restore the marine resources that have been missing in the Donut Hole.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 135, which expresses the sense of Congress that the United States should work to establish a permanent agreement on the management and conservation of the straddling stocks of fish in the area of the Bering Sea known as the Donut Hole.

Straddling fishery stocks are those stocks which occur both in the exclusive economic zone [EEZ] of one or more coastal nations and in an area beyond and adjacent to that zone. Examples of straddling stocks include extremely valuable commercial species like cod, squid, flounder, halibut, and Alaskan pollock. The transitory nature of these fish results in their management under a wide variety of regulatory schemes depending on their particular geographical location. Conservation efforts by one country may have little success when other jurisdictions do not impose similar measures. In many instances, certain nations have allowed short-term benefits to determine management practices, leading to the overharvesting of many once plentiful and profitable fisheries.

The Central Bering Sea area, also known as the Donut Hole, is a small enclave of international waters surrounded by the EEZ's of the United States and the Russian Federation. The commercial species harvested from the Donut Hole spawn in the EEZ's rather than these international waters, which, under international law, vests certain rights in the countries or origin. While foreign fishermen do not have the right to fish in the EEZ's they may traverse these zones and harvest in international waters. The United States and the Russian Federation have attempted to negotiate fishing regulations with other nations who have refused to agree to long-term conservation plans for these areas.

Mr. Speaker, while there is currently a moratorium on fishing in the Donut Hole, it is only a temporary one until a more permanent solution to the overfishing problem can be found.

Negotiations are ongoing to ensure that countries, which are involved in fishing in the Donut Hole, will agree to management measures to protect the valuable species migrating through the area.

This fishery is valuable not only to the United States, but to all of the countries that fish in this area. It is in the best interest of all of us to reach an agreement before more drastic management measures are needed.

I support this measure and urge my colleagues to join me in supporting this important resolution.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 135).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALLING FOR GREATER INTERNATIONAL COOPERATION IN CONSERVATION OF ATLANTIC BLUEFIN TUNA

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 169) to express the sense of the Congress that the United States should seek compliance by all countries with the conservation and management recommendations for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 169

Whereas Atlantic bluefin tuna are a valuable commercial and recreational fishery of the United States;

Whereas many countries, including the United States, fish for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission"), is the international entity established to adopt recommendations and develop international agreements for the conservation and management of Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea;

Whereas in the last 25 years Atlantic bluefin tuna stocks have declined from historic levels;

Whereas, for management purposes, the Commission has adopted a working hypothesis of 2 stocks of Atlantic bluefin tuna: a western stock found in the Atlantic Ocean west of 45 degrees west longitude (hereinafter referred to as the "45 degree line"), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea;

Whereas the existing scientific evidence is inconclusive with respect to the working hypothesis of 2 stocks, the extent to which each of the hypothesized stocks migrates across the 45 degree line is unknown, and the 45 degree line is considered to be arbitrary;

Whereas the Commission adopted conservation and management recommendations in 1974 to ensure the recovery and sustainability of all Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea;

Whereas, in recent years, the Commission has adopted additional, more restrictive conservation and management recommendations for Atlantic bluefin tuna, for countries that fish for Atlantic bluefin tuna west of the 45 degree line;

Whereas the United States and other countries that are members of the Commission and that fish west of the 45 degree line have implemented all conservation and management recommendations for Atlantic bluefin tuna adopted by the Commission that apply west of the 45 degree line;

Whereas many other countries that are members of the Commission do not comply with conservation and management recommendations for Atlantic bluefin tuna adopted by the Commission that apply east of the 45 degree line and in the Mediterranean Sea;

Whereas this continuing failure to comply east of the 45 degree line and in the Mediterranean Sea by countries that are members of the Commission will undermine the recovery of Atlantic bluefin tuna stocks;

Whereas recent large increases in the catch of Atlantic bluefin tuna within 100 miles east of the 45 degree line by countries that are members of the Commission could be having a negative impact on the recovery of Atlantic bluefin tuna and probably do not comply with recommendations of the Commission; and

Whereas countries that are not members of the Commission are having a negative impact on the recovery of Atlantic bluefin tuna stocks by fishing throughout the Atlantic Ocean and the Mediterranean Sea without regard for conservation and management recommendations adopted by the Commission: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States and the International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") should continue to promote the conservation and management of highly migratory species, including Atlantic bluefin tuna, throughout the Atlantic Ocean and the Mediterranean Sea;

(2) The United States should obtain commitments through the Commission, from all countries that are signatories to the International Convention for the Conservation of Atlantic Tunas and that are not in compliance with all of the conservation and management recommendations and agreements for Atlantic bluefin tuna and other highly migratory species that have been adopted by the Commission, that those countries will immediately comply with those recommendations and agreements;

(3) the United States should continue to encourage all other countries that fish for Atlantic bluefin tuna or other highly migratory species in the Atlantic Ocean or the Mediterranean Sea to comply with the conservation and management recommendations and agreements adopted for those species by the Commission;

(4) if a country fishes in the Atlantic Ocean or the Mediterranean Sea for Atlantic bluefin tuna or another highly migratory species without complying with the conservation and management recommendations and agreements adopted by the Commission for that species, such fishing will be considered by the Congress to diminish the effectiveness of an international fishery conservation program, and as such will be considered by the Congress to be certifiable under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(1));

(5) the United States should encourage countries that have significant markets for Atlantic bluefin tuna to prohibit the importation of that species from other countries that fish for that species without regard for the conservation and management recommendations and agreements adopted by the Commission;

(6) the United States should continue to explore, through the Commission, the appropriateness of working hypotheses of the Commission that stocks of highly migratory species in the Atlantic Ocean can be delineated by lines of latitude or longitude, including specifically that there are 2 stocks of Atlantic bluefin tuna delineated by the line 45 degrees west longitude; and

(7) the United States should seek, through the Commission, an agreement to ensure that if the Commission uses any line to divide the stock of Atlantic bluefin tuna for management purposes and adopts for that stock any conservation and management recommendation or agreement for one side of the line that is more restrictive than the conservation and management recommendations and agreements adopted by the Commission for that stock for the other side of the line, then any fishing for Atlantic bluefin tuna within 10 degrees of the line shall be conducted in compliance with that more restrictive recommendation or agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 169 expresses the sense of the Congress that all member nations of the International Commission for the Conservation of Atlantic Tunas [ICCAT] should participate fully in the conservation and management program for Atlantic bluefin tuna recommended by ICCAT.

In the past two decades, bluefin tuna stocks in the Atlantic Ocean have declined dramatically. Through ICCAT, the United States has been a leader in the pursuit of conservation programs to rebuild bluefin stocks. As a result, significant conservation and management measures have been implemented in the western Atlantic fishing grounds, and catches of bluefin tuna have been reduced by 65 percent. This has required substantial sacrifice on the part of U.S. fishermen.

At the same time, other ICCAT members that fish in the east have ignored the most basic conservation measures for bluefin; their fishing effort has increased, and millions of undersized fish have been harvested each year, undermining our efforts in the west. Our fishermen think this is unfair, and believe any benefits from their conservation efforts are being reaped by their counterparts in the eastern Atlantic.

This resolution encourages our ICCAT commissioners to seek a commitment form any ICCAT country currently in violation of ICCAT recommendations, that it will immediately comply. The resolution also states that the United States should encourage non-member countries—like Mexico—that harvest highly migratory stocks to also comply with the recommendations of the Commission. If nations continue to fish in violation of the ICCAT rules, the resolution states that Congress deems these actions to undermine the effectiveness of an international fishery conservation agreement. As a consequence, these nations would be certifiable under the Pelly amendment and subject to trade sanctions.

The United States has consistently demonstrated its commitment to the recovery of the Atlantic bluefin. Now it is time for other nations to make similar sacrifices. The current ICCAT program for bluefin, which focuses conservation efforts in the western Atlantic, where only 12 percent of the Atlantic-wide bluefin catch occurs, is unfair to U.S. fishermen and may do little to restore bluefin stocks unless nations fishing in the east adhere to the international agreement.

The resolution has the support of the administration, the fishing industry, and the environmental community. I urge Members to support it today.

□ 1550

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 169 and urge its adoption by the House.

For many years, the United States has been a leader in conserving Atlantic bluefin tuna. These tuna, which migrate throughout the Atlantic Ocean and Mediterranean Sea, support valuable commercial and recreational fisheries in the United States and other countries. Due to their highly migratory nature, bluefin tuna are managed by the International Commission for the Conservation of Atlantic Tunas [ICCAT]. The United States is a member of this organization.

Unfortunately, while the United States does its part to conserve tuna stocks, other nations do not. Some nations which fish for bluefin tuna are not members of ICCAT. Other nations which are members ignore ICCAT recommendations on catch quotas and management practices. Thus, once again the United States is the "good guy" when it comes to fisheries management, and other nations do what ever they feel like.

This resolution makes clear that the United States will not allow other nations to diminish the effectiveness of ICCAT. It will provide our ICCAT commissioners with ammunition to use at the ICCAT meetings next week. By passing the resolution we will let the world know that the United States is serious about conserving and managing Atlantic bluefin tuna.

Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I want to conclude by expressing my appreciation to the distinguished gentleman from Alaska [Mr. YOUNG] for his patience in awaiting these deliberations. I want to thank him for his concern for a fishery stock which occurs in one of the few oceans that does not border his State, and I commend to his gentle loving care the gentleman from Wyoming.

Mr. FIELDS of Texas. Mr. Speaker, I rise in support of House Concurrent Resolution 169, which expresses the Sense of Congress that those nations, which have signed the International Convention for the Conservation of Atlantic Tunas [ICCAT], should follow ICCAT management recommendations.

In 1966, the International Convention for the Conservation of Atlantic Tunas was negotiated to provide an international forum for the negotiation of management and conservation measures of highly migratory tunas and billfish. The treaty was ratified by the Senate in 1967, but implementing legislation was not enacted until 1975—the Atlantic Tunas Convention Act of 1975.

ICCAT has recognized two separate stocks of Atlantic bluefin tuna, the western stock and the eastern stock. Both stocks have been declining for a number of years, with the western stock being more seriously affected. In 1974, ICCAT adopted conservation and management recommendations for both stocks; however, several countries which are signatories to ICCAT have been accused of violating these management recommendations for the eastern stocks.

House Concurrent Resolution 169 expresses the Sense of Congress that the United States should diligently pursue assurances that all signatory countries to ICCAT will comply with the conservation and management recommendations of ICCAT for Atlantic bluefin tuna.

The legislation also recommends that the United States should regard countries which do not follow the recommendations of ICCAT for Atlantic bluefin tuna as undermining the effectiveness of international fisheries conservation and therefore will be considered by Congress to be certified under section 8(a)(1) of the Fishermen's Protective Act of 1967, known as the Pelly amendment.

Mr. Speaker, this resolution gives the U.S. commissioners a little more leverage to get other countries to comply with ICCAT management recommendations. The Committee on Merchant Marine and Fisheries reported this legislation overwhelmingly, and I urge my colleagues to support it.

MARITIME DECLINE DOCUMENTED IN CONROE COURIER SERIES

Mr. FIELDS. Mr. Speaker, on Thursday, I inserted in the RECORD the first of a three-part series of articles written by Nancy Darnell of the Conroe Courier, a daily newspaper located in Conroe, TX, which I am pleased to represent in the House.

The series describes the seriousness of the decline in America's domestic maritime industry, and the implications of that decline, for the United States. I commend Ms. Darnell for her outstanding series, and I commend her articles to the attention of my colleagues.

Those of us in this body will decide whether or not the decline in the United States maritime industry is halted, or whether it is allowed to continue unabated. For the sake of our Nation's long-term economic well being, and national security, it is critically important that we make the right decision.

As the world's only remaining military and economic superpower, we must have a merchant marine capable of engaging in international commerce, and in providing us with the ability to send military materiel anywhere in the world when our vital national interests—or the vital national interests of our allies—are threatened.

If we permit our domestic maritime industry to continue to decline, we simply will lack the ability to achieve either of those goals. That is why Ms. Darnell's series is so important; by drawing attention to the problem, and discussing how all Americans could be affected, her series drives home just how serious this problem is, and how urgent it is that we find some way to resolve it.

Mr. Speaker, the following is the second of Ms. Darnell's three-part series. It outlines the provisions of a bipartisan plan that those of us on the House Merchant Marine and Fisheries Committee believe will revitalize America's domestic maritime industry.

[From the Conroe Courier, Sept. 23, 1993]

BIPARTISAN PLAN OFFERS SHIPOWNERS INCENTIVES

(By Nancy Darnell)

Launching both ships and jobs anchors an area congressman's plan to breathe life into the floundering maritime industry.

U.S. Rep. Jack Fields, R-Humble, wants to see American yards resume building commercial ships, putting people to work on shore and at sea.

He wants to "save American jobs and ensure the United States has the sealift power it would need in time of war or national emergency."

The bipartisan measure has cleared the House committee which records Fields as the senior Republican. The bill calls for two key programs:

The Maritime Security Fleet (MSF) program, to provide a fleet of vessels that will help protect the national economic security of the U.S. and

The Series Transition Payment (STP) program, to provide financial assistance to the domestic shipbuilding industry as it switches from building Navy ships to commercial vessels.

While Fields' committee is trying to move forward in a bipartisan climate, the White House is continuing to examine the direction it believes the maritime industry should take, as initiated by Vice President Gore's effort to reinvent government.

"It would be inappropriate to enact any legislation concerning the maritime revitalization until this evaluation is completed," a White House statement said.

Fields sees it differently, saying the two new programs are "urgently needed" now that the Operating Differential Subsidy (ODS) program is set to expire.

"Since 1936 the federal government has paid U.S.-flag ship owners engaged in foreign commerce the incremental cost of operating a vessel under the U.S. flag rather than a foreign flag," a Fields' spokesman said.

"The program costs far less than were the government to have to pay to build, maintain and operate a government-owned merchant marine."

Because the ODS contracts are set to expire, Sea-Land and American President Lines (APL), the nation's two largest U.S.-flag carriers have applied to the secretary of transportation to re-flag their vessels in other countries. The move signals the beginning of the end for the U.S. commercial fleet.

APL has said if a new maritime policy is not enacted, it will register six new vessels now under construction under foreign flags as well. Sea-Land is trying to flag its ships out of the Marshall Islands, according to an industry source.

The MSF program offers financial incentives for owners of U.S.-flag vessels to continue registering their ships in the United States, and to replace aging ships with new, more efficient, U.S.-flag vessels, Fields said.

The owner of a vessel enrolled in the MSF program would be paid $2.3 million in fiscal year 1994, and $2.1 million per year for each of nine subsequent years in the 10-year contract.

These payments apply to container, roll on/roll off and other vessels that now have federal Operating Differential Subsidy (ODS) contracts.

Also included will be any other vessel classified in the national interest in times of war or national emergency, a decision left to the secretary of transportation.

Vessels with the MSF agreement would operate only in international trade, as a protection to unsubsidized coastal ships, to avoid unfair competition.

The STP program is designed to help shipyards in this country compete with foreign shipyards. Under the plan, the secretary of transportation would be authorized to pay the difference in cost between building a vessel that is part of a series of similar vessels in a shipyard in this country as opposed to building the same vessel overseas.

The vessel would be required to be commercially useful in the international market, a determination left to the secretary. The plan also would preserve ship-building skills.

The domestic shipyard, after completing one series of vessels, would be capable of building additional vessels of the same design for a price that is competitive in the international market.

The first maritime reform legislation since 1970, produced by the House Merchant Marine and Fisheries Committee, has yet to be funded.

"The committee is unique in the House because Republicans and Democrats work cooperatively with one another, and because the ideas and suggestions of junior members are not only welcome, but encouraged," Fields said.

"It is because of that bipartisan environment that the committee can address a complex issue such as how to save the domestic maritime industry and can put forward legislation that has such broad support on both sides of the aisle."

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAMBURG). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 169) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution to express the sense of the Congress that the United States should seek compliance by all countries with the conservation and management recommendations and agreements adopted for Atlantic bluefin tuna and other highly migratory species by the International Commission for the Conservation of Atlantic Tunas, and for other purposes.".

A motion to reconsider was laid on the table.

HOUR OF MEETING ON THURSDAY, NOVEMBER 4, 1993

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, November 3, 1993, it adjourn to meet at noon on Thursday, November 4, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB MICHEL, Republican leader:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 1, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 127 of Public Law 97-377, I hereby appoint the following Member of Congress to serve on the House of Representatives Page Board for the 103d Congress:

Representative Bill Emerson of Missouri.

Sincerely yours,
BOB MICHEL,
House Republican Leader.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, October 26, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely yours,
NORMAN Y. MINETA,
Chairman.

There was no objection.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 115) designating November 22, 1993, as "National Military Families Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I do not object but should simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. KREIDLER. Mr. Speaker, I am proud to sponsor this resolution in the House this year, and I am very pleased that 220 Members have joined me in cosponsoring National Military Families Recognition Day.

This is the fifth consecutive year that this day has been set aside to honor the families of our service men and women whose dedication and commitment often go unrecognized and unappreciated. On November 22, 1993, the Monday before Thanksgiving, we will have the opportunity to pay tribute to these families, and to the enormous sacrifices they make on behalf of our Nation.

Our service men and women have earned our respect and gratitude for their defense of our country. But the mothers, fathers, wives, husbands, and children of our military personnel are the unsung heroes of our Nation's defense. They face a number of hardships that other families do not—frequent moves and reassignments, separations from loved ones, financial strains, and a permanent unpredictability about their family's future. These families serve their country every day in ways we can only begin to imagine.

Without the love and support of their families, our service men and women could not perform their duties with the commitment we demand. The patriotism, dedication, and service of our military families are vital to the success of our Armed Forces, and I am proud Congress has recognized their special contribution today.

Too often we overlook the Americans, stationed at places like Fort Lewis, McChord Air Force Base, and Camp Murray, who make daily sacrifices for our country. Sometimes these sacrifices amount to tragedies. A year ago this month, all of us in Washington State grieved when two C-141's from McChord Air Force base crashed on a training mission over Montana, killing 13 servicemembers, and leaving a number of young families torn apart. That is the kind of sacrifice that all Americans should remember on Military Families Recognition Day, and every day of the year.

I want to acknowledge the efforts of the National Military Families Association and the Non Commissioned Officers Association of the United States on behalf of this resolution, and on behalf of all our military families. I also want to thank former Representative and now Agriculture Secretary Mike Espy for his sponsorship of this resolution in previous years and for his support of our efforts this year.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland.

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 115

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 74 percent of officers and 55 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses and children) comprise more than one-half of the active duty community of the Armed Forces, and spouses and children of members of the reserve component of the Armed Forces in paid status comprise more than one-half of the individuals constituting the reserve component of the Armed Forces community;

Whereas hundreds of thousands of spouses, children, and other dependents living abroad with members of the Armed Forces face financial hardship and feelings of cultural isolation;

Whereas the significantly reduced global military tensions following the end of the Cold War have resulted in a downsizing of the national defense and a refocusing of national priorities on strengthening the American economy and increasing competitiveness in the global marketplace;

Whereas the Congress is grateful for the sacrifices of military families and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have supported the role of the United States as the military leader and protector of the Free World: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 22, 1993 is designated as "National Military Families Recognition Day" in appreciation of the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 271) designating November of each year as "National American Indian Heritage Month" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I do not object, but should simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 271

Whereas American Indians were the original inhabitants of the lands that now constitute the United States of America;

Whereas American Indian Governments developed the fundamental principles of freedom of speech and separation of powers in government, and these principles form the foundation of the United States Government today;

Whereas American Indian societies have exhibited a respect for the finiteness of natural resources through deep respect for the earth, and these values continue to be widely held today;

Whereas American Indian people have served with valor in all wars from Revolutionary War to the conflict in the Persian Gulf, often in a percentage well above their percentage in the population of the Nation as a whole;

Whereas American Indians have made distinct and important contributions to America and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians deserve to be recognized for their individual contributions to American society as artists, sculptors, musicians, authors, poets, artisans, scientists, and scholars;

Whereas designating a month each year to recognize the heritage and the contributions to American society of American Indians will encourage self-esteem, pride, and self-awareness in American Indians of all ages; and

Whereas November is traditionally the month when American Indians have harvested their crops and is generally a time of celebration and giving thanks: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) November of each year is designated as "National American Indian Heritage Month"; and

(2) the President is authorized and requested to issue a proclamation each year calling on the people of the United States to observe the month with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

Page 3, line 4, strike "November of each year" and insert "the month of November in each of calendar years 1993 and 1994".

Page 3, line 7, strike "each year" and insert "in each of those years".

Page 3, line 8, strike "the month" and insert "such month".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland [Mr. WYNN].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment offered by Mr. WYNN to the preamble: Page 2, in the seventh clause of the preamble, strike "a month each year" and insert "the month of November in each of calendar years 1993 and 1994".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Maryland [Mr. WYNN].

The amendment to the preamble was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. WYNN: Amend the title so as to read: "Joint resolution designating the month of November in each of calendar years 1993 and 1994 as 'National American Indian Heritage Month'.".

The amendment to the title was agreed to. A motion to reconsider was laid on the table.

NATIONAL WOMEN VETERANS RECOGNITION WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 142) designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I do not object but should simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. BILIRAKIS. Mr. Speaker, House Joint Resolution 212, as amended, designates the week of November 7, 1993 and the week of November 6, 1994 as "National Women Veterans Recognition Week." As the House sponsor of this resolution, I wish to thank Chairman CLAY and the ranking minority member, JOHN MYERS, for their assistance and leadership in bringing this resolution to the floor.

Next week Washington's first memorial honoring women in the military, the Vietnam Women's Memorial, will be unveiled. A second memorial honoring all women who have ever served in the military is being planned for Arlington Cemetery. In my opinion, these memorials are long overdue.

Ten years ago, I sponsored the first piece of legislation introduced in Congress that called for national recognition of female veterans. At that time, I was surprised and disappointed that such recognition had not been given before. I am pleased Congress and the President have approved National Women Veterans Recognition Week every year since I initiated the endeavor.

I continue to sponsor National Women Veterans Recognition Week in order to honor the women who have served in the Armed Forces and to increase public awareness of their significant contributions to the defense of our Nation.

The VA estimates that there are more than 1.2 million women veterans in this country. These veterans comprise 4.2 percent of the total veteran population. I am proud to report that my home State of Florida has the second largest female veteran population in the country. Approximately 80,000 female veterans call Florida home.

Although official female uniformed military participation began with the formation of the Army Nurse Corps in 1901, women have contributed to national defense in a variety of ways since our country was founded. In every U.S. war before the 20th century, small numbers of woman disguised themselves as men in order to serve in combat.

World War II marked a turning point in the history of women in the military. A total of 350,000 women served in the four services during the conflict. Employed in virtually every occupation outside of direct combat, they performed their duties admirably. The many military women who were stationed overseas endured the same arduous living conditions as men. Additionally, 88 women were held as prisoners of war by the Japanese for more than 3 years.

Interestingly, 2d Lt. Reba Whittle Tobiason was the only American woman taken captive by Nazi Germany. She endured 4 months of imprisonment in German territory at Stalag 9C. After her release, she struggled with the U.S. Government bureaucracy to be officially recognized as a former prisoner of war. By the time of her death in 1981, the Government had finally acknowledged her status.

In 1947–48, Congress recognized the valuable service of women during World War II by granting them active duty status in the regular Army, Navy, Marine Corps, and Air Force. Women continued to play an active role in Korea and Vietnam. In 1975, Congress further recognized the important contributions of women by requiring the service academies to admit women. In 1980, the first women cadets graduated.

Although women are officially excluded from combat duty, the Persian Gulf war marked the first time women, other than nurses, were deployed to a combat area. During operations Desert Shield and Desert Storm, military women responded well to this new challenge.

Working next to male personnel, women often performed dangerous tasks such as piloting some of the 300 helicopters that airlifted men and equipment inside Iraqi territory. Female military personnel sustained 13 deaths during the operations and two women were taken prisoner by Iraqi forces.

Despite the continuous service of women throughout the history of our Nation, we have not always recognized their tremendous contributions, nor have we paid attention to their needs as veterans.

It is my hope that National Women Veterans Recognition Week will highlight the special needs of women veterans, particularly in the areas of health care, employment, and readjustment problems. Of greatest importance is to increase women veterans awareness of the availability of VA benefits and services for which they are eligible.

Although much has been accomplished in the past several years, women veterans are still less likely than their male counterparts to use veterans benefits such as VA health care and the home loan guarantee program.

National Women Veterans Recognition Week is a time for the country to become better acquainted with the service of women veterans and to express our gratitude to them for that service. However, it is also time for women veterans themselves to remember their years in uniform and take pride in the many contributions they have made to the security and well-being of our country.

As new windows of opportunities open for women in the military, there will be an increasing number of female veterans eligible for health care and other benefits. It is incumbent upon us to see that those services are available to them.

In closing, I wish to thank both the women's organizations and veterans organizations who worked so diligently, and the House Members who cosponsored this measure.

The Senate has already passed a companion resolution honoring our women veterans. It is my hope that we can act quickly so that the President can sign the proclamation in time to honor these brave and honorable women veterans.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 142

Whereas there are more than 1,200,000 women veterans in the United States representing 4.6 percent of the total veteran population;

Whereas the number of women serving in the United States Armed Forces and the number of women veterans continue to increase;

Whereas women veterans have contributed greatly to the security of the United States through honorable military service, often involving great hardship and danger;

Whereas the special needs of women veterans, especially in the area of health care, have often been overlooked or inadequately addressed by the Federal Government;

Whereas the lack of attention to the special needs of women veterans has discouraged or prevented many women veterans from taking full advantage of the benefits and services to which they are entitled; and

Whereas designating a week to recognize women veterans will help both to promote important gains made by women veterans and to focus attention on the special needs of women veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 7, 1993, is designated as "National Women Veterans Recognition Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN: Page 2, line 3, strike "week beginning November 7, 1993, is" and insert "weeks beginning November 7, 1993, and November 6, 1994, respectively, are each".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland [Mr. WYNN].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

AMENDMENT TO THE TITLE OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. WYNN: Amend the title so as to read: "Joint resolution designating the week beginning November 7, 1993, and the week beginning November 6, 1994, each as 'National Women Veterans Recognition Week'.".

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1600

CONGRESS MUST NOT RUN AWAY FROM THE ISSUE OF CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BUYER] is recognized for 10 minutes.

Mr. BUYER. Mr. Speaker, it is a pleasure to address the floor of the House by special order here today. I would like to address an issue which the House seems to be running away from right now. That is the issue of crime.

The reason I want to discuss it today is because yes, I am a new Member, and in the minority, but as a new Member it does not mean I always have to go along with the system or with a process. I chose not to go along to get along in this body.

Mr. Speaker, right now I understand that tomorrow five bills, get tough with crime, will come to the House floor under suspension of the rules. Suspension is usually reserved for noncontroversial items as a way of expenditing business. Once again, the House is responding to urgency over importance.

I have noticed quickly about this town, how they love to focus in on the glitz, the glamor, and the glaze without tackling the tough issues or the substance, depending on whatever issue faces this House.

What happens on the issue of crime? President Clinton comes to this body and he says, "We are going to pass a tough crime bill," to which there is a tremendous and overriding response. Now when it gets time to make the tough decisions on crime in this body, they gut the comprehensive crime bill, they go for the warm fuzzies and the glitz and glamor, they want to bring it to this House floor and pass it under suspensions without open debate, without any forms of amendment by either side of the body.

What does this body do? They punt to the other body on the other side, so they can make the tough decisions. Then the decisions end up being made in conference and, oh, my, we have gone on to the next Congress.

I will tell the Members, it really gets frustrating at times to come into this body and to see how this Congress at times like to focus in on, like I said, the urgency over importance, and focus in on the next elections rather than come here to do what is important on behalf of our society.

The House needs full and open debate on all legislation, and in particular, on crime legislation. Here is what is wrong with bringing these bills to the floor under suspension of the rules.

The five bills combined are over $4.5 billion in authorization. That is way over the threshold amount in the caucus rules for the majority party. No one can offer amendments, no one from either side of the aisle, not from the majority nor from the minority. Regardless of one's views on the merits, the issue of crime needs full debate. Allowed is only 40 minutes of debate. We make a mockery of the public's concern over crime by devoting such little time to the subject of crime.

I have urged repeatedly on the floor and in other public forums that the House cannot regain the public's respect by ignoring the public's will. Crime is an important issue in the minds of our constituents and of the American people, so we consider five minor pieces of legislation and then many will claim to have done their job and to have addressed crime. These five crime bills do not constitute major, comprehensive crime legislation.

America now has more crime per capita than any other developed country. The crime rate in the United States has increased more than 500 percent since 1960. Violent crimes occur everywhere. It has left the city limits and it has truly found its way upon the front porch of rural America.

We must empower State and local officials with the necessary tools to get criminals off the street. I have communicated with county prosecutors and local law enforcement officials in my congressional district in Indiana. They know the problems of their areas and they know how best to deal with them. They also know how to solve them.

The Federal Government has no idea, though, what the communities and rural towns in my district of Indiana need to solve their problems. That is why I am their voice. That is why I get upset when that voice is shut out of the political process.

Yes, we need to put more police on the streets, but we must also build more prisons to house such criminals. The revolving doors of our State prisons also must be replaced with locked doors for habitual criminals. We cannot afford to have inadequate prison capacity.

A survey found an average career criminal commits between 187 and 287 crimes per year, with each crime costing society an average of $2,300. That means an average cost of around $430,000 for not placing a career criminal behind bars. We cannot continue to permit criminals to be released early because of overcrowding.

We must enhance the Federal death penalty to show criminals their actions will not be tolerated. Murderers have to realize that there are harsh consequences for such actions. We must send that message, that criminals and murderers will pay for their actions. We must institute tough, mandatory minimum sentences and truth in sentencing provisions to ensure that criminals serve an adequate time of the sentences imposed.

We have to enhance the penalty for violent and drug-related crimes, crimes involving semiautomatic weapons and other firearms or the recividist criminals.

Surveys and research have shown that crime pays. That is what is said. A particular analysis in 1988 shows that although violent offenders received an average sentence of 7 years and 11 months, they served an average of only 2 years and 11 months in prison. That is only 37 percent of their sentence.

In this analysis, the average murderer is sentenced to 15 years, but only serves 5.5 years. The average rapist is sentenced to 8 years, but serves only 3 years. The average mugger is sentenced to 6 years, but does not serve more than 2.5 years.

What message are we sending to our society? What message are we sending to the young? We must increase punishment for violent criminals and crimes against persons, as well as provide for the protection of the victims of crime. It is time that our system places more emphasis on the rights of the victims, rather than the rights of criminals.

It is vital that we prevent spouse abuse and stalking and sexual abuse and sex offenders, child abuse and child pornography, as well as crimes against seniors.

We must get criminal aliens out of our prisons and establish strict new laws on terrorism. Janet Reno came and spoke with us, the Attorney General. I turned to her and I said, "Ma'am, how can you support increased minimum sentences, yet be part of an administration that does not want to increase the building of more Federal prisons?"

She responded by saying, "Did you realize, Congressman, that 27 percent of our prison population now consists of illegal aliens?" I about fell out of the chair. I will do everything I possibly can to help the Attorney General in the deportation of aliens, and also to ensure that those aliens who commit violent crimes do stay out of our country, and that there is not a revolving door back to the United States.

Our Customs agents and border patrols need the power to stop the massive abuse of asylum by entering aliens. We need to institute strict controls at the points of entry and along our borders. We need to provide more INS Border Patrol agents and investigators to decrease the number of illegal aliens.

We must restrict the use of habeas corpus petitions which are now inundating our judicial system. We need to enact strict habeas corpus petition deadlines. It is necessary that we limit successive petitions to questions of guilt or innocence.

Finally, we must not further raid the State and local government coffers or the taxpayers' wallets by mandating requirements without Congress electing to fund them. Let us get tough on crime with a substantive focus, and also allow open debate, so what I have talked about today can be debated in the open, so we can truly address the tough issues that face this Nation on crime. We owe it to the preservation of our society.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. BOEHNER, for 60 minutes, on November 17.

Mr. WOLF, for 5 minutes, on November 3.

Mr. BUYER, for 5 minutes, today.

(The following Members (at the request of Mr. GORDON) to revise and extend their remarks and include extraneous material:)

Mr. DERRICK, for 60 minutes, on November 15.

Ms. NORTON, for 60 minutes, on November 4.

Mr. TUCKER, for 60 minutes, on November 16.

Mr. SWETT, for 60 minutes, each day on November 9, 10, 16, 17, and 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. PORTER.
Mr. DORNAN.

(The following Members (at the request of Mr. GORDON) and to include extraneous matter:)

Mrs. MALONEY.
Mr. FORD of Michigan.
Mr. DIXON.

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mrs. BENTLEY in two instances.
Mr. ACKERMAN.
Mr. OBEY.
Mr. KILDEE.
Mr. OLVER in two instances.
Ms. SNOWE.
Mr. MURTHA in three instances.
Mr. GEKAS.
Mr. BILIRAKIS.
Mr. SOLOMON.

ADJOURNMENT

Mr. BUYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 8 minutes p.m.) under its previous order, the House adjourned until Wednesday, November 3, 1993, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various committees of the U.S. House of Representatives concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second and third quarters of 1993, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Conyers, Jr	5/14	5/17	Haiti		332.00		605.45				937.45
Sherille Ismail	5/14	5/17	Haiti		332.00		605.45				937.45
Carol Bergman	5/14	5/17	Haiti		332.00		605.45				937.45
Hon. John Conyers, Jr	5/22	5/26	Africa		442.70		2,744.55				3,187.25
Committee total					1,438.70		4,560.90				5,999.60

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN CONYERS, Jr., Chairman, Oct. 20, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. G. Ackerman	8/9	8/11	Japan		786.00						786.00
	8/11	8/15	China		1,379.00		313.00				1,692.00
	8/15	8/17	Hong Kong		987.00				18.34		1,005.34
Commercial transportation							7,173.45				7,173.45
D. Adams	8/22	8/25	New Zealand		528.00						528.00
	8/25	8/31	Australia		1,176.00						1,176.00
	8/31	9/2	Philippines		364.00						364.00
	9/2	9/6	Indonesia		856.00						856.00
	9/6	9/8	Malaysia		376.00						376.00
	9/8	9/10	Singapore		488.00						488.00
Commercial transportation							7,984.15				7,984.15
D. Barton	7/6	7/9	Austria		645.00						645.00
Commercial transportation							3,258.05				3,258.05
Berkowitz	8/20	8/25	New Zealand		1,094.00						1,094.00
	8/25	8/31	Australia		1,126.00						1,126.00
	8/31	9/2	Philippines		346.00						346.00
	9/2	9/6	Indonesia		856.00						856.00
	9/6	9/7	Malaysia		376.00						376.00
	9/8	9/10	Singapore		488.00						488.00
Commercial transportation							7,965.45				7,956.45
N. Carman	8/2	8/29	Switzerland		1,912.00						1,912.00
Commercial transportation							2,671.45				2,671.45
T. Dagne	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
M. Ennis	8/26	8/29	Bulgaria				117.25				117.25
	8/29	9/1	Macedonia		1,323.00						1,323.00
	9/1	9/2	Greece		[3]132.65						132.65
Commercial transportation							3,054.15				3,054.15
R.M. Finley	7/18	7/22	Germany		701.22						701.22
Commercial transportation							3,120.95				3,120.95
B. Ford	8/25	8/28	Tunisia		[3]348.00						348.00
	8/28	9/1	Morocco		[3]734.00						734.00
	9/1	9/5	Turkey		[3]622.00						622.00
	9/5	9/9	United Kingdom		[3]984.00						984.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial transportation							4,759.45				4,759.45
M. Gage	8/26	8/29	Bulgaria		[3] 625.00		117.25				742.25
	8/29	9/1	Macedonia		[3] 578.00						578.00
	9/1	9/2	Greece		[3] 189.00						189.00
Commercial transportation							3,054.15				3,054.15
K. Gilley	8/7	8/10	Russia		314.00						314.00
	8/10	8/12	Mongolia		336.00						336.00
	8/12	8/15	Kazakhstan		486.00						486.00
	8/15	8/18	China		579.00						579.00
	8/18	8/19	Japan		342.00						342.00
Hon. B. Gilman	8/22	8/25	Taiwan		801.00						801.00
	8/25	8/26	Thailand		319.50						319.50
Commercial transportation							2,627.00				2,627.00
D. Gordon	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
B. Hammond	8/29	9/1	Morocco		621.00						621.00
	9/1	9/5	Turkey		762.00						762.00
	9/5	9/9	United Kingdom		1,048.00						1,048.00
Commercial transportation							4,254.45				4,254.45
Hon. A. Hastings	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
R. Hathaway	9/18	9/26	India		1,366.00						1,366.00
	9/28	9/29	India								
	9/26	9/28	Bangladesh		[3] 150.00						150.00
	9/29	10/2	Sri Lanka		480.25						480.25
Commercial transportation							5,439.25				5,439.25
Hon. H. Johnston	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/9	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
G. Kapen	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
C. Kupchan	7/2	7/3	Egypt		157.71				66.84		224.54
	7/3	7/5	Kenya		[3] 230.00						230.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		123.00						123.00
R. McBride	7/18	7/22	Germany		[3] 768.00						768.00
Commercial transportation							3,121.05				3,121.05
J. McCormick	8/22	8/25	New Zealand		528.00						528.00
	8/25	8/31	Australia		1,176.00						1,176.00
	8/31	9/2	Philippines		364.00						364.00
	9/2	9/6	Indonesia		856.00						856.00
	9/6	9/8	Malaysia		376.00						376.00
	9/8	9/11	Singapore		976.00						976.00
Commercial transportation							7,984.45				7,984.45
J. Mackey	8/25	8/28	Tunisia		405.00						405.00
	8/28	9/1	Morocco		828.00						828.00
	9/1	9/5	Turkey		762.00						762.00
Commercial transportation							4,759.45				4,759.45
Hon. D. Payne	7/2	7/3	Egypt		157.71				66.84		224.55
	7/3	7/5	Kenya		430.00						430.00
	7/5	7/7	Uganda		244.00						244.00
	7/7	7/8	Djibouti		163.00		857.14		7.87		1,028.01
	7/8	7/9	Ethiopia		218.00		3,199.29		32.14		3,449.43
	7/9	7/10	Eritrea		123.00						123.00
	7/10	7/11	United Kingdom		223.00						223.00
Peel, K.	8/25	8/28	Tunisia		405.00						405.00
	8/28	9/1	Morocco		828.00						828.00
	9/1	9/5	Turkey		762.00						762.00
	9/5	9/8	United Kingdom		786.00						786.00
Commercial transportation							2,063.57				2,063.57
Roberts, J.W.	7/6	7/9	Austria		645.00						645.00
Commercial transportation							3,258.05				3,258.05
Sletzinger, M.	8/26	8/29	Bulgaria		405.00						405.00
	8/29	9/1	Macedonia		618.00						618.00
	9/1	9/2	Greece		209.00						209.00
Commercial transportation							3,054.15				3,054.15
Hon. Torricelli, R.	7/4	7/7	Portugal				666.00				666.00
	8/14	8/16	Russia		640.00						640.00
	8/16	8/18	Turkmenistan		324.00						324.00
	8/18	8/20	Turkey		508.00						508.00
Commercial transportation							6,985.45				6,985.45
R. Wilson	8/9	8/11	Japan		786.00						786.00
	8/11	8/15	China		1,379.00		313.00		18.34		1,710.34
	8/15	8/17	Hong Kong		987.00						987.00
Commercial transportation							7,158.85				7,158.85
Committee total					54,574.59		123,668.48		784.63		179,027.70

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

LEE H. HAMILTON, Chairman, Oct. 29, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. William L. Clay	8/15	8/19	France		1,068.00		3,826.85				4,894.00
Gail E. Weiss	8/14	8/19	France		1,335.00		4,052.85				5,387.85
Doris Moore-Glenn	8/15	8/19	France		1,068.00		2,581.85				3,649.85
Hon. William L. Clay	8/19	8/24	The Netherlands		1,220.00		108.00				1,328.00
Gail E. Weiss	8/19	8/24	The Netherlands		1,220.00		108.00				1,328.00
Doris Moore-Glenn	8/19	8/24	The Netherlands		1,220.00		108.00				1,328.00
Hon. William L. Clay	8/24	8/28	England		1,048.00		231.71				1,279.71
Gail E. Weiss	8/24	8/30	England		1,572.00		231.71				1,803.71
Doris Moore Glenn	8/24	8/28	England		1,048.00		231.71				1,279.71
Committee total					10,799.00		11,480.68				22,279.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM L. CLAY, Chairman, Oct. 25, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Nancy Jeffery	8/22	9/5	Japan	503,866	4,974.00					503,866	4,974.00
	9/5	9/8	Hong Kong	7,649.30	987.00					7,649.30	987.00
Commercial air							3,636.45				3,636.45
Katherine Van Sickle	8/22	9/5	Japan	503,866	4,974.00					503,866	4,974.00
	9/5	9/8	Hong Kong	7,649.30	987.00					7,649.30	987.00
Commercial air							3,636.45				3,636.45
Committee total					11,922.00		7,272.90				19,194.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GEORGE E. BROWN, Jr., Chairman, Oct. 18, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Gibbons	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700.00	786.00					79,700.00	786.00
Hon. William J. Coyne	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700.00	786.00					79,700.00	786.00
Hon. Wally Herger	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			1,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700.00	786.00					79,700.00	786.00
Hon. William Jefferson	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Hon. Michael McNulty	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Hon. L.F. Payne	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/20	Japan	39,850	393.00					39,850	393.00
Commercial transportation							2,997.45				2,997.45
Hon. J.J. Pickle	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	Japan	79,700	786.00					79,700	786.00
Hon. E. Clay Shaw	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Hon. William Thomas	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Thelma Askey	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90/93		15.783		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Mary Latimer	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.86			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1993—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Frank Phifer	8/19	8/21	Japan	79,700	786.00					79,700	786.00
	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
Christopher Smith	8/19	8/21	Japan	79,700	786.00					79,700	786.00
	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
Chela Sullivan	8/19	8/21	Japan	79,700	786.00					79,700	786.00
	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
Bruce Wilson	8/19	8/21	Japan	79,700	786.00					79,700	786.00
	8/10	8/12	Hong Kong	5,102.10	658.00		[3]12.85			5,102.10	670.85
	8/12	8/15	Vietnam		771.00		[3]90.93		15.73		877.66
	8/15	8/19	China	4,523.12	788.00					4,523.12	788.00
	8/19	8/21	Japan	79,700	786.00					79,700	786.00
Committee total					43,864.00		4,554.15		235.95		48,654.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Transportation by military aircraft.

DAN ROSTENKOWSKI, Chairman, Oct. 20, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2083. A communication from the President of the United States, transmitting his request for fiscal year 1994 supplemental appropriations language for the Department of Agriculture, Energy, Housing and Urban Development, Justice, Transportation, and the Treasury; the National Aeronautics and Space Administration; the Corps of Engineers; the Office of National Drug Control Policy; and the Office of Science and Technology Policy, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–158); to the Committee on Appropriations and ordered to be printed.

2084. A letter from the Comptroller of the Department of Defense, transmitting notification of the Department's intent to obligate up to $11 million for assistance to the Republic of Ukraine for civilian reactor safety upgrades; to the Committee on Appropriations.

2085. A letter from the Comptroller of the Department of Defense, transmitting notification of the Department's intent to obligate up to $10 million for the study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic region; to the Committee on Appropriations.

2086. A letter from the Secretary of Energy, transmitting a report certifying that continued production from the naval petroleum reserves for a period of 3 years from April 5, 1994, is in the national interest, pursuant to 10 U.S.C. 7422(c)(2)(B); to the Committee on Armed Services.

2087. A letter from the Assistant Secretary of Defense, transmitting the semiannual report on the promotion rates of officers in joint duty assignments for the period October 1, 1992, through March 31, 1993, pursuant to 10 U.S.C. 662(b); to the Committee on Armed Services.

2088. A letter from the Board of Governors, Federal Reserve System, transmitting a report on community development lending, pursuant to Public Law 102–550, section 910(a), (106 Stat. 3874); to the Committee on Banking, Finance and Urban Affairs.

2089. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–136, "American University Revenue Bond Act of 1993," pursuant to D.C. Code section 1–233(c)(1); to the Committee on the District of Columbia.

2090. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's report entitled, "Hydrogen Fluoride Study," pursuant to Public Law 101–549, section 301 (104 Stat. 2560); to the Committee on Energy and Commerce.

2091. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's report entitled, "Effects of the 1990 Clean Air Act Amendments on Visibility in Class I Areas"; to the Committee on Energy and Commerce.

2092. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of the antiterrorism training courses to be offered to the civilian security forces of the Government of Mexico, pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on Foreign Affairs.

2093. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 94–03), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2094. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Martin L. Cheshes of Florida, to be Ambassador to the Republic of Djibouti, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2095. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2399, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

2096. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Statistical Programs of the United States Government, Fiscal Year 1994," pursuant to 44 U.S.C. 3514; to the Committee on Government Operations.

2097. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Managing Federal Information Resources: Eleventh Annual Report Under the Paperwork Reduction Act of 1980," pursuant to 44 U.S.C. 3514; to the Committee on Government Operations.

2098. A letter from the President, Overseas Private Corporation, transmitting the fiscal year 1993 annual report to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2099. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 75th quarterly report on trade between the United States and the nonmarket economy countries, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3188. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992; with amendments (Rept. 103–316). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. House Continuing Resolution 135. Resolution calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole (Rept. 103–317). Referred to the House Calendar.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. House Continuing Resolution 169. A resolution to express the sense of the Congress that the United States should seek compliance by all countries with the conservation and management recommendations for Atlantic bluefin tuna adopted by the International Commission for the Conservation of Atlantic Tunas, and for other purposes (Rept. 103–318). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUDDS:

H.R. 3422. A bill to authorize the Secretary of the Navy to transfer, without regard to the required waiting period, an obsolete naval vessel to the U.S. Naval Shipbuilding Museum, Quincy, MA, upon making certain determinations; to the Committee on Armed Services.

By Mr. MICHEL:

H. Res. 292. Resolution providing for the designation of certain minority employees; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PAXON introduced a bill (H.R. 3423) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 136: Mrs. VUCANOVICH and Mr. ZIMMER.

H.R. 391: Mr. UPTON.

H.R. 392: Mr. UPTON.

H.R. 493: Mr. KNOLLENBERG.

H.R. 643: Mr. UPTON.

H.R. 823: Mr. POMEROY and Mr. ANDREWS of Texas.

H.R. 962: Mr. BORSKI and Mrs. BENTLEY.

H.R. 972: Mr. BROWN of California.

H.R. 1015: Ms. PELOSI.

H.R. 1017: Mr. CRAMER.

H.R. 1082: Mr. CRAMER.

H.R. 1083: Ms. HARMAN.

H.R. 1116: Mr. CARDIN.

H.R. 1126: Mr. UPTON.

H.R. 1127: Mr. UPTON.

H.R. 1128: Mr. UPTON.

H.R. 1129: Mr. UPTON.

H.R. 1130: Mr. UPTON.

H.R. 1164: Ms. LAMBERT.

H.R. 1296: Mr. ANDREWS of New Jersey.

H.R. 1534: Mr. MINETA, Mr. SCOTT, and Mr. FROST.

H.R. 1552: Ms. DUNN.

H.R. 1595: Mr. GILCHREST.

H.R. 1889: Mr. FISH.

H.R. 2043: Mr. GINGRICH.

H.R. 2121: Mr. FIELDS of Texas, Mr. SPENCE, Ms. LOWEY, Mr. FRANK of Massachusetts, Mr. ALLARD, Mr. GILMAN, Mr. MICHEL, Mr. BILIRAKIS, Mr. POMBO, Mr. FINGERHUT, and Mr. THOMAS of Wyoming.

H.R. 2159: Ms. FURSE.

H.R. 2191: Mr. FOGLIETTA.

H.R. 2326: Mr. SANTORUM, Mr. THOMAS of Wyoming, Mr. KYL, Mr. COPPERSMITH, Mrs. LLOYD, Mrs. ROUKEMA, Ms. BYRNE, and Mr. HOLDEN.

H.R. 2467: Mr. BARCA of Wisconsin, Mr. BLACKWELL, Mr. GOSS, Mr. HASTINGS, Mr. HUTCHINSON, Mrs. SCHROEDER, Mr. UNDERWOOD, and Ms. VALAZQUEZ.

H.R. 2469: Mr. WALSH.

H.R. 2501: Mr. MCCLOSKEY, Mr. GEJDENSON, Mr. FISH, Mr. MILLER of California, and Ms. BROWN of Florida.

H.R. 2547: Mr. NADLER.

H.R. 2587: Mr. WHEAT.

H.R. 2602: Mr. CALVERT.

H.R. 2680: Mr. INHOFE, Mr. VALENTINE, Mr. RAHALL, Mr. BARCIA of Michigan, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2738: Mr. DELLUMS, Mr. MCCANDLESS, Mr. OWENS, Mr. TRAFICANT, and Mr. ABERCROMBIE.

H.R. 2788: Ms. SHEPHERD.

H.R. 2837: Mr. SMITH of New Jersey.

H.R. 2841: Mr. VOLKMER.

H.R. 2873: Mr. OBERSTAR, Mr. LEVY, Mr. LEWIS of California, Mr. KLECZKA, Mr. GENE GREEN of Texas, Mr. SWIFT, Mr. MOLINARI, Mr. RAHALL, Mr. CALLAHAN, and Mrs. LLOYD.

H.R. 2884: Mr. SANDERS.

H.R. 3087: Mr. NATCHER, Mr. BARLOW, and Mr. SAWYER.

H.R. 3098: Mr. CALVERT and Ms. HARMAN.

H.R. 3173: Mr. BAKER of Louisiana.

H.R. 3205: Ms. KAPTUR, Mr. LAUGHLIN, Mr. CRAPO, and Mr. BARCA of Wisconsin.

H.R. 3260: Mr. QUINN.

H.R. 3321: Mr. BLUTE.

H.R. 3363: Mrs. ROUKEMA, Mr. CALVERT, Mr. CUNNINGHAM, and Mr. STEARNS.

H.R. 3405: Mr. ACKERMAN, Mr. GOODLING, and Mr. HYDE.

H.J. Res. 79: Mr. COYNE, Mr. CRANE, Mr. BILBRAY, Mr. HOBSON, Mr. LAZIO, Mr. LEVY, Mrs. MEYERS of Kansas, Mr. ORTON, Mrs. VUCANOVICH, Mr. ROSE, Mr. RICHARDSON, Ms. ROYBAL-ALLARD, Mr. PAYNE of Virginia, Mr. BATEMAN, AND Ms. SLAUGHTER.

H.J. Res. 197: Mr. CARR, Miss COLLINS of Michigan, Mr. DE LA GARZA, Mr. DINGELL, Mr. HASTINGS, Mr. JEFFERSON, Mr. KOPETSKI, Mrs. MALONEY, Mr. MCDADE, Mr. MENENDEZ, Mr. MILLER of California, Mr. MINETA, Mr. MURTHA, Mr. MYERS of Indiana, Mr. REYNOLDS, Mr. SCHUMER, Mr. STUPAK, Ms. WOOLSEY, Mr. WYDEN, Mr. NEAL of North Carolina, Mr. BISHOP, Mr. STOKES, Mr. HOBSON, Mr. HYDE, and Mr. PALLONE.

H.J. Res. 212: Mr. KOPETSKI.

H.J. Res. 234: Ms. VELAZQUEZ, Mr. FRANKS of New Jersey, Mr. ROEMER, Mr. SWETT, Mr. MACHTLEY, and Ms. PELOSI.

H.J. Res. 246: Mr. CALLAHAN, Mr. FAZIO, Mr. GEJDENSON, Mr. HASTINGS, Mr. HINCHEY, Mr. HOAGLAND, Mr. HOLDEN, Mr. KREIDLER, Mr. LAZIO, Mr. LIVINGSTON, Mr. MATSUI, Mr. MOORHEAD, Mr. RANGEL, Mr. SABO, Mr. SARPALIUS, and Mr. TORRICELLI.

H.J. Res. 264: Mr. MARTINEZ, Mr. FAZIO, and Mr. EVANS.

H.J. Res. 272: Mr. KREIDLER, Ms. MARGOLIES-MEZVINSKY, Ms. WATERS, Mr. HASTERT, Mr. BROWN of Ohio, Mr. CONYERS, Mr. STUDDS, Mr. BLILEY, Mr. REGULA, Mr. ROSE, Mr. CARDIN, and Mr. TORKILDSEN.

H.Con. Res. 147: Ms. MARGOLIES-MEZVINSKY and Mr. HEFNER.

H. Res. 38: Ms. SHEPHERD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 101: Mr. QUINN.

SENATE—*Tuesday, November 2, 1993*

The Senate met at 10 a.m., and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us observe a moment of silence for Kevin Jenkins and his healing. He is a son of one of the staff people in the reporters' office.

Eternal God, Lord of Heaven and Earth, ruler of the nations, at this difficult time in the Senate we pray for a special dispensation of divine grace, wisdom, and love.

Give to each Senator and staff member involved special insight and guide them in thought and speech and decision.

Let Thy will be done here as it is in Heaven.

In the name of the Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, momentarily the Senate will vote on my motion to instruct the Sergeant at Arms to request the presence of absent Senators. Immediately following that vote, or approximately 20 minutes from now, the Senate will resume debate on the Ethics Committee resolution regarding Senator PACKWOOD. That debate will continue throughout the day except for the period from 12:30 p.m. until 2:15 p.m., at which time the Senate will stand in recess to accommodate the respective party conferences.

It is my hope and intention that the Senate will complete action on the Ethics Committee resolution today. Therefore, I intend that the Senate will remain in session continuously until that matter is resolved.

Immediately upon disposition of that resolution, by agreement entered last evening, there will be 1 hour for debate on a motion to invoke cloture or end a filibuster with respect to five pending nominations. There will then follow a vote on cloture. If cloture is obtained, there will then be a period for debate of 90 minutes. Following that, there will be a vote on each of the five nominees.

So it is possible that there will be a substantial number of votes today, including votes on or relating to the Ethics Committee resolution, on cloture, on the filibuster with respect to the pending nominations, and then, if cloture is invoked, on each of the five nominations themselves.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

VOTE

The ACTING PRESIDENT pro tempore. Under the previous order, the pending question is the motion to instruct the Sergeant at Arms to request the presence of absent Senators.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], is necessarily absent.

I also announce that the Senator from Illinois [Ms. MOSELEY-BRAUN], is absent because of illness in the family.

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

McCain

NOT VOTING—2

Bradley
Moseley-Braun

So the motion was agreed to.

ISSUANCE OF A SUBPOENA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 153, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 153) to comply with the issuance of a subpoena.

The Senate resumed consideration of the resolution.

Mr. METZENBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I rise to speak to the subject in a little bit different aspect than that which was discussed yesterday. Yesterday, we heard some very eloquent presentations having to do with the legal aspects of the question of whether or not the Senate should proceed forward on this matter of a subpoena. The arguments were good, they were eloquent, they were intelligent, and they addressed themselves to that issue.

I did not hear a single word concerning the basic charges that have been leveled against the Senator from Oregon, except for the comments of the very distinguished and able Senator from Washington. And that is what is concerning me. I am concerned that while this matter moves forward, if the Senate gives its approval on the question of the subpoena in order to get more information, that the basic charges against the Senator from Oregon, which were filed by approximately 20 women, more or less, will be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in abeyance, that nothing will be occurring.

Frankly, I think that if it goes to the district court and then it goes to the court of appeals and then it goes to the Supreme Court, it will be 2 or 3 years at least before the matter is really resolved.

The Senator from Washington said:

> A vote for the resolution sends a message to citizens throughout our Nation that sexual misconduct in the Senate will be investigated to the fullest possible extent. A vote against this resolution sends a clear message also to every woman in this country that if you are harassed, keep quiet, say nothing, the cards are stacked against you ever winning. Procedures, rules and other issues will obscure the allegations being investigated.

I have tremendous respect for my distinguished colleague from Washington. But I do not really see it that way, because as I see it—I am not saying anybody should vote for or against the motion. I think that is a decision each of us will have to make on his or her own. But what concerns me is that if this matter is in the courts for 2 or 3 years and the Ethics Committee is not moving forward during that period, then indeed those 20 women, or whatever the number is, who have filed the charges will be very upset, as will many other people throughout the country.

So my real question to address to the chairman and ranking member of the Ethics Committee is that you had a lot of evidence brought to you by live witnesses, witnesses who testified before you, as I understand it. I do not know how you got your evidence. It was my understanding that a number of women testified; that you also had certain information from the diaries going up to 1988. But the fact is that the actual testimony of those women, what has appeared in published reports—and I know nothing more than that, to make a prima facie case before the Ethics Committee. My concern is that this matter is going to be put on the back burner awaiting a decision by the court.

I wonder whether the chairman of the Ethics Committee, for whom I have tremendous respect, and who I think has done a tremendous job under very difficult circumstances, and I say the same for the ranking member—I wonder whether or not we can be assured that this matter will go forward pending decisions of the court, or whether we may have to assume that it is just going to be delayed until all of the court procedures have been resolved.

Mr. BRYAN. Let me try to respond to my friend from Ohio by saying, first, we strongly believe that there is evidence in the diary from 1989 to 1993, the only portions that are requested. Again, to refresh the Senator's memory, the staff has reviewed each of the pages of the diary, some 5,000 pages, from 1969 to 1989, up to that point on October 17 which was the subject of our discussion yesterday, at which point an impasse was reached.

So, first, let me respond by saying that we believe that there is other relevant information to the sexual misconduct allegations contained in the diary, and that comes as a consequence of what the committee staff knows based upon its investigation to date.

Second, with respect to the assurance that the Senator requests as to the action that the committee would take, I can give no assurance as to what course of action. That is something that the committee itself would have to decide based upon the situation that it confronts at the time.

I think the vice chairman and I are hopeful, and the entire committee is hopeful, that the Senate will support the position we have taken. We do not know what position, if any, might be taken by Senator PACKWOOD and his counsel in court. We do know that, under the circumstances, our counsel would clearly request an expedited consideration of any matter pending.

Mr. METZENBAUM. Although the committee has not acted on the question of whether to go forward or not to go forward, certainly it would appear—and I know nothing at all about the facts, but I have read something like 20 women having testified, and I am aware of the fact that the committee staff has been able to investigate the diaries through 1988.

My question is: Is it not reasonable to expect that there is sufficient evidence there from which at least a preliminary conclusion could be reached so that—I believe that dragging this matter through the courts—and I am not opposed, and I understand why you want the subpoena, and I am not addressing myself to that question. I do know that if this matter drags out 1, 2, or 3 years—and I think 3 years is probably closer to an accurate figure than 1—and nothing is done by the Ethics Committee, I believe it will not reflect well on the U.S. Senate. I think that it will indicate we got ourselves embroiled in a legal battle rather than dealing with the facts of the case.

Mr. BRYAN. That, of course, is a decision largely in the hands of Senator PACKWOOD and his counsel. It is a course of action they are entitled to take under the law. Obviously, the committee is very sensitive to having this matter considered as expeditiously as possible, to be disposed of so that witnesses who have come before the committee have an opportunity to be heard and ultimately the issues be resolved.

My response would only be that, No. 1, if the committee is denied access to the material from 1989 to 1993, it is incomplete. In other words, the allegations are, under the primary charges, sexual misconduct, the alleged intimidation of witnesses, and the use of staff in furtherance of that intimidation. It is only allegations. Obviously, with respect to the intimidation allegations, those arise, if they are there at all—and no judgment or conclusion has been made by any of us as to the qualitative evidence that may be available on those—those arrive, if at all, during the 1992–93 timeframe, the very period covered by the diary entries that we seek to gain.

I note that the vice chairman is on the floor. Let me yield to him, with the Senator's permission.

Mr. McCONNELL. I say to my friend from Ohio, the committee is acutely aware of the issue that you raised this morning, and it is our hope to complete this case at the earliest possible time. I think that is the best way.

Mr. METZENBAUM. Are the chairman and the ranking member impliedly indicating that, by reason of their inability to obtain all of the information in the diary from 1989 on, there will be a delay in dealing with the basic issues that have been brought to the committee by the women?

Mr. McCONNELL. I do not know how far afield the debate will go. It is our hope today to focus on the issue of subpoenas and to move forward, and it is difficult, frankly, to respond to a hypothetical. All I can tell the Senator from Ohio is we are acutely aware of the point he raised this morning. All members of the committee are aware of that argument, that concern, and it is the goal of the committee, I think without exception, to finish this case at the earliest possible time. All we are asking from the Senate today is to support the process which is now before us.

Mr. METZENBAUM. I understand the responses of both the chairman of the committee and the ranking member.

Mr. BRYAN. Let me, if I might, just amplify the response of the distinguished Senator from Kentucky. The issue before the Senate is, Shall the Ethics Committee, having come across evidence which it believes raises the possibility of other violations, be denied access to that information? That is really the issue.

Mr. METZENBAUM. I understand.

Mr. BRYAN. Every right, every legal advantage which Senator PACKWOOD is entitled to under the law, all of these issues can be raised in a Federal court. That is his right. Nobody denies that. But this is a very narrow issue we are dealing with, I say with great respect to my friend.

Mr. METZENBAUM. I am not addressing myself to that narrow issue.

Ms. MIKULSKI. Mr. President, if the Senator will yield, perhaps I can help the Senator.

First of all, I thank the Senator for raising what I think is a bona fide issue. The question is timeliness and moving on the charges relating to sexual misconduct and the intimidation of witnesses. The Senator's concern that the cause related to the issues relating to sexual misconduct is languishing, moving on a back burner, I think are bona fide concerns.

What the Senator from Ohio should understand is the process that we have been undertaking. We have in a meticulous and often tedious way been working through this case throughout the entire process. The Senator should know that the PACKWOOD lawyers have engaged in dilatory and stonewalling tactics. That is why it has taken the committee, ready to move in a robust and honorable way, to October to get here.

Now, in the midst of the deposition and knowing what our timeframe was, I say to the distinguished Senator from Ohio, we have concluded the depositions with the women. We are now in the process of getting a deposition from Senator PACKWOOD. In the course of that deposition, out came the information about the diaries. It had been our hope to be able to move in an expeditious way subsequent to the conclusion of the deposition.

Where we now find ourselves as a committee is, No. 1, a diary; No. 2, a diary that Senator PACKWOOD has made available up until 1989. The information from 1989 through 1992, we believe, has information related to two issues, one the original issue that brought the PACKWOOD case to the Ethics Committee and possibly—and I want to underline "possibly"—new material.

Therefore, we need the subpoena to move ahead. And then we will need to evaluate whether there will be other ways of moving this. But I want the Senator to know, No. 1, we would have finished this a lot earlier if we had the cooperation of the PACKWOOD attorneys; No. 2, the deposition on Senator PACKWOOD could not be completed because it was interrupted for this. Because the deposition has not been completed, we cannot evaluate, then, what would be a subsequent way of most effectively dealing with this.

I do thank the Senator for raising the issues and concerns to ensure that the women who are involved in this do also get a fair deal, that while we are very much concerned about the rights of Senator PACKWOOD, I thank the Senator for being concerned about the rights of the women.

Mr. METZENBAUM. I thank the Senator from Maryland, my friend.

I want to say for myself that if the Ethics Committee is in a position to proceed forward on the basis of the evidence which is already available and in hand and if it awaits additional information pending resolution of this question that is before us here concerning the subpoena, I would think that that would not necessarily be in the public's best interest.

I am concerned that interminable delay while this matter proceeds through the courts—I am not suggesting we should vote against the subpoena by reason of that fact, but I am saying if the committee has sufficient evidence to proceed forward, that they ought to give consideration to doing so, while, at the same time, assuming they get the authority from the Senate, while, at the same time, proceeding through the courts to get additional information.

I think that would serve the public interest and, I would say with some emphasis, the interest of the women who filed this complaint, as well as all women and others who have a strong interest in this case.

I yield the floor.

Mrs. BOXER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I, too, appreciate the Senator from Ohio standing up to whom I assume he thinks speaks for the aggrieved women.

But I have to say to the Senator that we have heard from the chairman of the Ethics Committee that there may well be relevant information pertaining to sexual harassment in these documents and diaries that Senator PACKWOOD and his attorneys are refusing to turn over.

We do not know that, but correct me if I am wrong, Mr. Chairman of the Ethics Committee, is it not so that it is possible that there is information in these diaries that the chairman is seeking to get that would, in fact, relate to the original charges that are before him?

Mr. BRYAN. The Senator from California is correct.

Mrs. BOXER. I would say to my friend from Ohio, these women want justice. And there are over 20 of these women, some of whom have carried this burden around for a heck of a long time. And if it means that we have to wait a little longer to possibly get some new information so that the Ethics Committee knows everything that they need to know, I think it is important that we support these women by supporting the Ethics Committee.

Mr. President, I stayed here through every speech last night and sometimes I felt like I was in a law school class. And I never went to law school, so I could be wrong on that.

But I heard about hypothetical this, and hypothetical that. And there are women—as Senator MURRAY pointed out, because I think, as she usually does, she brought us back to reality last night—that are waiting for this work to get done. And there are those of us in this Chamber who are waiting for the Ethics Committee to get its work done, but to do it in the most thorough way, because it is very, very serious.

It is important to note that the Senator made these diaries available in the first place. And, again, I am not a lawyer, but, as I understand it, in a court of law, if someone makes documents available to defend himself or herself, then the other side deserves the right to see those documents. I think that is also fairness and common sense.

We would not be here today if Senator PACKWOOD and his attorneys would continue to live up to the initial agreement. And I think that is important to understand.

So I believe there are four compelling reasons to support the Ethics Committee.

First, their actions are entirely proper under the Senate rules that we abide by here. The rules of the Senate say:

> It shall be the duty of the Select Committee—on Ethics—to * * * investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate.

In carrying out this duty, the committee is also clearly authorized under the rules "to require by subpoena * * * the production of such correspondence, books, papers and documents * * * as it deems advisable."

In title II, United States Code, section 288(d), the committee is authorized by law to enforce its subpoena for documents and to do so by reporting a resolution such as the Senate is debating today.

Clearly, Mr. President, the Ethics Committee has followed the letter as well as the spirit of the law in taking steps to issue and enforce the subpoena in question.

Now, if Senators do not like the law, if Senators think there ought to be another way to deal with these issues, then I think that is a very reasonable issue to debate. But it is an issue and a question for another day and another time. And I am very willing to agree that there may well be merit in looking at it another day.

A second reason why the Senate should approve the Ethics Committee resolution is that support for the subpoena and the authority to enforce it is clearly bipartisan, painfully so. This has to be a horrible situation for those Republican members to have to deal with this, and yet they are unanimous. And for us to walk away from that, I think is clearly wrong. They say they need this information and we should believe them.

Third, Mr. President, I believe the Senate should support this resolution because it is a reasonable request of the panel which was created in 1964 to handle matters concerning the conduct of Senators. Again, it is the sole process that we have. The Ethics Committee is doing its duty.

And, finally, if we do not support the committee in its efforts to complete this investigation, we will be sending a message that we are incapable of policing ourselves. We will be sending a message that the Senate is willing to turn its back on possible—"possible," underlined—criminal violations. We must not do this. We must keep faith with the American people and demonstrate that Senators will be held accountable for their conduct.

We must not be intimidated into inaction. Intimidation to me is the lowest form of behavior. Let us not be threatened into turning away from the ethics process. The integrity of this institution must prevail, not threats and intimidations.

As the New York Times editorial of October 28 states:

> If the Senate has any honor, it will not tolerate further evasions or intimidations * * * Its Ethics Committee deserves the full Senate's support.

And an L.A. Times editorial of October 30 says:

> * * * Quick and decisive Senate action is essential.

So in closing, Mr. President, as long as the Ethics Committee has the responsibility we have given it, we must allow the Ethics Committee to do its job. It is not pretty, it is not pleasant. But the Ethics Committee tells us in the strongest bipartisan way that they need this information. I say we should support them to a person.

I yield the floor.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, again I do not want to get into argument over who struck John, what was the agreement between the counsel, was there a waiver.

Mr. WALLOP. Mr. President, will the Senator yield for one moment, please?

Mr. PACKWOOD. Yes.

Mr. WALLOP. Mr. President, I have been troubled by several of the last few discourses on this floor. It is my hope that we are not presuming the conclusion of the Ethics Committee of the search for the information to which it feels itself entitled. I do not feel that it is a known fact. I do not feel that the committee can say either that there was a conclusion about the original charges of harassment of women, or especially about the so-called charges that may be criminal.

I am taking the liberty of my friend's time on the floor to say that I have no way yet of knowing how I am going to vote on this issue before us. I have no way yet of knowing if the issue before us is going to be exactly the same as it is now presented. But I have every way of knowing, and so should every Member on this floor, that the committee has yet to do its work and yet to reach its conclusions.

It has reached a conclusion that it seeks a subpoena. We do not know that women have been abused. We have seen that reported in the papers, and maybe it is true and maybe it is not. But it is absolutely the entitlement of the Senator from Oregon, or any other Senator who sits in this Chamber and serves in this Senate, to presume their innocence until such time as a conclusion has been reached by this committee.

I heard last night some things which I thought were very troubling. I heard that no committee member has seen what is contained in these diaries. We see reported in the paper this morning, in the Oregonian, attributed to committee sources, Senate sources—and there is only one Senate source that knows what is in these diaries—details of what theoretically may or may not be a criminal charge. We are entitled to know that the committee will protect its information before ceding it—yielding it up.

It strikes me as strange that this Senate, somehow or another, is having the thoughts of criminal activity tossed around when no preliminary inquiry has been launched by that committee, no majority vote has been taken. Surely we can be patient long enough to know what the committee's conclusion is before rendering judgment.

The issue before us is much more narrow than that. The issue before us is: Shall we authorize this committee to issue a subpoena?

Last evening on the floor the Senator from South Dakota said that the sole reason that the committee existed was to protect the reputation of the Senate. I tell you, as having been its chairman, that is not the sole reason that the committee exists. The committee has the fundamental obligation, and it was exercised frequently during my tenure there and others' tenure as chairman, to protect as well the reputation of Senators. We have no business leaking. We have no business assuming. And yet many of the conversations on this floor are about assumptions.

I say that our obligation, and the committee's obligation, is to protect the reputation of Senators because anybody who has served on that committee knows of the enormous volume of frivolous charges that come floating through, some of which are extraordinarily serious and some of which in public are damaging in the extreme and some of which, once reaching the public, can never be expunged from a person's record.

There was a time when the Senator from Wyoming took the side against his own party in the middle of a campaign to defend the reputation of a Senator who had been unlawfully charged, and frivolously charged. The committee's fundamental obligation is twofold, not onefold. The committee's fundamental obligation is to protect the reputation of the Senate and to protect the reputation of Senators. And we all do it a disservice if we prejudge its conclusions or leak any information about it.

I hope that what we are about debating is whether or not a subpoena in such broad terms should be issued. I hope we are not about debating what others in the country may be thinking about what has yet to be concluded, and which has no right to have been concluded because all the information is not present. Indeed, that is what the whole issue of the subpoena is about.

As I said before, I have no idea how I am going to vote on this thing. The arguments are compelling on both sides right at the moment. It is no less painful for each Senator than it has been for the committee. But it is painful to hear a conversation on this floor assume that some judgment has been rendered, because it has not been.

It is not the obligation of the committee to protect its reputation in front of the press. Its reputation is developed by how well or poorly it finally does its job—ultimately. The pain of being on it is not to be relieved as a matter of relief from pain for being on the committee. The pain of being on it is to be relieved by doing its job, rendering its conclusions, and asking the Senate for its ultimate support. And I hope that is what we are about.

I thank my friend from Oregon. I am sorry to interrupt him.

Several Senators addressed the Chair.

Mrs. KASSEBAUM. I wonder if the Senator from Oregon would allow me just to follow the Senator from Wyoming just for a moment?

Mr. PACKWOOD. Absolutely.

Mrs. KASSEBAUM. Mr. President, I rise to make a few comments regarding those offered by the Senator from Wyoming. I, too, was disturbed last night by some comments made by the Senator from Washington. I would like to read a couple in particular that I would question.

The Senator from Washington said:

> I believe that Members of this body must demonstrate to the people of this Nation that we will not abdicate our responsibility to discipline ourselves.

I think each and every one of us takes that responsibility seriously. This is not a question of abdicating that responsibility. I think it really is a question of asking some thoughtful questions that need to be asked. Many of us might wish that it did not take this long, or in this public a forum, but that is also part of the process that is important.

I think, also, it is a mistake to assume in this debate, in this particular debate, that the message of this vote today, and I quote,

> * * * goes beyond the support of the Ethics Committee request. A vote for the resolution sends a message to citizens throughout our Nation that sexual misconduct in this Senate will be investigated to the fullest possible extent.

I would just suggest to my colleague from the State of Washington, that is not what this debate at this particular moment is about. It is really about whether the subpoena as such is one that is going beyond an initial scope of inquiry of the Senate Ethics Committee and whether the questions that are being asked are ones that are important to be asked.

I have a great deal of respect for the Ethics Committee. I once served on it myself. And I have enormous respect and support for the work of the Ethics Committee. But I think it is very important for us not to send a message out on and beyond the Senate Chamber that this is, somehow, a reflection of whether we support or do not support sexual misconduct.

This is really more about our own thoughts of the work of the Ethics Committee; our support for that work but our willingness to ask probing questions. And I believe we will, each of us, find the right answers.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Chair. Let me say again, I want to start out by saying I do not want to get into an argument about who struck John. I thought one of the best statements we had last night was by Senator HEFLIN, Judge Heflin, former chief justice of the Alabama Supreme Court, when he said these arguments about privacy and constitutional rights are ill-decided here. Those are issues for the courts. And I think we could argue until we are blue in the face on the floor of the Senate and we can cite cases and they can cite cases about how the court will come out, and we will never know until the court comes out. So I want to pass over that for the moment, as to what was the agreement between counsels and who did what.

But before I continue on I would like to ask a question of Senator SPECTER, if I could, who I think is probably our most experienced trial attorney. If I might ask him one question.

Would you tell me what the normal process is in a normal cause—whatever that may be—when somebody is subpoenaed to produce relevant documents?

Mr. SPECTER. Mr. President, the process is that the party subject to the subpoena turns over all documents which are called for in the subpoena as the recipient of the subpoena understands it; and compliance, full compliance requires that all documents be turned over. The judgment is that of the recipient, and the recipient is subject to penalties under perjury because the recipient, under court process, appears in response to the subpoena, takes an oath that those are all of the documents called for, and submits the documents of the subpoenaed party.

Mr. PACKWOOD. Does that mean, therefore, that the person subpoenaed makes the decision as to relevancy, what he or she thinks is relevant to the subpoena?

Mr. SPECTER. It does. The person receiving the subpoena makes the decision as to relevancy and the scope as called for in the subpoena is subject to the interpretation of the person receiving the subpoena. But that is subject to penalty for perjury if the responses before the subpoenaed parties are not truthful.

Mr. PACKWOOD. I thank very much our colleague from Pennsylvania. I want to ask the Chair or the Vice Chair, if I might, prior to the issue of the diaries, we submitted over a thousand pages of documents to the committee; is that right?

Mr. BRYAN. Senator, let me inquire of counsel.

Mr. PACKWOOD. I believe it is 1,036.

Mr. BRYAN. I am informed by our counsel it was a substantial amount of information. He has no reason to disagree it may have been a thousand. I want to be careful not to make a misstatement.

Mr. PACKWOOD. For purposes of my question, it does not matter if it was 500 or 1,000. It was a lot of pages. Who determined the relevancy of those pages?

Mr. BRYAN. Senator, in responding, if you are talking about the document request dated on the 29th of March——

Mr. PACKWOOD. No; I mean the thousand that have already been submitted.

Mr. BRYAN. Those were submitted, I presume, some of those were made available before the document request, some after the document request. The Senator from Oregon made a determination as to what was relevant.

Mr. PACKWOOD. As we looked through all of the documents we had, my lawyers and I said this is relevant, this is not, this is relevant, this is not. Actually the only quarrel we had with the committee was not over relevancy, it was whether some documents were attorney-client privilege. We submitted those to Judge Starr.

I do not think in the documents we produced there was any argument about relevancy, nor did the Ethics Committee go into all the documents we had to see if what we produced was relevant; is that correct?

Mr. BRYAN. I cannot respond to that. I can say you produced documents that you and presumably your counsel made a determination were relevant. They were provided. There was a good bit of difficulty in some ways. We went to Judge Starr to make determinations.

The Senator correctly reported we resolved that in favor of the committee and the committee accepted that. We had a right to challenge it. What became an issue is whether the Senator from Oregon——

Mr. PACKWOOD. I understand. All I am saying is in the 1,036 pages of documents we produced, the committee took our word those were the relevant documents. They did not say we demand to see if you produced the correct documents.

Mr. BRYAN. That is correct.

Mr. PACKWOOD. If I can address myself to Senator MCCONNELL and his statement yesterday:

> . . . I want to point out the bitter irony, that if Senator PACKWOOD's attorneys had responded properly to the committee's earlier requests, simply by producing those diary entries relating directly to the allegations before us, it is inconceivable that we would be in the position we find ourselves in today, arguing before the Senate and the entire world over a committee subpoena of complete diaries. In other words, if the committee's request had been complied with, then the committee would have gotten what it wanted and the rest of the diaries would have remained undisturbed in Senator PACKWOOD's safekeeping forever and ever. None of the subpoena of the diaries in toto, the media circus, the floor fight would have occurred.

Do I interpret that statement to mean that had we complied with the diaries that, as you say we wish we had, they would have been treated like the other thousand pages we put in and the committee would have accepted our definition of relevancy and not asked for more?

Mr. MCCONNELL. It is my view, and I sought to express it yesterday, that had that occurred at that time——

Mr. PACKWOOD. Right.

Mr. MCCONNELL. All of this would have been avoided. I suppose I could not guarantee it, but that is certainly my view, that it would have been avoided.

Mr. PACKWOOD. Now, if I might address the chairman. In response to a question from Mr. COHEN yesterday—Mr. COHEN said:

> Well, that is the original question I asked you. If in fact Senator PACKWOOD said I have a diary, 8,200 pages long, and I am giving you 30 pages of relevant information of the 8,200, would that have been satisfactory to the committee, or would the committee then insist, no, we want all 8,200 pages? That is really what the issue is, I think, for many members.
>
> Mr. BRYAN. Certainly, at that early stage, before the new information came to our attention, we would have been content to have had the information the Senator identified.
>
> Mr. COHEN. At that point, had he simply said I have a diary with 30 pages of relevant information, the committee would have accepted his definition of what is relevant and not insisted upon a full examination of the 8,200 pages?
>
> Mr. BRYAN. I think it is fair to say * * * that.

Is that correct?

Mr. BRYAN. That is, but I think it is important, Senator, to indicate that that would have been a time earlier if the Senator had voluntarily produced his diary pursuant to the document request, much in the context of Senator MCCONNELL's response earlier, I believe that that would have satisfied it. The situation became much different when the Senator refused to provide that information. Thereafter, during the course of his examination, the committee became aware that there was relevant information. I think at that point I would say with respect to the Senator the situation was very different. Having once failed to provide information that is clearly relevant, relevant by the Senator's own testimony, at that point I do not believe that the committee was in a position to accept the Senator's view of what was right.

Mr. PACKWOOD. I understand that. If the chairman might continue. At the initial—I mean your response is correct. At the initial time you asked it, had we provided it, the committee would not have pursued it any more than they pursued the thousand pages?

Mr. BRYAN. To some extent, the Senator's question is speculative, but I believe that is likely the case.

Mr. PACKWOOD. Right. And in that case we would have produced the information that was relevant to the charges and the committee would not have seen the particular entry that has been the cause of the so-called incident, or the other of the—OK.

Now, we met last night, and the agreement of the meeting was that we would not tell the press about the meeting and we would not discuss the meeting but we were free to discuss it on the floor, is that correct?

Mr. BRYAN. That is correct.

Mr. PACKWOOD. Right. Now, last night we met, and I had indicated on the floor yesterday I did not know exactly what it was that this incident was they were talking about. I had a suspicion, based upon stories in the newspaper, that related to Steve Saunders offering my wife a job. That is the only suspicion I had. It turns out the committee had found on the same page references to Lester Pollack and Ron Crawford offering a job, although my attorney indicates that when Mr. Baird talked with him about this issue no issue was mentioned except the Saunders issue. And, in addition, last night the committee indicated they were interested in a job offer from a man named Tim Lee.

Now, Mr. Chairman, do I accurately reflect that as of last night?

Mr. BRYAN. Certainly those indications which the Senator has just made, that was certainly part of the conversation that was held last night.

I just simply say to the Senator and my colleagues, since I have not seen either of those two entries, the information that I have had and which I have shared here is based upon both the chief counsel, Mr. Baird, and another member of our staff who have seen those.

So you are asking me to state what may be in those diary pages. I am not able to do that. I can indicate that that was the substance of the conversation, and the committee staff did indicate that there were several matters included——

Mr. PACKWOOD. But you relied upon what the counsel told you, I assume.

Mr. BRYAN. That is correct.

Mr. PACKWOOD. Now, did the counsel say last night that this—counting all of these four people now, not just the Saunders incident—this was the only other incident, if we count the four as an incident, that the committee had, they had nothing else at the moment that they were searching for other than the original charges, of course.

Mr. BRYAN. With the Senator's indulgence.

As I am informed, those were the areas that were discussed. Those were the areas that were of concern to our counsel. And also whether those incidents would indicate or reveal any kind of pattern——

Mr. PACKWOOD. That is correct.

Mr. BRYAN. During the course——

Mr. PACKWOOD. Job offers to my wife.

Mr. BRYAN. Which—you know, going beyond what was initially observed.

Mr. PACKWOOD. I understand that.

Mr. BRYAN. And also the possibility of any interrelationship between that and the other issues which are before the Senate.

Mr. PACKWOOD. I understand that. I wish to make sure of your counsel's answer. The only thing they had seen in the diary were these job offers to Georgie, which ticked off—my wife. Pardon me, my former wife Georgie—which had ticked off a problem in their mind. They had not seen anything that related to campaign violations or something of that nature. At least as they told us last night, this was the issue. Is that correct?

Mr. BRYAN. I recall no discussion last night of any campaign issue.

Mr. PACKWOOD. All right.

Mr. BRYAN. That was not discussed last night, Senator.

Mr. PACKWOOD. No. But I specifically asked last night, is this the troubling issue, and were there any others, and I was told, no, this is the issue.

Mr. BRYAN. Well, you say this is the issue. There were several things that were commented on that relate to what the Senator has just——

Mr. PACKWOOD. I understand.

Mr. BRYAN. I want to be very careful that the Senator, who is a very skillful questioner, does not lock me into a position, because I have not seen that information, that would preclude me from responding at a later time if I do see the information.

Mr. PACKWOOD. I understand. I am not trying to cabin you in as to——

Mr. BRYAN. There was no discussion about campaign violations.

Mr. PACKWOOD. No discussion about other issues. The issue was employment opportunities for my wife and whether there were some quid pro quo on legislation or anything like that.

Mr. BRYAN. That is correct, as they relate to your official activities as a Senator.

Mr. PACKWOOD. I thank the Chair. Now, as I say, this was the first time I had discovered this. The staff indicated—realizing that the committee has not seen any of this, the staff indicated this was the only other troubling incident. And I am using this incident in the broadest sense of the word, anything that might have related to an employment offer to my wife. And I said, if that is the situation, would the committee consider adding this—they do not have to charge me, but we would respond to this charge, realizing there are no others that they now know about. They have got the allegations, the early charges, they have this that they have seen but nothing else—would the committee consider that, if I would respond to these charges also, with all of the relevant information that would be in the diaries as to these charges, in addition to the misconduct, sexual misconduct charges, would the committee consider that and let us provide the diary information for the only evidence that they had of things that concerned them? Now, did the committee say, Mr. Chairman, it would consider that?

Mr. BRYAN. The committee did say that. I specifically indicated that we would carefully consider any proposal.

Mr. PACKWOOD. Now, also, did I ask if my counsel and I could personally appear before the committee and argue our position?

Mr. BRYAN. That was requested. It was the view of Senator MCCONNELL and myself—and we have had a number of those requests. We believed that the appropriate course of action was to treat you the same as others who have requested to come, namely, those who are complainants and their attorneys, and we declined that. But Senator MCCONNELL and I did agree to meet with you, and we did in fact do so.

Mr. PACKWOOD. But as with many other procedural matters where we have asked to appear before the committee, we were turned down again, to appear, not on the substance.

Mr. BRYAN. Let me ask Senator MCCONNELL to respond if he would.

Mr. MCCONNELL. Let me just elaborate what the chairman has said. It was the feeling of my chairman and myself if we—I do not know how many other lawyers are involved in this.

Mr. BRYAN. Dozens.

Mr. MCCONNELL. Dozens. Dozens of lawyers involved with complaining parties, and we felt if we went down this path, there would be simply no way to fail to meet with all the lawyers, and that is all we would be doing.

Mr. PACKWOOD. Although in this case your lawyers are your committee staff who you meet with every day and talk with every day.

Now, last night as we were discussing this, chief counsel Baird, when my counsel said, "Senator, you have nothing to lose by this," made the statement—correct me if I am wrong, Mr. Chairman —well, the committee would lose its right to determine relevancy.

Mr. BRYAN. That is correct. That was the response. In other words, our view of your proposal is that the committee would lose its ability to determine relevancy and, in effect, that was the determination that was to be left to you.

Mr. PACKWOOD. That is correct. And by that he meant if you could not see all of the diaries, you could not determine relevancy.

Mr. BRYAN. The essence of the response by counsel, as I recall, is it is the proper function of the committee to determine relevance after looking at all of the information, and the committee, at least in the view of our counsel—a view which I share and I believe the vice chairman does as well—is that the committee could not, in effect, delegate that—or "abdicate" would probably be a better word—could not abdicate that decision to you and your counsel, that we would have to make that judgment.

Mr. PACKWOOD. In other words, you would not follow the same process that you had followed in the production of the thousand pages we produced where we determined the relevancy and gave to you and you said that is fine.

Mr. BRYAN. That is correct, because—let me just say that I think we crossed the Rubicon on that issue a long time ago. Senator McCONNELL has addressed that issue, as have I. But once the information was determined in the diary to be relevant—your statement during the deposition—then that indicated, Senator, that you had failed to produce relevant information to the committee in response to those document production——

Mr. PACKWOOD. That is a different position.

Mr. BRYAN. If the Senator——

Mr. PACKWOOD. Now we are back to the issue of waiver again and did I waive my constitutional rights.

Mr. BRYAN. No, that is not an issue of waiver alone. It is certainly that, but it certainly indicates to the committee a question of whether or not the Senator from Oregon is going to be forthcoming because, at that point, the Senator did not provide that information even though the standard of relevance at that time was with respect to the three primary charges.

Mr. PACKWOOD. I understand what you are saying. Exactly. All I am saying is that up until this time we had been allowed to determine the standard of relevancy. Senator SPECTER says that is the normal way that relevancy is determined when you are subpoenaed. But at that stage, although I had asked you later, we have sort of negotiated—not negotiated—we sort of orally suggested the offer, you said for us to put it in writing.

I wish to emphasize to the Senate there were no other bits of evidence other than the sexual misconduct and this allegation that I illegally or unethically attempted to provide jobs for my wife. They had seen nothing else. They had no need for any other information to satisfy their knowledge as to what either they had charged or what they had seen. So with that, we sent the letter this morning:

> DEAR SENATORS BRYAN and McCONNELL: We would like to make the following proposal for a procedure to resolve the current situation involving the Committee's legitimate needs for information and Senator Packwood's rights of privacy in a manner which:
>
> (i) recognizes the Committee's need to conduct a thorough investigation of the subject matter described in its February 4, 1993 statement as well as the matter referred to by the Chairman and Senator McConnell in conversations with us on November 1, and
>
> (ii) protects the privacy interests of Senator Packwood and others who might be mentioned in the diaries.
>
> Our compromise proposal to reconcile these two goals is one that the courts have used in this very situation dealing with private personal diaries:
>
> 1. As for the diary entries relating to the current preliminary inquiry—

These are the sexual charges—

> —we have repeatedly assured the committee that we want them to have the information in the diaries bearing on the ethics charges so that we can promptly move to conclude those proceedings. We will review the diaries subject to the subpoena and select all entries which are relevant to the matters described in your February 4, 1993 statement. We will then immediately submit the diaries in their entirety to the Honorable Kenneth W. Starr, former Solicitor General and U.S. Court of Appeals judge who has been selected by the Committee to act as hearing examiner in this case. He would make an independent review of the diaries to ensure that all diary entries relevant to the pending preliminary inquiry as set forth in the February 4, 1993 statement have been identified. Judge Starr will then provide a copy of all such relevant entries to the Committee staff and return the diaries to Senator Packwood.
>
> 2. You have identified a matter reflected in a diary relating to helping Mrs. Packwood find employment and questions about linkage with official duties. We propose that we follow the same procedure noted in paragraph 1 involving Judge Starr to ensure that the Committee receives all diary information relevant to that matter.

"Judge Starr's responsibilities would be limited to making the decisions in connection with the items set forth in paragraphs 1"—the sexual charges—"and 2"—the employment for my wife's charges.

> We believe this proposal strikes a reasonable balance between committee interests and responsibilities to investigate the matter identified in the February 4 statement and the additional matter which was described to us and referred to on the Senate floor today, as well as privacy interests raised by Senator Packwood's private personal diaries.
>
> . . . by producing the diary entry . . . would preserve, and would not waive, any applicable Constitutional rights.
>
> As Senator Packwood stated in our conversation earlier this evening, he . . . would like to meet with the full Committee to discuss this proposal.

I say that was turned town. Here is the import of this letter.

The only information that is now in the possession of the committee that even involved alleged wrongdoings are those relating to the preliminary charges, and those relating to whether or not I illegally or unethically attempted to get employment for my wife.

It is all within their possession or knowledge. We are willing to provide every scintilla of information that is relevant to those charges. What we object to is giving the entire diary to the committee and letting them go through it to see if they can find other charges of which they have no knowledge of which no one has complained of which not a single member of the staff has seen and say let us run these through and find everything we can conceivably find.

That is not fair. I wager not a single Member of this body if the committee says we have the right to go through every letter we have ever written, every phone call we have ever made, they could find allegedly something.

Now here in my mind is where the Senate is. Can the committee get everything it needs to satisfy every conceivable interest it has as to any possible violation that is now in their possession or in their mind?

And the answer is "yes." We will give it to you and go through the Judge Starr process. Let him have it all, pick out the relevant materials. We will not argue with him. Give it to the committee. If the committee says "no"—and we asked, they turned it down. I do not know why. I did not get to appear, get to argue. They turned it down, this request.

They have to have been turning it down on one of two arguments: First, we have the right, not just you, Senator PACKWOOD, but anybody who is charged with anything to go through all their materials to see if we can find anything else. It either has to be on that—Senator BIDEN and Senator COHEN attempted to raise this issue yesterday. Senator BIDEN said what is the opinion upon which the subpoena rested. Is it that the Packwood case is unique in which case perhaps we decide it on the uniqueness? Or is the committee saying they have the right ab initio, from the start, when there is a complaint, "Who killed Cock Robin?" somebody writes, and the committee says "Well, you may or may not have it. We want to see if you illegally violated campaign laws, if you illegally violated the gifts laws, or if you practiced law on the weekends. Give us your documents."

It has to be that or unique to this case. What is unique to this case is the argument as to what was the agreement between the counsel that there is a disagreement on, whether or not we waived any constitutional rights. And as Judge Heflin said, Senator HEFLIN, that is an argument for the courts. The Senate can solve both problems if it wants to without pushing this case to the outer limits of a constitutional test that, as Senator METZENBAUM said, may take 2, 3, or 4 years before the courts. I do not want to go to court. I do not want to pay for another several hundred thousand dollars. I do not want the taxpayers to pay several hundred thousand dollars, or a million. I do not want to have to pay several hundred thousand dollars or a million to test this in the course.

I would like this to be over with. But this Senate can get the answer and this committee can get the answer to every conceivable charge or thought that they have about any violations I may have committed without having access to all of the diaries unless they want to make—we can make the waiver argument and that can go to court. We can argue that until we are blue in the face up to the Supreme Court and through appeals.

But the Senate does not have to provoke a constitutional argument to get everything that is needed to resolve this case unless the Senate is going to say," Forget the privacy arguments, forget the waiver arguments. That is not really the principle we are trying to establish. What we are trying to establish is the principle that the Ethics Committee or any other committee has the right to as soon as any charges are filed to ask for everything that is in your possession and if under our rules as the Ethics Committee says we see something because we have forced you to give up the documents, then we will charge you with that, too."

So I would hope the Senate would be responsive. I wished I could have argued this before the committee with our counsel in person. That would be responsive to the argument I am making. Do you want to push this to a constitutional test in court? I would hope not. I would hope you would not. Or do you want to solve the problem that is before the committee which was the sexual misconduct charges, and, apparently, did I try to unethically or illegally try to get my wife employment?

We may hear more debate on this. I thought we made an honest effort to solve everybody's problem. We solved Senator METZENBAUM's problem of getting this case over quickly.

I ask unanimous consent that the letter that my committee counsel sent be placed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARNOLD & PORTER,
Washington, DC, November 1, 1993.

Hon. RICHARD H. BRYAN,
Russell Senate Office Building,
Washington, DC.
Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS BRYAN AND MCCONNELL: We would like to make the following proposal for a procedure to resolve the current situation involving the Committee's legitimate needs for information and Senator Packwood's rights of privacy in a manner which:

(i) recognizes the Committee's need to conduct a thorough investigation of the subject matter described in its February 4, 1993 statement, as well as the matter referred to by the Chairman and Senator McConnell in conversations with us on November 1, and

(ii) protects the privacy interests of Senator Packwood and others who might be mentioned in the diaries.

Our compromise proposal to reconcile these two goals is one that the courts have used in this very situation dealing with private personal diaries:

1. As for the diary entries relating to the current preliminary inquiry, we have repeatedly assured the Committee that we want them to have the information in the diaries bearing on the ethics charges so that we can promptly move to conclude those proceedings. We will review the diaries subject to the subpoena and select all entries which are relevant to the matters described in your February 4, 1993 statement. We will then immediately submit the diaries in their entirety to the Honorable Kenneth W. Starr, former Solicitor General and U.S. Court of Appeals judge who has been selected by the Committee to act as hearing examiner in this case. He would make an independent review of the diaries to ensure that all diary entries relevant to the pending preliminary inquiry as set forth in the February 4, 1993 statement have been identified.[1] Judge Starr will then provide a copy of all such relevant entries to the Committee staff and return the diaries to Senator Packwood.

2. You have identified a matter reflected in a diary relating to helping Ms. Packwood find employment and questions about linkage with official duties. We propose that we follow the same procedures noted in paragraph 1 involving Judge Starr to ensure that the Committee receives all diary information relevant to that matter.

Judge Starr's responsibilities would be limited to making the decisions in connection with the items set forth in paragraphs 1 and 2.

We believe this proposal strikes a reasonable balance between Committee interests and responsibilities to investigate the matters identified in the February 4 statement and the additional matter which was described to us and referred to on the Senate Floor today, as well as the privacy interests raised by Senator Packwood's private personal dairies.

Of course, by producing the diary entries, Senator Packwood would preserve, and would not waive, any applicable Constitutional rights.

As Senator Packwood stated in our conversation earlier this evening, he and we would like to meet with the full Committee to discuss this proposal.

Sincerely,

JAMES F. FITZPATRICK,
DANIEL A. REZNECK,
Attorneys for Senator Bob Packwood.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I say to the Senator from Oregon with regard to the committee decision, I think it can best be summed up by saying that the committee reached the conclusion that to grant the Senator's request would be to set up a double standard.

I have never been a prosecutor, I say to the Senator from Pennsylvania. I would not want to get into a legal argument with him on any issue at any time. We are all familiar with his skills as a lawyer.

But the committee in the view I think of all of the committee in this situation is analogous to a grand jury. It is an investigative body, charged with duties of investigation for allegations of misconduct. This includes the duty to investigate for or allegations of violations of law as well as misconduct that does not rise to that level.

The Supreme Court has defined the term "reasonable" as it applies to the scope of a grand jury subpoena, and in which we believe this is an analogous situation. In a case I referred to last night, the respondents in United States versus R. Enterprises, a 1991 Supreme Court decision, the respondents argued that the prosecution was required to make a preliminary showing of relevance or admissibility before it could subpoena the requested materials.

In other words, the argument that Senator SPECTER made that the person whose documents were being subpoenaed could determine what was relevant.

That was the argument, as I understand, the respondents made in this case. The respondents argued that the prosecution was required to make a preliminary showing of relevance or admissibility before it could subpoena the requested materials.

The Supreme Court ruled that there was no requirement that a grand jury subpoena be shown to seek only relevant and admissible evidence, because the grand jury can rest merely on suspicion of the law that has been violated or even to find assurance that it is not.

A prerequisite of relevance would be contrary to the grand jury's basic mission, the Court said in the 1991 case. The Court ruled that a grand jury subpoena is presumed to be reasonable, and that the burden of showing that a grand jury subpoena is unreasonable rests on the subpoenaed party which must show that there is no reasonable possibility that the category of the material sought will produce information relevant to the general subject of the investigation.

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[1] Entries which are privileged or which relate to Senator Packwood's family matters have been redacted from the diaries. Judge Starr will be free to review these redactions as well to make sure they are justified.

If Senator PACKWOOD were being investigated by a grand jury, not us, and if he were subpoenaed to produce his personal diaries, he would have no choice but to produce the diaries or to prove to a court in an action by the prosecution to enforce the subpoena that there was no reasonable possibility that his diaries contained information relevant to the general subject of the grand jury's investigation. His position is no different here.

The committee has reason to believe that the requested diaries contain information relevant to its current inquiry as well as other information suggesting possible areas of misconduct.

Sam Dash, who many of us remember from the Watergate days, last week in an appearance on MacNeil-Lehrer, I believe with Senator PACKWOOD's counsel, said with reference to this issue:

> In a normal criminal case, if there was evidence such as these diaries and there was relevant evidence going to the charge, you could subpoena the diaries; or in a criminal case, unlike the Senate, they can get a search warrant on probable cause, and you can seize the entire diary. The law is very clear on that.
>
> During the Senate Watergate committee hearings, we seized many documents like diaries. We subpoenaed them; there were challenges at the time, and we always won on those challenges. The Senate has broader subpoena powers than the court has even, because the Senate is engaged in an investigation where it is often called a grand inquest. It, just like the grand jury, does not have to—

It is hard to read this——

> —does not have to have even probable cause to believe there is any particular evidence in documents which it thinks is relevant.

He goes on.

The point is, I say to the Senator from Oregon, the reason the committee felt that it was inappropriate to make that agreement is because we were not convinced that that was not an agreement that could not be made for any regular citizen. Any regular citizen before the grand jury would not have the option. We felt, based on cases that we have been given and advice we have received, any regular citizen would not have had that opportunity. And that is the reason the committee, I think it is safe to say, rejected the request of last evening.

Mr. PACKWOOD. If I might respond, and then I will yield the floor. We are getting into the murky waters now that Senator HEFLIN talked about. We could start quoting Supreme Court cases. I will quote from the same case Senator MCCONNELL just quoted from.

> Grand juries are not licensed to engage in an arbitrary fishing expedition. After all, a subpoena recipient cannot put his whole life before the court in order to show that there is no crime to be investigated.

This was a situation involving pornographic video cassettes. They were business records, and the court finally upheld the subpoena. These were not personal, private diaries.

I might read a few quotes, if we are going to go to cases. Once more, I say to the Senate, before going to cases, we can all cite cases on all sides of this issue, and they will never be determinative or dispositive until you go to court, and the court will decide them. I am saying that this Senate can decide the issues before it, without having to approach this argument of whether or not the committee counsel or my counsel are right on the arguments of privacy and the relevance of the subpoena.

Judge Learned Hand:

> The real evil aimed at by the fourth amendment is the search itself, that invasion of a man's privacy which consists of rummaging through his effects to secure evidence against him.

Judge Friendly:

> As Judge Hand observed, the vice lies in the unlimited right to search. The reason we shrink from allowing a personal diary to be the object of a search is that the entire diary must be read to discover whether there are incriminating entries.

The leading treatise by Wayne Lafave on search and seizure:

> It is not fanciful to suggest that private papers of that particular type, i.e. diaries, are absolutely protected by the fourth amendment from seizure.

Justice Burger—this is in the Nixon case, so bear in mind what the situation was in the Nixon case. We think of the Nixon tapes and Alexander Butterfield, and we think of the tape going on in the Oval Office.

The Supreme Court has instructed the archivist to give back to President Nixon his private diary dictation, which was dictated at the end of the day.

Testimony in the case showed that President Nixon, like myself, dictated these diaries, rather than writing them by hand.

Justice Burger said:

> Truly private papers or communications, such as a personal diary or family correspondence, lie at the very core of the first and fourth amendments.

Justice Rehnquist said, although dissenting:

> The Dictabelts of the President's personal recollections, dictated in diary form at the end of the day, are private and are to be returned.

Justice Marshall said:

> Diaries and personal letters that record only the author's personal thoughts lie at the heart of our sense of privacy.

Justice Friendly:

> We shrink from allowing a personal diary to be the object of a search.

Justice Brandeis:

> The makers of the Constitution sought to protect Americans in their beliefs, thoughts, emotions and sensations. They conferred as against the Government the right to be let alone, the most comprehensive of rights, and a right most valued by civilization.

Justice White:

> Purely private matters such as diaries, whether or not of historical interest, are to be delivered back to Mr. Nixon.

I will read from the American Civil Liberties Union letter:

> DEAR CHAIRMAN BRYAN: On behalf of the American Civil Liberties Union, we are writing to express our deep concern over the Select Committee on Ethics' subpoena requiring Senator Packwood to disclose all diaries, journals, or other documents, materials and recordings describing the Senator's daily activities.
>
> We believe that the subpoena infringes on the Senator's constitutional right to privacy by being overly broad and exceeding the scope of the committee's investigation.
>
> In the course of its investigation into sexual harassment charges against Senator Packwood, it is our position that the committee is only entitled to receive such personal material that is relevant to the investigation. In this context, it is especially important to underscore that private, personal diaries, even those dictated in the course of official duties, enjoy a very high level of legal protection. Courts have shown an extreme reluctance to require the production of personal diaries, particularly when the material is both private and irrelevant.

And they cite Nixon versus Administrator of the General Services Administration.

> We recognize that a congressional committee has the power to conduct an investigation and compel the production of records and other information in appropriate circumstances. However, this power must be exercised in accordance with the Constitution, including the fourth amendment principle that an individual's private papers are protected from unreasonable searches and seizures.
>
> Moreover, in determining what is reasonable, the Supreme Court has repeatedly held that Congress cannot use its subpoena power to view material relating to private affairs that go beyond the scope and purpose of the particular inquiry. In a civil case, a judge could review documents for relevancy and make a determination as to what material should be shared with the requesting parties.
>
> A congressional investigation differs from a civil court in that the committee members act as judge, jury, and prosecutor. In this instance, the committee may choose to appoint a neutral examiner to review the entire diary and make a determination of relevancy.
>
> We urge this committee to recognize and adhere to the requirements of reasonableness and specificity that flow from the fourth amendment by narrowing the scope of the subpoena to cover only those matters pertinent to the investigation of the committee.

I say again, "matters pertinent," and they admit that the sexual charges and one issue they have seen about employment are pertinent. This Senate can resolve this issue without provoking a court contest, in which the ACLU can join our side, and there will be constitutional scholars on both sides, or we can spend several years in court. I do not want to bear the expense or take the time to do that. We can provide for this Senate every shred of information they need, that is relevant to every charge or thought of a charge that is in their possession.

I thank the Chair.

Mr. BRYAN. Madam President, I ask unanimous consent that the letter which the Senator has read from be made available to each Member of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. I will respond to the Senator's comments at a later point. I know Senator MIKULSKI has been waiting for recognition.

Ms. MIKULSKI. Madam President, I wonder if the distinguished Senator from Oregon will yield for a question?

Mr. PACKWOOD. I will try to.

Ms. MIKULSKI. I wonder if the distinguished Senator from Oregon could share with the full U.S. Senate why he continues to refuse to honor the original agreement in which we requested the diaries in the first place.

Mr. PACKWOOD. I will respond in just a moment if you will just allow my counsel to get the memorandum he is looking for.

Ms. MIKULSKI. I wish the Senator to know while the counsel is pursuing that my question.

Mr. PACKWOOD. Pardon me.

Ms. MIKULSKI. My question to the Senator is in no way to prejudge the matters before us. But we are talking about a procedure. We are talking about how there is a way to avoid the enforcement of a vote on this, in which we can ask the courts to decide about these disputed items, one of which would be either for the Senator to comply with the subpoena or to comply with the agreement that the Senator followed when they brought 5,000 pages, 20 years, of the Senator's diaries.

Mr. PACKWOOD. Again, I do not see any profit in engaging in a discussion as to what was the agreement. There is a disagreement as to what was the agreement. That issue will come up if we ever have to go to court as to what was agreed.

All I am saying is that the Senate can resolve this and can resolve it with every bit of information that the committee wants without having to argue about what was the agreement.

Ms. MIKULSKI. I find it shocking that you would allow your attorneys on a day-by-day basis to bring, as you have indicated you have kept the diary of hopes, dreams, aspirations, comments about the car repairman who irritated you, as well as meetings you might have had on the tax bill that you so ably brought before this Senate floor. How then could your lawyers have brought these documents, 5,000 pages, 20 years, without you understanding that there was an agreement?

When your attorneys advised you that the Ethics Committee wanted to see the diaries and this would be the procedure that occurred, did not they advise you there was an agreement? How could you agree that 5,000 pages, 20 years of your personally documented life story be read by the Senate counsel without there being in your mind and in your lawyer's mind an agreement, and why then the agreement that you have in your mind and your lawyer's mind not be honored now for the remaining few years and the remaining 2,000 or 3,000 pages?

Mr. PACKWOOD. I will respond as follows, because I am not going to say anything here that would compromise any of our rights if we have to go to court. If we do not have to go to court, the Senate is satisfied to get the information relevant to the charges. All I am saying is there a difference of opinion between the counsel as to what the agreement is.

I will say to the Senator from Maryland that she has heard only one side of the argument. You never talked to my attorneys, have you? You heard only the attorneys for the committee side of the agreement, is not that right?

Ms. MIKULSKI. The Senator is correct, but right now we are on the U.S. Senate floor debating the enforcement of the subpoena.

I do not want in any way to inhibit the Senator's rights if, in fact, we do go to court. However, I must say to the Senator from Oregon I do not believe my question has been answered. When the Senator agreed through his counsel that the Senate counsel could review these first 5,000 pages and these first 20 years, what was in his mind that made that OK then that is not now OK?

Mr. PACKWOOD. Does the Senator from Maryland concede that there could conceivably be a difference of opinion as to what the agreement was?

Ms. MIKULSKI. We are not here to argue about that right now. I am asking you a question. What was it about what you agreed upon that we could review those first 5,000 pages and those first 20 years that was OK with you and OK with your counsel for us to do that then but it is not now OK to do it now?

Mr. PACKWOOD. I will say again, now we are getting into the argument of waiver and the fourth amendment and whether that is a perpetual waiver or whether the Supreme Court says the waiver document must be continuing until revoked. Judge Heflin talked about this last night. That is not a decision to be made on the Senate floor as whether or not we waive the right. That is an argument to be made in court if we say that.

Ms. MIKULSKI. I say to the Senator when you asked for a private meeting with the Ethics Committee, this is your meeting with the Ethics Committee. This is your meeting with all six of us. We are trying to engage in these conversations.

I would not ask you to do this privately. I am asking you in a public meeting. I do not think that we have privacy, secret meetings. Now I am asking you, and I repeated myself on several occasions. In pursuing this, I do not want to take the Senate's time.

But the Senator from Wyoming very wisely said not to preclude rights or prejudge, but he talked about the accountability to the Senate and that we have an accountability to all parties concerned. I would add a third line of accountability, and that is accountability to the American people.

While we are all taking law school 101, the fourth amendment 202, and the rights of privacy 404, in plain English the American people who are holding us accountable would wonder why was the system and procedure for reviewing documents OK on one day for 5,000 pages and 20 years and is not OK the following day for the last 4 years and the last 3,000 pages.

I thank the Senator for yielding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

Madam President, will the Senator from Oregon yield for a question?

Mr. SPECTER. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SPECTER. Is the Senator who first seeks recognition entitled to be recognized first?

The PRESIDING OFFICER. As I understand it, it is the first Senator who said "Madam President," and I heard that to be the Senator from Massachusetts.

The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Chair.

Will the distinguished Senator from Oregon yield for a question? Would he answer a question?

I would like to follow up, if I may, just on this offer, because I think a lot of Senators are still wrestling—and I understand that—with the question of what is fair, where we have to go here, and the question of relevancy, and the question of due process here I think is central to our being able to resolve that.

I think there are some distinctions in the cases that were read and the situation we find ourselves in. But there is a difference between asking for a diary when you do not know any of the contents and you are at the initial stages of discovery and we say we want the diary as part of the subpoena, and the situation we find ourselves in now where by admission of the Senator from Oregon and by the process created we all know that it is relevant now.

So we are not at the initial stage of discovery where we are just probing a diary saying it might have something. We are at a stage where everyone hopes it does have something.

The Senator himself used it to refresh his recollection and to in fact make points in the course of the deposition that sustained what he was saying could happen.

So the diary, I understand, has some relevancy.

But my question goes to this deal or offer that has been made by the Senator. The Senator has several times said, "We will make all the materials available. We will give you everything that is relevant, and this individual, the independent individual, can take a look at it and he can read everything to check that we have given all that is relevant."

I would like to understand it because none of us was privy to those conversations. We have not even seen the letter yet.

Let me ask the Senator from Oregon. Is the Senator from Oregon prepared to give to Judge Starr the entire diary in the period in question unredacted so that the judge can see every single page, item for item, and determine whether or not the committee has what is in the judge's view deemed to be relevant to the investigation?

Mr. PACKWOOD. What was the last part of your statement?

Mr. KERRY. My question to the Senator from Oregon is, Is the Senator from Oregon—the Senator has said several times he will give everything over. My question to the Senator from Oregon is, Is he prepared to turn over the diary in unredacted form for the period that is in question between 1989 through 1993 so that Judge Starr may review each line, each page in its entirety, to determine that, in fact, all relevant material has been turned over and that indeed the committee has what is relevant to the investigation?

Mr. PACKWOOD. The answer is yes, if Judge Starr is to look for the relevant material, material about the sex charges or new charges—those are the relevant things—and turn it over to the committee, and that is the limit of what Judge Starr is to do.

Mr. KERRY. So, in effect, the Senator is saying that if Judge Starr were to discover evidence in the diary of any other violation of the law, ethics, or any other potential criminal offense or anything, that Judge Starr would have to ignore that?

Mr. DOLE. You yielded for a question, not interrogation.

Mr. PACKWOOD. I did not hear the last question.

Are you suggesting that these be given to Judge Starr just as they be given to the committee, even though there is no charge or no nothing; that anything he finds would be like giving it to the committee? Anything they find they can then charge me with?

Mr. KERRY. I am not suggesting anything. I am simply trying to understand precisely what the Senator is offering. I want to understand, if Judge Starr is going to have the capacity to look at every single page in this relevant time period that has not been yet viewed by the committee itself, will the judge be subjected to any redactions whatsoever?

Mr. PACKWOOD. No.

Mr. KERRY. It would not be?

Mr. PACKWOOD. That is correct.

Mr. KERRY. The second question is, Is it the intention of the Senator from Oregon that Judge Starr, in reviewing this, if he were to find evidence of an offense outside of the intimidation of witnesses or sexual harassment, or now outside of what the Senator has defined as the issue involving his wife, if something were to be found outside of that, is it the Senator's intent that the agreement with the Senate should be that the judge would have to ignore that and the Ethics Committee would have to ignore that?

Mr. PACKWOOD. Do you mean to say would we let Judge Starr go on the same kind of fishing expedition that the committee wants to go on? That anything he finds unrelated to anything that anybody knows or charges, he can then do what with—turn it over to the Ethics Committee?

Mr. KERRY. It is hard for me to contemplate that turning this over—the Senator read the case of the Supreme Court in which there was a reference to this, or read at the end of his statement that the neutral party—Judge Starr is certainly a neutral party. No one I think has accused him of being on a fishing expedition. If he is the only person to see this in the entirety, then it would seem to me that the needs of the Senate would be well satisfied and the Senator's rights would, indeed, be well protected in terms of the consent, of leaking, and other problems. It is my sense, in talking to the committee, that might be appropriate.

But if it is the Senator's intent to limit this neutral party from his capacities—whoever it might be—should they find something else, I would think that that would be difficult. That seems to be the Senator's intent, to limit it. Is that accurate?

Mr. PACKWOOD. I heard the question. I think you heard my answer.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I wanted to comment. I heard some of my colleagues come to me and say you failed to recognize people on this side of the aisle last night and this morning. I would hope we have fair recognition if a Senator is on his feet asking recognition, if he may be on this side of the aisle, that he would be recognized by the Chair.

The PRESIDING OFFICER. The Chair would like to inform the Republican leader that the Chair would be fair and that the Senator from Oregon was on his feet and had the time for about 30 minutes of the time that this Senator was sitting in the chair.

Mr. GRAMM. That is irrelevant.

Mr. DOLE. That does not make any difference, how much time the Senator from Oregon had. It makes no difference how much time he had. It is a question of recognition.

The PRESIDING OFFICER. I would say to the Senator, I followed the rule of hearing the first person and calling on that person. I would be delighted to call on the Senator from Pennsylvania.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

AMENDMENT NO. 1093

(Purpose: To offer a substitute)

Mr. SPECTER. Madam President, I send to the desk a substitute for the text of the resolution, on behalf of Senator DANFORTH and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. BRYAN. Madam President, I suggest the absence of a quorum.

Mr. SPECTER. Madam President, I suggest a quorum is present.

The PRESIDING OFFICER. The order is for the clerk to report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] for himself and Mr. DANFORTH, proposes an amendment numbered 1093.

Mr. SPECTER. Madam President, parliamentary inquiry.

Several Senators addressed the Chair.

Mr. SPECTER. Is it not true that on the floor of this body at this moment a quorum is present? Parliamentary inquiry? Are we entitled to proceed or not, Madam President, with a quorum being present?

The PRESIDING OFFICER. The regular order is for the amendment to be read. It takes unanimous consent to terminate its reading.

The clerk will read the amendment.

The bill clerk continued with the reading of the amendment as follows:

Strike all after the resolving clause, and insert the following: "That Senator Bob Packwood is hereby directed to turn over to Independent Examiner Kenneth Starr such documents as are referred to in the subpoena to Senator Bob Packwood from the Select Committee on Ethics. These documents shall be examined by Independent Examiner Kenneth Starr, who will then turn over to the Select Committee on Ethics all materials which are relevant to the charges of misconduct regarding Senator Bob Packwood currently before the Select Committee on Ethics. Independent Examiner Kenneth Starr shall also turn over to the Select Committee on Ethics all materials referring to the incident cited in the statement of Senator Richard Bryan, dated October 28, 1993, which Senator Bryan alleges may constitute a criminal violation.".

Mr. SPECTER. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. State the parliamentary inquiry.

Mr. SPECTER. Is it not a fact that there is a quorum present on the face of it, of those who are on the Senate floor at this moment?

The PRESIDING OFFICER. The Chair has no authority under these circumstances to note the presence of a quorum.

Mr. SPECTER. Madam President, parliamentary inquiry. Can the Chair count and see that there is a quorum present on the floor at this moment?

The PRESIDING OFFICER. Under the Senate precedents the only circumstance when the Chair is authorized to count a quorum is after cloture has been invoked.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, this substitute amendment is being filed on behalf of Senator DANFORTH and myself in order to reach all of the critical issues which we think are pending before this body at this time. At the top of the list are the allegations which are currently pending before this committee relating to charges of sexual misconduct against Senator PACKWOOD, which we all agree are of the highest priority for a prompt, thorough investigation, getting at all the facts.

Second only to that charge is the charge against Senator PACKWOOD that all the facts relating to possible intimidation of any witnesses would be brought before the Senate so that we can determine whether there is a basis for action by the Senate on that second charge.

And third, after those two charges, is the charge that Senator PACKWOOD has inappropriately used his Senate staff.

Those are among the charges which are pending. There has been a statement about possible criminal misconduct and, as that has been defined on the Senate floor, I believe that Senator PACKWOOD has made a mistake, contrary to his interests, when he characterizes it as an allegation of illegality or unethical practices, trying to find a job for his wife.

On the basis what has been said on this floor, that issue does not rise to the level of an allegation. But this substitute resolution would call for full disclosure of all materials relating to the incidents cited in the statement of Senator RICHARD BRYAN dated October 28, 1993, which Senator BRYAN alleges may constitute a criminal violation.

This substitute resolution calls for the disclosure of all those materials, even though it does not conform to the usual rules of the Senate Ethics Committee which call for a statement of charge, the nature of the violation, and the pertinent evidence, a summary of that related thereto, so that we may come to a speedy resolution of this matter and the process may go forward, as the Senator from Ohio [Mr. METZENBAUM] has called for, and so that we may go forward as the Senator from Washington [Mrs. MURRAY] has reminded us of the victims who are waiting, so we may go forward with that charge, as the Senator from California [Mrs. BOXER]—now presiding—has called for going forward.

When the Senator from California [Mrs. BOXER] made her statement on the floor this morning, as I heard her comments, she said that there may be relevant information on sexual misconduct which Senator PACKWOOD is not turning over.

The thrust of this substitute resolution is to take that decision out of the hands of Senator PACKWOOD and put that decision into the hands of the independent examiner, former Solicitor General and former Judge Kenneth Starr, so that there would be no doubt that all of the materials in the diary, unmasked and unexpurgated, be turned over to Judge Starr.

On the issue of the possible criminal charges we have had disclosed on the floor of this Senate, the chairman's statement, the Senator from Nevada [Mr. BRYAN], that as to those matters of which he is informed by counsel, he has—and I wrote this down as closely as I could and have not had time to get it out of the CONGRESSIONAL RECORD this morning—"formed no judgment on where that matter may lead." And he admits that it may lead nowhere.

The vice chairman, the Senator from Kentucky [Mr. MCCONNELL], has stated that the information on misconduct relating to that matter is inconclusive at best.

The Senator from Maryland [Ms. MIKULSKI] has said the standard is probable cause.

It is plain from what has been said on this floor that there has been no statement of probable cause, which essentially means more likely than not or more probable than not. But this substitute resolution seeks to put before the Ethics Committee, through Judge Starr, all of the material which is related to the statement by Senator BRYAN dated October 28, 1993, which Senator BRYAN alleges may constitute a criminal violation.

In seeking to move in this direction, we are essentially following the line of inquiry which was articulated yesterday by Senator BIDEN, looking for what is relevant, and the line of inquiry articulated yesterday by Senator JOHNSTON. I have had occasion to be able to find Senator JOHNSTON's statement, which appears at page 26972 of the RECORD, which states the following:

> Mr. JOHNSTON. I know that rule 7 says that, but I think it contemplates throughout the law that you are entitled notice and relevance to a charge. That is my concern.

At this juncture, before proceeding to further discussion of the issue, I would like to ask the chairman of the Ethics Committee, Senator BRYAN, picking up on the line of questioning by the Senator from Maine [Mr. COHEN] yesterday, in which Senator COHEN had raised the question of whether Senator PACKWOOD had turned over all the information, that would have ended it, and I believe the chairman said that would have ended it. But then the chairman said the situation is now different. Again, I have not been able to go through the CONGRESSIONAL RECORD. I see the chairman nodding in agreement.

I ask the chairman if that is an accurate statement as to what he said yesterday?

Mr. BRYAN. That is an accurate statement, Senator.

Mr. SPECTER. The substitute resolution would accommodate all of the concerns expressed by the chairman yesterday; that is, it would meet point A as to whether Senator PACKWOOD had turned over all relevant information in the first subpoena and it would do so in a way which would not rely upon Senator PACKWOOD because the chairman has said in his discussion today that Senator PACKWOOD has crossed the Rubicon. So there is an issue as to whether he will be forthcoming.

Senator MURRAY yesterday raised the question as to whether all of the materials from the diaries concerning sexual misconduct would be forthcoming. Senator BOXER raised the same question today.

So as to point one on the issue of misconduct, on the issue as to sexual misconduct and intimidation and use of Senate staff, all of it goes through Judge Starr. And then as to the second issue—responding to what the chairman said to Senator COHEN that the situation is now different—the substitute subpoena reaches that by giving to the hearing examiner, who will turn over to the Ethics Committee, all of the information on the alleged criminal violation, which the chairman has again this morning said was the totality of what else the committee is looking for at this moment.

My question to the chairman is: Why not support the substitute resolution?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The majority leader.

Mr. MITCHELL. I ask the Senator to yield to permit me to make a brief statement.

Mr. SPECTER. I do, Mr. President, if I do not lose my right to the floor, just as I do not lose my right to the floor in the colloquy with the chairman.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the parliamentary inquiry by the Senator from Pennsylvania regarding recognition by the Chair and the statement made by the Republican leader, whether intentionally or not, created the impression that the Chair has been partisan and unfair in recognition of Senators.

A quick check by the clerk indicates that up until this moment an almost exactly equal number of Senators from each side has been recognized during this debate, not counting duplications of the chairman, ranking member, and Senator PACKWOOD. There should be no implication or the suggestion that the Chair has been partisan in its recognition of Senators. The facts are directly to the contrary.

Mr. DOLE. Will the leader yield?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. DOLE. Will the Senator yield?

Mr. SPECTER. I will yield for the colloquy but that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I will have the Record reflect that it is not a question of equal, it is who is standing and asking for recognition—maybe six on that side or six on this side. Complaints came to me that, in this case, the Presiding Officer, on three straight occasions, ignored this side and recognized colleagues on the other side.

We want to be fair. We hope it is fair, and we will continue to monitor the situation.

Mr. MITCHELL. Mr. President, if that is true, it must equally be true that the Chair on previous occasions must have recognized a larger number on that side because the totals are the same.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. DASCHLE. Will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. No, I will not, Mr. President. As important as the inquiry from the Senator from Maine [Mr. MITCHELL] is, I do not think it warrants an interruption on a critical question as to the pending issue before the Senate. But having been raised, let me say that I sought recognition consistently yesterday afternoon without securing it and, in my opinion, I thought I was the first. I do not say that by way of impugning the Chair until the Senator from Maine raises the issue.

This morning I sought recognition when the chairman was on the floor, and he said—and I think the RECORD will show—that he saw the Senator from Maryland [Ms. MIKULSKI], on the floor. Before she said anything, I was seeking recognition. And then I sought recognition—I just got an affirmative nod from my colleague on my right—and I sought recognition again before the Senator from Massachusetts achieved recognition. That is why I made the parliamentary inquiry.

Before the Senator from Maine raised the issue, this Senator did not say anything about any favoritism by the Chair. I made a parliamentary inquiry. I thought that would be sufficient. But I do think that this issue is not one to take up our time, with all due respect to the Senator from Maine, in the middle of an important examination of a very important issue.

Mr. MITCHELL. Mr. President, the parliamentary inquiry by the Senator from Pennsylvania was followed by a statement by the Republican leader. That is when the issue was raised. I responded to that.

Mr. SPECTER. Mr. President, parliamentary inquiry. Do I have the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. I thank the Chair.

Mr. DASCHLE. Will the Senator from Pennsylvania now yield for a question, given the fact he has completed——

Mr. SPECTER. No, the Senator will not yield for a question but will at a later time. At the present time, a question is pending by the Senator from Pennsylvania to the chairman of the committee. I think I better restate the question.

My question is, Senator BRYAN, when you had responded to Senator COHEN yesterday that had Senator PACKWOOD turned over all the relevant material to the three charges, that that would have ended it at that stage. And then you responded in addition the situation has changed.

My question goes to a request that the chairman support the substitute resolution because why not support the substitute resolution, Senator BRYAN, in light of the fact that you have everything which is relevant as to the charges of sexual misconduct, intimidation in the use of staff, and the substitute amendment takes care of the concerns expressed by a number of Senators and yourself, that Senator PACKWOOD has crossed the Rubicon, so we are not going to rely upon him but go to Judge Starr. The substitute resolution takes into account everything that the chairman has said he was looking for when he talked about possible criminal violations. Does not that reach everything that the chairman says the committee is looking for?

Mr. BRYAN. Let me respond to the learned Senator from Pennsylvania by saying that the substitute amendment that he is offering is identical to the proposal which was advanced this morning by Senator PACKWOOD and his lawyers and which was the subject of a meeting by the Ethics Committee and was unanimously rejected, unanimously rejected.

Now, let me explain why that was rejected, and the distinguished Senator from Kentucky, the vice chairman, has indicated. First of all, the proposal embraced in this amendment suggests that there be two standards in America, one for 250 million ordinary citizens minus 100, and that a separate standard be established for the 100 of us who are privileged to serve as Members of this institution.

That is a dual standard which I find unacceptable because what it suggests is that a Senator ought to have a greater measure of protection than an ordinary citizen faced with a comparable investigation. That is the first reason why I think it is unacceptable.

Second, under the terms of the amendment only two things could be considered: Those matters which may be relevant to the first series of charges, sexual misconduct, the allegation with respect to intimidation of witnesses, and the use of employees to further that intimidation.

The second area that would be permitted to be inquired into was the area that was characterized this morning by Senator PACKWOOD as dealing with those circumstances around the solicitation by him of employment if, indeed, that did occur—no prejudgment being made there.

Now, the consequence of that is to require Judge Starr, who would get all of the information, to turn a blind eye. In other words, we put a patch over one of his eyes and say you can only look at only these two things. If there is anything else in the diary unrelated to the first series of allegations which constitute the preliminary inquiry, unrelated to the area that Senator PACKWOOD described himself in some detail this morning, if there is anything else, he could not report that back to the committee and say there is another allegation. The Ethics Committee has rejected that.

And finally let me just suggest a very practical consideration. As Senator PACKWOOD himself has indicated, perhaps a thousand documents, many, many depositions have been taken, many, many depositions, many statements have been taken. For Judge Starr to make a determination of relevance on the first series of allegations, namely the sexual misconduct, the intimidation of witnesses, the use of employees to further that intimidation, would require the independent examiner in whom the committee has great confidence, and apparently the Senator and his staff also, to review the totality of that record before making a determination. One could not determine what is relevant unless that individual has the benefit of the complete record. So I think rather than expediting the process, that would encourage delay.

Finally, let me say, I think my colleague from Maryland, as she so often does, frames the issue appropriately. What is wrong with the original process by which 5,000 pages of this diary were reviewed. It is inconceivable to me that counsel would allow that review process to go forward and to allow information to be unmasked, as clearly this information was that gives rise to the concern that's been discussed this morning about the employment solicitations, if any, indeed, occurred. That agreement ought to be adhered to in my judgment.

And, very succinctly, I would say to my friend from Pennsylvania those are the reasons why I believe that the substitute amendment ought to be rejected.

Mr. SPECTER. Mr. President, when the Senator from Nevada talks about Judge Starr having a big job on his hands to review the totality of the record, that is something Judge Starr is used to. That is what judges do. They review the totality of records, and sometimes records a lot longer than this one, 2, 3, 4, 5 times as long as this record. But if Judge Starr has a problem with it, let him say so. But Judge Starr has not raised any objection. He has already been involved in this matter.

When the chairman of the Ethics Committee talks about one standard for all Americans, I agree totally. There ought to be a single standard for all Americans, for all 250 million Americans, and that would include the 100 Senators; it would include Senator PACKWOOD. And this Senator is not trying to have anything else applied by the Senate and by the Ethics Committee.

When the Senator from Nevada talks about the proposal by the Senator from Maryland, questions about the agreement, that matter is subject to a disagreement as to what counsel had agreed to. I would suggest to my colleagues, without getting too far afield in the area of constitutional law, that a waiver on a constitutional right is something that only the individual does. It is not something that his counsel does for him. When you have cases of waiver on search and seizure, on consent, it is what happens with the individual. When you have a waiver on the fifth amendment, one question is answered, and then the respondent cannot decline to answer subsequent questions. It is a matter of waiver by the individual.

As I understand the facts of this matter—and I hope they do not have to go to a judge sitting in an evidentiary hearing—Senator PACKWOOD thought these matters were limited to what was relevant, and that is what he thought when he participated in turning over documents. That is what he thought when, as he has explained on the Senate floor, he responded and with some question in his mind, considering the consequences of perjury if he did not, to something which was relevant.

They asked him, do you have corroboration? He said yes, I do; it is in the diaries. But it was his understanding—and this is a limitation which his lawyers have talked about—as to what was relevant.

I suggest to my colleagues in the Senate that we not deal too lightly with what constitutes a waiver of a right. If you read the waiver cases, there is no bright line in them. I think it is a solid principle still in effect, although I have not read all the cases in the last decade, that only Senator PACKWOOD can waive those rights, and nobody has said that he was party to a transaction with the committee where he made an agreement. His lawyers made an agreement. That is subject to a dispute. The Senate wants to try to resolve that, then let the Ethics Committee listen to the lawyers on both sides, which they have not done. They have to listen to Senator PACKWOOD's lawyers.

They have only listened to the committee's lawyers. That really points up one of the problems which this Senator has seen in this proceeding from the outset. That is the comingling of what an investigator does, what a prosecutor does, and what a judge does. The decisions are plain. You cannot have that comingling of functions. It is not enough to say the Ethics Committee is analogous to a grand jury. The grand jury makes charges. The Ethics Committee comes to a great many conclusions.

When you talk about who is right and who is wrong, on what the agreement was, would not the finders of fact have to listen to both sides? The Ethics Committee has found and has said in very emphatic terms, very derogatory to Senator PACKWOOD's lawyers, that they breached an agreement. But how does the Ethics Committee know when they never listened to the lawyers to hear what the facts were from both sides?

When the chairman talks about the response by the Senator from Kentucky on the analogy to a grand jury, I would suggest to my colleagues that that is not what governs a congressional inquiry. A congressional inquiry is governed by what is relevant and pertinent. And the landmark case, the seminal case, Watkins versus United States, where the Supreme Court said that it is up to the Senate, up to the legislative body to define pertinence, is the word the Court used, for its committees, and the committees are to look for pertinent information, which is another way of saying relevant information. The analogy to a grand jury simply does not apply.

As the Senator from Delaware [Mr. BIDEN] said yesterday afternoon on the floor, before you get to a grand jury you have a great many hurdles to overcome. When a grand jury is investigating a general circumstance to look for criminality, they have not focused in on one individual as the Ethics Committee has on Senator PACKWOOD, who is a respondent, in effect a defendant in this proceeding. If a grand jury requires information which identifies an individual as a target, then the grand jury must advise that individual that he or she is a target. It is a much more limited process.

But the grand jury analogy is not pertinent. It is not pertinent. It is not a governing law. The governing law is Watkins versus United States. That requires a showing of relevancy.

When the Senator from Kentucky had this morning quoted the transcript from Sam Dash, there were two very important words in the transcript as I listened to it. And the words that Sam Dash, a former district attorney of Philadelphia, used were "relevant and probable cause," and that is precisely my point. The information has to be relevant, and there has to be probable cause to seek it.

Permit me to address another question to the chairman of the committee, the Senator from Nevada, concerning the basis for the committee's proceedings in looking for evidence on the statement the chairman made concerning what may constitute a criminal violation.

My point here on the question, and I put it on top of the table, is whether you have a basis for doing so for this state of the record outside of the substitute resolution. If the Senate passes this substitute resolution, you have authority to do it. My point is to take a look on what is on the record today to see if you have a basis for doing so.

The Senator from Virginia [Mr. WARNER] yesterday asked a question about whom you could consult, and I think it would be informative for the Senate to know what the views were of the other members of the committee as to whether there was a possible criminal violation.

The essence of question goes to whether you have probable cause, which the Senator from Maryland articulated as the standard. I wrote down as best I could what the chairman said yesterday about the information which he has, second-hand from his counsel; that he had "formed no judgment as to where it might lead," and it "may lead nowhere," and the judgment of the Senator from Kentucky that any information on that subject was "inconclusive at best." My question to the Senator from Nevada is, Does the committee have probable cause to proceed to get the information relating to the possible criminal charges?

Mr. BRYAN. Let me respond to the Senator from Pennsylvania by first indicating that following the October 18 impasse in which the information came to the attention of our counsel, the staff member that discovered that during the course of reading the diary believed it to be significant and thereafter contacted Mr. Baird, the chief counsel. The two of them together looked at it and believed that the committee should be briefed on it.

I will indicate to the Senator from Pennsylvania the entire Ethics Committee was briefed on the essence of that information contained in the diary.

Because Senator PACKWOOD and his lawyers have refused to produce or copy that section we did not have copies of the diary before us.

Based upon that discussion, what was related to us by counsel, it was my belief, and I think shared by each and every member of the committee, although they can speak for themselves, that the threshold needed to pursue that information, credible evidence, was available, and it was the unanimous vote of the committee after that information was shared with the committee to authorize our counsel to go forward and to proceed.

Have I responded to the Senator's question?

Mr. SPECTER. Not really. But let me pursue the matter if I may. As I understand the positions of the members of the committee, and I do not know what the Senator from Maryland or the Senator from South Dakota have to say on the subject, but I heard what the Senator from Kentucky had to say, and that was that it was inconclusive at best. He is quoted this morning in the Washington Post as saying it was inconclusive and Senator BRYAN's action was "injudicious and inappropriate."

I am reliably informed that the Senator from New Hampshire did not think there was a criminal violation stated. May the record show he is nodding yes. The Senator from Idaho did not think there was a criminal violation. He can speak for himself on that subject.

Ms. MIKULSKI. Would the Senator from Pennsylvania yield for a clarification of a comment?

I bring to the Senator's attention——

Mr. SPECTER. Mr. President, do I have the floor? I will yield at a later time.

I want to pursue my question, and then I will be glad to yield for a question.

The rules of the Senate Ethics Committee, rule 8, provides that "Wherever the committee determines by a majority vote that there is reason to believe that a violation of law may have occurred, it may report such violations to the proper State and Federal authorities."

Let me underscore the "may," because that is the word which the chairman underscored at one point in his statement. In the chairman's statement, there are two references. One says "may"—and I emphasize the word "may"—and the other does not have any emphasis on "may."

Let me refer to that specifically.

Mr. BRYAN. I am familiar with the Senator's——

Mr. SPECTER. I know you are familiar with it, but other people may not be. I think it is an important point.

At page 2 of the statement by the Senator from Nevada, it says:

> The committee counsel came across information indicating possible misconduct by Senator Packwood unrelated to the current inquiry. This information raised questions about a possible violation of one or more laws including criminal laws.

That does not have him in it. It says "possible" in it. Later on the statement, on page 4,

The Senator from Nevada said:

> Senator Packwood's attorneys broke off a committee review of the diaries only after committee counsel found information which may—I emphasize "may"—indicate possible misconduct unrelated to the inquiry underway and which raised questions about possible violations of criminal laws.

I think it is important that the duty of the committee is activated on a showing that it may have occurred, not that it did, or a probable cause. "May" does not amount to probable cause.

So my question to the Senator from Nevada is: Has the committee considered a vote to refer this matter to the appropriate authorities, as called for by rule 8?

The PRESIDING OFFICER. The time of 12:30 having arrived, the Chair notes that under the previous order the Senate is to recess.

Mr. MITCHELL. Does the Senator from Pennsylvania have any idea how long the current line of inquiry he is engaged in will take? If he can complete in a relatively short period of time, it would be my intention to continue this session until that line is completed, and then recess.

Mr. SPECTER. In responding, I have a fair amount more, but I cannot make a judgment because the Senator from South Dakota [Mr. DASCHLE] has a question he wants to ask, and the Senator from Maryland indicates she has a clarification she wants to make. My sense is that it will not be concluded in the next few minutes.

Mr. MITCHELL. Accordingly, Mr. President, pursuant to the prior order, the Senate should stand in recess.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

ISSUANCE OF A SUBPOENA

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO INSTRUCT THE SERGEANT AT ARMS

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—99

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—1

Moseley-Braun

So the motion was agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when we adjourned, there was a question which had been asked of the chairman of the Ethics Committee, but before restating it, I would like to make a couple of preliminary comments on questions which have arisen over the lunch hour, and those questions which have come into my office relate to why we are taking the time of the Senate on this matter when there is other pressing business of the country which we might be considering.

It is my hope that we will finish this matter today, although no one knows that for sure because Senators have a right to express themselves on the matter. But I would say to those who have asked the question about why we are taking the time of the Senate that we have plenty of time to do the country's business. We have evening hours, as everybody in this Chamber knows. Sometimes we do not work on Friday when we can. Sometimes we are in our States on Mondays. We were here yesterday. We do have time to take care of the country's business. And, also, this is an important matter.

As I see this matter, it is much broader than a single Senator. It is much broader than Senator PACKWOOD. It involves the institution of the Senate. It involves the institution of the Senate which transacts the country's business. I have two able, young sons who would not consider a life in politics, public service, because of what they see involved in it.

I believe that we have to be fair to everyone. We have to be fair to the country, the American people, getting to the bottom of the charges against Senator PACKWOOD, which are very serious. We have to be fair to the institution, to the individuals, to Senator PACKWOOD, and to those who may want to come to the Senate.

I do not represent Senator PACKWOOD in these proceedings. Some people may wonder why Senator PACKWOOD has spoken so much. I think people may not know that Senator PACKWOOD's lawyers are not permitted to speak on the Senate floor by rules of the Senate. So Senator PACKWOOD has been speaking himself, essentially defending himself. While I think he has done generally a good job, I do not think he has done as good a job as if he were representing somebody else. When people represents themselves, they are under a lot of pressure; there are a lot of statements about that. But he has had to speak for himself.

When Senator DANFORTH and I offered this substitute amendment, we did not do so on behalf of Senator PACKWOOD. We did so because we think that it achieves the right result. When there are similarities between what Senator PACKWOOD and his attorneys offered to the committee last night, that is because Senator DANFORTH and I had this amendment prepared yesterday and I tried to offer it yesterday afternoon. He has come to the conclusion with his lawyers that that is what he thinks will be an appropriate resolution.

But Senator DANFORTH and I and anybody else who votes on this matter do so in our capacity as Senators and not as representatives or counsel for Senator PACKWOOD.

There were some questions which came into my office over the phones during the intervening lunch hour which I think require just a little bit of explanation, and that is what happens on a quorum call, then what happens on recognition.

Recognition depends upon who addresses the Chair first, with certain reservations for the leadership to have the right to recognition if it is at the same time that recognition is sought. When a Senator seeks recognition, it is to express himself and put up a substitute resolution or do what the Senator wants to do.

When the quorum call issue came up—and we deal with this so often, we do not stop to focus on what people are thinking when they see it on television or hear it in the Chamber. Any Senator has the right to suggest the absence of a quorum at any time, which means the proceedings stop to determine whether or not there is a quorum. A quorum means whether there are 51 Senators present, because the rules of the Senate provide that if somebody challenges the absence of a quorum or suggests the absence of a quorum, then the Senate cannot conduct any business.

Ordinarily, we conduct business without 51 Senators being present. But when that happens, any Senator can challenge whether there is a quorum present. And when I introduced my substitute amendment, there was a suggestion of the absence of a quorum. Why that was done remains for the person who made the suggestion. My speculation would be so somebody could take time to study it and perhaps raise some objection.

Mr. BRYAN. Mr. President could I just interrupt for one limited purpose, to simply say to the Senator that the purpose why the chairman suggested that was simply to get a copy of the amendment that was forthcoming about which the Senator spoke. I assure him that was the sole purpose of that parliamentary suggestion.

Mr. SPECTER. I thank the Senator from Nevada for that explanation.

Of course, that was not known to me at the time, and I wanted to proceed. Had the chairman asked for a copy of the amendment, he could have gotten one instantaneously from the clerk. We would not have had to have a quorum call which would have interrupted this Senator's presentation of that matter.

But when I challenged the quorum and raised with the Presiding Officer, Senator BOXER, a parliamentary inquiry of whether a quorum was present, that was for the purpose of having Senator BOXER look over the room and see that there were more than 51 Senators in this Chamber.

Senator BOXER then responded, I think on the advice of the Parliamentarian, that the Presiding Officer did not have the authority to make that determination, something to that effect.

People misunderstood when I said cannot the Presiding Officer count, which was my way of saying that all you had to do was count the people in the Chamber to see that there were 51 present. It was not made with any suggestion that anybody cannot count. It was only for the purpose of trying to establish that there were 51 people here.

I do not know the ins and outs of the rules, why the Parliamentarian said the Chair cannot rule on it when it is a simple matter to ascertain whether 51 people were present. If the matter came to me, I would count the house and see if there were 51 people here.

But I was not suggesting that any Senator could not count. I was just trying to ascertain that there were 51 people here, and I wanted to proceed. I did proceed, but a lot of people misunderstood why that went on. I think it is worth that much of an explanation.

Mr. DASCHLE. Mr. President, will the Senator yield for a couple questions now with regard to his amendment, with that clarification?

Mr. SPECTER. No, but I will be glad to yield when I finish the question which is pending to the Senator from Nevada and the other points that I wish to make. I wish to make my presentation in an orderly way, and after that is done I will be glad to yield for any questions.

If I may then—I know I have the attention of the chairman of the Ethics Committee, and I wish to pursue the question which I had started to ask when the hour of 12:30 came and we adjourned in accordance with the standing order for the legislative caucuses.

My question to the Senator from Nevada is, referring to rule 8, subsection (a) which provides in relevant part "whenever the committee determines, by majority vote, there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper State and Federal authorities."

Before the luncheon break, I had focused on the fact that the language "may have occurred" was the same language which the chairman used in part of a statement which he released last Thursday. I think the record ought to show what the committee has done in that respect. I know the committee—well, I do not know for sure, but I think it is important that the record show whether the committee has made such a reference, whether the committee has voted or, if the chairman cares to respond, what the individual members had to say about it.

Mr. BRYAN. Let me respond to my friend from Pennsylvania by indicating that the Ethics Committee is obligated, in my view, to pursue any credible information. The information that was brought to our attention by our counsel certainly met that standard, and we were attempting to pursue it when the impasse, which is the subject of all of this debate that we have had over the last 2 days, occurred.

The practice of the Ethics Committee predating my chairmanship and membership on this committee, as I am informed, is not to turn over the information at that stage to the Justice Department; that such a determination would be preliminary, and that we would want to at least pursue the information that was contained in the diary, that was first called to our attention by our counsel, to see where that might lead, if anywhere. That is consistent with our historical practice.

Mr. SPECTER. Was that matter taken before the full committee?

Was that matter taken before the full committee?

Mr. BRYAN. Yes, it was. And in response to that——

Mr. SPECTER. As to whether——

Mr. BRYAN. Yes. In response to that the committee made a determination to issue the subpoena.

Mr. SPECTER. Was the matter taken before—let me sharpen the question so there is no doubt about it. Did the committee have before it a reference in turning over the possible violation of law to appropriate authorities? Did the committee consider that issue?

Mr. BRYAN. As I recall, we did not discuss that. It was premature to have done so. And so our inquiry was—at that point we were alerted by counsel as to that information. It certainly suggested the possibility of violations to those who had seen it. We were advised by our staff that it did. And so the committee did the very responsible thing, in my judgment, having been so informed; we directed that a subpoena be issued to gain access to that information.

Mr. SPECTER. Without prolonging the discussion, which would take a lot more time, I would make a suggestion to the chairman that any citizen has the obligation to report a violation of law, criminal violation, and that especially in the context where there is a specific rule which says that there should be a possible violation reported when it may have occurred, that that would be the appropriate course. But I understand that that was not followed, and I say I will not pursue that and take up additional time unless the chairman would care to comment.

Mr. BRYAN. I would just simply respond to my friend from Pennsylvania, the practice the committee followed is a time-honored practice, consistent with all matters brought to our attention. So Senators should not have the impression that this matter was dealt with in any other fashion other than that which all other matters are in which there is credible information that would suggest the possibility of a violation, which the committee feels obligated to pursue and is so charged with that responsibility under our rules.

Mr. SPECTER. When the committee chairman said yesterday that he had formed no judgment as to where this issue might lead—I do not quote him directly; I just wrote down as best I could—formed no judgment where it might lead, that was referring to his statement about a possible criminal charge, and his statement that it might lead nowhere and having the information from the vice chairman, the Senator from Kentucky, who did not agree with the chairman, why did the chairman consider it appropriate to make the statement about a possible criminal violation? Just to strengthen the argument for a subpoena? To state it differently, is it not an inappropriate reason to make a public statement to strengthen the argument for a subpoena?

Mr. BRYAN. Responding to the Senator from Pennsylvania, that was not the reason why the statement was made. As I have indicated, the statement was made because in the view of myself and others, the Senate was being left with the impression as the American people were that the committee was on some fishing expedition, "out of control," to use the terminology of the distinguished Senator from Maryland, some committee on voyeurism, and I thought it was appropriate to focus the attention on the seriousness of the matter and why we needed to have access to it.

I just simply say to my friend from Pennsylvania that the real issue I think that is presented by his substitute amendment is that if adopted that would deprive the committee from looking at any other information that might be in the diaries which indicates other information. That is the effect of that. I think the Senators need to understand that that is the limitation which is sought to be imposed here. And I think that is something that we ought to discuss at some point in time.

Mr. SPECTER. I will do that next. I will take that up immediately after I get an answer to my question which is pending about strengthening the argument of the subpoena. I will take up the issue which you have raised directly, take it up head on, about having access to all the information in the diaries.

But first, I will call the chairman's attention to page 26957 of the CONGRESSIONAL RECORD of yesterday. I know the chairman has answered a great many questions. I compliment the chairman for being the chairman, for taking on the laborious task. We do not have to agree with each other on everything but he has taken on a very laborious task, and he deserves the thanks of the Senate for that.

One of the things the chairman of the Ethics Committee said yesterday, on page 26957—I again repeat that the chairman has said a lot of things so this statement does not stand alone. This is what the chairman said.

> Mr. BRYAN. Clearly, in my judgment it strengthens the argument for the subpoena.

Mr. BRYAN. I agree with that statement, Senator. That was not the reason for the statement made. Clearly, the fact that the level of potential misconduct would rise to that level certainly strengthens the argument. But that was not the reason why the statement was made.

Mr. SPECTER. That will be a matter for argument, and I do not intend to press the point beyond what I have already said.

On the issue of depriving the committee of information—and I believe that is a very important issue—I will say to the chairman that the question of a general warrant has been the subject of much discussion in this country for a long time; and that the Revolutionary War was fought over two principles as I read the history. One was taxation without representation, and the other was the issue of the general warrant, that there should not be a general warrant; that men and women should be secure in their houses and in their personal effects from a warrant which did not specify anything but was general in nature. That is why there has been such a large body of constitutional law interpreting the fourth amendment which says that people shall be secure in their homes from unreasonable search and seizures.

The test of the general warrant which distinguishes what the committee is asking for from the substitute offered by Senator DANFORTH and myself is just that; that our amendment seeks all of the information relevant to the charges. The really big issue which I think the American people want answered I would like to have answered: What are the facts on the charge against Senator PACKWOOD if he was guilty of misconduct in sexual matters and did he intimidate witnesses; did he improperly use the Senate staff?

Then the other matter has come out which the chairman has called possible criminal violation, and notwithstanding the fact that it does not rise to the level of a charge because the material at hand has not led the committee to make the charge, we say let us put it all before the hearing examiner. So that Senator PACKWOOD is not judging whether it is related to that matter, not judging what is relevant to sexual misconduct charges and the other, but that Judge Starr will make that determination.

When you come to a general warrant which could be issued against any one of the 100 Senators, it could not be issued against any one of the 250 million other Americans on any process that I know about. I would ask the chairman if he disagrees with that.

Mr. BRYAN. With great respect, because my friend from Pennsylvania is an able and distinguished lawyer, I could not disagree with him more emphatically. If a citizen in this country under a grand jury investigation had provided to the grand jury a diary, I cannot conceive of a circumstance in which that citizen would be in a position as Senator PACKWOOD is today to say, "Wait, I've allowed you to look at the diary, but now I am going to tell you the circumstances under which you can see the remaining portion."

No citizen in America would have that right. And the thrust of what the amendment of the distinguished Senator from Pennsylvania would do would be to confer that right only upon 100 citizens in this land, 100 of us who are privileged to serve in this body.

Mr. SPECTER. Well, the chairman of the committee ignores the Supreme Court ruling in Watkins versus United States on that. Senate committee inquiries are limited to the issue of pertinence. The chairman also ignores the basic point, as represented by Senator PACKWOOD, which is that he entered into no waiver and that he had agreed to turn over the diary subject to relevancy, and that as soon as he found out that the committee was seeking matters which were not relevant to the three charges, he said he would not permit that. As yet the committee has not made a factual determination in listening to the people who were involved in the agreement; the committee has accepted the statement of the counsel without hearing from Senator PACKWOOD's counsel.

Let me pursue this matter with another question.

Mr. LEVIN. Would the Senator yield on that narrow point?

Mr. SPECTER. No. But I will later.

Let me pick up a subject which has already been raised, I think by the Senator from South Dakota [Mr. PRESSLER], as to whether there had been a violation of the rules of the Committee on Ethics. In raising this, I might suggest to you that there ought to be a charge of the violation of the rule, but I think it will illustrate my point in response to what the chairman has asked about whether the committee would be deprived of all information.

Rule 9(d)(1) provides in relevant parts that no member of the select committee shall release, publish or reveal by written word, conduct, or disclose in any way in whole or in part, or by way of summary, any sensitive information, document, or material received or generated by the Select Committee on Ethics.

Now, assuming, hypothetically, that a charge was brought against the Senator from Nevada. The Senator from Nevada has been in the Senate since being elected in 1988, as I believe the facts are. Suppose a subpoena were issued. And it ought to be noted at this time that this subpoena does not call just for diaries, it calls for diaries, journals, or other documents and materials, including all typewritten or handwritten documents, as well as tape recordings, all materials stored by computer or electronic means which are in your possession, custody or control and which were prepared by or at the direction of Senator PACKWOOD—and we can substitute any Senator, such as Senator BRYAN—recording or describing the Senator's daily activities for July 1, 1989 through present.

The Senator from Nevada became a Senator on January 3, 1989. Would the Senator, if faced with that situation, agree to turn over to the committee all of the materials enumerated therein, including a diary, if he had a diary?

Mr. BRYAN. The Senator from Nevada would. And this marks the first time in the history of the Senate Ethics Committee, I say to my friend from Pennsylvania, where a Senator faced any kind of an inquiry by the Ethics Committee in which the requested information of that Senator was not made available. That is what makes this case unique in the sense that it is brought to the Senate floor by reason of the circumstances that have been debated at some length.

Mr. SPECTER. Well, I will pursue, when I have finished my questioning today, whether there is any precedent for this kind of subpoena having been served and followed. I think that the Senator from Nevada has drawn the issue.

I believe that the law is clear that no citizen would be required to do that in a grand jury proceeding, and that even with the scope of a grand jury proceeding, the judges at the trial level will examine any documents to see whether they ought to be submitted to the grand jury; and in the Senate inquiry, the pertinence requirement of the Watkins versus United States is in issue. But there would be no mistake that—and any of the other Senators will understand this—anytime anyone makes a complaint about a violation to the Ethics Committee, of which there are many, it opens up, in the view of the Ethics Committee, the chairman, that kind of a general search.

Mr. BRYAN. I respond to my friend from Pennsylvania by citing a personal situation of the distinguished junior Senator from Utah. I quote from page 26969 of the CONGRESSIONAL RECORD of November 1, when Senator BENNETT went on to say:

> I appreciate what the Senator is saying because I have been in the situation where my diary has been subpoenaed and used in an investigation.

I am assuming that the distinguished Senator was involved in a matter in his capacity as a private citizen before being elected to the body. I do not know the circumstances completely, but that is my understanding. So he is a living example of one of our colleagues who has been subjected to the standard that all American citizens are. And I think our colleague, Senator KERRY, yesterday, put the issue in perspective when he said:

> * * * we are affording our colleague a privilege afforded to no other American citizen in a document judged to be relevant to an investigation. No American citizen can go out and decide with their counsel what they are going to turn over in an investigation. You cannot do that.

That is the position that the Senator from Nevada takes with respect to this line of questioning.

Mr. SPECTER. Well, I suggest that there could not be a statement more directly in variance with the law of this country; that when search warrants are issued, if they specify item A and the searchers find item B, you cannot take it unless it is in plain view, the instrumentality of a crime, or shows on its face the commission of a crime itself; and that before a grand jury—which is not analogous to this situation—but even before a grand jury, this kind of material would not be turned over.

The issue of pertinence is indispensable in this kind of proceeding under U.S. Supreme Court decisions, starting with the case of Watkins versus United States. In fact, when the committee has filed its report, there are numerous references in the committee's report to the requirement of relevance.

In going through the committee's report, the references to relevance are scattered throughout the entire report. At page 1, "committee documents relevant to the committee's preliminary inquiry." At page 2. "A determination directly relevant to the current preliminary inquiry." And so it goes throughout the entire committee report. Supreme Court decisions have established that when private papers are relevant to a lawful inquiry, there is no constitutional privacy right, but you still have the due process requirement of relevancy.

Later, on page 4, again, the word "relevant." "The committee has determined the documents in their entirety may be relevant and probative."

When the chairman issued his own statement, the word "relevancy" appeared throughout the text of the statement. On page 1, "relevant" occurs twice and then throughout the pages of the statement. When the Senator from Nevada made his argument, "relevant" comes up again and again. When the Senator from Kentucky has made suggestions, "relevant" comes up again and again. The issue of relevancy is as basic to any concept of fair play as any in the case law.

Put in capsule form yesterday by the Senator from Louisiana [Mr. JOHNSTON], in the quotation—and it is worth another specific reference—on page 26972 of yesterday's CONGRESSIONAL RECORD:

> I know that rule 7 says that, but I think it contemplates throughout the law that you are entitled to notice and relevance to a charge.

That is my concern. When you take a total look at this entire proceeding, Senator PACKWOOD would not make the determination of what goes to the committee; that will be made by Judge Starr, that information is relevant to the charges. We get on with the sexual misconduct issue and the others related to that. Notwithstanding that no charge has been filed and there has not been a showing of probable cause, this resolution calls for turning over all matters related to what the chairman has characterized as criminal conduct.

It seems to me that this amendment gives the committee full access to everything that any citizen would have to face, and I am in total agreement with the chairman that the standard is what would be applied to any American, and that is all that I think ought to apply to any standard.

I would be glad to yield for any questions at this time.

Mr. KEMPTHORNE. Mr. President, will the Senator yield?

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I will yield to the Senator. I think Senator KEMPTHORNE was ahead of the Senator from Michigan.

Mr. LEVIN. I did not see where it was coming from. I was going to ask the Senator to yield for a question.

Mr. KEMPTHORNE. I do have a question for the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, to the Senator from Pennsylvania I need to say that for 2 days now I have listened to the legal arguments that have been made concerning this entire issue. I must add that I may be one of the few Members of this body who is not an attorney. So I need to put it into terms that I can come to grips with.

I am extremely intent in saying that I want the truth about whether or not the allegations against Senator PACKWOOD are true or not. I also would want to protect the legitimate rights of privacy of all citizens, including those citizens who serve as U.S. Senators. I want to ensure that in our pursuit in finding the truth I do not in any way support any effort that would give a U.S. Senator greater protection than a citizen of this Nation. Nor do I want to give a Senator less protection under the law.

So my question to the Senator from Pennsylvania is this: If your substitute amendment is passed, would it grant a Senator greater protection under the law than a citizen of this Nation?

Mr. SPECTER. No. It would not grant Senator PACKWOOD any greater rights than any other citizen would have for these reasons: Where any citizen is called before a legislative body, Watkins versus the United States, a decision of the Supreme Court, held that the question of pertinence, which is another word for relevance, must be determined by the whole body and that must be applied by the committee in seeking information.

So if any citizen were subpoenaed by the Ethics Committee and came before the committee, that person could not be compelled to answer any question which was not pertinent, which means relevant to the inquiry.

Now when the committee rests on an alternative rationale, that there has been a waiver involved, no citizen would be held to a waiver on something which his attorney does. Waivers of constitutional rights are personal. When a person is called before an investigating committee, as we had many famous cases years ago, on privileges against self-incrimination, if the person answers the first question, that constitutes a waiver of subsequent questions, but the person does that waiver. It is not something that you do through an attorney.

When someone enters a guilty plea in a criminal case, the person comes to the bar of the court, and the judge has a colloquy or a discussion with that person to make sure that the person understands the nature of the charge and has understanding of what rights are being given up.

The lawyer may not say to the judge I have explained it to my client and he understands what is happening and he waives his rights to a trial and we will plead guilty and not stand before a jury, which he has a constitutional right to, because that waiver has to be given by the individual person.

So whatever the agreement was with the attorneys for Senator PACKWOOD and the attorneys for the committee, that does not bind Senator PACKWOOD. We do not know and this committee does not know what that agreement was, because they only heard one side, and they have admitted that on this floor.

When Senator PACKWOOD turned over many pages over many days through his attorneys, he did that, as he has stated, based on his understanding that he was only giving relevant information. When the committee then asked for information which was not relevant to the three charges, that is, this issue which the chairman has characterized as possible criminal violations, Senator PACKWOOD stood up and said, "No, that is not the agreement which I made."

So he has never had a waiver of that right. If any citizen would challenge a waiver, that citizen would have to do it personally or, if there was a question of what the facts were, there would be a hearing to determine the facts, not taking the word of only one side.

I think that is what is so critical for everyone to understand, and that is Senator PACKWOOD would not be treated differently than anyone else under this amendment. The broad brush of the grand jury is not the standard which is applied for a legislative inquiry. When a grand jury functions, it does not have any named respondents or defendants. If the grand jury comes to the point where it zeros in on a person, that person becomes a target, and that is a very specific category. When the person becomes a target, the person has to get a letter from the Justice Department and be told: You are a target. At that juncture a target has many additional rights.

I do not wish to comment extensively about the law on the subject, and I have not maintained a familiarity during my tenure in the Senate except to the extent that the issue has come before the Judiciary Committee during a variety of hearings. But I think those are basic and accepted principles that have withstood the test of time.

That is the long way around. The direct answer is Senator PACKWOOD would not be treated differently from any other Senator, but if the Senate votes this subpoena up he would be.

Mr. KEMPTHORNE. To clarify the last point there, Senator PACKWOOD would not be treated any differently than any other Senator, but also we are not establishing a separate set of standards. He would not be given any greater protection than a citizen.

Mr. SPECTER. Correct. He would not be given any greater protection than any other citizen if the substitute resolution is adopted. The fact is he would be given slightly less, as I have explained before, because I do not believe the committee has a right to get the diary entries on the issues related to Senator BRYAN's criminal charge unless they make a charge themselves, which they have not done. I think they have conceded they have not enough evidence to do it or have probable cause, which was the standard of the Senator from Maryland.

But Senator DANFORTH and I are prepared on a substitute resolution in order to clear the air to go just that little distance further.

Mr. KEMPTHORNE. My next question is this, which is of equal importance to me, and that is: If your substitute amendment passes, does it in any way infringe upon the rights of those who have filed the allegations?

Mr. SPECTER. No. And by way of amplification, it would not in any way infringe upon anyone who has filed the allegations because those allegations have been filed by the women who raised their contention that Senator PACKWOOD has been guilty of misconduct, and the women who have raised the contention that Senator PACKWOOD has been guilty of intimidation, and the related issue as to whether Senator PACKWOOD acted unethically in using his Senate staff, not only would they not be prejudiced, but they would be helped by this alternative, by this substitute resolution for the reasons which Senator METZENBAUM, the Senator from Ohio, raised this morning.

The Senator from Ohio raised the question as to what would happen on a time sequence, and I believe it is plain, without reviewing the details, the Senator from Ohio said that he thought it would be closer to 3 years than 1 year before this issue was resolved. And he was concerned, as I am concerned, that the central point on the charges of sexual misconduct and intimidation not being delayed.

We have a duty to get to all those facts. If the facts support action against Senator PACKWOOD, then this body, including this Senator, has a duty to vote that action whatever we may decide.

So the short answer is the victims of sexual misconduct, as they have articulated their versions, would not be prejudiced. In fact, they would be helped by this substitute resolution.

Mr. KEMPTHORNE. I thank very much the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Virginia was heard first by the Chair. I wonder, will the Senator yield for a moment? I am sorry, the Senator from Virginia did get recognition first. I wonder if the Senator will yield for a moment. I know the Senator from Michigan had put a question, one question, to the Senator from Pennsylvania and then deferred to the Senator from Idaho.

If the Senator will yield?

Mr. WARNER. Mr. President, I am happy to accommodate the Chair and seek recognition following that.

The PRESIDING OFFICER. I appreciate that and will recognize you next.

The Senator from Michigan.

Mr. LEVIN. If the Senator from Pennsylvania will yield for two questions, I would appreciate it.

Mr. SPECTER. I do.

Mr. LEVIN. First of all, under your substitute amendment, you state that certain documents will be turned over to the Select Committee on Ethics by Judge Starr, two types of materials: The first, materials relevant to the charges of misconduct currently before the Select Committee on Ethics, and, second, materials referring to the incidents cited in the statement of Senator BRYAN dated October 28, 1993.

If Judge Starr comes across other material or material relating to, let us say, other violations of law than the ones referred to in this substitute, what should Judge Starr do with that material under this substitute? Would he keep it to himself? Would he report it to the committee? Would he report it to the prosecutor if appropriate? You are silent on a very critical issue.

Under rule 3 of the Rules of Procedure of the Select Committee:

> Any Member or staff member of the committee shall report to the committee and any other person may report to the committee any credible information available to him or her that indicates that any named or unnamed Member, officer, or employee of the Senate may have—(1) violated the Senate Code of Official Conduct; (2) violated a law; (3) violated any rule or regulation of the Senate. * * *

Under your substitute, are you saying that Judge Starr, if he found evidence in those diaries other than the evidence specified in your substitute amendment, that he would keep that information to himself? Or that he would follow rule 3?

Mr. SPECTER. I am saying that he would treat that information just as he would treat information which came to him from Mrs. Packwood on matters disclosed by Senator PACKWOOD during their marriage, where there is a husband-wife privilege. That privilege is accorded so married people can talk freely to each other. I would say that he would not disclose that information, just as he would not disclose any information if one of Senator PACKWOOD's lawyers came to Judge Starr and told him something that incriminated Senator PACKWOOD that he had learned in the course of his representation.

So that you have the essence of what I think is a general warrant and the essence of what is prohibited as a fishing expedition, where there is a voluntary turnover by Senator PACKWOOD responding on the condition that the scope of the committee's inquiry be honored. But to say that there is something improper about Judge Starr not turning over other incriminating items which may be there—I do not know what is in the diaries. I have not read the diaries. All I know about the diaries is what I have read in the papers and heard on this floor, except as related to the allegations on possible criminal misconduct.

But there are some areas—and I have chosen only two for purposes of brevity. As a district attorney, once the wife of a judge came to me and gave me incriminating evidence, and I could not use it. I could not use it. I knew the judge had committed the crime of bribery, and I could not use it. That would be the consequence.

Mr. LEVIN. Of course, the difference there is the law has created a privilege for certain information that relates to information passing from husband to wife, between the person and their minister, and so forth.

But in this case this is a new privilege that you could be carving out under this subpoena because here, under your substitute, you are asking an independent examiner who comes into possession of information which is not privileged like husband and wife information, to keep that information to himself. There is no such privilege that I know of similar to the one which the Senator from Pennsylvania is carving out for the first time in this substitute. I am familiar with the husband and wife privilege, I am familiar with the doctor-patient privilege, and I am familiar with the privilege between someone and his or her priest and minister and rabbi. There are a lot of privileges that the law provides.

But I know of no privilege of this kind which would allow any independent examiner to be asked to go into material which is or could be relevant to an investigation, to keep that material to himself or herself. I think that is a totally new privilege which the Senator from Pennsylvania is carving out. But, nonetheless, he gave me a clear answer on it, and I appreciate that.

Mr. SPECTER. Let me make a comment about that. I disagree with my distinguished colleague, who is a very fine attorney. Without unduly talking about the concept of privilege, I will say to the Senator from Michigan that, if a police officer has a search warrant which specifies certain materials and finds other materials —without getting into the details—and there is evidence of a crime, that police officer cannot use that evidence against the individual. There is a large body of law in our society which touches on unreasonable search and seizure. Where you have the kind of a general warrant as you have here—I would be interested in my colleague from Michigan's comment as to his view of the legality of a general warrant such as is encompassed in the request by the committee for all sorts of information.

Mr. LEVIN. I thank my friend. I will get to my second question, but quickly commenting, my recollection of the law—and it has been a few years since I practiced law, too—is that if there is a valid search warrant that identifies something that an officer is to go and obtain in someone's property, in a house for instance, and it identifies a specific item, and during that legal search the officer comes across something else which is incriminating, I believe—and I may be wrong—but I believe that other evidence can be used in court against the defendant who owned the property. I do not think that, providing it is a legal search under a legal warrant, the officer then must ignore something which that officer comes across during that legal search.

However, let me get to my second question. My second question is that the Senator from Pennsylvania has, like others on the floor a number of times, made reference to the fact that there was apparently a disagreement as to what was agreed to by the attorneys for Senator PACKWOOD and the attorneys for the Ethics Committee. Some people said maybe it is not important what the agreement was. I think it at least is relevant to our discussion what that agreement was. It may not be the ultimate question, but it surely is relevant, and many people have discussed it here.

All we have heard, so far at least, from the Senator from Oregon is that his lawyer's understanding of the agreement was different from that of the attorneys for the Ethics Committee. That is basically what we have been told, that his understanding was different.

The Ethics Committee has made very specific statements to the Senate as to what the agreement was. For instance, Senator BRYAN, in his October 28 letter, said that, "Ethics Committee counsel specifically informed the Senator's attorneys—"

Mr. SPECTER. Where are you reading from, Senator?

Mr. LEVIN. I am sorry, page 4 of the October 28 letter.

Let me start again.

> The Ethics Committee counsel specifically informed the Senator's attorneys that if the committee saw information related to possible other misconduct, the committee would be compelled to pursue that material.

This is a statement of the chairman of the Ethics Committee as to what counsel for the committee has represented to the committee as stated to the attorneys for Senator PACKWOOD.

Yesterday, on this floor, the chairman of the Ethics Committee stated that it was—it says, and this is on page 26937 of the RECORD; page 26937.

Mr. SPECTER. If the Senator from Michigan will repeat the citation that he first referred to.

Mr. LEVIN. The first citation was on page 4 of a letter from Chairman BRYAN dated October 28.

Mr. SPECTER. Would the Senator repeat that statement?

Mr. LEVIN. The first one?

Mr. SPECTER. Yes.

Mr. LEVIN. It is about 10 lines down in the fourth paragraph. It says, quite the opposite:

> Ethics Committee counsel specifically informed the Senator's attorneys that if the committee saw information related to possible other misconduct, the committee would be compelled to pursue that material.

And then yesterday—and now I am at page 26937

Mr. SPECTER. Repeat that citation again.

Mr. LEVIN. Yes. 26937. It was said that:

> At that time, Senator Packwood's attorneys were expressly advised by the committee staff that the committee could not turn a blind eye to evidence of any other possible violations even if unrelated to the ongoing inquiry. That point was made clear to Senator Packwood's lawyers and was part of the basis of the understanding by which the diaries were made available to the committee staff.

Then on page 26941, the vice chairman of the Ethics Committee, Senator MCCONNELL said the following yesterday:

> In particular, the question was raised by the Senator's counsel whether we would consider evidence of any other misconduct that we found in the process of reviewing the diaries. In response, the Senator's counsel was informed that the committee could not turn a blind eye to any suggestion of misconduct that came to its attention.

And then about 8 lines down, Senator MCCONNELL said that:

> * * * the committee could not agree up front to simply disregard any evidence of unrelated misconduct until some future date. And that is what the Senator's counsel was told up front.

Now what we have from the chairman and the vice chairman of the Ethics Committee are specific statements that their counsel told them were made to the attorneys for Senator PACKWOOD. But all we have heard on the other side of this issue is that there was a disagreement as to what was agreed to.

It would seem to me, particularly in light of the request of the Senator from Colorado last night when Senator BROWN, on page S14759, said:

> I wonder if Senator Packwood's attorneys have a copy of a memorandum or any written recording of their understanding of the agreement. Certainly they are not required to present it, but at least it would be helpful to this Member to know if we have some written memorandum of this agreement, since it does bear on the relevancy.

Senator PACKWOOD:

> I am advised we have notes of the discussions but not a formal memorandum for the file.

Senator BROWN:

> For my own purposes, inasmuch as that is an issue, if either party would care to present that to us, I would appreciate it.

Let me say to the Senator from Pennsylvania, we have had very specific representations of what counsel to the Ethics Committee have told the committee about specific conversations relative to any agreement on this issue between the counsel—very specific information. On the other side, all we have are statements that there was a disagreement over this and that the effort to present this disagreement to the Ethics Committee has been rejected by the Ethics Committee.

My question of the Senator from Pennsylvania, since it obviously is important to Members of this Senate: Do you not believe it would be helpful, at least to some of us, if we had the specifics from the attorneys for Senator PACKWOOD that they believe constituted an agreement not to look at material other than material relating to the first charges, just the way we got specifics represented by Senator BRYAN and Senator MCCONNELL of what their counsel told them? And if that question is not clearly stated, we have the actual words——

Mr. SPECTER. I have the question——

Mr. LEVIN. We have the actual words represented by the chairman and the vice chairman as to what their counsel were told. I wonder whether or not my friend from Pennsylvania would agree it might not be helpful for us to understand the basis, the words that they heard from the counsel for the committee that led counsel for Senator PACKWOOD to believe that material that was not relevant to the original charges would be ignored by the reviewing counsel of the diaries? I thank my friend.

Mr. SPECTER. The answer is yes, and I will amplify that. I believe that it would be useful to find out what the specifics are from counsel for Senator PACKWOOD as to their testimony and any notes which they have which bear on that testimony.

I will say further to my colleague from Michigan that that is a rudimentary and fundamental inquiry which the committee, its chairman, and its vice chairman should have made before the chairman wrote in a letter that there had been a breach by Senator PACKWOOD's lawyers and before the chairman and the vice chairman went to the floor and said there had been a breach by Senator PACKWOOD's lawyers, because I believe that on any disputed question which is important, you have to hear from both sides to come to a conclusion.

I would say further that in the public offices I have held and I have dealt with individuals, I think it is the institutional responsibility for the institution, like an Ethics Committee or like a Senate, to have a written agreement. I am surprised, to put it mildly, on all sides—this includes Senator PACKWOOD's side—that they did not have a written agreement as to the inquiry and the scope on what they would look for in the diaries.

But I would say that is between the parties, and people can have different views. Institutionally, if I were running the committee, I would have insisted on a written agreement. Of course, if I had been Senator PACKWOOD, I would have insisted on a written agreement. But I think there are a few more resources in the institution.

I think the Senator from Michigan raises a very valid point, and I would hope that there would be that inquiry, and I will say that I am going to pursue it.

Mr. LEVIN. I join Senator BROWN in saying that it would be very helpful to this Senator if it was represented to the Senate by Senator PACKWOOD as to what the basis of any understanding of his attorneys were, what words were told to his attorneys which led them to believe that relevant information, relevant to some unrelated offense or misconduct would not be forwarded to the Ethics Committee. I would find that very helpful.

The chairman and the vice chairman of the Ethics Committee have been very precise, very specific, as to what their counsel tells them that they told to Senator PACKWOOD's attorneys on this matter. We have no such precision or specifics from Senator PACKWOOD.

I want to join Senator BROWN in what he said last night. It would be helpful to this Senator and to, my hunch is, many Senators if we have the specifics as to what Senator PACKWOOD's attorneys heard that led them to the conclusion they reached, just the way we have specifics from the counsel for the Ethics Committee.

Mr. SPECTER. I will say now that I agree with what the Senator from Michigan said about exploring this issue. I would add to that that I do not think there is any probative value in the precision as to what the chairman and the vice chairman say that they were told by their counsel. Of course, that is what their counsel has to say. But it does not advance a disagreement very far. A disagreement can only be determined if you hear the other side. I am a little more than a little surprised that on a really important question like that, the committee would accept one side of it.

Mr. LEVIN. I think on an important question like that, I am surprised that we have not heard from the other side the specifics that their attorneys tell them were agreed to or not. We have the specifics represented by the chairman and the vice chairman on one side of this issue and on the other side, we have a silence. All we have is, well, there was not any agreement on that.

What were the words that led the Senator from Oregon to believe, or the attorneys for the Senator from Oregon to believe that they had an agreement that the staff of this committee, in violation of the rules of the committee, could see information relevant to misconduct and not forward it to the committee? I would like to know what those words were because it would be a violation of the rules of the committee that that staff was sworn to serve.

Mr. SPECTER. Again, I would agree, but I would add this, that those lawyers cannot speak in the Chamber. And I would say that when Senator PACKWOOD has made his arguments—and I have said earlier that I thought he has done a pretty good job, but I do not think that the individual respondent is really capable of making a presentation like a lawyer because he is so deeply involved in it.

I see my friend from Michigan nodding in the affirmative.

He has gone through so much. But the issue has been raised. I do not know the answers to the questions. I have not seen the memoranda. I do not represent Senator PACKWOOD. But I think it is an important question for the Senate and I will endeavor to determine it.

Mr. WARNER addressed the Chair.

Mr. DASCHLE. Will the Senator——

Mr. SPECTER. I will speak for 1 more minute to the comment, having the floor, on the case of search and seizure.

I do not know that it does a whole lot of good to cite all these Supreme Court cases because we have already had the comment, with some justification, that this is not a class in constitutional law. But I would disagree with my colleague from Michigan about what a police officer finds which is inadmissible even though it is evidence of crime.

In just one case, Coolidge versus New Hampshire, if somebody is stopped for reckless driving and a police officer finds a dead body in the back seat, you bet it is admissible. But if the police officer goes into the trunk, it is not admissible as not being reasonably related to the search and seizure. Or if you search somebody and find a gun in their possession, that is admissible. But if you go into an adjoining room, it is not admissible.

But I raise that from the point that there are accepted principles of the law beyond the issue of privilege where evidence is not used to incriminate a person if the scope is too broad.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. The Senator from Virginia has a question.

Mr. WARNER. Yes, of the Senator from Pennsylvania.

First, I wish to commend the Senator for his role in this case and for his courage to step up and suggest this alternative to the Senate, and I hope my comments are taken as being constructive. But my questions are as follows—and incidentally, I have known Judge Starr for 15 years. I would like to advise the Senate that if there ever were a man of impeccable credentials, of knowledge, of fairness and honesty, it is Judge Starr.

But my concern, I say to the Senator from Pennsylvania, to put it candidly, suppose Judge Starr refuses to take on this rather unique and possibly onerous task. Suppose, he, once he takes it on, becomes incapacitated. I do not see, as this instrument is drawn, what is to occur if he either refuses or is unable to finish the task assigned by the Senate.

I would think that you need to amend it to give some flexibility and then that would give rise to a second question if the Senator agrees.

Mr. SPECTER. I think my colleague from Virginia raises a good point. I do not know the extent of Judge Starr's participation until now, but I understand it has been extensive. I do not know, but I have reason to believe he would probably be amenable to taking on the job.

I think the Senator from Virginia is exactly right, that there ought to be an alternative and that modification would be accepted.

Before the second question, let me thank the Senator from Virginia for his commendation. This Senator is not unaware that it would have been much easier to stay below the trench line on this matter. This is not a pleasant task, and it is subject to being seriously misunderstood everywhere. We have all been in enough of these proceedings to know it is subject to being misunderstood everywhere, but it seems to me that it is a job which has to be done by all of us.

One of my colleagues from the other side of the aisle came over during the lunch break, and we were talking about that. He said there is more reason to be here than to stay here. There is more reason to be here to take on these jobs than to stay here, assure your election by keeping your head below the trench line. But this is as a question that, as I say, goes far beyond Senator PACKWOOD. It goes to this institution and who is going to be willing to come here and serve and what the national interest is, getting the evidence now on the charges of sexual misconduct as opposed to tying it up for 3 years.

Mr. WARNER. Mr. President, I share in those thoughts, and I am delighted to hear the Senator's comments. So the Senator agrees with the Senator from Virginia we need to rework—I say "we"—the authors of this need to rework it for the contingency either that he refuses or, second, he becomes incapacitated, because otherwise, as I read this, it is so tightly drawn we would have to come back and reinitiate the very debate we are having now to substitute another individual.

Mr. SPECTER. We certainly would not want to do that.

Mr. WARNER. And I would have to tell the Senator in all fairness from this Senator, I am not prepared to leave to the discretion of some unknown body, that is, the committee or some unknown individuals, picking an alternative to Judge Starr because if I am to support this the fact that Judge Starr is the named individual I would find is one of the main reasons were I to support this. But an unknown, then I think I would like to render future judgment on any substitute.

My next question goes to the word "relevant" which is used with respect to those findings the independent examiner has on the charges that were initially filed, but then in the second paragraph the Senator did not use the word "relevant" but used the word "referring." Did he intentionally use a different standard to guide the examiner or is there a difference between "relevant" and "referring?" It seems to me that "relevant" should be substituted for the word "referring" in the second paragraph.

Mr. SPECTER. I would have no objection to that.

Mr. WARNER. There we would have a parallel between the duties of the examiner.

Mr. SPECTER. I would have no objection to that.

Mr. WARNER. Mr. President, another question. The amendment gives a title "Independent Examiner" to one Kenneth Starr. I have looked through the rules of procedure for the Select Committee on Ethics. The only place in which I can find any reference to such an individual is on page 4, section F, and it reads:

> The select committee may in its discretion employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the select committee concerning the disposition of complaints.

Is that the section on which we predicate this title in caps "Independent Examiner?"

Mr. SPECTER. If I may respond to my colleague from Virginia, I think not. Judge Starr has been used already, and the name "Independent Examiner" has been given to him. I believe that it is within the purview of the committee to have made that determination and to have applied that name even though it is not specified in the rules. Certainly, if the full Senate adopts that, there would be ample authority. But I do not believe that the reference made by the Senator from Virginia is the point of origin of this term.

Mr. WARNER. Mr. President, I share that because this paragraph F, as my good friend and fellow counselor knows, refers to an individual who is performing not necessarily ministerial duties but certainly not duties tantamount or in any way equivalent to the heavy burden that is to be placed on such an individual as Judge Starr as designated by this. And my next question follows on from the Senator from Michigan because I had the same question.

This independent examiner in this amendment, to whom does he owe allegiance? Is it the committee? Is it our fellow colleague, Senator PACKWOOD? Or is it to the Senate as a whole?

Mr. SPECTER. It is to the Senate. The independent examiner, Judge Starr, would owe allegiance to the Senate and he would take his charge from the Senate's action if the Senate chooses to adopt this substitute amendment.

Mr. WARNER. Then in following up the important question by the Senator from Michigan, if his allegiance is to the Senate, then it is the Senate that is creating this special privilege as such for this individual to analyze the diaries and to perform the duties enumerated and not report to the Senate based on that privilege a finding or findings which in his judgment would lead to allegation of offenses or misconduct in addition to the two enumerated, two categories in this amendment. Is that correct?

Mr. SPECTER. It would be a determination by the Senate that the way to get at all of the materials relevant to what has been filed and to the charge of possible criminal violation would be misread and we would be analogizing the exclusion of any other matter just as you exclude them from privilege or from what police officers seize. The cases are in the thousands where evidence has been excluded because it goes beyond the purview of what we consider to be good public policy—and we are a body which determines public policy. That would be our determination.

Mr. WARNER. Mr. President, then, in reference to the question from the Senator from Idaho as to whether under this amendment we would have according Senator PACKWOOD any protection over and above those available to a normal citizen, it would seem to me we are following the reasoning of the Senator from Pennsylvania to his response, because it is not as we have known and talked in the law, that of a clergyman, that of a doctor, that of a lawyer or client or the other well-recognized privileges that emanate from British common law through statute, law and case law today.

Mr. SPECTER. We would not be, according Senator PACKWOOD any rights beyond that which any other citizen would have in the context of what the law excludes from being admissible in a court for a criminal prosecution or for any perceived. The law recognizes privileges such as we have talked about, the law recognizes the suppression of evidence against the worst of criminals where there is not a warrant which is specific——

Mr. WARNER. I am fully aware of that. I just point out my own observations and conclusions. I think we should speed this up if we can.

Leaving Judge Starr to one side, my next point, let us say it is Mr. or Mrs. or Ms. X that takes on the important responsibilities in the Senator's amendment. And they do in fact during the course of the examination find such material which in their professional judgment does give rise to allegations of additional misconduct. And in furtherance of this Senate resolution, which in a sense sanctions their not bringing it to the attention, they do that. Then later on in their career practicing on another case or handling other things, all of a sudden somehow these diaries become public. And they will be held accountable by their peers, the public and otherwise, when you were the one that went through, why did not you tell us about that?

In other words, they run that risk. I simply point that out. That might cross the mind of Judge Starr or any other individual designated to take on the responsibilities here, that this is somewhat unique in their own professional careers of being given a task by the Senate which might entail not coming forward with such factual information which in some later time might be disclosed.

Mr. SPECTER. By way of response to that hypothetical, let me say to my colleague from Virginia, that happens all the time. When judges issue orders suppressing evidence, when they are interpreting the Constitution, they say that a guilty man should go free. I can give you some lurid examples from my own experience where there are murderers who went free——

Mr. WARNER. I agree with you.

Mr. SPECTER. I have not finished my answer. I am not finished. But I will not be long.

There are horrendous examples of judges doing unpopular things. I recently read in Justice Douglas' autobiography, "Go East Young Man," a comment about Justice Black, who after the decision in Brown versus Board of Education was excluded from his 50th reunion of his law school in Alabama.

Judges do that. I think Judge Starr has the courage to do it if he thinks it is right. If somebody later complains about it, there will be a lot of complaints that are made about a lot of us, including you and me, Senator WARNER.

Mr. WARNER. I understand that, Mr. President, very clearly. I point out that while this is a well-recognized category of privileges and in the law, and members of the judicial branch attorneys have undertaken those responsibilities, this in my judgment would be a case of first impression for the U.S. Senate as giving that responsibility.

Mr. SPECTER. If I may say, Mr. President, this is a case of first impression. There is no doubt about that. The Senator from Nevada has made that point again and again. This has never happened before. That is why we are struggling with it in a way that we would prefer not to do, not to be here. We will be talking about the crime bill. We will be talking about the Interior appropriations bill. We have to resolve this for the interests of the American people, this institution and every individual in it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I want to ask the Senator from Pennsylvania a couple of questions. I have wanted to do that now for some time. Before I do, let me make a couple of introductory remarks.

Mr. SPECTER. I object to that. If the Senator from South Dakota has a question, I yielded to him for a question.

Mr. DASCHLE. The Senator was recognized in his own right.

The PRESIDING OFFICER. The Senator from Pennsylvania does have the floor.

Mr. SPECTER. Permit me to withdraw that comment.

Senator DASCHLE, I will be pleased to hear your introductory remarks.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, could you clarify who controls the floor at this point? It is my understanding that the Senator from Virginia yielded the floor, and the Presiding Officer recognized the Senator from South Dakota. Is that not correct?

The PRESIDING OFFICER. The Chair believed that the Senator from Pennsylvania still has the floor and that the Senator from South Dakota rose to put, to ask a question of the Senator from Pennsylvania.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield——

Mr. SPECTER. I yield on the condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it does not take unanimous consent to suggest a quorum. I have no objection to the Senator from Pennsylvania having the floor when he gets back. But let us make it clear, that one Senator cannot dictate whether or not a quorum is suggested.

I ask unanimous consent that following this quorum call, the Senator from Pennsylvania be recognized. I now suggest the absence of a quorum.

Mr. SPECTER. That is agreeable with me.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I note the presence of the distinguished Republican leader on the Senate floor at this time. He and I have previously discussed privately, in the last few moments, how best to proceed on this matter and whether it would be possible to reach an agreement that would bring it to a conclusion this evening. I, therefore, now inquire of the Republican leader. As he knows, I have, over the past several days, suggested and requested a time agreement as to when we could complete action on this measure. No such agreement has been possible until this time. I now inquire of the Republican leader whether it may be possible to obtain a time agreement with respect to the pending amendment?

The PRESIDING OFFICER. The Senate Republican leader.

Mr. DOLE. If the majority leader will yield, it is not possible to get a time agreement, although, as I have indicated to the majority leader, it may not be necessary. In my view—I think the Senator from Missouri wishes to speak, not at length. There are others, maybe one or two others. I think Senator SPECTER wishes to add additional information into the RECORD. I do not see it taking a great deal of time. We might move more rapidly in this instance without a time agreement, in my view—in the view of this Senator. If something should develop, I will certainly come to the majority leader.

Mr. MITCHELL. Mr. President, I regret the response, but I accept the Republican leader's analysis of the situation. And, therefore, it is my intention that we will simply proceed and remain in session until such time as we are able to dispose of both the pending amendment and the underlying resolution. I thank my colleague for his consideration.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania [Mr. SPECTER], is recognized.

Mr. SPECTER. I thank the Chair.

Mr. President, I had concluded the substance of my comments and was yielding for questions. I believe Senator DASCHLE has an introductory statement and certain questions. I will be glad to yield to that.

Mr. DASCHLE. I thank the Senator from Pennsylvania. I do not want to belabor this issue. I know we are probably getting close to some resolution. Let me just say that I cannot sit on the floor and listen to the Senator from Pennsylvania assert without challenge that we are not creating a double standard here. He has every right to believe that, as he has so stated, but I think it is very clear from the legal advice we have been given in the committee, the advice I have been given personally, the information printed in a number of different sources, that this amendment clearly creates a double standard.

I rise now, however, to ask the Senator from Pennsylvania some questions. The questions relate to the pertinent sentence in the amendment, and I will read the sentence because I make a couple of references to it in my questions:

> These documents shall be examined by the independent examiner, Kenneth Starr, who will then turn over to the Select Committee on Ethics all materials which are relevant to the charges of misconduct regarding Senator BOB PACKWOOD currently before the Senate Ethics Committee.

There are three questions relating to that sentence that I would like to explore with the Senator from Pennsylvania.

The first has to do with the specific reference in the amendment to independent examiner Kenneth Starr. I do not know Mr. Starr. I know he was a judge. I know he has had other legal positions and is highly regarded. He is now in private practice. He is an attorney. But I assume that the Senator from Pennsylvania has consulted with this individual and has his acknowledgment that he would be willing to serve in this capacity under these conditions. Would the Senator address that question?

Mr. SPECTER. I have not consulted with Judge Starr. I have been advised that he has played a role in the proceedings up to the present time. I would ask my colleague from South Dakota if that is true?

Mr. DASCHLE. He has played a role in the proceedings, but he certainly has not been put in the position that this amendment would establish. So I guess the question is really not what he has done, but rather would he be willing to serve in the capacity delineated by this amendment?

Mr. SPECTER. I believe that he will be, but the question was raised earlier by the Senator from Virginia [Mr. WARNER], who wanted to be sure of it. We are trying to be sure now and to provide for an alternative, because as the Senator from Virginia said, he has confidence in Judge Starr but wanted to know who a substitute would be.

But Judge Starr has been consulted, as I understand it, by the committee to resolve disputes. That has been represented to me, although, again I repeat, I have not talked to Judge Starr and the expectation is that he would be available. But we are trying to make sure of that.

Mr. DASCHLE. That is a very consequential expectation given the fact that within the next couple of hours we may be called upon to vote on whether or not an individual will serve in a capacity for which he has not been consulted. We do not know whether this individual is prepared to take on this responsibility under these circumstances, and yet we are being asked to vote on it. That is question No. 1. And I would caution everyone: Be very concerned about voting on something involving an individual who has not been consulted about the very role he is described to have in this amendment.

I think the Senator from Virginia raised a similar question, the question of whether or not anyone would even want to be put in that capacity. The bottom line is that it is very important that we find out whether Judge Starr would be willing to serve prior to the time we vote on an amendment of this kind.

The second issue has to do with the word "currently." Several other Senators have raised this issue, and I am still confused. I hope that perhaps the Senator from Pennsylvania can clarify this issue.

Let us assume that Mr. Starr agrees to accept this assignment; that he will take on the responsibility with the constraints that are outlined in the amendment. And let us assume that he gets into page 6,000 or 7,000 and finds a clear violation of the law. As I think I understand the Senator's answer to an earlier question, under this amendment, Mr. Starr would have to treat that information, a new violation, as if it were simply a consultation with a family member; is that correct?

Mr. SPECTER. No. The family member exception has already been carved out by the committee as something that it has been willing to accept. To that extent, the committee has given leeway to Senator PACKWOOD that other Americans do not have. The committee has already done that.

The answer to your question about whether, if Judge Starr finds other information it would have to be turned over, that is the subject of very extensive discussions that I had with the Senator from Michigan [Mr. LEVIN]. The answer is that he would not and the analogy would be public policy which recognizes privileges—although this is not in the privileged category—but closer to excluding materials that cannot go to prosecuting authorities on the search and seizure analogy.

Mr. DASCHLE. The Senator from Pennsylvania has made that reference, but I must say, again, that there is a very strong disagreement among constitutional experts.——

Mr. SPECTER. I am not too concerned about your reference to constitutional experts unless you cite me some cases, cite me some propositions that we can talk about. When you talk about constitutional experts, that is an easy generalization to make. We have had some fairly detailed discussions on the floor of this Senate among a great many lawyers, and we talked about legal principles and we talked about Watkins versus United States, which no one has disputed, about pertinence. We have talked about grand juries, and we have talked about the difference on targets. We had Senator BIDEN talk about grand juries on a different threshold. We have not exactly avoided the specifics, nor has this Senator. So if you have something specific, I would be delighted to discuss it with you, but I do not understand how I am supposed to respond to generalized constitutional experts.

Mr. DASCHLE. Let me just say, I do not think it serves the purpose of the body at this point to go back into these specifics. We have talked about them. But I think it is very important that every Senator fully appreciate what it is we are requiring here, beyond the debate about specifics and past constitutional law.

What we are requiring here, pure and simple—and there should be no misunderstanding—is that this individual, the independent examiner, will be required to ignore any additional information having to do with a possible criminal violation, ethical violation or anything else that he views to be suspicious. Such information would have to be ignored if we adopt this amendment.

Now the third question I have——

Mr. SPECTER. Let me respond to that, if I may. It is a question. When you say "ignore," you make it sound as if it is unprecedented or inappropriate under a decision of public policy. There are many items which are ignored and not turned over to authorities, both by way of analogy to privileges, which we have talked about, and where the Supreme Court of the United States has struck out evidence which is competent and incriminating of criminals on the ground of public policy and under the Constitution. So this is not a novel concept, as I understand the law.

Mr. DASCHLE. It may not be, and I appreciate the Senator's explanation here, but I must tell you that it is clearly, as I have described it. If the examiner were to find additional information that would cause him concern, he would have no recourse but to ignore it and withhold it from the Ethics Committee and this Senate.

Now the third question——

Mr. SPECTER. Let me respond again. I am delighted to pursue it or not. We have gone into it in some great detail in my discussions with the chairman, with the vice chairman and with the Senator from Michigan and with others. I do not want to leave your argument hang as if there is something unusual about it or unprecedented. The law is full of precedents where matters are not turned over to law enforcement officials where there is sound public policy reason not to do so.

Mr. DASCHLE. So it is the Senator's argument that all legal precedent requires that this individual under this amendment take no action. The Senator does acknowledge that the individual can take no action if there would be any additional information that would be of concern to him as he reviews the remaining 3,000 pages?

Mr. SPECTER. As the Senator from South Dakota articulates, on the question of all legal principles, I make no such assertion about all legal principles. I am saying to the Senator from South Dakota, there is a large body of authority that I have gone into in some detail where there is incriminating evidence. If Mrs. Packwood goes to Judge Starr and tells him incriminating things told during the course of their marriage relationship, that cannot be disclosed.

Where you have cases of evidence which would convict of murder, the courts have said, as a matter of public policy, it will not be disclosed. So that where there is a determination of a matter of public policy that has been the rule.

Mr. DASCHLE. There is a difference, of course, between public policy and evidence of some ethical or criminal violation, I would think. The point that I reiterate—and the Senator can base his judgment as to the acceptability of this particular point anyway he wants to; it does not change the bottom line. The bottom line, as I understand this amendment, is this individual can take no action were he to find some additional matter of concern in the remaining 3,000 pages. For whatever reason the Senator from Pennsylvania has suggested may be the legal basis for that prohibition, under this amendment there is no alternative but to do nothing.

Mr. SPECTER. I repeat myself, but again the Senator wishes to have the last word to make it sound as if there is something wrong with that.

When I say "public policy," if I may expand on it for the Senator from South Dakota, I mean the public policy that is articulated by the Congress when we pass a law. Public policy is in a sense what is enforced by the Supreme Court of the United States when it interprets the fourth amendment. When you have a case like Coolidge versus New Hampshire or other cases in which there is material that does not find its way into a criminal court because it is not admissible under the law, it is because there is a decision that it is desirable not to do so in the public interest, as a matter of public policy.

Mr. DASCHLE. I am happy to give the Senator from Pennsylvania the last word on that question.

Let me go to the third question. That has to do with relevance.

I am troubled, frankly, after watching our staff and having participated over the last 6 months in trying to determine, sifting through all of the documents trying to determine what is relevant and what is not. In fact, there are times when I view a name or an incident that goes right by me because I do not know as well as the staff does the details of each one of the cases and all of the work that has gone into the investigation so far. Sometimes the staff points me and the rest of the committee toward what is relevant and what is not.

But under this amendment, we relegate all of the responsibility for interpretation of relevance to an independent examiner, who has not been working on this lightly for the last 10 months, who has not been involved in decisions relating to individual charges, who has no concept, really, of the intricate analysis of the relationships between charges and incidents and the review of the first 5,000 or so pages of the diary that has been brought out on the floor in the last couple of days.

My question is really this: How is it that we can expect this individual to make a decision with regard to relevance in the remaining 3,000 pages under those circumstances?

Mr. SPECTER. Because a judge, as Judge Starr was, or the Solicitor General, as he was, arguing complicated cases before the Supreme Court, is accustomed to going through massive bodies of factual materials on records which are much longer. Some records are 10,000, 15,000, 20,000 pages long. When a case comes to an appellate court, the judge has the responsibility of familiarizing himself or herself with the record to rule on just such an issue that some evidence as adduced and admitted by the trial judge which the appellant, the person taking the appeal, says is not relevant, and that is precisely what he does.

I would suggest to the Senator from South Dakota that that is an appropriate function for an impartial judge, and that where the committee has functioned as the investigator of the facts and as the prosecutor making the charges and as the judges making decisions, that that commingling of functions is highly suspect. Some would say—and I am one of them—that it is excessive, that you ought not to have that kind of commingling of functions.

That is why there is an effort to find an independent hearing examiner. We have a committee which has relied on its staff. We have a chairman who has made a statement about possible criminal violations without looking at the materials but has relied on two staff members. I think that there is better assurance for the Senate and the country if Judge Starr takes a look at it, something he is well equipped and well qualified to do.

Mr. DASCHLE. My question is whether he is well equipped under the circumstances. This is a major undertaking. How he can know what is relevant without first reading 5,000 pages in the diary, without reading all of the other depositions taken of individuals who have come before the committee? I do not know. But let me ask the Senator this hypothetical question. What would happen——

Mr. SPECTER. Let me respond to that. Judges do know that because they do go through records which are thousands of pages long. That is done all the time.

Mr. DASCHLE. I would accept that answer.

Let me ask the Senator a hypothetical question. What happens if Senator PACKWOOD, as we finish his deposition, raises a matter in the diary that Mr. Starr had deemed irrelevant under the terms of the amendment and therefore was not available to the committee. What do we do in a case like that?

Mr. SPECTER. If the Senate accepts Judge Starr in this resolution, relying on his integrity—many people have spoken about his integrity, and the committee has already endorsed his standing and made a comment about his integrity by submitting disputed questions to him. If he makes a judgment, that is the judgment. That is it.

Mr. DASCHLE. So what the Senator is saying it is conceivable that Senator PACKWOOD could make reference to material in the diary that Mr. Starr viewed to be irrelevant?

Mr. SPECTER. I would think that Senator PACKWOOD would be bound by Judge Starr's determination of relevancy although that does not go to the essence of this amendment, which calls upon Judge Starr not to rule on what Senator PACKWOOD does but to make a ruling on what will be turned over to the committee.

Mr. DASCHLE. You certainly would not allow, again, what would be a double standard, allowing Senator PACKWOOD to make references to material in the diary, that we had not had access to because Mr. Starr viewed it to be irrelevant?

Mr. SPECTER. No, I would not look for a double standard, and that is why I answered the Senator's question that I would say that Senator PACKWOOD should be bound by Judge Starr's determination of relevancy, just as the committee should be.

Let me just amplify that very briefly. I have already made this point, so I do not think a great deal of amplification is necessary. I understand that there are concerns among Senators as to whether there is a double standard in favor of Senator PACKWOOD. I say to the Senator that there is not. We are not giving Senator PACKWOOD anything that any other of the 250 million-plus Americans would not have. He is not benefited in any way by this substitute resolution; that, in fact, he is getting less because he would be compelled to turn over items related to what Senator BRYAN has characterized as a possible criminal violation when the committee has not voted to charge, when the indicators are that the committee does not think it has enough evidence to have the charge, and where there is not probable cause to call for Senator PACKWOOD's turning that over. But Senator DANFORTH and I have included that in order to clear the air on that issue which gives Senator PACKWOOD less than any other person would have.

Mr. DASCHLE. I know that the Senator continues to assert that, but I must say there are—I believe he is in the clear minority on this, and we will not resolve this matter this afternoon. Suffice it to say that there is clearly another school of thought, and I believe the majority opinion is that this is clearly a double standard.

But I am far more concerned about the conditions that we place on Judge Starr. In any event, I certainly hope that the Senator from Pennsylvania will find out definitively before we are called upon to vote whether Mr. Starr is willing to subject himself to these constraints.

But I thank the Senator for his questions. I will allow other statements.

Mr. SPECTER. I can do no more than give the Senator the same assurance as I have given him several times in the course of this colloquy.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? Is there a sufficient second?

Mr. BYRD. I will suggest the absence of a quorum.

The PRESIDING OFFICER. If the Senator will withhold, there is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, I am a cosponsor of this amendment, and I regret that I have lost my audience before I had the chance to speak on it because I want to explain to the Senate exactly what I have in mind, what I had in mind in cosponsoring this amendment because I think it is an extremely important point.

I want to say at the outset that I have no interest in appearing to represent Senator PACKWOOD or to speak for Senator PACKWOOD or in any way defend Senator PACKWOOD. I have no intention whatever of speaking on the underlying issue, the matter that has been now in the press for almost a year, the matter of alleged sexual harassment. That issue will come to the Senate on another day.

I am not going to speak on it, but I would say that the allegations of misusing the staff are extremely serious allegations. But as the chairman and the vice chairman both pointed out and other members of the Ethics Committee pointed out yesterday, those are not the questions before us at all.

So I want to talk about the question that is on my mind, and it has nothing to do with Senator PACKWOOD. If there is any way that I can get through the debate without any further allusion to Senator PACKWOOD or to his problem, I am going to try to do that.

The issue that is significant to me is the Senate. That is what is significant to me. And the simple issue before us, in my opinion, is one that can be summarized in one word, and the word is "scope." That is the question. That is the question that I attempted to deal with in cosponsoring the amendment with Senator SPECTER, the substitute with Senator SPECTER. The issue is one of scope. The issue is one of scope of a subpoena; scope of a subpoena to be enforced by a vote of the U.S. Senate.

The issue to this Senator has nothing to do with waiver. Maybe that is an important matter. I am sure it is. But this Senate is asked to do something with respect to a subpoena. We are asked as a U.S. Senate to enforce a subpoena, to authorize a court to enforce the subpoena for us. So we as a Senate are asked to put our stamp on this subpoena. And that to me is the issue and the only issue that is worth debating today, the question of scope of a subpoena.

And, particularly, the question is: Does the subpoena's scope have to be somehow connected with some charge or some suspected offense or some suspected situation or state of facts? Does the subpoena have to have some connection to some suspicion at least? Or, in the alternative, does the subpoena have to be relevant to really nothing at all? Is the universe the appropriate scope of the subpoena? That, to me, is the question before us.

Now, the committee has basically dealt with its request for information from Senator PACKWOOD in two ways: first, in making its request for documents. This is on the committee report that is on our desk. The committee, according to its own report, requested that Senator PACKWOOD produce to the committee documents relevant to the committee's preliminary inquiry into allegations of sexual misconduct and intimidation of witnesses.

So the original request for documents, for information by the committee, was tied to something. The information, the documents that were requested, had to be relevant to something. The documents had to be relevant to a charge. And that charge was identifiable. That charge was known.

Now the committee, in the course of going through the records, finds something else. My own suspicion is that Senator PACKWOOD's counsel let the search go too far astray. But I do not know. I am not going to second-guess him. And I do not want to get into the question of waiver because, to me, that is not the subject that is on my mind.

But in any event, there is this other thing. It was described in the newspaper today, I guess. It has to do with Senator PACKWOOD's former wife and discussing job opportunities with a lobbyist or two or three or four, however many lobbyists. So that is a subject. That is something that the committee came on, and under the committee's rules, it is required to pursue it. That is something that the committee must pursue, information that falls from the heavens, falls into the committee's lap. It cannot ignore that.

So it is the opinion of this Senator that the subpoena should be tied to something that the committee knows it is trying to find out. In other words, the subpoena should be tied to the initial group of charges relating to sexual harassment and intimidation, and then, furthermore, the subpoena should be tied to this other thing relating to lobbyists or jobs for Georgie Packwood, or however you want to describe it.

But the problem with this subpoena is that while it includes the initial set of allegations and while it includes the Georgie Packwood situation, or whatever the other thing is, it goes farther than that and it includes the universe. The subpoena includes everything. It includes 3,000 or so pages of diary. And it includes more than the diaries. The subpoena includes—here is the language of the subpoena—"all diaries, journals, or other documents or material, including all typewritten or handwritten documents as well as tape recordings and all material stored by computer or electronic means that are in your possession, custody, or control which were prepared by, or at the direction of, Senator BOB PACKWOOD, recording or describing Senator BOB PACKWOOD's diary activities for January 1, 1989, through the present"—for approximately 5 years. That is the diaries; it is the telephone logs; it is the little pieces of paper that all of us stick in our pockets every day; it is everything relating to any notation he made, or any record that he kept, of absolutely anything he did. And the subpoena extends to all of that.

The question before the Senate is, I think, a very simple question. It is: Is that right? Is it right to have a subpoena extend not just to the specific charge, or the specific suspicion, or the specific fact situation, or whatever fell into the lap of the committee; but is it right to have the subpoena extend to all of the diaries, all of the records, all of the notations, all of the phone logs, everything else, with the three specific exceptions relating to attorney-client and family matters and medical information. That is the whole issue.

So what were Senator SPECTER and I trying to do? Maybe we did not do it right. Maybe the Senator from South Dakota is correct. Maybe we should have telephoned Judge Starr, or figured out some other way of doing it. But what we were trying to do is to say this subpoena should not cover everything; that there should be some limits to what the subpoena covers.

It was pointed out yesterday that this is going to be precedent. I think Senator BIDEN said that. He asked what is the basis for this? Is it some particular thing Senator PACKWOOD did or some agreement? Is that the basis? Is it unique to him? Or is the basis for this just a general principle that if the Ethics Committee is interested in something, it has a right to get everything?

We have not resolved that question. And because we have not resolved this question, this is a precedent, and it is an enormous precedent for this Senate. It is a precedent that is going to go on well after this Senator leaves the U.S. Senate. But the precedent is that if the Ethics Committee suspects something, it can get everything. If it has any kind of inquiry into anything, it can get everything, and it does not have to tie the subpoena, the request for documentation, to any particular allegation. That is the simple point we were trying to make.

I want to get to the question that everybody talks about, and that is: Is Senator PACKWOOD being dealt with like 250 million other Americans? Well, first of all, 250 million other Americans would not have had this happen to them. Why? Because 250 million other Americans would not have been in this position, because the statute of limitations would have barred the sexual harassment claim that got the Ethics Committee into the diary in the first place.

It is said that this is like a grand jury proceeding. No, it is not. A grand jury proceeding is an inquiry into criminal matters. This is not a criminal matter. This is not a grand jury. This is the Senate. This is the Senate establishing the precedence of the Senate. This is the Senate establishing the principles of the Senate—not of a grand jury, not of a criminal proceeding, but the principle by which the Senate is to act.

The fact is that the issue of standards is not a comparison of the standards that Senator SPECTER and I are asking be applied here with 250 million Americans. The comparison is the standard that was originally established by the Ethics Committee and the standard that is established by this subpoena, because the Ethics Committee originally asked for material that was relevant to charges.

Now the request is for material, whether or not it is relevant to anything. So was the original request correct or not? When the Ethics Committee originally requested that Senator PACKWOOD produce for the committee documents relevant to the committee's preliminary inquiry, was that the correct standard? Was the standard of relevance in the original request correct? Was the standard of relevance that was originally asked for the standard that we want to apply to all 250 million Americans, or was the standard to relevance wrong?

I think what I hear the committee saying is that the standard originally sought, the standard of relevance, is the wrong standard, and that the new standard is the right standard. And the standard that henceforth is going to be applied to Members of the U.S. Senate is the standard that has no tie to relevance whatever. Henceforth, the precedent will be that this original standard of relevance was wrong. Henceforth, the precedent will be that there does not have to be any connection.

So you have a complaint, or you have a charge, or you have a suspicion; and then you just go into the records, and if you find anything there, why, that is fair game.

The Senator from South Dakota asked Senator SPECTER: Does this mean that if Judge Starr comes upon something that is an offense that nobody has ever thought of, Judge Starr keeps that to himself and ignores it? The answer to the question is yes, yes, yes. The answer is that the price that is paid for some limitation, for some rule of reason is that maybe something will get by; just like the price that is paid for not having a police state is that maybe some bad guys get away. The price that is paid for the Constitution is that maybe some crooks get loose, or killers get loose on the streets. The price that is paid for the fourth amendment is that some bad guys do not get their records seized.

Years and years ago, they talked about "fifth amendment Communists," people who claimed the fifth amendment. It was alleged that it was a terrible thing to claim the fifth amendment. It is America. It is American to claim it. What we are saying is that maybe there are some things in this that are not going to be discovered, that are going to be kept in the bosom of Judge Starr. Maybe that is going to happen. All we say is that there should be a filter so that somebody stands between Senator PACKWOOD or Senator

DANFORTH or any other Senator and the total sweep of a blanket request for absolutely anything that could be requested.

(Mr. DORGAN assumed the chair.)

Mrs. BOXER. Mr. President, will the Senator yield for a question?

Mr. DANFORTH. I really do not want to. I am going to make my statement and I am going to sit down, because we have been going back and forth with people asking questions about the law, questions about whether there was a waiver. I just do not want to do it. I am just going to make my statement, and I am going to sit down.

But I want just to read what the fourth amendment says. It says:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The only people who can answer the question of particularity of whether this particular subpoena particularly describes the places to be searched and the persons or things to be seized are right here in this Chamber.

If we decide that anything goes, I guess it will be taken to court. Maybe the court will overrule the Senate. We should be setting the standards for the Senate, not kicking it to a court. We should be setting the standards for the U.S. Senate, not kicking it to a court.

Does this meet the standard of particularity? Is this any Senator's view of what describes the place to be searched and the persons or things to be seized—all diaries, journals, or other documents or material, including all typewritten or handwritten documents, as well as tape recordings, and all materials stored by computer or electronic means that are in your possession, custody, or control, which were prepared by or at the direction of Senator BOB PACKWOOD recording or describing Senator BOB PACKWOOD's daily activities for January 1, 1989, to the present.

Is that any specification? Is that controlled by any rule of relevance as was the original request by the committee? I do not think so.

So, again, I want to close by reiterating I am not here to defend BOB PACKWOOD. If the charges made against him turn out to be correct, I think the Senate should throw the book at him. I am not here to defend him. I am here to talk about the process and only the process. Maybe it is nerdy to talk about process. Maybe it is nerdy to talk about it. But to me it is what the country is all about, and this should be the focus of this debate.

Mr. SIMPSON and Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have not yet spoken on this debate, so I will go forward, because I know that we will conclude today.

I hope that what Senator DANFORTH has said has been well heard by all. Although I have not participated I have been listening to all of this with the greatest intent and interest. I have seldom been absent from the floor, and I have listened attentively to this very impressive debate. The presentation of the case by the Ethics Committee—well done. The presentation of "his side" by the Senator from Oregon—well done. Senators have spoken from their deepest passions and interests and prejudices, if you will, and biases—nothing wrong with that. That is always very stimulating to hear. Now we are coming down to the cutting edge of this debate and our decision is imminent.

I practiced law for 18 years. I do not know how many in this body ever practiced quite that long. I did it all. I won more than I lost, and I settled myriad more than I ever tried, and worked on cases from the police court to the Wyoming Supreme Court to the U.S. District Court. I did jury trials, nonjury trials, settlements, custody scraps, probate proceedings before the body had even cooled, child abuse, incest, first-degree murder, car wrecks, injuries, and even affray. I do not know if any of you have been involved in a case of affray. My client had chewed a chunk of a guy's ear at Cassie's Supper Club outside Cody, WY. He apparently had too many and thought he was steer wrestling.

So I have been there; I have been there. I have seen the faces of people who look up at you at the counsel table in a courtroom in the most helpless fashion and would say to me or to opposing counsel: Will the law help me? Will it be fair? Will I get justice? That is the eternal plea of an American, the eternal cry. That is what we fought for many years ago.

I have legislated for about 30 years since I took the oath of office in the Wyoming Legislature in 1965. I served as chairman of a Judiciary Committee. So I really know what Senator JOE BIDEN's job is—boy, do I. He does it well, and he does it fairly.

I served as an assistant majority leader, so I know a little bit about the job I hold now as assistant minority leader. I served as majority leader. So I know something about that job that Senator GEORGE MITCHELL does for us now and that Senator BOB DOLE did for us in the past. It is a tough job, and they do it beautifully, because they are strong, fair, tough, and partisan—just the kind of person you want for that task.

I love legislating. I love the fray. I love the Senate. I have been here 14 years. The longer each one of us is here we attain the same level of respect and love of the institution as is locked in the bosom of our deeply respected senior colleague from West Virginia, Senator ROBERT BYRD. He is a living substance of institutional memory and history of this unique deliberative body.

And I have seen gripping drama on this floor as we have previously judged our colleagues. What could ever be more difficult? Whether one is a member of a profession or a craft or a guild, there is no more onerous and uncomfortable duty or obligation than judging one of your peers.

I think the only group in society that does not have such a mechanism is the media. Do not throw anything up there. I do not want to even look up. They give us all a great deal of advice and counsel. They give doctors advice. They give the President advice. They give accountants advice in how to police their ranks. They give lawyers advice on how to police their ranks. They give legislators advice.

They have no peer review, and no self-regulating mechanism. They have nothing, no heat applied to one of their own, just the usual disclaimer: "We stick by our story." That is usually the top one. Or if you get into it with them, they pull the cloak of the chilling effect around their shivering shoulders. Then there is always the lame comment about the public's right to know, and they have a lot of fun with that one.

Do not ever believe they soon will not know everything in the diaries of BOB PACKWOOD, and the leaker will be protected, and the alarmed "fourth estater" will say, "Why, I will go to jail before I will ever divulge my source,"—even if there might not be a source, and that will be that.

This is a heavy burden on us, and it should be, but I must say—and I will admit to my own prejudices and bias—I say that the finest effort that I have ever seen here as to these type of proceedings had to do with the tragic case with our friend Senator Harrison "Pete" Williams of New Jersey. My long-time friend and steady compatriot in legislating, Senator MALCOLM WALLOP, served as chairman of the Ethics Committee, and another close friend of mine, a fellow of the class of 1978, who came here with me, Senator HOWELL HEFLIN, was the vice chairman.

They compiled a record and they gave us a procedure to follow which served to render a just and fair result. That is all we seek here. And please hear this—my friends Senator MALCOLM WALLOP and Senator HOWELL HEFLIN have told me that they would consult with Senator Pete Williams' counsel whenever they felt it appropriate to do so within the scope of their proceedings. Remember Senator Williams went through three sets of counsel, and they visited with them all.

What Judge HEFLIN said the other day about the issues of the circumstance of the waiver and relinquishment of the right to retain the diaries is so true. Remember this. You heard what the Senator from Oregon said about why he had done that, because the answer of "yes" or "no" meant whether he perjured himself or he did not.

So he voluntarily chose to relinquish the right of privacy of his own personal diaries—an extraordinary act of voluntary cooperation with the Ethics Committee. And his reward for that? You have seen it. A voracious, riveted, obsessive, and continuing intrusion into the most private documents compiled by any human being—one's own personal diaries. But that is done.

And what of this precious right of privacy? I hear it prattled about in a near reverent, almost religious way. I might reflect for a split second back to the Robert Bork judicial nomination. All of us—and I remember these things with clarity because I was one who never got it. Recall that he was savaged as an invader of the bedroom, a violator of the privacy of his fellow human beings, one who favored the sterilization of women, a racist, a bigot, a lover of the poll tax, and much, much more. But it was his views of the right to privacy that seemed to energize the American media and his detractors. And then we read in the media and hear on the floor that somehow we in the Senate "don't get it." I think we do.

Revisionist history will not be able to change the basic facts that gave rise to that remarkable and mistakenly catchy comment. I did get it when Clarence Thomas came before the U.S. Senate for confirmation to the U.S. Supreme Court. What I did get was that he had appeared before the U.S. Senate, and the Senate Judiciary Committee, for confirmation in four—four—previous occasions and that in each and every one of those hearings about his character and abilities there was never any record at all of even the existence of one Anita Hill. He was confirmed by the Senate by voice vote for the U.S. district court of appeals, and in committee by a vote of 13 to 1 by the Democrats and Republicans on the Senate Judiciary Committee.

Then came the big one, the Race for the Roses—the Supreme Court. And from 10 years back, but in this case we go back 23 or 25 years—and the statute of limitations would have expired with every other American, but not here. I remember so well that incident, when from 10 years back, suddenly came a person who had four previous separate opportunities to come forward before the U.S. Senate but never did. And when she did finally come forward, please recall that she never—ever—alleged sexual harassment. Do not gasp. That was the record. Any one of us could tell you that. Any one of us on the Judiciary Committee recalls all that she asked for was that the Committee look at his behavior—but before her public testimony she refused to allow the use of her name, or for her name to be revealed to the accused. Senator JOE BIDEN, the fine chairman of the Judiciary Committee, and Senator THURMOND, my dear friend, the ranking member, did about the best job that they could have done under all of the dramatic circumstances that were presented to us.

If we had gone into executive session or closed session which we should have done under normal circumstances, the media would have pulled the marbled walls down around us in this Chamber. So we did what we had to do. That is what we are doing here again. And, yes, we do get it. We really do. What we have some trouble with here is political correctness.

We probably do not get it because political correctness, or media pressure, has nothing to do with justice and freedom and due process.

So let us cut through some of what may be going on here. In an effort to show that this Senate has been properly chastened and baptized in the purest waters of political correctness—and that we do finally all get it—this subpoena, this extraordinary subpoena, has been issued. It contains the most remarkable breadth that I have ever seen in order to—I think at least partially, for all of us—to shield this body from the slightest suggestion that we would ever shirk or shrink from pursuing and conducting the most thorough inquisition of sexual misconduct—not sexual harassment—sexual misconduct.

That, my friends, is politics—not partisan politics—just politics and political correctness.

But we really have a greater duty. And I do not have any trepidation at all as to how this looks to the American public. Democracy is always pretty sloppy business. We have a greater duty, and that is the duty of fairness, the duty to establish fair precedents for those who serve in this body in 10 years or 20 years or 200 years from now.

If this were a case involving violations of the gift rules or campaign indiscretions or misuse of the frank, and if these diaries had turned up, would we allow a subpoena like this one to be issued and served for any and all information currently unbeknownst to the committee which might further—might further implicate a Senator on unrelated matters? I think not.

If this were a gift violation case, would we or others consider and approve the proposal submitted by Senator PACKWOOD to allow the scrutiny of all of his diaries as they relate to all preliminary issues as well as any current issues raised and within the committee's knowledge, to be reasonable? I think so.

I do not think we might hesitate, as we are doing now as we consider the Specter proposal. We are in a halt now. We are puzzled. We are wandering a bit.

Therefore, let us try to be consistent. Let us not alter the fairness or justness of traditional Senate procedures because of some version of political correctness or some continuing rabid mantra from some zealots in the land as to whether the Senate finally gets it.

We get it. I get it. It is about equal justice and fairness to the alleged women victims, if they are there. They may well be. It is about fairness to the Senator from Oregon. It is about fairness to the other U.S. Senators, to all involved in these difficult proceedings—and that is the way most Americans get it. Thank Heaven it still works that way.

What more do we make of this situation before us? What of the right of privacy of the diary? Oh, you say, he waived that. We have heard that.

Yes, he did. He waived it only as to things relevant to the charges against him—nothing more. The American public has that one figured out. I can promise you they have that figured out. They may be confused about the issues but not that one. The guy on the bar stool in Buffalo, WY, knows that this is an extraordinary venture into the basic right of a human being in the United States of America, the precious right to privacy which we prattle about day and night, the right to be left alone, the right to preserve and protect the intimate and most reflective and nostalgic and sensitive parts of your life. But BOB PACKWOOD chose not to do that in the interest of cooperating with the Ethics Committee, to avoid 2 or 3 or 4 years of trial and court proceedings which may well come if we do not do this right.

I hope we will all see the irony of that. It will then be 2, 3, or 4 years of this continuing episode through the courts if we do not do it right here.

What will the alleged victims think then? What will those who trumpet their cause think then? That is what is out there. Either get to the nub of things now and do it or see a numbing judicial hiatus, delays beyond dimension. That is what is out there. Do not think it is not; that it is.

What a dear price has been paid. I was in Wyoming the entire weekend. Many of you were home. We find at least in every paper I read from the Casper Star Tribune to the Cheyenne Eagle, Gillette News Record, we find BOB PACKWOOD is now guilty of some criminal conduct. That is what we found, at least while I was home. That is what was said in every newspaper in the United States.

What is it? I do not know. I have no idea. Some of us think we know. You do not know. Some has been leaked, but knowing this town as we all do—and I love the comments of one of our colleagues at our caucus last week who said if anybody on this Ethics Committee staff of the U.S. Senate tells you to produce certain relevant documents and that the rest of them will be held in complete and strictest confidence, just laugh. Toss back your head and laugh. Ask the Judiciary Committee about that one. Just laugh.

We all know that all derogatory things will find their way into the media on a regular and sustained basis to seek, search, and destroy the victim, Democrat or Republican, man or woman. It is the way it works in this village. It does not work that way out there with the other 260 million Americans, but that is the way it works here. And BOB PACKWOOD has learned that the hard way, and many more of us will probably learn it the hard way.

So, in those 18 years of real love of law, and I had a father who taught me, an attorney father who taught me that: "If anybody goes to jail, be sure it's your client." And I live that way. I get in trouble and I take my licks. That happens to me because sometimes I get a bellyful of things. I internalize things and that does get me in trouble from time to time. I bring those things on myself. I do not blame anybody for that—the media, or radical groups. I do that.

Politics is a contact sport, and I love to take on the powers that be and especially the media, as I say, because I believe the first amendment belongs to me, too, and I feel strongly about that. But from coast to coast in these last days, since the chairman of the Ethics Committee—and he is a remarkable man and I have the deepest respect for him, and for my friend Senator MCCONNELL. These people—I would not do it; I would not do what they do. And so the chairman misfired—and I misfire a lot, I can tell you—he misfired using the word "criminal." I think if he wishes he could snatch that back, he would snatch it out of the airwaves in an instant. But it came out. He stepped to the floor and he said that the Senator had broken off the committee review and he said the words we have heard quoted here, but he used the term "possible violations of criminal laws."

Since then, BOB PACKWOOD's life has been an accelerated nightmare. And remember the essence of what the committee started with. Here is the report. Here is what they started with. This is dated October 22, and it is a report—it says a "report." Do not ask me how I got it. It probably was handed to me by some source that I would protect to my death, whatever. Anyway, it is in my hands here now and it is a report of BOB PACKWOOD on his refusal. Here is what it says on page 4. It does not have anything on it that says "classified" or anything else. It says:

> Senator Packwood has objected to the production of the diaries to the extent they contain information not directly related—

And then this:

> The committee has determined that the documents in their entirety may be relevant and probative with respect to the committee's current preliminary inquiry and are within the committee's jurisdiction.

I will buy that. Do you know what that was? That was about the three pending charges before the Ethics Committee and not the fourth. It had nothing to do at all with anything criminal. Nothing. So that is bad. That is bad stuff. That is what it says. That will get into the court record. That will take a year while the victims are waiting to get relief and surcease.

This Chamber is not a group of purple robed magistrates or persons of nobility privileged to gather in the star chamber sessions as in centuries ago to render justice or to wrest justice away from the accused. We know this is America in November 1993. An old phrase I used when legislating in the spirit of debate and after listening for a long time—and it works here—and it is a little corny: Keep your eye on the rabbit here. The rabbit is running, the hounds are out, but keep your eye on the rabbit. And the rabbit and the eye should rivet on October 21, when the chairman of the Select Committee on Ethics reported an original resolution to the floor, and there was no subpoena attached to it. No subpoena attached to it.

So from October 21 until yesterday—and three times I had asked for the subpoena and I received the greatest song and dance that you have ever been through. Once I was told it was "committee sensitive," whatever that means. Then I was told that it was something else. But after the cannonading of yesterday, it has to be presented and so we have it. I circulated it yesterday.

Why was there no subpoena attached on October 21 so the people of America could look at the CONGRESSIONAL RECORD and understand the most extraordinary scope and breadth of this document which has been read twice by Senator DANFORTH? I just touch on three or four words of it again:

> * * * all diaries, journals or other documents, all material under computer, electronic means in your custody, control or possession prepared at your direction—

But I do not think my friend from Missouri emphasized this one enough—

> recording or describing Senator Packwood's daily activities for January 1, 1989 through the present.

His "daily activities." Come on. Unbelievable. And if the people of America had seen it on October 21, we probably would not be at this point.

I distributed the text of it. You never saw that during the time the resolution was entered. You did not. Did you ever have your staff presented with a copy of this subpoena until you received it yesterday when I distributed it? I will ask that question. No, I say they did not because it was described as "committee sensitive." Imagine that. After all of what we heard yesterday still calling it committee sensitive, whatever that is. But it is one remarkable subpoena. It is unbelievable in scope.

In my years of practice, I have never seen one like it. You have read it and you have it in front of you. Let the American public have it. They have heard it now three times. Do you hear the keyword anywhere in it, the word "relevant"—relevant, for Lord's sake—anywhere in it as you read it? Of course not, and that is the issue here. That is what Senator SPECTER was trying to get at. That is what Senator BIDEN was trying to get at, what Senator PACKWOOD is trying to get at, and the staff of the Senate Ethics Committee refuses to "get it," and they do not get it, and that is the legal issue of relevance.

You cannot do this. You cannot have a subpoena like this unless it is relevant. You insert the word "relevant" in this subpoena and I will vote for it. Just put it right there, "all relevant diaries, journals," stick that in there and you have my vote for a sure shot. Senator PACKWOOD may not like that, but I will like it as a lawyer. That is the issue. That is where we are. Insert that word in there—"all relevant diaries and journals"—insert that word in the work of your committee, put that word in there and then go ahead with your work. Charge him. Charge him and then we will help you.

How could the committee know that there was any possible violation of criminal laws if the individuals on the committee, without exception, told us they had never seen the diaries? The individuals on the committee never saw the diaries. They did not? I believe that. And then how possibly can they say what they said?

So much of this is staff-driven. I am going to say that. I have said it before. So much in this arena is staff-driven. We rise in the morning, we are handed the clips for the day, and then are to go to the Senate floor and babble about whatever it is we read in clips so that we look bright, alert, and sharp, and half of us do not even know how we came to that point.

That happens here. Wait until the people get to the fourth charge, when it will eventually find its way into the public venue, and then look at the staff memorandums that every one of us deal with every day, which say, "be careful here, this was a contributor"; they want you to ask a question; better watch out; "the guy 'maxed out' on you."

Anybody ready for that? Anybody not been involved in that? Those little commentaries from their staff? Do tell me. I do not think so. There will be a lot of that in there. This is a classic example of it—because now our colleagues on the committee will take the heat because they would not visit with fellow members or counsel.

And let me tell you what rule 26 of the Federal Rules of Civil Procedure says so you just do not think we are off half-cocked. Rule 26 of the Rules of Civil Procedure says, quote, at the top, "Parties may obtain discovery"—and that is what this is, ladies and gentlemen. This is "discovery" deluxe. They will obtain discovery "regarding any matter, not privileged"—that was taken care of well by the chairman and vice chairman—"which is relevant to the subject matter involved in the pending action, whether it relates to the claim or the defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody * * *."

That word has escaped us all for 2 full days. The word is "relevant." That is all you do in the Rules of Civil Procedure—stick with what is relevant. There is no other test.

So here we are. Who would have guessed at what would have happened in the last few days? I think it is frightening in its scope. I think it is petty, staff driven, unconscionable, and I say to the Ethics Committee and to the chairman and vice chairman, "Charge this man." Charge this colleague of ours with these alleged elements of criminal—criminal conduct. You cannot pierce the veil of this man's privacy in this way. Charge him with these criminal indiscretions by majority vote. Place it all before us.

When you do that, by majority vote, then you can come before me and us and beseech us to assist you in your further work because then, at that time, after you have again done your hard and obligatory work, working at justice for this man, who is now simply actually "the defendant"—he is no longer anyone but the defendant, Senator ROBERT PACKWOOD, in this near-criminal trial, and yet he has never been charged with an information or an indictment—yes, after you have done that, then I will be one U.S. Senator who will step forward and say, "Yes, Senator BOB PACKWOOD, you did waive your right to privacy with your diary, but we will let the court sort that out." A now bitter experience that has proven to be.

Then when he has been confronted with the new charge by the Ethics Committee, I will also demand that he submit his diary to review by a respected third party.

I do know Judge Kenneth Starr. He is a perfectly appropriate choice. I have known him for many years, a splendid man, a man of judgment, honesty, integrity, and common sense. Turn the diary over to him; have him go through it with the Ethics Committee lawyers, with BOB PACKWOOD's lawyers and come up with anything further that is relevant to the new charge made.

How in good conscience can anyone turn that into a sinister or invidious or devious request or act? Charge him. Go through his diary with a third person, attorneys all over the place, dig it all out, dig all the relevant material out from this presently shrouded and phantom criminal charge and release this man from this medieval experience.

Whatever happened to lawyers talking together, sitting down to talk, to kick things around, to sit down or go off and have a large grape pop, as I used to do with my colleagues on the other side of a case—occasionally something stronger—and talk about the case and negotiate and reconcile and say, "Here, I have some real horses here; I have some tough stuff here"—knowing the next time he or she might have the tough stuff. You do not do that through faceless minions, through faceless guardians who will not even allow other counsel to get through to members of the committee. There is nothing wrong with that. This is the U.S. Senate. This is absurd. You do not give up anything when you communicate. Get in there and argue and scrap and raise hell, state your case.

My magnificent and witty wife Ann and I have always said, "Never go to bed angry; stay up and fight." The important thing to remember is even when you are arguing to beat the band, at least you are communicating. That is so critical. You cannot give each other the ice treatment. We cannot do that in here—give each other the ice treatment. That is what destroys marriages. That is what destroys relationships with other countries. That is how the phrase "cold war" came about. That is what happened in Somalia. We would not visit with all the factions involved. That leads to nothing. That is a way to assure destruction of human relationships. You have to talk.

If we had done that, we would not be here. And why this one is different with BOB PACKWOOD has a great deal to say about political correctness. If we had just been able to sit down together, no one would have thought that anyone was selling out, that anyone was outnegotiating the other or violating confidences on the other side. No one was talking about hiding anything or making the Senate look good. Is anyone here really trying to do this just to make the Senate look good? I do not think so. I really do not. Or anyone running from our terrible task. We should just be able to sit down and say, "What is wrong with this? What is right with this?" and then do it. Let us weigh the issues, but let us weigh all the issues as fellow Senators.

And this precious right to privacy that we hear all day long in this place, the precious right to one's own personal observations of life as contained in dictation or scribblings or writings or just meanderings are sacred, hallowed ground for most of us. How many in America do that, keep little notes and diaries? Plenty of them. They understand. So let us cease this unattractive spectacle. And I say do not ask me to render my version of how we got here, but we are here with egos on the line, reputations on the line, ideals and values and morals on the line.

But, please, please, no more innuendoes, no more conjecture, no more leaks, no more passion about things that do not have a thing to do with what we are talking about right here; no more hype, no more hysteria, no more emotion, all the things that go with it—and guilt; no more hurried press conferences on either side, no more one-upsmanship. Spare us, spare us all that. Put it all out here before us—the good, the bad, and the ugly. Make the charges specific against the man now known as the defendant, appoint this mutually agreeable third party and go through the entire diary and limit it only to relevant material, relevant to the charges made and publicly presented like you do in real life. That is what Americans, 260 million of them, really get.

And he is not getting it here. Anything else is a throwback to a prehistoric age where we did not heed the things that are orated about daily on this floor—justice, freedom, due process, and the right to be confronted by your accusers, and the right to know what you are being accused of; such simple and basic things, such an essential and basic part of the fabric of America. Charge this man of wrongdoing or cease the utterances of the wrongdoing. This is unacceptable—to violate the spirit, essence, and history of this Chamber. Charge, vote, and move on. That can be done. There is a forum for the resolution of this issue—in the courts. Thank God for the courts.

Think of people you know in public life, Democrat and Republican alike, who have had to go through the fires. And when it was all done and they were acquitted after spending themselves into oblivion, people of both parties, all through the spectrum, people like Ray Donovan who said, "Who gives me back my good name?" There is no court for that. But there is not a court in the land that would allow a free ranging search of a person's diary even after opening it up, or even a full waiver of a portion meant for the public purview unless it was relevant to the charges made under rules of civil procedure, or under the criminal rules of self-incrimination. You know that. I know that. America knows that. They have that figured out. Either do that, or cease.

We cannot decline to have a Senate Ethics Committee. But who of our peers will dare serve in the future?

I admire each and every one of the persons on that committee. I have never wanted it. I would never accept it. If they said you have to do it or you are out, I would be out.

But there is a marvelous test, for all we do in life. A simple and intimate and gut-heart test, one that you can never fool down in your gut, for likely your head or your heart might well lead you astray. It is one that we should remember with a clarity as bright as the lights in this Chamber. And it is, "How would you feel if this were happening to you?" Forget all the other afterthoughts. Forget all the other stuff. How would you feel if this were happening to you in this fashion, as a human being? That is the only test.

Charge this man with this dramatic new charge, glean through his diaries for only relevant material, for the specific charge, but stop this process. This is now a crucible of criminal innuendo. A sad day. Remember the words of the current subpoena. I hope it changes. If they change one word or two, I am ready. Remember the words of this current subpoena of the Ethics Committee because they will haunt you—haunt you for many years to come.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Mr. President, I thank you. I will be very brief.

I want to say that when my colleague and friend from Wyoming told everyone not to be emotional, he was quite emotional. And I think he made his point very well.

I would also say to my friend that if you read the October 21 report that Senator BRYAN and Senator McCONNELL put into the RECORD, the exact description of the subpoena is in that document word for word. So it has been out here word for word.

I just want to quickly comment on Senator DANFORTH's statement, and on Senator SIMPSON's statement because I think the word "relevant" is an important word. But I see it in a little different light.

To me, the question is this: Is it relevant to the task of the Ethics Committee to see these diaries that Senator PACKWOOD himself voluntarily gave over to the committee? That is the issue for me. Is it relevant to them? And I am looking at six individuals, as the Senator from Wyoming said, all of whom have our great respect, quite painful as this is. Tell us it is relevant for them to do their job. So yes, I think the question about it being relevant is important here. But I think the question is, Is it relevant to the committee to get this material? They are telling us they must have it to do their work, and I am not going to substitute my judgment for theirs because they have sat with this day after day, week after week, month after month.

And then my colleague from Missouri, his point, and I tried to ask him this question. At that time I understood he did not want to engage in a colloquy with me. He talked about the fact that under this amendment Judge Starr, or whatever judge is selected—we do not know, I assume, if Judge Starr will even take this assignment—would act as a filter. I do not think that is what this amendment is, Mr. President. I think this is a point of someone not to act as a filter but to act as a censure because the judge has to not report to the committee anything but a certain set of issues.

So we are not selecting a filter. We are selecting a censure. I do not know if the judge would even take this job.

So in conclusion, I feel very strongly that America must be thinking now, let us get on with this so that the Ethics Committee can proceed. There have been very serious charges against a sitting Senator. And we should get on with our work. We should trust this committee. We should vote down what I consider to be an amendment that is to me, this is just me, I call it a coverup amendment because actually, you would be institutionalizing covering up relevant material to this Ethics Committee.

And I hope we will vote it down. I hope we will stand united with the Ethics Committee.

I yield the floor.

Mr. SIMPSON. Mr. President, may I ask a point of personal privilege just for a moment, not to respond to Senator BOXER, but to indicate my remarks about alleging criminal conduct by Senator PACKWOOD, and I associated Senator McCONNELL with those. That is incorrect. He did not align himself with the remarks about criminal conduct, and any allusion of mine to that effect is wholly unfair and not so.

I certainly want to correct those remarks. I apologize to my friend Senator McCONNELL for any pain caused in that reference.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. I thank the Chair.

Mr. President, I rise for two purposes tonight. First, to go to the defense of the Ethics Committee. Second, to hope to lay some groundwork for the Senate to move ahead to conserve its time and still do its duty.

I salute all members of the Ethics Committee. I am quite surprised to see that the body seems to be turning around to an attack on our colleagues on the Ethics Committee. This should not be an attack procedure. This should be a very deliberative one, to discharge the duties regarding one of our Members whom we have all known for a long, long time. That is what we have an Ethics Committee for. That is why I thank and salute the members of the committee who for the most part have acted completely in unison on a bipartisan basis.

I thank Senator McCONNELL. I thank Senator SMITH. I thank Senator CRAIG. I thank Senator BRYAN. I thank Senator MIKULSKI, and I thank Senator DASCHLE.

I hope that in our fervor here to do what many of us think is right, and there are obvious divisions of opinion on that; that to turn on the Ethics Committee, to criticize them for the wording of a subpoena, and not being a lawyer, but if I were writing a subpoena, I may have worded it a little bit differently than this. Suffice to say, Mr. President, that my experience throughout my life has been that once you get more than one lawyer in a room, or in meeting, you have an immediate difference of opinion. And that is very much, I think, clear with what is going on here on the Senate floor right now. For the life of me, I simply say that we have to talk. Senator SIMPSON said it is time to talk. It sure is past time to talk, because if we do not talk and come to some kind of a workable compromise improving upon the excellent work to date of the Ethics Committee, then I would foresee an unfortunate situation, and maybe that is part of the process that we have been brought into here in the last 2 days. Maybe there is a plan by some to take this into the courts, where it could go on for months and months and maybe years and years, without a timely resolution.

Certainly, I believe that Senator PACKWOOD is entitled to bring up any defense that he wants. I would suspect that he is advised by capable legal counsel. I hope that we will not contribute to this being in the court forever. There has been some talk this afternoon about what is going on out there with the people in this great country that we represent. I certainly share and associate myself with the remarks of my friend and colleague from Missouri, Senator DANFORTH, who says his main goal here is to preserve what is left—he did not say that; those are my words—of the integrity of this institution.

I am very fearful, Mr. President, that the people sitting on a bar stool in Wyoming, or at their farms in Nebraska, or in the factories in New York, or in their homes in Nebraska, who have been watching this, must be overwhelmed with the legalistic nature and talk that has been going on here, which I am afraid they will interpret as: Why do they not get on with the business at hand?

I think and I hope that some kind of a compromise is in order. I, frankly, do not think it is very constructive to talk about what has happened in the past with Judge Bork or Judge Thomas. Those two names come up. I must tell all that I voted against Judge Bork, but I voted for Judge Thomas. I have received a lot of criticism over the years for those votes. But I voted my convictions at the time, and I still am pleased with the way I voted when

I voted on the floor on those two individuals.

But that is all beside the point. I would think there may be room for some compromise if we could quit attacking each other. It seems to me, from what I have heard and read, that there probably are the seeds of compromise strewn all over this body, but we have not paid much attention to them. When the matter came up of the possible criminal activities, or further violation of Senate rules or ethics, and no one seemed to know what that was all about, it did not concern me a great deal, because I was confident that if I would just wait a day or two, the newspapers would tell us all about it—secrets are supposedly very holy in this body. I did not know what the additional possible charge involving my colleague, Senator PACKWOOD, was until I read it in the Washington Post this morning. Sure enough, nothing is sacred around here. I suspect that most of the other Members of this body were similarly situated as the Senator of Nebraska, because they did not know either. But like the Senator from Nebraska, they were wise enough to know if they would be patient and not ask any questions, it would come out in the news media.

I referred to a possible compromise. I will read two paragraphs from the letter that the chairman of the Ethics Committee wrote that was included in the RECORD on October 28 last. And I say as I read these two paragraphs—and I will make some brief comments about them—that it seems clear to me that everything was going quite well. The committee was discharging their duties. There was cooperation, but challenges, as there should have been, from the attorneys representing Senator PACKWOOD. But on October 17, we reached this impasse when it was discovered—or at least believed to have been discovered that there were further violations. Then everything fell apart.

I read from these two paragraphs from Senator BRYAN's letter, and this is after a breakdown in the smooth, ongoing process:

> The committee then proposed that a hearing examiner be brought into the process. Under the proposal, Senator Packwood would turn over the remaining diaries to the examiner. The examiner would ensure that the only masked material would be material related to the three categories in the original agreement: attorney-client, physician-patient privilege, and personal, private matters, and would then allow the committee counsel to review the unmasked material. The diaries would be returned to the examiner for safekeeping.
>
> Senator Packwood's counsel rejected the committee's proposal and again refused to turn over copies of the material reviewed on October 17 in the remaining unreviewed diaries. Let me point out here that information supplied to the Senate and to the media by Senator Packwood's attorneys seemed to indicate that Senator Packwood's attorneys were willing to turn over the diaries to a hearing examiner. What has not been made clear is that Senator Packwood's attorneys stipulated that neither the hearing examiner nor the committee would receive those portions of the diaries that would raise questions about other possible misconduct and that they would mask additional material. In addition, they were not willing to provide any diary material unless the committee agreed to not pursue as part of this inquiry evidence of possible misconduct reflected in the diaries.

I say that those two paragraphs, and what I have heard here and what I heard off the floor, seem to indicate that there is a legitimate attempt by the committee and committee staff to carry out their duties and I, for one, cannot buy, nor can I accept, the proposition that anything else that would come up in those diaries indicating a violation of ethics, violation of Senate rules, or violation of the law, should simply be overlooked.

The fact of the matter is very clear that, for whatever reason, Senator PACKWOOD and his attorneys agreed to turn over the diaries to the committee on a set program schedule. And I suspect that if there were concerns about what may be taking place later on, the diaries would not have been supplied, even page 1 of the 8,000 pages.

In any event, I want to suggest once again that it seems to me that if it could be agreed—and probably it cannot for many reasons, including possible reasons that some may want to take this into court to sell it off—but if there is an effort and if there is a compromise, it could and should be, in my view, along these lines:

If someone like Judge Starr—I do not know Judge Starr, but I have heard from lots of people that he is a highly respected individual, served in some distinguished judicial posts, as I understand it, in the Bush administration, and he has the confidence of most of those who know him and, I suspect, the confidence of most of us in the Senate—it would seem to me that if Judge Starr would become the hearing officer alluded to in the statements that I just read from the letter from Chairman BRYAN and that Judge Starr would take the remaining 3,000 pages—if Senator PACKWOOD and his attorneys would agree to that—go through all of those 3,000 pages, and that he would be granted the instructions by the Ethics Committee to report back to them on anything in those remaining 3,000 pages not yet examined, he would report back to the committee anything that alluded or was relevant to the charges that were originally brought, relevant to the charges that were announced in the newspapers this morning against allegedly possible misuse of his position by Senator PACKWOOD with regard to getting a position of some kind for his wife and, in addition thereto, anything else that Judge Starr would find in those 3,000 pages that were, in his opinion, violations of ethics rules or law, it would seem to me that if Judge Starr might not agree to become such a hearing officer or a special counsel under any other circumstances, it just seems to me that we could protect the privacy of Senator PACKWOOD as best we can under these difficult circumstances, and I recognize he finds himself in.

But the facts of the matter are that I happen to feel that the die was indeed cast when the first page of that diary was voluntarily turned over to the committee. I think that the public at large is not going to be satisfied if we would agree somehow, because of legalistic pronouncements that might have some basis in law in some instances, if we simply said that we are going to waive our rights to even have a highly qualified hearing officer appointed by the Ethics Committee to review those 3,000 pages and report back to the committee.

Unfortunately, that is not what is proposed in the amendment before us offered by Senator SPECTER. There was some indication from Senator SPECTER that I heard during the debate when Senator LEVIN was asking some questions of Senator SPECTER about this, and Senator SPECTER indicated that, yes, maybe this could be rephrased.

That, too, indicates to me that probably there is enough good will in this place that we can all bend just a little bit. Maybe we could move this process forward and onward to a conclusion that, at best, is not going to be a happy occasion for all concerned.

I happen to feel that the integrity of the U.S. Senate, its standing, and its chance for improvement of its image in the future, could thereby be enhanced rather than ducking and running the risk that the people of the United States would feel that the U.S. Senate cannot even realistically and properly deal with an ethics charge against one of its own and the "good old boy" network still is in full force and effect.

Mr. President, I hope and encourage all to come to some kind of a compromise as quickly as possible. I hope that we would not need extended debate on this because the more we debate, the more we look less than the deliberative body that we claim to be.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I note that the chairman of the committee is on the floor. I would like to address a couple questions to him if I might.

First, my questions deal with the subject of diaries and what are the rules now and for the future. Specifically, I would ask this question of the chairman as to if Senator PACKWOOD had not used the diaries referred to. I am taking your case. As I understand your case, it is that Senator PACKWOOD referred to the diaries to rebut a point he was making. My question to you is: If he had not done that, would the diaries be considered privileged material?

I am trying to get the ground rules for the future, because I am concerned. Senator DANFORTH gave a very powerful speech, I felt, and I share his concerns. I just wonder what is the reach of subpoenas in the future? And let us just restrict it to diaries.

Mr. BRYAN. The Senator is asking a hypothetical question. Diaries are not, per se, privileged. So there is no constitutional privilege as such to diaries. It has to be considered in the context of the specific facts.

I think we have made it very clear, both the vice chair and myself, that we were perfectly content, knowing the existence of the diaries—in response to the document productions of March 29 and again on July 16, when there was no diary information forthcoming, the committee made a determination at that point—or the staff has—and there was no recommendation to us to pursue the documents. So at that point we did not seek the diaries, even though we knew of their existence.

Once the Senator specifically made reference to the diary and that that diary contained relevant information, at that point is when the negotiations for the diary's release to the committee occurred and was subsequently made available, and the 5,000 pages were reviewed by the committee staff.

Mr. CHAFEE. Set aside the negotiations. I found here in the RECORD when I was reading Senator McCONNELL's statement—this was on November 1, yesterday. In it Senator McCONNELL says:

> It is important to note no diaries or diary entries were turned over to the committee in response to these requests, despite the fact that at least portions of the diaries were obviously within the scope of the document requests. * * * I want to point out the bitter irony that, if Senator PACKWOOD's attorneys had responded properly to the committee's earlier requests, simply by producing those diary entries relating directly to the allegations before us, it is inconceivable we would be in the position we find ourselves in today, arguing before the Senate and the entire world over a committee subpoena of complete diaries. In other words, if the committee's request had been complied with, then the committee would have gotten what it wanted and the rest of the diaries would have remained undisturbed.

If I understand what Senator McCONNELL is saying there, it is that, if a request is made for diaries, portions of those diaries only, and a Senator responds by turning over only those portions that he or she thinks are relevant, then that ends the matter, if I follow what Senator McCONNELL said.

Mr. BRYAN. That is not strictly accurate referring to the question of the Senator from Rhode Island.

Mr. CHAFEE. I am asking because this is not the last—obviously this is not the last time that subpoenas are going to be issued for documents or diaries of Senators. I think it is important if we set some kind of a record here.

Mr. BRYAN. I think, responding to my friend from Rhode Island, it is important to understand that we accepted the implicit determination by the Senator from Oregon that the diaries contained no relevant information. In other words, when the document requests were sent out and when they were returned and no diary material was contained in any of the returned documents, the committee at that point was prepared to accept the representation that was implicit in that there is no relevant information in the diaries, and that was the end of it. That was the end of it—no further pursuit. That was in March and July of this year.

We get now to October—and there is no intervening effort to inquire about the diaries, to request them, no discussion—but when Senator PACKWOOD referred to the diary material on October 6, it was clear by his statement that the diary contained relevant information.

That was the first time the committee was aware of that and obviously the fact of the matter changed at that point. What Senator McCONNELL, I believe, was saying—and he can speak for himself—if there had been no reference by him to the diary at that point perhaps we would not be at this point. I want to yield to him.

Mr. CHAFEE. What I want to establish here, clearly, are some rules for the future. Because I think, although we think our words will be little noted, they are long remembered—which is probably true in most instances. People in the future are liable to look back and see what Senator McCONNELL or Senator BRYAN has said about diaries because, from the quotes that were given in case after case, it seems diaries are put in a rather separate category from normal correspondence that one deals with.

I am just curious, what are the ground rules?

Mr. McCONNELL. I would say to the Senator from Rhode Island, I think probably diaries are not in a separate category. I am going to address that once debate on this amendment ends—at the conclusion.

If you want to go into it now, I think it is essentially our view that they are not protected for any other citizen in a situation similar to this and, therefore, should not be for the Senator.

Mr. CHAFEE. Is it that there is something "Government" about them? That the key thing is you dictate it to a Government-paid Secretary and she writes it? Or is it—suppose you kept one at home?

Mr. BRYAN. In answer to the Senator's inquiry, I concur with the statement made by the vice chairman. There is nothing constitutionally protected or privileged about diaries per se.

So the attenuated distinctions, whether they were dictated to a staff person or not, is not dispositive of the situation. It seems to me that those are factors that may be weighed. What is a constitutional balancing test? It is part of a fourth amendment determination made by a Federal court. But I believe that the Senator from Kentucky has responded accurately. And I concur. I know it is his intention to address this issue more fully at an appropriate time.

Mr. McCONNELL. Does the Senator from Rhode Island yield?

There has been a lot of talk on the floor, with all due respect, by a lot of Senators who may be great lawyers but who have not practiced in recent years. A lawyer here in town who has been before us in a number of different capacities, in cases similar to this, is Bob Bennett, whose name I suspect the Senator from Rhode Island is familiar with.

Bob Bennett, just within the last day or so, on this very subject that the Senator raises about diaries said the standard that should apply—and he was being asked about this matter before us—the standard that should apply is "a reasonable possibility that the category of materials sought is relevant to the general nature of the investigation." This is Bob Bennett, practicing lawyer, who appears before the Senate and has represented the Ethics Committee. He has also represented, I am told, people before the Ethics Committee.

Bennett also said, referring to the rights of private citizens versus the rights of Senators, "I can tell you, in my practice subpoenas are used all of the time asking for all sorts of diaries and personal calendars and we do not have a legal basis to resist them." This is Bob Bennett talking about any old regular citizen out there.

I repeat, and this was just last night when asked about this very issue that the Senator from Rhode Island raises——

Mr. CHAFEE. Would those be in civil cases?

Mr. McCONNELL. May I finish? When asked about the very issue the Senator from Rhode Island raises he says, "I can tell you, in my practice subpoenas are issued all of the time, asking for all sorts of diaries and personal calendars, and we do not"—he said, "—do not have a legal basis to resist them."

There has been a lot of talk citing cases. I frankly have not practiced law in years. I would not go to me for a simple will. So I am quoting a lawyer here in town who has both represented the Ethics Committee as an independent outside counsel and has also represented Senators before the Ethics

Committee. He says with regard to the issue my friend from Rhode Island raises, "I can tell you, in my practice subpoenas are issued all of the time asking for all sorts of diaries and personal calendars and we do not have a legal basis to resist them."

Obviously some courts are going to tell us at some point the answers to these questions. But as nearly as I can ascertain it, I would say to my friend from Rhode Island, that is the answer to his question.

Mr. CHAFEE. I take it that Attorney Bennett was involved in a civil case? Otherwise, presumably, the fourth amendment would apply?

Mr. MCCONNELL. He was commenting about the matter before us. He was being asked about it on a television show last night, I think. Within the last 24 hours. He was being asked about the matter before us that we are here discussing, and I cite him because I need some expert to rely on. It has been suggested around here that members of the Ethics Committee are sort of robots, being manipulated by the nefarious staff of the committee which is pushing us in the direction of violating Senators' rights willy-nilly.

I plead guilty to occasionally referring to staff people. I reject out of hand the notion that I am some robot being manipulated by this nefarious staff that is out to embarrass Senators.

It seems to me that has been at the heart of some of the comments here as the debate, I hope, is winding to a merciful conclusion on the Specter amendment.

But I just say to my friend from Rhode Island, that is the best legal advice I can offer him at the moment on the question he raises.

Mr. CHAFEE. I thank you.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, a number of people from the press have asked me the question, "Is this debate helping Senator PACKWOOD?" And the answer is, I do not know. I do not know if he is being helped or harmed by this fairly extensive debate that has occurred during the past day and a half.

The next question is, "Is it helping the Senate?" And I suggested: Not this one—not this one. But, hopefully, it will help the Senate with inquiries to come, with the next one and all that succeed it, because I think we may just hold up a lamplight to a very difficult path that each one of us who serves in public office has to walk.

It was suggested yesterday, either directly or indirectly, that we are holding this whole system up. Do we not have better things to do? There is NAFTA, there is the crime bill, there is health care, there are a variety of appropriations bills, defense authorization. We have all of these matters. Why are we wasting this much time on this one Senator?

Let us just forget these rules that lawyers use to obfuscate and confuse and send up a mushroom cloud to blind the people as to what really is involved here. Let us get rid of the process. Let us just get to the facts.

It struck me as ironic that the suggestion was made in this particular body.

I recall reading, I think it was either Wigmore on Evidence some 30 years ago or maybe it was Roscoe Pound, the great jurist from Harvard. I remember a quote that came to mind that was in an introduction to a book that he had written. He said, "Let us just rub red pepper into some poor devil's eyes who is sitting under a banyan tree and we'll get at the truth."

We have rejected that particular fact finding approach. We say no, there is a process of getting at the truth and the way in which we arrive at the truth, how we arrive at the truth, can be just as important—and in many cases more important—than the truth itself. That is the very foundation of our system. It is called a legal process. It consists of rules of evidence and procedure—and yes, they are cumbersome but they are designed to arrive at the truth in a way that strikes most citizens as being fair minded, equitable, just. Not through oppressive or dictatorial or fascist type means, but through a process of law. And that is really what we are about.

We are a nation of laws, and we devise rules in order to arrive at facts through a process. It is at the very heart of our system. Yesterday I took to the floor to ask a couple of questions. A number of my colleagues accused me of having been the preliminary bomb that set off the nuclear explosion by my colleague from Delaware, and that somehow I set in motion a whole series of questions that otherwise might have gone unanswered.

Let me explain exactly why I raised those questions. Every one of us knows that there is a growth industry in this town and I might say it is spreading throughout the country. We talk a lot about special interest influence, special interest groups. We are talking more than simply money. We are talking about political activists.

There is an explosion of interest groups in this country on the right and on the left and they are becoming more politically active and engaged and more, I might say, litigious as well. They like to file lawsuits. We are finding a pattern developing in our system that as elections roll around, more and more lawsuits are filed alleging more and more violations.

To the committee's credit, I might say, it refuses to take up allegations of wrongdoing on the part of those who are running for election or reelection in the final months of any campaign in order that interest groups or individuals cannot in any way skew the election by making last minute allegations. That is to their credit. It is a policy I hope we will continue indefinitely into the future.

But then after the election is over, we still have the allegations made, and they sit there and pressure is put upon the committee to do something about the allegations and the committee is duty bound to do something about those allegations. So they have to conduct a preliminary inquiry.

I raised the point yesterday that when a complaint is filed, the Ethics Committee is required, as we all will insist, to conduct an inquiry. A request will be made for relevant documentation. The question I asked was who determines what is relevant? And I believe the chairman—he can correct me if I am wrong—I think in the first instance that Senator or Congressman or person under inquiry or investigation is the person who would first determine relevancy.

So assume hypothetically that an allegation is made of wrongdoing on the part of a Senator and that Senator then goes through thousands, tens of thousands—we are not talking 8,000 pages, we are talking about 10,000, 15,000 or 20,000 pages, correspondence, documents, whatever might be in the Senator's file that constitutes relevant information. Assuming that Senator hands over the relevant information, what he or she believes to be all of the relevant information. But then assume another set of facts that maybe it is a disgruntled employee who is fired and he says, "Wait a minute, there are a couple pages missing," or maybe more, "a whole file missing" and that Senator was not even aware of its existence.

Then the question becomes, well, does the committee from that point on no longer accept that Senator's good faith effort to find all relevant documents because, believe me, there are thousands upon thousands of pages in everyone's office. So the element of good faith then comes into question. Does the committee then determine it will assume or determine what is relevant and it will go through the entire records available in that individual's office to determine what is relevant and what is not relevant?

By the way, if it should discover any other hint of impropriety, it can then extend and expand that investigation into something much broader than where it started.

So this raises many questions, I think, in terms of process, about who determines relevancy, is relevancy the test, when does relevancy fall by the wayside as a restriction? I do not think these questions have been cleared up.

I have had a number of my colleagues come to me in the corridors and say, "You asked some good questions yesterday. Unfortunately, they were never answered or not answered satisfactorily." So hopefully during this debate, we have had at least an exchange among Senators raising these issues so we can define for the future—forget about the Packwood case for the moment—define for the future exactly where we are going as we can anticipate more and more complaints being filed, some legitimate, many perhaps frivolous, but nonetheless requiring this committee that we have mandated must conduct the investigation to carry out that mandate. And it is important that we understand what the guidelines and the ground rules are going to be.

I have been assured by some, "Well, you can take comfort in the fact we have a three-three split on the committee; that if there is any hint that this is going overboard, that it is engaging in a partisan fishing expedition, somehow they are a bunch of teenagers prowling around for pornography, that will come to a halt because of the bipartisan composition of the committee."

I do not take great comfort in that because I know the pressure that can be generated on any given issue can be enormous, and it only takes one vote switch to make a majority under those circumstances.

So I think the past 2 days may have been unpleasant but terribly important, as far as I am concerned. Maybe we will pause long enough to consider what the rules ought to be to govern our conduct and inquiries in the future. For example, I know I am on the committee now to help propose recommendations to reform the Congress, how we operate. One suggestion is that we make ourselves subject to the Freedom of Information Act. Why should we be different than the executive branch?

I hope that this kind of discussion will at least raise our consciousness in terms of what that might very well entail in terms of every document that is received or prepared by a Senator or Congressman or person would then be subject to a freedom of information request.

It was also suggested yesterday that if you were to vote against the committee's position, you were sending a signal to the millions of women who are out there watching that when they are abused or misused, when they are sexually mistreated, as the allegations in this case, they can expect no relief from the Members of the Senate. And conversely, if you do support the committee's position, then you send the signal you are very much opposed to any mistreatment of women.

I would like to say there is something fundamentally wrong with that syllogism. Everyone I talked to in this Senate Chamber is not here defending BOB PACKWOOD. Most, if not all, said if he, in fact, is guilty of the allegations and accusations made against him, we want very tough measures to be meted out against him. JACK DANFORTH said throw the book at him if it is true.

So I do not like or do not approve of the position that if you were to question the committee's judgment on anything, somehow you do not support tough measures against any Senator who abuses his position in any way, transgresses the rights of women to be free from sexual advances. Everyone who I talked to, everyone with whom I associate with feels very strongly on protecting those rights.

I saw something quite interesting in the Wall Street Journal today. It gives me some cause for concern. It is written by Jeremy Stone. He may not be known to many of you, but he is quite an activist in his own right in terms of nuclear disarmament. He is a very bright, capable individual. He wrote an article for the Wall Street Journal entitled "PC Invades the FBI." I would like to read just a few paragraphs of this this evening because I think that we are on a track which is quite dangerous to our entire system of governance:

> Breathes there a soul so dead that he or she has never privately speculated on cultural or intellectual differences between women and men or between various ethnic or racial groups? If so, he or she will have no trouble, in this new world of political correctness, getting a position in the Federal Government. No one else will qualify.

And he goes on to explain that apparently the FBI has been charged to investigate the nominees for positions in this administration, to elicit and thoroughly explore comments bearing upon a candidate's ability to be fair and free of biases against any class of citizens. The FBI is not just looking into racist or discriminatory actions but eliciting and exploring comments. He gives some rather provocative hypotheticals of comments that might prove to be disqualifying.

We have to be very careful we do not enter into a world of political correctness to apply these statements and tests not only to nominees to the executive branch but also to our colleagues and others.

I raise this because last week one of our colleagues placed on the Senate floor a portrait or a picture that allegedly hung in the office of President Aristide of Haiti. That was shown as an example of the character of that particular individual, along with psychological profiles being presented by the CIA.

It occurred to me that we are fast approaching that point in time where Federal authorities, be they the executive branch or perhaps even our own investigative committees, will start looking into pictures that hang on our walls, or search for private comments that have been made; according this article, any jokes that have been told. Many of my colleagues apparently maintain joke books. Should those also be the subject of investigation?

I think we have to be very careful as we start to proceed to inquire into the private realm of each individual Senator's life that we keep in mind we are really concerned not only about the facts; they are important, but how we arrive at acquiring them.

I have not taken issue with the committee. I think the committee has tried to do the best it possibly could, and none of us, by the way, volunteer for this committee. The majority leader and the minority leader come to us and say, "Would you like to serve on the Ethics Committee?" There are not many takers, not many takers.

And so I take to heart what both my colleagues, Senator MCCONNELL, and Senator BRYAN have said in the Chamber. This is a very tough responsibility we have handed to you, and maybe some mistakes were made along the way, and maybe there have been some misunderstandings, but we cannot reconcile those misunderstandings. We are in no position to reconcile those misunderstandings.

I do not want to be overly critical of the committee, but I do want to say that this proceeding, these deliberations, as long as they have been, as perhaps even as embarrassing as they have been to Senator PACKWOOD and to others, they have been important. It is very important that we go through this process and explain it to our constituents. It is not simply as easy as saying: I support the committee; they are right; and PACKWOOD is wrong. There are legitimate arguments on both sides. It has been important that we have listened to them so we can come to some kind of conclusion.

The diaries of Senator PACKWOOD are going to be produced. They are either going to be produced through the Specter amendment, if that is voted upon, or certainly through the committee process if the case goes to the courts. They will be subject to examination at some point in time, hopefully more expeditiously than not, because I think that the women who have complaints and allegations pending against Senator PACKWOOD are entitled to have those resolved as quickly as possible.

That is really what we have been trying to do: try and find a way we can compel production of the diaries in a fashion other than recommended by the committee. If not, then we have no choice but to support the committee.

So I take the floor this evening just to point out that process is important; how we get at the facts is important as getting at the facts. We can abandon the rules of procedure. We can toss out considerations of due process or unreasonable search and seizure or fifth amendment and say let us just go to the facts. But that is not what this country is about.

In my humble opinion, it was worth a day and a half.

I can see my colleague from Maine looking at me saying OK, time to wrap it up.

But I thought it was important we talk about the importance of our procedures and why Senator PACKWOOD is entitled to have these views debated and aired. I would repeat what JACK DANFORTH said. This is not about defending BOB PACKWOOD's conduct. If the allegations are true, I expect the committee to recommend fairly severe and harsh punishment, and it will be supported by the full Senate; I have no doubt about that. But how we proceed to get the information is important, and I think this has been a tremendously helpful experience, even if it has been described as being embarrassing to the Senate.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. It had been my hope to propound a unanimous consent request for an agreement to govern the disposition of this matter at this time, but I am advised that my colleagues are still in consultation on that. I know the distinguished Senator from Indiana has been present and waiting to address the Senate for some time. I was going to incorporate his time in the agreement. But may I suggest, if he wishes to proceed, that he do so and perhaps by the time he has completed his remarks we will be in a position to get an agreement.

Mr. COATS. I will be happy to proceed. I do not have a statement to make, but I do have some questions I would like to propound to the chairman and ranking member of the Ethics Committee.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. COATS. Mr. President, I do have some questions I would like to propound to the chairman and the ranking member of the Ethics Committee and also to Senator PACKWOOD, if he cares to respond to them. I know I am going over ground which has already been plowed, but for this particular Senator I am still concerned that I know exactly what the situation was relative to the proffering of the diaries initially to the committee by Senator PACKWOOD, and to the so-called agreement that was entered into between the committee and Senator PACKWOOD.

I share the concerns that were just raised by the Senator from Maine relative to the scope of the authority granted to the Ethics Committee, the implications of that authority, and the exercising of that authority in future cases. I do think the questions that have been raised in that regard are relevant questions, questions that we need to find answers to because, in a sense, the procedures of the committee and even the existence of the committee itself is also somewhat on trial here during these 2 days, as well as the question relative to Senator PACKWOOD's subpoena.

However the fourth amendment may limit the right of search and seizure to a reasonable search and seizure, and bear on this question, it seems to me, at least to this particular Senator, that the waiver question has been raised but also dismissed on a number of occasions is a relevant question.

I think in making a determination as to how best to proceed it is important—at least for me it is important—to understand just exactly the procedures that took place to make sure I have the facts down correctly.

It was my understanding—and it was discussed yesterday in the initial arguments—it was my understanding that first the chairman of the committee indicated that the point of whether or not material in the diaries unrelated to the specific allegations made against Senator PACKWOOD could be used or subject to further investigation by the committee.

The chairman indicated, as evidenced in the RECORD on page 26937, that clearly that was the case. And in fact the chairman added to the RECORD, either quoted into the RECORD or submitted for inclusion in the RECORD, a statement made by counsel for Senator PACKWOOD indicating that on National Public Radio the statement made by Mr. Fitzpatrick:

> The ground rules were that the committee was not going to use review of this diary to create new incidents. The agreement was that they have received—they spent a year inquiring of people as to whether they might want to file an allegation. There's a finite universe there. They are not using this diary to build their case. That was a clear understanding between us.

The chairman said, "This statement is false" and then went on to describe that it was clearly stated to the attorneys for Senator PACKWOOD that that exemption was not to be granted.

Now, the question I have is that in relating to the statement made on National Public Radio, the word "incidents" is used. The ground rules were, in describing the arrangement—and we have not heard from Senator PACKWOOD a definitive answer as to what he thought or his counsel thought the agreement was—but the statement that was made on National Public Radio to which the chairman responded said, "The ground rules were that the committee was not going to use review of this diary to create new incidents." Incidents of what? What new incidents of charges of sexual harassment or new incidents unrelated to the allegations made of sexual harassment? If counsel for Senator PACKWOOD was referring to new incidents of sexual harassment, then that is a different situation as new incidents outside the scope of sexual harassment. They went on to say the agreement was that they spent a year inquiring of people as to whether they might want to file an allegation.

That seems to say that the year was spent inquiring of people who may have a relationship, a relevance to the allegations made of sexual harassment, not new incidents of unrelated material.

So my question to the chairman is in reference to that National Public Radio comment to which you said this statement is false, and then went on to describe, does that have a bearing on the question here, and were you responding to the issue of unrelated material discovered in reading the diaries or were you referring to, did you understand the attorneys to refer only to incidents related to sexual harassment?

Mr. BRYAN. I would say to my friend from Indiana, I was distracted with a couple of comments here. Can you very briefly frame the question? I will try and respond to your question as best I can.

Mr. COATS. Yesterday you stated that the statement made by counsel for Senator PACKWOOD, Mr. Fitzpatrick, on National Public Radio, indicating that the ground rules of the committee were not to use review of the diaries to create new incidents. You said that statement is false. You then went on to describe how it was that the Ethics Committee counsel clearly presented to Senator PACKWOOD and/or his counsel the fact that unrelated matter would be fair game for the committee to look at it, look at if they determined it was a possible violation of Ethics Committee rules or criminal conduct.

Mr. BRYAN. Let me try to respond as best I can to my friend from Indiana and certainly invite a response from the vice chair, for which, as well, this has been a very tiring day—for all of us.

The understanding was entered into on the 8th of October. That understanding was entered into following the discovery for the first time that indeed the diary contained relevant information that having been ascertained by statements made by Senator PACKWOOD during his deposition on October 6.

At that time, counsel for Senator PACKWOOD, counsel for the committee, entered into negotiations. We have been informed as to what the understanding was, and we have expressly incorporated that in a document which if the Senator will beg my indulgence for a moment, it will be far better than my repeating it again extemporaneously. That would be the statement which I made yesterday on the floor. I quote from it. It is the November 1 statement, as follows:

> An agreement was reached under which the Senator agreed to allow committee review of the diaries. To respect the private nature of certain information the committee offered to allow the Senator's attorneys to mask with tape portions of the document dealing with the attorney-client, physician-patient

privilege, and personal, private, family matters. The Senator's attorneys would then deliver the masked diaries to the committee's counsel who in the presence of the Senator's attorneys review each broadly. The committee staff would not take notes or make copies. If the committee desired a copy of the page, counsel would mark that page, for later copying by the Senator's attorneys in their office. At no point would the committee retain physical possession of the diaries.

In addition, there was discussion with the committee's counsel by Senator PACKWOOD's counsel as to whether or not if the diaries contained other information unrelated to the charges before us, would those, could those, be seen by our counsel? Would that information be considered?

Mr. COATS. That was specifically directed to unrelated matters.

Mr. BRYAN. Yes; I say most respectfully we have said that a number of times. If we have not made that clear——

Mr. COATS. The reason I have asked the question is that I have not been satisfied that I have, because Senator PACKWOOD has on a number of occasions indicated that his counsel's and his understanding of that agreement is different than the committee's understanding of the agreement, and because his statement made on National Public Radio by his counsel seemed to indicate, gives some clue as to what their understanding was. My question was whether or not that shed any light at all on Senator PACKWOOD's or his counsel's understanding of what the agreement is. Since we do not have an agreement in writing, I am having trouble pinning this down.

Mr. MCCONNELL. It is true we do not have agreement in writing, but there must have been some meeting of the minds because it operated for 5,000 pages and 20 years. There must have been some meeting of the minds there even though it was not written down. It went forward for 5,000 pages and 20 years until 1989.

Mr. COATS. And the only evidence we have though of something other than a written agreement are notes? Do I understand that correctly, notes taken by counsel, or a memorandum issued by counsel?

Mr. BRYAN. Let me respond to the Senator's question. There was some indication I think on the floor by Senator PACKWOOD that there may have been some notes taken by his counsel. Those certainly are not statements that have come from me. But that is my recollection of the record.

Mr. COATS. I assume at this point that Senator PACKWOOD does not wish to shed any additional light as to what his understanding or his counsel's understanding of the agreement was relative to this question and whether or not that constituted a waiver? I know I have heard you speak to this before. I am not trying to press this. It is an important issue to me in making a determination.

Mr. PACKWOOD. Let me respond if I might to the question.

I know what my understanding is. I was not involved in these negotiations. My understanding was that they were looking for relevant material. It never occurred to me that they were looking for other material. So this was my personal understanding. It just never occurred to me. It is not something that I think about to reject. I never thought about it.

Mr. COATS. Did you at any time have any indication from your counsel that that might be a possibility?

Mr. PACKWOOD. No; they thought—I cannot speak exactly for them, because they are the ones that were directly involved. I do not want to misstate it. I think they thought and that based upon the first 20 years of examination when only marginally, you would be, you could make an argument out of, I do not know, 10 or 15 entries that may be relevant, but most of the things that staff was asking for were relevant. So I think we were all kind of lulled into a sense of they are looking for relevancy. That is about the only way I can explain it.

Mr. COATS. Is it your understanding though or do you agree that they at least broached the subject with the Ethics Committee before the first page was even looked at? Because according to counsel, to the chairman, that subject was raised specifically with your attorneys prior to the diary being examined.

Mr. PACKWOOD. If it was, I did not know about it. That is all I can say. Whether or not it was raised with them, I think they have to speak to that. But I did not. But if you think about it, I do not think it was a question of misleading me. I did not know about it, think about it at all, and I think they assumed that they were looking for relevancy. I have heard them say that they said, well, we cannot turn a blind eye if we see something. But we are not, I think—I ask my counsel to correct me if I am wrong. They said they were not interested in certain things. I do not mean violations. But there were certain types of things they were looking for. I am not sure the issue was ever joined.

Mr. COATS. Was the Senator from Oregon aware of the rule of the Ethics Committee that mandated that material discovered during an investigation, nonrelevant material but applicable to a situation where there might be a violation of the code of ethics, or the law, that they were obligated to report that material?

Mr. PACKWOOD; No. I was not aware of it until frankly the issue came up a few days ago, came up whenever the dispute surfaced. I certainly was not aware of it early on. I do not know when I became aware of it. But not until it was raised. I did know at the time we started into this that the committee looked at things other than allegations, other than the charges before us. So that is the best answer I can give you. Whenever this issue was raised, that is when I became aware of it. I did not know it at the start.

Mr. COATS. I have a final question, if the Senator cares to respond. Relative to the statement just made by the ranking member that 20 years of material—5,000 pages—were examined and that, therefore, constituted some meetings of the minds on that particular question, does the Senator care to respond?

Mr. PACKWOOD. I think so, because while we might have quarreled with some of the things, I used an example yesterday where one of the complainants—it appears in the diary—was getting ready to meet with me and my wife. There is a reference to the complainant. Is that relevant? I might say it has nothing to do with the incident and would not shed any light, but you might say it is relevant because it is mentioned. That is what I said was marginally relevant. It does not add anything, but she can argue that it is relevant. But of all of the things asked for in the 20 years—I do not know how many, but there might have been some we would have quarreled with. On every one you could have made an argument that it was marginally relevant.

Mr. COATS. I thank the Senator, and I thank the chairman and ranking member. I know we have gone over this before, but to me it is a critical issue. I wanted to make sure I fully understood the sequence of events.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Chair recognizes the majority leader, Mr. MITCHELL.

Mr. MITCHELL. Mr. President, I am still awaiting a response to my proposal for reaching agreement on the disposition of this matter.

I yield the floor.

Mr. DASCHLE. Mr. President, in the colloquy I had with Senator SPECTER a couple of hours ago, I inquired as to whether Judge Starr had agreed to fulfill the obligation required in the Specter amendment, and the Senator from Pennsylvania had indicated that no contact been made and that he could not answer in the affirmative. I would just hope that somebody who has indicated support for this amendment, and who wishes the Senate to cast its vote on this amendment sometime tonight, will give us some assurance that Judge Starr is willing to commit to the constraints that are incorporated in this amendment.

I would certainly hate to have had this body go through the entire day debating this amendment, with the expectation that Judge Starr would agree to these limitations, only to find out subsequently that he would not agree, and be right back where we started tomorrow morning debating a new amendment with another name.

So it is very important that at some point we get some understanding as to whether Judge Starr is prepared to do this. I again urge my colleagues, those who are proposing this amendment, to give us that assurance prior to the time we are required to vote.

I yield the floor.

Mr. DANFORTH. Mr. President, I have never spoken to Judge Starr, either today or at any other time, about the Packwood case. I am one of the two cosponsors of this substitute. In the opinion of this Senator, the issue that is going to be resolved tonight is not the fine issue of what name or what person serves in the capacity that we have designated for Judge Starr. A number of Senators have expressed their high regard for Judge Starr. I have expressed my high regard for Judge Starr. But the identity of an individual is not the heart of this substitute. The heart of this substitute is to find a mechanism that permits us to put some parameters on the subpoena power of the U.S. Senate and its Ethics Committee.

The issue that has been raised by this substitute is whether there are any limits to the reach of an Ethics Committee subpoena. It is the position of Senator SPECTER and me that there must be limits to an Ethics Committee subpoena, and that the limits must be framed in such a way so that the committee is allowed access to matters which will allow it to proceed to do its work.

The work of the committee is to investigate complaints, or to investigate facts, or to investigate leads. Therefore, the whole issue before the Senate is whether the subpoena power is related to those allegations or facts or leads or not.

This subpoena is so broad that it covers absolutely anything, not only in the diaries, but in notes or phone logs or anything else that Senator PACKWOOD has, or anybody has who made such notes pursuant to his request—anything under his control. It is an extraordinarily broad subpoena. If some Senator would like to suggest some other mechanism for placing parameters on the subpoena other than the one suggested by Senator SPECTER and me, please suggest it. I would be happy to support it. I would be happy to accept it as a substitute for our substitute, if it is better. But the essential point before the Senate remains the same. And I submit to the Senate that the essential point is not specific to Senator PACKWOOD. The essential point is a fundamental issue of civil liberties.

It is not an issue of sexual harassment. It is not an issue of whatever the other charge is about some proposed job for Senator PACKWOOD's wife. It is a fundamental issue of civil liberties. An absolutely unfettered ability of a committee to get any papers on this broad a subpoena is a violation, in the opinion of this Senator, of the basic principles of civil liberties set forth in the fourth amendment to our Constitution.

There is no particularity, none. We are talking about 3,000 pages or so of diary. In addition to the 3,000 pages of diary, we are talking about journals, other documents or material, typewritten or handwritten documents, tape recordings, all materials stored in computer or electronic means.

It is an enormously sweeping request, and what we are saying to the Senate is it is a very serious precedent for the U.S. Senate to vote to place its imprimatur on something as sweeping as this subpoena. Regardless of how you might feel about Senator PACKWOOD, regardless of how anybody might feel about the charges made against Senator PACKWOOD, this is a blockbuster of a precedent, and it goes to the fundamental issue of civil liberties. This is a debate about civil liberties, and I am appealing to people who feel strongly about civil liberties on both sides of the aisle as a matter of fundamental fairness. We cannot agree to a subpoena that is this broad for any reason.

I do not know the answer to this question, but maybe somebody does. Is there any precedent for issuing a subpoena as broad as this one? Is there any precedent for the Senate agreeing to take this to court and to use the power of the court to enforce it? There is no limitation, and a subpoena without any limitation poses fundamental civil liberties questions.

Now, whether Judge Starr is going to agree or not agree, whether he has other things to do—maybe he is going on a vacation; I do not know—but what I am saying is that if there is not some mechanism in this case called Judge Starr that serves as a filter between the raw data, the documents, all of this stuff that is out there, and the Senate Ethics Committee serving as prosecutor, judge, and jury, if there is no filter, then the reach of the Ethics Committee is total, it is complete, there is no limitation to it.

I said when I started my remarks 2 or 3 hours ago that this whole issue, in my mind, is summed up in a single word, and the single word is "scope"—scope. Is there a scope to the subpoena? Is there a scope to the investigatory reach of the Senate Ethics Committee? I have never heard anybody answer that question on the floor. Is there a scope? Is there a limitation?

Now, in the original request made to Senator PACKWOOD there was a scope. The scope was the word "relevant," relevant to the charges. That is what the Ethics Committee asked for, not every paper Senator PACKWOOD had, not his entire files for 25 years, or whatever it is, in the U.S. Senate, not everything he had in his office, everything he had in his home. No. It was something that was much more specific than that. And it was that the committee requested that Senator PACKWOOD produce to the committee documents relevant to the committee's preliminary inquiry and to allegations of sexual misconduct and intimidation. That is a limitation. It is a limitation. It is not "give us everything you have."

Now the standard of the committee has been changed. It has been changed from the standard of relevance to everything, to no standard at all. It has been changed.

Why has it been changed? Has it been changed to punish Senator PACKWOOD because he is recalcitrant, allegedly? Is that the reason that the standard of relevance has been altered, changed? Has it been changed because the Ethics Committee is fed up?

I do not know why they changed the standard, but they changed the standard. The standard was relevance. Now it is nothing at all. The standard in the Federal Rules of Civil Procedure for discovery of documents is relevance. Under rule 26 of the Federal Rules of Civil Procedure, you only get what is relevant, relevant material, relevant to something, just as the committee set out a standard of relevance in its original request. And if Senator PACKWOOD did not respond to that request properly, then maybe that is an offense of Senator PACKWOOD. Maybe that should be investigated. Maybe Senator PACKWOOD should be held in contempt. I do not know.

But I do know that what we cannot do, at least without this Senator standing up and talking about it, what we cannot do is to change the whole precedents of the Senate, to establish a precedent, to establish a rule which is not any rule, to establish a sweep which encompasses absolutely everything that you can drag in, because, if we do this, I say to the Senate, everything anybody has is available. Why not have sort of a roving commission? Maybe they might say, well, there might be something out there. You could have the Ethics Committee go by people's offices at random, just go through stuff. I do not think they can do that.

So I say to the Senator from South Dakota, Judge Starr, Joe Doaks, whoever, someone, someone mutually agreeable—strike the name, and put in "someone mutually agreeable," someone designated by the Ethics Committee, someone without even the permission of Senator PACKWOOD, someone named by the Senator from South Dakota, I do not care, just someone other than the prosecutor himself, someone other than the judge and the jury themselves, someone out there who can say there is a standard that is going to be applied before this information is turned over in totality and the standard is relevance and that standard is going to be put in place. Everything that is relevant is going to be turned over to the committee, nothing that is not relevant.

Under this amendment all the diaries would be turned over to Judge Starr, or whomever. Judge Starr would be able to read all of the diaries, everything. Not a word would be left out. And then Judge Starr would apply the standard agreed to by the Senate and turn them over to the Ethics Committee, but it would not be a wide sweep, and it would meet the standards of fundamental fairness. This subpoena does not.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will be very brief. I have listened to virtually all of the debate in the last 2 days.

I wanted to make three or four statements and ask the chairman and the ranking member of the committee some questions to see if I have this straight.

First of all, does the subpoena now seek production of all the diary or only the diary from 1989 to 1993?

Mr. BRYAN. The answer to the Senator from Arkansas' question is, only to the diary from 1989 to 1993.

Mr. BUMPERS. Mr. President, first of all, the agreement between the committee and Senator PACKWOOD was an oral agreement. It was not reduced to writing; is that correct?

Mr. BRYAN. The Senator from Arkansas is correct.

Mr. BUMPERS. And the Senator was given what I guess we could call carte blanche authority to redact anything that came within the three categories that he and his attorneys wanted excluded in handing the diary over to the committee; is that correct?

Mr. BRYAN. The Senator is correct.

Mr. BUMPERS. That included personal matters between him and his family?

Mr. BRYAN. The Senator is correct.

Mr. BUMPERS. And professional relationships between him and his doctor and lawyer and so on?

Mr. BRYAN. The Senator is correct on both of those as well.

Mr. BUMPERS. For the first 5,000 of the pages of the diary, I take it that everything that has been redacted by the Senator and his attorneys, the committee had not challenged any of that? They accepted the Senator's good faith; is that correct?

Mr. BRYAN. The Senator from Arkansas is correct once again.

Mr. BUMPERS. And finally, the Senator could have, if he had chosen, redacted the thing that has precipitated us being here, and that is, passages in the disputed positions of the diary in which the committee finds something that they think constitutes or could constitute a violation of the rules and ethics of the Senate and possibly the laws of the United States, is that correct?

Mr. BRYAN. The Senator is correct.

Mr. BUMPERS. So if the Senator had chosen to redact that, either because he had a right to under that part of the agreement where the committee and he agreed that he would redact anything dealing with his family—and all I know about that is what I read in the papers, so far as his possibly soliciting a job for his wife, and that sort of thing—it did deal with his wife, so he might have redacted that simply because he did not want you to see it, and maybe in bad faith, but he could also have redacted that and made the argument that that was one of the exclusions; could he not have?

Mr. BRYAN. The Senator from Arkansas is correct. The Senator from Oregon could have made that assertion.

Mr. BUMPERS. Well, I will just take a couple more minutes, because I certainly do not want to burden the Senate in carrying on any longer than necessary. I think about everything that needs to be said has been said in the last 2 days.

It goes without saying, this is very difficult for every Senator. I think it is especially difficult for the committee. I certainly have a profound respect for the committee's work and everything you have done. I know it has been laborious and painful to you and certainly it is to the other Members of the Senate.

I will yield to nobody in my reverence for the Constitution. I was a trial lawyer, country trial lawyer, before I was Governor and Senator, and I developed a very keen appreciation for the rights of defendants.

Having said that, and having voted a number of times here, cast a number of unpopular votes back home against things that I thought were palpably unconstitutional, not only unconstitutional but probably very bad for the country but popular at the time such as legislation regarding prayer in school. I was the only Southern Senator to vote against the Reagan amendment to put prayer in school. I thought it was a bad idea then and it is a bad idea now.

I have cast a few other unpopular votes like my vote against the constitutional amendment to balance the budget. If somebody could tell me how that thing would work, I might vote for it. I know it is popular. And if I wanted to ingratiate myself a little more with my constituents—and there are times when I certainly wish I could—I would vote for that. But I have very serious qualms about such an amendment and how it would work.

Let us just assume that during the course of the hearings and deliberations of your committee, Mr. Chairman, you had said, "Senator PACKWOOD, we understand you have a diary."

Incidentally, the only reason I do not have one is because I am not that well disciplined. I never could keep a diary because I just forget, and I finally gave up.

But if you had said, "Senator PACKWOOD, do you have a diary?" And Senator PACKWOOD said, "Yes, I have a diary." And then the committee had voted to ask Senator PACKWOOD to surrender that diary—I am talking about on the front end—and Senator PACKWOOD said, "No. This is confidential. This is private. It deals with my family and me and it deals with random thoughts. Some of it is hearsay, some of it is pure opinion. It could hurt other people. No, I'm not going to turn this over to you."

If that had happened, and that is what we were here voting on, I would be voting with Senator PACKWOOD.

I intend to support the committee. But I must say I do not do so lightly. I really believe very strongly that one of the problems with this hearing is that historians are going to have a little trouble with this, because some of the greatest history ever produced has been produced from diaries.

I read Count Ciano's diary after World War II. As you know, he was Mussolini's son-in-law. It turns out that he was apparently sort of an agent for the United States. And Mussolini told his own daughter that he was having Ciano executed. We did not know about the diaries that he had kept until well after he was dead.

I can tell you people in the White House are keeping diaries, because they intend to write books when they leave the White House.

You go down to any book store downtown and you will find diaries of people in the Bush administration, in the Reagan administration. Colin Powell is going to be paid $6 million for his book, and I am sure a lot of it will be based on diaries.

One of the things that troubles me, completely aside from the legalisms, which is about all we talked about here, is that I do think it has a chilling effect on people keeping a diary and I think that history will suffer to some small extent as a result.

Two quick points: Judge HEFLIN, one of our legal scholars in this body, made an observation yesterday that I thought was perfectly legitimate and pretty astute. And that is, I would like to think that I am not voting to say that Senator PACKWOOD's defense is specious, erroneous, or without merit. And that is not what the committee is really asking us to do. The committee wants to see these diaries. But it is only asking us for permission to simply go to court.

Now we have 100 Senators, men and women, black and white. Many of us are lawyers. Many take pride in the fact that they are not. But to expect 100 men and women in this body to evaluate from a legalistic standpoint Senator PACKWOOD's defenses, I think is almost unfair to us and to him.

So what we are voting on here is whether or not to allow the committee to go to court and make its case and let the court decide.

I thought Senator HEFLIN spoke extremely well on that point yesterday.

Finally, there is a doctrine that I think will come into play when this gets into court, and it is called the plain view doctrine.

I do not think there is any question but that the committee had a right to come to the Senate, once they discovered something that could be a violation of the Senate rules, the Senate ethics, or the laws of the United States. I do not think the committee, once they saw information in the diary that could be construed in any of those categories, could sit idly by and do nothing.

And the plain view doctrine, which many lawyers are familiar with, would come into play where the police get a warrant, for example, to go into somebody's home because they think the occupants are storing cocaine, and they go down to the basement and the first thing they see is a body with 3 bullet holes in it. That is where the plain view doctrine comes into play. The police would have a perfect right, even though the warrant is limited to looking for cocaine in that home, a perfect right to pursue the possibility of a murder. I hope in saying that I am not trying to put too much on this case. That is certainly a far cry from what we are talking about. But it seems to me that the plain view doctrine sort of applies here. You came across it in plain view and you could not ignore it. As a matter of fact you had a duty not to ignore it.

What Senator PACKWOOD wants is for the committee to get Judge Starr to look at the rest of the diary but not at anything you might stumble across as you stumbled across this, if Judge Starr is the only person looking at the last 3,000 pages of the diary, and he comes across other sort of admissions. I mean, these kinds of things—that is the problem with diaries, you know. My diary probably would not mean anything, it would probably be so self-serving. I have a big ego. Somebody said today, "Your diary would be so self-serving it would not be worth anything anyway."

But people write candidly in a diary. That is what it is all about. But to say that even though the committee has found this on page 5,000 or wherever it is, that if anything else crops up in the next 3,200 pages you must ignore it—I think Judge Starr, incidentally, would have a little difficulty accepting that kind of burden.

I would not take on that responsibility myself because I would divinely hope there is nothing else in the diary that would ever bring us back to this kind of a situation. But it would put a terrible onus on Judge Starr to say in these 3,200 pages no matter what you find you must ignore it unless it fits in any of these categories, no matter how even felonious it might be. As I say, I would not assume that burden. I do not know whether Judge Starr would or not. He probably would, based on the fact that everybody says—I assume somebody has asked him if he would.

So those are some rambling thoughts about a very difficult situation for all of us. It is not easy to walk up and down the corridors of this Capitol Building and our office buildings and speak a half dozen times a day to almost every colleague in the Senate and then be asked to sit in judgment on them, on a very difficult case. Nobody enjoys this. But I must say I would compliment the Senate. I think most of what has been said, certainly most everything I have heard, has been said with a great deal of heartfelt feeling, a true desire to make sure that Senator PACKWOOD's rights are protected, if not necessarily here then in the court, which is the place where this ought to be decided.

So as I say those are my thoughts. Again, I respect the committee. I certainly respect Senator PACKWOOD for raising all the defenses that he can possibly raise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, just a very brief unanimous consent request and a comment on the plain view reference of my friend from Arkansas. We had a discussion on the floor, Senator SPECTER and I. The case of Coolidge versus New Hampshire was cited a number of times by our friend from Pennsylvania. This is a plain view doctrine case.

I happen to agree with my friend from Arkansas on his analysis of the plain view doctrine and how it could be analogous to a situation here, that if we have someone who is reviewing these diaries properly, with authority, indeed, with an invitation and with permission in this case, who comes across other material which is either a violation of criminal or civil law, that it is appropriate under the plain view doctrine for that person to take note of it and to take appropriate action with it.

As a matter of fact, I cannot think of anything that is in plainer view in going through a diary than material that the person is reading. It is about as plain a view as one can have under the plain view doctrine. If one is looking for material relevant to A, B, and C, that if they come across material relevant to D and E, which would be violations of law also, that this is in plain view while they are reviewing the diary for A, B, and C, they inadvertently come across D and E, that under the plain view analogy, that they would be able to utilize it.

I ask unanimous consent at this time, since the Coolidge case has been referred to, that the portion of the Coolidge case which is 403 U.S., starting at 464 and going through pages 473, be printed in the RECORD, since I believe the Coolidge case—although not totally unambiguous—is supportive of the analysis of the Senator from Arkansas of the plain view doctrine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[October Term, 1970, 403 U.S.]

COOLIDGE V. NEW HAMPSHIRE

C

The State's third theory in support of the warrantless seizure and search of the Pontiac car is that the car itself was an "instrumentality of the crime," and as such might be seized by the police on Coolidge's property because it was in plain view. Supposing the seizure to be thus lawful, the case of *Cooper* v. *California*, 386 U.S. 58, is said to support a subsequent warrantless search at the station house, with or without probable cause. Of course, the distinction between an "instrumentality of crime" and "mere evidence" was done away with by *Warden* v. *Hayden*, 387 U.S. 294, and we may assume that the police had probable cause to seize the automobile.[22] But, for the reasons that follow, we hold that the "plain view" exception to the warrant requirement is inapplicable to this case. Since the seizure was therefore illegal, it is unnecessary to consider the applicability of *Cooper*, *supra*, to the subsequent search.[23]

It is well established that under certain circumstances the police may seize evidence in plain view without a warrant. But it is important to keep in mind that, in the vast majority of cases, *any* evidence seized by the police will be in plain view, at least at the moment of seizure. The problem with the "plain view" doctrine has been to identify the circumstances in which plain view has legal significance rather than being simply the normal concomitant of any search, legal or illegal.

An example of the applicability of the "plain view" doctrine is the situation in which the police have a warrant to search a given area for specified objects, and in the course of the search come across some other article of incriminating character. Cf. *Go-Bart Importing Co.* v. *United States*, 282 U.S. 344, 358; *United States* v. *Lefkowitz*, 285 U.S. 452, 465; *Steele* v. *United States*, 267 U.S. 498; *Stanley* v. *Georgia*, 394 U.S. 557, 571 (STEWART, J., concurring in result). Where the initial intrusion that brings the police within plain view of such an article is supported, not by a warrant, but by one of the recognized exceptions to the warrant requirement the seizure is also legitimate. Thus, the police may inadvertently come across evidence while in "hot pursuit" of a fleeing suspect. *Warden* v. *Hayden*, *supra;* cf. *Hester* v. *United States*, 265 U.S. 57. And an object that comes into view during a search incident to arrest that is appropriately limited in scope under existing law may be seized without a warrant.[24] *Chimel* v. *California*, 395 U.S., at 762–763. Finally, the "plain view" doctrine has been applied where a police officer is not searching for evidence against the accused, but nonetheless inadvertently comes across an incriminating object. *Harris* v. *United States*, 390 U.S. 234; *Frazier* v. *Cupp*, 394 U.S. 731; *Ker* v. *California*, 374 U.S., at 43. Cf. *Lewis* v. *United States*, 385 U.S. 206.

What the "plain view" cases have in common is that the police officer in each of them had a prior justification for an intrusion in the course of which he came inadvertently across a piece of evidence incriminating the accused. The doctrine serves to supplement the prior justification—whether it be a warrant for another object, hot pursuit, search incident to lawful arrest, or some other legitimate reason for being present unconnected with a search directed against the accused—and permits the warrantless seizure. Of course, the extension of the original justification is legitimate only where it is immediately apparent to the police that they have evidence before them; the "plain view" doctrine may not be used to extend a general exploratory search from one object to another until something incriminating at last emerges. Cf. *Stanley* v. *Georgia*, *supra*, at 571–572 (Stewart, J., concurring in result).

The rationale for the "plain view" exception is evident if we keep in mind the two distinct constitutional protections served by the warrant requirement. First, the magistrate's scrutiny is intended to eliminate altogether searches not based on probable cause. The premise here is that any intrusion in the way of search or seizure is an evil, so that no intrusion at all is justified without a careful prior determination of necessity. See, e.g., *McDonald* v. *United States*, 335 U.S. 451; *Warden* v. *Hayden*, 387 U.S. 294; *Katz* v. *United States*, 389 U.S. 347; *Chimel* v. *California*, 395 U.S., at 761–762. The second, distinct objective is that those searches deemed necessary should be as limited as possible. Here, the specific evil is the "general warrant" abhorred by the colonists, and the problem is not that of intrusion *per se*, but of a general, exploratory rummaging in a person's belongings. See, *e.g.*, *Boyd* v. *United States*, 116 U.S., at 624–630; *Marron* v. *United States*, 275 U.S. 192, 195–196; *Stanford* v. *Texas*, 379 U.S. 476. The warrant accomplishes this second objective by requiring a "particular description" of the things to be seized.

The "plain view" doctrine is not in conflict with the first objective because plain view does not occur until a search is in progress. In each case, this initial intrusion is justified by a warrant or by an exception such as "hot pursuit" or search incident to a lawful arrest, or by an extraneous valid reason for the officer's presence. And, given the initial intrusion, the seizure of an object in plain view is consistent with the second objective, since it does not convert the search into a general or exploratory one. As against the minor peril to Fourth Amendment protections, there is a major gain in effective law enforcement. Where, once an otherwise lawful search is in progress, the police inadvertently come upon a piece of evidence, it would often be a needless inconvenience, and sometimes dangerous—to the evidence or to the police themselves—to require them to ignore it until they have obtained a warrant particularly describing it.

The limits on the doctrine are implicit in the statement of its rationale. The first of these is that plain view alone is never enough to justify the warrantless seizure of evidence. This is simply a corollary of the familiar principle discussed above, that no amount of probable cause can justify a warrantless search or seizure absent "exigent circumstances." Incontrovertible testimony of the senses that an incriminating object is on premises belonging to a criminal suspect may establish the fullest possible measure of probable cause. But even where the object is contraband, this Court has repeatedly stated and enforced the basic rule that the police may not enter and make a warrantless seizure. *Taylor* v. *United States*, 286 U.S. 1; *Johnson* v. *United States*, 333 U.S. 10; *McDonald* v. *United States*, 335 U.S. 451; *Jones* v. *United States*, 357 U.S. 493, 497–498; *Chapman* v. *United States*, 365 U.S. 610; *Trupiano* v. *United States*, 334 U.S. 699.[25]

The second limitation is that the discovery of evidence in plain view must be inadvertent.[26] The rationale of the exception to the warrant requirement, as just stated, is that a plain-view seizure will not turn an initially valid (and therefore limited) search into a "general" one, while the inconvenience of procuring a warrant to cover an inadvertent discovery is great. But where the discovery is anticipated, where the police know in advance the location of the evidence and intend to seize it, the situation is altogether different. The requirement of a warrant to seize imposes no inconvenience whatever, or at least none which is constitutionally cognizable in a legal system that regards warrantless searches as "per se unreasonable" in the absence of "exigent circumstances."

If the initial intrusion is bottomed upon a warrant that fails to mention a particular object, though the police know its location and intend to seize it, then there is a violation of the express constitutional requirement of "Warrants . . . particularly describing . . . [the] things to be seized." The initial intrusion may, of course, be legitimated not by a warrant but by one of the exceptions to the warrant requirement, such as hot pursuit or search incident to lawful arrest. But to extend the scope of such an intrusion to the seizure of objects—not contraband nor stolen nor dangerous in themselves—which the police know in advance they will find in plain view and intend to seize, would fly in the face of the basic rule that no amount of probable cause can justify a warrantless seizure.[27]

In the light of what has been said, it is apparent that the "plain view" exception cannot justify the police seizure of the Pontiac car in this case. The police had ample opportunity to obtain a valid warrant; they knew the automobile's exact description and location well in advance; they intended to seize it when they came upon Coolidge's property. And this is not a case involving contraband or stolen goods or objects dangerous in themselves.[28]

The seizure was therefore unconstitutional, and so was the subsequent search at the station house. Since evidence obtained in the course of the search was admitted at Coolidge's trial, the judgment must be reversed and the case remanded to the New Hampshire Supreme Court. *Mapp* v. *Ohio*, 367 U.S. 643.

FOOTNOTES

[22] Coolidge had admitted that on the night of Pamela Mason's disappearance he had stopped his Pontiac on the side of the highway opposite the place where the body was found. He claimed the car was stuck in the snow. Two witnesses, who had stopped and asked him if he needed help, testified that his car was not stuck.

[23] See nn. 12 and 21, supra.

[24] The "plan view" exception to the warrant requirement is not in conflict with the law of incident to a valid arrest expressed in *Chimel* v. *California*, 395 U.S. 752. The Court there held that "[t]here is ample justification * * * for a search of the arrestee's person and the area 'within his immediate control'—construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence." Id., at 763. The "plain view" doctrine would normally justify as well the seizure of other evidence that came to light during such an appropriately limited search. The Court in *Chimel* went on to hold that "[t]here is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself. Such searches, in the absence of well-recognized exceptions, may be made only under the authority of a search warrant." Ibid. Where, however, the arresting officer inadvertently comes within plain view of a piece of evidence, not concealed, although outside of the area under the immediate control of the arrestee, the officer may seize it, so long as the plain view was obtained in the course of an appropriately limited search of the arrestee.

[25] *Trupiano* v. *United States*, *supra*, applied the principle in circumstances somewhat similar to those here. Federal law enforcement officers had infiltrated an agent into a group engaged in manufacturing illegal liquor. The agent had given them the fullest possible description of the layout and equipment of the illegal distillery. Although they had ample opportunity to do so, the investigators failed to procure search or arrest warrants. Instead, they staged a warrantless nighttime raid on the premises. After entering the property, one of the officers looked through the doorway of a shed, and saw one of the criminals standing beside an illegal distillery. The officer entered, made a legal arrest, and seized the still. This Court held it inadmissible at trial, rejecting the Government's argument based on "the long line of cases recognizing that an arresting officer may look around at the time of the arrest and seize those fruits and evidences of crime or those contraband articles which are in plain sight and in his immediate and discernible presence." 334 U.S., at 704. The Court reasoned that there was no excuse whatever for the failure of the agents to obtain a warrant before entering the property, and that the mere fact that a suspect was arrested in the proximity of the still provided no "exigent circumstance" to validate a warrantless seizure. The scope of the intrusion permitted to make the valid arrest did not include a warrantless search for and seizure of a still whose exact location and illegal use were known well in advance. The fact that at the time of the arrest the still was in plain view and nearby was therefore irrelevant. The agents were in exactly the same position as the policemen in *Taylor* v. *United States*, 286 U.S. 1, who had unmistakable evidence of sight and smell that contraband liquor was stored in a garage, but nonetheless violated the Fourth Amendment when they entered and seized it without a warrant.

Trupiano, to be sure, did not long remain undisturbed. The extremely restrictive view taken there of the allowable extent of a search and seizure incident to lawful arrest was rejected in *United States* v. *Rabinowitz*, 339 U.S. 56. See *Chimel* v. *California*, 395 U.S. 752. The case demonstrates, however, the operation of the general principle that "plain view" alone can never justify a warrantless seizure. Cf. n. 24, supra.

[26] None of the cases cited in Part III-C of the concurring and dissenting opinion of Mr. Justice Black casts any doubt upon this conclusion. In *Steele* v. *United States*, 267 U.S. 498, agents observed cases marked "Whiskey" being taken into a building from a truck. On this basis, they obtained a warrant to search the premises for contraband liquor. In the course of the search, they came upon a great deal of whiskey and gin—not that they had seen unloaded—and various bottling equipment, and seized all they found.

In *Warden* v. *Hayden*, 387 U.S. 294, the police entered and searched a house in hot pursuit of a fleeing armed robber. The Court pointed out that "[s]peed here was essential, and only a thorough search of the house for persons and weapons could have insured that Hayden was the only man present and that the police had control of all weapons which could be used against them or to effect an escape." 387 U.S., at 299. The Court then established with painstaking care that the various articles of clothing seized were discovered during a search directed at the robber and his weapons. Id., at 299–300.

In *United States* v. *Lee*, 274 U.S. 559, a Coast Guard patrol approached a boat on the high seas at night. A searchlight was turned on the boat and revealed cases of contraband. The liquor subsequently seized was never introduced in evidence, but the seizing officers were allowed to testify to what they had seen. As the Court put it: "A later trespass by the officers, if any, did not render inadmissible in evidence knowledge legally obtained." 274 U.S., at 563.

In *Marron* v. *United States*, 275 U.S. 192, officers raided a speakeasy with a warrant to search for and seize contraband liquor. They arrested the bartender and seized a number of bills and other papers in plain view on the bar. While searching a closet for liquor they came across a ledger kept in the operation of the illegal business, which they also seized. There is no showing whatever that these seizures outside the warrant were planned in advance. The Marron Court upheld them as "incident" to the arrest. The "plain view" aspect of the case was later emphasized in order to avoid the implication that arresting officers are entitled to make an exploratory search of the premises where the arrest occurs. See *Go-Bart Importing Co.* v. *United States*, 282 U.S., at 358; *United States* v. *Lefkowitz*, 285 U.S. 452, 465; *United States* v. *Rabinowitz*, 339 U.S., at 78 (Frankfurter, J., dissenting). Thus Marron, like Steele, supra, Warden, supra, and Lee, supra, can hardly be cited for the proposition that the police may justify a planned warrantless seizure by maneuvering themselves within "plain view" of the object they want.

Finally, *Ker* v. *California*, 374 U.S. 23, is fully discussed in n. 28, infra.

[27] MR. JUSTICE BLACK laments that the Court today "abolishes seizure incident to arrest" (but see n. 24, supra), while MR. JUSTICE WHITE no less forcefully asserts that the Court's "new rule" will "accomplish nothing." In assessing these claims, it is well to keep in mind that we deal here with a planned warrantless seizure. This Court has never permitted the legitimation of a planned warrantless seizure on plain-view grounds, see n. 26, supra, and to do so here would be flatly inconsistent with the existing body of Fourth Amendment law. A long line of cases, of which those cited in the text, at n. 25, supra, are only a sample, make it clear beyond doubt that the mere fact that the police have legitimately obtained a plain view of a piece of incriminating evidence is not enough to justify a warrantless seizure. Although MR. JUSTICE BLACK and MR. JUSTICE WHITE appear to hold contrasting views of the import of today's decision, they are in agreement that this warrant requirement should be ignored whenever the seizing officers are able to arrange to make an arrest within sight of the object they are after. "The exceptions cannot be enthroned into the rule." *United States* v. *Rabinowitz*, 339 U.S., at 80 (Frankfurter, J., dissenting). We recognized the dangers of allowing the extent of Fourth Amendment protections to turn on the location of the arrestee in *Chimel* v. *California*, 395 U.S., at 767, noting that under the law of search incident to arrest as enunciated prior to *Chimel*, "law enforcement officials [had] the opportunity to engage in searches not justified by probable cause, by the simple expedient of arranging to arrest suspects at home rather than elsewhere." Cf. *Trupiano* v. *United States*, *supra*, n. 25, where the Court held:

"As we have seen, the existence of [the illegal still] and the desirability of seizing it were known to the agents long before the seizure and formed one of the main purposes of the raid. Likewise, the arrest of Antoniole [the person found in the shed with the still] . . . was a foreseeable event motivating the raid. But the precise location of the petitioners at the time of their arrest had no relation to the foreseeability or necessity of the seizure. The practicability of obtaining a search warrant did not turn upon whether Antoniole and the others were within the distillery building when arrested or upon whether they were then engaged in operating the illicit equipment. . . . Antoniole might well have been outside the building at that particular time. If that had been the case and he had been arrested in the farmyard, the entire argument advanced by the Government in support of the seizure without warrant would collapse. We do not believe that the applicability of the Fourth Amendment to the facts of this case depends upon such a fortuitous factor as the precise location of Antoniole at the time of the raid." 334 U.S., at 707–708. (Emphasis supplied.)

[28] *Ker* v. *California*, 374 U.S. 23, is not to the contrary. In that case, the police had probable cause to enter Ker's apartment and arrest him, and they made an entry for that purpose. They did not have a search warrant, but the Court held that "time . . . was of the essence," so that a warrant was unnecessary. As the police entered the living room, Ker's wife emerged from the adjacent kitchen. One of the officers moved to the door of the kitchen, looked in, and observed a brick of marihuana in plain view on a table. The officer brought Ker and his wife into the kitchen, questioned them, and, when they failed to explain the marihuana, arrested them, and seized the contraband. The police then searched the whole apartment and found various other incriminating evidence. The Court held that the general exploratory search of the whole apartment "was well within the limits upheld in *Harris* v. *United States* [331 U.S. 145]" for a search incident to a lawful arrest. The Court also rejected Ker's claim that the seizure of the brick of marihuana in the kitchen was illegal because the police had "searched" for it (by going to the door of the kitchen and looking in) before making any arrest. The Court reasoned that when Mrs. Ker emerged from the kitchen it was reasonable for the officer to go to the door and look in, and that when he saw the brick of marihuana he was not engaged in any "search" at all. Once he had arrested the Kers, the actual seizure of the brick was lawful because "incident" to the arrest. 374 U.S., at 42–43.

Ker is distinguishable from the present case on at least the following grounds: in *Ker*, the Court found that "the officers entered the apartment for the purpose of arresting George Ker," rather than for purposes of seizure or search, 374 U.S., at 42–43; exigent circumstances justified the failure to obtain a search warrant; the discovery of the brick of marihuana was fortuitous; the marihuana was contraband easily destroyed; and it was in the immediate proximity of the Kers at the moment of their arrest so that the seizure was unquestionably lawful under the search-incident law of the time, and might be lawful under the more restrictive standard of *Chimel* v. *California*, 395 U.S. 752. Not one of these elements was present in the case before us.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I had hoped to have reached an agreement some time ago governing the disposition of this matter but that proved not to be possible, and I now am discussing with the Republican leader and other interested Senators yet another suggestion to govern the disposition of this. It remains my intention that, either with or without an agreement, the Senate will stay in session until we complete action on this measure. My hope is that we can do so in the reasonably near future and that we can reach a final disposition.

In the meantime, the matter remains open if any Senator wishes to address the subject. If no one does, then I will suggest the absence of a quorum. If we have reached a point where nobody else has anything to say, perhaps that is a good indication that we may be nearing a time when we can reach agreement governing its disposition.

Accordingly, Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I had expected to make these comments a few moments from now. But since the Senate does not have any pending matters before it, I will take this time and perhaps save some time at a later stage of the proceeding. There are just a couple of comments I want to make at this time.

I thought that the reference by the Senator from California to the pending amendment being a coverup was unfortunate. I do not think when evidence is excluded from the use of the law enforcement officials, at its worst, that is a sign of a coverup.

If that is so, then anyone who advocates that on public policy grounds—I want to compliment my colleague from Missouri, Senator DANFORTH, for his extraordinarily effective presentation about public policy. There has been a lot of talk on the floor of the Senate about public policy and the reasons why sometimes evidence is excluded. If the exclusion of evidence is a coverup, then those of us who say public policy sometimes requires that are in very good company, from Oliver Wendell Holmes and Louis Dembitz Brandeis all the way to the unanimous Supreme Court of the United States in a 1989 decision which was written by Chief Justice Rehnquist and concurred in by Associate Justice Scalia, two of the Justices who are not known to be soft on crime.

But I submit to this body it takes a substantial amount of courage and not a penchant for coverup to come to this floor and articulate, as many Senators have, a concern for civil liberties and a concern for public policy which respects procedures and which respects the absence of a general warrant which, as I had said earlier, was one of the two reasons, along with taxation without representation, that the Revolutionary War was fought.

There has been a great deal of discussion about a variety of cases, and I would like to add two more. The cases are legion where evidence is suppressed on grounds of public policy. The Senator from Michigan just inserted into the RECORD a case, and I ask unanimous consent for the 1989 Supreme Court opinion of Florida versus Wells showing a unanimous court, including Justice Rehnquist, Justice Scalia, Justice O'Connor, et cetera, saying the public policy required keeping certain evidence away from being incriminating on public policy grounds.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[Cases Adjudged in the Supreme Court of the United States at October Term, 1989]

FLORIDA *v.* WELLS

CERTIORARI TO THE SUPREME COURT OF FLORIDA

Following his arrest for driving under the influence of alcohol, respondent Wells gave the Florida Highway Patrol permission to open the trunk of his impounded car. An inventory search of the car turned up two marijuana cigarettes butts in an ashtray and a locked suitcase in the trunk. The suitcase was opened, and a considerable amount of marijuana was discovered. After the state trial court denied Wells' motion to suppress the marijuana on the ground that it was seized in violation of the fourth Amendment, he pleaded nolo contendere to a charge of possession of a controlled substance, but retained his right to appeal the denial of the motion to suppress. The intermediate appellate court held, inter alia, that the trial court erred in denying suppression of the marijuana found in the suitcase. The State Supreme Court affirmed, noting the absence of any Highway Patrol policy on the opening of closed containers found during inventory searches, and holding that *Colorado* v. *Bertine*, 479 U.S. 367, requires police to mandate either that all containers be opened during such searches, or that no containers be opened, leaving no room for discretion on the part of individual officers.

Held: Absent any Highway Patrol policy with respect to the opening of closed containers encountered during an inventory search, the instant search was insufficiently regulated to satisfy the Fourth Amendment. Requiring standardized criteria or established routine as to such openings prevents individual police officers from having so much latitude that inventory searches are turned into a ruse for a general rummaging in order to discover incriminating evidence. However, denying, as did the State Supreme Court, police officers all discretion is at odds with Bertine. While an "all or nothing" policy is permissible, one that allows a police officer sufficient latitude to determine whether a particular container should be opened in light of the nature of the search and characteristics of the container itself does not violate the Fourth Amendment. Pp. 3–5.

539 So. 2d 464, affirmed.

Rehnquist, C.J., delivered the opinion of the court, in which White, O'Connor, Scalia, and Kennedy, JJ., joined. Brennan, J., filed an opinion concurring in the judgment, in which Marshall, J., joined, post, p.5. Blackmun, J., post, p. 10, and Stevens, J., post, p. 12, filed opinions concurring in the judgment.

Michael J. Neimand, Assistant Attorney General of Florida, argued the cause for petitioner. With him on the brief were Robert A. Butterworth, Attorney General, and Enoch J. Whitney.

Huntley Johnson argued the cause for respondent. With him on the brief was Fletcher N. Baldwin, Jr.

Chief Justice Rehnquist delivered the opinion of the court.

A Florida Highway Patrol trooper stopped respondent Wells for speeding. After smelling alcohol on Wells' breath, the trooper arrested Wells for driving under the influence. Wells then agreed to accompany the trooper to the station to take a breathalyzer test. The trooper informed Wells that the car would be impounded and obtained Wells' permission to open the trunk. At the impoundment facility, an inventory search of the car turned up two marijuana cigarette butts in an ashtray and a locked suitcase in the trunk. Under the trooper's direction, employees of the facility forced open the suitcase and discovered a garbage bag containing a considerable amount of marijuana.

Wells was charged with possession of a controlled substance. His motion to suppress the marijuana on the ground that it was seized in violation of the Fourth Amendment to the United States Constitution was denied by the trial court. He thereupon pleaded nolo contendere to the charge but reserved his right to appeal the denial of the motion to suppress. On appeal, the Florida District Court of Appeal for the Fifth District held, inter alia, that the trial court erred in denying suppression of the marijuana found in the suitcase. Over a dissent, the Supreme Court of Florida affirmed. 539 So. 2d 464, 469 (1989). We granted certiorari, 491 U.S. 903 (1989), and now affirm (although we disagree with part of the reasoning of the Supreme Court of Florida).

The Supreme Court of Florida relied on the opinions in *Colorado* v. *Bertine*, 479 U.S. 367 (1987); id., at 376 (Blackmon, J., concurring). Referring to language in the Bertine concurrence and a footnote in the majority opinion, the court held that

"[i]n the absence of a policy specifically requiring the opening of closed containers found during a legitimate inventory search, Bertine prohibits us from countenancing the procedure followed in this instance." 539 So. 2d, at 469.

According to the court, the record contained no evidence of any Highway Patrol policy on the opening of closed containers found during inventory searches. Ibid. The court added, however:

"The police under Bertine must mandate either that all containers will be opened during an inventory search, or that no containers will be opened. There can be no room for discretion." Ibid.

While this latter statement of the Supreme Court of Florida derived support from a sentence in the Bertine concurrence taken in isolation, we think it is at odds with the thrust of both the concurrence and the opinion of the Court in that case. We said in Bertine:

"Nothing in [*South Dakota* v.] *Opperman*[, 428 U.S. 364 (1976),] or [*Illinois* v.] *Lafayette*[, 462 U.S. 640 (1983),] prohibits the exercise of police discretion so long as that discretion is exercised according to standard criteria and on the basis of something other than suspicion of evidence of criminal activity." 479 U.S., at 375.

Our view that standardized criteria, ibid., or established routine, *Illinois* v. *Lafayette*, 462 U.S. 640, 648 (1983), must regulate the opening of containers found during inventory searches is based on the principle that an inventory search must not be a ruse for a general rummaging in order to discover incriminating evidence. The policy or practice governing inventory searches should be designed to produce an inventory. The individual police officer must not be allowed so much latitude that inventory searches are turned into "a purposeful and general means of discovering evidence of crime," Bertine, supra, at 376 (Blackmun, J., concurring).

But in forbidding uncanalized discretion to police officers conducting inventory searches, there is no reason to insist that they be conducted in a totally mechanical "all or nothing" fashion. "[I]nventory procedures serve to protect an owner's property while it is in the custody of the police, to insure against claims of lost, stolen, or vandalized property, and to guard the police from danger." Id., at 372; see also *South Dakota* v. *Opperman*, 428 U.S. 364, 369 (1976). A police officer may be allowed sufficient latitude to determine whether a particular container should or should not be opened in light of the nature of the search and characteristics of the container itself. Thus, while policies of opening all containers or of opening no containers are unquestionably permissible, it would be equally permissible, for example, to allow the opening of closed containers whose contents officers determine they are unable to ascertain from examining the containers' exteriors. The allowance of the exercise of judgment based on concerns related to the purposes of an inventory search does not violate the Fourth Amendment.

In the present case, the Supreme Court of Florida found that the Florida Highway Patrol had no policy whatever with respect to the opening of closed containers encountered during an inventory search. We hold that absent such a policy, the instant search was not sufficiently regulated to satisfy the Fourth Amendment and that the marijuana which was found in the suitcase, therefore, was properly suppressed by the Supreme Court of Florida. Its judgment is therefore Affirmed.

Justice Brennan, with whom Justice Marshall joins, concurring in the judgment.

I agree with the Court that the judgment of the Florida Supreme Court should be affirmed because the Florida Highway Patrol had no policy at all with respect to opening closed containers. As the majority recognizes, see ante, at 4 and this page, the search was therefore unconstitutional under any reading of our cases. See *Colorado* v. *Bertine*, 479 U.S. 367, 374 (1987) (opening closed container found in a vehicle during an inventory search constitutional only because policy mandated opening of such containers). Our cases have required that inventory searches be "sufficiently regulated," ante, this page, so as to avoid the possibility that police will abuse their power to conduct such a search. See *South Dakota* v. *Opperman*, 428 U.S. 364, 384 (1976) (Powell, J., concurring) ("[N]o significant discretion is placed in the hands of the individual officer: he usually has no choice as to the subject of the search or its scope").

The facts of this case demonstrate a prime danger of insufficiently regulated inventory searches; police may use the excuse of an "inventory search" as a pretext for broad searches of vehicles and their contents. In this case, there was no evidence that the inventory search was done in accordance with any standardized inventory procedure. Although the State characterized the search as an inventory search in the trial court, it did not point to any standard policy governing inventory searches of vehicles (much less to any policy governing the opening of closed containers) until the case reached the Florida Supreme Court. At that time, which was after our decision in Bertine, supra, the Florida Highway Patrol entered the case as amicus curiae and argued that Chapter 16 of the "Florida Highway Patrol Forms and Procedural Manual" contained the standard policy that guided the conduct of the search in this case. The Florida Supreme Court concluded that the manual did not provide any policy for the opening of closed containers. App. 256. But it now appears that the Florida Supreme Court may have been under the misapprehension that the manual was in effect at the time of the search in this case. See Tr. of Oral Arg. 30–31. The State conceded at oral argument before this Court that the manual was not in effect at the time of the search in this case, but argued nonetheless that the officer had performed the search according to "standard operating procedures" that were later incorporated into the Highway Patrol Manual. See id., at 17 ("The rules and regulations which . . . came into effect shortly thereafter, merely codified what the Florida Highway Patrol was doing to all procedures [sic] during that period of time"). But the State did not offer any evidence at the suppression hearing to support a finding that Trooper Adams performed the inventory according to "standard operating procedures." Trooper Adams testified that he asked his immediate superior whether he should impound and inventory the car but that his superior left it to Adams' discretion, stating that he found nothing suspicious about the car. Trooper Adams testified that he "took it upon [himself] to go ahead and have the car towed." App. 88. He also testified that he thought that opening the suitcase was part of a proper inventory but that he did not ask anyone else's opinion until after the search was completed. Id., at 82–83. He testified "Well, I had to take my chances." Id., at 83.

In addition, there was no evidence that an inventory was actually done in this case: [T]he State introduced neither an inventory sheet nor any testimony that the officer actually inventoried the items found in respondent's car. Tr. of Oral Arg. 5, 25–26. Rather, the testimony at the suppression hearing suggests that the officer used the need to "inventory" as an excuse to search for drugs. The testimony establishes that after arresting respondent for driving under the influence of alcohol and accompanying him to the station house, Trooper Adams returned to the impound lot to conduct the inventory search at 1:30 a.m. Grover Bryan, who assisted the state trooper with the inventory, testified at the hearing that Trooper Adams told him that "he wanted to inventory the car good, he wanted to go through it real good because he felt that there was drugs in it." App. 141. According to Bryan, Adams' desire to inventory the car stemmed from the fact that there was a large amount of cash lying on the floor of the car when respondent was arrested. Bryan testified that Adams insisted that contraband would be found in the car because "[t]here ain't nobody runs around with that kind of money in the floorboard unless they're dealing drugs or something like that." Id., at 142; see ibid. ("[H]e felt that the money that they had found was from a drug deal"). When they finally found the locked suitcase in the trunk, Bryan testified that Adams "want[ed] in the suitcase" because he "had a strong suspicion there was drugs in that car and it was probably in that suitcase." Id., at 145. The men then spent 10 minutes prying open the lock on the suitcase with two knives. App. 82, 147. Bryan testified that once they opened the suitcase and found a bag of marijuana inside, "[Adams] was quite excited. He said 'there it is.'" Id., at 147. See also Tr. of Oral Arg. 24 ("Well, to be quite frank, the officer as he got further and further along in his search, got hungrier and hungrier").

The majority finds it unnecessary to recount these facts because it affirms the Florida Supreme Court on the narrow ground, clearly established by Opperman and Bertine, that police may not be given total discretion to decide whether to open closed containers found during an inventory search. With this much I agree. Like Justice Blackmun, post, at 11–12, however, I cannot join the majority opinion because it goes on to suggest that a State may adopt an inventory policy that vests individual police officers with some discretion to decide whether to open such containers. See ante, at 4 ("A police officer may be allowed sufficient latitude to determine whether a particular container should or should not be opened in light of the nature of the search and characteristics of the container itself"). This suggestion is pure dictum given the disposition of the case. But as Justice Blackmun notes, post, at 11, there is a danger that this dictum will be relied on by lower courts in reviewing the constitutionality of particular inventory searches, or even by local policymakers drafting procedures for police to follow when performing inventories of impounded vehicles. Thus, I write separately to emphasize that the majority's suggestion is inconsistent with the reasoning underlying our inventory search cases and relies on a mischaracterization of the holding in Bertine.

Our cases clearly hold that an inventory search is reasonable under the Fourth Amendment only if it is done in accordance with standard procedures that limit the discretion of the police. See Opperman, 428 U.S., at 384 (Powell, J., concurring). In Bertine, the Court held that the police may open closed containers found within an impounded vehicle only if the inventory policy mandates the opening of all such containers. See 479, U.S., at 374, n. 6 ("We emphasize that, in this case, the trial court found that the Police Department's procedures mandated the opening of closed containers and the listing of their contents"). Contrary to the majority's assertion today, ante, at 3, Bertine did not establish that police may exercise discretion with respect to the opening of closed containers during an inventory search. The statement in Bertine that "[n]othing in Opperman . . . prohibits the exercise of police discretion so long as that discretion is exercised according to standard criteria," 479 U.S., at 375, was made in response to an argument that the inventory search was unconstitutional because the police had some discretion to determine whether to impound the car. The Court's conclusion that the opening of defendant's backpack was constitutional was clearly premised on the city's inventory police that left no discretion to individual police officers as to the opening of containers found inside a car once it was impounded. See id., at 374, n. 6. Justice Blackmun's concurrence in Bertine could not be clearer: "[I]t is permissible for police officers to open closed containers in an inventory search only if they are following standard police procedures that mandate the opening of such containers in every impounded vehicle." Id., at 377 (emphasis added).[1]

Opening a closed container constitutes a great intrusion into the privacy of its owner even when the container is found in an automobile. See *Arkansas* v. *Sanders*, 442 U.S. 753, 762–764 (1979); *United States* v. *Chadwick*, 433 U.S. 1, 13 (1977). For this reason, I continue to believe that in the absence of consent or exigency, police may not open a closed container found during an inventory search of an automobile. See Bertine, 479 U.S., at 387 (Marshall, J., joined by Brennan, J. dissenting).[2] In any event, in Bertine, the Court recognized that opening a container constitutes such a great intrusion that the discretion of the police to do so must be circumscribed sharply to guard against abuse. If the Court wishes to revisit that holding, it must wait for another case. Attempting to cast doubt on the validity of the holding in Bertine and this otherwise easy case is not justified.

Justice Blackmun, concurring in the judgment:

I agree with the Court that the judgment of the Supreme Court of Florida is to be affirmed. If our cases establish anything, it is that an individual police officer cannot be given complete discretion in choosing whether to search or to leave undisturbed containers and other items encountered during an inventory search, See *Colorado* v. *Bertine*, 479 U.S. 367, 374, n. 6 (1987), *South Dakota* v. *Opperman*, 428 U.S. 364 (1976). Here, given the complete discretion Florida Highway Patrol troopers enjoyed to open or not to open closed containers, the evidence in question properly was suppressed. I do not join the majority opinion, however, because, instead of ending the case at that point, it continues with language, unnecessary on the facts of this case, concerning the extent to which a policeman, under the Fourth Amendment, may be given discretion in conducting an inventory search.

The majority disagrees with the Florida Supreme Court's statement that a police department must have a policy which "mandate[s] either that all containers will be opened during an inventory search, or that no containers will be opened." Ante, at 3. The majority concludes that the Fourth Amendment does not impose such an "all or nothing" requirement. With this much I agree. A State, for example, consistent with the Fourth Amendment, probably could adopt a policy which requires the opening of all containers that are not locked, or a policy which requires the opening of all containers over or under a certain size, even though these policies do not call for the opening of all or no containers. In other words, a State has the discretion to choose a scheme that lies somewhere between the extremes identified by the Florida Supreme Court.

It is an entirely different matter, however, to say, as this majority does, that an individual policeman may be afforded discretion in conducting an inventory search. The exercise of discretion by an individual officer, especially when it cannot be measured against objective, standard criteria, creates the potential for abuse of Fourth Amendment rights our earlier inventory-search cases were designed to guard against. Thus, when the majority states that a "police officer may be allowed sufficient latitude to determine whether a particular container should or should not be opened in light of the nature of the search," and that it is permissible for a State "to allow the opening of closed containers whose contents officers determine they are unable to ascertain from examining the containers' exteriors," ante, at 4 (emphasis added), the majority is doing more than refuting the Florida Supreme Court's all-or-nothing approach; it is opining about a very different and important constitutional question not addressed by the state courts here and not raised by the circumstances of the case. Although the majority's statements on the issue perhaps are to be regarded as no more than dicta, they nonetheless are problematic inasmuch as they may be taken out of context or misinterpreted by policymakers and trial courts. Because, as noted above, the complete discretion afforded Florida policemen in this case renders the search at issue undeniably unconstitutional, I see no reason for the Court to say anything about precisely how much, if any, discretion an individual policeman constitutionally may exercise.

Justice Stevens, concurring in the judgment.

While I agree with Justice Blackmun's opinion, I think additional criticism of the Court's activism is appropriate. One must wonder why this case merited a grant of certiorari. The judgment of the Florida Supreme Court was obviously correct. Its opinion contained a minor flaw, as countless opinions do. Unless we are to become self-appointed editors of state court opinions in the criminal law area, that is surely an unsufficient reason for exercising our certiorari jurisdiction.

The flaw, of course, might impose a stricter standard for the conduct of inventory searches in Florida than the Federal Constitution actually requires, but there is no suggestion that the extra layer of protection provided to Florida citizens by the Florida Supreme Court will hamper law enforcement in that State. Apparently the mere possibility of a minor burden on law enforcement interests is enough to generate corrective action by this Court.

But then, as Justice Blackmun properly observes, the Court does not content itself with commenting on the flaw in the Florida

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Footnotes at end of article.

Supreme Court's opinion. Instead, it plunges ahead with a flawed opinion of its own. While purportedly reaffirming the requirement of "standard criteria" to control police discretion in conducting inventory searches, see *Colorado* v. *Bertine*, 479 U.S. 367, 375 (1987), the Court invites the State to allow their officers discretion to open—or not to open—"closed containers whose contents officers determine they are unable to ascertain from examining the containers' exteriors." Ante, at 4. Thus, luggage, briefcases, handbags, brown paper bags, violin cases—indeed, virtually all containers except goldfish bowls—could be opened at the whim of the officer, whether locked or unlocked. What is left for the "standard criteria"?

It is a proper part of the judicial function to make law as a necessary by-product of the process of deciding actual cases and controversies. But to reach out so blatantly and unnecessarily to make new law in a case of this kind is unabashed judicial activism.

FOOTNOTES

[1] Indeed, the majority's suggestion that police may be vested with discretion to open a container "in light of the nature of the search and characteristics of the container itself," ante, at 4, flatly contradicts the reasoning in Bertine. In that case, the Court rejected the argument that police are required to "weigh the strength of the individual's privacy interest in the container against the possibility that the container might serve as a repository for dangerous or valuable items." Bertine, 479 U.S., at 374. The Court found such a rule unworkable for "'it would be unreasonable to expect police officers in the everyday course of business to make fine and subtle distinctions in deciding which container or items may be searched and which must be sealed as a unit.'" Id., at 375, quoting *Illinois* v. *Lafayette*, 462 U.S. 640, 648 (1983); see also 479 U.S., at 376 ("We reaffirm these principles here: [a] single familiar standard is essential to guide police officers, who have only limited time and expertise to reflect on and balance the social and individual interests involved in the specific circumstances they confront") (internal quotations omitted).

[2] The Court has recognized that an inventory search potentially can serve three governmental interests: protection of the owner's valuables, protection of the police from the false claims of theft or damage, and protection of the police from danger *South Dakota* v. *Opperman*, 428 U.S. 364, 369 (1976); id., at 378 (Powell, J., concurring). The Court has concluded that routine inventory searches are constitutional because these government interests outweigh an individual's diminished expectation of privacy in a car. Id., at 378–379 (Powell, J., concurring). I do not agree that these interests justify the opening of a closed container in which an individual retains a significant expectation of privacy. See Bertine, supra, at 382–387 (Marshall, J., dissenting). Indeed, I do not see how the treatment of the luggage in this case—prying open the lock with two knives—served any of these governmental interest.

Mr. SPECTER. Mr. President, there has been a fair amount of discussion about what kind of a proceeding we have here. I think, again, the Senator from Missouri [Mr. DANFORTH] articulated it very well. This is a proceeding in the Senate and it is not a grand jury proceeding, although there has been a great deal of talk to the contrary. I think it is worthwhile citing very briefly the case of the United States versus R. Enterprises, a U.S. Supreme Court decision decided in 1991 in which the opinion of Justice O'Connor says a great many things. This is the relevant portion, although I do not represent that this is the entire context. Justice O'Connor made these statements which are relevant to the issue now pending before the Senate. She said this:

> Grand juries are not licensed to engage in arbitrary fishing expeditions.

So even if you are dealing with a grand jury, which we are not, even a grand jury is not authorized to engage in a fishing expedition, let alone have a congressional committee, a Senate committee, undertaking an inquiry into matters which are not pertinent as required by the case of Watkins versus United States.

Earlier today, the Senator from South Dakota made a reference to some legal authorities without citing them, and I pointed out at that time that there are a great many lawyers in this Chamber who have expressed judgments in opposition to the amendment which Senator DANFORTH and I have proposed, but no one has challenged Watkins versus United States regulating congressional committees requiring pertinent inquiries, which is another word for "relevant."

Justice O'Connor's opinion in United States versus R. Enterprises, Inc. goes on to say—this is referring to the Nixon case:

> We determined that, in order to require production of information prior to trial, a party must make a reasonably specific request for information that would be both relevant and admissible at trial.

Justice O'Connor then proceeds to say that is the standard of a grand jury proceeding. But I would submit that kind of a statement has applicability to a non-grand-jury proceeding, like the one we have here. The language is very important when it calls for a reasonably specific request for information that would be both relevant and admissible.

Justice O'Connor then, in talking about even the breadth of the grand jury subpoena, which is much broader than what we are dealing with here for the reasons we have discussed, said this:

> After all, a subpoena recipient cannot put his whole life before the court in order to show that there is no crime to be investigated.

That, I submit, is precisely what the subpoena in this case does.

There was a question with respect to Judge Starr's willingness to participate. I have a call in to him. He is traveling. I do not think it would be germane, as we shall see as the proceedings unfold, but the idea for Kenneth Starr came from the action of the Ethics Committee itself in looking to him to arbitrate, or to decide, conversely, the questions on which the committee and the respondent, Senator PACKWOOD, do not agree.

After we had discussions with the Senator from Michigan about the terms of the agreement, I made an inquiry as to what those terms were on the question of documentation. I have had a response that it is preferred that that issue await litigation in court if that is to be, which is, candidly, highly likely at this point, and the matter can be addressed there.

I will speak in a few moments, after the unanimous-consent agreement is entered into, but I thought it would be useful to make these comments to abbreviate my later statements.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the yeas and nays ordered on the Specter-Danforth amendment No. 1093 be vitiated; that Senator SPECTER be recognized for the purpose of withdrawing his amendment and to speak for up to 5 minutes immediately upon the granting of this consent request; that Senator SIMPSON then be recognized to offer an amendment identical to the amendment attached to this unanimous consent request; that there be 30 minutes for debate on his amendment, equally divided in the usual form; that upon the use or yielding back of time on the amendment, the following Senators be recognized to speak in the order listed and for the time limit specified: Senator PRESSLER for 5 minutes, Senator BYRD for 30 minutes, Senator MCCONNELL for 10 minutes, Senator BRYAN for 10 minutes, Senator DOLE for 5 minutes, Senator MITCHELL for 5 minutes; that immediately upon the conclusion of the majority leader's remarks and without intervening action or debate, the Senate vote on the Simpson amendment, to be followed immediately, without any intervening action or debate, by a vote on the adoption of Senate Resolution 153.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, may I just inquire of the majority leader——

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. There is a minor typo in line 10 where the word "the" should be removed. "For debate on his amendment" instead of "the his amendment," at least on my copy. So remove the word "the."

Mr. MITCHELL. That is correct. I did not read the word "the" because it was a typographical error.

Mr. SIMPSON. I see.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. May I ask, will there be an up-or-down vote on that amendment?

Mr. MITCHELL. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, before the Chair recognizes Senator SPECTER, then let me say for the information of Senators, there will now follow 5 minutes to Senator SPECTER, 30 minutes on the Simpson amendment, 5 minutes for Senator PRESSLER. That is 40; Senator BYRD 30. That is up to 70; Senator MCCONNELL and Senator BRYAN, 10 minutes each. That is 90; Senator DOLE and myself for 5 minutes each. That is 100 minutes. Therefore, Senators should expect that the two votes will occur on the Simpson amendment and immediately following that on the resolution in approximately 100 minutes, if all of that time is used.

Mr. President, I will be pleased to yield.

Mr. DOLE. Does the majority leader then intend to follow this tonight with the vote on cloture or the State Department matter, or will that be tomorrow morning?

Mr. MITCHELL. That will be tomorrow morning. I have received a request from a Republican Senator that we put that off until tomorrow morning. I think it is a reasonable request under the circumstances and therefore we will do that in the morning. Debate on that——

Mr. CHAFEE addressed the Chair.

Mr. MITCHELL. If I could complete my response. I anticipate that debate on the cloture motion will begin at 10 and the cloture vote will begin at 11, approximately.

Mr. CHAFEE. Mr. President, I listened to the majority leader allowing as to times. It is not mandatory that everybody use their full time, I assume?

Mr. MITCHELL. That is not part of the agreement.

Mr. CHAFEE. As a matter of fact, indeed, we could encourage people not to use their time perhaps, or not use all of it.

Mr. MITCHELL. Understanding in advance the limitation of my appeals in that regard, I so urge.

Mr. CHAFEE. I thank the Senator.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, [Mr. SPECTER.]

Mr. SPECTER. Mr. President, I seek recognition for the purpose of withdrawing the amendment which Senator DANFORTH and I have introduced.

We introduced this amendment because we thought that it provided a solid accommodation for many competing interests, and we knew at the outset that there was little, if any, chance of success for the amendment. But we thought that it would sharpen the issues for what will be a court test which is surely to follow. There will be a vote instead on an amendment to be offered by the Senator from Wyoming [Mr. SIMPSON] and whether or not that will fare any better than this amendment would have fared remains to be seen.

The matter has been raised and repeated about the complexity of the discussion on the amendment which Senator DANFORTH and I have offered, and it has been complicated, and necessarily so, because we have been talking about a great many legal issues.

We believe that the debate on this amendment has sharpened those issues and has made a record with which a court of law will be able to deal in reviewing the issues of public policy and waiver and have an evidentiary hearing, which has never been done since the committee just accepted the representations of their attorneys and never heard from anybody else.

We thought this amendment would be important because it compelled Senator PACKWOOD to turn over all of the materials relating to the charge of sexual misconduct and intimidation of women and use of Senate staff. I think that point was made very emphatically by the Senator from Ohio [Mr. METZENBAUM] this morning, that if we were able to resolve this issue, those very serious complaints would be heard on a prompt basis.

If the Simpson amendment is defeated, and if the committee request for subpoena enforcement is granted, the likelihood is very high, as the Senator from Ohio said this morning, it will be a 3-year process.

Senator DANFORTH and I thought that the paramount issue of having the Senate uphold its integrity and standards would be promoted by finding this kind of an accommodation. The course of the debate has been steeped in legalisms which I believe have been unavoidable. Those who are opposed to this amendment, many lawyers, many fine lawyers, never did challenge the basic underpinning of Watkins versus United States that a Senate committee had to proceed on pertinent information, which is another way of saying relevant, and that even at the worst a grand jury proceeding would not contemplate the kind of a subpoena which is outstanding.

Perhaps the essence of it is that it was the general warrant here, the type of subpoena here, that formed the basis for the Revolutionary War, along with taxation without representation. It was said that you simply had to fight a war in order to establish the principle prohibiting general warrants as a matter of constitutional right. I predict that when this matter reaches the courts the position that Senator DANFORTH and I have articulated will be upheld.

I thank the Chair, I yield the floor, and as Senator CHAFEE said yield back some of my time.

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania that the Senator needs to withdraw his amendment.

Mr. SPECTER. I thank the Chair. I thought I had, but if I have not, I hereby withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1093) was withdrawn.

AMENDMENT NO. 1094

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, in accordance with the previous order, I submit an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. DANFORTH, and Mr. SPECTER, proposes an amendment numbered 1094:

On page 2 line 3 after the word "subpoena" add the following: "as modified as follows: All relevant diaries, journals, or other documents or material, including all relevant typewritten or handwritten documents, as well as tape recordings and all relevant material stored by computer or electronic means, that are in your possession, custody or control, which were prepared by or at the direction of Senator Bob Packwood, recording or describing Senator Bob Packwood's daily activities for January 1, 1989, through the present.".

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. I thank the Chair. I am pleased that the clerk read through the entire amendment because it is the essence of basic simplicity. What I have done in this amendment is to insert the word "relevant" three times in the text of the original committee subpoena.

So that there will be no conjecture about what I am doing, it will now say "all diaries, journals or other documents, including all typewritten or handwritten documents, as well as tape recordings and all relevant materials stored by computer." Nothing else is changed. There is not one single word changed from the subpoena which will be presented to the court for its decision.

I think throughout the debate I have heard the term "relevant" or "pertinent" continually. And, therefore, this is my good faith presentation of what I hope will be an attractive alternative to at least some on both sides of the aisle.

I would think that Senator DANFORTH, the cosponsor of the amendment, Senator SPECTER, a cosponsor of the amendment, and others will speak shortly, and I will reserve the remainder of my time. There is no mystery here. No games. No tricks. I am not saying there ever were. There were not. The Ethics Committee worked hard on this matter, and again I want to say that I have certainly not alluded that my colleague from Kentucky, for whom I have the greatest respect and regard has in any way made reference to "criminal activity". He has not done so. In the excitement of the debate I did indicate that. I have already apologized for that. That was inappropriate. He knows that and he knows my intent.

So there it is. If we are going to gather up material on our fellow man and woman in the Senate, in the Ethics Committee in the future, and we will, indeed we will, whatever engines are driving it, let it just reflect that here we are not asking to give Senators, and a very privileged group we are, anything special at all. This is the way it works with real people, 260 million Americans. It is relevancy that is the key. We should not miss that point. I earlier cited rule XXVI of the Rules of Civil Procedure. We are still in a civil proceeding because no criminal charge has been made. That has been alluded to. But rule XXVI under the Rules of Civil Procedure says "all relevant material will be the subject of discovery." That is what my amendment does.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada controls 15 minutes in opposition to the amendment.

Mr. BRYAN. Mr. President, Members of the Senate, let me say that I appreciate the efforts of my friend, the distinguished Senator from Wyoming. But I must oppose the amendment which has been proffered.

This is, in my judgment, a further step backward than the previous amendment that has been discussed, offered by Senator SPECTER and Senator DANFORTH. The practical effect of this amendment is to negate the committee's subpoena. I know that is not the intention of my friend from Wyoming. But that is the practical effect because his amendment, by inserting the word "relevant," creates all of the ambiguity in the world. There is no standard for relevance. Relevant to what?

Moreover, the decision as to who would make the determination of relevance clearly would lie with Senator PACKWOOD and his counsel. That is its most serious defect, and that is what creates the dual standard that has been the subject of much of our debate throughout the day. That is the standard that American citizens, who are not Members of the U.S. Senate, live by, and those that we are proposing to provide for ourselves, because Senator PACKWOOD and his attorneys would determine what is relevant before that information is even turned over to Judge Starr or the independent examiner.

That clearly cannot be what the Senate wants to adopt, in my view. Like every other investigative body, the Ethics Committee must make the determination as to what is relevant, not the subject of the party to the investigative process himself or herself.

I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho, [Mr. CRAIG] is recognized for 3 minutes.

Mr. CRAIG. Mr. President, Members of the Senate, for the last 2 days I, like many of you, have stayed on this floor and listened to what was extremely valuable debate and is special over a fundamentally important issue before this Senate; fundamental because it is precedent setting in the actions of what we do.

I spoke briefly yesterday as a member of the Ethics Committee. I held up this pamphlet of rules, and said that I had, and I continue even today to support the Ethics Committee because we were clearly within the rule. But what I also believe is that this body has the fundamental right to direct, define, or refine our action. And as we came to the floor to ask, we also provided you, as Senators, the opportunity for that kind of refinement.

I also said yesterday that in our process to find the truth we must be extremely careful—careful in the fact that we did not abuse the rights of the victims, and clearly this amendment does not because the charges are before us, and this relevancy relates to the charges that the Ethics Committee has brought against Senator BOB PACKWOOD. That in no way is a coverup to those who feel they have been wronged by this individual.

We have the responsibility as Senators to protect the institution. But we also have the responsibility to protect the right of the accused. And while that has been little talked about over the last 2 days, it is fundamentally important, and it is clearly a charge of the Ethics Committee.

I believe inherent in this amendment we speak to the right of the accused.

We also have the right to protect the innocent. While there may be, and there clearly is, following the debates of the last 2 days, innocents involved in the diaries of BOB PACKWOOD, somehow they went skipping by us, of no concern in our effort to get at the protection of the right of those who might be the victims. But we dare not fail to address all, the victims, the accused, the innocents, the Senate, the institution. And it is phenomenally important that we do that.

The Senate Ethics Committee has acted properly. It has functioned within the rules that you gave it. And I supported that as a member of that committee. But I also support, as we do every 2 years, the clear and responsible refining of the rules under which we govern ourselves for the citizens of this country. And what we may be doing by our actions this evening is in a fair and responsible way refining or defining——

What I believe we are doing in a fair and responsible way is defining those rules that are so fundamentally important. I will support the Simpson amendment.

I yield the floor.

Mr. SIMPSON. I thank the Senator, a Member of the Senate Committee on Ethics.

I yield 3 minutes to my friend, Senator DANFORTH of Missouri.

Mr. DANFORTH. Mr. President, I have pretty much said what I have to say on this matter. But I simply point out to the Senate that in connection with the question of how broad or narrow the scope of the subpoena is to be, that is the point that is being raised by this amendment, because the word that has been inserted —"relevant"—is obviously a limiting word. The question is: Should the scope of the subpoena be limited to relevant material, or should it include material which is both relevant and irrelevant, which would be the broadest sweep? I take it that the argument against this amendment is that relevant material is too narrow, and that the scope of the subpoena should encompass the irrelevant, as well.

The second point is that this amendment simply returns the committee to where it was originally when it asked Senator PACKWOOD to produce to the committee documents relevant to the committee's preliminary inquiry. That was the committee's own standard. If that was a standard that did not apply to the rest of the country at that time, then that would be the committee's fault, in the opinion of this Senator.

So what we are saying in this amendment is: Let us bring back the original standard of the committee, and let us at least have a scope that is restricted to what is relevant.

Mr. SIMPSON. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. SIMPSON. Mr. President, I reserve the remainder of my time for the moment.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. Mr. President, I will yield to Senator MCCONNELL, and I think one other Member might wish to talk. Will the Senator indicate how much time he needs?

Mr. MCCONNELL. If the chairman will give me 3 or 4 minutes, I would appreciate it.

Mr. BRYAN. I yield 5 minutes to the Senator from Kentucky.

Mr. MCCONNELL. Mr. President, there are two crucial defects that the amendment submitted by the Senator from Wyoming has. First, the amendment by its terms makes Senator PACKWOOD and his counsel the arbiter of what is relevant to the committee's inquiry, not the committee.

In other words, the person who will be deciding what the committee needs to complete its inquiry in a thorough and fair manner is not the Ethics Committee, nor will it under this amendment even be an arguably impartial independent hearing examiner, such as we had in the previous amendment, which was withdrawn. Rather, it will be the accused in this case who gets to make that decision.

The Senator from Wyoming stated that his amendment reflects the way the real world works and the way real people are treated. With all due respect to my good friend from Wyoming, that is not how the rest of the world works—not anywhere in the entire justice system of America, at least. I am sure that private citizens who are the subjects of an investigation for wrongdoing would be thrilled, literally thrilled, to have the opportunity to choose what information they would like to turn over to investigators on the basis of what they deem to be relevant.

That is not how the real world works, and that is not how the rules that govern the Senate Ethics Committee work, unless the amendment of the Senator from Wyoming should pass.

Mr. President, if this amendment should pass, then we will have erected a double standard of justice in this land—one for the Senate and one for everybody else. Clearly, that is a step in the wrong direction. We spent a lot of time today arguing a proposal to allow an outside party to determine for the Ethics Committee what is relevant to its investigation. This amendment is a step back from that. It is a step in the other direction.

This amendment goes even further, putting the full and unquestioned authority for determining what information should be turned over to the committee on the basis of relevance in the hands of the person being investigated. Let me point out to my colleagues why the committee was prepared to reject the Specter amendment, and why I feel we certainly should reject this more extreme amendment.

First, and perhaps most important, this proposal is essentially a declaration that the Senate Ethics Committee, duly established and constituted by all of the rest of us, those who have been deputized by the rest of the Senate to carry out this task, cannot get the job done; that we just are incapable of carrying this job out. So we need to subcontract it. That is what they were saying under the Specter amendment. Now we are saying not only do we not want to subcontract it to some independent party, we will let anybody who is accused determine what is relevant and what is not. We can pass bills, we can make statements, raise taxes and cut taxes; but, oh, no, we cannot investigate ourselves. We are not competent to do that. Remove that from somehow. Get an independent arbiter. Let the accused determine what to hand over to us. Get it out of our hands. We cannot handle it. That has been the crux of the observations here today.

Some have suggested that the members of the committee are like robots being manipulated by nefarious staffers that are drooling over the possibility of embarrassing some Senator. Why in the world would we have any taste for that, I ask? That is nonsense. In fact, most of the time we are protecting Senators from ridiculous accusations that have no basis.

So make no mistake about it. What we are talking about here is whether we have the ability to do this job here in the Senate. And we are also talking about whether we are going to have a separate standard for everybody else in the world and a different one for us.

The rules of procedure of the Ethics Committee—in particular, rule 3 (c)(2)—provide that the committee may, in the course of conducting a preliminary inquiry, which we are in right now, "include any inquiries, interviews, sworn statements, depositions and subpoenas that the chairman and vice chairman deem appropriate to obtain information upon which to make any determination."

In other words, the rules make it clear that the authority to decide what evidence to gather rests with the committee. It is the committee that must determine what is or is not relevant to the investigation.

We simply cannot, or at least should not, in my judgment, subcontract that authority to anyone else, least of all the person who is being looked at by the committee. If we were to do so, we would rob the Ethics Committee of a proper function accorded to it by its rule of procedure and we would be admitting that we, meaning both the Ethics Committee and the Senate, are simply not qualified for this job, as I said earlier, not up to it.

As the Supreme Court has said and as we have heard from several legal experts, a private citizen who is the subject of a grand jury investigation has just one option. We may not like that. But a private citizen who is the subject of a grand jury investigation has just one option—turn over the documents.

Yesterday, the distinguished Senator from Utah [Mr. BENNETT] confirmed this when he spoke as follows. Senator BENNETT said yesterday:

> I appreciate what the Senator is saying because I have been in a situation where my diary has been subpoenaed and used in an investigation, and I have not been able to redact anything.

Now some have argued that this standard should not apply to the Ethics Committee because it is more than a grand jury. Let me quote from another Bob Bennett, an attorney who has served as special counsel to the Senate Ethics Committee on several occasions and has also been on the other side as defense counsel in several unrelated actions.

The standard that should apply, in his words, is "a reasonable possibility that the category of material sought is relevant to the general nature of the investigation." That is Bob Bennett. That is Mr., not Senator BENNETT. He also said the following about the rights of private citizens versus the rights of Senators. This is Bob Bennett, the lawyer we talked about who has worked for the Ethics Committee in the past as recently as yesterday said as follows: "I can tell you in my practice subpoenas are used all of the time asking for all sorts of diaries and personal calendars, and we do not have a legal basis to resist them."

He is not happy about that, you understand. He is talking about where he is representing the defendant. He said the following—and this is not all of us who may have practiced law 15 or 20 years ago. This is someone who is doing it now. He said: "I can tell you in my practice subpoenas are issued all of the time asking for all sorts of diaries and personal calendars, and we do not have a legal basis to reject them."

That is the standard which every other U.S. citizen lives with in investigations of this kind. We were asked to have a different standard, a more protective standard, for ourselves. This kind of double standard is exactly what we have been trying to get away from for the last several years.

Let me say, in conclusion, make no mistake about it. It is not just Senator PACKWOOD who is under the gun here. The issue is whether the Ethics Committee will be given the authority by the U.S. Senate to carry out its responsibility. The chairman and I, and others in the Senate, have been on an Ethics Study Commission taking a look at possibilities for changing our procedures.

I personally am convinced that we can handle this job, that we ought not to give it over to any outsiders to determine the course of action, that we can do the job. But a lot of comments that have been made here today seem to me to indicate that some Senators, maybe a lot of Senators, would be happy if we just threw this hot potato out to the public. Let someone else do the job. It is messy. It is unpleasant.

I tell you, the chairman and I—and this applies to everybody else on the committee—did not ask for this assignment.

I feel very strongly we ought to be carrying this job out. We ought to be given the tools to carry it out by the full Senate and complete the task.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Wyoming.

Mr. SIMPSON. Madam President, what is the situation with regard to time?

The PRESIDING OFFICER. Your side has 5 minutes 59 seconds, and the other side has 1 minute and 27 seconds.

Mr. SIMPSON. Madam President, I think that certainly was the most novel argument of the day from my friend from Kentucky, and I understand the tremendous feeling he must have as I and some of your colleagues, have challenged some of the committee's activities with regard to the issuance of a subpoena. There is no one who would understand more clearly how the Senator from Kentucky must feel. I can understand your pain and sensitivity in this matter.

However, that is not what we are talking about. Every bit of this argument you just heard was presented earlier in the day. How can requiring relevant discovery be a step backward in any kind of process that has anything to do with civil litigation? And remember there is no criminal activity alleged here. Forget criminal activity. But that has been discussed on the floor all day for 2 days. We do not even know what kind of activity has been alleged. Providing for only relevant discovery is a fundamentally fair step forward, which I am confident the courts will confirm.

We are acting as if the inserting of term "relevant" is some bizarre approach to resolving this impasse. The real issue is how did we ever get to the point where the imposition of due process in this process is a controversial issue? That is a real issue.

But, to the people of America, the 260 million who are watching us writher, and we should writher because if this subpoena was directed to Joe Six-Pack, and if he were involved in a civil proceeding—and that is what this is, at least essentially so far—although there have been recent allegations of criminal activity, the Federal rules of civil procedure say: "Parties may obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action."

That is what it says, Mr. and Mrs. America, and they are taking that away from Senator BOB PACKWOOD. That is the choice before the Senate. Make your choice.

The issue is relevancy. It is a very clear term of art in the legal profession and in due process. Relevent discovery does not negate anything. If there is a double standard here, this is one. How can it be said, as I have heard here for 2 days, that apparently Senator PACKWOOD was allowed by the committee to determine what was relevant in the first 5,000 pages or so of his diaries and now is being told that he can do nothing to primarily determine what is relevant in the final 3,000 pages?

But remember this: We are not going to determine relevancy here. The courts will determine what is relevant. It will be out of our hands. It will go on up to the courts, and in the courts they will determine relevancy and they will determine the person who will make preliminary decisions about relevancy. It will be done as it should be done and as the committee wanted it done in court, but you cannot have a double standard.

I have heard it said here in this debate that the choice as to what was relevant at least for the first 5,000 or so pages was at the discretion of Senator PACKWOOD. The committee initially thus gave him that ability. The committee therefore gave him something you do not give to other Americans, ladies and gentlemen, if you really want to get to the nub of it.

And I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. BRYAN. Madam President, I yield to the Senator from New Hampshire. How much time do I have remaining?

The PRESIDING OFFICER. You have 1 minute and 21 seconds.

Mr. BRYAN. May I confer briefly with the vice chair?

I yield to the Senator from New Hampshire the remainder of the time.

The PRESIDING OFFICER. The Senator from New Hampshire is yielded the remainder of the time.

Mr. SMITH. Thank you, Madam President, and I thank the chairman.

I rise now to lend support to the chairman of the committee and the vice chairman for the remarks that they have made in opposition to the Simpson amendment.

This is a very difficult thing to do, as you might expect, and I understand the strong feelings about relevance and the very sensitive subject that we are dealing with.

But in the original document request, the committee asked for relevant information from Senator PACKWOOD. Had it been provided, we would not be here today, we would not have a diary issue before us.

The committee asked Senator PACKWOOD in good faith for all relevant information. Now 8 months later, 8 months later at least, and 2 days of debate, we are back again to a motion on the floor of the U.S. Senate to ask Senator PACKWOOD for relevant information. Senator PACKWOOD in his deposition admitted that in the original request he did not answer the original request and provide all relevant information.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMITH. That is a quick minute and a half.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. What is the time situation?

The PRESIDING OFFICER. Two minutes and 2 seconds and zero time on the other side.

Mr. SIMPSON. I yield 15 seconds to my colleague on the other side.

The PRESIDING OFFICER. Fifteen seconds to the Senator from New Hampshire.

Mr. SMITH. I thank my friend from Wyoming for that.

I just want to say that I am very sensitive to some of the comments made around here about us moving into this territory of privacy.

The diaries are not the threshold here. The diaries came about as a result of requesting relevant information. And then those diaries were pulled back because of some information Senator PACKWOOD did not wish to provide. That is really why we are here.

The diaries are not the threshold. There were not charges out there and diaries over here and we then brought the diaries in because of the charges. The diaries came in as part the relevant information, and they were pulled back.

I thank my friend from Wyoming for his courtesy.

The PRESIDING OFFICER. The Senator from Wyoming has 1 minute and 44 seconds remaining.

Mr. SIMPSON. Madam President, the diaries were pulled back because of the adventurism of the investigative activity.

Let us not miss what happened. It was all right for all to go ahead as long as it was relevant. Then suddenly, certain eyes lit up like a pinball machine, and they said, "Aha, look at this!" Then the Senator's counsel said, "No."

You would do that. You would want your counsel to do that.

The court will determine what is relevant. We are going to go on to court now. The court will determine the scope of the subpoena and compliance with the subpoena.

Nothing—nothing—in this amendment says that Senator PACKWOOD alone will decide what is relevant. That is an erroneous argument, totally fallacious. Nothing in this amendment—says that Senator PACKWOOD will alone decide what was relevant. Is that what the committee meant in its original subpoena, that Senator PACKWOOD would be the determinant of relevancy?

Because all I did here was change three words. Surely the committee did not intend that, in any sense.

So that is where we are. The passage of this amendment of mine—three words changed in the committee's subpoena—does not give Senator PACKWOOD the sole right to determine relevancy. The court will decide that. It will be out of our hands. That is exactly what the Ethics Committee wanted to do, is go to court.

We are going to court. It will probably take 2 or 3 or 4 years. I do not know how long it will take. But I am confident that what the court will do will not be done in the swirl of the brutal crosswinds of what may be politically expedient or politically correct. The court will be guided by precedent. And the court's decision will be guided by what has been established by the Federal Rules of Civil Procedure.

I thank the Chair.

Mr. GORTON. Mr. President, on March 29 and July 16, the Ethics Committee asked Senator PACKWOOD to produce all documents relevant to the allegations against him alleging sexual misconduct, attempts to intimidate and discredit the alleged victims, and misuse of official staff in efforts to intimidate and discredit.

At the time of that request, Senator PACKWOOD produced voluminous records, not including entries from his diary; in fact, the existence of his diary was not even revealed at that time.

Senator PACKWOOD voluntarily disclosed the existence of his diary as corroborating evidence during his deposition. In spite of the fact that some entries were relevant to the allegations against Senator PACKWOOD, this was the first time the Ethics Committee learned about these diaries and the possibility of its relevance.

Following detailed negotiations, an agreement was reached between the Ethics Committee and Senator Packwood's counsel that allowed the Ethics Committee staff to examine the entire diary with the exception of three specific categories which were blacked out: attorney-client and physician-patient privilege and personal, private family matters. Unfortunately, the details of that agreement were never put in writing.

Following the agreement, Ethics Committee staff was allowed to read some 5,000 pages of the diary with the exceptions noted above. When the staff found entries which it thought might indicate separate and new violations, Senator PACKWOOD and his counsel immediately withdrew permission to examine the balance of the diary.

Having in fact and in practice agreed that the Ethics Committee staff could read the entire diary, Senator PACKWOOD's right to privacy was clearly waived. At that point Senator PACKWOOD could not unilaterally repudiate the agreement between the Ethics Committee and his counsel.

As a result, the Ethics Committee subpoena asks only for what it was already entitled to both by reason of Senator PACKWOOD's initial failure to disclose relevant diary entries and by reason of the procedure for disclosure of the diary followed by both parties after its discovery, whatever the specific terms of the agreement leading to that disclosure.

Thus, approving the Ethics Committee subpoena does not create a broad precedent for fishing expeditions into personal papers; it only requires compliance with an appropriate demand and a voluntary agreement between the parties.

The Ethics Committee subpoena is proper and should be enforced.

Mr. LIEBERMAN. Mr. President, I will vote to support the resolution authorizing the Senate legal counsel to seek enforcement of the Ethics Committee's subpoena which has been issued to our colleague from Oregon, Senator PACKWOOD, and I want to explain why.

Mr. President, we all spend our life in a fishbowl, and enjoy very little privacy. As much as we might empathize with our colleague's desire to safeguard his privacy, we must also be guided by law and precedent. Courts in this country every day wrestle with issues regarding when documents must be made available for inspection by civil or criminal law enforcement authorities. These precedents should guide and shape our decision today.

In virtually any civil discovery matter, the most significant limiting principle is relevance. We do not, in our judicial system, allow parties to request documents from one another, simply to go on a fishing expedition. But the scope of what is, in fact, relevant can and does change during the course of an investigation. If a particular set of documents is judged to be relevant, then the next question is whether the material under subpoena is subject to a privilege, such as the attorney-client, physician-patient or clergy-congregant privileges. In general, relevant, nonprivileged documents must be produced.

In this case, Senator PACKWOOD appears to concede that portions of his diaries are relevant to at least some of the allegations being investigated by the Ethics Committee, and that the portions of the diaries that are relevant are not privileged. (See statement of James F. Fitzpatrick, at 4, citing *Cooke* v. *New Mexico Junior College Board*, 579 F.2d 568 (10th Cir. 1978).) The real issue here is whether the Ethics Committee can seek production of portions of the diaries that may not be relevant to the allegations it announced it was investigating in its statement of February 4, 1993, but which it subsequently discovered and now believes are relevant.

I believe that the Ethics Committee has the ability and the duty to investigate alleged violations of Senate ethics rules by Senators, regardless of whether it learned of those allegations in the course of another investigation. This is similar to the situation in which a police officer executing a search warrant seeking evidence of one crime comes across evidence of a second offense. Just as the police officer could, in most cases, and should be able to use the additional evidence to support an investigation into the additional offense, the Ethics Committee should also be able to use the evidence it discovered as the foundation for further inquiry. In fact, it has a responsibility to do so.

With a unanimous vote by the Ethics Committee to seek to enforce the subpoena and with no evidence that these proceedings are motivated by partisan or ideological concerns, I am comfortable deferring to the committee's conclusion that these other allegations must be investigated and that it is the investigation of these other allegations that necessitates drawing this subpoena to encompass portions of the diary beyond those relevant only to the allegations contained in the committee's statement of February 4, 1993.

I also note that in voting to authorize the Senate legal counsel to seek enforcement of the committee's subpoena, we are not voting to strip Senator PACKWOOD of the protections of his constitutional and common law privileges. Nor are we actually seizing his diaries. The next step would be for the Senate legal counsel to seek an order from the court requiring Senator PACKWOOD to produce documents in accordance with the subpoena. At that point, Senator PACKWOOD would have the opportunity to raise all legal defenses against production. Senator PACKWOOD could argue, at that time, that some or all of the material is privileged, or that the request is unduly broad and violates his constitutional rights, including his privacy rights. The court would then determine the validity of Senator PACKWOOD'S objections. Only if the court determined that Senator PACKWOOD's objections were not well taken would it then issue an order compelling compliance, that is production of the diaries.

Mr. President, if we do not go forward and authorize the Senate legal counsel to seek enforcement of the Ethics Committee's subpoena, the committee will have no way to gain access to these documents, even to the extent that they are relevant to sexual misconduct and intimidation allegations, other than through voluntary compliance by Senator PACKWOOD. On the other hand, if we go forward and authorize the Senate legal counsel to seek enforcement of this subpoena, Senator PACKWOOD will still be able to seek to preserve his rights in court.

Mr. President, in light of all these circumstances, I see no way that we can protect the Senate's interest in preserving its integrity except by voting to adopt this resolution authorizing Senate legal counsel to enforce this subpoena. Our first responsibility must be to allow the Ethics Committee, on behalf of the Senate as a whole, to investigate fully evidence of misconduct by individual Senators. I will, therefore, vote to support the resolution.

Mr. MACK. Mr. President, I want to be absolutely clear about what the heart of this matter is, and what it is not. The question before us today is whether or not we believe Senator PACKWOOD should be required to abide by the agreement he entered into with the Ethics Committee. This is not a vote to corroborate the notion that the Ethics Committee has an unabridged right to personal or private information simply because they say they need it. For the record, I do not accept that the committee has broad authority to subpoena whatever it chooses, regardless of the nature of the documents or the scope of the request. I hold in the highest possible regard the protection of individual rights to privacy. But that is a question for another time. Here, Senator PACKWOOD gave up these rights when he negotiated the agreement with the Ethics Committee for review of the diaries.

I cast my vote with the committee and its authority to review the remainder of these diaries because I believe that Senator PACKWOOD has been given an opportunity to raise these issues and defend his rights. At the time of his deposition, Senator PACKWOOD, with the help of his lawyers, fashioned an agreement by which the review of his diaries would be governed. Three exceptions to full disclosure were hammered out and the examination commenced. Senator PACKWOOD and his attorneys knew more about what was in the diaries than did the committee. If he wanted additional exceptions, he should have said so at the time and bargained for a different set of exceptions. As it stands, Senator PACKWOOD is asking for more than what he originally agreed to and thus, the committee is within their rights in asking to continue their review of the Senator's papers under the original agreement.

The PRESIDING OFFICER. All time has expired.

Under the previous order, the Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Madam President, I rise to say that for many years I have observed the House and Senate struggle with issues such as we are struggling with this evening.

I arrived here in 1974 as part of the so-called reform class, and each year, rightly or wrongly, we have had proceedings such as we are having tonight. I remember in 1974 or 1975, the first time I ever saw the full House of Representatives sitting with close to 430 Members in one room late at night, was over alleged leaks by a Member of the House. And the next year, the same thing happened with the Wayne Hays affair. And I could go on and on.

I came to the Senate in 1978. I think the only time 90 or more Members sit and listen to debate in one place is to consider ethical charges such as these. It seems that we struggle with these issues internally, as we have to, as church organizations have to, as business organizations have to. And it is very, very painful.

The press loves it. Indeed, the stories are almost the same since 1974, recycled. As Senator SIMPSON said, we rile when we do this.

Indeed, the day when my father was buried in 1990, the Senate was debating and voting on a matter coming from the Ethics Committee.

So this debate we have had here that has occupied us for 2 days has not really been about sexual allegations. It has been about a subpoena duces tecum or, more simply, an order from a court to produce documents.

And so I rise to pay my personal tribute to the members of the Ethics Committee. Some say that we should have Federal judges or retired appellate court judges making these decisions for the Senate and the House, because every year we have these proceedings in one form or another.

I think the Senate needs to continue to struggle internally with these issues with the Ethics Committee providing leadership. There is always pain. Last night I asked some questions that were critical of the leadership of the Ethics Committee. And I am sure all Members have done that at some time or another. I have seen the pain in our caucus when members of the Ethics Committee are put on the spot and cannot really respond.

I was once offered to serve on the Ethics Committee in the House and turned it down, which perhaps was a copout.

I did want to say that I will probably be voting with Senator SIMPSON here shortly, which will be against what the Ethics Committee is advocating. But I believe this is the correct course.

I believe strongly in what I said last night, even though I said some things very critical of the Ethics Committee. I know the pain that goes through this institution. I have seen it happen every year since 1978. But I do not think there is any escaping it in this organization. I simply wanted to add that.

The PRESIDING OFFICER. Senator BYRD is recognized for 30 minutes.

Mr. BYRD. Madam President, I wish to thank and commend the members of the Senate Committee on Ethics—Senators BRYAN, MCCONNELL, SMITH, MIKULSKI, CRAIG, and DASCHLE.

For much of the time during this debate, especially today, this body has completely lost sight of what we are supposed to be doing here. We have been lulled into mind-numbing legalisms and off-point trial arguments.

I am sure we have some good lawyers in this body. Most of them have been out of the courtroom a good many years, but you would not think it. As I have listened to some of our able lawyers, I wondered whether or not they realize that they are not in a courtroom; that this is the Senate of the United States, one of the two greatest Senates in all time—the Roman Senate and the United States Senate.

But one would think they are still out there in the courtroom. They cannot seem to divorce themselves from that courtroom. They talk about Federal Rules of Civil Procedure; this rule and that rule. What standards? What is an agreement?

Madam President, we have all taken the oath of United States Senator since we practiced law or served as a judge or served on a jury. This is the United States Senate. That is why I wear this lapel pin. I am proud of it. I wear it every day.

Madam President, I would suggest to the lawyers in the body—I do not speak disparagingly or pejoratively—read the Constitution again. Read the Constitution.

Alexander believed that the Iliad was the greatest of literature, and he slept on it every night beneath his pillow. He had his sword and the Iliad under his pillow. He had Aristotle and some others to revise the Iliad. And the revised copy was called the "casket copy," because he found a small golden casket in the tomb of Darius the Great. He kept the Iliad in that golden casket.

I do not sleep with the Constitution under my pillow, nor do I sleep with my sword under my pillow. But I have it close by, the Constitution. I read it, and I read it often. Let us read from this great document, section 5, paragraph 2, Article I. Some would call it clause 2.

> Each House may determine the Rules of Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

That is it. That is the beauty of this Constitution—one of the beauties of it. It does not mince words. There are no redundancies in it. There are no empty words in it. There are no useless phrases in it: Expel. With the concurrence of two thirds, expel a Member.

It does not say by what standard. It lays out no standard of proof. It does not say that he has to be guilty of conduct unbecoming of a Senator. It does not say anything. It just says with two-thirds, the concurrence of two-thirds, the Senate may expel a Member.

That is saying to me that a Senator is to be held to a higher standard than the ordinary Joe Six-Pack. The ordinary Joe Six-Pack is going to be protected by those Federal Rules of Civil Procedure we have been hearing about. He is going to be protected by certain standards of proof. He is going to be protected by certain standards of relevance. But not this Senator. If two-thirds of the Members of this body want to expel me, there is no court in the land that can save me, and Senators do not have to say why they are expelling me, either.

There are only two protections. One is in the two-thirds requirement, but it does not say two-thirds of the whole body. It does not say two-thirds of those Senators who are elected and sworn: By the concurrence of two-thirds.

The other protection is in my hands. My conduct as a Senator, that is my protection. That is Senator FORD's protection. That is Senator ROCKEFELLER's protection. That is Senator MCCONNELL's protection—his conduct, his behavior as a Senator. The Senate will never muster two-thirds or even a majority, nor will it even think of expelling a Member who is doing his duty and who tries to live up to the name of Senator.

There has been much discussion here about what the standards are. I read from the Standing Orders of the Senate, contained in the United States Senate Manual. I assume that most of the members, if not all the members, of the Ethics Committee have read this. Perhaps some other Members have, as well. But I cite Senate Manual section 79.6 to all Senators, titled "Standards of Conduct." Here it is. "Standards Of Conduct For Members Of The Senate And Officers And Employees Of The Senate."

"Resolved, It is declared to be the policy of the Senate"—not the policy of the House—"the policy of the Senate that—(a) The ideal concept of public office, expressed by the words, 'A public office is a public trust', signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit"—the people's benefit—"and never for the benefit of himself or of a few; and that the officer must never conduct his own affairs"—never—"so as to infringe on the public interest. All official conduct of Members of the Senate should be guided by this paramount concept of public office."

There it is. There is the guiding standard. And it was resolved by the Senate as of March 22, 1968. There is our guiding policy. There are our standards. It does not say anything about Rules of Federal Civil Procedure. And anybody can read it and anybody can understand it and nobody can dispute it and nobody can do anything about it until the Senate repeals it or replaces it by some other standard.

A Member of this body has been accused of serious wrongdoing. Our own Ethics Committee has unanimously recommended that a subpoena be issued for certain documents in order to get to a resolution of these serious matters.

The American public is watching and, I daresay, must be convinced that the Senate is simply dithering and delaying to try to protect one of its own.

Mr. President, I have a great respect for the distinguished author of the pending amendment before the Senate, and I am fond of him, and we are friends. But he says the issue is "relevancy". The issue is not relevancy. The issue is whether or not we are going to have a double standard for Senators; whether we are going to have a different standard for a Senator from that which governs Joe Six-Pack or the ordinary citizen. It is whether or not we are going to add to the already regrettable perception throughout the land that we, the Senate, will not police ourselves, that we will gather around one of our own and that we will protect him. The Senate will become secondary and the interests of the people out there will become secondary, to protecting a Member of this body.

Mr. President, the Earl of Mansfield, speaking as Chief Justice in the case of John Wilkes—who was an English political agitator in the 18th century—is quoted as saying:

> If we do not speak our real opinions we prevaricate with God and with our own consciences.

I shall abide by that dictum.

The Senate is larger than any one of its Members. When the duly elected representatives of the people gather together in this hallowed Chamber, they become much more than the combined intellects, talents, and idiosyncracies of 100 people. They become the living, breathing manifestation of the spirit and soul of the people of this Nation.

We who assemble here in our official capacities embody the hopes, the dreams, the aspirations, the wisdom, and the shortcomings and the flaws of the people we serve. We have been selected by our fellow citizens and entrusted with their sacred rights and personal liberties.

Service in this body is a supreme honor. It is also a burden and serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication—total dedication—self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty.

He or she should try to live a life and shape a character that are above reproach and serve as an example for our children and grandchildren to follow. No one of us in this Chamber or in any other profession or walk of life is perfect.

Paul the Apostle, in his epistle to Titus, chose to say these words in chapter 3, verses 3 and 5, and I read from the King James version:

> For we ourselves also were sometimes foolish, disobedient, deceived, serving divers lusts and pleasures, living in malice and envy, hateful and hating one another.
>
> Not by works of righteousness which we have done, but according to His mercy He saved us, by the washing of regeneration, and renewing of the Holy Ghost.

So, Madam President, none of us is righteous and no man's life—no man's life—will bear looking into. But, Madam President, it is not a question of how bad or how good we are. Samuel Johnson spoke for many of us when he said:

> I hate mankind, for I think myself one of the best of them, but I know how bad I am.

It is not a matter of how bad or how good we are, it is rather a matter of duty and where does it lie? Many Senators are inspired by this honor to do the best they can to serve the Republic and to justify the faith of the people who choose to send us here for a term—just for a term. The Senate brings out, or ought to bring out, a yearning to cultivate the best in the human psyche, to reach for the best in one's self, to push down the small and debasing flaws that are in all of us.

Members strive for that perfection because we know that the Senate is more important than any one or all of us—more important than me; more important than all 100 of us; more important than all of the 1,815 men and women who have served in this body since 1789 and, indeed, what a high calling it is to have been chosen to represent—each of us—his or her sovereign State in this, the only forum of the States, the United States Senate.

Every time that one of us tarnishes the Senate by not living up to the title and the high calling of Senators, we are hurting much more than ourselves or our families or even the constituents we serve. Every time that a Member brings less than honor to this Chamber, a little more of the marble of the people's trust is chipped away from this institution.

Each of us has a solemn responsibility to remember that, and to remember it daily. We asked to serve here. I asked to serve here. I have asked six times to serve here. Many of us spent years, raised millions, neglected our families, shortchanged our friendships, exhausted our energies, and focused our total concentration on winning a seat in this body.

Let us not forget what a sacred thing that that seat is once we have won it. Let us not forget that we are no longer private citizens—no longer private citizens—while we serve here. We have to have a higher standard than Joe Six-Pack. We have relinquished that status of private citizen while we serve here. It is now incumbent upon those of us who serve here to live up to the title of Senator so that we do not defame the thing that is bigger and grander and more important than any one of us or our egos—and they get to be pretty big—I know—the Senate of the United States!

Once any Senator forgets that, once our own personal fortunes, misfortunes, and foibles become more important than the overall good of the institution we serve; once staying in office, holding on to power and retaining that title of "Senator" become more important than the good of the Senate and the good of the Nation; once those things have become the raison d'etre for being a Senator, then that Senator has lost a true understanding of what service here means.

Each Member who sits here today is no State or county or city magistrate or officer, no justice of the peace, no town councilman, no alderman, no member of someone else's cabinet—and all of these are very important and necessary and honorable offices. But the office of United States Senator is the highest of all political callings in this land, and every Member of this body should know that, should understand it, and should believe it!

It is not, as one of our most beloved colleagues is often quoted as saying—my good friend BOB DOLE—it is not "the second best view in town"; it is, rather, the best, the preeminent, the pinnacle of all views in this town or any other. All other views pale into mere shadows in comparison with the view from the greatest Capitol Building in the world. When dawn first shows "her rosy fingers through the early mists of morning," to quote from Homer, "spreading her saffron robe over the world," she favors first, with her smile, this marble shrine of freedom, this "Temple of Celestial Liberty," this home of the "people's branch" before she takes modest note of the great house at the other end of the avenue to the West.

When Majorian was made emperor in 457 A.D., he referred to himself as a prince "who still glories in the name of Senator." The same emotion should fill the breast of every man and woman who swears the solemn oath at that desk to "well and faithfully discharge the duties of the office" of United States Senator.

There is no God-given right to a seat in the Senate. A seat in this august body is a privilege granted under the Constitution by the people. With all privileges, especially high and honored privileges, come demanding, daunting, and difficult responsibilities. One of those, as I have already mentioned, is to bring honor and respect to this body in which only 1,815 men and women have been allowed to serve during these 205 years since the first day that the Senate met in Federal Hall in New York City.

Senator PACKWOOD has never done anything personally or said an unkind word to me. I do not know him well. I do not recall ever having had a personal conversation with him lasting more than 2 minutes, perhaps. I hold no personal animus toward him, and I trust he has none for me. He is a man of ability and knowledge, and he has been an effective and influential Senator. But I believe he has lost his grasp of what it means to be a United States Senator. I believe his floor statements over the last several days demonstrate that he has no compunction about casting a reflection upon the honor of the Congress and the men and women who serve here in one capacity or another.

It is his right to keep diaries, but it is not his right to record damaging information about other individuals, have a second party transcribe that information, and then in an apparent effort to somehow protect himself proclaim the existence of this very embarrassing information on the Senate floor as he did on October 25, page 25990. Whether the information is true or untrue, he has hurt the Senate in the eyes of the public, not to mention the damage he has caused to the individuals who were the targets of his pen.

For what purpose did he cause this injury to the Senate and to other unsuspecting human beings? Was it his purpose to try to intimidate the Senate from further examination of material which may be damaging to him? He has said it was not for such a purpose. He has stated that his diary of over 8,000 pages, and kept for 25 years, is not intended to be used for blackmail, but is willed to the Oregon Historical Society, and not to be revealed until years after his death.

What soothing balm will that be to the hearts of innocent people who will be hurt by the diary's revelations even after the death of its author? Of what interest can such prurient matter be to any State's historical society? What possible motivation can cause any person to put in writing or dictate to a secretary or dictate to anyone else an account of the personal peccadilloes or private sins of other individuals?

Our omniscient Maker and final Judge, we are taught, keeps a record of our wrongful doings for all eternity, be they open trespasses or done in secret. But man is not God.

The author of the diary has stated in this Chamber on October 25, page 25991, that he does "not think it fair" to be "required to reveal, from a personal diary, incidents of any kind that are totally unrelated in any way, shape, or form to any charge that is currently against" him.

Did he think of fairness to others whose names were probably sullied or blackened by dictation into his diary, someday to be revealed to searching eyes, however distant that day may or may not be?

Madam President, none of us is pure or without flaws, but when those flaws damage the institution of the Senate, it is time to have the grace to go.

Senator PACKWOOD has chosen to do the opposite. He has chosen to stay in spite of the continuing damage he is doing to the body by prolonging this matter and refusing to comply with the Ethics Committee's request that he produce certain documents to the committee.

The committee is not seeking information dealing with attorney-client or physician-patient privileged matters, or information dealing with personal, private family matters. Supreme Court Decisions have established that, when private papers are relevant to a lawful inquiry, there is no constitutional privacy right that allows the withholding of such papers. Senator PACKWOOD has chosen to protect himself at the expense of the Senate and has even resorted to the use of certain revelations that give every appearance of an attempt to intimidate the Senate and the committee charged with investigating allegations of improper conduct which may reflect upon this body.

Madam President, Lycurgus, urged the judges of Leocrates, in their votes, to "make Leocrates a proof that compassion and tears not prevail" with the judges "over solicitude for the laws and for the commonweal." Madam President, in the interests of both the Senate and the commonweal, it is our duty here not to let friendship or partisanship distort our perspective. I have voted, during my years here, to censure two Democratic Senators and was fully prepared to vote to expel a third, had he not resigned from the Senate.

I urge my colleagues to stand behind the committee. Senator PACKWOOD has been served with a subpoena by the Ethics Committee. The action was taken with unanimous bipartisan support, and he must be made to comply.

Madam President, let us not bring further dishonor to the Senate by refusing to back our own Ethics Committee. If we turn our backs on our colleagues, three Republicans and three Democrats, who have so carefully investigated this difficult matter, and now ask for our support and approval, we may as well disband the committee. If I were a member of that committee and this amendment were adopted, I would resign from that committee tomorrow. The Senate will have been intimidated, and we may as well give up any thought of claiming that the United States Senate ought to police itself.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). Under the previous agreement, the Senator from Kentucky is allowed 10 minutes.

Mr. MCCONNELL. Madam President, let me first thank the distinguished Senator from West Virginia for his remarks this evening. I think they have helped to put the whole matter in better perspective for all of us.

Let me say, Madam President, that a critical defect of the Simpson amendment is that it fails to state to what the evidence must be relevant. Are we only talking about evidence relevant to the preliminary inquiry or must the accused provide evidence to the committee which the accused, in his sole judgment, believes is relevant to the additional potential misconduct involving jobs, for example, for the Senator's wife?

A court, reading the statement of the Senator from Wyoming from earlier today, might conclude that the Senator would not have to submit any evidence relevant to this other possible misconduct because the committee has taken no formal action with regard to that issue yet. The truth is, though, that it really will not matter, it will not matter what the Ethics Committee does or what any court thinks, if the

Simpson amendment passes, because the only person who will be empowered to determine what evidence is relevant and what criteria should be used to make that determination will be Senator PACKWOOD himself.

What Senator SIMPSON's amendment does is dramatically change the subpoena which our Senate legal counsel must take to court and attempt to enforce. There can be no question that the insertion of the word "relevant" into the text of the subpoena has only one effect, just one, which the court will have to recognize and ratify as the expressed will of the Senate. And that is this: The person receiving the subpoena, namely Senator PACKWOOD, is to be required to produce all diary entries which he—which he—deems to be relevant. That is the obvious and plain English meaning of the changes made by the amendment of the Senator from Wyoming.

Maybe he does not want his amendment to do that. I am not sure that he does, in fact. If that is really how he feels, then I would suggest he might just withdraw the amendment or amend the amendment. There is no escaping the fact that altering a subpoena to ask someone only for relevant information gives the recipient of the subpoena—the recipient of the subpoena, the one who is obligated to comply—the sole discretion to determine what is relevant information.

No court in America will be able to devise a tortuous enough, convoluted enough, rationale to change the plain meaning of the Senator's amendment from what it actually says, and actually does.

Interestingly enough, the committee did many months ago give Senator PACKWOOD the ability to determine what evidence was relevant to the committee's preliminary inquiry. By the terms of the committee's document request of March 29 and July 19, the committee specifically asked that Senator PACKWOOD review all documents in his possession and turn over to the committee those documents which Senator PACKWOOD judged were relevant to the committee's inquiry.

In addition, in response to the committee's request which gave the Senator the discretion to provide what was relevant, not a single page, I repeat not a single page, of a single diary was turned over to the committee, not one. Not a single page.

Yet when the Senator was called upon in his deposition 2½ months after the last document request to provide relevant evidence to corroborate some assertions he was making, he brought to the committee's attention for the first time his diaries.

So this committee has already been down the road contemplated by the Simpson amendment. We decided unanimously up until now that we cannot go down that road again. There is only one entity which holds the right to determine what evidence is relevant to decide questions about misconduct involving a Member of the Senate. Senator BYRD outlined that pretty well, as a matter of fact, better than I have ever heard anyone outline.

The entity to make that determination is the Senate itself, and the Senate has by Resolution 338 delegated this authority together with its commensurate duty of impartiality and thoroughness to its own Ethics Committee.

It must be understood by every Senator that the amendment before us, the Simpson amendment, does not just strip the right to decide relevance from the Ethics Committee. This amendment strips that right away from the Senate itself for which the Ethics Committee is merely acting as agent. So this amendment strips that ability away from us as your agent to handle these unpleasant matters.

If you believe the U.S. Senate must retain the right to control and shape and to fully pursue any investigation of the essential misconduct involving any of its Members, including the right to determine the relevancy of evidence to be considered in any such investigation, then you will vote against the amendment of the Senator from Wyoming and for the resolution to enforce the subpoena of Senator PACKWOOD's diaries.

Let me say, Madam President, that the Senate by the very words of the U.S. Constitution clearly has such a right. It has chosen to delegate that right to the Ethics Committee. We should not in my judgment take that away. We have been deputized by the rest of the Senate to carry out this responsibility.

Nobody could have said it better than the Senator from West Virginia. The rules basically mean what we say they mean, that we have created contrary to public perception a higher standard for us. They think it is lower. But in fact, it is higher. It is a higher standard.

And we are trying to carry out a very unpleasant task here on behalf of all of us to try in part to convince the public of what is in fact the case that the standards that apply to us are indeed higher than to most others in our society.

Madam President, I rest my case and yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Nevada is recognized.

Mr. BRYAN. Madam President, I thank the Chair.

Madam President, Members of the Senate, let me say that for all Senators this has been a particularly difficult and painful experience over the last couple of days.

I want to express my personal appreciation to each member of the Ethics Committee. Over the past months we have spent literally hundreds of hours together carefully evaluating the evidence as it has been presented to us, carefully considering a myriad of decisions that we have been called upon to make. This committee's task is a thankless one, and one that none of us volunteered to assume but each of us has accepted that duty as a part of our responsibility of service.

I would also like to thank my colleagues who have been on the floor and in their offices carefully watching the debate as it has unfolded during the past couple of days.

I am especially grateful for the distinguished Senator from West Virginia. His statement ought to be required reading by every Member of the U.S. Senate, to remind us of our responsibilities to this institution and those for whom we serve.

Let me put this in some perspective by indicating that a vote in support of the resolution, Senate Resolution 153, simply allows this process to move forward, to move forward into the U.S. district court for counsel for the Senate who will present all of these arguments, legal and constitutional, that have been raised during the past 2 days.

Senator PACKWOOD and his attorneys will have every opportunity to assert every constitutional right, every privilege, every nuance of the law which has been discussed on the floor of this body. That is the appropriate forum for those discussions and debates and for the decision to be made with respect to what the law is.

I think it also important to remind Senators what the procedure is that was developed by the Ethics Committee with respect to the subpoena.

The subpoena directs Senator PACKWOOD to turn over all of the diary entries from 1989 through 1993 to Judge Starr, to Judge Starr. Judge Starr then will examine those diary entries subject to three criteria, two of which are required by law, the attorney-client privilege, the doctor-patient privilege, and one additional category which as a matter of accommodation to Senator PACKWOOD. Recognizing the sensitivity of personal and family material, even though there is no requirement under the law to do so, this committee was prepared to say—and did in fact say to Senator PACKWOOD—that that information could be redacted as well.

What Judge Starr would do under the procedure if we are authorized to go forward, is to examine the entire remaining portions of the diary from 1989 to 1993, and subject to those three exceptions turn over the rest of the diary for the Senate Ethics Committee to make the determination as to relevance.

The amendment offered by the distinguished Senator from Wyoming in effect emasculates that subpoena. For all intents and purposes, it negates it.

As the vice chair has pointed out, there are several fatal flaws, one of which is that there is no definition of relevance. How is it to be determined? By what standard? We do not know.

The second is that Senator PACKWOOD would be empowered to make the determination of what is relevant. So before the information contained in that diary even got to Judge Starr, Senator PACKWOOD would have the ability to redact out any information which he deemed not to be relevant.

I respectfully suggest to our colleagues that we have gone down that path before and that is not an acceptable discharge of the responsibility of this committee. As my friend from Kentucky has pointed out, therein lies the dual standard. Our colleague from Utah, Senator BENNETT, has indicated what occurred with respect to his own experience with the law. Senator MCCONNELL read at some length from his comments yesterday. He was required to turn over all his records, specifically his diaries and other personal records, when they were subject to a subpoena.

That is the standard, whether we like it or not, that every other American is required to live by. If we adopt the amendment offered by Senator SIMPSON, we adopt a dual standard in which we provide for 100 people in this country a different standard, a more protective, a more restrictive standard than every other American is entitled to. I have heard many times on the floor of this body that we ought not to provide for ourselves a different standard than that which we provide for the American people in general.

Finally, let me say that tonight we are about to add a new chapter in the history of the U.S. Senate. In that chapter will be the answer to the question: Is the Senate of the United States capable of discharging its responsibilities under article I, section 5 of the Constitution of the United States? An affirmative vote in support of the resolution and a vote "no" against the Simpson amendment answers that question in the affirmative.

I urge my colleagues to support the unanimous vote of the Ethics Committee by adopting Senate Resolution 153 and rejecting the amendment offered by the Senator from Wyoming.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Republican leader for up to 5 minutes.

Mr. DOLE. Madam President, I first wish to thank all of our colleagues. I think we have had the attention of our colleagues nearly all the time, either on the floor or in the offices. I think that is certainly appropriate.

I want to suggest what this debate is not about. It is not about whether the Senate condones or does not condone sexual misconduct, and it is not about whether Senator PACKWOOD is guilty or innocent of the charges that have been made against him. That will be determined by the Ethics Committee in due time. I guess it has been said many times that the debate is all about how the Senate should conduct its own business, and whether we believe the Ethics Committee can investigate allegations of wrongdoing and at the same time protect the rights of the accused—in this case, Senator PACKWOOD.

I guess that after a couple days of this debate, we are not going to be able to untie this Gordian knot, and maybe the court can make that determination. I listened carefully to the distinguished Senator from West Virginia talk about the Senate and talk about a two-thirds vote and about our responsibilities. I agree with him on our responsibilities and that we do have a higher standard. But I do not think we can resolve this issue.

I have listened to the debate. I think probably 99 percent of it is probably totally objective, and there may be a little politics and a little posturing, as there always is. Some may see different things. Some may see advantages for one party over the other, but very little of that has been expressed on the floor. It is a little more difficult for us on this side of the aisle. If it were involving a Senator on that side, maybe the debate would have been different.

In any event, it seems to this Senator that the court is going to have to make the judgment. It may take a lot of time, as the Senator from Ohio pointed out. And the Senator from Washington stated it last evening, as did others on the floor, that it may take thousands and thousands of dollars and waste a lot of taxpayer dollars, because some represent the Senate, too. There may be 2 or 3 years in additional delay.

The big loser will not be just Senator PACKWOOD and the Ethics Committee that has worked very hard, but also Senator PACKWOOD's accusers.

I want to say again that I respect the Members of the Ethics Committee. That is one assignment that nobody seeks. Nobody asks the leader to put them on the Ethics Committee—at least no one since I have been around. Trying to find somebody to take a seat on the Ethics Committee is very difficult. Few are called, and even fewer want to serve. So it is a very difficult task and I think, for the most part, we have done a good job.

I am not going to belabor the issue, but as I said last Thursday, I am still troubled by the statement of the distinguished chairman of the Ethics Committee, when it was stated first in a press conference and in a statement on the floor, that Senator PACKWOOD "may" have violated some unspecified criminal provisions. And I can tell you, from my newspapers and from my letters and faxes, that makes a difference with the American public; that word "criminal" seems to leave an impression with a lot of people.

I hope my colleagues will be more careful and tread a little more lightly before they start tossing that word around in the future, because I think the American people believe even Senators are entitled to some protection and should be protected from allegations of this kind.

Then we read in the Oregonian and other papers specifics, which I think also may make the public feel good or feel bad about us. But it does not do any service when you talk about the Senate as an institution; certainly it does not do any service to the Senate as an institution.

So maybe if we have learned anything from the debate, it is that we need to take a second look at the rules that govern the way the Ethics Committee operates. There is no question about it, they are the judge, jury, and prosecutor. But we set it up that way; it is not their fault.

I am all for giving the Ethics Committee subpoena power, and I am certainly for letting the committee do its job. But I do believe that most Americans would understand that we have some rights, too—maybe not many. We should not be treated better than anyone else. That is fairly obvious with the American people. Maybe some people have the view that we are being treated better. But there has not been any judgment made in this case yet. So I at least hope the public will withhold their judgment until there is a final judgment in this case with reference to Senator PACKWOOD.

I have listened to the debate on the amendment by the Senator from Wyoming. I am going to vote for that and vote for the final resolution. I think the word "relevant" is important. We have been talking about it for 2 days. It certainly has some importance.

I am not certain, but I assume that the validity of the subpoena will be challenged in court and decided there.

Finally, if there is any silver lining in this whole affair, I think that everyone who has spoken has demonstrated that the Senate takes its responsibilities very seriously. We do not sweep charges of misconduct under the rug. If and when appropriate, Members of this body will be held accountable for their actions, as they have been in other cases, will be in this case, and will be in future cases. And there will be future cases—maybe next week, maybe next month, maybe next year, maybe in 10 years, but hopefully never. But I assume there may be future cases, and I assume that the Senate, at that time, will conduct itself in an appropriate way and make the appropriate judgment.

So it seems to me that we have just about said everything that can be said about this particular resolution. I hope that we will support the resolution from the committee, and I also hope that we will indicate our support for "relevant" information by voting for the Simpson amendment.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. MITCHELL. Madam President, and Members of the Senate, this has been a difficult debate. These will for some be difficult votes, for Senator Packwood, for the six Senators who are members of the Ethics Committee, for every other Member of the Senate. But while difficult, the debate has also, in some respects, been informative.

Each of us has learned much more about the issues presented by the pending resolution. Each of us has learned more about the rules under which the Senate and the Senate Ethics Committee operate. And hopefully each of us has learned more about our responsibilities as Members of the Senate.

I believe we have also learned that in this sensitive, complex, controversial matter, the members of the Ethics Committee have performed their duties in a responsible manner. The resolution on which we will soon vote was approved unanimously by the members of the Ethics Committee, three Republicans and three Democrats.

It is regrettable that the committee had to seek Senate support for a subpoena, but for the reasons that have been fully set forth in this debate that is where we are.

It should be clear to each of us and to all Americans that the subpoena process neither expresses nor implies a final judgment of wrongdoing. Let me repeat that so there can be no misunderstanding by any Senator or any American. These votes deal with the enforcement of a subpoena. They are not a final judgment on wrongdoing. The duty of the Ethics Committee is to inquire into the conduct of Senators when credible allegations are made about their conduct. It is a process which the Senate itself has designed and by which Senators themselves have agreed to abide.

That authority and that process are now at issue, and these votes will determine whether or not the Members of the Senate support that process and that authority.

I urge my colleagues to vote against the Simpson amendment and for the committee resolution.

Madam President, I yield back the remainder of my time, and I ask for the yeas and nays on both votes.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on amendment No. 1094 offered by the Senator from Wyoming [Mr. Simpson]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—23

Bingaman
Bond
Brown
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gramm
Hatfield
Helms
Kempthorne
Lott
Murkowski
Packwood
Pressler
Simpson
Specter
Thurmond
Wallop

NAYS—77

Akaka
Baucus
Bennett
Biden
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Smith
Stevens
Warner
Wellstone
Wofford

So the amendment (No. 1094) was rejected.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 348 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Smith
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—6

Danforth
DeConcini
Helms
Packwood
Simpson
Specter

So the resolution (S. Res. 153) was agreed to.

The preamble was agreed to.

Mr. BRYAN. Madam President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION REGARDING THE SUBPOENA TO SENATOR PACKWOOD

Mr. HATFIELD. Mr. President, it is with great regret that I find the Senate involved in this matter in this way. This has been an extremely difficult process for all parties involved. The system of justice in our country contains certain safeguards and limitations that we all enjoy. Our rights to privacy must be protected. We want relevant evidence available to investigators, but we do not want them confiscating our personal belongings without justifications which meet the constitutional demands of the fourth amendment. In this regard, I am very concerned about the unlimited scope of the subpoena that the Ethics Committee is asking us to endorse.

For this reason, I voted for the amendment of Senator Simpson which would have brought the subpoena more in line with the rules that apply to every other American by requiring that the information demanded be relevant to the inquiry. I would have preferred that the Senate handle this matter itself without subjecting it to the judiciary branch for resolution.

The modifying amendment having failed, I support the Ethics Committee resolution so that it may complete its investigation of these matters.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Mathews). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SGT. RORY TUGGLE: NATION'S TOP COP

Mr. REID. Mr. President, it is with great honor and pleasure that I stand to recognize Sgt. Rory Tuggle, a man of remarkable courage and relentless dedication.

Sergeant Tuggle, a native of Las Vegas, NV, and member of its Metropolitan Police force, was selected from among the Nation's 604,000 police officers by the International Association of Chiefs of Police [IACP] as the 1993 Police Officer of the Year. He received this outstanding award on October 14 at the IACP's 100th annual convention in St. Louis, MO.

I wish to salute Sergeant Tuggle who earned this award for his extreme bravery and leadership during the brutal riots that erupted following the Rodney King trial of 1992. The 34-year-old officer risked his own life to save the life of a man who had been severely beaten by malicious crowds. The injured man lay unconscious upon the ground and Sergeant Tuggle stood over him until an ambulance arrived, defying the attackers who fired bullets, rocks, and bottles at him. Despite this life threatening situation, Rory Tuggle never fired a bullet from his gun.

Tuggle, the senior sergeant at the scene of the riots, was in command of 40 officers. His decisiveness and courageous leadership facilitated the quick dispersal of the rioting mobs. Miraculously, once the violence has passed, not one officer had been killed, and we can only estimate how many citizen's lives were saved.

Sergeant Tuggle is an exemplary role model for young and old alike. His dedication, loyalty, and courage toward the people he serves is inspiring. I am proud to join in with all of Nevada in saying, "Thank you, Rory. A job well done."

RECENT ADVANCES IN PREVENTION AND TREATMENT OF SPINA BIFIDA

Mr. DOLE. Mr. President, I would like to bring to the attention of my colleagues information about some important new advances in prevention and treatment of spina bifida. Spina bifida is a birth defect resulting from the failure of the spinal tube to close properly during the first month of fetal development. It is the single most common birth defect in this Nation, affecting about 1 of every 1,000 newborns each year. Spina bifida is more common than muscular dystrophy, multiple sclerosis, cystic fibrosis, and polio combined.

Mr. President, spina bifida can be seriously disabling—with varying degrees of paralysis, loss of sensation in the lower limbs, and bowel and bladder complications. It is often accompanied by hydrocephalus, a condition involving accumulation of fluid in the brain. Fortunately, thanks to medical advances spina bifida is no longer necessarily fatal and the overwhelming majority of people born with spina bifida live a normal life span. However, extensive therapy—both physical and psychological—is critical for these children and young adults. With proper care, they can enjoy independent and fulfilling lives.

But there is more good news. Recently, a medical breakthrough has made it possible to dramatically reduce the incidence of spina bifida. Folic acid supplements, a B vitamin, have been shown to prevent spina bifida by as much as 50 percent. In fact, the U.S. Public Health Service recommends that all women capable of becoming pregnant consume 0.4 milligrams of folic acid daily to reduce the risk of having a child born with spina bifida or other neural tube defects.

Mr. President, October has been traditionally designated as National Spina Bifida Prevention Month. But this designation is only intended to remind us of the importance of year-round activities to educate the American people about this birth defect and the impressive work of private and public health care officials in treating spina bifida. In alerting the public to the simple measures necessary to prevent this defect, we will make important inroads in reducing its occurrence.

TECHNICAL CORRECTIONS ACT OF 1993—H.R. 17

Mr. INOUYE. Mr. President, today, I rise to urge the House Committee on Ways and Means and the Senate Committee on Finance to act upon important legislation which has been mired in the legislative process for nearly 3 years despite the fact that it has no opposition in the Congress or the administration, is noncontroversial, and has no revenue impact. I refer to H.R. 17, the Technical Corrections Act of 1993, originally contained as title VI of the Omnibus Budget Reconciliation Act of 1992, which was vetoed by President Bush.

The Technical Corrections Act is meant to provide redress for technical errors made either during the legislative drafting process or the implementation of provisions which were included in the Omnibus Budget Act of 1989, and other legislation enacted in the 101st Congress. The provisions contained in this bill must meet two essential tests: First, they must be noncontroversial; and second, they must be revenue neutral in their budget impact. Last year, these provisions were carefully reviewed during extensive hearings held by the House Committee on Ways and Means, and the Senate Committee on Finance. The executive branch departments with jurisdiction over the provisions also reviewed the legislation. Only provisions to which the administration had no objection were included in the technical corrections bill. With regard to revenue impact, the Congressional Budget Office and the Joint Committee on Taxation reviewed each provision to determine that it was revenue-neutral in order to be considered a technical correction. The Technical Corrections Act was scored as having a negligible revenue impact.

Mr. President, this legislation corrects errors that were made by the Federal Government approximately 4 years ago. As I stated, this legislation was passed last year by the Congress and included as title VI of the Budget Reconciliation Act of 1992, which was vetoed by President Bush. Due to political factors which have served to delay enactment of the Technical Corrections Act, constituents across the country continue to be governed by existing law that does not represent the correct intent of the Congress.

Congress has again delayed action this year on this simple, noncontroversial corrective legislation despite a universal agreement among my House and Senate colleagues that it should be enacted as quickly as possible. I have constituents who have been waiting over 3 years for congressional action on this legislation. I believe that many other Congressmen and Senators have constituents in the same position. Accordingly, I urge the House and Senate tax writing committees to establish as a priority, the enactment of H.R. 17, the Technical Corrections Act of 1993 before the end of this session of Congress.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,432,423,020,228.89 as of the close of business yesterday, Monday, November 1. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,256.25.

TRIBUTE TO MIKE O'CALLAGHAN, FORMER GOVERNOR, STATE OF NEVADA

Mr. REID. Mr. President, I rise today to recognize former Governor of the State of Nevada, Mike O'Callaghan, who will be honored by the State of Israel and the Las Vegas Jewish community at a special dinner on November 7.

I have known Governor O'Callaghan for many years, since he was my government teacher and boxing coach at Basic High School in Henderson. I learned a lot from Mr. O'Callaghan in those early years, including the values of hard work, dedication, diligence, and perseverance. Mr. O'Callaghan was always willing to stay after school to work with his students, and he always gave his time and energy to help us succeed. I know, in my own case, he was instrumental in helping me get to college to continue my education.

When I returned to southern Nevada after college, Mike O'Callaghan again became my mentor and advised me on my political campaigns even as he was campaigning for Governor. In 1971, his efforts proved fruitful when he was elected Governor and I was elected to serve as Lieutenant Governor. Governor O'Callaghan had a hard-driving, energetic style of leadership; he asked the tough questions, and he demanded rigorous answers. His success and personal appeal is manifested in the fact that he is one of only five Nevada Governors to serve two terms and that he twice served as Chairman of the Western Governor's Conference.

Mike O'Callaghan began his service to his country by joining the Marines at age 16, joining the Marine Corps Reserves after being discharged in 1948, joining the Air Force as an intelligence officer in 1950, and serving with the U.S. Army Infantry from 1952–53. He is one of the few men who have served in three of our Nation's four military organizations. There are those who believe he would have joined the Navy had he not lost his leg in combat in the freezing mountains of Korea. For his efforts, Mike O'Callaghan was awarded two Purple Hearts, a Bronze Star with "V", and a Silver Star.

Today, Governor O'Callaghan is the executive editor of the Las Vegas Sun newspaper in Las Vegas, publisher of the Henderson Home News and the Boulder City News, a newspaper columnist for all three papers, and a frequent political commentator on TV and radio. He has served as a member of the board of directors of the National Judicial College, as president of the Nevada State Press Assocation, as president of the Nevada Gaming Foundation for Educational Excellence, and, since 1985, as a delegate and volunteer for Volunteers for Israel and as a board member for the National Jewish Hospital. He has recently served in Nicaragua and Iraqi Kurdistan on election fairness commissions.

Mike has made many trips to Nicaragua as a journalist and to assist the wartorn and ravaged youth. These journeys have been over the last 6 years and continue to this day.

The Governor's most important contribution to society has been being an exemplary husband, father, and grandfather. His partner throughout his adult life has been Carolyn, his wife. His success has been intertwined with Carolyn's contribution to this governmental duties. His fine family is also a direct result of Carolyn's hard work and leadership. We are fortunate to have friends like Mike O'Callaghan and his wife Carolyn. Together, they have helped shape the history of our State and country.

BOB JONES HIGH: AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon Schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Bob Jones High School in Madison, AL.

Bob Jones serves a community rich in cultural and technical resources. Madison is one of the fastest growing, most affluent communities in the State, but Bob Jones serves a broad spectrum of students. Its major strength is the impact of its program in teaching essential skills for life-long learning. The academic successes are the result of staff dedication and unity, well-defined administrative expectations, and a warm learning environment. Bob Jones students far surpass national and county mean percentiles on the Stanford Achievement Test. The myriad of student successes, the staff professionalism, the diverse academic curriculum, and strong instructional leadership give Bob Jones the potential to be the most outstanding school in the State of Alabama.

We often hear about what is wrong with our schools. Blue Ribbon schools provide an excellent model of what is right with our schools. They represent the diversity of American public and private schools at their best. Many have overcome serious obstacles to make significant improvements and all are working hard to meet our National Education Goals. The Blue Ribbon program is an important way to demonstrate that our Government cares about our children and is committed to the reform of our education system in order to assure a bright and sustainable future.

I am proud to commend and congratulate Bob Jones High School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

MOUNTAIN BROOK HIGH SCHOOL: AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon Schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Mountain Brook High School in Mountain Brook, AL, a suburb of Birmingham.

The first students and faculty at Mountain Brook established a standard of excellence, and its students have enjoyed many successes over the years. More than 95 percent of the seniors in the first graduating class of 1968 chose to attend 4-year colleges and universities. That tradition has continued to the present. Over 300 National Merit Finalists have been recognized in the 26-year history of the school, and three graduates have been chosen as Rhodes scholars. Its various athletic teams have won 58 State championships, which exceeds the number of any other public high school in the State. The tremendous community support for education, the high expectations it has for its students, and an excellent faculty and staff have enabled Mountain Brook High School students to rank first in scholastic achievement on a consistent basis in Alabama.

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I am proud to commend and congratulate Mountain Brook High School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

THE COSTS OF SUBSTANCE ABUSE

Mr. DASCHLE. Mr. President, today I would like to highlight new findings on the costs to this country of substance abuse that were released last week in the report "Substance Abuse: The Nation's Number One Health Problem."

The report was prepared for the Robert Wood Johnson Foundation by Brandeis University's Institute for Health Policy. It documents how substance abuse—including abuse of alcohol, legal and illegal drugs, and tobacco—is driving up health care costs, destroying families, overwhelming our education, law enforcement, and welfare systems, and contributing to an unprecedented wave of violence and homelessness in America.

The report points to the startling conclusion that the total costs of substance abuse to the U.S. economy is more than $238 billion per year—a figure that includes the price of health care services, productivity losses caused by premature death and disability, and costs related to crime and destruction of property.

This report has direct bearing on a cause about which I am particularly concerned—substance abuse among pregnant women that too often leads to fetal alcohol syndrome. It also has profound implications for health care reform, since we must recognize the importance of providing substance abuse prevention and treatment services if we are truly interested in promoting health and, at the same time, containing costs. I think the study's findings merit our close attention.

According to the report, of the $238 billion the Nation spends each year on substance abuse, $34 billion is spent on avoidable health care. A heavy smoker will remain hospitalized 25 percent longer than a nonsmoker, and a problem drinker four times as long as a nondrinker. In addition, substance abuse exacerbates other illnesses and diseases, adding days and dollars to treatment.

Babies of substance-abusing mothers stay in hospitals three times as long as other infants, and their health care costs, driven up by long stays in intensive care units, are thousands of dollars more than care for healthy babies. The costs of treating drug and alcohol-impaired infants multiplies exponentially as they grow to adulthood, as the costs of their mental and physical disabilities are borne by our health and welfare systems.

Despite the well-documented financial and human costs associated with substance abuse, the Robert Wood Johnson Foundation report indicates that less than one-fourth of those needing alcohol and drug treatment get it. It is even more difficult for pregnant women to obtain substance abuse treatment.

The long-term implications of these findings are frightening. A primary obstacle to substance abuse treatment is the lack of adequate coverage of treatment costs by our public and private health care systems. Yet failure to treat substance abuse will sentence our health care system to escalating costs. As the health care reform debate unfolds in Congress, it simply makes more sense to address these problems head-on, by investing in addiction treatment services up front and preventing the illness, accidents, birth defects, and diseases associated with substance abuse, rather than paying the consequences of inaction later.

The roadmap for action is clear. The Medicaid Substance Abuse Treatment Act (S. 484) and the Comprehensive Fetal Alcohol Syndrome Prevention Act (S. 923) would make a significant step in the right direction by increasing Medicaid coverage of substance abuse treatment services and targeting resources to reduce the enormous human and societal costs associated with drug-affected babies and fetal alcohol syndrome.

Also, President Clinton is committed to expanding research into substance abuse prevention and improving national public education efforts targeted to substance abuse prevention. That effort merits universal support.

Finally, the President has included coverage of substance abuse treatment in his health care reform bill. Guaranteeing access to substance abuse treatment for those who need it will provide addicted persons the tools to fight their addictions. It will also save Americans hundreds of dollars in out-of-pocket and indirect health care costs. In fact, the Robert Wood Johnson Foundation report estimates that the average American now spends nearly $1,000 annually to cover the costs of substance abuse to our society. The final health care reform proposal that emerges from Congress should provide substance abuse treatment and prevention services coverage.

Mr. President, while there is no simple antidote to the human and financial consequences of substance abuse, the costs of prevention and treatment are substantially less than the long-term costs of allowing addiction to go untreated considering the illnesses, accidents, and diseases associated with that addiction. The health care reform debate presents us with an opportunity to address this problem head-on with a renewed commitment to investing in substance abuse prevention and treatment. I hope the 103d Congress will meet this challenge.

HEALTH CARE

Mr. STEVENS. Mr. President, yesterday morning I was delighted to read in the Washington Post an article by Meg Greenfield entitled "Health Care: An All-Points Alert." I know this was published in several publications, but I believe it is an article that all Senators should be aware of.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEALTH CARE: AN ALL-POINTS ALERT

(By Meg Greenfield)

[From, the Washington Post, Nov. 1 1993]

Now that the Clinton administration has begun to market its new, improved health care plan and various competitors are similarly marketing theirs, you are going to need a plan of your own to know what, if anything, to believe about all the conflicting claims. It's going to be a "will not!/will too!" sort of debate and it could conceivably last longer than you do. If it doesn't, you are going to need to keep at least a few cautionary principles in mind as guides to what to take seriously, what to assume and what to expect.

We have, in this country, a handy if depressing recent history to consult on the subject. Nobody knew or even wildly guessed what the last major medical-care reform—Medicare and Medicaid—would cost and practically nobody understood or even knew about all of the more important provisions that were in it. This is the first thing you should remember whenever you find yourself in the presence of rhetorical certainty concerning the numbers, and never more so than when you hear the telltale word "outyears"—as in, "the gap between revenues and costs then narrows in the outyears." "Outyears," which is not to be found in any dictionary I own, is a congressional testimony-ese word designating that future time when everybody involved in the legislation will have been safely reelected and the costs of the program will in fact begin to explode contrary to all the modest projections of what they were going to be.

The reason for these all but inevitable explosions gets you to the next consideration to keep in mind. It is that you are right now looking only at legislative blueprints and graph-paper projections and inspired guesses and wishful premises. Together they amount to a construct of life that takes into account everything but life itself, that is, everything but the way incorrigible, flawed humankind and the institutions it creates behave and have tended to behave for the past several thousand years. Some time ago at a science fair I watched a row of pigeons lined up before a row of machines that dispensed a beakful of corn to them only when they had given it the required (and continually changing) number of taps. It was amazing to me how fast these old birds got on to the system and managed to make it yield up one presumably scrumptious beakful after another. To some this experiment provided evidence that the pigeons could count. I didn't think so. I thought it was evidence that they could manipulate and outsmart the system. And so, these talented pigeons have ever since seemed to me the perfect metaphor for what happens in this country the instant we have enacted any of that usually long-awaited and much-prayed-for social legislation that marks our time. Someone—or a lot of someones—learns how to outsmart it.

I note morosely in this connection that in the very week the Clintons were announcing their proposed, far-reaching new health care system, more than a few old pigeons were coming home to roost in programs that had once seemed all aglow in good purpose and high hopes too. There was a big conviction in the HUD scandal that concerned the widespread misuse of federal housing funds.

There were revelations of terrible fraud and theft of federal education grant funds for needy students. This is worst-case stuff, of course, but it is part of what drives up the costs of programs that require or at least presume some integrity and restraint on the part of those who run them and those who seek their benefits. A larger part is not fraudulent at all, merely opportunistic and clever. People can, by and large, be counted on to take the high-end option of what is available to them in any program, or to push to raise costs to cover what it costs them or otherwise redirect the way the thing is supposed, in theory, to work. And, by "people" I mean every kind of people: this is one truly bipartisan aspect of our public/private life.

That brings us to yet another fact worth keeping in mind throughout the medical-care-reform debate now starting: ideology is a totally unreliable guide as to how various individuals and institutions will behave under a new law. So is whatever palaver they were putting out with so much seeming passion during the argument about enacting it. No one figured out better how to flourish under the health care reforms of the mid-'60s than numerous of those medical, hospital and insurance entities that had denounced them most hysterically as legislation and predicted the ruin of the world in general and themselves in particular. Some of the worst and most shocking rip-offs of the Great Society's poverty-program funds were perpetrated by none other than people who had been participating in the debate as devoted spokesmen for and advocates of the poor. Be very leery of those in this debate who are speaking in apocalyptic terms "in the name of" just about any group at all.

Be leery too of those who respond to criticism of the proposed legislation or offer miraculous substitutes for it based on one-word tranquilizer concepts. We have developed a compendious vocabulary of glow-words, as I think of them, with which you can exit an argument without quite saying how you would solve the problem that's just been raised: education-and-treatment, job retraining, rehabilitation, prioritizing etc. Health care will have its own set of terms that people will invoke without ever bothering to say just how well the proposed one-word solution works or who will administer it or whether there's either money or knowledge enough to bring it off.

Keeping an eye out for such terms will require some literary skill and so will what I advise as an all-points verb alert. I wish you had been paying attention in class instead of staring out the window when they were explaining the subjunctive mood and the conditional, not to mention the future perfect tense. You are going to get a heavy dose of all these and more—the "ifs," the "assuming thats," the "at that point, provided thats," the "should produce, all things being equals" and the "will have beens." That is the kind of structure on which both the pros and the antis will be seeking to rest their case. People tend to take these finely wrought and much hedged propositions as assertions of objective truth or hard predictions of what is to come. But they are not. The best advice is to kick away old assumptions and biases for this debate, be skeptical of everyone, including your own side. Above all, believe that all numbers are provisional and that anything that looks easy is almost certainly fake.

TOWARD PEACE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, in the past 9 days, 24 people have been killed in the escalating violence in Northern Ireland. All of us who hope for a peaceful settlement of the conflict in that tragic land were shocked and outraged at the latest atrocities which the terrorists on both sides have committed.

On Saturday, October 23, the IRA carried out a savage bombing of a fish shop on the Shankill Road, a Protestant area of Belfast. One of the 10 people murdered in that bombing was Leanne Murray, a 13-year-old Protestant girl who had gone there to shop for her mother. Her story was told on an especially poignant segment of ABC's "World News Tonight" last week.

What is especially heart breaking about Leanne's death is that her young life was already a hopeful example of the possibility of peace in Northern Ireland. In her own way, she was breaking through the sectarian divide which serves no purpose but to breed hate and mistrust between the Protestant and Catholic traditions of Northern Ireland.

Leanne spent the summer of 1993 in the United States as part of a program to bring Catholic and Protestant children together. While here in this country, she became friends with Roisin Coulter, a Catholic girl, who is also from Belfast and whom Leanne was unlikely to meet in the divided condition of Northern Ireland today. But these two young girls became friends in the United States and now one of them has died.

Gina Murray, Leanne's mother, put it eloquently when she said: "If people could be like Roisin and Leanne, it would be a better place. Leanne would still be here." I hope all those involved in this senseless violence will hear Mrs. Murray's words and heed them.

Tragically, the atrocity committed by the IRA has been answered with equally inexcusable killings of Catholics by Protestant paramilitary groups seeking revenge. Last Saturday, seven people were killed when these paramilitaries indiscriminately opened fire on a Halloween party in a bar not far from Derry.

Despite this latest surge in the violence that has scarred Northern Ireland for so long, there are hopeful signs based on recent peace initiatives.

On October 27, Ireland's Foreign Minister, Dick Spring gave an important speech setting out six principles for peace in Northern Ireland. On October 29, British Prime Minister John Major and Irish Prime Minister Albert Reynolds met in Brussels and pledged to renew the peace process. On October 30, President Clinton issued a statement condemning the violence and reiterating the United States' willingness to support efforts to bring peace to Northern Ireland. And yesterday, Prime Minister Major announced that he will be meeting—in the near future—with each of the constitutional party leaders in Northern Ireland. I welcome all of these efforts.

Mr. Spring's speech is a timely and eloquent articulation of what is required to move toward peace in Northern Ireland and I commend his efforts to bring an end to the bloodshed. His statement recognizes that the status of Northern Ireland should not be altered without the consent of the majority of the people in Northern Ireland. That means no change will occur without the concurrence of the Unionist community. Mr. Spring also opens the door to the real possibility that the Republic of Ireland will remove from its constitution—at the appropriate time—those parts which lay claim to Northern Ireland. He also calls for an immediate end to the violence. Only by laying down their guns and bombs can those now engaged in violence become part of the search for peace.

These recent developments offer rays of hope as the search for peace goes on. The appalling recent violence is not a permanent setback. I urge those on all sides who seek peace to redouble their efforts, and I am confident that the United States stands ready to help in any way possible.

I ask unanimous consent that Mr. Spring's address, the joint statement of Prime Minister Reynolds and Prime Minister Major, and President Clinton's statement may be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY MR. DICK SPRING, TÁNAISTE (DEPUTY PRIME MINISTER) AND MINISTER FOR FOREIGN AFFAIRS IN THE DÁIL (PARLIAMENT) DEBATE ON NORTHERN IRELAND OCTOBER 27, 1993

This debate arises from the events that caused such horror and shame in Belfast this past week-end. In speaking here, I want to speak as openly, as dispassionately, and as frankly as I can about the events and what they mean.

In the few days since this House last met, fifteen people have died, in one of the bloodiest few days in the history of Northern Ireland. Those victims have come from both communities, and form a part of the escalating spiral of violence and hatred which must concern us all.

I have to say that it is almost impossible to find the words that would adequately describe the revulsion, indeed the despair, that I felt when news of the Shankill massacre reached me on Saturday afternoon. Yet another place name to be added to the dark history that has been accumulating in the last couple of years alone—another to stand besides names like Warrington, Castlerock, and Teebane Cross.

Yet another community, with more than its fair share of troubles already, has been added to the list of those who must cope with trauma and bitterness. Yet more families, to add to the thousands in both communities and from both islands, have been left to suffer the bottomless agony of loss. And left with the bitterest feeling of all—that there is no point, no meaning, no purpose, to the violent deaths of their loved ones.

The most savage irony of the Shankill massacre lies in two facts. First, the victims of that massacre were blown to pieces on the orders of people who believe, or say they believe, in the right of the Irish people to self-determination. Second, the people who authorized that massacre are the same people who, just about a week ago, issued a public statement proclaiming their support for a peace process.

There is no one on this island more committed to peace, who practices democracy with more conviction, honesty, and integrity, than John Hume. The initiative that he has taken, with a view to finding a pathway towards peace, is potentially one of the most significant pieces of the jigsaw of recent years.

If the provisional IRA have done nothing else by their actions of last weekend, they have made it far more difficult to find the basis on which we might be able to proceed with, and to develop, that initiative, combining it with the other elements essential to a lasting peace.

But we cannot be deflected from the search for peace. We owe it to the thousands of people who have died before last Saturday, to those slaughtered on Saturday and on the days since, to the families who mourn them, to the communities who are the poorer for their loss, never to be turned away from the quest.

That does not mean, and it can never mean, surrendering or capitulating to men of violence on any side. To do that would be to negate the very democracy that John Hume and many others like him practice with such distinction and courage.

The democratic way forward must be founded on certain key principles. And if I attempt here to outline these principles, I do so not in any way to fudge the need for a negotiated and agreed approach.

In the final analysis, there can be no lasting settlement except through agreement between the Unionist and Nationalist traditions about how we can share this island, which is our common home, and where we both have our rights. The British and Irish Governments have major roles to play, and major responsibilities—but peace must come finally from within the hearts of the people who live in the shadow of violence.

In addition, in setting down principles, I am not attempting either to lay down preconditions for any negotiation. I make only one exception—the only people welcome at the negotiating table would be those who have foresworn violence.

Nobody can be expected to negotiate about their future, or the future of their community, with guns outside the door. Bombs and guns must be set aside if we are to avoid a recurrence of the horror and terror of the Shankill massacre, and the frightening aftermaths of Kennedy Way and elsewhere.

The democratic principles which can underpin a peace process, and which can be combined through negotiation and dialogue to secure sustainable peace, are simply set out.

Indeed, many of them are already encapsulated and contained in Article 1 of the Anglo-Irish Agreement, to which the Irish and British Governments remain fully committed. That Article solemnly enshrines the principle of consent. We can build on those principles by seeing them in the following way:

First, the people living in Ireland, North and South, without coercion, without violence, should be free to determine their own future.

Second, that freedom can be expressed in the development of new structures for the governing of Northern Ireland, for relationships between North and South, and for relationships between our two islands. For many of us, of course, the freedom to determine our own future by agreement should ideally lead to the possibility ultimately of unity on this island.

Third, no agreement can be reached in respect of any change in the present status of Northern Ireland without the freely expressed consent of a majority of the people of Northern Ireland—free as I have said from coercion or violence.

Fourth, let us once and for all accept here that if we talk about the freedom of Unionists to give their consent to constitutional change, we must also recognise the freedom of Unionists to withhold their consent from such change, unless and until they are persuaded by democratic political means only.

Fifth, if we believe in consent as an integral part of any democratic approach to peace, we must be prepared at the right time and in the right circumstances to express our commitment to that consent in our fundamental law.

Sixth, even in the aftermath of some of the most horrible crimes we have witnessed, we must be prepared to say to the men of violence that they can come to the negotiating table, that they can play a peaceful part in the development of Ireland's future—if only they would stop the killing and the maiming and the hurting. We will make a place, and we will develop structures, to bring in from the cold those who have lived in the shadow of their own terrorism—and we are prepared to begin that process the moment that a total cessation of violence makes it possible for us to do so.

The British Government has said repeatedly that it has no selfish or strategic interest in remaining in Northern Ireland. It has said that Britain is in Northern Ireland because the majority of Northern Ireland's people want it that way, and for no other reason. At the same time, the British Government has said that it will not yield to terrorism, nor bargain with it.

That is the way it is, and that is the way it is going to remain. I do not believe that the British Government has any objection, or could find anything to argue with, in any of the principles I have outlined above. I do not believe that any Unionist could, on calm reflection, find fault with any of these principles.

Above all, I do not believe that anyone who claims to be a modern nationalist or republican, could seriously reject any of these principles. They are more than a basis for peace, they are a basis for people working together for the good and the future of this whole island.

Ireland may remain divided by a border for years to come. What is vital is that we begin now to find ways of breaking down the barriers that are between us, rather than erecting new ones with more bombs and more atrocities.

Many of the activists of the provisional IRA have been involved in violence and terror for all of their adult lives. Many of them now have teenage children. They have a choice—they can condemn their children, and their children's children, to lives of violence and terror. Or they can stop.

If they were to stop now, it would re-establish, at least to some extent, the credentials of the peace process that they claim to have publicly endorsed. It would provide hope that politics can replace terror as a means of achieving political objectives. It would free their children from the shadow of the gunman, and empower them for the first time in their lives to contribute to the wellbeing of their own communities.

We are at a crossroads. If the horror of recent days is not to be the latest step in an ever-rising stairway of violence, then those involved must draw back. They must reflect now on the opportunity that is open, on the possibility that political action is a legitimate alternative for them. We can condemn, and I do condemn, the atrocities of recent times. But this is a time to appeal for reason and for hope. If the men of violence would only agree to give peace a chance the political future of Northern Ireland can be utterly transformed. I believe that all of us in this House should unite in saying—do it now.

To Unionists, I would say this. I believe that the two traditions on this island can work out a Covenant for our own times. What I envisage is a covenant of rights and guarantees, capable of being applied by agreement to every part of this island and to every aspect of the relationship between these islands.

It would provide an assurance for all time to every citizen on this island—Protestant or Catholic or Dissenter, Nationalist or Unionist—that basic political rights, including political identities, can be enshrined to ensure that nothing—even a change in sovereignty if such were ultimately arrived at by agreement and consent—could undermine them. Any accommodation between the two traditions on this island must be based on the principle that both identities must each have equally satisfactory, secure and durable political, administrative and symbolic expression and protection for their rights and identities.

The principle of equal respect for both traditions, of equal expression of allegiance, can be worked out in innovative ways, if we want to do it.

There is a heavy onus now on all who are democrats. Now is one of those moments in our history when we choose to go forward or backward. As someone who was elected, I believe, to speak on behalf of a new generation, I say we must go forward.

JOINT STATEMENT BY MR. ALBERT REYNOLDS, TAOISEACH (PRIME MINISTER) OF IRELAND, AND MR. JOHN MAJOR, BRITISH PRIME MINISTER, BRUSSELS, OCTOBER 29, 1993

1. The Prime Minister and the Taoiseach discussed a range of matters of common interest, with particular focus on Northern Ireland.

2. They condemned the recent terrorist outrages as murderous and premeditated acts which could serve no end other than to deepen the bloodshed in Northern Ireland. They expressed their deep sympathy to the innocent victims, children, women and men who had been injured or bereaved.

3. The Prime Minister and the Taoiseach called for restraint from all members of the community in Northern Ireland; expressed support for the security forces in their fight against all forms of terrorism; and noted the recent successes of cross-border security cooperation.

4. They utterly repudiated the use of violence for political ends. Their two Governments were resolute in their determination to ensure that those who adopted or supported such methods should never succeed.

5. The Taoiseach gave the Prime Minister an account of the outcome of the Hume/Adams dialogue, in the light of the Irish Government's own assessment of these and other related matters. They acknowledged John Hume's courageous and imaginative efforts. The Prime Minister and the Taoiseach

agreed that any initiative can be taken only by the two Governments, and that there could be no question of their adopting or endorsing the report of the dialogue that was recently given to the Taoiseach and which he had not passed on to the British Government. They agreed that the two Governments must continue to work together in their own terms on a framework for peace, stability and reconciliation consistent with their international obligations and their wider responsibilities to both communities.

6. Against this background, the Prime Minister and the Taoiseach reaffirmed that:

The situation in Northern Ireland should never be changed by violence or the threat of violence;

Any political settlement must depend on consent freely given in the absence of force or intimidation;

Negotiations on a political settlement can only take place between democratic governments and parties committed exclusively to constitutional methods, and consequently there can be no talks or negotiations between their Governments and those who use, threaten or support violence for political ends;

There could be no secret agreements or understandings between Governments and organizations supporting violence as a price for its cessation;

All those claiming a serious interest in advancing the cause of peace in Ireland should renounce for good the use of, or support for, violence;

If and when such a renunciation of violence had been made and sufficiently demonstrated, new doors could open, and both Governments would wish to respond imaginatively to the new situation which would arise.

7. The Prime Minister and the Taoiseach renewed their support for the objectives of the talks process involving political dialogue between the two Governments and the main constitutional parties in Northern Ireland. They regard that process as vital and its objectives as valid and achievable. They urge the Northern Ireland parties to intensify their efforts to find a basis for new talks. The Taoiseach and the Prime Minister agreed that the two Governments will continue their discussions to provide a framework to carry the process forward.

THE WHITE HOUSE,
October 30, 1993.

STATEMENT BY THE PRESIDENT

I welcome the efforts of Irish Prime Minister Albert Reynolds and British Prime Minister John Major to reinvigorate the negotiations for peace in Northern Ireland. I join their condemnation of the use of violence for political ends and strongly support their commitment to restart talks among their two governments and the four constitutional parties of Northern Ireland. Their joint statement issued yesterday in Brussels underscores their common resolve to work for peace, justice and reconciliation in Northern Ireland. The United States stands ready to support this process in any appropriate way.

All friends of peace were outraged at the tragic and senseless IRA bombing in Belfast on October 23 and the ensuing violence. Especially in the wake of such action, we must redouble our efforts to reject violence and pursue the path of peace. As we remember the victims of the sectarian violence that has torn the region for too long, let us work together to ensure that the vision of the two Governments demonstrated in their joint statement bears lasting fruit.

DIETARY SUPPLEMENTAL HEALTH AND EDUCATION ACT

Mr. WOFFORD. Mr. President, I have decided to become a cosponsor of S. 784, the Dietary Supplement Health and Education Act.

As Senator HATCH, the principal sponsor of this bill, knows well, I have been sympathetic to his legislation from the outset. However, I wanted to wait until I had an opportunity to hear from all affected parties before deciding on cosponsorship. Last week, the Labor and Human Resources Committee held a hearing with consumers, representatives from the nutritional supplement industry, and the Commissioner of the Food and Drug Administration. This hearing convinced me that I want to add my support as a cosponsor of the bill.

At the Labor Committee hearing, Senator HATCH indicated that he does not expect his bill to be adopted in its current form, and that he is working toward a mutually acceptable resolution with Chairman KENNEDY. In a letter I sent to Chairman KENNEDY along with 9 of my colleagues on September 30, I expressed my strong hope that Senators KENNEDY and HATCH will work together to achieve a compromise that properly protects consumers' access to nutritional and dietary supplements. I look forward to working with Senators KENNEDY and HATCH and others in contributing to that solution.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 334. An act to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 334. An act to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1700. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Energy Policy Act Transportation Rate Study: Availability of Data and Studies"; to the Committee on Energy and Natural Resources.

EC-1701. A communication from the Chairman of Federal Trade Commission, transmitting, pursuant to law, report of a study of a uniform national label for devices that dispense automotive fuel to consumers; to the Committee on Energy and Natural Resources.

EC-1702. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Current and Future Methane Emissions from Natural Sources"; to the Committee on Environment and Public Works.

EC-1703. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Options for Reducing Methane Emissions Internationally"; to the Committee on Environment and Public Works.

EC-1704. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of the deepwater ports study; to the Committee on Environment and Public Works.

EC-1705. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on hydrogen sulfide emissions associated with the extraction of oil and natural gas resources; to the Committee on Environment and Public Works.

EC-1706. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the effects of the 1990 Clean Air Act Amendments on visibility in class I areas; to the Committee on Environment and Public Works.

EC-1707. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to United States exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-1708. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on community development lending by depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-1709. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board and the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual report for the period April 1 through September 30, 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-1710. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on trade between the United States and China, the Successor States to the Former Soviet Union, and other title IV countries during the period April through June 1993; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1608. A bill to rescind certain budget authority proposed to be rescinded in special messages transmitted to the Congress by the President on November 1, 1993, in accordance with title X of the Congressional Budget and Impoundment Control Act of 1974, as amended; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, with instructions that the Budget Committee be authorized to report its views to the Appropriations Committee, and that the latter alone be authorized to report the bill.

By Mr. SHELBY (for himself, Mr. HEFLIN, Mr. NUNN, and Mr. COVERDELL):

S. 1609. A bill to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 1610. A bill for the relief of Reza A. Maleki; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1611. A bill to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI:

S. 1612. A bill to extend the authority of the Women in Military Service for America Foundation to establish a memorial in the District of Columbia area; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 1613. A bill to amend the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act; considered and passed.

By Mr. LEAHY (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 1614. A bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURENBERGER (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. FEINGOLD, Mrs. KASSEBAUM, and Mr. GRASSLEY):

S. Res. 160. A resolution expressing the sense of the Senate regarding the October 21, 1993, attempted coup d'etat in Burundi, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1610. A bill for the relief of Reza A. Maleki; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

• Mr. WELLSTONE. Mr. President, today I am introducing legislation to provide for a reprieve for Reza Maleki and his family. Mr. Maleki is an Iranian national and a Moorhead, MN resident who is married to a U.S. citizen. He is currently in deportation status.

Mr. Maleki was convicted in 1984 of making false statements to the INS with respect to an immigration-motivated marriage, and has paid a fine and served time in incarceration. It is clear that he recognizes the seriousness of his crime, and has made restitution for it in a variety of ways, including through significant service to his community and to the public university where he works. He is now married to a U.S. citizen, and has two young U.S. citizen children.

He is a tenured faculty member at Moorhead State University, and by all accounts has been a model citizen of the Fargo-Moorhead area during the past decade. I have heard from numerous community leaders, including the mayors of Fargo and Moorhead and the president of Moorhead State University, expressing support for Mr. Maleki and testifying to his myriad contributions to the university and to the community. I understand that former Senator, Jocelyn Burdick, and former North Dakota Governor, George Sinner, have also expressed their interest in this case, and their support for Mr. Maleki and his family.

Mr. Maleki's case has a long and complex history of adjudication, beginning with a 1984 decision by an immigration judge to reject a petition for asylum and a request for a stay of deportation, followed by a 1987 decision by the INS' Board of Immigration Appeals [BIA] to uphold this decision, and culminating most recently in a late September 1993 decision by a three-judge panel of the Eighth Circuit Court of Appeals to affirm the BIA's ruling.

When this case first was brought to my attention, I asked my staff to review carefully all of the relevant INS and court decisions to determine if, in their judgment, Mr. Maleki's case merited private relief, or at least a second look by INS officials. They have now completed that review, which included not only an assessment of these important official opinions but also broad consultation with interested public officials who could testify regarding Mr. Maleki's record, the Maleki family and their counsel, INS officials, human rights experts who specialize in Iran, and others.

My staff have recommended to me based on that review that there are sufficient grounds to introduce private relief legislation and ask Chairman KENNEDY to request a report from the INS regarding the case, thus staying, at least temporarily, Mr. Maleki's imminent deportation back to Iran. Chairman KENNEDY has agreed to request such a formal report.

Since taking office, I have been careful to introduce immigration-related private relief legislation only in extraordinary cases. I believe this is such a case, where great and potentially permanent harm could be done to Mr. Maleki's family were he to be deported, since they have concluded that they could not return to Iran together for fear of persecution, and thus would be forced to separate.

My primary concern in this case has been to balance the best interests of the U.S. citizen family members, including Mr. Maleki's two young children, with the public interest of ensuring fair and consistent application of the law. I have concluded that these children, and their mother, would face truly extraordinary hardship if he were to be deported, and that no reasonable public interest which outweighs this hardship would be served by his immediate deportation.

In making this decision, I want to underscore that my intention is not to substitute my judgment for that of the immigration authorities who have worked on this case for years. But in assessing the potentially devastating effect that separating Mr. Maleki from his family would have, and considering the evidence available to me, including some new evidence that I understand the appeals court was unable to consider for procedural reasons, and the very high standards of review which tightly constrained the discretion of the BIA and the eighth circuit, I believe that a reprieve is justified.

In my view, the balance of the equities, especially with respect to Mr. Maleki's innocent U.S. citizen wife and his two young children, argue for a second look by the INS. It is my hope that delaying his deportation will provide an opportunity for that reassessment. It should provide his counsel time to move to reopen the case and request that the case be remanded for a rehearing when he becomes eligible.

My action today does not grant him permanent residency status. It simply provides him an opportunity to make his case for asylum again in light of new evidence, and eventually for suspension of deportation and adjustment of his status to permanent resident, based on section 244(a)(2) of the Immigration and Nationality Act. This provision makes him eligible for reconsideration of his status at the discretion of the attorney general if he: First, has been physically present in the United States for no less than 10 years following a conviction; second, proves that during that period he has been a person of good moral character; and third, proves that his departure would result in exceptional hardship to his family members.

I understand that this 10-year rule is not a statute of limitations, but simply a threshold test which makes him eligible for reconsideration. I believe that when he is given another chance to make his case, the immigration judge will conclude, as I have, that it has considerable merit. Indeed, the original immigration judge concluded that although he had found insufficient evidence to affirm Mr. Maleki's asylum claim, he believe his conviction should not preclude a positive decision either on an application for asylum or for withholding of deportation if he was otherwise eligible for adjustment of status under the law. He observed:

> Upon review of the facts of the case, I do not find that the respondent's conviction in the U.S. constitutes a particularly serious offense which would preclude statutory consideration for withholding of deportation, or preclusion of an asylum application, as a matter of discretion. I believe the respondent has developed other equities in the U.S. which would offset the negative impact of his conviction, which would support a merit (sic) decision if otherwise eligible.

This case has required me to make a prudential judgment about the merits of Mr. Maleki's claims, the sufficiency of the evidence presented to the INS and to the court, their considered opinions on how the law is to be applied to that evidence, the best interests of the family members, and the interest of the public in seeing that the law is enforced fairly and consistently.

As lawmakers, we attempt always to construct the law in such a way that it can be fairly and consistently applied. It is cases like this that remind us powerfully that the laws we write affect real families whose lives can be permanently and irreversibly changed by our decisions.

As I have observed, deportation of Mr. Maleki, and the resulting separation from his family, could have permanent and tragic consequences for his children and his wife, who are innocent in all of this. Ultimately, I believe that introducing this legislation, thus staying deportation long enough to allow Mr. Maleki to apply for a rehearing and make his case again, was the proper approach which balances appropriately all of these interests. It was not an easy decision, but one which given the high stakes for his family called for my giving him and his family the benefit of the doubt.

I am hopeful that the INS will consider carefully any new evidence he may present should he move to reopen his case, and will take into account his 10 years of achievement in this country, his broad embrace by the Moorhead community and by the university, and the critical impact his deportation could have on his U.S. citizen family members.•

By Mr. KERRY:

S. 1611. A bill to authorize appropriations to carry out the Atlantic Tunas Convention Act of 1975, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ATLANTIC TUNAS CONVENTION AUTHORIZATION ACT OF 1993

• Mr. KERRY. Mr. President, today I am introducing the Atlantic Tunas Convention Authorization Act of 1993. This legislation is essential to ensure the conservation of Atlantic bluefin tuna and other wide-ranging fishery stocks and the preservation of U.S. fishermen who depend on these stocks for their livelihood.

The purposes of the bill are twofold. First, it amends the Atlantic Tunas Convention Act, extending the authorization of appropriations, calling for an inventory of current research on Atlantic highly migratory fish, and establishing a program to resolve unanswered scientific questions that have limited our ability to fairly and effectively manage this international fishery.

Second, the legislation puts the Congress on record encouraging other fishing nations to comply with the conservation and management recommendations of the International Commission for the Conservation of Atlantic Tuna [ICCAT]. In its second purpose, the bill provides companion legislation to a concurrent resolution now pending in the House of Representatives.

In recognition of the unique problems related to the highly migratory nature of tunas and tuna-like species, the United States signed the International Convention for the Conservation of Atlantic Tunas in 1966. This convention established the mechanism for ICCAT, which was founded in 1969. ICCAT's mandate is to provide an effective program of international cooperation in research and conservation for highly migratory species in the Atlantic Ocean and Mediterranean Sea. The Commission is responsible, among other things, for developing regulatory proposals to govern fishing by the member nations, in order to conserve and manage tuna resources throughout their range in a manner which achieves the maximum sustainable catch.

Due to declining stock levels, regulatory measures were recommended by the Commission in 1974. Concern over the low level of abundance of small bluefin tuna in the western Atlantic led to additional catch limits in that area. While Atlantic bluefin tuna are exceptionally large fish, reaching 1,500 pounds, the Commission recommended landing restrictions for fish weighing less than 14 pounds (6.4 kilograms).

For management purposes, the Commission adopted a two-stock hypothesis, using a line drawn at 45 degrees west longitude to divide Atlantic blue fin tuna into western and eastern stocks. Little conclusive data has been collected to support the two-stock hypothesis, and I urge ICCAT scientists to continue to investigate the stock structure of the Atlantic bluefin tuna. I raise this issue because while western Atlantic harvests have been reduced by 65 percent, catches in the east are reported to have increased by 31 percent. If further investigation reveals that mixing rates between the two stocks are greater than current data indicate, then overfishing in the eastern Atlantic is having a greater impact on the western stock than is currently acknowledged. In order to rebuild the fishery in the western Atlantic, it would then become critical to reduce fishing effort in the eastern Atlantic. Additional stock reductions for the western Atlantic would be of questionable value from a conservation standpoint.

Other countries' lack of compliance with ICCAT recommendations also may be linked to problems in the U.S. bluefin tuna fishery. A 1992 report of the ICCAT Infractions Committee noted that harvests in the eastern fisheries have greatly exceeded the 15-percent allowance of bluefin tuna under 6.4 kilograms. In addition, the catch of bluefin tuna by fishing vessels of non-ICCAT member countries and the reflagging of vessels to avoid ICCAT restrictions may inhibit the stock's ability to recover. The result is that the effectiveness of U.S. conservation efforts is dissipated by the failure of other nations to take complementary action. Regardless of whether there are one or two stocks of Atlantic bluefin tuna, participation by all fishing parties in concerted action to implement and enforce management measures is long overdue. Such participation is essential if we are to have any hope for rebuilding these stocks and ensuring sustainable fishery harvests.

The Atlantic bluefin resource supports valuable commerical and recreational fisheries in the United States. A general national estimate is that the commercial industry generates $22 to $32 million in direct sales of bluefin tuna. Of course, this figure does not begin to take into consideration the supporting industry and businesses for which the bluefin tuna industry generates revenue. Nationally, there are approximately 11,600 permits issued to commercial vessels to fish for bluefin tuna, of which over one-third are held by vessels from my State of Massachusetts. Numerous families in small coastal communities from Maine to Louisiana depend upon this fishery for their livelihood—in commercial fisheries, charter boat operations, or in assorted supply, maintenance, and processing operations.

For these reasons, I encourage prompt Senate consideration of the legislation I am introducing today. We need better information to properly assess and manage Atlantic bluefin tuna and other highly migratory species. In addition, we must encourage other countries in the eastern and western Atlantic and the Mediterranean to do their fair share. The benefits of coordinated action and shared responsibility for these stocks will be enjoyed by all.

Mr. President, I ask unanimous consent that the full text of that bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atlantic Tunas Convention Authorization Act of 1993".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

"Sec. 10. There are authorized to be appropriated to carry out this Act, including use for payment of United States share of the joint expenses of the Commission as provided in article X of the Convention, the following sums:

"(1) For fiscal year 1994, $2,750,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A and $1,500,000 are authorized for research activities under this Act.

"(2) For fiscal year 1995, $4,000,000, of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.

"(3) For fiscal year 1996, $4,000,000 of which $75,000,000 are authorized in the aggregate for such advisory committee and such working groups, and $2,500,000 are authorized for such research activities.".

SEC. 3. ADVISORY COMMITTEE PROCEDURES.

Section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) is amended—

(1) by designating the existing text as subsection (a); and

(2) by adding at the end the following new subsection:

"(b)(1) A majority of the members of the advisory committee shall constitute a quorum, but one or more such members designated by the advisory committee may hold meetings to provide for public participation and to discuss measures relating to the United States implementation of Commission recommendations. All decisions of the advisory committee shall be by a three-fifths majority vote of the members present and voting.

"(2) The advisory committee shall elect a Chairman from among its members.

"(3) The advisory committee shall meet at appropriate times and places at least twice a year, at the call of the Chairman or upon the request of the majority of its voting members, the United States Commissioners, the Secretary, or the Secretary of State.

"(4)(A) The Secretary shall provide to the advisory committee such administrative and technical support services as are necessary for the effective functioning of the committee.

"(B) The Secretary and the Secretary of State shall furnish the advisory committee with relevant information concerning fisheries and international fishery agreements.

"(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.".

SEC. 4. RESEARCH ACTIVITIES.

"(a) Report to Congress.—The Secretary of Commerce shall, within 90 days after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives—

(1) identifying current governmental and nongovernmental research activities on Atlantic bluefin tuna and other highly migratory species;

(2) describing the personnel and budgetary resources allocated to such activities; and

(3) explaining how each activity contributes to the conservation and management of Atlantic bluefin tuna and other highly migratory species.

(b) Research Program.—Section 3 of the Act of September 4, 1980 (16 U.S.C. 971i) is amended—

(1) by amending the section heading to read as follows:

"SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.";

(2) by striking the last sentence;

(3) by inserting "(a) Biennial Report on Bluefin Tuna.—" immediately before "The Secretary of Commerce shall"; and

(4) by adding at the end the following new subsection:

"(b) Highly Migratory Species Research.—(1) Within 6 months after the date of enactment of this subsection, the Secretary of Commerce, in cooperation with the advisory committee established under section 4 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971b) and in consultation with the United States Commissioners on the International Commission for the Conservation of Atlantic Tunas and the Secretary of State, shall develop and implement a comprehensive research program to support the conservation and management of Atlantic bluefin tuna and other highly migratory species that shall—

"(A) identify and define the range of stocks of highly migratory species in the Atlantic Ocean, including Atlantic bluefin tuna; and

"(B) provide for appropriate program participation by nations participating in the Commission.

"(2) The program shall provide for, but not be limited to—

"(A) statistically designed tagging studies;

"(B) genetic and biochemical stock analyses;

"(C) population censuses carried out through aerial surveys of fishing grounds;

"(D) adequate observer coverage of commercial and recreational fishing activity;

"(E) collection of real-time data on commercial and recreational catches and landings, including charter operations, fishing tournaments, and private anglers;

"(F) studies of the life history parameters of Atlantic bluefin tuna and other highly migratory species; and

"(G) integration of data from all sources and the preparation of data bases to support management decisions.".

SEC. 5. ACTIONS TO IMPROVE CONSERVATION.

(a) Findings.—The Congress makes the following findings:

(1) Atlantic bluefin tuna and other highly migratory species are valuable commercial and recreational fisheries of the United States.

(2) The vessels of many countries, including the United States, fish for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea.

(3) The International Commission for the Conservation of Atlantic Tunas (hereinafter referred to as the "Commission") is the international entity established to adopt recommendations and develop international agreements for the conservation and management of Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the Mediterranean Sea.

(4) In the last 25 years Atlantic bluefin tuna stocks and other stocks of highly migratory species have declined from historic levels.

(5) Countries that are not members of the Commission are having a detrimental impact on the recovery of Atlantic bluefin tuna stocks and other stocks of highly migratory species by fishing throughout the Atlantic Ocean and the Mediterranean Sea without regard for conservation and management recommendations and agreements adopted by the Commission.

(6) For management purposes, the Commission has adopted a working hypothesis of two stocks of Atlantic bluefin tuna: a western stock found in the Atlantic Ocean west of 45 degrees west longitude (hereinafter referred to as the "45 degree line"), and an eastern stock found in the Atlantic Ocean east of the 45 degree line and in the Mediterranean Sea.

(7) The existing scientific evidence is inconclusive with respect to the working hypothesis of two stocks, and the extent to which each of the hypothesized stocks migrates across the 45 degree line is unknown.

(8) The Commission adopted conservation and management recommendations and agreements in 1974 to ensure the recovery and sustainability of all Atlantic bluefin tuna throughout the Atlantic Ocean and the Mediterranean Sea.

(9) In recent years, the Commission has adopted additional, more restrictive conservation and management recommendations and agreements for Atlantic bluefin tuna, for countries that fish for Atlantic bluefin tuna west of the 45 degree line.

(10) The United States and other countries that are members of the Commission and that fish west of the 45 degree line have implemented all conservation and management recommendations and agreements for Atlantic bluefin tuna adopted by the Commission that apply west of the 45 degree line. The implementing regulations have been vigorously enforced by the Secretary of Commerce and the Coast Guard.

(11) Many other countries that are members of the Commission do not comply with conservation and management recommendations and agreements for Atlantic bluefin tuna adopted by the Commission that apply east of the 45 degree line and in the Mediterranean Sea. This noncompliance undermines the recovery of Atlantic bluefin tuna stocks.

Recent large increases in the catch of Atlantic bluefin tuna within 100 miles east of the 45 degree line by countries that are members of the Commission may be having a detrimental impact on the recovery of Atlantic bluefin tuna and probably do not comply with recommendations and agreements of the Commission.

(b) Objectives.—It is the sense of the Congress that—

(1) the United States and the Commission should continue to promote the conservation

and management of Atlantic bluefin tuna and other highly migratory species throughout the Atlantic Ocean and the Mediterranean Sea;

(2) the United States should obtain commitments through the Commission, from all countries that are signatories to the International Convention for the Conservation of Atlantic Tunas and that are not in compliance with all of the conservation and management recommendations and agreements for Atlantic bluefin tuna and all other highly migratory species that have been adopted by the Commission, that those countries will immediately comply with those recommendations and agreements;

(3) the United States should continue to encourage all other countries whose vessels fish for Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean or the Mediterranean Sea to comply with the conservation and management recommendations and agreements adopted for those species by the Commission;

(4) if vessels of a country fish in the Atlantic Ocean or the Mediterranean Sea for Atlantic bluefin tuna or another highly migratory species without complying with conservation and management recommendations and agreements of the Commission, such fishing will be considered by the Congress to diminish the effectiveness of an international fishery conservation program, and as such will be considered by the Congress to be certifiable under section 8(a)(1) of the Fishermen's Protective Act of 1967 (22 U.A.C. 1978(a)(1));

(5) the United States should encourage countries that have significant markets for Atlantic bluefin tuna and other highly migratory species to prohibit the importation of those species from countries whose vessels fish for such species without regard for the conservation and management recommendations and agreements adopted by the Commission;

(6) the United States should continue to explore, through the Commission, the appropriateness of working hypotheses of the Commission that Atlantic stocks of highly migratory species can be delineated by lines of latitude or longitude and, specifically, that there are two stocks of Atlantic bluefin tuna delineated by the 45 degree line; and

(7) the United States should seek through the Commission an agreement to ensure that if the Commission uses any line to divide stocks of Atlantic bluefin tuna for management purposes and adopts for that stock conservation and management recommendations and agreements for one side of the line that are more restrictive than the conservation and management recommendations and agreements adopted by the Commission for the other side of the line, then any fishing for Atlantic bluefin tuna within 10 degrees of the line shall be conducted in compliance with those more restrictive recommendations and agreements.•

By Mr. MURKOWSKI:

S. 1612. A bill to extend the authority of the Women in Military Service for America Foundation to establish a memorial in the District of Columbia area; to the Committee on Energy and Natural Resources.

WOMEN IN MILITARY SERVICE FOR AMERICA FOUNDATION LEGISLATION

• Mr. MURKOWSKI. Mr. President, I introduce legislation which would authorize an extension of the Women in Military Service for America [WIMSA] Foundation's authority to establish a memorial commemorating the more than 1.8 million women who have served, or are now serving, in the Armed Forces. The current authorization expires November 5, 1993. This bill will extend the authorization for 3 years, allowing additional time for fund raising activities.

Over the years, under the leadership of retired Brig. Gen. Wilma Vaught, the Memorial Foundation has worked at the State and local levels to encourage contributions for the memorial. In fact, the Alaska State Legislature appropriated $15,000 toward the memorial project last year. In addition to the Foundation's grassroots activities, last spring I introduced S. 1159, the Women in the Armed Forces Commemorative Coins Act to aid the fundraising efforts. This bill has 55 cosponsors and is on the legislative calendar for full Senate consideration.

Mr. President, I truly hope this will be the last extension needed for this project. A site has been selected and a design team has been awarded a contract to build the memorial at the gateway to Arlington National Cemetery. I believe the coin bill, if passed, will go a long way toward raising the necessary funds to complete this project.

The women who served this country deserve no less than a national memorial recognizing their contributions to the Armed Forces. Their service represents only one side of the equation of commitment defining the relationship between our Nation and her veterans. Completion of the memorial will be a step in balancing that equation by acknowledging our national indebtedness to those American women. I believe a 3-year extension will provide the necessary time to raise the remainder of the funds needed to achieve this goal.

I urge my colleagues to support this important measure.•

By Mr. LEAHY (for himself, Mr. HARKIN, Mr. DASCHLE, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 1614. A bill to amend the Child Nutrition Act of 1966 and the National Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE BETTER NUTRITION AND HEALTH FOR CHILDREN ACT OF 1993

Mr. LEAHY. Mr. President: I am proud to introduce the Better Nutrition and Health for Children Act. This bill reauthorizes and makes improvements in all child nutrition programs.

At the outset I want to thank the cosponsors of this bill. Senator HARKIN is the chair of the nutrition subcommittee and is a strong fighter for these nutrition programs. Over the years he has done an outstanding job as chair of that subcommittee. This bill reflects his concerns for the well-being of America's children. The bill improves programs that are very important to Iowa and to the entire Nation.

Senator DASCHLE also has been one of the Senate's leaders regarding child nutrition programs and I am pleased that he is sponsoring this legislation.

Senator ROCKEFELLER is also an original cosponsor of this bill. As chairman of the National Commission on Children he issued a major report—"Beyond Rhetoric: A New American Agenda for Children and Families"—on improving the health, security and well-being of America's future. This bill focuses on many of the themes in that important report.

I am very pleased to be joined by Senator JEFFORDS in this effort. This united Vermont bipartisan support will help get this bill enacted into law. I look forward to working with Senator JEFFORDS as this bill progresses through the Congress.

I have already received letters of support for the bill from the American Academy of Pediatrics, the American Heart Association, the American Cancer Society, the Children's Defense Fund, Public Voice for Food and Health Policy, the Center for Science in the Public Interest, the Food Research and Action Center, and others.

An ounce of prevention is indeed worth a pound of cure—good nutrition can lead to dramatically lower health care costs and can represent a major force in preventing or reducing the incidence of major chronic diseases.

Proper diet can greatly reduce the incidence of America's biggest killers—heart disease, stroke and cancer.

Real reform of the health care system must begin with our children and with prevention. Teaching them to eat right—teaching them the link between good nutrition and good health—is a lesson they will carry with them for the rest of their lives.

In a letter regarding this bill, Hillary Rodham Clinton praised this approach to reducing health costs. She noted that "[t]he Better Nutrition and Health for Children Act is an example of the kind of leadership and cooperation it will take to be successful in reforming our health care system."

The School Lunch Program should set the right example for proper eating habits. The Surgeon General's Report on Nutrition and Health noted—"For the two out of three adult Americans who do not smoke or do not drink excessively, one personal choice seems to influence long-term health prospects more than any other: what we eat."

Recent scientific studies indicate that good nutrition may be more critical to cognitive development than was formerly thought. At a recent congressional seminar sponsored by Tufts University Dr. Ernesto Pollitt, professor of pediatrics, University of California at Davis, noted that even moderate undernutrition can have lasting effects on the cognitive development of children.

He noted that iron deficiency anemia is associated with poor intellectual development and that anemia affects 20 percent of low-income children under 2 years old.

At the same meeting, Dr. Deborah Frank, professor of pediatrics at Boston University, explained how nutritional deficiencies can be a major factor in infants that fail to thrive. She has firsthand experience in this regard since she operates the Failure to Thrive Clinic at Boston City Hospital.

Dr. Larry Brown, director, Center on Hunger, Poverty and Nutrition Policy of Tufts University and Laura Sherman, director of the Nutrition-Cognition Initiative, will sponsor additional seminars for congressional staff to assist in the reauthorization process.

I want to thank several Vermonters who provided me with valuable input in drafting this bill. For example, Dr. Richard Narkewicz, former president of the American Academy of Pediatrics, has provided me with the evidence over the years to demonstrate how well WIC works. I appreciate his strong support of this bill.

Dr. Joe Hagan, president of the Vermont chapter of the American Academy of Pediatrics, has been extremely helpful, and I look forward to working with him and the academy.

Mike Scarpone, executive director of the Vermont Heart Association, was one of the earliest supporters of this health prevention effort. He, and the American Heart Association, continue to offer their considerable support for moving this bill forward.

Title I of the Better Nutrition and Health for Children Act implements the President's goal of full funding for WIC. Many Members of this body, and the other body, have been working toward fully funding the WIC Program for years. Senator BUMPERS, as chairman of the Appropriations Subcommittee with jurisdiction over WIC, has worked hard to increase funding for the program—as have many other Members.

The title would increase the benefits of the Special Supplemental Food Program for Women, Infants, and Children by allowing all eligible low-income and at-risk women and children to participate. In addition to the nutrition and health benefits WIC brings to participants, full funding of WIC results in significant savings in other Federal programs.

A USDA report showed that "for every dollar spent on the prenatal component of the WIC Program, the associated savings in Medicaid costs for illnesses beginning in the first 60 days after birth ranged from $1.92 to $4.21 for newborns and mothers and from $2.98 to $4.75 for newborns only."

Yet a 1991 GAO report concluded that only 55 percent of pregnant women eligible for WIC participate.

The WIC title of this legislation provides mandatory spending, in addition to regular appropriations otherwise available for WIC, to help ensure that the WIC Program reaches full funding status at the end of fiscal year 1996 and then remains at full funding levels, as the President has pledged. The bill language is taken from the President's bill on health care and it contains a unique approach to funding for WIC.

Under the President's budget submitted earlier this year, the President set forth a path to full funding that included an appropriations level of $3.564 billion in fiscal year 1995. The next step along that path is a funding increase of about $350 million for WIC in fiscal year 1995, the same level of increase as Congress provided for fiscal year 1994.

This legislation proposes that appropriations reach the $3.564 billion level in the President's budget for fiscal year 1995, and maintain that level in subsequent years adjusted for inflation. If discretionary appropriations are made according to those targets, then additional mandatory spending will become available to provide the remaining amounts estimated to be needed to reach full funding at the end of fiscal year 1996 and remain at full funding levels after that.

Under this provision, the Secretary of the Treasury is required to credit to a special fund of the Treasury $254 million for fiscal year 1996, $407 million for fiscal year 1997, $384 million for fiscal year 1998, $398 million in fiscal year 1999, and $411 million for fiscal year 2000.

These funds are for use solely in the WIC Program and shall be paid to the Secretary of Agriculture for that purpose. However, the funds will become available for use in WIC in any fiscal year only if discretionary appropriations for that year are at least equal to the $3.564 billion level for fiscal year 1995, adjusted for inflation. The sum of the discretionary appropriations levels and mandatory funding amounts equals the total needed to serve all eligible program applicants in each respective year through the year 2000.

Many groups have been supportive of making WIC a mandatory program and I appreciate their efforts. I wish to note that Bread for the World has led the charge in the fight to fully fund the WIC Program. Once again they will do a nationwide offering of letters regarding making WIC available for all those in need. This national grassroots show of support will be very helpful in getting this bill passed.

Bread for the World's president, David Beckman, and their domestic hunger analyst, Barbara Howell, deserve a great deal of praise for their steadfast efforts.

The National Association of WIC Directors has also been in the forefront in this fight. I look forward to working with their president, Mary Kassler of Massachusetts and their executive director, Doug Greenaway, on reauthorization issues. This bill already contains several of their recommendations.

I would also like to thank Gerri Henchy of FRAC for her efforts in improving the WIC Program and providing me with advice and counsel.

Also, I wish to thank the Center for Budget and Policy Priorities for all their support over the years regarding the WIC Program. Bob Greenstein, Ellen Nissenbaum, and Stefan Harvey have played a major role in helping to get additional funding for WIC over the years.

In addition to full funding, the title covers another important WIC issue: breastfeeding promotion. Section 102 encourages good nutrition for children from the beginning of their lives by encouraging breastfeeding among mothers enrolled in WIC. It follows from the recommendations of the Department of Health and Human Services, which lists one of its Healthy Children 2000 National Health Promotion and Disease Prevention Objectives as increasing the number of new mothers who breastfeed their children to at least 75 percent for the early postpartum period and to at least 50 percent for babies less than 6 months old.

The health benefits of breastfeeding have been fully documented and include the immunological effects of breastmilk which cannot be duplicated in formula. Breastfeeding rates are especially low among low-income mothers, 32 percent compared with 54 percent for all mothers.

This bill expands the breastfeeding promotion program for WIC participants to $16 million per year, restoring the ratio of spending that was intended when the breastfeeding program was initiated.

It also begins to track breastfeeding in WIC by adding breastfeeding rates and expenditures to the list of items to be included in biennial reports from the States to the Secretary. Such statistical data is essential in evaluating both the cost and success of the WIC breastfeeding promotion program. We will be working with many groups regarding breastfeeding promotion. I want to thank Minda Lazaroff who has provided valuable counsel on this issue over the years. In addition, Dr. Sandra Huffman of NUTURE has played a lead role regarding this important issue.

With respect to all the WIC issues I will be working with Donna Bister of the Vermont WIC Program.

Section 103 of the bill promotes consumption of fresh produce among low-income individuals and families while helping farmers' markets. Over 400,000 people participate in the highly successful WIC Farmers' Market Program in 11 States. Fruits, vegetables, and other farm products provide a healthy supplement to the dairy products, juices, and fortified cereals included in the WIC package. Other States would join the program if Federal matching funds were available.

The bill increases Federal funding for the WIC Farmers' Market Program to $10.5 million in 1995, $12.5 million in 1996, $15 million in 1997, and $18 million in 1998. This should more than double the number of participating States. In addition, it reduces the State match required for participation in the WIC Farmers' Market Program from 30 to 25 percent. This will allow States to remain in the program and encourage others to join.

The bill permits States to use up to 3 percent of total program funds for farmers' market development in areas which have limited access to locally grown fruits and vegetables or to promote the participation of farmers who are disadvantaged, located in very rural areas or who operate small-scale farms. This will help expand the program, benefiting more WIC participants as well as low-income farmers.

Finally, the bill requires USDA to promote the use of farmers' markets by recipients of all Federal nutrition programs administered by the Department and requires annual reports on those efforts. For example, making it possible to use food stamps at farmers' markets would both help the food stamp family and the farmers' markets where they shop.

The success of the WIC Farmers' Market program gives evidence that introduction of more low-income individuals and families to fresh fruits and vegetables can have a positive effect on nutrition and eating habits.

The National Association of Farmers' Market Nutrition Programs has become a potent force in assisting farmers' markets. I appreciate their detailed input and look forward to working with their board members.

Another Vermonter, Mary Carlson, is now treasurer of that organization. Mary Carlson has been very helpful to me over the years in understanding how legislation that we pass actually impacts at the local level.

Section 104 of the bill makes some technical changes and one name change. At the request of the National Association of WIC Directors, with whom I recently met, the bill proposes that the name of the Special Supplemental Food Program for Women, Infants and Children be changed to the Special Nutrition Program for Women, Infants and Children.

Title II of the bill expands the Special Milk Program by requiring USDA to reimburse schools for milk that elementary schools provide to children in schools where 60 percent or more of the children are from low-income families. This will permit children bringing bag lunches to get milk and will also permit other children in the school to get a second half-pint of milk.

I had lunch with grade school students at the Brent school in Washington recently. One complaint I heard is they could not get a second milk. The expansion of the Special Milk program will address this problem.

This provision is very well targeted to low-income children who have to rely all too often on schools to provide them with nutritious foods.

The title is also designed to ensure that more children from low-income families have the opportunity to eat a nutritious breakfast. Children who start the day hungry jeopardize not only their health, but also their ability to learn.

A 1987 study conducted by physicians and researchers from universities in Boston found that low-income elementary school children participating in the school breakfast program showed an improvement in standardized achievement test scores and a tendency toward improved attendance rates and reduced tardiness.

Unfortunately, over 40 percent of schools which offer school lunch do not offer breakfast, leaving almost two-thirds of low-income children without the benefit of this important school meal.

The Food Research and Action Center has taken a lead role on school breakfast and summer food service expansion. Their "School Breakfast Score Card" highlights the States who have done a good job in starting breakfast programs, and those States who need to improve. They also recommended detailed legislative changes.

I want to commend Rob Fersh, executive director, Ed Cooney, deputy director, Ellen Teller, and Mike Haga of FRAC for the leadership they are providing on breakfast and summer food service expansion. I know that Michelle Tingling-Clemmons and Ann Kittlaus worked hard on this year's score card and I appreciate all their efforts.

Title II will promote and market the school breakfast program to enhance its image and expand participation by schools and students.

The bill will increase funding for school breakfast start-up grants from the current $5 million to $7 million in 1994 and $9 million each year from 1995 through 1998. These grants help offset the initial costs of setting up a breakfast program and have been highly successful in encouraging schools to participate.

For example, Vermont schools have received over $300,000 in grants to establish breakfast programs under provisions included in the last reauthorization bill reported out of the committee in 1989.

The Food Research and Action Center has twice honored Vermont by listing Vermont as one of the top 10 States in terms of increases in participation. I know that the local CAP agencies in Vermont have done a great job in encouraging schools to participate in the program.

Also Josephine Busha, child nutrition director for Vermont, has been very helpful over the years in getting additional schools in the breakfast program.

The bill language will assist States in expanding existing school breakfast programs by designating up to $3 million from the allocation for start-up grants in 1995 and 1996, and up to $4 million in 1997 and 1998 to be used for that purpose. Many existing school breakfast programs need additional resources to improve their programs and serve additional students.

The bill seeks to improve choices offered in school breakfasts by permitting schools to serve low-fat yogurt, protein fortified if needed, as an alternative for eggs, meat, peanut butter or other meat alternatives in school breakfast and lunch. Under current USDA regulations, schools are not allowed to serve yogurt as a reimbursable portion of a meal, a meal for which the school gets a USDA payment.

Since yogurt is a good source of minerals, vitamins, and protein the USDA ban on reimbursing schools for serving yogurt should be changed. Schools should have this choice. Indeed, the Surgeon General's Report on Nutrition and Health explained that dairy products are an essential source of protein, minerals, and vitamins for children. However, the Surgeon General recommended that children over age 2 consume low-fat dairy products.

The title also provides for integrating nutrition education into school curricula. In their letters of support the American Cancer Society and the American Academy of Pediatrics were very supportive of this idea.

The American Cancer Society noted they were:

> * * * particularly encouraged by the inclusion in the bill of USDA grants to integrate nutrition education into the health education curriculum in grades K-12 and to provide better training for school food service personnel. Education and health are interdependent systems.

In this respect the bill increases the authorization for the Nutrition Education and Training Program to $30 million per year. I am particularly thankful for the input provided by Alison Gardner, NET director of the Vermont health department, regarding NET and other programs.

In this regard, I want to thank the American School Service Association for their detailed recommendations for child nutrition reauthorization. I look forward to working with them and president Dorothy Caldwell on reauthorization.

I also look forward to working with the Vermont School Food Service Association and their president Marilyn

Edwards. This bill introduction is the beginning of the process of improving the school lunch and other child nutrition programs.

I recognize that some of the recent rhetoric has caused concerns. This bill puts its money where its mouth is—enacted it will greatly assist in helping schools do their job. Most of the funding required by this bill would go to improving school food programs. The bill provides $170 million a year more for grade school lunch programs, $40 million a year more for fruits and vegetable purchases, $35 million more for low-fat dairy products, and $10 million more for lean meats.

It allows schools to buy whatever type of fluid milk they think is appropriate. It funds after school snack programs at schools. It greatly expands the Special Milk Program. It increases the minimum SAE, State administration expense, grant levels, and provides additional SAE funds.

The bill includes many ideas recommended by ASFSA and I thank them for their efforts. I will be working closely with Kevin Dando, ASFSA manager of government affairs, and Marshall Matz, ASFSA counsel, Marilyn Hurt, the chair of the ASFSA legislation committee, and Barbara Borschow, the executive director of ASFSA, on this reauthorization effort.

While further progress should be made—we must recognize that significant improvements have been made in the quality of school lunches. Further, ASFSA working together with USDA can get the job done.

A recent USDA report notes that "in 44 percent of schools students can select at least one National Lunch Program lunch that meets the goal of 30 percent or less of calories from fat." This does represent significant progress.

This title clarifies the authority of schools to ban food which compete against the School Lunch Program—it does not ban those products. It allows the local schools to ban them. Because of litigation in the early 1980's there is some confusion over the authority of schools to ban these competitive foods. This bill would confirm the local authority to control what foods are sold in the schools on school property.

To be more precise the bill expressly permits schools, at their option, to go beyond Federal requirements and ban the sale of junk food and soft drinks anywhere on school grounds at any time during the day. Federal regulations state only that certain foods cannot be sold in the cafeteria during lunch, but this has been misunderstood as permitting the sale of such food at other locations and times. This clarification should help promote the sale of fruit, fruit juices, milk, and other foods of nutritional value in vending machines.

Title III of the bill makes a number of important improvements in school lunch and related programs. One major goal is to bring school lunches in line with the Government's own nutrition guidelines by first, reducing dietary fat intake to an average of 30 percent of calories and reducing average saturated fat intake to less than 10 percent of calories; second, increasing consumption of dietary fibers; third, reducing the consumption of sodium and sugars; and fourth, increasing consumption of fruits and vegetables.

In a recent proclamation President Clinton noted that, "[t]here is no longer any question that diet is related to good health, and school meal programs should meet the Dietary Guidelines for Americans so that children get nutritious meals." The President also points out that school lunches also teach children good dietary habits.

The American Heart Association notes that,

> It seems incomprehensible that the federal government can set dietary recommendations for the nation and then ignore those recommendations when it comes to operating the child nutrition programs.

The American Cancer Society notes that they are "pleased to see" that the bill—

> Will require that school meals subsidized by the US Department of Agriculture be consistent with the Federal Government's nutrition guidelines. Evidence indicates that people may reduce their disease risk by observing these nutrition guidelines.

The American Academy of Pediatrics makes a similar point by noting that the bill will improve nutrition by "requiring the menus for the school lunch and school breakfast programs to comply with recommended dietary guidelines * * *"

The National School Lunch Program provides lunch to 25 million children each day, with over half the lunches served to low-income children. That represents an opportunity to make a lasting difference in the nutrition and health of children.

A study by Public Voice for Food and Health Policy found that over one-half of children eat less than one serving of fruit a day and one in five eat less than one serving of vegetables a day.

The bill establishes a national pilot program to assist schools in offering additional choices of fruits and vegetables in the School Lunch Program, and provides funding of $40 million in each of fiscal years 1995, 1996, and 1997 for the pilot program. Priority may be given to schools located in very rural areas, those which rarely offer three servings of fruits or vegetables per meal, or those which purchase a significant portion of their fruits and vegetables from farmers who are disadvantaged or operate small farms.

While the Government cannot force children to eat foods they do not like, providing increased choices to children should increase the likelihood that they find a fruit or vegetable they do like to eat.

The farm bill included the Organic Foods Production Act which defined the term organically produced agricultural products.

This bill provides $2 million per year for USDA to purchase or assist schools which want the assistance in purchasing organically produced agricultural products, such as fruits, vegetables, grains, emats, poultry, and dairy products. As interest in organic foods grow nationwide, many schools have expressed an interest in offering these items. The provision also provides a market for farmers who wish to employ organic methods.

The bill gives a priority to schools which purchase such products from farmers who are disadvantaged, located in very rural areas, or who operate small-scale farms. The bill also establishes an information clearinghouse to collect and provide to schools information on where to obtain organic products.

The Center for Science in the Public Interest noted that:

> Although the amount of money that the bill provides schools to purchase organic foods is modest, your bill is a step in the right direction toward implementing the USDA, EPA, and FDA's recent recommendations concerning farming with fewer pesticides. Moreover, it shows farmers and the public that there is a real market for food grown without synthetic chemicals.

To help schools meet the nutrition guidelines, the bill instructs the Secretary to improve the nutritional quality of entitlement commodities provided to schools. It also requires that nutritional information be provided to schools regarding such commodities. This will help school service personnel in preparing nutritious meals which include commodities.

The Center for Science in the Public Interest and Public Voice for Food and Health Policy has strongly supported such a labeling requirement.

The bill also establishes a national pilot program to provide schools with low-fat dairy products and lean meats. Provides funding for the purchase of $35 million in low-fat dairy products and $10 million in leaner meats for each of fiscal years 1995 through 1997, along with the $40 million a year worth of fruits and vegetables. This should help schools meet targets for fat content in school meals.

Title III also encourages milk consumption by expanding eligibility for participation in the Special Milk Program to elementary schools in which 60 percent or more of children in the School Lunch Program receive free or reduced price lunches, and to any schools that participate in the School Breakfast Program but not the School Lunch Program. This change will provide free milk to those children who bring bag lunches to school, as well as additional milk to those eating school lunches.

It promotes the consumption of low-fat milk by eliminating the whole milk requirement for school lunch programs. This is based on a bill introduced by Senator LUGAR and allows schools to choose what types of milk to offer children. Under current law schools must offer both whole milk and low-fat milk.

Many schools would prefer to offer low-fat milk, helping to reduce fat intake among children. The choice should be theirs. For example, Marilyn Edwards, the president of the Vermont School Food Service Association, stated: "I strongly support the elimination of the whole milk requirement.* * *"

The bill also educates parents concerning the importance of nutrition for good health by funding parent-student education programs and programs to encourage parents to visit the school lunch program with their children. Educating parents will help them reinforce at home the nutrition lessons children learn at school.

The idea of inviting parents to participate in the lunch program was practiced at Barre Town Elementary School. The Chef Dale Conoscenti would encourage parents to have lunch with their children at school.

While Dale is now with Ben & Jerry's of Vermont he is advising individual schools in how to improve their meals programs. I am very pleased that Dale is still active in this area and that he continues to live in Montpelier, VT. He has his own company, Kids' Inc., which consults with schools and hospitals. Dale visits the lunch programs and examines their facilities and systems and recommends ways to make the lunch program healthier.

He is also going video with his message—he is working with Kulinary Kids on the production of a series of educational and instructional videos. These instructional videos could assist schools in improving their own lunch programs.

The bill also requires that the USDA menu cards be updated. Dale Conoscenti has felt for some time that these cards are out of date. Dale has also urged that the commodities supplied by USDA should have nutritional content labels and should be low in fat and sodium.

In order to assess the success of these initiatives, the bill also requires the USDA to report in 3 years on the impact of increasing fruits and vegetables in the school lunch program; the means by which the USDA has encouraged the consumption of healthy low fat, reduced fat, low sodium, and high fiber foods; and the steps that have been taken to reduce the fat, sodium, or sugar content of commodities donated to schools.

The bill also focuses on the Summer Food Service Program. Many of the provisions in this section are based on advice from Julie Staub who is executive director of the Vermont Campaign to End Childhood Hunger.

Her assistance has been invaluable in terms of making improvements in this Summer Food Program. The bill expands the program so that more low-income children who get school lunch and breakfast can receive meals in the summertime.

Summer food service participation is very low compared to participation in the School Lunch Program. Nationwide only 15 percent of the targeted population is being reached by this program. Barriers to participation include initial start-up costs and the cost of bussing children to summer food sites in very rural areas.

Mike Haga of the Food Research and Action Center and Julie Staub have been very helpful in providing specific legislative ideas on the summer food service program.

This section broadens the eligibility for participation in the Summer Food Service Program by lowering the standard for an area in which poor economic conditions exist from one in which 50 percent of the children live below 185 percent of the poverty level to 40 percent. Many poor children are currently denied the opportunity to receive summer meals because they do not live in large pockets of poverty.

It allow for increased participation by private nonprofit organizations in the summer food program by expanding limits on the number of sties they can operate and the number of children they can serve. It also permits them, with approval of the Secretary, to obtain meals from a vendor under the same terms and conditions as other service institutions. Increased participation by nonprofit organizations will help the summer food program reach more children, especially in areas which are currently underserved.

In order to help address the special problems of offering summer food programs in very rural areas, the bill increases reimbursement rates for the transportation costs of busing children to and from schools to eat in those areas. Summer Food Service Program participation is currently very low in these areas because of the added transportation costs. I know that in Vermont participation is very low—but this bill should greatly help.

The bill provides at least $2 million per year in Federal funding for grants to help States defray the costs of setting up additional Summer Food Service Program sites. Similar start-up grants have been highly successful in promoting expansion of the School Breakfast Program. Priority will be given to States with the lowest current participation and the greatest need. In a October 26, 1993, letter Marilyn Edwards of the Vermont School Food Service Association pointed out her support for provisions covering the start-up and transportation costs for summer food service programs.

Sections 312 and 313 of the Better Nutrition and Health for Children Act focus on reaching needy children in child care and after-school programs. Department of Agriculture programs provide meals and snacks to children while they are in child care—including Head Start—or after school programs, supplementing the nutrition they receive the rest of the day.

The bill expands participation in the Child and Adult Care Food Program by allowing for-profit centers to be eligible if 25 percent or more of the children they serve meet the guidelines for free- or reduced-price school meals. This would expand a very successful two-State pilot project—now in Iowa and Kentucky—to all 50 States. This expansion is support by both the chair and ranking minority member of the Nutrition and Investigations Subcommittee.

The bill also improves the implementation of the Child and Adult Care Food Program start-up and expansion funds to promote such programs in rural and low-income areas, and permits the use of CACFP expansion funds to conduct outreach to unlicensed day care homes and to enable the day care homes to become licensed and to participate in the program. This will help expand the program precisely in those areas where it is most needed.

The bill improves coordination among programs serving the same populations by requiring center based Child and Adult Care Food Program sponsors to inform parents of low-income children enrolled in their program that they may be eligible for Medicaid and WIC coverage. Children participating in this program are most likely eligible for those other Federal benefits as well.

And it allows children in after-school care to be automatically eligible for free or reduced price meal supplements if they are certified as eligible for free or reduced price meals. Those children necessarily meet CACFP eligibility guidelines, so this provision reduces the duplication of paperwork and removes a possible barrier to participation.

The bill addresses the situation of pre-school age children living in homeless shelters. GAO reports that 25,000 children under age 6 live in homeless shelters. These children are at nutritional risk and often go hungry while their older brothers eat in school. The homeless preschool projects feed them meals that the USDA reports are "more balanced, more nutritious, and more frequently included fresh fruit, milk, vegetables and full-strength juices" than they would otherwise receive.

This bill will expand the homeless preschool projects which are currently just demonstration projects funded from leftover administrative expense funds not used by States. The legislation provides a stable source of guaranteed funding in the amounts of $4 million in 1995, $5 million in 1996, $8 million in 1997, and $10 million in 1998. And it requires the Secretary to report on how the program can be further expanded to serve more eligible children.

I must commend the Archdiocese of Philadelphia and the Nutritional Development Services for the way in which they have implemented the homeless demonstration projects in Philadelphia. They have truly set the right model for the rest of the Nation.

I want to especially thank two people who have played a major role in the success of these programs that feed homeless children: Patrick Temple-West, director of Nutritional Development Services, and Bonnie Baehr, assistant director for operations. Their dedication and hard work have been remarkable.

My staff has twice conducted on-site reviews of the program in Philadelphia and has reported back that it is operating extremely well.

I am looking at additional ways to eventually reach all homeless children with this program. One possibility is to integrate the homeless preschool project into the existing Child and Adult Care Food Program. This idea will be carefully reviewed during the upcoming hearing process.

Another project that has worked extremely well in Philadelphia is that alternate counting and certification projects. These programs provide universal meals at no charge and do so without additional Federal funding.

These programs greatly reduce paperwork and increase school lunch participation. My staff visited the Strawberry Mansion High School in Philadelphia and was quite impressed with how well these alternatives were working. My staff met with Pat Birkenshaw and Jane Thorne of the Pennsylvania Department of Education, and with acting principal Karen Del Guercio and with Tom McGlinchy, the food service director. It is my intention to keep these projects running.

The Better Nutrition and Health for Children Act also aims to improve understanding of proper nutrition among children and to train parents and school staff in child nutrition. Child nutrition programs should not only provide nutritious meals to kids when they are in school, but should also teach them about good nutrition. Nutrition education will assist them in making positive choices about what they eat both in and out of school so they will grow into healthy adults.

The bill provides grants to State educational agencies and local schools through the Nutrition Education and Training [NET] program, including programs which: First, include a nutrition component in the health education curriculum offered kindergarten-12th grade; second, instruct teachers and other school staff on how to promote better nutritional health and motivate children to practice sound eating habits; third, develop ways to provide education and children and their families through after-school programs; fourth, provide training in relation to healthy and nutritious meals; fifth, create instructional programming for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the food guide pyramid; sixth, fund aspects of the Strategic Plan for Nutrition Education release by the Department of Agriculture; and seventh, encourage public service advertisements to promote healthy eating habits for children.

It requires the Secretary to develop and make available public service advertisements to promote healthy eating habits for children.

And the bill also instructs the Food Service Management Institute and other institutions to train food service personnel to comply with the USDA's nutrition guidance, and assists state education departments in providing additional nutrition and health instruction and instructors.

In addition, the bill requires the USDA to revise its published menu planning guides to include guidance regarding the consumption of fat and saturated fat.

Finally, the bill looks ahead to the future of nutrition education. It provides for competitive grants of between $100,000 and $300,000 per year through 1998 in three States to non-profit educational organizations to create and demonstrate food and nutrition projects which are fully integrated with elementary school curricula.

The selected nonprofits will assist in teaching sustainable agricultural practices and ecology through practical applications, such as gardening. These programs will teach children the interaction between the environment, agriculture, and good nutrition.

These demonstrations like the Common roots projects in Vermont can provide models for teaching nutrition education in the future. I would like to thank Jack Peduzzi and Joseph Keifer of the Vermont Food Works for their ideas in this area.

The bill also makes administrative improvements so child nutrition programs work better. These changes will help reduce paperwork, improve program management, and facilitate access for eligible low-income children.

The bill increases minimum funding for State administrative expenses related to child nutrition programs from $100,000 to $175,000. The current minimum, which is received by small States, is inadequate for program administration.

The bill also calls for USDA to conduct a pilot project in at least 25 school districts to test the acceptability of milk—whole, lowfat, and skim—which contains additional calcium and protein. The Healthy People 2000 recommendations of the Secretary of Health and Human Services, the Surgeon General's Report on Nutrition and Health, and the National Academy of Sciences Report on Diet and Health stress the importance of calcium. A report would be required in 2 years and the pilots would terminate in 3 years so that Congress could then use the information in working on the next reauthorization of child nutrition programs.

The bill ensures the privacy of information on a child's eligibility for free or reduced price school meals, while permitting the use of such information to demonstrate eligibility for other means-tested government programs. This will help reduce duplication of paperwork when a child applies for participation in several programs with similar eligibility standards.

It also allows children enrolled in Head Start to be considered automatically eligible for a free lunch and breakfast. This eliminates duplication of paperwork, since children who are eligible for Head Start necessarily meet the income guidelines for free school meals.

The bill establishes a single rate for operational and administrative costs in payments to service institutions participating in the Summer Food Service Program, with a maximum of 12 percent of total reimbursement to be spent on administration, and adjusts payments annually in accordance with changes in the Consumer Price Index.

The bill permits children participating in the summer food program which has on-site food preparation to refuse one food item that they do not intend to consume without lowering Federal reimbursement levels. This will reduce food waste and is similar to provisions in the School Lunch Program.

In addition, it requires the Secretary to submit a report analyzing the coordinated review system established under the School Lunch Act, its advantages and disadvantages, and its cost to schools.

I also wish to mention that I look forward to working with the American Commodity Distribution Association and their president, Katherine Miller, in terms of reauthorization issues. I will be carefully reviewing their recommendations during this process and would like to note that it already includes several of their proposals.

Finally, the Better Nutrition and Health for Children Act addresses anticompetitive activities in order to prevent price-gouging and bid-rigging in child nutrition programs, including school lunch and breakfast and WIC.

During the past several years, the Antitrust Division of the U.S. Department of Justice has filed over 100 criminal cases against persons and companies accused of bid-rigging, price-fixing, and similar activities involving dairy products sold to schools of the Department of Defense. As of

March 1992, the Secretary of Agriculture had neither suspended nor debarred any of the 13 dairy companies of 28 individuals convicted of milk-contract bid-rigging from participating in the school lunch or breakfast programs.

Effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools. Reducing the incidence of these anticompetitive activities could save school districts, parents, and taxpayers millions of dollars per year.

For these reasons, title IV of the bill provides training and technical assistance to States and local agencies in identifying and preventing anticompetitive activities in conjunction with child nutrition programs, and instructs the Secretary to cooperate with the Attorney General and State attorneys general regarding investigations of anticompetitive activities in conjunction with these programs.

It establishes guidelines and a timetable for the Secretary to consider debarment of contractors for committing various criminal or civil offenses, and establishes mandatory child nutrition program debarment periods.

Last, title IV provides grants totaling $4 million per year to States to assist in prevention and control of anticompetitive activities relating to child nutrition programs. This investment in prevention of fraud will save more taxpayer dollars in the future.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Nutrition and Health for Children Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SPECIAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Sec. 101. Full funding for WIC.
Sec. 102. WIC breastfeeding promotion.
Sec. 103. Expansion of WIC farmers' market program.
Sec. 104. Technical amendments.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. Providing milk to low-income children.
Sec. 202. Elimination of cost basis for severe need reimbursement.
Sec. 203. Low-fat yogurt as an allowable choice.
Sec. 204. Promotion of school breakfast program.
Sec. 205. Startup costs for school breakfast program.
Sec. 206. Expansion of school breakfast programs.
Sec. 207. State administrative expenses.
Sec. 208. Clarification of authority to ban junk foods.
Sec. 209. Nutrition education and training program.

TITLE III—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 301. Elimination of whole milk requirement.
Sec. 302. Low-fat yogurt as an allowable choice.
Sec. 303. Reports on increasing consumption of healthy foods in school lunches.
Sec. 304. Information to parents concerning importance of nutrition.
Sec. 305. Income guidelines for free lunches served to elementary school students.
Sec. 306. School flexibility.
Sec. 307. Automatic eligibility of Head Start participants.
Sec. 308. Special assistance payments.
Sec. 309. Promotion of healthy eating habits for children.
Sec. 310. Organic foods.
Sec. 311. Food and nutrition projects.
Sec. 312. Summer food service program for children.
Sec. 313. Commodity distribution program.
Sec. 314. Child and adult care food program.
Sec. 315. Meal supplements for children in afterschool care.
Sec. 316. Demonstration projects to improve food service for homeless children.
Sec. 317. Pilot program to increase offerings of fruits and vegetables.
Sec. 318. Pilot program to increase consumption of low-fat dairy products and lean meats.
Sec. 319. Pilot projects for fortified fluid milk; information on fortified milk.
Sec. 320. Food service management institute and other institutions.
Sec. 321. Compliance and accountability.
Sec. 322. Nutrition guidance for child nutrition programs.
Sec. 323. Information clearinghouse.

TITLE IV—PROGRAM INTEGRITY

Sec. 401. Findings.
Sec. 402. Duties of the Secretary relating to anticompetitive activities.
Sec. 403. Prevention and control of anticompetitive activities.

TITLE V—EFFECTIVE DATES

Sec. 501. Effective dates.

TITLE I—SPECIAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

SEC. 101. FULL FUNDING FOR WIC.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "authorized" and inserting "established"; and

(B) by striking ", up to the authorization levels set forth in subsection (g) of this section,";

(2) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking "may" and inserting "shall"; and

(B) in paragraph (2), by striking "appropriated" and inserting "made available";

(3) in subsection (g)—

(A) by striking paragraph (1) and inserting the following new paragraph:

"(1)(A) There are authorized to be—

"(i) appropriated to carry out this section such amounts as are necessary for each of fiscal years 1995 through 2000; and

"(ii) made available such amounts as are necessary for the Secretary of the Treasury to fulfill the requirements of subparagraph (B).

"(B)(i) For each of fiscal years 1996 through 2000, the Secretary of the Treasury shall credit to a special fund of the Treasury an amount equal to—

"(I) $254,000,000 for fiscal year 1996;
"(II) $407,000,000 for fiscal year 1997;
"(III) $384,000,000 for fiscal year 1998;
"(IV) $398,000,000 for fiscal year 1999; and
"(V) $411,000,000 for fiscal year 2000.

"(ii) Amounts in the fund—

"(I) shall be available only for the program authorized under this section, exclusive of activities authorized under subsection (m); and

"(II) shall be paid to the Secretary to carry out subclause (I).

"(iii) For a fiscal year specified in clause (i), the amount credited to the fund for the fiscal year shall be available for use in the program only if appropriations Acts for the fiscal year, without the addition of amounts provided under clause (i) for the fund, provide new budget authority for the program of no less than—

"(I) $3,660,000,000 for fiscal year 1996;
"(II) $3,759,000,000 for fiscal year 1997;
"(III) $3,861,000,000 for fiscal year 1998;
"(IV) $3,996,000,000 for fiscal year 1999; and
"(V) $4,126,000,000 for fiscal year 2000.

"(C) As authorized by section 3 of the National School Lunch Act (42 U.S.C. 1752), funds made available to carry out this section shall remain available until expended.";

(B) in the first sentence of paragraph (4), by striking "appropriated" and inserting "made available"; and

(C) in paragraph (5), by striking "appropriated" and inserting "made available";

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "appropriated" both places it appears and inserting "made available"; and

(ii) in subparagraph (C), by striking "appropriated" both places it appears and inserting "made available"; and

(B) in the first sentence of paragraph (2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1990 through 2000"; and

(5) in subsection (l), by striking "funds appropriated" and inserting "funds made available".

SEC. 102. WIC BREASTFEEDING PROMOTION.

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(1) in subsection (d)(4)—

(A) by striking "and" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the rate of breastfeeding among postpartum women participating in the program, and expenditures for breastfeeding promotion; and"; and

(2) in subsection (h)(3)(A)—

(A) in clause (i)(II), by striking "$8,000,000" and inserting "$16,000,000"; and

(B) in clause (ii), by inserting after "support activities" the following: "(including the purchase of breast pumps)".

SEC. 103. EXPANSION OF WIC FARMERS' MARKET PROGRAM.

(a) IN GENERAL.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (3), by striking "30 percent" and inserting "25 percent";

(2) in paragraph (5)(C)(ii), by inserting before the period at the end the following: ",

except that the Secretary, at the request of the State agency, may increase the amount under unusual circumstances such as a natural disaster”;

(3) in paragraph (5)(F)—

(A) in clause (i), by striking “15 percent” and inserting “17 percent”;

(B) in clause (ii), by striking “2 percent” each place it appears and inserting “3 percent”;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following new clause:

“(iii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 3 percent of total program funds for market development (including the establishment of additional farmers' markets and the improvement and expansion of participating markets) if the Secretary determines that the State intends to promote—

“(I) the development of farmers' markets in socially or economically disadvantaged areas where residents have limited access to locally grown fruits and vegetables; or

“(II) the participation of—

“(aa) socially disadvantaged farmers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

“(bb) farmers located in very rural areas (as defined by the Secretary); or

“(cc) farmers who own or operate small-scale or limited-resource farms (as defined by the Secretary).”;

(4) in paragraph (10)(A), by striking “and $8,000,000 for fiscal year 1994” and inserting “$8,000,000 for fiscal year 1994, $10,500,000 for fiscal year 1995, $12,500,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, and $18,000,000 for fiscal year 1998”; and

(5) in paragraph (11)(D), by inserting before the period at the end the following: “or any other agency approved by the chief executive officer of the State”.

(b) PROMOTION BY THE SECRETARY.—The Secretary of Agriculture shall promote the use of farmers' markets by recipients of Federal nutrition programs administered by the Secretary and shall annually report to the appropriate committees of Congress on the efforts of the Secretary to carry out this subsection.

SEC. 104. TECHNICAL AMENDMENTS.

(a) CARRYOVER FUNDS.—Section 17(i)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)) is amended by striking “1 percent” each place it appears in clauses (i) and (ii) and inserting “3 percent”.

(b) CHANGE OF NAME OF WIC PROGRAM.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

“SPECIAL NUTRITION PROGRAM FOR WOMEN,
INFANTS, AND CHILDREN”;

(B) in the first sentence of subsection (c)(1), by striking “special supplemental food program” and inserting “special nutrition program”;

(C) in the second sentence of subsection (k)(1), by striking “special supplemental food program” each place it appears and inserting “special nutrition program”; and

(D) in subsection (o)(1)(B), by striking “special supplemental food program” and inserting “special nutrition program”.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 9(c) of the Food Stamp Act of 1977 (7 U.S.C. 2018(c)) is amended by striking “special supplemental food program for women, infants and children” and inserting “special nutrition program for women, infants, and children”.

(B) Section 685(b)(8) of the Individuals with Disabilities Education Act (20 U.S.C. 1484a(b)(8)) is amended by striking “Special Supplemental Food Program for Women, Infants and Children” and inserting “special nutrition program for women, infants, and children”.

(C) Section 3803(c)(2)(C)(x) of title 31, United States Code, is amended by striking “special supplemental food program” and inserting “special nutrition program”.

(D) Section 399(b)(6) of the Public Health Service Act (42 U.S.C. 280c–6(b)(6)) is amended by striking “special supplemental food program” and inserting “special nutrition program”.

(E) Paragraphs (11)(C) and (53)(A) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) are each amended by striking “special supplemental food program” and inserting “special nutrition program”.

(F) Section 202 of the Children's Nutrition Assistance Act of 1992 (Public Law 102–512; 42 U.S.C. 1786 note) is amended by striking “special supplemental food program” each place it appears and inserting “special nutrition program”.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. PROVIDING MILK TO LOW-INCOME CHILDREN.

Section 3(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1772(a)(2)) is amended—

(1) by inserting “(A)” after “shall not apply to”;

(2) by striking “kindergarten”; and

(3) by inserting before the period at the end the following: “, (B) elementary schools in which at least 60 percent of the children participating in the school lunch program authorized under the National School Lunch Act (42 U.S.C. 1751 et seq.) are eligible for free or reduced price lunches, or (C) schools that do not participate in the school lunch program but that participate in the school breakfast program authorized under this Act”.

SEC. 202. ELIMINATION OF COST BASIS FOR SEVERE NEED REIMBURSEMENT.

Section 4(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(d)) is amended—

(1) in paragraph (1)(B), by striking “, and in which” and all that follows through “program”; and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) If at least 40 percent of the students at a school who participate in the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) are eligible to receive meals at free or reduced prices, the school shall be entitled to receive the meal reimbursement rate specified in subsection (b)(2).”.

SEC. 203. LOW-FAT YOGURT AS AN ALLOWABLE CHOICE.

Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended by adding at the end the following new sentences: “The Secretary shall permit schools to offer low-fat yogurt as an alternative for eggs, meats, or other meat alternatives in the school breakfast program. The Secretary may require that the yogurt be enriched with proteins or other nutrients.”.

SEC. 204. PROMOTION OF SCHOOL BREAKFAST PROGRAM.

Section 4(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f)(1)) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) In cooperation with State educational agencies, the Secretary shall establish a program to promote the school breakfast program by—

“(i) marketing the program in a manner that expands participation in the program by schools and students; and

“(ii) improving public education and outreach efforts that enhance the public image of the program.”.

SEC. 205. STARTUP COSTS FOR SCHOOL BREAKFAST PROGRAM.

Section 4(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(g)(1)) is amended—

(1) in the first sentence, by striking “and $5,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994,” and inserting “, $5,000,000 for each of fiscal years 1991 through 1994, and $9,000,000 for each of fiscal years 1995 through 1998,”; and

(2) by inserting after the first sentence the following new sentence: “Of the amounts made available under the preceding sentence for fiscal years 1995 through 1998, not more than $3,000,000 shall be used to carry out the expansion program authorized by subsection (i) for each of fiscal years 1995 and 1996, and not more than $4,000,000 shall be used to carry out the expansion program for each of fiscal years 1997 and 1998.”.

SEC. 206. EXPANSION OF SCHOOL BREAKFAST PROGRAMS.

Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following new subsection:

“EXPANSION OF PROGRAMS

“(h)(1) With funds made available to carry out this subsection under subsection (g)(1), the Secretary shall make payments on a competitive basis to State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with expenses incurred in expanding a school breakfast program established under this section. Payments received under this subsection shall be in addition to payments to which State educational agencies are entitled under subsection (b).

“(2) In making payments under this subsection in any fiscal year, the Secretary shall provide a preference to State educational agencies that submit to the Secretary—

“(A) a plan to expand school breakfast programs conducted in the State, including a description of—

“(i) the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs; or

“(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year; or

“(B) documentation of the need for—

“(i) equipment, including the purchase, replacement, or upgrading of equipment associated with expanding the school breakfast program; or

“(ii) other needs, including a need for temporary personnel, or funds to defray administrative or other costs associated with expanding the school breakfast program.

“(3) Subparagraphs (B) and (C) of subsection (g)(2), and paragraphs (3) through (5) of subsection (g), shall apply to payments made under this subsection.”.

SEC. 207. STATE ADMINISTRATIVE EXPENSES.

Section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended—

(1) in subsection (a)(2)—

(A) in the first sentence, by inserting after “1 percent” the following: “plus $780,000,”; and

(B) in the second sentence, by striking "September 30, 1981, or $100,000" and inserting "September 30, 1993, or $175,000"; and

(2) by striking subsection (h) and inserting the following new subsection:

"(h)(1) In addition to the funds allocated pursuant to the other provisions of this section, the Secretary shall make available to each State, for administrative costs incurred for any fiscal year in connection with the distribution of commodities, an amount equal to not less than 1 percent, and not more than 1½ percent, of the value of the commodities distributed by the Secretary to each State pursuant to this Act and the National School Lunch Act (42 U.S.C. 1751 et seq).

"(2) The allocation required under this subsection shall be made to the State agency responsible for the distribution of commodities authorized under this Act and the National School Lunch Act.".

SEC. 208. CLARIFICATION OF AUTHORITY TO BAN JUNK FOODS.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (c), respectively;

(2) in subsection (b) (as so designated)—

(A) by striking "Such regulations" and inserting "(1) Except as provided in paragraph (2), the regulations"; and

(B) by adding at the end the following new paragraphs:

"(2) The regulations shall authorize State agencies and school food authorities to establish rules and policies that are more stringent than the minimum requirements imposed by the Secretary, including prohibiting or controlling the sale of any competitive foods throughout the school campus at any time during the school day.

"(3) The Secretary shall develop and recommend to each State agency and school food authority model language that bans the sale of competitive foods of minimal nutritional value anywhere on school grounds before the end of the last lunch period.".

SEC. 209. NUTRITION EDUCATION AND TRAINING PROGRAM.

(a) USE OF FUNDS.—Section 19(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(f)(1)) is amended—

(1) by striking "for (A) employing" and inserting "for—

"(A) employing";

(2) by indenting the margins of each of subparagraphs (B) through (I) so as to align with the margin of subparagraph (A) (as amended by paragraph (1));

(3) by striking "and" at the end of subparagraph (H);

(4) by redesignating subparagraph (I) as subparagraph (Q); and

(5) by inserting after subparagraph (H) the following new subparagraphs:

"(I) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(J) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children to practice sound eating habits;

"(K) developing means of providing nutrition education to children and families of children through after-school programs;

"(L) training in relation to healthy and nutritious meals;

"(M) creating instructional programming for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the food guide pyramid established by the Secretary;

"(N) funding aspects of the Strategic Plan for Nutrition and Education issued by the Secretary;

"(O) increasing evaluation efforts at the State level regarding needs assessment for nutrition education efforts;

"(P) encouraging public service advertisements to promote healthy eating habits for children; and".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(v) $30,000,000 for each of fiscal years 1995 through 1998.".

TITLE III—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 301. ELIMINATION OF WHOLE MILK REQUIREMENT.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended by striking "fluid whole milk and fluid unflavored lowfat milk" and inserting "fluid milk".

SEC. 302. LOW-FAT YOGURT AS AN ALLOWABLE CHOICE.

Section 9(a)(2) of the National School Lunch Act (42 U.S.C. 1758(a)(2)) is amended by adding at the end the following new sentences: "The Secretary shall permit schools to offer low-fat yogurt as an alternative for meats, eggs, cooked dry beans or peas, peanut butter, or other meat alternatives in the school lunch program. The Secretary may require that the yogurt be enriched with proteins or other nutrients.".

SEC. 303. REPORTS ON INCREASING CONSUMPTION OF HEALTHY FOODS IN SCHOOL LUNCHES.

Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture shall submit to the appropriate committees of Congress—

(1) a report on the impact on the nutritional health of children of increasing the number of servings of fruits and vegetables offered or served in lunches served by schools participating in the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) from 2 to 3 servings per lunch, including—

(A) a summary of school food practices regarding offerings of fruits and vegetables during lunch; and

(B) a description of the desirability of providing an additional Federal reimbursement as an incentive to encourage schools to offer or serve 3 or more fruits or vegetables per lunch;

(2) a report on means by which the Secretary has encouraged students participating in the school lunch program to increase consumption of—

(A) fresh fruits and vegetables;

(B) fiber-rich, low-sodium, whole grains, breads, and pastas;

(C) low-fat, low-sodium soups and stews;

(D) low-fat yogurt, cheeses, and other dairy products;

(E) reduced-fat or leaner meats;

(F) low-fat salad dressings; and

(G) other similar low-fat, reduced-fat, low-sodium, or high-fiber foods; and

(3) a report on the actions the Secretary has taken—

(A) to reduce the fat, saturated fat, sodium, or sugar content of the bonus and entitlement commodities the Secretary donates to schools; and

(B) to carry out paragraph (2) of section 14(b) of the National School Lunch Act (42 U.S.C. 1762a(b)) (as added by section 313(2)(B)).

SEC. 304. INFORMATION TO PARENTS CONCERNING IMPORTANCE OF NUTRITION.

Section 9(a) of the National School Lunch Act (42 U.S.C. 1758(a)) is amended by adding at the end the following new paragraph:

"(5)(A) The Secretary shall carry out a program to assist States through grants-in-aid and other means to provide information to parents concerning the importance of nutrition for good health by carrying out parent-student education programs and programs to encourage parents to visit schools with their children to see the operation of the school lunch program established under this Act and the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(B) There are authorized to be appropriated to carry out subparagraph (A) $2,000,000 for each fiscal year.".

SEC. 305. INCOME GUIDELINES FOR FREE LUNCHES SERVED TO ELEMENTARY SCHOOL STUDENTS.

The second sentence of section 9(b)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(b)(1)(A)) is amended by inserting after "130 percent" the following: "(or, in the case of a student attending an elementary school, 185 percent)".

SEC. 306. SCHOOL FLEXIBILITY.

Section 9(b)(5) of the National School Lunch Act (42 U.S.C. 1758(b)(5)) is amended by adding at the end the following new sentences: "A State agency or local school food authority shall use information concerning the eligibility of a child for free or reduced price meals for the purpose of determining the eligibility of the child for free or reduced price meals. A State agency or local school food authority may use a determination of the eligibility of a child for free or reduced price meals to demonstrate the eligibility of the child for benefits under other Federal, State, or local means-tested programs.".

SEC. 307. AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.

Section 9(b)(6) of the National School Lunch Act (42 U.S.C. 1758(b)(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "a member of";

(B) in clause (i)—

(i) by inserting "a member of" after "(i)"; and

(ii) by striking "or" at the end of the clause;

(C) in clause (ii)—

(i) by inserting "a member of" after "(ii)"; and

(ii) by striking the period at the end of the clause and inserting "; or"; and

(D) by adding at the end the following new clause:

"(iii) enrolled as a participant in the Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.)."; and

(2) in subparagraph (B), by striking "food stamps or aid to families with dependent children" and inserting "food stamps, aid to families with dependent children, or enrollment or participation in the Head Start program".

SEC. 308. SPECIAL ASSISTANCE PAYMENTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended by striking "lunches" each place it appears in the third and fourth sentences and inserting "meals".

SEC. 309. PROMOTION OF HEALTHY EATING HABITS FOR CHILDREN.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j) The Secretary shall develop, and make available to the public, public service advertisements that promote healthy eating habits for children.".

SEC. 310. ORGANIC FOODS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 309) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary shall advise State educational agencies and schools participating in the school lunch program about the increased opportunities offered by the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.), and by programs established under this subsection, for schools to obtain organically produced agricultural products (as defined in section 2103 of such Act (7 U.S.C. 6502)) (referred to in this subsection as 'organically produced agricultural products') such as meats, poultry products, fruits, products made from grains, dairy products, and vegetables that are organically produced.

"(2) The Secretary shall—

"(A) establish an information clearinghouse to provide information on where to obtain organically produced agricultural products;

"(B) collect, obtain, or develop information regarding the availability of organically produced agricultural products; and

"(C) provide the information, or make the information readily available, to State educational agencies and schools participating in the school lunch program established under this Act or the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(3) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary $2,000,000 for each of fiscal years 1995 through 1997. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(4)(A) The Secretary shall use the funds provided under paragraph (3) to provide to States and schools participating in the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)—

"(i) organically produced agricultural products purchased by the Secretary; or

"(ii) incentive awards or other payments in such amounts as the Secretary determines appropriate to encourage the purchase of organically produced agricultural products by schools that agree to purchase significant quantities of the products.

"(B) In carrying out subparagraph (A)(ii), the Secretary may provide—

"(i) payments to schools to assist in covering the price differential between products that are not organically produced agricultural products and organically produced agricultural products;

"(ii) incentive awards to schools that agree to purchase significant quantities (as determined by the Secretary) of organically produced agricultural products during the school year; or

"(iii) other types of payments to schools to promote the use of organically produced agricultural products by school lunch and breakfast programs.

"(5) The Secretary shall report to the appropriate committees of Congress on the numbers of schools affected by the program established under this subsection and on the effectiveness of the program in encouraging the purchase of organically produced agricultural products by schools.

"(6) The Secretary may provide a priority for receiving funds under this subsection to schools that purchase organically produced products from—

"(A) socially disadvantaged farmers or ranchers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

"(B) farmers or ranchers located in very rural areas (as defined by the Secretary); or

"(C) farmers or ranchers who own or operate small-scale or limited-resource farms or ranches (as defined by the Secretary).".

SEC. 311. FOOD AND NUTRITION PROJECTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 310) is further amended by adding at the end the following new subsection:

"(l)(1) The Secretary shall award on an annual basis grants to private nonprofit educational organizations in 3 States to create and demonstrate food and nutrition projects that are fully integrated with elementary school curricula.

"(2) Each private nonprofit organization referred to in paragraph (1) shall be selected by the Secretary and shall—

"(A) assist local schools and educators in teaching food and nutrition education that integrates math, science, and verbal skills in the elementary grades;

"(B) assist local schools and educators in teaching sustainable agricultural practices and ecology through practical applications, like gardening;

"(C) assist in teaching the importance of community-based models to combat hunger;

"(D) create community service learning opportunities;

"(E) be experienced in assisting in the creation of curriculum-based models in elementary schools;

"(F) be sponsored by an organization, or be an organization, that provides information concerning hunger and community involvement; and

"(G) be able to provide model curricula, examples, advice, and guidance to school, community groups, States, and local organizations regarding means of carrying out similar projects.

"(3) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary for payment to each of the 3 private nonprofit educational organizations selected under this section not less than $100,000 nor more than $200,000 for each of fiscal years 1994 through 1998. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(4) The Secretary shall establish fair and reasonable auditing procedures regarding the expenditure of funds under this subsection.".

SEC. 312. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) DEFINITION OF AREAS IN WHICH POOR ECONOMIC CONDITIONS EXIST.—Section 13(a)(1)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(1)(C)) is amended by striking "50 percent" and inserting "40 percent".

(b) PRIVATE NONPROFIT ORGANIZATIONS.—

(1) LIMITS ON SITES AND NUMBER OF CHILDREN SERVED.—Section 13(a)(7)(B) of such Act is amended by striking clause (i) and inserting the following new clause:

"(i) serve a total of not more than 3,000 children per day at not more than 20 sites, with not more than 500 children being served at any 1 site;".

(2) VENDORS; WAITING PERIOD.—Section 13(a)(7) of such Act is amended—

(A) in subparagraph (B)(ii), by inserting before the semicolon at the end the following: ", except as provided in subparagraph (C)"; and

(B) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) A State may, with the approval of the Secretary, grant a waiver to a private nonprofit organization from the eligibility requirements of subparagraph (B)(ii) to permit the organization to obtain meals from a vendor under the same terms and conditions as other service institutions, if the State determines that other reasonable alternatives do not exist and that failure to grant a waiver will result in the lack of the establishment of a feeding site for children in the area.".

(c) SECOND HELPINGS.—Section 13(a) of such Act is amended by adding at the end the following new paragraph:

"(8) In carrying out this section, the Secretary shall issue regulations that provide an allowance for second helpings of up to 5 percent.".

(d) SINGLE RATE FOR OPERATIONAL AND ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—Paragraph (1) of section 13(b) of such Act is amended to read as follows:

"(1)(A) Except as otherwise provided in this paragraph, payments to service institutions shall equal the full cost of food service operations, including the cost of obtaining, preparing, and serving food, and administrative costs.

"(B) Payments to an institution may not exceed—

"(i) $2.2375 for each lunch and supper served;

"(ii) $1.2425 for each breakfast served; and

"(iii) 58.75 cents for each meal supplement served.

"(C) The amounts specified in subparagraph (B) shall be adjusted on January 1, 1994, and each January 1 thereafter, to the nearest ¼ cent in accordance with the changes for the 12-month period ending the preceding November 30 in the series for food away from home of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(D) Notwithstanding any other provision of this paragraph, reimbursement for administrative costs of a service institution shall not exceed 12 percent of the total reimbursement provided to the service institution under this paragraph.".

(2) CONFORMING AMENDMENTS.—Section 13(b) of such Act is amended—

(A) in paragraph (3), by striking the second sentence; and

(B) by striking paragraph (4).

(e) OFFER VS. SERVE OPTION.—Section 13(b)(2) of such Act is amended by adding at the end the following new sentences: "The Secretary shall issue regulations that allow schools that are service institutions and that prepare and serve meals on-site to permit children to refuse 1 food item that the children do not intend to consume without lowering the Federal reimbursement levels that are due under the program established by this section and be treated in the same manner as a service institution that serves meals under the program.".

(f) REIMBURSEMENT FOR TRANSPORTATION.—Section 13(b) of such Act (as amended by subsection (d)(2)(B)) is further amended by adding at the end the following new paragraph:

"(4)(A) The Secretary shall provide an additional reimbursement to each eligible service institution located in a very rural area (as defined by the Secretary) for the cost of transporting each child to and from a feeding site for children who are brought to the site by the service institution or for whom transportation is arranged by the service institution.

"(B) Subject to subparagraph (C), the amount of reimbursement provided to a service institution under this paragraph may not exceed the lesser of—

"(i) 75 cents per day for each child transported to and from a feeding site; or

"(ii) the actual cost of transporting children to, and home from, a feeding site.

"(C) The amounts specified in subparagraph (B) shall be adjusted in accordance with paragraph (1)(C).".

(g) STARTUP COSTS.—Section 13 of such Act is amended—

(1) in subsection (g), by striking the second and third sentences;

(2) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(3) by inserting after subsection (f) the following new subsection:

"(g)(1) The Secretary shall make payments, totalling not less than $2,000,000 for each fiscal year, to States for distribution to service institutions in a substantial number of States to assist the institutions with nonrecurring expenses incurred in initiating the summer food service program. Payments received under this subsection shall be in addition to payments to which States are entitled under other provisions of this section and shall be used for increasing the number of feeding sites or the total meals served.

"(2) In making payments under this subsection for any fiscal year, the Secretary shall, to the maximum extent practicable, ensure a wide geographic distribution among the States receiving the payments.

"(3) In making payments under this subsection for any fiscal year, the Secretary shall provide a preference to States—

"(A)(i) in which the number of children participating in the program authorized by this section represents the lowest percentages of the number of children receiving free or reduced price meals under the national school lunch program; or

"(ii) that do not have a summer food service program available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the programs conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance to service institutions in the State to expand the programs; or

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(4) Funds made available under this subsection that are not used by the State shall be available to the Secretary for distribution to the States during the following fiscal year, in accordance with procedures established by the Secretary.

"(5) The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(6) In allocating funds within the State, each State shall give preference for assistance under this subsection to service institutions in areas that demonstrate the greatest need for the program or that are in areas in which poor economic conditions exist.

"(7) Each State shall ensure that—

"(A) service institutions receiving assistance under this subsection establish additional feeding sites that provide meal service to children in previously unserved areas; or

"(B) as a result of receiving the assistance, service institutions serve more meals than were served in the previous year.

"(8) Expenditures of funds from State and local sources for the maintenance of the program shall not be diminished as a result of payments received under this subsection.

"(9) Not later than January 1, 1996, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate concerning the efforts of the Secretary and the States to increase the participation of service institutions in the program.

"(10) As used in this subsection, the term 'service institution' means a service institution (as defined in subsection (a)(1)(B)) that—

"(A) will serve children a significant percentage of whom are members of low-income families; and

"(B) agrees to operate the summer food service program established with the assistance provided under this subsection for a period of not less than 3 years.".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 13(r) of such Act is amended by striking "1994" and inserting "1998".

SEC. 313. COMMODITY DISTRIBUTION PROGRAM.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) in subsection (a), by striking "1994" and inserting "1998"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall improve the overall nutritional quality of entitlement commodities provided to schools to assist the schools in furthering the nutritional goals for meals established under section 24.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of entitlement commodities provided to the schools; or

"(B) otherwise provide nutritional content information regarding the commodities provided to the schools.".

SEC. 314. CHILD AND ADULT CARE FOOD PROGRAM.

(a) DEFINITION OF INSTITUTION.—The second sentence of section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended by striking "for which it receives compensation from amounts granted to the States under title XX of the Social Security Act (but only if such organization receives compensation under such title for at least 25 percent of its enrolled children or 25 percent of its licensed capacity, whichever is less)" and inserting "if at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals".

(b) EXPANSION FUNDS.—Section 17(f)(3)(C) of such Act is amended—

(1) in the last sentence, by striking "two months" and inserting "6 months"; and

(2) by adding at the end the following new sentences: "Expansion funds may be used to conduct outreach to unlicensed day care homes to enable the day care homes to become licensed and to participate in the program established under this section. A sponsoring organization may receive expansion funds for no more than 50 day care homes.".

(c) EXTENSION.—Section 17(p)(5) of such Act is amended by striking "1994" and inserting "1998".

(d) MEDICAID AND WIC INFORMATION.—Section 17 of such Act is amended by adding at the end the following new subsection:

"(q)(1)(A) The Secretary shall provide materials concerning the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (referred to in this subsection as the 'medicaid program') to State agencies for use in carrying out the program established under this section.

"(B) The materials shall inform State agencies about the availability and importance of—

"(i) the medicaid program to children from low-income families, including a basic explanation of program benefits and national income standards; and

"(ii) the medicaid program components established for low-income elderly and disabled persons under subparagraphs (A)(ii)(X) and (E) of section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), including a basic explanation of program benefits and national income standards.

"(C) The Secretary—

"(i) may request that the Secretary of Health and Human Services assist in the preparation of the materials; and

"(ii) shall submit the materials to the Secretary of Health and Human Services for comment prior to submitting the materials to State agencies.

"(2) The Secretary shall also provide State agencies with basic information concerning the importance and benefits of the special nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(3) The State agency shall—

"(A) provide each child care institution participating in the program established under this section, other than institutions providing day care outside school hours for schoolchildren, with materials that include—

"(i) a basic explanation of the benefits and importance of—

"(I) health care coverage provided to young low-income children under the medicaid program; and

"(II) the special nutrition program for women, infants, and children;

"(ii) the maximum income limits, according to family size, applicable to children up to age 5 in the State under the medicaid program and under the special nutrition program for women, infants, and children; and

"(iii) a listing of the addresses and phone numbers of offices at which parents may apply;

"(B) provide each adult day care center participating in the program established under this section with materials that include—

"(i) a basic explanation of benefits provided under subparagraphs (A)(ii)(X) and (E) of section 1902(a)(10) of the Social Security Act;

"(ii) information on the income limits for the benefits by household size; and

"(iii) a listing of addresses and phone numbers of offices at which low-income elderly and disabled persons may apply for the benefits;

"(C) annually provide the institutions with an update of the information on income limits described in subparagraphs (A)(ii) and (B)(ii);

"(D) ensure that, at least once a year, the institutions to which subparagraph (A) applies provide written information to parents that includes—

"(i) basic information on the benefits provided under the medicaid program and the special nutrition program for women, infants, and children;

"(ii) information on the maximum income limits, according to family size, applicable to each program; and "(iii) information on where parents may apply to participate in each program; and

"(E) ensure that, at least once a year, adult day care centers provide written information to program participants that provides—

"(i) basic information on the benefits provided under subparagraphs (A)(ii)(X) and (E) of section 1902(a)(10) of the Social Security Act;

"(ii) information on the income limits, by household size, applicable to the benefits; and

"(iii) information on where low-income and disabled persons may apply for the benefits.".

SEC. 315. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A of the National School Lunch Act (42 U.S.C. 1766a) is amended—

(1) in subsection (a)(2)—

(A) by inserting "and" at the end of subparagraph (A);

(B) by striking "; and" at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraph (C); and

(2) by adding at the end the following new subsection:

"(e) AUTOMATIC ELIGIBILITY.—

"(1) IN GENERAL.—A child shall be considered automatically eligible for a free or reduced price meal supplement under this section, without further application or eligibility determination, if the child has been certified as eligible for free or reduced price breakfasts or lunches under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) or this Act, respectively.

"(2) PROOF.—Proof of eligibility for free or reduced price breakfasts or lunches shall be sufficient to satisfy any verification requirement imposed for meal supplements under this section.".

SEC. 316. DEMONSTRATION PROJECTS TO IMPROVE FOOD SERVICE FOR HOMELESS CHILDREN.

Section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c)) is amended—

(1) in paragraph (1), by inserting after "(1)" the following new sentences: "Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $4,000,000 for fiscal year 1995, $5,000,000 for fiscal year 1996, $8,000,000 for fiscal year 1997, and $10,000,000 for fiscal year 1998. The Secretary shall be entitled to receive the funds and shall accept the funds.";

(2) in the first sentence of paragraph (5)(A)—

(A) by inserting "or provided" after "appropriated";

(B) by striking "and" after "1993,"; and

(C) by inserting after "1994," the following: ", and the amount specified in paragraph (1) for each of fiscal years 1995 through 1998";

(3) in paragraph (6)—

(A) by inserting "(A)" after "(6)";

(B) by striking "1994" and inserting "1998"; and

(C) by adding at the end the following new subparagraph:

"(B)(i) For any fiscal year in which all the funds provided for homeless demonstration programs established under this subsection are not completely used, the Secretary shall transfer the unused funds for the fiscal year to the Secretary of the Treasury.

"(ii) For each fiscal year for which funds are transferred to the Secretary of the Treasury under clause (i), the Secretary of Agriculture shall submit a report to the appropriate committees of Congress that includes—

"(I) an explanation of the actions the Secretary has taken to carry out paragraph (7);

"(II) an estimate, if practicable, of the number of children living in homeless shelters who are not served by the program established under this subsection; and

"(III) a detailed plan for expanding the program so that more eligible children may participate in the program."; and

(4) by adding at the end the following new paragraph:

"(8)(A) Out of the funds provided under paragraph (1), the Secretary shall use funds, for each of fiscal years 1995 through 1998, to carry out programs operated by shelters, halfway houses, and hospitals described in subparagraph (B) that the Secretary has approved for participation, for the purpose of providing nutrition counseling, nutrition assessments, and referrals to individuals participating in—

"(i) the program established under this subsection;

"(ii) the special nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(iii) the medical assistance program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (also known as the 'medicaid program'); and

"(iv) similar programs for homeless pregnant women, pregnant women at risk of becoming homeless, homeless mothers with newborn infants, or the guardians of boarder babies or other abandoned infants.

"(B) Programs administered by halfway houses, homeless shelters, hospitals, or transitional housing organizations under subparagraph (A), if approved by the Secretary, may receive funding under this paragraph for purposes specified in regulations of the Secretary.

"(C) The Secretary shall impose such auditing and recordkeeping requirements as are necessary to monitor the use of Federal funds to carry out this paragraph.

"(D) The Secretary shall periodically report to the appropriate committees of Congress on the referral and nutrition counseling and assessment programs carried out under this paragraph.".

SEC. 317. PILOT PROGRAM TO INCREASE OFFERINGS OF FRUITS AND VEGETABLES.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(e)(1) The Secretary shall establish a national pilot program (referred to in this subsection as the 'pilot program') to assist schools participating in the school lunch program established under this Act, and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), to offer participating students additional choices of fruits and vegetables.

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot program. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall use the funds provided under this subsection to provide to the schools referred to in paragraph (1)—

"(A) per meal reimbursements, in addition to reimbursements otherwise due the schools;

"(B) incentive awards to schools that agree to increase their offerings of fruits and vegetables during the school year; or

"(C) fruits and vegetables purchased by the Secretary.

"(4) The Secretary may provide a priority for receiving benefits under this subsection to schools that—

"(A) are located in low-income areas (as defined by the Secretary);

"(B) rarely offer 3 or more servings of fruits or vegetables per meal; or

"(C) purchase or agree to purchase a substantial portion of their fruits and vegetables from—

"(i) socially disadvantaged farmers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

"(ii) farmers located in very rural areas (as defined by the Secretary); or

"(iii) farmers who own or operate small-scale or limited-resource farms (as defined by the Secretary).

"(5) Not later than March 31, 1996, and March 31, 1997, the Secretary shall report to the appropriate committees of Congress on the impact of the pilot program on participating schools, including—

"(A) the extent to which school children increased consumption of fruits and vegetables;

"(B) the extent of any increase in costs to the schools in offering the additional fruits or vegetables;

"(C) the desirability of—

"(i) requiring that each school participating in the school lunch program increase the number of servings of fruits or vegetables offered per meal to at least 3 servings; and

"(ii) mandating that the Secretary provide additional Federal reimbursements to assist schools in complying with the proposed requirement described in clause (i); and

"(D) the extent to which fresh, frozen, and canned foods are offered under the pilot program.

"(6) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out this subsection $40,000,000 for each of fiscal years 1995 through 1997. The Secretary shall be entitled to receive the funds and shall accept the funds.".

SEC. 318. PILOT PROGRAM TO INCREASE CONSUMPTION OF LOW-FAT DAIRY PRODUCTS AND LEAN MEATS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by section 317) is further amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall establish a national pilot program (referred to in this subsection as the 'pilot program') to better assist schools participating in the school lunch program established under this Act and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to offer low-fat dairy products and lean meats and poultry products.

"(2) The Secretary shall establish procedures under which schools may apply to participate in the pilot program. To the maximum extent practicable, the Secretary shall select qualified schools that apply from each State.

"(3) The Secretary shall purchase, and provide to schools selected to participate in the pilot program, low-fat dairy products and lean meats and poultry products.

"(4) Not later than March 31, 1996, and March 31, 1997, the Secretary shall report to the appropriate committees of Congress on the impact of the pilot program on participating schools, including—

"(A) the extent to which school children increased consumption of low-fat dairy products and lean meats and poultry products; and

"(B) alternative means of providing additional offerings of low-fat dairy products and lean meats and poultry products in the school lunch and breakfast programs.

"(5) Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary to carry out the pilot program with respect to the purchase and distribution of—

"(A) low-fat dairy products, $35,000,000 for each of fiscal years 1995 through 1997; and

"(B) lean meats and poultry products, $10,000,000 for each of fiscal years 1995 through 1997.

"(6) The Secretary shall be entitled to receive the funds described in paragraph (5) and shall accept the funds.".

SEC. 319. PILOT PROJECTS FOR FORTIFIED FLUID MILK; INFORMATION ON FORTIFIED MILK.

(a) IN GENERAL.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by section 318) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall establish pilot projects in at least 25 school districts under which the milk offered by schools meets the fortification requirements of paragraph (3) for lowfat, skim, and other forms of fluid milk.

"(2) The Secretary shall make available to school districts information that compares the nutritional benefits of fluid milk that meets the fortification requirements of paragraph (3) and the nutritional benefits of other milk that is made available through the school lunch program established under this Act.

"(3) The fortification requirements for fluid milk for the pilot project referred to in paragraph (1) shall provide that—

"(A) all whole milk in final package form for beverage use shall contain not less than—

"(i) 3.25 percent milk fat; and

"(ii) 8.7 percent milk solids not fat;

"(B) all lowfat milk in final package form for beverage use shall contain not less than 10 percent milk solids not fat; and

"(C) all skim milk in final package form for beverage use shall contain not less than 9 percent milk solids not fat.

"(4)(A) In selecting where to establish pilot projects under this subsection, the Secretary shall take into account, among other factors, the availability of fortified milk and the interest of the school district in being included in the pilot program.

"(B) The Secretary shall establish the pilot projects in as many geographic areas as practicable, except that none of the projects shall be established in school districts that use milk described in paragraph (3) or similar milk.

"(5) Not later than 2 years after the establishment of pilot projects under this subsection, the Secretary shall report to the appropriate committees of Congress on—

"(A) the effect of the pilot program on the nutrition and health of children;

"(B) the acceptability of fortified whole, lowfat, and skim milk products to participating children and teachers;

"(C) the impact of offering the milk on milk consumption;

"(D) the views of the school food service authorities on the pilot program; and

"(E) any increases or reductions in costs attributed to the pilot program.

"(6) The Secretary shall—

"(A) obtain copies of research studies and papers that discuss the impact of the fortification of milk pursuant to standards established by the State of California in the early 1960's; and

"(B) make the information available to the public.

"(7)(A) The pilot projects established under this subsection shall terminate on the last day of the third year after the establishment of the pilot projects.

"(B) The Secretary shall advise representatives of all districts participating in the pilot projects that the districts may continue to offer the fortified forms of milk described in paragraph (3) after the project terminates.".

(b) INFORMATION ON FORTIFIED MILK.—Section 9(a) of such Act (7 U.S.C. 1758(a)) (as amended by section 304) is further amended by adding at the end the following new paragraph:

"(6)(A) In the case of fluid milk offered under the national school lunch program established under this Act, the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), and the special milk program established under section 3 of such Act (42 U.S.C. 1772), the Secretary shall establish a program under which schools may obtain information about where to obtain milk described in section 18(g)(3).

"(B) The Secretary shall notify State educational agencies and participating schools about the possible benefits to school children of the milk described in section 18(g)(3) and of the availability of the informational service made available under this paragraph.

"(C) Not later than 120 days after the date of enactment of this paragraph, the Secretary shall issue an evaluation that compares the nutritional value of—

"(i) milk that is fortified as described in section 18(g)(3);

"(ii) milk that is fortified in a similar manner to milk described in clause (i); and

"(iii) milk not fortified as described in clause (i) or (ii).".

SEC. 320. FOOD SERVICE MANAGEMENT INSTITUTE AND OTHER INSTITUTIONS.

Section 21 of the National School Lunch Act (42 U.S.C. 1769b–1) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) in the case of a food service management institute established as authorized by subsection (a)(2) and other institutions (such as a culinary institute)—

"(A) training food service personnel to comply with the nutrition guidance and objective referred to in section 24(b) through a national network of instructors or other means;

"(B) preparing informational materials, such as video instruction tapes and menu planners, to promote healthier food preparation; and

"(C) assisting State educational agencies in providing additional nutrition and health instructions and instructors."; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "1992, 1993, and 1994" and inserting "1992 through 1998"; and

(B) in paragraph (2), by striking "1991, 1992, 1993, and 1994" and inserting "1991 through 1998".

SEC. 321. COMPLIANCE AND ACCOUNTABILITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that analyzes—

(1) the status of the coordinated review system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 322. NUTRITION GUIDANCE FOR CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—Section 24 of the National School Lunch Act (42 U.S.C. 1769e) is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) REVISION OF MENU PLANNING GUIDES.—

"(1) FAT CONTENT.—The Secretary shall include in menu planning guides the recommendation provided in the April 1992 version of the publication that menus achieve an average fat content of 30 percent of calories from fat and that saturated fat intake should be reduced to an average of 10 percent or less of calories.

"(2) REVISED RECOMMENDATIONS.—The Secretary shall, as necessary, revise the menu planning guides for each covered program to include recommendations for the implementation of nutrition guidance described in the publication, including revised recommendations in the publication concerning the consumption of fat and saturated fat.";

(2) in subsection (c), by inserting after "publication" the following: ", including the guidance regarding fat and saturated fat consumption,"; and

(3) in subsection (d), by inserting after "publication" the following: ", including the guidance regarding fat and saturated fat consumption".

(b) REPORT.—Not later than July 1, 1995, the Secretary of Agriculture shall submit to the appropriate committees of Congress a report that—

(1) describes actions taken to ensure compliance with the requirements of section 24 of the National School Lunch Act (42 U.S.C. 1769e); and

(2) makes recommendations regarding the usefulness of specific guidelines for dietary fiber, sodium, and sugar regarding the school lunch and breakfast programs established under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), respectively.

(c) REGULATIONS.—Not later than 150 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations to implement section 24 of the National School Lunch Act (as amended by subsection (a)).

SEC. 323. INFORMATION CLEARINGHOUSE.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. INFORMATION CLEARINGHOUSE.

"(a) IN GENERAL.—The Secretary shall enter into a contract with a nongovernmental organization described in subsection (b) to establish and maintain a clearinghouse to provide information to nongovernmental groups located throughout the United States that assist low-income individuals or communities regarding food assistance, self-help activities to aid individuals in becoming self-reliant, and other activities that empower low-income individuals or communities to improve the lives of low-income individuals and reduce reliance on Federal, State, or local governmental agencies for food or other assistance.

"(b) NONGOVERNMENTAL ORGANIZATION.—The nongovernmental organization referred to in subsection (a) shall be selected on a competitive basis and shall—

"(1) be experienced in the gathering of first-hand information in all the States through on-site visits to grassroots organizations in each State that fight hunger and poverty or that assist individuals in becoming self-reliant;

"(2) be experienced in the establishment of a clearinghouse similar to the clearinghouse described in subsection (a);

"(3) agree to contribute in-kind resources towards the establishment and maintenance of the clearinghouse and agree to provide the clearinghouse information, free of charge, to the Secretary, States, counties, cities, antihunger groups, and grassroots organizations that assist individuals in becoming self-sufficient and self-reliant;

"(4) be sponsored by an organization, or be an organization, that—

"(A) has helped combat hunger for at least 10 years;

"(B) is committed to reinvesting in the United States; and

"(C) is knowledgeable regarding Federal nutrition programs;

"(5) be experienced in communicating the purpose of the clearinghouse through the media, including the radio and print media, and be able to provide access to the clearinghouse information through computer or telecommunications technology, as well as through the mails; and

"(6) be able to provide examples, advice, and guidance to communities, States, counties, cities, antihunger groups, and local organizations regarding means of assisting individuals and communities to reduce reliance on government programs, to reduce hunger and to improve nutrition, and to otherwise assist low-income individuals and communities become more self-sufficient.

"(c) AUDITS.—The Secretary shall establish fair and reasonable auditing procedures regarding the expenditures of funds to carry out this section.

"(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary to provide to the organization selected under this section, to establish and maintain the information clearinghouse, $200,000 for each of fiscal years 1995 and 1996, $150,000 for fiscal year 1997, and $75,000 for fiscal year 1998. The Secretary shall be entitled to receive the funds and shall accept the funds.".

TITLE IV—PROGRAM INTEGRITY

SEC. 401. FINDINGS.

Congress finds that—

(1) in recent years, there has been an alarming number of instances of price-fixing and bid-rigging regarding foods purchased for—

(A) the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); and

(B) the school breakfast program established under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) during the past several years, the Antitrust Division of the United States Department of Justice has filed over 100 criminal cases against companies and individuals accused of bid-rigging conspiracies, false statements, mail fraud, price-fixing, and similar activities involving dairy products sold to schools or the Department of Defense;

(3) over 30 grand juries in States are investigating similar activities, especially in connection with activities involving the dairy industry;

(4) 54 corporations and 50 individuals have been convicted by Federal courts of similar activities, and total fines and civil damages of approximately $100,000,000 have been assessed in Federal and State actions for similar activities;

(5) a report of the Comptroller General of the United States noted that, as of March 1992, the Secretary of Agriculture had neither suspended nor debarred any of the 13 dairy companies or 28 individuals convicted, as of March 1992, of milk contract bid-rigging from participating in the school lunch and breakfast programs;

(6) effective educational and monitoring programs can greatly reduce the incidence of price-fixing and bid-rigging by companies that sell products to schools;

(7) reducing the incidence of price-fixing and bid-rigging in connection with the school lunch and breakfast programs could save school districts, parents, and taxpayers millions of dollars per year;

(8) the Comptroller General of the United States has noted that bid-rigging awareness training is an effective means of deterring improper collusion and bid-rigging; and

(9) the Comptroller General of the United States in a General Accounting Office report addressed many of the concerns described in this section with respect to bid rigging in the school lunch program.

SEC. 402. DUTIES OF THE SECRETARY RELATING TO ANTICOMPETITIVE ACTIVITIES.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 323) is further amended by adding at the end the following new section:

"SEC. 26. DUTIES OF THE SECRETARY RELATING TO ANTICOMPETITIVE ACTIVITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(C) the special milk program established under section 3 of such Act (42 U.S.C. 1772);

"(D) the special nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(E) the summer food service program for children established under section 13 of this Act; and

"(F) the child and adult care food program established under section 17 of this Act.

"(2) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(3) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(4) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(5) PERSON.—The term 'person' means any individual, corporation, partnership, association, or other legal entity, however organized.

"(b) ASSISTANCE.—The Secretary shall—

"(1) provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of anticompetitive activities relating to the provision of goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(c) FOOD SERVICE MANAGEMENT INSTITUTE.—The Secretary may request assistance from the food service management institute authorized under section 21 in carrying out subsection (b)(1).

"(d) NONPROCUREMENT DEBARMENT.—

"(1) DEBARMENT DECISIONS.—Except as provided in paragraph (3), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall decide whether to initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), actions requiring consideration of nonprocurement debarment pursuant to paragraph (1) shall be limited to convictions or civil judgments for the following offenses:

"(i) Violation of Federal or State antitrust laws, including laws relating to bid-rigging and price-fixing.

"(ii) Commission of embezzlement, theft, forgery, fraud, bribery, making false statements, receiving stolen property, making false claims, or obstruction of justice.

"(B) APPLICATION.—Subparagraph (A) shall apply to the extent an offense is committed by a contractor in connection with providing a good or service in conjunction with the participation of a local agency in a child nutrition program.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days because of the need to further investigate matters relating to the possible debarment, the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1) the Secretary decides to debar a contractor, the debarment shall be for no less than 1 year.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is a conviction or civil judgment described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for no less than 3 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods or services in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this paragraph shall restrict the ability of the Secretary to reverse a debarment decision, to reduce the period or scope of a debarment, nor to grant an exception permitting a debarred contractor to participate in a particular contract to provide goods or services in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action.

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate committees of Congress information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), consideration of nonprocurement debarment pursuant to this subsection shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal or administrative proceeding.

"(B) COORDINATION.—To the maximum extent practicable, the Secretary shall consolidate and coordinate any nonprocurement debarment actions pursuant to this subsection with other adverse actions, including other nonprocurement debarment actions.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate nonprocurement debarment proceedings against the contractor (including a dairy cooperative) who has committed the cause for debarment (as determined under subsection (d)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a school, school district, or school district consortium to procure a needed product for a child nutrition program; or

"(3) is not in the public interest, as determined by the Secretary.

"(f) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on September 30, 1999.".

(b) REPORT ON CONSISTENT DEBARMENT POLICY.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Management and Budget (in consultation with the Secretary of Agriculture and the Secretary of Defense) shall advise the appropriate committees of Congress and the Comptroller General of the United States as to the appropriateness and usefulness of a consistent debarment policy under—

(1) the Federal acquisition regulations issued under title 48, Code of Federal Regulations; and

(2) Federal nonprocurement regulations.

(c) APPLICATION.—Section 26(d) of the National School Lunch Act (as added by subsection (a)) shall not apply to a conviction or civil judgment that is based on an activity that took place prior to the date of enactment of this Act.

SEC. 403. PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.

The National School Lunch Act (42 U.S.C. 1751 et seq.) (as amended by section 402) is further amended by adding at the end the following new section:

"SEC. 27. PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.

"(a) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may provide grants to State educational agencies and other State agencies that administer child nutrition programs (as defined in section 26(a)(1)) to assist the agencies in the prevention and control of anticompetitive activities relating to the programs, including activities to further coordination and cooperation with law enforcement officials.

"(2) FORMULA.—The grants shall be made pursuant to a formula established by the Secretary that takes into account the size of the child nutrition programs in each State, subject to a minimum grant amount for each State.

"(b) FEDERAL ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall retain 25 percent of the sums made available for any fiscal year to carry out this section to administer subsection (a) and to conduct the activities described in section 26(b).

"(2) ADDITIONAL FUNDS.—Nothing in paragraph (1) shall preclude the Secretary from expending for the activities described in section 26(b) any funds otherwise available to carry out section 26(b).

"(c) INFORMATION.—On request, the Secretary shall provide to the appropriate committees of Congress information regarding the administration of this section and other efforts to reduce the incidence of anticompetitive activity (such as price-fixing and bid-rigging), in connection with child nutrition programs (as defined in section 26(a)(1)).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 1994 through 1998.".

TITLE V—EFFECTIVE DATES

SEC. 501. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall become effective on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATES.—The amendments made by—

(1) sections 101 through 104, 205 through 207, 313, and 318 shall become effective on October 1, 1994;

(2) sections 201 through 204, 209, 301 through 310, 314(a), 314(b), 315, 317, and 320 shall become effective on July 1, 1995;

(3) section 312 shall become effective on September 1, 1995; and

(4) section 314(c) shall become effective on October 1, 1995.

ADDITIONAL COSPONSORS

S. 259

At the request of Mr. LEVIN, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Arkansas [Mr. PRYOR], the Senator from Oklahoma [Mr. BOREN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 259, a bill to require that stock option compensation paid to corporate executives be recorded as a compensation expense in corporate financial statements.

S. 446

At the request of Mr. ROTH, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 725

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. SIMON], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 725, a bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1011

At the request of Mr. PRYOR, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1011, a bill to amend title XI of the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to social security programs and agencies.

S. 1042

At the request of Mr. HATFIELD, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1042, a bill to amend the Public Health Service Act to establish an Ethical Advisory Board, and for other purposes.

S. 1175

At the request of Mr. LIEBERMAN, the names of the Senator from Nebraska [Mr. KERREY], the Senator from New Hampshire [Mr. SMITH], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1175, a bill to amend the Internal Revenue Code of 1986 to allow corporations to issue performance stock options to employees, and for other purposes.

S. 1208

At the request of Mr. WOFFORD, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from California [Mrs. BOXER], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1373

At the request of Mr. WOFFORD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1373, a bill to amend the Reclamation Project Act of 1939 to reform irrigation assistance repayments and to require the Secretary of the Interior to redetermine the ability of irrigators to repay construction charges at least every 5 years.

S. 1376

At the request of Mr. WOFFORD, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1376, a bill to repeal the Helium Act, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 1379

At the request of Mr. WOFFORD, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1379, a bill to limit the continued availability of foreign assistance funds for obligation and expenditure.

S. 1406

At the request of Mr. KERREY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1406, a bill to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1460

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1460, a bill to amend the Elementary and Secondary Education Act of 1965 to authorize programs of child abuse education and prevention, and to establish a demonstration project relating to child abuse education and prevention.

S. 1522

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1522, a bill to direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes.

S. 1533

At the request of Mr. LOTT, the names of the Senator from Wyoming [Mr. WALLOP] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1552

At the request of Mr. WARNER, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1552, a bill to extend for an additional two years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial.

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. D'AMATO, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations.

SENATE RESOLUTION 160—RELATIVE TO BURUNDI

Mr. DURENBERGER (for himself, Mr. SIMON, Mr. JEFFORDS, Mr. FEINGOLD, Mrs. KASSEBAUM, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 160

Whereas Burundi has a long history of military rule and ethnic conflict between the majority Hutu and the minority Tutsi;

Whereas on March 9, 1992, the people of Burundi adopted a democratic constitution, leading to Burundi's first multiparty elections on June 1, 1993, through which Melchoir Ndadaye was overwhelmingly elected president in a free and fair election;

Whereas President Ndadaye had shown his commitment to ethnic reconciliation and democracy by appointing members of the opposition to key government posts;

Whereas recent years have also witnessed a period of ethnic reconciliation in Burundi, in large part because of policies implemented by former President Buyoya;

Whereas on October 21, 1993, President Ndadaye and other senior government officials were murdered by coup plotters; and

Whereas the attempted coup and murder of President Ndadaye sparked ethnically motivated attacks throughout the country, resulting in widespread deaths and approximately 500,000 refugees fleeing to neighboring Rwanda, Tanzania, and Zaire: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the attempted coup d'etat in Burundi and the murder of President Ndadaye;

(2) commends the people of Burundi for their commitment to democracy by adopting a constitution and holding free and fair elections, and for their respect for the democratic process;

(3) urges the people of Burundi to help end ethnic strife that has caused untold suffering;

(4) encourages the people of Burundi to continue their commitment to ethnic reconciliation and democracy;

(5) commends the Clinton administration for its prompt condemnation of the October 21, 1993, coup in Burundi, and for the immediate suspension of foreign assistance to Burundi;

(6) calls upon the Organization of African Unity (OAU) to bolster and support the continuation of democracy and the end of ethnic strife in Burundi; and

(7) calls upon the international community to assist the OAU in its efforts to strengthen democracy in Burundi and to address the humanitarian needs of Burundian refugees in Rwanda, Tanzania, and Zaire.

• Mr. DURENBERGER. Mr. President, I submit a resolution expressing the sense of the Senate regarding the attempted October 21, 1993, coup d'etat in Burundi. I am pleased to be joined in this resolution by Senators SIMON, JEFFORDS, FEINGOLD, KASSEBAUM, and GRASSLEY.

Mr. President, several weeks ago, during debate on United States military involvement in Somalia, I cited the Central African country of Burundi as a shining example of reconciliation and democratization in Africa.

Burundi is located in Central Africa, bordered on the south and west by Zaire, on the north by Rwanda, and Tanzania to the east. It has a population of 5.6 million, and is the second most densely populated country in Africa. There are two major ethnic groups in Burundi—the Hutu and the Tutsi. The Hutu make up about 85 percent of the population and the Tutsi about 14 percent.

In 1923, the League of Nations mandated Burundi to Belgium as part of the territory of Ruanda-Urundi. Ruanda-Urundi became a U.N. Trust Territory administered by Belgium following World War II. In 1962, Burundi and Rwanda declared their independence.

Since then, Burundi has been struggling with ethnic tensions between the Hutu and Tutsi ethnic groups. The minority Tutsi have dominated the government and the military.

Initially, a constitutional monarchy was established, and the country fell into political disorder and economic stagnation.

In November 1966, Michel Micombero, a Tutsi, became the first in a succession of military dictators. He proclaimed a republic that in fact ensued as a Tutsi-led military government.

In 1976, another Tutsi, Jean-Baptiste Bagaza, gained power in a bloodless coup. His tenure is widely remembered for his campaign against organized religion, especially the Catholic Church, which he viewed as a tool of the Hutu.

Another Tutsi, Pierre Buyoya seized power in a bloodless coup in 1987. Unlike his predecessors, Buyoya is widely recognized for overseeing a transition to democracy in Burundi and bringing ethnic reconciliation between the Tutsi and Hutu. He appointed Hutus to government positions and released hundreds of political prisoners.

In March 1992, the people of Burundi approved a democratic constitution by an overwhelming margin of 9 to 1. In order to stand for election as President under the new constitution, Buyoya resigned from the military. His main opponent in the election was Melchoir Ndadaye, a Hutu with a background in banking.

In June of this year, 2.8 million voters went to the polls and elected Melchoir Ndadaye President in the country's first-ever multiparty elections. Buyoya accepted his defeat gracefully and is now leading a freedom foundation to encourage economic development in Burundi.

President Ndadaye in July granted amnesty to over 500 political prisoners and even allowed the former military dictator Bagaza to return to the country.

In early October President Ndadaye paid a visit to this country. Several of us in the Senate hosted him for breakfast and discovered him to be committed to national unity, democracy, and economic progress.

Then tragedy struck.

On October 21st, I came to the floor of the Senate to express my shock and dismay at events that had just occurred in Burundi. That morning, elements of the Burundian army had staged a military coup, and murdered President Ndadaye.

This tragic action motivated ethnic attacks throughout the country, killing thousands of Burundians.

More than 500,000, largely women and children—approximately one tenth of the population of Burundi—have fled to neighboring Rwanda, Tanzania, and Zaire.

But within this tragedy there is reason for hope. The people of Burundi did not permit factions within the military to rob the nation of democracy. The military was unable to consolidate its power.

The people of Burundi—Tutsi and Hutu—together with the international community, condemned this action, and the coup failed.

Senior military officials have denied involvement in the coup. Some coup plotters have been arrested, and several of those suspected to have been involved have fled the country.

Prime Minister Sylvie Kinigi and other surviving ministers, still in hiding in the French embassy, have begun to establish a foundation for a return to normalcy.

The resolution I am submitting puts the Senate on record as strongly condemning the coup and the murder of President Ndadaye.

It also commends the people of Burundi for their commitment to democracy and encourages them to continue on the path of democratization and ethnic reconciliation.

Finally, it calls upon the African leaders and the Organization of Africa Unity [OAU] to support democracy and the end of ethnic violence in Burundi. It also urges the international community to aid African leaders and organizations, and to immediately address the humanitarian needs of Burundian refugees in Rwanda, Tanzania, and Zaire.

Mr. President, Burundi is a small country. But its problems are real and immediate.

Though the humanitarian needs of Burundi are paramount, I would also urge, in the strongest terms possible, that President Clinton name an ambassador to Burundi—now. By moving forward with this appointment, President Clinton shows the international community our genuine commitment to democracy in Burundi.

Mr. President, I urge the Foreign Relations Committee to act on this resolution promptly, and I urge all my colleagues to demonstrate their support for the future of democracy in Burundi by supporting this resolution.•

• Mr. SIMON. Mr. President: It is with deep sadness that I have learned of the assassination of President Melchior Ndadaye of Burundi, and the subsequent turmoil and bloodshed inflicted upon this Central African country—actions initiated by a small number who wish to stop Burundi's historic progress in democracy.

I had the good fortune to meet with President Ndadaye only a few weeks ago during his visit to Washington. I was impressed by his youthful vigor and his earnest commitment to democracy. On June 1, 1993, in elections deemed free and fair by international observers, President Ndadaye became Burundi's first democratically elected president since the country's independence in 1962. President Ndadaye's victory was a symbolic step for Burundi in many ways. Former President Buyoya graciously paved the way for a peaceful transfer of power. As a member of the majority Hutu ethnic group, which had been violently persecuted by the long-ruling Tutsi minority, and a former political refugee, President Ndadaye had begun to forge a government for all Burundians. He demonstrated sensitivity and realism in his approach to dealing with his country's ethnic and economic struggles. He also offered thoughtful insights as to how the international community could help put an end to the strife in other countries in the region, such as Somalia and Zaire.

The latest reports from Burundi suggest that support for the coup has failed within the ranks of the Tutsi-dominated military. I urge immediate restoration of the democratic government of Prime Minister Sylvie Kinigi. Order must be restored in the capital of Bujumbura and most especially in the countryside, where thousands are reported to have been killed in revenge fighting. Furthermore, those responsible for the deaths of President Ndadaye, senior government officials, and hundreds of others throughout the country must be brought to justice.

I am proud to cosponsor the thoughtful resolution submitted by my colleague from Minnesota, Senator DURENBERGER, which condemns the attempted coup, and urges the immediate restoration of the democratically elected government. It also urges the OAU, with the support of the international community, to act quickly to assist the government in restoring order to Burundi, and ensuring that Burundi does not plunge back into the chaos and ethnic violence it has known throughout its 30-year history.

I applaud the OAU response to date, including a summit meeting on the crisis by the prime ministers of Rwanda, Tanzania and Zaire, as well as the appointment of an OAU special envoy to Burundi to address the crisis through diplomatic channels. But continued engagement is critical. I therefore urge the Foreign Relations Committee to give prompt consideration to this resolution, to support the efforts of Prime Minister Kinigi and of the OAU member states to restore peace to Burundi. The Burundian people demonstrated their commitment to democracy by electing the Ndadaye government, and their will must prevail.•

AMENDMENTS SUBMITTED

COMPLIANCE WITH THE ISSUANCE OF A SUBPOENA

SPECTER (AND DANFORTH) AMENDMENT NO. 1093

Mr. SPECTER (for himself and Mr. DANFORTH) proposed an amendment to the resolution (S. Res. 153) to comply with the issuance of a subpoena; as follows:

Strike all after the resolving clause, and insert the following: That Senator Bob Packwood is hereby directed to turn over to Independent Examiner Kenneth Starr such documents as are referred to in the subpoena to Senator Bob Packwood from the Select Committee on Ethics. These documents shall be examined by Independent Examiner Kenneth Starr who will then turn over to the Select Committee on Ethics all materials which are relevant to the charges of misconduct regarding Senator Bob Packwood currently before the Select Committee on Ethics. Independent Examiner Kenneth Starr shall also turn over to the Select Committee on Ethics all materials referring to the incident cited in the statement of Senator Richard Bryan, dated October 28, 1993, which Senator Bryan alleges may constitute a criminal violation.

SIMPSON (AND OTHERS) AMENDMENTS NO. 1094

Mr. SIMPSON (for himself, Mr. DANFORTH, and Mr. SPECTER) proposed an amendment to the resolution S. Res. 153, supra; as follows:

On Page 2 line 3 after the word "subpoena" add the following: as modified as follows: All relevant diaries, journals, or other documents or material, including all relevant typewritten or handwritten documents, as well as tape recordings and all relevant material stored by computer or electronic means, that are in your possession, custody or control, which were prepared by or at the direction of Senator Bob Packwood, recording or describing Senator Bob Packwood's daily activities for January 1, 1989 through the present.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1993

ROCKEFELLER AMENDMENT NO. 1095

Mr. FORD (for Mr. ROCKEFELLER) proposed an amendment to the bill (S. 843) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services; as follows:

On page 133, below line 21, add the following:

SEC. 10. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

EARLY DETECTION AND PREVENTIVE HEALTH ACT OF 1993

KENNEDY (AND OTHERS) AMENDMENT NO. 1096

Mr. FORD (for Mr. KENNEDY, for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventative health measures with respect to breast and cervical cancer; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Detection and Preventive Health Act of 1993".

TITLE I—TUBERCULOSIS

SEC. 101. SHORT TITLE.

This title may be cited as the "Tuberculosis Prevention and Control Amendments of 1993".

SEC. 102. FINDINGS.

Congress finds that—

(1) between 10,000,000 and 15,000,000 people in the United States have been infected with tuberculosis, nearly 26,000 new active cases are reported each year, and over 1,700 tuberculosis-related deaths occur each year;

(2) the number of reported cases of tuberculosis has risen from 22,201 in 1985 to 26,673 in 1992, representing 51,000 more cases than those that would have been expected since 1985;

(3) a recent national survey discovered that 14.4 percent of all active tuberculosis cases were resistant to at least one drug;

(4) drug resistant tuberculosis strains can cost more than $150,000 to treat, and even then, between 40 and 60 percent of the patients receiving such treatment die;

(5) in 1992, tuberculosis cases were reported to the Centers for Disease Control and Prevention by all 50 States, and cases resistant to one or more tuberculosis drugs were reported in at least 36 States, the District of Columbia and Puerto Rico;

(6) in 1992, 27 percent of the reported cases of tuberculosis occurred in foreign born persons;

(7) one third of the world's population harbors tuberculosis; and

(8) among infectious diseases tuberculosis is still the number one killer in the world with an estimated 8,000,000 new cases each year and 2,900,000 deaths.

SEC. 103. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PROVISION OF SERVICES FOR PREVENTION, CONTROL, AND ELIMINATION.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) in the first sentence by striking "and" after "1991," and all that follows through "1995" and inserting the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997, of which not more than $50,000,000 may be made available in each such fiscal year for grants under subparagraph (B)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) With respect to amounts made available to carry out this subparagraph, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may use such amounts to make emergency grants for the prevention, control, and elimination of tuberculosis. The Secretary may make such a grant only if the geographic area in which activities under the grant are to be carried out has, relative to other areas, a substantial incidence of cases of tuberculosis or a substantial rate of increase in such cases.".

(b) STATE TUBERCULOSIS PLAN.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) With respect to an application submitted by a State for a grant under this section for the prevention, control and elimination of tuberculosis, such application shall contain a State plan that demonstrates that amounts received under the grant will be expended in a manner that ensures that tuberculosis services will be provided to those at the highest risk of contracting tuberculosis, or in those areas with the highest rates of tuberculosis infection.

"(B) Such plans shall demonstrate that the applicant will work closely with and provide support to entities receiving funds under sections 329, 330, 340, 340A, or titles V or XIX, and to correctional facilities, and nongovernmental organizations such as community-based organizations and describe how the State intends to carry out the requirements of section 1924(a).

"(C) Such plans shall demonstrate that grant funds will be used for directly observed therapy or other effective interventions with respect to populations with the highest rates of active infection with tuberculosis.

"(D) In developing the State plan, each State shall ensure that the entities described in subparagraph (B), the single State agency for drug and alcohol services and any other State agency that has responsibility for individuals in need of tuberculosis services are consulted during the planning process.".

(c) RESEARCH, DEMONSTRATION PROJECTS, EDUCATION, AND TRAINING.—

(1) IN GENERAL.—Section 317(k)(2) of the Public Health Service Act (42 U.S.C. 247b(k)(2)) is amended—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(B) by inserting "(A)" after the paragraph designation; and

(C) by adding at the end thereof the following new subparagraphs:

"(B) In support of grants referred to in subparagraph (A), the Secretary may conduct or support applied research and training regarding the surveillance, diagnostic methodologies, prevention, control, and treatment of tuberculosis, including intramural projects and extramural projects.

"(C) For the purpose of carrying out subparagraphs (A) and (B), there are authorized to be appropriated $26,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence is in addition to the authorization of appropriations established in subsection (j)(2) for carrying out this paragraph.".

(2) TECHNICAL AMENDMENT.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended by striking the last sentence.

SEC. 104. RESEARCH THROUGH NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.

(a) CERTAIN DUTIES.—

(1) IN GENERAL.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after section 446 the following section:

"RESEARCH AND RESEARCH TRAINING REGARDING TUBERCULOSIS

"SEC. 447. In carrying out section 446, the Director of the Institute shall conduct or support basic research and research training regarding the cause, diagnosis, early detection, prevention and treatment of tuberculosis.".

(2) CONFORMING AMENDMENT.—Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting after "Diseases" the following: "(hereafter in this subpart referred to as the 'Institute')".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 408(a) of the Public Health Service Act (42 U.S.C. 284c(a)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out section 447 (relating to research on tuberculosis through the National Institute on Allergy and Infectious Diseases), there are authorized to be appropriated $46,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997. The authorization of appropriations established in the preceding sentence may not be construed as terminating the availability for such purpose of any other authorization of appropriations.".

SEC. 105. RESEARCH THROUGH THE FOOD AND DRUG ADMINISTRATION.

Chapter V of the Food, Drug and Cosmetic Act is amended by inserting after section 512 (21 U.S.C. 360b) the following new section:

"SEC. 512A. TUBERCULOSIS DRUG AND DEVICE RESEARCH.

"(a) AUTHORITY.—The Commissioner of Food and Drugs shall implement a tuberculosis drug and device research program under which the Commissioner shall—

"(1) provide assistance to other Federal agencies for the development of tuberculosis protocols;

"(2) review and evaluate medical devices designed for the diagnosis and control of airborne tuberculosis; and

"(3) conduct research concerning drugs or devices to be used in diagnosing, controlling and preventing tuberculosis.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1994 through 1997.".

SEC. 106. CONVERSION OR RENOVATION OF PUBLIC HEALTH FACILITIES.

Section 1610 of the Public Health Service Act (42 U.S.C. 300r) is amended by adding at the end the following subsection:

"(c)(1) With respect to services for the prevention, control, and elimination of tuberculosis, the Secretary may make grants to public and nonprofit private entities for—

"(A) conversion of existing facilities into outpatient medical facilities or facilities for long-term care to provide such services for such populations;

"(B) renovation of inpatient facilities; or

"(C) renovation of facilities to provide such services with respect to incarceration.

"(2) The amount of any grant under paragraph (1) may not exceed 50 percent of the cost of the project for which the grant is made unless the project is located in an area determined by the Secretary to be an urban or rural poverty area, in which case the grant may cover up to 75 percent of such costs.

"(3) There are authorized to be appropriated for grants under paragraph (1), $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

TITLE II—SEXUALLY TRANSMITTED DISEASES

SEC. 201. SHORT TITLE.

This title may be cited as the "Sexually Transmitted Diseases Amendments of 1993".

SEC. 202. EXTENSION OF PROGRAM OF GRANTS REGARDING PREVENTION AND CONTROL OF SEXUALLY TRANSMITTED DISEASES.

(a) EXTENSION OF PROGRAM.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended in the first sentence—

(1) by striking "(b) and (c)" and inserting "(b) and (c) of this section and section 318B"; and

(2) by striking "there are authorized" and all that follows and inserting the following: "there are authorized to be appropriated $132,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(b) TECHNICAL CORRECTIONS.—Section 318 of the Public Health Service Act (42 U.S.C. 247c) is amended—

(1) in subsection (b)(3), by striking ", and" and inserting "; and"; and

(2) in subsection (d)(5)—

(A) in subparagraph (A), by striking "form, or" and inserting "form; or"; and

(B) in subparagraph (B), by striking "purposes," and inserting "purposes;".

SEC. 203. EXTENSION OF PROGRAM REGARDING PREVENTABLE CASES OF INFERTILITY ARISING AS RESULT OF SEXUALLY TRANSMITTED DISEASES.

(a) TECHNICAL CORRECTION.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended in subsection (o)(2) by striking "subsection (s)" and inserting "subsection (q)".

(b) EXTENSION OF PROGRAM.—Section 318A of the Public Health Service Act (42 U.S.C. 247c-1), as added by section 304 of Public Law 102-531 (106 Stat. 3490), is amended—

(1) in subsection (q), by striking "and 1995" and inserting "through 1997"; and

(2) in subsection (r)(2), by striking "through 1995" and inserting "through 1997".

SEC. 204. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

Part B of title III of the Public Health Service Act is amended by inserting after section 318A (42 U.S.C. 247c-1) the following new section:

"SEC. 318B. SEXUALLY TRANSMITTED DISEASE ACCELERATED PREVENTION CAMPAIGNS.

"(a) GRANTS.—The Secretary is authorized to award grants to States and political subdivisions of States for the development, implementation, and evaluation of innovative, interdisciplinary approaches to the prevention and control of sexually transmitted diseases and their sequelae by—

"(1) expanding access to sexually transmitted disease services through collaborations with other public health programs and with nongovernmental partners;

"(2) implementing community-based behavioral interventions to prevent disease transmission; and

"(3) establishing collaborations between health departments and university-based experts to strengthen sexually transmitted diseases prevention programs.

"(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a State or political subdivision of a State, shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that seek to conduct activities with grant funds that focus on the prevention of sexually transmitted diseases among women and other populations that are disproportionately affected by these diseases.".

TITLE III—INJURY CONTROL AND VIOLENCE PREVENTION

SEC. 301. SHORT TITLE.

This title may be cited as the "Injury Control and Violence Prevention Act of 1993".

SEC. 302. FINDINGS.

Congress finds that—

(1) violence or the threat of violence has adverse effects on the health and safety of Americans of all ages, races, ethnicities and economic conditions;

(2) the majority of homicides and violent assaults are committed by people who have relationships with their victims and are not committed by strangers;

(3) violence is being committed in private as well as public, in homes, schools, and neighborhoods;

(4) interventions by law enforcement and criminal justice systems have limited ability to prevent violence;

(5) family and interpersonal violence represent serious threats to the health and well-being of millions of women in the United States;

(6) violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder;

(7) violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide;

(8) fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence;

(9) hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of family and interpersonal violence, or for the training of health care professionals to perform such functions;

(10) a national surveillance system for monitoring the health effects of injury should be established to determine the nature and extent of family and interpersonal violence in the United States; and

(11) the Surgeon General has identified domestic violence as a public health problem to which all health care providers must actively and vigorously respond.

SEC. 303. FAMILY AND INTERPERSONAL VIOLENCE PREVENTION.

Section 393 of the Public Health Service Act (42 U.S.C. 280b-2) is amended to read as follows:

"SEC. 393. PREVENTION OF FAMILY AND INTERPERSONAL VIOLENCE.

"(a) RESEARCH AND TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may conduct research and provide technical assistance to appropriate public and nonprofit private entities and to academic institutions to assist such entities in performing research in, and conducting training and public health programs for, the prevention of injuries and deaths associated with family and interpersonal violence.

"(b) GRANTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to States, political subdivisions of States, and any other public and nonprofit private entity for—

"(1) the conduct of research into identifying effective strategies to prevent interpersonal violence within the family and among acquaintances;

"(2) the development, implementation, and evaluation of demonstration projects for the prevention of interpersonal violence within families and among acquaintances;

"(3) the implementation of public information and education programs for prevention of family and interpersonal violence and to broaden public awareness of the public health consequences of family and interpersonal violence; and

"(4) the provision of education, training and clinical skills improvement programs for health care professionals to—

"(A) routinely interview and identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing, legal services, and services of community organizations.

"(c) INJURY SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall support the establishment of national systematic surveillance of injuries, including those caused by family and interpersonal violence.

"(d) DEFINITION.—As used in this section, the term 'interpersonal violence within families and acquaintances' means any intentional violence, controlling, or coercive behavior or pattern of behavior by an individual who is currently or who was previously, in an intimate or acquaintance relationship with the victim. Such behavior may occur at any stage of the lifecycle and may encompass single acts or a syndrome of actual or threatened physical injury, sexual assault, rape, psychological abuse, or neglect. Such term includes behavior which currently may be described as 'child neglect', 'child abuse', 'spousal abuse', 'domestic violence', 'woman battering', 'partner abuse', 'elder abuse', and 'date rape'.

"(e) APPLICATION.—To be eligible to receive assistance under subsection (a) or (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 304. ADVISORY COMMITTEE; REPORTS.

Part J of title III of the Public Health Service Act (as amended by Public Law 103–43) is amended by inserting after section 393 (42 U.S.C. 280b–2) the following new section:

"SEC. 393A. GENERAL PROVISIONS.

"(a) Advisory Committee.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to advise the Secretary and such Director with respect to the prevention and control of injuries.

"(b) Report.—Not later than February 1 of 1996 and of every second year thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this part during the preceding 2 fiscal years. Such report shall include a description of such activities that were carried out with respect to domestic violence and sexual assault and with respect to rural areas.".

SEC. 305. TECHNICAL CORRECTIONS.

(a) Terminology.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103-43) is amended—

(1) in the heading for such part, by striking "Injury Control" and inserting "Prevention and Control of Injuries"; and

(2) in section 392—

(A) in the heading for such section, by inserting "PREVENTION AND" before "CONTROL ACTIVITIES";

(B) in subsection (a)(1), by inserting "and control" after "prevention"; and

(C) in subsection (b)(1), by striking "injuries and injury control" and inserting "the prevention and control of injuries".

(b) Provisions Relating to Public Law 102–531.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) (as amended by Public Law 103–43 (106 Stat. 3482), is amended—

(1) in section 392(b)(2), by striking "to promote injury control" and all that follows and inserting "to promote activities regarding the prevention and control of injuries; and"; and

(2) in section 391(b), by adding at the end the following sentence: "In carrying out the preceding sentence, the Secretary shall disseminate such information to the public, including through elementary and secondary schools.".

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

Section 394 of the Public Health Service Act (42 U.S.C. 280b–3) is amended—

(1) by striking "391 and 392" and inserting "391, 392, and 393"; and

(2) by striking "$10,000,000" and all that follows through the period and inserting "$60,000,000" for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

TITLE IV—BREAST AND CERVICAL CANCER AMENDMENTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Breast and Cervical Cancer Amendments of 1993".

SEC. 402. REVISIONS IN PROGRAM OF STATE GRANTS REGARDING BREAST AND CERVICAL CANCER.

(a) Limited Authority Regarding For-Profit Entities.—

(1) In general.—Section 1501(b) of the Public Health Service Act (42 U.S.C. 300k(b)) is amended—

(A) by striking "States.—A State" and all that follows through "may expend" and inserting the following: "States.—

"(1) In general.—A State receiving a grant under subsection (a) may, subject to paragraphs (2) and (3), expend"; and

(B) by adding at the end the following paragraphs:

"(2) LIMITED AUTHORITY REGARDING OTHER ENTITIES.—In addition to the authority established in paragraph (1) for a State with respect to grants and contracts, the State may provide for screenings under subsection (a)(1) through entering into contracts with private entities.

"(3) Payments for screenings.—The amount paid by a State to an entity under this subsection for a screening procedure under subsection (a)(1) may not exceed the amount that would be paid under part B of title XVIII of the Social Security Act if payment were made under such part for furnishing the procedure to a woman enrolled under such part.".

(2) Conforming amendment.—Section 1505(3) of the Public Health Service Act (42 U.S.C. 300n-1(3)) is amended by inserting before the semicolon the following: "(and additionally, in the case of services and activities under section 1501(a)(1), with any similar services or activities of private entities)".

(b) Special Consideration for Grants.—Section 1501 of the Public Health Service Act (42 U.S.C. 300k) is amended by adding at the end thereof the following new subsection:

"(c) Special Consideration.—In making grants under subsection (a) after the date of enactment of this subsection, the Secretary shall give special consideration to projects that have been peer reviewed and approved and that involve areas that—

"(1) have high cervical or breast cancer mortality rates; or

"(2) have a high incidence of cervical or breast cancer.".

(c) Exemption from Matching Requirements.—Section 1502(b)(1) of the Public Health Service Act (42 U.S.C. 300l(b)(1)) is amended to read as follows:

"(1) Types of contributions.—

"(A) General rule.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) Donated treatment services.—In meeting the non-Federal contribution requirement of this section, the State involved—

"(i) may, with respect to a grant awarded for a program under paragraph (1) or (2) of section 1501(a), use the value of any donated outreach services associated with the delivery of breast and cervical cancer screenings conducted under the program, and the value of any additional donated breast or cervical cancer diagnostic or treatment services provided subsequent to the screening conducted under the program; and

"(ii) may not, with respect to a grant awarded for a program under paragraph (3), (4), (5) or (6) of section 1501(a), include the value of any donated breast or cervical cancer outreach, diagnosis, or treatment services.".

(d) Requirements With Respect to Type and Quality of Services.—

(1) In general.—Section 1503 of the Public Health Service Act (42 U.S.C. 300m) is amended—

(A) in subsection (a)—

(i) in paragraph (1), to read as follows:

"(1) to ensure that, after a limited period of time and thereafter throughout the period during which amounts are received pursuant to the grant, except for the period of the first year when a 50 percent minimum shall apply, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;"; and

(ii) in paragraph (4), to read as follows:

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of section 1501(a), except in the case of the first year during which the maximum expended for these purposes shall not exceed 50 percent of the grant."; and

(B) by striking subsections (c) through (e) and inserting the following:

"(c) Quality Assurance Regarding Screening Procedures.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, in accordance with applicable law, assure the quality of screening procedures conducted pursuant to such section.".

(2) Transition rule regarding mammographies.—With respect to the screening procedure for breast cancer known as a mammography, the requirements in effect on the day before the date of the enactment of this Act under section 1503(c) of the Public Health Service Act remain in effect (for an individual or facility conducting such procedures pursuant to a grant to a State under section 1501 of such Act) until there is in effect for the facility a certificate (or provisional certificate) issued under section 354 of such Act.

(e) Statewide Provision of Services.—Section 1504(c) of the Public Health Service Act (42 U.S.C. 300n(c)) is amended by adding at the end the following paragraph:

"(3) Grants to tribes and tribal organizations.—

"(A) The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to tribes and tribal organizations (as such terms are used in paragraph (1)) for the purpose of carrying out programs described in section 1501(a). This title applies to such a grant (in relation to the jurisdiction of the tribe or organization) to the same extent and in the same manner as such title applies to a grant to a State under section 1501 (in relation to the jurisdiction of the State).

"(B) If a tribe or tribal organization is receiving a grant under subparagraph (A) and the State in which the tribe or organization is located is receiving a grant under section 1501, the requirement established in paragraph (1) for the State regarding the tribe or organization is deemed to have been waived under paragraph (2).".

(f) Evaluations and Reports.—Section 1508 of the Public Health Service Act (42 U.S.C. 300n–4) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Such evaluations shall include evaluations of the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c)."; and

(2) in subsection (b), by inserting before the period the following: ", including recommendations regarding compliance by the States with section 1501(a)(2) and with section 1504(c)".

(g) TECHNICAL CORRECTIONS.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(a), in the matter preceding paragraph (1), by striking "Control," and inserting "Control and Prevention,"; and

(2) in section 1505—

(A) in paragraph (3), by striking "nonprivate" and inserting "nonprofit private"; and

(B) in paragraph (4), by inserting "will" before "be used".

SEC. 403. ESTABLISHMENT OF DEMONSTRATION PROGRAM OF GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES FOR WOMEN.

(a) IN GENERAL.—Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) by redesignating section 1509 as section 1510; and

(2) by inserting after section 1508 the following section:

"SEC. 1509. SUPPLEMENTAL GRANTS FOR ADDITIONAL PREVENTIVE HEALTH SERVICES.

"(a) DEMONSTRATION PROJECTS.—In the case of States receiving grants under section 1501, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to not more than 3 such States to carry out demonstration projects for the purpose of—

"(1) providing preventive health services in addition to the services authorized in such section, including screenings regarding blood pressure and cholesterol, and including health education;

"(2) providing appropriate referrals for medical treatment of women receiving services pursuant to paragraph (1) and ensuring, to the extent practicable, the provision of appropriate follow-up services; and

"(3) evaluating activities conducted under paragraphs (1) and (2) through appropriate surveillance or program-monitoring activities.

"(b) STATUS AS PARTICIPANT IN PROGRAM REGARDING BREAST AND CERVICAL CANCER.—The Secretary may not make a grant under subsection (a) unless the State involved agrees that services under the grant will be provided only through entities that are screening women for breast or cervical cancer pursuant to a grant under section 1501.

"(c) APPLICABILITY OF PROVISIONS OF GENERAL PROGRAM.—This title applies to a grant under subsection (a) to the same extent and in the same manner as such title applies to a grant under section 1501.

"(d) FUNDING.—

"(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(2) LIMITATION REGARDING FUNDING WITH RESPECT TO BREAST AND CERVICAL CANCER.—The authorization of appropriations established in paragraph (1) is not effective for a fiscal year unless the amount appropriated under section 1510(a) for the fiscal year equals or exceeds $100,000,000.".

(b) CONFORMING AMENDMENT.—Section 1510(a) of the Public Health Service Act, as redesignated by subsection (a)(1) of this section, is amended in the heading for the section by striking "**FUNDING.**" and inserting "**FUNDING FOR GENERAL PROGRAM.**".

SEC. 404. FUNDING FOR GENERAL PROGRAM.

Section 1510(a) of the Public Health Service Act (as amended by section 403(a)(2)) is amended—

(1) by striking "and" after "1991,"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997".

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EVALUATIONS.

Section 2711 of the Public Health Service Act (42 U.S.C. 300aaa-10) is amended to read as follows:

"EVALUATION OF PROGRAMS

"SEC. 2711. (a) IN GENERAL.—Such portion as the Secretary shall determine, but not less than .2 percent nor more than 1 percent, of any amounts appropriated for programs authorized under this Act for any fiscal year beginning after September 20, 1993, shall be made available for the evaluation (directly, or by grants of contracts) of the implementation and effectiveness of such programs.

"(b) REPORT ON EVALUATIONS.—

"(1) IN GENERAL.—To provide information for legislative deliberations concerning Federal health programs, the Secretary shall, not later than January 1 of each year, prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that identifies and synthesizes the findings of the evaluations conducted under subsection (a) by program area. Such report shall also include the plans of the Secretary for the subsequent year's evaluations, including programs and issue areas.

"(2) FIVE YEAR REVIEW.—A report submitted under paragraph (1) shall contain a description of the findings of the Secretary with respect to evaluations conducted under subsection (a) or other provisions of law, during the 5-year period prior to the year for which the report is being submitted. Such description shall provide the Committees referred to in paragraph (1) with information concerning program changes that the Secretary intends to implement in response to such findings in order to improve the health of the American people and their receipt of needed and effective public health services.".

SEC. 502. FEDERAL BENEFITS FOR OVERSEAS ASSIGNEES.

Section 307 of the Public Health Service Act (42 U.S.C. 2421) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code to individuals serving in the Foreign Service.".

SEC. 503. LOAN REPAYMENT PROGRAM.

Part J of title III of the Public Health Service Act (as amended by section 2008 of Public Law 103-43) is amended by inserting after section 393A (as added by section 304) the following new section:

"SEC. 393B. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—

"(1) AUTHORITY.—Subject to paragraph (2), the Secretary may carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct prevention activities, as employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the Centers for Disease Control and Prevention or the Agency for Toxic Substances and Disease Registry for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of this Act, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in this section in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $500,000 for each of the fiscal years 1994 through 1997.".

SEC. 504. ESTABLISHMENT OF REQUIREMENT OF BIENNIAL REPORT ON NUTRITION AND HEALTH.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.), as amended by section 302 of Public Law 102-531 (106 Stat. 3483), is amended by adding at the end the following section:

"BIENNIAL REPORT REGARDING NUTRITION AND HEALTH

"SEC. 1709. (a) BIENNIAL REPORT.—The Secretary shall require the Surgeon General of the Public Health Service to prepare biennial reports on the relationship between nutrition and health. Such reports may, with respect to such relationship, include any recommendations of the Secretary and the Surgeon General regarding the public health.

"(b) SUBMISSION TO CONGRESS.—The Secretary shall ensure that, not later than February 1 of 1995 and of every second year thereafter, a report under subsection (a) is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1997.".

SEC. 505. ALIGNMENT OF CURRENT CENTERS FOR DISEASE CONTROL AND PREVENTION REAUTHORIZATION SCHEDULE.

(a) PROSTATE CANCER PREVENTION.—Section 317D((l)(1) of such Act (42 U.S.C. 247b-5(l)(1)) is amended by striking "through 1996" and inserting "through 1997".

(b) CANCER REGISTRIES.—Section 399L(a) of such Act (42 U.S.C. 280e-4(a)) (as amended by section 2003(1) of Public Law 103-43) is amended by striking "through 1996" and inserting "through 1997".

(c) HEALTH PROMOTION AND DISEASE PREVENTION RESEARCH AND DEMONSTRATION CENTERS.—Section 1706(e) of such Act (42 U.S.C. 300u-5(e)) is amended by striking "through 1996" and inserting "through 1997".

(d) SENSE OF CONGRESS.—It is the sense of Congress that, beginning on the date of enactment of this Act and continuing through fiscal year 1997, all Acts regarding the authorization or reauthorization of Centers for

Disease Control and Prevention programs should be authorized only through fiscal year 1997. Beginning in fiscal year 1997, Congress should reauthorize the Centers for Disease Control and Prevention and its programs in one comprehensive Act. After fiscal year 1997, reauthorization of such Centers and its programs should occur on a regular cyclical basis.

SEC. 506. BREAST AND CERVICAL CANCER INFORMATION.

Title XXVII of the Public Health Service Act (42 U.S.C. 300aaa et seq.) is amended by adding at the end the following new section:

"SEC. 2715. BREAST AND CERVICAL CANCER INFORMATION.

"(a) IN GENERAL.—Each of the entities referred to in subsection (b) shall make available, to such individuals as the entities determine appropriate, information (in a culturally competent manner) concerning breast and cervical cancer, including if appropriate, information on the need for breast self-examinations and the skills for such self-examinations, and shall refer such clients as the entities determine appropriate for breast and cervical cancer screening, treatment or other services.

"(b) ENTITIES.—The entities referred to in subsection (a) are—

"(1) a migrant health center receiving assistance under section 329;

"(2) a community health center receiving assistance under section 330;

"(3) an entity receiving assistance under section 340;

"(4) an alcohol or drug treatment entity or mental health entity receiving assistance under title V or title XIX;

"(5) a family planning project described in section 1001;

"(6) an entity receiving assistance under title XXVI;

"(7) a clinic that treats sexually transmitted diseases and is authorized under section 318;

"(8) an entity receiving funds to provide primary health services to residents of public housing under section 340A;

"(9) a non-Federal entity authorized under the Indian Self-Determination Act; and

"(10) a tuberculosis clinic receiving assistance under section 317(j)(2) or 317(k)(2).".

SEC. 507. PAYMENT OF JUDGMENTS.

Section 224(k)(2) of the Public Health Service Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

SEC. 508. INTERIM FINAL REGULATIONS.

The Secretary of Health and Human Services is authorized to issue interim final regulations—

(1) under which the Secretary may approve accreditation bodies under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)); and

(2) establishing quality standards under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)).

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Tuesday, November 9, 1993, at 2:30 p.m., on Oversight of the FDIC: Are Investors Cashing in on FDIC Mismanagement? The hearing will take place in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on S. 1288, the National Aquaculture Development, Commercialization, and Promotion Act of 1993. The hearing will be held on Wednesday, November 10, 1993 at 2:30 p.m. in SR–332. Senator TOM DASCHLE will preside.

For further information, please contact Doug O'Brien of the committee staff at 224–2035.

NOTICE OF CANCELLATION OF FIELD HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I regretfully announce for the public the cancellation of a field hearing that had been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on the contemporary needs and management of the Newlands, project in Nevada, a Bureau of Reclamation project.

The hearing had been scheduled to take place Monday, November 8, 1993, beginning at 8 a.m., in the Reno-Sparks Convention Center, 4590 S. Virginia Street, Reno, NV.

The hearing will be rescheduled for December 1993.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224–4531.

ADDITIONAL STATEMENTS

CALIFORNIA GULCH SUPERFUND SITE

• Mr. BROWN. Mr. President, today I received an article by Helene Monberg concerning the California Gulch Superfund site in Leadville, CO, published in the Leadville Herald Democrat.

Helene Monberg is a Leadville native and has played a vital role in communicating important matters regarding the West as a veteran journalist for Western Resources Wrap-up, in Washington, DC. It is an excellent article about problems with the way EPA is administering the Superfund Program and I commend it to my colleagues. I ask unanimous consent that it be printed in the RECORD.

[From the Leadville (CO) Herald Democrat, Oct. 27, 1993]

SUPERFUND DETAILED BY FORMER LEADVILLE RESIDENT

(By Helene Monberg)

WASHINGTON.—Mayor Robert J. Zaitz is fed to the teeth with the way the Environmental Protection Agency (EPA) is handling the Superfund site in Leadville. "It's a scandal," he charged.

After 11 years, he told Western Resources Wrap-up (WRW) in telephone interviews on Sept. 16 and Sept. 21, "EPA is still studying the health problems here. EPA hasn't even been able to determine whether the mine dumps in the area pose a health risk, said the exasperated Leadville native, whose family name is synonymous with Leadville.

Currently EPA is completing research under the direction of a University of Michigan researcher to determine whether lead in cookie dough is "biodegradable, which means whether it poses a health hazard to children, Zaitz said. According to EPA studies, about one out of every five children in Leadville has lead levels above normal in his/her blood. By law that is a concern to EPA.

So EPA and its research team conceived of the idea of feeding cookie dough with various levels of lead in it to baby pigs to determine whether lead entered their bloodstream. "Just because kids are exposed to lead doesn't mean it's a problem. It must enter their bloodstream to be harmful. That's what this swine study is all about.

By feeding small doses of lead to these animals EPA hopes to learn how much is being absorbed by the young children in Leadville, Paul Day, an environmental specialist, told Channel 4 in Denver on Sept. 6. Too much lead in one's bloodstream puts kids at risk of developing learning disabilities and may cause reduced hand-to-eye coordination and diminished IQ, according to the Centers for Disease Control. Why use pigs, an uncommon Leadville product? "We felt they would be a good animal model for young children, according to Professor Bob Peppenga, who is working on the study. This study has now moved into the brain-dissecting stage to find whether the piglets were damaged by the lead fed to them in their food, Zaitz told WRW.

Kids in Leadville, like kids everywhere, eat dirt from time to time. Zaitz and other Leadville residents claim they know no kids who ever developed disabilities due to being exposed to lead in Leadville.

Tammy Everett told Channel 4, "My grandparents used to live in California Gulch in the heart of the Leadville Superfund site. As children, "they played in the tailings and stuff . . . and there's been . . . no problem. They haven't had any poisoning," she observed. Zaitz said that blood levels in kids in Leadville have gone down recently because many Leadville mothers have made eating dirt a no-no for their kids, have insisted on them washing their hands after playing outside, and no longer feed their kids locally grown root vegetables. "I still eat locally grown vegetables, and I'm 63, but that probably doesn't prove anything, Zaitz told WRW.

Along with EPA's piglet-lead study, Zaitz questions a lot of the other actions that EPA has taken (or has not taken) in the name of cleaning up. He told WRW:

All 23 miles of Leadville have been put in the Superfund site, but it excluded the Leadville drainage tunnel on federal land.

The U.S. government doesn't want to be stuck with any clean-up costs itself, although it directly generated much of the mine waste. He recalled that the feds cracked the whip during World War II. Uncle Sam insisted that the mines and mills in the Leadville mining district work overtime to produce vitally needed ore for the war effort. Miners were exempt from the draft. But the feds now have a lapse of memory on that count, he said.

EPA tries to push cleanup costs on "anyone with deep pockets."

It does so regardless of their degree of liability, he charged. So the mining companies and others have gone to court or are trying to negotiate settlements with the feds to limit their liability.

Very little on-the-ground clean-up has taken place, but lawyers have cleaned up personally in handling the legal disputes that have arisen over the Leadville Superfund site. "Superfund is a lawyer's paradise. It's a Garden of Eden for lawyers," Zaitz charged. "They (both EPA and industry) use lawyers to try to intimidate us up here in Leadville, but they don't," he claimed.

EPA is considering a proposal to have all landowners in town remove 18 inches of top soil from their yards because of its potential lead and other metal content. Such an operation would not only be costly but "where would you put the dug-up soil?" Zaitz asked.

EPA officials, lawyers and other professionals dealing with Superfund speak in gobbledygook, and Leadville officials and residents don't know what they are talking about. Their reports are written in technical terms and go unread because they are so difficult to read.

"Then EPA complains because their reports go unread," he said.

EPA uses only soil samples to establish the health hazards at Leadville. "They don't consider lead paint or lead pipes," he said.

"They expect the soil to be clean enough to eat," Zaitz noted.

Because of Leadville's designation as a Superfund site, real property values in the town have dropped sharply. For example, his house in the prime residential area in town is only valued at $50,000 on the current market, even though its true value sans Superfund site designation would be well over $100,000, Zaitz said.

EPA expects the town and county to maintain any work done in the area under Superfund even though Leadville is just holding its own financially, and Lake County is "nearly broke, as mining is minimal in the area now." EPA has insisted on fencing part of the area. This has prompted the local residents to call EPA "Eco-Naziism." They have put up a sign on the fence reading "East Berlin Wall-EPA." About that time Zaitz asked this WRW writer, a Leadville native, to check why it has taken so long for EPA to move ahead on this Superfund site.

Denise Link in EPA's Denver office told WRW on Sept. 16 she agreed with Zaitz that progress has been painfully slow in Leadville. It is frustrating, she said. But she did note, and Zaitz agreed, that EPA has successfully gotten ASARCO Mining Company to build a filter plant at a cost of $13 million and the Bureau of Reclamation has built a filter plant at the Leadville drainage tunnel at a cost of about $6 million. The Bu/Rec plant would be more effective if it also received water from Stray Horse Gulch, a heavily mined area, but EPA hasn't suggested that because of its cost to the feds, Zaitz said. EPA's Eleanor Dwight told WRW on Sept. 21 she was writing a letter to Zaitz detailing that an "agreement in principle" had been reached.

She said it was arrived at on July 16 between EPA, and ASARCO, Newmont, Resurrection, and Hecla mining companies and D&RGW Railroad regarding their liability under Superfund, under the supervision of the U.S. District Court in Denver. She said EPA hoped the details could be worked out in a couple of months.

SUPERFUND, A STIGMA FOR TOWN?

Few communities want to become designated as Superfund sites because of "the stigma attached to the term,n according to Chairman Frank R. Lautenberg, D-N.J., of the Superfund Subcommittee of the Senate Environment and Public Works Committee.

He has been holding hearings on Superfund. At the hearing that the Lautenberg panel held on Sept. 9 several of the witnesses raised many of the same points made by Zaitz—that EPA moves with glacial slowness in getting to actual clean-up; too much time and money are spent on studies, litigation and lawyers' fees; ordinary citizens don't understand the technical language used by the pro's in hazardous waste clean-up; real property values drop sharply in areas where a Superfund site is designated, and new businesses are deterred from going into such areas because of the potential high liability that goes with such areas.

A newly released study by the General Accounting Office dated September, 1993 states EPA has spend $15.2 billion to date to implement the 1980 Superfund Act (P.L. 96-510) as amended, but of the 1,275 hazardous waste sites designated on the Superfund list, only 374 are being worked on at the present time. Construction has been completed on only 109 sites to remedy the hazardous waste problem. Forty sites were dropped by EPA from the priority list without clean-up. The U.S. Army Corps of Engineers, which has several divisions starved for civil projects work, has done only about $300 million work annually in clean-up on these sites since 1982 under a contractual agreement with EPA, the Corps told WRW on Sept. 21. The Superfund Act expires at the end of this year; its tax provisions in 1994. Congressional hearings indicated a general consensus that EPA cannot speed up the slow-going clean-up process markedly on its own until the law is updated because of major problems in the law that have arisen over liability, definition of permanent clean-up, and who pays for maintenance of cleaned-up sites; and because funding has been inadequate for the size of the program. Currently reauthorization of the Clean Water Act (PL 92-500) has a higher priority than Superfund in Congress and with the Clinton Administration as well. That could change later if controversies over wetlands slow down reauthorization of the Clean Water Act.

Assistant Attorney General Alan C. Williams of Minnesota, who represented the states at the Sept. 9 Senate hearing on Superfund and is an expert on both the federal and Minnesota Superfund laws, strongly urged that major changes be made in the federal law reauthorization. "All Superfund sites should be subject to uniform national clean-up goals and minimum clean-up goals and minimum clean-up standards. This approach should help meet the (current) concern for environmental justice expressed by some communities affected by Superfund clean-ups. He urged that Congress allow EPA "to delegate remedy selection authority to the states with accompanying responsibility. That should encourage increased state participation in the federal Superfund program, and facilitate more and faster clean-up of (federal) Superfund sites. That would speed up the whole pace of Superfund clean-up, Williams predicted.●

SMALL BUSINESS INCENTIVE ACT OF 1993

Mr. FORD. Mr. President, on behalf of the majority leader I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 249, S. 479, a bill to promote capital formation for small business; that the committee substitute amendment be adopted; that the bill, as amended, then be read three times, and passed, the motion to reconsider laid upon the table; that any statements relating to this measure appear in the RECORD in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 479), as amended, was deemed read three times, and passed; as follows:

S. 479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Incentive Act of 1993".

SEC. 2. EXEMPTED SECURITIES.

Section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 3. EXCLUSIONS FROM THE DEFINITION OF INVESTMENT COMPANY.

Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following new sentence: "Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.";

(2) in paragraph (1)(A)—

(A) by inserting after "issuer" the first place it appears "and the company is or (but for the exceptions set forth in this paragraph and paragraph (7)) would be an investment company"; and

(B) by striking "unless as of the date" and all that follows through the end of subparagraph (A) and inserting a period; and

(3) by amending paragraph (7) to read as follows:

"(7) Any issuer whose outstanding securities are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, except that such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by a registered investment company and the sale of any security issued by a registered open-end investment company to any such issuer.".

SEC. 4. DEFINITION OF QUALIFIED PURCHASER.

Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following new paragraph:

"(51) 'Qualified purchaser' means—

"(A) any natural person who owns at least $10,000,000 in securities of issuers, each of which is not an affiliated person, as defined in section 2(a)(3)(C), of such person;

"(B) any person, acting for its own account or the accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than $100,000,000 in securities of issuers, each of which is not an affiliated person, as defined in section 2(a)(3)(C), of such person; or

"(C) any person, who may own or invest a lesser amount in securities than specified in subparagraphs (A) and (B), that the Commission, by rule or regulation, has determined does not need the protections of this title, after consideration of factors such as—

"(i) a high degree of financial sophistication, including extensive knowledge of and experience in financial matters;

"(ii) sizable net worth;

"(iii) a substantial amount of assets owned or under management;

"(iv) relationship with an issuer; or

"(v) such other factors as the Commission may determine to be consistent with the purpose of this paragraph.

The Commission also may adopt such rules and regulations governing the persons specified in subparagraphs (A) and (B) as it determines are necessary or appropriate in the public interest and for the protection of investors.".

SEC. 5. DEFINITION OF INVESTMENT SECURITIES.

Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) is amended in the last sentence by striking subparagraph (C) and inserting the following: "(C) securities issued by any majority-owned subsidiary of the owner, unless such subsidiary is an investment company or is excluded from the definition of an investment company solely by virtue of paragraph (1) or (7) of subsection (c).".

SEC. 6. EXEMPTION FOR ECONOMIC, BUSINESS, AND INDUSTRIAL DEVELOPMENT COMPANIES.

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)) is amended by adding at the end the following new paragraph:

"(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which the company is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, in that State if—

"(i) the organizational documents of the company state that the activities of the company are limited to the promotion of economic, business, or industrial development in the State through the provision of financial or managerial assistance to enterprises doing business, or proposing to do business, in that State, and such other activities that are incidental or necessary to carry out that purpose;

"(ii) immediately following each sale of the securities of the company by the company or any underwriter for the company, not less than 80 percent of the securities of the company being offered in such sale, on a class-by-class basis, are held by persons who reside or have a substantial business presence in that State;

"(iii) the securities of the company are sold, or proposed to be sold, by the company or any underwriter for the company, solely to accredited investors, as defined in section 2(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

"(iv) the company does not purchase any security issued by an investment company, as defined in section 3, or by any company that would be an investment company except for the exclusions from the definition of investment company in section 3(c), other than—

"(I) any security that is rated investment grade by at least 1 nationally recognized statistical rating organization; or

"(II) any security issued by a registered open-end investment company that is required by its investment policies to invest not less than 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

"(B) Notwithstanding the exemption provided by this paragraph, the provisions of section 9 (and, to the extent necessary to enforce such provisions, sections 38 through 51) of this title shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

"(C) Any company proposing to rely on the exemption provided by this paragraph shall file with the Commission a notification stating that the company intends to do so, in such form and manner as the Commission may prescribe by rule.

"(D) Any company meeting the requirements of this paragraph may rely on the exemption provided by this paragraph upon filing with the Commission the notification required by subparagraph (C), until such time as the Commission determines by order that such reliance is not in the public interest or consistent with the protection of investors.

"(E) The exemption provided by this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.".

SEC. 7. INTRASTATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(d)(1)) is amended by striking "$100,000" and inserting "$10,000,000, or such other amount as the Commission may set by rule, regulation, or order".

SEC. 8. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

"(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders' equity less retained earnings) of not more than $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or".

SEC. 9. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(48)(B)) is amended by inserting before the semicolon at the end the following: ", and provided further that a business development company need not make available significant managerial assistance with respect to any company described in section 2(a)(46)(C)(iii), or with respect to any other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes fairly intended by the policy and provisions of this title".

SEC. 10. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.

Section 55(a)(1)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–54(a)(1)(A)) is amended—

(1) by striking "or from any person" and inserting "from any person"; and

(2) by inserting before the semicolon ", or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors".

SEC. 11. CAPITAL STRUCTURE AMENDMENTS.

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) The asset coverage requirements of subparagraphs (A) and (B) of section 18(a)(1) applicable to business development companies shall be 200 percent.

"(B) Notwithstanding subparagraph (A) of this section or subparagraphs (A) and (B) of section 18(a)(2), a business development company may have an asset coverage of not less than 110 percent, if, immediately before the issuance or sale of senior securities, the business development company has—

"(i) total interest and dividend income for the 12 months preceding such issuance or sale that exceeds 120 percent of the sum of its total expenses (including taxes and interest expenses accrued) and dividends declared on senior securities for that 12-month period; and

"(ii) either—

"(I) an average of not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout the preceding 12-month period; or

"(II) not less than 50 percent of its assets invested in securities described in paragraphs (1) through (5) of section 55(a) throughout 10 months of the preceding 12-month period.

"(C) It shall be unlawful for any business development company to issue any class of senior security representing indebtedness, or to sell any such security pursuant to subparagraph (B), unless provision is made to prohibit the declaration of any dividend (except a dividend payable in stock of the issuer), or the declaration of any other distribution upon any class of the capital stock of such business development company, or the purchase of any such capital stock, unless, in every such case—

"(i) the class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase, an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution, or purchase price, as the case may be; and

"(ii) the business development company complies with subparagraph (B)(i), except with respect to any amounts that are required to be distributed to maintain the status of the company as a regulated investment company under the Internal Revenue Code of 1986.

"(D) It shall be unlawful for any business development company to issue any class of senior security representing stock, or to sell any such security pursuant to subparagraph (B), unless provision is made to prohibit the declaration of any dividend (except a dividend payable in common stock of the issuer), or the declaration of any other distribution, upon the common stock of such business development company, or the purchase of any such common stock, unless, in every such case—

"(i) the class of senior securities has, at the time of the declaration of any such dividend or distribution or at the time of any such purchase an asset coverage of not less than 110 percent after deducting the amount of such dividend, distribution, or purchase price, as the case may be; and

"(ii) the business development company complies with subparagraph (B)(i), except with respect to any amounts that are required to be distributed to maintain the status of the company as a regulated investment company under the Internal Revenue Code of 1986.";

(2) in paragraph (2), by striking "if such business development company" and all that follows through the end of paragraph (2) and inserting a period;

(3) in paragraph (3)(A)—

(A) by striking "senior securities representing indebtedness accompanied by";

(B) inserting "accompanied by securities," after "of such company,"; and

(C) in clause (ii), by striking "senior"; and

(4) in paragraph (3)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period at the end of clause (iv) and inserting "; and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) a business development company may issue warrants, options, or rights to subscribe to, convert to, or purchase voting securities not accompanied by securities, if—

"(i) such warrants, options, or rights satisfy the conditions in clauses (i) and (iii) of subparagraph (A); and

"(ii) the proposal to issue such warrants, options, or rights is authorized by the shareholders or partners of such business development company, and such issuance is approved by the required majority (as defined in section 57(o)) of the directors of or general partners in such company on the basis that such issuance is in the best interests of the company and its shareholders or partners.".

SEC. 12. FILING OF WRITTEN STATEMENTS.

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-63(b)(1)) is amended by inserting "and capital structure" after "portfolio".

THE SMALL BUSINESS INCENTIVE ACT

Mr. DODD. Mr. President, I rise in support of S. 479, the Small Business Incentive Act of 1993. This is legislation designed to increase the flow of capital to the small businesses of this Nation.

Mr. President, I have come to this floor many times over the past several years to talk about economic conditions in New England and in my State of Connecticut. The New England region has suffered from the longest and deepest recession since the Great Depression of the 1930's. In Connecticut, the recession claimed one of every eight jobs during the past 4 years. More than 200,000 jobs have been lost, and the number continues to grow. Recent studies predict that Connecticut may be heading into its fifth winter of declining productivity and declining employment.

Connecticut's misfortune has been severely deepened by the credit crunch. Sixty percent of all Connecticut businesses responding to a survey conducted earlier this year reported credit availability problems in their industries. Good, sound businesses in my State have had to forego opportunities for expansion and job creation, simply because the capital was not available. Others have had to shrink their operations and lay off good workers; still others have gone bankrupt.

This problem has been especially severe for small businesses, which have been the primary source of economic growth and job creation in this country in the past. Ninety-eight percent of all firms in Connecticut employ fewer than 100 people; 87 percent have fewer than 20 workers. Many of these small business owners have told me about going to bank after bank, and being turned down time after time.

In testimony before the Banking Committee earlier this year, Federal Reserve Chairman Alan Greenspan confirmed what businesses in my State had been telling me for more than 3 years, when he said the credit crunch "is a major factor in the problems that small businesses have and their ability to finance their employment and product growth."

Witnesses before the Securities Subcommittee agreed. At a hearing last March on small business access to capital, a spokesman for the National Association of Small Business Investment Companies and the National Association of Business Development Companies, talked about the magnitude of the problem, saying:

> In 1974–75 * * * credit availability was terrible. There were no loans available. In 1981–82 when interest rates were sky high, credit for small business was nonexistent. Both periods were tough times for small business. But both * * * periods pale by comparison to the credit shrinkage of 1991–93. There is almost no credit available to small business today. The landscape for credit is a wasteland. Businesses are starving for funds.

But the lack of bank financing has not been the only problem confronting small businesses in the recent recession. Another witness at the subcommittee's March hearing, Patricia M. Cloherty, testifying on behalf of the National Venture Capital Association, noted: "The much ballyhooed banking credit crunch is nothing new to small business. Small businesses are always part of a credit crunch." She said, however, "recently the country has experienced for the first time a sustained decline in the amount of venture capital available." She said it is "critical to small businesses that the United States maintain a sufficient flow of venture capital."

The Small Business Incentive Act of 1993 is a part of a broader effort to enhance these alternative sources of small business credit. The bill will reduce the regulatory burdens on venture capital funds, business development companies and other financing vehicles that supplement, or serve as alternatives to, bank lending.

The act: Increases from $5 to $10 million the amount of capital that may be raised through the sale of securities in exempt public offerings under SEC rules;

Creates a new category of private venture capital funds that may be sold to an unlimited number of sophisticated investors, and streamlines the current exception for private venture funds;

Creates an exemption from the Investment Company Act for economic, business and industrial development companies that operate under State statutes to provide financial or managerial assistance to businesses located within a particular State;

Raises from $100,000 to $10 million the amount of capital that closed-end funds can raise through intrastate offerings eligible for exemptions; and

Creates new flexibility for business development companies in the nature of their portfolio companies, their capital structures, and other activities.

Mr. President, it is essential to encourage these types of small business financing vehicles. This legislation does this while preserving important investor protections that are the foundation of the Federal securities laws. Moreover, the bill costs taxpayers nothing. It will lower the cost of capital, lower the costs of doing business, and, ultimately, lower costs to consumers—with no additional costs to the taxpayer.

Finally, I would note that this legislation originated in a proposal by the Securities and Exchange Commission 1 year ago. It has the strong support of the current SEC Chairman, Arthur Levitt, as well as the administration. I want to thank Chairman Levitt and all of the hard-working SEC staff who worked with us on the legislation. In addition, I would like to thank the committee staff who worked so hard on this legislation: Mitchell Fever of Chairman RIEGLE's staff, Wayne Abernathy of Senator GRAMM's staff, Laura Unger of Senator D'AMATO's staff, and, of course, my Securities Subcommittee staff, Martin Cochran, George Kramer, and Michael Stein, who recently left the subcommittee.

I hope the House will take up this legislation soon, so that the small businesses of this country will have access to these much-needed sources of capital.

NATIONAL HOME CARE WEEK

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Judiciary Committee be discharged from, and the Senate proceed to the immediate consideration, of Senate Joint Resolution 55 relating to National Home Care Week; that the joint resolution be read a third time, passed; the preamble be agreed to; that the motion to reconsider be laid upon the table; and, that any statements relative to the passage of this item appear in the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 55) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 55

Whereas organized home care services for the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places an emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year, preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, are each designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

TO AMEND THE THREE AFFILIATED TRIBES AND STANDING ROCK SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1613, a bill to amend Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act, introduced earlier today by Senators CONRAD and DORGAN; that the bill be deemed read three times, and passed; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1613) was deemed read the third time and passed, as follows:

S. 1613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

(a) TIME EXTENSION.—Section 3508(d)(1) and section 3509(c)(1) of the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act (Title XXXV; Public Law 102-575; 106 Stat. 4731) are each amended by deleting "1 year" and inserting in lieu thereof in each such section "twenty-six months".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered as having taken effect October 30, 1992.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT ACT OF 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 232, S. 843, relating to reemployment rights and the benefits of veterans.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 843) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consideration of bill which was reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

S. 843

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.
"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS
"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Employee pension benefit plans.
"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION
"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of rights with respect to a State or private employer.
"4323. Enforcement of rights with respect to the Federal executive agencies.
"4324. Enforcement of rights with respect to certain Federal agencies.
"4325. Conduct of investigation; subpoenas.
"SUBCHAPTER IV—MISCELLANEOUS
"4331. Regulations.
"4332. Outreach.

"SUBCHAPTER I—GENERAL

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

"§4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or an employer practice or custom and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3)(A) The term 'employee' means any person employed by an employer.

"(B) With respect to employment in a foreign country, the term 'employee' includes an individual who is a citizen of the United States.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311 of this title.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4317 of this title.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

"(11) The term 'Secretary' means the Secretary of Labor or any person designed by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, performance, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(d)(1) An employer may take an action otherwise prohibited by this section with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer to violate the law of the foreign country in which the workplace is located.

"(2) If an employer controls a corporation incorporated and located in a foreign country, any practice prohibited by this chapter that is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(3)(A) The prohibitions of this section shall not apply to a foreign employer not controlled by an American employer.

"(B) For purposes of this paragraph the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control of the employer and the corporation.

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements

determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title, such employment would impose an undue hardship on the employer.

"(2) In any proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title would impose an undue hardship on the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4317(a)(2)(A) of this title.

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and section 4314 of this title (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following order of priority:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of the position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of a position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

"(3) In the case of a person who has a disability incurred in, or aggravated by, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position

of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated by, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 of this title in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 of this title who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1), consistent with circumstances of such person's case, with full seniority.

"§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312 of this title, such person shall be reemployed in a position of employment as described in section 4313 of this title.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 of this title and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"§ 4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe procedures for ensuring that the rights under this chapter apply to the employees of such agency.

"(b) In prescribing procedures under subsection (a), the head of an agency referred to in that subsection shall ensure, to the maximum extent practicable, that the procedures of the agency for reemploying persons who serve in the uniformed services provide for the reemployment of such persons in the agency in a manner similar to the manner of reemployment described in section 4313 of this title.

"(c)(1) The regulations prescribed under subsection (a) shall designate an official at the agency who shall determine whether or not the reemployment of a person referred to in subsection (b) by the agency is impossible or unreasonable.

"(2) Upon making a determination that the reemployment by the agency of a person referred to in subsection (b) is impossible or unreasonable, the official referred to in paragraph (1) shall notify the person and the Director of the Office of Personnel Management of such determination.

"(3) A determination pursuant to this subsection shall not be subject to judicial review.

"(4) The head of each agency referred to in subsection (a) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on an annual basis a report on the number of persons whose reemployment with the agency was determined under this subsection to be impossible or unreasonable during the year preceding the report, including the reason for each such determination.

"(d)(1) Except as provided in this section, nothing in this section, section 4313 of this title, or section 4324 of this title shall be construed to exempt any agency referred to in subsection (a) from compliance with any other substantive provision of this chapter.

"(2) This section may not be construed—

"(A) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(B) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"(e) The Director of the Office of Personnel Management shall ensure the offcr of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under section 4315(c) of this title that reemployment of the person by the agency is impossible or unreasonable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter after a period of service in the uniformed services is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1)(A) Subject to paragraphs (2) through (6), a person who performs service in the uniformed services shall be—

"(i) deemed to be on furlough or leave of absence while performing such service; and

"(ii) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a practice, policy, agreement, or plan in effect at the commencement of such service or established while such person performs such service.

"(B) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to subparagraph (A) to the extent other employees on furlough or leave of absence are so required. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits which the person would not otherwise be entitled if the person were not on a furlough or leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty service in excess of 31 days to the extent such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) The requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(A) the date of the end of the 18-month period that begins on the date on which the person commences the performance of the service referred to in paragraph (1); or

"(B) the date of the expiration of the person's obligation with respect to such service to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(7) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4317 of this title.

"(c)(1)(A) Subject to paragraphs (2) and (3), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person may elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for not more than 18 months after such absence begins.

"(B) A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(C) In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person who elects to continue health-plan coverage under this subsection shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(3) The period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this subsection shall be the lesser of—

"(A) the 18-month period beginning on the date on which the absence referred to in paragraph (1) begins; or

"(B) the aggregate of the period of the person's service in the uniformed services and the period in which the person is required to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(d)(1) Except as provided in paragraph (2), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage of the person upon reemployment under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(2) Paragraph (1) shall not apply to the condition of a person if the Secretary determines that the condition was incurred or aggravated during active military, naval, or air service.

"(e) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

"(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

"(f)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4317. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. This subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) Except as provided in section 4312(f)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals only to the extent the person elects to make employee contributions or elective deferrals that are attributable to the period of service described in subsection (a)(2)(B). No such contributions or deferrals may exceed the amount the person or employer would have been permitted or required to make had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any employee contribution or deferral to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree but in no event shall such person be afforded a payment period shorter than the length of absence for service for which the payments are due.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the rate the employee would have received but for the absence during the period of service; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Notwithstanding any other provision of this section—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any forfeitures during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, any of its participants, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned or reallocated, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"§4321. Assistance in obtaining reemployment or other employment rights or benefits

"(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"(b)(1)(A) A person referred to in subparagraph (B) may submit a complaint to the Secretary with respect to the matters described in clause (ii) of such subparagraph. Such complaint shall be submitted in accordance with subsection (c).

"(B) A person may submit a complaint under subparagraph (A) if the person claims—

"(i) to be entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(ii) that the employer (including the Office of Personnel Management, if the employer is the

Federal Government) has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and to such claimant's employer.

"(c) A complaint submitted under subsection (b) shall be in a form prescribed by the Secretary and shall include—

"(1) the name and address of the employer or potential employer against whom the complaint is directed; and

"(2) a summary of the allegations upon which the complaint is based.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (b). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4322 of this title (in the case of a person submitting a complaint against a State or private employer) or section 4323 of this title (in the case of a person submitting a complaint against the Federal Government).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§4322. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4321(c) of this title;

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only a State and local government (as an employer), an employer, or a potential employer, as the case may be, shall be a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this chapter.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"§4323. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board. A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4321(c) of this title;

"(B) has received a notification from the Secretary under section 4321(e) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency or employee to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§4324. Enforcement of rights with respect to certain Federal agencies

"(a) This section applies to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in subsection (a) of section 4315 of this title was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

"(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

"(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4321(d) of this title.

"(d) This section may not be construed—

"(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under

this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"§4325. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

"(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"(d) Subsections (b) and (c) shall not apply to the legislative branch or the judicial branch of the United States.

"SUBCHAPTER IV—MISCELLANEOUS

"§4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with respect to States and local governments (as employers) and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4332. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and employers under this chapter.".

(b) Table of Chapters.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(c) Report Relating to Implementation of Reemployment Rights Provisions.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General of the United States, and the Special Counsel referred to in section 4323(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to an entitlement to rights and benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) Repeal.—Subchapter II of chapter 35 of title 5, United States Code, is repealed.

(b) Conforming Amendment.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) Creditable Military Service Under CSRS.—Section 8331(13) of title 5, United States Code, is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(b) Pay Deductions for Military Service Under CSRS.—Section 8334(j)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(c) Creditable Military Service Under FERS.—Section 8401(31) of such title is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(d) Pay Deductions for Military Service Under FERS.—Section 8422(e)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(e) Technical Amendments.—Title 5, United States Code, is amended as follows:

(1) In section 8401(11), by striking out "1954" in the flush matter above clause (i) and inserting in lieu thereof "1986".

(2) In section 8422(a)(2)(A)(ii), by striking out "1954" and inserting in lieu thereof "1986".

(3) In section 8432(d), by striking out "1954" in the first sentence and inserting in lieu thereof "1986".

(4) In section 8433(i)(4), by striking out "1954" and inserting in lieu thereof "1986".

(5) In section 8440—

(A) by striking out "1954" in subsection (a) and inserting in lieu thereof "1986"; and

(B) by striking out "1954" in subsection (c) and inserting in lieu thereof "1986".

SEC. 6. THRIFT SAVINGS PLAN.

(a) In General.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4)(A) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(i) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(ii) the period of time over which the employee wishes to make contributions under this subsection.

"(B) The employing agency may place a maximum limit on the period of time referred to in subparagraph (A)(ii), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f) Amounts paid under subsection (c) or (d) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(g)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(h) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code (as added by section 2(a)), occurs on or after August 1, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is restored or reemployed in a position of employment (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

SEC. 7. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

SEC. 8. TECHNICAL AMENDMENT.

(a) TECHNICAL AMENDMENT.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 9. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4316(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4316. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) INVESTIGATIONS AND SUBPOENAS.—The provisions of section 4325 of title 38, United States Code, as provided in the amendments made by this Act, shall become effective on the date of the enactment of this Act and apply to any matter pending with the Secretary of Labor under section 4305 of title 38, United States Code, as of that date.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that begin before the end of the 60-day period referred to in subsection (a).

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.

AMENDMENT NO. 1095

(Purpose: To amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase of construction of homes)

Mr. FORD. Mr. President, on behalf on Senator ROCKEFELLER, I send an amendment to the desk, and I ask unanimous consent that the amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky, [Mr. FORD], for Mr. ROCKEFELLER, proposes an amendment numbered 1095.

On page 133, below line 21, add the following:

SEC. 10. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1095) was agreed to.

The PRESIDING OFFICER. The substitute is agreed to.

The bill is deemed read three times and passed.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Employee pension benefit plans.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of rights with respect to a State or private employer.
"4323. Enforcement of rights with respect to the Federal executive agencies.
"4324. Enforcement of rights with respect to certain Federal agencies.
"4325. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS

"4331. Regulations.
"4332. Outreach.

"SUBCHAPTER I—GENERAL

"§ 4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

"§ 4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

"§ 4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or an employer practice or custom and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3)(A) The term 'employee' means any person employed by an employer.

"(B) With respect to employment in a foreign country, the term 'employee' includes an individual who is a citizen of the United States.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311 of this title.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4317 of this title.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

"(11) The term 'Secretary' means the Secretary of Labor or any person designed by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§ 4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, performance, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(d)(1) An employer may take an action otherwise prohibited by this section with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer to violate the law of the foreign country in which the workplace is located.

"(2) If an employer controls a corporation incorporated and located in a foreign country, any practice prohibited by this chapter that is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(3)(A) The prohibitions of this section shall not apply to a foreign employer not controlled by an American employer.

"(B) For purposes of this paragraph the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control of the employer and the corporation.

"§ 4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title, such employment would impose an undue hardship on the employer.

"(2) In any proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title would impose an undue hardship on the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4317(a)(2)(A) of this title.

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§ 4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and section 4314 of this title (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following order of priority:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of the position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of a position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

"(3) In the case of a person who has a disability incurred in, or aggravated by, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated by, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 of this title in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 of this title who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1), consistent with circumstances of such person's case, with full seniority.

"§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312 of this title, such person shall be reemployed in a position of employment as described in section 4313 of this title.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 of this title and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"§ 4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe procedures for ensuring that the rights under this chapter apply to the employees of such agency.

"(b) In prescribing procedures under subsection (a), the head of an agency referred to in that subsection shall ensure, to the maximum extent practicable, that the procedures of the agency for reemploying persons who serve in the uniformed services provide for the reemployment of such persons in the agency in a manner similar to the manner of reemployment described in section 4313 of this title.

"(c)(1) The regulations prescribed under subsection (a) shall designate an official at the agency who shall determine whether or not the reemployment of a person referred to in subsection (b) by the agency is impossible or unreasonable.

"(2) Upon making a determination that the reemployment by the agency of a person referred to in subsection (b) is impossible or unreasonable, the official referred to in paragraph (1) shall notify the person and the Director of the Office of Personnel Management of such determination.

"(3) A determination pursuant to this subsection shall not be subject to judicial review.

"(4) The head of each agency referred to in subsection (a) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on an annual basis a report on the number of persons whose reemployment with the agency was determined under this subsection to be impossible or unreasonable during the year preceding the report, including the reason for each such determination.

"(d)(1) Except as provided in this section, nothing in this section, section 4313 of this title, or section 4324 of this title shall be construed to exempt any agency referred to in subsection (a) from compliance with any other substantive provision of this chapter.

"(2) This section may not be construed—

"(A) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(B) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"(e) The Director of the Office of Personnel Management shall ensure the offer of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under section 4315(c) of this title that reemployment of the person by the agency is impossible or unreasonable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter after a period of service in the uniformed services is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1)(A) Subject to paragraphs (2) through (6), a person who performs service in the uniformed services shall be—

"(i) deemed to be on furlough or leave of absence while performing such service; and

"(ii) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a practice, policy, agreement, or plan in effect at the commencement of such service or established while such person performs such service.

"(B) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to subparagraph (A) to the extent other employees on furlough or leave of absence are so required. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits which the person would not otherwise be entitled if the person were not on a furlough or leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty service in excess of 31 days to the extent such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) The requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(A) the date of the end of the 18-month period that begins on the date on which the person commences the performance of the service referred to in paragraph (1); or

"(B) the date of the expiration of the person's obligation with respect to such service to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

“(7) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4317 of this title.

“(c)(1)(A) Subject to paragraphs (2) and (3), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person may elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for not more than 18 months after such absence begins.

“(B) A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

“(C) In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

“(2) A person who elects to continue health-plan coverage under this subsection shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

“(3) The period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this subsection shall be the lesser of—

“(A) the 18-month period beginning on the date on which the absence referred to in paragraph (1) begins; or

“(B) the aggregate of the period of the person's service in the uniformed services and the period in which the person is required to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

“(d)(1) Except as provided in paragraph (2), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage of the person upon reemployment under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

“(2) Paragraph (1) shall not apply to the condition of a person if the Secretary determines that the condition was incurred or aggravated during active military, naval, or air service.

“(e) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

“(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

“(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

“(f)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

“(2) A person entitled to the benefit described in paragraph (1) is a person who—

“(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

“(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

“§ 4317. Employee pension benefit plans

“(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

“(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. This subparagraph shall not be construed to affect any other right or benefit under this chapter.

“(2)(A) Except as provided in section 4312(f)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

“(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

“(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

“(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals only to the extent the person elects to make employee contributions or elective deferrals that are attributable to the period of service described in subsection (a)(2)(B). No such contributions or deferrals may exceed the amount the person or employer would have been permitted or required to make had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any employee contribution or deferral to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree but in no event shall such person be afforded a payment period shorter than the length of absence for service for which the payments are due.

“(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

“(A) shall be computed at the rate the employee would have received but for the absence during the period of service; or

“(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

“(4) Notwithstanding any other provision of this section—

“(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

“(B) any forfeitures during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

“(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

“(d) No provision of this section shall apply to the extent it—

“(1) requires any action to be taken which would cause the plan, any of its participants, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

“(2) requires contributions to be returned or reallocated, or additional contributions to be made, with respect to employees not reemployed under this chapter.

“SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

“§ 4321. Assistance in obtaining reemployment or other employment rights or benefits

“(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"(b)(1)(A) A person referred to in subparagraph (B) may submit a complaint to the Secretary with respect to the matters described in clause (ii) of such subparagraph. Such complaint shall be submitted in accordance with subsection (c).

"(B) A person may submit a complaint under subparagraph (A) if the person claims—

"(i) to be entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(ii) that the employer (including the Office of Personnel Management, if the employer is the Federal Government) has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and to such claimant's employer.

"(c) A complaint submitted under subsection (b) shall be in a form prescribed by the Secretary and shall include—

"(1) the name and address of the employer or potential employer against whom the complaint is directed; and

"(2) a summary of the allegations upon which the complaint is based.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (b). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4322 of this title (in the case of a person submitting a complaint against a State or private employer) or section 4323 of this title (in the case of a person submitting a complaint against the Federal Government).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§ 4322. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4321(c) of this title;

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only a State and local government (as an employer), an employer, or a potential employer, as the case may be, shall be a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this chapter.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"§ 4323. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board. A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4321(c) of this title;

"(B) has received a notification from the Secretary under section 4321(e) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency or employee to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§ 4324. Enforcement of rights with respect to certain Federal agencies

"(a) This section applies to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in subsection (a) of section 4315 of this title was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

"(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

"(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4321(d) of this title.

"(d) This section may not be construed—

"(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"§ 4325. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

"(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"(d) Subsections (b) and (c) shall not apply to the legislative branch or the judicial branch of the United States.

"SUBCHAPTER IV—MISCELLANEOUS

"§ 4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with respect to States and local governments (as employers) and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4332. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(c) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General of the United States, and the Special Counsel referred to in section 4323(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to an entitlement to rights and benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35 of title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) CREDITABLE MILITARY SERVICE UNDER CSRS.—Section 8331(13) of title 5, United States Code, is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(b) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER CSRS.—Section 8334(j)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(c) CREDITABLE MILITARY SERVICE UNDER FERS.—Section 8401(31) of such title is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(d) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER FERS.—Section 8422(e)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(e) TECHNICAL AMENDMENTS.—Title 5, United States Code, is amended as follows:

(1) In section 8401(11), by striking out "1954" in the flush matter above clause (i) and inserting in lieu thereof "1986".

(2) In section 8422(a)(2)(A)(ii), by striking out "1954" and inserting in lieu thereof "1986".

(3) In section 8432(d), by striking out "1954" in the first sentence and inserting in lieu thereof "1986".

(4) In section 8433(i)(4), by striking out "1954" and inserting in lieu thereof "1986".

(5) In section 8440—

(A) by striking out "1954" in subsection (a) and inserting in lieu thereof "1986"; and

(B) by striking out "1954" in subsection (c) and inserting in lieu thereof "1986".

SEC. 6. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§ 8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4)(A) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(i) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(ii) the period of time over which the employee wishes to make contributions under this subsection.

"(B) The employing agency may place a maximum limit on the period of time referred to in subparagraph (A)(ii), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f) Amounts paid under subsection (c) or (d) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(g)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(h) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) Preservation of Certain Rights.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) Election To Resume Regular Contributions Upon Restoration or Reemployment.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) Applicability to Employees Under CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) Effective Date; Applicability.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code (as added by section 2(a)), occurs on or after August 1, 1990.

(f) Rules for Applying Amendments to Employees Restored or Reemployed Before Effective Date.—In the case of any employee (described in subsection (e)(2)) who is restored or reemployed in a position of employment (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

SEC. 7. CONFORMING AMENDMENTS.

(a) Title 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(b) Title 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

SEC. 8. TECHNICAL AMENDMENT.

(a) Technical Amendment.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 9. TRANSITION RULES AND EFFECTIVE DATES.

(a) Reemployment.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4316(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4316. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) INVESTIGATIONS AND SUBPOENAS.—The provisions of section 4325 of title 38, United States Code, as provided in the amendments made by this Act, shall become effective on the date of the enactment of this Act and apply to any matter pending with the Secretary of Labor under section 4305 of title 38, United States Code, as of that date.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that begin before the end of the 60-day period referred to in subsection (a).

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.

SEC. 10. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to give their unanimous approval to S. 843, the proposed Uniformed Services Employment and Reemployment Rights Act of 1993, as reported by the Veterans' Affairs Committee on October 18, as it will be amended by a committee modification that I am proposing. This measure, which I will refer to as the committee bill, would revise chapter 43 of title 38, United States Code, to clarify veterans' reemployment rights [VRR] law provisions and to make improvements in various aspects of this law.

This bill is derived from S. 1095, as passed by unanimous consent in the 102d Congress on October 1, 1992. It is also similar to H.R. 995—a bill derived from H.R. 1578 as passed by the House on October 6, 1992. H.R. 995 was reported on April 28, 1993 (H. Rpt. No. 103–65) and was passed by the House on May 4, 1993.

BACKGROUND

Mr. President, the VRR provisions, first enacted in 1940, are codified in chapter 43 of title 38. The current VRR law provides job security to employees who leave their civilian jobs in order to enter active military service, voluntarily or involuntarily. Within certain limits, the law generally entitles the individual who serves in the military to return to his or her former civilian job after being discharged or released from active duty under honorable conditions. For purposes of seniority, status, and pay, the employee is entitled to be treated as though he or she never left. The effect of this law is often characterized as enabling the returning veteran to step back on the seniority escalator at the point he or she would have occupied without interruption for military service. The law applies both to active-duty service and to training periods served by reservists and members of the National Guard.

The VRR law is intended to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which occur as a result of such service. The bill that is before the Senate today would help ensure that the VRR law effectively and fairly serves this purpose.

The bill is also aimed at clarifying the law. It is important that both employees and employers be able to understand the VRR law clearly so that active-duty servicemembers and reservists, whether they serve on active duty during an extended conflict or participate in routine training, do not experience unnecessary delays or disputes in returning to their former civilian jobs. Unfortunately, over the last 53 years the VRR law has become a confusing and cumbersome patchwork of statutory amendments and judicial constructions that, at times, hinders the resolution of claims. Thus, this bill would amend the VRR law to restate past amendments in a clearer manner and to incorporate important court decisions interpreting the law. The substantive rights at the heart of the VRR law would remain as valuable protection to those who provide this country with noncareer service in the uniformed services.

Mr. President, Congress has long recognized that the support of civilian employers is necessary if the uniformed services are to be able to recruit and retain noncareer personnel. I sincerely appreciate the very cooperative and patriotic manner in which the vast majority of employers have carried out their responsibilities under the VRR law. The committee bill is designed to take into account the legitimate interest and needs of employers and to assist them by stating their obligations in a clear fashion.

Both Committees on Veterans' Affairs and the administration committed much time and energy to the revision and improvement of this law during the 102d Congress. For over 3 years, an executive branch task force on VRR law, including representatives of the Departments of Labor, Defense, and Justice and the Office of Personnel Management, worked to develop a revision of chapter 43. H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, as passed by the House on May 14, 1991, was similar to and largely derived from the administration's March 5, 1991 draft. H.R. 1578 was modified and passed again by the House on October 1, 1992.

The Senate Veterans' Affairs Committee, under the leadership of Chairman Alan Cranston during the 102d Congress, worked closely with representatives from each of the Federal agencies responsible for administering the VRR law in developing the Senate bill, S. 1095, entitled the Uniformed Services Employment and Reemployment Rights Act of 1991. Senator Cranston introduced S. 1095 on May 16, 1991.

The Senate Veterans' Affairs Committee held a hearing on the legislation and subsequently filed a report of S. 1095 on November 7, 1991. Unfortunately, the Senate was unable to proceed to the consideration of S. 1095 until October 1, 1992—only a few days before adjournment of the 102d Congress.

The delay of nearly 11 months was the result of objections to S. 1095 by several organizations representing both large and small businesses which expressed reservations with S. 1095 as reported. The bill that the Senate finally passed on October 1, with a substantial committee modification as an amendment to the bill, reflected a substantial compromise reached with the business organizations and various Senators, while upholding the interests of veterans. The committee bill substantially embodies the compromise reached at the end of the last Congress.

Mr. President, because the various provisions in the committee bill are described in detail in the committee's report accompanying this measure, Senate Report No. 103-158, I will at this time just set forth a summary of the provisions and then discuss some selected provisions that I want to highlight. I refer my colleagues and all others with an interest in the committee bill to the committee report for more complete information on it.

SUMMARY OF MAJOR PROVISIONS

As modified by this bill, chapter 43 would:

1. Define terms used in the new chapter 43.

2. Continue to protect employees or applicants for employment from discrimination or reprisal based on their military obligation, and add a prohibition of employer reprisals against witnesses in reemployment rights cases.

3. Expand the term "employee" to include U.S. citizens employed in a foreign country if an American employer controls the corporation, but allow an employer to take an otherwise prohibited action if compliance with chapter 43 would violate the law of the foreign country.

4. Place a 5-year limit, with certain exceptions, on the cumulative length of time that an individual may be absent from a position of employment and still be eligible for reemployment rights with respect to that position.

5. Repeal the exclusion of individuals who held temporary positions from reemployment protection.

6. Generally base time requirements for returning to work or applying for reemployment on the length of the individual's absence for service.

7. Require absent individual (or an appropriate officer of the uniformed service) to give employer advance written or verbal notice of service.

8. Allow employers who reemploy individuals absent for more than 90 days for active-duty service to require documentation regarding their service before they would become entitled to pension benefits with respect to the period of service.

9. Codify court holding that entitlement to reemployment protection does not depend upon the timing, frequency, duration, or nature of an individual's service.

10. Require employers to make reasonable efforts—actions, including training, that do not create an undue hardship on the employer—to refresh or update the skills of an individual who needs training in order to qualify for reemployment.

11. Require employers to make reasonable efforts to accommodate the disability of an individual seeking employment who has a service-connected disability.

12. Ensure an individual whose reemployment in a legislative or judicial branch position, or as a National Guard technician, is impossible or unreasonable is given an offer of alternative employment in a Federal executive agency in a position of like seniority, status, and pay.

13. Maintain the so-called escalator principle under which an individual absent from employment by reason of service in the uniformed services is entitled, upon being reemployed, to the seniority and other rights and benefits determined by seniority the individual had when he or she began service plus the additional seniority and rights and benefits he or she would have attained with reasonable certainty if the person had remained continuously employed.

14. Reaffirm that while an individual is performing service in the uniformed services that he or she is deemed to be on furlough or leave of absence and is entitled to those other rights and benefits not determined by seniority which were in effect at the beginning of the service. Expand the individual's entitlement to include those other rights and benefits which are established while the individual performs the service, but limit the duration of entitlement to such rights and benefits to a period of 18 months or the completion of service and the period of time to notify the employer of the person's intent to return, whichever is earlier.

15. Clarify that an individual on leave of absence from employment while serving in the uniformed services would not be entitled to any non-seniority benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

16. Provide that an individual in the uniformed services who is entitled to an extension of the civilian employer's health-plan coverage by virtue of being deemed to be on furlough or leave of absence is entitled to that coverage to the extent that the individual is not entitled to care and treatment from the Federal Government as a result of service in the uniformed services.

17. Provide that an individual in the uniformed services who is entitled to an extension of the civilian employer's disability insurance policy is not entitled to the coverage of and injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that that coverage is excluded or limited by any provision of the plan or policy.

18. Provide that an individual in the uniformed services who is entitled to an extension of his or her civilian employer's life insurance policy is entitled to the coverage of a death incurred as a result of participation in, or assignment to an area of, armed conflict to the extent that that coverage is not excluded or limited by any provision of the plan or policy.

19. Provide that if an individual's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of service in the uniformed services, the individual may elect to continue the health-plan coverage for up to 18 months after the absence begins or for the period of service and the period of time to notify the employer of the individual's intent to return, whichever period is the shorter period. The individual could be required to pay no more than 102 percent of the full premium for the coverage, and an individual serving for less than 31 days could not be required to pay more than the normal employee share of any premium. The individual will not be entitled to coverage under that plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of his or her service in the uniformed services.

20. Provide that if an individual's coverage by an employer-sponsored health plan is terminated by reason of that individual's uniformed service, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage upon reemployment, if an exclusion or waiting period would not have been imposed under the health plan had coverage not been terminated as a result of service; however, this provision does not apply to a condition of a service member that the Secretary of Veterans Affairs has determined was incurred or aggravated in the line of duty in the military service.

21. Provide that (a) a reemployed individual whose period of service was more than 30 days but less than 181 days could not be removed from employment without cause for 6 months; and (b) an individual whose period of service was more than 180 days could not be removed from employment without cause for 1 year.

22. Provide that an individual, upon submitting a written request to the individual's employer, would be able to use accrued vacation or annual leave while serving in the uniformed services.

23. Provide that, for pension purposes, an individual must be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for vesting and benefit accrual purposes; the employer who reemploys the individual is liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits from employee contributions only to the extent that the individual makes payments with respect to the contributions.

24. Provide that, in a multiemployer benefit plan, the sponsor maintaining the plan may allocate among the participating employers the liability of the plan for health care and pension benefits for individuals who are absent for service in the uniformed services. If no cost-sharing arrangement is provided, the full liability for providing continued health care coverage and for making the retroactive contributions to the plan would be allocated to the last employer employing the person before the period of uniformed service.

25. Provide that a returning employee's payments into the pension plan may be made, as the employer and employee may agree, during any reasonable continuous period (beginning with the date of reemployment) but in no event will the individual be required to make payments over a period less than the length of absence for service for which the payments are due.

26. Provide that, for the purposes of determining an employer's liability or an employee's contributions under a pension benefit plan, the employee's reconstructed compensation during the period of his or her service in the uniformed services would be based on (a) the rate of pay the employee would have received with reasonable certainty from the employer but for the absence during the period of service, or (b) if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding the employee's entry into service (or, if shorter than 12 months, the period of employment immediately preceding entry into service).

27. Provide that, unless a pension plan provides otherwise, (a) no earnings would be credited to an employee with respect to any contribution prior to the contribution actually being made to the plan, and (b) any forfeiture of contributions made by other participants, for any year during the period of service, would not be allocated to the returning servicemember.

28. Provide that no provision of the section regarding employee pension benefit plans would apply to the extent it would (a) require any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986 or (b) require contributions to be made with respect to employees not reemployed under the veterans' reemployment rights law.

29. Provide that, following an individual's submission of a complaint that the employer has failed or refused, or is about to fail or refuse, to comply with the veterans' reemployment rights law, the Secretary of Labor must investigate the complaint and make reasonable efforts to ensure compliance with that law, and if the efforts of the Secretary are unsuccessful, notify the individual who submitted the complaint of the results of the investigation and the individual's right to pursue the complaint further—generally in Federal district court or, in the case of a Federal executive agency employee, before the Merit Systems Protection Board [MSPB].

30. Authorize the Secretary of Labor to require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. Legislative and judicial branches would be exempt from the service of such a subpoena.

31. Enable Federal executive agency employees whose cases are not resolved successfully by the Department of Labor to receive representation by the Office of Special Counsel before the MSPB and the U.S. Court of Appeals for the Federal Circuit.

32. Provide that an individual would be able to petition a U.S. Court of Appeals for the Federal Circuit to review a decision of the MSPB and that both the MSPB and Courts of Appeals for the Federal Circuit would have the authority to award reasonable attorney fees, expert witness fees, and other litigation expenses to individuals who prevail.

33. Require the heads of intelligence agencies, which are otherwise exempt from the enforcement procedures of the veterans' reemployment laws applicable to Federal agencies, to prescribe the conditions under which individuals who are absent from employment by reason of service in the uniformed services will be reemployed and the procedures for ensuring that those who satisfy the conditions are reemployed. In cases where it is impossible or unreasonable to reemploy an individual, the agency head would be required to notify the individual and the Director of the Office of Personnel Management [OPM]. The Director of OPM would be required to place the individual in a comparable position elsewhere in a Federal executive agency. The head of each intelligence agency would also be required annually to report to Congress the number of individuals whose reemployment with the agency was determined to be impossible or unreasonable and the reasons for each determination. Employees of intelligence agencies would be authorized to submit reemployment claims to the Inspector General of the agency, who would be required to investigate and resolve the claim in accordance with procedures prescribed by the head of the agency. The head of each intelligence agency would be required, to the maximum extent possible, to make the agency's conditions and procedures for reemployment, investigation, and resolution of claims similar to those applicable to employees of other Federal executive agencies.

34. Authorize the Attorney General to decide whether an individual who has been denied reemployment with a State or private employer will receive representation by a U.S. attorney in Federal court.

35. Authorize the award of attorney fees and expenses to employees who choose to be represented by private counsel and who prevail in court.

36. Provide for liquidated damages in an amount equal to the lost wages and benefits awarded in a case in which an employee prevails against a State (as an employer) or a private employer in court and the court determines that the employer's failure to comply with the provisions of the employment law was willful.

37. Require the Secretaries of Labor, Defense, and Veterans Affairs to take appropriate actions to inform individuals entitled to rights and benefits under the veterans' reemployment rights law and employers of their rights, benefits, and obligations under the new law.

38. Require the Secretary of Labor, the Attorney General, and the Special Counsel to each submit to Congress not later than one year after the date of enactment a report on the implementation of the new law.

39. Provide that, effective August 1, 1990, the amount of Federal civil service retirement payments for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service if the employee had not performed the period of military service.

40. Provide for the payment of contributions to the Thrift Savings Fund by Federal employees who perform military service.

41. Provide that the investigations and subpoenas provision would be effective immediately upon enactment and apply to cases pending with the Secretary of Labor as of that date.

PROHIBITION AGAINST DISCRIMINATION AND ACTS OF REPRISAL

Mr. President, the proposed new section 4311 of title 38 would provide that individuals who have performed, apply to perform, or have an obligation to perform service in the uniformed services may not be denied initial employment, reemployment, retention, promotion, or any benefit of employment by an employer on the basis of that service or obligation. This would recodify and expand the current prohibition against discrimination, which provides that a person may not be denied hiring, retention in employment, or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces. This measure would also prohibit employer reprisals against employees who have taken an action to enforce their employment or reemployment rights or against witnesses in such cases, whether or not the witnesses had performed service in the uniformed service.

Mr. President, to maintain a strong and effective reserve force, it is necessary to ensure reservists that they will not have to sacrifice their civilian job security and advancement because of an obligation for service in the uniformed services. This provision would strengthen considerably the current law proscription of discrimination against members of the Reserve and National Guard.

SCOPE OF COVERAGE

Mr. President, under current law, an individual is eligible for reemployment rights only if the position held prior to absence for service in the uniformed services was other than temporary. As first proposed by the distinguished chairman of the Committee on Labor and Human Resources, Mr. KENNEDY, in the 102d Congress, the committee bill would repeal the exclusion of temporary positions from the scope of reemployment rights.

There is no definition of "temporary" for reemployment purposes in current law, and the scope of the exclusion is unclear. Over the past 50 years, the courts have determined that many positions that employers would describe as temporary are covered by current law. As a general rule, the courts have held that a position will not be considered temporary and thus excluded from reemployment rights protection if the employee had a reasonable expectation that the employment would continue for a significant or indefinite period. Thus, I believe that, although deletion of the exception for temporary positions will simplify the administration of reemployment rights, it will not constitute a major expansion of the scope of chapter 43.

In proposing the application of the reemployment rights law to temporary positions, the committee intends to remove one potentially contentious issue—whether a particular job was temporary or not—that could create an unnecessary obstacle to prompt reemployment. The inclusion of temporary positions would not alter for employers the fundamental protection in current law—and incorporated in our bill—against having to reemploy an individual when the employer's circumstances have changed so as to make it impossible or unreasonable to do so. I also note that the employer is only obligated to restore the individual to a position that he or she would have attained by continuous employment without interruption for service in the uniformed services. If the position would have terminated during the period of service and would not have recurred, as a seasonal job would, the employer would have no reemployment obligation.

APPLICATIONS FOR REEMPLOYMENT

Mr. President, under current law, distinctions are made among types or categories of military training or service for the purposes of reemployment rights. For example, the time periods during which a person must report back to work vary depending on the type of service, and an employee who is ordered to active duty as a reservist is treated differently than an employee who is inducted into the Armed Forces.

Under proposed new section 4312 all types of service would be treated as service in the uniformed services and the time periods within which an individual must return to work or make an application for reemployment would be based on the length of his or her period of service. Different lengths of service would invoke different requirements.

Individuals who are hospitalized for or convalescing from a service-connected injury or illness could extend their reemployment reporting or application dates for up to 2 years. Additionally, the 2-year period may be extended by the minimum time required to accommodate circumstances beyond the servicemember's control that make it impossible or unreasonable to report within the 2 years.

In my view, the current extension of up to 1 year during hospitalization does not allow sufficient time for recovery or rehabilitation in some cases. Appropriate physical and vocational rehabilitation can take a considerable amount of time during the beyond hospitalization. The committee bill would afford individuals with service-connected disabilities a more reasonable amount of time for recovery and rehabilitation.

DOCUMENTATION

Mr. President, proposed section 4312(f) would provide that an employer must reemploy a person notwithstanding the person's failure to provide proper documentation. If after reemployment, documentation becomes available that establishes that the person was not eligible for VRR protection, the employer may terminate the employment and any rights or benefits afforded the person under the VRR law.

The committee bill recognized the employers' concern that employer pension contributions to a defined contribution plan could possibly be withdrawn prior to a discovery that the person did not have VRR eligibility and allowed employers to insist on documentation before providing pension benefits to those who were absent for more than 90 days. The committee understood that the Department of Defense is not required to provide discharge documentation for active-duty service of less than 31 days—2-week annual training exercises being the most common example of when documentation would not be available upon the servicemember's return to work—but that documentation would generally be available for longer periods of uniformed service. The committee also realized that from an employer's perspective, retroactive pension payments would be fairly small when an employee has been absent for a short period of uniformed service. The committee's compromise provision strikes a balance between interests of employees and employers.

REASONABLE EFFORTS TO ACCOMMODATE DISABLED PERSONS

Mr. President, the Persian Gulf War Veterans' Benefits Act of 1991 (title III, C of Public Law 102-25) amended the VRR law to require employers to make "reasonable accommodation"—as that term is defined in the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. 12111(9))—for disabled individuals seeking reemployment. That provision was derived from a provision as introduced by Senator KENNEDY. However, in conference with the House, exemptions from this requirement were added for certain employers, primarily certain small businesses that are exempt from the reasonable accommodation requirments under the ADA. The committee bill would eliminate these exemptions. However, I note that the committee bill would not require the employer to make reasonable efforts to accommodate when doing so would impose an undue hardship for the employer.

RETRAINING

Mr. President, the committee bill would provide that an individual seeking reemployment is considered qualified to perform the duties of a position if he or she either (1) has the ability to perform the essential tasks of the position, or (2) would qualify after reasonable efforts by the employer, including training to refresh or update necessary skills.

Under current law, the concept of retraining is reflected only in the establishment of periods of time after reinstatement—1 year in the case of an individual who has been inducted and 6 months for certain members of a Reserve component—during which an employee may not be discharged without cause. These periods of protection apparently were initially intended to allow a returning servicemember to become reacclimated to his or her former position and to prevent a mere perfunctory and meaningless reinstatement for a brief period.

Mr. President, I understand that at times being away from a job may cause an employee's skills to become rusty. Also, rapidly changing technology in the workplace may require that employees be given a significant period of time to learn how the job has changed. For example, we intend that, under this training requirement, returning employees be provided with the opportunity to refresh their skills and with training on new equipment installed in their absence. Thus, before an employer could make a good faith determination that a returning employee is not qualified, the committee believes that the employer generally first would have to provide refresher training or make other reasonable efforts to update the employee's skills.

REEMPLOYMENT BY THE FEDERAL GOVERNMENT

Mr. President, the proposed new section 4314(c) and (d) would expand the rights of an individual whose reemployment in a Federal legislative or judicial branch position, or in a position as a National Guard technician, is not feasible.

Section 3304(c) of title 5 provides that a returning servicemember whose previous position of employment had been in the legislative branch is eligible for competitive civil service status only if he or she served for at least 3 years in the legislative branch in a position in which he or she was paid by the Secretary of the Senate or the Clerk of the House of Representatives. Section 3304(c) also provides that one whose position of employment had been in the judicial branch is eligible for competitive civil service status if he or she served for at least 4 years as a secretary or law clerk, or both, to a justice or judge of the United States. Under section 3304(d), a person whose position of employment had been as a National Guard technician is eligible for competitive civil service status if he or she served for at least 3 years as a technician.

In accordance with the declaration in proposed new section 4301(b) of title 38 that it is the sense of Congress that the Federal Government should be a model employer in carrying out veterans' reemployment practices, I believe that individuals whose previous Federal employment had been in the legislative or judicial branch, or as a National Guard technician, should be provided the same reemployment rights as individuals whose positions were in an executive agency. Executive branch employees are not faced with restrictions relating to length of prior civilian service and categories of position as conditions for obtaining an alternative position in another agency. In the committee's view, Office of Personnel Management should ensure that all individuals who were in a Federal Government position, or were National Guard technicians, and whose reemployment in the entity they left when they went into uniformed service is not feasible should be offered an alternative position of employment in a Federal executive agency.

Mr. President, some employees of the legislative and judicial branches and some National Guard technicians are currently provided OPM assistance in Federal executive agency placement if reemployment in their original entity is determined to be not feasible. The concept of personnel movement between branches of the Federal Government is not new. All that is new is the proposed expansion of that concept.

EMPLOYMENT RIGHTS AND BENEFITS

Seniority and Other Rights and Benefits: Mr. President, current law provides that an individual reemployed under the VRR law is to be considered as having been on furlough or leave of absence during the period of training and service. Thus, the reemployed individual is entitled to participate in benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual enters active duty.

Proposed new section 4316 would expand upon the current protection by clarifying that the individual in the uniformed services would be considered to be on a leave of absence while serving and would be entitled to rights and benefits under agreements and practices in force at the time he or she left the employment and to those that become effective during the period of service.

Individuals could be required to pay the employee share, if any, of the cost of any benefit that would be continued during service under section 4316.

The committee does not intend in this legislation to change current law regarding vacation, sick pay, bonus payments, and other benefits accorded as compensation for services currently rendered. Thus, for example, the pending legislation would not provide for an employee to accrue vacation leave at his or her civilian job while serving on active duty.

Disability Insurance Limitation: Proposed section 4316(b)(4) would provide that a person is not entitled to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of that policy.

I understand that some civilian employer disability insurance policies contain clauses that would limit coverage for disabilities that occur as a result of an injury or disease incurred or aggravated during a period of active duty. Since the Federal Government provides compensation for servicemembers who have an injury or disease incurred or aggravated during a period of active duty, and since the period of active duty for most reservists and National Guard members is less than one month in length each year, it seems appropriate to give recognition to potentially overlapping coverage for the servicemember but still provide full protection for reservists who perform short-term training.

War-exclusion Clauses: Proposed new section 4316(b)(5) would specify that the legislation does not override clauses in many civilian employer life insurance policies that would exclude or limit coverage for deaths that occur in an area of armed conflict.

Duplicative Coverage: Mr. President, an individual is provided complete health-plan coverage by the Federal Government while he or she is in the uniformed services. The committee bill, in proposed new section 4316(b)(3), would provide that a person entitled to acquire health-plan coverage under proposed new section 4316(b) will not be entitled to care or treatment under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of that person's service in the uniformed services.

A similar limitation would also be imposed in proposed new section 4316(c)(2) for a person who elects to acquire health-plan coverage under proposed new section 4326(c).

These provisions would not apply to the dependents of a servicemember who elects to continue health-plan coverage acquired through civilian employment.

Continuation of Insurance Coverage: Proposed new section 4316 would provide that, if an individual's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment to perform uniformed service, the servicemember could elect to continue temporarily coverage for a maximum of 18 months after the absence begins. The employee generally could be required to pay no more than 102 percent of the full premium associated with such coverage for the employer's other employees, except that individuals who perform a period of service for less than 31 days may not be required to pay more than the normal employee share of any premium.

When Congress enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985 a similar health benefit provision for civilian employees in general, it exempted group health plans sponsored by the Federal Government and certain church-related organizations, as well as plans maintained by employers with fewer than 20 employees in the previous year. The proposed new section would eliminate those gaps and provide the health-care option for all employees entering a uniformed service.

In addition, proposed new section 4316 would provide that, if an individual's employer-sponsored health plan is terminated by reason of military service, upon reemployment an exclusion or waiting period may not be imposed in connection with coverage of the servicemember or any other individual covered by the health plan through the servicemember if an exclusion or waiting period would not have been imposed had coverage not been terminated. An exception would apply to disabilities that VA has determined to be service connected.

A similar provision was enacted in section 5 of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 (Public Law 102-12) in response to concerns relating to gaps in health-plan coverage for reservists who were activated during the Persian Gulf War and their families. Thus, current law was amended to prohibit the imposition of an exclusion from or waiting period for reinstatement of employer-offered health plans for a condition of a servicemember, or of any individual covered by reason of the servicemember's coverage, if the condition arose before or during the period of training or service, an exclusion or waiting period would not otherwise have been imposed, and the condition has not been determined by VA to be service connected.

The new section would close a loophole that arguably might have been created unintentionally by the health-benefit amendment enacted in Public Law 102-12. The prohibition in current law against the imposition of exclusions or waiting periods expressly applies only to cases involving coverage of a condition that preexisted reinstatement. Thus, if the current entitlement to restoration of insurance coverage were interpreted as allowing a waiting period with respect to a servicemember who returned in perfect health, a literal interpretation of the amendment might allow for the imposition of a waiting period and a subsequent exclusion from coverage for conditions that arose during the waiting period. Proposed new section 4316 would clarify that a waiting period or exclusion may not be imposed in any case—by either a health insurer or an employer—in which coverage would have been provided if the servicemember's coverage had not been interrupted as a result of service in the uniformed services.

EMPLOYEE PENSION BENEFIT PLANS

Proposed new section 4317 would clarify conflicting Federal case law regarding employee rights to various pension benefits plans while on active duty with the uniformed services. All pension benefit plans described in the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or under Federal or State laws governing pension benefits for governmental employees—whether a defined-benefit [DB] plan, which is funded on a group basis and promises a specific benefit at retirement age, or a defined-contribution [DC] plan, the funds for which are accumulated in individual accounts for each employee and the benefits of which depend on investment performance—would be covered by the new law.

Under this new section, for pension purposes, an individual would be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for the purpose of determining the nonforfeitability of the individual's accrued benefits and for the purpose of determining the vesting and accrual of benefits under the plan; the employer who reemploys the individual would be liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits based on employee contributions to the extent that the individual makes the requisite payments.

Computation of Compensation Deemed to Have Been Received: Mr. President, the Committee bill would also provide, for pension-benefit purposes, for the computation of the level of compensation that the individual will be deemed to have received if he or she had stayed on the job rather than serving in the uniformed services. Contributions to be allocated under a DC plan and benefits to be accrued under a DB plan are often a function of the level of the individual's compensation, but in most cases the individual receives no compensation during his or her absence while in the uniformed services. The Committee bill clarifies what compensation is to be deemed to have been received during the absence for the sole purpose of calculating an employee's compensation with regard to pension benefits. Thus, under proposed new section 4317(b), the employee's compensation during the period of his or her service in the uniformed services would be based either on (a) the rate of pay the employee would have received from the employer but for the absence during the period of service, or (b) if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service (or, if shorter than 12 months, the period of employment immediately preceding entry into service).

Multiemployer Pension Plans: Mr. President, multiemployer pension plans are negotiated between a consortium of employers in an industry and a labor union. One example of this kind of arrangement is that of construction workers who move among various firms in the industry and earn credits under a common pension plan in each job. Such plans are funded jointly by employers, who contribute a negotiated amount per hour of labor to the fund, and are administered by a sponsoring organization. Most multiemployer plans are DB plans, but a growing number are DC plans.

When a veteran who, before entering service, had been employed by a member or members of a multiemployer plan is employed after service by one of the employers, the question arises as to which firm or firms must pay for the contributions for the period of absence for uniformed service, since there is no way to know where the servicemember would have worked had his or her civilian employment not been interrupted. I believe the fairest approach would be to make it possible for the sponsor maintaining the plan to have discretion as to how best to allocate any liability of the plan. The Committee bill would so provide. The default position—should the sponsor maintaining the plan not provide specifically for returning servicemembers—would be to allocate full liability for making retroactive payments to the last employer employing the person before the commencement of the period of service in the uniformed services.

Earnings and Forfeitures: Mr. President, contributions for participants under DC plans are placed in individual participant accounts, which thereafter increase or decrease based on the plan's investment return. The Committee bill would clarify that retroactive contributions would not include earnings that would have been realized if the contributions had been made during the individual's active-duty service. Thus, the requirement is only that the employer make retroactively the contributions that would have been made had the employee remained continuously on the job.

In some DC plans participants forfeit their rights to contributions—typically by terminating their employment in midyear—and the amounts forfeited are reallocated at year end among the remaining participants. The Committee bill would clarify that forfeited amounts that were reallocated during the servicemember's absence would not be reallocated to provide the reemployed veteran a share.

Consistency with Internal Revenue Code: Mr. President, under current law, reinstated veterans are required to be given full credit in DB plans for the period they served in the uniformed services. As discussed in the Committee report, the courts are split on the issue of whether current law requires reinstated veterans to be given full credit under DC plans, and the Committee bill would provide that protection.

Unless otherwise provided for, clarifying that rights under DC plans would be safeguarded would carry potential tax consequences. For example, required retroactive contributions to a DC plan could exceed applicable annual limits on employer-employee contributions under section 415 of the Internal Revenue Code of 1986 [IRC] or on annual salary-reduction contributions under section 402(g) of the IRC, or cause the employer's plan to violate the nondiscrimination test applicable to salary-reduction plans under section 401(m) of the IRC.

Mr. President, any potential adverse tax consequence that could flow from clarifying the coverage of DC plans ideally should be avoided through legislation enacted together with the clarifying provisions. Unfortunately, the conforming provisions that would accomplish that goal necessarily affect the application of the IRC and would cause the bill to be seen as a revenue measure.

Mr. President, as my colleagues are aware, the Constitution requires revenue measures to originate in the House of Representatives, and I cannot envision a procedural route at this point to include conforming tax provisions in the Committee's proposed legislation without raising that issue. Thus, in order not to jeopardize the whole of the VRR bill, I will not now propose the addition of several amendments that I believe are needed to conform the bill to the legislative goal, of both Houses, that the pension plans of all servicemembers who are reemployed under the VRR law be fully reinstated, whether their pension plans are DB or DC plans. Rather, I urge the distinguished Chairman [Mr. MOYNIHAN] and Ranking Republican Member [Mr. PACKWOOD] of the Finance Committee to include appropriate provisions in an appropriate tax bill as soon as possible.

For the interim period prior to the enactment of the necessary conforming IRC amendments, it is necessary for the legislation to provide that nothing in new section 4317, regarding employee pension benefit plans, would apply to the extent that it would require any action to be taken which would cause the plan, any of its participants, or employer to suffer adverse tax or other consequences under the IRC.

OUTREACH

Mr. President, the best way to ensure timely reemployment is to provide employers and employees with accurate information regarding their rights, benefits, and obligations under the law. Thus, under new section 4332, the Committee bill would require the Secretaries of Labor, Defense, and Veterans Affairs to take the actions they determine are appropriate to inform not only persons entitled to rights and benefits under the VRR law, but also employers of their rights, benefits, and obligations.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Mr. President, the Federal Retirement Thrift Investment Board [FRTIB] is an independent agency that administers the Thrift Savings Plan. Under existing regulatory authority, the FRTIB establishes the obligations of the various employing agencies regarding Thrift Savings Plan benefits, much like OPM does in the area of the other Federal retirement programs. However, Congress made it clear in chapter 84 of title 5 of the United States Code that the FRTIB is to have independent regulatory authority with respect to its program, free from administration regulatory review or control. Moreover, also unlike OPM, the FRTIB's decisions concerning the operation of the Thrift Savings Plan are not subject to Merit Systems Protection Board review or appeal to the Federal Circuit. Rather, Congress carefully considered and included in section 8477 of title 5 separate provisions for pursuing claims involving the Thrift Savings Plan.

Given this structure, Mr. President, section 6 of the Committee bill would take into account the unique characteristics of the Thrift Savings Plan in establishing a proposed new section 8432b of title 5, United States Code, that would set out the rights and benefits of eligible employees.

COMMITTEE MODIFICATION OF THE BILL AS REPORTED

Mr. President, at this point I will discuss a provision that I am offering on behalf of the Committee as a modification of S. 843 as reported. The modification—derived from S. 1510 that I introduced with the cosponsorship of my colleagues on the Committee, Senators AKAKA and CAMPBELL—would improve the Department of Veterans Affairs Home Loan Guaranty Program by increasing the amount of guaranty made by VA to lending institutions who make VA loans to veterans.

In summary, the modification—as section 10 of the Committee bill—would increase the maximum loan guaranty from $46,000 to $50,750 and thus increase the no-downpayment VA-guaranteed home loans from the current level of $184,000 to $203,000. I would note for my colleagues that the Committee modification keeps the current VA loan guaranty formula of 25 percent of loans over $144,000.

Mr. President, as I said when I introduced S. 1510 on September 30, 1993, housing prices in certain parts of the country—such as Boston, New York, Washington, DC, San Francisco, Los Angeles, Alaska, and Hawaii—are simply out of reach for many veterans who wish to buy homes. This proposed increase in the guaranty would allow many veterans to use their entitlement.

Other housing entities have recognized the need for a similar adjustment to keep pace with housing costs. For example, on January 1, 1993, the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) two federally chartered private for-profit corporations established to provide funds for residential mortgages, increased their limits to $203,150 on single-family conventional mortgages in which these companies invest.

In the past, the Government National Mortgage Association (Ginnie Mae) has increased the loan limit when VA has increased the limits on its guaranty. The Committee modification will allow veterans to participate in the housing market on parity with the conventional loan market.

I am pleased to advise Members that the Congressional Budget Office estimates that the committee modification will produce savings of $2 million in fiscal year 1994 and $14 million for the 5-year period of fiscal years 1994 through 1998. The modification, therefore, would provide the necessary cost savings to offset the direct-spending costs in this measure.

CONCLUSION

Mr. President, in closing I express my deep appreciation to the ranking Republican member of our committee, Mr. MURKOWSKI, for his excellent cooperation and assistance on this measure and to all other members of the committee for their help in the development of an action on this legislation.

I am also grateful for the contribution of the Senate Veterans' Affairs Committee staff members who have worked on this legislation—on the minority staff, Bill Tuerk and John Moseman; and on the majority staff, Chuck Lee, Bill Brew, and Jim Gottlieb—for the technical advice and expert assistance of Jim Storey, Ray Schmitt, and Carolyn Merck of the Congressional Research Service; and for the very diligent work of Charles Armstrong and Greg Scott of the Senate Legislative Counsel's Office in the crafting of the measure.

Mr. President, it is important to our men and women when they put on the uniform that we show our support and do all we can to provide them with strong and effective employment protection. Thus, I urge the Senate to give its unanimous approval to the pending measure that would clarify and strengthen the veterans' reemployment rights law.

Mr. MURKOWSKI. Mr. President, as the ranking Republican on the Senate Committee on Veterans' Affairs, I was pleased to cosponsor S. 843, a bill to recodify and update the Nation's veterans reemployment rights law when it was introduced earlier this year—and I am equally pleased to speak now to urge Senate approval of S. 843 as reported by the Veterans' Affairs Committee.

The committee's chairman, Senator JAY ROCKEFELLER, has summarized the provisions of the bill in considerable detail, so I will merely hit the high points. This bill would improve and update provisions of law which date from the World War II years, while maintaining time-tested provisions of those laws. As in the past, a veteran's right to return to his or her former workplace upon returning from service would be recognized. Employers would be required to make reasonable efforts to accommodate any disabilities that the returning veteran may have suffered while in the service. They would be required, as well, to assist the returning veteran, whether disabled or not, in upgrading job-related skills, if necessary, in order to assist the veteran in returning to his or her former civilian workplace. It merits emphasis that these are not new mandates imposed upon employers. They are obligations which the business community has complied with for decades—and which, I am pleased to say, no business advocate even requested be removed from employers.

This legislation would also keep in force the so-called escalator principle—the legal principle which states that, for purposes of seniority, veterans returning to their former work places generally will be treated as if they had never left for service. In addition, it would apply the escalator principle to pension programs by assuring, as it has in the past, that returning veterans would maintain eligibility for more traditional defined benefit plans, and by allowing the functional equivalent of retroactive participation in increasingly common defined contribution plans when the service member returns to the workplace.

Finally, Mr. President, this bill would allow employees who have left employment for service to maintain in force rights and benefits not tied to seniority—most notably, participation in employer-sponsored health insurance programs for dependents if—and I underscore if—the employee is willing to pay for such coverage.

This bill, Mr. President, is the culmination of literally years of work, involving staff from both parties on both the Veterans' Affairs and Finance Committees, and Reagan, Bush, and Clinton administration officials from the Departments of Labor, Defense, Justice, OPM, and Treasury. I am pleased to be able to report that while similar legislation was approved by the Senate during the 102d Congress, additional hearings held by the committee on May 13, 1993, have yielded significant improvements in the legislation compared to the bill that was reported last year. To cite only one example, industry and Treasury officials suggested improvements to the highly technical pension provisions of the bill which are now incorporated into the legislation—improvements which will assist both employers and the bill's veteran beneficiaries, and which will assure that pension plans will not fall out of compliance with the Tax Code as a result of veterans reemployment rights.

The responsible approach to advocacy which has resulted in these improvements—made possible by the commitment of both employer and veterans groups to work together in a positive and constructive fashion to improve the legislation—has resulted in a bill which, despite its complexity, is, I believe, acceptable to all affected parties. I want to express my appreciation to the participants to this process—particularly to the representatives of the Association of Private Pension and Welfare Plans [APPWP], the ERISA Industry Committee [ERIC], the National Federation of Independent Business [NIFB], the American Legion, the VFW, the Disabled American Veterans, AMVETS, the National Guard Association, and the Reserve Officers Association—for their positive contributions to this legislation. I also want to acknowledge the tireless work of the prior chairman and ranking Republican member of the Veterans' Committee, Senators Cranston and SPECTER, for their invaluable and tireless work on this legislation during the 102d Congress.

Mr. President, this is a good bill. I hope that my colleagues on both sides of the aisle will support it.

BREAST AND CERVICAL CANCER AMENDMENTS ACT OF 1993

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, H.R. 2202, a bill relating to the preventive health measure with respect to breast and cervical cancer.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2202) to amend the Public Health Service Act to revise and extend programs of grants relating to preventive health measures with respect to breast and cervical cancer.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1096

(Purpose: To provide for a substitute amendment)

Mr. FORD. Mr. President, on behalf of Senators KENNEDY and KASSEBAUM, I send a substitute amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for Mr. KENNEDY, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1096.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

THE EARLY DETECTION AND PREVENTIVE HEALTH ACT OF 1993

Mr. KENNEDY. Mr. President, it is a privilege to present the Early Detection and Preventive Health Act of 1993. I am joined in sponsoring this legislation by Senators KASSEBAUM, MIKULSKI, HATCH, WELLSTONE, DODD, RIEGLE, and WOFFORD. It's purpose is to reauthorize vital public health programs and launch needed new preventive health initiatives.

This legislation reaffirms our strong support for the early detection and disease prevention activities of the Centers for Disease Control and Prevention. It is designed to achieve a healthier America as we move toward the twenty-first century, and it can be an important part of the work of this Congress on comprehensive health reform.

The Tuberculosis Prevention and Control Amendments of 1993 will support development of an improved diagnostic test for TB. It will upgrade the capability of TB laboratories, ensure that TB services are provided to needy populations, maintain effective TB public health, treatment compliance, follow-up and evaluation activities.

For fiscal year 1994, the bill authorizes $226 billion for TB control and research programs at the CDC, $46 million for basic research activities at NIH, $25 million to establish a project grant program for conversion and renovation of public and non-profit private facilities for the prevention and control of TB and $5 million for an FDA program on TB drug and device research program.

These authorizations represent an investment in our efforts to prevent and eliminate tuberculosis in the United States. The legislation will help state and major city health departments to identify persons with TB and those at highest risk of acquiring the disease. Programs will be better targeted for treatment and prevention, and their effectiveness will be evaluated.

The Injury Control and Violence Prevention Act of 1993 authorizes $60 million for the Injury Prevention and Control Program of the Centers for Disease Control and Prevention. This measure will support research and other programs on injuries resulting from motor vehicle accidents, falls, poisoning, burns, drownings, and causes of violence, including homicide and suicide. These funds will establish a family and personal violence prevention program and identify effective strategies to prevent violence within the family and among acquaintances.

This bill will also support a national campaign to prevent violence against women. It will build upon existing efforts by the CDC to create a comprehensive violence prevention program. This campaign will be a vital step toward reducing violence targeted at women by demonstrating and evaluating promising intervention strategies, by conducting a nationwide education, training, and public awareness effort, and by expanding our knowledge base through data collection and research.

The Breast and Cervical Cancer Amendments of 1993 authorizes $200 million for the early detection of these diseases. The funds will enable States to provide life-saving breast and cervical cancer screening services for women at risk, particularly low-income, elderly, and minority women. In addition, this measure will establish mechanisms through which the States can monitor the quality and interpretation of screening procedures.

The Sexually Transmitted Diseases Amendments of 1993 authorizes $132 million for the CDC's Sexually Transmitted Diseases Program. It will enable the CDC to implement a new Accelerated Prevention Campaign. This measure will strengthen the quality of STD services, and allow reevaluation and innovation in STD prevention programs. It will also implement and evaluate interventions to modify sexual and health-related behaviors that increase the risk of STDs. The program will improve systems to monitor STDs and develop infrastructure to identify research needs.

Each of these measures is justified by sound public health considerations. Early detection and prevention of injury and illness can play a vital role in improving public health, especially the health of women. It cases of violence against women, injury, TB, and sexually transmitted diseases, prevention is a key component of any successful health care strategy.

The rapid rise of tuberculosis over the past 4 years has placed an enormous burden on the health care system. Over 30,000 new active cases are reported each year in the United States, with over 1,700 deaths.

In the 1950's, science thought it had TB under control. The disease rates were dropping and the available drugs were working well. America was lulled into a false sense of security. Money for basic and applied research on TB dwindled. Applications stopped for new drug research in a market that already had four successful anti-TB drugs.

Today we face an epidemic of TB now capable of resisting every drug we have, and we are armed only with the basic research knowledge of the 1950's.

The problem is exacerbated by the fact that the public health infrastructure has deteriorated in recent years because of the economic recession. Funding cutbacks at the Federal, State, and local levels have worsened the situation for the poor, the homeless, and the unemployed. These cuts have led to overcrowding in hospitals, homeless shelters, and prisons, with persons often sleeping in rooms with poor ventilation—an environment highly conducive to the transmission of TB.

Injury prevention and control is finally gaining the attention it deserves as a public health issue. Injury is the leading cause of premature death. In 1987, 2.3 million years of the life were prematurely taken by unintentional injuries. Estimated total lifetime costs of all injuries in 1985 exceeded $158 billion. In 1990, 150,000 Americans died from injuries. Millions more were incapacitated or permanently disabled, with immeasurable psychological cost for families and loved ones.

One category of injury merits special attention and special action: intentional injury. As the second leading cause of death for young adults, it is clear that violence is a public health problem we must do more to combat. Violence against women presents an especially serious challenge. The public health approach to violence is a multidisciplinary set of strategies which compliments the current criminal justice efforts.

The CDC's National Center for Injury Prevention and Control has applied a public health approach to this epidemic of violence, using prevention, acute care, and rehabilitation strategies with encouraging results. Although progress is being made in confronting the problem, more must be done. New injury prevention initiatives must spotlight domestic violence, acquaintance rape, date rape, and all other forms of violence which target women.

Breast cancer and cervical cancer present another serious public health challenge. It is estimated that 2 million American women will be diagnosed with breast or cervical cancer in the 1990's, and that half a million women will die from these cancers. Breast cancer is the second leading cause of cancer death, and the most commonly diagnosed cancer in women.

Most deaths of this kind are preventable if diagnosed in time. Screening by mammography and the Pap test are widely available for early detection of breast cancer and cervical cancer. However, these vital tools are widely underused, and they are often inaccessible in medically underserved communities.

The National Breast and Cervical Cancer Early Detection Program provides access to mammograms and Pap tests for poor women. The program is dedicated to helping States develop comprehensive early detection programs for breast and cervical cancer, as well as quality assurance, public education, training centers, and provider education. At current funding levels, only 30 States can participate in the program. As a result, at-risk women in the 20 other States who cannot afford to pay for mammograms or Pap smears, have no access to effective screening. Underprivileged women in these States are dying from cancer because the early detection that could have saved their lives is not available.

Virtually all deaths from cervical cancer—and more than 30 percent of deaths from breast cancer—can be prevented through the widespread use of mammography and Pap testing. We are making progress in reducing the economic, geographic, and other barriers that still deny too many women access to these life-saving techniques. With the Congress and administration working together, I am confident that much more rapid progress will be made in the years ahead.

Finally, sexually transmitted diseases continue to pose a grave health threat to women, adolescents and infants. The incidence of STD's in America is among the highest of any industrialized nation; 12 million Americans will acquire an STD this year, at a cost of approximately $5 billion.

Sexually transmitted diseases deserve special attention as a women's health issue. Each year, over a million women suffer serious and life-threatening complications of STD's that could have been treated if screening and treatment services were readily available. The CDC's Sexually Transmitted Disease Program provides assistance to States, local health agencies and community-based organizations to prevent the spread of STD's.

The CDC has been and continues to be the Nation's wisest disease prevention investment. With the passage of this measure, we will recognize the vital importance of prevention to the Nation's health. I urge the Senate to approve this essential bipartisan legislation.

EARLY DETECTION AND PREVENTIVE HEALTH ACT OF 1993

Mr. HATCH. Mr. President, adoption of this bill is indicative of the importance the U.S. Senate places on continuing and improving the Public Health Service Act in two very important ways: health promotion and disease prevention. I am pleased to be one of the bill's original cosponsors.

This legislation extends the program of grants for the prevention and control of tuberculosis and sexually transmitted diseases. It also revises and extends several injury control programs, and it makes important improvements in program grants relating to preventive health measures concerning breast and cervical cancer.

Let me take a moment and describe two provisions of the bill that I authored. These were not controversial additions, because they address urgent medical concerns facing our Nation. In fact, they were adopted in committee without objection.

The first is a critical issue in the United States today: the alarming upsurge in incidences of tuberculosis. The bottom line is that an old disease, a disease we thought we had almost eradicated, a very contagious disease, is on the upsurge.

CDC's TB program is operating on a shoestring. State and local officials are scrambling for dollars. They are working hard, but it's not enough. They are looking to us here in Congress for direction and assistance. My provision increases the authorization for needed services to treat TB, and it sets up a new program for grants to renovate or retrofit existing facilities for TB treatment.

These changes are in response to urgent requests from local officials. They have told me that they are in real need of facilities to treat TB. Although I recognize that priority must be given to funding services, it is hard to provide services if there is no place to treat patients.

Another critical health issue facing us is the alarming spread of breast and cervical cancer. Earlier this year the Breast Cancer Coalition concluded that eradication of breast cancer needs to become a national priority. I couldn't agree more. And for that reason earlier this year I introduced S. 1002, the Breast and Cervical Cancer Act of 1993.

The Labor and Human Resources Committee agreed with me over the need to address this issue, and incorporated my bill into S. 1318 to require all federally supported clinics—with the exception of black lung clinics, which treat a predominantly male population—to provide culturally competent information concerning breast and cervical cancer. If appropriate, this will include information on the need for breast self-examinations and the skills for such examinations. Because of the resource constraints at many federally supported clinics, this legislation also gives clinics the discretion to determine what information they should provide.

For too long, this devastating disease has affected untold thousands of women in our Nation. This provision will allow federally funded clinics to reach a chronically underserved segment of our population with important information that can make a real difference in the detection and treatment of breast and cervical cancer.

Of course, this bill would not even exist without the hard work of many, many people. I commend my colleagues on the Labor and Human Resources Committee for their efforts on this legislation, and I especially wish to recognize the excellent contributions of the committee chairman, Senator KENNEDY, and the distinguished ranking minority member, Senator KASSEBAUM. They have exhibited tremendous leadership in seeing this bill through the committee

Mr. President, passing this legislation sends a strong signal that the Senate is committed to bipartisan health care reform. It is appropriate that we have started that process by enacting legislation that strongly supports and encourages health promotion and disease prevention.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1096) was agreed to.

Without objection, the bill is read three times and passed.

So the bill (H.R. 2202), as amended, was deemed read three times and passed.

Mr. FORD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I move that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees.

The motion was agreed to and the Presiding Officer appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM and Mr. HATCH conferees on the part of the Senate.

MEASURE INDEFINITELY POSTPONED—S. 1318

Mr. FORD. Mr. President, I ask unanimous consent that any statements in relation to this measure appear at the appropriate place in the RECORD, and I ask unanimous consent that the Senate companion bill, Calendar No. 192, S. 1318, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 334

Mr. FORD. Mr. President, I understand the Senate has received from the House, H.R. 334, Lumbee Tribe recognition. On behalf of Senator INOUYE, I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 334) to provide for recognition of the Lumbee Tribe of the Cheraw Indians of North Carolina, and for other purposes.

Mr. FORD. I ask that it be read a second time.

Mr. HATCH. I object.

The PRESIDING OFFICER. The bill will be read a second time on the next legislative day.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Wednesday, November 3; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that the Senate then proceed into executive session, and that immediately thereafter, the provisions of a previous unanimous-consent agreement governing cloture and disposition of executive calendar nominations Nos. 411, 413, 414, 415 and 420 be executed.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROCEEDING TO THE CRIME BILL

Mr. FORD. Mr. President, the majority leader asked me to tell the Senate that upon the disposition of the executive calendar nominees just previously mentioned, he intends to go to the crime bill.

So after tomorrow, the crime bill will be the next item on the agenda.

RECESS UNTIL WEDNESDAY, NOVEMBER 3, 1993, AT 10 A.M.

Mr. FORD. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:29 p.m., recessed until Wednesday, November 3, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 2, 1993:

DEPARTMENT OF JUSTICE

JAMES J. MOLINARI, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS VICE GLEN E. ROBINSON.

JOE RUSSELL MULLINS, OF KENTUCKY, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF 4 YEARS VICE SHERMAN L. HANSFORD.

JOHN PATRICK MCCAFFREY, OF NEW YORK, TO BE U.S. MARSHALL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS VICE DANIEL B. WRIGHT.

PHYLLISS JEANETTE HENRY, OF IOWA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS VICE WARREN D. STUMP.

CHARLES M. ADKINS, OF WEST VIRGINIA, TO BE U.S. MARSHALL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF 4 YEARS VICE JAMES P. HICKMAN.

EXTENSIONS OF REMARKS

WHEN REMEMBERING OUR BRAVE HEROES OF WORLD WAR II—DON'T FORGET THE COAST GUARD

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. DORNAN. Mr. Speaker, as we celebrate the 50th anniversary of World War II, I ask my colleagues and the citizens of this country to remember a specific branch of service whose courage and sacrifice have gone greatly unnoticed over the past half century. This branch of service is the U.S. Coast Guard.

I will include for the RECORD an example of such service and sacrifice—an article from Sea Classics magazine describing the exploits of a Coast Guard frigate patrolling the frigid waters of the Bering Sea. I urge everyone to read this article in order to have some appreciation for the courage and dedication of thousands of other Coast Guardsmen who served our Nation during World War II. We must never again forget these heroes of the sea:

A SEA SO COLD—A SEA SO LONELY

(By David H. Hendrickson)

"Forgotten" accurately identifies the 75 Coast Guard manned patrol frigates of World War II (Sea Classics—February, May, 1992). The Aleutian Islands, where a number of frigates served, was "The Forgotten Front" according to Air Force Magazine, February 1984. In keeping with this testimony to the "forgotten," USS *Albuquerque* (PF-7) qualifies as the "Forgotten Frigate" of World War II. What else, other than being forgotten by Navy command, world account for *Albuquerque* logging the longest tour of duty in the Bering Sea—4 April 1944 to 16 August 1945—of any warship venturing into these northern waters after 7 December 1941? Fighting ended with the Japanese defeat on Attu in May 1943. Two months earlier the Battle of the Komandorski Islands ended Japanese naval threat to the Aleutians. But the weather lingered on as the enemy of all ships exiled to duty along the 1200 fog-bound, windswept and storm-plagued miles of the volcanic and treeless Aleutian Island chain.

Albuquerque and eleven other Coast Guard-manned patrol frigates were laid down by Kaiser Cargo Inc., at Richmond on San Francisco Bay. First down the ways, 7 July 1943, *Tacoma* (PF-3) provided the class name and statistics—304 feet in length, twin screws powered by triple-expansion steam engines capable of cranking out 21 knots at flank speed and armed with three-inch, 40mm and 20mm guns, depth charge racks and K-guns on the fantail and a nest of hedgehogs forward. In short order, like eggs from a mother turtle, number 4, 5, 6, 7, and 8 plopped into the bay at Kaiser Yard 4, all destined for Escort Division 27 in the Bering Sea.

Tacoma, a troubled ship plagued by unsuccessful sea trials, a boiler room fire and hot bearings, avoided duty in the Aleutians until 21 October 1944. Ailing again after four months, she limped off stateside for extensive overhaul in February 1945. Along with *Albuquerque*, *Everett* (PF-8) stayed the long haul upon arriving at Adak 22 April 1944. *Hoquiam* (PF-5) showed her colors at Kodiak on 27 August, *Sausalito* (PF-4) dropped her hook in Sweepers Cove, Adak, on 5 October, and *Pasco* (PF-6) logged in at Kodiak on 15 October, only to slip away to Seattle in January 1945, on orders to guard the northern Pacific coast. After 1945 mid-summer refits, one by one all six steamed into Cold Bay near the tip of the Alaskan Peninsula for decommissioning and transfer to the USSR under Lend-Lease. Each ran up the Russian flag on 17 August 1945.

From commissioning on 20 December 1943, to shakedown in San Diego, to Mare Island for additional deck reinforcement, to Pier 41 in Seattle, *Albuquerque* could avoid her fate no longer. "Loose lips sink ships," cried the posters. The warning unheeded, secrecy of our destination leaked out. As the last line was let go, a voice from Pier 41 bellowed. "You're gonna love it in the Aleutians. You'll find an Aleut gal behind every tree waiting for you!" Seven days later Scotch Cap light guarding Unimak Pass arose to starboard, announcing our arrival to the bleak and barren Aleutian islands. The date was 11 April 1944. *Albuquerque*'s long tour began upon standing into Dutch Harbor where her first convoy awaited departure for Adak, 450 miles westward along the chain.

To port squatted pulpit-like Priest Rock, warning those who dared a last look when homeward bound the certainty of return to the Bering Sea. To starboard the channel bordered a long, low sandy spit protecting a lagoon, across which could be seen Ballyhoo and ABD docks at the foot of snow-draped Ballyhoo Mountain. Nearby, huddled the gray buildings of Navy town and in the distance, reached by a short cable ferry, lay Unalaska Village strung out along a sloping beach. We would get to know Dutch Harbor as home port, but first visit ashore would wait another day. A formed up convoy of *Albuquerque*, two destroyer escorts, five freighters and USAT *Wm. L. Thompson* cleared port plowing westward into a rising sea and wind and slashing rain, conditions we would soon appreciate as ordinary in the breeding grounds for North American storms.

Known for the world's lousiest weather—wind, snow, rain, sleet, fog, and eternal cloud cover—the great arc of the Aleutian chain forms the battle front where moist, unstable Pacific air warmed by the subtropical Kuroshio (Japan) Current clashes with cold, dry Siberian air sweeping south across the chilled Bering Sea. General Simon B. Buckner of Alaska Defense Command once described the Aleutians as "Inhabited by a ferocious monster forever breathing fogs and coughing up 'williwaw' winds that blow the unfortunate mariner onto uncharted rocks." Shemya, near Attu, has experienced winds of estimated 139 mph (wind recorder pen could record only to 128 mph) and suffers a July average cloud cover of 30 days with 24 days of dense fog. Winds over 50 mph and sudden 80 mph "williwaws" raising mountainous seas are common all year except for the brief summer. Dense fogs roam the Aleutians from Unalaska to Attu in May, June and July. Related to Aleutian weather, St. Elmo's Fire, resembling flashing fluorescent light shooting up the mast and along the yardarm is a common phenomena occurring at sea.

Escort Division 27's routine consisted mainly of plodding endlessly from boredom to tedium to apathy and back (Dutch Harbor, Adak, Attu), with convoys reduced to eight knots in heavy weather. Wallowing along in storm-plagued winter seas, laden old fleet oilers *Ramapo* and *Rapidan* would surface occasionally awash in foam before plunging into the next giant sea. On the crest of wind-heightened seas, Liberty ship sterns would lift out of water revealing an aimlessly turning propeller whose blades upon digging in on the downslope would slap the water with a pow! pow! pow!, sounding like the distant firing of a 40mm gun. *Albuquerque* escorted once with 165 foot USCGC *Onandaga*, dubbed the "Rolling O" and said to dip green water down her stack in a flat sea. Before leaving *Onandaga* at Unimak Pass, both ships hove to briefly to pass mail. *Albuquerque* posed sedately in modest swells while *Onandaga's* stack described a 30-degree arc from port to starboard.

April 19, 1944—0745 Departed Dutch Harbor to assist Liberty ship *John Straub* reported breaking up east of Unimak Pass. 0908 Scotch Cap light to port. 1031 Maneuvering in vicinity of SS *Taloa* which reported she had no survivors to *Straub*. 1204 Derelict sighted, stern half of *Straub* afloat. Searched for survivors. 1251 one capsized boat, two life jackets, life rafts and lumber debris sighted. 1349 Launch lowered and away under CBM Hewitt to investigate derelict. 1420 Launch alongside, derelict boarded, no sign of life, launch returned. 1547 Derelict sunk with three-inch gun fire. Proceeded to Kimzaroff Lagoon, Cold Bay for anchorage. Captain and Lt. Beck ashore in launch to report findings.

The boarding party reported that the *Straub* had parted aft of the engine room bulkhead and that the forward section had apparently sunk quickly. A new ship on her third voyage for the Alaska Steamship Company, the *Straub* went down with her captain and all ship's officers, 40 merchant seamen, 14 Navy men and the cargo security officer.

Returning to Dutch Harbor, *Albuquerque* maneuvered off Scotch Cap preparatory to taking a dory alongside to board a lighthouse person en route to the States. Scotch Cap lighthouse, firmly grounded on a shelf 40 or more feet above high tide, was swept away with loss of all hands by the great tsunami of 1946 that sped across the Pacific to wipe out much of Hilo, Hawaii.

April 23, 1944—Underway at dawn in search of downed Navy weather plane. Returned to Dutch Harbor after ten hours fruitless search.

April 25, 1944—With USS *Austin* (DE-15) bound for Adak escorting USS *Ramapo*, USS *Spics*, USAT *Chirikoff*, SS *Weeks*, SS *James Burke*.

May 7, 1944—Emergency departure for submarines sighted on surface in Pumicestone Bay, Unalaska. Hunter-killer group with USS *Engstrom* (DE-50), USS *Doherty* (DE-14), USS *Candid* (AM-154). Returned to Dutch Harbor 8 May.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Convoy routine occasionally allowed trips as far east as Kodiak in the Gulf of Alaska, where a real town, of sorts, on a forested island was a treat not to be dismissed. Recreation at Dutch Harbor was limited to a two-lane bowling alley, canteen and movie theater, or for greater excitement the cable ferry led to Unalaska Village for viewing the boarded-up, onion-domed Russian Orthodox Church and a stroll down the village's single muddy street. We seldom went ashore at sprawling Adak where mooring was mostly at anchor in Sweepers Cove. In Adak minor repairs were accomplished alongside repair ship *Tatoosh* (noted for its vast ice cream production) in Finger Bay, or destroyer tender *Blackhawk* in Kulak Bay. On occasion gun crews were sent to Andrews Lagoon gunnery range for practice. Diversion beckoned at Attu in the Quonset Hut Navy beer hall near West Navy Pier, or by a walk into the hills where signposts located mass burial sites of Japanese troops.

Aboard ship, nightly movies on the mess deck, except underway in extremely heavy weather, relieved boredom. We saw Elizabeth Taylor in *National Velvet* and Greer Garson in *Mrs. Miniver*, and when Henry Wilcoxon appeared on the screen, catcalls like "Wilcoxon and eggs for breakfast" aroused laughs and whistles, that is until the captain posted a memo threatening the end of films. Besides clanking around in armor for Cecil B. DeMille, playing Richard the Lion Hearted mostly, then moving to modern films, playing the Anglican priest in *Mrs. Miniver*, Lit. Wilcoxon also performed as gunner officer aboard *Albuquerque*.

By mid-year 1944 it became discouragingly clear to the 40 seamen first-class who came aboard at Government Island that coxswain ratings were not a prospect. Deck billets were filled and no transfers in sight. All 40 had completed seamanship school, some recommended for coxswain and most had fulfilled qualifications for boatswain's mate second-class at a Treasure Island Navy training course while awaiting commissioning of *Albuquerque*. Aboard *Albuquerque* deck skills with palm-and-needle canvas sewing and marlin-spike rope splicing were learned under boatswain's mate first-class Herman "Dutch" Siminger who sported hash marks up to his elbow and spoke English with a hardly understandable German accent. "Dutch" went to sea with the German submarine service in World War I, then emigrated to the US and joined the Coast Guard in the mid-1920s. Breaking ranks, Whitey Ashcraft, Dick Tosaw and Byron Reynolds earned third-class crows by striking for gunner's mate, signalman and quartermaster. Early on, when my seamanship school buddy Sal Gonzales took over the three-man laundry, Jack Cuneo and I joined up. Laundry duty paid $30 a month extra, but no release from sea watches.

On 30 August 1944, *Albuquerque* arrived at Attu for assigned IFF (Identification Friend or Foe) patrol of the Komandorski Islands, assisting bombers from Attu raiding Paramushiro in the Japanese Kurile Islands. We moored to take on fuel resulting in a damage report reading: "Ship moored port side of YO-163 in Massacre Bay, Attu, in heavy seas. Propeller became fouled and mooring gear and two ships surged together until it could be cleared. Damage did not impair service of ship."

Enduring seven days of constant rain and fog, *Albuquerque* completed a 2100-mile patrol without incident. Returning to Attu, Captain Goff submitted a second damage report: "7 September 1944, slight foreign noise over starboard propeller is noticeable in steering engine room at standard speed. No excessive heating noted. . . Visual inspection in clear water revealed all starboard propeller blades bent backwards approximately twelve inches from blade tips. Immediate inspection of starboard engine and tail shaft for possible misalignment and replacement is requested." Hopes that we would be stateside bound for repairs were dashed when a message from Adm. Frank Jack Fletcher, commander Alaskan Sea Frontier ordered *Albuquerque* to Finger Bay, Adak, for drydock and propeller replacement.

Albuquerque's most harrowing storm experience occurred on 9–10 October 1944. Standing out of Women's Bay, Kodiak, early on the 9th, escorting Liberty ship tanker *John P. Altgelt*, bound for Unimak Pass and Adak, nasty weather was brewing with a rapidly falling barometer and whitecaps kicking up in a rising sea and wind. By mid-afternoon, winds howled to gale force, seas to 15 feet. By 1700, shrieking hurricane force winds were churning sea surfaces to swirling foam and generating seas that towered about *Albuquerque's* flying bridge. At 1715, *Altgelt* signaled fear of breaking up. She reported a break in her main deck forward of No. 1 boiler room and immediately forward of the superstructure, and that she would maneuver for a following wind and sea, reduce speed sufficient to maintain steerage only and begin pumping fuel load to relieve strain. With lights ablaze, *Altgelt* drifted through the night. *Albuquerque* stood by sweeping *Altgelt* with her searchlight. Winds abated by dawn, when a towing line was passed to assist the disabled tanker's return to Kodiak. Safely back in Kodiak, *Altgelt* was determined to be unseaworthy without emergency repairs. A few of *Altgelt's* merchant crew visited *Albuquerque* to thank us for standing by during the storm. With unconcealed emotion one sailor said that *Albuquerque* looked like Jesus Christ walking on water at the height of the storm, prepared for rescue had *Altgelt* broken up. We all knew there would have been no survivors had the ship gone down.

On 22 November 1944, USS *Orizaba* (AP-24) signaled departure from Attu carrying troops homeward bound for Christmas. *Albuquerque* and *Tacoma* steamed ahead as escorts, and at speeds up to 16 knots in foul weather it was said to be the fastest convoy run of the war along the Aleutian chain. At Unimak Pass *Orizaba* continued unescorted across the North Pacific to Seattle.

The grim winter of 1944 passed into the spring of 1945. An indication that war was drawing down in the Aleutians occurred with the return of the Aleuts who had been evacuated to Southeast Alaska in 1942. On 27 April 1945, USAT *David Branch* carrying the first returning Aleuts, entered Nozan Bay, Atka, escorted by *Albuquerque*. We remained at anchor in Nozan Bay until 1 May assisting *Branch* in discharging passengers and a variety of goods necessary to begin life anew. *Albuquerque's* surgeon and pharmacist mates conducted a health check of each returnee.

The monotony and weariness of the long-haul in the Aleutians broke in early June 1945. On a gray morning in Dutch Harbor, the Captain, former executive officer Lt. Clark Sweet who had replaced Lt. Cmdr. Goff, announced return to Seattle to prepare the ship for Lend-Lease transfer to the USSR at Cold Bay near the tip of the Alaska Peninsula. As *Albuquerque* steamed away with homecoming pennant flying, I defied the warning not to look back at Priest Rock. As a result, when nearly half the crew left the ship in Seattle. I drew the short straw in the laundry. Arriving in Puget Sound on 11 June 1945, *Albuquerque* joined up with *Sausalito*, *Everett* and *Hoquian*, and in line of four with pennants flying steamed into Bremerton Navy Yard. On 12 June *Albuquerque* transited Chittenden Locks into Lake Union for refit and departed on 10 July with hardly more than a skeleton crew aboard, bound for Cold Bay.

Vladivostok transport scrambled aboard on 17 July. The Russians were assigned to the crew quarters below the mess deck and granted sole use of the crew head. The remaining American crew bunked on the mess deck and shared the chief petty officer's head. Chow was served without separate sittings and friendly mingling and sign language talk became common. Large photos of Roosevelt, Truman and Stalin hung on the mess deck attracting calls of "comrade, comrade."

The training period lasted for a month, each division responsible for its sector whether on the bridge, in the engine room, at the guns or in the galley. The single Russian interpreter aboard had no time for the laundry. Alone, unable to exchange a word, I faced two Russian trainees at the laundry half-door. Rescued by the Coast Guard motto, "Semper Paratus" (Always Ready), I began pointing to valves and switches and making circular motions for an operating washer and drier.

Albuquerque and her five Escort Division 27 sisters were decommissioned on 16 August 1945, and officially joined the Soviet Far East fleet the next day. Four years later all were returned to the US Navy in Yokosuka Japan. Following extensive overhaul and recommissioning, each earned battle stars in the Korean War. *Albuquerque* and *Everett* also served as station ships for the US consulate in Hong Kong. By 1953 all six had been permanently transferred to either Korea or Japan. *Albuquerque* entered the Japanese Maritime Self-Defense Force as *Tochi* (PF-16), became a moored training vessel in 1965 and was either sunk as a target ship in 1968 or scrapped in 1972, an unresolved mystery, but a proper ending for the "Forgotten Frigate" of World War II.

HONORING THE ST. VINCENT COLLEGE PREVENTION PROJECTS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. MURTHA. Mr. Speaker, as we continue to search for ways to combat the increasing drug and alcohol abuse problem in our society, I wanted to recognize an innovative program at St. Vincent College in Latrobe, PA which is promoting the prevention of drug and alcohol abuse. The St. Vincent College prevention projects are celebrating their 15th anniversary this year, and their success lies in the thousands of young people in western Pennsylvania who have heard their messages and stayed away from drug and alcohol abuse.

In 1978, St. Vincent College joined with the Westmoreland County Drug and Alcohol Commission, the Latrobe Area Chamber of Commerce, and area school districts to develop a primary prevention education program. St. Vincent has continued the sponsorship of the program as a community service project which provides education and other prevention services in all 17 public school districts in Westmoreland County as well as school districts in surrounding counties.

As we fight to stop the flow of drugs into our country, we've also got to attack the abuse problem within the U.S.A. There's been lots of talk and lots of hand-wringing about what to do, but not enough action. But some have taken the next step—and the St. Vincent College prevention projects are doing something and are making a difference. I'd like to salute the people who are out there working hard to let young people know of the dangers of drug and alcohol abuse. I hope on the occasion of the 15th anniversary of the projects they'll stop for a moment to reflect on the good work they've done for the people of western Pennsylvania.

UNION BAPTIST CHURCH'S 100TH ANNIVERSARY CELEBRATED ON NOVEMBER 3, 1993

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to congratulate the Union Baptist Church upon the celebration of its 100th anniversary on November 3, 1993.

I consider the role of the church in our community to be of utmost importance. The foundation upon which our great Nation is grounded is dependant upon its very existence, and is symbolic of the constitutional freedoms we possess. Without it, we indeed would be a lesser Nation. In the past, I have sponsored legislation designating a Freedom of Religion Day, which would acknowledge the liberties and freedoms guaranteed under the first amendment. So it is with great respect and admiration that I commend the parishioners of the Union Baptist Church. Through their faith, charity, and reverence for God, they have made this small community a better place to live.

One hundred years ago, a group of baptized believers pursued the art of progress, which is man's relentless determination to improve his condition. With that endeavor in mind, this group migrated from the South seeking employment to better their condition. Rev. Robert Burke had an urgent desire to see a church established in the Sparrows Point area near the steel mill where they worked. Through his Christian convictions and obedience to Baptist covenant, he was able to secure the support of his followers. Named the Union Baptist Church of Sparrows Point, the first services were held in 1893 in a schoolhouse at 6th and J Streets. Many years later, the church moved to Turners Station.

Since its founding, the church has striven to be a beacon of light in the Dundalk, Turners Station, and Sparrows Point areas. Committed and dedicated to the welfare of human kind, it not only is concerned for the well-being of the congregation, but for the whole community in which the church resides. This was evident when the church led community groups to Towson, MD, to demand that Baltimore County governing officials make themselves aware of the needs of the Turners Station community. They also were instrumental in helping the Turners Station Development Corp., get its start, and welcomed the group in the church to hold its monthly meetings. At home, the church has opened its doors to stewardship and leadership workshops, community outreach, and outdoor evangelism.

The Union Baptist Church is a place where new and lasting friends can be made, and where ideas can be shared and exchanged about the problems that plague our society and how they can be healed. The church has continued to thrive triumphantly and victoriously due to the able leadership of Rev. William E. Johnson. For the last 18 years, Reverend Johnson has provided diligent and committed service and has worked unerringly to keep the church progressing. The church has witnessed many significant accomplishments under his leadership, including the opening of its heart and arms during a community outreach prayer breakfast where alcoholics and drug addicts can fellowship, pray, be prayed for, and receive needed counseling.

Through their missionary outreach at Spring Grove Hospital and nursing homes, church members have enriched the lives of many ill people when needed most. Prayer support and religious classes have taught moral values to the children and kept them away from negative influences. Regular events for children and teens have encouraged them to take an active role in community functions.

Mr. Speaker, my fellow colleagues, it is with great pleasure that I congratulate the Union Baptist Church, Rev. William E. Johnson, its oldest living members who have contributed tremendously to the ongoing mission: James Allen, Edith Johnson, Hattie Oliver, Louie Patterson, David Poole, Edith Woodson, Annie Cheatham, Dorothy Beasley, Gwendolyn Melvin, Blanche Patterson, John Coleman, Lorraine Mitchell, Sylvia Thomas, Betty Thomas, Betty Coleman, Cora Pankey, Vernell Poole, Bessie Poteat, and Ruth Riddix, and the other members on this momentous occasion.

SO-CALLED BALANCED BUDGET AMENDMENT IS ANOTHER "LET'S PRETEND" GIMMICK

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. OBEY. Mr. Speaker, in Sunday's Washington Post, Senator ROBERT BYRD of West Virginia wrote a brilliant analysis of the so-called balanced budget amendment now pending. Senator BYRD demonstrates why the promise of that amendment is empty. The toughest job in politics is to speak the truth to those who do not want to hear it. Senator BYRD does that with insight, courage, and common sense. I commend the article to my colleagues.

[From the Washington Post, Oct. 31, 1993]

A HOLLOW AND DANGEROUS PROMISE

(By Robert C. Byrd)

Talk of a balanced budget constitutional amendment is again in the Washington air, proving that the days of quack medicines and vaudeville magic shows are not yet in the past. This current version, S.J. Res. 41, states that "total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

What about these terms of budgetary art, "outlays" and "receipts"? The amendment states that Congress may rely on estimates of outlays and receipts for purposes of its implementation because total outlays and receipts cannot be known at the beginning of any fiscal year and estimates are all we have. But in reality, actual outlays and receipts often vary from estimates by billions. We cannot actually know what the Treasury has spent—the outlays—until Treasury has issued all of the checks at the end of the fiscal year.

The point is that no matter how hard we may try to project actual outlays and receipts, we will invariably fail. Receipts are often lower than expected, and outlays are often greater, and nothing in the proposed amendment addresses that problem. In fact, whether the budget is in balance cannot be accurately known until after the end of each fiscal year, when it would be too late to correct the shortfall.

Moreover, S.J. Res. 41, if passed by Congress and ratified by the states, would require that the federal budget be balanced annually—whether we have a strong or a weak economy—unless three-fifths of the whole number of both Houses of Congress waive the requirement. Large spending cuts or tax increases or both would thus be required yearly, whether the economy was booming or busting—exactly what Dr. Kevorkian would order to help a sick economy die a speedy death.

The amendment, therefore, would practically ensure that recessions will be deeper and longer. By mandating a balanced budget by 1999—a year in which a $223 billion deficit is projected by the Congressional Budget Office—severe and sudden budget cuts would most certainly end public investments in roads, airports, waterways, education, civilian research and development, and defense planning—not to mention precipitous cuts in entitlement programs and large tax increases, provided the numerical obstacle course thrown up by this amendment in the case of tax increases can be overcome.

Yes, that's right, the amendment makes balancing the budget a constitutional mandate and then, in that same language to be grafted onto the Constitution, in effect removes one of the tools to accomplish the task. This proposal would actually put the government in the hands of a minority when it comes to a tax increase to balance the budget. Two-fifths plus one member of either body could block a tax increase for the purpose of putting the budget in balance. Thus, the amendment would tend to balance the budget on the backs of the elderly and the working people who would be hurt most by the budget cuts. Do we want to "rig" the Constitution in such a way as to favor one group over another when it comes to getting our budget in balance? I certainly think not. If we are going to put that kind of a "no tax increase fix" in constitutional budget-balancing language, then we ought to do the same for tax reductions.

And what of this oft-repeated argument that 49 states have some type of balanced-budget requirement? The argument is mindlessly simplistic and really not relevant. The states are not required to "raise and support armies," or provide and maintain a navy," or provide for the "common defense and general welfare of the United States," nor do they carry the burden of conduct of international affairs or fiscal and economic policy for the nation.

Most states use capital budgeting techniques, and their "balanced budget" requirements generally affect only their operating budgets. In fact, the states are in debt. They incur bonded indebtedness, borrow money for highways, schools, prison facilities, unemployment, recreation and health facilities etc; they are also greatly assisted by the federal contribution to their financial well-being. Such federal assistance to states, however, would most certainly be sharply curtailed if we aped their balanced budget requirements at the federal level. The federal budget is a unified one. So such an amendment would require total balance.

Businesses borrow to finance everything from high-tech equipment to bigger dumpsters. Families borrow to buy a car, educate a child or purchase a home. Borrowing to invest for a better tomorrow is hardly seditious activity. Are we willing to deny the federal government the ability to borrow and invest on behalf of future generations?

In short, this amendment is bad for business for our Constitution. Even worse, it is a deception because it amounts to nothing more than a precatory expression of pious hope. In fact, it will not balance the budget. God said, "Let there be light," and there was light. But man is not God, and to say that outlays for any fiscal year "shall not exceed total receipts," does not make it happen, any more than would be the case if a constitutional amendment were added stating that the forest primeval shall be restored by the year 2000. Saying it will not make it happen, even if it is the Constitution that says it. To adopt such an amendment will only give us politicians the next election to pat ourselves on the back and tell the people we have done something. Congress and the President already have the power to work toward a balanced budget. Why don't we just do it now instead of putting off the hard decisions until the amendment is ratified? The reason is that making these very tough decisions is unpopular. Voting to cut entitlements, cut programs, cut defense and raise taxes does not encourage one's constituents to build statues. The bottom line is courage. I do not see how a constitutional amendment will give us politicians any more spine than we now have.

Instead, we will typically put hard decisions off until the last possible moment, when our budget-balancing actions will have to be precipitous, which, of course, is the worst possible thing for our Nation's economy. If we succeed in grafting this wart full of wind onto our Constitution and it fails for lack of enforcement, the Constitution would be demeaned and cheapened. We would have a government operating outside the legitimacy of its own Constitution, and that great and revered document would be under a cloud. If the people's faith in the Constitution fails, then what have we left as a Nation? If this balanced budget provision is avoided and violated with impunity, which it is likely to be, why not violate the First, Fourth, Fifth or any of the other amendments that are central to our individual freedoms and way of life?

On the other hand, the end result of the adoption and enforcement of this false and unwise amendment would be to pave the way for the ultimate resolution of its impact by the courts. Beneficiaries of programs arbitrarily cut would turn to the courts for recourse. If the courts concluded that the Constitution required that a tax be imposed to bring receipts and outlays in line, the destruction of our precious constitutional checks and balances would have been achieved.

This "great idea" is a dangerous quick fix intended to let the politicians relax and claim that they have solved the Nation's worst problem. It is the nirvana of irresponsibility to claim that this amendment will do anything constructive except get a few people re-elected—if, in fact, that can be viewed as constructive.

"We must never forget that it is the Constitution we are expounding," said Chief Justice John Marshall in *McCulloch v. Maryland*. My own modest footnote would be: Let us not forget that it is the Constitution we are amending.

HONORING BARBARA V. ZALENSKI IN RECOGNITION OF HER 17-PLUS YEARS AS LIBRARIAN AT BELDING MEMORIAL LIBRARY IN THE TOWN OF ASHFIELD, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. OLVER. Mr. Speaker, I rise today to honor Barbara Zalenski on her 17½ years as librarian at the Belding Memorial Library in Ashfield, MA.

In addition to her consistent volunteer work, Mrs. Zalenski generously contributed to the recent renovation efforts at the library.

Mrs. Zalenski is active in many other facets of the Ashfield community as well. She served as a dispatcher and secretary for the Ashfield police chief for 18 years, and wrote for the local newspaper.

Mrs. Zalenski and her husband, Walter have four children, Jeffrey, Walter Jr., Christopher, and Tina. Mrs. Zalenski was also a substantative member of the Ashfield school committee for 9 years.

Mr. Speaker, I join the citizens in my district in honoring Barbara Zalenski for her 17½ years of service as a librarian for the town of Ashfield, MA. Her family and the Ashfield community have much to be proud of for her unyielding dedication.

BRING BACK TWO-WAY TOLLS ON THE VERRAZANO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mrs. MALONEY. Mr. Speaker, recently the House of Representatives passed the conference report on the Transportation appropriations bill. I supported this measure, and believe that it contains many important provisions which maintain and improve our Nation's infrastructure. However, the bill also includes one provision, inserted by the Senate, which is so egregious and wrong-headed, that I would like to take a moment and fully explain it to my colleagues.

The Transportation bill mandates New York City to continue to collect tolls on the Verrazano-Narrows bridge in the westbound direction, from Brooklyn to Staten Island, and not in both directions. This congressional mandate was placed in the bill over the objections of the New York City and State government and all but one of the city's congressional delegation. Why is it so problematic? Here are a few reasons:

First, this provision has cost New York City over $7 million in lost revenues. By evading the toll, thousands of drivers have taken badly-needed local funding away from the city, funding that should be spent improving New York's roads so that fewer Federal tax dollars are spent.

Second, the one-way toll has led to horrendous environmental problems. By diverting traffic into Lower Manhattan, which I represent, the one-way toll has generated air pollution hot spots where the output of dangerous carbon monoxide far exceeds national air quality standards. New York City is already a nonattainment area under the Clean Air Act and cannot risk the kind of penalties that will be forthcoming under the act if air pollution is not cleaned up.

In addition, the traffic diversion created by the one-way toll has worsened the quality of life throughout Brooklyn and lower Manhattan. heavy trucks are rattling through residential neighborhoods. Streets not accustomed to such traffic are deteriorating rapidly. Small businesses are being choked out of existence. All because some residents in one area of New York City and some others in another State can save a few dollars a week by evading a toll.

Mr. Speaker, several of us in the New York City delegation opposed the mandated one-way toll provision when it came up on the floor. But we didn't have the votes to change it. Fortunately, my colleague JERROLD NADLER, who represents heavily impacted areas in Brooklyn and Manhattan, has introduced H.R. 3339, a bill that would reverse this ridiculous Federal meddling into New York affairs. I am a proud cosponsor of congressman NADLER's bill, and I hope to work with him and other colleagues in the future to bring two-way tolls back to the Verrazano. To do so would represent sound environmental policy, sound fiscal policy, and would restore some peace to the lives of millions of New Yorkers.

NATIONAL RECOGNITION OF THE GREAT LAKES LACE GROUP

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. FORD of Michigan. Mr. Speaker, I would like to take this opportunity to introduce my colleagues to the important work of the Great Lakes Lace Group in preserving the craft of lacemaking. As social and economic forces continue to transform our society, we must be mindful not to completely sever our ties to traditions that define our American character. The folk craft of lacemaking is one such tradition.

The Great Lakes Lace Group is a nonprofit organization whose members are committed to the making, collection, and preservation of lace. In order to keep this art alive by fostering an appreciation for the craft in younger generations, the organization sponsors workshops in a variety of lace styles. The numerous types of lace include needle lace, bobbin lace, tatting, knotted lace, and crochet. The Great Lakes Lace Group also publishes an informative bimonthly newsletter and holds meetings featuring speakers who discuss various aspects of lace.

This year the Great Lakes Lace Group is holding a public demonstration of the art of handmade lace entitled, "For the Love of Lace." I am proud to say that this display is taking place in my district on November 13, at the Livonia Civic Center Library, 32777 Five Mile Road, in Livonia, MI. From 11 a.m. to 4 p.m., vendors will be offering a complete line of lacemaking supplies including bobbins, lace pillows, fine threads, books, beads, and antique laces. Among the special exhibitions are "Cindy's Stitches" from Illinois by Kathy Kirchner, "The Lace Merchant" by Elizabeth Kurella, and "Lace in Glass" by Marilyn Haywood.

The dedication of the Great Lakes Lace Group to the preservation of their craft is laudable. Our American culture is richer due to their efforts. We, too, have a role to play in ensuring that this tradition is not lost. Through recognizing and honoring such arts we hope future generations will appreciate the beauty lace adds to American life.

HONORING FRANK BLACKINGTON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. MURTHA. Mr. Speaker, over the past two decades, the University of Pittsburgh at Johnstown has developed into a recognized regional academic center which meets the post-secondary educational needs of not only the Johnstown area, but of a large portion of western Pennsylvania. Much of the credit for this belongs to Dr. Frank Blackington, who has served as president of UPJ since 1974, and is retiring after more than 19 years of service to the university and to the Johnstown community as a whole.

Dr. Blackington's impressive academic credentials have placed him in the forefront of educational leaders in the United States. Before assuming the presidency of UPJ, he taught at Michigan State University and directed the university's honors college, which achieved national recognition as a leader in academic achievement.

What Frank has accomplished at UPJ is astonishing. The list of academic advances at the university since he became president ranges from the establishment of secondary education degree programs in various science programs to the development of an associate degree program in respiratory therapy. The physical change in the campus has been remarkable—nine new residence hall facilities, various sports facilities, and the Pasquerilla Performing Arts Center.

But Frank has been as important to the community as he has been to UPJ. He's served on numerous executive committees, is past president of the Greater Johnstown Chamber of Commerce, and is a familiar figure at community events in the area. He's even worked in a field I'm somewhat familiar with, being appointed by the Secretary of Defense to serve on the executive committee of the Defense Advisory Committee on Women in the Services from 1982 to 1985.

It's been an honor for me to have worked with Dr. Blackington during his years at the helm of UPJ. He assumed the presidency the same year I was first elected to Congress, and it will be quite an adjustment for the entire community to know that there's a new leader at the university. But if anyone has earned the right to step back from the day-to-day headaches of his position, it's Frank Blackington. On behalf of the entire Johnstown community, I want to wish Frank all the best in his retirement, and to thank him for everything he's done to make the University of Pittsburgh at Johnstown a respected academic institution.

NAFTA: THE JAPAN CARD

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. OBEY. Mr. Speaker, in Tuesday's Washington Post our colleague from Michigan, SANDER LEVIN and Harley Shaiken, a professor at the University of California, Berkeley, effectively blew out of the water the argument that failure to pass NAFTA will help Japan. They point out clearly how passing NAFTA can help Japan penetrate United States markets.

That is the key. Proponents of NAFTA would try to get Congress to focus on whether Japan can penetrate the Mexican market. But, the important economic question is whether NAFTA will help Japan penetrate the United States market.

I urge members to read the Levin-Shaiken article—and then to vote no on NAFTA.

[From the Washington Post, Nov. 2, 1993]

NAFTA: THE JAPAN CARD

(By Harley Shaiken and Sander Levin)

The ever-shifting sands of the debate over the North American Free Trade Agreement have shifted again. Proponents of NAFTA now argue that if the United States doesn't strike a deal with Mexico, Japan will.

Facing difficulties selling NAFTA on its merits, the agreement's supporters are now trying to play the Japan card. At a White House event last month, the message was that rejecting NAFTA would spur large Japanese investments south of our border and a flood of Japanese products coming through the "back door" from Mexico. Lee Iacocca is even more blunt, asserting that "the Japanese think NAFTA is a bad deal because it's good for us and it's bad for them."

Are these fears realistic? In fact, this argument stands reality on its head. The Japanese have more to gain with NAFTA than without it and are less likely to become a major presence in Mexico if the present agreement is voted down.

Rather than being poised to rush into Mexico in the wake of a no vote, Japanese firms are waiting for NAFTA to pass before deciding on major new investments. The reason is simple. Japan is far more interested in sales to the United States than in entering the small Mexican market. Japanese companies would like to use a Mexican production base to supply the U.S. market if investment security and low tariffs are guaranteed. NAFTA provides those guarantees. Moreover, Japan could ship more goods without exacerbating trade frictions, since Sony television or Nissan cars made in Mexico and sold in the United States don't add to Japan's trade surplus. They are charged to Mexico's account.

With or without this agreement, Mexico's primary trading partner will remain the United States. In the first six months of 1993 more than 80 percent of Mexico's exports and 70 percent of its imports involved the United States. In contrast, Japan accounted for about one percent of Mexico's exports and 5 percent of its imports. Despite a far smaller volume of trade, however, Mexico's trade deficit with Japan was $1.3 billion, more than half the size of Mexico's deficit with the United States.

This ballooning deficit raises a critical point: Mexico can offer Japan increased access to the Mexican market but is unlikely to gain better access to the Japanese market in return, as the United States and almost all other countries in the world can attest. If Mexico is interested in rapidly increasing its trade deficit, then trade with Japan certainly offers possibilities, but it is highly unlikely that one-way trade is Mexico's goal. Moreover, Mexico cannot guarantee access for the Japanese to the U.S. market without NAFTA, diminishing Japan's interest in Mexico.

While its argument that Japan will strike a deal with Mexico is plainly wrong, the Clinton administration's more aggressive policy toward Japan is right on target. But the more the administration pursues this policy, the more the question is raised: If the failed trade policies of the '80s teach us to get tough in creating a more level playing field with Japan, why do they not counsel us also to get realistic in dealing with the unlevel playing field confronted in integrating our economy with Mexico?

In the '80s the United States went through a process of denial that there was a trade problem with Japan. A chorus of academia, media and others sang the "free trade" liturgy and dismissed any criticism as mere protectionism. This ideological onslaught polarized the debate and deprived the nation of the honest evaluation of trade policy that was needed.

Yet, with respect to Mexico we are going through the same process of denial that we went through with Japan in the '80s. True, the source of the unlevel playing field is different—with Japan it was government promotion of informal trade barriers and exclusionary corporate sourcing practices, while in the case of Mexico it is a government policy of holding down wages and denying labor rights in order to attract investment. But while the source is different, the effect can be much the same. U.S. business and workers are forced to make a "Pickett's charge" on a badly tilted playing field.

The way to judge NAFTA is on the merits of the agreement itself, not on the specter of Japanese involvement. In fact, the deployment of the Japan argument at this late date indicates that supporters are running out of plays. Ironically, bringing up Japan underscores the similarities between the failed Japan policy of the '80s and the flawed Mexico policy embodied in NAFTA. Playing the

Japan card does not remedy the flaws in the present agreement and will not save NAFTA in the House.

TRIBUTE TO ROGER DAVID STRICKLAND

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. DIXON. Mr. Speaker, I rise today with sadness to advise members of the death of a long-time employee of the Capitol Hill family, Mr. Roger David Strickland. Roger, who joined my office as a legislative assistant in January 1991, died on Thursday, October 14, 1993, following a lengthy illness.

On Saturday, October 23, 1993, numerous friends and family members attended a memorial service at the McGuire Funeral Home in Washington, DC, to celebrate the life of an extraordinary, caring, humorous, and delightful human being. Roger had many friends on the "Hill" and it is in that spirit that I share with my colleagues a remembrance of Roger David Strickland's brief, but bountiful life.

Roger David Strickland was born October 4, 1952, in Burlington, NC, to John Bradley Hezekiah and Jewell Mozell Rogers Strickland. He was the youngest of five children. Roger attended Central High School and graduated from Southern Alamance High School in Graham, NC. He was an excellent student, and received numerous academic awards. Roger was also extremely active in civic and social activities. He was a celebrated track star and set a track record in the 100 yard dash—a record that remains unbroken. Roger sang in the choir, played the trumpet in the band, and was Southern Alamance's star drum major. Because of his exceptional skills and powerful performances, Roger became a well-known celebrity in North Carolina.

In January 1974, Roger graduated from North Carolina A&T State University. While at North Carolina A&T, he was listed in Who's Who in American Colleges. Roger graduated with high honors from Texas Southern University in Houston, TX with a bachelors degree in Sociology, and he was the recipient of the "Outstanding Student of the Year" award. As an undergraduate, Roger became active in the civil rights movement, where he fought to end discrimination in the South. He received a master of science degree in Social Administration and Public Policy in May 1979 from Case Western Reserve University in Cleveland, OH.

Roger had a keen political acumen, and spent his entire professional career working in the House of Representatives. He worked for the late Congressman Mickey Leland as a legislative assistant for over 3 years. From 1983–1989, he served as the legislative director for Congressman TIM VALENTINE. He was also a professional staff member on the Science, Space and Technology Subcommittee on Transportation, Aviation and Materials. He served as Congressman JOSÉ SERRANO's administrative assistant. Roger joined my staff as a legislative assistant in 1991, working on appropriations issues.

Roger David Strickland was an individual who touched everyone's heart with his quick wit, great sense of humor, kind spirit, and loyalty. In the final months of his illness, my staff and I got to see another side of Roger that he often hid from others, a resolve of courage that many of us seldom have the opportunity to witness. Though racked with pain, Roger courageously and diligently strove to fulfill his commitment to his work and to his friends. He was always concerned about others, going out of his way to make the day brighter for all of those around him. He never complained, choosing instead to live each day to its fullest.

Those of us who had the pleasure of knowing Roger are saddened by his loss, and although his light has gone out, his spirit lives on in the fond memories that many of us have the good fortune to cherish.

Roger leaves behind his long-time companion, Wayne Gooch; two sisters—Mary Strickland Denny of Graham, NC and Annette Strickland Stancil of Stone Mountain, GA; two brothers—James Lee Strickland of Durham, NC and Fletcher Ray Strickland of Stamford, CT; and a host of aunts, uncles, in-laws, nieces, nephews, cousins and friends. Mr. Speaker, I ask my colleagues to join me in extending sincere condolences to Roger's family and extended circle of friends.

TRIBUTE TO THE FRANKLIN COUNTY CDC

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. OLVER. Mr. Speaker, I rise today to congratulate the Franklin County Community Development Corp. on its 15th anniversary. On Wednesday, November 3, 1993, the CDC will celebrate a proud history of serving the Franklin County community.

Since 1978, the Franklin County CDC has balanced goals of economic growth and the development of affordable housing with a unique commitment to preserving the county's beautiful, rural environment. From its special role in the revitalization of downtown Turner Falls, to creating housing developments in Greenfield, the CDC has contributed greatly to the economic development of Franklin County.

I have always been impressed by the Franklin County CDC's success in building effective coalitions with businesses, banks, towns, and State and Federal representatives. Just recently, the CDC took the lead in securing a $1 million grant from the Economic Development Administration to secure 350 jobs and create 200 new jobs in Franklin County.

I ask my colleagues to join me in congratulating the Franklin County Community Development Corp. on its 15th anniversary, for its solid contributions to the community's economy.

BUDEKE'S PAINTS CELEBRATES 125TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to congratulate Budeke's Paints upon the celebration of its 125th anniversary.

I consider the role of small businesses in our community to be of utmost importance. The foundation upon which our Nation was founded is dependant upon its very existence, and is symbolic of the unlimited opportunities we possess under our capitalistic system. So it is with great respect and admiration that I commend the owners and operators of Budeke's Paints. In a time when it seems multinational corporations are dominating the business sector, Budeke's Paints reminds us of the personal trust and satisfaction a consumer feels when dealing with small local businesses.

In 1859, George H. Budeke came to Baltimore with his family. During his boyhood, young George had very limited opportunities for obtaining an education, and started a paint career at age 16. Through his own energy and enterprise, he was able to steadily work his way upward until he attained a position of affluence. He founded the company in 1868 at the corner of Broadway and Eastern Avenue, and 2 years later, Budeke's moved to 418 South Broadway, which continues to serve as its main location. In an excerpt from the 1897 edition of the genealogical and biographical record of the city of Baltimore, George Budeke's business prospered because he "gained a most enviable reputation for his financial sagacity and honorable straightforward dealings". During the next 30 years, George acquired the properties on both sides of the existing store to better serve his growing business. He also maintained a strong interest in his community and clientele, which has come to symbolize the service which Budeke's Paints provides. In more recent times, Budeke's Paints has expanded its service to two new locations in the northwest and Timonium areas. To date, Budeke's Paints is the 6th oldest family owned and operated paint business in the United States.

Budeke's Paints is a place where you can shop and be assured of honest service and wholesale prices. Through the able leadership of Louis V. Koerber, president, and L. Bryan Koerber, vice-president, Budeke's provides service to a broad base of customers, including contractors, home owners, industrial firms, and Government agencies.

For 125 years, Budeke's Paints has served as an important landmark in the small, but historic, Fells Point neighborhood. Its commitment to quality, service, value, and integrity are the common threads that have run through five generations of family management and their dedicated personnel. Their service has strengthened the ties between the business community and it's neighborhood. Budekes has shown success can be achieved through ingenuity, hard work, and perseverance. This is as true today as it was 125 years ago.

Mr. Speaker, my fellow colleagues, it is with great pleasure that I congratulate the owners and operators of Budeke's Paints on this momentous occasion.

NATIONAL DIABETES MONTH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. PORTER. Mr. Speaker, November is National Diabetes Month. Sponsored by the American Diabetes Association, National Diabetes Month helps raise awareness of diabetes and its life-threatening complications.

Diabetes is the fourth leading cause of death by disease in the United States, taking the lives of more than 160,000 Americans annually. In addition to the high rate of mortality, the 13 million Americans with diabetes are at substantial risk for contracting one or more of the disease's life-threatening complications: blindness, end-stage kidney disease, advanced cardiovascular and neurological disease, and leg, foot, and toe amputation. These largely preventable complications have a debilitating effect on our society, costing more than $91 billion annually in direct health care expenditures and lost productivity.

The negative impact of diabetes is evident in my home State of Illinois. The Centers for Disease Control and Prevention Division of Diabetes Translation, the lead Federal agency with responsibility for the prevention and control of diabetes-related complications, estimates that more than 610,000 residents of Illinois have diabetes, which contributes to more than 8,000 deaths and 175,000 hospital visits each year.

Fortunately, diabetes and its complications can often be prevented and controlled with the proper patient education and health care. The results of the Diabetes Control and Complications trial [DCCT], supported by the National Institute on Diabetes and Digestive and Kidney Diseases, were published in the September 30 edition of the New England Journal of Medicine. The study shows definitely that diabetes complications can be prevented or delayed for most people with insulin-dependent diabetes through vigorous control of blood glucose levels. These exciting findings have profound implications for all people with diabetes, particularly minorities, who are disproportionately affected by the disease and its complications.

The DCCT dramatically illustrates the important role biomedical research plays in our health care system in improving the public health and reducing health care expenditures. The administration must make federally funded biomedical research a priority in its fiscal year 1995 budget request to Congress. The DCCT also demonstrates the great value of prevention and control programs within the Centers for Disease Control and Prevention such as those of the Division of Diabetes Translation.

The American Diabetes Association and its volunteers have long been leaders in providing vital information and services to people with diabetes. The association's northern Illinois affiliate has been active in this effort through programs like National Diabetes Month and the American Diabetes Alert. My constituent Dr. Deborah Edidin of Glencoe has been especially active in the affiliate's summer camp program which helps children with diabetes learn to cope with and manage their diabetes in a supportive environment. Dr. Edidin specializes in the camps which are attended by children under age 7. I strongly encourage Dr. Edidin and the staff and volunteers of the affiliate to continue their fine work toward lessening the impact of diabetes in northern Illinois.

Mr. Speaker, diabetes is a major public health problem that warrants Congress' serious attention. We must continue to support biomedical research as well as prevention and control programs that benefit individuals with diabetes. I will continue to work with my colleagues on the Appropriations Subcommittee on Labor, Health and Human Services, and Education to ensure that these critical health care issues are addressed during consideration of the President's fiscal year 1995 budget request.

HONORING JUSTICE ROSE RUBIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the many constituents of my district as well as the members of the judiciary of the State of New York in honoring Justice Rose Luttan Rubin who, after 25 years of dedicated and historic service, is retiring from the bench.

Justice Rubin's career is highlighted by constant achievement and a never ending dedication to public service. Upon graduating from Hunter College in 1938, Justice Rubin was listed in Who's Who Among Colleges and Universities. She received her J.D. degree in 1942 from NYU, where she served on the board of editors of the Law Review Quarterly. Admitted to the bar in 1942, Rose Rubin entered into the field of law as a practitioner that would take her into a wide variety of legal areas. In that same year, she became a review attorney for the New York State Labor Relations Board. Shortly, thereafter, she served as a staff attorney in the office of the judge advocate general. Moving toward greater involvement with city government, the justice served as an assistant district attorney in Queens County as well as an assistant corporation counsel. In 1973, Justice Rubin ascended the bench as a judge in the New York State Court of Claims. Soon after, she was appointed acting justice of the supreme court. From 1983 to the present, she serves as a justice of the New York State Supreme Court.

Her dedication to public service establishes a record that readily lends itself as a yardstick for civic participation. Justice Rubin serves as a trustee of the New York University School of Law where she and her husband, Herbert, have donated the Herbert Rubin and Justice Rose Luttan Rubin International Law Library. In addition, Justice Rubin served as president of the New York State Association of Women Judges, Director of the Women Judges Fund for Justice and a member of NYU Law School Council on the Future of the Law School.

She is the recipient of the Distinguished Jurist Award of the Jewish Lawyers Guild, Distinguished Alumnus Award of the NYU School of Law Alumni Association, recipient of the National Conference of Christians and Jews Award, and the Edward Weinfeld Award of the NYU Law School.

Mr. Speaker, the New York Association of Women Judges, the Board of Justices of the New York State Supreme Court of the First Judicial District and the Association of Judges of the New York State Court of Claims will gather on November 3, 1993 to honor Justice Rubin. I ask all my colleagues in the House of Representatives to join me now in extending our congratulations to this most remarkable woman.

HONORING ED SHEEHAN, SR.

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity to join the Greater Johnstown Inter-Service Club in recognizing a distinguished citizen from Johnstown, PA, Mr. Ed Sheehan, Sr.

The Greater Johnstown Inter-Service Club Council has awarded Ed its Annual Achievement Award this year because of the work he has performed in producing electro-optics and night vision technology for our Nation's military which has protected countless American lives. The development of this technology has made our Armed Forces more effective in carrying out their missions.

Ed has been an important part of the development of electro-optics and night vision technology through his leadership as the Director of the Department of Defense's Night Vision and Electro-Optics Laboratory from 1975 to 1979. His career at the laboratory spanned three decades. Ed currently serves as the chairman of the board and chief executive officer of one of the most advanced, high technology firms in the Nation. His work has been invaluable to the military, and on behalf of our Armed Forces, we take this opportunity to salute him.

I'm proud to call Ed a friend, and I don't think the Greater Johnstown Inter-Service Club Council could make a finer choice for its Annual Achievement Award than Ed Sheehan, Sr. I'd like to extend my sincere congratulations to Ed on this occasion, and I wish him many more years of success.

TRIBUTE TO JAMES E. TRACY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. GEKAS. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Harrisburg Senators, the 1993 champions of the Class AA Baseball Eastern League, and their manager, James E. Tracy, who has been named Eastern League Manager of the Year.

Jim Tracy led the Senators to victory 100 times this year, including a 94–44 regular season record. The Senators finished the season in first place, 19 games ahead of their closest rival. They continued their winning fashion as they emerged victorious in the postseason championship series.

Jim Tracy's skills as a teacher and a motivator are obvious, as several of his players have either moved up to Class AAA or the major league. The performance of the Harrisburg Senators has brought much excitement to central Pennsylvania, and the Senators' storybook season will long be remembered by the people of this region.

I ask all of my colleagues to join me in congratulating Jim Tracy and the Harrisburg Senators on their terrific 1993 season, and wish them all the best of luck in the seasons that lie ahead. Their sportsmanship, athleticism, and hard work are authentic examples of why Americans love the great American pastime of baseball.

KILDEE HONORS ZONTA CLUB OF FLINT I

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the Zonta Club of Flint I as it celebrates its 70th anniversary on October 30 in my hometown of Flint, MI.

Zonta Club of Flint I is part of the worldwide Zonta organization. It is comprised of professional women who are committed to improving the status of women around the world. The worldwide organization boasts of 35,000 members in 62 countries. These women are joined together in a common goal of advancing the status of women. Their commitment spans all aspects of a woman's life including education, economics, politics, the legal system, and professional stature.

As a part of the international Zonta organization, Zonta Club of Flint I is involved in several projects that promote global understanding, goodwill and world peace. The Amelia Earhart Fellowship Awards Program is an international project to grant scholarships to female graduate students in the aerospace-related science and engineering fields. More than $3 million in fellowships have been awarded to women around the world.

Zonta Club of Flint I was founded in October 1923. It had 30 charter members. These 30 women came from various professions including many who were small business owners. One criteria for membership in the Zonta organization is that the woman be in a decision-making management position. In 1923, this usually meant that the woman had to own the business. Since that beginning the Zonta Club of Flint I has grown to its present size of 80 members. The membership includes doctors, lawyers, bankers, retailers, funeral directors, entrepreneurs, and many other career categories. Zonta Club of Flint I has reflected the ideals of the international organization by working diligently to improve the quality of life in the Flint area.

Organizations that have benefited from the service and generosity of Zontians include but are not limited to Zonta House for Whaley, the Zonta Scholarship Program, Catholic Social Services, the Salvation Army, the Easter Seal Society, the McLaren Aid to Daily Living Room, the YWCA, and the Genesee Food Bank. Over 70 years, the Zonta Club of Flint I has donated over $300,000 to worthy projects.

I ask the House of Representatives to join me today in honoring this outstanding group of women who have selflessly given of their time, talents, and money to make a better world for others. They are to be commended for their generosity and commitment. I congratulate Zonta Club of Flint I for its first 70 years and hope that their tradition of excellence continues for many, many more years.

ADMINISTRATION'S POLICY ON OCEAN DUMPING OF LOW-LEVEL NUCLEAR WASTE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Mr. WELDON. Mr. Speaker, I rise to express my support for the Clinton administration's announced policy calling for an international ban on the ocean dumping of low-level nuclear waste.

Last week, 15 other members of GLOBE, the Global Legislators Organization for a Balanced Environment, and I wrote President Clinton urging the administration to join the Danish Government in pressing for a ban on ocean dumping of low-level nuclear waste at the upcoming London Convention. With the United States supporting a ban, I am confident that international law will be revised to incorporate the ban.

Unfortunately, international law is no bar to Russia's dumping of nuclear waste. On September 30, at my request, the Subcommittee on Oceanography held a hearing on nuclear waste dumping by the former Soviet Union. At that hearing it became clear that Russia's former Communist leadership had repeatedly violated international law by dumping high level nuclear waste into the Arctic Ocean.

Even after the fall of communism, Moscow has continued its disturbing pattern of disregarding international environmental law. On October 20, Russian officials admitted to dumping 900 tons of low-level nuclear waste in the Sea of Japan without notifying Japan, as required by international law.

To demonstrate congressional support for the ban, Oceanography Subcommittee Chairman ORTIZ and I will introduce a House concurrent resolution on November 8, the opening day of the London Convention meeting, in support of the administration's position. The concurrent resolution will both strengthen the United States position at the London Convention meeting, and, once the international community accepts the ban, pressure Moscow to live up to its international obligations.

Mr. Speaker, over the next week, Chairman ORTIZ and I will seek cosponsors for the concurrent resolution. I encourage my colleagues to join me in supporting the concurrent resolution when it is introduced on November 8.

JERRY A. BARROWS HONORED FOR FIRST PLACE ESSAY IN NATIONAL WRITING CONTEST

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1993

Ms. SNOWE. Mr. Speaker, today, I rise to honor the special achievement of Jerry A. Barrows of Fairfield, ME. Jerry, 21, was recently awarded first place in the National Writing Contest sponsored by Joint Action in Community Service, Inc. Over 1,000 Job Corps students competed nationwide.

Jerry graduated from the Northlands Job Corps Center with a certificate in bookkeeping and word processing. He has enhanced his leadership skills through Job Corps by being selected to such positions as dormitory leader and a member of the Education and Training Council. Currently, he is enrolled in the Transportation Communications Union Advanced Career Training Program. Jerry hopes to continue his education and earn a bachelor's degree in mathematics education.

Jerry has worked hard through the Northlands Job Center to advance his education and training in hopes of a prosperous future. I wish him the best of luck and would like to congratulate him on his fine achievements. In doing so, I would also like to take this opportunity to share his essay with you:

HOW JOB CORPS CHANGED MY LIFE

(By Jerry A. Barrows, Northlands Job Corps Center)

Just over a year ago, I decided it was time to end my days of checking out groceries at the local supermarket for minimal pay and to begin looking for a career. I thought I was ready. After all, I had a high school diploma and a list of great references. I applied to nearly every place of employment I could find, but I quickly noticed that I was hearing the same questions repeatedly. "Do you have any training in this field?" "What types of skills do you have?" "Do you have any experience?" Unfortunately, I had the wrong answers to all of these questions, and I began to wonder why I wasted four years of my life in high school. I felt as though I couldn't accomplish anything, I was becoming increasingly depressed. In fact, I began turning to alcohol because it was the only way I knew to forget all the problems with which I was being confronted.

Friends of mine eager to help out in any way they could, then told me about the Job Corps program. They said that I would be able to learn the skills necessary to land a job, and that I would even be paid to learn them. I signed up for the program immediately, hoping that all I heard was true.

After arriving at Job Corps, I found that Job Corps did not just offer job skills training, but a whole curriculum designed to make a person successful—if that person was willing to put forth the effort. That was the opportunity I had been hoping for.

I could see immediately that the staff really wanted to help me prepare for the job

world. They guided me every step of the way as I learned the skills necessary to land me a job as a bookkeeper, receptionist, or clerk-typist. Fortunately, the Job Corps experience didn't end there. I also learned the skills I needed to get a job, and how to keep it once it was mine. Job Corps taught me a lot about myself and how I interact with other people, and it taught me that there are solutions to every problem without turning to a bottle of alcohol. I had finally learned that I needed to be responsible for my own actions, and that ultimately I am the only person who could dictate how successful I would become in life.

Job Corps opened a window of opportunity for me, and I took advantage of it. I received college credits through Champlain College, and I earned one of the greatest achievements of my life as part of the National Academic Olympics Championship team. In a matter of a few short months, I had progressed from a jobless teenager to a national champion. I also earned a chance to further my education through the Job Corps advanced training program, thus preparing me for even more challenges that life may present.

Through the Job Corps program, I have come to realize that there is nothing I can't accomplish if I strive to achieve my goal. I no longer look at life as a series of problems, but as a sequence of challenges which must be overcome in order to reach the ultimate goal—success and the actualization of all the achievements of which I am capable.

SENATE—*Wednesday, November 3, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133:1.

Eternal God, perfect in truth and righteousness and love, the psalmist implies there is power and blessing in unity—not uniformity, but unity in diversity. We are reminded that "E Pluribus Unum" has significance for America.

As the target date for adjournment approaches, pressure builds, and the process of legislation becomes difficult. We pray for our leadership at this strategic hour. Thank You, God, for the majority leader, for his wisdom, his fairness, his restraint, when at times he must feel frustration. Thank You for the minority leader, often in the difficult role of the loyal opposition. Thank You for his leadership.

We commend these two leaders, their assistants, Senator FORD and Senator SIMPSON, and their staffs to Your gracious wisdom and guidance. Somehow, help us realize that the infinite, omnipresent God is always here, whether we are aware of it or not; and His unlimited resources are always available.

To the glory of God and for the sake of the Nation we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, pursuant to a prior order, the Senate will now proceed to 1 hour of debate equally divided on a motion to invoke cloture or to terminate a filibuster with respect to the nominations of five persons, three Ambassadors to foreign countries, and two other State Department officials.

At the conclusion of that hour, therefore, approximately shortly after 11, there will be a vote on that cloture motion. If cloture is invoked, then the Senate will have 90 minutes further debate on the nomination, followed by votes on each of the nominations.

At that point, or if cloture is not invoked, following the cloture vote, then it is my intention to move to proceed to the crime bill, and Senators should expect in any event at least one vote today and most possibly six in all on the nominees if cloture is invoked, one on cloture if it is not invoked, and then the possibility of votes throughout the day on the crime bill and a lengthy session today as we attempt to make progress on that important legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

WHAT A DIFFERENCE A YEAR MAKES

Mr. DOLE. Mr. President, 1 year ago this week, many in the media were proclaiming that the Republican Party was dead or at least in intensive care.

This morning I rise to say "What a difference a year makes."

In fact, now that the results of last night are complete, I think we can officially proclaim 1993 to be "the Year of the Republican."

There have been six major elections in the past year—Senate seats in Georgia and Texas; mayoral elections in Los Angeles and New York City. And gubernatorial races in Virginia and New Jersey.

All six of these seats had been held by Democrats.

And all six are now held by Republicans.

I have always said that if a party is winning elections, they must be doing something right.

And the voters are saying that the Republican Party has the right candidates and the right ideas.

Virginia voters said that George Allen has the right ideas on how to help end the epidemic of violent crime.

New Jersey voters said that Christie Todd Whitman—who will be the first woman Governor in New Jersey history—has the right ideas on how to get State government out of their pocketbooks.

And New York said that Rudy Guiliani had the right ideas on how to unite a very diverse city in confronting difficult urban changes.

And between now and next November's elections, Republicans in the House and Senate—and Republicans across the Nation—will be working together to demonstrate to the American people that we have the right ideas on issues like health care, education, criminal justice reform, and national security.

Along with congratulating yesterday's winners, I also want to thank their Democrat opponents. Each devoted their career to public service, and each has made a difference.

Having won and lost elections, I can say obviously it is a lot more fun winning, but I say to those who lost you have done a good job; we congratulate you, too.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the orders of October 28 and November 1, the Senate will now go into executive session to debate a cloture motion on the following nominations: Executive Calendar Items 411, 413, 414, 415, and 420, which the clerk will report.

DEPARTMENT OF STATE

The legislative clerk read the nominations of Alan John Blinken, of New York to be Ambassador to Belgium; Tobi Trister Gati, of New York, to be an Assistant Secretary of State; Swanee Grace Hunt, of Colorado, to be Ambassador to the Republic of Austria; Thomas A. Loftus, of Wisconsin, to be Ambassador to Norway; Daniel L. Spiegel, of Virginia, to be Representative of the United States of America to the European Office of the United Nations with the rank of Ambassador.

The ACTING PRESIDENT pro tempore. Under the order of November 1,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

1993, there will now be 1 hour of debate preceding the cloture vote. The time will be equally divided, with Senator PELL, of Rhode Island, controlling 30 minutes and Senator MCCONNELL, of Kentucky, controlling 30 minutes.

Who yields time?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield myself such time as necessary.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, on October 5, 1993, the Committee on Foreign Relations reported the following nominations to the Senate: Alan Blinken to be Ambassador to Belgium, Swanee Grace Hunt to be Ambassador to Austria, Thomas Loftus to be Ambassador to Norway, Daniel Spiegel to be U.S. Representative to the European Office of the United Nations, and Tobi Gati to be Assistant Secretary of State for Intelligence and Research.

The Blinken, Hunt, Loftus, and Gati nominations were submitted to the Senate by President Clinton on September 7 and Mr. Spiegel's nomination was submitted on September 14. Hearings were held on the Blinken, Hunt, and Loftus nominations on September 28, 1993, by the distinguished chairman of the Subcommittee on European Affairs, Senator BIDEN and on September 29, 1993, the distinguished chairman of the Subcommittee on Terrorism, Narcotics and International Operations, Senator KERRY, held hearings on the Gati and Spiegel nominations.

These nominees had the unanimous, bipartisan support of the Committee on Foreign Relations on October 5, 1993 when their nominations were reported to the Senate. Not being aware, Mr. President, of any opposition to their qualifications they had every expectation of an early consideration by the Senate.

The 4-week delay in the Senate's consideration has certainly taken a personal toll on the families of these nominees, as the distinguished majority leader stated last week. Most important, however, is the need to have these nominees assume the important responsibilities for which they have been chosen by the President. Today the Senate will vote a cloture to proceed to a consideration of these nominations, and for that I thank the distinguished majority leader for his leadership.

I thank Senator BIDEN and Senator LUGAR, the chairman and ranking majority member of the Subcommittee on European Affairs and Senators KERRY and PRESSLER, the chairman and ranking minority member of the Subcommittee on Terrorism, Narcotics and International Operations for their prompt consideration of these nominees in committee. I also want to thank the distinguished ranking minority member of the Committee on Foreign Relations, Senator HELMS for his cooperation during the committee's consideration of these nominees. As I said at the outset, these nominees enjoyed the unanimous bipartisan support of our committee.

Mr. President, I would like to make a few remarks about the nominees and the important positions for which they have been nominated.

I believe that it is important for the Senate to move swiftly to confirm Mr. Loftus, Mr. Blinken, and Ms. Hunt who have been nominated to be our Ambassadors to Norway, Belgium, and Austria, respectively. Each of these posts have been vacant for some time. Our last Ambassador to Norway left post in February, our Ambassador to Belgium in January, and the Austria post has been vacant since March. Given the importance that we attach to our relationship with each of these countries, I believe it unwise for us not to have had representation at the ambassadorial level for such a long period of time.

Norway and Belgium were both NATO allies, and Brussels is the headquarters not only of NATO, but of the European Community. It is also the current president of the European Community. Issues crucial to the future of United States-European Community relations unresolved and having an Ambassador in Brussels would help to advance United States interests.

I would also note that there are some issues in our bilateral relationship with Norway that warrant attention at the ambassadorial level, including the current dispute regarding Norway's decision to resume commercial whaling in defiance of a 1986 moratorium.

In addition, Norway played a critical role in secretly brokering the draft peace agreement between Israel and the Palestine Liberation Organization. Norway gained the trust and confidence of the PLO and Israel as an independent mediator largely because of its long-standing ties to Israel's Labor Party, earlier meetings with PLO leader Yasser Arafat, and its status as a founding member of NATO. I believe that as a sponsor of the Middle East peace process, it is in the United States' interest to send Mr. Loftus to Norway not only as a signal of our appreciation of Norway's efforts, but to ensure that we are able to work with Norway to make further progress on Middle East issues.

Austria is at the crossroads of Europe, and at a time when it is reevaluating its policy of neutrality and focusing on reintegrating with the West, I believe that it is in our interest to have Ms. Hunt at the helm in Vienna. Austria is playing a prominent role in the economic development of Eastern and Central Europe, while at the same time, coping with a substantial refugee flow from the wars in the former Yugoslavia. These are issues in which we have a strong interest and on which we should be working closely with the Austrians.

Austria has a new President, Thomas Klestil—known to many of us here when he was Ambassador—who is eager to improve bilateral relations which had been somewhat strained during the Waldheim years. I believe that we should send a strong signal to President Klestil that we too, are ready to resume more normal relations. One important way of doing that is to send our U.S. Ambassador to Vienna quickly.

I believe it is also important for the Senate to move rapidly to confirm Mr. Daniel Spiegel to be U.S. Representative to the European Office of the United Nations and Mrs. Toby Gati to be Assistant Secretary of State for Intelligence and Research. Both of these positions play important roles in U.S. foreign policy and both have been vacant since spring.

In Geneva, strong leadership at the U.S. mission is essential for the effective implementation of U.S. policy objectives in a number of critical areas. For example, Geneva is the center of the international humanitarian assistance effort in Bosnia. It is also the home of the principal U.N. human rights organizations, the Human Rights Center and the Human Rights Commission. Finally, Geneva plays an important role in efforts to reform the United Nations through the so-called Geneva Group, a principal forum for the discussion of U.N. reform among the organization's major donors.

Mr. President, these issues are important. The United States should be participating in their discussion with maximum impact. To that end, we need to send our Ambassador to Geneva now.

Turning to Mrs. Gati's nomination to be Assistant Secretary for Intelligence and Research, the events of the past several months have made clear the critical role that intelligence information plays in U.S. foreign policy. Continued delay in Mrs. Gati's confirmation hobbles the Secretary and the Department in the effective development and implementation of policy. For example, Mrs. Gati cannot participate in the Secretary's meetings with CIA Director Woolsey. She cannot participate in meetings of National Intelligence Council in preparations of critical national intelligence estimates. She cannot testify before Congress on issues such as the situation in Haiti. This situation is bad for the Department and it is bad for the country.

Mr. President, on behalf of the Committee on Foreign Relations I urge the Senate to vote in favor of cloture and then proceed to give its advice and consent to each of these nominees.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Will the Senator yield me such time as I may use?

Mr. PELL. I yield to the majority leader such time as he desires.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I wish at this time to make just a brief comment regarding the scheduling of this matter and the manner in which it has been brought before the Senate.

As Senator PELL stated, these nominees were approved unanimously by the Foreign Relations Committee on October 5. We then began the normal process of attempting to what we call clear or gain approval to bring them before the Senate.

We were advised by the Republican leader's staff that that approval would not be forthcoming; that objection was made to the nominees, not on the basis of the nominees' qualifications, but on the basis of an entirely unrelated matter which will, I know, be the subject of some discussion here today.

Thereafter, we repeated each day over a period of 3 weeks our request for clearance of these nominees. Each day, that request was rejected.

In the meantime, I heard from the Secretary of State, who called me, and from several State Department officials urging that the Senate proceed to act on these nominees, and then from some of the nominees themselves.

As I stated last week when we discussed this matter briefly, these five people had no way of knowing there would be objection to them. There was no objection to their qualifications. They were approved unanimously by the committee. And most of them are not familiar with the Senate's rules under which their nominations can be held up because of a matter entirely unrelated to them.

I was advised that one had sold a home, others had children waiting to enter school, and they were in some personal stress over this.

Finally, after weeks of this, I made a commitment to the nominees that I would bring the nominations formally to the floor, with or without clearance, before the end of last week; that is, before the Senate went out of session last week, I would bring them formally to the floor and take whatever steps were necessary to at least require the Senate to vote on the matter.

I communicated that directly to the Republican leader early last week and my staff communicated that to the Republican leader's staff, and it was repeated on several times over several days. On Thursday, it became clear that would be the last day of the session last week. It appeared that way on Thursday evening. And I told the Republican leader that I was going to proceed to it.

Tragically and unexpectedly, Senator MCCONNELL, who opposes these nominations and who will shortly make a statement of his opposition, had to leave town because of the illness of his mother. And so on Thursday evening, I discussed the matter with the acting Republican leader, assistant Republican leader, Senator SIMPSON, who was then the acting Republican leader, and decided that we would proceed to bring the nominations up and file the cloture motion to terminate the anticipated filibuster but that I would schedule the debate and votes at a time when Senator MCCONNELL could be back to participate in them. And Senator SIMPSON and I then agreed that the cloture motion would be filed on Thursday evening but that the debate and vote on the cloture motions would not occur until Tuesday afternoon, that being yesterday afternoon. And that was locked into the schedule.

On Monday, the Senate was involved in a debate on the Ethics Committee resolution, and Senator MCCONNELL, of course, is the vice chairman of that committee and was involved in the debate. He and I discussed the matter on Monday and, as a result of that discussion, I agreed to put off the current pending matter until after the Senate completed action on the Ethics Committee resolution.

Since that occurred late last evening. It was not advisable, in my judgment, to proceed directly to this then, and so we rescheduled it for this morning. And that is the debate which is now occurring.

Mr. President, I will have something further to say about the process involved here in a moment, but I wanted to explain that scheduling and to say to Senator MCCONNELL, for whom I have a very high regard, that I regret any inconvenience that may have caused him as a result of that scheduling matter, but I wanted to explain that I had made a commitment to the nominees to proceed last week and I did not intend in any way to inconvenience him, knowing that he was necessarily absent on Thursday night and Friday because of the illness of his mother.

Mr. MCCONNELL. I thank majority leader for his explanation.

Mr. MITCHELL. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I yield myself whatever time I may need.

Let me first assure my colleagues I did not spend the night on the floor last night. I am not all that happy to be back over here this morning, but it is a very important issue that we have here before us. And it is not about the nominees. In fact, I know one of the nominees, Tobi Gati. I worked with her some on several different issues over the past few years. They, frankly, are not the issue.

The reason we are here is because we do not have many levers available to try to encourage any administration to act on a given subject, and the subject before us today, in the judgment of this Senator, is not the nominees but rather an entirely different episode, largely ignored by the media, unfortunately.

On September 1 of this year, the Washington Post printed a startling item. Clinton administration officials had requested the files of 160 political appointees who had worked at the State Department during the Bush administration—160 political appointees who had worked at the State Department during the Bush administration. Six months after 160 Bush employees left office, Clinton White House personnel officials pulled their files out of a storage facility out in Maryland.

The story went on to discuss the contents of the files of two appointees, Elizabeth Tamposi, and Jennifer Fitzgerald.

Mr. President, I ask unanimous consent the Washington Post story be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1993]

ELDERS AND BISHOPS EXCHANGE WORDS

Clinton administration officials, going through the files of Bush administration holdovers at the State Department, recently requested the personnel files of 160 political appointees from the department's archives in Maryland.

Each appointee has two files: one a standard résumé file; the other an "action" or "working" file, which has information about the official's activities, complaints or supportive comments and the like.

Guess whose working file was empty? That of very controversial longtime Bush employee Jennifer Fitzgerald, who was George Bush's executive assistant when he was vice president and became deputy chief of protocol at the State Department when Bush became president.

Unlike those of virtually every other ranking official, Fitzgerald's file was just an empty folder with her name on it.

All this left the Clintonites scratching their heads.

Meanwhile, there was a more hefty file on another famous Bush appointee, former New Hampshire real estate agent Elizabeth Tamposi, who headed the consular section and led a late-night foray to the passport archives in search of dirt on then-candidate Bill Clinton and his mother, Virginia Kelley. The searches turned up nothing but trouble for Bush, hurting him at the end of his reelection campaign.

Sources say Tamposi's file recorded concerns from very senior State Department types that she was not ready for an assistant secretaryship. Fortunately for Clinton, no one listened.

Mr. MCCONNELL. Two questions, Mr. President, immediately occurred to me when I read the story the first time. The first question was, Why would the Clinton administration need to look at files of former employees, particularly political appointees? The second question was, Was it legal to disclose the contents of Elizabeth Tamposi's and Jennifer Fitzgerald's personnel files? So I asked the State

Department if they had any explanation. And they offered none.

Then I wrote the Attorney General and asked her to take a look at the case. She still has not replied to my letter from 8 weeks ago.

There must be some problem with the mail system over there. Fortunately, the story struck a chord with the press, at least a small chord, and some reporters asked the State Department a few questions. Although the State Department was not interested in answering my questions, the press was able to prompt at least some response. The State Department spokesmen confirmed that the White House personnel office was responsible for the search, but went on to say it was an accident—an accident. They ordered the files by accident—160 of them, by accident.

The White House intended to order some Domino's pizza but by accident they ordered 160 personnel files. And, although it was an accident, they decided to refer the matter to the inspector general so they could not say anything more about it.

At the time I thought it was interesting that the State Department would not answer any questions on why, how, when, or what the purpose of the search was. Yet they claimed with total confidence that the search was simply inadvertent. It was just an accident, the State Department said, that 160 confidential files were requested, retained, reviewed and at least some released to the press—just an accident.

The press, astonishingly enough, seemed to be satisfied with the explanation and dropped the issue. The State Department was happy to avoid any public embarrassment or any public pressure to explain what really happened.

Mr. President, I am not satisfied with the official explanation, nor should this body be satisfied with the official explanation; 160 public servants had their files searched 6 months after they left the State Department. These files included confidential and rather personal information. The files were retrieved and reviewed by White House personnel officials and the contents of at least two of those files, to my knowledge, were leaked to the press—a clear violation of the Privacy Act.

I was discussing this case one day with a reporter and I contrasted the media's indifference in this case to the feeding frenzy over the search for President Clinton's passport file last year. The reporter I was speaking with was brutally frank. The reporter said essentially this: It was not newsworthy, he said. The privacy of a Presidential candidate was not at stake. The search was not linked to a top administration official, it was just the privacy of an ordinary citizen.

"Just the privacy of an ordinary citizen." "We are not interested."

The press has not been alone in its indifference to the rights of 160 American citizens. Just think back last year. Bush administration officials were publicly and repeatedly attacked by Members of Congress, charging them with criminal conduct because of their action on a Freedom of Information Act request for candidate Clinton's passport file.

Members of Congress screamed "conspiracy." They shouted "McCarthyism." They called for GAO investigations. They demanded special prosecutors. In just a few short weeks, five senior Bush administration officials were accused, indicted, and convicted on the Senate floor, on the morning talk shows, and in the Washington Post.

Let me remind my colleagues of some of the remarks they made at that time last year. Our colleague from New Jersey, Senator BRADLEY, held a press conference where he characterized the events as "disturbing" and "serious," and demanded that President Bush issue a statement answering questions regarding why Mr. Clinton's privacy rights had been violated.

Senator KERRY asked the GAO to look into the incident, fearing that the State Department would not or could not conduct an adequate investigation of its internal operations.

Congressman CLAY, the chairman of the House Committee on Post Office and Civil Service, asked the Office of Special Counsel to investigate potential Hatch Act violations.

Congressman BERMAN, who chairs the House Subcommittee on State Department Operations, also demanded a GAO investigation saying:

> This incident has taught us that individual Americans have little protection from the prying ears and eyes of snooping bureaucrats.

Well said, Congressman BERMAN. There are 160 former State Department officials who would certainly agree with you.

The Congressman went on to say that:

> The White House could have and should have stopped the search. High Government officials have an obligation to end improper conduct if they learn of it.

Wise words from Congressman BERMAN. I could not agree more.

Mr. President, these sentiments were echoed by then President-elect Clinton. When asked what he would do if an official was caught misusing his position for partisan politics, Governor Clinton said:

> You will not have to have an inquiry or rigamarole or anything else because it's too important to me that the rest of the world see us as having a coherent and, as much as possible, nonpolitical foreign policy.

Governor Clinton went on to say:

> Let me just say this—

This really sums it up, Mr. President——

> if I catch anyone using the State Department like that when I'm President, I'll fire them the next day.

"I'll fire them the next day," Governor Clinton said. Mr. President, it has been 8 weeks since someone in your administration was caught abusing his position, and we are waiting for the pink slip. We thought they were going to be fired the next day. It has been 8 weeks. Where is the pink slip, Mr. President?

We know that a Clinton official by the name of Joseph Tarver runs the White House personnel office at the State Department. This office is responsible for screening and placing of political appointees. We know, Mr. President, that Mr. Tarver is no stranger to campaigns and politics. In fact, he was a key aide to the Clinton campaign top money man Bob Farmer. We also know that 160 people served President Bush as political appointees at the State Department. We know that every one of them had their file pulled. Those appointees range from clerks to special assistants up to assistant secretaries.

Mr. President, we know that Tarver's office pulled 160 files out of storage, read them, and at least two individuals discovered the sensitive contents of their files discussed in the Washington Post.

Finally, we know that Mr. Tarver continues to work in the White House personnel office and continues to have access to sensitive personnel records. Yet, the President, President Clinton, is strangely quiet. No one was fired the next day. As far as we know, no one was even suspended or got demoted or lost White House mess privileges. The President apparently just looked the other way.

I think the public and the 160 victims of this outrage deserve an explanation. I think they deserve some answers to some very basic questions:

First, what possible purpose was served or intended by retrieving personnel documents of individuals who are no longer employed by the State Department?

Second, was the Privacy Act or any other law violated when the files were leaked to the Washington Post? Were these or any other files provided to any other person or organization?

Did the White House direct the activity?

Which White House officials were notified of this activity and when?

Did anyone take any steps to prevent this from happening?

Were other agencies directed to retrieve personnel records?

Mr. President, on September 1, I wrote to the Secretary of State, Warren Christopher, asking him many of these questions. He chose not to respond to the letter and instead asked his staffer, Wendy Sherman, to let me know that the buck had been conveniently passed to the Inspector General.

Subsequently, the Republican leader and I wrote the Secretary. We did it together. I decided if they were not paying attention to me, maybe I would ask the Republican leader to help out here. So the Republican leader and I wrote the Secretary again asking for answers to several questions. Again, the Secretary chose not to respond. Again, Ms. Sherman wrote to the leader and me advising us that the buck had been passed to the IG. However, she did confirm that those involved in the scandal continue to work in the White House at the liaison office at the State Department as if nothing had happened.

This laissez-faire attitude contrasts sharply with how the employees who were accused of wrongdoing last year were treated. Last year, several Freedom of Information Act requests were filed by the five different news organizations requesting information from candidate Clinton's State Department files. This year, 2 months later, no one can or will explain the reason for pulling the files out of storage.

Last year, the IG had a completed report in just 30 days—just 30 days. This year, 8 weeks later, we still have no answers.

Last year, 4 days after referring the matter to the inspector general, Acting Secretary of State Eagleburger met with the Foreign Relations Committee to review the case. This year, the Secretary has refused to answer any questions and has had his staff respond to the letter sent by the Republican leader and myself.

Last year, Secretary Eagleburger offered to resign. This year, the Secretary has dodged the issue.

Last year, the press carried daily stories with colorful quotes from a host of sources charging five people with "not telling the truth," of engaging in improper politically motivated activities, and bringing shame on the Department.

This year, the rights of 160 ordinary American citizens just are not newsworthy.

Last year, a Republican Attorney General appointed an independent counsel to investigate allegations about fellow Republicans. I repeat: Last year, a Republican Attorney General appointed an independent counsel to investigate allegations about fellow Republicans. This year, the Attorney General will not answer her mail.

Last year, my colleagues were demanding justice. This year they are strangely silent. This year, 8 weeks after this scandal came to light, we still have no answers, no action, and no apologies.

Mr. President, there is a double standard at work here which has worked against the interests and rights of 160 American citizens. The press is not interested because they are just average citizens, not Presidential candidates, not movie stars, and the State Department and President Clinton obviously hope the whole thing will just go away.

With all of this indifference, I felt obliged to take some action to get the Secretary of State's attention. So for the past 3 weeks, I have held up five State Department political nominees, and this is something I do not do very often. I am not one of those people who enjoys this sort of thing or who does it routinely. I held them up until I could get some satisfactory answers about the White House and the State Department's treatment of these 160 employees.

I viewed this as a question of inconvenience for five very well-connected political appointees, on the one hand, versus the rights of 160 average political appointees on the other. Remarkably, having taken this action, I received a phone call from the Secretary of State expressing his interest in the matter. I have also had several calls from the Congressional Relations Office, the State Department legal adviser and others in the Department who have attempted to persuade me that they are now taking this matter very seriously. Indeed, they say, they could not be more serious about it.

But prior to that for 6 weeks, I did not hear a thing—I did not hear a thing. Until I put a hold on a few nominees, the State Department ignored the interests and rights of 160 American citizens. Then all of a sudden, the Department became intensely interested in these hapless victims.

I think this is largely due to how well-connected these nominees are. Like my colleagues, I have heard from CEO's of major corporations, law partners, former campaign officials, and many Members of Congress all appealing for mercy. As a matter of fact, I heard from people even in my own State that I have not seen in years. I would say that the five people before us have lots of friends—lots of them.

When I made the decision to hold these folks up, I knew they were political, but I had no idea how political. And I personally do not have any problem with that. I am not somebody who thinks politics should be a disqualifier to be an Ambassador.

I think many of my colleagues might be interested in the extensive campaign contributions which these political nominees have made. It might even change a few minds about campaign finance reform. Simply put, these are people with serious clout, not only in the fundraising world but in the world in general. One nominee has written 35 checks for substantial sums, the smallest of which was $1,000, the largest of which was a quarter of a million dollars, to the Democratic National Committee victory fund.

I do not have any problem. I am not criticizing them for supporting the candidate of their choice. I am making the point these are not just ordinary, run-of-the-mill citizens here who are being temporarily inconvenienced, temporarily inconvenienced in order to get the attention to the State Department on the rights of 160 regular folks which are being ignored or may have been abused. Apparently their status concerned a number of people who called me. One Senator actually pleaded how inconvenient it was for the Ambassador-designate to be living in a hotel—the Ritz-Carlton no less.

I apologize for the inconvenience, but I think some other principles are at stake. The privacy and the rights of 160 people are at least as important as the inconvenience of slow room service.

So that we all know how serious the situation is, I would like to share some of what I have learned over the past few weeks with my colleagues. In conversations with officials inside the State Department, in the administration, GAO and elsewhere, I have learned that part of the reason there is a delay is that there are serious complications associated with possible criminal charges in the matter.

I have learned that highly sensitive information, including material assembled in security background investigations, was in many of those files which were apparently encroached upon.

I have learned that the line of investigation includes the White House.

I have also learned that a briefing on this matter was scheduled by the IG for the chairman of a House committee, but was abruptly canceled.

Mr. President, this is beginning to smell a little bit like a coverup. I believe the inspector general should truly be independent of the building and the bureaucracy that he is investigating. It was precisely because I feared political intervention that I urged the Attorney General to conduct an independent probe, and that is the same Attorney General who had not answered the letter I sent her 8 weeks ago. But I heard nothing back. And now I am being told that the IG cannot come and answer any questions from Congress until he briefs the Secretary of State, which brings us back to where we were 8 weeks ago.

I believe the Secretary could, the Secretary can and should answer the questions the Republican leader and I have asked. As we said in our letter, the questions go to the heart of the Secretary's administration of the Department of State.

Mr. President, this situation could reflect—could reflect—the misconduct of a single former campaign worker or represent evidence of far-reaching, politically motivated, illegal activity. Given the strong views held by my colleagues a year ago about the privacy act and the right of citizens, I would hope they would be led to support the course I have had to take.

I have no doubt, Mr. President, if this were a Republican administration, this would be a huge issue. But to these 160 regular citizens, not Presidential candidates and not movie stars, it is a big deal. The privacy act was not just written for prominent people. It was written for all of us.

Mr. President, I wish to repeat, I take no pleasure in inconveniencing these five very important people. I have high hopes that this will not fracture their lives, that they will somehow be able to deal with this momentary inconvenience, but it is the rights of the 160 that we are talking about here, many of whom are not that well connected, most of whom are certainly not famous. I expect none of them are famous.

It is my hope that we can avoid cloture as a further message to the State Department that we need to move forward on this, not sweep it under the rug, get the IG report out and let us see what really happened.

Mr. President, if I have any time, I retain the remainder of it.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. It is time to look at this situation objectively in light of certain facts. Whether a glass of water is half full or half empty depends on the way you look at it. They say beauty is in the eye of the beholder. The same I think is true in the discussion of these events.

Let me recount briefly for my colleagues' information the record of events that have brought us to this point. It was on September 1 that Al Kamen from the Washington Post reported that members of the Clinton White House liaison office at the Department of State requested that files from the Bush administration's liaison office at State be retrieved from the Department's storage facility in Hyattsville. He reported further that some files on individuals had been reviewed and their contents disclosed.

On September 2, the day after this story was run, the State Department turned over the issue to Inspector General Sherman Funk for investigation.

On September 9, the Republican leader and Senator MCCONNELL sent a letter to Secretary Christopher asking that the following questions be answered with respect to these files.

First, was the search suggested, requested, or authorized by officials at the State Department acting alone or at the direction of the White House, Democratic Party, or any other entity?

Second, what was the intended use of these documents?

Third, other than reporters at the Washington Post, who received information from these files?

Fourth, is the individual involved still working at the Department of State?

In her reply the very next day, September 10, Assistant Secretary Wendy Sherman stated that the first three issues raised by the Senators "are now the subject of the Inspector General's ongoing investigation."

With regard to the fourth question, she stated that the individual was still in the employ of the Department.

Finally, she noted that the Department would withhold taking any further action pending the outcome of the IG's investigation.

Mr. President, I appreciate the questions that my colleague from Kentucky raised in his letter of September 9. They need to be answered. I agree with him. I expect that they are being examined, I trust that they are being examined, by the State Department's inspector general in the context of his overall investigation into the incident in question.

I believe the Department deserves credit for its rapid response to the situation, not condemnation. The issue was turned over to the inspector general for investigation the very day after it was disclosed in the press. And since then, Department officials have refrained from becoming involved in trying to influence the investigation. That is as it should be. To do otherwise would taint the IG's investigation and lead to charges of political pressure. The IG's report is expected soon. We should await its outcome before making judgments and proceed to consideration of the President's nominees.

I have before me a letter dated November 2 from Acting Secretary Clifton R. Wharton, Jr., addressed to me, and I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, November 2, 1993.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR PELL: I am writing to provide information about the actions the Department has taken regarding the White House liaison file matter. The Department has taken prompt action to deal with this issue.

As we understand the facts to date, the files in question were those of the Department's White House Liaison Office which has been retrieved from storage by staff members of that office. Within approximately 24 hours of the appearance of the story in the newspaper, the Assistant Secretary for Administration, who is the responsible official for records management in the Department, referred the matter to the Inspector General. This referral was made in order to ensure that a thorough, objective and professional review of the matter would be undertaken.

Pending the results of the investigation, it would be inappropriate to draw conclusions whether the staff of the White House Liaison Office, or other individuals, were involved in wrongdoing. Any further action must await the outcome of the Inspector General's investigation. Due to the independent nature of the Inspector General and his investigations, we are unable to inform you when this investigation will be completed. At the appropriate time, we understand that the Inspector General would be prepared fully to brief you and other interested members of Congress on his findings and conclusions. I assure you that, if wrongdoing is discovered, appropriate action will be taken.

We would be pleased to meet with you to discuss this matter further, though we will know no more until the Inspector General has completed his investigation. In addition, we look forward to our continuing dialogue on the many important matters of mutual interest before the Senate Foreign Relations Committee and the Congress.

Sincerely,

CLIFTON R. WHARTON, Jr.,
Acting Secretary.

Mr. PELL. I would like to read two paragraphs from it:

> As we understand the facts to date, the files in question were those in the Department's White House Liaison Office which had been retrieved from storage by staff members of that office. Within approximately 24 hours of the appearance of the story in the newspaper, the Assistant Secretary for Administration, who is the responsible official for records management in the Department, referred the matter to the inspector general. This referral was made in order to ensure that a thorough, objective, and professional review of the matter would be undertaken.
>
> Pending the results of the investigation, it would be inappropriate to draw conclusions whether the staff of the White House Liaison Office, or other individuals, were involved in wrongdoing. Any further action must await the outcome of the inspector general's investigation. Due to the independent nature of the inspector general and his investigations, we are unable to inform you when this investigation will be completed. At the appropriate time, we understand that the inspector general would be prepared fully to brief you and other interested Members of the Congress on his findings and conclusions. I assure you that, if wrongdoing is discovered, appropriate action will be taken.

This letter is addressed to me, and it is signed by Clifton R. Wharton, Jr., Acting Secretary of State.

I yield the floor.

Mr. BROWN addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN] is recognized.

Mr. BROWN. Thank you, Mr. President. I, too, thank the distinguished chairman.

Mr. President, I find myself somewhat torn this morning. There were very thoughtful comments I think of the Senator from Kentucky, which I find myself in strong agreement with.

I have a series of areas that I feel very strongly about that I think the administration has not been responsive on. There is not time this morning to go into those as I would like.

But I am torn because I am also familiar with one of the ambassadorial appointments, not just through the interview process, but for a number of years I have personal knowledge of Swanee Hunt, who is the Ambassador nominee for Austria. She will be an outstanding Ambassador, and an outstanding representative for this country.

I am torn because the motion that we will vote on is cloture on all of the nominees, not simply Swanee Hunt.

I intend to vote cloture because I am committed to and I believe Swanee Hunt will be an outstanding Ambassador.

But I must make it clear that the points that have been made this morning with regard to nonresponsiveness are important, and I believe deserve to be addressed.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. McCONNELL. Mr. President, if I could just respond to my friend from Colorado, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator from Kentucky has 6 minutes and 40 seconds.

Mr. McCONNELL. Mr. President, I just say to my friend from Colorado that I am sorry that his constituent would be personally inconvenienced by this, that he feels the need to support cloture. But it is my hope that this temporary inconvenience will not last very long. I do not know Ms. Hunt. I know many Senators do. I certainly do not have any objection to her qualifications. I hope he knows that.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MITCHELL. Mr. President, I yield such time as I may use.

Mr. PELL. Mr. President, I yield the majority leader as much time as he needs.

Mr. MITCHELL. Mr. President, I would like to speak briefly in response to some of the points made by the Senator from Kentucky.

First, it should be noted that this matter first became public on September 1. Within 24 hours, the Secretary of State had referred the matter to the inspector general. The inspector general is and should be an independent person. That is the reason why inspector generals exist, why they were created by the Congress—within 24 hours.

A week later, the Senator and the Republican leader sent a letter to the Secretary of State with these questions. It is obvious if they want an investigation to be conducted the inspector general is the person to conduct it, and the investigation is under way.

But a week later they sent a letter down, and of course publicize it now in a way that is obvious that what is going on here has nothing to do with these nominees but an effort to criticize the administration.

The other alternative suggested by the Senator from Kentucky, he said last December a Republican Attorney General appointed an independent counsel to investigate a comparable situation. But as he well knows, the Republican Members of this Senate filibustered to death the independent counsel law. In fact, that Republican Attorney General acted on the last day of which the independent counsel law existed.

We tried to get it extended, and the Republican Senators filibustered it to death.

The reason that the Attorney General now cannot appoint an independent counsel on this or any other case is that she has no legal authority to do so. And the reason she has no legal authority to do so is that the Republican Members of the Senate filibustered the bill.

Mr. McCONNELL. Will the majority leader yield on that point?

Mr. MITCHELL. Certainly.

Mr. McCONNELL. Is it not possible even without the independent counsel statute, which did expire, for the Attorney General to answer a letter to a Senator, or maybe appoint a special prosecutor? I think that is still possible under the current law.

Mr. MITCHELL. Obviously, that should be answered. I have no comment on that. But a special prosecutor everyone should understand is nothing more than another employee of the Attorney General; is not an independent person, despite the title. Any special prosecutor has no independent authority, is not even as independent as the inspector general, and has no independent authority; and, all authority is derivative from the Attorney General and can only report to the Attorney General.

Mr. McCONNELL. That would be fine with this Senator. Would the majority leader join me in supporting that?

Mr. MITCHELL. I do not know if the clause exists here. But my point is it is a meaningless act.

I am a former prosecutor. I can say to my colleagues it sounds good to appoint a special prosecutor but it is meaningless. It is like taking one of your employees and saying, I now designate you by this title, you have no different authority than you have in the current position, but you have this fancy title.

What we should do, and will have a chance to test this year, is pass an independent counsel law. I ask my colleague, when I bring up the independent counsel law that will create the authority to do what he wants, will he support that?

Mr. McCONNELL. I say to the leader I have a lot more confidence in the professions down in the Justice Department than he does. I do not assume that these special prosecutors or positions under current law without the independent counsel statute are simply going to be led around by the nose by the Attorney General.

I do not think whether or not we have an independent counsel statute is the issue before us. The question is whether this is going to be properly pursued by those who have the authority to do it under the laws that exist today.

Mr. MITCHELL. Mr. President, if the Senator does not think the independent counsel is the thing to do, why did he raise it in the debate? Why did he point out that a previous Attorney General appointed an independent counsel and contrast the last counsel with this Attorney General?

Mr. McCONNELL. I cited how serious it was treated. This is not being treated as a serious problem, I say to my friend. That is the issue.

Mr. MITCHELL. I want to say, Mr. President, finally, what is acknowledged here is that this problem to which the Senator refers has nothing whatsoever to do with these nominees, nothing.

These are five well-qualified people. All of them were approved unanimously by the Foreign Relations Committee. And only in an institution with the rules of the U.S. Senate could those five people be held hostage on a completely unrelated matter, and the mechanism of holding hostage is a filibuster.

Mr. President, from 1919, when the rules of this Senate regarding filibusters were changed, for more than a half century, into the 1970's, there were fewer than one filibuster a year in the Senate on average. Frequently there were whole Congresses, a 2-year period in which a single filibuster did not occur. The filibuster was reserved by a restraint of Senators, by common consent to matters of grave national importance.

Now we see that a filibuster is used almost every day on almost everything that comes before the Senate. Right now in this Senate there are six different filibusters going on at one time. And in the last Congress, the 102d Congress, there had been filed 48 motions to end filibusters.

Here we have a filibuster, five of them, on five nominees—who are, everybody admits and agrees, qualified—because of some completely unrelated matter.

I say that is obstructionism for six filibusters going at one time in the Senate. Is it any wonder that the American people question what we are doing? Yet over and over again our colleagues resort to the filibuster on the most trivial of matters.

I just hope my colleagues will join in defeating this filibuster and saying let us get on with the business, and let us not just do this every time we have a problem, especially an unrelated problem.

Mr. President, I urge my colleagues to vote for cloture. End this filibuster. Let us approve these nominees. They should not be held hostage any longer to this unrelated matter.

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would like to comment here that I agree with the majority leader about the use of the filibusters. I can say that in 32 years here I have never voted to prolong one. I have always voted for cloture and intend to continue doing so.

I would point out, too, that the independent counsel, in the previous occasion cited, was appointed almost 1 month after completion of the inspector general report. In this case, the inspector general has not even completed his report yet.

I yield the floor.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes and 55 seconds.

Mr. McCONNELL. I yield 2 minutes to the distinguished assistant Republican leader.

Mr. SIMPSON. Mr. President, I thank the Chair.

This is a curious arena. One day we are on one side and the other day the other side, and our allies one day are adversaries the next. That makes this a remarkable institution. Today I wish to speak in support of what Senator McCONNELL is doing.

Last Thursday, October 28, I came to the floor to address the Chamber on a fairly innocuous matter—certain documented criticisms which I had of the 34-million member AARP. I am still digging out from the mail on that. I think that the mailman had a hernia from hauling that mail in.

I was unable to immediately deliver my researched text on that matter. Instead, I became embroiled with Senator SARBANES in a rather free flowing off-the-cuff debate covering a rather wide range of controversial issues—none of which were novel issues to this Chamber. We went from the use of the filibuster, to who is responsible for gridlock, to the double standards utilized in assessing the Clinton administration versus the Bush administration, to the use of holds, to why there was a hold placed on these specific nominees, and then we returned to the double standards of how State Department personnel file investigations were conducted in the Bush administration as differing from the handling of those in the Clinton administration. It was a wonderful, free ranging, toe-to-toe debate that I had with one of the best in that line of work—my friend and the able counselor Senator PAUL SARBANES.

I noted during the course of our debate that Senator McCONNELL, who had indicated an objection to these nominees was unable to be in attendance due to a family emergency, the loss of his mother. I know the pain of that tragedy from my own father's death in June. I said that if he had been on the floor, he could have explained with much more clarity and persuasiveness than I the reason for the various holds. I have learned a great deal more about this matter since October 28. On that date, I misspoke. In the heat and energy of the debate, I said that I would vote for cloture. I have since learned—the hard way—the only way I do learn—that my observation about my colleague, Senator McCONNELL, was absolutely correct. He does know a great deal more about this issue than I do, and I regret that he was not able to be on the floor to defend the assault against his quite appropriate holds last Thursday.

I have now learned that all—all of them—Republican requests for an expeditious investigation into this matter have either been wholly ignored or at a minimum, not been given any degree of priority. I, for one, do not at all appreciate the cavalier lack of responsiveness which Senator McCONNELL and others have received from the administration on this very important issue. It is quite unfortunate that we, in the minority, have to avail ourselves of procedural devices such as holds just to get the attention of the administration as to legitimate requests. That is, now what is happening here, and I intend to fully support Senator McCONNELL, and our fine Republican leader, Senator DOLE in their efforts to find out the truth in this matter. Therefore, armed with a much better grasp of the facts than I had last Thursday, I will vote against cloture. I wanted to explain my change of position.

However, I also do know Swanee Hunt, she is a splendid person and so very well qualified in all ways for her diplomatic post. She will represent America and her Government well. I am very impressed with her. I am going to make every reasonable effort to break Ambassador-designate Hunt out of this group of holds.

I regret any confusion which my statement regarding the cloture vote might have caused to Senator SARBANES or to anyone else who listened to or observed our debate or subsequently read the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Kentucky has 2 minutes 51 seconds.

Mr. McCONNELL. Mr. President, the issue here is a double standard—last year versus this year; prominent citizens like former Governor Clinton versus ordinary Americans like the 160 Bush administration officials who had their files searched.

With regard to the inconvenience of these five extremely well-connected and, in many instances, affluent people, I apologize for that. But it is one of the few ways you can get attention of an administration, particularly if you are in the minority.

This is not a device that this Senator has very often used. So I do not do it lightly. But I think the issue here is a double standard. I hope that the Senate will not invoke cloture as a further message to the State Department, let us get this report out, and let us get it out soon.

This issue is not forgotten. It is not going to go away. That is the message I want to send today, and I hope Republican Senators will stick with us on this.

I yield whatever remaining time I have to the Republican leader.

Mr. DOLE. Mr. President, I regret that I have not heard all of the debate. I have been representing the majority leader and myself at the White House on the North American Free-Trade Agreement. The President signed the transmittal letters, and I thought that was rather important.

I think what we are about to do has been pretty well explained. I know this is a painful process, particularly for the nominees who are being held. I remember going through it when I was a majority leader when somebody, for some reason—and I did not think it was a bit related—would say we are going to put a hold on the nominees. Of course, the problem is trying to find time to make it work.

Senator McCONNELL makes a pretty good case, and he explained it to us yesterday. It is about searching a personnel file of 160 political appointees.

What a difference a year makes. When the passport file of one individual was examined—after Freedom of Information Act requests from several news organizations—a firestorm shook Congress. Stories critical of the action occupied the news media for days. The Secretary of State offered to resign. An inspector general report was completed, and an independent counsel was appointed—all in less time than has elapsed since the first story on the search of personnel files.

Then President-elect Clinton condemned the use of the State Department for political purposes, and promised "if I catch anyone using the State Department like that when I'm President * * * I will fire them the next day."

Well, maybe President Clinton has not caught anybody yet. As far as I know, no one has been fired. But somebody searched the files and somebody leaked their contents to the press.

On September 9—almost 2 months ago—Senator McCONNELL and I wrote to the Secretary of State and asked four simple questions: Who authorized the search, for what purpose, who received the information, and is the individual still employed.

I do not know if the Secretary can answer the questions. I do not know if the Secretary even saw the letter. I received a response from an Assistant Secretary deferring to the inspector general's investigation.

I have received no additional information from the administration. The double standard is at work again. First it was Travelgate and now it is filegate. While enormous legal fees and personal hardship are still being endured as a result of the independent counsel's probe of the passport affair, there is silence about the search of personnel files. No answers and no accountability.

Mr. President, I do not like delaying anyone's confirmation. I believe a President has the right to have his or her people in place. I also recognize the nominees under consideration did not have anything to do with this sordid episode. I recognize they are inconvenienced by this process.

Finally, I recognize that there are complaints about the hold process from some on the other side of the aisle. Just as we saw new conversions in support of Presidential flexibility in foreign policy in the last few weeks, we are witnessing complaints about Senate process that were never aired during the previous 12 years.

The five nominees were placed on the Senate Executive Calendar on October 5. This delay, while unfortunate, has been only the latest in the often long nomination process. As part of this process, these individuals submitted information about campaign contributions, criminal records, financial transactions, and other sensitive background information to the executive branch and to the Foreign Relations Committee. This information—like the information in the Bush appointees' files—should not be subject to unauthorized review and disclosure.

I am certain these nominees would not want to see their personnel files disclosed to the news media. They should not be.

I am certain the nominees would not want their personnel files ransacked by this or any future administration. They should not be.

And I am certain if their files were searched, they would want answers, and they would want accountability.

Answers and accountability—that is what the Senate will vote on. I urge my colleagues to oppose cloture for these nominees until the State Department provides some answers and accountability.

I think this is an important vote. It is important not just to Senator McCONNELL, it is an important vote for us. If we cannot get the information, this may not be the best way to proceed, but it is the only leverage that the Senator from Kentucky has. I think he is using it appropriately, and I hope we support his efforts.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island has 2½ minutes.

Mr. PELL. I yield whatever time is desired by the majority leader.

Mr. MITCHELL. Mr. President, I will not repeat all that has been said in the debate, but will simply summarize.

Within 24 hours after this matter became public, it was referred to the inspector general for investigation. That is the appropriate course of action. The inspector general is in fact—and is supposed to be—independent. So it is inappropriate to apply political pressure to the inspector general with respect to this or any other investigation.

Third, the nominees now in question were approved unanimously by the Foreign Relations Committee. No question has been raised as to their qualifications. Indeed, the persons who are today going to vote against the nominees have praised the nominee's qualifications. So let us all understand that this is a completely unrelated matter. It has nothing to do with the nominees. I think it is not the right place or the right time to filibuster and hold up these nominees in this way.

I think the fair course of action is to let us proceed to consider and vote on the nominees. If a Senator does not like the nominees and does not think they are qualified, he or she has the right to vote against the nominee. Let the inspector general complete his individual, independent investigation as it should be.

I yield the remainder of our time. I believe we are ready to proceed.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motions to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 411, Alan John Blinken to be Ambassador Extraordinary and Plenipotentiary of the United States to Belgium:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 413, Tobi Trister Gati to be an Assistant Secretary of State:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 414, Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Austria:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Paul Simon, Joseph Lieberman, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Patrick Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 415, Thomas A. Loftus to be Ambassador Extraordinary and Plenipotentiary of the United States to Norway:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 420, Daniel L. Spiegel to be Representative of the United States to the European Office of the United Nations, with the rank of Ambassador:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the five nominations, Executive Calendar No. 411, Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium; Executive Calendar No. 413, Tobi Trister Gati, of New York, to be an Assistant Secretary of State; Executive Calendar No. 414 Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria; Calendar No. 415, Thomas A. Loftus, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway; and Executive Calendar No. 420, Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 349 Ex.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42. Three fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motions are rejected.

The majority leader.

NOMINATION OF ALAN JOHN BLINKEN TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM

Mr. MITCHELL. Mr. President, am I correct in my understanding that the pending business is Executive Calendar No. 411, the nomination of Alan John Blinken, to be Ambassador to Belgium?

The PRESIDING OFFICER. The majority leader is correct.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 411, Alan John Blinken to be Ambassador Extraordinary and Plenipotentiary of the United States to Belgium:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF TOBI TRISTER GATI TO BE AN ASSISTANT SECRETARY OF STATE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 413, the nomination of Tobi Trister Gati to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 413, Tobi Trister Gati to be an Assistant Secretary of State:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Paul Simon, Joseph Lieberman, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF SWANEE GRACE HUNT TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to Executive Calendar No. 414, the nomination of Swanee Grace Hunt to be Ambassador to Austria.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 414, Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Austria:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Joseph Lieberman, Paul Simon, Jay Rockefeller, Harlan Mathews, Dale Bumpers, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF THOMAS A. LOFTUS TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 415, nomination of Thomas A. Loftus to be Ambassador to Norway.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 415, Thomas A. Loftus to be Ambassador Extraordinary and Plenipotentiary of the United States to Norway:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

NOMINATION OF DANIEL L. SPIEGEL TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate proceed to Executive Calendar No. 420, the nomination of Daniel L. Spiegel to be the Representative of the United States of America to the European Office of the United Nations.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Executive Calendar No. 420, Daniel L. Spiegel to be Representative of the United States to the European Office of the United Nations, with the rank of Ambassador:

Bob Kerrey, Daniel K. Akaka, Daniel Inouye, Wendell Ford, Tom Harkin, Bill Bradley, Paul Simon, Joseph Lieberman, Jay Rockefeller, Dale Bumpers, Harlan Mathews, Pat Leahy, Christopher Dodd, John F. Kerry, Patty Murray, Claiborne Pell, Frank R. Lautenberg.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, if I might have the attention of the distinguished Senator from Kentucky, we have just had one cloture vote on all five nominations. Although a majority of Senators voted to terminate the filibuster, it was fewer than 60 and therefore we cannot proceed with the nominations.

I have just filed five cloture motions and I now ask unanimous consent that the vote on those five be a single vote, as was the vote this morning.

Mr. McCONNELL. Mr. President, reserving the right to object, could I ask the leader for a brief quorum call while I discuss my options?

Mr. MITCHELL. Certainly.

Mr. McCONNELL. I reserve the right to object.

Mr. MITCHELL. I will withdraw the request until such time as the Senator has had a chance to consult, and I now suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the five cloture motions just filed be combined into one for purposes of the vote to be held under rule XXII.

Mr. McCONNELL. Mr. President, I must inform the majority leader there is an objection on this side as to that UC.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret the objection, but certainly the Senator has a right to object. I will state then there will be five cloture votes on Friday morning as a result of this action unless some prior agreement is reached. Every Senator should understand that.

Second, let me say that I respect the right of any Senator to use the rules to the fullest, but what we are seeing here is just sheer obstructionism—sheer obstructionism. We have five qualified nominees who were approved unanimously by the Foreign Relations Committee. There was not one word challenging their ability or qualifications. Indeed, the very people who voted against them praised their qualifications and then voted against them.

But to make an unrelated political point, these five people are being held hostage in an act of sheer obstructionism. That is most regrettable. I think it is most unfortunate. Here we are in the U.S. Senate now with six filibusters occurring at one time—six filibusters at one time. There was a time in the not too recent history when it took 6 or 8 years to have six filibusters. Now we have six filibusters going at one time and filibusters directed, in this case, against five nominees who everyone can see are well qualified. I just do not think that is right. I regret it.

I say to my colleague, we are going to keep filing cloture motions and we are going to keep going on this issue until these nominees are confirmed. I made a commitment to the nominees last week that I would bring their nominations before the Senate last week.

I now make this further commitment to them. We are going to keep after this until they are confirmed. They should not be in this position. They should be now serving in the offices to which they have been nominated and recommended by the Foreign Relations Committee. We are going to stay here in the Senate as long as it takes to get these nominees confirmed.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with all due respect to the majority leader, the issue is 160 ordinary citizens who have apparently had their rights violated and the fact that the State Department cannot get an IG report out in 8 weeks to give us some indication of whether criminality may have occurred.

I will say to the majority leader, as I said previously, we are going to continue to debate here. I take no personal pleasure in putting holds on these nominees. This is not something I frequently do. I know he is exasperated because this happens from time to time, but rarely by me. The issue is how do we get their attention. I have not been here as long as the leaders, but I am unaware of any other device by which we can get their attention.

So the notion that this Senator, at least, is just sort of willy-nilly bringing the Senate to a halt is just not correct. There is an important issue involved here, and that is the rights of these 160 American citizens whose rights may have been violated and whether or not they are being treated in the same way as a candidate for President of the United States was treated for apparently the same kind of violation this time last year. That is the issue.

So, again, I apologize to these individuals. They are all very well-connected, several very affluent. I think they can survive this temporary inconvenience. Surely they can, but that is what is before the Senate: Are we going to get the attention of the State Department? Again, I am sorry it came down to this. But that is the issue in terms of this Senator.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I would like to make one further point. This repeats what I have said on this Senate floor several times.

As the Republican leader knows, I have been the principal advocate in this Congress and in this Government of this Senate and the House adjourning by Thanksgiving. I am the one who raised the issue. I pressed the issue in meetings with the leadership, and I pressed the issue in a meeting with the President and the Vice President directly. For that, why, I get so many of my colleagues come up to me privately—Republicans and Democrats—and say, "Mr. Leader, we're all with you, we want to get out of here Thanksgiving."

But if we are going to have to spend days and days on filibusters over nominations of persons whose qualifications are unchallenged, then the chances of this Senate completing its action on what we must do, I would say, are declining rapidly. I will just say now to Senators, I strongly encourage you not to make any plans for after Thanksgiving. If we have to go through this, if we have to take this kind of time on filibuster after filibuster after filibuster, delay after delay after delay on something that should take this Senate 5 minutes, then I say to Senators, in all seriousness, and most regrettably, do not make any plans now for the period after Thanksgiving.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

The Republican leader.

Mr. KERRY. Mr. President, I thought that I was recognized.

Mr. MITCHELL. Mr. President, under the rules of the Senate, the majority leader has priority recognition and the Republican leader has next recognition.

Mr. KERRY. I apologize.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I will indicate that the Secretary of State will be up tomorrow, I understand, before the Foreign Relations Committee. I understand he will be asked about this problem and maybe it can even be resolved.

I have never made a practice of putting holds on anybody. I say there are some on each side who do that frequently and some more often than not. I do not know of any time the Senator from Kentucky has ever done that. It is certainly our hope it can be resolved very quickly. When the Secretary of State spoke to me about 30 days ago, he said he was going to take a personal interest in this and try to do something.

It is a little different when you have one-party governments. You have the White House controlled by the Democrats and the Congress controlled by the Democrats. If this had been the other way around, we would have had hearings. The Senator from Massachusetts would have dreamed up some hearing and we would have had hearings all over the place. Do not worry about it, we would have had hearings day after day after day to get this done. We do not have any hearings. We do not have anyplace to go. There has to be some protection for the rights of the minority. We hope to be in the majority after 1994, but we are not there yet.

So we have to do what we have to do. We do not like to inconvenience people, but it is a one-party Government. You see what has happened. The Attorney General will not write a letter; she will not investigate anything. We cannot get the committees to do anything. I have written I do not know how many letters to the distinguished chairman of the Judiciary Committee on Travelgate and I do not know how many problems. No sale.

If somebody can give us an alternative or somebody is willing to have a hearing—maybe the Senator from Massachusetts is going to announce that today he is going to have a hearing—we will be happy to cooperate, but we do not think it is going to happen. The only recourse we have is precisely what we are doing now. We do not like to do it, and if the majority leader would like to ask the appropriate committee to have a hearing on this specific thing, then we might be able to work out some accommodation.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say to my friend, the Senator from Kansas, the distinguished minority leader, I do not disagree with him, nor even with the Senator from Kentucky. There is an appropriate expectation that this investigatory process work fairly, and it ought to work fairly.

The Senator has a right to expect that these 160 citizens are properly going to be protected through the process. I do not disagree with that at all. And, in fact, the Senator is correct to assert those rights. But I disagree that it is necessary for the Senator or for the Republican side to stop five Ambassadors, several of whom will fill extremely important positions in terms of intelligence assessments and other issues, in order to get what they are trying to get.

Why do I say that? I say that because the process is working now. If you will look at what happened in the Clinton passport case, when the Republicans were asked to investigate, they did not ask the inspector general to investigate until some 2 weeks after the story broke in the press. In this case, the very next day after the press reports appeared, the inspector general was asked to investigate. The State Department does not control, or the Secretary of State does not control, the speed with which the inspector general can perform that investigation.

As the Senator from Kentucky knows, the inspector general is investigating. He has said his report will be out momentarily. It is not necessary to hold these people up in order to get the report. The report will be forthcoming.

Second, the Republicans have asked for the GAO to investigate in addition. The GAO is investigating.

Now, fair is also fair on this side of the aisle. In the Clinton passport case, the independent counsel never came into the picture until 1 month after a report was made by the inspector general. So we should not be here debating whether or not we are going to have a special prosecutor before we even have a report, a report which is promised and forthcoming.

So I just think it is unnecessary to hold up these nominees. I think that the Senator is going to get his report, these 160 people are properly going to get vindication, and I will commit, if the Senator from Kansas wants a hearing, if we do not get a report in an adequate number of days, we can have a hearing on this issue. But we ought to put these people in place. They are just being obstructed and held back without a rationale.

In the Clinton passport case, the press reports appeared on October 9. It was not for 2 weeks that the inspector general was asked to come into the case. In this particular case, the inspector general was brought in the very next day. So in fact the process is working faster, and if fair is fair, we ought to hold ourselves today to the very same standard that was acceptable for the Republicans only last year. And that is by proceeding to get the report from the inspector general and then deciding whether or not a special prosecutor is needed.

I will commit to the Senator from Kentucky, if there is anything in there that indicates a special prosecutor, then it ought to happen, because fair is fair and the process ought to apply to both sides of the aisle equally. But it is just wrong to hold up these nominees over this issue. One of these people has taken his child out of school. He is living in a hotel. He rented his house because he was told he was going to be in Geneva weeks and months ago. That person is now sitting in a hotel room with huge bills, kids out of school, family life totally disrupted, and he has nothing to do with this particular issue.

So if fair is fair for citizens, for those 160, it is fair for these five. There are larger national interests at stake in putting these people into these positions, and we ought to get about the business of doing it.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I am not sure the distinguished majority leader wanted to continue this debate, and I wish to accommodate him by not continuing too long. But let us look at last year and look at this year.

Last year, five news organizations filed freedom of information requests for Clinton files. That is how it began last year. This year, there were not any FOI requests, none at all, nothing initiated the process this year. Last year, Clinton's files were pulled. This year, 160 files were pulled. Last year, dozens of Members of Congress demanded hearings and the IG, GAO, independent counsel and special prosecutor investigations. That is what we were all clamoring for last year.

This year, I asked for the Attorney General to take a look at it. Senator DOLE and I wrote to the Secretary of State asking him four simple questions. Last year, no information in the files of Governor Clinton was provided to the press. This year, contents of at least two files we know were linked to the Washington Post. Last year, the Secretary of State briefed the chairman of the Foreign Relations Committee. This year, the Secretary of State asked the staff to tell Senator DOLE and Senator McCONNELL. He passed the buck to somebody else. Last year, there was an IG report in 30 days. In 30 days, Mr. President, there was an IG report. This year, 8 weeks and holding. No report.

Last year, the Secretary of State offered to resign. This year, the Secretary of State is dodging the issue. Last year, newspapers ran front-page attack stories for 2 weeks. This year, the media views this as sort of a nonstory. Last year, the Attorney General appointed independent counsel. This year, Senator DOLE and I cannot even get an answer, a simple answer from letters.

With the Attorney General, it must be a problem with the post office down there, as I indicated earlier. The Attorney General does not even answer her mail.

So that is the issue. That is the issue. The reason holding up the nominees, the device chosen, is because there are not any others. As the leader pointed out, we are not exactly running the Government these days, and we do not do it lightly. There is a simple way to resolve this problem—an easy way.

Mr. President, to resolve the problem. Why does not the IG finish his job, send up the report, and that will solve the problem.

I yield the floor.

Mr. KERRY. Mr. President, I do not want to prolong the debate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I know my friend does not either. But let me say I have my own suspicions that there may have been some wrongdoing here, and if there is, it absolutely ought to be dealt with properly.

But last year, officials of the State Department went out in the dead of night and themselves went to Suitland and pulled the file. This year, they went through the proper channels and openly requested a whole group of files, for whatever reason. I do not know if the reason was appropriate, but I do know it did not happen in the dead of night.

I do know the IG took it on immediately and, according to the statements of the Senator from Kentucky by his own admission a moment ago, it was not until after the IG's report that there was any call for an independent counsel.

Now, I think the Senator from Kentucky knows, because I know he has had a relevant conversation, that this report is going to be forthcoming shortly. I think he knows because of that conversation—and I am not at liberty to talk about it, nor is he—that this is not going to be prolonged. So in point of fact, I think we are not really engaged in a process that fairly is treating these other people now.

So I reiterate, if there is wrongdoing here, we all are responsible to see that it is taken care of. I believe the IG will have a report shortly, and I believe it will be dealt with appropriately. I think the Senator knows that.

Mr. McCONNELL. Mr. President, let me just say I hope this is the end of the debate that I thought ended a little while ago. But the letter I sent to the Attorney General of September 1, 1993, has not been answered.

With regard to the IG report, I certainly hope the Senator from Massachusetts is correct. I hope the IG report is forthcoming. It might be a terrific idea for the IG to indicate on what date we might suspect to receive that, and I think that would solve the problem.

I thank the Chair.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar Order No. 260, S. 1607, a bill to control and prevent crime.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, and I shall object, I just say in the interim we hope to meet at 1 o'clock to see if we can resolve some differences on our side. There were meetings yesterday with Senator HATCH, I think, and Senator BIDEN, but many of us were sort of confined to the floor. So we hope we can resolve that and let the majority leader proceed to do it without the necessity of debating a motion to proceed or filing cloture. We should have that, I hope, resolved by 1:30, 1:45, no later than 2 o'clock.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, it had been my hope—I previously stated both privately to the Republican leader many times and publicly many times—that we would attempt to proceed to the crime bill immediately following the disposition of the prior matter. In order to accommodate the Republican leader, I now ask unanimous consent that there be a period of morning business until 1:45 p.m.

Mr. DOLE. Will the Senator yield further?

Mr. MITCHELL. Yes.

Mr. DOLE. As I indicated to the Senator last night, because we discussed this last night, the majority leader felt it might be necessary to file cloture. If we cannot resolve it, then, as I indicated last night, cloture could be filed today and still ripen tomorrow.

Mr. MITCHELL. Right.

Mr. DOLE. So we will try to accommodate the majority leader's request. If there is anything we can take up in the interim between now and 1:45, we will try to get consent for that.

Mr. MITCHELL. I am advised that we do not have any measure that could be completed within that short period of time. So, Mr. President, I now ask unanimous consent that we have a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. And, Mr. President, that the morning business period be until 1:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIEGE OF HAZRATBAL MOSQUE

Mr. REID. Mr. President, tensions between India and Pakistan are at their highest level since the end of the last of their two wars. The powder keg which threatens to explode into a third—and potentially devastating—war exists in the continuing standoff at the Hazratbal Mosque in Kashmir.

The standoff is in its third week. The official Indian report indicates that the offensive began as Indian security forces surrounded the mosque allegedly to capture more than 100 armed militants and their cache of weapons reported to be inside.

Efforts to end the standoff peacefully have thus far failed. The Indian Government says that it is attempting a negotiated settlement, and that those trapped inside have threatened to blow the mosque, and themselves, up if the Indian troops refuse to leave.

The facts, however, are disputed by Kashmiri leaders. They say the mosque is occupied by approximately 200 civilians who sought shelter before returning home after their long pilgramages. Reports from independent journalists indicate that if there are militants present, they are very few.

Throughout the last 2 weeks, the Kashmiri leaders of the All Party Freedom Conference have organized several peaceful marches to demonstrate solidarity for those in the mosque.

Indian border security forces have responded to these demonstrations with swift and brutal retribution. More than 50 civilians have been killed in separate incidents, and hundreds more have been injured. Many of the political leaders and demonstration organizers have been savagely beaten and arrested. International journalists caught in the melee have also been beaten.

This disparity in interpretations of the situation at the mosque does not lend itself to a peaceful solution. And a disquieting end to the siege could be the match which sets off the powder keg of India/Pakistan tensions.

The United States is principally situated to affect a positive solution to the standoff—both at the mosque and the larger impasse between India and Pakistan.

Several opportunities have recently emerged to make this possible, including the development of the All Party Freedom Conference and the election of the Benazir Bhutto as Prime Minister of Pakistan.

In previous discussions about a settlement to the Kashmiri dispute, the Government of India stated that it would negotiate only with moderate Kashmiri representatives seeking a peaceful, rather than armed solution. The All Party Freedom Conference is an organization of 27 Kashmiri political parties ranging across the political spectrum. Its expressed goal is a peaceful solution to the Kashmiri conflict. The emergency of this political structure and nonviolent platform provide the opportunity to develop a structure for negotiations.

The events that prompt the opportunist for initiating dialog among the three parties to the dispute are the election of Prime Minister Bhutto and the congratulatory message sent to her by India's Prime Minister Rao. Rao's message contained a statement that India looked forward to a "comprehensive dialog with Pakistan to discuss all matters of mutual concern, including issues related to Kashmir."

Prime Minister Bhutto's reply was equally as promising. She stated that, "My government is prepared to engage in serious and purposeful discussions in order to resolve this issue * * * through peaceful negotiations."

The United States should seize the momentum and capitalize on the gestures of good will by facilitating discussions among the three parties before the opportunity fades.

WHY THE DEFICIT WON'T GO AWAY

Mr. HATFIELD. Mr. President, during consideration of the unemployment compensation benefits legislation last Wednesday, the Senate's back-to-back votes on two amendments starkly illustrate why reducing the Federal deficit is such an intractable problem.

First the Senate voted on a motion to waive the Budget Act to make in order an amendment offered by Senator GRAMM. The amendment would have reduced the statutory cap on discretionary funding in fiscal years 1995 through 1998 by a total of approximately $2.1 billion, the amount Senator GRAMM argued would be saved by the termination of the superconducting supercollider project in his State. Senator GRAMM stated that his goal was to reduce the Federal deficit. The vote was 58 to 30 in support of the motion to waive the Budget Act, 2 votes short of the 60 required to amend the Budget Act and change the cap on discretionary spending.

Immediately after that vote, the Senate voted on a motion to waive the Budget Act to make in order an amendment offered by Senator MCCAIN. The amendment would have eliminated the earnings test on Social Security benefits. Senator MOYNIHAN, the chairman of the Finance Committee, observed that the effect of the McCain amendment would be to increase Federal spending, and thus increase the Federal deficit, by $26.4 billion in fiscal years 1994 through 1998. The motion to waive the Budget Act for consideration of the McCain amendment also failed, by a vote of 46 to 51. In those two back-to-back votes, Mr. President, I think we can discern the nub of our problem when we attempt to reduce the Federal deficit.

Forty of our colleagues, Mr. President, from both sides of the aisle, first voted for the consideration of the Gramm amendment in order to reduce the deficit by $2.1 billion, and then turned right around, within minutes, and voted to consider the McCain amendment and increase the deficit by more than 10 times as much money.

I have served here 26 years, Mr. President, and I had begun to think that I could no longer be surprised by the actions of this Senate. But those back-to-back votes last week astonish me. First we were treated to impassioned speeches about the imperative for deficit reduction through a reduction in funds for discretionary programs, and then we heard equally impassioned pleas for a deficit increase through greater entitlement spending, and 40 Senators voted for both.

I suspect that all Senators, and I know that this Senator, have occasionally strayed from perfect consistency on the many complex issues that come before us. That is not especially unusual. What was striking to me was that these two votes were taken back-to-back, one right after another, and therefore starkly illuminated one example of Congress' inability to reduce the Federal budget deficit.

HEWITT-TRUSSVILLE HIGH SCHOOL: AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Hewitt-Trussville High School in Trussville, AL, a suburb of Birmingham.

The strength of Hewitt-Trussville is its responsiveness to student needs and community expectations. It has developed a reputation for excellence, based on its strong academic and extra-curricular programs. Because of the high quality education offered at Hewitt-Trussville and its feeder schools, the Trussville community is experiencing tremendous growth.

The faculty and staff at Hewitt-Trussville is comprised of dedicated professionals who keep abreast of current educational trends and technology to provide students with a state-of-the-art education. Through professional activities, publications, and college course work, teachers constantly update their methods and materials, enabling them to respond even more effectively to the students' unique needs.

We often hear about what is wrong with our schools. Blue Ribbon schools provide an excellent model of what is right with our schools. They represent the diversity of American public and private schools at their best. Many have overcome serious obstacles to make significant improvements and all are working hard to meet our national education goals. The Blue Ribbon Program is an important way to demonstrate that our Government cares about our children and is committed to the reform of our education system in order to assure a bright and sustainable future.

I am proud to commend and congratulate Hewitt-Trussville High School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

MARS HILL BIBLE SCHOOL: AN ALABAMA BLUE RIBBON SCHOOL

Mr. HEFLIN. Mr. President, on October 21 and 22, the Department of Education honored 260 outstanding Blue Ribbon schools as part of its national recognition ceremonies here in Washington. Approximately 700 members of local school delegations from across the country were here to recognize the excellence of these junior and senior high schools. One of these Blue Ribbon schools was Mars Hill Bible School in Florence, AL.

Mars Hill has roots deep in the soil of northwest Alabama culture. It has been continuously accredited by the State Department of Education since its founding and by the Southern Association of Colleges and Schools since 1971. It is located on 70 acres of land adjacent to Cox Creek Parkway, the major eastwest loop around Florence, a city of over 36,000 residents. Although the area has suffered economic hard times in recent years, Mars Hill's enrollment as a private school has remained stable. Nearly all of its graduates attend college. Over the past 7 years, 97 percent of the students have entered or plan to enter college. Mars Hill graduates have earned degrees from such prestigious institutions as Harvard, Cornell, Vanderbilt, Georgetown, and Northwestern.

We often hear about what is wrong with our schools. Blue Ribbon schools provide an excellent model of what is right with our schools. They represent the diversity of American public and private schools at their best. Many have overcome serious obstacles to make significant improvements and all are working hard to meet our national education goals. The Blue Ribbon Program is an important way to demonstrate that our Government cares about our children and is committed to the reform of our education system in order to assure a bright and sustainable future.

I am proud to commend and congratulate Mars Hill Bible School for being selected as a Blue Ribbon school poised on the cutting edge of the future in secondary education.

HONORING U.S. ARMY YOUTH SERVICES

Mr. GRASSLEY. Mr. President, on the occasion of the 25th silver anniversary of U.S. Army Youth Services. I would like to congratulate this fine organization. U.S. Army Youth Services is an organization whose mission is to strengthen the total Army family by providing professionally managed programs to meet the developmental needs of youth that enhance quality of life and support mission readiness worldwide.

Established in 1968, this organization has, over the years, positively impacted the lives of youth before and after school, during school holidays and vacations, on teacher in-service days, and even during school closings due to inclement weather. All of which contributing to their development. They offer youth a chance to build within themselves a wealth of positive, pleasant, magic memories that will strengthen and sustain them through their childhood and adulthood.

The youth services professionals who are part of U.S. Army Youth Services have consistently organized school-age programs and services in a manner that allows youth to have input, involvement and ownership, to have a sense of achievement and recognition, to have opportunities for social interaction and to contribute to others. They have planned, developed and implemented services that benefit youth in terms of personal development, physical development, psychological health, positive values, self-expression, learning, and social growth.

Further, through provision of leisure services for youth, they have promoted positive democratic values such as responsibility, individuality, diversity, leadership, respect for others, and teamwork.

This November 1993, as Army Youth Services professionals meet at the University of Northern Iowa to commemorate their silver anniversary and to further enhance their knowledge and skills related to youth, we salute them. The U.S. Army, and its families, have been strengthened and enhanced by the work of this organization and the men and women who are a part of it.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,432,981,908,566.84 as of the close of business yesterday, Tuesday, November 2. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,258.43.

VIOLENCE IN AMERICA

Mr. MOYNIHAN. Mr. President, 2 months ago, the National Center on Health Statistics released data showing that the rate of out-of-wedlock births in the United States increased to 29.5 percent in 1991. For whites it was 21.8 percent, for blacks 67.9 percent. And matters are almost certain to get worse. For the last 20 years, the out-of-wedlock rate has increased without interruption. When plotted on a graph, the annual rates fall along a straight line, rising at just under 1 percent a year. At a recent hearing before the Senate Finance Committee, Dr. Lee Rainwater, one of this Nation's most respected students of the subject, predicted that the rate will reach 40 percent by the year 2000.

Not surprisingly, the most serious problem is in urban America. In Newark, Atlanta, Cleveland, St. Louis, and Washington, DC, two-thirds of all the children born in 1991 were to unmarried women. In Detroit, it was close to three-fourths. In these communities, the traditional family has virtually ceased to exist. And it shows.

In 1965, I wrote an article in America on this subject. Included was this assessment:

> From the wild Irish slums of the 19th century Eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved.

Charles Murray makes much the same point in an October 29 article in the Wall Street Journal. Had we been asked in the mid-1960's to imagine a society in which out-of-wedlock births had reached today's levels, he writes, our prognosis would have been somber:

> * * * if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized male adolescents made norms—physical violence, immediate gratification and predatory sex.

And indeed that is what we have got.

Recently, NBC broadcast a five-part series, entitled "Society Under Siege" which focused on the growing violence among young people in this country. The series reports on events in Salt Lake City, UT, Topeka, KS, San Francisco, CA, and Raleigh-Durham, NC, places not normally associated with the worst urban violence. In Salt Lake City, we hear about a child gang called Tiny Toons which has members as young as 7. NBC's Roger O'Neil reports that Salt Lake City's officials say the gang problem is not about race and has very little to do with drugs. Instead, "kids are in gangs because they need a sense of self-esteem, a sense of being. They get that from the gangs. You know, "c'mon in, you're our buddy now. You're a part of us. We're family now." The gang, it seems, is the only family these children have.

Interspersed among the stories are jarring statistics—"In New York city alone it costs more than $960,000 to treat each gunshot victim. * * *" "Medical care for victims of violence now costs this country up to 18 billion dollars a year. * * *" "Being shot is now the second leading cause of death among America's young people. * * *" And we see examples of communities responding to the crisis. In San Francisco, emergency room doctors call for violence to be defined as a preventable disease. Salt Lake City has night basketball games. Raleigh-Durham has mentoring programs.

Last year I wrote an article, "Defining Deviancy Down," for the American Scholar in which I argued that the amount of deviant behavior in American society has increased beyond levels that we are capable of acknowledging. So we have redefined deviancy so as to exempt much conduct previously stigmatized. That is what has happened to urban violence. Because there is so much of it, we have come to see it as normal. That's why the NBC series is so important. It demands from all of us that we stop acquiescing in this deviant behavior and do something about it.

Mr. President, I ask unanimous consent that a transcript of the NBC series be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SOCIETY UNDER SIEGE

MONDAY, OCTOBER 4

America Close up now: Society Under Siege. Tonight we begin a week-long series of reports on the problem of violence among young people—spiralling out of control.

Arrests of individuals younger than age 18 for murder, assault, rape—up from more than 58 thousand a year to more than 87 thousand. A 50-percent increase in just four years.

Murder victims age 19 and under—thousands of them. An increase of 54-percent in ten years.

This week, we'll visit four American cities facing these problems, and searching for solutions.

Tonight: Salt Lake City, Utah. A city you might think was free of this kind of youth violence. Think again. NBC's Roger O'Neil reports.

Nat Sot—(cops break down the door) it was a wakeup call—for the gangs and for the community. In a metro wide police crackdown beginning before dawn today—salt lake city police arrested 27-suspected gang members.

This weekend, enforcement of a teen curfew law was stepped up—authorities are trying to take back the streets from the 185-gangs and 17-hundred youths they have identified as gang members or wanna-be's. the population of salt lake is less than 750-thousand.

Just 4-years ago—the cops weren't even tracking gangs, but then—they weren't losing this war.

Sot—Lt. Jim Bell (40–46) Salt Lake City Police. "We can arrest em and charge em and send em through the system, but they're back out on the street generally before the officer can get his paperwork done."

Until this summer—most people here denied their city had a gang problem, then they heard about a child gang called "tiny toons" and kids as young as 7.

Sot—spray painting, stealing stuff from people, robbery, and they were shocked when a high school football star was charged with killing another teen.

Finally in Sept—at the family oriented state fair—another shooting.

Nat Sot—(vendor at fair) "He just reached down and shot the kid."

In the 1st 9-months of this year—more than 3-thousand gang related crimes—that's almost double for all of last year. Officials say the gang problem in salt lake is not about race and has very little to do with drugs.

Sot—Craig Trujillo (1:31–1:40) "Youth Works" board member. "Kids are in gangs because they need a sense of self esteem, a sense of being. They get that from the gangs. You know, 'C'mon in, you're our buddy now. You're a part of us. We're family now."

Sot—Anousak Kaykeo (1:41–1:46) Former gang member: "I just needed someone to turn to . . . like my second family. That's what a gang is."

Roger O'Neil (1:47–2:03 NBC News. "In Salt Lake City, the Mormon Church is unquestionable the most powerful institution. In the past, it has taken positions on everything from abortion to women in the workplace to drinking coffee. But on the issue of kids, gangs, and guns—the hierarchy of the LDS Church has been remarkably silent.

In a written statement to NBC News, church officials said "those members who chose to ignore the laws . . . may be placing their church membership in jeopardy." Others—are beginning to offer solutions. Tomorrow, the mayor will ask city council to get tough.

Mayor Dee Dee Carradini (2:20–2:23) Salt Lake City. "We've got to get guns out of the hands of our kids and second we need beds. We can arrest these young people, but there's no place to put them."

A special session of the legislature will take on guns & gangs when it meets next week.

Nat Sot . . . (b-ball team brakes huddle) "1,2,3 . . . defense" preventative solutions to joining a gang are just beginning in salt lake. Night basketball, which seems to work in other cities, has started, and a new, job training program is underway. Experts say offering kids a carrot rather than the stick is a lot more effective.

Sot: v <Miles Kinikini/Former Gang member> 2:46–2:53. They need attention, they need love, and that's something the community has got to offer. And it's a long way to go, but they gotta offer it.

Sot . . . (no id . . . Trujillo again) "You just can't lock everybody up. I mean you're not dealing with just a few young boys. You're dealing with girls. You're dealing with kids as young as 6 years old. How you going to lock up a 6-year old?

Even if locking them up was the solution—this city doesn't have the jail space. Most of the juveniles rounded up this morning are back on the streets tonight.—For America close-up—Roger O'Neil, NBC News, Salt Lake City.

And these notes: In Queens, New York, today . . . an 18-year was the victim of a drive-by shooting. The killer, unknown. And at a Sacramento, California bus station . . . two children ages 12 and 13 . . . shot and left to die. Police are looking for the killer.

TUESDAY, OCTOBER 5

On America Close Up tonight . . . we continue our week-long series: Society Under Siege. A look at the rapidly increasing problem of youth violence. Statistics tell part of the story:

For example . . . being shot is now the second leading cause of death among America's young people. Only car accidents claim more lives.

And the problem of gang violence . . . reported in 10 cities in 1981. Ten years later it's much, much worse.

This week, we look at four American cities trying to find solutions. Tonight, NBC's Dawn Fratangelo reports from Topeka, Kansas. One city that didn't use to have a gang problem. One where violence now takes a terrible toll.

Sot:In:2:40 "They remember her, how she was, the smile she always had on her face."

Sot:In:1:11:29 "They strangled her and beat her patch and took her car."

Sot:In:1:11:00 "It was the most devastating, horrific thing that's ever happened to this family and always will be.

Last April—Violence shattered the Gardner family when their 16-year-old daughter and sister, Mandy, was murdered.

Sot:In:1:06:15 "The kids that did this to Mandy in jail joked and laughed. In the courtroom they laughed about it. I don't know if they know they killed a human being."

In this Prairie city of 120-thousand, Mandy's family is not the only one touched by violence. Just visit the local cemetery.

Sot:In:7:13:08 "Well, Amanda, of course—16."

Sot:In: "She was killed over a car. There's a 17-year old over here that was killed for a car. An 18-year old that was killed over this way over a 50-dollar argument. It just goes on and on.

Sot:In: 8:00:39 "He was murdered in a house by one of his friends. It was a dare to shoot him and he shot him, five times."

Sot:In:9:07:46 "He just didn't take one life. He took a whole family, (mother and father sob) Since January—There have been 105 shootings and 18 murders in Topeka. Most committed by people under age 20. Only five years ago—there were just eight homicides.

Sot:In:15:19:28 "Gangs, drugs, violence. They are nothing new to this area. But many admit Topeka ignored them, was afraid to admit they were creeping into this small Midwest city. That denial has the city in a race to catch up."

Sot:In:10:19:00 "You're not carrying any gun? Positive." Anti-crime units which began a year ago are targeting high risk areas with operations like this one.

Sot:In:11:10:07 "Do you think this saturation is working? In this area, yes. It's definitely working. Anytime you saturate an area with tons of cops, it's definitely going to have an impact on crime."

Gangs from Chicago and Los Angeles were looking for new recruits—both black and white. But in Topeka? Within a matter of years—it hardly seemed like Kansas anymore.

Sot:In:11:17:05 "People have to realize that Dorothy is still Dorothy, but now she's carrying a gun and Toto's no longer a terrier, he's a rottweiller and he's here to bite and that's the way Kansas has turned." The aggressive new police chief wants to turn around that image—but needs help.

Sot:In:4:03:59 "Let's don't just say we're gonna put more police officers out there. Let's get some people involved with the youth of our community. If the youth are causing the problem—what can we do with them." One solution is the Topeka youth project.

Sot:In:13:10:45 "One of you all go up on the ladder." Run by a former Chicago gang member—Darryln Johnson—it trains 16 to 20-year-olds for employment.

Sot:In:13:19:33 "I joined when I was 15, got shot when I was 17, then I was pretty much rock bottom and my mom heard about Darryln and he's been helping ever since."

Sot:In:15:01:15 "Some of this stuff is just a shock. And when you're shocked the next thing you need to do is educate yourself so you and others around you don't become victims." That shock kept Topeka from reacting quickly. Now it's scrambling for solutions. There is talk of a curfew, more police precincts—anything to keep more young people from ending up here.

Sot:In:8:06:56 (Nat Sot of Kid looking at tombstone). "It's a beautiful tombstone." For America Close Up, Dawn Fratangelo, NBC News, Topeka Kansas.

And of course it's not just Topeka. City buses in Portland, Oregon now have armed guards after two girls, 13 and 14, were wounded in a gang shooting. And in Los Angeles, the school board voted this week to require police patrolling city schools to wear uniforms in hopes of deterring violence there. Tomorrow night: San Francisco. Same problems, different solutions.

WEDNESDAY, OCTOBER 6

America Close-up tonight, Society Under Seige. . . continuing our special series on the growing violence among young people in this country. The numbers tell part of the story.

For example, medical care for victims of violence now costs this country up to $18 billion dollars a year.

In New York City alone it cost more than 96-hundred dollars to treat each gunshot victim. Last year the City had almost six thousand of them.

Of course the cost of youth violence is not just measured in dollars. In many cases victims pay the highest price. Something we've seen in all four cities we're looking at this week. Tonight, San Francisco and the view from the emergency room. NBC's Margaret Larson.

San Francisco general hospital. Nats up: One of these stab wounds went into his chest and partially collapsed his lung; 19-year old Davis Avilar was stabbed repeatedly near the heart with a screwdriver.

Sot: His blood pressure is dropping; Dr. Geno Tellez, a trauma surgeon, is battling to keep Avilar alive. It's a scene played out daily in the city's mission district, where gang violence is an entrenched way of life.

Sot: We get angry, we get mad, we kill one of them, they kill one of us, it doesn't stop. In the first six months of this year, 15 juveniles have been arrested in murder cases here, just one arrest short of the total for all of 1992.

Sot: (q) There are more and more kids getting arrested, more of you getting killed, where does that stop? It doesn't stop, nationwide, violence is the leading cause of death and disability for people 15 to 34 years old.

Standup: on the basis of those figures, violence among young people is now being considered a public health issue, and it's being called an epidemic.

Sot: I think if nothing is done it will keep escalating and we'll definitely just destroy ourselves. So Dr. Tellez is exploring a different approach . . . treating violence not just as a crime . . . but as a preventable disease. He says public health education can make a difference . . . similar to the attack on smoking, drunk driving or

Sot: you need to get involved and get out there . . . funded with A small part of a 30-million dollar grant from the non-profit California Wellness Foundation, Dr. Tellez recruits other physicians for community outreach programs. He also spends time in the mission district sharing information with social service experts and developing a support network for young violence victims after they've left the hospital.

Sot: My concern is to follow these kids to find out where they are going and where they are headed, he also wants children to know that violence on the streets isn't Hollywood make-believe.

Sot: It does hurt and you do not get up off the street and walk away. . .

Sot: It hurts and it hurts badly they are extremely unaware of how bad it really is. Dr. Tellez and his colleagues see the worst of it, and that's moving many health workers toward activism and a demand for health care reform to include violence prevention programs.

Sot: They don't like treating a little four year old who's been shot in the stomach with five nine-millimeter bullets and when you get that kind of perspective outside of the hospital into the policy arena that has force. But they all know it's an uphill battle. As Geno Tellez scrubs for surgery on one victim, more arrive downstairs.

Sot: (beeper) We got something else coming in. Tellez believes the medical community can offer some solutions in the war on violence, but he also knows it's a war that, so far, we are losing.—For America Close-up, Margaret Larson, NBC News, San Francisco.

It's not just California. In Florida, teenagers stand accused of killing a foreign tourist. Police announced today that four boys—ages 13 to 16—are under arrest for the murder of a British man at a highway rest stop near Tallahassee last month. Tomorrow night, searching for solutions in North Carolina.

THURSDAY, OCTOBER 7

America Close-up tonight . . . we continue our week-long special series—Society Under Seige. A look at the growing problem of violence among young people. The statistics tell part of the story.

For example: 75-percent of America's teenagers say being threatened with violence in school is a problem.

And many times . . . the threats involve deadly force. Young people bring an estimated 270-thousand guns to school every day.

Tonight . . . the fourth city in our series . . . Raleigh-Durham, North Carolina. A place where some caring adults are trying to rescue a generation. NBC National Correspondent Brian Williams.

Gloria Vaca is trying to save the children of Durham.

"Why don't you go home and tell your mother about this. She knows about it? She knows about it . . ."

Gloria Vaca's job is to save kids from one of the roughest neighborhoods in the country. She knows all the little ones . . . and can tell you which of them aren't likely to see the age of 16.

"I have a program that can help your kids . . ."

Gloria finds adult mentors for children in trouble. Often, that means taking them to her house at night . . . because for them, home is often too dangerous.

"Durham is a particularly bad town for children and I would dare say there are lots of towns like us, and I don't know if America knows that." It is not one of the country's largest urban areas. It is Raleigh Durham North Carolina. The land of good jobs, good schools and safe streets. For most—it is an image the area enjoys: the Fortune 500 Companies who moved here and brought thousands of families who, in turn, bought thousands of nice homes.

Many, in this region of 3/4-million people, came here to get away from big-city life. They did not expect this: in the years 1985 to 1991, the number of juveniles arrested for violent crime jumped 103 percent.

Last year alone, 28-thousand assaults were reported in North Carolina schools, resulting in suspension, or arrest. "Some of you get mad at me because you are here. I'm not the reason why you're here."

Sheriff John Baker can tell you all about those numbers. He's surrounded by them. His county jail is over capacity . . . and no one in this group is over 17. "I never dreamed that some of the crimes that are committed elsewhere would be committed here. But it's here and it's real . . . it's reality."

The Oxford Manor housing project in Durham . . . is home to poverty, violence, and the children who live with it. At night, the often heavily-armed drug dealers take over . . . and patrolman Charles Soles does his best.

"Its very, very depressing to be arresting a 15-year-old kid with shooting a gun at school. I arrested an 8-year-old one time up here at a school with a gun, and he was getting ready to pull it on us."

This is visitor parking at Raleigh's East Wake High school . . . and the visitor is armed. A deputy sheriff walks the halls every day . . . since fighting here got out of hand.

"I'm embarrassed to say there's a deputy sheriff roaming the halls of my school. But its better now."

At nearby Millbrook High School, the off-campus shooting death of a student in April left the guidance counselor questioning her own safety.

"I never thought 20-years ago that I would be in a profession where I would be scared or I would have fear, or I would check that my life insurance policy was paid off."

"Everybody is concerned and many of them are scared. We've got to do something about it. We can't ignore this anymore."

The Governor says the answer is getting to children and preaching anti-violence before they're five years old.

Sheriff Baker says the answer is teaching discipline at home, and not at school . . . or in jail.

And Gloria Vaca says the solution is what she's doing: finding enough adults to watch over the children who are in danger.

That's too many children to count, right now. For America CloseUp, Brian Williams, NBC News, Raleigh Durham, North Carolina.

And of course it's not just North Carolina. Last night in Buffalo, New York, a 16-year-old was shot to death during a fight between 2 groups of boys. Even after the shooting the fight continued. Police think it was the tragic result of a "turf" war.

Tomorrow night, tough problems, and some tough talk on solutions.

FRIDAY, OCTOBER 8

BROKAW: When Nightly News continues, America Close Up—Society Under Siege. We wrap up our special series on youth violence in this country with some tough talk about a tough problem. Tom Brokaw, anchor:

Tonight, Society Under Siege, our America Close Up series on violence among the young in America this week. We know that violence has reached epidemic proportions—six kids a day are dying from gunshots. It's the number one cause of death for young black males, and it's everywhere. What we learned this week is that violence among the young is not just a big-city problem. Topeka, Kansas . . .

Unidentified Man: There's a 17-year-old over here that was killed for a car, an 18-year-old over this way that was killed over a $50 argument.

BROKAW: It's also going on in Salt Lake City, Utah, Raleigh-Durham, North Carolina.

Ten years ago, gangs were in 10 American cities; now, they're in 125 cities. Communities are trying everything to cut down on the carnage. In Topeka, cops on bikes. In Raleigh-Durham, where violent crime is up more than 100 percent in six years, adults are taking on children headed for trouble.

Unidentified Doctor: One of the stab wounds went into his chest and partially collapsed his lung down.

BROKAW: In San Francisco, the medical community is treating violence among the young as a public-health problem. If there is a common theme, it is that too many young people grow up with no sense of right and wrong; too many young people grow up with violence as a routine part of their lives; too many young people have no one to turn to if they want another way of life. Tonight, we want to talk about this with two people who have been powerful lights, and blared loud noises. But several of the negotiators said those tactics disrupted the progress of their work, in effect, punishing Koresh after he let some people leave the compound. With continued negotiating, the report says more people might have left voluntarily. But a former government prosecutor concludes that David Koresh would never have come out.

Mr. Edward Dennis (Former Federal Prosecutor): In a last, fatal act of manipulation, he choreographed his own death and the deaths of most of his followers. This was the final act of a man who held himself out to be God.

WILLIAMS: The report finds no evidence of child sexual abuse during the standoff. Attorney General Reno was told there might have been when she was briefed on plans for the raid. This isn't the last we'll hear of Waco. In January, 11 of Koresh's followers go on trial, some of them charged with killing four federal agents this spring. Pete Williams, NBC News, Washington.

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Tonight we want to talk about this with two people who have been studying the problem of violence among the young in America. Dr. Deborah Prothrow-Stith is a Dean at the Harvard School of Public Health and author of "Deadly Consequences," a study of violence among the teen-agers in this country. And Bill Bennett, former secretary of education and drug czar in the Reagan and bush administrations.

Dr. Stith, let's begin with you. Let me ask you, we have seen a rising curve of violence in this country. Is there any good news out there?

Dr. DEBORAH PROTHOW-STITH (Harvard University): Well, I think there is good news out there. I travel all over the country, and I'm impressed with the number of parents, teachers, outreach workers, teens themselves who are struggling with this issue, who have started programs, using videotape, using curricula in the schools, doing midnight basketball, doing street outreach work; a number of people. Just-people have decided that we've got to do more than lock kids up, and they are really taking that to heart. I think we are on the verge of a groundswell, really, of a national movement to prevent violence in our relationships.

BROKAW: And Bill Bennett—in North Carolina tonight—a lot of people do want to lock up more kids, but the jails are already full. Is there a role for the federal government in coming up with more pro-programs to head off violence in the first place?

Mr. BILL BENNETT (Reagan Cabinet Secretary): Yeah, I think there is role, Tom. Video efforts, curricular efforts, midnight basketball are all fine, but these kids need, more than anything else—it's parents. And what these boys that we have been seeing all week on your show need—we've been watching—are fathers. And we—a lot of them don't have fathers. You go back into the history of these children, you will find there is not a good strong male presence in their lives.

Now what does the federal government do about that? It can't supply male role models, but it can think about its policies in welfare; it can think about its policies toward the family, in terms of taxes; and it can think about educational policy. But the fundamental issue, I think, is to recognize that civilization does not come in our genes; it has to be taught, and it has to be learned. And that requires the basic social institutions to be stronger than they are today.

BROKAW: Dr. Prothrow-Stith, should there be more outrage within the community about what is going on with too many mothers having babies at too early an age and fathers not around?

Dr. PROTHROW-STITH: Well, I think that's an important factor. But I think it's important to know that no one factor is going to solve this problem. I mean, there are many, many men raised by single mothers in this society who are not only decent, productive citizens, but they are not violent. Right, children do need fathers. Children need an extended family. They need recreation programs. They need a society that's going to love them and raise them. And if any one part of it isn't perfect, which is always the case, other parts of the society and of the family and of the school can take up the slack.

What we have now, I think, more than a breakdown in families, is a breakdown in community. We have a society that promotes violence, that encourages violence. We have people who make money off of violence. They sell guns. They sell movies, teaching our children that violence is the way to solve problems. So it's more than a family issue.

BROKAW: Bill Bennett, let me ask you about the drug situation. You were the drug czar. A lot of these gangs are fueled by drugs. Looking back, do you think it would have been better to spend more money on education and less money on interdiction, which has not worked very well?

Mr. BENNETT: No, no. I think you've got to keep the money coming. We spend more money on everthing, and I think you've got to continue that effort. But let's—let's remember the juvenile justice system has broken down. We don't have a system in which kids put in a lot of time in prison. The juvenile justice system needs to be reformed.

Let me just come back to the point. Communities are important, but the most important community for the child is the family. And if we don't get—make that institution stronger, we're going to keep repeating more and more of this.

BROKAW: Bill Bennett, Dr. Deborah Prothrow-Stith, I can assure you that we'll have you back, because we have a commitment to talk about this subject in the weeks to come here on Nightly News. Thank you both very much tonight.

Dr. PROTHROW-STITH: Thank you.

Brokaw: Thank you.

TRIBUTE TO VICE ADM. JERRY O. TUTTLE

Mr. WARNER. Mr. President, I rise today to recognize and honor Vice Adm. Jerry Tuttle, U.S. Navy, as he retires upon completion of over 38 years of faithful service to our Nation.

A native of Hatfield, IN, he was selected for the Naval Aviation Cadet Program after earning recognition as the honor recruit at enlisted recruit training in 1955, designated a naval aviator and commissioned in October 1956.

Vice Admiral Tuttle, a Navy Gray Eagle, has performed in a consistently outstanding manner under the most challenging of circumstances. His career has included assignments to the staff of the commander, Naval Air Force, U.S. Atlantic Fleet; Attack Squadrons 44, 15, 112, 174, and 81; Fighter Squadron 112 and the Office of the Chief of Naval Operations. He has served as aide and flag lieutenant to the Commander in Chief, U.S. Pacific Fleet, he has commanded Attack Squadron 81, Carrier Air Wing 3, replenishment ship U.S.S. *Kalamazoo* (AOR–6), aircraft carrier U.S.S. *John F. Kennedy* (CV–67), Carrier Group 8 and Carrier Group 2/Battle Force 6th Fleet. He has served as Special Assistant to the Chief of Naval Operations and as Deputy Director for Intelligence and External Affairs at the Defense Intelligence Agency. Vice Admiral Tuttle was the naval inspector general from August 1984 to November 1985, after which he was Deputy and Chief of Staff for the Commander in Chief, U.S. Atlantic Fleet. In May 1987, he was assigned as Director, Command, Control, and Communications Systems, the Joint Staff. From May 1989 to December 1993, he served as Director, Space and Electronic Warfare.

The vice admiral's consummate leadership, revolutionary vision, and unrelenting energy and resourcefulness have marked him as a national asset, both within military and civilian circles. Throughout his career he has brought a spirited enthusiasm for improvement in efficiencies saving the taxpayer millions while modernizing the fleet. Forthright and direct, he has bypassed roadblocks and raced toward the goalpost in every endeavor he has pursued. His steadfast loyalty to the Navy and the Nation have colored him a patriot of immeasurable esteem. Vice Admiral Tuttle has directly contributed to the readiness and success of our Nation.

Vice Admiral Tuttle's distinguished awards include the Defense Distinguished Service Medal; Defense Superior Service Medal; Legion of Merit, 4; Distinguished Flying Cross, 3; Meritorious Service Medal, 2; Air Medal, 23; and the Navy Commendation Medal, 4.

A man of Vice Admiral Tuttle's talent and integrity is rare indeed. While his honorable service will be genuinely missed, it gives me great pleasure to recognize him before my colleagues, and to wish him "fair winds and following seas," as he concludes a long and distinguished career in the U.S. naval service.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I understand that we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. BIDEN. I ask unanimous consent that I be able to proceeds as long as necessary in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRIME BILL

Mr. BIDEN. Mr. President, it seems that we have been here before. For over 2 years now as chairman of the Judiciary Committee I have been trying to get an opportunity for a vast majority of my colleagues who wish to fashion and vote on and pass an anticrime bill to the floor and to be able to vote on it.

My distinguished Republican friends, none of them are here at the moment, understandably, have for 2 years successfully—not quite 2 years, I guess it is now probably a little over a year and a half, depending on where you begin to figure that they have attempted to prevent us from voting—our Republican friends who say they are concerned about the rising tide of violence in America have opposed us being able to proceed to and vote on the crime bill.

Mr. President, we were supposed to start on the crime bill today. We were supposed to start on the crime bill last week. As a matter of fact, there was even talk we were going to start on the crime bill 2 weeks ago.

Many of my Republican friends, including the distinguished Senator from Utah, and others, have worked very hard to fashion the crime bill and discuss the crime bill. And so I want to be very blunt as to why I am beginning my opening statement on the crime bill that is before us which I am not going to call up at this moment because I have been informed that we do not have permission to move to, to use the Senate terminology, move to the crime bill, that our Republican friends are again I guess at this moment debating whether or not they are going to grant us permission under the rules to proceed to debate the crime bill that is at the desk.

I guess there are seven or five filibusters that our Republican friends have going here, and I guess one filibuster is as good as another. But the unfortunate thing is that this filibuster if it occurs and turns into a filibuster, and that is not certain yet, all we know is we do not have permission to move to the crime bill now under the Senate rules—if we are prevented from doing so, for the next couple of days, I will be put in the position a little bit like I was in the Dellinger debate—he has now been confirmed by the Senate—of making my statement in behalf of Mr. Dellinger in the wee hours of the morning and without anybody on the floor.

(Mr. KERREY assumed the Chair.)

Mr. BIDEN. So what I am going to do—and I realize it is a bit unusual—is I am going to make my opening statement on the crime bill, whether anybody likes it or not. Because the fact of the matter is, I think there is—and I have been saying this for years now—no subject of greater consequence to the American public in their immediate lives than us dealing with the crime issue. None, not the economy, not jobs, not anything.

There are tens of millions of Americans who are literally like my wife and my mother and my father and my brothers and sisters and sons and daughter, who literally have changed their lifestyle in the last several years because of the fact that they are afraid that if they conduct themselves as they normally have, whether that means going to the Super Fresh on Friday evening to get the groceries, or whether it means going to the automatic bank teller on the way out on a date for my sons, and/or my wife and I to go to the movies. We now do not go to the automatic teller after dark.

We found out that it does not matter whether we go after dark or in the light of day. There are the same amount of crimes. This past weekend, my wife tells me we are not going to do the shopping on Friday nights anymore. This is in a middle class neighborhood where the crime rate is not particularly high, and they now have guards in the suburban shopping center that is in a relatively affluent area, so that women and men can get from their cars to the grocery store and back out to their cars. My wife says, "I am going to do that during the day, and I am changing where I am going to shop. I am going up to a place on Concord Pike,"—Route 202 where I live—and I am going to do it in the afternoon."

Last Sunday after mass, she goes off to the Super Fresh—I think that was the particular store on the Concord Pike in my little town of Wilmington, DE—at 1 o'clock in the afternoon and does what every father and mother has to do, which is go get the order for the weekly groceries, and pays an incredible amount of money. I do not know how people do it when I look at what it costs. She gets the order, with literally 20, 30, 35 bags sometimes, a lot of bags of groceries, loads them in the back of the car and leaves feeling safe.

Later that afternoon, in broad daylight, 4 o'clock in the afternoon, over the radio—and my wife has been home an hour and a half. I helped her unload the groceries, and we are sitting there talking with the radio on in the kitchen, a local station. At that very Super Fresh, we find out that two kids walked in with handguns, or semi-assault weapons, and randomly shoot two people and hold up the whole Super Fresh. I think it is the Super Fresh. I want an opportunity to be able to correct the RECORD if I have the wrong store, but it is not relevant to the story.

So people are afraid, and with good reason. When I am here at night—I commute every day back and forth to my home State. I have the luxury of being able to do that, as it is only a 250-mile round trip commute. Other people could not possibly do that, but I am so close. Well, not too long ago, we were in very late at night. When I stay late, I get a hotel room down at the bottom of the hill here at the Washington Court or the Hyatt Hotel. It makes a lot more sense, and it is more convenient for me. We were out of here very late at night, and I start down, and one of the floor staff of the Sergeant at Arms says, "We will get you a ride down in a car." I said, "It is only four blocks, I will walk down." He said, "You cannot do that." I said, "I have been doing this for a long time." This is in the late spring of this year. He said, "Well, the reason you cannot do that in clear, lighted areas is that in front of the Hyatt Hotel a Congressman was coming out of a reception, and he got stabbed and beaten up and thrown in the gutter."

I said, "Wait a minute. You walk through beautiful parks and the national Capitol to get to a local hotel, a first rate chain hotel, the Hyatt, with security and lights and everything around it, and I cannot walk there anymore?" So they were kind enough to provide a driver to take me down—under some duress. It got to the point that the staff was so concerned, it was not worth the fight. So I got in the car and rode down.

The fellow driving me down for my safety works for either the Senate or the police, or Sergeant-at-Arms, I am not sure which. He is a wonderful fellow. I have seen him around for 15 years. I said, "Is this really necessary?" He said, "I am afraid it is." He said, "I was going home two nights ago, and I stopped into the local convenience store in my neighborhood." And he described it in the Washington area. By the way, this is not just here, it is all over America. He said, "I pulled up to a self pump gas station" like up our way; every locality has different kinds and names of these places. But it is a convenience store and gas station, and you pump your own gas. He says, "I am getting out to pump my gas, and there is a guy who walks from behind the pump and pulled her out of the automobile after she finished pumping her gas, and he takes her car. As a former police officer, I chased the guy. He ends up spinning out the car, and I have the car trapped, so I get out of my car. He rolls down the window and says, "Hey, man, you do not want to do this." He reaches in a seat, and he has a semiautomatic weapon. And I said, "You are right, no problem, I do not want to do this." He stepped back, and the guy drives away.

I was in one of our major cities. I was there because I have had a wonderful relationship for the last 20 years with the police organizations of this country. They are always very kind and generous to me in their compliments and support when I am in other cities. I am making a speech in one of the five largest cities in America, and I walk outside to go to the airport, and the mayor of that town arranged for me to get a ride to the airport. It was very nice. Instead of one police officer taking me out, there are three. I said—there was one woman, actually —"Why are there three of you?" One said, "We just want to talk to you and thank you for all your work on the stuff you have done for police in the crime bill. We want to thank you."

We are riding along, and I said, "What is it like?" They said, "Well, it is changing, Senator, it is getting very bad." I said, "What do you mean?" This was one of the finest police organizations in the country, in one of the five largest cities in America—these police officers, one of whom was I believe a lieutenant—and I am not certain of that—sitting in the front seat, and one in the back seat with me and one driving. He turns around and says to me, "Here is an example: Two nights ago"—and he points to the driver—"he was going home with his partner finishing the 11 o'clock shift, and as he is finishing the shift, he got a call to report to an area up on the lake where there was a warehouse"—or it was a river or a dock—"because there was a major drug deal going down." So they showed up. They have 5 more minutes and they are off. They pull in behind these two cars that have their trunks backed up to one another making this exchange in this alley, according to the police officer. He has no reason not to tell me the truth. He said he pulled in, he and his colleague got out of the car and told everybody to freeze. He said they were standing between the cars—the people making the alleged drug deal—and they reach into the trunk, all of them, and pull out such firepower like the Terminator, like in the movie.

I asked, "What did you do?"

He said: "What could we do? We had our pistols. We were standing there. There were six people with guns that could literally, Senator, take our car off the frame."

I asked, "What did you do?"

He said: "I did something I never did in my entire life as a police officer. I slowly backed out of the alley and said, 'No problem; no problem,' and backed out of the alley."

They called for help. By that time, they closed their trunks and they were gone.

So here we are. Police officers are outgunned. My wife, mother, brother, sister, aunt, uncle, me, and everyone else in America are literally changing our lifestyles.

I look at these wonderful pages, and I mean this sincerely: These are wonderful kids who are here. I look at them, and I will bet that not one of your mothers or fathers does not call you every night to ask are you OK; not merely because you are away from home at school—we all call our kids when they are away at school—but I bet half of you had a pretty hard sell on your mom and dad as to why they should let you go to Washington, DC.

By the way, when I got here, everyone was from out of town. I bet half of you, or two-thirds of you, have parents who live in the area. I do not appoint pages. I am a senior Senator. I have a right to appoint pages; I do not appoint them. The reason I do not is not that I do not think this is a phenomenal opportunity for young men and women to see how this Government works and does not work, and to gain some respect for the institution, and this institution in particular.

But most people from Delaware who would be pages do not have an aunt, uncle, father, mother, brother, or sister who lives in the Washington area. I am afraid to take responsibility because of the nature—as well as you are protected, and you are. The Senate takes a lot of time and effort. But I must tell you, I think it is fair to say in my 21 years here, there were only two people I ever asked to be a page; one without pay.

You know, it is really sad, especially when there are things we can do about it.

Now I hear all of the rhetoric about how we are all wanting to fight crime. God love them, as my mother would say, my Republican colleagues are not letting us even debate it. I am seeking morning business, to use the vernacular of the Senate, which means there is a period of time you can say anything you want to say on any subject. You cannot act on legislation, but you can talk.

I will be very blunt with you, Mr. President. The reason I am talking, hopefully, is to embarrass the Republican colleagues, in their 1 o'clock meeting, to decide: Hey, wait a minute; it makes no sense not to let us proceed to the crime bill. I hope that their parliamentary instincts are going to be overcome by their consciousness of the need to do something about crime.

Now, let me say one other thing before I get to the details of the crime bill. There was a very articulate, bright young Congressman, whom I never met—I do not even know whether he is a Democrat or Republican—who was on CNN this morning on that call-in program. I was shaving, and watching the CNN program and hearing him discuss the crime bill that is up before the House. He started off, and said everybody should understand—and he made me realize I should make this clear at the outset, as well, when we start to talk about crime—there is not much the Federal Government can do to correct the crime problem that exists in the States in a fundamental way, because crime is local.

When our Founding Fathers wrote the Constitution, they had a fear of a number of things. One, they had a fear of the abuse of power. That is why we have a separated Government that is separated into judiciary, legislative, and the President, who have equal powers, and power cannot reside in any one place. But they also were fearful of having a standing army, and they were fearful of a national police force. They had a very bad experience with a national police force. So they said, for criminal justice and for education, that that is a local decision; local people should control their police officers, their law enforcement units, their courts.

So there is a very sound principle of federalism that is at work here, which translated says that constitutionally we would not be able to, in most circumstances, pass a law here saying all the States must do the following: All the States must send anybody who commits murder to the death chamber. I happen to support the death penalty. But we do not have the right to say that we can impose upon a State the requirement that they pass a death penalty. We cannot impose upon a State that they must have 1 police officer for every 100 persons or for every 1,000 persons. We cannot impose on the State a lot of these things we would like to do.

All of that which my friends and my constituents and the American people see on television of late, whether it is a very enlightening program, whether it is 60 Minutes or the local news broadcast or a special on violence in America, all the things you see on television about what happened in Florida to those tourists; and what happened in Washington, DC, with those predators who broke into that jewelry store owned by a Korean man and woman and just pistol whipped her and shot him—which was on national television all over—all of those things you see are things beyond the control of the Federal Government.

They are not Federal prisoners who are out, not having served their term for a violent offense. They are not Federal prisoners who have been sentenced to life imprisonment who get out in 4 years. They are not Federal prisoners who, in fact, have been released because there is no prison space; they are all State prisoners. All of them are State prisoners. You can probably find one or two who are Federal prisoners in the Nation. But, by and large, they are all State prisoners, because back in the seventies, with the leadership of everyone from people like the deceased Senator McClellan to Senator KENNEDY, a senior Senator here, and—I must say, self-servingly—me and a few others, we decided that we should change the way the Federal criminal justice system should work.

A bunch of us said we should do three or four basic things. First, we should have a speedy trial act, so if violent criminals are arrested—and they are innocent until proven guilty—we force the prosecutor to make a judgment. We say they must go to trial within 60 days. There is a reason for that. If we do not send them for trial in 60 days, you have to set bail. If they make bail, they can be out on the streets again. The best way to make sure, if you think it is a particularly dangerous criminal, is to get him or her to trial as quickly as possible.

So we passed a thing, which I helped write, called the Speedy Trial Act, and it is the law now in Federal courts in Federal jurisdictions.

Then we came along, and even though we had Republican Presidents most of this period of time, and said now we need more Federal judges because there is a backlog of cases. So we created roughly another 150 judgeships. We increased the size of the Federal judiciary by about a quarter. It cost a lot of money for taxpayers to do that.

But I saw no sense in having Federal prisoners sitting in prison and/or put out on bail and/or not being tried because there were not enough judges to try the cases.

Then I found out from my experience as a trial lawyer handling criminal cases, that there was an uneven distribution of sentences. We had all these studies done, and we found out that, depending on the Federal judge you got, you received a different sentence. Some judges have a particular animus toward robbers, some toward rapists, and some toward whatever. So we would find out there was no uniformity, I say to my friend from Colorado who is on the floor; no uniformity at all. Someone convicted of robbery in a Federal court in Denver might get 6 to 7 years; someone convicted of robbery in a Federal court in Delaware might get 19 years; and someone convicted of robbery in a Federal court in San Francisco might get no years and get probation.

The second thing I learned from my experience is we do not know how to rehabilitate. We have no idea how to rehabilitate. It is a noble urging and instinct on our part, but the truth is, when a criminal is rehabilitated, we do not know whether it is real, or not to recognize it; and second, if we are convinced it is real, we do not know why he got rehabilitated. He literally—and I am not being facetious—may have seen God; he may have come to religion. He may have decided that his son's or daughter's future was hanging in the balance. He may—whatever.

We did not know why it happened. It may be because of the program he went through in the prison system. We had no notion at all why. We used to have the indeterminant sentence. We used to allow a parole board to decide when or when not someone was rehabilitated. So he appeared, after a certain period of time, before a parole board. Usually the good actors or actresses got paroled, and the ones who were not so good did not get paroled.

But we found it bore no relationship to the base of knowledge we have as individuals or as a society to know when someone is rehabilitated.

So, over the objection of many of my liberal allies, I, along with several other people, coauthored a thing called the Federal Sentencing Commission.

And what did we do? We had—not the judges—a commission appointed by the President and the Senate, Congress, that sits there and says, "OK, the Congress says it is a crime to rob a bank," to take an obvious and simple example. A sentencing commission sits down and says, "OK, we believe bank robbers should get 11 years in jail." OK. If that is the case—I do not know what it is, by the way; we will find out for the RECORD how many years it is. But 11 years in jail.

So, the law we wrote says, hey, if you got sentenced and convicted, the Federal judge has to give you an 11-year sentence. He or she cannot say, "Well, I understand that your background was such that your mother may have not loved you when you were 7, and your father left you when you were 1. And, by the way, when you got to school, you sat next to someone who was antisocial and that rubbed off on you and, therefore, we realize you had it tough."

You cannot do that. They go to jail for 11 years, flat. I nicknamed the bill "The Same Time for the Same Crime." Because what was happening in the past, all the studies showed, if you were young and black without a father, you got the 11 years. If you were white and affluent and committed the same exact crime, you got 2 years or probation.

So, both from the standpoint of our having knowledge that we did not know how to rehabilitate and, second, that fairness should exist in the system —that is, everybody treated equally— and, third and most important, I believed then and I believe now that the most important element of a criminal justice system as it relates to punishment is certainty of punishment—not severity; certainty of punishment. And this made it certain.

But then, as my distinguished former colleague from Maryland, one of the great Senators, in my view, Senator Mathias—he is no longer here; a Republican—he said, "What this is going to do is it is going to fill up more prisons, now that judges cannot put people on probation." And he was right.

So, I, along with others, introduced legislation to spend more money to build Federal prisons, supported strongly by the Republicans as well.

So now, what do we do? We do not have an overcrowding problem in the Federal prisons. As a matter of fact, we have enough money already appropriated to meet the expected needs of the Federal prison system through the year 1998. So we got to work at the Federal level. It is a much easier problem at the Federal level, I acknowledge, than at the State level.

In the entire Federal system, there are only 80,000-plus criminals in jail behind bars. At the State level, there are over 850,000 in State penitentiaries and another roughly 400,000 in city and county jails. That is a big problem. That is a lot of money. That is a lot harder than 80,000.

But, that is what brings us here today. If the States had the money, if the States had the willingness to, not mirror in every respect the Federal system, but if they did, we would have less of a problem, I respectfully suggest.

And I might stipulate at the outset of this discussion of crime, unless we get at the root causes of crime, we are not going to solve the problem. This will not solve the crime problem in America. Even if the States did everything the Federal Government has done in the past, it will not solve the problem.

We still have, as Senator KERRY of Massachusetts will show us later in the debate, we still have a staggering problem of, for example, unwed mothers, children having children. This year, I believe it is this year—and Senator KERRY will do this later—based on studies originally started by Senator MOYNIHAN before he was a Senator, somewhere on the order of 70 percent of one population group in America will have children born out of wedlock. And in another population group in America it is like 40 percent, and in the largest population group, racial group, in America, something like 25 percent.

So, roughly—again I do not know the exact figures; Senator KERRY of Massachusetts knows them well—roughly somewhere around 35 to 45 percent of all the children born in America next year will be born without a father, born without any male figure, without any support, without anything, and will be born to women who are children.

We can solve that problem. If you said to me, "Joe, if you could wave a magic wand and solve that problem overnight or pass your crime bill with all these good things in it, which would you take? Which would impact most upon the crime rate?" I would say, "Let me wave the wand, dear God, that made families whole again," not merely because I like families, but because it would have a greater impact on crime than anything we could do.

So I want to make it clear to those editorial writers and to those people in my State and other States that Senator BIDEN is not for more police and more bricks and more mortar and more boot camps and more drug courts and all that.

Is that not just ignoring the problem? The answer is, it is dealing with a symptom—an important symptom that must be dealt with, because we must take back our neighborhoods—but it does not in any way undercut the truth of the argument of those who say that we have to look at the root causes. We must. We must.

So I want to make clear the bill I am about to describe in some detail, this bill, is not the answer to the crime problem. This is to bring some relief, immediate relief, to people under siege in America. And it is one of only four parts of a Democratic crime strategy which we will be unfolding over this Congress. The first is a crime bill. The second will be a gun bill, dealing with the Brady bill, to do something about handguns.

You know, there were 24,000-plus murders last year. I remember, in the committee my committee staff wrote for me a study that they did for 6 months on projecting what the murder rate would be 2 years ago. We said the murder rate, there would be more than 24,000 Americans murdered. People said—some, not all, said—"That is absolutely hyperbole. It is grandstanding. It is just to get a report."

Guess what? We were wrong. And 24,300-some people were murdered in America that year.

Now, not all were murdered by guns. Roughly 14,000, 15,000, in that range, were murdered by guns. The rest were murdered, as the NRA says, by kitchen knives and baseball bats.

"We are not going to outlaw baseball bats, so why should we have a waiting period for guns?" That is the argument we are going to hear. But the fact is, roughly 14,000 to 15,000 people got killed by guns.

Now, of the people who got killed by guns, the police tell us that roughly one in six or one in seven of those was a gun in the possession of a convicted felon. That convicted felon walked into a gun store and legally bought that gun.

Now, again, because I think the biggest mistake we can make discussing crime with the American people is to engage in hyperbole, I will stipulate, as we lawyers say, that that felon, if he could not buy it in the gun store may have been able to go buy it somewhere else in the black market. But the fact remains, he bought it in a gun store.

Now, it seems to me, to put in place a system that makes it not possible for a felon to buy a gun in a gun store is not a bad idea. In my State of Delaware, we put in a version of the Brady bill, a waiting period. We do not have a waiting period anymore, because we spent the money to get our computers up on line so that any gun store dealer about to sell a gun can take a driver's license, pick up the phone, call and say, "John Doe," Social Security number or driver's license number so and so, "is that person able to buy a gun?" They press a button and it goes zip, because they have all the convictions listed on this particular computer, and says, "Whoa, John Doe? What was that license number again or Social Security number?"

"No, he is a convicted felon."

As a matter of fact, we found in my State there were convicted felons on the run. And so we found out that they would say to the gun store people, "Look, I know it is a little dangerous, but can you keep the guy there? Show him more guns. We are on our way."

The reason why these folks are convicted felons is not because they have high IQ's. They are stupid, most of them. They are not only predators, they are stupid. The real smart ones do not get caught.

So, guess what? Truly, the Delaware State Police will walk in and say, "You want to buy a gun? By the way, you are under arrest. You are supposed to be in jail."

I do not know the number—1 in 10 of the people who walked in to buy the guns were convicted felons. It shows how smart they are—right?

So, the point is, let us say it is not going to solve it. When we get to the gun bill it is not going to solve the problem. But, incrementally it makes a little bit of a difference. It will help the problem. And at whose inconvenience? I mean, how badly is anybody going to need a gun that if they do not have it up on the computer they cannot wait 5 days to buy it?

You wait 5 days to pick up your car when you buy it. You wait a day and a half to get your suit altered, if you buy a new suit. What can be so urgent that you have to walk in, you need that gun today? Why is the NRA upset about it?

Then we are going to move to a third piece in the strategy of how we Democrats—many of we Democrats—let me speak for this Democrat—think we should deal with crime. Then we are going to, hopefully, God willing, pass my legislation called Violence Against Women Act.

Women are victimized in America by violence at a much higher rate than men. This is not an accident. I thought I knew—it is a presumptuous thing to say—I thought I knew as much as anybody in the Congress about violence in America, having dealt with this subject more than I ever wanted to deal with it, having come here as a young Senator 20 years ago. But I found some startling statistics 5 years ago. I was going over the FBI statistics on crime and found that violent crime among young men as victims, was slightly down. Violent crime against young women had doubled; 50 percent.

Wait a minute, can this be right? Why is this?

Part of it is our attitude about violence against women. We have a sick attitude in some sectors of this country and among a small percentage of the males in this country. We still think women to be chattels. They are "my woman."

There are still men in this country who think they have the right to take the back of their hand to a woman. No woman—no woman—no woman: Your wife, your lover, your coworker—no woman should be able to be touched for any reason without her permission, period. Period.

But we have State laws in this country where, in my State, for example, if a man rapes a woman that he knew who is—I think the term of art is a voluntary social companion, that is the term of art—he cannot be convicted of first-degree rape. He can be convicted of second-degree rape. Is that not enlightened? And my State is more enlightened than most concerning their laws, which I will not bother to go through now.

Why is that? Because the underlying premise is, if the woman was with the man she knew, she should have known better. Or, she probably did something to ask for it.

What a sick, sick notion.

So the third piece of our agenda is to deal with the rampant amount of rape in this country and victimization of women, including domestic violence.

I wish we could strike that phrase from our language—domestic violence. As if domestic means it is like a domesticated cat, it is not as bad.

Come with me to the emergency wards of this country and I will show you the fruits of domestic violence. In this town the vast majority of women who complain, the police show up on the scene where a woman is bleeding from an orifice, there is no arrest made.

If I walk out on the street corner right here in the Capital and I am hailing a cab, another man hails the cab, we both run for it and get into a fistfight over it, the police officer does not say, "Do you want to swear out charges, Senator?" Or, "Do you want to swear out charges, Mr. Smith?" They just arrest us both. Because under our law if there is clear violation of the law that has been obvious to a police officer, whether or not he witnessed it originally, he is able to, under the law, arrest.

Guess what, they do not do that in domestic violence cases. A woman calls in an emergency, gets 911, her husband is beating the living devil out of her, she is locked in the bathroom, she is bleeding, she is beat up.

By the time the police arrive the husband said, "Here comes the cops. OK, they are coming. I want to tell you right now you swear out a warrant against me and I will be back for you."

So what happens when the police walk in the house? We wonder why do women not swear out these warrants?

You have to swear out a warrant before they can arrest this guy. You are bleeding, disheveled, your clothes are torn, you have a broken arm—"swear out a warrant against him or we cannot arrest him." Malarkey. They have a right to arrest right there.

Why does the woman not say that? I say to all those guys listening to this, how many of you, if you want to know what a woman felt like, how many of you when you were in the school yard or you were on the athletic field when you were in grade school or high school, had somebody who was the bully in the class come up to you and say "give me your lunch;" "move out of the way;" "I want to borrow your car;" "By the way, they are nice sneakers, I would like to wear them." Or, just came up and pushed you in front of everyone.

And you are standing there and you have a clear shot right at his nose. How many of you heroes hit him? Most of you did what most normal people do. "He is 6 foot 3, 214 pounds and can fight. I am 5 foot 9, 144 pounds. If I hit him he will really be mad and kill me."

Is that not how human nature works? Is there a man listening to this who does not understand that?

Why can men not understand that is the position women are in? Not a whole lot of places police show up where there is a 190 pound, 6 foot 2 woman and a 5 foot 3, 104 pound man and he is beating her. Why is that the case? Usually because he cannot. But as a society what do we do?

So, the third piece of our agenda here is to deal with some of the things we can deal with at a Federal level. It will not stop violence against women, but force America to face up to the fact that women are victimized in our society and put our legislation where our rhetoric is. If we mean to do something about it, do something about it. That is the third part of this crime agenda.

The fourth part of our crime agenda is a major drug bill dealing with treatment, arrest, interdiction—that is the fourth part.

And the fifth part, I hope, if I have anything to do with it, will be to deal with assault weapons. There is no excuse for these military-style assault weapons. What possible social value do they have? And I am absolutely convinced, as a teacher of constitutional law who teaches at Widner University Law School and teaches the second amendment, that it is totally within our power, without doing violence to the second amendment, to deal with these weapons.

For those who are purists as far as the second amendment is concerned have a problem to face. If you tell me I cannot outlaw an Uzi or a semiautomatic Street Sweeper or a Tec-9 9-millimeter pistol that looks like a rifle, if you tell me I cannot do that under the second amendment, then answer me, can I outlaw your right to own a flame thrower? Can I outlaw your right, if you had the money, to buy a used F-15 jet with nuclear ordinance?

If I can do that, can I outlaw your right to buy a Czech tank? Czechoslovakia is no longer Czechoslovakia and has a problem. They had a great munitions industry. They built a lot of tanks. If you have a lot of money to buy a tank, can you buy a tank and park it in your back yard? Can you do that? Everybody out here would say, "Oh, that's crazy." If you are making a second amendment argument that you cannot impact on the ownership of weapons, then how can you do that? If you can do that, then it seems to me if you acknowledge that—and some of my friends, in all honesty, will not acknowledge that, they believe you should be able to own a tank; there are some real interesting views on this subject—if you can do that, then you sure can do something about assault weapons without violating the second amendment. That is kind of our five-part plan.

So as we begin debate on S. 1607, the Violent Crime Control and Law Enforcement Act of 1993, I want to recognize two facts that form the premise of key crime fighting provisions in this bill and further acknowledge that this Crime Control Act, which I have introduced and we are going to hopefully debate and vote on in the near term, is not the answer to all the crime problems in America. It is the Federal Government's attempt to help State authorities with police enforcement portions of their problem and not the underlying social dilemma that exists in this country. That is for other legislation as well.

Let me go to the crime fighting provisions contained in the bill.

First and foremost, more police on our streets means less crime. There are only a few things we know for certain about crime in America, and that is, if you are standing on a corner next to a police officer, you are less likely to be the victim of a crime than you are standing in an area where there is no police officer. That we know.

Now, it sounds like I am being a little facetious, does it not? It sounds like I am being silly, but we know that happens. The more police on the street—not in the precinct house, not in a squad car, not at a radio, not at a seminar, not anyplace but the street—the more police officers there are on the street, the less likely there is that crime will be committed on that street.

I read my friends in the editorial pages of America saying that, "You know, we've tried that before and it doesn't work." It reminds me—and I do not remember the exact quote, although I try very hard to remember exact quotes—I do not remember the exact quote, but G. K. Chesterton allegedly said something to the effect that it is not that Christianity has been tried and failed, it is that it has been not tried and let alone. It is not that we have tried to increase the number of police officers in America and they have failed, it is that we have not tried.

The 20 largest cities in America during the decade of the eighties increased their police forces on average, I believe it is, 1.2 percent. It used to be in the decade of the sixties for every felony crime committed, there were three police officers in America. Now for every police officer in America, there are three felonies committed.

So I respect those who say, "BIDEN, you're trying to put more cops on the street is not the way to go." I respect that, if that is their view. But do not tell me you have evidence that it does not work because we have not tried.

So the first part of this bill is very plain and simple. We want police officers out on the street in the community he or she knows well, and when that occurs—so-called community policing—the opportunities for violence are reduced. It is a very simple proposition. Community policing increases opportunities to prevent crime from occurring and improves the opportunities of apprehending criminals more often and more quickly when crime occurs.

Again, I want to make it clear throughout this debate that these are local problems. These are not Federal police officers we are putting on the streets of our rural communities and our urban centers and our suburban communities. This is money we plan to—I will explain it in detail—provide to local governments and Governors from the Federal coffers for them to hire more police in their communities. The condition on which they can get this money is they must be able to show that they already have community policing in their area.

This also—I will be very blunt about it—is designed to force or entice States and cities and localities to move to community policing because there is a reluctance to move to it. The mayor does not want to take on the chief of police, the chief of police does not want to take on the membership, and most police officers, with any brain in their heads, would rather sit at a desk and do the command and control than be out on the street. I cannot blame them. But this requires them to put folks on the street.

The second thing it does is it requires them to not play the game with us they did back in the seventies when I first got here under the Law Enforcement Administration Act, the LEAA. We would give them money from the Federal level to hire more police and they would say they have a patrol of 100 people. The mayor of whatever city which has a 100-person police force would go to the city council and say, "Look, we have a deal here. The Federal Government is going to allow the money to hire five police officers. We will fire five of our existing police officers so they are not on the city payroll and we will hire those same five back and pay them with Federal money and then we will tell the folks in our city we cut those taxes but those Federal guys keep raising our taxes." That is what happened.

So this time around, this old boy, having been a local official—I used to sit there as a county councilman and someone would come up with an idea and I would ask, "How much is that going to cost?" The county administrator or member of the council would say, "Oh, that's not going to cost anything, that's Federal money." That is Federal money. Well, this old boy has been there. The reason I wrote it the way I did, in conjunction with the Attorney General and the President, is I want to make sure the only way they can get the money, if they have a 100-person police force now, they must maintain that 100-person police force and we will give them extra help, but if they cut their police force, they lose their Federal money.

Another thing I found as a local official—it seems like 100 years ago I was a local official, but I was at one time—I found whether you are dealing with an individual or you are dealing with another governmental entity, they are much more responsible if they have to kick in something. Let me make an awful comparison.

I find my sons take a little more care of their bikes when they are kids or their automobiles when they are young adults when, in fact, I say, "I'll come up with X amount if you come up with Y amount." They have an investment. They have an investment in it.

So this money is not all free to the States that we have in here. We say we will provide the bulk of the money but you have to come up with some of the money, too, if you want these extra police officers. That way they are not likely to use them for anything other than law enforcement and out on the street.

The second premise of these crime fighting provisions in the bill is—first is more police—punishment for all criminals. Not unreasonable punishment for all criminals, not draconian measures for all criminals, but I go back—and I have been here 20 years doing this—but I still subscribe to the notion that to the extent we know anything about criminal behavior, it responds, if it responds at all, to certainty, the certainty of a punishment to follow a violation, if one violates the law.

The severity does not have much to do with it, the studies show, but certainty does. So the second premise of this legislation is punishment for all criminals that is thorough, swift, and certain. And it also must be as cost effective as possible.

This means that violent criminals must be removed from our communities, and those who have not yet committed themselves to violence but have broken the law must be deterred from future, more serious crimes.

These two goals are served in various ways by every provision of this 400-some page bill that I have introduced. Passing this bill is a critical first step in response to the violence increasing in volume and degree in every State in this Nation. This violence, we all must recognize, is occurring, for the most part, as I said, at the State and local level where 95 percent of the crime is investigated and 95 percent of the crime is prosecuted.

This bill aims to offer Federal help, Federal help in the way of resources, of expertise, and of leadership, help to the States and localities that are now overwhelmed by crime. The key provisions of this bill include title 1, referred to as community policing. Title 1 of S. 1607 is a provision that will put 60,000 more local police officers on our streets, in our neighborhoods to practice community policing.

If we added more money, it would be 200,000 in my view, but it puts 60,000 local police in local communities on the streets.

Today, a typical urban police department assigns officers to large precincts. They ride in cruisers. They respond to radio calls from any and all parts of their very oversized beat. This system, in my view, and in the view of others who are much more expert than I, isolates police officers. They are strangers in the very communities they are trying to protect, and as a result they are always behind the curve through no fault of their own, responding after the fact to crime's occurrence and picking up the pieces after the violence has already been done. Community policing is designed to integrate police officers back into the life of the community so they can help prevent crime in the first place and are better positioned to respond when it does occur for apprehension.

It takes police out of their cars to walk smaller beats of 5- or 10-square-block areas. It allows them to learn who is in the community so that they know trouble spots, troublemakers and at-risk juveniles. They work cooperatively with community leaders, school officials, family workers, and others to tailor preventive programs that best fit that particular community or, more precisely, their beat.

Already used by progressive police departments in cities like Houston, Texas, and New York City, community policing has been created and is credited with helping reduce crime and enabling police and communities to work together to enhance the security of the community's residents.

Title 1 authorizes grants to States to cover the cost of 60,000 police officers over the next 5 years. States which participate must have matching funds, must come up with 25 percent of the cost for that new officer. But the Federal share is substantial and it is real. The Federal share is sufficient to cover the cost of salaries, benefits and training, and the administrative costs with the Federal share per officer of 75 percent of the cost for the first year declining over time to encourage States to commit to the program. So the Federal share is 50 percent in the second year, 40 in the third year, 25 in the fourth, and 10 in the fifth.

Title 8 of this bill relates to prisons and boot camps. S. 1607 also contains grants to States for prisons and for boot camp programs that make the most of our limited resources. Our ability to reduce crime in a cost-effective manner depends directly on our ability to target offenders with the appropriate type of sentence. This means, first and foremost, that we must identify violent offenders and make sure they go to prison.

Second, it means separating the nonviolent offenders who can be diverted from a career of crime and put them in a thorough, intensive, cost-effective program such as military-style boot camps, which will be no vacation.

Third, it means making drug treatment which cuts recidivism rates in half—by the way, you all should know that a criminal who has been convicted and is forced into drug treatment, those who have been forced into drug treatment have a recidivism rate—that is, they get out, they commit a crime and go back to jail—of only half of those who do not receive drug treatment. But it means making drug treatment available for all addicts who enter the criminal justice system, whether it is at the State or Federal level.

(Mr. GRAHAM assumed the chair.)

Mr. BIDEN. Let us take these one at a time. What can we do to ensure that violent offenders are sent to prison? What I hear most often, and I expect people in the gallery, people watching this on television know, is that people see on their televisions the State has had to release from its city or county or State prison, jail, a violent criminal who had not served out his or her time. As a matter of fact, the average amount of time served in a State prison for the sentence that has been ordered by a judge is about 40 percent. At the Federal level, it is 100 percent, effectively. At the local level, it is 40 percent of the time.

So you get convicted to 10 years. The likelihood is you will only serve 4, on average. If you get convicted for 5 years, it is only 40 percent. If you are convicted for 1 year, you will likely serve 4 months.

At the Federal level, if you are convicted for 1 year, you get 1. If you are convicted for 10, you get 10. If you are convicted for 20, you get 20. So it is very important to understand where the problem lies. At the Federal level, there is no need to authorize additional spending for new prison construction.

The current budget already includes funding to accommodate a projected 32-percent increase in Federal prisoners over the next 5 years. There is a prison space crisis, but it exists at the State level where some localities have been forced to release criminals because of overcrowding. As I said, and I will repeat it probably 20 times in this debate, there are currently 32 States under Federal court orders or State court orders concerning overcrowding at one or more of those States' facilities.

Translated, it means they let people out of jail who should still be in jail. Translated further it means—as the Presiding Officer knows, who knows as much or more about this crime problem as anybody in the Senate, having been a former Governor of the State of Florida—sometimes they let violent criminals out because there is no space, or they do not prosecute in the first instance a case because they know there is no prison space.

By the end of 1992, State prisons were housing 840,000 inmates, and locked in local jails an additional 450,000 prisoners. The price tag for this incarceration is steep. State spending on prisons has doubled between the years 1986 and 1992, and there is no end in sight unless we get a lot smarter in how we use our resources in the criminal justice system.

To respond to this problem, at least in part, the bill I have introduced with the concurrence of the administration and the help of the Attorney General, focuses new prison funding on States and localities rather than the Federal level. It contains a $2 billion grant program under which States can fund prisons for violent drug offenders. States can use these funds not only to build new State prisons—construction amounting to only 5 percent of the total cost of running the prison by the way—but also to operate State prisons that have already been constructed but sit idle for lack of operating funds at a State level.

That is what we do with violent offenders. We are going to give States $2 billion so they can deal with these violent offenders.

Or, to encourage States to identify nonviolent offenders and put them in an alternative situation, more cost-effective programs are suggested in this bill. The States can use the grants of this $2 billion to run military style boot camps. These camps provide a regimented program for work and activities for young, nonviolent offenders.

Rather than spend time in a traditional prison, they can serve the same term in a boot camp, where intensive physical training and work while in boot camp is then followed by education in the boot camp, job training in the boot camp, and drug treatment on release from the boot camp.

Moreover, running boot camps cost about one-third what a prison costs on a per-inmate basis. So moving nonviolent offenders into boot camps to free up prison space for violent criminals is a cost effective response to the prison shortage.

Third, both Federal and State systems, prison systems, suffer from the same key shortcoming, and that is the lack of drug treatment. Drug treatment, as former drug Director William Bennett has acknowledged, cuts recidivism rates in half or, put another way, it is cost effective.

For every $1 spent treating a drug offender—I might add treating them while they are in prison—we save $3 later in reducing crime, another high social cost that flows from addiction.

The need is great. Each year over 200,000 drug-addicted offenders are released from State prisons after having served some or all of this time without being treated. Approximately 15,000 addicts, drug addicts—and I might add the average drug addict commits about 200 crimes a year. There is a reason for their committing 200 crimes a year. They need your wallet to pay for their drugs. That is the reason they do it, among others, unless they are cocaine addicts and it is cocaine-induced paranoia where they turn around and shoot you just gratuitously like you saw on that film.

So, we release from State prisons about 15,000 addicted, still addicted, criminals and Federal prisoners without ever receiving any treatment.

At a Federal level, the bill I have introduced includes a provision which sets a schedule for the Bureau of Prisons to place all eligible Federal prisoners into drug treatment programs lasting between 9 and 12 months in facilities separate from the general prison population.

Let me explain that. A lot of people who have not worked in this area long wonder, JOE, why do they have to do this in a separate facility within the prison? Let me give you an example in my State of Delaware.

My State of Delaware has within its prison system a thing called the key program, k-e-y program. They found—and it is a drug program, antidrug treatment program—it does not lessen the term that the person serves in prison. It does not put them out on the street. It is not some, you know, wishy-washy, liberal, social activist, as is characterized often, program. These folks are in prison behind bars serving their sentence. And we found something interesting.

In order for them to be in the drug treatment program in the prison, do you know what we had to do? We had to take a whole section of the prison and segregate them. Not because they were rewarded. They did not get to go out in the yard, you know, like you see in the movies, the yard. They did not get to go to the gymnasium or physical facility or the basketball court the other prisoners used. They did not get to go to the prison dining room to eat. Those who signed up for the program and qualified, stayed in one small wing of the prison, further constricting their freedom even within the prison.

Do you know why? When they went out into the yard, drugs are as accessible in a prison yard as they are on a street corner. Every prison in this Nation, prisoners who are addicted have no problem getting drugs in prison.

I said that some time ago to Ted Koppel. I think he thought I was engaging in a little bit of hyperbole. He did a program on Night Line, I guess 3 years ago now, maybe longer, from Lorton prison here in Washington. And with his producers and his experts, and with a little bit of unsolicited advice from me—"suggest you get all of those prisoners, all of those tough guys in a cafeteria and ask them about drugs in prison."

They hooked me up, too. I was on the show. They put me up in the Senate studio. I was on a remote hookup when he was conducting the program from inside the prison. They let him inside the prison. They were talking of various things, they were interactive. I could talk to them and they could talk to me. I said, Ted, ask them how many use drugs in prison. How hard is it to get it?

These were a bunch of tough folks sitting in that room. I do not know whether there were 30, 40, 50, what the number was. When he said, "Can you get drugs?" They all said, "You kiddin' man, where you been? You crazy? Course you can." They went on in great detail to point out the availability of drugs in prison.

It was not just Lorton prison. It is the Delaware State Correctional Institution. It is every one of your State, cities, and jails and prison systems in your State.

So the reason why I wrote in this bill that if the States use it they can also use separate facilities separated from the general population. Do not, anybody, misunderstand that. That does not mean they can release the prisoner and treat them. It means they have to find another place behind that barbed wire fence where they treat these prisoners.

At least 50 percent of the prisoners with abuse problems who seek help must be in treatment by the end of 1995 in this bill; 75 percent by the end of 1996; and 100 percent by the end of 1997, or they do not get this money. The bill also requires periodic drug testing of Federal offenders in postconviction release.

For example, even after Federal prisoners serve their time, they are released, but not fully. They are released to a probation officer for a period of time after serving 100 percent of their sentence. I think we should test them. I think they should have to show up to their probation officer on a periodic basis, once a week or once a month, and be tested. If they test positive, they go back in jail. But I might tell you all, and most everybody shakes their heads when I say, yes, that is right, it costs a lot of money; it costs a lot of money to test it. If you show up at your doctor, any of you folks in here, and go up and you want to get tested for anything in your blood stream, you do not get a bill for $5. It is about $125. It is an expensive proposition—but necessary.

For State prisoners, as outlined above, this bill targets grants to States for prisons housing violent drug offenders. In addition, the bill provides for programs for nonviolent drug offenders through follow-up treatment on release from boot camp prisons as well as through drug courts and other innovative projects, which I will discuss in a moment.

So let me sum this section up, this title that I have referred to here. The prison boot camp title in this bill will provide $2 billion for State prison authorities to construct boot camps, to use it for operating costs of existing prisoners, and for drug treatment and drug testing. The reason why I want them to build the boot camps is because it costs one-third the cost of keeping somebody in a prison.

Second, out of those 840,000 prisoners now in State prisons, 160,000 of them are nonviolent, first-time offenders. Think about this. It does not take a genius to figure this one out. If you can take those nonviolent people, not at this point dangerous, and put them behind barbed wire on a Federal facility that has been abandoned, run by the State, in a boot camp circumstance, whether or not you are able to deter them from a life of crime by that measure, what does it do? It frees up, 160,000 prison cells. What does that do? Instead of the State then being under a court order having to release violent criminals after they serve one-tenth of their term, not try them or not put them in prison at all, it frees up a prison space for a violent criminal offender.

So even if boot camps do not make sense in terms of recidivism in terms of leading people away from a life of crime, the condition to get into a boot camp is that you must have a nonviolent record, be a first-timer, and be young, translated "not as dangerous to the community." But you are still locked up behind fences. But it frees up up to 160,000 spaces now being taken up in every one of your States, 160,000 prison cells in State prisons, where you should put violent offenders serving the entirety of the sentence that they have been sentenced to.

There is one thing I did not mention, which I assume is obvious. But I deal with this stuff so much and talk about it. And the mistake we all make in Government is assuming that everybody has spent as much time on the subject as we have, and we start using shorthand. The reason why people only serve 40 percent of the time of their sentence in prisons in the States is not because State judges are wishy-washy liberals or because the Governors are not tough on crime, not because State legislators do not want to get tough with violent criminals; it is because, if they put them in jail for 100 percent of their time, they would double the prison population. You can put 840,000 people in the prison cells available in the United States of America that are not Federal facilities if, in fact, you do not keep them in there—with the same number of cells—if you do not keep them in there for their entire sentence.

If tomorrow we passed a law and the good Lord came down and said every State must keep every prisoner in their cell until they serve the full term of their sentence, you have doubled the need for prison space—more than doubled. That is why the States do not do it. It is not because they are not good women and men, but because it costs tens of billions of dollars.

We will have an amendment later on—if they ever allow us to get to this bill—from some of my Republican colleagues. The amendment will say that we do not like BIDEN's prison provision. We want to spend $3 billion on prisons, and it is going to say, in order to get any of this money, the States must have a truth-in-sentencing provision. That means they must keep all of their State prisoners in jail for 85 percent of their sentence—a Federal mandate—if they want to get Federal money. That sounds good. I am all for that. I want them to be kept in jail for their sentence.

Except it is not going to work, folks. Do you know why? If you are the Governor of Delaware, Pennsylvania, California, or Texas and your administrative assistant says they passed this bill, and there is $3 billion for prisons, and we can apply for it and get $200 million for new prison construction—we have to sign onto this deal—if we keep everybody in our State prisons for 85 percent of their time.

If the Governor has a brain in his head—and they do—he will turn to his crack legislative aide and say: OK, I am getting $200 million; how much is it going to cost us to keep these folks in jail for 85 percent of their sentence? If that legislative aide has a brain in his or her head—and mine clearly do—that woman or man will turn to the Governor and say: You will get $200 million, but you have to spend $700 million to get $200 million.

Do you understand what I am saying now? In order to be able to get the money, you have to have people serve double the amount of time they are serving now. I am for that. But to be able to do that, what happens is you have to double the amount of space. You are going to keep them twice as long. It is like your relative comes to stay. Say your mother-in-law comes. She is going to stay a week. No problem. Then you find out your mom is coming the next week. You have one bedroom. If you double the amount of time your mother-in-law stays and your mom is coming the next week, you have to find another room for your mom to be able to stay, too. It is the same principle. It is not complicated. It is the same principle.

So the Republican provision—which you will hear about in this debate—is a legitimate proposal. States will be told you can get $2 billion if you spend $14 billion. I wonder how many Governors are going to come to all the taxpayers in this Chamber and say, I got such a deal that I am going to raise your taxes, and I am going to spend an extra $12 billion because the Federal Government is good enough to give us $2 billion. The net increase will be $16 billion on prisons—a good thing. I wonder how many Governors are going to do that. Mine does not make them do that. Mine says, get smart, build these boot camps. Take this cadre of 160,000 people eligible for boot camps, nonviolent, first-time offenders or nonviolent offenders with minor criminal records that make up 19 percent of the 840,000 people in State prisons. Take them out and put them in boot camps. Now you freed up 160,000 spaces, if we funded that many and we do not. We do not fund that many.

That seems to me a lot smarter way to do it than to say to Governors, "By the way, we will give you $2 billion if you spend $14 billion." I think they are more likely to do this.

What is the net result? People committing these violent crimes are multiple offenders who are out, not having served the sentence. With the grace of God and good will of neighbors, we will have less violent crime. How much, I cannot tell you. I do not know the answer to that. Only the Lord Almighty knows that.

Let me move to another title in the bill, title VII of the bill, the drug court program for nonviolent offenders. Title VII of the bill is a grant program—that is Federal jargon saying we will just give the money to States—a grant program, as well as boot camps.

The key to the drug court programs is to identify those nonviolent offenders who can be diverted away from a criminal career and not take up a cell in a maximum security prison, because I want to reserve those for those wonderful predators who we should keep behind bars for a long time. In most States, such offenders either simply are released back into the streets or they occupy prison space that is in short supply. Neither of those is a good option, in my view.

These are not programs for violent offenders. They are cost-effective programs, these drug courts, that combine the concept of prevention plus responsibility to reach those offenders whose minor crimes have just brought them into the criminal justice system, but who would not be sentenced to a prison system. Let me explain what I mean by not sentenced to a prison system.

Another chart. I know we are chart happy around here. I blame all these charts on Ross Perot, but it is a good way to illustrate.

The total number of State prison offenders who are on probation is 2.7 million people. There are 2.7 million people in the States of the United States who have been convicted, or pled guilty to, or are under the court-ordered supervision of someone within that State, who are not in a prison cell. These are not part of the 840,000 people in prisons or the 450,000 in county jails—2.7 million. Of those, there are 1.4 million who are drug offenders on probation.

So you have 1.4 million people wandering the States who have been convicted of a drug offense who are on probation, out of this cadre of 2.7 million. You have 800,000 of these 1.4 million who are drug offenders, who are at least being tested or treated that are under some kind of supervision.

But I say to my friend from Florida, who presides over this body, who—again, I am not being solicitous—knows more about this than me or anyone in this Chamber, having been Governor of Florida. Drug offenders who go untested, untreated, who are not in jail, who have been convicted or pled guilty to a crime, who have no supervision, 600,000 of them are wandering the streets. Six hundred thousand people who are convicted drug offenders, minor offenders in most cases, are wandering the street with no treatment, no supervision of any kind and no testing. So you have 600,000 of those folks.

Now, that is the reason we have these drug courts. No one can tell me any good comes from that. Some of these kids may be first-time offenders who tried it once, who pled guilty, who never will try it again. I do not want to lock them up in jail for the rest of their lives. That is not the point. But a whole lot of them who have no supervision are the very cadre of people from whom we are going to get the drug addicts of the future.

I apologize for again referring to the Presiding Officer, but he was part of, and he understands better than I do, how drug courts work in Dade County. That is the model we have used in this legislation. These are not programs for violent offenders. They are cost effective. They attempt to combine prevention and responsibility to reach those offenders whose minor crimes just brought them into the system, but who would not be sentenced to prison anyway. That is this group here.

Drug court programs combine the carrot of intensive supervision by probation officers and mandatory drug testing and treatment, with the stick of certain prison terms if the individual again strays from the straight and narrow.

Keep that in mind here. This will be characterized—and I will be delighted when my friend from Florida is not presiding and is here, and I see my friend from North Dakota. I should warn him I have another hour at least on this before I will move along. I do not mean to hold him from speaking to this, but I just want him to understand this is based on this schedule. But as to my friend from Florida, I am anxious when this debate gets going, for him to be down here on the floor when we are told that what we really do is coddle these people. The fact is there are 600,000 of these folks out there now who have no supervision at all in the States. These are not Federal prisoners. They are prisoners of the States.

So what we want to do is to get them into a system where there is intensive probation, supervision, testing and treatment, with the notion that if they stray after that then they do not get the chance to join this group again. They go to prison. They go to jail. They are incarcerated.

The bill authorizes a 3-year, $1.2 billion grant program to States for programs designed to ensure certainty of punishment and promote deterrence, including programs that will offer drug testing on arrest, during prison and during participation in pre- or post-trial diversion programs and treatment, in alternative punishment for young crime offenders. That is the stuff by which $1.2 billion will be spent by the States, so hopefully to move this 600,000 group into this.

A typical drug court program that could be funded works as follows: A nonviolent offender arrested on a drug charge is given a choice, go to prison, or enter an intensive supervision and treatment program. The alternative to prison is no free ride. Participants must get and keep a job. They must agree to random, mandatory drug testing. If they successfully complete the program, they do not have to do time. But if they flunk out of the program, they go to prison and serve all of their term. Punishment is certain unless they succeed fully.

Moreover, sanctions are increased incrementally each time there is a lapse. The idea here is there must be immediate and direct consequences for every mistake.

The result of one existing drug court program that is in Dade County, FL, are quite impressive. From June 1989 to December 1991, 1,740 offenders successfully graduated from the program—1,740—and only 3 percent of those people have been rearrested—3 percent. Before the drug court program was instituted, the rearrest rate for those offenders, those nonviolent, first-time offenders was 33 percent.

The program is saving money that can be redirected to incarcerating and treating violent career criminals. In Miami, it cost $17,000 a year to keep an offender in a county jail. The same offender can get the benefit of a drug court at the price tag of $2,000 a year. It seems to me this is not only punishment, but smart punishment.

Currently, as I said, 600,000 offenders nationwide who meet the drug court profile of a nonviolent drug offender without a serious criminal record are now effectively ignored by the system. The drug court title programs can make a difference with that part of the offender population that can be deterred from further more serious crime.

Title VII and title XVIII relate to youth violence in this bill. More and more violent crime in our Nation is committed by juveniles. To respond effectively, we have to separate violent juveniles from those who have not yet committed themselves to serious criminal activity. Again, the problem of juvenile crime is one fraught primarily with the breakdown of the family and a whole range of other fundamental reasons, and is fought primarily at State and local levels.

The Federal Government's role is one of providing guidance and support, because there is not much else we at the Federal level can do.

The youth violence title in the crime bill encourages the States to hold juveniles responsible for their crimes.

Again, my basic thesis in all of what I have done for 20 years on the crime front is that certainty—not the severity, certainty—of punishment is a critical element in dealing with crime.

The youth violence title in the crime bill encourages the States to hold juveniles responsible for their crimes. It provides both for tougher treatment of serious violence and for important prevention and enforcement programs for juveniles.

First, it targets gang activity, which accounts for an ever-increasing percentage of violent juvenile behavior in this Nation, by creating new Federal penalties for violent crimes or drug crimes by gang members. When a gang member, who once before has been convicted of a drug offense or a crime of violence, commits another such crime, he gets up to 10 extra years' additional time to run consecutive with any other sentence he must serve.

The bill also triples the penalties for using kids to sell drugs in drug-free zones. There is a reason for that. What we have done here in the past at the Federal level and some State levels, we have significantly increased the penalty for crimes for adults who sell drugs in a drug-free zone.

Well, those gang members, those adults got smart. They are nothing, if not enterprising. They go out and they get young people, 12, 13, 14, 15 years old. They get them to go in. They pay them. They get them to go into the drug-free zone and do the same thing they were doing, knowing that if they get arrested, that young person, they get treated as a juvenile and not as an adult.

So, although it is hard to stay one step ahead of crime, I want to make sure that anybody who is convicted of sending a kid into that zone to sell drugs, they have their sentence tripled. So whether they go into the zone or not, they get nailed.

Finally, the bill encourages States to treat those most violent among the juveniles as adults, providing grants for bind-over systems, to permitting the prosecution and sentencing of violent 16- and 17-year-olds as adults.

And I must tell you, it has pained me to get to this point, for I have been one for 20 years who has fought against making it easier for a child to be tried as an adult. But there are certain facts I can no longer ignore. And that is, the most violent offenders in our society today are not adults. The repeat violent offender is as likely to be a 16-year-old as it is a 22-year-old. And for those repeat violent offenders, this bill does not require the State to treat them as adults, but it allows them to if they meet two criteria. One, they are over the age of 16; and two, they are the most serious of the violent offenders with previous records.

But communities, in my view, must fight and try to deter juvenile crime at the same time we get tougher with it. The bill authorizes $100 million for grants to States for antigang and antidrug trafficking programs. Participating States must devote 50 percent of the money to, no more than 50 percent of the money, to law enforcement, and they must devote 50 percent of the money to prevention, because ultimately the answer lies in prevention.

Each community can devise programs that best fits their needs, whether they be investing in investigation and prosecution of juveniles involved in drug related crimes, targeting violent juveniles with increased effort of apprehension and punishment, or working to disband gangs ravaging rural as well as city neighborhoods, or developing programs for counseling and treatment of drug involved youth, or creating active programs to help high-risk kids with criminal behavior.

There are certain things that we found out that surprised even me over the years. In a public housing project where there is no boys clubs or girls clubs, the rate of violent crime and drug use in that project far exceeds a similarly situated housing project where there is a boys club or a girls club.

Sounds like what your mom used to say, does it not? Idle hands are a devil's workshop. Children without something to do, without some adult supervision, are going to get in trouble. How many times when we were kids did we hear that.

But we find out the most significant thing we can point to in inner cities and in difficult neighborhoods that has impacted upon drug use has been the existence of a boys club or a girls club in a housing project. We should encourage more of that.

Examples, as I said, of success are already in use in boys clubs and girls clubs, as well as with antigang and drug programs. These are located in public housing projects. The program involves those at risk for gang recruitment and getting them involved in positive group activities designed to seek to instill self-esteem and some responsibility.

Look, all you have to do is turn on the television in any metropolitan area, as well as rural area, and watch the news broadcasts these days. I watched one last night. A young black girl in a high school, I believe she was a 10th grader. They were asking her questions about a lot of these kids. They were walking out and they asked her a question about whether or not she wants to join a gang, or be in a gang, or if she is worried about violence. She said, in very stark terms, "You got to watch your back all the time in the school. You've got to always be looking. You don't know whether someone is just going to come up and blow you away for no reason at all."

We wonder why kids get in some of these gangs. They are scared. They are children. Most of them are scared. We have to provide some alternatives for them.

The clubs I referred to focus, as well, on drug prevention and reduction and elimination. The program was named as one of 10 exemplary prevention programs in 1990.

A recently completed evaluation found, as I said, that public housing communities with clubs saw the number of children involved in dangerous activities decrease as more constructive educational and social activities were made available to them.

In this crime bill, we also include a thing called the Safe Schools Program to provide grants for anticrime and safety measures, to develop education and training programs for the prevention of crime violence and drug abuse and alcohol.

For example, the funds in this bill can be used to hire teachers for after school programs, for after school drug counseling and after school crime counseling; to hire police patrol officers, in some high schools, to patrol the hallways and the school campus; and for safety measures, such as metal detectors and video surveillance devices in hallways.

It is sickening that they are needed, but they are needed. The youth violence provisions of this bill attacks the program of juvenile violence from both ends—punishment as well as prevention.

This is the heart of our fight against crime. We cannot afford to lose the next generation of juveniles to crime and drugs.

I will go back and note again, parenthetically, this bill does not deal with all of that problem. The drug bill will do a great deal more of what I am talking about as well as measures relating to the ownership and use of guns. But this is a step, and an important first step, in this four-part or five-part program that I envision.

There is another title in this bill, another section, title XIV called rural crime.

I think it was 4 years ago I put out a staff study pointing out that the rise of crime, and violent crime, was rising at a higher rate in rural America than it is in urban America. And everybody but the Senators who represent rural States thought maybe that was a bit of exaggeration, that I was just trying to spread the net of support for my measures.

Those of you who are watching, who are citizens, and those who are here from rural communities, I expect you could come before my Judiciary Committee and testify in some great detail how crime is on the rise even in your rural communities. There are a lot of reasons for that which, when we get into debate, I will speak to. But I felt it important that we address the specific problem of rural crime in this crime bill. It is on the rise and at a faster rate than in any other part of America.

According to the most recent report of the FBI, violent assaults rose 30 times faster—Did you hear what I just said? Thirty times faster in rural America than in our 25 largest cities in the United States of America. The number of rapes rose in rural America more than 9 percent while decreasing by nearly 4 percent in urban America.

Drugs also are an increasing menace to rural States. The number of arrests for drug abuse violations in rural America jumped almost 23 percent in 1992. New drugs, such as smokable methamphetamine or "ice," and a new inhalant referred to in the slang as "cat"—c-a-t—have proven especially popular in rural areas.

To meet this challenge, my bill provides $50 million for drug- crime-fighting money to aid State and local law enforcement areas and 50 percent of this aid, $25 million, will be divided equally among 19 rural States; the $1.3 million per State that this would provide is enough to deploy an additional 50 drug-fighting police in each of the rural States, and this is above and beyond the grants for community policing also available to those States under title 1 of this bill which I discussed much earlier. The remaining 50 percent of this aid is targeted to rural areas in the other 31 nonrural States.

The bill also establishes a rural drug enforcement task force in every Federal judicial district encompassing significant rural lands. The goal is to make these resources of Federal agencies, both in manpower and expertise, available to local law enforcement in rural areas who lack the staff and the funds to focus solely on investigating and prosecuting drug trafficking.

Think of how many towns there are in America, let alone my State, that have 2,000 people, 3,000 people. They have a police force of one person, two persons, or three persons. And all of a sudden in that rural State, they have happen what is happening all over the country—gangs like the Bloods and the Crips and others, who make a lot of money on producing synthetic drugs like methamphetamines, all of a sudden set up shop outside their areas because they are getting caught in urban areas.

What does that—God bless him or her—local police officer know about drug enforcement? How can they deal with it being across State lines?

So what we provide in this bill is the ability to have drug enforcement agents from the Federal Government and FBI agents from the Federal Government work with them in teams to teach them to provide them intelligence information and to actually work with them on arrests.

I think we have evidence that it has worked in the past. And it will work in the future.

So, these task forces, Federal task forces, will be chaired by the U.S. attorney in the district in which this rural community is. They will include representatives from State and local enforcement agencies, the Federal drug enforcement agencies, the FBI, the park police and forest services.

The Attorney General is specifically authorized to cross-designate Federal agents to fight drug trafficking in rural jurisdictions. This plan can effectively add hundreds of new Federal agents to antidrug efforts in rural America.

The Federal Government can also help rural law enforcement benefit from the expertise of Federal agents who have specialized in narcotics control. The bill directs the Director of the Federal law enforcement training center at Glynco, GA, to develop a special course specifically devoted to training rural law enforcement officers in the investigation of drug trafficking and related crimes.

As I go around America, that is the help I get asked for the most. We do not have the facilities in our State, Senator, to train a rural law enforcement officer. Can you arrange for us to get sent down to that first-rate outfit at Glynco, GA? Can they train us like they do the DEA agents and the FBI agents? The answer is yes, we can and we should.

These programs for community police, for prisons and boot camps and drug courts, for juvenile and rural law enforcement and prevention, these are the heart of a solid effort to help States and localities fight the crime that plagues them.

These are the key programs of S. 1607 that can begin to make a difference in how secure Americans feel. They are the provisions, I hope, the Senate will focus on when we debate the anticrime legislation.

My bill does contain provisions on increased Federal penalties, on habeas corpus reform, neither of which, in my view, are nearly as important as what I have just finished describing in the fight against crime. But these issues have consumed hours of debate on the floor of this body so I will briefly address the tough, fair compromise provisions on these points included in this bill in the hope that we can quickly move on and keep our attention focused on passing a bill that contains a critical aid to State and local law enforcement and other programs I described.

Titles I, IV, and XV, the Federal death penalty and other increased penalties provisions of this bill, I will explain now.

S. 1607 authorizes the Federal death penalty for 47 offenses, most of which have passed the Senate previously. These include, for example, murder of a Federal law enforcement officer, drive-by shootings, terrorist murders, and car-jackers who murder.

As I said earlier, I support the death penalty. The death penalty procedures contained in the bill have also passed the Senate once before, either in the 1991 crime bill or as part of the drug king pin death penalty enacted in 1986. Among other specifics, these procedures, before you can be sentenced to death—these procedures set forth the intent standard that must be proven by the prosecution. They delineate the mitigating and aggravating factors a jury must consider in deciding whether to impose a death penalty. They outline the procedures by which a sentencing hearing is to occur. And they provide for appellate review of the death sentence.

The procedures allow the Government to present a victim impact statement at sentencing and the victim's family to testify at the sentencing hearing.

The procedures also provide that no one under 18 may be sentenced to death and that no one with a mental retardation—mental retardation, not mental illness, not temporary insanity—but certifiably mentally retarded, can be executed.

They also require juries to be informed of their options to sentence the defendant either to death or to life imprisonment without possibility of probation or parole. The death penalty provisions are tough and the procedures are fair.

In addition, the bill authorizes over 60 increased penalties for new offenses covering violent crimes, drug trafficking, and gun crimes.

These include, for example, increased penalties at the Federal level for drug dealing in a drug-free zone, for use of semiautomatics in the commission of a Federal crime, for drunk driving with a child who is injured in that automobile, and others—increased penalties.

Title III is, in one sense, the least important and, in another sense, the most complicated and, in the third sense, the most controversial provision of this bill. It contains a tough and, in my view, fair habeas corpus reform package.

Habeas corpus is abused now by prisoners. My good friend from South Carolina, Senator THURMOND, will no doubt tell us of people who have been on death row for 16 years in his State who have filed many habeas corpus petitions. But everyone who is listening to this debate should know that anyone who files a habeas corpus petition—that is, a petition for a new trial on the grounds that they did not get a fair trial the first time—is already and by definition must be behind bars, out of harm's way, and no danger to society because they are in a jail.

The thing I find most confusing when I discuss habeas corpus—and I suffer from being a lawyer; and in law school and in my practice, I had to learn about habeas corpus, the so-called great writ, also mentioned in the Constitution, habeas corpus—is that most people, if you listen to the rhetoric on the other side of this argument, think somebody filing a habeas corpus petition is also the same person wandering the streets committing more crimes. As a matter of fact, I facetiously said in a previous debate, the way my colleagues described habeas corpus, you would think habeas corpus was a violent repeat offender crouched behind a garbage can in an alley in the city of Washington, DC, ready to leap out and rape someone or murder them.

Habeas corpus is a piece of paper. The piece of paper must be written by a defendant, slipped through the bars of a prison cell, and handed to someone to be mailed to a Federal judge. That is what a habeas corpus petition is. It says:

> Federal Judge, they put me in jail. They violated my rights. I want you to look at it and see if I got a fair trial.

In layman's terms, that is what habeas corpus is. So I hope during this debate we will not get misled—and we will hear talk about we could totally eliminate habeas corpus—what a travesty it would be of 800 years of English jurisprudential reverence for habeas corpus—we could eliminate it and we would not make one person safer in America. Not one person in America who was, in fact, violated by someone would be safer because we did not have habeas corpus at all.

So let me go to what habeas corpus does in this bill. Notwithstanding all that, it is still abused, and there are key components of the legislation the Attorney General and I and the President have endorsed and introduced here.

No. 1: It limits prisoners to a single Federal habeas corpus petition. One time they can slide a paper between the bars, figuratively speaking, and say, "I didn't get a fair trial," and a Federal judge must look at it. It places a 6-month time limit on that single petition. They get put in jail and they have to send that petition through the bars to the Federal court within 6 months of them having been convicted.

Next, it applies to both death row inmates and noncapital inmates for where the State has offered counsel for State habeas corpus proceedings. Translated, it means when that person got put into jail and they filed a habeas corpus petition to the State court, the State provided, if they did not have the money, provided a lawyer to help them draft that petition.

It allows certain exceptions—limited—for a second petition; that is, it starts off and says you can only send one note through the bars to the Federal court, except you can send a second one through in the following circumstances, and they are very extraordinary: One is to establish my innocence. To give you an example. The first one sent through said my constitutional rights were violated because they did not do A, B, or C in the State trial, and the Federal court looks at it and says that they did it the right way; your constitutional rights were protected, so you stay in jail; you do not get a new trial.

Then, a year later, 6 months later, 10 years later, while you are still in jail, somebody walks into the courtroom and says, "You know, when John Doe was convicted of murder, I lied at his trial. I am the one who killed Cock Robin. I did it."

Now that prisoner can say, "Hey, I have new evidence here. I am innocent. I did not commit the crime. I get a chance to send a second habeas corpus petition through the bars to the Federal court saying I am innocent based on real evidence."

There are a number of cases we have read about where people on death row have turned out not to be guilty. A case in point, one recently I think was in the State of Virginia where the prosecutor kept out of evidence material in the police file that proved that the person did not commit the crime. They said—I forget the facts of that case—but a case where they say, "Well, John killed Mary at 1701 Elm Street," and John said, "I wasn't there; I couldn't have been there because when I left my house to cross the railroad tracks, there was a 270-car train. I could not get through. It wasn't me." And the prosecutor knew that there was a train that long but did not tell the jury and said, "No, that wasn't true. John did it."

Ten years later, they find out when they are cleaning out the police files that the policeman lied or the prosecutor lied or a witness lied. It seems to me a simple common decency if new evidence, real evidence of someone's innocence comes to the front at any time they are incarcerated, they should be able to slide a second petition through the bars and say, "I'm innocent; look at this evidence; it's new. We didn't know it at the time; you didn't know it at the time."

That is one circumstance in which they can file a second habeas corpus petition.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. BIDEN. Madam President, another one is to show that a constitutional defect existed in the sentence. That is not a constitutional defect in the trial. You were convicted properly, but it turns out that someone at the sentencing phase perjured themselves. They said in the sentencing phase—the way it works is, they do a presentence report. If it is a capital offense, they have a bifurcated trial, as I know my colleague who is a lawyer and a former Federal prosecutor knows—who is presiding now—at the Federal trial, do you get the death penalty or life?

One of the things considered is what the witnesses say at that point. If there is evidence at a later date that somebody lied at that sentencing proceeding, or your constitutional rights at that part were violated and you find out about it, you should be able to slide a second piece of paper through the bars and say, "Look at my sentence, Judge; they didn't do it the right way."

If we pass the legislation as we have written it here, it does not allow the petitioner to do what they do now, having filed 10 petitions, say I have a new idea. When I was a child, my mother did not breast feed me. I was fed by a formula, and the formula contained a nitrate in it and/or lead in it which impaired my ability to form a conscience. As a consequence of that, I cannot now be held accountable for the crime that I was convicted of having committed, even though I committed it, and I should get a new trial and be able to introduce this in evidence.

Those are some of the kinds of petitions that get filed, as outrageous as that. You cannot do those kind anymore under this bill. Only if you are innocent do you get a second shot, if you have evidence of it, or only if you can make a case that your constitutional right was violated in sentencing.

This legislation on habeas corpus specifically disavows the concept of full and fair, which would virtually eliminate Federal habeas corpus.

Let me remind everybody why we have Federal habeas corpus to begin with. Federal habeas corpus, that is reviewing a conviction at the State court level. Joe Doe is convicted in such and such a county in the State of X. It did not used to be, 100 years ago, that you could go to a Federal court and say did they do this the right way? But what happened was there was a famous case in a southern State, to remain nameless, where the prisoner was denied, the convict was denied an opportunity to prove that this State court had totally ignored his Federal rights under the Federal Constitution.

It was such an outrageous case and people became so angry at the miscarriage of justice, they said look, where a State court is ruling on a piece of the Federal Constitution, and a prisoner convicted believes that the Federal Constitution was not applied by the State, he should be able to go to a Federal judge and say, "I'm in jail, behind bars but I want to point out to you, Judge, when they arrested me, they beat me with a rubber hose and got a conviction," or "they set bail that was in violation of the eighth amendment," or they did any other number of things.

So if a State court made a mistake or refused to look at the Federal rights we all have under the Constitution, they said you ought to be able to look at them because there were States that were clearly not looking at them.

I might add, by the way—the Presiding Officer knows this—to 40 percent of the people who file a Federal habeas corpus petition, the Federal courts say yes, you are right; they did violate your rights; you get a new trial or a new sentencing proceeding. That is what it is now in capital cases—40 percent of the time the Federal Government says yes, you are right; the Federal judge says yes, you are right; they did violate your rights.

So it is not that these filings are all specious. But we greatly restrict it, I think fairly, but greatly restrict it.

This legislation allows claims of innocence based on newly discovered evidence to be heard by a Federal court. It requires States to provide indigent capital defendants—translated, no money, cannot hire a lawyer—with counsel, lawyers, who possess specific qualifications at all stages of State proceedings, authorizes Federal grants up to 75 percent for the additional cost that will be imposed on the State having to pay for this new counsel.

Let me put this in perspective. I say to my friend from Illinois, who presides, there is one State in America where, if you are assigned a lawyer in a divorce proceeding, you are able to be paid as a lawyer a great deal more money than you could if you are assigned a capital case.

In this particular State, they have a State law saying that if we assign you to represent someone who is being tried for a capital offense, murder say, the most you can receive in a fee is $1,000—$1,000.

Now, how many good lawyers are going to take any of those cases? Who do those poor so and sos, the innocent ones, get to represent them? They get the worst lawyers. They get the lawyers who are not very smart, and they get the lawyers who never handle a criminal case or never handle a capital case, or they get a lawyer who did handle it, who is not going to spend a whole heck of a lot of time on it.

So we say, look, we will pass a rule saying that the Federal judges cannot look at these habeas petitions repeatedly, which drives you State prosecutors crazy, if you will help us out here; prevent the need for these to be filed. Give people who do not have money real, live lawyers to represent them, so constitutional rights are not violated, so we never get in this spot in the first place.

That is the tradeoff here. So we are ready to say we will shut down the number of times someone can file a petition from a State prison to a Federal court, requiring, I might add, a State prosecutor to respond—that is why the States get upset about it —if you will provide these people with some representation the first time around.

But there are those in this body who say we should make habeas corpus subscribe to something called the full and fair doctrine, which means that if the State prisoner received a chance to file a habeas corpus petition from a jail in a State court saying I did not get a fair trial, and he or she exhausts all of those remedies —that is, it goes to the lower court, the upper court, and they go through the chain of events in the State—regardless of whether or not the State court made a mistake, regardless of whether or not the State court interpreted properly, they say if you just go through the motions, you are not allowed to go to Federal court period, whether you are innocent, whether you have evidence of your innocence, whether it is clear your constitutional rights have been violated. If the prosecutor has taken it through the State court system, you cannot, for any reason, get into Federal court as a practical matter. Or, put another way, full and fair means no more Federal habeas corpus. This makes sure.

We explicitly say no, that is not what we are talking about here.

Madam President, habeas corpus reform is necessary to reduce abusive delays in carrying out State court sentences. To guard against that abuse, the provision limits prisoners, both on death row and behind cell bars not on death row, to a single Federal habeas corpus petition. For the first time ever, it sets a 6-month time limit on filing that petition. At the same time, it also helps ensure that we do not execute people or keep people in jail in violation of the U.S. Constitution. To ensure fairness, the provision makes sure that indigent capital defendants get good lawyers at trial and throughout the State proceedings.

The Judiciary Committee hearings over the years have documented that capital defendants in many States receive utterly incompetent and utterly unqualified representation. I worked both with the prosecutors and the criminal defense bar to come up with the counsel provisions that would make a difference. This bill includes detailed qualification standards for lawyers defending capital indigent defendants.

The goal is to eliminate the very need for protracted habeas corpus proceedings by making the first criminal trial the main event where competent counsel work to keep errors from occurring in the first place.

The habeas provisions also recognize that if a death row inmate comes forward with new and exceptionally persuasive evidence that he is innocent he should have a chance to have a Federal court hear his claim before he is sent to death.

Finally, the provision makes sure that the Federal courts continue to play their historic roles as the final arbiters of the Federal Constitution.

The Republican alternative called the full and fair reform would make radical and unprecedented shift by giving the final word on what the Federal Constitution requires even where a State decision is wrong to the State courts. In the last Congress it was the opposition of the national prosecutors that stopped the passage of another habeas corpus provision and in turn the entire crime bill. The reform provisions in my bill which we will be debating S. 1607 has the support now unlike last time because we have made significant changes for the National District Attorneys Association, of over two dozen State attorneys general, and of Attorney General Reno, and the President of the United States.

It is has drawn a lot of fire from those who are unwilling to compromise. It has the support of those who agree that compromise is necessary to limit abuse and thereby preserve the writ of habeas corpus from further erosion.

Madam President, as we proceed, assuming our Republican colleagues allow us to proceed, to get about the Nation's business of helping local law enforcement and local officials deal with this virulent crime problem, as we proceed, I hope we do not lose sight of what matters most in fighting violent crime that America fears, not the legal debates over habeas corpus. That will not fight violent crime; not whether we have a few more or a few less incarcerated in our Federal penitentiaries, not whether or not we have additional death penalty procedures, because the truth is I support the death penalty. I have 46 death penalty provisions in this bill. But I must say before the Senate and all the Nation that if we eliminated those 46 or we made them 106, it would make no dent on the violent crime problem in America.

In the last crime bill I had 50-some penalties for death in the bill. We asked the Republican Attorney General's office, had they all been in the law in the year 1990, I believe it was, how many people would have been sentenced to death under this significantly increased death penalty. Do you know what the answer was, Madam President? Six. S-i-x, six persons.

There is a simple reason for it. We will have Republican and Democratic colleagues jump up and down and tell you we are going to get death, we have a death penalty in this bill, and some people are going to praise me for putting 26 death penalty offenses in here, and I am a tough guy. The truth of the matter is it does not matter because all of the violent crime we are talking about falls within the jurisdiction of the States, 96 percent of all the crime is at the State level. We do not have the authority to pass a death penalty for each and every State.

So all you get to try at a Federal level under the death penalty provisions are those that fall within the Federal jurisdiction, a precious few. So as much as I support the death penalty with the proper safeguards built in, against putting the innocent to death, the honest to God truth of the matter is, if they worked perfectly, they will have little or no impact on the 5.7 million violent crimes committed a year in this Nation.

But you will hear on this floor, when this debate gets going, assuming they allow us to, you would think that habeas corpus and the death penalty are the important parts of this bill. They are poor. But in terms of affecting crime in the street back home where my wife shops, where my mother lives, where my brother works, it will have literally no impact.

The other parts are the important parts. So as I say again in conclusion, it is not whether or not we have more death penalties or a different habeas corpus but whether we can provide assistance to State and local law enforcement in the front lines of the crime fight.

S. 1607 offers real assistance targeted to putting more police on the streets and to helping States identify and imprison violent offenders and target for deterrence nonviolent offenders.

Madam President, these are very practical goals, the kind of goals that can make a difference, and I urge each of my colleagues to support this bill as we proceed.

Madam President, that concludes my opening statement.

I sincerely hope that my Republican colleagues will soon come to the floor and say, let us debate this bill, let us pass a bill to help the American people. Because if they do not, they will set a new record, figuratively speaking, for this body of having prevented the Nation's most deliberative body from acting on crime legislation for going on 3 years. It is outrageous; outrageous. They cannot say they care about affecting crime. They can come, and they will, and disagree with the Biden, the Clinton, the Reno approach to dealing with crime. They can do that. I am prepared to debate and take my licks and savor my victories on the parts that survive. But they cannot say they care about crime and say we are not even going to let the U.S. Congress vote on it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, I thank the Chair.

I came over to the floor prepared to offer an important and substantive amendment to the crime bill. Madam President, imagine my surprise to find out that although we are at 2:30 in the afternoon we have not even gotten on the crime bill.

We are not on the crime bill because apparently the other side, the minority, has refused to allow us to proceed to the crime bill. I hope the other side will relent and allow us to proceed to a piece of legislation that I think is one of the most important subject areas that we can address this year.

Madam President, we do not need to go two blocks from this Chamber to see the urgent necessity for the U.S. Senate, and the U.S. House, to act on crime.

Within just four blocks from this Chamber a 12-year-old girl on East Capitol Street at 7:45 in the morning was raped.

Madam President, we just saw, days ago, the first life sentence without parole imposed in the District of Columbia in the murder of a 22-year-old woman who worked for us in the Congress, who came to this city fresh faced, ready to do good, ready to change things, ready to make things better. And she was grabbed by a fellow who was just out of a halfway house and was brutally murdered within blocks of this Chamber.

Madam President, 10 blocks from this Capitol, I could take any Member right now and we would be able to see heroin sales being made, drug sales being made, and nothing is being done.

Madam President, a number of weeks ago, I went home at 2:30 in the afternoon to meet a repairman, and I saw people casing our block. It was very obvious what they were doing. I called 911, and they never came. Madam President, I had a similar experience when my wife was attacked 8 blocks from this Chamber; I called 911, and it was busy.

Madam President, something very, very serious is going on in our society. There is a breakdown of social order. Nowhere can it be seen any more clearly than in this Nation's Capital City. And now we have an opportunity to turn to a piece of legislation to deal with at least a part of the problem. And I make no representation beyond that, because I think all of us know this is much more complicated than a crime bill. The incidence of children having children, the terrible poverty, the loss of hope, the loss of a sense of opportunity that crushes people's lives, that makes them feel they have no stake in this society, clearly contributes to crime.

In fact, in my wife's case, I spent 4 days with police officers—three black and three white. We sat in a witness room and talked at great length about what they see happening. I can remember so well when I asked, "What do you see? What is happening out there? Why is this happening?" Those police officers, black and white, started to relate to me experience after experience, things they had seen, things they had heard, things they had experienced.

One of them told me, "Last week, we took into custody a 12-year-old young boy, and he had $1,800 in his pocket." They went back to that young boy's home, and they found a crack-addicted mother, a crack-addicted aunt, two siblings younger than the 12-year-old, and they found that the 12-year-old was providing for the entire family. He was paying the rent. He was buying the food. He was buying the clothing for the members of that family. He was 12 years old, and he had $1,800 cash in his pocket.

How did he get that money? The charge was that he was selling drugs and serving as a lookout for others who sold drugs. What chance does that kid have in life? What chance do his brothers and sisters have? And what is going to be the societal impact of a life of crime for that young person? We know the terrible statistics, because those who start in life down that road rarely escape from it. They are going to be repeaters, and the crimes will get worse.

Madam President, we ought to turn our attention to this crime bill.

I see now that the Senator from Utah is on the floor, and others, and I hope very much that we can get on this crime bill so that those of us who have substantive amendments to offer will have a chance to do so.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, I hope my colleagues will bear with me today. I have a little bit of a hoarse throat.

Since we are about to take up the crime bill, I thought it was important to talk a little bit about that issue, to talk about what the differences are, what we are going to be debating when we actually bring up the crime bill here this afternoon, and what the fault line is in terms of where there are clear-cut differences.

I think that the President and Republicans agree on crime. I think our area of disagreement is on punishment. The President came into office, cut prison construction by $580 million; and then immediately the President and the Attorney General started talking about overturning minimum mandatory sentencing.

I believe that the American people want more minimum mandatory sentencing. I think if there is a consensus on any issue in America, it is a consensus that violent, predator criminals ought to be in prison.

Every day, we read in the paper, we see on television and, too often, many Americans with their own eyes see terrible, brutal crimes being committed by people who have committed dozens of crimes before—whether we are talking about the lady in Maryland who was brutally killed in a carjacking and dragged for a mile and a half, and the baby was thrown out in the street; or whether we are talking about the tragic shooting at the swimming pool in the District of Columbia; whether we are talking about the murder of Michael Jordan's father; all of those crimes have one thing in common, and it is something that the American people finally have realized: In each and every one of those cases, the people who perpetrated those crimes were people who should have been in prison. They were people who had previously been arrested. They were people who had already been sentenced. And if the criminal justice system had not broken down, they would have been behind bars.

We do not know whether they would have been rehabilitated behind bars or not. We do not know whether they would have come out of prison as new people or not when their sentence was up. Hopefully, they would. But the point is that when they are behind bars, they cannot brutalize our people. They cannot kill people on our streets. They cannot impose this endless torture on our people.

So I think the first thing you are going to see in this crime debate is that Republicans are very serious about putting people in prison. One of the first amendments we will offer is an amendment to build 10 regional prisons and to enter into a partnership with the States, whereby we will have joint funding to construct prisons that will be used to incarcerate State and Federal offenders who are violent criminals, who are predator criminals, who are repeat offenders, so that we can end this tragedy where violent repeat offenders, predators who are committing hundreds of crimes a year in many cases, are still out walking the streets.

We are going to hear from the distinguished chairman of this committee that his bill authorizes a lot of spending. I think most people know what that means. But let me explain it just in case some do not.

Authorizing the expenditure of money is a promise. It just simply says that we have written a law and we have said that it is OK to spend money.

The bill which will be brought to the floor of the Senate by the chairman of the Judiciary Committee does not provide one nickel of actual money. It does not hire one police officer. It does not fund a single program for a single dime. All it does is make grand promises of what we are going to do in the sweet by-and-by. It authorizes that money can be spent, but it does not provide the money.

As we all know, we are under a budget constraint. We have a spending cap. So the way to provide the money is to be willing to take it away from other uses. What our amendment will do on prison construction is provide $3 billion to build 10 regional Federal penitentiaries to incarcerate State and Federal violent criminals. But in order to participate, States have to adopt and enforce a truth-in-sentencing provision, and that truth-in-sentencing provision will say simply this: If someone gets 10 years in prison, he or she basically has to serve 10 years in prison.

If they are willing to do that, they are serious about getting the violent predator criminals off the streets, and we want them to participate in this program.

The difference between what we are going to do in this amendment and what is being done in this bill is this bill makes a lot of promises. Government is very good at promises. But the bill does not actually do anything about funding.

What our amendment will do is cut Government spending by $3 billion, taking $3 billion out of the President's savings that he claims he is going to save by reinventing Government, lowering the spending caps over the next 5 years by $3 billion, taking it away from those purposes and spending it on prisons.

The second amendment that we are going to offer is minimum mandatory sentencing for gun violators. We believe that someone who possesses a firearm during the commission of a violent crime or a drug felony, no matter what other crimes he or she commits, no matter what the sentence is for the violent crime or drug felony, just by having that gun with them when they are committing a violent crime or drug felony, we want them to get 10 years in prison without parole for that gun violation.

If they discharge that firearm with the intent to do bodily harm, we want 20 years in prison without parole. If they kill someone with that firearm, we want mandatory life imprisonment, and in aggravated cases, we want the death penalty. We want a three-time-loser provision. We want a provision of law that says if someone is convicted three times of a violent crime or a drug felony, major drug felony or a serious violent crime, that on the third conviction of any combination of violent crimes or major drug felonies, the time has come to protect society and we ought to have a three-time-loser provision which provides life imprisonment without parole for a three-time convicted felon who has violated the law or at least been convicted three times for violent crimes or drug felonies.

We want minimum mandatory sentencing for involving minors in drug conspiracies and drug felonies. We want minimum mandatory sentencing for selling drugs to a minor. Anybody who sells drugs to a child, no matter who their daddy is or no matter how society has done them wrong, in my opinion ought to go to the penitentiary for a minimum of 10 years. If they involve a child in a drug conspiracy or drug crimes, these hoodlums who use children to deliver their drugs ought to face a stiff minimum mandatory sentence without parole for involving a child in a drug conspiracy.

Those are issues that I feel very strongly about. I also believe they are issues that the American people feel very strongly about.

So I look forward to having a chance to debate this bill. I am not arguing that Republicans have all the good ideas on crime. I think there will be some issues where we will have a bipartisan basis of support. I think we need a very strong crime bill. If we are going to say we are going to do something, we ought to cut other programs to pay for it and in the process we ought to be providing money and not promises.

I want to ask my colleagues and the American people as they follow this debate, when you read in the newspaper or see on television that we are talking about hiring police officers or we are talking about building prisons, does it say that we actually provided the money, or did we promise to do it in the sweet by-and-by?

The problem with the sweet by-and-by is that often it does not come. On our amendment on prisons, we are going to actually provide the money by cutting Government spending, and that is a fundamental difference. I think that this is an important issue.

I think last night, all over America, at least in those places where people went to the polls, they spoke very clearly on this crime issue. They spoke clearly on it in New York City, in New Jersey, and in Virginia. I think what they said is there is not a substitute for grabbing criminals by the throat. No matter how they felt about subsidiary issues, I think the American people last night, in very large numbers, said: We are tired of our Nation being brutalized by violent criminals. We want something done about it. And they voted for candidates who are willing to do something about it. I think they are ready for the Senate to do something about it.

I hope that our colleagues are ready. I look forward to getting a chance to debate the issues. I think they are very important. I think if there is a top issue in America, the issue is crime. I think the American people have lost patience with a criminal justice system that does not work, a criminal justice system that seems more concerned about the rights of criminals than about the rights of law-abiding citizens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. Madam President, I was unaware that we were under a time limit.

The PRESIDING OFFICER. Under the order previously entered, there was a time limit of 10 minutes.

Mr. GRAMM. Madam President, by a happy coincidence, I have just finished; thank you very much.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

EXTENSION OF MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that morning business be extended for another 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I believe Senator LIEBERMAN would like to speak, and I would, as well.

THE CRIME BILL

Mrs. FEINSTEIN. Madam President, I would like to make this request to the leadership of this body to let this crime bill move ahead. I was elected by 5½ million people from the largest State in the Union. I believe the reason I was elected to this Senate is to do something about crime, first and foremost. It is something that I know something about, going back 30 years.

I will now describe a little bit about that, and then why I think it is so important that we move ahead.

Thirty years ago, I became the youngest parole board member in this country. In the course of 5 years, I set some 5,000 felony sentences of women convicted of felonies in the State. I worked at the women's prisons. I inspected every prison in my State, and many throughout the world.

I then went on and became head of a reform committee, a member of the crime commission, ran for the board of supervisors, became president, and then headed the fire safety and police committee of that board.

As a product of assassination, I became mayor. My colleague was killed; the mayor was killed. And, as mayor, when the city had a very high crime rate, we reduced crime by 27 percent over 7 years, for one reason: We could get a 2-minute response time to an A-priority call by a police squad car.

That meant witnesses did not disappear, evidence did not get disturbed or removed, and there was a greater likelihood of making an arrest and, therefore, getting a conviction. And the crime rate, as we did this, went down.

Crime can be reduced. Now, we do not all agree on how. We do not all agree on what we can do. But I really believe the basic elements to begin to attack crime in this Nation are present in this crime bill.

I do not agree with the habeas corpus provisions. I will move, along with Senator HATCH, to remove them.

I am sorry there is not an assault weapons bill in this crime bill. I will move to amend it. There is no provision to increase penalties for crimes based on hate or prejudice.

Madam President, you and I are cosponsors of a hate crimes bill, and we will move to add that to the crime bill. But let the debate begin.

Halloween was this weekend. Three youngsters trick or treating in Pasadena were killed with a semiautomatic assault weapon. And the Senate will not let this bill move ahead? It is wrong, Madam President. It is wrong.

Let me describe the ratio of the number of police officers compared with the number of violent felonies in major cities. In Boston, there are almost 7 violent felonies per police officer; in New York, 6½; in Newark, 10; in Jacksonville, 9.7; in Memphis, 6; in Atlanta, 10; in Dallas, 8; in Los Angeles, 10; in Oakland, 9.

This bill has funds for police officers that go on the streets of every community in this Nation. It has the drug court, it has the boot camps, it has the regional prisons, it has an increase in death penalties for those of us who happen to believe in the death penalty.

I happen to believe the death penalty is a deterrent. Let me tell you why I believe that.

When I was on the parole board, I was sentencing a woman for robbery in the first degree. I noticed on the form called a granny sheet that she had walked into a robbery with an unloaded gun, and that puzzled me. I said to her: "Why was the gun unloaded?" And what she said really startled me. She said: "So I would not panic, kill someone, and get the death penalty."

Now that was direct testimony by a felon to me that the death penalty was a deterrent. I was opposed to the death penalty in those days. It was the 1960's.

In the 1970's, in San Francisco, I walked into a mom and pop corner grocery store. The proprietor had been shot and killed. The wife had been shot and killed. The dog was shot and killed. There was brain matter and blood all over. And, all of the sudden, I remembered that woman who said: "So I would not panic and get the death penalty."

I am not proud that I believe the death penalty is a deterrent. I am not proud of that support. But since those victimized by murder and by aggravated assault are those least apt to be able to protect themselves, I believe the death penalty helps. And, yes, those people are people of color, they are poor people, and they are working men and women. They are the people who have to go to an automated teller machine at night to cash a check when they get off a shift, and get shot in the head. And there has to be a swift and rapid penalty.

I happen to believe that by your actions you can, in fact, abrogate your own life. We all live by our actions. We are all judged by our actions. And so the penalty, in a sense, does have to fit the crime. This bill moves in that direction and provides the death penalty for terrorist killings and death penalty for drive-by shootings.

I remember, in 1 year alone, in Los Angeles the equivalent of two 747's full of people were killed by drive-by shooters—in one city alone. Now, if two 747's came down in our cities, we would all do something about it.

So I say to those who are helping hold up this bill, let us come on the floor, let us talk about these things, let us debate guns, let us debate the death penalty, and let us debate boot camps.

One of the reasons I won is because this U.S. Senate would not come to grips with a crime bill last year. The people out there know what is happening. They expect that the basic responsibilities of Government are the social and economic well-being of the people. And crime is the No. 1 concern.

I think that this bill is a consequential bill; $2 billion for boot camps for youthful nonviolent offenders with substance abuse problems, to construct regional prisons for violent drug offenders.

A Los Angeles program alone currently operates 19 substance abuse and treatment boot camps where an estimated 600 youthful offenders are treated each year. One-half of those who attend the boot camps do not commit other offenses. They work.

I know something about recidivism. This is a relatively low recidivism rate for young people; nearly 80 percent remain arrest-free after their release.

I remember when I grew up—Madam President, maybe you do, too—my No. 1 fear—and this was typical of the generation at the time—was that we might die from an atomic weapon. Do you know what the No. 1 fear of children is today? They might die getting shot going to school.

What kind of a society is this? Children do not know the difference between right and wrong.

The other night, a Senator sitting right over there from a State in the South told me about his daughter and son-in-law who were parked on the street, and the daughter heard a pop, saw a Versateller, saw a 16-year-old girl drop to the ground, and held that girl in her arms as she died, over $20—over $20.

Here in Washington, we all saw the Washington Post Monday morning, an 11-year-old: "What I want to wear at my funeral."

What kind of a society are we coming to?

The grandmother who, in her golden years, watches television in a room when inch and a half bullets come through the wall and go right through her, pinning her to the chair.

Or the father, standing on the corner with a baby in his arms, who gets a bullet in the brain. I have actually met one of those couples in Los Angeles, and I will never, ever forget it. Such pride to have a child; and such pain to stand on a street corner and have that child die from a random bullet from a gun.

We can do something about this. We can get assault weapons off the streets, if we care. We can change the system, if we care.

But if we get hung up on technicalities, I do not believe we belong in this body.

So I am here, from the largest State in the Union that needs this help, to say please, let us move ahead with this bill.

Madam President, because this issue is so important to the people of my State, I want to expand on several aspects of these remarks.

Madam President, I rise today to speak both as a member of the Judiciary Committee and as a Senator from a State where fear escalates day by day.

Fear has become an unwelcome resident in the homes of America. As crime rises and incidents of senseless, random violence increase, there is not a household that doesn't feel the cold breath of menace and terror, all the more so if there are teenagers in the home.

Just this past Halloween evening, two men jumped from behind bushes and sprayed semiautomatic gunfire at a group of youngsters on their way home. Three boys—ages 13 and 14—were killed and three other young teenagers were wounded.

A recent report by the American Psychological Association said that teenagers are 2½ times more likely to be victims of violent crimes than people over 20 years of age.

Crimes such as murder and manslaughter, forcible rape, robbery, and aggravated assault have increased 23 percent since 1988, to an all-time high of 1.9 million incidents in 1992.

The grim, coldblooded shooting in Pasadena is one more reminder of the peril which young people face merely walking down a street in their neighborhoods.

When will the senseless violence stop? When will families feel safe once again?

I am no stranger to the fight against crime.

Thirty years ago, I served on a parole board and over the course of 5 years set sentences for some 5,000 women convicted of felonies. I also visited virtually every prison in California.

Since then, I have continuously been involved in the fight against crime. I served successively on a county jail reform committee, a crime commission, the fire safety and police committee of the San Francisco Board of Supervisors and as mayor of San Francisco. In each of these venues, I saw firsthand the devastating impact of crime that increasingly has become more brutal and senseless.

In the 1960's, serial killers or machinegun shootings were rare and rated huge headlines. Today, they have become so commonplace that they often receive little coverage. Gang warfare, drug dealing, and wholesale murder are conducted as if they were a sport as casual as a pickup game of basketball.

Violence is perpetrated seemingly without thought or remorse not only for those who are intended targets but for those who inadvertently find themselves trapped in the gunfire.

I have heard local horror stories: Children caught in a crossfire as they were cradled in their parents' arms; a grandmother slain in a drive-by shooting as she watched television in her living room; a mother of five killed in a gang shootout as she watered her lawn; and untold numbers of young people killed in gymnasiums, playgrounds, and hallways throughout America.

Fear has escalated in this Nation like I never thought possible. It is a sad commentary that even youngsters in their teens have become fatalistic about violence. I have heard of 11-year-olds who plan how they want to be dressed for their funerals.

All of us in the U.S. Senate are aware of the violence in this Nation—snipers turning guns on children in El Cajon and on police officers in Los Angeles.

It is time for this Congress to pass a powerful crime bill—one that will remove guns from the streets, put more cops on patrol in our neighborhoods, and, once and for all, banish the demon of fear from the homes of America.

If there is one freedom that this Nation should enshrine as inalienable as any other is the freedom from fear.

Headlines tell this modern day story:

"One Day on a Beat: 3 Bodies, 3 Killers, But No Suspects."

"Carjackers Take Victim on Terrifying Joy Ride."

"3 Boys Returning from Halloween Party Slain."

"Arsenals Amassed in LA County."

"Police Feel Like Targets in Hair-trigger LA."

"Hate Groups Seen Growing as Neo-Nazis Draw Young."

"Bang Bang: The Deadliest Game."

"Grim News on School Violence."

Let me describe in detail a few other stories from the streets of America:

In Petaluma, CA, on October 1, 12-year-old Polly Klaas held a slumber party. While her mother and 6-year-old sister slept in the next bedroom, a knife-wielding stranger appeared in Polly's bedroom. He grabbed Polly and told Polly's two stunned friends to count to 1,000, promising Polly would return. A month later, Polly is still missing—and this quiet community 45 miles north of San Francisco has been changed forever.

In Florida, 10 international tourists have been killed: A Canadian tourist gunned down as he went to buy milk; a British tourist shot dead in a parking lot; a visitor from Germany shot dead as he and his wife read a safety brochure on the side of a Miami highway. Four teenagers, one as young as 13, have been arrested for shooting and killing one tourist at a rest stop.

In Sacramento, CA, there have been 80 homicides this year, nearly double the rate in 1992. In September alone, 15 people were killed. Murders this year include a 19-year-old man dragged from his car at a busy intersection and shot in the neck; a man killed at an apartment complex, apparently because he parked in someone else's space; an 82-year-old man beaten to death on his front lawn by an assailant asking for a glass of water; a Little League coach killed by a stray bullet fired by a gang member 820 feet away; and a 16-year-old shot to death on a high school football field by a young man who accused the victim of stealing his bicycle. These crimes, coupled with a series of firebombings aimed at the Asian-American community, have led to an almost unparalleled level of fear in this tree-lined capital city of California.

In New York City, a 42-year-old drama teacher was shot four times in the back as he rode his mountain bike along a secluded path. Somehow, he managed to pedal 400 yards before he collapsed and died. His widow sadly remarked: "I feel like we don't realize how bad it is until it's someone we love."

We all must remember just how bad it is on the streets of America:

Every 22 minutes, someone in America is murdered. Every 5 minutes, someone is raped. Every 28 seconds, an aggravated assault is committed. Every 22 seconds, a violent crime is committed—reaching a total of 1.9 million last year.

In Washington, DC, alone there have been 1,284 slayings in the last 3 years—and only one-fourth resulted in convictions.

Ninety-four percent of all Americans polled last April said crime had gotten worse in comparison to when they were growing up.

Our streets are modern-day battlefields in the midst of a never-ending war.

This Congress has an opportunity to take a major step to reduce crime, to say simply and strongly: Enough is enough.

I want to thank the chairman of the Senate Judiciary Committee for presenting us with a balanced starting point for discussion.

I plan to focus my remarks today on three aspects of the crime bill:

More police officers;

Increased penalties for the most violent crimes; and

Improved safety for our children.

This crime bill increases the number of police officers, who will be able to respond more quickly to crimes.

As mayor of San Francisco, I saw the direct correlation between increasing police officers and reducing the time it takes to get them to the scene of the crime. The impact on crime is emphatic.

We added 300 cops over the course of 7 years. We achieved a 2-minute response time to priority calls. And crime decreased 27 percent.

This crime bill will:

First, put up to 60,000 more cops on the street through a 5-year community policing "cop on the beat" initiative.

Throughout the 1950's, there were 3.2 police officers for every violent felony reported. By 1990, there were 3.3 violent felonies for every serving officer—just one-tenth the effective force of 35 years ago.

The ratio in major cities is even worse: Boston 6.9 violent felonies per officer; New York 6.5; Newark, 10.0; Jacksonville 9.7; Memphis 6.6; Atlanta 10.3; Dallas 8.9; Los Angeles 10.0; and Oakland 9.3.

In inner cities throughout America, the number of felonies per officer is still higher. In East St. Louis, there were 26.7 violent offenses per officer. In Compton, there were 27.8 violent felonies for each of their 126 police officers.

Police officers today are outgunned and overwhelmed—and this bill will increase the number of officers serving our communities.

Second, this bill also will attract more qualified candidates to serve as police officers.

Modeled after the Army ROTC Program, the first-ever police corps will be established to offer scholarships to students willing to work for 4 years at a State or local police force once they graduate—$100 million a year in 1995 and 1996 is allocated for the program. Candidates will be eligible for a $30,000 scholarship over the course of 4 years—that's a considerable incentive for more men and women to consider a career in law enforcement. And priority assignment for officers will be given to those regions most in need of additional police officers.

Next, let me talk for a moment about the most violent crimes committed, and, specifically, the death penalty.

DEATH PENALTY

I do not take any pleasure in supporting the death penalty, and, in fact, in the early part of my life I was opposed to the punishment. In the 1970's, I changed my view.

When I served on a parole board in the 1960's, I was opposed to the death penalty. Back then, there was not nearly the level of violence, serial killers, or entire lack of regard for human life.

During this time, I was setting the sentence for a woman convicted of second degree robbery. She carried an unloaded weapon. I asked her why and she replied: "I didn't want to walk in, panic and kill somebody." Right then and there, that was graphic testimony that the death penalty was in fact a deterrent.

In the 1970's, when I served on the San Francisco Board of Supervisors, I walked into a "Mom and Pop" grocery store where the proprietor, his wife, and even their dog had been shot in cold blood. There was blood and brain matter all over the floor and walls. It was a terrible scene of carnage.

I thought back to the woman who said she did not load the gun because she feared getting the death penalty. And I knew the death penalty served as a deterrent.

As part of the crime bill, I believe the Federal death penalty should be imposed for 47 additional crimes, including: Murder of a law enforcement officer; drive-by shootings; kidnaping resulting in death; hostage-taking resulting in death; murder for hire; carjacking resulting in death; torture resulting in death; and terrorist killings.

VIOLENT CRIMES

And I do not think we should stop there. With crimes becoming more brutal, I believe penalties should be increased when:

A semiautomatic firearm issued during violent crimes or drug trafficking;

Serious drug offenders or violent felons possess guns;

Anyone over 18 years of age uses anyone under 18 to deal or smuggle drugs—in fact, in this case, the penalty is tripled; or

Street gangs are involved in drug trafficking—up to 10 additional years in prison.

YOUNG OFFENDERS

Now let me talk about the young people of America and how we can try to prevent those without hope and without positive role models from living a life of crime.

The crime bill will provide $2 billion to establish boot camps for youthful, nonviolent offenders with substance abuse problems and to construct regional prisons for violent drug offenders. At most, one-third of the grants would support regional prison construction.

A Los Angeles program currently operates 19 substance abuse and treatment boot camps where an estimated 600 youthful offenders are treated each year. One-half of those who attend the boot camps do not commit other offenses. Nearly 80 percent remain arrest-free after their release.

SAFETY IN SCHOOLS

So, while this crime bill provides a chance to turn about young offenders, it also increases the safety for children at public schools.

Today, only 30 percent of America's students surveyed in another poll feel safe going to and from school.

Metal detectors have been installed in school districts ranging from Los Angeles to Indianapolis. A total of 317 detectors are in Los Angeles schools.

This crime bill provides $100 million to: Hire police patrol officers at schools; pay teachers to provide after school antidrug and anticrime counseling; support security measures such as metal detectors and video surveillance devices; and increase education and training programs to prevent crime and drug abuse.

Each program will help those fighting the daily battle against crime. Yet, no one can say these components will solve our crime problems because we all know that we are a long way from reaching that point.

I, for one, believe several components are missing from the crime bill.

In America: 14 American children are killed each day by guns, 13,000 people in 1992 were killed by handguns; and 60,000 people have been murdered at gunpoint in the last 5 years.

Firearms, in fact, kill more people between the ages of 15 and 24 than do all natural causes combined.

In Britain, Sweden, Switzerland, Canada, Japan, and Australia, private citizens generally must have a license to own a firearm and must submit to a background check that strictly guards against excessive firearms on the streets. In 1990, handguns killed 291 people in all of these countries, a minuscule number when compared to the more than 10,000 killed in the United States.

I want to offer several amendments to the crime bill.

ASSAULT WEAPONS

First, it is time to ban the scale, possession and manufacturer of semiautomatic weapons that can fire 30 to 50 rounds of ammunition within seconds, without warning.

California, New Jersey, Connecticut, and Hawaii all have various forms of bans on semiautomatic assault weapons. Yet, without a Federal ban on these weapons of war, anyone can simply cross State lines to purchase these weapons of mass destruction. And in many cases—such as the rampage in a San Francisco law firm where eight people died and six were wounded—copycat versions of semiautomatic assault weapons can be purchased, legally, anywhere in America. I say it is time to ban these modern-day machine guns.

HATE CRIMES

Second, it is time to increase penalties against crimes based upon hate and prejudice

Molotov cocktails have been thrown in Sacramento in five hate crimes—including one case where the home of an Asian-American counsel member was firebombed. Last New Year's Day in Tampa, FL, two white men set an African-American man on fire with the intent to kill. I say it is time to increase the penalties for those who commit hate crimes.

I sincerely hope the Members of this body have the will to adopt and implement the crime bill.

It will take the collective wisdom to dispel myths that all too often cloud the ongoing debate about crime.

The wisdom to turn aside the utltapowerful gun lobby and the fallacy of their saying, "Guns don't kill people, people do."

The wisdom to not let anyone think a gun at home increases safety when recent studies have shown that people in homes with guns were 2.7 times more likely to experience a homicide than those in homes without guns.

The widsom to not water down this crime bill to the point it has no meaning for the people of America.

Passage of a Federal crime bill is a major start to increasing the level of safety in our communities and increasing the confidence of our citizens. And in the days ahead, I will pursue amendments that I hope will assist in our mutual efforts to see a strong, forceful crime bill pass and become law.

As we stand here today, none of us can lose sight of what is happening on the streets and the brutal, horrifying violence that occurs on a daily basis. This Congress must take a strong stand to put differences aside and to act on behalf of every American—the men and women, the mothers and the fathers, and, most importantly, the children of America.

It is time to pass a Federal crime bill and establish freedom from fear for all Americans.

I yield the floor and I thank the Chair.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

THE CRIME BILL

Mr. LIEBERMAN. Madam President, I rise to speak on the crime bill.

I must say that I rise with an underlying sense of confidence that we are going to take up the crime bill soon, because I cannot believe that any Member of the Chamber will stop the Senate from dealing with a problem that so threatens the freedom and security of the American people, that so undercuts our constitutional responsibility to protect and promote domestic tranquility.

Madam President, I want to respond, in that spirit, to some of the statements made by the Senator from Texas, [Mr. GRAMM], who talked about some of the varying proposals that will be brought forward here. And I want to extend to him this thought and this hope and this promise, which is that if there ever was an issue that should be nonpartisan or bipartisan, it is this issue of crime.

There may be differences of opinion on different aspects of this bill or amendments submitted to it, but I would hate to think that those differences are going to be based on party, and I am confident they will not.

Mr. HATCH. Will the Senator yield for just a comment?

Mr. LIEBERMAN. I am glad to yield.

Mr. HATCH. Madam President, I say to my good friend, who I think is one of the forces of reason in this body—if he would just yield for a second—that we are not trying to hold up this bill. We are trying to work it out and see if we can get a bipartisan consensus bill that everybody feels good about.

As you know, there are people all over Capitol Hill, some in this body, who would like to make this a big political thing. I would like to avoid that this year if we can. I would like to see if we can get together. And I might add, on both sides of the floor there are people who would just as soon have it out politically. I guess whatever we do is political, in the sense that there are a lot of different ideas on how best to do these things. But I think there is a large group of people who would like, both Democrats and Republicans, to get together and come up with an anticrime package that is bipartisan in nature, that would really work, and that would carry through both bodies and would be supported by the President and Attorney General Reno, and could be supported by the vast majority of all of us.

What we are doing with this time lag here is not delaying this, not trying to indicate anything other than we are trying to get together and see what can be done.

By the way, I want to personally express my gratitude to my colleagues on the other side who are working with me and with us, both Senator BIDEN and me, and my colleagues on this side who really want to see this happen. Just like the distinguished Senator from Connecticut. In fact, I hope the distinguished Senator would be one, and I think he will be if I do not miss my bet, knowing him as well as I do—he will be one of the people who will bring about this accord.

It is not easy to do because for the last 8 years all we have done is battle over what kind of crime provisions we should have. I have to tell my colleague there are some wide differences as to how best to approach anticrime legislation. It is very difficult to get a consensus bill that really is going to make a difference.

Then even if we do get a consensus bill it is going to be well over $10 billion over 5 years. So how do we pay for it? Are we just going to go through this big charade on the floor on an authorizing bill that has no money behind it, that says we are going to spend all this money, and then we do not have the means to pay for it? Some want an emergency provision to pay for it. We do not think that is the way to pay for a crime bill. Others want to increase taxes. We do not think that is the way. We have to cut somewhere and find moneys in order to pay for this bill.

Unfortunately, that is one of the challenges that I, as the manager on the Republican side, have to face. I hope my good friends on the other side will face that with us. Because, with all the screaming and yelling about crime—we could pass the most wonderful bill in the world but if we do not find the moneys and appropriate the moneys to back it up we are not going to get it done.

I want to just make it clear nobody here is trying to delay this, nor do I want anybody to delay this. I want to make that clear. But we do need some time to see if we can work out the basics on this thing rather than getting into another big brouhaha and just let the chips fall where they may.

There is a lot in both bills, both the Biden-Mitchell bill and the Dole-Hatch bill, that we can agree on or that we can assimilate and put together. We are doing our best to try to do that, and I want to compliment the distinguished chairman of the committee, Senator BIDEN, for being willing to sit down and try to do that. I want to compliment my colleague, Senator DOLE, for trying to play a major role to bring this about.

That is where we are. We have to take this time. I hope people come up here and talk about what they feel should be done and we will try to listen and glean from that what needs to be done, but I thank my colleague for being one of those who, I think, is a voice of reason in this area with whom I hope we can work so we can get this done.

I thank my colleague for letting me interrupt him.

Mr. LIEBERMAN. I thank my friend from Utah both for his kind words and words of encouragement. Certainly; it vindicates my faith that we will move to the crime bill; if there is a delay in doing so it is temporary. I appreciate the fact he and others are working to develop a consensus that will be agreed upon by both parties.

If there ever was an issue, I repeat, that should be nonpartisan, this is it. Crime is not a Democratic problem. It is not a Republican problem. It is an American problem. It is the fundamental American problem today because it undercuts everything else we try to do in this society. And there ought to be an American solution, a response to it that is nonpartisan. So I wish him well in this work. I look forward to working with the Senator from Utah.

I would say this. If for some reason as time goes on reaching this consensus seems difficult or impossible or taking too long, let us bring the bill out here and let us put forward some amendments. Let us have debate. I think the consensus will emerge from that. I repeat, the differences of opinion that emerge will not be based on partisanship. They will be based on genuine difference of opinion and we will proceed from there.

Madam President, let me say during the last several months I have spent a lot of time visiting with police, prosecutors, citizens groups, State and local leaders, prison officials, judges, community organizations, and school officials in Connecticut to talk about this problem of crime and violence. I have talked with people who, like residents of just about every city and town across this country, are simply afraid to come out of their homes and go about the business of their daily lives. The cruel and often random violence of thugs and gangs now dictate the patterns of how too many Americans live, living in ways we could not have imagined a short time ago in our society.

Violence and fear of violence are forcing every one of us, and members of our families, to compromise our basic freedoms on a daily basis. The worst thing is some of us are beginning to be numb to the change. We accept what is as what always will be. We cannot in a free society do that.

Government has a first duty, before all others. That is to secure the safety of our citizens. We, quite frankly, as a government, Federal, State and local, are failing in that duty to safeguard the safety of our citizens.

Listen to the statistics, the FBI's latest statistics. One violent crime occurs every 22 seconds in America—a violent crime. One murder every 22 minutes in America; one rape every 5 minutes in America; one aggravated assault every 28 seconds; one motor vehicle theft every 20 seconds; and one robbery every 47 seconds.

Those are outrageous, unacceptable numbers. Beneath those numbers are tragic human stories. Everyone of us can tell those stories.

In Stamford, CT, last June a young girl, I believe she was 7, attending a birthday party in a housing project, was suddenly caught in a crossfire between two young men shooting at each other. She was hit and killed.

A man attending a meeting at the office of the Archdiocese of Hartford, stopped, in his car, getting out of his car in a parking lot there—a wonderful citizen, a public servant, much beloved, in the robbery shot and dies sometime later. On and on these stories go, threatening the basic fabric of our society and the attitude of each one of us.

Our State and local police are simply overwhelmed. They are battling heavily armed, brutal gangs who barely blink before murdering and maiming their enemies, and who seem to care less if they spray bullets into a crowd of innocent people. The ages of these gang members and the raw cruelty of their crimes is chilling and it is unprecedented.

There is no single answer, no magic solution to the problem of crime. We need prevention. We need to deal with broken families and lost values. We need to provide better early childhood education.

Somebody said, and I think it is so correct, in another context and it fits here: One of the best anticrime programs would be hope. People who have hope for a decent future, for a decent life ahead, would never commit the outrageous acts of violence and criminality that are being committed by too many people in our society today.

It is time to recognize that the Federal Government must play a more active role in crime fighting. Though State and local governments have for historical reasons been principally responsible for crime control, the Federal Government has, over the decades, been involved itself. Although shockingly, today, we actually are less involved in the fight against crime at the Federal level than we were some years ago.

Today, the situation is out of control. More and more crime involves drugs and weapons that are transported over State lines, and gangs are increasingly national in scope.

So I commend my colleague, Senator BIDEN, chairman of the Judiciary Committee, and the ranking Republican, Senator HATCH, for crafting a program, a bill that will involve the Federal Government in the fight against violent crime in a way that will be responsible and effective. Chairman BIDEN is a most articulate spokesperson about the terrible costs of crime in our society, its effect on so many innocent lives, particularly our children, and how Government must play a role in restoring order and fulfilling our obligation to protect the security of our people.

Madam President, this bill that Chairman BIDEN will bring forward does many things. One that I think is so important is that it puts more police on the streets, not just to arrest criminals, but to create a presence in the name of society that will prevent crimes before they occur, to give law-abiding citizens the confidence to come out of their homes onto the streets of their communities to walk with some confidence.

This is a fine bill that the chairman of the Judiciary Committee is bringing forward. There are some additions that I and others hope to make to this bill by way of amendments in the coming days. One of those amendments would provide grants to States for the purpose of creating more prison space for violent repeat offenders. Those are the criminals most responsible for the reign of terror on American streets, and it is on those criminals that the weight of our legislative muscle must be applied.

Too many are released too soon from prisons, mainly because of problems of overcrowding. Too many are never sent to prison, although convicted, because there is not room in the jails and their crime sprees continue. Over and over again I have spoken to police on the streets of Connecticut who have said to me they cannot remember arresting an individual—man or woman—for a serious crime in their community who had not been previously through the court system over and over again.

It is time to close, to stand in the revolving door, and make sure that those who are arrested for crime are taken out of society and put away in prisons. To do that reasonably, the Federal Government has to give more resources to the States to build those prisons. That is what I hope to do by way of amendment that I will offer with my colleagues.

I agree it is time to pay the bill, provide the money. And, I hope, together with my Republican colleagues, we can find ways to do that, hopefully by virtue of spending cuts, including, for instance, cuts in programs like the super collider that have been accomplished.

Finally, Madam President, I will say this. With the cold war over, the fact is—and it is a terrible fact—that there is no foreign enemy that poses as much of a risk to the freedom and security of the American people as violent criminals on the streets of our towns and cities. We must meet that enemy with overwhelming force and restore civility and justice in the streets in neighborhoods where America lives. I believe together—Republicans and Democrats—we can and will do that on the crime bill before this Senate.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington. Does the Senator seek to extend morning business?

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Madam President, I ask unanimous consent for an additional 20 minutes of morning business, on the proposition that the Senator from North Dakota also wishes to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE

Mr. GORTON. Madam President, 2 weeks hence, as Seattle hosts the Asia Pacific Economic Cooperation Organization meetings, Congress is scheduled to vote on the North American Free-Trade Agreement. The time is unfortunate for many members of the administration, including the President, who will need to attend meetings in Seattle and lobby for votes in Washington, DC, at the same time.

The two events, however, are connected by more than just a coincidence of dates. One might say that APEC is where our country would like most to be but that NAFTA is a crucial step in getting there. No one questions that Asia is the arena in which our country will find a majority of its best trading opportunities during the next 20 or 30 years. It is there that we would like most to surmount and remove international trade barriers.

First, though, we will have to embrace a controversial trade agreement that would create a significant, but relatively modest, number of jobs. That agreement, because the debate over its impact has gripped our Nation, has become this decade's referendum on free trade. We will need to pass it before we can succeed as well as we would like to succeed in Asia.

The link between the two will be illustrated early during the APEC ministerial meetings in Seattle. The House vote on NAFTA is scheduled for Wednesday, the 17th of November, the first day of the conference. If the House approves, the Senate is likely to take it up the next day and will almost certainly pass it as well. In that case, the President will benefit immediately. He will be able to speak on behalf of our Government at APEC from strength. His country will have renewed its commitment to free trade, and he will be on the verge of signing into law an agreement about which several Asian nations have severe reservations.

APEC can and should be a springboard toward progressive, new trade agreements with Asia, perhaps accelerated by apprehensions about NAFTA. Asian nations are concerned that NAFTA will make American firms more competitive, that it will ease American dependency on Asian imports, and that the United States will use NAFTA as a source for some goods now imported from Asia.

These concerns about U.S. competitiveness and dependency on Asian imports are legitimate. Concerns about discriminatory tariffs, on the other hand, are not. Our tariffs against Asian nations will remain unchanged and firms from those countries that want to locate in Mexico will enjoy the same access to our market as Mexicans will. But the validity of Asian perceptions is not the issue. One of our ultimate goals through APEC, not this year but eventually, is to lower both Asian tariffs and nontariff barriers. During this month's meetings, the administration will push for a framework to facilitate the attainment of these goals. The Eminent Persons Group, a collection of economists picked by APEC countries to draft goals for that organization, will also make a splash by proposing an Asia Pacific free trade agreement.

If we are to be successful, however, in simply lowering Asian Pacific trade barriers, the Asians will need to concede more than the United States will. Nearly all of these Asian nations have trade surpluses with us, except for Hong Kong and Singapore. They also have higher trade barriers. We occasionally attempt to lower those surpluses by imposing retaliatory tariffs, but that confrontational game has not yet been used to reform our entire trade relationship with our most important trading partners.

This opportunity provides a better way to force the Asians to negotiate down barriers by freeing our trade elsewhere. So far, NAFTA seems to have provided a healthy incentive for such concessions. It is certainly one reason that the Asian nations are so interested in seeing the United States reaffirm its commitment to the Pacific rim.

Frankly, however, the United States has more to lose than to gain as a result of the NAFTA vote. Our credentials as free traders are at stake. If we lose this debate, perhaps our most controversial on trade since the Smoot-Hawley tariff, we will tell the world that we have turned protectionist. The GATT Uruguay round, the most important multilateral trade agreement in the world, will be an early casualty. There is almost no way that the President can convince his European counterparts that we will accept free trade with them after rejecting it with Mexico. The French clearly will use it as an excuse to reject agricultural trade concessions vital to an improved GATT.

A rejected NAFTA will also stop or slow Mexico's market reforms and perhaps its political democratization. It will tell other Latin American countries that market-oriented policies will not bring them free trade with the United States, one of their major reasons for pursuing reforms in the first place. It will offer the protectionist sectors in Asia a reprieve, while embarrassing the President at APEC.

All of these features are extremely important to Washington State. More than any other State, we rely on free trade and a Government that will resist cries for protectionism. Unfortunately, our reliance on free trade has not necessarily translated into support for NAFTA. Perhaps there is a perception that this is not our agreement, that it is an agreement for States to the south of us. NAFTA, however, is an agreement that will benefit Washington State in its own right. Our State's trade with Mexico has grown 577 percent since 1987, the fourth largest growth among all States. This is glorious testimony to the fact that when a restrictive market practice loses its protection, Washington State is among the first to capitalize. Our small businesses together with Boeing, Microsoft, PACCAR, our pear growers, apple growers, and others, all will gain when Mexican barriers are eliminated.

Furthermore, because we have sharpened our teeth on years of foreign competition, almost no one in Washington State will lose under NAFTA.

But NAFTA is still more important for what it means to our trade with these other nations. It is a crucial step to a more prosperous future, a future dependent on more and freer trade with East Asia. We in Washington State will have a good seat later this month to see how this process works.

Let us hope that view does not include a rejected NAFTA.

The PRESIDING OFFICER. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Madam President, how much time is remaining under the unanimous-consent agreement?

The PRESIDING OFFICER. There are 13 minutes remaining in morning business.

Mr. DORGAN. Madam President, I ask unanimous consent to consume the 13 minutes remaining in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEALING WITH VIOLENT CRIMINALS

Mr. DORGAN. I rise to discuss briefly the topic that was raised today by the chairman of the Senate Judiciary Committee, Senator BIDEN. I wish to compliment Senator BIDEN and Senator HATCH and others, who I know have worked hard on the crime legislation, to bring a crime bill to the floor of the Senate.

I have served now in the Congress for nearly 13 years, and we have had many crime bills, some of which were crime bills in name only, some of which had some substance, but I think most people on both sides of the political aisle and perhaps in both Chambers, the House and the Senate, now understand this is no longer an exercise to simply talk about addressing crime. This must be a response to what is becoming a crisis in this country, an epidemic of violent crime.

We had a lot of controversy for a couple of decades about the war in Vietnam. In over a decade in that war, over 50,000 Americans were killed. We now see 23,000 Americans murdered every year in this country.

I come from a rural State and a very small part of a rural State. I grew up in a town of around 300 people where people did not lock their doors, ever. Many homes had doors without locks. People would go on vacation for 2 weeks and not lock their doors. It is still that way in my hometown.

Fifty miles from my hometown, which is where we traditionally traveled for services, dental service, and so on, is a town of about 10,000 to 11,000 people. My aunt and uncle live there, and just last summer, when I was in town—I had called them saying I was coming—they said, "We will not be there, but feel free to stop by and go in the house." I said, "How do I get in?" They said, "The door isn't locked." They always keep a door open. They were out of town on vacation as well. Some of that still exists in some of our States and some of our communities—not much.

I grew up, as I said, in a town of 300 people. When I came to Congress, I lived about two blocks from this building. Two blocks from this building, if you walk around, up and down the streets, you will find that virtually every place has bars on its windows. Every apartment, every house, at least on the first floor, they have bars on virtually every window. I lived there for a few years and then began to wonder who was the prisoner. I eventually moved away from Capitol Hill and now drive to work about 10, 12 miles into the Capital, but it has not changed for those who remain here—bars still exist on all the windows. The fact is there is a great deal of crime, not just here but in all the cities in this country.

But it is especially sad that in our Capital City, in this country's Capital, we do not have what are truly called safe streets.

I have been working on some amendments to the crime bill for some while and am anxious to offer them when we get the bill to the Chamber, and I would like to describe a couple of those amendments.

But I would like also to describe why I am concerned about this. As I said, I come from a State where we have a crime rate that is relatively low compared to the crime rate you see around the rest of the country. But we are not immune from violent crime.

A couple of weeks ago, I told my colleagues about having picked up the Washington Post and reading a story about a Saturday shooting here in Washington, DC. I remember how it tugged at my heart and probably all of the rest of you who saw it. It was a young 4-year-old girl who was on a playground on a sunny Saturday afternoon with her mother. Her name was Launice Smith. Launice Smith in that tranquil, peaceful setting on a beautiful Saturday was shot in the head and subsequently died.

The next day, on a Sunday, the same weekend, a lovely, wonderful young woman from North Dakota, 59-year-old Donna Martz, who used to bring tour groups to the Capitol—she worked part time as a tour guide, and she had just finished a tour and was staying overnight in Bismarck, ND, and then was going to go home to Rocklake, which is a 3-hour drive from Bismarck. That Sunday morning in the parking lot at the motel in Bismarck, ND, in a rather peaceful setting, Donna Martz was abducted—apparently abducted, put in the trunk of a car, and subsequently, several days later, murdered in the desert in Arizona.

The fact is no one in this country is really immune from the violent acts of crime that are occurring.

Another inescapable fact is that we know who commits these violent crimes. We know the criminals. Did we know the person who allegedly shot Launice Smith, this innocent 4-year-old child? Of course we did. That person had been in the criminal justice system before. We knew who that person was. Did we know the people who allegedly abducted Donna Martz in Bismarck, ND? Sure, we did. They had been in the criminal justice system before.

Look at all the other crimes you have read about this summer. Read one and answer this question. Did the alleged perpetrator, if they discovered the person who allegedly committed this crime, have a record? Was that person in jail before? I guarantee you the answer will be yes.

These are not strangers committing these crimes. These are people we have known. They have been in jail and out of jail, right through the greased, revolving doors of our criminal justice system. I guarantee you.

Six percent of the criminals in this country are committing two-thirds of all the violent crimes and every one of them have a rap sheet as long as my arm. Our criminal justice system fails innocent people because it allows people to go in and then back out.

Why does that happen? Why are we unable to keep people who commit violent crimes in jail? Because the system is faulty, and that is what we need to fix with this crime bill.

Now, I will be the first to admit that our job is to search for reasons this exists. What are the core reasons out there? What is happening in this country that has changed America? What has happened that has made this a violent place? What has happened that this is the murder capital of the world?

We need to find those reasons and respond to them and deal with them. I imagine that those reasons can fill not one book but many books dealing with broken dreams and tragedy and child abuse and poverty and, yes, television violence, and certainly drugs.

I am willing and interested and anxious to deal with all those root causes, but I guarantee you this, more important than that for this moment, for people like innocent 4-year-olds on our playgrounds and grandmothers in towns in rural States, we need to protect innocent people from those who commit violent acts of crime.

How do we do that? First of all, if we know who is committing most of the violent crimes, we need to find the method by which we can put them in jail and keep them in jail once they are convicted. In almost any city in this country, in almost any jurisdiction, you find that rather than putting people in jail, they are letting people out.

We have prison release programs. Why? Because we cannot afford to keep people in jail. We do not have enough prison cells; it is too expensive. Because there are not enough cells, people who commit violent crimes are back on the street, able to commit more violent crimes. The first thing we need to do is decide that it is too expensive for the people of this country to have violent criminals on the street. It ends in tragedy for innocent victims. The first thing we need to do is find a place to put those who commit violent crimes.

How do we do that? There is an easy way to do it. We have about 1 million people, give or take a few, in prison in this country—if you consider people in jail for less than 1 year, you get more than a million—but about a million in the Federal and State system, most in the State system. About 50 percent of those million are nonviolent. They are in jail or in prison for drugs or various offenses, but nonviolent.

We do not need a big, strong prison wall with a big, thick door to keep nonviolent people incarcerated. We can surely create prison work camps or prison areas in converted or abandoned Air Force bases or Army bases, or we can keep several thousand of them at much less cost. They are nonviolent, lower risk. We can put thousands of them in prison work camps or similar institutions created from the over 100 military installations we are closing, or similar facilities. And if we take 100,000 nonviolent people out of our prisons and put them in those facilities that cost one-fifth of what a prison cell costs us, that will open up 100,000 prison cells in which we can put violent criminals and keep violent criminals.

First, find the space to put violent criminals. I propose a relatively low-cost way to do that by taking the nonviolent criminals out of their cells and putting them in alternative incarceration facilities. Yes, incarcerate them; absolutely. Keep them incarcerated for their full sentence. But it does not have to be in a full maximum-security prison cell. Let us vacate those cells and put violent criminals in them, and keep them in them.

No. 2, a little bit of truth in sentencing. In my judgment, we do not need to give good-time benefits to violent criminals. Those who commit violent acts in our country do not deserve good time. They deserve to go to jail and to serve their entire sentences. Did you know that in the Federal system, there is the presumption of automatic good-time benefits? In other words, we provide good time, and the presumption is they automatically get it. That makes no sense at all.

We, in my judgment, should not have good-time benefits for those who commit violent acts. I am not going to be able to solve that entire problem in this bill because, of course, much of the criminal justice system, the bulk of it, is controlled by the States. But I am going to be able to deal with, at least in part, the good-time benefits that are now automatically given by the Federal system. I intend to offer an amendment on that.

Third, I want victims of violent crimes all across this country, especially in the Federal system, to be able to testify at sentencing hearings and parole hearings.

I saw on television the other evening a story about a fellow that committed an incredibly violent crime in this region of the country. That person was in court, and they were showing that person on television and talking about the sentence. Why, you would have thought that person was part of the church choir, dressed up with the most wonderful looking clothes; neat, nice. He looked like a terrific young person. I am sure at the sentencing hearing, they had the priest or the minister there; they had the neighbor, the barber, the mother, all with tears in their eyes, talking about what a wonderful young person this was, a person with a record as long as my arm.

I want the victim, or the victim's family, to be present at the same hearing, to talk not about what a wonderful young man the person is who committed the crime, but about what this crime meant to the victim, and what this crime did to their lives.

Every criminal jurisdiction in this country ought to have a requirement that victims or victims' families have the right to testify at sentencing hearings and at parole hearings.

We do not know necessarily what will work in the criminal justice system. We do not know necessarily what will work, but I guarantee you this: We darned sure know, all of us darned sure know what does not work. What does not work for anybody is to let violent criminals out of their cells and back to our streets.

I am told by prison authorities, you know, we need to be able to dangle in front of a prisoner the potential of a shorter sentence in order to better be able to manage them in prison. I say, that is just terrific. That gives you the opportunity to take a violent criminal and better manage them in prison, so they get out earlier. So who manages them on the street when they are about to commit the next murder or the next violent crime?

The fact is, we know what does not work. What does not work is what we are now doing. We have a spinning, revolving door in our criminal justice system. We know who the killers are. We know who commits violent crimes, and we do not deal with them appropriately.

I am hesitant to talk about specific crimes, but let me just for a moment. All summer, we read about one particularly notable crime, the tragic death of Michael Jordan's father, a basketball star's father, who was killed as he was sleeping at the roadside. Those who allegedly perpetrated that crime, are they strangers? No, of course not. Both are known to the criminal justice system; both of them. Again, I defy you to find a crime of high visibility anywhere in this country, and look at the perpetrator and ask yourself, was this a surprise? No. You could have predicted it. We failed the victim because our system did not take that violent criminal, put that criminal in jail, and keep that criminal in jail.

To all of those out there who listened to me and said: I understand that is get-tough talk, but what about the reasons these crimes exist? What is causing it all? I understand all of that. I want to deal with that. All of us want to deal with that. We want a different country, a better country, one that has better values, restoration of values, less crime, less violence. We are not going to get there tomorrow, and while we are waiting and while we are searching, we need to protect innocent Americans against the increasingly tragic and violent acts of a criminal class that is getting out of our jail cells and back to our streets.

That is our job. When we debate this crime bill, I hope that in the process of amending it and considering the provisions the committee has brought us, we will do something for this country that is real.

Let me again compliment Senator BIDEN and Senator HATCH and the others on the committee who have worked hard on this legislation. This is no easy task. The American people expect a lot of us. I should say to them that we are dealing with the Federal system. The bulk of the prisoners, the bulk of the crime, the bulk of the jurisdiction is not ours; it is State and local. But we must take the lead. The American people look to us to lead in a constructive way to respond to this epidemic of violent crime in our country.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. SASSER. Madam President, I ask unanimous consent to continue for 30 additional minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Madam President, a few weeks ago and just a short drive from here, a 4-year-old girl, as my friend from North Dakota has previously stated, was murdered in cold blood at a playground while she watched a football game with her mother.

If I did not know the dateline of the story—Washington, DC—I might have thought it was Sarajevo, where death stalks the streets every moment, where the innocent fall prey to mindless acts of violence and savagery. But, no; this little girl lived right here in the Capital of the United States; an innocent child who became the latest victim of the brutal streets in this city, a little child who became another statistic of the wanton, sickening violence which has stuck its roots deep into our society and which threatens to rip us apart.

Over the last 30 years, violent crime has increased 10 times, a tenfold increase in violent crime over that last 30 years.

For many of the citizens of this country, violent crime has turned their streets into war zones, full of armed gangs of thugs who have no conscience, who have no compassion, who care nothing for their neighbors.

Chaos has replaced order in our cities and in the schools of this country. And a tide of violence and murder is overwhelming the understaffed police forces of this Nation. Like casualties of war, the lists of the dead grow longer with each passing day. This country would not tolerate a foreign war where 10,000 to 20,000 of our soldiers were killed every year, but that is the toll on the streets of this country, as we lose the war on crime.

Lawlessness thwarts our ability to govern. Crime saps our vitality. Terror and violence imperil the education of our children. Tourists from abroad are frightened for their lives in coming into the United States of America. You do not need a think tank to tell you that this society is failing at its most basic levels, and we are not doing enough to stop it.

For those of my colleagues who think crime is limited to the blighted inner cities of this Nation, or those who think that they can immunize themselves out in the suburbs against this violence, I say: Think again.

I want to share a story with my colleagues, something I have not discussed publicly before, something I am reluctant to discuss, because it involves my own family. But I believe it is important that I mention it as we debate this bill.

In late September, my two children witnessed the murder of a young woman at an automatic teller machine. They were the first on the scene to try to give her aid and comfort. It did not happen in a blighted inner city; it happened right across from the campus of Vanderbilt University, one of the great learning institutions of this country, in Nashville, TN. They came home and told their mother and myself the story, and I think every parent would know the fear and anger that I felt at that moment. I also realized that as much as we try, parents can no longer shield their children from violent, brutal, wanton, and random crime. The reason is obvious. The Boston Police Commissioner, Bill Bratton, said, "We are losing the streets." Do you know what? Police Commissioner Bratton is right. We have permitted violent crime and lawlessness to rise to a State of a national emergency—so much so that the Mayor of this Capital City asked the President to call out the National Guard to keep order and protect the citizens of the Nation's Capital. That is what we have come to.

Madam President, we have to bring this nightmare to an end. But hand wringing and righteous indignation and ringing speeches are simply not enough. We have to bring order out of this violent anarchy. We need a blueprint to put more police on the streets, to take back our neighborhoods from the hoodlums, from the thugs, from the murderers, to put the violent among us behind bars, and to try to deter our young people from taking the first wrong step to a life of crime.

We passed in the past two Congresses strong crime control bills, but these efforts unhappily withered in the face of filibusters and in the face of threatened vetoes. But it is a new year, and there is a new administration, and there is a renewed call from the American people for action on crime.

Indeed a recent Wall Street Journal poll revealed that crime has overtaken health care as the public's No. 1 concern. Get this: A USA Today poll found that 80 percent of our fellow citizens are willing to pay higher taxes if it will put more police on the streets of this country. I am not surprised. The American people are sick to death of violent crime. They are fed up with drugs, and they are fed up with violence. They have had it up to here with murders, robberies, rapes, and carjackings. They are tired of being prisoners in their own homes. They are tired of being afraid to walk their own streets. Like the character from the movie "Network", they are "mad as heck, and they are not going to take it anymore." They want their Government to do something about it.

Madam President, fortunately, we now have a plan before us that responds to the challenge laid down by the American people. I commend and congratulate the distinguished Senator from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, for bringing this legislation to the floor.

This crime bill, this anticrime legislation, will provide the resources and the framework to begin the battle against the criminal epidemic that threatens to overwhelm all of us and threatens the very fabric of our society and our culture. It is based on two very elementary, key principles, the two "P's:" police and punishment. The bill will provide more police to deter crime, and it ensures that punishment for criminal acts will be swift, certain, and effective.

We all know that most crime is local. It is the local police officer who is on the front line of the fight against crime. But the front line—what has come to be called the "thin blue line" that protects us—is often frayed because of cuts into city and State budgets. In the 1950's, there were 3.2 police officers for every violent felony. Today, it is just reversed. There are 3.2 felonies for every police officer. In other words, we devote to each violent crime in the 1990's one-tenth of the police power that we did 40 years ago.

Given what is happening in our society, that simply is unconscionable. It is our job now to repair that thin blue line with additional manpower.

I am talking about police who are well trained in municipal police work and who have a deep knowledge and understanding of the communities that they are assigned to protect.

On August 29, the Los Angeles Times stated in an editorial that the Los Angeles Police Department could easily use an additional 3,000 officers just to keep pace with criminals. Let me repeat that. The Los Angeles Police Department needs 3,000 more officers just to keep pace with the increase in crime. Unless they get 3,000 more police officers, they will lose ground with less.

Another 5,000 officers would allow the Los Angeles Police Department to adopt a powerful community policing program that would pack a serious wallop against crime. And that is what we need, a community policing program with the police walking the streets, knowing the neighborhood, knowing who lives in the neighborhood, knowing who the weak are, knowing who needs help, and knowing who the brutal might be lurking to wreak violence on others living in the neighborhood.

This legislation before us will provide important new resources to our law enforcement agencies in their battle against crime. It authorizes over 5 years $3.4 billion to put 50,000 more police officers on the beat. Some will say $3.4 billion is a lot of money, and it is. But really it is the cost of one nuclear aircraft carrier and the aircraft to go aboard it.

What do we need most? More police officers on the street, or another nuclear aircraft carrier when we are the only nation in the world that presently has nuclear aircraft carriers?

Other programs, especially the Police Corps proposal, which I have introduced with Senator SPECTER and 20 other cosponsors, will put tens of thousands of additional police officers where they are needed most, right in the middle of the fight against crime, like smoke jumpers parachuting into a fire, as we have seen out in California this past week.

Taken together, these programs will fulfill the commitment of the President to put 100,000 new police officers on the streets of this country.

I am encouraged that the legislation before us contains the Police Corps initiative. It shows that we are serious about crime, that we are ready to match our rhetoric with our action. I remind my colleagues that this innovative proposal has been approved by the Senate as part of previous crime bills. But let me just once again outline for my colleagues how the Police Corps bill would work.

It would establish a program similar to the Reserve Officers' Training Corps, the ROTC, and in return for scholarship assistance, a student would agree to serve 4 years in a State or local police force upon graduation from college. The Police Corps Program offers a way to enlist the best and brightest of our young people into the fight against crime. They will come from every race and every corner of this society to join this noble and vital effort to restore peace to our streets.

The recruits in the Police Corps will not only gain the benefits of a college degree but will receive two summers of extensive Federal law enforcement training. For an immediate impact, seniors and juniors in college would be recruited into the program, trained, and be on the streets within a year of the bill's passage.

There is another major benefit from the Police Corps that should be recognized. Far too few of our citizens understand the pressures and dangers that our police officers face. Too few of us know what it is to walk into a battleground every day where violence has become a way of life and a way of death for many police officers.

When some of the graduates of the Police Corps complete their 4-year service, they will move on to other careers, naturally. But they will know what it is like to serve as a police officer. They will share that knowledge with their family, with their friends, and with their community, and I firmly believe this would increase respect and support for the brave men and women who put their lives on the line for us every day. Many of these young Police Corps graduates will remain in police work as a career, and they will bring into the police forces of this country college-educated young people who will bring energy, and perhaps fresh approaches to some of the police work that is going on now.

It is a means I think of upgrading the quality of our police forces over a period of years while at the same time increasing the manpower that is available for the police forces of this country.

Now, the Police Corps enjoys broad bipartisan support and has been heralded by some of the leading newspapers in the country. The Los Angeles Times says of the Police Corps, and I quote: "It could make a big difference in Los Angeles and many other cities." Syndicated columnist Robert Novak trumpeted the Police Corps as the "good news from the President's crime bill." Newsweek, the magazine, proclaimed that the Police Corps idea "contained a multitude of social and spiritual virtues."

Now, increased manpower is only the first part of the equation. Deterrence of crime and the arrest of violent criminals begins the process of bringing order out of anarchy. This bill takes us the next logical step. It ensures swift, certain, and effective punishment for criminals.

The legislation provides grants to the States and localities to construct prisons for violent offenders. States can also apply for grants to run military-style boot camps which I think will be highly effective with first-time youthful offenders. These camps afford a regimented program of work and discipline for young, nonviolent offenders where they can learn the discipline necessary to make their way productively in our society and learn a respect for law and for their fellow citizens.

But make no mistake about it. For those youth who engage in violent crime, particularly in gang activity, the bill creates new stiff Federal penalties. Under this bill the punishment will fit the crime and will make no effort to spare the rod and spoil the child.

(Mr. WELLSTONE assumed the chair.)

Mr. SASSER. Mr. President, as I mentioned in my opening statement, crime has spread its insidious tentacles into every part of this country. It was once thought that you could escape crime, that you could simply shield your family from the ravages of drugs by fleeing the cities for the peace of countryside. But now you can run but you cannot hide from violent crime. Rural crime is on the rise. It is rising at a faster rate than in any other part of this country. Violent assaults rose 30 percent faster in rural America than in our 25 largest American cities. Let me repeat that statistic. Violent assaults rose 30 percent faster in rural America than in our 25 largest cities.

The number of rapes jumped by more than 9 percent in rural counties while decreasing 4 percent in urban America. And the number of arrests for drug offenses in rural areas skyrocketed by a staggering 23 percent in 1992.

So crime is not confined to the innercity. Now to meet this new threat to our rural communities this bill also contains an important rural drug initiative. It provides $50 million a year to States like my own State of Tennessee to fight drugs. It also includes another $1 million each year to train law enforcement officers from rural jurisdictions. This section further creates a rural drug task force to coordinate antidrug efforts in rural America.

Those of us who represent large rural areas, as I do, have been saying for some time that scant attention has been paid to the problems of rural drug enforcement. As drug enforcement has increased along the gulf coast in recent years, drug smugglers have moved inland.

For instance, my own State of Tennessee is easily within range of the aircraft commonly used by drug smugglers flying from South America. My State contains many small, rural airports and airstrips that are particularly vulnerable to use by drug smugglers. Law enforcement officials in Tennessee have identified several such airports which need additional surveillance.

State and local law enforcement agencies simply do not have the manpower to monitor these airports and airstrips on anything approaching a regular basis. The rural crime section of our bill will allow us to explore new ways to attack the special problems rural law enforcement agencies face.

Mr. President, let me conclude by saying that this crime bill is a tough bill. The crime bill is not only tough, it is innovative. It combines the best and most forward-looking ideas in law enforcement with the resources to make them work.

During the 2 weeks we consider this legislation, crime will be all too real and immediate for many Americans. It will come in the form of a gunshot from a passing car, a drive-by shooting, a mugging on the subway or the bus stop, a drug deal on the corner. Too often, the victims of the criminality are the children.

And we are all victims when we forfeit our safety and live in fear.

So let us debate this bill, but at the end of the day we simply must form a consensus and take action. Again, I commend the distinguished chairman of the Judiciary Committee, Senator BIDEN, for bringing this bill to the floor and the able Attorney General, Ms. Reno, for helping craft it. It is a bill deserving of all my colleagues' support. We have to be one nation in spirit because we are surely one nation in fate. An anxious but hopeful American people expect that we will act and bring them some measure of safety and security on their streets, in their schools, in their work places, and in their homes.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call.

The assistant legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

THE CRIME BILL

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

I am only going to take a moment.

I have had the occasion now to preside for the last 2 hours and listen to the debate, or the beginnings of the debate, on the crime bill which is soon to be brought to this floor for consideration.

In that regard, Mr. President, I think that sitting there in the chair, I had an opportunity to watch the faces of the people who are visiting the Senate today, visiting in the gallery. The concern was evident, frankly, on the faces of the people who came to share with us in this deliberation about this issue. It is indeed the number one issue of concern for, I think, every American.

Listening to the speeches about the crime debate, for a moment I thought, well, we heard speeches about getting tough on crime before. We have heard, and no doubt will hear in the ensuing days and weeks, a lot of holding forth on the issue of crime; what is wrong with it, what we can do to fix it, how we can get our domestic house back in order.

But I daresay, Mr. President, the comment I wanted make this afternoon was simply this: if there was ever a reason to be hopeful, If there was ever a reason to be optimistic about the direction that we are going to take on crime, it is the crime bill that is before us and the kind of support and the enthusiasm of the Members of this body around this legislation, as well as the issue to which it pertains.

I just listened to Senator SASSER, who spoke eloquently about the Police Corps component of the legislation. There are others who have talked about the other sections of the legislation, specifically going to the way we treat juveniles and the like. And, Mr. President, I will have more to say on the specific issue of juvenile crime and my own amendments to that point at a later time.

But, I daresay, I think that the real reason for optimism here, the real reason for a hope is that for probably one of the first times I see a glimmer of hope that indeed we are not just talking words about being tough on crime, but rather we are talking about getting smart about crime, as well. And that, Mr. President, is a long overdue development in the consideration of this very emotional and volatile issue that I think is very welcomed at this point in our history, and necessary.

We cannot continue to go down the path that we have been going—just building more prisons, just putting mandatory minimum sentences on the books. Just railing that we are going to be tough on those criminals has done little, if anything, to solve the problem.

In fact, I think one of the things that is so frustrating to so many of us is that the statistics, the numbers, the incidents of violent crime, particularly, has risen, indeed even skyrocketed, just at the time when everybody has been saying we are going to be tougher on crime, going to build more prisons. Indeed, prison construction has quadrupled in the last decade. We have put more money into building more jails and putting more people in them; and, at the same time, to see almost a direct correlation in the decline of our respective safety than anyone would sense, could look at, and say, well, something is wrong with this.

What is wrong with this picture? I submit, Mr. President, what is wrong with the picture is that we have been focusing on, if you will, closing the barn door after the horse is out.

We have been focusing in on building prisons to put those people after the harm has been done to the community, after our domestic security has been impaired, after we have already suffered from the ravages of that criminal activity and that lawlessness to which Senator SASSER refers.

This crime legislation says we are going to take some proactive steps on the front end of the process. We are going to try to close that door a little bit before the horse gets out of it. We are going to try to take some steps to give us the mechanisms, the tools, with which to combat crime before our people are victimized.

I think that is a major step forward. That is the really good news that comes out of this legislation. That is the opening of an opportunity, I believe, that we should not miss.

So I want to encourage my colleagues to bring the bill forward, to work out whatever remaining differences and difficulties there may be so we can take up the specific provisions.

One knows it is not a moment too soon—or a moment too late, really—for us to have the addition to the community police that this legislation contains. I come from, as the Presiding Officer no doubt knows—the men in my family were all in law enforcement. My brother, my father, my uncle were all police officers.

In the old days when my uncle first started on the force, we used to have what were called beat cops. The beat cops would walk the neighborhoods. They were people who were known in the community. Everybody knew them. The guy on the corner would offer a cup of coffee, and the beat cop was someone who was there, as much a part of the neighborhood—well, in the neighborhood where I grew up we always had the winos in the neighborhood as well. But the beat cop you know. He was there, and he was able to prevent crime as well as to stop crime and deal with the malcontents. He knew where the problems were. He knew Mrs. Jones' son was a bad actor and he was likely to be the one that stole something from down the street. He knew it was time for Johnny to be in class and not hanging out in the alley. He knew what was going on in that community.

I daresay we now can talk about "he or she," thank goodness, but the fact is that the old-fashioned idea of the beat cop really has been revived with what we call "community policing." The concept really is not all that different. It is not just that we would put an occupation force of new police out here in the communities, but, rather, we would have individuals working with the communities in the communities to help make those communities safe, to give the citizens and the residents of those communities the tools they need. Very often the people who are the most victimized by crime, who most want to see it resolved, who most want to see it out of their neighborhoods are the people who are themselves the most intimidated, the most frightened of being part of a system of resolution of the issue.

They are the ones who are the most afraid to talk to the police, are the most afraid to participate in patrolling the neighborhood or speaking up about the crack house or the drug house or the bad actors in the neighborhood.

I believe this approach, community policing, will go a long way to resolving that and giving communities a sense of connectedness again so those social networks, those kinds of networks that allow for stable and strong communities, can operate again in order to give us back the safety and the security we need.

There are other aspects of this legislation. I mentioned I only wanted to take a moment because I could not resist the temptation, having listened to the debate while I was presiding. But let me say this.

I think this issue is one that is particularly prone, frankly, to partisan bickering. I just hope, as a newcomer to this body, that we can put that aside—to the extent it is ever possible in the context of something as visible and emotional an issue as is crime—that we can put aside the partisanship and the bickering and really get to taking up the specific parts of the crime bill and the specific amendments that the Members of this body intend to put to this legislation.

This issue is entirely too important to all Americans to be hung up in Republican versus Democrat politics. I think, in fact, if anything, the people will be justified in running us out of town on a rail if it does get hung up in partisan bickering. This is an issue, I think, we have an obligation to move on. If anything, the kind of support in the public, the kind of attention this issue has received, suggests the American people absolutely want to see us do something. More than do something, I think the American people are saying, "Enough of the verbiage, enough of the flowery speeches. Do not tell me you are going to be tough on crime, and then not doing something realistic about it."

This gives us a start. There are some parts that, frankly, I would like to see as well. I would like to see the assault weapon provision as part of this legislation, and it is not. It will be taken up separately. I would like to see the Brady bill as part of this legislation. That will be taken up separately.

Certainly, as we approach the issue of what to do about guns, what to do about juvenile criminals, what to do about the revolving door in our prisons, what to do about taking back our streets and giving us the opportunity to have community police, what to do about the safety considerations that Americans feel—as we take up those constituent parts, I am hopeful we will be able to do it in the spirit of this debate, in the spirit that says the American people are entitled to have us address their domestic security. They are entitled to have us act on this crime legislation. They are entitled to have us pass out of this session a crime bill that works. And a crime bill that works is one that, I suggest, gets smart on crime as well as tough on crime.

I believe this crime bill has the elements of that, and I certainly encourage the negotiators who are back there somewhere hammering out the details of the procedure we are to undertake, I encourage them to get on with it so we can take this legislation up and begin seriously to concentrate on getting this legislation passed. The moment has passed in which we can dilly-dally about this. The people want to see us take some action, take some sensible action now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional 30 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, since no one is here and we would just listen to the call of the roll, I will speak for a few more seconds while we wait for someone to come to the floor and talk specifically about some of my proposals.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, one of the things I had mentioned—and, again, I am speaking extemporaneously as you can see—but one of the points I wanted to raise as part of the deliberation about the crime bill had to do with the whole issue of juvenile crime. In that regard there are several aspects which ought to be noted.

One is the tremendous increase in juvenile crime. If anything, the crime rates for the ages between 12 and 18 have skyrocketed. While the crime rates for the other age groups have been on a more level basis, the crime rate among juveniles has skyrocketed. There are many, many factors giving rise to this, not the least of which has been described by some of my colleagues who have spoken on this issue on the floor this morning.

But there are a couple of points I hope to raise as part of the crime bill debate, going to the issue of taking another look at juvenile crime. In the first instance, one of the problems with our juvenile criminal system is we have failed to revisit the issue for really almost 100 years in this country. One hundred years ago—generations ago—there were reforms in the criminal justice system that suggested we take juveniles out of the criminal justice system and treat them "in loco parentis" were the words; the State would act in the place of a youngster's parents. That youngster was not of the mental capacity to be able to consider fully or participate fully in the normal criminal justice system so we would spin that person out and set up a separate set of courts in order to deal just with the crimes committed by young people.

The juvenile justice system was considered at the time it was enacted as a tremendous reform because, quite frankly, there was the somewhat sorry legacy of youngsters of 12, 13, 14 years old being hanged for crimes in certain parts of this country.

So, the shocking nature of that gave rise to the notion that, "Well, we really should treat juvenile criminals like juveniles because, after all, they are younger, they can't know the gravity of their activity, they can't really know what it is they are doing."

I think, Mr. President, that we have seen a dramatic sea change in that issue and the way that that issue ought to be considered. In fact, if anything, I would commend to this body that we need to take a good, hard look at the way that we address and deal with juveniles generally as part of the criminal justice system.

Young people now have access to information that is unparalleled. They have access to the media, they have access to newspapers, they have access to a whole host of things that were not available to young people a generation ago. Certainly the statistics and the information that we have about juvenile crime suggests that not only do they have access to additional information, but they are acting out on that information and acting out on this revised role in our society in ways that are especially chilling.

We have seen, for example, young people, juveniles being used as mules, if you will, used as carriers, not only of drugs but of weapons by older juveniles who know that because you are under a certain age, you cannot be prosecuted in the same way. You will not go through the same criminal justice system, you will not have the same punishments applied to you. And so, as a result, in all too many instances in gang situations and sometimes not in gang situations, it is the younger juveniles, the 14-, 15-, 16-year-olds who are actually the trigger men, who are the hit men or girls, as the case may be, who are actually the ones perpetrating the most violent of crimes and our statistics show that has increased also. It is a scary proposition indeed.

As a result, I think we have to take an approach that gives us the capacity to have what I call a carrot, a stick, and a few peas. The peas come from the First Lady's comment about peas a couple weeks ago, the notion being that we have to provide, on the one hand, support for juveniles, support for them not to get engaged in criminal activity, as well as a very clear and consistent message that if they do get involved that they will be treated with, they will be dealt with as criminals and not just as children.

So, as a result, I have proposed as part of the crime package, I have proposed a specific amendment that goes to the issue of juvenile crime. One of those amendments calls for mandatory education. That is the carrot part. All too often we find young people, when they are put in detention facilities, do not get the educational support that they would require, and so their schooling falls off, and whatever chance they had of getting beyond criminality goes out of the window because they are not equipped, they are not provided the opportunity and the skills to do anything else. They are not there, denying effectively a chance for education.

Fortunately, in all too many instances there are educational services on the books, but when it really comes down to it, that individual, the youngster himself—him or herself—may not actually receive the kind of schooling commensurate with the kind of schooling that would be available were that person outside of the juvenile facility.

So part of this requires mandatory education consistent with standards set by the Department of Education so that we can assure that youngsters who are incarcerated who are already in detention facilities will get a chance to be educated. Again, that is the carrot.

The stick is that a youngster who kills somebody, a youngster who commits an attempted murder, a youngster who commits a drive-by shooting should not get off because he or she is only 14 or only 15. This legislation, this amendment provides that we will try juvenile criminals as criminals from the age of 13, if necessary, within the range of a specific category of very heinous crimes, including murder, attempted murder, drive-by shootings, and specific criminal heinous assaults with a weapon. Why would we separate that out?

It seems to me, Mr. President, that in the first instance, the criminal justice system in and of itself does provide for due process, does provide for rights to counsel, does provide for a system that really may not exist in the juvenile justice system standing alone. But as much the point, I think it is of critical importance that we let the young people know that, again, just by virtue of your age you are not going to get off with killing somebody with an assault weapon, with a handgun, because you have not yet hit your 16th birthday or you have not yet hit your 17th birthday.

I am going to tell a story, and I am going to hold on my statement until later, but I want to share with you a story that is very personal—not very personal—but a story that happened to me personally. I was back in Chicago and I went to a restaurant. I sat at the counter at the restaurant. The guy sitting next to me was sitting there, and he did not look too happy. You start a conversation with someone. I said, "How are you doing?" He said, "I'm not doing too well." He said, "My only nephew is right now laying in a hospital with a bullet in his brain. We don't know if he is going to make it or not." Of course, I was shocked. Apparently the youngster was at school—actually a fairly good school in Chicago—a couple days before. He got into an argument with another youngster in school. That youngster took out a gun and shot him in the head. He came back to school the next day with the gun on him, bragging about how "they can't do anything to me, I'm still 15."

It seems to me, Mr. President, that we have to send a real strong and clear signal that being 15 does not give you a license to kill somebody and a license to go into a system in which you are not held accountable for your actions; that you can be as accountable at 15 as you can at 16. You can be held to account at 14 for murder and for these heinous crimes committed with a weapon. That is what that amendment will do.

There is some mitigation and vitiation, if you will, of the harshness of that approach with the provision that within 3 years, a juvenile will be able to have his or her sentence revisited to see if the sentence continues to be appropriate. So there is a revisitation within 3 years for appropriateness of the sentence. Then, like other juvenile criminal laws, it allows for expungement of that individual's record at the age of 18, again, should that person be rehabilitated.

But I say to you, Mr. President, the time has come for us to send a loud and clear message to young people that they have to function like citizens, they have to function in a responsible manner and certainly that we are not going to tolerate murder by children and not treat them like criminals. It is just that simple.

So, Mr. President, I want to say—again, I do not want to take up all the time—I see the minority leader is on the floor and I do not want to take the time from whatever it is that he has to add to this conversation or debate—except to say I am encouraged by the fact that this crime bill gives us the opportunity to take a fresh look with new eyes at some of these longstanding problems. I am optimistic and hopeful that we can get on with the business of taking up and considering this legislation. Thank you.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, it is my understanding that we are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

CRIME BILL

Mr. DOLE. Mr. President, Senators BIDEN and HATCH are meeting as we speak. So I would like the record to reflect, nobody is holding up the crime bill. I guess they are trying to see how they can best facilitate handling the bill so they can move it expeditiously once it is before the Senate.

There is no objection on this side to bringing up the bill, but I think the managers feel it might be more useful to them to see if they can work some things out in advance before the bill is up and open to amendment.

So I will say we do not know of any reason to hold it up. But I do believe they are consulting now and perhaps they can reach some agreement that might expedite the handling of the legislation.

STATE DEPARTMENT NOMINEES

Mr. DOLE. Mr. President, earlier this morning, the distinguished Senator from Massachusetts, Senator KERRY, was here to discuss with Senator McCONNELL Senator McCONNELL's hold on certain State Department nominees because Senator McCONNELL was trying to receive certain information from the inspector general.

I made the point at the time when you have one-party rule where they have the White House and the Congress, it is difficult for those Members on this side to exert any leverage to get certain information we think we are entitled to. If it were the other way around, the majority party could be holding hearings and doing a lot of things to put pressure on any department or agency to get the information they want.

I guess, as I understand, during hearings on the BCCI case, Senator KERRY may have held up the nomination of Bill Barr, to become Attorney General, for a few days until he received certain information, certain documents related to the Justice Department's own criminal investigation of BCCI.

The documents normally would have been strictly confidential, since BCCI was a pending criminal case. But they were forced to go over these documents, case by case—maybe it was appropriate, I assume it was appropriate. The point is, the nomination was held up. I assume if they had not done this in 2 days, it would have been held up 10 days, 20 days, 30 days, 40 days.

I want the record to reflect there is a lot of precedent around here for holding up nominees to get information that may not even be related to the nomination. Certainly, the Senator from Kentucky has no desire to hold the nominees. We have no quarrel with the nominees. They ought to be approved, and I hope that the Secretary of State, when he appears before the Foreign Relations Committee tomorrow, will give us some indication of when we may expect a report from the inspector general which concerns somebody at the State Department going through the files of 160 people. I do not know their names, do not know who they are. As far as I know, they were political appointees in the State Department of the Bush administration. Rifling through their files, looking for what? We do not know. But it was a big, big issue here not too many months ago, and we think that somebody ought to look into it and determine whether or not some law was violated. If in fact it was, then to take whatever appropriate action.

JUDICIAL NOMINEES

Mr. DOLE. Mr. President, we are going to be on the crime bill, and the focus is certainly long overdue because we need to go to work immediately. I hope a lot of people who may be watching the debate or listening to the debate or reading the debate understand there is only so much that can be done by the Federal Government when it comes to crime. We will have a lot of anecdotal evidence on the Senate floor, but there are limits on what the Federal Government can do. And that point will be made by speakers on both sides of the aisle as far as I know.

But we do need a short-term solution to sort of staunch the bleeding on our streets. One thing about incarceration, if people are in jail, they are not going to commit any crimes, no question about it.

So in the Republican approach we propose to spend $3 billion in funding to build and operate new prisons.

You go back and take a look at what happened to some of these cases. Had these repeat offenders been behind bars where they belong, serving their sentence instead of getting out early, the second or third or fourth or fifth crime may not have happen.

So we have to make a choice. We may have to make an investment. If we are talking about protecting the average American, I think it is very important that we approach this in a way that builds prisons but tells the States it is not a dumping ground for Minnesota or Kansas or any other State. Unless they reform their laws to make certain that they serve a certain sentence, certain percent of their sentence, then they cannot put their prisoners in these regional prisons.

Each State would be allowed to sentence its most violent criminals to these prisons but only if it keeps up its end of the bargain by adopting a reform called truth-in-sentencing. A 15-year prison sentence should not mean 5 years or 10 years. It should mean 15 years or a sentence very close to it. If we had truth-in-sentencing, the father of Michael Jordan would still be alive today. And if liberal parole policies were ended, Launice Smith, the 4-year-old girl recently gunned down in a Washington playground, would still have a childhood and a future.

The thugs who committed these crimes all had one thing in common. They all had prior criminal records. They entered our criminal justice system and then slid through its revolving door, legally and with tragic consequences.

So if we are going to build regional prisons, we are going to permit States to use those prisons, we are going to make certain States adopt the truth-in-sentencing law because otherwise it is not going to do any good if Federal money is going to be spent to warehouse State prisoners who are going to be let out in this revolving door process to go out and commit additional crimes. If we are not serious about putting an end to some of this, then we can all make great speeches and vote for the weakest provisions—that has been the case around here the last several years—and say, boy, we are doing a good job on crime.

If you look at the election results just yesterday, crime was the issue, the big issue. Whether it is New York City, the State of New Jersey, the State of Virginia, or many of the mayor races, crime is the issue. They are looking at us, Democrats and Republicans alike, to get tough. If we are not willing to do it, we are going to find out the electorate is going to demand others do more.

Now, we can put more police on the streets, and we can build more prison cells, but all these efforts will be wasted if we do not back them up with judges who are willing to enforce our criminal laws and not find some excuse to let criminals roam the streets.

During the Warren Court years, the Supreme Court headed down the wrong road, overturning years of established precedent, creating new rights for criminal defendants and making it tougher to put criminals behind bars.

The Warren Court's legacy remains with us today—and Chief Justice Warren was a Republican, I would add—with the rising crime rate, overburdened courts, and an American people who rightly sense that our criminal justice system is tilted in favor of the purveyors of crime and against its victims.

Judges, and the decisions judges render, can make an enormous impact on whether criminal justice is dispensed swiftly and with some certainty. That is why it is critical that the Clinton administration choose its judicial nominees with great care.

It is one thing to talk a good game on crime, but it is far more important to back up the talk with action. By appointing judges who interpret the criminal laws, not in accordance with their own political philosophy or vision of social justice but, rather, according to the intent of the laws' drafters.

Unfortunately, one recent judicial nominee, Rosemary Barkett, currently the chief justice of the Florida Supreme Court, appears to be a proponent of the criminal-as-a-victim-of-society approach. In one notorious case, involving a brutal, racially motivated murder, Justice Barkett opposed the imposition of the death penalty, joining a dissent claiming that the defendant's impatience for change, for understanding, for reconciliation matured to taking the illogical and drastic step of murder. His frustration, his anger, and his obsession with injustice overcame reason.

Overcame reason.

So because he was impatient and because he had not matured, because he took the illogical step, then there ought to be some mitigating circumstance.

The dissent, in which Justice Barkett joined, goes on to say that the victim of the brutal murder was not really a person but, rather, a "symbolic representation of the class causing the perceived injustices."

Not a person, just a member of a class that caused all these injustices that brought about an illogical act and made this person angry and his obsession with injustice overcame his reason and somebody got murdered.

Well, I do not know what all that means, but it means that somebody is going to be before the Senate, if the nomination is approved by the committee, and it seems to me we need to give that nominee a very careful look.

Yet another nominee, Martha Craig Daughtrey, also appears soft on the death penalty. In fact, during her tenure on the Tennessee Supreme Court, she joined a dissent from a key ruling declaring that the Tennessee statute imposing the death penalty for felony murders is unconstitutional. The dissent offered this textbook example of judicial activism:

> Implicit in death penalty jurisprudence is the recognition that the standards of decency are not static but evolving, that society is not stale but maturing, and that the level of community morality will continue to rise until the reasoned moral response of the people of Tennessee will be that the death penalty is cruel and unusual punishment.

A third nominee, Thomas Shanahan, who has been nominated to fill a vacancy in the Federal district court in Nebraska, has dissented in several key cases upholding the convictions of child sexual abusers and drug offenders.

These dissents, as I understand them, have hinged on technical interpretations of evidentiary rules and State criminal laws. And make no mistake about it, technicalities do matter, for if Judge Shanahan's views had prevailed in these cases, the convictions of vicious child sex abusers and violent drug offenders would have been overturned.

So I just say that we ought to take a look at these nominees very carefully, just as they looked at all the nominees of President Bush and President Reagan very carefully, and maybe these quotes and maybe things they have stated they can explain.

So I do not suggest anybody make a judgment but reserve judgment until after they have had an opportunity to come before the committee and review their records in greater detail. But what we have seen so far is not particularly encouraging.

So it is important to put more cops on the street. It is important to keep violent criminals behind bars. But let us not forget that the gatekeepers to our criminal justice system are the judges.

If we are to begin to slam the door on crime and criminals, we will need Federal judges who view law and order as something more than just a slogan.

So I would say whoever it is, whatever administration, when you talk about somebody on the district court, lifetime appointment, appellate court, Supreme Court, lifetime, then I think we want to be very careful that we know what we are doing before we vote to confirm somebody who may have an impact on our families, our communities, our States, whatever it may be, and how they see the law. They ought to interpret it and not give us their personal view.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I know I have exceeded the 5-minute limitation but I ask unanimous consent that I may proceed on another matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, we had just last Friday a very what I thought was a good hearing on health care in Kansas City, MO. There were seven Senators present, and Judith Feder, one of the administration's key specialists on health care. And we were very honored to have Mrs. Clinton come to Kansas City and speak to about 2,500 people who were packed into a room—there would have been more if we had had more room—to talk about health scare, and indicate at that time, at least as far as I know, there was a lot of flexibility in the President's plan; and, in effect, reaching out not to us necessarily but to the people in the audience who had some misgivings about some of the President's plan.

So I thought overall it was a very successful hearing. Then we went from the urban area to a rural area of Kansas. Unfortunately, Mrs. Clinton could not attend that. We went from Kansas City to Garden City, KS, on Saturday of last week, and had about 450 people there from rural areas in western Kansas.

We discussed how health care differs in small areas and rural areas where you do not have the economies of scale, where you do not have the physicians, and all of the technology.

Since that visit I have been noticing in the papers some comments made by Mrs. Clinton with respect to the insurance industry. In past weeks we have also heard about the alleged excesses of the pharmaceutical industry. Its possible future could bring criticism of other players in the national health care debate—maybe hospitals, probably physicians, or dentists or anyone who is a provider; anybody who provides health care or insurance or whatever it might be.

I think we have to be very up front about it. There are real problems we face as we do our best to reform our health care delivery system. But in my view creating an enemies list is not the way to go about it. We just cannot say we will just make the insurance companies villains or the pharmaceutical companies or the physicians or the dentists or the hospital administrators or the nurses or whoever it may be, and just try to divide everybody, divide and conquer.

There are certainly bad apples, as Mrs. Clinton has indicated, in every barrel. That is true of the health care industry as well as other industries and certainly this Senator is well aware of the shortcomings of the insurance industry when it comes to the availability of reasonably priced insurance coverage for individuals and small business. But there is also a lot to be proud of in our health care system; a lot of insurance companies to be proud of in our health care system; thousands and thousands and thousands of employees all across America who are in the industry working every day, making an honest living, providing for their families, not gouging anyone.

And it seems to me that we should not just single out any one group or any one industry, and say it is their responsibility.

So there is a lot to be proud of in our system, firm foundation upon which we should build a better delivery and financing system.

Because there are no easy answers to these difficult challenges, it will often be tempting to blame someone or something. It is often said that you have to have a villain or you cannot succeed. So before the Soviet Union we spent more money for defense. There is now something else we can spend more money for, our domestic problems—not to pick out somebody out there that will get the attention of the American people, rightly or wrongly, and sort of make that person or that industry or that group the villain so that then you would be able to do certain things you could not have done otherwise.

It just seems to me that we cannot be tempted to do that. If we are going to have a bipartisan consensus, both sides need to avoid such actions. And as far as I know, inflammatory rhetoric is not going to bring us closer together.

I am a member of the Finance Committee; the distinguished majority leader is; 18 other members, 11 Democrats, and 9 Republicans, all reasonable, objective, all good Members of the Senate as far as this Senator knows. We have to deal with these problems with insurance companies, with pharmaceuticals, with every other group, with consumers of health care, and along with maybe another one or two to try to put together a plan by some time next year.

We are going to be asking these same companies to make changes, to make health care accessible and affordable—and the industry representations—as to the potential effects. The reform system must be fair, as must our response.

The public deserves no less, and they want the facts, not fiction. If we find someone who is carrying on some egregious practice that adversely impacts on anybody in America, regardless of race, color, creed, age, sex, whatever, then we ought to make certain we protect anybody from such activity.

But on the other hand we want to make certain while we are doing that that we do not bludgeon somebody else who has no responsibility and has no involvement at all, as I have said, just out there trying to make it work and trying to create jobs and opportunities and better health care for all Americans.

NAFTA

Mr. DOLE. Mr. President, on the North American Free-Trade Agreement, I was honored to be at the White House this morning with the President and leaders in the House and the Senate from both parties.

The President signed this transmittal document that will transmit the implementing legislation to Congress. Then on the 17th of November the House is going to vote. Once this gets up, or this starts the clock running, and I hope we can advance that timetable, it is a 90-day clock, significantly. And if they vote on November 17 and it passes, then it comes to the Senate.

Mr. President, the implementing bill accompanying NAFTA is a very good bill. It is a clean bill, which means around here it is not loaded up. It does not contain a lot of extraneous matter, if any. It makes the necessary changes in U.S. law to bring us into conformity with the obligations we have agreed to under the North American Free-Trade Agreement. It makes a few other changes that Members of Congress were concerned about, all of which in my view improve the future operation of the trade agreement.

Mr. President, NAFTA, or the North American Free-Trade Agreement, has been blamed for virtually every economic affliction and woe found in the country today. In fact, some say it causes the common cold. It causes almost everything bad in America, all this North American Free-Trade Agreement.

I give NAFTA's opponents credit for their tenacity. However, I deplore the effect of their scare campaign on the people who just wanted the truth.

Instead, people are hearing, and sometimes unfortunately, sometimes believing many of the half-truths about NAFTA. Certainly, I do not wish to deny anyone's right to support or oppose NAFTA. I do not question their motives. It is a very important agreement. I can certainly honestly see why some would be opposed to it.

But I think people are entitled to their views, but they are not entitled to their own facts. The facts are facts. You cannot change the facts. I cannot change the facts.

I support the North American Free-Trade Agreement. If somebody else is on either side who is opposed to it, they cannot change the facts either.

So it seems to me that we ought to be approaching this again in a bipartisan way, in this case Republicans are working with the President. There are probably more Republicans working with the President on the North American Free-Trade Agreement than Democrats are working with the President.

The President, I think, is making a good effort to make certain we get it passed. Why? Because it is the right thing to do. I asked a former President why should I support NAFTA. He said, "I will tell you why. It is the right thing to do." Five former President's have endorsed NAFTA: President Carter, President Reagan, President Bush, President Ford, President Nixon, and the sitting President, President Clinton. As far as I know, they do not have any agenda with Canada or Mexico. They do not have any interest in any trading companies or going to make any profit by supporting the North American Free-Trade Agreement.

So it seems to me that we ought to at least consider their endorsement, not that they know everything but take a lot of wisdom, combine all the years of those five, plus President Clinton, covers a lot of time, a lot of dealings with Mexico, a lot of dealings with Canada.

So this is a very important vote. If this measure is not passed, then we are going to be held accountable for the drift that will follow in world trade negotiations for the failure of the Uruguay round, for the sudden loss in credibility that the United States will experience as it tries to deal with its trading partners. We will be held accountable for rejecting the opportunities to lock Mexico into the profound economic change that has undertaken, unilaterally, with the past decade is much to the credit of President Salinas.

In the meantime, every economic woe and affliction that NAFTA opponents try to pin on this agreement will continue. United States companies will face extraordinarily tough competition from manufacturers around the world, from Japan, Germany, as well as from China, Indonesia, and Mexico. Some jobs will continue to be destroyed in this country due to factors that have nothing to do with trade. Companies will continue to decide to produce outside of the United States.

If all that happens, if NAFTA is defeated, who will the opponents blame then? I guess I will conclude by saying I think the North American Free-Trade Agreement is a window of opportunity to raise our standard of living right now, to ease existing burdens on doing business across national borders.

Keep in mind that Mexico is going to lower their tariffs. Ours are low now. We are told by the experts that in the first year of this agreement, if passed, we are going to sell 2 billion dollars' worth of automobiles in Mexico. That is 12,000 to 15,000 jobs, or more. There are 700,000 jobs in America now creating products we sell to Mexico. American jobs in America. Every time $1 is spent in Mexico for imports, 70 cents of that finds its way back into the United States. As Mexico's economy gets better, then they will spend more money.

Also keep in mind, if this agreement is approved, countries like Chile, Venezuela, and Argentina are waiting in line to make the same kind of agreement. That means more trade and more jobs.

I have met with every farm group in my State—maybe I missed a few—and I guess there are one or two smaller farm groups opposed to it. But everybody else—the corn people, wheat people, livestock people, cattle, hogs, whatever—are all for the agreement. So agriculture sees the opportunity. Small business men and women see opportunities.

So I suggest that the anti-NAFTA "list of horribles" will be the costliest red herring we have ever encountered, if we allow it to determine the fate of this historic trade agreement.

I commend the President, the former Presidents, and the Democrats and Republicans in the House, where it is going to be a much tougher battle. I did point out this morning at the White House that a lot of our Western States' Senators who support NAFTA are getting so frustrated with the actions of the Secretary of the Interior, Mr. Babbitt, when it comes to western lands, that some of the votes we may have counted on may be slipping away.

I hope that the Secretary of the Interior is listening. If he is supporting NAFTA, he ought to be up here talking to some of the Western States' Senators, Republicans and Democrats, before those votes slip away. It is not about grazing fees, it is about what some would call the "war on the West," about a 19-page document that is put into legislation without any hearings that affect a lot of different interests in the West.

From that standpoint, we may be in some danger on the Senate side. But, hopefully, the Secretary, or maybe even the President, will step in and see if he cannot reconcile or resolve the differences now out there when it comes to adopting the conference report on Interior appropriations.

I thank the Chair, and I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONCERNS OF WESTERN SENATORS

Mr. CRAIG. Mr. President, the Republican leader has just spoken to a very important issue that has this western Senator extremely concerned at this moment, and that is the insensitivity of this administration. But, more importantly, the outright direction of the effort to form new public policy that would significantly change the way western public land States are able to deal with the economies of those States as it relates to public land resources.

Am I talking about the grazing fee battle? Yes, I am. But that is only a symbol now of what appears to be a growing and much broader effort on the part of this administration to significantly change public policy. And it will significantly change the West, the economy of the West, the small communities of the West, and the livelihoods of people who, for three or four generations, have depended upon reasonable and responsible access under public policy directed by this Senate and this Congress and this Government to those public land resources.

Let me give you an example of what I am talking about. Last week, Assistant Secretary of Agriculture Jim Lyons announced the reassignment of Forest Service Chief Dale Robertson and Associate Chief George Leonard out of the Forest Service and into a USDA position. What am I talking about? I am talking about the firing of the Chief of the U.S. Forest Service. That is what the term "reassignment" means. It is called a 60-day temporary reassignment, move you over here, and you are out.

Why is this to be talked about, Mr. President? Because this is the first time since the days of Gifford Pinchot, the founder of the U.S. Forest Service, that this kind of policy has ever been used. Why? Because there is no doubt that this administration does not want to follow standard procedure. And what is it? It is to select from inside the U.S. Forest Service, and through the Senior Executive Service, qualified men or women who have had the training and the talent to lead the Forest Service and manage an agency that is a very large business, managing the forested lands of this Nation.

Well, the Forest Service has its critics. You, Mr. President, and I know that, and some of this criticism is undoubtedly warranted. But this approach is amazing to me, at a time when society wants to reflect different changes in public land management policy; and certainly you, Mr. President, and I have agreed and disagreed on that at times. What we do recognize, though, is the need for good management and stability, whether it is a person that is reflective of my interests, or your interests, or our interests collectively. What is important is talent, talent that understands how to manage a huge agency like the U.S. Forest Service.

Well, a week ago I criticized this effort. I do not know whether that bore fruit or not, but all of a sudden, what appeared to be a political appointment, which would have been truly precedent setting, has now been changed; and in a temporary setting, Assistant Secretary Lyons has named Dave Unger as the Acting Chief. He is a member of the Senior Executive Service, is an impressive person and has an excellent resume. But I notice that this is not permanent, this is only acting.

Why should it not be permanent? Why does this agency not deserve to have permanent people in place managing it, giving it stability and direction, and not a temporary? They have had a freeze in place in the U.S. Forest Service now ever since this President came to town, and it has recreated great frustration. Seventy Forest Supervisors—70 of the top management people of the U.S. Forest Service—last week, sent a letter to this President, Secretary Espy, Assistant Secretary Lyons, and said, "We disagree with your approach. We ask you to do it differently. We ask you not to politicize it." To my knowledge, that has not quite been done yet. Senator MARK HATFIELD, myself, Senator WALLOP, and Senator BURNS sent a letter to the chief of the Forest Service last week expressing similar concerns.

So when the Republican leader, Senator DOLE, speaks about Western Senators who are increasingly alarmed that this administration will not listen to what is important balanced policy, that does not destroy small communities in our Western States, that does not reflect continued policy to take more and more fiber out of production so that my logging communities have fewer people working at a time when we have to stabilize forest policy in this country, bring stability of leadership to the U.S. Forest Service, what do we get?

We get a firing of the Forest Service Chief. We get an Acting Chief put in his place. And the criticism and the turmoil go on.

(Mr. CAMPBELL assumed the chair.)

Mr. CRAIG. Mr. President, Secretary Espy, Assistant Secretary Lyons, please, wake up. Give us leadership and give us stability, and let my Western communities continue to work and my ranchers to continue to graze under policies environmentally sensitive and responsible and recognize whether it is trees or grass or rocks. What is important is a wise and effective utilization of those resources in a balanced manner that is done in a way that all of us can agree on, that does not change nearly 100 years' worth of public land policy in this country, recognizing its importance in creating jobs, in fostering economies in western public land States.

Is there a war on the West? Well, for all intents and purposes there clearly appears to be. Mr. President, you can put that war to bed if you will direct your Secretary of the Interior to get on with the business of solving the grazing issue and if you will direct your Secretary of Agriculture to get on with the business of bringing leadership stability to the U.S. Forest Service. Those criticisms will go away, and you will have a Western group of Senators who will say, "Yes, Mr. President, we will work with you in solving these problems because you are now approaching them in a balanced fashion."

That is the issue that we have to deal with. If they cannot deal with it, then we will continue to fight as we must fight for those who we represent in our Western States. That is our charge and our responsibility.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. LOTT] is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME IN AMERICA

Mr. LOTT. Mr. President, when I go home to my State of Mississippi—and I know this is true for many of my colleagues—I get a few questions about the North American Free-Trade Agreement, but not a lot. I get some expressions of concern about the health care legislation and questions about how individuals can deal with their health care problems of cost and access.

From those living in rural areas, I get a few questions about issues that we are debating here on the floor of the Senate. But no issue seems to me to be of greater concern to people and growing worry to people than crime in America—violent crime, juvenile crime, drug-related crime. That is a major concern.

People in America are afraid to walk on the streets of our country now. They lock themselves in their houses with multiple locks and bars on their windows. They are scared to death.

If you just listen to the news media, you think, well, this is only in the big cities; it is in Washington, DC, where we have had over 382 people murdered in this year, or maybe New York or Los Angeles, someplace like that. No. It is not just in the big cities. It is everywhere. It is in my State of Mississippi.

We now have gang problems in Mississippi in some towns. We have drive-by shootings on the streets and highways in the Jackson, MS, area. We had a student killed at Philadelphia, MS, a week or two ago. It is everywhere.

In my opinion, it is one of the, if not the most, important issues we face in America today.

The people want us to do more. They want the Federal Government to do more.

Now, the question is, What can the Federal Government do that will really help fight crime on the streets and the byways of this country? That is an important question and one we are going to be trying to answer here as we take up this legislation, S. 1607, the Violent Crime Control and Law Enforcement Act, and other legislation, like the very important legislation that Senator HATCH, of Utah, has proposed.

I know that the problems of crime are going to have to be solved, for the most part, in the family and in the local community, with individuals getting involved in the towns, cities, counties, and States of America and supporting law enforcement.

There are fundamental problems here, including the breakup of the family. There are all kinds of excuses or explanations. But what we have to find are some answers as to how we deal with this problem.

The answer is not just adding policemen on the streets, although they obviously need more help. The answers are with the individuals in America. But the Federal Government can and should have an important role in trying to help solve these problems.

It seems, since I have been in Congress—16 years in the House and now 5 years in the Senate—that we do this just about every 2 or 3 years. We take a run at it. We produce a little something. It does not seem to make much difference.

Far too often, in my opinion, we have gone in the wrong direction. Far too often, legislation coming out of Congress has been aimed at protecting criminals' rights, with very little attention given to the rights of victims—how we can help them and repay them for the crimes that have been perpetrated on them—and the rights of society.

We have a judicial system that for years has made it more and more difficult for us to put people in jail and punish the criminals. They quite often were turned out on the streets, and all of the emphasis was on how to protect the criminals' rights. It is time to stop that, and we have a chance to do it this year.

We saw in the elections just yesterday all across the country that crime is a big issue. People are worried about it. And they expect us to take some actions now to help deal with this problem at the State and local levels.

Many among the national news media and our colleagues here in the Senate quite often say the way to control crime is gun control. That is not the answer. The answer is certain and swift punishment for criminals and a little attention to the rights of the victims.

There are some good features in this legislation we are going to be considering. I hope that after a lot of thought, debate, and some amendments, we can come together on a crime package that will really address the problems we have in America. But we have a long way to go.

I believe that if you commit a crime, you should do the time, hard time. The surety of punishment is absolutely essential. I think that mandatory minimum sentences for violent crimes make good sense. Yet, in the legislation that has been brought to the floor of the Senate, there is an effort to begin to minimize or do away with mandatory minimum sentences. Judges do not necessarily like them. They say mandatory minimums tie their hands and make it more difficult for them to do the job.

But I think that for certain identifiable, specific, heinous felonies, mandatory minimum sentences are supported by the American people. I was just looking at some polling information this week that showed 60 to 70 percent of the people think we should have definite mandatory minimum sentences for certain crimes.

Also, I think we should not tie the hands of our law enforcement officers when they are acting in good faith. The so-called exclusionary rule—I do not want to get into fancy legalistic terms—simply means that police should be able to search and seize items that can be used in evidence if they have just cause and reason to believe there is something to be found. There are others who think that is a technicality, and we should let criminals out if we do not have exact compliance with the rules.

When police officers act in good faith, we should use that evidence, and we should convict people of the crimes with that evidence.

Law enforcement people make mistakes, and there should be protections. That is what the courts are for. But to automatically exclude evidence when police are acting in good faith and good judgment is a serious mistake.

A lot of emphasis is placed on crime in the cities. We talk about police on the streets. What about the rural areas? There are no policemen in the rural areas. Yet, now we have growing crime in rural areas. We have growing drug abuse problems. We have clandestine drug labs in these rural areas. We need to talk more about making sure that law enforcement is available to the rural areas in this country.

I do not think that we should allow death-row criminals to abuse our judicial system by filing endless appeals. And that is in this legislation we are going to be considering; habeas corpus, the lawyers call it. To the men and women in the street, all they know is people are convicted, sentenced to execution—many times—and the appeals go on for years and years and years.

I have already heard Senators stand up here today and cite horrible examples, and there are so many of them. Every one of us knows of some heinous crime—some murder, some despicable act by a criminal. The criminal may go to trial, may get out, may be convicted and sentenced, and years and millions of dollars then are spent trying to avoid the punishment that had been imposed.

We should limit and narrow the appeals, not continue to expand them. And expansion is what you have in this Biden legislation, as I understand it.

I do think we should provide more assistance for our local law enforcement people. But I do not think one more police officer on each beat in America is going to solve the problem. It is something we can do. It is something we can agree on. We need to provide more assistance to local law enforcement people, but we should not kid ourselves that is going to stop the problem.

We should have more prisons—more Federal prisons and regional prison facilities. We have been talking about it for years, yet it does not happen. Judges and other officials are turning criminals back out on the streets because they do not have a place to put them.

These repeat offenders that go into jail for a little while and get back out are the ones committing about 70 percent of the crimes in America. We have to have the facilities to house these people for their full sentences, because they are robbing and brutalizing the American people.

We have all these military installations we say we are going to close. We talk about conversion from military usage to other usages. And yet it is not happening. The facilities are there. This would be a good use. Let us take action on it.

I think we should impose the death penalty for drug kingpins, yet there are many in this Chamber who do not agree with that. They think it is a serious problem, but would not deal with these kingpins in a serious way. What they are doing is murder, just as surely as if they pulled a trigger of a gun. So we should have serious and sure punishment for these drug kingpins who are selling drugs and pushing them on our kids and the American people.

I am going to offer some amendments as this legislation goes forward. One of them has been endorsed by the National Sheriffs' Association and by a number of other groups. It is called the Lifer amendment. It says, very simply, if a person has been previously convicted of two State or Federal felonies, a third felony conviction draws a sentence of life in prison without parole. It makes good common sense, and I think we need to do that. One felony, two felonies, and if you commit a third one, you are out; you are in prison for life. I urge my colleagues to take a look at this amendment. I think there will be a lot of support for it.

But there are some other things we can do that will help fight crime. One of them is an amendment that is referred to as the Triad. Triad programs are being done now in a number of States as joint efforts of local sheriffs' departments, police departments, and senior citizens groups. The sheriff's departments and police departments meet with our senior citizens, work with them on how they can protect themselves, and stay in touch with them. It is a magnificent approach that costs almost nothing and can help our elderly, who, quite often, are preyed upon by criminals because they think they are an easy kill, so to speak.

So I do want to offer these amendments. I want my colleagues to take a look at these amendments. I want us to have tough legislation this time. Let us not just spend 3, 4, 5, or 6 days talking about this and then pass out a crime package that really does not accomplish anything, so we can go back to our constituents and say, "Oh, we got tough," when we know we did not.

This time, let us really do it. Because the American people are not going to be fooled this time. The situation is desperate. We need good, strong legislation, and we should work together to make that happen.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. MOYNIHAN] is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the introduction of S. 1616 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH].

ANTICRIME BILL

Mr. HATCH. Mr. President, we have been trying to work out a consensus bill in the background. I made a lot of headway on our side, and I really believe that we can come up with something that will be the first time in 8 years where both sides of the floor can come up with an anticrime bill that will do a lot of good in this country. If we cannot, then we have to lock horns here because we differ widely with the crime bill that the majority has brought to the floor.

There has not been a day of hearings on it, not even a second of hearings on it, and that is OK, except that we would have to explore the provisions of it and make sure that there are some changes so we really will have some anticrime aspects to the bill.

Today, the Senate is supposed to begin the consideration of the omnibus anticrime legislation. Senator DOLE and I introduced a comprehensive crime bill on August 4. Our bill, the Neighborhood Security Act—Mr. President, I would like to yield to the distinguished majority leader without losing my right to the floor.

The PRESIDING OFFICER. The majority leader, Mr. MITCHELL, is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar Order No. 260, S. 1607, a bill to control and prevent crime.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1607) to control and prevent crime.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH], is recognized.

Mr. HATCH. Mr. President, today the Senate considers the omnibus anticrime legislation. As I said, Senator DOLE and I introduced a comprehensive crime bill on August 4. Our bill is based in large part on the crime bill I introduced with Senator DOLE on the first day of this Congress.

In September, Senator BIDEN introduced his crime bill, S. 1488. It embodied the administration's crime plan and was supported by the administration. While there was some important common ground in these competing bills, there were profound and critical differences in several key areas. These differences, in my view, reflect the opposing approaches to crime.

The administration and its supporters in Congress stress drug treatment and alternative sanctions. I support drug abuse treatment and prevention. I, too, believe that we must tackle the root causes of crime, but these worthy objectives cannot be pursued at the expense of further endangering law-abiding citizens or at the expense of catching, prosecuting, and incarcerating violent criminals.

The Dole-Hatch bill, in contrast, has as its focus the apprehension and incarceration of violent criminals. To its credit, Senator BIDEN, our distinguished chairman, recognized some of the flaws of the administration's bill and on Monday introduced a new crime bill which includes more money for boot camps and prisons—among other things—things which we support.

Still, as I will discuss in a moment, the new Biden bill remains wholly inadequate. A few weeks ago, the FBI reported, not to anyone's astonishment, that the number of violent crimes committed last year increased over the previous year. Over 1.9 million violent crimes were committed in 1992. We went from 350,000 back in 1960 to almost 2 million violent crimes by 1992. In my own home State of Utah, the increase in violent crime exceeded the national average, due in large part to increased gang activity and drug trafficking.

These figures illustrate that violent crime threatens all Americans, be they from rural or urban States. It is time for Congress to step up to the plate and deliver the anticrime resources and assistance our States and local communities so urgently need.

The title of the Dole-Hatch bill, the Neighborhood Security Act, suggests a test by which all so-called anticrime measures should be judged. Our priority is to help make our neighborhoods and communities safer from the scourge of crime. If a proposal does not further this objective, it should not be part of our crime bill that we pass through the Senate. A bill furthering this objective, in my view, must not only provide resources to law enforcement agencies, it must also provide procedural and substantive changes in the law to facilitate both the apprehension and the conviction of those who are threats to society in the carrying out of just sentences.

Our Nation's current criminal liability system lacks credibility. It lacks this credibility not only because we have failed to provide treatment on demand to violent criminals and drug traffickers, but rather because we fail to back up our threatened punishment with the resources necessary to ensure that punishment.

According to the Department of Justice, the typical prison sentence for a violent crime is 5 years. Let me just go through this truth-in-sentencing chart. A typical murderer in this country is sentenced to 15 years, but serves only 5½ years. That is shocking. A typical murderer is sentenced to 15 years but serves only 5½ years. Do you wonder why we have so much murder in this country?

A typical rapist is sentenced to 8 years, but serves only 3 years on average. Do you wonder why we are filled with rape in this country? Just look at these figures.

A typical mugger is sentenced to 6 years, but serves only 2 years at best. Do you wonder why we have so much violence in this country? Just look at those three statistics and it is enough to make you sick.

Like I say, according to the Department of Justice, the typical prison sentence for a violent crime is 5 years, but the average sentence served is only 2.16 years. The typical sentence, I said, for murder is 15 years, but the offender generally serves less than 6 years—for murder. A typical rapist is sentenced to 8 years but serves only 3 years. Given the lack of credible punishment, is it any wonder the Los Angeles gangs have been faxing death threats to police departments? That is happening in this country.

Let me outline 12 key reasons to support the Dole-Hatch bill, and I will then elaborate on some of these points.

Reason No. 1. The Dole-Hatch bill contains truth-in-funding. We pay for our proposals by cutting overhead expenses in the Federal Government by 5 percent over the cuts proposed by the administration and by capping the overhead payment rate for federally funded university research at 90 percent of the current levels.

So we pay for our bill. The Biden bill is not paid for.

Reason No. 2. The Dole-Hatch bill builds more prisons to house State and violent Federal offenders. It authorizes spending over $2 billion over 5 years for new Federal regional prison construction and $1 billion in State grants for operational and maintenance expenses for State prisons.

The original Democrat bill provided only $200 million for grants to States for boot camps, an alternative sanction, and regional prisons which provide drug treatment—$200 million. That is like a fly on the sea.

To his credit, Senator BIDEN recognized that their bill fell short in its commitment to greater prison space. They have moved closer to our Republican position on prisons, but they are not there yet. Their bill still stresses after care and treatment over incarceration. I believe in both. And unless we are tough on crime, the after care is not going to do much good, and the treatment is not going to do much good.

Reason No. 3. The Dole-Hatch bill enhances our drug enforcement efforts. Our bill does much more for urban and rural drug enforcement than the Democrat bill. For example, we provide $250 million more in enforcement grants and add tough new environmental penalties for the operation of clandestine drug labs.

Reason No. 4. The Dole-Hatch bill addresses the need to return a greater degree of safety to our Nation's schools. Our bill establishes Federal safe school districts and spends $1 billion over 5 years for school safety. The Democrat bill spends $300 million over 3 years. The difference is $1 billion under the Republican bill over 5 years, $300 million by the Democrats over 3 years. The $300 million is not enough for that problem. We want safer schools for our kids.

Reason No. 5 to support the Dole-Hatch bill. The Dole-Hatch bill encourages the States to implement greater truth in sentencing through the establishment of sentencing guideline systems and bail reform by conditioning their use of the new regional Federal prisons on enactment of those reforms.

Reason No. 6. The Dole-Hatch bill provides $2 billion for the hiring of additional police officers and gives priority in hiring to military personnel who lose their jobs while the military is downsizing. While the Democrat bill also contains a grant program to place police on the streets, their proposal favors big cities over smaller cities and rural areas, and you cannot do that. We have problems in those areas as well.

Reason No. 7. The Dole-Hatch bill provides enhanced mandatory minimum terms of imprisonment for the use of a firearm in the commission of a crime. If a person uses a firearm, they ought to be slammed and slammed hard.

Dole-Hatch also mandates life imprisonment for three-time losers. The Democrat bill actually repeals mandatory minimum sentences for drug traffickers and drug dealers, even those who may have some violent criminal record in some cases.

Reason No. 8. The Dole-Hatch bill spends $120 million in additional funds for counterterrorism operations and programs over 2 years and establishes a special mechanism for removal of alien terrorists. The Democrat bill has no equivalent provisions at a time when we see an increase in terrorism in our society.

Reason No. 9. The Dole-Hatch bill contains tough criminal alien and alien-smuggling reform proposals. It spends, over 5 years, $300 million to hire 1,000 additional Border Patrol agents; $385 million to hire 1,000 additional Immigration and Naturalization Service criminal inspectors, and $13 million for criminal alien tracking. There are no equivalent provisions in the Democrat bill. Dole-Hatch also provides for prompt deportation of any criminal aliens upon completion of their sentences.

Reason No. 10. The Dole-Hatch bill ends the abuse of habeas corpus, of our current habeas corpus system by placing tough, strict limits on post-conviction petitions for relief in provisions supported in the Senate 58 to 40 in the last Congress. The Democrat bill is more favorable to convicted murderers than current law. Keep in mind those convicted murderers may get 15 years but they only serve 5½. You wonder why we are murder capital of the world right here in Washington, DC.

Reason No. 11. The Dole-Hatch bill establishes an enforceable death penalty for 47 offenses, including major drug trafficking offenses, and establishes the death penalty in the District of Columbia. The Democrat bill fails to authorize the death penalty for drug kingpins in the District of Columbia.

It also establishes unnecessary procedural requirements that will make it extremely difficult to impose a death sentence.

Reason No. 12. The Dole-Hatch bill closes legal loopholes for criminals. It extends the good faith exception to the exclusionary rule to warrantless searches, making it easier to convict rapists, drug dealers, and murderers. The Democrat bill does not. Dole-Hatch also encourages the Department of Justice to implement policies which will challenge existing technicalities limiting the admissibility of voluntary confessions by criminal defendants.

All are important reasons why our bill is tough on crime, tough on criminals in contrast to the Democrat bill.

A critical difference between the bills is that the Dole-Hatch bill actually pays for itself through specific budget cuts elsewhere. By capping payments for federally funded university research at 90 percent of current levels, we save $1.54 billion over 5 years. By cutting overhead in the Federal Government by 5 percent above the cuts proposed by President Clinton, we save $6 billion over 5 years. We will have CBO letters to back up the numbers.

The Biden bill simply promises that the money will be spent. Now, this is an authorization bill and he cannot make that promise, unless you do as we have done, provide right in the legislation from where the money is going to come.

I believe that any crime bill we pass must include a funding mechanism. We can authorize anything, but if we do not fund it, it is not going to be carried out. So it is a sham. This administration is cutting Federal prison construction and the number of DEA agents. The Office of Management and Budget recently proposed that the drug treatment and education funding be cut. What kind of anticrime attitude is that?

Given these cuts in DEA agents and drug treatment and education, it is a legitimate question to ask whether the administration really actually plans to pay for the bill once Congress passes it.

Now, on the subject of police on the streets, both the Dole-Hatch and the Biden crime bills authorize substantial funding for the hiring of additional police officers. The Dole-Hatch bill spends over $2 billion on law enforcement assistance. However, the Democrat bill unfairly benefits big cities over smaller, more rural cities. Big city mayors under their proposal will apply directly to the Attorney General for law enforcement grants. Smaller cities and towns must first compete for State approval and then must apply.

According to the International Association of Chiefs of Police, big cities stand to gain nearly 40 times as many officers as smaller cities. Finally, 15 percent of their money does not even have to be spent on law enforcement salaries. Instead, the Attorney General can distribute this money as she sees fit.

Another striking contrast between the Dole-Hatch and the Democrat crime bills is their approach to prisons. Unlike the Democrat bill, the Dole-Hatch bill recognizes the importance of our Federal and State corrections system and the necessity of having adequate prisons if we are to take back control of our streets.

It does not matter very much how many police officers, Federal law enforcement agents, and prosecutors we hire if we do not have the adequate space in which to imprison criminals convicted of crimes meriting incarceration.

The Democrats' new, updated prison proposal, the one just filed this week by Senator BIDEN, consists of $2 billion in funding for boot camp and regional prison camps to States and a mandate that Federal prisons provide drug treatment on demand to all prisoners.

Their treatment allows all Federal prisoners, including the most violent, to have their sentences reduced, if you will, at the Bureau of Prisons' discretion if they complete a drug treatment program.

Boy, I can see where everybody is going to do that. You can imagine the sincerity of that.

Rather than sending violent criminals to prison, their bill will spend $1.2 billion on a so-called drug courts program which will permit nonviolent and some violent offenders to avoid prison and enroll in alternative sanctions and residential treatment programs. One can legitimately question whether this administration is taking an increasingly nonpunitive approach to drug crime by cutting Federal prison construction and pushing for these alternative sanctions. I do not call them sanctions at all. It is alternative softness.

The Democrat bill requires that all relevant legislation that Congress passes include a prison impact statement which details how much prison space a given offense will require and the costs associated with the offense.

Mr. President, our response to criminal conduct should not be controlled by how much prison space is currently available. Rather, we should determine the appropriate level of punishment for given offenses and be sure that adequate prison space is constructed.

Instead of lowering prison sentences that are provided for offenders of drug trafficking and throwing money at treatment programs for nonviolent offenders, we should build additional jails and prisons.

Georgia's Democrat attorney general, Michael Bowers, has been an unspoken advocate on the need for additional prison space. He is a Democrat. Georgia's Attorney General Bowers has said, "All of the police officers in the world are not going to make a difference on the crime situation unless you provide a place to put the criminals. Unless you do that, this is a waste of time."

Now it is not news to anyone that many State prison systems are seriously overcrowded. My own State of Utah is forced to house inmates in other facilities on a contract basis.

Let me just show you this.

Utah prison capacity. The fact is that in 1990, we were operating in the green, which is the operational capacity of the State. That is the best they can do right now. As of 1992, we started to go out of the green. In 1993, we are completely out of the green. By 1996 we will not know what to do. We just plain do not have the capacity. That is not unusual in other States as well. It is not just Utah. I use my State because it is near and dear to me. But I think you would find a similar situation in most other States in the Nation.

Are we going to let all these hardened criminals go because we do not have the guts to do what is right? To incarcerate them and make them serve the time they need to serve? I hope not.

Nor is it news that some systems let criminals go free, either by placing them on probation or releasing them early to make room for the next batch of criminals.

As of the end of 1991, State prisons combined were at 123 percent of average capacity. That is according to the U.S. Department of Justice, Bureau of Justice Statistics, in a report of May 1992. That figure actually understates the problem since some of the States currently at or below capacity have reached that position only after releasing prisoners early rather than build new prisons. The States have chosen or they have been ordered to create a revolving door by releasing numbers of prisoners to meet a cap on prison population.

The Dole-Hatch bill provides over $3 billion for prisons, $2 billion of which will be used to fund the construction of regional prisons to house State and Federal violent offenders. The remaining $1 billion is for grants to States for construction, operation, and maintenance of jails and prisons. This can include boot camps at the States' discretion.

Importantly, the Dole-Hatch bill also encourages the States to reform their criminal justice system. Our bill conditions State participation in the regional prisons program on enacting criminal justice reform measures that will bring about greater truth in sentencing. It encourages the States to implement a sentencing guideline system similar to the Federal system—eliminate parole and reform liberal bail laws if they want to get the money.

The Democrat bill, while it puts more money into prisons than its previous version, still fails to address the need for truth in sentencing and contains regressive sentencing policies which allow prisoners to be released up to a year earlier if they complete a drug treatment program.

Look at this. This is typical. The operational capacity cannot take care of the criminals. So we are releasing them to go right back on the street and commit the same crimes over and over again. It is ridiculous. We should do what the Republicans are demanding here, and that is greater prison space.

Just look at this violent crime clock. We have one violent crime in this country every 22 seconds; one murder every 22 minutes in this country. Small wonder. We are so soft on them that the average murderer spends a little less than 6 years in prison. There is one forcible rape every 5 minutes of our lives, one robbery every 47 seconds, one aggravated assault every 28 seconds.

It is an amazing thing if we tallied it all up. And we are letting them get away with it because we are not putting them in prison and keeping them there, especially violent criminals.

My fellow Utahns are really concerned about the growing problem of gang violence. According to the Salt Lake area gang project, a multijurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 211 identified gangs in our region with over 1,700 members.

The project informs me that gang-related crime incidents have risen from

388 in 1991 to over 2,300 in the first 6 months of this year. While many of these offenses are property crimes, assaults and shootings continue to grow as well.

Our young people need to be steered away from gang involvement. Law enforcement needs more tools to intervene early in the lives of these troubled minors. Gang intervention efforts are critical to both the Salt Lake Valley and the entire State of Utah and multiplied many times over across the country.

Both the Dole-Hatch and the Democrat bills respond to the growing problem of gang violence, but our bill does a great deal more. Both bills propose that the powerful arm of the Federal Government be made available to the State and local law enforcement agency to help combat gang violence. So the Dole-Hatch bill makes it a Federal offense to engage in gang-related crimes.

In addition, we make it an offense under RICO, the Racketeering Influence Corrupt Organization legislation, to involve juveniles in criminal enterprises. We also provide for adult prosecution of serious juvenile offenders and provide resources for additional prosecutors and State and local law enforcement officers. We also ensure that antigang task forces, like the Salt Lake area gang project, will continue to be eligible for Department of Justice assistance grants.

As I noted a moment ago, the Dole-Hatch prison proposal makes funds available to the States which can be used by the States to build and operate boot camps if they so desire. Boot camps instill a sense of discipline and self-worth in the minds of troubled young men.

I have also sponsored other legislation to establish a $100 million grant program for efforts at the State and local levels and by private not-for-profit anticrime organizations to assist in prevention and enforcement programs and at fighting juvenile gangs. I hope to incorporate this measure into the final crime bill.

Both bills recognize the need to address the growing problem of rural crime and drug abuse. Yet the Dole-Hatch bill provides more resources. It provides $250 million in additional law enforcement grants for rural areas. These grants can be used for fighting drug trafficking and gang-related crime in rural areas.

My State of Utah is not only a drug transshipment point, but more of the drugs are also staying in the State. These funds are urgently needed to help our State police and other law enforcement agencies control the growing illicit drug activity within Utah's rural region.

Our bill provides $110 million in drug prevention and treatment grants for rural areas in all of our States. Utah is not the exception; it is the rule. We are having these problems everywhere.

Sometimes the headquarters of Federal agencies—although I have to say with regard to Utah, that being a State where we have a tremendous highway system and a lot of small airports, it is a transshipment State for all of the West and, frankly, for all of the country. It is a crossroads of the West. So we do have some problems that are unique to our area where we need some unique help that I think benefits the whole country.

Sometimes the Federal agencies here in Washington downplay the problems of violent crime and drug dealing in rural States like Utah. That is a mistake. I want to see the Federal Government pay closer attention to the concerns of rural States. The Dole-Hatch bill follows through on this.

Another area of difference is how each bill addresses the problem of increased violence in and around our Nation's schools. The Dole-Hatch bill establishes safe school districts and spends $1 billion over 5 years for school safety. The Democrat bill spends only $300 million over 3 years; $1 billion in our bill, $300 million in the Democrat bill. Our bill allows school districts to elect to qualify as Federal safe school districts. By choosing to be a Federal safe school district, local communities will get Federal assistance for schools, security equipment such as metal detectors, and assistance to our security personnel. They will also get Federal assistance in prosecuting weapons offenses at or near schools. It is unfortunate that our school administrators have to worry about purchasing metal detectors and surveillance cameras, but that is the sad reality of today. The Dole-Hatch bill takes a major step forward in returning a greater degree of peace and security to the schools.

The Dole-Hatch bill recognizes that addressing crime cannot be accomplished without responding to the fact that illegal immigrants account for a significant amount of crime. Over 10 percent of California's prison population are illegal immigrants. Over 25 percent of Federal inmates are illegal aliens.

The Dole-Hatch bill provides for prompt deportation of any alien who is not a permanent resident and who the Attorney General determines to be readily deportable. This would not result in shorter sentences; it would simply provide for immediate deportation after the alien's release.

Our bill also permits Federal judges to order deportation at the sentencing phase of the trial. The bill restricts defenses against deportation of criminal aliens and enhances penalties for reentry.

Finally, the bill increases penalties for alien smuggling and makes it a RICO offense. The bill authorizes and pays for 1,000 new Border Patrol agents and 1,000 new INS criminal investigative agents. Where our bill aggressively tackles these problems, the Democrat bill fails to respond at all. The Biden crime bill fails to address the problem of criminal aliens in any real way. In my view, the problem of criminal aliens must be addressed as part of any true crime bill.

Our Nation's shores have historically been isolated from the growing scourge of international terrorism. Yet, the World Trade Center bombing brought a quick end to that false sense of security. The Dole-Hatch bill responds by spending $120 million for new counterterrorism operations and programs over 2 years and establishes a special mechanism for removal of alien terrorists. There are other provisions in the Dole-Hatch bill that the Democrat bill replicates, but they have no equivalent funding or terrorist removal provisions. So there are other provisions.

With regard to habeas corpus reform, another major difference between the bills is how each bill addresses the important issue of habeas corpus reform. When I refer to habeas corpus procedures, I am talking about the body of case law, interpreting a statute passed in 1867, which has served to provide convicted State criminals with a virtually unlimited right of Federal judicial review of their convictions. Abusive habeas corpus litigation, particularly those cases involving State-imposed death sentences, has undermined the public's confidence in our criminal justice system by causing a lack of finality in the system. Unnecessary litigation and delay in the imposition of constitutionally imposed death sentences have taken a toll on States, victims, and law enforcement. In my State of Utah, convicted murderer William Andrews delayed the imposition of a constitutionally imposed death sentence for over 18 years. There was no question that he had committed the heinous murders that took place. He did not even deny it. Yet, for 18 years, we went through, I believe, something like 28 appeals, all the way up to the State courts and all the way up to the Federal courts.

The Dole-Hatch bill curbs the abuse of habeas corpus by State and Federal prisoners. It contains a provision identical to a measure I sponsored that passed the Senate by a vote of 58 to 40 in 1991. It is modeled after a proposal for death penalty litigation developed by the Powell Committee, chaired by former Supreme Court Justice Lewis Powell. The States may opt in to the procedures. If a State opts in, it must provide counsel in State collateral review. In exchange for providing counsel, the petitioner is limited to a single habeas petition. The Dole-Hatch bill improves upon the Powell proposal by including the full and fair rule of deference for State court adjudications and placing time limits upon habeas corpus petitions in Federal courts.

While the Dole-Hatch bill is in the best interests of law enforcement, the Biden bill would undermine the death penalty and promote even more delay in litigation than under current law. In an effort to reconcile the differences between death penalty opponents and those seeking true habeas corpus reform, Senator BIDEN and the National District Attorneys Association, the NDAA, negotiated a so-called compromise proposal.

While I believe the NDAA and Senator BIDEN engaged in a good-faith effort to resolve the differences between competing habeas corpus proposals, I must oppose their proposal because it is more favorable to convicted murderers than is our current law. It is a retreat from true habeas corpus reform that passed the Senate in 1991. I fear that it may well result in de facto repeal of the death penalty by making capital punishment litigation too protracted and costly.

The Biden bill does not give the States the choice of opting in or out like the Dole-Hatch bill. Instead, it mandates that States adopt expansive and costly appointment of counsel provisions for capital cases—not just expansive and costly, but very, very deliberately difficult to fulfill.

While the bill purports to require that all Federal habeas corpus petitions must be filed within 6 months from the completion of the State litigation, a close examination shows that the 6-month statute of limitations contains several tolling provisions which will entirely undercut the limitations period. These events will actually encourage more delay than is warranted, and more delay than under current law. For example, the legislation allows the period to be tolled during any period in which the petitioner is incompetent. It is unclear how incompetency may be determined. For example, will it apply to the petitioner's mental competency at the time of a habeas hearing, while writing his petition before it can be filed, while assisting in preparing the petition? These tolling exceptions are vague and encourage subjective application by Federal courts.

We have judges sitting in Federal court who will go to any lengths to try and stop capital punishment in spite of the law, in spite of the clear-cut capital punishment constitutional law that exists.

Furthermore, the bill suggests that it codifies the landmark Teague decision or doctrine, but it does not. In Teague versus Lane, a 1989 case, the U.S. Supreme Court established an essential rule of finality for all habeas cases. Under this doctrine, Federal courts must apply the law in effect at the time a State conviction became final. New rules of law prescribed by the judiciary after the conviction becomes final will not be applied retroactively, nor will convicted criminals be permitted to seek the establishment of new rules via Federal habeas review.

If you allowed that, that means every time there is a new criminal decision by the Supreme Court or any appellate court, there would be the right of a habeas corpus petition on the part of the prisoner.

Without the Teague doctrine and its concept of finality, there can be no closure to a case because each new rule developed by the Federal courts could provide the basis for a new challenge to a death row inmate or other criminal's conviction or sentence.

(Mr. DASCHLE assumed the chair.)

Mr. HATCH. Mr. President, the Biden bill overturns key rules and cases in this area, weakening the Teague doctrine. This means there will be less finality than under current law. The Supreme Court decisions on retroactivity are not unanimous decisions. They are often 6-to-3 or 5-to-4 decisions. These are matters as to which reasonable people can disagree. That is precisely why we need one Supreme Court, and not 650 Federal trial judges, deciding the fundamental question of whether the Supreme Court decisions apply retroactively or prospectively.

If Federal trial judges are given the discretion not to follow Supreme Court precedent on retroactivity, which is what the Biden bill provides, then it is entirely foreseeable that the same proportion of trial judges, three out of nine, or four out of nine, will decide the issue differently from the majority of the Supreme Court. Those are pretty good odds for a convicted murderer facing a constitutionally imposed death sentence. Even though the Supreme Court has ruled that he cannot obtain the benefit of a new case and that his sentence is constitutionally sound, the Biden bill will allow him to take his chances with the more than 650 Federal trial judges out there.

Let us take a look at who stands to benefit from having Supreme Court decisions applied retroactively. In the first instance, the most obvious beneficiaries will be prisoners who have been incarcerated the longest—the law has changed so much since they were imprisoned that there would arise multiple opportunities for them to argue that they are being unconstitutionally confined.

One case is William Hierens in Illinois. He has been serving a life sentence for the brutal mutilation murder of a child since the late 1940's. He has filed habeas petitions and other petitions in Federal court for years. I imagine he would like nothing better than to be able to argue that the 1986 Batson versus Kentucky decision on preemptory jury strikes applies to his case and requires a new trial—a new trial after 45 years. The Biden bill would permit it.

How would the Biden bill permit Hierens to benefit given the Supreme Court's ruling in Batson was applied prospectively? By permitting individual Federal judges, of which there are over 650, to determine whether the Batson decision constitutes "a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding." That is the test the courts would apply under new section 2257(b)(2) of the Biden bill.

Other notorious criminals who are awaiting passage of the Biden bill include Charles Manson, Sirhan Sirhan, and others. Each of these vicious killers would like to have the standards now recognized in 1993 as appropriate for reviewing their convictions from the late 1960's and early 1970's. And, that is just what the Biden bill will give them. In fact, if the Biden bill had been in effect at the time of the Robert Alton Harris case, which took over 13 years to complete, or the William Andrews case, which took 18 years to complete, the States of California and Utah would likely still be litigating those cases in Federal court at the cost of millions of taxpayers' dollars, and I should add millions of unnecessary spent taxpayers' dollars.

Some may assert that the Biden bill captures the basic essence of the Teague doctrine. If that is really the case, then why does Congress need to codify it? The truth is that Senator BIDEN has made no secret of his problems with the Teague doctrine. His bill narrows the definition of new rule and expands the opportunities to apply new rules retroactively, broadening the avenues for habeas review. Any bill that weakens the Teague doctrine undermines the interests of finality, which is what our reform efforts are supposed to accomplish.

The Democrat bill's Teague modifications expand the rights of violent, justly convicted criminals, beyond those rights prescribed by the Constitution, to the detriment of murder victims' families and all other law abiding citizens. In my opinion, no bill which weakens the Teague doctrine can be called an anticrime bill.

By the way, those victims have to live every year of their lives with habeas corpus petitions coming in year, after year, after year, having all of that murder brought back to their lives. It is just wrong. Yet that is what the Democrat bill does.

The Biden bill also weakens established limits on successive petitions, overturning the U.S. Supreme Court decision in *Sawyer* v. *Whitley*, 112 S.Ct. 2514 (1992). This decision permits a successive petition where an actual innocence exception is established. This requires the habeas petitioner to show innocence of the crime itself or "by clear and convincing evidence that but for constitutional error, no reasonable juror would find him eligible for the death penalty." (Id. at 2523.) The Court's holding in Sawyer is repudiated in at least two respects. First, the "clear and convincing" showing is abandoned. Second, and most significantly, the Biden bill permits successive claims to be filed based on the "existence of additional mitigating evidence." The Supreme Court in Sawyer expressly rejected this avenue for successive petitions, recognizing that the principle of finality would be eviscerated without this limitation.

Some may argue that the Biden bill does not overturn Sawyer. That is not the view of the prosecutor who argued Sawyer before the Supreme Court. According to John Mamoulides, the Louisiana district attorney who argued Sawyer, the Biden bill "totally guts Sawyer." This view is expressed in a letter he sent to Senator BIDEN and me.

Further, the Biden bill overturns the Supreme Court's decision in Herrera versus Collins, a 1993 case, by routinely permitting, for the first time, I might add, Federal habeas review of belated claims of factual innocence by death row inmates. This provision is touted as being an escape valve intended to provide Federal jurisdiction in the rare case a State might choose to ignore new evidence which clearly exonerates a wrongly convicted man of capital murder.

Yet, despite the rhetoric surrounding this provision, the Democrat bill would permit relief even in cases where the convicted murderer has not shown that a Federal right was violated, and in cases where the murderer is, in fact, guilty of the murder and he or she concedes guilt. This provision, in an attempt to address a problem which does not exist—State executions of innocent people—creates unprecedented rights to additional Federal review which will increase litigation and delay in death penalty cases.

I believe that the habeas proposal contained in the Democrat bill will hinder and, eventually, defeat our efforts to pass a true crime bill this year. The legislation constitutes an unprecedented and substantial intrusion into the State criminal justice system. The Hatch-Dole habeas corpus reform proposal, which the Senate has already endorsed by an overwhelming majority, is the only true habeas corpus reform measure presently before Congress. Should the Senate pass any habeas as part of the crime bill, it should be a true reform measure, not this phony thing they have in the other bill.

DEATH PENALTY

Although both bills provide a comprehensive Federal death penalty for 47 separate offenses, the Democrats' bill procedures for imposition of a death sentence would make the death penalty extraordinarily difficult to impose due to standardless jury discretion. It rejects the rule approved by the Supreme Court in *Blystone* v. *Pennsylvania*, 110 S. Ct. 1078, and *Boyde* v. *California*, 110 S. Ct. 1190, both 1990 cases. Regardless of the aggravating factors that might be present, a jury is not required to impose a death sentence and is explicitly authorized to substitute life imprisonment as an alternative to the death penalty. Moreover, the Biden bill provides explicitly that the use-of-a-firearm aggravating factor does not apply in certain firearms cases. The bill also unnecessarily limits the jury's access to evidence, both mitigating and aggravating, during the sentencing phase of the trial. In all, the Democrat bill's death penalty provisions are so watered down that, when combined with the habeas provisions, it is almost certain that the penalty will rarely be imposed.

Also, apparently at the Justice Department's suggestion, the Democrats' bill drops a provision authorizing the death penalty for drug kingpins, which was included in last year's conference bill. This change is based on the Department's apparent belief that the death penalty in such cases is unconstitutional, a retreat from the position taken by the Bush administration. A tough-on-crime administration would include this provision and fight for its constitutionality in the courts. The Democrats' bill also does not include a death penalty for the District of Columbia. Both of these provisions are contained in the Dole-Hatch bill.

I think it is time we had a death penalty in the District of Columbia, the murder capital of the world. It is a disgrace.

EXCLUSIONARY RULE

Another difference between the bills is the exclusionary rule. The Dole-Hatch bill extends the good faith exception to the exclusionary rule to cover warrantless searches to make it easier to convict murderers, drug dealers, and other criminals. The exclusionary rule is a judicially created rule which bars the use of illegally obtained evidence at trial. In 1984, however, the Supreme Court limited the scope of the rule in United States versus Leon. The Leon decision held that the exclusionary rule does not bar the use of evidence seized by officers acting in objectively reasonable reliance on a search warrant. The Court correctly reasoned that, in such a case, there is no deterrent value against illegal police conduct in throwing out the evidence and freeing the criminals.

Our bill extends the commonsense approach of the Leon decision to cases involving warrantless searches, where the police officer has an objectively reasonable belief his or her search is lawful. Indeed, this extension has already occurred in the 5th and 11th Circuits (*U.S.* v. *Williams*, 622 F.2d 830 (5th Cir. 1980)).

I am pleased to see that Senator BIDEN has dropped the regressive exclusionary rule proposal he has included in past bills from this year's bill. That former proposal, under the disguise of codifying current law, actually departed from current law in favor of criminals and criminal suspects.

GUN CONTROL

The President's plan calls for passage of the Brady bill, although the Democrats' bill, at this time, does not contain this provision. The Brady bill may be well intentioned, but it will not work. A waiting period on the purchase of firearms from legitimate dealers, will do nothing to stop the illegal acquisition of firearms. If someone is planning to commit a crime with a gun, there is a greater chance that he or she will buy that gun from someone operating out of the trunk of a car. It will only serve to infringe on the second amendment rights of law abiding citizens. The Dole-Hatch bill recognizes this and, instead of punishing the law abiding men and women of this country, ensures swift and appropriate penalties for violent offenders.

In closing, President Clinton has pledged to work with the Congress in an effort to solve this country's diverse crime problems. There is no doubt that passage of a true crime bill must be one of our top priorities. Had the Democrat bill been considered by the Judiciary Committee rather than taken up directly on the floor, I believe that we might now be considering a bipartisan bill. Nevertheless, I still believe that we can engage in a bipartisan effort to pass tough, true anticrime legislation, and I invite my colleagues on the other side of the aisle to join me in such a project.

I think we can do it. We are very close, if we could just get some on both sides to back off on the amendments that could be put on the Brady bill but really would stop a full bipartisan anticrime bill like I would like to enact.

Mr. President, I ask unanimous consent that I be permitted to yield 5 minutes to Senator McCONNELL without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized for 5 minutes.

THE INSPECTOR GENERAL'S REPORT

Mr. McCONNELL. Mr. President, I thank my good friend from Utah for giving me a few moments this evening.

As we all know, we had a cloture vote this morning on a matter of principle.

I want to, at the outset, thank the Republican colleagues of mine who stood with me this morning in order to jog, if you will, the administration into replying to some earlier requests that I had made, and the Republican leader and I had jointly made, to try to get some progress toward getting an inspector general's report out of the

State Department on an issue that is of great importance to the country, and that is the potential violation of the Privacy Act of 160 State Department employees.

Interestingly, enough, Mr. President, right after that vote, two letters came sailing over the fax.

The first letter, from the Department of Justice, dated today, received after the cloture vote of this morning, indicates in pertinent part—and this is, I assume, the long-awaited reply to the letter of mine to the Attorney General back on September 1. In pertinent part, the letter from the Justice Department, dated November 3, 1993, and received after the cloture vote this morning, says:

> The retrieval and disclosure of the information from the State Department personnel files is currently being investigated by the Criminal Division of the Justice Department, in conjunction with the State Department Office of the Inspector General. After the completion of the investigation, the Department of Justice will determine what further action is appropriate.
>
> I assure you that the allegations raised by the appearance of the article in the Washington Post will be appropriately handled by the Department of Justice.

Mr. President, I ask unanimous consent the text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 3, 1993.

Hon. MITCH MCCONNELL,
Subcommittee on Foreign Operations, Committee on Ethics, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: This responds to your recent letter to the Attorney General requesting the appointment of an Independent Counsel to investigate the apparent retrieval and dissemination of information from the personnel files of 160 political appointees who served in the State Department during the Bush Administration.

The Attorney General does have discretionary statutory authority, described in 28 CFR §600, to appoint an Independent Counsel to investigate specific allegations of criminal wrongdoing. However, the exercise of that authority is reserved for extraordinary circumstances, where there is a compelling reason to believe that an investigation or prosecution by the Department of Justice would be compromised by an actual or perceived conflict of interest. We do not believe that such extraordinary circumstances are present here. The retrieval and disclosure of the information from the State Department personnel files is currently being investigated by the Criminal Division of the Justice Department, in conjunction with the State Department Office of the Inspector General. After the completion of the investigation, the Department of Justice will determine what further action is appropriate.

I assure you that the allegations raised by the appearance of the article in the Washington Post will be appropriately handled by the Department of Justice.

I hope this information is helpful. If we can be of further assistance with regard to this or any other matter, please do not hesitate to contact this office.

Sincerely,
SHEILA F. ANTHONY,
Assistant Attorney General.

Mr. MCCONNELL. In addition, Mr. President, I received a copy of a letter, after the cloture vote today, dated November 3, today, from the inspector general at the State Department, addressed to Senator PELL, with a carbon copy to me.

This letter says, in pertinent part, Mr. President:

> The investigation should be completed this weekend. I expect that we will deliver a prosecutive summary on Monday, November 8, to the Public Integrity Section of the Department of Justice. This summary will reflect the results of our interviews with nearly 60 people (some of whom we have reinterviewed as appropriate), and our intensive study of telephone and other records. Key interviews were conducted under oath.

"The Department of Justice," according to the letter from the IG and the State Department, "determines whether or not a referral from an IG will be accepted for prosecution."

It says later in the letter:

> However, Justice is aware of the sensitivity of this matter, and I will request an expedited review.

Finally, Mr. President, the letter goes on:

> If Justice declines to prosecute, I will promptly forward a comprehensive administrative report to Secretary Christopher.

Mr. President, I ask unanimous consent that the text of this letter from Inspector General Funk to Senator PELL, a copy to Senator MCCONNELL, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
THE INSPECTOR GENERAL,
Washington, DC, November 3, 1993.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Having watched some of the televised cloture debate this morning, I think it would be helpful if I gave you a report on the current status of my inquiry into the retrieval and review by State's White House Liaison Office of Bush appointee files.

The investigation should be completed this weekend. I expect that we will deliver a prosecutive summary on Monday, November 8, to the Public Integrity Section in the Department of Justice. This summary will reflect the results of our interviews with nearly 60 people (some of whom we reinterviewed as appropriate), and our intensive study of telephone and other records. Key interviews were conducted under oath.

The Department of Justice, which has been working with us from the outset, determines whether or not a referral form an IG will be accepted for prosecution. I cannot predict how long it will take for this decision to be made. However, Justice is aware of the sensitivity of this matter and I will request an expedited review.

If Justice declines to prosecute, I will promptly forward a comprehensive administrative report to Secretary Christopher. Immediately after that, I will send our report to you, to other members of your committee who desire it, and to a number of others on the Hill who have expressed an interest. I will also be pleased to personally brief you and any other members who wish this, on our findings, conclusions, and recommendations.

Although we have moved expeditiously, our investigation has taken two months to complete. I have refused to sacrifice a thorough, objective and fair investigation for speed, recognizing that the duration of our review caused some pain to the Department of State and some unease on the Hill. But that, as Senator Mitchell and you noted this morning, is what the independence of an IG is all about.

For the record, I want to emphasize that nobody in the Administration, at any time, sought to pressure me or my staff to move faster or slower on this matter or, indeed, to influence us in any way whatever.

Sincerely,
SHERMAN M. FUNK.

Mr. MCCONNELL. Let me say, Mr. President, again, I want to thank those who stood with me this morning in this effort to get results from the State Department. Those results have now been achieved.

I was interested all along in getting a time certain for some kind of IG report so that we could get a sense that this was going to be handled appropriately.

I say to my friend, the assistant majority leader, I am now satisfied that this investigation is going to move forward and be handled appropriately and, hopefully, expeditiously, and I will be more than happy, I say to Senator FORD, for the cloture motions to be vitiated.

As far as this one Senator is concerned, it would be perfectly all right. I cannot speak for our whole side, but, as far as this one Senator is concerned, I would be more than happy to see the nominations be approved this evening.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair must inform the Senators that the Senator from Utah had yielded the floor to the Senator from Kentucky for 5 minutes.

Mr. MCCONNELL. I yield to the Senator from Kentucky from my time.

Mr. FORD. Mr. President, I will talk to the majority leader. I appreciate my colleague's offer. I will see if we cannot expedite that tonight and, if not, we can maybe set a time certain for tomorrow.

Mr. MCCONNELL. I thank my friend from Kentucky.

And I especially want to thank the Senator from Utah for giving me a few moments at this time.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, my colleague from New York desires to speak for about 20 minutes. I would like to retain my right to the floor as soon as he has completed his speech. He may have longer if he desires, but as soon as he has completed, I reserve my right to the floor.

The PRESIDING OFFICER. The Senator retains his right to the floor.

The Senator from New York.

Mr. D'AMATO. Mr. President, I thank my colleague from Utah, Senator HATCH.

Mr. President, I would like to not only put into the RECORD but refer to a very significant speech, probably one of the most significant speeches that it has been my pleasure to read.

It was an address given by the presiding justice, Francis T. Murphy, of the Appellate Division of the Supreme Court of New York. That is basically the court that has jurisdiction over all of the trial courts in New York City.

Justice Murphy gave this address to the Fordham University School of Law Alumni Association on March 7, 1987, in the Grand Ballroom of the Waldorf Astoria.

The Justice started out by saying:

> This year is the bicentennial of the Constitution of the United States. From law schools, we shall have learned papers and books. From government, a tumult of speeches. From banks and department stores, copies of the Constitution for school children. Television will feature documentaries, dramas and solemn men in scholarly argument. In spring, prizes for high school essays. There will be photographs taken on county courthouse steps, memorial sets of glasses, and patriotic advertisements by manufacturers of cigarettes, whiskey and deodorants.
>
> Above it all, the Bill of Rights will be in center stage, immigrants on stage left, war dead on stage right, blacks, Indians, Hispanics, and Asians in between.
>
> So attuned are we to political events that we can write the scripts before we hear the speeches and see the programs. So turned off are we to political events that only with effort do we pretend to enthusiasms we do not feel. Politics has become for us a remote service industry in which we hold no shares, whose campaign products are often as indistinguishable as our cars.
>
> What kind of people have we become?
>
> Are we the people of the United States who adopted the Constitution in order to "establish Justice * * * promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity?"
>
> After all, a Constitution is only as good as the people who live under it.
>
> Consider how we live in this city, and in cities throughout the nation.
>
> Government has no more essential duty than the protection of the lives of its people. Fail in this, and it fails in everything.

I am going to say that again, Mr. President. Justice Murphy said it in 1987. He said it eloquently.

> Government has no more essential duty than the protection of the lives of its people. Fail in this and it fails in everything.

I would ask my colleagues, if you were to rate our Government as it relates to protecting the life of its citizens, how would you rate us? Would you give us an A plus? Would you say that we have had a superior success in this? Would you give us a B? Or a B plus, and say we have been pretty good at it? Would you give us a C, and say we are passing, and that while we could do better it is not too bad? Would you give us a D, and say it has been pretty poor? Or would you give us a F, and flunk us for having done a terrible job, for having created a situation in which most urban centers are in anarchy, where people are afraid to leave their homes or to go to work or to open the door at work for fear that they will be a victim, or to run a shop—whether it is in Washington, DC, or Rochester, NY, or Syracuse, NY, or New York City itself, or any of the great urban centers not only in my State but throughout this Nation? The judge went on to say:

> Such failure is unthinkable, yet the society in which we live was unthinkable only a generation ago. If then someone had said that in 1987 hundreds of thousands of apartment windows in New York City would be covered with metal grates, that private guards would patrol the lobbies, hallways and rooftops of apartment buildings, that streets would be deserted at night and churches locked by day, we would have thought him insane.
>
> * * * * *
>
> We hear but do not listen to the ordinary man and woman. It is they who are the victims of crime, and they in their anguish have something of value to say.
>
> They tell us that their lives, burdened by personal problems involved in simply living, must be led in a society in which a brutal attack upon them by a robber surprises no one. They tell us that they are denied the small pleasures of life—a morning's visit to a church or synagogue, an evening's stroll in summer with one's husband or wife, a subway ride with their children to a park. They tell us that they cannot visit the sick and the dying in hospitals because they may be beaten or killed in a subway or on a street. They say that such a half-life is no life at all. They tell us that criminals have taken the city, that crime has beaten government to its knees, that the moral passion for justice has been drained out of society and, in its place, there is an overwhelming sense of helplessness. They say that they fear that they have grown too used to crime. They wonder whether society, for all its pretensions, has become pitiless.
>
> The ordinary man and woman are right, and everyone knows it because we are that man and woman.
>
> Has the Constitution established justice, promoted the general welfare, and secured the blessings of liberty to us and our children in such a city?
>
> What has happened to us, a people who once know how to fight back?
>
> What makes us submit passively to universal vandalism, robbery, and assaults of every kind?
>
> What makes us so weak, that we will allow ourselves to be violated?
>
> Do we fell no shame that we live in the most criminally violent nation in the West?
>
> Yet what will history say of a generation that allowed its children to fall into addiction?
>
> At this very minute, there are about 200,000 heroin addicts in New York City. Consider what that means: one in every 30—one in every 30—of New York City's residents is a heroin addict. In New York State, 390,000 children between the ages of 12 and 17 regularly use drugs such as cocaine and amphetamines. In 1988, New York State will have 270,000 heroin addicts, to say nothing of 1,500,000 abusers of drugs such as cocaine and amphetamines, a figure that excludes marijuana.
>
> During the 1984–1985 school year, nearly 6,000 persons were arrested in New York City for narcotic sales to school children. About 60 percent of those arrests were made in or within 2 blocks of elementary schools. The primary target of many of the narcotic sellers were children ages 5 to 11.
>
> One day historians will point to those children as proof that our insensibility towards them was a warning of how cheaply we valued human life, how we were disposed to accept every evil, even when evil tapped on our window and asked us for our young.
>
> At first sight, there is much in our lives that is normal. In morning, people rise, trains run, masses in their millions move through their accustomed ways. Computers are switched on, books are opened, stock exchanges roar, judges judge.
>
> In reality, modern man knows that concealed behind this orderly progression of life there is an emptiness, a sense that life is going out like the last lights in windows before dawn. He works for and celebrates material things, but he celebrates them alone, keenly aware of that emptiness, that sense of half-being that no drug, no drink, can drive away.
>
> It is true.
>
> Modern man lives in an existential dilemma. He does not know the ultimate meaning of his life and doubts that life has any meaning. Whatever his moral pretensions may be, he has in fact driven God out of his life, out of his office, out of his home.
>
> He therefore lacks a moral center. Having none, he is incapable of moral outrage. He is insensible to the pain of others. No immoral act, whether it defiles a child or a nation, holds his attention for more than ten days—or ten minutes.
>
> You who sit here today, you represent the hidden soul of America, if you would but know it. You are the hidden treasure of this nation, if you would but know it. You affirm God and a moral order. You have a philosophy for the life of the soul. You do not have an agenda for its death.
>
> You believe in firm justice for the violent criminal who attacks you and your family. You believe in mercy for the criminal when he deserves it.
>
> You believe that you will be held accountable for whether you fed, clothed, and educated the poor. You are therefore willing to have less, if the poor need more. You know that man's happiness lies in denying himself for his brother. You know that a nation of self-seekers is a hell, but that a nation infused with the ideal of a sharing community is the place that you want to prepare for your children.
>
> It is for you to say whether, under our Constitution, you shall have that community, or that hell.

Mr. President, I spoke to Judge Murphy today and told him that I would refer to parts of his speech during the debate on the crime bill. I think that, unfortunately, the judge's observations, which were so accurate in 1987, are even more accurate today as it relates to the State in which we have allowed the predators in society to beat us to our knees.

We are about as committed as a nation to undertaking a battle to give our people the right to live without the pervasiveness of fear and crime as the next media event, as the next election nears. We have lost our moral compass and everything has been broken down to political expedience.

We will pass a bill and say that we are going to incarcerate the hardened criminals, and we will not provide the funds to do it. We will pass a bill that fails to attack the violent predators to see to it that there are real sentences attached to those who use guns in the commission of these crimes.

We will see to it that there is a bill that, when it comes back from the House of Representatives, will not hold the predators accountable for their killing, for the anarchy that they have created in our communities, for the fear. We will continue to allow people to assault others with guns, and we will continue to have a system that metes out punishment based upon the amount of prison space available, because, notwithstanding that we sentence them to prison for 5 years or 6 years or 7 years or 8 years, they will be paroled in jurisdiction after jurisdiction after having served little, if any, time simply because we have no space.

We will make billions of dollars available for worthy causes throughout the world, but we will not make billions of dollars available to see to it that predators are taken off the street and not released before the appropriate time or sentence. And I am talking about the kinds of people that maraud, whether it is in Washington, DC, or whether it is in Pittsburgh. We, as a Congress, should be ashamed of allowing our Nation's Capital to reach a state where the Mayor has to call for the use of the National Guard. Washington is not a State. We are the governing fathers of this area. If we abdicate our responsibility, a responsibility which the local officials have dodged because they are afraid to build a prison—they do not know where they can build one.

And so if you put a thousand more police on the street and you make so many more arrests of vicious predators and you continue to release them in parole with little bail or no bail during the pendency of this action, what do you think the result will be? It will be an ever-increasing scenario of violence followed by more violence followed by more crime. When we parole people after they have served little time, not because they have been rehabilitated but because there is not sufficient space, they then have disdain for the law and they understand why plea bargaining takes place because there is little room and there is little ability to handle these cases.

Mr. President, I intend to offer, when the bill—probably tomorrow—comes up, legislation that in some small way begins to say that we are serious and that we are not looking for just placebos. The Brady bill—I am not going to discuss the merits of whether we should have it or should not have it. The fact of the matter is, though, if we had it, it would do little to diminish the kinds of crimes that Justice Murphy was speaking about. We can all go home and beat our breast. Oh, we can accuse X, Y, or Z of not supporting it and then say they consequently are not concerned with the violence that occurs.

We can pass more legislation making it more difficult for citizens to obtain, whether it is an automatic weapon or whether it is a handgun, or whether it is a rifle—we can do all of that, and I will say to you again, the results are not going to be measurable and will have little, if any, impact on the type of violence that we have seen not only in our urban centers, but even in the suburban areas and, in some cases, our rural areas.

So let us be honest. Let us really have the decency to say, how are we going to judge the significance, the impact of this? Will it really make the kind of difference that people are looking for? Will it really free people to be able to walk the streets with a sense of confidence that they are not more likely to wind up a victim? I do not believe that it will, and I believe there are very few here who would argue that the Brady bill would bring that about.

So let us lay that aside. If you want to control the use of guns, then why not—in addition to whatever legislation restricting them, recognizing that there are 40 million-plus guns out there, recognizing that the drug dealers and the hooligans are not going to register regardless of what bills you pass—look at those who are marauding? If 3 to 4 percent of the criminals are creating 70 percent of the crime, does it not make sense to target them? Does it not make sense to go after them with the appropriate penalties? Does it not make sense to determine that where there are previous convictions that we hold them in preventive detention? Does it not make sense to see to it that you have the prisons necessary to hold them?

Does it not make sense to say, by gosh, we believe that if you use a gun in the commission of a crime, that act, in and of itself, constitutes a felony punishable by at least 10 years with no parole; that if you shoot someone or discharge a gun deliberately in the commission of a felony, that there be an additional 10 years, 20 years; that if you use a silencer or a machinegun, that should be punishable by 30 years; that if you should kill someone wantonly with no mitigating circumstances, you come into a store, you put a gun into the face of a poor clerk, he or she offers no resistance, they give you the money, and before that robber leaves the store, he deliberately kills that person, opens up on him, shoots him, should there not be the death penalty and should there not be the ability of a jury of this person's peers to make a determination as to whether or not there were any mitigating circumstances?

If we are serious, then we should take on the predators with serious manners and serious purposes and not just come before the people and say, "We passed a bill and, by the way, this bill authorizes the construction of 3 billion dollars' worth of prisons," and then not fund the 3 billion dollars' worth of prisons. Why be hypocrites? If we are serious and we understand that 90 percent of the crime is taking place in areas that do not have the financial ability, that do not have a court system capable of handling these cases with a reasonable degree of speed, that do not have, ultimately, prison facilities, what it means is that as you send one predator in the front door, two go out the back door to be discharged into society, early release, parole, to continue the violence.

Without there being a certainty of punishment, we delude ourselves. I am not suggesting that the legislation that I intend to offer will be the be all and the cure all, but I am saying that unless we have the courage to go after this and not just the bombers and the terrorists and those people, again, who add a dimension to the quality of life that detracts so greatly—but it is not those kinds of crimes that have created the pervasive fear in our society. It is the robber who, on a daily basis, marauds our cities and our counties. It is the person who has no regard for the rights of others who, on a daily basis, whether or not he wants to take care of his addiction, is willing to stick a gun in someone's face. These are the crimes that people cry out to have some relief from, not the exotic.

So while we have a death penalty section for bombers, and I support that, and while we have talked about building prisons, and I say yes, that is important, we are kidding the people unless we make a commitment that we are actually going to fund that. For us to stand here and say what a wonderful job we are doing is absolutely nonsense. And for us to fail in our primary responsibility—that is, to provide for the public safety, that is, to continue to look the other way and to think that the cities and States of this Nation can undertake this battle without our assistance—is absolutely ludicrous.

Last year, we passed legislation which would have made the use of a handgun that came over interstate lines a Federal crime. That is a crime that has shared jurisdiction, one, where the Federal Government would have the right to prosecute—this is not novel; this is not new—in kidnapping cases, in gambling cases, in arson cases, in cases of robbery, extortion, the use of drugs, the sale of drugs. We have State jurisdiction and we have Federal jurisdiction.

If we are serious about the Federal Government doing something about the use of illegal guns that have come over State lines—and 90 percent of the guns that are used in the commission of crimes cross State lines—then, by gosh, why should we not get this Nation totally committed to undertaking this war against criminals? Why should we be asking for the National Guard when we have local police and facilities, local courts and Federal courts and Federal prosecutors and Federal prisons that should be employed in this battle?

Now, if we want to say that we do not think it is important to keep our streets safe, if we want to say that we think that the Federal courts have such a high place in our society that they should not be used in this battle, if we want to say that the use of guns that are killing our children, that we express such outrage and concern about should not be a priority of the Federal Government, then let us say it clearly.

Let me tell you what happened when that legislation passed here overwhelmingly. It went to the House of Representatives. And there a letter was sent on September 19, 1991, to the chairman of the Judiciary Committee of the House of Representatives, the Honorable JACK BROOKS. Let me read this letter to you. It came from the chambers of the Chief Justice of the Supreme Court of the United States.

> Dear Mr. Chairman:
>
> I am writing in my capacity as Presiding Officer of the Judicial Conference of the United States to convey the opposition of the Judicial Conference to proposed legislation that would provide for Federal jurisdiction over offenses traditionally reserved for State prosecution. I enclose a statement expressing the objection and the reasons therefore in more detail.
>
> I appreciate your serious consideration of these views.

And this is the statement:

> FEDERALIZATION OF STATE PROSECUTIONS, POSITION OF THE JUDICIAL CONFERENCE OF THE UNITED STATES
>
> The Judicial Conference of the United States opposes legislation adopted by the Senate which would expand Federal criminal law jurisdiction to encompass homicides and other violent State felonies if firearms are involved. Such expansion of Federal jurisdiction would be inconsistent with long accepted concepts of federalism and would ignore the boundaries between appropriate State and Federal action.

Let me comment just on that paragraph.

First of all, we have shared jurisdiction as it relates to kidnapping, shared jurisdiction with gambling, arson, robbery, extortion, drug sale, and on and on it goes. But the most important area, the use of firearms, that are killing our kids and keeping us prisoners in our homes, firearms that come over State lines, firearms that are not manufactured in my State, we say that we should regulate and put out positions as it relates to how long you can take to buy them, but after you buy them we do not care if somebody goes and shoots someone. That is a State responsibility. It is a Federal responsibility to say that you have to wait 5 days, but if you kill someone in the commission of a robbery, we do not give a damn. That is incredible.

Oh, we do not want the concept of federalism. Our people are being slaughtered by the thousands. The concept of federalism.

Now, let me tell you something. Lots of Congressmen and Senators hid behind this. They said, oh, the Supreme Court, the Judicial Conference says it will cost too much.

I will read on. Let us analyze this great document.

> In addition, Federal jurisdiction of virtually any crime committed with a firearm that has crossed a State line will swamp the Federal courts with routine cases that States are better equipped to handle and will weaken the ability of courts effectively to deal with difficult criminal cases and present uniquely Federal issues.

Let me tell you something. I do not know what is more important, whether it is some kind of Federal statute that someone has broken that is a unique thing. But if they want to handle unique issues and say that they are not concerned about protecting the lives and the property of citizens in this country, let them get up and say it because that is what they are saying. They are saying they have more important business.

What is more important than providing for the public safety of our citizens? Tell me. The gun cases, they are not important. The States can handle them. Well, the States cannot handle them. They are paroling people out there because they do not have the resources, they do not have the prisons, they do not have the prosecutors, and we continue the revolving door system right here in Washington, DC. We should be ashamed of ourselves, the Nation's Capital—the marauding, the killing.

And what do we do? We sit by while the Mayor says give us the National Guard. We should be doing something. We are doing nothing. If we should not go after people who are using guns to murder and kill our kids and innocent citizens, I do not know what we should be doing. I think that is a responsibility the Federal Government should undertake, and it is a serious one.

Let me read the next paragraph.

> Not only will bona fide Federal criminal prosecutions suffer—

Bona fide criminal prosecutions are going to suffer.

> If the Senate's expansive firearms provisions are adopted, but Federal courts overburdened by criminal cases will be unable to carry out their vital responsibilities to provide forums for civil cases.

Now, let me tell you, I have never heard of a more self-serving reason not to become involved in the battle for civility.

I have here an article by Judge Eisele. Judge Eisele is from the Eastern district of Arkansas. Judge Eisele goes on to say:

> We are frequently told that our criminal dockets are interfering with our other civil dockets, and this has certainly been true in a few of our Federal districts. But the number of felony filings per judgeship only increased from 44 in 1985 to 58 in 1990.

That is the number of cases per Federal judge.

> In 1992, that number fell to 53.

In other words, the cases per judge, criminal cases, has actually gone down.

Now, I want to ask again, where are our priorities?

It is wonderful, and we should be concerned, when the Supreme Court and the Chief Justice, speaking on the position of the Judicial Conference, says look, we do not want to handle these cases. They are incidental. We think we should handle more lofty matters.

I would just simply say that I do not believe there are more lofty concerns than those that relate to protecting the public. As the judge said in his speech, Government's first responsibility is to protect its citizens. Therefore, I will be offering this legislation. I will read the judge's statement again in its entirety. I will be prepared to go through a long debate. I will bring this up and continue to bring it up. And, if I have to create discomfort, then so be it. I will continue to push this matter.

Mr. President, I do not think that there is a more important matter to deal with than how we see to it that people who use firearms for illegal purposes understand and know that they do so at great peril, their own peril; that we are really serious about cracking down on the epidemic of violence that has overtaken this society; and, that unless we do at least begin to commit the Federal Government to a real war on crime, then we are abdicating our responsibilities.

As the judge has indicated, we then just speak as politicians with no credibility, and the people really, I think, should view us in that manner.

Administration after administration, Congress after Congress, has wrestled with this problem, but has not devoted the kinds of resources that we are capable of devoting to really trying to make an improvement and bring that failing grade that we deserve, an F, at least up to some respectable level.

Mr. President, I thank the Senator from Utah for having been as gracious as he was in permitting me to make this statement.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah retains the floor.

Mr. HATCH. Mr. President, I would like to yield 10 minutes to the distinguished Senator from South Carolina without losing my right to the floor, and 12 minutes to the distinguished Senator from Alabama.

Mr. BIDEN. Mr. President, will the Senator yield for 30 seconds while the distinguished Senator from New York is on the floor?

Mr. HATCH. I would be happy to do that without losing my right to the floor.

Mr. BIDEN. Mr. President, let me suggest to my friend from New York, he is a close personal friend as well as a colleague, that although I am not crazy about his amendment, I want to compliment him. He is a man who has been consistent not only in dealing with the penalty, but he is also, if I am not mistaken, a supporter for limiting access of guns to felons in terms of their ability to purchase them.

As I understand, correct me if I am wrong, he is a supporter of what has become known as the Brady bill; he is a supporter of not only trying to make the penalty harsher, if in fact someone uses a firearm in the commission of a crime and/or murder, but he also has been one who has been willing to make it more difficult for people who should not have guns, to get guns.

Mr. D'AMATO. I have supported that position, as the Senator correctly stated. But I must say to the Senator that I believe that without there being the kinds of penalties and enforcement, and not only penalties that we make for other courts, but that we become involved there and use our resources, it becomes rather meaningless.

Mr. BIDEN. Mr. President, I thank my friend from New York. I do again want to compliment him on his consistency. It is a little seen trait in life, let alone in the American political system. I compliment him for that. And I look forward to debating aspects of the amendment that he has before us when that time comes.

I thank the Senator from Utah for yielding to me. I appreciate it.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 10 minutes.

AN OMNIBUS CRIME BILL, S. 1607—THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. THURMOND. Mr. President, today the Senate begins consideration of an omnibus crime bill to address the violence that has swept across this Nation.

There have been several comprehensive anticrime bills introduced during this Congress. It is my firm belief that S. 1356, the Neighborhood Security Act of 1993, is the most desirable response to violent crime and appropriately focuses on accountability as a priority in our criminal justice system.

The chairman of the Judiciary Committee introduced S. 1488 earlier this year as the anticrime bill for President Clinton. We had no hearings in the Judiciary Committee on this proposal. The chairman has decided to bypass committee consideration, opting instead to take this matter up directly on the Senate floor. Both bills, the Republican and Democrat proposals, are broad and similar in scope yet contain fundamental differences upon close review.

The focus of the Democrat proposal is on drug treatment programs and sanctions other than prison for those who break the law. The Republican proposal appropriately supports drug abuse treatment programs while focusing on accountability. It is our priority to hold violent offenders accountable, to improve the credibility of the criminal justice system, and to provide support for law enforcement. Also, our proposal provides over $3 billion for prisons. This money will fund badly needed prison space to house State and Federal violent offenders as well as temporary operational money for State prisons. I will later speak to the need for additional prison space which will reduce overcrowding and ensure that those who commit crimes will completely serve their sentence.

There had been credible questions raised concerning the Democrat proposal and just a few days ago, the chairman introduced yet another crime bill which is similar to S. 1488 with a few changes. I am pleased the chairman is allowing his proposal to move closer to the anticrime initiatives which are found in S. 1356, the Neighborhood Security Act of 1993.

Every day our Nation's law enforcement officers face a daunting challenge to maintain a peaceable society. Each one of them is on the front lines in a war that seems to have no end. It is their sacrifice and willingness to put their lives on the line that is essential to our free and democratic society.

Mr. President, we must remain steadfast in our commitment to a crime-free America and step up our fight against vicious criminals who prey on law-abiding citizens. The statistics are alarming when it comes to violent crime. There is a murder committed every 22 minutes, a rape every 5 minutes, a robbery every 47 seconds, and a violent crime every 22 seconds. Equally alarming is the fact that a typical murderer is sentenced to 15 years, but serves roughly one-third of that sentence before being released. Rapists, on average, are sentenced to 8 years but serve only 3 years. Persons convicted of violent crimes are sentenced, on average, to 5 years in prison but actually serve only 2 years, 2 months.

In too many instances criminals are arrested numerous times before they are truly held accountable. For example, a recent study by the Bureau of Justice Statistics reveals that 28 percent of the offenders entering prison would have still been in prison for a previous offense had they completely served their prior sentence. A recent survey of nearly 4,000 prisoners released early in Florida because of prison crowding found that nearly one in four were rearrested for a new crime at a time when they would otherwise be in prison. These 950 people, who were supposed to be in prison for earlier crimes, were responsible for 2,180 new crimes, including murders, armed robberies, rapes, aggravated assaults, burglaries, and drug offenses.

The Nation's law enforcement officer knows firsthand how frustrating this cycle can be. They do their job arresting violent offenders only to see them back out on the streets. When the violent criminal has no respect for our criminal justice system or fear of punishment, there is little to deter their criminal behavior. There is a small segment of the population responsible for a large share of violent crime in America. These hardened, chronic offenders commit a staggering number of crimes. It has been estimated that many of these violent predators commit over 100 crimes per year.

In a determined effort to reduce the level of violence in this country and give law enforcement the resources necessary for carrying out their responsibility, I worked with a number of my colleagues in the Senate to draft the Neighborhood Security Act of 1993.

This omnibus crime bill, S. 1356, authorizes $7.5 billion in spending on anticrime and criminal justice programs. Within this legislation, to make our neighborhoods and communities safe, is over $3 billion for prisons. This funding will be used for the construction of regional prisons to house State and Federal violent offenders. Also, we provide $1 billion in grants to States for operation and maintenance of jails and prisons. Without doubt, many State prisons are seriously overcrowded. Accordingly to the Department of Justice, there are more men and women in State and Federal prisons than ever before. A lack of prison space should not be a factor in sentencing or parole. Our provisions will help close the revolving prison door and alleviate the problems of early release. Adequate prison space is a critical link in the State criminal justice system. It does little to arrest, prosecute, and convict violent offenders only to see them prematurely released. State participation in regional prisons will be conditioned on the adoption of greater truth-in-sentencing laws. This will ensure that violent offenders are truly held accountable for their actions.

Also, among other provisions, our omnibus crime bill authorizes $2 billion for additional police officers, an enforceable Federal death penalty, mandatory minimum penalties for gun-related offenses, and much needed reform of Federal habeas corpus to bring finality in capital cases.

Our habeas corpus reform will ensure that constitutionally sound death sentences are carried out in a timely manner. It will limit death row inmates to one appeal and accords State decisions, which are fully and fairly decided, an appropriate degree of deference. There is no doubt that it is a true habeas reform proposal which would bring an end to unnecessary litigation. Mr. President, I will later discuss in greater detail the stark contrasts between the Republican habeas reform and that of the Democrat proposal which I believe would actually prolong litigation in capital and noncapital litigation.

If there is to be change in the criminal justice system, it must be based on accountability. The Neighborhood Security Act of 1993 which I have described is based on accountability and provides law enforcement additional resources to allow them to do their job.

Mr. President, I believe that we can reach agreement with our colleagues on the other side of the aisle to fashion a crime bill that the American people deserve. This should be a bipartisan effort because there is no room for retreat in our fight against drug abuse and violent crime which are so closely related. It was with disappointment that I learned the Attorney General had the death penalty provisions for drug kingpins dropped from the President's crime bill. I had additional concern when I learned that the Attorney General was not supportive of language to provide mandatory punishment for mostly repeat violent offenders and those who use guns in the commission of a drug or violent offense. Nonetheless, there remains much in common between our proposals and I am hopeful that a consensus anticrime bill will soon be agreed upon as it is our primary responsibility to protect the public. Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, as we begin debate on the floor of this year's crime control legislation, I would like to remind my colleagues here in the Senate that last year, over 6 million Americans fell victim to violent crime. By merely glancing at the latest statistics, one can see that crime continues to increase at an alarming rate. You have already heard the chairman speak about the rapid growth of violent crime on our streets. I will not repeat this troubling data. Mr. President, it is time for the Senate to help stop this epidemic.

Before the Senate is a crime package that has the potential to go a long way toward combating violent crime. This bill contains many provisions that will aid law enforcement officials in their work. While there are aspects of this bill that I strongly support, there are others about which I have serious reservations. However, in this speech, I will limit my discussion to favorable aspects.

Year in and year out, there has been a steady increase in violent crime. At the same time, the number of police walking the beat in the Nation's 10 largest cities is only about 1 percent higher than when the previous administration's first drug strategy was released in 1989.

The bill before us today proposes to implement a 5-year program that will increase by 60,000 the number of cops on the beat. As we all know, if the war on crime is to be won, law enforcement must control the streets. Not only does this proposal substantially increase the number of police officers, it is also designed to integrate them back into the life of the community in which they protect. More effective law enforcement occurs when police officers interact with the community to which they are assigned.

By broadening the Federal death penalty curtailing frivolous appeals by inmates, and reforming the antiterrorism statutes, this body has the chance to turn back the tide of violent crime in this country.

But I must stress, Mr. President, that our debate cannot be limited strictly to these high profile issues. Chairman BIDEN has introduced S. 1607, which is comprehensive legislation that addresses many areas of crime and law enforcement that many people overlook.

For example, S. 1607 has a section that will expand the Federal funding for State boot camp programs. Boot camps serve as a viable alternative to adding inmates to our already overcrowded Federal prisons. This program is unique in that it targets first-time offenders, in an attempt to keep them away from career criminals, who often lead young people into becoming repeat offenders. In my own State, Mobile County is currently operating a highly effective boot camp that could easily serve as a model for such programs throughout the Nation.

Provisions are also made to combat this country's rapidly growing street gang violence. As everyone knows, street gangs have long been a problem for law enforcement in major metropolitan areas. What many do not realize, however, is that these violent organizations have begun to invade our smaller cities. In fact, news reports from my home State told of recruiting trips into Mobile and Montgomery by both the Bloods and the Crypts; two of the most notoriously dangerous street gangs in recent history. These gangs have become sophisticated to the point that the technology they use to commit crimes is more advanced than that used by law enforcement to fight them. We must help level this uneven playing field. By strengthening penalties for violent youths and committing funds which target juvenile gangs, law enforcement will have a better chance to win this battle.

One of the most important sections of S. 1607 relates to rural crime; specifically violent crime relating to the drug epidemic. This is an aspect of crime control that many overlook because crime in rural areas does not garner the media attention like crime in urban areas. Yet, trying to fight illegal drugs in a rural area is one of the greatest challenges law enforcement officials face.

The geographic vastness of rural areas, coupled with limited resources, combine to make the struggle against this type of crime a difficult task. Simply because someone chooses to live outside an urban area does not automatically make them immune to violent crime. This provision realizes the need for targeted resources in this regard. Resources which will prove beneficial not only to Alabama, but the Nation as a whole.

Still another provision that I feel is worthy of the Senate's consideration is the one that will increase the penalty for drunk driving when a child is in the vehicle. Unfortunately, this irresponsible behavior occurs all too often. Hopefully, by strengthening the law in this area, adults will think twice before endangering not only their lives, but possibly the life of a young child.

S. 1607 would amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that grants awarded to States and local agencies which would help strengthen their fight to provide safer streets and neighborhoods to each and every American are not diverted to Federal programs. We must make a better effort to outfit all law enforcement officials who are on the front line of fighting crime.

Mr. President, there is another feature of S. 1607 which I believe merits our support in the Senate. The drug court program is one that is currently being tried in my home State of Alabama, and one that I feel can truly make a difference in our criminal judicial system. This innovative program combats crime through drug testing, drug treatment, and alternative punishments for young drug offenders. This of approach to rehabilitation mainly focuses on supervision and treatment of nonviolent, drug-addicted offenders. Unfortunately, many who are charged with minor drug-related offenses are put back on the streets with no supervision and often turn to a life of committing violent crimes.

The drug court will enhance the court's options in the disposition of cases, giving the defendant a far better chance of pursuing a course of lawful and productive conduct.

I want to turn next, Mr. President, to a provision contained in S. 1607 which I strongly support; a provision popularly known as the Police Corps. This proposal has previously passed the Senate by a wide margin, but it was subsequently dropped in conference.

Quite simply, it would provide for the establishment of an organization similar to Reserve Officer Training Corps or ROTC. This program would allow State and local law enforcement agencies to recruit people who would agree to serve a term as a police officer or with another local law enforcement agency, while in return these young people would receive financial assistance for their college education costs.

Essentially, this is a competitive Federal scholarship. A college student selected by a local law enforcement agency could receive financial aid in exchange for 4 years work with a State or local police force. If the student fails to complete his or her obligation, the student must repay the money earned toward scholarship plus 10 percent interest.

The Police Corps Program is flexible, allowing students to pursue their core curriculum—and, like ROTC, there would be two summers of specialty training. This program is broadly supported throughout the law enforcement community and hopefully will attract bright, disciplined, and dedicated young women and men to assist in our Nation's war on drugs and violent crime.

Mr. President, in closing let me state that the public expects, and the Congress has a duty to enact, a strong and responsible crime bill. Legislation, when first enacted, is rarely perfect and is usually the product of compromise. The vehicle upon which we embark our journey over the ensuing days is not perfect but it is a solid first step. S. 1607 recognizes the importance of local law enforcement agencies as the first line of defense in the war on drugs and violent crime. I commend the chairman and his staff for their hard work and commitment to this measure and I look forward to working with my colleagues on this important legislative initiative.

The PRESIDING OFFICER. Who yields time?

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, we are really working hard behind the scenes to see if there is some way we can resolve this problem.

I particularly thank the distinguished colleague from Delaware, the chairman of the committee, for the efforts that he is making, and others are making as well.

What we would like to do is come up with a consensus crime bill that will really do something about crime, make a dent on crime, but that means a lot of cooperation from almost everybody in this Chamber from both sides of the floor. It does take time to try and work out some of the complicated problems that various colleagues have with our bill. We are trying to do that as best we can.

I am happy to yield, without losing my right to the floor, for such comments the distinguished Senator from Delaware wishes to make.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. BIDEN. Mr. President, we have been attempting to see whether we could resolve some of the conflicts inherent in this omnibus crime bill. As usual, they tend to come down to guns and habeas corpus.

There has been an offer made, and ongoing negotiation about whether or not we could seek an agreement whereby any gun legislation, stiffening penalties or making it more difficult to gain access to guns, be withheld from this piece of legislation in return for, very bluntly, withholding the debate on habeas corpus, in return for which we withdraw my habeas corpus and no other habeas corpus would be added.

After some Herculean efforts in making this possibility known to Democrats as well as Republicans, there are still, with good reason, several Republicans and several Democrats who wish to proceed absent any agreement. The distinguished Senator from Utah and I are basically prepared to do that.

But one of the things that I hope we will not do, I do not want to hold out any false promises to my colleague that I think such an agreement can be worked out. I am sure that my friend from Utah cannot guarantee it could be worked out either. We are going to continue to attempt to see whether we can reach an accommodation.

But I ask my friend from Utah whether or not it would not make sense for us to proceed on a number of the amendments that our colleagues have that do not relate to the subject matter we are attempting to negotiate. Our distinguished colleague from California [Mrs. FEINSTEIN] has an amendment that has passed the House of Representatives. It relates to increased penalties for crimes that are characterized as hate crimes.

Now, I know my friend from Utah, and a number of Senators on that side of the aisle are not anxious, for a myriad of reasons, to have votes tonight.

My question is whether my friend would be willing to enter into a unanimous consent agreement where the Senator from California would lay down her amendment tonight on hate crimes—nothing to do with guns, nothing to do with habeas corpus, nothing do with the hot button issues, although it is contestable—and we agree to a time certain and vote on that amendment tomorrow.

In the meantime, I assure my colleague, I will continue, to use the vernacular here, to run the traps on whether or not we can get an agreement on the whole bill.

But I hope we will not fail to act on amendments unrelated to the issues we are trying to compromise on while we are attempting to get an agreement, which, in all probability, is going to be a very difficult thing to do anyway.

So my question is: Would my distinguished friend from Utah be willing to yield to the distinguished Senator from California for purposes of her laying down and arguing her amendment tonight, and possibly working out a time agreement where we could vote relatively early tomorrow morning so we could move on with this crime bill while we negotiate?

Mr. HATCH. Mr. President, I appreciate the question of the distinguished Senator. Here is one of my problems. I talked a number of my people on this side out of bringing their amendments to the floor tonight in order to give us some time to try to work out the problems.

On our side, I believe that we can deliver on what the distinguished Senator has asked me to work out. And I know that he needs a little more time on his side.

But, where I am in trouble is that I have asked my people, when I had the floor, not to raise their amendments tonight and give us this time. Now, if I turn and allow my good friend from California to bring up her amendment, I am afraid I am going to offend a number of people I talked out of bringing their amendments up this evening. Maybe I should not have done that, but I have been doing it in good faith, trying to get this matter resolved. That is the problem.

I have some desire to support the distinguished Senator from California on her amendment, as one of the prime authors of the hate crimes legislation that did pass the Congress, and one who argued for it at a crucial time when it needed to pass.

But what I would like to suggest is that the distinguished Senator from California talk about her amendment without laying it down, as did the distinguished Senator from New York [Mr. D'AMATO], take the time and chat about it—and I will be glad to yield the time—but not lay the amendment down, and let us see if we can get through this evening without any amendment as we try to work out a bipartisan agreement.

I think it will lend itself to our doing that if we can.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Yes.

Mr. BIDEN. Mr. President, I want to make it clear to my friend from Utah that I think we should no longer delay on the prospect that we will get an agreement. I think perhaps the best way to get an agreement is for us to get under way on the bill and begin to vote on the relevant amendments.

There is a list of, I do not know how many—my staff is all in the back and I do not know what the number is. But I think there are scores of amendments that Democrats as well as Republicans have. I would like to get started on them.

Now, what the Senator suggested is that he will not yield the floor for the reasons stated, but he would yield for the purpose of the Senator from California discussing her amendment but not, in the Senator's vernacular, laying down her amendment. So there would be no amendment before the Senate, but the Senator from California would be in a position to begin to discuss her amendment and indicate that this is the amendment she is going to lay down when she can get the floor.

Mr. President, to be perfectly blunt about it, I do not know that we have any choice. The Senator from Utah has the floor. I would much prefer him to yield the floor under a time agreement to my friend from California and let us get going on it, actually.

But, absent that, there is not much that I think we can do. I think we would all be better off if we just entered into a time agreement. The effect would be the same. The effect would be that we would have this amendment as the first item to be voted on tomorrow. There would be no vote on it tonight.

I think that would satisfy everyone. We would then be in a position of everyone knowing there would be no procedural votes or other votes here tonight.

So when my colleague from California and my colleague from Utah finish conferring, I will renew my request to the Senator from Utah to allow the Senator from California to lay down her amendment, let us get started in earnest, debate on something that we can vote on tonight, notwithstanding the fact that the Senator from California still has the floor.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I regret that we have been unable to make any progress on this important bill throughout the day today. We were prepared to go to this bill and proceed with it this morning. It is now nearly 8 o'clock in the evening and literally nothing has happened. This is a Wednesday, the middle of the week, and it had been my hope that if we made some progress on the bill, we could complete action for the week at a reasonable hour on Friday. That has obviously not occurred and it is now clear there are not going to be any votes this evening. There will just be more discussion.

Therefore, I simply want to put Senators on notice that we are going to have a very long session tomorrow and all day on Friday, and possibly into the evening on Friday, because we now are 3 weeks from the anticipated end of the session and we simply cannot afford to have a full day in the middle of the week, on a Wednesday, in which nothing happens because of delays, one delay after another.

Therefore, the purpose of my remarks is simply to put Senators on notice that we will be here all day tomorrow for a long day with votes, and we will be here all day Friday for a long day with votes, even if it is necessary that there be procedural votes as we have had in the past 2 days on the other matter.

Mr. HATCH. Will the majority leader yield?

Mr. MITCHELL. Certainly.

Mr. HATCH. Mr. President, I respect the majority leader, but I have to tell him we have had people here ready to offer amendments all night. Frankly, I have held them off because we have been under the impression that we have both been working in good faith to try to resolve this. We have reached the point where the distinguished Senator from Delaware tells me he does not think he can resolve it at this time, but there is still hope.

We did not even get to this bill until after 6 o'clock tonight. It was not even called up until then.

Mr. MITCHELL addressed the Chair.

Mr. HATCH. I gave a 45-minute speech thereafter, and we have been going ever since.

I do not think it is either side's fault that the day has dragged on like today. All I am saying is there is a legitimate effort here to try and come up with a consensus bill that will do something against crime.

For our side, I believe we can put them together on what we have been discussing.

Mr. BIDEN. Will the Senator yield for just a moment?

Mr. MITCHELL. Will the Senator yield to me?

Mr. HATCH. I do not want there to be a misimpression here.

Mr. MITCHELL. There is a misimpression.

Mr. HATCH. You are giving the misimpression.

Mr. MITCHELL. The Senator said we did not get to the bill until 6 o'clock. The reason we have not gotten to the bill until 6 o'clock is because Republican Senators objected to bringing up the bill.

I sought consent to go to the bill this morning shortly after 11 o'clock and Republican Senators objected to going to the bill. Therefore, we were not able to get consent from Republican Senators to go to the bill until 6 o'clock.

Now the Senator says we have not had action because we did not go to the bill until 6. Having caused the delay, the Senator now invokes the delay as a reason to support his position.

Mr. HATCH. If the Senator will yield, it was brought up at 12:30, but regardless of what happened, we have had opening statements all afternoon. Time has not been wasted and both sides have legitimately and in good faith been working with a variety of Senators to try and resolve this. If we could resolve this, we would have one of the finest bipartisan crime bills in the history of this country. It would be a large bill. It would be a costly bill, but one well worth the cost. It would be bipartisan. I think the President would be pleased with it. Everybody here I think would vote for it and, in the end, it would be a wonderful achievement.

If we do not get that done, we are going to be in the biggest quagmire anybody ever saw. It would be like we always are on a crime bill. It is a full free-for-all with everybody bringing up what they want to bring up on this bill.

The distinguished majority leader knows better than anybody here, having lived with it all these years—and he has been an eminent and a great majority leader—that is the way it works around here. Sometimes you just have to try and work out the sides. But there has been no desire to delay on our side.

Mr. MITCHELL. Mr. President, I just want to say, I have announced publicly for 2 weeks that we were going to go to this bill when we reached this point. I had announced it every day last week. I announced it on Monday. I announced it on Tuesday.

Mr. HATCH. That is true.

Mr. MITCHELL. And here we are 3 weeks before the end of the session, a day in the middle of the week and I am told that the meetings about the bill would not begin until after we are ready to go to the bill.

What I am saying is, it would have been very easy on anybody's part to have meetings 10 days ago when I announced we were going to this bill; 9 days ago when I announced we were going to this bill; 8 days ago when I announced we were going to go to this bill and——

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. HATCH. This bill did not even come to the floor until Monday. This is a new bill. There has not been one day's worth of hearings on this bill. There has not even been a chance for anybody to go through it, except those of us who work hard in these areas. I am not finding fault with that.

The distinguished Senator from Delaware has tried to make the bill better by filing a bill this Monday. That is 2 days ago. I have to say that I understand the frustrations of the distinguished majority leader. The only thing I am objecting to is not that the frustration is not justified in the sense he wishes we could move faster on these matters, but I am objecting to it being characterized as though we are delaying it over here. We are not. We are trying to resolve it.

If we could resolve it, if we could reach this agreement, I think we can pass this bill in 3 or 4 hours, which would save us the 2 or 3 days we are going to have to go through, maybe more, on this bill if we do not resolve it.

Mr. BIDEN. Will the Senator yield?

Mr. HATCH. I will be happy to.

Mr. BIDEN. Mr. President, let me cut through this. We do not have an agreement. The Senator from Utah cannot produce an agreement. I cannot produce an agreement. It is about time we produce a bill. We should just move forward and have a bill.

Mr. HATCH. Fine with me.

Mr. BIDEN. I am prepared to continue to work while the bill is going on. I am sure the Senator from Utah is prepared to work. The fact of the matter is he cannot deliver and I cannot deliver on the proposed compromise, but we should deliver the American people a bill. If it means slugging it out on the floor, let us get to slugging it out; let us get a bill; let us get amendments up; let us move on.

Mr. HATCH. Mr. President, that is fine with me, but I think we can deliver over here and we intend to. But let us face it, if we cannot right now, let us go at it. But we certainly have been in good faith trying to do so on a bill that was filed 2 days ago and which is considerably different than the bill that was filed months ago.

So I am happy to go, I am happy to yield to the distinguished Senator from California who has an amendment, with the understanding that she will debate the amendment tonight and leave it open for debate in the morning because Senator HELMS would like to comment about it in the morning and then we will go from there.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, not very long ago, when people around the world were asked to describe America, they used words like "strong" and "free" and "proud." Today, somehow their description of America is best expressed by words like "violent" and like "scared."

Of course, it is no wonder. In the past generation, we have seen crime grow exponentially. When President Kennedy was elected, there were three police officers for every serious crime. Today, there are three serious crimes for every police officer. Most crime is fought at the State and local level, of course, and today no State, no locality is any longer free from crime.

In my view, one of the major reasons for the increase in crime over this period has been the increasing failure of the criminal justice system to punish credibly. Unfortunately, the bill before us is premised on the perceived need for reduced punishment. This bill calls not for increasing punishment, as most of the polls show that the public is demanding from their various legislative bodies, but instead it perceives a need for reducing punishment.

This bill promotes alternative, less onerous punishment. This bill allows prisoners who complete a drug treatment plan to gain a 1-year reduction in their sentence. It is not hard to understand what will happen if these provisions become law. A potential criminal will know that instead of going to prison, he will only face an alternative punishment that is less severe and probably takes him away for just a shorter period of time.

Even a criminal who previously committed violent offenses can get reduced sentences if he undergoes such treatment. If we reduce sentences for prisoners who undergo treatment, we will create terrible incentives. First, we will have more offenders because they know that their sentence, already much shorter than publicly advertised, can now be a year shorter. They will be back on the streets, possibly harming new victims, a year sooner.

The other incentive will be for increased drug use. Today, a potential drug user faces stiff punishment if he takes drugs. But, look at this bill. Under this bill, a person thinking about drugs will know that treatment will be made available if he uses drugs and that, if caught, his sentence may be cut if he is willing to undergo treatment.

This sends a very wrong message to our young people. We need to strengthen incentives, instead, against using drugs. We should not do those things that promote the use of drugs.

The bill before us will also encourage crime by cutting back on the death penalty.

Once again, by weakening available punishment the Senate passed earlier, this bill will reduce crime less than it should, or otherwise would. Consider the specific example of the death penalty for drug kingpins: In the last Congress, the conference report from that bill provided for the death penalty for drug kingpins, for kingpins who murdered for purposes of blocking prosecution and for drug felons who kill with reckless disregard for life. All three of these provisions that were in that bill a year ago are dropped from this bill.

Obviously, we will have more drug kingpins without these provisions. Once again, this bill has reduced the penalties available to stop very serious crimes. Worse, I believe, it has been done for political reasons.

Just a little bit of history. In 1990, the then head of the Office of Legal Counsel, William Barr, testified that the death penalty for drug kingpins was constitutional.

His testimony formed the basis for a reasoned Justice Department opinion based on a history of Federal death penalty statutes dating back 200 years regarding espionage and treason as well as on Supreme Court precedent.

General Barr concluded that the death penalty was constitutional for serious harms even when the defendant did not personally kill someone.

General Barr addressed two Supreme Court decisions in particular. First, he relied on its 1987 decision in Tison versus Arizona which upheld the death penalty when the defendant acted to create a high risk of death but actually killed no one.

Second, he relied on the 1977 decision of Coker versus Georgia, which found the death penalty for rape unconstitutional. Coker left open the possibility that crimes which do not cause death, but pose a significant risk of death to many individuals, are in fact constitutional.

Running large drug dealing enterprises then would clearly fall into a category for which the application of a death penalty would be constitutional. But these provisions were removed. Why? We do not know for sure. The Attorney General, who opposes the death penalty, promised that her personal views would not affect her willingness to enforce the law. She said through a spokesman that these provisions are unconstitutional under Coker. Why? When my staff called the Justice Department for a copy of the new Office of Legal Counsel opinion, I and my staff received no response. Is there in fact a studied opinion as there was under General Barr in the previous administration? If so, I would presume that it must not support the Attorney General's position. This is hardly surprising since it does not square with Tison.

Certainly one of the three provisions—killing while engaged in a drug felony with reckless disregard for life—is clearly constitutional.

The Justice Department has not only weakened the death penalty, I believe it has now become politicized. The invasion of important constitutional questions by political objectives is extremely troubling to me. The drug kingpin death penalty provision enjoys overwhelming support. It is in fact very necessary, and it is in fact, as I have demonstrated, constitutional. If the Justice Department does not think so, it should make public the reasons and the legal justification for its position. Otherwise, we can only conclude that the Department wants to be weak on drug kingpins. The constitutional argument that the Attorney General has made so far is nothing short of being a fig leaf.

As we debate this bill—and it has been debated all day—I and others will continue to point out weaknesses in this bill. I hope that we will be successful in strengthening this bill. Crime cannot be controlled by reducing punishment, as this bill does. This administration seems to think that the way to fight crime is to address root causes. Certainly, one cause of crime is a punishment system too lenient and too uncertain to adequately prevent crime. As important as it is to address the so-called root causes of crime, we should not in any way let up on being tough on the criminal and the punishment of that criminal while we are trying to do something about the root causes of crime.

I hope that my colleagues will join me in efforts to make this bill stronger. The American people want us to be tougher on crime. They are right. They expect us to be right. We fail them if we pass this bill as it is now written.

I think that we on this side of the aisle, the minority Members of this body and the loyal opposition to a President of the opposite party, should point out when the administration does not follow its own rhetoric. I believe that performance in office must be commensurate with that rhetoric, whether the rhetoric of the campaign or the rhetoric of an administration after it takes office.

In the case of child pornography, something we are going to be dealing with later on in this legislation, Janet Reno, the Attorney General, has expressed, and rightly so, much concern about the plight of children in America and doing something about it.

She expressed her position, in agreement with mine, in hearings on the subject of child pornography. And yet just this week the Solicitor General, her Solicitor General, President Clinton's Solicitor General, went to the Supreme Court to argue that a person who had been convicted under child pornography legislation, been convicted in the district court, his conviction upheld in the court of appeals, should not be found guilty on appeal to the Supreme Court. Contrary to positions that the previous administration had taken on an interpretation of the child pornography statutes, this administration argued that the relevant statutory intention should not be that of those who own the child pornography literature and films, those who sell them and those who produce them, but should instead turn on the involvement of the child in the literature or the films.

The Solicitor General went before the Court and argued contrary to congressional intent, an intent I know something about because I was involved with the passage of that legislation in the middle 1980's, that the child—people under 18 years of age, and in this case that a 10-year-old should somehow act in a lascivious way for a pornographer to be found guilty under this statute.

That was the argument of the Solicitor General, and the Supreme Court has now sent the case back down to the circuit court of appeals to take into consideration the opinion of the Solicitor General. All of a sudden we have gutted a child pornography statute. This administration is going to make it very difficult to convict people trafficking in child pornography. That happens to be a multibillion dollar business in the world. Child pornographers will be able to get away with exploitation if the prosecuting attorney is required to show that a young person of any age, must act in a lascivious way for the pornographer to be found guilty.

When we passed that statute, we were concerned about protecting the child, the very same way that the Attorney General talks about protecting the child. How can anyone ever prove that the person who films some 6-year-old that is used in child pornography is guilty if it must be proved that that 6-year-old is acting in a lascivious way?

That is saying it is OK to the underworld out there that is making billions on child pornography to take advantage of these young boys and girls under 18 years of age and get rich off of it.

It seems to me that we should not be sending that sort of a signal if we are an Attorney General and concerned about children. We should have had the Solicitor General up to the Supreme Court and instead of arguing that this person who had been convicted should get off, should have forcefully contended that that statute's constitutionality should be upheld, that the conviction should be upheld, and that the intent of Congress for a broad interpretation of that statute should be followed. But we did not have it. The reality failed to match the rhetoric.

Similarly, on the subject of the death penalty, we have a President who, during the campaign, emphasized that when he left New York, he was going back to Little Rock to authorize the execution of a person convicted in Arkansas because he wanted to demonstrate to the electorate of this country that he was very strongly in support of the death penalty, and that he was going to be tough on crime.

If you are the President of the United States who really supports the death penalty, then if you supported it during the campaign, you surely will 1 year later. But how do you then permit the sort of conflicting signals sent by an Attorney General that supports legislation withdrawing the death penalty provisions, particularly when in her confirmation hearings even she said that despite personal opposition to the death penalty, that she had used the death penalty, and that she was going to support that type of legislation here?

Whether it is child pornography or whether it is the death penalty, or I think of even in my own State of another issue unrelated to crime and toughening up the criminal codes, this administration spoke differently before it was elected than after. I remember this President on September 27, 1992, on a farm outside of Indianola gave a speech on agriculture. He berated the Bush administration because the Bush administration was not pro-ethanol enough, that the Bush administration was not concerned about the farmers enough, that the Bush administration was not fighting for the sale of pork to Russia through the use of the export enhancement program, and that, by golly, if he got to be President, he was not going to forget about the farmer.

And the Bush administration, perhaps very late, issued some very pro-ethanol regulations. What happened within 2 or 3 days after this President was sworn into office? He withdrew those regulations, and supposedly to be reinstituted after a little bit of review. But they dropped them into a great big black hole. We do not even know whether we are going to have any pro-ethanol regulations or any ethanol regulations at all. When you get a combination of big oil and extreme environmentalists pushing together against ethanol, you sometimes wonder.

But here we have a President who promised a strong pro-ethanol position in his administration and made no delivery—in fact, we took a step backward from where we were in the previous administration. Just as we have a President who says he is for the death penalty, but we have a bill up here that is being supported by his Attorney General without certain death penalty provisions in it. And we have child pornography statutes weakened by the Solicitor General of an Attorney General who says that she is very concerned about protecting children.

In a very real sense it is like talking out of both sides of your mouth. And if there is a reasoned change of position in all of these things, I would have respect for anybody who wants to change their mind. But I do not even hear that. I do not hear anything.

But I think on the bill before us, we have an opportunity to correct some of these discrepancies. I do not know if we have any opportunity to correct anything about ethanol, but we will have an opportunity to correct discrepancies about the death penalty and child pornography. I hope we do it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1097

(Purpose: To direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUYE, Ms. MOSELEY-BRAUN, Mr. D'AMATO, Mr. KOHL, Mr. DECONCINI, Mr. LAUTENBERG, Mr. LEVIN, and Mr. ROBB, proposes an amendment numbered 1097.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 404, between lines 11 and 12, insert the following:

SEC. 2405. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) DEFINITION.—In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

Mrs. FEINSTEIN. I ask unanimous consent that I be recognized tomorrow morning when the Senate resumes consideration of the bill to make my statement regarding my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

ON PRESIDENT CLINTON'S FOREIGN POLICY

Mr. MOYNIHAN. Mr. President, yesterday Ambassador Richard Schifter, a most distinguished public servant, delivered an important address at a symposium here in Washington sponsored by the American Enterprise Institute. The title of his address was "Is There a Clinton Doctrine?" and its subject was the spate of editorial and other commentary in recent days about the conduct of foreign policy by this administration. Ambassador Schifter—a man who has well served Presidents of both parties—offers an extremely thoughtful analysis of recent developments and the efforts of the Clinton administration to conduct foreign policy in the post-cold war era.

I know that these remarks will be of great interest to my colleagues and I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

IS THERE A CLINTON DOCTRINE?

(Remarks by Richard Schifter, Special Assistant to the President and Counselor, National Security Council, at a Symposium sponsored by the American Enterprise Institute on November 2, 1993, in Washington, DC)

"A vague global policy which sounds like the tocsin of an ideological crusade. . . . Its effects cannot be predicted." These were the words of Walter Lippmann. And representative Harold Knutson added: "I guess the do-gooders won't feel right until they have us all broke." But the New York Times compared Truman's call, on March 12, 1947, for aid to Greece and Turkey to the Monroe Doctrine. And so the Truman Doctrine was born.

The Greek-Turkish aid program was only the cornerstone of a substantial edifice built in the Truman years, which contained all aspects of a comprehensive U.S. foreign policy, a policy which served us well for forty years. Its objective was summed up in President Truman's farewell address: "Whether the Communist rulers shift their policies of their own free will—or whether the change comes about in some other way—I have not a doubt in the world, that a change will occur. I have a deep and abiding faith in the destiny of free men. With patience and courage, we shall some day move on into a new era."

We are now in that new era. In fact, we have been in it for some years. We did not need a Bush Doctrine, nor do we now need a Clinton Doctrine, namely a catch phrase to describe one particular aspect of foreign policy. What we need is vision in formulating a U.S. foreign policy built on a bipartisan consensus, a policy which can guide us in dealing with the new problems which we face in the post-Communist world.

It may not have been possible to create a comprehensive framework immediately following the Communist collapse. In the euphoric days of late 1989 and early 1990 we did not yet see the difficulties which lay ahead. There was talk of "the end of history" and "a new world order." That new world order is now with us. It is a better world order, one in which our very survival no longer depends on a policy of mutual assured destruction. But it is a world order which poses new dangers as well as new opportunities, and which thus does not allow for a laissez-faire approach. We ignore these dangers only at serious risk to our security and we fail to take advantage of the new opportunities at substantial cost to us. Aware of the calls to a new isolationism which emanate from both extremes of the political spectrum, we need to develop a policy consensus of what Arthur Schlesinger once called the Vital Center.

The essential elements of such a policy consensus, as spelled out in the recent Administration speeches, should include the following elements, designed to protect our most critical security interests:

(1) Joining with other nations in efforts to combat the proliferation of weapons of mass destruction.

(2) Seeking international safeguards against international terrorism.

(3) Formulating a strategy to deal with movements, whether in secular or religious garb, which consider the West in general and the United States in particular its enemies, which seek to overthrow governments friendly to us, which engage in terrorism and which, if they succeed, could seriously affect our economic security.

(4) Support of democratic governments as our natural friends and allies. Recognition of the existence in today's world of countries in which democracy has gained a foothold but is at risk, and of the fact, therefore, that it is in our interest to help strengthen fragile democracies, thereby enlarging the democratic space on the globe.

(5) Recognition of the interrelationship between our domestic economic strength and a foreign economic policy based on a commitment to the expansion of international trade on a level playing field.

In addition to the foregoing points, which are of critical security concern, we have other national interests. We have a stake in international tranquility. There are long-run benefits to be derived from an international system which seeks to prevent or stop breaches of the peace. Beyond that, the American people, more than any other, tend to contribute a hefty dose of altruism to the formulation of foreign policy. The pictures of starving children pull at the heartstrings of Americans more than at those of people of any other nationality.

Reaching a consensus on the foreign policy questions in which our national interest is indirect or basically humanitarian may very well be more complicated than where it is direct and central. And yet, we need to develop guidelines for such a consensus, rather than allowing policy to be driven day by day by television images. Where a threat is indirect, we need to ask ourselves as to the potential of it developing into a direct threat. Where the problem is humanitarian, we need to ask ourselves how serious the problem is, whether our role can help resolve it, what our financial burden is likely to be, whether the lives of U.S. soldiers would be put at risk, and, if so, at how great a risk. Finally, we need to ask ourselves whether our involvement is likely to have the support of the American people, and whether the United States will be alone or will be joined by others.

This is the setting in which it is appropriate for us to turn to the United Nations. Having preserved for ourselves the right to proceed in self-defense, alone or in coalition, under Article 51 of the United Nations Charter, we should look to the United Nations Security Council for action on other threats to the peace, breaches of the peace, or acts of aggression. The answer to those who warn against abdication of U.S. policy formulation to the UN is that the Security Council cannot take any action over our veto. What is more, the Security Council is unlikely to take creative action without U.S. leadership or, at least, strong support. The extent to which our resources and our soldiers would be involved in any efforts at peacekeeping or peacemaking should be proportionate to our interest in the matter.

The problems posed by the former Yugoslavia, Somalia, and Haiti fall into the category just described. In the case of Yugoslavia, the Milosevic government decided, when it could not prevent the dissolution of the Federation, to use its control of the Yugoslav National Army and the support of ethnic Serbian irregulars to create a greater Serbia by force of arms and to use so-called ethic cleaning to secure its hold on the land it would seize. Hostilities began in Slovenia in June 1991 and quickly shifted to Croatia. By January 1992, the Serbian-populated area of Croatia had been *de facto* separated from Croatia. Shortly thereafter serious armed clashes began between Serbs and the mostly Muslim Bosnian forces. In the spring and summer of 1992 the world witnessed the atrocities which became known as ethnic cleansing. By November 1992, 70% of Bosnia was in Serb hands and has remained so.

Except for its agreement to UN sanctions imposed on Serbia, the United States had distanced itself from the fighting in the former Yugoslavia in the more than eighteen months which preceded the inauguration of President Clinton. After taking office, the Clinton Administration tried to modify previous U.S. policy by becoming more active on the side of the victims of aggression. But it decided not to act unilaterally. The effort to engage our allies had only limited success. We continue to do what we can to press for an end to bloodshed and as fair a resolution of the conflict as can be obtained.

Somalia posed a problem of mass starvation brought about by a breakdown of any semblance of law and order. That breakdown had occurred in the wake of the revolt which overthrew President Siad Barre in January 1991. By the summer of 1992 Somalis were dying of hunger by the tens of thousands. Armed thugs prevented relief shipments from reaching their intended beneficiaries. These were the circumstances under which the United States, in December 1992, under the umbrella of a UN Security Council Resolution, and with strong public approval, ordered 28,000 combat-ready troops into Somalia to help end the problem of mass starvation. It should have been clear then and it certainly is clear now that if our intercession is to accomplish more than merely postpone the death of hundreds of thousands of Somalis by a year or so, the international community will have to find a way to protect the production and distribution of food in Somalia.

And then there is Haiti. Located in our hemisphere it is of special interest to us. It has been misgoverned for decades. There is no doubt that President Aristide was chosen in a free and fair election and has the support of a substantial majority of the Haitian people. Acting once again under the UN umbrella, we are seeking to restore a duly elected head of state to his office. Whatever questions may have been raised about some of his past pronouncements, there is a reasonable chance that if he returns to power under the auspices of the international community, that community will be able assure that human rights are respected and that the economy improves. Under those circumstances the current pressure for illegal emigration to the United States would likely be significantly diminished.

These three country situations have been branded as Clinton Administration policy failures. A fair analysis of the facts would characterize them for what they truly are: largely inherited problems which have received a great deal of media attention but are not central to our security concerns, nor are they policy failures. There are some problems which are simply beyond our ability to influence with available resources. We must nevertheless seek to deal with them, not ad hoc, but in the context of their long-term implications for our foreign policy. Above all, though, we must keep in mind that serious foreign policy analysis produces a rank order of priorities which differs vastly from the judgments of newsworthiness made by the editorial staff of CNN. We must not let media judgments prevent us from paying attention to the issues of our time which have historic significance. There is more to a peacetime foreign policy than debates on the deployment of small detachments of U.S. troops.

While the final decision in foreign policy formulation rests with the President, there is, as I suggested earlier, a sincere interest in the Administration for a constructive bipartisan or nonpartisan dialogue. We all need to commit ourselves to such a dialogue. It is in the interest of our country.

WITHDRAWAL OF CLOTURE MOTIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the five cloture motions be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 411. Alan John Blinken, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium;

Calendar 413. Tobi Trister Gati, to be an Assistant Secretary of State;

Calendar 414. Swanee Grace Hunt to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria;

Calendar 415. Thomas A. Loftus, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway; and

Calendar 420. Daniel L. Spiegel, to be the Representative of the United States of America to the European Office of the United Nations.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Alan John Blinken, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Tobi Trister Gati, of New York, to be an Assistant Secretary of State, vice Douglas P. Mulholland, resigned.

Swanee Grace Hunt, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Thomas A. Loftus, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

Daniel L. Spiegel, of Virginia, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

The message also announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 142. Joint resolution designating the week beginning November 7, 1993, as "National Women Veterans Recognition Week."

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3160. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102–586, and for other purposes.

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor.

The message also announced that the House has agreed to the following concurrent resolutions, in which it asks the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

H. Con. Res. 169. Concurrent resolution to express the sense of the Congress that the United States should seek compliance by all countries with the conservation and management recommendations and agreements adopted for Atlantic bluefin tuna and other highly migratory species by the International Commission for the Conservation of Atlantic Tunas, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

At 4:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1507. An act to make technical amendments to the Higher Education Amendments of 1992 and the Higher Education Act of 1965, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1308) to protect the free exercise of religion.

At 8:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following joint resolution:

H.J. Res. 205. Joint resolution designating the week beginning October 31, 1993, as "National Health Information Management Week."

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3160. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to make technical corrections necessitated by the enactment of Public Law 102-586, and for other purposes; to the Committee on the Judiciary.

H.R. 3341. An act to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

The following measure was read and referred as indicated:

H. Con. Res. 135. Concurrent resolution calling for the United States to take further steps to establish an international fishery agreement for conservation and management of living marine resources in international waters of the Bering Sea known as the Donut Hole.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1711. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the U.S. Government, Fiscal Year 1994"; to the Committee on Governmental Affairs.

EC-1712. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Federal Information Resources"; to the Committee on Governmental Affairs.

EC-1713. A communication from the Chairman of the Nuclear Waste Technical Review Board, transmitting, pursuant to law, the annual report of the Office of Inspecter General for calendar year 1992; to the Committee on Governmental Affairs.

EC-1714. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Office of Inspecter General for fiscal year 1993; to the Committee on Governmental Affairs.

EC-1715. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-118 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC-1716. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-124 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1717. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-125 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1718. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-128 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1719. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-136 adopted by the Council on October 5, 1993; to the Committee on Governmental Affairs.

EC-1720. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "National Education Statistics Act of 1993"; to the Committee on Labor and Human Resources.

EC-1721. A communication from the Chairman of the Federal Election Commission, transmitting, proposed regulations relative to "Best Efforts"; to the Committee on Rules and Administration.

EC-1722. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on veterans' employment in the Federal Government for fiscal year 1992; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs:

Eugene A. Brickhouse, of Virginia, to be an Assistant Secretary of Veterans' Affairs (Human Resources and Administration).

Kathy Elena Jurado, of Florida, to be an Assistant Secretary of Veterans' Affairs (Public and Intergovernmental Affairs).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, Mr. PRESSLER, Mr. GRASSLEY, Mr. HARKIN, Mr. DURENBERGER, and Mrs. KASSEBAUM):

S. 1615. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1616. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

By Mr. GREGG:

S. 1617. A bill to amend the Export Administration Act of 1979 with respect to exports of computers, telecommunications equipment, and semiconductors; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. DORGAN, Mr. CONRAD, Mr. PRESSLER, Mr. GRASSLEY, Mr. HARKIN, Mr. DURENBERGER, and Mrs. KASSEBAUM):

S. 1615. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

INVOLUNTARY CONVERSION OF LIVESTOCK LEGISLATION

• Mr. DASCHLE. Mr. President, today I am introducing legislation to provide equitable treatment under the tax law for farmers and ranchers who are forced to sell their livestock prematurely due to extreme weather conditions. I am joined in this effort by Senators DORGAN, CONRAD, PRESSLER, GRASSLEY, HARKIN, DURENBERGER, and KASSENBAUM.

Last summer, Midwestern States suffered severe floods, which devastated lives and property along these States' rivers and shorelines. President Clinton responded quickly by providing disaster assistance, $2.5 billion, including $1 billion for agriculture, in emergency aid to flooded areas in the Midwest.

In addition to receiving disaster payments many farmers will be able to take advantage of provisions in the Internal Revenue Code designed primarily to spread out the impact of taxes on farmers in these situations. Ironically, however, while farmers who lose their crops due to floods are covered under these provisions, farmers who must involuntarily sell livestock due to flood conditions are not.

Normally, a taxpayer who is on the cash basis of accounting, as most farmers are, must report income in the year in which he or she actually receives the income. The Tax Code, however, outlines certain exceptions to this rule where disaster conditions generate income to the farmer that would not otherwise have been received at that time. For example, one exception allows farmers who receive insurance proceeds or disaster payments when crops are destroyed or damaged due to drought, flood or any other natural disaster to include those proceeds in income in the year in which the income from the crops would otherwise have been received—usually the year following the year in which the insurance proceeds or disaster payments are actually received.

Two other provisions deal with involuntary conversion of livestock. The first provision enables livestock producers who are forced to sell herds due to drought conditions to defer tax on any gain from these sales by reinvesting the proceeds in similar property within a 2-year period. The second provision allows livestock producers who choose not to reinvest in similar property to elect to include proceeds from the sale of the livestock in taxable income in the year following the sale.

For no apparent reason, the two provisions dealing with livestock do not mention the situation where livestock is involuntarily sold due to flooding. Thus, floods and flood conditions do not trigger the benefits of those provisions. Yet, many livestock producers during the recent floods had no choice but to sell livestock because floods had destroyed crops needed to feed the livestock, fences for containing livestock were washed out, or other similar circumstances had occurred.

Our proposal would expand the availability of the existing livestock tax provisions to include involuntary conversions of livestock due to flooding and other weather-related conditions. This would conform the treatment of crops and livestock in this respect.

A provision similar to our bill was passed by Congress last year in H.R. 11, the Revenue Act of 1992. That legislation, of course, was subsequently vetoed by President Bush.

Let me emphasize that the tax provisions we are dealing with here affect the timing of tax payments, not forgiveness of tax liability. I should also make clear that this measure would be effective as of the beginning of this year, making the relief it provides available to those who were affected by the flooding this past spring.

We should not shut out some farmers—livestock producers—from the disaster-related provisions of the Tax Code simply because the natural disaster involved was a flood, instead of a drought. That just doesn't make sense, and I urge my colleagues to give this bill favorable consideration.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF LIVESTOCK SOLD ON ACCOUNT OF WEATHER-RELATED CONDITIONS.

(a) DEFERRAL OF INCOME INCLUSION.—Subsection (e) of section 451 of the Internal Revenue Code of 1986 (relating to special rules for proceeds from livestock sold on account of drought) is amended—

(1) by striking "drought conditions, and that these drought conditions" in paragraph (1) and inserting "drought, flood, or other weather-related conditions, and that such conditions"; and

(2) by inserting ", FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(b) INVOLUNTARY CONVERSIONS.—Subsection (e) of section 1033 of such Code (relating to livestock sold on account of drought) is amended—

(1) by inserting ", flood, or other weather-related conditions" before the period at the end thereof; and

(2) by inserting ", FLOOD, OR OTHER WEATHER-RELATED CONDITIONS" after "DROUGHT" in the subsection heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after December 31, 1992.•

By Mr. MOYNIHAN:

S. 1616. A bill to amend the Internal Revenue Code of 1986 to increase the tax on handgun ammunition, to impose the special occupational tax and registration requirements on importers and manufacturers of handgun ammunition, and for other purposes; to the Committee on Finance.

REAL COST OF HANDGUN AMMUNITION ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce the Real Cost of Handgun Ammunition Act. This is a measure which we could consider as part of the crime bill or, in any event, will be considered as part of the health care legislation which is now before the Congress also.

I raised the matter with Mrs. Clinton when she appeared before the Finance Committee with respect to the health care bill—and that was some weeks ago—and again this morning with Secretary Bentsen, the Secretary of the Treasury, whose Department includes the Bureau of Alcohol, Tobacco and Firearms.

Mr. President, the Federal Government has taxed the manufacture of ammunition since 1918. It has been an uncontested measure and part of the Revenue Act of 1918 and has been on the books at a very low rate, been in the statute books, since that time.

Since 1938, we have also required a license from the Bureau of Alcohol, Tobacco and Firearms to manufacture ammunition. That license, however, is freely given at $10 per year, with no reporting as to quantities or caliber at this point.

The Real Cost of Handgun Ammunition Act would increase the excise tax on the sale of handgun ammunition—apart from .22 caliber—from 11 to 50 percent. Handgun ammunition is defined as any centerfire ammunition that has a cartridge case of less than 1.3 inches in length, which is to say, it is not rifle ammunition. According to Bureau of Alcohol, Tobacco and Firearms, this definition precisely targets all handgun ammunition except .22 caliber rimfire, which is the primary round used for target shooting and in sporting competitions. Rifle ammunition would not be affected.

The act would increase the excise tax to $10,000 on two particularly deadly handgun rounds—the 9mm Talon—just recently developed—and the .50 caliber Desert Eagle. The Desert Eagle is manufactured for use in tank-mounted machineguns but has been used of late in specially manufactured handguns, handguns that can have no purpose other than murder and mayhem.

The Talon is an example of the kind of development that is taking place in our country today by manufacturers, a major manufacturer in this case, selling for profit products that ought never to be available in any society.

Here is a description of the Talon round, as one gun magazine described it. It says the round:

> expands to expose razor-sharp reinforced jacket petals. These cut tissue in the wake of the penetrating core. Toward the end of the bullet travel, the Talon bullet typically turns sideways * * *. From this point on, it penetrates soft tissue like a throwing star—very nasty; very effective; a real improvement in handgun ammo.—Handguns for Sport & Defense Magazine.

You can imagine with what satisfaction police officers in our country read of such a round.

The act also would impose a new occupational tax of $10,000 annually on each manufacturer and importer of handgun ammunition, similar to the occupational tax that applies to manufacturers of machine-guns, sawed-off shotguns and the like. This tax would not apply to manufacturers who conduct business exclusively with police departments, the military, and other government entities.

Mr. President, the proposition behind this legislation is simple. Guns do not kill people, bullets do. We have in our Nation today, some 50 million handguns. Some 20 million have been sold, purchased since Jim Brady was shot in 1981. If you think in terms of the longevity of a well-made handgun, it can be two centuries. Original Winchesters are continuously showing up at auctions, manufactured in the 1850's, and in perfect condition to this day.

I can recall, as an officer of the deck some 47 years ago down in Trinidad, one evening, unshipping, as they say in the Navy, the .45 caliber sidearm which we were then issued and finding it was made in the Worcester, MA, armory in 1911. Somewhere in the world today, I cannot doubt, some ensign is still carrying the same sidearm. They last indefinitely.

What does not last indefinitely is ammunition. We have about a 4-year supply of ammunition in the country right now, although records are not kept, inventories are not followed, and there is very little inhibition—none—on the manufacture of rounds which have no purpose but being fired at human beings.

We went through this in 1986, when the Police Benevolent Association in New York City came to me and asked, could we not do something about the manufacture and sale of armor-piercing rounds, teflon coated, that had come to be known as cop-killer bullets. They had been developed for reasons that were respectable enough and police, for some time, had them in inventory. But then came the development of body armor, which police began wearing in the 1950's, and it was realized that these rounds would pierce body armor.

We introduced this measure—I introduced it and a number of Senators joined in this matter. The senior Senator from South Carolina joined me in this matter. And I have to say that the National Rifle Association immediately said they would get rid of this, nothing would ever happen to this bill, only to learn that a very large number of their members were police officers and were not in the least impressed that an organization to which they paid dues did not seem to think it appropriate to ban a round of ammunition which put their lives in jeopardy. That bill passed and was signed by President Reagan. It was the first legislation to outlaw a round of ammunition, and I hope it will not be the last.

Today we are discussing a tax on the Talon, so-called, the 20th century equivalent of the dumdum bullet which was manufactured in a plant outside of Calcutta and used in the British Army. It had a soft lead slug that expanded upon impact and increased the bodily damage that was done. That was a military weapon, an army weapon. This Talon is meant simply to destroy other human beings, a fiendish device.

A surgeon in Dallas, the Dallas Hospital, has recently described the plight of a surgeon who has to reach into a body and try to bring this out with fingers probing for it, a device with sharp razor edges in a body that could be infected with AIDS. A great service to the medical profession, to the nursing profession.

I am sorry to have to report to the Senate that this proposal has been brought to the attention of Mr. Wayne LaPierre, who is the executive vice president of the National Rifle Association, who has characterized it in a Reuter Wire Service dispatch that has just come over the wires, as "laughable."

Mr. LaPierre says, "I seriously doubt anyone in America believes crime is going to go down because taxes are going to go up. It shows how egg-headed this whole debate has become."

Can it be that the National Rifle Association endorses the manufacture and sale of handgun bullets, the function of which is to "cut tissue in the wake of the penetrating core—penetrate soft tissue like a throwing star—very nasty; very effective; a real improvement in handgun ammo"?

I hope they do not. I will take this issue to the floor, if that is the way they want it. I am sure there is more than one police officer in this country, police commissioner, who would want to know what is laughable about letting criminals have an ammunition, the sole purpose of which is to produce an excruciating and fatal would on a police officer? Is that laughable? I do not think so.

We are dealing with a national emergency. You will be hearing that all this week on the Senate floor. If you look at evening television you will see the carnage of the handgun wounds: The scene, the police lights swirling, the medics roaring up, wheeling the bodies into the ambulances, roaring off to the emergency rooms. These are persons shot with ammunition that ought not to be on the streets.

The weapons are there and they will not go away. But those 9 millimeter spray guns used in drive-by shootings, you cannot imagine but that those mindless young people will have more than four or five clips with that $1,500 piece, as it is sometimes called. You can use up five clips in 2 minutes. And after that, your $1,500 spray gun is useless to you.

This is not a new idea. For some while the medical profession has been thinking of the epidemiology of handgun morbidity and mortality. They try to think as epidemiologists, what they term the vectors by which trauma occurs or illness occurs. And they find that which is most accessible to control.

When the French could not build the Panama Canal and the Americans did, it is because we had figured out that Yellow Jack was carried by the *anopheles* mosquito. We did not, in fact, understand the actual virus, but we knew the vector that carried it to the human host. And we did not issue fly swatters, we drained the swamps. And that is what we have the potential of doing here.

Ideas like this take time. But it would be 15 years ago that a physician in Alabama, as I recall, first published an article entitled "The Bullet As Pathogen." The pathogen is what actually does damage. If we pursue this I think we have an important addition, if I may say, to our armory against crime.

I say again, guns do not kill people, bullets do. It is time the Federal Government began taxing handgun ammunition used in crime out of existence. It is time we began a responsible mode of licensing and reporting. This bill, I believe, is a beginning. Perhaps I might say it is a follow-on to the 1986 statute which outlawed the manufacture or sale of cop-killer bullets.

I might end, if I may, with one thought. By 1986, no respectable, no American manufacturer any longer made cop-killer bullets. They were manufactured in Czechoslovakia and imported from there. Even as we begin this taxing regime, as I hope we will do, I hope the manufacturers of the Talon round will pull off and say, "No, we can't let that round be aimed at American society. We can't be responsible for the horror that ensues."

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the names of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from Ohio [Mr.

GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Missouri [Mr. DANFORTH], the Senator from Maine [Mr. COHEN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 783

At the request of Mr. BRYAN, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 783, a bill to amend the Fair Credit Reporting Act, and for other purposes.

S. 1154

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

S. 1207

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1207, a bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

S. 1443

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

At the request of Mr. EXON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1443, supra.

S. 1447

At the request of Mr. BRYAN, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Wisconsin [Mr. KOHL], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1447, a bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts.

S. 1458

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1458, a bill to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

S. 1533

At the request of Mr. LOTT, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1547

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1547, a bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act)", and for other purposes.

S. 1566

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 1566, a bill to establish requirements applicable to rent-to-own transactions.

S. 1589

At the request of Mrs. BOXER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1589, a bill to amend title 18, United States Code, to prohibit any State motor vehicle department from disclosing certain personal information about a person doing business with such department.

S. 1599

At the request of Mr. DECONCINI, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 1599, a bill to establish a Missing and Exploited Children Task Force.

SENATE JOINT RESOLUTION 83

At the request of Mr. DECONCINI, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 83, a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

SENATE JOINT RESOLUTION 139

At the request of Mr. GRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 139, a joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

AMENDMENTS SUBMITTED

OMNIBUS CRIME LEGISLATION

FEINSTEIN (AND OTHERS) AMENDMENT NO. 1097

Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CAMPBELL, Mr. INOUYE, Ms. MOSELEY-BRAUN, Mr. D'AMATO, Mr. KOHL, Mr. DECONCINI, Mr. LAUTENBERG, Mr. LEVIN, and Mr. ROBB) proposed an amendment to the bill (S. 1607) to control and prevent crime; as follows:

On page 404, between lines 11 and 12 insert the following:

SEC. 2405. DIRECTION TO UNITED STATES SENTENCING COMMISSION REGARDING SENTENCING ENHANCEMENTS FOR HATE CRIMES.

(a) DEFINITION.—In this section, "hate crime" means a crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person.

(b) SENTENCING ENHANCEMENT.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for offenses that the finder of fact at trial determines beyond a reasonable doubt are hate crimes. In carrying out this section, the United States Sentencing Commission shall ensure that there is reasonable consistency with other guidelines, avoid duplicative punishments for substantially the same offense, and take into account any mitigating circumstances that might justify exceptions.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on the INS Criminal Alien Program.

This hearing will take place on Wednesday, November 10, at 9 a.m., and Tuesday, November 16, at 2 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel Rinzel of the subcommittee's minority staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, November 3, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on S. 720, Indian Lands Open Dump Clean-Up Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Treasury Secretary Lloyd Bentsen regarding the administration's health care reform proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on Wednesday, November 3, on the subject: Federal mandates on State and local governments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs be authorized to meet during the session of the Senate Wednesday, November 3, 1993, at 10 a.m. to hold a hearing on Nationwide banking and branching.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 3, 1993, to receive testimony from Martha Krebs, nominee to be Director of the Department of Energy's Office of Energy Research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, November 3, 1993 at 10 a.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., November 3, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

UNDER 18? HAND OVER THAT GUN

• Mr. SIMON. Mr. President, I was pleased to see Gov. Roy Romer's item on the New York Times editorial page recently titled, "Under 18? Hand Over That Gun."

He tells a story of what happened in Colorado, where you have a courageous governor who recognized a problem and did something about it.

We ought to be showing similar courage here in Congress.

I have had great respect for Roy Romer since I first met him when he was State treasurer of Colorado, and the leadership he has shown, not only on the gun issue but on education and other matters, should be a source of pride to people in Colorado, as it is to people around the Nation.

I ask to insert the article by Governor Romer into the CONGRESSIONAL RECORD at this point.

The article follows:

[From the New York Times, Oct. 21, 1993]

UNDER 18? HAND OVER THAT GUN

(By Roy Romer)

DENVER.—The stray bullet from a gang shootout that hit 6-year-old Broderick Bell in the head on June 9 was the final straw for Colorado.

"There are rules even for gangs," a member of my cabinet said as we agonized over this Denver shooting. "It isn't all right to hurt babies."

He was right. For the sake of our children and our neighborhoods, we had to at least try to get handguns out of the hands of teenagers.

Three months later, we did. On Sept. 13, with legislators of both parties at my side, I signed a bill that made it illegal for anyone under 18 to own or carry a handgun—one of 10 bills relating to juvenile violence passed at a quickly arranged five-day special session.

The only exceptions to the ban are for licensed hunting, target practice or shooting competition. Conviction on a first offense is a misdemeanor, with a mandatory sentence of five days to a year in a juvenile detention center; a second conviction is a felony, with a sentence up to three years.

This isn't the first such law in the nation. But it's hard to understate the difficulty of passing such a law in a state where the outdoors and guns are so much a way of life, and where the National Rifle Association is so deeply entrenched in our politics. We succeeded for several reasons:

Coloradans were red up and frightened and they told their legislators so. Even though murders were down this year, there has been an eerie randomness and senselessness to the shootings. Several young people, like Broderick Bell, have been caught in gang crossfire or shot by strangers. (Miraculously, Broderick has recovered, though he is undergoing rehabilitation.)

Many people had a hand in planning the special session: prosecutors, police chiefs, sheriffs and legislators.

In the regulator four-month legislative session, issues tend to get lost. This special session put a glaring spotlight on juvenile violence. It left no place for lawmakers to hide.

As Governor, I took on the N.R.A. directly and refused to let it intimidate me. The day the special session opened, I said, "If the N.R.A. in Washington is so out of touch with Colorado that it cannot even support the simple proposition that a 14-year-old has no business carrying a loaded gun to school, then the N.R.A. is part of the problem."

To the association's credit, its national lobbyists participated in negotiations on the gun bill and ended up supporting its provisions.

This and the other new laws are already starting to make themselves felt. Juveniles are being arrested and sentenced for carrying handguns illegally. One Denver couple recently turned in their son when they found a Saturday night special on the floorboard of his car.

To deal with the rise in arrests, emergency cell space has been obtained in county jails. With many juvenile centers at 170 percent of capacity, the police had chosen not to make arrests because there was no place to put such juveniles.

We've also installed a tough new system for hardened, professional young criminals aged 14 to 18. If convicted of violent crimes, they can be treated as adults and face prison sentences of up to five years as against the two-year maximum for youthful offenders. In addition, parents are now required to appear in court with their children; names of juveniles charged with major felonies can be made public, and counties have specific authority to adopt ordinances dealing with curfews, loitering and graffiti.

Will the gun ban and the other new laws solve the problem? No. But they are a beginning. One step at a time, Coloradans are prepared to take back their blocks and their state and their future.•

NATIONAL COUNCIL FOR THE AGING'S SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAMS

• Mr. COHEN. Mr. President, the valuable contributions made by the Senior Community Service Employment Program [SCSEP] and its predecessor, Operation Mainstream, have amply demonstrated over the years.

Throughout its history, the SCSEP, also known as title V of the Older Americans Act, has enabled low-income older Americans to help themselves while at the same time helping others in their communities.

This fulfilling work experience has also produced another important benefit—an opportunity for disadvantaged persons 55 years of age or older to learn new skills in order to move into gainful employment in the private sector. National sponsors and States have achieved this objective while working with some of the most disadvantaged individuals in our society in terms of educational attainment, outmoded work skills, and economic status.

This year, 1993, marks the National Council on the Aging's 25th anniversary of administering community service employment programs for older Americans. It has been an extraordinary history of concern and dedication to improving the lives of this Nation's seniors, who along with the rest of the country have benefited immeasurably from NCOA's efforts.

NCOA's Operation Mainstream Older Worker Pilot Program began modestly in 1968 with 10 projects in seven States, serving 400 enrollees. Today, NCOA administers 63 projects in 21 States, including my home State of Maine. NCOA's SCSEP has a current enrollment of approximately 6,700 low-income older Americans.

In Maine, the NCOA title V project is under the direction of the University of Maine Cooperative Extension Service. Through this program, approximately 200 seniors provide a wide range of valuable services to others, serving as outreach workers with SSI recipients, helping unemployed persons become placed in jobs, and tutoring Job Corps enrollees.

I wish to commend Rae Clark-McGrath, the project director, who has provided exceptional leadership in making the NCOA SCSEP project in Orono, ME, a striking success. She typifies the dedication demonstrated by title V project directors all across the nation.

I also wish to extend my sincere best wishes to all the people affiliated with the NCOA SCSEP who are attending the NCOA title V conference in Portland, ME, from November 5 to 10.

I wish them well in their endeavors to improve the economic well-being of older Americans. I want to reaffirm my support, as the ranking minority member of the Senate Special Committee on Aging, for SCSEP and the work it carries out.●

ORDERS FOR THURSDAY, NOVEMBER 4, 1993

Mrs. FEINSTEIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, November 4; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there be then a period for morning business not to extend beyond 9:30 a.m., with Senators permitted speak therein for up to 5 minutes each; and that at 9:30 a.m., the Senate then resume consideration of S. 1607, the crime bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mrs. FEINSTEIN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate now stand in recess, as previously ordered.

There being no objection, the Senate, at 8:41 p.m., recessed until Thursday, November 4, 1993, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 3, 1993:

DEPARTMENT OF STATE

ALAN JOHN BLINKEN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

TOBI TRISTER GATI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE.

SWANEE GRACE HUNT, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

THOMAS A. LOFTUS, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

DANIEL J. SPIEGEL, OF VIRGINIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, November 3, 1993*

The House met at 12 noon.

Rabbi Arthur Lelyveld, senior rabbi emeritus, Fairmount Temple, Cleveland, OH, offered the following prayer:

O Thou whom we address as did our fathers, calling Rabenoshel Olam, Lord of the Universe, our focus of ultimate value and demand, we ask again the question framed by the prophet 2,700 years ago: What is it, Lord, that Thou dost require of us? Micah's ventured assurance was only to do justly, to love mercy, and to walk with restraint before Thee.

If this is what is required of all, how much more is demanded of the elected Representatives of our Nation, caught as they are by the stresses of political division, public pressure, and legislative conflict and, yet, expected to be exemplars of those moral ideals to which our country has always pledged loyalty?

In the scriptural history which we associate with Thy name, we learn that this dilemma has ancient precedents. Jethro, the Midianite father-in-law of Moses, warned his son-in-law, the Great Lawgiver himself, that he would wear himself out were he to continue to handle the responsibilities of leadership alone.

"Hear me," said Jethro, "surround yourself with advisers and aides who are truthworthy, God-fearing persons of truth who hate corruption."

Grant us, Lord, a portion of Jethro's wisdom, that we may shape our public life to reflect that truth and probity to which we have always aspired, that we may fill these sacred Halls with a profound concern for social welfare, that we may become models of true patriotic commitment for our children, our successor generations, and that we may set a standard for the nations of the world as we continue to struggle to conquer homelessness, hunger, and lawlessness for the fulfillment of our American vision, a vision of brotherhood, justice, and peace. Amen.

May this be God's will.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. THORNTON] please come forward and lead the House in the Pledge of Allegiance.

Mr. THORNTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2202. An act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2202) entitled "An act to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. METZENBAUM, Mr. SIMON, Mrs. KASSEBAUM, and Mr. HATCH, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 479. An act to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies;

S. 843. An act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services;

S. 1613. An act to amend the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act; and

S.J. Res. 55. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

WELCOMING RABBI ARTHUR LELYVELD TO WASHINGTON, DC, AS GUEST CHAPLAIN

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, our guest chaplain for today's proceedings is a distinguished religious leader from my congressional district, Rabbi Arthur J. Lelyveld, who serves as senior rabbi emeritus of Fairmount Temple in Cleveland. I am proud that Rabbi Lelyveld has been accorded this special honor today and I rise to welcome him to this Chamber. I want to take this opportunity to share with my colleagues and the Nation some information regarding this great individual.

For 28 years, Rabbi Lelyveld held the post of senior rabbi of Fairmount Temple. He was named senior rabbi emeritus in 1986. During his tenure, Rabbi Lelyveld has demonstrated commitment and devout leadership in service to the congregation. His tireless efforts have earned him the respect of his colleagues and admiration of the Cleveland community.

Mr. Speaker, Rabbi Lelyveld's leadership on issues of importance to the Jewish community is longstanding. He is the founder and first president of the Jewish Peace Fellowship. And, during the early 1940's, it was Rabbi Lelyveld who was one of the first to speak out on the idea of a Jewish State. Rabbi Lelyveld is the past national president of the American Jewish Congress and the American Jewish League for Israel. In addition, he is the former national director of the B'nai B'rith Hillel foundations; the former executive director of the Community for Unity for Palestine; and the former executive vice-chairman of the American-Israel Cultural Foundation.

During his lifetime, Rabbi Lelyveld has been equally committed to the struggle for civil rights and social justice. In 1964, during the civil rights movement sweeping the Nation, he traveled with other clergy to Mississippi to serve as counselors to the Commission on Race and Religion. Although severely beaten, Rabbi Lelyveld was unwavering in his determination and belief that the battle could be won. A year later, he was recognized by the NAACP for distinguished service to the organization and the cause of freedom. Just recently, Rabbi Lelyveld was presented the Martin Luther King, Jr. Award for Social Justice by the Western Reserve Historical Society in Cleveland.

Mr. Speaker, I am proud to note that education continues to play a pivotal role in the life of Rabbi Lelyveld. Students throughout the Cleveland community and our State benefit greatly from his expertise and insight. Currently, Rabbi Lelyveld serves as the Bernard Rich Hollander lecturer in Jewish thought at John Carroll University. He is also a senior teaching fellow at the Cleveland College of Jewish Studies, and a member of the advisory board of the Pastoral Psychology Institute of Case Western Reserve University School of Medicine.

Previously, Rabbi Lelyveld held the post of adjunct professor of religion at Case Western Reserve University. He has also served as a visiting scholar at the Oxford Centre for Postgraduate Hebrew Studies in Oxford, England. I should also reference the fact that Rabbi Lelyveld is a respected author of numerous books and articles on religious, social, and other issues. In 1985, Fairmount Temple dedicated the Arthur J. Lelyveld Center for Jewish Learning, the largest synagogue library in the country. The center stands in recognition of the leadership of this great individual.

Mr. Speaker, during my tenure in the Congress, I have enjoyed a deep and longstanding friendship with Rabbi Lelyveld and his family. I have also been the beneficiary of his excellent advice and counsel. He is an individual whose commitment and dedication is unsurpassed. I take great pride in welcoming Rabbi Lelyveld to the House Chamber today, and I wish him well as he continues on his mission.

CHANGE IS GOOD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, change is here and change is good.

The elections in Virginia, New York, and New Jersey say one thing: The Democrat vision of the future is not shared by most voters.

Welfare statism no longer works. Large tax increases no longer work. Weak anticrime efforts no longer work. The Democrat Party no longer works. Mr. Speaker, change is here and change is good.

A Republican won in New York for the first time since 1964. Republicans won in Virginia for the first time since 1979. And a Republican won in New Jersey despite heavy odds.

Mr. Speaker, change is here and change is good.

For the first time in modern history, our two largest cities have Republican mayors. For the first time in modern history, Republicans have a fighting chance in the Virginia legislature. And for the first time in history, the majority of voters have clearly rejected so completely the Democrat vision of the future.

Mr. Speaker, change is here, and change is good.

PENTAGON MUST BE FORTHCOMING ON USE OF CHEMICAL AGENTS IN PERSIAN GULF

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, there is increasing concern, especially among affected veterans, that chemical weapons may have been used against our forces in the Persian Gulf war. Some veterans believe this is the reason for the medical problems they are having. They certainly have a right to know, and I have today asked Armed Services Committee Chairman RON DELLUMS to conduct a hearing on this matter.

The VA can provide these veterans with medical treatment, but in order for the treatment to be fully effective, we must know the cause of their conditions. The VA certainly cannot tell us if chemical agents were used in the war. If the Pentagon has any information, it should release it immediately.

VA is offering medical evaluations to veterans who are worried about possible exposure to chemicals or environmental hazards in the Persian Gulf. Any Persian Gulf veteran can also request to be placed on a registry. This data base will enable VA to locate these veterans as scientific and medical answers emerge.

The House has passed legislation that would give these veterans priority hospital, outpatient, and nursing home care.

I want to commend Secretary of Veterans Affairs Jesse Brown for his initiative in establishing a pilot program to test certain Persian Gulf veterans for exposure to chemical agents, notwithstanding the fact that the Pentagon has not confirmed their use in the war with Iraq.

VA, along with DOD, has entered into a contract with the National Academy of Sciences for an independent review of health effects from military service in the Persian Gulf. In addition, the House version of the Defense authorization bill now in conference contains a provision that would establish a special research unit to study sensitivity to low levels of chemical exposure.

We will continue to respond to the health care concerns of Persian Gulf veterans. However, if this response is to be adequate, the Defense Department must tell us whether chemical weapons were used against our troops.

□ 1210

COORDINATE TO EDUCATE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, today I am introducing a bill, coordinate to educate, a bill which will help schools join with local health and social service agencies to establish coordinated service programs for children and their families.

Mr. Speaker, we can have the best schools in the world, with high-level curriculum and the latest technologies. We already do have the best teachers in the world. But, Mr. Speaker, children who are hungry, who are abused, who are sick, who are spending long hours before and after school, alone and possibly frightened, cannot learn even from the most enthusiastic and qualified teachers. Mr. Speaker, teachers who spend most of their time trying to take care of the problems their students bring with them to school cannot teach even with the best curriculum.

Coordinate to educate makes practical sense because schools are the one place in communities where all children come and their families assemble. It makes economic sense, because it coordinates services, reduces duplication, and substitutes prevention for expensive crisis intervention. Above all, Mr. Speaker, coordinate to educate makes good education sense, because it allows schools to be schools, teachers to teach, and most important, students to learn.

CRIME AND TAXES

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, it is often said that there are only two certainties in life: death and taxes. The election yesterday sent a little different message: If you are soft on crime and in favor of higher taxes, political death is a certainty.

Democrats Florio, Dinkins, and Terry found this out the hard way. Crime and taxes played a critical role in each of their losses yesterday.

Jim Florio levied the largest tax increase in New Jersey history. The people of New Jersey neither forgave nor forgot.

David Dinkins did nothing to stem lawlessness and crime in New York City. He is now the ex-mayor of New York.

And Mary Sue Terry did nothing to convince the voters that she would not raise taxes or could effectively fight crime. She lost by a wide margin.

The Democrat view on crime and taxes was conclusively rejected yesterday by the American people. Let us hope Washington finally gets the message.

NATIONAL HEALTH CARE REFORM: A BENEFIT, NOT AN UNDUE BURDEN

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, national health care reform can be a benefit for everyone, but it must not be a burden for anyone.

While I believe the President deserves the support of Congress, without regard to party or politics, I also believe we have an obligation to work with the President in shaping and perfecting a health care system.

The President's plan seeks, among other things, to control costs. I have doubts, however, that we can achieve cost controls without price controls.

The American people will not support this legislation if they are forced to pay more for less. Small business will not survive this legislation if the numbers are accurate fantasy as Senator MOYNIHAN has suggested.

Our job, therefore, is to ask the tough questions, to help the President in the search for the right answers. Are the price controls on insurance enough, when we have spiraling prices throughout the health care delivery system? Will the spending caps that are a part of this proposal affect the quality of care and even the promise of care for all? What is being done to eliminate the disparities in health care?

With the right answers to these and other important questions, national health care reform can be of benefit to all of America, without being an undue burden to any of America.

REFORM IS ON THE WAY

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, yesterday voters across America left a short message for liberal Democrats: "You're fired." President Clinton, call your answering service.

Mr. Speaker, the reform train has now steamed through New York, New Jersey, and Virginia, replacing liberal Democrat politicians with Republican reformers. Yesterday the supporters spoke loudly and clearly against high taxes, big government, and the failed social agenda of liberal Democrats.

President Clinton lost big yesterday. Most Americans do not share his philosophy or world view. They certainly do not want socialized medicine, with its lack of patient choice, with its high taxes, and with its new government bureaucracy.

Mr. Speaker, reform is on the way. Yesterday's elections confirm it.

WITH NAFTA, PROSPECTS FOR THE AMERICAN WORKER WILL NOT BE ROSY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, former President Nixon is for NAFTA, Ford is for NAFTA, Carter is for NAFTA, Reagan is for NAFTA, Bush is for NAFTA, and now President Clinton is for NAFTA. This high-powered lineup says it all. On trade, Mr. Speaker, there is now no difference between the Democrat and Republican Parties. Sad day, sad day.

Mr. Speaker, I make two predictions: No. 1, NAFTA will produce a national worker strike; No. 2, NAFTA will produce a major third political party by the turn of the century, and the Democrats and Republicans have earned it.

The truth is, when you hold NAFTA to your nosey, it doesn't smell too, too rosy for the American worker.

HEALTH CARE REFORM MUST NOT BE ANOTHER UNFUNDED MANDATE

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, last Wednesday, the day President Clinton delivered his health care plan to Congress, was National Unfunded Mandates Day. As details of the President's health care proposal are evaluated, we find the day was celebrated in quite the wrong way by the Administration.

Under the proposal, State and local governments will be required to provide a guaranteed benefit package to all employees not later than 1998. However, their health care contributions will not be capped at 7.9 percent of payroll until 2002, at the earliest, unlike all other employers. This leaves State and local government with at least 4 years of drastic uncertainty over the health care costs.

The administration estimates the Federal Government will save $20 billion by refusing to assist State and local governments until the year 2002. Well, taxpayers are not going to rejoice at this Federal brilliance when their local taxes go up to pay for yet another unfunded mandate.

The Fiscal Accountability and Intergovernmental Reform [FAIR] Act, which I cosponsored along with 198 of my colleagues, would require Congress to assess the full cost of Federal mandates before they are implemented. This bill should be enacted, but in the absence of a requirement, I believe we must apply the same logic to health care reform. Let us not impose another unfunded mandate.

CALLING ON THE ADMINISTRATION TO INSIST ON RELEASE OF PRISONERS OF CONSCIENCE IN LEBANON

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, members of the Christian community of Lebanon continue to be persecuted, abducted, unlawfully detained, and held incommunicado by the Syrian authorities and the puppets installed by them in Beirut. This outrage must not be allowed to continue.

In the past, Lebanese Christians, abducted under similar circumstances, were severely beaten and systematically tortured by having their heads immersed in water and by being given potent electric shocks.

☐ 1220

I am calling on President Clinton and Secretary of State Christopher respectfully and urgently to communicate immediately with both the Syrian regime and the authorities installed by them in Beirut to release promptly and unconditionally those Lebanese Christians who currently are held as prisoners of conscience for the peaceful expression of political beliefs. I am calling on all of my colleagues across the political spectrum to join me in denouncing this unacceptable violation of fundamental human rights.

THE BENEFITS OF NAFTA

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, I want to applaud President Clinton's commitment to work in a bipartisan way to pass NAFTA. He might have been a few months late, but hopefully he will not be a few votes short on November 17.

The President clearly understands the export growth and jobs that NAFTA will yield, and the bottom line in NAFTA is jobs.

NAFTA will increase the number of consumers for U.S.-made products, expand our economy and create American jobs.

Over 300 renowned American economists, including seven Noble laureate economists, have expressed their strong support for NAFTA. Usually economists do not agree on what kind of a day it is outside, let alone a major document of this sort.

The New York Times said, "Anytime economists of every stripe can agree on something, it's noteworthy."

Every President, as our colleague from Ohio has so well expressed, supports NAFTA.

I urge all of us to put interest group politics, put partisan politics aside. Do what is right for jobs, for the economy, and support NAFTA.

UNIVERSAL COVERAGE AND LONG-TERM CARE

(Mr. HASTINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS. Mr. Speaker, it is now our turn to sort out the details of health care and begin working toward a consensus. We need to provide all Americans with a better system of care.

I ask that we consider a plan that offers two elements that are absolute necessities: Universal coverage and long-term care.

The Clinton plan will provide access and security for all Americans. The Health Security Card will provide all people with the protection, safety, and portability of insurance even if they move, change or lose their employment. People will rest easier knowing they have comprehensive benefits that can never be taken away.

Second, we need to guarantee to our elderly people and those with severe disabilities that they will have long-term care coverage. Families all too often exhaust their savings in order to pay for needed care and then to qualify for public assistance. The Clinton plan will expand home and community-based services to individuals with severe disabilities without regard to income or age. The fact is, people prefer to stay at home, and more often then not, staying at home with community-based care is a fine way to cut costs and provide a more pleasant setting for the patient.

Mr. Speaker, I encourage my colleagues to work together on these critical issues. We cannot let people wait any longer.

MAKE ENGLISH OUR OFFICIAL LANGUAGE

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, the early results are in. Not only in New Jersey and Virginia, but all over America. The question: Should Congress make English our official language?

USA Today recently asked readers if English should be our official language. They presented both sides of the issue and asked Americans to call with their views. USA Today received their largest response ever—over 45,000 responses.

More than 43,700 said yes, make English our official language. That is 97 percent of the people responding.

We Americans are people from every corner of the globe, from every ethnic, religious and geographical background, yet we are one people, one nation. Why? Because we have a wonderful commonality called the English language. We are losing that bond. We must correct this.

My bill, H.R. 739, is the vehicle to make English our official language. I encourage my colleagues to get in step with the American people, to sign onto my bill and let us do something for this country. Join me and 97 percent of the American people and make English our official language.

NAFTA NOT IN BEST INTEREST OF AMERICAN PEOPLE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we have a very important vote coming up on November 17 on NAFTA. In carefully evaluating how this proposal would affect American and Mexican people I looked at jobs and wages here in the United States. I evaluated the effects on the environment, the effect of a new practice of managed trade rather than simply looking at the practice of free trade, and the vision of relations with Mexico, and decided that this particular treaty is not in the best interests of the American people at this particular time.

Today as we evaluate the implementing legislation I think another factor should be evaluated by my colleagues, and that is the cost, and how do we pay for these new roads and bridges which Secretary Brown has said might cost $15 billion? How do we pay for a new interdevelopmental bank costing $2 billion? How do we pay for the cleanup costs?

I encourage my colleagues that the bottom line is we cannot afford this particular NAFTA at this time.

ELECTION RESULTS SHOW AMERICANS SUPPORT NAFTA

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, the political commentators who read the tea leaves are looking hard at yesterday's election to find meaning for the debate that is about begin in Congress on the North American Free-Trade Agreement.

The message is that the voters still want change—more of it, and faster. NAFTA is about change. The status quo is to do nothing.

Governor Florio campaigned vigorously against NAFTA. The big three Democrats who lost yesterday—Florio, Terry, and Dinkins—were all strongly supported by organized labor, and labor's opposition to NAFTA is no secret.

So, any Member of Congress who thinks they are going to find solace for a "no" vote on NAFTA in yesterday's elections had better look again. The message is clear: The American people want jobs and economic improvement.

NAFTA is a tax reduction on our products which are sold in Mexico. It is the only pro-growth, economic initiative in this session of Congress. That is what Americans want, and that is why Members who want to vote for change will vote for NAFTA.

THE SPENDING ADDICTION

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, you do not need to read anyone's diary to know the Democratic leadership in Congress is addicted to spending.

Recent newspaper accounts that Speaker FOLEY seeks to short circuit the carefully crafted bipartisan plant to cut more than $100 billion in spending over the next 5 years remind me of shopaholics who declare they just have to keep buying because all of those neat things are for sale, and Uncle Sam will pay the bills.

Uncle Sam is looking at an annual deficit of over $250 billion, and accumulated debt heading toward $6 trillion. Speaker FOLEY says we have done enough deficit reduction; never mind. We need to recycle savings from old programs to brand new ones, the Speaker says.

This is a rare inside view of why Congress is incapable of reducing the deficit. The liberal leadership looks at savings as a license to spend.

When will the liberal Democratic leadership kick their spending habit? Never.

What is the answer? Ask the voters in New Jersey. I call it the Florio factor.

□ 1230

APPROVE NAFTA: LET US GET OUR COUNTRY ON THE MOVE AGAIN

(Mr. THORNTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THORNTON. Mr. Speaker, our Nation is in economic trouble, because we have not moved boldly to compete with Europe and Japan.

We have tried just to hang on to what we have, rather than build for the future.

We need to invest in our future—improve education, rebuild our infrastructure, harness our inventive genius to the marketplace, and provide more and better jobs through a strong and vibrant economy.

I have called this approach a Marshall plan for America.

But we cannot do that by building a wall around our country.

I have decided to support NAFTA, because Arkansas people will benefit from new jobs and markets.

Also, Mr. Speaker, more than a million undocumented workers were arrested and jailed just last year for trying to enter this country illegally.

Our Nation will benefit from reducing the number of illegal immigrants who flood our jails and compete for our jobs and public services.

NAFTA can be the challenge we need to reverse our slide toward fear and self-doubt.

We have the resources to compete and win.

Let us get our country on the move again.

CHILD PORNOGRAPHERS PROTECTED BY FEDERAL ACTION

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I rise to express my bitterness toward the administration's recent actions to create a new class of federally protected child pornographers and to support the bill of the gentleman from New Jersey [Mr. SMITH] to reverse this decision.

The Justice Department recently argued to the Supreme Court that pornographic videos of 10-year-old girls were legal, just as long as the girls are somewhat clothed.

No matter where the camera focuses, and for how long.

As a direct result, a convicted child pornographer will probably go free.

Who knows how many children will now be legally abused, thanks to Attorney General Reno, who said protecting children was her first priority.

This administration wants part of every aspect of our kids' lives—from health care to day care—even as they make it easier for perverts to abuse them.

If you hear the administration say they care about kids, do not believe it.

Sorrowfully, it appears they care more about the perverts.

THE LIFER BILL: THREE STRIKES AND YOU'RE IN FOR LIFE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, Washington State yesterday voted on an anticrime referendum. The results were overwhelming: "Three strikes and you're out" won, three to one.

Let me explain. Washington State's voters had a proposal before them which would guarantee that anyone convicted of a third violent felony would receive automatic life in prison—no ifs, and, or buts. They approved the measure by a 3-to-1 margin, 76 percent to 24 percent.

I have pending in the House a bill which would do the same thing for a Federal violent felony. A third violent felony conviction, if it breaks Federal law, would guarantee life imprisonment. I call it the Lifer bill. It already has drawn support from three national anticrime and victim's rights groups, and from two nationally syndicated columnists. And voters across the country will understand it and support it just as strongly as did the voters of Washington State.

So let us pass my Lifer bill. With repeat violent criminals, we should lock the door and throw away the key.

The foolish bills on our agenda today are a worthless waste of money and time. The Lifer bill will hit the real criminals and get them off the street.

Mr. Speaker, I invite Members to cosign my Lifer bill.

J.F.K. SUPPORT NAFTA? NOTHING COULD BE FURTHER FROM THE TRUTH

(Ms. KAPTUR asked and was given permission to address the House and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I would like to set the historical record straight. Last week, President Clinton rededicated the John F. Kennedy Library in Massachusetts and implied that John Kennedy would have endorsed NAFTA, the flawed, proposed trade agreement between the United States and Mexico and Canada. Nothing could be further from the truth.

Let me read, in John Kennedy's own words, his vision for a partnership with our Latin American neighbors:

> We must not forget that our Alliance for Progress—

What he called his vision—

> is more than a doctrine of development—a blueprint of economic advance. Rather it is an expression of the noblest goals of our society. It says that want and despair need not be the lot of free men. It says that material progress is meaningless without individual freedom and political liberty. It is a doctrine of the freedom of man in the most spacious sense of that freedom.

As the NAFTA debate ensues, let us hold our continent to no less a vision, and use our power to achieve growth of democracy in Mexico and in Latin America.

REPEAL THE CLINTON TAX INCREASE NOW

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, the political firestorm that started earlier this year in Los Angeles, Arkansas, Texas, and Jersey City has now spread to New York City, New Jersey, and Virginia.

From coast to coast, the American people have repudiated the Clinton tax increase, thrown out tax and spend Democrats, and elected fiscally responsible Republicans to take their place.

Well, my Democrat colleagues, if you voted for the record Clinton tax increase, guess what, you could be next.

But, if you want to avoid the wrath of the voters next year, there is still time. Do the right thing and join with Republicans and let us repeal the Clinton tax increase.

That might not only give you a chance to save your job, but it might save the jobs of millions of working Americans as well.

Mr. Speaker, if Republicans can win in New York City, yes, if we can win there, we can win anywhere.

It is up to you my colleagues, if you want to save yourselves. If you want American jobs, join us Republicans in doing the right thing.

Let us repeal the Clinton tax increase now.

CLINTON PLAN PROVIDES HEALTH CARE SECURITY FOR ALL AMERICANS

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, President Clinton made a promise to the American people that he would provide universal health care; that people would not have to live with the fear of losing health insurance if they changed jobs, became unemployed, or simply became too expensive to insure because of a health condition.

President Clinton has delivered on his promise to develop such a plan, and now it is our turn to deliver. Let us not get bogged down in the nitpicking from special interests that seek only to preserve their share of income from a broken health care system.

Americans want health security. They want to eliminate wasteful spending in the health sector. They want to get rid of the complexities and confusion of filling out multiple insurance forms. They want high quality in health care, and they want choice. The Clinton plan provides all this, along with a challenge to all Americans to take some responsibility for contributing to their own health care.

There may be ways to make the plan better, but we cannot afford to get cold feet about making the fundamental changes this plan calls for. We have already waited too long. It has been nearly 50 years since Harry Truman became President, and it is about time we followed through on his proposal to provide health security for all Americans.

REPUBLICANS HELPED BY CLINTON RECORD ON TAXES, BIG GOVERNMENT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, the Democrats may have fooled the American people in 1992, but the voters wised up in 1993. The tax and spend Clinton-Gore Democrats went down to defeat in Virginia, New York, New Jersey, and Pennsylvania. Big-government Democrats went down to defeat, and progressive Republicans swept to victory.

Last night's Republican landslide was only the latest in a long line of GOP victories in the Clinton era: A Senate runoff in Georgia, a Senate special election in Texas, the mayors' races in Los Angeles, Jersey City, West Chester, and Norristown, and the Lieutenant Governor's race in Arkansas. Even in the heyday of the Reagan revolution, the GOP has never experienced such an uninterrupted string of victories.

Indeed, Bill Clinton's tax and spend liberalism has completed the rejuvenation of the Republican Party. From the rural south to the urban inner-city, voters are rejecting the big-Government prescriptions of Bill Clinton and his Democrat comrades.

Today I have sent a letter to Haley Barbour, the chairman of the Republican National Committee, urging him to give credit where credit is due, and make Bill Clinton an honorary cochairman of the RNC.

After all, no one has done more to elect Republican candidates than the man from Hope. I would urge him also to schedule a series of high-profile fundraisers for Democrat House and Senate candidates. If President Clinton campaigns for enough Democrats in 1994, the Republicans may even take control of the Congress.

□ 1240

WE NEED A JUVENILE FIREARM BAN

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, this Halloween, in Denver, CO, an 18-year-old named Carl Banks was taking his younger brothers and sisters trick-or-treating. Carl never made it home that night—he was shot and is dead. A 13-year-old was arrested the next day. These senseless killings have got to stop—we must get guns out of the hands of these kids.

Colorado recently took an important first step with passage of a juvenile handgun control bill.

Today, I am taking this idea two crucial steps further with the introduction of a bill to impose a national juvenile firearm ban. This is a national ban. And, yes, that is all firearms, not just handguns. If we are going to restrict kids' access to .38's as some propose, why would we not also restrict their access to Uzis?

My bill will not interfere with hunting and other sporting activities, but it will give law enforcement officers part of what they need to get guns off the streets and to lock up those who make money off the blood of our children—the ones who are selling guns to them.

As a Nation, we have so far failed to stem the growing tide of children killing children with guns—paralyzed by a lobby that demagogues against reasonable restrictions on firearms. I am willing to stand up to the gun lobby. And I think America is, too.

It is time to limit kids' access to guns. I urge my colleagues to join me and the nearly two dozen original cosponsors of this bill. Too many parents have already buried their children.

A TIDAL WAVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, Mary Sue Terry, the losing Democratic nominee for the Virginia Governor's race, said in her concession speech yesterday, "We must recognize we have a tidal wave of change that has swept across Virginia." She is right, but it is not Virginia. It is a tidal wave sweeping across the continent.

It is a tidal wave of dissatisfaction with the status quo, with higher taxes, with more crime, and with bigger government. It is a rejection of the Democrat vision of the future.

From Los Angeles, where a Republican won the mayor's race for the first time in memory, to Texas, where a Republican won even the so-called yellow-dog districts in a Senate race, from Jersey City to New York, long bastions of democratic power, from Arkansas, the home State of the President, to Virginia, which has not had a Republican Governor in more than 10 years, the people have spoken.

And what they have said cannot be comforting to the Democrat power-brokers on Capitol Hill.

Mr. Speaker, a tidal wave is coming to the Congress, and I must say, it is about time.

NAFTA IS DISASTA

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, in 2 weeks, this House is scheduled to vote on NAFTA. As we all know, this critical vote will affect America's economy for years to come.

Proponents of the accord say it will bring prosperity and growth to our country, especially to communities along the Mexican border. But as a Congressman who represents San Diego, CA—the biggest city on the border—I can tell you firsthand that NAFTA is a bad deal for the working people on both sides of the border.

My constituents have decades of experience and intimate contact with the Mexican people. We know our economic future lies with closer ties to Mexico—but this NAFTA will put unbearable pressure on our infrastructure, increase the burdens of illegal immigration, and cost us thousands of jobs.

Today—and every day—50 million gallons of raw sewage flow through my district from Tijuana. With NAFTA, we see that getting twice as bad.

Today, and every day several thousand immigrants cross illegally through my district. With NAFTA, we see that getting twice as bad.

We have lost thousands of sheet metal fabrication, furniture manufacturing, auto parts production, and carpentry jobs to Mexico. With NAFTA, we see that process accelerating.

San Diego—and this Nation—simply cannot afford this NAFTA.

A MESSAGE FROM THE VOTERS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the votes are in. They have been counted. Once again the American people have spoken. Voters in New York, New Jersey, Virginia, and even Dayton, OH, have rejected higher taxes, bigger government, and they also want criminals in jail.

Yesterday's message was just the same message that we have heard earlier this year when voters in Los Angeles, in Arkansas, and in Texas sent the same message to this Congress.

Mr. Speaker and my colleagues, it is time for us to listen. It is time to stop raising taxes. It is time to quit enlarging government, and it is time to put criminals in jail and leave them there.

It is also time to pass a crime bill and to cut spending.

And while we are at it, let us take the Clinton health care bill and put it on the shelf, because it is the epitome of what the American people do not want, higher taxes, bigger government, and the socialization of American health care.

SKUNK SMELL NOT SWEETENED WITH SKUNK JUICE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, you cannot sweeten the smell of a skunk with skunk juice, but that is exactly what the supporters of the North American Free-Trade Agreement are trying to do. They want to promise jobs, and yet they have a program in there to retrain workers.

Who is kidding whom?

There is going to be more unemployment compensation, more welfare, and, my friends, there are going to be more taxes in order to implement this. Is this what the American worker wants? Is this what the American worker needs?

We need to trade with Mexico, but America must not be brought down to their standards.

In America we always say if you are going to succeed, you have got to earn it. It must not be given to you. If Mexico wants free access, then by God, they have got to earn it.

NAFTA is not good for America and is not good for the American worker.

ASK YOUR KIDS ABOUT NAFTA

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I want to share with you an interesting passage I found the other day while researching NAFTA, and I quote:

> The cheap foreign labor argument for protection has been the most popular of all in American history. It is gauged to appeal to workers. According to its usual version, "If we let in goods produced by cheap foreign labor—by Chinese textile workers or by low-paid Korean electronics workers—then the higher standard of living of American workers cannot be maintained." This argument is incorrect.
>
> High American real wages come from high efficiency, not from tariff protection. Such high wages, the result of productivity, do not handicap us in competing with foreign workers.

Pretty controversial stuff.

Where did I find this pro-NAFTA propaganda? In an Economics 101 textbook, presently being used by colleges all over the country.

I challenge the Members of this body: If you are undecided or confused about NAFTA and its effects on our economy—just ask your kids.

THE IMPACT OF NAFTA

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, when I consider what impact the North American Free-Trade Agreement will have on democracy and peace in our country, I respect Members of Congress, but I would like to hear from people who have won the Nobel Peace Prize. And what do they say?

Take Nobel Peace Prize winner Oscar Arias Sanchez, former President of Costa Rica. He asks us this question: How can a country that has so long championed freedom now show signs of fearing it?

Well, I say we should never fear freedom.

Mr. Sanchez says that we have got to recognize in the last few years Latin America has made progress in reducing fiscal deficits and managing their monetary systems to control inflation.

He then goes on to say, and this is a point I think we have lost:

> In Latin America in the last five or six years, we have been doing the homework that your country has recommended. There is progress.

He recognizes that just as we made progress, the country that used to not let women vote, we have made progress, and Mexico is going to make progress. That is the same reason Jimmy Carter supports this package.

Mr. Speaker, I heard another speaker suggest that former President John F. Kennedy would not have voted for this pact. I do not think any Member of Congress truly knows the answer to this question, but I know this. John F. Kennedy would have voted for what he believed was right for America, and if enough people stand up and have courage instead of ducking the tough political vote, we can pass this treaty.

CONGRESS NEEDS TO GET SERIOUS ABOUT CRIME

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in the elections across the country yesterday, the American people sent us one clear, unmistakable message—the epidemic of violent crime that is gripping this Nation must stop.

Americans want violent criminals apprehended, convicted, and incarcerated to serve full sentences. However, we in Washington have not provided the leadership that State and local communities need to win this war. A full year after his election, President Clinton still has not sent Congress a crime bill. While I applaud the efforts of those in Congress who are working hard on this issue, it demands Presidential leadership.

No one has all the answers for the fight against crime, but Congress needs to move this issue to the top of its agenda, provide full funding to our Federal law enforcement arms, adopt stricter sentencing requirements for violent criminals, and ease the burden of prison overcrowding in the States by establishing the regional prison system proposed by my colleague from Florida, Mr. MCCOLLUM. And, we must demand that the President give the crime crisis in this Nation his fullest attention.

If you were listening to the American people last night, that is the message they sent loud and clear.

□ 1250

WHY I SUPPORT NAFTA

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think this NAFTA vote is very, very important, and I hope everybody ends up voting for it. Let me tell my colleagues why.

The choice is not between NAFTA and nirvana. The choice is between NAFTA and what we have now, and I say to my colleagues, "So, if you think we should change what we have now, then you better be pro-NAFTA."

Nobody can say that NAFTA is perfect, but NAFTA will lower the tariff barriers, and the tariff barriers between Mexico and the United States, the tariff barriers Mexico has against our goods, are 2½ times higher than the ones we have against theirs. I think that is good. Let us lower them.

I say to my colleagues, "If you like what's going on with illegal immigration, then you should vote 'no' on NAFTA." I do not. I think it is very important for people to have hope in Mexico.

I think we also know that creating jobs in America attached to exports give us much higher quality jobs and the kind of things that sustain our middle class. We have a great environmental agreement that is just unbelievable, and that, to me, says, "Vote yes. That's the only choice we have if you want change."

YESTERDAY'S ELECTION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, yesterday was election day in many cities and States across the Union. Across the country people rejected the current administration's vision of the future. They rejected big government, big taxes, and the liberal views on crime. Now from Los Angeles to New York, Virginia to Arkansas, Jersey City to Massachusetts, the country has decided that the welfare state and tax and spend does not work any longer.

Mr. Speaker, let this day remind the American people and those of us who seek and hold office that the power to change the direction of this country rests in their hands, the people's hands, and with their votes. Let this day remind all of us and President Clinton that, if we want NAFTA, we should and can do it without new taxes. If we want health care, we can and should do it without new government bureaucracy and taxes.

NAFTA MEANS JOBS

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, NAFTA means jobs in America, jobs right now, and jobs for the future. Let me give my colleagues two examples from my State of Arizona.

The first is a firm called La Corona Foods. It is a small yogurt maker outside of Phoenix. Forty percent of their sales, and over a third of their employees, are now based on exports to Mexico. They compete against the giants, against Dannon, against Yoplait, and yet they are the largest United States yogurt exporter to the Mexican market. They are succeeding in that market despite high Mexican tariffs, and they will not move if NAFTA is approved because they need to be close to their suppliers of high quality U.S. milk. Those jobs are at risk if we turn our backs on NAFTA because they know the Mexicans will close that market.

Continental Baking in Tempe cannot export baked goods now to Mexico because of the high tariffs, but if NAFTA passes, they will. NAFTA will make those 150 jobs in that bakery more secure, not less, if NAFTA passes.

NAFTA means jobs today and tomorrow. History has demonstrated time and again opening markets creates jobs, lowers prices, and encourages investment. Let us have the courage to change, to embrace our future, and adopt NAFTA.

INTRODUCTION OF CRIME VICTIMS RESTITUTION ACT OF 1993

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, last week I introduced the Crime Victims Restitution Act of 1993, to require all those convicted of Federal offenses to pay restitution to their victims in the full amount of their losses. Such restitution orders are currently only optional.

Identical restitution provisions were included in the Victims' Rights and Restitution Act of 1990, which I offered as an amendment to the Crime Control Act. My amendment passed by voice vote, and identical legislation was included in the Senate anticrime package. However, the restitution provisions were unaccountably absent from the House-Senate conference report on the crime bill.

Federal courts should order convicted criminals to compensate the people they have harmed. Losses relating to property, bodily injury, and death would be redressed under my bill. It is tough on crime, and it helps the victims of crime rebuild their lives.

Let us do something concrete and meaningful to help crime victims. Support the Crime Victims Restitution Act of 1993.

NORTH AMERICAN FREE-TRADE AGREEMENT

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, I have spent much of my 5 years in Congress battling to protect marine resources. But banning driftnets on the high seas, saving salmon runs, and managing our fisheries for future generations is more than one person's struggle; it is vitally important to the Pacific Northwest, to our country, and to the entire planet.

That is why I am disappointed that the North American Free-Trade Agreement follows an alarming pattern set by GATT and other trade agreements. It steals away the enforcement tools we need to ensure sustainable use of world resources.

Under NAFTA, we cannot impose sanctions upon another nation that abuses an international fishery. A nation can decimate a fishery and we can't do anything about it. They can scrape the ocean bare with 30-mile long driftnets, and the United States is powerless to stop them.

I cannot support trade agreements that undermine sustainable use of international fisheries. I cannot support this NAFTA.

INTRODUCTION OF LEGISLATION CUTTING $20 BILLION OF FEDERAL SPENDING

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, the majority leadership in the House of Representatives has promised the entire membership votes to cut further Federal spending. I want to advise my colleagues that today I am introducing a bill which, if enacted into law, would cut $20 billion of Federal spending over the next 5 years. In particular, the $20 billion of Federal spending that I would cut is actually a reversal of $20 billion of new Federal spending which was created in the deficit reduction bill that the Congress passed earlier this year.

Mr. Speaker, the fact of the matter is that, although the administration's bill was called a deficit reduction bill, it included tens of billions of dollars in new spending. I would reverse the increasing of expenditures in welfare. I would reverse increase expenditures to subsidize political campaigns.

I want to make it clear, Mr. Speaker, that I understand that an argument can be made for this new spending, but that argument should be made in separate legislation. We should consider spending for welfare in a welfare reform bill. We should consider spending in political campaigns in a campaign reform bill, not in a deficit reduction bill that the public was asked to make sacrifices to enact.

NAFTA HAS MY SUPPORT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today the President will send the NAFTA legislation to the Congress. As we review this treaty, I think we all agree that the status quo is not acceptable, either environmentally or economically. It is clear that with the globalization of the economy we need a regional trading bloc in our hemisphere.

Mr. Speaker, most of us say that we need a NAFTA. The question is: Is it this NAFTA?

My particular concern about this NAFTA centers around fairness to American workers and the environmental enforcement issues. The administration has addressed some of these concerns in side agreements and in other initiatives such as the worker adjustment package and the NAD bank.

Mr. Speaker, in order to be fair to American workers and create jobs we must close the wage gap and expand markets for our products in Mexico. This can only be accomplished by recognizing Mexican workers' rights to organize and to strike. This week I received a letter from President Clinton clearly stating his commitment to enforce our trade laws relating to workers' rights.

Mr. Speaker, this NAFTA means jobs for my district and for California. It will clean up the environment on the border. It will create jobs for American workers, and it will have my support.

RUDY WON THANKS TO DEMOCRAT CAMPAIGNERS

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, last night the people of New York City elected a new mayor, a Republican mayor for the first time since 1965, and we are very excited about our future under Rudolph Giuliani.

We are grateful, however, to David Dinkins who gave a gracious concession speech in the early morning hours, but there are a few other people we have to thank.

The President came to New York twice within the last months to stump for David Dinkins, as did the Vice President and Mrs. Clinton. Several Democrat Members of this body and the other body campaigned for the Mayor, and we were visited by the Secretary of the Interior, the Secretary of Transportation and the Secretary of Housing and Urban Development within the last 2 weeks twice.

So, Mr. Speaker, I say all of them, "Thank you. Rudy might not have been able to do it without you."

□ 1300

NEW JERSEY ELECTS A NEW GOVERNOR

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, this morning the people of New Jersey awoke to a new Governor and the promise of a new administration. To Christie Whitman, the Governor-elect of New Jersey, let me say that we all wish her well. She carries with her and her new administration our greatest hopes for our State and our people.

Analysts will differ on what has produced her surprising victory. It is ultimately a debate that only she can answer. My own hopes would be that she would assure us that her administration and her victory in this election do not mean that our strong effort to control firearms and prevent crime will be lessened or that our commitment for cleaner air and water will be lessened or that our greatest assurance that every child will get equal access to a quality education might now end.

Mr. Speaker, with this administration, with this conclusion by Christie Whitman herself, indeed the State will get the new beginning that it deserves, with full credit to the Florio administration that began these efforts and now for the Whitman administration that can continue them.

LESSONS TO BE LEARNED FROM TUESDAY'S ELECTION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, we had three major elections yesterday, in New York, New Jersey, and Virginia. There were three Republican victories and three Democrat defeats. Just as in Canada, there are some very big lessons. I think there are five lessons from yesterday to be learned.

First, voters are opposed to raising taxes; second, voters are very skeptical of big government and do not think it works; third, voters want efforts to create jobs and create economic growth; fourth, the voters are very concerned about crime and are tired of being frightened and want decisive action to lock up criminals and to take steps necessary to end violent crime; and, fifth, campaigning against NAFTA does not work. The leading Democrat campaigning against NAFTA was Governor Florio. It did not help him. He was defeated because NAFTA creates jobs and the voters want jobs to be created.

INVESTIGATION OF RON BROWN STALLED, ADMINISTRATION URGED TO STEP UP EFFORTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the White House, the Commerce Department, and the Justice Department are stone-walling the Congress of the United States. We have written to the three Departments I just mentioned, including the President, several times asking for information about Ron Brown's activities, telephone logs, travel documents, and so forth, because he is accused of taking $700,000 as a downpayment from the Vietnamese Government to try to normalize relations with that country even though we have not had a full accounting of 2,200 POW-MIA's.

The White House had not responded, Justice has not responded, and Commerce has not responded, and yet the cloud continues to hang over this administration.

If Ron Brown has done nothing wrong, then why not give us that information? It is extremely important that we clarify these issues and get this cleaned up as quickly as possible because it stinks to high heaven. If he is innocent, give us the information and let us prove it. If he is not innocent, get him out of that Department. He should not be the head of any agency of this Government if he took money from the Vietnamese Government while we have those POW-MIA's unaccounted for.

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1308) to protect the free exercise of religion, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not substantially burden religious exercise without compelling justification;

(4) in Employment Division v. Smith, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the compelling interest test as set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

(a) IN GENERAL.—Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION.—Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF.—A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

SEC. 4. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

(b) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting ", and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993;" after clause (iii).

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "government" includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a State, or a subdivision of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means the exercise of religion under the First Amendment to the Constitution.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

Mr. HYDE. Mr. Speaker, reserving the right to object, I yield to the distinguished chairman of the Committee on the Judiciary to explain to the House the purpose of this request.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the chairman of the committee.

Mr. BROOKS. Mr. Speaker, this legislation, which passed the House under suspension of the rules on May 11, 1993, restores the standard for addressing claims under the free exercise clause of the first amendment as it was prior to its evisceration by the Supreme Court 3 years ago in the Smith case. Under longstanding constitutional principles, the governmental burden of the free exercise of religion was subject to the strictest test of constitutional scrutiny. This legislation reinstates the strict scrutiny test in place prior to Smith as a statutory requirement.

The Senate passed the legislation on October 27, with an amendment clarifying that a plaintiff asserting a free exercise claim must demonstrate that it imposes a substantial burden on his religious practice. This amendment is consistent with the intent of the bill, and prior caselaw, which does not protect persons against State actions which have only an incidental burden on their religious exercise.

I urge the Members to accept the Senate amendment to the House bill and restore one of the most fundamental freedoms enshrined in our Constitution—the right to practice one's faith without undue interference at the hands of the Government.

Mr. HYDE. Mr. Speaker, continuing to reserve my right to object, I do want to say that I am, of course, delighted to see any attention at all paid to that portion of the First Amendment dealing with the free exercise of religion—which has been honored more in its neglect than in its observation.

With respect to the legislation before us, the other body has amended the House-passed bill to add the word "substantially" at several points.

The key provision now reads "Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person (1) furthers a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest."

I fear that the Senate amendment, while it has its uses, does add a tone of indefiniteness to the types of burdens that qualify for restriction under this new statute. I hope the additions do not render this legislation so vague as to raise first amendment considerations.

With respect to the concerns raised by prison administrators and other State correctional officers, I wish to emphasize, once again, that their unique problems in the operation of prison facilities—in maintaining security, discipline, and order—should qualify as a compelling interest under the statutory standard.

I also think it should be made clear that if the Government burdens religious activities in a way that is not substantial, a claim may still be made under the constitutional standard as set forth in Oregon versus Smith.

Mr. Speaker, this is a significant piece of legislation. It is the result of bruising hours of debate between many people of good will. I want to congratulate everyone who worked to gain its passage, the chairman of the committee, the gentleman from Texas [Mr. BROOKS], the gentleman from New York [Mr. SCHUMER], and the gentleman from California [Mr. EDWARDS], and I hope it meets the expectations of those concerned about the free exercise of religion.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

□ 1310

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to thank the chairman of our committee, the ranking member, the gentleman from Illinois (Mr. HYDE], my lead cosponsor on this bill, the gentleman from California [Mr. COX], for their work. This was truly a bipartisan effort, and the delicate balance between the Government's interest and the freedom of religion, I think, will be restored once this bill is signed.

I would agree with both the chairman and the gentleman from Illinois that even if the prison situation, which caused some problems in the other body, once again, if the State proves a compelling interest, then it will prevail. That is how it always had been, until the Smith case. It will continue to be.

This is a good moment for those of us who believe in the flower of religious freedom that so adorns America, because it is so important for us to allow that freedom to flourish and not to come down on it unless we really have to.

This bill does that. I thank everybody who worked so hard on it.

Mr. HYDE. Mr. Speaker, further reserving the right to object, I might say to the two distinguished gentleman, it would not be malapropos to also thank Mr. Stephen Solarz, who originally plowed this ground. I think he deserves some credit.

Mr. SCHUMER. Mr. Speaker, if the gentleman will continue to yield, it is not malapropos. It is perfectly fitting and appropriate. Congressman Solarz originally drafted this bill and worked on it long and hard. He deserves a heck of a lot of credit. He should be very happy with what we have done here today.

Mr. EDWARDS of California. Mr. Speaker, today, we have taken another step to ensure that the promise of the first amendment and the protections afforded by the Constitution are available to all religious believers. By passing the Religious Freedom Restoration Act of 1993, we send a clear message to all governmental entities and individuals. The message is that the free exercise of religion is a necessity, not a luxury, and will be defended by the Congress.

I want to express my thanks to Congressman SCHUMER and Congressman COX, as well as the hundreds of members of the Coalition for the Free Exercise of Religion. In particular, I want to thank Rev. Oliver Thomas, J. Brent Walker, Robert Peck, Rabbi David Saperstein, Forest Montgomery, Leslie Harris, Jim Halpert, Steven McFarland, Richard Foltin, and Judy Golub.

Mr. HOYER. Mr. Speaker, I rise in strong support of the Religious Freedom Restoration Act of 1993. I commend Chairman BROOKS, the gentleman from Texas, and the gentleman from California, Chairman EDWARDS, for their sincere efforts in restoring a right which is so sacred to the American people. Former Congressman Stephen Solarz, who championed this bill in the last Congress, is to be commended and congratulated for his diligence and commitment.

Mr. Speaker, the people look to the first amendment as a guarantee that they will be able to practice their religion freely without any type of government intervention. Unless the government can show a compelling interest to interfere, the government should adhere to a hands-off approach to the religious practices of the citizenry.

Mr. Speaker, today we have the ability to assure the American people that they can once again practice their religion freely, absent a compelling State interest. It is quite evident the Framers of the Constitution realized the importance of religious freedom. This is evidenced by its place in the Bill of Rights as the first amendment. We must heed the knowledge and wisdom of the Founding Fathers and ensure that their progeny continue to possess a right so precious.

Today, Mr. Speaker, we can undo the harm of the Supreme Court decision in Smith and passing this legislation is the required means.

Our decision today can remedy a decision which posed great risk to the religious rights of all Americans. Religious freedom will again be a fundamental constitutional right.

Mr. Speaker, I commend the religious groups who coalesced and set aside religious differences and political agendas so that all Americans regardless of their religion are able to enjoy religious liberty and freedom.

Mr. Speaker, I also commend the efforts of those who fought hard to safeguard a right which is so sacred and fundamental.

I urge all of my colleagues to support this legislation.

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on H.R. 1308, the legislation just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, following the vote on House Resolution 2684.

GRANTS TO INCREASE POLICE PRESENCE AND EXPAND CO-OPERATION BETWEEN POLICE AND COMMUNITIES

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety, as amended.

The Clerk read as follows:

H.R. 3355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMUNITY POLICING; "COPS ON THE BEAT".

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) inserting after part P the following new part:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

"(a) GRANT AUTHORIZATION.—The Attorney General is authorized to make grants to States and units of local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

"(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section may be used for programs, projects, and other activities to—

"(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

"(2) hire and train new, additional career law enforcement officers (including cadets and trainees) for deployment in community-oriented policing across the Nation.

"(c) ADDITIONAL GRANT PROJECTS.—Grants made under the authority of subsection (a) of this section also may include programs, projects, and other activities to—

"(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

"(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

"(3) increase police participation in multidisciplinary early intervention teams;

"(4) develop new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime;

"(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

"(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that law enforcement officers must be away from the community while awaiting court appearances;

"(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community;

"(8) develop and establish new administrative and managerial systems to facilitate the adoption of community-oriented policing as an organization-wide philosophy; and

"(9) establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other existing Federal programs that serve the community and community members to better address the comprehensive needs of such community and its members.

"(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h) of this section.

"(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to States and units of local government, and to other public and private entities, in furtherance of the purposes of this part.

"(2) The technical assistance provided by the Attorney General may include the development of a flexible model that will define for States and units of local government, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

"(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers, and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of this part.

"(f) UTILIZATION OF DEPARTMENT OF JUSTICE OFFICES AND SERVICES.—The Attorney General may utilize any office or service of the Department of Justice in carrying out this part.

"(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) of this not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to such subsection. As used in this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

"(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) of this section may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding one year for hiring or re-hiring career law enforcement officers, the Federal share shall decrease from year to year, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8) of this part.

"(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B) of this title.

"(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of six years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attorney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

"SEC. 1702. APPLICATIONS.

"(a) IN GENERAL.—No grant may be made under this part unless an application has been submitted to, and approved by, the Attorney General.

"(b) FORM AND CONTENT OF APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

"(c) COMPLIANCE WITH REGULATIONS OR GUIDELINES.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1) of this part;

"(2) demonstrate a specific public safety need;

"(3) explain the locality's inability to address the need without federal assistance;

"(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate coordination with all affected agencies;

"(6) outline the initial and ongoing level of community support for implementing the proposal including financial and in-kind contributions or other tangible commitments;

"(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

"(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

"(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking towards the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

"(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system;

"(C) explain how the grant will be utilized to re-orient the affected law enforcement agency's mission towards community-oriented policing or enhance its involvement in or commitment to community-oriented policing; and

"(D) ensure that, to the extent practicable, grantees seek and recruit members of racial, ethnic, and gender minority groups whose representation in the law enforcement agency for which funds are sought is less than in the general population qualified for such employment in such jurisdiction.

"SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.

"(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 of this title in the State in which the applicant is located for initial review.

"(b) INITIAL REVIEW OF APPLICATION.—The State office referred to in subsection (a) of this section shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines, and rank such applications based upon the criteria specified by the Attorney General. The State office referred to in subsection (a) of this section shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a) of this section, municipalities whose population exceeds 100,000 may submit an application for a grant under this part directly to the Attorney General. For purposes of this subsection, 'municipalities whose population exceeds 100,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 100,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

"(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwithstanding subsection (a) of this section, if a State chooses not to carry out the functions described in subsection (b) of this section, an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

"SEC. 1704. RENEWAL OF GRANTS.

"(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to two additional years after the first fiscal year during which a recipient receives its initial grant if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to five years, subject to the requirements of subsection (a) of this section, but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

"(c) MULTI-YEAR GRANTS.—A grant for a period exceeding one year may be renewed as provided in this section, except that the total duration of such a grant including any renewals may not exceed three years, or six years if it is a grant made for hiring or rehiring additional career law enforcement officers.

"SEC. 1705. LIMITATION ON USE OF FUNDS.

"(a) NON-SUPPLANTING REQUIREMENT.—Funds made available under this part to States or units of local government shall not be used to supplant State or local funds, but will be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

"(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs.

"(c) NON-FEDERAL COSTS.—States and units of local government may use assets received through the assets forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

"(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

"SEC. 1706. PERFORMANCE EVALUATION.

"(a) EVALUATION COMPONENTS.—

(1) Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General.

(2) The evaluations required by paragraph (1) shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, activities and a description of the geographic dispersion, and racial, ethnic, and gender diversity of rehired and new employees. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

"(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

"SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.

"If the Attorney General determines, as a result of the reviews required by section 1706 of this part, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702 of this part, the Attorney General may revoke or suspend funding of that grant, in whole or in part.

"SEC. 1708. ACCESS TO DOCUMENTS.

"(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part, as well as the pertinent books, documents, papers, or records of States and units of local government, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

"(b) BY THE COMPTROLLER GENERAL.—The provisions of subsection (a) of this section shall also apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

"SEC. 1709. GENERAL REGULATORY AUTHORITY.

"The Attorney General is authorized to promulgate regulations and guidelines to carry out this part.

"SEC. 1710. DEFINITION.

"For the purposes of this part, the term 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws."

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking the material relating to part Q and inserting the following:

"PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; 'COPS ON THE BEAT'

"Sec. 1701. Authority to make public safety and community policing grants.

"Sec. 1702. Applications.

"Sec. 1703. Review of applications by State office.

"Sec. 1704. Renewal of grants.
"Sec. 1705. Limitation on use of funds.
"Sec. 1706. Performance evaluation.
"Sec. 1707. Revocation or suspension of funding.
"Sec. 1708. Access to documents.
"Sec. 1709. General regulatory authority.
"Sec. 1710. Definition.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities and proceedings.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and O." and inserting "O, P, and Q."; and

(2) by adding at the end the following:

"(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended, $200,000,000 for fiscal year 1994 and $650,000,000 for each of the fiscal years 1995, 1996, 1997, 1998, and 1999.

"(B) Of funds available under part Q in any fiscal year, up to 5 percent may be used for technical assistance under section 1701(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs. Of the remaining funds, 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(a) or (d), and 50 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(c), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q.

"(C) Notwithstanding the provisions of section 1703, no funds allocated for grants pursuant to applications submitted as provided under subsections (a) or (d) of section 1703 shall be allocated for grants to a municipality (as defined in section 1703(c)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, some of us are very concerned that these bills out here today, the five of them that are coming before us, led off with this cops in the streets bill, while we support most everything that is in here, do not constitute a really tough crime bill like we thought was going to come out.

It does not give us an opportunity to vote on those things that would restore swiftness and certainty of punishment or put deterrents or incapacitation in the law. It does not bring out here today the parts of the bills that we have had on restoring the death penalty or habeas corpus reforms or changing the rules of evidence or, in our case, the drug kingpin death penalty, or regional prison opportunities or criminal alien reforms or crimes against women and minimum mandatory sentences, a whole litany of things that those of us on our side of the aisle believe, and I think the gentleman from Texas, the chairman, believes are essential to any major package of crime reform.

I am wondering if the gentleman would enlighten us, since we have out here today these grant programs, as important as they may be in their small way, when will we see a major crime bill that includes some of these other things that I am talking about and some of the things that were in the gentleman's bill that he pulled from the committee a week ago?

Mr. BROOKS. Mr. Speaker, as the gentleman is aware, I introduced an omnibus bill, H.R. 3131, the Violent Crime Control and Law Enforcement Act of 1993, on September 23, 1993. At the time of introduction, it had been my hope that both the committee and the House could consider and debate all the provisions of that measure—including the death penalty provisions, reform of habeas corpus, treatment of mandatory minimum sentences, funds for prison construction, violence against women, just to name a few subjects.

However, as the gentleman is aware, I received requests from both Democratic and Republican Members to permit further deliberation by the subcommittees on these controversial substantive topics. In light of those requests, and to avoid any possibility that Congress would adjourn without acting positively on a number of essential, crime prevention measures, I decided to push forward with the five bills we are considering today, and referred all other provisions of H.R. 3131 the Washington bill and the McCollum bill to the relevant subcommittees.

Next session, following appropriate subcommittee deliberation, I intend to follow up on my initial desire to consider the areas that you have expressed interest in and have these considered by the full House. If it is possible to do a larger crime bill encompassing a number of these areas, that is fine. If there is any problem with taking that approach, then I will process the provisions individually following subcommittee action so that both the full committee and the full House can express their will on these crucial matters of importance to the American public.

I look forward to working with the gentleman constructively in addressing all these areas of crime, which is of such great concern to all Americans.

Mr. McCOLLUM. Mr. Speaker, if the gentleman will continue to yield, I know the gentleman is sincere about his support, because he has given it in some of these areas in the past. He and I have discussed this. But it occurs to me that what we do not have is a good, solid commitment that I know the gentleman is willing to make, to, I will use the word I used in committee, "prod," nudge, whatever, to assure us that the subcommittee chairmen will not be allowed to sit on this so that these bills and these issues do not come out of here until summer or late fall.

I am not talking about the gentleman from New York [Mr. SCHUMER]. I am sure he is going to bring his out.

These bills are in a variety of subcommittees, the way the gentleman referred it. I do not have any assurance, unless the gentleman gives it, we do not have any assurance that they are really going to get out in a timely fashion to be considered next year.

I do not know whether that is March or April, but we know it is not June, July or August.

If he does, we just will not have a bill out here. I would like to know what the chairman has to say about the timing on this and his willingness to push these subcommittee chairmen to produce this legislation.

Mr. BROOKS. Mr. Speaker, I say to my distinguished friend, the gentleman from Florida, that the subcommittee chairmen are all assiduous, diligent workers. I feel sure that they will do their jobs promptly.

In the event that they do not, bills can be moved from the subcommittee to the full committee for consideration, and it would be my hope that these major portions of the comprehensive bill that I introduced earlier can be acted on by the Committee on the Judiciary, by the subcommittees, by the committee, by the Congress, by the House, by the other body, conferences can be agreed and that they can be on the President's desk before we leave next year.

I do not want them delayed. I would like to act on them as soon as possible and will, if I can get the votes.

Mr. McCOLLUM. Mr. Speaker, if the gentleman will continue to yield, one of the things he has not mentioned that is of great concern to us is the concept of regional prisons that was not in the gentleman's bill. Is there any assurance he can give to our side of the aisle that that issue would come up in some form or some vehicle would come up where we could argue it or debate it or have it at least heard at some point this next year?

Mr. BROOKS. Mr. Speaker, the subcommittees have it in there and prison funding is a part of the major bill, and amendments would be offered, I am sure, various types on prison funding and activities for State, Federal, et cetera.

So I think that the gentleman will have an opportunity to argue those issues in the subcommittee and, more likely, in the full committee.

Mr. McCOLLUM. Mr. Speaker, it is not my intent to tie the gentleman down to a specific date, because I know he will not be, but he should be aware that we would be much more comfortable, I think the House would be much better served, if we did have a date certain that we had to report a comprehensive set of these out in an early period like April or so of next year.

I know the gentleman is not willing to do that, because he has told me that before. But here is a very strong desire on this side, and I want to convey that to the gentleman, that we do have these opportunities to vote next year on something meaningful.

Our Members just do not believe what is out here today is going to come close to doing the trick. It is not that it is harmful. It is helpful. But it is around the margins. Many of them think it is a sham.

I know that is not the gentleman's intent so I am not characterizing his bills out here or our bills out here today that way. But many feel that way because they really feel that the ones we have mentioned that have yet to come out are the critical ones so the absence of a date certain does present a problem. I know the gentleman is reluctant to do that, but that is the real concern over here. I wish to express that to the gentleman.

□ 1320

Mr. Speaker, I rise in support of H.R. 3355, a 6-year grant program authorizing $200 million in fiscal year 1994 and $650 million in each of the 5 subsequent fiscal years for grants to State and local governments to implement community policing programs.

In far too many communities across this land, the police and the communities they serve have become estranged from each other. Even more unfortunately, they sometimes even perceive each other as enemies.

Not too long ago in our country, cops were the friends of the neighborhood where they walked their beats. The neighbors and the cops knew each other's names. They shared information about their lives and businesses and had the good will that comes naturally from daily association. Because of this continuous association, crimes were often able to be prevented in advance. Regrettably, this most important societal connection has broken down. Now, all too frequently, police officers can only react to crimes already committed.

As a society, we need to reestablish that link between our police force and our neighborhoods. We need to get the officers out from behind the desks, out of their cars, and back on the streets where they can be in daily contact with the life of the community and the people who live in it. No amount of high technology and computer linkups can substitute for protection and deterrence in the field.

President Clinton deserves great praise for elevating this program as his top priority in the fight against crime.

I compliment the gentleman from New York [Mr. SCHUMER] and his subcommittee for their leadership on this issue, as well as the gentleman from Illinois [Mr. HYDE], the gentleman from Florida [Mr. McCOLLUM], and all of the Republicans, the vast majority of whom supported this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 40 minutes that are allotted for debate on this bill, one or two Americans will be murdered, eight women will be raped, there will be 110 violent crimes committed against other American citizens, and 82 assaults. Crime is a problem that is out of control in this country, and the costs of crime are touching all Americans, if not directly as crime victims, indirectly in terms of the insurance premiums they pay, having to pick up the slack for work that is lost because victims are in the hospital recovering from injuries, as well as welfare costs being increased.

What is this Congress doing to address the crime problem? These five bills, which are unfunded authorizations, which do not appropriate one penny of the taxpayers' dollars, and which unjustifiably increase the expectations of our constituents that something meaningful is being done to fight the crime problem.

Several weeks ago President Clinton and Attorney General Janet Reno outlined a comprehensive anticrime approach in the Rose Garden of the White House. The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], introduced most of those recommendations in his own comprehensive anticrime package. In addition, the gentleman from Florida [Mr. McCOLLUM] on behalf of the Republican Task Force on Crime, introduced a comprehensive anticrime bill. I introduced one of my own, comprehensive, thorough, attempting to address the problems which are touching our constituents and all Americans in such a terrible way.

Mr. Speaker, what has the Committee on the Judiciary been able to do to address the concerns of Americans, to pick up the torch that the President and the Attorney General have handed to us? Five little skinny bills like this, none of which appropriate money to implement the good ideas that are contained in them being placed on the floor of the House of Representatives today.

Why has the Committee on the Judiciary failed so utterly in its duty in coming up with comprehensive anticrime legislation? The answer simply is partisanship, partisanship that does not belong in this issue, and partisanship which is no fault of the Republican Minority, because we are willing to work with the chairman, with the President, and with the administration to address these problems, because the victims of crime are not partisan and society is not partisan on this issue, either.

Mr. Speaker, how did partisanship creep into this entire debate? It is because the chairman of the Committee on the Judiciary did not have the Democratic votes to pass his crime bill out of committee. He scheduled it for action and then he canceled the markup when a competing proposal was introduced by the gentleman from Texas [Mr. WASHINGTON] and other members of the Black Caucus.

Rather than coming to the Republican side of the aisle to come up with a comprehensive bipartisan anticrime bill, we get these five fig leaves that do not do anything as their response to the problems that are so touching our constituents.

Mr. Speaker, let us take a look at the bill that is before us. It is a bill that authorizes money for Federal grants to put cops on the beat. I am all in favor of this idea, because I believe that getting the police out of the squad car and onto the beat in urban and suburban areas is going to allow them to prevent crime before it is committed, rather than to react to a 911 call, where a citizen is urgently asking for police help because a loved one or themselves have been shot.

If this bill were funded, not by raising taxes or increasing the deficit, but funded by reducing other appropriations and reordering Federal spending priorities, there would be unanimous praise in the House of Representatives and among the public for the actions that this Congress is taking today, but it is not. Passing this bill is not going to put one single police officer on the beat in any community in the country, not in Beaumont, TX, not in Brooklyn, NY, not in Bensonville, IL, or Albuquerque, NM, or Menomonee Falls, WI.

To prove this point, I submit for the record a letter that has been introduced by the director of the Congressional Budget Office, Robert Reischauer, dated November 1 and addressed to the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS].

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3355, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community, to address crime and disorder problems, and to otherwise enhance public safety.

Enactment of H.R. 3355 will not affect direct spending or receipts. Therefore, pay-as-you-go procedures will not apply to this bill. If you wish further details on this estimate, we are pleased to provide them.

This bill, and Director Reischauer's analysis of the bill, shows the difference between the Republican approach and the Democratic approach on this issue. The Democrats have introduced and are attempting to pass an unfunded appropriation bill. Both the bill of the gentleman from Florida [Mr. MCCOLLUM] and myself are funded. We have reordered the priorities of the U.S. Government to take money out of low-priority programs and to put it into putting cops on the beat, and the Democrats have not.

□ 1330

The bill which I introduced reallocates unallocated accounts in various executive departments and agencies to fund an anticrime package. The bill offered by the gentleman from Florida [Mr. MCCOLLUM] provides for a 5 percent across-the-board reduction in administrative costs in executive departments and agencies to fund cops on the beat. The Democrats' bill does not provide a penny to do that.

That is why it is one of those bills that gives the public the wrong impression that Congress is doing something to address this issue without putting our money where our mouth is. And that is the sham that is going on.

But it is not just this bill and the other three grant bills that we will be debating later on today that are causing the problem. All of the comprehensive anticrime bills, with the exception of the bill by the gentleman from Texas [Mr. WASHINGTON] imposes a death penalty for certain heinous crimes. That has been referred to subcommittee, and referred to a subcommittee with a strong opponent of the death penalty, so this House probably will not even vote on it. And I think it is fair to let the American people know how their representatives stand on this issue. The same is true about reforming habeas corpus laws so that people who are convicted cannot evade their sentencing by bouncing from one court to another in seemingly endless petitions for habeas corpus.

And what has happened to the violence against women proposal that has had such strong bipartisan support? It has been referred to subcommittee, and nobody knows when it is going to come out. The gentleman from Texas [Mr. BROOKS] refused to say when it would come out in response to questions asked just a few minutes ago by the gentleman from Florida [Mr. MCCOLLUM].

The victims' rights proposals, they have gone to subcommittee, I guess to wait for Santa Claus to come down the chimney, because they will be sitting there at Christmas and New Years, and more victims will not be able to address the court when the sentence is imposed upon people who have committed crimes against them.

How about prison construction in regional prisons? Obviously we want to have the prison space to put people in jail and to keep them there, and to not have prison officials let violent criminals loose because there is not any jail space left, and that is what is happening all around the country. And we have not addressed the issue of revolving door prisons either. That has gone to subcommittee as well.

Now I think the American people expect better of their representatives in Congress, and I think it is a crime that the only thing that the Judiciary Committee could come up with, because some, including the chairman, would not work in a bipartisan manner, are five unfunded authorization bills.

But I do not think that all is lost, and I will be willing to make the chairman a deal, and that is that if he works with the Republicans on a bipartisan basis, we can come up with a crime bill that will achieve an overwhelming majority which deals with issues that we all are interested in, like constitutionalizing the death penalty and violence against women. That is the way to solve the crime problem, rather than attempt to repeat the partisan slam-dunk that caused the crime bill not to get to the President's desk last year.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Wisconsin [Mr. SENSENBRENNER] has consumed 12 minutes. The gentleman from Texas [Mr. BROOKS] has 11 minutes remaining.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, about a year ago the President said he wanted to have 100,000 cops on the beat. And I started looking at the numbers and figured it would cost an awful lot. The concept was excellent; the money was a little short. Even SENSENBRENNER did not have enough money to pay for that collected out of the pots from various little agencies.

So to resolve that difference, I sent the gentleman from New York [Mr. SCHUMER] down to deal with the administration and to talk to them about how we would fund 100,000 or a reasonable number of cops. He agreed and worked out an arrangement with them that they would request authority for 50,000 cops, and that they would be able to pay for it. And that is what has been done. It is not unfunded. Mr. Panetta, chairman of the OMB, wrote us a letter which I read to the gentleman in the full committee. The gentleman from Wisconsin [Mr. SENSENBRENNER] is the only Member who did not vote for the bills. He says he is for cops on the beat, but he did not vote for it. On violence and on the death penalty, I do not know where Mr. SENSENBRENNER was when I was trying to get that bill passed over there. I did not see you helping.

But I will say that the OMB said very clearly on October 27 that the Office of Management and Budget has already budgeted sufficient funds in its Justice Department planning baseline to fund fully the community policing and public safety partnership. I believe the gentleman from Wisconsin had access to that. It is available in the committee.

Mr. Speaker, I submit that letter for the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 27, 1993.

Hon. JACK BROOKS,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Administration appreciates your prompt consideration of anti-crime legislation. As the President has expressed to you and other Members of the Congress, he would like to see the House and Senate pass crime legislation and the Brady Bill before the Congress adjourns. Crime and the fear of crime have become increasingly urgent concerns across America. It is time for us to act without delay.

Earlier this year, Congress and the Administration worked together to pass emergency 1993 supplemental appropriations that included $150 million to help states and localities hire more police. Cities across America responded with great interest to this program. In the last four months, more than 1,000 police departments have applied to the Department of Justice for a program that provides for more than 2,000 new police. The Community Policing and Public Safety Partnerships introduced by you and Representative Schumer would authorize over six years (1994–99) $3.4 billion more for the Department to expand programs to hire new police officers substantially.

The Office of Management and Budget has already budgeted sufficient funds in its Justice Department planning baseline to fund fully the Community Policing and Public Safety Partnerships. And yesterday, the President endorsed procurement reforms that could save more than $5 billion in the first year alone. The President has asked Congress to pass these reforms and use some of the savings to fund additional anti-crime efforts. He underscored this commitment by saying:

"I want Congress to pass the crime bill and pass the savings I've asked to help pay for it. I want them to know that if these cuts aren't passed, I'm going to come back with more cuts. And if those aren't passed, I'll come back with still more. I'll keep coming back until we have the money we need to make America safer."

Mr. Chairman, the President strongly believes that there is an epidemic of violence in this country that must be confronted. We commend your committee for responding quickly to this crisis.

Sincerely,

LEON E. PANETTA,
Director.

Mr. SCHUMER. Mr. Speaker, I want to talk in general about the bill and the provisions. The arguments of the gentleman from Wisconsin are really sophistry. He knows we do not appropriate on authorizing bills. He also knows that this President, unlike the past two Presidents, has struggled to find funding for this, and made a commitment that he would not put in a bill that did not find funding. And that is why there have been such fights with some of the more conservative Members of our side and the gentleman's side about taking $3.4 billion out of the Gore initiatives that were to go to deficit reduction and funding them here. Everyone knows that. So let us not try to deceive the public, because they may not know what an authorization is versus an appropriation.

You know darn well, we all know darn well that you do not appropriate on an authorization bill. You should be criticizing an appropriation bill if it comes up without this funding.

Let me say, ladies and gentlemen, that these bills are not simply the tail on the dog, but they are the meat, the real part of the crime bill itself.

These bills are not controversial. Yes, it is true, everyone is for cops on the beat, and everyone is for drug treatment in prisons, mandatory treatment, and safe schools. But that does not make them any less important to our constituencies who are crying out, who are anguished about the crime on our streets.

Habeas corpus, we sit here in Washington and we debate the great constitutional issue of habeas corpus when we all know darn well that if every one of those prisoners are locked up, and if they sit on death row 5 years, or 8 years, or 9 years it does not affect the safety of our constituency.

The death penalty, we have had agreements. As the gentleman knows, I am for it. I believe it is appropriate in certain cases. But let us say that a cop on the beat or taking a prisoner out of prison and making sure that they do not commit another crime because they are drug-dependent is far more in line with what our constituents want and need, and keeping our schools safe. This was the meat of the crime bill last year. Our concern was because two issues, particularly habeas corpus, that arcane constitutional provision, bollixed up the bill, that we would be doing our communities a disservice by letting these important bills go down. There was not a single Republican vote for the Brooks bill, not one. So if we put the death penalty in the bill we know that we did not have enough votes, because there are 70 or 80 Members on this side who would not vote for a death penalty bill.

There was hardly a vote, and so let us not say that it was the Democrats' fault or the Republicans' fault, but that we were running into the same logjam because of the tense and difficult ideological issues. And this chairman had the courage to say we are not going to do what we did last year, or 2 years ago, and have nothing done, but we are going to take the most important parts of the crime bill, albeit that they are not controversial, and move them separately.

□ 1340

And most important of all, what he has done will allow us to vote on the Brady bill next week as well. This provision is extremely important. We need the cops patrolling the beat.

Mr. Speaker, I urge my colleagues to pass this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friends on the other side of the aisle have a very short memory; last week at this time when the Speaker opened up the session of the Congress, he announced that he had signed the enrolled appropriation bill for the Justice Department and had sent it off to the President for his signature.

So the Justice Department's funding until September 30, 1994, has already been set by Congress.

It has already been set by Congress, and unless the Appropriations Committee comes up with a supplemental appropriation, there will not be one penny appropriated for cops on the beat until we deal with the budget for fiscal year 1995 next year in the Congress.

Second, if rescinding existing appropriations to fund cops on the beat was so important as the chairman and the OMB Director Panetta have said, where is their bill for the rescission? That bill has not come to the Congress yet. We are going to adjourn before Thanksgiving without acting on a rescission bill.

So there is not going to be the money to reallocate. So this is all a sham; it is passing a piece of paper that gives people the impression that there will be Federal funds for cops on the beat in some number when in fact the appropriations pattern until next September is already set.

Now, I just point out that you can combine an appropriation in an authorization bill, and both Mr. MCCOLLUM and I have done so. His bill contains the 5 percent reduction in administrative expenses in executive agencies; less bureaucrats and more cops.

My bill uses the unobligated expenditures and a whole list of agencies that have been identified on a bipartisan basis, and uses that money, which is not going to be spent, to provide more cops.

Your bill does not provide one more cop, as the director of the Congressional Budget Office has said.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding to me.

Mr. Speaker, I first make the point that the rescission bill is here; the money will be there shortly.

Second, as everyone who has worked in this Chamber for a mere few months knows, and I know my colleague, who is an expert on legislative procedure, knows, we do not appropriate before we authorize. And as for the great Republican method of paying for the bill, the McCollum bill says, "Let's cut administrative expenses 5 percent across the board." Where? Which people are you going to cut?

Perhaps they should be cut. It is very easy—you want to talk about fooling the people—it is very easy to get up and say, "Let's cut administrative expenses," and this Chamber has done that for decades, and the administrative expenses are never cut.

I would argue to the gentleman——

Mr. SENSENBRENNER. If the gentleman would yield——

Mr. SCHUMER. It is the gentleman's time, but if I might just finish——

Mr. SENSENBRENNER. Are not the President and the First Lady attempting to cut administrative expenses in their health care reform bill to help pay for it?

Mr. SCHUMER. I would say to the gentleman that, again, until—and I have said this about the health care bill as well——

Mr. SENSENBRENNER. Reclaiming my time, the answer is "yes."

Mr. SCHUMER. Why did the gentleman ask me the question if he wants to answer it himself?

Mr. SENSENBRENNER. Reclaiming my time, I think the gentleman from New York is trying to sell us a bridge in Brooklyn. And according to the CBO, there is not any money to pay for it.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, my bill on the administrative overhead expenses is very specific. It says, "The overhead expenses identified and reduced by the President," already, "in Executive Order 12837 are hereby reduced by an additional 5 percent." So all we are doing is adding another 5 percent to the cut your President has already agreed to do. I think that is a priority that the American public would buy any time, any day, any place for more prisons.

Mr. BROOKS. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished member of the committee.

Mr. SCOTT. I thank the chairman for yielding this time to me.

Mr. Speaker, I would like to thank the chairman of the committee and the gentleman from New York [Mr. SCHUMER] for addressing crime prevention and not waiting for crimes to occur before they take action.

Mr. Speaker, H.R. 3355 will make funds available to place additional police on the streets. These would be officers assigned to communities policing divisions, many of whom will be walking the beats.

In my district, Mr. Speaker, a civic group joined forces with the Portsmouth, VA, Police Department to patrol their neighborhood. They brought about an 82 percent reduction in crime in that area.

Mr. Speaker, these are the types of iniatives that work, they reduce crime, and I encourage my colleagues to support this bill.

Mr. BROOKS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman for yielding this time to me.

Mr. Speaker, people's faith in government begins with their confidence that government can ensure their safety. And let me tell you, that confidence is rapidly slipping. Record number of guns are on the street. Record numbers of drugs are on the street. But cutbacks in Federal aid to cities over the past 12 years have created tremendous financial pressures on cites and hampered their ability to provide for the public's safety.

Mr. Speaker, I have walked the streets of my district with the cops who are on that beat. On Monday I talked to seventh grade children whose parents will not let them play outside because they are afraid they could be killed. These kids normally do not obey their parents, but these kids do what their parents tell them because they are scared.

The children tell of going to bed at night to the sound of gunfire. This has got to stop. Fear of death should not govern childhood. Gunfire is not an acceptable lullaby. Putting more police on the street is a critical first step to returning our neighborhoods to the people who live there. I have seen the effects of community policing—its ability to restore public confidence and safety. This is not a new idea. It is something that we did 30 years ago. And it is time to renew our commitment to it.

That is what this bill does. It restores the Federal commitment to helping provide for public safety. It will fund hiring of 50,000 more local police officers. And it will put cops back on the street where they do the most good.

I urge my colleagues to support this bill, and to help our children and their parents live in safety, not in fear.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I cannot help but notice that that splendid 10-gallon hat over on the table of the Democratic side. I wonder if we are going to have a lottery and perhaps pull out the names of the cities that will be so fortunate as to get these policemen. I think they could be used up in New York, Chicago, San Francisco, and the District of Columbia. I would like to think that other municipalities might have access to them, if the larger cities don't exhaust their numbers.

Let me also say that looking at that splendid chapeau reminds me of that well-known saying that, "This is all hat and no cattle," because we are nibbling around the edges of a major problem that causes anxieties throughout the country, crime, and we have these five nice little minimalist bills that will not bring any criminals to their knees.

We are witnessing firsthand what can only gently be called Democrat disarray in their failed efforts to launch major crime legislation.

It is a shame, and I know the chairman has tried his best, that the various factions of the Democratic Party are so centrifugally directed that they cannot effectively come to grips with this important problem.

□ 1350

What we are seeing is gridlock as an intramural, not necessarily an interparty phenomenon.

Now, Republicans stand ready to cast votes with any and all factions of the Majority Party who might just want a strong efficacious crime bill, a crime bill that sets clear and unmistakable policies that unlawful behavior which endangers the property, the health and the lives of law-abiding citizens, will not be tolerated.

We are looking for crime legislation that deals with the major issues, the death penalty, mandatory minimum sentences, habeas corpus reform, exclusionary rule reform, public corruption, and the construction of new prisons.

These unfunded feel-good peripheral measures being considered today are a major disappointment to the people of the United States who have a right to demand leadership from this Congress.

When I contemplate the size and the dimension of the crime problem in our cities and I look at these marginal little bills, I can only think of the words of the immortal Peggy Lee, "Is that all there is?"

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, there is an African saying that it takes the whole village to raise a child. We can expand that sentiment to say that it takes the whole community to protect the community.

This bill seeks to support community policing it both rural and urban communities.

No police force no matter how large or well funded can make a community safe without the cooperation of the community members. We must involve those most effected by the problem of crime to solve the crime problem.

I congratulate the committee for seeing the benefit to community policing and providing the necessary tools to do the job right. But it is not enough to just provide money and then expect the police to do the rest. Communities, and that means all of us, must join the police in weaving a seamless web of concern. Only then will our streets become safe again and our business areas profitable.

Our police deserve the best training and equipment available. We must spend what is needed, the cold war is over, it is time to realize that true national security must be achieved at home.

The police chiefs and sheriffs of the First District of Oregon are united in their support of the community policing. I join them in that support.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER], a distinguished member of the full committee.

Mr. NADLER. Mr. Speaker, I congratulate both the chairman of the committee and the chairman of the subcommittee for bringing these bills to the floor today as separate bills.

After a lot of time of talk, but no action, we are providing hundreds of millions of dollars for alternative punishments, to provide certainty of punishment for young offenders. We are providing money for substance abuse treatment for Federal prisoners and for State prisoners, when we know that up to 80 percent of our crimes are drug related.

We are providing over $3 billion to hire 50,000 more police officers for community police, very specific, real actions that will lower crime in our communities.

There are some controversial subjects that have been put off from this bill. The death penalty will be in another bill that will be here shortly.

Habeas corpus I feel very strongly about.

So without any Republican votes for a bill that dealt with those subjects, we could not get a bill like that. So what the committee has done is to separate out very specific provisions that can deal with crime that we can pass now. We will have the death penalty, which I will vote against and the House will pass next week, and we will pass some real intelligent affirmative actions to deal with crime.

Mr. Speaker, I thank the committee chairman for yielding me this time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

The gentleman from New York [Mr. NADLER] was not here last year. There are Republicans who are able and willing to vote for it. The gentleman from Minnesota [Mr. RAMSTAD] is one of them; but the gentleman from New York also has not been listening to this debate.

The gentleman says we are providing all this money. None of these bills provides a dime. It is wait until next year while our streets are red in blood until Congress gets around to the fiscal year 1995 appropriations, or some rescission bill that is in the bowels of the Office of Management and Budget.

So let us be real in what we are not doing here.

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. SYNAR], an outstanding member of the Committee on the Judiciary.

Mr. SYNAR. First of all, Mr. Speaker, let me commend both the gentleman from New York [Mr. SCHUMER] and the gentleman from Texas [Mr. BROOKS] for this excellent piece of legislation.

Today the House considers five bills that will provide vital Federal assistance in the war on crime. It is critical that we move quickly to pass this legislation, so Congress can respond to the violent crime that threatens to overwhelm the peace-loving citizens of our Nation.

I, like others, am disappointed that we are not considering H.R. 3131, the comprehensive crime package introduced last month Judiciary Committee Chairman BROOKS. That legislation encompasses many issues, such as habeas corpus reform, the Brady bill and Federal death penalties, that must be addressed during this Congress. Failure to resolve these issues will ultimately weaken the response we make to crime in our country. I fully understand, however, the necessity to move forward on the critical funding programs before us today while Members on both sides of the aisle have time to further study some of the more contentious crime issues in H.R. 3131.

While I appreciate the time Members need for further study, one issue—the Brady bill waiting period legislation—must not be delayed any longer. This legislation has been before Congress for more than 6 years. In the time that this bill has been before Congress, 150,000 men, women, and children have lost their lives in handgun fire. Further delay means more needless deaths. I am encouraged to learn that Chairman BROOKS plans to move quickly on the Brady bill and I strongly support the goal of having the Brady bill on the President's desk before the end of the first session.

Today's funding bills will make a real and immediate impact on crime in America. Among other things, the legislation before us will put more cops on the beat in our communities, provide funding for safe schools, grant States the resources to attack the growth of youth gangs, provide substance abuse treatment for prisoners in order to prevent repeat crime and provide funding for boot camps, community service programs and other innovative alternatives to incarceration.

I am especially interested in making sure that the Federal funding in these bills, particularly in the "cops on the beat" bill, is administered in a manner that ensures money is distributed to those areas of the country that may have the largest problems but may not necessarily have the largest populations.

Crime happens in small towns and rural areas too, and it often occurs in greater proportion than in more populated regions. I am appreciative of the efforts and cooperation by Chairman BROOKS, Crime Subcommittee Chairman SCHUMER, Mr. HUGHES, and others on the Judiciary Committee who have worked with me to make sure all regions of our country are well-served by this legislation.

I urge all Members to vote for these bills so we can get on with the business of fighting crime. While crime does not pay, it also does not wait.

Mr. LEVIN. Mr. Speaker, the five anticrime measures that are before us today constitute an important step in the war on crime. I support these five anticrime measures which will put more cops on beat patrol; establish effective, alternative punishment programs for young offenders like boot camp, shock incarceration and community service; provide alternative activities for youth so they do not join gangs; and provide drug treatment to prisoners so that once released they do not return to a life of crime because they are drug dependent.

It is imperative that we help stem the surge of crime and violence that is sweeping the Nation and robbing all of us of our fundamental sense of security. We, as legislators, have a duty to protect this right to live without fear.

Clearly, Mr. Speaker, there are other troubling problems we must address. For example, a large number of crimes are committed by a relatively small number of career criminals. We must also recognize that hard-pressed States and localities need additional resources to keep incarcerated those violent criminals who have been lawfully apprehended, prosecuted, and convicted. I hope this Congress will debate and enact measures that address further these underlying problems.

Mr. COYNE. Mr. Speaker, I support H.R. 3355, the Community Policing Act, a bill that will help to put more cops on the beat in communities across our Nation. This bill responds to the demands of local governments who know that putting more police on the streets is one of the best ways available to combat crime.

Today the House has an opportunity to help American communities by providing grants to fund up to 50,000 police officers. Enacting this bill offers a practical and common sense approach to combating crime. More police on the streets offers an increased deterrent against criminal activity and improves the chances of a criminal being caught when a crime is committed.

This bill authorizes a total of $3.45 billion in Federal grants for community policing programs through fiscal 1999. In the first year of this program, fiscal year 1994, a total of $200 million would be authorized, and $650 million is authorized in each of fiscal years 1995 through 1999. Up to 60 percent of the grants would be available each fiscal year for State applications on behalf of local governments, with the remaining 40 percent reserved for applications made directly to the Justice Department by municipalities with populations above 100,000.

This level of funding authorization will support the hiring of additional police officers in communities across our Nation. Local law enforcement agencies will be helped in their efforts to serve and protect our fellow citizens from the scourge of criminal activity in our streets. Grants provided as a result of this bill can be used to hire and train new law enforcement officers for community-policing, and to rehire police who have been laid off. Local law enforcement agencies will be able to use these funds to increase the level of crime prevention programs in the community. In addition, police departments will be able to use these funds to reduce the amount of time officers spend on administrative or judicial functions in order to increase the availability of officers for duty out on the streets of local neighborhoods.

The House has already expressed its support for funding community policing programs. Last year, the House approved provisions similar to H.R. 3555 as part of H.R. 3371, the Omnibus Crime Control Act of 1992. I voted for that bill which unfortunately died in the Senate as a result of filibuster by a minority of U.S. Senators. I commend the House Judiciary Committee for bringing this bill to the floor today so that we can move forward once again on this issue.

Mr. Speaker, the House should pass the Community Policing Act. I urge my colleagues to vote in favor of this legislation which will help to make our streets safer for our fellow Americans.

Mr. FAZIO. Mr. Speaker, I rise in strong support of H.R. 3355, H.R. 3351, H.R. 3353, H.R. 3354 and H.R. 3350—the five measures that make up the anticrime package. These bills will give us real ways to keep drugs and crime out of our homes, our neighborhoods and our communities.

This anticrime package will provide cities and towns across the country with the means to put up to 50,000 more police officers on the streets over the next 5 years. There are also resources to develop crime prevention policies and programs, and to address the special crime, drug and alcohol problems that exist in communities on our international borders and in our port cities and towns. To reduce the number of repeat offenders, the package also provides drug treatment for those inmates at Federal and State prisons who need it.

We will also be able to respond to the unique problems associated with youthful offenders. We can place them in boot camps, set up week-end incarceration programs and require them to reimburse their victims and serve in their communities. We will be able to tackle the sale and use of illegal drugs by juveniles, as well as gang activity, and replace this kind of antisocial behavior with lawful, constructive ventures like club activities, programs involving sports figures as mentors, and drug treatment programs for youth who are in the juvenile justice system.

Because crime is growing faster in rural America than it is in our suburbs and cities, the anticrime package provides for fair distribution of its resources to all areas of the country. For example, half of the increase in community policing—more cops on the beat—goes to cities and towns with fewer than 100,000 people. The anticrime package will enable rural America to meet the challenge of rapidly escalating crime.

The anticrime package will beef up local crime fighting efforts. It will put more police officers on the beat. It will help the local police officers who are on the front lines fighting crime every day. It will send young criminals to boot camps where they can learn the value of hard work and community service, and to be responsible to their victims for the pain they inflict. It will get our kids off drugs and out of gangs, and keep them there.

If we are going to reclaim our streets and neighborhoods, we must equip our communities with the tools they need to put teeth in the saying that "crime does not pay." We need to get tough on crime, and we need to get tough on crime prevention.

If we are truly sick of just talking about this issue, Chairman BROOKS and the Judiciary Committee have given us an opportunity to begin doing something about it. We can act here and now by passing this package and delivering much-needed assistance to the neighborhoods and communities across America that are being plagued by crime. I, wholeheartedly, urge my colleagues to support this initiative.

Mr. WISE. Mr. Speaker, today we are voting on H.R. 3355, the Community Policing Act. At a time when we are faced with increased violence and drug use, a bill that puts 50,000 more local police on the streets is what we need. In my State we have seen Larry Hacker, a State trooper, killed in the line of duty and Sgt. James Flickinger, of Charles Town, saved only by the bullet-proof vest he was wearing. Additional cops on the beat may help to prevent scenes like these from recurring.

These grants to State and local governments would be used to rehire police who have been laid off, and to hire and train new law enforcement officers for community-oriented policing. For the people of West Virginia this could mean over $4 million in additional crime prevention. While West Virginia has the lowest violent crime rate in the country this does not mean that we don't have to pay attention to prevention. I firmly believe that the crime that you prevent is better than the crime that becomes a statistic.

Ms. WOOLSEY. Madam Speaker, I rise today in strong support of the five anticrime measures being considered today by the House of Representatives. As the people of Sonoma and Marin Counties know, crime is on the rise—spreading into communities which have previously been sheltered from the violence which pervades our Nation.

One month ago, Polly Klass, a 12-year-old girl, was kidnapped at knifepoint from her home in Petaluma, CA, while her mother slept in a nearby room. In the past week, armed teenagers robbed two people after breaking into their homes in Santa Rosa and Windsor, and there have been drive-by shootings in Rohnert Park, Santa Rosa, and Healdsburg. In Tiburon, CA, a doctor was the victim of a mail bombing. A Marin City man was killed in an armed robbery attempt, the fourth sibling to die in a family of five. Marin and Sonoma County residents, and people throughout the country, are rising up and demanding that something be done about the rash of violence. We who represent them in Washington must respond now.

Today, we are considering crime measures which will place us on the path toward a solution to this crisis: Local governments will have funds to put 50,000 more police officers on the street; new programs such as boot camps, weekend incarceration, and community service will be developed to address young offenders; and finally, programs will be implemented to reduce drug-related gang activities.

As I have stated, Madam Speaker, I am in strong support of these programs, but they are only the beginning of what we can do to attack the crime problem head-on. Sal Rosano, the police chief of Santa Rosa, recently blamed much of the increase in violence in our neighborhoods on the fact that anyone can get a gun. He said that 10 or 15 years ago, a Santa Rosa police officer rarely found someone carrying a gun. Now, police in Santa Rosa find someone carrying a gun almost every day. So while I urge my colleagues to support the measures before them today, I urge them even more strongly to enact meaningful gun control legislation now, and get guns out of the hands of criminals.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3355, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

ESTABLISHING A PROGRAM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT WITHIN FEDERAL PRISONS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3350) to establish a program of residential substance abuse treatment within Federal prisons as amended.

The Clerk read as follows:

H.R. 3350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBSTANCE ABUSE TREATMENT IN FEDERAL PRISONS.

Section 3621 of title 18, United States Code, is amended—

(1) in the last sentence of subsection (b), by striking ", to the extent practicable,"; and

(2) by adding at the end the following new subsection:

"(e) SUBSTANCE ABUSE TREATMENT.—

"(1) PHASE-IN.—In order to carry out the requirement of the last sentence of subsection (b) of this section, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide substance abuse treatment—

"(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995, with priority for such treatment accorded based on an eligible prisoner's proximity to release date;

"(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996, with priority for such treatment accorded based on an eligible prisoner's proximity to release date; and

"(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter, with priority for such treatment accorded based on an eligible prisoner's proximity to release date.

"(2) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

"(A) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under paragraph (1) of this subsection, shall remain in the custody of the Bureau for such time (as limited by subparagraph (B) of this paragraph) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for substance abuse and discontinue such conditions on determining that substance abuse has recurred.

"(B) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.

"(3) REPORT.—The Bureau of Prisons shall transmit to the Committees on the Judiciary of the Senate and the House of Representatives on January 1, 1995, and on January 1 of each year thereafter, a report. Such report shall contain—

"(A) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

"(B) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible, and

"(C) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this subsection.

"(5) DEFINITIONS.—As used in this subsection—

"(A) the term 'residential substance abuse treatment' means a course of individual and group activities, lasting between 6 and 12 months, in residential treatment facilities set forth from the general prison population—

"(i) directed at the substance abuse problems of the prisoner; and

"(ii) intended to develop the prisoner's cognitive, behavorial, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

"(B) the term 'eligible prisoner' means a prisoner who is—

"(i) determined by the Bureau of Prisons to have a substance abuse problem; and

"(ii) willing to participate in a residential substance abuse treatment program.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in support of H.R. 3350, which passed the Committee on the Judiciary by a vote of 34 to 1.

H.R. 3350 requires the Federal Bureau of Prisons to establish a 4-year schedule to place all eligible prisoners into residential substance abuse treatment programs. Eligible prisoners are defined as those with substance abuse problems who are willing to participate in the program.

Studies have repeatedly shown that recidivism rates fall dramatically when prisoners with drug problems get the drug treatment they need to break their addictions before they get back on the streets.

We all know that a great deal of crime is committed to feed drug addictions. This substance abuse treatment program—by decreasing drug and other substance dependencies—should lead to a corresponding decrease in the levels of crime.

Mr. Speaker, the President and the Attorney General have recognized—indeed, have emphasized—the great importance of such programs. I am informed that the Federal Bureau of Prisons supports the program as well. It is high time that we break the destructive cycle of drug addiction and crimes of violence so that we can have a safer and more secure America for all our people. The money authorized for this Federal program will be money well spent, and I urge my colleagues to support H.R. 3350.

Mr. Speaker, this is an authorization coming out of the Committee on the Judiciary, which is an authorizing committee. We do not appropriate the money. I would be delighted if you would give me that authority as well, but that is not going to be likely, so this is an authorization only, and unless you want to pay for it yourselves, it will have to be done by the Appropriations Committee, and I trust that they will.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the least controversial of the bills relating to crime that will be before us this afternoon. Let me assure the gentleman from Texas [Mr. BROOKS] that this bill has my wholehearted support, because in my opinion the authorization contained in here can very easily be absorbed in the Bureau of Prison's appropriation that has already been passed.

What this bill does is that it requires on a phased-in basis that Federal prisoners be given drug treatment and detoxification in the period of time immediately prior to their release from prison on the grounds that if they have taken the treatment program and have been detoxified, they will be less likely to engage in a life of crime upon release, because they will not have to go and attempt to steal the money in an attempt to feed a drug habit.

□ 1400

I think that this is a very worthwhile proposal, and it is one that is directly designed to get into one of the biggest problems in our criminal justice system, and that is the revolving prison door where people who have been convicted and sentenced to prison for the commission of violent crimes end up coming out of prison committing another violent crime, and they go right back in. So, I think that this legislation is a step in the right direction to take away one of the incentives to go back to a life of crime, and that is to rob and kill in order to get money to feed a drug habit, and I hope that this legislation passes.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding, and I just have a question about this bill.

As I read lines 10 through 13 on page 3, Mr. Speaker, it seems to me that one can get their prison sentence reduced. The possibility exists that, if one successfully completes this program, which is fine, that the carrot evidently in front of one's nose is that they can get their prison term reduced up to a year.

Is that correct?

Mr. SENSENBRENNER. That is what is stated in the bill, but that is in the discretion of the Bureau of Prisons on whether or not the prisoner's term ought to be reduce upon completion of the program.

Mr. HYDE. Well, it just seems to me, if the gentleman would continue to yield, that it is an inducement that may well draw a false application from people seeking the opportunity to get their time reduced. All of these addictions require a strong effort of will to want to recover, whether it is alcoholism or whether it is drugs, and if the motive for getting in the program is to get their sentences reduced, I think we may be spending some money in a rather hollow, empty, unproductive way.

Mr. Speaker, I wish this part of the legislation were not in here so that this really would just confine itself to providing treatment for substance abuse.

Mr. SENSENBRENNER. If I had my druthers, I would not have this provision in the bill either, but, as the gentleman from Illinois is aware, the procedures under which the chairman of the committee, the gentleman from Texas [Mr. BROOKS], is bringing the bill up on the floor does not allow an amendment to strike this provision out. I believe that, if this issue ever gets into a conference committee, there should be a major effort to strike the provision out.

Mr. HYDE. However the gentleman from Wisconsin still thinks this is worth passing, that the good in this bill outweighs the questionable provision of getting sentences shortened.

Mr. SENSENBRENNER. I do.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding this time to me.

Mr. Speaker, I rise to express my deep disappointment that those controlling the Committee on the Judiciary cannot even pass out the major anticrime bill. They have a 21 to 14 majority on the committee. I told the chairman my vote was there to move a major, comprehensive, anticrime bill. Nonetheless, what we have today, merely these wish list grant programs, rather than a comprehensive bill that balances prevention and punishment, these bills are at best, including the one before us that we are debating at present, merely is a small part of the solution. We need to effectively respond to the violent crime plaguing our streets in a comprehensive, pragmatic way. We needmore than what is before this body today. I believe, by passing these bills today, we risk sending a message that they alone are an adequate answer to our Nation's violent crime problem.

Mr. Speaker, yesterday's election results made it abundantly clear the American people are fed up with crime and violence. They want strong anticrime measures for a change. They are fed up with liberal policies that coddle criminals, and they are fed up with politicians who come here finding excuses for criminals.

Nowhere was the public's anger toward violent crime more evident than in the State of Washington where by a three to one margin citizens voted to lock up three-time violent offenders for life, "Three strikes and you're out." Three violent felonies, and the voters of Washington said they will throw away the key. This landslide support for tough sentencing should wake up the Members of this body. Clearly law-abiding Americans have lost patience for those violent criminals who commit not one, not two, but three violent felonies, and, if the Committee on the Judiciary had acted more responsibly, I was prepared to offer the three-time-loser amendment to Federal law. But today our hands are tied. We have no opportunity to craft a crime bill with the death sentence, more prison space and habeas corpus reform.

Mr. Speaker, just last week a 21-year-old student in my district was brutally bludgeoned to death at a sandwich shop where he worked trying to earn money so he could go to college and marry. He had just been given a second chance at life this past summer when he had a brain tumor removed, and he was recovering from that surgery. It was his fiancee who found him lying in a pool of blood near a garbage dumpster beaten beyond recognition, beyond even his financee's.

Mr. Speaker, the savages who committed this heinous deed have sacrificed their right to live in a civil society, and they deserve the death penalty. This body does not have that provision before it. There is no comprehensive crime bill because of the failure of the Committee on the Judiciary.

I think that playing politics with crime is a disgrace to the American people. Americans are fed up with picking up the newspapers day after day to read about another drug related killing, another brutal sexual assault, another innocent child's life snuffed out by a stray bullet.

But where are the violence-against-women provisions that the gentlewoman from Colorado [Mrs. SCHROEDER] worked so hard on and that she reached out to our side, and I was working with her, and the gentlewoman from New York [Ms. MOLINARI] and the gentleman from Florida [Mr. MCCOLLUM] to try to craft and amend onto the omnibus crime bill? We do not even have a chance to vote on those violence-against-women provisions, and believe me, the women of America deserve action on that legislation.

Mr. Speaker, the American people are truly fed up with the excuses from politicians that we do not have enough prison space. The cops are sick and tired of the criminal justice system where the average violent felon serves only 37 percent of his or her sentence, 37 percent because the politicians tell them that there is not enough prison space. Congress does not have the regional prison provisions to consider today because there is no comprehensive crime bill.

Mr. Speaker, we truly need to put politics aside in this body. We need to take off our Republican hats and our Democrat hats and deal in a bipartisan way to address this crime problem. This is a serious problem, and the people of America deserve nothing less. They are sick and tired of the partisan politics, the name calling, the finger pointing, and the crime issue is an issue that deserve better. Only passage of a comprehensive anticrime bill, one that balances punishment and prevention, will truly respond to our Nation's crime problem. This bill before us presently for more drug treatment provisions is a small step in the right direction.

The SPEAKER pro tempore (Mr. MONTGOMERY). The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

Mr. SENSENBRENNER. I yield 1 additional minute to the gentleman from Minnesota, and I ask him to yield for a question.

Mr. RAMSTAD. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. During the last Congress the gentleman worked quite hard to include in the crime bill a national registry of child sexual abusers as a result of the tragic kidnaping and disappearance of Jacob Wetterly who is a constituent of his. What has happened to that idea in this debate?

Mr. RAMSTAD. Because of the inability of the committee to move a comprehensive crime bill, the Jacob Wetterly provision is not before this body. We do not have a chance to protect children through that long overdue national registration system of convicted child sex offenders.

Mr. SENSENBRENNER. In other words, the Jacob Wetterly provision, that has been referred to subcommittee, too.

Mr. RAMSTAD. It has been referred to subcommittee, and I will give the chairman of the subcommittee credit because he has assured me, the gentleman from New York [Mr. SCHUMER] has assured me, that the subcommittee will act on that bill separately prior to the end of the year.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Minnesota.

Mr. BROOKS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Speaker and Members of this august body, I sat here and listened to the debate regarding this crime package, and I would like to go on record as saying that any part of a crime package will be heralded by the people in this country, by the American public.

□ 1410

I come from a district where little Peaches was killed by someone spraying for someone else. I come from an area where children cannot play on the playground. I come from an area and I work here in an area where children plan for their own funerals before they are 12 years old.

Can we afford to wait until we get a comprehensive package of a package that meets all the needs of each of us? I say that is fine when we get it, but we must start somewhere.

I want to commend the Committee on the Judiciary. I want to commend the chairman, the gentleman from Texas [Mr. BROOKS], for having taken the first step and not waiting for more children to be killed and for more drug abusers to be on the street.

Yes, I am in favor of drug treatment for prisoners because I know recidivism is based on the fact that once they get out, they go back to their drug habits if they are not treated. We need treatment for drugs. We need it in prisons as well as in other segments of the public.

We can sit here all day long and debate this question, but the American public cannot wait until we do that. Yes, it must be authorized first. We all understand the process. This committee has authorized it, and now the Appropriations Committee must look for the money to fund it. We know the process. I say, stick to it, try to save the people, and stop worrying about procedural matters that delay this fight against crime.

We need more cops on the street. If you do not believe that, I ask you to follow me for 1 day, maybe not in your district but follow me in mine from day to day.

We cannot afford to lose any more lives because we are looking at how our package looks, to say that it is all proliferated. It is not proliferated; it is focused, and if everyone will look at what is happening in this country, they will understand.

Mr. Speaker, let us get at it a little bit at a time. If the chairman cannot pass it, then we should tie this package a little bit at a time. I say, let us get at it, Mr. Speaker.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], chairman of the subcommittee.

Mr. HUGHES. Mr. Speaker, I have listened to a lot of Fourth of July speeches today about not having a comprehensive crime control bill from some of the Members who have seen comprehensive crime control bills go down the tube over controversial issues.

We did not have a comprehensive crime control act last year, for the simple reason that there were a number of controversial provisions, including habeas corpus, that sunk the entire package, so we ended up with nothing. I remember, because I chaired the Subcommittee on Crime back in the early 1980's when we had a very lovely comprehensive crime-control bill that again was sunk because the Senate tacked on some controversial provisions and the whole bill went down the tube and we did not end with the drug czar at that point or product tampering or a modification of the arson statute and a whole host of other issues that were in that crime-control bill. Frankly, I was surprised that the chairman went as far as he did in trying to keep it together. Nobody worked any harder than the gentleman from Texas [Mr. BROOKS], the chairman of the committee, did in trying to keep the bill intact. Frankly, I marveled at the fact that he did not send it to the various subcommittees, take out the controversial provisions, and pass what we could when we could and then have the subcommittees work their will, which incidentally, I say to my colleagues who know this very well, is the process around here. We always send them to subcommittee and let the subcommittees work their will, and they do.

We are debating some provisions that strengthen the residential substance abuse treatment program. Is anybody opposed to that here today? Does anybody believe we should not be treating inmates who have substance abuse problems when they are in jail? If they do, stand up. Is there anybody?

Mr. HYDE. Yes.

Mr. HUGHES. The gentleman does not think we should treat people who have drug problems for their problems when they are in prison?

Mr. HYDE. Yes, I think we should, but we should not and then give them a year off——

Mr. HUGHES. Mr. Speaker, I reclaim my time. I thought the gentleman opposed that concept.

Mr. HUGHES. Part of the problem is, I say to my colleagues who are making all these speeches today—and they know this—that the difficulty is we have people coming into the system today with mental problems, psychiatric problems, and psychological problems who have no skills, no education, and who have drug problems, and we turn them out without skills, without education, and with the same drug problems and the same mental and psychiatric problems they had before. So it is no wonder that they are back in 5 or 6 months.

We need to get smart, and this is one component that I happen to support very strongly, because I believe we have to do a better job of dealing with the problems of inmates when they are in the system. It is disgraceful that almost a third of the inmate population are beyond our reach. We have some 80,000 in the Federal system who have drug problems, and we can only reach 35,000 of them. These are people that we are often cutting loose with drug problems to go back into society when they have served their sentences, and they go back with the very same problems they came into the system with. So it should not be any wonder that we bust them again in 5 or 6 months for the very same property crimes they committed before they went to prison for drug-related offenses. I say, come on. What we are doing is strengthening it, and this is a good initiative.

I salute the chairman of the Crime and Criminal Justice Subcommittee for these strengthening provisions. They deserve the overwhelming support of the House.

I, too, support a lot of the other initiatives my colleagues on the other side of the aisle support in the comprehensive crime control bill, and I am going to work with them to try to pass those provisions when they are before the House. Today we are talking about this one component.

Mr. Speaker, this is a good bill. I urge my colleagues to support it.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair wishes to state that the gentleman from Texas [Mr. BROOKS] has 12 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 10 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the Congress has been in session since January 5, and there was plenty of time for the committee and the subcommittees of the Committee on the Judiciary to hold hearings and to reach conclusions on controversial issues like the death penalty, habeas corpus reform, violence against women, victims' rights, and prison construction. Today we have been in session just 2 days short of 10 months, and none of these committees has taken action on any of these issues.

We Republicans have no say whatsoever about the scheduling of committee and subcommittee sessions. That is the prerogative of the majority party, and their failure to complete legislative action on issues such as this is one of the reasons why we have this problem today where we are passing five relatively minor bills in terms of the whole concept of anticrime legislation and saying that we should wait until next year to handle the major bills.

Mr. Speaker, I yield 5 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. HUGHES. Mr. Speaker, will the gentleman yield to me just briefly?

Mr. SCHIFF. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Speaker, the fact of the matter is that these provisions were not sent to the subcommittees because this chairman believed he could keep it intact and take it up in full committee. I thought it was wonderful if he could or if he thought he could do that. I never thought he could do it even though he is a great Member of Congress and a distinguished chairman. I thought it was taxing everybody's credibility to believe that he could keep it together in one piece, and it turned out that he could not.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding me this time.

Mr. Speaker, I wish to rise in favor of H.R. 3350, although with the modification suggested by the gentleman from Illinois. We already offer in the Federal system good-time credit of up to 15 percent off a sentence. Why not make that a requirement of earning that 15 percent instead of giving more time off the sentence?

Mr. Speaker, I would like to comment on the discussions that have been going back and forth thus far about the crime bill. First of all, I would point out that H.R. 3350, like the last bill, is an authorization, not an appropriation. Like the last bill, unless the money is found to implement it, it is just a piece of paper, and it is an illusion on the American people that we are doing something on the basis of attacking crime.

I want to join in the disappointment that has been expressed that we are not taking more action this year in the fight against crime. The fact of the matter is that for whatever reason we have spent the entire year of 1993 watching the carnage all around us in this country, and the majority has not brought forth anything stronger than the bills that are before us today.

☐ 1420

I want to express my personal disappointment, because I think we could have taken far more action in the time that we have had.

I further want to comment that the chairman of our Subcommittee on Crime and Criminal Justice, the gentleman from New York [Mr. SCHUMER], said that this procedure allows us to consider the Brady bill next week, H.R. 1025. I want to express my respect for the chairman, but my disappointment in his priority that that is a bill that we are rushing forward at a madcap pace to try to enact this year, while we leave aside far more significant legislation. Even from the point of view of the supporters of the Brady bill, and I know there are many, and I know it may in fact pass, I cannot imagine that the possible impact against crime is going to be any more than minimal. Because, the fact of the matter is that the violent criminals that we have been talking about here all morning and all afternoon are not the kind of individuals who buy firearms at licensed gun dealers.

It seems to me that we could have selected more appropriate bills. I would point out, however, that at best, at best, there might be a minimal positive effect from the Brady bill. My own view is there is the opposite point of view, which is that the loss of law enforcement resources and time, checking out honest citizens who want to purchase firearms, will make a net loss of resources against violent crime.

My biggest complaint against the Brady bill, however, is that although this is legitimate complaint about whether it be helpful or hurtful to law enforcement, that Congress proposes in this bill to make that choice for local government.

The Brady bill as written says there will be a 5-day waiting period in which local police and sheriffs are ordered to do this background check. It seems to me that if we in Congress at the Federal level have decided that this is beneficial legislation, then we should provide a Federal law enforcement agency to conduct this check, or we should reimburse the local governments for doing it. It seems to me if we really believe that it will have a beneficial effect for law enforcement, that is exactly what we would do. And the failure to do that, I think, raises the question of the effectiveness of the bill.

But I want to say that although I oppose H.R. 1025, the Brady bill, I do not oppose any and all regulation of firearms. Quite to the contrary. One of the most effective laws that we have on the books today to prevent violent crime from happening is the current Federal law that makes it a crime for a convicted felon to be in possession of a firearm.

I have to say, and I have to say with the utmost regret, that although I have asked the Department of Justice for weeks and weeks on end, in personal contact, in letters, and in hearings, by the Subcommittee on Crime and Criminal Justice, for a report on how they are currently doing on enforcing that law, how many cases have they accepted? How many cases have they rejected? Why have they rejected them? How many cases have they prosecuted where a convicted felon is merely in possession of a firearm and has not yet committed a new crime? In other words, use this law for preventive purposes. The Department of Justice has failed to answer.

I want to say that I think it is inconsistent, at the very least, for the Department of Justice to be coming over here and to testify in favor of the Brady bill, which they do not have to enforce, while at least until now they cannot show me that they are interested in enforcing current criminal gun control laws that are on the books, and I think would be more effective.

I want to conclude by saying that if there was only time to bring one bill before this House between now and the time we adjourn for the rest of the year, my choice would have been truth in sentencing, a concept we already have in Federal law, a concept which the Attorney General of the United States has endorsed.

This is the concept that says across the Nation, in the State prison systems, as well as the Federal system, a convicted criminal should serve at least 85 percent of whatever sentence is imposed upon that criminal by a judge or by a jury. It does not call on a specific sentence. It just says that whatever the sentence is, it ought to be served.

The fact of the matter is that the No. 1 problem in law enforcement is the early release of violent criminals to the street.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to our leader, the gentleman from Maryland [Mr. HOYER], the distinguished caucus chairman and a fine Member.

Mr. HOYER. Mr. Speaker, I rise in support of Chairman BROOKS' legislation which will place more police officers on the streets of America. Everyone knows that criminals in our society today have become more aggressive and more violent.

Law enforcement personnel from all over the country report the willingness of individuals to resort to violence to settle even the most minor disputes. And while there are some very pressing issues which are of concern to all Americans in this country such as: health care, unemployment, housing, and the economy, there is no single issue which evokes more passion or concern among the American people as crime.

At the community level, it is time to increase the involvement of those who serve daily on the frontlines fighting this national crime epidemic. It has been proven that serious crime decreases when law enforcement officials are visible members of the communities in which they serve. Thus, community based policing is one highly effective measure which can combat the daily atrocities which occur in so many American towns and cities across this Nation.

This will not solve the problem of crime and violence on our streets. However, today we can take one step that will help. You can't reason with thugs. You stop them. And to do that, police on the streets are essential.

That must be the first step. To restore order and protect our citizen's lives and property. Second, Chairman BROOKS has introduced other bills that I support which attempt to go beyond the immediate problem and address some of the underlying causes of crime.

Mr. Speaker, yesterday in my district I met with the heads of police departments, State's attorneys, Fraternal Order of Police presidents, the U.S. attorney, and the attorney general for our State. There was unanimous agreement that we must do more than simply put more police on the streets. They strongly supported, and I commend you for bringing to the floor today, legislation that will provide drug treatment programs and alternative punishment for nonviolent youths.

These programs can give a sense of self-worth, a job skill and help to these youths as they return to the community. The hope is that in doing so we can prevent them from commiting crime again. Antigang programs and substance abuse programs for both State and Federal prisoners will also greatly assist law enforcement by trying to break the cycle of crime.

Mr. Chairman, I support all of your bills today and commend you for an excellent job in bringing them to the floor before we recess this year.

In addition, I will introduce today the Three Time Loser Act of 1993. This measure would ensure that repeat violent offenders would receive life imprisonment when they have already been convicted of two or more violent offenses occurring on two separate occasions. Again, we must break the cycle of violence plaguing our streets today.

These individuals, having been convicted of three separate violent crimes, I believe, have forfeited their right to be members of our society. They should be off our streets—in jail—forever—never to plague us again.

Taken together, these measures can help to effectively reduce the high level of criminal activity in America today. Mr. Speaker, I commend the chairman and urge the adoption of all of the bills under consideration today.

The legislation I referred to earlier follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three-Time Loser Act of 1993".

SEC. 2. LIFE IMPRISONMENT FOR THREE TIME VIOLENT OFFENDERS.

Section 3581 of title 18, United States Code, is amended by adding at the end the following:

"(c) PUNISHMENT OF CERTAIN VIOLENT FELONS.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life, if the defendant has previously been convicted of two or more other violent felonies, at least two of which occurred during separate criminal episodes.

"(2) DEFINITION.—As used in this section the term "violent felony" is a State or Federal crime of violence (as defined in section 16 of this title)—

"(A) that involves the threatened use, use, or the risk of use of physical force against the person of another;

"(B) for which the maximum authorized imprisonment exceeds one year; and

"(C) which is not designated a misdemeanor by the law that defines the offense.

"(4) EFFECT ON DEATH PENALTY.—This subsection shall not be construed to prevent the imposition of the death penalty.".

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, again I would like to thank the chairman of the committee, the gentleman from Texas [Mr. BROOKS], and the gentleman from New York [Mr. SCHUMER], for their leadership in this legislation.

Mr. Speaker, H.R. 3350, the drug treatment bill, will have an immediate impact on our crime reduction efforts. Substance abuse is closely linked with convictions for violent crime. Sixty percent of the Federal prisoners are there because of some kind of drug involvement. According to the Bureau of Prisons, 20,000 prisoners have been designated as suffering from moderate to severe drug abuse problems.

Mr. Speaker, if we are to discontinue the revolving door and limit recidivism, drug treatment will have to have our strongest support. Holding them longer and then letting them out with the same drug problem they come in with will not do the job. This bill will constitute one of the most cost-effective crime prevention methods that we could pass. Therefore, Mr. Speaker, I would hope that we would support this crime reduction bill by passing this bill.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill is I think one of the most important we could pass, and I have been working on it for a very long time.

Drug treatment, mandatory drug treatment in the prisons, is something I think we can all agree would do lots of good. We have prisoners in our prisons, so many of whom are committing horrible and heinous crimes because they are addicts. It makes no sense whatsoever to send them out of prison while they are still addicts and then they commit more crimes.

□ 1430

Particularly in light of the fact that the studies have shown that drug treatment, therapeutic drug treatment in the prisons is remarkably effective, in the prisons where it has been tried. The National Drug Research Institute, a Federal body that studies these things, traced prisoners who came out of three prisons, one in New York, one in Illinois, and one in Oregon, and found that 79 percent did not commit a crime for 5 years after. Is that no incredible, when we know that two-thirds of all prisoners do commit crimes within several years of getting out without drug treatment.

In any case, this is a bill that really works. I urge that we pass this bill.

One other thing I would say, the gentleman from Illinois has brought up, what about the reduction in sentence. The coercive effects of the criminal justice system, that if one does not get through this, they go back to prison and they spend more time there, has again been remarkably effective. So in my judgment I would rather someone serve in jail 8 years for armed robbery and come out drug free than serve 9 years for armed robbery and still come out a drug addict.

I think the bill has been well thought out. The bill has many good points. It is cost-effective. Again, it is one of those parts of this bill that I know is not controversial, but I would argue to my colleagues, if we pass it and fund it, and fund it we must, on this one I agree with my colleague from Wisconsin, that we better make sure there is funding in the appropriations bill next year when it comes along, we will have done more to reduce crime than so many of, again, those arcane constitutional debates on things like habeas corpus, exclusionary rule, et cetera.

Our constituents will think we are finally doing our job on the crime issue.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time, 2 minutes, to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

I first want to comment on the fact that the gentleman from Maryland [Mr. HOYER] a few minutes ago joined ranks with us on a very important proposition, we are happy to have him, on the idea that was brought up by the gentleman from Minnesota [Mr. RAMSTAD] earlier the other night that there is a need to put away for life those who commit felonies three times in a row, a three-time loser. That is something that the gentleman from Louisiana [Mr. LIVINGSTON] on our side first introduced and is in our comprehensive crime bill. So we are delighted to hear that the gentleman from Maryland [Mr. HOYER] is joining us on that.

My comment on this bill is, there is nothing wrong with this bill. It is a good bill. It gets at one portion of the problem we have with the war on drugs, a very important portion in our Federal Prison System for treatment, and I fully support this legislation.

What disturbs me is that we are looking at an administration now that is sending signals out that we may be retreating on some front on the war on drugs. To fight that war on drugs we need to continue to be comprehensive in nature. We need to have a good interdiction program; we need to have a good program overseas. We need to have a good program of taking the criminal element off the streets, and we need to have drug treatment.

One of the things we do not have in the original crime bill the gentleman from Texas introduced and is not, apparently, in the President's agenda is a bill that would restore and place in the law a death penalty for drug kingpins. It was in the bill that we produced out of the House in the last Congress and did not become law, but for some reason the Clinton administration does not favor this. They claim it is not constitutional.

We have debated that. We debated it before. It clearly is. One of the things we can that is very important in the war against drugs is to send a tough message out there, "If you traffic in large enough quantities of narcotics, you are going to kill people; if you kill people in that fashion, then you should get the death penalty." And we should introduce that, and we should pass that. And we should have the opportunity out here on the floor to vote on it.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, on this bill, however, I still would like the question answered, why we have to shorten somebody's sentence when they are in jail for a serious crime and are taking this substance abuse rehabilitation. I thought cold turkey worked pretty well. And when someone is in prison, it ought to be tough to get drugs.

Last what about the Clinton health program? Will not these prisoners get drug rehabilitation anyway, and does anybody know the answer to that?

These are interesting questions to which we will not have time for an answer.

Mr. MCCOLLUM. Mr. Speaker, reclaiming my time, the gentleman makes an excellent point. There are some technical problems with this bill. Overall, the thrust, however, there is no problem on.

The issue is, we need to do more and we need, in the war on drugs, not to retreat. That is a fear that I have from what I have been hearing from downtown in some of the statements different administration people have been making about the war on drugs. We need very badly to keep the pressure up on all fronts.

The gentleman from New Jersey and I passed important legislation to do that before. I support this bill as it is, but we need to do more.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me.

I apologize for being in the Cloakroom. I wanted to answer the gentleman from Illinois.

The reason that we need incentives to get the people into this drug treatment is simply empirical. Therapeutic drug treatment is a very difficult thing to go through.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, they have to want to get well, do they not? They have to want to get well. They do not need the incentive of getting out early, if they want to get clean. Is that not true?

Mr. SCHUMER. Mr. Speaker, no, I would not say that. They have to want to get well.

What I would say to the gentleman is this, therapeutic drug treatment, I have been to these prisons. I come at this from a perspective of being tough on crime, as the gentleman knows I am. I believe we must punish. We cannot just have prevention without punishment. We need both.

But what I would say to the gentleman is this,therapeutic drug treatment as practiced not in prison and in prison is the same. We have eight or nine people in the room with a counselor, and they tear each other apart personally. I do not mean physically but mentally and emotionally. They figure out their weaknesses and their lack of ability and confidence that made them go into a life of drugs.

On the outside, and even in the best of programs, most people leave. Phoenix House considers it is successful if, out of 10 who start, 4 finish. In a typical drug treatment program on the outside, one in my district that is supposed to be not the best but not the worst, 3 out of every 100 finish, because when they get to a crucial point about what they did or what was done to them that made them into an addict, their parents beat them, whatever else, they leave. They go home and resume a life of drugs. It is easier. It is quicker. It kills the pain.

But if they know that if they drop out they go back to Sing Sing or back to a high-security prison for the remainder of their term, there is an incentive to do it. So what they want to do is get prisoners to want to try it.

What happens in most of these, people who apply are not those who want to get well. Many of those people are the ones who were taken care of on the outside and not leading a life of crime. They are applying because they might get a small, and it is a small, reduction insentence. They are applying because they might be at a different facility rather than one upstate, one far away from their families. But then when they start going through it, they get hooked in and they get cured. Not all of them get cured, but enough of them that to me it is worth the gamble.

I would not want to see these people not get any jail time or even get a slap-on-the-wrist short jail time. But in a long sentence, say, a 10-year sentence, for instance, they get a reduction of 1 year if they successfully go through this is incentive enough for me.

Mr. HYDE. Mr. Speaker, if the gentleman will continue to yield, I agree that this is a very useful program. But I do not agree that the motive for getting into it is going to be a very successful one if it is to get their sentence shortened. They presumably have committed a serious crime, and we have a tendency here that I think defines people on this issue.

□ 1440

That is, to deincarcerate people rather than incarcerate them. To put the time in prison to good use, I know of programs where inmates learn to read. They get a diploma, and that is wonderful, but to give them time off because they got in the program seems to me counterproductive.

Mr. SCHUMER. Reclaiming my time, I understand what the gentleman is saying. I would make two points. One is, this is not mandatory time off, it is an option, up to the prison authorities.

Second I would say to the gentleman that the incentive is not to get into the program, it is to stay in, it is to stay in. We know no way to cure a drug addict as good as therapeutic treatment. If they say, "It is another year or two," they may not drop out.

The SPEAKER pro tempore (Mr. HEFNER). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3350, as amended.

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GRANTS FOR DEVELOPING ALTERNATIVE METHODS OF PUNISHMENT FOR YOUNG OFFENDERS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation, as amended.

The Clerk read as follows:

H.R. 3351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended)—

(1) by redesignating part Q as part R;

(b) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

"PART Q—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"SEC. 1701. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

"(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who can be punished more effectively in an environment other than a traditional correctional facility, including—

"(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

"(2) boot camp prison programs;

"(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

"(4) innovative projects;

"(5) correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;

"(6) community service programs that provide work service placement for young offenders at nonprofit, private organizations and community organizations;

"(7) demonstration restitution projects that are evaluated for effectiveness; and

"(8) innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse, and gang-related offenses), including technical assistance and training to counsel and treat such offenders.

"SEC. 1702. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507 of this title—

"(1) shall prepare the application as required under subsection (a); and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director, in consultation with the Director of the National Institute of Corrections, shall make a grant under section 1701(a) to carry out the projects described in the application submitted by such applicant under section 1702 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects, other than alternative facilities described in section 1701(b).

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1704. LOCAL APPLICATIONS.

"(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 1701(b).

"(2) Such application shall be considered approved, in whole or in part, by the State not later than 45 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

"(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

"(4) If such application is approved, the unit of local government is eligible to receive such funds.

"(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 1701 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 45-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

"SEC. 1705. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of such State bears to the number of young offenders in all the participating States.

"(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State for the purposes specified under section 1701 that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for correctional programs in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for correctional programs in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by such State for purposes specified under section 1701.

"(3) If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for such fiscal year will not be used by such State or that a State is not eligible to receive funds under section 1701, the Director shall award such funds to units of local government in such State giving priority to the units of local government that the Director considers to have the greatest need.

"(c) GENERAL REQUIREMENT.—Notwithstanding the provisions of subsections (a) and (b), not less than two-thirds of funds received by a State under this part shall be distributed to units of local government unless the State applies for and receives a waiver from the Director of the Bureau of Justice Assistance.

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702(a) for the fiscal year for which the projects receive assistance under this part.

"SEC. 1706. EVALUATION.

"(a) IN GENERAL.—(1) Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) The Director may waive the requirement specified in paragraph (1) if the Director determines that such evaluation is not warranted in the case of the State or unit of local government involved.

"(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

"(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—GRANT ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Review of State applications.
"Sec. 1704. Local applications.
"Sec. 1705. Allocation and distribution of funds.
"Sec. 1706. Evaluation.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), is amended by adding after paragraph (23) the following:

"(24) The term 'young offender' means an individual, convicted of a crime, 22 years of age or younger—

"(A) who has not been convicted of—

"(i) a crime of sexual assault; or

"(ii) a crime involving the use of a firearm in the commission of the crime; and

"(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.".

SEC. 2. AUTHORIZATION OF APPROPRIATION.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $200,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise on behalf of the Congressional Rural Caucus to commend the chairman, the gentleman from Texas [Mr. BROOKS] for his work to ensure that rural America is a full partner in the anticrime measures being considered.

Crime is impacting rural America today as it never has before. The latest crime figures from the Department of Justice document that violent crime is dramatically growing in rural America. In addition, crime in rural areas is growing faster than in urban or suburban areas of the country. At the same time, rural law enforcement lacks the personnel and the training to effectively combat this rise in crime.

In past anticrime legislation, rural areas have not received the attention or focus that the more visible crime problems in larger urban areas have received. The measures we consider today will help alleviate the troubling crime trends in rural America and will send a strong signal to rural residents that we understand the problems facing them.

I again thank the chairman, and I thank the ranking minority member, the gentleman from New York [Mr. FISH], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from New York [Mr. SCHUMER], and the committee staff for working to make this anticrime legislation fair for all areas of the country.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in opposition to H.R. 3351. This is a bill that provides $200 million unfunded dollars for youthful offenders programs. The fact that it is not funded and does not provide one dime for punishment of youthful offenders, one dime for boot camps or anything else, is not the only reason that is wrong with this bill.

First, it defines a youthful offender in the bill as reported from the Committee on the Judiciary as anybody 28 years of age or younger. I understand that has been amended so it is now 22 years of age or younger.

We are living in a society where kids are killing adults and kids are killing kids. What is proposed to be done is to say someone 22 years old is a kid and ought to be given the lighter sentences that our society has given to juveniles who commit crimes. That is absolutely wrong.

Mr. Speaker, one attains the age of majority in most States at age 18. You are able to vote, you are responsible for your contracts, you are able to serve on a jury, and it seems to me that if you want to be an adult at the age of 18, you ought to be an adult for purposes of the criminal law at the age of

18, rather than being given a grace period of 4 or 5 more years where you will still be considered a juvenile if you shoot or maim somebody, but you will be considered an adult in terms of being responsible for your contracts.

Mr. Speaker, let us look at some of the other alternative punishments for young offenders age 22 or under. Technical training and support. That is a punishment? Correctional options such as community-based incarceration, weekend incarceration, or electronic monitoring of offenders. That means an offender never gets locked up for a considerable period of time and taken out of society.

Community service programs that provide work service placement for young offenders at nonprofit private organizations and community organizations. That is a punishment? It is under this bill. This is the fuzzy-minded approach to dealing with kids who are raising such cain in our society that the people are rising up against.

This bill cannot be fixed by an appropriation. It cannot be fixed by an amendment reducing the age still further, to 18. It ought to be defeated altogether. We in Congress ought to send a message out to the young people in this country. It is that they have got to be responsible for their criminal actions, and they will be treated severely if a jury should find they are guilty.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in strong support of H.R. 3351, providing a grant program for State and local governments to develop alternatives to traditional forms of incarceration as punishment for youthful offenders. Alternatives can include such punishments as boot camps, which 22 states now have, community-based incarceration, weekend incarceration, community service programs, and innovative methods to intercept youths who are starting down the path of no return in a lifetime of crime.

Neither the communities in which youthful offenders live—nor society as a whole—can afford to lose these young people to lives of crime. Once incarcerated with career criminals, youthful offenders often become hardened criminals themselves. They get graduate degrees in crime, and return to their communities with no further hope of becoming law-abiding, productive citizens.

All steps to turn young offenders around must be taken now before we lose another generation to this vicious cycle. H.R. 3351 is just one well-targeted attempt by the Federal Government to help the States and local governments achieves this crucial goal.

I thank the gentleman from New York [Mr. SCHUMER] and his subcommittee members for their leadership on this important issue, and would urge my colleagues to support H.R. 3351.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to ask the chairman a question of clarification about this bill, if I could have the attention of the gentleman from Texas [Mr. BROOKS].

Mr. Speaker, it is my understanding that the bill has been modified from what we initially reported out of committee, that we now have the age down to 22 years of age or younger, and that we are excluding individuals with a prior conviction for a felony crime of violence, as well as first time offenders who are convicted of a crime involving sexual assault and the use of a firearm.

I would ask the gentleman, am I correct that that is in the bill?

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, the gentleman is correct.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, this significantly improves the bill from what it was previously in committee, but I must say, Mr. Speaker, that the age still bothers me considerably. I think if we are going to target youthful offenders, they ought to be truly youthful. They should be 18 years of age or younger, as I expressed in the full committee. However, I appreciate very much the fact that the gentleman from New York [Mr. SCHUMER] and the gentleman from Texas [Mr. BROOKS] have worked to make these changes that do significantly improve this bill.

☐ 1450

Overall, I have one major problem with the entire area where we are addressing today, but youthful offenders gives me an opportunity to make this point expressly because it is connected with the priorities we should be setting currently with the limited resources we have. I am all for eventually doing what I think should have been done a long time ago, and that is finding ways to rehabilitate those first-time youthful offenders who really have not committed the heinous, violent crimes that are spreading around this Nation.

But all too often many of the crimes being committed today are being committed by teenagers 12, 15 years old. They are the ones shooting the tourists, they are the ones committing the really violent crimes, and they are not just committing them as first offenders, but as third, fourth,and fifth time offenders, and many times more offenders of crimes of a violent nature. That presents a serious problem. The problem is these are not people who are going to rehabilitate, and we should not be spending time doing that. We need to develop a whole program working in concert with the States to take these really violent criminals off the streets and weed them out of the program so that we can then get the resources and the time to devote to the seed programs that will make a difference in changing the social environment and in rehabilitation and so on that maybe would work.

But until we get the truly violent criminal, law enforcement in this country cannot breathe, the citizens of this country cannot get relief. And that is why we need to do the most fundamental things that are not out here today, that the chairman has suggested and that I hope we will see up here next year. One of the key elements of that is something that Republicans have proposed and strongly urged, but we still do not have a good sense though that those on the other side want to do it, and that is to go into partnership with the States of create a scheme of regional prisons to house just violent offenders who are convicted in the State courts where the overcrowding problem exists and the revolving door is the greatest. We need to go into this partnership. We suggest a 50/50 cost-sharing proposition that has a carrot with it, and it says that only those criminals that will be qualified to go into that prison and have committed violent crimes, or sexual abuse crimes of a certain described nature, and only from those States where the States have passed laws that require that those who are convicted of these crimes serve at least 85 percent of their sentences instead of getting back out on the street after serving a third or less of their sentences. And only the States where there are minimum mandatory sentences for those types of violent crimes.

In essence, we need to find a way from the Federal end to help the States where most of the crime is committed to get their violent criminals and their really bad criminals, including these youthful violators who are really the bad ones off of the streets, locked up, with the keys thrown away, not letting them out for years and years and years. Then we can begin to look at other programs.

The States say they need that. They need that kind of help. We proposed and we have discussed earlier howto find that with administrative cost cuts and other additional taxes.

We are also hearing from the States two other things. They need to have reform in the laws that involve appeals from death row inmates, because they recognize, as we do on this side of the aisle, that we need to put swiftness and certainty of punishment back into the criminal justice system again. We do not have that. We cannot get deterrence. We need incapacitation, and we need deterrence. Those are the two bulwarks of the criminal justice system that used to exist out there that are missing now.

If we get those back, then we can start looking at rehabilitation. But until we get them back we are going to have this rampage and this crisis of violence out on the streets that we have now, and we will not be able to control it. And we will not be able to do the job that the American public rightfully is demanding of us. That involves things like ending the habeas corpus procedures that allow these delays to happen once you finish a regular appeal from a death row case, and you go back into court again saying you did not have an attorney that was satisfactory, or whatever else, appeal that, and then find another procedure and so on.

It also involves, they tell me, another need that they have, and that is to change the rules of evidence so that you can more easily get into evidence those things that come from searches and seizures. Those are the kinds of things we should be doing today, and not just worrying about this kind of a bill. As important as it may be, it is not nearly good enough.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional Rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman form California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I suggest that this is a historic moment in American history insofar as crime bills are concerned. For the first time we are addressing real crime and its problems and the way to resolve crimes.

These five bills go to the heart of our problems in the United States, which incidentally happens to be the crime capitol of the world. These bills address drugs, young people, gangs, and next week we will address guns. We will address for the first real time the fact that we have too many guns and that criminals should not be able to go into a store and buy guns. That will be next week.

The gentleman from New York, [Mr. SCHUMER], and the gentleman from Texas, [Mr. BROOKS] deserve a lot of credit for this bill, and for all five bills today, because they are a giant step in the right direction. But again, I say for the first time we are getting to the root of what is wrong in this country insofar as crime is concerned.

For the last 10, 12 or 15 years we have looked at it with a different approach: lock them up, throw away the keys, forget them, or hang them, electrocute them, whatever it is. And what has happened? Crime has taken off like a skyrocket. We have more people in jail today proportionately than any country in the world. We just passed South Africa, thank you very much, insofar as people in jail.

In the Federal system, which is our responsibility, which was one the pride of the United States and the model for the world, we are nearly 200 percent over capacity. We have built 29 prisons since 1979, and there are between 30 and 35 new ones under construction or under rebuilding to house more prisoners.

So do not let anybody say that we are soft on putting people in jail in this country. These five bills are a mammoth step in the right direction, and I compliment us, and I compliment you, Mr. Chairman, Mr. SCHUMER, and you, Mr. SENSENBRENNER, too. You are a strong advocate, unlike so many of your colleagues on the other side of the aisle, of gun control.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, earlier in the debate today the chairman of the committee, the gentleman from Texas, [Mr. BROOKS] said that various controversial items such as the death penalty and habeas corpus have been referred to subcommittee for consideration. The subcommittee of which you are the chair has jurisdiction over these issues. We want to have a vote on these issues, and I think it is important for the American public to know how their Representatives stand on these issues.

Can the gentleman give us a commitment to report those bills out, and if so, by what date so that we know when we will be voting on them?

Mr. EDWARDS of California. Reclaiming my time, with regard to the portions of the Brooks bill that have just yesterday or today been referred to our subcommittee, every issue will be addressed in the subcommittee, and whatever portions of the bill are approved by the subcommittee will be brought to the full floor.

Mr. SENSENBRENNER. If the gentleman will yield further, that is a copout, because we all know how the votes are.

The SPEAKER pro tempore (Mr. HEFNER). The time of the gentleman from California [Mr. EDWARDS] has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we know what the votes are there, and simply by burying those issues in the gentleman's subcommittee, the American people will be deprived of knowing how their representatives vote on the death penalty, habeas corpus reform, and exclusionary rule reform. And I would hope that this Congress would be responsible enough to be accountable on issues like this.

I say to the gentleman from California [Mr. EDWARDS], he and I disagree on the death penalty. But I think that the constituents of everybody should know how all of the Representatives have voted so that we can reach a conclusion on it.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I want to say to my friend he does an injustice to the gentleman from California [Mr. EDWARDS]. As chairman of the subcommittee, he has been very diligent in working on the matters assigned to that subcommittee. I feel positive that he will bring out those bills.

Mr. SENSENBRENNER. Reclaiming my time, the gentleman from Texas knows that I served as the ranking Republican member on the subcommittee that the gentleman from California [Mr. EDWARDS] chairs, and everybody knows that Mr. EDWARDS' subcommittee is one of the largest graveyards of legislation around here.

□ 1500

My point is that even if we are opposed to bills, we ought to have a vote on them so that the American public knows how Congress stands. And we were elected to lead and we were elected to have a record on issues; the frustration of gridlock that has been bandied about the country comes largely because a lot of proposals that people are interested in get buried in subcommittee and never come up for a vote. And I hope that does not happen with issues like the death penalty and habeas corpus reform.

Mr. BROOKS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, in response to the gentleman from Wisconsin [Mr. SENSENBRENNER], who served us admirably as the ranking Republican on the subcommittee for such a long time, last year we addressed every issue the gentleman refers to. They were addressed in subcommittee, in committee, in the full House of Representatives. They were comprehensive. A comprehensive omnibus crime bill was approved by the House of Representatives, by the Senate, by the conference, passed again by the House of Representatives, went to the Senate and was filibustered to death by a Republican Senator.

So, please, do not say that we do not address all the issues that are relevant.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. I thank the chairman for yielding this time to me.

Mr. Speaker, I want to say to my colleagues on the Republican side, who are doing their own little bit of filibustering today because we do not have a comprehensive bill on the floor, that I am going to be working with them to try to bring out of committee some of the things that I too want. I want habeas corpus reform. We need it in this country.

I support the death penalty, as my colleagues on the Judiciary Committee know. It is my hope that we can have a bill that will reserve for the most egregious offenses capital punishment.

But the bill we are talking about today is the alternatives to institutionalization for youthful offenders. We could argue about whether or not 22 is the right age, or 18. I am sympathetic, as the gentleman from Florida, knows, I got it down to 22 from 28 in full committee. So I share his concern.

But make no mistake about the importance of this bill. I mean, my colleagues are almost minimizing the impact that this bill will have. I frankly think this bill will have as great of an impact as any of the six bills that we are considering today, for this reason: If we could do something about the youthful offenders between the age of 12 and, say, 25, we would solve 75 percent of the crime in this country. They are the ones who are committing the offenses.

We are seeing youthful offenders some into the system 10 and 15 times before judges are doing anything about it.

Now, you know that.

You know it, it is happening throughout the country. And it is wrong, it is a disgrace. They do not think they are going to get caught, No. 1; and, No. 2, if they are caught, they do not think they are going to be punished.

This bill will provide alternatives to institutionalization. It will give the judges more sentencing options.

Part of their problem is the young people they get in before them—I am talking about judges throughout the country—that they do not want to send to jail because they know they come out worse for the experience and they know if they send them back home, they are sending them back to a very bad environment. This provides sentencing judges with other alternatives for nonviolent offenders, those who do not carry weapons, that is. Those who do carry weapons, the violent offenders are the ones the States ought to be taking off the streets. And I agree with my colleague from Florida, that is another problem.

But let me tell you, the young people we are talking about that are going to be utilizing these types of alternatives are the adult offenders of tomorrow. They are the ones who commit rather minor offenses for the first and second time, but they are the adult offenders, the violent offenders of tomorrow. We need to begin dealing with them in the various States.

We do not prosecute street crime, generally, at the Federal level; it is the States that have this responsibility. And this is a good grant program to encourage the States to develop a myriad of alternatives. And I think it is a good bill, and I would urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COX].

Mr. COX. Mr. Speaker, as Yacov Smirnof says, "What a country; only in America do we have lite beer, lite potato chips, we even have lite cheese." Today we have the lite crime bill.

It comprises five bite-size pieces, five mini-bills that are most certainly less filling.

Now, four of them will actually pass the House, not because they do much good but because generally they are innocuous. But the one that we are debating right now is not innocuous; it will not pass the House. Unlike the other four, it is actually a major step backward.

It is titled "a bill for the purpose of developing alternative methods of punishment for young offenders."

The bill defines "alternatives" as something, and I quote, "other than a traditional correctional facility." In plain English, a traditional correctional facility is jail.

It defines youthful offender as somebody who is 22 years old or younger. In plain English, that means an 18-year-old, 19-year-old, 20-year-old, 21-year-old, or a 22-year-old. These are people who can vote, serve in the Armed Forces, buy and drink alcohol and even serve in State legislatures. In other words, adults.

The reason the bill calls for alternatives to traditional correctional facilities for youthful offenders is that if they said it in plain English, No more jail for 22-year-olds, it would not sound very tough on crime.

Worse yet, this bill is a new Federal spending program; it will cost over $500 million over the next 3 years, over $500 million to study new ways to letting 22-year-old criminals avoid jail.

Just what does the bill have in mind for alternatives to jail for 22-year-old criminals? Let me quote more from the bill. Section 1901(b)(4) authorizes grants for innovative projects. That makes sense. Why send a criminal to jail when we can have something more innovative?

Section 1901(b)(8) provides in the case of gang-related offenses, we should counsel and treat 22-year-old gang members who are convicted of crimes rather than send them to jail.

Section 1901(B)(5) says, instead of jail we should give these same hoods weekend incarceration instead of jail.

Weekend incarceration? God forbid that a gang member would have to give up his Saturday night.

This bill is dangerous. At a time when gang warfare is sweeping our Nation, at a time when gangs, street gangs of dangerous young men can be found in more than 800 cities and towns in America, this bill sends the wrong message. It will give us more murder, more rape, more carjackings, and more drive-by shootings, because it would tell would-be babyfaced assassins, "Go ahead, pull the trigger, you might not get jail."

According to U.S.A. Today, 73 percent of Americans say juveniles who commit crimes should be treated the same as adults. Let me repeat that: 73 percent of Americans say juveniles who commit violent crimes should be treated the same as adults.

This bill does exactly the opposite. Frankly, I do not care if it is Beevis or Butthead or any other maladjusted young man who commits arson or murder, what they need is real punishment, hard jail time. Thank God this bill is going down to defeat.

Mr. Speaker, bring a real crime bill to this floor. America wants it, crime victims need it.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished member of the committee, the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to commend the chairman of the committee, and I want to congratulate him and the gentleman from New York [Mr. SCHUMER] for their work in making progress on the crime bill.

Mr. Speaker, I have been advised, in contrast to what we are doing in making progress, I have been advised that in the other body they are now considering a filibuster of a motion to proceed with consideration of the omnibus crime bill, and therefore it is obvious they are not making much progress at all.

We have already passed legislation and are in the process of passing some more.

So, Mr. Speaker, I want to congratulate our chairman and the gentleman from New York [Mr. SCHUMER] for the progress that we are making on this bill, H.R. 3351, the alternatives to punishment bill. This will provide localities with funds that they need to provide innovative programs for youthful offenders which will not only punish but rehabilitate. This bill will empower our courts to impose sanctions between the slap-of-the-wrist and incarceration. Right now, it is incarceration or nothing. It will empower the courts to take the appropriate action on the first offense rather than waiting for the more serious subsequent offenses.

□ 1510

We have all heard of the juveniles who are arrested for serious offenses, and we find it is their 10th offense. But what happened on the first offense?

We have to stop waiting for the more serious heinous crimes to be committed before we take action.

This bill will address the revolving door and will reduce crime by developing programs which will allow us to intervene early when it might make a difference before those heinous crimes are committed.

Mr. Speaker, H.R. 3351 is a major step in the right direction and I hope that we will support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, and Members of the House, I rise to oppose the bill, but for a strange set of reasons not before articulated in this debate.

The gentleman from California [Mr. COX] who just spoke is correct. The bills that we are considering, all of them, are tilted toward the convict. In one way or another they are tilted toward the person who has committed the crime, treatment, alternative methods of incarceration; no thought of the victim, no thought of the law enforcement officials.

Let me finish, I say to the gentleman from New York [Mr. SCHUMER] and I will give the gentleman ample time afterward.

Mr. Speaker, I grasp back my time.

In any event, the bills are tilted toward the convicts, while the bills that are held in the committee of the other gentleman from California [Mr. EDWARDS] are tilted toward the victims, law enforcement officials, law enforcement communities across the country, and the law enforcement system generally, habeas corpus reform, death penalty reform, and also the exclusionary rule reform.

But there is one element in this bill which I endorse, the one we are presently discussing, that is boot camp.

Why? First of all, I have seen it in operation and to the extent that I was able to trace the result of it, it does have some semblance of being able to do something about the criminal who commits drug offenses principally.

But in any event, the gentleman from New Jersey [Mr. HUGHES] and I once participated in a graduation ceremony at one of these boot camps. I tell you, the difference between boot camp and these other alternatives that are part of this piece of legislation is that it is a tough process and they stay in prison. They are segregated. They are given more discipline, tougher times than the others who are not part of the boot camp.

I endorse it, not only because it is a good alternative method of incarceration, but because in some senses it is tougher and does have a better chance of preventing recidivism.

So although I am in favor of some types of alternatives, I do not favor those kinds in which we lose trace of the convict, we lose the identity of the juvenile who goes back into community service or weekend incarceration or some other high faluting type of alternative punishment, when with boot camp we know where he or she is. We can watch the movements and we can see the progress made.

Add to that the fact that this is unfunded and some illusory kind of proposal, I oppose the legislation.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes again to the distinguished gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding this time to me.

First, let me say I think it is indicative of what is going on in the Senate and what is going on here. There, there is a comprehensive crime bill. Senator BIDEN has introduced it.

And what is happening as we speak? The Members from the other side of the aisle in that body are filibustering.

Mr. SENSENBRENNER. A point of order, Mr. Speaker. It is against the rules to refer to proceedings in the other body.

The SPEAKER pro tempore (Mr. Hefner). The gentleman should refrain from referring to the other body.

Mr. SCHUMER. Mr. Speaker, I believe I said the other body. I did not use the "S" word.

The SPEAKER pro tempore. The gentleman will refrain from characterizing actions taking place in the other body.

Mr. SCHUMER. I see, Mr. Speaker. All right.

Let us say hypothetically that if the other body were filibustering the comprehensive crime bill that the Members on this side are so eager for, one would begin to think maybe they would rather do nothing, so they could have it as an issue.

Now, let me say on this bill——

Mr. SENSENBRENNER. Mr. Speaker, will my friend, the gentleman from New York, yield?

Mr. SCHUMER. No, I will not yield to the gentleman. The gentleman flapped. Maybe he will take off.

The SPEAKER pro tempore. Regular order.

Mr. SCHUMER. Mr. Speaker, I would say to the gentleman, he has not yielded to me while I have been making my remarks, or I would be happy to yield to the gentleman.

But let me say to the gentleman, anyone can put together his or her own crime bill. The difficulty that we have had in this body in the past is getting 218 votes.

I can put together my bill. It would not be that dissimilar from that of the gentleman. Our views are not that different. I believe in their regional prisons provision. I believe in their death penalty provision, although I do not agree with their habeas procedure. I think it goes too far.

But what I would say is this, that we want to pass something for once and not just have rhetoric. Last year we had the comprehensive crime bill. It went down.

Two years ago we had it. It went down.

So for the gentleman from California to say that it is light, I do not think cop on the beat is light. Come to my city. They want them.

I do not think mandatory drug treatment in the prisons is light. Come to my constituents. They are tired of people coming out of jail and committing new crimes.

Nor is this bill light. I defy anyone on the other side to say, where does this reduce prison terms? There is not a word in here that says the prison term shall be reduced, or that this shall be an alternative in place of prison.

This is a grant to the States for first-time nonviolent offenders. And guess what happens to them in almost every locality, including mine?

They do not get a year in prison. They do not get 6 months in prison. They do not get a week in prison. Most of them get no prison for a nonviolent, low-level, nondrug crime.

I have talked to Judge Keating, our administrative judge. He said, "Please, our jails are full," and I certainly support building more jails. I think the McCollum provision is a worthy provision. It is in the Biden bill. It was not here because some on this side did not agree with it. I do.

But for those who are not going to be put in prison, is it better, I would say to the gentleman from California who seems to have lost interest after he gave his speech, is it better to have them with electronic devices around their wrists so we know where they are, or have no penalty?

Is it better to have them locked up for weekends, or is it better to have no penalty?

Is it better for them to go to a boot camp, which the gentleman from Pennsylvania has said is good and worthy, or to have no penalty?

We do not tell the States, give this to people in place of prison. We say, if your prisons are full, as most prisons are, and you have lots of first-time, nonviolent offenders, and you need help to give them some penalty so that they know and feel that the criminal justice system is not toothless, then apply and build the boot camp and put the bracelet around their wrists and make them stay in jail for the weekend.

I would say to my colleagues, the State of Georgia pioneered this. They developed this system, and it worked. Georgia, hardly a bleeding heart State, not California or San Francisco, Georgia, and they developed this and it worked.

A judge in Quincy, MA, a first-time minor property offender had to work all weekend scrubbing walls. You know that they were not going to jail for that. It worked.

We have done that now in New York City some, and it has worked.

So I say to my colleagues, we need alternatives, not in place of prison, but in place of no punishment at all.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the remaining minute.

Mr. Speaker, if up in New York there are offenders who are getting no jail time at all, then maybe you need some judges up in New York who will throw these offenders in jail so that they will be punished for their transgressions against their fellow citizens.

Second, in terms of the allegation that Members on this side of the aisle will not support a comprehensive crime bill, if you want to work with us on a bipartisan basis and put some of our ideas in a comprehensive crime bill, we will support it.

The problem is that you people have wanted to pass a bill on a party line vote, without incorporating our ideas in that. And why should we give you votes with no input?

□ 1520

Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mr. Speaker, will the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I would observe that the bill passed in the Committee on the Judiciary 34 to 1, all 5 of these bills. Republicans and Democrats alike, with the exception of one Republican, felt that they were worthwhile and helpful.

Mrs. UNSOELD. Mr. Speaker, violent, heinous crimes are occurring across this Nation with numbing regularity. This is not only a personal tragedy to the many victims, but a social tragedy, and symbol of our inability to deal effectively with the criminals. We need to reform our criminal justice system.

Mr. Speaker, I rise in support of this package of bills that begin the process of prevention and treatment. I commend our chairman, the gentleman from Texas [Mr. BROOKS], for his leadership. Today we are considering five bills that move us toward reform.

Mr. Speaker, these provisions authorize programs to put more police on the streets, send juvenile offenders to boot camps to help them become productive citizens, combat gangs and drug trafficking, and treat drug abusers in Federal and State prisons. I agree with all the goals behind these measures.

I have some concerns, however, that we may be promising too much. We spin out statements about making people's homes and neighborhoods safer and giving their children alternatives to gangs, and they begin to hope. But we all know that these are only the beginning.

Mr. Speaker, I am convinced that, if we are truly to heal our society, we must attack the root causes of violence directly. There is nothing more important to our Nation than how we rear our children and how we break this cycle of children who are unloved, neglected, and abandoned, mindlessly lashing out in their own form of self-hatred and destruction. To do this, Mr. Speaker, we have got to pool all the resources we can muster.

Programs such as Head Start must be improved and fully funded; DARE and other drug prevention programs must get to young children before they get into drugs. We need to provide more early childhood education and a nurturing environment for those children who lack a family and positive role models. We need to insure that foundational values necessary for civilized life are instilled in our children. We need to counter the glorification of violence. We need to provide economic opportunity and hope for all our children.

Many of us are tired of solutions that are measured only by their toughness, solutions that sound good but fall short. We need to acknowledge the real value of treatment and prevention and need to look beyond today's vote to the larger battles for our Nation's children and our Nation's future.

The SPEAKER pro tempore (Mr. HEFNER). All time has expired.

The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3351, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 4, nays 3.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GRANTS TO DEVELOP PROGRAMS TO REDUCE JUVENILE GANG PARTICIPATION AND JUVENILE DRUG TRAFFICKING

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3353) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking, as amended.

The Clerk read as follows:

H.R. 3353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

"PART Q—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"SEC. 1701. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) USES OF FUNDS.—The grants made under this section may be used for any of the following specific purposes:

"(1) to reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) to reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) to develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) to reduce juvenile drug and gang-related activity in public housing projects;

"(5) to provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) to promote the involvement of all juveniles in lawful activities, including—

"(A) school programs that teach that drug and gang involvement are wrong;

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(7) to facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

"(8) to provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

"(9) to provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

"(10) to establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletic provide a positive alternative to drug and gang involvement;

"(11) to develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles living at or nearInternational Ports of Entry and in other international border communities, including rural localities;

"(12) to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

"(13) to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(c) FEDERAL SHARE.—(1) The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"(2) The Director may waive the 25 percent matching requirement under paragraph (1), upon making a determination that such waiver is equitable due to the financial circumstances affecting the ability of the applicant to meet such requirements.

"SEC. 1702. APPLICATIONS.

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require."

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

"Sec. 1701. Grant authorization.
"Sec. 1702. Applications.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part Q.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3353. H.R. 3353 creates a grant programs to assist States and local governments in developing more effective and innovative programs to reduce juvenile gangs, to reduce the use and sale of illegal drugs by juveniles, and to promote the involvement of juveniles in lawful activities. The bill authorizes $100 million for each of fiscal years 1994 and 1995.

Gang violence is now a depressingly real fact of American life—and not just in New York City and Los Angeles. Gang activity has spread all across the United States, in small towns, in middle-sized towns, in about every urban and rural area. In a very real sense, gang activity is another form of organized crime, and it must be eradicated.

The program created in H.R. 3353 is just one more way—but, an important way—in which the Federal Government can help to reduce the suffering of law-abiding members of our communities. Our neighborhoods are being inundated by drugs and are being terrorized by gangs. We need to assist young people in resisting the temptations and pressures to join in such destructive activities.

H.R. 3353 will help to achieve this goal and I urge my colleagues to cast an "aye" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of those unfunded authorization bills. The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], talks about the hundred million dollars that Congress plans to spend for juvenile drug traffic and gang prevention grants to local units of government and community organizations. However, Mr. Speaker, there is not one penny that is appropriated to do any of that for fiscal year 1994. The appropriations bill has already been passed by the Congress and has been sent to the President for his signature, and until the Office of Management and Budget comes up with a supplemental appropriation or a rescission, once again the Congress will be making an empty promise. I think that if this bill were funded, with appropriate restrictions on the type of grants that are available, much good can be done. However, the authorization for the grants in this bill is really wide open, including grants to organizations such as Boys and Girls Clubs, Scout troops, and Little Leagues.

Mr. Speaker, I do not know of any Little League team, and my son plays on one, that wants Federal aid. Little Leagues are a very, very important thing to help young people keep out of trouble. It gives them a sense of pride, it gives them a sense of teamwork, and it gives them a sense of accomplishment. But do we really want to authorize a program of Federal aid to the Little Leagues? That is what this bill does.

Second, this bill authorizes Federal aid to Scout troops. I am wondering if anybody has talked to the Secretary of the Interior on that. After all, he would not let Scouts help in the Golden Gate Park in San Francisco because the Scouts have a policy of not allowing gays as Scoutmasters, and yet Scout troops are authorized to receive grants. My guess is that, if they do receive grants, there will be all kinds of restrictions that will be involved, including the one that I just mentioned that is against the very tenets of this volunteer organization.

It seems to me that again we are making a promise, and we are opening up a Pandora's box. I think that this bill should have been thought out a little bit more thoroughly, but to make my point I would like to read another letter from the Congressional Budget Office to the gentleman from Texas [Mr. BROOKS] dated November 1 to show that this bill does not do one darn thing.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 1, 1993.

Hon. JACK BROOKS,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3353, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

Enactment of H.R. 3353 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
ROBERT D. REISCHAUER.

□ 1530

Mr. BROOKS. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Madam Speaker, coming from a city that now ranks third in the United States in murders, I am deeply concerned about the growing violence that pervades St. Louis and too many other communities around our country.

Two weekends ago we had 22 people shot in St. Louis, and 10 were killed. Most of the people were involved in gang violence.

Since the beginning of my public life as an alderman in St. Louis, I have talked to lots of police officials, judges, social workers, victims, and even criminals, in search of answers to these problems. Twenty years later we are faced with escalating crime of unfathomable dimensions.

In the face of this epidemic of violence, we must ask why our efforts to combat crime have not worked better. We can and we must continue to treat the symptoms, the obvious symptoms of violence. But it is my belief that until we squarely acknowledge and address the root cause of the problem, we will continue in a never-ending cycle of violence.

A great deal of the crime that plagues our society stems from gang violence. Gangs are on the rise in every city. In Los Angeles there are 130,000 documented gang members; Chicago, 50,000; Denver, 5,000; Wichita, KS, a city of 300,000 there are 1,300 documented gang members. And the numbers everywhere just keep going up.

Sociologists will tell you that gangs have become the surrogate family for thousands of youngsters. As more children grow up in dysfunctional families, more teenagers turn to gangs for a sense of security, a sense of identity, and a sense of belonging.

The number of crimes increases exponentially as more young people commit more crimes, all to gain acceptance in the social organization that they have come to know as their family.

As one person told me, in the absence of love, hate and violence have become the dominant values of their group behavior.

For the most part, our efforts to curb crime have focused on the results of gang violence. I think it is time we try to rescue our children from the vice of gangs, where hate and violence are the standard and the norm.

This legislation authorizes $200 million over the next 2 years to help figure out how to deter young people from joining gangs. These grants will enable State and local governments, as well as public and nonprofit organizations, to develop innovative, coordinated programs to reduce the number of juvenile gangs and to reduce the use and sale of drugs by juveniles.

The legislation funds a variety of initiatives, including education and treatment programs for young people that have been exposed to severe violence in their homes, schools, and neighborhoods

All of us are fixated on the terror and sadness and heartbreak that occurs on a daily basis in every city in this country. But we cannot fall prey to our fears and retreat from the magnitude of the undertaking. As a French philosopher once said, "The journey of a thousand miles begins with a single step." Today we have the opportunity to take the first step toward saving a lot of our children, and, in so doing, saving ourselves and saving the future victims of these crimes.

Madam Speaker, I urge Members to support an important first step, H.R. 3353, and I congratulate the chairman and members of the committee for bringing this legislation forward to the floor of the House.

Mr. SENSENBRENNER. Madam Speaker, I yield 3½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Madam Speaker, today we are dealing with what passes for the 1993 crime bill as reported from the House Judiciary Committee. Given the skyrocketing murder, rape, and assault rate around our country, the bill only nibbles around the edge of the problem instead of striking at the heart of violent crime.

I voted for five of the bills which are simply volunteer grant programs designed to provide for community policing, more effective programs to reduce juvenile gang participation and drug trafficking, drug treatment for prison inmates, school initiatives for preventing crime, and drug treatment for prison inmates.

Localities can choose whether or not they want to implement and pay for these programs in their cities or counties.

However, I voted against H.R. 3351 which provides $200 million for grants to States to develop "alternative methods of punishment for young offenders" instead of jail. Incredibly, this bill originally set the age of young offenders at 28 years old. I understand that it has now been determined to lower that age to 22. It is still too old.

Many of these so called young offenders are committing the most brutal crimes in our Nation and they should be put in jail just like any other common thug. And if these youthful offenders commit capital murder, they should receive the death penalty just like older murderers.

Meanwhile, the committee failed to mark up bills which really crack down on criminals. There are many good ideas to fight crime locked up in the Congress while many hardened criminals are not locked up in our prisons.

I supported legislation streamlining the use of the death penalty. Currently endless appeals cause a delay of 10 or even 15 years before the executions occur and this lessens the deterrence.

In addition, I support H.R. 2872 which is a cost-sharing agreement between the Federal Government and States to build regional prisons to house violent State criminals. To qualify for Federal funds, a State must require violent criminals to serve at least 85 percent of their sentences, although I would prefer to see the full sentence carried out in these cases. The bill also requires longer mandatory sentences for certain violent offenders.

This measure is desperately needed because currently violent criminals serve only 37 percent of their given sentences. When you consider that 7 percent of the criminals account for 80 percent of the violent crime, it's clear that the best way to stop violent crime is to not put murderers, rapists, drug dealers, and other hoodlums back on our streets and in our neighborhoods.

It costs about $25,000 a year to incarcerate someone, but that cost pales in comparison to the average cost of over $400,000 a year in property loss, damage, and medical bills incurred as the result of the average career criminal.

Innocent victims, American families, are tired of going to the funerals of loved ones, and they are sick of living in fear. All the while, our criminal justice system coddles criminals and looks out for their rights instead of their victims' rights. Let us change this backward system by bringing out a crime bill with real teeth.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Madam Speaker, I thank the gentleman for yielding, because we are again addressing the root cause of crime. Drug use and drug dealing and gang participation have continued to plague our youth. It is with this heightened sense of purpose that I offer my support for H.R. 3353, grants to reduce juvenile gang participation and drug trafficking.

□ 1540

These grants will finally provide funds to address the root causes of juvenile delinquency instead of our present strategy of reacting to problems after they have occurred. We should not be surprised, when our young people have no organized recreational opportunities, no summer jobs, no school dropout prevention programs, no job prospects, no boys and girls clubs to go to, we cannot allow those conditions to occur and then be surprised that our young people are joining gangs.

I have long held that more crime is prevented by boys and girls clubs than by multimillion dollar prisons.

Madam Speaker, there is a Little League baseball league in our community that involves 1,000 young people, that costs $75,000, the approximate cost of 3 years of incarceration. The Justice Department research, the American Psychological Association and a number of other experts have concluded that attacking the root causes of crime are our only chance of reducing crime. We already lock people up at rates unchallenged in the rest of the world and in some communities at a rate 10 times that found in the rest of the world.

The approach taken by H.R. 3353 is not only practical and effective, but it is also fiscally responsible.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding time to me.

This reminds me of what we call "feel-good legislation." It sounds good and it is going to play well back home, but it is really not going to solve the problem.

I have a lot of problems with this. We nip around the edges when we try to deal with crime and our youth population that is turning more and more to street crime and drug crime. We say that if we do a little bit here and a little bit there, that is going to solve the problem. And I think the gentleman from Missouri said a while ago, a journey of a thousand miles begins with but a single step.

I was sort of thinking back to when we started taking our programs down the wrong path a few years ago, many years ago. We took fathers out of the homes, if they were getting welfare benefits so there is no father figure in the home so kids then turn to street gangs. We took God out of the schools and in place we put condoms in the schools. And we wonder why kids have a different moral attitude than we had back in the 1950's and 1960's. And we had all kinds of crazy decisions made by the Supreme Court, the Miranda and Escabido decisions, which gave criminals rights that the person who was violated did not have. And we wonder why crime escalated and increased. Then we come up with a program today that we are talking about that is going to spend $200,000 and give Federal aid to the Boy Scouts and the Little League. There are all kinds of mischief in that proposal. If we give Federal aid to the Boy Scouts, are they then going to come under Federal control and regulations? Are we going to have homosexuals becoming Boy Scout masters and solve the moral problems of the country by doing that? This is not the right approach, in my opinion.

I would like to point out one more thing. In the grants for developing alternative methods of punishment for young offenders that we talked about just a few minutes ago, $200 million a year for the next 3 years, I had a bill in the committee of the gentleman from Texas [Mr. Brooks] that would create boot camps by taking closed-down Federal military bases and allowing the States to use those for boot camps. It would not have cost the Federal Government anything. It would have transferred the property to the State. And if the gentleman's committee and the Committee on Armed Services had worked together on this, the States could have taken over this responsibility where it rightfully should be to take these kids and put them into a boot camp to try to solve the problem.

I was watching, I think last Friday, as I was getting ready to head into the office, the Montel Williams show. They had a boot camp group of young people who had been criminals and drug addicts and everything else that marched in. They were saying yes sir and no sir, and they had been through a very rigorous boot camp program in the northeast. And it is very, very effective. It is cost effective. It is not going to throw Federal tax dollars that we do not have at the program.

I ask the chairman of the committee, why was not my boot camp bill heard? It is a bill that will work. It is a bill that turns the responsibility back to the States. We already have the property, and the States would like to have it. They can set up their own boot camps.

Rather than spending $200 million in Federal money that we do not have on a program like they are talking about in H.R. 3351, it seems to me that the boot camp bill should have at least had a hearing so we could use Federal facilities to turn over to States so they could handle the problem.

Mr. BROOKS. Madam Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Texas.

Mr. BROOKS. Madam Speaker, I am on the Committee on the Judiciary. The Committee on Armed Services has control of the military bases.

Mr. BURTON of Indiana. Madam Speaker, I understand that.

Mr. BROOKS. Madam Speaker, if the gentleman will continue to yield, that is not in my jurisdiction. I am willing to work with them and if any of the States, there are 22 now that have boot camp, if they wanted to use a military installation, all they had to do was ask their Members of Congress to talk to the Committee on Armed Services. I cannot control that. I would like to control it, the Committee on Armed Services and the Committee on Appropriations both, it would be wonderful. I would ask unanimous consent that that be done.

Mr. BURTON of Indiana. Madam Speaker, I believe that those committees have to work in concert.

I asked the chairman on the floor if he would give our bill a hearing. We did not get that. Instead, we had this $200 million proposal come before this body. It is not cost-effective. It is not going to solve the problem, whereas the States, where we should be handling this problem, can solve it, if we give them the wherewithal to do it.

We are closing down these military bases. Those facilities can be used. As I said before, the Committee on Armed Services and the gentleman's committee are the committees of jurisdiction. If they would work together, we could get that done.

Mr. BROOKS. Madam Speaker, if the gentleman will continue to yield, I am delighted to work with the Committee on Armed Services. I have a high regard for them. I would be delighted to work with the gentleman on this. I am very sympathetic to the utilization of such bases for our boot camps or for full-class prisons, whatever they want to use them for.

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman.

Mr. BROOKS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. Becerra], a member of the committee.

Mr. BECERRA. Madam Speaker, I thank the gentleman for making it possible for a number of us who are new Members to be able to vote on a series of crime bills that will deal not only with incarceration and remediation of a problem with crime but also with the preventative aspects.

A number of us were elected to Congress hoping that we would not deal just with the back end of things but at the front end, before it gets too bad, that we would find a way to try to stop young people, kids, adolescents from every becoming criminal offenders and youthful offenders. So I thank the chairman for giving us that chance.

Let me also recite just a few anecdotes that occurred recently.

Three days ago at my house there were some kids trick or treating. Towards the end of the evening, about 8 o'clock at night, there was a woman with about six children who came knocking at our door after having sat at our front steps for about 5 or 10 minutes. She said, "Would you mind if I came in and left these children here while I make a phone call to see if my husband will come pick us up? There appear to be a gang of young men who are out there throwing eggs at homes and harassing the kids. I would like to find out where my husband is."

So we let her make the call. Her husband did show up, but this was at 8 o'clock in the evening in what I would consider a decent neighborhood. I consider where I live to be fairly safe, but yet this was a woman who had to call her husband to come pick her up because she was afraid to be outside.

I recounted that to my staff and, at the same time, they pointed out to me what had occurred that evening as well. And that was there were three young boys in the city of Pasadena right next to Los Angeles who had been shot and killed just without any cause by unknown sources, some individuals, young men. It is unknown who they were. Yet they were gunned down pointblank. They are now gone. We have no reason to understand why, but they are gone.

I thought that was selfless, but then I turned to my staff and said, "This is what we have to try to stop."

One of my staff members recounted something that occurred to a friend of hers within the past few months. A friend of hers was parked with her boyfriend on the side of a road. Three individuals came up and told them they were being held up. My staff member told me that her friend and her friend's boyfriend were pulled from the car, were told to get in the trunk. They were told that they were to be taken to the beach and they were going to be killed. At some moment a car passed by. The woman had enough sense to yell, "Run." She escaped. Her boyfriend saw the same thing occurring while these three individuals stood and did nothing.

□ 1550

He ran off and they were fine. These were two individuals who probably were about to be killed, and they were very fortunate to escape.

The types of legislation we have before us today hopefully will help us deal with what we see here, senseless crime. I am very pleased to say that a number of us were very supportive of this type of legislation. Whether it is community policing or trying to go after drug abuse, gang prevention, we should do it, and this is the time.

Mr. SENSENBRENNER. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise today not to talk about the five grants that we are discussing, because some of them will have a minimal impact on crime as it affects our country, but they will not near eradicate the impact of what we have chosen not to discuss today.

It is my understanding by listening to the debate all morning and afternoon long that the issues were separated out on the basis of what was controversial and what was not controversial, so some issues would not get bogged down in politics and others would be allowed to be put into legislative initiatives. It was also my understanding that for a very significant portion of time the Committee on the Judiciary was working cooperatively, both sides, on provisions affecting one group of individuals in America. There was no controversy. We were in agreement. It just so happened that that group that would be affected is women.

The gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Minnesota [Mr. RAMSTAD], along with the gentleman from Wisconsin [Mr. SENSENBRENNER], were working cooperatively on several important, noncontroversial provisions to make life a little safer in the United States for women, provisions like extending and strengthening restitution, reimbursing victims for lost income and necessary child care expenses, for trying proceedings, creating new offenses punishable by up to 20 years imprisonment for interstate stalking, the full faith and credit of protective orders across State lines, a national study on campus sexual assault, a national task force to deal with violence against women, mandatory restitution for sex crimes, domestic violence and stalking offenses, the Violence Against Women Act, a Democrat bill, strengthening the rape victim shield law, and payment for testing HIV and sexually transmitted diseases for victims of sexual assault.

These were all agreed to in committee, as I understand it. These were not controversial. These are actions that cannot wait any longer. By addressing these issues today, Congress could be sending an important message to women and their potential attackers. Today, by failing to mention even one of them, we unfortunately send the message that we as a Congress do not think that they are important at all.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, the local communities are doing, to the extent possible, what they can with the items that we discuss today: crime, burglary, robberies, gang warfare. In my area, which used to be a peaceful, law-abiding area, in the last few days they found a body, decomposed, with a bullet hole through the head, of a young man about 30.

A policeman was shot and killed as he tried to help a youngster being attacked by a rival gang. A young lady was raped, attacked, and died shortly after arriving at the hospital. The local police, as best they can, address this issue. They do not have the resources, do not have the manpower. There is yet the community effort that needs to be enhanced.

Last Saturday night I attended a session where the judges have a committee of volunteers who work with wayward youngsters. Later that evening we attended a session of what is called communities in schools, people who work with dropouts and potential dropouts. This series of bills that have been put out by the committee, I would like to commend the chairman and all the members of the committee for allowing us to address them from this level, for rightly or wrongly, the local communities now look to Washington for everything that happens in those communities.

The moral aspect of it, the family values, all of that is there. It just has to be motivated and mobilized. The mobilizing and motivating has to be done by local law enforcement, by the local political leaders. These bills are tools that help in that respect.

Madam Speaker, I feel very sincerely it can be done. I commend everyone that has worked on this endeavor, for these tools can be what makes us turn around.

Mr. SENSENBRENNER. Madam Speaker, may I inquire as to the time remaining on each side.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman from Wisconsin [Mr. SENSENBRENNER] has 5½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 7 minutes remaining.

Mr. SENSENBRENNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Madam Speaker, I yield the balance of my time to my distinguished friend, the gentleman from New York [Mr. SCHUMER], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I thank the distinguished gentleman from Beaumont and Jasper, TX, and places in between, Galveston, TX, for yielding time to me. It reminds me of a song, which I will spare the body at the moment.

Mr. Speaker, we in Congress have heard for years about the emerging problem of urban youth gangs. Unfortunately, this problem is no longer emerging, it is right here. Youth gangs are now major players in America's epidemic of violent crime, and they threaten the future of an entire generation of Americans.

Mr. Speaker, because this is a problem, we have drafted and put together H.R. 3353, which is an important national response to the frightening trend of gangs. It authorizes the Bureau of Justice Assistance to provide grants to the cities and States to fight youth gang violence and drug trafficking. These grants will be used to thwart the birth of new gangs and weaken existing gangs. It goes along with the whole theme of what we are doing today, which is that prevention is important.

Somehow some of the people on the other side of the aisle seem to think that we cannot do both prevention and punishment. I assure my colleagues that there are many of us who believe strongly in both: tough sentences, jails, and the kind of punishment that is necessary, but prevention also. Let us stop kids from getting into gangs, and then, unfortunately, if they do, and do bad things, let us punish them.

This bill deals with the preventative end, not because the punishment end is controversial, but because in terms of drugs and guns we have basically done that in previous crime bills. I urge my colleagues to support this legislation.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of the crime legislation before us today. Violent crime and its effects have always been unacceptable to Americans. Lately, however, the problem has worsened. Incidents of violent crime seem more frequent and the victims younger and more innocent each day.

In Connecticut, the level of crime hasincreased in recent years, as the State struggles to find ways to combat the problem. Local police in Connecticut are forced to deal with increasing criminal activity, including unprecedented levels of gang violence, committed by more heavily armed criminals. This is the difficulty faced by towns and cities all over the country: less money and manpower to deal with a growing rate of crime.

The legislation before us would provide important resources in the fight against crime. I would call special attention to H.R. 3353, which aims to reduce the number of juvenile gangs and H.R. 3351, which would allow the development of alternative methods of youthful offenders. Hopefully, by focusing these resources on young offenders, we can change their path before they settle in to a life of crime.

These measures will not erase our crime problem, but represent an important start. Fighting crime must become a bipartisan issue. We can no longer afford to argue over Democratic and Republican responses to this demoralizing problem. Congress, together with the Clinton administration and State and local governments, must put their differences aside and work together in making our streets safer.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3353, as amended.

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on the motion will be postponed.

SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3354) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment, as amended.

The Clerk read as follows:

H.R. 3354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

"PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

"SEC. 1701. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

"SEC. 1702. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

"(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

"(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

"(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

"(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer groups programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

"(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

"(d) STATE OFFICE.—The Office designated under section 507 of this title—

"(1) shall prepare the application as required under section 1702, and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1703. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 1701 to carry out the projects described in the application submitted under section 1702 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

"(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

"SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

"(1) 0.4 percent shall be allocated to each of the participating States; and

"(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

"(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1705. EVALUATION

"Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.".

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

"PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

"Sec. 1701. Grant authorization.
"Sec. 1702. State applications.
"Sec. 1703. Review of State applications.
"Sec. 1704. Allocation and distribution of funds.
"Sec. 1705. Evaluation.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (23) the following:

"(24) The term 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

"(A) directed at the substance abuse problems of the prisoner; and

"(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

□ 1600

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3354. This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to allow Federal grants for residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

To be eligible for program funds, participating States must have a drug testing component. In responding to the fact that States have ever-dwindling resources, this eligibility requirement does not mean testing of every single prisoner. If a State determines that another way of handling drug-testing is a better way to go, its eligibility will not be affected.

H.R. 3354 is another attempt to assist States and local governments to break the vicious cycle of crime fed by drug addiction, and it is a worthwhile program. The program moneys in H.R. 3354 will be money well spent. I salute Congressman SCHUMER and others in his subcommittee, and Republicans and Democrats in the full committee who have actively pushed this needed program forward. I urge my colleagues to support this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another unfunded authorization bill, $300 million worth of promises and not one penny of delivery.

In my opinion, there is nothing wrong with encouraging States to have drug treatment programs for people who are incarcerated, and this bill would be noncontroversial if it were funded. But it is not. It is going to dangle a carrot in front of the nose of the States that there will be money available to try to detoxify criminals before they are released from prison, and the Congress will continue moving the carrot further and further away from the rabbit so that the rabbit will never get it. And that is what is wrong with what the majority party has proposed here today.

There were a number of elections around the country yesterday, and crime was a critical issue in the campaigns in Virginia, and in New Jersey, and in New York City. The voters in each of those jurisdictions rejected the approach to crime that has been talked about today, that we can resolve the problem of crime by throwing money at it, and they want more action. We are not even throwing money at the problem today. We are promising money sometime in the future and telling our State and local governments and the constituents that all of us represent that the check will be in the mail sometime later when we find the money to do it.

I think it is significant that the majority party has moved these bills to the floor today without waiting for the rescission bill that is being promised by the Clinton administration. I do not think we are going to see a penny of appropriations in these programs until the next fiscal year, which begins on October 1 of 1994. And there will be doubtless thousands of our citizens lying in the grave while Congress decides to find the money to fight crime. We should have done it before sending these bills to the floor.

We should get the message that the American people do not want promises anymore but want action.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], the Republican whip.

Mr. GINGRICH. Mr. Speaker, let me say first of all that I regard today's activities as a great disappointment. The Democratic leadership had an opportunity to bring a serious, comprehensive crime bill to the floor. The Democratic leadership had an opportunity to schedule a debate and a vote, preferably with an open rule to allow Members to do something about violent crime, about rape, about crimes against women, about drug dealing, about all of the things that need to be dealt with in America today. Instead, for reasons I do not fully understand, the Democratic leadership decided to bring out a series of tiny little bills, trotting to the floor each without any money attached to it, each designed to provide a press release, one or two of them doing things that frankly are moderately useful. They are not harmful, but compared to the scale of the problem we face in America today, today's efforts by the Democratic leadership represent a disastrous failure of leadership. It represents an abandonment of the victims of crime. It represents a walking away from the problems of crime.

Now I must say it is ironic that the Democratic leadership decided to fail on the issue of crime the day after the country voted, because the message from yesterday was clear. Who won in New York City? The former prosecutor who promised to make New York safer, who has a track record of putting criminals in jail. What was the issue in Virginia? It was whether or not we would have a Governor in George Allen who is prepared to be tough on violent criminals. What was the only thing which preserved Florio's governorship and made him in contention? The fact that he had been very tough on crime.

What happened in Washington State, normally considered a fairly liberal State? When a bill was brought up in Washington State where they had the initiative, and the voters can go past the professional politicians, and the voters can demand a vote, by 3 to 1 the people of the State of Washington passed an initiative which said if you are a three-time violent criminal, you are locked up for life. We are not going to put you back on the street. We are not going to trust you, and we are going to protect innocent Americans from violent criminals. And that is in a State that is normally regarded as the bellwether of liberal States.

The day after citizens across the country said they were tired of violent crimes, they were tired of drug dealers,they were tired of being afraid, we have this spectacle. No comprehensive crime bill, no effort to deal with an effective, believable death penalty, no effort to ensure that there are enough prisons, no effort to provide the money necessary to hire the policemen. Not just a press release, not just yes, it is a good idea, but here is how we are going to pay for the 50,000 policemen.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, is the gentleman aware of the rescission bill that has been drafted and will be on the House floor in the next few weeks?

Mr. GINGRICH. Yes, I am.

Mr. SCHUMER. Is the gentleman aware that is that bill is $3.4 billion, the total amount necessary for funding the cop on the beat program?

Mr. GINGRICH. I am not aware of that.

Mr. SCHUMER. I bring that to the gentleman's attention.

Mr. GINGRICH. And you are going to vote for the rescission bill which provides the $3.4 billion?

Mr. SCHUMER. I expect that I will. I have to read the details, but I expect to.

Mr. GINGRICH. That is helpful. But it is not attached to today's bill, am I right?

Mr. SCHUMER. If the gentleman would continue to yield, the gentleman knows darn well that we do authorizations on this bill in this committee, and that to then get the kind of cuts necessary, we cannot do it in the Judiciary Committee. It would slow down the bill, et cetera.

If this bill, the cops on the beat provision, is not funded within the next several months, the President has endeavored, unlike President Bush and President Reagan, to fund a program he believes in.

Mr. GINGRICH. Wait a second now, hold it. Let me just ask my friend from New York, is it not true that in the Clinton budget that was sent up, and in the Clinton preparation for next year's budget that in fact they are cutting law enforcement, that the only area they dramatically cut in the White House was the Office of Drug Enforcement? Is it not true that there is less money for prisons in the Clinton program, and that they cut money out of the prison program?

Mr. SCHUMER. Will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. The one that the gentleman mentioned, cuts in the Office of Drug Enforcement, those are the very same bureaucrats that the Republican bill wants to cut 5 percent. Those are not FBI agents, those are not DEA agents, those are not corrections officers. Those are the bureaucrats that 10 minutes ago or half an hour ago the gentleman who is well represented by his colleagues from Florida and Virginia said that is where the cuts ought to be made. And yet when the President makes them, they are no good.

Mr. GINGRICH. Let me say the President did not cut 5 percent. He wiped out.

Let me say second, I want to come back, is it not true in preparing for next year's budget the FBI and the prison program have both been told to expect serious cuts?

Mr. SCHUMER. If that happens, it would be fought. I have not heard that. So the gentleman must have better sources into the White House than I do.

Mr. GINGRICH. I have absolutely been told that is true, and those documents are in Justice right now, and they are being told by the Office of Management and Budget to expect cuts. And I believe it was back in the spring, I think the historic fact is that it was back in the spring that Clinton cut the prison program.

□ 1610

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman.

Also, last year, when President Bush was in office, I seem to recall that the Democratic budget which was passed by this House, cut $140 million out of the law enforcement function and reallocated it elsewhere in the Federal budget.

Mr. GINGRICH. Let me make sure I understand my friend from Wisconsin. Last year, the Democrats in this House cut $140 million out of law enforcement, is that correct?

Mr. SENSENBRENNER. As requested by President Bush; that is correct.

Mr. GINGRICH. That is, below President Bush's request.

Mr. SENSENBRENNER. That is correct.

Mr. GINGRICH. The President, President Bush was trying to spend $140 million more on law enforcement than the Democrats in the House were willing to spend. Is that correct?

Mr. SENSENBRENNER. That is correct.

Mr. GINGRICH. Surely my good friend from New York [Mr. SCHUMER] did not vote for that.

Mr. SENSENBRENNER. I believe he did. But he can speak for himself.

Mr. GINGRICH. Did the gentleman vote for that?

Mr. SCHUMER. If the gentleman would yield, I do not know what bill the gentleman is referring to.

Mr. GINGRICH. I yield to the gentleman from Wisconsin for a reply.

Mr. SENSENBRENNER. The budget resolution last year.

Mr. SCHUMER. The budget resolution, if the gentleman will admit, had more money for law enforcement than the previous year. And that is why I voted for it. Let me just finish, if I may.

Mr. GINGRICH. I yield to my friend from Wisconsin for just a moment.

Mr. SENSENBRENNER. It was my time which I yielded to the gentleman from Georgia.

This was the budget resolution that the President sent to Congress in 1992. The Democrats cut $140 million out of law enforcement and spent it elsewhere. Now, with this rescission bill, you know, I have been around here long enough, as has the gentleman from Georgia, to know that you do not pass one bill on the requirement that another bill passes.

I will be very surprised if this rescission bill to free up money for cops on the beat is on the President's desk by the time we adjourn prior to Thanksgiving. that is literally "the check is in the mail," and the people are sick of it.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my friend from Florida.

Mr. McCOLLUM. I thank the gentleman for yielding to me.

Mr. Speaker, it is my understanding from former Attorney General Barr, who came before our Republican committee hearing on this issue just this last Friday that the current budget cuts 10 percent out of law enforcement, that we are now operating under, and next year's budget will cut, it is anticipated, another 10 percent from the Clinton administration of the FBI, the DEA, et cetera. And I think that is a very accurate portrayal of what it does—10 percent this year, 10 percent next year, I do not know what is going to happen in the third year.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Two things: I have not heard a thing, and I think I will know when they are in pretty good shape to determine it. So, Attorney General Barr, the former Attorney General, as much as I respect him, his speculation I do not think has a place here. What amazes me—what amazes me is here we have a President making a real endeavor to add $3.4 billion for cops on the beat, and what do we hear from the other side? Not joining with us to end the gridlock, to get something real done; but rather, "Well, last year while President Bush was President, it didn't go up enough, it should have gone up another $140 million," 3 percent of this $3.4 billion. And what do we hear? We hear that here you have people on both sides of the aisle, very conservative Members, complainiing that this $3.4 billion should go to deficit reduction and not to cops on the beat, and the President is making a fight over it. And finally, what we hear from this side of the aisle is complaining about doing these kinds of things. Instead of saying, "Yes, these are good things, we will join you in getting an appropriation," because that is how the process works, instead of in the Senate saying, "Let's get that crime bill on the floor," they are filibustering. I would say to the good gentlemen here it seems to me, and it would seem to most observers that these folks are petrified that we are finally going to do something on crime and take the issue away.

Mr. GINGRICH. Let me reclaim my time.

Mr. SCHUMER. May I finish?

The SPEAKER pro tempore (Mr. DE LA GARZA). The gentleman from Wisconsin [Mr. SENSENBRENNER] controls the time; he has yielded as much time as the gentleman may consume to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. So that I may currently, temporarily, control the time.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is consuming the time as allotted.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield to me?

Mr. GINGRICH. I yield to the gentleman from Wisconsin briefly.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, Vice President GORE's National Performance Review suggested that we save $189 million in administrative expense by combining the FBI, the DEA, and the Bureau of Alcohol, Tobacco and Firearms. Attorney General Reno has rejected that.

So here is $189 million that we could have spent on these programs that are basically being used to continue to finance duplication of services.

So we hear all kinds of things from the administration on the majority side; it would be helpful if they spoke out of one voice.

Mr. GINGRICH. Let me say unequivocally to my friend from New York [Mr. SCHUMER], and then I want to give other people a chance to talk, but I want to respond to the gentleman on a couple of points.

First, this is November 3. The bureaucracy is currently preparing the budget for next year. Somebody in the bureaucracy has told former Attorney General Barr what they are being asked to do by the Office of Management and Budget. I am inclined, based on the track record of the Clinton administration, to believe that the Office of Management and Budget has asked for a 10-percent cut in law enforcement because this administration is long on public relations and short on law enforcement.

Second, and I am surprised the gentleman has not been told by his staff, and if he checks, I am sure that Mr. Panetta would be glad to tell him what their current planning is for cutting the spending on FBI and on prisons and on drug enforcement.

Second, what we are trying to suggest to you, and I know this is a radical thought, that when most Americans——

Mr. SCHUMER. Would the gentleman yield for just a fact? I have just gotten some information.

Mr. GINGRICH. Let me just continue.

Mr. SCHUMER. The gentleman does not want to hear facts, just the rhetoric?

Mr. GINGRICH. I have been more than generous in yielding.

Let me just say, second, the point we are trying to drive home is that the American people would like to have an enforceable, believable death penalty. The American people would like to have violent juveniles treated as adults. When you have a bill coming up today, H.R. 3351, which moves the status of youthful offender in exactly the wrong direction, you now have 22-year-olds and I believe in your committee mark it was 26- or 28-year-olds who were going to be considered youthful. Now, I will tell you, a woman who has been the victim of a rape, the storekeeper who has been the victim of a shooting, the person who has been the victim of a mugging, the family who has survived their loved one getting killed, do not regard 22-year-olds and 26-year-olds and 28-year-olds as youthful. They regard them as dangerous.

I think it is exactly the wrong direction to keep extending the age of youth upward, instead of being much more tough on violent criminals.

Now, let me go further: We are suggesting—and the gentleman has plenty of time on his side, and he will get yielded to—we are suggesting to the Democratic leadership that the message from the American people is to bring a comprehensive serious crime bill to the floor. Let me give you just one example that I know is hard for some Democrats to understand. It does not do you any good to have more police if you do not build more prisons; and where Mr. McCOLLUM has suggested real leadership in suggesting regional Federal prisons in an effort to collaborate with the States. It does not help to have more police pick up the same felon for the ninth time in a year so they can be run through the mill to be dropped out the back door of the prison, to go back on the street to do the same thing. We are trying on the Republican side to put all of it together, an enforceable, believable death penalty, treating all violent offenders as though they are dangerous, making sure we have enough prisons to lock up everybody who is violent, doing it in one package, along with more police on the streets, so that the system works. And we have had now stonewalling by the Democratic leadership, who shocked us a week ago when they dropped their plan to have a comprehensive crime bill and went with these series of sort of pygmy bills running across here, each of them tiny, interesting, and nice public relations gestures, but none of them big enough, strong enough, and serious enough to deal with violent criminals.

Let me yield to my friend——

Mr. SCHUMER. Will the gentleman yield?

Mr. GINGRICH. No.

Mr. WALKER. Mr. Speaker, can we have regular order?

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

Mr. BROOKS. Mr. Speaker, how much time do I have left?

The PRESIDENT pro tempore. The gentleman from Texas [Mr. BROOKS] has 18 minutes remaining.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to my distinguished friend, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, might I address the minority whip? I have just heard from the White House. It is, once again, the minority whip is throwing facts around. This year's budget, according to Mr. Panetta, has an 8-percent increase in law enforcement and the $3.4 billion for the baseline for cops on the beat.

I would add that, if you add those two things together, it is a greater increase in law enforcement than we have had in the last 4 years. Does the President, if that is true, deserve some plaudits for that?

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, if it turns out the President has an 8 percent increase in Federal law enforcement and $3.4 billion on cops on the street, I would be glad to hold a joint press conference with the gentleman and praise the President when he brings the budget up for having done something good, and that would be a good thing to do for America.

□ 1620

Mr. SCHUMER. I would say to the gentleman, Mr. Speaker, I will see him in the Gallery.

Let me just make a couple of other points, if I might, and I do not need too much time for them.

Again, and I would say this to the gentleman from Georgia, if he would look at the bill, the bill he was talking about—does the gentleman from Georgia want to learn what is in the bill he was talking about?

The bill he was talking about, which we just finished debating, deals not with reducing sentences on first-time nonviolent offenders. There is not a line in the bill that deals with that. If the gentleman thinks there is, let him read it and show it to me.

What it deals with is much of the problem, and it is not just in New York. It is in his city of Atlanta, where first-time offenders get no punishment now.

This is a grant program, assuming that the prisons are filled up, to help provide some kind of punishment other than a slap on the wrist.

I would say to the gentleman in the spirit in which he applauded the President before, if the facts we have given him are true, and I have every reason to believe they are true, he should be supporting this.

Now, I agree with the gentleman that we have much more to do.

My subcommittee will take up a death penalty bill next year, as the gentleman knows. We have done that in the past. We will try to get—I certainly will try to get more money for prisons, because as I said to the other side while they were here, we believe in both prevention and punishment.

Prevention can be tough. It can be the Brady bill to stop criminals from getting guns. It can be Cop On The Beat, and it can be drug treatment.

If the gentleman would see to it next year with his power and his position on his side of the aisle that the habeas corpus issue does not hold us up, as it has in the past, I think we can get all of that done.

I would say to the gentleman that perhaps we can begin together working on that, but I will tell the gentleman one thing.

The SPEAKER pro tempore (Mrs. UNSOELD). The time of the gentleman from New York [Mr. SCHUMER] has expired.

Mr. BROOKS. Madam Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. SCHUMER. Madam Speaker, I am not going to allow five programs or six programs, which the gentleman concedes are meritious. Ask Mr. Juliani, who he mentioned, what he thinks of Cops On The Beat, drug treatment in the prisons, early incarceration, and this bill we are debating. He likes them all. He has talked about them, to see those held up until we can come to agreement on the rest.

Mr. GINGRICH. Madam Speaker, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. On page 9 of the gentleman's bill, which I did look at, I believe in the original version they extended young offender to 28 years. Now it is extended to 22.

I am simply suggesting that is not what most Americans, and particularly victims, think of as young offenders. I think that is the wrong direction.

Mr. SCHUMER. Reclaiming my time, Madam Chairman, what I would say to the gentleman is that is not a reduction in jail time, and only these offenders, whether they be 18 or 15 or 13 or 19 or 22, if they commit a violent crime, if they commit a serious crime, their State laws will not put them in this program. This deals with the kid who breaks a window.

If the gentleman would like to be educated on this issue, this deals with when a kid breaks a window. This deals with when a kid commits a minor low-level crime, and right now gets no punishment at all.

It is a grant program. It does not reduce the sentence, because that is State law.

If the gentleman thinks that the whole reason not to have these programs is so they will deal only with 17-year-olds who commit these, rather than 19-year-olds, who have a disagreement.

Mr. GINGRICH. Madam Speaker, will the gentleman yield further?

Mr. SCHUMER. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I just want to make two points. On page 2 of the gentleman's bill, it says, "Alternative methods to punishment to traditional forms of incarceration."

Mr. SCHUMER. And probation.

Mr. GINGRICH. And second, everywhere in America people plea bargain for violent crimes down to misdemeanors, and this allows a person who has plea bargained for a violent crime to have an alternative to incarceration at 22 years of age. We just disagree about whether that is a good idea.

Mr. SCHUMER. Madam Speaker, reclaiming my time, * * * Listen on the television there.

Mr. WALKER. Madam Speaker, I demand the gentleman's words be taken down.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman will suspend.

Does the gentleman ask unanimous consent to proceed?

Mr. SCHUMER. Madam Speaker, I ask unanimous consent to proceed.

Mr. WALKER. Madam Speaker, I object. I asked that the gentleman's words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. SCHUMER. Madam Speaker, I will withdraw the words that the gentleman left for the Cloakroom. I will withdraw those words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Madam Speaker, that does not fully cover what the problem is in terms of the words.

Madam Speaker, the Clerk will report the words.

Mr. SCHUMER. Madam Speaker, I withdraw all objectionable words. I would like to debate the issue here and not again get into procedural sidetrack.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. CUNNINGHAM. Reserving the right to object, Madam Speaker, the idea is that the gentleman impugned the integrity of our minority leader.

Mr. SCHUMER. Madam Speaker, I had no intention to impugn the integrity of the gentleman.

Mr. WALKER. Madam Speaker, what are we doing here? I demanded that the words be taken down. I do not understand. There cannot be debate after that.

The SPEAKER pro tempore. The Chair had understood the gentleman to have made a unanimous consent request.

Mr. WALKER. Well, I did not hear the unanimous consent request.

The SPEAKER pro tempore. The Clerk will report the words.

Mr. SCHUMER. If I may proceed, Madam Speaker.

The SPEAKER pro tempore. No.

Mr. WALKER. The gentleman cannot proceed.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

☐ 1630

The SPEAKER pro tempore (Mrs. UNSOELD). The Clerk will report the words.

The Clerk read as follows:

"Once again the gentleman states something fallacious and then rushes away. The gentleman is in the Cloakroom."

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SCHUMER] ask unanimous consent to withdraw the words?

Mr. SCHUMER. I do, Madam Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SCHUMER], may proceed.

Mr. SCHUMER. Madam Speaker, I appreciate the courtesy of the other side so we can continue the debate.

The point I was making is a very simple one, that there is nothing in this bill that reduces sentencing. What it simply does, very simply, is in cities like the gentleman from Georgia's in Atlanta and like mine where the system is overloaded——

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SCHUMER] has expired.

Does the gentleman from Texas [Mr. BROOKS] yield an additional 30 seconds to the gentleman from New York?

Mr. BROOKS. Yes, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. So, what I am saying, Madam Speaker, very simply is in those cities, rather than have no punishment at all, these punishments are appropriate, and in places like Georgia and like Quincy, MA, they have worked. We ought to begin to use them.

Mr. BROOKS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Madam Speaker, I just hope we can reduce the rhetoric and move on because I realize there is a certain amount of disappointment that we do not have a comprehensive crime bill. I want to tell my colleagues that it does not break my heart that we do not have a comprehensive crime control bill because I have seen good measures go down the tube because of comprehensive crime control bills. As my colleagues know, this practice started about a decade ago when the Senate, the other body, put together a whole host of their bills and tacked on four or five of our bills, and we called it comprehensive. Well, the danger with that is that one controversial provision like habeas corpus will take down the drain every other provision of the bill.

As my colleagues know, we had 200-plus pages of crime legislation in the last Congress. What happened to it? Well, some Republican in the other body filibustered it to death, and every provision in that bill, many of which we worked long and hard to put in the bill, went down the drain. So, here we are over a year later, and we still do not have those measures that were noncontroversial as a matter of law.

So, Madam Speaker, now what we need to do is work together. My colleagues have made their point that we do not have a comprehensive crime control bill. But we have individual provisions which, when put together, will be a mosaic of a comprehensive crime control bill. Now what we need to do is work to get them out of subcommittee, and to full committee, to the floor, and that is what this Member wants to do, and I presume, I say to my colleagues, "That's what you want to do unless you want to talk it to death for the balance of this evening."

Mr. CUNNINGHAM. Madam Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Madam Speaker, I think our point is that the items that were brought up today, there is probably very seldom that I would vote along with the gentlewoman from Colorado [Mrs. SCHROEDER] but such things as the woman's crime and some of the more controversial stuff was not brought up today, and the things that we talked about today do not have that much substance.

Mr. HUGHES. Madam Speaker, I say to my distinguished colleague, the gentleman from California [Mr. CUNNINGHAM] I am very disappointed there are a lot of provisions in this that I worked very hard for in the last Congress that are not in these five bills we are debating tonight, but look. They have been sent to subcommittee. It is because we could not get the votes for a comprehensive crime control bill. But we can get the votes for the bills individually, move them out of the Congress, and that is what we are trying to do.

There were dozens and dozens of bills, and I suspect my colleague, the gentleman from California, would support them. There are dozens and dozens of provisions that I am sure the House will work their will and pass. But unfortunately the distinguished chairman of the committee could not get the votes. He took the better part of, and here it is November, the better part of the year attempting to put it together. It was not there. So now we are trying to move the provisions individually.

Madam Speaker, I suspect my colleague from California supports the bills we are debating.

Mr. CUNNINGHAM. Madam Speaker, will the gentleman yield briefly?

Mr. HUGHES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Madam Speaker, I am not here to debate the future bills, but what we are looking at here today, and that was my only point, that I think we could have brought up some more things——

Mr. HUGHES. Reclaiming my time, Madam Speaker, I suspect my colleague from California, even though he is debating the issue, is going to vote for every one of them.

Mr. CUNNINGHAM. Not necessarily.

Mr. HUGHES. Well, I want to tell my colleague that I will be very surprised if my colleague from California does not register an aye vote for every one of these bills, and so will most Members on that side of the aisle.

So, let us get on with the business at hand.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Austin, TX [Mr. PICKLE] a member of the Committee on Ways and Means.

Mr. PICKLE. Madam Speaker, I rise to support this legislation to provide for safer streets and neighborhoods for our citizens. I want to thank Chairman BROOKS and the committee for doing yeoman's work on moving this important bill forward.

Madam Speaker, the first responsibility of government is to safeguard the lives and property of the citizenry. That's the No. 1 job. If a person doesn't feel that he or she or his or her children are safe in their home or in their car or in their neighborhood, no other part of that person's life will be truly happy or satisfying.

There was a time a short while ago that my hometown of Austin was a quiet, little university town. Those days are gone. Now, scarcely a week goes by where we don't read about a gang-related drive-by shooting or a drug deal gone sour that results in a homicide.

Virtually every criminologist, prosecutor, or beat cop will tell you that the No. 1 thing driving our violent crime problem in this Nation is drugs. In may home State of Texas, 80 percent of every inmate in the State prison system are there on drug-related charges or were under the influence of drugs when arrested.

Like most Members, I have strongly supported building more prisons and in fact our State is in the middle of a huge prison building program. Just yesterday, in Texas, we passed another billion dollar bond issue to build more jail facilities.

But we in Texas are trying to truly solve the problem. We have developed a comprehensive program of drug treatment while in prison to cut off the vicious cycle of crime and drug use. Just south of my district in Kyle, TX, we have a program that has been hailed by law enforcement professionals, crime victim organizations, psychologists, news organizations and others all over the country for its effectiveness. It forces prison inmates who have a substance abuse problem to undergo tough, long-term drug treatment before they are released.

So far, the results are phenomenal, and there is almost no incidence of people who have gone through the system falling back into their criminal ways. Our State is currently spending more on this than any other State in the Nation, but we need help. This program works, but it needs more resources. that is why I urge my colleagues to support the measure before us today, H.R. 3354.

We all pay a lot of lip service to wanting to do something to really fight crime. We talk the talk, now it is time to walk the walk.

Mr. BROOKS. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] has 6 minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has no time remaining.

Ms. LAMBERT. Madam Speaker, I rise today in strong support of the tremendous efforts by the Judiciary Committee, Chairman BROOKS, Chairman SCHUMER, and others in regards to the collective anticrime bills that are before us today. I am especially pleased that the committee reached compromises on these bills that will help ensure safety for rural America.

The idyllic picture of rural America that depicts the little white house surrounded by a white picket fence and children happy at play is soon to be a picture of the past if we do not take immediate action. FBI crime figures indicate that the violent crime rate in America between 1991 and 1992 grew faster in rural areas at a rate of plus 7.2 percent than in urban areas at a rate of plus 2.2 percent. Small towns are now having to face the problems of weapons in schools, the increased amount of drug use, and the continued presence of gangs that have spread from urban to rural areas.

We, as legislators, have a duty to ensure the safety and protection of all Americans. Therefore, in order to address the growing amount of violent crime in our Nation, I respectfully ask my colleagues to join in the effort to fight violent crime in our Nation by paying attention to the truly worthwhile anticrime legislation before us today.

Mr. BROOKS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3354.

The question was taken.

Mr. BROOKS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CIVIL RULES AMENDMENTS ACT OF 1993

Mr. BROOKS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2814) to permit the taking effect of certain proposed rules of civil procedure, with modifications.

The clerk read as follows:

H.R. 2814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rules Amendments Act of 1993".

SEC. 2. MODIFICATION OF PROPOSED AMENDMENTS.

The proposed amendments to the Federal Rules of Civil Procedure which are embraced by an order entered by the Supreme Court of the United States on April 22, 1993, shall take effect on December 1, 1993, as otherwise provided by law, but with the following amendments:

(1) RULE 26.—

(A) IN GENERAL.—Proposed rule 26(a) is amended so that paragraph (1) reads as follows:

"(1) INSURANCE AGREEMENTS.—A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this paragraph, an application for insurance shall not be treated as part of an insurance agreement.".

(2) CONFORMING AMENDMENTS.—(A) Proposed rule 26(a)(2) is amended by striking "In addition to the disclosures required by paragraph (1), a" and inserting "A".

(B) Proposed rule 26(a)(3) is amended by striking "the preceding paragraphs" and inserting "paragraph (2)".

(C) Proposed rule 26(a)(4) is amended by striking "(1) through" and inserting "(2) and".

(D) Proposed rule 26(f) is amended by striking "to make or arrange for the disclosures required by subdivision (a)(1),".

(E) Proposed rule 26(g)(1) is amended by striking "subdivision (a)(1) or".

(3) RULE 30.—

(A) IN GENERAL.—Proposed rule 30(b)(2) is amended by striking "Unless the court orders otherwise, it may be recorded by sound, sound-and-visual, or stenographic means, and the" and inserting "Unless the court upon motion orders, or the parties agree in writing to use, sound or sound-and-visual means, the deposition shall be recorded by stenographic means. The".

(B) CONFORMING AMENDMENT.—Proposed rule 30(b) is amended by striking paragraph (3).

(4) FORM 35.—Proposed form 35 is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3).

□ 1640

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2814 amends changes to the Federal Rules of Civil Procedure as transmitted to the Congress by the Supreme Court on April 22, 1993. The Supreme Court also transmitted amendments to Federal rules relating to evidence, bankruptcy procedure, criminal procedure, and appellate procedure. All of these changes were considered through the Courts' advisory process beginning in 1991.

Congress has the responsibility under the Rules Enabling Act to scrutinize carefully all rules changes proposed by the judicial conference and transmitted to us by the Supreme Court—and to make modifications or deletions when appropriate. This year, the Supreme Court transmitted changes to 40 Federal Rules of Civil Procedure. H.R. 2814—which amends two of them—reflects limited but important alterations in the proposed rules. The bill eliminates the provision requiring mandatory disclosure of documents and witnesses and maintains the existing rule providing for stenographic depositions in the normal course. The legislation thus maintains the current core structure of discovery—while allowing experimentation at the local level.

I am concerned, however, about the addition in the proposed rules of presumptive numerical limits on depositions and interrogatories in civil cases. I do not believe that an arbitrary number which applies across the board—from a simple negligence action to a complex antitrust suit—effectively furthers the interests of justice. It may in fact increase the level of judicial resources expended in a case by requiring a hearing on whether the 11th or 12th or 13th deposition will be permitted. Nevertheless, with a December 1 statutory deadline for enactment looming, we are moving the legislation ahead today as reported. If the other body decides to address this issue in a different manner, I hope the House will seriously consider following suit.

I appreciate the outstanding work of Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, and Congressman CARLOS MOORHEAD of California, the ranking subcommittee member, for their cooperation in processing this legislation promptly so that the Congress can meet the December 1 statutory deadline for enactment.

Madam Speaker, I reserve the balance of my time.

Mr. COBLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2814, a bill to prevent certain changes from taking effect regarding the Federal Rules of Civil Procedure.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Madam Speaker, I rise in support of H.R. 2814, a bill to prevent certain changes from taking effect regarding the Federal Rules of Civil Procedure. I would like to commend the Judiciary Committee chairman, the gentleman from Texas [Mr. BROOKS] and the ranking member, the gentleman from New York [Mr. FISH] and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES] for the prompt processing of H.R. 2814.

As has been pointed out, the changes recommended in rule 26(A)(1), the rule governing the use of discovery, would amount to a very substantial change in present law and practice. So much so, that almost every lawyer and trade association in the country strongly opposed these changes, but the one thing that stood out in my mind was the fact that the Judiciary Committee processed the Civil Justice Reform Act of 1990 which required Federal district courts around the country to draft plans to experiment with new ideas to try to reduce the costs and delays associated with civil litigation. These plans have to be completed by December of this year. Forty-one districts have their plans in place and 23 districts plans include some form of discovery experiment. And in December 1995 they will report back to Congress the results of these experiments. I believe that before we impose any major change in the use of discovery we first review the findings of these district courts.

In conclusion Mr. Speaker, in a perfect world, what we would hope for is a fair and inexpensive determination to every legal dispute. We presently have delay, caused by rising caseloads and insufficient support services. We have spiraling costs caused by litigation expenses and attorneys fees. We have inconsistent decisions, caused by pressures placed on judges who must cope with the torrent of litigation.

These conditions may sound hopeless but they are not. The Judiciary Committee has been working on these problems for some time and I believe by the end of this decade we will have turned these conditions around.

I urge a favorable vote on H.R. 2814.

Mr. BROOKS. Madam Speaker, I yield 8 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Madam Speaker, I rise in support of the Civil Rules Amendments Act of 1993. I believe my colleagues know that the cost of obtaining legal assistance in our society is often beyond the means of many of our constituents. Reducing the cost of litigation should be a priority of all of us.

The Supreme Court, as part of its responsibility for constructive change under the Rules Enabling Act, transmitted certain amendments to the Federal Rules of Civil Procedure to the Congress on April 22, 1993. Under the mechanism established by the Congress in the Rules Enabling Act, these proposed amendments will become law on December 1, 1993, unless the Congress acts to change them.

Initially, I would like to applaud this monumental effort and compliment those in the judiciary, the academic community, and the bar who participated in the long and arduous process which preceded the Supreme Court's action.

I do not—and let me emphasize this—I do not want to in any way limit future innovation by the Judicial Conference by what we may do here today. Instead, Congress, by proposing minimal modifications to these proposed rules changes, will be following our recent precedent of only occasionally interjecting ourselves in the rule-making process, and then in a limited fashion.

However, after reviewing the extensive record of these proposed rules and our hearing on June 16, 1993, I believe we should make some changes to proposed rule XXVI(a)(1) dealing with the disclosure process, and to that part of rule XXX, which provides the means of taking depositions. These changes are incorporated in H.R. 2814.

RULE XXVI (a)(1)

Rule XXVI governs most of the Federal discovery process, and the present system has been the target of widespread criticism. I agree with much of this criticism. The U.S. Judicial Conference, in an attempt to streamline the discovery process, has proposed new rule XXVI(a)(1), which calls for mandatory disclosure of matters "pleaded with particularity." Champions of the proposed rule believe that it will avoid the unnecessary expenses that are the hallmark of the discovery process as it stands today.

Opponents, however, including the vast majority of those who have commented on this section, feel that mandatory disclosure is anathema to the adversarial process and will compromise the attorney-client privilege. They also feel that the standard; that is, pleaded with particularity, is too vague and will only increase the discovery burdens of the system instead of reducing them. They feel that a change of this nature should be taken with extreme caution. I and the Committee on the Judiciary believe these objections have merit.

We also believe that during the period of local experimentation mandated under the Civil Justice Reform Act of 1990, it would be premature to change the Federal Rules of Civil Procedure to establish any particular procedure for mandatory, early disclosure. Whether such procedures should be implemented on a local basis should be left to each district court.

H.R. 2814 deletes most of rule XXVI(a)(1), and we will look to the future for more empirical data on these procedures as provided for in the Civil Justice Reform Act of 1990.

RULE XXX

Since 1970, rule XXX has permitted depositions to be recorded by nonstenographic means, but only upon court order or with the written stipulation of the parties. The proposed changes in rule XXX(b) would alter that procedure by eliminating the requirement of a court order or stipulation and affording each party the right to arrange for recording of a deposition by nonstenographic means.

Testimony at our hearing raised concerns about the reliability and durability of video or audio tape alternatives to stenographic depositions. There also was information submitted suggesting that technological improvements in stenographic recording should make the stenographic method more cost-effective for years to come. Depositions recorded stenographically historically have provided an accurate record of testimony which can conveniently be used by both trial and appellate courts. In addition, the certification of accuracy by an independent and unbiased third party is an important component of the present policy on depositions.

The case has not been made yet for unilateral decisions on the use of nonstenographic recording of depositions. H.R. 2814 retains the rule that nonstenographic recording of depositions is authorized only when permitted by court order or stipulation of the parties.

In this limited fashion, H.R. 2814 will make these appropriate changes to the proposed rules changes.

I also would like to speak briefly on Chairman BROOK's concerns on the proposed limitations on interrogatories and depositions.

Mr. Speaker, initially I will admit that I also questioned whether the presumptive limits on the number of depositions and interrogatories contained in proposed rule XXX(a)(2)(A) and XXXI(a)(2)(A)—10 depositions—and XXXIII(a)—25 interrogatories—would be appropriate if we deleted rule XXVI(a)(1).

After studying this matter closely, however, and discussing it with representatives of the U.S. Judicial Conference, I believe these are appropriate changes when read in context with the provisions allowing for local rules changes under rule XXVI(b)(2) and rule XXVI(f), which requires an early meeting of the parties on discovery issues.

There is no question in my mind that the discovery process is being abused in some cases, and I believe that the parties' agreement under XXVI(f) and the court's early involvement in the process under rule XVI is crucial to cost savings and good court management.

The basic objective of this rules change is to emphasize that all counsel have a professional obligation to develop a mutual cost-effective plan for discovery in such cases. Consideration of all these factors should be given early at the planning meeting of the parties under rule XXVI(f) and at the time of a scheduling conference under rule 16(b).

I would also state that experience in over half of the district courts has indicated that limitations on the number of interrogatories are useful and manageable. A study by the Federal Judicial Center of those courts indicates that 73 percent of the attorneys who responded to a poll in these districts state that limiting interrogatories, "* * * exerts worthwhile control on * * * discovery." I would also say that there are similar limitations in many State court systems, for example, in the State courts of Texas.

In my contacts with the U.S. Judicial Conference, they state that:

First, in the majority of cases the presumptive limits are not exceeded; and

Second, in other cases, the amendments will require an attorney to stop and think whether additional interrogatories or depositions are really necessary. At that time, the attorney is required to articulate the reason to a judge unless the parties stipulate.

I would also say that the Department of Justice favors the presumptive limits on discovery proposed in these rules.

I believe these presumptive limits will in most cases not be a hindrance, and in the complicated cases these limits will bring the parties together in order to make a constructive, early disposition of the discovery process.

I urge my colleagues to support H.R. 2814.

☐ 1650

Mr. MOORHEAD. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Speaker, I rise in support of H.R. 2814, and want to commend my colleagues and the leadership of the committee for scheduling this legislation.

Madam Speaker, I rise in support of H.R. 2814. I too would like to commend the chairman of the Judiciary Committee and the chairman of the subcommittee for their prompt scheduling of this legislation. I also would like to recognize their hard work and leadership and that of the gentleman from California, [Mr. MOORHEAD] a cosponsor of H.R. 2814.

The gentleman from California mentioned the Civil Justice Reform Act of 1990. I was an original cosponsor of that legislation along with the gentleman from Texas [Mr. BROOKS]. The goals of that new law are to cut cost and delay in civil litigation by experimenting with new ideas and then reporting back to Congress in 1995 the results of those experiments.

I believe the committee is correct in waiting to see how some of these experiments turn out before we make major changes such as have been recommended by the Judicial Conference regarding the use of discovery.

Given the pressures that a litigious society such as ours continues to place on the administration of justice in the Federal courts, it's important that Congress recognizes the pressing need for procedural reform. Our system of justice, albeit the best in the world, costs too much and it takes too long. We need to find new ways to reduce cost and delay; we need an inexpensive, expedited discovery process. We need firm trial dates, and in my opinion we need to expand the use of alternative dispute resolution mechanisms. I believe the Civil Justice Reform Act of 1990 will play a major part in accomplishing these goals.

Madam Speaker, H.R. 2814 is consistent with that legislation; I too urge a favorable vote, and yield back the balance of my time.

Mr. HYDE. Madam Speaker, rule XXX(b) of the Federal Rules of Civil Procedure requires a stipulation by the parties or an order of the court to take a deposition by nonstenographic methods.

The Supreme Court proposed changing rule XXX(b) of the Federal Rules of Civil Procedure to allow parties to record deposition testimony by nonstenographic means without having to obtain permission of the court or agreement from other counsel. The rule change was proposed after extensive testimony and exhaustive discussion of the merits of electronic recording.

The Judiciary Subcommittee on Intellectual Property and the Administration of Justice held a hearing on the proposed changes to the Rules of Civil Procedure. Unfortunately, they only heard individuals who were opposed to the rule change. At that time, they were unable to locate witnesses in support of the rule.

Consequently, the bill before us deletes the suggested change, instead keeping to the current rule that "unless the court upon motion orders, or the parties agree in writing to use, sound or sound-and-visual means, the deposition shall be recorded by stenographic means."

The Advisory Committee recognized that "sound" and "sound-and-visual" technologies are already in use in courtrooms and for administrative agency hearings throughout the United States to provide the official record of proceedings. Of the 1,200 Federal courtrooms, including Federal magistrate, bankruptcy and district courts, over 500 currently use electronic audio recording. Additionally, they felt, as do I, that significant cost savings could result from the proposed change to rule XXX(b).

The next time the Supreme Court proposes changing rule XXX(b), I would hope that this issue will be examined in a more balanced manner and in greater detail.

Mr. MOORHEAD. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2814.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Madam Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the several crime bills just considered or passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RE-REFERRAL OF S. 1284, THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1993

Mr. DINGELL. Madam Speaker, I have a unanimous consent request that has been cleared by the chairman of the Committee on Education and Labor and by the minority.

Madam Speaker, I ask unanimous consent that the Senate bill, S. 1284, the Developmental Disabilities Assistance and Bill of Rights Act of 1993, be rereferred from the Committee on Education and Labor to the Committee on Energy and Commerce.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2151, MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

Mr. MOAKLEY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 289

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 289 is an open rule providing for the consideration of the Maritime Security and Competitiveness Act. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule also waives clause 5(a) of rule XXI against the committee substitute printed in the bill as original text.

This waiver is necessary because of a provision contained in section 408 of the bill which concerns the transfer of funds from the Operating Differential Subsidy Program when it expires.

Madam Speaker, this legislation is the result of hard work and close coordination between Chairman STUDDS and the ranking minority member of the committee, the gentleman from Texas [Mr. FIELDS].

I would like to commend their hard work together in crafting this legislation which is so important to our country's maritime industry.

Madam Speaker, it is no secret to any Member of this House that America's maritime presence in the world has been in decline for some time. But Mr. Speaker, we must not let this decline continue.

We need a strong U.S.-flagged merchant marine for military support in times of war and for support of U.S. trade in times of peace. This legislation is an important first step toward restoring America's maritime presence.

The programs established by the enactment of H.R. 2151 will allow U.S. merchant ship operators to once again be competitive in the international maritime industry. This bill reflects the reality that real change is needed now in order to save the U.S. merchant fleet from extinction.

Finally, Madam Speaker, I would like to point out that under this open rule any Member who has a germane amendment to the bill may offer it.

I urge adoption of this rule and adoption of the bill.

Madam Speaker, I reserve the balance of my time.

□ 1700

Mr. QUILLEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as the distinguished chairman of the Committee on Rules, Mr. MOAKLEY, has explained, this is an open rule and I urge its adoption.

This open rule will allow Members to fully participate in the amendment process and will permit H.R. 2151 to have a full and fair debate. I am impressed with the bipartisan spirit of cooperation which exists on the Merchant Marine Committee. I know that this bill is the product of the work of both the majority and minority Members of that committee, and I commend the committee for bringing this bill to the floor.

The debate on maritime reform legislation is long overdue. I have thoroughly reviewed H.R. 2151, the Maritime Security and Competitiveness Act, and I will vote for that bill. I will also vote against any amendments to the bill not endorsed by the leadership of the Merchant Marine and Fisheries Committee.

What does H.R. 2151 seek to accomplish? It is an authorization bill designed to give government support to a privately owned commercial fleet of militarily useful vessels flying the American flag. Section 401 of the bill reads:

> The Secretary of Transportation shall establish a fleet of active commercial vessels to enhance sealift capabilities and maintain a presence in international commercial shipping of United States documented vessels.

The bill provides the ships and the men to serve as a naval auxiliary in time of war or national emergency. We cannot permit our national security to be placed at the mercy of foreign seamen on foreign-owned, foreign-flagged vessels. Even with near unanimous global support, the crews of some foreign flag vessels refused to carry war material into the Persian Gulf during the war.

This measure will provide employment for American merchant mariners—civilians who have proven their dedication and patriotism by their actions in every war which has threatened the well-being of the United States. Contrary to recent ill-informed statements, there is no recorded instance of any American merchant mariner refusing duty on a vessel during the gulf war.

The bill prevents the U.S. from becoming dependent on foreign flag vessels manned by foreign nationals for our imports and exports. This will protect American consumers and producers from foreign shipping dominance of our international trade.

H.R. 2151 improves the operating efficiency of the maritime security fleet by removing outmoded trade route restrictions, and it improves upon the current system of the ship mortgage and vessel financing system. The measure also stimulates a modest shipbuilding program by authorizing payments to American shipyards engaged in the construction of similar types of vessels. The U.S. must maintain a pool of skilled and experienced shipyard workers.

Madam Speaker, this bill seeks to amend and improve upon the Merchant Marine Act of 1936. That act expanded the U.S.-flag merchant marine and strengthened the shipbuilding capacity of the United States.

It is not an exaggeration to say—and I have said it before on many occasions—that without the ships built and the merchant mariners trained with government support provided by the Merchant Marine Act of 1936, the Western democracies would have lost World War II.

Those Members from districts along the Atlantic coast from Florida to Maine should know of the terrible battle fought during that war just offshore by the German U-boats against our merchant marine. Hundreds of vessels and thousands of lives were lost. President Roosevelt understood, as did the Axis Powers, that if our merchant marine was destroyed, we would be unable to protect our allies and serve as the great arsenal of democracy.

Madam Speaker, we are fortunate. With minor but tragic exceptions, this country is not engaged in major military operations anywhere in the world. 1993 was—and I hope 1994 will be—a year of general peace. Regrettably, I hear the same arguments today that were used against the 1936 act—that the United States didn't need a merchant marine; that we could save money by transporting goods on foreign flag vessels; that we could rely upon foreign flag ships when we need them. If the Members of Congress in 1936 had listened to the critics of the merchant marine, we would not have had the ships and the men to secure victory in World War II.

What will happen to our allies if the ethnic and religious persuasion of crewmembers of foreign flag vessels carrying military cargo causes the crewmembers to refuse to work?

I am sure we will hear the same tired old arguments to do away with the ship American provisions of the 1936 act that we have heard before. I caution the younger Members of this House to read their history before they vote to reduce the modest amount of cargo which the law requires to be carried on U.S. flag vessels. Also, a new note has been sounded that merchant mariners are not as patriotic as other Americans. There is no factual support for that statement.

Earlier this year the House unanimously passed H.R. 1109, the Merchant Seaman's Reemployment Act. This bill permits former merchant seamen who still retain their skills to serve in the merchant marine during times of war or national emergency—the same rights other reservists have.

Madam Speaker, we are at peace, but the world is a dangerous place. I urge my colleagues on both sides of the aisle to vote yes on this rule, to vote yes on H.R. 2151 and to reject any and all amendments not sanctioned or offered by the bipartisan leadership of the Merchant Marine and Fisheries Committee.

Madam Speaker, I include for the RECORD charts reflecting open versus restrictive rules in the House of Representatives:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	43	12	28	31	72

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 2, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Natl Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20. 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON] the ranking member of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

The current state of our merchant marine is deplorable, Madam Speaker, and H.R. 2151 aims to fix that.

Our maritime industry has been devastated in recent years by unfair foreign competition and unwise government policy.

In the last several decades, America has lost her once preeminent role in the maritime industry, and we have now reached the intolerable situation where fully 96 percent—I say again, 96 percent—of our cargo is being carried on foreign vessels.

Needless to say, tens of thousands of jobs have been destroyed as a result of this and tens of thousands more at stake if we don't act now

H.R. 2151 will help reverse this disastrous decline, Madam Speaker.

The bill streamlines and eliminates many of the burdensome regulations which have been impairing efficiency in the industry.

It will significantly increase the operational flexibility for U.S. vessels, by eliminating such restrictions as the requirement that vessels operate only on government-approved trade routes.

H.R. 2151 also authorizes the creation of a maritime security fleet, which would enhance our sealift capability, so important in the event of a military crisis overseas, which our good chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN] has just spoken about.

Importantly, Madam Speaker, this bill in no way mandates the expenditure of any Federal funds.

It simply institutes a new regulatory framework for our merchant marine to enhance its competitiveness.

In fact, this bill actually reduces the cost to the government by limiting the amount of subsidy for each vessel.

Madam Speaker, it is time to restore our merchant marine to its once proud status.

We have been ignoring this critical aspect of our economy and national security apparatus for too long. I urge a yes vote on H.R. 2151.

□ 1710

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS], a valuable member of the Committee on Rules.

Mr. GOSS. Madam Speaker, I thank the distinguished chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN], for yielding me this time.

Madam Speaker, as a cosponsor of the Maritime Security and Competitiveness Act, I am pleased to rise in support of this open rule.

I join with the bipartisan leadership of the Merchant Marine and Fisheries Committee in supporting H.R. 2151. This legislation is a major hope for America's maritime industry; in the past 50 years, our Nation's merchant marine fleet has declined 80 percent, and our ship building industry is on the brink of extinction. Without help, we will lose what little is left.

This is a cause for real concern; the elimination of the American merchant marine would be damaging to our economy, to our national security, and to the safety of our ports. The great rush to reregister cargo shipsunder "flags of convenience" has: contributed to the economic stagnation of our coastal regions, led to the decline of safety standards of ships trading in U.S. ports, and, made the United States dependent on foreign vessels in times of war.

This last problem has been dismissed in some circles. However, during the Persian Gulf war a German-registered ship refused to fulfill its contract to transport military cargo through the gulf, causing unnecessary delays. Even during the Grenada operation, we had problems with Britain and securing a transport ship. If the United States has these problems dealing with our close allies, who are also experiencing sharp declines in their merchant marine, how can we expect to meet our needs using ships flying other nations' flags.

It is clear to me that these trends must be reversed. By passing H.R. 2151, this House can begin to stem the tide.

Specifically we will be providing incentives to replace the expiring operating differential subsidies contracts; eliminating anticompetitive trade-route requirements; and easing other burdensome regulations.

I understand that some Members oppose the cargo-preference laws that are a part of this bill, and under the rule, we will be able to debate this issue openly and completely.

Madam Speaker, I thank the gentleman for his time, and again urge support for the rule and the bill.

On a personal note, I would like to say what a pleasure it is to be able to stand here and recommend a rule as a member of the Rules Committee.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. CLAY] chairman of the Committee on Post Office and Civil Service.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding the time. I rise in support of this rule and urge my colleagues to support the rule and the bill.

Madam Speaker, often overlooked in the debate over maritime policy is what it means to average citizens who despite low interest rates are hesitant to buy a new car or a home. They all know someone, a relative or a friend, who recently lost a job, and they are afraid that next time it will be their turn. With the economic recovery sluggish at best, Members need to ask themselves whether we can afford to lose yet another major industry.

We will lose it if we fail to act. Already, U.S.-flag operators are poised to register their vessels offshore. Shipyards, which have become dependent on the shrinking Defense budget, are closing their doors. An entire generation of skilled labor is being lost, perhaps forever.

What is going to happen to the port communities along our thousands of miles of coastline and inland waters? What are we going to do with the tens of thousands of workers who will be cast aside by a disappearing maritime industry?

While we quibble about the cost of a new maritime program, we ignore the enormous social cost of inaction. I for one would prefer to keep shipboard and shipyard workers actively employed, rather than incur the revenue losses and welfare costs of giving them a pink slip.

Yes, by all means, let us support maritime reform for its role in national defense. But let us not forget that the jobs of our constituents also hang in the balance. A vote cast for H.R. 2151 is a vote for them.

Mr. QUILLEN. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Speaker, I rise in support of this open rule and in support of H.R. 2151, the Maritime Security and Competitiveness Act.

In 1950, our Nation had over 4,000 U.S. merchant marine ships. Today, we have just one-tenth of that number, or only about 400 U.S. ships.

This enormous decline has been brought on mainly by unfair and unrestricted foreign competition.

Our foreign competitors have controlled commercial vessel construction and operation primarily because of the many burdensome requirements placed on American shipping companies.

This legislation seeks to do away with many of these unnecessary conditions and restrictions.

One large corporation here in the United States, United States-owned, recently announced that it is seeking a deal with the Soviet Union, trading American grain for Russian-flag ships.

This particular company now charters close to 100 foreign-flag ships to transport 35 million tons of agricultural commodities. In other words, an American company using foreign-flag ships primarily because it sees enormous economic benefit to trying to get around all of these American merchant marine laws.

It is unfortunate that some of the largest corporations here in our Nation have to seek foreign-flagged shipping operations to move U.S. cargo because our vessels are not available or are not cost effective primarily because of the status of our laws at this time. We place requirements on our own ships that we do not place on foreign-flag ships which move U.S. goods.

Moreover, with forthcoming reductions in our naval budget, we must redouble our efforts to ensure that our Nation has an adequate fleet of supply ships that our merchant mariners can depend upon in times of national emergencies.

This is truly a national security measure which will strengthen our defense of this country to have a strong merchant marine as a backup to our U.S. Navy.

We have the opportunity here today, by passing this legislation, to promote U.S. jobs, U.S. shipbuilding, and encouraging U.S.-flag vessel owners to stay under the U.S. flag.

I join my colleague, the dean of the delegation, the gentleman from Tennessee [Mr. QUILLEN], in supporting this very worthwhile legislation, and I urge my colleagues to support the rule and to support H.R. 2151.

Mr. QUILLEN. Madam Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, I rise in strong support of this rule. I would like to commend both the chairman and minority leader of the Committee on Merchant Marine and Fisheries and the Committee on Rules. As Members can see, the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Texas [Mr. FIELDS], run a very bipartisan committee.

□ 1720

This allows the Rules Committee to offer an open rule, for which we thank them. I would ask my colleagues to oppose any of the amendments that would reduce or weaken this bill.

There has been a lot of debate within the committee itself; the chairman and the minority leader have both had open rules on the committee, as well. I thank them for that.

There have been all kinds of hearings on that.

I would ask to oppose anything that weakens it.

Mr. QUILLEN. Madam Speaker, to close debate, I yield 3 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I want to thank the gentleman from Tennessee [Mr. QUILLEN], who is handling this time on our side on this very important bill, for yielding the time.

Madam Speaker, I rise in strong support of this bipartisan rule, which affects one of the most important basic industries of the world and a very vital basic industry of the United States.

This is the first time since 1970 that a real effort has been made in the U.S. Congress to do more than provide a band-aid to a hemorrhaging fleet.

Previous speakers have related the need for American flagships both for national security and our balance of trade. I want to expand on a point made by our distinguished colleague, the gentleman from Missouri [Mr. CLAY], regarding employment and jobs.

Madam Speaker, one of the reasons we are having difficulty in turning around the economy in our urban areas is the loss of job availabilities such as those in our shipyards. There are no places for these people who are retrained to go for work. We need the work in the shipyards. We need the work on American flagships.

I also want to join in the words of the gentleman from California [Mr. CUNNINGHAM] in urging everybody to reject the amendments that may be put up. We need this bill to go through, we need a clean bill that will come out and will truly help an industry that needs our assistance now.

Mr. QUILLEN. Madam Speaker, I urge a "yes" vote on the rule and a "yes" vote on the bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Madam Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS TO H.R. 796, THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise to inform the House of a change in the Rules Committee's plans regarding H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993.

The Rules Committee is now planning to meet on this legislation sometime during the week of November 15. In order to provide for an orderly process in the consideration of this matter, the Rules Committee is requesting that Members submit 55 copies of their amendments to the bill, together with a brief explanation of the amendment, to the Rules Committee office at H-312, the Capitol, by 5 p.m., Wednesday, November 10, 1993.

In addition Mr. Speaker, those Members who filed amendments with the Rules Committee under the original deadline of Wednesday, November 3, are not required to resubmit those amendments to the committee.

I appreciate the cooperation of the Members on this issue and apologize for any inconvenience. I thank the Members for their consideration on this matter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed on Tuesday, November 2, 1993, and then on the motions postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 2684, as amended, by the yeas and nays, H.R. 3350, as amended, by the yeas and nays, H.R. 3351, as amended, by the yeas and nays, H.R. 3353, as amended, by the yeas and nays, and H.R. 3354, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATIONAL FISH AND WILDLIFE IMPROVEMENT ACT OF 1993

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2684, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2684, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 59, not voting 6, as follows:

[Roll No. 539]

YEAS—368

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—59

Allard
Archer
Armey
Bachus (AL)
Barrett (NE)
Bartlett
Barton
Bliley
Bonilla
Burton
Callahan
Coble
Collins (GA)
Combest
Crane
DeLay
Doolittle
Dornan
Dreier
Duncan
Emerson
Gekas
Grams
Hall (TX)
Hancock
Hansen
Herger
Hunter
Inglis
Inhofe
Johnson, Sam
Kasich
Klug
Linder
McCollum
Mica
Michel
Montgomery
Nussle
Oxley
Paxon
Penny
Pombo
Rohrabacher
Royce
Santorum
Sensenbrenner
Shaw
Shuster
Smith (MI)
Smith (OR)
Stearns
Stenholm
Stump
Taylor (MS)
Thomas (WY)
Vucanovich
Walker
Young (FL)

NOT VOTING—6

Beilenson
Berman
Carr
Dooley
Machtley
Velazquez

☐ 1748

Messrs. SMITH of Michigan, BARTLETT of Maryland, HERGER, and TAYLOR of Mississippi changed their vote from "yea" to "nay."

Mr. MANZULLO changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BYRNE). Pursuant to the provisions of clause 5, rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ESTABLISHING A PROGRAM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT WITHIN FEDERAL PRISONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3350, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3350, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 54, not voting 6, as follows:

[Roll No. 540]

YEAS—373

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NAYS—54

Allard
Archer
Armey
Bachus (AL)
Baker (LA)
Ballenger
Bartlett
Burton
Callahan
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Everett
Fawell
Fields (TX)
Gekas
Goss
Grams
Hancock
Hefley
Herger
Hunter
Hyde
Johnson, Sam
Kingston
Lightfoot
Meyers
Mica
Michel
Nussle
Packard
Paxon
Pombo
Rohrabacher
Roukema
Royce
Sensenbrenner
Shuster
Snowe
Stearns
Stump
Talent
Tanner
Taylor (NC)
Walker
Young (FL)

NOT VOTING—6

Beilenson
Berman
Carr
Dooley
Machtley
Velazquez

☐ 1757

Messrs. BARTLETT of Maryland, BAKER of Louisiana, and FIELDS of Texas, and Mrs. MEYERS of Kansas changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GRANTS FOR DEVELOPING ALTERNATIVE METHODS OF PUNISHMENT FOR YOUNG OFFENDERS

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3351, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3351, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 192, answered, not voting 6, as follows:

[Roll No. 541]

YEAS—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Bereuter
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—192

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner

Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
LaFalce
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Nussle
Ortiz
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Beilenson
Berman
Condit
Dooley
Machtley
Velazquez

□ 1807

The clerk announced the following pair:

On this vote:

Mr. BEILENSON and BERMAN for, with Mr. MACHTLEY against.

Messrs. BILBRAY, SPRATT, AND VOLKMER changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

GRANTS TO DEVELOP PROGRAMS TO REDUCE JUVENILE GANG PARTICIPATION AND JUVENILE DRUG TRAFFICKING

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3353, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3353, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 12, not voting 8, as follows:

[Roll No. 542]

YEAS—413

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—12

Allard
Armey
Burton
Combest
Crane
DeLay
Hancock
Inglis
Nussle
Penny
Sensenbrenner
Stump

NOT VOTING—8

Abercrombie
Bateman
Beilenson
Berman
Dooley
Machtley
Mink
Velazquez

□ 1815

Mr. ROHRABACHER changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3354, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3354, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 32, not voting 7, as follows:

[Roll No. 543]

YEAS—394

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—32

Allard
Archer
Armey
Bachus (AL)
Ballenger
Bartlett
Burton
Callahan
Combest
Crane
DeLay
Doolittle
Fields (TX)
Hancock
Hefley
Inglis
Johnson, Sam
Nussle
Packard
Penny
Pombo
Rohrabacher
Royce
Sensenbrenner
Shuster
Smith (MI)
Stearns
Stump
Talent
Taylor (NC)
Valentine
Walker

NOT VOTING—7

Barcia
Beilenson
Berman
Dooley
Hansen
Machtley
Velazquez

□ 1824

Mr. DUNCAN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore (Mr. KILDEE). Pursuant to House Resolution 289, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2151.

□ 1827

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, with Ms. BYRNE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me advise Members who may not know that there will be no further votes tonight. We are going to proceed to conclude general debate, and at the beginning of the reading of the bill under the 5-minute rule we shall rise and resume tomorrow with the amendment process.

Madam Chairman, today, this House will decide if American flags will continue to fly from vessels carrying this Nation's commerce.

Today, this House will decide if American shipyards will ever build another commercial vessel.

Today, this House will decide if American service men and women, sent to distant corners of the globe, will have the certainty they need that ammunition, medical supplies, and rations, will follow.

Today, this House will decide if the skills of working men and women of this Nation who build ships, and who are trained to run them, will be lost to us.

And finally, Madam Chairman, today, this House will decide if our Nation, the only remaining superpower on the planet, will be a maritime power or will simply and dangerously rely on the kindness of strangers to move our goods to market.

Our votes today will determine a new course for the national defense and economic security of the United States.

When this House approves H.R. 2151, the Maritime Competitiveness and Security Act—which I fervently trust that we will do—we will have set a course that not only rescues our maritime industries, but will make them fully competitive in international commerce.

While I cannot stand here and tell Members that American maritime programs of the past have been perfect, I will stand here until my last breath arguing that the new course we set in H.R. 2151 is necessary.

Those, who for years, have derided arguments that the United States needs a merchant fleet to support our troops in time of war, had their eyes opened during the Persian Gulf war. This country had to charter foreign-flag ships to carry our military supplies to our troops.

What if we had not been fighting an enemy so roundly scorned by the world?

What if other nations had not allowed their ships to carry our cargoes?

What if—as indeed did occur—ships carrying critical supplies refused to enter the war zone?

We should never send young American men and women into battle with only the promise that we will try to deliver what they need to survive.

But America needs a strong merchant marine not just in times of war. We need one today, and we will need one tomorrow, to keep the American market free and independent.

With the end of the cold war, America's battles more and more will be fought on the economic bottom line, rather than the front line.

As the richest nation with the richest market on Earth, our trade cannot be held hostage to the whims of foreign competitors.

American goods must have the option of being carried to foreign markets on American ships. Without that option, those goods may never leave our shores. A foreign competitor, with an interest or influence in shipping, could easily eliminate competition by simply being unavailable or too expensive to ship U.S. products.

How many in this Chamber remember gas lines? How many remember the oil embargo? As an oil-consuming nation, the United States cannot be without the wherewithal to bring petroleum, or for that matter, any other critical import, to our consumers.

With U.S. flags flying from U.S. commercial ships, this will never happen.

The legislation that we bring you today—legislation that is the product of the bipartisan cooperation we unfailingly enjoy on our committee—will turn our existing maritime programs around, make them more cost-effective, and give this Nation the American ships and shipbuilding capacity that we must, let me repeat, that we must retain.

This bill reverses the downward trend in our maritime industry by establishing two new programs: the Maritime Security Fleet [MSF] Program for the U.S-flag international fleet, and the Series Transition Payment [STP] Program for U.S. shipyards.

Ships in the Maritime Security Fleet Program will receive annual payments for 10 years, beginning in fiscal year 1995, to compensate American operators for the higher cost of doing business under the U.S. flag. These higher costs are a result of Federal requirements—such as the hiring of only U.S. citizen crews and higher safety and environmental standards.

If we do not compensate them for these higher costs and for making their vessels available when called upon by the Pentagon, then they are likely to flag their ships in a foreign nation. And who can blame them!

The Maritime Administration recently documented the extensive subsidies provided by 57 nations to their own shipbuilding and ship operating companies. In a perfect world, no nation would subsidize its companies, but this is not a perfect world. And, until it is, or until we have negotiated agreements with these countries to end subsidies, it is only fair that we ensure a level playing field for our maritime industry.

The bill does not specify the number of vessels that may be enrolled in the Maritime Security Fleet Program because we are working with the administration to make every dollar stretch as far as possible. We want as many ships in the program as we can get, to provide the maximum number of seagoing jobs and retain the cadre of trained merchant mariners needed to activate and sail our Ready Reserve Force in time of war or national emergency.

It should also be noted that to be eligible for the MSF Program, ships must be militarily useful, such as roll-on-roll-off vessels, containers, small tankers, or barge-carrying ships. Representative FIELDS and I will offer a committee amendment to provide an overall 10-year authorization level of $1.2 billion, which is the level of funding supported by the President. If this figure does not permit all willing and eligible U.S.-flag vessels to participate, the bill allows U.S. carriers to operate other ships in their fleet under a foreign flag.

The bill also significantly deregulates the U.S. maritime industry to help it compete internationally. For example, under the current system, a U.S.-flag carrier must obtain permission from the Secretary of Transportation before moving a vessel to a new trading area or placing a larger vessel in a particular service. These types of Government approvals promote inefficiencies and hinder the ability of our operators to respond to changing markets.

This bill will also help U.S. shipyards move from building vessels for the Navy, to building vessels for domestic and foreign commercial customers. American shipyards have spent 10 years focusing on naval construction and have fallen behind the curve on commercial building, a market they must crack to survive.

Until the U.S. Trade Representative is able to negotiate a comprehensive agreement ending foreign shipyard subsidies, U.S. shipyards need our help to overcome the advantage foreign shipyards have gained from a virtual monopoly in commercial construction.

To compete, American yards must build ships in a series, that is, building a number of ships of the same or similar design. That is what the competition does, and that is what our bill encourages U.S. shipyards to do, by making up the difference between the U.S. and foreign price. This program will be terminated once our yards can produce a competitive ship, a result that we believe can be accomplished over a 5- or 6-year period.

Although funds for the series transition program in all likelihood will not be available this year, it is important to get this program enacted now so that our shipyards can begin negotiations with new customers. In the coming months we expect to work with all interested parties to find sources of new revenue to pay for the STP Program.

Finally, Madam Chairman, we have cargo preference. I am the first to acknowledge that some reforms are needed, and this bill makes some of the changes necessary to make this program run more efficiently by making it run on commercial not Government terms.

Madam Chairman, the Merchant Marine and Fisheries Committee has worked long and hard to bring before the House a bill that will not only keep the U.S. maritime industry afloat but put the wind back in its sails.

I have met personally with the President and we continue to work closely with him on our proposal. I can tell Members, unequivocally, that he shares our commitment to maritime reform.

This is the right bill, this is the right time, and this is the right place to do the right thing, for not only the U.S. maritime industries, but for our Nation's economic and national security.

□ 1830

Madam Chairman, let me close my opening remarks by a bow to the ranking Member and to the Members on both sides of the aisle. I trust this House will be refreshed and surprised by the broad bipartisan support which will characterize this piece of legislation. It is absolutely essential. It is in the national interest, and for once I think we will see Members in this normally disparate and divided House speaking with one voice.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993—a bill that could mean the difference between life and death for America's maritime heritage.

The Merchant Marine and Fisheries Committee has held countless hearings on maritime reform over the last decade. During this time we heard predictions that the U.S.-flag merchant fleet would be doomed unless we leveled the playing field by reforming our outdated maritime laws. Some people called those predictions empty threats.

Those who doubted that the American merchant marine was in serious trouble certainly must have a new perspective now. In 1960, the United States ranked fourth in the world with over 1,000 ships. Today, with only 394 privately-owned vessels, we are ranked 16th behind such countries as Cyprus, Liberia, Panama, Malta, and China. Things are so bad that two of our most successful companies, Sea-Land and American President Lines, recently announced that they intend to reflag a number of their vessels. If these, or any other American ships, were to leave our fleet it would mean the loss of several thousand American seagoing jobs. The ships and the jobs would be gone forever. We must not let the United States, the most powerful Nation in the world and the largest maritime trading force in the world, to become a nation without its own merchant fleet.

The other arm of our maritime industry is shipbuilding. Those statistics are equally bleak and depressing. Between 1984 and 1990, U.S. shipbuilders received no new commercial orders for ships 1,000 gross tons and over. During this time, commercial orders in the international market were steadily increasing. As of September 1, 1993, there was only one privately owned vessel of over 1,000 gross tons under construction in a U.S. shipyard. In terms of the number of American jobs, the American shipbuilding industry has a major impact on both the national economy and regional employment. It has been estimated that unless there is a major effort to preserve the American shipbuilding industry, within a decade over 180,000 American jobs could be lost.

The demise of the maritime industry will also mean the loss of thousands of U.S. jobs. It will mean the depletion of a vital pool of trained seamen who man our Ready Reserve Force ships in times of international emergencies. We simply cannot depend on crews from Bangladesh, Pakistan, or any other foreign country to protect our national security. During the Persian Gulf war, more than 70 U.S.-flag vessels were used to transport badly needed military supplies to our troops. We were fortunate to have them because a number of foreign-flag vessels flying the flags of Germany, Japan, and the United Arab Emirates refused to enter the Persian Gulf. We should not have been surprised, though, because we had similar experiences during both the Vietnam war and the 1973 Arab-Israeli conflict, when foreign-flag ships routinely refused to carry American military cargoes.

We must not allow our national security to depend on the political whims and threats of other foreign nations. We must have a U.S.-flag fleet operated by skillful mariners. The men and women who operateour U.S.-flag ships are hard working, dedicated, patriotic, taxpaying American citizens. They are well-trained individuals, among the best seafarers in the world. By law, they are required to maintain their licenses or other documents, and many of them routinely take Coast Guard examinations to upgrade their documents. They spend nearly half of the year at sea, and during that time they work 10 to 12 hours a day, 7 days a week performing their duties. They sail in treacherous weather risking their lives every day; they spend holidays and birthdays at sea; and the average annual wage, before taxes, for a typical able-bodied seaman is $33,000. And if this is not enough, they have to listen to people say they make too much money.

Madam Chairman, there is no doubt that U.S.-flag vessels are more expensive to operate than so-called Third World flag-of-convenience ships. The reason for this cost differential is simple—the United States imposes significantly higher standards on our operators and our vessels than are imposed on our foreign competition. A foreign crew of 36 from a Third World country can be hired for $650 per day, including benefits. That works out to about $18 per worker per day. We have it on good information that working conditions aboard many flag-of-convenience vessels are sickening. We hear reports that denial of medical treatment, beatings, and inadequate safety equipment are the disgraceful norm rather then the exception.

We could bring our costs down if we eliminate our higher standards and water down worker protections, but these requirements are precious to us—they ensure that Americans have an adequate income, safe working conditions, and compensation in the event of injury. We could bring our costs down, but who among us is ready to exempt American operators from the requirements of the National Labor Relations Act, the Fair Labor Standards Act, insurance and liability laws, and U.S. Coast Guard regulations?

H.R. 2151 would eliminate many burdensome outdated requirements but not at the expense of fairness, and safety, and security for the American worker. This legislation seeks to eliminate restrictions that were placed upon American shipping companies in 1936—restrictions that had a purpose in their time, but now contribute to operational inefficiencies and higher costs. For example, U.S. operators are currently required to operate on strict, preestablished trade routes even though other routes would offer the prospect of additional cargoes, and, therefore, more revenue for their companies. This bill would abolish those trade route requirements.

H.R. 2151 would also establish two new promotional programs for the U.S. maritime industry—the Maritime Security Fleet [MSF] Program and the Series Transition Payment [STP] Program.

The MSF program offset offsets the higher cost of operating U.S. vessels essential for our economic and military security. It provides about $200 million a year for 10 years to U.S. operators, which is about $100 million a year less than the current operating-differential subsidy [ODS] program. With this reduced amount of operating support, coupled with the fact that H.R. 2151 places a cap on the amount of money any one vessel can receive in a given year, vessel owners would have major incentives to negotiate new labor agreements to reduce manning costs. Under the current ODS program there is no incentive to reduce cost because the Federal Government simply pays the vessel owner whatever the negotiated labor contract requires.

H.R. 2151 would also benefit the U.S. shipbuilding industry by helping it convert from construction of military vessels to the construction of world-class commercial vessels. The STP Program would serve to promote the series construction of vessels—a concept that Japan proved to be enormously profitable long ago. Under this program American shipyards would receive funding, on a declining scale, for the construction of two or more commercial vessels of the same type. Although the initial cost is envisioned to be around $200 million per year, this program is designed to be transitional, and costs are expected to be reduced over time. Funds could appropriately come from re-allocated Department of Transportation or Defense Programs.

However, the key point is that this STP Program would ensure that the United States has a viable shipbuilding industry capable of building and repairing ships for international commerce and the U.S. Navy. Once a shipyard and its work force of highly skilled employees are gone, it is very unlikely that it will ever open its doors again.

While there is a cost attached to this legislation, in my judgment, it is a justified expense; it is a critical investment in an infrastructure essential to our Nation's economic and national security. H.R. 2151 is a finely crafted bill—the product of many years of careful deliberation—that is supported by every Republican member of our committee. Most of us will readily concede that this is not perfect bill, nor is it the last word on maritime reform. But it is a beginning.

For the past 200 years, our Nation's merchant marine has delivered troops and vital war supplies to every world conflict from Guadalcanal to the Persian Gulf. Our success in winning these conflicts is owed in no small part to the invaluable contributions of these mariners. Unless H.R. 2151 is approved, I have grave doubts that this fourth arm of defense will be available in the future.

It is our best, if not last, hope of saving the U.S. maritime industry. Without this bipartisan legislation, the U.S. maritime industry will largely disappear, and the most powerful Nation on earth—the United States of America—will become totally dependent upon foreign shipping interests. We must not let U.S.-flag vessels and American merchant seamen become forgotten memories of the past.

□ 1840

Madam Chairman, I urge all Members, but particularly Republican Members, to support this legislation, to vote aye on final passage.

In closing, I want to pay special tribute to our chairman, the gentleman from Massachusetts [Mr. STUDDS] who I think has maneuvered this legislation and given us a very delicate balance in a simple way and brought this to the floor in a bipartisan manner.

I also want to pay tribute to the chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, the gentleman from Illinois [Mr. LIPINSKI], and also the ranking Republican member, the gentleman from Virginia [Mr. BATEMAN], because this is an essential piece of legislation brought to the floor in what I think is an expeditious manner.

Again, Madam Chairman, I encourage all Members to support its passage, and particularly our Republican Members.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, the gentleman from Illinois [Mr. LIPINSKI].

□ 1850

Mr. LIPINSKI. Madam Chairman, as the world's largest trading Nation, the United States must have a strong commercial fleet. Allowing our maritime industry to die would be a tragedy. Losing our merchant marine would threaten our economic viability and national security. We must act now.

The leadership of the Merchant Marine and Fisheries Committee introduced H.R. 2151 to revitalize our maritime industry. H.R. 2151 would establish a comprehensive maritime policy. The bill ensures that ships are built in the United States and fly the U.S. flag.

H.R. 2151 authorizes the Secretary of Transportation to pay a subsidy to U.S.-flag vessel owners and operators that compete in international trade. The subsidy would replace the Operating Differential Subsidy Program.

To stimulate U.S. commercial shipbuilding, H.R. 2151 establishes the Series Transition Payment Program. Foreign subsidized shipyards have a competitive advantage over U.S. shipyards. Our program would encourage U.S. shipyards to engage in the series construction of ships and make our shipbuilding industry competitive in the world market.

Madam Chairman, I assure you that our maritime industry, which employs thousands of American workers and pays millions of dollars in U.S. taxes, is worthy of our earnest consideration of this revitalization package.

In closing, I would like to take this opportunity to thank my colleagues, the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BATEMAN], for all the time and hard work they put into this legislation.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], a quiet and demure Representative.

Mr. YOUNG of Alaska. Madam Chairman, I rise in strong support of H.R. 2151, and the chairman and ranking member, and, I am sure, the gentleman from Virginia [Mr. BATEMAN] will, and the gentleman from Illinois [Mr. LIPINSKI], have said it all, but I want the people that might vote against this legislation to consider one thing.

In 1945, Madam Chairman, America was No. 1 in the merchant marine fleet. Today we are 16th. This is the last chance for this Congress to bring forth to the people of this Nation a bill to maintain and build on our merchant marine fleet.

I can tell my colleagues, as the only person in this room, I believe, who is actually licensed to be a captain, that it is crucially important that we have American-crewed ships, captains and mates, and ships built here, American bottom ships, so we can take and move our troops and move our supplies. But it has disturbed me a great deal over the years when I hear people say we are just subsidizing the industry, and I challenge anyone who says that. Most all industry somewhere or another has been subsidized by this Congress, be it the farmer, the trucker, whoever it may be. They are involved in some type of subsidy. But we have forgotten the merchant marine fleet, and I think it is a travesty that we are one of the largest, if not the largest, importing countries in the world, and we are the largest exporting country in the world, and we are now ranked 16th.

Madam Chairman, that means that most goods that are brought into this country are brought in by foreign fleets, foreign crewed, terrible conditions, and most are shipped out of this country by foreign crews and foreign bottoms in terrible conditions. I think it is time that this Congress speaks out loud and clear, and they can do so with H.R. 2151.

This is bipartisan legislation. It is supported strongly by the committee. We have worked out the differences, and, as amendments come to this floor outside of the committee, I hope the Members consider what it will do to this legislation.

Madam Chairman, it is time that we have a good merchant marine again in America.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993, and I want to thank the chairmen of both the committee and the subcommittee, and also the ranking members, for the fine work that they have done in bringing this bill to the floor, and I do hope that the Members will support it in the form that the committee has reported it.

Madam Chairman, this legislation is needed and it is needed now. If we as a nation are to have a viable American flag merchant marine, concerted action this year by the President and Congress is essential.

The two largest American liner operators have stated that the economics of operating their vessels under the American flag will compel them to withdraw their vessels from the U.S.-flag fleet starting in 1995 unless reforms are implemented to help U.S.-flag operators compete in world markets. If this does happen the Maritime Administration projects that the loss of these two carriers could result in a U.S. container fleet in the year 2005 of only 18 ships.

This Nation has neglected its merchant marine for too long. The fact that privately owned U.S.-flag commercial ships now carry less than 5 percent of this country's overseas trade should, in itself, be cause for alarm.

The precipitous decline in our merchant fleet is easily measured. In 1945 there were about 3,500 ships in the privately owned U.S.-flag fleet. That number fell to 1,082 in 1950; to 945 in 1960; to 770 in 1970; to 527 in 1980; to 467 in 1990 and, if Marad's projection is correct, could fall to fewer than 100 by the year 2000.

Today, we are the only major maritime nation in the world that depends almost entirely on the ships and crews of other nations for the carriage of our exports and imports. The shipping cost of transporting U.S. exports and imports exceeds $20 billion per year and adds significantly to America's trade deficit.

The decline of the U.S.-flag merchant marine has been accompanied by a decline in all related U.S. maritime industries, including shipbuilding and ship repair. Our national security is threatened if we are unable to sustain a shipbuilding and ship repair capability to meet the essential needs of the U.S. Navy.

H.R. 2151 provides this administration and this Congress with a coherent maritime plan today that is acceptable to all components of the maritime industry. This plan, if enacted by Congress and signed by the President, will serve to help preserve the U.S.-flag merchant marine and allow this country to continue to be counted as a maritime nation.

This bill represents the very minimum that must be done to begin the job of revitalizing our merchant fleet. It is a product of substantial negotiations and careful drafting that has wide support among the components of our maritime industries. It is essential for our Nation and I urge all Members to support it.

Mr. FIELDS of Texas. Madam Chairman, I yield 9 minutes to the gentleman from Virginia [Mr. BATEMAN], the ranking member of the Committee on Merchant Marine and Fisheries.

Mr. BATEMAN. Madam Chairman, I will not repeat those points made by my predecessors. However, I do with to publicly thank once again Chairman LIPINSKI for his persistence and hard work.

It has been, perhaps, the most bipartisan effort I can remember. And that is saying something given the length, complexity, and controversy surrounding this particular piece of legislation. This is really a culmination of some 6 years of hard work by this committee.

I would be remiss if I did not also express my appreciation to the gentleman from Massachusetts [Mr. STUDDS] and our ranking Republican, the gentleman from Texas [Mr. FIELDS] for their leadership on this most important piece of legislation.

Compromise has been a key ingredient and as a result, I really believe that we have developed a proposal which both maritime labor, the operators and yes, the shipyards can, in fact, endorse.

For me, enactment of a series transition program is critically important and I am indeed pleased that it is part of this package. Certainly there are those who believe that all U.S.-flag vessels should be built in U.S. shipyards. I am one of those Members—but I also recognize that holding the operator segment hostage is not the answer.

Madam Chairman, the subcommittee added provisions which I believe offer a viable, yet reasonable opportunity to build ODS-eligible vessels in U.S. shipyards. Simply stated, if our series transition program is funded, then our shipyards can and will be competitive players in the world shipbuilding market. The provisions in H.R. 2401, the fiscal year 1994 DOD authorization bill, will also help. But to prevent a Sea-Land, or an APL or a Lykes from ever having an opportunity to fly the U.S. flag with U.S. crews serves no one's interests.

The Series Transition Payment Program is terribly important to those members who have shipyards in their districts. With minimal commercial construction in U.S. shipyards and the decrease in U.S. Navy contracts, it has been estimated, if we in the Congress do nothing, that over 180,000 skilled jobs will be lost in U.S. shipbuilding, ship repair, and marine equipment manufacturing industries within the next 6 years.

Let me take a few minutes to explain the elements of the Series Transition Payment Program. In simple terms, this program authorizes the Secretary of Transportation to pay for the difference in cost between building a vessel which is one of a series, in a U.S. shipyard and building that same vessel in a foreign shipyard. A similar construction program in the 1970–80 timeframe resulted in a tremendous number of ships being built in U.S. shipyards. With the defense buildup in the earlier 1980's, our shipyards were essentially converted to naval shipyards. These naval ships were often one of a kind, and highly sophisticated both in terms of design and weaponry.

While our shipyards were committed to a naval building program, our foreign competitors were building commercial vessels. These commercial vessels were not one of a kind but instead were of similar design and specifications. This is a critical difference, because in shipbuilding, as in any heavy industrial production process, efficiencies are obtained byproducing the same item over and over again. Not only will the labor force become more efficient, but the infrastructure, that is assembly line, robotics, et cetera, will remain the same. The need for the costly retooling of your assembly line is virtually eliminated—and, in fact, is amortized over a greater number of vessels.

Our foreign competitors have, in effect, been building commercial vessels in series for the last 10 years. Typically, the learning curve cost savings over the first four to five ships in a series before it flattens out, is in the 20–25 percent range. The savings in man-hours between the first ship in a series and later ships is well documented. A well-known naval architect, Dr. Lloyd Bergeson, analyzed man-hour data compiled from 15 shipyards that were dedicated to the construction of Liberty ships in World War II.

The average man-hours per ship for all 15 shipyards for the first ship in the series was 1,120,000. The fourth ship in the series averaged 725,000 man-hours and the eighth ship averaged 590,000 man-hours.

In another study comparing United States and Japanese shipyards, the author, Dr. Howard Bunch concluded that the Japanese comparative performance advantage was:

> * * * traceable to the fact the Japanese yards have developed concepts of standardization and modularization that permit a large portion of the design and engineering activities to be essentially the retrieval of the documentation from files.

Standardization of designs and overcoming the learning curve are the twin goals of the STP Program.

Let me comment on two other points concerning the current STP proposal. First, as drafted, priority for award of contracts is given to those shipyards that can reach the world market price with the fewest number of vessels in the series and with the smallest contribution from the Federal Government. Thus unlike the old Construction-Differential Subsidy Program [CDS], the STP Program establishes intra U.S. shipyard competition. Second, a U.S. shipyard that seeks a transition payment must have two contracts in hand before applying for aid and must demonstrate that upon completion of the vessels in the series that it will be capable of constructing additional vessels of the same type at the world market price and without assistance.

Now with respect to labor rates, our shipyards are, in fact, competitive now. For instance, the average per hour wage level in Germany is $26.50. In Italy, the average hourly wage in 1990 was $19.22. In Japan, the wage level was $15.80 per hour, in the United States the wage level was $15.50 per hour. Wages are no more a problem than they are for BMW or Mercedes who are relocating their plants to South Carolina and Alabama, respectively.

If we can, in fact, overcome the learning curve through the STP Program, then I am personally convinced we can once again become a major shipbuilding power.

Finally, I do not want to mislead anyone here today. The STP Program will not, without more congressional action, suddenly end our foreign competitors 10-year monopoly of commercial shipbuilding.

You should also note that our committee has not requested a specific funding level for the Series Transaction Program. This is a conscious decision on our part. First, because negotiations are currently taking place in Europe between the United States and the European Community concerning shipbuilding, we did not want to tie the hands of the President in those negotiations. In simple terms, the appropriation level requested in the President's budget for fiscal year 1995 will be dependent on the outcome of these negotiations. If the negotiations are successful, then we will need to fund a smaller sum of money to overcome the learning curve phenomenon. If, however, our competitors continue their sub rosa subsidies, then we will need to look at a higher number.

The actual funding levels for the STP Program will not come until fiscal year 1995 and, of course, will be subject to additional debate and additional votes.

Many of you hear in statement after statement that we have effected a delicate balance—and that we cannot change this section or that section—or the whole bill will become unraveled.

With respect to the current U.S. shipbuilding requirements in H.R. 2151, I sincerely believe we have a true compromise that deserves a chance to work. I know the vast majority of our U.S. shipyards are willing to make these provisions work. I think most of the operators can work within this framework. I just hope that my colleagues and the administration will give it a chance.

□ 1900

Mr. STUDDS. Madam Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] has 16 minutes remaining, and the gentleman from Texas [Mr. FIELDS] has 9½ minutes remaining.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Madam Chairman, I rise today in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

I particularly want to recognize Chairman STUDDS and the ranking member, Mr. FIELDS, for their foresight on this matter and their dedication and commitment to our maritime industry.

I would also like to commend the chairman and ranking member of the subcommittee, Mr. LIPINSKI and Mr. BATEMAN, for their efforts in this regard.

This maritime reform and revitalization program is vital to the future of our U.S.-flag merchant fleet and shipbuilding industry.

The Maritime Security Fleet Program will increase the ability of our commercial fleet to compete internationally, and just as importantly, will ensure that our nation has available an adequate defense sealift capability should it be needed.

The Series Transition Payment program will promote the transition of our shipyards from military to commercial vessel construction by providing short-term declining payments for series construction to help U.S. shipyards learn how to compete internationally in commercial vessel construction.

Finally, the bill eliminates a number of regulatory provisions that decrease the competitiveness of our U.S. fleet and calls for a number of administrative reforms to the cargo preference program designed to improve its efficiency and reduce its cost.

If you care for the future of our maritime industries and for the preservation and creation of American maritime jobs, I urge my colleagues to support passage of this bill and to oppose any amendments which may be offered that would hurt the effectiveness and integrity of this legislation.

Mr. STUDDS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Madam Chairman, I rise in support of H.R. 2151.

Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993. Madam Chairman, America must have maritime reform. What is at stake is nothing less than the survival of the U.S. merchant marine and shipbuilding industries and America's national security.

If America loses its merchant fleet, we will be at the mercy of foreign governments. We will be trading our national security for national vulnerability.

Madam Chairman, we do not have far to go before we could face such a calamity.

Between 1965 and 1993, the number of American jobs on large, privately owned oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,000. The number of oceangoing U.S.-flag vessels operating in foreign trades dropped from about 620 ships to a mere 151. These losses are the result of competition from heavily subsidized foreign vessels. This bill will give our U.S. maritime fleet the opportunity to compete on a more even playing field and give them a fighting chance against foreign competition.

Because the United States failed to help U.S. shipyards remain competitive as foreign governments began instituting generous subsidies for their shipyards, orders for commercial vessels in U.S. shipyards virtually disappeared during the past 11 years. The loss of commercial business has caused approximately 50 U.S. shipyards to close their doors since 1982, a loss of 40,000 American jobs. On the West Coast, 11 shipyards have closed their doors since 1982 with the loss of 14,500 American jobs.

If we fail to support this bill and institute maritime reform, it is estimated that we will lose another 180,000 jobs during the next 6 years—a loss that may permanently cripple or destroy the U.S. merchant marine and shipbuilding industries.

H.R. 2151 will provide a comprehensive program of support to help strengthen the U.S. merchant marine and U.S. shipbuilding industries. That support is essential, not only to help U.S. shipyards and U.S. companies that employ U.S. crew members and operate U.S.-flag ships remain competitive with foreign shipping and shipbuilding companies, but also to survive.

I understand the importance of a vital maritime industry. Washington State is the most trade reliable State in the Nation, leading the Nation in per-capita exports. With less than 2 percent of the U.S. population, Washington state produces approximately 8 percent of all U.S. exports—more than $74 billion worth each year—and handles more than 7 percent of all U.S. imports. Do we want a future where all those exports are transported on foreign vessels? Would we tolerate U.S. airpassengers flying only on foreign carriers? Why would we settle for U.S. products traveling only on foreign carriers.

Madam Chairman, I want to commend the leadership and commitment demonstrated by Chairman STUDDS and ranking minority member FIELDS of the full committee and Chairman LIPINSKI and ranking minority member BATEMAN of the subcommittee on this issue. It is because of their efforts that we have before us a measure which has the enthusiastic, bi-partisan support of the Merchant Marine and Fisheries Committee. I urge my colleagues to take a vote today in support of U.S. jobs, in support of U.S. industry and in support of U.S. competition in the world marketplace. I urge my colleagues to vote in support of H.R. 2151.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Chairman, today, the House has a unique opportunity to save an important industry, one that has seen many sunsets in its day and one that has provided our Nation an invaluable service for many years. The U.S. maritime industry is vital to the economic stability and defense of our country. Unfortunately, if this maritime reform bill, H.R. 2151, does not survive, the Sun will set on this industry for a long, long time.

Therefore, I rise in strong support of the Maritime Security and Competitiveness Act of 1993.

I want to commend the leadership of the Merchant Marine and Fisheries Committee for their hard work in developing this bipartisan endeavor which, hopefully, will head to the rebuilding of our maritime industries.

Madam Chairman, the centerpiece of H.R. 2151 is the creation of a maritime security fleet program, which will replace and improve upon the existing operating-differential subsidy situation. Ultimately, this will reduce the cost to the Federal Government and offer U.S. vessel operators incentives to improve efficiencies and lower their costs.

Madam Chairman, H.R. 2151 is the most important piece of maritime legislation to be voted on in the Congress in more than a decade. Therefore, I strongly urge my colleagues to support and vote for it.

□ 1910

Mr. STUDDS. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Madam Chairman. I rise today to express my strong support for H.R. 2151, the Maritime Security and Competitiveness Act.

H.R. 2151 was introduced by the bipartisan leadership of the Merchant Marine and Fisheries Committee and reported to the House with unanimous consent. This legislation will ultimately benefit American business, American labor, and the economic and military interests of our country. In recent years we have abandoned many maritime policies and consequently are paying for these decisions. We cannot allow for any further depletion of our U.S.-flag merchant fleet.

Our great Nation was founded on the strengths of a superior merchant marine and this legislation will add new vessels to our aging fleet. Furthermore, we cannot ignore the fact that under current U.S. maritime policy, U.S. flag carriers are grossly disadvantaged against our foreign competitors because of costs levied by our own Government. H.R. 2151 addresses these important problems and offers a comprehensive resolution to serve the best interests of our country.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act. The U.S. maritime industry is in crisis. Foreign competition is subsidized, and the number of ships flying the U.S. flag is rapidly declining. As American shipyards are closing, people are losing jobs. H.R. 2151 will help stop the decline, and allow the U.S. maritime industry to compete.

Why should we preserve our American-flagged fleet? Aside from the economic benefits to those who make their living in American shipyards, H.R. 2151 is essential to our national defense. The military has long depended on merchant marine vessels for transport during war, supplying our men and women overseas. While the military threat is greatly reduced with the demise of the Soviet Union, there is still a very real threat to United States security, as the invasion of Kuwait and the resulting Persian Gulf war demonstrated.

One of the lessons learned from the Persian Gulf war is that we cannot rely on foreign vessels to carry our military supplies during wartime. Of all the ships chartered by the Department of Defense to carry food, weapons, and supplies to our soldiers fighting in Kuwait, over half flew foreign flags. While world opinion in condemning the invasion of Kuwait allowed us to support our troops with mostly foreign-flagged vessels, it would be foolish for us to believe this will always be the case. In history, there are many examples in which foreign vessels, under contract with the Department of Defense to carry U.S. military supplies, simply refused to enter a war zone. In a conflict that does not have near unanimous international support, a strong U.S. domestic fleet of transport ships will be essential to supply our men and women in uniform.

The U.S. merchant marine fleet has served our country well from World War II to Desert Storm. In our own interest, we must support an industry that is vital to our national security. I urge all my colleagues to support this commonsense legislation.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in very strong support of the Maritime Security and Competitiveness Act. The gentleman from Massachusetts [Mr. STUDDS], the gentleman from Texas [Mr. FIELDS], the gentleman from Illinois [Mr. LIPINSKI], and the gentleman from Virginia [Mr. BATEMAN] are owed a huge vote of thanks from all of us for their hard work and their bipartisan, and let me emphasize bipartisan, leadership in bringing this important legislation to the floor.

Madam Chairman, the subject under debate here is whether or not the United States will have a maritime industry to call its own or whether we become totally dependent on foreign-owned, foreign-built, and foreign-crewed vessels to ply our international trade.

I cannot conceive of the United States without a merchant marine fleet, but we are certainly headed in that direction unless this Congress adopts a policy of supporting U.S. shippers and shipbuilders.

It is a mystery to many Americans, and especially to this American, why we have allowed the United States to lose its maritime primacy and supremacy—a position it has maintained for most of this century.

Early in the 1980's, at a time when other nations were expanding their subsidy programs, President Reagan and the Congress eliminated the subsidy which had helped U.S. shipyards provide the ships necessary to sustain a U.S.-owned, U.S.-built maritime fleet. The dream of a 600 ship Navy provided work for some American shipyards, but many others closed or retrenched—with the loss of over 100,000 jobs. As of September of this year, only one cargo ship was under construction in a U.S. shipyard—only one.

Madam Chairman, I do not understand why anyone would think it good public policy to allow an industry as vital to commerce as shipping and shipbuilding to be shipped offshore, but that is what we do if we fail to adopt a national maritime policy.

H.R. 2151 will assist the U.S. shipbuilding industry to reenter the commercial market and build vessels for the United States and the international markets at competitive prices.

H.R. 2151 is good for this country. It is necessary for this country, and I urge all of my colleagues to support this measure.

Mr. FIELDS of Texas. Madam Chairman, I yield 2½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, I rise in strong support of H.R. 2151.

Madam Chairman, I could count on one hand the number of bills that have set aside political agenda for the good of Americans. This is one of those bills. Thanks to the gentleman from Massachusetts [Mr. STUDDS] and the gentleman from Texas [Mr. FIELDS] for their leadership and the bipartisan environment that they allow us to operate in that committee.

I would, however, like to address section 5 of H.R. 2151, entitled "Elimination of Construction Differential Subsidy," titled CDS.

This section would change current law to release certain vessels from the restrictions agreed to by their owners as a condition of receiving Government construction subsidy. What does this really mean?

Among those restrictions is a requirement that subsidized vessels operate exclusively in foreign trade. This restriction is intended to protect both the operators of unsubsidized vessels in the protected domestic trades and our domestic shipyards that have exclusive right to supply vessels for domestic trades.

Section 5 would change this requirement for liner vessels, that is, the general cargo vessels that are now operated on regular routes between the United States and foreign countries, when they reach the age of 25 years. Section 5 would allow such overage vessels to operate without restriction in the domestic trades.

At markup, I offered, and then withdrew at the request of the committee leadership, an amendment to delete section 5. I had considered offering the same amendment at this time, but decided not to do so after reviewing carefully the committee's understanding of section 5 as reflected in the committee report.

That is, that section 5 is strictly limited to liner vessels; that its enactment does not affect the application of the domestic trading restrictions for other vessels; and that the affected domestic operators have agreed to the section because of the protection provided to them in other parts of the bill.

This leaves to the Department of Transportation and, perhaps, ultimately, the courts, the proper application of domestic trading restrictions.

☐ 1920

The continued application of the domestic trading restrictions is extremely important to our domestic shipyard base, as those shipyards undergo the difficult transition from primarily military construction to building for the commercial market. One bright spot for the shipyards, for example, is the expected new construction of double-hulled vessels that will soon be required under OPA '90. Allowing tankers built with Government subsidy for exclusive use of foreign trades to gain unrestricted access to the domestic trades would not only jeopardize the main hope for saving our shipyards, but would also undermine the goals of OPA '90.

Mr. STUDDS. Madam Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GREEN of Texas. Madam Chairman, our Nation is in vital need of a reaffirmation of maritime policy. As we embark on an era of more global trade we must realize that our maritime fleet will provide the means by which much of our future trade will be conducted.

During the 1980's we watched as one program after another which were designed to promote a U.S.-flag maritime industry were either not funded, underfunded, or just ignored. No new programs were enacted in their place. In my district in Houston, our seafarers are worrried that a major shipline, Sealand, will be forced to reflag their vessels foreign unless major changes in U.S. policies are made. H.R. 2151 will keep Sealand ships coming into Houston and keep our American seamen working.

H.R. 2151 will also encourage the development of a modern fleet under the U.S. flag that will respond to U.S. national security and contribute to the Nation's economy. During Desert Storm the Port of Houston, which I represent, handled more tonnage than any other port. This tonnage was being shipped out on American ships. If we do not pass H.R. 2151 we will be forced to use foreign flag vessels for our Nation's security and we will put American seamen out of work.

H.R. 2151 will benefit the Port of Houston tremendously. The Port of Houston is the fourth largest port in the Nation. Having a strong U.S.-flag fleet will create competition necessary in the international marketplace. H.R. 2151 will create a healthier climate for international trade thereby strengthening the competitiveness of the Port of Houston.

There are over 50 other nations that have programs in place to maintain a fleet under their flag according to a September 1993 report of the Maritime Administration. These nations provide direct assistance to vessels under their flag which ensures that they remain competitive in international markets.

Every major maritime nation gives some type of assistance to their fleets. Many developing nations look at a merchant fleet as a means of earning quick revenues. It would be foolish for this Nation not to respond to the maritime practices of other countries. As the world's largest trading nation, every fleet throughout the world wants a piece of our action. I do not blame them; in fact, I believe it is good for our overall trade picture. The American-flag fleet should also have piece of the American action. Reaffirmation of maritime policy through the passage of H.R. 2151 will encourage a U.S.-flag presence. It is sound maritime policy, sound national policy and I urge its adoption.

Mr. FIELDS of Texas. Madam Chairman, I yield the balance of my time to close debate on this side to the gentlwoman from Maryland [Mrs. BENTLEY].

Mr. STUDDS. Madam Chairman, I yield 3½ minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

The CHAIRMAN. The gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 7 minutes.

Mrs. BENTLEY. Madam Chairman, I rise in strong support of the bill.

First, I want to take this opportunity to commend and applaud Mr. STUDDS, the distinguished chairman of the Merchant Marine and Fisheries Committee, for his outstanding leadership in bringing this legislation to the floor today.

I also want to commend my special friend, the gentleman from Texas [Mr. FIELDS], the ranking Republican on the full House Merchant Marine and Fisheries Committee, my good friend from Chicago, Mr. LIPINSKI, chairman of the Merchant Marine Subcommittee, and my dear friend, the gentleman from Virginia [Mr. BATEMAN], the ranking minority member on the subcommittee, for their hard work.

Collectively, and I want to emphasize in a bipartisan fashion, the leadership of the Merchant Marine and Fisheries Committee has dedicated their energies to develop a comprehensive piece of legislation designed to save, preserve and, hopefully, rebuild our maritime industries. They have succeeded in H.R. 2151, the Maritime Security and Competitiveness Act, which we will be voting on shortly.

Madam Chairman, too often, particularly in peacetime, the private, commercial U.S. merchant marine is the forgotten arm of our military; and its contributions in bringing price stability and competitiveness to our international trades is rarely recognized.

With the age of space travel just over the horizon and the ability of instant communications ever shrinking the world in which we live, the romance of the sea is seldom seen or expressed. To most people, the sea is reruns of the Love Boat television series, which, I hasten to add, particularly for my dear friend from Iowa, continues to be an excellent show. The true significance of the U.S. Merchant Marine, Madam Chairman, is lost, even on many of our colleagues; lost that is until the United States finds itself—as it did in the Persian Gulf—embroiled in a large military operation.

Everyone prides themselves on the success of the Persian Gulf war—the 100 hours ground war. It was a textbook war. A Hollywood scriptwriter could not have written a better screenplay. Everything—like in the movies—went right.

What everyone overlooks, even ignores, is the luck that was involved in the ultimate outcome of Operation Desert Storm; luck that Saddam Hussein, after invading Kuwait, patiently waited for the United States to develop a coalition of support in the United Nations; waited patiently for the United States to coddle and sometimes bully Middle East nations into joining that delicate coalition; and, most importantly, in terms of bloodshed and precious life, waited patiently while the United States completed a military buildup of forces, ordnance, and supplies in such size and scope that had not been since World War II.

That buildup gave the United States and its coalition of forces the ability to complete the herculean military operation that is unprecedented in U.S. history.

But that military victory—which has blinded all of us of the need to rebuild our merchant marine—would have been impossible, without the loss of thousands of U.S. lives, if the United States merchant marine had been forced to go it alone.

That military buildup would have been impossible because the United States does not now have a sufficient number of ships, either in the commercial fleet, the reserve fleet or in the Government-chartered fleet to carry that volume of cargo, nor does the United States have a sufficient number of seamen to man the number of vessels required for such an operation—that is, unless Saddem Hussein had been willing to sit in the Kuwait desert until 1999 or some other, equally absurd length of time.

There may be some debate, but there is little question that the United States did not need the military assistance of the coalition of nations to fight and win the war; and there absolutely is no question that the United States critically needed the more than 215 foreign flag ships the Navy's Military Sealift Command was forced to charter during Operations Desert Shield and Desert Storm.

Madam Chairman, it is fitting that H.R. 2151, a major piece of legislation, is brought forth near the end of the 20th century, for it was in the 20th century, during the 1940's, that the United States saved the world from the Nazi-fascist axis by producing 6,000 ocean going ships—liberties, victorys, T-2 tankers: C-3's and C-4's in 4 short years.

And as a result this country proved that an ongoing idustrial base made it possible—and provided good jobs for skilled and unskilled men and women in this country.

The ships that slid down the ways proudly waved the Stars and Stripes, all that because of the Merchant Marine Act of 1936.

The next time a real effort was made to infuse real blood into the fleet was the Merchant Marine Act of 1970. During the 1970's, the industrial base hummed once more and Americans had important shoreside and seagoing jobs available to them.

That was the second effort, and it worked.

Now we have H.R. 2151, the third Maritime Security and Competitiveness Act of the 20th century, which will carry this country proudly into the 21st century on the high seas, and in our Nation's seaports we will be able to view the Stars and Stripes proudly flying again on modern ships built in American yards by American workers.

There will be important jobs in the urban shipyard-oriented cities for the skilled and unskilled as our industrial base makes a vital comeback.

As I said earlier today this is the first bill in a quarter of a century that provides more than a Band-Aid to a hemorrhaging fleet. It is real; it is what America needs.

What anticargo preference advocates would have us believe, what the Navy and its Military Sealift Command, with its growing fleet of reserve and active vessels would have this Chamber believe, is that the Coalition that was so successful during the Persian Gulf war always will be there.

The opponents want you to believe, Madam Chairman, that the United States should and must place the future of our Nation, the future of children, into the hands of foreign governments—that our concerns and causes always will be their concerns and causes.

Madam Chairman, history has taught me to place my trust and faith into the hands of God and the American flag—not in the hands of foreign governments or foreign seamen, whose lack, and total absence of loyalty to the United States, already is well documented in every war in which they have been employed.

The United States continues to need a private fleet of merchant ships to support our Armed Forces; in fact, we need a merchant fleet now more than ever. Today, there are regional conflicts which, tomorrow, could involve our young men and women in uniform.

I want to encourage my colleagues to support America by voting for the Maritime Security and Competitiveness Act and to oppose all amendments that may be offered, except, of course, one technical amendment to be offered by Chairman STUDDS and Mr. FIELDS.

Mr. STUDDS. Madam Chairman, I salute the gentlewoman from Maryland [Mrs. BENTLEY] for her tireless and very longstanding fight in this effort.

Madam Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Chairman, I want to thank the gentleman from Massachusetts [Mr. STUDDS] for yielding time to me.

For the people of America who are watching this debate tonight, they are probably being dumbfounded by statistics, and more than anything, dumbfounded by how much this great Nation has lost its maritime base.

□ 1930

On the day that I was born we were the world's greatest maritime power. Last year this great Nation did not build one merchant ship.

The Croatians, in the middle of a war, built 30. The nation of Malta built 4, the nation of Vietnam built 1. The Japanese built over a third of all of the ships built in the world, but this Nation did not build one.

I want to commend Chairman STUDDS for the vitality he has brought back to this community, and I want to thank the ranking minority member, and the subcommittee chairman, Mr. LIPINSKI.

But this bill has got a flaw, a flaw that I hope my colleagues will help me address tomorrow, which is the fact that we will take American taxpayer dollars from the 180,000 people who work in this Nation as either shipbuilders or people in shipbuilding-related industries and use that to subsidize 4,000 jobs on operating differential subsidy ships that were built overseas. Let me see if we have this straight. We are going to take American taxpayer money and use it to subsidize the crew of a ship that was built by one of our foreign competitors.

Folks, the great nations of this world have had two things in common since the time of Christ. They have been great manufacturers and they have been great maritime powers. If we want to remain a great nation we have to get our manufacturing back and we have to get our maritime might back.

As we speak, the House Armed Services Committee is in conference with the Senate Armed Services Committee on a $200 million loan guarantee program that will create anywhere from $2 to $4 billion of loans for people who will build their ships here. But how can we provide those people who will build their ships here with any incentive if we tell them it is OK to go buy a cheaper foreign ship and we will pay the cost of your crew. That is not fair. It is not to the advantage of the American citizens. It is certainly not fair to those American shipyard workers, and it is a bum deal for our country.

I support the chairman trying to revitalize the American maritime industry. But let us fix it, and let us fix it right.

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume to close by thanking the distinguished ranking member, the gentleman from Texas, and the gentleman from Illinois, the subcommittee chairman, the gentleman from Virginia, the ranking member of the subcommittee, and our longstanding ally in this effort, the gentlewoman from Maryland. As I said this morning at a committee caucus, I am grateful that she is on our side.

We are on the verge, I think, of some genuinely historic legislation, and it is my hope that when the dust settles tomorrow, or whenever we conclude this, that we can all walk out of this Chamber, Republicans and Democrats alike, for once very proud of what we have done. I commend those who have worked so hard.

Mr. HOCHBRUECKNER. Madam Chairman, I rise today to express my support for President Clinton's commitment to revitalizing the maritime industry. I join the President in recognizing the need for a comprehensive maritime policy reform package.

The U.S. maritime industry is in jeopardy. In 1992, the U.S. merchant fleet totaled 18,228,000 gross tons, down more than 2 million gross tons from 1991 levels. Furthermore, legislation was needed to prevent American companies from attempting to transfer vessels to a foreign registry.

The industry is an essential component of our economy. It is responsible for the transportation of raw materials, goods, and equipment necessary for the success of American industry. Moreover, it exports American items to friendly nations. Finally, the maritime industry plays a vital role in serving the U.S. Armed Forces during wartime. For example, only American vessels can be forced to enter combat zones to deliver materials. Therefore, the U.S. merchant marine is instrumental in conflicts like the gulf war.

The House Merchant Marine and Fisheries Committee is taking a leading role in aiding the maritime industry. I am a cosponsor of H.R. 2547, the National Shipbuilding and Conversion Act, important legislation which includes a shipbuilding subsidy that will better enable American shipbuilders to compete in the world market.

In the past 20 years the American merchant fleet has decreased from 798 to 385 ships. Today, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, will be voted on by the House of Representatives. The Maritime Security and Competitiveness Act addresses this problem by making legal and regulatory changes that will add vessels to our fleet and jobs to our economy. H.R. 2152, the Merchant Marine Investment Act of 1993, also promotes a stronger maritime industry by encouraging investment with tax incentives. As a cosponsor of H.R. 2151 and H.R. 2152, I urge my colleagues to support both of these important bipartisan legislative efforts to back our maritime industry.

We have a proud maritime heritage in these United States. America has longer sea coasts, more seaports, and greater amounts of imports and exports than any other industrialized nation. If the United States is going to continue as a leader in the global economy, it will need a strong maritime industry.

Madam Chairman, I ask my colleagues in the House of Representatives to join me in voting "yes" on H.R. 2151 which will go a long way toward reviving the maritime industry.

Ms. PELOSI. Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act, legislation to enhance the U.S. sealift force and maintain a vital U.S. commercial transportation industry.

U.S. shipbuilders and operators are subject to higher standards for safety, health, and employment than their foreign counterparts. This, in combination with the subsidies foreign yards receive, gives foreign operators a clear advantage because their vessels are less expensive to construct and operate.

H.R. 2151 would create a Maritime Security Fleet Program. This program would establish a statutory and regulatory framework under which we could maintain a maritime security fleet, which is important in a number of ways:

It is an important aspect of defense conversion, because it will assist U.S. shipyards in making the transition from military to commercial vessel construction, preserving a valuable part of our Nation's infrastructure;

It is an important aspect of our economic independence, because the United States will avoid potential dependence on foreign-flag carriers;

And it is an important aspect of national security, because the U.S.-flag fleet will continue to be able to meet our Nation's sealift requirements. Due to unfair foreign trade practices and decades of neglect by the Government, the U.S. merchant marine has been in a period of steady decline for many years and will disappear if we do not act quickly. H.R. 2151 is an effort to ensure that the United States retains a merchant marine built in America, owned by Americans, and crewed and maintained by Americans. I urge my colleagues to support H.R. 2151.

Mrs. MINK. Madam Chairman, I rise in support of H.R. 2151, the Maritime Security Competitiveness Act of 1993.

This bill signifies hope and renewal for the U.S. merchant fleet. The U.S. merchant fleet is threatened with extinction. The cost of building a vessel in the United States is at least twice as much as building one overseas. The cost of registering a vessel in the United States is greater than registering a vessel overseas due to higher labor costs, taxes, and regulations. The U.S. merchant fleet needs the strong and active support of the Federal Government to limit the competitive disadvantage that now hampers the operation of American vessels.

This bill frames the question facing the House of Representatives in very simple and basic terms: Do we support a U.S. merchant fleet or do we stand idly by and banish the American merchant fleet to foreign registries and foreign ports?

The answer to this question must be heard in a resounding vote of support for H.R. 2151, and other maritime reform and revitalization legislation in this term of Congress. This is of the essence.

H.R. 2151 proposes to create a maritime security fleet consisting of U.S.-documented, U.S.-crewed vessels operating in the international commercial trade. Under this act, the Federal Government would provide shipping companies with subsidy payments of $21.2 million over 10 years in exchange for the right to use these ships in case of war or for emergency sealifts. These subsidy payments amount to less Federal subsidy per ship than provided under existing subsidy contracts, intending to cover more ships and requiring a more efficient U.S. merchant fleet.

The creation of a maritime security fleet is crucial to the reform and revitalization of the U.S. merchant fleet. It is one component of a vigorous maritime reform and revitalization program that this Congress must adopt to defend our merchant fleet, holding inviolate our economic and national security.

We cannot look to be a leader among nations without first looking to lead our own people, to defend our own industries, to embrace our own causes, and to solve our own problems.

H.R. 2151 defends the right of the U.S. merchant fleet to exist on American waters, protects American jobs in the maritime industry, and restores pride in the U.S. merchant fleet.

I urge my colleagues to vote in support of H.R. 2151 and to support the U.S. merchant fleet.

The CHAIRMAN. All time has expired.

Mr. STUDDS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. [Mrs. MALONEY] having assumed the Chair, Ms. BYRNE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, had come to no resolution thereon.

HEALTH CARE REFORM

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HASTERT. Mr. Speaker, I rise today to direct my colleagues attention to an editorial entitled "Repair, Don't Replace, Health System" in the Chicago Tribune on November 1.

The Chicago Tribune suggests that the biggest failing of the Clinton health care plan, and I quote, "is its conceit that the entire system must be rebuilt to Federal specifications". They suggest instead that what's needed is a health insurance system that, quote, "Would rely on economic incentives, not the Federal mandates and premium caps that are the linchpins of the Clinton plan."

The House Republican health care reform plan relies on economic incentives. It incorporates Medisave accounts, malpractice reform, and paperwork reduction, all of which the Tribune endorses.

Mr. Speaker, the Chicago Tribune concludes: Our current health care system "is a flawed vehicle that needs to be improved, not a wreck to be junked in favor of somebody's social experiment".

Mr. Speaker, they are right.

[From the Chicago Tribune, Nov. 1, 1993]

REPAIR, DON'T REPLACE, HEALTH SYSTEM

Now that President Clinton's book-length prescription for health care reform has been delivered to Congress, the public can begin to compare its sweeping, government-directed approach to other, more modest proposals that rely more heavily on consumer choice and competition.

Too little attention has been paid to these alternatives, some of them quite innovative, which have been put forward by members of Congress, professional associations and public policy groups.

None deserves to be embraced in total, but nearly all contain ideas that ought to be incorporated into the compromise that Congress inevitably must piece together if any reform is to pass.

Not that the administration's plan is without merit. It contains nuggets of common sense, such as encouraging Medicaid recipients to enroll in health maintenance organizations so as to better manage the cost and quality of their care. The Tribune's current investigative series on Medicaid abuses depicts a system out of control, and ought to raise a cautionary flag about government's ability to micromanage an entire health care system.

Indeed, the biggest failing of the Clinton plan is its conceit that the entire system must be rebuilt to federal specifications. It ignores the fact that most Americans have insurance; they actually like their family doctors; and they want to keep using their community hospitals.

What's needed are common-sense repairs to the existing system, ones that will attract, not herd, the nation's 37 million uninsured into a system in which consumers and providers alike are made more aware of how much things cost.

Ideally, such a system would rely on economic incentives, not the federal mandates and premium caps that are linchpins of the Clinton plan. A majority of the uninsured could be enticed to buy coverage through a system that combines tax incentives, means-tested subsidies and plain old bargain-hunting. In return for added volume, insurance companies would be required to accept anyone that applies.

Here are five other suggestions culled from various alternatives to the Clinton plan:

Limit tax deductibility on insurance premiums for coverage in excess of a basic plan. Why should taxpayers subsidize someone else's gold-plated policy that pays for nose jobs, in vitro fertilization or other exotic procedures?

Let employers contribute to tax-free medical savings accounts that employees could dip into for out-of-pocket medical expenses, or convert to personal use if they stay healthy and avoid the doctor's office. This also would encourage "shopping" for medical services, discourage overuse, and promote the purchase of "catastrophic" insurance coverage with higher deductibles and lower premiums.

Adopt a single, universal, computer-ready medical claims form for use by all insurance companies and health care providers. Experts say this reform alone could cut in half the $80 billion spent each year processing the current crazy-quilt of paperwork.

Reform malpractice and product liability laws to protect doctors who follow accepted procedures and pharmaceutical companies that distribute federally approved drugs. Require would-be plaintiffs to first try non-judicial dispute resolution and limit non-economic and punitive damages in malpractice cases.

Make doctors and hospitals publish their prices and their performance ratings so consumers of medical services can act more like consumers of every other product, comparing what's available to find the best buy.

There are many other common-sense ideas available to Congress—ideas that will fix our health care system rather than replace it. Ours is a flawed vehicle that needs to be improved, not a wreck to be junked in favor of somebody's social experiment.

STEPHEN F. AUSTIN OF TEXAS

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, I rise today to commemorate the birth 200 years ago today of one of the greatest American adventurists, businessmen, diplomats, combat generals, and statesmen who ever graced this globe with his presence: Stephen F. Austin, the Father of Texas.

This great man was born and raised to a rather privileged Virginia and Missouri, background and was sent to a prestigious boarding school in Connecticut and college in Tennessee. His family met with financial ruin in 1819, the time of the Nation's first real economic depression. It was in these trying times that young Stephen showed his true mettle.

At the age of 28, he came to the Spanish-Mexican province of Texas and established himself as an impresario, ultimately bringing in more than 4,000 North American settlers to the rugged beautiful lands of central and southeast Texas.

After General Santa Anna came to power in Mexico City and began his brutal dictatorship, Austin was chosen to be the first General of the Texian Army and led a successful military campaign in San Antonio. After being imprisoned in Mexico for a year, Austin emerged as one of the principal leaders of the Texas independence movement, and succeeded in swaying the powers that be in Washington to support the Texans' cause.

Although he suffered an untimely death at age 43 in 1836, the signers of the Texas Declaration of Independence later acknowledged that he was as responsible as anyone for their reaching the point of independence.

The State of Texas and the United States of America have produced few leaders as great as Stephen Fuller Austin, and I am proud to represent Austin, TX, the community that bears his name.

AUSTIN HAD VISION OF CITY BEFORE IT WAS FOUNDED

(By Pamela Ward, American-Statesman Staff)

Stephen F. Austin, the city's namesake, never lived in Austin, but it was his dream.

In 1833, he wrote of his adoration of the land on the east bank of the Colorado River at the foot of the mountains as a retreat to which he wanted to retire, and instructed a representative to locate a beautiful tract for him:

"I mean to go and live there. It is out of the way and will do for an academy scheme with which I can amuse myself and do good to others."

Eugene Barker, in his book "The Life of Stephen F. Austin, Founder of Texas," wrote, "With rare appropriateness that tract now contains the Capital City and the University of Texas, and Austin lies buried on the land that he himself chose for his last peaceful years."

Today, the city and state celebrate the man behind the name. Stephen Fuller Austin, a Virginian by birth but the founder of Texas, would be 200.

"It's a big day for the capital city," said Mike Workman, vice chairman of the State of Texas Stephen F. Austin Bicentennial Celebration Commission. "We have fourteen public events. The public is invited to any and all of those events." In addition, some special exhibits are opening in Austin and elsewhere in Texas in Austin's tribute.

Austin, founder of Texas, the first military commander of the Texas Revolution's Texian Army, skilled diplomat and first secretary of state during the republic, also is a reversed figure in Texas mythology.

"Legend has it he came through here on his mapping tour in 1821. Legend has it that he came to the Treaty Oak," Workman said, noting both stories cannot be proved.

In 1821, at age 28, Austin moved from Missouri to Texas and laid plans for the establishment of a commonwealth of Texas and founded an American colony along the Brazos and Colorado rivers.

Sam Houston, in his last speech to the United States Senate, called Austin "the father of Texas. This is the designation justly accorded to him, as will be testified to by every man who is acquainted with the primitive history of Texas or its progress as long as he lived. Stephen F. Austin is entitled to that honor. Sir, posterity will never know the worth of Stephen F. Austin—the privations he endured—the enterprise he possessed—his undying zeal, his ardent devotion to Texas and its interests and his future hopes connected with its glorious destiny."

In 1836, Austin said, "The prosperity of Texas has been the object of my labors, the idol of my existence; it has assumed the character of a religion for the guidance of my thoughts and actions for 15 years, superior to all pecuniary or personal views."

Austin, who suffered from chronic malaria, died at age 43 later that year.

Three years later, the community of Waterloo was renamed in Austin's honor and chartered by the Republic of Texas.

Today's events are highlighted, by an 11 a.m. program in the Capitol Extension auditorium that features musical performances and comments from the governor, land commissioner and Austin family descendants.

Rare items are featured in exhibits opening in town. The University of Texas exhibit on the second floor of the building at 709 Martin Luther King Jr. Blvd. includes Austin's 1882 manuscript map of Texas, printed announcements such as one on Austin's death, the 1833 George Catlin oil portrait of Austin and Austin's prison diary.

As a commemorative item, the General Land Office has published a new historical map of the area known from 1821 to 1836 as Austin's Colony. The 26-by-36-inch map, designed in the style and traditions of 19th century cartography, depicts the settlement and surrounding lands as they were in 1835, just before Texas declared its independence from Mexico.

SUPPORT OUR PRESIDENT, VOTE "YES" ON NAFTA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, what do Tip O'Neill, Rush Limbaugh, Ronald Reagan, Lee Iaccoca, Jimmy Carter, Henry Kissinger, and Bill Clinton have in common? They all are for NAFTA. Mr. Speaker, this broad mosaic of individuals shows that NAFTA is good for this country, that it is bipartisan, that it creates jobs, that it reduces illegal immigration, and that it will ultimately spearhead the largest economic bloc in the world, led by the United States.

Mr. Speaker, I would like to read what former Speaker Tip O'Neill said:

> As an American and a died-in-the-wool Democrat, while in office I always lived by the principle that my central duty was to represent the bread-and-butter economic interests of American working men and women. It is because I care about the creation of jobs and the expansion of the middle class of this country that I strongly support the North American Free-Trade Agreement.

Mr. Speaker,as the debate on the North American Free-Trade Agreement [NAFTA] enters its final 2 weeks, forces for and against this treaty are marshalling significant resources to support their stance on this issue.

For the most part, Majority Whip DAVID BONIOR and I have worked hard to insure that the fight over NAFTA would be a fair one.

Similarly, though I have many friends in organized labor and have been a long-time supporter of the union movement in this country, on this issue we respectfully disagree.

Having said this, I can not help but comment on a recent editorial by former Speaker of the House Tip O'Neill which appeared recently in the Boston Globe.

Entitled, "An Old Work-and-Wages Democrat Parts With Labor on this (the NAFTA) Issue," Speaker O'Neill's article focuses attention on the fears which many Members have recently expressed about the potential loss of support from organized labor should they vote in favor of NAFTA.

I must say, that I agree with the former Speaker when he states that he has never seen the unions withdraw support from pro-labor Democrats because of a single vote.

If a Democratic Member of Congress votes for striker replacement legislation national health care, workplace safety, as well as for NAFTA—is labor going to withhold its support for this Member. In spite of these concerns, I honestly doubt it.

When President Clinton argued for NAFTA before the AFL-CIO convention, its members treated him with respect. When he finished his pro-NAFTA pitch, they applauded politely.

The AFL-CIO's Lane Kirkland had it right when he told his members, that while the President is pro-NAFTA by and large his agenda was their agenda and the AFL–CIO would remain his most reliable troops.

So, I ask you, if the agenda is good enough for our pro-labor, pro-NAFTA President, it should be good enough for pro-labor, pro-NAFTA Members of Congress too.

Stand your ground. Support our President and do the right thing for America. Vote "yes" on NAFTA on November 17.

The article follows:

AND OLD WORK-AND-WAGES DEMOCRAT PARTS WITH LABOR ON THIS ISSUE

(By Thomas P. O'Neill, Jr.)

As an American and a dyed-in-the-wool Democrat, while in office I always lived by the principle that my central duty was to represent the bread-and-butter economic interests of American working men and women. It is because I care about the creation of jobs and the expansion of the middle class of this country that I strongly support the North American Free Trade Agreement.

The Democratic Party has always been at its best when it made a changing world work for average citizens. Our guiding principles have been those of both security and opportunity. We never would have succeeded had we aimed only at preserving the status quo.

Contrary to what some today might suppose or argue, the Democratic Party has historically led the fight for expanded trade and open markets abroad. After World War II, Harry Truman had the foresight to recognize that our middle class would swell if we had markets to which to export. And President John F. Kennedy—whom I succeeded in Congress—pushed through a landmark law that expanded trade and helped lead to the economic boom of the 1960s.

Today, American working men and women face not a Depression or a Cold War, but a contest for economic survival. We square off against formidable foes in the world marketplace. And we cannot create good paying jobs that provide security for our citizens if we don't win in this global contest. I recognize the hard times we face and the difficulty of thinking about future jobs when it is so tough to find a job today. We must not, however, neglect the future.

NAFTA would create meaningful jobs in the United States by breaking down tariff walls in Mexico and opening that market to our products. This is just the kind of market-opening measure that we have sought from Japan, without success.

My friend Lee Iacocca tells me that the auto industry alone will see $2 billion in new sales of cars in the United States in the first two years of the agreement, cars made by thousands of UAW workers. Exports are our future.

My friends in organized labor have sworn their opposition to this agreement, and I respect their views. Principled and fervent opposition is fine provided it leaves room for equally principled and ferventsupport Unions and Democrats have worked arm is arm for decades.

I was a soldier in many of those battles. I have never seen the unions withdraw support from pro-labor Democrats because of one single vote. Not on the labor law reform bill of 1977, not on PATCO, Davis-Bacon, striker replacement, the minimum wage. Ronald Reagan's budget and tax cuts of 1981—all issues where labor members had a much more distinct stake in the outcome than NAFTA.

If a Democratic member of Congress votes for striker replacement legislation, national health care, workplace safety—as well as for NAFTA—is labor going to withhold its support from this member? I certainly hope not.

When President Clinton argued for NAFTA before the AFL–CIO convention, its members treated him with respect. When he finished his pitch for NAFTA, they even applauded politely. Lane Kirkland had it right when he told his members that while the president is pro-NAFTA, by and large his agenda is our agenda, and we are and will be his most reliable troops.

If that agenda is good enough for the prolabor, pro-NAFTA president, it should be good enough for prolabor, pro-NAFTA members of Congress, too.

Our party and its allies must unite behind President Clinton to provide health security and economic growth to the voters. We have all waited a long time for an administration like this one, and we need to work together on this agenda and work through singular issues on which we disagree.

JUST SAY MAYBE?

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, outgoing Drug Enforcement Administration Chief Robert C. Bonner has alerted us to the fact that when it comes to an antidrug policy, there is a growing problem in the Clinton administration.

Mr. Bonner has stated:

> In terms of leadership at the White House, this is a nonissue * * * my perception is the drug problem is not only not a priority issue, it does not appear to me to be an issue of any real importance.

Bonner says there is a vacuum and an absence of leadership from the White House.

This is particularly unfortunate given recent reports that drug use is on the increase once again after years of a downturn. Last week's Newsweek reported on "High Times Revisited"—a revival of the 1960's and 1970's drug culture including increased use of marijuana and heroin and hospital emergency room episodes up sharply for many drugs. Groups that advocate legalizing marijuana have increased their visibility and are using the media and even clothing lines to promote their message. Heroin use has increased with the development of a purer easier to take heroin that is snorted or smoked. Popular rockers apparently are trying to resurrect the reefer madness culture of the 1960's and 1970's.

Where is the Clinton administration? Cutting the White House staff on the back of the drug policy office for one thing. The cuts to meet the promised 25-percent reduction in staff, although not actually met, were still focused in large part on the Office of National Drug Control Policy which was cut from 146 employees to only 25. These cuts included mostly career Federal employees, many who had left other jobs to join in a serious effort to battle the drug problem in this country.

As DEA Chief Bonner noted the Clinton administration has made this a low priority item. Abdicating leadership on this front will have serious consequences—consequences that will be borne by our children and consequences that will affect our health care system and public support system.

Is this the message that we want our young people to get from those in a leadership position? If this administration wants to send a better message they must reconsider their actions that could lead to many children revisiting the counterculture of the 1960's and 1970's. Newsweek writes that the Federal Government has softened its antidrug campaigns. "As silly as they sometimes seemed, they worked," says Newsweek. This is one area where retreat can be fatal. If we turn tail on this front our children will be left on the front lines with no cover.

[From Newsweek, Nov. 1, 1993]

JUST SAY MAYBE

(By John Leland)

B-Real had a question for his audience. As the stage lights went down at Memorial Hall in Kansas City, Kans., he stepped in front of a curtain bearing a giant marijuana leaf and asked, "What do you want?" It was a rhetorical question; B-Real and his musical group, the multimillion-selling Cypress Hill, have but a small handful of tricks in their bag, and the audience was already declaring its intentions. "I wanna get hiiigh," they chanted, united beneath a cloud of grayish-brown smoke, "So hiiigh." Rita Marley first sang these words 11 years ago after her husband, the Jamaican reggae star Bob Marley, died of brain cancer—words of defiance in the face of death. But here in Kansas City, where better than 3,000 mostly white, mostly suburban teenagers had gathered last Wednesday night, the words were a benign generational rallying cry. In response, B-Real wheeled out a giant brown hand holding a joint the size of a baseball bat. The crowd roared. On the floor of the hall, Keven Divine, 14, from suburban Olathe, Kans., sized things up. "It's a good beat," he said, in the approving language teens have used since the days of "American Bandstand." "And it promotes the use of marijuana."

Here's a flashback: after a decade of being demonized and driven underground, the drug culture is suddenly back on display, buoyed by entertainers like Cypress Hill. A University of Michigan survey of college students and young adults found that in 1992, the most recent year studied, a 12-year decline in drug use came abruptly to a halt. Marijuana use increased very slightly, and LSD use rose for the third consecutive year. Marijuana seizures are up nationwide, and hospital emergency-room episodes have risen sharply for many drugs. Groups that advocate legalizing pot have seen their memberships skyrocket. "We have a hard time keeping up with demand," says Richard Cowan, 53, the national director of NORML, the National Organization for the Reform of Marijuana Laws. Heroin also appears to be making a comeback.

Sea change: It is too soon to say what all these numbers mean; many of the upticks are small, and may be just statistical accidents. Casual drug use is still way down from the late '70s, when more than half the high-school seniors tested said they'd smoked pot in the last year. "Whether this is a pause or the beginning of a turnaround, we cannot say," says Lloyd Johnston, coauthor of the Michigan studies. Adrienne Jordan, 17, high-school senior in Ferndale, Wash., is not so reserved about what she sees. A former heavy pot smoker, she has noticed a sharp rise in drug use among her friends and classmates. "Especially this year, there is a lot more pot," she says. "It's very noticeable."

What is clear, and arresting, is the rise of a popular culture that actively glorifies drug use. There is a sea change in attitudes, if not in actual use: an emerging population that openly espouses that drugs—at least some drugs—are no big deal. In Boston's Mission Hill district, a teen in a White Sox windbreaker and Duke baseball hat, smoking a cigar filled with marijuana, sums up a growing attitude: "I don't consider it a drug. It's a plant. Coke, I don't do that sh-t. That's a drug." Studies of junior-high and high-school students show that the percentage who believe that use of marijuana is very harmful has dropped, in some cases as much as 10 percent over a two-year period. When Jon Bonne, 21, arrived at Columbia University in New York three years ago, marijuana use on campus was nearly invisible, and uncool. "The image of the pot smoker was very much a hippie thing," he says. "Now it's completely different. There's a whole mode of dress, music and style that didn't exist three years ago."

Devil's horns: Music, television, movies and fashion are all embracing this change. For most of the 1980s, drugs either vanished from popular entertainments or appeared in the role of the villain: the murderous cocaine warriors of "Miami Vice" or "Scarface," the craven psychopaths of "RoboCop." Even archetypal stoner characters—Bill and Ted, Wayne and Garth—never touched the stuff; it was taboo. No more. In the last year, drug use has gone prime time, and without the cautionary alarm bells or Devil's horns. On a recent episode of "Roseanne," one of the top-rated sitcoms in the country, the principal characters found a stash of marijuana and lit up, spending half the show laughing themselves silly. Recent skits on "Saturday Night Live" and the Comedy Central program "The Kids in the Hall" present innocuous pot humor. MTV's top-rated Beavis and Butt-head sniff paint thinner.

Pot has made a benign re-entry in the movies as well. In the film "True Romance," Brad Pitt plays a stoner who knows his navel more intimately with each passing scene. And Richard Linklater's "Dazed and Confused," about a bunch of high-school students on the last day of class in 1976, celebrates pot smoking from beginning to end. Asked why the studio agreed to finance such a supportive depiction of drug use, Linklater says, "I think they've been spurred on by the supposed media resurgence of marijuana." Gramercy Pictures certainly used the pot connection as a selling point. The press kits for the movie included custom rolling papers and marijuana-leaf earrings, and the ad campaign ran, "See it with a bud." A second slogan, "Finally! A movie for everyone who *did* inhale," was nixed by the Motion Picture Association of America.

But it is rock musicians who have most heartily taken up the pot banner. Musicians have long played an intimate role in our national attitudes toward illicit drugs. In the 1960s and '70s, rockers were the voice of the burgeoning drug culture. During the '80s, strung out or in 12-step programs, musicians like Aerosmith, Keith Richards, Ozzy Osbourne and Mötley Crüe helped fuel the backlash against their past vices. Now a new generation of musicians is turning that around. Foremost if Cypress Hill, the multiracial rap group from South Gate, a Los Angeles suburb. Peppered with anthems bearing titles like "Hits From the Bong" and "Legalize It," the group's most recent album, "Black Sunday," entered the Billboard charts at No. 1 this summer, and has remained in the top 15 ever since. The group is relentless in its support of cannabis, or hemp. "We wanted to do something bold and take a stance on pot and the liberations of smokers," says rapper Sen Dog (Senen Reyes), 27. Cypress Hills even has its own line of clothes and drug paraphernalia; sales this year have reached $6 million. "They just let it all hang out and they tell it like it is," says Scott Altman, 17, a Cypress Hill fan from suburban St. Louis. A varsity ice-hockey player, Altman likes the music but skips the drugs. "It may promote marijuana but it brings everyone closer together to have a good time." A suburban 15-year-old at the group's Kansas City show had a different perspective. "When you're pulling hits from the bong," he said, "it's good to listen to 'Hits From the Bong'."

Other pop groups have jumped on the bandwagon. The platinum-selling Atlanta rock band the Black Crowes performed on their last tour before a giant marijuana leaf, and sold their own rolling papers in the lobby. The rapper Dr. Dre has sold more than 2 million copies of this album "The Chronic," named after a particularly potent strain of marijuana. Members of the Seattle bands Nirvana and Soundgarden, the multi-million-selling Spin Doctors and Faith No More have all come out publicly for legalization; Guns N' Roses and Metallica had NORML tables at their last tour. Other acts are using pot iconography in their marketing. The hard-rock band Sacred Reich, signed to a music subsidiary of Disney, sent out bongs with promotional copies of its last album. Rick Krim, vice president of music and talent at MTV, says he gets a video a week that refers to marijuana. The network asks acts to edit the references before the videos can air. "If there were ever anything with an anti-drug message, that might be a different story," says Krim. "But this stuff pretty much glorifies it."

Fashion statement: Along with the music has come a boom in pot fashion. At the high end, about two dozen manufacturers are offering clothing made from hemp, the same plant that produces marijuana. Because it is illegal to grow hemp in the United States, all of the fabric is imported. But it is at the low, popular end that pot fashion makes its strongest statement. After a decadelong absence from American iconography, the marijuana leaf is popping up on clothing, jewelry, even tattoos. Pot fashion, not long ago the province of losers or outcasts, has suddenly become hip, blossoming into an estimated $10 million to $15 million business. "I see guys wearing white baseball hats with a bright-green pot leaf, girls in tie-dyed T shirts with pot-leaf motifs, and necklaces and earrings with pot leaves," says Dave, 23, a supermarket clerk in Evanston, Ill. "You never saw that two years ago. And if you did, you looked away, as if it was a secret. Now it's not a secret. It's out in the open."

Lee Brown, the new drug czar, is outraged by this fashion statement. Brown, former top cop of New York, last week unveiled the Clinton administration's drug policy, a sketchy program that points toward greater emphasis on treatment; he has yet to say where the money will come from. "It angers me when I see" the drug wear, he says. "It's a mistake for parents to allow their children to get caught in that culture."

Ironically, though, part of the easing of attitudes toward drugs has come from government circles. Bill Clinton's claim that he didn't inhale became the best joke of the campaign; suddenly, a presidential candidate's history of illegal drug use was something to snicker about, not grounds to disqualify him from the Oval Office. One popular T shirt reads "Inhale to the Chief." Surgeon General Joycelyn Elders has advocated making marijuana available for medicinal purposes. And the federal government has softened its anti-drug propaganda campaigns. As silly as they sometimes seemed, they worked. "When Clinton got elected, I knew weed was going to come back," says Eric Bonerz, 28, the manager of a trendy downtown New York clothing boutique that sells pot-leaf hats by the dozen—many of them, he avers, to people who don't smoke. "Now you can smoke it, wear it, whatever . . . It's less illegal now."

At the same time, the drug itself is undergoing an image makeover, in step with the health and environmental consciousness of the '90s. Smokers argue, echoing an old line, that it is natural, nonaddictive and not associated with violence or domestic abuse. For generations who have seen firsthand the ravages of both crack and alcohol, this combination can be very appealing. One slang term for desirable marijuana is "kind bud." "Frank," 33, who runs a Los Angeles landscaping company, is a typical thirty-something user. After smoking in school, he gave it up for most of his 20s, as he and his friends got into drinking, cocaine and other drugs. Now, he's back. "Drinking gets me blotto. With pot my mind still functions." He finds marijuana a healthier alternative to his past habits. "On coke, I would take all kinds of risks: go places that were dangerous and do things I shouldn't." Pot, he says, is "probably less dangerous."

Pot activists go this claim one better. The bible of the legalization movement, "The Emperor Wears No Clothes," by Jack Herer, argues that until it was declared illegal in 1937, the hemp plant provided fuel oil, fabric and paper in a more efficient and ecologically sound way than our currently available resources. Since being published in 1985, according to Herer, 54, his book has sold 193,000 copies. Its acolytes— smokers and nonsmokers alike—are gushing in their idealism. "This means more than going to a party, smoking a joint and having a good time." says John Birrenbach, president of the Institute for Hemp, a St. Paul-based advocacy group that sells cannabis products via a mail-order catalog. "It means saving the planet."

But it is wrong to think of pot as risk-free. Although much is still unknown about the drug's effects, and even more muddied by decades of "Reefer Madness" hysteria, there are a few undisputed health risks associated with the drug. Carcinogenic tars and benzopyrenes are at much higher levels in marijuana than in tobacco, and chronic use impairs short-term memory. Smoking also suppresses the immune system. (Many other fears, such as physical addiction, genetic damage or reduced fertility, are either unsupported or rarely borne out, says Christine Hartel of the National Institute on Drug Abuse.) Some of the risks, however, may be higher today than at the height of the drug culture. Back in the '70s and '80s, average marijuana was about 1.5 to 2 percent THC, the main psychoactive ingredient; now it's twice as high and can even reach 30 percent

THC, according to NIDA. The Center on Addiction and Substance Abuse at Columbia University estimates that substance abuse and addiction claim nearly 500,000 lives a year, and drain $250 billion from the health-care system. Though most of this is from alcohol and cigarettes, a new boom in the drug culture means more than just a nostalgic smell in the air.

Hemp culture: Lofty Bullock, a 22-year-old British deejay and entrepreneur, already thinks the trend may be turning. Bullock runs Headflows, a natty enclave of hemp culture on Washington, D.C.'s, bohemian "New" U Street. Earlier this year, he says, he was selling hundreds of T shirts a week. Now, in a slower market, he has sold most of his stock to British retailers. "I reached a peak about six months ago," he says. There is still some interest, he finds. "But being a hip, underground thing—that's over.

Whether this means the drug culture is expanding to mall dimensions or beginning its last inhale remains to be seen. At the Cypress Hill show in Kansas City, Blake Overt, 15, offered one hint. Blake does not smoke marijuana, but likes the music anyway. "It's words everybody can relate to," he says. "Except my mom." Drug trends may or may not be cyclical. But kids embracing music and fashions to bug their parents—well, that's eternal.

[From the Washington Post, Oct. 31, 1993]

DEPARTING DEA CHIEF HAS HARSH WORDS FOR CLINTON ANTI-DRUG POLICY

(By Michael Isikoff)

Outgoing Drug Enforcement Administration chief Robert C. Bonner has accused the Clinton administration of permitting the country to "backslide" in the war against drug abuse by treating the problem as a "non-issue."

Amid signs that the use of heroin has reached record levels, Bonner said there has been a "vacuum" and "an absence of leadership" from the White House that has permitted Congress to "willy-nilly chop up" the budgets of federal agencies seeking to attack the drug problem.

"In terms of leadership at the White House, this is a non-issue," said Bonner, whose resignation takes effect today. "My perception is the drug problem is not only not a priority issue [at the White House], it does not appear to me to be an issue of any real importance."

Bonner also dismissed the administration's new anti-drug "strategy" as a largely rhetorical and misguided document that is "going to fail." By placing primary emphasis on the treatment of hard-core drug abusers, White House drug control policy director Lee P. Brown is ignoring that "there really isn't an effective treatment for cocaine and crack addiction."

"Drug treatment, particularly in this town, is the real feel good [method] for how you deal with the drug problem. It doesn't deal with any enforcement of the laws. It makes everybody feel all warm and fuzzy. . . . I think treatment is being oversold."

Bonner's comments were made during a two-hour interview last week in which he harshly criticized administration policies on a number of fronts. A former federal judge and U.S. attorney in Los Angeles who was appointed three years ago by President George Bush, Bonner said he is leaving of his own accord, although he acknowledged he had not been encouraged to stay on indefinitely. The office has no fixed term. Stephen H. Greene, the deputy administrator, will become acting administrator.

"Perhaps I may be something of a voice in the wilderness here, but I still believe the drug problem in all its various dimensions is the greatest single threat facing America," Bonner said. After several years of a "strong clear signal" of social disapproval of drugs, "I'm very concerned that clear signal is becoming much more ambiguous and . . . muted and we're beginning to backslide."

Asked about Bonner's comments, Brown said: "I don't think there's any room for us to be engaged in rhetoric about who's tougher on drugs."

Brown said that, contrary to Bonner's assertions, President Clinton was "very, very concerned about this issue" and had demonstrated that by designating the drug policy director a member of the Cabinet. He also emphasized that while the administration's approach will place more emphasis on treatment of addicts, "we're not contemplating reductions for the law enforcement agencies."

Bonner said the most serious new drug threat has been a "dramatic" resurgence of heroin abuse, with many new users snorting or smoking the drug. After years of worldwide bumper crops of opium poppies in the late 1980s, "I would say from all the data I've examined there is more heroin available in the United States today than perhaps at any time in the nation's history."

While acknowledging "there is no hard data," Bonner said he also believes the total number of users of heroin has expanded "well beyond" traditional estimates of 500,000 to perhaps 1 million.

Other federal officers and drug experts in recent months have said there is no accurate way to measure the number of heroin addicts and fears of a heroin "comeback" have been expressed by DEA officials for some time. But Bonner and other agency officials last week cited a number of statistics to back up their claims, including a record number of heroin emergency admissions to hospitals, reports of heroin being distributed at crack houses in major U.S. cities, and substantial increases in street-level purity of the drug.

At least part of the problem, Bonner said, is the lack of a vigorous international attack in the "source" countries. While the largest supplier of raw opium to the United States is Burma (Myanmar), that country's government "is not hearing any message from the U.S. government" on drugs because of what he contended was the State Department's preoccupation with human rights abuses.

Bonner's resignation comes shortly after he and his agency won a crucial bureaucratic victory, staving off a proposal by Vice President Gore to fold the DEA into the FBI. Instead, Attorney General Janet Reno gave FBI Director Louis J. Freeh new powers to resolve operational disputes among all Justice Department agencies, including the DEA.

But Bonner said the new setup created many potential problems. Within hours of Reno making her announcement last month, DEA agents and FBI agents in one city began squabbling over who should prepare an affidavit—with bureau officials threatening to "take it up to the Freeh committee," Bonner said.

Designating the FBI director to adjudicate disputes between the FBI and DEA is like "trying to resolve disputes between IBM and Apple" by giving the job "to the chairman of IBM," he said.

TRANSFER OF SPECIAL ORDER

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the 60-minute special order for the gentleman from Michigan [Mr. BONIOR] on November 3, 1993, be allocated to the gentlewoman from Ohio [Ms. KAPTUR].

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

CONGRESSIONAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, when deficit spending is running at continually excessive levels, when serious matters of public policy descend into partisan bickering and when deteriorating conditions do not seem to be addressed until there is a full blown crisis, I believe that much public confidence in the institution of Congress is lost.

We have been told that November will be a month of reform. For the sake of the American public, I hope this promise is fulfilled. It is clear that the American people are dismayed at the workings of Congress. They want a national legislature that acts responsibly and in the open.

This is—sadly—not the case today. The rules of the House have been used to squelch debate and the committee structure has served not as an intelligent filter of legislation—but more like a clogged drain. I believe we must question the very institutional structure of Congress.

Why do we need restrictive rules to shut off debate on points of order? Why do we need to insulate legislative provisions from legitimate challenge? Why cannot any legislation be questioned? Do we really live in such fear of the standing rules of this body that we must avoid their every implementation?

Why must the Rules Committee act as an insurmountable gatekeeper to enforcement of the rules?

Why, Madam Speaker, do we even bother to have rules or debate when we simply waive them at the slightest inconvenience? Why do we bother each January to solemnly vote in favor of standing rules if they are not worth the paper they are written on?

I believe my colleagues should seriously consider how much further this House will suffer collectively when we operate under restrictive procedures and when we seek to ignore the very standards we set for ourselves. If we will not obey the rules we set, who will respect the laws we pass?

We all know the number of closed and modified closed rules that we approve. One can in deed argue that some limits to debate and amendments are necessary to allow this body to function. The Rules Committee certainly has a necessary purpose. But it is no mistake that the Rules Committee is stacked in favor of the majority party. It is no secret that there are nine majority members and four minority members.

Thus, our very essence as a representational body—and I would emphasize representational—is called into question. It is the height of irony that the opportunity for debate and amendment is channeled through the most unrepresentative committee in Congress.

I suppose this is a prerogative of power, but make no mistake, it is the plain, bold, unadulterated exercise of power that is used when restrictive rules are applied.

I share the frustrations of many of my colleagues, those on both sides of the aisle, who have been unable to advance their legislative initiatives. Therefore, I am supporting four bills aimed at changing House procedures to encourage more cooperation among Members.

These bills will require more equal representation on the Rules Committee. The legislation also makes it more difficult to waive the rules of the House.

Currently, it only takes a simple majority to pass a rule that restricts the ability of Members to offer germane amendments on the House floor, waive points of order and other rules of the House such as the 1974 Budget Act. If we are going to restrict the ability of Members to debate and amend legislation, then I believe three-fifths of the House of Representatives should vote to do so. The legislation I am supporting will impose this "super majority" requirement.

However beneficial this legislation, we must also recognize that the power to control the legislative process also lies within the conference committees. These bodies may act to accept, reject, or modify provisions which the Members of this body have already approved. This is obviously necessary under our bicameral procedures.

However, the sole check on this power lies within our ability to enforce the rules of the House when a conference report is presented on the floor for consideration. Thus, we must support initiatives such as House Resolution 237 which would open all committee meetings to the public as well as insist on open consideration of conference reports and enforcement of instructions to the conferees. This is absolutely essential to prevent backroom deals and dead-of-the-night legislating.

Conversely, if we shut the doors to the conference and then shut the doors to challenging its work product, what option do any of us have? If we are standing outside the door when the deal is cut, then we would forever be left in the cold.

The Florida sunshine law requires that meetings of the Florida Legislature and other elected bodies be held in open forums. Floridians have not suffered because their legislators do not meet behind closed doors. There is no reason to think that the American public would be negatively impacted by open meetings in Congress.

I perhaps have a more democratic vision of this institution. I see it as a place where competing interests can be debated, judged, and fairly voted on. I view our institution as an example to the rest of the world in the free exercise of debate and resolution.

All this is stood on its head when we ignore our own rules and legislate in secrecy. If we fail to act or adopt some of the reforms I've mentioned we might as well tear up the civics textbooks that we use in our schools and replace them with copies of "The Prince."

Under our present operations, it is abundantly clear that rules don't matter. Only expedited procedures designed to cut off all points of order. This is just another way of saying, "The end justifies the means."

Instead, I would ask precisely why we must waive our own procedures and shirk from the very rules we enact? Why this is standard procedure? Why do we do this time and time again? It is obviously not just for the heck of it. The American people should ask—whose interests are being served by this method of operation? I suggest that the interests of the American people, those basically disenfranchised by our institutional conduct, are not being served.

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NAFTA

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Madam Speaker, last week I announced my support for the North American Free-Trade Agreement. It was not an easy decision for me. But I am convinced that with the addition of the North American Development Bank announced by Secretary of the Treasury Lloyd Bentsen, and the establishment of a new dislocated worker adjustment program to address NAFTA related job loss, I have made the right decision for my constituents and the Nation.

NAFTA has spurred fears across America. People fear that if the agreement is passed American companies will close and workers will be left jobless. For these reasons I believe it was necessary to address the legitimate fears that some communities and workers may be adversely affected.

To address these issues, I introduced on July 14, 1993, a resolution calling for the creation of a North American Development Bank, House Concurrent Resolution 121. Twenty-four of my colleagues joined me as original cosponsors. The bank is designed to provide a secure, dedicated source of funding for NAFTA-related environmental and development projects, not only in the border areas, but throughout North America.

The resolution was supported by a coalition of labor, environmental, and community groups, including the border ecology project, the Natural Resources Defense Council, the National Wildlife Federation, the Texas Center for Policy Studies, the Southwest Voter Research Institute, the National Council of La Raza, the Mexican-American Legal Defense and Education Fund and numerous other local elected and community leaders.

The North American Development Bank that was unveiled on October 27 by Secretary Bentsen incorporates most of the provisions called for by my resolution. It boldly addresses the fears caused by NAFTA in the most efficient and cost-effective manner. Through its leveraging capacity, the NADBank will eventually provide more than $20 billion to clean up and prevent environmental pollution along the United States-Mexico border, while ensuring that communities that are negatively affected by NAFTA have the financial capacity to create new and better jobs. Workers from Peoria to Los Angeles will be assured that more than $1 billion will be available for economic development and job creation.

For those who may lose jobs because of NAFTA, the new Dislocated Worker Adjustment Program established by the Department of Labor will provide the training and support necessary to ease their transition into new jobs. It provides for rapid identification and certification of affected workers, meaningful job training opportunities, and generous income support. And for the first time, dislocated workers in secondary and cyclical industries will be eligible for job training and income support.

I have never been against increased trade with Mexico. But I could not support a trade agreement that did not benefit America and its workers. The NADBank and the Dislocated Worker Adjustment Program address many of my concerns about NAFTA and give me hope that the agreement will result in true economic integration and sustained continental development.

When I introduced House Concurrent Resolution 121 last July, many of my colleagues still questioned the administration's commitment to addressing the concerns of American workers. With the inclusion of these critical protections, that commitment can no longer be questioned.

I ask to insert into the RECORD letters of support for the NADBank.

SVRI ENDORSES NAFTA, CALLS UPON ALL LATINO MEMBERS OF CONGRESS TO FOLLOW SUIT

"We have won the battle to include the recommendations of the Latino Consensus in the President's NAFTA package. We now feel that NAFTA needs to be supported," declared Andrew Hernandez, President of Southwest Voter Research Institute [SVRI] at a Washington, D.C. press conference held to endorse the proposed North American Free Trade Agreement along with the Mexican American Legal Defense and Educational Fund [MALDEF] and the National Council of La Raza [NCLR]. The three major national Latino organizations are conveners of the Latino Consensus on NAFTA, an alliance of one hundred Latino community organizations and prominent elected officials.

"By including the North American Development Bank and a NAFTA-specific worker retraining program in his NAFTA package, the President has taken a giant step towards winning approval for NAFTA," added Mr. Hernandez. "Those of us who formed the Latino Consensus as a mechanism to improve the proposed NAFTA by including the interests of Latinos, workers, the border region and the environment, are satisfied that NAFTA now represents those interests. Billions of dollars and tens of thousands of jobs will flow into the Latino community if NAFTA passes, because of the inclusion of NADBank. We are now ready to fight for NAFTA's passage," he continued.

"We salute Congressman Torres and his colleagues for having the vision to join with the Latino Consensus and fight for our united agenda. This is a historic day! Now it is time to roll up our sleeves and fight to assure NAFTA's passage. We call on all Latino Members of Congress and Members of Congress with significant Latino constituencies to endorse NAFTA immediately," added Antonio Gonzalez, Latin America Project Director for SVRI.

SVRI will conduct a grassroots educational campaign directed to Latino leadership in key Congressional districts where Latinos are a significant portion of the population. SVRI's most recent study shows that Latinos in California are inclined to support NAFTA, but a large percentage is still undecided. "We now have an obligation to go back to the thousands of Latino leaders who were part of the process of hammering-out the conditions and report to them that they have been met," concluded Gonzalez.

NCLR ENDORSES NAFTA—CITES KEY CLINTON ADMINISTRATION COMMITMENTS ON DEVELOPMENT BANK AND WORKER RETRAINING

WASHINGTON, DC.—The National Council of la Raza [NCLR], the nation's largest constituency-based Hispanic organization, today announced its formal endorsement of the North American Free Trade Agreement [NAFTA]. NCLR President Raul Yzaguirre said, "We have always taken the position that our support for NAFTA was conditional. I am pleased to announce today that our key conditions have been met. On behalf of the National Council of La Raza, I can now enthusiastically endorse the North American Free Trade Agreement."

Yzaguirre cited two Administration commitments that led to NCLR's formal endorsement:

Establishment of a North American Development bank [NADBank], based on legislation introduced by Rep. Esteban Torres (D-CA), which will provide financing for border infrastructure development and a "domestic window" to support economic development in communities anywhere in the U.S. affected by the NAFTA adjustment process; and

A new dislocated worker re-training program that broadens eligibility to cover workers in seasonal or cyclical industries an so-called "secondary" workers, e.g., tire manufacturers who work "upstream" from auto plants.

"Our selection of the NADBank and worker re-training issues as our principal conditions was no accident," Yzaguirre explained. "The social science research, consultations with experts, discussions with the Latino leadership, and the views of our own grassroots organizations all highlighted the need for improved border infrastructure and more effective job re-training programs. Not coincidentally, polling data show that two-thirds of Hispanics support NAFTA with these conditions.

"The research shows that, for both Americans in general and Latinos in particular, NAFTA is a net plus, but we also know that, as with any major economic policy change, the agreement will result in both winners and losers," Yzaguirre continued. "We have now been assured that all workers displaced by NAFTA will have the opportunity to participate in effective job re-training programs, and that communities adversely affected by NAFTA will be eligible for special economic development financing."

Yzaguirre also emphasized the broader importance of NAFTA for the Latino community. "NAFTA holds the potential for turning our community's liabilities into assets. For example, after NAFTA, for perhaps the first time in my lifetime, being bilingual in Spanish and English will be an advantage, rather than a disadvantage, in the labor market and in the corporate boardroom.

"Negative perceptions of our countries of origin, created in part by our nation's 200-year practice of treating Latin American countries as inferiors, adversely affect the U.S. Hispanic community. With NAFTA, the U.S. and Mexico have come to the table as equals; this newfound respect has got to help improve the image and prestige of Hispanic Americans."

Yzaguirre was upbeat regarding NAFTA's prospects for enactment. "It is increasingly clear that the Administration is now within striking range of the votes needed for House passage. The opposition seems to have peaked. Substantively, NAFTA is now a stronger agreement that should attract many undecided votes. The Administration has gotten its own act together. Although it will be a tough fight, it looks as if the pro-NAFTA forces have turned the corner."

Yzaguirre outlined his organization's immediate plans regarding NAFTA. In cooperation with the Southwest voter Research institute, other Hispanic organizations, and Latino elected officials, NCLR will launch a major grassroots effort in support of NAFTA. "Now that we have a good product, we intend to help 'sell' the agreement. We may be able to help put NAFTA over the top; at a minimum, we know we can make a difference in crucial Congressional districts.

"We also intend to shape the tone of the debate," Yzaguirre warned. "Too much of the NAFTA debate has moved off the merits and into the area of asides and smirks, stereotypes, and caricatures. Not once has there been a question about Canada's culture and heritage; only with Mexico have we witnessed race-baiting as a political weapon. One issue that unites all Latinos is our refusal to stand by while ethnic prejudice and cultural stereotypes are injected into the NAFTA debate; this is unconscionable and we won't stand for it."

STATEMENT BY COUNCILMEMBER MIKE HERNANDEZ IN SUPPORT OF THE NORTH AMERICAN DEVELOPMENT BANK

As member of the Los Angeles City Council, I strongly offer my support to the North American Development Bank and would respectfully urge our Federal Legislators to endorse its passage.

Through NADBank, we will be able to create a balance that would ensure the mitigation of the existing deficiencies in our borders' infrastructure that resulted from a phenomenal increase in trade over the past seven years. This phenomenon has yet to be addressed in any substantive manner. NADBank will have a direct effect within impacted communities.

It is important that while we are thinking globally that we not lose sight of the need to act locally. NADBank will not only bridge the gap of international cooperation, but will also send a clear message that the work force of this nation will not be overlooked.

By addressing the needs of the communities across this nation that undoubtedly feel the strain of existing trade, NADBank can help fulfill our governments' responsibilities to local neighborhoods of job retraining and environmental security that do not exist.

There does, however, exist an opportunity for this nation to not only improve the quality of life for its residents but also to improve the quality of life of our neighbors in Canada and in Mexico.

NADBank can provide the most cost effective manner in which to mitigate the ongoing effects of trade across our borders and ensure that Mexico and Canada will participate in that decision making process in a balanced setting.

Clearly, any effort that will bring down barriers of trade as well as the barriers of misunderstanding will benefit all three nations. We trust that this agreement will do just that.

CITY OF PICO RIVERA,
Pico Rivera, CA, October 26, 1993.

RON JAUREGUI,
Southwest Voter Registration Institute,
Montebello, CA.

DEAR MR. JAUREGUI: I want to be placed on record as being in support of the North American Free Trade Agreement (NAFTA) in its current form. Recently, I met with Congressman Esteban Torres, who is a lead voice in support of the Agreement, and I share the Congressman's feelings in support of this project. I have a strong belief that America should not lose an opportunity to strengthen its economic muscle by joining forces with Canada and Mexico. If we do not form this alliance, I feel that competitive foreign economic interests will move into this vacuum.

Most importantly, I see the Agreement as an imperfect Agreement, but a vital one, nevertheless, which will improve economic conditions for most of us.

I support the Clinton Administration's efforts on behalf of NAFTA and I want to be placed on record as also supporting the Agreement.

Sincerely,

ALBERTO NATIVIDAD,
Mayor.

STATEMENT IN SUPPORT OF NAFTA, NATIONAL LATINO CONSENSUS PRESS CONFERENCE, OCTOBER 27, 1993

As Vice Mayor of San José, California's third largest city, I would like to voice my support of the North American Free Trade Agreement. I am optimistic about the results that NAFTA will have on the populous and diverse state of California; especially with the adoption of Congressional Resolution 121 which helps finance environmental improvement and retraining of displaced workers. NAFTA will have a positive effect on the California economy and create more jobs in the long run through the expansion of markets for U.S. goods by slashing the now unequal trade barriers. Also, the creation of better working conditions for Mexican workers will prevent the mass migration of Mexicans into the U.S. which has contributed to past job losses in California. We must help all our economies prosper by creating an equal and fair trade relationship with our neighbors. Finally, NAFTA will serve to strengthen the ties between Mexico and our country which is long overdue considering the history of negative misperceptions and mistrust between the two countries. Again, please support NAFTA and help to make fair and positive relationships with our neighbors a reality. Thank you.

To: Southwest Voter Research Institute.
From: Maria Nieto Senour, Member, San Diego Community College District Board of Trustees.
Re Latino Consensus on NAFTA.

Since the Administration has included the Latino consensus recommendations, I am pleased to be able to endorse NAFTA at this time. I regret being unable to attend the press conference to be held in Washington, D.C. on Wednesday, October 27, 1993. I will be there in spirit.

ARIZONA HISPANIC COMMUNITY FORUM NAFTA ENDORSEMENT STATEMENT

The Arizona Hispanic Community Forum congratulates President Clinton for his acceptance of some of the key Latino Consensus recommendations which many of our organizations throughout the nation developed because of our collective concerns about the impact the NAFTA would have on citizens and our communities. We also applaud the Southwest Voter Research Institute, National Council of La Raza and the Mexican American Legal Defense and Education Fund for initiating and supporting this effort on behalf of the Latino populations.

A major step forward has been taken by the President in embracing our position on the NAFTA. A message has clearly been sent to our Latino communities from around the nation that President Clinton does acknowledge our presence at the political level and that he respects our desire and right to be full participatory citizens of the United States of America. Although the Arizona Hispanic Community Forum could not be present at this historic event, the Forum proudly joins SWVRI, NCLR, MALDEF and the many other organizations in the U.S. in endorsing the NAFTA. God bless America!

ROSIE LÓPEZ,
Founder and Past President, AHCF.
TONY BRACAMONTE,
AHCF-Glendale Chapter Founder and Kellogg Fellow.
RON MORALES,
President, AHCF.

ARIZONA HOUSE OF REPRESENTATIVES,
Phoenix, AZ, October 26, 1993.
MARY JO MARION,
National Council of La Raza, Washington, DC.

DEAR MS. MARION: Please add the names of Senator Pete Rios, Representative Joe Eddie Lopez, Representative Ruben Ortega, and the name of the Arizona Hispanic Community Forum to those who are gathering in Washington, DC, to announce their support of NADBank and workers retraining proposals.

More specifically, you many announce that the above mentioned can and do endorse the North American Free Trade Agreement. It is our feeling that the side agreements on labor and environmental standards, along with the positive aspects of the NADBank and the workers retraining proposals, enhance NAFTA and that the trade pact would make good social and economic public policy.

For more information, please call Joe Eddie Lopez (602/542-5830) or Tony Braccamonte/Rosie Lopez (243-8120) of the Arizona Hispanic Community Forum.

Sincerely,

PETE RIOS,
State Senator.
JOE EDDIE LOPEZ,
State Representative.
RUBEN F. ORTEGA,
State Representative.

MOLINA ENDORSES NAFTA AFTER WHITE HOUSE AGREES TO RECOMMENDATIONS OF LATINO CONSENSUS

LOS ANGELES.—Los Angeles County Supervisor Gloria Molina has announced her support of President Clinton's NAFTA package. The endorsement came after a long series of negotiations between key Latino leaders and the White House which saw Latinos gain key additions to the current NAFTA proposal.

"I am pleased to announce my support for the current NAFTA proposal which includes improved programs that will benefit Latino interests across the country," said Molina. "There is no doubt that the Latino community will benefit from the billions of dollars and tens of thousands of jobs generated as a result of a new improved NAFTA. I am proud to join key Latino leaders throughout this country in supporting the current proposals."

Early in the process, Supervisor Molina joined a number of key Latino leaders to form the Latino Consensus for NAFTA which promoted the creation of the North American Development Bank (NADBank) and a NAFTA-specific worker training program as a part of the NAFTA package. Workers rights, environmental issues, and infrastructure improvements were also part of the concerns expressed and addressed by the Consensus.

Supervisor Molina's announcement was timed to coincide with a press conference in Washington DC to announce the agreement with the White House.

QUESTIONS ON NOMINATION OF MORTON HALPERIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Madam Speaker, I continue to be utterly amazed that the Clinton administration would try to appoint Morton Halperin, a radical who wants the United States to put our military at the beck, call, and direction of the United Nations, to a newly created position called "Assistant Defense Secretary for Democracy and Peacekeeping." How is that for a vital defense post?

My list of concerns about Mr. Halperin is long, as I have detailed a number of times on the House floor. Suffice it to say that if Mr. Halperin's advice had been followed for the last 20 years, the cold war would still be raging, with the Communists in a strong position, and Saddam Hussein would control half the world's oil supply—perhaps protected by nuclear weapons.

On top of that, the Clinton administration has piled on another clear affront to our system of checks and balances.

The perpetrator is none other than White House Counsel Bernard Nussbaum, the same man who gave us Zoe Baird, Lani Guinier, a botched White House Travel Office investigation, a botched suicideinvestigation, and a ridiculous defense of the failure of the administration's Health Care Task Force to comply with basic record keeping laws.

And now, in support of Mr. Halperin's nomination, Mr. Nussbaum is fooling around with the national security of the United States and all its citizens.

In an example of unprecedented political interference by the White House into the CIA's relationship with Congress, Mr. Nussbaum has blocked CIA Director James Woolsey from briefing a group of Senators about some documents allegedly relating to Mr. Halperin.

Ladies and gentlemen, under current law, the CIA Director is required to keep Congress, through our Select Committees on Intelligence, apprised of intelligence activities. Yet Mr. Nussbaum has blocked the CIA from living up to those responsibilities when Mr. Halperin is at issue.

We do not know if the alleged documents have any bearing on Mr. Halperin's nomination or not. That is what the good Senators want to find out, and that is what they have a right to find out. If the CIA has material which would bring even further into question the fitness of Mr. Halperin for his Defense Department post, the Senators who must vote on the nomination have a right, and indeed a duty, to be briefed on that material.

In a similar situation, various Senators have written both Defense Secretary Aspin and Undersecretary Frank Wisner for copies of memos Mr. Halperin wrote concerning our ill-conceived policies in Somalia. Mr. Wisner has admitted the existence of these memos, but for some reason, after more than 3 weeks, he has not yet provided copies of those memos to the good Senators who requested them. What is he hiding?

And what is Mr. Nussbaum hiding?

Could it be some things that are even worse than what is already known about Mr. Halperin? Even worse than the complete renunciation of covert operations which Mr. Halperin has advocated? Even worse than the explicit renunciation of America's right ever to act unilaterally in foreign affairs? Even worse than Mr. Halperin's defense of a CIA defector who exposed the names of hundreds of CIA operatives, at least one of whom was soon thereafter assassinated?

Why are Mr. Nussbaum and Mr. Wisner covering up for Mr. Halperin? What are they covering up?

On Somalia, the questions are easy: What did Mr. Halperin say, and why can the Senators not see it?

And regarding the CIA and Mr. Halperin: What does the CIA know, and why can we not know it?

Stop the coverup. Get the truth out about Morton Halperin. Or else withdraw his embarrassing and outrageous nomination, immediately.

□ 1950

THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

Mr. GEPHARDT. Madam Speaker, I want to speak tonight for 5 minutes on the issue of NAFTA and the vote which is coming here on November 17.

I want to focus tonight on one aspect of NAFTA, the most important single issue, which is its impact on the standard of living and wages, the wages of Americans and the wages of Mexican workers.

In economic affairs, our guiding national goal should be a high and rising standard of living and a long-term policy of insuring better jobs at better wages. By not addressing key issues like water, our wages and our standard of living will seek its own level and, drawn down by the lower wages of Mexico, our standard of living will continue to stagnate or decline.

Mexican wages are kept artificially low because of the actions and inactions of their Government. Government rules and procedures set both minimum wages and maximum wage increases for the vast majority of hourly workers in their manufacturing industries. They have kept these wages low to help their economy grow. They have sought to combat inflation and attract investment from companies seeking low-wage labor as a way to cut costs.

Mexican wages must rise, because it is the right thing for the people of Mexico. They must also rise because we want to make them better consumers of Mexican and United States products; and if their wages do not rise, the downward pressure on our wages will continue.

Official data from the Mexican Government best tell the story. Since 1980, real hourly compensation fell by 32 percent in Mexico, while productivity in manufacturing increased by more than 30 percent. Economists tell us that wages should roughly track productivity increases; yet Mexican workers are producing more and getting less.

Now, does this NAFTA do enough to ensure that while companies may be attracted to Mexico's high-quality labor force or lower wage structure, we have done all that we can to eliminate artificially low wages in Mexico?

The answer, unequivocally and undeniably, is no. In the area of labor, this NAFTA is actually worse than the status quo for two reasons. Under the NAFTA, the Mexican Government refused to allow industrial relations—the right to strike, the right to bargain collectively, and the right to freely associate—to be covered under the dispute resolution procedures of the Free-Trade Agreement. In my view, this is a glaring and critical omission. It is equivalent to an environmental agreement that excludes air and water.

What the Mexican Government has said is that they are unwilling to allow oversight of whether they are enforcing the most important part of their labor laws. We are not talking about imposing United States labor laws on Mexico. I simply want them to enforce their good laws.

Their constitution provides basic labor protections, that includes family and medical leave. It includes striker replacement limitations; but you can have the best laws on the books, and if they are not enforced, they are not worth much. That is the case in Mexico.

The largest union federation, which covers the vast majority of workers, acts as a quasi-governmental agency. Each year they enter into what is known as el pacto that sets minimum and maximum wages.

A conscious decision has been made in Mexico to keep wages artificially low to continue to attract investment. That hurts their people. It also hurts our people by attracting our jobs to Mexico and putting downward pressure on our wages and by preventing Mexicans from becoming good consumers of our products.

The second reason why NAFTA is worse than current law is that Mexico currently is a beneficiary of what we call GSP, Generalized System of Preferences. One of the key conditions of GSP is that a beneficiary must afford their workers internationally recognized worker rights—the right to strike, the right to organize.

The leverage of the GSP has been lost. So passing this NAFTA will ratify and even worsen the status quo.

Mexico at least has made an effort about the environment during the negotiations. We saw a number of high-profile activities. They closed a refinery. They conducted a lot of enforcement on the border; but in the area of labor law, Mexican officials did not even make a good-faith effort at change. Instead, they showed that the status quo will continue. They arrested and confined a man by the name of Don Agapito, a Mexican labor leader who was fighting for higher wages in Matamoros. They helped to break a strike at the Volkswagen plant. At no time did they show a genuine commitment to carry out their own labor laws on behalf of their own workers.

So this issue of wages goes to the heart of whether or not this NAFTA is sufficient. The critical omission of not putting the industrial relations part of their labor law under the enforcement process is a glaring and critical omission.

The other major issue that was not treated in NAFTA is a steady stream of revenue to take care of the problems of infrastructure and environmental remediation on the border. I hope at a later time next week to address that issue in great detail.

It is because of these two omissions that I believe this NAFTA is not good for the American people. It is not good for the Mexican people.

I believe that if it could be changed, we should pass NAFTA, but not this NAFTA because of these glaring omissions.

I hope and I pray that in the future if this NAFTA is defeated that we can fix the problems and get a free-trade agreement with Mexico that works in our interest and in their interest and the interest of our people and their people.

CAPE GIRARDEAU'S CHAMBER LEADER: BOB HENDRIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Speaker, I rise today to recognize a visionary in the economic development profession. Bob Hendrix, the current president and chief executive officer of the Cape Girardeau Chamber of Commerce, is retiring at the end of this year. As the Congressman who represents Cape Girardeau and the southern Missouri region, I can unequivocally tell this body that Bob Hendrix is a man of the highest integrity as well as a leader in his personal and professional communities.

Bob came to Cape Girardeau more than two decades ago, and he has played a key role in the economic evolution of my hometown which is nestled along the Mississippi River on the northern edge of Missouri's Bootheel. Back in 1972, he brought with him years of experience—educational, military, and professional. At that time, Springfield, MO's loss of a director of legislative and civic affairs in their chamber office was certainly Cape Girardeau's gain.

In Bob's 21 hard-working years at the Cape Girardeau Chamber, he has personally recruited dozens of new businesses and industries, which in turn provided new expansion possibilities for existing businesses and industries in the southern Missouri region. Creating more and better jobs and quality of life opportunities for the people of our region has not been a job to Bob Hendrix, it has been his way of life.

While serving as a chief salesman for Cape Girardeau and the surrounding region, Bob has also been a positive force in local governmental affairs. Among the many accomplishments, he was instrumental in the establishment of the Southeast Missouri Regional Port Authority which provides huge trade opportunities as we approach the 21st Century, Cape Girardeau County's Industrial Development Authority, the Cape Girardeau Convention and Visitors Bureau, the Charter Form of Government for the City of Cape Girardeau, Cape

Girardeau's Downtown Redevelopment and Revitalization, starting Riverfest, and the development of the local chamber of commerce as the front door to the Cape Girardeau community.

As this partial list of accomplishments attests, Bob Hendrix's path is well marked. He is leaving the local chamber of commerce and passing on to us in Cape Girardeau a legacy of many positive, community achievements. In fact, as the hometown daily newspaper, the Southeast Missourian, pointed out on its editorial page: "His longstanding tenure bucks the odds. His 20 year record is 4 times the average stay of a chamber director. But those who know him well realize—Bob Hendrix is no ordinary chamber director."

Bob has always said that working for our community through the chamber office never gets boring because there are new challenges eveyday. Now, the always hardworking man is confronting new challenges. On behalf of the entire Cape Girardeau community, I want to wish Bob and his wife, Rosemary, Godspeed in all of their future endeavors, with abundant health and happiness.

Cape Girardeau, MO is indeed a better place, thanks to Bob Hendrix.

BIGOTRY IN ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the great State of Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Madam Speaker, I thank the Chair, especially the great State of Texas, since today is the birthday of Stephen F. Austin. I know they are celebrating that in Florida.

Madam Speaker, since it is Stephen F. Austin's birthday, in the name of Stephen F. Austin I come to the well to express my outrage at two things that have happened in the recent elections that were held yesterday.

Outrage No. 1 is at the national press of this country and outrage No. 2 is at the Democrat Party and the Democrat candidates in the races in Virginia, the elections held yesterday.

During that campaign, I have never witnessed religious bigotry as I witnessed during the campaign for Governor, Lieutenant Governor, and attorney general in that grand State of Virginia.

The Democrat candidates, Mary Sue Terry for Governor, Don Beyer for Lieutenant Governor, particularly Don Beyer for Lieutenant Governor, who in my opinion is a religious bigot, and the candidate for attorney general, William Dolan, ran against one of the finest people I have ever known and seen, Mike Farris who ran for Lieutenant Governor in the State of Virginia.

I noticed Mike Farris who is an openly religious Christian and a Baptist minister, he happens also to be a fine constitutional lawyer, was viciously attacked and lied about only because he was a Christian and his whole life was torn apart in that race in Virginia only because he was a Christian.

□ 2000

Madam Speaker, I thought that the days of religious bigotry were put aside when there were attacks on President John Kennedy in the sixties because he was a Catholic.But they have been revived in Virginia, and I am afraid they are going to be revived all across this country. When people who happen to believe in Jesus Christ and call themselves Christians run for office, they will be brutally attacked for their religious beliefs, and this is particularly outrageous in Virginia, the home of Thomas Jefferson. Thomas Jefferson would be branded religiously intolerant and have trouble getting elected Lieutenant Governor, much less President of the United States, under the guidelines imposed by the Democrat Party in Virginia.

And the worst part about this was the national press did nothing about it. Now, if the shoes had been reversed, we would have seen week in and week out, month in and month out, the attacks by the national media on Republicans that may have persecuted religious Democrats. I mean do we have to remember when Vice President Quayle spoke about Murphy Brown's television show to understand that the national media took that small statement made in one speech by the Vice President and brutalized him for months over that statement? Do we forget what the national media did to President Bush during the campaign against Michael Dukakis when he happened to point out that Michael Dukakis was in favor of weekend furloughs, and because of weekend furloughs Willie Horton went out and brutally savaged a couple in Maryland? Yet the national media attacked President Bush, then-Vice President Bush, for being a bigot just because Willie Horton happens to be black.

Yet here a man's life, his religious beliefs, and his family under brutal attack, especially over the last few weeks by the Democrats, particularly the now-elected, reelected, Don Beyer, the Lieutenant Governor of Virginia, and for what? I can remember the television screen showing ads paid for by Don Beyer against Mike Farris who accused him of trying to remove stories like Cinderella, Rumplestiltskin, and the "Wizard of Oz" from the school curricula. Now, they took that so out of context that it has to be called a lie, and the only reason they did it was to persecute Mr. Farris because of this beliefs.

Madam Speaker, what we have done is, as elected leadership of the House, signed a letter to President Clinton who has expressed himself to be adversely supportive of religious bigotry, a letter asking the President of the United States to renounce the Democrat Party in Virginia and renounce religious bigotry in this country.

DID RON BROWN ACCEPT A BRIBE?

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, some time ago allegations were made that the Secretary of Commerce, Mr. Ron Brown, accepted a bribe of $700,000 from the Vietnamese Government to normalize relations with that country and to lower the trade barriers we have with them, even though we have not had a full accounting of the 2,200 POW/MIA's. These allegations were made by a man named Binh Ly from Florida who had worked with a man named Mr. Hao, and Mr. Ly had evidence that Mr. Brown, working with Mr. Hao, had cut this agreement along with the government of Vietnam, and the prime minister of Vietnam himself had written a letter to Mr. Brown opening up this negotiation process. Mr. Ly took an FBI lie detector test that lasted for 6 hours, and he passed it with flying colors. Mr. Ly worked with the FBI for some time trying, through wiretaps on telephones and other means, tried to get evidence on Mr. Hao and Mr. Brown for the purpose of indictment and cleaning up this mess.

When Miss Reno became the Attorney General about 5 weeks later, Madam Speaker, the investigation was abruptly halted, and only after about 3 months and an exposé by TV stations and newspapers was the investigation reopened by empaneling a grand jury in Miami to investigate these allegations and to find out whether or not Mr. Brown did, in fact, agree to take a $700,000 bribe to open negotiations with Vietnam and normalize relations.

Mr. Brown, the Secretary of Commerce, said he had never met Mr. Hao, and then he later said he met him not once, but three times, the third time being at the Department of Commerce after having dinner with him, and he said that those were just social engagements. Mr. Brown testified before a subcommittee panel, on which I sat, that he had never had any discussions with any of his staff about negotiations with Vietnam or normalizing relations with Vietnam, and he was not aware of any negotiations that were taking place at the behest of his department, and yet we find out from a source down at the White House that in June of this year members from the Commerce Department, we believe his chief deputy, led the fight to normalize relations with Vietnam and that Mr. Brown could not possibly have not known about that being the secretary of that department.

In July and in September two giant steps were taken to normalize relations with Vietnam even though we have not had a full accounting of our POW/MIA's, and we believe that Mr. Brown lied to the congressional committee on which I serve. He lied to the Committee on Foreign Affairs, and we believe that all of these issues ought to be answered fully through a congressional investigation.

As a matter of fact, Madam Speaker, these allegations were brought to the attention of the Committee on Government Operations here in the House, and the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican, has written to Mr. Brown and to the President asking for a complete litany of telephone logs and travel logs of Mr. Brown so we can get to the bottom of this. The bottom line is that there are two big clouds hanging over the Clinton administration, and they are caused by this scandal.

Did Mr. Brown take a $700,000 bribe? We do know that a bank account was opened by the Vietnamese Government in Singapore, and Mr. Ly said that that is where they did it, at the bank window of Suez, and we do not know exactly how much money may have been deposited in a bank in Singapore, but $700,000 was the figure we heard about.

We also heard that Mr. Brown was not only going to get $700,000 up front, but he was also going to get a percentage of or royalties of all the oil that would be sold out of the oil fields there in Vietnam, and it is one of the largest oil resources in the entire world.

In any event, Madam Speaker, because of these allegations and because it is so important that we have credibility in the White House and in the administration, I wrote a letter, along with many of my colleagues, to President Clinton on September 30, and in that letter we wrote to the President, signed by, I believe, about 15 to 20 Members of the Congress, we asked that the President stop any negotiations toward normalizing relations with Vietnam until the grand jury in Miami has reached a conclusion and until the Congress of the United States has completed its investigation.

Then on October 12, Madam Speaker, we wrote a letter to the President asking him about the National Security Council meetings that were held at the White House in both June and September that took these first two giant steps toward lowering the trade barriers and normalizing relations with Vietnam. We asked him who was at the meetings, what was discussed at the meetings, and the dates of the meetings. So far the White House has not answered us. This letter was written on October 12, about a month ago, almost a month ago, and we have been stonewalled. This information needs to be given to the Congress so we can clear this up.

In addition to that, Madam Speaker, many of us felt like there should be a special prosecutor appointed by the Attorney General. We wrote the Attorney General, Janet Reno, on October 19, a letter giving her the names of eight people with impeccable credentials, former Attorneys General or prosecuting attorneys for the Attorney General's office, and we told her that we would work with her to pick somebody that was above reproach to investigate the Ron Brown affair, and the reason we sent that list to her was because she said, and I quote:

> If I appoint the person or select the person to be a special prosecutor, you are going to question the conflict of interest as long as I'm involved in that process.

She said:

> Once again, for me to appoint somebody, you will be telling me, well, this person has a conflict of interest, too, because you appointed them.

That is why we sent her the list of eight people from which to pick one to be a special prosecutor.

☐ 2010

That letter was signed by all of the Republican leadership in the House. We have not received a reply from Janet Reno, and that was about 3 weeks ago.

On October 27, we wrote a letter to the President of the United States, and it was signed by about 20 or 25 Members of Congress, asking the President to have Secretary of Commerce Brown recuse himself from any involvement in negotiations to normalize relations with Vietnam or lower the trade embargo.

We have written a litany of letters. So far, all we have received is dead silence or form letters from the White House or from the Justice Department or from the Commerce Department.

So, Madam Speaker, I would just like to say tonight, and I hope the media throughout the country will ask these questions of the President and the White House, why will you not send this information to the Congress of the United States? If Secretary Brown was not involved in any of these nefarious affairs, if he did not take a $700,000 bribe, or try to get a $700,000 bribe, if he did not agree with the Government of Vietnam that he would get a percentage of the business he brought to that country or a royalty for every barrel of oil that was sold, if he did not do any of these things, and if the telephone logs and the travel documents will bear this out, then why not send them up to us? It will clear this thing up in no time and remove the cloud from the administration of the President of the United States.

But if he is guilty, and if you are stonewalling the Congress of the United States because you think he might be guilty, then that is wrong, and this investigation will continue to go forward, and we will keep pressing the issue. We will have a resolution of inquiry filed and create a constitutional crisis between the legislative branch and the executive branch.

I know the President can use his Executive privilege to keep us from getting this information, but I truly believe the media at some point in the future is going to demand it.

So the bottom line is, let us get to the bottom of it. If Mr. Brown is guilty, remove him, get him out of that position. He should not be in Government if he corrupted himself. If he is innocent, send us the information as quickly as possible so we can clear this up and not waste any more of the Congress' time.

So I would hope all of my colleagues, that may be paying attention, and the media that may be paying attention, will ask the President to answer these questions: Why will you not send that information to the Congress? If Mr. Brown is innocent, send the information up here. If he is not, remove him from office. That question should be asked again and again and again, not only of Mr. Clinton, but of Mr. Brown himself as Secretary of Commerce. We should also ask the Attorney General of the United States why she has not appointed a special prosecutor that is above reproach. We gave her eight names, and we are still not hearing from her.

With that, I see my colleague here from Florida [Mr. MCCOLLUM] and we were going to discuss for a brief period tonight a little bit about the terrorist problem throughout the world.

Mr. MCCOLLUM chairs the committee that deals with international terrorism, and he has brought an awful lot of interesting facts to the floor in the not too distance past.

So let me just start off by saying, before I yield to Mr. MCCOLLUM that one of the things I found out regarding Somalia, through his efforts, was that terrorists have been meeting in Khartoum and set up terrorist camps in and aroundthe Sudan, and their sole objective is to, I believe, and I believe Mr. MCCOLLUM believes, to undermine the United States efforts in that part of the world. And we believe, after hearing of the meetings that took place in Khartoum involving, I believe, Iran, Iraq, people from Afghanistan, the Sudanese, and Mr. Aideed himself, that possibly terrorists from that area went into Somalia and were involved in the downing of our helicopters and killing a lot of our troops over there.

If the gentleman would like to shed a little bit of light on that.

Mr. MCCOLLUM. Madam Speaker, if the gentleman will yield, I think it is a very important bit of information that the Task Force on Terrorism and Unconventional Warfare on our side of the aisle has unearthed and has been publishing in the last few weeks describing the detailed involvement that I do not think has been generally brought out in the media and elsewhere of outside forces in that October 3 tragedy where so many of our troops were killed, our Rangers.

We all know there have been problems with our folks being there. But it looks like that this was indeed a setup, an ambush, something prearranged, determined and plotted. Not simply by Aideed, but by the Somalis, that are one of the fragmented tribes over there, of course, in Somalia that have been causing us trouble all along. But rather by these outside forces that the gentleman has so accurately described that had training bases and still have training bases in Sudan.

The information that we have is that the fact of the matter is that over a considerable period of time earlier this year this group had been working to bring weaponry into Mogadishu, and that they had also sent some special operatives who had been trained during the period of time when we had Afghan resistance and we, the United States, were supporting that, and Pakistan, trying to drive the Soviets out of Afghanistan.

Mr. BURTON of Indiana. If I might interrupt, regarding the weapons that come into the Sudan and then ultimately are getting into Mogadishu, we do not really know what all those weapons are, but we do know that we had some pretty sophisticated weapons that were in Afghanistan and Iran and Iraq and that part of the world, that would be very, very effective in downing helicopters or doing damage to our troops over there.

Mr. McCOLLUM. If the gentleman will continue to yield, that is exactly right. One of the things that, again, our task force believes is that there was some organized effort by the Iraqis in particular, and there was sort of a group presence, which is surprising to a lot of people in the aftermath of the fight between Iraq and Iran that preceded the DesertStorm period. But it looks like they have gotten together again well enough to coordinate with the Sudanese on this.

They apparently, the Iraqis, are the ones that organized heavy weapons, mainly dual-use 23-millimeter guns and RPG–7's for the use against American helicopters. That is what they brought in there that specifically surprised people, that these weapons were available and that they were in Mogadishu at the time for these attacks to take place.

Again, it looks like a very organized effort. Again, without taking too much time up, I think there needs to be a little background on this.

Most of the Moslem world, I believe, and I am sure the gentleman believes, and most of the Moslems here in the United States today, are very fine and upstanding people. And this is certainly not to be critical of them.

But there is a small contingent of very radical Moslems emanating primarily out of Iran and Iraq that have over time worked to basically control affairs in some other countries, Sudan being one of them. And they have been able to gain cooperation in an effort that appears to be to take control of northern Africa and the Horn of Africa, as well as spread their influence over the Moslem world. They want to control it for their purposes, which is very complicated and very complex.

Mr. BURTON of Indiana. Well, one thing I would like to add to what the gentleman is saying, if they take Egypt, and they were able to destabilize the governments of, say, Saudi Arabia, it would have a tremendous impact on the economies of the Western World, because we get as much as 70 percent of our oil supplies from there.

Mr. McCOLLUM. That is exactly right. The primary targets I believe right now are Egypt, Tunisia, and Algeria, and eventually Saudi Arabia. But having an opportunity like they had to get at United States forces to try to drive us out of the region, to demoralize America, if you will, shows that they can perform acts of terror against us wherever we have our forces exposed. It was too much to resist in Somalia.

They had a presence there. It is a Moslem country. They had contacts. But here was a great opportunity, and they saw that last year, to begin building toward that in 1992, and here in 1993, with the meetings that you described earlier. They began to formulate plans as to how they could take advantage of our presence there, while we were there, and the so-called U.S.-U.N. force thing that you and I have been rather critical of.

So it seems to me it is a logical extension. It is the same folks that brought us the World Trade Center bombing. It is the same folks that brought us the assassination attempts on our CIA folks out here outside of Langley, VA, by that fellow from Pakistan, and the same folks who tried to bomb the United Nations and the Lincoln Tunnel in New York, but, fortunately, somebody squealed on them and they did not get away with it.

It seems, again, these are all interpretations, but rather logical ones, based upon evidence that we have, that they are, as a group, attempting to use terrorism and this unconventional warfare as a method, first, of recruiting young rebels and radicals to their cause in the Moslem world, and; second, in an effort to try to send a message to other Moslem countries over there that they are not safe from this sort of thing. That even the United States cannot protect them, since we have trouble with it ourselves, as we obviously have in Somalia.

So they are very clever about this. This is not a direct confrontation, but it is part of a pattern that is developing.

Mr. BURTON of Indiana. I serve on the Committee on Foreign Affairs, and one of the things that we debated today was a resolution that would deal with the withdrawal of our troops from Somalia. We are talking about keeping our troops in, the President wants to keep them in until about the end of March of next year.

Now, if you take the information that you have given, and I wish everybody in the Congress would read this, because it is not classified and it is very, very important. And most Members do not know what you have just said, and they are probably not paying attention tonight.

But if you take the information that you have, and you realize what they have done thus far, being involved, we believe, in bringing down our helicopters and being at least instrumental in killing 18 people in those helicopters and wounding another 70, that if we keep our troops in a defensive posture, and right now we are building roads around Mogadishu so we do not have to go through it and the rebels, if you will, or the tribes, Mr. Aideed's tribe and others over there, they are now once again taking control of the city, bit by bit.

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And we are staying in a very defensive posture. It seems to me that these radicals who want to discredit the United States and reduce our prestige in the world would at some point between now and the end of March perpetrate some type of atrocity or terrorist attack like we saw in Beirut back in 1983 that killed 235 marines. It seems to me that we have our people sitting there as sitting ducks, and we are not doing anything to protect them other than bringing in additional equipment to surround them.

Mr. McCOLLUM. Madam Speaker, if the gentleman will continue to yield, I think he is exactly right. What we have done is let our troops be sitting ducks in this environment, because we do not have a policy to deal with this kind of a threat. It is being recognized slowly but surely, but nobody has developed a policy. There is no consistent, coherent direction of when we use our force, how we use it, how we protect them and what we are attempting to accomplish in northern Africa or in this region in the face of this kind of an enemy. Frankly, the way it is spreading out, and it looks like their presence is being felt in far regions, India, perhaps, and Afghanistan, of course, and in Pakistan and elsewhere, it would seem to be logical to assume that outside of what might be there in the aftermath of the fall of the Soviet Union, with some of these radical states that we do not know where they are going, outside of that, this could be the single biggest threat to our security interests right now. So the question is, When will this administration give us the kind of guidelines that are needed? When will the Department of Defense, for example, provide guidelines for the use of force in these circumstances. There should definitely be certain parameters where you pick and choose where you do use your forces and you recognize that they are looking for opportunities and looking for targets like us. And it does not make any sense to put a few of our people out there in harm's way without absolute commitment to going forward and doing the job, whatever it is, completely.

Mr. BURTON of Indiana. We had a number of members of the Foreign Affairs Committee meet with the President, along with some of the leaders of the House and the Senate, a couple of weeks ago, right after that tragedy occurred in Somalia. I was not surprised to find out the President was aware of this meeting that took place in Khartoum and the 3,000 terrorists that are down there in those camps. The concern I have, and the feeling I have, and I am sure you probably do as well, is if we know where those camps are, and we do know, we know where the terrorist camps are, we know or believe that they were involved in killing those people in that helicopter and have been involved with Aideed, that we have two choices to make.

One is to go in and knock out those camps and to get the job done and then bring our troops home, which might involve more troops, or get our troops out of harm's way as quickly as possible and remove ourselves from Somalia and not have them as sitting ducks. It seems we have to have a policy of one or the other. And if the policy is to keep them there the way the President is talking about, I think we are asking for real tragedy in the not-too-distant future.

Either go in and knock out those camps. We know where they are. We can deal with the strategic air strikes, and we would eliminate the danger. And then bring our troops home or bring them home right now.

Mr. McCOLLUM. We do not get to set that kind of policy, and I do not pretend to know the inside track on maybe information that is not publicly available. This is not classified, as you have said, but it makes sense to me, just common sense, that it would be a perfect opportunity for us to teach a lesson to this group that they are not going to get away with it by going out and knocking out a couple of those training camps. It does not mean that is the end of our problem, because this is apparently a very long-term commitment. But it does send a signal that we are not going to allow this kind of an ambush and thing to happen to our soldiers under these conditions without somebody paying a price.

Let us also make one comment. There was a price paid, and our Rangers have gotten a little bit of abum rap because the Rangers that were tied down in this ambush equipped themselves exceedingly well. There was a huge casualty take on the part of these people doing the ambushing. But that was mostly the Somalis who were in there being led by this group.

The people who we really need to get at were not being hurt by this particularly. They are the ones who are the advisers, that small core that were trained to go into Mogadishu. They are the ones shipping the weapons, the ones directing the traffic, and their training base for doing all of this and training a few of the Somalis is what you are talking about in Sudan. That is what needs to be knocked out.

Mr. BURTON of Indiana. The gentleman is absolutely correct. The thing about our defensive posture over there that concerns me the most, as I said before, is the possibility of another terrorist attack like we saw in Beirut in 1983. When we lost those 18 men in Somali, when the helicopter was brought down, it took the troops that were trying to rescue them I think 14 hours to just go across the city of Mogadishu. That was because we did not have adequate military equipment. They did not have armored personnel carriers and tanks. That was because the Secretary of Defense declined to send them over there, send that equipment in there, even though the general, General Montgomery, on the ground asked for it. So this terrorist problem you are talking about is very real. We have got to deal with it, and the administration must come up with a policy to deal with it as quickly as they can.

Mr. McCOLLUM. I think we need to, without spending time going into a lot of detail, to trace this back one step further, because lots of people do not understand. They come up to you and me, because we deal with this in foreign policy areas and are familiar with it, you on the committee and me because of the Terrorism Task Force. And they will say, "You just said that here are some Suni Moslems in Sudan who are cooperating with the Iranians and Iraqis. How can all of this be, since Sunis and Shiite Moslems never get together?" And the Shiites are the ones who are primarily in Iran and that is where Rafsanjani is and the Ayatollah Khomeini, who are really, to my way of thinking, the most evil, if thereis such a thing, the ones perpetrating most of this.

And the answer to that is fairly simple. For years they did not get along and in most places they do not to this day, and presumably they will not for many years in the future. But they had a meeting of the minds among a small group of them, both Suni and Shiite, when Taroubi and others joined in a meeting in Tehran in 1991, I think in October of that year. And they made a collaboration. We do not know all the details of it. We know that they did, in order to further their believed mutual cause of trying to drive us out of the area and trying to have this more radical form of Moslem belief and government, or if you want to call it that, they do not even believe in a state, but their belief in where it all ought to go, they formed a compact. This is an extension, apparently, of that.

Not everybody participated, but there were participants. And clearly, the Sudanese Government did.

I think that is the critical thing that led to this and is why we are today seeing the developments of the World Trade Center. I do not think we ought to take more time with it tonight. I know you want to yield to the gentlewoman, who is also a member of out task force, who is my good friend and our neighbor here. But I do think that this is a good time to have made the point.

I appreciate your letting me come over and share a little of your time to do that.

Mr. BURTON of Indiana. What I would like to do in the future, maybe later this session or next year, is take an hour and go into a lot more detail about your task force and the terrorist problem around the world.

I would like to end up by just saying and echo what you said a few minutes ago. We have millions of Moslems in this country and around the world that are wonderful people, law-abiding people that are not in any way connected to these radical terrorists. We need to make sure that people do not lump all Moslems together because the vast majority of Moslems, like the vast majority of Christians or Jews in this countryand the world are law-abiding people. But there are terrorists, a small, minute group that is trying to destabilize a large part of the world and for their own purposes. Those are the ones that we are talking about.

Mr. McCOLLUM. One last comment on that. It is that radical group that is disproportionately powerful, because they control governments that are very much dictatorships. And they have a lot of power, even though they are small in number based, as you said, on the total population of the Moslem world.

I thank the gentleman for yielding. It is an excellent discussion. It is just a beginning, as you say.

Mr. BURTON of Indiana. I thank you for your contribution.

With that, Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY], who is going to talk about NAFTA.

NAFTA CREATES JOBS FOR LAWYERS

Mrs. BENTLEY. Mr. Speaker, tonight I am going to talk about how NAFTA will create jobs for lawyers. But before I do, I want to compliment the gentleman from Indiana [Mr. BURTON] and the gentleman from Florida [Mr. McCOLLUM] for discussing the terrorist situation in the Sudan and how it is affecting us and what is happening throughout the world.

It is obvious to many Americans that—as a nation—we educate more lawyers than any other nation in the world. One of the most productive manufacturing countries, Japan, educates 10 engineers for every lawyer graduated. The United States educates five lawyers for every engineer. That statistic helps explain much of the chronic balance of trade deficit we run with Japan every year.

Engineers produce value-added products creating wealth for a nation. An overproduction of lawyers—as we have experienced—seems to lead to growing amounts of litigation, overburdening our court system and drawing tremendous sums from our shrinking pool of manufacturing wealth. Economically, it has proven to be costly to an industrial nation and totally inexplicable to most of our international competitors.

One of the major problems I have with both the NAFTA and the GATT—which we will be considering after the NAFTA vote—is that the dispute resolution mechanisms proposed for both of these trade agreements, seem to be setting up a virtual paradise for international lawyers.

Not only are we creating new courts—above the U.S. court system, totally beyond the control of this Nation, but according to the way the agreements are drafted, almost any law or regulation of this Nation can be challenged as an impediment to the free flow of both goods and services across our borders and State boundaries and will be subject to a challenge from our foreign partners.

The challenge will be drafted by foreign lawyers, defended by our lawyers and whether we win or lose, the cost of all this litigation supposedly will be born by the taxpayers of both countries. Or will Uncle Sam be struck everytime with the bill?

In describing just how these dispute panels work, the General Accounting Office [GAO] in its Assessment of Major Issues in the NAFTA reports that the panels will operate "just like the courts which they replace."

I am not a lawyer, but having been a good student of American history and civics—I don't understand how the power of the U.S. Courts to review U.S. law, and thereby interpret U.S. law, can be turned over to a binational body—or a trinational body, or, in the case of GATT, to a multinational court without a constitutional amendment.

I am amazed at the numbers of Congressmen, and conservative spokesmen, who are concerned about the constitutional threat if our troops are moved under the power of the United Nations, yet these protectors seem to be strangely mute about the power to interpret U.S. law and regulation being turned over to international bodies where our votes are outnumbered 3 to 2 in the NAFTA and more than 100 to 1 in the GATT.

If we think of those votes as a bonanza for international lawyers—a way to enrich them—then perhaps we are finally seeing why the service economy is touted as a panacea for America's problems. Well, the NAFTA is turning out to be costly and I don't believe that the overworked American taxpayers should be paying the bill to enrich international laywers.

The legal or judicial system set up in NAFTA is expensive, but the estimated dollar amount has not been projected into the current discussions about the agreement. The Washington Post did report that the administration is looking for $2.69 billion to pay for the lost revenues from tariffs. Apparently, the administration cannot take this deficit from discretionary funds, but must find the shortfall in the mandatory entitlement programs—such as Social Security and User Fees.

In addition, the United States has pledged $20 million for conservation of natural resources in Mexico, plus an additional $8 billion for environmental cleanup. Although some of the funds for the environment might come from an international institution, never forget that the United States is paying the lion's share in most of the world institutions like the World Bank and the International Monetary Fund.

So, the American taxpayers ante up through those institutions and the funds will be passed through to pay for improvements for Mexico. I repeat—the problem with this is the American taxpayer is stuck with the bill.

This is not disinformation—nor is it playing on someone's fears as Ambassador Kantor claims. It is a case of simply giving a true bill—as much as is available—of the costs of NAFTA.

One of the hidden costs to our American businessmen not mentioned by any of our trade representatives or the proponents of this agreement is the possible fate of American businessmen who are working private agreements with a Mexican businessman.

A story in the Wall Street Journal is an eye-opener, but it is no surprise to me. I have had requests for help from families of people who are languishing in Mexican jails. If NAFTA goes through we will surely hear more stories like the ones in today's newspaper.

The Wall Street Journal reports a lurid story—"In Mexico, a Dispute Over a Business Deal May Land You in Jail" with a subtitle "Legal System Can Be Surreal; NAFTA and Recent Reform Won't Cure All the Ills". The story is about four Federal policemen who confronted an American developer, Alex Argueta, of Tucson, AZ, and told him he had a problem with a car registered in his name. What the police really wanted was to discuss a dispute over a bank loan.

What happened to Mr. Argueta was that he was quickly placed behind bars—where he could hear a man being beaten in the next room. He was told he would be beaten, also, if he did not answer some questions. Although he answered the questions, he still spent 16 months in a Mexican jail. Mr. Argueta was never convicted of a crime.

The Wall Street Journal points out that "Despite the enthusiasm over trade with Mexico, dozens of Americans are finding, as he did, that when a cross-border deal sours, they risk entering a labyrinth where their investments can be wiped out by bureaucratic blockades, mercurial magistrates or worse."

Operating under Napoleonic law, the Mexican courts assume you are guilty until you are proven innocent. Under American law, you are innocent until proven guilty. This is an important point when we get into the operation of tri-national panels and former Mexican jurists sit on panels interpreting the meaning of United States law which becomes binding on American domestic law.

The paper further reports that attorneys in both countries "say that even if the North American Free-Trade Agreement takes effect, settlement of business disputes between private firms will remain a problem for companies investing in Mexico." Julius Katz, NAFTA's chief negotiator for the Bush administration is quoted, "NAFTA doesn't deal with private-party-to-private party disputes" but with disputes arising over such NAFTA items as tariffs and intellectual property.

I was under the impression that NAFTA covered much more than just tariffs and intellectual property. There are sections on government procurement, investment, telecommunications, financial services, temporary entry for business persons, agriculture and sanitary and phytosanitary measures, et cetera.

In fact, what Mr. Katz is not explaining is that a Free-Trade Agreement is the first step in an economic integration of the three economies of Mexico, United States, and Canada. The North American Free-Trade is just the first step in this process—but it does not cover disputes between private parties.

The Wall Street Journal pointed out that Mr. Argueta's attorney warned "that the problem of illegal arrest procedures has been and remains a very important area of human-rights violations in Mexico. This despite the efforts of President Salinas to modernize the justice system."

Jack Binns, the former U.S. Ambassador to Honduras was quoted in the article stating, "If you are in jail, you settle. It's the dispute-resolution mechanism."

Settle is exactly what Mr. Argueta did. At the time, the bank was government owned, and he was charged with a crime against Mexico's patrimony. He was shuttled back and forth between seven judges—finally after 7 months the charges were dropped.

The conclusion of the case is perhaps an indication of what Americans doing business in Mexico have to look forward to. The Wall Street Journal reports that Mr. Argueta claims the bank is refusing to send him statements listing the principal and interest accumulated on his restructured loan which is due in 1994.

Now—this is an important point to remember—Mr. Argueta is concerned that if he does not get an accurate accounting that the bank may find he did not live up to his agreement and it will seize the title to his scenic Gulf of California property.

What is more chilling is the explanation of a lawyer for the bank as to why Mr. Argueta was seized and held in jail. The bank lawyer when questioned about the arrest on false pretenses explained "That is possible. That is how the attorney general manages things, not the bank."

The Wall Street Journal reported that the lawyer, Raul Cardenas added that Mr. Argueta was pardoned by the bank, and "to accept the pardon is to admit that he committed the crime."

The attorney general of Mexico claims his office has no file on the case. Mr. Argueta was accused of using his loan to pay people in California for the project although a bank officer had signed that he knew what the funds were for.

Still another case in the article involved a company, Tubular U.S.A., Inc., a Houston, TX, firm which sold 19 costly valves to Petroleo Mexicanos—better known as Pemex, the Mexican Government owned petroleum monopoly. Tubular sued Pemex in a Houston court when it did not receive a $234,000 payment for four valves.

Although, Tubular proved that an employee of Pemex ran off with the money, Pemex argued successfully in U.S. court that it was protected under the Foreign Sovereign Immunities Act. This act shields foreign governments from a variety of suits. Although Pemex could operate and act like a business, in court it chose to operate under a government status including giving it immunity.

Another incident included in the Journal article involved Bill Flanigan and David Black, partners in Arriba Ltd. of Houston, TX. In 1984 they agreed to buy residual oil from a Pemex labor union. Although the Union, which had the right to sell a certain percentage of Pemex's oil—and had taken a cut of it—did not deliver the oil. The Wall Street Journal reports that although Arriba Ltd. won two default judgments with treble damages and interest totaling $450 million, the Union still refused to pay.

Bill Flanigan and David Black reacted as enterprising Americans and confiscated any union assets located north of the Rio Grande. They seized a variety of things including a Boeing 757 jet, which turned out to belong to the President of Mexico, which they returned.

At one point the Union agreed to pay Arriba Ltd's legal fees and make oil deliveries. Well, the legal fees were paid, a big party was held, but the oil was never delivered. Pemex, too, chose to use the Foreign Sovereign Immunities Act. To-date, after 8 years of legal difficulties, Arriba Ltd. has collected $1 million on their $450 million judgment.

Another area causing problems for Americans is the vacation-home industry. Dorothy Bringe, a Chicago personnel consultant lost her investment in a condominium in Cancun. Because of the peculiarities of Mexican law, she lost $40,000 when the government-bank trust which owned the land ran into difficulties. After much maneuvering, Mrs. Bringe is still out of her money. What she did say about NAFTA is important, she said, "it worries me that no one has addressed the issue of small businessmen getting burned."

Another American, Peter Florance found out first hand how outrageous the Mexican legal system is. His company Buffalo Forge SA., was a Mexican industrial-machinery affiliate of Ampco-Pittsburgh Corp.

Just like any American, he was concerned when his job was being cut due to restructuring. According to the Wall Street Journal, he asked for $250,000 which was due under the Mexican severance-pay laws. Instead he ended up in prison.

The end of the story is Mr. Florance spent time in jail and had to sign a document that he had abused the trust of his employer, although it was not so.

He did not receive his severance pay—but he does have a thorough knowledge of the Mexican jails. Mr. Florance, who now lives in Phoenix says about the Mexican legal system that "It is probably the most corrupt system in the world I know."

The lawyers should be getting rich with the new courts—excuse me—dispute resolution panels set up under the NAFTA, combined with the Mexican legal system that many Americans will be working with in private disputes. According to yesterday's Roll Call newspaper, there is excitement with the great opportunities of a huge market of 90 million people hungry for U.S. goods.

There are too many questions that are unanswered—but there is one thing that is clear. With NAFTA we will have increased service sector employment with a new demand for more international lawyers—to represent the plaintiff and defendent countries before the dispute panels—to represent U.S. businessmen running afoul of foreign domestic laws and new business partners who do not have to perform on any U.S.-drafted contract.

It is remarkable to me that the powerful proponents of NAFTA, are willing to bypass the U.S. courts. Some members of the Congress and the Executive seem willing to pass off both their own power and that of the constitutional power of the U.S. judiciary over to foreign representatives.

At the same time, no effort is being made to secure and guarantee the protection of this Nation's law to its business people, as they are being encouraged to move investments offshore.

Before any howls of criticism are raised that the United States cannot make any restructuring demands on these governments as we go toward economic integration of our economies, be aware that the European Community demanded that Greece rid themselves of a military dictatorship before they were accepted by the EC.

It is not arrogance to acknowledge that as flawed as our Government sometimes appears, for most of the world, our Republic-Democracy is the model. We have committed our wealth and, sometimes our men and women, to spreading the message of the equality of justice promised under our form of government to the far corners of the Earth.

And yet, we seem to be accepting that one of our nearest neighbors and possibly, closest economics partners, can—with total disregard of American standards of justice and fairness—take advantage of U.S. citizens and, in some cases, seize their assets.

It is amazing that as Mexico spends millions trying to lobby the NAFTA through this body that the Mexican national leadership is so arrogant and insensitive to American values and public opinion, that while the NAFTA is being debated, such police-state treatment is being visited among Americans currently doing business in Mexico.

If this is good behavior—as the Mexicans seek our support for this agreement—what can we expect once it is a done deal? We will never, at any point, have more leverage than we now have to demand a clean-up of the Mexican system of justice. It is necessary to protect our people, it is necessary to help the average citizen of Mexico whose access to fair courts and equal justice is only as great as his pockets are deep.

The only hopeful sign in any of these foreign trade treaties is that the many possibilities for challenges and suits across international lines is such that we maybe able to begin exporting our oversupply of international lawyers to the rest of the world.

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Madam Speaker, before I yield back the balance of my time, I want to point out that another chapter on NAFTA is going to be discussed by a very able Congresswoman, the gentlewoman from Ohio [MARCY KAPTUR], who has been a leader on this matter, and I have been very, very pleased and proud to be working with her on this very vital issue concerning this country.

NAFTA: A BAD DEAL FOR THE UNITED STATES

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Madam Speaker, I wanted to compliment the gentlewoman from Maryland, HELEN BENTLEY, for not only her excellent remarks this evening and the type of original research that has characterized her career but for her absolutely stalwart opposition to this current NAFTA accord.

I thank her for being vigilant on this every single day that she has been here and thank the people of Maryland for having the wisdom to send her here to the Congress of the United States.

It is a pleasure to work with her on behalf of the American people.

Madam Speaker, tonight we are joined here at the request of our majority whip, the gentleman from Michigan [Mr. BONIOR], along with the gentleman from Michigan [Mr. STUPAK], and the gentleman from Ohio [Mr. BROWN], and opponents of this current NAFTA accord. We are here to take some time this evening to explain some facts to the American people as they are listening in the quietude of their homes. We appreciate their attention because no more important economic issue could come before us this year in the Congress than in fact this proposed NAFTA, [North American Free-Trade Agreement]—and I hate to call it "free" trade because there is a tremendous cost.

In fact, tonight, Madam Speaker, we are going to highlight some of the costs that our taxpayers will be asked to pay for in fact this agreement goes through. But before I do that and the gentlemen join with me, I wanted to respond to an article in the New York Times today about President Clinton and some of the efforts being made in Washington by the business elite of our country to sell this accord to the American people. I think it is so very interesting because they are going to be bringing in all the living former Secretaries of State to come to Washington to try to convince the Members of Congress that in fact this is a good agreement.

Well, you know, the interesting thing about bringing in Secretaries of State, if you know anything about trade policy, that is the last department of the Government of the United States of America that knows anything about trade policy. In fact, it is our very own State Department that has sold American working men and working women down the river for the last 30 years.

So I find it so interesting that some of the very people who have been involved in the sellout of the economic base of this country are now going to try to come up here and explain to those of us who represent communities in America that have been hollowed out exactly why they did that and why it was so very good for us, when we know it was exactly the opposite.

If you look at the numbers from 1820, well over 100 years ago, to the present, tariffs in this country have literally come down to where they are almost nonexistent as compared to other countries in the world.

So the United States is not a high-tariff nation. In fact, we are the freest trading nation in the world.

At the same time, though, high tariffs have come down until about 1970, when something very strange happened—it had not happened in this century, only in the last century—theUnited States began in the early 1970's to accumulate huge trade deficits with our trading competitors around the world. And it is not any secret, if you go to the store today and you buy a blouse or you go into the store for even food or go to try to buy a car, chances are probably 30 percent of the time or maybe more than that item will not be made in the United States. You do not have to be a genius to figure that out. Most of that change has come within the last 20 years when tariffs came down to almost nothing and trade policy was not shaped to meet the economic realities of what that meant.

So, with every major trading bloc in the world, our Nation now has a trade deficit. Certainly with Japan.

We have been hemorrhaging now for over a decade. The American people know it. We have tried to get a level playing field with Japan. We cannot get into that market; prices are three times as high there as for goods manufactured here. It is really a closed market. These very same people that they are talking about bringing into Washington are the ones who stood watch and let it happen to our country and to our people.

So I will be very anxious to welcome them here to the Congress of the United States and to ask them why is it that in the last year of the paltry million jobs created in this country, in what categories have they been? They have been in three categories: temporary workers; that does not surprise any person listening this evening who is out there holding down two or three jobs to try to keep their family fed, roof over the head, and maybe buy health insurance.

How about the field of health care? We know many of those people in those jobs are working for minimum wage. Or the final category of job creation has been in restaurant work. Now, I respect people who work in all of those fields. However, those are not the highest paying jobs that we can produce in this economy. It is no surprise that America is now 16th in the world in terms of what our people are being paid for the work that they do.

So something fundamentally has changed over the last 20 years in the United States of America, and though it is known on every main street in the United States, why has it taken such a long time for that knowledge to seep into these hallowed halls of Congress, and in fact within the fence of the White House itself?

Now, the other interesting, tragic thing that has happened, we have lost millions of manufacturing jobs and jobs in agriculture in this country, during this same period of time.

If you talk to any farmer in this country, they know that prices have not gone up. In fact, the export markets have been flat. More imports have been coming in from other countries in terms of food shipped into this country.

So they are not benefitting from what has happened over the last 20 years.

In manufacturing in America, we have lost millions and millions and millions of jobs. That is the reality that the American people are living with every day. Now, I find it interesting that at the same time the people who stood watch and let this happen, we read on in this article and it says that the proponents of NAFTA say that if the United States does not sign this agreement, by golly, Japan is going to move in and displace us in the Mexican market.

Well, Japan is a pretty good trader. In fact, they beat us at the negotiating table many times over. If Mexico is such a good deal, I believe they would have already taken it.

If you look at the numbers, Mexico has a trade deficit with Japan already. The only reason the limited Japanese investment that is in Mexico now is there is for one purpose: to manufacture and ship right in here to the United States. That is why Nissan is poised at the border down there, that is why the Sony television plant, which I went through 3 years ago, manufacturers those big televisions, every single one of those is destined for one market: right here, in the good ole U.S.A.

I ask why should not those televisions be made here? If they want to ship them into our market, why put that production somewhere else in the world?

So I do not buy the argument that if the United Stateswants to reshape this agreement and have a different partnership with the nations of Latin America, that if we do that we will somehow disadvantage ourselves, because I think that with the low wages there, the standard of living, most of the other trading nations of the world have taken a look at it and they know the low level of per capita income in

Mexico as well as many of the other Latin American nations and they know it would be extremely difficult to have a trade agreement that would advantage high-wage nations.

One of the other points that is made in this article, the President of the United States said, "You know, we really shouldn't be worried about more U.S. jobs relocating to Mexico. Why? Because these jobs could go anywhere where there are low wages." Well, they could go to, well, Haiti. All of these jobs could have gone to Haiti. The only difficulty, I might say with all due respect, is that Haiti is more than 15 minutes from the United States border. And it is much easier to manufacture in Tijuana, much easier to manufacture in Matamoros or Renjosa or Ciudad Juarez or many of these cities just south of our border, Juarez; do it at a very low wage rate and then just send it in trucks up to the United States. That is what this agreement is all about.

So I do not agree that the jobs will be put out to these other nations. In fact, some of them have been, but not really very many. There are over 2,200 companies that are currently doing business south of our border that used to do business here, create jobs in the United States, and they basically just put production down there and then with a bug U-turn send that production back here into the United States. It is not the development of a real new market for our products.

□ 2100

Now, tonight we are going to talk a little bit not just about the fact that we are losing our jobs and our job base, and we have a city here in Washington where people really have not understood the change; but now they are asking the taxpayers of the country to pay for this accord.

And what are they asking for? Well, first of all in the news last week was a new type of financing facility that they are calling the North American Development Bank, the NAD Bank. It is not really a bank. It is a financing facility because of some clever language that was put in the bill.

But what does it ask? It asks you, the taxpayer, to take $225 million out of general revenues, to put in the first paid-in capital to this institution, to this facility, and then with some additional paid-in capital they say will come from Mexico, but we have not figured out how, since they have $106 billion callable. They have a debt right now they owe to the big banks since the World Bank where they are going to get their share.

But anyway, somehow this money is supposed to go in there, and then we are going to bond up to a level of $20 billion.

So my question to the administration and to the authors of this bill is, where are you going to get the $225 million, and where are you going to get the money to pay the interest on bonds that you claim will be bonded up to a level of $20 billion? It will not be cheap.

And what period will those bonds be paid over? Are those 20-year bonds? Are those 30-year bonds? Are they special zero coupon bonds? Could you tell us a little bit more about where we are supposed to get the money to pay for this bank?

Now, you saw that there was a big debate here last week. The administration proposed that because of these additional tariffs coming down, and there are very few remaining with Mexico, about the 5- or 10-percent tariff that remains, there will be a loss of the U.S. Treasury of $2.5 billion currently flowing into our Treasury because of tariffs on two-way trade between the United States and Mexico.

Now, that will be gone. So how are we going to make up the revenue for these lost tariffs?

Now, the administration has to offset that loss. They have got to do it by finding new taxes or spending cuts.

And what have they offered? Well, they tried to propose a doubling of the international airline and ship passenger tax. You can imagine how happy that made the airlines. We got a few phone calls here in Washington about a week ago on that score. They talked about doubling the customs fees for commercial vehicles and trucks. That does not make our trucking industry very happy.

They have talked about doubling the customs fees for trains.

They have also talked about cutting Civil Service retirement benefits, and there was a proposal in the Agriculture Committee to cut the Mickey Leland Childhood Hunger Relief Act.

Now, is that not interesting? In fact, we are trying to figure out how to pay for this bad deal by taxing our own people or cutting the limited dollars that we have to spend on domestic programs.

Now, the latest proposal out of the administration is a package of tax increases, spending cuts and accounting maneuvers that the Wall Street Journal calls budgeting gimmicks. Here are the latest ones.

They want to raise the international passenger tax by 30 percent and impose a new tax on travel from Canada to Mexico. They thing they are going to get $1.1 billion out of that.

They want to cut farm subsidies. I would like to know which farm subsidies they are going to cut, $182 million there.

They want to shift bank transmittal of employers' tax payments to the IRS up by one day, providing a revenue gain on paper—that is one of those phony budgeting accounting gimmicks they use—of $1.4 billion they say they will gain there—and they will allow the IRS to share data with Customs, providing a projected revenue gain there of $140 million.

All of this is just the beginning, and we know NAFTA will cost much, much more.

I know my colleagues this evening want to add some information to this, but I think when you really start prying open this box of what it is going to cost us, it is really a phenomenal figure which neither this administration nor the past administration chose to address in the body of the agreement itself.

Madam Speaker, I yield now to the gentleman from Michigan, Mr. BART STUPAK, who has been such a hard fighter on this, and thank the people of Michigan for sending him here. What a good choice.

Mr. STUPAK. Madam Speaker, I thank the gentlewoman for yielding to me.

It certainly is a great opportunity again to be here tonight to help educate our colleagues and the American people on why NAFTA is such a bad deal for us.

Tonight I would like to discuss an aspect of NAFTA that has not been talked about, although it directly affects Michigan, Ohio, Pennsylvania, and all the Great Lakes States. I want to talk about a report that I just received that says, "Down the NAFTA Drain, Michigan Jobs in Great Lakes Waters."

When I read this report that just came into my office by the Employment Research Michigan Clean Water Fund, I found some real interesting things. So I went through the NAFTA agreement, the volumes that we have, to double check some of the statements they made in here. It was quite an eye-opener for me on how it would affect Great Lakes water.

There has been a lot of debate about the merits of NAFTA, and the gentlewoman hit many of them here tonight. There has been almost no discussion in the United States of NAFTA's possible effect of transferring Great Lakes water to Mexico.

This is not the case in Canada. We know there has been a lot of debate in Canada and Canada has already approved NAFTA, but in Canada there was a real rage, if you will, over water and what the NAFTA agreement would do to Great Lakes water. Of course, Canada is on our border there, on our northern border and shares the Great Lakes with us.

But really what NAFTA does is it sets the stage for a large-scale export of Great Lakes water to Mexico.

NAFTA could divert our Great Lakes water because NAFTA fundamentally undermines the existing protections against diversion and the export of Great Lakes water which currently exists.

Michigan, of course, the area I represent, northern Michigan, I am surrounded by three of the Great Lakes.

For over a decade the leaders of Michigan and the Great Lakes States have been united in a bipartisan effort to prevent the artificial transfer of Great Lakes waters.

Governor Milliken back in the seventies convened a regional summit on Mackinaw Island in 1982 to address this problem. Governor Blanchard and Governor Engler followed Governor Milliken and they went on down the line joining a bipartisan effort to control the diversion of Great Lakes waters.

Since 1980, midwestern leaders along with Canada have signed a regional Great Lakes charter and agreement among the Governors and the Canadian Premier to limit diversion of Great Lakes waters.

There was enacted in Congress the U.S. Water Resources Act of 1986 which gives the Governors of eight of the Great Lakes States the right to veto any proposed diversion of Great Lakes waters.

They also rejected a few years ago a significant proposed increase in the existing Chicago diversionof Great Lakes waters in 1988 when the Governor of Illinois then proposed sending more water down through the Chicago River and through the Chicago diversion authority.

The citizens of the Great Lakes have supported the concept that Great Lakes waters must remain in the Great Lakes. In fact, some recent statistics have shown that 80 percent oppose any type of diversion of Great Lakes waters.

The Great Lakes is and remains one of our region's and one of our country's greatest resources.

These agreements that we have made, the Great Lakes States with Canada, have been necessary to protect our waters from diversion, not just out through Chicago, but also as we hear periodically from our Southwestern States; but now Michigan's current Governor supports NAFTA.

Does that mean then that he supports the diversion of water out of the Great Lakes?

The most important point about NAFTA is that it promotes free trade in our natural resources by limiting, it limits the rights of Government to enact measures restricting trade.

If you go to chapter 3 of the NAFTA agreement, it sets out blanket prohibitions against Government regulations of natural resource trade. No Government is permitted to regulate or to prohibit the flow of natural resources, including water. We are prohibited from protecting our own water.

Specifically, article 309 of NAFTA reads:

> Parties may not adopt or maintain any prohibition or restriction on the importation of any good of another party or the exportation of any good destined for another country.

There is no clause in NAFTA, and I challenge anyone to go through it, there is no clause in NAFTA which exempts water exports from these provisions. In fact, water is subject to the same requirements of goods as other goods described in article 309.

Water is listed as an item in NAFTA. Under 22.01 in the NAFTA tariff heading as water is including natural or artificial mineral waters or aerated waters not containing added sugar or sweetening material nor flavored ice or snow.

This means Great Lakes waters. In other words, all water that does not have sugar or artificial sweetener or ice or snow can be exported under NAFTA. NAFTA could permit foreign corporations to demand access to our natural water resources.

□ 2110

Therefore, Madam Speaker, this is no longer Great Lakes water, but, without any restrictions or tariffs, Great Lakes water becomes the natural water of Canada, the United States and Mexico.

Several other features of the NAFTA agreement could directly influence existing protections against water diversion. Some of these are article 302 of NAFTA requires that parties cannot increase or develop new duties on items, including resources. So, we cannot increase or develop new protections for Great Lakes water under NAFTA. Article 315 limits the rights of the parties to restrict trade through duties, taxes or other changes. All of this applies to our Great Lakes water.

In the simplest terms, Madam Speaker, the trade agreement articulates the rules of trade that will restrict the ability of our country and of our States to regulate the export or diversion of our water resources. NAFTA will facilitate trade by water by making it virtually impossible under a toothless disputes resolution process much like our friend, the gentlewoman from Maryland [Mrs. BENTLEY], indicated about the resolution process. It is a toothless process, and, therefore, there would be no way to protect our water supplies.

Is diversion a possibility? As my colleagues know, it certainly is. It is already happening legally and on a small scale. I said earlier we divert water through the Chicago River diversion project, and it could easily happen on a larger scale. The southwestern States have repeatedly demanded Great Lakes fresh water for their own use. Why would Mexico not make the same demand upon us?

I say to my colleagues, You don't need a grand pipeline or huge engineering projects because we have currently the Chicago diversion authority which diverts 3,200 cubic feet of Great Lakes water per second, and the Army Corps of Engineers has calculated that the Chicago diversion system could accommodate 8,700 cubic feet per second, if necessary. So, in a limited amount of time such an increase could lower lake levels in Lake Michigan and Lake Huron about half a foot. Should the Government of Mexico lay claim to our Great Lakes water, increased diversion through Chicago would take Great Lakes water into the confluence of the Mississippi and Ohio Rivers where it would meet up with engineering projects designed to take the water over the border. Mexico will certainly be likely to increase its demand for fresh water.

The gentlewoman from Ohio [Ms. KAPTUR] was down there. One of every four Mexicans lack access to pure water, and 55 percent of all the water available in Mexico is being used for urban, industrial, and agricultural purposes. Mexico is ripe to become a net importer of Great Lakes water.

So, what would this do to Michigan and the Great Lakes States if they said, "It's a natural resource, as defined under NAFTA. You can't put up any restrictions. Therefore we want you to flow it through the existing authority you have in Chicago and into the confluence of the Ohio and Mississippi Rivers?" Well, in the Great Lakes lower water levels can cause significant problems with drinking water intakes. Many of the cities I represent in northern Michigan get their water from the Great Lakes because it is still pure quality drinking water. Lower water levels would also affect our hydroelectric power production, our production of hydroelectric power. Lowered water levels could dramatically affect the navigation on the Great Lakes and, of course, eventually the Hudson Bay. Lower water levels can damage valuable coastal wetlands of the Great Lakes, affect our aquatic life, fish, and wildlife.

Madam Speaker, and my friends, and those listening to us at home tonight, the majority of the people of theGreat Lakes States are unaware that any of this could happen under NAFTA. Many of us who have been opposed to NAFTA realized it, asked for some experts to look into it, present a report, like they have, to our offices. Much of the same, much of the same people, are unaware of the agreement, much like the gentlewoman from Ohio [Ms. KAPTUR] spoke about tonight, about $50 billion, $50 billion just to implement this agreement would come out of their pockets. I hope that the people who live and depend on the Great Lakes and who enjoy the water and enjoy the lakes for recreational, and tourism and for their living are listening tonight. This agreement, this NAFTA agreement, is full of dead ends, back alleys and will lead to a $50 billion foreign aid package to the Salinas government, all topped off with a cool glass of water from the Great Lakes.

So, Madam Speaker, again I come to the floor tonight, like we have for the last number of weeks, to urge our colleagues to say no to this NAFTA agreement, and to study it and ask questions. Of course they cannot divert our water, but when my colleagues read the NAFTA agreement, and the definition of natural resources and the lack of protection we, as States or regions of the country would have to protect our water resources, it can, and, believe me, it will.

Ms. KAPTUR. As my colleague knows, I continue to be impressed with the gentleman's research surrounding this proposed agreement, and I had not focused on that particular item myself. The gentleman is correct in having traveled through Mexico and seeing the limited amount of water available to people, first in the border areas where water is very scarce, and the collection system is very rudimentary, and then going into Mexico City and around Guadalajara where lakes are literally being drained, and they are worried about where they are going to get their water from. And take a look at how so many of our natural resources, whether it is timber or whatever, are shipped down and turned into finished goods, and, looking at how many of our food processing facilities are moving down there, I think that the issue the gentleman raises is an exceedingly important one, and also, if we wish to object to water being on the table at all, he says it is right in the agreement. The convoluted procedure that we would have to go through in the dispute settlement section of the agreement would mean that we would be tied up with attorneys for years.

If we wish to lay claim to our own water, as the gentlewoman from Maryland [Mrs. BENTLEY] mentioned it a little earlier in the evening, the process by which we will have to take that case to the supernational body and then wait for experts to decide for us would literally preclude the people of Michigan from speaking out on their own behalf, and in fact their fate and the fate of our lakes would be in the hands of the Government of the United States in this national superbody that would be created, and the gentleman has brought an extremely important issue to the table and one that I hope will be explored more as we move forward.

Mr. STUPAK. If the gentleman would yield for a moment, again it is article 309 of the NAFTA agreement. I urge my colleagues who may be listening tonight to take a look at that and especially water being listed as item 22.01 in the NAFTA tariff heading. Obviously someone thought this through and knew what they were doing. Otherwise why would they even put it in the agreement?

I cannot stand here in this body tonight and swear that they are going to be diverting water the day after NAFTA is passed. Hopefully it does not pass, but it is another issue that must be explored. I think it is another issue which again demonstrates how hastily this agreement was put together to benefit so few while hurting the rest of us, including our natural resources.

Ms. KAPTUR. As the gentleman knows, one of the points I did want to mention also, I referenced earlier this NAD Bank, the North American Development Bank, and, if one reads the legislation that is proposed, and they see who is eligible for the funds, most of the dollars that would be available through our taxpayers putting into this bank and then the bonding authority that goes with it would do very little to clean up the environmental mess in our region of the country that has been left by industrial development that was not supervised in both the United States and Canada. We have 43 toxic hotspots on the Great Lakes which we have been trying to clean up over the years, many tributaries and streams flowing into them that we are tying to clean up, and I find it very offensive as a Representative from a midwestern State asking our people's tax dollars to go into these efforts by the Federal Government to then support development in Mexico before we take care of the problems we have in our own region, and then to put on top of that what the gentleman is saying, that in act there is a threat to our water, which we have been concerned about for many, many years now, even makes it more imperative that we defeat this particular NAFTA accord, and I thank the gentleman from Michigan [Mr. STUPAK] for being with us this evening.

□ 2120

Congressman BROWN of Ohio I know wanted to add some remarks. A real leader, and someone who has been vigilant, and I could say somewhat of a pit bull on this issue. And it is good to have some pit bulls down here, because we certainly have too many people who are faint in their support of any issue here in Congress. And to find someone who really follows through with his convictions is very encouraging to me.

So welcome this evening. We thank you for being with us.

Mr. BROWN of Ohio. Thank you for yielding, and thank you. You have been on this issue a lot longer than the gentleman from Michigan [Mr. STUPAK] and I put together. So thank you for your work over the years on the whole fast track, the whole free-trade agreement with Mexico and Canada issue.

The gentleman from Michigan [Mr. STUPAK] and others have given a whole host of public policy reasons that NAFTA is a bad idea, everything from Great Lakes water, which affects certainly the three of us here, but also issues such as food safety, truck safety, jobs, environment, all of those issues that clearly put us as a Nation—and, frankly, Mexican workers too as a people—at a distinct disadvantage if this agreement goes through.

One issue that is gaining more and more attention, and is overriding in a sense many of these other issues, is simply the issue of cost. As you know, NAFTA is a $50 billion new Government program. The proponents play this NAFTA math with their NAFTA tax issue, the proponents will say it is a $2.5 billion program because the agreement requires under the budget resolution, under the basic rules of budgeting in the House of Representatives, the agreement says that we only have to come up with $2.5 billion in revenues to pay for NAFTA.

What they are talking about is the $2.5 billion in foregone tariff revenues that we will lose at the border over the next few years with NAFTA because we have taken the trade barriers, if you will, the tariffs down. So we lose $2.5 billion. Under budget rules of the House of Representatives we have to make that $2.5 billion up.

What they will not tell us, what they do not want to deal with, what the people for NAFTA are not even willing to talk about, is the $10 billion the Governor of Texas will ask for infrastructure building in that State to prepare for the onslaught of NAFTA; the several billion dollars that the Governors of Arizona and New Mexico will ask for; the probably $10 or $15 billion that the Governor of California will ask for, the money to clean up environmental problems along the Texas-Mexican border, the Arizona-, the New Mexico-, and the California-Mexican border. The highest cancer rates in America are among young children along the Rio Grande in Texas and the poorest parts of Texas there. The money we would spend under NAFTA to clean those areas up.

They are unwilling to talk about the money it would cost for job retraining, the hundreds of millions, probably billions of dollars, to retrain workers that lost their jobs because of NAFTA. Because even money that the proponents have said we need for job retraining, they are implicitly or explicitly saying yes, there is going to be job loss or dislocation, and we need to come up with money for that. Not to mention money for welfare and schools in communities where plants close down and move to Mexico. Not to mention money for more people in Customs along the border to monitor and check and search the trucks going back and forth, all the commerce going back and forth across the border, having to check for more potential drug activity because the more vehicles that cross the border going north into the United States, the more chance there is that there will be some illegal drug activity, as there is now across the border.

All of those costs add up to a $50 billion new program. They do not want to talk about it. All they are willing to talk about, the people who are for NAFTA, is we only need $2.5 billion. Even with that, here is the kind of things they are asking for. They want to double the international airline and ship passenger tax. That does not affect a lot of Americans, but it affects people. It affects the prices of things that are going back and forth.

Doubling the customs fee for commercial vehicles and trucks. Doubling the customs fees for trains. Cutting civil service retirement benefits, which affects large numbers of people. Cutting the Mickey Leland Childhood Hunger Relief Program. Why we would cut that kind of program to fund something like the free-trade agreement is beyond my understanding.

And it goes on and on and on with other cuts, other taxes, and at the same time they are only talking about $2.5 billion, instead of the whole $50 billion program.

How are they going to come up with that money? They are denying it even exists, that the need will exist. And it is fairly typical, again, of this NAFTA math that they have engaged in to try to get people's attention off the real costs of this program.

The other issue I wanted to briefly mention, if I could, is an issue that more and more is brought up, and I would just like to have, if you are willing, kind of a conversation about that.

More and more, the one thing that seems to work in this institution when you do not have the facts on your side on any kind of an economic issue, you just bash Japan. If you cannot come up with an answer, you just bash Japan. And that is sort of what the pro-NAFTA people are doing now.

They are saying the Japanese are sitting on their perches like vultures, waiting to fly into Mexico if we defeat NAFTA, because Salinas would love to do business with the Japanese. The Japanese will come in and do their free-trade agreement with Mexico, and they will take advantage of it, and then the Japanese will have this whole market.

The fact is, the Japanese want NAFTA to pass, because the Japanese, they do not care about Mexico as a market, because Mexico is far away from them. People in Mexico do not have the money to buy Japanese goods. They cannot buy computers. They cannot buy electronic equipment. They cannot buy records. They cannot buy CD players. They cannot buy cars, because there is no middle class to speak of in Mexico.

The Japanese do not want Mexico as a market. They want Mexico as an export platform to make goods cheaply, to avoid environmental regulations, to pay low wages, to avoid job safety requirements that they have in their own country, to avoid child labor laws that they have in their own country, build these things in Mexico, bring their suppliers in for Honda and Toyota and all of the various kinds of plants, manufacturing plants, that the Japanese have in East Asia now, bring those into Mexico, assemble everything more cheaply, manufacture it and have their suppliers there, and use that as an export platform to come into the United States and sell under price here. They do not have any tariffs if they do that.

So if NAFTA passes, then the Japanese and the South Koreans come to Mexico, I will say it one more time, come to Mexico, and they can very inexpensively build all kinds of products in Mexico, sell them into the United States, and basically undercut American manufacturers.

They do not have any tariff which they would have to pay, unlike when they sell through the Port of Los Angeles or through Seattle or San Francisco or any way they come into the country nowadays.

NAFTA is a bad deal in a lot of ways. It is a bad deal because it is a $50 billion new Government program. It is also a bad deal because it is going to allow the Japanese to backdoor into this country and beat us on all kinds of products that we are finally competing well with the Japanese now, because we build cars that are better than the Japanese. We do a lot of things again better than the Japanese. And we are giving them an advantage that they have no right to have, and we are giving them an advantage that is simply just putting us under, and there is just no sense in doing it.

Ms. KAPTUR. You know, I am so glad that the gentleman brought up the point, because I think one of the most frustrating parts of this entire NAFTA exercise is that the entire executive branch of our Government is consumed with this deal. It is a flawed agreement. It was not negotiated properly in the first place.

But at the same time, as you see the President hosting these export shows on the White House lawn and executives of the United States flying in to the White House, and secretaries of state being brought to Washington, et cetera, at the same time, Japan is eating our lunch.

We are out of focus on where we need to be moving in terms of trade policy. The gentleman is absolutely correct, Japan, they are extremely competent in terms of international trade. They are poised already. The facilities are there in Mexico. Not to really sell to the Mexican people, because they do not earn enough to buy those big televisions that I saw being manufactured at Sony, or they do not have enough funds to buy the automobiles that Nissan will manufacture. But all that will be sent to the United States.

But it is troubling to me that the trade talks that we have tried for now since 1985 with Japan to get a focus on by the President of the United States, has completely fallen off the table as we are spending all this time to put together this sort of an agreement which has all these problems, and we are hemorrhaging again with Japan in terms of more imports coming into our country than our exports going over there.

Mr. BROWN of Ohio. If the gentle lady will yield, in addition to the kind of lobbying that corporate America is doing, we have heard on this floor so many times the Mexican Government has spent $30 billion, $30 billion, to lobby this Congress to pass NAFTA. Never in history has a country spent that kind of money to lobby the elected officials in another country. At the same time, USA NAFTA, a group of the largest American corporations, companies where top management and major stockholders will in fact benefit from NAFTA, at the expense of the rest of us, they are lobbying hard.

□ 2130

They are calling people in their districts. They are corporate people that are coming here all the time, the people from the largest corporations in America are coming here lobbying every day, talking to all of us, even talking to Members like the gentlewoman from Ohio [Ms. KAPTUR] and me, who are against this agreement. They are pulling out every stop.

The other thing that is happening in this agreement, in the lobbying efforts for this agreement, is not just corporations spending huge amounts of money putting ads on TV, not just the Mexican Government hiring all kinds of people all over the country, all kinds of lobbyists to try to convince all of us to vote for NAFTA, the other thing they are doing is they are finding all kinds of little ways to convince Members of Congress to vote for this.

I will make you a deal here on the citrus problem for South Florida, maybe we will do a little favor for citrus, if you agree to vote for NAFTA.

A new one they have done, which is real interesting, is they have really loaded this whole thing up with pork. This agreement now has all kinds of little things that American taxpayers are going to pay for. I mentioned the $50 billion. Included in that are one in particular that is real interesting which is $10 million for a little university in Texas or a little college. It is a $10 million school that they are going to call a trade center. And this world trade center, NAFTA trade center, is going to be a school to teach all of us and to study more about how trade is affecting us as a nation, how trade between Mexico and the United States is playing, what it means to us, how to prepare for it, all these kinds of things, things that the private sector is now doing, that our great university system in this country is doing both private and public.

It is basically a payoff to some people in Texas. I do not know who exactly, but people in Texas, give them something to get some more Texas Members of Congress to vote for this. That is happening all over the country; $10 million for a world trade school, that is the kind of thing they are loading up with this pork. That is one reason it adds up to $50 billion.

There are things in this that we are not even going to know about, because the deals will be cut somewhere else. While we are debating this issue, some Members of Congress are being offered, not personally for their own benefit, I do not mean anything sleazy, but things for their district. "We will give you this, if you vote with us." It is unseemly. It is the kind of thing that when the proponents of NAFTA get desperate, they try anything.

They are behind. They are behind because the American people are outraged about this. The passion on the side of the opposition, as you know from your travels around Ohio and this country, people are against it. People do not like it. People know it is a bad deal. It does not smell good. People know we have to defeat it. That is why we get so many letters and why we are winning this issue.

Ms. KAPTUR. I think what is really so sad is that when you have an issue that is of such consequence to the continent, that whether it is Lee Iacocca, whose largest personal asset is his shares in Chrysler Corp. and, therefore, his interests are clear and he would sell the continent down the tubes for his own personal financial gain, or whether it is a project in Texas or whether it is some deal they are trying to cut with citrus or with steel or with sugar or whatever it might be, I think what is really disheartening is that we want to do what is right for the people of the continent, for the next century. People who are involved in that kind of horse trading and pork are looking at through such a very narrow lens. What might be good in one narrow instance, not what is good for all.

Mr. BROWN of Ohio. To do what is right is to do some things in this trade agreement that would uplift both countries. I do not think any of us, the gentleman from Michigan [Mr. STUPAK], the gentleman from New Hampshire [Mr. SWETT], sitting here, he has talked about this issue from time to time, you, as a leader in this, all of us have talked about how we do not like this agreement, but there could be a good agreement with Mexico that we could craft.

The proponents in this debate have never really played hardball except trying to get votes in Congress, never played hardball to get a good agreement.

A friend of mine last night, in Elyria, a fellow by the name of Ken Rothgery, suggested to me, "Why don't you suggest in this agreement that perhaps any American company that goes to Mexico, all they have to do is pay the American minimum wage, that is the only requirement you put on them. If they are going to go down there, pay the American minimum wage of $4 an hour." It would mean fewer of them would go, but it would also mean that it would raise the standard of living there. Other Mexican companies would have to begin to pay more. And we would end up creating a middle class in Mexico over time that could, in fact, turn around and buy things from New Hampshire and Ohio. That is what we need to do, find a way in this agreement, long term, to do what is best for everybody instead of best for this very narrow slice of the American elite society or the Mexican elite society.

Ms. KAPTUR. The gentleman raises a good point, particularly in the area of the export sector, that type of proposal would make so much sense where we could actually begin to develop a real middle class in Mexico where people could purchase goods, whether those goods are made in Mexico or made here.

What was interesting, I listened to President Salinas of Mexico on the television the other night. I listened very carefully when he talked about wages, because the interviewer, David Frost, asked him, what about wages going up in Mexico. And the president of Mexico said, well, I have this proposal to tie wages to productivity, which sounds very good at first blush, but then when you look, No. 1, it is not in the body of the agreement. And No. 2, even if you try to tie wages to productivity, Mexican wages are so low, if the people down there work their hearts out and double their productivity, their wages might go up to $2.50 an hour and so if you really think about the numbers and you talk about NAFTA math, trying to lie with NAFTA math, you can see that those are just fancy words. But people really do not want to change the way that they are doing business.

Madam Speaker, I yield to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Madam Speaker, I appreciate the opportunity to come down. I was listening to you from my office on C-SPAN. I want to commend all 3 of you for carrying on this debate.

I think that this is an important issue to be talking about. I wanted to bring a little bit larger perspective, and I think this is one that you will appreciate, because you and I have worked so closely on European parliament issues. We are seeing here the formation of a Western Hemisphere equivalent to the European Parliament, much smaller in scale, being three countries as opposed to the 12 who make up the European Community. But if you stop and you realize that in the last 5 years max, probably closer to 4 or 3 years of actual substantive debate, we have been negotiating with Canada and Mexico to bring forward an open market between those three countries.

Compare that with the 12 countries in Europe, which took 37 years to get not even as far along as what we are trying to do with the NAFTA. Once again, to realize that we may be going at this a little too quickly.

I certainly agree that free trade is a goal that we should all shoot for here in the Western Hemisphere. I think that the whole idea of free trade is a very good one, but fair trade is a very important component in that.

I wanted to bring out not only the fact that fast track really has not worked, and I have to admit that I was one of those Members who supported fast track when it first came through. But I have since realized that it closed down the system, and it limited debate. And it ultimately allowed decisions to be made outside of the view of Congress and outside of the view of the public and those groups that it was going to impact the most.

What I have also come to recognize has been what I have come to call the Chicken Little syndrome in Washington, where we seem to be managing by crisis. All of a sudden this is the NAFTA. This is the onlyNAFTA that we will never be able to enact. I think that that is a fallacy in itself, because what I have seen over the short time that I have been in Congress, since 1990, and I have no prior experience to judge from, what I have seen is a body that goes into convulsions when it comes close to time to vote on a particular legislation, that you begin to think that there is absolutely no recourse if that legislation fails and, therefore, it has to pass.

What I would like to suggest, and I think that my good colleague, the gentleman from Ohio [Mr. BROWN] was beginning to get into this whole area, that we have solutions that we can offer that will improve the NAFTA and that we cannot end with this one vote where NAFTA goes down but, rather, resurrect something from the ashes, like a phoenix, and go on with a much more improved NAFTA that ultimately serves as a template from which the Latin American countries south of Mexico can draw upon to craft their free-trade agreements that will ultimately lead to a Western Hemisphere free-trade agreement.

□ 2140

I think those are the things that many people in the public need to understand, that we are not here to destroy this trade agreement, we are here to make it better. I think the suggestions by the gentleman from Ohio [Mr. BROWN] are a very good start.

I think also the comparisons that we have heard made with Japan are great lessons to be drawn from, because if Japan were to go into this, and they are certainly waiting like vultures on the branches of the trees that overshadow the Mexican economy, and they are going to swoop down and use this as a platform to launch into the American market.

If they were to engage in this kind of agreement, I think what they would be doing is the reverse of what we have done here in this country with regard to the NAFTA. I think if we are truly interested in improving the environment and labor protection, we would be setting up a situation where we are asking for character change before the carrot is given. I think what we see happening in the NAFTA as it is currently crafted is the giving of the carrot before the character change is demonstrated.

This country has done this time and time again in foreign policy, I think with regard to trade, most particularly. We have seen it used and abused in this way with most favored nation status for any number of countries where we expect, out of the goodness of our hearts, maybe, out of the naïveté of our foreign policy, maybe, or just because that is something that we would like to think will happen, that a country is going to change its behavior after we have given them what they are asking for.

I think this is a chance for us finally to take a stand and say, "Let us put this in place and offer milestones to Mexico that will ensure that they are making progress in the right direction. Let them take their tariffs down. Let us gradually remove our tariffs as they demonstrate that they are able to accommodate those protections for the environment and for labor."

Mr. BROWN of Ohio. Will the gentleman yield on that?

Mr. SWETT. I am happy to yield to the gentleman from Ohio.

Mr. BROWN of Ohio. That is exactly right. What Ms. KAPTUR said in her discussion about Salinas saying, "Maybe we will link wages to productivity," there is nothing in the agreement.

As the gentleman from New Hampshire [Mr. SWETT] said, you don't give away the store, I guess he used a different metaphor, but you don't give away the store. You just don't give them the store and then say, "Would you agree to do this?"

Clearly if wages are going to be higher in Mexico, if we are going to see the wages go up, if we are going to see a minimum wage, if we are going to see worker safety requirements, we have to get that in the agreement, not just get a pat on the head from President Salinas and a wink and nod saying, "We will do these things once we sign this agreement."

The gentleman talked about productivity. Mexican wages in the last dozen years have gone down 30 percent while productivity in Mexico has gone up 40 percent. That is why NAFTA will not work, is that wages will not rise in Mexico with this more investment, with more American and Japanese and Korean investment in Mexico. Wages will not rise because the Government will not let those wages rise.

We need major parts of this agreement on a minimum wage, better environmental agreements, better free elections. We need in this agreement things such as guarantees for labor unions to organize and bargain collectively, things like that. That is what will create the middle class there.

Mr. SWETT. I want to point out to the American public that there is a large number of very committed Members of Congress who want to continue the negotiations, and we are going to fight tooth and nail to see that this agreement is improved, and that we will continue the process, because we understand that this is not the end of the world. The sky is not falling. This is a continuum. This is a negotiation that ultimately can be improved.

I appreciate the gentlewoman from Ohio [Ms. KAPTUR] offering me the opportunity to discuss this.

Ms. KAPTUR. I am just so thankful that the gentleman came here this evening and joined us in this effort, because, first of all, let me say to the gentleman from New Hampshire [Mr. SWETT] that his hard work with the European Parliament, I think, adds special credence as we move into this debate, because the gentleman has sat through the meetings, the gentleman has seen the developments there, the gentleman has watched the integration of Spain and Portugal and Greece, and now the efforts to try to move the nations of Eastern Europe and Central Europe into that major market.

Through all of it, there has been at the fundamental, at the base of it all, a commitment to democratic reform, and that each of those nations must be functioning democracies before they enter the market, so the principles of democracy were at the very base. They were not forgotten, as they are in this agreement. In fact, this agreement is silent on issues that concern political freedom.

I quoted earlier today on the floor a statement by John Kennedy when the Alliance for Progress was envisioned, when we were all very young, and he talked about economic development in and of itself not being sufficient without political liberty and freedom, and that that had to be the base of any relationship in this hemisphere, set of relationships.

I think you have brought that out, and you have talked about political structures, you have talked about social structures, you have talked about economic structures that have to be brought together. The tragedy of this agreement, and I think we all feel this, for those of us who have a history in working in the international realm, we know that this agreement would not even get a C-plus in any class that we would take on how to put this together.

We just want the chance to do it right, and this truly is the first post-cold war trade agreement that this Nation will sign, and for this hemisphere, it is absolutely precedent-setting.

The kind of care you wish to take, I think, and the good job that you would do, I know, because you would appreciate the architecture of it all, would make a major contribution to the 21st century.

I yield to the gentleman from Michigan [Mr. STUPAK], if he wanted to add something at this point.

Mr. STUPAK. Not at this point. I just appreciate the opportunity of being here tonight. We have had a good discussion, a wide-ranging discussion from water to jobs to employment to wages to the very true fact that was probably not brought out by our friend, the gentleman from New Hampshire [Mr. SWETT], that we are not against free trade, we are not against fair trade, but those are the two keys, free and fair, which are not found in this agreement.

As we dig more and more, every night or every week when we have these special orders, we find more and more flaws in this NAFTA agreement. It has been fast-tracked, but it is important for those of us who oppose it and for our colleagues who are listening not to get fast-tracked with it, but to dig into it to find the insidious parts of NAFTA which will hurt this country.

Ms. KAPTUR. As we went and traveled through Mexico and we met with many of the leaders who care very much, not just about economic growth but they care about democracy, and they care about social charters and human rights in that country, they literally begged us, and many of them met with us privately, in secret, so their names would not be revealed, because they were fearful for their own lives, for their families, for their jobs. They could not speak freely in that country.

They begged us to put up the kind of fight we are putting up here tonight. Many of those people of allpolitical persuasions in Mexico would join us in a common effort to put together a continental accord that we could look back on, and our children could look back on, and be very proud of. We know this one is not it, but we hope that we will be able to defeat this current NAFTA so we can go back to the drawing boards and do it right for the sake of the future of the hemisphere.

I want to thank the gentleman from Ohio [Mr. BROWN], the gentleman from New Hampshire [Mr. SWETT], and the gentleman from Michigan [Mr.

STUPAK]. I also want to thank the gentlewoman from Maryland [Mrs. BENTLEY] for having been here earlier this evening.

I see the gentleman from Vermont [Mr. SANDERS] here, who held a tremendous rally in Vermont this past week which made national headlines, and we thank him very much.

EXCHANGE OF SPECIAL ORDER TIME

Mr. BOEHNER. Madam Speaker, I ask unanimous consent to exchange my time with that of the gentleman from New York [Mr. SOLOMON].

Mrs. MALONEY. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SHALL THE UNITED STATES ADOPT A SINGLE-PAYER CANADIAN-STYLE HEALTH CARE SYSTEM?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 60 minutes.

Mr. BOEHNER. Madam Speaker, during the next hour you will witness the first Lincoln-Douglas-style debate to be held here on the House floor. This debate is sponsored by the Conservative Opportunity Society, a group of activist conservative Members of the House, and the Progressive Caucus, a Member organization that is dedicated to forwarding a progressive agenda.

This is the first of many debates these two groups will be sponsoring. We hope these debates will provide our colleagues and the American people with an informative and critical presentation on issues of national concern.

Tonight's debate will focus on the issue of health care, and the debate will be the following. The question shall be: Shall the United States adopt a single-payer Canadian-style health care system?

A single-payer health care system is defined as one in which the Government pays and administers health care for all its citizens. Speaking in favor of the resolution is the gentleman from Washington, JIM MCDERMOTT, and the gentleman from Vermont, BERNIE SANDERS.

The gentleman from Wyoming, CRAIG THOMAS, and the gentleman from Illinois, DENNY HASTERT, will speak against the resolution.

□ 2150

The format provides for opening statements by each debater, a cross-examination period where each team will have a chance to ask and respond to questions, rebuttals from each team, and closing remarks.

I will be the moderator for this first debate and will yield time to each of the debaters.

We begin the debate with 3½-minute opening statements from each of the participants, each of whom will speak according to the agreed-upon format.

I yield to the gentleman from Washington [Mr. MCDERMOTT] to start our debate.

Mr. MCDERMOTT. Madam Speaker, last week the President came to this body and brought a health care reform proposal in which he announced that he would not sign into law any bill that did not provide universal coverage for all Americans with a very generous package. Now single-payer is the only proposal that guarantees free choice of provider and assures that you do not have to change your current health care arrangement. It breaks the link between insurance and employment. The Congress would define a benefit package and provide the financing.

Doctors and hospitals, on the other hand, remain entirely in private hands. They would not be employees of the Government or insurance companies. You would go to your doctor and the State would pay your bills on your behalf, just like an insurance company does today.

The difference is that universal coverage is guaranteed no matter where you live, no matter for whom you work, how much money you have. The cost control is real, and 25 cents of every dollar spent on administrative waste due to the inefficiencies and marketing costs of private insurance companies is eliminated totally. That money is then used for health care delivery.

Single payer is the cheapest form of health care reform and the plan that will leave the most money in the pockets of the citizens of this country. Every other industrialized country in the Western World has used some form of single payer to guarantee coverage and to contain costs. We should accept no less in this country. We can do anything better than any other country and we ought to be about it.

Now what do Americans want from health care reform? They want universal coverage so they do not have to worry any more about who is in and who is out and if the problem they have is covered. They want health care that provides free choice of provider, that is affordable. They want to end to unnecessary administrative costs that are devouring our resources and can be used to deliver health care.

We spend $70 billion a year in unnecessary administrative costs in our system. They want stable and comprehensive benefits. Single payer is the only road-tested plan that delivers these goals for the American people.

Mr. BOEHNER. I yield to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, let me restate again the question. That is should the United States adopt a single-payer Canadian-style health care system? That is the issue we are talking about. So let me open by stating what this debate is not about.

We are not debating whether to have universal coverage and universal access. We agree all Americans should have the opportunity for coverage. The question is whether you achieve that with a Canadian-style system, and with it the serious systemic problems that it would cause.

We know the diagnosis for America's health care woes. It is the proposed cure of a single-payer system that we believe is a faulty treatment for the American people. We are debating the weaknesses and the failings of the Canadian system, and all of us know those failings exist—rationing, high costs, technological shortages, substandard care, particularly in rural areas, huge tax burdens, the lack of money committed to research.

Three of us here who are involved in this debate tonight at the same time all visited Canada together and we looked specifically at the single-payer system. The fact is that Americans under such a system would be left out, overtaxed, and forced to accept substandard health care.

The bottom line is this: A socialized program is not the answer to America's health care problems. We know that by looking at Canada. We know that by looking at our own problems.

Right now we have 60 million people under single-payer, three times as many as Canada in Medicare and Medicaid. They are a single payer system which no one can hold up as a shining example of health care efficiency or quality. Indeed, if it were not for the other system for the shifting of costs, that system would have collapsed. Patients, providers, and program administrators alike universally say these government programs have big problems and cannot deliver health care as well.

The inherent virtue of socialism is equal sharing of misery, and that is exactly, my friends, what we have. And that is what socialized medicine gives us.

Philosophically this country has a choice: Should the United States adopt a single-payer system, socialism, or not? That is what we are debating here this evening, socialized medicine and bigger government, bigger taxes.

None of these things are what Americans say they want, and as their elective representatives we must respect that. In yesterday's election people proved that conclusively.

Should we adopt a single-payer Canadian-style system? Absolutely not. We need an American-style system. One that fits Canada will not fit America. One that fits all sizes fails, especially when the country has 10 times as much population, 10 times as many people as does Canada. We are a different country. We have a different ethic. We do not need another country's bad idea of something so vital and so important to the American people as their health care.

Mr. BOEHNER. Madam Speaker, I yield to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Madam Speaker, let me begin by asking a simple question, and that is do we believe, as the Canadians do, and as most industrialized nations do, that health care is a right of all people, or do we believe that quality health care should be a privilege of wealth? The more money you have, the better health care you receive. In other words, do we want to continue the current inequitable system which says that if you are rich, you can receive some of the best medical care in the world, but if you are working class, or poor, tough luck. You, your kids, and your parents will not have the same opportunity for long life, for good health, as those people who have the money. That is really the heart of this debate, and let me be very clear about my point of view on this issue.

I object strenuously to any health care system which says that the children of family farmers or factory workers in my State of Vermont who do not have a lot of money should get second-class care compared to those people who are wealthy. The only health care system which treats all citizens alike, and which provides quality health care to all people, regardless of their income, and without out-of-pocket expenses, is the single-payer Canadian-style system, which is why I am fighting hard for that system in Vermont and for our Nation.

The Canadian single-payer system, which is administered at the Provincial level, is not a perfect system, but in terms of access, in terms of simplicity, in terms of comprehensive care, in terms of cost containment, it works far better than our system does, and in terms of support from the people it is far more popular in their country than our nonsystem is in our country.

Let me briefly compare the two systems. Today in the United States, despite the fact that 37 million Americans including 9½ million children have no health insurance, despite the fact that 50 million Americans are underinsured, despite the fact that senior citizens today pay out of pocket a higher percentage of their limited incomes on health care than they did before Medicare, despite the fact that we have one of the highest rates of infant mortality in the industrialized world, far higher than Canada, despite the fact that we have a lower lifespan than almost any other industrialized nation including Canada, despite all of that, the United States today spends 40 percent more per capita on health care than do our Canadian neighbors, who have a high-quality, comprehensive, universal health care system.

Let me describe very briefly how, with a single-payer system, we can provide quality health care to every man, woman, and child in this country without spending one penny more than the $900 billion we are currently spending.

First, by eliminating the 1,500 private insurance companies whose only function is to make money, not to provide health care, we can, according to the General Accounting Office, save an estimated 10 percent of our health care costs, some $90 billion.

□ 2200

Under single-payer system, everybody has the same card, everybody goes to the doctors and to the hospitals of their choice and bills are paid by a single public agency, with a minimum of paperwork.

The uncomplicated Canadian health care system costs 11 percent to administer, compared to our cost of 24 percent. Every day in our country more and more bureaucrats, insurance examiners, lawyers and bill collectors are getting into the system, and they are costing us a fortune. There are enormous savings in the simplicity and universality of the Canadian plan that we should be enjoying as well.

Further, single-payer system negotiates and limits the fees that doctors can charge. The result, medical procedures, whether it is an appendectomy or a coronary bypass, are significantly less expensive in Canada than they are in the United States. In fact, we are 72 percent higher in the United States.

Mr. BOEHNER. Madam Speaker, I now yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. I thank the gentleman for yielding.

Madam Speaker, as a member of Congress from the Land of Lincoln, it is an honor to participate in this first Lincoln-Douglas debate.

We are here tonight to debate the issue of America adopting a Canadian-style, government-run health care system.

Adopting the Canadian health care system sounds attractive to Americans who are concerned about the skyrocketing costs and the millions of Americans who lack insurance. The Canadian model appears to solve both these problems. Everyone is covered and services are free. It sounds great.

But as H.L. Mencken would say, "There is always an easy solution to every human problem * * * [and it is] neat, plausible, and wrong." The same is true with the Canadian model.

Briefly, to describe the Canadian system: It is a universal, tax-financed health insurance system. All Canadians have access, without charge, to physician services; all residents must be covered and enrolled; and all plans are administered and operated by the provincial government.

The flaws with this approach fall into two categories. First, the Canadian system has no mechanism to control costs. Since all services are free, consumers have no reason to prudently purchase services. And since all hospitals are given a set budget, regardless of the quality of care delivered, there is no incentive for them to adopt innovative and cost efficient improvements. The second flaw is that politicians and bureaucrats will decide how much health care is delivered—not patients and doctors.

And all we need to do is look at Canada to see what problems these structural flaws cause.

Proponents of a single-payer system will say that such a system controls costs more effectively. The facts tell another story.

As this first graph shows, from 1967 to 1987 real per capita health care spending actually increased faster in Canada than in the United States.

Canadian fans also point to the statistic that Canada spends less of its GNP on health care than the United States. But comparing these two fractions is like comparing apples to oranges. When talking about Canadian expenditures, the number doesn't include capital spending and R&D costs to the same extent the United States number does, nor does it include expenses for dental care, prescriptions, ambulance service, private hospital rooms and eyeglasses. It doesn't take into account the fact that the United States population is slightly older, nor that the United States has a much higher violent crime rate, heavier illegal drug use and a greater incidence of AIDS than Canada.

National health care advocates always talk about the huge administrative savings that would be realized if the government would take over our health care system. While a single set of rules, forms and billing policies would save some money, the savings would not be enough to pay for the system. It's important to realize that the Canadian data used in the comparisons did not include many indirect costs associated with the system such as facilities and equipment.

In addition, roughly half of provider administrative costs in the United States are attributed to functions that would be largely unaffected by changing reimbursement methods. These include peer review organizations and Federal quality control regulations. It is highly unlikely that these programs and their costs would disappear.

Also, the litigious nature of American society also contributes to higher overhead. Health care providers must spend large amounts of money on documentation, risk management, quality assurance, legal fees and medical liability premiums.

The second set of problems stem from the inefficiencies of having the government decide how all the money is spent. Health care is too complex and too sensitive to local needs for Washington to have all the answers.

The Canadian system relies on government controls such as caps of expenditures, limits on high-tech equipment and on physician supply. This has led to artificial shortages of critical personnel and equipment. As this second graph shows, government control of hospital capital and operating budgets limits the adoption of medical technology in Canada.

On a per capita basis, the United States has more diagnostic equipment and facilities than Canada. It is important that Americans realize that Canadians hold health care costs down by denying services, not by using resources efficiently. This third graph shows how long patients have to wait in British Columbia for these routine procedures. Such waiting lists would be totally unacceptable to Americans—in fact they'd almost be considered grounds for malpractice. How many Americans really believe that the government is more efficient than the private sector.

To conclude, I would like to tell you about a Canadian woman who was visiting Illinois with her husband. He was admitted to a local hospital with a blood clot, but because he was scanned with an MRI they soon discovered a tumor. When arrangements were made to fly back to Canada, they discovered that he could not be seen by a doctor for 3 weeks and radiation treatment could not begin for a week after that. He stayed in Illinois and received treatment right away. She wrote a letter to her local newspaper saying she had always felt good about the Canadian system, until she realized it wasn't there when she needed it.

Canadians can come to the United States when they need quality care in a timely manner. Where will Americans go if our Government starts running the entire show? Mexico?

Mr. BOEHNER. Madam Speaker, we now move on to that portion of our debate where we do cross-examination. Again, following the agreed-upon format, participants have 30 seconds to ask a question of a specific opposing Member. That Member then has 2 minutes to answer, to be followed by a 30-second rebuttal by the original questioner.

I now yield to the gentleman from Washington to ask a question of the gentleman from Illinois [Mr. HASTERT].

Mr. McDERMOTT. I thank the gentleman.

I ask the gentleman: We have a number of other plans, health plans that have been offered, including one that the gentleman himself has proposed. They only promise universal access, not universal coverage. Only one plan, the single-payer plan, offers universal coverage.

Now, window shopping is one thing, but the ability to buy is another. How will his approach assure that people will be able to actually afford health insurance? Our plan provides it, it provides a way to finance it. I would like to hear his statement as to how he is going to cover everybody and make it possible for people to buy it.

Mr. BOEHNER. I yield to the gentleman from Illinois.

Mr. HASTERT. We think it is important that people have universal access to health care insurance, and what we do is we allow—first of all, we focus on who does not have health care insurance basically in this country: small-business people, they are farmers, they are barbers, they are physicians, proprietors of their own businesses, partnerships; they are also people who work for small businesses. So our approach is to focus on people who do not have health insurance. What we do is to allow those folks to pool into huge groups, guarantee them by pooling, give them access to insurance, give them portability of health care, to move from job to job. We also allow them health care for preexisting conditions, to reinsure in reinsurance pools—that is how you do it with liability insurance today. Also, today we guarantee that they get the same breaks that any other American business would get, that is, the ability to buy insurance at low cost. Incidentally, that is why those people cannot buy insurance today, it is too expensive. When they go to the market with one, two, or four people, they pay 1½ to 4 times the cost that big business pays for insurance for their employees.

Give people the break, give people low-cost insurance, and give them tax deductibility when they buy that insurance. That is something they do not have today.

For people at 100 percent of poverty, we redirect dish money, so instead of people getting health care, such as my State of Illinois where it costs $15,000 for a family of five to get health care in the emergency room, those people can get it on board with a primary care policy at much less cost, at $3,500 to $3,600.

People at 200 percent of poverty, we give them the ability to buy into these programs, a family of four earning $28,000, you give them the ability to take care of themselves. We have a basic premise where we believe that Americans want to do the right thing. If they have the opportunity to buy good low-cost insurance, with portability, without prohibitions of preexisting conditions and get tax deductibility, they will do the right thing and buy it.

Mr. BOEHNER. The time of the gentleman has expired.

I yield to the gentleman from Washington for a rebuttal.

Mr. McDERMOTT. If I understand the gentleman's answer, he has adopted the President's proposal of creating a bureaucracy to pool small purchasers, called the health alliance, at unknown cost. It is unusual that he suggests that we ought to create more bureaucracy.

The second thing he comes up with is he is going to subsidize people under 100 percent of poverty, which means he is going to set up some kind of welfare system by which he is going to give people the money if they need it. That is creating a second bureaucracy, which, in my opinion, is totally wasteful. The single-payer system says we subsidize everybody in the same pot; everybody puts in, people take out what they need. The gentleman creates bureaucracy to solve it. That is not the American way; it is not an efficient way.

Mr. BOEHNER. I now yield to the gentleman from Wyoming to ask a question of the gentleman from Vermont.

Mr. THOMAS of Wyoming. Let me preface my question with this chart, which shows the waiting time in the various provinces for the various procedures in Canada. It is true, yes, it is.

My question is to the gentleman from Vermont: In Ontario, patients wait up to 1 year for eye surgery, 6 months for a CT scan. Budgets resulting in rationed care and substandard care. Who will be responsible for the woman who waits months for a biopsy for a mammogram which shows tumor growth?

Mr. BOEHNER. I yield to the gentleman from Vermont for his answer.

Mr. SANDERS. If I did not know the gentleman better, I would think he would be giving me the lie of the insurance companies, trying to disparage the Canadian health care system.

As the gentleman knows, there is a multi-multi-million-dollar effort now to disparage, to create a whole lot of fantasy about what is going on in Canada. When we talk about rationing and we talk about waiting periods, let us compare what goes on in Canada to what goes on in the United States. In Canada, anybody can go in, rich or poor, to any doctor or any hospital that they want. In the United States, when we talk about waiting periods, what about the tens of millions of people who cannot afford to go to the doctor, who cannot afford to go to the hospital?

□ 2210

Doctors in Vermont and all over this country are seeing patients today far sicker than they were 10 years ago, because people cannot afford to go to the doctor and to the hospital.

In terms of the so-called waiting periods in Canada, a lot of that, most of that stuff is absolute malarkey. Ninety-nine percent of the time there are no waiting periods.

In fact, in terms of women's opportunity to get help for beast cancer, they move faster in British Columbia than they do in the State of Washington.

What you are hearing, the idea that people in droves are leaving Canada to come to the United States because of the waiting periods there is also utter nonsense. Most of the people from Canada who gettreatment in the United States get treatment because they are ill in the United States.

I should also inform the gentleman that the State of Vermont and in northern States there are people who go over the border to Canada because of the reasonableness of the cost of their health care. In the southern part of our country there are Americans who go to Texas.

But I would argue that in terms of the need for basic health care costs, basic health care, there are not significant waiting periods in Canada, and it is not worse than it is in the United States.

Mr. BOEHNER. Madam Speaker, I yield to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, I say to the gentleman from Vermont [Mr. SANDERS], here is the report. The gentleman was there. We heard the doctors. We heard the report. Here is the report. I can give the gentleman the citation.

Furthermore, the gentleman's partner who comes from the State of Washington, please tell me if that is true, why British Columbia contracted to the State of Washington to perform 200 cardiacs?

So it is a fact there is waiting. It is a fact that is the way you ration. It is a fact that is the result of global budgeting. There is no other alternative. That is the way it is.

It is a fact that there has not been more money put in by the Federal Government. They have frozen that in 1989, and therefore there is rationing and it cannot really be argued.

Mr. BOEHNER. Madam Speaker, I yield to the gentleman from Vermont to ask a question of the gentleman from Illinois.

Mr. SANDERS. To the gentleman from Illinois [Mr. HASTERT], I will have to ask a philosophical question. Under the Canadian single-payer system, all people, the richest and the poorest, have equal access to the health care that they need, all the health care that they need.

My question to the gentleman is, Does the gentleman agree that health care should be a right, a right of all Americans regardless of their income, and that the quality and availability of health care should not be dependent upon the income of the individual or the family?

Mr. BOEHNER. I yield to the gentleman from Illinois for a response.

Mr. HASTERT. I think all Americans agree that all Americans should have a right to health care. They have the right to be able to get health care insurance to cover themselves and their families.

One of the problems that we see in the Canadian system, the gentleman was there and visited the various bureaus to which we went, but even though the Canadians systematically have a right to health care, they pay a 39- to 59-percent marginal income tax, in Ontario specifically. They pay a 15-percent value added tax in Ontario, plus employers pay a $700 to $800 employee checkoff per employee.

They brought in, in Ontario, because I was specifically interested in a comparison to Illinois, 10 million people in Ontario, 11½ million people in Illinois, and the numbers were they spend $1,750 per person; $17½ billion on health care spent in fiscal year 1991 right here in the Ontario provincial handbook. In the revenue handbook, they brought in $7½ billion in Ontario in fiscal year 1991.

The real problem is that the revenue flow does not match the promises. That is why there is rationing. That is why this charade in Canada that we talk about of equal health care, that there is not health care, because people cannot get it. It is not there. They close down the MRI's at 6 o'clock. People have to go someplace else. They have to wait in line, and that is the problem.

Here are the facts, I say to the gentleman from Vermont [Mr. SANDERS]. The facts that we saw and got from the officials in Canada, the revenue for this program does not match the outflow, and it would be the same when you lay it on the 270 million people in the United States of America.

Mr. BOEHNER. I yield to the gentleman from Vermont for his rebuttal.

Mr. SANDERS. The gentleman did not answer the question, I say to the gentleman from Illinois [Mr. HASTERT]. Therefore, I gather that what the gentleman is saying is that he believes there should be a health care system in which if you have the money, you can go to the best doctors and hospitals in the world, but if you do not, your kids will die at a younger age. Your parents will die at a younger age. I gather that is the system the gentleman defends.

In terms of taxes in Canada, the fact of the matter is when you add taxes in Canada, which are slightly higher than in the United States, to the cost of private health care insurance, which is much higher in the United States than in Canada, guess what? Both costs comes out about equal.

The Canadians do not have to pay very much for private insurance because they have a national health care system which provides all the care that they need.

Mr. BOEHNER. I yield to the gentleman from Illinois to ask a question of the gentleman from Vermont.

Mr. HASTERT. To the gentleman from Vermont, the single-payer advocates argue that such a system is more effective in controlling costs. I agree that having one form would save money. We do not need a government takeover of the system to require only one form, electronic billing and other reforms to lower administrative costs; however, the statistics of what happened in Canada clearly demonstrate they have not been able to effectively control costs.

Could the gentleman explain what is the cost containment mechanism in the single-payer approach?

Mr. BOEHNER. I yield to the gentleman from Vermont.

Mr. SANDERS. Delighted to do it. As the GAO told us, by getting rid of all the bureaucracy of 1,500 private insurance companies billing, advertising, paying corporate executives huge salaries, we could save $90 billion right off the top.

No. 2, by negotiating doctors' fees which in the United States are 70 percent higher than they are in Canada, we could save tens of billions of dollars.

No. 3, single-payer enables us to negotiate with the pharmaceutical companies, which is why pharmaceuticals in Canada are 62 percent of the cost that they are in the United States. They do not allow their drug companies to rip their people off.

No. 4, by providing access for all people, people do not have to wait until they are sick and end up with significant health care expenses in the hospital.

So the savings are there, and that is why, I say to the gentleman from Illinois [Mr. HASTERT], in the United States today, we spend 40 percent more per capita than they do in Canada.

Mr. BOEHNER. I yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. It is too bad the gentleman was not at the GAO hearing the other day when General Boucher took the stand and basically admitted that the GAO health care study that the gentleman has liberally quoted was flawed. They did not add in everything. They did not subtract everything and the $90 billion of health care savings in Canada just does not exist.

So we need to go back and take a look at what the basic premise is.

Philosophically, we need the free market to develop competition. Competition among those health care providers holds down costs. We need to make sure that that exists.

Mr. BOEHNER. Madam Speaker, I yield to the gentleman from Vermont [Mr. SANDERS] to ask a question of the gentleman from Wyoming [Mr. THOMAS].

Mr. SANDERS. To the gentleman from Wyoming [Mr. THOMAS], a variety of polls have shown that the Canadian people and their physicians, despite some of the gentleman's rhetoric, feel very positively and are very proud of their system, while polls in this country show widespread dissatisfaction among the public and our physicians with our health care system.

The liberal party of Canada, as the gentleman knows, recently won a landslide election there last week, fully supporting, during their campaign, their health care system and rejecting user fees completely.

One poll showed that 3 percent of Canadians wanted to go back to the good old American system that they used to have.

My question is, given that reality, does that not suggest to the gentleman that we can learn from their system, that their system is working well, is supported by their people and that there is much of their system that we could adopt here?

Mr. BOEHNER. I yield to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, I say to the gentleman from Vermont [Mr. SANDERS] that I do believe there are some things that we can learn. Certainly that would be true, I think, of each of the systems throughout the world. There are things that we could learn. I think there is advantage in their system in terms of administrative costs, but I have to say again this is a different country. This is a different ethic. This is a different kind of an economy. This is a private enterprise economy. We are not as accustomed to having as high taxes and having Government provide as many services. We are not accustomed to having 15-percent sales taxes as they have in the province where we were, 50-percent income tax, in order to fund a Government service that they have become accustomed to. That is the kind of thing they are used to. They are sort of used to using the United States as a safety valve.

Where do we go when we do not have services, to Mexico? I do not think so. They have used this country as a support for that kind of a system.

So of course, it makes it somewhat better.

My point, I believe, is that we are talking here about implementing and implanting on this country a so-called Canadian system that has been developed over 20 years and is now beginning to run into serious financial problems. As the gentleman knows, they have frozen the payments into these hospitals at the 1989 level, which makes it more difficult under global processes.

So I just object to the notion that somehow, because they are somewhat satisfied, or even very satisfied with that system, that that would cause us who are accustomed to much more technology, much more breakthrough in new techniques, and they readily admit that they look to the United States for all new techniques, and by the way, their costs do not show any of these kinds of research costs that we have here, and I hope we continue to have.

□ 2220

I think to say they are happy with it, we should be happy with it, is simply not a comparison that is valid.

Mr. BOEHNER. I yield to the gentleman from Vermont [Mr. SANDERS] for his rebuttal.

Mr. SANDERS. My point is that the Canadian people, who have experienced their system for 20 years, are overwhelmingly supportive of it, as are their political leaders. On the other hand, in our system, physicians and other people are grossly dissatisfied, by and large, with what is going on here.

Madam Speaker, it seems to me that we can learn a great deal about what they are doing there if, in fact, we have the courage to take on the insurance companies and the pharmaceutical companies who are dominating the debate about health care in this country.

Mr. BOEHNER. Madam Speaker, I yield to the gentleman from Illinois [Mr. HASTERT] to ask a question of the gentleman from the State Washington.

Mr. HASTERT. To my good friend from Washington:

> In a Roll Call article dated October 18, 1993, you stated the Canadian style health care system is not a government run system. Government serves only as the single financing mechanism. While it's true that the Canadian hospitals are not government agencies and doctors are not government employees per se, having the government determine how much money can be spent by each hospital, the income level of each doctor and whether or not a hospital can buy a new piece of equipment essentially means that the government is deciding how much of health care is being delivered to its citizens.
>
> Don't you agree that this is a huge expansion of government authority?

Mr. BOEHNER. I yield to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. The American system, if the gentleman wants to use his logic, is an insurance-company-run system, and what we are talking about in this country is to whom shall we give the control. Shall we give it to the insurance companies, or shall we give it to the Government and the elected representatives to make the decisions forall the American people because what is at heart here is a decision about whether it is a right to have health insurance in this country of citizenship or of one's employment. And I believe that we should move, and I think those of us who support the single-payer system believe we should move, to a citizen-based decisionmaking that is decided through the elected representatives in terms of how much money.

But the fact is the Canadian system is not run by the Government. The patient comes to the doctor that they select. They go to the hospital that they select. It is a decision by the doctor what he shall do.

In this country, one has to call an 800 number. I am a physician; I know. One has to call an 800 number if they want to leave a woman in the hospital an extra day after the birth of a child. That decision cannot be made on their own unless an insurance company gives them that option.

But in Canada, the physician is making that decision on behalf of his patient, and I believe that that is the kind of system we really want, where we do not have the Government coming between the patient and the doctor. The doctor-patient relationship is not broken in Canada, or Germany, or Australia, or any of the countries in the world where they have a single-payer system, and I believe that increasingly in this country, as we hand the controls of our health care system to insurance companies and people at the end of 800 numbers somewhere—some clerk—we are taking away the essence of what we know in American medicine is important, the doctor-patient relationship.

For that reason I think that the Government is not intrusive. It simply provides the money to pay the bills.

Mr. BOEHNER. I now yield to the gentleman from Illinois [Mr. HASTERT] for his rebuttal.

Mr. HASTERT. The gentleman and I have both been to Canada. He has seen the global budgets put on hospitals and the rationing of how hospitals get by, by using 70 percent of the beds for people who are chronically ill and 30 percent of the beds for people who are acutely ill. We have seen doctors' salaries set at $125,000, so, when they reach that, they go to Florida in October. We know how that system works. It is a rationing system.

We do agree on one thing. We have to change the insurance system in this country. We have to make insurance companies accountable. We cannot let them prohibit or underwrite the preexisting conditions, and we have to give people good portable health care, and I think our alternative, the 30–80 that the gentleman mentioned before, does allow people to do that. It is a common sense, pragmatic way to solve the problem.

Mr. BOEHNER. We now move to the next segment of this debate. A Member from each team will have an opportunity to address any points from the previous section and offer a rebuttal to the information provided by the other team.

I now yield to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Speaker, it has been interesting here tonight for anybody watching this and listening to it to listen to the myths about a single-payer system. I want to take one myth because I have one specific one I know the answer to. I have heard this thrown around over and over again.

Madam Speaker, it is that British Columbia contracted with Seattle for

200 heart operations because, quote, there was no technology in Canada and there was a long waiting list. It turned out that that was a myth. It took them over a year to find the 200 patients. What the real problem was was that Canadians wanted to go to two specific doctors, and of course there was a line, and, when asked whether they would rather go down to the United States and have it done immediately in a university hospital like the University of Washington, they said, "No, we want to wait for Dr. X here in Vancouver."

There is no documented waiting list of people who have serious problems in Canada. We have waiting lists in this country. One cannot just walk into any doctor's office on any given day and get a routine thing taken care of. They have to make an appointment, and that is what a waiting list is, and the Canadian have it, and we have it.

Now, as to the high costs, I frankly find this discussion almost unbelievable that people would say the Canadians cannot control costs. The Canadians spend 40 percent less per capita than we do. Whatever one wants to say about their system, they cannot deny that they have controlled the costs. That simply is laughable because they have been able to do it.

We started out in 1960 spending about the same amount per capita as the Canadians, and since 1960 we have gone to 15 percent of our gross national product, whereas the Canadians are less than 10 percent. It is simply not true that they cannot control costs.

Now, as to the question of whether they interfere between the doctor and the patient, I want to deal with that one again because I think it is absolutely crucial. Every Canadian has the right to choose whatever physician they want to go to, whatever hospital they want to go to. That is not true today, and it will not be true if these HMOs that people are going to be forced into on an economic basis occur.

Mr. BOEHNER. I yield now to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Madam Speaker, let me just comment on the growth. Here is a chart that charts it clear back to 1967, but the gentleman mentioned particularly that area in the 1980's. It shows that the increase in real health care spending per capita in Canada had risen in 1982 to 87.4 percent, in this country, 4.1 percent, and it follows that pattern. So, there has been growth, and there continues to be.

The gentleman from Washington [Mr. MCDERMOTT] indicated that single payer is not a Government program, but in hisarticle he went on to say that the Government collects the money, sets the benefits, determines the minimum benefits package, and certainly, of course, would regulate the State associations. As the gentleman knows, it is naive to suggest, to even suggest, that the Federal Government is going to collect the money and pass it out to any entity without regulation. I think we struggle enough here with overregulation to know that that is not the case.

We are talking here about the Canadian plan. My friends have shifted over to the plans that are being talked about here. We are talking about the Canadian plan. We are talking about the cost of that and the taxes that would have to be raised. We are talking about the fact that, if States finance it, as provinces do, it would take a 47-percent increase in taxes in States to do this kind of thing. There is pretty good evidence, I think, that there is no willingness on the part of this country to pay that kind of tax increase for a Government-controlled health program.

□ 2230

If there is anything that we have good evidence of, it is frustration in this country, with Government regulation and Government involvement. So to suggest that a Government controlled health program for everyone in this country, whether they be Amish or some who do not want to be involved, and to say that that is what we ought to lay on everyone, it seems to me just has no support in the evidence of our experience.

Mr. BOEHNER. Thank you. In the final segment of this debate, each participant will offer a 3-minute closing argument. Members will speak in the reverse order of their opening statements.

I now yield to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Americans know we need to change what is wrong with our health care system—we must expand access and control costs. They are impatient for that change—and rightly so. But they also want us to preserve the excellence and the choice they have come to expect. And they don't want to see their health care costs go down only to see their taxes go up.

But as we've shown tonight in this debate, all the Canadian system can claim is that everyone has access to the system. But you have to stop and ask yourself, what is the quality of the system? How long will I have to wait to get the test or procedure I need? How much more will I pay in taxes.

They promise that they'll be able to expand access to everyone and no one will have to pay more. But remember what your mother told you, if it sounds too good to be true, it is.

They cite Government estimates and reports produced by the CBO and GAO. But remember, the Government has never correctly estimated the cost of its programs. That's why Congress keeps going back to hard-working Americans to ask them to pay more in taxes. This case is no different.

Their sole cost containment mechanism is simply to have the Government say we'll have lower costs next year and then, forbid hospitals from getting the latest and best equipment. But is that how we want costs lowered.

Fortunately, there are other options out there. If we want to control costs, we should target the key cost drivers. We should reform our malpractice system to eliminate the unnecessary procedures that are done simply to protect the provider if they're dragged into court.

We should adopt a single insurance form and electronic billing so that administrative costs are lowered.

We should tighten our fraud laws to eliminate this cost in our system.

We should reform our antitrust laws so that communities have the opportunity to coordinate the delivery of health care. No longer will each hospital have to buy the latest, and often most expensive, diagnostic tool.

And if we want someone to control costs, it should be the consumer, in consultation with his/her physician who decides if a treatment is appropriate or not.

We should allow the creation of medical savings accounts, or medisave accounts, that are integrated with a catastrophic plan.

Let me explain how this would work. On average, employers nationwide pay $4,500 per year to buy health coverage for an employee family. Under our legislation, employers would be encouraged to take $1,500 of that $4,500 and purchase a major medical insurance policy that would give employers everything they have now, except the insurance policy would have a $3,000 deductible.

In other words, the employee would pay the first $3,000 of health care costs. The company would cover that possible $3,000 expense to employees by setting up a medical savings account in the employee's name and depositing $3,000 in it each year. Whenever an employee needed medical service, he would go get it wherever he chose and then would present a debit card and the bill would be paid from the $3,000 in his medical savings account. Anything he didn't spend at year's end he would get to keep. All of a sudden people have an incentive to make a choice between $200 at the emergency room or $50 at the doctor's office because they are spending their own medical savings account money.

If a family had multiple illnesses, the $3,000 would be spent from the account and then the major medical policy would kick in. The employee is as well off as he is under the high premium, low, or no, deductible plan he has today. But, if the employee, be exercising prudence, can save some of the $3,000, year after year that account can grow as a tax-free IRA. That money could then be used later in life to purchase long-term care or for other medical services.

The debate on health care reform has just begun. Whatever reforms we adopt, we should make sure that it controls spiraling costs and makes health insurance affordable. Most important, we should make sure reform leaves the patient in charge of the health care decisions, not the Government.

That's a prescription for real change.

Mr. BOEHNER. I yield to the gentleman from Vermont.

Mr. SANDERS. Thank you, Mr. Chairman. Boy, do I wish we had more time.

Just a few points. Yesterday's Washington Post, "The cost of health care." Here is the chart. United States, highest in the world. $2,868. Canada, $1,915.

Everybody understands that health care in the United States per capita is far higher than Canada, despite the fact that they have universal coverage, comprehensive coverage, for all of their people.

You keep using the word "taxes." "Taxes." Let us not fool the people.

In Canada taxes are a little bit higher. But, guess what? They do not have to pay $2,500 per person for private health insurance. That comes out of their tax base. Add taxes and health insurance together, it is about the same for both countries.

Mr. Chairman, 60 years ago, Franklin Delano Roosevelt, as President of the United States, fought for national health care for all people. In 1948, Harry Truman campaigned for national health care for all people.

How has it happened that the United States today, along with South Africa, remains the only industrialized nation on Earth that does not have a national health care system guaranteeing health care to all people? And I will tell you how it has happened. It has happened, not because of a debate over health care, it is a debate over economics. It is a debate over the insurance companies, certain physicians, the pharmaceutical companies, the medical equipment suppliers, who are making billions and billions of dollars off of human misery.

It is all about Common Cause's study that tells us that the medical industrial parks have spent $60 million over the last 10 years trying to influence this Congress not to pass a national health care system. It is about the CEO of Bristol Meyers Squibb, a large pharmaceutical company, who makes $13 million in income in 1991, while elderly people cannot afford the prescription drugs that they need.

The reason we do not have a national health care system is that the medical industrial complex is protecting the likes of Mr. Thomas Frist, the CEO of the Hospital Corporation of America, who last year earned, and let me say it slowly, who last year earned $127 million in income, running a hospital corporation, at the same time millions of Americans cannot get into the hospital. That is an outrage.

Poll after poll shows widespread support for the Canadian health care system, among physicians, patients, political leaders. Poll after poll shows widespread bad feelings, widespread unhappiness, with the system we have here in the United States of America.

Mr. Chairman, it is time the American people stood up and said health care is a right of all people. Let us control health care costs. Let us do what the rest of the industrialized world does. Let us pass a single-payer national health care system.

Mr. BOEHNER. I now yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Thank you, Mr. Chairman.

Let me say first I have enjoyed the opportunity to discuss this with my friends. I think this is a useful kind of a debate.

I should also say to my friend BERNIE SANDERS, we do not agree on much of anything. Philosophically, on economics, and other things, we are very separated. I am not a socialist, and I do not believe in socialism. I believe in the capitalistic system.

So I think you take a system that you have, which most people in this country find good for them, and we should fix those things that are broken. It is not necessary for us to uproot all of the things that have been doing well.

We need a program for Americans, a program that fits our needs. We have 240 million people. Canada has 27 million. Americans do not want socialized government-controlled medicine. We do not want a huge tax burden that has an impact on the economy. We do not want to turn our health problems into problems of unemployment.

We need to examine carefully, I think, those things that need to be fixed. We need to fix them, and we need to move promptly to fix them.

I suggest to you there are some things that we could do very quickly, and trying to change the whole system will not come quickly. I think we will wonder why we did not do the things that can be done.

We today have talked about, and our purpose was to examine, the Canadian single-payer system. We have done that. It clearly appears not to have overwhelming support in this country. There is not overwhelming evidence it would be good for this country. Even President Clinton rejects that payer program.

More and more Americans are showing opposition to this plan as having too much government, rationing, high-cost technology, shortages, substandard care, particularly in rural areas, and huge tax burdens. These are part of the efforts of a single-payer plan.

The answer to today's question is quite clear: not the Canadian system for America.

Mr. BOEHNER. I now yield to the gentleman from Washington.

Mr. McDERMOTT. Thank you, Mr. Speaker, I too am grateful for the opportunity to participate today. I am sorry that sometimes these debates though devolve into just throwing sort of slogans back and forth, and we talk about socialism and all these things to scare people. But I think if you look carefully at our health care system, we have had 45 years of uncontrolled free enterprise in this country. It has been very little. The problems have been there. The free enterprise system has simply failed to deal with it. And what we have now is a system that for many Americans is one paycheck away from having nothing.

□ 2240

The single largest cause of personal bankruptcy in this country is because of the single fact that they do not have the ability to pay their medical bills.

Now, the question has been asked here, What is broken? What is broken is the financing system, and it is clear to us, and 89 Members of the House have signed this bill, that the best financing system is one in which we reach out and capture the premiums that are now being paid to private insurance companies and place them in a government system, saving ourselves $70 billion and covering everybody in this country.

In our proposal, the GAO says that 92 to 95 percent of Americans would pay the same as or less than they are paying today. Now, you have to have universal coverage, because if you do not have universal coverage, you will never be able to get cost controls. As long as we have the freedom in this country and the openness that allows people to go into the hospital and receive care, whether they have money or not, they will go in when they are sick. They will wait and wait and go in when they are very sick. That cost is passed on to people who are paying their premiums. That cost shifting cannot be stopped unless everybody in this country has health insurance and is paying their fair share.

We who support the single-payer system think everybody ought to pay their fair share. Now, the question then is, why should we go to the single-payer system. I hear some disparaging remarks about the CBO, but you know they are sort of a hardheaded bunch. They said that if the single-payer system were in place today, we could save $350 billion over the next 5 years.

Now, it seems to me unreasonable that conservative people would reject a system that has worked in every industrialized country in the world and provides high-quality care.

As a physician, I would not participate in putting together a program that did not deliver high-quality care. That is why 9 out of 10 Canadian physicians say they would keep their system. They would never opt for the American system, because they can take care of patients. They can deliver the health care that is necessary, and they do not have to chase patients for bills or put people into bankruptcy.

From my standpoint, that kind of a system is the kind of system that I think we can adapt for America.

I agree with those of you who say we cannot bring Canada to the United States. Of course, we cannot. Their plan was developed in 1946, and it has evolved over 40 years. What we are designing here is an American health security system. We will hand everyone a card, and everyone in this country will be able to get their health care no matter where they are, no matter how much money they have or who they are.

The single-payer system is the way to go.

Mr. BOEHNER. That concludes tonight's debate.

I would like to thank all of the participants that are here with us tonight: the gentleman from Wyoming [Mr. THOMAS], the gentleman from Vermont [Mr. SANDERS], the gentleman from Washington [Mr. MCDERMOTT], and the gentleman from Illinois [Mr. HASTERT]. I thank them for the excellent job that they have done.

I would also like to thank the gentleman from Vermont, Representative BERNIE SANDERS, and the progressive caucus, my colleagues in the Conservative Opportunities Society, who have made tonight possible.

Mr. SANDERS. If I could interrupt you, I want to thank you for doing a very fine job of moderating tonight. We look forward to working with you in a cooperative way.

Mr. BOEHNER. I would also like to thank the leadership on both sides of the aisle that have made this possible tonight and have worked well with us. There are more debates to come. We hope to do one in the next several weeks before we break, before Thanksgiving, but you can count on the fact that next year we will be back. We expect to do at least twice a month during 1994.

Again, thank you and good night.

DRUG EPIDEMIC SPREADING ACROSS NORTHERN MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 60 minutes.

Mr. STUPAK. Madam Speaker, I requested this special order tonight to alert my colleagues and our citizens across the country to a new drug epidemic that is spreading across northern Michigan. Methcathinone, "cat," as it nicknamed, is reaching epidemic proportions in northern Michigan and has recently penetrated Wisconsin, Illinois, and Indiana.

"Cat" is a potent stimulant that is easily made in mobile laboratories, garages, basements, apartments, or the backwoods of northern Michigan. The off-white powder resembles crack cocaine in appearance but is much more potent.

Lt. Steve Herner, of the Michigan State Police post in Negaunee, MI, says addicts tell him that no other drug provides a greater high than "cat."

Last week in Marquette, MI, the man who allegedly brought the drug "cat" to Michigan's upper peninsula in 1990 pleaded guilty to conspiracy to manufacture methchathinone. He now faces up to 20 years in prison.

Although the pioneer of this devastating drug has been brought to justice, he has left a grim legacy. Since 1990, "cat" has spread rapidly across Michigan's upper peninsula and across our Nation—"cat" labs have been seized as far away as Indianapolis, Seattle, and Los Angeles. Each "cat" lab seizure has a tie back to northern Michigan. While this drug is still regional, if not stopped, it promises to plague this Nation.

Back in 1990, when the first "cat" user came to northern Michigan, it is interesting to note that he was going to school at the University of Michigan. And there, as a graduate student, he was working in a Parke-Davis Drug Company as a graduate student. And he came across the methcathinone formula. And having some interest in drugs, he started to fiddle around with the formula and soon introduced "cat" to the Ann Arbor, MI, drug scene and drug culture.

Because of its devastating impact and its physical demands on the human body, the drug was not accepted by the drug culture in the University of Michigan around Ann Arbor. So from Ann Arbor, the gentleman came back to northern Michigan. Unfortunately, to Marquette, MI.

Marquette sits in the heart of the upper peninsula, and around 1990, when we first started to notice this new drug that no one could figure out, the first labs were found in Marquette, MI. And the producers of this drug "cat" are very protective of the formula. The formula, once understood, is easy to make, but the key is having a formula and then starting a chain of users, suppliers and, eventually, "cat" labs.

Soon, within a short year, "cat" started to spread to neighboring communities in northern Michigan. From Marquette, it went to Ishpeming, Negaunee, Gwinn, and many other of the smaller communities in Marquette, MI. Shortly thereafter, it spread, in 1991 and 1992, to Iron County, over by the Iron River, and Crystal Falls, MI. From there it went to Gogebic County, all the way to the western peninsula of Michigan to the shores of Lake Superior in the little town of Watersmeet and eventually over to Wakefield, Bessemer, and Ironwood and now up to Ontonagon and Ewing.

Each time one of the manufacturers would set up their lab, they would closely guard the formula, share it with only a few close friends so they could keep control over the drug trade of this devastating new designer drug called methcathinone or "cat" on the street.

From there we saw, in early 1990, 1992 and 1993, how "cat" has just exploded across northern Michigan. Once the hub here in Marquette, we now have two or three main hubs. Iron County, Gogebic, and Ontonagon Counties. But each time the drug was spread. And across our border, which we share with our friends in Wisconsin, the drug epidemic has move into Wisconsin, now to the point where the Drug Enforcement Administration has taken down labs in four of the Wisconsin counties, with many other of the other Wisconsin counties coming under the plague of the "cat" syndrome.

Tonight, I want to highlight the enormous danger that "cat" poses to our children and our families.

□ 2250

Since "cat" is a new designer drug, most of the information we have has been compiled by local law enforcement officials in northern Michigan, and the Drug Enforcement Agency; which has had extensive criminal, civil, and grant jury investigations into this drug and how it came to be a plague in northern Michigan.

Through the cooperation of Marquette General Hospital, researchers and emergency room personnel there helped us learn more about this drug called "cat."

"Cat" was first encountered by law enforcement officials in the summer of 1991. The first seizure of a clandestine "cat" lab in the United States took place in Marquette County, MI. The recipe for "cat" was marketed to students at Northern Michigan University, located in Marquette, MI. while, much like Ann Arbor, it did not take hold among the student population, it quickly caught on in the local population because it is cheap and easy to manufacture. "Cat" spread quickly across the upper peninsula and into northern Wisconsin.

As I stated earlier, the Parke-Davis Co. performed fairly extensive research on this drug, this "cat" drug, during the 1950's and 1960's, but the drug was put on the shelf because it had intense side effects that were lethal to human consumption.

It was first thought that ephedrine or methcathinone, a byproduct, would be used as a diet pill.

We found out through our research that chemical companies in Russia began producing a similar drug in 1938. It was used in Russia to treat depression for a number of years. Then it was made illegal. "Cat" has been sold illegally in Russia under the street name of "Jeff."

"Cat" is easily made in crude laboratories by combining household ingredients such as drain cleaner, epsom salts, battery acid, and ephedrine. Ephedrine is sold legally as a diet pill or pep pill. The sale of the recipe itself can bring substantial profit to individuals. Ephedrine, the key chemical, can be purchased cheaply from mail order catalogs. The other agents needed to produce "cat" can be purchased in hardware stores, or well-stocked stores in northern Michigan or in your region of the country.

An investment of a few hundred dollars can yield the manufacturer substantial profits. The explosion of crack cocaine dealers in larger metropolitan areas demonstrates similar developmental patterns.

As I indicated earlier, you can buy the ephedrine in pill or tablets in mail order catalogs. Let me just show the Members a few tonight that we have found in catalogs, or I should say magazines, that are found anywhere in the United States.

This full page ad in the magazine called "True Love" advertises ephedrine plus, or "ephedrine mini white." Notice, you can receive these stimulant pills, if you will, in quantities from anywhere from 100 to 1,000 for amere $18.

Penthouse magazine is another one which advertises ephedrine. You have ephedrine sulfate being advertised, and again, as a diet secret or a diet pill, or as the energy pill, as they show it here in this advertisement.

Body builders use ephedrine as a steroid stimulant, ephedrine HCI. "For the maximum workout, use what the pros use, turbo tablets." It is ephedrine HCI. Again, for $17.50, you can get up to 1,000 ephedrine tablets.

Even in another magazine that we see constantly on our newsstands, or when we check out at the grocery store, is the Cosmopolitan magazine. Again, ephedrine is being advertised in Cosmopolitan as "the instant energy to simulate your activities and give you that pep that you need to get through the day." Again, ephedrine products can be sold in tablets up to 1,000, or for as little as $17 to $18.

What we are finding in some parts of this country, especially in northern Michigan, it is not unusual for a residence or an address, maybe a fictitious name, but the location, being 100,000 tablets a week, because the recipes to make ephedrine or "cat," recipes of this kind are almost always changing.

If ingredients become unavailable, manufacturers may use other chemicals to produce "cat." Improper disposal of the byproducts of "cat" can lead to an environmental hazard, and extended exposure to toxic fumes has dire health consequences. Moreover, cleanup of these lab sites require special training and can be very costly.

HOW IS "CAT" TAKEN?

"Cat" can be injected, snorted, taken orally, smoked, or absorbed through the skin. The majority of users to date have snorted the drug. There is a large population of users who are also injecting the drug intravenously.

WHAT ARE CAT'S EFFECTS?

"Cat" users report a tremendous rush upon ingestion. Many "cat" addicts smoke marijuana or drink excessive amounts of alcohol to ease the nervous jerks and paranoia associated with chronic abuse. Addicts often go on binges for up to 8 days, never eating, sleeping very little, if at all. To avoid the terrible pains of crashing off the drug, addicts smoke increasing amounts of marijuana and consume excessive amounts of alcohol to the point of unconsciousness.

One "cat" user recently described his experience with "cat" in a recent Detroit Free Press interview:

> It was long-lasting—more powerful than cocaine ever was. I did cocaine too, but "cat" from my experience was much more devastating. It has more of an effect and it takes less of an effect. To me, it was much more addicting. I had more of a craving for "cat" than cocaine or any other drug.

Near the end, he had been using "cat" for 18 months and he was making "cat" in his attic at his home. He had to set up fans, because the smell and the toxic fumes from the chemicals was so bad. Last July, he was arrested. Police discovered his "cat" operation when they came to question his neighbor on an unrelated crime and when they noticed and smelled an unusual situation. He now says that arrest for "cat" saved his life. As one former addict describes: "There are two options with cat. You get in trouble or you die. I just got in trouble."

How can we stop this epidemic from moving from northern Michigan, where it is a region, to becoming a national problem? Law enforcement officials in the United States and the Drug Enforcement Agency agree: Stricter controls on the sale of ephedrine, the key ingredient, the stimulant drug needed to make the "cat," would virtually eliminate its production.

Between 1990 and 1992, over 10.5 metric tons of ephedrine has been seized by the DEA in connection with clandestine lab activity. Most of these laboratories are in northern Michigan. The use of ephedrine in illegal drug laboratory activity is highlighted in Michigan by one staggering statistic: Seventy-five percent of all ephedrine sold in Michigan goes to Michigan's upper peninsula, while only 3 percent of the population resides in the upper peninsula.

That is why I have introduced legislation, H.R. 3216, the Domestic Chemical Diversion Control Act of 1993, to help end illicit sales of ephedrine and related chemicals.

Our Michigan Legislature, and currently the Wisconsin Legislature, have tried to control ephedrine or "cat" through legislation within the State making the possession, distribution, manufacture, or use of "cat or ephedrine or methcathinone illegal.

□ 2300

But as we saw tonight with the mail order magazines, be it body building magazines or Cosmopolitan or any other type of magazines which advertise steroid muscle enhancers or stimulant pills, ephedrine is readily available in large quantities through the U.S. mail through a legal trade.

So what my legislation, which was developed with the Drug Enforcement Agency as a result of its experience with the Chemical Diversion and Trafficking Act, which demonstrated the effectiveness of chemical control as a law enforcement tool, this legislation would strengthen existing law in two very important ways.

First, it would eliminate the so-called legal drug exemption which allows ephedrine to be distributed, without restriction, in tablet and capsule form. If enacted, the DEA would have the authority to remove ephedrine or any similar chemical which could be used in the production of "cat."

Second, it would establish a registration system for distributors, importers, and exporters of ephedrine. This registration system is precisely patterned after the system which has been successfully applied to legitimate controlled substances for the past 20 years. This would provide the DEA an effective means for unscrupulous firms that participate in diversion of dangerous chemicals.

Without ephedrine, there is no "cat." Ephedrine is the key ingredient.

I hope the Congress will move quickly to make these much needed refinements to our chemical control law. I also hope that as we consider anticrime legislation this week that we will redouble our efforts to promote drug education and prevention programs. We can fight the "cat" plague by stifling demand for ephedrine and other dangerous drugs.

Those of you who are listening in your office or those of you who are listening to us tonight, we urge you to contact your representative to support H.R. 3216.

Madam Speaker, I yield back the balance of my time.

NEW DRUG EPIDEMIC "CAT" HITS MIDWEST

Mr. ROTH. Mr. Speaker, a new drug epidemic called "cat" is sweeping through the Midwest. We must stop this latest drug epidemic before it spreads any further.

I remember a number of years ago when police officers and public health officials were warning us about a dangerous new drug. They told us that unless we stopped this drug early, it would take over our cities. This drug could be manufactured easily from cocaine and sold cheaply and at a high profit. It was so addictive that users would kill and rob to support their habits.

This new drug was called crack cocaine, and everyone knows the tragic and ongoing history of this terrible poison. Crack has devastated the people and neighborhoods of our inner cities. Our own Nation's Capital has become the murder capital of the world because of crack. The streets here in Washington are so dangerous that the Mayor wants to call out the National Guard.

Mr. Speaker, today we are seeing history repeat itself. A new drug called cat has taken hold in the upper peninsula of Michigan and is spreading to northeast Wisconsin, Minnesota, and other States in the Midwest. Cat is a highly addictive stimulant and is very dangerous.

Moreover, as cat moves from one community to the next, a wave of crime follows. In their desperation to support an expensive habit, cat addicts steal to buy their daily fix. If the cat menace is allowed to spread further, we may face another nightmare as dangerous as crack.

We must stop this epidemic in its early stages. The key to halting cat's spread is to put the illegal manufacturers of cat out of business.

I am cosponsoring a bill, H.R. 3216, will give law enforcement the tools they need to shut down the cat trade. Cat is produced from common household materials. The key ingredient is ephedrine, an ingredient found in diet pills that are sold over-the-counter. Cat manufacturers purchase large quantities of these ephredine pills to synthesize the drug.

This bill will place controls on the amount of ephredine that can be purchased over-the-counter. This bill would also give law enforcement officials the power to enforce these controls and shut down cat laboratories.

Mr. Speaker, Congress cannot delay on this bill. Sheriffs, State legislators, and my constituents from northeast Wisconsin have urged me to fight this emerging menace. Unless we give our police officers the weapons they need to fight this drug, cat will continue to spread.

Today this Congress passed six anti-crime measures. Our work, however, is not finished. Before this session adjourns, we must pass this anti-cat bill. If Congress fails to act, more tragedies will be written, more lives will be wasted, and more people will die.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Mr. GEPHARDT) for today and the balance of this week, on account of illness.

Mr. BEILENSON for today and November 4 on account of official business (fires in his district.)

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LIVINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. EWING, for 5 minutes each day, on November 8, 9, 10, 15, 16, 17, and 18.

Mr. LIVINGSTON, for 5 minutes each day, on November 3 and 4.

Mr. EMERSON, for 5 minutes, today.

Mr. DELAY, for 5 minutes, today.

Mr. DORNAN, for 60 minutes each day, on November 15, 16, 18, 22, and 24.

Mr. KOLBE, for 60 minutes each day, on November 18, 19, and 22.

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. UNDERWOOD, for 30 minutes, today.

Miss COLLINS of Michigan, for 60 minutes, on November 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LIVINGSTON) and to include extraneous matter:)

Mr. KNOLLENBERG.
Mr. HASTERT.
Mr. ROGERS.
Mr. OXLEY.
Mr. SOLOMON in three instances.
Ms. SNOWE.
Ms. FOWLER.
Mr. SCHAEFER.
Mr. GALLEGLY.
Mr. HEFLEY in two instances.
Mr. RAMSTAD.
Mr. PACKARD.
Mr. FISH.
Mr. WELDON.
Mr. LAZIO in two instances.
Mr. KYLE.
Mr. CLINGER.
Mr. FIELDS.
Mr. MANZULLO.
Mr. HERGER.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matter:)

Mr. REED.
Mr. FAZIO.
Mr. MORAN.
Mr. EDWARDS of California.
Mr. HOYER in three instances.
Mr. MANN in two instances.
Mr. COYNE.
Mr. LEHMAN.
Mr. FOGLIETTA.
Mr. BERMAN.
Mr. BONIOR in two instances.
Mr. HAMILTON.
Mr. LANTOS.
Mrs. KENNELLY.
Mr. STENHOLM.
Ms. ESHOO.
Mr. MARKEY in two instances.
Mr. WAXMAN.
Mr. RICHARDSON.
Mrs. COLLINS of Illinois.
Mr. TRAFICANT.
Mr. GEJDENSON.
Mr. LIPINSKI.
Mr. MAZZOLI in two instances.
Mr. ENGEL.
Mr. WISE in two instances.
Mr. DE LUGO.
Mr. TANNER.
Mr. CONYERS.
Mr. SYNAR.
Mr. BEVILL.

(The following Members (at the request of Mr. STUPAK) and to include extraneous matter:)

Mr. SKAGGS.
Mr. PICKLE.
Mr. THOMAS of Wyoming.
Mr. EMERSON.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 479. An act to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies; to the Committee on Energy and Commerce.

S. 1613. An act to amend the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act; to the Committee on Natural Resources.

S.J. Res. 55. Joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1933, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 205. Joint resolution designating the week beginning October 31, 1993, as "National Health Information Management Week."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 115. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

ADJOURNMENT

Mr. STUPAK. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 4, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2100. A letter from the Secretary of Housing and Urban Development, transmitting notification that the 75 per centum of authority to make commitments to insure mortgages and loans, under the National Housing Act, has been utilized, pursuant to 12 U.S.C. 1721 nt; to the Committee on Banking, Finance and Urban Affairs.

2101. A letter from the Interim Chief Executive Officer, Resolution Trust Corporation, Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the activities and efforts of the RTC, the FDIC, and the Oversight Board for the 6 month period ending September 30, 1993, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Banking, Finance and Urban Affairs.

2102. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2103. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's report on hydrogen sulfide emissions associated with the extraction of oil and natural gas resources, pursuant to Public Law 101–549, section 301 (104 Stat. 2560); to the Committee on Energy and Commerce.

2104. A letter from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting the annual pension plan report for the plan year ending September 30, 1992, for the Public Health Service commissioned corps retirement system, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2105. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the fiscal year 1993 annual report as required by the Inspector General Act Amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2106. A letter from the Director, U.S. Trade and Development Agency, transmitting the fiscal year 1993 annual report as required by the Inspector General Act Amendments of 1988, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2107. A letter from the Director, U.S. Office of Personnel Management, transmitting OPM's fiscal year 1992 annual report to Congress on veterans' employment in the Federal Government, pursuant to 38 U.S.C. 4214(e)(1); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2440. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes (Rept. 103–239, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 2814. A bill to permit the taking effect of certain proposed rules of civil procedure, with modifications (Rept. 103–319). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3350. A bill to establish a program of residential substance abuse treatment within Federal prisons; with an amendment (Rept. 103–320). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3351. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation; with an amendment (Rept. 103–321). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3353. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking; with an amendment (Rept. 103–322). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3354. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within States' correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment; with an amendment (Rept. 103–323). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 3355. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety; with an amendment (Rept. 103–324). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2639. A bill to authorize appropriations for the promotion and development of the U.S. national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes; with an amendment (Rept. 103–325). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOYER:

H.R. 3424. A bill to amend title 18, United States Code, to provide enhanced sentences for repeat violent offenders; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Boehlert, Mr. Synar, Mr. Porter, Mr. Waxman, Mr. Shays, Mr. Studds, Mr. Gilman, Mr. Neal of North Carolina, Mr. Machtley, Mrs. Collins of Illinois, Mrs. Meyers of Kansas, Mr. Rush, Mrs. Morella, Mr. Owens, Mr. Gillmor, Mr. Washington, Mr. Gallo, Ms. Margolies-Mezvinsky, Mr. Ramstad, Mr. Wise, Ms. Snowe, Mr. Towns, Mr. Smith of New Jersey, Mrs. Maloney, Mr. Walsh, Mr. Payne of New Jersey, Mr. Lazio, Mr. Hochbrueckner, Ms. Molinari, Mr. Weldon, Mrs. Johnson of Connecticut, Mr. Goss, Mr. Klug, Mr. Upton, Mr. Sanders, Mr. Horn, Mr. Lantos, Ms. Brown of Florida, Ms. Woolsey, Mr. Gene Green of Texas, and Mr. Lancaster):

H.R. 3425. A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes; to the Committee on Government Operations.

By Mr. EMERSON:

H.R. 3426. A bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; to the Committee on Agriculture.

H.R. 3427. A bill to authorize the Secretary of Agriculture to convey lands within the State of Missouri to local governments located within the State of Missouri; to the Committee on Agriculture.

By Mr. GREENWOOD:

H.R. 3428. A bill to suspend until January 1, 1997, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 3429. A bill to provide relief to State and local governments from Federal regulation; to the Committee on Government Operations.

By Mr. LAZIO:

H.R. 3430. A bill to require the Secretary of Education to investigate the feasibility of establishing a National Environmental Science and Policy Academy; to the Committee on Education and Labor.

By Mr. MANZULLO (for himself, Ms. Cantwell, Mr. Roth, and Mr. Cox):

H.R. 3431. A bill to amend the Export Administration Act of 1979 with respect to export of computers, telecommunications equipment, and semiconductors; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself, Mr. Kreidler, Mr. Synar, Mr. Bryant, and Mr. Cooper):

H.R. 3432. A bill to amend the Communications Act of 1934 to prohibit the disclosure of certain information concerning customer's uses of telephone services, and for other purposes; to the Committee on Energy and Commerce.

By Ms. PELOSI:

H.R. 3433. A bill to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. WAXMAN (for himself, Mr. Hansen, Mr. Barrett of Wisconsin, Mr. Beilenson, Mr. Brown of Ohio, Mr. Bryant, Mrs. Collins of Illinois, Mr. Dellums, Mr. Durbin, Mr. Farr, Mr. Foglietta, Ms. Furse, Mr. Huffington, Mr. Johnston of Florida, Mr. Kreidler, Mr. LaFalce, Mr. Lewis of Georgia, Ms. Margolies-Mezvinsky, Mr. Markey, Mr. Mazzoli, Mr. McDermott, Ms. McKinney, Mr. Meehan, Mr. Miller of California, Mr. Oberstar, Ms. Pelosi, Mr.

RICHARDSON, Ms. SCHENK, Mrs. SCHROEDER, Mr. SERRANO, Mr. STARK, Mr. SYNAR, Mr. TORRES, Mr. TRAFICANT, Ms. WATERS, and Mr. WYDEN):

H.R. 3434. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SKAGGS (for himself, Mr. MORAN, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. STARK, Mr. WHEAT, Mr. YATES, Mr. GUTIERREZ, Mrs. MALONEY, Mr. UNDERWOOD, Mr. GIBBONS, Mr. FARR, Ms. BYRNE, Mr. CLAY, Mr. MATSUI, Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. MANN, Ms. LOWEY, Mr. COYNE, and Mr. REYNOLDS):

H.R. 3435. A bill to amend title 18, United States Code, to prohibit the transfer of a firearm or ammunition to a juvenile, and the unsupervised and unauthorized possession of a firearm or ammunition by a juvenile; to the Committee on the Judiciary.

By Mr. STENHOLM (for himself, Mr. DE LA GARZA, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. ALLARD, Mr. BOEHNER, Mr. BONILLA, Mrs. CLAYTON, Mr. COMBEST, Mr. DOOLEY, Mr. EMERSON, Mr. HOLDEN, Mr. KINGSTON, Ms. LAMBERT, Ms. LONG, Mr. MINGE, Mr. PASTOR, Mr. PENNY, Mr. POMEROY, Mr. ROSE, Mr. HALL of Ohio, and Mr. BISHOP):

H.R. 3436. A bill to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program; to the Committee on Agriculture.

By Mr. THOMAS of Wyoming (for himself, Mr. RICHARDSON, Mr. YOUNG of Alaska, Mr. HANSEN, Mrs. VUCANOVICH, and Mr. CALVERT):

H.R. 3437. A bill to prohibit agreements negotiated between Indian tribes and States to settle disputes involving lands or water rights which require the appropriation of funds by the U.S. Congress from taking effect unless representatives of the Secretary of the Interior participate in the negotiations and the United States is represented; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself, Ms. LOWEY, and Mrs. MORELLA):

H.R. 3438. A bill to authorize grants to local educational agencies to develop and employment coordinated services programs; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 3439. A bill to amend title XIX of the Social Security Act to permit a State to provide coverage of room and board furnished by a relative under home and community based waivers under the Medicaid Program if such coverage may be provided on a budget-neutral basis; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself, Mr. BEILENSON, Mr. CALVERT, Mr. COX, Mr. DORNAN, Mr. DOOLITTLE, Mr. DREIER, Mr. HERGER, Mr. HORN, Mr. HUFFINGTON, Mr. KIM, Mr. MCKEON, Mr. MOORHEAD, Mr. POMBO, Mr. PACKARD, Mr. ROHRABACHER, Mr. ROYCE, Mr. LEWIS of California, Mr. MCCANDLESS, and Mr. WELDON):

H.R. 3440. A bill to remove a restriction on the authority of the Secretary of Agriculture to enter into agreements with other Federal agencies to acquire goods and services directly related to improving or utilizing the firefighting capability of the Forest Service and to require a report regarding the firefighting procedures of the Forest Services; to the Committee on Agriculture.

By Mr. RICHARDSON:

H.R. 3441. A bill for the relief of certain former employees of the United States whose firefighting functions were transferred from the Department of Energy to Los Alamos County, NM; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 3442. A bill to eliminate certain expenditures provided by the Omnibus Budget Reconciliation Act of 1993; jointly, to the Committees on Ways and Means, House Administration, and Agriculture.

By Ms. SHEPHERD:

H.R. 3443. A bill to amend title 5, United States Code, to provide that none of the funds in the employees' compensation fund shall be used to pay compensation, benefits, or expenses for individuals convicted of fraud or other violations in connection with benefits from such fund; to the Committee on Education and Labor.

By Mr. MCCLOSKEY (for himself, Mr. ACKERMAN, Mr. APPLEGATE, Mr. ARCHER, Mr. BARLOW, Mr. BATEMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONIOR, Mr. BREWSTER, Mr. CALLAHAN, Mr. CARDIN, Mr. CLEMENT, Mr. COLEMAN, Miss COLLINS of Michigan, Mr. CRAMER, Ms. DANNER, Mr. DE LA GARZA, Mr. DICKEY, Mr. DINGELL, Mr. DOOLITTLE, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEKAS, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOYER, Mr. HUGHES, Mr. HUTCHINSON, Mr. JACOBS, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. KASICH, Mr. KLECZKA, Mr. KLEIN, Mr. KLUG, Mr. KOPETSKI, Mr. KREIDLER, Ms. LAMBERT, Mr. LANCASTER, Mr. LIPINSKI, Mr. MCNULTY, Mr. MANTON, Mr. MARTINEZ, Mr. MEEHAN, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORAN, Mr. MOORHEAD, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. OLVER, Mr. OWENS, Mr. PARKER, Mr. PASTOR, Mr. PETERSON of Minnesota, Mr. PETERSON of Florida, Mr. PETRI, Mr. PICKLE, Mr. QUILLEN, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. RAVENEL, Mr. ROTH, Mr. ROWLAND, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mr. SAXTON, Mr. SHARP, Mr. SHAYS, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SPENCE, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. VALENTINE, Mr. VOLKMER, Mr. WAXMAN, Mr. WHITTEN, Mr. WILSON, and Mr. YOUNG of Alaska):

H.J. Res. 286. Joint resolution designating June 7, 1994, through June 14, 1994, as "National Flag Celebration Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LAZIO introduced a bill (H.R. 3444) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Klipper;* to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. UPTON.

H.R. 125: Mr. MCHALE.

H.R. 163: Mr. UPTON.

H.R. 488: Mr. FISH.

H.R. 559: Mr. MCDERMOTT, Mr. SMITH of Texas, and Mr. DELLUMS.

H.R. 636: Mr. HAYES.

H.R. 657: Mr. COX.

H.R. 672: Mr. BOEHLERT, Mr. OLVER, Mr. BILBRAY, Mr. ABERCROMBIE, and Mr. OWENS.

H.R. 702: Mr. BLILEY and Mr. MCKEON.

H.R. 746: Mr. TOWNS, Mr. MARKEY, Mr. GILLMOR, and Mr. DORNAN.

H.R. 767: Mr. HALL of Texas.

H.R. 778: Mr. RAHALL, Mr. ROWLAND, Mr. CHAPMAN, and Mr. COOPER..

H.R. 911: Mrs. VUCANOVICH.

H.R. 967: Mr. CRAMER and Mr. LEVY.

H.R. 1009: Mr. UPTON.

H.R. 1025: Mr. DOOLEY.

H.R. 1078: Mr. ROBERTS.

H.R. 1080: Mr. ROBERTS.

H.R. 1156: Mr. DORNAN.

H. R. 1182: Mr. MINETA.

H.R. 1295: Mr. FOGLIETTA, Mr. CHAPMAN, Ms. ESHOO, Mr. LEVY, and Mr. MICHEL.

H.R. 1423: Ms. KAPTUR, Ms. DUNN, Mr. SCHUMER, Ms. BYRNE, and Mr. CALVERT.

H.R. 1496: Mr. MORAN.

H.R. 1552: Mrs. MALONEY, Mr. BLUTE, and Mr. CALVERT.

H.R. 1608: Mr. SWIFT, Mr. STUDDS, Mr. DORNAN, Mr. KLUG, Mr. LEACH, Mr. KLECZKA, and Mr. BAKER of Louisiana.

H.R. 1620: Mr. ROBERTS.

H.R. 1637: Mr. DICKEY and Mr. THORNTON.

H.R. 1886: Mr. GUTIERREZ.

H.R. 1931: Mr. HOLDEN, Mr. SYNAR, Mr. DOOLEY, and Mr. WILLIAMS.

H.R. 2062: Mr. YOUNG of Alaska.

H.R. 2135: Mr. EVANS, and Mr. TUCKER.

H.R. 2227: Mr. ROMERO-BARCELO and Mr. GENE GREEN of Texas.

H.R. 2291: Mr. TORKILDSEN.

H.R. 2292: Mr. OLVER and Mr. SANDERS.

H.R. 2415: Mr. DORNAN.

H.R. 2484: Mr. ACKERMAN, Mr. COPPERSMITH, Mr. JACOBS, Mr. FOGLIETTA, Mr.FARR, Mr. JOHNSON of South Dakota, and Mr. ROMERO-BARCELO.

H.R. 2525: Mr. PAXON, Mr. HINCHEY, Mr. HERGER, Mr. CRAMER, Mr. SISISKY, and Mr. SWIFT.

H.R. 2600: Mr. DOOLEY.

H.R. 2606: Mr. GINGRICH.

H.R. 2623: Mr. KASICH, Mr. ANDREWS of New Jersey, and Mr. PAYNE of Virginia.

H.R. 2646: Mr. GINGRICH.

H.R. 2787: Ms. SLAUGHTER.

H.R. 2788: Mr. BILBRAY.

H.R. 2923: Mr. KLEIN.

H.R. 2927: Mr. POSHARD, Mr. GILMAN, and Ms. SLAUGHTER.

H.R. 2933: Mr. MANTON and Mr. ANDREWS of Maine.

H.R. 2936: Ms. BYRNE, Mr. PETE GEREN of Texas, and Mr. KLUG.

H.R. 2938: Ms. BYRNE, Mr. PETE GEREN of Texas, and Mr. KLUG.

H.R. 2949: Mr. FILNER, Mr. WHEAT, Mr. BONIOR, Mr. TOWNS, Mr. SARPALIUS, Mr. VALENTINE, Mr. BISHOP, Mr. KILDEE, Mr. SCOTT, Mr. RANGEL, Mr. DELLUMS, Mr. FROST, Mr.

GENE GREEN of Texas, Mr. SANDERS, Mr. WAXMAN, Mr. JOHNSTON of Florida, Mr. PARKER, and Ms. FURSE.

H.R. 2959: Mr. MILLER of Florida, Mr. MCINNIS, and Mr. LINDER.

H.R. 3027: Mr. SMITH of New Jersey.

H.R. 3039: Mr. COX, Mr. ARMEY, Ms. SNOWE, Mr. ROYCE, and Mr. OXLEY.

H.R. 3075: Ms. FURSE, Ms. NORTON, Mr. BLACKWELL, Mr. COYNE, Mr. DELLUMS, Mr. EDWARDS of California, Mr. ENGEL, Mr. FAZIO, Mr. FILNER, Mr. FOGLIETTA, Mr. GIBBONS, Mr. HINCHEY, Mr. MILLER of California, Mr. OLVER, Mr. STARK, and Mr. SWETT.

H.R. 3101: Mr. PORTER.

H.R. 3120: Mr. DORNAN.

H.R. 3121: Mr. KOPETSKI and Mrs. UNSOELD.

H.R. 3138: Mr. MCINNIS and Mr. DELLUMS.

H.R. 3145: Mr. ISTOOK.

H.R. 3146: Mr. SCHIFF.

H.R. 3184: Mr. ROMERO-BARCELO, Mr. HASTINGS, Mr. OWENS, Mr. WYNN, Ms. FURSE, and Mr. HAMBURG.

H.R. 3194: Mr. HINCHEY and Mr. FISH.

H.R. 3195: Mr. MURPHY.

H.R. 3216: Mr. CARR, Mr. FOGLIETTA, Mr. COPPERSMITH, and Mr. BLACKWELL.

H.R. 3224: Mr. COX, Mr. CUNNINGHAM, Mr. DORNAN, Mr. DREIER, Mr. HERGER, Mr. HORN, Mr. HUFFINGTON, Mr. HUNTER, Mr. MCCANDLESS, Mr. PACKARD, Mr. POMBO, and Mr. ROYCE.

H.R. 3233: Mr. ROWLAND.

H.R. 3266: Mr. COPPERSMITH, Mr. SCHIFF, Mr. MINGE, and Mr. DOOLITTLE.

H.R. 3293: Mr. SAM JOHNSON of Texas, Mr. GILLMOR, Mr. HUGHES, Mr. CUNNINGHAM, Mr. TALENT, and Mr. MACHTLEY.

H.R. 3334: Mr. MCKEON, Mr. SAXTON, Mr. KINGSTON, Mr. HERGER, Mr. GRAMS, Mr. BAKER of Louisiana, and Mr. TORKILDSEN.

H.R. 3363: Mr. CANADY.

H.R. 3365: Mrs. LLOYD, Mr. FOGLIETTA, Ms. ESHOO, Mr. STUMP, and Mr. ROMERO-BARCELO.

H.R. 3367: Mr. HYDE, Mr. ZIMMER, Mr. RAMSTAD, and Mrs. UNSOELD.

H.R. 3372: Ms. PELOSI, Mr. QUILLEN, Mr. JEFFERSON, Mr. KREIDLER, Mr. GILMAN, Mr. BACCHUS of Florida, Mr. RAHALL, Mr. PASTOR, Mr. REYNOLDS, Mr. MARTINEZ, Mr. SWIFT, Ms. LOWEY, Mr. APPLEGATE, Ms. WOOLSEY, Mr. TRAFICANT, Mr. FILNER, Mr. RICHARDSON, Mr. INSLEE, Ms. KAPTUR, Mr. BURTON of Indiana, Mr. BISHOP, Mr. CONYERS, Mr. STARK, and Mr. LEVY.

H.R. 3386: Mr. PETERSON of Minnesota, Mrs. VUCANOVICH, Mr. GOODLATTE, Mr. BLILEY, Mr. ROBERTS, Mr. MCDADE, and Mr. MINGE.

H.R. 3392: Mr. HALL of Ohio, Mr. FORD of Tennessee, Mrs. FOWLER, Mr. PICKETT, Mr. LANCASTER, Mr. PETERSON of Minnesota, Mr. HANSEN, and Mr. COMBEST.

H.J. Res. 79: Mr. BALLENGER and Mr. HOLDEN.

H.J. Res. 90: Mr. BROWDER, Mr. CRAMER, Mr. BEVILL, Mr. CALLAHAN, Mrs. ROUKEMA, Mr. HYDE, Mr. WAXMAN, Mr. BILBRAY, Mrs. UNSOELD, Ms. PELOSI, Mr. SERRANO, Mr. HEFNER, Mr. BLILEY, and Mr. LANTOS.

H.J. Res. 103: Mr. MCCLOSKEY and Ms. SCHENK.

H.J. Res. 113: Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. BURTON of Indiana, Mr. LEWIS of California, Mr. PETRI, Mr. SOLOMON, Mr. BALLENGER, Mr. BUNNING, Mr. ROEMER, and Mr. JOHNSON of South Dakota.

H.J. Res. 226: Ms. LAMBERT, Ms. LOWEY, Ms. MOLINARI, Mr. TUCKER, Mr.MINETA, Mr. NADLER, and Mr. STENHOLM.

H.J. Res. 274: Mr. LIPINSKI and Mr. ORTIZ.

H. Con. Res. 84: Mrs. UNSOELD and Mr. ACKERMAN.

H. Con. Res. 110: Mr. PETERSON of Florida and Mr. JOHNSON of South Dakota.

H. Con. Res. 138: Mr. MCNULTY, Mr. KOPETSKI, Mr. SABO, Mr. PETE GEREN of Texas, and Mr. FISH.

H. Res. 38: Ms. FURSE.

H. Res. 122: Mr. PETERSON of Minnesota and Mr. CALLAHAN.

H. Res. 144: Mr. COSTELLO.

H. Res. 202: Mr. MONTGOMERY.

H. Res. 225: Mr. BACCHUS of Florida, Mr. FRANK of Massachusetts, Mr. MILLER of Florida, Mr. SANTORUM, and Mr. KASICH.

H. Res. 234: Mr. POSHARD, Mr. HUTCHINSON, Mr. HASTINGS, Mrs. MEEK, Ms. FURSE, Mr. JOHNSON of South Dakota, Mr. COMBEST, Mr. KOLBE, Mr. KILDEE, Mr. FAWELL, Mr. HAYES, Mr. KOPETSKI, Mr. FISH, Mr. DIXON, Mr. BONILLA, Mr. BLILEY, and Mr. RICHARDSON.

H. Res. 281: Mr. MANZULLO, Mr. OXLEY, Mr. KING, Mr. MCCANDLESS, Mr. KIM, Mr. FAWELL, Mr. YOUNG of Alaska, Mr. EMERSON, Mr. HOLDEN, Mr. PETE GEREN of Texas, Mr. BARCIA of Michigan, Mr. LAZIO, Mr. GALLEGLY, Mr. BILIRAKIS, Mr. LIGHTFOOT, Mr. KLUG, Mr. BLUTE, Mr. HANSEN, Mr. MCKEON, Mr. SHAW, Ms. DUNN, and Mr. MCDADE.

EXTENSIONS OF REMARKS

TELEPHONE CONSUMER PRIVACY PROTECTION ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, November 3, 1993

Mr. MARKEY. Mr. Speaker, I rise today to introduce the Telephone Consumer Privacy Protection Act of 1993.

As recent events have made clear, we are undoubtedly in a full-fledged technological revolution. This revolution promises exciting new services and products that will change the way we live, work, and play. Telecommunications can serve to empower people in new ways. The convergence of computer and communications technologies will accelerate the development of applications to benefit the health care sector, the education community, the disabled, local government, and others.

If adequate safeguards are not in place to protect consumers, however, the same technology that serves to empower individuals can also imperil them by fostering and abetting invasions of personal privacy. The legislation I am introducing today will ensure that the fundamental privacy rights of each American will be protected even as this new era of communications becomes ever more sophisticated and ubiquitously deployed.

The legislation protects personal privacy when consumers use existing communications technology, and builds in prospective privacy safeguards to ensure the perpetuation of such privacy rights as communications and computer technology continue to merge and evolve. Regardless of the particular technology a consumer may use, their privacy rights should remain a constant. In short, consumers should know when personal data is being collected. They should be given proper notice if those collecting personal information intend to reuse or sell such personal data. And finally, consumers must be given the right to prohibit or curtail such practices.

Allow me to explain the provisions of the bill briefly.

The information that the phone company knows about you by virtue of the fact that it is the phone company—your name, address, and phone number; the destination, date and duration of your calls; and your general calling patterns—is called customer proprietary network information, or CPNI. That's right—the technical term tells you that this information is proprietary to the customer. Current Federal Communications Commission [FCC] rules provide protection from the distribution of CPNI data only for those consumers with more than 20 phone lines. Consequently, current FCC rules leave out residential consumers and most small businesses.

In other words, if you have more than 20 lines, the phone company needs your permission before divulging your proprietarydata. The legislation I am introducing today will bestow upon all consumers, large and small, those same rights and basic privacy protections. Title I of this legislation will prohibit the phone company from disclosing or selling any consumer's CPNI data to anyone—including phone company affiliates and subsidiaries—without the affirmative consent of that consumer. Of course, the bill does nothing to interfere with the ability of phone companies to provide service and to bill and collect for those services.

Another technology provided by the phone company is known as caller ID. Caller ID is a service that allows call recipients to know who the caller is without actually picking up the telephone. This is done through the use of a technological device attached to a telephone that displays the phone number of an incoming phone call.

Some people have hailed caller ID as a tool to enable called parties to know who is calling and to track down obscene and harassing phone callers. On the other hand, those people who have paid their telephone company for an unlisted number are finding out that the same telephone company is willing to sell their unlisted number to anyone willing to pay for caller ID. With caller ID, every time a consumer makes a call, that consumer's number is potentially gleaned from the phone network and divulged to those they are calling.

This legislation strikes a balance between the caller and called parties. It will establish a uniform, minimum privacy standard for the provision of caller ID on a national basis by allowing all consumers to protect their telephone number by blocking the transmission of their number on a per call basis. This means that callers who do not want their phone number to go through the lines and be divulged to call recipients could press "*67" to block their number from being transmitted over the network.

For those concerned about obscene or harassing callers, the same networking technology that allows telephone companies to offer caller ID services also allows them to give consumers the tools to combat harassing callers. For instance, call trace is a service that will allow a consumer to punch a couple of buttons after receiving a harassing call and the telephone number of the caller will be stored in the telephone company switch to be given to proper authorities even if the caller has blocked his or her number from going through to the recipient. Another technology, called block the blocker, allows a consumer to have his or her phone automatically reject any call from a caller who blocks the display of their number. In other words, if someone tried to call and was blocking display of their number, the phone simply wouldn't ring.

To date, 35 States have implemented caller ID regulations with either per call or per line blocking or both. A per line block means that a consumer need not dial "*67" every time they call in order to block their number from being transmitted to others, but rather, their line is automatically and continually blocked. Under this legislation, a minimum standard of per call blocking is mandated to ensure the seamless delivery of privacy concerns between States. States may enact further privacy protections if they choose, but, importantly, no State can prohibit or effectively prevent implementation of the service.

Likewise, privacy rights must be protected when consumers call 800 and 900 numbers. Like caller ID, a signalling protocol, called automatic number identification [ANI], divulges personal data when consumers call 800 and 900 numbers. This ANI technology can allow businesses to access callers' records immediately and to quickly process data for first-time callers. This tool is also useful for businesses in billing and collection services by providing calling party numbers, names, and addresses. Most Americans, however, do not realize that when they call an 800 or 900 number, ANI data is often given to those they call.

This information can be recorded, compiled into marketing lists, and then sold to any interested party without any restriction or any requirement to even inform consumers, much less offer the consumers the chance to curtail or put a halt to the practice. Examples of lists generated by calls to 800 and 900 numbers are available on topics ranging from hobbies to finance to health related matters. This sort of information is private and should not be marketed and packaged for sale without the consent of the caller. This legislation allows ANI data to be used solely for billing and collection or to facilitate the transaction for which the caller has placed the call. The reuse and sale of this information would be prohibited without the consent of the customer.

This legislation also will strengthen existing law by ensuring that phone companies, and phone company personnel, only disclose subscriber toll records to lawful authorities. The Communications Act of 1934 says that no person can disclose your telephone records without a subpoena. However, the courts have construed this to mean that the telephone companies do not qualify as a person as defined in the 1934 act. Title III of this legislation amends the Communications Act to include phone companies as well as their personnel. This legislation also requires the phone company to notify a subscriber within 10 days if a telephone company has been lawfully subpoenaed for the subscriber's telephone records. However, the telephone company is prohibited from notifying the customer if ordered by a court, or other lawful authority, that such notification would inform a subject of a criminal investigation.

In order to protect privacy as communications networks integrate and expand, this legislation also will set up basic protection for all

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

consumers across telecommunications technologies. In essence, this bill creates the privacy bill of rights for electronic media by directing the FCC to establish basic privacy protections for any telecommunications medium that may infringe on consumer's privacy rights—from interactive television and home shopping to spectrum based technologies like cellular phones and personal communications devices.

This privacy bill of rights will ensure that every consumer has, first, knowledge that information is being collected about them, second, notice of the recipient's intent to reuse or sell that information, and third, the right for the consumer to say no.

I ask all Members to join me in ensuring that privacy is protected even as we enthusiastically embrace the notion of constructing information superhighways for the country. This bill will help make sure that such a highway is safe and secure for all its travelers. I urge my colleagues to cosponsor and support the Telephone Consumer Privacy Protection Act of 1993.

CONGRATULATING CHARLIE SERABIAN: CALVERT COUNTY'S "MOST BEAUTIFUL PERSON"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HOYER. Mr. Speaker, I rise today to congratulate Mr. Charlie Serabian, a resident of Solomons, MD, who was recently named Calvert County's "Most Beautiful Person."

I have known Charlie Serabian for many years, Mr. Speaker, and am well aware of his outstanding contributions to the community and his Nation. He is a veteran of World War II and Korea, is active in the American Red Cross in Calvert County, and his local American Legion Post 274 in Lusby, where he has taken a special interest in seeking community support for the Legion's Boy's State program that educates young teens about local, State, and Federal government.

Charlie is a worthy recipient of this outstanding award and I am pleased to share with my colleagues an article which appeared in the Calvert Recorder which talks of Charlie's dedicated work to his community and his Nation. I urge my colleagues to join me in recognizing this "Most Beautiful Person" from Calvert County, MD.

[From the Calvert Recorder, Oct. 22, 1993]

YOU'RE BEAUTIFUL!

(By Dawn Kane)

Charles Serabian has been organizing the American Red Cross Bloodmobile effort in southern Calvert since 1980. In that time the area blood drives have generated at least 5,000 units of blood, he estimated, "probably closer to 6,000." But that's not all that he does.

Nominated as Calvert's Most Beautiful Person, Charlie, 66, accepts the honor with great modesty. He repeats over and over that he's not that special, he's just one of many community volunteers that could have been chosen.

"I am humbled and honored," he said in an interview Wednesday. "I'd like to thank everyone who selected me, and I will continue to serve my God and my country," he said, reiterating the American Legion credo.

Those who know Charlie can put his efforts into perspective. Anthony J. O'Donnell, a fellow member of American Legion Post 274, wrote Charlie's nomination letter. "Charles gives freely of his time and efforts to the youth, veterans and fellow citizens alike so that Calvert County and the State of Maryland are a better place in which to live," O'Donnell said. "He exemplifies the finest in civic spirit, human compassion and volunteerism."

Residing in Solomons, Charlie has lived in Calvert since 1979. He was born in New York City, but came to the Washington metropolitan area during World War II to find work. A first generation American, Charlie does not take his citizenship for granted. He served in World War II and Korea. Today he's an avid supporter of the American Legion's Americanism programs.

But that's just the beginning of the list. Shortly after moving to Calvert, closer to some of his favorite fishing holes, he joined the Solomons Civic Association and the Lusby American Legion Post.

He served as post commander in 1979 and 1980. And his "career" with the American Legion took off. He went on to sit on the state executive committee for four years, and in 1989 and 1990 he held the position of county commander. In that role he was liaison between the state board and the local posts. He received an honorary life membership in 1982 and has attended more than a dozen national conventions.

Charlie works hard to support and encourage the programs that the legion offers the community. There's the Boy's State program that educates teen boys about government from the local to the federal level.

Participants must apply at a local post and receive a recommendation from their high schools. They go to an area institution, last year it was the Naval Academy in Annapolis, and work with instructors gaining some hands-on experience in the workings of government.

"They start out under the guise of a dictatorship and then they learn to run the government by themselves," he said of the program. The legion auxiliary offers a similar program for girls.

Charlie's legion post also sponsors youth baseball, scholarships, a Cub Scout pack and a high school oratorical contest. He chairs each of these programs. His eyes shined as he spoke of the young students who push their fears of public speaking aside to participate in the oratorical contest.

"I let 'em have notes here," he said, a departure from the rules. "But if you win and go on to the next step you're on your own . . . Maryland has had three national champions in the last six years." he said.

Charlie's face crinkled into a warm smile as he recalled one local young woman who won at the state level, twice. "Her name is Debbie Thompson," he said. ". . . I remember all their names. I'm proud of the program and the kids."

In addition Charlie chairs a volunteer committee at the Charlotte hall Veterans Home. He got behind a recent effort to raise money so the home could buy a bus with a wheelchair lift for the residents. His post and the ladies auxiliary each donated $1,000 and together with donations from other area posts they were able to present the home with a $50,000 check on Sept. 24—Charlie's birthday.

The post had requested funds for the donation for years, he said. But at the state level officials didn't know how badly the money was needed. "If we had a dinner for those guys here, the ones in wheelchairs had to be left behind," he said. Charlie just couldn't see that happening to those, who in many cases, had lost much in the service of their country.

He's probably best-known for his charitable work with southern Calvert's blood drives, "he works tirelessly to organize, advertise and facilitate a bloodmobile visit to southern Calvert County six times a year," O'Donnell said. "This blood drive averages a collection of over 100 units of blood per visit to benefit his fellow citizens in time of need."

He is the last survivor of his mother's five children, whom she raised alone. All of the children grew up to be successful and each of the boys, four in all, served in the military. His late sister, Natalie, had a long career with the federal government.

Three of the children, including Charlie, earned college degrees. Charlie has worked in several fields over the years from the management of a grocery, to ownership of a restaurant and working in real estate management. He retired in 1972 due to health problems.

Although he's had two heart operations in the last 10 years, Charlie says he has no plans to ease up on his work to benefit the community.

JIMMY DOOLITTLE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. SOLOMON. Mr. Speaker, I am taking this time today to express a few thoughts concerning a great American—an authentic American hero—who is no longer with us.

When Gen. James Doolittle passed away late last month at the age of 96, America lost its last larger-than-life hero from the Second World War.

In truth, we observe the passing of an entire illustrious period in our history, not just the death of an individual hero.

I have often thought, Mr. Speaker, that if there has been one generation of leaders in our history that can be compared with the Founding Fathers, it has to be the generation which led the Nation during the 1930's and 1940's.

And the greatest crisis they faced was, of course, the onslaught of European and Asian fascism, a global conflict in which the very survival of our free way of life was at stake.

Jimmy Doolittle made signal contributions to the Allied victory in the Second World War.

In fact, Mr. Speaker, Jimmy Doolittle's contributions began long before the war.

World War II was the first major conflict in which air power was a decisive factor.

As one of America's most skilled and daring test pilots in the 1920's and 1930's, Jimmy Doolittle played an important role in the development of aviation and in giving our country a technological lead in this area, which became critically important once the war started.

But he was more than a swashbuckling pilot. He understood the scientific principles that were involved.

Jimmy Doolittle earned a Ph.D. in aeronautical engineering from the Massachusetts Institute of Technology, and he applied the knowledge he learned in the classroom and the laboratory to the practical task of building a United States Air Force which would become the finest in the world.

All of this aside, however, Jimmy Doolittle is best remembered for what he did on a single day—April 18, 1942. America had been at war in the Pacific for 4 months.

The land, sea, and air forces of imperial Japan had launched a juggernaut which was smashing over every obstacle it faced—indeed, the Japanese dream of conquering all of the key points in East Asia and the Western Pacific was rapidly becoming a reality.

On April 18, 1942, Jimmy Doolittle led 75 airmen and a squadron of 16 aircraft on a lightning raid over Tokyo and four other cities in Japan. Those "30 Seconds Over Tokyo" marked the turning of the tide.

The Doolittle raid shattered the myth of imperial Japan's invincibility. And the psychological blow alone that was administered that day proved sufficient to slow down the Japanese war machine enough so as to allow America and its allies to mount an effective counterattack.

Owing to the large amounts of fuel that were consumed by their aircraft in reaching their targets, Jimmy Doolittle and his men were forced to fly on to China and bail out over Japanese-occupied territory.

He and 73 of his men eventually reached safety.

For these wartime exploits, Jimmy Doolittle was awarded the Medal of Honor.

In later life, he received the Nation's highest civilian decoration, the Medal of Freedom.

Jimmy Doolittle's life is a vivid example of the lesson our Founding Fathers taught us and of which the World War II generation reminds us: The survival of freedom will always be dependent on the sacrifice, the courage, and the daring of brave men and women who put love of country and love of liberty first.

While there will always be a majority that whines about "rights," let us thank God for the minority that shoulders the responsibilities.

That is the legacy Jimmy Doolittle has left us, and the reason for which he will always be revered.

INTRODUCTION OF THE SMOKE-FREE ENVIRONMENT ACT OF 1993

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. WAXMAN. Mr. Speaker, I am very pleased to join over 30 bipartisan Members in introducing the Smoke-Free Environment Act of 1993, and announcing the launching of a nationwide campaign to restrict smoking in buildings.

Tobacco smoke is a killer—not only of smokers, but also of Americans who do not smoke. Each year, secondhand smoke kills over 50,000 nonsmokers. Each year, more people die from exposure to secondhand smoke than are killed in motor vehicle accidents.

Children are the most vulnerable. Many children with asthma and other respiratory problems cannot go to restaurants or other public places because of the risk of exposure to tobacco smoke. In effect, the risk of exposure traps them like prisoners in their own homes.

The Smoke-Free Environment Act will protect all of us—children and adults alike—from the hazards of secondhand smoke. It is a cost-free way to save tens of thousands of lives each year.

These days, we hear politicians and pundits talk about how our political system is broke—about how the special interests control the Congress to the detriment of the public interest.

The legislation that we are introducing today will test this hypothesis. If the tobacco lobby prevents us from protecting our children from the hazards of tobacco smoke, we will know something is seriously wrong with Congress.

But I believe that the legislative campaign we begin today will defeat the tobacco lobby and protect all Americans from involuntary exposure to tobacco smoke.

Mr. Speaker, I have prepared a short fact sheet explaining the bill that I ask be inserted in the RECORD after my remarks.

THE SMOKE-FREE ENVIRONMENT ACT OF 1993

The Smoke-Free Environment Act of 1993 ends a serious threat to public health—involuntary exposure to environmental tobacco smoke (ETS).

ADVERSE HEALTH EFFECTS OF ETS

A growing body of scientific evidence proves that environmental tobacco smoke—the second-hand cigarette smoke breathed by nonsmokers—poses a serious threat to the health. In the case of children, the federal Environmental Protection Agency estimates that each year ETS exposure causes 150,000 to 300,000 cases of bronchitis and pneumonia in infants and young children; and triggers and exacerbates asthma attacks in 200,000 to 1,000,000 children.

According to the American Academy of Pediatrics, many children with asthma and other respiratory problems cannot safely enter restaurants, shopping malls, or other public places because of the risk of ETS exposure.

Adults also face a major hazard. The U.S. Surgeon General estimates that ETS exposure kills 53,000 Americans per year through cancer and heart disease—more deaths than from motor vehicle accidents.

A NEW FEDERAL POLICY ON ETS

On July 21, 1993, EPA Administrator Carol Browner announced a new policy on ETS. The new policy recommends that "every company have a smoking policy that effectively protects nonsmokers from involuntary exposure to tobacco smoke." According to Administrator Browner, there are two options that protect nonsmokers effectively: (1) "prohibiting smoking indoors" and (2) "limiting smoking to rooms that have been specially designed to prevent smoke from escaping to other areas of the building."

THE SMOKE-FREE ENVIRONMENT ACT

The Smoke-Free Environment Act of 1993 implements EPA's new policy. Specifically, the Act requires the "responsible entity" (the owner of lessee) of "public facilities" (nonresidential buildings regularly entered by ten or more persons) to adopt an ETS policy that either (1) bans smoking inside the building or (2) restricts smoking to separately ventilated rooms. The requirements of the Act are enforced through citizen suits, avoiding the creation of a new federal bureaucracy.

ENDORSEMENTS

The Smoke-Free Environment Act has been endorsed by a wide range of health and consumer groups, including: American Lung Association, American Cancer Society, Consumer Federation of America, American Heart Association, American Academy of Pediatrics, and National Parents & Teachers Association.

The Building Owners and Managers Association, which represents the commercial office building industry, also endorses the Act.

LEGISLATION TO PROTECT PRIVACY AND SAFETY OF LICENSED DRIVERS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. MORAN. Mr. Speaker, a group of teenagers in Iowa record the license plate numbers of expensive cars they see, obtain the names and addresses of the owners, and rob their homes.

In Virginia, a woman found out the names and addresses of over 30 licensed drivers by tracing the information through their license plate numbers, claiming the drivers in question were stealing the fillings from her teeth.

In California, actress Rebecca Schaeffer was gunned down at her Los Angeles apartment, by a man who had—through a private investigator—obtained her home address from the California DMV.

What each of these incidents have in common is that they are all true and, in each case, the name and home address of the individual stalked was given out, or sold for a nominal fee, by the State department of motor vehicles.

In 34 States across the country, there are virtually no restrictions on who has access to the name and address of licensees. In fact, very few Americans realize that by registering their car or obtaining a driver's license through the DMV, they are surrendering their personal and private information to anyone who wants to obtain it. When informed that such information can be so easily obtained, most licensees are shocked and angry. According to a survey released by the National Association to Protect Individual Rights, 92 percent of Americans believe that the DMV should not sell or release personal data about them without their knowledge and approval.

Random access to personal information contained in DMV files poses a threat to every licensed driver in the Nation. In my own State of Virginia, over 127,815 requests are made every year for personal information contained in motor vehicle files. In Virginia, like most other States, licensees are not notified that their personal information has been accessed.

Balancing the interests of public disclosure with an individual's right to privacy is a delicate, but essential, task for government. The Driver Privacy Protection Act (H.R. 3365), which I introduced last week, safeguards the privacy of drivers and vehicle owners by prohibiting the release of personal information—

including a person's name and address—to anyone without a specific business-related reason for obtaining the information.

H.R. 3365 acknowledges that there are many businesses that depend on access to motor vehicle records to serve their customers, including insurance companies, financial institutions, vehicle dealers, and others. By focusing this legislation on the personal information contained within a driver file, this bill does not limit those legitimate organizations in using the information. It does, however, restrict access to all those without a legitimate purpose.

States will still be allowed to sell personal information to direct marketers, as long as they have provided every driver with the opportunity to restrict such sales. This requirement is consistent with the principles established by the Direct Marketing Association and the Privacy Act of 1974, that the unconsented use of personal data for incompatible purposes should be prevented.

By enacting this legislation, Congress will reaffirm that privacy is not a Democratic or Republican issue, but a basic human right to which every person is entitled.

This bill by itself will not stop stalking. But it will stop State government from being an accomplice to the crime.

A copy of the text of H.R. 3365 follows:

H.R. 3365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Driver's Privacy Protection Act of 1993".

SEC. 2. PROHIBITION ON RELEASE OF CERTAIN PERSONAL INFORMATION BY STATES.

(a) In General.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 123—PROHIBITION ON RELEASE OF CERTAIN PERSONAL INFORMATION BY STATES

"Sec.

"2721. Prohibition on release of certain personal information by States.
"2722. Additional unlawful acts.
"2723. Penalties and remedies.
"2724. Effect on State and local law.
"2725. Definitions.

"§ 2721. Prohibition on release of certain personal information by States

"(a) In General.—It shall be unlawful for any person or other entity to disclose personal information derived from an individual's motor vehicle records to any other person or entity, other than to the individual, except as permitted under this chapter.

"(b) Exceptions.—Personal information referred to in subsection (a) of this section may be disclosed for any of the following uses:

"(1) For use by any Federal or State court in carrying out its functions.

"(2) For use by any Federal or State agency in carrying out its functions.

"(3) For use in connection with matters of automobile and driver safety, including manufacturers of motor vehicles conducting a recall of motor vehicles.

"(4) For use in the normal course of business by a legitimate business (including an insurer or insurance support organization) or its agents or employees or contractors, but only—

"(A) to verify the accuracy of personal information submitted by the individual to the business; and

"(B) if such information as so submitted was not correct, to obtain the correct information, but only for the purpose of pursuing remedies against an individual who provided false information or presented a check or similar item that was not honored.

"(5) For use in any civil or criminal proceeding in any Federal or State court.

"(6) For use in research activities, if the motor vehicle department determines that such personal information will not be used to solicit the individual and that the individual is not identified or associated with the requested information.

"(7) For use in marketing activities, if the motor vehicle department—

"(A) has provided in a clear and conspicuous manner to the individual an opportunity to prohibit such disclosure;

"(B) has received assurances that the information will be used, rented, or sold solely for a permissible use under this chapter, including marketing activities; and

"(C) has received assurances that each entity that sells or uses the information so obtained keeps complete records identifying each purpose for which the information is used and each organization that receives the information.

"(8) For purposes of reselling the personal information for a permissible use under paragraph (7) of this subsection, but only if each person or other entity that sells or uses the information so obtained keeps complete records identifying—

"(A) each purpose for which the information is used; and

"(B) each person or other entity that receives the information.

"(9) For use by any insurer or insurance support organization, or its employees, agents, and contractors, but only in connection with claims investigation activities or antifraud activities.

"(c) Waiver Procedures.—(1) Each State shall establish and carry out procedures under which—

"(A) an individual to whom the information pertains may authorize the agency to disclose such information; and

"(B) any motor vehicle department of the State may enter into an agreement with any business (including an insurer or insurance support organization) or its agents, employees, or contractors, based upon a certification that the business has obtained or will have obtained consent from the individual to whom the information pertains, to obtain requested personal information from such department.

"(2) Any State department of motor vehicles, upon receiving a request for personal information referred to in subsection (a) of this section, other than for a use referred to in subsection (b) of this section, shall, if such request is not accompanied by a waiver in accordance with paragraph (1) of this subsection, mail, within 10 days following the receipt of such request, a copy of that request to the individual concerning whom the personal information was requested informing such individual of the request, together with a statement to the effect that such information will not be released unless the individual waives such individual's right to confidentiality under this section.

"§ 2722. Additional unlawful acts

"(a) Procurement for Unlawful Purpose.—It shall be unlawful for any person knowingly to obtain or use personal information, derived from a motor vehicle record, for any purpose not described in section 2721(b) of this title.

"(b) False Representations; Unlawful Distribution.—It shall be unlawful for any person to make any false representation to obtain or use any personal information derived from an individual's motor vehicle record.

"§ 2723. Penalties and remedies

"(a) Willful Violations by Non-Governmental Entities.—Any person or other entity (other than a State or agency thereof) that willfully violates this chapter shall be fined under this title or imprisoned not more than 1 year, or both.

"(b) Nonwillful Violations by Non-Governmental Entities.— Any person or other entity (other than a State or agency thereof) that violates this chapter shall be subject to a civil penalty in an amount not to exceed $5,000.

"(c) Violation by Governmental Entities.—If a State or agency thereof willfully violates this chapter, the State shall be subject to a civil penalty in the amount of $10,000. Each day of continued noncompliance by the State shall constitute a separate violation.

"§ 2724. Effect on State and local law

"A State or local government may prohibit conduct that is permitted in the exceptions set forth in section 2721(b) of this title.

"§ 2725. Definitions

"As used in this chapter—

"(1) the term 'personal information' means an individual's name, address, telephone number, social security number, driver's identification number, medical and disability information, photograph, or other information that identifies a particular individual;

"(2) the term 'State' includes the District of Columbia, Puerto Rico, and any other possession or territory of the United States; and

"(3) the term 'motor vehicle record information' means—

"(A) information about who is licensed to drive vehicles on the public highways, including any personal information about the licensed driver that is maintained as part of, or is associated with, a listing of who is so licensed;

"(B) registration information about a motor vehicle; and

"(C) information about violations of traffic laws and similar information kept about a licensed driver in connection with the operations of a governmental authority that controls such licensing.".

(B) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

"123. Prohibition on Release of Certain Personal Information by States .... 2721".

The term "personal information" as used in the act, is limited to the information outlined in 2725(1) of the act. Personal information shall not be interpreted to include the information included in the term "motor vehicle record information" in 2725 (3) of the act. Access to information described in 2725(3)(A), (3)(B), and 3(C) shall not be restricted by any provisions of the act or any regulations promulgated as a result of the act.

For the purpose of determining when an individual has submitted personal information to a legitimate business under new 2721(b)(4) of the act, the oral communication of personal information, or physical presentation of a driver's license or other form of personal identification, by the individual to an employee or agent of the business shall be considered to be a submission of personal information.

IN TRIBUTE TO JERRY BISHOP

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to honor the achievements of Jerry Bishop, a friend and a neighbor who has made a difference in our lives in a way that will have an impact for generations to come.

After more than a dozen years of fighting small hydroelectrical developments on streams in California, Jerry is retiring as president of Save Our Streams, a grassroots, watchdog organization that has dominated his life since 1980 when it was formed.

It was not easy for Jerry and SOS to achieve the successes they have, preserving our pristine streams and creeks. Many times he had nothing but minimal resources with which to do battle against his more formidable opponents that included State and Federal agencies. Jerry remained committed and he was successful.

In recent years, Jerry has had another foe to combat—failing health. But he has not been deterred, and he has continued his fight against projects that should be stopped. One of those battles was only recently resolved, to Jerry's satisfaction, and after a 10-year fight.

Without his efforts, small hydro projects would have been built on every important stream in our area and other parts of the State. The beautiful and scenic trout-fishing streams around Yosemite National Park would have suffered, as well as sacred grounds of our native American population, if not for Jerry's vigilance.

Today, SOS continues to help people and groups organize resistance to many unnecessary and unwanted hydro projects throughout the State.

"People don't realize what we did, especially fishermen and campers," Jerry once said. He asked, "How would you like to camp beside a big old turbine and a trickle of a stream?"

Jerry, with the support of his wife, Alice, has tirelessly given thousands and thousands of hours of his life for a cause he believes, forging alliances with major environmental groups to protect our streams and creeks.

In closing, I commend Jerry's efforts, his achievements, and what his deeds will mean to future generations. Tomorrow's generation will be much the better for it because of his great work.

I am proud to call him my friend.

MORE CHANNELS, MORE LAZINESS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. MARKEY. Mr. Speaker, we are at the dawn of the age of multimedia. As Congress and the American people begin to consider the implications of this new age, it is important that we approach these exciting changes, and the challenges they bring to us, with diligence, wisdom, and an eye to the future. I would like to share with my colleagues an op-ed from yesterday's Washington Post by Benjamin J. Stein.

[From the Washington Post, Nov. 2, 1993]

MORE CHANNELS, MORE LAZINESS

(By Benjamin J. Stein)

Now we have the biggest merger in telecommunication history, maybe the biggest merger ever. TCI, the cable colossus, and Atlantic Bell, a multibillion-dollar "Baby Bell." This comes after "strategic alliances" involving Viacom and another phone system, alliances involving computer makers and movie and TV makers, a proposed alliance between a home shopping channel of massive size and Paramount Pictures, and almost everyday deals linking makers of electronic equipment and makers of television and movies and video games.

All of this is in the name of establishing Media's Kingdom on Earth, an all-day-long, 500-channel world in which the ordinary citizen will play video games with a computer far away, see movies of his choice at any moment, shop for anything at all and even get advice from computerized therapists on command.

The last might be of particular note, because a few questions keep going through my mind as I watch this massive parade of mergers and alliances and Axes and Ententes Cordiales.

No, it's not that basic thought about why the deals are being done from the stockholders' standpoint. We learned in the 1980s that the imperialistic cravings of the officers of corporations and the materialistic needs of the investment bankers who set up the deals drive the deals—not what's in it for the ordinary stockholders.

The nagging thought that enters my little pea brain is more like this:

If everyone is going to be at home watching 500 channels of shopping and video game playing and stock market watching, who's going to be doing any work?

Who's going to be growing the grain and fixing the cars and teaching the kids? Who's going to be figuring out the interest on the national debt?

If everyone's watching the media highway, or riding on it, or surfing on it, or whatever people are saying about it, who's going to be actually w-o-r-k-i-n-g?

Watching TV is not work. It doesn't produce anything. If we're all going to watch TV as a nation, as a nation the same thing will happen to us as would happen to a family that stopped work and simply lay in front of the tube until it went broke and had a nervous breakdown.

Not only that, but if everyone's going to be watching TV except for a few ghoulish puppeteers, who's going to sit and read to the children at bedtime? Who will be their soccer teachers? Who will help them with their homework? Who will build and mend the lives of children?

If we are all watching the shopping channels, who will be in the local stores to visit and talk to? If we're all ordering pizza through the TV phone, where will be the companionship of a cafe or a bar? If we can see basketball down to the junior high level on TV, where will be the crowds rooting for the home team that makes a community?

If we as a nation are too passive, lazy, uneducated and without family values, will these new alliances make us more or less so?

Or to put it another way, if you wonder who all these "alliances" are against, maybe the answer is you and your children.

(Benjamin J. Stein is an author and actor in Los Angeles.)

DEDICATION OF A NEW MUNICIPAL CENTER IN BARTLETT, IL

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HASTERT. Mr. Speaker, on October 23, 1993, you and Mr. MICHEL of Illinois were joined by President Clinton on the steps of this historic Capitol Building to participate in a ceremony commemorating the 200th anniversary of the laying of the Capitol's cornerstone by President Washington.

As you stood on the Capitol steps you looked out across the crow assembled on the mall, past the monuments to Washington and to Illinois' native son Abraham Lincoln, far to the west, but under the same sunny sky, Illinoisans also held a ceremony to lay a cornerstone and rededicate a new municipal center in Bartlett, IL.

Mr. Speaker, in 1891, when our Nation's Capitol was about to celebrate its first 100 years, on the beautiful prairie of Illinois, men and women were founding a community dedicated to the same principles of freedom and self-government. That community was the village of Bartlett.

The new municipal center in Bartlett has a lot in common with our Nation's Capitol Building: both are living, growing, evolving structures which preserve the best of our past. Parts of the Bartlett Municipal Center were constructed in 1967, but rebuilt and expanded in 1993. The board dias, for example, originally built in 1967 by Pierre Faber and his son Jerry, was resized and refinished by Jerry for the new council chambers.

On October 23, 1993, after a 4 month restoration, we returned the Statue of Freedom to the top of the U.S. Capitol. "Lady Freedom" was first placed atop the Capitol dome in 1862 during the Civil War. President Lincoln ordered that work continue despite the war as a symbol to all that our Nation would endure. Designed by an American sculptor, Thomas Crawford, the statue is officially known as "Freedom Triumphant in War and Peace," recognizing that there is often a price to protect freedom.

Mr. Speaker, the people of Bartlett also understand that freedom must be defended. In front of their municipal center, in the place of honor, is a veteran's memorial, small in scale but powerful in symbolism. The granite was chosen for its rough surface to represent the conflict and brutality of war. The shape—that of a star—was chosen to represent the ideal of peace. The true impact of the memorial is felt when one looks inside the star to discover the names of each branch of the Armed Forces etched on the inside face of the granite wedges, a tribute to those who defend our freedom and win the peace. This memorial was commissioned by the village board in 1990 and was designed and crafted by Michael Sutfin, himself a veteran, in 1993.

Mr. Speaker, our Nation's Capitol, watched over by "Lady Freedom" and the Bartlett Municipal Center, guarded by its veteran's star, are buildings which symbolize our democracy. Our House of Representatives and their council chamber are "the people's houses" where the drama of a free people engaged in the exercise of self-government is played out each day.

Mr. Speaker, President Lincoln brought vision and common sense from the prairies of Illinois. The people of America's heartland still have a great vision to share with our Nation. That vision is firmly rooted in a love of freedom and it embraces an optimistic view of the future.

As she cut the ribbon for the Bartlett Municipal Center, Village President Catherine Melchert said: "This building is who we are. We are a blend of the past and the present, with a focus on the future."

Mr. Speaker, this Capitol Building is also a blend of the past and the present. And like the women and men of Bartlett, may we say as we enter the third century of this Capitol, that we too have a focus on the future.

CHIEF WARRANT OFFICER VINCE FAY RETIRES AFTER 24 YEARS OF SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. SOLOMON. Mr. Speaker, CWO Vince Fay of Saratoga Springs, NY retires this weekend after 24 years of service to his country.

CWO Vince Fay has served in the U.S. Army and the New York Army National Guard as a helicopter pilot since 1969. That service included a tour in Vietnam with the 129th Assault Helicopter Company from 1970 to 1971. His last assignment has been with A Company, 1–142d AV, NYARNG.

Mr. Speaker, in the years since CWO Vince Fay joined the U.S. Army, America has won the cold war and maintained its role as a beacon of hope and freedom for the rest of the world. That would not have been possible without the patriotism, sacrifices, and dedication of men and women like CWO Vince Fay.

And so, I ask Members of this House to join me in a salute to CWO Vince Fay. Let us congratulate him for a job well done in defense of his country, and then wish him well on his future endeavors.

HUMAN RIGHTS REPORT ON SLOVAKIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HOYER. Mr. Speaker, a few weeks ago I noted in this body that the Helsinki Commission had prepared a staff report on human rights and democratization in Slovakia. This report, and those prepared on other countries in the CSCE community, help fulfill the Helsinki Commission's mandate to monitor and report on the implementation of CSCE commitments.

Helsinki Commission reports, I regret to say, do not always attract the attention I believe they deserve. However, I am pleased to see that in Slovakia, our report has generated a lively and spirited debate. And for the most part, this debate is a healthy one: By fostering a public discussion of issues like the rule of law, free speech, and minority rights, I believe that democracy itself gains. This, of course, is the goal of all the human rights reports prepared by the Commission, including those we prepare on the United States: To improve compliance with the agreements of the Helsinki process, which is to say, to nourish democracy and the establishment of free market economies.

Of course, one still might ask—especially in light of what is arguably a growing isolationist trend in some quarters of this country—why it should matter to the United States whether a small country like Slovakia is democratic or not. Who benefits?

Mr. Speaker, I believe that the best partners and most reliable allies for the United States are those countries with strong democracies and stable, free market economies. It is these qualities I hope to see in an independent Slovakia, and on this basis forge a close relationship with our own country. If democratization is strengthened in Slovakia, then it is strengthened in Europe and in the world. If Slovakia is free and prosperous then I believe the community of nations as a whole gains. In short, our report was not designed to undermine independent Slovakia's nascent statehood, but to share with it, and with the people of Slovakia, the aspirations I hold for all states.

With this in mind, I have been heartened by the debate in Slovakia to which the Commission's staff report has contributed. The vigorous scrutiny of its analysis is testimony to the genuine desire of many people in Slovakia to have a government that is better and fairer and more responsive than the regimes which have governed them in the past. It would be an understatement, however, to note that not all the commentary about our report has been positive. I know from personal experience that political leaders are notoriously sensitive to criticism; Slovak leaders are no exception to what surely must be a universal rule.

And it should be no surprise that the Helsinki Commission report contained some criticisms. After all, it holds Slovakia to what I believe are the most rigorous, demanding human rights standards in the world: The principles and commitments contained in the CSCE agreements. Those are standards which an independent Slovakia has freely pledged to uphold.

Few critics have taken issue with the facts presented in the report on Slovakia. But reasonable people may differ with the conclusions of the report based on those facts. This message was underscored for me in a meeting I recently held with the chair of the Slovak parliament, Ivan Gasparovic. In addition, members of my staff recently met with the Slovak Secretary of State, Jan Lisuch, as well as with parliamentarians from the Movement for a Democratic Slovakia, the Christian Democratic Movement, and Slovak Democratic Left Party. Although there were differences of opinion in all these meetings, they formed part of a constructive dialogue on a broad range of issues relating to the Helsinki Final Act and the CSCE process, from human rights to national security issues. I hope that dialogue will continue.

Mr. Speaker, I continue to have concerns about the human rights situation in Slovakia, particularly regarding the criminal charges that have reportedly been brought against the journalist, Karel Hirman. And I know that the challenges facing the people of Slovakia, both domestically and internationally, are great. But I have hope that the people of Slovakia will meet these challenges with the dignity and charity and fairness that has so often been denied them in the past.

INTRODUCTION OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT (H.R. 3425)

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. CONYERS. Mr. Speaker, today 19 Democrats, 21 Republicans, and 1 Independent joined together in announcing the introduction of the Department of Environmental Protection Act of 1993. We were joined in this bipartisan effort by Vice President GORE and EPA Administrator Browner, as well as by distinguished colleagues in the House, chief among them Representative SHERWOOD BOEHLERT, Representative MIKE SYNAR, Representative JOHN PORTER, and Representative HENRY WAXMAN, all coauthors of this legislation.

We came together united by three principles. First, Cabinet status for EPA is long overdue. Second, major management problems at the Agency must be corrected as part of any Cabinet elevation legislation. And third, this legislation should not be used to change any existing environmental law or alter any existing environmental policy determined by statute.

Cabinet status for EPA is long overdue, as the scope and impact of EPA is vast. The Administrator oversees more laws that affect more Federal agencies than any other Department head. Her officials down the line have to fight more intragovernmental battles with other Federal officials to get them to comply with laws that Congress has passed. EPA personnel need as much power behind them as we can possibly give them. Cabinet status would confer that.

Together with the State Department, the EPA Administrator negotiates treaties with foreign governments on ocean dumping, global warming, and many other critical matters. It is important that our environmental chief hold the same ministerial rank that is the norm in virtually every other country.

It would be irresponsible to elevate EPA without trying to fix some of its most glaring management weaknesses. Thus this bill reforms contracting procedures to improve competition and prevent unallowable charges to the Government, creates a Department business plan with clear performance goals to hold people accountable to, establishes a Bureau of Environmental Statistics to coordinate the collection and analysis of environmental statistics, strengthens the management of and increases public access to information products, establishes an Office of Environmental Justice to coordinate Department activities, and improves the integrity of scientific information.

For 5 years legislation making EPA the 15th Cabinet Department has been through fits and starts in the Congress. Although both the House and Senate have passed separate legislation in the last two Congresses, a signed bill has proved elusive because of partisan bickering and attempts to legislate environmental policy on a bill that should be devoted to structural changes and management reforms.

This bipartisan effort shows gridlock on this issue is now over. This is a clean bill free of extraneous matter that would change environmental statutes or policies. It is time to lay our individual environmental policy beefs or desires for the new Department aside, elevate the Agency and, in the process, clean up the bad management procedures and inefficient operations.

Mr. Speaker, I am also submitting for the record a summary and section-by-section analysis of H.R. 3425.

SUMMARY OF DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

The 1990 House-passed bill (H.R. 3847), which passed by the margin of 371 to 58, forms the basis of the Government Operations Committee legislation. Besides making EPA the 15th cabinet department, the legislation is intended to correct some serious management deficiencies documented by the EPA Inspector General, the General Accounting Office, the Government Operations Committee, and the Energy and Commerce Committee. The legislation does not amend any statutes that EPA administers, nor does it seek to legislate on substantive environmental policy. The major management reforms contained in this legislation would save millions of taxpayer dollars and enhance the ability of the Department to fulfill its mission to protect the environment and public health. Major features of the bill include:

Department of Environmental Protection: Sections 101–107 redesignate EPA, which is currently an independent agency, as the Department of Environmental Protection. The Administrator, Deputy Administrator, and Assistant Administrators would be redesignated as the Secretary, Deputy Secretary and Assistant Secretaries, all appointed by the President with the advice and consent of the Senate. Elevation to a Department would enhance U.S. environmental protection efforts by providing the Department with increased status, ensure representation in the President's cabinet, place the Department on an equal footing with other Federal agencies with which it must interact, and match the status of foreign environmental ministries with whom EPA regularly conducts business.

Development of a Strategic Business Plan and Performance Measurement System: To ensure effective programs and efficient use of the Department's resources, Section 108 requires the Secretary to develop a strategic business plan that clearly defines the mission, products and services of the Department, and to maintain a performance measurement system to ensure the Department's resources are used efficiently and effectively.

Establishment of a Chief Information Officer (CIO): Section 109 establishes a CIO, with a rank of Assistant Secretary, to manage the design and development of information systems, in collaboration with other senior management officials throughout the Department. Inadequate, redundant and ineffective information systems are consistently identified as a major weakness at EPA. The CIO will ensure that the Department's offices collect needed information in an efficient manner and that information system procurements are cost-effective.

Public Access to Environmental Information: Section 110 would increase citizen involvement in environmental protection efforts by expanding the public's access to environmental information. The Secretary is required to develop and maintain a public access system that provides an inventory listing the products of the Department and a means to easily access key databases.

Bureau of Environmental Statistics: Section 111 would establish an independent, nonpartisan Bureau of Environmental Statistics within the Department. The more standardized and coherent collection of data provided by such a Bureau would improve analysis of environmental conditions and trends in order to better determine the effectiveness of environmental policies and programs. The Bureau would be headed by a Director, chosen by the Secretary, who could be removed only for cause.

Office of Environmental Justice: Section 112 would establish this Office to be headed by a Director, appointed by the President with the advice and consent of the Senate. The Office shall develop and implement a strategy to promote environmental justice for all people regardless of income, race, ethnicity, or national origin. An Advisory Committee is appointed to provide advice to the Secretary and the Director.

Scientific Integrity: To ensure that the scientific information prepared by the Department is credible and unbiased, section 113 requires promulgation of rigorous peer review and quality assurance guidelines to be used when preparing science-based and science-dependent technical information and products of the Department.

Membership on the Department's Advisory Committees: Section 114 would improve the integrity of the Department's advisory committee, which make recommendations on key environmental matters, by requiring members to identify potential conflicts of interest and to disclose financial interests that are relevant to the work of an advisory committee. In addition, all Department advisory committees would be required to have balanced representation, where appropriate.

Reforms to Contracting Procedures: Sections 115 to 121 reforms inadequate contracting procedures that have resulted in the loss of large funds and undermined program integrity. A limitation is placed on "umbrella contracts" (broad contracts with limited specifications) to ensure full and open competition and to maintain subcontractor quality. Standards are established for the functions that should be performed by Department personnel, rather than by contractors. Unallowable indirect contractor costs, specified in law or Department regulations, shall not be reimbursed and penalties shall be assessed for their submission. Costs of entertainment, gifts or recreation for contractor employees and their families are designated as unallowable.

Administrative Provisions: Title II sets requirements with regard to copyrights and patents, gifts and bequests, the official seal of the Department and the use of stationary.

SECTION-BY-SECTION OF GOVERNMENT OPERATIONS COMMITTEE "DISCUSSION DRAFT"—THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

SEC. 1 SHORT TITLE; TABLE OF CONTENTS.

SEC. 2. DEFINITIONS.

Defines the terms "Department," "Indian tribe," "State," and "Secretary."

SEC. 3. DISCLAIMER.

Clarifies that nothing in the Act shall be construed as altering, affecting, amending, modifying, or changing, directly or indirectly, existing statutes administered by the Department.

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

The Environmental Protection Agency is redesignated as the Department of Environmental Protection, with its headquarters to be located at the seat of Government. The Department shall be headed by a Secretary, who shall be assisted by a Deputy Secretary, both of whom shall be appointed by the President, with the advice and consent of the Senate. The Secretary may, consistent with other laws administered by the Department, delegate any functions, powers, or duties to other officers and employees of the Department, and maintain those delegations in a central location that is available to the public.

SEC. 102. ASSISTANT SECRETARIES.

There shall be no more than 10 Assistant Secretaries, as determined by the Secretary, who shall perform the functions assigned by the Secretary. Assistant Secretaries shall be appointed by the President, with the advice and consent of the Senate.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

There is authorized to be appointed such number of Deputy Assistant Secretaries as the Secretary determines is appropriate, not to exceed 20.

SEC. 104. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department an Office of the General Counsel, headed by a General Counsel, who shall be appointed by the President, with the advice and consent of the Senate.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the EPA is redesignated as the Office of Inspector General of the Department.

SEC. 106. REGIONAL OFFICES.

The Secretary shall establish such number of Regional Offices as the Secretary determines to be necessary, not to exceed 10. The Secretary shall appoint Regional Administrators to head each Regional Office and shall periodically assess the performance of each Regional Office and inform the Congress of that assessment.

SEC. 107. CONTINUING PERFORMANCE OF FUNCTIONS.

The Officers of the EPA are redesignated as the Officers of the Department, and are not subject to renomination or reconfirmation.

SEC. 108. STRATEGIC MANAGEMENT, PLANNING, PERFORMANCE MEASUREMENT, AND REPORTING TO CONGRESS.

The Secretary shall develop and maintain a strategic business plan for the Department that clearly defines the mission of the Department; establish and maintain a performance measurement system to measure program performance in fulfilling assigned missions; and establish a permanent departmental senior management committee to assist the Secretary in managing the Department.

SEC. 109. INFORMATION RESOURCES MANAGEMENT.

The Secretary shall manage the information resources and information technology of the Department to ensure maximum net benefits and maximum accountability, including the development of a comprehensive program, with clear measurable goals, to improve information resources management (IRM) performance. The Secretary shall ensure maximum collaboration between the Department's program management officials, Chief Information Officer, Chief Financial Officer and Director of Environmental Statistics. An Information Resources Management Steering Committee is established to assist and advise the Secretary in carrying out the Secretary's IRM responsibilities.

The Secretary shall appoint a Chief Information Officer (CIO), who shall be the equivalent of an Assistant Secretary and report directly to the Secretary, has primary responsibility for assisting senior agency management in ensuring that information and technology resources are managed to maximize benefits and promote public accountability. The CIO shall have direct and substantial experience in successfully achieving major improvements in organizational performance through the use of information technology and demonstrated technical competence and ability to work effectively with senior program managers. The CIO is precluded from being assigned any significant duties not related to IRM.

SEC. 110. PUBLIC ACCESS TO AND USE OF INFORMATION RESOURCES.

The Secretary shall develop policies and methods to encourage greater public access to and use of the Department's information; maintain a current, comprehensive and detailed inventory of the Department's public information services, products, systems and other holding; provide for access to selected public information holdings and database; develop policies and programs for integrating and linking the Department's information pertaining to the environment, public health, and environmental justice; develop a strategic plan on the use of information technology to facilitate information dissemination; establish an ongoing process for obtaining public advice and guidance on improving public access to the Department's information; and set user fees at a level sufficient to cover the cost of the dissemination.

SEC. 111. BUREAU OF ENVIRONMENTAL STATISTICS.

A Bureau of Environmental Statistics is created, headed by a Director who shall report directly to the Secretary. The Director shall be appointed by the Secretary for a term of 4 years, may be reappointed for additional terms, and is required to be well qualified in the collection and analysis of environmental statistics. The Director may only be removed for malfeasance in office or neglect of duty.

Functions of the Director include collecting, compiling, analyzing, and publishing a comprehensive set of environmental quality and related public health, economic and statistical data for determining environmental quality and related measures of public health; conducting specialized analyses and preparing special reports; and disseminating all publicly available data in a timely manner.

Powers of the Director include exercising and enforcing, on a nonexclusive basis, any authority vested in the Secretary with regard to collecting, gathering, reporting, evaluating, analyzing, or disseminating environmental data. The Director shall not be required to obtain the approval of any officer of the Department in connection with the collection, analysis or dissemination of information, or obtain approval of the substance of Bureau reports from any other Federal agency. The Director may provide technical assistance to the Department and other Federal agencies. All Federal agencies are required to provide, in a timely manner, any data requested by the Director to carry out this Act.

The Director may not make public any information that is required to be protected under the trade secrets provisions of the Freedom of Information Act. The Director shall establish an ongoing balanced process for obtaining public advice, guidance, and recommendations on the functioning of the Bureau. A Peer Review Team of five Federal statistics officials is established to conduct an annual peer review of the Bureau.

SEC. 112. ENVIRONMENTAL JUSTICE.

The Secretary shall establish an Office of Environmental Justice, headed by a Director who shall be appointed by the President, with the advice and consent of the Senate. The Director shall develop and implement a strategy to promote environmental justice for all people regardless of income, race, ethnicity or national origin. An Environmental Justice Advisory Committee is established to advise the Director and the Secretary on environmental justice matters of the Department.

SEC. 113. SCIENTIFIC INTEGRITY.

The Secretary shall provide for the development and acquisition of the best credible and unbiased scientific information and develop, publish and implement, within 18 months of enactment of this Act, meaningful peer review and quality assurance guidelines and polices for improved performance of the Department and its activities.

SEC. 114. CONFLICTS OF INTEREST OF MEMBERS OF ADVISORY COMMITTEES.

Each member of a Departmental advisory committee shall file an annual report disclosing their principal employer, and their membership on corporate boards and organizations and identify sources of income, but not the value or amounts, that are relevant to the advisory committee's purpose. This information shall be available to the public. Each advisory committee shall have balanced representation for the affected industry, consumer, labor, environmental and other public interest groups, and state and local governments. These categories are not exclusive and may be waived in writing. Advisory Committee members may be compensated if the Secretary determines the services of the individual are essential, failure to pay would constitute a financial hardship, or the individual has professional expertise that may not be obtained without compensation.

SEC. 115. LIMITATION ON SCOPE OF CERTAIN UMBRELLA CONTRACTS BY DEPARTMENT FOR ADVISORY AND ASSISTANCE SERVICES.

Unless the Secretary determines that unusual and compelling circumstances warrant exceptions, long-term "umbrella contracts" shall be limited to 5 years (10 years in the case of "Superfund" contracts); these contracts shall be awarded pursuant to full and open competition provisions of existing acquisition law; and, the practice of "contract shopping" shall be prohibited on all umbrella contracts not originally intended for use by more than one office or program. Also, disclosure of prospective subcontractors and their qualifications shall be required as part of the bid for an umbrella contract. Other subcontractors cannot be substituted after contract award, unless the substitution is approved by the Secretary or Secretary's designee.

SEC. 116. PROHIBITION ON TRANSFERRING TO CONTRACTORS INHERENTLY GOVERNMENTAL FUNCTIONS OF DEPARTMENT.

Establishes that it shall be the policy of the new Department to prevent the transfer of inherently governmental functions of the Department to private sector contractors, and sets forth specific requirements for the new Department in implementing statutes and regulations that govern performance of inherently governmental functions.

SEC. 117. DISALLOWANCE OF, AND PENALTIES FOR, IMPROPERLY CLAIMED COSTS UNDER DEPARTMENT CONTRACTS AND REGULATIONS.

Indirect contractor costs that are unallowable because they are prohibited by law or acquisition regulations shall not be reimbursed, and penalties shall be assessed against contractors that submit claims containing unallowable costs. The Secretary may waive the penalty under certain circumstances, including if the contractor resubmits a corrected claim prior to Government audit or the amount of unallowable costs subject to the penalty is insignificant. Contractors that knowingly submit claims containing costs that are expressly unallowed by law or regulation shall be subject to criminal penalty.

SEC. 118. CONTRACTOR EMPLOYEE GIFT, ENTERTAINMENT, OR RECREATION COSTS SPECIFICALLY UNALLOWABLE UNDER DEPARTMENT CONTRACTS.

Costs of entertainment, gifts, or recreation for contractor employees or members of their families provided by a contractor as a morale booster are specifically deemed to be unallowable costs. Contractor claims for travel cost reimbursement must be accompanied by basic documentation.

SEC. 119. DOCUMENTATION OF CONTRACTOR TRAVEL COSTS.

Requires that costs of contractor travel under Department contracts be allowable only when fully documented, including amounts, times, dates, origin, and destinations and purpose of the travel, and identities of all travelers to which the costs relate.

SEC. 120. EFFECTIVE DATES; LIMITATIONS ON APPLICATIONS.

Sections 116–119 shall take effect 90 days after the promulgation of regulations under section 121 or 18 months after enactment of this Act, whichever date is earlier. Generally, sections 118 and 119 shall not apply to contracts entered into before the effective date of those sections.

SEC. 121. REGULATIONS.

The Secretary shall revise the Department's supplement to the Federal Acquisition Regulations as may be necessary to implement sections 116 to 119 in final form within one year after enactment. The procedural role of the Office of Federal Procurement Policy is set forth with regard to these Departmental regulations.

SEC. 122. REFERENCES.

All references in any other Federal law, Executive order, rule, regulation, reorganization plan, delegation of authority, or document that pertain to officers of the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection.

SEC. 123. SAVINGS PROVISIONS.

The Department and its officers, employees, and agents shall continue to have all the powers and authorities of the Environmental Protection Agency.

SEC. 124. CONFORMING AMENDMENTS.

Conforms existing laws pertaining to presidential succession, civil service and compensation levels of the Department's officers and employees, to reflect creation of the Department.

SEC. 125. ADDITIONAL CONFORMING AMENDMENTS.

The Secretary shall submit to relevant House and Senate Committees proposed legislation containing technical and conforming amendments to the laws of the United States.

ADMINISTRATIVE PROVISIONS—TITLE II

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

With regard to property acquired for use by the Department, the Secretary may acquire copyrights, patents, and applications for patents, licenses and releases.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer and utilize gifts, bequests, and devises of real or personal property for the purpose of aiding or facilitating the work of the Department.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

The seal of the EPA shall be the seal of the Department, with appropriate changes, until a new seal is approved by the Secretary.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

Individuals who knowingly use the seal of the Department, for purposes of conveying a false impression of sponsorship or approval by the Government, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

SEC. 205. USE OF STATIONERY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

The Secretary shall ensure, to the extent possible, that existing stationery, printed forms and supplies of the EPA are used before procuring new materials.

INTRODUCTION OF H.R. 3425, LEGISLATION TO ELEVATE EPA TO A CABINET DEPARTMENT ON ENVIRONMENTAL PROTECTION

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. SYNAR. Mr. Speaker, I am pleased to join today with Representatives, CONYERS chairman of the Committee on Government Operations, Representatives BOEHLERT, WAXMAN, PORTER, and 30 other of our colleagues in introducing bipartisan legislation to elevate the Environmental Protection Agency to a cabinet-level Department of Environmental Protection. Among the many distinguished Members who join us today in introducing this legislation are many—on both sides of the aisle—who have been committed advocates of elevating this Agency to the status and stature it deserves. Their continuing support and assistance in this effort are greatly appreciated.

Chairman CONYERS and others have very ably discussed the many reasons for giving EPA a permanent, full-fledged seat in the President's Cabinet. I agree entirely that elevation of EPA is appropriate, and I will not belabor the many points in support of such action. As chairman of a subcommittee which has overseen EPA's programs and activities for many, many years, however, I do want to emphasize the critical management reforms included in the legislation being introduced today. Some advocate legislation which merely elevates the Agency to cabinet-status. In my view, it would be irresponsible for Congress to ignore this unique opportunity to correct management problems which we all know hinder EPA's efficiency and effectiveness.

For example, we know from oversight hearings by my own subcommittee, as well as the work of many others—including Congressman DINGELL's committee, GAO, and EPA inspector general—that EPA's contract management is fraught with serious problems, and frequently is the subject of abuse. This bill moves us much closer toward our goal of more efficient contract management and contracting standards that do not require the taxpayers to pay for contractor expenses such as Rolex watches and elaborate parties for a contractor's employees. This legislation attacks those problems head-on. Reforming contracting practices and abuses has to start somewhere; this is the time; this is the bill.

EPA's management of information resources is a joke. Despite the expenditure of hundreds of millions of dollars a year in this area, the Agency still does not have solid information—or the right information systems—in place to facilitate efficient program implementation or to help program managers make sound decisions on key regulatory issues. In fairness, EPA is not the only agency afflicted by this problem. But we have an opportunity to do something meaningful about EPA's information resources problem right here in this bill, and now is the time to do it.

Like the Senate bill, this legislation creates a new, independent Bureau of Environmental Statistics designed to produce more comprehensive, reliable, and scientifically sound data on environmental conditions and trends. Because the quality are integrity of EPA's scientific information is of paramount importance, the bill also requires establishment of rigorous peer review and quality assurances guidelines for preparation of science-based information at the new Department. These are key elements of the bill.

The bill statutorily establishes an Office of Environmental Justice, with an advisory committee, in the new Department. Environmental justice concerns are growing around the country, especially in lower-income neighborhoods and in rural areas like my own district, and it is time to recognize those growing concerns and ensure that the new Department will do so on a regular basis.

Finally, the legislation requires the Secretary to develop a strategic plan for the new Department, to clear define its mission, and ensure the most efficient use of its very limited resources. It also requires establishment of meaningful performance measures against which the Department's progress can be judged. Every successful business has long-term strategic plans and substantive measures of rating its progress at meeting long-term goals; it's high time EPA did, too.

I want to say one brief word about amendments to the bill. As chairman of the Environment, Energy, and Natural Resources Subcommittee, I regularly listen to complaints about EPA's policies and regulations from my colleagues, my constituents, the regulated community, and environmental organizations. I, too, have been a vocal critic of many EPA programs and policies. I know how tempting it will be to try and address policy and regulatory issues in this bill. But I would urge my colleagues not to use this legislation as a vehicle for attacking those problems.

Quite appropriately, this bill deals with management and organizational issues. The criticisms being directed at EPA over issues like cost-benefit analysis, unfunded mandates, setting of environmental priorities, wetlands regulations and property takings are, to a very great extent, issues which have arisen as a result of the environmental statutes Congress has written into law and in the appropriations bills we pass every year. Those laws and the issues that arise from them lie within the jurisdiction of other committees—not the Government Operations Committee. There is very strong, and justifiable, resistance to provisions affecting those laws being included in this bill.

Simply put, this is not the vehicle for change in our environmental laws or in the policies or regulatory requirements Congress has established in those laws. Nor is it the time to try and reorient our environmental priorities. There will be ample opportunity to address those issues in more appropriate forums—and on the appropriate legislative vehicles—in the future. I strongly urge my friends and colleagues to understand that attaching such amendments to this bill will likely achieve no result other than to kill our chances of elevating the Agency to a cabinet-level Department of Environmental Protection.

HONORING KENTUCKY BLUE RIBBON SCHOOLS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. ROGERS. Mr. Speaker, I want to take a moment to urge my colleagues to join me in recognizing two outstanding school districts from my congressional district in eastern Kentucky.

Belfry High School in Pike County and Williamsburg High School in Whitley County were

2 of 260 schools around the Nation selected by the U.S. Department of Education to be called blue ribbon schools for their educational excellence.

Established in 1982, the blue ribbon schools program nationally recognizes public and private schools judged to be outstanding in school leadership, student achievement, and parent and community support. To receive such an award, everyone who lives in the community—from teachers and administrators to parents and community leaders—must dedicate themselves toward improving their school.

Mr. Speaker, in eastern Kentucky, improving education has been one of the most important priorities for our communities—and our hard work is starting to pay off. Test scores are up, attendance is up, graduation rates are up, and, most importantly, our children are better prepared for college or the workplace when they graduate from high school.

I want to once again congratulate the teachers, parents, and students of these two fine schools, Belfry High School and Williamsburg High School, for earning the national recognition they deserve.

And, Mr. Speaker, I want my colleagues to give special recognition to the fine leaders of these schools, Superintendent Larry Burke and Principal Frank Welch of Belfry High School and Superintendent Jim Simpson and Principal Jerry Hodges of Williamsburg High School. Congratulations on a job well done.

COMMVERGENCE VERSUS REGULATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. OXLEY. Mr. Speaker, we are witnessing an enormous amount of change in the communications sector. Rapid technological advances are transforming industries and forcing a rethinking of the traditional telecommunications regulatory structure. The recently announced merger of Bell Atlantic and Telecommunications Inc. appears to be a precursor of more corporate mergers in the communications sector.

One of the best ways to describe these dramatic changes in the communications sector is commvergence, a term coined last May by Scott Cleland, a political analyst for the Washington Research Group.

Commvergence is shorthand for the convergence of communications and computer technologies. More specifically, commvergence is the trend which will enable any electronic device to link into any type of carrier to communicate any type of information. In other words, it is the simple, easy access to whomever or whatever information someone desires.

To better understand this trend and the changes it will require, I commend to my colleagues Scott Cleland's report "Commvergence vs. Regulation, A Strategic and Political Five Year Forecast of the Communications Sector." It is an excellent and comprehensive analysis of how the technological and marketplace trends will affect public policy.

Cleland's report highlights the megatrends which are combining to create commvergence and are forcing change in Government regulation:

First, the digitization of information—converting information to a series of ones and zeroes—enables the perfect transmission of any type and combination of information at the speed of light, and an almost infinite capacity to manipulate and package information in whatever form needed.

Second, signal compression magnifies finite radio spectrum and allows more efficient use of key scarce parts of the spectrum.

Third, the continued miniaturization of semiconductors or microchips fuels an explosion of computing power available to the average user, while greatly decreasing its cost.

Fourth, fiber optic cable multiplies transmission volume by accelerating the speed of sending information by about 2 million times faster than copper wire—the equivalent of transmitting the entire Library of Congress collection in 8 hours rather than 28 years.

Fifth, corporate strategies have largely conceded that the communications sector is too big and is changing too fast for any one company to dominate. This has led to a proliferation of strategic business alliances and mergers.

Sixth, equipment vendors, which previously wouldn't cooperate on industry standards in an attempt to dominate their markets, now comprehend the futility of thwarting the customers' need for connectivity between diverse systems.

Cleland calls microchips the building blocks of commvergence, software the fabric of commvergence; and wireless communications the frontier of commvergence. In contrast to the force of commvergence, Cleland argues that government regulation is the primary impediment, skewing factor, and counter force in the sector. The collision between the force of commvergence and the counter force of regulation is the central theme of Cleland's prescient and insightful report.

TRIBUTE TO COL. COLLINS E. SMITH, JR.

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Col. Collins E. Smith, Jr., who retires today after 30 years of dedicated service to the U.S. Air Force. For the past 6 years Colonel Smith has been serving as the commander of the 652d Medical Group at the Sacramento Air Logistics Center, McCellan Air Force Base, Sacramento, CA, the largest Federal employer in northern California. He is the first non-physician in history to command a large Air Force hospital and detached clinic.

Originally from Charleston, SC, Colonel Smith graduated from high school in Deland, FL, and earned a bachelor of science in advertising from the University of Florida. Gainsville, FL in 1963. He entered the U.S. Air Force in January 1964. Continuing his education, he earned masters degrees in public administration and in business administration from Golden Gate University, San Francisco, CA, Sacramento campus. Colonel Smith's professional military education includes Squadron Officer School, Air Command and Staff College, Air War College and National Defense University.

His first assignment was Hahn AB, Germany in 1964. He transferred to Glasgow AFB, MT in 1966. Then he was assigned to Minot AFB, ND, in 1967. In 1969, he arrived at Pope AFB, NC, to be commander of the 22d Aeromedical Evacuation Squadron. Colonel Smith was then called to serve his country in time of war at Camranh Bay AB, Republic of Vietnam in 1970 at the 483d USAF Hospital. Afterwards he served as assistant hospital administrator at Mather AFB, CA, in 1971 and at Little Rock, AR in 1975. He was the administrator for the Air Force clinic at McGuire AFB, NJ, in 1979 and then transferred to the hospital at Sheppard AFB, TX, as the associate administrator in 1980. In 1985 he became the commander of the clinic at Vance AFB, OK. Since 1987, he has been at McCellan AFB, CA, and is currently serving as commander of the 652d Medical Group.

While assigned at McCellan, he spearheaded the efforts to integrate the Mather Air Force Base Hospital and the USAF Clinic McClellan into the 652d Medical Group. Due to his experience, leadership ability, and reputation, he was requested by name to be the commander of the new organization. As the impetus behind the integration of the two facilities, his objective was to build a stronger medical group by synergistically employing the strengths at both units, while improving business practices through a completely integrated health care delivery system. Integration was successfully accomplished with the emphasis on quality of care to the patient. Through his dedicated efforts, he established the blueprint for integration since this is the first time an Air Force hospital integrated with an Air Force clinic from separate commands.

Through his impressive career, Colonel Smith received several awards and decorations, including the Bronze Star Medial Meritorious Service Medal with two oak leaf clusters and the Air Force Commendation Medal with two oak leaf clusters.

The extraordinary leadership, outstanding dedication, and ceaseless efforts of Col. Collins E. Smith, Jr., supported by his wife, the former Judith Haselwood of Sacramento, CA, culminate a distinguished career in the service of his country and reflect great credit upon himself and the U.S. Air Force.

Mr. Speaker, I know my colleagues join me in wishing Colonel Smith a happy and productive retirement.

STATE TROOPER, TWO CIVILIANS HONORED FOR HEROIC RESCUE ATTEMPT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. SOLOMON. Mr. Speaker, there is something special about a man who risks his life in an attempt to save another human being. I'd like to tell you about three such men today.

Recently a New York State trooper and two civilians were honored for pulling an unconscious woman out of a burning car following a highway accident last summer.

They are Trooper George H. Murphy, Jr., and civilians William McDonald of Waterford and E. Lance Vetter of Clifton Park. As a former marine, I'm proud to note that all three are former U.S. Marines, although they did not know each other before this incident.

The accident victim, 71-year-old Margaret Leonard, regained consciousness briefly, but unfortunately died the next day. But the heroism of these three men was extremely comforting to the victim's family, which presented Trooper Murphy with a medal of St. Michael, the patron saint of police officers. Murphy, who thought the woman would recover that night, was devastated when she died the next day. He has not taken the medal off since the family gave it to him.

The three men had seconds to act. McDonald was driven back three times by smoke. Trooper Murphy managed to roll down the driver's window and groped in the smoke and darkness until he determined that the car's one occupant was slumped unconscious at the wheel. At one point, flames from the dashboard ignited the Leonard woman's hair, but Trooper Murphy put out the flames with his bare hands. Finally, he put his hands under the woman's arms, and with the help of McDonald and Vetter, pulled her out.

Mr. Speaker, marines don't leave their dead or wounded buddies behind, and these three men proved that once a marine, always a marine. Like Margaret Leonard's family, we grieve over her death while recognizing the selfless heroism of these three men.

And so, Mr. Speaker, I would ask Members of this House to join me in saluting State Trooper George H. Murphy, Jr., along with William McDonald and E. Lance Vetter, three heroes who disregarded their own safety to come to the aid of another human being.

TRIBUTE TO STEVEN F. PROCTOR

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HOYER. Mr. Speaker, it is with great pleasure that I extend my congratulations to Trooper First Class Steven F. Proctor, of Germantown, MD, who has been named 1993 National Flight Paramedic of the Year. Trooper First Class Proctor began his civil service career in the Montgomery County fire and rescue service. After 15 years as a ground paramedic, Steven Proctor flew active flight crew status for 5 years with the Maryland State Police. Trooper First Class Proctor is currently serving as a paramedic training coordinator.

Steven Proctor was unanimously nominated for this honor by the Maryland chapter of the National Flight Paramedics Association for his outstanding leadership, bravery, and his creative initiatives which have improved his peers' ability to better serve the public. Most notably, he is responsible for the apprehension of one of the suspects involved in the deplorable crime committed against Dr. Pamela Basu. As part of the Maryland State Police, Trooper First Class Proctor was dispatched with a crew to locate two car-jackers who had dragged the owner to her death and endangered the life of her infant daughter. In pursuit of the stolen vehicle the car was wrecked, Trooper First Class Proctor exited the aircraft and was able to capture and arrest one suspect. Following this significant act of heroism he was awarded a Governor's commendation for his intrepid performance.

Trooper First Class Proctor is also known among his peers as a leader whose innovative ideas have benefited the strategy and training for flight paramedics. In 1993 he wrote and presented "Helicopter Use in Patient Management—How to Save Precious Time." This document addresses current dispatch procedures, provides recommendations for an interactive environment for ground providers to better understand the roles and duties of the flight paramedics and offer techniques for reducing prolonged scene times.

Mr. Speaker, Trooper First Class Steven Proctor continues to make numerous contributions to the State of Maryland. His exceptional career has made him not only a prominent flight paramedic but also an outstanding American. I applaud his dedication and thank him for his unremitting efforts to provide improved public safety.

TRIBUTE TO MAX AND ASHA GREENBERG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Max and Asha Greenberg, dear friends for many years and two of the more selfless, dedicated and caring people I know. Together and on their own, Max and Asha have given themselves to myriad causes in Los Angeles, from police/community relations to the homeless of Venice. Of course, much of their volunteer activity is centered on the Jewish community, which has greatly benefited from their involvement.

Max Greenberg has been a leader in both the ADL and the Jewish Federation Council. He has served as ADL national chairman, president of the ADL's Pacific Southwest Regional Board, and chairman of the community relations committee of the Jewish Federation Council of Greater Los Angeles. Max exerted a powerful influence as the Jewish community of Los Angeles grew to become the second-largest in the world behind New York. His leadership was essential as Jewish Los Angeles came into its own.

For her part, Asha is a life member of B'nai B'rith Women and a member of Women's Alliance for Israel, as well as maintaining an active role in the ADL. This woman of boundless energy and determination also plays an active role outside the Jewish community. During the past 10 years she has been a deputy Los Angeles city attorney and, in 1992, she was elected to the Santa Monica City Council.

Her other significant accomplishments include helping to launch the premier community based task force to combat the drug problem by closing crack houses and organizing residents to reclaim their neighborhoods from drug dealers and gangs. These are two excellent examples of the strong feelings Asha has for her community, as well as her motivation to act on its behalf.

I am indeed fortunate to count Max and Asha Greenberg as two of my close friends. I ask my colleagues to join me in saluting this dynamic and generous couple, who have helped make Los Angeles a better place for so many.

25 YEARS OF SERVICE: NCOA AND THE OLDER WORKERS PROGRAMS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Ms. SNOWE. Mr. Speaker, this year title V of the Older Americans Act—the Senior Community Service Employment Program—celebrates its 20th anniversary.

The program, and its 10 national sponsors, including the National Council on Aging, have helped thousands of older Americans find employment—employment that provides assistance to their community while allowing the older worker to enhance his or her own economic situation. NCOA has been a leader in this effort, starting back in 1968 when it administrated the Operation Mainstream Older Workers pilot project in seven States.

When the concept of an older worker community service employment program emerged there were those who wondered whether it would have sufficient appeal for older Americans. Today, it is clear that the program has worked and worked well as nearly 100,000 individuals are participating in the title V program.

The program offers opportunities for low-income persons 55 years of age or older to work in community service activities as a means to improve economic well-beling while delivering a wide range of essential services in their communities. They typically work about 20 hours per week and can be found in hospitals, libraries, senior centers, schools, elderly nutrition sites, and day care centers.

In Maine, the National Council on Aging sponsors the title V program and Rae Clark-McGrath and her dedicated staff have made the program a success. In fact, this weekend, Maine is hosting the National Council on Aging's title V conference, and I would like to extend my congratulations to NCOA for its 25 years of support and sponsorship of programs for older workers.

CONGRATULATIONS TO SELWYN ISAKOW

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. KNOLLENBERG. Mr. Speaker, on Sunday, November 7, 1993, Yeshiva Beth Yehuda of Greater Detroit will hold its 97th annual dinner. This year the dinner will honor Mr. Selwyn Isakow, who will be presented with the Golden Torah Award.

Selwyn Isakow is a man of great distinction in both business and community activities. He is chairman of the bank of Bloomfield Hills and he is fondly regarded in our community.

The Yeshiva currently has over 600 children and is one of the largest Jewish day schools in our community. Students from Yeshiva Beth Yehuda have gone on to lead many of the important business, public policy, and religious institutions of our Nation.

Once again, Mr. Isakow has chosen to reach out and serve his community by working to increase support for the Yeshiva. I want to join with the parents, students, and teachers at Yeshiva Beth Yehuda in thanking Mr. Isakow for his important work. He is well deserving of the Golden Torah Award.

CRIME BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. PACKARD. Mr. Speaker, I intended to offer an amendment to the crime bill to give law enforcement officers access to legalization immigration files during a criminal investigation. In the 1986 immigration law, thousands of illegal immigrants were given an opportunity to apply for legal status. To encourage as many illegal immigrants as possible to apply, a confidentiality clause was added to the legalization applications. This clause has prevented law enforcement agencies from gaining access to legalization applications even as part of a criminal investigation.

When a crazed gunman randomly killed two innocent people outside CIA headquarters earlier this year, the FBI couldn't get access to the suspect's legalization application on file with the INS, even for something as simple as a photo. The FBI lost an entire day trying to track down a photo of the suspect, possibly giving him the time he needed to escape. In our zeal to protect the privacy and confidentiality of these INS files, we let a terrorist go free.

My amendment to the crime bill would have given law enforcement another tool to combat crime. But Members won't even get a chance to consider this amendment or any others. The chairman, the Rules Committee and the House leadership have devised a plan to prevent fair and open debate and stop members from offering any amendments.

Although I commend the leadership for agreeing to hold off consideration of the various crime initiatives until tomorrow when Members are back in town, I am still strongly opposed to bringing up the measures under suspension. This issue is too important and too controversial to be taken up on a suspension calendar. We should defeat these initiatives and bring up a real crime bill under an open rule. Crime is the number one concern facing our country. This issue is simply too important to be considered in such a piecemeal fashion.

INTRODUCTION OF EPA CABINET ELEVATION BILL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. WAXMAN. Mr. Speaker, I am pleased today to join in support of this bill to grant Cabinet status to the Environmental Protection Agency. The EPA's vitally important mission, and its broad range of important mandates, certainly merits Cabinet status. Our Nation's health, our Nation's environment, indeed, the planet itself, will benefit from greater EPA participation in deliberations at the highest levels of government.

I want to commend Chairman CONYERS, Mr. BOEHLERT, Mr. SYNAR, Mr. PORTER, Chairman DINGELL, and, of course, Vice President GORE and Administrator Browner for their work in the development of this bill, and their efforts to achieve Cabinet status for EPA.

This legislative vehicle is especially promising as a means of elevating EPA, because it limits itself simply to matters that directly concern EPA's organization and management. As I have said many times before, initiatives to revise the way EPA carries out the laws we have worked so hard to enact have no place in the effort to make EPA a cabinet agency. I am pleased to be able to say that President Clinton agrees, and in fact wrote to me last August, that he opposes inclusion of any amendments "that are unrelated to the reorganization or administration of executive branch environmental functions."

I have asked that a copy of this letter be included in the RECORD after my remarks.

I look forward to working with my colleagues to move this bill forward and enact it into law without change.

THE WHITE HOUSE,
Washington, DC, August 31, 1993.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As Congress prepares to return from its August recess and as the House moves to consider the Department of the Environment Bill, I am reminded of your letter sharing your thoughts on the Johnston Amendment to S. 171.

I share your enthusiasm for elevating the Environmental Protection Agency to cabinet-level status. I am convinced that this step will help us to ensure that environmental concerns are an integral part of decision-making at the highest level of the Executive Branch.

I also understand your concerns about the proposed Johnston Amendment which would require that comprehensive risk analysis be performed before any rulemaking is finalized by the new Department.

I oppose inclusion of any amendments (including the Johnston Amendment) in this legislation that are unrelated to the reorganization or administration of Executive Branch environmental functions. More generally, we will oppose any amendments that go, instead, to environmental policy or the substance of EPA's mission to protect human health and the environment. I hope that the focus of this legislation will be kept on organization and similar structural issues rather than on matters of environmental or regulatory policy.

Again, thank you for sharing your concerns with me.

With best wishes,
Sincerely,
BILL CLINTON.

SALUTE TO JUNIOR ACHIEVEMENT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HEFLEY. Mr. Speaker. In anticipation of the next year's 75th anniversary celebration of Junior Achievement, I want to congratulate the organization on providing practical information and experiences in the private sector.

Its work with the business and education communities has opened new doors for many young people and given them valuable insight into the world of business and economics.

Students from elementary to high school have benefitted from the many comprehensive programs Junior Achievement offers, including some that target students at risk of not finishing school and students in rural areas.

As one of the oldest, largest and fastest growing business and economic not-for-profit education organizations, I salute Junior Achievement on this special anniversary occasion and commend its efforts to reach out to the nation's future—our youth—and prepare them for some of the challenges that may be ahead.

TRIBUTE TO JEREMY PISTACCHIO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Jeremy Pistacchio of Troop 22 in Johnston and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Jeremy built bleachers for the ballfield at St. Rocco's Elementary School in Johnston. Jeremy's determination to enhance a recreational area that is used by the young people in his town shows his commitment to his community.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Jeremy Pistacchio. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Jeremy Pistacchio will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

TRIBUTE TO EDWARD L. WILLIAMS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to pay tribute to Mr. Edward L. Williams on the occasion of his retirement. Mr. Williams served the city of Philadelphia for 32 years, beginning his career with the Public Property Department in 1961. He became active in the District Council 33 AFSCME, and was later elected as the first African-American president of Local 1637 of District Council 33. He held that position from 1978 to 1984. In 1988, he served in Philadelphia's Law Department, from which he recently retired.

Mr. Williams has been active in his community for over 30 years. He has worked tirelessly with the Southwest Center City Citizens Council as its housing chairman, was treasurer of the South Philadelphia Project Area Committee, and is currently president of the South Central Development Corp.

Mr. Williams was one of the founding members of the Crosstown Community Development Corp. which was primarily responsible for stopping the building of the crosstown expressway. Had the expressway been built, the predominantly white part of Center City would have been divided from the predominantly African-American southern part of the same neighborhood. The road would no doubt have resulted in the discriminatory separation of the northern and southern areas of Center City. The property values in the white areas would have far exceeded those in the African-American areas, robbing the people to the south of the expressway of the equity they had built in their homes.

Mr. Williams is a 32d Degree Mason, and is a committed member of the New Central Baptist Church, where he serves as walking deacon. I wish to congratulate Mr. Williams on the occasion of his retirement.

THE REALITIES OF OUR CUBAN POLICY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. EDWARDS of California. Mr. Speaker, it is with great concern that I would like to address our colleagues on the necessity of reevaluating our Cuban policy. In a recent article in the San Jose Mercury News, columnist T.T. Nhu describes how her global exchange group challenged the restrictions on traveling to Cuba and the ordeal they experienced trying to reenter the United States after spending a week in Havana. This article, which I am pleased to enter into the RECORD, brings to light how inconsistent and outdated are our restrictions on traveling to and trading with Cuba. These restrictions must be reformed to reflect the new world political realities.

Since the Kennedy administration implemented these restrictions in the wake of the Cuban missile crisis, it has been illegal for Americans to spend money in Cuba, effectively banning all travel. Americans were free to travel to the former Soviet Union at the height of the cold war, were permitted to go to the People's Republic of China, and even to Vietnam. Yet, we continue to treat Cuba with apprehension and paranoia, as though open communication is a threat to American society.

The intentions of our Cuba policy, including the recent Cuba Democracy Act of 1992, continue to be aimed at bringing democracy to Cuba. However, we are severely restricting our own democracy in the process. American citizens' fundamental right to travel is being restrained unfairly; our constitutional rights are being infringed upon.

It is also time to reconsider our trade embargo on Cuba. Particularly with the collapse of the former Soviet Union, Cuba's military and economic sponsor, this neighbor of ours, only 90 miles off our shore, is certainly not a threat. In fact, Cuba has been seeking investment by capitalist countries to help salvage its deteriorating economy. it is time to open Cuba's $6 billion market to American business, which is already losing out to foreign competitors. We must support legislation such as H.R. 1943, the Free Trade with Cuba Act, with hopes of modernizing and redefining our relations with Cuba.

Our embargo on Cuba must be lifted so as not to deprive our citizens of their constitutional rights, as well as not to further weaken efforts at political and economic liberalization in Cuba. The article follows:

[From the San Jose Mercury News, Oct. 22, 1993]

IN SEARCH OF FREE TRAVEL AND CUBAN CIGARS

(By T. T. Nhu)

After spending a week in Havana, I wanted to be the first person off the plane when we returned to the United States. I wanted to be the first person questioned by the U.S. Customs Service.

As soon as I told the customs officer at the Houston airport I'd been to Cuba, another officer came running toward me shouting, "I'll get her!"

Because their value was under $100 I did not mention that I was bringing back a bottle of rum, a box of cigars and T-shirts.

So when the eager officer unzipped my bag and fished out the 8-year-old rum he was not amused. "What's this?" he asked accusingly. "And this?" pulling out my box of cigars. "You didn't tell me the truth," he sneered. "How would you like to watch me pour it out?"

Then two special agents from the Treasury Department took over. One began reading my Miranda rights in a slow drawl until I impatiently declared: "Let me read, I can read faster than you."

The agents had been called in especially to meet my group—Americans returning from Cuba who were openly defying the U.S. government's restrictions for traveling to Cuba. No one there seemed to really know what the regulations were, so the other agent kept leaving to consult with his supervisor.

Meanwhile, the customs inspector demanded I surrender everything, but went on to comment on his two years in Vietnam. "Bad times but beautiful country," he said.

"You don't look that old," I said to humor him. He laughed but was still adamant about relieving me of my precious cigars. Then the other agent came trotting back, whispering "You're really a journalist, right? And it was less than $100 right?" I kept my cigars, the rum and T-shirts.

That was better than what happened to my son Teddy and 64 others. Their souvenirs and passports were seized.

Except for a narrowly defined category of professional researchers, journalists, and Cuban Americans, U.S. citizens are not allowed to travel to Cuba. Global Exchange, the group my son and I went with, sets out specifically to challenge those restrictions that prohibit ordinary citizens from traveling freely to Cuba.

"U.S. policy is blatantly inconsistent," says Walt Turner, president of Global Exchange. "We were able to go to the Soviet Union during the height of the Cold War. We can go to China, Vietnam, our former enemy, and yet we still cannot go to Cuba, only 90 miles off our shores. U.S. policy is held hostage by Cuban Americans who want to continue Cold War policy."

"After 32 years, no one in Havana or Washington is prepared to take the first step," says Peter Hakim of Inter-American Dialogue. "Cuba is a special case, the only country where no discussion, no negotiation has taken place in years."

The Clinton administration position toward Cuba is much less hostile than previous administrations. Latin American specialists say anonymously that the State Department is now willing to allow debate.

"The U.S. is inching in the right direction, albeit at a glacial pace," says Hakim. Washington is thinking of allowing direct mail service and lowering phone charges from the current $9 a minute to $1.20, which, according to Alexander F. Watson, Assistant Secretary of State for Latin American affairs, "could be major in political importance," in permitting a freer flow of information between the two countries.

The organizers of the civil disobedience campaign are planning trips to Cuba every month until the travel restrictions are dropped.

"The U.S. is restricting its own democracy to bring democracy to Cuba," observed Hakim, "by preventing its citizens from traveling freely."

TRIBUTE TO KRISTIN NOWICKI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. BONIOR. Mr. Speaker, we do not hear often enough about our young people who are making positive contributions to our communities. And so, I rise today to pay tribute to a special student from my district, Kristin Nowicki. A fifth grader at Ojibwa Elementary School in the Chippewa Valley school system in Macomb Township, MI, Kristin is an individual who I believe is representative of most of the students growing up in America today.

Recently, a groundbreaking ceremony took place to mark the paving of the road where Kristin's school is located. We asked the students and their teachers to join us at the event and Kristin represented the student body. Kristin was an excellent speaker and she most eloquently highlighted the reasons for paving Heydenreich Road. Kristin made the following remarks:

> Good morning and welcome to Ojibwa Elementary. I'm happy to be representing the students at Ojibwa.
>
> Safety is a big concern everyone has, so I'm going to take a few minutes and talk about how the paving of Heydenreich will improve safety for those who attend Ojibwa and Glenn Peters Schools.
>
> The first thing is that it will be a whole lot safer for the buses that travel Heydenreich every day, as well as for the parents who drive their children to school, and for our teachers.
>
> Installing a traffic light at the corner will slow down cars on 21 Mile Road, which will prevent accidents.
>
> It will also be much safer for the walkers because they will not have to walk on the dirt road anymore. Cars will be able to stop faster on the pavement as opposed to the dirt surface.
>
> There are other benefits of Heydenreich being paved besides safety. A paved road will reduce wear and tear on the buses, which will reduce maintenance costs for Chippewa Valley. Teachers' cars will last longer. Finally, it will be much more convenient for everyone to get to Ojibwa on this nice new road.
>
> The decision to pave Heydenreich Road was a smart one.

After hearing Kristin's remarks, there was little left for me to say at the groundbreaking. Kristin had said it all.

I believe the vast majority of our young people are like Kristin. For those students who are struggling under the pressures of growing up in America in the 1990's, Kristin Nowicki stands out as an example of the success of education in America and as a sign that the future is in good hands. I ask my colleagues to join me in saluting Kristin Nowicki.

SALUTE TO THE TELEPHONE PIONEERS OF AMERICA FORT PITT CHAPTER 13

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. COYNE. Mr. Speaker, I am pleased today to recognize the outstanding civic contributions of Fort Pitt Chapter 13 of the Telephone Pioneers of America.

The Fort Pitt chapter of the Telephone Pioneers of America is based in Pittsburgh and consists of over 6,700 retired and active Bell Atlantic-Bell of Pennsylvania employees from western Pennsylvania. This local chapter is one of the 104 chapters of the Telephone Pioneers of America located across the United States and Canada. First established in 1911, the Telephone Pioneers of America is today the world's largest voluntary association of industrial employees.

The Fort Pitt chapter has performed community service work in western Pennsylvania for the past 71 years. Members of this chapter have given their time and energy to a large number of civic causes which have benefited local citizens and communities. It should be noted that this one chapter provided 303,549 hours of service to community projects in the 1992–93 fiscal year alone.

The children of western Pennsylvania have been major beneficiaries of the good work done by the Fort Pitt chapter. For 12 consecutive years, the Fort Pitt chapter has sponsored a beeping Easter Egg Hunt for the western Pennsylvania School for the Blind. This local group of Telephone Pioneers has prepared gift bags for distribution to children who were staying temporarily in shelters for abused women and children across western Pennsylvania. Members of the local chapter have also participated in the walk for juvenile diabetes and Jello slide for the Leukemia Society of America. They have collected over 225,000 aluminum can tabs which were donated to the St. John's Baptist School to raise funds for the Angel Scholarship Fund and also collected can tabs for Warren State Hospital to raise funds to help people in need of kidney dialysis. The Fort Pitt chapter has also participated in annual toy drives and has supported campaigns to collect clothing for those in need.

The efforts of the Fort Pitt chapter are not limited to helping only those in the western Pennsylvania area. This group raised and contributed over $10,000 to Saint Louis Flood Relief. A successful effort was also made to raise and contribute $1,100 to Pioneers Across America for Alzheimer Research. Members of the Fort Pitt chapter have also volunteered for phonathons to help raise funds for Multiple Sclerosis and the Kidney Foundation. These are only a few examples of the many civic and charitable efforts undertaken by the Fort Pitt chapter.

Mr. Speaker, it is appropriate that the House should salute members of the Fort Pitt chapter of the Telephone Pioneers of America for their service to their community and the Nation. We should all be proud of the fact that groups like the Telephone Pioneers exist to provide help to those in need in our country.

REFORMING THE FEDERAL RESERVE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 3, 1993 into the CONGRESSIONAL RECORD.

REFORMING THE FEDERAL RESERVE

Congress this session has been taking on many difficult tasks, including deficit reduction, campaign finance reform, health care reform, even reform of Congress itself. It should also enact long-needed reforms in the Washington institution that controls monetary policy; the Federal Reserve (Fed).

ECONOMIC POLICY

The health of our economy and the strength of our nation are strongly influenced by the economic policies made in Washington. Decisions on fiscal policy—which means the government's use of tax and spending measures to influence economic growth, unemployment, and inflation—are made by Congress and the President through the annual budget deliberations. Those who decide fiscal matters are directly accountable to the voters. When Congress debates policy, it is done in the open, televised live throughout the country; the decisions made are immediately reported to the American people. Top administration decisionmakers are appointed by the President and confirmed by the Senate, with their strengths and faults bared for all to see and judge. Every penny the government spends is accounted for in the budget of the U.S. Government; every government agency is subject to audit and review by the General Accounting Office (GAO). These are the accepted rules of accountability in a democracy.

Monetary policy—which means the government's use of interest rates and credit to influence the economy—is conducted within the Federal Reserve System, but under quite different standards of public accountability. The Fed is an independent federal agency created by Congress in 1913 to regulate the nation's money supply and supervise a large portion of the banking system. It consists of the 7-member Board of Governors in Washington and the 12 regional Federal Reserve Banks. Monetary policy decisions are made by the Federal Open Market Committee (FOMC), which is composed of the Board of Governors and 5 of the 12 regional Bank presidents, who vote on a rotating basis. Decisions made by the FOMC affect interest rates and the availability of credit and thus the health of the U.S. economy.

FED INDEPENDENCE

It is widely accepted that monetary policy should be insulated from political pressures. Because of the sensitive nature of monetary policy and its broad impact on every sector of our economy, the Fed has been given much more independence than other government agencies. Monetary policy decisions by the Fed are not subject to presidential or congressional approval. The members of the Board of Governors are appointed for 14 years, thus serving long beyond the term of the President who appointed them. The Fed does not have to go through the congressional appropriations process for its annual funding. These are all legitimate and important safeguards on Fed independence.

But in many other ways the special status accorded to the Fed has been carried too far. The Fed deliberates in total secrecy and its decisions are revealed only after a 6-week delay. There is no formal channel of communication between the Fed and the Administration. The President, who is held responsible for the performance of the economy, must wait until late in his term to appoint a Chairman of the Fed. The presidents of the 12 Federal Reserve Banks, who vote on monetary policy decisions on the FOMC, are neither appointed by the President nor confirmed by the Senate. Congress gets little information on Fed spending. And even though the Fed engages in more than $1 trillion in financial transactions each year, most of these are exempt from audit by the GAO. These practices do not conform to the normal standards of government accountability in a democracy.

REFORMS

I do not support weakening the Fed or decreasing its ability to set monetary policy without political interference. But I do believe that modest changes could be made in some of its practices and procedures that would make it more accountable to the American people.

First, the Federal Reserve Bank presidents, who are appointed primarily by commercial banks, should be made advisors rather than voting members of the FOMC. In no other government agency do representatives of narrow private interests have a right to vote on important government policies. Second, the members of the FOMC should be required to meet with the President's top economic advisors periodically to discuss monetary and fiscal policy. Communication between the Fed and the Administration is very haphazard and depends on informal channels. It is astonishing that the world's greatest economic power does not have a formal channel of communication between the key makers of economic policy. Third, the President should be able to appoint a Fed Chairman one year after taking office. The current Chairman, Alan Greenspan, was appointed by President Bush and his term continues more than three years into President Clinton's term. Fortunately, President Clinton and Chairman Greenspan have a cordial working relationship. But if they did not, the result could be paralysis of economic policy. Fourth, the Fed should be required to announce immediately any changes in monetary policy, including changes in interest rates. Small investors should be able to have this information as quickly as others. Fifth, the Fed should print its annual budget in the U.S. Government budget, and the GAO should be given more responsibility to audit the Fed. Congress currently appropriates money for the Supreme Court and there are no complaints of interference with its independence. This change would require even less of the Fed, only that it print its budget in the federal budget.

OBJECTIONS

Opponents of such measures argue: "If it ain't broke, don't fix it." But such a criticism misses the mark. It assumes that the purpose of such changes is to give the President or the Congress more control over monetary policy. I do not believe that such a change should be made; the basic independence of the Fed is not something that needs to be altered. But the system is "broken" in other ways, because many of the Fed's practices and procedures violate the normal standards of accountability in a democratic society. Changes that improve channels of communication between the President and the Fed and that provide Congress and the American people with more and better information on Fed policies and procedures are overdue, and could be made without in any way reducing the policymaking independence of the Fed.

I believe it would be a mistake to wait until a monetary crisis to reform the Federal Reserve. The changes I have proposed take advantage of a period of high regard for the Fed, and a moment of economic calm, to bring its procedures up to date. If we wait to make the necessary adjustments until a time of economic turbulence and controversy, the results may be far less measured.

IN RECOGNITION OF STEVE REECE

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. MANN. Mr. Speaker, I rise today to recognize Steven Reece, Sr., who became the Most Worshipful Grand Master of the Most Worshipful Prince Hall Grand Lodge of Ohio, Free and Accepted Masons, in August of this year.

Mr. Reece was initiated into Gothic Lodge 122 on November 24, 1974, was elevated to Worshipful Master in 1982, and was made a 33 Degree Mason, Ancient Accepted Scottish Rite of Freemasonry in 1984. Steve Reece was elevated and served as Right Worshipful Junior Grand Warden of the Most Worshipful Prince Hall Grand Lodge of Ohio, Free and Accepted Masons from 1987 to 1989, and is past potentate of Sinai Temple 59 and served as imperial director of public affairs for the ancient Egyptian Arabic Order Nobles of the Mystic Shrine of North and South America. He currently is a member of Gothic Chapter 99, Lily of the Valley Royal Arch Masons, and King Solomon Consistory 20.

As a Mason, Steve Reece established a $25 gift for lodge sick and shut-in brothers, created a school adoption program called Young, Gifted and Black, and introduced a lodge program called We Are Family, which brought Masons and their families together. He has also played an instrumental role in raising thousands of dollars for Masonic causes.

Steve Reece, Sr., has been extraordinarily involved in the greater Cincinnati community outside of Masonry. Steve is founder of Communiplex National Women's Sports Hall of Fame, he organized the Family USA Convention and Youth 2000 Conference, and founded the Communiplex-Martin Luther King Educational and Sports Classic. Steve Reece has also served as vice president of the Cincinnati Advertising Club, the chairperson of the Withrow High School Advisory Committee, vice president of the Greater Cincinnati Convention and Visitors Bureau, and State chairperson of the AAU Junior Olympic Girls Basketball. Steve is a life member of Operation PUSH, the NAACP, and the Rainbow Coalition, and is on the board of trustees and board of deacons at New Friendship Baptist Church. Steve Reece has been named one of the youngest and brightest leaders of America by Operation PUSH and the Cincinnati Enquirer has called him one of the top doers in America.

Professionally, Steve Reece, Sr., has been a model for entrepreneurs. He is founder of Communiplex Services, Inc., a communications marketing and promotions firm and is owner and founder of Reece and Reece Executive Suites, a commercial real estate enterprise. Dollar and Sense, a national business publication, selected him as one of America's brightest young business professionals in 1987.

I extend my warmest congratulations to Steve Reece, Sr., his lovely wife, Barbara Howard Reece—who has played no small role in her husband's successes—and their children, Alicia, Steven, Jr., and Tiffany, as they celebrate Steve Reece, Sr.'s richly deserved recognition on Saturday, November 6.

END UNFUNDED FEDERAL MANDATES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HERGER. Mr. Speaker, today I am introducing legislation which would relieve State and local governments of the burden of complying with unfunded Federal mandates. This is the top issue on the agenda of local governments in my congressional district, in part because these Federal mandates have nearly bankrupted several county governments in Northern California.

My legislation would make these mandates optional unless the Federal Government provides funding to meet the additional direct costs which result from federally mandated legislation. My bill not only would prevent the enactment of future mandates, but as well, makes current unfunded mandates optional for State and local governments.

A study by the Advisory Commission on Intergovernmental Relations conducted in the mid-1980's revealed that Federal regulations imposed on State and local governments cost $200 billion annually at that time. Since then, Congress has enacted additional mandates, and costs have skyrocketed. The Heritage Foundation has estimated that State and local governments will spend $200 billion over the next decade just to meet the requirements of Federal wastewater treatment laws.

Moreover, these costs are having a devastating impact on other services provided by local governments. When Congress mandates spending in some areas, it takes funds away from other areas which often have a higher local priority, such as police and fire protection, or maintenance of roads and bridges.

I strongly believe that unfunded mandates are undermining the sovereignty of local governments. By imposing these mandates, Washington is taking control of local budgets and allocating scarce revenues, making decisions which rightly should rest with locally elected officials.

I am hopeful that Congress will take a step toward restoring federalism and ending cost shifting by adopting my legislation. If our Federal system is to have any real significance, we must ensure that the institution which enacts legislation has the responsibility to fund it.

OLYMPIC FAIR PLAY

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. HEFLEY. Mr. Speaker, in just 4 months some of America's finest athletes will join their counterparts from throughout the world in Lillehammer, Norway, for competition in the XVII Olympic winter games. We will follow their performances closely and will share the excitement of their triumphs and take pride in their participation.

As they prepare to depart, it should be noted that America does not send its athletes to the Olympic games, Americans and American business does. This is because the U.S. Olympic committee is the only one of the world's major national Olympic committees that receives no subsidy from its Federal Government. All funding necessary for the training and support of our athletes, and the entire cost of sending them to the Olympic games, is from private sources.

Contributions from private citizens are very important, but even more significant in terms of magnitude is funding generated from corporate citizens through sponsorship agreements with the U.S. Olympic committee [USOC].

The Amateur Sports Act of 1978 placed with the USOC the responsibility of providing financial support for American athletes and of developing all athletic activity in the United States related to international competition. In order to enable the USOC to perform these functions, Congress provided protection of the emblems of the USOC and gave the USOC exclusive U.S. rights to Olympic-related terminology and designations. When a corporate entity becomes an official sponsor of the U.S. Olympic team, it pays a royalty for use of the Olympic terminology. It is the royalty payments that fund the USOC and America's Olympic team.

This non-Government, private system of funding works to everyone's advantage. However, it is in jeopardy, and the reason is ironic because it flies in the face of one of the fundamental tenets of sports fairness.

One quality of the Olympic games that distinguishes them is a set of strict ethical principles. The characteristic of fair play may be the most important and visible quality of the athletes who participate in the games. Their example of sportsmanship is an inspiration to all, particularly the youth of America. Unfortunately, certain commercial entities fail to embrace this spirit of Olympic fair play as Congress intended it.

A recent edition of a business magazine entitled "Sales and Marketing Management" contained an article discussing the subject of a practice that is becoming disturbingly common, "ambush marketing." It explains how a few corporate entities are presenting themselves as Olympic sponsors without paying for that privilege. This denies funding to U.S. athletes as Congress intended in its 1978 legislation and dilutes the value of what legitimate sponsors receive in exchange for their royalty payments to the USOC. Such unethical action is moral counterfeiting, victimizing the American public and U.S. athletes.

Congress can legislate systems, structures, and procedures for any number of matters affecting the interests of American society. In the case of the funding of an American Olympic team, it created a mechanism for private funding that works well. But when it comes to fair play, the individual athlete and individual corporations are accountable not so much to Congress as to the American public. A corporation ambushing legitimate Olympic sponsors identifies itself as not believing in fair play and will be recognized by the American public as a corporation which cheats, a corporation not deserving of public patronage.

I ask my colleagues to join me in admonishing that handful of corporate America that is jeopardizing the structure of the American Olympic movement to take a lesson from our athletes and play by the written and unwritten rules of the game. We say to them, "Play fair and everyone wins."

CONGRATULATIONS TO EDD NOLEN UPON HIS RETIREMENT

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. BEVILL. Mr. Speaker, I rise today to congratulate and thank Edd Nolen, who has worked for me since 1976 as associate staff on my Energy and Water Development Appropriations Panel. Edd is planning to retire at the end of this year and I join his many friends and colleagues in celebrating his outstanding career on Capitol Hill.

A native of Alexander City, AL, Edd served in the U.S. Navy and was educated at American University and George Mason University. Father of four daughters, Edd married his lovely wife, Anita, in 1967.

He served as a legislative assistant from 1965 to 1976 with Congressman Bob Jones, who then represented a district in north Alabama. Bob Jones, as you recall, was the influential chairman of the House Public Works Committee and Edd was one of the key staffers.

Edd joined my staff after Bob Jones retired from Congress. His experience and knowledge in public works have proven very valuable over the years.

He has been a trusted and loyal advisor to me for the past 17 years and I certainly appreciate his dedication and hard work.

Edd did an outstanding job tracking many projects for Alabama and he can certainly point with pride to many completed projects, such as the Tennessee-Tombigbee Waterway, the deepening of Mobile Harbor, the Clear Creek Recreation Area in the Bankhead National Forest and many others.

He has been instrumental in so many other ways during the appropriations process. My committee, my staff and I have all relied on Edd's expertise and his quiet, good judgement.

Edd's career is a fine model for public servants everywhere. His reputation for excellence and his dedication to our Nation place him at the forefront of those who serve the citizens of America.

I shall always be grateful to Edd for his untiring and unselfish assistance. His many contributions will always be remembered.

I wish Edd happiness and good health in his well-deserved retirement and in all his future endeavors. I wouldn't be surprised if our loss could be the golf course's gain.

PUERTO RICO AND STATEHOOD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. RICHARDSON. Mr. Speaker, on November 14, 1993, a plebiscite will determine Puerto Rico's future. There are three possibilities for Puerto Rico: Remain as a Commonwealth, seek statehood, or full independence. Regardless of the outcome, one point is clear—Puerto Rico's citizens, like all Americans, have the right to determine their own future.

The debate over Puerto Rico's future is, in many ways, similar to the struggle my State of New Mexico went through when it sought statehood. In 1848, the Mexican war had ended and the United States entered into the Treaty of Guadalupe Hidalgo which granted New Mexico to the United States from Mexico. Upon adoption of an unofficial State constitution in 1850, New Mexico requested admission to the Union. The effort failed. However, Congress passed the Organic Act in 1850 establishing the territory of New Mexico with a full civil government. After 61 years and 55 legislative efforts New Mexico was finally admitted as the 47th State of the Union on January 6, 1912.

Puerto Ricans have been U.S. citizens since the Jones Act of 1917. In 1950 Puerto Rico drafted its constitution, becoming a Commonwealth in 1952. Commonwealth status granted full local executive, legislative, and judicial authority ending U.S. administration over Puerto Rico's local affairs. Today, Puerto Ricans are considering whether to: Remain a Commonwealth as supported by the popular Democratic Party; request admission as a State as supported by the New Progressive Party; or pursue independence as supported by the Puerto Rico Independence Party.

Like New Mexico, Puerto Rico has a history that predates any of the Original 13 Colonies. Additionally, New Mexico and Puerto Rico have unique cultural concerns. Issues such as the preservation of culture and language are central themes being considered before the November 14 plebiscite. New Mexico's Constitution contains provisions which protect the Spanish language, foster its use, and guarantee educational opportunity for all citizens regardless of race. In fact, New Mexico is the only officially bilingual State in the Union. If statehood is pursued, Puerto Rico will have the opportunity to address similar issues. I offer New Mexico's experience as a model for Puerto Rico to draw upon.

Puerto Rico's upcoming plebiscite is historic. I encourage all Puerto Ricans to participate. I join my colleagues on the Natural Resources Committee in watching the plebiscite with great interest. Congress has never refused U.S. citizens the right to self-determination. Puerto Rico should not be the first denied.

IN HONOR OF SUPERVISOR DIANNE McKENNA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Ms. ESHOO. Mr. Speaker, I rise today to honor a dedicated public servant, Dianne McKenna, a member of the Santa Clara Board of Supervisors, on the occasion of her birthday, November 2, 1993.

Dianne has been devoted to public service and her life reflects a distinguished record of both involvement and achievements on behalf of her community. Dianne began her public service career as a member of the Sunnyvale City Council, serving 7 years, including two terms as mayor. She was elected to the Santa Clara County Board of Supervisors in 1984 and was elected by her colleagues to lead the board twice.

Dianne has established herself as a leader in the area of transportation, one of the most crucial issues in the bay area. She has given tireless and effective service on the boards of agencies producing innovative solutions to improve public transportation, decrease traffic congestion, and improve the environment.

As an active advocate for the environment and conservation, she has represented Santa Clara County on the San Francisco Bay Conservation Development Commission and the Bay Area Air Quality Management District Board with great distinction. She is the chair of the General Plan Review Advisory Committee, and also chairs the Solid Waste Commission.

Dianne's devotion to children and families is unsurpassed. As a founding member of the New Children's Shelter Board of Trustees, she has led the effort to build a shelter for abused and neglected children in Santa Clara County. She is a founding member of Kids in Common, a network of representatives from the public, private, and nonprofit sectors working to improve conditions for children. She also chairs the Children and Youth Services Joint Conference Committee which reviews issues and makes recommendations regarding services to children and families. She and her husband Regis have raised three children—Sean, Meghan, and Galean, and are the young grandparents of three grandchildren, Madeline and Conor McKenna, and Molly Denzel.

Dianne McKenna is an outstanding public official who is accessible and accountable to her constituents. She has touched the lives of many and has gained the utmost respect and regard of those who have worked with her and those she represents. She is a model for all of us who are in the service of the public because she has set and lived up to the highest of standards. And no one has a better, deeper more contagious laugh then Dianne McKenna.

Mr. Speaker, I ask all of my colleagues to join in honoring and congratulating this remarkable woman on her birthday. We are all glad she was born.

TRIBUTE TO THE SALEM BAPTIST CHURCH

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. TANNER. Mr. Speaker, I rise today in salute to the Salem Baptist Church in Mason, TN. This church recently celebrated its 125th anniversary.

In 1868 a group of people in the community of Mason gathered under a bush arbor to give reverence to the Almighty God, and Salem Baptist Church was organized by the Reverend James D. Oldhams.

Later a frame building was constructed on the present site. Unfortunately, a few years later, this building was destroyed by fire. As the membership grew, the congregation recognized the need for a permanent structure and the solid brick church that still stands today was built.

Following the original stewardship of Rev. Oldhams, the church was served by pastors Madlock, Rendles, Young, Jeffery, Tate, Houston, Campbell, Livingston, W.C. Thomas, and G.T. Thomas.

In more recent church history, they have been served by Rev. R. Williams in the years 1945 through 1949. In 1949 Rev. A.M. Hudson was elected Pastor and under him the church experienced remodeling and redecorating, as well as the beginning of the Salem Baptist Young Adult Choir. He served through 1952 at which time Rev. S.O. Chatman was elected. He remained until 1954.

In that year, Rev. T.J. West became Pastor and he served until his death in 1968, when Rev. W.H. Fulton was elected. Under both of these gentleman extensive renovations and modernizations totalling more that $30,000 were incorporated into the church.

In May of 1987, Rev. Sam Henry Mickens was installed as Pastor and under his leadership the church began full-time service in 1988.

Among those who are being given special thanks at this celebration are church officers Shipp Terry, Goranival Gaines, Horace Adams, John Rose, West Grant, Thomas Joyner, Issac Flowers, Ruff Jackson, Fred Jones, Robert Peete, Eddie Jackson, Garfield Malone, Willie M. Hill, Lancer Dye, Austin Johnson, Columbus Hill, and Thomas C. Mason, Sr.

I congratulate the congregation of the Salem Baptist Church at this historic time in their history as they celebrate 125 years of existence and dedicated service to the residents of the Mason, TN area.

TRIBUTE TO ELIZABETH A. GIERACH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Elizabeth Gierach on her retirement today of 10 years of dedicated service on the Board of Education of Consolidated High School District No. 230. Mrs. Gierach has an exemplary record as a public servant and a community leader.

Mrs. Gierach deserves to be recognized for her considerable achievements while serving her two 4-year terms and one 2-year term as a District No. 230 school board member. Mrs. Gierach was paramount in introducing a negotiation program known as "Win-Win", which paved the way for the good relations between the Teachers' Association and the school board. She has been a forceful advocate for numerous innovative educational programs in District No. 230 including an alternative education system for students who are struggling to complete high school and staff development for teachers. Mrs. Gierach has served as vice president of the board since 1991 and has also served as the chairperson of the education committee. Since 1989, Mrs. Gierach has been the Federal Relations Network representative for the National School Board Association for the 13th Congressional District. She also represents District No. 230 and is a council member for the legislative watchdog group, Educational Research Development Organization.

Mrs. Gierach is an admissions counselor at St. Xavier University where she specializes in advising graduate students and older students returning to finish their education. She is the proud mother of two daughters, Julie, a 1992 graduate of the University of Iowa and Laura, a 1993 graduate of Indiana University.

Mr. Speaker, I am pleased to recognize Elizabeth Gierach for dedicating herself to the welfare of our children's education and the betterment of our community. As she celebrates her retirement today, I urge my colleagues to join me in wishing her the best of everything in the years to come.

THE FUTURE OF THE TERRITORY OF PALAU

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. DE LUGO. Mr. Speaker, on November 9, the people of the only remaining part of the last territory placed under trusteeship administration by the United Nations after World War II—the western Pacific islands of Palau—will note on whether to freely associate with our Nation, the country that has been responsible for helping them to develop into a self-governing status.

The relationship would make Palau a sovereign state, secure military rights for the United States for as long as 50 years, grant the islands some $500 million in assistance over 15 years, and give Palauans free access to our Nation.

Majorities have voted in favor of the relationship seven times before but it has not been approved by the territory because the number always fell short of a constitutionally required 75 percent.

Let me explain why there is more reason to believe that it will be approved this time.

After the last vote in 1991, leaders of the islands said that the relationship probably could not be approved unless certain longstanding concerns of their people—which had been inadequately responded to by the Reagan and Bush administrations—were addressed. They earnestly sought the needed talks and signaled a cooperative approach.

But the Bush administration still refused to address the problems.

In a good faith effort to encourage a more positive response, Palauans late last year took the extraordinarily difficult step of lowering the approval requirement to a simple majority.

In contrast to the failed take-it-or-leave-it approach of the last administration, our great new President responded to the request of Palau's leaders—at the bipartisan urging of the Subcommittee on Insular andInternational Affairs which I am privileged to Chair.

State Department officials, with the support of the National Security Council, seriously addressed Palau's proposals.

The relationship would now be defined by assurances from Secretary Christopher—and earlier measures taken by or at the insistence of this House—as well as by the compact and other agreements. Palau's elected leaders have found the assurances to be a favorable response to their islands' concerns.

We have authorized the relationship to be put into effect through a law that I am proud to have sponsored.

It—and other measures which will guide how the compact will be implemented—addressed major problems which Palauans asked us to have addressed before U.S. trusteeship responsibility ended. These were problems that could not be ignored. They included political intimidation and violence, corruption, financial mismanagement, narcotics trafficking, the lack of a decent hospital, other essential infrastructure needs, and the need for protections related to military land use.

When we began to respond to the many leaders of integrity in Palau who asked us to help them fight these problems half a dozen years ago, the situation in Palau did not look at all as encouraging as it does now. But reform elements have come to dominate the islands' government and have cleaned-up much of the mess. They are now planning for the future with confidence.

This confidence—and the strong values and common sense which have guided Palau's new leaders—is reflected in a number of columns which the Pacific Daily News published last month. I want to include a few of these brief columns in the RECORD so that Members will have a better idea of how Palau hopes to develop when the responsibility for development is its own and is not subject to the ultimate control of our Government.

Before I do, though, I want to share a couple of my hopes related to the vote in Palau a couple of weeks from now.

One is that the vote will finally approve the relationship—if it still is what most Palauans want. I have fought, I think as much as anyone else within the U.S. Government has, to get it to address the concerns that Palauans have expressed. From this perspective, I must say that I believe that the issues have been worked out as much as they will be.

The other hope is that the agency responsible for providing assistance to Palau—the Interior Department—finally provides the help that the islands' government has requested for this important vote. After an Interior office denied the request, full Natural Resources Committee Chairman GEORGE MILLER and I asked Secretary Babbitt to reconsider and, as Members know, the Interior Appropriations Conference then told the Department it should provide the aid.

The columns by President Kuniwo Nakamura; Vice President Tommy E. Remengesau, Jr.; and Vice President Remengesau's opponent in the 1992 election, former Minister of Administration and Finance Sandra S. Pierantozzi; follow:

[From the Pacific Sunday News, Sept. 19, 1993]

PALAU CAN'T FORGET ITS VALUES AS IT ENTERS NEW POLITICAL ERA

(By Kuniwo Nakamura)

Ratification of a Compact of Free Association will result in many positive changes for Palau, as a nation and a people. The Compact will open a "Getaway of Opportunity" for all Palauans to achieve their dreams.

There are five important areas in which this administration will take positive steps upon Compact ratification:

The most obvious benefit of the Compact is allowing the Republic of Palau to, at long last, join the world community of nations on an equal footing and as a sovereign country. One of our priorities will, therefore, be to immediately begin to develop appropriate international relations, both diplomatic and economic.

The Compact also will allow Palau to build a strong infrastructure, particularly in areas that improve the lives of all Palauans. These areas include healthy drinking water, regular electricity, safe sewage facilities and dependable land and sea transportation. These developments will enhance the quality of life for all Palauans, particularly those at a grassroot level.

A solid infrastructure is also a priority as this is a necessary foundation to creating a strong and self-sufficient economy. Under the Compact, Palau will have the ability to effectively and responsibly develop the beautiful marine resources and beautiful natural environment that we have been blessed with.

One of Palau's most important resources is our environment. Every year the number of foreign visitors to our islands increases and the beauty of Palau is the main reason. A top priority is to ensure that we have a comprehensive and enforceable strategy which protects and preserves our environment, not just as a monetary asset, but also as an inheritance for our children and for future generations.

Palau's most precious resource is the Palauan people and our cultural values and traditions. As a priority, we must develop our human resources. This means we must continue to expand and improve our health care facilities and our educational institutions. We must also focus on ensuring that our youth are prepared for the future with proper training and education. All members of our society, regardless of age or sex, shall be given the opportunity to realize their ambitions.

I have a vision of a Palau which preserves its beautiful natural surroundings while responsibly developing economic self-sufficiency. I am confident that we can, under the Compact, maintain our cultural heritage and proudly enter the world community and the 21st century.

[From the Pacific Sunday News, Sept. 19, 1993]

PALAU'S PRIORITIES AFTER COMPACT SHOULD BEGIN WITH A MASTER PLAN

(By Tommy E. Remengesau Jr.)

Top priorities for Palau should be:

Completion and implementation of the Palau Master Plan.

Responsible leadership as a sovereign nation becomes even more significant is the management of internal and foreign affairs.

Membership in the United Nations and establishment of relations with appropriate countries for economic cooperation.

Emphasis in education and training of our citizens to fill up the leadership and job market.

Infrastructure development and wise policies conducive to quality development and protection of Palau and its ecological system.

[From the Pacific Sunday News, Sept. 19, 1993]

EXCITING FUTURE AWAITS REPUBLIC

(By Sandra S. Pierantozzi)

With the approval of Palau's Compact of Free Association with the United States eminent, the hope of true self government gets more exciting than ever.

However, the act of self government carries with it profound elements of responsibilities—to ourselves as a people, as a nation, and to the world community at large. Given our turbulent, albeit short 13-year constitutional history, the people and the government of Palau must set their priorities toward laying down sound operational guidelines that will ensure the existence of government that is truly by the people for the benefit of the people. From my observations, the following five items must be put into place in order to achieve this:

Palau must set up its financial system in order with the proper security checks and balances, and maintenance to assure that the Compact funds intended to see Palau through the next 50 years are properly invested and safeguarded and not squandered away in the initial years so as to jeopardize Palau's financial future.

Palau should develop responsible leadership and install its own effective and reliable law enforcement system that people could place their confidence in. Palau will finally be on its own and no longer will have the luxury of having the Department of the Interior around to run up to, to fall back on, or to complain to every time serious problems arise.

Palau must review and revise its existing laws to repeal outdated, unenforceable laws and policies and replace them with new legislation designed to introduce Palau into the world community on par with the rest of the world. This includes a reform of our foreign investment laws, immigration and labor laws, environmental protection laws, and so forth.

Palau must develop a strong economic base that will wean itself from dependence on

Compact funding for its future survival. This will require Palau to not rely on one industry alone, but develop and strengthen all potential industries together (tourism, fishery, agriculture, mining, etc.) so they can all contribute in Palau's economic self sufficiency. A key to such economic development is to have the proper infrastructure in place that is capable of sustaining economic growth while preserving our unique natural environment for future generations. It also means strengthening our basic institutions of health and learning to ensure quality manpower necessary for nation building.

All the people of Palau must get unified in will and resolve, to develop a strong sense of nationality before going out to interact with the rest of the world. The Palauan people must understand that we ill no longer be under the umbrella of United States administration and protection, and will have to interact with the rest of the world on an equal basis, responsible to our selves for the consequences of our decisions and actions.

LET THE CRY FOR JUSTICE SPREAD FAR AND WIDE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. GEJDENSON. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD excerpts from a speech by Premier Lien Chan of the Republic of China on Taiwan. In this speech, the Premier describes the ROC's recently launched bid to join the United Nations.

Since 1949, Taiwan has developed rapidly on the economic, social, and political fronts. As a result of recent political changes, the ROC has become a flourishing democracy, complete with a legislature questioning Government decisions every step of the way. Taiwan has also become the 14th largest trading nation in the world.

I strongly believe that the United States must help to ensure that Taiwan is able to formally join the United Nations. The people of the ROC must be represented in this important international body, and I commend this speech to my colleagues.

LET THE CRY FOR JUSTICE SPREAD FAR AND WIDE

(By Premier Lien Chan of the Republic of China on Taiwan)

Few people realize that over two years ago President Lee Teng-hui of the Republic of China on Taiwan ordered the relevant government ministries to look into the issue of the ROC's participation in the United Nations, and had indicated that the ROC should begin to solicit understanding and support in the international community.

I can report to you that many voices favoring the ROC's participation in the United Nations have made themselves heard in the international media. Each time when I met with foreign dignitaries, I have explained with utmost clarity and sincerity why the ROC has adequate and sufficient cause to participate in the United Nations.

THE ROC SHOULD NEVER BE OVERLOOKED

Since its withdrawal from the United Nations, the ROC has not disappeared from the world map. Instead, it has, thanks to the combined efforts of its people, won worldwide recognition for its extraordinary successes. Today, everyone knows that the ROC is the fourteenth largest trading nation in the world, holding foreign exchange reserves that rank either first or second in the world. The ROC has the world's 25th highest per capita income. Demographically, the Republic of China on Taiwan has a larger population than two thirds of the 184 member countries of the United Nations. By any criterion, the ROC is a strong and resourceful country, entitled to a seat in the U.N.

Some people who were supporting the Chinese communists' entry into the United Nations emphasized that the world must not overlook the strength of the Chinese communists, and that to isolate the Chinese communists would be disadvantageous to global interests. I think the same can now be said of the Republic of China. On November 10, 1990, the New York Times published an editorial, "Taiwan: Too Big to Ignore," which appealed to the United States and other nations to consider the existence and development of the Republic of China on Taiwan. This undoubtedly demonstrates that it would be unwise and inappropriate of the United Nations to continue to ignore the ROC. Many specialists in international affairs might have noticed that up to now the United Nations and its peripheral organizations rarely publish statistical information on the Republic of China on Taiwan. This omission has not only detracted from the thoroughness and usefulness of these organizations' publications, but has also encroached on the rights and interests of the users. This situation must be rectified quickly.

In addition, for the last few decades, Western democracies have unceasingly advocated the importance of freedom and democracy. Today, the Republic of China on Taiwan has attained outstanding results in democratic reform. Several surveys further reveal that participation in the U.N. is the freely expressed desire and will of the majority of the people in the ROC. Therefore, there is no reason for any country that truly treasures freedom and respects democracy to pretend to not notice our aspirations.

WILLING AND ABLE TO MAKE CONTRIBUTIONS

It is particularly worth pointing out that the international community would certainly benefit practically from the ROC's participation in the United Nations. The ROC has both the will and the wherewithal to actively contribute to maintaining international order, to promoting economic and trade cooperation, and to providing international humanitarian relief. Everyone knows that the ROC became a donor nation about ten years ago. We began parceling out money from the International Disaster Relief Aid Fund in 1980. We established the International Economic Cooperation and Development Fund in 1988, and we have sent 43 technical cooperation teams to assist in the development of 31 countries. These actions demonstrate that the ROC has taken concrete steps to pay back the international community for its help in the past and is now serving as a contributor, partner, and participant to countries and regions in all stages of development.

The ROC is, regrettably, not a member of the United Nations. This means that the ROC is often unable to carry out its charitable missions to pay back the international community. For instance, during the Gulf War two years ago, the ROC was eager to provide economic aid to some of the countries ravaged by the war. Who could have guessed that these countries had reservations about accepting the aid just because the ROC is not a member of the United Nations. As a result, many delays and complications undermined the effectiveness of the aid. Another example is the recent global effort to ameliorate the worsening greenhouse effect. The United Nations launched a massive effort to protect the ozone layer and rallied various countries to sign the *Montreal Protocol*. Although the ROC wished to participate, it was excluded from the treaty strictly because the ROC is not a member country of the United Nations. This is not only unfair to a country that has the desire to participate in international cooperative efforts, but it also undermines the effective solution of environmental problems. Furthermore, it sets a bad precedent for political interference in emvironmental protection. Surely the United Nations must understand that without active global cooperation, the ability of mankind to resolve its common problems will be undermined. It is unreasonable to expect the United Nations, as the highest international governing organ in the world, to abide by the "principle of universality" of membership.

RIGHTING WRONGS AND RESTORING JUSTICE

The ROC has yet another reason to assert its right to participate in the United Nations: The ROC wants to fight for the basic rights and dignity of the 21 million Chinese people in the Taiwan area. From the viewpoint of international law, the United Nations' Universal Declaration of Human Rights in 1948, The International Covenant on Civil and Political Rights in 1966, and *The International Covenant on Economic, Social and Cultural Rights* passed in the same year all emphasize that every person is entitled to participate in political, cultural, and economic activities. Theserights are part of the fundamental rights and basic dignity of every person in the world, and these rights differ from the general rights that every government should guarantee. The people of the Republic of China, without any assistance from other nations, already enjoy the full spectrum of human rights. However, in the 22 years since we were excluded from the United Nations, the 21 million citizens in the Taiwan area have been seriously discriminated against and their dignity and basic rights to participate in political, economic, and cultural activities in the international community have been violated. This is a very immoral, unfair, and unreasonable situation. The issue of "China representation" has not been resolved at all, because the Chinese communists have neither the capability nor the right to represent the Chinese people in the Taiwan area. The United Nations must not continue to just sit by and watch. The United Nations should prove its esteem for human rights by promptly taking action to correct the situation and by compensating the 21 million people in Taiwan whose rights have been violated. I firmly believe that the time has come for the international community, and in particular the United Nations, to right its wrong and to restore justice.

Members of the United Nations must realize that while the U.N. Assembly may have, in its 1971 resolution, accepted the Chinese communist authorities and barred us from its organizations, the U.N., nevertheless, ignored the fact that the Chinese communists cannot and are not entitled to represent the 21 million people in the Republic of China on Taiwan. We are not represented in the United Nations today. Nor do we have anyone who can stand up for our rights or promise to take on our responsibilities. Is it normal for such an important international intergovernmental organization to ignore the existence of our 21 million people? Is it normal for our children, women, aged, and handicapped to be excluded from U.N. activities and be deprived of their rights and the benefits which their counterparts in other countries around the world enjoy? Is it normal for our police to be deprived of full international cooperation in their mission to crack down on international crime and drugs?

JOINING THE U.N. HELPS NATIONAL UNIFICATION

Of course, we all realize that the greatest resistance to our participation in the U.N. comes from obstacles placed in our path by the Chinese communists. I strongly disapprove of the various actions taken by the Chinese communists in the last few days to suppress us in the international community and to oppose our participation in the United Nations. The Chinese communists should face reality. If the Chinese communists cannot rationally and practically think through this issue and examine this very serious question, they will betray their solemn obligation to the Chinese people.

The ROC is entitled to enjoy its rightful national status, even prior to unification. The ROC's decision to participate in the U.N. was never intended to create a permanent split between the two sides of the Taiwan Straits. On the contrary, the ROC believes that participation in the U.N. would increase our confidence in the unification of China and trigger more active measures to pursue the eventual unification of China according to the "Guidelines for National Unification." The Chinese communists would be enlightened if they would only look at the classic case of East and West Germany, which were simultaneous members of the United Nations and yet unified without any obstacles. North and South Korea is another example of simultaneous participation by a divided nation in the United Nations and the best evidence that two political entities can simultaneously belong to an international organization. Whether in terms of theory or in terms of practice, the ROC's advocacy of participation in the United Nations is reasonable and feasible. The ROC's position on this issue is totally clear. The ROC's efforts to participate in the United Nations must be carried out in line with the principle of a unified China, and will certainly have positive effects on the eventual unification of China. We hope that the Chinese communist authorities will calmly evaluate the situation and not impede the unification of China.

The Chinese communists must realize that the United Nations was formed in the aftermath of the Second World War when mankind had set its will on pursuing peace after having experienced bloodshed and catastrophe. The highest ideal of the United Nations is to turn swords into plowshares, or as the Chinese would say, turn hostility into friendship. A renowned Western scholar of international relations, David Mitrany, once placed emphasis on "peace by pieces." The Republic of China has always been a peace-loving nation and its intention to rejoin the United Nations is based on its sincere desire to promote peace in the world and in China. The Chinese communists should not oppose the numerous opportunities for bi-coastal contact and interaction provided by international forums. Is it possible that the Chinese communists are opposed to fostering bi-coastal understanding and mutual trust through such contacts and interaction? Can they be opposed to working for "peace by pieces" that would pave the way for the peaceful unification of the Chinese people?

TIME TO WORK FOR U.N. MEMBERSHIP

Of course, it should be emphasized that we know we are entitled to participate in the United Nations, that we are strengthened by this knowledge, and that we realize that we must do our best. We shall not weaken in the face of opposition from either the Chinese communists or anyone else. We are confident that our future status in the international community will be commensurate with the expansion of our national strength. The scope for our international activities can only continue to expand, regardless of any plans to obstruct us. If we are only willing to work hard, we will surely gain strength, and if we are strong, we will surely have a future—a future that will not depend on the Chinese communists or on any outsider. The ROC will determine its own future.

Ladies and gentlemen, President Lee once reminded us that "to be alive is to have hope." Today, the ROC is not merely alive, it has taken a strong first step in its bid to participate in the United Nations. We know, however, that a long sinuous and treacherous road lies before us. Nevertheless, participation in the United Nations is not some unattainable dream. If we only bolster our confidence, redouble our efforts, united all the people, consolidate national resources, and if our political parties are of one mind, then the ROC can make an even greater impact on the international community. In this way, I believe the ROC can gain international support and attain its goal to participate in the United Nations.

LET THE CRY FOR JUSTICE SPREAD FAR AND WIDE

I sincerely hope that the National Press Council will expand its pervasive influence on the mass media, and though various media and communication channels, spread our calls and our expectations to every corner of the globe. Let the cry for justice spread far and wide. Let us create more opportunities to participate in that organization at an early date.

TRIBUTE TO SHULAMITH KATZNELSON: A HERO OF REMEMBERANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. LANTOS. Mr. Speaker, throughout history, no small patch of land has produced great minds and hearts as the unique parcel of land that has come to be known as the Middle East. From Mohammed to Jesus, from Isaiah to the Apostle John, brilliant souls have studied, written, spoken and taught the gospel of peace for thousands of years. And yet, few places on the face of the Earth have experienced as little peace as the Middle East.

Today I rise to honor a woman who has created peace in the midst of war and turmoil in the region.

Shulamith Katznelson has given to thousands of individuals who have been part of her program, Ulpan Akiva, a personal, concrete and undeniable experience of what peace truly means. Mrs. Katznelson's students have been personally transformed and inevitably have become catalysts for peace in the region and around the world.

In a country plagued with conflict and ancient hatreds, she built an institution of learning where instruction in intellectual skills has served as a bridge of understanding, providing a meeting place from where bitter enemies part as friends willing to work together for peace.

Ulpan Akiva has been operating under the direction of Mrs. Katznelson for 43 years, while 65,000 thousand students have gone through its seminars. As an institution, it has become a model for the acquisition of new language skills and for the successful integration of individuals into our new, far more complex, multicultural world.

The institution has made a major contribution to the miraculous rebirth of spoken Hebrew as an international language. The success enjoyed by Ulpan Akiva in teaching an ancient language to individuals of all ages has become a source of inspiration to others who are involved in the revival of their own languages. Representatives of the Welsh, Basque, Gaelic, Hawaiian, and other groups have come to Ulpan Akiva to study their methods, to gain inspiration for their own endeavors and to observe the human interaction that goes on at Ulpan Akiva.

The essence of Mrs. Katznelson's success comes from her ability to create a microcosm of the social and cultural diversity of the region where people can experience first hand the benefits of working together to find a mutually preferable solution. If the current peace treaties are to have a lasting effect, they will have to depend on the individuals of the region accepting each other and understanding the lasting benefits of cooperation.

In addition to honoring the political peacemakers, we must recognize those leaders in the Middle East who have given life to peace at the grassroots level where it must truly take hold. The dramatic Israeli-Palestinian accords will take hold because of the continuing efforts on the part of many unsung heroes of whom Shulamith Katznelson is a shining example.

In 1986, the State of Israel awarded to Ulpan Akiva and to its director, Shulamith Katznelson, the highest accolade in its field: the Israeli Prize for Life Achievement in Education. On this occasion, the many leaders of Israel, including Prime Minister Rabin and Shimon Perez spoke of their own personal experiences at Ulpan Akiva. They emphasized what I have seen with my own eyes—that Shulamith Katznelson belongs among the few extraordinary people who, although helped in their life work by many, are nonetheless the sine qua non without which the work would not have been accomplished. She is truly among the greatest who have struggled for the cause of peace.

INTRODUCTION OF THE ENVIRONMENTAL DEFENSE ACT OF 1993

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. LAZIO. Mr. Speaker, today, I am introducing my first bill since being elected a Member of Congress, the Environmental Defense Act of 1993. It is my sincere hope that this measure represents the first step on the road to the creation of a national academy, based on the model of our Nation's military service academies, to train environmental engineers and other environmental professionals.

Since the end of the cold war, the greatest threat facing our Nation lies perhaps not with outside military powers, but in the abuse and mismanagement of America's natural resources. Residing on a thin strip of land with a population in the millions, my Long Island constituents are particularly sensitive to the need to protect our environment.

In order to fully accomplish this goal, our Federal Government must make a commitment to battle the Nation's environmental problems and ensure that the country's leadership needs are met in the fields of environmental science and policy. A National Environmental Academy would allow us to choose the best and the brightest prospects in the environmental sciences and enable these individuals to meet certain stringent standards of technical proficiency in their given areas of expertise.

This will undoubtedly require a commitment of funds and other resources, but I believe such a commitment is necessary. My vision of a National Environmental Academy is a university campus where students are provided with free or reduced tuition while earning degrees in subject areas such as environmental engineering or environmental protection. In return for their educational costs, these students would agree to serve their country for a minimum time period, much in the same way West Point or Naval Academy graduates now do.

One question that taxpayers will immediately ask is, "How is this proposal financed?" I would like to see at least some of the funding for this proposal redirected from reductions in our defense budget. For example, funding levels for our ROTC Program can be responsibly reduced and any savings can be shifted toward training our youth to be environmental professionals.

The Environmental Defense Act is extraordinarily flexible regarding exactly what form the academy would take and how the proposal would be financed. The bill merely requires the Secretary of Education to submit a feasibility study on the proposal to Congress within 6 months of enactment. The Secretary can decide if the Environmental Academy should be located at one campus or whether it should constitute a grant program to existing environmental science programs at our Nation's universities.

I am confident that the Secretary of Education will agree that a National Environmental Academy would greatly assist our efforts to protect America's environment, public health, and increasingly endangered natural resources. I urge all of my colleagues in the House to join me in cosponsoring the Environmental Defense Act of 1993 and work with me for passage of this important legislation.

POLICE OFFICERS TOMMY ABRIL AND PATRICIA GRIMMETT HONORED

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. KYL. Mr. Speaker, at a time when polls indicate a dramatic increase in crime within the United States, the International Association of Chiefs of Police [IACP] and Parade magazine selected Phoenix police officers Tommy Abril and Patricia Grimmett for honorable mention awards for Police Officer of the Year 1993. The Police Officer of the Year award honors the bravery of the 604,000 police officers around the country.

Patrol officers Abril and Grimmett confronted a gunman who had opened fire in a Phoenix office building, killing one woman and wounding two others. The gunman engaged the officers in a shootout in a narrow hallway, and Grimmett provided cover while Abril returned fire to apprehend the suspect.

A panel of law enforcement officers and officials from State and Federal agencies, as well as the IACP executive director and representatives from Parade magazine selected the award recipients.

I am proud that two officers from the Phoenix area have been recognized for their heroic actions. These officers and many others like them across the country deserve our respect and our gratitude for putting their lives on the line for the safety of our families and our communities.

TRIBUTE TO SILVIO "BABE" D'IGNAZIO

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. WELDON. Mr. Speaker, I rise today to recognize a lifetime of achievements and to mark the 75th birthday of Silvio "Babe" D'Ignazio, a true Delaware County celebrity.

On one hand, Babe is famous for many zany antics, two of which are particularly noteworthy. When he was a young man, Babe and his brother attempted to become firemen, but were denied the chance. So, they stole a fire truck, just to see what it would be like to be firemen. Upon his return home from Korea, Babe took his Air Force plane and flew under the Delaware River Bridge and buzzed State Street in Media. Two stunts that nearly landed him a court martial.

Aside from being a real character, Babe D'Ignazio is also a true American patriot, who upholds the virtues that make this country great. Babe graduated from the Pennsylvania Military Academy, where he was an all-star football player, and went into the Air Force. While in the Air Force, he served this country in Korea.

But, Babe is most well-known for the little shot and beer house he started in Media, PA, the Towne House Restaurant. Opened in 1950, the Towne House Restaurant has grown into one of the most successful restaurants in Delaware County. Not even a fire could ruin this successful man and establishment. After the fire burnt his Towne House Restaurant to the ground, Babe was, as he said, "Out of Business, but not out of guts." Since the fire, Babe had rebuilt the restaurant from the ground up and its more successful than ever.

A true humanitarian, Babe is well-known for his annual Sword of Hope dinner dance, where he has raised $200,000 for the Delaware County unit of the American Cancer Society.

So, I ask my colleagues in the House to join me in recognizing not only the birthday, but the lifetime achievements of Babe D'Ignazio, a truly remarkable man.

TRIBUTE TO ANDREA DUBROFF

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. FISH. Mr. Speaker, I rise today to honor and pay tribute to an outstanding leader and dedicated individual, Andrea Dubroff. On November 7, Andrea will be honored by the Newburgh Area Committee State of Israel Bonds. She is truly a cornerstone of the Jewish community.

Andrea has a long history of service to others. A devoted wife and mother of four, Andrea is also an attorney with a private practice in Newburgh, NY. In addition to remaining active with Newburgh Israel Bonds, Andrea has shown exceptional public service leadership and devotion in the community with many Jewish organizations. She is a member of the board of the National Women's Division of United Jewish Appeal, the Jewish Federation of Greater Orange County, and the American Jewish Joint Distribution Committee. She was also recently asked to become a member of the steering committee of the National Commission on Jewish Identity and Continuity.

Mr. Speaker, the Newburgh community is proud of the commitment of Andrea Dubroff. I ask that my colleagues join me and the State of Israel Bonds in congratulating this gracious individual for all she has accomplished and in wishing my friend the best in all she has yet to achieve.

THE NEIGHBORHOOD HOUSING SERVICES OF CHICAGO AND CONTINENTAL BANK OF CHICAGO

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize and congratulate Neighborhood Housing Services of Chicago and Continental Bank in Chicago for being selected as recipients of the 1993 Neighborhood Nonprofit Partnership Grant Award and the Outstanding Community Investment Award by the Social Compact Leadership Group.

By joining together in partnership, Neighborhood Housing Services of Chicago and Continental Bank have enabled residents in low-income neighborhoods throughout Chicago to make much-needed improvements to their apartments and homes. Anyone who has been to my congressional district and met with many of my constituents can recognize the importance of this. There are thousands of families who want to make home improvements but simply cannot receive the necessary lending assistance that residents in other neighborhoods would have. Years of such forced neglect have left a visible blight in communities across Chicago, eroded the value of some residents' only capital asset, and led to the abandonment and demolishment of entire buildings and blocks.

With a commitment to provide real assistance to the people who need it the most, Neighborhood Housing Services of Chicago and Continental Bank have established a program that has become the largest lending resource for the rehabilitation of deteriorated properties and provided more than 6,000 Chicago families with $17 million in loans. The value of these loans in terms of the human dignity and equal opportunity that they provide are unmeasurable. It is for this reason that neighborhood Housing Services and Continental Bank have earned their 1993 Awards and I applaud and commend their excellent work in the Seventh Congressional District.

TRIBUTE TO WILLIAM LURTON

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. RAMSTAD. Mr. Speaker, I rise today to pay special tribute to William Lurton on his retirement after a highly distinguished career with Jostens, Inc., in my district.

Bill has served Jostens both as chairman and chief executive officer for more than 20 years. Throughout his tenure, Bill has deeply influenced the course that Jostens has taken.

Since joining the company in 1955, Bill has helped build Jostens into a lucrative company and outstanding corporate citizen, committed to the production of school products and innovative advances in educational technology.

His leadership has not only brought prosperity to the corporation, but has made significant contributions to our community. Bill served as Chairman of the U.S. Chamber of Commerce, where he got to know many of our colleagues in this body. He also served in many leadership posts in local volunteer and community service organizations in my district.

Though Bill is retiring from Jostens, I am sure he will continue to contribute both to the company as a member of the board and to the community through his tireless volunteer efforts.

Mr. Speaker, for his efforts not only in the private sector, but also his strong influence on U.S. education policy and his selfless service to the Twin Cities' community, I highly commend Mr. Lurton and wish him all the best in all his future endeavors.

MARITIME DECLINE DOCUMENTED IN CONROE COURIER SERIES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. FIELDS of Texas. Mr. Speaker, today I would like to insert the third, and final, article in a three-part series that was published recently in the Conroe Courier detailing the decline of America's domestic maritime industry. The series—written by Conroe Courier reporter Nancy Darnell—is important reading for all of us in the House. Those of us in this body will have the opportunity to support legislation to revitalize and strengthen our domestic maritime industry—or the opportunity, once again, to simply ignore the problem.

Our Nation's future economic well-being, and our country's national security, demand that we ignore the problem no longer.

In 1944, at the height of World War II, the United States had 250,000 merchant seamen and 5,000 merchant ships. By the turn of the century, estimates suggests that we could be down to just 9,000 merchant seamen and 117 merchant ships. Does anyone in this body honestly believe that the United States—the world's last economic and military superpower—can long remain a commercial and military force of consequence with 117 merchant ships plying the world's oceans? I certainly do not.

I look forward to continuing my work with Chairman GERRY STUDDS and the other Members of the House Merchant Marine and Fisheries Committee to enact legislation that will ensure that the United States has the kind of maritime industry our Nation needs to remain a player in the international economy, and to remain able to send troops and equipment anywhere in the world during times of war or national emergency. I would hope that every Member of this body would share those goals, and would be willing to join with Chairman STUDDS and me in doing what is necessary to strengthen America's merchant marine.

Mr. Speaker, again, I commend Nancy Darnell of the Conroe Courier on her outstanding series, and I urge my colleagues to pay close attention to what Ms. Darnell has written. In her final installment, Ms. Darnell quotes a cadet training for merchant service aboard a U.S.-flag vessel sailing from the Port of Houston who said of the Government's failure to enact a new maritime policy: "The government is shooting itself in the foot."

That quote says it all.

[From the Canoe Courier, Sept. 1993]

FIELDS PROJECTS STEADY DROP IN MERCHANT FLEET

(By Nancy Darnell)

The U.S. flag commercial fleet is going, going—nearly gone.

Currently the U.S. has 329 ships, according to statistics made available by the office of U.S. Rep. Jack Fields, R—Humble.

Fields is trying to push the first maritime reform legislation through Congress in 23 years, in a bid to salvage the industry.

By the end of this century, 117 merchant ships will sail under an American flag. Shortly after that, the figure is expected to drop to 50 ships.

In 1960, the U.S. had 100,000 active merchant seamen, a figure that is down to 27,000 and is expected to dip to 9,000 by the year 2000. In the 1970s, before the Reagan era, the Newport News shipyard owned by Houston's Tenneco had roughly a 50-50 split between commercial and Navy work.

The cutbacks in defense with the end of the cold war have placed a chill on the commercial fleet and the Merchant Marine, described as the fourth branch of the national defense.

A naval architect disputes a Washington claim that the U.S. is faced with no credible international threat in the next decade, pointing to power struggles throughout the world.

"In 1933, Adolf Hitler came to power in an impoverished Germany. Only six years later, he started World War II that killed thirty to forty million or more and changed the face of the world forever.

"Mankind is a murderous species and anyone who does not recognize that there are a dozen or more really hot flash points in this world now isn't looking," said Lester Rosenblatt, speaking to students at a state maritime college.

"You simply must embrace a strong belief in the tooth fairy to go along with this * * * And please don't rely on all future conflicts being brief.

"We won World War II and much of the credit must go to our merchant shipyards. From 1939 to 1945, six years, this nation built over 5,000 ocean-going merchant ships."

The last time major commercial ships were constructed in the U.S. was nearly 40 years ago when 35 ships in a series called The Mariners were launched. In the past 13 years, 10 U.S. flag steamship companies have gone bankrupt.

When the Matson Line's R.J. Fieffer went on sea trials in July 1992, it was the first ocean-going commercial vessel ordered from a U.S. shipyard since 1984. The Fieffer is a custom container ship.

Neither President Clinton nor Vice President Gore have personal knowledge of where the frontline was drawn in World War II. Previous administrations in this half century have pointed to experience in World War II. If history does repeat itself, it is important to learn from that past.

"In New York, the front was the sea buoy," according to writer John McFee. Ships could not congregate beyond the harbor because of the threat along U.S. shores from the German U-boats.

As fast as the U-boats blew up U.S. merchant ships, killing merchant seamen, American shipyards pushed more vessels into the sea, building 5,000 ships during the war. The sight of torpedoed freighters burning in the nighttime sky off U.S. coastlines brought the war close to home.

On a single day in 1943, there were 543 merchant vessels at anchor in New York harbor. If that same day were repeated this month, this nation's entire merchant fleet would fill only 329 spaces, leaving 214 free.

The average merchant ship arrivals and departures in New York harbor peaked at 1,200 each month in 1944. During the D-Day build up, according to historical records, convoys of 100 vessels would leave the harbor in a 24-hour period.

In order to understand the short supply of merchant seamen, look no further than operation Desert Storm, maritime observers noted. Because of the short supply, some of the merchant officers from World War II were called into action to deliver U.S. supplies to the Persian Gulf.

Although frequently described as the 100-days war, a seven-month buildup preceded the shift from Desert Shield to Desert Storm.

As the search for ship's officers and engineers widened, more than 100 students from the U.S. Merchant Marine Academy were assigned to staff vessels hauling the weapons of war. Among them was a midshipman from Conroe who won a service medal.

Before leaving office, Vice President Dan Quayle talked about the short supply of mariners, his remarks pointed to how the list of merchant seamen is worn by the years.

"Captain William Haney came out of retirement at the age of 70," said Quayle. "Captain Robert Wilson served as a second mate at the age of 82."

No one would question the heroic love of country exhibited by both Haney and Wilson, and others of their generation who rallied to put the Ready Reserve Fleet to sea. Still, the selection of these men for service illustrates the dilemma, and raises the question:

Do Americans want equipment and supplies to be used by their sons and daughters, husbands and wives, delivered to combat on aging freighters charged to even older officers?

The failure of the federal government to push ahead with a new maritime policy frustrates those who work in the industry. A cadet training for merchant service aboard a U.S. flag vessel sailing from the Port of Houston summed up the situation this way:

"The government is shooting itself in the foot."

PROHIBITING WATER AND/OR LAND SETTLEMENTS BETWEEN NATIVE AMERICAN TRIBES AND STATES WITHOUT CONGRESSIONAL APPROVAL

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today on behalf of myself and Representatives RICHARDSON, YOUNG, HANSEN, VUCANOVICH, and CALVERT to introduce a bill to prohibit agreements negotiated between Indian tribes and States to settle land or water rights disputes requiring the appropriation of funds by Congress from taking effect unless representatives of both the Secretary of the Interior and the United States have actively participated in the negotiations.

In the last 20 years, the number of these agreements has grown dramatically. As part of the settlements, the Federal Government has often been required to contribute substantial amounts of money totalling many millions of dollars to various settlement funds. What has disturbed me about this process, however, is that while such contributions are often both necessary and equitable, often the amount of the Federal payment has been fixed by third-parties—the tribe and the concerned State—without any input by the United States in the negotiation process.

For example, we recently passed H.R. 2399, a bill to approve and implement a settlement agreement between the Catawba Nation and the State of South Carolina, settling a lawsuit between those two entities over a tribal land claim. Under the terms of that agreement, the United States is charged with paying almost two-thirds of the settlement fund—or $32 million. While this amount was reached in negotiations between these two parties, there was no Federal representative present in other than an observer capacity, and then only sporadically. It seems to me quite irregular for two third-parties to saddle the United States—which was not even a party to the Catawba's lawsuit—with a multimillion dollar obligation without the direct participation of the Federal Government.

Although the United States is required to pay two-thirds of the amount to compensate the tribe for the loss of the tribe's land which occasioned the lawsuit, the State of South Carolina was clearly the more guilty party for that loss. South Carolina, in my mind, should therefore have paid a much higher percentage of the fund. Unfortunately, however, we did not have the luxury of pursuing any such redistribution. It was clear to me that given the positions of the negotiating parties, and the close proximity of an expiring statute of limitations for the tribe to file suit, we had little choice but to hold our noses and approve the settlement as it stood. Any change in the funding formula likely would have resulted in the unraveling of the settlement agreement and the requirement that negotiations begin anew.

I stated at the time that it was my hope that in any future settlement negotiations in which the parties contemplate a Federal contribution such as in the Catawba case, officials from the Department of the Interior or related agencies would take a more active participatory role in the negotiation process in order to safeguard the interests of the United States, I also stated that I would introduce a bill to require just that.

Our bill is that legislation. It would require that in such negotiations, the negotiating party include two representatives of the Federal Government. First, to fulfill any possible trust responsibility to the tribe the bill requires the participation of a representative of the Secretary of the Interior. Second, it requires the participation of a representative of the United States—whether from the Department of Justice, the Office of Management and Budget, or some other agency—to safeguard the interests of the Federal Government. While this has been the practice in water rights settlement negotiations in the past, it apparently has not been vis-a-vis land claims settlements.

Mr. Speaker, I continue to believe strongly that negotiated settlements to Indian land and water claims are eminently more preferable than resorting to costly and protracted law suits. This legislation does nothing to hamper that process. It simply helps ensure that, should circumstances require an expenditure of Federal funds as part of a settlement, the United States will pay only an amount which the Federal Government—not third-parties—deems to be fair and equitable, and which it has helped apportion.

H.E.B.—A GREAT TEXAS TRADITION

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. PICKLE. Mr. Speaker, this month Mrs. H.E. Butt passed away in Corpus Christi, TX, at the age of 90. She was preceded in death by her husband Howard Butt, five years ago. The Butt family founded the H.E.B. grocery chain which has become one of Texas' great business entities and traditions.

Staunch Baptists and great religious workers, the Butt family members have been outstanding leaders for our State for over 60 years. Few families have contributed more to business and to civic enterprises than the Butt family. I will go further, Mr. Speaker, to declare that I can't imagine any family in Texas which has been more prominent in business, in church, and civic contributions than the Butt family. And I have been personally privileged to know and work with the Honorable William Crook, former Ambassador to Australia and son-in-law to the Butt family, and to Charles Butt, who carries on the tradition of the Butt family and is expanding it and leading it to greater heights of business and public enterprise.

Mr. Speaker, I think it is well to note some of the highlights of Mrs. Butt's career.

Mary Elizabeth Holdsworth Butt, long-time leader of charitable causes in Texas, was born on a ranch near Loma Vista in Zavala County, February 4, 1903. Part of her growing up years were spent in Mexico where her father worked for a mining company near Torreon. Her later childhood experiences took place in Kerrville where her family moved when she was 9.

After attending the University of Texas at Austin, she taught in the small community of Center Point and then in Kerrville. In 1924 she married H.E. Butt, who ran a small grocery store in Kerrville. They moved to Brownsville in 1929 when he bought three small grocery stores in the valley.

It was in the Rio Grande Valley that Mary Butt began a series of projects to address the health and educational needs of south Texas families.

Mrs. Butt's passion was people. She was active and frequently instrumental in community improvement activities of virtually every kind—care for juveniles in trouble, care for the aged, for crippled children, tuberculosis detection and treatment centers, libraries and day care, among others.

As the H.E.B. supermarket chain grew, Mary Butt's charitable activities expanded. She was first appointed to the board responsible for the State of Texas' hospitals for the mentally ill and retarded in 1955 and was reappointed by five Governors. She pushed hard for changes and had little patience with bureaucratic red tape that delayed advances in patient care and treatment. In 1981 she was made a member emeritus of the Texas Board of Mental Health and Mental Retardation, the only honorary member of any Texas board.

Mrs. Butt also administered the H.E. Butt Foundation, which supported libraries, public school programs, and the H.R. Butt Foundation Camp, from her home in Corpus Christi for 40 years.

Mrs. Butt had the ability to focus very directly and effectively on the needs of others and her lifetime represents a great record of service to Texas.

INTRODUCTION OF FOOD STAMP LEGISLATION

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. STENHOLM. Mr. Speaker, I am today introducing a bill to amend the Food Stamp Act of 1977 to ensure adequate access to retail food stores by recipients of food stamps and to maintain the integrity of the Food Stamp Program. I am pleased that this bill has strong bipartisan support, and I am hopeful that we can get it to the President before the end of this session.

The legislation addresses widespread concern that a significant number of small retail food stores are currently at risk of losing their authorization to accept food stamps for food purchases. This situation developed when the Food and Nutrition Service of the U.S. Department of Agriculture undertook to reauthorize food stamp retailers. During that reauthorization process, FNS decided that a number of small retailer establishments, that have been participating in the program for years, no longer meet the technical definition of retail food store in the Food Stamp Act. USDA has informed us that these stores will soon have their authorization to participate in the Food Stamp Program withdrawn.

The Food Stamp Act requires that a food store, in order to participate in the Food Stamp Program, have over 50 percent of its food sales volume in staple foods. In spite of the fact that they sell a wide range and high percentage of staple foods, a number of retailers do not meet this requirement. This bill will require that a retail food store, first have over 50 percent of its total sales volume—not simply its food sales volume—in staple foods or, second, offer, on a continuous basis, a variety of food in each of four categories of staple foods, and sell perishable foods in at least two of these categories of staple foods. The staple food categories, as defined in the bill, are first, meat, poultry, or fish; second, bread or cereals; third, vegetables or fruits; and fourth, dairy products.

This legislation continues the current prohibition on the participation of certain types of stores which do not effectuate the purposes of the Food Stamp Program, such as stores which sell only accessory foods, including spices, candy, soft drinks, tea, or coffee; ice cream vendors purveying solely ice cream; and specialty donut shops not selling other bakery or bread products.

The legislation also requires that USDA begin using the new definitions immediately and that these definitions be promulgated in regulations so that everyone will know exactly what constitutes the authorizing criteria.

The bill amends the Food Stamp Act to strengthen the authority of the Secretary to maintain program integrity. It permits the use and disclosure of information provided by retail food stores and wholesale food concerns, including sales and food stamp redemption information, to State and Federal law enforcement and investigative agencies for the purposes of administering or enforcing the Food Stamp Act or other Federal or State law. Use and disclosure of this information is currently restricted to persons directly connected with the administration and enforcement of the Food Stamp Program, as well as State agencies that administer the Special Supplemental Food Program for Women, Infants and Children [WIC]. The bill also establishes penalties to be imposed against those who publish, divulge, or disclose to any extent not authorized by Federal law any of the information obtained pursuant to this amendment.

Finally, the bill requires that the Secretary use up to $4 million from the funding provided for demonstration projects to conduct projects in which State or local food stamp agencies can test new ideas for working with State or local law enforcement agencies to investigate and prosecute street food stamp trafficking. Trafficking refers to a transaction in which food stamps are traded for cash or other goods, usually at a rate significantly below their benefit value. Trafficking in food stamps has always been prohibited by the Food Stamp Act.

The bill ensures that the purpose of the Food Stamp Program, as stated in the Food Stamp Act—to permit low-income households to obtain a more nutritious diet through normal channels of trade—is maintained. Food stamp recipients will continue to be provided with adequate access to a wide variety of nutritious foods. In addition, the bill provides additional authority to the Secretary to enhance the Department's efforts at reducing fraud and abuse in the Food Stamp Program.

HONORING WALTER BRUGH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. ROGERS. Mr. Speaker, I rise today to give special recognition to one of the finest coaches in Kentucky history, Walter Brugh, head football coach at Paintsville High School in Johnson County, eastern Kentucky.

With his team's 33–14 victory over Jenkins High School on Friday, October 15, Walter Brugh became the winningest coach in Kentucky high school history. In his 37-year career, Coach Brugh has tallied 272 victories, putting him one win ahead of the former all-time leader, Garnis Martin of Bardstown.

Among his coaching milestones are the following Paintsville High School records: most wins, most losses, number of years as a coach, number of games coached, and most wins in a season.

Mr. Speaker, it is only fitting that Coach Brugh has reached this milestone during the same season that Miami Dolphins Coach Don Shula surpassed the win total of another football legend, Coach George Halas of the Chicago Bears.

Coach Brugh and Coach Shula have three things in common that put them atop their profession: first, they are two of the winningest coaches in football history; second, they both find good places to work, and then stay there a long time; and third, both have a deep passion and respect for the game of football and the young men who play it.

In the many fine articles written about Coach Brugh by Noel Crum of the Paintsville Herald, two words seemed to most accurately summarize the 272 wins and 37-year coaching career of this excellent leader—respect and discipline.

I can think of no greater compliment for any leader, football coach or public official, than to be respected by those who know you best, and revered for your own self-discipline, and the discipline of those you serve.

Mr. Speaker, I ask my colleagues to join me in saluting this excellent coach—a man who not only wins football games, but builds character and leads his community. I congratulate Coach Brugh on this landmark, and look forward to his next 272 wins.

MONROE COLLEGE HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. ENGEL. Mr. Speaker, 60 years ago, a small school of business opened on Boston Road in the West Farms area of the Bronx with an enrollment of seven students. Monroe School of Business was the starting point for an educational institution that would grow in size and sophistication over the years.

In 1990, the Middle States Association of Colleges and Schools granted full accreditation to the school. I am proud and pleased to recognize today the 60th anniversary of what is now known as Monroe College, an institution that is rightfully celebrating this historic milestone this week.

Many people deserve credit for the growth and success of Monroe College. Mildred King founded the school of business in 1933 and oversaw its expansion until her retirement in 1972. Harry Jerome joined the school in 1936 and put 42 years of work into the school before his retirement in 1978.

It is somewhat ironic that the college's current president, Stephen Jerome, joined the school staff the same year the first computer arrived on campus, in 1966. He has literally ushered in a new era in the history of the institution, bringing the school up to speed and poised for the 21st century.

The facilities at the Monroe College campuses are first rate, and the teachers and administrators are dedicated professionals. The students give local youth ample opportunity to better themselves. All this adds up to an ideal educational environment.

With new space being added at King Hall and on the New Rochelle campus, the growth of Monroe College is continuing before our eyes. My wife, who worked at Monroe College, is proud of the institution and the students she assisted during her tenure. As a Representative of the Bronx, I am proud of all the people who make it easy for me to stand up and point to Monroe College as an example of the good things taking place in the Bronx today.

REINVENTING OUR FIREFIGHTING PROGRAMS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to inform my colleagues of legislation I am introducing to end unfortunate and reoccurring problems in our Federal firefighting efforts.

Californians have watched with apprehension as Santa Ana winds fueled wildfires across the region. We have been heartened by the brave efforts of State, local, and Federal personnel who have worked on the front lines against these blazes.

One memorable image is of a lone helicopter ferrying buckets of water from the Pacific Ocean to the advancing line of fire in Laguna Beach, CA. This brave effort hardly dented the fire, however, and illustrated the helplessness that many of us have felt.

The experience has highlighted once again the importance of the modular airborne fire fighting system [MAFFS]. These units are loaded on C–130 air transports to deliver large amounts of aerial retardant in a timely and accurate fashion. The recent fires have demonstrated that the MAFFS capability is an essential part of our strategy to deal with these out-of-control blazes.

Almost everyone involved, therefore, was shocked and outraged to learn that twice during the past week, bureaucratic foulups kept the Air National Guard firefighting tankers on the tarmac for crucial hours as the fires advanced on several communities. Even though Air Guard personnel were ready to go, U.S. Forest Service officials, who have responsibility for the actual firefighting equipment, refused to give the go-ahead.

The first time this snafu occurred, firefighters lost nearly 24 hours, which made a world of difference to the thousands of residents who have been displaced. Unbelievably, the same foulup was repeated just yesterday when fierce winds stirred up additional wildfires.

Changes must be made to ensure that the full complement of our firefighting forces are deployed in as timely a manner as possible. In an emergency situation, there is no excuse for keeping our best players on the bench.

The legislation I am introducing today will address the heart of this problem by repealing an ill-advised limitation on the use of Federal resources. This provision would exempt firefighting efforts from the prohibition in the Economy Act of 1932 that keeps the Air Guard from stepping in until all civilian aerial firefighting resources are exhausted.

Additionally, my legislation would direct the Secretary of Agriculture to report to Congress on this situation and explain what further changes are needed to prevent such traffic and costly delays. When your home is threatened by raging wildfire, you want the best help possible as soon as possible.

As part of this report, the legislation directs the Secretary to consider the feasibility of a threat-level alert system to provide advanced warning of wildfires. Just as the military is able to discern activity that increases the possibility of conflict, the Federal Government should be monitoring fire conditions and placing our resources on appropriate levels of alert. When dangerous situations are readily apparent, there is no excuse to be caught on the ground.

Finally, the legislation asks the Secretary to advise Congress as to what additional resources may be needed to make the necessary changes to our firefighting system.

Officials at all levels of government deserve our respect for the efforts they have made on our behalf, and the legislation I am proposing is intended to support their mission. We will get no warning the next time disaster strikes, and we should take action now to prepare a system that makes the best use of our firefighting resources.

IN RECOGNITION OF DANIEL P. MARKS

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. MANN. Mr. Speaker, I rise today to recognize the personal accomplishment of Daniel P. Marks who has earned the rank of Eagle Scout from the Boy Scouts of America. Dan will receive Scouting's highest rank at a special court of honor on Sunday, November 7.

Dan is a junior assistant scoutmaster at Troop 483, sponsored by St. Dominic Church in Delhi, where he has been a member for 7 years. In addition to his Eagle Scout rank, Daniel Marks has earned the Ad Altare Dei religious award for Catholic Scouts. Over the past 5 years, Dan has volunteered more than 100 hours of his time each summer as a Cub Scout den chief and area director at a Cub Scout day camp.

Dan has been busy outside of Scouting as well. He is a senior at Oak Hills High School, where he is a member of a select choir, the Encore Chorus. Dan has also been acquiring important employment skills as a valued member of the staff at a local KFC franchise.

Daniel Marks has been serving as a fine example of what someone can achieve if he simply puts his mind to it. I extend my heartiest congratulations to Dan, as well as his parents and his Scout leaders, who share in his accomplishment.

JUVENILE FIREARM REGULATION ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. SKAGGS. Mr. Speaker, today I'm introducing the Juvenile Firearm Regulation Act of 1993, and I'm pleased that 21 of my colleagues are joining me in this effort. It's unfortunate that this bill is even necessary, but too many of our children have easy access to firearms and too many people are dying as a result. We have to do something before a whole generation is lost to gun violence.

The recently released Uniform Crime Reports amply demonstrates why we need to take immediate action to stop the madness. Juvenile gang killings have nearly tripled over the last 4 years—the Department of Justice didn't even track gang killings a decade ago. As other recent surveys demonstrate, however, it's not just a gang problem. A recent study showed that 1 in 20 high school students carried a gun to school in a 1-month period. In just 1 year, 1,474 children committed suicide with firearms—that's 1 every 6 hours.

Federal legislation will not magically make this problem go away, but it can help a lot. This bill would go a bit beyond other proposed measures by—

Restricting juvenile possession of all firearms, not just handguns. A shotgun or assault rifle can be at least as deadly in the hands of a teenager as a handgun.

Requiring parental consent before juveniles can purchase firearms or ammunition.

Requiring adult supervision whenever juveniles use firearms, except in those circumstances in which State government affirmatively decides to allow unsupervised juveniles to use firearms in hunting and other sporting activities.

Setting stiffer penalties for those who unlawfully sell firearms to juveniles.

This approach will give parents the power to decide whether their children should have firearms, and it will allow parents, in accordance with the laws of their State, to determine when and under what circumstances those firearms can be used.

A firearm—any firearm—is a dangerous instrument. That's why this bill would apply to all firearms, not just handguns. Certainly, our priority must be to regulate juvenile access to handguns. But if we're going to restrict our kids' access to .38's, as some others have proposed, why wouldn't we want to restrict their access to Uzis as well? In 1992, almost 20 percent of all murders committed by firearms did not involve handguns—that's nearly 3,000 murders committed with rifles, shotguns, or other longer barreled weapons.

More importantly, technological advances, new lightweight materials, and increased firepower are blurring the lines between what is and is not a handgun. The traditional definition of a handgun, a firearm designed to be held and fired by only one hand, just doesn't mean what it used to. A small semiautomatic weapon may not be considered a handgun, but the ease with which it is used makes it virtually equivalent—that is, a firearm to be held and fired by only one hand. Will a ban on juvenile possession of handguns encompass such a weapon, or the next generation of new and improved weapons? We can easily eliminate any questions about what weapons are covered by covering all weapons.

My home State recently enacted legislation similar to this bill. Colorado was the 18th State—plus the District of Columbia—to adopt some controls over juveniles' access to handguns. Unfortunately, other States lag behind Colorado on this important issue, and even

Colorado does not deal with all firearms. I support the efforts these States have made, but I'd like to do more.

The bill I'm introducing today respects what Colorado and other States have done in this area, and protects their prerogatives on some important issues surrounding the juvenile firearm issue. States will still have the right to determine under what circumstances juveniles could engage in hunting, target shooting, firearms instruction courses, or other sporting activities without adult supervision—and the many and varied circumstances of supervision which may be acceptable. States would be required to specifically set forth under what circumstances juveniles should be allowed to use firearms without adult supervision. Without that specific authorization from the State, adult supervision would be required under all circumstances. And to ensure that States have time to act, this section of the bill would not take effect until 18 months after enactment.

Not only does the bill respect State authority, but it will also enhance State efforts by adding the resources of the Federal Government to their enforcement capabilities. Perhaps more significantly, the patchwork of State laws would be replaced by a more uniform statute. The importance of this can be demonstrated by one example. The District of Columbia, like 19 States, prohibits the transfer of handguns to juveniles. Yet, just overthe border, in Maryland, juveniles can obtain handguns without similar restrictions. Crime doesn't stop at State borders, and varying State laws make it difficult for the District to achieve its goal of making the streets of our Nation's capital safer. I'd like to change that.

I'm sure that some gunowners' groups will be concerned about the possible infringement of their rights and privileges. I'd like to put their minds at ease. This would not prohibit anybody, including juveniles, from having or using firearms. It merely regulates the access children have to firearms, leaving it up to parents to make fundamental decisions about their children's lives and conduct. Courts have repeatedly found similar types of restrictions to be constitutional, and I'm confident they will do so again if this bill, as law, were to be challenged.

Children are killing and dying in unconscionable numbers, and we have to act in a reasonable and constitutional manner. This bill would do that. This is a measure intended to provide protection for all of us, not to be an antigun measure.

Parents should have a choice regarding their children's activities with firearms. Of course, I support participation in hunting, target practice, shooting competitions, and certainly firearm safety instruction courses for anyone who wants to be involved in such activities. This includes people under the age of 18. My 14-year-old son participates in firearm safety courses and shooting at Boy Scout camp, and I'm grateful he has the opportunity to learn the proper use of firearms in a safe setting and under proper supervision. I do not think, however, that the youth of America should be free to use firearms without the consent of their parents or without the right kind of guidance.

This measure isn't just about guns, it's about health care as well. Right now we are engaged in the monumental task of reforming the health care system. I support that effort and believe very strongly that we must make major changes in how health care is delivered and paid for.

Curbing gun violence has to be part of any complete health care reform. Money is tight, and we can't afford to continue spending more than $1 billion per year on hospital treatment of gunshot injuries. We won't save all of this $1 billion by passing this bill, but it will be a step in the right direction.

It's time to get the guns off the streets and out of the hands of children. We regulate juveniles' use of automobiles, their purchase of alcohol and tobacco, their execution of wills, service on juries, and the age at which they can get married or leave school. And, we generally accept the notion that the health and welfare of children should be strictly watched over. Why shouldn't we protect them, and ourselves, when it comes to the use of deadly weapons?

I hope all of my colleagues will join this effort to protect our children, and ourselves, by cosponsoring the Juvenile Firearm Regulation Act of 1993.

THE COMPUTER AND COMMUNICATIONS TRADE FREEDOM ACT

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. MANZULLO. Mr. Speaker, the Computer and Communications Trade Freedom Act will amend the Export Administration Act of 1979 and deals with export trade and licencing regulations and their relation to computers, telecommunications equipment, and semiconductors.

HISTORY

Soon after World War II, the United States and its allies decided that there was a need to prevent the export of certain high-technology products to the Soviet Union and its satellite States. Their goal was to prevent these countries from using Western technology to improve the capability of their military. A secondary goal was to prevent these countries from developing their economies to their full potential.

In order to achieve these goals, the allies created an informal organization called the coordinating committee on multilateral export controls [CoCom]. In order to carry out its mandate, CoCom developed a list of dual-use—civilian—commodities and munitions—defense—products that required the member countries to coordinate licensing policies and procedures for exports to prescribed destinations. These prescribed countries included the Soviet Union and its satellite States. China was eventually added to the prescribed list soon after it became a Communist country.

In the United States, export controls had been used to a limited degree before the Second World War, however, with the advent of CoCom, it was formalized in specific statutes. These statutes included the Arms Export and Control Act [AECA], which governs exports of munitions items, and the Export Administration Act [EAA], which governs trade in civilian products and technology. The corresponding regulations for the EAA is the Export Administration Regulation [EAR] and for the AECA is the International Traffic in Arms Regulations [ITAR].

Over the past several years, U.S. industry has lobbied to remove unnecessary export controls on many civilian, general purpose products. Through a series of decontrol efforts that have culminated in the recent announcements on computer and telecommunications changes, the U.S. Government has liberalized certain trade in these products. While these liberalizations have been helpful for the high-technology industries, they do not address the fundamental problem of the current export control regime; the rapid pace of technological change.

Product life cycles for today's technology are very short. While in the past a leading edge products or technology could capture a market for a considerable period of time, in the current environment, these life cycles sometimes only last 6 to 10 months. Export controls rarely are able to keep up with these changes. As a result, current U.S. export control policy allows for incremental changes in control levels that do not address these rapid cycles.

Such incremental changes to the export control system result in short-term gains for industry as control levels are adjusted on a periodic basis, however, long-term problems of control are not really addressed. The Computer and Communications Trade Freedom Act attempts to address these problems by eliminating the need for export controls on civilian computer, telecommunications, and semiconductor products.

LICENSING PROCESS

Once an exporter determines that their product needs an export license, they must complete an application form which asks for a number of different bits of information about the transaction. First of all, it asks for a detailed description of the product(s) to be exported, including the quantities and U.S. dollar value. Next, the form asks for the ultimate destination—(i.e. ultimate consignee)—for the product and any intermediate destinations.

Once the application with this information is completed and submitted, it is delivered to a licensing officer at the Bureau of Export Administration [BXA] at the U.S. Department of Commerce. This licensing officer reviews the application and depending on various factors, may refer it to other agencies for review; including the Departments of Defense, Energy, State, the Arms Control and Disarmament Agency, and the intelligence community.

Depending on the complexity of the application and consensus among the different agencies, final approval can take weeks, months, and sometimes years. As an example, a California computer company had a deal with the Government of India to produce a super computer. Because of our own export bureaucracy, it took over 2 years for this country to get permission to sell its technology to India. When the product had finally cleared its last hurdle, a company within India had not only designed the same product, it had started marketing the product in direct, world-wide competition to the American manufacturer.

Here is a perfect example of how our own bureaucracy has caused inequities in foreign trade, impaired the natural expansion of foreign markets, and, worst of all, killed a countless number of high-paying jobs. High-technology jobs are the high-wage paying jobs we all want to maintain in this country. Last year, jobs dealing with exports showed an average 17 percent higher income level than those comparable companies that did not export.

POSITION OF THE ADMINISTRATION

> At the same time that we stop deadly technologies from falling into the wrong hands, we will work with our partners to remove outdated controls that unfairly burden legitimate commerce and unduly restrain growth and opportunity all over the world.—President Bill Clinton, address to the 48th Session of the United Nations, September 27, 1993.

President Clinton has made his position clear that one goal of his administration is to increase U.S. exports from its current $450 billion to $1 trillion by the end of this decade. This goal lays forth several exciting possibilities for American manufacturers. In his report on "Regulatory Obstacles to Exports" the President outlined the following objectives:

One, eliminate unnecessary and ineffective export controls.

Two, ensure that U.S. economic interests receive greater attention in export control decisions.

Three, create a more efficient, responsive, transparent, and effective export process characterized by streamlining the referral process and review process to reduce the time required for processing licenses and resolving disputes.

Four, clarify and simplify export control regulations.

Five, level the playing field for U.S. trade and enhance the effectiveness of controls by pursuing multilateral controls and harmonizing their implementation.

The Clinton administration has proposed dramatic liberalizations in the control levels of computers. Through these changes, the administration has recognized that there is wide availability of these technologies overseas, and that there is a need to help our high-technology sectors to be more competitive.

While the administration recognizes the need for further change of the export control system, current policy is only designed to allow for incremental liberalization in these sectors.

THE COMPUTER AND COMMUNICATIONS TRADE FREEDOM ACT

The Computer and Communications Trade Freedom Act addresses the three civilian sectors of the electronics industry that are the most affected by export controls: computers, telecommunications, and semiconductors. This bill specifically amends section 4—general provisions—of the Export Administration Act [EAA], by removing the validated license requirement for civilian computers, telecommunications, and certain semiconductor products for most countries. However, exports to terrorist countries—such as Iran, Iraq, and Syria—embargoed countries—including Cuba, North Korea, Vietnam, Libya, and the States of the former Yugoslavia—would not be given this liberalized treatment.

While the bill would call for significant liberalization in these areas, it would, however, give the President the authority to impose controls on these products if they are: (1) A targeted country, (2) subject to embargo, or (3) a legally sanctioned entity.

The United States is in a global economy. We are leaders in high-technology products. This bill frees up restrictive practices that hamper our ability to trade in products involving computers, semiconductor chips, and telecommunications. Any manufacturer of computers, chips, or telecommunication systems, or any manufacturer that uses machines driven by computers will directly benefit from the bill.

In addition, the bill provides for the exporting of high-technology communications systems, which benefits not only manufacturers in these areas but any company that has to deal with communications in some foreign countries, such as the old U.S.S.R.

Mr. Speaker, I urge my colleagues to join me and Representative MARIA CANTWELL to cosponsor this most dramatic change in export control laws this Nation has seen in years.

ELEVATION OF EPA TO CABINET STATUS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 3, 1993

Mr. CLINGER. Mr. Speaker, the morning of January 25, 1990, newspapers around the country, including the Washington Post and the New York Times, ran editorials in favor of George Bush's proposal to elevate the Environmental Protection Agency to Cabinet status. Recognizing that Cabinet rank was important to America's ability to seek international solutions to environmental problems, and to EPA's clout among Federal agencies and departments the press applauded the Bush announcement and urged Congress to take action.

President Bush wanted to sign an EPA Cabinet bill on Earth Day, Earth Day 1990. But almost incredibly, since that time Earth Day has come and gone four times and EPA still lacks Cabinet status.

At first, it simply appeared that Congress was unable to get its own act together to get a bill to the President's desk. Sure, the House passed EPA legislation in 1990, but few people seriously believed that with its many extraneous provisions it stood a chance of enactment. The Senate agreed, refusing to even consider the measure.

In 1991, the Senate approved legislation to elevate EPA to cabinet status. The Sierra Club, the National Wildlife Federation, the World Wildlife Fund, the Natural Resources Defense Council, the Environmental Defense Fund, and the Wilderness Society all issued public statements calling for House action on the Senate bill, and joined President Bush and a bipartisan group of Members of Congress in calling for the immediate elevation of EPA.

Regrettably, the Committee on Government Operations refused to act and the House leadership refused to take the Senate bill from the desk to give Members an opportunity to vote on it. For many people, the refusal to act smacked of partisan politics. With a Presidential election looming, the Democratic majority in Congress appeared unwilling to send a responsible EPA Cabinet bill to a Republican President. No matter that it meant that the United States would continue to be hamstrung in international environmental negotiations.

In the opinion of four former EPA Administrators, William Ruckleshaus, Lee Thomas, Russell Train, and Douglas Costle, elevation of EPA is a priority. In a 1992 letter to the chairman of the House Government Operations Committee, the environmental leaders wrote, "This is a matter of substantive—not symoblic—importance. Major international issues require the prestige, access to the executive, formal diplomatic rank, and resources accorded to Cabinet departments."

These former heads of EPA were right in 1992, and they are still right. While Congress has postured and played politics with the issue, EPA has lacked the Cabinet clout necessary to adequately represent American interests on international issues. Since President Bush first announced his effort to elevate EPA, countless international negotiations have taken place; including: the United Nations Framework Convention on Biological Diversity, the Convention on Environmental Impact Assessment in a Trasboundary Context, the United Nations Framework Convention on Climate Change, the Protocol on Environmental Protection to the Antarctic Treaty, and the Protocol to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. EPA's role is currently limited on negotiations on the Convention on Desertification, Land-Based Sources of Marine Pollution, and in ongoing efforts to implement the Basel Convention on shipments of hazardous waste.

Jay Hair, president of the National Wildlife Federation, recognizes the international implications of EPA Cabinet status. In a 1992 letter to Members of the House of Representatives, Hair wrote, "Since international protocol reserves environmental negotiating authority to Cabinet-level officials, EPA is excluded from direct negotiations on issues such as global climate change and ozone depletion."

Despite the pleading of Government leaders, the urging of the environmental community and the obvious need, I am afraid that the House is on the verge of making the same mistake it made in 1990. That is, reporting a bill with duplicative, unnecessary, costly, and extraneous mandates that stands little, if any, chance of becoming law.

On Thursday, the Committee on Government Operations is scheduled to consider EPA Cabinet legislation. With all due respect to the chairman, the base bill the committee will consider creates a larger bureaucracy, establishes a statistical organization answerable and responsible to no one, and subjects State and local governments to new unfunded mandates. The bill is 180 degrees opposite from the philosophy and concepts advanced in the Vice President's National Performance Review [NPR]. Instead of streamlining the Federal Government, the bill inflates Government. Instead of "Creating a Government that Works Better and Costs Less", the title of the NPR report, the bill may create a Cabinet agency that works worse and costs a lot more.

There is an alternative. I will be offering as an amendment in the nature of a "clean" EPA Cabinet bill that elevates the agency without all the bells and whistles of other proposals. My amendment provides for a simple elevation of EPA. That's it. No new bureaucracies, no new unfunded mandates, no new requirements. With a price tag of less than $30,000 per year according to CBO estimates, the bill immediately addresses the lack of international clout suffered by EPA.

Make no mistake, there are problems at EPA which need management attention, though not necessarily requiring legislative solutions. But if Congress insists on addressing these problems on this legislative vehicle, we can count on seeing another 4, 5, 6 or more Earth Days pass without Cabinet status. It was disappointing that Congress failed to get an EPA Cabinet bill to George Bush's desk for signature. I hate to say it, but it is beginning to seem like deja vu.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 4, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 5

9:00 a.m.
Foreign Relations
To hold hearings on the nomination of Robert S. Gelbard, of Washington, to be Assistant Secretary of State for International Narcotics Matters.
S-116, Capitol

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for October. 2359 Rayburn Building

NOVEMBER 8

1:30 p.m.
Finance
International Trade Subcommittee
To hold hearings to examine U.S.-Japan trade negotiations.
SD-215

NOVEMBER 9

9:30 a.m.
Energy and Natural Resources
To hold hearings on the use of risk analysis and cost-benefit analysis in setting environmental priorities.
SD-366

Environment and Public Works
To hold oversight hearings on the 1993 floods in the Midwest.
SD-406

10:00 a.m.
Foreign Relations
Business meeting, to mark up proposed legislation for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States, and to consider pending nominations.
SD-419

Labor and Human Resources
To resume hearings on the Administration's proposed Health Security Act, to establish comprehensive health care for every American, focusing on the role of the insurance industry.
SD-430

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings to examine U.S. Forest Service proposals to define and implement ecosystem management and how it compares with efforts underway by the Bureau of Land Management to implement their version of ecosystem management.
SR-332

2:30 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to examine management problems in the Federal Deposit Insurance Corporation (FDIC).
SD-342

NOVEMBER 10

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:45 a.m.
Labor and Human Resources
Business meeting, to consider the nomination of Harold Varmus, of California, to be Director of the National Institutes of Health, Department of Health and Human Services.
SD-430

10:00 a.m.
Finance
To hold hearings to review the Uruguay Round of multilateral trade negotiations.
SD-215

Labor and Human Resources
To hold hearings to examine long-term care for senior citizens and individuals with disabilities.
SD-430

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on S. 1288, to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program.
SR-332

NOVEMBER 16

9:30 a.m.
Indian Affairs
To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona.
SR-485

Special on Aging
To hold hearings to examine health care reform issues, focusing on prescription drug price competition.
SD-G50

NOVEMBER 18

9:30 a.m.
Indian Affairs
To hold hearings on S. 1345, to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College.
SR-485

2:30 p.m.
Indian Affairs
To hold hearings on H.R. 734, to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona.
SR-485

NOVEMBER 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 1526, to improve the management of Indian fish and wildlife and gathering resources.
SR-485

CANCELLATIONS

NOVEMBER 4

9:30 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold hearings on making Government operate more efficiency and effectively, focusing on the use of electronic delivery of Federal services.
SD-342

NOVEMBER 5

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to review the Immigration and Naturalization Service's criminal alien program.
SD-342

POSTPONEMENTS

NOVEMBER 4

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on S. 787, to require the Secretary of Transportation to issue an air worthiness directive related to

dense and continuous smoke in aircraft, and S. 1469, to require air carriers to provide 90 days' notice to the Secretary of Transportation, the appropriate State agencies, and affected communities prior to the termination, suspension, or significant reduction of air service.

SR-253

HOUSE OF REPRESENTATIVES—*Thursday, November 4, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious and loving God, we come together in Your presence and acknowledge one another. We are Your children and we are all one people that have been created by Your hand. We admit our responsibilities, one to another, as members of the human family, and yet there is so much violence and discord about and we do not demonstrate the wholeness we have received as Your gift. Teach us to believe and have faith, to live and act, to show our tie one to another, so we will more fully display the unity we have been given by Your hand. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. BILIRAKIS] please come forward and lead the House in the Pledge of Allegiance.

Mr. BILIRAKIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for 1-minute requests.

FOOD SAFETY STANDARDS UNDER NAFTA

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, recently, the St. Louis Post-Dispatch conducted a 3-month investigation of pesticide use in Latin America and as the reporter said, an inspection in Dallas last year of a load of Mexican vegetables gave new meaning to the phrase "hot pepper."

Tests on green peppers found two forms of DDT banned in the United States, two more prohibited insecticides, a fifth pesticide that cannot be used on peppers in the United States and a sixth chemical that resembles hydrochloric acid.

From Mexico, United States imports of produce have skyrocketed to over $1 billion a year. More shipments are predicted if Congress approves NAFTA. Yet the overall frequency of FDA inspections of imported food declined in 1992 for the second straight year.

Under NAFTA, any dispute over food safety will be referred to the Codex Alimentarius, a firm based in Rome, Italy, whose standards are lower than the current American standards. These are the people who will make the decision on the safety of the food you and I eat if NAFTA passes.

THE MYTH-MAKERS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when it comes to NAFTA's opponents, I have to really hand it to them: Never has so much been said by so few to mislead so many.

It really comes down to one fact: The anti-NAFTA coalition is led by a rogues' gallery of demagogs. In fact, they are a veritable all-star roster of myth-makers.

From Ross Perot to Pat Buchanan, from Jerry Brown to Ralph Nader and Jesse Jackson, the men on this all-star roster share one trait: they are all long on name recognition, but notably short on credibility.

Nativism, scare-tactics, and xenophobia are not sufficient reasons to vote against NAFTA.

The myth-makers need to confront the facts: NAFTA will create jobs, improve the environment, help American relations with our neighbors, and expand markets.

Resist the myth-makers. Vote for NAFTA.

ON NAFTA

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, the most important trade agreement in American history is pending with NAFTA. Passage of NAFTA is immensely important to the United States—it must pass and will pass.

This NAFTA agreement will mean jobs for Americans. First, six jobs will be created for every one job that might be lost. That is a fact as agreed to by most top labor officials. Second, the United States and Mexico have reached agreement on monumental changes for our environment—clean air, and clean water. Never before in this country have environmentalists had such a significant place at the bargaining table. Third, our trading partners to the south include not only Mexico, but also all of South America, and the Caribbean. This is the best chance we have ever had to expand our markets and sell American goods in the Western Hemisphere.

NAFTA is gaining, slowly and surely. Each day brings new supporters. We are within striking distance of victory, and by November 17, we will have the votes to win passage.

Mr. Speaker, I support the North American Free-Trade Agreement. NAFTA will preserve 700,000 American jobs related to trade with Mexico. It will increase exports of U.S. goods and improve the competitiveness of American workers. Last year the United States enjoyed a $5.4 billion trade surplus with Mexico. With NAFTA, the remaining Mexican trade barriers will be removed creating new jobs and vastly increasing exports of United States goods. NAFTA will leave the rest of the world on the outside looking in on the world's largest trading market, and enable us to better compete with Europe and Asia.

NAFTA protects North American goods from outside competition by including specific rules of origin to prevent outside countries from disguising their goods as NAFTA goods in order to receive the NAFTA tariff exemption. The Japanese are opposed to NAFTA because it will enable the United States car industry, and other American industries, to expand, strengthen, and take precedence in the growing Mexican market.

The agreement protects Americans by establishing the North American Free Trade Commission and a Trilateral Secretariat to administer a panel review program to resolve any international disputes. Moreover, with the side agreements on environmental cooperation, labor standard enforcement, and on protection from import surges, NAFTA is good for the United States and good for American jobs. Rejecting NAFTA would be a crucial mistake for the United States foreign policy and international relations.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE SNOOZE BUTTON

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the reform alarm is ringing, but the Democrat leadership is reaching for the snooze button. They would rather let reform sleep than respond to the wake up call sent by the voters on Tuesday.

Reform Republicans swept out status-quo Democrats, by offering lower taxes, better government and tougher crime enforcement.

The Democrats in the Congress, however, have not received the message. Instead, they dream up schemes like having the taxpayers pay for political campaigns.

They derail the efforts of the Joint Committee on Reform. And they pass sham crime measures that do not start to meet the needs of the justice system.

Mr. Speaker, the only way to wake up the Democratic power-brokers in this Congress is to kick them out of that comfortable bed called the majority.

As long as the Democrats continue their 40-year stranglehold of this institution, they will never see a need to wake up to reform.F

NAFTA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, as everybody knows, all the former Presidents have come out and endorsed and support NAFTA. To figure out how the American worker feels about that NAFTA endorsement, I have struggled trying to find some comparative data by which to assess the emotion of the American people.

Last week, at a public auction in New York, an autographed photograph of Richard Nixon sold for $100.

□ 1210

An autographed photograph of Gerald Ford sold for $100. An autographed photograph of Jimmy Carter sold for $100. An autographed photograph of the Three Stooges, Larry, Mo, and Curly, sold for $3,000, 30 times more than the photographs of the Presidents.

I think that says it all. The American worker does not need to have their noses pinched, their ears boxed. They know exactly what NAFTA is going to do, and that public sale at that auction tells us exactly what they think of the advice and counsel on this trade agreement.

REFORM IN A FASHION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, reform has finally come, no thanks to the Democrat majority leadership.

After Tuesday's elections, it has become clear that if the American people want reform, they will have to do it themselves.

The stunning victories in New York City, New Jersey, and Virginia are proof that the American people are tired of Democrat politics as usual.

We were promised months ago that the House would consider reform legislation. We were told that October would be reform month. Now, we have been reassured that reform month is only being delayed, not denied.

However, Mr. Speaker, the elections yesterday clearly show where the reform will come from. It will come from the American people, with their votes against the Democrat status quo.

Mr. Speaker, November is indeed a month for reform. The election yesterday is the first sign that reform means a rejection of the Democratic rule, and an end to their dominance of this institution.

CALLING FOR A REDUCTION OF VIOLENCE AND SEX ON TELEVISION

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, murder, armed robbery, assaults, rape, sex. Do the Members think I am reading the police blotter? It is what we see on television every night of the week. Freedom of expression? Baloney. That is what the courts say. They say TV is not an influence on our young people, that the influence comes from society.

Why do companies like McDonald's and all these others spend billions of dollars for television ads? Because they influence the youth and they get it back big time. Free speech? They say that is a problem. That is only what the courts say free speech is, handcuffing the police and wimpy judges who ought to serve the time for the rapists, the assaulters, and the sex offenders who they put out on the street.

If television movies do not clean up their act, then Congress has to.

VOTERS REJECT TAX-AND-SPEND DEMOCRATS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the voters have spoken. Loud and clear. The tax-and-spend philosophy espoused so long by the Democrat Party has been repudiated.

Our former colleague, George Allen, is the new Governor of Virginia—the first Republican elected to that office since 1977.

Democrat Gov. Jim Florio, who meted out recordbreaking tax increases to the people of New Jersey, has been defeated by a Republican who espouses fiscal restraint and tax cuts.

New York now has a Republican mayor who has promised to bring under control runaway government spending and to put a stop to the bureaucratic nightmare which has so long plagued our Nation's largest city.

Mr. Speaker, it is no coincidence that Republicans rolled to victory all over the country Tuesday. People are tired of paying for big government. For this reason, people oppose President Clinton's plan to socialize medicine.

Real change is needed now. Tuesday's election shows that voters will accept nothing less.

HEALTH INSURANCE INDUSTRY PUTS PEOPLE LAST, PROFITS FIRST

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, while almost everyone has entered into a constructive dialog on health care reform, the health insurance industry has come out with both guns blazing.

The health insurers have taken aim at the Clinton plan, but instead, they have shot themselves in the foot.

While the Clinton health plan would put an end to skyrocketing costs, the health insurance industry is interested primarily in increasing its profits.

While the Clinton plan would guarantee health care that is always there, the health insurance industry wants to continue the fine print policies that allow it to drop people who become sick.

While the Clinton plan would stop the insurance industry from raising your rates, the industry would stop the Clinton plan so that it could continue to jack up your premiums.

Mr. Speaker, it is clear that the President wants a plan that will keep people healthy and insured. The health insurance industry wants to keep the status quo, which puts people last and profits first.

A TIDAL WAVE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, across the country Americans are sending a clear strong message to the liberal tax-and-spenders. However, instead of heeding the clear call for less Government, lower taxes and real anticrime initiatives, the President and his crew are trying to bail out the White House after Tuesday's devastating election results. The President, who just 1 year ago claimed a national mandate with only 43 percent of the vote, dismissed Tuesday's results because "all politics are local." The chairman of the Democrat Party said, "It's very difficult to elicit a national trend." Well, Mr. Speaker, tax-and-spenders swallow their own P.R. at great peril. They should listen to someone with nothing left to lose. Democrat Mary Sue Terry recognized the tidal wave that ended 12 years of liberal Democrat rule in Virginia. This is the same tidal wave that is sweeping big cities from coast to coast. This is not a question of liberals learning how to swim to survive—this is a matter of going with the flow toward fiscal conservatism.

CITRUS AND SUGAR DEALS HARDEN OPPOSITION TO NAFTA

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, NAFTA proponents apparently have struck a deal to further shield United States citrus and sugar growers against lower cost Mexican production. I asked this question: Why is it free trade and looking forward when we take steps to preserve production of certain U.S. crops, but it is protectionism and looking backward when concerns are raised about the impact of enormous economic differentials in the cost of production of industrial goods?

Throughout industrial America, among those who work in it, supply it, and service it, there is a sinking feeling. Just as in the 1980's when we did not pay serious attention to how our workers and our businesses were competing against Japan's closed markets and strategic targeting of American industry, and we ignored the consequences of the 2,000-plus maquiladora plants mushrooming in Mexico, today we confront a NAFTA, as presently drafted, that does not sufficiently address how our workers and small businesses will compete against Mexico's highly productive workers and plants. This will be especially true after NAFTA enhances Mexico's policy of lowering investments by arbitrarily suppressing salaries and wages.

A citrus and sugar deal might win a few votes, but the price is the hardening of the opposition that is at the core of the resistance to this NAFTA. In their effort to peel off a few votes, NAFTA proponents are highlighting the heart of the matter for the entire Nation.

FACE-FARCE: NEW HATE BILL WOULD TURN PEACEFUL PROTESTERS INTO FELONS

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, the Freedom of Access to Clinic Entrances Act or FACE is a mean-spirited farce—a new hate law proposal—designed to turn deeply moral and ethical middle-class and poor Americans into felons.

Peaceful, prayerful, nonviolent prolife dissenters made up mostly of women, whose only intent in protesting at abortion mills is to protect unborn babies from child abuse and butchery and to provide mothers one last opportunity to choose life, are singled out for cruel punishment, including 1 to 3 years in jail and up to $250,000 in fines.

This legislation is not designed to chill violence—pro-lifers condemn all violence—but is crafted to end peaceful protest and rescues at abortion mills.

H.R. 796, which will come to the floor shortly, was introduced solely to punish one group of protesters out of the many movements that engage in civil disobedience: pro-lifers. The legislation focuses on the motivation of those persons engaging in civil disobedience, not the action itself. Picket for higher wages—no problem. Picket to save life and you go to jail for years. This bill trashes first amendment free-speech rights.

Mr. Speaker, all acts of peaceful civil disobedience should be treated in an even-handed manner, regardless of the motivation of those engaged in this conduct. To punish one group more harshly represents discrimination against one particular viewpoint.

Over the years I have met many mothers, often with young rescued children in tow, who are deeply grateful because a pro-lifer cared enough to have been outside an abortion mill when she was scheduled to abort.

Very few—if any—women ever return to thank the abortionist for dismembering or chemically poisoning her baby. But it is commonplace for mothers who were rescued to visit with pro-lifers simply to say, "Thanks. You loved me enough to be there when I needed you most."

Passage of this cruel antichild, antiwoman legislation would mean a last line of defense against the violence of abortion, the freedom riders of the 1990's, would be put at risk, and our already too-full prisons would be filled to overflowing with good and compassionate people.

□ 1220

NAFTA WILL DILUTE EQUAL EMPLOYMENT OPPORTUNITY

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, as the Congress approaches the debate on NAFTA, the trade agreement with Mexico, there is one aspect that has received little attention, how NAFTA will affect equal employment opportunities for the Nation's minority citizens.

Under NAFTA, Federal Government procurement would be opened up to Mexican and Canadian companies. The pool of competitors for Government contracts would be significantly broadened.

Currently, most Federal contractors must have equal employment opportunity programs. This has served as an important leverage in the U.S. economy, opening doors to employment for many minorities.

My point is that if fewer American companies get Federal contracts, this important leverage on the private sector will be diluted. Even if foreign companies have equal employment programs, what good does that do American minorities who are looking for work here? What good is a job in Mexico City for an unemployed worker in Detroit?

This is just one more flaw in the NAFTA debacle, weakening our manufacturing base that has provided jobs and hope to many American citizens.

NAFTA IS A TAX CUT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise because one of the leading tax increase advocates in the House was quoted in Congressional Quarterly this week as saying that a vote for NAFTA was a vote for a tax increase.

Now let me say first of all the particular person who spoke helped pass a several hundred billion dollar genuine tax increase this summer. He has voted for virtually every tax increase that has come up. I have opposed every tax increase that has come up. I have fought for tax cuts.

The fact is, and this is a fact, that NAFTA will represent a $1.8 billion tax cut. If you take the current taxes that are being repealed, it is a net $1.8 billion tax cut.

Those of us who favor tax cuts because they help create jobs are voting for NAFTA. The tax increase leaders who fought for the tax increase this summer are trying to distort the facts on NAFTA.

If you look at the data, if you look at the Congressional Budget Office scoring, NAFTA will be a $1.8 billion tax cut. And that is why some of the tax increase leaders are opposed to NAFTA, because it actually lowers taxes.

INTRODUCTION OF LEGISLATION TO BAN THE NEW IMPROVED KILLER BULLET

(Mr. BARRETT of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Wisconsin. Mr. Speaker, I have introduced legislation, to ban a new improved killer bullet which presents grave danger to both the public at large and emergency room personnel.

This hollow-pointed bullet expands on impact, releasing metal claws designed to rip through flesh and bone, creating deeper and more severe wounds than any other types of ammunition. In addition, emergency room workers whose job it is to remove the bullets run the risk of having the metal claws unleashed by the bullet tear their gloves and their own flesh as they work to remove the bullet from wounded persons. These health care workers are at risk for hepatitis and deadly HIV if the bullets puncture their skin and their blood becomes mixed with that of gunshot victims.

Mr. Speaker, I sincerely hope all my colleagues will join me in helping get this bullet off the street and out of the operating room. The bullet is marketed for its impressive stopping power. It is time Congress showed some stopping power of its own by banning this ammunition.

VOTERS REJECT DEMOCRAT TAX-AND-SPEND STATUS QUO

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, President Clinton said yesterday that we should not make too much out of Tuesday's election results. Nice try.

The fact is that voters are fed up with the Democrat tax-and-spend status quo. They're tired of seeing more and more of their paychecks going to fund more and more and more Government. They're tired of Democrat politicians who believe that Government has all the answers.

I would suggest to my friends on the other side of the aisle that if they do not want 1994 to be a lot like 1993, they will get the message. The message is this: Stop the taxing. Stop the runaway spending. And, for goodness sakes, reform this Congress.

Mr. Speaker, if President Clinton and the Democrat leaders in this Congress do not change their ways, the message that was sent on Tuesday to Richmond and Trenton and New York is going to be sent to Washington, DC, next year.

SUPPORT THE PENNY-KASICH AMENDMENT

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, I rise today to offer Americans an example where Congress is doing what our country is requesting—no smoke, no mirrors. I was 1 of 15 Democrats and 15 Republicans who, under the leadership of Representatives PENNY and KASICH, crafted a spending cut package of $100 billion in hopes of fostering a bipartisan fight to bring our deficit under control. This represents a one-penny cut for every dollar of spending over the next 5 years. Just one penny for every dollar.

This new, pragmatic approach to legislative cooperation should do more than demonstrate fiscal responsibility. It should improve the stature of Congress in the eyes of all Americans.

We have been promised an up-or-down vote on a substantive, clean amendment. On the day of that vote, there will be no place to hide, and the American people will be able to match our words to our deeds. This body must respond to that challenge and do the right thing. I urge my colleagues to support the Penny-Kasich amendment.

PASS CONSENSUS HEALTH CARE REFORM MEASURES NOW

(Mr. BILIRAKIS asked was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, health care reform is on the minds of all Americans. If Congress approves health consensus items this year, access to health care would be drastically improved and, at the same time, significant savings could be achieved. Ever since Congress began debate on this issue, we all agree on certain consensus items, such as standardized medical forms, preventive health care, and insurance reform.

Insurance portability and coverage for those with preexisting conditions are two of the most important items. People should be able to move from job to job without losing health insurance. Individuals diagnosed with illnesses such as cancer, heart disease, or diabetes should not lose their health insurance or pay great increases in premiums.

Passing health consensus legislation this year will calm people's fears. It will assure our citizens that they will not have to wait until 1998 for access to health care, that we in the Congress care enough to act now.

Our citizens should not be forced to wait for Congress and the White House to resolve their differences over every single health care issue—who knows how long that will take. I challenge my colleagues to prove to the American people that we are committed to enacting health care reforms. Let us begin by passing those consensus items now.

□ 1230

CONGRESS MUST CHANGE

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, how does Congress get away with adopting laws that apply to everyone except Congress? It is as silly as saying everyone has to pay taxes except employees of the IRS. The difference is Congress gets away with it. There are few reform options that are more appropriate or feature such strong support as eliminating congressional exemptions from the law. When the Joint Committee on the Organization of Congress polled Members on this reform option, 75.4 percent favored applying Federal laws to Congress—94 percent of the freshmen supported the idea. All of the people who offered testimony on this issue to the Joint Committee agreed it is a needed reform. Why then, if we have so much interest, have we not had the opportunity to vote on this agreeable reform? What does it say to our constituents when we can't even bring a widely supported reform measure before the House? It frustrates me and the majority of people who want to see reform become a real issue that the House of Representatives won't actively pursue even the simplist reform proposal. Mr. Speaker, if we cannot start with a minor commitment to reform, how can we possibly expect progress on the complex questions? I used to argue that Congress could do much better if it operated more like a business in the private sector. Unfortunately, I now know that Congress does not have any idea what happens in the private sector. We have managed to allow Congress to spend more than it has and to avoid the laws it adopts. If there is any genuine interest in bringing this institution back to Earth, we should at the very least require Congress to live under its own rules. To do any less is hypocritical.

GIFT BAN/DISCLOSURE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, despite the unambiguous message from our constituents, despite the public's deep mistrust for Congress, despite the repeated calls from the Democratic and Republican leaders of the largest freshman class in recent memory, the House still delays action on lobbyist disclosure and gift reform.

Opponents of reform say, no change is needed. They are wrong. The people cannot understand why we are entitled to a constant flow of meals, trinkets, trips, and tickets. We are not entitled. It is time for Members of Congress to pay their own way just like everyone else has to.

Representative FINGERHUT and I have introduced two bills to restore the public trust. First, Members of Congress should not accept gifts of value. Second, any exceptions should be fully disclosed.

Mr. Speaker, the issue is no longer whether or not we will enact full lobbyist disclosure and gift reform—that is inevitable. The issue is whether we will reach out to the American people and do the right thing now—before they do it for us. I urge my colleagues to join me in support of full lobbyist disclosure and gift reform.

NAFTA: AGREEMENT REACHED CONCERNING SUGAR

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, this morning, with great pleasure, I and many of my colleagues concerned about the sugar provisions in NAFTA held a press conference to announce a significant agreement reached between the United States and Mexico concerning sugar and NAFTA.

This binding agreement will protect American sugar growers from unfair Mexican competition by spelling out that high fructose corn syrup cannot be substituted for sugar to create a Mexican surplus to dump on our market.

My district ranks fifth in the United States, in terms of sugar beet production, so this has been an issue that has weighted heavily on my mind as well as my constituents. I am now satisfied this agreement removes the serious threat posed to the sugar industry by the NAFTA agreement.

I believe this eliminates a major obstacle to the adoption of the NAFTA by this body, and I urge any Member to take a close look at this new sugar agreement, if you still have doubts. I am confident it will lead you to reevaluate your position.

CAMPAIGN FINANCE REFORM

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, I rise today to support efforts to reform our Nation's campaign finance laws. The status quo just will not work anymore and the American public knows it. We must establish a workable structure to halt abusive election practices. Gone should be the outrageously expensive campaigns and gone should be the unaccountable and unregulated independent expenditures and in their place should be a fair and open system to accommodate the incumbent and challenger alike. I myself was recently a challenger and whatever system we adopt, we must encourage challengers to come forward to have a truly representative Government, with new ideas responsive to constituent concerns.

However, we must be responsible when adopting such reform measures. I urge my colleagues not to just pay lip-service to campaign finance reform, but to support real and comprehensive reform. We must resist the temptation to go with the status quo. Any measure we present should withstand constitutional scrutiny. Let us get it right the first time and pass meaningful reform measures. Let us challenge the status quo and encourage the leadership to move on an effective campaign finance reform package.

PROMISES, PROMISES, PROMISES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, under the Canadian Free-Trade Agreement [CFTA], the laws of both nations were to be upheld. The binational dispute panels were to be a temporary measure replaced by individual agreements on problem issues.

That record falls far short of the 1988 written agreement. The panels still are challenging U.S. law, as passed by the U.S. Congress and the various State legislatures. Two-thirds of the panel decisions ruled against the United States, including the overturning of three decisions of the U.S. International Trade Commission.

Regardless of promises made by the White House to the agriculture community—the agreement must be "as is" since Canada already has signed it.

Agriculture representatives should know that 1 week ago, Jose Serra Puche, the Mexican Secretary of Trade, told the Council on Foreign Relations in New York that interpretations of the trade agreement were unacceptable. He said "If you open for reinterpretations, you never stop." He contended that differences in interpretation should be decided by the dispute resolution panels. Remember in trade, even signed promises are not kept.

Mr. Speaker, my friend, the gentleman from Nebraska [Mr. BARRETT], needs to study that statement carefully before he goes out and tries to sell it on the basis of the sugar beet agreement.

BENEFITS OF THE NAFTA AGREEMENT

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, today I rise to speak in support of NAFTA.

Mr. Speaker, I support NAFTA for three reasons that I wish to share with you and my colleagues.

The first is trade. NAFTA fully opens an expanding market, a rapidly expanding market, to U.S. companies. As the Washington Post editorialized on Tuesday, if you think that U.S. manufacturing is important, you should back NAFTA.

The second reason is jobs. Former Senator Paul Tsongas said that we should not want Americans competing with Mexicans for low-wage jobs; we want Americans to compete with Japanese and Germans for high-wage jobs. That is what NAFTA means; it benefits high-value industries, helps us reverse some of the economic trends of the past 20 years, and builds for our future.

Our future is the third reason. NAFTA will be a test of our leadership in our hemisphere and in the world. Our ability to influence the GATT negotiations, to open up trade with the rest of the world, really depends on our willingness to show leadership in our own hemisphere.

NAFTA will be the test of whether we try to hold on to an illusory past or whether we have the courage to change the status quo and face our future.

Vote "yes" on NAFTA.

VOTERS GIVE DEMOCRATS THE PINK SLIP

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, voters across America gave Democrats the "pink slip" on Tuesday because Democrats had been giving voters "short shrift" for years.

From urban New York to suburban New Jersey to rural Virginia, voters rejected the party that incarcerates taxpayers instead of criminals.

They rejected the party that favors talking reform over doing reform.

They rejected the party that thinks fiscal policy means get all you can spend, and spend all you can get.

They voted in the party that thinks the wealth of citizens is not measured by how much tax they pay, but by how much income they keep.

They voted in the party that thinks the place for criminals is not the pavement, not parole, but prison.

They voted in the party that thinks reform is a subject for action, not conversation.

America spoke loud and clear on Tuesday and Republicans won because they have been listening to America.

TRIBUTE TO COURAGEOUS CALIFORNIA FIREFIGHTERS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today to pay tribute to the many men and women of the National Guard, the U.S. Fire Service, the Los Angeles and Malibu police and fire departments and other local fire and police departments for the incredible courage they have displayed this week in fighting these devastating fires.

Mr. Speaker, the people of the State of California have undergone tremendous social and economic changes this year, and to see the many heroic deeds and the cooperation being displayed by firefighters, police departments and ordinary citizens of the State of California renews my faith in the goodwill and spirit of humanity in this great State.

□ 1240

NAFTA, CRIME AND TAXES

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, NAFTA, crime and taxes. I am certainly an advocate of NAFTA, having been so in the campaign, and even strongly now; but I find that this issue along with health care and other issues that are vitally important to this House are going to be swept aside if we do not take care of crime.

Crime is an epidemic. It might even be an addiction in this country. We have to do something about it.

I have made a no-tax pledge. I am saying no to cigarette taxes and alcohol taxes, even in the context of health care reform; but I cannot say no and I have to consider taxes when it comes to crime, when it comes to protecting our people. Otherwise, we are not going to have the luxury of debating these issues and discussing them and doing something with them. We are not going to be able to get from our homes to our offices and back to our homes in safety. Our children are not going to be able to go to school if we do not do something about crime and do it now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will entertain two more 1-minute requests on each side.

THIS MONTH'S SCAM IS CALLED NAFTA

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of Mississippi. Mr. Speaker, those masters of misinformation are at it again. This month's scam is called NAFTA, and it stands for the newest agreement fleecing Americans.

Today's scam is to tell you that it cuts taxes by $1.8 billion, but what it fails to tell you is that the only people who get a tax break are Mexicans. Your taxes will go up, so that the people who use our ports, our highways, our marketplaces, our policemen, so that their taxes will not only go down, but they will be eliminated.

Mr. Speaker, in this Chamber is the flag of the United States. Four years and two weeks ago I had the privilege of holding up my hand in this body and swearing allegiance to serve this country. I will serve this country by voting against NAFTA.

WHERE IS THE REFORM PACKAGE?

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, last year I enthusiastically endorsed setting up a joint committee on reform to make some changes in the House and Senate. This year I have watched with great interest the joint committee's progress as they received hours of testimony on constructive reform ideas. I, like many of my colleagues, testified before the committee.

Now, I am upset to learn that the Senators on the joint committee have separated themselves from the House Members to introduce their own reform package in the Senate. The Senators claim they are frustrated with the partisan disagreements between Members in the House.

Mr. Speaker, when are we going to put aside our political differences for the sake of real congressional reform? Are we going to see a reform package come to the House floor before the end of this year? Or are we going to roll all reform votes to next year, an election year, in hopes of boosting our re-election campaigns.

Mr. Speaker, the American people are getting very frustrated with the political maneuverings going on in Congress. They want reform. I want reform. My Republican colleagues want reform. But it seems that the only reform Democrats are interested in is reform that enhances their majority power in Congress.

NAFTA IS ABOUT ECONOMIC FUTURE OF THIS COUNTRY

(Mr. KOPETSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOPETSKI. Mr. Speaker, the North American Free-Trade Agreement will be on the House floor in 2 weeks. At that time Members will be faced with a crucial vote, to move forward with economic growth and job creation or hunker down with the status quo.

Those opposed to NAFTA say, "Not this NAFTA," trying to lead people to believe that new negotiations on NAFTA will commence after failure. Wrong. The reality is that if it is not this NAFTA, then no NAFTA. If not this NAFTA, the probability is that Mexico and Japan—Japan, our major competitor—will attempt to negotiate a bilateral trade agreement. If that happens, Japan will use Mexico as an even greater staging area to ship their goods into the United States; and if no NAFTA, then you have to understand, no GATT Agreement as well.

With passage of NAFTA, the United States will finally take a smart economic action that will position us to compete and win economically in this global economy.

Mr. Speaker, NAFTA is about the economic future and competitiveness of the American worker in this country. I urge my colleagues to be bold, to work with President Clinton for economic growth in this country and for passage of the North American Free-Trade Agreement.

NAFTA IS WIN-WIN ALL THE WAY AROUND

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, first I would like to associate myself with the remarks of my good friend, the gentleman from Oregon.

I would like to say there are a lot of other things about NAFTA. NAFTA is about cutting taxes.

You know, we have heard all this stuff that taxes are only going to be cut for the people of Mexico. Baloney.

The average tariff that the American consumer pays on items that are flown from Mexico into this country is 4 percent. Anyone who votes against NAFTA is voting against a tax cut for the consumers in this country. That needs to be made very clear as we move forward with this debate.

NAFTA is going to create jobs in the United States, jobs in Mexico. It is going to reduce the burden that is imposed on consumers. It is a win-win all the way around. Let us pass it strongly.

REREFERRAL OF H.R. 3161 SOLELY TO COMMITTEE ON EDUCATION AND LABOR

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that the bill, H.R. 3161, be rereferred solely to the Committee on Education and Labor. This measure was inadvertently referred jointly to the Committee on Education and Labor and the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3167, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to clause 1, rule XX, and by direction of the Committee on Ways and Means, I move to take from the Speaker's table the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ARCHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 3167 be instructed to concur in the Senate amendment numbered 1 (relating to a "Reduction of Federal Full-Time Equivalent Positions)".

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to instruct is very simple, but extremely important. It instructs our conferees to accept the Senate amendment which will reduce the Federal bureaucracy by 252,000 employees.

According to the Congressional Budget Office, that will save American taxpayers over $21 billion over the next 5 years alone.

It was offered in the other body by Senators GRAMM and GRASSLEY and adopted by the Senate with an overwhelming vote of 82 for and only 14 against.

It achieves this worthy goal of reducing the bureaucracy by doing what some might characterize as the unthinkable—actually implementing one of the recommendations of Vice President GORE's highly touted National Performance Review to cut Federal employment by 252,000 positions.

It is precisely the number that Vice President GORE recommended in his so-called reinventing government.

The Federal employment levels in the Senate amendment for fiscal years 1994 and 1995 are taken directly from the President's fiscal year 1994 budget.

□ 1250

The remaining cuts needed to reach the 252,000 level are allocated evenly among the next 4 fiscal years, 1996 through 1999. As we all know, it is one thing to bask in the glory of proposing to save money, but it is another thing entirely to vote for the legislation that effectively forces the necessary cuts.

This motion to instruct conferees is our chance to do that. We have a legitimate proposal on the floor today to take us a step closer to achieving $21½ billion in deficit reduction over the next 5 years, and even more over the 6-year period. Let us put that in perspective.

The President has just sent to Congress his long-awaited proposal for spending cuts.

After all the anticipation and publicity, the bill saves a mere $10 billion over 5 years. We have a chance today to save more than twice that amount.

The Gramm-Grassley amendment is good policy. Its underpinnings come straight from the Vice President's report of the National Performance Review. In that report, the administration embraced exactly the same level of cuts in Federal employment contained in this Senate amendment.

It is good policy to cut the size of the Federal Government by 252,000 employees—with those reductions coming in a fair, orderly fashion over 6 years—largely through attrition.

Certainly there are a large number of necessary, hard-working, dedicated employees who work for the Federal Government. This is not an assault on them or their contribution to our society. But it is a recognition that Federal programs can be managed more efficiently and with fewer people. That is something that the President, the Vice President and we in Congress agree on.

That is why the Gramm-Grassley amendment was supported by a whopping 82 Members of the other body—and a majority of both parties in that body.

That is also why I cannot imagine that a majority of this Chamber will vote against this effort to put teeth into one of the administration's own proposals.

Members would not want to respond to the charge that when given a clear shot at saving taxpayers $21 billion, they ducked. That is why I expect this motion to pass. Who among us—with perhaps a few exceptions—will want to explain to voters why they opposed cutting the bloated Federal bureaucracy by 252,000 employees?

But this vote is just the first step. If my motion is adopted, we will have to monitor the conference process closely—to see that the wishes of the House and Senate are indeed carried out in the conference report that returns to both bodies for final approval.

Those who want to preserve the bureaucratic status quo will make every attempt to strip the amendment out in conference in spite of what we do here today.

There may come a time when you are going to have to back up what you may think is an easy vote today with a much tougher one on the conference report.

But today's business is my motion to send a clear signal to the conferees that the House joins with the Senate in urging the enactment of this important provision.

We have an opportunity to save over $21 billion by adopting a proposal which hails directly from the administration's report on how to reinvent government.

It enjoys broad bipartisan Senate support. We should do no less in the House of Representatives. This is the time for us to send a signal to the American voters that there is no gridlock in the Congress, that we agree with them and that we will vote for this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Texas [Mr. ARCHER]. The Senate amendment would establish mandatory ceilings on the number of full-time equivalent positions in all executive agencies for fiscal years 1994 through 1999; and prohibit the hiring of any employee by any agency until the total number of full-time employees is in compliance with the applicable ceiling for the fiscal year.

Under the amendment, exceptions to the ceilings can be made only upon a Presidential determination of the existence of a war or national security requirement or upon enactment of a joint resolution by a vote of three-fifths of the Members of each House of Congress.

According to its sponsor, the intent of the Senate amendment is to ensure that the Federal work force is reduced by 252,000 positions by the end of fiscal year 1999. This objective, of course, coincides with that of the administration, as initially proposed in Vice President GORE's "Report of the National Performance Review".

There can be little doubt that the President is committed to achieving the work force reductions proposed by the national performance review. On September 11, he addressed a memorandum to all Department and Agency heads instructing them to prepare streamlining plans for submission to the Office of Management and Budget by December 1. Each streamliningplan must address the means by which the agency will reduce the ratio of managers and supervisors to other personnel; ways to reduce overcontrol and micromanagement that now generate redtape and hamper efficiency in Government operations; simplify the internal organization and administrative processes of the agency; realize cost savings; improve the quality of Government services; and raise the morale and productivity of the agency's employees. In addition, on October 1, 1993, the administration transmitted a legislative proposal to the Congress which will facilitate the streamlining of the workforce by allowing agencies to use separation incentive payments to encourage Federal employees to voluntarily retire or resign. That legislation, the Federal Workforce Restructuring Act of 1993, has been ordered reported by the Committee on Post Office and Civil Service.

Mr. Speaker, the Senate amendment constitutes an unnecessary intrusion into the administrative responsibilities and operations of the executive branch. It establishes inflexible ceilings and thereby prevents the administration from achieving its overall objective in a sensible, orderly and humane manner. It has the potential of imposing an across-the-board hiring freeze that could have a serious detrimental effect on the delivery of essential Government services. Except in the case of war or the enactment of legislation, it does not accommodate situations when an agency must quickly increase its workforce to respond to a problem affecting the health, safety or welfare of the American public or to handle an unexpected increase in the agency's workload.

For example, if there were a serious outbreak of fires in our national forests at a time when the employment ceiling has been reached, the Government would be unable to hire any emergency personnel to combat the fires.

Finally, Mr. Speaker, I am not convinced that the reduction goal of 252,000 positions is a viable objective. The administration has yet to furnish my committee any credible data showing how that particular target was determined. Should this goal prove to be unattainable within the projected timeframe, the administration needs the flexibility to adjust its target. The Senate amendment, of course, offers no such flexibility.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER] for yielding this time to me, and it is interesting to hear the arguments against this particular approach. Let us remember where this 252,000 figure came from. It came directly from the administration. This is not simply something that someone in the Senate pulled out of the air. This is the number of people that the administration is saying they want to reduce out of Federal employment.

What the Senate amendment suggests is: Let's get about the job. The problem that we so often have is that the administration talks about these things, puts out fancy publications talking about these things, has the President get up and talk about all these things, but, when it comes to actually doing something like job reductions, all of a sudden we find all kinds of reasons why it cannot be done now and why it cannot be done a particular way.

□ 1300

If we are going to bring about change, it has to be more than words; it involves real action. The Senate has proposed real action here. What we have on the floor right now is a proposal to really act to reduce the numbers of Federal employees.

The gentleman from Missouri [Mr. CLAY] who just spoke in opposition to this motion was actually telling us about the need for increased employment. The administration told us that we were going to reduce employment by 252,000. The gentleman gets up and opposes this because he said we may need increased employment, and he cites, for example, the need to fight forest fires.

Are we going to fight forest fires by hiring new permanent employees for the Federal Government? That is not the way we deal with emergencies. You hire temporary employees. This does not prevent you from hiring temporary employees. This does not prevent you from hiring private contractors to come in to take care of those kinds of contingencies.

But, of course, the Federal employee unions would not be real happy if what we ended up doing was some private contracting, if we ended up putting private people out to deal with these emergencies.

So the real fact is that what we are dealing with here is union policies, the unions attempting to get in the way of doing something real at the present time. I think the choice is pretty stark. It is very clear that we are voting on the House floor. We have a chance today to move directly toward eliminating 252,000 Federal jobs or we can stick with the people of the status quo, the people who do not want change and suggest that sometime later there will be another bill, that we will do this somehow someplace else, that there will be another way that is easier or more compassionate, or whatever the language will be.

The fact is that we never seem to get there. This is the opportunity, this is the chance, this is the bill that is going to pass. We are going to have 252,000 jobs reduced over a period of the next 5 or 6 years if we act today. If we vote against acting today, we are saying that perhaps we will act at some point in the future and maybe we will not, and certainly we will not move toward real change, we will not move toward real reform, because the voices of the status quo want to keep us right where we are. The voices of the status quo are suggesting a no vote on the motion to instruct offered by the gentleman from Texas [Mr. ARCHER].

Mr. Speaker, I would suggest a yes vote. Let us vote for real reform and real change.

Mr. CLAY. Mr. Speaker, I yield myself 30 seconds to correct two statements made by the previous speaker.

First of all, Mr. Speaker, I did not accuse the Senate of pulling the figure of 252,000 out of the air. I accused the administration, Mr. GORE's committee, of pulling it out of the air, not the Senate.

Second, the gentleman is in error when he says that temporary emergency help could be hired to fight forest fires. Under this provision it is impossible because temporary and emergency employees count toward the overall ceiling that he is proposing.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, there is nothing in this provision that would prevent private contractors being hired to handle temporary emergencies, is there?

Mr. CLAY. It costs more.

Mr. WALKER. It does not cost more; it costs less. There is nothing in here that prevents that; is that right?

Mr. CLAY. I am sure the gentleman knows that contracting out costs much more than hiring Federal employees.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The time of the gentleman from Missouri [Mr. CLAY] has expired.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the chairman of the committee for yielding me this time.

The previous speaker talked about real change. In fact, that is what we are trying to effect. I do not rise in opposition to the reduction of forces by 252,000. We have obviously incrementally increased that. Why have we obviously incrementally increased that? Because of the necessity to make greater savings. We all tend to agree on that, I believe.

The administration has responded to that. The initial proposal was 100,000. In point of fact, that has been reflected in the budgets that we have adopted and in the actions the Committee on Appropriations has taken anticipating that reduction.

As the chairman of one of the subcommittees of the Committee on Appropriations, in fact, I asked every executive agency that came before me to know that we would expect that the reduction set forth by the President in his budget message would in fact be accomplished.

So that is not the issue here. The 252,000 force reduction can be accomplished. It will be difficult, there is no doubt about that, because we have not cut the workload. There are agencies that, as everybody in this Congress and in the country essentially knows, need to do their jobs.

Furthermore, of course, the last two administrations talked about reducing numbers of Federal employees. Of course, they did that in some agencies while substantially increasing, as all of us know, numbers of employees in other agencies that they favored. So the net number of Federal employees did not, in fact, decrease in any significant way under the two previous administrations. In fact, when this administration accomplishes its objectives, which I think will happen, we will have decreased by substantially more the Federal structure.

Having said all that, this is an unemployment bill. This unemployment bill has been held up in the Senate. It has had a checkered career in trying to get out of this House. There are people who are in trouble, people who, because of the fact that the economy has not responded as quickly as all of us would have liked, have been unable to find employment. There are people who have worked; they are people who want to work. These are people who want to support themselves and their families through gainful employment.

This amendment is not a relevant amendment to the legislation in question. In fact, ironically, on the unemployment bill it will in fact seek to create greater unemployment. That is an ironic perspective, I would suggest, for many members of the Federal service.

But putting that aside, this amendment should not be on this bill. This amendment is a relatively simplistic carrying out of what is a complicated procedure. Why is it acomplicated procedure? Because, as any manager will tell us, we can accomplish a reduction, but the framework in which we accomplish that reduction of employees must be made in terms of management responsibilities and management objectives. This arbitrary provision does not give any flexibility to managers. If they were in the private sector, they would have the same difficulty as those in the Federal sector because it does not give them the flexibility to reduce in line with the demands on their agencies, and it does not make sense from a management standpoint. So from a management standpoint it ought to be rejected.

That is not to say that in the next budget, for instance, that comes down, which we are going to be voting on in a few months, again I would say to the Members that we will have in fact carried forward in our budget, as a matter of fact, a 150,000 reduction, so this is a net 100,000 addition that the Vice President has suggested. We have carried forth that reduction which has already been suggested, and I suggest we will complete that process in the next budget that comes up.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. HOYER. If I have any time left, I will yield to the gentleman from Georgia.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. HOYER] has expired.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I would like to ask the gentleman from Maryland, has he received any communication from the administration urging him to oppose the Senate-mandated 252,000-person cut?

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I have not received any communication from them, no.

Mr. LINDER. Has the administration given any instructions at all as to how they would like us to proceed on this Senate amendment?

Mr. HOYER. I am not used to getting instructions from any administration.

Mr. LINDER. Have they suggested that?

Mr. HOYER. I understand the gentleman's point. The fact of the matter is that I have not received any request one way or the other. I have not talked to the administration about this particular amendment.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I urge the Members to reject the motion.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is no surprise that the Members speaking against this motion represent in many instances large numbers of Federal employees who live in their districts, inside and outside the beltway, but the American people have a very different view of this.

□ 1310

It is also interesting to note that these caps on employment levels of Federal employees, not including postal workers and not including military, apply only to executive branch employees. Upon adoption of the Senate amendment, they can be implemented by the President through the Office of Management and Budget, in consultation with the Office of Personnel Management. The President has complete discretion. It is his proposal that we are attempting to put teeth into today, but we hear again the siren song of promises:

"Oh, well, we will do it later," or "We have this objection," or "that objection."

It makes one wonder whether, again, it will be promises, promises that will never be attained. I wonder if some of those Members who are speaking against the bill today will vote for anything that has teeth in it.

I will say this: This is the time and the place to make it happen, precisely as it has been recommended by this administration. The numbers are the same. There is flexibility within their decisionmaking process as to how it is to be done. I suspect most of it can be done by attrition, but there is the outlet of being able to hire a private contractor in an emergency, which my friend, the gentleman from Pennsylvania [Mr. WALKER] alluded to. There is plenty of flexibility, but there are teeth to make it happen by having the caps there in the law.

There is no need to wait and hold up this unemployment compensation benefit bill by having an extensive conference debate between the 82 Senators who voted for this and a House that will not go along with it. It will potentially delay the implementation of unemployment benefits.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, was the gentleman as fascinated as I was with the representation a moment ago about how the unemployment bill had gotten held up and now we have to reject this amendment because it will hold up the unemployment bill further?

My perception, and the gentleman has worked much closer with this than I have, is that the Democratic leadership has been unable to move this in large part because of special interest concerns within their own caucus. And now we end up with them fighting among themselves again, when, as the gentleman pointed out, 82 Senators voted in favor of this amendment.

The fact is that what will delay this bill the most is if the House decides not to go along with this approach and thereby assures that we get hung up in a long conference. It seems to me, given the position of the other body, that the fastest way to move the unemployment bill forward is to do it by approving the gentleman's motion and assure that the conference can come together very quickly.

Mr. ARCHER. Mr. Speaker, that is certainly my opinion.

Mr. HOYER. Mr. Speaker, will the gentleman yeild?

Mr. ARCHER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I wanted to make the point, as I said in my statement, that, yes, as the gentleman alluded to, I represent a large number of Federal employees.

I also supported, as I think the gentleman from Texas knows, the 100,000 reduction and then the increase to 150,000 in the number of employees that would be reduced over the 5 years. As I indicated, that has now been increased another 100,000. But I think it fair to reiterate that I voted for that budget, which called for that reduction.

In fact, in my subcommittee, which I chair, we incorporated policies to attain that objective so that they would be real.

My point simply was, and I think validly, that this is a budget decision and an appropriations and authorizing decision. It is extraneous to this bill, and because it is extraneous to this bill will get, in my opinion, superficial, tangential treatment, as I think it did, frankly, in the other body, not from a management standpoint but from a political statement standpoint. That is what this is.

Mr. ARCHER. Mr. Speaker, reclaiming my time, this is a chance to save the taxpayers of this country $21 billion over 5 years and more than that over 6 years. It will pass the hurdle in the other body of the 60-vote procedural barrier, which always plagues us here in the House. It can be done now. It can be done effectively. I think the American people want it. I think we should do it today and not cover it all up with more gridlock that the American people spoke out against in the elections last year.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Speaker, I thank the gentleman for yielding time to me.

First, I would like to say to the gentleman from Texas [Mr. ARCHER] that I do appreciate the sincerity and the intensity with which he wants to back up the goals in this area of the Clinton administration bill. But I think it is a little bit unfortunate, because he is going to have people coming over here asking for information pretty soon to characterize opposition to this bill as opposition to the hoped-for 250,000 cut. I think Members can very much be in a position to want to cooperate and expedite the 250,000 cut while voting "no" on the Archer motion.

In essence, the administration was before our committee several weeks ago. And we, as the gentleman from Missouri [Mr. CLAY] said, have not yet been able to find where the 250,000 figure came from. There is no analysis presented to us, Mr. Speaker, agency by agency as to what the numbers will be in the various agencies.

And particularly when the Federal Government is accused of so much management-personnel excess, there are no figures in yet as far as, for example, management-employee ratios.

I think the fact is that the administration is working on this. I think we can trust them to be sincere about it. But why, as the gentleman from Missouri [Mr. CLAY] has so eloquently stated, why bind the administration's hands as far as flexibility, efficiency, the need and the desire for expedited and streamlined hiring in the event of national emergencies?

I would just note, again, that the administration also did not ask for this. We can trust them to do their job without this not-sought-after help.

I would also say, and most emphatically emphasize, that a vote against Archer is not a vote against the 250,000 goal.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

I would simply comment, in response to the gentleman's last statement, that it becomes clearer and clearer that the opposition of the other side that we have heard today, from what few have spoken against my motion, is based on the fact that they want to carve out loopholes and ultimately pass a bill that has no teeth in it. The American people should understand that that is the defense, that is the excuse that they are going to use to vote against this motion.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ARCHER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding to me.

The question I was going to ask the gentleman from Indiana is whether or not the Vice President has completely messed up here. It sounds to me as though the attack we have heard so far today is an attack on the National Performance Review, that the National Performance Review did not do its job right, that the 252,000 is a phony figure. They do not know where it came from, that this whole thing is a sham.

I find that disappointing. I think most of us welcomed what the Vice President did, felt as though there were some items here that should be moved very quickly. And what we are now hearing is exactly what some of us predicted we would hear, the Democrats having gotten a tough document out of their own administration are now figuring out ways to get around it.

As the gentleman from Texas points out, it sounds as though what they want to do is come up with a sham bill that will sound like they are doing something about 252,000 but will make certain it has enough loopholes that none of the 252,000 ever get eliminated.

Mr. ARCHER. Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

□ 1320

Mr. MCCLOSKEY. Mr. Speaker, with all due respect to our worthy colleagues on the Republican side, I think the gentleman from Pennsylvania [Mr. WALKER] knows that I did not characterize the Gore innovations as a sham bill or a policy. I simply said, and it is a matter of fact in the RECORD, and we have a responsibility to deal in truth with any administration, that the administration could not provide agency-by-agency or overall, or did not at that time, any statement as to where those facts came from.

I would also state to my worthy friend, the gentleman from Texas [Mr. ARCHER], it is unfortunate if the tenor of this debate takes a tone to be pejorative about the motivations of sincere people who may have the, I guess, audacity in the gentleman's eyes to vote against this dubious idea. I think we can trust the administration to try to follow through on what they said they want to do. I think they would have good cooperation from both sides of the aisle in this House.

Mr. CLAY. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, let me say it is unfortunate to characterize the motives and actions of Members on this side as attempting to set up loopholes, as talking about avoiding legislation. What is happening on the other side, I think, in my opinion, and the people who would support this amendment, is the creation of a mechanism that leaves no flexibility for the administration, that does not provide for an orderly reduction of employees.

If anyone who has read what the Senate amendment does does not understand that we cannot hire people in emergencies of any type in any agency, then I would suggest that they read the CONGRESSIONAL RECORD dated October 28, 1993, S14594, which says:

> No agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full time equivalent positions for all agencies equals or is less than the applicable number required under subsection B, which limits the number of employees annually over a five year period.

So until we reach that period, we would not be able to hire anybody in any agency for any emergency.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

Mr. Speaker, I will go back to the gentleman and say, it does not have any prevention whatsoever in bringing in private contractors, for instance, to deal with the forest fire, because those are not people that are being hired into the agency, so in fact that discretion is left to the agencies and could easily be done.

I would also point out that our concern is that the gentleman from Indiana [Mr. MCCLOSKEY] and the gentleman from Missouri [Mr. CLAY] have characterized the NPR report as not being factual. What they have said is when they reviewed this matter they simply found they had not done a good job.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I am serious in trying to seek if the administration has any position in this. I would like to ask the gentleman from Missouri [Mr. CLAY] if the Chair has received any requests or any position from the administration on the Senate amendment to the unemployment bill.

Mr. CLAY. If the gentleman will yield, did the gentleman make an inquiry?

Mr. LINDER. Mr. Speaker, let me try it again.

I am sincere in trying to seek information on whether the administration has expressed its position as to the Senate amendment to the unemployment bill to the gentleman from Missouri [Mr. CLAY] or to anyone that he knows of.

Mr. CLAY. Not that I know of, but it is irrelevant, I would say to the gentleman. I do not take orders from this administration or any administration.

Mr. LINDER. It is not irrelevant to me if the administration has a position.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I rise in opposition to this motion to instruct conferees, a motion that rubs salt into the wounds of the millions of Americans who are out of work.

The motion seeks to instruct House conferees on H.R. 3167, the unemployment benefits extension, to agree to a Senate amendment that requires that the number of Federal employees be reduced by 252,000 by fiscal year 1999.

The maker of the motion argues that the administration has set that level of reduction as a goal and that the mandate of the National Performance Review requires such a reduction.

This House may well agree with the provisions of the Government Reform and Savings Act of 1993, the administration's proposal to begin the performance review process.

But, we should not begin the process by saying to the long-term unemployed that, "We will extend your benefits for a third time by 7 to 13 weeks, but we have no plans to put you to work."

That, Mr. Speaker, is the effect of this motion, and I urge my colleagues to reject it as insensitive, uncaring, inappropriate, and bad government.

It seems that those of us who have jobs and who hear of the problems of the 16 million unemployed and underemployed Americans in the comfort of our homes have failed to hear the message of America.

Workers should not have to suffer the indignity and degrading feeling of being exposed, every 13 weeks, to the uncertainty of having some income during these difficult economic times.

The unemployment picture in America is like the economic picture for most of the indicators of the Nation's financial health. There are some signs of recovery, but we have yet to experience real improvement.

It appears that the Nation is experiencing a slow, gradual recovery and that some people are going back to work.

That news, however, is very deceptive, particularly when compared to the bad news.

The bad news is that many of the new private sector jobs are temporary or part-time and that most of the workers who lost their jobs during the recession have not gotten those jobs back.

The bad news is that when the chill of winter sets in, over 1 million long-term unemployed persons will be out of work and without unemployment benefits. Benefits are running out fast, while jobs are being created slowly.

The bad news is that in Pennsylvania, my State, 172,685 workers opened new claims for unemployment benefits in the 4 months ending in July of this year.

And, in Philadelphia, my city, 26,823 workers opened new claims during that same period of time.

Unemployment in Pennsylvania is up by a full 1 percent since the Emergency Unemployment Compensation Program began in November 1991. In Philadelphia, unemployment is up by 2.2 percent since 1991.

The bad news is that the Nation's employers are in a cost-cutting frenzy. In their zeal to dig out of the recession, employers are laying off workers at an unusual rate.

I agree with Labor Secretary Robert B. Reich, who stated, "For Americans to compete solely on the basis of costs is for us to become contestants in a vain race to the bottom."

We must lift up our citizens. We must put Americans to work in stable, full-time jobs, at livable wages. We must develop a policy and programs that allow anyone who wants to work the opportunity to do so.

It is for that reason, that I introduced the Full Employment Act of 1994, and I invite each of you here today to join me in pushing for a full employment economy. We must put Americans to work.

In the meantime, we must deal with the reality of joblessness now. I agree with President Truman who, on one occasion noted that, "It's a recession when your neighbor loses his job, but, it's a depression when you lose your job."

The economy needs immediate repair. We must extend the unemployment program, but we should do it in a way that preserves dignity.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is day 33 for Americans who are unemployed who are waiting for benefits, being held hostage by the special interests of the Democratic Party.

For the first 16 days of the hostage crisis in this country, they were held hostage by a group of folks who wanted to preserve benefits to aliens in this country, welfare benefits; wanted to preserve the generous array of welfare benefits to people who were sponsored to come into this country by people of means who brought their relatives over here and were able and continue to be able to provide for them. They wanted to make sure that those people were able to get welfare benefits.

Now we have, for the additional 17 days, a hostage crisis based upon a special group of unionized employees whose jobs want to be protected. Let us start worrying about the rest of America out there that we are supposed to be here to represent, the unemployed workers, the people who want an opportunity to get back on their feet.

□ 1330

Let us pass this motion and let us move forward. Get this bill enacted into law.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, it is important to focus on what this debate is about. We are talking here about means, not ends. And when the goal is efficiency, means is the ballgame.

The Senate amendment disrupts, and I believe actually jeopardizes the administration's very responsible effort to achieve major reductions in the Government personnel it seeks. The National Performance Review established a strong and totally unprecedented goal. But it provided guidelines on streamlining that ensure a Government that works better as well as costs less.

Vice President GORE's National Performance Review directs agencies to reduce layers of management, close or consolidate field offices, make greater use of new technology and reduce red-tape. President Clinton has directed agency heads to develop and submit to OMB their streamlining plans to address these important objectives by December 1. The implementation of these plans will enable agencies to downsize without jeopardizing productivity.

There is a difference between deficit-reduction downsizing and efficiency downsizing. This Government has never done efficiency downsizing before. The deficit reduction goal is already locked into our budget. This amendment does not concern deficit reduction. These are reductions based on the tougher standard of efficiency.

Simply cutting people to save money or meet quotas is far easier than using a scalpel to achieve cuts that meet the efficiency goal. Mandating fixed Governmentwide reductions in employment ceilings will handcuff the agencies' ability to downsize in a rational manner that ensures the continued fulfillment of their missions. Fixed ceilings will lead to haphazard quota-driven cuts which retard rather than produce efficiency. This is not how to produce a Government that works better.

Importantly, Mr. Speaker, the NPR calls for the decentralization of personnel management and gives agencies greater flexibility to make decisions in this area. Governmentwide personnel ceilings take us in the opposite direction.

The OMB and OPM would have to constantly monitor and manipulate individual agency personnel levels in order to ensure that the Governmentwide ceiling is met. This makes for more bureaucracy and redtape, not less.

I strongly urge all of my colleagues to oppose the Archer motion. Let the President get the personnel reductions he seeks in a rational and well-planned way.

Mr. ARCHER. Mr. Speaker, I have only one remaining speaker and I reserve the right to close.

Mr. CLAY. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, this amendment epitomizes what is the worst about the Congress and the way we act. We find ways to take the cheap way out, to avoid responsibility for making tough decisions, for being held accountable.

What we are suggesting in this amendment is that we cut a quarter of a million Federal employees without having any idea of what impact that is going to have upon the very Federal programs that we have created, what impact it is going to have on our constituents. But we are going to go out there, and we are going to take credit for cutting 252,000 people and saving billions of dollars. And we will not have to take the blame for any of the problems that our Social Security recipients encounter, any of the people that are dependent upon the administration of unemployment compensation or employment training, or fighting forest fires, or maintaining parklands or anything else, because that is not our responsibility. We cut a quarter of a million people and save billions of dollars.

We have no idea what the impact of our decision will be. How irresponsible.

I believe that we probably could eliminate from the Federal work force 252,000 people, but not by taking the easy way out. What we would have to do is to identify those programs that can be cut, eliminate the program managers that are not necessary, eliminate some of the auditors and the accountants and the quality control people, the people that are there because of our congressional oversight that we mandated be put into that office to make sure that the Federal employees are not allowed to make any mistakes. That is why our Federal employment work force has grown so.

Do Members know that if we were to cut these 252,000 it would bring us down to a Federal work force of about what we had in 1963? But in 1963 the Federal budget was $135 billion. Today it is $1.5 trillion. In 1963, 14.2 percent of the Federal budget was Federal employees. Today it is half of that.

What we have done is to force upon the executive branch the requirement to carry out programs to appease every constituent group and to make sure that they do not make any mistakes by keeping the auditors and the accountants and the budget analysts looking over their shoulder. If we want to reform Government, let us do it. Let us find what programs are not necessary, but not this kind of easy way out.

The other thing that is going to happen is that the only people who are going to take advantage of the early retirement options are the people with mobility, the people that can find jobs in the private sector, the very people we need to keep in the Federal Government. The people that are going to stay are the people who need the employment security, that are not going to carry with them the kinds of education and skills necessary for the outside work force. So what is going to happen is those people, if we require a quarter of a million reduction, are going to bump people underneath them, and that person underneath them bumps the next person. And what we will wind up with is having people being overpaid for jobs that are not challenging them, not taking advantage of their education and their skills, and the very people that we are probably getting the most from, who are the most underpaid, who were most recently hired, they are the ones who are going to lose their jobs. And those jobs are going to be filled by people getting higher pay with less responsibility.

This is an irresponsible amendment. It is typical of the worst ways that the Congress acts.

If we want to get tough, let us make the tough decisions. Let us show some courage, and let us do this in a responsible way.

Mr. CLAY. Mr. Speaker, I yield myself what time I may consume.

Mr. Speaker, let me reiterate the statement of the last speaker. This amendment is irresponsible, and in addition to that it is mischievous.

Let me say that the President has worked in an orderly fashion toward reducing the work force by 252,000. He has instructed each member of the Cabinet to come up with a plan by December 1 to say when, where and how this Government will be reduced.

What is being done now by this amendment is forcing the agencies of government, putting them in a position where they have no flexibility at all.

Let me give an example of what this amendment will do. If the IRS, for instance, determined that they had 450 more examiners than they needed, but they had 200 less auditors than they were required to have or should have in order to increase the efficiency in their collections, if they fired 400 or 350 examiners they would not be able then to hire the 200 auditors that they needed until they reached this level, this ceiling that they are imposing on the Federal Government. I think that is mischievous, and I think it is irresponsible, and I encourage the Members of this House to reject the amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, it is very interesting to listen to the Democrat side of the aisle in effect say that their executive branch, their Vice President, is mischievous, irresponsible, and has pulled numbers out of a hat.

☐ 1340

In effect, they are saying they are going to give a vote of "no confidence" to their own administration. After all, it will be their administration that will implement these caps, that will determine who is left out by attrition, what job vacancies remain because of attrition, who ultimately will bear the brunt of this downsizing. It will not be arbitrary. They will make that decision through OMB in conjunction with the Office of Personnel Management. They say, "We have no confidence in our team," and yet here we are on the Republican side attempting on a bipartisan basis to work with the administration on its recommendations as we are doing on NAFTA, to try to make this Congress work in the way that the American people would like to see it work. We hear negativism on the Democratic side. We hear, "We will put the pig in the sty, but give us time to grease it before you go after it. That's the old greased-pig phenomenon, where you cannot catch it and you cannot pin it down. We want to put teeth into the President's and Vice President's recommendations.

Mr. Speaker, a vote for this motion is a vote for the American people, for the taxpayers of this country, for those who believe in cutting Government down to size in a way that private industry has had to reduce its size. Private industry has had to face profit or loss—and they had no choice. They could not get out with the greased-pig syndrome and we should not do that in Government either.

I urge my colleagues to vote for this motion to instruct which will accelerate the ultimate passage of this bill and which will give the American taxpayers, finally, some relief from an overburdened Federal bureaucracy.

Mr. MICHEL. Mr. Speaker, I rise today in support of the motion to instruct conferees to accept the Senate amendment to H.R. 3167 which would implement the Federal employment reductions as proposed by Vice President GORE's National Performance Review.

This amendment, adopted by a significant majority in the other body, would require that full-time equivalent positions within the Federal Government be reduced by 252,000 from the fiscal year 1993 through fiscal year 1999.

The definition of full-time equivalent positions in this amendment is the existing statutory definition of civilian Federal employment. This is also the definition used in the National Performance Review recommendation.

Under this definition, all non-Postal, civilian employees of the executive branch are covered under these year-by-year employment caps.

The specific levels reflected in these caps are the levels for fiscal years 1994 and 1995, as specified in President Clinton's fiscal year 1994 budget submission.

The remaining cuts needed to reach the 252,000 reduction, are allocated equally among the following 4 years.

The employment reductions necessary to reach these employment caps shall be made by the President, through the Office of Management and Budget, in consultation with the Office of Personnel Management.

The employment caps would be enforced by a governmentwide hiring freeze in any quarter when the Federal employment caps are exceeded.

The hiring freeze would remain in place until Federal employment is reduced below the cap level.

According to the Congressional Budget Office, this amendment would provide budget savings of over $21 billion by fiscal year 1998.

Of course, there would be additional savings because this amendment caps employment through fiscal year 1999.

Mandating the President's proposal to reduce Federal civilian personnel by 252,000 would result in significant budgetary savings.

I urge my colleagues to vote to instruct the House conferees to accept this Senate amendment to implement a major portion of the administration's National Performance Review.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support the motion by Mr. ARCHER to accede to a Senate amendment that would require a reduction of the Federal work force by 252,000.

As my colleagues are aware, in September the National Performance Review and the White House recommended reducing the Government's work force over 5 years by 252,000. By doing so, the White House recognized what many people have already acknowledged; That the Federal work force has grown too big and inefficient and is in need of reform.

Congress will soon be asked to authorize a major buyout program to implement this reduction program. However, that legislation will not specify the target of 252,000 Federal employees for these buyouts. By passing this motion, Congress can codify the goal of cutting 252,000 Federal employees that was first proposed by the White House.

Earlier this year, I introduced H.R. 3086, the Government Employee Limitation Act. This bill established a schedule by which the Government would reduce its work force by 252,000. In addition, it would have reduced the maximum number of permanent staff allowed for Members of Congress from 18 to 16. This motion would carry the substance of H.R. 3086 into law.

Mr. Speaker, putting the goal of reducing the Federal work force by 252,000 into law sends an important message that Congress is finally serious about reducing the deficit. The National Performance Review claims that the Federal Government can save over $40 billion in 5 years if the Federal work force is reduced by 252,000. It's high time Congress started to trim the bloat out of the Federal bureaucracy. Therefore, I urge my colleagues to vote for the Archer motion.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas [Mr. ARCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARCHER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 146, not voting 12, as follows:

[Roll No. 544]

YEAS—275

Allard
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Johnston
Kaptur
Kasich
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lambert
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Neal (MA)
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—146

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Barlow
Becerra
Bentley
Bishop
Blackwell
Bonior
Borski
Boucher
Brown (FL)
Byrne
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Hall (OH)
Hastings
Hefner
Hilliard
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kennedy
Kennelly
Kildee
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
Lewis (GA)
Lowey
Maloney
Mann

Manton
Markey
Matsui
McCloskey
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Oberstar
Obey
Olver
Owens
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rahall
Rangel
Reynolds
Richardson
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Thompson
Thornton
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Wyden
Wynn
Yates

NOT VOTING—12

Baesler
Beilenson
Berman
Bilbray
Dooley
Flake
Hamburg
Lancaster
McHugh
Morella
Smith (MI)
Torres

□ 1407

Messrs. RANGEL, RUSH, FRANK of Massachusetts, and GONZALEZ changed their vote from "yea" to "nay."

Messrs. ROWLAND, PETRI, INSLEE, BROWN of Ohio, PALLONE, COSTELLO, BILIRAKIS, and PASTOR, Ms. ENGLISH of Arizona, Ms. CANTWELL, Messrs. REED, DARDEN, and McNULTY, and Ms. LAMBERT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Without objection, the Chair appoints the following Members to the conference committee:

From the Committee on Ways and Means, for consideration of the House bill, and Senate amendment No. 2, and modifications committed to conference: Messrs. ROSTENKOWSKI, FORD of Tennessee, and ARCHER.

From the Committee on Post Office and Civil Service, for consideration of Senate amendment No. 1, and modifications committed to conference: Messrs. CLAY, McCLOSKEY, and MYERS of Indiana.

There was no objection.

MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 289, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2151.

□ 1409

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, with Ms. BYRNE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, November 3, 1993, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Security and Competitiveness Act of 1993".

□ 1410

Mr. STUDDS. Madam Chairman, I move to strike the last word.

Madam Chairman, I take this time to advise Members of our intention, or perhaps I should say, our hopes, speaking on behalf of the ranking minority member, the gentleman from Texas [Mr. FIELDS], and myself. While this is a long and complex and important piece of legislation and we are aware of a number of amendments, we are at the moment aware of only one amendment likely to engender a considerable debate and controversy, and it is our hope that we have begun initial discussions with the authors of that amendment, in this case the gentleman from Minnesota and the gentleman from Iowa, and that we might be able to reach a mutual agreement with regard to a time limitation on that amendment.

I rise to inform Members that if we are able to do that—and there really is no reason we ought not be able to do that—if we are able to do that, we ought to be able to conclude this bill not only before the intended goal of rising this evening at 6 but, at the risk of sounding hallucinatory to my colleagues, I think we might even be able to get Members free earlier than that if we all exercise a little bit of self-restraint in terms of the numbers or words and syllables which we use.

Madam Chairman, I urge the Members to bear that in mind. There is every reason to be hopeful that we can move with some expeditiousness on this bill.

The CHAIRMAN. The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSE OF THE MERCHANT MARINE ACT, 1936.

Section 101 of the Merchant Marine Act, 1936, (46 App. U.S.C. 1101) is amended to read as follows:

"SEC. 101. FOSTERING DEVELOPMENT AND MAINTENANCE OF MERCHANT MARINE.

"The Secretary of Transportation shall carry out this Act in a manner that ensures the existence of an operating fleet of United States documented vessels that is—

"(1) sufficient to carry the domestic water-borne commerce of the United States and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times;

"(2) adequate to serve as a naval auxiliary in time of war or national emergency;

"(3) owned and operated by citizens of the United States, to the extent practicable;

"(4) composed of the best-equipped, safest, and most modern vessels;

"(5) manned with the best trained and efficient personnel who are citizens of the United States; and

"(6) supplemented by modern and efficient United States facilities for shipbuilding and ship repair.".

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. MARITIME SECURITY FLEET PROGRAM.

(a) The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by inserting after title III the following new title:

"TITLE IV—MARITIME SECURITY FLEET PROGRAM

"SEC. 401. ESTABLISHMENT OF MARITIME SECURITY FLEET.

"The Secretary of Transportation shall establish a fleet of active commercial vessels to enhance sealift capabilities and maintain a presence in international commercial shipping of United States documented vessels. The fleet shall be known as the 'Maritime Security Fleet'.

"SEC. 402. COMPOSITION OF FLEET.

"The Fleet shall consist of privately owned United States documented vessels for which there are in effect operating agreements.

"SEC. 403. VESSELS ELIGIBLE FOR ENROLLMENT IN FLEET.

"(a) IN GENERAL.—A vessel is eligible to be enrolled in the Fleet if the Secretary decides, in accordance with this section, that it is eligible. The Secretary may decide whether a vessel is eligible to be enrolled in the Fleet only pursuant to an eligibility decision application submitted to the Secretary by the owner or operator of the vessel. The Secretary shall make such a decision by not later than 90 days after the date of submittal of an eligibility decision application for the vessel by the owner or operator of the vessel.

"(b) VESSEL ELIGIBILITY, GENERALLY.—Except as provided in subsection (c), the Secretary shall decide that a vessel is eligible to be enrolled in the Fleet if—

"(1) the person that will be the contractor with respect to an operating agreement for the vessel agrees to enter into an operating agreement with the Secretary for the vessel under section 404;

"(2) the person that will be a contractor with respect to an operating agreement for the vessel is a citizen of the United States;

"(3)(A) the vessel is a United States documented vessel on May 19, 1993;

"(B) the vessel is—

"(i) in existence on May 19, 1993;

"(ii) a United States documented vessel after May 19, 1993; and

"(iii) not more than 10 years of age on the date of that documentation;

"(C) the vessel is built and, if rebuilt, rebuilt in a United States shipyard;

"(D) the vessel is built in a shipyard that is not a foreign subsidized shipyard under a contract entered into before May 19, 1993;

"(E)(i) the vessel is built in a foreign shipyard under a contract entered into on or before May 19, 1993; and

"(ii) the owner has contracted to build another vessel for enrollment in the Fleet in a United States shipyard that will be delivered within 30 months after the effective date of an operating agreement for the vessel referred to in clause (i), or the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel; or

"(F)(i) the vessel is built under a contract entered into after May 19, 1993;

"(ii) the proposed owner of the vessel solicited nationwide bids for at least 6 months to build the vessel in a United States shipyard;

"(iii) the Secretary finds and certifies in writing that a United States shipyard cannot sell a vessel to the proposed owner at the world price due to the unavailability of series transition payments under title XIV to build that vessel;

"(iv) the vessel is delivered from the foreign shipyard within 30 months after the Secretary's certification under clause (iii); and

"(v) the vessel is substantially the same type and design as the vessel described in the solicitation made under clause (ii); and

"(4) the vessel is self-propelled and is—

"(A) a container vessel with a capacity of at least 750 Twenty-foot Equivalent Units;

"(B) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 Twenty-foot Equivalent Units;

"(C) a LASH vessel with a barge capacity of at least 75 barges;

"(D) a vessel subject to a contract under title VI on May 19, 1993; or

"(E) any other type of vessel that is determined by the Secretary to be suitable for use by the United States for national defense or military purposes in time of war or national emergency.

"(c) DETERMINATIONS OF ELIGIBILITY.—

"(1) DETERMINATIONS REQUIRED.—The Secretary shall make determinations under subsection (b) for each vessel for which an eligibility decision application is submitted under this section.

"(2) DETERMINATION REGARDING CERTIFICATION.—The Secretary shall—

"(A) make the finding and certification under paragraph (3)(E)(ii) for a vessel, or determine not to, by not later than 60 days after the date of receipt of an eligibility decision application for the vessel; and

"(B) make the finding and certification under paragraph (3)(F)(iii) for a vessel, or determine not to, by not later than 60 days after the closing date of the solicitation pursuant to paragraph (3)(F)(ii) for the vessel.

"(3) WRITTEN EXPLANATION.—The Secretary shall provide to the person that submits an eligibility application for a vessel a written explanation of any decision that the vessel is not eligible for enrollment in the Fleet.

"(d) LIST OF ELIGIBLE VESSELS.—

"(1) IN GENERAL.—The Secretary shall maintain a list of vessels that the Secretary decides in accordance with this section are eligible to be enrolled in the Fleet.

"(2) REMOVAL OF VESSELS FROM LIST.—The Secretary shall remove a vessel from the list maintained under this subsection, and the vessel shall not be an eligible vessel for purposes of this title—

"(A) at any time that the conditions for eligibility under subsection (b) are not fulfilled for the vessel; or

"(B) if the status of the person who submitted an eligibility decision application for the vessel, as owner or operator of the vessel, changes and after that change—

"(i) the owner or operator of the vessel fails to submit a new eligibility decision application for the vessel; or

"(ii) such an application is not approved by the Secretary.

"SEC. 404. OPERATING AGREEMENTS, GENERALLY.

"(a) REQUIREMENT FOR ENROLLMENT OF VESSELS.—A vessel may be enrolled in the Fleet only if it is an eligible vessel for which the owner or operator of the vessel applies for and enters into an operating agreement with the Secretary under this section.

"(b) PRIORITY FOR AWARDING AGREEMENTS.—Subject to the availability of appropriations, the Secretary shall enter into operating agreements according to the following priority:

"(1) VESSELS OWNED BY CITIZENS.—

"(A) PRIORITY.—First, for any vessel that is—

"(i) owned and operated by persons who are citizens of the United States under section 2 of the Shipping Act, 1916; or

"(ii) less than 5 years of age and owned and operated by a corporation that is—

"(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense.

"(B) LIMITATION ON NUMBER OF OPERATING AGREEMENTS.—The total number of operating agreements that may be entered into by a person under the priority in subparagraph (A)—

"(i) for vessels described in subparagraph (A)(i), may not exceed the sum of—

"(I) the number of United States documented vessels the person operated in the foreign commerce of the United States (except mixed coastwise and foreign commerce) on January 1, 1993; and

"(II) the number of United States documented vessels the person chartered to the Secretary of Defense on that date; and

"(ii) for vessels described in subparagraph (A)(ii), may not exceed 4 vessels.

"(C) TREATMENT OF RELATED PARTIES.—For purposes of subparagraph (B), a related party with respect to a person shall be treated as the person.

"(2) OTHER VESSELS OWNED BY CITIZENS AND GOVERNMENT CONTRACTORS.—To the extent that amounts are available after applying paragraph (1), any vessel that is—

"(A) owned and operated by—

"(i) citizens of the United States under section 2 of the Shipping Act, 1916, that have not been awarded an operating agreement under the priority established under paragraph (1); or

"(ii)(I) eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(II) affiliated with a corporation operating or managing other United States documented vessels for the Secretary of Defense or chartering other vessels to the Secretary of Defense; and

"(B) on the list maintained under section 403(d).

"(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any vessel that is—

"(A) owned and operated by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(B) on the list maintained under section 403(d).

"(c) AWARD OF AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall award operating agreements within each priority under subsection (b) (1), (2), and (3) under regulations prescribed by the Secretary.

"(2) NUMBER OF AGREEMENTS AWARDED.—Regulations under paragraph (1) shall provide that if appropriated amounts are not sufficient for operating agreements for all vessels within a priority under subsection (b) (1), (2), or (3), the Secretary shall award to each person submitting a request a number of operating agreements that bears approximately the same ratio to the total number of vessels in the priority, as the amount of appropriations available for operating agreements for vessels in the priority bears to the amount of appropriations necessary for operating agreements for all vessels in the priority.

"(3) TREATMENT OF RELATED PARTIES.—For purposes of paragraph (2), a related party with respect to a person shall be treated as the person.

"(d) TIME LIMIT FOR DECISION ON ENTERING OPERATING AGREEMENT.—The Secretary shall enter an operating agreement for a vessel within 90 days after making the decision that the vessel is eligible to be enrolled in the Fleet under section 403(a).

"(e) EFFECTIVE DATE OF OPERATING AGREEMENT.—The effective date of an operating agreement may not be later than the later of—

"(1) the date the vessel covered by the agreement enters into the trade required under section 405(a)(1)(A);

"(2) the date the vessel covered by the agreement is withdrawn from an operating differential subsidy contract under title VI;

"(3) the date of termination of an operating differential subsidy contract under title VI that applies to the vessel; or

"(4) the date of the expiration or termination of a charter of the vessel to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993.

"(f) EXPIRATION OF OFFERS FOR AGREEMENTS.—Unless extended by the Secretary, an offer by the Secretary to enter into an operating agreement under this section expires 120 days after the date the offer is made.

"(g) LENGTH OF AGREEMENTS.—An operating agreement is effective for 10 years from the effective date of the agreement.

"(h) REPAYMENT REQUIREMENTS.—

"(1) NONCOMPLIANCE.—A contractor that fails to comply with the terms of an operating agreement shall be liable to the United States Government for all amounts received by the contractor as payments for the vessel under this title with respect to the period of that noncompliance, and for interest on those amounts determined under paragraph (3).

"(2) FAILURE TO OPERATE REPLACEMENT VESSEL.—A contractor under an operating agreement that covers a vessel that is 25 or more years of age and that fails to replace the vessel as provided in section 405(a)(3) (A) or (B) shall be liable to the United States Government for all amounts received by the contractor as payments for the vessel under this title with respect to periods after the date the vessel becomes 25 years of age, and for interest on those amounts determined under paragraph (3).

"(3) DETERMINATION OF INTEREST.—Interest under paragraphs (1) and (2) shall be at an annual rate equal to 125 percent of the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for auctions of 3 month United States Treasury bills settled during the quarter preceding the date of the failure to comply or the failure to replace, respectively.

"(i) PROHIBITION ON AGREEMENTS FOR CERTAIN VESSELS.—The Secretary may not enter into an operating agreement for a vessel that is owned or operated by a person that was a contractor for the vessel under an operating agreement terminated under section 405(a)(10), before the end of the term of the agreement that was terminated.

"(j) BINDING OBLIGATION OF GOVERNMENT.—An operating agreement constitutes a contractual obligation of the United States Government

to pay the amounts provided for under that agreement.

"SEC. 405. TERMS OF OPERATING AGREEMENTS.

"(a) Operating Agreement Requirements.—An operating agreement shall, during the effective period of the agreement, provide the following:

"(1) Operation and Documentation.—The vessel covered by the operating agreement—

"(A) shall be operated in the foreign trade or domestic trade allowed under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code;

"(B) may not be operated in the coastwise trade of the United States or in mixed coastwise and foreign trade, except for coastwise trade allowed under a registry endorsement issued for the vessel under section 12105 of title 46, United States Code; and

"(C) shall be documented under chapter 121 of title 46, United States Code.

"(2) Annual Payments.—

"(A) In General.—The Secretary shall pay the contractor, in accordance with this subsection, the following amounts for each fiscal year in which the vessel is operated in accordance with the agreement:

"(i) For fiscal year 1994, $2,300,000.

"(ii) For each fiscal year thereafter, $2,100,000.

"(B) Limitation.—The Secretary shall not pay any amount pursuant to this paragraph for any day in which the vessel is—

"(i) under a charter to the United States Government that was entered into before the date of the enactment of the Maritime Security and Competitiveness Act of 1993; or

"(ii) covered by an operating differential subsidy contract under title VI.

"(3) Termination Based on Age of Vessel.—

"(A) In General.—Except as provided in subparagraph (B), the operating agreement shall terminate on the later of—

"(i) the date the vessel covered by the agreement is 25 years of age, or

"(ii) the date the vessel covered by the agreement is 30 years of age, in the case of an agreement that covers a vessel that is repowered in a United States shipyard after the effective date of the operating agreement and before the vessel is 25 years of age.

"(B) Exception.—The operating agreement shall not terminate under subparagraph (A) if the contractor agrees to acquire a replacement for the vessel from among vessels on the list maintained under section 403(d), and—

"(i) in the case of a vessel to be replaced with a new vessel, the contractor enters into a binding contract with a shipyard that requires the shipyard to deliver the replacement vessel by not later than 30 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise terminate under subparagraph (A); or

"(ii) in the case of a vessel to be replaced with an existing vessel, the contractor acquires the replacement vessel from among vessels on the list maintained under section 403(d), by not later than 12 months after the later of the date the operating agreement is entered into or the date the operating agreement would otherwise expire under subparagraph (A).

"(4) Availability of Vessel.—

"(A) In General.—On a request of the President during time of war or national emergency or when considered by the President, acting through the Secretary in consultation with the Secretary of Defense, to be necessary in the interest of national security, and subject to subparagraph (B), the contractor as soon as practicable shall, as specified by the Secretary—

"(i) make the vessel covered by the agreement available to the Secretary under a time charter; or

"(ii) provide space on the vessel covered by the agreement to the Secretary on a guaranteed basis.

"(B) Condition for Charter.—The Secretary shall allow a contractor to comply with this paragraph by providing space on a vessel under subparagraph (A)(ii) unless the Secretary determines that it is necessary in the interest of national security that the contractor make the vessel available under a time charter.

"(5) Delivery of Vessel.—The contractor shall deliver a vessel to the Secretary pursuant to a time charter under paragraph (4)(A)(i), as specified in the request for the vessel—

"(A) at the first port in the United States the vessel is scheduled to call after the date of receipt of the request;

"(B) at the port in the United States to which the vessel is nearest on the date of receipt of the request; or

"(C) in any other reasonable manner authorized by the agreement and specified in the request.

"(6) Delivery Costs.—In addition to amounts paid under paragraph (2), the Secretary shall reimburse the contractor for costs incurred by the contractor in delivering the vessel covered by the agreement to the Secretary in accordance with the agreement.

"(7) Compensation.—In addition to amounts paid under paragraph (2), the Secretary shall pay the contractor, as provided in the operating agreement, reasonable compensation at reasonable commercial rates for the period of time the vessel is chartered or the contractor provides space on the vessel under paragraph (4).

"(8) Required Operation.—

"(A) In General.—A vessel covered by the operating agreement shall be operated in the trade required under paragraph (1), and under conditions eligible for payment under this title, for at least 320 days in a fiscal year, including days during which the vessel is dry-docked, surveyed, inspected, or repaired.

"(B) Reduction in Payments.—If a vessel operates in the trade required under paragraph (1), and under conditions eligible for payment under this title, for less than the time required under subparagraph (A), the payments required under paragraph (2) shall be reduced on a pro-rata basis to reflect the lesser time in that operation.

"(9) Substitution of Vessels Authorized.—The contractor may substitute for the vessel covered by the agreement another vessel on the list maintained under section 403(d).

"(10) Other Termination.—The operating agreement shall terminate if—

"(A) in the case of a vessel that transports less than 12,000 tons of bulk cargo under the agreement—

"(i) the vessel covered by the agreement is not operated under an operating agreement for one year; and

"(ii) a substitute for that vessel is not operated under the agreement during that year; or

"(B) the contractor notifies the Secretary that the contractor intends to terminate the agreement, by not later than 60 days before the effective date of the termination.

"(b) Payments.—

"(1) In General.—The amount required to be paid by the Secretary each year to a contractor under an operating agreement pursuant to subsection (a)(2)—

"(A) shall be paid at a pro rated amount at the beginning of each month in equal installments; and

"(B) except as provided in paragraph (2), may not be reduced by reason of operation of the vessel covered by the agreement to carry civilian or military preference cargoes under—

"(i) section 901(a), 901(b), or 901b;

"(ii) section 2631 of title 10, United States Code; or

"(iii) the Act of March 26, 1934 (48 Stat. 500).

"(2) Reduction for Preference Cargo.—A contractor with respect to a vessel may not receive any payment under this title for any day in which the vessel is engaged in transporting more than 12,000 tons of preference cargo described in paragraph (1)(B) that is bulk cargo (as defined in section 3 of the Shipping Act of 1984).

"(c) Redelivery of Vessels.—The Secretary shall, upon the termination of the need for which a vessel is delivered under subsection (a)(4), return the vessel to the contractor—

"(1) at a place that is mutually agreed upon by the Secretary of Defense and the contractor; and

"(2) in the condition in which it was delivered to the Secretary, excluding normal wear and tear.

"(d) Transfer of Operating Agreements.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any other person that is a citizen of the United States, after notification of the Secretary in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of that notification. A transfer shall not be effective before the end of that 90-day period. A person to whom an agreement is transferred may receive payments from the Secretary under the agreement only if the vessel to be covered by the agreement after the transfer is on the list maintained under section 403(d).

"SEC. 406. NONCONTIGUOUS TRADE RESTRICTIONS.

"(a) Prohibition.—

"(1) In General.—Except as provided in this section, a contractor may not receive any payment under this title—

"(A) if the contractor or a related party with respect to the contractor, directly or indirectly owns, charters, or operates a vessel engaged in the transportation of cargo in noncontiguous trade other than in accordance with a waiver under subsection (b), (c), or (d); or

"(B) if the contractor is authorized to operate a vessel in noncontiguous trade under such a waiver, and there is a—

"(i) material change in the domestic ports served by the contractor from the ports permitted to be served under the waiver;

"(ii) material increase in the annual number or the frequency of sailings by the contractor from the number or frequency permitted under the waiver; or

"(iii) material increase in the annual volume of cargo carried or annual capacity utilized by the contractor from the annual volume of cargo or annual capacity permitted under the waiver.

"(2) Limitations on Prohibition.—Paragraph (1) applies to a contractor only in the years specified for payments under the operating agreement entered into by the contractor.

"(b) General Waiver Authority.—

"(1) In General.—Except as provided in subsection (c), the Secretary may waive, in writing, the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection, unless the Secretary finds that—

"(A) the waiver would result in unfair competition to any person that operates vessels as a carrier of cargo in a service exclusively in the noncontiguous trade for which the waiver is applied;

"(B) subject to paragraph (6), existing service in that noncontiguous trade is adequate; or

"(C) the waiver will result in prejudice to the objects or policy of this title or Act.

"(2) Terms of Waiver.—Any waiver granted by the Secretary under this subsection shall state—

“(A) the domestic ports permitted to be served;

“(B) the annual number or frequency of sailings that may be provided; and

“(C)(i) the annual volume of cargo permitted,

“(ii) for containerized or trailer service, the annual 40-foot equivalent unit shipboard container and trailer or vehicle or general cargo capacity permitted, or

“(iii) for tug and barge service, the annual barge house cubic foot capacity and the annual barge deck general cargo capacity, or 40-foot equivalent unit container, trailer, or vehicle capacity, permitted.

“(3) APPLICATIONS FOR WAIVERS.—An application for a waiver under this subsection may be submitted by a contractor and shall describe, as applicable, the nature and scope of—

“(A) the service proposed to be conducted in a noncontiguous trade under the waiver; or

“(B) any proposed material change or increase in a service in a noncontiguous trade permitted under a previous waiver.

“(4) ACTION ON APPLICATION AND HEARING.—

“(A) NOTICE AND PROCEEDING.—Within 30 days after receipt of an application for a waiver under this subsection, the Secretary shall—

“(i) publish a notice of the application; and

“(ii) begin a proceeding on the application under section 554 of title 5, United States Code, to receive—

“(I) evidence of the nature, quantity, and quality of the existing service in the noncontiguous trade for which the waiver is applied;

“(II) a description of the proposed service or proposed material change or increase in a previously permitted service;

“(III) the projected effect of the proposed service or proposed material change or increase in existing service; and

“(IV) recommendations on conditions that should be contained in any waiver for the proposed service or material change or increase.

“(B) INTERVENTION.—An applicant for a waiver under this subsection, and any person that operates cargo vessels in the noncontiguous trade for which a waiver is applied and that has any interest in the application, may intervene in the proceedings on the application.

“(C) HEARING.—Before deciding whether to grant a waiver under this subsection, the Secretary shall hold a public hearing in an expeditious manner, reasonable notice of which shall be published.

“(5) DECISION.—The Secretary shall complete all proceedings and hearings on an application under this subsection and issue a decision on the record within 90 days after receipt of the final briefs submitted for the record.

“(6) LIMITATION ON CONSIDERATION OF CERTAIN EXISTING SERVICE.—

“(A) LIMITATION.—In determining whether to grant a waiver under this subsection for noncontiguous trade with Hawaii, the Secretary shall not consider the criterion set forth in paragraph (1)(B) if a qualified operator—

“(i) is a contractor, and

“(ii) operates 4 or more vessels in foreign commerce in competition with another contractor.

“(B) QUALIFIED OPERATOR.—In this paragraph, the term ‘qualified operator’ means a person that on July 1, 1992, offered service as an operator of containerized vessels, trailer vessels, or combination container and trailer vessels in noncontiguous trade with Hawaii and the Johnston Islands (including a related party with respect to the person).

“(c) WAIVERS FOR EXISTING NONCONTIGUOUS TRADE OPERATORS.—

“(1) IN GENERAL.—The Secretary shall waive the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection if the Secretary finds that the contractor, or a related party or predecessor in interest with respect to the contractor—

“(A) engaged in bona fide operation of a vessel as a carrier of cargo by water—

“(i) in a noncontiguous trade on July 1, 1992; or

“(ii) in furnishing seasonal service in a season ordinarily covered by its operation, during the 12 calendar months preceding July 1, 1992; and

“(B) has operated in that service since that time, except for interruptions of service resulting from military contingency or over which the contractor (or related party or predecessor in interest) had no control.

“(2) TERMS OF WAIVER.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the level of service permitted under a waiver under this subsection shall be the level of service provided by the applicant (or related party or predecessor in interest) in the relevant noncontiguous trade during, for year-round service, the 6 calendar months preceding July 1, 1992, or for seasonal service, the 12 calendar months preceding July 1, 1992, determined by—

“(i) the domestic ports called;

“(ii) the number of sailings actually made, except as to interruptions in the service in the noncontiguous trade resulting from military contingency or over which the applicant (or related party or predecessor in interest) had no control; and

“(iii) the volume of cargo carried or, for containerized or trailer service, the 40-foot equivalent unit shipboard container, trailer, or vehicle or general cargo capacity employed, or, for tug and barge service, the barge house cubic foot capacity and barge deck general cargo capacity or 40-foot equivalent unit container, trailer, or vehicle capacity, employed.

“(B) CERTAIN CONTAINERIZED VESSELS.—If an applicant under this subsection was offering service as an operator of containerized vessels in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

“(i) 104 sailings each year from the West Coast of the United States to Hawaii with an annual capacity allocated to the service of 75 percent of the total capacity of the vessels employed in the service on July 1, 1992;

“(ii) 156 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual capacity allocated to the service of 75 percent of the total capacity of its vessels employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993; and

“(iii) 103 sailings each year in each direction between Washington and Alaska with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992.

“(C) CERTAIN TUGS AND BARGES.—If an applicant under this subsection was offering service as an operator of tugs and barges in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection for the applicant shall permit a level of service consisting of—

“(i) 17 sailings each year in each direction between ports in Washington, Oregon, and Northern California and ports in Hawaii with an annual barge house cubic foot capacity and annual barge deck 40-foot equivalent unit container capacity in each direction of 100 percent of the total of the capacity of its vessels employed in the service during the 6 calendar months preceding July 1, 1992, annualized;

“(ii) 253 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual 40-foot equivalent unit container or trailer capacity equal to 100 percent of the capacity of its barges employed in the service on the date of the enactment of the Maritime Security and Competitiveness Act of 1993;

“(iii) 37 regularly scheduled tandem tow rail barge sailings and 10 additional single tow rail barge sailings each year in each direction between Washington and the Alaskan port range between and including Anchorage and Whittier with an annual capacity allocated to the service in each direction of 100 percent of the total rail car capacity of its vessels employed in the service on July 1, 1992;

“(iv) 8 regularly scheduled single tow sailings each year in each direction between Washington and points in Alaska (not including the port range between and including Anchorage and Whittier, except occasional deviations to discharge incidental quantities of cargo) with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992; and

“(v) unscheduled, contract carrier tug and barge service between points in Alaska south of the Arctic Circle not served by the common carrier service permitted under clause (iii) and points in the contiguous 48 States, with an annual capacity allocated to that service not exceeding 100 percent of the total capacity of the equipment that was dedicated to service south of the Arctic Circle on July 1, 1992, and actually utilized in that service in the 2-year period preceding that date.

“(D) ANNUALIZATION.—Capacity otherwise required by this paragraph to be permitted under a waiver under this subsection shall be annualized if not a seasonal service.

“(E) ADJUSTMENTS.—

“(i) Each written waiver granted by the Secretary under this subsection shall contain a statement that the annual capacity permitted under this waiver in any direction shall increase for a calendar year by the percentage of increase during the preceding calendar year in the real gross product of the State or territory to which goods are transported in the noncontiguous trade covered by the waiver, or its equivalent economic measure as determined by the Secretary if the real gross product is not available, and that the increase shall not be considered to be a material change or increase for purposes of subsection (a)(1)(B).

“(ii) The increase in permitted capacity under clause (i) in the noncontiguous trade with Alaska shall be allowed only to the extent the operator actually uses that increased capacity to carry cargo in the permitted service in the calendar year immediately following the preceding increase in gross product. However, if an operator operating exclusively containerized vessels in that trade on July 1, 1992, carries an average loan factor of at least 90 percent of permitted capacity (including the capacity, if any, both authorized and used under the previous sentence) during 9 months of any one calendar year, than in the next following calendar year and thereafter, the requirement that additional capacity must be used in the immediately following year does not apply.

“(F) SERVICE LEVELS NOT INCREASED BY TERMINATION OF AGREEMENT.—The termination of an operating agreement under section 405(a)(10) shall not be considered to increase a level of service specified in subparagraph (A), (B), or (C) if the contractor under the agreement enters into another operating agreement after that termination.

“(3) APPLICATIONS FOR WAIVERS.—For a waiver under this subsection a contractor shall submit to the Secretary an application certifying the facts required to be found under paragraph (1) (A) or (B), as applicable.

“(4) ACTION ON APPLICATION.—

“(A) NOTICE.—The Secretary shall publish a notice of receipt of an application for a waiver

under this subsection within 30 days after receiving the application.

"(B) Hearing prohibited.—The Secretary may not conduct a hearing on an application for a waiver under this subsection.

"(C) Submission of comments.—The Secretary shall give every person operating a cargo vessel in a noncontiguous trade for which a waiver is applied for under this subsection and who has any interest in the application a reasonable opportunity to submit comments on the application and on the description of the service that would be permitted by any waiver that is granted by the Secretary under the application.

"(5) Decision on application.—Subject to the time required for publication of notice and for receipt and evaluation of comments by the Secretary, an application for a waiver under this subsection submitted at the same time the applicant applies for inclusion of a vessel in the Fleet shall be granted in accordance with the level of service determined by the Secretary under this subsection by not later than the date on which the Secretary offers to the applicant an operating agreement with respect to that vessel.

"(6) Change or increase in service.—Any material change or increase in a service that is subject to a waiver under this subsection is not authorized except to the extent the change or increase is permitted by a waiver under subsection (b).

"(d) Emergency Waiver.—Notwithstanding any other provision of this section, the Secretary may, without hearing, temporarily waive the application of subsection (a)(1)(B) if the Secretary finds that a material change or increase is essential in order to respond adequately to (1) an environmental or natural disaster or emergency, or (2) another emergency declared by the President. Any waiver shall be for a period of not to exceed 45 days, except that a waiver may be renewed for 30-day periods if the Secretary finds that adequate capacity continues to be otherwise unavailable.

"(e) Annual Report on Waivers.—Each waiver under this section shall require the person who is granted the waiver to submit to the Secretary each year an annual report setting forth for the service authorized by the waiver—

"(1) the ports served during the year;

"(2) the number or frequency of sailings performed during the year; and

"(3) the volume of cargo carried or, for containerized or trailer service, the annual 40-foot equivalent unit shipboard container, trailer, or vehicle capacity utilized during the year, or for tug and barge service, the annual barge house and barge deck capacity utilized during the year.

"(f) Definitions.—In this section—

"(1) the term 'noncontiguous trade' means trade between—

"(A) a point in the contiguous 48 States; and

"(B) a point in Alaska, Hawaii, or Puerto Rico, other than a point in Alaska north of the Arctic Circle; and

"(2) the term 'related party' means—

"(A) a holding company, subsidiary, affiliate, or associate of a contractor; and

"(B) an officer, director, agency, or other executive of a contractor or of a person referred to in subparagraph (A).

"SEC. 407. OPERATING COMPETING FOREIGN VESSELS.

"(a) In General.—Except as provided in this section, a contractor (including a related party with respect to a contractor) may not own, charter, or operate a foreign vessel in competition with a United States documented vessel.

"(b) Exception.—Subsection (a) does not apply to a foreign vessel if—

"(1)(A) the contractor has applied for an operating agreement for a vessel to be operated in the same service as the foreign vessel; and

"(B) the Secretary, due to the unavailability of funds, does not award an operating agreement to that contractor for a United States documented vessel for that service within 60 days after that application is submitted;

"(2) the Secretary, after notice and an opportunity for a hearing, under special circumstances, and for good cause shown, waives subsection (a) for the contractor for a specified period of time; or

"(3) the foreign vessel was operated by that contractor on August 5, 1993.

"SEC. 408. FUNDING FOR OPERATING AGREEMENTS.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary any amounts necessary to liquidate obligations under operating agreements.

"(b) Transfer of Balances From Operating Differential Subsidy Program.—Any amounts otherwise available for operating differential subsidy contracts under title VI that are no longer required for those contracts are available, until expended, for operating agreements.

"SEC. 409. DEFINITIONS.

"In this title:

"(1) Contractor.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary.

"(2) Eligibility decision application.—The term 'eligibility decision application' means an application for a decision by the Secretary under section 403 that a vessel is eligible to be enrolled in the Fleet.

"(3) Eligible vessel.—The term 'eligible vessel' means a vessel that the Secretary decides under section 403 is eligible to be enrolled in the Fleet.

"(4) Fleet.—The term 'Fleet' means the Maritime Security Fleet established under section 402.

"(5) Operating agreement.—The term 'operating agreement' means an operating agreement entered into by the Secretary under section 404.

"(6) Related party.—The term 'related party' means, with respect to a contractor or other person—

"(A) a holding company, subsidiary, affiliate, or association of the person; and

"(B) an officer, director, other executive, or agent of the person or of an entity referred to in paragraph (1).

"(7) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(8) United states documented vessel.—The term 'United States documented vessel' means a vessel that is documented under chapter 121 of title 46, United States Code.".

AMENDMENTS OFFERED BY MR. STUDDS

Mr. STUDDS. Madam Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc, considered as read, and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. STUDDS: Page 40, strike line 13 and all that follows through line 16, and insert the following:

"'(a) AUTHORIZATION OF APPROPRIATIONS.—For entering into operating agreements under this title there are authorized to be appropriated to the Secretary $1,200,000,000 for fiscal year 1995. Amounts appropriated under this subsection shall remain available until expended.".

Page 68, line 24, after "Transportation" insert ", in consultation with the heads of other appropriate agencies,".

Page 69, line 6, after "Secretary" insert ", in consultation with the heads of other appropriate agencies,".

On page 69, between lines 19–20, insert the following:

"(c) Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall take actions to ensure and maintain a significant increase of government-impelled cargo through Great Lake ports, through administrative waivers and action and through an exemption of cargo preference requirements.".

Mr. STUDDS. Madam Chairman, this three-part amendment is quite simple. First, it establishes an overall cap of $1.2 billion dollars on the amounts that may be appropriated in fiscal year 1995 for the Maritime Security Fleet Program. This is funding required for the entire 10 years of the maritime security fleet contracts.

When the Committee on Merchant Marine and Fisheries was marking up H.R. 2151 in August, the administration had not yet decided on a general approach or framework for maritime reform programs. Since that time, I have met with President Clinton, Secretary of Transportation Pena, and the Director of OMB, Leon Panetta.

The Clinton administration is strongly committed to a program to promote and preserve the U.S. merchant marine and recognizes the importance of our maritime industry to our national and economic security. When I met with the President, I promised him that I would not bring an open-ended bill to the floor. This amendment caps the total authorization of the 10 year MSF Program at $1.2 billion, a level consistent with the administration's views.

Second, the amendment makes minor modifications to section 15 of the bill which were requested by the distinguished chairman of the Committee on Agriculture, Mr. DE LA GARZA. We believe these changes will ensure that the expertise of the Department of Agriculture and other Federal agencies will be drawn upon when the terms of ocean transportation of Government cargoes are determined.

Finally, the amendment ensures that maritime reform and revitalization touches all American ports and waterways by directing the Secretary of Transportation to increase shipments of Government cargoes through the Great Lakes.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts [Mr. STUDDS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Mississippi: Page 5, line 2, insert "or" after the semicolon.

Page 5, strike line 3 and all that follows through line 8.

Page 5, line 9, strike "(C)" and insert "(B)".

Page 5, line 10, insert "and" after the semicolon.

Page 5, strike line 11 and all that follows through page 6, line 16.

Mr. TAYLOR of Mississippi. Mr. Speaker, this is a made in America amendment.

This bill, though well intentioned is seriously flawed, because it would allow U.S. taxpayers funds to subsidize the operation of foreign built ships.

I hope to correct that. I want to send a clear message to our Nation's citizens and in particular, our Nation's shipowners that if funds are appropriated to subsidize the operation of their vessels that this Congress will only subsidize those vessels that are built in the United States.

For too long a U.S. flagged and taxpayer subsidized ship did not mean U.S. built ship. And that is wrong.

This measure, as introduced, would authorize the spending of $1.2 billion of U.S. taxpayers dollars over the next 10 years to protect 4,800 merchant mariners who crew these ships.

This Congress will authorize that $1,200,000,000 expenditure because it is vital to this island nation's defense to be able to supply this Nation in time of war or national emergency with ships we can count on.

However, this bill is flawed because this $1.2 billion will do absolutely nothing for the 180,000 Pennsylvania steelworkers, Ohio engine manufacturers, California electrical workers, Illinois machinists or the shipbuilders, welders and pipefitters on the gulf coast, Atlantic or Pacific coasts of this country.

All they get is rhetoric—and empty, unfounded promises.

But we can and must change that.

This amendment will give each Member of Congress the opportunity to right that wrong.

This amendment will guarantee that from this day on, only those ships that are built in this country and crewed by our citizens will be worthy of a subsidy paid for by the citizens of this country.

Madam Chairman, I had intended to reserve 2 minutes in anticipation that the committee would come back and say, "Well, we have addressed your problems, Mr. TAYLOR." However, under this procedure I understand I cannot do that, so let me proceed.

In the bill, we say that only those ships that the Secretary of Transportation says we can buy, if there are no series transition payments in the budget, will be allowed into the fleet.

Madam Chairman, the appropriators have met, their bills are finished, and there is no money for series transition payments anywhere in the budget of the United States. They are holding out a false promise. They are making a bogus statement to the shipbuilders of America.

Madam Chairman, it is just not right to take the money of these people, to take the money of 180,000 people who beat their brains out in shipyards and steel mills every day and say, "We want to take your tax dollars and we are going to subsidize a ship built by your competitors." This is an "us-or-them" amendment. We can look out for our folks, the people who pay our salaries, the people who go to church with us, the people who go the school with us, or we can use this money to subsidize shipyards in Japan, Korea, Spain, and all around the world.

I ask my colleagues to do what is right for America. I ask my colleagues to vote for this amendment.

Mr. STUDDS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, the amendment offered by the gentleman from Mississippi [Mr. TAYLOR] is essentially a cry of the heart, but it is a misdirected cry. The gentleman offered this amendment in committee, and it was resoundingly defeated, not because we did not agree with the intention of the gentleman but because his amendment would not achieve his intention.

It is portrayed as an effort on behalf of American shipyards. No one in this Chamber cares more about or would do more to bring shipbuilding back to American shipyards than this Member. Much of what I do every day is trying to bring back to life a shipyard in my own constituency.

Madam Chairman, this bill tries to revive and revivify, if you will, a U.S.-flag-operating fleet and to bring back to life a U.S. shipbuilding industry. They are related, but they are separate challenges.

In the defense authorizing and appropriating bills we have title 11 loan guarantees. The gentleman is correct in that. It is real money, and it will be available. The gentleman is also correct in saying that we do not yet have the series transition payments. That is because they are not in this bill and we are about to authorize them. We do not have the operating subsidies either, but they are in the bill and we are about to authorize them.

Let me remind the Members that our bill prohibits U.S. operators from buying foreign-built vessels until the proposed owner solicits bids from U.S. yards for a period of at least 6 months and the Secretary of Transportation finds and certifies in writing that a U.S. shipyard cannot sell a vessel to a proposed owner at the world price due to the unavailability of series transition payments.

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In simple English, what that says is if, no matter what else we have tried to do, there is still no way in which the U.S. shipyard can do this, that, nonetheless, we will not hold hostage the U.S. operating fleet, and will allow these subsidies to go ahead.

The amendment of the gentleman from Mississippi [Mr. TAYLOR] will not result in one additional ship being built in a U.S. shipyard. Thus, owners, under his amendment, would continue to build ships in foreign shipyards, but they would also register their vessels under foreign flags, and we will be losers on both parts.

Madam Chairman, let me point out that this amendment, which is, and I acknowledge the concern of the gentleman, he has the same passion that I do on this subject, and I hope that there will come a time within our political lifetimes that we can stand here together and celebrate the rebirth of American shipbuilding. This amendment is opposed by the Shipbuilders Council of America, who understand and acknowledge, both as I do, the spirit of the gentleman from Mississippi [Mr. TAYLOR] and the spirit in which this amendment is offered, and the fact of life, which is, quite simply, that this will not result in another ship being built in a U.S. yard.

Now, if the shipbuilders themselves oppose an amendment that is offered in their name and supposedly for their sake, it ought to be a sobering reminder to us that the real world is, unfortunately, a little more complicated than we would wish.

I would ask the House, for the very same reason that a bipartisan majority of the Committee on Merchant Marine and Fisheries, every one of whom shares the passion of the gentleman with regard to U.S. shipbuilding, that we must reject this amendment.

Mr. TAYLOR of Mississippi. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, I appreciate the gentleman yielding.

Madam Chairman, I would like to point out a couple things. By the chairman's own admission, the administration has agreed to help find the funds to take care of the operating subsidies. The administration has made no such promise to help out with the series transition payments, so once again it is an empty promise.

By the gentleman's own correct admission, seven guys in thousand-dollar suits who call themselves the Shipbuilders Council have agreed and signed off on the bill. But I would dare say that the 190,000 people who work in the shipyards and foundries and engine manufacturers across this country would take great offense to the idea of spending their tax dollars on a foreign built ship.

Mr. STUDDS. Madam Chairman, let me reclaim my time, if I may.

I would say to the gentleman that those folks who work in the shipyards would be a great deal more appreciative of a ship to be built than an amendment to be spoken of.

Mr. FIELDS of Texas. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. TAYLOR], a hard-working and respected member of the Merchant Marine and Fisheries Committee.

Our committee carefully considered this amendment when Mr. TAYLOR offered it during the mark up of H.R. 2151 and we overwhelmingly rejected it.

This amendment would permit only those existing foreign-built vessels that are receiving an operating-differential subsidy, to participate in the new Maritime Security Fleet [MSF] Program which is created by H.R. 2151.

For several years, our committee has attempted to find ways to encourage American companies to obtain U.S.-built vessels. Due in large part to the fact that foreign nations have continued to subsidize their shipbuilding companies, American shipyards have been unable to penetrate the worldwide market for the construction of commercial vessels. As a result, the cost of building a world-class containership in an American shipyard is currently several times more than a comparable vessel built in a foreign subsidized yard. In addition, it takes at least twice as long to build one of these vessels in an American shipyard.

The Committee on Merchant Marine and Fisheries is cognizant of this problem, attempted to address it by establishing the Series Transition Payment [STP] Program. These payments are designed to assist American shipyards to convert from their past practice of exclusively building Navy vessels to the constructing of commercial vessels. We think there is money available for this program.

As a result of our committee's concerns with the very issues that Mr. TAYLOR has articulated, we believe that we have taken the most logical, and appropriate steps toward providing help to the American shipbuilding industry. In fact, the Shipbuilders Council has endorsed this legislation and supports H.R. 2151 without the Taylor amendment.

This amendment would undermine the entire concept contained in H.R. 2151, which is to assure that American ship operators are able to continue to be competitive in international shipping and will remain under the U.S. flag for both economic and national defense purposes.

I am very much afraid that if this amendment were to be adopted by this body, it would result in all American flag companies simply throwing in the towel and requesting permission to reflag the entire fleet of vessels operating in the international trade. That, of course, is the exact opposite of what is the fundamental purpose of H.R. 2151.

I urge the Members of this body to vote "no" on the Taylor amendment which will do great harm to this legislation.

Mr. TAYLOR of Mississippi. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I will be glad to yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Madam Chairman, I want to thank the gentleman from Texas [Mr. FIELDS] for yielding.

Madam Chairman, again, the statement was made, the whole premise of ignoring the made-in-America language that the committee has wrapped itself in is saying well, we have this series transition moneys. And that as long as they are there, the Secretary cannot allow this to happen.

Well, folks, they are not there. If one Member of this body who serves on the Committee on Appropriations will stand and say that the money is there, I will sit down and go home. But there is not one, because it is not there.

If there is one member of the administration in the gallery who will say we are going to go to bat for the series transition money, I will go home. But there is not one.

It is a false hope, and I will not take the money of the hard-working men and women that work in the shipyards of this country and use it to subsidize their competitors.

Mr. FIELDS of Texas. Madam Chairman, if I may reclaim my time, the series transition program is not a 1-year program. It is a multi-year program.

Again, I want to point out that this amendment will, for all intents, kill the U.S. flag fleet; was defeated overwhelmingly in our committee; has a noble purpose, a simplistic approach, and I think it has a dangerous result. Plus, the Shipbuilders Council supports the bill as is without the Taylor amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. TAYLOR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 64, noes 362, not voting 12, as follows:

[Roll No. 545]

AYES—64

Andrews (NJ)
Bachus (AL)
Barlow
Bevill
Boucher
Browder
Byrne
Condit
Costello
Crane
Deal
DeFazio
Dingell
Durbin
Fields (LA)
Filner
Foglietta
Ford (MI)
Geren
Glickman
Grandy
Hall (TX)
Hayes
Hefner
Hoagland
Holden
Jacobs
Johnson (SD)
Kanjorski
Kasich
Kildee
Lancaster
Leach
Lightfoot
Margolies-Mezvinsky
Martinez
Mazzoli
McCloskey
McHale
McKinney
McNulty
Montgomery
Nussle
Orton
Parker
Payne (VA)
Penny
Poshard
Reed
Romero-Barcelo (PR)
Roth
Royce
Sensenbrenner
Shepherd
Slaughter
Snowe
Stenholm
Stump
Stupak
Tanner
Taylor (MS)
Traficant
Valentine
Williams

NOES—362

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hefley
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kennedy
Kennelly
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Markey
McCandless
McCollum
McCrery
McCurdy
McDade
McDermott
McInnis
McKeon
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo

Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Sundquist
Swett
Swift
Synar
Talent
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Baesler
Beilenson
Berman
Bonior
Dooley
Flake
Ford (TN)
Kopetski
Machtley
Matsui
McHugh
Morella

□ 1450

Messrs. CRAMER, GENE GREEN of Texas, GEPHARDT, FAWELL, NEAL of Massachusetts, KENNEDY, and MEEHAN changed their vote from "aye" to "no."

Messrs. ROTH, CRANE, KILDEE, MARTINEZ, BEVILL, and STUMP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ACKERMAN. Madam Chairman, I move to strike the next-to-last word. I will be exceptionally brief. I would like to have a short colloquy with the distinguished chairman of the full committee as well as the distinguished ranking member of the full committee.

Mr. Chairman and Mr. Ranking Member, I was prepared to offer an amendment to H.R. 2151, the Maritime Security and Competitiveness Act, which would have prevented the Secretary of Transportation from limiting the amount of funds available to the U.S. Merchant Marine Academy and from taking action to charge tuition at the Academy. However, it is my present understanding that the Committee on Merchant Marine and Fisheries will be considering this issue within the next 2 weeks in the bill H.R. 3400, legislation that implements the National Performance Review recommendations. I would like to know if my understanding is correct, and if that is so, would each of you be supportive of the perspective of my amendment at that time?

Mr. STUDDS. Madam Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Madam Chairman, the gentleman is entirely correct in his observation. That is the intention of the committee.

Mr. FIELDS of Texas. Madam Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Madam Chairman, first I want to say to the gentleman that I appreciate the way he has conducted himself in regard to this particular amendment in working with the committee. And if I understand the thrust of his amendment, and that is to preserve the Merchant Marine Academy as is, I am very supportive, as are the other Members on our side of the aisle. And I congratulate the gentleman for having an interest in this particular subject matter.

Mr. ACKERMAN. I thank the distinguished ranking Republican member.

Accordingly, Madam Chairman, with that understanding, I will not offer my amendment today.

Mr. FAZIO. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong support of this act, the Maritime Security Competitiveness Act, H.R. 2151. As the United States continues to enhance its position in the global market, and I am certainly hopeful we will not shrink from that challenge, it is essential to our economic stability and national security that our merchant marine fleet is strengthened. If we intend to expand our international exports in a global economy, we must see to it that our maritime fleet is internationally competitive with those of competing countries.

The maritime fleet is not only an integral component of U.S. trade overseas, but provides valuable assistance to the U.S. military in time of war or conflict.

I urge my colleagues to support this legislation and to vote to strengthen the U.S. merchant marine and ensure our country's continued presence as a leader in world exports.

I want to congratulate the gentleman from Massachusetts [Mr. STUDDS] on resolving the issues related to cargo in the Great Lakes. I think we can now support this bill without amendment, and I urge my colleagues to pass it in its present form.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of the bill.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act, and in support of the cargo preference language included in this bill.

Mr. Chairman, like the Member who spoke before me, I too, would like to congratulate the chairman for working out the issue with reference to the Great Lakes, which I think was an important objective.

Mr. Chairman, cargo preference is an important tool our Government uses to support the American shipping industry. Few people in this body blink when buy-American amendments are offered to spending bills on this floor. One will be offered to this bill, I understand, by the gentleman from Ohio. I believe strongly that the cargo preference laws are no different. If we are going to use our taxpayers' money to buy American, we should also be using it to ship American.

Let's remember, cargo preference is not a handout. If American-flagged vessels cannot offer a competitive and favorable rate with other foreign flag vessels, then the American-flagged vessel is not used. The cargo preference law is not intended to freeze out all foreign competition, and it is not intended to pad the payroll of American shipping companies.

Cargo preference, like many of our agricultural subsidies, puts American-owned, American-crewed vessels on a level playing ground with unfair foreign competition. Unfortunately, as long as there are flag-of-convenience ships who do not even comply with modest safety, health or environmental standards, the playing field for American ships will never be level.

The cargo preference language in this bill reflects the compromise reached by agricultural and maritime interests in 1985 after lengthy discussions, and it should be preserved.

I will, therefore, oppose an amendment to change that, and want to congratulate the chairman and the ranking member and all of those who participated in bringing this bill to the floor. And I urge strong support of H.R. 2151 and the preservation of its cargo preference provisions.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the last word. Mr. Chairman, I am in basic support of the legislation and want to take this opportunity to engage the chairman of the committee in a colloquy.

Mr. Chairman, the American citizens who live on Guam and other remote offshore domestic ports have a strong interest in the shipping services provided by the American merchant marine fleet. For us, reliable shipping at competitive prices is not a luxury, it is absolutely essential to our economic well-being. The Maritime Security and Competitiveness Act under section 14 requires the Secretary to conduct a study on the Maritime Security Fleet Program. The Secretary is directed to study the impact of this act, issues surrounding the international competitiveness of U.S. documented vessels, whether this act has assisted the U.S. documented vessels in competing with foreign-flag operators, and whether this act should be continued, modified or discontinued. Mr. Chairman, I am concerned about the effects of this act, or any modifications to this act, on consumers. I understand that it is the intent of the committee that this issue would be addressed, and that the Secretary should study whether changes or modifications in the Maritime Security Fleet Program could result in adverse impact on consumers, especially in remote offshore domestic points such as Guam, which are served by two or fewer operators of U.S. documented vessels.

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Chairman, that is entirely correct. As the gentleman from Guam has stated, the study is not confined to issues of international competitiveness.

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It also includes the concerns the gentleman from Guam has raised about the adverse effects on consumers and the special circumstances of remote domestic ports like Guam and American Samoa.

Mr. UNDERWOOD. I thank the chairman for his comments.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN pro tempore (Mr. COPPERSMITH). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. TRAFICANT: Page 8, line 17, strike "or".

Page 9, line 2, strike the period and insert "; or".

Page 9, after line 2, insert the following:

"(C) if the vessel carries as cargo any item that—

"(i) is sold or shipped to the United States;

"(ii) is not made in the United States; and

"(iii) the owner or operator of the vessel knows has had fraudulently affixed to it a label bearing a 'Made in America' inscription, or any inscription with the same meaning.

At the end of the bill add the following new sections:

SEC. 17. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 18. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the first amendment amends the section that addresses the removal of vessels from the list by attaching a fraudulent-label clause. As you know, the importation of foreign products falsely bearing the "Made in America" label is continuing to go unreported. As a result, foreign nations are dumping products over quota in American markets, hurting the American worker and our economy.

The illegal and fraudulent use of "Made in America" labels on any products or shipments coming into this country must at least be reported. My amendments would remove from the list of eligible vessels any vessel that carries as cargo any item that is sold or shipped into the United States, is not made in the United States, and the owner/operator of the vessel knows that they have inside their vessels materials and goods that bear a false label. This amendment would strike that from the list.

In addition, it sends a notice to recipients doing business under the bill that Congress encourages then wherever possible to buy American-made goods.

I am glad to have the support of so many people on the bill and would hope it would be passed without prejudice.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT.]

The amendments were agreed to.

The CHAIRMAN pro tempore. Are there other amendments to section 3 of the bill?

If not, the Clerk will designate section 4.

Mr. STUDDS. Mr. Chairman, I ask unanimous consent that section 4 and succeeding sections of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the remainder of the bill, consisting of section 4 through section 16, is as follows:

SEC. 4. OPERATING-DIFFERENTIAL SUBSIDY CONTRACTS.

(a) TERMINATION OF EXISTING CONTRACTS.—Notwithstanding any other provision of this Act, any contract in effect under title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), on the day before the date of enactment of this Act shall continue in effect under its terms and terminate as set forth in the contract, unless voluntarily terminated on an earlier date by the persons (other than the United States Government) that are parties to the contract.

(b) AGE ACCELERATION OF BULK CARGO ODS VESSELS.—Section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) is amended—

(1) by inserting "(a)" after "SEC. 506."; and

(2) by adding at the end the following new subsection:

"(b) For purposes of this section, any liquid or dry bulk cargo vessel for which operating-differential subsidy is required to be paid under a contract under title VI that is in force on May 19, 1993, shall, effective upon the termination date of the contract (as set forth in the contract as in effect on May 19, 1993, be deemed to have reached the age of 20 years.".

(c) RESTRICTIONS ON OPERATIONS OF ODS VESSELS.—Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 616. LIMITATION ON APPLICATION OF RESTRICTIONS ON OPERATIONS.

"(a) Sections 605(c) and 804, this section, and the essential service requirements in section 601(a) and 603(a), do not apply to a contractor if—

"(1) the contractor submits an eligibility decision application to the Secretary under title IV for all of the vessels operated by the contractor under an operating-differential subsidy contract; and

"(2) all of those vessels for which operating agreements are offered by the Secretary under title IV are enrolled in the Maritime Security Fleet.

"(b)(1) With respect to the operations of a contractor receiving operating-differential subsidy for liner vessels on a particular trade route, as defined in that contractor's contract in effect on January 1, 1993, that operator shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on that trade route, commencing at such time as—

"(A) that operator transfers 50 percent or more of its vessels that were operating on that trade route as of January 1, 1993, from the operating-differential subsidy program to the Maritime Security Fleet program under title IV; or

"(B) that operator is the only contractor receiving operating-differential subsidy with respect to that trade route, and all other United States-flag liner operators operating a vessel on that trade route are operating on that trade route only vessels for which there are in effect operating agreements under title IV.

"(2) With respect to any contractor receiving operating-differential subsidy for liner vessels on Maritime Administration Essential Trade Route 1, 2, or 8, that operator shall not be subject to the restrictions of either section 605(c) or section 804 with respect to operations on any of those trade routes, commencing at such time as payments begin to accrue on behalf of another United States-flag operator that is a party to an operating agreement under title IV which provides liner service on Maritime Administration Essential Trade Route 2.".

(d) ELIMINATION OF TRADE ROUTE RESTRICTIONS.—Section 809(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1213(a)) is amended by adding at the end the following: "This subsection shall not apply to contracts under title IV or funds for such contracts.".

SEC. 5. ELIMINATION OF CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.

Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.), is amended by adding at the end the following:

"SEC. 512. LIMITATION ON RESTRICTIONS.

"Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.".

SEC. 6. DEFINITIONS APPLICABLE TO MERCHANT MARINE ACT, 1936.

Section 905 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1244), is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Each of the terms 'foreign commerce' and 'foreign trade' mean—

"(1) trade between the United States and a foreign country; or

"(2) trade between foreign ports.";

(2) by striking subsection (c) and inserting the following:

"(c) The term 'citizen of the United States' means a person eligible to own a documented vessel under chapter 121 of title 46, United States Code.", and

(3) by adding at the end the following:

"(h) The term 'foreign subsidized shipyard' means a shipyard that—

"(1) receives or benefits from, directly or indirectly, a shipyard subsidy for the construction of vessels; and

"(2) is located in a foreign country that has not signed a trade agreement with the United States that provides for the elimination of subsidies for that shipyard.

"(i) The term 'subsidy' includes any of the following:

"(1) Officially supported export credits and development assistance.

"(2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

"(A) grants;

"(B) loans and loan guarantees other than those available on the commercial market;

"(C) forgiveness of debt;

"(D) equity infusions on terms inconsistent with commercially reasonable investment practices;

"(E) preferential provision of goods and services; and

"(F) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

"(3) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

"(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

"(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

"(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

"(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

"(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.".

SEC. 7. GOVERNMENT-IMPELLED CARGOES.

(a) Vessels Eligible for Cargoes.—Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)) is amended—

(1) in paragraph (1), by striking "For purposes of this section, the term 'privately owned United States-flag commercial vessels'" and all that follows through the end of the paragraph; and

(2) by adding at the end the following new paragraphs:

"(3) In this section and section 901b, the term 'privately owned United States-flag commercial vessel' means a privately owned vessel that is documented under chapter 121 of title 46, United States Code, that—

"(A) was built in the United States;

"(B) was documented under chapter 121 of title 46, United States Code, before May 19, 1993;

"(C) does not transport under section 901b or this section on any voyage more than 12,000 tons of bulk cargo (as defined in section 3 of the Shipping Act of 1984), and—

"(i) was built in a foreign shipyard under a contract entered into on or before May 19, 1993;

"(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract is entered is not a foreign subsidized shipyard; or

"(iii) is subject to an operating agreement under title IV;

"(D)(i) is built under a contract entered into after May 19, 1993, in a foreign shipyard that on the date the contract was entered is not a foreign subsidized shipyard; and

"(ii) has not been documented in a foreign country before it is documented under chapter 121 of title 46, United States Code; or

"(E) has been documented under chapter 121 of title 46, United States Code, for at least 3 consecutive years, did not transport any equipment, materials, or commodities during that period under this section or section 901b, and—

"(i) was built in a foreign shipyard under a contract entered into before May 19, 1993; or

"(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract was entered is not a foreign subsidized shipyard.

"(4) In paragraph (3), the term 'built' includes rebuilt.".

(b) Clerical Amendment.—Section 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f) is amended by adding at the end the following:

"(f) For the definition of the term 'privately owned United States-flag commercial vessel', see section 901(b)(3).".

SEC. 8. VESSEL FINANCING.

(a) Elimination of Mortgagee Restrictions.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) Elimination of Trustee Restrictions.—

(1) Repeal.—Section 31328 of title 46, United States Code, is repealed.

(2) Conforming Amendment.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(c) Removal of Mortgage Restrictions.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended—

(1) in subsection (c)—

(A) by striking "31328" and inserting "12106(e)"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers".

(d) Lease Financing.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

"(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

"(A) the vessel is eligible for documentation under section 12102;

"(B) the vessel is otherwise qualified under this section to be employed in the coastwise trade;

"(C) the person that owns the vessel, or any other person that owns or controls the person that owns the vessel, is primarily engaged in leasing or other financing transactions;

"(D) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916; and

"(E) the demise charter is for—

"(i) a period of at least 3 years; or

"(ii) such shorter period as may be prescribed by the Secretary.

"(2) On termination of a demise charter required under paragraph (1)(D), the coastwise endorsement may be continued for a period not to exceed 6 months on any terms and conditions that the Secretary of Transportation may prescribe.

"(f) For purposes of the first proviso of section 27 of the Merchant Marine Act, 1920, section 2 of the Shipping Act, 1916, and section 12102(a), a vessel meeting the criteria of subsection (d) or (e) is deemed to be owned exclusively by citizens of the United States.".

SEC. 9. PLACEMENT OF VESSELS UNDER FOREIGN REGISTRY.

(a) In General.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended by adding at the end the following:

"(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

"(1)(A) the Secretary determines that at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under the foreign registry; and

"(B) the replacement vessel is not more than 10 years of age on the date of that documentation;

"(2)(A) the owner of the vessel has applied for an operating agreement under title IV of the Merchant Marine Act, 1936; and

"(B) the Secretary, due to the unavailability of funds, has not awarded that owner an operating agreement within 60 days after the date of that application; or

"(3)(A) before the expiration of an operating agreement entered into under title IV of the Merchant Marine Act, 1936, the owner has applied for a new operating agreement; and

"(B) the Secretary, due to the unavailability of funds, has not awarded the owner an operating agreement before the later of—

"(i) 60 days after the application for a new operating agreement; or

"(ii) the date of expiration of the operating agreement.

"(f) The Secretary shall give notice and an opportunity for a hearing for all approvals applied for under subsection (c)(2) for oceangoing merchant vessels that are of at least 3,000 gross tons.".

(b) APPLICATION.—The amendment made by subsection (a) applies to vessels that are placed under foreign registry after the date of enactment of this Act and replacement vessels documented in the United States after that date.

(c) COURT SALES OF VESSELS.—Section 31329 of title 46, United States Code, is amended to read as follows:

"§31329. Court sales of documented vessels

"When a documented vessel is sold by order of a district court to a mortgagee not eligible to own a documented vessel—

"(1) that sale is not a sale foreign within the terms of the first proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883); and

"(2) unless the vessel is transferred to a foreign registry, the vessel may be operated only with the approval of the Secretary of Transportation.".

SEC. 10. SERIES CONSTRUCTION ASSISTANCE.

The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by adding at the end the following:

"TITLE XIV—SERIES CONSTRUCTION ASSISTANCE

"SEC. 1401. PAYMENT OF ASSISTANCE AUTHORIZED.

"(a) IN GENERAL.—The Secretary of Transportation (hereinafter in this title referred to as the 'Secretary') may, subject to the availability of appropriations, pay assistance in accordance with this title to the owner of a shipyard that is located in the United States for the construction (including outfitting and equipping) of any commercial vessel that is one of a series of vessels for which payment of assistance under this section to the owner is approved by the Secretary under section 1402.

"(b) AMOUNT OF ASSISTANCE.—The total amount of assistance paid under this section with respect to a vessel shall be equal to the series transition payment determined for the vessel under section 1403(a).

"SEC. 1402. APPROVAL OF ASSISTANCE FOR CONSTRUCTION OF SERIES OF VESSELS.

"(a) APPROVAL OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may approve payment of assistance under section 1401 for construction of a series of vessels in a shipyard if—

"(A) the owner of the shipyard submits an application for that assistance in accordance with section 1405;

"(B) the Secretary makes the determinations described in subsection (b); and

"(C) the Secretary determines that payment of the assistance will contribute to maintaining national vessel construction capabilities that are essential in time of war or national emergency.

"(2) LIMITATION.—The Secretary may not approve assistance under this section for a series of vessels if the series transition payment determined under section 1403(a) for any vessel in the series is greater than 50 percent of the estimate of the cost of constructing the vessel determined by the Secretary under section 1403(b)(2).

"(b) DETERMINATIONS BY SECRETARY.—The Secretary may not approve assistance for construction of a series of vessels in a shipyard unless the Secretary has determined the following:

"(1) VESSEL REQUIREMENTS.—The vessels are—

"(A) commercial vessels of at least 10,000 gross tons; and

"(B) commercially marketable on the international market.

"(2) SHIPYARD REQUIREMENTS.—The shipyard in which the vessels will be constructed—

"(A) is located in the United States; and

"(B) upon completion of construction of the vessels, will be capable of constructing additional vessels of the same type as those in the series for a price that is competitive in the international market.

"(3) APPLICANT REQUIREMENTS.—The applicant for the assistance—

"(A) has the ability, financial resources, and other qualifications necessary for construction of the vessels;

"(B) has entered into a contract for the construction of each of the first 2 vessels to be constructed in the series, which may include a contract for a vessel that will be constructed without assistance under this title; and

"(C) is the owner of the shipyard in which the vessels will be constructed.

"(4) CONTRACT REQUIREMENTS.—Each of the contracts required under paragraph (3)(B) are binding obligations on the applicant and all other parties to the contracts, except that such a contract may be contingent on—

"(A) the approval of assistance under this title for construction of a vessel under the contract; and

"(B) the making of a guarantee or commitment to guarantee obligations under title XI for construction under the contract.

"(5) PURCHASER REQUIREMENTS.—Each person that is a purchaser of a vessel under a contract required under paragraph (3)(B)—

"(A) has the ability, financial resources, and other qualifications necessary to own and operate the vessel in commercial service; and

"(B) is a party to the contract.

"(6) SERIES TRANSITION PAYMENT.—The series transition payment under section 1403 for each vessel in the series.

"(c) PRIORITY FOR CERTAIN SERIES OF VESSELS.—In approving assistance under this title, the Secretary may give priority to a series of vessels—

"(1) if a smaller number of vessels in the series are required to be constructed with assistance before construction of that type of vessel becomes cost effective;

"(2) for which the total of the series transition payments determined under section 1403 for all vessels in the series is less than that total for other series of vessels for which applications are submitted for assistance under this title;

"(3) that will be constructed in a shipyard with respect to which assistance under this title has not been provided; or

"(4) that would contribute to the preservation of a shipyard that would be essential in a time of war or national emergency.

"SEC. 1403. DETERMINATION OF SERIES TRANSITION PAYMENTS.

"(a) IN GENERAL.—The Secretary shall determine the series transition payment for each vessel in a series of vessels for which an application for assistance under this title is received by the Secretary.

"(b) AMOUNT OF SERIES TRANSITION PAYMENT.—The series transition payment for a vessel under subsection (a) is equal to the difference of—

"(1) the estimated cost of completing construction of the vessel, as included in the application for assistance submitted under section 1405; minus

"(2) a reasonable estimate of the cost of constructing the vessel under similar plans and specifications in a foreign shipyard that is considered by the Secretary to be a fair and representative example for purposes of determining the payment.

"SEC. 1404. SERIES CONSTRUCTION AGREEMENT.

"(a) IN GENERAL.—

"(1) IN GENERAL.—The Secretary shall, for each series of vessels for which assistance is approved under section 1402, enter into a series construction agreement with the owner of the shipyard in which the series of vessels will be constructed, under which the Secretary is required to pay the owner assistance in accordance with a schedule established under paragraph (2).

"(2) SCHEDULE FOR PAYMENTS.—An agreement under this subsection shall establish a schedule for the payment of assistance under the agreement, that is based on the construction schedule for vessels for which the assistance is paid.

"(3) TERMINATION OF AGREEMENT.—An agreement under this subsection shall authorize the Secretary to terminate the agreement if—

"(A) a contract required under section 1402(b)(3)(B) is terminated by the purchaser of the vessel under the contract, and the owner of the shipyard does not enter into a new contract for construction of the vessel within a period which shall be specified in the agreement; or

"(B) the owner of the shipyard fails to enter into contracts for construction of all vessels in the series of vessels to which the agreement applies, within a period which shall be specified in the agreement.

"(4) CONTINUING EFFECT OF AGREEMENT WITH RESPECT TO VESSELS COVERED BY CONTRACTS.—The termination of a series construction agreement under paragraph (3) shall not affect the effectiveness of the agreement with respect to vessels for which a construction contract is in effect on the date of termination.

"(b) BINDING OBLIGATION OF THE UNITED STATES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a requirement that the Secretary make payments under a series construction agreement under subsection (a) shall constitute a binding obligation of the United States.

"(2) TERMINATION OF OBLIGATION.—If the Secretary terminates a series construction agreement pursuant to subsection (a)(3), the obligation of the United States under paragraph (1) to make payments under the agreement shall terminate with respect to vessels for which no construction contract is in effect on the date of termination of the agreement.

"(3) CONTINUING AVAILABILITY OF AMOUNTS.—Amounts to be used to liquidate an obligation under paragraph (1) that terminates under paragraph (2) shall remain available to the Secretary for the payment of assistance under this title.

"SEC. 1405. APPLICATIONS FOR ASSISTANCE.

"(a) SUBMITTAL.—A person desiring assistance under this title shall, in accordance with this section, submit an application to the Secretary.

"(b) CONTENTS OF APPLICATION.—An application for assistance under this title with respect to a series of vessels shall include the following:

"(1) A detailed description of the type of vessels included in the series, including plans and specifications for the vessels.

"(2) Detailed estimates of the cost of completing construction of each of the vessels in the series, including such estimates from subcontractors for the construction as may be required by the Secretary.

"(3) Copies of the contracts required under section 1402(b)(3)(B).

"(4) Other information required by the Secretary to fulfill the requirements of this title.

"(c) Regulations.—The Secretary shall issue regulations setting forth the procedures for submitting an application for assistance under this title.

"SEC. 1406. RESTRICTION ON VESSEL OPERATIONS.

"A vessel for which assistance is paid under this title—

"(1) may be operated only in foreign trade or domestic trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code; and

"(2) may not be operated in the coastwise trade of the United States (including mixed coastwise and foreign trade), except coastwise trade authorized under a registry endorsement for the vessel issued under section 12105 of title 46, United States Code.

"SEC. 1407. VESSEL DESIGN AWARDS.

"The Secretary, subject to the availability of appropriations, may make an award to a United States shipyard on an equal matching basis for the cost of vessel designs and document and bid preparation for vessels described in section 403(b)(4).".

SEC. 11. EFFECTIVE DATE.

The amendments made by this Act are effective on the date which is 120 days after the date of enactment of this Act.

SEC. 12. REGULATIONS.

(a) In General.—The Secretary of Transportation shall prescribe regulations as necessary to carry out this Act.

(b) Interim Regulations.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this Act and for accepting eligibility decision applications under section 403 of the Merchant Marine Act, 1936, as amended by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire 270 days after the date of enactment of this Act.

SEC. 13. EXPANSION OF STANDING FOR MARITIME UNIONS.

Section 301 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by adding at the end the following:

"(c) Standing for Maritime Union Representatives.—The duly-elected representative of any organization that is certified by the Secretary of Labor as the proper collective bargaining agency for officers or crew employed on any type of United States documented vessel is an interested party in, and has standing to challenge, any proposed or final order, action, or rule of the Secretary of Transportation under this Act or section 9(c)(2) of the Shipping Act, 1916.".

SEC. 14. STUDY.

(a) In General.—After providing public notice and opportunity for comment, the Secretary of Transportation shall conduct a study of—

(1) the impact of this Act on the international competitiveness of United States documented vessels and whether this Act has had a favorable or unfavorable impact on the ability of United States documented vessels to compete successfully with foreign-flag vessels;

(2) whether continuation of the Maritime Security Fleet program established by this Act would assist the international competitiveness of United States documented vessels;

(3) whether the Maritime Security Fleet program should be continued, modified, or discontinued;

(4) alternatives that are or should be available to operators of United States documented vessels if the Maritime Security Fleet program is discontinued; and

(5) any other issues related to promoting the international competitiveness of United States documented vessels that the Secretary considers appropriate.

(b) Report.—The Secretary of Transportation shall submit to the Congress a report on the findings and conclusions of the study required by subsection (a) by not later than 4 years after the date of enactment of this Act, which shall include such recommendations as the Secretary considers appropriate.

SEC. 15. CARGO PREFERENCE ADMINISTRATIVE REFORM.

(a) Findings.—The Congress finds and declares that—

(1) the Congress continues to support the cargo preference program as an important element of support for the United States-flag merchant marine because the United States merchant marine is critical to the economic and national security of the United States;

(2) reserving a small portion of Government cargo for United States-flag vessels encourages competition among United States-flag vessels; and

(3) administering the cargo preference program in a centralized, commercially based manner reduces costs of the program.

(b) Administrative Reform.—Section 901 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241) is amended by adding at the end the following new subsections:

"(d) A privately owned United States-flag commercial vessel transporting any equipment, materials, or commodities under this section or section 901b shall be engaged under terms no less favorable than the most favorable terms offered to any foreign-flag vessel transporting equipment, materials, or commodities under this section or section 901b.

"(e) A contract for the ocean transportation of any equipment, materials, or commodities under this section or section 901b, to the extent the Secretary of Transportation determines necessary to further the purposes of this section and section 901b, shall be based on contracts used for commercial shipments.

"(f) The Secretary of Transportation shall participate in negotiations relating to agreements with recipient countries for equipment, materials, or commodities subject to this section or section 901b to the extent the Secretary considers to be necessary to ensure agreement provisions relating to or affecting the transportation of such equipment, materials, or commodities permit fair and reasonable transportation services to be provided.

"(g) No later than 180 days after the date of the enactment of the Maritime Security and Competitiveness Act of 1993, the heads of appropriate Federal agencies, or their representatives, shall transmit to the Secretary of Transportation recommendations relating to the methodology used by the Secretary of Transportation to determine whether rates for United States-flag vessels are fair and reasonable in compliance with section 901(b) and will achieve the policy objectives of this Act.".

SEC. 16. WAGES FOR WHICH PREFERRED MARITIME LIEN MAY BE ESTABLISHED.

(a) In General.—Section 31301(5)(D) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for any individual as a member of the crew of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(b) Incurring Obligations Before Executing Preferred Mortgages.—Section 31323(b)(2) of title 46, United States Code, is amended by inserting before the semicolon the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for any member of the crew of the vessel)".

(c) Master's Lien for Wages.—Section 11112 of title 46, United States Code, is amended by inserting after "wages" the following: "(including any payment described in paragraph (5), (6), (7), (8), or (9) of section 302(c) of the Labor Management Relations Act, 1947 for an individual as master of the vessel, that is due from and unpaid by an owner or managing operator of the vessel)".

(d) Application.—The amendments made by subsections (a), (b), and (c) shall apply with respect to payments that first become due on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there amendments to the remainder of the bill?

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Penny: Amend section 15 of the bill as follows:

On page 68, strike lines 18 through 21 and insert the following: "under terms that provide for rates not to exceed twice the level of competitive world market rates for the transport of equipment, materials, or commodities.

Mr. PENNY. Mr. Chairman, I yield to the chairman of the committee, the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, having consulted with the ranking member and with the coauthors of this amendment, I believe we have a consensus that a time limitation would be in order. In fact, we are all such reasonable people that we almost have a consensus that we will not need as much time as I am about to ask for.

But I would ask unanimous consent that all debate on this amendment and all amendments thereto conclude no later than at the end of 1½ hours.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GRANDY. Mr. Chairman, reserving the right to object, and I do not intend to object, I just want to clarify this with the Chairman: The time will be equally divided between the proponents and opponents and not four ways, I would hope?

Mr. STUDDS. Mr. Chairman, will the gentleman yield?

Mr. GRANDY. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, it would be my intention that one-half the time would be used by the proponents of the amendment and one-half by the opponents, and it is my intention to yield one-half of that time to the gentleman from Texas [Mr. FIELDS].

Mr. GRANDY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. ROBERTS. Mr. Chairman, reserving the right to object, might I ask the distinguished chairman to repeat the time? Is it a half-hour?

Mr. STUDDS. If the gentleman would yield, it would be 90 minutes, 45 minutes on each side.

Mr. ROBERTS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the unanimous consent request, the gentleman from Minnesota [Mr. PENNY] will be recognized for 45 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, the amendment I offer today deals with cargo preference subsidies.

Mr. Chairman, as we all know, our country faces a serious budget challenge. I have tried to work in a bipartisan fashion to address various areas of cost overruns within the Federal Government. For example, several weeks ago the House voted to discontinue the honey, wool, and mohair programs in the agriculture budget because most Members felt that these costs were too high in relationship to the few farmers who benefited from the program. I represent a rural district and serve on the Committee on Agriculture, but I saw the need for and supported those program changes.

We also have made a determination in this Congress that basic farm subsidies should be limited and no farm operation can now receive more than a $50,000 subsidy.

Every year, whether it is agriculture or other programs and services, we make tough decisions in this institution to weed out wasteful spending where it can be identified.

The maritime industry has a huge subsidy in the form of cargo preference. OMB reported in fiscal year 1991 that cargo preference costs to the U.S. Government were nearly $1.1 billion; in fiscal 1992 it cost $548 million; and in fiscal year 1993, $595 million.

At this point in time the cost of our Government for this program is reflective of the fact that U.S.-flag rates are significantly higher than rates for other world shippers.

We are not proposing today that we eliminate cargo preference entirely. That has been debated in the past and may be debated in the future, but it is not the proposition before the House this afternoon.

We are simply saying that this subsidy should be capped at a reasonable level. We have seen United States shipping companies submit bids for Russia which range from 3 to 5 times the world price. Russia is not the only country where we see these excessive freight rates. In 1991 we shipped $447 million of grain to Africa, and the transportation costs went up 5-fold to $468 million, more than the entire cost of the grain involved in that shipment.

One problem is that Congress has never bothered to legislate a definition of "fair and reasonable rates." As most other agencies who struggle under cargo preference will attest, just about anything is "fair and reasonable," if left to the Maritime Administration.

As it stands now, there are few incentives for our U.S.-flag companies and seafarers to become competitors and to become efficient. Congress must insist upon a top-to-bottom audit and analysis of our maritime subsidies. We need to look at a system which provides a right to first refusal.

We can and we should provide prudent, aboveboard, direct subsidies that can be scrutinized year in and year out. But if they do not offer bids that are competitive with world rates, then they should not have any right to carry these cargos.

A direct subsidy could provide a prudent level of income for U.S. seafarers. I am not talking about Third World wages, but there would be nothing wrong with limiting these subsidies to 100 percent above the world market rates. That is a generous level for us to offer, a level that will require, yes, some restraint from current practice but still cargo preference to pay higher rates for U.S.-flag vessels.

Mr. Chairman, I would conclude by simply saying the time for change in this program is long overdue, and I would urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Who seeks recognition?

Mr. PENNY. Mr. Chairman, since the other side in this debate is not ready to use their time, I would yield such time as he may consume to my cosponsor, the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. I thank my friend and colleague for yielding to me.

Mr. Chairman, I rise in strong support for this amendment and would note that it happens at a particularly opportune and perhaps even historic time in this Congress, a time when we have already broken precedent with the past by changing many of the major ways we do business and stopping some of the ongoing funding programs that have caused so much controversy on this floor and in Congress.

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What am I talking about? I am talking about the decision of Congress to terminate the honey program, our decision to stop the wool and mohair program, our decision to limit grazing fees, albeit controversial, and of course, the final decision by this House over the objections of the Senate to terminate the super collider.

It is in that sense today that the proponents of the Penny-Grandy amendment are offering a cap, not a cut, but a cap to cargo preference.

We ask this, knowing full well that no less a person than the Vice President of the United States when he was preparing recommendations of his National Performance Review recommended the elimination of cargo preference, recommended the elimination of the Jones Act, recommended the elimination of operating differentials.

Now, this is not in the final draft of the National Performance Review; instead, we fall back and have a Commission report on the determination for future subsidies to the maritime industry; and yet today we extend those subsidies before the Commission has even reported their findings; but we do know that there are reports that are currently being withheld that argue against the continuation of the very generous cargo preference subsidies.

For example, last year the DOD concluded that there was no national security justification for new subsidies. Indeed, the Assistant Secretary of Defense, Colin McMillan said the following:

> The issue of the two major U.S.-flag containership operators disposing of their U.S.-flag fleets is primarily and economic policy issue, rather than a national security issue and should be treated accordingly.

Now, of course, we all know that the threat from the former Soviet Union has diminished. We know that the demands on our merchant marine have changed. Having said all that, we are not asking for the termination of this subsidy, although Representatives from agricultural districts have fought for years to terminate cargo preference.

Today we ask only that we do to cargo and maritime subsidies what we have done consistently with agricultural subsidies in this Congress and before, and that is to cap it at only twice the world rate.

Now, to give you an idea of what these world rates are, after the maritime industry won a high profile battle for the right to carry 75 percent of the food shipments to Russia, only three United States-flagships submitted bids. The Coastal Carrier Corp. submitted bids of $89.95 a ton for 32,000 ton U.S.-flag container barge units to carry corn from a U.S. Gulf port to a Russian port. That was four times the rates that foreign flag carriers sought. That is the reason that we offer this amendment today.

We are not just talking about humanitarian aid that goes to the former Soviet Union and the new Russian Republics. In September 1990, U.S. News reported that the Pentagon was upset because two U.S. flag carriers charged $70,000 to send war material to the gulf that could have been set for $6,000 at world competitive rates.

Mr. Chairman, the reason we offer this amendment is because we feel that the maritime industry, although perhaps justified in asking for some subsidy, is certainly obligated to operate under the same rules that most of our entitlement programs are now working under, whether they are domestic entitlement programs or foreign entitlement programs, and that is to put some kind of logical cap on it.

Even the buy-American laws which we pass without controversy on this floor regularly, protect American taxpayers from excessive costs by allowing foreign products to be purchased if U.S. bids are 6 percent over the foreign bids.

This caps U.S. taxpayer exposure. That is all we ask to do on cargo preference.

I would ask my colleagues in this enlightened atmosphere of budget cutting and fiscal responsibility to consider seriously this amendment. This is not the old debate between the agricultural industry and the maritime industry over whether cargo preference should be allowed to exist or whether it is fair or whether it is an undue burden on agriculture. We have had all those debates.

I would ask only that in the spirit of budget cutting and the spirit of courageous fiscal responsibility that this Congress has now begun to adapt, that we apply the same rules to cargo preference.

The CHAIRMAN. Does the gentleman from Massachusetts yield time to the gentleman from Texas?

Mr. STUDDS. Madam Chairman, if there is a way procedurally to simplify this, I would like to yield, by unanimous consent one-half of my time to the gentleman from Texas [Mr. FIELDS].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FIELDS of Texas. Madam Chairman, I yield myself such time as I might consume.

Madam Chairman, I rise in opposition to this amendment.

The Penny/Grandy amendment would cap U.S.-flag cargo preference shipping rates at two times the world rate. On the surface, that sounds like a reasonable idea, but when you look beneath the surface, you realize how bad this amendment really is.

You have to start with a basic question.

Why is it that U.S. shipping rates are higher than rates of our competitors in the cargo preference trade? The answer is that U.S. laws impose requirements on our ships that many other nations do not have. We have Federal and State income tax laws; we protect our workers under such laws as the National Labor Relations Act, the Fair Labor Standards Act, and insurance and liability laws; and, through the U.S. Coast Guard, we require construction and operational safety standards that, frequently, are more restrictive than international rules.

I do not believe it would be appropriate or wise to eliminate all these measures just to save money.

A foreign crew, as an example, of 36 from a Third World country can be hired for $650 per day, including benefits. That works out to about $18 per worker per day. We have it on good information that working conditions aboard many flag-of-convenience vessels are sickening. We hear reports that denial of medical treatment, beatings, and inadequate safety equipment are the disgraceful norm rather than the exception

The authors of this amendment want to compare U.S. shipping rates to these competitors. I cannot accept that nor should this Congress, nor should the American people.

Cargo preference has a long history. In 1904, Congress applied it to military shipments. Following World War II, Congress applied it to food aid and other foreign aid shipments.

Cargo preference has always been somewhat controversial, because U.S.-flag ships must comply with all the things that I mentioned earlier, and certainly that makes everything more expensive than unregulated flags of convenience vessels.

Agribusiness interests, in particular, have lobbied against application of cargo preference to food aid programs that help subsidize our agricultural industry.

At the outset, let me make it clear that H.R. 2151 neither expands nor contracts the scope of the cargo preference laws. USDA's multi-billion-dollar commercial export programs, such as the Export Enhancement Program [EEP], have always been exempt from cargo preference and will continue to be exempt under this bill.

Nor does H.R. 2151 change the way we finance food aid programs. As we agreed in the hard-fought cargo preference compromise that was included in the 1985 farm bill, and was reaffirmed in the 1990 farm bill, USDA pays the differential between U.S. and foreign rates for the first 50 percent of cargoes subject to U.S. shipping requirements and DOT pays the remaining 25 percent. This is not the time to reopen the debate that put to rest cargo preference application and its funding.

H.R. 2151 addresses cargo preference in only one aspect—by placing stricter controls over the transportation costs of this program. I believe that those of us with a strong interest in both agriculture, and I have a strong interest in agriculture, and maritime can agree that H.R. 2151's cargo preference provisions will help both industries.

H.R. 2151's cargo preference provisions are only a first step in addressing these problems. What we are seeking to do is bring the same kind of efficiencies to USDA that Israel is utilizing today. The result will be lower rates—benefiting both American farmers and merchant mariners.

Under this legislation, U.S.-flag vessels carrying preference cargoes must be engaged on the most favorable commercial terms offered to foreign-flag vessels.

Contracts for preference cargoes must be based on commercial contracts to reduce costs.

The Secretary of Transportation must participate in negotiations with recipient countries to ensure that fair and reasonable services are provided.

And heads of appropriate agencies will transmit their recommendations to the Secretary of Transportation to determine whether DOT's fair and reasonable rate regulation promotes the development of a commercially competitive merchant maritime industry.

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These reforms are only a first step toward lowering cargo preference costs. What we need is for agriculture, maritime, and the U.S. Government to work together to reduce rates while promoting the long-term health of our U.S. merchant marine. For these reasons, I urge all Members to support the reforms incorporated in H.R. 2151 and to reject the Penny-Grandy amendment to cripple the cargo preference program.

As my colleagues know, the question has been raised: How much does cargo preference actually cost?

Our Government outlays for the cargo preference program totaled only about $600 million in fiscal year 1993. About $150 million of that was paid by USDA and AID for the transportation of food aid. Most of the remainder relates to the transportation of defense cargoes and is paid for by DOD or other agencies.

Now some people would ask the question:

How does the cost of cargo preference compare to agricultural subsidies?

Agricultural subsidies dwarf cargo preference. If we are going to be talking about subsidies, we ought to talk about agricultural subsidies. The U.S. Government spends 8 of every 10 of its export financing dollars to promote the export of agricultural commodities, which account for only one-tenth of all American exports. The U.S. Government spent about $12.2 billion in domestic and export subsidies for agricultural products in 1992, about 15 times the total amount spent to promote the whole maritime industry and 90 times the amount spent on cargo preference.

And one last point, Madam Chairman, I think is compelling for all Members, whether they are in this Chamber or in their office:

Cargo preference applies to only about 4 percent, 4 percent of all U.S. agricultural exports.

So, when we put this particular debate in its proper perspective, we come to the conclusion very quickly that H.R. 2151 should be supported in the manner that it was passed from the Committee on Merchant Marine and Fisheries, and the Penny-Grandy amendment should be defeated.

Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. LIPINSKI], chairman of the Subcommittee on Merchant Marine.

Mr. LIPINSKI. Madam Chairman, this amendment will only serve the interests of foreign ship owners and multinational grain houses with flag-of-convenience vessels who comply with minimal and loosely administered tax, safety, labor, health, and environmental standards. The amendment will leverage them the power to drive U.S.-flag carriers out of the market.

Despite their poor track record, flag-of-convenience vessels already dominate the foreign-flag portion of USDA's Food Aid Program. Few, if any, food aid cargoes are carried by vessels owned and crewed by nationals of our developed trade competitors, such as Germany and Japan.

This amendment will also defeat the committee's efforts to utilize the Department of Transportation's expertise in commercial shipping terms and methodology. DOT's involvement in the shipping of preference cargo would greatly enhance the efficiency and reduce the cost of our cargo preference program.

In addition, the Penny amendment will take away DOT's responsibility for determining what are fair and reasonable U.S.-flag freight rates and gives that responsibility to agencies lacking the knowledge to make those determinations.

We are talking about a mere 9 percent of all U.S. Government-promoted agricultural exports. I challenge anyone to name a country that sends its aid on foreign-flag vessels. U.S. aid is funded by U.S. tax dollars and should benefit U.S. industries—including our own merchant marine.

Mr. PENNY. Madam Chairman, I yield 7½ minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank the gentleman from Minnesota [Mr. PENNY] for yielding this time to me.

Madam Chairman, I rise in strong support of the Penny-Grandy amendment. I would prefer to eliminate the cargo preference requirement in keeping with the Clinton administration's original proposal in regards to reinventing Government. Over the years I have made that point and supported efforts, and I might add, unsuccessful efforts, to do just that. But I think this sends an effective message: Not only do we need reform of the merchant marine to come of assistance to the merchant marine, if you will, but also to reform the way that the merchant marine is doing business.

Several years ago in the heat of the cargo preference debate, and some of them have been rather heated, the point was made that, if we wanted to expand food aid to the starving, we could do so by eliminating cargo preference requirements and ship more commodities to the aid recipient countries. Boy, did that get the attention of the merchant marine lobby and their supporters in the Congress. To this point some in this body at that particular time admonished members of the Committee on Agriculture that, if we are worried about tonnage shipped, then we should buy our commodities from the European Common Market because U.S. farm interests had priced our commodities out of the world market.

Madam Chairman, that shows us, that kind of statement shows us, how contentious, and how parochial and how partisan some of these statements can be and, really, how this issue can be, but the Agriculture Committee took that message to heart. The year was about 1986, and the cost in terms of total subsidies in regards to the Agriculture Committee or the Agriculture Department was about $26 billion. We were going through a farm crisis at that time. We have reduced, as the gentleman from Minnesota has pointed out, the Government's supporters to agriculture and to U.S. farmers. Our farmers have become very competitive in the world marketplace. We have reformed our programs. Now it is time for the merchant marine to step forward in that cold shower and enjoy a very brisk reform.

I would point out that the gentleman from Texas [Mr. FIELDS] has indicated the value of our merchant marine and points out we subsidize agriculture. Let me point out to the gentleman, my good friend, agriculture represents about 20 percent of the gross national product. I do not know what the merchant marine represents, but we are about 20 percent, 1 trillion dollars' worth, 21 million jobs, 17 percent of the work force, food and fiber for the gentleman from Texas, his family and 128 other individuals, and still we take agriculture for granted. The gentleman from Texas and the gentleman from Massachusetts, who undoubtedly enjoys breaded fish for his meals, only spends 10 to 12 cents out of their disposable income dollars for food, freeing up the rest of it to buy all sorts of other things. We are responsible for $43 billion in exports, talk about subsidizing exports—$43 billion worth, about the only segment of our economy that contributes to the trade deficit.

Now, I recognize the problem of the maritime industry. After all, they are regulated. There is not any other industry in the country that is more regulated than agriculture. I would like to help them in regards to the regulatory reform that they so obviously need, but I would point out, as Senator GRASSLEY pointed out in the other body, that the per-month cost of a U.S. flagmaster, in regards to the merchant marine per-month cost, $44,000. Forty-four thousand dollars? A Navy captain only gets $8,422 per month, and the gentleman from Iowa [Mr. GRANDY] has a chart that he is more than willing to show in regards to the pay: $44,000 a month. My goodness, the median household income runs about $30,000, so I think there are some things we could do as well as the regulatory reform.

The Penny-Grandy amendment does not eliminate cargo preference. All it does is say to the merchant marine, "You have to get by on freight rates that are twice the world rate."

Recently, during the Russian aid effort, our United States ships' owners offered to ship our commodities at three and even four times the going rate. We had a good illustration of this effect this year as the Department of Agriculture struggled to deliver on President Clinton's promise to provide food under subsidized credit to Russia and the other republics of the former Soviet Union.

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First, only a handful of suitable ships were available. We probably have six or five or four that can actually ship the grain. And in the end, the U.S. merchant marine could not supply enough ships and some of the grain had to be moved under foreign flags, despite our best efforts.

When it came time to pay for the freight, listen to this, when the USDA asked for bids from U.S.-flag carriers, one of the early bids came in at $138 per ton, more than five times the going world rate of $20 to $30 per ton. The Secretary of Agriculture wisely refused to accept a freight bid that was fully one-third higher than the value of the grain to be shipped. But as later bids came in, the USDA was forced to accept rates upward of $90 per ton, three times more than the world rate.

In fact, only once this year has a United States-flag bid to ship grain to Russia come in at less than double the world rate. The rates were so egregious that Secretary Espy was moved to question the U.S. merchant marine fleet for their assault on the Treasury. Mr. Espy called the timing of the increase in freight rates very suspicious.

Now, as a former marine who just attended the noon ceremony of the 218th birthday of the U.S. Marine Corps, no one is more aware than I that sealift is a vital element in our potential military operations abroad. Recognizing that need, this Congress has year after year continued to provide, yes, needed subsidies for the merchant marine.

But after all this spending, what do we have to show for it? When this Nation moved toward war in the Persian Gulf, of the 460 ships that transported military materials into Saudi ports, the U.S. merchant marine actually contributed six—that is between five and seven—six ships. While some 80 U.S. flagships moved military gear under DOD contract, only 6 actually moved into the war zone. In the face of war, the shipping interests said no thanks.

In other words, when push came to shove, despite 75 years of subsidies, our military forces had to depend on foreign flag vessels to move the beans, bullets, and bandages for our troops in the war zone.

One more example: Under cargo preference, 75 percent of all foreign aid shipments must be carried on U.S.-flag vessels with the costs paid from the funds that are devoted to the aid programs.

Now, in closing, let me simply say this amendment will correct a deficiency in the cargo preference section of the bill. More importantly, we will limit the rates charged under cargo preference to no more than twice the prevailing international rate.

If we all agree the U.S. merchant marine should receive some support from the taxpayer, and I agree with that, surely we can agree that no one should receive more than double the competitive price for the same job.

Madam Chairman, I urge Members of this House to accept the real reform amendment. I thank the gentleman for introducing the amendment and thank the gentleman from Iowa [Mr. GRANDY] for his continued efforts.

Mr. FIELDS of Texas. Madam Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would like to make a comment about the gentleman from Kansas [Mr. ROBERTS] who just spoke, a fellow marine. I am not going to counter point by point, but I want to make a comment that I thought I heard from the gentleman from Kansas [Mr. ROBERTS] that merchant marine captains make in the order of $44,000 a month. I think that is not a month. It may be $4,000 a month, maybe $44,000 a year, but it is not $44,000 a month.

The gentleman from Iowa [Mr. GRANDY] and the gentleman from Minnesota [Mr. PENNY] have made comments about how we need to become more fiscally responsible and need to cut out subsidies and waste. We have cut out the honey program, the mohair program, the superconducting super collider, and those things. I think all of those are good, positive votes for fiscal sanity in the light of the deficit crisis. But those programs, in my opinion, have no comparison with security for the United States, and I do believe that the merchant marine fleet is important to U.S. security.

Foreign flag vessels routinely refuse to carry military cargo. When you consider the post-cold war situation that we are now in with North Korea, the Middle East, Bosnia, incidents in Latin America, we need to rely on a solid merchant marine fleet to carry military cargo and other cargoes.

Madam Chairman, the cost of shipping goods on American merchant marine fleets, if we compared them with other developed countries like Germany and Japan, the costs are almost exactly the same. But if you compare the cost with shipping from Malta shipping, Liberian shipping, Panamanian shipping, where the average crew member makes $18 a day, and which the Australian Government has called "the ships of shame," then we cannot compare our regulated ships with their ships and say that we need to reduce our costs.

Madam Chairman, if we are going to compete with those different countries, unfortunately, in the light of reality, we need, No. 1, the security of our merchant marine fleet; and, No. 2, there is going to have to be some type of subsidy.

Madam Chairman, I represent a large agricultural producing area, so I recognize what many of the members on the Committee on Agriculture are saying here. But I am sensitive to the need for American products to be transported in the most efficient manner possible; that funds can be spent for purchasing American products and not spent on subsidies.

Agricultural exports, I recognize, represent the largest export of this country. But if we look at the agricultural exports as far as the impact of cargo preference is concerned, only 4 percent of the exports are impacted by cargo preference. Regarding cargo preferences in H.R. 2151, however, I believe there is need to support the shipping industry that is going to carry those cargoes around the world.

Under current cargo preference law, the percentage of cargo that originates within the U.S. Government must be shipped on U.S.-flag vessels. Seventy-five percent of food aid goes on U.S.-flag ships; 100 percent of military cargo and 50 percent of other Government-sponsored cargoes are sent on U.S.-flag vessels. Nothing in H.R. 2151 changes these percentages.

Madam Chairman, I urge Members to support a strong merchant marine fleet. Unfortunately, I urge Members to vote against this amendment.

Mr. PENNY. Madam Chairman, may I inquire how much time remains for each side?

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] has 28 minutes remaining, the gentleman from Massachusetts [Mr. STUDDS] has 20 minutes remaining, and the gentleman from Texas [Mr. FIELDS] has 12 minutes remaining.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Madam Chairman, I rise as chairman on the Subcommittee on International Security in the strongest possible opposition to the Penny-Grandy amendment. Our merchant marine has been shrunk and shriveled until it is only a tiny vestige of its former self. It is a matter of utmost irresponsibility to put in place legislation that would guarantee the destruction of our merchant marine. As a matter of fact, this notion that we have wage parity with countries from the Third World is absurd and hypocritical. I wonder whether some of my colleagues would like to drive down the wages of our men and women who work in the merchant marine would be prepared to accept salaries that members of parliament in Third World countries receive.

☐ 1540

People who work our merchant ships have to pay the same prices for everything that the rest of us do. They do not live in Third World countries. They live in the United States.

They have taken a beating over the years that no American industry has, and it seems to me that at this stage of the game, with the end of the stability of the cold war, with trouble and turbulence from Somalia to Bosnia, with difficulties that we will be experiencing all over the globe for decades to come, to destroy the American merchant marine is one of the most irresponsible and unwise moves that this body could take.

I strongly urge the defeat of the Penny-Grandy amendment.

Mr. PENNY. Madam Chairman, I yield myself 1 minute.

I appreciate the comments of the gentleman from California. And if, in fact, the Penny-Grandy amendment achieved the results that he describes, I do not think that even the gentleman from Iowa and myself would vote for the amendment.

Our amendment does not set cargo preference rates at Third World country standards. We set these rates at twice the level of the world's standard, which is significantly higher than the rates to which the gentleman from California referred.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. Madam Chairman, I reserve the balance of my time.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in strong support of H.R. 2151, as reported by the Committee on Merchant Marine and Fisheries, and I strongly oppose the Penny amendment.

I attended the hearing that we had several months ago, June 1993, of the House Subcommittee on Foreign Agriculture and Hunger. And I asked a question of the president, Steve McCoy, of the North American Export Grain Association as to how many of his members owned or had interest in foreign-flag ships. He did not send me a straight answer to what I asked him in committee, but I have a list of the members of the North American Export Grain Association, and I thinkMembers would probably all be interested to know that A.C. Toepfer International of Minneapolis, Continental Grain of Chicago, Interstate Grain of Corpus Christi, Cargill of Minneapolis, Ferruzzi Trading of New York, Matsui of New York, Richo Grain Limited of Stamford, CT, Archer Daniels of Midland, Louis Dreyfus, and Mitsubishi, all who are members of the North American Export Grain Association, all who support the Penny-Grandy amendment, all have large interests in foreign-flag vessels.

Now, in my opinion, this is an important part of the defense of this country, the security of our homeland. I know that that is where the debate comes in.

I would ask Members to carefully look at who actually takes the risk in the sale of grain overseas. There is no risk on the grain exporters. The U.S. taxpayer pays about $1.25 a bushel on top of what the farmer gets of about $2 a bushel. The grain company gets—for $2 a bushel—the grain, and then can deal with it in foreign markets. But the American taxpayer pays a subsidy to the corn farmers in the districts of some of my friends of at least $1.25 a bushel.

Now, I want to see American farmers growing corn on the high plains of America, but I want to see American bottoms carrying American grain in American bottom ships on the high seas of the world. Why is that too much to ask for?

Richo Grain Co., one of the members of the North American Export Grain Association that opposes this amendment, is owned by a Swiss company owned by Marc Rich. He is in Switzerland. He is wanted for tax evasion, racketeering, and trading with the Ayatollah Khomeini. Among Rich's operations is an oil company and a fleet of 7 foreign-flag tankers.

Can Members wonder why he supports the Penny amendment?

I rise in strong support of H.R. 2151 as reported by the House Committee on Merchant Marine and Fisheries, and I strongly oppose the Penny amendment.

My 21 years with the House Committee on Agriculture have taught me that this debate is less about cost savings to the U.S. Government and more about increasing the profit margins of multinational grain merchants, many of which have financial investments in foreign-flagged ships.

I also represent the congressional district that is home to the Defense Departments shipping terminal for the entire east coast. During Operation Desert Storm, the Sunny Point Terminal and the U.S. merchant marine boldly served us all in a time of danger and need. The huge mobilization should make us all appreciative of and concerned about fostering a strong, U.S. maritime industry.

During cargo preference debates, time and time again I hear Members on this floor say "I support the U.S.-flag merchant marine, but * * *" and that "but" is followed by words and amendments that seek to destroy the U.S.-flag fleet. To further restrict cargo preference serves to harm a U.S. industry, and works in direct conflict with Chairman STUDD's bill to enhance and rejuvenate our maritime fleet.

For me, there are no ifs, ands, or buts about it. We need a strong U.S.-flag fleet. We all sleep better knowing that there is a U.S. fleet available to us; a U.S.-flag fleet loyal to us, and us only. We must continue to support our country's national security and our U.S.-flag maritime fleet.

Let's give the management review currently underway at the Department of Transportation an opportunity to judiciously and comprehensively reform the program for greater efficiency and cost-savings. I urge my colleagues to stand with me and oppose the Penny amendment.

Mr. FIELDS of Texas. Madam Chairman, I yield myself 1 minute, just to compliment the gentleman for his fine statement and to elaborate just a moment, because the point he is making is a compelling point.

Cargill owned or chartered an oceangoing fleet of 24 foreign-registered vessels in 1985. There are only 30 ships, domestic ships now carrying this particular cargo.

Continental Grain operates foreign ships through a network of subsidiaries and joint ventures.

The Louis Dreyfus Corp. is half owner of Gearbulk, a liner operation based in Norway.

Archer-Daniels-Midland announced that it is seeking a deal with the Soviet Union, trading American grain for Russian-flag ships.

I could go on and on and on, but I think the point the gentleman made just a moment ago is a compelling point. I wanted to elaborate just a moment.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in opposition to the amendment. The amendment is premised on an interesting notion that American cargo freight rates are excessive; they are too high.

Let use examine that. American cargo rates are too high if Members believe that American seamen who work on those ships should not have to pay taxes. But when we take their taxes into account, that amount doubles the rate.

The rates are too high, unless Members think that American seamen do not deserve the protection of American laws, health and safety laws, regulations on the hours they work, regulations that provide minimum wage protections, regulations that provide overtime protection. If my colleagues do not think those things are necessary, then obviously our rates are too high.

Our rates are too high if Members think that our liability laws are wrong, that we ought not have injury protection under the Jones Act for seamen who get injured on the job. Our rates are too high, in fact, if my colleagues think that American workers who work on our ships should not be entitled to the same protection as American workers who work on the land are provided with in this country.

It is not that American rates are too high, my colleagues, it is that foreign rates are much too low. If Abe Lincoln were alive today, he would bewriting an emancipation proclamation for most of the men and women who work on foreign ships.

If we pass this amendment capping cargo preference rates at twice the world rate, we are condemning more and more people to work at those rates and we are guaranteeing that more foreign ships operating with those slave labor rates, without protections of health and safety, minimum wage, overtime and all the other protections we provide for workers in America, we will make sure that more of those foreign ships are carrying more foreign goods sent from America destined to foreign ports, much of it aid to countries to help people who are starving around the world. If we think American foreign aid ought to travel on American ships, crewed with American workers and endowed with the protections that we place on the job sites here in America, then we ought to vote against this amendment.

This amendment kills cargo preference, make no doubt about it. It ensures that most foreign aid will travel on foreign ships, crewed with almost slave labor. We ought to defeat this amendment.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Madam Chairman, I urge the defeat of this amendment.

To listen to the critics, you would think that cargo preference is responsible for nearly all the ills that afflict us, from foreign export barriers to bad breath. It's just not true.

First, the vast majority of our oceanborne imports and exports aren't even subject to cargo preference laws. Commercial shipments aren't affected in any form or fashion whatsoever.

All of our commercial grain exports—and that's the majority of our grain sales abroad—can and routinely do travel in foreign-flagged ships. Our commercially purchased oil imports aren't subject to cargo preference requirements.

We really need to clarify in this debate that these preference laws apply only to Government-impelled cargoes, cargoes that move in international commerce only because of Federal Government financing.

Not even all Government-generated cargoes must move on U.S.-flagged ships. For instance, as a result of a legislative compromise negotiated between maritime and agricultural interests and enacted in 1985, commodities shipped by the Department of Agriculture under market-oriented efforts such as the Export Enhancement Program are free to move entirely on foreign-flagged ships.

A substantial portion of those Government cargoes subject to the preference laws still move on foreign-flagged ships. For those nondefense Government cargoes subject to the cargo laws, the U.S.-flag carriage requirement is no more than 50 percent or 75 percent depending on the type of cargo. Even these requirements can be set side, if a U.S.-flagged ship is not available or if it fails to offer a fair and reasonable rate.

We have relatively few programs promoting the American merchant marine, and the ones we have are relatively modest in cost. Do we really want to discard or undercut the programs that are in place, regardless of the consequences? If we choose policies that hasten the decline of our merchant fleet, where are we going to get American ships to support our defense and commercial needs? Do we want to watch with indifference as our body of experienced civilian mariners dwindles to numbers approaching insignificance?

During the Persian war, we relied primarily on American sealift to get our unit equipment, ammunition, and supplies to the war theater. Our merchant vessels answered the call. So did our civilian merchant mariners. Not only did they crew the privately-owned U.S.-flag vessels devoted to the sealift effort, they provided the manpower for our military's prepositioned supply ships and our reserve vessels which were called up for service.

If we must respond to a future crisis with military force, the scenario is likely to be similar to the one in the Persian Gulf. There is no alternative: We will have to rely on sealift.

I do not buy the argument that this country does not need its own American ships and crews for defense and commercial purposes.

If there are inefficiencies in the administration of our Government-impelled cargo laws, fine—let us identify them and correct them. But let us reject the temptation to respond emotionally with hasty and poorly-thought-out proposals which were not even circulated to us until minutes ago. Let us vote down the amendment and stand with our American-flag merchant marine.

□ 1550

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, we all in this institution have the things that make us proud in the Congress, and those moments we feel we could do better. There is nothing that gives me more distress than Members who will come to the floor because of a regional interest or a local economic concern, but fail to rise to what is, in my judgment, an obvious and overriding national need.

This day is an example of that fact, because after 200 years of American ships plying the oceans of the world, delivering our troops, providing supplies, extending our economic reach, we have come to a near certain end unless cargo preference can be maintained and this legislation passed. Barely 40 years ago, 2,000 American ships dominated the trading routes of the globe. Today a bare 350 remain.

The last few American companies have given this Congress and the American people notice. Without assistance, those companies will take down the American flag and change their registry. After two centuries of American dominance of the seas, we will leave the world's oceans. The consequences could not be more profound, and indeed, are aptly illustrated in the Persian Gulf war alone. While American troops waited for the invasion of Iraq and Kuwait, Greek registry ships hesitated at the Persian Gulf, rebelling against entry into a war zone. American reserve ships broke down in the Mediterranean. Ships registered in Malta would not accept American cargoes, and American troops waited, because there were not enough ships of American registry to support our own soldiers in the field.

The CHAIRMAN (Ms. BYRNE). The time of the gentleman from New Jersey [Mr. TORRICELLI] has expired.

(On request of Mr. FIELDS of Texas and by unanimous consent, Mr. TORRICELLI was allowed to proceed for 2 additional minutes.)

Mr. TORRICELLI. Madam Chairman, it leaves the Members of this institution with this question: What if we had not had support from around the world? What if the 1973 war in the Middle East were replayed in America and Israel stood alone? What if our interest was at stake and we had no allies?

The world may be safer, but it is not secure. The fact is we do not have today a merchant fleet that can support those interests. But it will dwindle further.

Nor is it a military issue alone. The issue is also consistency of principle. This Congress is required for valid reasons, environmental protection of the highest standards in our fleet, protection for labor standards for those who would sail on our ships. Oh, we have got the best standards. We have insisted upon them. It is just that some Members do not want to use the ships, and the consequences are seen every day.

The principal environmental problems in New Jersey and Florida and California are foreign ships that dump their garbage and their fuel and their refuse on our beaches. Oh, we are for standards, but we do not want to use the American ships to comply with them, and we want the crews to be safe, but we would not think of using them.

There are issues that will get more attention, there are issues that will create more controversy, but none that I can think of in this Congress that will have a more lasting effect. A great tradition, the power of this country, our economic and military independence, are at issue.

I urge in the strongest sense support for the committee and defeat of the amendment. Believe me, the Members will return to this floor in moments of great national need and ask for the presence and the support of the American merchant marine. On that day they will think of this debate.

Mr. PENNY. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I have listened to the argument here on the floor, and I would agree, we are suffering in both the maritime industry as well as the agricultural industry with overregulation. Obviously, I want to be very sensitive to tough times in the maritime industry, and certainly the tough times that inevitably agriculture is and will face in the future.

However, I would like to remind this body to look back at what happened this spring when the President had announced a Russian aid package. He announced that there would be some $700 million or so available for Russian aid. At that time the shipping rates were comparably or relatively low, and then with time, after that announcement, we saw that the shipping rates started to escalate because of cargo preference. These were on American-flag ships.

The rules and regulations were staying the same, the salaries were basically the same. Nothing had changed except that the President had announced that he was going to provide a Russian aid package that was somewhere around $700 million. As a result of that announcement, we saw that the shipping rates on American-flag vessels began to increase three or four times, in some cases maybe five times what they were previous to that announcement. That tells me that we have a need for this amendment to have a proposed cap on cargo preference of double the world's rate.

□ 1600

I do not think that is unreasonable.

Again, looking back at what happened this spring after that announcement when the cargo prices skyrocketed, there was only one ship that was lower than twice the prevailing world rate. The rest of them were greater than twice the world rate. Now what happens with the increase in shipping rates is that just means there is less grain that is going to be available to be shipped over, because more and more of those dollars that were appropriated to that program go to the shipping and the transportation costs of that grain. It means that there is going to be less grain that is going to be purchased from the agricultural sector, and as a result of that, that means less jobs for the agricultural sector.

After seeing the events of this spring, I am convinced more than ever that we need to have the Penny-Grandy amendment which would see that the American ships would not charge more than two times the world rate.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Chairman, I thank the gentleman for yielding the time and for his leadership. I also thank the ranking minority member for his part in bringing this legislation to the floor.

Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act, and in strong opposition to the amendment offered by Representatives PENNY and GRANDY.

The Grandy-Penny amendment would mandate that American rates for preference cargoes can be no more than twice the world rate. This is an attempt to impose artificial price controls on American-flag ships in order to cut cargo preference costs. It is important to note that the world rate is set by foreign-flag vessels which are crewed by seamen who earn as little as $18 per day and work under horrendous labor conditions. The most effective way to cut cargo preference costs and promote the U.S. merchant marine is to introduce commercial practices into the program, as H.R. 2151 begins to do.

However, the Grandy-Penny amendment also strikes cargo preference administrative reforms contained in H.R. 2151 by deleting provisions which would base shipping contracts on commercial terms. The use of commercial terms, such as compensating the ship owner when the unloading of a vessel carrying Government cargo is delayed, encourages efficiency and helps to reduce shipping rates.

Madam Chairman, U.S.-flag vessels currently operate at a significant disadvantage to their foreign competitors. Foreign-flag ship shipbuilders and operators are not subject to the strong health, safety, and environmental standards which we have established. They pay lower wages and lower taxes than their U.S. counterparts. They playing field is tilted against vessels which sail under the U.S. flag. We need to take action in order to revive the U.S. merchant marine by passing H.R. 2151 without this amendment. I urge my colleagues to oppose the Grandy-Penny amendment.

Mr. FIELDS of Texas. Madam Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Madam Chairman, I want to thank the gentleman from Texas [Mr. FIELD], our ranking member on the Merchant Marine and Fisheries Committee, for granting me this time to wind up this very important discussion of a very important issue to a very basic industry of the United States of America. We have had some very illuminating statements here on the floor today from the gentleman from California [Mr. LANTOS] concerning national security and concerning Third World wages, the gentleman from North Carolina [Mr. ROSE] talking about who owns the foreign-flag ships to which cargo preference they opponents want to divert the cargo and, of course, the gentleman from Massachusetts [Mr. STUDDS] and from the gentleman from Texas [Mr. FIELD], the gentleman from Louisiana [Mr. TAUZIN] on the regulations, and from the gentleman from North Carolina [Mr. LANCASTER]. All of these have been in opposition to the Penny-Grandy amendment, and I go along with them.

I want to point out that the anticargo preference advocates do not represent the U.S. taxpayers, nor do they represent the family farmer. As has been said here today, they represent the agricultural conglomerates and the international grain brokerage houses owned by foreigners. That is important. They are the same companies which stand to benefit from the demise of what is left of the U.S. merchant marine because they and their subsidiaries do own fleets of foreign-flag ships that already carry over 96 percent of all agricultural exports from this country as well as other commodities.

But that is not enough for these merchants of grain who not only fill their foreign bank accounts with billions of U.S. taxpayer subsidy dollars, but billions of dollars from the subsidy programs of other countries.

Madam Chairman, we must keep in mind that U.S. cargo preference requirements affect only 4 percent of all U.S. agricultural exports and about 9 percent of U.S. agricultural exports involving U.S. Government participation.

To obtain control of these small amounts of cargo, anticargo preference advocates cling to our Government's humanitarian program for the former States of the Soviet Union as reasons for eliminating cargo preference. We heard here today that the rates shot up when the President made an announcement. Let us talk about a couple of those rates that have not been quoted here today. One of them concerns one of the bids that was from a foreign-flag ship, a Cypriot ship, $58.50 a ton. The U.S.-flag bid on that was $54.20 a ton, cheaper by $4.60.

But the foreign flag actually was granted favorable discharge terms and the U.S.-flag vessel was not. Let us talk about why United States-flag vessels are not granted favorable terms in Russian ports, because United States operators have to factor in uncertainties which foreign flags do not. The foreign operators are not subject to the Foreign Corrupt Practices Act. They cannot pay off in the Russian ports and other ports around the world, and thus avoid delays in ports. Their risk is far greater. That is one thing that has not been touched on today, what they have to do to get in, to cut down the time of demurrage.

One U.S.-flag vessel carrying American-donated grain was held up more than 28 days while foreign-flag ship after foreign-flag ship that came into port were moved ahead. That cost money. The U.S. shipowner must allow for that.

Now we have another problem with our own AID office and our own Agriculture office. They have a tendency to bunch cargoes into limited time periods which makes U.S. flag ships scarce and makes little use of long-term and consecutive voyage charters that mean predictability, efficiency, stability, and lower cost. They do not want it. I have been around this industry for a number of years, and I know what happens over at Agriculture and at AID as far as the merchant marine is concerned.

The U.S. maritime industry has been trying for years to obtain changes, but they have not been successful. The Congress even noted in the 1985 farm bill that such practices defy common business sense. But like the well-known battery, they go on and on.

You know, we could have a little better management in our two agricultural agencies, the ones that send our cargoes overseas, and it would help both groups. Perhaps it would cut down on some of the subsidies to the agricultural industry and will help the American merchant marine as well.

Now let me talk about some of the ships that the anticargo preference people want to carry our cargo. Last year in December the Australian Government published this book, "Ships of Shame." That is the cover on it. This is a report from the Australian House of Representatives, Standing Committee on Transportation Communication and Infrastructure, and these are the kinds of ships on which they want our grain to be moved. The committee was told of the operation of unseaworthy ships, the use of poorly trained crews, crews with false qualification papers, or crews unable to communicate with each other or the Australian pilots, ships carrying false information, classification societies providing inaccurate information on certificates, flagships failing to carry out their responsibilities under international maritime convention, careless commercial practices by marine insurers, inadequate, deficient, and poorly maintained safety and rescue equipment, classification societies that readily class ships rejected by more reputable societies, beating of sailors by ships' officers, sexual abuse of young sailors, crews being starved of food, crew members being forced to sign dummy paybooks indicating they had been paid much more than they actually received, sailors being forced to work long overtime hours for which pay was refused, crew members being denied telephone contact with home when family members have died, sailors not being paid for several months, or remittances not being made to their families at home, sailors being denied medical attention, officers regarding crew members as dispensable, and crews being denied basic toilet and laundry materials.

So yes, we could go on and on to tell what they want, these people who are not telling the whole story to this Congress and to the American people. They are not telling about the conditions abroad. They are not telling about what is happening in Russian ports, and they are not telling what it is that causes the higher costs on American ships.

I have heard several Members of Congress here say limit the rate to four times or two times the world rate. I would like that Member of Congress to agree to receive the pay scale of twice the highest foreign-paid member of any legislature.

□ 1610

And if they will do that, then we will go along with them. So here we are: We have ships of shame. We have all of the opponents of cargo preference who want the U.S. Government to use these ships to ship food aid on these kinds of ships. I think it is very disturbing that this is what they have resorted to.

No, our colleagues who are opposed to cargo preference will never ever tell you of the bona fide reasons, no, and these same individuals will never ever tell you that their real constituents are the international agricultural magnates and the foreign ship-owners.

Madam Chairman, I hope my colleagues will vote down the Penn-Grandy amendment because it will certainly weaken this bill and its interests. We need to keep H.R. 2151 moving ahead in a positive channel.

Mr. PENNY. Madam Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Well, Madam Chairman, I guess if we are to believe this debate, the world trade is run not just by crooks but, worse, by foreign crooks and, without cargo preference, we would have lost the gulf war.

That may be true, but rather than dissemble about that, I would just point out that my farmers and Mr. PENNY's farmers and Mr. ALLARD's farmers and, I can guarantee you, Mr. ROBERTS' farmers, probably do not like Cargill or Dreyfuss any better than the gentlewoman does, the gentlewoman from Maryland [Mrs. BENTLEY].

But the fact of the matter is they do pay taxes, unlike many of the foreign ships, and their taxes are going to subsidize a rate of freight that it taking money out of their pockets. And so today we have a continuation of this debate.

But I want to stress again this is not about submerging the American merchant marine or even reducing the cost; it is about every entitlement debate that we have on this floor. It is limiting the growth.

And here is what we intend to limit: This is a chart that shows the monthly U.S.-flag crew costs by billets of cargo preference vessels, 4-A power-rated vessel.

Madam Chairman, the master billet, which I grant you is usually held by more than one individual, is $44,000 a month. Base pay is $8,500 a month. That is more than a Navy captain makes. The overtime, $13,000; benefits, $22,000.

Now, granted this does not represent just one individual. But let us say there are six masters for this billet. They he would make $16,000 a year, which is more than the mean family income of the average family of the United States.

This is a debate about cost containment. This is not about national security. Do not take my word for it; this is what the Department of Defense said. They have already said, as I said earlier in my remarks, that the issue of the two major U.S.-flag container ship operators disposing of their U.S.-flag fleets is primarily an economic policy issue rather than a national security issue, and should be treated accordingly. Hence, we are at this place today.

The Vice President's National Performance Review recommended preliminarily to get rid of the Jones Act, to get rid of cargo preference, to get rid of the antitrust exemption for maritime carrier conferences, which set rates and services, but then they relented and they said, "No, be kinder and gentler, have a commission." Yet we are agreeing to a new level of subsidy without having seen the report, without having had the Maritime Commission making this study public. And yet with all of that, Mr. PENNY and I only ask that we limit the growth of this to twice the world rate, a good deal by any standard.

This poor guy is only going to make $4,000 a month. That is what is at issue today, not whether or not we are going to fall prey to foreign nations whose merchant marines are stronger than ours or that somehow our national security is going to be submerged beneath this veil of subsidies.

I ask the people who have risen today and so strongly defended our military and our defense capability, where are they when we debate defense appropriation bills? Where are they when we are talking about new money for submarines and new money for troops and strategic defense initiative?

This is not about national security; this is about cost containment for Federal programs that have grown too big too fast and we have made a practice in this Congress finally in this session of cutting back on the growth of these programs.

Madam Chairman, I reiterate, agriculture has gone first and led the way; the honey program, the wool and mohair program, grazing fees. And there is more to come. We will no doubt start means testing commodity programs maybe in this session but surely in the next one. People in agriculture are prepared to do that. They have already downsized their burden.

Somebody talked earlier about the relative weight of agricultural subsidies versus merchant marine, when we know we make more than merchant marine, there are more of us. But when I came to the Congress, the average agriculture subsidy annually was about $52 billion a year; $26 billion a year to commodity programs. Now it is somewhere around $12 billion.

The rate of deceleration in agriculture outstrips all other cost-cutting programs in Congress.

Finally, let me just say that my friend from Texas [Mr. FIELDS] made reference to the agreement on cargo preference that was forged in the 1985 farm bill. And I want to refer to that because this amendment in no way compromises that agreement.

The intent of that agreement in the 1985 farm bill was to establish a fair and equitable arrangement to allow the products to be shipped on the basis of the lowest landed cost by the most efficient means. That is what the Penny-Grandy amendment is trying to enforce.

But the present condition of the merchant marine in the United States is this: $44,000 a month for a sea captain.

Mr. PENNY. Madam Chairman, I yield back the balance of any time.

Mr. STUDDS. Madam Chairman, I yield myself such time as remains.

Madam Chairman, as a quick aside, I do not really believe anyone thinks that a master is paid $44,000 a month. If Members are interested, that number is achieved by taking the total cost of the maritime program and dividing by the number of personnel. By the same logic, you could take the total amount of money spent by the Department of Defense and divide that by the number of personnel and you come up with something like $125,000 for a soldier. Obviously, the arithmetic is faulty.

Madam Chair, his really is a historic moment; the future or whether or not there will be a future of the U.S. merchant marine is at stake. We have a President and we have the bipartisan leadership of this committee and this Congress, and bipartisan membership of this committee and this Congress determined that there will be a U.S.-flag merchant fleet and that there will be the capacity to build vessels for that fleet in this country.

Every maritime nation has a cargo preference law. We have a three-part effort here to try to revive the merchant fleet. One part is our maritime security payments; another part is our shipbuilding program; and the third leg of this is the cargo preference. You pull any of these legs out, and you destroy the program.

Consequently, though it may not be the intent of this amendment, it would indeed destroy the program.

The real question, Madam Chair, is whether or not this Nation is going to have a merchant marine. Is it conceivable that the world's only remaining superpower could find itself without a single vessel carrying its flag in international commerce on the high seas and without the capacity to build a single such vessel?

□ 1620

Madam Chairman, it is not only conceivable, that is predictable, if this Congress, if this President are not together successful in this legislation and its companion legislation in revitalizing the merchant marine.

In that event, Madam Chairman, the world's greatest superpower would be the world's greatest super patsy and it would be unthinkable for us to find ourselves in that position.

Madam Chairman, I yield to the unthinkably distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Chairman, I thank the gentleman for yielding to me. I thank the gentleman for his presentation. The gentleman has said it all.

Madam Chairman, I rise in strong opposition to the amendment. It would destroy this bill that has been worked out and carefully crafted.

The gentleman's leadership has shown the way to I think reestablish the merchant marine fleet of this great United States of ours.

Without the three legs of this stool we have nothing. So I urge my colleagues to vote "no" on this amendment. All I can say, it is time to get on with the show and get this job done.

Mr. TORRICELLI. Madam Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from New Jersey.

Mr. TORRICELLI. Madam Chairman, the gentleman made a point that has not otherwise been put forward in the debate, and that is people think that only the United States has a cargo preference law.

The chairman noted that indeed our economic competitors, the French, the Koreans, the Chinese, the Japanese, all have cargo preference laws, that indeed if the amendment succeeded we would find ourselves not simply at a disadvantage, but disarmed in the competition for having merchant fleets carrying cargoes in the world.

Mr. STUDDS. Madam Chairman, I say to the gentleman, at comparable rates, we can compete with the French and the Germans. We have a little trouble matching the Bangladeshi rates.

Madam Chairman, I salute the bipartisan nature of the support for this bill, and I look forward to being here when we can say some day that the flags are flying both in our shipyards and on our vessels.

Mr. BONIOR. Madam Chairman, the real purpose of the Grandy-Penny amendment is not to cut shipping cuts. The real purpose of this amendment is to drive the American merchant marine out of business.

Mr. Speaker, if you read a history book about how America became the richest nation on Earth, it will tell you three things.

First, it will tell you that we got rich because we were blessed with some of the finest natural resources in the world.

Second, it will say we took those resources and combined them with the best-trained workforce in the world to produce the world's best products.

And third, it will tell you we could ship those products anywhere, because we had the best merchant marine on the planet.

We didn't rely on Panamanian vessels to ship our products. We didn't rely on Chinese tankers to carry our goods.

And we certainly didn't rely on Liberian ships to carry our military into battle.

We weren't at the mercy of foreign countries, foreign flags, or foreign ships.

We had the No. 1 merchant marine in the world. And that's what made us strong.

And if we're going to remain strong and be competitive in the global market, we can't afford to be at the mercy of foreign flags.

We've got to keep our commercial fleet strong.

Mr. Speaker, this amendment takes us in the wrong direction.

Over the past 30 years, we've let our competitive advantage erode. We've slipped from No. 1 in the world to No. 14.

Why? For one reason: Because we can't compete with subsidized foreign interests.

We can't modernize to stay ahead of the game. So we've fallen further behind.

Mr. Speaker, have you ever wondered why foreign flags always come in with such low bids?

The Australian Government wondered why.

Last year, the Australians looked into the shipping industry.

I think the name of the report says it all. It's called "Ships of Shame."

They found that the reason many foreign ships can bid low is because they ignore workers rights and safe working conditions.

Australia found that in the past 4 years, ships were so badly maintained that 44 ships and 342 lives have been lost at sea.

They found case after case where seafarers were abused and exploited by officers.

They found that many ships keep two pay books: one for official records, and one for lower, actual pay.

Mr. Speaker, no wonder many of these low-wage foreign-flag ships are registered under what are known as ships-of-convenience. Because these shipowners aren't complying with inconvenient health, safety, labor, and environmental standards.

Mr. Speaker, our maritime industry is more expensive because they are the safest, best-trained commercial fleet in the world.

That's the price you pay for quality.

Shouldn't we be on the side of safe ships and able crews, rather than selling out to the lowest bidder at any cost?

There are those who ask: Why is it so important to maintain a fleet? Why don't we just rely on the Germans or the Greeks?

I have a two-word answer for that question: *Eagle Nova.*

Two years ago, during the gulf war, we called on a German vessel called the *Eagle Nova* to ship supplies to our troops.

Do you remember what happened? They refused to go. The German ship wouldn't sail into the war zone.

Luckily, we had an American crew to call in. And they got the job done.

Mr. Speaker, that's just one incident.

But if we allow our maritime industry to disappear, there won't be an American ship to call on the next time. What do we do then?

I don't think the American people want to rely on Liberian vessels to carry our tanks and our ammunition into battle.

One of the reasons we need cargo preference laws is to make sure American ships are there when our military needs them.

This isn't just about national pride, Mr. Speaker, it's about national security.

If we don't continue to support our commercial fleet, I think we'll be giving away a vital part of America's security.

Mr. Speaker, for 200 years, America has been a maritime Nation. We became a great and powerful Nation in part because we had a strong merchant marine.

And we can't afford to abandon that great tradition now to save a few dollars in the short term. Because if we do, we're going to hurt this Nation for decades to come.

I urge my colleagues: Save our ships. Oppose this amendment. And support the bill.

Mr. ORTIZ. Madam Chairman, I rise in strong opposition to the Penny-Grandy amendment. I understand the intentions of my colleagues who are offering this amendment, but I do not believe it serves the purposes it intends.

Like most of my colleagues, I too believe that taxpayer-funded foreign aid cargo should be transported on American ships by American crews.

Furthermore, cargo preference provides an essential margin of cargo that allows U.S.-flag vessels to compete internationally, thus preserving and maintaining our merchant fleet and the vital defense and economic purposes that it serves.

The problem is that for our fleet to compete with foreign flags of convenience for the transport of these cargoes, at times, they need protection from our Government.

The American flag industry is the most heavily regulated in the world. Besides the costly health, safety, and environmental regulations that U.S.-flag vessels must comply with, our crews must be paid developed country wages. Federal and State income taxes alone nearly doubles the cost of using American crews.

This makes it very difficult for U.S. operators to compete with foreign flags of convenience that pay crewmembers roughly $18 a day.

Contrary to what my colleagues supporting this amendment are saying, U.S. carriers are not gouging the Government under this program, and placing caps on cargo preference rates will only serve to eliminate the ability of our fleet to continue to carry these cargoes.

The Secretary of Transportation already requires that cargoes and rates be fair and reasonable, otherwise foreign flagships may be used. H.R. 2151 goes on to require the adoption of proven commercial terms that will reduce regulatory burdens and lower the cost of the program.

Caps will only serve to propel foreign flag-of-convenience operators to undercut U.S. rates until U.S.-flag ships can no longer viably carry this cargo.

I urge my colleagues to oppose this amendment and to support this vital piece of legislation without further changes, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GRANDY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 309, not voting 20, as follows:

[Roll No. 546]

AYES—109

Allard
Archer
Armey
Bachus (AL)
Ballenger
Barrett (NE)
Barton
Bereuter
Boehner
Bonilla
Boucher
Burton
Buyer
Carr
Castle
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Danner
de la Garza
Deal
DeLay
Durbin
Emerson
English (OK)
Ewing
Fawell
Glickman
Goodlatte
Goodling
Grams
Grandy
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hilliard
Hoagland
Hoekstra
Hoke
Houghton
Hyde
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Kasich
Klug
Knollenberg
Kolbe
Kyl
LaRocco
Leach
Lewis (FL)
Lightfoot
Linder
Long
Manzullo
McCandless
McCloskey
McHale
Meyers
Minge
Montgomery
Myers
Nussle
Orton
Oxley
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Porter
Portman
Poshard
Ramstad
Roberts
Roemer
Rohrabacher
Romero-Barcelo (PR)
Roth
Royce
Sensenbrenner
Sharp
Shuster
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Stenholm
Stump
Thomas (CA)
Thomas (WY)
Upton
Walker
Williams
Young (FL)
Zeliff
Zimmer

NOES—309

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Bentley
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Crapo
Cunningham
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefley
Hefner
Hinchey
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCollum
McCrery
McDade
McDermott
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—20

Baesler
Beilenson
Berman
Bevill
Chapman
Dooley
Faleomavaega (AS)
Flake
Gingrich
Gutierrez
Herger
Kaptur
Laughlin
Matsui
McCurdy
McHugh
McKeon
Michel
Morella
Thornton

□ 1642

Mrs. THURMAN and Messrs. KIM, PALLONE, and HOBSON changed their vote from "aye" to "no."

Messrs. COSTELLO, BACHUS of Alabama, HOAGLAND, HILLIARD, GLICKMAN, and CARR of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. POMEROY. Madam Chairman, the debate over cargo preference has long been one of the most rancorous and parochial in Congress. However, as the Representative from North Dakota, a State whose economy is dependent upon agriculture, I rise in opposition to the Penny-Grandy amendment to the Maritime Security and Competitiveness Act, H.R. 2151.

As a member of the Agriculture Committee, I am wholeheartedly committed to promoting U.S. agricultural exports. I also believe that it is in the U.S. national interests to preserve a capable fleet of American-flagged, oceangoing vessels. Today, Members have the opportunity to support both, by voting against the Penny-Grandy amendment and preserving the cargo preference compromise.

Madam Chairman, the current cargo preference law written into the 1985 farm bill and reaffirmed in the 1990 farm bill, represents an important compromise designed to preserve the U.S. maritime shipping industry. The Penny-Grandy amendment would upset this compromise and would effectively eliminate the cargo preference program.

In the 1985 farm bill, the maritime industry agreed to the withdrawal of preference from commercially oriented agriculture promotion programs, such as the Export Enhancement Program, and the agriculture industry agreed to support the expansion of preference applicable to concessional food aid programs from 50 to 75 percent. Since 1985, concessional food aid programs have declined while commercially oriented agricultural promotion programs have increased dramatically. In 1985, the ratio of aid to commercial programs was 3 to 1. In 1992, that ratio jumped to 9 to 1. Further perspective is provided when you consider that only 4 percent of U.S. agricultural exports are transported on U.S.-flagged vessels.

Madam Chairman, despite what proponents of this amendment may tell you, cargo preference is not an either-or proposition—either you support U.S. agricultural exports or you support the U.S. maritime industry. I urge my colleagues to support both by voting against the Penny-Grandy amendment and preserving cargo preference.

Mr. BORSKI. Madam Chairman, I rise today to express my strong support for H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This legislation is needed to reform the U.S. maritime industry, revive the U.S. shipbuilding industry, and preserve and create hundreds of thousands of good American jobs.

Madam Chairman, over the last few decades, our maritime industry has suffered a long, bitter decline. in 1960, the U.S. privately owned oceangoing merchant fleet ranked fourth in the world with over 1,000 ships. Today, the United States fleet consists of only 384 ships and is ranked 16th in the world behind countries like Cyprus, Liberia, Panama, Malta, and China. America also used to be the world's leader in shipbuilding—now we rank 24th in the world.

During this decline, the number of jobs in the maritime and shipbuilding industries dropped significantly. In 1981, our Nation's shipyards employed 186,700 men and women. Ten years later, 50 of these shipyards are no longer operating, and shipyard jobs fell to 129,300. Because of defense downsizing, 180,000 current shipbuilding jobs are at risk if nothing is done to reverse the decline.

Meanwhile, our foreign competitors have continued to engage in unfair trade practices. A September 1993 report issued by the U.S. Maritime Administration illustrates the extent to which other countries subsidize their merchant fleets. Of the 57 maritime countries studied by the report, 38 provide tax benefits, 23 practice cargo preference, 24 provide assistance through customs measures, 20 subsidize commercial vessel construction, and 15 provide export assistance. Without serious reform of our Nation's maritime promotion programs to enable the U.S.-flag fleet to compete successfully against these practices, our merchant marine may face extinction by the end of the decade.

H.R. 2151 gives Congress the opportunity to step forward and reverse the decline in the maritime industry. This legislation would authorize the Maritime Security Fleet Program to help offset the higher operating costs of U.S.-flag merchant vessels needed for the national and economic security of our country. It also authorizes the Series Transition Payments Program to assist the U.S. shipbuilding industry convert from building naval vessels to building commercial vessels.

H.R. 2151 will create and preserve jobs, while at the same time preserving the vital defense capability of this Nation. It will allow workers in the U.S. maritime and shipbuilding industries to compete on a level playing field with their foreign counterparts. On the other hand, failure to enact this measure will result in further decline and loss of jobs in the U.S. maritime and shipbuilding industries.

Madam Chairman, I am proud to be a cosponsor of H.R. 2151, and I commend Chairman STUDDS for his hard work on this effort. This legislation is essential for our country, and I urge my colleagues to support it.

Mr. SMITH of New Jersey. Madam Chairman, as a cosponsor of the Maritime Security and Competitiveness Act of 1993, I rise today to urge my colleagues to strongly support this necessary reform measure.

In 1960, there were over 1,000 privately owned U.S. merchant ships. Today, we are down to 384 U.S. ships. To continue to be an economic and military superpower, we must preserve and rebuild our oceangoing commercial fleet.

Without the swift enactment of this bill, thousands of jobs across the United States could be at-risk. Madam Chairman, the highly skilled and experienced jobs in shipbuilding and the maritime trades could be lost to foreign competitors if the U.S.-flagged merchant fleet ceases to exist. These jobs, and the infrastructure which supports our merchant marine, are vital to the long-term health of our economy. H.R. 2151 must be part of our strategy to preserve our merchant fleet and to protect American jobs.

In times of crisis, American-flagged ships, crewed by American citizens, are the most reliable and capable means of transporting military cargo. We learned these lessons during the gulf war, when foreign carriers refused to enter the Persian Gulf. Our U.S. merchant fleet, however, accepted its orders and moved vital military hardware into harms way without delay. H.R. 2151 can help ensure that our merchant marine remains on call for such emergencies.

Madam Chairman, H.R. 2151 will eliminate many of the burdensome regulations which increase cost for U.S.-flag ships and weaken our ability to compete with foreign carriers. I regret that these competitive disadvantages and certain unfair foreign trade practices will leave U.S. carriers no alternative. Without the added flexibility that is provided by this legislation, they will cease to operate or switch to foreign flags.

Madam Chairman, I hope Members understand that it would not be in the best interest of the United States if all of our imports and exports were carried by foreign ships. Since 95 percent of our trade is already transported by foreign ships, these overseas competitors can easily dictate shipping charges at will and could rapidly weaken our ability to compete in the global economy. At a time in history when international trade is becoming increasingly important, we cannot afford to shoot ourselves in the foot by allowing foreign shippers to handle all of our goods.

This is a bipartisan measure, supported by the entire U.S. merchant marine industry. It deserves your vote. It will help build confidence, and in turn, encourage greater private investment and modernization in the U.S. merchant marine.

Mrs. FOWLER. Madam Chairman, I rise today in support of the Maritime Security and Competitiveness Act of 1993, a bipartisan effort to reform this country's vessel operating subsidy program so that U.S.-flag vessels are able to compete in the international market.

H.R. 2151 would deregulate merchant vessel operations by eliminating many arduous requirements placed on American shipping companies in the mid-1930's.

It is crucial that we pass this legislation to preserve jobs in the maritime industry. Two American companies have already requested permission to reflag their ships to foreign registry in an attempt to become more competitive in the international marketplace. Thousands of American jobs would be lost if these companies reflagged and we would also lose our position as the world's largest maritime trading force.

I urge my colleagues to consider the consequences voting against H.R. 2151 would have on this country. The American shipbuilding industry has a major impact on both the national economy and regional employment. Unless we vote today to preserve our domestic shipbuilding industry, in the next 10 years over 189,000 American jobs could be lost forever.

Again, I urge my colleagues to vote in favor of the Maritime Security and Competitiveness Act of 1993, and saving our American maritime industry.

Mr. BARLOW. Madam Chairman, the Maritime Security and Competitiveness Act of 1993 was introduced by the bipartisan leadership of the Merchant Marine and Fisheries Committee and reported with bipartisan unanimous support on August 5. It is supported by the U.S. maritime industry and should be supported and adopted by the House of Representatives as reported.

H.R. 2151 does not mandate the expenditure of Federal funds. Rather, it puts in place a new statutory and regulatory framework for the U.S. merchant marine which will be implemented only when Congress and the administration agree on a funding level and mechanism. It is critically important to enact H.R. 2151 at this time so that decisions on funding can be made in the context of a new maritime policy.

The new maritime policy contained in H.R. 2151 represents a dramatic departure from business as usual for the U.S.-flag merchant marine. In fact, H.R. 2151:

Significantly increases operating flexibility for U.S. vessels, eliminating numerous unnecessary and outdated Government-imposed rules and regulations which increase costs to the vessel operator;

Significantly reduces the cost to the U.S. Government of supporting the U.S.-flag merchant marine by reducing and limiting the amount of subsidy available for each vessel; and

Significantly improves the efficiency and cost effectiveness of the existing cargo preference program by requiring the Government and the industry to adopt numerous administrative reforms.

H.R. 2151 achieves these and other equally important national economic and security objectives in the following ways:

It authorizes the creation of a maritime security fleet of U.S.-flag, U.S.-crewed vessels to enhance the sealift capability of the United States, to increase the competitiveness of U.S-flag vessel operations, and to preserve and create American maritime jobs.

It authorizes the Secretary of Transportation to enter into 10-year operating agreements with U.S.-flag vessel operators and to provide U.S. Government assistance to help U.S. vessels compete internationally.

It creates a new program for the construction of commercial vessels in U.S. shipyards. To facilitate the transition from military to commercial vessel construction and to respond to foreign shipbuilding subsidies, it authorizes the Secretary to award a series transition payment to American yards to equalize the cost between U.S. and foreign construction. If funds are unavailable, foreign-built vessels could operate under the new program.

It eliminates various regulatory provisions which decrease U.S.-flag vessel competitiveness, including the existing requirements that American vessels operate only on Government-approved trade routes; that vessels brought under the U.S. flag wait 3 years before having eligibility to carry Government cargoes; and that Government approval is necessary to replace one American flag vessel with another.

H.R. 2151 is bipartisan; it is comprehensive; and it is constructive. It will help rebuild our merchant marine and make it more competitive. H.R. 2151 deserves your strong support and the support of everyone concerned about America's maritime capability. It is vital to the future of America's maritime capability.

Mr. WALSH. Madam Chairman, I rise today in support of H.R. 2151. I support the bill because it will give us back some of the valuable shipyard and manufacturing jobs that America has lost over the last decade. About 50 shipyards have closed since 1981, resulting in the loss of 120,000 shipyard and shipyard supplier jobs. If that trend continues, combined with the decrease in U.S. Navy contracts, 180,000 jobs in the U.S. shipbuilding, ship repair, and manufacturing industries will also be lost. H.R. 2151 addresses the need to recapture the American shipbuilding jobs.

It goes without saying that we cannot afford to lose one more merchant mariner in this country. All the ships in the world don't mean anything if you do not have trained and, most important, loyal U.S. merchant mariners to man them. This is an American jobs bill, and I urge my colleagues to stand with me in support of H.R. 2151.

Mr. ENGEL. Madam Speaker, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act. This legislation is very important to the U.S. maritime industry.

It is very important for us to help maintain a viable U.S. merchant marine fleet. In the past 30 years, the number of U.S.-flagged vessels has gone from 51,000 to 9,150. The maritime industry is very important to the security of the United States and we must work to protect it. H.R. 2151 does this by providing a new vessel operating subsidy program under which operating assistance would be provided to help maintain an active commercial fleet of U.S.-flag ships.

Additionally, I rise in opposition to the Penny-Grandy amendment that would amend our cargo preference requirements. Currently, the Transportation Department can accept any U.S.-flag bid it considers to be fair and reasonable. Elimination of cargo preference will further hurt our shipping industry by making it harder for our ships to compete with foreign competitors. We are already being undercut by competitors who flag their ships in Third World countries and therefore pay extremely cheap labor.

It is important for us to maintain our maritime industry. We cannot afford to lose more maritime ships. I urge my colleagues to defeat the Penny-Grandy amendment and support the Maritime Security and Competitiveness Act.

Mr. TAUZIN. Madam Chairman, I rise in support of H.R. 2151 and urge its passage. Reform of our maritime support programs is vital for the continued maintenance and development of the U.S. merchant marine, the Nation's essential fourth arm of defense.

I also rise to clarify the purpose and effect of an amendment adopted without dissent that I offered during markup, and to put in context a related section of the bill.

Under title V of the Merchant Marine Act, 1936, the Government has provided construction differential subsidy to allow U.S.-built vessels to compete with lower cost foreign-built vessels in the foreign trades. As a condition of receiving that subsidy, section 506 of the 1936 act requires that such vessels operate exclusively in the foreign trades, with certain limited exceptions incidental to foreign service. In enacting this provision, Congress believed it would be a waste of Federal tax dollars as well as fundamentally unfair to allow the subsidized vessels to operate in the domestic trades, which, under the Jones Act, are reserved solely for unsubsidized, U.S.-flag vessels.

Some debate has arisen as to whether the foreign trading obligation expires when a subsidized vessel has reached a specified age or whether it continues for the entire economic life of the vessel. H.R. 2151 does not amend the basic text of section 506. Two provisions of the bill, however, do alter the specific application of the existing section 506 restrictions for two groups of vessels.

The first provision appears in section 4 of the bill, which adds a new subsection (b) to section 506. The ODS contracts on most CDS tankers and dry bulk vessels expire when they reach 20 years of age. For CDS tankers and dry bulk vessels built in series, however, their ODS contracts expire 20 years from the delivery of the first members of the series, with the result that later vessels in the series are left without subsidy although they have not reached the age of 20. As originally drafted, the bill in addressing this problem would have had the unintentional consequence of completely removing the foreign trading obligation from all CDS-built tankers and dry-bulk cargo vessels as soon as their ODS contracts expire. My amendment, adopted without dissent by the committee, places CDS tankers and dry bulk vessels built in a series on a par with other CDS tankers and dry bulk vessels reaching that age are free to leave the foreign trade. As the committee report emphasizes, that issue is to be decided on the basis of the original congressional intent. In short, as adopted my amendment does not alter the original foreign trading restrictions of section 506.

The second provision adds a new section 512 to the 1936 act. The new section would, among other things, eliminate the foreign trading restrictions of section 506 for CDS-built liner vessels when they reach 25 years of age. The committee's report makes clear that this section does not change or otherwise affect the applicability of these restrictions to other vessels, such as tankers, or to liner vessels themselves if this section is not enacted into law. The removal of the foreign trading restrictions for liners was part of a compromise agreed to by the various segments of the liner industry, both subsidized foreign trade operators and unsubsidized domestic trade operators, which places definite offsetting limitations on entry into the noncontiguous domestic trades by operators of vessels enrolled in the new operating subsidy program established under section 3 of the bill. As the committee report emphasizes, section 5 is not intended to otherwise alter the existing scope of the foreign trading restrictions.

Mr. BEREUTER. Madam Chairman, this Member strongly opposes H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This legislation is the continuation of a failed maritime policy, which—to quote a recent op-ed article from the Journal of Commerce—hurts our "economy and punishes consumers, producers, exporters, importers and taxpayers. Present Maritime policy, in fact, is a hodgepodge of subsidies, protectionism, regulation and taxation that makes a mockery of sensible industrial policy."

This legislation unjustifiably claims that Congress supports one aspect of this legislation, the cargo preference program, because it is critical to the economic and national security of the United States and because it encourages competition among U.S.-flag vessels. Mr. Chairman, such a claim could be believed only by a ship of fools.

Madam Chairman, cargo preference does not promote competition; instead, it eliminates competition by guaranteeing the 75 percent of U.S. food assistance be shipped on U.S.-flagged ships. In April, immediately after President Clinton offered $700 million in food assistance to Russia, United States shippers doubled or tripled their normal shipping rates. In many circumstances, U.S. rates exceeded world rates by 300 to 500 percent. This egregious price gouging of the U.S. Government denied needy Russians essential agricultural commodities and ended up costing the U.S. taxpayer $100 million in hidden subsidies.

Madam Chairman, this spring, the Journal of Commerce reported that United States transportation costs now exceed the value of grain shippedto Africa. It stated that approximately $450 million of grain cost $488 million to transport from the United States to the starving and malnourished people of the African continent. Clearly, these two dramatic examples of food shipments to Russia and Africa reveal that real maritime reform is necessary.

Earlier this year, Vice President GORE's National Performance Review task force recognized the need for real reform and recommended the end to Federal subsidies and the complete deregulation of the maritime industry. Unfortunately, this legislation ignores Vice President GORE's recommendation to achieve real maritime reform. Rather, it only ensures that "America's welfare queen fleet"—a phrase used by a former Maritime Commissioner—will remain at the trough of the Federal Treasury for years to come.

Fortunately, Madam Chairman, my distinguished colleagues from Iowa, Representative GRANDY and Minnesota Representative PENNY have offered today a reasonable and commonsense amendment to this terrible legislation. While this Member believes it does not go far enough, this amendment renders a disastrous policy less harmful. Most importantly, this amendment limits the transportation costs of government mandated cargoes to twice the world competitive rate and it gives the Secretary of Transportation the authority to waive cargo preference requirements if U.S. vessels are not available to service a port. Finally, this amendment would help to ensure that United States taxpayers are not paying for the exorbitant price gouging we witnessed in food aid shipments to Russia.

For these reasons, this Member strongly supports the Penny-Grandy amendment to the Maritime Security and Competitiveness Act of 1993. This Member urges his colleagues to also support this reasonable amendment.

Ms. FURSE. Madam Chairman, I rise today in strong support of H.R. 2151, the Maritime Security and Competitiveness Act. I want to thank all the members and staff of the Merchant Marine and Fisheries Committee for their hard work on this bill, particularly Chairman STUDDS and the chair of the Merchant Marine Subcommittee, Mr. LIPINSKI. I am a proud original cosponsor of H.R. 2151. As a member of the Armed Services Committee as well as having the honor of serving on the Merchant Marine and Fisheries Committee, I know how important it is to our national security to preserve and enhance our sealift force, and maintain an international commercial transportation capability. H.R. 2151 is designed to address two gaping holes in the security of America: one in our defensive structure and one in our economic base.

As a Congresswoman from Oregon, I don't have to tell you how important the maritime industry is to my community. The coastal areas and the Columbia River are a vital cog in the local economy of my district, as well as playing a huge role in the heritage of the region. The people who make their living in the merchant marine have a proud heritage of maritime tradition that dates back to the earlier days of our country. There are thousands of people who have lost their jobs, and thousands more still struggling to make ends meet as a result of the massive decline the maritime industry has suffered since the neglect which began in 1981. To all Members of this House, particularly my freshman colleagues who may be unfamiliar with the importance of this legislation, let me tell you one, crystal clear fact: We must design and put in place a sensible maritime policy, and we must do it soon or there won't be a maritime industry left to salvage. The legislation before us today is a first step in saving one of America's most precious resources—her domestic shipyards and her U.S.-flag merchant marine.

The Maritime Security and Competitiveness Act addresses the challenges facing the maritime industry through a number of means, and will preserve and create jobs for American seafaring and shipbuilding workers. The establishment of the Maritime Security Fleet and implementation of a new, temporary shipbuilding subsidy will make a real difference in this vital industry—one we desperately need to compete in the global marketplace. Frankly, I am astonished at the logic of people who seem to think that international trade can grow, or our national defense will be strong, without the means to transport goods or other supplies overseas.

Other provisions of H.R. 2151 also give U.S.-flag operators more flexibility with respect to trade routes, and does not increase the scope or coverage of existing U.S.-flag shipping cargopreference requirements. H.R. 2151 makes a number of administrative reforms in the cargo preference requirements to increase efficiencies and ultimately reduce costs. These reforms are long overdue.

On a side note, I am happy that the President has sat down with Chairman STUDDS and Senator BREAUX to deal with maritime policy. We need leadership from the White House to face the challenges before all of us, and I am very pleased that the President has agreed to address maritime policy reform and has taken action with their October 1 report.

As a member who serves on both the Merchant Marine and the Armed Services Committees, I can not understate the importance of this legislation to our national economic and defensive security. The jobs of people who have worked in the maritime industry for years, their families, and the communities they live in is at stake, as is the national security of having goods moved on U.S. shipping whether in peace or war time. We must wait no longer.

The Maritime Security and Competitiveness Act is important because it represents a good step toward achieving some type of real progress in this area, progress that can have a real, identifiable impact on people's future. Too often, we spend our time arguing about the past. I'm not interested in arguing about the past; I am interested in solutions. H.R. 2151 is a solution—a real solution. I compliment the committee for their hard work on this important legislation, and I urge my colleagues to support H.R. 2151, the Maritime Security and Competitiveness Act.

Mr. GEPHARDT. Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993. This legislation will preserve and create jobs for American seafaring and shipbuilding workers and preserve a vital U.S.-based sealift capability. In addition, it will increase the competitiveness of the U.S.-flag commercial fleet in the export and import trades. It will help assure our Nation that commodities and material necessary to our economic and defense security can be carried by American-flag vessels crewed by American citizens.

Inaction will only accelerate the decline of the American maritime industry. The number of U.S. ships in the merchant marine has been reduced over the last two decades from 798 to 385. In 1960, the United States ranked fourth in the world with over 1,000 ships. In 1993, the United States ranks 16th. From 1965 to 1992, the number of jobs on large, privately owned, oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,150.

This bill represents a constructive departure from business as usual for the U.S. merchant marine. It reduces costs incurred by the Federal Government and establishes a new maritime policy. H.R. 2151 promotes deregulation, efficiency, and competitiveness in the American merchant marine industry.

Since 1936, the Federal Government has provided operating subsidies to the U.S. merchant marine to help maintain a viable U.S.-flag fleet. These payments help offset the higher costs of operating vessels under the U.S. flag compared to foreign flags. Existing contracts under the Operating Differential Subsidy Program begin to expire in 1995.

Just as Federal assistance for construction of ships in U.S. shipyards was terminated in 1981, foreign governments began instituting generous subsidies for their shipyards. As a result, orders for commercial vessels in U.S. shipyards have virtually disappeared. In fact, as of September 1, only one privately owned vessel of over 1,000 gross tons was under construction in a U.S. shipyard. Fifty U.S. shipyards have closed since 1981 and 120,000 shipyard and shipyard supplier jobs have been lost. This bill will help restore American jobs by encouraging companies to build their ships in the United States.

Two new programs for the U.S. maritime industry, the Maritime Security Fleet and the Series Transition Payment Program are included in this legislation to address the problems in the maritime industry. The Maritime Security Fleet provisions are designed to offset the higher operating costs of U.S. vessels needed for national and economic security and eliminate many burdensome and outdated requirements first established in 1936. For example, currently, American shippers must follow specific trade routes without deviation, even if additional ports would make economic sense. This legislation will significantly increase the operating flexibility for U.S. vessels and make their operation more efficient.

The new Maritime Security Fleet program is designed to replace the existing Operating Differential Subsidy program. Like the current Operating Differential Subsidy [ODS] program, vessels receiving assistance would be prohibited from operating in the domestic trades. The bill authorizes the Secretary of Transportation to enter into 10-year operating agreements with U.S.-flag vessel operators and to provide U.S. Government assistance to help U.S. vessels compete internationally. This program will help promote American shipbuilding and will assist in maintaining our existing shipyards.

The Series Transition Payment Program will assist American shipyards in building world-class commercial vessels and will reduce the cost to the U.S. Government of supporting the U.S.-flag merchant marine by reducing and limiting the amount of subsidy available. Under this program, U.S. shipyards would receive declining Federal payments for the construction of ships that are built and sold as part of a continuing series of a standard design. Studies of shipyard construction practices have shown there is a learning curve which is achieved when a yard builds a number of ships of the same design. The bill establishes a new program for the construction of commercial vessels in U.S. shipyards and facilitates the transition from military to commercial vessel construction.

The American merchant marine industry is critical to our Nation's national security. Foreign-flag ships are not always reliable. During the Vietnam war and the 1973 Arab-Israeli conflict, foreign-flag ships routinely refused to carry American military cargoes. During the Gulf war, a number of foreign-flag vessels refused to enter the Persian Gulf. We need a ready merchant marine to serve in times of national emergency. This bill assures us of a reliable, well-trained and prepared merchant marine.

H.R. 2151 is good for American workers, for the American maritime industry and for the American people. I urge support of this bipartisan bill.

Mrs. CLAYTON. Mr. Speaker, I rise in support of H.R. 2151, the Maritime Security and Competitiveness Act. We all know that the U.S. Merchant Marine is in a serious state of decline in the United States. Because of our strict regulations, laws, and labor standards, U.S.-flag vessels have a difficult time competing with the so-called "flag-ships of convenience." From 1965 to the end of 1992, the number of jobs on large, privately-owned, oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,150. At the same time, the number of U.S.-flag vessels operating in U.S. foreign trade decreased from 620 to a low of 151 ships.

There are also difficulties which confront our American shipbuilders. Since 1981, nearly 50 U.S. shipyards have been closed amounting to 120,000 shipyard and shipyard supplier jobs. In spite of the economic difficulties we are coping with in this country, we cannot afford to lose additional high skilled jobs. Moreover, U.S. policymakers must attempt to save this dwindling industrial base which is significant to our strategic economic interest.

This legislation is effective at addressing the current problems associated with the Government subsidies program provided to the U.S. ship industry by innovatively planning for the future. At the same time, this legislation has been crafted to take into account other circumstances relating to the health of the industry. By establishing a new vessel operating subsidy program, the Maritime Security Fleet Program, this legislation accounts for the appropriate security needs of our country as well as establishing reasonable criteria.

Despite the critics, it is important for the United States to retain this industry which has left such an indelible mark on our economic and cultural history. Dozens of communities in our Nation are still dependent on a thriving U.S. shipping industry.

Finally, let us keep in mind the years of service of my predecessor, the late Representative Walter Jones, Sr. Chairman Jones worked diligently for the interest of our U.S. merchant marine and the Nation's shipbuilding industry. I believe that he would be proud of this legislation.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore. (Mr. SWIFT) having assumed the chair, Ms. BYRNE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, pursuant to House Resolution 289, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 347, noes 65, not voting 21, as follows:

[Roll No. 547]

AYES—347

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Bateman
Becerra
Bentley
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Hall (OH)
Hamburg
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams

Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—65

Allard
Archer
Armey
Bachus (AL)
Barrett (NE)
Barton
Bereuter
Bonilla
Burton
Collins (GA)
Combest
Condit
Cox
Crane
DeLay
Dornan
Dreier
Fawell
Goodlatte
Goodling
Grams
Grandy
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hoagland
Hoekstra
Hoke
Jacobs
Johnson, Sam
Kim
Klug
Knollenberg
Kolbe
Leach
Lightfoot
Manzullo
Minge
Moorhead
Nussle
Oxley
Paxon
Penny
Petri
Porter
Ramstad
Roberts
Rohrabacher
Roth
Royce
Sensenbrenner
Sharp
Shuster
Smith (IA)
Smith (MI)
Smith (TX)
Stenholm
Stump
Taylor (MS)
Thomas (WY)
Upton
Walker
Zimmer

NOT VOTING—21

Baesler
Beilenson
Berman
Bevill
Dickey
Dooley
Flake
Gephardt
Gutierrez
Harman
Herger
Kaptur
Laughlin
Matsui
McCurdy
McHugh
McKeon
Morella
Thornton
Towns
Wyden

□ 1703

Mr. ISTOOK changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Speaker, I was unable to vote on rollcalls 544, 545, 546, and 547 because of a death in the family. Had I been present, I would have voted "nay" on rollcall 544, "nay" on rollcall 545, "nay" on rollcall 546, and "yea" on rollcall 547.

APPOINTMENT OF CONFEREES ON H.R. 2202 BREAST AND CERVICAL CANCER AMENDMENTS OF 1993

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Michigan?

Mr. BLILEY. Mr. Speaker, reserving the right to object, and I shall not object, I rise to state that we have no objection to this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, KREIDLER, MOORHEAD, and BLILEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2205, TRAUMA CARE SYSTEMS AMENDMENTS OF 1993

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2205) to amend the Public Health Service Act to revise and extend programs relating to trauma care, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BLILEY. Mr. Speaker, reserving the right to object, I shall not object, and I rise to state that we have no problem with this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SYNAR, MOORHEAD, and BLILEY.

There was no objection.

LIMITING TO A CERTAIN DATE APPLICABILITY OF PROVISIONS OF SECTION 7 OF THE WAR POWERS RESOLUTION TO HOUSE CONCURRENT RESOLUTION 170

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall apply to House Concurrent Resolution 170 only on the legislative day after the legislative day of Monday, November 8, 1993, but on the same terms as would have adhered on November 8, 1993, unless otherwise provided by subsequent order of the House.

Mr. Speaker, this request has been cleared through the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, and I do not intend to object, I simply want to indicate that I fully support this request of the chairman because it is designed to protect my rights under the War Powers Act to call up my resolution on Tuesday should the rule not be considered or adopted on Monday.

I am grateful to the chairman for his courtesy and fairness he has shown in ensuring that the Somalia resolution is considered under a procedure that will give the House a clear choice and vote on the two alternative versions of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO HAVE UNTIL MIDNIGHT, FRIDAY, NOVEMBER 5, 1993, TO FILE REPORT ON HOUSE CONCURRENT RESOLUTION 170

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be authorized to file a report on House Concurrent Resolution 170 at any time before midnight on the evening of Friday, November 5, 1993.

Mr. Speaker, this request has been cleared through the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, and I merely wish to express my support for the chairman's request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REREFERRAL OF A CERTAIN COMMUNICATION OF THE PRESIDENT OF THE UNITED STATES FROM THE COMMITTEE ON WAYS AND MEANS TO THE COMMITTEE ON FOREIGN AFFAIRS

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that House Document 103–153, a communication from the President of the United States transmitting notification of the deployment of U.S. Naval Forces to participate in the implementation of the petroleum and arms embargo of Haiti, be rereferred from the Committee on Ways and Means to the Committee on Foreign Affairs.

Mr. Speaker, this request has been cleared by the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, and I merely rise to express support for the request of the gentleman from Indiana [Mr. HAMILTON].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

UNITED STATES GRAIN STANDARDS ACT AMENDMENTS OF 1993

Mr. DE LE GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1490) to amend Public Law 100-518 and the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. ROBERTS. Mr. Speaker, reserving the right to object, and I do not plan to object, but I would like to engage the distinguished and conservative gentleman from Texas [Mr. DE LA GARZA] in a brief colloquy.

Mr. Speaker, I would ask the gentleman, does this bill address the issue of water as a method of dust suppression?

Mr. DE LA GARZA. Will the gentleman yield, Mr. Speaker?

Mr. ROBERTS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding to me.

The answer is no, Mr. Speaker, the bill is silent on this issue. The committee plans on asking the Office on Technology Assessment to conduct a study of the issue, and we expect that the USDA would consider their findings in the development of a policy on this issue.

Mr. Speaker, let me briefly explain the intent of our motion and the provisions in the bipartisan substitute we offer to S. 1490.

In late September the House and the Senate passed separate bills to reauthorize the Federal Grain Inspection Service [FGIS] and improve its activities. The House approved H.R. 2689, as amended, under suspension of the rules. The next day the Senate passed S. 1490, as amended, by voice vote. Most of the provisions of the two bills are similar.

There are, however, a handful of substantive differences. The substitute to S. 1490 extends a compromise to the other body with respect to certain provisions.

The substitute authorizes appropriations and extends other expiring provisions of the U.S. Grain Standards Act through fiscal year 2000; in other words, a 7-year reauthorization period. The House bill provided for only a 5-year reauthorization. The Senate bill had a 10-year reauthorization.

The substitute incorporates the Senate bill's provisions requiring the agency to develop and carry out a comprehensive cost containment plan. The purpose of this plan is to streamline and maximize the efficiency of the operations of FGIS to help minimize taxpayer expenditures and user fees.

Mr. Speaker, let me make clear that the substitute does not include provisions of the Senate-passed bill that would authorize FGIS to establish a permit system to allow grain handlers to use water to suppress grain dust.

The question of whether Congress should, by statute, allow or prohibit the use of water to suppress grain dust has been an issue of considerable controversy in the grain industry and during our Agriculture Committee deliberations. After thoroughly reviewing the pros and cons of this practice, alternative grain suppression practices, and the regulatory options available, it was the House Agriculture Committee's determination that the most appropriate course of action for Congress is to allow the agency to exercise its current regulatory authorities to deal with this issue. In other words, Congress should not micromanage in this situation.

That is why the substitute to S. 1490, as was the case with the original House-passed bill, leaves undisturbed the rulemaking process currently underway at the agency. I can assure my colleagues who have heard from farmers and from grain companies in their districts that the Committee on Agriculture and our subcommittees intend to closely monitor the agency's actions on this issue.

Mr. Speaker, we believe the substitute offers a reasonable compromise on the issues outstanding between the two bills while maintaining the House position that Congress should not, at this point, interfere in the agency's rulemaking process with respect to the use of water in grain dust suppression. I urge passage of S. 1490, as amended by the House substitute.

Mr. ROBERTS. I thank the gentleman for this clarification, Mr. Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) REFERENCES TO UNITED STATES GRAIN STANDARDS ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the United States Grain Standards Act (7 U.S.C. 71 et seq.).

SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO COVER ADMINISTRATIVE AND SUPERVISORY COSTS.

(a) IN GENERAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100-518; 7 U.S.C. 79 note) is amended by striking "1993" and inserting "2003".

(b) LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2003".

(c) REAUTHORIZATION OF APPROPRIATIONS.—Section 19 (7 U.S.C. 87h) is amended by striking "1993" and inserting "2003".

SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by redesignating the first through fourth sentences as subsections (a) through (d), respectively; and

(2) by adding at the end the following new subsection:

"(e)(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OFFICIAL INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the following: " 'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end the following: "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end the following: "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting before the period at the end the following: ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the following: ", or is supervised under a contractual arrangement,"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the following: "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the following: "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

(a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a)) is amended by striking paragraph (11) and inserting the following new paragraph:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

(b) ADDING WATER TO GRAIN.—Section 13(d) is amended by adding at the end the following new paragraph:

"(4)(A) Except as provided in subparagraph (B), no person shall add water to grain for purposes other than milling, malting, or other processing or pest control operations.

"(B)(i) Subject to clause (ii), the Administrator shall allow, through the issuance of permits, the addition of water to grain to suppress grain dust unless the Administrator determines that the addition of water materially reduces the quality of the grain or impedes the objectives of this Act.

"(ii) The Administrator may charge a reasonable fee to recover the administrative and enforcement costs of carrying out clause (i). Fees collected under this subparagraph shall be deposited into the fund created by section 7(j).".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) (7 U.S.C. 87c(a)) is amended—

(1) by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for subsequent offense subject to this subsection, such person"; and

(2) by inserting after "$20,000" the following: "(or, in the case of a violation of section 13(d)(4)(A), $50,000)".

SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING EQUIPMENT, OTHER SERVICES, AND APPROPRIATE COURTESIES TO REPRESENTATIVES OF FOREIGN COUNTRIES.

Section 16 (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(h)(1) Subject to paragraphs (2) and (3), the Administrator may provide for the testing of grain inspection instruments used for commercial inspections in accordance with such regulations as the Administrator may prescribe, at a fee established by regulation or contractual agreement.

"(2) Testing performed under paragraph (1) may not conflict with or impede with objectives of this Act.

"(3) Fees collected under paragraph (1) shall be reasonable and shall cover, as nearly as practicable, the estimated costs of the testing. The fees shall be deposited into the fund created by section 7(j).

"(i)(1) The Administrator may perform such other services as the Administrator considers appropriate in accordance with such regulations as the Administrator may prescribe.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, and 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization, compliance, and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with the proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(4) Funds described in paragraph (3) shall be deposited into the fund created by section 7(j).

"(j) The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. LIMITATION OF APPROPRIATIONS.

Section 19 (7 U.S.C. 87h) is amended by striking "sections 7, 7A, and 17A of this Act" and inserting "sections 7, 7A, 7B, 16, and 17A".

SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended by striking "him" and inserting "the licensee".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f–1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DE LA GARZA: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Limitation on administrative and supervisory costs.
Sec. 3. Authorization of appropriations.
Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
Sec. 5. Pilot program for performing inspection and weighing at interior locations.
Sec. 6. Licensing of inspectors.
Sec. 7. Prohibited acts.
Sec. 8. Criminal penalties.
Sec. 9. Equipment testing and other services.
Sec. 10. Violation of subpoena.
Sec. 11. Standardizing commercial inspections.
Sec. 12. Elimination of gender-based references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Comprehensive cost containment plan.
Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

(b) LIMITATION.—Such section is further amended by striking "and 17A of this Act" and inserting "7B, 16, and 17A".

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

(a) INSPECTION AUTHORITY.—Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

(b) WEIGHING AUTHORITY.—Section 7A of such Act (7 U.S.C. 79a) is amended—

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

Section 8 of the United States Grain Standards Act (7 U.S.C. 84) is amended—

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

Section 16 of the United States Grain Standards Act (7 U.S.C. 87e) is amended—

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

"(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed 20 dollars in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsection (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—

(i) by striking "him" and inserting "the licensee"; and

(ii) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person". (j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place in appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative' and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f-1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

(A) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100–518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

(b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of the United States Grain Standards Act (7 U.S.C. 87j(a)) is amended—

(A) by striking "(1)" and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF ADVISORY COMMITTEE.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j) of the United States Grain Standards Act (7 U.S.C. 79(j)) is amended by adding at the end the following new paragraph:

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding at the end the following new paragraph:

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000.".

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by striking "There is created" and inserting "(a) Establishment.—There is created"; and

(2) by adding at the end the following new subsection:

"(b) COST CONTAINMENT PLAN.—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

SEC. 16. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by section 2, 3, and 13(a) shall take effect as of September 30, 1993.

Mr. DE LA GARZA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1710

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I ask to proceed for the purpose of ascertaining the schedule for the upcoming week. I am happy to yield to the distinguished majority whip to fill us in on what we are going to do next week on the legislative schedule.

Mr. BONIOR. I thank my colleague for yielding.

The schedule for the next week is as follows: The House will meet at noon on Monday and we will consider 13 bills under suspension. Those bills are:

H.R. 2722, Age Discrimination in Employment Amendments of 1993;

H.R. 3161, Older Americans Act Technical Amendments of 1993;

H.R. 3276, Intermodal Surface Transportation Technical Corrections Act;

H.R. 2440, Independent Safety Board Act Amendments of 1993;

H.R. 3179, to designate the Gus Yatron Postal Facility;

H.R. 3285, to designate the George W. Young Post Office;

H.R. 3252, West Virginia Rivers Conservation Act of 1993;

S. 983, El Camino Real Los Texas Study Act of 1993;

S. 836, El Camino Real de Tierra Adentro Study Act of 1993;

H.R. 457, to provide for the conveyance of lands to certain individuals in Butte County, CA;

H.R. 1425, American Indian Agriculture Act of 1993;

H.R. 654, to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriation, and

H.R. 2639, Telecommunications Infrastructure and Facilities Assistance Act.

After we are finished with that, we will go to House Concurrent Resolution 170, just the rule on the Somalia issue. We will not do the actual debate until Tuesday.

We expect that we will not have any votes until between 3 and 4 o'clock, and that would be the earliest that we would have votes. I think it will take that amount of time to get through the 13 suspensions as well as the rule on House Concurrent Resolution 170, which is the removal of United States forces from Somalia.

On Tuesday, November 9, and Wednesday, November 10, on Tuesday we will meet at 11 a.m. and we will consider House Concurrent Resolution 170, the removal of United States Armed Forces from Somalia, as amended, to complete consideration. I believe that could be up to 4 hours of debate time on that.

Then we will go to H.R. 2401, the Defense authorization conference report, subject to a rule, and then we will do the Defense appropriation conference report, subject to a rule.

We could go a little bit late on Tuesday, so Members should be aware of that.

On Wednesday we will move to the Brady Handgun Violence Prevention Act, subject to a rule.

Then, if we have time remaining that day, we will do the ERISA bill, subject to a rule. That is H.R. 1036. Also we will do H.R. 322, the Mineral Exploration and Development Act, again subject to a rule; and H.R. 2601, the Department of Environmental Protection Act, again subject to a rule.

I am aware of the need for Members to get back to their districts on Wednesday for the Veterans Day activities that will occur across the country. And I know the Members have traveling plans that they have to put together to make sure that they are back with their constituencies to honor that day, and so I understand that, and we will do the best that we can to accommodate Members.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding. I would like to say to the acting majority leader that 90 percent of the Members of the House I would say do have obligations on Veterans Day. As you know, it is rather hard to get out of here late Wednesday afternoon, and I would certainly hope that at 1, 2, or 3 o'clock in the afternoon Members would be able to leave, if necessary, and that we would start instead of 10 o'clock we could start at 9 o'clock in the morning. But some of us just have to leave, and we hate to miss votes. So I would hope the leadership would consider that.

Mr. BONIOR. We will do the best we can, I might say to my colleague. We have two concerns. First of all, the schedule to come in at 10 o'clock, I suspect we could make a request to come in a little earlier. The other problem is that the CR runs out that day as well, so we have to make sure that that is taken care of.

We also have to be aware of the fact that Members know we are moving toward the end of this legislative session, and we do not have too many days left the following week to finish our business, which is copious. So we have to put in a good 3 days next week.

But having said all of that, we will try to do it to accommodate the concerns of the gentleman from Mississippi.

Mr. MONTGOMERY. If the gentleman will yield further, several weeks ago we sent to every Member's office information on legislation that has been passed this year on veterans' issues, and also what Veterans Day stands for, and I think it would be very helpful if Members would have the opportunity to look at that information that we have sent to each office and probably it would help them in their remarks on Veterans Day. I thank the gentleman.

Mr. WALKER. I thank the gentleman from Mississippi.

If I could just clarify with the gentleman from Michigan for a moment, if I understand correctly, the 13 suspension bills will be debated on Monday. Then we will go to the rule and only after completing the rule will we go to the votes on the suspensions?

Mr. BONIOR. The gentleman is correct.

Mr. WALKER. If I understand the gentleman correctly, we would expect then that those votes would probably fall after 3 o'clock?

Mr. BONIOR. Certainly after 3, and perhaps even later, but after 3, yes.

Mr. WALKER. I thank the gentleman.

Beyond that, I had understood earlier today there might be some problems with both the Defense authorization bill and the Defense appropriation bill that needed to be worked out. If those have not been worked out by Tuesday, is it possible that some of the rest of the items on the schedule would be moved onto the Tuesday schedule?

Mr. BONIOR. We expect them to file those bills Monday, Tuesday at the latest, and we expect to take them up next week. Obviously if there is some reason why they are not ready, we have other things to do, as I indicated on the schedule. But we expect we will get to both Defense bills, the appropriation bill and the authorization bill.

Mr. WALKER. Did I understand the gentleman correctly that Wednesday would be the day that we would deal with the CR, should we have to do that?

Mr. BONIOR. The gentleman is correct.

Mr. WALKER. And also I am told that the unemployment conference has been completed. It sounds to me that because the two Senate amendments were dropped that that might run into some controversy. Does the gentleman have any idea when that might come to the floor?

Mr. BONIOR. I do not know when, but hopefully sooner rather than later. We have waited long enough. We hope to get that to the Members as soon as possible when they come back.

Mr. WALKER. There is some concern on our side also about the Department of Environmental Protection Act, of whether or not some amendments that were anticipated on our side were going to be made in order. Does the gentleman know whether or not that bill is going to be open for germane amendments?

Mr. BONIOR. I do not know. I would have to talk with the gentleman from Massachusetts [Mr. MOAKLEY], the committee chairman, and the gentleman from New York [Mr. SOLOMON], the ranking member. No decision has been made on just exactly what the nature of the rule on that bill will be yet.

Mr. WALKER. I thank the gentleman.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 170, REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 103–328) on the resolution (H. Res. 293) providing for consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, NOVEMBER 8, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the

House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUR OF MEETING ON TUESDAY, NOVEMBER 9, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, November 8, 1993, it adjourn to meet at 11 a.m. on Tuesday, November 9, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFERRAL OF SPECIAL ORDER TIME

Mrs. BENTLEY. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from California [Mr. DREIER] and the gentleman from Arizona [Mr. KOLBE] be switched.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

□ 1720

REALLOCATION OF SPECIAL ORDER TIME

Mr. MONTGOMERY. I ask unanimous consent that the special order for the gentleman from Michigan [Mr. BONIOR] on November 4, 1993, be allocated to the gentleman from California [Mr. TUCKER].

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SPECIAL ORDER PREVIEW

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I am signed up for a 1-hour special order tonight, and almost my entire hour will be spent on why I think it is inappropriate to have the Congress confirm Morton Halperin as a brandnew appointed Under Secretary of Defense.

But I spent all day Tuesday with our special ops and special forces, U.S. Army folks at Fort Bragg, and I may mention part of that tonight.

But on Monday I spent the whole day at the United States Army Space and Strategic Defense Command at the Redstone Arsenal at Huntsville, AL. I just want to reiterate what I said on this House floor during the authorization debate for our Armed Services:

Right now, at this very moment, we cannot defend ourselves against one single nuclear warhead launched at our wonderful country. We cannot stop one. Not one. We will not have reaction time as we had with Hurricane Emily; there will be no time for battening down the hatches or for stockpiling food. If one single missile's warhead hits our Nation, citizens will start marching on this Congress, as in a classic work of fiction villagers marched on insane Dr. Victor Frankenstein's castle, to burn us to ashes—and rightly so * * *

NO TO NAFTA

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. LEWIS of Georgia. Mr. Speaker, later this month, the House will vote on the North American Free-Trade Agreement, NAFTA. I, for one, in good conscience cannot support this trade agreement. This agreement betrays the American people, and we as Members of this body must say no to this NAFTA.

Let me be clear—I support free trade. I encourage the development of new markets and the lowering of trade barriers.

However, I do not want "free trade" at the expense of fair trade, at the expense of our workers, our environment and our commitment to human rights.

In the past 10 years, 2.6 million U.S. jobs have moved overseas. There is no doubt that Mexico's weak environmental, health and safety standards, combined with its low wages, will entice many more companies to cross the border. This recent ad campaign which I hold in my hand by the Mexican state of Yucatan proves just this point.

We simply cannot send any more jobs abroad. A North American Free Trade Agreement should protect U.S. workers.

This NAFTA does not.

We can have a better NAFTA. We must!

Mr. Speaker, it doesn't help America to win in Mexico if in the process we lose our jobs, our resources and our soul. We must reject this NAFTA.

Mr. Speaker, I include for the RECORD a copy of the ad campaign from the Mexican State of Yucatan.

"I can't find good loyal workers for a dollar an hour within a thousand miles of here."

We're only 460 miles and 90 minutes by air from the U.S.

Labor costs average under $1 an hour, including benefits. Far lower than in the Far East. And less than CBI, Central America and even less than the rest of Mexico.

The turnover rate is less than 5% a year.

And you could save over $15,000 a year, per worker, if you had an offshore production plant here.

So if you want to see how well you or your plant managers can live here while making your company more competitive, call for a free video tour of the State of Yucatan at 708-295-1793.

When the U.S. is too expensive and the Far East too far, "Yes You Can In Yucatan."

Government of the State of Yucatan Mexico. Department of Industrial and Commercial Development.

H.R. 2151, THE MARITIME SECURITY AND COMPETITIVENESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, earlier today, we passed H.R. 2151, the Maritime Security and Competitiveness Act.

During the 1980's, we have allowed our commercial shipbuilding industry to almost disappear. Between 1984 and 1990, U.S. shipbuilders received no new commercial orders for ships over 1,000 gross tons while during this same period, commercial orders in the international market were steadily increasing. As of September 1 of this year, only one privately owned vessel of over 1,000 gross tons was under construction in a U.S. shipyard.

This loss of commercial shipbuilding has caused tremendous damage to our industrial base. Since 1981, 50 shipyards have been closed and 120,000 shipyard and shipyard supplier jobs have been lost. If this decline continues, we could lose another 180,000 jobs and the ability to maintain our fleet. This Nation can not afford to lose our shipbuilding skills. To do so endangers our economy and weakens our national defense.

Ironically, one of my distinguished predecessors, John Mercer Langston, who was the only other African-American Representative from Virginia, expressed his concern about our shipbuilding industry over 100 years ago. While supporting a shipbuilding bill in 1891, Representative Langston noted that:

> When during a residence of five years in a foreign port, where I had the honor to represent this Government, I saw not a single American steam vessel riding into that harbor and anchoring on business, I inquired, "Why is this so?" Here was the great English vessel, here the great German vessel, here the great French vessel, here the Spanish. All these nations were represented there, but not a single steamship from our country. Why was this? We had conceded away to the English Government the freedom of our seas.

That was ever 100 years ago.

Although our foreign competitors may have changed, these words are still true. And now is the time to act. It is estimated that between 1993 and 2001, 7,000 to 10,000 new ships will be built. Even capturing a small percentage of this market would stabilize our shipbuilding industry and boost our economy. For every merchant ship built in the United States, there is on average, a $151 million increase in GNP, the collection of $34 million in local, State, and Federal taxes, and the creation of over 2,400 jobs annually during the 2 year ship construction period.

I believe that H.R. 2151 is a necessary part in stopping our Maritime decline. One portion of this bill establishes aSeries Transition Payment Program. The idea is quite simple. A key problem in becoming competitive in international shipbuilding is the issue of the learning curve costs. When building a series of ships, shipyards become increasingly more efficient and cost effective. In essence, the cost of constructing the fourth or fifth ship, can be up to one-third cheaper than the building of the first ship. Since our international rivals have been building similar designed ships over the last 10 years, they have overcome this learning curve.

The Series Transition Payment Program helps our shipyards to overcome the learning curve by providing construction payments on the first few ships built in a series. This will enable our yards to sell ships in the short term and lower costs over the long term. This commonsense approach will go a long way to rebuilding our yards, maintaining our fleet, and securing our industrial base.

Mr. Speaker, this issue has been with us for over 100 years. Now, with only a little Federal assistance, we can save our maritime industry. For these reasons, I was delighted to join my colleagues in support of this bill.

WHITE HOUSE AGRICULTURAL AGREEMENTS THREATEN VALIDITY OF NAFTA

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentlewoman from Maryland, [Mrs. BENTLEY] is recognized for 5 minutes.

Ms. BENTLEY. Mr. Speaker, the announcement by the White House of new binational negotiations on agriculture—negotiations which change the NAFTA agreement already signed by Canada, and President Bush for the United States and Mexico, bring into question the legality of the agreement.

How valid are these White House promises to the agriculture community when a tripartite agreement, supposedly chiseled in stone by a U.S. President no longer in office, is changed by only two parties to the agreement.

This bilateral action between Mexico and the United States can raise serious questions in the future about the legitimacy of the agreement. If Canada's trading position is threatened by these nonconforming, bilateral agreements on everything from sugar to flat glass products, then these challenges only can be settled by the NAFTA dispute panels where the United States will be out voted three to two.

Mexico's sincerity in these promises is questionable given the statements last week by Mexico's Minister of Trade, Jaime Serra Puche, before the Council on Foreign Relations. According to Congress Daily, "He contended that differences in interpretation should be decided by the dispute resolution panel set up in NAFTA—a group which, in the event of a U.S.-demanded interpretation of the pact, would include three Mexicans and two Americans."

Certainly, Canada is being given grounds to question the interpretation of the whole of the agreement when so many critical portions of the initial agreement already have been changed by only two of the three signators. What a way to break a three party contract.

Minister Serra Pucci's statement seems to have been timed to set a frame around these side-side agreements as interpretations of the initial agreement—especially since one party was left out of the meetings.

Mr. Gordon Richey, chief negotiator for the Canadians in the original NAFTA agreement, stated to a Mexico City newspaper yesterday concerning the newest negotiations that, "The U.S. Congress does not respect a deal. A deal is a deal."

Talking about the White House actions, he continued, "What they are doing now is affecting Canadian interests—not only in the trilateral agreement, but it affects also the bilateral agreement—the Canadian Free Trade."

Remember, the reason environmental and labor issues necessitated side agreements was that the initial agreement could not be changed. When the Congress demanded that labor and the environment be considered, new agreements—Mr. Clinton's agreements had to be drafted.

Now, major changes are being drafted to the initial agreement without authorization or legitimacy since Canada's interests are not even being considered.

Mr. Speaker, all sorts of mischief is going on here and I am gravely concerned that we must go to Mexico City or Ottawa to discover what is going on among our trading partners. American proposals to subject binational panels established under chapter 19 of the NAFTA to review by domestic courts are totally unacceptable to the Canadian business community.

What is this? The issue of sovereignty is not valid? It seems the White House thinks so! However, this NAFTA agreement cannot be changed. As much as I would wish that the decisions of the dispute panels could come back before American courts, legally, it cannot be done. This treaty is as is.

It is interesting that the Reuter's story about Canadian business' objections to changing the structure of the dispute panels' power goes on to report, and I quote from Reuter's: "Canada has won a number of key trade decisions through the binational panel dispute settlement mechanism."

Bless the Canadians! Having rolled us in over two-thirds of the decisions—they do know a deal when they see one.

□ 1730

CHANGE OF TIME ON SPECIAL ORDER

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to vacate my special order of 60 minutes and substitute a 5-minute special order.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Is there objection to the request of the gentleman from Guam?

There was no objection.

COMMEMORATIVE COIN FOR 50TH ANNIVERSARY OF LIBERATION OF GUAM AND NORTHERN MARIANA ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, last week I introduced H.R. 3372, a bill which authorizes a commemorative coin for Guam and the Northern Mariana Islands in honor of the 50th anniversary of the liberation of these islands from enemy occupation in World War II.

These commemorative coins will be issued next year to coincide with the 50th anniversary Golden Salute commemorations on Guam and Saipan. Over 4,000 veterans of the Marianas campaign are expected to return for this remembrance. The design of the coins will be emblematic of the heroism of the American forces that liberated the Mariana Islands in some of the fiercest fighting of the Pacific war.

While some students of history will note that Alaska's Aleutian Islands were also captured by Japan, the Native Aleutian islanders were evacuated prior by the United States military in anticipation of hostilities. While the Aleutian Islands were also captured, only Guam has the distinction of having its population subjected to an occupation by the enemy.

The distinction of Guam's status was not lost on the occupiers. Guam suffered an especially brutal occupation due to the loyalty of the people of Guam to America. Executions, beheadings, forced labor, forced marches, and internment in concentration camps marked the 30 months of Guam's occupation. The people of Guam suffered, but remarkably endured those trying times.

The Marianas campaign was a militarily significant battle. In the aftermath of the huge Japanese defeat, Prime Minister Tojo's government resigned. The Marianas gave the Allied forces the ability to reach Japan in bombing raids with long-range bombers. The momentum of the Pacific war changed with the Allied attacks on the Japanese homeland from airfields on Guam, Saipan, and Tinian. And, of course, the atomic bombs that ended the war were delivered from bombers taking off from Tinian in the Northern Mariana Islands.

Guam and the Commonwealth of the Northern Mariana Islands share this distinct history with a sense of the tremendous human toll that brought them freedom. The battle for Saipan was bitter, costing 3,426 American lives. The battle for Guam cost 2,124 American lives. The 50th anniversary commemorations will focus on the deep gratitude that the people of the Marianas still feel for these American sacrifices.

The proceeds of the commemorative coins will be used to construct museums on Guam and Saipan. The Guam Museum will be part of the War in the Pacific National Historical Park, and the Saipan Museum will be at the American Memorial Park.

Mr. Speaker, it is with a sense of history, and a sense of recognition of the American lives lost and the sacrifices of the people of Guam and the Northern Mariana Islands, that I urge my colleagues to support this legislation. Next year is the 50th anniversary of liberation. If there ever was a time to remember, this is it. If there ever was a time to honor, this is it. The veterans may not be there for other celebrations, time will ensure that. The people may not remember as well in later years, memories fade. America may not be moved to do this small gesture in years to come, people tend to forget. But now, for this 50th anniversary commemoration, with the American citizens of Guam and the Northern Marianas, let us remember, let us honor, and let us memorialize the heroes of the Marianas campaign with this special coin.

On a personal note, all families from Guam can point to this experience, the World War II battles and Japanese occupation and tell a heroic saga. My own parents lost three children during the occupation. That generation of liberators, warriors, and people who experienced those battles as civilians is quickly passing. My father died in 1986 and my mother is now 81 years of age. In their name, as well as the others, I urge the Members of this institution to recognize the pain, suffering, heroism, and triumph of the human spirit.

COMMUNICATION FROM OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Leonard P. Wishart III, Director, Non-Legislative and Financial Services, House of Representatives:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office Supply Service has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

COMMUNICATION FROM THE HONORABLE JAMES E. CLYBURN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES E. CLYBURN:

CONGRESS OF THE UNITED STATES,
Washington, DC, November 3, 1993.

Hon. THOMAS S. FOLEY,
House of Representatives,
Longworth HOB, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that my office was served with a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel I will make the determinations required by the Rule.

With kindest regards, I am
Sincerely,
JAMES E. CLYBURN,
Member of Congress.

IN OPPOSITION TO NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 60 minutes.

Mr. TUCKER. Mr. Speaker, I would like to address the House on a special order related to NAFTA, in an anti-NAFTA position.

Before I address the House, Mr. Speaker, I yield to the distinguished gentlewoman from Illinois, Mrs. CARDISS COLLINS.

□ 1740

Mrs. COLLINS of Illinois. Mr. Speaker, since I became chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness, I have probably spent more time on the proposed North American Free-Trade Agreement than any other issue. Our subcommittee has held 12 hearings and briefings and I have traveled to Mexico on three occasions to meet with Mexican officials and to see first-hand the living conditions in the border towns where the maquiladora factories are located. In addition, our subcommittee reported a resolution, which was subsequently passed by the House by a unanimous vote, expressing the view of the House that NAFTA should not threaten any health, safety, or environmental law of the United States.

At our first hearing on NAFTA 2½ years ago, I expressed my view that NAFTA could have some real benefits for all three countries, if properly negotiated. With the potential formation of trading blocs in Europe and in the Pacific rim, there is, at least a superficial logic to joining with our neighbors to enhance our competitiveness in a world economy. But this NAFTA is not what it is cracked up to be.

That is why I have several concerns. First, and most importantly, I believe that a trade agreement ought to improve the standard of living and create jobs in all of the countries. If instead, NAFTA will move jobs out of this country, or bring down wages, it should be defeated.

Second, I have taken a particular interest in the issue of food safety and trade agreements. I became interested in this subject when we reviewed the U.S.-Canada Free-Trade Agreement. We discovered that the former Bush administration had drastically reduced meat inspectors at the border, citing the Canadian Free-Trade Agreement as its authority. Under the so-called streamlined procedures, Canadians were allowed to select the meat that would be subject to inspection by our inspectors. This intolerable situation was eventually reversed, but it taught me an important lesson that trade agreements can be used to reduce consumer safety.

Third, based on my visits to the border, it was clear that considerable environmental damage was being caused by the maquiladora factories in the United States-Mexico border area. NAFTA could provide an opportunity to improve these problems, but it would require specific provisions to provide for funding the cleanup, and Mexican environmental standards and enforcement would have to be raised to levels here in the United States.

Unfortunately, I do not believe that NAFTA, even with the admirable efforts of President Clinton to negotiate environmental and labor side agreements, meet my three concerns.

Let me begin by discussing the impact on jobs and wages. I must say that the single most important factor in my decision was my experience in the border towns visiting workers in the maquiladoras.

The workers were living in terrible conditions. They lived in shacks with no running water or electricity. I saw their pay stubs indicating that they were working long hours for an average of only $1.64 an hour.

I realized then that unless Mexico ceased its policy of constraining wages to attract investment, American workers would be threatened. The failure of the Mexican Government to allow real labor unions to form so that wages could rise with productivity meant that American workers would see their standard of living fall instead of Mexican workers rising.

In my State of Illinois we have seen thousands of good manufacturing jobs leave our State and move to low-wage countries—most of them to Mexico. A study by the Center for Urban Economic Development of the University of Illinois at Chicago, found that since 1980, over 67,000 jobs were lost in Illinois to firms with operations in Mexico. The Chicago metropolitan area accounted for more than 47,000 of these lost jobs.

The loss of these jobs has hurt, not helped, the well-being and happiness of thousands of Illinois families. Further it is not evident that the movement of jobs to Mexico is producing big gains in Mexico's standard of living.

As a side light of my visits to Mexico, I began to question a statement often used by NAFTA supporters that the average Mexican buys $450 of American products every year. I visited a worker at a Zenith plant. He could never hope to buy the television set he assembled, because his wages were so low. I began to question where were these average Mexicans who bought $450 of American goods, and whether claims of a large Mexican market for United States-made products were accurate.

After some research, we found out that the $450 figure was derived by taking all exports to Mexico and dividing by the Mexican population. Included in these exports were parts shipped to the maquiladoras for assembly and then returned to the United States. Also included were capital goods used to build the maquiladora factories. In short, the average Mexican was really a United States corporation.

When I asked how much of exports were consumer goods that were purchased by actual Mexicans, the amount provided by the International Trade Commission was only $2.3 billion. That's $25 per Mexican—a far cry from $450. So long as wages are constrained in Mexico, we should remain skeptical of claims of a growing Mexican consumer market.

In the area of food safety, there was both good news and bad news in NAFTA. The good news is that the implementing legislation includes, at my urging, a provision which makes clear that U.S. food safety laws, as well as other health, safety, and environmental laws, cannot be weakened as a result of NAFTA.

The bad news is that there may be no practical way to ensure that food imported from Mexico may be safe. The Food and Drug Administration [FDA] only has 13 inspectors for the entire United States-Mexico border, and the agency has told me that Mexican produce exported to the United States is about twice as likely to have pesticide residue levels that violate United States standards, as is produce grown here in the United States. In addition, we know that Mexico has approved 15 different pesticides for use on food that the United States has not approved, and only seven of those 15 pesticides are even detectable by the tests that the FDA uses when it inspects fruits and vegetables imported from Mexico.

Finally, despite the efforts of the Clinton administration to negotiate a side agreement on the environment, the environmental problems at the border are likely to get worse, not better. In my view, there are three serious flaws in the side agreement.

First, there is no funding mechanism to ensure that those who benefit under NAFTA, namely the United States corporations that move their factories to Mexico, will be required to pay for the cleanup of the pollution that they have caused. Majority Leader GEPHARDT, for example, suggested that a cross-border transactional fee on their goods would be a good start toward making the polluter pay. Instead, it appears that funding, if any, for cleanup will be paid by the U.S. taxpayer.

Second, the side agreement only addresses problems caused by the failure of a government to enforce its environmental laws. It does not address the disparity in environmental standards.

We have constantly been told by NAFTA supporters that Mexican environmental standards are equivalent to ours, but that is often not true. For example, when we looked at the case of the Carbon I and II plants, which were built on the Mexican border and polluting Big Bend National Park, we found that the standards for power plants were quite different. For example, according to EPA, Mexico's standard for particulate emissions is 10 times weaker than the United States standard, and its standard for sulfur dioxide is 14 times weaker than our own.

Third, the side agreements are not tied to NAFTA. Under the provisions of the side agreements, a country can withdraw at any time, but still be entitled to the benefits of NAFTA. I raised this problem with Ambassador Kantor when he appeared before our Committee in September. He agreed with me that a country that withdraws from a side agreement, which he called critical to NAFTA, should not be entitled to stay within the basic NAFTA agreement. He also said he would welcome a provision in the implementing bill to rectify the problem.

However, in the past month, he reversed himself, and the implementing bill now has no provision to deal with a country that withdraws from a side agreement. The Clinton administration has stated its intention to withdraw from NAFTA if another country withdraws from a side agreement, but other administrations may not. Indeed, it is no secret that many Republicans do not look favorably on those agreements.

So while we will be making a permanent decision on NAFTA, the side agreements may disappear. This certainly raises the question about how seriously the NAFTA proponents see the side agreements.

Let me say in conclusion, that I take no pleasure in voting against this agreement. There is much that is good in the NAFTA, and I hope that the three governments will all return to the negotiating table. I believe we need to take into consideration the recent elections in Canada so that our Canadian partners are comfortable with a new agreement. And by all means we should continue to strengthen our ties with Mexico. The Mexican Government, and President Salinas particularly, have made greater strides toward improving the relationship between our countries than any previous leader. We must make clear that we want that relationship to prosper and that we will continue to discuss ways to enhance the well-being of all of our citizens.

□ 1750

Mr. TUCKER. I thank the gentlewoman from Illinois for those very eloquent and thoughtful comments.

Obviously, Mr. Speaker, there have been many questions about the North American Free-Trade Agreement, that we use the acronym NAFTA to associate. And the American public has not heard all the truth on this agreement. There has been a lot of talk and a lot of deductive reasoning that says that because exports are good for this country, that NAFTA would have to be good for this country.

I would compliment the comments of the gentlewoman from Illinois [Mrs. COLLINS] in saying that she was so right when she mentioned that it is not a question of supporting trade, but it is a question of supporting this particular agreement.

This agreement, as the saying goes, has to stand on its own bottom. This tub has to stand on its own bottom. And this particular NAFTA, as the saying goes, is not the one. It is not this NAFTA.

This agreement, as it has been negotiated, is a very poor agreement. It is a very unsubstantiated agreement in terms of the labor concerns and the environmental concerns of this country.

What I want to do tonight, Mr. Speaker, is go through in some detail about this agreement, some of the concerns, so the American public can better understand this agreement and understand why people like me and others on both sides of the aisle, Republican and Democrat, are saying "no" to this particular NAFTA.

Yes, we would like to see the President do well. We would like to see this country do well. We would like to see job creation. But we do not want the American people to have the wool pulled over their eyes, particularly at a time when this country is hurting like it has never been before. Joblessness is up in unparalleled and unprecedented marks all over the country.

So I think those of us that have been entrusted with the responsibility to do the right thing in the Halls of Congress and in the districts we represent must, indeed, make a conscious and a conscientious choice on NAFTA.

Let us talk a little bit about the arguments on the things that the pro-NAFTA supporters are saying. Well, one of the first and foremost things that you hear is that NAFTA is a job creator, that NAFTA will create jobs. In effect, the terminology that is used is that NAFTA will produce a net job gain. A net job gain.

Now, that is interesting, because we know that word "net" obviously entails something on the downside as it relates to the gross. So the proponents and the prognosticators of a pro-NAFTA movement are in essence saying to us that even they recognize that there is some downside to NAFTA, that there will be some job loss. But what they are saying is in the net sum of things, in the total summation, there will be net job gain. So what they are acknowledging first and foremost in the immediate and initial reaction of NAFTA is there is going to be job loss.

I first pose the question to you: Can this country afford even any more job loss? Can we afford it in California? Can we afford it in Ohio? Can we afford it in New York? Can we afford it in the Deep South? No.

The answer is "no" all over this country. We cannot afford any more job loss. Assuming, of course, we want to take that argument that there is going to be long-term job gains. I would submit to you the light at the end of that tunnel is not the light of hope of NAFTA, but it is a trainready to run us over and destroy the jobs that we presently are holding on to here in this country.

But let us explore that argument a little bit about job gain and what the proponents are saying.

Well, they base the job-gain argument on an argument that talks about jobs per export. It is the jobs per export factor that you hear the proponents talking about, in essence saying that if you look at the trade with the country of Mexico, and we are concentrating on Mexico in this agreement, even though it is a tri-national agreement, the problems come in the wage and the job disparities in Mexico.

If you look at the situation in Mexico, you will find, yes, over the last 10 years exports from the United States to Mexico have been up. That is one of the key figures and statistics that the proponents will use to say, well, if it has gone up in the last 10 years, when we bring down these 10 and 15 and 20 percent tariffs in Mexico, it is going to go up exponentially in the next 10 years and be good for trade and job creation in the United States.

But let us examine those exports. The exports to Mexico over the last 10 years have gone up, but the exports have largely been exports in capital goods and not consumer goods. That is very important, because if they have been exports that have gone up in consumer goods, that would indicate that the Mexican economy and the Mexican market and the Mexican wage earner, the average buyer, their economic power has gone up. And that would seem to substantiate the argument that it would be able to be a good market for our goods as consumers.

But it is not consumer goods, it is capital goods. And the capital goods go right to what? Manufacturing. Machinery and equipment. Which means we are building factories in Mexico for the Mexican worker, with whom we have a wage disparity of 8 to 1, for them to build goods down there.

So it is not so much a question of us trying to export goods to Mexico. We are trying to build factories in Mexico so that the Mexican worker, who works for a cheap wage, a minimum wage of 58 cents an hour, the minimum wage in Mexico, so that they can build goods and in turn sell the goods back to us, because we as Americans are the ones that have the buying power.

Look at the annual median income of the Mexican citizen as opposed to the United States citizen. Do you realize it is a 10 to 1 disparity? The recent statistics out by the Census Bureau show that the median annual income of the U.S. citizen is $30,000. In Mexico, at best, you are talking about $3,000.

You heard the gentlewoman from Illinois [Mrs. COLLINS] speak of this claim that the Mexican worker is going to have a buying power of $450 a year. But with the minimum wage at 58 cents an hour, and maybe the best Mexican worker making about $3,000 a year, I submit to you that they are not going to have the buying power to do even $450 a year. Even that is an extremely, grossly insufficient amount.

So what we have is an agreement that the American people have not understood fully, because it is kind of a three-card molly game. It is a little sleight of hand.

What it says to us is that this agreement is good for us because it is going to empower us to send more exports to Mexico. But what the agreement really is is this agreement is something that is going to be good for the industrial elite who are going to invest into Mexico. Once they invest into Mexico and build new factories and use Mexican workers with cheap labor, they are going to be able to export into the United States, which they can do right now, but not with the labor costs that they are going to be able to do it at.

That is important, because what that means is that their margin of profit is going to be much greater. It is the same old story. The industrial elite and the robber barons are going to make more, they are going to profit more, at the expense of the American worker, who is already suffering.

People say, "Well, is that really true? I mean, why would they want to go down Mexico? We see people like Mercedes Benz and other corporations coming to the United States to build factories."

Yes, they are coming to the United States. But once again they are going to export capital goods down there. They are going to build factories down there in Mexico. And, guess what? They are going to send back up a product back to the United States.

The product we are going to be sending down to Mexico that we have seen statistically is a lot of intermediary goods, too. These intermediary goods are just parts of the overall product. That means we send a part down there to Mexico, cheap labor assembles the rest of the product, and they send it right back on up here to us.

Why is that important? That is important because of import competition. Historically statistics have proven that import competition causes job loss. That is going to mean jobs for us, American workers, in the garment industry, in the electrical industry, and in the car industry. All these industries are going to suffer exponential job loss.

Now, another thing that you have to consider is the fact that NAFTA is an attraction to these industrial elite because it encourages them to circumvent the system that protects workers that we have built up over the years.

What system am I talking about? Well, I am talking about things like laborers' rights, the right to collectively bargain. I am talking about things like workman's comp. Yes, workman's comp in some areas of the country has gotten out of hand. But, god forbid, if you slipped and fell on your job, that you did not have some type of compensation, reasonable compensation.

You think you are going to get that in Mexico? No. You think you are going to get collective bargaining in Mexico, which has had one political party since the 1920's? And they want to call it a democracy?

No way. You are not going to get any laborers' rights; you are not going to get any collective bargaining; you are not going to get any workman's comp; and you are sure not going to get any health care.

□ 1800

What is on the table here in America? We are trying to pass a national health care plan, a Health Security Act for the first time in this country. But you can best believe that if you are a corporation or an industrial leader and you are concerned about paying the cost of health care here in America, then you are not going to be worrying about paying the cost of health care down in Mexico, and that is where you are going to go to circumvent and to avoid those costs.

Another argument that is given is that NAFTA will only affect low-skilled jobs. There have been recent articles. One was just in the L.A. Times a couple of weeks ago that showed where a Hughes factory went down to Mexico, and the guy who was writing the article had worked for Hughes. He was laboring under that same illusion, that only the low-skilled jobs would be displaced by Mexican low-wage workers. That is not true.

The reason it is not true is because even though the Mexican workers work for low wages, they have high productivity. And it has been demonstrated and it has been evidenced that they have high proficiency. In fact, if you think about this, you will realize why that can be. And the Mexican workers, even though they are going to be paid low wages, they are going to get high training. The reason why they are going to get high proficiency and good training is because of the money that the American corporation will save on wages. They can then put that into training.

In fact, one of the very insidious and pernicious things about NAFTA is that we are eventually going to do for the Mexican worker what we will not do and have not done for the United States worker. We are going to put money into training them and giving them the kind of training programs where right here in the halls of Congress this Congress this year, we had in a stimulus package worker training, worker dislocation, and all of these kinds of things that we have been fighting for here in Congress and we have not gotten.

When I go back to my district, the No. 1 thing people want to know about is jobs. The No. 2 thing people want to know about is jobs. The No. 3 thing people want to know about is jobs. Where are the jobs?

We have gotten dislocated in aerospace. We have gotten put out because we have no domestic policy any more, no industrial policy. People want to know, where is the peace dividend. If we have downsized on the military, then where is the money? Where is it? So we have not put money back into the kind of retraining and economic conversion programs in our own country, but yet we are willing to take that money and take it down to Mexico. And we are willing to train them. Is that the American way?

As I said, it will not just affect low-skilled jobs. It will affect all jobs.

The other thing that NAFTA will do, if it passes, and God forbid, is that it will not only displace jobs, it will affect and it will pare down wages, meaning that what we should be trying to do with the North American Free-Trade Agreement is bring up to good wage standards the Mexican economy and the Mexican wages of the average worker, instead of allowing that market to dictate our wages and to bring our wages down.

The way that the agreement is presently constituted and structured, that is what is going to happen. Because with the wages, with no guarantee in the agreement to boost up their minimum wage, their minimum wage, again, 58 cents an hour, with nothing in the agreement that holds their feet to the fire to boost up the minimum wage, when the cheap labor is flowing down there and the unions up here say, "We want to make sure that we are paid union wages," the American corporations, the U.S. corporations are going to say to those American workers, "Go take a hike, because we can do better. We can go down to Mexico or we can put this product together for minimum wage. We do not have to compete with you any more. We do not have to adhere to you any more. We can take our business elsewhere."

And that is the danger, that it is going to bring down the wage level of American workers.

There are so many things about this NAFTA agreement that are important for you to know. Another thing is that $1,000 per U.S. worker in the lower 70 percent of the labor force will bear the brunt of the cost of NAFTA. So who is going to end up paying for this NAFTA? It is the little guy, once again. It is the low-wage worker who is going to end up paying for NAFTA.

There is an argument that says that NAFTA is great because NAFTA is going to curb and solve the illegal-immigration problem. That could not be any further from the truth. We did not see that happen in the maquiladora program a few years ago, and it is not going to happen now.

What is going to happen is the dislocation of Mexican farmers, when we go down there and exploit the Mexican terrain. Those farmers are gong to move closer to the border, and they are going to still be living in squalor. They are still going to have an environmental problem which, by the way, the NAFTA agreement does not speak to. There is nothing in NAFTA that has any teeth in it in terms of holding the Mexican Government accountable for the work that needs to be done on the infrastructure and the environmental cleanup down there on the borders.

There is nothing but a lot of pipe dreams and promises, just like there is nothing but a lot of pipe dreams and promises about net job gain down the road, in the by and by. That is what we are hearing, but there is nothing in writing. It is the same old used car salesman scam that says, "If you do this, we will promise you this, we will promise you that." But there is nothing in writing.

Another argument about NAFTA is that either we do this NAFTA agreement or lose jobs to Mexico or lose jobs to Asia. One thing is this, in Asia, particularly one of our big competitors, Japan, the Japanese wages are higher than the Mexican wages so that is one thing you have to understand.

But the other thing is this, by not doing NAFTA, do not listen to all the scare tactics that say that the Japanese are going to come in and they are going to do the NAFTA agreement. They are going to get one up on us. Those are just the protestations and scare tactics of people who want us to accept and to subsume this NAFTA agreement, which is not right.

The Japanese are smart. They are not going to go for the NAFTA deal like we are going hook, line, and sinker for the NAFTA deal, because they are a closed-market, protectionist type of society. That is why we have the problems we have already.

But, of course, the proponents of NAFTA would say, "Wait a minute, you got it all wrong. What does that have to do with NAFTA? NAFTA is not trying to move into the Japanese market. It would be inviting the Japanese to move into their market."

Once again, that is the sleight of hand, and that is the veneer, the lie that is being perpetrated by the NAFTA proponents. NAFTA is not so much about our exports into their market. It really is about allowing and empowering the Mexican economy and the Mexican marketplace to export effectively into us.

Oh, sure, we will go down there and we will export more to Mexico, but once again, we are going to be exporting to build factories down there. We are going to be exporting our jobs down there more than anything else. And even if you assume for the moment that we are going to be exporting some consumer goods, guess what? Because NAFTA does not cure illegal immigration, just like we see in California, what we are going to have is more and more illegal immigrants working in places like the border States of Arizona, California, and Texas. And even then workers will be dislocated and displaced, because the average worker who is in a union, who deserves decent wages, they will be undercut.

They will be undermined by those who are not in the unions, by those who are illegal immigrants. Even the exports that we send to them will not be reflective of job retention for U.S. citizens.

People talk about free trade is a good thing, because free trade is mutually beneficial. But I mean, even that very term in and of itself belies the truth, which is this: somebody is going to come out on top on NAFTA. You cannot have a trade arrangement or relationship and both sides have a surplus. There is going to be a surplus for one trading partner and not the other, or there will be one for this trading partner and not that one.

What that means is that the United States feels that it is going to be the trading partner who is going to come out smelling like a rose on this. But do not think for one moment—I have been down to Mexico. I talked with Salinas, and I talked with their trade minister. Do not think for one moment that the Mexican Government and the Mexicans do not think that NAFTA is the cure-all for their economy.

It is their boon. They are hocked up to the hilt. Their economy is hocked up to the hilt. They have a $20 million deficit, based on foreign investment. That is the only way that they have been able to stay afloat. They want this NAFTA agreement to go through because it is going to bail them out. They want this NAFTA agreement to go through because they believe it is going to put them in a position where they have a trade surplus. How? Based on the exports of products that have been made by cheap labor.

Believe you me, they are going to be selling back to us everything that they make down there. Even if it originates here, by the time it gets there and it is put together, they will be doing what is called a U-turn export, which comes back to us as an import, but it is an export on their books. And they will end up with the trade surplus and not us.

Those of us who still have a job will be able to afford the things that they sell us, because they will be reasonably priced products. But the half a million to a million of us who are out of a job, we will not be able to afford anything. That is NAFTA.

The proponents of NAFTA have said, "We need to do this agreement and we need to support Salinas because Salinas is the first President in the history of Mexico who has been a reformist. He is progressive."

☐ 1810

He has totally reformed the country. We need to support him.

President Salinas is just more of the same in Mexico. He just carries a better cloak and a better veneer. There is a party in Mexico, the PRI. That party has been in power since the 1920's. What does that tell us? When they want to tell us it is a democracy, that is a great democracy. No other party has ever gotten in power.

Thank God, whether you are Republican, Democrat, or united we stand in this country, thank God there is some choice. There is no choice in Mexico. in fact, over the last couple of years, since 1988, there have been over 100, over 100 election-related deaths in Mexico, because if you speak out against the predominant party, if you even talk about or think about some other alternative to the PRI and to Salinas and what they are trying to do, you can forget it. You will probably end up joining Jimmy Hoffa on some highway down south of the border. You will never be found again.

There is no democracy in Mexico. We cannot believe for one moment that all the promises about doing the right thing, putting money into environmental cleanup, having labor rights, collective bargaining, they say they have unions in Mexico. With the kind of democracy they have in Mexico, that can tell us right away what kind of unions they have in Mexico.

People say that we should be helping democracy in Mexico by supporting the NAFTA agreement. The only way we can help democracy in Mexico is by denouncing the North American Free Trade Agreement, because by corroborating and by supporting the North American Free Trade Agreement, it is only rewarding a nondemocratic and autocratic society.

What we must do is, we must stand against it. We must take a stance. We must let the Mexican Government know that the only way that we are going to deal with them is that they get their act together. That is what happened in Europe. The European Common Market said, in essence, to Spain, Portugal, and Greece: We would love to have a common market with you. We would love to have this common trade entity, but the only way we are going to do it is that you get your act together, meaning that you are going to have to commit money to cleaning up your environment, you are going to have to commit not only money but you are going to have to commit yourselves democratically, so that your society and your democracy is where it should be. You are going to have to bring your wages up so that you will be a partner, and not just somebody we are carrying.

That is what they did in Europe and it worked. However, the wage disparity between the United States and Mexico is such that we would be subordinating ourselves to low wages. That is something that we should not do and must not do. That is why we must vote against NAFTA.

Finally, the side agreements as they have been laid out are totally insufficient. Once again, they do not address permanent financing for an infrastructure to better our environment. They do not commit moneys to worker dislocation or worker retraining or border patrol.

I heard last week that the President was making some representations about $98 million for worker retraining. My goodness, what a great offer. You can figure it out yourself. We have 50 States. At $100 million, it would be like $2 million per State; $2 million will not even help one city in my district. We have got to have some real financial commitments if there is going to be worker displacement, which there ain't no "if" about it, we know there is. and we have to have some money to address that.

We have to have some money to address the environmental problems down there, which are just horrendous, horrendous.

Last, when we look at the problems in NAFTA, the regulations and the system for redressing that is set up, this trinational commission procedurally that is set up to address any problems that happen down the road, the ones that are going to happen, it is a joke. It is a joke, because there is a $20 million sanctions cap. It is also ajoke because if any two countries out of the trinational relationship do not agree to it or want to say that there is no problem, then it is overruled.

The process is very convoluted. By the time you get to any type of redress, you are about 5 or 10 years down the line. NAFTA just brings and codifies more of the same. It does not bring Mexico up into the economic and environmental standards it should be at. Until we have that kind of agreement, the summary point on NAFTA is that we must not just swallow this elephant whole. Let us take it one bite at a time.

Mr. Speaker, let us go back to the table, let us encourage Mexico to become more democratized. Let us encourage Mexico to be more environmentally sound. Let us go back and let us get the best possible deal we can get for the American public, because when I hear my cohorts and colleagues talk about the fact that "Well, it is an all or nothing situation, we have to take this NAFTA now," and if we do not take it, our country is going down the tubes, Mexico is going down the tubes, no, Mexico is not going down the tubes because we are going to vote down NAFTA.

Mexico might go down the tubes anyway because they are hocked up to the hilt on foreign investments and they have a $20 million deficit. However, if they go down the tubes and we do not support NAFTA, then only a few industrialists will go down the tubes with them. However, if they go down the tubes and we have supported NAFTA and we have poured all of our investments into NAFTA, then guess what, you, the American taxpayer, are going to be left with the tab and we will go down the tubes with Mexico. That is what we have to remember.

So no, it is not that we are against free trade. It is not that we are against a North American Free-Trade Agreement. It is that we are against this one. It is poorly crafted. It was poorly negotiated. It does not support the concerns for American workers, American jobs, American wages, and the environment, which will affect the United States and Mexico on both sides of the border.

Until we get realistic and responsible and go back to the bargaining table and to all the people that say, "Well, this is it," no, this is not the final sayso. It is not the final chapter. NAFTA will be defeated. NAFTA will come back again, and we will ensure that NAFTA is negotiated with our best interests at heart and the best interests of the United States and the U.S. workers at heart. Then we will have a North American Free-Trade Agreement that we can support.

Ms. KAPTUR. Will the gentleman yield, Mr. Speaker?

Mr. TURNER. I yield to the distinguished gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from California [Mr. TUCKER]. I was working in my office and I heard the gentleman speaking on the floor. I saw the gentlewoman from Illinois [Mrs. COLLINS], the chairwoman of the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce, before which I have testified.

I just had to rush over here on the floor and say, first of all, that I am so glad that the people ofCalifornia elected you and sent you here to the Congress of the United States last year, and to see your service in your early terms here and what a contribution you are making to the people of your own State and the people of our Nation.

I would say to the gentleman that he does not have to be here tonight. The gentleman could be out at dinner or somewhere else, and yet he is here late, in the closing hours, on the floor speaking out on behalf of our people. It just goes to prove the elections do make a difference.

Mr. TUCKER. I thank the gentlewoman so much for those kind words. We certainly laud you for your leadership, not only on this issue, but on issues, of conscience that have come up on the House floor time and time again. I just want to encourage you to stay steadfast.

We certainly appreciate your thoughtfulness and your leadership.

Ms. KAPTUR. If the gentleman will continue to yield, I would say that we will be partners in this together.

I just want to submit for the RECORD this evening, and spend a little time, if I might, just a couple of minutes, describing a report we presented to the gentlewoman from Illinois [Mrs. COLLINS] before her subcommittee today, a report called "The Human Face of Trade."

There was a bipartisan delegation of eight women Members of Congress that went to Mexico back in May to really follow what companies that had left our country and had moved down to Mexico, and then to compare what had happened to the workers here and what was happening to the workers in Mexico.

Mr. Speaker, we even have in this report the pay stubs of the workers in Mexico, how much they are earning for the work they are doing. What was interesting about that trip was that the gentlewoman from Illinois [Mrs. COLLINS] represents a district where Zenith Corp. had moved out of, South Chicago, IL.

We were in Reynosa, Mexico, where 12,000 citizens of Mexico are employed in that particular company. All the workers in Illinois have lost their jobs, all the workers in Missouri have lost their jobs.

We got the pay stub of a woman who had worked at the Zenith plant for 10 years. She takes home, after a 48-hour work week, $17.35 a week.

This report is called "The Human Face of Trade."

I would like to submit it for the RECORD this evening. Of course, if people who are listening would like a copy of that, they can certainly call Congresswoman MARCY KAPTUR's office here in Washington and we can send it along.

When I knew the gentleman was down here on the floor, from California, I wanted to bring this chart down to the floor. This is one of the companies that was lost in the gentleman's home State of California, Green Giant. In Mexico, of course, they rename it Gigante Verde. We all know the symbol of the jolly green giant. In Watsonville, CA, Green Giant used to employ 800 more people. Those jobs were lost.

The workers in Mexico were hired. There were 1,000 workers hired in Mexico at this plant, and they are being paid $4 a day, a day. The workers in California were paid $7.61 an hour.

□ 1820

And one of the issues I wanted to bring out tonight was this tremendous wage disparity between California and Mexico. And also that the people, you talked about job retraining and what are we going to do with the people who are put out of work, the people who worked in the Green Giant plant in Watsonville, CA, were largely women, minority women, and they worked for many years to achieve a salary of $7.61 an hour, plus benefits. Many of those women have not found jobs. For many of them, this was their first good job, and many of them are single mothers supporting their own families, working very, very hard.

And then what is tragic about this whole situation is once Green Giant grows broccoli down there, packages it, and sends it back here to the United States, the people in Mexico do not eat the broccoli, we do. And the prices do not go down in the grocery case.

So I wanted to come down here to the floor particularly tonight to present this information and commend you, Congressman TUCKER, for your fine, fine work on this. As the American people know more about this, and they understand what this agreement is really about, and that is giving a Good Housekeeping stamp of approval to this type of corporate relocation where workers in this country are hurt, and workers in Mexico do not earn a living wage, then the American people, and we here in the House, are going to defeat this particular NAFTA agreement.

So I thank you so much for doing this special order this evening.

Mr. TUCKER. Thank you, Representative KAPTUR. We certainly appreciate your contribution. That information is very devastating indeed. When we think about, as you indicted, the wage disparity, plus the lack of benefits that they will receive down south of the border, it shows that there is exploitation on both sides of the border, and that the Mexican worker is certainly going to be exploited, and those who had a job in California have been exploited and tossed aside.

The thing is in California there are no new jobs that are being created. So it is not like you were saying that well, 800 jobs were lost but some other jobs came along to make up for them. There are no new jobs out there for those 800 workers who were displaced. And there is no money out there to retrain them or relocate them. So it is devastating, and particularly as you indicated that these were women, many of whom were the heads of their own households. And not only is it devastating to them, but it is devastating to their entire household, exactly as you have pointed out, and that is what the American people need to understand. They hear all of the glitter and the glitz about trade, trade, trade. As a basic principle that may be true. But as many of our colleagues on the other side of the aisle quip all of the time, the devil is in the details. And this is one time that we are going to expose the devil and let the details be seen for what they are.

Ms. KAPTUR. And you know, when we looked at the paychecks of the women that work in a number of those companies in Mexico, it was interesting. Not only did they take home about $17 or $18 a week, but if you look at the deductions that the companies take out of their checks, there was one deduction that I did not understand. It is called INFONA. It is for housing. And I asked one of the women workers, I said that is quite a bit out of your paycheck, and it was in fact about a third of what she earned in pesos that week. I said what do you get for your housing, do they help you buy a house. And she laughed, because they lived in a very little shack up on a dirt road in this shanty town. And she said, "I don't know where the money goes."

Our own Embassy told us that the Government of Mexico collects over $62.5 million, and we were told the companies pay this money, but it is coming out of the workers' checks. That money goes down to Mexico City.

I include for the RECORD the typical female worker's paycheck and typical male worker's paycheck in United States-owned maquiladora industrial plant in Mexico.

Typical female worker's paycheck in United States-owned maquiladora industrial plant in Reynosa, MX

Regular, 47 hours	122.20
Overtime, 1.1 hours	20.00
Gross pesos less deductions	142.20
Deductions:	
ISPT	0.15
IMSS	9.00
Infona housing	31.00
(A housing allowance is paid by the worker but the worker receives no benefit.)	
Street Cleaning	2.50
Washer Loan	30.00
(Cost of company loan to buy a washer. The worker paid $200 in January and the washer will cost $40 by December.)	
Despi Komida	
Savings	11.00
Union Dues	6.50
pesos	90.15

Net=52.05 pesos or $17.35 per week U.S. dollars.

Typical male worker's paycheck in United States-owned maquiladora industrial plant in Nogales, MX

Regular, 48 hours	71.400
7th day	11.90
Attendance bonus	16.000
Gross pay, less deductions	99.300
Deductions:	
Cafeteria	800
ISPT	97
Government union dues	100
	997

Net pay=98.303 pesos per week or $32.76 week U.S. dollars for 7 days work.

I heard what you said about democracy building in Mexico. That money does not come back to help the very woman whose check that it is taken out of. This same woman has a battery in the back of her little home, and she uses the battery to run a washer. There is a huge family that lives in this little building. And in January she had to get a loan from the company. Tell me what this sounds like to you. She bought a $200 washing machine in January that by December will cost $400, but the company made her the loan. So out of her check she is paying exorbitant interest on a washing machine that she should have been able to buy, and of course she does not have any electricity in her home. It has to be run off of a battery.

So this is really interesting to me. That is why we called this report the "Human Face of Trade." And I am very proud to say that every single woman Member who went with us, each of their names is on the report, including Congresswoman COLLINS who spoke earlier this evening and who was the senior woman Member on our trip. We are very proud of the time she spent with us.

Mr. TUCKER. That is excellent. It is very enlightening information indeed, and I like the title. You are right. We have to put a real human face and provide information that shows the human side of this agreement. We hear so much political posturing about how this is great for trade, this is great for the economy, but when we really see the impact on the average worker on both sides of the border, then in all good conscience, there is no way that we could support this agreement. I think that each and every Member of this House has a responsibility to vote against this agreement. If they are voting for decency, if they have any morality at all, they would not vote for this. So I am certainly going to encourage all my colleagues, as I have been, to vote against this agreement, and to force not only the pro-NAFTA, the proponents and supporters here to come back to the table, but as you indicated, to force a democratization in Mexico, because only by standing against that kind of exploitation will it get better. It will not get better by us condoning it, but only by standing up against that wrong will it get better. And that is what we have to do now.

I certainly appreciate those comments.

Ms. KAPTUR. You and I both represent major agricultural States, and there is a lot at stake for agriculture in this agreement. What I found very interesting is when these processing workers lost their jobs at the cannery in California, the farmers who grew the broccoli and the cauliflower also lost their market when that Green Giant stopped buying from them, and they moved their production down to Mexico. What was interesting is when you go down to Mexico you find that what happens is Green Giant then has its own fields, or they rent fields from certain farmers. The farmers down there are not wealthy enough to own large farmsteads as we do here.

Mr. TUCKER. They are small, poor farmers, yes.

Ms. KAPTUR. That is right. And they hire workers at 40 cents and 50 cents an hour to pick the crops in the field. And if I compare, for example, a tomato grower in Ohio—a tomato grower in Ohio has to pay about $250 to rent acreage to grow tomatoes. And under our law, they pay their farm workers in this country about $5.15 an hour, plus benefits. In Mexico it costs about $40 an acre to rent the ground, and the workers there earn about 40 or 50 cents an hour.

So the pressure to move processing down there is great. And I went to the grocery store when I came home, I went back to Toledo, OH, and I went to find all of the Green Giant products. I hope all of the shoppers in America are listening tonight, and I encourage you to go into the shopping cases, take out the Green Giant products, and then turn it over, try to figure out where it was grown, and where it was processed. You will find the most interesting set of labels. You have to have really good eyes because the print is so small you practically have to squint to see it. But it is very interesting to ask yourself where was the food grown, how was it grown, how was it processed, and who really benefited from this international movement of production that ultimately ends up back here in the United States. The people in Mexico cannot afford to buy freezers. That stuff all comes back here.

Mr. TUCKER. That is the point. Thank you for your contributions this evening. I would like to see a copy of that report also.

Ms. KAPTUR. And thank you, Congressman, for your leadership.

Mr. TUCKER. Mr. Speaker, I yield back the balance of my time.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

U.S. MILITARY OPERATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, I borrowed some time from another colleague's 1-hour special order last Thursday before we adjourned, and I was very rushed because we were trying to get in three subjects at one time. Two of them are not life endangering, but very important domestic issues. But to go over the color photography that I took over the skies of Mogadishu 2 weeks ago, and to go through some very important pictures in 30 minutes was a strain on me, and I think a strain on the audience. They wanted to study the pictures a little bit closer, and for the audience of 1,200,000-plus that watches these important special orders, that are still part of what we do here in the Congress, the gavel has not come down, Mr. Speaker, you are still in the chair.

□ 1830

The House of Representatives is still in session. Yes, the legislative business is finished; yes, we are still stuck with this policy that was supposed to end in January of this year, which was put into effect three Speakers ago, where we planned the cameras on an empty Chamber to give the impression nobody is listening when over 1 million Americans as far away as Hawaii, Alaska, the territory of the Virgin Islands, Puerto Rico, 1¼ million people are listening. I did not mean to be rough on our excellent communications crew which is one floor down about "Please come in close on these pictures." I understand they did a superb job. I was not making it easy for them, because the photographs were all loose and I worked out a system to keep them all in the original Kodak box and to leave them steady so I do not put a light flash on them. I think this will help our excellent men and women downstairs benefit me and my special order by showing these pictures more carefully.

After my special order last week, I went back to the hospital at Walter Reed, the U.S. Army Hospital, met Commanding General Blank—a more perfect assignment has never been made in the history of our Army. Our young wounded Rangers and Special Forces troopers in that hospital told me that General Blank, a major general, comes by every single day at least once to ask how they are doing and to get any comments on their medical care.

I saw some of the young soldiers that I had seen on a prior visit plus I did get a chance to see a young trooper who gave his right arm and right leg in attempting to reach a burning downed helicopter to retrieve the remains of our American heroes, three of them who died on that night in the wee hours of the morning of September 25. More about him later.

His name is Christopher Reid.

Young Sergeant Reid up there in Walter Reed Hospital is a young American of African descent who suffered bad burns on his left side. He is right-handed, he lost his right arm and leg. His spirits are up.

I understand that when Clinton saw him the weekend before last, that it brought the Commander in Chief to tears, and well it would, because his spirits were so upbeat. He had hoped to make the Army a career, and he gave just one step this side of what Lincoln called the ultimate sacrifice, giving your life that others may live, and in this case just so that the parents might have the solace of a funeral.

Young Christopher Reid I think is going to be an inspiration to all Americans of any age as he shows his spirit, works his way through life, using prosthetic devices that he is already training to use. He was training to use them within 2½ weeks of his serious traumatic nightmare with this explosion as he was reaching this downed burning helicopter at about 4 o'clock in the morning on September 25.

Then Monday of this week I went down to meet with tremendous Army and civilian personnel at he Redstone Arsenal at Huntsville, AL, to learn where we have let our Nation down on strategic defense.

The Army now is the lead service in defending our homeland from nuclear missile attack; even from one or a handful of nuclear warheads coming at this country that are accidentally launched or deliberately launched by some crazed warlord somewhere, 1 or 2 is not 30,000 but it can completely destroy an entire city like New York, Los Angeles, or the District of Columbia.

As I said today in a 1-minute speech, the Americans that survive will certainly want to burn down this Congress for not providing us the defense to stop even one missile.

So down there at the U.S. Army Space and Strategic Missile Command, I received an all-day education in not only what the Army is trying to do to defend the United States but where we have helped them in Congress and where we have let them down.

Then I climbed in this little Army C–12 Beech King Air and flew up to Fort Bragg. Fort Bragg is what one of the general officers there called the Valhalla for the best trained soldiers in the world. He said that our 75th Ranger Regiment is the best infantry in the world. What can you do to a Ranger to make him better? Well, maybe to make him a paramedic, to train him in underwater infiltration, to train him in high-altitude parachute infiltration at high or high-altitude low-opening, high-altitude low-opening, teach him two or three languages, train him in civic action, make him an accomplished electrician, carpenter, plumber.

The Special Forces men that serve us in the United States, every one of them has been through Ranger school and then all of these other survival schools and craft schools and language schools. I never saw better sergeants in my life than those who stood for me in front of their equipment and explained to me what they do in the average A-team that we became familiar with in the early days of the Vietnam war.

There are five Special Forces groups around the United States, backed up by two in the National Guard, two in the Reserve. Each one has a geographical responsibility for our five regional combat commands: Pacific Command; European Command; Central Command, which is the command that has authority over the Horn of Africa and all of the Desert Storm operational areas; Southern Command, which is the Central America and South America. Which one am I leaving out? The Atlantic Command, which has just been renamed the A Command instead of just LANTCOM.

These young soldiers down there, there officers and warrant officers at every level, just made me proud to be an American and to serve them in any way I can here in the U.S. Congress.

When I visited in the morning with the deputy commander, who wears two hats, he is over the U.S. Army Special Operations Command, that is both the Rangers and the Special Forces, and some very secret operations, and the psychological operation, the civil action operations, and is also, with another hat, the deputy commander of just the Special Forces. Gen. Richard Potter had had on his wall something that caught my eye. I asked him if I could please have a copy of it. So one of his staffers typed it up for me. I think it tells you a lot about what our highly trained men feel when they serve around the world, particularly in secret situations where there is never any glory, there decorations are given in private, known only to their families. And I think this, by the French author of a trilogy of books, the most famous being "The Centurions," about Vietnam. Then he wrote other books about the conflict in Algiers.

Here is what Jean Larteguy says:

> I would like France to have two armies, one for display with lovely guns, tanks, little soldiers, fanfares, staff, distinguished and doddering generals and deal little regimental officers who would be deeply concerned over their general's bowel movements or their colonel's piles; an army that would be shown for modest fee on every fairground in the country.
>
> The other army would be the real one, composed entirely of young enthusiasts in camouflage battle dress who would not be put on display but from whom impossible efforts would be demanded and to whom all sorts of tricks would be taught. That is the army in which I would like fight.

Some of our unsung heroes in Somalia certainly fit into that category of the battle-dressed, camouflaged heroes known only to their comrades-in-arms.

Mr. Speaker, since I was last on the floor, I continue trying to understand why our great Rangers and Special Forces men and the 160th Special Operations Aviation Regiment supporting them and why the young heroes of the 10th Mountain Division Light Infantry trying to get to them in the rescue operation, why they would be engaged in a 15-hour firefight and why civilians in our command structure back here would have denied them the armor or armored cars or the armored personnel carriers to effect a true rescue.

□ 1840

I showed this on this floor and I will show it again in a minute, a picture of T–72 tanks. Those were the main battle tanks of the Communist forces throughout the world. In many quarrels with the United States, the Government of India decided to buy their equipment from Russia.

I photographed it all. I will show those people who are interested in following these proceedings of our Congress, Mr. Speaker, five T–72 Russian designed, either built or bought from Russia or one of the East bloc countries or built under license in India. But the nation of India, part of the 2½ dozen nations that are part of the U.N. operation in Somalia, I now find out that the nation of India—I did not know this last week—has 14 T–72 main battle tanks that were just 15 or 20 minutes away from the action and sat unused during that whole 15-hour firefight.

As our terrific commanding general of the Quick Reaction Force there, Tom Montgomery, told me, he called, asked if they would help. They said they had to call Delhi, the equivalent of our Pentagon in their capital city.

I have since found out that Italy has 12 M–60, United States-made M–60, battle tanks. That was our No. 1 tank facing off the Soviet Union and East bloc forces for almost a 15-year span. That M–60 replaced the great M–48 Patton that was our main tank after the Korean war up until into the sixties when all during the sixties and early seventies it was the M–60 tank, and then throughout all the rest of the seventies and the early part of the eighties, it was a mix of M–60's and the brand new M–1 Abrams coming online.

So Italy had 12 M–60 tanks. They also have one of the world's best armored vehicles, the Centauro. They had about 15 of those, still have them there.

Turkey has a dozen M–48 tanks, the venerable Patton tank that served us so well under General Patton's, for example, 11th Armored Regiment in the 3rd Corps area of Vietnam, M–48 Patton tanks.

The final model of that tank, the A–5, Pakistan has an unknown number of those. Turkey has 12 of them.

Pakistan also has 60–five dozen M–113 armored personnel carriers. That was our main APC throughout the entire Vietnam war.

The Bradley has only come online in the last part of the 1980's, the M–2 Bradley.

France has one of the world's finest armored vehicles. They make them themselves, the VAB. They have 20 of them.

Where were these armored cars with hardened tires that can take many, many rifle rounds and can still get around on two or three tires with several shot out?

Malaysia has the American-made V–150, called the Commando, built by Cadillac-Gauge. They seem to have a dozen of those. I am still waiting for their attaché to find out how many.

In addition to India's 14 T–72 tanks, they have something called a TRAWL. I do not know what that acronym means, but it is a mine-clearing tank, and they have four of them. Imagine how they could break through some of these barricades on the October 21 Highway and how easily they could have gotten, in spite of autodetonated landmines, to our people under siege for 15 hours.

So I will continue working on this part of the story, Mr. Speaker, and try to get an accurate accounting of all the armor available on the ground in Somalia.

My colleague, who himself was a member of the 75th Rangers in Vietnam after his original unit, the 173rd Airborne Brigade came home, the gentleman from California [Mr. HUNTER], glad to have the gentleman join me, and I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding to me.

As a guy who did absolutely nothing special with the Rangers, but who showed up in Vietnam, as the gentleman from Orange County did, it is a pleasure to be here.

I just want to say, and I think I can speak for all the members of the committee on this point, that of all the members of the Armed Services Committee who have many pressing duties at this time of year, who are putting together the conference agreement on defense and we are trying to see to it that our men and women in the armed services are well-equipped, and all the jobs that we have, being back home with our constituents and sharing some time with our families, there is one Member who has undertaken since the tragedy in Somalia the task of really working on this project and trying to develop all the facts which the administration has been very reluctant to assist in putting forth, there is one Member who has really given a great deal of his time and his personal comfort.

He flew for 40 hours straight going to Somalia and back shortly after this tragedy and he has continued to work this issue, and that is the gentleman from California [Mr. DORNAN], the gentleman who just yielded to me.

I say to the gentleman from California [Mr. DORNAN], BOB is one of my best friends and a very fine Member of this body. I think that all of us on the Armed Services Committee and everyone in the House and the American people owe the gentleman a debt of gratitude for his persistence, for all the time that he has spent on this and for the service that he is doing with the families of those who have fallen, because at least through the gentleman they are understanding what happened.

I know that is a very important thing to these people. I know we have some folks here who are watching tonight, who are members of the families of some of the fallen Americans, and the job and what the gentleman has done has been very, very important to them.

So as a member of the Armed Services Committee on the Republican side, but this is totally bipartisan, I think the whole committee owes the gentleman a debt of gratitude. We want to thank the gentleman for what he has done.

I just want to ask the gentleman, what outstanding issues does the gentleman think we have here that need to be pursued in the coming weeks?

Mr. DORNAN. Well, I thank the gentleman from California [Mr. HUNTER] for his kind words.

As a certain legendary radio personality says, "Megadittoes" to everything the gentleman said about me, and it goes for the gentleman from California [Mr. HUNTER].

The gentleman and I had lunch yesterday with the wife of the first American killed in the latest round of intensified hostilities. We had four Americans killed singly, a sniper fight, a landmine accident with a civilian, 51 years of age, his family was informed Christmas Eve last year, Larry Freeman.

I saw the mother and saw a letter that I am going to put in the RECORD of the first marine killed in a firefight near the international airport.

Another marine was killed by a land mine.

We have had four others, two in truck accidents, two in deaths off duty.

There were eight, two under President Bush and six under President Clinton in this vague UNISOM mission after Restore Hope was declared mission accomplished on the South Lawn of the White House on the 5th, and it stayed at eight for several months, and then came August 8 of this summer when for the first time more than one American died. Four died together in a Humvee.

The wife wrote a letter, a letter to all of us. I read parts of it the other night.

The sister came with the wife of Sgt. Keith D. Pierson to visit with us. While we were having lunch with them, they both handed me this letter, and with their permission, I would like to read it into the RECORD.

Sgt. Keith D. Pierson's sister, Laura, has served in the U.S. Coast Guard for 8 years. There are two brothers and two sisters in that family, in the Pierson clan, and 50 percent of them served their country.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, I might say that I have met, pursuant to the gentleman's introduction, I have met the sister of Mr. Pierson. She is a wonderful example of service to the United States in her position in the Coast Guard.

Mr. DORNAN. You know, we have a rule that we are not allowed to refer to the gallery here. I saw that rule broken once, with the only living five-star general officer on active duty. There were seven during the war and only one after World War II, and among those seven were great names like King and Leahy and Eisenhower and MacArthur and Arnold, and forgive me for leaving out two naval officers, Nimitz, seven of them, and then they added Omar Bradley, Patton's commander during World War II. He was sitting up in the gallery once in uniform with his lovely wife. And somebody asked permission, if we could refer to him, so that the whole House would know. He died within the year, so it was a real honor to have a five-star general, played so beautifully by Carl Malden in the movie "Patton."

□ 1850

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I met him on inauguration day at Ronald Reagan's inaugural speech.

Mr. DORNAN. I think it was that week because we get sworn in 3 weeks before the President in any January of a new President's inauguration, and that is when he was in the gallery, and, Mr. Speaker, I would like to ask that I point out that in the gallery tonight are Laura Pierson and the wife, Mrs. Keith Pierson, and with their permission I read this letter.

The SPEAKER pro tempore (Mr. BARRETT] of Wisconsin. The Chair cannot entertain that request, and allusions to the gallery are not permitted.

Mr. DORNAN. All right. Thank you, Mr. Speaker.

"Somalia: How many more soldiers have to die?"

This was in the Boston Globe just 2 days after that firefight, 3 days after, on October 7.

My brother, Sgt. Keith D. Pierson, was killed in Somalia on August 8 after an explosive device went off under his Humvee. The four soldiers who died that day made the ultimate sacrifice for their country, proud and strong to the end. I, myself, have proudly served in the U.S. Coast Guard for 8½ years and can understand how my brother felt serving his country. It is something you learn growing up, to have a sense of pride along with a personal investment.

There are some who will say that a military career is one entered into with a known risk to one's self and possible loss of one's life. However that is not the question today. Today we have men and women all over the world on missions to, quote, restore peace, unquote. Is this really possible in a world so diverse?

Prior to the incident there was not much news on our mission in Somalia, only that we were involved in a humanitarian mission to help the starving people of that country. Keith was a proud soldier and believed in serving his country for the greater cause, never questioning why, or why me, and for that I find a certain solace in that he died doing just that.

We obviously did not learn the lesson that the rules had changed and that we were not and are not wanted in Somalia. More soldiers have died and been captured. I can only begin to imagine the pain of the families that witnessed their sons, husbands, brothers, fathers, being dragged through the streets by dancing Somalis who just want us to leave.

I can remember, as if it were yesterday, when I got the call that Keith had died.

Actually that call came from his wife, Jodie.

It is difficult to accept when the incident is so far away, and, no matter how many times you see it on television, it just does not seem real. How could this have happened? He was just there to assist in delivering food to starving people. When did this turn into such a bloodbath for American soldiers? How can we, as Americans, stand idly by and watch this inhumane treatment of our troops who are merely following orders?

Enough is enough. I, for one, will not stand quietly by while more families suffer in this way. When will this administration take a firm stand, get our POWs, and get out?

Well, since then we have had our one POW. All the rest, it turned out, were captured, or killed, or beaten to death, and the five missing turned out to all be killed in action, but we do have Durant back, and, DUNCAN, I would like to tell everybody who is visiting with us tonight or across the Nation that Larry King is at Fort Campbell. I am flying there tomorrow myself, but tonight he is going to have on, and he was released to home yesterday, CWO Michael Durant, who is truly a miracle man, who was stripped naked, beaten unconscious by the crowd. I do not think he ever quite lost consciousness, face caved in, back broken, pelvis broken, bruises all over his body, and I have got an exciting story to tell about him. Just let me finish Laura's letter:

"Is it worth the price we have already paid? How many more soldiers will have to die."—Laura D. Pierson, Quincy, MA.

Now I am going to show Laura and Jodie tonight today's Washington Post. It says that our men are coming out of their fortified encampments, Hunter base named after the gentleman, I guess, sword base, and they are going to start patrolling the streets again. They are going to scrape clean the October 21 road where there was a big firefight between the clans last weekend, we're coming out of our armed fortified garrisons, DUNCAN, and we are going into the streets again.

The biggest gulp I got out of Admiral Howe, distinguished naval career, worked many years on the Joint Chiefs of Staff, important jobs at NSA and other top secret agencies; he is our U.N. commander over there, carefully picked by the Secretary General of the United Nations, Boutros Boutros-Ghali, to make sure we had an American taking the heat over there. He gulped when I said, "What are you going to do, Admiral Howe, when the very next American soldier, God forbid that happens, gets killed?"

An excellent two-star major general, Tom Montgomery, said the same thing. I had in front of that at that moment that full page that the gentleman has seen me show people from the Washington Times with the pictures of most people who were killed during all of the combat leading up to, but not including, the mortar deaths of Matt Rearson, another great Special Forces guy from Fort Bragg.

By the way, let me put something to rest here on that tank story. The M-60 tank is not out of our inventory. I just got this 10 minutes before I started speaking from the Army. Although the Army currently has, and I am pleased with this figure, 4,520 M–1 Abrams tanks, we still have the M-60, A–3 model, tank. We still have 4,821. Two thousand thirty-four are in reserve units all over the United States for our Army reserves who do have over 1,200 M–1 tanks in the reserve, the lucky units. Most of our reserve units have over 2,000 M-60 tanks, and I say that because of this inability to shake loose the Italian M-60 tanks that they bought from the United States to crank into that rescue operation.

There is something else that I want the gentleman from California [Mr. HUNTER] to join me in—well, there are three things. I am glad the gentleman came to the floor.

No. 1, Mr. Speaker, I say to the gentleman, I want you to sit down with me in my office or yours and sign the certificates for about 100 flags that I'm going to haveflown over this Capitol as the sign of appreciation for our wounded and to the families of the 26 men who have died in combat there. Well, we might as well make it all 30 that have died under hostile conditions.

Mr. HUNTER. Mr. Speaker, if the gentleman would yield, I would be proud to do that, and I think we should include our colleague, the gentleman from Texas [Mr. SAM JOHNSON].

Mr. DORNAN. And reassembling Tiger Flight——

Mr. HUNTER. And DUKE CUNNINGHAM.

Mr. DORNAN. Tiger Flight from last September and October, and the Commander in Chief remembers this well because he was not yet President, but, if the four of us would take the time to sit down, the four of us, Tiger Flight reassembled, that is, SAM JOHNSON of Texas' call sign from Korea when he was just a young rascal, and then he was a Thunderbird pilot, and then he went back as a commander to Vietnam, 7-years POW, 4 years in solitary confinement. Families will know he suffered, and his signature will mean something on those flags.

We will fly 100 of them. One of my staffers is going to come in and help do this on Thanksgiving Day. Remember my daughter Theresa, Terry's, idea to thank them, and I think this will solve the problem of inundating homes all across America with the letters of thousands, if not tens of thousands, of loving school children.

However, for the troops up at Walter Reed, cannot help the guys yet at Fort Campbell and the son of a Congressman who is an Army major, doctor. He was a Special Forces doctor there, Robbie Marsh. I am going to try and call him tonight after this special order. I should have called him. He wanted to be informed so he could watch, but here is the guys over at Walter Reed, and, if the hometown rings a bell, write them. Here is the address at Walter Reed:

After I give their name, simply put Walter Reed; that is R-e-e-d, Army Medical Center, Washington, DC, 20307.

Now some of these fellows have gone home. Here are the ones that are still there:

If you are from Pennsylvania, write S. Sgt. John Burns. I got to meet his mom and dad up there on Saturday. He is from Glen Holden, PA, 25, 75th Rangers, gunshot wound to his left shoulder and leg. The President was so impressed with John's esprit de corps and his good humor that he mentioned him in a speech later and said, "If everyone has the spirit of Sgt. John Burns, this country is well served," and he is a spirited young ranger telling me that they are still the world's best light infantry, and his general, Potter, says the same thing. We know it is true.

□ 1900

Sgt. Paul Leonard. He was a crew chief for one of the hero warrant officer pilots there, Cliff Wolcott. He served him for 10 years and talked his way into a very special assignment with Special Forces.

Paul Leonard is from Franklin, MA. His birthday is the 4th of July, 1960. If you are a young student, or a mother that has a grade school or a high school student from Massachusetts, write to Paul Leonard at that Walter Reed address and thank him for serving the country. He has a badly broken leg from another AK-47 gunshot wound.

Then there is Pfc. Peter Neathery. He was already out of the hospital the second time I came around with his girlfriend. He is from Grandbury, TX. If you are from Texas, write to Peter. His arm is way up in the air. He was shot through the right shoulder. He is another 75th Ranger, 20 years of age.

By the way, Paul Leonard is 33. I said 1960. Write to him.

Scott Galentine was firing with his M-16 rifle, and a bullet went through the side of the gun, destroyed the barrel, and pretty much blew the palm off his hand. So his hand is grafted to his stomach. He is still in a lot of pain.

The commander in chief took a Polaroid picture with him. It is up on his wall.

Sgt. Scott Galentine, 22, Xenia, OH. One of his other mates from Xenia was also wounded slightly and is already back home. He is shot in that left hand, as I said. His friend was Spc. Richard Strauss, also from Xenia. He is home OK.

Then down in the Fort Bragg Hospital, I don't have the address there, just put Fort Bragg, NC, it will get to him, is M. Sgt. Brad Holling. I mentioned him last week. He was on the rescue chopper that we may have two Medal of Honor winners from. He is Special Forces, a very exclusive group of people with a special mission. Brad Holling was on the helicopter and saw Gary Gordon and Randy Schucker reach Durant. I hope Durant mentions him on the air tonight on the Larry King show. From what I understand, Durant is the warrant officer and the highest ranking officer on scene and will be putting these two guys in for the Medal of Honor. I will bet you Holling ends up with the Distinguished Service Cross or a Silver Star. He lost his leg. He is already home, already working to get a prosthetic device on. But you can reach him through the Fort Bragg Hospital.

Then, of course, the young Sgt. Christopher Reid, 10th Infantry, the first of the 14th Regiment. Just put 10th Mountain Division. And he is also at Walter Reed Hospital.

Then two gentlemen that I missed, and I am going to go back and see them. I heard that they were as close as any two people in the Army could be with a third man who had serious head injuries from fast roping from the helicopter. He is already home.

But the two Rodriguez men, one with a gunshot wound to the thigh and the knee, and another one in both legs. Spc. Adalberto Rodriguez. He is from Naranjito. I do not even know what State that is. It has to be Texas, New Mexico, California, or somewhere. You are writing to him at Walter Reed.

Then his buddy through all of his Ranger training, Adalberto is 20. His friend is also in the hospital. He lives out with his mom. He is from San Diego, your neck ofthe woods, DUNCAN, and he is 21 years of age.

I want to make sure I did not leave anybody out. Here is one that the President spent a good deal of time with, 1st Lt. James Lechner. That is the one that Senator D'AMATO met with and talked about on Larry King. He is 27. He has got another one of these vicious gunshot wounds to his right leg, which tore out a piece of bone. The wounds are open in the sense there are huge pins in his legs, as there are in Burns' legs and as there are in Leonard's legs.

And with all that pain and medication, these guys are in there just full of energy, talking about how proud they are to be Rangers or Special Forces, and looking forward to getting back on active duty, jumping out of airplanes, high altitude opening, low altitude, night work. And as they said to me over and over, we own the night. We own the night.

That was a daylight raid. It was important that we go in at daytime. We had the intelligence. They had all the pictures of these bad guys up in their quarters, the hangar.

One of them, Paul Leonard, was the guy that said, "Hey, that is Osmond. That is Osmond Otto. We got him. Aren't you Osmond Otto?"

He would not talk. Finally he admitted, "Yes, yes, I am." And they would sit there and stick their chests out, hands—they gave me a new word for these plastic cuffs, fast cuffs or something. And I could go on and on about these guys. To tell you the truth, I just like hanging out with them. They are the salt of the Earth.

Mr. HUNTER. If the gentleman will yield for just a second, BOB, you mentioned the wounds that our people have and the fact that a lot of them are shot up pretty badly, but that they have medical procedures being undertaken.

I just wanted to reflect on the fact that we are very fortunate in the sense that we have tremendous medical capability in the U.S. Armed Forces, and we have the ability literally to heal up wounds that years ago could not be healed. And in terms of legs, it always meant amputations.

I was in a Civil War relic shop not too long ago in Middleburg, VA, and I saw some of the contraptions that they used in those days when you had so many people that had literally field surgery and amputations. And let me tell you, the peg legs that they issued, almost one size fits all. I mean, the Clinton health care plan would have loved these. They were very crude, and you could tell they were very painful and very difficult to work with.

Looking at the progress we have made since those days when we had very, very coarse field conditions, to today, when you can Medivac a Ranger or a Special Forces personnel or a line troop to an excellent surgeon in a very short period of time, and the way our military takes care of our people who are wounded in battle, we really have a great Medical Corps that we can be proud of in the U.S. armed services.

Let me just comment one time on something else that you mentioned. You mentioned the fact that our people are going to out working the streets now, at least that appears to be the case.

Mr. DORNAN. Sometime this week they go out again in harm's way.

Mr. HUNTER. I understand that. And I think that what the American people are concerned about is this: I think they are concerned that the President and his people do notperceive the difference between being peacekeepers, having our troops in position as peacekeepers, or being in a position of being a trip wire, if you will, where you put soft bodies between warring factions that are firing real bullets and you end up inevitably with casualties.

I think that distinction and the ability to know when you do not put your people in harm's way, when it is a losing proposition, is something that requires tremendous judgment on the part of the Secretary of Defense and your direct field commanders, and, of course, the President of the United States, the Commander in Chief.

I think that is the part of this new MOS, military occupational specialty for our armed services, and that they are now going to take on this new dimension as peacekeepers, although we have had them do such things in the past, sometimes with disastrous consequences, like the position we held in Beirut that was tactically and strategically a terrible position to take, being down there on the beach where they were receiving military fire and ultimately having the suicide driver destroy a number of marines.

But this new dimension that our military is going to take on of being peacekeepers is perhaps not one that is well thought out, because it does not serve our military people well, nor the families that volunteer them. And all of our people are volunteers for the military.

It does not serve them well when we put them in positions where they are more in essence trip wires than peacekeepers. And unless we have a clear mission, a military mission, unless we decide that we somehow are going to segregate these clans in Somalia and totally put a barrier of Americans between the clans, which could be very costly in a military sense and in a human life sense, it might not be wise to resume patrols in Somalia. It might not be wise to put our people in a position where if a cease-fire is broken and automatic weapons and all of the other modern weaponry that exists in abundance in Somalia is used, then we are going to have more tragedies, we are going to have more American deaths, without necessarily accomplishing a valid foreign policy goal. I think that is a concern.

Mr. DORNAN. I think this is a good point in the Record to put an article by Barton Gellman from the Washington Post from last Sunday which actually gives the exact phrases of some of the words in these very controversial memos to the civilian forces in the United Nations.

□ 1910

I hope you will stay around so you could ask for 60 minutes in your own name so tonight I get a chance, since we are out for 4 days, to cover the whole Morton Halperin story. But here is the headline of Gellman's story on Sunday, Halloween, October 31, "The Words Behind a Deadly Decision, Secret Cables Reveal Maneuvering Over Request for Armor in Somalia." And I just do not have time tonight to put in all the great analysis in this article, but it pretty much comes out and in the end it says, "Other officers and senior civilians said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake."

However, in General Montgomery's cable, mentioned here, he does not talk about anything except lives in danger and breaking through barriers, road barriers on a rescue mission.

And the last paragraph says, "On October 6, when the first reports surfaced that Aspin had refused to send armor, Clinton picked up the phone and called Les to find out what the hell was going on."

That is a quote from a senior administration official, that the President "picked up the phone and called Les to find out what the hell was going on."

Mr. HUNTER. He called the Secretary of Defense because the President was upset because the field commander had asked for——

Mr. DORNAN. He did not know what was going on. At that point they were saying 12 dead, unknown small numbers missing. Then the 13 died in the hospital at Landstuhl, and then pretty soon we find out there are 5 missing, all of Durant's crew and the two Medal of Honor quality Rangers who went after him, Special Forces, they did and it went up to 18. Then 3 nights later the former Secretary of the Army, a former Member of this Congress from Virginia, whose son I talked about on the floor receiving heavy shrapnel from a mortar wound right at their headquarters, exposed there, it turns out he was the Special Forces doctor, a major. And he is home recovering. He was touch and go for a while. He is already recovering well. Those Special Forces guys are tough.

Here is the last paragraph, though, "Two days later Clinton said Aspin told him there had been 'no consensus among the Joint Chiefs' to send the armor."

I saw that on CNN myself.

Investigative reporter Barton Gellman says, "In fact, neither Aspin nor Powell consulted the Chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the President, they never corrected him."

Mr. HUNTER. I think what bothers a lot of us is this, why does the administration and why did the President and why did the Secretary Aspin torture themselves over a simple requirement for a field commander for the equipment he needed to carry out his job safely and expeditiously? Asking for a tank, if you are an infantry commander, is not necessarily the biggest demand in the world. He did not ask for a battalion of tanks. He asked for a couple of them.

Mr. DORNAN. Nobody in the media would have ever noticed.

Mr. HUNTER. The idea that this produced a great deal of consternation between the Commander in Chief and the Secretary of Defense is, I think, evidence of their naivete and their lack of experience and their lack of having quality people around them. I hate to say this, but I think if a General Scowcroft or Dick Cheney had had a request from a field commander for a piece of military equipment, not talking about a nuclear weapon, talking about a tank, they have been around for about 100 years, they would have sent it to him.

Mr. DORNAN. This is a great way to trap you here, because I have a "Dear Colleague" letter going out. The gentleman from California [Mr. Doolittle], my colleague from northern California, and myself, I would like to add you, asking a bill, saying that U.S. forces in combat cannot be placed under any foreign commanders, because we are not always going to get excellent trained NATO style commanders. Our units are integrated wholly as one unit, when that was to take place under the NATO command to hold off the Soviet Union and East bloc Communist forces, that no American commands can ever be put under foreign commanders without the specific permission of the U.S. Congress whose obligation it is to recruit, to pay, to feed, to fund and to raise these armies and navies and, by evolution, the Marine Corps.

The Marine Corp's 218th birthday is this week. We cut that cake in the big conference room in the Cannon Building. Commandant Mundy said, "As much as any service here, you own us in the Congress. You created us by an act of Congress, Continental Congress, May 10, 1775, a year before the Declaration of Independence,almost a year, and you fund us. We are under your orders, and we protect you from the Marine Barracks against the Brits coming over here and burning this place down, as they did in 1814."

And he said, "So we serve at your pleasure."

Of course, what his words meant was that every man or woman in uniform serves under the direct control of the U.S. Congress, the Senate and the House, but that it needs a Commander in Chief. And constitutionally, that sacred and honored power has gone to whoever sits in the Oval Office. So if you will join me on that bill, is that an affirmative?

Mr. HUNTER. I would be happy to join the gentleman.

Mr. DORNAN. Will you join me on a Dear Colleague that is going out tomorrow? I do not want to go through it again here tonight, in the interest of cramming as much as I can into my hour and whatever piece of an hour we use for your hour, but we simply have to have hearings under the gentleman from Virginia [Mr. Sisisky], a good Democrat from the Navy, U.S.A., down there in Newport News and all of that great shipbuilding area. Norman Sisisky is the head, and I serve on it, of the Oversight Committee on Investigations, subcommittee of the Committee on Armed Services. He should have hearings over this whole mess, particularly the armor aspect and the U.S. armor that was available and not sent to rescue our guys under the most ferocious enemy automatic weapons fire since World War II. Maybe no concentrated fire like this in the whole bloody decade of your war in Vietnam.

Also, why do we not have major committee hearings under the gentleman from California [Mr. DELLUMS]? He was honored as a private first class in the Marine Corps in his youth today, one of the 19 ex-marines, and some of them current marines, in the Reserves, serving in this Chamber. What about the Senate doing the same, having investigatory hearings over there to get to the truth of this?

That Dear Colleague letter goes out tomorrow. I have got one staffer on the bridge over in the Rayburn. Can he affix the distinguished name of DUNCAN HUNTER?

Mr. HUNTER. I will be happy to cosign that.

Mr. DORNAN. You have to come over here. I get to nail you down in front of 1,300,000 people.

Two pieces of business to clarify.

Mr. HUNTER. The gentleman spent 40 hours in the air going back and forth to Somalia, and he has earned the partnership and cooperation of every member of the Committee on Armed Services, with his work.

Mr. DORNAN. Here is something else you will never forget. Adalberto Rodriguez, Naranjito, I tried to claim it for the Southwestern United States. No, it is the Territory of Puerto Rico, soon to be our 51st State, I hope.

And you know we have our own combat-trained top police officer in our Cloakroom, the mother hen who shepherds all of our brilliant young pages, ex great D.C. and Capitol Hill cop, Peggy Samson came down here with a note. Those handcuffs are called flex cuffs. So we do not know everything here, but Peggy comes down, our own Special Forces officer that helps run that Cloakroom for us.

Now, here is the point, I think with two wonderful American ladies who have lost someone they love desperately, to get a good look at these slides, which I will show them after the special order is over and ask to put in the CONGRESSIONAL RECORD an article from a couple of days ago, November 1, in the Washington Times, Joyce Price and some of the people called me about the two from the September 25 crash whose remains were never returned. And it has a little box here on Somalia, just these two, their remains have not returned. From the Persian Gulf, there are no missing. There is no missing from Somalia either, because we know what happened to these remains in the 5,000-degree-Fahrenheit aluminum and magnesium fire in the back of that Black Hawk H-60.

□ 1920

From Vietnam, we still have 2,248 missing. There were some cases. I have to correct myself, because I did not, I was not thinking of lost at sea.

There was a fine young Irish American lieutenant that was lost on the way back to the *Kennedy*. His remains were never recovered. Some of the bodies from an AC-130 gunship that was shot down in the daylight hours of the first day of the land war, some of those bodies were not recovered.

Of course, there are always naval accidents at sea with our fine young fighter pilots and navigator bombardiers, some of our attack pilots and supporting AWACS cruisers, helicopter pilots who are lost at sea, and no remains go home.

However, I meant in the land war, on the ground, in the whole Desert Storm war, out of 148 killed, except for those sea accidents, all remains were returned home.

To show how tough past wars were, Korea, 8,177 missing, many of them still buried in unidentified graves that we could still identify the remains if they were given to us in the areas that North Korea overran before our first stalemate war in the history of our Nation.

World War II, and this figure always just absolutely tears me up, in World War II, missing, not just no remains home, missing, 78,750. Most of those were also lost at sea in some of those great naval engagements.

Mr. Speaker, I include an article from November 1, 1993, which lists the number of those missing in action:

[From the Washington Times, November 1, 1993]

Two Who Never Returned: Remains Unavailable From Crash in Somalia

(By Joyce Price)

Eugene Williams grew up in a tough neighborhood on Chicago's West Side but steered clear of the gang life and violence that snared childhood chums.

"He had an opportunity to see what the negative side of life was, and he chose the positive," said the Rev. Thomas Jackson Jr., pastor of Chicago's New Original Church of God in Christ, which the young man attended.

"His one goal was to be a soldier," Mr. Jackson recalled. "All his life, that was what he wanted to be. He was always enamored of a uniform."

Army Sgt. Eugene Williams was living out his goal as a soldier in Somalia when on Sept. 25 the Black Hawk helicopter in which he was flying was struck by a rocket-propelled grenade in Mogadishu during a search for forces of warlord Mohamed Farrah Aidid. Sgt. Williams, 26, and two others, Army Pfc. Matthew K. Anderson, 21, and Sgt. Ferdinan Richardson, 27, were killed.

There were memorial services—but no graveside services—for Sgt. Williams and Pfc. Anderson, of Lucas, Iowa. Their families are the only ones who've not received remains of loved ones killed in military action in Somalia.

Maj. Ed Gribbins, spokesman at Fort Campbell, Ky., where Sgt. Williams and Pfc. Anderson were based, said the pilot of the helicopter landed on a street during the attack. After determining that his co-pilot was the only other crewman to survive the fire and explosion, the pilot helped his co-pilot escape, Maj. Gribbins said.

The remains of Sgt. Richardson of the 25th Aviation Regiment at Fort Drum, N.Y., have been returned. But those of Sgt. Williams and Pfc. Anderson, both of the 9th Battalion 101st Aviation Regiment at Fort Campbell, have not.

"We were given a couple of explanations about his remains, one of which bothered his family," Mr. Jackson said from Chicago.

"We were at first told they had the remains [of all three victims of the Sept. 25 helicopter crash] and were trying to identify them. But as we drew closer to the planning time for the [funeral] service, they [Army officials] responded again and said they didn't have his remains because they had not been recovered from the helicopter."

Mr. Jackson said he talked with one of Sgt. Williams' commanders and was told that U.N. troops trying to get close to the burning helicopter in the aftermath of the crash had come under heavy fire.

Because of the firepower, "a rescue team that was sent in was driven off" after pulling only one of three bodies from the wreckage, the pastor said.

"The helicopter burned for three hours," he said, adding that it's not clear to him whether the bodies were destroyed by the conflagration or were too badly burned to permit identification.

"But the family says that if and when they get any remains, they would be interested in getting them back, whatever they are. His mother [Georgia Williams] is particularly hurt that all this is still up in the air. And she has told me specifically that's what she wants."

Pfc. Anderson's father, Keith, said he and his wife, Joyce, were told the helicopter was "fully loaded with fuel," was carrying highly flammable chemicals, including magnesium and titanium, and was "completely incinerated" by the blast and fire.

"I believe them," he said in a telephone review.

Asked if he believes any of his son's remains will ever be returned to the family, Mr. Anderson replied, "Probably not, the way the situation is."

But he acknowledged that his family is "sometimes" haunted by the idea that it may never receive Matthew's remains for burial.

Lt. Col. Mark Martens of the U.S. Central Command in Tampa, Fla., said of the families' concerns, "We believe we have recovered everything left after that catastrophic explosion."

But he said the remains recovered have not been identified. Col. Martens was unable to characterize the nature of the remains recovered. But he said they were turned over to the Army once they left Somalia.

Pfc. Anderson graduated from Chariton High School in Lucas in 1990. His father said Matthew wanted to be a writer. "He did a lot of comedy stuff and cartoons, but I think he wanted to get into adventure-type, outdoorsy writing," Mr. Anderson said.

Mr. Anderson said his son enjoyed spelunking and mountain climbing. He recalled that his son had climbed the mountains in the Hueco Tanks Historical Park in El Paso, Texas, during a spring break at Iowa State University, where he enrolled after finishing high school.

But Matthew dropped out of college two weeks before completing his sophomore year and joined the Army.

"I don't know why he did that," his father said. "Perhaps he could adapt to the freedom of college to think he felt he needed something more regimented."

Pfc. Anderson joined the 10th Aviation Regiment in October 1992.

"We went down to visit him at Fort Campbell in early August before he left for Somalia," Mr. Anderson said. "His mother asked him about getting out because of the danger. But he said no . . . he wanted to stay in."

As a boy, Sgt. Williams belonged to an Explorer Scout troop run by a local police precinct. He graduated from Crane High School in Chicago where he was on the football team and played saxophone in the high school band.

"He was taught Christian ethics all through life, and, basically, he was a very quiet person and very sincere about his goal," Mr. Jackson said.

Eugene Williams joined the Army in 1985 as a helicopter mechanic crewman.

He did a tour in Germany [where he met his wife, Deanne] and South Korea and also Desert Storm," Jackson said.

Johnnie Williams, the sergeant's father, told the Chicago Sun-Times he lost sleep during his son's seven month tour of duty in the Persian Gulf war: "He flew with helicopters all the time. . . . It bothered me all the time," he said, adding:

But his son made it home safe. In September 1992, he was assigned to the 101st Aviation Regiment according to Lee Elder, another Campbell spokesman.

Sgt. Williams could have left the Army at the end of last year but enlisted instead, Mr. Jackson said.

"He came to me to talk about it and told me he wanted to re-enlist. We talked about the dangers of skirmishes and that he might not come out alive. But he said that's a risk every solder takes."

Mr. DORNAN. I want to put in another article, Mr. Speaker.

Mr. HUNTER. If the gentleman will yield, that is what has been called by one of our great military analysts and leaders "the fog of war," and I think it is something that Americans do not realize, is that many people are unaccounted for in these great massive combats that have happened regularly in our country's history.

Mr. DORNAN. Let me put a few more articles in. Then we will get to these big color blowups of my Nikon pictures over Mogadishu that I rushed through last Thursday.

Mr. HUNTER. If the gentleman will yield, are these the pictures the gentleman took personally?

Mr. DORNAN. They are.

In today's paper, the "House Panel Rejects Early Somalia Withdrawal, Clinton Promised March 31 Deadline Is Left Standing After Failed GOP Effort."

That was in the Committee on Foreign Affairs, but it only failed by one vote, 22 to 21, and we heard the majority whip, the gentleman from Michigan [Mr. BONIOR], say tonight that on Monday there will be a fulsome debate on Somalia: the January 31 date, the March 31 date.

That is why it is important that this "Dear Colleague," now yours and mine and that of the gentleman from California [Mr. DOOLITTLE], goes around and gets our colleagues to ask our leadership here to have hearings on this whole Somalia situation.

Mr. Speaker, I include for the RECORD this article from the Washington Post from today, November 4, 1993:

HOUSE PANEL REJECTS EARLY SOMALIA WITHDRAWAL

(By Daniel Williams)

A House panel narrowly rejected a Republican-led bid yesterday to force an early withdrawal of U.S. troops from Somalia. Opponents argued that such a move would embarrass President Clinton.

Rep. Benjamin A. Gilman (N.Y.), ranking Republican on the House Foreign Relations Committee, had called for withdrawal by Jan. 31 rather than the March 31 deadline set by Clinton last month. Committee Chairman Lee H. Hamilton (D-Ind.) countered with an amendment supporting Clinton's date.

Hamilton's blocking action won by a 22 to 21 vote after House Speaker Thomas S. Foley (D-Wash.) made phone calls to wavering Democrats.

The vote complemented action last month by the Senate, which concurred with Clinton's deadline.

Administration officials testifying before yesterday's vote emphasized logistical reasons for staying in Somalia.

One said an early pullout would be "extremely difficult." Others said it would hamper efforts to recruit international replacements under the United Nations banner.

"It would be extremely difficult to withdraw in total by January 31," said Pentagon representative Tom Longstreth.

State Department delegate Wendy Sherman said early withdrawal would "absolutely" harm thechances of getting other countries to send troops.

Clinton's handling of the conflicts in Somalia, Bosnia-Herzegovina and Haiti have reawakened congressional urgings for a direct hand in foreign affairs. Democrats have rallied around Clinton to protect his authority if not his policies. Gilman invoked the 1973 War Powers Act, once anathema to most Republicans, to get a vote in the committee.

The exchanges yesterday were sometimes heated and sarcastic. Hamilton accused the republicans of trying to damage "the credibility of the president in conducting foreign policy."

Gilman asserted that the only reason for prolonging the American stay in Mogadishu was to obscure failure. I am prepared to state with total conviction that it is not worth one American life to help the authors of a failed policy save face, he said.

About 7,400 U.S. troops are on shore in Somalia, with another 13,600 offshore. Congressional nervousness has increased since early October, when 18 Americans died in a firefight with Somalia militiamen.

Clinton sent special envoy Robert Oakley to Somalia to encourage militia leaders to begin peace talks, in hopes that the American exit will not spark renewed civil war. Oakley visited with representatives of 15 clan militias this week and tried to talk them into disarming.

Mr. Speaker, here is an article from yesterday, November 3:

"Pakistani senior officer brigadier General Ikram ul-Hasan, after 6 months of commanding the U.N. unit that suffered the first and heaviest casualties," we have lost 30, but they lost 24 in one engagement, and then three killed later, both of them in ambushes.The first ambush, I flew right over the intersection, was on Highway October 21 at a food distribution center. Their arms were, you know, on the ground, at order arms, just standing there watching the food distribution, and they were slaughtered from ambush.

I just found out the other day, and that is where my older daughter, Robin, always gets uptight with me, the bodies were disemboweled, beheaded, arms and legs cut off. It was something that got the whole U.N. command fired up. Women and children were used as shields in the fight. Thatslaughter of the Pakistanis is what got us into this chase.

By the way, and this is something I feel like calling long distance to Jonathan Howe, do you know what Jonathan Howe offered for the head of Aideed, alive? $25,000. Do you know what our Governor in California offered for the arsonist that caused at least the loss of one person, they don't think the man will survive, who lived across the street from where the two arsonists started the fire, and he has been in serious pain from burns? He offered $125,000, five times what Admiral Howe, in the name of the United Nations, has offered for the killer of 30 Americans, 5 times.

What gets me is, and I was reflecting on the 10th anniversary of Beirut, we offered $500,000, and they have never been brought to justice, for the direct killers who sent that smiling killer in the van to murder 220 marines, 17 sailors, and 4 Army soldiers on October 23, 10 years ago.

I do not know why that was not a $5 million reward, and I do not know why it is not $5 million or $1 million for Aideed's capture.

Mr. HUNTER. If the gentleman will yield, I have sent a letter to the United Nations asking that the reward be increased to $1 million. I would ask, in a little reciprocity, if the gentleman would sign on with that.

Mr. DORNAN. Done.

Anyway, the Pakistani brigadier general says, "We missed several chances," and I do not know whether he is correct or not, and he laments the looming of the United States pullout. He is probably agreeing with what Admiral Howe told me, it will cause a stampede out of there.

This helicopter is important. I did not realize until I was selecting it tonight. This is the helicopter that landed, at great risk to the crew and to the existence of the helicopter, this Black Hawk landed within a few feet of the destruction of our Humvee with four MP's in it: Keith Pierson, 25 years of age, Tavares, FL, 977th MP Company at Fort Riley. He was the only one who was alive.

The door gunner, who I will show you his hand here in a second, actually pointing at the spot where Keith was injured, he died 2 hours later in the hospital, probably. For all I know, Dr. Rob Marsh was taking care of him.

The other three who were killed on the site were Sgt. Christopher K. Hilgert, 27, Bloomington, IN, also an MP from Fort Riley.

There was Splc Mark E. Gutting, 25, Grand Rapids, MI, another MP from Fort Riley.

Then there was an MP from Fort Leonard Wood, MO, who was riding with them, Sgt. Ronald N. Richerson, 24, from Portage, IN.

They were all killed in the line of duty when that command-detonated, auto-detonated mine went off. This helicopter was the first air on the scene, landing within a few feet at this intersection that I will show you in a moment.

There again is that big Russian Mi-26 helicopter. It sits there. Everybody at the airport looks at it. It is the world's biggest helicopter, but I do not know that it has ever been used in any way to support our guys. That would have made a hell of a scene, coming down, landing on one of the rooftops to support our guys in that firefight.

There is my picture, Mr. Speaker, of what I know find out is 14 T-72 Indian tanks that were not available through a 15-hour firefight to help rescue, at least, say, the last 9 of the 18 Rangers that were killed.

Here is what I am going to discuss on this floor on Monday. This is Old Port. Look at this one quay, an old sunk freighter that has been there for years, and four tiny docks we could not even use.

REPORT ON SOMALIA

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. We will be discussing this Monday. I may bring back one or two of these pictures on Monday. There are at least 14 ports up and down the coast as big as this Old Port, or even as big as New Port. I don't show the whole enlarged, more modernized quay here in this picture. I had taken this because that is where the third helicopter crashed with M.Sgt. Brad Holding on board.

Here is another picture of New Port. That is not a very big port. It takes tiny little freighters. Why are we in the Mogadishu port when Aideed's clan is so bloodthirsty and rules the city, when we could be down at Kismayu, which is nearer to where the majority of the 350,000 people starve?

Why are we holed up in fortified garrisons and are going to put our men back out onto those scorpion-ridden angry streets where, when they kill you, they tear your body apart?

□ 1930

I say let us look for another facility if we decide to stay through March 31. This is why maybe January 31 is a rough date.

Look at the tons of equipment we have there, but we could not put four tanks in there, or work it out with all of our allied nations to use their tanks to support our guys in any type of a rescue mission.

Here is the Olympic Hotel. That is as close as I could get. As I said last Thursday, God has kind of helped me with this dark cloud coverage, and the break in the clouds pinpointing and lighting up this whole area.

By the way, former retired Ambassador Oakley had the guts to go to the Conoco House last week right in the middle of this war, and it is named after Conoco Oil, and he moved right into Aideed's area to talk to his remaining lieutenant we captured thanks to the guys up at Walter Reed, about 25 of his lieutenants, but whoever it is is the No. 2 right now, Oakley had the courage to meet him. I am really impressed with Bob Oakley, as I was during the hostage crisis when I got to meet him 7 years ago.

That is a closeup on the Olympic Hotel, the large one across the street, and in this area over here and up here two U.S. Black Hawk broken helicopters have become schoolyard equipment for the people who murdered Durant's three crew members, and the two Rangers that went to rescue him.

There is the university that has now been turned into one big U.N. military compound. What dreams have been destroyed in Somalia. That is where young Somalis got their degrees to engage in world traffic and trade, free traffic and free trade.

Here is that downtown shot of where the Catholic church is nothing but gutted ruins, looks like something you would see in England that Henry VIII destroyed.

Here again is that Black Hawk helicopter that was the first on the ground. And I will close on this and yield for important words from my distinguished colleague from Arizona.

Here is the helicopter crash site, snipers from every roof. Right here is where Chris Reid lost his arm and leg, and down this alleyway here is where the two crewmen who are now in the burn center at Brooks Army Medical Center in Texas, here is where they held out with only one of them being able to fire his Beretta 9 millimeter pistol until he heard in the night, "American boys, American boys," and they were rescued.

And here is the remains of Keith Pierson's humvee from another shot. And I will close on this: this is the hand of the young door gunner, I never got his name, pointing to the humvee, showing where, he is telling me where he landed in the intersection in front of these five old rusted and gutted-out trucks. He landed there, and he and the other door gunner ran over to the helicopters and pulled the badly injured Keith Pierson out. And that hulk still sits in the center of that street as a sort of an evil memorial to the gunmen of Aideed and to the courage and sacrifice of those four MP's who started this round of tragic death of 26 Americans to add to the 4 that died before that in this mixed-up foreign policy we call Somalia.

There is the gunships that they should have had. I will set this aside and turn the special order back to you, DUNCAN, so the gentleman from Arizona can have his hour.

Mr. HUNTER. I just want to thank the gentleman once again on behalf of the other members of the Armed Services Committee for spending so much time on this issue and putting so much of his personal energy, which is tremendous, into this very, very important project. And I want to thank him. I know that the members of the committee and of the House of Representatives and the American people know more about what happened in Somalia because of what the gentleman has done, and we want to thank him very much.

Mr. Speaker, I yield back the balance of my time.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 1 hour.

Mr. KOLBE. Mr. Speaker, I take this time this evening to talk about a subject which I have been on the floor on many different occasions during debates that we have had, during the course of 1-minute presentations in the morning, during the course of other special orders. In fact, I have participated with both of my colleagues that are here on the floor this evening in some of these special orders. That subject, of course, is the North American Free-Trade Agreement.

We are going to cast a vote in less than 2 weeks time which I believe is truly one of the most historic and significant votes that we will cast certainly in this Congress, perhaps in the entire tenure of most of us in the Congress of the United States, I believe even in the decade of the 1990's.

Why do I say that? Why do I believe that this vote has such historic significance? Why do I believe that the people of the United States need to take the time during the course of these next 13 days to listen to the debate, to listen to the arguments that are being made and to understand what this is about?

In its very simplistic terms, NAFTA, the North American Free-Trade Agreement, is tax reduction. It is a reduction by Mexico of taxes on United States products which come into the United States. You cannot say it any more simply than that. It is a tax reduction.

Common sense will tell you that when you reduce the tax, that is the tariff on the products that come into the United States, we will gain from that by being able to sell more of our products to the country that is receiving those products. So yes, our tariff is reduced on the products coming in, but the tariff on the products that we sell to Mexico is reduced even more.

The fact of the matter is that we have a disparity in the tariff rates between Mexico and the United States. In fact, the United States is one of the most open traders in the world and has a tariff rate of about 4 percent on average. And Mexico, while it has made tremendous reductions in bringing down its tariffs, still continues to have a tariff rate of 10 percent on average. So you do not have to be a math genius to figure out that if both sides in this equation bring their tariffs down to zero that we have just gained a 2½ times greater advantage in penetrating the market in Mexico and selling our goods in Mexico than they have in selling their goods here in the United States. And that is exactly what NAFTA is all about.

You only have to look at the historic precedent. You do not even have to look at other countries. You can just look at what has happened with Mexico since it has joined the General Agreement on Tariffs and Trade, that is the GATT in 1986 and brought its top tariff rate down from as high as 120 percent to a top rate of 20 percent, and its average down from over 50 percent before 1986 down to an average, as I said a moment ago, of 10 percent.

In the last 5 years, from 1987 through 1992, our trade with Mexico, the sales that is, the exports to Mexico have gone from $13 billion to over $41 billion. We have more than tripled the amount of goods that we sell to Mexico. And similarly, when you put the aggregate there against what we have sold and what we have bought, in 1987 we had a deficit with Mexico, a deficit in our trade of almost $6 billion. That is, we bought from Mexico almost $6 billion more than we sold to Mexico. Today, this last year, we sold $5.6 billion more than we bought from Mexico.

Yes, Mexican goods, their sales to the United States have increased. But our sales to Mexico have increased even faster, because they have brought their tariff rates down dramatically, and it has opened up markets.

Think of the possibilities to us as we open our markets further, as we make greater reductions in the tariff rates, as we make it possible for United States manufacturers, United States service providers, insurers, doctors, lawyers, all kinds of people to do business in Mexico, think of the opportunities that will be open to them that have not been open in the past, and the amount of additional sales that we can make from that.

□ 1940

I think that we can look at some very clear evidence of how this is working in practice. Let me just share with those of my colleagues and those who are listening a few anecdotes, stores, illustrations about how trade really works in practice.

Not long ago I visited a Safeway store in a community on the border of Mexico and Arizona. It is a small community, the town of Douglas, about 10,000 people. And yet it has the largest Safeway store in the State of Arizona. The largest Safeway store is not in Phoenix, a metropolitan area of 1.8 million people; the largest Safeway store is in this town of 10,000 people. Why? Because it is doing 80 percent of its business with the Mexicans who come across the line from Agua Frieta, a community of over 100,000, where there are virtually no supermarkets.

They come across in order to buy the products in the Safeway store.

I went to the back of that store, to the meat department, which, as I think most people listening would have to agree, is at the high end of any supermarket or retail grocery business. When I say the high end, that is really the expensive part of the grocery store where you spend a lot of your big dollars. In most Safeways, in the average Safeway store, 14 percent of the dollar volume is from the meat department. In this Safeway it is 24 percent, 24 percent of the dollar volume is from the meat department.

Now, Safeway is a unionized store. Its butchers back there are all union employees. I saw nine of them back there. They were sawing, they were chopping, they were cutting, they were grinding, they were wrapping, they were packing and shoving that meat into the coolers, and as fast as they could get it out there it was being picked up as fast as it was being pushed out there by Mexicans who come across the line from Mexico to buy that product.

Why? Because it was cheaper and it was better quality.

So I say to those Americans, and there are some, I am sorry to say, some of them in this body who have stood on this floor day after day to argue that we cannot compete with Mexico, we cannot compete with lower wages in Mexico. Well, I am here to say, "Don't have such a lack of confidence in the American people; have more confidence in our workers. Have more confidence in the industries, the businesses of the United States, to believe that we can compete," because we are competing.

Another story I would share with my colleagues: Just a few days ago I had the privilege of taking a group of Members of Congress down to Mexico City in order to see some of the dramatic changes that have taken place there, to meet with Government leaders. We had an opportunity to go to the first Wal-Mart store to be opened in Mexico City. It also happens to be the largest Wal-Mart store in the world. It is 225,000 square feet, I think it is, under one roof. Now, that is, what, 5½ acres under one roof?

They are doing, in the first week of business there, they did over $2 million and expect to exceed $100 million in the first year that they are in business.

But it is not just the fact that it is a Wal-Mart store. The story behind this is that 62 percent of the goods that are being sold in that store are being made in the United States; not just products that bear a name familiar to you and I, like Kellogg's which has its own factory in Mexico. But I am talking about goods made here in the United States and shipped to Mexico, 62 percent in one store.

Now, translate that, multiply 62 percent times the $100 million that I am talking about during the course of a year in one store in Mexico City and think of how many jobs here in the United States are going to depend on creating those products that are being sold down there in just that one store. And we did not even go next door to Sam's Club. And there is a Price Club now, and there is one in Guadalajara and a Price Club in Monterey. I will come to some of the other retail business that is going on down there in Mexico.

I went up and down the aisles of that Wal-Mart, and I looked. In Mexico you have to have a tag on it if it is made outside of Mexico. I looked at the products. There were Fisher Price toys there, there were auto parts from Indiana in another location, there were shirts and apparel made in the United States, the New Balance products made in Massachusetts. There are all kinds of consumer food products, canned food products, packaged food products, Tony's Frozen Pizza. Orange juice, now orange juice from Florida; one of the issues we have been hearing about is how devastated the Florida orange industry and the citrus industry is going to be if we pass NAFTA. Here was an entire cooler shelf filled with juice from Florida. All these products were being bought by Mexicans.

Of course, we are told over and over again by those who would oppose NAFTA and who do oppose NAFTA that Mexicans cannot buy U.S. products, they are too poor to buy U.S. products, to which I would say, "What are all these products doing in that store?" And I would ask, "What is all that $43 billion of goods that are being sold in Mexico if Mexicans cannot buy U.S. products?"

The truth is they can and they do.

Of course, they have an income significantly lower than we have in the United States. And yet despite the fact that they have an income that is much lower, a seventh or even less than the per capita income of a Japanese citizen or of a citizen of Germany or the other European Community countries; despite that, they buy more products from the United States than either Japan or Germany does on a per capita basis. Yes, that is true.

The average Mexican each year buys $430 of products from the United States. The average Japanese buys $385. The average European Community country, France, Germany, buys about $310.

So they buy even though they have an income only a fraction of those other countries, they actually buy more goods from the United States. And we are just talking about capital goods.

I want to address that for just a second. One of the other arguments frequently made here on the floor, "Uh-huh, well, the only thing they are selling to Mexico, the only thing that the United States could sell to Mexico is capital goods," as though somehow capital goods were bad, as though somehow capital goods were something that we ought not to be selling.

I ask you: Tell the worker in Decatur, IL, in the Caterpillar factory that he should not be making capital goods that are being sold in Mexico, that his job is bad; tell the worker in Erie, PA, the General Electric plant that is making $600 million of diesel engines for shipment to Mexico; tell them that these capital goods are not good and their job somehow is not a good job for the United States to have.

Of course that is not true. Capital goods are goods in hard manufacturing at very high wages.

So I dismiss the argument that somehow—and I think the American people should dismiss the argument that somehow selling capital goods to Mexico does not count.

□ 1950

But even if you want to accept that argument, even if you want to believe it, it still is not true, because Mexico actually buys a smaller percentage of capital goods than does Japan.

In other words, we are selling more consumer goods to Mexico, which is what the other side seems to think is the only thing that really should be counted. So we are selling a lot of consumer goods, and as that $430 figure that I mentioned as a per capital purchase from the United States should suggest, the United States has an opportunity with NAFTA, with taking that tariff barrier down to zero, we have an opportunity to do a lot more.

Now, what is happening in Mexico today is nothing short of a retail boom that is occurring down there.

The Mexico retail market has traditionally been an extraordinarily closed system, one that has not been open to competition, one in which foreign investment has not been permitted and in which foreign products are either prohibited or so expensive that for all practical purposes they are prohibited from entering the Mexican market.

This administration, or actually beginning in the previous administration of President de la Madrid began to change that. That has accelerated under the administration of President Carlos Salinas de Gortari, accelerated in a very dramatic way. The result is that Mexicans now have opportunities to buy more foreign goods than they have before at prices that are within their reach, and as their economy grows andtheir per capita income grows they will have more disposable dollars to spend on those products.

The Mexican economy spends 70 cents of every dollar that it does spend outside of Mexico is spent in the United States. It is spent on U.S. goods and services. That is extraordinary. Only Canada, only one country in the world buys a greater proportion of its imports from the United States.

So Mexico has a tremendous proclivity and a tremendous desire to buy United States—made products. That will continue during the course of the next several years. We will see that accelerate as those tariffs come down.

This summer I was in Mexico for 3 weeks in order to live in the country, to understand the people better, to get a better understanding and a better grasp of my Spanish, which still is not terribly good, I might add; but during that time in the course of living with this family, one morning at breakfast the lady of the house pointed to her grandchild who was sitting across the breakfast room table. He was eating animal crackers.

She said, "Commercio libro es muy bueno," free trade is very good.

She went on to say that now today she could buy those animal crackers that before were not on the shelf or were so expensive that the store would not bother to put them on the shelf because nobody could buy them, because the tariff was so high.

So she went on to say, "I now have more choices in food products than I ever had before. My children, my grandchildren, have more choices. That means I am better off. If I only have to spend half as much money on the food as I did before, I am wealthier, even though my pension"—she was a widow—"has not increased."

I cannot think of a way to describe more succinctly, more honestly and more correctly, what free trade is all about.

We can increase our wealth in one of two ways. We can increase our wealth by getting more income, and we do that through greater productivity which allows us to get a greater wage for the work that we are doing, or we can do it by having prices fall. It is the same thing. If prices fall, we have more disposable income to spend on other goods and services. That is the reality of free trade.

Consumers benefit by having more choices, by having cheaper prices.

In Mexico City today you only have to drive around the city to see how great the surge of retailing and franchising that has come about as a result of Mexico's reduction of its tariffs. There is an absolutely explosive growth. There has been a quintupling in 3 years, a quintupling of franchises in the last 3 years. There are more than 200 franchises, more than half of them U.S.-based franchises that run everything in the gamut from fast food through the service sector to clothing, to computers.

Example: Arby's. Their sale at their Mexico City unit topped $2½ million in 1991.

There is Church's Fried Chicken.

There is Domino's Pizza.

There is Fuddruckers.

The Hard Rock Cafe just opened 3 weeks ago in Mexico City.

There is TGI Friday's, and yes, believe it or not, there is Taco Bell, one of the most popular of the fast food places in Mexico today.

There is Burger Boy, El Payo Loco. El Payo Loco is a Mexican group that is also in the United States today. It goes both ways.

There is McDonald's. McDonald's plans to have 350 units in Mexico by the end of this decade.

Then the franchising extends to services as well. In real estate, there is ERA, Century 21 real estate.

There is Embassy Suites.

There is Blockbuster Video. I saw those all over the place down there.

There is Video Central.

There is Holiday Inn. Thrifty Car Rental, and shoes and clothing. There is Florsheim Shoes. There is Athlete's Foot.

There are computers. There is Computerland, and Dell Computers.

In the past, United States companies that wanted to participate down there had to build a plant in Mexico. That was the only way they could do business down there because either the quotas or the tariffs made it impossible for them to bring their products down into Mexico. So you had to build a plant down there.

Today we see many very well-established companies doing business in Mexico. Kimberly Clark, Procter & Gamble, Kellogg's that I mentioned before, Black & Decker, IBM, General Motors, Ford, Chrysler, all the big three automakers.

They did it because that was the only way they could get in to the marketplace down there.

With NAFTA, that is no longer a requirement. With NAFTA, you will be able to produce a product here in the United States and take it to Mexico, not forced to go to Mexico in order to produce that.

That is why the opposition of the auto unions is the most astonishing opposition of all, a knee-jerk reaction that is based not on any kind of logical common sense, because let me tell you how the auto pact as it is called in Mexico has worked all these years and now that is going to change under NAFTA.

You want to see a car in Mexico? Well, first of all, you have to produce it in Mexico. You have to produce it in Mexico and you have to produce two cars to be exported to the United States before you can sell one in Mexico. So there was a requirement—there is, I should say before we have NAFTA: it is still on the books today—there is a requirement that in order for Chrysler or General Motors to sell an automobile in Mexico, they have to purchase there and they have to produce two others and ship them to the United States.

How in the world can that be a benefit to have that kind of limitation? How can that possibly be a benefit to the workers of the United States and the workers in our big three auto manufacturers?

Under NAFTA, that will change. Under NAFTA, it will be possible for the United States to rationalize its production, to produce the light trucks here in the United States and ship them down to Mexico, to produce one model of sedan in Mexico and ship it up to the United States; but overall, we will be able to sell into a growing Mexican auto market.

The Mexican consumer auto market last year reached 700,000 units. Now, you say that is not very much. That is one-tenth, less than one-tenth of what we are selling here in the United States each year.

☐ 2000

It has doubled what they sold 3 years ago in Mexico, doubled in the last 3 years in Mexico, the auto markets. So, we have, when we take these prices down, we have an opportunity, and take these tariffs down, we have an opportunity, to sell more of our products in Mexico. The big three auto makers estimate that in the very first year of NAFTA, and the auto part does not go in effect, does not become fully implemented, for 10 years, but the auto makers estimate that in the very first year they will sell 60,000 units in Mexico.

One might say, "Well, that's 1 month's production or 1 year's production out of one plant."

I ask my colleagues, you know how many we sold in Mexico last year, how many cars and trucks made in the United States went down to Mexico? Less than 1,000 because you can't sell a car in Mexico. It has to be made in the United States.

So, the opportunities for us are immediate, and over the course of the next 10 years, as we phase out all those restrictions on automobiles, we will have an agreement that will truly open this market and make it a real marketplace for all of us.

There is something that is also going on down in Mexico that I think is extraordinary when we talk about—and before I leave the retail issue altogether—and it is called, and it has been called in articles down there, the malling of meso-America. We have heard about the malling of the United States, building supermalls here. But the granddaddy supermall of them all is under construction now on the outskirts of Mexico City. It is called Santa Fe. It extends over several square miles, includes hotels, office buildings, commercial centers, all kinds of auto malls, all kinds of retail stores, boutique stores, large department stores. It sprawls for mile after mile. It will be years in development, but it is more than a billion dollar development. It will be the largest mall in the world when it is completed.

In May 1992, Mr. Speaker, Melvin Simon & Associates, the largest retail property developers in the United States, announced plans to build five regional malls in Mexico. Each of them is going to be anchored by a U.S. store. Dillard's will anchor some of them; Penny's will anchor some of the others. They will be wholly owned subsidiaries of their U.S. operations, and, like Wal-Mart, they will bring the same products that are on the shelf here in a Dillard's and in a J.C. Penny's—will be found on the shelves down there. Yes, there will be some products that are made in Korea, and in Taiwan, and in Japan, and in China, and, yes, some that are made in Mexico. But there will be a very high preponderance of those products that will be made in the United States because the Mexicans do like the quality of United States products. They know them, they trust them, they have been coming to the United States across the border for decades, visiting their families, shopping, coming here in order to buy those products.

Mr. Speaker, I invite any one of my colleagues to come with me to Arizona on any weekend of the year, come and spend just an hour with me in a Price Club or a Sam's Club and watch who is coming in to that store and who is buying what.

Now I think, if my memory serves me correctly, the average ticket price in a Price Club is about $160. That is a lot of money that people come in and in 1 day's shopping they are spending $160. But the average amount that is spent by the family that comes from Mexico, because they come up in many cases all the way from Sinaloa, drive 5 to 8 hours to get there, and they spend the weekend in Tucson. They come up, and they spend $500, $600, $700, $800, $1,000, $2,000, $3,000 at a single time. I do not know what the average ticket is for the person coming from Mexico, but I can tell my colleagues it is many times higher than what we are spending. A very large proportion of theretail market along the border has been Mexicans coming across the line.

What that means for NAFTA is that Mexicans will continue to buy U.S. products. In many cases they will continue to come into the United States to do that. In other cases they will have those available to them in Mexico through their own distribution system down there. So, there is a tremendous opportunity for U.S. retail business down there.

I want to take some time this evening, a few minutes, to just talk about some of the different groups that have come out in support of the North American Free-Trade Agreement and the statements that they have made on its behalf. I think this is important because these organizations represent a tremendously broad cross-section, not only of American industry and of American trade associations, but of the fiber of America itself, of those who are the working men and women who produce the goods, and the services, and the wealth of this country. Let me share with my colleagues some of these comments from some of the agricultural associations.

The National Grain Sorghum Producers, headquartered in Abernathy, TX: It is strongly in favor of NAFTA. It has said the following, and I quote,

> When NAFTA passes, tariffs will be removed, allowing U.S. sorghum to be exported to Mexico year-round. U.S. sorghum growers will benefit by selling more grain sorghum at a higher price. The NAFTA is a win/win situation for the U.S. sorghum industry.

The American Oil Seed Coalition, and it represents the American Soybean Association, the National Cotton Seed Products Association, the National Oil Seed Processors Association, the National Sunflower Association, and I know sometimes it is hard to imagine that we have an association for all of these things, and, yes, the U.S. Canola Association—it also strongly supports NAFTA. It has said, and I quote,

> In order for U.S. oil seed producers, processors, exporters to realize the potential demand in Mexico for protein meal and vegetable oil it is critical that the Congress approve NAFTA. Without NAFTA Mexican demand for protein meal and vegetable oil is certain to grow at a slower rate.

We have similar statements from the National Cotton Seed Products Association. We have a similar statement from the National Cotton Council of America. It is the central organization in this country for the entire cotton industry. Its members include producers, ginners, oil seed crushers, merchants, cooperatives, warehouse men, and textile manufacturers. A majority of the industry is concentrated in 17 cotton producing States ranging from California to the Carolinas. But it also includes downstream manufacturers of cotton apparel and home furnishings, and it has said the following, and I quote,

> When the board of directors viewed NAFTA as a whole, it determined that the agreement on balance met the requirements of the NCCA resolution on the subject, namely that the agreement gives the U.S. cotton industry the best opportunity for supplying apparel and other end-use manufacturing industries with U.S.-produced cotton and its products.

We have a similar statement from the National Association of State Departments of Agriculture. That is all the public officials representing agriculture in each of our 50 States, and they strongly support the North American Free-Trade Agreement because they understand it is the opportunity for U.S. agriculture to expand its exports.

We have a very strong statement from the National Cattlemen's Association, an organization that I have worked very closely with because I represent a large part of the cattle industry in Arizona, and it has said that it believes that it will see a tremendous increase at a rate of almost $50 million per year in exports of live cattle to Mexico, and that, of course, means more business for the United States cattle growers.

□ 2010

We have a strong statement from the National Food Processors Association. We have support for NAFTA from the Sweetener Users Association. The Grocery Manufacturers of America, as you might imagine from what I was telling you about earlier retailing in Mexico, is strongly supportive. GMA, the Grocery Manufacturers of America, is the national trade organization for 130 companies which manufacture 85 percent of the food and grocery products which are sold in retail outlets. They have said,

> We believe that by eliminating high tariffs on food and grocery products, the NAFTA will markedly increase opportunities for grocery manufacturers to export to the rapidly growing Mexico market of over 90 millions consumers and create new jobs for American workers.

But, of course, it is not limited just to agriculture. We have similar kinds of statements that have been made from other organizations as well. Let me just quickly run through a few of these.

We have the Association for Manufacturing Technology, which is a trade association, whose membership includes 300 machine tool building firms with locations throughout the United States. And it is strongly in favor of NAFTA because we have a tremendous opportunity to sell machine tools to this growing economy in Mexico that is now closed to us because of the tariffs and the quotas that exist on those machine tools.

The National Association of Manufacturers, which is the gigantic umbrella organization for all manufacturing in the United States, is strongly in support of NAFTA. They have said, "U.S. consumer goods manufacturers are among the most aggressive supporters of the NAFTA."

We have a very strong statement of support from the U.S. Hispanic Chamber of Commerce. They understand that their members, who have the closest cultural ties to Mexico, will be among those who will be able to benefit in this country as they do more business with Mexico. They have said, "To defeat NAFTA is more than a just a slap in the face to Mexico. To defeat NAFTA is to deny U.S. businesses markets that we so vitally need."

The Interstate Natural Gas Association of America, with 40 members, 29 associate members, and 8 international affiliates in Canada and Mexico, represents the pipeline industry of North America, and they strongly support NAFTA.

The American Gas Association, which is the trade association of the natural gas distribution and transmission companies, they strongly support the North American Free-Trade Agreement.

The American Textile Manufacturers Institute—remember, textiles is one of the things we have been told that we should be concerned about. Yet textiles is one of the great gainers under NAFTA. Why? Because there is a provision in the agreement that is called fiber forward. In order to be counted as a North American product and free of the tariffs that either United States, Canada, or Mexico charge each other, the fiber has to be made here in the United States, or in Mexico, or in Canada.

Of course, the great strengths of American textile manufacturers is in the fabric. That is where the capital investment is. That is where the high paying jobs are to be found. Not in the people who sew the garment, but in those who make the fabric.

So there will be a tremendous market for fabric manufacturers here in the United States as we make that fabric that will be sewn into blue jeans, shirts, suits, and shoes in Mexico, and the United States, and in Canada. So it greatly expands the market for textile manufacturing, and they are very much in favor of NAFTA as a result of that.

The Association of American Railroads understands that trade depends on free movement of goods. In fact, they have said, "Railroading depends on free trade. Our rapidly growing double stake business, for instance, needs stronger international trade flows in order to offer a viable domestic service."

The Printing Industry of America has 34 State, local, and regional affiliates, and it is a small business industry. It is consistent, representing small businesses all over the United States that are in the printing business.

They also understand that more business will come as they are able to do contracts with people in Mexico or they are able to do business directly in Mexico. They strongly support the North American Free-Trade Agreement.

The American Automobile Manufacturers Association is strongly in favor of NAFTA. I described earlier the very obvious benefits. Not just our CEO's, not just the stockholdersof General Motors and Ford, but the workers who work in our plants, because they will have jobs making more cars, more trucks, that will be sold in Mexico. And they are very, very strongly in favor.

They said this in a letter from Andrew Carr dated October 19, of this year.

> NAFTA is a big win for the U.S. auto industry and its workers. It opens up for the first time one of the fastest growing markets in the world to sales of a full range of U.S. built cars and trucks. The allegation that U.S. auto plants are going to pick up and move to Mexico under NAFTA is a complete fallacy. The vast majority of Chrysler, Ford, and General Motors' North American production is located in the United States, because American workers, facilities, and supply networks are simply the most efficient.

That question is a good point to take off on discussion of a subject which is another one of the great myths of NAFTA, that somehow, as soon as we pass NAFTA, all American manufacturers are going to pack up and move to Mexico, as though they could not do it today if that was their desire. There is nothing in the law that prohibits them from going to Mexico. There is certainly nothing in Mexican law that prohibits them. There is certainly nothing in NAFTA that makes it more easy for them to move that production to Mexico.

Sure, NAFTA provides some certainty. In that sense, the stability and the certainty that it brings to the political and the economic circumstances is perhaps a reason for investment in Mexico. But a manufacturer that is thinking of moving a plant down there must consider and weigh many, many factors.

Unfortunately, it is not just the wages. Or perhaps I should say fortunately it is not just the wages that they consider. Common sense, when you think about it, would say, yes, of course, there are other factors that go into that. And common sense will tell you if it was just the wages, what would be the greatest manufacturing giant in the Western Hemisphere? The answer is Haiti. It has the second lowest wages in the world. Only Bangladesh has wages lower than Haiti.

But do you see large numbers of plants moving to Haiti? Of course not. Why not? Because Haiti lacks all the things that are needed in order to make a manufacturing center. It lacks the infrastructure. It lacks the skilled labor. It lacks the political stability. It lacks all of those things, the resources that are necessary in order to make manufacturing work.

Now, Mexico is not Haiti. It is certainly far better than that. There is political stability in Mexico. There is a growing middle class. There is a growing educated work force. There is an increasingly skilled work force. There is growing and improved productivity and improved infrastructure.

But, still, Mexico lacks significantly when compared to the United States in all of those departments. So it is things other than wages that go into the decision about where a manufacturer is going to locate his or her plant.

Not long ago, one of the major accounting firms did a survey of some of the Fortune 500 companies. They asked them to rate what were the factors that made you decide where you would locate? And they listed such things as wages, regulation, transportation, workers skills, and so on and so on.

Of the 20 factors, wages was 14th. For manufacturing wages, direct labor is about 24 or 25 percent of the cost of production. So obviously, it is not the only factor that goes into a decision that is being made about where you are going to locate a manufacturing plant.

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The truth of the matter is that many factors go into that decision. The truth of the matter is that companies will locate in a foreign country when they believe that they have access to the market and it is access to the Mexican market that will help them to locate down there. But with NAFTA, they can have that access to the market without having to relocate in Mexico.

The truth is that some companies have found, as they have gone down there, that they have not, it has not worked out as they thought it would, that the infrastructure problems, the regulatory problems, the lack of skilled labor has made it impossible for them to produce goods as productively in Mexico as they can here in the United States. And so they have moved their production back to this country.

If we are talking about support for the North American Free-Trade Agreement, there is an almost endless number of editorial support, editorials in support of NAFTA. I will obviously not take the time tonight to go through all of these. I think it is instructive just for a moment to review a little bit of the scope of this support that exists in the media, because I think it raises the question, for those who may be doubtful about NAFTA, should I reexamine my position or my doubt, when I see that every living former President is in favor of NAFTA, when every living former Secretary of State is in favor of NAFTA, when every living former Secretary of Commerce, Republican and Democrat, is in favor of NAFTA, when 41 of our 50 Governors are in favor of NAFTA, these are the people that are on the line every day with jobs, they understand the importance of NAFTA, and when you have this kind of almost overwhelming total support by the news media of the North American Free-Trade Agreement.

Let me just very quickly run through a few of the newspapers that have written in favor of NAFTA in the last 12 months. Publications that have national circulation that have supported NAFTA include Investor's Business Daily, the Journal of Commerce, the New York Times, the Wall Street Journal, the Washington Post, USA Today.

Those with international circulation include the Economist, the London Daily Telegraph, and then you can go through it State by State. And I will just mention a handful of some of the papers that have supported NAFTA, including, in Alabama, the Birmingham Post-Herald, which, by my count here, has editorialized on at least seven different occasions in the last year in favor of NAFTA; in my State of Arizona, the Arizona Republic, which has editorialized at least nine times in favor of NAFTA.

We have in California the Alameda Valley Times, the Enterprise-Record, the Fresno Bee, the Los Angeles Times, the Monterey Herald, the San Diego Union-Tribune, the Sacramento Bee, the San Francisco Examiner and Chronicle, the Santa Rosa Press Democrat, the Santa Barbara News, the Vallejo Times Herald.

You have on NAFTA other States such as in Colorado, the Colorado Springs Gazette Telegraph, the Denver-Rocky Mountain News.

You have the Hartford Courant in the great Northeast, where there has been high unemployment, that understands that NAFTA is about exports and exports are what we must have if we are going to create jobs. And they have editorialized on at least 3 occasions in the last 3 months in favor of NAFTA.

You have the Wilmington News Journal. You have the Washington Times here in this city. You have, yes, in Florida, where there has been so much opposition to NAFTA, you have the Florida Times Union, the Fort Myers News-Press, the Miami Herald, the Pensacola News-Journal, the Tallahassee Democrat.

You have in Illinois the Bloomington Pontagraph. The Chicago Tribune, on 10 different occasions in the last 2 years, has editorialized in favor of the North American Free-Trade Agreement.

In Indiana, the Evansville Courier, the Indianapolis News. In Iowa, let us remember these are not all large newspapers, in Iowa you have the Wallaces Farmer. In Kansas, you have the High Plains Journal. You have, in Louisiana, the New Orleans Times-Picayune. In Maine, the Bangor Daily News. In Maryland, the Baltimore Sun has editorialized more than a dozen times in favor of NAFTA. In Massachusetts, the Boston Globe and the Boston Herald and the Christian Science Monitor. In Michigan, such small newspapers as the Adrian Daily Telegraph, the Alpena News, and larger newspapers such as the Detroit News and Free Press. The Detroit Daily News and Free Press, by my count here, has editorialized more than 15 times in the last year on the subject of NAFTA and free trade.

In Minnesota, ranging from the small newspaper like the Fairmont Sentinel to the Minneapolis Star and Tribune. In Missouri, the Kansas City Star. In Montana, the Billings Gazette. In Nebraska, the Omaha Daily Record and the Omaha World Herald.

In Nevada, we have had support indicated from the Las Vegas Review-Journal. In New Mexico, from the Albuquerque Journal.

In New York, editorial support has been expressed from the Albany Times-Union, from the New York Daily News, the Rochester Democrat & Chronicle, the Syracuse Post Standard.

I am only, by the way, mentioning here about one-fifth of all the newspapers in each of these States that have editorialized in favor of NAFTA.

In North Carolina, we have heard from the Greensboro News & Record. In Ohio, we have had several editorials on behalf of NAFTA written by the Akron Beacon Journal, the Cincinnati Enquirer, the Dayton Daily News, and small newspapers like the Ravenna Record-Courier and the Willoughby News-Herald.

In Oklahoma, editorial support has been expressed by the Daily Oklahoman and the Tulsa World. In Oregon, from the Oregonian in Portland. In Pennsylvania, from the Philadelphia Inquirer. In Rhode Island, from the Providence Journal-Bulletin. In South Carolina, editorial support for NAFTA has been expressed by the Charleston Post and Courier and the Spartanburg Herald-Journal.

In South Dakota, by the Sioux Falls Argus Leader. In Tennessee, by the Memphis Commercial Appeal.

Many newspapers in Texas have expressed their support. After all; Texas is one of the States that understands best the value of NAFTA. Texas, last year sold $18 billion goods and services in Mexico alone, eclipsing by more than threefold the next largest State in sales to Mexico, which was California, and eclipsing my State, which was the third largest by 9 times. We have had support expressed in Texas by papers ranging from the Amarillo News-Globe, the Dallas Morning News, the El Paso

Times, the Houston Chronicle and the Houston Post, the San Antonio Light and the Victoria Advocate.

In Utah, the Deseret news and the Salt Lake Tribune.

In Virginia support for NAFTA has been expressed by the Norfolk Virginia-Pilot and the Richmond Times-Dispatch. In Washington, by the Seattle Post-Intelligencer and the Spokesman-Review from Spokane, WA. In West Virginia, the Charleston Daily Mail has spoken on behalf of free trade. In Wisconsin, the Milwaukee Journal, the Milwaukee Sentinel.

I have said that there are only a handful of the newspapers that have spoken out in favor of NAFTA and free trade. All together this constitutes 479 editorials in the last year and from 187 American newspaper in 45 States and the District of Columbia.

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Once again, I would say the people who may be opposed to NAFTA must at least ask the question: Am I sure of my opposition when there is this much support in favor? Could I possibly be wrong, and they could be right, if so many people that have been involved in world politics and in trade for so long, have some knowledge about this issue, are in favor of it?

I would say that I think that is a compelling argument. It is certainly not enough reasons in and of itself to support the North America Free-Trade Agreement, but I think that it is at least one compelling argument that people must ask themselves: With that kind of support from trade associations, from businesses, from organization all across our land, from elected officials and from Governors and from economic development authorities, there must be something that these people know about what job creation is all about.

Why else are these people, whose sole job it is to provide jobs for their citizens, so much in favor of NAFTA?

I am going to end my remarks, Mr. Speaker, because we all have an opportunity in the next 13 days to continue this discussion and this dialog, I am going to end my remarks with the comment that during the course of these next several days a lot of information is going to be passed along, a lot of statements are going to be made, and unfortunately, some of those statements will not be accurate. They will represent misinformation, and they will represent disinformation.

Many of the statements that will be made are going to be very hurtful to our friends in Mexico, and yes, in Canada, but mostly in Mexico and in Latin America. Many of the statements that are going to be made are going to be false, and they are going to be based on stereotypes, and they are going to be based on fearmongering.

I just hope that in the course of this debate, during this next 2 weeks, that all of my colleagues, whether they are for or against the North American Free-Trade Agreement, will try to keep the debate on the issue, on the facts that are involved in this case.

The relationship that we have had with Mexico throughout the course of our independence and their independence over the last 150, more than 150 years, has not been an easy relationship. It has had its ups and downs. It has had its times when we have been on good terms, and times when we have had more strife in our relationship.

However, never, never in the course of 150 years have we had a relationship as close, as good, as we have today. Much of the credit for this must go to the administration of President Salinas, who was willing to make the bold steps to sweep away the history of 150 years of history, 150 years of nationalism, to say that Mexico's future had to be tied to markets and to the United States, and was willing to take Mexico on this important journey and this difficult road towards greater trade with the United States.

Mr. Speaker, I would hope that as this debate goes forward, that we would try to keep our remarks and our comments in that light of building on the relationship that we have had in the past. If we do that, the relationship between our two countries will be strengthened at the end of this debate.

I am also confident that at the end, when all is said and done, that the Congress of the United States will vote for the future of this country. We will vote for the North American Free-Trade Agreement.

PERMISSION TO RESUME SPECIAL ORDER

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that I be permitted to take the balance of my 1 hour.

The SPEAKER pro tempore (Mr. BARRETT of Wisconsin). Under clause 2 of rule XIV, a Member may not—even by unanimous consent—occupy more than 60 minutes in special orders.

The Chair notes, however, that the gentleman from California [Mr. HUNTER] earlier yielded back 54 of his 60 minutes.

Without objection, the gentleman may reclaim that time at this point.

There was no objection.

REPORT ON SOMALIA

Mr. HUNTER. Mr. Speaker, I want to again yield to my friend, the gentleman from California [Mr. DORNAN] to speak about this very important issue with respect to Somalia.

DRAWBACKS TO THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. HUNTER. Having just listened to my friend, the gentleman from Arizona [Mr. KOLBE], making extensive remarks about NAFTA, about the North American Free-Trade Agreement, and challenging those opponents of that agreement, among which I count myself as a person who thinks that this is not a good deal for the United States or for Mexico, to finish a debate in the next 2 weeks on the merits, I totally concur with those guidelines.

In fact, I think that the interesting and ironic fact is that the people who oppose NAFTA in the House of Representatives respect greatly the capability of Mexican workers and their ability to make high quality goods, utilizing high productivity, for very low wages.

That fact, unfortunately, has resulted in literally hundreds of businesses moving south to Mexico and replacing $10 and $15 and $20 per hour American workers with $2.38-an-hour workers, such as the workers who work in the Ford plant in Hermosillo, Mexico.

It is because anti-NAFTA Members of this House respect the productivity of Mexican workers and their capability, not only of doing low-tech jobs but doing high-tech jobs, something we are seeing south of my district in California, that we feel it is important too, instead of making Mexico investment-friendly for American employers, to make this country, the United States of America, investment-friendly, so we can incentivize businesses to locate plants, factories, and zones of enterprise in the United States, not beyond our border, because we need to have good blue collar jobs, $10, $15, $20 an hour, to make this country go.

I think it is interesting, we are talking about Somalia and about America's projection of military force around the world. I am just reminded in listening to the statement of the gentleman from Arizona that the average blue collar worker in this country pays $1,000 a year out of his or her paycheck, out of his whole pay, just for national defense. He pays that in taxes. It goes to national defense. The great American effort that we saw manifested in Desert Storm was paid for by middle-class America.

The average American worker, in paying $1,000 per year out of his or her paycheck for national security, indeed, for the security of the entire free world, pays what amounts to almost 50 percent of the average Mexican worker's entire annual salary, leaving the question that if jobs are allowed to go to Mexico, because of the delta, the margin in wages, who is going to pay that massive cost of projecting the powers of freedom and military force around the world?

Having said that, Mr. Speaker, let me just introduce the gentleman from California [Mr. DORNAN] one more time. As a member of the Committee on Armed Services, he, more than any other Member, has taken the time to fly to Somalia and back, took 40 hours in the air. He spent literally dozens of hours reviewing the information as to exactly what happened, and he has done more than any other Member of the House in terms of educating our Members on the Somalia situation, and I think also educating America at the same time.

Having said that, let me thank the gentleman, as a member of the House Committee on Armed Services, on behalf of all of our members on the committee, and all of our Members in the full House, let me thank my friend, Bob, for the work that he has done for the American people.

I know it has inconvenienced him greatly, and he has spent a lot of time away from his family because he thought this was important. More than any other Member, he has undertaken this project with his usual overabundance of energy and verve and concern about America and America's forces.

BOB, thank you.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

REPORT ON SOMALIA

Mr. DORNAN. Mr. Speaker, I thank my colleague from California.

Mr. Speaker, during the break when the gentleman and I were showing some of these pictures to Jody Pierson, the widow of Keith Pierson, killed on August 8, with three of his Military Police colleagues, and to Keith's sister, Laura, you found this article in USA Today: "Grieving Father Rejects Clinton's Letter."

I have read about this Ranger, Corporal James E. Smith. You read his name last week. His father, James H. Smith, Sr., a different middle initial, is a retired infantry captain in Long Valley, New Jersey. He writes in USA Today why he sent back the letter from the Commander in Chief, and why he felt he could not be loyal to his oath as an Army officer and to his Ranger son.

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I will put that in the RECORD.

[From USA Today, Nov. 3, 1993]

GRIEVING FATHER REJECTS CLINTON'S LETTER

With the death of my son, Ranger Cpl. James E. Smith, the outpouring of love and support has been overwhelming. The letters and kind words have helped my family through a difficult time, and we will always be grateful. But there was one letter I could not accept and returned to its sender—President Clinton.

As a warrior who was disabled in the Vietnam War, and as the father of a warrior killed in action in Somalia, I could not accept the president's letter of condolence. To do so would have been contrary to all the beliefs I, my son and the Rangers hold so dear, including loyalty, courage and tenacity.

The president's failure to provide the requested combat support in Somalia revealed a lack of loyalty to the troops under his command and an extreme shortage of moral courage.

I've had Rangers with tears in their eyes apologize for letting my son die or for failing to rescue the trapped Rangers. The failure was not theirs; it was the president's. Trucks and Humvees cannot replace the requested tanks, armored personnel carriers and Spectre gunships.

Until the president is either willing or able to formulate a clear foreign policy, establish specific objectives and—most important—support the men and women in uniform, I will "lead the way," as the Ranger battle cry says, in ensuring that he no longer sends America's finest to a needless death.

When the president meets these criteria, then I will accept his letter of condolence.

James H. Smith, retired captain/Infantry, Long Valley, N.J.

Mr. Speaker, here also are two outstanding articles, one from the Army Times by Lt. Col. James H. Baker. He is deputy commander of the U.S. Infantry, the Old Guard at Fort Myer, VA. He has been a peacekeeper in Egypt, Lebanon, the Iraq-Kuwait border zone. He writes how "the issue of putting U.S. troops under U.N. command is too often discussed by persons who know little about armies and less about command structures or U.N. peacekeepers." He speaks from experience. I think I will call him and ask him about the Old Guard over here at Fort Myer being used as messenger boys on Capitol Hill. It is disgraceful.

I include that article from the Army Times.

[From the Army Times, November 1, 1993]

ON PUTTING U.S. TROOPS UNDER U.N. COMMAND

(By Lt. Col. James H. Baker)

The issue of putting U.S. troops under U.N. command is too often discussed by persons who know little about armies and less about command structures or U.N. peacekeepers. It oversimplifies the matter to say that American combat forces can serve under U.N. commanders in peace operations just because they "fought under foreign command" in various wars.

According to their country's geography, prosperity, and neighbors, armies differ widely in methods, equipment and size. Military commanders develop the skills required by their own army. It takes no genius to know that nations with limited technology have few specialists in the use of sophisticated weapons and surveillance systems. Armies with no units larger than a brigade have little need to train commanders for large-scale maneuvers, and those with minuscule mechanized forces rarely develop experts in combined-arms operations.

U.N. forces are drawn from armies all over the world; professional skills and experience differ widely among the various troop-contributing nations. But the most modern, well-rounded armies, and consequently the most versatile commanders, tend to be those of the industrial democracies, most of which are NATO members. Even NATO's smaller armies train frequently with U.S. forces and equipment, and NATO officers are the foreigners most qualified to command U.S. troops and exploit U.S. technology and equipment.

As for command structures, U.S. combat troops have indeed fought under the overall command of military leaders of other countries. In World War II, large American formations were sometimes placed under an allied commander. For example, Gen. George Patton's U.S. Seventh Army, along with Gen. Bernard Montgomery's British Eighth Army, came under the command of British Gen. Sir Harold Alexander during the Sicily invasion in 1943.

In such cases, large American units were preferable because they were self-contained. They fought according to their own training and procedures, often different from those of their allies. They could eat, fight and refuel as independent elements. Equipped, trained and supplied by the United States, they carried out the plans of the allied commander but were not tied to him by an umbilical cord.

Developments in technology and military doctrine over the past half-century have given smaller units more independence. And within NATO, joint training and standardization of some equipment and procedures have made it still easier for such U.S. units to serve under a non-American NATO headquarters. NATO planners and commanders have adapted to these realities. In war plans and large-scale exercises, American brigades and sometimes battalions are routinely put under the command of allied officers. "Interoperability" is the goal, and NATO has consistently worked to realize it.

As a natural outgrowth of this policy, a brigade of the 82d Airborne Division took operational orders from a French division headquarters in Operation Desert Storm. Few problems ensued; although the French Army is not part of NATO's integrated command structure, it long ago adopted NATO procedures and has frequently taken part in NATO training exercises.

But what did not happen in Desert Storm was more noteworthy: No U.S. Army ground combat unit went into battle under command of a non-NATO officer. Implicit is the issue of qualifications and experience. With no slight to their dedication non-NATO officers were professionally unprepared for the job.

The United Nations does not select peaceforce commanders for their military acumen. It picks them according to political criteria; these are clearly important, but if the United Nations' task involves anything other than the passive monitoring of a cease-fire—if battle injuries and deaths are anticipated—the selection of a U.N. general must also take into account his purely military qualifications. A Third World colonel "bumped up" to a two-or three-star U.N. rank because of his political suitability does not thereby become qualified to command large formations of troops in near-combat conditions.

Putting U.S. combat forces under U.N. command is a multifaceted issue that defies simple analogies. To address it, pundits and policymakers need more than a superficial knowledge of history. U.N. officers can effectively command U.S. troops—if such a policy is intelligently applied. Bluntly, this will mean allowing U.S. forces to serve under the command of some foreigners but not others, according to their military qualifications and experience. And that will usually mean NATO officers.

Mr. Speaker, here is an article from the same day from the Air Force Times by George C. Wilson. Many people know that name going back over several decades. He has been the senior defense correspondent for the Washington Post and is the author of several books on military affairs. And he says, agreeing with you and me, that "Gen. John Shalikashvili, the incoming chairman of the Joint Chiefs of Staff, owes it to himself, and Congress owes it to the citizenry, to conduct parallel investigations of what went wrong militarily in Somalia—and why.

"The best way to solve a national problem is to force national leaders to focus on it. That is why the Joint Chiefs' obsessively secret investigations of military foulups are never enough. Congress must get involved as well and tell the people what it learned."

I include that article for the Record.

[From Air Force Times, Nov. 1, 1993]

Investigate Somalia in Clean Light of Day

(By George C. Wilson)

Gen. John Shalikashvili, the incoming chairman of the Joint Chiefs of Staff, owes it to himself, and Congress owes it to the citizenry, to conduct parallel investigations of what went wrong militarily in Somalia—and why.

The best way to solve a national problem is to force national leaders to focus on it. That is why the Joint Chiefs' obsessively secret investigations of military foul-ups are never enough. Congress must get involved as well and tell the people what it learned.

Daylight is the best disinfectant for fouled-up military procedures. If tactics or commanders or national policies can't stand the light of day, they should be changed. Otherwise airmen, soldiers, sailors and Marines are victimized by other people's mistakes.

As a longtime student of military affairs (I don't believe there are any experts) who has witnessed a goodly number of foul-ups, I have a lot of bothersome questions about our military operations in Somalia.

More impressive, military friends who have been in all kinds of combat, including special operations, have the same questions, as well as many others. They include:

Why did Lt. Col. Danny McKnight lead his Rangers on the raid on Mogadishu's Olympic Hotel Oct. 3 rather than establish himself in a command post on the ground where he could direct their extraction or rescue?

Although it is brave for such high-ranking commanders to get out front with their men, the officers' catechism says this is a temptation to be avoided for the unit's overall security. Perhaps McKnight had good reasons. Let's hear them.

Why did the Rangers descend from helicopters in broad daylight in an area known to be full of heavily armed supporters of Somali warlord Mohammed Farah Aidid, the man they were trying to capture? Who assessed the risks of such daylight raids?

Retired Army Gen. Maxwell Thurman, commander of the Panama invasion, told me that those operations proved U.S. forces hold the biggest advantage when they conducted raids at night. What has changed since Panama?

Where was the backup firepower for the raid on the Olympic Hotel, such as helicopter gunships, if no fixed-wing air cover or direct-fire artillery was available?

What was the extraction plan for the troopers who ended up trapped in Aidid territory in downtown Mogadishu?

When and why did Maj. Gen. Thomas Montgomery, the U.S. commander in Somalia, ask for tanks, Bradley fighting vehicles and artillery? Did the Joint Chiefs analyze his request? What did Gen. Colin Powell, now-retired chairman of the Joint Chiefs and chief military adviser to the president, do about the requests?

Defense Secretary Les Aspin has admitted that he rejected Montgomery's request but has elaborated on the advice he received on the issue from the Joint Chiefs. Is Montgomery being unfairly downgraded in command responsibility because of his foresight?

Why were Rangers and other U.S. forces headquartered at Mogadishu International Airport where hostile warlords could track their every move rather than put in a secure compound outside the city?

How should command and control relationships with U.N. forces be revamped?

How should the Code of Conduct be changed to ease the pressure on U.S. service people who are bound to be captured and tortured sooner or later by warlords who will force them to make anti-American statements and beam them around the world?

OK, Gen. Shalikashvili and Congress: That's a start on the questions; now let's start on the answers.

Also at this point I will put in the Record the letter from Gail and Larry Joyce. Larry is a retired lieutenant colonel. His son, James Casey Joyce, was one of the Rangers also killed on that bright Sunday afternoon, October 3. I will put his letter in the Record.

Larry & Gail Joyce,
Chicago, IL, October 22, 1993.

Hon. Roscoe G. Bartlett,
Committee on Armed Services, Cannon House Office Building, Washington, DC.

Dear Congressman Bartlett: My son, Sgt. James Casey Joyce, was one of the US Army Rangers killed in the October 3 Somalia ambush in Mogadishu.

Even though I served two combat tours in Vietnam, I could rationalize Bill Clinton's protesting the war in Vietnam. Now, I'm struck by the irony of his objection to American policy in Vietnam, and his support of a similar policy for US involvement in Somalia. It's similar, at least, in its vagueness, its politicization, and its misguided use of the military. My son opposed my support for Bill Clinton. His death in Somalia—brought about by weak and indecisive amateurs in the Clinton Administration—confirms my son's wisdom and my naiveté.

Senior military officers, including Chairman of the Joint Chiefs of Staff General Colin Powell, repeatedly requested armored and mechanized vehicles for Somalia. Secretary of Defense Les Aspin denied each request. Armored and mechanized units are essential reinforcements for the highly mobile but lightly armed Rangers my son was so proud to join.

Those reinforcements might not have helped my son, became he apparently was one of the first killed. But, they certainly would have helped many of the other 16 soldiers who were killed and the scores of others who were wounded. Army Rangers are the most highly trained and motivated soldiers this country ever produced. To put them, or any other soldiers, into combat with no way to reinforce them is criminal.

Americans, especially the casualties and their families, deserve answers. Congressional hearings should be held immediately to determine what wentwrong in Somalia so those mistakes are not repeated. We must know who, specifically, made the disastrous decision to change the American military posture in Somalia from one of humanitarian relief to one of offensive combat and why this decision was made.

Did someone in the administration make that decision? Or was the President, the secretary of state and the secretary of defense simply asleep at the switch? Who decided Rangers should be used to arrest general Aidid? Why? If his arrest was so essential, why did we suddenly decide to reverse course after my son and 17 other American soldiers were killed on October 3? Who so grossly underestimated his generalship in urban guerrilla warfare? Why? Is Aidid perhaps the only stabilizing influence in Somalia? If so, why did it take so many American casualties to learn that fact? Didn't we learn anything from Vietnam, where our obsession with Ho Chi Minh drew us deeper and deeper into that quagmire?

These are just a few questions that are begging for answers. I urge you to call for an investigation and congressional hearings so we can set our foreign policy straight and make proper use of our military in enforcing that policy.

Questions also need to be asked of the military command in Somalia. Why were Army Rangers inserted into what we now know was a deadly ambush without United Nations Forces—in place—to reinforce them? They were not American, but certainly, Malaysian and Pakistani tanks and armored personnel carriers were better than none at all. They did eventually arrive—ten hours late.

Today's army is far superior to the one in which I served in the 60s and 70s. The young men and women who serve in the defense of our country are a national treasure. In the future, let's ensure they get proper direction and support they need and deserve no less. Please let me know how I can help.

Respectfully yours,
Larry E. Joyce,
Lieutenant Colonel (Ret.),
U.S. Army.

I want to thank all of the staff here, and we are only going to go a few minutes because at 9 o'clock, I repeat, Larry King is going to have on this miracle survivor, WO Michael Durant. He is at his bedside in Fort Campbell, either in the hospital or in Durant's home. They are probably shooting at the hospital.

But you know, with all of this talk about the Army going into Mogadishu, and I showed the picture last week, I flew over the U.S.S. *Guadalcanal*, which is a big landing platform, helicopter Marine ship, and I flew over the *New Orleans*, and that is another LPH, and we have 1,900 marines from Camp Pendleton, CA in between your district and mine and Ron Packard's district, 1,900 marines from Camp Pendleton, that great Marine medium helicopter squadron 278 sitting on the ship, back and forth and back and forth, and another 1,800 marines from Camp Lejeune in North Carolina with their Marine medium helicopter squadron 162 flying these aging CH–46 Sea Knights. This is the 22nd Marine Expeditionary Unit. The one at Camp Pendleton is the 13th Marine Expeditionary Unit. And there are rumors that they are going to be put on the beach, and that they may help the Army guys there and the 10th Mountain Division patrol the streets.

I want to thank all of the staff for staying late tonight. But you know, Chris Heil, who is right behind me, you know Chris hit the beach at Normandy 50 years ago this coming June about 3 hours ahead of the invasion forces. He was one of the lucky engineers. They said look, why don't you go in in the dark and blow up all of the tank traps, and the barbed wire so that our guys can have an easier time landing. And Chris said, "Yes sir." so he understands why this is important when young men and women are put in harm's way.

I also talked to one of the guards in the hall, and I apologized for this long special order. I talked to Kerry Sullivan out there, and Kerry said, "Congressman, this is my second wedding anniversary." and I said, "What are you trying to do, put a guilt trip on me?" And he said, "No. I want to say to you that I am proud to stay here with you, and so is my wife, Anna." And so I say happy anniversary to Officer Kerry Sullivan and his wife Anna who are putting up with this.

Good news for the troops in Somalia. On the Senate side it says they may get their tax break, but this was adopted by the Senate last month, and I am sure it will go through this House in the Ways and Means Committee. Enlisted warrant officer pay is exempt from Federal income tax, as is the first $500 a month of officer pay. It went through so fast on the Senate side that they did it by voice vote.

Now, DUNCAN, it looks like with 15 minutes to go here I am going to have to do this again next week on the issue of Mr. Morton Halperin, who is serving and advising at the U.S. Pentagon in the Defense Department without Senate confirmation.

Here is the joke that was in the paper.

Mr. HUNTER. If the gentleman will yield, I think he needs to explain the background on Mr. Halperin and the proposed nomination of Mr. Halperin, and the position that he is nominated for by the President, and some of his background to give a context for your remarks.

Mr. DORNAN. I will. This to me was the most shocking appointment of anybody anywhere with the sole exception of the Clintons, and I have to think of them as a team now, of the Clintons appointing Jane Fonda. Remember, it was Hanoi Jane by every person who ever wore a uniform during the Vietnam war, or war era, Europe, stateside, North Pole, South Pole, or under fire in Vietnam, or one of the rear echelon troops, everybody remembers her as Hanoi Jane. Clinton sent her to the United Nations to lecture us about population, and to by name attack the largest Christian denomination in the United States and in the world.

But here is the second most offensive appointment, over the Surgeon General, Clinton's Surgeon General down there in Arkansas. There is nothing to equal Morton Halperin, and it is kind of all said in a joke here that hurts as much as it makes you want to laugh. It shows two pill bottles, a square and a round one, and it says, just the words, "For armor deficiency, take a dose of Aspin and call the Pentagon in the morning." And there's a little play on the word aspirin and it says "Aspin." And then is says, "If Aspin upsets your stomach, try Halperin."

Now here is as fast as I can go through this, to be continued next week, the case against Morton Halperin. Morton Halperin has been nominated to be the Assistant Secretary of Defense for Democracy and Peacekeeping, a brand spanking new position created by the Clinton administration. And this is just a quick summary of this man's life.

Mr. Halperin is the principal architect of Presidential Decision Directive 13, a blueprint for largely subsuming U.S. participation in any peacekeeping to U.N. command and control. I think that was blown sky high by the death of all of our young heroes on October 3 and 4.

He favors considerably augmenting the capabilities and responsibilities to the United Nations to include the authority to raise revenues by taxing multilteral transactions such as arms sales, telecommunications, and multinational corporate sales.

Halperin, since the early 1970's, consistently strongly opposed U.S. covert operations abroad. Now he is claiming, getting ready to face his Senate confirmation, that he has changed his mind on that in the last 2 years. That is like saying Aristide of Haiti has grown up in the last 2 years and promises he will not call for people to be burned alive in the streets of Port-au-Prince, or what a good smell that is. He has grown up.

Mr. HUNTER. Mr. Halperin has in the past condemned our intelligence activities and covert activities. And I saw one statement, or will paraphrase a statement where he says we do not have a need, and we do not have a justification for covert activities.

Mr. DORNAN. Right now he claims that he has changed. That is the only thing now that he has claims he has changed his mind on, but there is no proof, there are no speeches, just he says he has.

He has participated in leadership positions with radical leftist groups engaged in public campaigns to shut down the counterintelligence capabilities of the FBI and the Justice Department, and to reduce drastically the foreign intelligence capabilities of the CIA, all of this at the height of the cold war when all issues were in doubt. And when Clinton says we won the cold war, and I always say what do you mean, we, how about people like this who maybe extended the cold war.

Now he considers his, Halperin's role in defeating Senator DOLE's constitutional amendment to the Constitution prohibiting the burning of the American flag a crowning career achievement of Morton Halperin. You and I stayed in this entire Chamber all night long with these good workers not getting any sleep for 36 hours, all night, finding every little grade school child's speech, Barbara Frietchie's "Shoot if you must this old gray head," anything to respect our veterans and every veterans organization.

□ 2050

Every veterans organization has had a resolution to stop the legal burning of this flag and act, and to say that it is not free speech. He brags that under the ACLU and its leader in Washington he was the architect that shut you, me, and Senator DOLE down. Now he wants to walk through the halls of the Pentagon, through MacArthur Hall, through Eisenhower Hall, through Marshall Hall, through Bradley Hall, through Nimitz Hall? Give me a break. Where did this appointment come from? Out of Clinton's head? Out of Les Aspin's head? We ought to have hearings on our side of the Hill, but then we do not have gridlock anymore, do we? We have all one Government—not any longer in New Jersey, New York City, L.A., and the Lieutenant Governor's job in Arkansas and the last Texas Senate race and the last Georgia Governors race and the great State—did I leave out New Jersey or Virginia? We are getting a little wake-up call around here about getting rid of gridlock and having one-party Government.

But it gets better: Opposes the unilateral use of force in Grenada and Panama, and he says he would not support it except in very limited circumstances.

Mr. HUNTER. If the gentleman would yield, I guess Mr. Halperin's version of unilateral means if the United States wins, because that is bad if it is unilateral. Bilateral use of force is where you take casualties, I presume.

Mr. DORNAN. Exactly.

Now, he opposes random drug testing for Federal employees, including those in air traffic controller positions or national security officials who are dealing with code word top-secret documents. We may have a leak that some people in the Embassy—one of the marines who went to prison about 8 years ago is up now for parole, we are taking Russian KGB agents on a tour of U.S. Embassy in Moscow. I do not know why when they had the whole place bugged. But he said, "No, no, we cannot test people like that for random drug testing to find out if a scandal would be, maybe, developing, or rumors of one.

Another one: consistently has excused the actions of the Soviet Union and its client, like Cuba, at the height of the cold war, characterizing their intentions as benign. Now, that is communist intentions.

He spent 5 months leading Daniel Ellsburg's defense team of lawyers and testified on Ellsburg's behalf, characterizing the Pentagon papers as inconsequential to U.S. nationalsecurity interests.

He filed a friend-of-the-court brief in defense of David Truong, a Vietnamese expatriate—and I remember this—accused of espionage on behalf of Communist Vietnam and theft of Government property. And he came to this country, David Truong, at our expense as a student. And he is working for the Communist government that has killed 600,000 people, forcing them out of the country as boat people who died on the high seas and the other 600 who made it here, we hope that made it here and are now, most of them, good American citizens.

Get this: He played an integral role in orchestrating the Clinton administration's campaign to allow male homosexuals and lesbians to stay in the military, join in the military, serve openly in defiance of overwhelming votes in this Chamber of 300 here and in the Senate, 70- to 80-percent vote, and he, as a paid consultant not yet approved by the Senate, spent the whole spring before he played a role in denying armor to men who were about to die in Somalia; he was pushing the homosexual agenda in the Pentagon.

Unbelievable.

Considers such issues as mental health, prior arrest record, drug use, alcohol abuse or membership in the Communist Party irrelevant questions to be asked for security clearance background checks. Mr. Speaker, these are facts. This is why I wish I was in the Senate. We ought to go and ask to testify on the Senate side at one of those tables, which is our right as House Members, when this guy's confirmation comes up.

Last but not least, 6 minutes before Durant appears on Larry King, this one particularly makes my blood boil: Morton Halperin, one-time analyst, one of the McNamara whiz kids in the Pentagon decades ago, he flew to Great Britain to testify on behalf of Philip Agee, a CIA renegade ex-agent who exposed the identities of hundreds of American intelligence agents around the world, including releasing the name of our station chief in Athens, Richard Welch. Now, Philip Agee was a Notre Dame graduate, I am sorry to say—there is bad in every great school's lineage. Philip Agee, who is in Cuba right now, got Richard Welch killed. Richard Welch was gunned down in the streets of Athens, a father with four children, I believe, murdered because this slime of the Earth, this Benedict Arnold, traitor, this Catholic-hating ex-Catholic and friend of Castro, expatriate for most of the past 25 years. Who flies to England in an English case against his releasingsecrets to defend him? Morton Halperin.

The officers that I visited at Fort Bragg, down in Huntsville, all the bases I have been at in Somalia have kept their mouths zipped shut about Morton Halperin or the Commander in Chief. But I will tell you the enlisted men must feel that they have more freedom of speech than the officer corps because enlisted men, including enlisted men recovering from serious wounds, have said to me, "Congressman DORNAN, you are not, please, sir, going to allow Morton Halperin to be in our chain of command serving in the Pentagon in some newly created undersecretary seat?" And I said, "Not until I have exhausted every means in this Chamber and talked to my friends in the Senate will I give up on this case." And if we are rolled and this guy is appointed over our objections, I think this is one more huge, not only nail in the Clinton coffin but maybe the beginning of pounding the stake in the heart of the man who dodged the draft three times and has consistently pathologically tortured the truth every time it comes up.

Mr. HUNTER. If the gentleman would yield, the point that he made about Richard Welch is one that I think needs to be restated because it is so significant.

That is that Philip Agee, who is represented by Morton Halperin, was a former CIA agent. And what he did was release the names and the identities of Americans who were serving in the agency.

Now, there are two ways you can kill people in the service of their country or people can be killed. One is the soldier, in uniform, who is identified by the enemy on a battlefield and killed in the course of war.

The other is to reveal the identity of civilians who are in exposed and vulnerable situations around the world, Americans who are serving in our secret service, that is, our CIA.

And they then are killed by our adversaries in their places where they are vulnerable around the world.

Richard Welch's name was revealed by Mr. Agee. Shortly after his name was revealed, he was assassinated. I believe he was assassinated in Greece or in Rome.

Mr. DORNAN. In Athens.

Mr. HUNTER. He was assassinated in Athens.

Mr. DORNAN. Within days of Agee releasing his name.

Mr. HUNTER. So the point is these left-wingers who hated this country so much and hated our intelligence service so much—and, incidentally, I get irritated when I hear people blame our intelligence service and denigrate our intelligence service, because the men and women who serve in our intelligence service never come home to a tickertape parade as our veterans from Desert Storm were; many of them die in small, cold, lonely places. They never receive the fame or the credit that they deserve. And they cannot receive that because their names and their identities must remain secret.

Yet they sacrifice every bit as much as the people who raised the flag at Iwo Jima, those marines, including Ira Hayes, who stood there. They stand out on that most historic landmark on the other side of the river in Washington, DC.

So the point is that Philip Agee killed another American by revealing his identity to our adversaries, who assassinated him.

Mr. Halperin felt compelled to defend Mr. Agee, implying to me at least that he thought Agee's actions in revealing a secret service agent's identity to his enemies who assassinated him was somehow appropriate. And that is what tells me that appointing a man with that type of judgment, that type of moral character to a position where he is going to control literally the life and death of American fighting men and women is a terrible, terrible mistake.

Mr. DORNAN. Let me say to the gentleman because it is coming up on 9 and the gentleman and I are going into the cloakroom and watch Durant—I do not want to be caught driving home and missing this. I can spend another half-hour here. But let me put a few article in. I have already asked unanimous consent. Here is one from Human Events, one of Ronald Reagan's two favorite journals, former President Reagan. The subtitle is "Jane Fonda Next?" And the title is "Senate May Soon Approve Alarming Halperin Appointment." I want that put in there, and that is a two-sided article.

□ 2100

Later another article, "Bill Kolby Testify in Favor?"

Good God, Bill Kolby, I am asking in front of 1,300,000 Americans through our great Speaker, I hope not, Bill.

"Armed Services Poised for Halperin Nomination."

Then a "Chronology of Relevant Aspects of Morton Halperin's Career."

A decision brief from our friend, Frank Gafney and company, the "Halperin Syndrome": Clinton Appointees' Antipathy to CIA, Military Sets Stage for Debacles in Haiti, beyond. This one is dated October 26, 1993. We are going to have to live with a lot of this.

Then here is one, "Notable Halperin Quotes on Selected Topics" cold war, use of military power abroad, Defense Establishment, Intelligence Establishment. These are Clinton in his own words, and it goes on and on.

I just want to close, if I was doing a television show, I would say fade out on this.

This is a big C–130. It is an attack C–130, the gunship, the Spectra, they call it. This is sitting on the ramp at Mogadishu. I took a picture of this as we taxied in on the big C–5, before I even began all the things I was able to do there in a short period of time.

I asked the Rangers up in the hospital at Walter Reed and the Special Forces guys, "When did you get there?"

"August 25th, sir."

I said, "Were the C-130's, the gunships, still there, the Spectras?"

"No, they left 2 days before we got there, and we hope you will find out why, sir."

On August 23 the C-130's were pulled out.

On August 25 the Rangers and the Special Ops guys landed with an order to hunt down Aideed, without something that one of those young men, John Burns told me, Sergeant Burns, "We trained with this all the time. That is what we needed." It flies above 5,000 feet, out of the range of small arms fire and out of the range of the deadly rocket-propelled grenades.

I want to know. I want to ask this question in front of the committee. Who was it, and was it possibly Morton Halperin who said, "Pull them out. It's too offensive looking." Or was it some other civilian, and why were not the Joint Chiefs of Staff involved?

And where is our hero, citizen Colin Powell, when we need him, with the full force of his first amendment rights and a $6 million book deal, signed and sealed. Where is Colin Powell to tell us what his last month was like in the Pentagon, bumping heads with Morton Halperin?

We have a lot of questions. Now what we need, I say to the gentleman from California, Mr. DUNCAN HUNTER are some answers. I will see the gentleman on this floor Monday as we debate Somalia.

Let us go see Michael Durant.

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman for his work in this area and for all the investigation that he has done, for the very uncomfortable and inconvenient long 40-hour trip to Somalia and back. I look forward to working with the gentleman again over the next several days, continuing to develop this history for the American people.

Mr. DORNAN. Mr. Speaker, I include the following documents that I referred to earlier:

[From Human Events, Sept. 25, 1993]

JANE FONDA NEXT?—SENATE MAY SOON APPROVE ALARMING HALPERIN APPOINTMENT

Short of treason, what does it take to disqualify someone from securing a key position in the Clinton Administration's Defense Department? Nothing, apparently. So "civil libertarian" Morton Halperin, who collaborated closely with some of America's most vociferous enemies during the Cold War, may yet become assistant secretary of defense for democracy and peacekeeping.

Should Halperin be confirmed, he will have enormous sway over U.S. defense policy, including, it seems, sharing responsibility for putting American troops under United Nations command. He will also have access to our most precious military secrets, the very kinds of secrets he ferociously sought to divulge to the world when the Soviets were threatening us with nuclear annihilation.

The idea that this former, highly influential ACLU figure may actually be confirmed to such a powerful position within the Pentagon has positively alarmed influential members of the national security community.

Nevertheless, he may very well end up getting the job. No Clinton appointee, it should be noted, has yet been defeated on a vote by the Senate, where the Armed Services Committee, chaired by Sam Nunn (D.-Ga.), is supposed to take up the nomination shortly.

So far, not a single Democrat has had a bad word to say about Halperin, an ominous sign for his detractors. The Republicans on the panel are virtually united against him—William Cohen of Maine is still riding the fence—but no one has yet become the point man in opposition.

And where is Senate Minority Leader Robert Dole (Kan.) in all this? Too silent for those who believe, like us, that the GOP should be turning the Halperin selection into the burning national defense issue it deserves to be. Hence the concern that Halperin may be approved after all.

Meanwhile, a curious alliance of the far left (the once Stalinoid Nation magazine, for example), a few ultraliberal "defense experts" (Alton Frye, Arnold Kanter and Jeremy Stone), a clutch of neoconservatives at the New Republic and even an important conservative writer for the Wall Street Journal have begun to rally around the Halperin flag.

Nothing in Halperin's past appears to distress those rushing to his rescue. They're willing to ignore or even forgive his working with Soviet sympathizers and Vietnamese espionage agents to savagely undermine our national security and intelligence operations, his efforts on behalf of those who blew some of our most sensitive secrets during the Cold War and his support of CIA turncoat Philip Agee, the revolutionary Socialist who deliberately exposed hundreds of our CIA agents around the world.

When Agee "outed" our CIA station chief in Athens, Richard Welch, and Welch was subsequently assassinated, guess who came to Agee's defense? But even this astonishing embrace of Agee hasn't bothered Halperin's supporters.

They are apparently willing to have elevated to a key defense post a man who was so egregiously wrong about the Soviet Union that he was willing to proclaim:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe.* * * The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one."

He also said: "* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law."

Really, is this the sort of fellow the senators want to entrust with America's survival?

In the great historic battle between Soviet communism and Western democracy, Halperin, invariably, was on the wrong side. But, tush, say his more conservative supporters, what's a few mistakes among civil libertarians?

Instead of assailing Halperin, who should be permanently donning sackcloth and ashes for his abysmal record on defense and foreign policy issues, the alliance has decided to train its guns on former Reagan defense official Frank Gaffney of the Center for Security Policy. Gaffney's crime? He has effectively disseminated factual information about Halperin that should move every normal, red-blooded senator—Democrat or Republican—to veto his nomination.

Gaffney's research on Halperin, contained in a 36-page notebook circulated to both staffers and U.S. senators, is impeccable and can't be refuted. He's let Halperin hang himself by simply publishing lengthy, in-context Halperin quotations ranging from his positions on the Soviet threat to U.S. intelligence operations. Using a wealth of reputable material, including congressional hearings, the Gaffney document also convincingly rebuts efforts by Halperin's defenders to perfume his past and portray him today as a hard-nosed defense specialist whose actions are tempered by deeply held civil libertarian instincts.

Halperin's most remarkable apologist is the Journal's Paul Gigot, viewed by many as a stout conservative. But even Gigot admits that Halperin turned "wildly naive" on most issues of the Cold War, especially in "perceiving a 'defensive' Soviet Union."

Gigot, however, is altogether forgiving, while chastising conservatives for allegedly stretching the truth about Halperin and engaging in "reverse 'Borking.'" "Republicans and especially conservatives * * *," he writes in a reproving tone, "may want to ask if being wrong about the Soviet Union and Vietnam is a lifetime disqualification for public office * * *."

When you're talking about a national security job, Paul, that sounds good to us. Why in blazes shouldn't it count as a lifetime disqualification to be wholly, irresponsibly wrong on the most serious threat ever to this country's survival?

Halperin's Cold War performance, we would suggest, is not precisely the job resume expected for an assistant secretary of defense. And if we accept Halperin today, why not Jane Fonda or William Kunstler tomorrow?

Many Human Events readers may have come to know more about Halperin than they care to in the last few weeks, but for those who may have come in late—and for those senators who may be on the fence—we'd like to recapitulate just a small number of his most outrageous activities and associations:

Josh Muravchik, a neo-conservative who is opposed to Halperin, made this point in the August 1993 issue of Commentary. Morton Halperin, he noted, has been "a veteran battler for causes that ranged from liberal to hard-left. From the mid-1970s until the mid-1980s, for example, Halperin served as the director of the Center for National Security Studies, a spin-off of the radical Institute for Policy Studies (IPS).

"He also served as chairman of the Campaign to Stop Government Spying, an anti-intelligence coalition numbering among its member organizations the Black Panther Party, the Committee for Justice for Huey P. Newton, the National Committee to Reopen the Rosenberg Case, Women Strike for Peace, the National Lawyers Guild, the National Emergency Civil Liberties Committee and sundry other hard-left groups."

National security expert Francis J. McNamara, whose writings on Halperin have appeared in Human Events, stresses that Halperin's philosophy during the Cold War boiled down to the following. He would "strip the intelligence agencies of the weapons which the courts, Congress and the executive have found to be essential to the achievement of their mission—secrecy.

"He would make public their budgets, ties with academics and other sources, control of proprietaries, etc. He would go so far as to compel disclosure not only of diplomatic negotiations, but all research on new weapons systems * * * and would even oppose CIA covert action taken to prevent Libyan dictator Muammar Qaddafi from sneaking nuclear weapons into New York harbor. All covert action by the CIA and other agencies would be brought to a halt.

"The FBI, if Halperin had his way, would not be allowed to investigate anything but crime. All domestic intelligence collection would cease—by law. All wiretapping, too, would be brought to a halt, even that used to catch spies and learn the intentions, plans and plots of nations hostile to this country."

Halperin testified on behalf of David Truong, an anti-Vietnam War activist, who, along with Roland Humphrey, a USIA officer, was convicted of espionage in January 1978. They were charged with taking classified documents from the USIA, then turning them over to Communist Vietnamese officials.

Halperin made light of the documents that had been admittedly purloined, but the prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security.

State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Truong and Humphrey, who eventually were sentenced to prison for 15 years.

And there's this interesting footnote (see Human Events, September 4 issue, page 5): Truong, free on bail in February 1979, pending the outcome of his approval, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted Truong.

Halperin was, indeed a strenuous defender of CIA renegade Philip Agee. Extraordinarily, however, Halperin's defenders are in a state of denial.

"Another charge that slides into distortion," says the Journal's Gigot, echoing Halperin's left-wing boosters, is that "Mr. Halperin 'aided and abetted' Philip Agee, a genuine scoundrel who leaked names of CIA agents in the 1970s. It's true Mr. Halperin showed bad judgment in testifying in Britain that more evidence should be heard before Agee was deported (which he was anyway). But his error seems rooted in the libertarian zealot's mistrust of all secrecy. He has always said that leaking agent's names is wrong * * *."

The "slide into distortion," however, is Gigot's. First off, we can only wonder why Gigot would suggest that a "libertarian zealot" be allowed a high position in the Pentagon where he would have access to our most precious secrets. Surely, this is akin to putting the family drunk in charge of the liquor cabinet.

More to the point, Halperin may have always said that leaking agents' names is wrong, but he still did his damnedest to praise and protect Agee in his zealous efforts to leak the names of agents.

Halperin traveled 5,000 miles to London in 1977 to assist Agee in his anti-deportation hearings, even though Agee had already become a notorious leaker of CIA names and had informed Esquire a year earlier that "I aspire to be a Communist and a revolutionary."

In September 1975, in his publication First Principles, Halperin also lavished praise on Agee's book Inside the Company: CIA Diary for having supposedly exposed how the CIA operates in Third World countries. Most curious, in view of Halperin's insistence that he never favored the leaking of names, is that he never mentions—and certainly fails to condemn—the fact that the book he heartily endorses reveals the names and identities of over 700 people in all parts of the world Agee claims were officers, agents and cooperators with the CIA.

"CIA News Management," a column by the nominee, was published with Halperin's permission in Agee's 1978 book, Dirty Work. Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover."

Stuart added: "But Dirty Work is more than that. A comprehensive picture of the CIA emerges in Dirty Work. [Two other contributors] * * * and Morton H. Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *."

And this only touches on Halperin's defense of Agee and his activities. Gaffney, in short, is right on the money when he charges Halperin with "aiding and abetting" Agee with his campaign to expose the identities of CIA agents overseas.

Morton Halperin, in truth, is a dangerous choice to handle America's defenses or to be anywhere near top-secret materials. His notoriously poor judgment in the past gives every senator, Democrat or Republican, liberal or conservative, ample justification to vote against his nomination. The American grass roots should bombard their senators in opposition.

[From Human Events, Sept. 25, 1993]

WILL COLBY TESTIFY IN FAVOR?—ARMED SERVICES POISED FOR HALPERIN NOMINATION

Morton Halperin, President Clinton's selection for the newly created post of assistant secretary of defense for democratization and peacekeeping, is hoping to round up heavyweight support for his controversial nomination.

Indeed, Scott Cohen, a former CIA official who served as a key aide to ex-Illinois Sen. Charles Percy (R.), who chaired the Foreign Relations Committee in 1981, has come to Halperin's assistance. He's telling Armed Services Committee staffers that, while he didn't always agree with Halperin, he viewed him as an "honest civil libertarian."

He has also left the impression with staffers that former CIA directors William Colby and Stansfield Turner would be willing to testify on behalf of the former ACLU official. (Cohen informed us that, while he had not been personally in contact with Colby, for instance, he had heard that he would be willing to testify in Halperin's favor.)

Should Colby, Turner and, perhaps, other ex-CIA officials go to bat for Halperin, this would be ironic in the extreme, since, as Human Events has documented in detail Halperin has waged a sustained campaign to cripple the CIA's effectiveness.

Republicans on the Senate Armed Services Committee, save for William Cohen (Maine), are, however, said to be still united in their opposition to Halperin, no matter what Colby or Turner or other important members of the national security community (decide to do. Among those who are thought eager to confront Halperin over his past are GOP Senators Strom Thurmond (S.C.), ranking Republican on Armed Services, Trent Lott (Miss.), Lauch Faircloth (N.C.) and Dan Coats (Ind.).

Halperin, these Republicans and their staffers believe, is afflicted with dozens of important vulnerabilities, including his penchant for supporting unsavory characters who were eager during the Cold War to assist America's Communist foes.

Not widely known, for instance, is that Halperin came to the assistance of David Truong, an anti-Vietnam War activist who, along with Roland Humphrey, a USIA officer, was indicted for expionage in January 1978. The indictment charged that Humphrey had taken classified documents from the USIA, then turned them over to Truong, who, through couriers, delivered them to Communist Vietnamese officials. (See Francis McNamara article in Human Events, Dec. 29, 1984, page 10.)

Both Truong and Humphrey acknowledged they had turned over the purloined documents to Vietnamese agents in France, but they maintained they were not guilty of espionage because the papers they transmitted were not harmful to U.S. security. The ever helpful Halperin, a witness for their defense, expressed doubt that some of the papers had been properly classified and cavalierly dismissed the others as not being related to national defense.

The prosecution responded by saying that some of the materials, including a U.S. Embassy report on anti-Communist activity in Laos, did, in fact, contain information vital to our national security. State Department officials, furthermore, insisted that individuals who were confidential sources of information for the U.S. were jeopardized by the activities of Humphrey and Truong.

Despite Halperin's vigorous effort to get them off the hook, both men were convicted and began serving their 15-year prison terms in January 1982 after an appeals court had upheld their convictions and the Supreme Court refused to review its decision.

There's an interesting footnote to the case. Truong, free on bail in February 1979, pending the outcome of his appeal, attended a party staged by the Campaign for Political Rights celebrating the release of a "documentary" against the CIA, the FBI and other U.S. intelligence agencies. A smiling Halperin, who headed the CPR, posed for a press photo with the convicted spy.

In 1971, Daniel Ellsberg and Anthony Russo, both former employees of the Defense Department and its allied think tank, the Rand Corp., admitted they had unlawfully copied a two-and-a-half-million-word "Top Secret-Sensitive" report on the U.S. role in Vietnam and leaked it to the New York Times and other newspapers. Ellsberg and Russo were indicted on charges of espionage, theft of government property and conspiracy.

Swiftly coming to their assistance was a team of some 35 people, headed by the ubiquitous Halperin. As in the Truong case, Halperin testified that the "Pentagon Papers," as they had become known, would be of little value to the enemy, although this was contradicted by numerous military and diplomatic authorities. (Gen. Lyman Lemnitzer, chairman of the Joint Chiefs of Staff during our early involvement in Vietnam and later supreme commander of NATO, tagged the leak "a traitorous act.")

Equally interesting, however, was Halperin's testimony that the "Papers" were really personal papers belonging to those who had compiled them when they were in the Pentagon: Halperin himself, Leslie Gelb and Assistant Secretary of Defense Paul Warnke. They were not government documents, he said.

It was routine, he went on, for officials in his position at the time, to take their personal papers with them when they left office and that this was not considered theft or a violation of security regulations.

This was a mind-boggling claim by Halperin, especially since the prosecution had discovered that Halperin, in an affidavit he signed when he joined the Defense Department, had promised to return all classified documents. Moreover, Gelb himself contradicted Halperin, telling reporters that he considered the study "government property," not personal papers that could be distributed to the public at whim.

What this incident underscores, of course, is Halperin's virtual disregard for classified materials.

Halperin's biggest Achilles' heel, as viewed by many on Armed Services, has been his support of Philip Agee, the pro-Communist CIA turncoat, who deliberately exposed CIA officials, even when his actions jeopardized these officials' lives.

Three of Halperin's defenders—including liberal defense specialist Alton Frye, Bush's under secretary of state for political affairs, Arnold Kanter and Federation of American Scientists President Jeremy Stone—have sent a four-page letter to committee members alibiing for Halperin. Halperin's "only 'assistance' to Agee," they write, was "to testify at a British deportation hearing in which he urged that the British national security service provide a valid reason for his deportation as required by law."

"Upholding due process for a then ACLU official," the letter goes on, "is not 'aiding and abetting' criminals any more than it would be the crime of 'aiding and abetting' for a lawyer to help a client."

That alibi, however, is not likely to assuage GOP committee members since Halperin has a history of being in Agee's corner. Not only did he travel to England to defend Agee—no small thing, even for an ACLU official—but he constantly defended Agee and his efforts to expose CIA officials and those who cooperated with them.

Halperin favorably reviewed Agee's first book, Inside the Company: A CIA dairy, in 1975, even though Agee thanked the Cuban Communist party for the help it had given him in writing the book, which listed over 700 people in all parts of the world who Agee claimed were CIA officers, agents or cooperators.

In testimony before the House Intelligence Committee in 1978, Halperin assailed the CIA for launching a "disinformation" campaign against Agee and the publication he was associated with CounterSpy, whose listing of the CIA station chief in Athens, according the CIA's William Colby himself, led to that agent's assassination.

There is a ton of other documents that Halperin's opponents on Armed Services can use against him, as Human Events readers are by now aware, but the bottom line remains: Do the Republicans have the will not only to oppose him, but to go all out for a kill?

A CHRONOLOGY OF RELEVANT ASPECTS OF MORTON HALPERIN'S CAREER

Present: On 31 March 1993, the White House announced the President's intention to nominate Halperin to the newly created position of Assistant Secretary of Defense for Democracy and Human Rights. Since that time, he has been working in the Pentagon nominally as a consultant but on an essentially full time basis and in a manner that appears to exceed congressional and departmental restrictions on the involvement of nominees in policy-making prior to their confirmation.

Halperin is formally still listed as a Senior Associate of the Carnegie Endowment for International Peace and the Baker Professor at George Washington University's Elliott School of International Affairs.

1984–1992: Director of the Center for National Security Studies (CNSS), originally an offshoot of the hard left-wing Institute for Policy Studies (IPS). Halperin was also the director of the Washington Office of the American Civil Liberties Union (ACLU), with responsibility for the national legislative program of the ACLU.

1977: Once of the founders and the director of the Campaign to Stop Government Spying, which changed its name the following year to the more benign Campaign for Political Rights. Like CNSS, the Campaign was populated with personnel associated with the Institute for Policy Studies and dozens of other dubious organizations (e.g., the National Committee Against Repressive Legislation, reportedly a Communist Party front).

Also in 1977, while serving as the deputy director of the Center for National Security Studies, Halperin went to London to help in the defense of Philip Agee. At the time, Agee was in the process of being deported from Great Britain as a security risk for collaborating with Cuban and Soviet intelligence.

1969–1973: Senior Fellow associated with the Foreign Policy Division of the Brookings Institution.

1969: Member of senior staff of the National Security Council during the Nixon Administration with responsibility for program analysis and planning. During this period, the information concerning secret U.S. bombings of targets in Cambodia was leaked to the New York Times. Then NSC Advisor suspected Halperin and colleague Anthony Lake of the leak and authorized FBI wiretaps on their office and home phones.

1966–1969: Deputy Assistant Secretary of Defense for International Security Affairs, with responsibility for political-military planning and arms control.

THE "HALPERIN SYNDROME": CLINTON APPOINTEES' ANTIPATHY TO CIA, MILITARY SETS STAGE FOR DEBACLES IN HAITI, BEYOND

WASHINGTON, D.C.—The world is now being treated to the spectacle of a U.S. president determinedly pursuing a policy toward Haiti predicated upon a man whom the American intelligence community believes to be a psychotic manic depressive and involving a use of the armed forces opposed by senior military commanders. Unfortunately, the bizarre overinvestment by the Clinton Administration in Jean-Bertrand Aristide is not an isolated incident. Rather, it seems the product of a dangerous predisposition shared by many of Mr. Clinton's senior security policy advisors, and perhaps by the President himself.

While much of the focus to date has been on a dubious commitment to multilateralism that is rife in the senior echelons of the Clinton Administration, another—arguably more insidious—mindset appears to be at work: a deep-seated mistrust of, *if not outright contempt for*, the Central Intelligence Agency, its sister organizations and the American military. Unless there are wholesale changes in the Administration's foreign and defense policy team, it is predictable that such a predisposition will produce even more serious and expensive debacles for the United States than that entailed in trying to restore Jean-Bertrand Aristide to power and to assure his survival once there.

THE HALPERIN SYNDROME

For want of a better term, this mindset might be called the "Halperin syndrome" since Morton Halperin, Mr. Clinton's nominee to become the top Pentagon policymaker responsible for democracy-building and peacekeeping in places like Somalia and Haiti, epitomizes the phenomenon. In over two decades of public advocacy and agitation prior to beginning work on the Clinton Defense transition team in 1992, Halperin repeatedly and unambiguously made clear his low regard for what he has called the "massive undemocratic national security structure [that] was erected during the Cold War."

In particular, Halperin has consistently excoriated the U.S. intelligence community. To cite but a few illustrative examples from Halperin's copious writings, public statements and congressional testimony on the subject:

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976)

"You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run *if you decide to have* intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad." (MacNeil/Lehrer Newshour, July 23, 1991)

Halperin concluded a favorable review of CIA turncoat Philip Agee's book "Inside the Company: CIA Diary" by pronouncing: "The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing any allied nations." (Center for National Security Studies newsletter "First Principles," September 1975)

HALPERIN AS POLICYMAKER

Even though Morton Halperin has yet to be confirmed as the Assistant Secretary of Defense for Democracy and Peacekeeping, he has been one of the principal authors of the Clinton policy toward Haiti. It is hardly surprising that a man with such a low opinion of the U.S. intelligence community would be inclined to give short shrift to warning signs produced by that community.

What is more, Halperin has recently been implicated in two decisions that suggest an equally cavalier attitude toward the American military. Notwithstanding formal denials by Secretary of Defense Les Aspin, there are persistent reports that Halperin contributed to the decision not to approve the repeated requests for additional armor to support U.S. armed forces deployed in Somalia on the grounds that doing so would not square with the Administration's political agenda. This decision contributed to the loss of 18 American servicemen in Mogadishu on 3 October.

While Halperin's exact pre-confirmation role in that tragic episode remains a matter of dispute, his reported involvement in the Somalia decision is of a piece with another *confirmed* instance of subordinating military requirements to a perceived political agenda: According to yesterday's Washington Times, Halperin has acknowledged asking that a joint U.S.-Guatemalan exercise be terminated prematurely to protest the alleged involvement of Guatemala's military in the escape of an individual convicted of killing an American. This direction was, properly, ignored by the U.S. military as it came outside of the normal chain of command and from someone who—by virtue of being only a consultant—had no authority to issue such guidance.

THE HALPERIN SYNDROME AND CLINTON POLICY TOWARD HAITI

Morton Halperin's disdainful attitude toward the U.S. intelligence community and the American military appears to be shared by other Administration officials, as well. At the very least, such widely shared sentiments seem to be driving factors regarding the Clinton policy toward Haiti.

As President Clinton, himself, put it on 22 October: "The CIA would be the first to tell you that they get a lot of information. It's not always accurate. It's not always determinable." The unsaid implication of this statement: In the case of the intelligence community's assessment of Jean-Bertrand Aristide, its information is simply inaccurate.

And yet, the information being thus discounted is compelling. According to press accounts of the congressional briefings presented in recent days by a 30-year veteran of the Central Intelligence Agency (who has served for the past three years as its senior national intelligence officer for Latin America), Aristide takes medicine to treat "psychotic manic depression" which can have such symptoms as suicidal tendencies, delusions of persecution and hallucinations. The briefing also confirmed reports that while president of Haiti, Aristide encouraged the "necklacing" of his political opponents, the practice of lighting gasoline-laden tires placed around the victim's neck. Aristide said of necklacing:

"What a beautiful tool, what a beautiful instrument, what a beautiful device, it's beautiful, yes, it's beautiful, it's cute, it's pretty, it has a good smell. Wherever you go you want to inhale it."[1]

Importantly, according to the 24 October edition of the Washington Post, the briefing represented "the consensus judgment of the entire spy community, including the Intelligence and Research branch of the State Department." On Thursday, CIA Director James Woolsey endorsed the conclusions of the briefing before members of the House and Senate intelligence committees.

Speaking on ABC-TV's "This Week" on Sunday, Senate Minority Leader Robert Dole said that the CIA briefing unearthed "very disturbing" information about Aristide's mental stability, his treatment of political opponents and his "commitment to democracy." Sen. Dole averred that, in light of what he had heard, he "certainly wouldn't risk one American life to put him back in power."

DON'T BOTHER ME WITH THE FACTS

Two particularly noteworthy manifestations of the Halperin syndrome have recently been reported. According to the 25 October edition of U.S. News and World Report, Phil Peters, a spokesman for the State Department's Bureau of Inter-American Affairs, called the CIA accusations about Aristide's mental health part of "a full-scale attack on the President's policy." According to Peters, the Pentagon (i.e., the uniformed military—as opposed to Halperin and the civilian leadership) and other agencies "don't think it is worth doing anything to reinstate Aristide, despite the fact that President Clinton decided on that course."

Meanwhile, syndicated columnists Rowland Evans and Robert Novak reported yesterday that Deputy National Security Adviser Sandy Berger angrily ordered the Pentagonto proceed to deploy the USS Harlan County to Haiti three weeks ago over the objections of senior military commanders who were recommending a postponement of its embarkation. Berger is said to have overruled the military—setting the stage for the ensuing embarrassing withdrawal of the vessel in the face of a small number of armed protesters—on the grounds that "We committed ourselves publicly in the campaign, and we're going to do it."

IF MICHAEL BARNES SAYS IT'S SO

Such is the influence of the Halperin syndrome that Clinton Administration officials who exhibit its symptoms are prepared to rely upon the self-serving judgments of *interested parties*—rather than the findings of U.S. intelligence. As President Clinton himself put it on 22 October: "No one knows whether [the CIA's allegations about President Aristide's mental illness] were true or not" but that the "sustained experience" of U.S. advisers working with Mr. Aristide "tended to undermine those reports."

One of those advisers upon whom the President and his staff are apparently relying is the former chairman of the House Foreign Affairs Subcommittee on Western Hemisphere Affairs, Michael Barnes. Rep. Barnes has recently been playing a highly visible role as a witness to President Aristide's mental fitness. He has gone so far as to claim that Mr. Aristide "has not suffered from nor been treated for any mental problems." Rep. Barnes may have at least as compelling—and certainly a far more tangible—stake than Mr. Clinton in arriving at such a conclusion, however: He is reportedly receiving $50,000 per month to serve as counsel for President Aristide.

THE BOTTOM LINE

What has become evident in both the Somalia and Haiti debacles is that the Clinton Administration is prepared to discount the advice of the U.S. intelligence community and the military, a *modus operandi* that has already had tragically fatal consequences in the first case and humiliating effects in the second. Unless a thorough housecleaning of those prone to such attitudes is accomplished at once, it seems inevitable that additional—and probably more serious—disasters lie ahead.

This is not to say that the intelligence community is infallible or that civilian control of the military should not be exercised. It is, however, to say that the nation is poorly served by an Administration staffed in key positions by those who have an ill-concealed, visceral and apparently immutable distrust of the U.S. intelligence agencies and the armed forces as institutions and of their activities. Such individuals are unlikely to be able either to utilize the products of intelligence properly or to exercise the kind of *effective* civilian control of the military that is clearly required.

The Center for Security Policy believes, in addition, that an urgent effort should be made to declassify—and present publicly—the CIA analysis of Jean-Bertrand Aristide's mental health and his record with regard to democracy during his brief presidency. The fullest possible transparency is in order before the American people are asked to entrust additional American lives, treasure and prestige to policy-makers who have already demonstrated proclivities that could result in a further squandering of these precious assets.

NOTABLE HALPERIN QUOTES ON SELECTED TOPICS

On the Fundamental Nature of the Cold War:

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe * * *. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one. The positioning of Soviet ground forces in Eastern Europe and the limited logistical capability of these forces suggests an orientation primarily toward defense against a Western attack." (Defense Strategies for the Seventies, 1971)

"* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request * * *. The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union." ("American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979)

On U.S. International Commitments:

"One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States *wished* to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored." (The Nation, June 9, 1979)

On The Use of U.S. Military Power Abroad:

"All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene [only] when invited to do so by a foreign government * * *. The principle of proportion would require the American intervention be *no greater than the intervention by other outside powers* in the local conflict. We should not assume that once we intervene we are free to commit whatever destruction is necessary in order to secure our objectives." The Nation, June 9, 1979)

On the U.S. Defense Establishment:

Referring to the Reagan defense buildup: "Are we now buying the forces to meet the real threats to our security? Unfortunately, there is little reason to be confident that we are." (New York Times, June 7, 1981)

"In the name of protecting liberty from communism, a massive *undemocratic* national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the executive branch during the Cold War." (United Press International, January 28, 1991)

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[1] Incredibly, some of Aristide's defenders contend that his statement was actually made in reference to the Haitian constitution adopted during his brief presidency.

On the U.S. Intelligence Establishment:

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (The Lawless State; The Crimes of the U.S. Intelligence Agencies. 1976)

"You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad." (MacNeil/Lehrer Newshour, July 23, 1991)

"Generally, secrecy has been used more to disguise government policy from American citizens than to protect information from the prying eyes of the KGB * * *. U.S. government officials admit that experts in the Soviet Union know more about American policies abroad than American citizens do." (The Lawless State)

"* * * The intelligence [service's] * * * monastic training prepared officials not for saintliness, but *for crime*, for acts transgressing the limits of accepted law and morality * * *. The abuses of the intelligence agencies are one of the symptoms of the amassing of power in the postwar presidency; the only way to safeguard against future crimes is to alter the balance of power * * *.

"Clandestine government means that Americans give up something for nothing—they give up their right to participation in the political process and to informed consent in exchange for grave assaults on basic rights and a long record of serious policy failures abroad." (The Lawless State)

"Secrecy * * * does not serve national security * * *. Covert operations are incompatible with constitutional government and should be abolished." ("Just Say No: The Case Against Covert Action," The Nation, March 21, 1987)

"*The primary function* of the [intelligence] agencies is to undertake disreputable activities that presidents do not wish to reveal to the public or expose to congressional debate." (The Lawless State)

"CIA defenders offer us the specter of Soviet power, the KGB, and the Chinese hordes. What they fail to mention is more significant: they have *never* been able successfully to use espionage or covert action techniques against the USSR or China, which are the only two nations that could conceivably threaten the United States * * *. The 'successes' of covert action and espionage, of which the CIA is so proud, have taken place in countries that are *no threat* to the security of the United States." (The Lawless State)

"Spies and covert action are counterproductive as tools in international relations. The costs are too high; the returns too meager. Covert action and spies should be banned and the CIA's Clandestine Services Branch disbanded." (The Lawless State)

On Behalf of Extreme Interpretations of the First Amendment:

"Under the First Amendment, Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources." ("The CIA's Distemper: How Can We Unleash the Agency When It Hasn't Yet Been Leashed?", The New Republic, February 9, 1980)

"Lawful dissent and opposition to a government should not call down upon an individual *any surveillance at all* and certainly not surveillance as intrusive as a wiretap." ("National Security and Civil Liberties," Foreign Policy, Winter 1975–76)

In opposition to draft legislation setting heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents: "[Such legislation] will chill public debate on important intelligence issues and is unconstitutional * * *. What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment." (UPI, April 8, 1981).

In criticizing scientists who "refused to help the lawyers representing The Progressive and its editors" in fighting government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons: "They failed to understand that the question of whether publishing the 'secret of the H-bomb' would help or hinder non-proliferation efforts was beside the point. The real question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it though would stimulate proliferation." ("Secrecy and National Security," The Bulletin of the Atomic Scientists, August 1985)

In response to government attempts to close down the Washington offices of the PLO: "It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of *any* organization, even if that organization is based abroad. *Notwithstanding criminal acts in which the PLO may have been involved*, a ban on advocacy of all components of the PLO's efforts will not withstand constitutional scrutiny." (The Nation, October 10, 1987)

In arguing that the random use of polygraph tests to find spies was unconstitutional: "Congress should strip these measures from the bill and start attacking the genuine problems, such as over-classification of information." (Associated Press, July 8, 1985)

On U.S. Aid to Foreign Pro-Democratic Movements:

Regarding President Reagan's veto of a bill tying U.S. military aid to El Salvador to improved human rights, "[This action] makes clear that the administration has reconciled itself to *unqualified support* for those engaged in the systematic practice of political murder." (Washington Post, December 1, 1983)

Halperin called U.S. aid to the pro-democracy Contra rebels "ineffective and immoral." (Associated Press, October 2, 1983)

On Nuclear Strategy and Arms Control:

As reported by the New York Times on November 23, 1983: "Mr. Halperin said the most important contribution American officials could make to stability would be 'to renounce the notion that nuclear weapons can be used for any other purpose than to deter nuclear attack.' He also argued that the United States should abandon plans to attack Soviet missile silos in responding to a nuclear attack. For one thing, he said, the missiles would probably have already been fired. Also, he said, a high degree of accuracy would be required."

As reported by the Chicago Tribune on December 11, 1987: "Halperin explained the NATO deterrent strategy known as coupling, whereby a Soviet conventional attack in Europe would be met with Allied tactical, and if the Soviets persisted, strategic nuclear weapons, in this way: 'First, we fight conventionally until we're losing. Then we fight with tactical nuclear weapons until we're losing; then we blow up the world.'"

Referring to the Nuclear Freeze proposal: "Sounds like good arms control to me." (Bulletin of the Atomic Scientists, March 1983)

On Classification of Sensitive Information:

"While the most flagrant abuses of the rights of Americans associated with the Cold War are thankfully gone from the scene, we have been left behind with a legacy of secrecy that continues to undermine democratic principles." (Boston Globe, July 26, 1992)

Halperin called the government's prosecution of Samuel Loring Morrison, who was convicted of disclosing classified satellite photos of a Soviet aircraft carrier under construction "an extraordinary threat to the First Amendment." (Washington Post, October 8, 1985).

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia, [Ms. NORTON] is recognized for 60 minutes.

[Ms. NORTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BOEHNER] is recognized for 60 minutes.

[Mr. BOEHNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

[Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

H.R. 3450, THE NORTH AMERICAN FREE-TRADE AGREEMENT IMPLEMENTATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, at the request of the administration, it is my honor to introduce, by request, H.R. 3450, the implementing bill for the North American Free-Trade Agreement, which was submitted to the House of Representatives and the Senate earlier today by President Clinton.

This implementing bill and the statement of administrative action accompanying it are the product of an extensive process of consultations in recent months between the Congress and the administration. This process has resulted, to the maximum extent possible, in an implementing package that reflects congressional intent and addresses congressional concerns. It is important to keep this in mind as Congress considers this implementing bill in the coming days under the fast-track procedures of the Trade Act of 1974.

As President Clinton has frequently noted and stressed again at the White House yesterday morning, NAFTA is in the best interests of the United States. It is part of a forward-looking economic strategy that will create high-wage U.S. jobs, boost U.S. economic growth and expand the base from which U.S. firms and workers can compete in a dynamic global economy.

The debate over NAFTA in the past few months has been intense. I fully expect, and indeed hope, that such intense debate will continue because the only logical conclusion that can be drawn from such debate is that NAFTA is in the national interest and should be approved by Congress.

As I have studied the issues surrounding NAFTA, I have learned a number of very positive things about NAFTA, but most importantly:

NAFTA is not a zero-sum game where one country gains and another loses. NAFTA will result in increased economic growth and increased employment in all three NAFTA countries, including the United States.

NAFTA will level the playing field for United States exporters in Mexico, leading to greater exports and a favorable balance of trade for years to come.

NAFTA, by opening the Mexican market to the export of United States goods and services, will discourage United States firms from moving jobs south to supply the Mexican market.

While Americans already compete successfully in global markets, NAFTA will make us more competitive with Asia and Europe than we would be alone.

When the House votes on NAFTA in the near future, it will be an historic vote. The House will not only be voting on a trade agreement, it will be voting on whether we as a nation should embrace the future or cling to the past. I firmly believe in President Clinton's vision of the future and intend to vote in favor of NAFTA.

LEGISLATION FOR IMPLEMENTATION OF NAFTA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–159)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Public Works and Transportation, and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today legislation to implement the North American Free Trade Agreement, an agreement vital to the national interest and to our ability to compete in the global economy. I also am transmitting a number of related documents required for the implementation of NAFTA.

For decades, the United States has enjoyed a bipartisan consensus on behalf of a free and open trading system. Administrations of both parties have negotiated, and Congresses have approved, agreements that lower tariffs and expand opportunities for American workers and American firms to export their products overseas. The result has been bigger profits and more jobs here at home.

Our commitment to more free and more fair world trade has encouraged democracy and human rights in nations that trade with us. With the end of the Cold War, and the growing significance of the global economy, trade agreements that lower barriers to American exports rise in importance.

The North American Free Trade Agreement is the first trade expansion measure of this new era, and it is in the national interest that the Congress vote its approval.

Not only will passage of NAFTA reduce tariff barriers to American goods, but it also will operate in an unprecedented manner—to improve environmental conditions on the shared border between the United States and Mexico, to raise the wages and living standards of Mexican workers, and to protect our workers from the effects if unexpected surges in Mexican imports into the United States.

This pro-growth, pro-jobs, pro-exports agreement—if adopted by the Congress—will vastly improve the status quo with regard to trade, the environment, labor rights, and the creation and protection of American jobs.

Without NAFTA, American business will continue to face high tariff rates and restrictive nontariff barriers that inhibit their ability to export to Mexico. Without NAFTA, incentives will continue to encourage American firms to relocate their operations and take American jobs to Mexico. Without NAFTA, we face continued degradation of the natural environment with no strategy for clean-up. Most of all, without NAFTA, Mexico will have every incentive to make arrangements with Europe and Japan that operate to our disadvantage.

Today, Mexican tariffs are two and a half times greater than U.S. tariffs. This agreement will create the world's largest tariff-free zone, from the Canadian Arctic to the Mexican tropics—more than 370 million consumers and over $6.5 trillion of production, led by the United States. As tariff walls come down and exports go up, the United States will create 200,000 new jobs by 1995. American goods will enter this market at lower tariff rates than goods made by our competitors.

Mexico is a rapidly growing country with a rapidly expanding middle class and a large pent-up demand for goods—especially American goods. Key U.S. companies are poised to take advantage of this market of 90 million people. NAFTA ensures that Mexico's reforms will take root, and then flower.

Moreover, NAFTA is a critical step toward building a new post-Cold War community of free markets and free nations throughout the Western Hemisphere. Our neighbors—not just in Mexico but throughout Latin America—are waiting to see whether the United States will lead the way toward a more open, hopeful, and prosperous future or will instead hunker down behind protective, but self-defeating walls. This Nation—and this Congress—has never turned away from the challenge of international leadership. This is no time to start.

The North American Free Trade Agreement is accompanied by supplemental agreements, which will help ensure that increased trade does not come at the cost of our workers or the border environment. Never before has a trade agreement provided for such comprehensive arrangements to raise the living standards of workers or to improve the environmental quality of an entire region. This makes NAFTA not only a stimulus for economic growth, but a force for social good.

Finally, NAFTA will also provide strong incentives for cooperation on illegal immigration and drug interdiction.

The implementing legislation for NAFTA I forward to the Congress today completes a process that has been accomplished in the best spirit of bipartisan teamwork. NAFTA was negotiated by two Presidents of both parties and is supported by all living former Presidents of the United States as well as by distinguished Americans from many walks of life—government, civil rights, and business.

They recognize what trade expanding agreements have meant for America's economic greatness in the past, and what this agreement will mean for America's economic and international leadership in the years to come. The North American Free Trade Agreement is an essential part of the economic strategy of this country: expanding markets abroad and providing a level playing field for American workers to compete and win in the global economy.

America is a Nation built on hope and renewal. If the Congress honors this tradition and approves this agreement, it will help lead our country into the new era of prosperity and leadership that awaits us.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1993.*

TRANSFERRAL OF DOCUMENTS RELATING TO NAFTA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–160)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means, the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Government Operations, the Committee on the Judiciary, and the Committee on Public Works and Transportation, and ordered to be printed:

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the North American Free Trade Agreement (NAFTA). In fulfillment of legal requirements of our trade laws, that message also transmitted a statement of administrative action, the NAFTA itself, and certain supporting information required by law.

Beyond the legally required documents conveyed with that message, I want to provide you with the following important documents:

—The supplemental agreements on labor, the environment, and import surges;

—Agreements concluded with Mexico relating to citrus products and to sugar and sweeteners;

—The border funding agreement with Mexico;

—Letters agreeing to further negotiations to accelerate duty reductions;

—An environmental report on the NAFTA and side agreements;

—A list of more technical letters related to NAFTA that have previously been provided to the Congress and that are already on file with relevant congressional committees.

These additional documents are not subject to formal congressional approval under fast-track procedures. However, the additional agreements provide significant benefits for the United States that will be obtained only if the Congress approves the NAFTA. In that sense, these additional agreements, as well as the other documents conveyed, warrant the careful consideration of each Member of Congress. The documents I have transmitted in these two messages constitute the entire NAFTA package.

I strongly believe that the NAFTA and the other agreements will mark a significant step forward for our country, our economy, our environment, and our relations with our neighbors on this continent. I urge the Congress to seize this historic opportunity by approving the legislation I have transmitted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 4, 1993.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MORELLA (at the request of Mr. MICHEL) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 60 minutes each day, on November 8 and 9.

Mr. PORTER, for 5 minutes each day, on November 8, 9, 10, 15, 16, 17, 18, and 19.

Mr. BOEHNER, for 60 minutes each day, on November 19, 20, and 21.

Mr. HORN, for 60 minutes each day, on November 8 and 15.

Mrs. BENTLEY, for 5 minutes today, in lieu of 60 minutes previously requested.

Mr. KINGSTON, for 5 minutes each day, on November 8 and 9.

Mr. BILIRAKIS, for 5 minutes each day, on November 9 and 10.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes each day, on November 4, 5, 8, and 9.

Mr. SCOTT, for 5 minutes, today.

Mr. UNDERWOOD, for 30 minutes each day, on November 4, 5, 16, and 17.

Mr. SANDERS, for 60 minutes each day, on November 17, 20, and 21.

(The following Member (at the request of Mr. TUCKER) to revise and extend his remarks and include extraneous matter:)

Mr. ROSTENKOWSKI, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAFICANT, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,302.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mrs. FOWLER.

Mr. QUINN.

Mr. DELAY.

Mr. CALLAHAN.

Mr. PACKARD.

Mr. THOMAS of California.

Mr. KYL.

Mr. GOODLING in two instances.

Mrs. BENTLEY.

Mr. GILMAN in four instances.

Mr. PORTER in two instances.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. HOYER.

Mr. MAZZOLI in two instances.

Mr. MANN.

Mr. TOWNS.

Mr. BONIOR.

Mr. KREIDLER.

Mr. GORDON.

Mr. SWETT.

Mr. FINGERHUT.

Mr. KOPETSKI.

Mr. TRAFICANT.

Mr. WILLIAMS.

Mr. BARCA of Wisconsin.

Mr. BARCIA of Michigan.

Mr. POSHARD.

Mr. MENENDEZ.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. DEUTSCH.

Mrs. ROUKEMA.

Mr. DICKS.

Mr. DINGELL.

Mr. FRANKS of New Jersey.

Mr. MARKEY.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1308. An act to protect the free exercise of religion.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, November 8, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2108. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "Retail Food Store Authorization Act of 1993"; to the Committee on Agriculture.

2109. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to the CCNAA for defense articles and services (Transmittal No. 94–08), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2110. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Colombia for defense articles and services (Transmittal No. 94–07), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2111. A letter from the Acting Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the second quarter of calendar year 1993, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes (Rept. 103–326). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes (Rept. 103–327). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Ohio: Committee on Rules. House Resolution 293. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994 (Rept. 103–328). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE (for himself, Mr. MINETA, Mr. SHUSTER, Mr. BOEHLERT, Mr. VOLKMER, Mr. DURBIN, Mr. GEPHARDT, Mr. EMERSON, Mr. COSTELLO, Ms. DANNER, Mr. WHEAT, Mr. SKELTON, Mr. TALENT, Mr. CLAY, Mr. EVANS, Mr. SMITH of Iowa, Mr. LEACH, Mr. LIGHTFOOT, and Mr. NUSSLE):

H.R. 3445. A bill to improve hazard mitigation and relocation assistance in connection with flooding, to provide for a comprehensive review and assessment of the adequacy of current flood control policies and measures, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. DELAY (for himself, Mr. THOMAS of Wyoming, and Mr. EWING):

H.R. 3446. A bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. DINGELL (for himself, Mr. MOORHEAD, Mr. MARKEY, and Mr. FIELDS of Texas):

H.R. 3447. A bill to amend the Federal securities laws to equalize the regulatory treatment of participants in the securities industry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DIXON:

H.R. 3448. A bill relating to the tariff treatment of hand crafted stone figurines; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself, Mr. BAKER of Louisiana, Mr. BILBRAY, Mr. ROHRABACHER, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BOEHNER, Mr. COX, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GOSS, Mr. HOBSON, Ms. ROS-LEHTINEN, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. SWIFT, Mrs. VUCANOVICH, Mr. GILCHREST, Mr. LIPINSKI, Mr. MACHTLEY, Mr. LIGHTFOOT, Mr. PAXON, Mr. LEVY, Mr. SCHAEFER, Mr. FROST, Mr. QUINN, Mr. HOEKSTRA, Mr. HANCOCK, and Mr. WALSH):

H.R. 3449. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of, and the deduction of contributions to, education savings accounts; to the Committee on Ways and Means.

Mr. ROSTENKOWSKI (as designee of the majority leader) (for himself and Mr. ARCHER) (as designee of the minority leader) (by request):

H.R. 3450. A bill to implement the North American Free Trade Agreement; jointly, to the following committees for a period ending not later than November 15, 1993: Ways and Means, Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, Foreign Affairs, Government Operations, Judiciary, and Public Works and Transportation.

By Mr. KLECZKA:

H.R. 3451. A bill to amend the Internal Revenue Code of 1986 to provide a cost-of-living adjustment for the thresholds used in determining the 85 percent inclusion of Social Security and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. McCLOSKEY:

H.R. 3452. A bill to provide that service performed in or under any of certain nonappropriated fund instrumentalities of the Government be creditable for purposes of the Federal Employees' Retirement System; to the Committee on Post Office and Civil Service.

By Mr. OWENS:

H.R. 3453. A bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the continuation of the programs of such act; to the Committee on Education and Labor.

By Mr. PORTER:

H.R. 3454. A bill to amend the provisions of title 39, United States Code, to provide that certin periodical publications shall not be bound publications for mail classification purposes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PORTMAN:

H.R. 3455. A bill to amend title 39, United States Code, to prevent mass mailings from being sent as franked mail, and for other purposes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. SLATTERY (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. APPLEGATE, Mr. EVERETT, Mr. EVANS, Mr. STEARNS, Mr. KING, Mr. EDWARDS of Texas, Mr. TEJEDA, Ms. WATERS, and Mr. SPENCE):

H.R. 3456. A bill to amend title 38, United States Code, to restore certain benefits eligibility to unremarried surviving spouses of veterans; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan (for himself, Mr. ALLARD, Mr. DREIER, Mr. HERGER, Mr. HOEKSTRA, Mr. JACOBS, Mr. KLINK, Mr. TRAFICANT, Mr. GINGRICH, Mr. COPPERSMITH, and Mr. TORKILDSEN):

H.R. 3457. A bill to provide that cost-of-living adjustments to payments made under the Federal law shall be determined using a new price index which does not take into account tobacco products; jointly, to the Committees on Ways and Means, Armed Services, Education and Labor, Post Office and Civil Service, and Energy and Commerce.

By Mr. HOLDEN (for himself and Mr. GEKAS):

H.J. Res. 287. Joint resolution to designate both the month of August 1994 and the month of August 1995 as "National Slovak-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. BARCIA of Michigan (for himself, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. KILDEE, Mr. SKELTON, Mr. STRICKLAND, Mr. TOWNS, and Mr. WYDEN):

H. Con. Res. 173. Concurrent resolution expressing the sense of the Congress that the unique and vital health care services provided by osteopathic physicians must be included in any health care benefits package developed as part of health care system reform; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Mr. BACHUS of Alabama, Mr. WALKER, Mr. FISH, and Mr. ARMEY):

H. Con. Res. 174. Concurrent resolution expressing the sense of Congress that entities established under health care reform proposals should not be permitted to form political action committees or make contributions to Federal candidates; to the Committee on House Administration.

By Mr. DEUTSCH (for himself, Mr. BERMAN, Mr. SWETT, Mr. LANTOS, Mr. SAXTON, Mr. ROEMER, Mr. SCHUMER, Mr. HASTINGS, Ms. CANTWELL, Mr. WYNN, Mr. GEJDENSON, Mr. ENGEL, Mr. LEVY, Ms. SNOWE, Mr. DIAZ-BALART, Mr. FINGERHUT, Ms. ROS-LEHTINEN, Ms. MARGOLIES-MEZVINSKY, Mr. TORKILDSEN, Ms. WOOLSEY, Mr. ANDREWS of New Jersey, Mr. ACKERMAN, Mr. JOHNSTON of Florida, and Mr. GILMAN):

H. Con. Res. 175. Concurrent resolution concerning the Arab League boycott of Israel; to the Committee on Foreign Affairs.

By Mr. JOHNSTON of Florida (for himself, Mr. BURTON of Indiana, Mr. PAYNE of New Jersey, Mr. HASTINGS, Mr. ENGEL, and Mr. FRANK of Massachusetts):

H. Res. 294. Resolution expressing the sense of the House of Representatives with respect to the situation in Burundi; to the Committee on Foreign Affairs.

By Mr. McCOLLUM:

H. Res. 295. Resolution providing for the consideration of the bill (H.R. 2872) to prevent and punish crime, to strengthen the rights of crime victims, to assist State and local efforts against crime, and for other purposes; to the Committee on Rules.

By Mr. SANTORUM:

H. Res. 296. Resolution requiring each Member of the House of Representatives to hold at least 12 town meetings per year in the district of the Member; to the Committee on House Administration.

H. Res. 297. Resolution providing for greater disclosure of information relating to franked mass mailing and voting records of Members of the House of Representatives; jointly, to the Committees on Post Office and Civil Service, House Administration, and Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. OBEY.

H.R. 39: Mr. OWENS, Ms. ROS-LEHTINEN, Ms. FURSE, Mr. FINGERHUT, Mr. FLAKE, Mr. LAZIO, Mrs. MALONEY, and Mr. BONIOR.

H.R. 58: Mr. SWIFT.

H.R. 140: Mr. CALLAHAN, Mr. COOPER, Mrs. LLOYD, Mr. GILCHREST, Mr. WILSON, Mr. SOLOMON, Mr. TORKILDSEN, Mr. BOEHNER, Mr. LIPINSKI, Mr. HUNTER, Mr. MCCANDLESS, Mr. POSHARD, Mr. BAKER of Louisiana, and Mr. BEVILL.

H.R. 408: Mr. HUTTO, Mr. PETERSON of Florida, Mr. CANADY, Mr. JOHNSTON of Florida, Mr. LEWIS of Florida, and Mrs. THURMAN.

H.R. 466: Mr. BOEHLERT, Mr. KOPETSKI, Mr. MARKEY, Mr. GUNDERSON, Mr. CHAPMAN, Mr. PRICE of North Carolina, and Mr. BILBRAY.

H.R. 518: Mr. RAVENEL, Mr. BARCA of Wisconsin, Mr. BILBRAY, Mr. KOPETSKI, and Mr. MARKEY.

H.R. 723: Mr. SMITH of Texas and Mr. GALLO.

H.R. 739: Mr. KING.

H.R. 786: Mr. ANDREWS of New Jersey.

H.R. 830: Ms. WOOLSEY and Mr. MEEHAN.

H.R. 886: Mr. WELDON and Mr. STEARNS.

H.R. 1015: Mr. FILNER.

H.R. 1172: Mr. KLECZKA.

H.R. 1181: Mr. PASTOR, Mr. LANCASTER, Mr. MINGE, and Mr. COPPERSMITH.

H.R. 1322: Mr. BEILENSON, Ms. SNOWE, Mr. VISCLOSKY, Mr. CASTLE, Mr. SMITH of Texas, and Mr. ORTON.

H.R. 1332: Mr. MCCRERY.

H.R. 1432: Ms. WOOLSEY.

H.R. 1504: Mr. NADLER, Mr. GRANDY, Mr. MINETA, and Mr. OWENS.

H.R. 1552: Mr. CRAPO, Mr. STEARNS, and Ms. BYRNE.

H.R. 1687: Mr. SKELTON.

H.R. 1697: Mr. NEAL of North Carolina.

H.R. 1709: Mr. GINGRICH, Mr. HANCOCK, Mr. ARCHER, Mr. BONIOR, Mr. FINGERHUT, Mr. GOSS, Mr. BARTLETT of Maryland, Mr. EMERSON, Mr. CRANE, Mr. STUMP, Mr. WOLF, Mr. THOMAS of California, and Ms. LOWEY.

H.R. 1886: Mr. SANGMEISTER.

H.R. 1900: Mr. HILLIARD.

H.R. 1935: Ms. FURSE.

H.R. 2135: Mr. TAYLOR of North Carolina.

H.R. 2145: Mr. WILSON.

H.R. 2169: Mr. LIPINSKI and Mr. NEAL of North Carolina.

H.R. 2191: Mr. LIPINSKI.

H.R. 2286: Mr. BARCA of Wisconsin and Mr. DREIER.

H.R. 2293: Mr. POMEROY.

H.R. 2360: Mr. BEILENSON, Ms. PELOSI, and Mr. SHAYS.

H.R. 2394: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, and Mr. FILNER.

H.R. 2395: Mr. MANTON, Mrs. KENNELLY, Mr. GONZALEZ, Mr. BILBRAY, and Mr. FILNER.

H.R. 2434: Mr. ROHRABACHER, Mr. BAKER of Louisiana, and Mr. INHOFE.

H.R. 2499: Mr. MCKEON and Mrs. MEYERS of Kansas.

H.R. 2572: Mr. GUTIERREZ.

H.R. 2740: Mr. RICHARDSON.

H.R. 2826: Mrs. MORELLA, Mr. GEJDENSON, Mr. MCCRERY, Mr. ACKERMAN, Ms. NORTON, Mr. SCHUMER, Mr. LEWIS of California, Mrs. MINK, Mr. FOGLIETTA, Mr. TRAFICANT, Mr. BONIOR, Mr. QUINN, Mr. ROHRABACHER, Ms. PELOSI, Mr. SMITH of Iowa, Mr. PAYNE of Virginia, Mr. KILDEE, Mr. TORKILDSEN, and Mr. DIAZ-BALART.

H.R. 2884: Ms. VELÁZQUEZ and Mr. PAYNE of Virginia.

H.R. 2886: Mr. BAKER of California, Ms. BYRNE, Mr. DORNAN, Mr. STENHOLM, and Mr. BACHUS of Alabama.

H.R. 2936: Mrs. MEYERS of Kansas.

H.R. 2938: Mrs. MEYERS of Kansas.

H.R. 2947: Mr. FILNER, Mr. WHEAT, Mr. BONIOR, Mr. TOWNS, Mr. SARPALIUS, Mr. VALENTINE, Mr. BISHOP, Mr. KILDEE, Mr. SCOTT, Mr. RANGEL, Mr. DELLUMS,Mr. FROST, Mr. GENE GREEN of Texas, Mr. SANDERS, Mr. WAXMAN of California, Mr. JOHNSTON of Florida, Mr. PARKER, Ms. FURSE, Mrs. KENNELLY, Mr. FRANK of Massachusetts, Mr. KYL, Mr. DIXON, Mr. SAWYER, Mr. HUTTO, Mr. HILLIARD, Mrs. MEEK, Mr. HOCHBRUECKNER, and Mr. SHAYS.

H.R. 2959: Mr. ROGERS and Mr. BARTON of Texas.

H.R. 2971: Mr. FISH, Mr. SANGMEISTER, and Mr. DELLUMS.

H.R. 2995: Mr. HUFFINGTON and Mr. WHEAT.

H.R. 3020: Ms. VELAZQUEZ.

H.R. 3059: Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. SANDERS, Mr. BEILENSON, Mr. DELLUMS, Mr. GEJDENSON, and Mr. FOWLER.

H.R. 3088: Mr. NEAL of North Carolina, Mr. MORAN, Mr. MARTINEZ, and Mr. FLAKE.

H.R. 3182: Mr. HINCHEY, Mr. GUTIERREZ, and Mrs. MALONEY.

H.R. 3203: Mr. SAWYER, Ms. BYRNE, Mr. YATES, Mr. SANDERS, and Ms. VELAZQUEZ.

H.R. 3213: Mr. KOPETSKI.

H.R. 3252: Mr. RAHALL, Mr. MARKEY, Mr. BERMAN, Mr. DURBIN, and Mr. BOUCHER.

H.R. 3256: Mr. BLACKWELL, Mr. JEFFERSON, Mrs. LLOYD, Mr. ROMERO-BARCELO, Mr. SOLOMON, Mr. RAHALL, and Mr. TOWNS.

H.R. 3294: Mr. MCDERMOTT and Mr. MORAN.

H.R. 3313: Mr. STEARNS, Mr. QUINN, Mr. SPENCE, Mr. RIDGE, Mr. KING, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 3363: Mr. HOLDEN and Mr. JOHNSON of South Dakota.

H.R. 3367: Mr. SOLOMON, Mr. BALLENGER, Mr. PAXON, Mr. BUNNING, Mr. MCMILLAN, Mr. SERRANO, Mr. KYL, Mr. SUNDQUIST, Mr. GORDON, Mr. HERGER of California, and Mr. GILLMOR.

H.R. 3370: Mr. LIPINSKI and Mr. DELLUMS.

H.R. 3372: Mr. MCDERMOTT, Mr. HASTINGS, Mr. HOLDEN, Mr. DORNAN, Mr. SCOTT, Mr. ACKERMAN, Mr. TORRES, Mr. BARLOW, Mr. ORTIZ, Mr. FAZIO, Mr. COPPERSMITH, Mr. HILLIARD, Mr. COLEMAN, Ms. ENGLISH of Arizona, Mr. KLINK, Mr. HAMBURG, Mr. BARRETT of Wisconsin, Mr. FIELDS of Louisiana, Mr. WATT, Mr. WILLIAMS, and Mr. BROWN of Ohio.

H.R. 3396: Mr. PICKLE and Mr. HOUGHTON.

H.R. 3416: Mr. MORAN.

H.J. Res. 75: Ms. BROWN of Florida, Mr. BECERRA, Mr. DELLUMS, Mr. FOGLIETTA, Mr. DORNAN, Mr. NADLER, Mr. ORTIZ, Mr. TEJEDA, Mr. EDWARDS of Texas, Mr. DOOLITTLE, Ms. DUNN, Mr. MCNULTY, Mrs. LLOYD, Mr. PRICE of North Carolina, Mr. HOYER, Mr. GEPHARDT, Mr. STENHOLM, Mr. GLICKMAN, Mr. HALL of Texas, Mr. BUYER, Mr. RAVENEL, Mrs. BENTLEY, Mr. DREIER, Mr. BILIRAKIS, Mr. LEWIS of Florida, Mr. SHAW, Mr. STARK, Mr. KENNEDY, Mr. DURBIN, Mr. SWIFT, Mr. NEAL of Massachusetts, Mr. TORRICELLI, Mr. RAHALL, Mr. MOLLOHAN, Mr. DARDEN, Mr. SISISKY, Mr. MURTHA, Mr. HOLDEN, Mr. MCHALE, Mr. MOAKLEY, Mr. BARRETT of Wisconsin, Mr. WASHINGTON, Ms. WATERS, Mr. MCKEON, Mr. LEWIS of Georgia, Mrs. COLLINS of Illinois, Mr. MYERS ofIndiana, Ms. FURSE, Mr. TAYLOR of North Carolina, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. TORRES, Ms. ESHOO, Mr. COSTELLO, Mr. SANGMEISTER, Mr. POSHARD, Mr. PAYNE of New Jersey, Ms. WOOLSEY, Mr. LANTOS, Mr. STOKES, Mr. MONTGOMERY, Mr. SCHUMER, Mr. RICHARDSON, Mr. BLACKWELL, Ms. KAPTUR, Mr. INSLEE, Mr. ROEMER, Mr. PICKLE, Mr. THORNTON, Mr. COPPERSMITH, Ms. PELOSI, Mr. UNDERWOOD, Mrs. MEEK, Ms. DANNER, Mr. APPLEGATE, Mrs. UNSOELD, Mr. HYDE, Mr. LIVINGSTON, Mr. GINGRICH, Mr. MCDADE, Mr. DICKEY, Mr. BROWN of California, Mr. OWENS, Mr. SKEEN, Mr. DIAZ-BALART, Mr. HOUGHTON, Mr. GUNDERSON, Mr. MANTON, Mr. BORSKI, Ms. MARGOLIES-MEZVINSKY, Mr. HEFLEY, Mr. LIGHTFOOT, Mr. PACKARD, Mr. FRANKS of Connecticut, Mr. VENTO, Mr. GORDON, Mr. HOBSON, Mr. CLINGER, Mr. KASICH, Mr. SCHAEFER, Mr. MFUME, Mrs. MINK, Mr. KANJORSKI, Mr. MINETA, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. MORAN, Mr. LAFALCE, Mr. WHITTEN, Mr. JACOBS, Mr. GRANDY, Mr. STUDDS, Mr. HUNTER, Mr. BAKER of California, Mr. BOEHLERT, Mr. WALSH, Mr. THOMAS of California, Mr. BARTLETT of Maryland, Mr. SUNDQUIST, Mr. GREENWOOD, Mr. DUNCAN, Mr. TAUZIN, Mr. ROGERS, Mr. EVANS, Mr. BONIOR, Mr. VALENTINE, Mr. VISCLOSKY, Mr. WYDEN, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mr. THOMAS of Wyoming, Mr. BLILEY, Mr. WELDON, Mr. TAYLOR of Mississippi, Mr. BURTON of Indiana, Mr. WHEAT, Mr. MEEHAN, Mr. LEVIN, Ms. SHEPHERD, Mr. FLAKE, Mr. COYNE, Mr. DEFAZIO, Mr. PICKETT, Mr. HALL of Ohio, Ms. DELAURO, Ms. SLAUGHTER, Mrs. KENNELLY, Mr. HAYES, Mr. JEFFERSON, Mr. WATT, Mr. POMEROY, Mr. ROMERO-BARCELÓ, Mr. DEAL, Mr. MAZZOLI, Mr. MILLER of California, Mr. CARR, Mr. ANDREWS of Texas,Mrs. MALONEY, Mr. FIELDS of Texas, Mr. YATES, Mr. CHAPMAN, Mr. KILDEE, Mr. PASTOR, Mr. MCCLOSKEY, Mr. STRICKLAND, Mr. SAWYER, Mr. HOKE, Mr. OBERSTAR, Mr. FORD of Michigan, Mr. KLECZKA, Mr. LAUGHLIN, Mr. HEFNER, Mr. GILCHREST, Mr. BRYANT, Mr. CAMP, Ms. SCHENK, Mr. JOHNSON of South Dakota, Mr. LEACH, Mr. INHOFE, Ms. VELAZQUEZ, Mr. DELAY, Mr. SMITH of New Jersey, Mr. ANDREWS of Maine, Mr. FINGERHUT, Mr. DE LUGO, Mr. HAMBURG, Ms. CANTWELL, Mr. TUCKER, Ms. BYRNE, Mr. KIM, Mr. CLEMENT, Mr. BLUTE, Mr. COLLINS of Georgia, Mr. HUTCHINSON, Mr. SPENCE, Mr. MCCOLLUM, Mr. CALLAHAN, Mr. STUMP, Mr. KINGSTON, Mr. SHAYS, Mr. COBLE, Miss COLLINS of Michigan, Mr. QUINN, Mr. SWETT, Mr. OXLEY, Mr. BARLOW, Mr. BROWN of Ohio, Mr. BALLENGER, Mr. FORD of Tennessee, Mr. HORN of California, Mr. CLAY, Mr. PAXON, Mr. LEWIS of California, Mr. SOLOMON, Mr. UPTON, Mr. VOLKMER, Mr. ROSE, Mr. SKELTON, Mr. SMITH of Iowa, Mr. HAMILTON, Mr. OLVER, Mr. LEHMAN, Mr. BARCA of Wisconsin, and Mr. SLATTERY.

H. J. Res. 79: Mr. CASTLE, Miss COLLINS of Michigan, Mr. CONYERS, Mr. SAM JOHNSON, Mr. PORTER, Mr. TRAFICANT, Mr. VALENTINE, Mr. VENTO, and Mr. GALLO.

H. J. Res. 90: Mr. HOCHBRUECKNER, Mr. BACCHUS of Florida, Mr. FALEOMAVAEGA, Mrs. LLOYD, and Mr. MCDERMOTT.

H. J. Res. 113: Mr. PAYNE of Virginia and Mr. MANN.

H. J. Res. 159: Mr. WYNN, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. DE LA GARZA, Mr. LEWIS of Florida, Mr. HINCHEY, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Ms. MCKINNEY, Mr. TORKILDSEN, Mr. GRANDY, Mr. BISHOP, Mr.REYNOLDS, Mr. MEEHAN, Mr. KENNEDY, Mr. CASTLE, Ms. BYRNE, Mr. KLINK, Mr. CLAY, Mr. MORAN, Mr. LIGHTFOOT, Mr. CONYERS, Mr. SWETT, Mr. BERMAN, Mr. GONZALEZ, Mr. JACOBS, Mr. YATES, Mr. HOYER, Mr. SABO, Mr. MURTHA, Mr. MONTGOMERY, Mrs. MINK, Mr. SOLOMON, Mr. RICHARDSON, and Mr. BALLENGER.

H.J. Res. 175: Mr. DINGELL, Mr. GEJDENSON, Mr. BEILENSON, Mr. CRAMER, Mr. BROWN of California, Mr. BRYANT, Mr. BREWSTER, and Mrs. THURMAN.

H.J. Res. 209: Ms. PELOSI.

H.J. Res. 216: Mr. HOYER, Mr. MICHEL, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BOEHLERT, Mr. CRANE, Mr. DORNAN, Mr. DREIER, Mr. GALLO, Mr. HEFLEY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. RIDGE, Mr. SAXTON, Mr. UPTON, and Mr. PALLONE.

H.J. Res. 237: Mr. SCHIFF.

H.J. Res. 274: Mr. JOHNSON of South Dakota and Mr. HUGHES.

H.J. Res. 278: Mr. EDWARDS of Texas and Mr. MARTINEZ.

H. Con. Res. 52: Mr. GLICKMAN, Mrs. FOWLER, Mr. BARCIA of Michigan, and Mr. LAUGHLIN.

H. Con. Res. 148: Mr. DUNCAN, Mr. LAZIO, Mr. HYDE, Mr. EVERETT, Mr. FALEOMAVAEGA, Mr. MYERS of Indiana, and Mr. SUNDQUIST.

H. Con. Res. 156: Mr. FISH, Mr. ROMERO-BARCELÓ, Ms. VELAZQUEZ, Mr. MACHTLEY, Mr. EVANS, and Mr. UPTON.

H. Con. Res. 171: Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. KING, Mr. LIPINSKI, Mr. COPPERSMITH, Mr. BEILENSON, Mr.YATES, Mr. BACCHUS of Florida, Mr. SAXTON, Mr. PALLONE, Mr. GORDON, Mr. SCHIFF, Mrs. MALONEY, Mr. KOPETSKI, Mr. HOCHBRUECKNER, Mr. LEVY and Mr. FROST.

H. Con. Res. 172: Mr. CRAPO.

H. Res. 156: Mr. DICKEY, Mr. ROYCE and Mr. PORTMAN.

H. Res. 165: Mr. BEVILL and Mr. ORTON.

H. Res. 234: Mr. INSLEE, Mr. PASTOR, Mr. WELDON, Mr. WOLF, Ms. PRYCE of Ohio and Mr. FAZIO.

H. Res. 277: Mr. WELDON, Ms. SCHENK, Mr. BAKER of Louisiana and Mr. BEVILL.

H. Res. 280: Mr. BREWSTER, Ms. CANTWELL, Ms. DELAURO, Mr. DEUTSCH, Ms. ESHOO, Mr. FARR, Mr. FAZIO, Mr. INSLEE, Mr. BEREUTER, Mr. HUFFINGTON, Mr. HYDE, Mr. JOHNSON of South Dakota, Ms. SCHENK, Ms. WOOLSEY, Mrs. ROUKEMA, Mr. POMEROY, Mr. BROWN of California, Mr. COX, Mrs. SCHROEDER, Mr. WELDON, Mrs. MINK, Mr. PASTOR, Mr. PENNY, Ms. LONG and Mr. KOPETSKI.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. SOLOMON on H.R. 493: J. Alex McMillan.

Petition 6 by Mr. SENSENBRENNER on H.R. 1025: Michael Huffington.

Petition 9 by Mr. WELDON on House Resolution 227: Michael Huffington and Ernest J. Istook, Jr.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

61. By the SPEAKER: Petition of the Western Legislative Conference, Council of State Governments, relative to urging WLC members and schools to establish effective programs to prevent youth violence; to the Committee on Education and Labor.

62. Also, petition of the Western Legislative Conference, Council of State Governments, relative to requesting Federal assistance to upgrade the commercial ports of American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the Republic of Palau; to the Committee on Natural Resources.

63. Also, petition of the Western Legislative Conference, Council of State Governments, relative to calling on the WLC to actively pursue the extension of supplemental security income to needy aged, blind, and disabled citizens in U.S. flag territories; to the Committee on Ways and Means.

64. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve the North American Free-Trade Agreement; to the Committee on Ways and Means.

65. Also, petition of the Western Legislative Conference, Council of State Governments, relative to reducing the demand for illegal drugs; jointly, to the Committees on Education and Labor and Energy and Commerce.

66. Also, petition of the Western Legislative Conference, Council of State Governments, relative to urging Congress to approve a United States-Mexico Border Health Commission; jointly, to the Committees on Energy and Commerce and Foreign Affairs.

67. Also, petition of the Western Legislative Conference, Council of State Governments, relative to coordination of guidance and prevention services for families; jointly, to the Committees on Ways and Means, Education and Labor, and Energy and Commerce.

SENATE—*Thursday, November 4, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain?—Jeremiah 2:5.

Eternal God, sovereign Lord of history, the question of the prophet Jeremiah is timely. One translation quotes it: Why have you forsaken me for hollow gods and become hollow souls?

We have relegated reverence for God to a religious issue, and it is infinitely more. It is the root of virtue, of morals and ethics and values. When God is not reverenced, morality becomes relative—whatever feels good. Absolutes are abandoned, and there are no criteria for values. Anything goes.

Patient God, awaken us to the fact that our Founding Fathers had a reverence for God which generated their courage and vision and virtue. It was their reverence for God which stimulated victory in the Revolutionary War and established the greatest nation in history. Restore to us the faith of our fathers which is the mother of virtue and national strength.

In the words of Samuel Adams, "He, therefore, is the truest friend of the liberty of his country who tries most to promote its virtue * * * if we should most truly enjoy the gift of Heaven, let us become a virtuous people."

We pray in His name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 4, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the consideration of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair, in her capacity as a Senator from California, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask to address the Senate in morning business. The Senate is in morning business?

The ACTING PRESIDENT pro tempore. The Senate is in morning business until 9:30.

The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. I thank the Chair.

(The remarks of Mr. MCCAIN pertaining to the introduction of S. 1618 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized for 5 minutes.

NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. HOLLINGS. Madam President, the Constitution speaks very clearly as to the primacy of Congress in trade matters. The Constitution, article I, section 8, expressly states that the Congress shall regulate foreign commerce. Yet, Congress deliberately restricted its role with regard to the North American Free-Trade Agreement by enacting fast track legislation—legislation that said NAFTA would not be subject to amendment by Congress. So we in Congress are prohibited from amending NAFTA. Yet, each day now we see the executive branch effectively amending NAFTA in their all-out effort to pick off votes in the House. The administration is effectively amending NAFTA with regard to sugar imports from Mexico, citrus imports, peanut imports and more. I quote from this morning's Washington Post.

"It's a quid pro quo," said the top negotiator of the administration's NAFTA lobbying team. "We are not going to do this unless it is going to deliver a significant number of votes."

So, yes, the executive branch, the President can wheel and deal with the lobbyists, effectively amending NAFTA—with Mexico's complicity and agreement—with regard to citrus, sugar, peanut butter, flat glass, wine, appliance exports, you name it. They just amend NAFTA willy-nilly to pick up a vote here and pick up a vote there. So they are continually amending. And now you see the reason this South Carolina Senator so vigorously opposed that fast track procedure.

Meanwhile, Madam President, the administration's dissembling and misrepresentation continue unabated.

Earlier this week, at a NAFTA pep rally attended by numerous former secretaries of State and Treasury, the President said, "Look, if Congress votes NAFTA down on the 17th of November, if I were the Prime Minister of Japan, I would order my finance minister to see the President of Mexico on the 18th of November."

Well, heavens above, the finance minister of Japan has already been to Mexico. The fact of the matter is President Salinas' children are enrolled in a special Japanese language program in school. The Mexican elite knows exactly where their economic future lies. They would love to have Japanese investment in Mexico; they have courted it. But Japan has been reluctant to invest in Mexico. Japan says, look, Mexico's consumer market is smaller than the consumer market in one United States city, Los Angeles. What we, Japan, are interested in is the richest consumer market in the world in the United States of America.

Less than 10 percent of the Mexican population has enough discretionary income to purchase imported consumer goods. Japan said, no, our interest is the U.S. consumer market. So if Mexico gets NAFTA, the Japanese will gain the investment security they need to set up plants in Mexico to produce for the United States market.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This Japanese game plan is pointed out very dramatically in the Washington Post of Tuesday, November 2, in an op-ed titled "NAFTA: The Japan Card," by Harley Shaiken and SANDER LEVIN, our distinguished congressional friend on the other side.

I ask unanimous consent this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

NAFTA: THE JAPAN CARD

(By Harley Shaiken and Sander Levin)

The ever-shifting sands of the debate over the North American Free Trade Agreement have shifted again. Proponents of NAFTA now argue that if the United States doesn't strike a deal with Mexico, Japan will.

Facing difficulties selling NAFTA on its merits, the agreement's supporters are now trying to play the Japan card. At a White House event last month, the message was that rejecting NAFTA would spur large Japanese investments south of our border and a flood of Japanese products coming through the "back door" from Mexico. Lee Iacocca is even more blunt, asserting that "the Japanese think NAFTA is a bad deal because it's good for us and it's bad for them."

Are these fears realistic? In fact, this argument stands reality on its head. The Japanese have more to gain with NAFTA than without it and are less likely to become a major presence in Mexico if the present agreement is voted down.

Rather than being poised to rush into Mexico in the wake of a no vote, Japanese firms are waiting for NAFTA to pass before deciding on major new investments. The reason is simple. Japan is far more interested in sales to the United States than in entering the small Mexican market. Japanese companies would like to use a Mexican production base to supply the U.S. market if investment security and low tariffs are guaranteed. NAFTA provides those guarantees. Moreover, Japan could ship more goods without exacerbating trade frictions, since Sony televisions or Nissan cars made in Mexico and sold in the United States don't add to Japan's trade surplus. They are charged to Mexico's account.

With or without this agreement, Mexico's primary trading partner will remain the United States. In the first six months of 1993 more than 80 percent of Mexico's exports and 70 percent of its imports involved the United States. In contrast, Japan accounted for about one percent of Mexico's exports and 5 percent of its imports. Despite a far smaller volume of trade, however, Mexico's trade deficit with Japan was $1.3 billion, more than half the size of Mexico's deficit with the United States.

This ballooning deficit raises a critical point: Mexico can offer Japan increased access to the Mexican market but is unlikely to gain better access to the Japanese market in return, as the United States and almost all other countries in the world can attest. If Mexico is interested in rapidly increasing its trade deficit, then trade with Japan certainly offers possibilities, but it is highly unlikely that one-way trade is Mexico's goal. Moreover, Mexico cannot guarantee access for the Japanese to the U.S. market without NAFTA, diminishing Japan's interest in Mexico.

While its argument that Japan will strike a deal with Mexico is plainly wrong, the Clinton administration's more aggressive policy toward Japan is right on target. But the more the administration pursues this policy, the more the question is raised: If the failed trade policies of the '80s teach us to get tough in creating a more level playing field with Japan, why do they not counsel us also to get realistic in dealing with the unlevel playing field confronted in integrating our economy with Mexico?

In the '80s the United States went through a process of denial that there was a trade problem with Japan. A chorus of academia, media and others sang the "free trade" liturgy and dismissed any criticism as mere protectionism. This ideological onslaught polarized the debate and deprived the nation of the honest evaluation of trade policy that was needed.

Yet, with respect to Mexico we are going through the same process of denial that we went through with Japan in the '80s. True, the source of the unlevel playing field is different—with Japan it was government promotion of informal trade barriers and exclusionary corporate sourcing practices, while in the case of Mexico it is a government policy of holding down wages and denying labor rights in order to attract investment. But while the source is different, the effect can be much the same. U.S. business and workers are forced to make a "Pickett's charge" on a badly tilted playing field.

The way to judge NAFTA is on the merits of the agreement itself, not on the specter of Japanese involvement. In fact, the deployment of the Japan argument at this late date indicates that supporters are running out of plays. Ironically, bringing up Japan underscores the similarities between the failed Japan policy of the '80s and the flawed Mexico policy embodied in NAFTA. Playing the Japan card does not remedy the flaws in the present agreement and will not save NAFTA in the House.

Mr. HOLLINGS. So, with regard to NAFTA, I hear a swooshing sound. It is not just the sucking sound of jobs going to Mexico, Madam President. It is also the swooshing sound of investment pouring into Mexico from Japan, Korea, Taiwan, the People's Republic of China and so on. They are all poised to build plants in Mexico so they can export duty-free into the United States market.

Madam President, I note that Mrs. Linda J. Wachner sent me a tie yesterday with a letter advising, "Don't tie the economy in knots. Vote 'yes' on NAFTA." Mrs. Wachner writes in her letter, "The NAFTA will allow Warnaco and our more than 7,000 workers to produce even more ties in New York," on and on and on, in the different States.

Now, typically when you examine these kinds of gifts, you see they are made in Taiwan, they are made in Hong Kong, they are made in the People's Republic of China, and so on.

Sure enough, the tag on this particular tie says, "Hathaway, made in U.S.A. of imported fabric." This is exactly the point of our opposition to NAFTA right here. These ties should be distributed by opponents, not supporters, of NAFTA, because they illustrate the flight of U.S. textile jobs to other countries. Opponents of NAFTA ought to be giving out these ties, to tell you the truth, because those 7,000 workers referred to by Mrs. Wachner are not going to have job security for long. How much do you think it costs to assemble these ties in New York? And how much does it cost to assemble these ties in Mexico? In Mexico there is no free trade or free press. More to the point, in Mexico there is no minimum wage, no work place safety, no environmental safeguards, no plant closing notice, no parental leave, no Social Security, no unemployment insurance, and so on—the whole range of mandates this Congress has imposed on manufacturers operating in the United States. So those 7,000 jobs referred to by Mrs. Wachner are at risk if NAFTA is passed. That is exactly the point of our opposition to NAFTA. Indeed, I would point out that the Warnaco Co. already has a number of plants located outside the United States. Who would bet that Warnaco's New York plant will not move offshore as well?

Be that as it may, if Mrs. Wachner will deliver these ties to my office, I will be glad to distribute them to all the Members as an illustration of why I oppose NAFTA.

I think this example of ties manufactured from foreign-made fabric sends a very, very clear message. Therein lies the split within the U.S. textile industry. The cloth and the apparel folks are divided.

Madam President, for the last 8 years they have implored me: "Senator HOLLINGS, you've got to oppose GATT. You've got to oppose GATT because we are going to lose a million jobs under the General Agreement on Tariffs and Trade in the Uruguay round if they phase out the multifiber arrangement."

In the last administration a study was done in the Office of the U.S. Trade Representative—a study echoed by another one produced at the Wharton Business School—predicting that if GATT goes through it will cost at least a million jobs in the apparel industry. There is no question about that.

So I have been fighting for 8 years on behalf of my home State industry not to lose the million jobs, and here comes the American Textile Manufacturers Institute saying: "Now, Hollings, we do not mind losing a million jobs. We want to be for NAFTA."

When you ask them about it, to quote Mr. Elisha, the chairman of Springs Industries, he says: "You are going to lose the jobs anyway. What are you sweating about?" It is a defeatist attitude.

Madam President, the realities of the Japan-Mexico relationship are made crystal clear in this morning's New York Times, and I quote:

> Since taking office in December 1988, Mr. Salinas has courted Asian investment and trade but encountered skepticism because of Mexico's debt crisis of the 1980's.
>
> In fact, Mexican officials recall that Mr. Salinas turned to the idea of NAFTA after

initially rejecting it, in part because of the difficulties in getting European and Asian investors to come to Mexico.

I will read again from this morning's New York Times:

Other Japanese officials expressed irritation or amusement that Mr. Clinton seemed to be invoking Japan to scare Americans. "He's joking, right?" a senior Government politician asked. "Japan and Mexico? Does that sound like a big alliance?"

Obviously not.

Madam President, they have tried everything in the book to try to scare the folks and try to bring the pressures and try to buy the votes, but there is no doubt that what is really occurring is a fire sale of the remaining jobs in America.

I ask unanimous consent that the article in the New York Times entitled "Mexican Trade Accord: Japanese Role Doubted" be printed in the RECORD at this particular point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 4, 1993]

MEXICAN TRADE ACCORD: JAPANESE ROLE DOUBTED

(By Tim Golden)

MEXICO CITY, November 3.—Contradicting a central argument from the Clinton Administration in favor of a free trade accord with Mexico, businessmen, diplomats and trade experts in Japan and Mexico say Mexico is unlikely to be flooded with new Japanese and European investments and trade deals if the pact is defeated.

With the prospect for Congressional approval of the North American Free Trade Agreement in doubt, both President Bill Clinton and President Carlos Salinas de Gortari have warned that Japan and other American rivals would seize whatever economic opportunities the United States might pass up in Mexico.

Trade experts and businessmen here, however, say Mexico is likely to prove more attractive to many potential Asian and European investors with the trade accord than without it.

Moreover, given Mexico's economic difficulties and its dependence on American capital and commerce, many economists and Government officials also say it simply could not afford to turn away from the United States, even if the trade pact fails.

'AFRAID OF JAPAN'

"This has touched a chord in the United States because people are afraid of Japan, but it is not an alternative as such," said a senior Mexican official who supports the accord and spoke on the condition he not be named. "Japan will be interested in Mexico. The same goes for Europe. But it would be naive to think that Japan is poised to jump in."

In Tokyo, Japanese officials and business people echoed the view that Mexico is unlikely to loom large in their thinking. Total Japanese investment in Mexico last year, they noted, was $60 million, roughly what Japan invested in Bangladesh and a small fraction of United States investment in the same period.

"I don't think that a discussion about a free trade agreement between Japan and Mexico has ever taken place here," said Masakazu Toyoda, the director of the Americas division of Japan's Ministry for International Trade and Industry, known as MITI. "It is an interesting idea, but I don't think it works. Perhaps we can help the U.S. and Mexico reach their own agreement."

Other Japanese officials expressed irritation or amusement that Mr. Clinton seemed to be invoking Japan to scare Americans. "He's joking, right?" a senior Government politician asked. "Japan and Mexico? Does that sound like a big alliance?"

WARNING TO CONGRESS

On Monday Mr. Clinton warned that if American legislators vote later this month to reject Nafta, as the accord is known, the Japanese would swarm over Mexico "like flies on a June bug."

Mexican officials have indeed quickened their efforts to find new economic partnerships in Europe, Asia and Latin America in case the agreement is killed. But similar efforts in recent years have been less than successful.

Since taking office in December 1988, for instance, Mr. Salinas has courted Asian investment and trade but encountered skepticism because of Mexico's debt crisis of the 1980's.

In fact, Mexican officials recall that Mr. Salinas turned to the idea of the pact after initially rejecting it, in part because of difficulties in getting European and Asian investors to come into Mexico.

Some Japanese officials have spoken positively of the trade deal, suggesting that by improving the investment climate in Mexico it would work to the benefit of Japanese investors who might want to use Mexico and Canada as a base for producing products to be exported to the United States.

OTHER PARTNERS SOUGHT

Throughout its trade talks with Canada and the United States, Mexico has continued to working to diversify the foreign partners for its investment and trade.

Until it became clear this summer that the accord was in serious trouble in the American Congress, however, Mexican officials said they saw little reason to risk antagonizing the United States by wooing America's economic competitors more aggressively.

Last year, for example, Mexican trade with European Community nations was $10.3 billion, accounting for 11.5 percent of Mexico's imports and 7.2 percent of its exports, according to Mexican figures.

Mexico's trade with Japan amounted to $3.2 billion, or less than 5 percent of the national total. But with a drop in the value of Mexico's oil sales, its trade deficit with Japan skyrocketed from $542 million in 1991 to $2.2 billion last year.

By comparison, Mexico's imports from the United States alone were $24.6 billion, or 62.8 percent of the country's purchases from abroad, while the United States accounted for 68 percent of Mexican exports, or $18.7 billion.

If the deal is rejected, senior Mexican officials say they will probably revise the country's foreign investment law in order to extend to all foreign investors some of the benefits that would go only to Americans and Canadians under the North American accord.

They said restrictions on foreign participation in banking, insurance and other financial services were almost certain to be loosened. Mexico is also contemplating signing investment-protection agreements with European countries in order to guarantee their businessmen special terms, they said.

Mexico's Trade Secretary, Jaime Serra Puche, said in an interview, "It is conceivable that in the absence of Nafta, we would go ahead and negotiate trade agreements with the European Community and Japan."

But Mexican officials acknowledged that a tariff-reduction agreement with European Community nations would be difficult to reach because it would have to be negotiated with the community as a whole. They predicted that such a deal might be more possible with Japan.

A parade of Japanese officials, however, have said that Japan is not interested in individual trade agreements with any other Latin American countries, Mexico included.

CRITICISM FROM ABROAD

The trade pact has been criticized by some Asian and European officials for what they say are barriers to investment to businesses outside the western hemisphere. The main one of these is from the fact that Nafta would set high "rules of origin."

As tariff barriers are gradually eliminated among the United States, Canada and Mexico, most goods would only be able to move freely through the zone if they were made mostly from North American materials. In two areas where Asian manufacturers might be especially anxious to invest, the automotive and textile industries, this so-called content requirement is even stiffer.

In a speech to Mexican businessmen late last month, a former Japanese Government trade official for North America, Yasuo Tanabe, complained that the trade accord showed evidence of "sneaking protectionism." But in a later interview with the Mexican newspaper El Financiero, Mr. Tanabe added that independently of the pact, "There's no Mexican boom among Japanese business society."

Trade experts and businessmen in Mexico gave a similar view: the fact that some non-American companies might be dissuaded from investing in Mexico with the accord in place does not mean those companies will invest without it.

Gabriel Szekely, a professor of international relations at the University of California at San Diego who is a leading expert on Mexico's economic relations with Asia, suggested that Mexico remained even more remote for potential investors in Japan.

"If the Japanese trading companies had identified any opportunities in Mexico, they would be pursuing them now," he added, noting that Japan is also concerned about antagonizing the United States by seeming to use its neighbor as a base for exports.

"The Japanese do not want to risk conflict with the United States by an overture to Mexico," Dr. Szekely said. "It's just not worth it to them in terms of the amount of trade they have or the new investment opportunities that such a policy could generate."

Mr. HOLLINGS. Madam President, they had all manner of big shots at the President's pep rally the day before yesterday, including Henry Kissinger. I can hear our friend Henry saying, "Oh, it is going to be a terrible disaster if we turn down the free trade agreement."

To get a feel for Henry Kissinger and his elite dealings in Mexico, I will quote briefly from a book about Kissinger:

Trust Company of the West, an investment managing firm, was a leader in raising investment capital for privatizing state-owned industries in Latin America, particularly in Mexico. Kissinger, who was on the TCW board and also served as a consultant on various projects, gave the company regular

> briefings on the political climate of Mexico along with colorful assessments of its leaders. But he also did something only he could do. In March 1990, while in Acapulco on vacation, he invited TCW's energetic Chairman Robert Day, to come for a visit. Then he arranged a day trip to Mexico City. They flew in Day's corporate jet, had a breakfast meeting with the finance minister, and in the course of the day met with every other major Cabinet minister. That evening, Day went to a reception thrown for Kissinger by the American Ambassador, John Negroponte, who had once been a member of Kissinger's White House staff. On hand were 80 of Mexico's top political and business leaders. At midnight, they flew back to Acapulco.

Madam President, this is the perfect illustration of the elites—the big banks and corporations, the big moguls and influence peddlers—who are the driving force behind NAFTA. They are the ones financing the big full-page NAFTA ads in the major newspapers. They are the ones who will profit from NAFTA.

It is the little guy, the ordinary men and women on the assembly line, who have no protection whatsoever from the negative fallout from NAFTA. And it is an absolute national disgrace to see these workers sold out for peanuts and citrus and sugar and flat glass, as we see in the morning paper.

And, again, consider the hypocrisy of the administration's support of fast track treatment of NAFTA. The whole premise of fast track was that it would be impossible to negotiate a trade agreement if Congress reserved the right to make modifications and amendments to the final negotiated text. So Congress—abdicating its constitutional powers with regard to commerce—agreed to fast track consideration in order to assure Mexico that no amendments or modifications would be made to NAFTA during congressional consideration. Now we see that the administration is amending the final NAFTA text minute by minute, item by item, payoff by payoff in order to buy the votes needed for passage. As one administration official admitted in this morning's paper:

> It is a quid pro quo. We're not going to do this unless it's going to deliver a significant number of votes.

Since Tuesday's elections, much has been said about the disdain the American people have for their Government. Looking at the elite, back-room deals being cut to pass NAFTA, I join Americans in that disdain. I join them. It is an embarrassment to serve in an institution where this kind of activity is going on. It is embarrassing to witness the media, this crowd up there in the gallery, averting their eyes from these special interest deals as though they were normal and acceptable business.

The Senate is assertive in enforcing its own ethical standards and practices, but where are the ethics over in the White House? They negotiated a final agreement. They submitted the agreement. It is on fast track, with no amendments permitted. Yet they continue unethically to agree to de facto amendments in order to buy off special interests. These deals are documented in the morning newspapers, yet no one talks about the unethical nature of such deals.

I repeat, it is the little guy who is being sold out. The elites, the wheeler dealers, the Kissingers, the banks are buying the newspaper ads and financing the pro-NAFTA drumbeat. This is exactly the crowd that plans to go to Mexico to make a quick profit, even at the tremendous cost to America's industrial backbone.

We need to create jobs in America, not ship them abroad. The distinguished occupant of the Chair knows this from her experience in California. California has suffered from earthquakes, fires, runaway immigration, urban riots, a disproportionate share of base closures. The cumulative economic impact is devastating, and this is the problem we should be addressing in this body. Instead, we are debating a trade agreement that we know will cost American jobs.

Madam President, I have to immodestly present myself as Exhibit 1 on the matter of jobs. I do not need any economist's study. As Governor, I had the pleasure of carpetbagging Europe, the Northeast and, yes, even San Angelo, California, in order to persuade industries to move to my State of South Carolina.

And we experienced tremendous success, so that today South Carolina boasts tens of blue chip corporations, plus 45 Japanese and 100 German plants. But now the tables are turned. Now it is Mexico that is carpetbagging the State of South Carolina, the State of California, the State of Michigan, and so on.

In recent days, the President purchased the vote of one Member of the House by promising a multibillion-dollar aid program. Fine. If the President wants to soften the blow of free trade with Mexico, he can give South Carolina an aid program for the thousands of workers from more than 15 corporations that have already departed South Carolina for Mexico—companies such as United Technologies, Cummins Gear, Pratt and Reed, Union Carbide, Abbott Labs, and Emerson Electric. Note that these are not low-paying textile jobs. They are good jobs. They are—or were—sophisticated, high-technology jobs. But they went to Mexico to take advantage of low-cost labor south of the border.

So this is our future under NAFTA. We are already witnessing a slow, destructive bleeding of jobs from the United States to Mexico. Instead of applying a tourniquet to this hemorrhage, NAFTA will cut the wound wide open. This may be good for Dr. Kissinger and the elite banks and corporations he collects consulting fees from. But pity the ordinary American worker who gets left behind.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. The Senator from Oregon.

Mr. HATFIELD. Madam President, I ask unanimous consent to proceed as if in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing no objection, the Senator is recognized for 10 minutes.

Mr. HATFIELD. I thank the Chair.

APPOINTMENT OF THE NEW FOREST SERVICE CHIEF

Mr. HATFIELD. Madam President, for the past 6 years, F. Dale Robertson has served as Chief of the U.S. Forest Service, leading his agency through perhaps the most difficult challenges and transformations in the history of any government resource management agency. Throughout his tenure, Chief Robertson has served this country with honor, distinction, integrity and ingenuity and is unworthy of the treatment he has received at the hands of the current administration.

Unfortunately, however, a decision has been made to remove Dale Robertson and Associate Chief George Leonard from their top career Forest Service positions in an effort to clean house and promote a new agenda for the embarrassed and embattled agency.

I find this practice troublesome because these positions, which have traditionally been filled by lifetime career personnel, provide the agency with a sense of continuity, institutional knowledge and insulation from the shifting tides of Washington, DC's political culture.

Nevertheless, the termination of these two public servants appears to be an attempt to lay the blame for the problems in our national forests squarely on the shoulders of the now-former chief and his closest staff person. On its face, this misguided action is simply ludicrous. The blame for the controversy surrounding the management of our National Forest System over the past 6 years lies not with one or two men, but with those most able to actually do something about the problem: Congress and past and present Presidential administrations.

Over the past 35 years, Congress has done an excellent job layering numerous contradictory forest and resource management laws on top of one another, all the while expecting immediate and clear results from the Forest Service. In fact, over half of the laws affecting forest management in the United States today have been passed since 1964. Taken as a whole, the result of all these laws is to create a smoke obscured minefield, surrounded by what I call hyperprocess: Contradictory and unclear statutory and regulatory requirements which are the legislative equivalent of a train wreck.

Despite this untenable situation, there has been no interest in taking a broad look at our Nation's forest management policies, an ecosystem approach debating solutions, and making the necessary changes. The current base of law has become so sacrosanct to some that, despite the pleading of myself and others, for clarifications to the forest statutes which have caused the loss of at least 26,000 jobs in my region, the majority of our Nation's lawmaking body has resisted any changes. In fact, the inaction by Congress and successive administrations mirrors an often heard theme of our time, where unless the settlement to a contentious issue is a 100-percent solution, there is no solution at all, and thus no balance and no relief is obtained for the 84 rural communities in my State dependent on a Federal timber supply.

In addition, the current administration has said it will not support—not support—clarifications in the laws relating to management of the forests of the Pacific Northwest but, rather, it will work within the existing system to solve the forest crisis.

This action is a failure to begin with. And it will continue to be a failure.

For example, last July, at the conclusion of the President Clinton's forest conference in Portland, OR, the administration promised an annual regional timber safe level of 1993—and this is now November 1993—of 2.2 billion board feet. This year, the administration will be lucky to deliver on 10 percent of that amount as they fumble about in the existing labyrinth of forest management laws. That is the effect of hyperprocess and gridlock—and with a President so willingly pointing to Congress today about gridlock, let him look at his own resource management agencies where you have a perfect example of gridlock. And it is equivalent to fiddling while Rome burns.

Clearly, the blame for the problems in our national forests likes in many places other than upon the shoulders of Dale Robertson and George Leonard. The policies of Chief Robertson over the years of his service have come under fire from all sides of the resource management spectrum, including the current Secretary of Agriculture. In fact, opponents of Chief Robertson came out in the Oregon press last week contending that he overcut national forest lands as supervisor of the Mount Hood National Forest in Oregon from 1976 to 1980. This assertion, however, is totally false.

It is an example of the misinformation, and outright lies that are now being leveled at the Forest Service in our national government.

During Dale Robertson's term as Mt. Hood supervisor, the Forest Service met its average timber sale targets almost exactly by the numbers. This target over the 5-year period of his tenure was 1.973 billion board feet, and the actual amount of timber sold was 1.981 billion board feet. In short, using the best science of that era, Supervisor Robertson maintained almost the exact level of sustainable timber harvest established through the National Forest Management Act's 10-year planning process.

To assert then that he had overcut that forest is patently false.

Despite his efforts to facilitate change and steer the agency in new and bold directions as Chief, Dale Robertson has had the unfortunate duty to serve at a time when the public has been more interested in a fight than in finding solutions. Throughout this time of criticism and constant battles, Dale has served with distinction, as shown by his numerous agency-wide and personal accomplishments.

In recent years, many have criticized the Forest Service for being an entrenched bureaucracy where change seldom, if ever, occurs. The record, however, tells a different story. In the last 15 years, the agency has changed dramatically, both in the direction and character of its programs and work force.

May I speak to substantiate this point as a member of the Appropriations Committee handling the appropriations of this agency? Let me tell you the changes that have occurred in the National Forest System between 1988 and 1992:

An increase of 75 percent in recreation funding; a 137-percent increase in funding for fish and wildlife; Madam President, a 50-percent reduction in the annual timber sales program, from 11.3 billion board feet down to 5.1 billion board feet nationwide.

In addition, the new policy to move clearcutting as a forest management tool to the bottom of the toolbox.

In addition, in 1989, at the direction of Chief Robertson, the Forest Service launched the New Perspectives Program to identify more environmentally sensitive ways of managing the National Forests and Grasslands. This year the lessons of new perspectives have been applied not only to the agency's ecosystem management policy, but also to the President's Forest Ecosystem Management Assessment Team report.

Chief Robertson has also received numerous personal awards during his time as Chief, such as two from the President of the United States—the "Meritorious Service Award" in 1987 and the Distinguished Presidential Rank in 1988. He also received Trout Unlimited's Special Conservationist of the Year Award in 1989, American Rivers Association's River Conservationist of the Year Award in 1990, the Secretary of Agriculture's award for Best Manager in USDA for Workforce Diversity in 1992 and the Senior Executive Association's Award for Outstanding Career Executive Leadership and for Success in Meeting the Challenge of Change in 1993.

Madam President, are these awards reflective of a man who shows disdain and disregard the Nation's resource conservation laws? I think not.

Dale Robertson is respected by his peers both within and outside the Forest Service as an individual with outstanding leadership abilities and high moral integrity. A man of such high accomplishment is certainly deserving of a more distinguished exit from an agency in which he has worked all his life.

Perhaps Dale, as Chief, was not a good politician. Believe me there are worse things to be charged with than that. But where he may not have been a good politician, Dale Robertson was—and remains—an exemplary forester and a cosummate professional. I have been proud to know and to have worked with him.

My disappointment with the handling of the Chief's departure is in no way a reflection of my feelings for the individual just named to serve as acting Chief, Dave Unger. My congratulations go out to Mr. Unger and I stand ready to assist with his transition to acting Chief in any way possible. His task will be formidable, likely without much satisfaction, and I pledge to work with him and his new team to bring this conflict to an end and return peace—true peace—to our forests and our communities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HATFIELD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD) Without objection, it is so ordered.

The U.N. CHARTER IS NOT SOCIAL SCIENCE

Mr. MOYNIHAN. Madam President, as we approach the fiftieth anniversary of the charter, it is important to remember that it was a project of law, not social science. The drafters' frame of reference: the cataclysm that was World War II. Their principal goal; to establish enforceable legal standards against the use of force to resolve international disputes. In short, the charter was a concrete effort to advance international law; fundamentally, a treaty about the use of force.

It is common enough to state that during its first four decades superpower rivalries frustrated the purposes of the charter. This is, of course, the truth, but it is a partial truth. For the nonaligned bear substantial responsibility as well. By the time of my tenure at the United Nations the very term "nonaligned" was a misnomer—the 1979 triennial meeting was in not the least bit-nonaligned Cuba. Ironically, the nonaligned found themselves in fact very much aligned with a Soviet Union at the United Nations at the same time that the highest ranking Soviet official at the United Nations—Under Secretary General for Political and Security Council Affairs Arkady Shevchenko—was defecting to the United States because of his utter disillusionment with the Soviet Union.

Blessedly, that is behind us. The obscene resolution equating Zionism to racism has been revoked. There is a new spirit of cooperation on the Security Council. Operation Desert Storm.

But then came Bosnia. The failure to combat international aggression against a member state. And Somalia. The extension of U.N. involvement into the internal affairs of a member state. And, we should add, the prolonged financial crisis of the institution to which the United States contributes as the leading delinquent in payment of dues.

At such a time it is best to return to first principles. Combatting international aggression. Extending the reach and salience of international law. This is a noble endeavor. As the distinguished commentator William Pfaff has recently written:

> Let us simply promote the observance and extension of international law and legality. This is a long-term project, but it is the way that, during the past two centuries, some degree of regulation and pacification of state relations has been accomplished. One may consider this a progress of civilization.

Indeed it is.

Madam President, I ask unanimous consent that the entire article by Mr. Pfaff be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the International Herald Tribune, Oct. 9-10, 1993]

THE AMERICAN ROLE: SPARE US THE BLAND IDEALISM, MR. PRESIDENT

(By William Pfaff)

PARIS.—The foreign policy of the Clinton administration has now been explained, and the explanation is unsettling. The secretary of state, Warren Christopher, the national security adviser, Anthony Lake, and UN Ambassador Madeleine Albright all have made speeches in recent weeks setting out how the administration sees the world.

General Colin Powell, departing chairman of the Joint Chief's of Staff, made his own national policy speech. As he served most of his career in Washington under Republican presidents, his talk is particularly interesting in generally confirming what the three Clinton administration officials have said. We have before us something like contemporary Washington's consensus view of what the United States should be about.

It amounts to a desiccated Wilsonism. With the end of the Cold War, Washington has for lack of other ideas, fallen back on the idealistic and sentimental view of history and the world that characterized the Wilson and Roosevelt administrations.

But while those presidents set out ambitious plans to remake international society through the League of Nations and the United Nations, the Clinton officials, product of less confident times, speak verily and inconclusively of the pitfalls of multilateralism versus unilateralism.

They express the belief, nonetheless, that peoples elsewhere turn to America for leadership because it exemplifies the values others seek.

We are told that democracy and market economics are universally valid and indispensable to one another, a doctrine uncritically taken over by the Clinton administration from its Republican predecessors—and historically untrue. The goal of U.S. policy is identified as to "enlarge" the influence and reach of the American model of a free society and marketplace.

"We have arrived at . . . a moment of immense democratic and entrepreneurial opportunity, and we must not waste it," said Mr. Lake. Against this "advance of democracy and markets" we must expect "forceful reactions from those whose power is not popularly derived."

The other main dangers facing the United States are identified as nuclear proliferation; ethnic conflict, terrorism, notably by Islamic fundamentalists, and environmental degradation.

In their program to enlarge the sway of markets and democracy, the secretary of state and his colleagues have not seriously addressed the problem that Max Singer and Aaron Wildavsky stated in their recent book "The Real World Order: Zones of Peace/Zones of Turmoil": that a major part of the world experiences internal turmoil which the intervention of others, or of the "world community," may be unable to influence or may even worsen (IHT, Sept. 2).

This turmoil may be a reaction against social, economic and political forces originating in the West. This is true of Islamic fundamentalism, which was installed in Iran by the popular will, not against it. Nuclear proliferation no doubt is dangerous, but to an Israeli, Pakistani, Indian or Iranian, nuclear proliferation offers security against threats or intimidation by other countries.

Terrorism is loathsome, but so is any form of warfare directed against civilians with the intention of influencing the policies of governments; and terrorism is the weapon of people who have no other weapon. Like ethnic conflict, terrorism is a social and political phenomenon that has nothing to do with democracy or markets—or trust in Americans.

In that respect, I could supply General Powell with a dozen citations every day from European politicians, businesspeople and the mainstream press expressing distrust of the United States and its policies. We Americans are accused of being economic predators who conceal our self-interest in hypocritical language. And the Europeans are our friends. The notion that we are universally envied is a very dangerous illusion.

Let me propose two simple priorities for a new American foreign policy. First is to protect well-defined U.S. material and political interests. This means defending the internal peace and external security of the community of industrial democracies. These are the only countries that, if they go wrong, could produce a real upheaval in the world.

What happens in China, Iran or South Africa is marginal to what happens in North America, Western Europe and Japan. Southeastern and Eastern Europe is important because events there threaten the security of industrial Europe—the place where much trouble has originated in the 20th century. What happens to Russia is important for the same reason, and because Russia is a nuclear power.

But if we wish to enlarge the zone of stability in the world, let us leave democracy and markets out of it for the moment. Let us simply promote the observance and extension of international law and legality. This is a long-term project, but it is the way that, during the past two centuries, some degree of regulation and pacification of state relations has been accomplished. One might consider this a progress of civilization.

Mr. Lake, in his talk, brings up the subject in an apologetic fashion, expressing a "personal hope" (unshared by the Clinton administration?) that "one day" international law may play a more civilizing role in international relations, quickly adding that "any official with responsibilities for our security policies" must act solely on the basis of American interests. So much for law. But then, so much for civilization.

THE 25TH ANNIVERSARY OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. MITCHELL. Madam President, this week, the National Council on the Aging is celebrating the 25th anniversary of the Senior Community Service Employment Program [SCSEP]. Funded under title V of the Older Americans Act, the SCSEP provides training and employment opportunities to older persons age 55 and above, who meet certain income guidelines.

As a part of their celebration, the SCSEP will be holding its Project Directors' Conference in Portland, ME, from November 6 through November 10, 1993. The University of Maine, which receives funding from the National Council on the Aging, has agreed to serve as a cosponsor for the conference. The university's cooperative extension program trains seniors for placement with businesses and nonprofit agencies throughout Maine.

Seniors trained in the university's program have been employed in a variety of capacities. One person worked as a clerk at a Belfast, ME, department store, while another was hired by a Presque Isle lawyer. Several other seniors have gone on to start their own bussiness.

Programs like the SCSEP contribute to our Nation's economic well being by providing challenging and rewarding jobs to older Americans. Utilizing the talents and resources of these experienced people benefits not only the individuals themselves, but the communities in which they serve. These workers bring to their jobs dependability, attention to detail, loyalty to coworkers and employers, and a commitment to productivity.

Extended work life enhances independence for older Americans, helps provide a foundation for healthier lives, and allows them to continue contributing to their communities and families.

The SCSEP and other programs have made significant contributions to both older Americans and the general community. Therefore, I would like to commend the Senior Community Service Employment Program of the National Council on the Aging and ask that citizens, employers, public and private human service agencies, educational and training institutions, and younger workers join in congratulating their worthwhile enterprise.

RUSSIAN TROOPS IN ESTONIA AND LATVIA

Mr. DECONCINI. Madam President, I would call attention to a frontpage article in the November 4, 1993, issue of the Washington Post regarding the new, assertive military doctrine adopted by President Yeltsin and his Security Council.

As outlined by Russian Minister of Defense Grachev, there are several aspects of this new military doctrine that may cause concern in post-cold war Europe. At this moment, I would like to focus on a statement by Minister Grachev that is particularly disturbing. According to the chief of the Russian military, and I quote, "there is absolutely no problem" in withdrawing the Russian troops from Estonia and Latvia from a technical point of view, and if the "problem" of Russian-speaking minorities were solved, "within a half a year, not a single soldier would remain there."

This is very interesting, inasmuch the CSCE summit declaration of July 1992 called upon participating states to assist in removing foreign troops from the Baltic States without conditions. And Russia, as we know, is a participating CSCE state. In fact, Russia's Foreign Minister said in London recently that "Russia does not plan to tie withdrawal of troops from the Baltics to conditions of the Russian population in those countries." It makes you wonder who is making foreign policy over there, the Foreign Ministry or the Ministry of Defense?

In the past, the Russian Government claimed that a lack of housing in Russia prevented Moscow from removing the troops expeditiously. Apparently, based upon Minister Grachev's statement, the housing that has been built in Russia, partly with United States taxpayers' money, is now adequate to house returning troops. So now, it would appear that these troops will be used to blackmail Baltic governments into yielding to Moscow on citizenship and naturalization procedures for ethnic Russians.

Madam President, United States policy toward Estonia and Latvia on the ethnic Russian issue has been to encourage these nations to allow the reasonable integration of its nonindigenous minorities into the national structure. The majority of ethnic Russians still in Estonia and Latvia are going to remain there and they deserve treatment in accordance with internationally accepted standards. In Latvia, the situation is still developing, as a law on naturalization has not yet been passed. A CSCE mission has recently been established in Latvia to address citizenship and other related matters, and to report on the realization of CSCE principles.

In Estonia, CSCE has been working assiduously to bring the Estonian and Russian communities together, and on the advice of CSCE and the Council of Europe, the Estonian parliament amended its law on aliens to help assuage concerns of the ethnic Russian community.

I do not claim that the ethnic Russian communities in Estonia and Latvia are entirely satisfied. After all, Estonia and Latvia were illegally incorporated into the former Soviet Union, and are entitled to re-establish their statehood.

What I will say, however, is that for Russia to use the presence of its remaining troops in Estonian and Latvia as a blunt instrument to enforce its will on the sovereign nations of Estonia and Latvia is simply unacceptable.

I commend Secretary Christopher for his principled call in Riga recently for the removal of Russian troops from Latvian and Estonian soil, and I trust the State Department will continue to make that position absolutely clear.

I would also remind my colleagues of the Byrd amendment to the foreign assistance bill, according to which foreign aid to Russia is contingent on White House certification on significant removal of Russian troops from Estonia and Latvia.

Let us hope the White House is watching Russian words and Russian deeds in the Baltics very closely. I am sure the Congress will.

COMBATING ETHNIC INTOLERANCE IN ROMANIA

Mr. DECONCINI. Madam President, on October 21, 1993, the Senate agreed to support the administration's recommendation that most-favored-nation [MFN] trade status be granted to Romania. Although I was one of the early proponents of that decision, I have repeatedly emphasized, in my statements in this CONGRESSIONAL RECORD and in my interactions with Romanian officials, that my support for MFN is contingent on continued progress in a number of areas of human rights concern.

Significant among these is respect for the rights of all Romania's citizens, regardless of ethnic origin. As a participating state of the Conference on Security and Cooperation in Europe, Romania has pledged to "promote a climate of mutual respect, understanding, cooperation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and [to] encourage the solution of problems through dialogue based on the principles of the rule of law."

Regrettably, recent violent events in the village of Hadareni indicate that serious inter-ethnic tensions and hostilities persist. On September 20, 1993, following a fight between members of the Roma [Gypsy] and non-Roma community in which a 25-year-old non-Roma was killed, hundreds of non-Roma villagers assaulted their Roma neighbors, lynching 3 men and burning 13 houses to the ground.

The Romanian Government speedily issued a statement expressing serious concern over the incident, committing itself to investigate the case and bring the incriminated persons to trial. The Government also promised to grant financial support to the rebuilding of the homes that had been destroyed, and to help house and school the affected children. The promptness of this response is welcome and commendable. I also want to express my gratitude to the Romanian Embassy here in Washington for its efforts to keep me informed of developments in the case.

I am deeply concerned, nonetheless, by a pattern of discrimination and violence against Roma in Romania—not merely in popular attitudes, but also reflected in the press, and even statements by Romanian officials. It is my firm conviction that political leaders and other government authorities have a critical role to play in promoting tolerance and mutual respect, in combating negative stereotypes, and in ensuring that justice is fairly administered. I am troubled by reports that investigations of 16 recent incidents of this nature have resulted in trials for Roma alone, whereas non-Roma suspects have been freed. I would urge the Romanian authorities to ensure that the investigation of this particular case is conducted in a prompt and impartial manner.

As chairman of the Commission on Security and Cooperation in Europe, I fully understand the complexities and difficulties Romania is facing as it undergoes the transition to democracy and a market economy. I know, too, that questions concerning inter-ethnic relations and the situation of Roma in particular are not limited to Romania. It takes time to change popular attitudes in all of our countries—but when discrimination is exploding in violence, we have no time. This is particularly important when, as was the case in Hadareni, popular notions of justice threaten to undermine basic concepts of law enforcement. Crimes committed by Roma, or any other individuals, should be punished to the fullest extent of the law. Democracy assumes civic responsibility, as well as guaranteeing rights. But mob justice, by definition, has no place in societies governed by the rule of law. Spontaneous aggression in the name of justice can only undermine progress toward that goal.

HATE CRIMES MUST BE PUNISHED

Mr. MOYNIHAN. Madam President, I rise to express my deep concern over the recent attack on American athletes which took place in Oberhof, Germany. On October 29, 1993, fighting broke out in a discotheque in Oberhof after a group of approximately 15 German skinheads began shouting racist insults at an American athlete, Robert Pipkins of Staten Island, who is black. When a teammate went to help him, he was attacked. Such racially motivated incidents are highly disturbing wherever and whenever they occur. It is particularly disheartening that this attack was targeted at American athletes who were training for the Olympics. The spirit of international harmony embodied by the Olympics suffers from such incidents. German authorities are seeking stiff penalties for the perpetrators of this terrible attack, and I urge them to make every appropriate effort to bring justice to bear in this situation.

CONDEMNING THE NEO-NAZI ATTACK ON MEMBERS OF THE UNITED STATES NATIONAL LUGE TEAM IN GERMANY

Mr. D'AMATO. Madam President, I rise today to comment on the Neo-Nazi hate crime carried out upon two members of the United States National Luge Team in Germany last week.

All New Yorkers are shocked by this blatant racial attack on our athletes in Germany. My constituents Robert Pipkins, of Staten Island, and Duncan Kennedy, of Lake Placid, were simply victims of an unconscionable hate crime.

It is outrageous that an American should be targeted simply because he is an African-American. When a teammate came to his aid, the teammate himself was beaten by the gang of skinheads.

On Friday, October 29, 1993, three United States athletes, entered a German disco in the town of Oberhof, 150 miles southwest of Berlin. While one left the disco, 15 Neo-Nazi skinheads surrounded the other two and began to taunt Robert Pipkins, the only black in the room. When his teammate, Duncan Kennedy, came to his aid, he was chased up a staircase and was caught by these thugs, who repeatedly beat and punched him, until he ran from the building.

This kind of behavior is inexcusable and an outrage to civilized society. Our citizens need to feel secure when abroad, especially when they officially represent our Nation. On Monday, I, along with to Congresswoman SUSAN MOLINARI and Staten Island Borough president, Guy Molinari, wrote to Secretary of State Christopher demanding to know what actions the State Department has already taken and what actions it plans to take. Americans want to know what their Government is doing to ensure their protection overseas. Most importantly, we strongly urged him to issue a formal complaint to the German Foreign Minister, and demanded to know what the German Government will do to address this egregious situation. I reiterate these requests.

These gangs of hoodlums are murdering, pillaging, and sowing the seeds of fear wherever they go. For this incident to pass without an official complaint would be tantamount to condoning their behavior.

Nazism is a scourge of the past and cannot be allowed to raise its ugly head. Germany must do more to fight this awful movement and we too, in the United States, must do all that we can to fight bigotry and religious and ethnic hatred. There is no place in our society, or any society for crimes of hate. We must work to eliminate this violence and eliminate it now.

ON USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER

Mr. FORD. Madam President, on behalf of Senator STEVENS and myself, I wish to announce that the Committee on Rules and Administration at its meeting of November 4, 1993, approved an amendment to rule XVII, "Use of Display Materials in the Senate Chamber," of the Rules for Regulation of the Senate Wing of the Capitol.

The amended rule increases the maximum size of graphic materials from 24 inches by 30 inches to 36 inches by 48 inches and permits them to be displayed next to the Senator's desk, as well as at the rear of the Chamber as previously allowed.

I ask unanimous consent that the rule, as amended, be printed in the RECORD at this point.

There being no objection, the rule was ordered to be printed in the RECORD, as follows:

[Committee on Rules and Administration, U.S. Senate]

RULE FOR USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER

(Approved July 25, 1986)

(Amended/Effective November 4, 1993)

Rule XVII of the Rules for Regulation of the Senate Wing of the United States Capitol, entitled "Use of Display Materials in the Senate Chamber", adopted under authority of rule XXXIII of the Standing Rules of the Senate, is hereby amended to read as follows:

USE OF DISPLAY MATERIALS IN THE SENATE CHAMBER

Graphic displays in the Senate Chamber are limited to the following:

Charts, photographs, or renderings:

Size—No larger than 36 inches by 48 inches.

Where—On an easel stand next to the Senator's desk or at the rear of the Chamber.

When—Only at the time the Senator is engaged in debate.

Number—No more than two may be displayed at a time.

DELEGATION OF AUTHORITY TO APPROVE RULES AND REGULATIONS

Mr. FORD. Madam President, the Committee on Rules and Administration has amended its rules of procedure to provide for the delegation of authority to approve rules and regulations that require committee approval. On behalf of the committee, I submit for printing in the CONGRESSIONAL RECORD, pursuant to rule XXVI of the Standing Rules of the Senate, a copy of the committee's rules of procedure that includes the amendment that was approved November 4, 1993.

There being no objection, the rules of procedure were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted November 4, 1993)

TITLE I—MEETING OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath: *provided, however*, That in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, November 3, the Federal debt stood at $4,424,959,774,661.34, meaning that on a per capita basis, every man, woman, and child in America owes $17,227.19 as his or her share of that debt.

TRIBUTE TO MR. FRANK TIMMERMAN

Mr. THURMOND. Mr. President, W.W. Ball, the former editor of the Charleston News and Courier, once said the following of the country where I was born: "Edgefield has had more dashing, brilliant, romantic figures, statesmen, orators, soldiers, adventurers, and daredevils than any other county of South Carolina, if not of any rural county of America."

Today, I rise to pay tribute to one of Edgefield County's proudest sons, the able and dedicated statesman, Mr. Frank Timmerman.

Frank Timmerman's name has been synonymous with public service since the early 1950's. He has served as the chairman of the county school board of trustees, a member of the State senate, and as a civic and church leader. We are all proud of Frank Timmerman's many contributions to our State and are grateful for his lifelong commitment to making Edgefield County a better place to live.

Mr. President, Frank Timmerman recently celebrated his 94th birthday and the Edgefield Citizen News printed a flattering editorial about this great man. I ask unanimous consent that a copy of this editorial be placed into the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A TRIBUTE TO "MR. FRANK"

Tuesday, October 19, 1993, marked the 94th birthday of one of Edgefield County's most renowned and beloved citizens: Frank Elbert Timmerman, fondly known to many as "Mr. Frank."

During the course of his long and productive life, "Mr. Frank" served Edgefield County in an infinite number of ways. Perhaps the most noteworthy service which he rendered to Edgefield County was his representation of our county in the South Carolina State Senate for eight years between 1957 and 1964.

Born in the Eureka section of Aiken County, "Mr. Frank" attended the public schools in the Johnston area and was graduated from Johnston High School. He attended Mars Hill Junior College and Clemson College (1916–1918).

In 1928, he moved to Edgefield where he became the local Chevrolet automobile dealer and a fuel distributor. He was actively engaged throughout his life in the timber and real estate businesses as well.

Apart from his business interest, "Mr. Frank" has given enormously of his time and resources to the service of his fellow man. From 1951 through 1956 he served as Chairman of the School Board of Edgefield County. During this tenure he was responsible for great improvements to our public schools. Of his many contributions, perhaps one of the most significant was the construction of the Edgefield Gymnasium at the then Edgefield Public School. This gymnasium has been renovated in recent years and is now maintained as a public recreational facility by the Town of Edgefield.

Beginning in 1957, "Mr. Frank" served in the South Carolina State Senate. While in the State Senate he served on numerous committees of statewide importance. Of perhaps greater local interest, though, was the Senator's careful attention to the public works in Edgefield County, particularly our public roads.

A lifelong member of the Baptist Church, "Mr. Frank" has given enormously of his time to the First Baptist Church in Edgefield. A former Deacon and tireless worker, he took particular interest in maintaining the church building and grounds for many years. Moreover, in 1974, at his instigation, under his oversight and largely at his expense, a major cleanup of Willow Brook Cemetery was undertaken.

Over the course of his lifetime Mr. Frank has helped countless citizens. From our less fortunate folks who simply need food or financial help, to the budding young entrepreneurs who needed guidance and advice, Mr. Frank has always been uniformly generous. He has helped more people during his lifetime than we'll ever know.

On July 26, 1932, "Mr. Frank" married the former Lucy Scurry ("Miss Lucy") of Edgefield. Last year they celebrated sixty years of marriage. This golden couple of Edgefield are the proud parents of two children: a daughter, Helen T. Daeger of Columbia and a son, Frank E. Timmerman, Jr. of Atlanta. They are the proud grandparents of Miss Kimberly Daeger of Rome, Italy, Mrs. Lucinda Worthington Moore of St. Paul, Minn., Miss Alyson Worthington of Columbia, and Miss Maria Timmerman and Miss Angela Timmerman, both of Atlanta.

To "Mr. Frank" on this, your 94th birthday, we at The Citizen News join all of Edgefield County in saluting you, and in thanking you for your many years of service to our County.

PAYING TRIBUTE TO ALEXANDER M. SANDERS, JR.

Mr. THURMOND. Mr. President, I recently had the opportunity to attend the inauguration of Alexander Mullings Sanders, Jr., as the 19th president of the College of Charleston.

Alex Sanders is certainly well qualified to assume the duties of the presidency of this 208-year-old college. His background includes teaching law at both Harvard and the University of South Carolina as well as serving as chief judge of the South Carolina Court of Appeals. The reputation of President Sanders is one of unquestionable fairness and tolerance. I have every confidence that the College of Charleston will prosper under Judge Sander's presidency and I wish him the best of luck in his new job.

Mr. President, I ask unanimous consent that an editorial that appeared in the Charleston Post and Courier be inserted into the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston Post and Courier, Oct. 24, 1993]

ALEX SANDERS MADE FOR THE JOB

When Judge Alexander M. Sanders Jr. left the S.C. Court of Appeals a year ago, his colleagues on the bench made it clear they felt their loss was the College of Charleston's gain. How right they were. He was made for the job of president in which he is being formally installed today.

Alex Sanders is, after all, a man of enormous intellect, wit and charm. He also is one of those rare individuals who has genuine tolerance for opposing views, a contagious enthusiasm for life and a true zest for knowledge. Where better to use all those attributes than a college campus, particularly one with the history of the College of Charleston?

He certainly is the college's best salesman, as his assessment of the state of that institution on our Commentary page today should indicate. And, when it comes to protecting the school's best interests, either before the Commission on Higher Education or the state Legislature, there's no one better. It's not just that he is a former judge and legislator that stands him in such good stead. It's because of the respect his public record commands.

He wasn't on campus long before he was drawing on his training on the bench. The culprits in an incident that had racial overtones were quickly identified and an advisory committee functioned much like a jury in helping come up with appropriate sentences. None of the students involved appealed.

Faculty members will tell you there's no question who comes first with the new President, the 19th in the college's history. He is quick to remind them that before a student's four years are over, that student will spend about $25,000. That's the kind of customer, he notes, to which any business would pay close attention. We're also told that the president devotes a portion of most days to personally calling good academic prospects in hopes of selling them on the college.

And, as best we can tell, Alex Sanders is the only state college president who gives money to his college's foundation, the vehicle through which most state schools supplement their president's salary. That's a result of what he calls his "speech making" policy.

Known for his oratorical ability, by late summer he already had given more than 126 free speeches to various non-profit groups since he's been president.

He does charge business and professional groups an honorarium, ranging from $250 to $2,500. All of that money is donated back to the college or the foundation. To date, he says he has collected $9,900 for the college. There are weeks, he notes wryly, when he gives the college more than it gives him.

Alex Sanders is a leader who knows how to teach by example.

CONCERNING THE CLYDE DANGERFIELD CONNECTOR

Mr. THURMOND. Mr. President, for several years now, there has been what seems to be a confrontational atmosphere between environmentalists and those who wish to develop or harness our Nation's natural resources. Last month, I attended the dedication of a structure which is proof positive that it is possible to both protect and use environmentally sensitive areas.

The Clyde Moultrie Dangerfield connector is a $38.3 million bridge project that runs almost 4 miles, and links the Isle of Palms with Charleston, SC. It is truly a marvel of engineering and will do a great deal to help ease traffic problems in the Charleston area as well as to promote tourism and commerce. What makes this bridge unique is that it is being heralded as an environmentally conscious construction project that will serve as a model for the whole Nation.

Part of the land that the connector crosses is some of South Carolina's most beautiful, yet delicate, marshlands. As we all know, preservation of our Nation's diminishing wetlands has become a matter of great importance and there was concern that building a bridge over this sensitive ecosystem might be catastrophic. In order to complete this project, the South Carolina Department of Transportation took a multitude of steps to ensure that the construction and use of this bridge would have minimal impact on the marsh. The State newspaper, located in Columbia, SC, carried an article this past weekend which outlined many of the measures taken by the transportation department to safeguard the marsh and I ask unanimous consent that this article be inserted into the RECORD following my remarks.

Mr. President, I am a strong advocate of balancing environmental concern with the ability to harness our natural resources. I am proud of the Dangerfield connector and the sensible compromise it strikes between use and protection. I am confident that Government officials and environmentalists will begin turning to South Carolina with greater frequency to study how we tackle difficult environmental issues with a level headed approach.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia (SC) State, Oct. 3, 1993]

ISLE OF PALMS BRIDGE PRESERVES WETLANDS BELOW

(By Charles Pope)

For those even vaguely familiar with the state Department of Transportation and the environmental melees that often accompany its road and bridge projects, the $40,000 grant from the Federal Highway Administration was indeed noteworthy.

The money was a gift to publicize the novel construction techniques used to build the $38.3 million Isle of Palms connector and bridge with an amazingly light touch on the environment. The 3.8-mile bridge and road, christened Saturday, was built over some of the most valuable—and vulnerable—saltwater marsh in South Carolina. The road and bridge connect the popular beach resort with U.S. 17.

In addition to leaving the environment virtually untouched during construction, the bridge is equipped with a storm-water management system that will capture rainwater in buckets along the edge of the bridge so the pollutants won't fall into the marsh below. The Isle of Palms project is the only one in the state, and possibly the nation, to have such a system, department officials said.

Moreover, extra care was taken during construction to prevent concrete and other debris from falling into the marsh. Biodegradable compounds such as solvents were used in construction equipment to lessen the risk to the marsh.

And according to Transportation Department officials, the bridge offers something else: tangible proof that the department is serious about reversing its record of disregarding environmental concerns in the name of roads.

As the project's federally funded brochure points out, "This isn't a project designed to look environmentally sound—it's a project that is environmentally sound."

Even the harshest critics agree on that point, but many are withholding final judgment on whether the Isle of Palms project is a reflection of the department's new thinking or a high-profile exception to the rule.

"There is still a great deal of resistance to change within the department for doing things the right way," said Dana Beach, executive director of the South Carolina Coastal Conservation League and a frequent critic of the department.

"They are changing, they are making better decisions, but it's a very slow process and it's not without great wailing and gnashing of teeth."

Beach points out that the department is resisting requests to install a storm-water system in a bridge that will connect Hilton Head Island to the mainland. While the wetlands below the proposed Hilton Head project aren't pristine, the environmental qualities are similar in many ways to what was found near the Isle of Palms.

But if history is a lesson, the Hilton Head Island project may ultimately be equipped with the system. During the early discussion of the Isle of Palms bridge, the department also insisted a storm-water system could not be added. It finally relented, Beach and others said, when U.S. Rep. Arthur Ravenel, the U.S. Fish and Wildlife Service and other agencies said in the late 1980s, "No storm-water system, no bridge."

There have been other controversies as well during the almost 20 years since the bridge was first proposed. Many Isle of Palms residents fiercely opposed the bridge, fearing it would open the area up to even more development, traffic and congestion. A nonbinding vote in 1988 on whether the bridge should be built was virtually a dead heat, with supporters prevailing by a slim margin.

The project received a boost in 1989, however, when Hurricane Hugo revealed the need for an additional way to get off the beach quickly. Until the Isle of Palms connector opened, the only overland way to get on the beach was by crossing the Ben Sawyer Bridge, a two-lane drawbridge that stalls traffic for miles when it must open for boats. The 20,000 cars that cross the Ben Sawyer Bridge each day have strained its capacity, department officials said.

The new bridge is expected to handle 6,000 cars a day and that number is expected to more than double by the year 2007.

Despite the controversy and unanswered questions, Beach concedes, "I was very impressed with what they did with the construction. I would say generally that the project was as sensitively done as possible."

Beach's endorsement is important because of the constituency his organization represents—mainline, establishment interests that are effective in lobbying for change. State and federal highway officials, therefore, said they were pleased with Beach's assessment, so much so that he is prominently quoted in a brochure and videotape that were produced with the $40,000 grant.

Officials hope the brochure and videotape will spark interest in other areas so the construction technique will be duplicated.

No matter how it's viewed, the 3.8-mile bridge and road are an accomplishment. While spanning wetlands, marshes, rich oyster and shellfish beds, as well as the Intracoastal Waterway, less than one acre of those estuaries was destroyed. If traditional methods had been used—such as building an access road alongside the construction site so it could be built from the ground up—highway designers and builders say hundreds of acres would have been destroyed.

For the Isle of Palms, such destruction was never a possibility. Instead, a "top down" strategy was used, which required the use of a novel trestle and crane system that allowed the road to be built in sections about 120 feet long. In all, there were more than 100 sections.

The system used four steps: first, the pilings were sunk to a depth of about 180 feet and then filled with concrete. Then the pilings were "capped" with a concrete crossbar that connected them. In the third step, seven, 75-ton precast concrete reinforced girders were laid across two sets of girders and fastened. Finally, the deck and roadbed were built.

When one section was finished, the entire construction operation—a 300-foot-long, temporary trestle that sank the pilings and the giant cranes, "leapfrogged" ahead to begin the next section.

"It's considerably harder to build it this way because you're building it in a linear manner. That means any disruption, even small ones, delay the entire project because you can't get alongside it to work," said Keith Jacobson, vice president of Massman Construction Co., of Kansas City, Mo., which built the bridge and road.

But Jacobson, like other officials, said the effort was worth it because the Isle of Palms project, once started, avoided bitter disputes.

"One hallmark of this project is we avoided bad experiences," Jacobson said from his office in Missouri. "South Carolina has had bad experiences with heavy construction projects in the Charleston area, and it says something when you can finish a project without that."

SPEECH GIVEN BY DR. JAMES EDWARDS AT THE OPENING OF THE ISLE OF PALMS CONNECTOR

Mr. THURMOND. Mr. President, Dr. James B. Edwards, president of the Medical University of South Carolina, gave the main address at the dedication of the Isle of Palms Connector, honoring Clyde Moultrie Dangerfield, on October 2, 1993.

In his speech, Dr. Edwards highlighted the many accomplishments of Mr. Dangerfield, which include his service in the State legislature, his commitment to improving the highway system surrounding Charleston, and his many civic activities. Dr. Edwards rendered a distinct service by presenting my good friend Clyde Dangerfield's history and I ask unanimous consent that Dr. Edwards' speech be inserted into the RECORD following my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY DR. JAMES B. EDWARDS, OPENING OF THE ISLE OF PALMS CONNECTOR, OCTOBER 2, 1993

It is my pleasure to introduce the individual we are honoring today in opening this beautiful highway and bridge named in his honor—my good friend, Clyde Moultrie Dangerfield. Clyde, this is your special day and you have been an inspiration for many of us who admire a true "public servant", dedicated to helping people. Clyde exemplifies the strength of this great nation—a man who serves his god, his country, his state, his community, and his family. By his serving, we have been blessed and Clyde, too, has been blessed.

Clyde has been blessed with a beautiful family. Let's ask Betty Dangerfield and their children and grandchildren to stand. Let's give them a hand.

Clyde has served his church, having been a founder and charter member of the First United Methodist Church of the Isle of Palms. He has worked in that church ever since, and raised a Christian family. Clyde recognized the importance of location even back in his younger years, because the church sits prominently at the end of the business district where all must pass. The church has been part of the fabric of the Isle of Palms since 1950, the first church on the island. In introducing Clyde on one occasion, Wayne Martin used the following Biblical quote to describe Clyde's life: 1st Matthew, Chapter 5, Verse 16—

"Let your light so shine before men, that they may see your good works, and glorify your Father which is in Heaven."

CLYDE SERVED HIS COUNTRY

Being a patriot, when our country needed able bodied men and women, Clyde joined the U.S. Army during World War II, where he served for three years before being discharged in 1945. Clyde and I are old enough to remember when ferries—the Sprig Carrol, the Nancymon and the Sapho—connected the islands, and when the soldiers at Fort Moultrie marched down Rifle Range Road in preparation for action in World War II.

CLYDE SERVED HIS STATE

Few can equal the impact of Clyde Dangerfield on the business of this state in recent decades. He was elected in 1953 and served 35 years in the Legislature. He faced the voters 18 times and won each time. Time will not allow me to enumerate his many accomplishments during his tenure, but I know Clyde is very proud of his service as chairman of the House-Labor-Commerce-and-Industry Committee, serving longer as chairman of a state committee than any other member in the state's history; and he served as Chairman of the CHATS Policy Committee from its inception to retirement. While Clyde became a powerful member of the House, he never forgot his roots from Oakley. He was always courteous, honest, and served his constituents to the best of his abilities. He always maintained a certain humility. He also tried to accommodate all viewpoints. Should all members of the General Assembly have conducted themselves like Clyde, ethics laws would not be necessary.

CLYDE SERVED HIS COMMUNITY

Again, time is not adequate to do justice to Clyde's many accomplishments. He founded and operated Suburban Gas and Appliance Company which he owned for 40 years. He was a charter member of the Isle of Palms Exchange Club, which was organized in 1948, and he served as its president. This club has always worked on projects to better the Isle of Palms community and continues to be a positive force. Clyde has always been active in the Boy Scouts and helped to serve as a role model for our youth. For his many hours of community service and dedication, Clyde was honored by receiving the Exchange Club's highest award, the "Book of Golden Deeds."

And, Clyde is a dedicated family man. He and Betty have been blessed with loving children and grandchildren who admire their father and granddad.

Now to the specific project. Clyde worked very hard to plan ahead to solve the traffic problems of the East Cooper area. When I was serving in the State Senate, he would stop by my office with various plans to alleviate the growing traffic congestion east of the Cooper. He finally decided that the best answer would be a connector that would tie in close to the then-planned Mark Clark Expressway.

After that he needed money to get an environmental impact study done. By that time I had been elected Governor and, of course, Clyde knew that I would have an interest in this project. He camped in my office until we found the money, and with it Clyde started this project that we so proudly dedicate to his honor today.

No man has worked harder, no man has been more dedicated, no man has been so persistent in getting this bridge completed, and I am honored to present him to you on this special occasion. Thank you, Clyde, and God bless you.

Ladies and gentlemen—a great community leader and patriot, Clyde Dangerfield.

TRIBUTE TO NICHOLAS C. WASICSKO

Mr. MOYNIHAN. Madam President, I rise today to recognize the passing of one of New York's most respected and decent public servants. Nicholas C. Wasicsko, former mayor and city council member of Yonkers, died this past Friday.

A man of only 34, Mr. Wasicsko has many accomplishments to his name. Aside from being a city council member and the city's youngest mayor, he was a former police officer, ward and district councilman, Democratic minority leader, member of the board for the Yonkers Industrial Development Agency, commissioner of the Yonkers Human Rights Commission, lawyer, son, husband, brother, and friend.

Nicholas Wasicsko may best be remembered as a defender of civil rights. In his first year as mayor, he waged an aggressive battle to set in motion a housing desegregation plan for the city of Yonkers. This noble act earned Mr. Wasicsko a runner-up citation for the 1991 John F. Kennedy Profile in Courage Award.

In my dealings with Mr. Wasicsko, I knew him to be a man of great courage and we are all diminished by this loss.

My thoughts and prayers are with Mr. Wasicsko's family and friends.

Madam President, at this time I ask that my statement and the following excerpt from Mr. Wasicsko's obituary be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Gannett Suburban Newspapers, Oct. 31, 1993]

NICHOLAS C. WASICSKO: FORMER YONKERS MAYOR

Nicholas C. Wasicsko, a Yonkers city councilman and a former mayor of Yonkers, died Friday.

He was 34.

Mr. Wasicsko was former Westchester County policy officer. He served as 7th Ward councilman in 1986 and 1987, and he was mayor in 1988 and 1989. He lost a bid for reelection as mayor in 1989, but he returned to office in 1991 as 2nd District councilman. He was named Democratic minority leader.

Mr. Wasicsko was born May 13, 1959, in Yonkers to Nicholas and Anne Slota Wasicsko. He was a lifelong city resident.

His father died in 1985, before Mr. Wasicsko won his first election.

Mr. Wasicsko was a 1977 graduate of Gorton High School in Yonkers and a 1981 graduate of Manhattan College in the Bronx. He later graduated from New York Law School in Brooklyn.

On May 18, 1991, Mr. Wasicsko married Nay Noe, now Yonkers' 2nd deputy city clerk, at St. Casimir's Church in Yonkers.

Friends and family are making donations to the Nicholas Wasicsko Scholarship Fund, 111 Yonkers Ave., Yonkers, N.Y. 10701.

Arrangements are being handled by Duchynski-Cherko Funeral Home in Yonkers. A funeral service has been scheduled for 10 a.m. Tuesday at St. Casimir's Church, Nepperhan Avenue.

BETTER NUTRITION AND HEALTH FOR CHILDREN ACT

Mr. ROCKEFELLER. Madam President, I am proud to join the distinguished chairman of the Senate Agriculture Committee and others in cosponsoring this bill to promote better nutrition for children. Senator LEAHY's longstanding leadership and commitment is truly reflected in this comprehensive package to strengthen Federal nutrition programs for children, and it is an honor to be associated with him.

This initiative is a bold step toward fulfilling the promise of better nutrition and better health for children.

To help infants, children, and mothers, this bill truly invests in full funding for the Special Supplemental Food Program for Women, Infants and Children, known as WIC.

WIC enjoys such broad bipartisan support because it works. Every dollar invested in the prenatal component of WIC leads to greater savings in Medicaid for the newborns and mothers. For example, a GAO report estimated that the $296 million spent on prenatal WIC benefits in 1990 averted $853 million in health-related expenditures during the first year of life, and it will avert over $1 billion in these costs over an 18-year period. Any business leader will agree this is a good investment.

WIC helps our children, their mothers, and our society as a whole. This legislation charts a course that should deliver full funding of WIC through the year 2000.

As chairman of the National Commission on Children, I am proud to support an innovative approach designed to truly achieve full funding of the WIC Program as the Commission recommended in its unanimous bipartisan report in 1991. Working on this Commission was an intense, meaningful experience for me, and I am committed to working diligently to convert the recommendations of the Children's Commission into reality—step by step.

Genuine progress has already been made to implement the Commission's agenda with passage of the reconciliation bill this August. The expansion of the earned income tax credit, the investment of $1 billion in family preservation and family support, and efforts to boldly increase child immunizations are key steps in building a new agenda for children.

Promoting full funding of WIC through the Better Nutrition and Health for Children Act is a natural next step.

This legislation goes beyond WIC by providing greater support for older children through other program changes to promote better nutrition in schools and child care centers.

For schools, the legislation seeks to ensure that Federal dietary guidelines will be met in school lunch and breakfast programs that serve almost 12 million children nationwide, including about 200,000 West Virginia children. But this bill does more than impose requirements on struggling schools by offering real help for schools to achieve this important goal. The legislation provides additional funding for fruits, vegetables, more low-fat dairy products, and lean meat needed to offer nutritious meals.

This bill also invests in educational grants to help schools integrate nutrition education into the general health curriculum from kindergarten through high school.

We hope the combination of nutritious school meals and early education on nutrition will help children develop healthy eating habits that will last a lifetime and promote better health.

Acknowledging the dramatic increase in the need for child care to allow parents to work, the bill expands participation in the Child and Adult Care Food Program by allowing for-profit child care centers to be eligible if 25 percent or more of the children at the centers are from families who meet the guidelines for free or reduced price school meals. I have been working for such a change for several years to ensure that children in child care also get nutritious meals that will help promote health and well-being.

This bill is bold, but necessary. The major investments are in the WIC Program which we know will yield real savings in health care over the long run. While there isn't a cost analysis estimating how much better nutrition for children will promote school readiness and learning, common sense tells us this is true.

The Better Nutrition and Health for Children Act is an important investment in our children and future health care. It deserves bipartisan support and swift action.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1607, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

Pending:

Feinstein amendment No. 1097, to direct the United States Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than 3 offense levels for hate crimes.

AMENDMENT NO. 1097

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN] is recognized.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, last evening I introduced this legislation and today I would like to have the opportunity to speak to it.

I rise to speak to an amendment which is identical in its text to S. 1522, the Hate Crimes Sentencing Enhancement Act of 1993, which I introduced on October 6 of this year. When I did so, I was joined by my colleagues, Senators BOXER, CAMPBELL, INOUYE, and MOSELEY-BRAUN. I am pleased to report that since that time Senators D'AMATO, KOHL, LAUTENBERG, ROBB, DECONCINI, LEVIN, and MURRAY have joined as cosponsors.

Mr. President, this legislation recently passed the House by a bipartisan voice vote. It has strong bipartisan support and it is patterned after State legislation—as a matter of fact, Mr. President, from your State, Wisconsin—which was upheld by the United States Supreme Court in June. It will increase penalties now available for hate crimes under Federal sentencing guidelines.

Mr. President, this legislation is supported by the National Organization of Black Law Enforcement Executives, the Fraternal Order of Police, the National Association of Police Organizations, the Police Executives Research Forum, the NAACP, the Anti-defamation League of B'nai B'rith, the American Jewish Congress, the American Jewish Committee, the National Council of Jewish Women. It is supported by the Religious Action Network of the Union of Hebrew Congregation, by the National Gay and Lesbian Task Force, the Human Rights Campaign Fund, the Organization of Chinese Americans, the Japanese Americans Citizen League, and People for the American Way.

Mr. President, it is based on legislation passed in the early 1980's and it is based on a Wisconsin statute. Forty-nine States filed briefs in support of the Wisconsin law. The Clinton administration also filed a brief in support of this law.

As said by Chief Justice Rehnquist, "This opinion swept away the constitutional doubt that had surrounded the hate crimes issue for a period of time."

The legislation is aimed at conduct. It is not aimed at expression. And that is the difference between this legislation and other legislation.

I believe that it will help combat an escalating problem in our Nation, and I believe it is appropriate and fitting that it be a part of this crime bill.

Crimes in our country which target specific groups have increased and the time has come to see that the Federal Government develops an effective deterrent to these violent assaults simply by raising the stakes for those who would perpetrate these crimes.

In my own State of California, we have had a rash of hate crimes recently. In the past 3 months, there have been four racially motivated firebombings within a square mile in the Capital of Sacramento.

Last month a molotov cocktail was thrown through the front door of the Japanese-American Citizens League office in Sacramento, burning it to the ground. After the bombing an anonymous caller representing the Aryan Liberation Front said, "Anyone who shows support for the JACL will be shot." That has no place in a democracy.

Also last month, in the same city, the home of an elected official, Councilman Jimmy Yee, was firebombed. And, earlier this summer, the Sacramento chapter of the National Association for the Advancement of Colored People and the Congregation B'nai Israel were firebombed.

In one Los Angeles case, disaster was averted when Federal agents and Los Angeles police officers uncovered plots by white supremacists to assassinate Rodney King and prominent African-American and Jewish city leaders, and to blow up the First AME Episcopal Church. That is the African Methodist Episcopal Church. Those of us in California know it well, because it is one of the largest churches in the Los Angeles area.

A man by the name of Christopher David Fisher, the accused leader of the group known as the Fourth Reich Skinheads told authorities that he had participated in three bomb attacks including an attempted bombing of an Orange County synagogue.

In Los Angeles County alone, the level of hate crimes rose 11 percent in 1992 and hit an all-time high—736 incidents, including three murders.

This year they continue to rise. The LAPD reports that during the third quarter of 1993 there have been 165 incidents, a 19-percent increase over the same period in 1992. Things are not getting better. They are getting worse. Perhaps when the economy is difficult, people look out for scapegoats and they practice violence on their scapegoats.

There was a 37-percent increase in racially motivated hate crimes, and a 63-percent increase in hate crimes motivated by sexual orientation.

The Orange County Hate Crimes Network reports that hate crimes increased 25 percent last year. Of 188 cases reported to the Human Relations Commission, 61 were against African-Americans, 41 were against Asians, 25 were against gay men and lesbians, and 19 were against Jews.

But these heinous crimes are not limited to my own States; they are a national problem.

Last year in Texas, there were 339 hate crimes reported, including 6 racially motivated murders.

Last New Year's day, in Tampa, FL, two white men picked out an innocent African-American man by the name of Christopher Wilson, who was attempting to buy a newspaper. He was 32 years old. He was doing nothing other than buying a newspaper. They abducted him, they took him to a field, they doused him with gasoline, and they set him on fire while they verbally assaulted him with racial slurs. This has no place in the United States of America and we must show that it does not. Just recently these two men were convicted.

Last year, in Coral Springs, FL, young Luyen Nguyen, a 19-year-old who came to this country with his family 13 years ago, in search of a better life after the war in Vietnam, was punched and kicked to death by a mob of 15 young men shouting racial epithets.

In 1989, 24-year-old Ming Hai Loo was beaten to death, with the butt of a gun and a broken bottle, in Raleigh, NC.

In May of last year, a suburban Detroit lesbian couple was shot and killed in their front yard by a neighbor who had harassed them for 25 years.

According to the FBI, racial bias motivated 6 out of 10 hate crime offenses reported in 1991. Of those bias crimes, 36 percent were directed against African-Americans.

In addition, the Klanwatch Project of the Southern Poverty Law Center found that the number of white supremacist hate groups increased by 27 percent from 273 to 346 in 1991. I never thought the United States of America would have 346 white supremacist hate groups, in our country. We do today. And that is up 27 percent.

The Anti-Defamation League's 1991 national survey of anti-semitic attacks showed 1,879 incidents of vandalism, harassment, or violence, an increase of 11 percent over 1990 totals. In fact, there was a steady increase in these attacks from 1985 to 1991.

The National Gay and Lesbian Task Force reported a 31-percent increase in antigay and lesbian violence between 1990 and 1991 in five major cities: Boston, Chicago, Minneapolis/St. Paul, New York, and San Francisco.

In a sense there was a clarion call for action that took place in Flint, MI, in 1982, 11 years ago, when Vincent Chin, a Chinese-American, was beaten to death with a baseball bat by two unemployed auto workers because they thought he was Japanese and they resented Japanese-Americans because of the Japan auto industry.

I do not think this Nation can tolerate crimes that are motivated simply by picking somebody out because of skin color, because of sex, because of sexual orientation, because of religion, and beating them up simply because they happen to have a certain belief or they happen to be of a certain color. This also happens to people who are fundamentalist Christians; somebody selects them and comes out and beats them up.

The question is, Can that be stopped? I believe it can be. I believe, by enacting this legislation as part of the crime bill, the U.S. Senate says clearly and definitively we are not going to tolerate this. And the way we are not going to tolerate it is we are going to say what is a hate crime, as defined, which is what this legislation does, and we are going to require the U.S. Sentencing Commission to promote new sentencing guidelines for hate crimes, and we are going to require them to increase the penalty by at least three offense levels if a crime is specifically perpetrated and motivated by hate because of skin color, because of religion, because of sex, or because of sexual orientation.

I believe if our Nation says clearly and definitively we will not tolerate this kind of crime, it will have a deterrent effect. A jury will make a finding of the assault or the murder, and then the jury, if that assault or murder is brought about by hate, will effectively add one-third to the sentence that the individual would receive normally.

I found when I was mayor and we had a rash of fire bombings, that special efforts do work. They do send a message, and the message is we will not tolerate this. That is the message of this legislation. We will not tolerate hate crimes in the United States of America because that is not the concept on which our freedom, the Constitution, the Bill of Rights, or any other document is based in this Nation.

It is based on tolerance, and it is based on a number of different people getting together and being able to live a life of freedom and opportunity in the strongest, finest country in the world.

I believe this is legislation whose time has come. I believe it is legislation that will work. I know there are those who will deride it. I know there are those who will say, Why should we do this? Why should we not do it for somebody who is hearing impaired? Why should we not do it for somebody who is disabled?

The point of this is there is a problem out there; these crimes are increasing. I remember in San Francisco when I was home last, right across the bay a young Asian student gets off a BART train and he is shot dead. He is not robbed, he is just shot dead. We have to stop this from happening.

Particularly at a time when there is great dialog over immigration, we have to say clearly we will fight those battles in these Chambers but we will not tolerate somebody going out and murdering or viciously beating someone simply because they are black or Asian or Catholic or Protestant or Jewish or fundamentalist Christian or gay. That is not what this Nation is about.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1098 TO AMENDMENT NO. 1097

(Purpose: To confirm the original intent of Congress in enacting sections 2252 and 2256 of Title 18, United States Code)

Mr. GRASSLEY. Mr. President, on behalf of Senator ROTH and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. ROTH, for himself, Mr. GRASSLEY, Mr. THURMOND, Mr. COATS, Mr. HATCH, Mr. NICKLES, and Mr. HEFLIN, proposes an amendment numbered 1098 to amendment No. 1097.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment insert the following:

SEC. . CONFIRMATION OF INTENT OF CONGRESS IN ENACTING SECTIONS 2252 AND 2256 OF TITLE 18, UNITED STATES CODE.

(a) DECLARATION.—The Congress declares that in enacting sections 2252 and 2256 of title 18, United States Code, it was and is the intent of Congress that—

(1) the scope of "exhibition of the genitals or pubic area" in section 2256(2)(E), in the definition of "sexually explicit conduct", is not limited to nude exhibitions or exhibitions in which the outlines of those areas were discernible through clothing; and

(2) the requirements in section 2252(a)(1)(A), (2)(A), (3)(B)(i), and (4)(B)(i) that the production of a visual depiction involve the use of a minor engaging in "sexually explicit conduct" of the kind described in section 2256(2)(E) are satisfied if a person photographs a minor in such a way as to exhibit the child in a lascivious manner.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in filing its brief in United States v. Knox, No. 92–1183, and thereby depriving the United States Supreme Court of the adverseness necessary for full and fair presentation of the issues arising in the case, the Department of Justice did not accurately reflect the intent of Congress in arguing that "the videotapes in [the Knox case] constitute 'lascivious exhibition[s] of the genitals or pubic area' only if those body parts are visible in the tapes and the minors posed or acted lasciviously.".

Mr. GRASSLEY. Mr. President, also—I just got word of this—Senator HEFLIN wants to be a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the amendment offered by the Senator from Delaware, the Senator from Iowa and others, is offered in response to the reversal of a very longstanding Justice Department position dealing with child pornography. The Justice Department has just filed legal briefs containing arguments that, if these arguments are adopted by our courts, will threaten the right of every child to be free from sexual exploitation.

We passed legislation in 1984 to protect children from sexual exploitation. We entitled that the Child Protection Act of 1984. In that act, we said what we meant and we meant what we said. Congress prohibited using minors in pornographic materials. We did not require that those children being used for pornographic purposes be nude. We recognized that young children—we recognized at that time and I think we still recognize—that young children in their innocence often do not appreciate the significance of their acts. So we prohibited materials that used the minor engaging in lascivious displays of their private parts. We did not require that the minor herself intend to act lasciviously. Of course not. No young child even knows what it means to act lasciviously.

The relevant intent has always been that if the pornographer poses a child in a lascivious manner, the material is child pornography. The person's intent that matters is that of the criminal, not that of the innocent child.

The Justice Department's view of the statute, however, would create a safe harbor for child pornographers and for pedophiles. Any covering, however skimpy that covering might be, would preclude application of the statute if we let the Department's present point of view stand. But if the pornographer zooms in a long time for a closeup of the minor's private parts, the material would not then be criminally prohibited, if we follow the Department of Justice's new view of this 1984 statute.

Further, the Department also would create a safe harbor for child pornography so long as the child herself did not pose lasciviously. Child exploiters could drive a truck through the holes in the statute that that interpretation, by our present Department of Justice, will open.

The Roth-Grassley amendment will put Congress on record to reaffirm the original intent of the Child Protection Act of 1984. I had quite a bit of involvement in the passage of that act in 1984.

Nudity is not required for the material to be child pornography, and the relevant actor—and this is the most important thing—the relevant actor who must act lasciviously is the pornographer, not the child.

Moreover, the amendment declares the sense of Congress that the Justice Department's brief that was filed in the case of Knox versus United States misconstrued congressional intent in enacting the Child Protection Act of 1984. Mr. President, we have heard that unless the Department's reversal of its position is adopted, people who produce lingerie advertisements will be criminals. Now how foolish of an argument. Strictly nonsense. Advertising producers do not intend to pose children lasciviously. The first amendment does not protect child pornography—the Supreme Court has been very clear on that—as it does not protect obscenity. And there is no truth to the claim that the first amendment requires the Government's new interpretation of this statute.

Mr. President, I think we need to ensure that children are protected from those who would exploit and those who would abuse the children to make profit off the sick preferences of pedophiles. In fact, we passed legislation in 1984 to prevent these very evils from ever occurring in the first place. Today, this Justice Department, despite its often-expressed deep concern for children, threatens to jeopardize the Government's ability to punish those who exploit our Nation's children.

So I hope that all my colleagues will join Senator THURMOND, and the ranking Republican on the committee, and now it is bipartisan with Senator HEFLIN, and Senator ROTH, who has a longterm interest in child pornography, and myself in again expressing the view that Congress in 1984 did, in fact, outlaw these materials regardless of the nudity of the child and regardless of whether the child actually intended to act lasciviously.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I am pleased to join with my distinguished colleague from Iowa in this amendment. I want to acknowledge his leadership in this important matter that has been longstanding from his service in the Senate.

As the distinguished Senator from Iowa said, the Roth-Grassley amendment expresses the sense of the Senate in opposition to the Supreme Court brief filed by the Department of Justice in September 1993 in the child pornography case of Knox versus United States.

I believe the Knox brief is a travesty and a tragedy. It is a travesty in that it completely misrepresents congressional intent in passing the Child Protection Act of 1984. It is a tragedy because it creates a huge new loophole in our child pornography laws which will likely lead to a flood of child pornography and sexual abuse of children.

I do not make these assertions lightly.

The Clinton Justice Department in the Knox brief asked the Supreme Court to set aside a judgment upholding the second conviction of a man who had already previously been convicted under the Federal child pornography laws. The Justice Department told the Supreme Court that the appeals court has used "an impermissibly broad standard" to interpret and apply the law. The Clinton administration maintained that the appeals court should be ordered to reconsider the case under a narrower standard. In a reversal of its previous interpretation of the Federal child pornography statute, the Justice Department argued that this narrower standard meant nudity or visibility of genitals is required for conviction; and that the material "must depict a child lasciviously engaging in sexual conduct," as opposed to lasciviousness on the part of the photographer or consumer.

Mr. President, this new definition, invented by the Justice Department out of whole cloth, is most disturbing. Many children who are exploited for child pornography are too young to understand what they are doing, much less understand what lascivious behavior or even what sex is. Does the Justice Department now expect that under its new standard prosecutors will have to locate and interview young children depicted in pornographers' films so that prosecutors can determine whether they thought they were acting—that is, whether the children thought they were acting—lasciviouslsy? Obviously, that would be impossible, and it would be ludicrous.

Why do I call this outrageous Department of Justice action a flip-flop? Because in March, 1993, the acting Solicitor General filed a brief in the Knox case arguing that the third circuit had properly upheld the convictions and that the legislative history supported that Court's decision. But in December 1993, the new Solicitor General filed a brief arguing precisely the opposite.

Unfortunately, when confronted with the Department's flip-flop brief, the Supreme Court, figuratively speaking, threw up its hands. Since the prosecutor and the pedophile were now on the same side, the Supreme Court on November 1 dismissed the petition for certiorari, vacated the third circuit opinion and remanded the case for reconsideration in light of the flip-flop brief filed by the Solicitor General.

Will Department of Justice prosecutors vigorously pursue the Knox case now that the strong antipornography opinion of the third circuit has been vacated? That is a question the Attorney General will have to answer, but here is what the New York Times reported about the Knox case on November 2, 1993:

> The order that the Court issued today instructed the Third Circuit, which sits in Philadelphia, to reconsider the case in light of the Government's current position. Before the appeals court does that, however, Federal prosecutors are likely to drop the prosecution. Government lawyers who have seen the tapes at issue have said privately that they fall well below the standard for prosecution described in the Government's new definition.

Yes, that is the tragedy. The Solicitor General, in filing this brief, has now set a new standard which all Federal prosecutors will presumably have to follow. How many child pornography cases now under investigation or prosecution will have to be dismissed under this new standard? The Attorney General will have to answer that question. But, according to the former head of the Department's Child Exploitation and Obscenity Section, much or even most of the Justice Department's child pornography prosecutions would have to be dismissed under this new standard.

What was the pornography involved in this case? The key holding of the third circuit was that, under Federal law, "clothed exhibitions of the genitalia are proscribed" when "a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles." That is exactly what the facts show happened in this case.

This is how the video tapes involved in this case were described by the Justice Department in its first brief: The tapes showed various females between the ages of 10 and 17 dressed in bathing suits, leotards, underwear, and other similar attire. The children struck provocative poses, apparently at the direction of someone off-camera. The camera would typically zoom in on the children's pubic and genital areas and display a closeup of that area for an extended time. The tapes themselves and the promotional materials showed that the tapes were designed to pander pedophiles.

An advertising catalog for these tapes included the breathless description of—I am quoting—"bathing suits on girls as young as 15 that are so revealing it's almost like seeing them naked (some say even better)."

Mr. President, I was one of the original Senate sponsors of antichild-pornography legislation with some of my efforts dating back to 1977. I took an active role in the passage of the 1984 Child Protection Act. In 1986, after a 2-year probe, which I directed, the Permanent Subcommittee on Investigations issued a report on the relationship between child pornography and the sexual abuse of children. The key findings of the investigation were that child pornography plays a central role in child molestations by pedophiles. Child pornography is used by pedophiles to justify their own conduct, to assist them in seducing their child victims, and sometimes as a means to blackmail the children they have molested in order to prevent exposure.

When Congress passed the 1984 anti-child-pornography legislation, we meant to stamp out the business of child pornography in this country and to stop the sexual exploitation of our children by pornographers and pedophiles. Until now, the legislation and enforcement efforts have been remarkably successful. But now the Clinton Justice Department's brief represents a major setback to these efforts. It is no exaggeration to say that the Justice Department has created a giant loophole that has the potential for resuscitating the child pornography industry in the United States. Why is the Department of Justice pursuing this course of action when Attorney General Reno has made prevention of abuse of children a top priority of her Department? We need some answers to these questions. In the meantime, we need to pass this amendment and send a message to the Department of Justice. We want child pornography laws enforced. We do not want new loopholes created for the benefit of pedophiles through strained interpretations of legislative history.

Our children want justice from the Justice Department.

Mr. President, I have sent a letter to the Attorney General in which I respectfully request answers to a number of questions. I would just like to read what those questions are.

One, Will the Department of Justice stop prosecution in the case of United States versus Knox? Two, Will the Department of Justice prosecutors be required to follow the standards set forth in the Knox brief when undertaking future prosecutions of child pornography cases? Three, Will any current prosecutions be terminated because of the new standards announced in the Knox brief? If so, how many and in what district? Four, Will any pending investigations be terminated because of the new standards involved in the Knox case? If so, how many and in which districts? And, five, Will the Department of Justice have under consideration plans to eliminate or merge the child exploitation and obscenity section of the criminal division?

Mr. President, I think we can all agree that child pornography is a most sensitive and important issue. It is one that the Supreme Court recognizes we have a right to prevent, to avoid.

I hope that the Senate will unanimously adopt the amendment proposed by Senator GRASSLEY and myself.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me begin by complimenting my colleague from Delaware and my friend from Iowa.

As the author of this legislation, the Biden-Thurmond bill that is being referred to here and has been interpreted by courts, I stand here to say that our intention was as outlined by my distinguished friends from Delaware and Iowa.

If, in fact—to answer the Senator's, my senior colleague's, questions relative to the Justice Department—if, in fact, after passing this resolution, which I believe we are prepared to accept, and I expect will pass, if not unanimously, near unanimously, if we vote on it; if, in fact, the court, the lower court, and/or the Supreme Court at the urging or absent the urging of the Justice Department concludes that it is still not the intent, I can assure my colleagues, and I know Senator GRASSLEY as a member of the committee would need no urging, that I will along with him and move to amend the Biden-Thurmond legislation to make it clear that this was not intended.

There is only one point of departure I have with some of the things that we have said today. The truth of the matter is this is an exceptional case. The truth of the matter is the most serious child pornography cases that we are attempting to deal with and have dealt with through this legislation over the last 7, 8, 9 years, whatever it has been, are attempts that relate to incredible exploitation of children.

So although this is, in my view, a misinterpretation of what was intended by Congress, and clearly by the author, one of the two authors of the legislation, it is in fact not nearly the hole through which child pornography will be driven. But, nonetheless, it should be filled, it should be blocked. That hole should be closed. And I sincerely hope that when we pass this amendment, and as I understand it, although I was necessarily absent from the floor for about 6 or 7 minutes when my distinguished colleague from California yielded the floor on her hate crimes amendment, this was a second degree to the hate crimes amendment. Is that correct?

Mr. ROTH. That is correct.

Mr. BIDEN. If I can kill two birds with one stone, as they say, I would like to take a few minutes to speak to the hate crime amendment. I hope that we can pass the underlying amendment and the controlling amendment here by unanimous consent or by voice vote, or get a vote quickly on it if there is an insistence on a roll call vote.

I want to compliment my friend from California. Although she has significant experience in Government, she has been here only a little while and already has taken a lead on law enforcement issues in the criminal justice system in trying to deal with crime in this country. For that, I compliment her, and I might add, her efforts are prodigious and unrelenting. I love seeing her, but I see her more than I ever anticipated seeing her. And, on occasion, I see her, with requests to deal, relative to anticrime legislation, with the rare occasions when we disagree.

But I have found whether I agree or disagree with her, it is irrelevant. It in no way loosens her fervor for her point of view. But all kidding aside, she is an incredible welcome addition to this effort. And I cannot tell her how much I appreciate her effort.

Let me speak specifically to her amendment very, very briefly.

Mr. President, I am pleased to support the amendment offered by the Senator from California. Her amendment confronts a subject that has rightfully received substantial recent attention: Crimes committed because of the race, sex, religion, national origin, ethnicity, color, or sexual orientation of the victim.

Throughout the country, in cities and rural communities, on college and university campuses, and elsewhere, incidents of hate-motivated conduct are on the rise. This is a serious crime problem—one that deserves special attention due to the compounded burden on victims who are targeted because of who they are.

Through this amendment, we can take a stand against violence motivated by hatred.

The amendment is consistent in this sense with my Violence Against Women Act, which would give the victim a civil cause of action for acts of violence motivated by gender.

The language is appropriately limited, in that it requires clear proof of the hate-based motivation for the crime prior to permitting any sentencing enhancement. And it has been carefully drafted to comport with the requirements of the U.S. Constitution.

The amendment punishes hate crimes, not hate speech. In this respect, it is substantially similar to the Wisconsin statute upheld by the Supreme Court this past summer in the case of Wisconsin versus Mitchell. Let me speak for a moment about the Court's precedents, which distinguish these two categories of hate speech and hate crime.

In its 1992 decision in the case of R.A.V. versus City of St. Paul, the Supreme Court invalidated a hate speech law used to prosecute a person for burning a cross on the lawn of a black family.

The law purported to criminalize displays of symbols—including burning crosses and nazi swastikas—that cause injury on the basis of race, sex, creed, color, or religion. The courts construed this statute to proscribe certain fighting words—a category of speech exempt from first amendment protection.

The Supreme Court struck down this statute because it punished some fighting words, and not others—because the statute punished based on the content, or viewpoint, of the speech.

For example, the statute criminalized fighting words that insult and injure based on gender, but it permitted fighting words that inflame and injure through insults about a person's mother, or her neighborhood, or all manner of other matters unrelated to race, sex, religion, creed, or color.

In contrast, the Supreme Court upheld the hate crimes statute in Wisconsin versus Mitchell. Like the amendment offered by the Senator from California, the Wisconsin statute enhanced criminal penalties when the victim is selected on the basis of his or her race, religion, color, disability, sexual orientation, national origin, or ancestry.

Because the statute enhanced penalties for otherwise unlawful conduct, the Court concluded that the law properly punished underlying criminal conduct. A criminal's motives, the Court reasoned, have traditionally been considered in determining a penalty.

This amendment introduces nothing new or unusual into our law. In punishing conduct motivated by hatred, the amendment is not unlike the vast array of noncriminal civil rights statutes already on the books—statutes that prohibit certain conduct based on race or sex or religion.

So, again, I am pleased that this amendment comports fully with the Supreme Court's holdings in this area. Like the Wisconsin statute, this amendment addresses itself solely to criminal conduct and enhances penalties based on the criminal actor's motives.

I thank the Senator for her sponsorship of this amendment and look forward to supporting it.

Mr. President, the language of the Senator from California that she has introduced in her hate crimes legislation is appropriately limited in that it requires clear proof of a hate-based motivation for the crime prior to permitting any sentencing enhancement, and it has been carefully drafted to comport with the requirements of the U.S. Constitution, something that is not always done here on the floor.

The amendment punishes hate crimes, not hate speech. In this respect, it is substantially similar to the Wisconsin statute upheld by the Supreme Court this past summer in the case of Wisconsin versus Mitchell. When the Supreme Court upheld that statute, like the amendment offered by the Senator from California, the Wisconsin statute enhanced criminal penalties when the victim is selected on the basis of his or her race, religion, color, disability, sexual orientation, or national origin or ancestry.

So again, I am pleased that this amendment comports, in my view, fully with the Supreme Court's holdings in this area. Like the Wisconsin statute, this amendment addresses itself solely to criminal conduct and enhances penalties based on the criminal actor's motive.

I thank the Senator for her sponsorship and leadership.

I point out that the ranking member of this committee has worked more on hate crimes legislation and helped fashion constitutionally permissible legislation more than the Senator from Delaware has, or I suspect one or two other people on this floor, or as much as anyone.

So I compliment him for having brought us this far along in the legislation over the past 2 years. I think and I hope that he will agree that the amendment of the Senator from California here is a worthy constitutional and necessary addition at this point.

So I suggest that—I will yield in just a moment to anyone; but my colleague from Utah—I suggest that we pass both the hate crimes amendment and the underlying, the additional amendment attached to it relative to child pornography.

I think they are both in order. They are both appropriate. I would like to see them both move very quickly so we can move to the next 7,487 amendments I expect are going to be offered on this bill.

I yield the floor.

Mr. HATCH. Mr. President, I want to thank my colleague from Delaware for his kind remarks with regard to both of these amendments. I intend to speak on both of them in just a few minutes.

I ask for the yeas and nays on the Grassley-Roth-Hatch amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I want to compliment my two colleagues from Iowa and Delaware. I do not know of a more important issue in the whole crime area than worrying about combating child pornography.

I join with them on this amendment because I think it makes a lot of sense. I want to compliment the distinguished Senator, the chairman from Delaware, for his willingness to make sure that the Justice Department's interpretation does not become the law of this land.

I will also support a second Grassley amendment to combat child pornography, which I understand will be offered later. Child pornography is an evil that no moral society can tolerate.

Its victims, which are young children worldwide, who are exploited are especially vulnerable. The second Grassley amendment would provide a penalty for international trafficking in child pornography. The international market for child pornography has, sadly, continued to grow. This amendment is needed to help put an end to this horrible business.

The Grassley amendment would also increase other penalties for child pornography and would encourage States to combat child pornography. The Clinton Justice Department, as has been explained, has shown that it is not serious about combating child pornography. Its position on the child pornography statute recently before the Supreme Court is simply bewildering. With an administration that appears unconcerned about the spread of child pornography, it is all the more important that we in Congress act strongly on this issue.

I want to associate myself with the remarks of the distinguished Senators from both Iowa and Delaware, Senator GRASSLEY and Senator ROTH, in describing what really has happened. I think it is abominable that we have to be in a position where the Government is siding with the position and the defense of the pedophiles and of the child pornographers, rather than siding with the position and the beliefs on the side of the child and the clear intent of the law. It is pretty apparent what the photographs were for, and it was pretty apparent what the videotape was for. It is pretty apparent what they are trying to do.

Frankly, the antichild pornography bill is one that I have been a sponsor of and have helped to put through the Congress, and I do not see how anybody could interpret it the way the administration and the current Justice Department is interpreting it.

So I hope that we pass this amendment, and if the Justice Department continues to take the position that it has, I will join with our distinguished chairman of the committee, and we will do what we can to make sure there is no question on the interpretation of the statute that we have passed in the past.

Mr. President, I also want to spend a few minutes on the hate crimes amendment of the distinguished Senator from California—that is, the underlying amendment, the pending Feinstein amendment. It is similar to the Hate Crime Sentencing Enhancement Act which she introduced—I was a leading cosponsor of that—which passed in the 101st Congress. There was a time when we questioned that we could even get it through the U.S. Senate. But finally we had the guts to bring it up and we got it through.

There has been a lot of criticism of it, but it was the right thing to do. That legislation directed the Department of Justice to keep records on a number of reported hate-based crimes, so at least we know how bad it is in our society; they are in the process of doing that now.

This amendment by the distinguished Senator from California—a new addition to our Judiciary Committee, but one who has I think made a difference since she has been on the committee—would require the sentencing commission to amend its guidelines or promulgate new guidelines for enhancing the penalties for crimes motivated by hate by at least three offense levels. The amendment describes hate crimes as "a crime in which the victim or property against which the crime is committed is intentionally selected on the basis of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person."

I want to be clear about what this amendment is about and what it does. It does not federalize hate crimes; nor does it create a Federal hate crime statute. Instead, it simply provides for enhanced penalties for existing Federal crimes if they are motivated by hate. It is estimated that an enhancement of three severity levels would, on average, increase sentences by one-third.

For example, a Federal assault conviction brings with it a base offense level of 6 which translates into zero to 6 months imprisonment. An increase of three levels to offense level 9 would result in a sentence of 4 to 10 months. Sentencing enhancements under the guidelines are already in place for other serious relevant conduct. For example, if the victim of an offense was unusually vulnerable due to age or physical condition, the sentencing guidelines increase the penalty. If the victim was a Government employee, the guidelines require an enhanced penalty. This amendment is consistent with existing victim-based sentencing enhancements.

The constitutionality of this provision is clear. In Wisconsin versus Mitchell, a 1993 case, the Supreme Court unanimously held that carefully constructed laws providing for stiffer sentences for criminals that commit hate crimes do not violate the first amendment. In the Mitchell case, the court upheld a statute similar to the Feinstein amendment.

Regarding sexual orientation—I appreciate the view of some of my colleagues that we should remove the sentencing enhancement for crimes based on "sexual orientation." Yet, in my view, violence based on sexual orientation is just as repugnant and immoral to me as hate based on religion, race, or some other sort of bigotry. Although I may not approve of their lifestyles—and I do not—homosexuals are as entitled as anybody else to be free from violence based on the characteristics that hatemongers may target. I have a rough time seeing how anybody can argue with that.

Let me ask the distinguished Senator from California a question. Unlike other guideline enhancements which are proved by a preponderance of the evidence during the sentencing phase of the trial, under this amendment the enhanced penalties would only apply when a hate crime was proved beyond a reasonable doubt. So there is a definite distinction in this hate crimes amendment.

The enhanced standard of proof, in the eyes of many, could be a troublesome precedent. Can my colleague please explain why there is an enhanced burden of proof for these sentencing enhancements in this particular case with regard to her amendment?

Mrs. FEINSTEIN. Mr. President, I would be happy to answer that question. I think there are two reasons. A fundamental reason is: In order to put together the bipartisan support in the House, Congressman EDWARDS and Congressman HYDE worked together on this legislation. They raised the standard of proof to be certain that the crime was motivated beyond a reasonable doubt on the basis of race, creed, color, sexual orientation. And so that is the reason that we took similar language to the House.

It is my belief that the legislation now has a very good chance of surviving, because the House raised the burden of proof, and we are also raising the burden of proof.

Mr. HATCH. I appreciate my colleague's comments. The feeling on the part of some is that this new standard could also apply in other cases like drug offenses.

In other words, defense lawyers can say if you did it for hate crimes, then you have to do it for drug offenses. None of us wants to see that. It could be argued that Congress signals that a higher standard should apply to all or some penalty enhancements. We do not want that. The practical effect of this provision is that the courts could be required to impanel juries to determine whether a defendant's conduct was related to sentence enhancements.

I happen to agree with my friend and colleague from California and the two leaders of the House, Congressman EDWARDS and Congressman HYDE, who are both friends—not that that makes a difference, because I agree with them whether or not they are friends. They are doing a very thoughtful thing here. What they are basically saying is that hate crimes are difficult to establish and define. They really take some effort. And because they are difficult, it is better to have that higher standard of beyond a reasonable doubt in the area of hate crimes. And they are carving that out specifically and only for the area of hate crimes. I do not want anybody to make any mistake. There are arguments to try and apply that to all other crime enhancements other than hate crimes, and I am going to fight that with everything I have.

But I agree with what the distinguished Senator from California has done, and I agree with her explanation, which I think makes a very effective and fair assertion of what she really is trying to do and what our colleagues in the House are trying to do.

These are hate crimes. There are some people who have difficulties because it is a nebulous area. There could be more opportunity to accuse someone of a hate crime where maybe the accusation should not be made. Therefore, I think it is an appropriate carve-out or very narrow exception to penalty enhancement, sentence enhancement that I think is highly justified under the circumstances.

I just wanted to establish that from the mouth of the principal sponsor. So I appreciate her comments on that.

Mr. President, I have mentioned about the anti-child-pornography amendment. I think this is sending a message to this administration and the Justice Department we are not going to tolerate the interpretation the Solicitor's office made in the Knox case. I think this is as nice a way of sending that message as I know. If they do not get that message, then we are going to change the law to make it even more clear that we are not going to tolerate this type of pedophilia and this type of child pornography and this type of exploitation of children.

So I hope that we will all support the distinguished Senator from Iowa and the distinguished Senator from Delaware and others like myself who are cosponsors of this amendment.

At this point, I ask unanimous consent that Senator KASSEBAUM also be added as a cosponsor of the Roth-Grassley-Hatch sense-of-the-Senate amendment on child pornography.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. May I be a cosponsor?

Mr. GRAMM. Mr. President, add me as a cosponsor.

Mr. HATCH. Mr. President, I also ask unanimous consent that the distinguished Senator from California [Mrs. FEINSTEIN] and also the distinguished Senator from Texas, Senator PHIL GRAMM, be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Thank you.

I just want to say that both of these amendments are important. Both of these amendments should pass. I do not see any good arguments against either of these amendments. I hope all of us will vote for both of them and send a message throughout this society we are not going to tolerate the interpretation of the Justice Department and the Solicitor on this matter on child pornography and not going to tolerate hate crimes in this society. Where they are already in the law and we can prove there was a hate crime involved beyond a reasonable doubt, then there ought to be sentencing enhancement. I agree with that.

And with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise to join as a cosponsor of the Roth-Grassley-Hatch sense-of-the-Senate resolution expressing concern over the most recent actions of the Solicitor General in the area of child pornography.

Senator GRASSLEY and I recently circulated a "Dear Colleague" letter, obtaining the signatures of close to 30 Senators, which was addressed to the Attorney General expressing our concern regarding the change that the Department of Justice has taken in the case of United States versus Knox.

I continue to be disappointed with the Justice Department's recent maneuvering in the case of United States versus Knox and believe that we in the Senate must express our misgivings about these actions. In doing so we must affirm our support for strict antichild-pornography legislation, which was adopted in 1984. I was a sponsor of the legislation commonly known as the Child Protection Act. I believe Congress set forth proper standards in the Child Protection Act, standards that still need to be respected today.

Mr. President, I find this policy change on the Department of Justice very troubling.

I believe that the arguments in the brief filed by the Department of Justice constitute a disregard of the intent of Congress when enacting legislation which clearly prohibits the receipt and possession of child pornography. In essence, the statutory law does not allow for the interpretation currently being promoted by the Department. This reversal of policy by the Department of Justice will give child pornographers wide latitude and allow for the exploitation of our Nation's children.

The most recent position taken by the Department of Justice holds that this statute is not applicable unless specific body parts are discernible. It additionally states that the child must engage in sexually explicit conduct. Again, neither of these new positions support the statutory language of the Child Protection Act of 1984. The language of this act clearly prohibits the "producing of the visual depiction involving the use of a minor." In essence, the Department of Justice's approach takes the burden off of the pornographer and places that burden on the child.

I am deeply disturbed by these actions of the Solicitor General. Congress should do all in our power to protect the children of this Nation, and yet the most recent actions by the Department of Justice moves us in the wrong direction.

I urge my colleagues to join in support of this resolution.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank you for recognition.

Let me first say that I rise in strong support of both the underlying amendment and the second-degree amendment.

The underlying amendment focuses on something that we all agree on, and that is crime is a terrible thing under any circumstance, but when it is driven by hate, when it singles out people based on prejudice or bigotry, we ought to put additional punch in the penalties.

I think this is a good amendment. I congratulate the distinguished Senator from California for working with Members of both parties in both Houses to come up with a workable amendment, and I intend to support it.

The second-degree amendment is an amendment which I have cosponsored, and it is basically saying to the Clinton Justice Department we are tired of child pornography and we want to punish those who produce it or profit from it and we want to go after it with as much force as we can muster.

So I support both of those amendments.

I wanted to take this opportunity to talk about the crime bill and to talk about issues that are coming up, but before I do, Mr. President, I want to say something about an amendment that we voted on just last week, an amendment that is going to be voted on in the House today. And I would like to alert my colleagues to the fact that we have had a scoring of that amendment by the Congressional Budget Office.

As many of our colleagues will remember, Senator GRASSLEY and I offered an amendment to enforce the President's reinventing Government provision by putting a cap on total Federal employment and mandating in law that there be a reduction of 252,000 Federal employees over 5 years through attrition; that there be established a system where quarterly the Office of Management and Budget would report on the achievement of this goal; and that there be an automatic trigger that kicks in a hiring freeze if the President's goal is not being met. That amendment, I am happy to remind my colleagues, passed in the Senate 82 to 14.

That provision is being taken up today at 1 o'clock in the House. There will be a motion to instruct conferees.

I wanted to let my colleagues know that when members of the Ways and Means Committee of the House asked the Congressional Budget Office to score that amendment to determine how much savings would accrue if we actually fulfilled its objectives, the Congressional Budget Office estimated that the enactment of the amendment that I offered with Senator GRASSLEY would save $21 billion over the next 5 years.

So I wanted to let my colleagues know about that. I think it is very important that that amendment become the law of the land. There will obviously be an effort to defeat it by those who do not support the President's objective of reinventing Government, cutting red tape, reducing the size of the bureaucracy, but as our vote in the Senate shows there is very strong support here.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. BYRD. Mr. President, I am aware of what the distinguished Senator has said with respect to the Congressional Budget Office and the position he has taken vis-a-vis scoring and the amounts of money involved. I was alerted to that this morning. Because of that, I plan to offer an amendment to the crime bill that will certainly provide a way by which it may be funded. I may not be for the current bill and I may be for it. I certainly recognize the terrible problems that confront this country, this city, and every other city in the country.

There may be some aspects of the bill that I would rather have changed, and I will vote to change. But inasmuch as the distinguished Senator has made this statement with respect to the Congressional Budget Office, the Ways and Means Committee of the House, and the amendment which was recently offered by the Senator from Texas, which I voted against, but it passed, it passed the Senate, and I was just over here to tell the chairman, Senator BIDEN, that I was working on an amendment which would provide the funding.

I also told him there might be some aspects of the bill that I want to rewrite. I do not necessarily commit myself to vote for this bill, and I do not even want by that to imply that I am 90 percent against it, but I do want to try to help to find the money for a crime bill.

I notified him of that. I just want to notify the Senate of that also, and I thank the distinguished Senator for yielding.

Mr. GRAMM. Mr. President, I am always happy to yield to the distinguished chairman of the Appropriations Committee.

Let me just begin where he left off. First of all, I want to congratulate the chairman of the Judiciary Committee and the ranking member for bringing this bill to the floor. I think if there is one issue in America that people feel strongly about and an issue which has no tint of partisanship, at least in the minds of the American public, it is crime.

I think the American people are outraged that people of this country are brutalized by violent criminals. When we look at the headlines of our newspapers today, we see almost endless accounts of brutal attacks on law abiding citizens, of violent murders, and almost always they have one thing in common.

We all were shocked by the lady near Washington, DC, who was brutally murdered in a carjacking and her body was dragged for a mile and a half and her baby was thrown out in the street. In fact, we were so shocked that we responded to that by passing a law making it a Federal crime to engage in carjacking.

Needless to say, the whole Nation was shocked and outraged by the murders that have occurred in Florida. Michael Jordan's father being brutally murdered was something that caught the attention and I think touched the heartstrings of every American. There are literally thousands of these cases.

Almost every one of these cases has one thing in common. What it has in common is the people that brutalized other people, the murderers, were people who should have been in prison. They were people who had already been apprehended, who had already been convicted, who had already been sentenced and, had they been serving the sentence they deserved, they clearly would have been behind bars and they could not have brutalized and murdered the people that they killed.

But what happened was, because our criminal justice system is not working, in all of these cases, people who should have been in prison were walking the streets because they had not been kept in prison where they belonged.

It seems to me that one issue that must be addressed in this crime bill is this revolving door problem we have in the criminal justice system, where violent criminals go in one way and they are spun out almost instantaneously going in the other direction. There has to be something we can do to stop our bleeding Nation from being brutalized by violent criminals.

I think there are two things we need to do, and I am going to offer amendments some by myself, some in conjunction with others, that are aimed at achieving both.

First of all, we need to build more prisons.

I am delighted to hear the distinguished chairman of the Appropriations Committee talk about funding this bill.

One fundamental difference on the crime bill is a difference as to whether we should promise money or whether we should provide it. My view is we ought to provide money at least to build prisons.

I know most people do not understand the distinction between authorizing and appropriating. When we authorize, we promise to spend money. We say that it is our intention to spend money, but we do not actually provide any money. The bill that is before us authorizes substantial sums of money to be spent in hiring police officers and engaging in numerous activities. But the bill before us does not provide one thin dime to do anything about our problem, because the bill before us simply authorizes the expenditure of money. It does not appropriate funds to spend.

I am hopeful—in fact, listening to the distinguished chairman of the Appropriations Committee, I am very encouraged—that we may be able to find a way to fund this bill so that we are not just promising that we are going to do something about crime in the sweet by-and-by but that we are actually doing it now.

One of the areas where I am determined that we will actually provide money is building regional prisons. I know it is expensive to put people in prison. I have seen estimates that range up to $25,000, $35,000, in some cases as much as $80,000 a year, which seems outrageous to me. But we have these high costs of keeping people in prison, in many cases, because the Federal courts have mandated conditions in prisons that are not met in the military and that are not met by many people who are actually working for a living in America.

But my point is this. A violent predator criminal, in many cases committing 100 crimes a year, is imposing half a million to $1 million of cost directly on society a year, not counting the pain and suffering imposed on our fellow citizens by violent crime. I think that we have to build prisons, we have to have honesty in sentencing so that we know that when somebody is apprehended, when someone is convicted, when someone is sentenced for a violent crime in America, we know they are going to serve the time in jail that they have been sentenced to.

Under an amendment that I will offer with others, we will propose building 10 regional prisons. We will enter into a contract with State governments to share these prisons with the Federal Government for the purpose of incarcerating violent criminals.

In order for States to participate, they will have to adopt a truth-in-sentencing provision so that, when someone in that State is sentenced for a violent crime, they have to serve that sentence. This is a very important provision and it really has two parts.

First, we are going to propose cutting existing spending on Government overhead by $3 billion in order to fund this provision now. We are not going to be promising to build Federal prisons. We are going to be building Federal prisons. I think that is a very important distinctions and I do not think it will be lost on the American people.

Second, in order to participate in this program, we want States to have a truth-in-sentencing provision which they must adopt to guarantee to their people that, in return for being able to share this prison capacity with the Federal Government, the States will be responsible for paying part of the cost of incarceration, we want them to adopt minimum mandatory sentencing. I think that is vitally important. And I am not going to be supportive of any effort that does not do that.

Now, I want to talk a little bit about minimum mandatory sentencing.

I am very concerned that the President came into office, cut prison construction in his budget by $580 million, and then immediately the President, the administration, and the Attorney General started talking about overturning minimum mandatory sentencing. I believe the American people support minimum mandatory sentencing. I believe the American people are committed to the principle that violent criminals and drug felons when they are convicted ought to go to prison and they ought to serve the time in prison prescribed for their crime. I believe that our effort in the last 10 years to eliminate parole in the Federal system and to have minimum mandatory sentencing is strongly supported by the American people.

My message to the President is, there is no possibility that the Congress is going to overturn minimum mandatory sentencing. In fact, we are going to adopt, in my opinion, more minimum mandatory sentencing in this bill. I want 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony. I want 20 years in prison without parole for discharging that firearm. I want minimum mandatory life in prison for killing somebody with a firearm during the commission of a violent crime or a drug felony. And finally, in aggravated cases, I want the death penalty. And I believe the American people support this provision.

We are going to offer later today, and I believe the Senate will adopt as it has in the past, a three-time loser provision. I believe the American people are tired of violent criminals being convicted over and over and over again and still be walking the streets brutalizing the Nation.

So we want a minimum life imprisonment term for someone who has been convicted of three violent crimes or drug felonies or any combination of those two crimes. The time has come, it seems to me, to put violent predator criminals in prison where they belong, and I believe the American people strongly support that. I hope the administration will realize that they are on the wrong side of this issue and the American people have spoken very clearly on this issue. I think they spoke very clearly in Tuesday's election. I think crime was a major issue in Virginia, and I think the position taken by the candidate who was committed to tough law enforcement, to minimum mandatory sentencing—I believe that George Allen was elected on that issue, and I believe we should be listening to the American voter.

We are also going to have provisions related to crimes involving children. I am going to offer again, as I have in the past, an amendment that says there is 10 years in prison without parole for selling drugs to a minor. Anybody selling drugs to a child, who is convicted, ought to go to prison, in my opinion, for 10 years, no matter who their daddy is or no matter how society has done them wrong. If they sell drugs to a child or if they use a child in a drug conspiracy, we ought to have a special minimum mandatory sentence, and we ought to have a jail cell waiting for each and every one of those people.

So I believe there alear-cut issues here. First, I want to fund prisons; I do not want to talk about it. Second, I want minimum mandatory sentencing for violent criminals. Minimum mandatory sentencing for people who carry guns and who use them in violent crimes. I want minimum mandatory sentencing for people who use children in drug conspiracies or who sell drugs to children. And I want those sentences put into effect no matter who those people are or no matter how sad their story is.

Finally, I want a minimum mandatory life imprisonment term for predator criminals who are convicted over and over again of violent crimes and major drug felonies. The time has come for the American people, through the Senate, to say enough is enough. We are willing to grab these violent criminals by the throat and not let them go to get a better grip. I believe that represents the view of the American people, and I believe by the time we have finished this bill these provisions will be part of it.

Finally, I want to remind my colleagues that in many cases these amendments have been adopted in the past. In many cases we have voted on these amendments in the Senate, they have been voted on in the House, and then in some dark corner of some little room in this very building, those provisions have been dropped. I think the time has come to respond to the public's outrage about violent crime and to adopt these provisions. I am committed to seeing that happen in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I support the crime bill that has been offered by the chairman of the Judiciary Committee, and at a later point, I will speak in support of the full bill. This morning I rise in support of the pending first-degree amendment offered by the Senator from California.

Hate crimes shock and horrify us, because they represent the failure of rationality.

When an individual is assaulted or property is defaced out of unreasoning anger toward the stereotype of a particular group, thinking men and women recoil in horror at the perpetrator's abandonment of humanity.

Nonetheless, the issue of hate crime is contentious.

Hate, after all is a subjective term. It's not always easy to determine what is a hate crime or how to deter it.

Because its not a crime for people to form opinions according to their personal value systems.

So what is a hate crime?

I would submit, Mr. President, that a hate crime is one in which a person acts upon those feelings of malice, and chooses a victim based on group criteria such as race, skin color, or religion.

Our physical appearances and our pattern of beliefs are after all, only parts of our personae.

Crimes, directed against one element overlook the value of the whole individual.

Recent history has shown us that hate crimes affect not only the individual victim but their entire community.

When a synagogue is defaced, Jews everywhere feel more vulnerable.

When an African-American is brutalized, horror surges through the entire African-American community.

Just look at the Rodney King and Reginald Denny cases.

These two incidents affected the entire Nation.

By making members of minority groups, fearful, angry, vulnerable, and insecure, hate crimes divide cities, and shatter the very substance of our society.

These incidents are not restricted to one area of the country.

According to the FBI's Uniform Crime Reporting Office, 4,558 hate crime incidents were reported in 1991; 43 cities reported an increase in hate violence between 1990 and 1991.

And this problem continues to grow.

Only when society creates significant deterrents to this type of crime can we give conscience to the conscienceless.

Our Nation was founded on inclusiveness and diversity, and America's demographics grow more varied every year.

That diversity cannot succeed unless we are able to adequately penalize those who fail to respect it and operate instead on hatred and bigotry.

This amendment is fashioned to dramatically increase the penalties for those who respond to God-given differences with violence and other hate-motivated crimes.

Prejudice, bias, and racism have no place in American society. I hope that this amendment will open minds so that people will not be judged or punished simply because of the color of their skin, the person they love, the country they came from, or the religion they practice.

By supporting adoption of this amendment, the Senate will also tell those who are victimized by hate crimes that each and every American is an integral part of this society and that we will do our best to protect them as we would any other American.

Mr. President, I am proud to be a cosponsor of this amendment, and I urge my colleagues to join me in supporting it.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I may end up being the only Senator to do this on the floor, but I feel the need to do this anyway. I rise to oppose the underlying first-degree amendment. It is difficult to do that for several reasons.

First of all, it is difficult because I know the author, the senior Senator from California, has the best of reasons for doing this and has listed the unbelievable amount of hateful crimes and hateful acts that are being committed across this country. I know her reasons for proposing this are the very best of reasons.

I also regret having to take this position because of the other cosponsors who are the leaders in this body of advocating for civil liberties and for fighting discrimination. I especially regret it because the law that the amendment is based on is from my home State of Wisconsin.

I also regret it because of the long list of groups that the senior Senator from California listed. These are some of the finest groups in this country when it comes to trying to fight bias and discrimination.

And I really will take second place to no one in this body when it comes to the issue of disdaining discrimination, hating discrimination. So it is tough.

So why do I do it? It is because I am elected to exercise my own judgment, even though all these groups that have supported me and have worked with me over the years feel differently. I do it because I think it is wrong in this society to not make the distinction between speech and conduct. I still believe that our speech should be free and that we should punish only conduct.

Let me be clear that I do not oppose the second-degree amendment that has been offered relating to a different issue. I also will not support the effort that may be made to try to remove the provisions of the amendment having to do with sexual orientation and make that not covered. I do not think that makes any sense. If we are going to have a hate crime law, we ought to have a hate crime law. It ought to cover all forms of so-called hate crimes. I would oppose making a content-based distinction in the middle of this law. That really is the sign of the whole problem with this whole bill. It is about making distinctions about the kinds of things that people are thinking.

I would like to inform my colleagues that when I was a Wisconsin State senator, I was one of the few who did not support a similar Wisconsin law. I voted against it in its Wisconsin form in the State Senate Judiciary Committee. I was one of only two State senators to opposed it when we had a vote on the floor of the Wisconsin Senate. There were two reasons that I opposed it. The first was my belief, at least at the time, that this was unconstitutional, and the second was it was bad policy.

I will be frank enough to admit that I still believe it is unconstitutional, but I have a little problem in that argument since the U.S. Supreme Court says otherwise. I recognize it is not my job to question their judgment. I think maybe some different Justices at different times might have ruled differently. I attended the oral argument and felt that the arguments made against this statute made a lot of sense. But the decision was clear, it was 9 to 0; the Justices said this law is constitutional.

I do not expect a better vote, a much better vote on the floor of the Senate on this amendment itself. But the key to this really was expressed when the Wisconsin Supreme Court considered this issue in the first place. One of my favorite members of the Wisconsin Supreme Court disagreed with me with regard to the constitutionality. Justice Shirley Abrahamson said that it is constitutional but if she had been a member of the Wisconsin Legislature, she would have voted against it on the merits, on the ground that it is still bad policy.

That reason still remains. This amendment does affect a person's right to speak freely in this society.

This provision does limit what I think is an American tradition of not inquiring into the general beliefs of a person when considering what criminal penalties are appropriate.

I still do not understand how the first amendment or free speech can allow a greater penalty because of a person's general views, political or otherwise. This is not to say you cannot make a distinction with criminal penalty based on a person's intent or their animus toward a particular individual, but I do have a problem of making a penalty based on a person's beliefs, as awful as those beliefs may be, and awful they are in many of the cases that the senior Senator from California has identified.

I still do not understand how we can avoid intrusion into an individual's free speech. If we provide, for example, that if someone pours red paint all over a church without saying anything with the red paint, that is one penalty; and if they happen to use that same red paint to put the words, "I hate white churchgoers," I do not understand how that should be a differential penalty. Or, to put it more concretely for me, in a case that happened in my own community a couple of years ago, there had been some anti-Semitic vandalism in the greater Madison area in Wisconsin. It culminated with these same individuals taking credit for having cut the brakes on a schoolbus that was used to take children to a Jewish-sponsored camp in the Madison area. This camp has about half Jewish kids and about half non-Jewish kids. Fortunately, the effort to cut the brakes was discovered in time and no one was hurt. It was very personal for me because one of my daughters was traveling on this bus and, thank God, nothing happened to her or any of the other kids.

But if a tragedy had occurred, what difference would it have made if it had happened that it was just all Jewish kids on the bus or all Christian kids on the bus, or some mixture?

In my view, what is a crime is the intentional threatening of a child or harming of a child, of any child, not whether or not somebody was thinking about the background of the child when they committed the act.

So it is with this whole crime bill itself. This crime bill should be about stopping criminal acts, not distasteful or even hateful thoughts. We know there is a great deal of crime in this country and that much of the crime that is occurring today has roots in hatred and racism. Racism in this society has led to a desperation in many communities and it has led people of all colors and all backgrounds to a hopeless resort to crime. And some of these crimes have been racially motivated on both sides of the racial line.

But, Mr. President, it is always a moment of crisis, such as a time of great crime or a time of great racial tension, when civil liberties are most likely to be limited. We know from our own 20th century history, one of the worst invasions of civil liberties in the history of this society was the incarceration of Japanese-Americans. That happened at a time of national crisis, and I would suggest that the situation with crime in this country is similar. It is at these moments when we have to most worry about the judgments we make in a legislative body. It is not when, as Rodney King suggested, we might all get along that we have to worry. It is when we are not getting along, and we are not getting along today.

It is at this moment when we have to at least pause before we start sentencing people not on the basis of the viciousness of their act or the actual harm, but based on what they might have been thinking when they did the act.

Let me conclude, Mr. President, by just citing from an editorial from the Washington Post which the senior Senator from California distributed. That editorial in the Washington Post took issue with the policy that resulted from the Supreme Court decision. It disagreed with the Supreme Court decision about the Wisconsin case, and it said the following:

> Todd Mitchell, the defendant in the Wisconsin case, did a terrible thing when he urged a group of friends to "move on to some white people" and watched while they severely beat a 14-year-old white boy. But surely, it would have been just as terrible if the gang had beat a 14-year-old black child or beat the white child it did just for the sake of indulging cruelty. The sentence for aggravated assault in any of these cases would be 2 years, but the Wisconsin law provides for an additional 5 in the case under consideration. Does a victim suffer less harm if he is bludgeoned by a coreligionist than he would if the culprit were someone from another church? Is an assault on a deaf person by a hearing person more likely to provoke retaliation than the beating of a member of one Mafia family by a member of another?

The editorial continues:

> Assessing bias is far more complicated and could involve the examination of a speech the defendant made in high school or the views championed in the magazines he subscribes to. And it creates its own bizarre moral priorities. Is it less reprehensible to mug a blind woman because she is an easy target than because of a prejudice against the disabled?

The Post goes on to conclude:

> When an extra five years in prison rides in the distinction, that becomes a serious question, not an absurd one, as it seems on its face. Victims have equal rights to vindication. Heavier sentences based on objective assessments of an offender's alleged biases are bad policy.

Mr. President, I realize there may not be much support for this position, but I do believe that this is one moment where we should pause and question whether we really want to get into the area of determining what people generally believe about other people when we decide what the appropriate criminal sentence may be.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Grassley amendment?

The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor to the Roth-Grassley-Hatch antichild pornography sense-of-the-Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the Grassley amendment?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I would like to propound a unanimous consent request, and I ask my friend to listen to it.

I ask unanimous consent the vote on the Roth-Grassley amendment occur at 11:50 a.m. and that immediately upon the disposition of that amendment, amendment 1098, the Senate vote on or in relation to the Feinstein amendment, amendment No. 1097, as amended, if amended; that no other amendments be in order prior to the disposition of that amendment and all the above occur without intervening action or debate; and further, that upon the disposition of those two amendments, we then move to a prison amendment that my friend from Utah is prepared to offer.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I would like to have some time to clear that unanimous consent request because I have at least one Senator, the Senator from North Carolina, who would like to speak to the FEINSTEIN amendment, and I have been notified that he would like some time. I will endeavor to clear that.

If we could, why not just vote on Grassley, and then I will endeavor to clear that so we can vote next on Senator FEINSTEIN's amendment and then go on to the rest of the unanimous consent.

Mr. BIDEN. Mr. President, I say to my friend that I do not have objection to that if, in fact, there can be no—let me be very blunt about it. I am not very good at being coy about this. I just want to make sure there is not an additional second-degree amendment that comes in to replace the Roth-Grassley amendment amending the Feinstein amendment. And so that is what I am attempting to do, very bluntly. If we can agree on that, then I have no problem with voting now on Roth-Grassley, allowing the Senator from North Carolina all the time he wishes on the amendment of the Senator from California.

Mr. HATCH. Mr. President, I do not know what the distinguished Senator from North Carolina has in mind—debate or whether he has another amendment—but I will certainly work to see that he gets over here and does whatever he wants to do.

Mr. BIDEN. Mr. President, maybe we could try it this way. I ask unanimous consent that we temporarily lay aside both of these amendments and move to the amendment of the Senator from Utah—

Mr. HATCH. That is acceptable.

Mr. BIDEN. On prisons so we can just keep moving. And then we can go back to the disposition of the amendments after disposition of the amendment of the Senator from Utah relative to prisons.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1099

(Purpose: To add provisions relating to prisons)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. MACK, and Mr. DOLE, proposes an amendment numbered 1099.

Mr. HATCH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 294, strike line 1 and all that follows through page 303, line 21 and insert the following:

SUBTITLE B—REGIONAL PRISONS AND STATE PRISONS

SEC. 1331. REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT CRIMINAL ALIENS.

(a) DEFINITIONS.—In this section—

"child abuse offense" means an offense under Federal or State law that constitutes sexual exploitation of children or selling or buying of children within the meaning of chapter 110 of title 18, United States Code.

"firearm offense" means an offense under Federal or State law committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"crime of violence" means a felony offense under Federal or State law that is a crime of violence within the meaning of section 16 of title 18, United States Code.

"qualifying prisoner" means—

(A) an alien who is in this country illegally or unlawfully and who has been convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a serious drug offense (as defined in section 924(e)(2)(A) of title 18, United States Code); and

(B) a violent criminal.

"sex offense" means an offense under Federal or State law that constitutes aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, or abusive sexual contact within the meaning of chapter 109A of title 18, United States Code.

"violent criminal"—

(A) means a person convicted under Federal law of an offense described in, under the circumstances described in, the provisions of section 924 (c) or (e) of title 18 or section 994(h) of title 28, United States Code, or under State law for the same or a similar offense; and

(B) insofar as any of the circumstances described in an offense described in subparagraph (A) is the prior conviction of an offense, includes a person who had been adjudicated as a juvenile delinquent by reason of the commission of an act that, if committed by an adult, would constitute such an offense.

(b) CONSTRUCTION OF PRISONS.—The Attorney General shall after consultation with State correctional administrators, construct a minimum of 10 regional prisons, situated throughout the United States, each containing space for at least 2,500 inmates. At least 75 percent of the overall capacity of such prisons in the aggregate shall be dedicated to qualifying prisoners from qualifying States.

(c) ACCEPTANCE OF PRISONERS.—Any qualifying State may apply to the Attorney General to accept any qualifying prisoner. If, in the Attorney General's judgment there are likely to be more qualifying prisoners than there is space available, then to the extent that the Attorney General deems it practicable, the Attorney General should seek to allocate space among qualifying States in a proportion similar to the number of qualifying prisoners held by that State in relation to the total number of qualifying prisoners from qualifying States.

(d) QUALIFYING STATE.—

(1) IN GENERAL.—The Attorney General shall not certify a State as a qualifying State under this section unless the State is providing—

(A) truth in sentencing with respect to any crime of violence that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentences for firearm offenders, violent criminals, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all appropriate stages of criminal proceedings.

(2) DISQUALIFICATION.—The Attorney General shall withdraw a State's status as a qualifying State if the Attorney General finds that the State no longer appropriately provides for the matters described in paragraph (1) or has ceased making substantial progress toward attaining them, in which event the State shall no longer be entitled to the benefits of this section, except to the extent the Attorney General otherwise directs.

(3) WAIVER.—The Attorney General may waive, for no more than one year, any of the requirements of this subsection with respect to a particular State if the Attorney General certifies that, in the Attorney General's judgment, there are compelling law enforcement reasons for doing so. Any State granted any such waiver shall be treated as a qualifying State for all purposes of this subtitle, unless the Attorney General otherwise directs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $600,000,000 for fiscal year 1994;

(2) $600,000,000 for fiscal year 1995;

(3) $600,000,000 for fiscal year 1996;

(4) $600,000,000 for fiscal year 1997; and

(5) $600,000,000 for fiscal year 1998.

SEC. 1322. FEDERAL GRANTS FOR STATE PRISON CONSTRUCTION AND OPERATION.

(a) DEFINITION.—In this section, "new prison" means—

(1) a prison or bootcamp or city or county detention facility, including an addition to an existing prison or city or county detention facility, certified by the State, and approved by the Attorney General, as providing additional prison capacity beyond that which the State previously had available or had already planned to construct; and

(2) a prison that is principally dedicated, as determined by the Attorney General, to housing repeat violent offenders and sex offenders.

(b) GRANTS.—The Attorney General may enter into agreements with any qualifying State to provide construction grants or operating grants for new prisons.

(c) CONSTRUCTION GRANTS.—The Attorney General may make construction grants for up to 50 percent of the construction costs, as approved by the Director of the Federal Bureau of Prisons, for new prisons.

(d) OPERATING GRANTS.—The Attorney General may make operating grants for up to 50 percent of the operating costs, as approved by the Director of the Federal Bureau of Prisons, for new prisons.

(e) CANCELING GRANTS.—The Attorney General may, in the Attorney General's sole discretion, cancel any construction grant or operating grant if the Attorney General finds that a State is using those funds to substitute for existing funds or to provide prison space that substitutes for existing prison space.

(f) DISTRIBUTION OF GRANTS—The Attorney General shall ensure that each State receives no less than 50 percent of the funds made available under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $600,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, of which 50 percent shall be used for construction grants and 50 percent shall be used for operating grants, except that the Attorney General may alter those allocations if the Attorney General certifies that there are compelling law enforcement reasons for doing so.

SEC. 1324. SENTENCES TO ACCOUNT FOR COSTS TO THE GOVERNMENT OF IMPRISONMENT, RELEASE, AND PROBATION.

(A) IMPOSITION OF SENTENCE.—Section 3572(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the expected costs to the government of any imprisonment, supervised release, or probation component of the sentence;".

(b) DUTIES OF THE SENTENCING COMMISSION.—Section 994 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(y) The Commission, in promulgating guidelines pursuant to subsection (a)(1), may include, as a component of a fine, the expected costs to the Government of any imprisonment, supervised release, or probation sentence that is ordered.".

SEC. 1325. OVERHEAD EXPENSE REDUCTION. FUNDING.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of $6,000,000,000 over 5 years ($1,200,000,0000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) REDUCTION.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

(c) ALLOCATION.—The amount of available budget authority resulting from enactment of this section shall be reallocated for programs authorized pursuant to this subtitle.

Mr. HATCH. Mr. President, one of the critical differences between the Dole-Hatch Neighborhood Security Act and the Democrat alternative is that our bill places far greater importance on incarceration in punishing and preventing violent crime. In our view, there is no better way to reduce violent crime than to identify, target, and incapacitate recidivists and violent criminals. Toward meeting the objective of greater incapacitation, we propose spending $6 billion over the next 5 years to build regional prisons to house State and Federal violent offenders and to provide the States with prison construction and operating grants.

The States need the help. For example, my home State of Utah spends over 30 percent of its criminal justice expenditures on corrections. This is not surprising considering Utah's rate of incarceration has nearly doubled since 1982—80 per 100,000 population in 1982 to 149 per 100,000 in 1992. So in 10 years we have doubled the rate of incarceration. And I suspect that is true of most other States.

Utah's State Department of Corrections has more inmates than its operational capacity permits and is forced to house inmates in other facilities on a contract basis. Our Governor, Gov. Michael Leavitt, recently proposed an aggressive prison expansion program to combat Utah's growing gang problem. Utah could sure use the assistance provided in the Dole-Hatch bill and no doubt other States could as well.

In stark contrast, the original Democrat bill provided a paltry $200 million for both State boot camp grants—an alternative sanction—and for regional prisons.

The new Biden bill now authorizes $2 billion, which is clearly a movement toward our position.

But let me just say this. I wish to compliment the distinguished Senator from Delaware because I know he feels very similar to the way I feel about increasing prison capacity and providing the places to put and park these violent criminals. So I wish to pay him particular tribute for being willing to lead on his side and to try to get the prison moneys up where they ought to be.

I commend my colleagues and especially the distinguished Senator from Delaware, but $2 billion is not enough and his bill does not fund prison construction, which we think is critical. It is only a promise to build these prisons. Our amendment actually contains specific cuts. And it mandates that these cuts be spent on prisons. If Congress passes a crime bill which fights crime by increasing the number of police officers on the streets, thereby increasing arrests, prosecutions, and convictions, but refuses to build more adequate prison space, we are left with only three possible outcomes. These are, No. 1, State judges will be forced to grant probation to those who deserve and should be given hard time.

No. 2, there will be an increase in prison overcrowding. We know that is going to be the case.

No. 3, there will be earlier release of more prisoners, which will include earlier release of more violent prisoners to the detriment of society as a whole in each of our States.

These outcomes are wholly inappropriate. We will make no dent in crime if we have so little prison space and thus continue to allow criminals to return to the streets well before they have completed their sentence. As Georgia's attorney general, Michael Bowers—I might add that he is a Democrat—recently said, "All of the police officers in the world are not going to make a difference on the crime situation until you provide a place to put the criminals. Unless you do that, it is a waste of time."

That is one of our top attorney generals in this country. The choice then is simple. More prisons, or more crime. To me, there is not even a question on this issue. Self-proclaimed criminal "justice" experts—I might put "experts" in quotes too—who oppose increased incarceration will argue that our Nation imprisons too many people.

While I agree that it is indeed tragic that we must incapacitate so many people, on January 1, 1993, there were 824,901 inmates in State and Federal prisons. America's incarceration rate is not the problem. Rather, our prison rate is a symptom of the unparalleled amount of violent crime plaguing our country and each of our States.

Last year violent crimes reported to law enforcement exceeded 1.9 million offenses. Those are violent crimes, not just criminal activity; violent criminal activity.

This figure is 23 percent higher than just 5 years ago in 1988. A violent crime occurs every 22 seconds in this society today. It is pathetic.

Not surprisingly, imprisonment and prison construction policies have had an effect on our Nation's crime rates. For example, in the 1960's, violent crimes reported to police more than doubled while our Nation's prison population declined by almost 8 percent. More recently, a 1992 Justice Department report cited the policies of Texas. The Texas legislature had adopted a less punitive approach to crime that reduced the time the prisoners served in an effort to open up space for other felons. Between 1980 and 1989, after the legislature adopted that less punitive approach, the average prison term served in Texas fell from about 55 percent of the sentence imposed to approximately 15 percent of the sentence, and by 1989 the parole population grew to more than five times its 1980 level.

The expected punishment for serious crimes: murder, rape, robbery, aggravated assault, burglary and theft, fell 43 percent in Texas. That is, the expected punishment fell 43 percent. Not surprisingly, the rate of serious crimes reported in Texas rose by about 29 percent. That is taken right out of the U.S. Department of Justice Report for Incarceration, a 1992 publication.

The same 1992 Justice Department report noted that between 1981 and 1984 Michigan was experimenting with an early release program which actually saw its prison population decrease. Between 1981 and 1986 the violent crime rate in Michigan rose by 25 percent. While they are reducing the prison population, their crime rate rose 25 percent. In 1986, however, when Michigan turned around and embarked on a major prison-building effort, the State's violent crime rate began to fall, and by 1989, just 3 years later, had dropped 12 percent.

I think it is pretty hard to argue with these statistics. Building more prisons, keeping people that are violent criminals in jail longer, reduces crime.

I have to say, putting policemen on the street reduces crime too, and we should do both in this bill.

Like the citizens of Michigan, most Americans have recognized that the nonpunishment policies of the 1960's and 1970's failed, and most Americans have urged prosecutors in courts to increase the rate of incarceration. In fact, imprisonment rates rose from 134 per 100,000 in 1980 to 282 per 100,000 in 1990. Unfortunately, prison space has not kept pace with the increased rate of incarceration. This is not to say that new prisons are not being built. There are currently 74 new facilities under construction in 20 jurisdictions, 13 of which are Federal. Still prison construction is at its lowest point since 1987.

We got that out of the corrections year book in 1993.

It is not news to anyone that many State prison systems are seriously overcrowded. Nor is it news that other systems let criminals go free either by placing them on probation or releasing them early to make room for the next batch of criminals.

This year the average State prison system is operating with 15.4 percent more inmates than its rated capacity. This figure actually understates the problem, since some of the States currently at or below capacity have reached that position only after releasing prisoners early. So it is really not the true story. It has to be a lot higher than that 15 percent more inmates than each prison's rated capacity.

Rather than build new prisons, these States have chosen or have been ordered to create a revolving door by releasing enough prisoners to meet the cap on population in prison. Currently, 25 States and the District of Columbia have court-ordered prison caps—25. Half of the States in this country plus the District of Columbia have been told these are the caps; you have to put these violent criminals back out on the street.

You wonder why the mothers of this country are concerned about their kids. You wonder about the increase in gangs. You wonder about drive-by shootings. You wonder about the increase in murder in this society today. You wonder about the increase in drugs. We put them in, we roll them out almost as fast. The sentences do not mean very much. The criminals wander in and out. They come out as heroes in some of these communities, especially this community here, and they go right back into the streets to commit and create more violent crime.

We simply have to have this amendment.

Although Americans have said "enough" to the permissiveness of previous decades, our total prison space is obviously inadequate. Yes, incarceration rates have increased, but actual time served is the true test by which our corrections systems has to be judged.

The Department of Justice study found that persons convicted of violent crimes are sentenced on average to 5 years in prison. These are violent criminals, violent crimes, and they are sentenced on average to 5 years in prison. However, they actually serve only 2 years and 2 months on average. Violent criminals are serving—only put away for 5 years—they are only serving 2 years and 2 months across this country.

No wonder we are making no headway.

Fifty-one percent of the Nation's violent offenders are released from prison before serving 2 years, and 76 percent are released before they serve 4 years.

A typical murderer in this country is sentenced to only 15 years but serves—this is what really is mind boggling—sentenced 15 years; which is amazing to me that a murderer would get that short of a time, but they serve on average only 5½ years—murderers, 5½ years.

Rapists are on average sentenced to 8 years. These are rapists. No wonder women in this society do not feel safe. They are sentenced to 8, but guess how many they serve on average? Three years.

Again, that is from the Department of Justice and their statistics.

These statistics illustrate the need not only for more prison space, but also the greater need for truth in sentencing as well. As a result of early release, crimes are committed that would not have occurred had these prisoners remained in prison for the duration of their sentences. And had they been given tough sentences and mandatory minimum sentences for a longer period of time and had to serve it, there would be a lot more forethought before they commit crimes to begin with, especially violent crimes.

A 1989 survey of almost 4,000 prisoners who were released early in Florida because of prisoner crowding found that nearly one in four were rearrested for a new crime at a time when they would have otherwise be in prison—one in four.

These 1950 people who were supposed to be in prison for earlier crimes were responsible for 2,180 new crimes including murders, armed robberies, rapes, aggravated assaults, burglaries, and drug offenses.

Our Nation ought to decide what kinds of criminal activity warrant incarceration to make sure we have the prison space to house those convicted of it rather than treat this issue as a matter of letting one criminal go in in order to imprison another one.

Criminal law enforcement should not become a zero sum game. Criminal law enforcement is important. Despite the clear length between incapacitation of criminals and crimes rates, some will argue that we do not need to build more prisons and would even go as far as to suggest that we release more prisoners early.

(Mr. DORGAN assumed the chair.)

Mr. HATCH. The Democrat crime bill actually permits the Bureau of Prisons to decrease the sentence of Federal inmates—violent offenders included—who complete drug treatment programs. Their bill also proposes that States be given grant money which can be used to implement home confinement and other alternative sanctions for violent offenders.

Recently, the administration has fought to rescind over $130 million in spending that had already been provided for Federal prison and jail construction. That is what this administration has done. I do not think the President really could have known about that with his call for a fight against violent crime. But his own administration, his own Director of OMB, the Office of Management and Budget, fought to rescind over $130 million in spending that had already been provided for Federal prison and jail construction. That may be a drop in the bucket, but nevertheless it is a step in the wrong direction.

Their crime bill demonstrates an inadequate financial commitment to prison construction, and their regional prisons are really treatment centers. It is one thing to want to treat people and one thing to rehabilitate them—and I want to rehabilitate them, too—but we are talking about violent criminals that are unlikely to be rehabilitated.

They need to be parked for a long time in jail where they cannot get out and do more harm to society. The bill would require that treatment on demand be provided to all inmates. That is the Democrat bill. It would require that treatment on demand be provided to all inmates. Stated simply, the bill's commitment to additional prison space can be summed up as limited, at best. Bear in mind that, in 1991, the Department of Justice found that 94 percent of all State inmates were either violent or repeat offenders, and over one-third of all inmates have been incarcerated before. Moreover, two-thirds of the violent inmates in State prisons had killed, raped, or injured their victims. Over half of the remaining 6 percent of State inmates had been convicted of drug trafficking or burglary. This is out of the Bureau of Justice Statistics, Survey of State Prison Inmates in 1991.

Another popular argument against further prison construction is that prisons turn nonviolent offenders into career offenders. Yet, contrary to this argument, the rate of criminal recidivism appears to decrease with longer prison sentences.

A 1983 Bureau of Justice statistics study shows that those who had served 5 years before release have lower recidivism rates than those who served less than 5 years. According to the study, recidivism rates are linked more closely with an offender's age when released and the number of prior arrests than to the amount of time the offender is incarcerated.

A final note: The Democrat bill seems to stress expanded drug treatment as opposed to additional prison construction. It provides $1.2 billion for a drug court grant program to States and mandates drug treatment on demand for Federal prisoners. I do not quarrel with the need to treat those who are in fact treatable. Yet, I believe dollars should be spent on treatment only after we have ensured that the peaceful, law-abiding people of this Nation that we have adequate prison space to back up the sentences we impose.

Right now, we do not have adequate prison space, and we are not backing them up; we are letting them out. A large percentage go out and commit violent crimes again. We wonder why we are losing. Let us build these prisons and make sure they are going to stay. Let us get tough about it.

Furthermore, I do not believe that all criminals with drug problems are treatable. I have worked rather closely with addicts, as I know my distinguished colleague has, and I know that he agrees with me on some of these things. I have worked very closely with addicts and with drug-ridden offenders. I have to tell you that it is very, very difficult to rehabilitate them—first timers, young people, yes, sometimes we can; but when you get some of these people that are hard-core addicts, they are almost untreatable. I would like to do that, but I would like to first make sure that they are off the streets. I would like to first make sure that these people are not out there committing crimes again just because we do not have any place to put them. I have to say that the Democrat bill here does not adequately treat this.

I know the pressures on my colleague from Delaware, because I know he would agree with more moneys for prisons if he had total control over this. But we simply have to do this. I do believe there is a role for treatment in combating drug-related crime, but we have to bear in mind that such treatment's proven effectiveness is limited. Nearly one in four State prison inmates have participated in a drug treatment program before entering prison. So there is a limit to what we can do, and you can throw money down that hole pretty fast. We have to approach it in a very serious and intelligent way, but you approach it by making it clear that these terms are going to be served, prisoners are going to stay in prison, and they are not going to get out easily like they do today. Maybe they will think twice about real rehabilitation under those circumstances.

Mr. President, the problem facing our criminal justice system is not one of too much incarceration. Rather, the problem is too much crime, and the simple fact is that the best way to stop crime is to put criminals in prison.

In the past, Congress has given inadequate attention to our States' bulging prisons. The Hatch-Mack amendment—and I compliment my colleague from Florida—attempts to alleviate some of the problems by providing $6 billion for prisons. Half of this money, $3 billion, will be dedicated to the construction of 10 regional prisons to house up to 50,000 State and Federal violent offenders. The other $3 billion will be used for grants to States for operation and maintenance of jails, boot camps, and prisons. My colleague from Delaware, the chairman of the committee, would probably agree with that.

Importantly, our amendment also encourages the States to adopt greater truth in sentencing. It conditions participation in the $3 billion regional prison program on a State's adoption of sentencing guidelines which ensures that offenders will serve 85 percent of their sentences, reform bail laws, and provide adequate recognition of victims' rights.

The law-abiding citizens of this Nation demand that a 10-year prison sentence mean 10 years—not 2 years or less. It is time we provide the States with a greater incentive to adopt truth in sentencing. Many States have sentencing reform underway or have already done so.

As then Attorney General William Barr wrote in 1992 when he advocated the building of new prisons, "Revolving-door justice resulting from inadequate prison and jail space breeds disrespect for the law and places our citizens at risk, unnecessarily, of becoming victims of violent crime."

The Dole-Hatch bill appropriately ensures that additional prison space will be constructed to build the prison spaces we so urgently need.

Again, I use my home State of Utah to make the point one more time.

This is the Utah prison capacity here, the operational capacity, in the green. This is what Utah, from 1990 through 1996, can do. This is its operational capacity.

But this yellow line, which becomes a red line ultimately because of the fright to everybody in my State—and I suspect other States are similar—shows the incarcerated population. We have the capacity to take care of them down here, but you can see that the incarcerated population is going to be way beyond our capacity to take care of. That means that we have to continue to put more and more people out on the streets who are violent criminals when, in fact, they ought to be kept in jail where their violence will be muted.

I have spoken about Utah, but I suspect there are many other States that are even worse off than Utah. Throughout this country, our prisons are operating at approximately 123 percent of capacity now. We have to do this. We simply have to do this, and I hope that our colleagues will support this.

I hope my colleague from Delaware will support this because this will improve the bill we have before us.

Mr. President, I ask unanimous consent that my distinguished colleague and friend from Texas, the Senator from Texas, Senator GRAMM, be listed as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me respond to a few points that the Senator from Utah has made. Let me start off by saying that on page 276 of the bill I have introduced in the section relating to drug courts, line 6, page 276, it reads "violent first-time offender or violent offender with a minor criminal record who is 28 years of age or younger." That is an error on the part of the drafting of this amendment, and that is a staff error that I thought had been corrected.

It should read, "Young nonviolent offender means a violent first-time offender or a nonviolent offender with a minor criminal record who is 28 years of age or younger."

The points being made by my friend from Utah about violent offenders being in that drug court circumstance I think are accurate.

So I ask unanimous consent that I be able to change the language on page 276 of the bill before us to read insert the word "non" on line 6 before "violent."

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I have no objection to that. I think that is a good correction. I am very impressed by my colleague's willingness to do it. Still we would want to have another amendment to define "violent." I would still like to be able to file a later amendment that will clarify what "violent offender" is because I think it needs to be clarified even further.

That amendment change I think will be a good amendment change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will ask the Senator from Delaware to send the correction to the desk.

Mr. BIDEN. Mr. President, now let me speak to the larger point raised by my friend from Utah. He has characterized the language in my bill relative to prisons in the first instance and why his amendment, the $6 billion amendment, is more appropriate.

Let me start off by saying that there are certain basic things unrelated to prisons we should understand here. No. 1 is a point raised by the distinguished Senator from West Virginia and the distinguished Senator from Texas today and by me yesterday, and that is whatever we do we should fund. That is a generic statement applying to the whole bill.

The second point I would like to make here is let us identify where the problem lies. People listening to this debate will assume that the problem lies at a Federal level relative to prisons. I would point out that, if the Senator would allow me to use his own chart for just a moment, the chart that the Senator from Utah has put up here showing what is, in fact, an accurate projection not only in his State but in every State of the Union, of the increases in prison population, I want to point out what the chart at the top says. It says Utah Prison Capacity, not Federal prison capacity.

So one of the things that we deal with all the time, those of us who are here and with our constituents and the American public, sometimes, and it is the easiest target to blame for not doing their job is the U.S. Congress, and we deserve a lot of blame. But we are talking about here a State problem, not a Federal prison problem, because at the Federal prison level the Clinton budget oversees a 32-percent expansion of Federal prison systems over the next 5 years through the year 1998.

Today the Federal prison system houses about 84,000 offenders. The Federal prison system has made the following projections: By 1995 that will be 92,700; by 1996, 99,900; by 1997, 106,000; and by the end of the year 1998, 111,600. The fact of the matter is we, the Members of this body, provided for the expansion of the Federal system.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BIDEN. I yield.

Mr. HATCH. Is it not true that expansion was during the Bush administration and that since this administration came in OMB has called for a $130 million reduction?

Mr. BIDEN. OMB can call for what they want to call for. The fact of the matter is, and I will give everybody credit for it, the point is we do not have a problem in the Federal system.

So I want to make it clear here. We are here because, and I have great sympathy for them, the Governors and the State legislatures of the United States of America, whether it be in the State of Utah or the State of New York or Idaho or anywhere else, or any of the States represented here in this Chamber, because they have concluded, notwithstanding their herculean efforts, that they are not going to go and ask taxpayers in their States to spend more money on a State problem—I respect that—I am prepared to help.

When I used to practice law 100 years ago, I learned something from a very skilled trial lawyer in my State, a fellow named Sidney Bailey. Every time he talked to the jury he would say, "Now, ladies and gentlemen of the jury, they are going to tell you my client is," and he would go through a list of things. He would say: "I agree. My client is an ugly fellow. My client is not someone you would want your daughter to date. My client is not someone you would invite home to dinner. The issue is not whether my client is an ugly person who you will not want your daughter to bring home for dinner. The question is did my client commit a crime."

Then he would say, "So keep your eye on the ball."

The ball here is how much will the State system be helped by the Federal Government. That is what the debate is about. I want everybody listening to understand. It is not about the Federal system. It is about a State problem that under our separation of powers and the notion of federalism have historically left to States. Ninety-five, 96 percent of all the crime is committed in State jurisdictions, not Federal jurisdictions. So we have a State problem.

If you take a look at the chart—we are all big on charts these days ever since Ross Perot came on the scene—but if you take a look at the chart here, there are roughly 840,000 State prisoners in State prisons today, another 450,000 in jails—we do not call them prisons—State jails, city jails, county jails, people serving 1 year or less. So there is about 1,240,000 people incarcerated in the States, but 840,000 of them are in State prisons.

Of those States that have this many prisoners there, there are a total of 32 States that have court orders, either Federal or State court orders, relating to prison overcrowding.

The problem my friends from Texas and Utah, the Presiding Officer in the chair, and others, have pointed out to the Senator from Delaware is they are sick and tired, as I am, of seeing violent and repeat violent offenders pushed out the back door of a State prison because there is no room for that person in that State prison or because in order to make room they require them to only serve 40 percent of their sentence or less, and then they go out and commit additional crimes.

So, again, this is not being critical of anyone. I just want to make sure we keep our eye on the ball here. And the ball is States have a problem.

All those horror stories that we are hearing about, all of them—probably you can find some exception—but the vast majority of them that we hear, that I recount and others recount on the floor of this Senate, are State prisoners let out of State jails because State legislatures and State Governors, for very good reasons, conclude not to ask the taxpayers of those States to provide enough jail cells for all those prisoners to stay in for the entirety of the sentence. That is the bottom line.

Now, there is a third thing we should keep our eye on here. The Governors, Democrat and Republican, whom I wish very much to help and I think we have a need and obligation to help—I have been the one who has introduced, or at least I have been the major or minor cosponsor of, every crime bill since the early 1970's. I strongly believe the Federal Government has to enter into partnerships with the States because they are American citizens, rather than from Delaware or Texas or California or Utah, who are being brutalized by these thugs—I refer to them as predators—these predators we let out on the street.

But every Governor comes down here, and as recently as yesterday there was testimony in a committee of the U.S. Senate where Governors and legislators were testifying about unfunded mandates. The one thing they said was, "We don't want anymore unfunded mandates."

Let me make clear what they describe as unfunded mandates. They do not merely mean an order with no money—and I can see one staffer on the other side shaking her head "no." We will get the language from yesterday's testimony.

They also mean carrots and sticks that are unfunded, in fact. The Federal Government will give me $1 and require me to do something or ask me to do something that is going to cost me $3. They call those unfunded mandates, too.

So every Governor comes down—and I love them, God bless them—they come down and they say, "Now, Federal Government, do three things: One, balance the budget. Two, send us more money. Three, no unfunded mandates." It is like a dance.

Now, I understand it. I understand it.

Let us understand what we are doing here now, what we are doing with this amendment. In order for this amendment—and I will submit the details in the RECORD, or debate it with anyone who wishes to speak to it—in order for the States to get the $3 billion—access to $3 billion here in this amendment, the amendment of my friend from Utah and my friend from Kansas, the Republican leader, they can get a shot at a $3 billion pot if they spend $11.8 billion.

Let me translate that: Unfunded mandate, as defined by the National Governors Conference and State Legislative Conference.

So let us make it clear the favor we are doing these folks, OK? We are telling them that we will help you with your prison population in this amendment—not what is in the bill, but in this amendment—if you will change your sentencing requirements—which I think they should change, by the way—if you will change your sentencing requirements so, instead of your folks who are violent offenders serving roughly 40 percent of their time in jail, they will have to serve 85 percent of their time in jail, which essentially doubles the number of jail cells needed to house the same number of prisoners.

That means that the States say, OK, I am the administrative assistant for the Governor of Delaware or North Dakota or New Mexico. I walk in and I say, "Governor DOMENICI, as your administrative assistant, I have such a deal for you. The Federal Government will give you $200 million to help house New Mexico's prisoners."

And Governor DOMENICI would probably say, "Hey, that is great. That is $200 million we did not have before."

And knowing Governor DOMENICI—as he is Senator DOMENICI, with the incisive mind he has in asking all right questions—he is going to turn to me and say, "But what do we have to do?"

And I say, "No problem, Governor. You just have to raise $400 million in taxes to get $200 million. No problem. Because then you will end up with $600 million, and we will house an awful lot of additional prisoners."

And then Governor DOMENICI or Governor BIDEN, or whoever is Governor, is going to say: "Let me see if I have this straight now. The Federal Government is going to give me more money for prisons—God bless them, such wonderful people that they are—but I have to go out and tell my legislators they have to find me twice that amount of money in order for me to get the money the Federal Government wants me to have."

It is a little like when you are talking to your son or daughter and they tell you they want to buy a car. They say, "Hey, Dad, I want to buy a car. I'm 18 years old. I can get a car. Can you help?" And I say to my son, "Now, what kind of car do you want?" And he says, "Awe, Dad, I saw this beautiful convertible." I say, "I will tell you what. Before you tell me the car you want, I will provide 50 percent of whatever you want."

All of a sudden, my son's appetite for cars goes from an $18,000 used convertible that he was looking at down to a $3,000 stable, little car, because he knows he has to come up with $9,000 as opposed to $1,500. Unfunded mandate. These are unfunded mandates.

So let us get it straight here. I want every Governor who is listening—and I am sure every Governor has this turned on in their office right now, watching; yeah, we would be lucky if there was one.

But at any rate, I want every Governor to know that my friends from Kansas and Utah are going to help them.

It is like that old joke. "I'm from the Federal Government and I'm here to help." And it is a joke. That old joke is, "I'm from the Federal Government." They say, "I'm here from the Federal Government. I'm here to help you, Governor I'm going to give you up to $6 billion in prison money. The only condition is you have to spend $11.8 billion to get the $6 billion," collectively, Governors all over the Nation.

Now, maybe we should do that. Years ago, we passed truth-in-lending. I think we should pass truth-in-advertising here, truth-in-legislation. That is a decision we can make here. And it would not be a bad decision.

But my worry is the effect would be—and I say to the Presiding Officer, who knows more about this than most of us—the effect of that would be that I am afraid the States will not participate; that the States will not build more prisons; that the States will not house violent offenders, because the States will say, "I have to come up with too much money to do this."

The truth of the matter is, they should come up with all the money, by the way, but that is another question.

I am afraid they will not do it.

What do we do? What do we do in my bill?

Well, we have a little thing here—and, by the way, that mandate of $11.8 billion—my staff just pointed something out very important. The mandate, as defined by Governors, to get any of this $6 billion, which the Republican amendment offers and which sounds wonderful over a 5-year period—by the way, it comes out over 5 years—in order to get that, the Governors of the Nation will have to spend $11.8 billion per year—per year.

So the more accurate comparison would be, they get $6 billion over 5 years if they spend roughly $60 billion over 5 years. Nice tradeoff, huh?

Well, Governor, welcome to the Federal Government. Welcome to the Federal Government.

So I say to my friends, let us take a look at what the bill says. The bill in the Democratic plan provides that—and by the way, let us take a look at what we are after here. Everybody is in agreement—my Republican friends, my Democratic friends who have a different view than me, me, and those who share my view on both sides of the aisle.

What we are trying to get at here is we are trying to get at this cadre of violent offenders who are presently in jail to serve out their term like they do in the Federal system. If you get sent to a Federal prison for a violent offense, you serve your time, no if's, and's, or but's. No judge can change it.

In a State prison we want them to do the same thing, right? We do not want to let out these violent offenders who make up, now, 49 percent of the State's population of criminal offenders, violent offenders with prior records of violence. They are serving, on average, roughly 40 percent of their time. We want them to serve 85 percent of their time, more like they do in the Federal system.

Then there is another cadre here, previous violent offenders who get arrested for a nonviolent crime. That is a robber or murderer who then goes and burglarizes. That is a nonviolent crime. Those are pretty bad actors by and large. That is 13 percent.

So you have roughly 62 percent of the present State population made up of people who have committed a crime of violence at least once, some many more times than once. We want those folks to stay in jail. We want to make sure they stay in jail.

Instead of telling the Governors they have to spend roughly $60 billion over 5 years to take care of those folks and the folks who never get into jail who are violent offenders, I respectfully suggest I have a better way to do that. It does not cost the States the money. Some States are not very enlightened in the way in which they deal with their prison populations, because of all those folks in the prison population of 840,000 persons, 160,000 of those people in jail right now are nonviolent, first-time offenders with minor criminal records. They are not the people we are worried about. We want them to pay the price to society. We want them to pay the price for their crime.

But how are we having them pay it now? They are taking up a maximum or a serious security cell with bars and clanking doors and guard towers and high walls, costing a lot of money. We have those people taking up prison space that, if that cadre were out of that prison in another prison setting, you would not have to release this 63 percent of the population that is violent. They could serve out their terms, and you would not have to build any new prisons, or only marginally more—fewer new prisons.

So it seems to me the smart way to do this is build boot camps. Why do I say that? We have a lot of Federal land out there that we are willing to give to the States in our legislation; Federal land they will not have to buy, abandoned military bases. I do not think these nonviolent offenders, committing a crime—they would not be in prison if it were not a serious crime —these nonviolent offenders should have to live in luxury. A lot of people going through basic training lived in quonset huts. Why should they not have to live in quonset huts? So I say send them to boot camps.

The boot camps cost one-third of, and some would argue as little only as one-fourth, but somewhere between one-third and one-fourth the cost of keeping a criminal in a boot camp for a year compared to the cost of keeping someone in a State prison cell for a year. I got the message of the Governors, in part at least, on their mandates. If you buy into our bill, there is $2 billion that the States can get, essentially with no strings attached. All they have to do is use that money to build boot camps.

They have to go out and build boot camps. They can say, "Look, Federal

Government, we are applying for a grant to house 12,000 of our State prisoners"—or 1,500 or 10,000—"in a boot camp setting. We would like to qualify for some of that $2 billion."

What happens in the State of Delaware when they do that? We allow, by the way, regional boot camps. Let us say there is an abandoned military base somewhere in the Delaware-Pennsylvania-New Jersey-Maryland area. The four State Governors can get together and say, "Let us get that base over here. The Federal Government will give it to us. Let us then uniformly apply for our share of that $2 billion." They apply for their share, and let us say it comes to $500 or $300 million for the four States. Then, based on how much money each of them put in, they get that number of prisoners in that area. So if it houses 10,000 prisoners and Delaware's share, based on the grant it gets, is 10 percent, Delaware gets to send 1,000 nonviolent criminals to a boot camp, where they work, where they stay in jail, where they serve out their sentence. They are not violent. They are not a threat to the community. They are not a threat to other people. They are not the people who are the predators out there.

What does it do for my Governor? Now, my Governor has received all Federal money to go out and build, all by himself or in cooperation with other Governors, a regional boot camp or a State boot camp. What does it do? Let us say he gets to put in 500 nonviolent offenders. Where does he get them? He takes from them from behind bars in the Smyrna, DE, prison or the prison in Georgetown, DE, or the Gander Hill Prison in the city of Wilmington. He takes them out. Guess what happens? Now you have room for another 100, 200, 500, 1,000—whatever the number is—violent offenders in the same cells that nonviolent offenders were in.

There are 160,000 of those folks right now. If all of a sudden we told the Governors of the States, you can take all your nonviolent offenders and we will find a place for them at one-third to one quarter the cost you are now spending for them, I think that is a pretty good deal. For a change, the Federal Government would be taking cost into consideration. For a change, we would be saying, "Let us be smart about this."

I know that is a rare thing around here. So my $2 billion in this bill does not sound as tough as that $6 billion that is being proposed. But the $6 billion is $60 billion. Governors are strapped already.

It is against the Senate rules to refer to the galleries so I will not refer to them but, if I were able to do that, if we took a vote in this Chamber of the non-Senators in this Chamber, I wonder whether or not in their home States they are willing to pass a referendum to raise the equivalent of their portion of the $60 billion that will be required for new prisons? I wonder how many would do that?

Maybe they would. In my State it is not that way because, if it were, it would already be done. Governors are very smart people. And legislators are very smart people. Their people are saying, "By the way, why are these predators on our streets? Why do you not put them away for a long time?"

The reason is it costs billions of dollars. So why do we not get started? If someone has an improvement, I have no pride of authorship. If someone has an improvement on how we can better deal with freeing up, up to 160,000—by the way my bill will not free up all 160,000. If we spend more money it will. But if you have a better way to do it that does not impose a mandate on the Governors, that means we will really do something about it, then I am wide open. But with all due respect, I do not think this $6 billion proposal over 5 years does it.

Let me tell my colleagues another part. I say to my friend who is presiding, who again came to me very early on and has vast experience as a Congressperson, his State is like mine, being a Congressperson in his State was like being a Senator because he represented the whole State anyway, if I am not mistaken, for a long time. We are "at large" districts, as we say in our States. He came to me early on. He said, "I want this thing to get tougher. I want to do more about these violent criminals."

Let me point out to him and others who are in the Chamber, of the $3 billion that is in here—I think the number is $3 billion; it has changed for regional prisons—for regional prisons. They are not boot camps, they are regional prisons.

By the way, I introduced a bill 5 years ago to establish 10 regional prisons where States could send prisoners.

In this bill they say we are going to spend $3 billion over 5 years to build regional prisons. How are they going to do that? They are going to say that once the prison is built it is going to be manned by, if I am not mistaken, Federal prison officers. It will be a Federal prison. Right? And 50 percent of those cells, or those beds in those cells, must be available for Federal prisoners. Is that what they are down to?

OK, they changed it. It is a little better. Twenty-five percent of those beds must be for Federal prisoners. I just went through and pointed out we do not need anymore Federal prisons beyond what we authorized and appropriated for. We do not have a problem. So why are we building more Federal prisons beyond what we are already going to build? The rationale is that, I guess, is the Federal nexus to justify getting 75 percent of those beds available for State prisoners.

Look, I have been taught, maybe incorrectly, by my dad that—my dad has an expression. Sometimes I would come in and I would say when I was a kid—even now—"Dad, I'd like to do something, I'd like to do this," and he would say, "Well, son, we can play this flat or round. We can do it the hard way or the easy way. We can do it simple or complicated. What do you want?"

He kind of taught me that usually flat is better than round in terms of getting something done. Usually easy is better than complicated and usually quick is better than a long time. In honor of my dear dad, I think this is making it nice and flat. Let us get it done now. Let us not complicate it. Let us give the States the ability to move and do it right now. Let us not complicate this thing.

Why do we need to complicate it? Why do we need to go out there and build regional Federal prisons when we do not have a Federal prison problem, when the Governors say do not give us mandates, when we are insisting that we need to take care of violent offenders and the easiest way to take care of violent offenders is to get smart?

I bet you if we polled the American people and said, "Hey, look, does it make a lot of sense to spend 30,000 bucks a year to have someone in a maximum security prison who is not a threat to society but who violated a law of society where they should be punished?" Give them the choice of whether or not you spend that, send them to boot camps, make them run, jog, do pushups, sweat their little ears off, make sure they actually understand they are paying a price for the crime they committed and where there is no incentive for them to escape because there is nothing in their background to indicate they are people who would be inclined to do that, I bet those folks are kind of like my dad: We can play it hard or easy.

Let us do it the easy way because the effect is to get violent criminals off the street serving their time in a setting that is a real live prison where they do not walk out the back door before their time is up, because they are shoved out the back door because of a prison-overcrowding court order and they are shoved out by one of these folks in yellow here, a nonviolent offender.

We did a little study in the State of Delaware about 5 years ago, and I am proud to say—I am not going to claim it is of my urging, but I suspect it is not in spite of my urging—we had a prison crowding problem in Delaware. I guess this was when Carlson was the head of the Federal prisons. My friend may remember. I guess that was probably about early 1982, 1983, somewhere in that range. We had this serious overcrowding problem, so I called to see whether the Federal prison system could help us to temporarily alleviate this overcrowding while we tried to work out our problem; could they take a few prisoners into the Federal system—we would pay, the State would pay—while we got our thing squared away, if there were openings.

In the process, I then asked our then Governor to take a look at, do a little inventory of the people in prison. I will submit for the RECORD the precise numbers because I do not want to misspeak. It has been somewhere around 10 years ago this occurred. But I was astounded at the number of people who were taking up a prison cell, who were there for what we call a habeas, who were there awaiting trial for a nonviolent offense, who were there for nonpayment of their support—which they should be in jail for, in my view, but not in that circumstance—who were there for minor offenses. And yet we were letting out the back door of our prisons some real predators.

I may be wrong, and I do not want to cast aspersions on any State, but I will bet you those States are not unlike mine was. I will bet you there are a lot of nonviolent offenders who are not a threat to society who are in a cell, who could just as easily be in a boot camp behind a nice barbed wire fence setting, in a nice, comfortable, warm Quonset hut, getting up at 5 o'clock in the morning and running 3 miles and pretending like they are having fun.

I also think, by the way, we have to get smart. We have to get smart in terms of incarceration. The only thing we know about punishment for nonviolent offenders is certainty of punishment determines their likelihood to be recidivist.

So what is wrong with a nonviolent offender being confined in an area where they have to wear an ankle bracelet—nonviolent. Taxpayers have to be considered, too. It is like that old joke the kids have about another subject. Taxpayers are people, too. Taxpayers do not want to spend money, too, if they do not have to.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. BIDEN. I will be delighted to.

Mr. DOMENICI. I have listened attentively to your criticism of one bill and your support for another bill. But I wonder if it would not be fair to ask you if it is not true that there is no money for any of the bills?

Mr. BIDEN. I am glad you asked me that question. I just happen to have with me a fellow from West Virginia who has been working on how we are going to get the money for this whole bill. I defer to him on just about everything. But at the appropriate time, he is here prepared to speak to that. It is fully our intention, I say to my friend from New Mexico, no matter what we spend in this bill, to fund it. That is why the Senator from Delaware introduced a bill that instead of the bill that I would love to do if we had all the money in the world, which would cost $24.8 billion over 5 years, I introduced a bill that was $9.6 billion—instead of a bill that we could use the help on.

We could use 100,000 cops on the street tomorrow very quickly, very wisely and fully funded by the Federal Government but that would be $18.2 billion. We do not have that kind of money, so that is why the Senator from Delaware has 60,000 police in here phased over, and it is the same way with regard to a whole range of other elements in the bill.

So I would be delighted to speak in a moment in detail to the legitimate concern of the Senator from New Mexico about whether we pay for any of this.

Mr. DOMENICI. I would just ask if you are aware—I happen to know a little bit about it and it is not my budget past. The subcommittee that funds this is the one I am ranking on, so as has been said, I know a little bit about the budget. We had to put up the money in these various programs in their infancy.

I just wanted to ask if you knew the entire Department of Justice funding in appropriations this year is $9.6 billion for the Justice Department. I just did some quick arithmetic. The underlying bill, the Democratic bill says we are going to increase this by $10.2 billion over 5 years, which is over $2 billion a year, I just rounded that——

Mr. BIDEN. That is correct.

Mr. DOMENICI. If my arithmetic is right, we are going to increase this funding, while we do not have any new money anywhere that I know of, 27 percent for this little piece of Government. There are many things that I agree we ought to be doing to help and I want to be there helping. But, frankly, I think we ought to be a little bit careful about talking about one bill being better than the other without putting out a caveat that maybe we do not have the money to pay for any of it.

With that, I will be back this afternoon. The Senator was not finished. I had been waiting, and I did not want to take the Senator's time, and certainly I did not want to take the time of my friend from Texas and my friend from Florida, who have been waiting more time than I. I just wanted to make a point and ask the Senator about it. I appreciate the graciousness.

Mr. BIDEN. Mr. President, I think the point of the Senator is accurate as it relates to both bills, and I think it is something the sponsors of either of the proposals for the entire crime bill have to meet because the Senator is correct.

Mr. BYRD and Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I am prepared to offer an amendment to provide the money, and I shall offer it on behalf of myself and Mr. SASSER, Mr. MITCHELL, Mr. BIDEN, and Mr. KERRY of Massachusetts.

Mr. President, I have listened with great interest as Senator after Senator has come to the floor and made urgent appeals for the passage of a crime bill and the creation of new anticrime programs. Make no mistake about it. I abhor the violence and senseless killing that is occurring daily in the streets throughout America as much as any of my colleagues who have stood on the Senate floor to demand community policing grants for local communities, construction of regional prisons, boot camps for violent juveniles, and gang prevention grants.

But, I want to take a moment to alert my colleagues to the fact that all of these new programs cost money—they will require discretionary appropriations to implement. And, unless the crime bill ultimately passed by the Senate includes a credible, accountable proposal to provide the means to pay for these new programs, the prospect of States and localities receiving the newly authorized assistance is unlikely.

It is for that reason, Mr. President, I shall offer an amendment as soon as I complete my remarks. This amendment will lock in place the 5-year personnel savings called for in the National Performance Review. It will then set aside sufficient funds to cover the 5-year cost of the pending bill. Funds would be placed into a newly created violent crime reduction trust fund in the following amounts: fiscal year 1994—$720 million; fiscal year 1995—$2.379 billion; fiscal year 1996—$3.168 billion; fiscal year 1997—$3.517 billion; fiscal year 1998—$2.492 billion.

The Appropriations Committee could make appropriations from the trust fund each year for the programs authorized in this act—the Violent Crime Control and Law Enforcement Act of 1993.

Finally, the amendment makes the necessary conforming adjustment in discretionary spending limits for fiscal years 1994 through 1998 to take into account the fact that funds have been set aside separately into the newly created violent crime reduction trust fund, as I have previously described.

In offering this amendment on behalf of myself and the other Senators whom I named, I am not unaware of the effect that this will have on the Appropriations Committee's ability to find sufficient resources over the next 5 years for other pressing national priorities.

The fiscal year 1994 budget resolution set binding discretionary spending caps for fiscal years 1994 through 1998 in both budget authority and outlays.

The caps will require large cuts below inflation for each of the next 5 fiscal years, 1994 through 1998, in both budget authority and outlays.

For fiscal year 1994, for example, discretionary budget authority had to be cut by $24.7 billion below baseline, which is fiscal year 1993 appropriations plus inflation.

This level of budget authority, $501 billion, was also $7.9 billion below President Clinton's budget request and was $16 billion below a hard freeze—in other words, below the uninflated 1993 level.

The picture does not improve for the next 4 years. Further real cuts will be required each year under the binding caps that are already in place. The total 5-year cut below inflation will be $224.5 billion; and below President Clinton's request, cuts will have to be made totaling $59.7 billion.

Discretionary spending, therefore, has already contributed its fair share—and probably more than its fair share—of deficit reduction for the next 5 years.

Discretionary spending is the backbone of the Nation. It provides for our national defense; investments in our Nation's infrastructure; highways and mass transit; education programs; programs to assist the elderly, poor, and women, infants and children; research and development; health research and prevention programs; inland waterways; environmental cleanup; and law enforcement programs.

These and the rest of discretionary spending were cut to the bone during the Reagan and Bush years, and especially during the Reagan years. A little respite from the cutting was achieved under the 1990 Summit Agreement. But, under the 1994 budget resolution, we have voted to resume our cutting of these vital programs for another 5 straight years.

The Appropriations Committee will be unable to adequately address members' requests in the coming years if lower discretionary caps are adopted.

These are the reasons why I implore all Senators to resist the temptation to vote for amendments which will further cut the discretionary caps. Enough is enough. When we vote to end programs, as was done on the superconducting super collider, it is an easy vote to take those savings away from the discretionary caps. It will also be an easy vote to reduce the discretionary caps by any savings achieved from the upcoming rescission and so-called reinventing government bills. But, keep in mind as we weigh how to vote on such amendments, that we will need all of these savings and more in order to meet the caps that are already in place by the budget resolution that has already been adopted for fiscal years 1994 through 1998. We cannot meet those caps unless we are able to use savings generated from program terminations and from rescissions that will occur, not just this year but in every year. We will need those savings. If, instead of allowing the Appropriations Committees to use these savings, we are going to set 5-year caps which are extremely difficult to meet and then, to also cut those caps further on an ad hoc basis every time we enact rescissions or every time we terminate a program, then we will have succeeded, by 1998, in demolishing our Nation's potential for infrastructure growth in the immediate years to come.

We will have slaughtered our people's hopes and dreams at the altar of deficit reduction. Not because the deficit should not be reduced—we all know that it must. Not that we should not strive mightily to achieve a balanced budget as quickly as our economic and social well being will allow—we should. But because we will have taken the easy way out.

Mr. President, I have not quite completed my statement yet. But I ask unanimous consent that I may send the amendment to the desk and have copies made. I want to supply a copy immediately to the distinguished Republican leader, and then I will complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1101 TO AMENDMENT NO. 1099

(Purpose: To fund the reduction of violent crime)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia, [Mr. BYRD], for himself, Mr. SASSER, Mr. MITCHELL, and Mr. BIDEN, proposes an amendment numbered 1101 to amendment No. 1099.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the amendment and insert the following:

B—State Prisons

SEC. 1321. BOOT CAMPS AND REGIONAL PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) DEFINITION.—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the programs, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carrier out during the period of imprisonment.

(b) ESTABLISHMENT OF GRANT AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, and improving boot camp prison programs;

(B) developing, constructing, and operating regional prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to grantees under this section.

(3) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) STATE AND MULTI-STATE COMPACT APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) CONTENT OF APPLICATION.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) MULTIYEAR GRANTS.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.—

(1) DEFINITION.—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) DETERMINATION OF SUITABILITY FOR CONVERSION.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) TRANSFER.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall prepare and disseminate to State and local officials a report listing any real property or facility located at a military installation to be closed or realigned under a base closure law that is suitable for use as a boot camp prison or regional prison. The Attorney General shall periodically update this report for dissemination to state and local officials.

(5) APPLICABILITY.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) PERFORMANCE EVALUATION.—

(1) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) OUTCOME MEASURES.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such program in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Attorney General shall review the performance of each grant recipient under this section.

(B) REPORTS—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) REPORT TO CONGRESS.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Attorney General determines, as a result of the review required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) ACCESS TO DOCUMENTS.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) GENERAL REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000,000, to remain available until expended.

(2) USE OF APPROPRIATED FUNDS.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

VIOLENT CRIME REDUCTION TRUST FUND

SEC. 1321A. PURPOSES.

The Congress declares it essential—

(1) to fully fund the control and prevention of violent crime authorized in this Act over the next 5 years;

(2) to ensure orderly limitation and reduction of Federal Government employment, as recommended by the Report of the National Performance Review, conducted by the Vice President; and

(3) to apply sufficient amounts of the savings achieved by limiting Government employment to the purpose of ensuring full funding of this Act over the next 5 years.

SEC. 1321B. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—(1) 2,095,182 during fiscal year 1994; (2) 2,044,100 during fiscal year 1995; (3) 2,003,846 during fiscal year 1996; (4) 1,963,593 during fiscal year 1997; and (5) 1,923,339 during fiscal year 1998.

(c) MONITORING AND NOTIFICATIONS.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 1321C. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1115. Violent crime reduction trust fund.

"(a) There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund," into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;

"(2) for fiscal year 1995, $2,379,000,000;

"(3) for fiscal year 1996, $3,168,000,000;

"(4) for fiscal year 1997, $3,517,000,000; and

"(5) for fiscal year 1998, $2,492,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, "appropriations under paragraph (1)" mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) Listing of the Violent Crime Reduction Trust Fund Among Government Trust Funds.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) Requirement for the President To Report Annually on the Status of the Account.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.".

SEC. 1321D. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $161,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,379,000,000 in new budget authority and $884,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $3,168,000,000 in new budget authority and $2,191,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $3,517,000,000 in new budget authority and $3,342,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: $2,492,000,000 in new budget authority and $3,470,000,000 in outlays.

Mr. BYRD. Mr. President, we will have taken the easy way out to emasculate discretionary programs which, except for the Reagan defense buildup, did not contribute to the massive deficits of the Reagan-Bush years—instead of facing up to the unconscionable growth in entitlement spending and the hemorrhaging in revenues that occurred under the 1981 Reagan tax cuts.

In conclusion, the war on crime is of such an overriding concern that as in the past the Committee on Appropriations must take extraordinary actions to confront this issue. In 1989, for example, I offered an amendment to the fiscal year 1990 Transportation approriation bill to fight the war on drugs. Unlike that year, nearly all of the appropriations bills for the current year have already been enacted. We took extraordinary steps then, and we are willing to take such steps again to meet this dire emergency.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). Who seeks recognition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah, [Mr. HATCH].

Mr. HATCH. Madam President, the Hatch-Mack amendment, as we all know, attempts to alleviate some of the problems by providing $6 billion over 5 years for prisons. Half of that money will be dedicated to the construction of 10 regional prisons to house up to 50,000 State and Federal violent offenders. The other $3 billion will be used as grants to States for operation, maintenance, jails, boot camps, and prisons.

So we provide for boot camps in here. We want to save the money. The boot camps will do that. We do agree with that, whereas the Democrat bill provides for boot camps but they do not get much for prisons. Yes, prisons have been expanded, but because of the Bush administration.

One of the first things this administration has done, the Clinton administration, is cut back on prison construction moneys by $130 million or at least called for the cut back on prison construction funds. We do not think that is the right direction to go. We know this is the right direction based upon the facts, statistics, the actual worries of people out there, mothers worrying about their children, this constantly revolving door policy that we have in our prisons today running these violent criminals in and out, and in just very limited, short periods of time without making them serve as they should which is causing us problems all over this country.

I have to say that we condition these grants to the States on States enacting proof-in-sentencing provisions. That is the condition of participation in the $3 billion regional prison program, on a State's adoption of sentencing guidelines which ensures offenders will serve 85 percent of their sentences.

We require them to reform bail laws, and we provide adequate recognition of victims. They will have to require adequate recognition of victim's rights, law-abiding citizens of this Nation. We demand a 10-year prison term which means 10 years, not 2 years.

I am getting sick and tired of convicted murderers on the average being sent to jail for only 15 years of which they serve less than 6. We wonder why we have the problems we have in our society today. It is not hard to figure out, to be honest with you.

It has been suggested that the Federal prison system is not overcrowded. While it is true that we engaged in an unprecedented prison expansion effort during the Bush administration, the fact is that the Federal Bureau of Prisons is at 38 percent overcapacity. Those are the facts. We have 89,483 inmates for a rated capacity of 58,108. Do not tell me that we have extra prison space in the Federal prisons. And despite this overcrowding, the Clinton administration has failed to spend over $1 billion in prison construction money it currently has.

Furthermore, as I have mentioned before, it rescinded $130 million this past summer, money that was supposed to go to build a new District of Columbia jail. As well, the Department shut down a prison in Florida in September. The truth is we still need more prison space at the State and Federal level.

My colleague from Delaware has questioned the wisdom of providing the States with prison construction money. True, the States need to build more prisons.

Mr. BIDEN. If the Senator will yield, I do not question the wisdom of providing money. My bill does provide the money. I question the wisdom of doing it the way you are suggesting it as opposed to the way I am suggesting it.

Mr. HATCH. I stand corrected then. I question the wisdom of the way you want to do with only $2 billion when we clearly need we estimate $6 billion to provide the prison space for these hardened criminals.

The States need to build more prisons, and perhaps they have been also recognizing this. The Hatch-Mack amendment steps up to the plate and helps the States out. Some have asserted that State correctional facilities have some concerns with the Hatch-Mack amendment. That is not surprising, when you consider their view of the world.

The executive officer of the Association of State Correctional Administrators recently wrote:

> If we have not properly identified our customer base—

Can you imagine customer base?

> then it is not likely that we are making a difference. In our business—

That is, corrections—

> the customer is not the public, not the legislature, elected officials, not our staff, and not the victims in the community. Our customers are our inmates, probationers, and parolees.

I do not know about you. But that makes me doggone mad. I think they ought to be a little more concerned about the public, the legislature, the elected officials, the staff, and the victims in the communities.

It is no wonder the States have been slow in building prisons with that kind of an attitude. But it is also no wonder because the States have plenty of problems in raising the funds to do it. This bill the way we have approached it would help them.

Our bill mandates the State's adoption of truth in sentencing. This is not the case. We encourage it by conditioning half of the money in this amendment on requiring that violent offenders serve 85 percent of their sentence. If the State is having trouble complying with this incentive, we also give the Attorney General a certain degree of waiver authority. So the Attorney General can make some exceptions to this. Look. It comes down to this.

Nobody can argue that our prisons are not overcrowded. I do not think anybody can argue that with a straight face. Nobody can argue that when we put people in for more time, there is less crime and the crime goes down. I think the facts show that. I think the statistics show that. The Justice Department statistics show that.

I think nobody can argue with the assertion that violent criminals ought to be put away for a long time, and they ought to have to serve that sentence. If they are in jail, rather than going out a revolving door because we do not have the space, as new violent criminals come along, then they are not going to be on the streets committing more violent crime. We are overrun with that today, and both the distinguished Senator from Delaware and myself have been making that point from the beginning of this debate.

What I would like to do more than anything else is to get together and get the reasonable people on both sides of the aisle to sit down and come up with a consensus bill that will resolve these problems; that will get us more police in the streets; that will get us more money for prisons; that will establish boot camps, which I think the distinguished Senator from Delaware and I totally agree on; that would provide the moneys for antidrug efforts and get the DEA some money and get the FBI some money; upgrade Quantico, the police academy where at least a thousand top people go through every year and are trained all over the world—the best in the world, I might say; help the FBI to beef up its agents, in addition to putting police on the streets; do the work that we need to do with regard to safe schools; provide enough money for rural crime problems, because we ignore the rural areas in many ways.

We would provide $465 million for that and have antigang language, plus $150 million for that. All of us, I think, would probably agree with that. I can go along with the Democrats' drug courts, even though I would like to limit it to those most likely to be rehabilitated. We have both agreed quite a bit on child abuse issues, where we can resolve those problems. Of course, I think we have to do some things on counterterrorism.

We need to have the President and the Attorney General with us on this matter. Frankly, we want it paid for, too. The distinguished Senator from West Virginia has offered an amendment to pay for it. We have to look at that. We hope that it is something that can be supported. But we would like to pay for it. We would like to have this money appropriated, rather than just doing this reauthorization bill and having it ignored. We can fight on other issues that are buzz issues and difficult issues, but if we can put all that together, people in America would say: My goodness gracious, finally they have done something to really help us with crime.

It has been 8 years since we have put together a really good, comprehensive crime bill, and I think it is time we do that together, and I hope we can.

We are going to have to get those who are the few on each side to come along, but I would like to see it happen. I really would like to see a bipartisan approach to this that would really make a difference in all of our lives. It would lend credibility to the program and, of course, it would cause the people in America to realize that we can work together in the best interests of everybody. I encourage our colleagues to help do that if we can.

The second-degree amendment, as I understand it, is simply Senator BIDEN's $12 billion program, paid for by reductions in Government personnel. If that is all we are going to spend on this, and a lot of that is going to go for boot camps, I have to say that it is not enough. Those who really want to do something about this have a chance of voting down the Biden amendment and voting up the Hatch-Mack amendment, which will really make a dent in what is going on in our society.

So I am prepared to go ahead to a vote, but I understand there are others who would like to speak.

I yield the floor.

Mr. SASSER. Madam President, the amendment offered a short time ago by the distinguished chairman of the Appropriations Committee establishes a mechanism to fully fund the initiatives contained in the crime bill, and that is what I think everyone wants here. That amendment really ought to pass by acclamation. We should not even need a rollcall vote here to agree to fully fund the crime bill.

It does us no good to pass a so-called crime bill that is simply a shell, that does not have the funding to effectuate the actual crime control measures that it contains.

Some are saying, "Where are we going to get the money to pay for it?" Let me say to my colleagues that we do have the money to pay for the crime bill, and the savings are absolutely real. Let me just say this about the crime bill: You are either going to pay now, or you are going to pay later. You are either going to pay one way, or you are going to pay the other. You are going to put these policemen on the streets; you are going to try to enforce the laws of this country, or you are going to pay through having more people engage in criminality, which damages the economy, and you are going to have more people going to the penitentiary to the tune of about $25,000 a year to maintain each one of them; or we can go ahead and put the police forces on the street to control crime.

We are going to get the money to pay for the crime bill from an amendment to the unemployment insurance bill that the Senate passed last week. That amendment was offered by the Senator from Texas, and it enforced the savings that were proposed in the Vice President's plan to dramatically cut the Federal bureaucracy. Under the amendment offered by the Senator from Texas to enforce the proposal that the Vice President had proposed, over 180,000 executive branch positions were to be eliminated over 5 years. The Senator from Texas observed at that time that this would result in a cumulative savings of over $21 billion in budget authority.

Madam President, over $21 billion in budget authority was saved by effectuating the Vice President's proposal to cut executive branch positions. That is not just the chairman of the Budget Committee talking; that has been confirmed by the Congressional Budget Office. We in this body have already voted in favor of the relevant cap to discretionary spending by a massive majority.

Now, the amendment offered by myself and the distinguished Senator from West Virginia, Mr. BYRD, and the distinguished majority leader takes a healthy chunk of these savings and puts them into a purpose that 80 percent of the American people say they are willing to pay more taxes for, fighting crime. That is what we are trying to do—putting police on the streets and keeping the criminals behind bars where they cannot threaten law-abiding citizens.

Our amendment would establish a violent crime control trust fund, and this trust fund would ensure the funding for all of the crucial components that the Violent Crime Control and Law Enforcement Act of 1993 marries together. In other words, we are creating a trust fund to finance the crime bill, to hire the 50,000 policemen and put them on the streets, to build the prisons to hold the criminals that the police put behind bars.

In total, I think we ought to ask ourselves this question and be serious about it. Do we really want to do something about criminality in this country, or do we just want to talk about it? The American people are tired of the talk. They want something done about it. I want something done about it. I am sick and tired of walking the streets here of Washington, DC, and being apprehensive, and I am sick and tired of seeing my children go out for an evening to a movie or something and wonder if some criminal is going to kill them in cold blood before they can get home.

It is basic that a Government, if it is to be called a Government, must provide security for the lives and property of its citizens. And that is what this crime bill is all about.

The distinguished chairman of the Appropriations Committee and myself and the majority leader with this amendment are saying we are tired of talking about controlling crime. We want to do something about it. We are going to put the financial resources behind this crime bill to make it work, and we are going to establish a trust fund to put the funds in there so they will be available and they cannot be pilfered for other purposes.

In total, the amendment would lock in $12 billion from the savings that come from reinventing Government. These funds would be placed in this trust fund to be used for the sole and exclusive purpose of combating violent crime. That is what the American people want to happen.

In addition, the caps in discretionary spending would be adjusted by the amount placed in the trust fund. By adjusting the caps, the Appropriations Committee can disburse the funds among the relevant law enforcement and crime control programs, but they cannot—and I want to make this crystal clear—they cannot use the money for anything else but fighting crime.

Just look at what they will be able to do. This trust fund will safeguard funding within the Federal budget to place an additional 100,000 police officers on the streets of this country; 100,000 more policemen will be walking the streets because of the funding we are putting in this trust fund to control violent crime.

The violent crime control trust fund will guarantee funding for the construction of additional prisons, to incarcerate violent criminals, and it will also build boot camps to try to teach first-time youthful offenders basic discipline and basic obedience to the civil laws of this country.

The trust fund will secure funding for the police corps program which I, along with Senator SPECTER, introduced, and this police corps will provide a very important addition to the police forces all across this country.

The violent crime control trust fund will put a padlock around funds to combat rural crime. Rural crime is growing much faster than crime in urban areas. The control of rural crime is very important to my State of Tennessee.

Now, we have heard other proposals, such as the one voiced by the Senator from Texas, to use some of the reinventing Government savings to build more prisons. There is nothing wrong with building more prisons. It is just that the proposal offered by the Senator from Texas simply does not go far enough. His proposal would pay only for prisons and ignores the need to guarantee funding for police forces, more police officers, and for rural crime initiatives.

If we just put the money in to build prisons, I think this is certainly a one-sided and shortsighted approach that is not going to do much to deter this Nation's crime problems. A prison deals with the end results of crime, and it does nothing to stop crimes that are occurring in the first place.

What we want to do is to put the police officers on the streets to protect the citizens of this country, to prevent the crime from occurring. We must have a comprehensive approach to addressing crime, and we must provide the resources to combat crime at all levels. And that is what the amendment that we are offering achieves.

Mr. President, I have heard a lot of rhetoric around here for a long time about being tough on crime. We hear the rhetoric, but the statistics get worse and worse and worse.

My amendment says, let us end the political games surrounding the crime issue and let us provide the real resources—the real resources—to wage the war against violent crime and to turn back this wave of criminality that is sweeping all across this country.

Mr. President, this amendment fulfills all of our colleagues' desires to fight crime, and it does it while being fiscally responsible and prudent. I believe that all of us can vote for this amendment, and certainly we all should vote for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before he leaves the floor I want to commend our colleague from Tennessee. He is extremely credible on this issue, and this amendment deserves the serious attention of every single Member of this body.

The Senator from Tennessee over the past number of years has been the chairman of the Budget Committee and has spoken time and time again about the staggering problems we face in our economy and the association of those problems with the deficit issues and spending problems.

He is doing what ought to be done in any serious debate about crime, and that is coming up with some financial resources to do what everyone says they want to do.

Madam President, I ask unanimous consent to be added as a cosponsor to the amendment of the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, it also strikes me it always seems to be about in the months of September and October in election years we seem to hear more about this subject than others. The problems go on every single day. Young people are losing theirs lives in record numbers, but there seems to be an association with politics and politicians' interests in this subject matter.

Then we also are confronted with this gamesmanship of who is going to appear tougher. In my own view—and I say this with all due respect to those who have all sorts of various ideas in this bill—I happen to agree with the Senator from Tennessee. The best thing, I suspect, we can do in this body would be to give our communities and our States some resources to go out and hire the police officers and other equipment that they need to do the job. They do not need to be lectured by 100 Senators as to how they can do their job. They would like some help. Fewer speeches, a little less politics and a little more just dollars-and-cents help and then get out of the way and let them do their job.

Having said that, of course, we will now spend the better part, I guess, of the next 2 weeks competing with one area here as to who is more muscular when it comes to the issue of dealing with crime. Of course, most of us know that the crimes that our States and localities deal with are at the local level, State laws, not Federal laws. Nonetheless, it deserves our attention here. Obviously, the problem is monumental in scope.

I want to focus, if I can, on just one aspect of this, something that I spent some time on over the last few years, and tragically this morning in my own State the issue gets highlighted once again. I want to talk about youth violence that is sweeping our country and has been growing in staggering proportions.

Madam President, this very morning when we gathered in this Chamber, in front of the New Britain High School in New Britain, CT, 18-year-old Miguel DeJesus, about to enter the school building, was shot down.

This was not a shooting in the dark of night in an isolated alley. The shooting took place at 7 a.m. as students were getting off the school buses a few feet away. This was not a shooting in an enormous city—New Britain's population is 75,000 people.

Miguel DeJesus is now in critical condition with multiple gunshot wounds—shot five times, I am told. The police, of course, are investigating the shooting and whether or not it was gang related.

The story, Madam President, is horrifying because of its violence and even more horrifying because such incidents are becoming commonplace. Thousands of our children in Connecticut and across this Nation are now the casualties of an undeclared war, and there is no cease-fire within sight.

Schools, whose primary discipline problems used to be students chewing gum or running in the halls, now have to worry about whether or not their students are going to be gunned down in broad daylight in front of the school building.

On several occasions this year, I have come to the floor of this Chamber to speak about the rising tide of youth violence ravaging our Nation. Today, as we debate anticrime legislation, I want to focus on the dramatic rise of youth gang violence, the kind of violence that may have caused this morning's shooting in New Britain, CT.

Madam President, there are now an estimated 400,000 gang members ages 9—as hard as that may be to believe—ages 9 to 18 in this country, and gangs are spreading, as this first graph I put up here shows. It shows that gangs have fanned out across the country and are no longer limited to a few major urban areas.

But can you see the rise from 1960 through 1991. It sort of flattened out in the late 1960's, and then it just has gone in almost a direct straight-arrow approach up to where we now see the number of cities with gangs in this country. So it is growing at an incredible rate.

Along with this increase in gang membership—and I am going to put up a second chart here—there has been a corresponding rise in gang violence in the United States.

Again, you see, dating from 1987, not as far back as 1960, but 1987 through 1992, we just see, again, a dramatic increase in the number of gang violence.

Madam President, despite what many of us may think—and I think it is important to note this—gangs are no longer a problem that exists only in major urban areas. According to the Department of Justice, gangs have appeared in nearly every State of the Nation. From Kansas to Connecticut, from New Mexico to Hawaii, from Ohio to Montana, gangs are terrorizing our communities.

Recently, by the way, a month ago or so, the city of Hartford was literally paralyzed for several days as a result of open gang warfare in the streets, and with the police department overwhelmed by their inability to really respond to that in an appropriate way, it caught the national attention. But it is an example that the capital city of my State literally appeared as though it was in some Third World country as a result of gang violence.

Many Americans moved into the suburbs, of course, when this problem first began to emerge, to small towns, only to find that crimes had followed them.

My colleague from Tennessee just briefly talked about the problems of rural crime in his State of Tennessee. Any Member of this body can get up and talk about what is happening in smaller communities.

This is not, again, a problem of major urban areas just on the east or west coast. All across our Nation we find that urban drug-dealing gangs are migrating from large cities in search of untapped drug markets, less competition and greater profit margins.

It is often assumed that gangs are strictly made up of African-American, Latino and Asian males; next-to-no white or female youth in gangs, we are told. The fact is that gang membership cuts across all ethnic and racial and gender lines.

The statistics show that while there are various sizes and percentages, we are seeing a dramatic increase, for instance, in the number of white gangs. It has risen 61.7 percent since 1985. This represents the greatest percentage increase, I might add, of any racial or ethnic group. It is the white gangs in the country.

So people assume this is just a black or Hispanic or Asian problem.

The Department of Justice contends that female gang members, while small in numbers right now, represent a serious concern. Female gangs exist throughout the country. Forty cities now report having independent female gangs. Girls are increasingly involved in youth gangs, violence, and drug traffic.

Madam President, again we have a very good bill here that has been proposed by the chairman of the Judiciary Committee. There are a lot of good ideas in it to try to deal with some of these problems.

And I underscore, I think, the importance of what the Senator from Tennessee highlighted here: It needs to be comprehensive. We need to do what we can to provide resources to people, rather than lecturing people, because they are just as concerned in the communities of this country with gang violence as any Senator or Congressman is. They do not need to be told necessarily ad nauseam how bad the problem is. They would like us to take some of our resources and bring them to bear so we can begin to deal with the problem. And we are going to try to do what we can in our schools.

I mentioned the tragedy in New Britain, CT. We are trying to get some assistance to our schools because of the violence that is located there. Every single day, Madam President, 135,000 children bring a gun to school in America. One out of five brings a weapon of some kind; if not a gun, then a knife or something else, to defend themselves.

I mentioned earlier school disciplinary problems used to be relegated to chewing gum or running in the corridors. These children are bringing these weapons not because they intend to be the perpetrators of violence, but to defend themselves, in many cases, or in most cases.

And yet you see, even with that, the explosion of problems. Before today ends, 12 children will die because of violence in this country. And we know already one of them may be one of those statistics as a result of a gunning down in front of a school in my State this morning.

We had testimony a few weeks ago—I held some hearings on this issue—of what can we do about it. A principal of an elementary school in Bridgeport, CT, has to put bulletproof glass up in front of her kindergarten—bulletproof glass in front of her kindergarten—because of this.

The children of the Munoz Marin School in Connecticut get bused two blocks to school in the morning because of the violence.

In New Haven, CT, they spent $700,000 of the education budget for metal detectors and for cops in the corridors; part of the education budget of that city.

So the school violence is just staggering in proportion.

We have a couple of proposals, Madam President, that I will offer that take some of these resources and gives some assistance to these schools to try to deal with these problems. I do not mean just in the mechanical or technical equipment. We do that. But also if we can get some of these young people—if this case this morning was a gang-related incident, how do we get these young people to start thinking about alternatives to that as a way of finding some sense of belonging? How do we teach children that never learned because no one is at home about conflict resolution, resolving their problems? Can we do that?

I think, unfortunately, the schools are going to have to assume some of that responsibility. We are offering some help in that regard with some ideas that we will offer to the committee for their consideration in this area.

But, again, Madam President, it is a tragic irony that on the very day we begin the consideration of this legislation, the major story in my State this morning is a young student about to enter school is shot five times, creating pandemonium, I might point out, among the student body, since all of them were getting off their school buses. The pools of blood were there for these children to see and to watch as the entire incident occurred. That should not be a part of a child's life. It should never occur or, if it does, under the rarest of circumstances.

And yet, every single day, it is happening more and more.

So I commend the amendment being offered by the distinguished Senator from West Virginia, the Senator from Tennessee, and the Senator from Delaware on this particular aspect as a funding scheme. They are absolutely right to do so.

Madam President, I want to commend the Senator from Delaware for his efforts in this regard. He has been on this floor countless days over the last several years trying to get a crime bill passed. I hope this time he will succeed; that we will minimize the talk; that we will really try to provide some resources to people; and, as I said, earlier, kind of get out of the way and let the people who know what they are doing do their job.

To me, that is the best help the U.S. Senate might be to our local and State law enforcement officials. They need some official help, they need some resources from us, but they do not need a lot of the lecturing. These good people know the job has to done.

The Senator from Delaware said that here, and he was absolutely correct.

Mr. BIDEN. Will the Senator yield?

Mr. DODD. I am glad to yield.

Mr. BIDEN. Let me say, the Senator, I know, at a later time, when he has an opportunity, is going to introduce several amendments. I just want to say to him that I think the thrust of his initiatives, several of which he mentioned in his brief talk thus far, are the heart of what we have to deal with.

Granted, this bill has 60,000 police officers in it for community policing; granted, it has a vehicle and a mechanism to get nonviolent offenders to boot camps and violent offenders behind bars; granted, it has money for drug courts to impact on recidivism; granted, it has money for drug treatment in prisons.

But the one thing that we have to focus on, which we have neglected, as a nation, for the past 12 years, is focusing on juveniles.

We have a cadre of young people—as my colleague knows better than I, because of all the work my colleague has done on juvenile issues and children's issues—who are literally being trained to be the predators of tomorrow, who literally are out there without any supervision or any reasonable prospect of supervision because of their family circumstance or even when they find themselves within the judicial system, the criminal justice system, without any reasonable prospect of guidance or control.

I pointed out yesterday there are 600,000 kids who are on probation for drug offenses, minor drug offenses, who have absolutely no supervision. They have gone into a court setting, they have concluded that, and they have either pled or the court has concluded they have violated the law for the first time relative to a drug offense. They have essentially been put on probation, not put in a cell, not put in a boot camp, not put on anything anywhere, but essentially put out on the street with absolutely no prospect that anybody is there, whether it is a drug program, drug testing, mentoring, or just reporting to a probation officer. There is no prospect of anybody being able to intervene other than the school system which is already overloaded, as the Senator points out.

When my colleague and I were going to school—can you imagine? I cannot imagine going through a metal detector having to get into an airplane—well, I never got in an airplane. But can you imagine going to school and having to walk through a metal detector? Focusing on juvenile gangs, gang killings, the juvenile justice portion of this bill, I respectfully suggest, even after we pass this crime bill—I want everyone to keep their eye on the ball here. This crime bill is only one of four or five major pieces of an attack that we should be waging on violent crime in America.

We are going to do this—God willing, and the creek not rising, and the Republicans not filibustering—we are going to do this bill. Then we are going to do the Brady bill and gun legislation. Then we are going to do the Violence Against Women Act, which the Senator from Connecticut knows a great deal about. Then we are going to do the drug bill, which is a major piece of legislation which we will get to the beginning of next year.

I sincerely hope, regarding the additional ideas the Senator has talked about throughout his career relative to the criminal justice system and the youth of this country, I hope he will do what he is doing here on that drug bill as well, because people want to ignore them. We tend to ignore this, but if we do not stop kids from getting into the crime stream and drug stream in the first instance we end up debating what we are debating now, whether we are going to find an extra 30,000, 50,000, 300,000 prison spaces at $25,000 to $30,000 a shot.

So I compliment him for that one thing. There are many things about the career of the Senator from Connecticut that are admirable; none more than his becoming the expert he has on the problems of the youth of this country, not only in terms of their education but in terms of how the devil we keep them out of the crime and drug stream.

I thank him and look forward to his amendment when we finish.

Mr. DODD. Madam President, I thank the chairman of the committee. I will leave these statistics up. I suspect that of 600,000 young people who are on probation because of some drug offenses, the overwhelming majority of them are included in our 400,000 figure that belong to gangs in this country. I suspect there is a correlation there.

So, with the chairman's permission I will leave these two charts over here for Senators who may wish to take a look at them just to show the dramatic increase that occurred in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, back on the specific amendment that is the underlying amendment here relating to prisons. I would like to, once again, reiterate a few things and speak to a few points made by my distinguished colleague from Utah.

The issue here is not whether or not we should help the States—we should, we must, and we will—the issue is how we help the States with their prison overcrowding problem. The reason I keep going back to the States here is I think the most important thing for us to do in this debate is not mislead the American public.

In the entire system of incarcerated persons, Federal and State, we have behind bars in the State and local prisons and jails 1,290,000 inmates. At a Federal level, we have behind bars 80,000 inmates. I put this up to illustrate two points.

No. 1, the States have a much bigger and more serious and more difficult problem to deal with than the Federal Government. It is not because they are better or worse. It is because under our system when the Founding Fathers wrote the Constitution, they did not want a national police force. They did not want the Federal Government to be able to use its police powers to, in fact, run the States.

So we have been fastidious as a nation to make sure that we do not have a national police force that has concurrent jurisdiction on everything with the States and/or superseding jurisdiction over the States in criminal justice matters.

So as I have been involved in this issue from the days back when Senator McClellan headed up the Subcommittee on Crime, to when Senator THURMOND was the chairman of the Judiciary Committee, and now with my friend from Utah being the ranking Republican on the committee, I have thought one of the serious mistakes we have made at the Federal level is we have, back as far back as Richard Nixon—when I entered politics I was elected in 1972 when he was reelected President—we have, beginning with Nixon, so vastly overpromised what the Federal Government can or cannot do relative to street crimes in our neighborhoods.

There is much we can do; much we should do; and much we do do in this legislation. But ultimately, 95 or 96 percent of all the crimes committed in this Nation are committed at a local level, within the total jurisdiction of a local police officer and beyond the authority of jurisdiction of an FBI agent or a drug enforcement agent or a Federal official of any kind, even if the Federal official wanted to exercise that jurisdiction.

So I want to make it clear in this crime bill, not merely that we want to help the States, but ultimately this is a State responsibility which we can impact on but cannot solve at a Federal level.

We have been declaring wars on crime and drugs to the point I think we have diminished and diluted our credibility, all these wars we have declared.

I would just like to win a couple of battles. I do not want to overpromise. I am tired of overpromising. But this bill has 60,000 cops that will go out on the street with State, county, or local police uniforms on, partially funded by the Federal Government and the Federal Treasury, to make the streets safer. One thing we know, if there is a cop on the corner, on that corner it is less likely there is a crime committed at that time when he is on the corner. There is not a lot more we know with certainty.

As I said yesterday, there are those out there who say, when I read the editorials and hear other people speak—not my colleague from Utah but others—that, you know, we have tried the cops and bricks and mortar routine.

We have not tried the cops, bricks, and mortar routine. I am reminded, and I see my friend from Maine—and he is my friend, as they say in this body—is on the floor. He is a close personal friend. I do not want to ruin his reputation by acknowledging that, but he is. And he also is a poet, seriously a poet, a published poet. And he will, as he does every time I quote someone or try to recall a passage from literature, and I do my best at it, he is always kind enough when I finish to wait until we are in the Cloakroom and say, "Joe, no, it was the following."

I am trying to recall from memory, I think it was G.K. Chesterton who said about Christianity, "It is not that Christianity has been tried and failed. It has been tried and untested." Or something to that effect.

That is about where we are on cops and crime. It is not that we have tried to put a lot of police on the street and provide the appropriate incarcerating circumstance for those who are convicted and have failed, it is that we have not tried.

The fact is, when I came to this body 20 years ago, in the United States of America, for every one felony that was committed, one crime, there were three police officers in America at the State and local level. Now for every one police officer at the State and local level, there are three-point-something felonies committed.

So it is not like we have kept pace. The top 10 largest cities in America have had in the recent past an increase in their total police population of only on average 1.8 percent. But yet when you listen to the editorial writers and you listen to the people who were looking for root-cause solutions, as I am, they always juxtapose that against cops, as if we are offering cops as the solution and we are offering prison space and boot camp space as a solution. We are not offering that as a solution, we are offering that as something to stem the hemorrhage.

We must take back our streets, not figuratively, literally take back our streets. With all due respect to all those initiatives that may or may not come forward as we debate violence in America over the next 6 months in this body, notwithstanding all of them, none of them can succeed unless we put a tourniquet on this now. One of the elements of the tourniquet is more police officers, more prison space and boot camp space.

But my plea to my colleague from Utah and all of my colleagues who very shortly will get to vote on this proposal is let us be smart about it. Let us use our heads. If you can, with one-third the number of dollars, accommodate the same total number of convicted felons, does it not make more sense to do that? It seems to me it does, and what the bill provides is $2 billion that States can do one of three things with, with no strings attached:

The States can take that $2 billion over 5 years and if they have a prison system—by the way, I will ask my staff to correct me if I am wrong because my staff really knows this material inside and out. I think I know it pretty well—I believe the cost of an inmate, the cost to the taxpayers for an inmate in jail for a year, 95 percent of that cost relates to things other than the cost of the prison cell; 5 percent goes to incarcerating a person in a prison cell, building the bricks and mortar and putting them behind bars; 95 percent is what we call an operating budget. It means the number of guards, and it means everything from the electricity to the pneumatic locks that are on the doors and the cost of operating them.

Some States—maybe the State of Washington, I do not know, the State of Delaware would be eligible as well—some States have built prisons, have the bricks and mortar all done, sitting there with empty prison spaces, but they do not have the money to operate those prisons.

Under our legislation, they would be able to take that money and they would be able to use it to operate their State prison systems that are there but not able to be run, and/or to supplement the operational cost of an existing system. But they also would be able to do what my State will do, I believe, and many will do. They will be able to go out and build boot camps. They will be able to go out there and take an existing piece of Federal property that is abandoned potentially and/or another piece of property they find and at a very low cost, essentially clear the land, put in a chain-link fence with some barbed wire at the top of the fence, instead of bricks and mortar, built safe and secure, Quonset huts or the equivalent, and put these people who are first-time offenders, nonviolent and basically under the age of 28, into those systems.

When they have them in those systems, they will be able then to make them drill like they do in the military; make them take education courses; if they have a drug problem, put them in drug treatment behind that fence, behind that barbed wire, serving their sentence.

For example, there are certain things I have learned in my years working on this, I say to the Presiding Officer. When I first got here, the general point of view was that only that person who had a drug problem who acknowledged the existence of a drug problem and voluntarily went into a drug program could be helped. Guess what? That is not the way it works.

The rate of cure and/or the number of months that they stay away from drugs, depending on any measure you take, is essentially the same for someone who says voluntarily I want to go to a Betty Ford clinic as opposed to someone to whom the judge says, "You're going to jail, and in jail you're going to have a drug treatment program you have to participate in." Same impact.

So why do we not—since we let out of the jails literally last year, the States released tens of thousands of people who were drug addicted. They served their time, they are back out on the street. It was 200,000 people last year. The State said, "Now you have served your sentence, we open up the clanging door, we let you out, and what do we let you out with? You served your time, but you are drug addicted."

So what are they going to do? They are going to go up and steal your purse, steal your car; they are going to mug the people who are here to watch the proceeding or the people speaking, like me. Why? Because in prison they are able to get drugs and in prison there is no drug treatment.

So you should be able to treat them. We are not coddling these people. Some of my barbed-wire friends, as I refer to them, "We're going to get tough on crime and all the rest." That is great; let us get tough. They characterize treatment in prison as somehow coddling prisoners. They are in prison, behind a barbed wire, but we would allow the States to use those moneys.

State corrections professionals who have built the existing boot camps, often called shock and incarceration programs to punish offenders harshly and intensely, have done this in marked contrast to the relatively easy terms of regular prison terms. These boot camps are not easy "pickins." The average 23-year-old would rather go into a prison cell with all his buddies.

By the way, one of the sad things about prisons, if you go into the communities—I will ask my staff to get me the number; I hope they are listening back there—but there is a startling figure; that an incredibly large amount, high percentage of those people who have been sent to prison in the last year have had a mother, father, brother or sister in prison. Prison is not new to them—37 percent; 37 percent of the people we have in the recent past and will in the near future send to jail, into a prison cell, have had or have a mother, father or sibling in jail.

When you go back into the neighborhood, by the way, and a lot of neighborhoods, black and white and Hispanic in this country—it used to be when I was a kid and you went to prison—I did not live in a real tough neighborhood, but I played a lot of ball in real tough neighborhoods—you go in and even in those neighborhoods, if anybody had been to prison, your brother, uncle or somebody, everybody would say, "Where's Uncle Charlie?" "Well, he's on vacation." "Where is your brother, Harry?" "He got a job in Tuscaloosa."

Now when you get out of prison, you walk back home and say, "Man, I did my time; I've been in prison." Prison is a badge of courage.

So you let the kid make a decision, 18-, 20-year-old kid, do you want to go to prison where your brother Charlie is and, as I said, 37 percent of them have a brother in prison, or you are going to go to a boot camp and get up at 5 o'clock in the morning, run 3 miles, do pushups, go through a drug treatment program, you are going to have a drill sergeant stand over top of you and screaming at you, you are not going to be able to move. I promise you, most will pick the prison.

So I just want to make it clear, and I will end with this—I see two of my colleagues seeking recognition—Madam President, in the bill the $2 billion allowed for boot camps is not an easy alternative. It is tough. Second, it is not a mandate to the States. They do not have to come up with the total of $11.8 billion in State moneys that they do with the alternative being offered. And last, they work.

Mr. COHEN. Will the Senator yield?

Mr. DORGAN. Madam President, I wonder if the Senator will yield.

Mr. BIDEN. I will yield for a question from my friend from Maine, and then I will be happy to yield.

Mr. COHEN. I was just going to pick up on a point the Senator made. I have heard the Reverend Jesse Jackson give many speeches and, as the Senator pointed out, prison for many of those who are entering it is not a step down; it is actually a step up; that they in fact look forward to something more than they have currently on the streets.

Second, the Senator earlier indicated I am in the habit of correcting him with some precision. I believe he was quoting G.K. Chesterton, and as I recall the correct, precise quote the Senator is referring to is that "the Christian ideal has not been tried and found wanting; it has been found difficult and left untried."

Mr. BIDEN. He is absolutely correct, and I am glad, Madam President, that the whole Nation has observed the accuracy of my statement that my friend from Maine never lets me down. That is why I feel safe in attempting to quote people, knowing that ultimately before the day is over the RECORD will precisely reflect the quote. I sincerely thank him for it, and I yield the floor.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. BIDEN. I will be happy to yield for a question.

Mr. DORGAN. I thank the Senator very much.

I will refrain from using any quotes as long as the Senator from Maine is on the floor at this point. I appreciated that exchange.

I would ask the Senator a question about boot camps. The Senator made the point, and when I was in the Chair for an hour I listened intently to the point the Senator is making, with respect to the cost. The Senator was saying why do we not do it smart for a change.

When the Senator talks about boot camps, that term is more general than talking just about the boot camps that are now used for people with very short sentences to move them in and out for a couple of months.

My understanding of the Senator's proposal—and we are going to offer an amendment later that I have been involved in—is these boot camps or prison camps would be designed to hold nonviolent prisoners who are now taking up a prison cell with a thick door and a lockup. In an alternative incarceration facility, using Fort Dix, for example, as I understand it, Fort Dix is being built for about $20 million, converting a base to an incarceration facility, and it would have cost $100 million were they to build a regular prison, with all of the things that are encompassed in the construction of a regular prison. So for about one-fourth or one-fifth, you build an alternative incarceration facility.

The point of that is you have about 50 percent of the prisoners who are nonviolent you can move to a much less expensive facility, incarcerate them there, open up prison cells for violent people, and put them there and keep them there.

The solution then has been a solution that costs one-fourth or one-fifth of what others propose to spend, and you accomplish the same thing. You get violent people off the street because you now have a place to put them.

As I calculate what the chairman is talking about, the potential exists for putting 100,000 to 150,000 people who are violent criminals in regular prison cells, who are not now in prison, because you will have established at much less cost alternative incarceration facilities and moved nonviolent prisoners into those facilities.

So when the chairman talks about boot camps, my understanding is we are talking about something more than boot camps—alternative incarceration facilities.

Mr. BIDEN. The Senator is absolutely correct. Maybe I should call them prison camps with fences and wires and quonset huts rather than with steel doors and expensive cells and stone walls.

The Senator is absolutely correct. Not only does it do the things he suggested, but it does another thing. The States, if they choose, can take part of this money that they would get under our proposal, build a prison camp-boot camp, take someone who is a first time offender serving 2 years in jail for a nonviolent offense, put them in that facility and put them into a tough regime as well as drug treatment. And if the statistics hold up as they do with drug courts, which is a separate issue, people who are first-time offenders who have drug treatment followed on by drug testing, that is, released and at the time of their release they must be tested periodically, the rate of recidivism for those first-time offenders drops from around 35 percent to 3 percent.

So not only can we do it cheaper, if the States wish to do that, not only can we do it at less of a cost to taxpayers, not only can we free up prison space for hard, violent offenders who are now getting out, we can also, if we are smart, increase the prospect that the first-time offender will not be a second-time offender. You have a better shot at doing that in that prison camp setting than you do doing that in the big house.

And so for a whole range of reasons, it makes more sense. In addition to that, the Senator from North Dakota is not going to have to go back home and tell his Governor he has to go to the legislature and raise a whole lot more money to put no more hardened criminals behind bars than this will essentially do.

Mr. DORGAN. If the Senator will yield for one additional question.

Mr. BIDEN. Sure.

Mr. DORGAN. This is an interesting discussion because as I listened to it, in some respects I hear people saying well, if we simply throw more money at this, that will solve the problem. The question is not are we doing enough. The question is are we doing the right thing.

Mr. BIDEN. Precisely.

Mr. DORGAN. In this circumstance, what we are saying, at least a number of us who are interested in alternative incarceration facilities, is to take nonviolent people and put them there at much less expense. We are saying we can provide far more prison spaces, cells, regular cells for violent criminals at a fraction of the cost.

As I compute this, the potential exists to take 100,000 to 150,000 cells, empty them, make them available for violent criminals, and take them off the streets and put them there and keep them there; and that compares, even though we would spend only about 60 percent of what the alternative would spend, with probably 25,000 or 30,000 regular prison cells built under the other proposal.

So the point is you spend a third less and do three or four times more. That relates to what the Senator from Delaware said earlier. It is time for us to do things smarter. You do not have to spend more money to do more or to accomplish the right result. You can, it seems to us, if you do this more appropriately, provide far more prison space for hard-core criminals at far less cost than we have thought about previously if we simply do the right thing. That is why I am impressed with this approach. We can really accomplish something; 150,000 cells available for hard-core criminals is not a small-time solution. That deals with this in a big way.

Mr. BIDEN. I wish to make clear to the Senator that is our goal, but the $2 billion does not buy 150,000 vacancies. It buys us 70,000 vacancies. I would be prepared to do that plus another 15,000 prison cells like the other team wants to build. If we doubled that money, we could get all 160,000 of these nonviolent, first-time offenders who are taking up hard-core space.

But the Senator is absolutely correct in the thrust of what he has said.

Again, one of the things that I know the Senator agrees with and that I wish to be real certain about—I have been doing this for a long time. We come to the Senate. We all get assigned certain responsibilities, minority and majority, and we allegedly are supposed to become, if not experts—like the old joke, an expert is anybody from out of town with a briefcase. Well, we do not get to be experts, but hopefully we get relatively well informed. We all get different assignments to be the person to whom our side tends to look for some of the detailed data when making up their minds. One of the things that I have tried to do in my job assigned to me by the Democrats, being the chairman of the Judiciary Committee, is to make sure that I do not overpromise anything, to make sure that whatever I am saying about the crime bill at the time that I am speaking to it is as accurate as I know it can be.

So that is the only reason I say in truth-in-advertising the $2 billion I have in the bill would get us 70,000 boot camp spaces and about 15,000 hard-core prison spaces. You can play with those numbers. If the State did not want to use hard core space you can bump it up to 81,000. I do not know the exact number. But that is the point. I think if in fact this works, as I believe it will and I think the Senator from North Dakota believes it will, we can come back here and do it all. We can do more of this.

One last point. I know the Senator and I also want to give credit where credit is due. The Senator from North Dakota and I spoke, and he indicated to me that he thought we were not even doing enough in the boot camp area. In the first bill I introduced on this because I did not think I could get the support to spend more money that I now have, since the chairman of the Appropriations Committee and the chairman of the Budget Committee have now signed on to in a major way to fund this, I only had $300 million in for these boot camps. I wanted to make the record clear. The Senator from North Dakota said that is not good enough. He wanted to see a lot more. So he deserves the credit for this being up significantly.

I also know there is one other thing he has a grave concern about, and I know it is his amendment. I hope we can work it out. That is that he is worried about the States, notwithstanding the fact that they will be able to have freed up spaces for violent criminals, that he wants to make sure those violent criminals serve their time; serve 85 percent of their time or more, like they do in the Federal system.

So I hope when his amendment is in order, when he decides to introduce it, that we can accommodate that. I want to give credit where it is due. This is really his baby. I appreciate it.

Mr. DORGAN. Madam President, I do not want to test the Senator's patience, but if he would yield for one additional question, I want to illustrate why I talk about 100 to 150,000 violent criminals. If we construct at Fort Dix the opportunity for $20 million to incarcerate 3,000 people, taking an abandoned military facility, if you do $700 million and the Justice Department or whomever is constructing these, could construct it as reasonably—and I should say that my friend from Ohio is going to join me in the amendment, Senator GLENN, he believes as, the chairman indicated a while ago, you can construct these camps with Quonset huts and other facilities.

We have had people living in those for a long time in bases and so on around the world. You can construct these in a reasonably effective way. If you could replicate the Fort Dix model, incarcerate 3,000 people in a facility that costs $20 million to construct, if you spend $700 million you are talking about 105,000 people. That is 105,000 people that can go from a prison cell to an alternative incarceration facility and you open up 105,000 cells. That is only $700 million. We can do it with $1 billion. Then you are up to a substantially higher number.

That is the point I was trying to make.

Mr. BIDEN. I think the point the Senator makes is absolutely accurate. My numbers that I have been using have been very conservative numbers. I have wanted to make sure that no one would be able to say to the Senator from Delaware that no, you are inflating these numbers. I have taken the most expensive end of the boot camp cost, and then divided the number of people I could get into them.

The Senator from North Dakota is absolutely right. And with a little bit of imagination you can even get that cost down further.

The irony here is some on this floor have characterized our boot camp proposal as somehow a less severe version of what should be done with criminals. The truth is when I first got here, and the Senator from North Dakota first got here, after having served in the House, if we had ever stood up and said we want to put up Quonset huts, they would have said, "Oh, my Lord. You reactionary people. What are you doing putting them out in quonset huts? You should have them in these expensive cellsthat meet all OSHA standards, and so on."

The truth of the matter is we are not talking about sending these folks to Boys Town. We are not talking about sending these folks to some lovely arrangement whereby they go to summer camp. We are talking about putting folks where they do not want to go, do not want to be, not going to like, going to have to work like the devil when they are there, and have to undergo education while they are there, including drug treatment if the States so choose while they are there, and increasing the prospect that they will not be repeaters significantly greater than they would have if they had stayed in the prison.

Mr. DORGAN. The main concern, Madam President, is finding space to put violent people. That is the main issue here. We had a lawsuit a while back in which a prisoner was suing the authorities that were imprisoning him because he was not getting variety tier cable television; not regular cable, he needed variety tier because he wanted to watch hockey. He did not get variety tier in jail; therefore, a lawsuit. The judge had the good sense to throw the lawsuit out.

The fact is people sent to jail, especially violent criminals, deserve it seems to me to be incarcerated for the period of time the judge intended that person to be incarcerated. We do not need to reward them with good time in order to find out how we can dangle incentives in front of them to make them behave while in prison so they can manage them better. The question is if they manage them better in prison on good time, who can manage them at midnight on the city street just before they are about to perpetrate the next attack or commit the next criminal act?

There is no management when they are turned back out on the street early. That is the purpose of all of this. It deals with security, victims, and safety. It is not trying to take advantage of anybody. It is just saying if you commit a violent crime in this country, if you are a violent criminal, and most of the violent acts are committed by the same people, 6 percent of the criminals commit about two-thirds of the violent crime in the country, if you are one of those, if you are a career criminal committing violent acts, we are going to find you, lock you up, and keep you locked up.

That needs to be the message of this crime bill. Then we need to find as best we can what are all the root causes, and how can we work on all of them at once to try to deal with the other cultural and related issues that help create this.

But if we do not do something to make space available to lock people up who commit violent crimes, then we will have failed.

That is why what the chairman has brought to the floor, Senator BIDEN this year, is refreshing. This is different. If anybody says this is the same old thing, they have not read the bill. This is different. It is an alternative. It really does deal with violent criminals in a very productive and a very creative way.

I would say to the chairman that I think those who argue that this is sort of the same old debate just have not read the legislation. I hope in the coming hours and the coming day or two they will take the time to read what the chairman is proposing, and what others of us will propose with amendments.

I thank the chairman.

Mr. BIDEN. I thank the Senator.

Madam President, I see my friend from Florida is on the floor. I will yield to him in about 60 seconds.

Put it another way about boot camps, even if the boot camps did not provide a better chance at reducing recidivism, even if there were circumstances that made sense from a cost standpoint, even if there were not alternatives that made sense from the standpoint of the nature of the punishment that should be attached to a nonviolent crime, they make sense and should be built for one overwhelming reason. They free up hard-core prison space so violent criminals who are now not serving their full terms or serving any term will have a place in a space that the Governor and the mayor and the prosecutor in the State can put them behind bars, and have them serve their time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Madam President, I thank the distinguished chairman for yielding.

As we debate crime and our suggestions of what to do in response to the crime problem, I think it is important to understand that liberals and conservatives approach the problem from fundamentally two very different perspectives.

I know in some respects it must be confusing to people as they listen to this debate because it seems like they are hearing the same thing on each side of the aisle. And it appears that we are all headed toward the same objective and that we are merely arguing about the means to get there.

I would say again it is different from that. We each have a different approach to solving the crime problem.

Liberals believe crime is a result of the failure of society. That the actions of criminals are not their fault, but rather society's. And since society has failed, then it is society's obligation to rehabilitate these criminals.

Conservatives believe that crime is a result of the failure of the individual, that the individual chose to act, and the individual must accept the consequences of his or her action. Therefore, conservatives believe that punishment is the proper consequence. That is not to say that conservatives never believe in rehabilitation or that liberals never believe in punishment; rather, we approach the problem of crime from these two very different points of view.

When liberals look at a crime, they conclude that the real victim is the criminal, that the criminal is the victim of society. When conservatives look at crime, they see the victim as the one who has been robbed, raped, or murdered. The reason liberals put so much emphasis on rehabilitation is that they see the criminal as the true victim. That liberal philosophy has brought us to where we are today.

I have a blowup of the Miami Herald paper in which the headline is: "Suspect in Policewoman's Slaying Was Released Early From Prison Twice." I will get back to that particular crime in a couple of moments. I want to discuss a couple of others first.

As you probably are aware, there are many people around this country—and unfortunately around the world—that have looked at the crime problems that we have experienced in Florida. It has been highlighted; they have been very visible. The crimes that have been very visible and have received lots of attention, in fact, are symptomatic of what has happened in the rest of our country, not just in Miami, FL, but what has happened in America in rural and urban settings, as well.

I will pick several of these high-visibility crimes to make some points; for example, the murder of Michael Jordan's father. Like in the case of the slain British tourist in north Florida, James Jordan, the father of Michael Jordan, was innocently resting in his car on the roadside when he was murdered. The accused are two 18-year-olds with prior criminal records. One of the accused was paroled 2 months before the murder, after serving 2 years of a 6-year State prison sentence for assault with a deadly weapon and armed robbery. The prior assault involved the accused attacking a friend with an ax causing permanent brain damage to the victim. Although sentenced for 6 years as an adult, he only served 2 years.

The other suspect involved in Jordan's murder was indicted a year ago on armed robbery, accused of smashing a 61-year-old store clerk's head with a cinderblock. At the time of Jordan's murder, he was free on bond.

The point is: If they had served their time, Michael Jordan's father would be alive today.

There was a recent murder in Miami of a German tourist shot to death next to his pregnant wife after a van purposely rammed the rear of his rental car.

One of the individuals arrested for the shocking crime had been arrested five times since he was 17—he is now 19—five times in the last 2 years, on charges of aggravated assault, burglary, and grand larceny. Four of the offenses were handled by juvenile authorities and produced no jail time.

The second individual had previously been arrested for shoplifting while carrying a concealed weapon—the other person involved in this crime—but the weapons charge was dropped, leaving a misdemeanor theft charge that kept her jailed only until Saturday—a couple of days before the murder of the German tourist.

Again, if we had followed the concept of pursuing the idea of punishment, those individuals would have been in jail and that German tourist would be alive today.

There was a slaying of a British tourist by habitual youth criminals just outside of Tallahassee. Two British tourists were napping at a quiet rest stop when two youths tapped on their car window attempting to rob them. The British couple tried to flee, but their car was blocked. The youths then shot the couple. What began as a quiet rest ended in the bloody death of a male tourist and injury to his female companion. Four youths were arrested for this horrible crime, ranging in age from 13 to 17. Three of the youths had prior criminal records.

In another high-visibility crime, Barbara Jensen, back in April, was murdered in front of her mother and two small children after straying off an interstate highway into a northeast Miami neighborhood. She was brutally beaten and run over during the robbery attempt. Both men accused of the crime had prior criminal records, ranging from cocaine possession to kidnapping and armed robbery. One of the individuals who committed this vicious crime was on probation at the time.

With regard to the blowup of the Miami Herald article, I want to go through some of the record of this individual who was apprehended and arrested for this crime.

The first offense, November 1989, cocaine possession and obstructing police. Probation.

Second, January 18, 1991, possession of cocaine and marijuana and carrying a concealed gun. Sentence, 1 year minus 1 day. Released April 18, 1991, after successfully completing a counseling program.

Third, September 3, 1991, auto theft, sentence 1 year and 1 day, released December 10, 1991.

Fourth, May 26, 1993, car break-ins, sentence 1 year and a day. Released August 24, 1993.

For his two State prison sentences of 2 years and 2 days, on the first offense, 3 months and 7 days was what was served. On the second, it was 2 days short of 3 months; released early due to prison population. If he had served his full sentence, detective Evelyn Gort would be alive today.

My point is probably obvious for going through all of that. It was to make the point that we must take those individuals who are violent, repeat criminals, off the streets of America. I honestly do not believe that the alternative that has been proposed by Senator BIDEN will do that. I believe that there is way too much emphasis on this concept of counseling, aftercare, and drug treatment. There are evil people who are on our streets, and they need to be removed from our streets and kept off of our streets.

The amendment that was offered by Senator HATCH forges a Federal-State alliance to help States deal with their violent crime problems. It creates regional prisons that will allow us to lock up violent offenders for the duration of what will be a very long sentence. That is good news for the citizens and bad news for the criminals, and that is what Americans want.

We are serious enough about this program to cut $6 billion from the Federal Government elsewhere, in order to spend it on prisons to house these vicious things.

This amendment will open the door to a safer America, a place where criminals who rape, rob, or murder, will be stiffly sentenced and will serve every day of the sentence they are given, a place where we can rely upon our criminal justice system to dispense true justice, and a place which favors innocent victims over brutal thugs.

If this legislation is passed, gone will be the days of the revolving door where vicious criminals are back out on the street within a matter of months of their third or fourth offense.

Each time, their crimes strike a little closer to home, and each time, they wound us all. To make matters more disturbing, institutional disregard for the rights of the innocent pours salt in those wounds. A careless parole board, an overly sympathetic judge, an unsupervised halfway house—they all commit the same wrong, and that is favoring expedience over safety. They just keep letting these criminals go. The revolving door is just spinning out of control.

Every time we hear one of these terrible crimes, it is followed by a listing of the thug's criminal record—and every time, the criminal has a record as long as my arm. Inevitably, the culprit was in prison and released early, on parole or simply out on bond—only to commit another crime, maybe a murder, and another crime, maybe a carjacking, and another crime, maybe a rape. This madness must stop.

Americans are sick and tired of a criminal justice system that is not working. They want to know why a murderer is on the streets and not in jail. They want to be sure that the criminals who rob people at gunpoint in their driveways, actually do their time.

And in fact, Americans want the criminals to serve every single day of that sentence—no parole, no leniency, and no time off because of overcrowding. They want these people punished. They believe that too much emphasis is on rehabilitation and not enough on punishment.

Americans want to be certain that people who are likely to go out and hurt somebody while they are awaiting trial are kept locked up and off the streets. They also want some assurance that the parole board won't release a bunch of vicious criminals because they have no better place to put them—Americans say we have had enough and we want some answers.

Here is our answer: A Federal/State criminal justice partnership. It is both simple and innovative. We in the Federal Government want to form an alliance with the States to actually do something, in a tangible way, about violent crime. This legislation offers the incentive of much more prison space to States dedicated to housing violent and repeat offenders, as well as illegal aliens who commit serious crimes.

In exchange, the States must pass real criminal justice reform. We will authorize $6 billion over 5 years for a regional prison system, devoted almost entirely to housing these State prisoners. We are also authorizing grants for the construction and operation of new State prisons, which can include boot camps for nonviolent juvenile offenders.

In exchange for our fiscal commitment, any State wishing to participate must do the following:

First, enact truth-in-sentencing laws, equal in effect to what is present in the Federal system, so that parole is eliminated and Americans will know that the criminal will serve every single day of that sentence. Criminals will be confronted with a true deterrent for a change—a full sentence.

Second, States must pass tough bail laws that will keep criminals likely to commit violent crimes in jail pending the outcome of their trial.

Third, States must ensure that criminals using guns, sex offenders, violent repeat offenders, and child abuse offenders, all go to jail for a long time, and again, at least as long as what is provided for in the Federal system.

Fourth, finally, the States must be sure to include the victim at all stages of the proceeding, so they are actually a part of the criminal process instead of a footnote or an afterthought.

Taking these steps is tough medicine for some States. But, the time has come to focus our resources on protecting innocent people by keeping violent offenders off our streets.

We can spend hundreds of millions of dollars on more cops and it won't make a bit of difference if we have no place to put the people they arrest. While this legislation is a big step for the States to take, they need not take it alone. We are all in this together, and those of us that are serious about dealing with violent crime should step up to the plate and vote to enact this program.

Again, I am very grateful to all those who have helped formulate this program, especially Congressman BILL MCCOLLUM and my colleagues Senator HATCH and Senator DOLE and I am confident we can pass this amendment with bipartisan support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I thank my friend from Florida for his comments. I found his explanation of his amendment interesting.

I particularly found most interesting the point that liberals and conservatives have a different view on crime.

Maybe at one time that was true. I must admit when I first got here in 1973 and I introduced a bill that called for flat-time sentencing, that, as you know, ended up being the Sentencing Commission, although the real work on that had been done by an unholy alliance of Senators KENNEDY and MCCLELLAN who had really done spade work on that. I was just one of the fellows who came along after the fact.

It is true some of the more what I refer to as the sixties liberals thought that I had I used to be referred to as a iconoclast, which I thought was always fascinating, but at any rate the truth of the matter is for the past 10 years I have not seen any of that. Nothing in this talks about failure of society. This is just hard-nosed stuff. I think we should talk about at some point the failures.

Maybe I would define the difference between the approach of the liberals and conservatives to this issue is that conservatives do not want to take a look at the root cause of these problems; therefore, they are going to live forever with the impact. They do not look at the systemic cause; they just look at the impact, the systemic problem and try to deal with it at the other end. That is one way to do it.

And liberals, that is true, used to be the first to say before if you do not deal with the systemic problem you do not deal with any of it.

What we have been saying for the last 10 years and what I say today is we should do what we did in the Federal system. We should say: Hey, look, we have a problem. It is unsafe for my mom to walk out into the parking lot of the shopping center in my middle-class neighborhood, and I have to do something to change that. I do not care whether or not the person who attacks her is mentally ill, whether or not they are the product of a broken home and a terrible environment, or whether or not they are a sociopath. It does not matter. The effect on my mom is the same. She gets hurt.

So, I want to make sure we do something about taking that person off the street.

This bill attempts to do that, not only take them off the street by putting more cops on the street to get them off the street but once we get them off the street use our head as to what we are going to do with them. It used to be when I first got here we used to say, well, we put people in jail based upon how long it will take them to be rehabilitated. As I said yesterday, we found out although people do get rehabilitated we do not know when it happens and we do not know why it happens. So we should not rest the system of incarceration based upon a notion that we cannot identify even when it occurs.

That is why I was the author of legislation to not make sentences based upon the time it took to rehabilitate because that turned into a way for conservative judges to put black folks in jail and keep white folks out of jail for the same crime. They always could look at that white middle-class guy and say he can be rehabilitated in 2 years; I can tell; or maybe he can be rehabilitated just by making sure he gets probation and goes home to his daddy. And they look at this black kid who did the same thing and say: Oh, I do not think that kid can be rehabilitated. That kid may need 10 years to get rehabilitated.

That is the other reason we changed the law.

So I would like to think of it to end this whole conservative-liberal malarkey and let us agree we are going to do two things: Deal with the problem as it exists on the streets now, and try to take back the streets, but understand that will not be enough. Once we do that, let us try to figure out what we can do to keep the kid from becoming a criminal.

There is an overwhelming number of studies, not done by liberals, done by hard-core, tough cops. As a consequence on the streets, as a former Federal prosecutor, I say to my friend from Illinois, the Presiding Officer, and you ask them whether or not they would rather have more cops or drug treatment for these first-time offenders, they will tell you they want drug treatment because they know what happens. If you do not treat them when you incarcerate them, or give them no alternative but treatment, they are back on the street again with these folks.

So I think we have to do both. Again, I am raising this as one piece of a five-part plan we Democrats have and some Republicans have to deal with violence in America, just one piece.

This is the cops-and-robbers piece. This is cops, prisons, hard-core, nuts and bolts, stuff. Let us pass it.

Then we will get to deal with guns, the things that cause big problems, and deal with the problem of violence against women, rape, and abuse of women in our society. Then we can deal with drugs. We have a continuum we have to deal with here. This will not solve it.

I hope we stop the liberal-conservative malarkey, get more cops on the street, free up more hard-core prison space, and get on with the business of making it safe for my mom, your mom, and everyone's mom. And as the Senator from Texas says, "No one is going to take my momma's gun." I do not want to take his momma's gun or blame him. We want to make it safe, where moms, dads, aunts, uncles, brothers, and sisters can be a little safer when they walk out of a store after making a purchase in broad daylight than they are today. That is what this is about.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, I support the pending Byrd amendment. The amendment which I am pleased to cosponsor sets aside in a trust fund $12 billion to be used solely on the crime prevention programs and activities authorized in the underlying legislation.

This legislation authorizes many provisions which will help the Federal Government, the States, and local communities combat crime. But these provisions will do no good if they are authorized and not actually funded. The budget bill passed earlier this year makes that a difficult task.

For the 5 years authorized in the budget and in this bill, discretionary spending is frozen even at 1994 levels. With many valuable programs competing for a shrinking pot of money, it could be difficult to secure full funding for these new anticrime initiatives, despite the compelling need. This amendment ensures that the anticrime initiatives authorized in this bill will, in fact, be funded. It takes savings achieved from the personnel cuts proposed by the President and previously approved on other legislation by the Senate and puts $12 billion of those savings into a violent crime reduction trust fund. Those funds are then available for use on the programs authorized in the underlying crime bill that is now before us. In effect, we will reduce the number of Federal employees and increase the number of police on the streets of America.

The Congressional Budget Office has estimated that the reduction in the Federal work force will yield the savings necessary to fund the $12 billion trust fund, and the spending caps which fund other discretionary programs will be reduced by the same amount.

Crime in America is a serious problem. If we are serious about combating it, we must provide sufficient resources to the effort, not just authorizing programs but funding them as well. This amendment sets aside $12 billion to fund the effort.

I urge my colleagues to support the amendment.

Who yields time?

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I hope that we could get a vote on this amendment.

I am advised we have one other Senator on the way. But I hope that, if any Senator wants to address this amendment, he or she will do so, because it is my hope that we can proceed to vote on the amendment and begin to process other amendments as soon as possible on this important bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I rise to support the leader's amendment which would fully fund the crime bill over 5 years, I think funded in a way that many people believe is necessary.

Where people want their government, it is my belief, is on the local level. They want police to stop crime. They want firefighters to put out fires. They want transportation employees to move them. They want it on the local level. And what has been increasingly clear to me is that the more remote the bureaucracy becomes or the bigger it becomes, the more difficult it is to control.

Essentially, what this amendment does is say to each of the department heads in the Federal Government: You are going to, over this time, take a cut in personnel and we are going to use that money to put police on the front lines, to build the boot camps, to build the prisons that we need to house the criminals, and do something about crime in this country.

Madam President, I cannot tell you how serious the crime issue is in the largest State in the Union. Whether you are talking about Sacramento, or Fresno, or San Francisco, or San Jose, or Los Angeles, or San Diego, or Orange County, people's number one concern is their personal security.

Our ability to get police directly on the streets of our cities is going to impact that security. I know that. I know that if you can get a squad car to an A-priority call that you can make a good arrest much more likely than if you get that car there in 15 minutes. If you get it there in 2 minutes, you have a chance of making the arrest, you have a chance that evidence is not destroyed, you have a much better chance that you get your witnesses and, therefore, that all adds up to a better conviction. We need these police.

Los Angeles has the highest citizen per police ratio in America.

Last night, I was talking to a citizen from Los Angeles. He pointed out that there was a large employer with 7,000 employees who was going to move out of the city because every truck that left his factory had to have an armed guard. You cannot do business this way in America.

What the full funding of this amendment means is that it is not pie in the sky. It means that it is going to happen and it is going to happen in a way that not only winds down the Federal bureaucracy, but sees to it that the police and the boot camps and the cadet program—the prevention programs that are in this crime bill—are truly funded.

I think it is a real breakthrough. I congratulate the majority leader. I thank the distinguished chairman of the Appropriations Committee for effecting this agreement. It is major in scope. It puts there—it adds the funding mechanism to the crime bill.

The PRESIDING OFFICER. Who yields time?

The minority leader, the Senator from Kansas.

Mr. DOLE. Madam President, let me say I think, first of all, Senator DOMENICI is taking a look at the amendment offered by the distinguished President pro tempore, Senator BYRD. He will have some information on that soon. But I do think we really have to pay for these things. I am not certain we are going to get any savings out of a national performance review, but we might. It might be a start. I think that is one big difference between the Republican approaches and Democratic ones. We paid for ours. If Senator BYRD has a better idea, that is fine with me, and as soon as we have time to analyze it we will be happy to proceed to a vote on it.

I think sometimes the best ideas are the easiest ones to understand.

Here's a good example: A convicted violent criminal should serve the full term of this prison sentence. Not one-half or two-thirds of the sentence, but the full sentence. No exceptions and no parole.

This idea, known as truth-in-sentencing, was first embraced by the Federal Government during the 1980's when it instituted pretrial detention, and eliminated parole and probation. The basic principle underlying these reforms is that incarceration works, that a criminal kept behind bars will not terrorize a single law-abiding citizen.

Under today's Federal system, a violent felon, once apprehended, can remain in prison from the moment of arrest until the full sentence has been served.

Unfortunately, truth-in-sentencing is one area where the States have not followed the Federal Government's lead. They have in a lot of areas but not in this area—but they ought to follow our lead. At the State level, for example, a typical murderer is sentenced to 15 years, but serves only 5½ years. A typical rapist is sentenced to 8 years, but serves only 3 years. A typical mugger is sentence to 6 years, but serves just slightly more than 2 years. The list goes on and on and with tragic consequences. People are back on the street committing more rapes, more murders—whatever it may be.

Take the case of Walter McFadden. McFadden was convicted in Texas of two rapes and sentenced to two 15-year sentences. Paroled 5 years later, he kidnaped and raped a third victim. McFadden then served 4 years of his new 15-year sentence. Less than a year after being paroled again, he raped and strangled an 18-year-old honor student.

There are thousands of other similarly tragic stories, as vicious killers enter our criminal justice system, only to slide through its revolving doors—legally. They are back on the streets, committing these violent crimes and people are saying, why do you not do something about it? I hope we can do something about it.

The problems associated with State prison overcrowding have made this revolving door spin even faster and faster. According to a 1989 survey, nearly one-fourth of the 4,000 prisoners released in Florida that year because of overcrowding went on to commit new crimes during the very period in which they otherwise would have been in prison serving out their full sentences. That is about 25 percent; we could have avoided 25 percent of those crimes committed. These repeat offenders wreacked havoc on the law-abiding citizens of Florida, committing 2,180 new crimes, including murders, armed robberies, and rapes. All that could have been avoided had they kept these people in prison under a truth-in-sentencing law.

With State prisons now operating at 123 percent of capacity, other States are resorting to early-release programs patterned after the Florida example.

Should we try to put more cops on the street? Maybe. "Of course," some would say.

"Maybe," others would say because by the time you spread out 100,000 policemen, 100,000 cops in the United States of America—I am not certain whether any are going to get to the rural areas, and if so it would not be very many. How many are going to get to each of the urban areas?

But as Georgia's Democratic attorney general, Michael Bowers, has explained:

> All of the police officers in the world aren't going to make a difference on the crime situation until you provide a place to put the criminals. Unless you do that, this is a waste of time.

So you hire more policemen, sentence more criminals, hire more prosecutors and they are back on the streets because you do not have a place to keep them.

Attorney general Bowers is right. That is why I urge my colleagues to support the amendment offered by my distinguished colleagues, Senator HATCH and Senator MACK.

This amendment proposes to spend—and pay for—$6 billion to help build and operate new prisons; $3 billion of this total would be used to provide direct grants to the States.

The remaining $3 billion would be devoted to building and operating 10 new regional prisons at the Federal level.

We are not just going to build these prisons so the States will have a new dumping ground and eliminate some costs for the States. They are not going to be able to send any prisoners there unless they adopt truth-in-sentencing reform.

Kansas would be allowed to send its most violent criminals to these regional prisons, but only if it keeps up its end of the bargain by adopting the truth-in-sentencing reform. No reform, no prison space.

There are those who will say that the Government does not need to build more prisons, that the best way to find more prison space is to release all those nonviolent, nonrepeat offenders who are taking up scarce prison beds and who could better serve their sentences elsewhere. I wish this solution would work, but it will not because it ignores the realities of the State prison population.

According to a 1991 study conducted by the Justice Department's Bureau of Justice Statistics, 94 percent of the inmates in State prison either had been convicted of a violent crime or had a previous sentence to probation or incarceration. In other words, only 6 percent of the total State prison population are nonviolent offenders with no prior sentence. The bottom line is that the overwhelming majority of those in prison have committed horrible crimes, and have done so repeatedly.

Alternatives to prison, like boot camps, halfway houses, and drug treatment centers may have their merits, but when it comes to the security of the law-abiding public, they are no substitute for prisons. In fact, when introducing the administration's anticrime plan, my colleague, Senator JOE BIDEN, made this curious pitch in defense of alternative sanctions.

> A criminal, a cocaine addict, and a heroin addict commit roughly 175 crimes per year. You know if that addict is in treatment for a year, even if (he) never get(s) cured, the number of crimes (he) commit(s) while in treatment drops by about half. They would drop altogether if he were in prison. He would not commit any. That is what the American people are suggesting.

I think we should have gotten some little message out of what happened on Tuesday. You can turn a blind eye to election returns if you want. Any survey that anybody takes, I do not care, politics, business, whatever, No. 1 is crime—it is in Chicago, it is in rural Kansas, it is everywhere you go— when people are prisoners in their own home, they cannot leave; they are afraid to get out on the streets after dark; they are even afraid to get out on the streets during the daytime.

It does not happen just in urban areas, it happens in rural areas. Drive-by shootings, things we had not heard about in places like Wichita, KS, are occurring now sort of commonplace. We have gangs with 11, 12, 13 teenagers in Kansas—not just in California, but in States like Kansas where we did not think we had the problem.

There are not any easy answers. We are being told in this bill it is not going to solve all the problems, we should not try to oversell it. It is going to be a short-term help, maybe. Maybe a tourniquet, maybe bigger than a Band-Aid, but it is not going to solve the problem. This is short term. The long term gets back to family, church, a lot of other things—schools, a lot of other things we have to address—job opportunities. You cannot really fault some young people who grow up without parents, any jobs, any opportunities, never knowing anything but crime.

So we have some long-term problems that have to be dealt with when it comes to young people. But I am talking here about hardened criminals who commit violent crimes. They ought to be in jail. If they are sentenced to 10 years, it ought to be 10 years; it should not be 2½ years or 3 years or 4 years and it ought to be paid for. We pay for it with real money in the Hatch amendment. This is real. It is going to be paid for.

We can adopt all the amendments we want and make all the great speeches, but if we do not pay for it, it is never going to happen. We are not going to build any more prisons.

I am not certain whether the amendment of the distinguished Senator from West Virginia sets aside money for prisons or not. It goes into a violent crime trust fund. Who is going to decide how that is allocated and how much will be spent for prisons? I think I read the amendment fairly carefully.

So there are some questions we need to answer if that is the route we want to go. But we do pay for ours. It is paid for.

I think everybody in this body is willing to take the next step. I know the distinguished Senator from North Dakota is because he has had the experience himself and his family members have had the experience, so he is prepared and we are prepared. We come from small States but we are not exempt in North Dakota or Kansas from crime, criminal activities or drugs. So I think you will find a lot of bipartisan support.

We have to get tough in the right sense—not mean, but tough. We have to mean what we say. So if we pass a law, we know we can go out and say, looking somebody in the eye and say we have done something, and if somebody commits a crime, if somebody is going to go to prison, they are going to serve their time. My view is that certainly will give a lot of assurance to a lot of people who are having a lot of thoughts about criminal activity in America today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, first I want to commend Senator BIDEN for putting together a serious crime bill under very difficult circumstances. I do not think that perhaps many of our viewers understand the very difficult budget limitations that Senator BIDEN is forced to operate under.

Let me just say in working with the chairman of the Judiciary Committee that I have come to respect his real commitment to doing something serious about crime. I have also come to share his frustration, because as he has pointed out to me, it is difficult to pass legislation on this subject through both Houses of Congress, get the President's signature and stay within the limitations of the Budget Act.

Let me just say that I, as one Member of this body, who I think is known among my colleagues and certainly among my constituents as a deficit hawk who is very committed to reducing the budget deficit in this country, believe that the crime wave in this country is so serious, so threatening to the security of America that I would be prepared to support a Presidential declaration of an emergency so we could go beyond the restrictions of the Budget Act to do what needs to be done.

I believe the No. 1 threat to the security of this country is the unprecedented increase in violent crime that is being seen in every part of America. We all understand what is happening in the major cities. We all understand what is happening in the population centers.

I come from the State of North Dakota. We have the lowest crime rate of any State in the Nation and the lowest, by far. Yet, we are seeing in North Dakota increased incidents of kids coming to school with guns. In our wildest imaginations when I was growing up, no one ever would have thought about bringing a gun to school. They are doing it now, in Fargo, ND, in Grand Forks, ND, in Bismarck, ND.

Madam President, we just had an incident in my hometown of Bismarck, ND, a town of about 40,000 people, in which a grandmother who had been in town for meetings was abducted from a hotel parking lot. That woman, who was getting ready to return to her family, went out to get in her car. A couple got her into her car, they locked her in her trunk, and for 4 days they took her across the country heading West, using her cash, using her credit cards, driving her car with her in the trunk. Ultimately, it ended in tragedy with her being murdered in Nevada.

People are no longer safe in Bismarck, ND, where I grew up in such a secure environment—we never locked the doors to our house. When I finally left the apartment in a building I owned, I had to go to my brother to get a key because I did not have a key to my own apartment. I never locked my apartment door in Bismarck, ND.

Something has changed. It has changed dramatically and it has changed for the worst. It is affecting Bismarck, ND; it is affecting Boston, MA; it is affecting Los Angeles, Chicago, and, yes, it is affecting our Nation's Capital.

I prepared this collage—more accurately, my staff prepared this collage, and they did a good job. It shows some of the headlines from the Washington Post in the last several weeks.

These headlines scream out at us about a societal nightmare. Here is a headline: "It's Like War." This is the Nation's Capital and they are talking about killings day after day, night after night; shootings, day after day, night after night; rapes, day after day, night after night; burglary, assault.

"Mother Waits for Answers, Family's Struggles Seems To Mirror the District's." A little child, "Wounded for a Lifetime." In fact, this child died.

"The End of Business as Usual, Brutal Robberies Shatter Merchants' Universe."

Here is a story about the Mayor of the District seeking to call out the National Guard because the situation is so out of control in the Nation's Capital.

Here is a story that ran just recently: "Of 1,286 Slaying Cases," in the District, "1 in 4 Ends in Conviction." One in four ends in conviction.

"Halfway to Freedom, D.C. Inmates Escape." The subhead line is: "One-fourth Flee Transitional Houses."

One of these people who fled a transitional house attacked my wife eight blocks from where we are meeting today on the steps of our home. A fellow with a .45 automatic put a gun to my wife's head and said, "We're leaving in your car." Thank God my wife had the presence of mind to say to him: "I locked my keys in the car," because that befuddled him. That put him off his game plan.

And so he dragged her for two blocks with a .45 automatic at her head threatening to kill her repeatedly until they came to a busy intersection and she was able to elude him, to get away.

As I saw my wife being dragged down the street, I called 911 in the District of Columbia and I got a busy signal—I got a busy signal.

I am ready, as one Member of this body, to do something very serious about crime. I think if we are honest with ourselves, we know that requires many combined strategies. Some say we have to get tough, and they are right. We have to get tough. People who commit violence need to be caught, need to be punished, need to be put away, and need to be separated from the rest of us. Society owes that to the vast majority of people who are not violent—society owes that to the vast majority of people who are not violent.

That is a prerequisite for any kind of civil order. That is a prerequisite for any kind of civilized society. And if society fails in that most basic responsibility, then society will soon find a backlash that will strip away the veneer of civilization and of basic decency because people will not stand for a situation in which they are prisoners in their own homes. They will not stand for it.

Very recently, a headline in the Washington Post read, "I'm Scared To Come Outside."

"I'm Scared To Come Outside." They were quoting an 8-year-old girl who was afraid to leave her apartment. She said:

> I wish to come outside and play and just run around but I'm scared to come outside. I can't go to the park. I just stay in the house.

Something is radically wrong when an 8-year-old child is afraid to go outside, is afraid to go to the park, and has to just stay inside.

Too many Americans share that feeling. They are afraid to go outside. Freedom in many places of America means freedom to walk only in the daylight hours, and in some places not even that is safe.

President Clinton referred to the children of the Middle East as having, "A great yearning for the quiet miracle of a normal life."

Madam President, we do not have to go to the Middle East to find children who have a great yearning for the quiet miracle of a normal life. We can go four blocks from this Chamber and find children who have a great yearning for the miracle of a normal life. As I said in the Chamber yesterday, we recently had a 12-year-old child raped at 7:45 in the morning, four blocks from this Chamber. At 7:45 in the morning, four blocks from this Chamber, a 12-year old was raped.

Madam President, something has to be done. There must be a response.

We do not need to look far to see the specific areas where the system is breaking down. Last month, Michael Wright, age 22, was charged with first-degree murder in the slaying of a Korean businessman in Washington, DC. This young man had previously been charged with assault with intent to rob while armed and was released while waiting for trial. He was arrested again in July 1988 on assault charges and was ordered confined until trial. He pled guilty to assault with a deadly weapon and was sent to a halfway house for young offenders. He left that halfway house after a month to get a birth certificate. He did not return. He was caught 19 days later selling cocaine and pled guilty to this charge and the assault charge. He was sentenced to 2 to 6 years in prison in August 1989, and on December 18, 1992, after serving only one-half of that sentence, he was moved to a halfway house that he left on January 15, never to return.

Madam President, take the case of Kirby Chastine, 23, who was recently convicted in Florida of killing Marc Nadeau, a Canadian tourist who was visiting his father in Florida. In 1992, Nadeau was shot twice in the head after returning from a trip to the corner grocery store. Since turning 18, Kirby Chastine has been convicted of selling and possessing cocaine, robbery, and battery. The longest jail sentence he served was 7 months. This was a repeat offender who should not have been on the streets.

Last month, in Washington, DC, a District of Columbia man was convicted in the September 1992 sexual assault and beating death of congressional aide Abbey McCloskey in a Capitol Hill alley. She was robbed, sodomized, beaten, and left unconscious under the parked car of one of my legislative aides. Two of my staffers were witnesses to this crime. In fact, they were the chief witnesses against the perpetrator. The man was eventually convicted of the crime. He had previously served 7 years of a 4-to-12-year prison term for assaulting and robbing two women in 1984. At the time of the crime, he was living in a halfway house near the crime scene. Thankfully, that man has now been sentenced to life in prison without parole, the first time such a penalty has been imposed in D.C. Superior Court.

I could go on and on and on with example after example from around this country of criminals who are out early; criminals who have been given parole, preparole, criminals who have a record of violent crime as long as your arm who are out to commit crime again. We have an obligation to stop this.

Madam President, this chart shows the increase in violent crimes from 1988 to 1992 in this country. You can see we have seen nearly a 25 percent increase in just that period of time in violent crime.

The examples that I have cited are not, unfortunately, the exception. They are beginning to look more and more like the rule.

We now have a revolving door in the prison system of America. People are sentenced but they do not serve anywhere near the sentence that was imposed. They are released and able to commit crime once again.

I just talked to a Federal judge, a Federal judge who told me, day after day, I sit on the court and I impose mandatory minimum sentences on nonviolent offenders and they take prison spaces from violent offenders who ought to be locked up and have the keys thrown away. But we have such a screwed up system, we impose mandatory minimum sentences on nonviolent criminals and put the violent criminals back on the streets to prey on the people who are innocent.

Sometimes when we seek to be tough, it backfires, and we wind up being tough on the people we need to protect. We need to think very carefully about mandatory minimum sentencing for nonviolent offenders. If we are talking about violent offenders, that is a whole different story. I am for locking them up and throwing away the key. But when it comes to nonviolent offenders, I am afraid mandatory minimum sentencing has actually forced the violent criminals out on the streets because there is not sufficient room in our jails for the violent offenders that are preying on society.

Madam President, the time is right for more aggressive action against violent criminals. This bill takes real steps in that direction. Let me be the first to say I would like to do more. I know the chairman of this committee would like to do more. I know he is frustrated by the limitations of the Budget Act he faces. I know he believes we ought to do more. I am hopeful that before we are done with this bill we will do more.

I believe deeply that violent offenders, especially those who are repeat offenders, ought to be locked up and serve at least 85 percent of their sentence. That is not happening. In many cases in this country, people are serving about a third of their sentence. And when they get out, they are desperate. They fall back into the old pattern of committing violence against those who are undeserving of such violence.

Madam President, I want to show my colleagues and others who might be listening part of the reality of what we confront because a minority of adult offenders commit the majority of violent crimes. This study from California found that of the convicted adult offenders, only 4 percent committed 56 percent of the violent crimes. Four percent committed 56 percent of the violent crimes. We need to target that 4 percent. We ought to focus in on those folks like a laser. We ought to say to those folks, you commit violent crime in this society, you are going to be caught, you are going to be punished, and you are not getting out for a very long time. That ought to be one focus of our efforts.

Another chart I thought I should show tells us something about the crime committed by repeat offenders on parole or probation.

This shows that 88 percent of repeat offenders who are on parole or probation commit new crimes—88 percent. Thirty-three percent of them commit violent crimes.

This is not rocket science. This is not something difficult to figure out. We have a population of people who are violent criminals, who are repeat violent criminals, who we ought to lock away so as to not endanger the rest of the folks in this society.

As we go through this process, I want to indicate to my colleagues that I will support amendments and I will support more aggressive spending in order to accomplish those goals.

Let me close by once again thanking the chairman of this committee for an extraordinary effort in trying to pull together the various opinions in this body. It is not an easy job, but it is a job we must accomplish.

I also want to salute the Senator from Massachusetts, Senator KERRY, because as we have gone through this discussion behind the scenes on what needs to be done to seriously address this issue, I do not think, other than the chairman of the committee, there has been anyone more outspoken or more dedicated to doing something serious and effective about crime in this country than the Senator from Massachusetts. He knows the dimensions of the problem, and he knows we are going to have to do more than what is in this bill if we are going to be serious about reducing the incidence of crime in this country.

He also knows that, frankly, no crime bill is going to solve this problem because the underlying root causes of what is happening are far beyond what any crime bill will accomplish. That is not to diminish what a crime bill can and should do, because we have to get tough in the short run. We must send a very clear and compelling message to perpetrators of crime that the jig is up in this country. You commit crime, you are going to be caught, you are going to be punished, and it is going to be tough punishment.

But that is not enough. We have to do more than that. We also have to say to those who have lost hope and feel they have no stake in this society that there is a chance, that there is hope, that there is opportunity, that this is a chance to better yourself and to find a way out. That, too, is our obligation. And anyone who is serious about changing the conditions in this country has to deal with both.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I want to congratulate our colleague from North Dakota for an excellent statement. I think his personal experience is a stark reminder to all of us in this very special place that, while generally we are isolated from most of the tragedies that befall the people of our country, we are not totally isolated. As someone far wiser than I once said, until those of us who are not victims of crime are as outraged about it as those who are victims, we are not going to solve this problem.

Our dear colleague from North Dakota has been a victim, and I think his experience—I thank God that he has a quick-witted, tough wife, and maybe a guardian angel in addition—I think his experience is something that reminds all of us that our Nation demands that we do something about this problem.

Madam President, I want to talk a little bit about where we are, and what the issues are. And I will offer a proposal that perhaps could bring us all together to move forward on funding a major crime initiative; in fact, the most significant one, I believe, that we would have ever adopted.

First of all, let me remind my colleagues that 3 days ago I offered an amendment to enforce the President's Reinventing Government Initiative by freezing the level of Federal employment and by reducing that level, in compliance with President Clinton's objective to reduce the number of people in the Federal bureaucracy, by 252,000 over the next 5 years. That amendment was adopted here in the Senate overwhelmingly. Over 80 of our colleagues voted for it.

It then went to the House, and today in an extraordinary vote on a motion to instruct conferees by the ranking Republican on the Ways and Means Committee, Mr. ARCHER, the House, by an overwhelming vote, voted to instruct conferees to accept the amendment. And, something equally important, the Congressional Budget Office scored the amendment today as saving $21 billion over the next 5 years by setting into law a mechanism whereby any time we exceed the employment caps set out in the President's Reinventing Government Program, we have a freeze on hiring until we are in compliance with the provisions of the amendment that was adopted last week.

That produced the $21.8 billion that Senator BYRD offered as an amendment to fund the crime bill. So I wanted to begin by reminding my colleagues that the source of the cornucopia of money that we are now talking about using to fight crime was the amendment that was adopted here last week which put a cap on the Federal employment and mandated a mechanism that will save $21.8 billion.

We have two different approaches to crime and punishment. One is the Democratic approach, which basically is an approach that says let us treat people up to 28 years of age as youthful offenders; let us have boot camps; and then let us put into our prisons a lot of social services.

Madam President, I am not opposed to those things. I think, obviously, given our ability to fund them, they are an important part of the puzzle; but they are only part of the puzzle. What is missing is what is contained in the Republican amendment, which says let us build 10 regional prisons; let us fund those prisons; let us build them now; let us enter into a partnership with the States whereby we say that the States can put violent repeat offenders into these prisons that will be operated jointly by the State governments and by the Federal Government to get violent criminals off of the streets.

There has been a movement by the administration that I believe we are going to reverse here on the floor of the Senate today. The President came into office, offered a budget to cut prison construction by $580 million, and then immediately the administration and the Attorney General started talking about prison overcrowding.

We are not going to reverse minimum mandatory sentencing here on the floor of the Senate today. In fact, we are going to adopt more minimum mandatory sentencing. We are going to adopt minimum mandatory sentencing for gun violations. I want 10 years in prison, without parole, for possessing a firearm during the commission of a violent crime or a drug felony. I want 20 years in prison for discharging the firearm with intent to do bodily harm. I want life imprisonment, without parole, which means for the rest of your life, for anybody who kills somebody with a firearm during the commission of a violent crime or a drug felony, and I want the death penalty in aggravated cases.

I believe we are going to adopt an amendment that I will offer with others, which is a "three-time loser" provision. That is, if you are convicted of three violent crimes, or three major drug felonies, or any combination of three violent crimes or drug felonies, you have become a predator criminal and the time has come to protect society against you, and you are going to get life imprisonment. And we are going to put you in jail and keep you there.

We open our newspapers every day, and we turn on our television sets every night, and it is the same story: Some violent, brutal murder is committed by somebody who should have been in prison, somebody who has been apprehended, convicted and sentenced; yet, they are walking the streets because we have a revolving door in virtually every State prison system in America.

I believe that our bleeding Nation demands that we lock up this revolving door; that we provide the resources to put violent criminals in jail and keep them in jail. When you are talking about the lady who was brutally murdered in a carjacking near here and dragged for a mile and a half, or whether you are talking about Michael Jordan's father, or any other of a thousand violent crimes that we read about every day and see on television every day, they all have one thing in common: All of these people should have been in jail. If they had served out their terms, these people would have been behind bars, and the people that we love and care about would have been alive.

I support our Democratic colleagues in getting drug treatment for people in prison—who could be against that—and for having a boot camp for violent offenders. I do not call a criminal who is 28 years old a youthful offender. They are some of the most violent people in our society. But that is their approach.

The distinguished Senator from West Virginia has proposed using the mechanism of my amendment to fund that. I do not object to it. My proposal is that we adopt the Byrd amendment. I am hoping that I can convince people on my side to adopt the Byrd amendment and then to offer our amendment to build real prisons, so that we have a place to put violent criminals.

Under our bill, we would build these 10 regional prisons. They would house violent repeat offenders. For the States to participate in this program, they would have to adopt truth-in-sentencing provisions so that in my State, Texas, if somebody is sentenced to 20 years in prison, they would have to serve the sentence—not 4 years, not 20 months, not 5 years. In order to participate in the program, we would require that the States apply this to all violent criminals, and we would allow them to jointly use the Federal regional prisons. I believe that that is the kind of provision we need.

So my proposal—and I will be talking to the Senator from Utah and others—is simply this: Given the willingness of Senator BYRD to, in essence, adopt my amendment which cuts existing spending by $21.8 billion, my proposal is that we fund both the social approach of the Democrats, where we treat people in prison for drug abuse, where, as an alternative to incarceration for first time, nonviolent offenders, we have boot camps. But in addition to that, we need to build real prisons for real criminals. Someone who kills somebody in this country at least ought to go to prison.

Today, the average murderer is serving 5 years and 6 months. Is it any wonder that we have violent crime in America everywhere when someone who goes out and brutally rapes somebody spends only 3 years in prison because of prison overcrowding and because of a lenient court system?

We need minimum mandatory sentencing. We need to grab these violent criminals by the throat and not let them go; we need to get a better grip. The way to do that is to build prisons and put people in them. That is what I think we need to do, and I urge my colleagues to allow us to take both approaches. We have the capacity to do it. The problem is big enough. Let us use the carrot of rehabilitation that our Democratic colleagues have offered, but let us use the stick of minimum mandatory sentencing and guaranteed incarceration for violent criminals and the death penalty, which is what we offer. I think a combination of the two will allow us to break the back of violent crime in America—and God knows we need to do that.

I yield the floor.

Mr. DOLE. Madam President, I understood the Senator from Massachusetts was going to be recognized. He has no problem with my taking 1 or 2 minutes.

Mr. KERRY. No. I am delighted to yield to the Republican leader.

A PICTURE THAT IS WORTH A THOUSAND WORDS

Mr. DOLE. Mr. President, we have all heard the old saying that "A picture is worth a thousand words."

Well, there is a photograph on the front page of today's New York Times that says a great deal more than a thousand words.

The picture is of New York City Mayor David Dinkins, and New York City Mayor-elect Rudy Giuliani laughing together in Mayor Dinkin's office.

First of all, this picture says a great deal about America's political system. There are still some places in the world where those in power refuse to leave office, or where the losers of campaigns are put in jail.

Here in America, however, our campaigns may be hard-fought, but they are conducted in the open, and when someone in office is defeated, they do all they can to ensure a smooth transition.

We saw that last year with President Bush, and we are seeing it now with David Dinkins.

And in the final analysis, the picture says a great deal about the type of person that David Dinkins is.

Let me be clear in saying that I campaigned for Rudy Giuliani, and think he will make an outstanding mayor.

But my support for him does not lessen the respect that I have for Mayor Dinkins.

Mayor Dinkins can take great pride in the history he made as New York City's first African-American mayor, and in the difference he made throughout his public service career.

No matter if you agreed with him or not, there was never any doubt that David Dinkins was a decent man who loved New York City, and who gave it his best in very difficult times.

And the words that Mayor Dinkins spoke in his concession speech, urging his supporters to unite behind the new mayor, are an eloquent tribute to his legacy.

"You see, my friends," said Mayor Dinkins, "Elections come and go, candidates come and go, mayors come and go, but the life of the city must endure."

Mr. President, I am confident that in the years ahead, David Dinkins will have much to contribute to the life of the city he loves so much, as well as the life of America.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair.

Madam President, it is my understanding that the Senator from California also has a brief statement, I think of about 6 minutes. If I could ask unanimous consent to retain the floor after her comments I would be happy to yield such time as she needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair and thank my gracious friend from Massachusetts. He has I think quite a brilliant proposal to put forward, and I have a far briefer statement. I would appreciate it if the Chair would let me know when 6 minutes are up, and I will wind up at that time.

CRIME IN AMERICA

Mrs. BOXER. Madam President, I rise to talk about the epidemic of crime and violence in America.

A seventh grader should not have to choose between getting an education and staying alive. A woman should not have to look fear in the face every time she walks from her car to her house at night and you and I understand what that fear is like. And, no one should have to worry about deranged individuals wielding military-style assault weapons, outgunning our police officers and turning our communities into war zones.

After more than a decade of neglect, we have a President who is willing to meet these problems head on. And, we have a chairman of the Judiciary Committee, Senator BIDEN, who is willing to work as long as it takes to make America a safer nation.

The epidemic of violence has sent shock waves of fear throughout my Golden State of California. In Fresno, CA, 65 percent of the residents are afraid to walk alone at night in their neighborhoods. Fifty-six percent of the residents in Orange County, CA, said that they frequently worry about crime.

The people of California are right to worry. According to the California Department of Justice, California saw violent crimes increase by 19 percent between the years of 1987 and 1992. Last year, the U.S. Department of Justice documented 345,000 acts of violent crime in California and the U.S. Sentencing Commission reported almost 4,000 murders.

As a woman, I can personally testify that almost every girl or woman I know is continually living with fear for her future every single day.

But the people of California have help on the way with this crime bill, thanks to the very hard work of the committee on which you serve, Madam President, and which is chaired by my dear friend from Delaware, Senator BIDEN, because this legislation gives our police officers, our judges, and our community leaders the tools they need to take our streets back, and that means tougher penalties for violent crimes.

For example, we know what arson has done to the people and communities in southern California. I am analyzing Federal law and jurisdiction on this issue and am looking into provisions that will beef up and give teeth to these penalties.

Taking back our streets means forging a partnership between the community and the police by increasing the numbers of police officers on the beat.

The crime bill will put 50,000 more police officers on the streets. Californians understand the importance of community policing. Just look at the success story in East Palo Alto, CA. With 42 murders last year, this small city of 24,000 had, per capita, become the murder capital of the Nation.

Did they simply wring their hands? No. They brought in more police officers, both on the beat and in their cars and they got results. They saw their arrest rate almost double and their homicide rate drop dramatically—from a high of 32 at this time last year to five so far this year. The East Palo Alto police captain summed up the change in his city by explaining that the criminals "don't own the streets anymore."

But, if we are going to take our streets back, we cannot continue to allow our police officers to be outgunned. According to the California Justice Department, firearms contributed to almost three-fourths of California's homicides in 1992 and to two-thirds of our armed robberies that same year.

We cannot forget the 21 people who were gunned down at a San Ysidro McDonald's in 1984. Or the five children who were killed at that Stockton school yard in 1989. Or, just this past summer, the deranged gunman who killed eight people at 101 California Street in San Francisco. How many more people must die, how many more families destroyed before we act? We need to get serious and enact tough measures that tighten licensing requirements, create tamper-proof gun licenses, and take these dangerous assault weapons off our streets and out of the hands of children and felons.

Nowhere are the effects of gun violence more horrific than in this nation's schools. A U.S. News and World Report story noted that 270,000 guns go to school every day. Our children used to be scared that the school bully would pull their hair. Now, the class bully has an assault weapon in his locker and too many of our eighth graders are scared to go to school. They have every reason to be scared and its a disgrace that we, as a society, are not protecting our children.

Since 1984 gangs have spread into 187 cities—big and small. Chris, a 17-year-old gang member from Fresno, CA, was quoted in the Fresno Bee saying, "We try not to shoot the innocent, but if it happens, it happens." Madam President, that statement is appalling.

During a recent townhall meeting in California, 15-year old Dion Brown told President Clinton what it was like to watch his brother die from a gunshot wound at Los Angeles Dorsey High School. "Now, I am afraid to go to any school. Mr. President, what can you do about guns and violence in our schools?"

And, what about the child in the D.C. area who, at age 11, has already laid out plans for her funeral. She does not expect to live. Madam President, enough is enough.

We must start by giving our schools back to the students, their parents, and their teachers. Doing this means removing children who bring guns to school from the school until they are no longer a danger. It means enacting the Safe Schools provision of this crime bill, addressing the escalating gang problem, and instituting policies that protect our children and teach them how to solve their problems without violence.

Not only do children find it easy to obtain guns and join gangs, but increasingly, they are expressing a disrespect for human life and a willingness to pull the trigger. Tulane University researchers asked suburban high schoolers when they would endorse shooting someone else. Twenty percent of them said it was OK to shoot someone who had stolen from them. And, a shocking 8 percent said that it was OK to shoot someone who had done something to upset or offend them. Listen very carefully. These children are growing up thinking that it is perfectly all right to exchange a bullet for an insult.

Children are not the only ones who need to learn to solve their problems and express their differences without violence. There is a pervasive culture and disease of violence in America. It cuts across communities of every size and reaches into all of our institutions—both public and private. While this bill will attack many of the components of crime in America, I believe that it is time to tie the pieces together and examine comprehensive solutions to this deadly epidemic. It is time to put forward a national strategy to make America safe.

That is why I am—will introduce—an amendment urging the President to convene a Presidential summit on violence in America. We clearly have a crisis of violence in America that is eating at every fabric and soul of this Nation. This summit will help us put our heads together—community leaders, health professionals, law enforcement, young people, the media and others—in order focus attention on this incredible problem.

I believe that this national summit will spark smaller forums all across the country. This is an American problem that requires American solutions. We can and must find them. The crime bill before us today is a start; the summit will provide us with a long-term strategy so that once again we can feel safe and secure in our homes, in our schools, and in our communities.

So, Madam President, I thank you for your indulgence. I thank the good Senator from Massachusetts. I look forward to hearing his remarks.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Under the previous order, the Senator from Massachusetts is to be recognized at the conclusion of the remarks of the Senator from California.

Mr. HATFIELD. I did not understand that.

Mr. KERRY. Madam President, I have been in process of ceding here. I want to tie up the floor a while. I will yield to our colleague if he did not have a long statement.

Mr. HATFIELD. I have 5 minutes.

Mr. KERRY. I am happy to yield to the Senator for 5 minutes because I will be longer than that.

If I could have the understanding, Madam President, that the floor would revert to me I would appreciate it, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Madam President, I thank the Senator from Massachusetts. I must confess I did not understand we were under a time agreement at this time.

The PRESIDING OFFICER. There is no time agreement. That was the previous order agreed upon before the Senator from California started to speak.

Mr. HATFIELD. I would be happy to defer back to the Senator from Massachusetts to await my turn to have the floor, but I only want 5 minutes.

Mr. KERRY. Madam President, as I said I am happy to let my colleague go for 5 minutes unless he feels he wants to wait.

Mr. HATFIELD. I appreciate it.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 1101

Mr. HATFIELD. Madam President, I just want to speak briefly to the proposition of a trust fund being proposed as a way to fund the crime bill.

Madam President, I cannot be too emphatic to say that I oppose creating new trust funds outside of the normal budget process unless such funds are funded by non-Federal sources or some independent sources.

As important an issue as crime prevention is, and I applaud the committee for its efforts not only this year but in years before, I believe that crime prevention programs can compete successfully with other discretionary programs in the normal budget and appropriations process.

We can get up here on the floor, in my view, and we can argue for a trust fund for funding child nutrition—setting aside discretionary funds within our budget for this worthy purpose. We could argue for a trust fund for Border Patrol needs or for mass transit or for assisted housing or for tax collection or any other vital Federal function. We have many vital Federal needs.

If we create enough special trust funds we can put our entire appropriations process on automatic pilot, pack up and go home.

I do not believe we should do that. We have many tough decisions to make in the appropriations process, but we should not shirk from them just because they are tough decisions.

Let us consider the funding requirements for violent crime and all the needs for its reduction, along with all other demands for Federal discretionary dollars and not create a special trust fund which would fall outside the constraints of the Budget Act, unless the funding would also fall outside of the Federal Treasury.

Now, Madam President, I would like to remind my colleagues of an interesting vote which occurred on this floor on October 27. The Senator from Texas [Mr. GRAMM] had proposed that we take the money dedicated to the superconducting super collider, instead apply it against deficit reduction.

Madam President, it is very interesting. On a Budget Act point of order, there were only two Republicans that voted against the question—Mr. STEVENS of Alaska and myself. Thirty-seven Democrats voted against it. The proponents got only 58 votes. The budget waiver was denied by two votes.

The arguments used were simple. The appropriations process ought to be able to make priorities across the board and to reallocate those dollars saved from the superconducting super collider, rather than earmarking them against the so-called budget deficit, an objective which we all think is very important.

Today, we are hearing the arguments being made from that same side of the aisle that somehow we ought to take these savings made from the President's reinvention of Government and put them in a trust fund for crime prevention.

Madam President, the principle is the same as that we defeated by an interesting combination of 2 Republicans and 37 Democrats on October 27.

Now I just think it ought to be clearly established here that we are talking about a fundamental principle that has been tested on this floor for a worthy cause within the last few weeks. And yet, today, we hear the whole proposition being put to us again, because of the importance of crime—and I do not disagree with the vital importance of crime—but the proposed approach is wrong.

I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Oregon.

I must say, I am glad I let him speak before me, because everything that I say will be an effort to try to contradict the reservations that have been articulated by the Senator.

I well understand his concerns about trust funds. But this is an issue unlike any other issue that confronts us today.

The argument that I will make is an argument that this is a national emergency, similar to those we have met in many other ways.

I would point my colleague's attention to this chart, which I ask colleagues to focus on. That book that was written, "Keep Your Eye on the Prize", well, let us keep our eyes on the prize.

We are a nation that was willing to spend $120 billion in a couple of years to bail out the savings and loans; a nation willing to spend $100 billion for the Department of Energy weapons cleanup; the Stealth bomber, $44 billion; the space station, $37 billion over 5 or 6 years.

You can run down the list of items.

We just spent $6 billion in a couple of hours of debate to bail out people from the floodwaters of the Midwest. And now we are unwilling to say that we are going to declare a national emergency for the flood of crime which is ripping at the fabric of this country.

Our bill currently has, what, $9.6 billion, up from $5.6 billion last week, and now it is contemplated to rise to $12 billion over 5 years. That is about $2.4 billion a year, when Americans are dying at a rate that is faster than GI's died during World War II.

Madam President, I read to my colleagues the Constitution of the United States from the Senate Manual: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility * * * do ordain and establish this Constitution" of this country.

Our entire Constitution is founded on the notion that we will ensure the domestic tranquillity of this country.

Mr. HATFIELD. Will the Senator yield for just one question?

Mr. KERRY. The Senator would be honored to yield for a question.

Mr. HATFIELD. The Senator, I think, makes an excellent point. I could not disagree with him one iota on the significance and the national character of this terrible issue.

But is the Senator not aware that in the Budget Act we have provisions for emergencies of this kind? All the President has to do is to declare an emergency. And, as a member of the Appropriations Committee for over 20 years, almost without fail, we have responded to those emergencies and we have handled it without establishing a trust fund.

I will respond as a member of the Appropriations Committee, as ranking Republican of the Appropriations Committee, to the money required to fight the war against crime that we consider in this authorization bill. But I will say to the Senator, I do not see where he feels that it is so vital and necessary to establish a trust fund, merely to separate funds from the pool of domestic discretionary moneys for a special purpose.

Mr. KERRY. Madam President, I say to the distinguished Senator, who really, I know, is as committed to doing something—I am not trying to suggest he is not—but who understands the budgeting process very well around here. I wrote a memo to the President the other day suggesting he declare a national emergency. And I have talked with the leadership about it, and others.

There is obviously the dilemma that, when we are trying to live within certain budget constraints, we want to send all the right messages. You do not want, hopefully, to have to come back and declare a budget emergency each year, because we are talking about outyears in the effort to fund here.

So the establishment of a trust fund is a way of guaranteeing to Americans, as well as to the police forces, to the prison construction process, to the guards, to those who are part of what we call the criminal justice system, that, in effect, we are not relying on the vagaries of American politics to come up next year and the next year to meet the need of the deficits. The fund is there; this is for real.

Now I would like to make the argument to the Senator from Oregon as to why I think this is so important. I ask my colleagues to try to strip away what cloaks us so quickly around here, which is this horrible partisan mantle.

I applaud a lot of what the Senator from Texas said a moment ago. I would like to see if we could get both sides together and find the best of a legitimate approach so that we defuse the rhetoric and so that we take the partisanship away and respond, because, while there are differences among us, there ought to be a consensus that this problem—I do not even want to call it a crisis, it is a horribly overused word—that this problem has now reached a level in this country that demands of us a different kind of response. Not a Democratic response, not a Republican response, but, frankly, just a fundamental approach of common sense and downright, sort of back home plain talk that Americans expect of us here.

I would like to suggest to my colleague, the only way you can measure what the approach ought to be here is to put in context what is happening in this country.

Madam President, I want to congratulate the Senator from Delaware, the chairman of the Judiciary Committee, because he has been one of the prime advocates of this. He has pushed and cajoled through all of his years here, and he has brought to the floor year in and year out a bill that has tried to do more than we, his colleagues, were willing to do.

And now we are at a point where we have had a bill that, just in the last week has gone from $5.9 billion to $9.6 billion, now to $12 billion. Something tells me there is something cooking here where people are beginning to make a measurement of what is really at stake.

Madam President, if we are going to decide whether or not to create a trust fund, and if we are going to think realistically about how much money to put into that trust fund, then we need to take a few minutes to try to strip away the politics and think in reality about what is happening to this country of ours, as a consequence of not just crime but a whole set of circumstances that have their own momentum, that have really broken loose and now have a life of their own.

I think the first place to start is to understand that this is not a problem of the last 5 years. It is not a problem that is George Bush's problem, it is not Ronald Reagan's problem, it is not Jerry Ford, Jimmy Carter, Richard Nixon, Lyndon Johnson—it goes back 30 and 35 years.

In point of fact in that entire period of time there really has not been what you would call a serious response, in all of those 35 years—there truly has not been a serious response.

That is what I suggest to my colleagues. I ask my colleagues to please think about what we call the criminal justice system. It is today not truly a system, because we have not empowered it to be a system.

There are many components of it. You cannot just put cops on the street who may make arrests, who will then send people to a court system that does not have the judges and clerks and probation officers and the courtrooms and capacity to process the cases. You cannot process cases rapidly under a speedy trial law if you do not have the prisons to put the people in who deserve to be incarcerated. And we all know we do not today.

Why do we not have them today? It is not a great mystery. It is because you have to ask Americans to pay for them and nobody really wants to do that. Or has not until this moment.

I suggest respectfully if we come to this floor in the course of this crime bill discussion, and all we do is whip out a few billion dollars and say slap it onto prisons here, slap it into the police here, we will absolutely guarantee several things.

No. 1, crime will go up. We will return to this floor next year and have to have a new level of hysteria about crime. And we will guarantee the American people will diminish even further their assessment of what the U.S. Congress understands and what it is willing to commit to do. Those things will happen 1 year from now, 2 years from now, unless we try to stop ourselves in our tracks right now and define: Is this an emergency? Is it really all that our rhetoric suggests it is? Is it less? Is it more?

If it is what our rhetoric suggests it is, then it is an emergency. And it demands a response that is commensurate with the level of rhetoric. Personally I do not think it ought to take us very long to make an assessment of what we ought to do here today because the reality is screaming out at us from every single corner of America today. It is a hysteria, I might add, that really demands a real response, not the half-hearted election year responses that have characterized so much of what we have done in the past. All you have to do is look around.

The Senator from North Dakota [Mr. CONRAD], for whom I enormously am grateful for the comments he made regarding my efforts, but he is somebody who has helped to move members of the caucus and others because of his own personal experiences. It should not take a U.S. Senator to come to the floor and tell us what happened to his wife, or what happened to staffers up here, to begin to even comprehend what the average American is seeing on a daily basis in so many parts of this country. If you look around the United States of America today you can see violent drug-ridden realities. It is a reality in which the institutions of civilized social life are breaking down, where you have disintegrated families, boarded-up store fronts, schools that have become armed camps, and crack houses that are replacing community centers as the focus of neighborhood life.

An honest appraisal will show you that we are now a country where young men die, particularly young blacks die, at a rate exceeding that of the Vietnam war and generally exceeding that of any other American war, a rate that is unacceptable. We see a country where, literally, far too many of our kids are carrying guns to school instead of lunch boxes. We see an America where the quality of our life and our capacity to build community is literally devastated by what is happening in some of these communities. If you are not impacted by crime directly, we are all impacted by the fear of crime. Increasingly, Americans have been asked to put up with a tragic, inescapable degradation, a scale that is going like this, downwards, in the quality of life of our fellow citizens. That day-to-day degradation of the quality of our life is ripping away at our identity, our national identity—who we are and who we hope to be. In a sense, I think it is fair to say it is changing the character of the American soul.

We have always had poverty in the United States of America and we have always had violent crime. You can go back to the days of the first Pilgrims who came to Massachusetts, or the Chair's State, Virginia. We have had problems with alcohol. We have had problems with drugs through our history. But we have never seen an America with the kind of problems that we see today in our urban and rural neighborhoods. We have never seen children talk matter-of-factly about blowing each other away or about living in a world where guns are as common as water. Or about going to bed at night with the notion they may not get up the next day except to face a hail of bullets. We have never had an America where children are talking about planning their funerals, as we read in the Washington Post just a couple of days ago, rather than planning their careers, or their vacations. We have never seen an America where a 2-year-old girl could be found at a day care center with 11 vials of crack in her pockets, thinking they were candy. Or where a kindergartner could find a gun in a stroller and use it to kill his little sister.

We have never tried to raise children in an environment where the glorification of violence is as great as ours is, and where there is such immediate relevance to so many of that violence. Where our media tend to try to prove once and again that they can outshock reality, never truly doing so, and where some musicians even celebrate murder in cold blood of our police officers. So, we find ourselves today in a very different United States of America from what any of us want or from what any citizen has a right to expect.

We have an incarceration rate in the United States of America that is already higher than any other nation in the world. We imprison black males at five times the rate of South Africa and we have more black young Americans in jail today than we do in college.

Mr. President, 42 percent of the young black males in Washington, DC, are in the court system of this city. So, for too many people, for too many of our fellow citizens, what we know as the land of opportunity has become a land of forbidden zones, a land where you see whole parts of our so-called community deserted by working people, deserted by businesses, deserted ultimately by families, and certainly deserted of children's laughter, deserted of hope. And it has changed the way we live. We spend money on locks. We spend money on insurance rates. We up the amount of money we spend in our hospitals for trauma.

(Mr. ROBB assumed the chair.)

Mr. KERRY. Mr. President, we are an armed camp. We have more private police in America today than we do public police; 1.5 million private police officers versus 535,000 public police officers in our States and localities.

Some people want to believe, believe it or not, that somehow this will take care of itself. Some people want to believe that if you close your eyes and you kind of go through your sheltered life, if you are lucky enough to have one, that you might just be lucky enough to avoid this reality. But I will tell you something, the FBI statistics tell you that is not true either, because the FBI statistics now tell us in 1993 that 83 percent of all Americans can expect to be the victim of a violent crime in their lifetime—83 percent of all Americans.

I have had my car stolen three times. I have had my house broken into. I was walking down the street in Washington the other day right on 15th Street, a block and a half from the White House. A car came screaming out, recklessly driving around, threw a beer bottle out and it broke at my feet. I yelled at them and realized I made a mistake. They drove around the corner, stopped and started backing up. I walked into a restaurant, I got on the phone. The car drove up and I saw them glaring at me. I am confident if I stayed out on the street, I might be a statistic today.

There is not an American today who is not walking out of a home deciding where to go that is not impacted by what is happening. I was talking with people in Massachusetts the other day in one of the richest communities in the State. They were telling me how their whole life has changed. Parents do not allow their kids to walk in the aisle next to them in the supermarket alone for fear that there might be a stranger there to cart them off. Parents do not let children go to certain places based on the threat of crime. We make decisions as to where we will go to eat at night based on the threat of crime. We make decisions as to whether or not we will let our kids travel here, there, wherever.

One parent told me the other day in Massachusetts that when the doorbell rings, in their fairly affluent communities in one of these suburbs, their instant reaction to the children is: "Don't answer that, I'll get it," because they fear the stranger at the door.

This has changed the way we look out the window. It has changed the way we live in our homes. It has changed all the perceptions of America, and no one should think that they can just somehow wish this thing away that has been 35 years in the building.

Mr. President, I believe that the rhetoric we have heard in the 9 years that I have now been here has only undermined the willingness of the American people to believe that we are ready to do something about this or that we understand what needs to be done. The bill that is on the floor, for $12 billion, is the first real beginning that I have seen in all the years I have been here, but it is not enough. It is not enough, Mr. President. It is simply not enough. We need to examine the reality of what is happening to understand why it is not enough.

Look at this level of fear that I am talking about across this country. That fear affects all the conduct that we care about when you are talking about these words: "Domestic tranquility." And that fear, candidly, leads to more evil.

In the end, the great generosity that we know that normally comes from the American spirit falls in the face of that fear. So we abandon homes, we abandon communities out of fear, we abandon downtowns. We abandon public squares. We stop fighting for our own liberty in these places because of our fear and because we have been unwilling to put the resources into the battle.

So what happens? We start by witnessing the invasion into our public places of thugs and punks and they begin to take over those public places so that senior citizens or law-abiding citizens fear to move there because they have a perception that these people may be a little wild, a little crazy. Maybe they are out for a wilding, maybe they just want to rough them up, maybe they want to take their money, jostle them. So you divert, you walk the other way around the sidewalk and you have lost part of your liberty. You have lost something that we are supposed to have in this country.

So it is today, as I said, Mr. President, that there are more private police, and that is well and good for those who can afford them. But not everybody can afford to live in a gated community or in a private preserve.

Last year, the New York Times reported that much of the middle class was moving out of Philadelphia. More recently, the New York Times reported that much of the middle class appears ready to move out of New York. And tomorrow, they may write about Boston, though much of it has already moved out of parts of Boston, or any other city in the Nation. Almost every single city in this country has areas that are virtually abandoned, buildings that are disfigured, gutted, stores and businesses shattered, their night streets empty and menacing. There are schools from which all learning has almost died, where a quarter of all the students report that they carry weapons to school—a quarter of all the students carry weapons to school for protection, and now even more adults in America pack a weapon for protection on public transportation. So we lose the freedom of travel; we lose the freedom of choice; we lose part of who we are.

Mr. President, in a certain respect, because we now live our lives where we have to make these constant, constant conscious choices about the potential impact of being hit in the head, or a member of the family being raped, because of that, we literally walk around with a new sense of terror about a confrontation, an unwanted confrontation. In a sense, that has become a prison that we all carry around with us in this country.

I do not think there is anybody here who is soft on crime. We should get away from this whole arising that tries to suggest that one person or another—there is not a U.S. Senator who is soft on crime. There are differences of opinion, however, as to what will make the difference in fighting crime. When we are stuck, as we have been for these last years, in a fiscal box that does not treat this as an emergency, we reduce our capacity to reach a compromise because we hold out a pot of money that is so minimal that everybody is fighting to grab their piece for their idea of what will make a difference and, in the end, nothing significant gets done that will make a difference.

That is our own fault because we do not understand the full ramifications of what is happening, so we do not hold out enough money. The result is we do not do the job and the result is all the rest of what I just talked about.

I think we have to acknowledge that and I think we have to understand the degree to which we hold in our hands the ability to be able to address this. I do not believe that we need to be losing. I do not believe that we do not understand what to do. I do not believe that there are not real choices that we could pick one by one that will address this issue and have an impact and affect the lives of Americans.

Lest anybody have any sort of doubts about this system and what is happening, I want to run through just a few charts very quickly that articulate it.

This is the murder rate and this is only the percentage of change from 1988. Since 1988, murder went up 19 percent, by 1991, slapped down a little bit to 15 percent but it is back up right now. So that is the murder rate. That is one measure of crime.

Violent crime as a whole, since 1988, it is up 23 percent.

Robbery, up 24 percent from 1988, and I will go through the individual kinds of robbery that are up.

Aggravated assault, it is up 24 percent from 1988.

Forcible rape, up 18 percent from 1988.

When you start breaking down the robberies, you see that commercial and house robbery is up 27 percent; bank robbery, up 44 percent; convenience store robbery, up 10 percent. It dipped down just last year. I suppose people have found a better target than convenience stores, which seem to be arming themselves nowadays. Gas station robbery, up 12 percent in 1991, 7 percent in 1992; street robbery—that is to say, citizens just walking down the street trying to live like a decent American—29 percent street robbery is up; residence robbery, 15 percent.

Now, some people might say well, hey, it is OK, crime is up. We have the police out there; they are going to do the job.

Let me just show my colleagues what is happening with respect to murder. If you do not think it is not a national emergency after you begin to see what is happening to murder and to our ability to clear, I do not know what is a national emergency.

These are hard statistics to see, but I will read them. These are the age, sex, and race of murder offenders. Let me just share the age of murder offenders in the United States in 1992. The largest numbers of murders are now being committed by kids aged 15 to 19 years old. That is the largest single category of murderers in the United States, kids 15 to 19. There were 4,249 murders by kids who are 15 to 19; 3,929 murders by kids 20 to 24; and 2,614 by young adults the age of 25 to 29. It drops down markedly to 1800, 1200, 800, 500, 300, 200, as you go up into the higher age categories.

What is also dramatic, Mr. President, is the age and sex and race of those being murdered. The victims of the 15- to 19-year-old pack, where most murders are 15- to 19-year-olds, there were 2,851 of them. The next highest category is 20- to 24-year-olds who are being murdered by people 20 to 24 years old and 15 to 19 years old.

So we have lost a generation of young people, and there are reasons for that. I believe we can understand some of those reasons, not all of them.

Mr. President, there are many reasons for crime, but anybody in the court system will tell you today, when they talk to these kids, they come from broken homes, some of them broke after they were born but many of them never had a father around or a mother or both. In fact, when you go back to the words of our colleague, Senator MOYNIHAN, in 1965, in this country, he talked about what happens when kids are born without parents around, without people to suggest there is a difference between right and wrong, between one form of behavior and another form of behavior, that there is a difference when somebody is there to inculcate a value system. We have kids growing up today in America who grow up without any human ties and at an alarming rate, Mr. President.

In 1965, the rate of illegitimacy in the black community it happens was then 27 percent, in the white community it was about 4 percent. It is up everywhere, incidentally. This is not a chart that somehow pins the problem at one people or another. This is across the board—white, Hispanic, black. This is an American problem. It went up in 1970 to 37.5- percent illegitimacy. In 1975, it went up to 49.5 percent, 7 percent among whites. In 1980, we began to see Hispanics enter the picture—11 percent white illegitimacy, 25.5 Hispanic, 56.1 in the black community, and in 1990, 3 years ago, 20.4 percent among whites, 66.5 percent among blacks, and 36.7 percent among Hispanics.

These kids who in 1970 were born without values inculcated became 15 and 16 in 1985, and the kids born in 1975 became 15 and 16 in 1990. You can turn to the charts of how crime has gone up among young people in those same cycles and you will see, as we have had a generation that has had no attention, no input, reduced resources, reduced focus on values, reduced ability to distinguish between right and wrong, indeed, crime has gone up significantly.

So we can ask ourselves what will happen when we hit the year 2000 and the kids who are born today are 10 and 12 and increasingly violent because we have not attempted to intervene or do what is necessary.

Now, Mr. President, I mentioned a moment ago the increase of each kind of crime in America. Let me share with my colleagues, who may think that the police or someone is there to protect them, some stunning figures. These are called the clearance rates by arrest. We measure whether or not a crime has been taken care of by measuring clearance rate of the crime by arrest or by conviction.

For burglary, in 87 percent of the crimes we do not even make an arrest. We only clear 13 percent of the burglaries by arrest. And you know that when you arrest you do not convict everybody. So the number of burglars in America who pay a price is minimal. Larceny: 80 percent of the people who commit larceny are never caught. Motor vehicle theft, 76 percent of the people are never caught. No arrests. We do not clear the case. Then, when you come to violent crime, it is equally disturbing.

Of the murders, 35 or 36 percent of the murders committed in America we never even make an arrest. And for the 65 percent that are cleared by arrest, we get a conviction rate that is such that for more than 50 percent of the people murdered in America, there is no price paid. We do not catch them.

For aggravated assault, it is a higher number—40-some percent that do not get caught; 48 percent do not get caught for forcible rape; 76 percent for robbery do not get caught.

Now, why is this? Why do we not catch people in America today?

Mr. President, there is a good reason for that. Because we have been busy disarming in the face of an increased threat. Twenty-five years ago in America, there were 3.3 police officers per violent crime. In 1993, there are 3.3 violent crimes per police officer. So each police officer in America is 10.56 times more likely to confront a violent crime than his predecessor 25 years ago. And if we do what this bill wants to do, even at its increased level of funding, we will merely reduce that 10.56 percent down to 9.5 percent.

So incrementally, do you think a police officer is going to feel safer knowing that instead of being 10.5 times more likely to hit a violent crime, he is only 9.5 times as likely? Do you think the American citizen is really going to feel safer from what we have done because now, instead of 3.3 violent crimes per police officer, we have gone down to 3.1 violent crimes per police officer? This is incrementalism. And the problem is that unless we put a sufficient number of police in our streets who can literally restore order, we will not do anything except once again send a message that we have played politics; once again send a message that we are not really that serious, and that the criminal justice system cannot respond.

Mr. President, there are other aspects of this that we could look at to indicate why we have a problem. The Senator from Delaware has very articulately, again and again, tried to remind colleagues on the floor. The problem is not at the Federal level. If we come to this floor and all we do, for instance, is pass another form of the Federal death penalty, then we are mocking what is happening.

Do you realize we have some 47 new Federal death penalties in this bill? That is OK. If we are going to have more, that is fine by me. But we have a new Federal death penalty in here for genocide. The last time I noticed, there was not a lot of genocide prosecutions in the United States. We have a death penalty in here for people who kill Senators. Again, not of those murders either.

But what we do not have in here, Mr. President, is sufficient money to help 95 percent of the battlefield to get the weapons and the strategy it needs. I repeat: 95 percent of the battlefield is State and local. It is the State prison system that is overcrowded. It is the cities and the rural communities that do not have the cops. And nowhere is this more clearly evidenced than in this chart which shows what has happened over the last years.

When I was last prosecuting—it seems a long time ago, and it probably is now—in 1980, we had the Law Enforcement Assistance Administration. I see the former attorney general from Connecticut, the Senator from Connecticut [Mr. LIEBERMAN], is here now. He remembers the LEAA. It was what empowered us to prosecute.

When I came into office, we had 12,000 backlogged cases. We could not deliver justice. But because we were able to get grants for a major violator unit, for priority prosecution, for extra clerks and judges, we whittled that down to zero backlog, and we could try any serious felony within 90 days from arrest until conviction. And we had a place to put them.

But that is not true today. We had $2.3 billion from the Federal Government going to the States to assist them to make the criminal justice system work. Here is the chart. That was 1974, 1975, 1976, 1977, and then beginning in 1978, down, down, down, and in constant dollars, up slightly in the last couple of years. We are not even close to the level we were at 13 years ago, and the crime problem is 10 times worse.

We are spending in constant dollars about $756 million today to help the States versus $2.3 billion a few years ago.

So that is an indicator, Mr. President, of how we have not treated this with anything except really rhetoric.

Let me show you what is happening in the prisons themselves. If you are going to have a criminal justice—oh, everybody comes to the floor, and says," What we need are mandatory sentences." OK. Let us have a mandatory sentence. But let us understand. If you are going to take the discretion away from the judge and have a mandatory sentence, that means somebody is automatically going to go away for that crime. That means you need a bed. And you need a guard. You need all the other personnel who service that. We have not been willing to do that.

The result is today that for all our talk of tough sentencing and being tough, we are at 137 percent capacity in the Federal system. In the Northeast, the only State below capacity is Rhode Island, the smallest State in the country; Connecticut, 113 percent; Maine, 112 percent; Massachusetts, 144 percent; New Hampshire, 153 percent; and so forth: 131, 149. You go out in the Midwest, and here is Nebraska, 150 percent capacity; Ohio, 177 percent capacity; Wisconsin, 139 percent capacity.

You go down to the South. Well, in the State of North Carolina, it is 95 percent; Mississippi, 155 percent; Virginia, 139 percent.

These are the States and local communities, State for State for State. If we were going to pass mandatory sentencing somewhere, we do not pass them for the States, obviously. We only pass them for the Federal government. So we can create some kind of carrot in this system to bring the States in. But if we do, with all the other mandates that we have been busy passing and not funding for the States, we had better think about what kind of system we are building.

I respectfully suggest to my colleagues that you cannot go on this way. You cannot come to the floor of the Senate and say that we have to do something about crime. You cannot say we are going to have tough sentences and that will do it, without having a probation officer to handle the kid who deserves to be handled by someone on a personal level; without having a clerk to take the court papers and move them from the courtroom to the jail; without having the jailer and the transportation necessary to get them from here to there. And there is not a criminal justice agency in this country that is not groaning under the weight of our rhetorical mandates that do not do the job.

People sit here and say where do we start? This is a big thing. It is a big thing. It has been 35 years in coming. You certainly do not start by ignoring it. I think we all accept that. You do not start by doing nothing. That is not acceptable. So, OK. We have to decide where we start. And the first and foremost place, I respectfully suggest, to begin is the police. It is the police.

Some people say, "Senator, you are crazy. We don't need more cops on the street." In some communities that may be true. But I know that my police commissioner in Boston tells me he wants 350 more cops for community policing. And I know that here in the city of Washington, in the most extraordinary statement of the utter bankruptcy of this system, the Mayor asked for the National Guard, for 3,000 people, and then backed off and said administratively, we only want a few because the concept of the military in our streets, policing, obviously raises hackles in America.

But what the Mayor of Washington was saying is we do not have the front line. We do not even have the capacity to keep the peace. She threw up her hands in utter despair, and said, "Help me."

You can go to cities all over this country where we do not have sufficient cops.

I will tell you something. A police officer on the street makes a difference. People do not just walk up and hit people right under the nose of a cop. People do not tend to lie around in the doorways and force you to make a detour to get where you are going if there is a cop there. A cop is literally the front line of the defense for this country.

That is what the Constitution says we ought to be paying attention to. Gangs in the streets cannot run wild. They know they do not have to wait for someone to buzz a 911 that does not even answer. So a couple of guys will come by in a car, drive through, not see them, and disappear around the corner. That is not policing.

A lot of good people have come to understand that in the police structures of this country. Lee Brown understands it. Bill Bratton up in Boston understands it. The mayor down in Houston, Mayor Whitmire, understands it. He put more cops on the street in Texas recently, and crime has gone down 20 percent.

In East Palo Alto, CA, they struggled to get extra money. They put some cops on the street. And, by gosh, crimes started to go down. Civil order began to return.

I want to suggest respectfully that there is a means in this bill to deal with this problem. Crime creates poverty. We do not think about that very often. But if you look in a lot of the centers of our country which are poor, crime helps create that poverty because each murder, each rape, each burglary, each mugging makes it a lot more likely that a business is going to close.

It makes it more likely that somebody who does earn a decent living is going to get out of there just as fast as they can. They are going to skedaddle the moment they can economically make it. So controlling crime is a precondition to any serious attempt to try to deal with the social or economic reform that we need to deal with in the United States.

I might add that urban crime, although much of it is interracial, is also the most deadly poison there is to improved relations between blacks and whites, Koreans and whites, and Hispanics and whites, because it is critical in shaping opinions and defining behavior, and fear will defeat fairness every time.

So I say to my colleagues that Albert Schweitzer reminded us that the truth has no special time; its hour is now. This is a time of special urgency for this country. It is a time for us to tell the truth, Mr. President, and it is time for us to deal with the truth with a special urgency. We have allowed to grow in our midst in this country a deadly and menacing criminality. Now we need to strike back in the ways that we know we can.

Another part of the truth is that more and more of the crimes that are reported to the police are simply going unexamined because they do not have time. And for each failure to arrest, Mr. President, there is a spreading of the fear, because there is a network there; there is the victim, the victim's family, the cops, and there are the people brought into the system, all of whom understand what is happening. And for victim for victim for victim, for year for year for year, they are spreading the tentacles of that fear through this country. They understand when there is no police officer to go to court with them as they came to court for the third time and the case is dismissed, they understand that the system is failing. They understand when they realize after 2 years that they can barely get the detective or inspector to answer the phone for their crime that is now 2 years old because they are swamped underneath the crime that is a week or 2 weeks or 2 months old. That spreads from community to community.

Mr. President, I think it is obvious to all of us that Government is not the whole solution. I do not want to come to the floor and remotely suggest that. We have to deal with questions of values, questions of parenting, problems of education. We have the problems of lack of available resources for those incredible Americans who are on the front line of really being missionaries in this effort, who are trying to reach out to kids as part of the ABCD programs, or other efforts, and who monitor, so they are struggling upstream. They deserve support. These people are battling to save these communities.

Where are we? Squabbling over habeas corpus, which has absolutely nothing to do with crime in the street. These are people already in jail. Habeas corpus is about people already in jail. We ought to be worrying about the people who are not in jail and who ought to be in jail.

I might add, on the other side of the fence, I am going to vote for the Brady bill. We ought to have that because I do not think people ought to get guns for nuts or felons. We ought to check it out for 5 days. It is not really a big deal in doing it. I might add, while candor is in the moment, it is also not a big deal in terms of fighting crime. It is a first step. I do not even know what kind of step, because it will not change the fact that there are more privately owned weapons in America than there are by the police, Army, Navy, Air Force, Marines, National Guard, and Coast Guard altogether. If you want to try to get the police out there collecting that or managing that when they cannot even manage the rest of these crimes, then we are doubling and tripling our problems.

The first line of defense is police, because they are a symbol, and they are the force of Government authority; they are the indispensable foundation on which the life of a community becomes possible to build. Frankly, the greatest crime against disorder today, against ourselves, is the fact of what we have done to our police by not giving them the capacity to be in the community, to walk down the streets, to know who the thugs are, to be able to build relationships with people in the community, to prove to people that they are there in the moment of need, that you do not have to wait for 911 not to be busy, that you can reach these folks. And it says that society cares.

What does it say to a woman huddled in a housing project who watches us find police for Somalia or some other country, but we cannot find police for her? What does it say to her about what we care about in the United States of America, or how much we care about her? What does it say to somebody in a suburb somewhere who just heard about the teenager dragged out of a car a couple of days ago or carjacked? What does it say to them when the cops are not even able to pursue it, or we do not have the ability to pursue it?

A generation ago—which is the last time this country can be said to have truly enjoyed civic peace—there were three times as many police officers as there were violent crimes. That is exactly reversed today.

The message to any criminal is: I probably can commit this crime and not get caught. If I get caught, I probably can tie up the system long enough that I may be able to fake it out. And if I cannot do that, I may not be able to be convicted. If I am convicted, I know pretty darn well that I am probably not going to spend a lot of time in jail because they do not have enough space for me. So I am going to take the risk.

The whole concept of deterrence has been blown out of the window by our own indolence, our unwillingness to give it some impact. So we have destroyed deterrence, and in doing that, you start to rip away the core not just of the criminal justice system, but the core of the belief system of what builds community and what begins to say to people there is indeed a way to behave and a standard by which we live as Americans, a standard of expectancy about what you do and do not do. We have destroyed that.

Mr. President, I know the police are not the whole answer, because I can go through this piece by piece and give you what I think is the answer. But the police are the first place to start to send the message that we are beginning to take back our streets and that we are serious.

We could put 80,000 police on the street in 4 years if we were to adopt and put in the police corps, which we have passed before, which has been through the Senate, and we would invest in the young people of this country.

The Senator from Virginia, who occupies the chair, like many others here, put on the uniform of his country and went to serve his Nation. He came right out of college and went into the Marines and fought. No one can tell me that it would not be a good idea to take our young out of college, with the capacity to have their college paid for in return for 4 years of service here in this country as a police officer. Then they might choose to go on into life as a banker, lawyer, doctor, who knows what. But they would have invested in this country. They would understand what it means. They would be citizens with a different stake in the future of this Nation. We would have educated people. We would have given people an opportunity to serve. We would have given them a stake in their community. Most importantly, we would have created a new concept of citizenship, 80,000 cops in 4 years, 20,000 a year; cost, $5 billion for 5 years.

Mr. President, that is what will determine whether or not we are real here in these next days. I agree with the Senator from Texas. I personally would be willing to make a deal with the Senator from Texas. If he will accept creating the $12 billion and help us find that money we should be building that additional space regionally. We should be creating the capacity to not just build permanent large new institutions where the overhead burdens us forever. We have to make a presumption that if we put adequate police in the streets, if we begin to make the system work, if we pay attention to those kids who early on indicate a propensity to get into trouble—and, incidentally, talk to any DA in America. They will tell you in their communities that they can identify the troublemakers. They know who they are.

They know who they are going to be. They see their brother get into trouble. They see their father in trouble. But they do not have the ability to reach out to that kid and do something to divert that kid.

So we need to build that capacity into the system by dealing with boys clubs, girls clubs, keeping schools open in America after hours. What are we doing in the United States of America lamenting gangs, worried about the Bloods and the Crips, and we shut the doors of our schools at 4 and 5 in the afternoon. We do not have anywhere to go. We are shutting our libraries. Is it any wonder?

I suggest, Mr. President, that we were to start with those 80,000 and 20,000 on top of it, the President talked in his campaign about 100,000 police. Senator BIDEN in all of his reports from the Judiciary Committee has said 100,000 police is the starting point. But for reasons beyond the control of the Senator from Delaware, he is on the floor now with a bill for 60,000.

Let me just ask my colleagues: How can we come to the floor knowing that everyone really believes you ought to have 100,000 but we are here for 60,000? Are we going to go back home and tell what we did was necessary? Are we going to go back and say we met the need of this Nation? Impossible, when we do not even meet the level of our own rhetoric, and we are not.

Mr. President, I believe, and I think others share this, that the overwhelming cause of the kind of ugly racial incidents that have disfigured an awful lot of communities in this country is fear. I talked about that a moment ago, but it seems to me that we have to really measure that as we think about this response.

I read in the newspapers, in the Wall Street Journal, the other day Louis Farrakhan was quoted as saying that the gangs are going to play a role in the future but the Bloods and the Crips are not really directing their energy against red and blue, which is there respective colors. They are going to direct it against white, because white is the enemy, and the gangs are going to settle the score.

It is already tough enough in this country to talk about problems of race, but fear of crime, fear of stranger, fear of those you do not know, fear of the stereotype is a large component of what is dividing people in America.

I believe that if we begin to reestablish the domestic peace and order, then we can begin to break down the stereotypes, and we can begin to restore our sense of confidence in one another—so we could resume our historic march toward the fulfillment of the American promise of equality for all people. That is something the police could help to bring about in America, particularly with young Americans being part of that effort.

Moreover, I might say that police do have a proven ability to deter crime. Some people say to me if you just put more cops on the street, all we are going to do is put more people in prison. That is not true ultimately, because it has been shown where there are more cops on the street, crime goes down. There is less crime ultimately. So we can obviate the need to build lots and lots of permanent large institutions if we are responsible enough and adequately treating this issue systemically.

I asked my colleagues to sit down together, to come together to think about the adequate amount of prison space, to deal with the problem of overcrowding and deal with the problem of making sure that someone who deserves to go away goes away, and goes away for the period of time they ought to go away. But simultaneously, we need to understand that you need the other components of the system that manage that. We have components of our criminal justice system that cannot even talk to each other today.

I met with the district attorneys and the police chief in Boston the other day. They were telling me they still do not have the computer capacity to do the warrant checks to know that someone may be wanted in another State unless they do certain sort of backup check procedures for this. Here we are with supercomputers and extraordinary capacity for the flow of information, and we are not even empowering our system to hold the people we have, because we do not give them the money for the computer system, among other things.

I do not want to go on and on, except to say that we must come at this realistically. If you take the money that the Senator from Delaware, [Mr. BIDEN] in his own reports has suggested we should be spending, it is more than the $12 billion that the Senator from West Virginia is now offering us.

I am a cosponsor, and I will vote for, and I think indeed, if we can get $12 billion that will be the most significant leap we have made in years to begin to be realistic. But everybody ought to understand that is not an emergency response. We should be spending at least $5 billion a year for the next 5 years, and that should be divided between prison construction and policing so we can put 100,000 police, minimum, on the street, adequate facilities for our courts and the justice system to deal with the processing of additional personnel, adequate capacity to the juvenile system to do real diversion boot camps and other programs. And we should be dealing with safe schools, dealing with boys and girls clubs, midnight sports leagues, and the other efforts that are so critical to really changing the dynamic that has superseded most people's sense of capacity to order.

I think, Mr. President, that we ought to care enormously about reducing the total amount of crime, or about restoring order to those communities that sense today the impossibility of our ability or capacity to be able to respond to their needs.

But we should remember as we do this, Mr. President, that we are today holding 76 percent more people in our prisons than 10 years ago, and crime did not go down. That is a very important figure to focus on. With all the rhetoric of the last 8 years, the drug bill, et cetera, we have 76 percent increase in our prison population, and crime has gone up. Why? Because we did not create a systemic approach that tried to deal with the other components of the criminal justice system. We did almost nothing for gangs, for youth gangs, for kids, for the people who absolutely, predictably, will wind up being the inhabitants of the adult population because we have neglected them at that earlier stage.

Mr. President, I know the Senator from Delaware would like to do more. I know the Senator from Delaware believes that this is an emergency. I know the Senator from Delaware believes we should be spending the kind of money I just articulated, $5 billion a year, and I come back to the chart that I started with, which shows how many other things we have been willing to spend $5 billion a year for.

We spent $5 billion a year for the strategic petroleum reserve. We spent $5 billion a year for the B-1 bomber. We spent about $3.5 to $4.5 billion a year for SDI.

Are we really not willing to spend $5 billion a year to ensure the domestic tranquility of the United States of America and send a message to people in this country that we are, once and for all, serious about this issue?

I would say to my colleagues that the bills that are on the floor at this point in time, while they advance—one of them, the bill of the Senator from West Virginia is the one that now advances this more than it has been previously.

But let me just share another point that is missing.

Drug addicts. Most of the people in our prisons are on drugs or are there because of a drug-related offense. We are not testing them. We release them out into the streets of America with the same condition that they went in with.

Moreover, there are about 6 million hard addicts in America today. These are people who use dirty needles and spread AIDS. These are people who hit people over the head and rob to support their habit, that which is not supported, conceivably, by the money they get from the Government that supports them anyway. These are people who will go out and kill themselves, or become a trauma problem in a hospital, adding to the cost of hospitals anyway.

And only 20 percent of them are currently getting treated, even though the U.S. Senate voted for treatment on demand several years ago.

Again, why is that not happening more? Because we did not want to put the money there. That is the only reason.

I hope as we approach this debate, and as the rhetoric grows heated and heavy about crime, we will understand our culpability. It is our cowardice in our irresponsibility and our unwillingness to put resources into this issue.

Resources are not the whole thing. I understand that. The Government is not the whole thing. The crime problem will not be totally eliminated by virtue of this effort. But it is the place to begin. There is no question of that.

I hope my colleagues will come together and find the resources that are adequate and that we will begin by putting the police into our communities.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER [Mr. LIEBERMAN]. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, we are about to have votes on this bill. I believe that we can do that after the distinguished Senator from Texas makes her approximately 12 to 15 minutes of remarks, because she has been waiting all afternoon.

I ask unanimous consent that she be permitted to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. After she makes her remarks, my suggestion is—and I hope the majority will go along with it—that we move immediately to vote on the Grassley-Roth-Hatch antichild pornography resolution, then allow for at least 15 minutes for the distinguished Senator from North Carolina to speak with regard to the Feinstein amendment. And there should be some flexibility. He will only give a speech. There will be no amendment. And he has some questions of me, I believe.

Then, hopefully, we could go to the Feinstein vote as soon as Senator HELMS is completed with his remarks and his questions of myself. I am not sure whether he will question Senator BIDEN, but I think he will question me.

Mr. BIDEN. If the Senator will yield, I am sure he will not pass up the opportunity.

Mr. HATCH. I think I am the one who is going to be questioned.

But that may be a way of letting our colleagues know.

What I have suggested is, Senator HUTCHISON will take 12 to 15 minutes to complete her remarks, then we move straight to the Grassley amendment, if it is acceptable to the majority, move straight to the Grassley amendment for a vote, allow Senator HELMS enough time to make his remarks and ask any questions he has. That would be about 15 minutes, but whatever it takes, and then go straight to the vote on the Feinstein amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. If the Senator would yield, I think that is a positive way to approach it, as long as we do not get ourselves in the untenable position of the Senator from North Carolina not just asking questions, but once we adopt the amendment that is now an amendment in the second degree and clear it——

Mr. HATCH. I think we can get a unanimous-consent agreement that he will not have any amendments; that it will be strictly a speech.

Should we try to get that agreement?

Mr. BIDEN. Yes.

Mr. HATCH. Should I ask or do you want to do it?

Mr. BIDEN. No, you go ahead.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the 12 to 15 minutes of remarks of the distinguished Senator from Texas [Mrs. HUTCHISON], we move to a vote on the Grassley-Roth-Hatch amendment on child pornography; that immediately following the vote on the Grassley amendment, Senator HELMS be given the floor to speak with regard to the Feinstein amendment, without any intervening amendments; and that, as soon as his remarks and questions are over, we proceed to a vote on the Feinstein amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object. I do not expect to object, but I want to be sure this is agreeable to the majority leader.

Mr. BIDEN. Yes.

Mr. BYRD. It is.

I have no objection.

The PRESIDING OFFICER. Is there further objection?

Mr. BIDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Reserving the right to object, this does include Senator FEINSTEIN's time to respond to Senator HELMS?

Mr. HATCH. Of course.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

Under the previous order, the Chair now recognizes the Senator from Texas, [Mrs. HUTCHISON].

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, for the next several days we are going to hear statistic upon statistic depicting horrifying increases in crime, particularly violent crime. And we are going to engage in lengthy debates about the legal nuances of habeas corpus and minimum sentencing and parole policy.

My State certainly has statistics I can recite: Violent crime has doubled in the last dozen years; prison overcrowding and lenient parole policies result in the releases of thousands of convicts who have served less than one-quarter of their original sentences.

But these facts should not be the focal point of our debate. The only fact that matters is that Americans are frightened—frightened by what is happening in their neighborhoods, on their streets, in their schools, and in their communities.

As illustrated powerfully at the ballot box this past Tuesday, the American people want action. They do not want dry, dispassionate debate about theories of constitutional interpretation. They do not want to hear politicians talk about hardened criminals that have been victimized by society.

The American people want real action to protect families in their homes, to protect children at school and at play, and to protect the most vulnerable members of society.

Mr. President, we cannot allow the debate about this crime bill to degenerate into a litany of statistics and long sermons. We can ensure real justice for our fellow citizens only if this debate is first and foremost about the human costs of crime and the terrible suffering of innocent victims, and about how we can stop the criminals and make America safe again.

It is easy to gloss over the only daily and gruesome evidence of carnage. There are case histories in every State, every county, city, and town in the Nation. Take the recently publicized case of a Texas man who was paroled in 1990 after convictions for burglary and indecency with a child. He was charged recently in the murder of a 7-year-old little girl from Plano, TX. Every day, such sick, remorseless criminals are turned loose from prison. Is it right that unsuspecting citizens should be exposed to such risks, because their Government cannot or will not keep the criminal behind bars?

Do our constituents, our fellow citizens, expect too much? I do not think so.

Our constituents want to increase the length of time violent offenders actually serve in prison, so that those who kill and rape and brutalize cannot repeat their crimes, as did Charles Wooten, paroled in 1992 for killing and robbing two service station attendants. In July of this year, police say Wooten and an accomplice killed Wooten's father and then doused his body with gasoline and set it on fire.

The tragic, scandalous fact is that most violent offenders who are sent to prison serve only a small fraction of their sentences. According to the Bureau of Justice Statistics, violent offenders receive an average sentence of 7 years and 11 months, but they served an average of 2 years and 11 months in prison—about one-third of their imposed sentences. The convicts go free, but innocent citizens pay the price for this kind of liberal sentence reduction.

A Texas court recently threw out a murder conviction and granted a new trial for a man for the carjack slaying of a young woman at a Houston intersection in 1990. According to his taped confession, he killed the young woman because his car was nearly out of gasoline. He was arrested in the victim's car, sitting in a puddle of her blood.

Two years ago, another criminal was released from prison, and on that very day he went to a parking lot at a shopping center in Houston, TX. He strangled my college classmate and friend, threw her in the trunk of her car, and drove it to Colorado.

On the way, he stopped, opened the trunk, threw her out dead in the field. And when asked why, he said, "I just had to have her beautiful car."

Mr. President, no body of law that permits outrages like these can be considered just. No criminal justice system that allows thugs and murderers to evade punishment and prey repeatedly on law-abiding citizens can be considered fair. And yet, we must acknowledge this is increasingly the kind of justice our system metes out—certainly not the kind of justice Americans can rely on to protect themselves, their loved ones, and their possessions, but the kind of injustice criminals can and do rely on.

In the next few days, we can do something to help. We can pass a criminal reform bill that makes our homes, our streets, and our communities safer. We can pass a bill that will make just punishment swift and guaranteed. We can pass a bill that puts thugs and murderers where they belong—behind bars.

We must take action. We must be vigilant. We must win this senseless war that is occurring on our streets. Let us put teeth in this bill and take the first step.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order now is to return to the amendment offered by the Senator from Iowa [Mr. GRASSLEY] numbered 1098.

Mr. BIDEN. Mr. President, I ask unanimous consent it be in order at this moment to ask for the yeas and nays on the Feinstein amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1098

Mr. BOND. Mr. President, I support the Grassley-Roth amendment. There are many issues on which people of good will may disagree, but the importance of protecting our Nation's children is not one of them.

The Clinton Justice Department brief in Knox versus United States departs from the common understanding of child pornography in two different ways. First, to be considered pornography under the new standard, the material must show a child lasciviously engaging in sexual conduct. Second, the Department contends that to qualify as pornography under the Federal law, nudity or visibility of the child's private parts is required. Thus, the new standard would focus on the presence or absence of lascivious action by the child, rather than the pornographer.

This is no way to safeguard the well-being of our children from the exploitation, abuse and degradation that stems from child pornography. Children may not even understand the meaning of the word "lascivious"—but this interpretation could make them the victims of those who understand the word all too well. Under the loopholes created by the Department's new standard, children could be photographed and videotaped while sleeping or occupied so that they do not know they are being sexually exploited. Frankly, I am appalled that an administration that has often stressed its interest in children's well-being could espouse this new standard even for a moment.

American criminal law has traditionally focused on the intent of the criminal, rather than that of the victim. This is not the time to alter that tradition, when the welfare and the safety of our Nation's children are at stake.

Mr. COATS. Mr. President, I join my colleague from Iowa in sponsoring his amendment because I believe the Clinton Justice Department's action in Knox versus United States has tragic consequences for our Nation's children.

Earlier this year when President Clinton announced his nomination of Janet Reno to be Attorney General, Ms. Reno stated:

> I would like to use the law of this land to do everything I possibly can to protect America's children from abuse and violence.

Seven months later the Justice Department, which Ms. Reno heads, reversed its position on child pornography in a crucial case before the Supreme Court. This does nothing to protect our children from abuse. In fact, it leaves our children more vulnerable to abuse and exploitation.

In September, the Justice Department filed a brief in the Supreme Court which changes the standard for what constitutes pornography and provides child pornographers wide latitude in exploiting children.

In November 1991, Stephen Knox, a graduate student at Pennsylvania State University and previously convicted child pornographer, was convicted of receiving through the mail and possessing child pornography. Knox appealed his conviction to the Third Circuit U.S. Court of Appeals on the grounds that the videos did not constitute pornography because the girls featured were not nude. The court of appeals dismissed his appeal and upheld his conviction. Knox then appealed his conviction to the Supreme Court.

The tapes that Knox had in his possession contained vignettes of young girls, aged 10 to 17, wearing underwear, bathing suits, and other minimal clothing, striking provocative poses for the camera. According to the court of appeals, "* * * the photographer would zoom in on the children's pubic and genital area and display a close-up view for an extended period of time. Most of the videotapes were set to music. The films themselves * * * clearly were designed to pander to pedophiles."

Federal law makes it a crime to distribute or receive any visual depictions of minors engaging in sexually explicit conduct. The brief that Solicitor General Drew Days filed in the Supreme Court in September, in a reversal of the position held by the Bush Justice Department, argued that the conviction should be vacated because the child must be nude and engaged in sexually explicit conduct.

This interpretation of the law ignores the intent of Congress to protect children from the lascivious motives of pedophiles. Under the Justice Department's interpretation, pornography involving the most vulnerable children could never be punished because an infant or sleeping child could never engage in lascivious acts.

So, Mr. President, we have a Justice Department, supposedly concerned about protecting children from abuse, going to great lengths to make it more difficult to prosecute child pornographers.

In the debate on crime, we talk frequently about the rights of victims and the rights of criminals. The administration's reversal on this issue is another assault on the rights of victims. In this case, it is an assault on the rights of children who are most in need of our protection.

VOTE ON AMENDMENT NO. 1098

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1098, offered by the Senator from Iowa [Mr. GRASSLEY].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 100, nays 0, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 1098) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is to be recognized.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah has suggested the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it had been anticipated that a colloquy would now take place with respect to the amendment by Senator FEINSTEIN, but I am advised that all of the participants are not available at this moment. I understand the Senator from Alaska wants to just make a brief statement and put something in the RECORD. Then the Senator from Illinois wants to speak on the amendment.

Then as soon as the Senators who participate in the colloquy are here, I understand we can then proceed to have the colloquy, and then vote on the Feinstein amendment.

Mr. President, I suggest that we proceed in that fashion.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

The Chair recognizes the Senator from Alaska [Mr. STEVENS].

RUSSIA'S NEW MILITARY DOCTRINE

Mr. STEVENS. Mr. President, today's edition of the Washington Post reports that Russia has adopted a new, more assertive, military doctrine.

Among other details, the doctrine renounces the Soviet pledge of no first use of nuclear weapons, and exempts the armed forces from laws currently limiting the size of the Russian military to 1 percent of the nation's population.

I have long been concerned about conservative elements in the Russian military which continue to pose a significant threat to United States national security. For this reason, I offered an amendment to the fiscal year 1994 Department of Defense appropriations bill which would have denied Russia access to $400 million in so-called Nunn-Lugar moneys unless the President certified that Russia was not currently engaged in the production of new MIRV'd intercontinental missiles.

I offered this amendment after reviewing a growing body of evidence, from Russian and American sources, that Russia is continuing to modernize its nuclear arsenal.

My concern remains that while the United States provides Russia with assistance to destroy its weapons consistent with the START treaty, the Russians divert their own funds to construct more capable, new nuclear weapons that have MIRV'ed capability.

Today's news provides further evidence of Russia's intent in these matters. For a better understanding of what is motivating Moscow, I would bring my colleagues attention to a recent article in USA Today by Susan Eisenhower. Ms. Eisenhower is the director of the Center for Post-Soviet Studies, and a preeminent Russian scholar known to many in this body. I ask unanimous consent that a copy of the article be included in the RECORD. I believe this article will be very interesting to Members of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Oct. 18, 1993]

WATCH OUT FOR THE RUSSIAN MILITARY

(By Susan Eisenhower)

Since the constitutional crisis began in Russia more than a year ago, the West has consistently backed Boris Yeltsin, giving him virtually a blank check for dealing with his opposition. Although this may have seemed like the right course at the time, the international community could pay dearly for failing to encourage a compromise between the feuding sides.

Although the smoke has stopped billowing from the Russian White House, the question remains: What outstanding debts does Yeltsin have to the military for siding with him during the bloody confrontation?

In the course of the year-long constitutional crisis in Russia, there has been an apparent shift in Russian policy toward the other republics of the former Soviet Union. Last winter, the Russian military high command published a draft of a new military doctrine which, among other things, reserved the right to intervene on behalf of the Russian minorities in the republics of the former Soviet Union. Although it has not yet been adopted, it represents a political/military mind-set which could potentially lead to Bosnia-like confrontations.

Then, at the beginning of this year, Russia violated the security provisions of the agreement governing the Commonwealth of Independent States by declaring sole ownership of the nuclear stockpile and such important assets as the Black Sea Fleet in Ukraine and the Baikonour Space Center in Kazakhstan. By midsummer, Russia had officially and unilaterally disbanded the XIS joint command over former Soviet strategic assets.

Just months later—before Yeltsin dissolved Russia's parliament—his regime announced Russia's intention to exceed its allowable military force limit in the Caucasus, as agreed upon in the Conventional Forces in Europe treaty. Even though Turkey issued a protest against Russia's declaration, Yeltsin's foreign minister, Andrei Kozyrev, addressed the United Nations and asserted Russia's special role (and influence) over the former Soviet republics, including the Muslim countries in the south.

Within the same time frame, Yeltsin went back on his agreement to allow Poland and other Eastern European countries to join NATO. Russian military involvement also escalated in ethnic hot spots such as Moldova and Tajikistan. And, Russian military support of the Abkhaz separates in Georgia last month dealt a devastating blow to peace in the Caucasus and the fortunes of Georgian leader Eduard Shevardnadze.

These developments, and their timing, were likely part of a direct or indirect deal Yeltsin made with the military. As one Russian progressive I know told me, "Yeltsin was making his down payment to the military for their support during last week's showdown with the parliament."

We should be concerned that Yeltsin, who gained control over the country courtesy of the military, may now have to deliver on other items on the military's "wish list," including more money for personnel and weapons systems and a freer hand in the former Soviet republics. Such developments would be unpleasantly destabilizing for U.S.-Russian relations. But even more, they would be embarrassingly ironic.

In a tangible way, Washington bears some responsibility for the newfound power of Yeltsin's military.

If we had encouraged Yeltsin to compromise with the parliament—early on, while such a thing was possible—the military and internal security forces would not have been called on to weigh in and take sides in the political struggle that eventually ensued. By using the "military card"—for the first time since the early '20s when Soviet Russia used the Red Army to reconquer the non-Russian republics—Yeltsin has placed himself dangerously in their debt.

In the coming months, we will have a better idea of what the costs of our policy have been and what sum has been written on Yeltsin's blank check. But I, for one, worry that the absence of institutional frameworks will leave an opening for a long-suffering and more powerful military to redress some of its accumulated domestic and international grievances, many of which are directed at the West. In such a case, we will regret that we encouraged confrontation and not conciliation during this post-Soviet power struggle.

Mr. STEVENS. Mr. President, in this piece, Ms. Eisenhower writes that President Yeltsin owes his political survival to the Russian military. Because of this debt, she concludes that

Yeltsin may now have to deliver on a military wish list including more money for personal and weapons systems. It seems that her writing could not have been more timely.

I urge all of my colleagues to read this thoughtful and forward-looking article. It is imperative on all of us to ensure that Ms. Eisenhower's predictions do not come true.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 1624 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much, Mr. President.

AMENDMENT NO. 1097

Ms. MOSELEY-BRAUN. Mr. President, I would like to address brief remarks to the Feinstein amendment, the hate crimes sentencing enhancement amendment.

I am proud to be a cosponsor, with my colleague, of this legislation because it addresses the subject that troubles me very deeply. I am speaking, of course, of the growing problem of intolerance and hatred in our society, and, indeed, in the world, but specifically with regard to what happens here in America.

Who among us is not aware of recent incidents of violence directed toward minorities? In Florida, an African-American was doused with gasoline and set on fire; in Los Angeles, white supremacists plotted to bomb the First A.M.E. Church, which had been nothing but a beacon of racial tolerance and reconciliation during that city's most difficult hour.

Allan Schindler, a gay Navy seaman and a resident of my home State of Illinois, was beaten to death while honorably serving his country in Japan because of his sexual orientation.

And in Sacramento, CA, an unidentified white supremacist claimed responsibility for firebombing the home of an Asian-American city council member.

But the evidence is more than anecdotal. According to the Southern Poverty Law Center, the number of white supremacist hate groups has increased by 27 percent, from 273 groups in 1990 to 346 in 1991. The Anti-Defamation League reported 1,879 anti-Semitic crimes in 1991, an increase of 11 percent over the previous year. And the national gay and lesbian task force reported a 31-percent increase in violence against gays and lesbians in 1991 in five major U.S. cities.

Of course, Mr. President, every act of violence is reprehensible. A lot of our conversation today is directed toward having a real war on crime to stop violence based on any number of different reasons for criminal acts. But hate crimes are especially troubling, because they impact not only the victim, but the victim's entire community. When a member of a minority is singled out and targeted for a crime, other members of that community feel isolated, vulnerable, and unprotected by the law. Hate crimes send a message to all members of a community that they are not free to walk the streets, to own property, or to enjoy the fundamental rights of all Americans simply because of how they look, or what they believe, or who they are.

Throughout my career, I have worked to build broad coalitions among people of all races, creeds, and sexual orientations. I have always believed that the forces which unite us as Americans are greater than the forces that would divide us based on our differences. It is important that we act to deter those criminals who target their victims on the basis of their race, their gender, their ethnicity, their religion, or their sexual orientation. The Hate Crimes Sentencing Enhancement Act does exactly that. That is why it is such an important piece of legislation.

Finally, Mr. President, one of the arguments that was made earlier was that enactment of this Sentencing Enhancement Act singles out acts based on the motivation of the criminal, of the person who perpetrates the crime.

I will point out that there are any number of places in our criminal law where motivation becomes significant. The difference between murder and manslaughter can very well be the motivation of the actor, and the difference between an assault and an aggravated assault can very often be the motivation of the actor.

I think that it is important for our Nation to send a signal that we will not tolerate the victimization, we will not tolerate violence, and we will not tolerate crime perpetrated simply because of the race or color or ethnicity or sexual orientation of an individual.

That statement is important not only to the individual and not only to minority group members of a specific community, but I think it is an important statement for all Americans. It says that we are Americans, that we will not tolerate those who will divide us, we will not tolerate those who inject hatred and fear and intimidation based on specific ethnic and racial differences into our community.

So I am delighted to support Senator FEINSTEIN on this amendment. I want to congratulate her for her fine work in this regard.

I think that she has talked to probably every Member of this legislative body on behalf of this amendment. I want to congratulate her, and to urge my colleagues from whatever side of the aisle to support Senator FEINSTEIN in this effort.

Thank you, Mr. President.

Mr. DECONCINI. Mr. President, I rise in support of Senator FEINSTEIN's amendment to the violent crime bill, S. 1607, which directs the U.S. Sentencing Commission to promulgate or amend guidelines regarding hate crimes. I am a cosponsor of this important amendment, and I urge all my colleagues to support it.

Just last Sunday, I gave a speech expressing my concerns about the increasing incidents of hate crimes in this country at an Anti-Defamation League dinner in my home town of Tucson. Since my remarks describe in detail my views on this issue, I respectfully request that they be included in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SENATOR DECONCINI ON HATE CRIMES, ANTI-DEFAMATION LEAGUE DINNER, OCTOBER 31, 1993

It is unfortunate that our struggle against racial and religious intolerance in this country is still not without violence and ugliness. We have an overriding responsibility to protect the civil liberties of our citizens by establishing policies which will prevent bias-motivated crimes.

Clearly, there is a difference between freedom of speech and the expression of bigotry through violence and hatred. The former is a right. The latter violates that right and the laws which protect it.

I am a strong supporter of the Hate Crime Statistics Act of 1990. This law provides our criminal justice system with the practical information it needs to address the serious problem of bias motivated crimes.

Specifically, this law provides for the collection of data about "crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity." The data are collected by the FBI and made available to Federal, state and local governments to help law enforcement officials document trends and develop programs to combat crimes motivated by hate.

I commend the ADL for its efforts and leadership not only in passing this legislation, but also for providing information and statistics on the occurrence of hate-motivated crimes. As we all know, none of us is immune from becoming the victim of such despicable crimes that permeate our communities. I was particularly disturbed to learn from your reports that in 1991 and 1992 you documented 1,879 and 1,730 incidents of hate crimes respectively.

With the Hate Crime Statistics Act and reporting from other respected groups like the ADL, we have a better understanding of the scope of such crimes. Tragically, there has been an alarming increase in crimes committed against individuals solely because of who they are.

To combat this problem, 46 States and the District of Columbia have enacted laws addressing hate-motivated violence. Recently, the U.S. Supreme Court ruled unanimously that carefully drafted laws that enhance sentences for those who commit hate crimes are constitutional. Since the Court's decision, the House passed legislation last month to direct the U.S. Sentencing Commission to establish sentencing guidelines in Federal criminal cases that provide sentencing enhancements for hate crimes. My colleague on the Senate Judiciary Committee, Senator Feinstein, has introduced a similar bill in the Senate. I expect this issue will be addressed when the full Senate considers an anti-crime package as early as next week.

As the House report accompanying the Hate Crimes Sentencing Enhancement Act of 1993 states, "Violence motivated by hatred of one's race, color, religion, national origin, ethnicity, gender or sexual orientation strikes at the very heart of the American conscience. It seeks to deny our most basic freedom: the right to be who we are."

Together, we must devote our utmost attention to combating such violence. Legislators, law enforcement, courts, community leaders, and parents each have a role in this effort.

Toward this end, I have sponsored legislation to create a National Commission on Crime and Violence in America. The primary purpose of the Commission is to develop a comprehensive crime control and anti-violence plan that will serve as a blueprint for the 1990s. I am also a strong supporter of the Violence Against Women Act which creates a civil rights remedy for victims of gender based crimes.

Once again, I commend the ADL for being in the forefront of educating the public on the prevalence of hate crimes in our society. No one knows more about discrimination than those who have been victims of discrimination for most of their lives.

It is incumbent upon each and every one of us to set an example for others that anti-semitism, racism, and intolerance have no place in our multi-ethnic society. Hate feeds on ignorance and fear. By teaching our children the virtues of respect, tolerance and diversity, we are investing in a better future for all Americans.

I would like to conclude my remarks with an inspiring quotation by Franklin Delano Roosevelt that was made almost 53 years ago to this day:

"We are a nation of many nationalities, many races, many religions—bound together by a single unity, the unity of freedom and equality. Whoever seeks to set one nationality against another, seeks to degrade all nationalities. Whoever seeks to set one race against another seeks to enslave all races. Whoever seeks to set one religion against another seeks to destroy all religion."

Mr. DURENBERGER. Mr. President, I rise today in strong support of the Hate Crimes Sentencing Enhancement Act, an amendment which was offered to the crime bill by my friend and colleague from California, Senator FEINSTEIN.

As several of my colleagues have noted, it is modeled after a Wisconsin State law that was upheld unanimously by the Supreme Court last term.

A hate crime is defined as a crime in which the defendant "intentionally selects a victim * * * [or property] because of the actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person." For a defendant to be found guilty under this amendment, the trier of fact must find that an act is a hate crime "beyond a reasonable doubt."

This legislation would direct the U.S. Sentencing Commission to increase the penalty for hate crimes by at least 3 offense levels.

I believe that increasing penalties for criminals motivated by bigotry and hatred is both reasonable and necessary to deter further attacks based on hate and prejudice. Those attacks have no place in America.

This amendment does not create new Federal crimes. It takes crimes that are already Federal and increases penalties if a jury finds, beyond reasonable doubt, that such crimes were motivated by bias.

Because this problem is national in scope and may involve the planning or carrying out of "hate crimes" across State lines, the Federal Government is justified in acting. The following statistics demonstrate that hate crimes is a problem of national proportion:

According to the most recent FBI figures, a total of 4,558 hate crime incidents involving 4,755 offenses were reported in 1991, Minnesota reported 225 total incidents in 1991.

According to the FBI, racial bias motivated 6 out of 10 hate crime offenses reported in 1991—36 percent of those crimes were committed against blacks—religious bias accounted for 2 of 10 hate crime offenses, and ethnic and sexual-orientation bias each accounted for 1 out of 10 crimes;

The klanwatch project of the Southern Poverty Law Center found that the number of white supremacist hate groups increased by 27 percent, 273 to 346, in 1991;

The National Gay and Lesbian Task Force reported a 31-percent increase in anti-gay and lesbian violence between 1990 and 1991 in five major cities: Boston, Chicago, Minneapolis/St. Paul, New York, and San Francisco;

The Anti-Defamation League's 1991 national survey of anti-Semitic attacks showed 1,879 incidents of vandalism, harassment, or violence, an increase of 11 percent over 1990.

In light of these statistics, the national scope of the problem, and the real fear among women and minorities across America about violence motivated by intolerance, I urge my colleagues to join me in supporting the Hate Crimes Sentencing Enhancement Act.

I know there are some in this body who do not want to increase penalties for crimes motivated by hatred or bias against people based on "sexual orientation." I would simply urge my colleagues to reject any amendment that would remove sexual orientation as a category under this bill.

Preliminary figures from the FBI indicate 425 total crimes motivated by sexual orientation occurred in 1991 in 32 reporting States. This represents 8.9 percent of the hate crimes reported during that year.

The National Gay and Lesbian Task Force has more complete statistics on hate crimes motivated by sexual orientation. They report that, in 1992, 311 incidents of crime motivated by sexual orientation occurred in Minneapolis/St. Paul alone.

This amendment does not extend any special privileges to homosexuals. Instead, it promotes tolerance, despite one's personal views.

I urge my colleagues to send an important message—that the Senate will not tolerate crimes motivated by bigotry and prejudice by anyone against anyone. America should be a place where we live and let live.

Mr. WALLOP. Mr. President, I voted against the amendment offered by the Senator from California to provide enhanced sentencing for offenses which are deemed to be hate crimes—that is crimes in which the defendant intentionally selects a victim or property because of the race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.

My reason for opposing this amendment is simple. The fact that a crime has been committed is, to me, intolerable conduct and I don't believe that society is well served by dividing victims into categories that determine the fate of the offender. Nor is justice achieved when one victim is made to feel less protected than another because of the motivation of the attacker. I do not believe that it is more serious to be brutally attacked in New York City than it is in Wyoming where we have a smaller population with less diversity. All such violent or offensive conduct is equally reprehensible to me and therefore I oppose this amendment.

The PRESIDING OFFICER. Under the regular order, the Senator from North Carolina is recognized.

Mr. HELMS. For how long, Mr. President?

The PRESIDING OFFICER. The Chair advises the Senator that he is recognized for as much time as warrants.

Mr. HELMS. I will say to the Senate that I shall not consume over 10 or 11 minutes at the outside. I assume that I am not leaking anything when I say that I had to slip out of a CIA briefing about a matter which may be of interest to all Senators.

Mr. President, I have been in a conversation with my distinguished friend from Utah, Mr. ORRIN HATCH, and as I told him, I have grave concerns about any amendment of this sort. It is well intentioned, but I think it will not do what the proponents intend for it to do.

I know that the sponsors of this amendment have the very best intentions in offering it, and I respect them for doing what they think is the best thing to do. But sometimes the best intentions have harmful results. Discrimination is wrong, but this amendment, in my judgment, will simply make the situation worse.

My primary concern with this amendment is that we are punishing free speech. We may not like the free speech. There is a lot of free speech going on in this world and in this country and in this city that does not please me all that much. This amendment is intended to prevent discrimination, but it is extremely vague and subject to abuse. Furthermore, it will be almost impossible to enforce.

Senators may recall a young college student in Pennsylvania not long ago received national attention when, in frustration, he leaned out of his dormitory window where he was trying to study late at night, and he yelled the word "water buffalo" at a bunch of people gathered there who were making a great deal of noise. Did he commit a hate crime? I do not believe he had any such intent, but my fear is that somebody down the line may try to use this provision of law to penalize such speech.

Nat Hentoff, with whom I usually disagree, has the same concerns about this legislation. He asked the questions: Are we going too far? What about AIDS or political orientation? Even more so, what about intent?

This was in the ABA Journal in May 1993, and I am going to ask, in a moment that the entire article by Nat Hentoff be printed in the RECORD.

He says:

> Those also insisting on the constitutionality of extra punishment for speech-related crimes claim that thereby a message will be sent to blacks, women, gays, lesbians, etc., that bias crimes must be punished more harshly because, as Wisconsin Attorney General James Boyle says, they are "much more harmful to the community."

That does not sound like any respect for the U.S. Constitution regarding freedom of speech.

Then he goes on to say:

> Due for extra prison time is whoever "intentionally" selects the victim "because of the race, religion, color, disability, sexual orientation, national origin, or ancestry of that person."
>
> What about age? What about my age bracket?

But the point was summarized, I think, by Nat Hentoff's quote of the president of the ACLU:

> "Overly broad hate-speech law gives the Government a very powerful tool that can be—and historically, consistently has been—used against the very minority groups that it is intended to protect." But that was last year.

I ask unanimous consent that this full column by Nat Hentoff in the ABA Journal of May 1993 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, back in August there was an editorial based on comments by a very fine black citizen of North Carolina, who happened to be a Member of the U.S. Congress, U.S. Representative MEL WATT. In the Charlotte Observer, there was an editorial entitled "The 'hate-crime' trap." It begins by saying:

> U.S. Rep. Mel Watt has raised a troubling point about proposed Federal "hate-crime" legislation; instead of helping protect minorities who have been victims of crimes motivated by race, color, ethnicity or national origin, such laws more often have been used to prosecute blacks charged with racial motivation.

Then the editorial says:

> However much we abhor bigotry of that kind, we must also abhor any attempt by the government to control even hateful thought or speech. America's founders, who had ample experience with how outrageous free speech can be, understood that regulation would be worse.

I ask unanimous consent that this editorial from the Charlotte Observer be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. I ask unanimous consent also, Mr. President, that an article from the Charlotte Observer of August 3, 1993, headed "Watt targets 'hate-crimes' measure" be printed in the RECORD in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

EXHIBIT 1

[From the ABA Journal, May 1993]

NO: EQUALITY AMONG VICTIMS

(BY NAT HENTOFF)

Todd Mitchell, a black convicted of aggravated battery in Wisconsin, was sentenced to two years in prison. But because the victim was white, Mitchell, under the state's "hate crimes" law, received an additional sentence of two years. (He could have been put away for three more years for having said, "There goes a white boy; go get him.")

"Does this make sense?" asks an editorial in the Washington Post.

"Wouldn't it have been just as outrageous if the assailants had beaten a black boy? Why should one victim be more precious than the other in the eyes of the law?"

Yet, as State of Wisconsin v. Todd Mitchell neared April oral arguments in the Supreme Court, the American Civil Liberties Union was supporting the state of Wisconsin. Whatever happened to its support of equal protection under the law?

Those also insisting on the constitutionality of extra punishment for speech-related crimes claim that thereby a message will be sent to blacks, women, gays, lesbians, etc., that bias crimes must be punished more harshly because, as Wisconsin Attorney General James Boyle says, they are "much more harmful to the community."

But what message is sent to all the others in the community who are attacked for no reason other than the criminal's lust for money?

Are the injuries they suffer—however painful physically and psychologically—of less importance to the community under equal protection of the law?

Then there is the actual wording of Wisconsin's enhanced-penalty statute. Due for extra prison time is whoever "intentionally" selects the victim "because of the race, religion, color, disability, sexual orientation, national origin or ancestry of that person."

What about age? (We are in the middle of a cost-benefit generational war.) What about political orientation? In short, what about R.A.V. v. City of St. Paul and the selection of only certain groups to trigger the extra years behind bars because of what they said while committing the crime?

And what about "intentionally?" Is all black-on-white crime or male-on-female crime due to bias?

BRINGING IN THE THOUGHT POLICE

And in countering the defense against such charges, what is to prevent the prosecutor from finding out what books and magazines the defendant reads, what sort of language he uses at the local bar, and what his coworkers say about what they know of his prejudices.

Those, like the ACLU, who are urging the Supreme Court to add to sentences because of bias are telling it to be sure to foreclose such abusive privacy-bending investigations.

The Supreme court, however, is under no obligation to take their prayers seriously. And if this statute is—as the ACLU admits in its amicus brief—"easily susceptible to prosecutorial abuse," why is a civil liberties organization asserting its constitutionality? Because the ACLU does not want to appear soft on racism, sexism, etc.

In many of the briefs trying to justify the legitimacy of creating this thought crime, the argument is made that unless the Supreme Court overrules Wisconsin's Supreme Court in this case, state and federal antidiscrimination laws will be at peril.

Yet, as the Supreme Court of Ohio, striking down a similar statute, noted in State v. Wynant: "Laws against discrimination in employment, housing and education do prohibit acts committed with a discriminatory motive," but "it is the act of discrimination that is targeted, not the motive."

In disparate impact cases, moreover, no discriminatory motive is necessary. And under a disparate treatment analysis, "proof of discriminatory motive can be inferred from differences in treatment. * * * Bigoted motive by itself is not punished, nor does proof of motive enhance the penalty when a discriminatory act is being punished."

In this case before the Supreme Court, the act is being justly punished, but the speech purportedly accompanying the act is also being punished. At least three state affiliates of the ACLU—Ohio, Florida and Vermont—have refused to join the national ACLU's attack on the First Amendment. They agree with what ACLU president Nadine Strossen said in April 1992 in a St. Paul symposium on hate speech and R.A.V.:

"Overly broad hate-speech law gives the government a very powerful tool that can be—and historically, consistently has been—used against the very minority groups that it is intended to protect." But that was last year.

EXHIBIT 2

[From the Charlotte Observer, Aug. 8, 1993]

THE "HATE-CRIME" TRAP

U.S. Rep. Mel Watt has raised a troubling point about proposed federal "hate-crime" legislation; instead of helping protect minorities who have been victims of crimes motivated by race, color, ethnicity or national origin, such laws more often have been used to prosecute blacks charged with racial motivation.

That's ironic. Many backers of North Carolina's hate-crime law anticipated it would be used most often in crimes against minorities where the motivation was bigotry of one kind or another. The point was to discourage the sort of bigoted behavior that has stained human relations in the South for far too long.

"Ethnic intimidation" during an assault was made a misdemeanor punishable for up to two years in jail plus a fine. And it joined the list of aggravating factors that can lengthen a sentence for committing a felony.

But the N.C. law has been used as an additional charge against blacks in several celebrated cases in Lincolnton and Gastonia. Because of that experience, Rep. Watt has opposed a federal hate crime bill pending in Congress, which expands the definition of hate crimes to include those motivated by a victim's gender or sexual orientation.

Law enforcement officials in North Carolina say the law has been applied in a colorblind way. In five instances where the law has been used since its passage two years ago, three of the cases charged black offenders with a hate crime. While that's anecdotal evidence at best, it accords with Rep. Watt's initial impression.

But there is a larger issue: Should the government be in the business of criminalizing thought? By making penalties more severe for crimes motivated by racial or ethnic beliefs, the government says that some crimes are worse because of the thought motivating them. And the government says that crimes not motivated by an objectionable idea deserve lesser punishment. Does the term "thought police" come to mind?

The law recognizes aggravating and mitigating circumstances when computing sentences. And it punishes crimes not just because they harm an individual, but because they damage the public weal. Hate crimes fit that category. But those elements of malice, intimidation and conspiracy that distinguish hate crimes don't really depend on race or religion or ethnic background. The Klan's menace was felt by both blacks and whites.

Creating a distinction in criminal law based on a belief—usually a spoken motive—slides away from punishing reprehensible conduct and toward punishment based on speech and thought. However much we abhor bigotry of that kind, we must also abhor any attempt by the government to control even hateful thought or speech. America's founders, who had ample experience with how outrageous free speech can be, understood that regulation would be worse.

The area is difficult, but the law has other tools to protect citizens from threat, intimidation, harassment. Those who have supported hate-crime legislation in the past, with the best of intentions, ought to reflect on how good intentions can come to a bad end.

EXHIBIT 3

WATT TARGETS "HATE-CRIMES" MEASURE

(By John Monk)

WASHINGTON.—Rep. Mel Watt of Charlotte is breaking ranks with the NAACP and other minority groups to oppose the so-called "hate crimes bill" meant to protect people from racial, ethnic or religious attack.

Watt says the proposed law could be used unfairly to prosecute minorities, among other things. That's because the bill cuts both ways, enabling whites as well as minorities to claim they are victims of racial attacks.

"My gut tells me this is one of these things that has good intentions that will create more problems than it will solve," says Watt, a Democrat and one of three black members of Congress from the NAACP, the Anti-Defamation League, the American Jewish Congress, the Fraternal Order of Police, the National Gay & Lesbian Task Force and the Organization of Chinese Americans, according to a statement released by the Judiciary Committee. In addition, the bill has 40 co-sponsors, including members from Jewish, Italian, African, Hispanic and Asian backgrounds.

But the 38-member Congressional Black Caucus, which could play a pivotal role in any floor vote, has yet to take a position.

Under the proposal, which would apply only to federal crimes, the U.S. Sentencing Commission would develop guidelines for increasing by one-third the sentences of people convicted of hate crimes. The bill would also give juries more say in setting the sentence.

Last week, the 35-member House Judiciary Committee approved the bill overwhelmingly despite Watt's objections.

The bill defines a hate crime as one in which "the defendant's conduct was motivated by hatred, bias, or prejudice, based on actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of another individual or group of individuals."

An aide to Rep. Charles Schumer, D-N.Y., the bill's sponsor, said the bill is needed "to send a message to hatemongers that their violent assaults cannot be tolerated in today's society."

In the last dozen years, 26 states have enacted various hate-crimes laws. North Carolina, for example, makes "ethnic intimidation" punishable by up to two years in prison.

Watt, a freshman member of Congress who represents the black-majority 12th District stretching from Gastonia to Durham, says he's against the proposal because:

Many more blacks than whites will probably end up being charged under it. That's because the percentage of blacks in the criminal justice system is far greater than their percentage in the general population.

Juries would find it more difficult to reach a verdict; deciding guilt and innocence is complex enough without adding the emotion of racial or ethnic hatred.

Prosecutors will simply use the law as another bargaining chip in pressuring defendants to plead guilty.

"If you get past just a superficial analysis of the thing, it is just not a good idea," said Watt, adding he'll probably speak against the bill when it comes to the House floor as early as this fall.

A spokesman for the Anti-Defamation League, which has played a major role in developing state "hate-crimes" bills, said Watt's arguments are well-intentioned but flawed.

Juries have to deal with complex issues anyway, said Michael Lieberman, the ADL Washington counsel. And while no studies have been done, he said his group has seen no evidence so far of minorities being disproportionately prosecuted.

"If there were a disproportionate share, we would know about it," Lieberman said.

In the Charlotte area, there have been at least three publicized uses of the state hate-crimes law in the last year. Each time, blacks were charged with "ethnic intimidation" against whites. In two cases, blacks were convicted.

In June, two black Gaston County teenagers were sentenced to seven days in jail after pleading guilty to ethnic intimidation in the beating of a white teen at Gastonia's Hunter Huss High School.

Last year, six black teens in Lincoln County were convicted of the same charge after they were found guilty of targeting white people for harassment. Sentences ranged from probation to three years in prison.

The two other black House members from the Carolinas—Eva Clayton, D-N.C., of Warren County, and Jim Clyburn, D-S.C., of Columbia—have taken no position on the bill. Their spokesmen said because of Watt's opposition, both intend to give it closer study.

Watt, a liberal, has found one unlikely ally—white conservative Rep. Bob Inglis, R-S.C., of Greenville. Like Watt, Inglis says juries should focus on the crime.

"If I'm being robbed by somebody, I am robbed and it doesn't matter in the course of a robbery if he makes some statements about my race," said Inglis, a member of the Judiciary Committee. "It's bringing political correctness to the criminal justice system."

Mr. HELMS. If I may ask my friend from Utah, with whom I have already discussed this matter, did he assure me earlier that only crimes of violence will be covered by this provision if it is enacted?

Mr. HATCH. That is true, yes, crimes against persons or property.

Mr. HELMS. Either would be a crime of violence, right?

Mr. HATCH. That is right. Mere words will not constitute a crime of violence.

Mr. HELMS. So if a teenager hollers some epithet at somebody else like a politician might holler leftwinger or rightwinger, he would not be guilty of a hate crime under the provision that we are about to vote on?

Mr. HATCH. So long as that person does not commit a crime against a person or property while saying the epithet. In other words, the epithet may be some evidence that the crime that did occur was a hate crime.

Mr. HELMS. You mean——

Mr. HATCH. There would have to be some action against a person or property before the epithet would become utilizable.

Mr. HELMS. There must be damage done to a person or a person's property?

Mr. HATCH. A mere epithet alone would not result in a crime.

Mr. HELMS. We are making legislative history. The Senator is vouching for that understanding; is that correct?

Mr. HATCH. No, it is not correct. Under this provision, if a person uttered an epithet but did not otherwise commit a crime against a person or property, then this provision would not apply. But if a person utters an epithet that would be categorized as a hate crime thought, and commits a crime against a person or property, and is convicted of that crime, then that epithet can be used as evidence that this was a hate crime.

Mr. HELMS. But not if there is no harm done to a person or his property? There must be a crime.

Mr. HATCH. That is correct.

Mr. HELMS. Is my understanding correct that this provision has the main purpose of increasing the penalty imposed upon one found guilty of a crime?

Mr. HATCH. That is right.

Mr. HELMS. Would the Senator explain to me how much it would increase the penalty and who decides how much that increase should be?

Mr. HATCH. Well, the amendment would require the sentencing commission to amend its guidelines, to promulgate new guidelines enhancing the penalties for crimes motivated by hate by at least three offense levels. The amendment defines "hate crimes" as a crime in which the victim or property against which the crime is committed is intentionally selected on the basis of "actual or perceived race, color, religion, national origin, ethnicity, gender, or sexual orientation of any person."

I think there is one category left out of there—persons with disabilities. I think we should add that in there. Just to be clear about what the amendment does, it does not federalize hate crimes; nor does it create a Federal hate crimes statute.

(Mr. AKAKA assumed the chair.)

Mr. HATCH. Instead, it simply provides for enhanced penalties for existing Federal crimes if they are motivated by hate. It is estimated that an enhancement of three severity levels would on average increase sentences by one-third.

Let us say that the regular crime was a year in prison. It would probably increase it by as much as several months, just to give the Senator a rough illustration. Let me give him an illustration. For example, a Federal assault conviction, which brings with it a base offense level of 6, which translates into 0 to 6 months imprisonment. An increase of three levels to the offense level of nine would result in a sentence of 4 to 10 months.

Mr. HELMS. Is the Senator apprehensive at all that the judges will be confused by this bureaucratic oratory?

Mr. HATCH. No. It is pretty simple. Basically once they set——

Mr. HELMS. It is not simple to me.

Mr. HATCH. Once they set the sentencing guidelines, it is not very difficult to figure it out.

Mr. HELMS. Let me answer the Senator this way, if I may.

Mr. HATCH. Sure.

Mr. HELMS. Let us assume that a person is on Federal land, therefore conferring Federal jurisdiction on whatever happened on that land, and this person pushes someone. Is that an assault?

Mr. HATCH. It could be.

Mr. HELMS. Suppose he says "water buffalo." Is that a hate crime?

Mr. HATCH. I doubt it because under this statute they would have to prove beyond a reasonable doubt that it was hateful language. That is a pretty high standard.

Mr. HELMS. But there must be a crime—some harm was done to property or the person.

Mr. HATCH. If a person shoved, that is a harm.

Mr. HELMS. Pardon me?

Mr. HATCH. If a person shoved against that person's will, that is a harm.

Mr. HELMS. Suppose he just says "water buffalo"?

Mr. HATCH. This statute would not apply.

Mr. HELMS. Does the author of the amendment agree with that? I mean, I am trying to establish the legislative intent.

Mr. HATCH. Sure.

Mrs. FEINSTEIN. Excuse me. Will the Senator repeat the question?

Mr. HELMS. Yes. I will say to the distinguished Senator from California that I am a nonlawyer being a little bit technical trying to establish what is a hate crime and what is not. The distinguished Senator from Utah—and correct me if I am wrong—has assured me that unless there is violence against a person or property it is not a hate crime.

Is that the Senator's understanding?

Mrs. FEINSTEIN. That is correct. This speaks to conduct. It does not speak to expression.

Mr. HELMS. I thank the distinguished Senator.

Well, let us turn it around. I will say to the Senator from Utah, what if a group of black students on Federal land gets angry enough and pushes someone, and calls the white person a honky? Is that a hate crime?

Mr. HATCH. Well, if there is an action against a person or property, it could become a question for the jury, but they will have to prove that it is a hate crime beyond a reasonable doubt. I doubt that they could reach that level based upon that simple epithet.

Mr. HELMS. The Senator has no way of knowing what a jury is going to do.

Mr. HATCH. I have to say to the distinguished Senator that calling someone by a name is not a Federal crime. There has to be some action. Now, if someone paints a swastika on a Jewish synagogue and says an epithet at the same time, it is a pretty good indication that could have been proven beyond a reasonable doubt as a hate crime.

Mr. HELMS. I agree with that.

Mr. HATCH. I know the Senator agrees. That is a clear-cut case. It would come down to a question of fact for the judge or jury to decide as to whether the hateful remarks, coupled with the action against person or property, actually constitute a hate crime beyond a reasonable doubt.

There is that higher standard that the distinguished Senator from California has put into her amendment that makes it pretty tough to prove that offensive conduct is a hate crime unless it is accompanied by other factors that can be interpreted by the judge and jury as a hate crime.

Mr. HELMS. I say to the distinguished Senators from Utah and California, I am not trying to be difficult about this. I want to understand what we are doing. I do not want us to criminalize speech, speech that some may subjectively regard as hateful.

Mr. President, if we get to the place that we cannot fuss at umpires at baseball games, that is reductio ad absurdum.

Mr. HATCH. This may be helpful. It is my opinion—and I believe the distinguished Senator from California will agree—before you get into the issue of whether there is a hate crime, the person has to be convicted of a crime. Then the statute comes into being as to what enhanced penalties the person should have as a result of whether or not it is a hate crime. But to get to a determination as to whether or not the crime was motivated by hate under this amendment, the judge or jury is going to have to believe it beyond a reasonable doubt; the proof is going to have to be beyond a reasonable doubt. If that proof is beyond a reasonable doubt and the judge or jury says that this is a crime motivated by hate, then the severity level will go up three levels under the Sentencing Commission guidelines, which are pretty much set in concrete.

Mr. HELMS. If the Senator will forgive me, let me summarize my understanding of this point. If I understand the Senator from Utah and the concurrence with his view by the distinguished Senator from California, a crime must have been committed first?

Mr. HATCH. That is right.

Mr. HELMS. Is that right?

Mr. HATCH. That is right.

Mr. HELMS. Like mashing someone in the mouth or painting a swastika on the front of a church or synagogue, or something of that sort?

Mr. HATCH. That would be a crime.

Mr. HELMS. Then any spoken word of hate or presumed hate or alleged hate——

Mr. HATCH. Or any action that could indicate hate—

Mr. HELMS. Yes. Then?

Mr. HATCH. The painting of a swastika.

Mr. HELMS. Mr. President, a jury will decide who is right about this; is that correct?

Mr. HATCH. The judge will decide who is right about it.

Mrs. FEINSTEIN. Will the distinguished Senator from North Carolina yield?

Mr. HELMS. I yield.

Mrs. FEINSTEIN. I think the Senator is correct.

First, the crime against property or person has to occur and be proven. Second, the motive has to be proved beyond a reasonable doubt to be the race, color, religion, national origin, ethnicity, gender, or sexual orientation of the victim.

Now, what may go to establishing the motive is the fact that if there is a firebombing in a synagogue and the swastika is drawn, clearly there the required motive is present. If there is a call from the Aryan Resistance Front that the reason they are bombing the JACL office is because they want any Japanese to be shot—which was an actual phone call made—that expression goes to making out the motive for the crime qualifying it as a hate crime.

So a jury would have to determine, first, that the crime took place, and, second, that the motivation would entitle it to the enhancement.

Mr. HELMS. I think I understand the Senator.

Mr. HATCH. Yes, I think that is correct. I agree with the distinguished Senator.

Mr. HELMS. I thank the Senator.

Mr. HATCH. I am not being the judge and jury. The way it works, there has to be conviction of a crime, and then the judge will determine whether hate was involved or the crime was motivated by hate.

Let me say there is another aspect of this, too. Sentencing enhancements under the guidelines are already in place for other really serious relevant conduct. For example, if a victim of an offense was an unusually vulnerable person due to age or physical condition, the sentencing guidelines already require an increased penalty. If the victim was a Government employee, the guidelines require an enhanced penalty.

This amendment is consistent with existing victim-based sentencing enhancement. So if there is a crime committed, the judge then can look into the facts surrounding that crime and determine whether it was motivated by hate. If the judge determines beyond a reasonable doubt—and he or she will have to make that determination—then the judge can enhance the penalties three times, 3 levels above what the normal penalty would be.

Mr. HELMS. I thank the Senator.

I would say in conclusion, Mr. President, I cannot vote for this amendment, because I think it is impinging upon freedom of speech; I wish I could enthusiastically support it, but I cannot, in good faith. I do hope that this provision will not be applied frivolously. We are in deep trouble if we move into the area where freedom of speech is diminished to any degree whatsoever.

I thank the Chair, I thank the Senator from Utah, and I thank the Senator from California.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, just one last comment about this, because I do not want to have the Senator leave with a misconception.

The constitutionality in this provision is clear. Under the Wisconsin versus Mitchell case, the Supreme Court unanimously held that carefully constructed laws providing for stiffer sentences to criminals who commit hate crimes do not violate the first amendment.

So I hope the Senator would vote for this, because, basically, this will not be a violation of the first amendment.

I might say, in that case, the Court upheld a statute very similar to what the distinguished Senator from California is doing here.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Senator HARKIN wished to make a comment and he is standing by.

Mr. President, while we are awaiting the Senator from Iowa, I wonder if I might just read a section from the Supreme Court opinion in Haupt versus United States, which was delivered by Justice Rehnquist on behalf of the unanimous court.

> Because the statute has no "chilling effect" on free speech, it is not unconstitutionally overbroad. The prospect of a citizen suppressing his bigoted beliefs for fear that evidence of those beliefs will be introduced against him at trial if he commits a serious offense against person or property is too speculative a hypothesis to support this claim. Moreover, the First Amendment permits the admission of previous declarations or statements to establish the elements of a crime or to prove motive or intent, subject to evidentiary rules dealing with relevancy, reliability, and the like.

Mr. President, I would like very much just to thank the distinguished chairman of the committee and the ranking member. I am very pleased that Senator HATCH has joined on this amendment, making it the Feinstein-Hatch amendment, as well as a large number of other cosponsors in this body.

I think it is an important step that we are taking and so I would like to thank all concerned.

I yield to the Senator from Iowa.

The PRESIDING OFFICER. Is there objection?

If there is no objection, the Chair recognizes the Senator from Iowa.

Mr. HARKIN. I know we are operating under a unanimous-consent agreement regarding the amendment by the Senator from California.

Mr. FORD. Mr. President, I ask unanimous consent that the Senator from Iowa be allowed to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I know we are operating under a unanimous-consent agreement on the amendment of the Senator from California.

However, I have discussed an omission in the amendment offered by the Senator from California. I have discussed it with the Senator. I have discussed it with Senator HATCH and with Senator BIDEN and also with Senator DOLE.

I ask unanimous consent, Mr. President, to send an amendment to the desk on behalf of myself and Senator DOLE. This amendment would simply insert the word "disability" in the list of hate crimes that are listed in the definition. The definition covers race, color, religion, national origin, ethnicity, gender, or sexual orientation. My amendment, cosponsored by Senator DOLE, would simply enter the word "disability" after the word "gender."

Mr. President, I ask unanimous consent that the word "disability" be incorporated after the word "gender" in the definition clause of the amendment offered by the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification follows:

To amendment No. 1097, on page 2, line 2, after the word "gender," add the following: "disability,".

Mr. HARKIN. I ask unanimous consent that the other cosponsors of the amendment be listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by Senator FEINSTEIN. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb

Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—4

Faircloth
Feingold
Helms
Wallop

NOT VOTING—1

Conrad

So the amendment (No. 1097), as amended, as modified, was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I rise to plead with the Members of the Senate to move our body along with some degree of speed. We have talked for 2 days. I suggest to everyone, we are not going to solve the crime problem by talking it to death. We have talked for 2 days and we have had two votes. The two votes, as I understand, the first one was 100–0 and the one we just had was 100–0 or thereabout.

Mr. HATCH. Will the Senator yield?

Mr. EXON. I will in a moment. It just seems to me that if we are going to address the crime bill and pass a crime bill with some amendments, we ought to begin to come to some kind of a time agreement on some of these amendments. The Senator from Nebraska has an amendment that I will offer at some time, and I will agree to a relatively short time agreement. I am pleading with the body to recognize that Thanksgiving is coming and Christmas is right after that.

Mr. BIDEN. Will the Senator yield?

Mr. EXON. And we are moving with less dispatch and speed on a very important matter to attack crime in America than I have seen before. There are many Senators seeking recognition.

Mr. LEAHY. Will the Senator from Nebraska yield for a question?

Mr. EXON. Mr. President, does the Senator want to ask a question?

Mr. LEAHY. I want to ask the Senator from Nebraska a question.

Mr. EXON. I will yield for a question.

Mr. LEAHY. I want to ask the question because I think the Senator from Nebraska is absolutely right. I think the Senator agrees with me that we seem to be adopting the Dracula rule or the vampire rule of legislation: The Sun goes down and finally the votes come up. That is about where we are.

But I think the Senator from Nebraska is absolutely right. How long does it take for each one of us to decide on these issues? We either want a crime bill or we do not want a crime bill. We either want to put real teeth into it or we do not.

I think the Senator from Nebraska is right. If we are going to go forward with this—I know how hard the two managers have worked to try to bring an agreement, but we can either operate under the Dracula rule of legislation or we can operate under time agreements. I think this is something that ought to have time agreements.

Would the Senator agree with that?

Mr. BIDEN. Will the Senator yield?

Mr. EXON. I would agree. I would simply remind him that Dracula was very active last Sunday. That was Halloween. We have carried it over evidently in the Senate.

I will be delighted to yield to the chairman.

Mr. BIDEN. Will the Senator yield?

I would like to operate under the BIDEN rule and point out to the chairman of the Agriculture Committee I am likely to get this complicated bill done faster than he does his agriculture bill. And I wish to also point out that——

Mr. LEAHY. Will the Senator yield?

Mr. BIDEN. I will not yield. I have the floor. I will not yield. There is no Dracula rule. We have been working here. We have passed four amendments, and in addition to that we have just settled, the Republicans and Democrats, something that if we stayed here and voted and let all Senators talk—God bless you, I love to hear you, and I know you are all incredibly enlightened—if we had done that, instead of what we have been doing the last 2 hours, we would not have gotten one-tenth of where we are going to get.

I have a nice Christmas surprise for you. Santa Claus is on his way. Dracula is dead. If you have patience for another 15 minutes, we will have in one fell swoop settled all amendments on prisons, all amendments on police, all amendments on funding. I am sure you will be in the Chamber talking about what a brilliant management job the Senator from Utah and I are doing.

All I ask you to do is be mildly patient for just a little while longer because we have just about settled all the major pieces of this bill.

I might point out, when we have handled the crime bill in the past, there were well over several hundred amendments. If I gave all Senators—if we agreed as a body that all of you have just a half an hour to wax eloquently on your amendments rather than try to put them in packages and deal with them very quickly, I promise you we are here well into next week. So I just beg you to be a little bit patient and by 7 o'clock Senator BYRD will be here, and he will stun you with the way in which he has been able to help put together the most significant package on crime that has occurred in the last 30 years in the Senate.

Mr. EXON. Without losing my right to the floor——

Mr. BIDEN. The Senator has the floor. That was my question.

Mr. EXON. I yield for a question by the ranking member.

Mr. HATCH. I would like to make a comment. I agree with the distinguished Senator from Delaware. We have been working for 2 days to try to get together a cohesive plan that really is the basic guts of this package, and we are very close to having it. If we have it, we hope that we will have the cooperation of everybody on this floor because it will be the most significant bipartisan anticrime package that has come down the pike I think in many years. It takes time to do it, and we are doing it. That is why we were having these votes, since we wanted to clear those away. But we are making a lot of headway, and if we just make this final last bit of headway, I think everybody in the Senate is going to be very pleased. I am happy to work with my colleagues.

Mr. EXON. I thank those Senators who have spoken.

Before I yield the floor, Mr. President, I congratulate them for the information they have just given us. I hope that the managers of the bill did not feel I was critical of them. I was critical of this body. I have been here a long time. I felt things were bogged down. I am delighted to hear that things are moving very rapidly. And so as not to further hold up the proceedings, I congratulate them for what they have done. I hope we can move as quickly as they have indicated.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, hopefully within a very few moments we will have an amendment of some consequence that has been worked on by the distinguished Senator from Utah, the distinguished Senator from Texas [Mr. GRAMM], myself, and the leader, Senator DOMENICI, Senator SASSER, and the chairman of the Appropriations Committee that will hopefully meet with the approval of the body. In the meantime, I do not intend to introduce any amendment.

By the way, when this amendment is forthcoming, arrives on the floor, and Senators have a chance to take a look at it, I hope it will generate a spirit of calm and maybe a number of our colleagues who have amendments will no longer feel the need in light of what we will present to have all of the amendments that they may have.

So I yield the floor.

AMENDMENT NO. 1102

(Purpose: To amend section 844 of title 18, United States Code, to increase the penalties for arson)

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I do not want to frustrate the efforts of the Chairman. My amendment does not relate to guns or anything. I think it should be acceptable. It will just take a couple minutes. I do not want to get in front of the distinguished Senator from Connecticut.

Mr. BIDEN. Can I inquire the subject of the amendment?

Mr. DOLE. It is increasing the Federal penalties for arson.

Mr. BIDEN. I think it is a good amendment. I have no objection to proceeding to it.

Mr. DOLE. I offer it on behalf of myself and the Senator from California [Mrs. FEINSTEIN]. I have not reached Senator BOXER. I have talked with Governor Wilson's office today.

I will send the amendment to the desk on behalf of myself and Senator FEINSTEIN and also Senator BOXER, if she has an interest in it.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report this amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 1102.

Mr. DOLE. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 426, after line 25 add the following:

SEC. 2907. INCREASED PENALTIES FOR ARSON.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking "ten years, or fined not more than $10,000" and inserting "20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years, or fined not more than $20,000" and inserting "40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "10 years"; and

(B) in the second sentence by striking "ten years" and inserting "20 years"; and

(3) in subsection (i)—

(A) by striking "ten years or fined not more than $10,000" and inserting "20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years or fined not more than $20,000" and inserting "40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed".

Mr. DOLE. Mr. President, let me indicate that I just happened to be watching CNN last night. I heard the Governor of California, Pete Wilson, talking about the increase in crimes of arson at the State level. It occurred to me that much of the property that has been damaged is Federal property. We will hear later from the Senator from California about the millions and millions of dollars of damage done, and they still have not found the person or persons who may be responsible. But certainly if you turned on your television and you have seen the horror and the tragedy and the destruction, watching fires which engulfed entire communities in southern California, as the President stated, our prayers go out to the families who have lost their homes and properties.

New reports now suggest that some of the fires were set intentionally by arsonists. No doubt about it, arson is one of the most malicious and cowardly acts of violence that anyone can commit—at anytime, anywhere.

And in California, arson continues to be a major problem, causing hundreds of injuries and deaths among firefighters and civilians, and leading to millions of dollars in property loss.

According to the California State fire marshal, the total number of fire-related incidents in California declined from 1981 to 1991, dropping by nearly 50,000. But, during the same period, the number of arson crimes as a percentage of total fire-related incidents, has risen steadily.

Governor Pete Wilson has responded quickly to this latest disaster, assisting in the relief effort and proposing to amend the California State Criminal Code to increase the penalties for arson. It is my hope that Governor Wilson will succeed in persuading the California State Legislature to join in this worthwhile effort.

The amendment I am offering today will supplement the work of Governor Wilson by increasing the penalties for arson at the Federal level. It recognizes that the punishment must fit the crime—for there are few crimes as despicable as arson, and few criminals as vicious as the arsonist.

Under Federal law, any person who destroys—by fire—property used in, or affecting, interstate commerce is subject to a maximum penalty of 10 years' imprisonment and a fine of not more than $10,000. And if the arson causes injury to any person, or any public safety officer fighting the flames spawned by the arson, then the maximum penalty is 20 years' imprisonment and a fine of $20,000.

This amendment would double the maximum prison term for arson affecting interstate commerce to 20 years, and would allow the imposition of a fine equaling either the value of the property destroyed or $100,000, whichever is greater. The amendment would also double the maximum prison term for arson that results in injury to a person—raising the maximum term of imprisonment to 40 years, and increasing the maximum fine to an amount equaling the value of the property destroyed or $200,000, whichever is greater.

Some of the property that has been destroyed is owned by the U.S. Forest Service, including land in the Angeles National Forest and the Cleveland National Forest. Other property that has been irreparably damaged is owned by State, local, and county governments that receive Federal assistance.

As a result, my amendment would also increase the Federal penalties for anyone who damages—by fire—any property owned by, or leased to, any agency of the United States or owned by, or leased to, any agency of the United States or owned by, or leased to, any organization receiving Federal financial assistance.

If this amendment were signed into law today, the new maximum penalties for this crime would be 20 years imprisonment and a fine equaling either the value of the property destroyed or $100,000, whichever is greater. The maximum penalty would increase to 40 years imprisonment and a $200,000 fine if someone were injured as a result of the arson.

Mr. President, you cannot repair the damage by legislation. You cannot repair the damage done to citizens. It will be very difficult, very hard to find these people, but I think the Government can demand accountability for those who committed these malicious crimes. I think we should follow the Governor's lead in this case.

I ask unanimous consent that a fact sheet prepared by the California State fire marshal be printed in the RECORD; and also that a letter received from Governor Wilson today supporting increased Federal penalties for arson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CAPITOL,
Sacramento, CA, November 4, 1993.

Hon. BOB DOLE,
Senate Republican Leader, Office of the Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: I understand you may offer an amendment to S. 1607, the Violent Crime Control and Law Enforcement Act, that would stiffen federal arson statutes.

As the entire nation has seen, wildfires set by arsonists and fueled by Santa Ana wind conditions have ripped through Southern California communities, burning over 160,000 acres and destroying more than 700 homes and structures. Preliminary damage estimates exceed $500 million and will surely increase in the days to come.

Entire communities, life savings and cherished memories for so many Californians have been reduced to ashes owing to the actions of arsonists.

Justice demands the strongest sentences for individuals whose wanton acts result in multiple injuries or in massive property damage such as we have seen in California.

For this reason, I will be asking the California Legislature to take specific steps that will send a strong message to arsonists that they can expect full and complete punishment for their actions.

I support your efforts to increase the federal penalties for arson and believe that this action at the federal level will make clear our commitment to protecting people and our determination to see arsonists locked up for as long as they are able to function and be dangerous.

Sincerely,

PETE WILSON,
Governor.

FACT SHEET—CALIFORNIA STATE FIRE MARSHAL, CALIFORNIA FIRE INCIDENT REPORTING SYSTEM [CFIRS]

Year	Total fire incidents	Total incendiary fires	Property loss	Content loss	Firefighters injured	Firefighter deaths	Civilians injured	Civilian deaths
1981	192,460	27,422	$77,467,303	$34,043,823	321	1	181	26
1982	165,471	21,607	74,065,207	32,647,329	362	....	179	40
1983	155,592	20,825	66,733,500	23,792,023	153	....	124	31
1984	174,612	22,112	85,631,422	26,325,769	192	....	159	15
1985	171,131	22,373	87,075,730	49,360,901	164	....	184	25
1986	159,700	21,607	53,456,347	45,990,566	121	....	207	39
1987	162,203	21,445	77,718,634	25,150,431	139	....	157	30
1988	168,492	21,602	91,988,091	32,494,900	169	....	149	21
1989	158,470	21,926	87,215,606	23,989,304	145	1	109	26
1990	154,970	22,264	101,068,635	26,562,840	125	....	144	21
1991	142,612	21,874	63,767,877	25,959,402	251	1	139	62
Grand total	1,606,013	245,455	920,588,354	342,311,818	2,142	3	1,725	336

Note: Dollar loss as estimated by fire department. Not all fire incident reports contain a dollar loss. Totals may differ from other reports due to updating of master file.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, thank you very much. I would like to thank the distinguished minority leader for this amendment. I am very happy to cosponsor it, and I believe that my colleague, Senator BARBARA BOXER, would be interested in joining me as well.

There is no question that the current penalties for arson are not sufficient to deter this crime. As a result of the wildfires in California, the property loss is well over $500 million, at least 217,000 acres have burned, more than 9,000 structures have been destroyed, and more than 64 people have been injured.

The damages are only exceeded I think by the human suffering—people who have lost everything they owned, and have been lucky to get out with life and limb.

Hopefully, enhanced penalties of this kind will send a signal, both in California and elsewhere, that the people of this country are not going to tolerate this kind of behavior.

So, again, I thank the minority leader. I am happy to join him.

Mr. DOLE. Mr. President, I thank the distinguished colleague from California. I would point out, as she has already underscored, over 160,000 acres have burned destroying more than 700 homes, $500 million or more in damage, as she indicated.

Surely, it will increase in the days to come. We cannot do anything about it except try to make certain that the people understand that if it happens, if they are caught, and they are tried and they are convicted, the punishment is going to be severe.

I do not know of any objection to the amendment. I know the Senator from Nebraska is going to like this. But I would like to get a rollcall vote so that there will be a strong message. I would be willing to set the vote aside and let the majority leader determine when that vote will come.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I ask unanimous consent that the vote not occur until a time decided upon by the majority leader after consultation with the Republican leader, and it may be set aside to a later time when we have other votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, parliamentary inquiry: Will there be time to support the Senator's amendment this evening?

Mr. DOLE. I am happy to yield to the Senator from California.

Mrs. BOXER. Thank you very much. I want to thank the Senator from Kansas. I have been working on such an amendment myself. This will get it done early this evening. I am very pleased with his interest and his concern on an issue that is of grave importance.

The way the Federal penalties are—they range from zero all the way to the death penalty. But it is very conceivable that someone could commit arson that could result in death, and yet they would serve no time at all.

So I am very pleased with this amendment. I give it my full and strong support. My good friend and colleague, Senator FEINSTEIN, and I are delighted to join with our colleague.

I yield the floor.

Mr. DOLE. I assume the Senator would be a cosponsor of the amendment.

Mrs. BOXER. Absolutely, proudly so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I thank my colleague from California.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise to speak generally on the bill and on the amendment that is now the pending business, and really to respond to the statements that were made just a few moments ago by the chairman of the Judiciary Committee, the Senator from Delaware, to say that it appears that we are approaching one of those magic moments in the Senate when we truly hear the voice of the people crying out for help, in this case, crying out for protection from crime, from violent crime, which threatens the freedom and the security of the American people more than any foreign enemy that we face today.

Mr. President, the Senator from North Dakota [Mr. CONRAD] and I have been preparing an amendment to the underlying bill to increase by $1 billion the amount of money that we would send under this bill to States or groups of States to help them build prisons to hold the most violent and dangerous prisoners.

As the day has gone on, first, from the Republican leadership, I see my colleague from Texas, Senator GRAMM, offered an amendment, strong amendment, to provide more support for prison space, and found a means to finance it; Democratic leadership led by the Senator from West Virginia came in with an amendment, and what would seem inherently logical. That which too often does not happen around here is apparently happening, which is that all sides are getting together, laying aside any hint of partisanship and acting genuinely in the public interest.

I await with a real sense of pride and gratitude and anticipation the amendment apparently to be offered by the Senator from West Virginia, the chairman of the Appropriations Committee, Senator BYRD.

Mr. President, we have been focused here today on more money for prison space. All of us know that there is no single solution to the terrible problem of violent crime that so afflicts our society today. It will take a lot of separate steps to bring about a change. But it is clear to all of us in this Chamber, I believe, and it is certainly clear to this Senator based on the conversations I have had with police, prosecutors, judges, neighborhood groups, and, corrections officials that one of the basic premises of an effective system of criminal justice is not working in our society; that is, if you commit a crime, you have some reasonable probability of being apprehended, arrested, and, if you are arrested, you have some reasonable probability of going to trial. And if you go to trial and are convicted, you have some reasonable probability of going to jail.

In almost every step in that process, our criminal justice system in America is in a meltdown. It is not working. You have seen the statistics presented earlier today and yesterday. A remarkably small percentage of those who commit crimes are actually apprehended. Of those who are arrested, a remarkably small percentage actually stand trial.

I spoke this summer to the commissioner of public safety in Connecticut. He shared some startling statistics with me. I bet they are true throughout this country. Every year in Connecticut those arrested who have the right to ask for a jury trial number between 160,000 and 200,000. How many jury trials does the Connecticut justice system have the capacity to offer every year? Two thousand.

So that means that at least 160,000 of those who are arrested on criminal charges—and remember, they are a minority of those who actually commit crimes—will ever go to trial.

The rest have leveraged, plea bargained, and gone through the revolving door back onto the streets to commit more crimes. Of that small number that is tried, and of the percentage of those who are convicted, too few end up going to jail because there is no room in the jails. The jails are painfully overcrowded.

So that is why we are talking about giving the States some help to build more prisons, to support boot camps, boot camps to take the nonviolent offenders out of the jails to release some of the overcrowding.

More money to the States and compacts of States, regional prisons, is specifically targeted on the violent offenders.

Mr. President, it is painful to say but it is obviously real, there are a group of people in our society who act without remorse, without principles, without values, without discipline, and do not care what they do to other people. They are a small number of people in our society, but they are creating havoc, fear, and chaos. Those are the people we have to target. Once we target them, investigation, arrest, try, and convict, our society must have a jail cell for every one of those.

I do not want one convicted criminal to go through that revolving door out onto the streets to terrorize us and our families, neighbors, and friends, or any law-abiding American because there is not a jail space for that person. That is what will be done with the money that the amendment before us now—and I suspect the one coming—will do.

Mr. President, the Bureau of Prisons tells us this is not just a State and local problem. The Federal prison system now holds 43 percent more inmates than it should. And at the State level—in 31 States and the District of Columbia—there are one or more prisons that are either under court order or are the subject of consent decrees to reduce prison overcrowding. My State of Connecticut is one of those States. In response to class-action suits filed on behalf of prisoners, Connecticut has court-imposed limits on the number of prisoners that can be housed in our prisons. There is such a serious bed space shortage in Connecticut in the prisons that, at times—and too many times—too many prisoners have served as little as 10 percent of their sentences. What a message to them and others who would commit crimes.

This cracks the foundation of our criminal justice system. As the Commissioner of the Connecticut Department of Corrections, Larry Meachum, told the Senate Governmental Affairs Committee:

> I think we are making a mockery out of this entire process if we tell a person he or she is going to get 5 years, and he or she ends up going out of jail after 5 months.

The solution is clear, Mr. President. Commissioner Meachum told the committee:

> If we are not going to make that kind of mockery out of the criminal justice system, then we have to provide the cells to deliver on the promise. If we are going to help the States and local governments deal with violent crime, we have to help them build new prison cells, so that prisoners will be forced to pay their full debt to society.

Mr. President, when we talk about providing more police to assist the cities and towns of our country, I have talked to some police in Connecticut who have said to me:

> Do we really need more police? We do not even have the confidence to arrest all of the people we know are committing crimes now because we do not have the confidence that anything is going to be done except take them to court, and they are going to walk right out, plea bargain, or whatever.

Mr. President, in my State—and I would guess it is true throughout the country—there are categories of crime that are serious. Car theft is one, and the word spreads. A person committing a car theft knows that there is little or no chance that there they will ever go to jail for that crime. Why? No space in the jail. What message does that send? Steal a car, commit a robbery, assault another person; do not worry about ever being sent to jail. The courts are too crowded, and the jails are full. Police actually are not arresting people they know are committing crimes because they think it is a mockery to do that, that it does not matter. They see the same kids that they have arrested yesterday out in the streets selling drugs and committing crimes again today.

I will tell you, Mr. President, I have spoken to police officials and prosecutors throughout the State of Connecticut, and they tell me time and time again that they cannot think of a serious crime that has been committed in their communities that was not committed by an individual who has gone through the criminal justice system over and over again.

So, Mr. President, I think we, in the Senate, are hearing not just the voice of the people, but the cries of the law-abiding citizens for help. We know it costs money to give that help. Yes, we need to add more penalties. Yes, we should increase the crimes for which the death penalty is offered. Yes, we need to be tougher about mandatory minimum sentences. Yes, we need appropriate gun control to stop violence. But we also need two basic things: More cops on the street and more jail cells to put the criminals into.

I believe my colleagues understand, and we will show it by what we are going to consider tonight and, hopefully, adopt. This terrible problem of crime eats at our society. It is not a Democratic problem. It is not an Republican problem. It is an American problem that cries out for an American solution. I am full of anticipation that tonight, through the bipartisan leadership of this Chamber, the leadership of the Judiciary Committee, the leadership of both parties, the leadership of the Appropriations Committee, we are going to offer that solution to the American people.

I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Utah [Mr. HATCH].

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the distinguished Senator from West Virginia for playing a very, very important pivotal role here helping to bring about changes in this bill that I think are going to make the difference between whether we pass a bipartisan bill that will do a lot against crime or not.

So I ask unanimous consent that I may withdraw the original Hatch amendment with all of the appendages thereto.

The PRESIDING OFFICER. The Senator has that right.

Mr. HATCH. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendments (No. 1099 and No. 1101) were withdrawn.

Mr. HATCH. Mr. President, I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Utah [Mr. HATCH].

Mr. President, I shall shortly send to the desk a modification to my amendment. When Mr. HATCH withdrew his amendment by virtue of my amendment being a second-degree amendment to his amendment, my amendment also was withdrawn; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

I will shortly send to the desk a modification of my amendment.

I am pleased to report that we have worked out an agreement which will significantly increase our efforts in fighting violent crime throughout America. In addition to accommodating all of the programs authorized in the underlying bill, the modification also accommodates the regional prisons proposal contained in Senator HATCH's underlying amendment, the original underlying amendment, as well as increases for programs of particular interest to Senator GRAMM of Texas.

The modified amendment now before the Senate provides for the transfer of $22.268 billion to the violent crime reduction trust fund. These resources are made possible by the estimated savings calculated by the Congressional Budget Office from fully implementing the reductions in Federal employment contemplated in the National Performance Review. These personnel reductions are included in the amendment for each of fiscal years 1994–98 inclusive.

Additionally, the amendment makes the necessary adjustments to discretionary spending caps for fiscal years 1994–98 inclusive.

I will now briefly explain the funding changes made in the modified amendment. Like my previous amendment, this modification provides $12.276 billion to fully fund the underlying bill, S. 1607. In addition, the modification includes $3.720 billion to provide an additional 40,000 State and local law enforcement personnel. When added to the 60,000 similar positions provided in the underlying bill, this brings the total number of new police officers on the streets of our Nation to 100,000.

An additional $3 billion has been added for the construction and operation of regional prisons. This is the same amount that was contained in the underlying amendment by Senator HATCH and was included at the request of both Senator HATCH and Senator GRAMM. Another $1 billion has been added for the construction of jails, boot camps, and other minimum security State and local facilities.

And $500 million has been added for the construction and operation of secure facilities to house violent juveniles. These facilities are critically needed to remove some 60,000 violent, gun-wielding repeat juvenile offenders from our streets.

And, finally, $1.8 billion is included to fund the Violence Against Women Act to combat domestic violence.

Mr. President, let me just take a moment here. How long is a moment? It can be any length of time. I will take a few minutes to explain how we got where we are.

After offering the amendment in the second degree to the amendment by Mr. HATCH today, I listened to Mr. GRAMM of Texas make a speech in which he recommended that we should build additional prisons—and he suggested a figure of $6 billion—into which we would put incarcerated individuals. He also recommended the mandatory minimum sentence, and I thought that was a good idea. I think they ought to be incarcerated, and I think we ought to throw the key away, at least until they serve, I believe it is, 80 percent—

Mr. GRAMM. Eighty-five percent.

Mr. BYRD. Eighty-five percent, and we ought to have prisons in which to put these individuals.

So I came to the floor. I wanted to tell Mr. GRAMM that I felt as he did. I did call him at his office and I told him I felt the same way. But I said: "I want to talk to Senator BIDEN. He is the manager of the bill. I do not want to undermine him. I want to see how he feels about it."

I talked with Senator BIDEN. He said, "Well, I would like to see the full funding for 100,000 policemen." We provided 60,000 in the bill. "I would like 100,000."

I said, "Well, let us just do both."

And from there, we went to where we are now. There were long discussions with Senator HATCH, Senator BIDEN, Senator GRAMM, I think mainly among those three.

Therefore, we have arrived at an amendment which I am now about to offer, and I offer it on behalf of myself, Mr. MITCHELL, the majority leader, Mr. DOLE, the minority leader, Mr. BIDEN, the chairman of the Judiciary Committee and manager of the bill, Mr. HATCH, the ranking manager of the bill, Mr. SASSER, Mr. GRAMM, Mr. KERRY, Mr. DODD, and Mr. MACK.

We certainly would appreciate the cosponsorship of any other Senators, and I ask unanimous consent that any other Senators who may wish to add their names may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my colleagues. I particularly thank the manager of the bill, Mr. BIDEN. I particularly thank Mr. HATCH. I especially thank Mr. GRAMM for his suggestion, which brought me to the floor and which finally led to our being where we are at this point.

I want to thank Mr. KERRY. Mr. KERRY came to my office probably 10 days ago and told me how badly needed this legislation is and how badly we need the money.

I said to Mr. KERRY, "I agree with everything you say about the need for the legislation, but we do not have the money." And I explained our situation with respect to appropriations and caps and the freeze, and he understood.

And then in the conference the other day, I made the same statement. After Mr. BIDEN and Mr. KERRY had spoken, I said, "This is all well and good. I agree with everything you said. But we do not have the money."

And then Mr. GRAMM offered an amendment 2 or 3 days ago. I voted against his amendment. I voted against his amendment. But his amendment carried overwhelmingly. I did not speak against it, but I voted against it. But his amendment carried overwhelmingly, so it made the money available.

This is an extremely serious problem and it is crucial that we do the best we can, under the tight budgetary circumstances, to deal with this problem.

And so, having said that, I think I have said enough.

I salute all those who worked so hard. And I also compliment and thank our staffs for their work on the amendment.

I urge my colleagues to support this modified amendment.

AMENDMENT NO. 1103

(Purpose: To fund the reduction of violent crime)

Mr. BYRD. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. MITCHELL, Mr. DOLE, Mr. BIDEN, Mr. HATCH, Mr. SASSER, Mr. GRAMM, Mr. KERRY, Mr. DODD, Mr. MACK, Mr. THURMOND, Mr. DORGAN, Mr. DOMENICI, Mr. CONRAD, and Mr. D'AMATO, proposes an amendment numbered 1103.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BYRD. Mr. President, I also ask unanimous consent that no other amendments be in order to this amendment and that no other amendments be in order until this amendment is disposed of.

The PRESIDING OFFICER. Is there objection? There being none, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. Mr. President, let me first say to the dear chairman of the Appropriations Committee that I have given many speeches on the floor of the Senate—some that I thought were pretty good and some that I thought were quite mediocre—but I do not know that I have given one that turned out to be more productive than the one today.

It reminds me of a poem by Emerson, titled "Each and All." It talks about the sexton ringing the church bell, little thinking that the great Napoleon hears the bell and pauses and is refreshed by it.

We have here a happy coincidence of events that I think is going to make American history on crime and punishment.

Last week, I offered an amendment that was aimed at trying to set a cap on Federal employment and enforce the President's reinvention of Government program.

How the amendment works is, it sets in law the goals of reduction in the size of the Federal bureaucracy. It has an enforcement mechanism, through the Office of Management and Budget, with a freeze on Federal hiring when we breach the employment limits. The Congressional Budget Office scored that amendment as saving $21.8 billion. That gave us the vehicle to fund this crime bill, not just to promise money, but to actually provide that money.

We have now put together a bill that is going to approach the crime problem in two ways: It is going to try to deal with the first offender—it is going to provide boot camps, it is going to try to provide drug rehabilitation facilities; and it is also going to build prisons so that violent predator criminals convicted in State courts end up serving their full term.

I think this is a very important step. This is clearly going to be the most important crime bill that we have passed in my time in the Congress and I believe it is going to be the most important crime bill that we have passed in many, many years.

This is an important step forward, because not only are we going to end up with mandatory minimum sentences for people who commit terrible violent crimes, but we are going to provide the prisons to put them in, we are going to challenge the States to have honesty in sentencing and, as a result of this bill that we are going to pass in the Senate, I believe that we are going to take a gigantic step in taking violent criminals off the streets of America.

I believe that that is truly doing God's work and America's work at the same time.

I thank the distinguished chairman of the Appropriations Committee for his leadership in making this happen. I am very proud to be a cosponsor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I should also say that Senator SASSER, the chairman of the Budget Committee, came to my office this morning and we discussed this matter. He is very supportive of this modification. I want to pay tribute to the work that he has done on this amendment and on the original amendment which I had offered earlier.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I, too, want to compliment the chairman of the Appropriations Committee and the majority leader—and I do not often do this—and his staff, a fellow we affectionately refer to as "Hilley" around here, who, quite frankly, came up with the idea of how to deal with the efforts that were made by the Senator from Texas, and prior to that, by the administration about cutting Federal employment and, in effect, setting up this trust fund.

Senator HATCH and I have been working on this bill for a long, long time. Let me just take 2 minutes to make several very brief points.

No. 1, the bill that all of this is being attached to is the bill that the President of the United States, through his Attorney General, and I worked out. And so the underlying bill here, is the President's bill.

But the ranking Republican, Senator HATCH, made the point to me throughout that he thought that one of the major ingredients of the Republican position on crime was to deal more with doing more about prison construction and incarceration and, quite frankly, forcing the States to have tougher standards and penalties.

That was totally consistent with what my friend from Massachusetts has been saying. I must publicly acknowledge to him that he turned out to be right and I was wrong. He and I both wanted a $20 billion-plus bill.

I was determined that I would not write a bill, have a name on it called the Biden bill, that I could not pay for. So I started off with a $5.9 billion bill several weeks ago, cutting back from a $9 billion bill I had last year. My friend came to me and said, "JOE, what are you doing?" I said, "We cannot get any more money."

And he made the point, if we hold out long enough, spoke long enough, made the case strong enough, we could change people's minds. I was, quite frankly, a bit cynical about the ability to do that.

As of yesterday, I met with the President of the United States and his staff at length, as did the Senator from Massachusetts previously. The President and his Chief of Staff and others agreed that they would work to fund a $10 billion bill. So I reintroduced a new bill, a $10 billion bill.

But my friend from Massachusetts kept saying, "No, we can do more."

And then along came the man who seems to pull every chestnut out of the fire in this place whenever you want to get something done.

I have known this for 20 years, but if you want to get it done, go to the man who knows how to do it. Go to the chairman of the Appropriations Committee, a man that I and a lot of us affectionately refer to as "Leader."

I once said to him, I would almost rather he would be leader again, because he was not nearly as powerful as leader as he is as chairman of the Appropriations Committtee.

But the truth of the matter is, every time you want to get something done, if you get him and the majority leader together on something, we hardly ever fail.

I went, along with others, to him the other day and said, "Help, boss. We need help on getting this done."

I must tell you, this exceeds my expectations. I have been arguing and fighting for 100,000 police for a long time.

There are some very, very, very, very important pieces of this legislation that the Senator from Utah has been pushing for for a long time. The Senator from Utah and I have believed all along, and our staffs, that if we were left to our own devices, we could come up with a bill that everyone would be happy with.

And so, I just want to suggest that the combination of getting the chairman of the Appropriations Committee; the chairman of the Budget Committee; the ranking member of the Budget Committee, Senator DOMENICI; the majority leader; and with the unrelenting pushing, I say affectionately, of my friend from Massachusetts, that we have come up with what I can say, without reservation, since every single major crime bill since 1974 I have either been the primary cosponsor of and/or the author of, I can say without hesitation that this is by far and away the most significant Federal effort to deal with violent crime in America that has ever been undertaken in the U.S. Senate—ever.

We are talking about something that is of major consequence.

Let me say to my colleagues who are listening back in their offices and all wondering how long we are going to go tonight and what is going to happen here, and then I will yield. I see my friend from New Mexico is seeking recognition.

It is the intention of the chairman and the ranking member, the managers of this bill, that once we agree to this amendment—which I hope we will do shortly—we will try very hard to discourage some of the amendments, because one of the things that our colleagues are going to find is much of what they have been asking for has been accommodated by this significant amendment.

I also address my colleagues who have amendments that they feel are not accommodated by this doubling of the size of the bill. I see my friend from North Dakota. He and BYRON DORGAN, his colleague, have been pushing hard to deal with violent juveniles. They have been pushing hard to deal with violent offenders in jail. This exceeds their wildest expectations, I think it is fair to say, and encompasses all they wanted.

There are others on this floor who have been equally as interested. I think when they look at this—and I encourage their staffs to look very closely at what the chairman of the Appropriations Committee is sending up on behalf of all those he named—and then, if you still think you need an amendment, please come forward.

I see my friend from California on the floor. She has a very important amendment that the President of the United States has, at her bidding, signed off on, which, after we finish this, we hope we can move to quickly. She will explain it, but it is a very significant amendment.

She came to the committee earlier, I might add, with an arson amendment that was her doing, her thinking, her idea. And I must publicly apologize to her because, in the meantime, another arson amendment was brought up. I, frankly, thought it was hers—which I frankly think is a little better than the one we had. I know she joined in the one we passed.

But there are going to be amendments like that of the Senator from California that are very important that are not encompassed within this arrangement. There are others who will have them.

So I urge all Senators and their staffs who are listening, please come to the floor. It is the intention of the ranking member, I think it is fair to say, and myself to try very hard to negotiate those amendments that we can, to have votes on those we cannot, and move this process along. Because, as my mother would say, with the grace of God and the good will of the neighbors, we may be able to, in a relatively short time, present to the American people a bill that is the first step, but a most significant step, in dealing with violence in America.

I might add one last point. The Senator from Utah and I have been working very hard for a long time on a thing called the violence against women bill. It is of significant consequence. It was going to be the third item on the agenda of this Senate dealing with violence over the next 3 months.

We have incorporated that bill in this amendment and funded it as well within this amendment. I want to pay a very high compliment to my friend from Utah who, frankly, were he not insistent upon this taking place at this time, we would not have it in the bill and we would be somewhere 2, 3, 5 weeks down the road still fighting.

I might add, through the persuasion of my friend from Utah, we have 68 cosponsors for that bill. So this ought to be something that is akin to motherhood. But it is critically important to deal with domestic violence and the absolute ravaging of women in this country as a consequence of being the victims of violent crime. So this is a very, very, very important amendment that we are about to vote on.

Again, I thank my friend from Utah for his leadership because, make no mistake about it, we would not be doing this were he not willing to do the things he did to reach an accommodation on this bill. It is a pleasure working with him.

Again, as I said, whenever we want to get something done I have learned it never hurts to go to the Senator from West Virginia and, without exception, it always helps. I have no illusions. Were it not for the Senator from West Virginia and his legislative alchemy—he is the only man that I know who can turn things from legislative dust into legislative gold.

You have done that, Mr. Chairman. I compliment you for that. The entire Senate and, more importantly—and I mean this, it sounds like hyperbole—the Nation, the Nation owes you a debt of gratitude for your ability to do those things which those of us who have only been around 20 years have still not learned how to do as well.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BIDEN. I will be happy to yield.

Mr. BYRD. I thank him for the hyperbole. I appreciate it very much.

Mr. BIDEN. It happens to be true. Because I have, in my experience, been on the other side of a few—a few, very few—the other side of a few issues with the distinguished chairman of the Appropriations Committee, and I have always found it a less-than-rewarding experience.

There is only one other person in my 20 years I have been almost as mournful of not being with him when I have been against him, and that was Senator Russell Long. Russell Long was the only other man who, whenever I stood up on the floor to take him on, by the time he got finished speaking I felt so good and warm, I felt like calling my mother to tell her how I had done such a great thing only to find, when it was all over, I had lost. So I have learned. But I truly do, Mr. Leader, I thank you.

Again, this is a highly unusual thing to do, but John Hilley of the majority leader's staff came to me 3 weeks ago with this idea. I think this is one of those cases where there is not, in my view, enough money we could pay such a talented person to get something done.

So I thank everyone for this, and, hopefully, once we pass this amendment we can move rapidly through the remainder of this bill and present the American people with a very serious piece of legislation to deal with violence in America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciated the comments of the distinguished Senator from Delaware, but I would like the distinguished Senator from Delaware to listen to what I am about to say.

Mr. BIDEN. I beg your pardon. I am sorry.

Mr. HATCH. Mr. President, this really is a good package. It is something that everybody on this floor, both Democrats and Republicans, can feel good about because here we are providing for $8.9 billion for police. Every Republican ought to be for that. Every Democrat ought to be for that. It makes sense. If we want to do away with violent crime, let us get the police out there on the streets. People on both sides have argued for this but nobody more eloquently than the distinguished Senator from Delaware.

There is $3 billion for regional prisons—very badly needed. I think everybody on both sides of the aisle can be happy about that.

There is $3 billion for boot camps and operational grants to the States. This is a real chance for us to help the States and do something on crime.

There is $500 million for juvenile detention facilities for the hardcore juvenile criminals, something that just had to be done.

But there is one problem. In our zeal to get this done—and nobody is stronger for the violence against women bill than I—I did not realize that I was to protect the rights of the distinguished minority leader of the Senate and the distinguished Senator from South Carolina. In our zeal to put this in we have not protected their rights. They wanted it to be brought up separately. I feel very, very badly about that because I never would have done that for anything in this world.

I have asked the distinguished chairman of the Appropriations Committee if we could vitiate the unanimous-consent agreement so we could at least have that be separately debated so Senators DOLE and HELMS would be able to bring up whatever they want to because the unanimous-consent agreement prevents any first-degree amendments.

I am very concerned about it because I want to get that bill passed, and I know the distinguished Senator from Delaware does, too. But I also do not want to trample on the rights of my esteemed colleagues, and I know they have many rights they can exercise on this matter anyway. So I hope as we discuss this we will consider maybe recognizing those desires and my failure as floor manager to protect their rights.

I did not realize that I was supposed to, and it was my fault I did not realize it, but I did not. It is certainly not the fault of the distinguished Senator from Delaware and certainly not the fault of our esteemed colleague, our great colleague from West Virginia, without whom we never would have put this together. Everybody here has to acknowledge that, but it would not be fair under these circumstances to foreclose the rights of our minority leader.

Mr. BIDEN. Will the Senator yield for just a moment?

Mr. HATCH. Yes.

Mr. BIDEN. I hope the Senator will not exercise that unanimous-consent agreement yet and give me an opportunity to meet with the Senator from South Carolina and the Senator from Kansas to determine——

Mr. HATCH. North Carolina.

Mr. BIDEN. Excuse me, North Carolina, and the Senator from Kansas to determine whether or not there is a way we can accommodate that.

Mr. HATCH. Mr. President, let me yield the floor so Senator DOMENICI and Senator THURMOND can say what they like.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take a lot of time. I have a few questions I want to ask the distinguished chairman of the Appropriations Committee. When we are through with the colloquy and a few other observations I have, I may join as a cosponsor. But it does seem to me that there are a couple of things we ought to clarify and that need some explanation.

I understand the chairman is willing to do that. So, Mr. President, let me start by saying, to some extent, I share the concerns that were expressed this afternoon by the distinguished senior Senator from Oregon [Mr. HATFIELD] about creating a new off-budget trust fund. I am totally convinced and in accord with those who contend in this Chamber that violent crime prevention is a very high priority for the people of our country and for the use of our resources. I can see other priority needs, however, that are already here and that might arise from time to time in the next 5 or 6 years that are not encompassed by this amendment.

The unified budget concept with everything on budget and as few trust funds as possible, and even some of those trust funds within the budget, gives us a complete picture of Federal spending and how resources are allocated to those needs.

So I had some reservations early on of establishing this funding mechanism. I know that the distinguished chairman shares some of these concerns. I would appreciate any response or ideas that the chairman of the Appropriations Committee might have about the concerns I have just expressed.

Mr. BYRD. Mr. President, if the distinguished Senator will yield.

Mr. DOMENICI. I will be pleased to yield.

Mr. BYRD. So I may respond without him losing his right to the floor.

I understand the concerns expressed by Senator HATFIELD and Senator DOMENICI regarding the establishment of the trust fund that would be created under this amendment. However, over the past weeks, I have had discussions with the distinguished chairman of the Judiciary Committee, Senator BIDEN. He has, upon numerous occasions, mentioned to me on this floor and elsewhere that he wanted to visit with me about the crime bill and about the funding of it. He has spoken eloquently today, as have others, concerning the importance of this legislation.

These discussions centered around whether we can find a way and how it could be found to assure that the programs authorized in this bill are funded. My response to him was that one approach that could be considered would be declaring a congressional and Presidential emergency each year, but it would have to be done every year for 5 years to make the appropriations that would be authorized pursuant with this act. That would require, as we all know, that both the President and the Congress agree to spending under this act as an emergency. I would note that this emergency designation, even if approved by the President and the Congress, would increase the deficit each year.

Another method would be to rescind discretionary appropriations and apply the savings from those rescissions to offset the appropriations that would be necessary to fund programs such as those authorized in this act. But even then, I am not at all sure that we could find those rescissions and that they would be enacted by both Houses. It would also leave uncertain on a year-by-year basis how much, if any, of the authorizations contained in this act could be funded. The amount to be funded, if rescissions were required, would not be known until rescissions were enacted each year sufficient to pay for part or all of the programs authorized in this act.

Yet another method could have included making mandatory appropriations in the act itself and providing these appropriations in advance in the act. I do not like that approach. These appropriations would have been subject to a point of order under the Budget Act, as well.

While I share the legitimate concerns expressed by Senator HATFIELD and Senator DOMENICI. I determined that the establishment of the Violent Crime Reduction Trust Fund was the least offensive—the least offensive—of these various approaches and the approach that did the least damage to the existing budget and appropriations processes.

Let me add further that I would prefer not to have to set aside or reserve the funds contained in this act at all. I do not like that way of proceeding, but I consider the crime problem to be a major, major crisis in this country that is getting worse and worse every day. It is a crisis that demands that the spending provided in this act match the rhetoric.

Mr. DOMENICI. I thank the distinguished chairman for his comments, and I will ask another question.

I had a concern the other day when Senator GRAMM offered his amendment, which mandated the caps on Federal employment levels and built into law the number of full-time employee reductions recommended by the President's National Performance Review of the Government. I did not vote for it then. I said to my friend, the chairman, after the vote that I did not vote for it because I had no idea where the cuts would be made.

Mr. BYRD. Yes, I came to the Senator and said, "Why did you vote against that amendment?"

Mr. DOMENICI. Right. We did not collaborate but afterwards, we talked.

Mr. BYRD. I was wondering why he voted against it. I voted against it, and his answer made me feel all the more on that occasion I was right.

Mr. DOMENICI. So I remain concerned that the amendment which you originally offered would leave it up to the OMB to determine where the Federal employee reductions within the bureaucracy of our Nation would occur. I was worried that under the original amendment that you offered today it would totally be left to the discretion of the OMB Director.

I understand, and I hope I am correct, that the distinguished chairman has modified the amendment and that the amendment which is at the desk now solves that concern by requiring that the President include an analysis of his proposed FTE reductions as part of the budget submission each year.

Mr. BYRD. Mr. President, if the distinguished Senator will yield, I know he intends for me to respond. He will yield without losing his right to the floor. The Senator from New Mexico has described his concerns to me as recently as 2 hours ago, and earlier. I have incorporated this language into the modification of the amendment. I appreciate his bringing this matter to my attention. I do believe that it is an improvement to the bill.

Mr. DOMENICI. I thank the Senator. I want to make one more point. I am sure the distinguished chairman agrees with me that the pending amendment violates section 306 of the Congressional Budget Act, which prohibits consideration of legislation under the jurisdiction of the Budget Committee that has not been reported by the Budget Committee.

The section 306 point of order can only be waived by an affirmative vote of 60 Senators. I inquire of the Chair, is that a correct assessment of the situation?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair. I want to be clear that a 60-vote point of order lies against the pending amendment, and any future legislation creating an off-budget trust fund would also be subject to the same point of order. Am I correct in that assumption?

The PRESIDING OFFICER. Since this issue is not presently before the Senate, the Chair would decline to rule on it prior to tomorrow.

Mr. DOMENICI. I thank the Chair. But I would make the point for the Senate that I think it is important Senators know we are not going to turn the budget of the United States and the appropriations process into myriad trust accounts where we predetermine upon what the subcommittees of the Appropriations Committee will spend money.

I think my good friend from West Virginia would concur that that is not the intention. Clearly, if a very similar proposal for a similar trust fund with similar effect on the appropriations process and the budget itself is brought before the Senate, we are not waiving the right to raise that point of order if we choose to waive the point of order here tonight.

I wonder if my friend from West Virginia would concur.

Mr. BYRD. I do concur, and I thank the Chair as well. I want to be clear that a 60-vote point of order does lie against the pending amendment. The distinguished Senator from New Mexico and I discussed this earlier today, and we both agreed that it did, that it would lie. And any future legislation creating, I will call it an off-budget trust fund, would also be subject to the same point of order, in my opinion.

May I say to the Senator, I will just as zealously guard the legislative process in the future as I have in the past. It was only because of the very extenuating circumstances throughout this country today, that I think cry out for solutions, that I have taken this approach.

I thank the Senator from New Mexico for being equally zealous and protective of the budget process. This, in a sense, may be something of a precedent, but it will not count as a precedent that we have to follow in the future. I believe that any future legislation to expand the size of this trust fund or the programs eligible to be funded by this trust fund also would be subject to a 60-vote Budget Act point of order.

Mr. DOMENICI. I thank the Chairman.

Mr. President, let me just take 1 more minute. I would like to ask the Parliamentarian if he could rule on this, and if he cannot I understand. If we do not vote on waiving the Budget Act on this amendment this evening, because nobody chooses to raise it—the Senator from New Mexico does not raise it—do we in any way set a precedent that we can do this in the future without waiving the point of order?

Mr. BYRD addressed the Chair.

Mr. DOMENICI. Or will failure to vote on it be construed to be a waiver?

Mr. BYRD. I know the Chair will respond. Before the Chair responds, may I say a word.

Mr. DOMENICI. Surely. Absolutely.

Mr. BYRD. The Chair cannot rule on this because no point of order has been made. Consequently, he cannot issue a ruling. The Chair can respond to a parliamentary inquiry from the distinguished Senator from New Mexico, and while that responds to a parliamentary inquiry, it does not carry the weight of a ruling, at least it does sometimes provide guidance for both the Chair and any Senator.

Mr. DOMENICI. I thank the Senator. I apologize to the Chair and Senators for not having raised my question by way of a parliamentary inquiry. I should have done that. I thought I did that without stating the proper words, but I believe the chairman is stating that properly. So if you would convert my language to a parliamentary inquiry as to whether or not anything is waived if we proceed on this amendment without a vote.

The PRESIDING OFFICER. In the opinion of the Chair, if a point of order is not raised today and the issue is not joined, the issue remains an open question.

Mr. DOMENICI. Mr. President, I wish to ask unanimous consent that I be added as an original cosponsor and thank the distinguished chairman of the Appropriations Committee for the work that he has done, and all others who have put this amendment together.

I think it is historic. From my standpoint, as money is saved from reducing the work force of the United States, I thought maybe we would salvage some of it for deficit reduction. But as I looked at it, I feared we would lose that battle, and it would be spent. As a consequence, I join in saying if we are going to spend it, we probably ought to spend it for the most serious domestic issue in our country.

I yield the floor.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

Mr. MITCHELL. Mr. President, I am proud to cosponsor, along with Senators BYRD, BIDEN, SASSER, HATCH, DOLE, GRAMM, and MACK this compromise amendment to the crime bill.

The most important fact about this amendment is that it guarantees that what the Congress does about crime will amount to more than words—that it will lead to direct action to reduce the violence that plagues too many of our neighborhoods.

This amendment will assure that the crime bill we pass will be funded. It creates a Violent Crime Trust Fund into which savings from the executive branch personnel cuts will be deposited to pay for the provisions of the crime bill.

That means that we will have available, over the next 5 years, $21 billion in the trust fund for crime-fighting programs to respond to one of the most urgent national problems that affect Americans today.

The amendment will fund 100,000 additional police for our Nation's cities and neighborhoods.

It will provide $3 billion for regional prisons to help the States alleviate overcrowding in State prisons and the resultant too-early releases of violent offenders. It will provide $3 billion for boot camps to house nonviolent, first-time offenders, which will free up additional State prison facilities for those who must be separated from the society for long periods of time.

It will provide $500 million to fund secure community-based facilities for violent juveniles, those who are not suited to community-based facilities, and those who are repeat violent offenders.

The amendment encompasses a view of crime control based on more effective response by police and more stringent incarceration for violent offenders to restore the sense of personal safety and security that our society has lost.

This is a bipartisan amendment. It enjoys strong support from the chairman and ranking minority member of the Judiciary Committee. It has the support and, indeed, much of the leadership of the Appropriations Committee chairman, and it deserves the enthusiastic support of all Senators.

I urge my colleagues to vote for this amendment, so that we can lay the foundation for a crime bill which will deliver what we promise: More police, jails for longer sentences, fewer violent repeat criminals on our streets, and safer neighborhoods for the law-abiding people of America.

Mr. THURMOND. Mr. President, I rise in support of the pending amendment on prisons which has been worked out by the chairman and ranking member of the Judiciary Committee with the able assistance of Senator BYRD, our President pro tempore.

Without doubt, there is a critical need for additional prison space across the Nation. According to the Department of Justice, there are more men and women in State and Federal prisons than ever before. The Bureau of Justice Statistics reports that the inmate population on June 30, 1993 was 925,247. A number of States have parole systems that release prisoners before they have served their full sentences. Other States have early release programs—either on their own or pursuant to court orders—that are specifically designed to keep down their prison populations. As a result, crimes are being committed by prisoners released early that would not have been committed if the prisoners had remained in prison for the duration of their sentence.

It does little to arrest, prosecute, and convict violent offenders only to see them prematurely released because of prison overcrowding. As Georgia's Democrat Attorney General Michael Bowers stated, and I quote,

> All of the police officers in the world are not going to make a difference on the crime situation until you provide a place to put the criminals. Unless you do that, this is a waste of time.

Mr. President, adequate prison space is a critical link in the State criminal justice system. We must address the problem of early release of violent offenders due to a lack of prison space. I am pleased that we have been able to reach agreement with our Democratic colleagues to provide badly needed funding for regional and State prisons. A vital provision within this compromise will encourage States to adopt greater truth-in-sentencing laws to ensure that violent offenders serve their time. When law enforcement does its work arresting violent offenders, it will ultimately make little impact on crime if we have so little prison space that convicted offenders are put back out on the street well before they have completed their sentences.

This amendment will help the States close the revolving prison door for violent offenders. This compromise will provide $6 billion for construction, maintenance, and operation of regional and State prisons and jails. Additionally, this funding will incorporate the distinguished chairman's proposal on boot camps and other alternative sanctions. Further, we have reached agreement on funding for putting more police on the street to continue the fight against the violent predators.

I want to commend the chairman and ranking member for their bipartisan efforts on this amendment. With this type of cooperation, we should soon be able to complete action on the comprehensive crime bill and meet our responsibility to the American people. I encourage my colleagues to support this amendment.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be allowed to join on the pending Byrd amendment as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, maybe I could be permitted to just make a brief comment and to thank the President pro tempore, the chairman of the Appropriations Committee, for what he has proposed in this amendment.

Mr. President, if I might just say that earlier today I had been prepared to offer an amendment to offer a substantial increase for prison construction so that we might assure the American people that the most violent repeat offenders would have to serve 85 percent of their sentence, and that we would have the facilities to allow that to happen.

Mr. President, I am extremely pleased that in this Byrd amendment, the truth-in-sentencing provision is included, that the money to make certain that we have the facilities to house those prisoners is included; and, in addition, another amendment that I was prepared to offer after having worked closely with the Judiciary Committee over a number of days to provide secure facilities for violent juveniles.

We were talking about a funding level of $100 million or $200 million. With the Byrd amendment, that has been raised to $600 million.

Mr. President, I believe that is going to make a difference in this country, a difference for the better, something that is desperately needed both in terms of violent juveniles and in terms of those who are violent repeat offenders.

This is a leap forward from where we started the day. I think all those involved, the chairman of the Judiciary Committee, Senator BIDEN, the ranking member, Senator HATCH, and the chairman of the Appropriations Committee, are to be publicly commended and thanked for their excellent work.

I also, Mr. President, would like to take a moment to salute my colleague from Massachusetts, Senator KERRY, who so aggressively has pursued additional funding so that this crime bill would really make a difference in the lives of people; so that it would not just be a cosmetic bill, it would be a bill that would actually make a difference in peoples' lives.

I have been in meeting after meeting, hour after hour, with the Senator from Massachusetts, in which he made very clear how much he wanted to see 100,000 additional police, and not done in some cosmetic way, not done in some clever way that made a good press release, but in some way that actually delivered on the promise.

Mr. President, I believe this amendment goes a long way toward doing that.

I want to again publicly thank all those who have been involved.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I begin by thanking my friend from North Dakota. If you are ever in one of these fights where you are looking to this place to do something real, you want to have the Senator from North Dakota with you in that effort. He has pushed this as hard as anybody. I am very appreciative for his comments, and especially for his support.

I came to the floor earlier today, and have been pushing a number of different people over the course of the last weeks. I would like to say that what we are about to do, if indeed we are, and I hope we are, is real. And it is very significant.

This is such a quantum leap from where we were a few hours ago, and certainly from where we were just a week ago, that you really kind of have to pinch yourself.

The person who has provided this incredible coup is indeed the President pro tempore, the distinguished chairman of the Appropriations Committee. I think all of us understand that if he did not believe this ought to happen, and that if he did not believe there was a way to make it happen, this would not be happening.

I think that it is a tribute to the way that he listens, I might say. I know when I went to visit him a week ago, there is much that he has on his mind. But as he always does, he meets with junior Members who ask for meetings. I knew that even though he told me he did not quite know how we could do this, I knew from his look and from the time he gave me and the concern he expressed that if there was a way, the Senator from West Virginia was going to try to find it because he understood.

I think that he deserves just enormous credit for this because this is really, in all the years I have been here, the most real and significant response to what is a very complex and often contentious and sometimes too partisan effort to try to deliver something real to the American people.

Today, presuming we move forward in these next moments—and I presume that we have broken down that partisanship—we are about to take the step which is an enormous downpayment on protecting and providing for the domestic tranquility and security of this country.

So I really do salute the distinguished President pro tempore. I also want to say that Senator HATCH and I met this morning, sort of by happenstance, on the Fox Morning Network, where we both had opposing views on this bill. And we expressed them. At the end of that, we had a conversation that lasted about 20 minutes, or half an hour, in which we sort of unraveled the differences but found common ground, and we both expressed a sense that we might be able to find something that was a legitimate and important compromise in the course of this bill.

I never anticipated it would happen in the same afternoon after that conversation. But thanks to the seriousness and purpose which has been, really, I think, catalyzed by the Senator from West Virginia, all parties have come together, and we are poised to do something that is not insignificant by any sense of the word.

I also want to say that as good as this is, I do not want to be the skunk at the picnic. There is more to be done. There are schools yet to be kept open; there are kids who are still going to need programs; there is an enormous amount to make up for.

But this is a real step. This is not cosmetic. This is not rhetorical. This is not something that is press-release oriented. And this will, if we follow through on it through the appropriations process, as I think the distinguished President pro tempore has guaranteed through the structure of it, this is going to make the difference.

I really thank him. I thank the distinguished Senator from Delaware and Senator HATCH for helping to get us to this moment.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. KERRY. I yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his extremely charitable and gracious words. I thank him even more so for his concern, for his zeal, and his dedication toward doing something that is really effective in dealing with the terrible problem that confronts this country.

He has been an articulate spokesman on this subject matter. And he has worked long and hard. That is easily to be discerned by listening to him as he quotes figure after figure after figure, and fact after fact. He has made this a very serious study. I compliment him.

I also join him in complimenting Senators on both sides of the aisle in making this a true bipartisan effort to deal with the serious problem.

The criminal, or the would-be criminal, or the about-to-be-criminal never stops to inquire as to whether or not it is a Republican or a Democrat who is carrying the wallet, who is about to become the victim. The criminal knows no partisanship in that regard, and he knows no party, whether it is an Independent or an individual that has no party at all. That does not cross the criminal's mind. And it should not cross ours when we are dealing with this very serious problem.

I was the chairman of the District of Columbia appropriations bill for 7 years, the longest that anybody has been the chairman of that subcommittee in this century; and the very first time I went out with the police, we visited the scene of a homicide, and I will never forget that sight. But things have grown progressively—I must use that word—progressively worse in the intervening years, from a time when—who would have ever thought that the Mayor of the District of Columbia would be asking for the National Guard. This is our Nation's Capital.

I thank the distinguished Senator for his efforts and for his good work.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. LEAHY). The Republican leader is recognized.

Mr. DOLE. Mr. President, I understand they are now working on a rather large package of an amendment, or a large amendment, and while some of us were temporarily off of the floor, somebody had gotten consent that no further amendments to this amendment be in order. At the appropriate time, when the managers are back on the floor, I will ask that that either be vitiated or that we have some understanding, because there was a lot of material included in this amendment—not the amendment of the Senator from West Virginia—which some of us had a direct interest in and were not contacted about.

I do not think anyone on either side would appreciate that happening to them. I do not appreciate it happening to me. So either we will be able to offer amendments, or we will work it out, or we will not be voting for a while.

Mr. BYRD. If the Republican leader will yield. It was I who got the request. I had no knowledge that the distinguished Republican leader had an amendment or that he had a problem. I put his name on this amendment without his asking me, even.

Mr. DOLE. On your amendment, that is fine.

Mr. BYRD. I thought it was this amendment we are talking about.

Mr. DOLE. No. It is on domestic violence, and it has some differences.

Mr. BYRD. But it was I who asked that there be no amendments to the amendment and that no other amendments be disposed of prior to the disposition of this amendment. I did not know anything about the Republican leader's problem.

Mr. DOLE. Maybe we can resolve our differences. The Senator from Delaware has indicated an interest in doing that. I have not discussed it with the Senator from Utah. If not, maybe we can take off the other part.

Mr. BYRD. I am sorry if I discommoded the leader. I did it borne of the knowledge that I have gained in this United States Senate for many years, that after we have worked on an amendment of this kind for so long and drawn both parties together, and we come together on a vital amendment, I have long ago learned to do this to protect it.

Mr. MITCHELL. Might I ask a question of the chairman and Republican leader? Was not the agreement cleared by Republican Senators?

Mr. DOLE. It was cleared by the managing Republican, Senator HATCH.

Again, I think there was no problem with the amendment Senator BYRD offered earlier. I am happy to be a cosponsor of that. I think it was agreed to somewhere to add another title called "domestic violence," and we do not have any problems with most of it, because we have been working on it together with Senator BIDEN in a bipartisan way; but we have a problem with two or three issues that we are now trying to resolve. Otherwise, we can move that off and vote on the Byrd amendment.

Mr. BYRD. While the Senator has the floor, if I may say to the majority leader, the request that, for the moment, shuts out other amendments was mine. I did not clear it with anybody. I simply sought to protect the amendment. So that was my doing. But as to the content of the amendment, I have no problem with the domestic violence part, whatever can be worked out on that.

Mr. MITCHELL. Mr. President, the point I wanted to be clear on, so there is no misimpression here, is that an agreement was entered, without the knowledge or participation by Republican Senators, dealing with——

Mr. DOLE. One Republican Senator in this case, which maybe should suffice, but in this case, it may not.

Mr. MITCHELL. As the Republican leader knows, it is a common practice. We have a manager of the bill on either side, and the Democratic manager is responsible for notification and clearance with Democratic Senators, and the Republican manager is responsible for notification and clearance with the Republican Senators. Obviously, we cannot go around and clear with 44 individual Republican Senators every discussion and agreement made between the managers.

Mr. DOLE. I do not have any quarrel with that. In this case, we registered our objection, even though we were not on the floor, that we had a problem—not with the underlying portion of the Byrd amendment, but with adding the domestic violence title to it. We conveyed that, and before I could get back, consent had been obtained. We hope we can resolve it.

Mr. MITCHELL. I am sure we can. I do not think we can do it without the managers, though. It seems to me that the two people most involved are not here. So I do not think we should take any action to alter the current status until the managers are here, the people who are most directly involved and are responsible for handling the matter.

Mr. BYRD. I also say that the distinguished ranking manager, Mr. HATCH, came to me and asked me to vitiate the request I made. I said I will not do that. So he did try. I assure the Senator that I was not trying to keep out any particular amendment of the Republican leader. I knew nothing about that.

As I said, if we vitiate this, who knows how many amendments there will be. So I will not vitiate it. But I am happy to be a party to working this out, if I need to be, when the two managers return.

Mr. DOLE. I just indicate that I strongly support the efforts worked out on a bipartisan basis, led by the distinguished Senator from West Virginia, because, in my view, we will have the money for regional prisons, and the States can only send their most violent criminals there if they adopt truth-in-sentencing laws. We think that is a big, big step forward, as discussed by Members on both sides of the aisle throughout the day. There is certainly no problem with that.

I hope and understand that we may be able to resolve it. We have submitted a list of things we think should be in the domestic violence section. If that can be resolved, it is fine with me. If not, I hope we can work out a way to set that aside and vote on the major amendment.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, it is obvious that we cannot proceed without the managers because whatever understanding led to the current situation was between them. I think if there has been an error it would be compounding it now for us to take action without notification to and consent by the managers.

I think they are going to be here shortly. I think it is best that we have a brief quorum as we try to resolve this.

Mr. LEVIN. Mr. President, I have a question of my friend from West Virginia.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if there is no other comment after that, I would put in the quorum call if that would be all right.

Mr. President, I wonder if my friend from West Virginia would answer a question.

First, let me compliment him and others who have worked this out. It is a very critical need we have in this country for many of the items that he covers. I as always am absolutely amazed at what the Senator from West Virginia is able to achieve both on this floor and off the floor. I commend him for it. I think it is an important step that takes us here. I do have a question as to how this would operate.

As I understand the mechanism in the amendment, a trust fund would be set up and money which results from the savings from reduction in personnel would go into that trust fund. That trust fund could only be used for two purposes. One would be the purpose as set forth in the amendment and, if not used for that purpose, then for deficit reduction.

Mr. BYRD. No.

Let me say it this way: This guarantees that the normal appropriation process will go forward. The money will be in the trust fund. But the President will send up his budget. That budget will come to the Appropriations Committee in each House. The subcommittee, which is chaired by Senator HOLLINGS with the ranking member being Mr. DOMENICI, will conduct hearings on that budget request, as in all other cases.

Then the Appropriations Committee will appropriate such moneys as it finds, in its wisdom, should be appropriated to meet the requests, or the subcommittee may recommend that moneys be spent under the general rubric of dealing with violent crime and violent criminals in some other way. But the money is put aside for this specific purpose——

Mr. LEVIN. OK. I understand.

Mr. BYRD. To deal with violent crime and violent criminals.

Mr. LEVIN. I follow that. The money that is in this trust fund that is created, as I understand it, will be reduced from the cap that we have for discretionary spending for that; is that correct?

Mr. BYRD. That is correct.

Mr. LEVIN. If, for instance, there is, let us say, a cap of $500 billion for discretionary spending for the year 1994, which is approximately right, and if there were, say, $6 billion in this trust fund that year for this purpose, the cap for discretionary spending would be then reduced to $494 billion?

Mr. BYRD. It would be, because otherwise we would be increasing the total fund over and above the cap.

Mr. LEVIN. I understand that. What is the outcome of that and the effect of that?

Mr. BYRD. The outcome will be to use the figure the distinguished Senator used, I believe, $501 billion.

Mr. LEVIN. Say, $500 billion.

Mr. BYRD. Yes.

Mr. LEVIN. It is $500 billion, minus $6 billion.

Mr. BYRD. We will not be increasing there or lowering that. We will be lowering the cap, but we will be putting the amount by which it was lowered into the trust fund. So it will end up in the same amount as was in the cap.

Mr. LEVIN. I understand that.

If I could just ask one more question: Is not the effect of that, then, that we should all understand that there would necessarily be $6 billion less for other discretionary spending?

Mr. BYRD. The Senator is exactly correct. He is precisely on the point.

I want to say again, as I said earlier, I do not like to use this approach. I do not like to use it, but we are keeping it within the appropriations process. Otherwise, I felt that if we did not follow this approach, we would not only be not dealing as best we can with one of the most serious problems, if not the most serious problem in this country, but we would also be leaving that money, which was the subject of the amendment offered just a few days ago by Mr. GRAMM of Texas, on the table for other amendments.

My concern was that others might offer amendments, which would carry, which would appropriate moneys in an authorization bill because the source of money was there. And the necessity is so great here that if a Member offered such an amendment—I will say to the leader I am going to be very brief—I want to be in a position to maintain the control of that money through the appropriations process.

I was fearful that if an amendment were offered to appropriate that money, which is hanging out there, and appropriate it in an authorization bill, we would create a problem.

Also, there might have been an attempt to authorize and appropriate it, but not reduce it from the caps, which would mean that we would be increasing the cap. I do not want to increase the cap. I do not want to go above the caps we already agreed in the budget resolution. I do not want to go below them. I do not want Members to offer amendments that will use up funding or lower the caps, because that takes it away from the Appropriations Committee to use for discretionary purposes, which could mean defense or domestic discretionary.

Mr. LEVIN. I thank my friend.

I think it is important that we understand the full implication of what we are doing, and they conclude that there will be, under my hypothesis, $6 billion less in discretionary spending for other discretionary programs. I think we should be aware of that, in addition to all the other things that we are accomplishing or doing or effectuating in this amendment.

Mr. BYRD. The Senator is preeminently correct, and I thank him for emphasizing that point.

Mr. LEVIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, in this brief period when our colleagues are attempting to work out a problem recently mentioned, I want to take this opportunity to introduce with Senator DOLE the implementing legislation for the North American Free-Trade Agreement.

(The remarks of Mr. MITCHELL, Mr. DOLE, and Mr. PACKWOOD pertaining to the introduction of S. 1627 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I would like to return to the amendment that has been offered by the distinguished Senator from West Virginia, Senator BYRD, and express my support for what he has been able to achieve in what is a remarkably short period of time.

Last August, I had occasion to travel to Southeast Asia. One of the countries that I visited was Singapore, which one of my colleagues properly characterized as an example of Plato's "Republic," where wise leaders organize the people and control much of their lives.

At the top of that leadership was a man named Lee Kuan Yew, who resigned as Prime Minister back in 1991, but still sits, I think, as the premier intellectual force behind that country's society.

Senator ROBB had preceded my arrival in Singapore by one day and, upon my arrival, told me that Lee Kuan Yew was bleak and pessimistic, about the future of the United States.

When I had occasion to meet with Minister Lee, I asked him if he was going to quote from Gibbon's "Decline & Fall of the Roman Empire." He quickly noted that the United States, of course, has never been an empire.

I encouraged him to repeat some of the conversations he had the previous day as well as his pessimism about the Western World.

At the conclusion of our meeting—and I will paraphrase his statements, he told me that the United States has been in a period of decline for only 25 or 30 years. That particular fact stuck in my mind, because we can go back 25 or 30 years, to the period of 1960 or so, and reflect back on those days and what life was really like.

I recall growing up in the era of "Father Knows Best" and then, years later, watching the "Mary Tyler Moore" show. In a very short period of time we have gone from "Father Knows Best" to the kaleidoscopic images of MTV and rappers who urge the killing of police officers. When you go home late this evening and turn on HBO, you will see and hear things that once would have shocked even the most coarse merchant sailors.

When I was going to school as a young boy we used to pack lunches. Today teenagers are packing guns.

The problem of crime comes down to a question of values. While I support this amendment, and will support this bill with various other amendments, I believe they are insufficient to do much of anything to control crime in this country. What we need to do is focus on values.

Vice President Quayle was heavily criticized, indeed, even ridiculed by many in this country when he publicly questioned the Murphy Brown show for not promoting family values when it seemed to glamorize the birth of a child to an unwed mother. I will not take the time this evening to debate that subject except to say that I think he was right on the mark when he raised the issue. I realize that many supporters of the show believed the program was simply showing the dilemma faced by many women today.

From what I have heard, virtually everyone in this Chamber, be they liberal or conservative, Democrat or Republican, now shares the view that over the years we have lost the core of moral values. There is nothing in this bill, really, that is going to do much to correct that.

I mentioned Singapore as a Plato's Republic. That is an example this country is not about to follow. However, Singapore's paradigm of values is worth exploring.

Mr. Lee Kuan Yew pointed out, for example, that the most important values to Singapore society is: first, the common good; second, the family; and last, the individual. In our society, the reverse seems to be true. We place the individual first, family second, and the common good last.

Mr. Yew also pointed out that, in Singapore, such a high value is placed on the family that their tax code is designed to penalize people for divorce and to reward people for remaining married. We do quite the opposite in this country. Our tax code imposes a penalty on those who get married.

I do not suggest we even try to emulate what is taking place in as small and homogeneous a country as Singapore. It is interesting to note that they have a very low crime rate. There is very little if any drug use because you can be executed for possessing and selling drugs. There are virtually no handguns. People do not live in total freedom but they do live nearly free of fear—nearly free of fear. That is something we no longer experience in this country.

I respectfully suggest there are not enough prisons, boot camps, police, or courts. None of these can be created or expanded fast enough to keep pace with the number of illegitimate babies being born, the number of crack-addicted babies being born, or the number of children who are growing up in urban concrete jungles or the more barren landscapes of rural America. It is going to take much more to rekindle the values that once made this Nation, without exception, the envy of the world.

Many countries I visit no longer look with envy or admiration upon the United States. Instead, they see a rising tide of violence, a flood tide that is sweeping this country with the voraciousness of the fires sweeping through southern California.

Other countries see our violence, decadence, drug use and say that America is not a country to emulate. They emulate our economic freedom but try to control, as best they can, the adverse elements which we seem to be drowning in.

New York City was once viewed as the very symbol of liberty and freedom where one could pursue his or her dreams and hopes with unbridled optimism. Recently, I read an article in New York magazine entitled "How Bad Is It?" This article made a very deep impression on me and I would like to read part of it. The article was written by Craig Horowitz and points out the problem that is now confronting the people who live in New York City. I suspect this problem is not unique to New York.

The article points out the case of Ricky P.

> Ricky P. is a dangerous criminal. He doesn't carry a 9-mm, a Glock, a Mac-10 or any other high-tech weapon of death popular on the street today. He is not a drug dealer, a murderer, a rapist, an armed robber, or a child molester. According to his rap sheet he has never committed an act of violence and not a single one of his crimes is worthy of a hysterical tabloid headline or, for that matter, any other kind of newspaper coverage. Ricky, 36, is simply a small-time thief—shoplifting mostly—and he is dangerous because of what he represents, not because of the crimes he commits. But over the past 8 years, he has been convicted 41 times—40 misdemeanors and one felony.

The article goes on to explain that he has given the police nine different dates of birth, and seven different Social Security numbers. That on one particular day he was arrested three separate times and he was given a, what they call a DAT, a desk-appearance-ticket, an order to appear before the police court or the lower court to account for his actions.

On three separate occasions in one day he was arrested—on three separate occasions—given a DAT, none of which he ever appeared at.

Then he finally was arrested for shoplifting and he went before a court. The court suggested he plead guilty to one offense and would receive 4 months if he did so. He decided to go forum shopping. He said, "Not guilty." He was assigned to a different judge, and he then received a sentence of 10 days community service, despite his 40 previous convictions. And there is no evidence he actually even performed the 10 days of community service.

The article goes on to point out it is symptomatic of what has happened to our criminal justice system. New York is a city in which there are roughly 2,000 murders committed every year. Think about that, 2,000 murders a year.

There are over 500,000 reported felonies, and 1 million felonies that go unreported. There were 5,761 violent incidents in the public schools; the police estimate there are more than 1 million guns on the street, most of them illegal; 1 out of every 4 robbery arrests in the entire country are committed in New York City by those under the age of 15.

The article continues:

> Ricky is merely a small but typical part of a much larger problem * * * The system has broken down and is spinning out of control. Shoplifting, token-sucking, vandalism, aggressive panhandlers, hostile squeegee people, homeless people, car break-ins, drunken or drug-induced disorderly behavior, peddlers, drag racing, noise, filthy streets.

There is a growing sense of hopelessness on the part of the people who are living there today. It cites the article that our colleague, Senator MOYNIHAN, wrote earlier this year for a magazine in which he talked about "defining deviancy down."

A few short decades ago, an act of violence like the St. Valentine's Day Massacre, in which, I think, four people may have been cut down on the streets by three or four others, made headline news the world over. Today, that would not warrant much more than a footnote in most daily newspapers.

The article proceeds to talk about what one former mayor, Ed Koch, said. He said:

> The city is now in a downward spiral where middle-class people—white and black—are moving out. They're moving out because of fear of crime, out of fear of sending their kids to the public schools—because they won't learn, but worse still, they're in physical danger. We're approaching, not yet reaching, a point of no return.

When asked what "a point of no return" was, Ed Koch said: "We become Detroit."

Perhaps an exaggeration on Mr. Koch's part, but that is the fear that is now gripping the residents of New York City.

There is a quote I would like to read because it was issued by a judge, Supreme Court Justice Edwin Torres. He said:

> This numbness, this near narcoleptic state, can diminish the human condition to the level of combat infantrymen, who, in protracted campaigns, can eat their battlefield rations seated on the bodies of the fallen, friend and foe alike.

The judge wrote that:

> A society that loses its sense of outrage is doomed to extinction.

He said:

> Let's not stick our heads in the sand, because you know the portion of the anatomy that's left exposed then. I don't think there's enough talk about it. You know, there's a misperception * * * The minority groups, of which I am a member, are more law-and-order than any other group in the city, because they constitute a disproportionate number of the victims. If you go to any of these neighborhoods—East Harlem, West Harlem, Bed-Stuy—they are the ones who are under the gun; they are the ones whose children are being murdered on the stoops and streets and the fire escapes. But that is a silent-majority situation.

What is most distressing of all is the fact that the elements of crisis have reached down to the levels of juvenile crime. Of the 13,000 juvenile cases that were handled last year, more than 90 percent were felonies; 13,000 juvenile cases, the majority, 90 percent, were felonies. Over the past 7 years, the number of kids 15 and under arrested for carrying a loaded gun has grown to more than 750. In 1986, it was 103.

I mention this all by way of preface because there are going to be a number of amendments offered later tonight or sometime tomorrow. I see my colleague from Illinois is on her feet. I know she wants to talk about an amendment that she has in mind. Senator KOHL from Wisconsin also has an amendment dealing with juveniles.

But I wanted to come back to the fundamental point about values; that all that we are doing—this bill which is nearly 500 pages long—will not do very much of anything to control crime in this country until we start facing up to the reality of what is going on underneath with a loss of family, with a loss of mothers and fathers, with a loss of the influence of the church.

I must say, I find it disturbing to find that candidates who stand up and run for office and who live a very good and, indeed, religious life suddenly find themselves the subject of ridicule. We have to return to those fundamental values about life and the quality of life and caring for our children and being responsible for them because none of this will save us.

We can build the prisons—and I favor the prisons—we can build the boot camps—and I favor that—and we can put people away and take the dangerous criminals off the street and ensure some measure of safety. But underneath, if the illegitimate babies continue to come, if the drug-addicted babies continue to come, if the broken families continue to expand in number, there is not enough money in our budget to deal with the consequences. So it comes back to a question of values.

I recall reading many years ago a book written by Alistair Cooke. He drew a comparison between the United States and, inevitably, between the history of Rome. He said that we, like Rome, were very much in danger of losing that which we profess to cherish most. He said, liberty is the luxury of self-discipline, and that those nations who have failed to discipline themselves have been disciplined by others. Then he turned his very critical eye to the United States. He said,

> America is a country in which I see the most persistent idealism and the blandest of cynicism. The most persistent idealism and the blandest of cynicism, and the race is on between our vitality and our decadence.

That, Mr. President, is precisely where we find ourselves today, nearly two decades later. The race is still on between our vitality and our decadence. This bill and this amendment will help, I think, provide some measure of protection to the people who are now living in mortal fear, who cannot drive their cars at night, who lock their doors, myself included, and the moment we come to a stop light, we make sure the doors are locked because we might be the victim of a carjacking.

I heard the Senator from Massachusetts earlier today talk about an incident in which someone threw a bottle of beer at his feet, and when he complained about it, the car turned around, and he experienced the real fear of being attacked by the occupants.

I had a similar experience about 2 years ago, in which I was coming from a dinner with my youngest son. We were walking not more than 100 yards from the restaurant where I live and a car pulled up loaded with, I guess, young people. I could not see inside the car. It had darkened windows. I could tell by the very nature of the car itself and the sense of violence it conveyed just from the way in which the car was being driven, that there was danger posed to me and to my son. Sure enough, the car made a quick U-turn, started to come over to our side of the road, and the apartment building was from here to the doors of this Chamber. They were about to pile out and attack the two of us. The only thing that stopped them from doing so is we happened to be walking by a building in which there was a security guard standing outside who was armed. Once they spotted the security guard, they got back in the car and took off.

So I, like the Senator from Massachusetts, might have become a statistic along with my son. So police on the street make a difference. They do make a difference, and we want to have more of them on the streets.

But I come back to that point: It will never be enough. We cannot put enough Guardsmen in the street, you cannot deal with the problem of illegitimacy and drug addiction with bayonets. Bayonets will prove futile.

So this is a beginning but, I must say, we have to rekindle the values that made this country strong or else we will continue to slide into that level of moral rot. What many, many Americans are now seeing is that pool of decadence from which we will not be able to retrieve ourselves.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. COHEN. I yield.

Mr. BYRD. I know the distinguished Senator from Illinois is seeking recognition. I will detain the Senator but a moment, just a few minutes.

I agree with the Senator when he says that this is not enough and that money itself will never cure the problem. I said to a group of Democratic Senators who were assembled just the other day, I am old fashioned and the problems that the Senator had been talking about, as I mentioned in that gathering, are the result of the breakdown of the family and of the erosion of moral and religious values in this country. These are basic. And, in my opinion, we will never solve this problem. I do not think things are going to get better. I think they are going to get worse. I have now lived almost 76 years, and I have seen this trend too long. The old values that have made this a great country are eroding.

I have been talking a good bit about Roman history. The Senator has mentioned the Roman Empire and the Romans. The average Roman was simple, steadfast, honorable, courageous, patriotic, and reverent, and the Roman family was the cornerstone of Roman society. It was in the family circle that the Roman learned about respect for authority and the veneration of ancestors and reverence for the gods.

These values gave stability to Roman society and iron discipline to the Roman legions. A Roman family met evening and morning, together with the slaves, and they offered prayers and sacrifices to the departed ancestors around the hearth in which there burned the eternal flame that signified unity of the family. When those values eroded, the legions lost their iron discipline, and Roman society crumbled and the Roman Republic collapsed.

These were basic then, and they have been basic to our country. Until we get back, as the Senator has so correctly said, from my viewpoint—and I like to hear him talk. I always enjoy listening to him. I always learn something. Until we get back to those old values, we will never see this country like it once was: "Except the Lord build the House, they labour in vain that build it."

I thank the Senator also for his cosponsorship of this amendment.

Mr. COHEN. I thank the Senator for his comments. I will only go on for another moment because I would like to add just a footnote to what I have said before.

At the core of those values we also have to insist that we start judging people based upon their merit and eliminate, to the best we can, the biases and the prejudices that we hold for others who might be either of lesser stature or have lesser opportunity in our society.

I was thinking of the quote from Oliver Wendell Holmes, Jr. He once gave a speech in which he spoke about the hell of the old world's literature consisting of people being taxed beyond their abilities. And you can, of course, cite Sisyphus and others where they simply could not measure up to the task before them. But, he said, "I think there is a deeper abyss in contemporary society." And he was writing this back in the 1920's. There is a deeper abyss, "and that is when powers conscious of themselves are denied their chance."

That also is the fundamental problem we face today where people, who are conscious of their God-given, innate born powers, are denied their chance because of their sex, because of their race, because of their religion. That has to stop.

So as we are building a more moral society, going back to those virtues that made us the envy of the world, we have to rededicate ourselves also to start judging people upon the merits, upon who they are as individuals, and not upon any stigma that we attach to them due to bias and prejudice.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Chair very much.

Madam President, I would like to make my statement in support of the crime bill.

Before I do, I really would like to engage for a moment in a conversation or colloquy with the Senator from Maine and the President pro tempore, and to say to the President pro tempore I had occasion, as did the other Members of the Senate, to listen to his eloquent lessons on the decline and fall of the Roman Empire, when he talked about it in connection with the line-item veto.

I followed that conversation. I followed the Senator's lesson plan as close I think as anyone. In listening to the Senator's comment in response to the Senator from Maine, if there is one thing I would like to add this evening, it is a voice of optimism, a voice of optimism about the decline in our values and about the direction of the road which we are following.

Every generation of Americans reinvents itself. It is the quintessential American experience that we reinvent how to deal with the problems of our time. It seems to me that there are a lot of young people, there are a lot of people who have not been around for the old days and do not really have any connection to them but who are searching, who are trying to find the moral path, who are trying to find the right way, and who want to build and to continue a society that is strong, that is supportive, that allows for the opportunity the Senator from Maine talks about, who want to fulfill that dream.

I say that to the Senator from West Virginia as a note of optimism. I think our role is to give those young people a chance, to give those young people the foundation or the tools with which to work as they build their new society, as they build what our America will look like in the 21st century. If we have done our job in Government, to provide them with the tools they need in order that those positive values will emerge and beat back the naked values, the declining values, the values that tear us apart, if we do our job, we can make it easier for them to succeed and to triumph.

I believe that will determine the critical difference between whether or not our society will go into a spiral of decline or whether we will be able to take forward from our generation to the next what the dream of this country is all about.

Mr. BYRD. Madam President, will the distinguished Senator from Illinois yield?

Ms. MOSELEY-BRAUN. Absolutely.

Mr. BYRD. She made reference to listening to my speeches on Roman history. I want to take this opportunity to congratulate her on the excellent work she does as a presider over this body. She takes her turn at presiding, and she is one of the best presiding officers we have. I have said this very same thing to my wife and to members of my staff. When the Senator from Illinois sits at that desk to preside, she is not reading a newspaper. She is not signing mail. She is very alert, paying attention to the Senate. She has not forgotten the few suggestions that I made when she first came here in my efforts to give to the new Members a few rudimentary principles by which they might be guided in presiding. She obviously listened and has not forgotten them.

With respect to what we do here, I agree with the Senator. As a father and grandfather, I wish I could say I had some great grandchildren but my grandchildren are fully grown. One is in his fourth year, studying for his doctorate in physics at the University of Virginia; his younger brother is in his first year working on his doctorate in physics at the University of Virginia; one graduated from Princeton about 5½ years ago; and one granddaughter graduated from Roanoke College some years ago.

I have tried to instill in my grandchildren the same thing I have tried to instill into the young people of West Virginia, that you can go as far and as high as you want to in this country if you have the ambition and the drive, the willingness to work and use the opportunities that are yours. I have tried to inspire young people—I do not mean to intrude on the Senator's time, but I have tried to inspire not only the young people but people like myself who are getting along in years with the idea that learning is a continual thing.

We ought never stop learning. Solon, one of the seven wise men of Greece, said, "I grow old in the pursuit of learning." And I try to encourage our young people to read something that is wholesome, to read great pieces of literature; do not fool with the pieces you pick up at the airport in those stands. I never fool with those.

I try to carry with me something by Emerson, his essay, Milton's "Paradise Lost," Dante's "Inferno," "The Divine Comedy," or history. And I try to encourage them to excel in their studies and become the best spellers, the best mathematicians, the best in whatever classes they take. Try to be the best.

I try to encourage them along those lines because I can remember that in my own meager beginnings my foster father did not buy for me a cap buster or a cowboy suit. He did not have much to buy with. He was a coal miner. He bought a set of water colors, or he brought me a drawing book, or a book to read. He encouraged me to try to excel. And so did my teacher.

But I do not hold myself up as a paragon of virtue or anything like that. But people do try to emulate others, and I try to encourage young people to strive for the best. And I tell them when they come to visit my office, do not ever let anyone try to persuade you that there is not a God who created man in his own image and had the destiny of men and nations at heart. And when I use the word "men," I speak generically, and of course I include my wife and granddaughters and the ladies.

This is one individual who still believes that men should look up to women, and I still feel that sometimes I am becoming a little out of place because I was taught to say, "Yes, ma'am," "No ma'am," "Sir."

And I do not intend to ever surrender these old virtues that I was taught. I have missed by far living up to them as I should. We all stray from the straight path. But if we are taught the right things that our mothers—and I lost my mother before I was a year old. But I had a dear aunt who raised me. What we were taught then, if we are taught right, we may stray, but we will come back.

I thank the lady from Illinois. I am speaking as I would in the House of Representatives now, the gentle lady. But I thank the distinguished Senator. She is correct.

We want to do everything we can here. It is our duty. But we have to do more than that. We have to try to provide encouragement to our young people and remember that most of our young people are wholesome young people. We do not hear so much about those who are in the libraries, or in the laboratories, or who are working at their studies. We only hear of a few who do something else, and they serve to give a black eye to the majority of our young people.

I believe we have some fine young people in this country. We ought to do ourselves everything we can to encourage them to grow, to excel, to strive to do what is right and to continue to learn every day of their lives.

I thank the Senator. I want to thank her again for being a good Presiding Officer.

Ms. MOSELEY-BRAUN. Thank you very much. That is a very high compliment coming from the Senator from West Virginia. I am greatly honored by his comments.

Today in Chicago, Madam President, mothers at the Cabrini Green Housing Project will anxiously watch their children leave for school, praying that they do not meet the same fate as 7-year-old Dantrell Davis, who was gunned down in a gang crossfire one day last fall as he made his way to class.

Meanwhile, for senior citizens all across the city, the passage of daylight savings time will be more than just a reminder that winter is coming: it will be a signal to them to hurry and finish their shopping an hour earlier so they can be home safely before dark.

Later this afternoon, in cities across the country, parents will keep their children inside after school, afraid to let them play anymore in parks that have been taken over by gangs and drug dealers.

Tonight, Madam President, in a scene which will be repeated at colleges and universities from coast to coast, a female student will leave the Loyola or Stanford or University of Illinois or Grambling Library before she finishes her studies, simply in order to walk back to her dorm room with an escort and be able to move about her environment free of the fear of rape or sexual assault.

And somewhere tonight, in an inner-city neighborhood starved for jobs and economic development, a small businessman will close his doors for the last time, tired of working behind steel bars and bullet-proof plastic and placing his family and future at risk every time he opens for business.

And by the end of the day, thousands of other Americans have acquired a handgun or assault weapon to protect themselves, or for the alternative.

All across this great country, crime is causing Americans to change the ways we live our lives. Crime is destroying the dreams of our young, it is stripping the dignity of our old, and when it strikes fully one, out of every four American households, as it did last year, it is threatening to turn the rest of us into a nation of victims. Afraid to go to the park or the corner grocery store. Eyeing our fellow citizens with fear. Avoiding entire cities or neighborhoods because of what we fear might happen there.

I have been in public life for 19 years, 4 years as an assistant U.S. attorney and 15 years as a State and local elected official. And for all of those years, crime has been an issue of great public concern. For all of those years, the level of crime in our society has been unacceptably high. But now, there is consensus that crime in this country is out of control.

But we can no longer ignore the truth. We live in a country where 7-year-olds are gunned down on their way to school; where 9-year-olds bring guns to school and when asked why reply, "for protection"; and where—as the Washington Post reported Monday—11-and 12-year-olds in some crime plagued neighborhoods are already planning their own funerals.

Eleven-year-olds such as Jessica Bradford, a sixth-grader at Payne Elementary School, who recently told her family that if she should be shot before her sixth-grade prom, she wants to be buried in her prom dress.

"I think my prom dress is going to be the prettiest dress of all," little Jessica said. "When I die, I want to be dressy for my family."

Madam President, when I was 11 years old, my only hope was that one day I would be invited to a prom—not whether my dress would be pretty enough to wear to my funeral.

But then, when I was growing up, Mr. President,, a club was something you joined, like the French club or the chess club, not something that millions of Americans attached to their steering wheels to try and make sure their car would still be there in the morning.

What is happening to our children, Mr. President? What is happening to our society? And how long are we going to allow it to continue?

Every day in America, crime brings tragedy to the lives of those like Jessica Bradford, who I hope gets the chance not only to attend her sixth-grade prom, but also to buy a brand-new and even prettier dress for her senior prom 6 years from now.

Perhaps the biggest tragedy of all, however, is that, worn down by the daily barrage of bad news and grim statistics, the latest line of shootings, stabbings, rapes, and assaults, we are slowly becoming inured to the slaughter; we are becoming silent accomplices in the slow disintegration of orderly society; we are surrendering our lives to the threat of violence and to the rule of force.

Senator MOYNIHAN was exactly right. We are becoming inured, becoming enamored, we are becoming almost blind and oblivious to the presence of crime around us.

Our victimization is no longer a personal concern, it is a public tragedy, and the very character of our free society is jeopardized by the madness.

More than 50 children under the age of 15 have been killed in the Chicago area this year. That means that more children have been shot in Chicago so far than all people of all ages in England for the entire year of 1991.

We cannot pretend this is only a problem in our inner cities, because violent crime is also spreading across rural Illinois. This epidemic, like all epidemics, is spreading without fear or favor.

How can this be? Where is our outrage?

Perhaps we need to see ourselves as others see us. Like many of my colleagues and millions of other Americans, I saw a "60 Minutes" broadcast last week on the preparations taken by Japanese tourists for a trip to the United States. One group of visitors watched an instructional video entitled "A Little Street Wisdom." Among the tips these tourists picked up were: "Don't let strangers into your room"; "don't walk alone at night"; and "never argue with a criminal—just give him your money."

"Remember to use a little street wisdom and have a wonderful visit to the United States," concluded the video's helpful narrator. Who was the video's producer? Who wanted to take every step possible to prevent foreign tourists from becoming victims on our streets?

The answer, Mr. President, is the U.S. Government.

Allow me to repeat that. As if it does not have enough to do, the United States Government is now producing videos to ensure that the Japanese public is safe on our streets.

But what about the American public, Mr. President?

What about the 23,000 Americans who were victims of homicides last year?

What about the 109,000 American women who were raped and the countless thousands more who were victims of domestic violence?

What about the 1,600,000 Americans who were victims of robberies or aggravated assaults?

I am no xenophobe, Madam President. I do not mind that our Government is taking aggressive steps to protect Japanese tourists in New York and Los Angeles, or German and British tourists in Florida.

But I think the American people have every right to ask what are we—the elected branch of the U.S. Government—going to do to keep them safe on our streets in our own cities and towns?

What we cannot afford to do is to trot out the failed approaches—whether they be liberal or conservative—of the past. In fact, ever since crime and the cry of "law and order" were exploited for political purposes in the 1968 elections, what both parties have billed as the answers to the crime problem have often been more slogans than solutions.

"We have to look at the root causes of crime," said the liberals, calling for increased spending on social programs and an emphasis on rehabilitation as the best way to attack crime. After 30 years of looking, Mr. President, the root causes are still there and crime is worse than ever.

In fact, not only are the root causes still there, they have gotten worse. In many inner-city neighborhoods in this country, unemployment among young males is at levels of 50 percent—and higher. What do people think is going to happen when half of the young men in a community are totally excluded from the system?

Make no mistake, Madam President—all of us know that poverty, unemployment, inadequate housing and education, and racial discrimination contribute to crime, and I, for one, always have and always will support an active governmental role in combating these social ills.

I daresay that no one looks forward with more anticipation to the day when we make a serious attack on the root causes of crime than this Senator and the constituents I represent.

And it is precisely the constituents whom I represent who are saying, "we're tired of being held hostage to crime. We're tired of being terrorized every day of our lives."

Even in the poorest communities in this country, people are saying being criminal is worse than being poor. Poor people—honest people—are the least sympathetic to the vampires who suck the little they have and make them hostages to those who would sacrifice their dignity. It is time that we in Government took action to reinforce that message.

I refer to a conversation earlier. It is the people living in these communities, the citizens, who do not have the chauffeur-driven limousines, and who cannot afford to live in high rises, those in the streets, in the communities, that are victimized the most, and they are the ones who are calling for us to take action.

But in the meantime, while sociologists and psychologists debate the underlying causes, an epidemic of crime is destroying the American people's lives and livelihoods right now.

Liberals were not the only ones with slogans about crime. For conservatives, "lock them up," was the cry of the day, and during the 1980's we built more prisons, imposed more mandatory minimum sentences, and carried out more death penalties than ever before. And lock them up we did, to the point where on a per-capita basis we now incarcerate a greater proportion of our population than any other nation in the world, including South Africa and the former Soviet Union.

During the 1980's, Madam President, our rate of incarceration increased by almost 200 percent, and we spent four times as much on the criminal justice system as we did on education. Yet does one single American really feel safer? I think not.

It is time for a new approach. The ideological debates of the past were nothing more than a false dichotomy that divided and distracted the American people—and those of us who represent them—while all around us, crime skyrocketed out of control.

It is not either/or. And it does not just come down to a choice between funding a social program and funding a prison cell. The truth of the matter is, there is no liberal solution to crime. And there is no conservative solution to crime. There is only a commonsense solution. Common sense tells us that we cannot just focus on alleviating the root causes of crime because even if successful, these measures might not show any effects until 10 or 15 years down the road. We cannot just talk about locking people up, because once you need to lock someone up, you have already failed at what should be the central task of the criminal justice system: preventing crime in the first place. We cannot say that the only solution we have is to warehouse poor people.

I would much rather prevent crime than spend taxpayer dollars—to the tune of $75,000 per cell per year—punishing criminals. Yet we spend hours in this Chamber debating 47 new death penalties or $47 million for a new social program as if either were the panacea to the crime problem.

Ask the people on the street or the police officers and sheriff's deputies on the front lines if they want 47 new death penalties or 47 new social programs. They will tell you, "neither."

They want 47 new cops walking their streets, or 47 new metal detectors at their children's schools, or 47 new jobs. When we talk about crime, and how to reduce the level of fear that the American people are living with every day, we need to stop talking about Head Start on the one hand and habeas corpus on the other. Instead, we need to start talking about what will make people safer in their homes, in their jobs, in their schools, and on the streets of their cities and towns.

Right now. Today.

We can no longer afford false dichotomies and phony choices. Restoration of our domestic tranquility has got to be our priority. We cannot speak of preserving a system of quality education when children cannot go to school. We cannot speak of the economic revitalization of our great urban centers when people are afraid to go to work there.

I have always believed that a successful anticrime strategy must be proactive, rather than reactive. We have to be smart, not just tough. That is why I support this crime bill.

First and foremost, this bill will deploy up to 100,000 police officers on the streets of our cities and towns, exactly where they are needed the most.

However, this bill will not just send out a few more police officers. It also authorizes $1.8 billion in aid to State and local law enforcement to give these agencies the tools they need to aggressively go after crime wherever it occurs. It will help buy DNA labs and squad cars and bullet-proof vests. It will support urban and rural crimefighting initiatives, and provide for new drug treatment and correctional facilities.

S. 1607, the Biden crime bill, builds upon successful local experiments by supporting military style boot camps for nonviolent offenders, and regional drug treatment prisons for violent drug criminals. It authorizes funding for the drug courts that Janet Reno employed so successfully as a prosecutor in Miami courts that require drug testing, drug treatment and alternative punishments for nonviolent young drug offenders.

Let me say that there is no better example of the new thinking embodied in this bill than boot camps and drug courts. Some people say we do not have enough empirical evidence as to whether these ideas will work. But I think they make sense. I believe the people think they make sense. I say very little that we have tried so far has worked. I say we are in a crisis—at least we ought to give it a try.

It provides grants for schools to fund anticrime and safety measures—imagine; Madam President, safe schools—and imposes tough new penalties on the gangs who terrorize adults and lure youngsters to a life of crime.

It addresses the nationwide problems of police brutality and misconduct and racial bias in the criminal justice system by giving the Attorney General the power to intervene where a police department has shown a pattern or practice of brutality, and by making funds available to the States to conduct studies on the effect of race on the administration of criminal justice.

That is no small accomplishment, Madam President.

Because the African-American community in this country wants to be participants in, rather than the object of the crime debate. No community is more devastated by every aspect of crime than the African-American community. If the thousands of black Americans who write me and approach me had one message for this body regarding crime Madam President, I believe it would be this: Provide our community with the economic opportunity we need to allow all Americans to share in this country's promise. Give our neighborhoods a fair share of the law enforcement presence that will stop crime before it happens. But for those who will not respect themselves or their community, who would destroy life rather than uphold it, make the punishment, swift, sure, and certain.

Crime is tearing apart the very fabric of our society. We cannot sit idly by while our constituents and our communities are crying out for help.

I support the crime bill, even though I, for one, oppose the death penalty. I am going to support the bill in any event, and I urge all of my colleagues, from both sides of the aisle, to support it as well.

I also would like to pay special tribute at this time to the Senator from Delaware, Senator BIDEN—he is not here right now—the chairman of the Judiciary Committee on which the Presiding Officer and I serve. For more than a decade now, Senator BIDEN has been on a mission—a mission to get the Federal Government to take a leadership role in the fight against crime. He has battled to find Federal funding for State and local law enforcement agencies. He has been willing to courageously challenge drug wars fought with empty rhetoric instead of real resources and tried to push this nation towards a realistic, comprehensive anti-drug strategy. He has never ignored the toughest issues—such as habeas corpus—and has spent countless hours trying to craft compromises on these issues so that we would not be blocked from making progress on all of the others.

It is largely due to the efforts and perseverance of the Senator from Delaware in the face of repeated attempts to derail this bill and continue to use the crime issue as a political football that we have a crime bill at all. And I thank him today for his steadfastness and his dedication.

I also would like to take this opportunity to announce that I will be offering a series of amendments to deal with the most disturbing new trend in today's criminal justice system: The rise of violent juvenile crime. Every year, as our streets and cities become more and more dangerous, we find that it is younger and younger criminals who are spreading the fear and the violence.

Once every few generations, we reexamine our treatment of juveniles in the justice system. At the turn of the century, my State of Illinois became the first to create a separate court for juveniles, as recognition spread that it was not appropriate to treat most juveniles in the same way we treat adults. Twenty years ago, as the problem of what we used to call juvenile delinquency intensified, Congress passed the landmark Juvenile Justice Act of 1974, which focused on noninstitutional solutions and on separating status offenders from those convicted of violent offenses. Finally, in the decade which just passed, we witnessed a move to try some of the more violent juvenile offenders as adults.

I submit to my colleagues that once again the time has come for an examination of how we deal with juvenile offenders.

Between 1987 and 1991, the number of juveniles arrested for murder increased by 85 percent. That compares with an increase of only 21 percent for those over the age of 18. During the same period, the number of juveniles convicted of all violent crimes increased by 50 percent, twice the increase for persons over 18.

In 1990, fully one-third of all murders were committed by individuals under 21 years of age, and in 1991, 122,000 juveniles were arrested for committing a violent crime—murder, forcible rape, armed robbery, aggravated assault—the highest number in history.

In fact, in light of who is committing the crimes in our society and the callousness with which the youngest offenders are carrying out their mayhem, it may no longer make sense for us to talk about the juvenile justice system as if it were separate from the criminal justice system. To a very real and a very frightening extent, criminal justice in this country is becoming juvenile justice.

That is why I am proposing a comprehensive package of initiatives to deal with the issue of juvenile crime in our society. To those youngsters and their families who need help, I want to extend a helping hand. To those youngsters who have a brush with the law, I want to provide the education and training to enable them to avoid a life of crime. But to any juvenile who would take up a gun to terrorize society—and to any adult who would provide such a weapon—I want to send a very clear message: You are old enough to know right from wrong and if you use a weapon to commit a crime we will lock you up for a very long time.

In other words, if you are old enough to do the crime—you will most assuredly do the time.

First, because we must always acknowledge that it is better to prevent a crime than to punish a criminal. I am offering an amendment which specifies that at least 20 percent of the juvenile drug trafficking and gang prevention grants must be used to provide parenting classes to high risk families and nonviolent dispute resolution classes to junior high school and high school students in areas of high violence.

We must teach our children that every dispute need not be settled with a gun.

My second amendment expresses the sense of Congress that all incarcerated juveniles receive education at least equivalent to the standards of the local school district. While I realize that, over the past 2 decades, some have said that we should not waste time or money trying to rehabilitate adult offenders, we cannot give up on our youth. According to the Department of Justice, less than half of the 57,000 youth incarcerated every day in public facilities are receiving a satisfactory education. We cannot afford to give up on any juvenile merely because he or she has had a brush with the law. Education probably is, as we all know, the best tool to avoid recidivism. My amendment hopefully will authorize the funding for States to receive grants to ensure that every incarcerated juvenile receives a basic education.

My next two amendments deal with the most dangerous mixture in America today: Kids and guns. I know in the coming months both sides will express themselves passionately on gun control issues—but one thing on which the American people and the Members of this body are in unanimous agreement is that guns do not belong in the hands of children.

As the statistics I cited earlier today indicate, and as the chilling descriptions of some of the killings committed by juveniles signal, juvenile crime is rampant. There are some who think that 13 year olds are not truly capable of distinguishing right from wrong, that a seventh grader does not realize that a gun is not a toy and that he should not bring it to school or carry it on the street.

I am not one of those people.

We as a society cannot turn our streets over to criminals who happen to be children. They must be made to account for their actions when they terrorize the rest of society.

My third amendment would direct U.S. attorneys to try juveniles 13 years and above who murder or use a firearm in the commission of a violent crime as adults, while providing safeguards so that young offenders who truly rehabilitate themselves will not be condemned to a life of incarceration. This amendment I will discuss further in the context of the bill.

Madam President, it is also important that we not spare the adults who are arming our children, cynically using them as mules and lookouts to earn their ill-gotten drug money and push their poison into our children's bodies. A companion measure which I am introducing will make it a new Federal crime to provide a firearm to a juvenile which the provider knows or has reason to believe will be used in a crime or in furtherance of a criminal conspiracy.

Finally, because of the strong evidence that minority youth receive disparate treatment in many Juvenile Justice Systems across the country, I will introduce a measure to allow the Attorney General to intervene where a pattern and practice of such conduct can be demonstrated.

These and other measures offered by many of my colleagues I hope will become additions to perhaps the most important bill we will pass in this session. Then, Madam President, I hope we can turn to the business of enacting some serious gun control measures in this country.

I referred earlier to the epidemic of crime in America. Some people question that characterization. Some feel that it is an exaggeration.

But I use the term epidemic deliberately. When the number of deaths caused by violence, which kills more than 50,000 Americans each year, is greater than the number caused by AIDS—which kills 30,000 or drunk driving, which kills 18,000, crime is an epidemic.

When gunshot wounds are the leading cause of death for both black and white teenage males, crime is an epidemic.

In 1991, for the first time in our Nation's history, the number of homicides alone exceeded 25,000.

So I do not think I exaggerate when we call it an epidemic.

As Dr. David Satcher, the new head of the Centers for Disease Control and Prevention, said, "if violence is not a public health problem, why are all of those people dying from it?"

Violence is perhaps the No. 1 public health problem in this country. And guns are the primary instrumentality of that violence. That is why I support the Brady bill. That is why I support the assault weapons ban. And that is why I will be introducing a measure along with others to require all owners of handguns and assault weapons to purchase liability insurance, just like the owners of a car.

In conclusion, Senator BIDEN is to be commended for taking the leadership in this area, for the vision to recognize that the something we have to do is not just hearts and flowers or lock 'em up and throw away the key. It is a bit of both. This is crime fighting with common sense. It is proactive as well as reactive. It is liberal and conservative.

It takes parts of many approaches and crafts a program that can work. We are all in the same boat now even if we came to this point in different ships and by different roads. Crime fighting represents the consensus our Nation has reached. We are bailing out the water in the boat, reclaiming our streets, on our way to rediscovering our domestic tranquility.

We must make sure, Madam President, that the word goes out and that people out in the communities hear us loud and clear. For the criminals who do not watch C-SPAN and are not watching this debate and are not paying much attention, we want to make certain that the word goes out that we are united as a people in this war on crime; that we intend to take our country back; and that violence will no longer be tolerated.

This crime bill, I believe, gives us a first step, gives us a tool to effectively approach this war on crime in a way that makes sense and can work.

I wish to congratulate the ranking minority member, who is on the floor, for all of his work on this bill and Senator BIDEN for all of his work on this bill. I look very much forward to being a part of this continuing debate.

Thank you.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I will not take long. I know there are others who want to speak.

Madam President, I really believe that we are quite close to having this basic part of the core package done. I am hopeful that we can before we leave this evening, which would mean we would vote on this, plus Senator DOLE has another amendment, an arson amendment, that we would vote on.

But this particular major amendment, which has been put together by a wide variety of people on the floor—but in particular Senator BYRD—helping us to get this done has $8.9 billion for 100,000 policemen on the beat. I think all of us agree that would be a very good idea. It is a bipartisan issue. Both Republicans and Democrats support it. It is something that is long overdue. If we are going to end criminal activity in this country, or at least diminish it greatly, we need these policemen on the beat.

Second, there will be $3 billion for regional prisons, something we have fought for for years that really is long overdue, that will help to house these prisoners in ways that they need to be housed and will help to take them off the streets so that we end an awful lot of violent crime.

There is $3 billion for boot camps and other State grants, operation grants. I think almost everybody admits that we ought to move toward boot camps, especially with young offenders. It may have some rehabilitation effect. We hope it will. But, most importantly, it will cost about a quarter as much as if we house them in regular prisons at $30,000 to $35,000 a year apiece. It will be a lot less than that if we run the boot camps. But I think it is time to let them know that this is a tough world, that if they are going to act like this, they are going to have to pay the price. So this a good step.

I think both sides can agree that this is a very bipartisan, interesting, and good approach.

We have $500 million in here for hard core juvenile offenders that really ought to be in jail, but we do not have places to put them. These are juvenile detention facilities. It is a step in the right direction. It probably is not enough money right now, but it certainly is a step in the right direction. It is something we have not done before.

And we have the violence against women bill for $1.8 billion. It is about time that we passed that legislation. A great number of Senators have worked on it, particularly Senator BIDEN, Senator DOLE, and myself. There are others that deserve to be mentioned, but let me just mention those three for now, because we feel very deeply about this particular bill. We think it is written well. We believe it will help to solve a lot of problems. We believe that it recognizes the power and the obligation and the duties of the States, and the rights of the States, as well.

One other aspect of this bill that is very, very important is the sentencing aspect. We are adopting truth in sentencing. We are encouraging States to adopt truth in sentencing. That means, if these hard core, violent criminals are put away, they serve at least 85 percent of their sentence. We think it is about time that that take place. And that is a major, major, pivotal part of this.

Now, I want to compliment all who participated in this. In particular, I want to pay tribute to my friend who has spent so many long hours in here, and has since I have been here in the Senate and long before I came, the distinguished Senator from West Virginia, the distinguished chairman of the Appropriations Committee. Because, without him and without the funding that his amendment has provided, none of this really would mean a thing. We could go through and authorize it until Kingdom come, but without that funding, the effort and the ability to be able to really bring down crime in this country would never occur.

He was the one who came up with the funding mechanism. I just want to personally compliment him for it, plus the ability to put this together the way we are putting it together. It is something Senator BIDEN and I have been trying to do for a long time. We know that we have opposition on both sides of the aisle to getting a central core package, but I think this will go a long way toward getting us a bill that both sides can agree to, that both sides will be proud of, that really we can all be proud of, the whole Congress, and that the President will support and literally will help bring down an awful lot of criminal activity in our society that is going on today.

So this is very, very important stuff. I just want to compliment all concerned, especially Senator BIDEN, Senator BYRD, Senator DOLE, Senator MITCHELL, and others who have worked so hard on this particular amendment.

In particular, Senator MACK has worked very hard with me on this regional prisons concept and also the boot camps and the other operations grants. That is $6 billion of this bill. He deserves some credit, as well. I just want to make sure he receives that recognition.

I do not want to take any more time because there are others who would like to speak. But, Madam President, I hope we can put this together tonight, then we can put some other core features in that I think almost everybody will agree to and hopefully get rid of as many amendments as we can and have a bill that will be, for the first time in 8 years, a bill that everyone in this body can be proud of.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am happy to yield to the distinguished Senator.

Mr. BYRD. Madam President, I will only take 1 minute to thank the Senator for his very kind remarks. I thank him also for the excellent work that he has done in the committee on this bill, as well as on the floor.

Mr. HATCH. I thank my colleague. We all respect him.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I am not going to be long.

I wonder whether I could put a couple of questions to the President pro tempore on this amendment.

I am trying to understand the budget part. I ask the Senator from West Virginia: Altogether, we are going to be talking about spending how much money into this fund?

Mr. BYRD. $22 billion.

Mr. WELLSTONE. This will be $22 billion over the next 5 years?

Mr. BYRD. In the aggregate, over the next 5 years.

Mr. WELLSTONE. I had a conversation with Senator LEVIN from Michigan earlier, and I am trying to understand the way this would work.

As we spend roughly $4.5 billion, or whatever, a year, something like that, do we then reduce the cap by that amount each year?

Mr. BYRD. We do reduce the cap by the amounts specified in the amendment.

Mr. WELLSTONE. I ask the Senator whether or not I would be on the mark or off the mark with my concern that this could very well be money that would actually come out of education?

I was following the discussion, the very moving discussion, between the President pro tempore and the Senator from Illinois about children and young people and education and opportunity. Is there not really the danger that we would be cutting into these kinds of programs?

Mr. BYRD. This money, the Senator is correct, if it were not used as we are using it, put it into a trust fund for a single purpose—if I might refer to this as a single purpose, dealing with violent crime and violent criminals—it would be available to use for other purposes: foreign operations, national defense, spending on the military, or for any number of domestic discretionary programs. So the Senator expresses a concern which I share.

But it is my feeling that it would be better to use this mechanism, that reduces personnel levels and use the savings for fighting crime, since it is available. There is no question that there would have been amendments offered to use these savings for various and sundry purposes. It is better to use it in this amendment and put it into one effort—against what is probably the most serious problem confronting this country—violent crime. As I said earlier, I would have preferred not to do it this way.

Mr. WELLSTONE. Yes. I very much appreciate your work, Senator, of course. You are a teacher for all of us.

For the record, I guess I want to say tonight on the floor, and I do not quite know what this translates into as the bill goes along, that I do not think, probably, there is a Senator, Democrat or Republican alike, who would argue that we do not need to move toward community policing. We cannot afford not to have real law enforcement for safety and for people. But when I talk to law enforcement people, some of the police chiefs—I have talked to several today—when I talk to judges, they tell me if part of the war on crime is not the war on poverty, this cycle goes on.

You can have a brick and mortar approach and you can have your prisons and you can have your jails and you can have more law enforcement. I think we put different priorities on that here. I am not talking about the violence against women, which I think is a very important part of this act. But if you just go 10 blocks—I have heard Senators on the floor all day talk about, 10 blocks away or 8 blocks away, the kinds of crimes that have been committed and all the rest. But when you talk to judges and police, they say yes, we need more help in terms of dealing with the reality now, but, they will tell you, if you have young people living in communities where, ages 18 to 30, the unemployment rate is 40 or 50 percent, where you have schools that do not have adequate facilities, where you do not have job training, where you have illiteracy and all the rest, that out of those brutal conditions you are going to have the crime committed.

So I guess my concern is I do not know when it was that we decoupled dealing with crime and the focus on safety and security in our communities from the economic circumstances of people's lives. My fear is, Senator—I know you do not intend this to be so—but my fear is we may be taking money out of education, job training, health care, literacy programs, economic opportunity programs. I do not want to belabor the point tonight because I know you are anxious to move along, but I think it would be very myopic if we do so. I really think it is naive.

I may sound naive, I do not know; I hope I do not. But I think it may be naive for all of us to believe that if we go with this approach, which I think most Senators believe is a very significant step forward—if we are with this hand moving this way and with this hand taking away funding for those other kinds of opportunity programs, I worry if we are going to break this cycle.

Mr. BYRD. If the Senator will yield?

Mr. WELLSTONE. Of course, I will yield.

Mr. BYRD. We are not taking money away from other programs.

Mr. WELLSTONE. But if the cap is reduced each year?

Mr. BYRD. The cap is reduced. And I do not like to support amendments that cut funding and reduce caps, because we have already passed a budget resolution earlier this year which puts the appropriations committees into a very, very tight straitjacket. And we are operating this very year, for fiscal year 1994, with $16 billion less in budget authority than we had last year, and $8.7 billion in outlays less than we had last year; and next year it is going to be worse; and the next year, it is going to be worse; and the next year, it is going to be worse.

So I do not like to do that. This money is the result of the amendment offered by Mr. GRAMM of Texas a few days ago, which I did not vote for. But he utilizes money that is to be saved from the reduction in Federal personnel. So that is what it is really coming out of.

So there was $22 billion that has been identified. It could be used, as I say, for education. It could be used for national defense. It could be used for C-130 planes. It could be used for foreign operations, putting it out in foreign countries. It could be used for any number of domestic discretionary accounts. But here we were about to pass a crime bill with no money to fund it. I feel we kid the American people when we pass authorizing measures and make a big hoopla over the crime bill that we pass, and we do not have any funding for it.

So it is being used for a meritorious purpose. My concern was that we need to fund this legislation that is meant to deal with one of the country's most serious problems, if not the most serious. And here was an opportunity to fund it.

I do not like to lower the caps because they are already too constrained by our budgetary circumstances. But I was concerned that someone would offer amendments, very hard to resist, that would gobble up this money, or offer amendments to add on to the caps, which is as bad as reducing them. Either way they add to the deficit.

So I also was concerned that Senators might be prone to appropriate moneys in authorization bills. And if they offer amendments that are difficult to resist, then we lose and we end up with authorizing committees appropriating moneys.

So here is $22 billion that could be used for any number of things, and in the end what would we have to show for our $22 billion? But by putting it in a trust fund, it will be used for this purpose—Fighting violent crime—and it will not be squandered away in various and sundry other ways, some of which would be good, some of which might not be as good.

So while I do not like to do it this way, under the circumstances, I felt that this was the best approach we could use to address this legislation.

Mr. WELLSTONE. I thank the Senator. It is late at night. I will just mention two quick points, one of which is I just wanted to understand the implications of the reduction of the cap and how that might in turn take funding—that is, play off of other programs.

And my other point is, I guess, when I think about this fund and I think about how to deal with crime, I one more time would like to suggest I think part of any war on crime has to be a war on poverty. I think educational opportunities, for example, and job opportunities, are two of the most effective ways of fighting crime, reducing crime, and providing more security in our communities. And I think I am backed, by the way, by judges and police and those people who are down in the trenches. I just want to make that point.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, the crime bill which the Senate is considering is obviously a matter of enormous importance. In the course of the presentations within the past hour, there have been some very strong comments made by the Senator from Illinois [Ms. MOSELEY-BRAUN], about attacking the underlying causes of crime, and that is a subject that we must never lose sight of, in terms of family structure, in terms of adequacy of housing and education and job training, so we can move to have a society where we can minimize the motivations for some to commit crimes.

In the course of the past colloquy, the issue has been raised by the Senator from Minnesota about eliminating poverty. That is obviously a subject which has to receive the attention of the Congress.

When we focus on the crime bill we have a slightly different center of attention and we are considering very substantial expenditures of funds directed at crime. It is obviously a question of priorities, as to how much we spend on education and job training so that people have useful pursuits and how much we spend on rehabilitation for youthful offenders, for first offenders and for some second offenders.

We also have to face up to the fact that there are, regrettably, many career criminals in our society who have to be dealt with in a very strong way. For a long time our society has recognized that when you have a habitual offender, defined as someone who has committed three or more violent crimes, severe punishment is needed. More than 40 States have required that such people be subject to life imprisonment, to separate them with finality from society.

I believe that that is regrettably necessary, but I think as an indispensable prerequisite, we have to legislate in a way so that juvenile offenders, first offenders, and some second offenders have a chance for meaningful rehabilitation, for literacy and job training.

It is no surprise when someone who cannot read or write leaves jail without a trade or skill and with a drug habit goes back to a life of crime. When we talk about rehabilitation, we are talking about an objective beyond the individual criminal; we are talking about an objective for society to be rid of a person who is going to go back out and repeat more violent crimes. But if we structure our system to provide that opportunity for realistic rehabilitation and we find they are career criminals, then I think we really have to be very strong on the life sentences.

That was the thrust of the legislation enacted by the Congress in 1984, the armed career criminal bill, which brought the Federal Government into punishing violent street crimes for the first time by providing for a life sentence. The Federal sentence for violent recidivists is 15 years to life. That law was directed at street crime—robberies, and burglaries—for the first time. That kind of legislation was introduced and has since been expanded to deal with the drug problem. So I believe that a multilevel approach is necessary to really face up to the problem of crime in this country.

Twenty-one years ago, a Presidential commission laid out a blueprint to deal with violent crime in America. I had an opportunity to serve on that commission and to bring to bear on the work of that commission activities which I had undertaken for many years as an assistant district attorney prosecuting crimes of violence and handling lesser offenses, prosecuting murder cases, and handling death penalty cases on appeal. Regrettably, we have not acted on a reasonably clear-cut blueprint to deal with violent crime which was calculated to cut violent crime in this country by more than 50 percent and could do the job if we really got down to business on this subject.

The legislation we are currently considering could, if we are resolute and if we do the job, reduce violent crime in this country by 50 percent.

The work of the 1972 commission called, first of all, for diversion of lesser cases. We had a pilot project in Philadelphia where I was district attorney which was a system where first offenders, without a prior record, would be called before a judge in an informal setting and told if the individual stayed out of trouble for a year, the incident would be forgotten. No determination of innocence or guilt—first offender, nonviolent, nonserious matter—and that the record would be expunged. In a criminal docket of some 30,000 cases, we eliminated 8,000 cases right off the top so that the courts could focus on the serious cases.

The 1972 commission recommended a policy which we had adopted in the Philadelphia district attorney's office for no plea bargaining. Plea bargaining is the scourge of the criminal justice system because violent criminals come into court with long histories and they walk out sometimes with probation or without a sentence at all and very frequently with only a 6- to 12-month sentence.

The criminal justice system is really a mockery because the only point in bringing violent criminals to trial is to have a sentence and if you do not have a sentence, then the objective of the criminal law is not achieved. There has been a difficulty with adequacy of sentences in the States, where judges have not been willing to impose the kinds of sentences necessary for many reasons, including the unavailability of adequate prison space.

In the legislation which we are considering now, we are talking very substantial dollar figures for prison space. One of the bills which I introduced many years ago called for the Federal Government to house prisoners convicted under State habitual offenders statutes. If the State would sentence someone to life in prison after three or more violent crimes, there would be an inducement to do so, so the Federal Government would take over housing of those violent criminals. It is most appropriate because those are criminals who operate in interstate commerce, cross one State line to another, are frequently involved in drugs, which is really a Federal problem. So it made sense for the Federal Government to provide the prisons to house those criminals and to encourage States to impose life sentences for those career criminals, those habitual criminals.

It is necessary that the criminal justice system face up to the fact that realistic rehabilitation has to be a part of the process with drug treatment, and that is present in this bill; literacy training so that you do not have people released who cannot read and write; and job training so you do not have people released who do not have a trade or a skill.

When I was chairman of the District of Columbia Subcommittee of the Appropriations Committee back in 1983, 1984, 1985, and 1986, we provided for the District of Columbia job training and educational training with more than $20 million being directed to those pursuits. There was so much money there in an unusual way that David Stockman, the Director of Office of Management and Budget, threatened to have the President veto the District of Columbia appropriations bill, which was really unheard of. He did not have that done. But that was an effort on a modest scale to try to bring to bear some of the realities of rehabilitation so that people were not released from jail without an opportunity to pursue a meaningful employment line and also to protect society from repeat crimes of violence.

Later in the course of these proceedings, I will put in the RECORD other legislation which I have introduced which was directed to allocating 1 percent of the Federal budget to a variety of purposes, many of which are encompassed in the current legislative proposal, a $10 billion a year effort to try to fight violent crime.

There have been many statements on the floor about the need for swift and certain punishment, which is the essential ingredient of deterrence. A principal function of criminal law is to demonstrate that the law will be decisive in dealing with those who violate the law under the great slogan, "Crime doesn't pay."

When punishment is not swift and punishment is not certain, the opposite message goes out to the criminals and that message is: Crime does pay.

Regrettably, that is the view of the criminals in our society today. The street criminals know all the angles and they know all the tricks of the trade and they know when cases are being brought under the Federal system or the State system. They know about the long delays, they know about the absence of the death penalty, and they are on top of the game.

We recently put into effect in the Eastern District of Pennsylvania a program for the Federal courts to try drug cases. Federal courts and State courts each have jurisdiction over drug cases. The Federal courts are vastly preferable because there are prompt trials, within 90 days; there is preventive detention where that is appropriate, and there is tougher lines of sentencing. And now when people are arrested in Philadelphia on the street, on a drug case, the first thing the young hoodlums say is, "I am a State case, not a Federal case. Take me to the State court, not the Federal court." They understand more about jurisdiction than some of the Philadelphia lawyers. That is a very brief illustration of the way the word filters down.

(Mr. LEVIN assumed the chair.)

Mr. SPECTER. The hallmark of our criminal justice system, Mr. President, in my opinion, is the death penalty, and it is a very tough penalty, obviously. There are many people who oppose the death penalty on conscientious grounds, on grounds of morality, conscientious scruples. I respect those who oppose the death penalty, but I do believe it is a necessary weapon in the arsenal of society and the fight against violent crime.

I think the death penalty has to be very carefully imposed. When I was district attorney of Philadelphia, in a city which had 500 homicides a year, I carried on a practice which had been established by my predecessors that no assistant would ask for the death penalty unless the district attorney himself or herself—there is now a woman district attorney in Philadelphia, one of my former assistants. But the death penalty would not be sought except on that kind of very careful review. We asked for it in only a few cases. We made certain that we were dealing with repeat offenders. We made certain we were dealing with cases as ironclad as we could possibly make them.

There are competing provisions in legislation now pending before this body. One bill would call for the juries to impose the death penalty if the so-called aggravating factors outweigh the so-called mitigating factors. What that means in plain language is that when the jury considers what the penalty should be for murder in the first degree, whether it should be life or death, the jury will hear about the background of the defendant who has been convicted. If the defendant has had prior robberies, prior burglaries, or even prior murders, that is an aggravating factor. If the individual has a low IQ and has been in the military and has done good work, those would be mitigating factors.

One of the bills now pending would call for the jury to impose the death sentence where the aggravating factors outweigh the mitigating factors.

The bill now before us provides that the jury retains the discretion to decide when to impose life imprisonment or the death penalty. I believe that the provisions of this bill ought to be adopted by the Congress so that it is up to the discretion of the jury as they see fit on whether the death penalty is to be imposed.

The current legislation corrects a major problem which has long existed in the trial of capital cases where a death sentence may be imposed. That is by addressing head on the question of adequacy of counsel and requiring that anybody accused of a case where murder may be imposed would be represented by competent counsel, with a description of the kind of experience that individual must have and a requirement that there be court certification on adequacy of counsel.

The death penalty has been challenged on grounds that it is violative of the U.S. Constitution as being cruel and unusual punishment. Chief Justice Earl Warren wrote on this subject in a case called Trop versus Dulles back in 1958, and Chief Justice Warren is well known as one of the great civil libertarians on the Court and in fact was subjected to a great deal of criticism while he was Chief Justice for decisions by the Court which essentially said that Chief Justice Warren was too soft on crime. But this is what Chief Justice Earl Warren had to say about the constitutionality of the death penalty:

> At the outset, let us put to one side the death penalty as an index of the constitutional limit on punishment. Whatever the arguments may be against capital punishment, both on moral grounds and in terms of accomplishing the purpose of punishment—and they are forceful—the death penalty has been employed throughout our history, and in a day when it is still widely accepted, it cannot be said to violate the constitutional concept of cruelty.

One of the other great liberal Supreme Court Justices was Hugo Black, who was well known for his liberalism on individual rights and individual freedoms. Justice Black addressed the issue of the death penalty in the case of McGauthas versus California and had this to say in a 1971 decision:

> The Eighth Amendment forbids cruel and unusual punishments. In my view, these words cannot be read to outlaw capital punishment because that penalty was in common use and authorized by law here and in the countries from which our ancestors came at the time the Amendment was adopted. It is inconceivable to me that the framers intended to end capital punishment by the Amendment. Although some people have urged that this Court should amend the Constitution by interpretation to keep it abreast of modern ideas, I have never believed that lifetime judges in our system have such legislative power.

The issue of capital punishment has been addressed by many judges, but I will cite one more illustration of the importance of capital punishment as viewed in our criminal justice system. In the 1976 case of Gregg versus Georgia, in an opinion by distinguished Supreme Court Justice, Justice Potter Stewart, the Court was dealing with the constitutionality of the way the death penalty was imposed, said the following:

> Despite the continuing debate dating back to the 19th century over the morality and utility of capital punishment, it is now evident that a large portion of American society continues to regard it as an appropriate and necessary criminal sanction. The most marked indication of society's endorsement of the death penalty for murder is the legislative response to Furman. The legislators of at least 35 States have enacted new statutes to provide for the death penalty and for at least some crimes that result in the death of another person. The United States Congress in 1974 enacted a statute providing the death penalty for aircraft piracy that results in death. But all of the post-Furman statutes make clear that capital punishment itself has not been rejected by the elected representatives of the people.

Mr. President, capital punishment is favored by an overwhelming majority of the American people with the public opinion polls rating it somewhere with 70 percent approval, something in the range of 20 percent disapproval, and about 10 percent of the people undecided. That has resulted because of the commonsense views supported by our experience that capital punishment is a deterrent, that capital punishment does affect the way criminals conduct themselves.

One of the cases that I handled many years ago as an assistant district attorney illustrates in one case the deterrent value of capital punishment.

There were three young hoodlums named Williams, Cater, and Rivers who were about to embark upon a robbery in north Philadelphia. They were 19, 18, and 17, respectively. The oldest, Williams, had a gun, and Cater and Rivers, 18 and 17, said they would not go along on the robbery if Williams insisted on taking the gun. How do we know about that? We know that from the confessions of all three of the defendants.

Cater and Rivers had marginal IQ's, but they knew enough to be fearful of going on a robbery where a gun was taken and a murder might result and they might face the death penalty in Pennsylvania.

Williams assured them that he would not take the gun and put it in the drawer, slammed it shut, and then, unbeknownst to Cater and Rivers, the two younger men, Williams reached back in, took out the gun and put it in his belt.

They went into north Philadelphia and they robbed a grocer. In the course of the robbery, when the grocer resisted, Williams pulled the gun and shot and killed the grocer. Ultimately, Williams was executed and death sentences were also imposed on Cater and Rivers.

In a long case which followed, which I handled later when I became district attorney, I agreed that the death penalty ought not to be imposed on the two younger men because of the absence of the specific intent, although as a matter of law they were liable for what their co-conspirator Williams had done, and ultimately their sentences were commuted to life imprisonment.

There was another case where young men named Marks and Lighthouse, 17 and 18, knew enough not to want to go on a robbery where a gun was present because the death penalty might be imposed on them.

There were many cases which we saw day in and day out of robbers and burglars who were saying they were not carrying the weapon because they were afraid that the death penalty might be imposed.

There was a very fascinating opinion, a second opinion, filed by Justice McComb of the California Supreme Court in a case captioned People versus Love where Justice McComb cites some 14 cases which are illustrative of the principle that people are apprehensive about the death penalty and guide their conduct accordingly.

One of the cases cited by Justice McComb—this is a 1961 opinion—involved three people, Robert Thomas, Melvin Young, and Shirley Coffee—who were arrested for a robbery where they had used toy pistols. When questioned by the investigating officer as to the reasons for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, that if someone were killed in the commission of a robbery they could all receive the death penalty.

Justice McComb cites a case of Lewis Turck, arrested for robbery in California. Turck had used guns in prior robberies in other States but used a fake gun in the robbery in California. He told investigating officers that he was aware of the California death penalty, although he had been in the State for only 1 month, and said when asked why he had used a fake gun "I knew that if I used a real gun and if someone were shot in the robbery, I might get the death penalty and go to the gas chamber."

In a 1971 Los Angeles Police Department survey of some 99 persons arrested for violent crimes who did not carry a weapon over 50 percent of them, 50 of the 99, stated that they were deterred by fear of the death penalty from carrying or using weapons. Of the 49 respondents, 7 said they were unaffected by the death penalty because it was no longer in force; 10 would be undeterred by the death penalty and would kill or use violence even with the death penalty; and 32 said they were unaffected by the death penalty but claimed they did not use the weapon because of fear of injuring themselves or others.

The author of the book "Neither Cruel Nor Unusual," Frank Carrington, cites specific cases where people did not use guns for fear of the death penalty being imposed in the course of robberies. Carl Vance, distinguished former district attorney from Houston, TX, described in a 1973 article in a journal called, "The Prosecutor," a specific case involving an escapee from a Texas prison who did not kill a woman from whom he stole a car because as he later told police he feared the death penalty if he killed that hostage.

Mr. President, to abbreviate the statement, I ask unanimous consent that the 14 cases cited by Justice McComb appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the delays on the imposition of the death penalty and the absence of an effective death penalty constitute an enormous gap of law enforcement in this country. When the Supreme Court of the United States declared capital punishment unconstitutional in the case of Furman versus Georgia in 1972, it did so because the court felt that it was necessary to avoid discrimination and to avoid unfairness, that a special procedure be put into effect so the juries would have before them the background of the individual so-called aggravating and mitigating circumstances in order to make the judgment.

The Federal Government had many crimes which carried the death penalty before the Furman decision, but because of the procedures of the Congress, because of our inactivity on this subject, and because of the rules allowing for extensive debate in this body, there was only one offense on the Federal books today which carries the death penalty, and that is a murder in furtherance of a conspiracy in the distribution of drugs.

If a President is assassinated, there is no Federal death penalty. If a terrorist kills an American citizen, there is no death penalty. If the individuals are convicted who were charged with the bombing and murders resulting from the bombing of the World Trade Center in New York, there can be no death penalty.

And in my judgment it is very important that the Federal Government act, as some 37 other States have acted, to reinstitute the death penalty. The State of New York has no death penalty. So if the convictions are obtained against the terrorists who committed the murders in the bombing of the Trade Center, the most they can get is life imprisonment.

If a convict in a Federal penitentiary murders a prison guard, after having been sentenced to life imprisonment, the most he can get is another sentence for life imprisonment. What earthly sense does that make?

There are, regrettably, Mr. President, enormous delays which are present in the State courts as a result of the procedures known as habeas corpus. What is habeas corpus? It is a Latin phrase which means have the body, habeas, have, corpus, body, have the body, where a person who is imprisoned may challenge the constitutionality of his conviction by filing a petition in the State court or filing a petition in the Federal court to try to upset the conviction.

And the delays in the habeas corpus system have been so long and so unreasonable as to have made the death penalty a laughing stock. And as the death penalty really is in our society, the hallmark of the criminal justice system because of its high visibility, it has really made punishment and deterrence a mockery and a laughing stock.

There are many, many cases which illustrate the phenomenal delays on the habeas corpus system.

I have had a chart prepared as to one of the cases. That case is present in the rear of the Chamber, and through the wonders of television, the charts can be viewed.

This is the case involving a man named Robert Alton Harris who was charged in July of 1978 with a double murder, and who pursued the case in court for some 14 years until April 1992.

On these charts the specifics are set forth about his trial and conviction, about his filing in the State courts of California 10 petitions for a writ of habeas corpus. There were filings in the Federal courts, six petitions for habeas corpus, and a case where he petitioned the Supreme Court of the United States for certiorari on some five occasions. Richard Hertling, who is supervising the charts, will bring over the color chart. I shall not take the time to read all of the entries on these five charts. There are 104 entries reflecting the complexity of this case through the court system.

This chart depicts the time line on the Harris case, with the blue signifying the State court delay and the red signifying the Federal court delay. And as the chart shows, there is an overlap, where sometimes the case was both in the Federal court and the State court; and as the chart shows, it lasted almost 15 years.

I will not take the time now to set forth the other cases—Beasley, Lesko versus Lehman, Campbell, and La Rette versus Delo—but they are illustrative of the delays in the system where those cases are not yet finished, and they have taken in excess of 10, 12 years each.

The legislation which is pending, Mr. President, attempts to address the problem of habeas corpus and delay in our dual court system. I intend to offer amendments which will provide for the handling of these cases in a way which will ensure justice to the defendants and, at the same time, will not result in such interminable, lengthy, excessive delay.

One of the problems exists because of a rule in the Federal courts that the Federal courts will not undertake Federal habeas corpus until there has been what is called an exhaustion of the State court remedies. That means that after an individual is convicted and the case is appealed to the Supreme Court of that State, the defendant can then go back to the trial court, file a petition for a writ of habeas corpus and litigate the same issues all over again. And it is obvious that when he goes back to the State court, the lower court judge is not going to do anything to upset the decision which has been made by the State supreme court. All there is, is lengthy delay.

There is only one issue customarily raised after trial, and that is the issue of competency of counsel, which can be handled as it has been in California, for example, by having the competency of counsel determined post trial, but before the appeal to the State supreme court. And under the provisions of this bill, providing for competent counsel—that should be a much lesser problem.

One of the amendments I intend to offer would be to provide for Federal jurisdiction, attaching after the first appeal from the State supreme court, to eliminate the current requirement of the exhausting of State court remedies, which has provided for such lengthy, really impossible delays of up to 10 years.

There is a controversy as to what is the scope of the Federal habeas corpus proceeding, and some have proposed legislation which would limit the Federal court proceeding to simply examining what happens in the State court as to whether there has been a full and fair review.

My amendment will provide that there will be a de novo hearing, which means that the Federal court will undertake an independent review of all of the factual claims and all of the legal claims, even if they were decided by the State court. And that provision is intended to ensure that constitutional protections will be present in the Federal system, and to ensure that the case will not bounce back and forth between the State and Federal courts again and again and again, which accounts for these tremendous delays.

The great delay which has been caused by successive petitions in the Federal courts is also dealt with in an amendment I will offer, by making the court of appeals the gatekeeper for the filing of a second or successive writ of petition for habeas corpus, an idea advanced by Chief Judge Jon Newman of the Second Circuit. So that if the individual is to have access to a successive Federal habeas corpus petition, that defendant must persuade the court of appeals of the grounds for such a petition on newly discovered evidence, or a subsequent decision which affects materially the question of guilt or innocence.

The provisions that I think need to be adopted also require a timetable for disposition in the Federal courts. In 1990, this point was introduced and passed the U.S. Senate. It would set a time limit for the handling by the district court.

Originally, the thought had been that the district court should handle the case in 120 days, but in order to eliminate concerns about the shortness of time, the time will be fixed at 150 days, which coincides with the time already established by one Federal court itself in one of the Federal court cases.

The Federal court consideration of death penalty cases ought to be a priority. It ought to take precedence over other pending matters, and this can be undertaken without any great inconvenience to the Federal courts.

If you will bring me the chart, Mr. Hertling. We have found, in examining the nationwide statistics, that in 1991 death penalty cases there were some 265 death sentences, where there are some 664 Federal judges, so that a judge would have to handle one of these cases once every 2 years. And in the three heaviest death penalty States—Florida, Texas, and California—the judges would have to handle one of these cases every 18 months to 2 years—in every State except Florida—and similarly in Pennsylvania.

Mr. SPECTER. I have handled such cases, and I know that a case can be handled within the course of a few days, and that it is a realistic timetable. The amendment which I will introduce will provide that if the district judge feels there are extenuating circumstances which require a longer period, the flexibility will be present.

There is no doubt about the authority of the Congress to establish timeliness, which we have already done, on the Speedy Trial Act, where the courts are required as a matter of congressional declaration to handle the cases within the course of some 90 days. Similarly, there ought to be a time limit on the court of appeals and on the Supreme Court of the United States to try to bring a reasonably prompt conclusion to these cases.

Under this kind of a formula, these matters can be concluded within a 3-year period, instead of periods which run up to 17 years.

Mr. President, I am taking some time in outlining these provisions because I think they are very, very important, because death penalty cases are the hallmark of the criminal justice system, and the tremendous delays which are involved in the imposition of the death penalty have really made that whole system a laughing stock in this country and have ruled out the realistic possibility of deterrence.

The death penalty is a deterrent for reasons which I have elaborated on in this system, the steps with which they are to be acceptable if we are really to take hold of the problem of crime in America and structure a system which recognizes the importance of realistic rehabilitation where possible, life sentences for career criminals where rehabilitation is not possible, and a system which carries out the will of the public in some 37 States for the imposition of the death penalty where that has appropriately been imposed.

I thank my colleagues for their indulgence, and I yield the floor.

EXHIBIT 1

(i) Margaret Elizabeth Daly, of San Pedro, was arrested August 28, 1961, for assaulting Pete Gibbons with a knife. She stated to investigating officers: "Yeh, I cut him and I should have done a better job. I would have killed him but I didn't want to go to the gas chamber."

(ii) Robert D. Thomas, alias Robert Hall, an ex-convict from Kentucky; Melvin Eugene Young, alias Gene Wilson, a petty criminal from Iowa and Illinois; and Shirley R. Coffee, alias Elizabeth Salquist, of California, were arrested April 25, 1961, for robbery. They had used toy pistols to force their victims into rear rooms, where the victims were bound. When questioned by the investigating officers as to the reason for using toy guns instead of genuine guns, all three agreed that real guns were too dangerous, as if someone were killed in the commission of the robberies, they could all receive the death penalty.

(iii) Louis Joseph Turck, alias Luigi Furchiano, alias Joseph Farino, alias Glenn Hooper, alias Joe Moreno, an ex-convict with a felony record dating from 1941, was arrested May 20, 1961, for robbery. He had used guns in prior robberies in other states but simulated a gun in the robbery here. He told investigating officers that he was aware of the California death penalty although he had been in this state for only one month, and said, when asked why he had only simulated a gun, "I knew that if I used a real gun and that if I shot someone in a robbery, I might get the death penalty and go to the gas chamber."

(iv) Ramon Jesse Velarde was arrested September 26, 1960, while attempting to rob a supermarket. At that time, armed with a loaded .38 caliber revolver, he was holding several employees of the market as hostages. He subsequently escaped from jail and was apprehended at the Mexican border. While being returned to Los Angeles for prosecution, he made the following statement to the transporting officers: "I think I might have escaped at the market if I had shot one or more of them. I probably would have done it if it wasn't for the gas chamber. I'll only do 7 or 10 years for this. I don't want to die no matter what happens, you want to live another day."

(v) Orelius Mathew Stewart, an ex-convict with a long felony record, was arrested March 3, 1960, for attempted bank robbery. He was subsequently convicted and sentenced to the state prison. While discussing the matter with his probation officer, he stated: "The officer who arrested me was by himself, and if I had wanted, I could have blasted him. I thought about it at the time, but I changed my mind when I thought of the gas chamber."

(vi) Paul Anthony Brusseau, with a criminal record in six other states, was arrested February 6, 1960, for robbery. He readily admitted five holdups of candy stores in Los Angeles. In this series of robberies he had only simulated a gun. When questioned by investigators as to the reason for his simulating a gun rather than using a real one, he replied that he did not want to get the gas chamber.

(vii) Salvador A. Estrada, a 19-year old youth with a four-year criminal record, was arrested February 2, 1960, just after he had stolen an automobile from a parking lot by wiring around the ignition switch. As he was being booked at the station, he stated to the arresting officer: "I want to ask you one question, do you think they will repeal the capital punishment law. If they do, we can kill you cops and judges without worrying about it."

(viii) Jack Colevris, a habitual criminal with a record dating back to 1945, committed an armed robbery at a supermarket on April 25, 1960, about a week after escaping from San Quentin Prison. Shortly thereafter he was stopped by a motorcycle officer. Colevris, who had twice been sentenced to the state prison for armed robbery, knew that if brought to trial, he would again be sent to prison for a long term. The loaded revolver was on the seat of the automobile beside him and he could easily have shot and killed the arresting officer. By his own statements to interrogating officers, however, he was deterred from this action because he preferred a possible life sentence to death in the gas chamber.

(ix) Edward Joseph Lapienski, who had a criminal record dating back to 1948, was arrested in December 1959 for a holdup committed with a toy automatic type pistol. When questioned by investigators as to why he had threatened his victim with death and had not provided himself with the means of carrying out the threat, he stated, "I know that if I had a real gun and killed someone, I would get the gas chamber."

(x) George Hewlitt Dixon, an ex-convict with a long felony record in the East, was arrested for robbery and kidnaping committed on November 27, 1959. Using a screwdriver in his jacket pocket to simulate a gun, he had held up and kidnaped the attendant of a service station, later releasing him unharmed. When questioned about his using a screwdriver to simulate a gun, this man, a hardened criminal with many felony arrests and at least two known escapes from custody, indicated his fear and respect for the California death penalty and stated, "I did not want to get the gas."

(xi) Eugene Freeland Fitzgerald, alias Edward Finley, an ex-convict with a felony record dating back to 1951, was arrested February 2, 1960, for the robbery of a chain of candy stores. He used a toy gun in committing the robberies, and when questioned by the investing officers as to his reasons for doing so, he stated: "I know I'm going to the joint and probably for life. If I had a real gun and killed someone, I would get the gas. I would rather have it this way."

(xii) Quentin Lawson, an ex-convict on parole, was arrested January 24, 1959, for committing two robberies, in which he had simulated a gun in his coat pocket. When questioned on his reason for simulating a gun and not using a real one, he replied that he did not want to kill someone and get the death penalty.

(xiii) Theodore Roosevelt Cornell, with many aliases, an ex-convict from Michigan with a criminal record of 26 years, was arrested December 31, 1958, while attempting to hold up a box office of a theater. He had simulated a gun in his coat pocket, and when asked by investigating officers why an ex-convict with everything to lose would not use a real gun, he replied, "If I used a real gun and shot someone, I could lose my life."

(xiv) Robert Ellis Blood, Daniel B. Gridley, and Richard R. Hurst were arrested December 3, 1958, for attempted robbery. They were equipped with a roll of cord and a toy pistol. When questioned, all of them stated that they used the toy pistol because they did not want to kill anyone, as they were aware that the penalty for killing a person in a robbery was death in the gas chamber.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, on another occasion I am sure the Presiding Officer, the Senator from Michigan, and I will be pleased to respond to the Senator from Pennsylvania on the death penalty.

I want to in a few minutes express some concern about the pending amendment, and there is much that is good in the pending amendment.

I commend the Senator from West Virginia, the President pro tempore, for including additional police on the street. There is no question this is an important provision, and the violence against women provision of which I am a cosponsor. But I am going to cast a vote—if I may have order, Mr. President.

The PRESIDING OFFICER. The Senate will come to order.

Mr. SIMON. I am going to cast a vote against this amendment. I may be the only person in the Senate to do so, because it includes $3 billion for more prisons. It is sponsored by my friend, and he is my friend, the Senator from Utah, Senator HATCH, with whom I serve on two committees. We have worked together on a great many things. I have great respect for him.

But spending $3 billion more for prisons builds on a myth. It is a popular myth, but it is a myth.

In 1970, Mr. President, we had 134 people per 100,000 in our prisons, and we thought we would solve the crime problem by putting more people into prisons. Today we have 455 people per 100,000 in our prisons. And is Washington, DC, safer today? Is Chicago safer today? Is Detroit safer today? Is Seattle safer today? Is Minneapolis safer today? We know the answer.

As we have put more people into prisons, our crime rate has grown. The reality is our prisons to some great degree are schools for crime. We have the highest percentage of people in prison of any country in the world, 455 per 100,000. South Africa is second at 311. Canada has 109.

We can spend $3 billion more this year on prisons and a few years from now we are going to be back being asked to spend $5 billion more, and we can spend it endlessly, and we are going to do virtually nothing to solve the crime problem.

Should people who commit violent crimes go to prison? You bet. We ought to be tough on them. Should people who are career criminals go to prison? You bet. We should be tough on them. But it just does not make sense, and among other things—and I would ask for order, Mr. President.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senator is correct.

The Senate will come to order.

Mr. SIMON. In addition to everything else are the inequities of sentencing. If you are an African-American and you commit the same crime as some white suburban youth, the statistics are overwhelming. You are going to get a heavier sentence. If you are Hispanic-American and you commit the same crime as a white suburban youth, you are going to get a longer sentence. The statistics are simply overwhelming.

In addition to building regional prisons, this particular amendment takes the Federal sentencing provisions and imposes them on the States.

I do not know how satisfactory the State sentencing provisions are, but I hear from Federal judges all over the place, that the Federal sentencing guidelines and laws are a disaster. And why we should impose those on the States I do not know.

We ought to be looking for alternatives. Just recently in Illinois someone who was a public official who abused his office was sentenced to 5 years in Federal prison. And he appropriately is punished. He is in his midfifties. That is my guess anyway. Frankly, I think he ought to serve a little time in prison. He ought to serve maybe 90 days in prison, and then we ought to send him out to work in a halfway house, to work at a shelter for homeless people, have him serve society in a constructive way. Why spend $20,000 a year for 5 years keeping him in prison? It does not do him any good. It does not do the taxpayers any good.

If we want to spend $3 billion, why not spend some money on drug rehabilitation? I heard the senior Senator from Massachusetts today point out that in Federal prisons today 14 percent of the prisoners are given drug rehabilitation programs and of those 14 percent 70 percent are not returned to prison. Of the remainder who do not take the drug rehabilitation programs, 70 percent come back to prison.

Mr. BIDEN. Mr. President, will the Senator yield on that point just for clarification?

Mr. SIMON. I am pleased to yield to my colleague from Delaware.

Mr. BIDEN. The prison provisions allow the State to apply for this money and use it for drug rehabilitation in the prison.

Mr. SIMON. The chairman of the committee is absolutely correct, and there are a lot of other good provisions in here. But, frankly, instead of spending $3 billion for more prisons we ought to be spending more money on that kind of program.

Mr. BIDEN. If the Senator will yield again, I could not agree with him more, but we also have to get a bill and in order to get our friends to agree to 100,000 police officers and a few minor things that was part of the agreement.

Mr. SIMON. I understand.

I am going to cast a symbolic vote against it simply because I think spending 3 billion more dollars on prisons is just not a sensible procedure.

I see the majority leader, who is eagerly listening to every word I have to say but who now would like to interrupt to make a unanimous consent request, I assume.

Mr. MITCHELL. I thank my colleague for his usual perceptiveness.

The PRESIDING OFFICER. Is part of the request that the Senator from Illinois retain the floor after the request?

Mr. MITCHELL. It is now.

Mr. SIMON. I shall do that briefly, I think.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I think I will accommodate him.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that in behalf of Senator BYRD I be permitted to modify his amendment with language that Senators BIDEN and DOLE have agreed on relative to the "violence against women" section of the amendment and the prison section of the amendment; that the Senate vote on the Byrd amendment No. 1103 at 11 p.m. this evening; that Senator DOLE be permitted to modify his amendment No. 1102 with language that he and Senator BOXER have agreed on; and that the yeas and nays on Senator DOLE's amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Mr. President, reserving the right to object, and I will just take another 2 minutes, but I know the Senator from Virginia has been here some time. I do not know if he wants to speak on this amendment or object.

Mr. ROBB. I want 4 minutes if I could.

Mr. MITCHELL. The unanimous-consent request would call for a vote in 12 minutes. I will add to the request that following the modification of the amendment Senator SIMON be recognized for 2 or 3 additional minutes and Senator ROBB be recognized for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1102, AS MODIFIED

Mr. DOLE. Mr. President, I send a modification of my amendment to the desk, and I just say Senator BOXER recommended it as a good amendment. I ask the amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1102), as modified, is as follows:

On page 426, after line 25 add the following:

SEC. 2907. INCREASED PENALTIES FOR ARSON.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking "ten years, or fined not more than $10,000" and inserting "not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years, or fined not more than $10,000" and inserting "not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "10 years"; and

(B) in the second sentence by striking "ten years" and inserting "20 years"; and

(3) in subsection (i)—

(A) by striking "ten years or fined not more than $10,000" and inserting "not less than five years and not more than 20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years or fined not more than $10,000" and inserting "not less than five years and not more than 40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed".

Mr. DOLE. The yeas and nays have been vitiated on the other amendment.

The PRESIDING OFFICER. The yeas and nays have been vitiated.

Mr. MITCHELL. I believe the unanimous-consent request vitiated the yeas and nays by its terms. But we are not proposed to act on the amendment at this moment.

AMENDMENT NO. 1103, AS MODIFIED

Mr. MITCHELL. Now, pursuant to the agreement, if I have recognition, I would like to send to the desk on Senator BYRD's behalf a modification of his amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 1103), as modified, is as follows:

At the appropriate place, insert the following:

Subtitle A—Regional Prisons and State Prisons

SEC. 1331. REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT CRIMINAL ALIENS.

(a) Definitions.—In this section—

"child abuse offense" means an offense under Federal or State law that constitutes sexual exploitation of children or selling or buying of children within the meaning of chapter 110 of title 18, United States Code.

"firearms offense" means an offense under Federal or State law committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"crime of violence" means a felony offense under Federal or State law that is a crime of violence within the meaning of section 16 of title 18, United States Code.

"qualifying prisoner" means—

(A) an alien who is in this country illegally or unlawfully and who has been convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a serious drug offense (as defined in section 924(e)(2)(A) of title 18, United States Code); and

(B) a violent criminal.

"sex offense" means an offense under Federal or State law that constitutes aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, or abusive sexual contact within the meaning of chapter 109A of title 18, United States Code.

"violent criminal"—

(A) means a person convicted under Federal law of an offense described in, under the circumstances described in, the provisions of section 924 (c) or (e) of title 18 or section 994(h) of title 28, United States Code, or under State law for the same or a similar offense; and

(B) insofar as any of the circumstances described in an offense described in subparagraph (A) is the prior conviction of an offense, includes a person who had been adjudicated as a juvenile delinquent by reason of the commission of an act that, if committed by an adult, would constitute such an offense.

(b) Construction of Prisons.—The Attorney General shall, after consultation with state correctional administrators, construct, and operate a minimum of 10 regional prisons, situated throughout the United States, each containing space for at least 2,500 inmates. At least 75 percent of the overall capacity of such prisons in the aggregate shall be dedicated to qualifying prisoners from qualifying States.

(c) Acceptance of Prisoners.—Any qualifying State may apply to the Attorney General to accept any qualifying prisoner. If, in the Attorney General's judgment there are likely to be more qualifying prisoners than there is space available, then to the extent that the Attorney General deems it practicable, the Attorney General should seek to allocate space among qualifying States in a proportion similar to the number of qualifying prisoners held by that State in relation to the total number of qualifying prisoners from qualifying States.

(d) Qualifying State.—

(1) In general.—The Attorney General shall not certify a State as a qualifying State under this section unless the State is providing—

(A) truth in sentencing with respect to any felony crime of violence involving the use or attempted use of force against a person, or use of a firearm against a person, for which a maximum sentence of 5 years or more is authorized that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentence for firearm offenders, where death or serious bodily injury results, murderers, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all appropriate stages of criminal proceedings.

(2) Disqualification.—The Attorney General shall withdraw a State's status as a qualifying State if the Attorney General finds that the State no longer appropriately provides for the matters described in paragraph (1) or has ceased making substantial progress toward attaining them, in which event the State shall no longer be entitled to the benefits of this section, except to the extent the Attorney General otherwise directs.

(3) Waiver.—The Attorney General may waive, for no more than one year, any of the requirements of this subsection with respect to a particular State if the Attorney General certifies that, in the Attorney General's judgment, there are compelling law enforcement reasons for doing so. Any State granted any such waiver shall be treated as a qualifying State for all purposes of this subtitle, unless the Attorney General otherwise directs.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $600,000,000 for fiscal year 1994;
(2) $600,000,000 for fiscal year 1995;
(3) $600,000,000 for fiscal year 1996;
(4) $600,000,000 for fiscal year 1997; and
(5) $600,000,000 for fiscal year 1998.

Page 303, line 21;

Subtitle B—State Prisons

SEC. 1321. BOOT CAMPS AND PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) Definition.—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) Establishment of Grant and Technical Assistance Program.—

(1) In general.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, operating, and improving boot camp prison programs to medium security prisons;

(B) developing, constructing, and operating prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) Technical assistance.—The Attorney General may provide technical assistance to grantees under this section.

(3) Utilization of components.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) State and Multi-State Compact Applications.—

(1) In general.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) Content of application.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) MULTIYEAR GRANTS.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.—

(1) DEFINITION.—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) DETERMINATION OF SUITABILITY FOR CONVERSION.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) TRANSFER.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall prepare and disseminate to State and local officials a report listing any real property or facility located at a military installation to be closed or realigned under a base closure law that is suitable for use as a boot camp prison or regional prison. The Attorney General shall periodically update this report for dissemination to State and local officials.

(5) APPLICABILITY.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) PERFORMANCE EVALUATION.—

(1) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) OUTCOME MEASURES.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Attorney General shall review the performance of each grant recipient under this section.

(B) REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) REPORT TO CONGRESS.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) ACCESS TO DOCUMENTS.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) GENERAL REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000,000, to remain available until expended.

(2) USE OF APPROPRIATED FUNDS.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

Subtitle C—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974

"GRANTS FOR COMMUNITY-BASED VIOLENT-JUVENILE FACILITIES

"SEC. 238. (a) IN GENERAL.—The Attorney General, through the Bureau of Prisons, may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, and operating secure facilities for violent and chronic juvenile offenders. The mandates required by the Juvenile Justice and Delinquency Prevention Act shall not apply to grants under this subtitle.

"(b) AUTHORIZATIONS.—There are authorized to be appropriated $100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, 1998".

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1993".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
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TITLE I—SAFE STREETS FOR WOMEN

Sec. 101. Short title.

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Sec. 111. Repeat offenders.
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Sec. 113. Mandatory restitution for sex crimes.
Sec. 114. Authorization for Federal victim's counselors.

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

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Sec. 131. Grants for capital improvements to prevent crime in public transportation.
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Sec. 133. Grants for capital improvements to prevent crime in public parks.

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Sec. 141. Establishment.
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Sec. 149. Termination.

Subtitle E—New Evidentiary Rules

Sec. 151. Sexual history in all criminal cases.
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Sec. 154. Evidence of clothing.

Subtitle F—Assistance to Victims of Sexual Assault

Sec. 161. Education and prevention grants to reduce sexual assaults against women.
Sec. 162. Rape exam payments.
Sec. 163. Education and prevention grants to reduce sexual abuse of female runaway, homeless, and street youth.
Sec. 164. Victim's right of allocution in sentencing.

TITLE II—SAFE HOMES FOR WOMEN

Sec. 201. Short title.

Subtitle A—Family Violence Prevention and Services Act Amendments

Sec. 211. Grant for a national domestic violence hotline.

Subtitle B—Interstate Enforcement

Sec. 221. Interstate enforcement.

Subtitle C—Arrest in Spousal Abuse Cases

Sec. 231. Encouraging arrest policies.

Subtitle D—Domestic Violence Family Support and Shelter Grants

Sec. 241. Authorization of appropriations.

Subtitle E—Family Violence Prevention and Services Act Amendments

Sec. 251. Grantee reporting.

Subtitle F—Youth Education and Domestic Violence

Sec. 261. Educating youth about domestic violence.

Subtitle G—Confidentiality for Abused Persons

Sec. 271. Confidentiality of abused person's address.

Subtitle H—Technical Amendments

Sec. 281. State domestic violence coalitions.

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Sec. 291. Report on recordkeeping.
Sec. 292. Research agenda.
Sec. 293. State databases.
Sec. 294. Number and cost of injuries.

TITLE III—CIVIL RIGHTS

Sec. 301. Short title.
Sec. 302. Civil rights.
Sec. 303. Attorney's fees.
Sec. 304. Sense of the Senate concerning protection of the privacy of rape victims.

TITLE IV—SAFE CAMPUSES FOR WOMEN

Sec. 401. Authorization of appropriations.

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

Sec. 501. Short title.

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

Sec. 511. Grants authorized.
Sec. 512. Training provided by grants.
Sec. 513. Cooperation in developing programs in making grants under this title.
Sec. 514. Authorization of appropriations.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

Sec. 521. Authorizations of circuit studies; education and training grants.
Sec. 522. Authorization of appropriations.

TITLE VI—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

Sec. 601. Pre-trial detention in sex offense cases.
Sec. 602. Increased penalties for sex offenses against victims below the age of 16.
Sec. 603. Payment of cost of hiv testing for victims in sex offense cases.
Sec. 604. Extension and strengthening of restitution.
Sec. 605. Enforcement of restitution orders through suspension of Federal benefits.
Sec. 606. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
Sec. 607. National baseline study on campus sexual assault.
Sec. 608. Report on battered women's syndrome.
Sec. 609. Report on confidentiality of addresses for victims of domestic violence.
Sec. 610. Report on recordkeeping relating to domestic violence.
Sec. 611. Report on fair treatment in legal proceedings.
Sec. 612. Report on Federal rule of evidence 404.
Sec. 613. Supplementary grants for States adopting effective laws relating to sexual violence.

TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1993".

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) RECOMMENDATION BY THE SENTENCING COMMISSION.—The Sentencing Commission shall implement the amendment made by subsection (a) by recommending to the Congress amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders.".

SEC. 112. FEDERAL PENALTIES.

(a) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and recommend amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and recommend amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and recommend amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and recommend amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing—

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the rape victim is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) SEXUAL ABUSE.—(1) Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2248. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution.".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—(1) Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2259. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(2) The table of sections for chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"2259. Mandatory restitution.".

SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There is authorized to be appropriated for fiscal year 1994, $1,500,000 for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia).

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 4 of Public Law 102-521 (106 Stat. 3404), is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) adding after part P the following new part:

"PART Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

"Subpart 1—High Intensity Crime Area Grants

"SEC. 1711. HIGH INTENSITY GRANTS.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') shall make grants to areas of 'high intensity crime' against women.

"(b) DEFINITION.—For purposes of this part, 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1712.

"SEC. 1712. HIGH INTENSITY GRANT APPLICATION.

"(a) COMPUTATION.—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping (without regard to the relationship between the crime victim and the offenders).

"(b) USE OF DATA.—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) PUBLICATION.—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) QUALIFICATION.—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the population to be served, including age, marital status, disability, race, ethnicity, and language background; and

"(2) include proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(f) DISBURSEMENT.—

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served;

"(C) give priority to areas with the greatest showing of need; and

"(D) recognize and address the needs of underserved populations.

"(g) GRANTEE REPORTING.—(1) Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) A section of the performance report shall be completed by each grantee or subgrantee performing the services contemplated in the grant application, certifying performance of the services under the grants.

"(3) The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may be used to supplement, not supplant, State funds.

"Subpart 2—Other Grants to States To Combat Violent Crimes Against Women

"SEC. 1721. GENERAL GRANTS TO STATES.

"(a) GENERAL GRANTS.—The Director may make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) $500,000 to each State; and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) DISBURSEMENT.—(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) give priority to areas with the greatest showing of need;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 100,000; and

"(D) recognize and address the needs of underserved populations.

"(f) GRANTEE REPORTING.—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"SEC. 1722. GENERAL GRANTS TO TRIBES.

"(a) GENERAL GRANTS.—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of $35,000 and maximum grants of $300,000.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate with nonprofit; and

"(3) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses under section 201 of Public Law 90–284 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal Regulations.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing victim services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) GRANTEE REPORTING.—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"(f) DEFINITIONS.—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code.

"Subpart 3—General Terms and Conditions

"SEC. 1731. GENERAL DEFINITIONS.

"As used in this part—

"(1) the term 'victim services' means any nongovernmental nonprofit organization that assists victims, including rape crisis centers, battered women's shelters, or other rape or domestic violence programs, including nonprofit nongovernmental organizations assisting victims through the legal process;

"(2) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim/witness programs);

"(3) the term 'law enforcement' means any public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(4) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim;

"(5) the term 'domestic violence' includes felony or misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies; and

"(6) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

"SEC. 1732. GENERAL TERMS AND CONDITIONS.

"(a) NONMONETARY ASSISTANCE.—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) BUREAU REPORTING.—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) a copy of each grantee report filed pursuant to sections 1712(g), 1721(f) and 1722(c).

"(c) REGULATIONS.—No later than 90 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1994, 1995, and 1996, $100,000,000 to carry out subpart 1, and $190,000,000 to carry out subpart 2, and $10,000,000 to carry out section 1722 of subpart 2.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"Part Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.

"SUBPART 1—HIGH INTENSITY CRIME AREA GRANTS

"Sec. 1711. High intensity grants.
"Sec. 1712. High intensity grant application.

"SUBPART 2—OTHER GRANTS TO STATES TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1721. General grants to States.
"Sec. 1722. General grants to tribes.

"SUBPART 3—GENERAL TERMS AND CONDITIONS

"Sec. 1731. General definitions.
"Sec. 1732. General terms and conditions.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

Subtitle C—Safety for Women in Public Transit and Public Parks

SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1620) is amended to read as follows:

"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

"SEC. 24. (a) GENERAL PURPOSE.—From funds authorized under section 21, not to exceed $10,000,000, the Secretary shall make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be broken down by type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

"(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a).".

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91–383 (commonly known as the National Park System Improvements in Administration Act) (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, not to exceed $10,000,000, the Secretary of the Interior may provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes:

"(1) To increase lighting within or adjacent to public parks and recreation areas.

"(2) To provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas.

"(3) To increase security or law enforcement personnel within or adjacent to public parks and recreation areas.

"(4) Any other project intended to increase the security and safety of public parks and recreation areas.".

SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8) is amended by adding at the end the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed $15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State.".

Subtitle D—National Commission on Violence Against Women

SEC. 141. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, there shall established a commission to be known as the National Commission on Violence Against Women (referred to in this subtitle as the "Commission").

SEC. 142. GENERAL PURPOSES OF COMMISSION.

(a) GENERAL PURPOSE OF THE COMMISSION.—The Commission shall recommend Federal, State, and local strategies for preventing and sanctioning violent crime against women, including the enhancement and protection of the rights of the victims of such crimes.

(b) FUNCTIONS.—The purposes of the Commission shall include—

(1) evaluating the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women and to punish those responsible for such crime;

(2) evaluating the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of rules of evidence, practice and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal Laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending effective means of response to the problem; and

(10) evaluating the adequacy of, and make recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women.

SEC. 143. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall consist of 12 members, as follows:

(A) PRESIDENT.—Four individuals, not more than two of whom shall be of the same major political party.

(B) SENATE.—Four individuals, two appointed by the Majority Leader and two by the Minority Leader.

(C) House of Representatives.—Four individuals, two appointed by the Majority Leader and two by the Minority Leader.

(b) Representation.—The Commission members shall be chosen based on their education, training, or experience, and shall include representatives of State and local law enforcement, judicial administration, prosecution, legal experts, persons devoted to the protection of victims' rights, persons providing services to the victims of sexual assault or domestic violence, and survivors of violence.

(c) Vacancies.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made.

SEC. 144. COMMISSION OPERATIONS.

(a) Meetings.—The Commission shall hold its first meeting not later than 90 days after the date of enactment of this Act. After the initial meeting, the Commission shall meet at least 6 times.

(b) Chair.—Not later than 15 days after the members of the Commission are appointed, the President shall designate a chair from among the members of the Commission.

(c) Pay.—Members of the Commission who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Commission.

(d) Per Diem.—Except as provided in subsection (c), members of the Commission shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 145. REPORTS.

(a) In General.—Not later than 1 year after the date on which the Commission is fully constituted under section 143, the Commission shall prepare and submit a final report to the President, the Senate Majority Leader, the Senate Republican Leader, the House Majority Leader, the House Republican Leader, and to the congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) Contents.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Commission and of the findings and conclusions of the Commission, including such recommendations for legislation and administrative action as the Commission considers appropriate.

SEC. 146. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.—

(1) Appointment.—The Commission shall have an Executive Director who shall be appointed by the Chair, with the approval of the Commission, not later than 30 days after the Chair is selected.

(2) Compensation.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) Staff.—With the approval of the Commission, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) Applicability of Civil Service Laws.—The Executive Director and the additional personnel of the Commission appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) Consultants.—Subject to such rules as may be prescribed by the Commission, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 147. POWERS OF COMMISSION.

(a) Hearings.—For the purpose of carrying out this subtitle, the Commission may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths before the Commission.

(b) Delegation.—Any member or employee of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this subtitle.

(c) Access to Information.—The Commission may request directly from any executive department or agency such information as may be necessary to enable the Commission to carry out this subtitle, on the request of the Chair of the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 148. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 149. TERMINATION.

The Commission shall cease to exist 30 days after the date on which its final report is submitted under section 144.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

(a) Rule.—The Federal Rules of Evidence are amended by inserting after rule 412 the following new rule:

"Rule 412A. Evidence of victim's past behavior in other criminal cases

"(a) Reputation and Opinion Evidence Excluded.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) Admissibility.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, evidence of an alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) Procedures.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2), that the evidence the defendant seeks to offer is relevant, not excluded by any other evidentiary rule, and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

(b) Technical Amendment.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 412 the following new item:

"412A. Evidence of victim's past behavior in other criminal cases:
"(a) Reputation and opinion evidence excluded.
"(b) Admissibility.
"(c) Procedures.".

SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

(a) Rule.—The Federal Rules of Evidence, as amended by section 151, are amended by adding after rule 412A the following new rule:

"Rule 412B. Evidence of past sexual behavior in civil cases

"(a) Reputation and Opinion Evidence Excluded.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) Admissible Evidence.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) it is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) Procedures.—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence that the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for the purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence the defendant seeks to offer is relevant and not excluded by any other evidentiary rule, and that the probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be admissible in the trial to the extent an order made by the court specifies evidence that may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider—

"(A) the chain of reasoning leading to its finding of relevance; and

"(B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes sexual harassment or sex discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1993.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 151, is amended by inserting after the item relating to rule 412A the following new item:

"412B. Evidence of past sexual behavior in civil cases:

"(a) Reputation and opinion evidence excluded.

"(b) Admissible evidence.

"(c) Procedures.

"(d) Definitions.".

SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

(a) RULE.—Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end the following new subdivisions:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by adding at the end the item relating to rule 412 the following:

"(e) Interlocutory appeal.

"(f) Rule of relevance and privilege.".

SEC. 154. EVIDENCE OF CLOTHING.

(a) RULE.—The Federal Rules of Evidence, as amended by section 152, are amended by adding after rule 412B the following new rule:

"Rule 413. Evidence of victim's clothing as inciting violence

"Notwithstanding any other law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 152, is amended by inserting after the item relating to rule 412B the following new item:

"413. Evidence of victim's clothing as inciting violence.".

Subtitle F—Assistance to Victims of Sexual Assault

SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

"SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909.".

SEC. 162. RAPE EXAM PAYMENTS.

(a) No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1993 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

(b) Within 90 days after the enactment of this Act, the Director of the Office of Victims of Crime shall propose regulations to implement this section, detailing qualified programs. Such regulations shall specify the type and form of information to be provided victims, including provisions for multilingual information, where appropriate.

SEC. 163. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF FEMALE RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by—

(1) redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) inserting after section 315 the following new section:

"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

"SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, and information and referral, for female runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to female runaway, homeless, and street youth.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a female less than 21 years old who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".

SEC. 164. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following new subdivision:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1), by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before "or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) the term 'victim' means any person against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of 18 years or incompetent; or

"(B) 1 or more family members or relatives designated by the court in case the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) the term 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1993".

Subtitle A—Family Violence Prevention and Services Act Amendments

SEC. 211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

"(a) IN GENERAL.—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) ACTIVITIES.—Funds received by an entity under this section shall be utilized to open and operate a national, toll-free domestic violence hotline. Such funds may be used for activities including—

"(1) contracting with a carrier for the use of a toll-free telephone line;

"(2) employing, training and supervising personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assembling, maintaining, and continually updating a database of information and resources to which callers may be referred throughout the United States; and

"(4) publicizing the hotline to potential users throughout the United States.

"(c) APPLICATION.—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database; and

"(D) a plan for publicizing the availability of the hotline;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence; and

"(4) contain such other information as the Secretary may require.

"(d) SPECIAL CONSIDERATIONS.—In considering an application under subsection (c), the Secretary shall also take into account the applicant's ability to offer multilingual services and services for the hearing impaired.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 1994, 1995, and 1996.".

Subtitle B—Interstate Enforcement

SEC. 221. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—VIOLENCE AGAINST SPOUSES

"Sec. 2261. Traveling to commit spousal abuse.
"Sec. 2262. Interstate violation of protection orders.
"Sec. 2263. Interim protections.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions.

"§ 2261. Traveling to commit spousal abuse

"(a) IN GENERAL.—Any person who travels across a State line with the intent to injure, harass, intimidate his or her spouse or intimate partners and who, in the course of or as a result of such travel, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(b) CAUSING THE CROSSING OF A STATE LINE.—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress or fraud and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(5) In a case not described in paragraph (1), (2), (3), or (4), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) CRIMINAL INTENT.—The criminal intent of the offender required to establish an offense under subsection (b) does not require a showing of the specific intent to violate the law of a State.

"(e) NO PRIOR STATE ACTION NECESSARY.—Nothing in this section requires a prior criminal prosecution or conviction or a prior civil protection order issued under State law to initiate Federal prosecution.

"§ 2262. Interstate violation of protection orders

"(a) IN GENERAL.—Any person against whom a valid protection order has been entered who—

"(1) travels across a State line with the intent to injure, harass, intimidate, or contact a spouse or intimate partner; and

"(2) commits an act that injures, harasses, or intimidates a spouse or intimate partner or otherwise violates a valid protection order issued by a State,

shall be punished as provided in subsection (c).

"(b) CAUSING THE CROSSING OF A STATE LINE.—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than 6 months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(6) In a case not described in paragraph (1), (2), (3), (4), or (5), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) CRIMINAL INTENT.—The criminal intent required to establish the offense provided in subsection (a) does not require a showing of the specific intent to violate a protection order or the law of any State.

"(e) NO PRIOR STATE ACTION NECESSARY.—Nothing in this section requires a prior criminal prosecution or conviction under State law to initiate Federal prosecution.

"§ 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this section shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

“§ 2264. Restitution

“(a) IN GENERAL.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding section 3663, the court shall order restitution to the victim of an offense under this chapter.

“(b) SCOPE AND NATURE OF ORDER.—(1) An order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.

“(2) For purposes of this subsection, the term ‘full amount of the victim's losses’ includes any costs incurred by the victim for—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) lost income;

“(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

“(E) any other losses suffered by the victim as a proximate result of the offense.

“(3) A restitution order under this section is mandatory. A court may not decline to issue an order under this section because of—

“(A) the economic circumstances of the defendant; or

“(B) the fact that victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance.

“(4)(A) Notwithstanding paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

“(i) the financial resources and other assets of the defendant;

“(ii) projected earnings, earning capacity, and other income of the defendant; and

“(iii) any financial obligations of the offender, including obligations to dependents.

“(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

“(C) If the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

“(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

“(A) any Federal civil proceeding; and

“(B) any State civil proceeding, to the extent provided by the law of the State.

“(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

“(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

“(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this subsection, shall be in camera in the judge's chambers.

“(4) If the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such an order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

“(d) RESTITUTION AND CRIMINAL PENALTIES.—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

“(e) DEFINITIONS.—For purposes of this section, the term ‘victim’ includes the person harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian.

“§ 2265. Full faith and credit given to protection orders

“(a) FULL FAITH AND CREDIT.—Any protection order issued consistent with subsection (b) by the court of 1 State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

“(b) PROTECTION ORDER.—(1) A protection order issued by a State court is consistent with this subsection if—

“(A) the court has jurisdiction over the parties and matter under the law of the State; and

“(B) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process.

“(2) In the case of an order under paragraph (1) that is issued ex parte, notice and opportunity to be heard shall be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

“(c) CROSS- OR COUNTER-PETITION.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

“(1) no cross- or counter-petition, complaint, or other written pleading was filed seeking such a protection order; or

“(2) if a cross- or counter-petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

“§ 2266. Definitions

“As used in this chapter—

“(1) the term ‘spouse or intimate partner’ includes—

“(A) a present or former spouse, a person who shares a child in common with an abuser, and a person who cohabits or has cohabited with an abuser as a spouse; and

“(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides, or any other adult person who is protected from an abuser's acts under the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

“(2) the term ‘protection order’ includes an injunction or other order issued for the purpose of preventing violent or threatening acts by 1 spouse against his or her spouse or intimate partner, including a temporary or final order issued by a civil or criminal court (other than a support or child custody order or provision) whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as, in the case of a civil order, the order was issued in response to a complaint, petition, or motion filed by or on behalf of an abused spouse or intimate partner;

“(3) the term ‘act that injures’ includes any act, except one done in self-defense, that results in physical injury or sexual abuse;

“(4) the term ‘State’ includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States; and

“(5) the term ‘travel across a State line’ includes any travel except travel across a State line by an Indian tribal member when that member remained at all times on tribal lands.”.

(b) TECHNICAL AMENDMENT.—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

“110A. Violence against spouses ... 2261.”.

Subtitle C—Arrest in Spousal Abuse Cases

SEC. 231. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 211, is amended by adding at the end the following new section:

“SEC. 317. ENCOURAGING ARREST POLICIES.

“(a) PURPOSE.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary may make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

“(1) To implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse.

“(2) To centralize police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges.

"(3) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

"(4) To educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) Eligibility.—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers;

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed; or

"(ii) permit warrantless arrests of spouse abusers, encourage the use of that authority, and mandate arrest of spouses violating the terms of a valid and outstanding protection order;

"(C) demonstrate that their laws, policies, practices and training programs discourage 'dual' arrests of abused and abuser;

"(D) certify that their laws, policies, and practices prohibit issuance of mutual protection orders in cases where only one spouse has sought a protection order, and require findings of mutual aggression to issue mutual protection orders in cases where both parties file a claim; *and*

"(E) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony spouse abuse offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser; or that the abused bear the costs associated with the issuance or service of a warrant, protection order or witness subpoena.

"(2) For purposes of this section—

"(A) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including a temporary or final order issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding; and

"(B) the term 'spousal or spouse abuse' includes a felony or misdemeanor offense committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

"(3) The eligibility requirements provided in this section shall take effect on the date that is 1 year after the date of enactment of this section.

"(c) Delegation and Authorization.—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section. There are authorized to be appropriated not in excess of $25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) Application.—An eligible grantee shall submit an application to the Secretary. Such an application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribe, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify and include documentation showing the nonprofit nongovernmental victim services programs that will be consulted in developing, and implementing, the program.

"(e) Priority.—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) Reporting.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) Regulations.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.".

Subtitle D—DOMESTIC VIOLENCE, FAMILY SUPPORT, AND SHELTER GRANTS

SEC. 241. DOMESTIC VIOLENCE AND FAMILY SUPPORT GRANT PROGRAM.

(a) Purpose.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish domestic violence and other criminal and unlawful acts that particularly affect women, and to assist and protect the victims of such crimes and acts.

(b) Authorization of Grants.—The Secretary of Health and Human Services shall make grants to support projects and programs relating to domestic violence and other criminal and unlawful acts that particularly affect women, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of domestic violence;

(2) law enforcement and prosecutorial units and teams that target domestic violence;

(3) model, innovative, and demonstration law enforcement programs relating to domestic violence that involve pro-arrest and aggressive prosecution policies;

(4) model, innovative, and demonstration programs for the effective utilization and enforcement of protective orders;

(5) programs addressing stalking and persistent menacing;

(6) victim services programs for victims of domestic violence;

(7) educational and informational programs relating to domestic violence;

(8) resource centers providing information, technical assistance, and training to domestic violence service providers, agencies, and programs;

(9) coalitions of domestic violence service providers, agencies, and programs;

(10) training programs for judges and court personnel in relation to cases involving domestic violence;

(11) enforcement of child support obligations, including cooperative efforts and arrangements of States to improve enforcement in cases involving interstate elements; and

(12) shelters that provide services for victims of domestic violence and related programs.

(c) Formula Grants.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 1 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) Discretionary Grants.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) Application for Formula Grants.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Secretary a plan for addressing domestic violence and other criminal and unlawful acts that particularly affect women in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, have been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) Conditions on Grants.—

(1) Matching funds.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project or program funded.

(2) Duration of grants.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of 4 years.

(3) Limit on administrative costs.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(g) Evaluation.—The Secretary shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the Secretary.

(h) Report.—The Secretary shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for each of fiscal years 1994, 1995, and 1996; and

(2) such sums as are necessary for each fiscal year thereafter.

(j) AUTHORIZATION OF APPROPRIATIONS FOR THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $85,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and $125,000,000 for fiscal year 1996.".

Subtitle E—Family Violence Prevention and Services Act Amendments

SEC. 251. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.".

Subtitle F—Youth Education and Domestic Violence

SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 231, is amended by adding at the end the following new section:

"SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate the Secretary's powers to the Secretary of Education (hereafter in this section referred to as the 'Secretary'). The Secretary shall select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in the light of the comments of educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers. The participation of each of those groups or individual consultants from such groups is essential to the selection, implementation, and evaluation of programs that meet both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $400,000 for fiscal year *1994.*".

Subtitle G—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

Not later than 90 days after enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses consistent with the following guidelines:

(1) Confidentiality shall be provided to a person upon the presentation to an appropriate postal official of a valid court order or a police report documenting abuse.

(2) Confidentiality shall be provided to any domestic violence shelter upon presentation to an appropriate postal authority of proof from a State domestic violence coalition (within the meaning of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(3) Disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited.

(4) Compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

Subtitle H—Technical Amendments

SEC. 281. DEFINITIONS.

Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups,".

SEC. 282. SPECIAL ISSUE RESOURCE CENTERS.

(a) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(b) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(1) by striking the period at the end of paragraph (6) and inserting ", including the issuance and enforcement of protection orders."; and

(2) by adding at the end the following new paragraph:

"(7) Providing technical assistance and training to State domestic violence coalitions.".

SEC. 283. STATE DOMESTIC VIOLENCE COALITIONS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women;";

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking "and court officials and other professionals" and inserting ", judges, court officers and other criminal justice professionals,";

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting ", criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ", including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

Subtitle I—Data and Research

SEC. 291. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—The Director of the National Institute of Justice shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice and the social sciences. In setting the agenda, the Academy shall focus primarily upon preventive, educative, social, and legal strategies. Nothing in this section shall be construed to invoke the terms of the Federal Advisory Committee Act.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Director of the National Institute of Justice shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, and the Attorney General's Task Force on Violence Against Women.

SEC. 292. STATE DATABASES.

(a) IN GENERAL.—The National Institute of Justice, in conjunction with the Bureau of Justice Statistics, shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the National Institute of Justice shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The Institute's final report shall set forth the views of the persons consulted on the Institute's recommendations.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 293. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal year 1994.

TITLE III—CIVIL RIGHTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 302. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) crimes of violence motivated by gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for crimes of violence motivated by gender committed on the street or in the home;

(3) State and Federal criminal laws do not adequately protect against the bias element of crimes of violence motivated by gender, which separates these crimes from acts of random violence, nor do those laws adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests;

(4) existing bias and discrimination in the criminal justice system often deprives victims of crimes of violence motivated by gender of equal protection of the laws and the redress to which they are entitled;

(5) crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce;

(6) crimes of violence motivated by gender have a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products;

(7) a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects on interstate commerce caused by crimes of violence motivated by gender. and

(8) the victims of crimes of violence motivated by have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) CAUSE OF ACTION.—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender; and due, at least in part, to an animus based on the victim's gender;

(2) the term "crime of violence" means—

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) CONCURRENT JURISDICTION.—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this title.

(4) PENDENT JURISDICTION.—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) LIMITATION ON REMOVAL.—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A civil action in any State court arising under section 302 of the Violence Against Women Act of 1993 may not be removed to any district court of the United States.".

SEC. 303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking "or" after "Public Law 92-318,"; and

(2) by inserting ", or title III of the Violence Against Women Act of 1993," after "1964".

SEC. 304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

(a) FINDINGS AND DECLARATION.—The Congress finds and declares that—

(1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape;

(2) rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature;

(3) the victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs;

(4) rape victims' need for privacy should be respected;

(5) rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities;

(6) rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant;

(7) the news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and

(8) the public's interest in knowing the identity of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 1541(i) of the Higher Education Amendments of 1992 (20 U.S.C. 1145h(i)) is amended to read as follows:

"(i) For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1994 and such sums as are necessary for fiscal years 1995, 1996, and 1997.".

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1993".

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

SEC. 511. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 512. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $600,000 for fiscal year 1994. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 521. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters; and

(11) the aspects of the topics listed in section 512 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 522. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $400,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 521(a), to be available until expended through fiscal year *1995*;

(2) $100,000 to the Federal Judicial Center to carry out section 521(c) and any activities designated by the Judicial Conference under section 521(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 521(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $50,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

TITLE VI—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

SEC. 601. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110.".

SEC. 602. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

SEC. 603. PAYMENT OF COST OF HIV TESTING IN SEX OFFENSE CASES.

(a) FOR VICTIMS—

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for the human immunodeficiency virus during the 12 months following a serious assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault.".

(b)—TESTING OF CERTAIN INDIVIDUALS CHARGED WITH CERTAIN SEXUAL OFFENSES FOR THE PRESENCE OF THE ETIOLOGIC AGENT FOR AIDS—

Victims of any offense of the type described in Chapter 109A of title 18, United States Code, shall after appropriate counseling, on request, be provided with

(1) anonymous and confidential testing for the presence of the etiologic agent for acquired immune deficiency syndrome, and counseling concerning such, at no cost by appropriately trained staff operating through appropriate service providers, including rape crisis centers, community health centers, public health clinics, physicians, or other appropriate service providers; follow-up tests and counseling will be available at no cost on dates that occur three, six and twelve months following the initial test; and

(2) necessary and appropriate medical care.

LIMITED TESTING OF DEFENDANTS—

(1) Court Order—The victim of an offense of the type referred to in subsection (a) may obtain an order in the district court of the United States for the district in which charges are brought against the defendant charged with the offense, after notice to the defendant and an opportunity to be heard, requiring that the defendant be tested for the presence of the etiologic agent for acquired immune deficiency syndrome, and that the results of the test be communicated to the victim and the defendant. Any test result of the defendant given to the victim or the defendant must be accompanied by appropriate counseling.

(2) Showing Required—To obtain an order under paragraph (1), the victim must demonstrate that—

(A) the defendant has been charged with the offense in a state or federal court, and if the defendant has been arrested without a warrant, a probable cause determination has been made;

(B) the test for the etiologic agent for acquired immune deficiency syndrome is requested by the victim after appropriate counseling; and

(C) the test would provide information necessary for the health of the victim of the alleged offense and the court determines that the alleged conduct of the defendant created a risk of transmission, as determined by the Centers for Disease Control, of the etiologic agent for acquired immune deficiency syndrome to the victim.

(3) Follow-up testing—The court may order follow-up tests and counseling under paragraphs (b)(1) if the initial test was negative. Such follow-up tests and counseling shall be performed at the request of the victim on dates that occur six months and twelve months following the initial test.

(4) Termination of Testing Requirements—An order for follow-up testing under paragraph (3) shall be terminated if the person obtains an acquittal on, or dismissal of, all charges of the type referred to in subsection (a).

(c) Confidentiality of Test—The results of any test ordered under this section shall be disclosed only to the victim or, where the court deems appropriate, to the parent or legal guardian of the victim, and to the person tested. The victim may disclose the test results to any personal physician or sexual partner(s) she may have had since the attack.

(d) Disclosure of Test Results—The court shall issue an order to prohibit the disclosure of the results of any test performed under this section to anyone other than those mentioned in subsection (c). The contents of the court proceedings and test results pursuant to this section shall be sealed. The results of such test performed on the defendant under this section shall not be used as evidence in any criminal trial.

(e) Contempt for Disclosure—Any person who discloses the results of a test in violation of this section may be held in contempt of court.

(f) Penalties for Intentional Transmission of HIV—Not later than 6 months after the date of enactment of this section, the United States Sentencing Commission shall conduct a study and prepare and submit to the appropriate Committees of Congress a report concerning recommendations for the revision of sentencing guidelines that relate to offenses in which an HIV infected individual engages in sexual activity if the individual knows that he or she is infected with HIV and intends, through such sexual activity, to expose another to HIV.

(5) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 604. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

SEC. 605. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) In this subsection—

"(A) 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

"(B) 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 606. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.

(a) RULE.—The Federal Rules of Evidence, as amended by section 154, are amended by adding after rule 413 the following new rule:

"Rule 414. Inadmissibility of Evidence to Show Invitation or Provocation by Victim in Sexual Abuse Cases

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these rules.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 4, is amended by inserting after the item relating to rule 413 the following new item:

"414. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases.".

SEC. 607. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1995.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

SEC. 608. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—The Attorney General shall prepare and transmit to the Congress a report on the status of battered women's syndrome as a medical and psychological condition and on its effect in criminal trials. The Attorney General may utilize the National Institute of Justice to obtain information required for the preparation of the report.

(b) COMPONENTS OF REPORT.—The report described in subsection (a) shall include—

(1) a review of medical and psychological views concerning the existence, nature, and effects of battered women's syndrome as a psychological condition;

(2) a compilation of judicial decisions that have admitted or excluded evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) information on the views of judges, prosecutors, and defense attorneys concerning the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 609. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 610. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 611. REPORT ON FAIR TREATMENT IN LEGAL PROCEEDINGS.

Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall review and make recommendations, and report to Congress, regarding the advisability of creating Federal rules of professional conduct for lawyers in Federal cases involving sexual misconduct that—

(1) protect litigants from a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants;

(2) counsel against reliance on generalizations or stereotypes that demean, disgrace, or humiliate on the basis of gender;

(3) protect litigants from a course of conduct intended solely to increase the expense of litigation; and

(4) prohibit counsel from offering evidence that the lawyer knows to be false or from discrediting evidence the lawyer knows to be true.

SEC. 612. REPORT ON FEDERAL RULE OF EVIDENCE 404.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall complete a study of, and shall submit to Congress recommendations for amending, rule 404 of the Federal Rules of Evidence as it affects the admission of evidence of a defendant's prior sex crimes in cases brought pursuant to chapter 109A or other cases involving sexual misconduct.

(b) SPECIFIC ISSUES.—The study described in subsection (a) shall include—

(1) a survey of existing law on the introduction of prior similar sex crimes under State and Federal evidentiary rules;

(2) a recommendation concerning whether rule 404 should be amended to introduce evidence of prior sex crimes and, if so—

(A) whether such acts could be used to prove the defendant's propensity to act therewith; and

(B) whether evidence of prior similar sex crimes should be admitted for purposes other than to show character;

(3) a recommendation concerning whether evidence of similar acts, if admitted, should meet a threshold of similarity to the crime charged;

(4) a recommendation concerning whether evidence of similar acts, if admitted, should be limited to a certain time period, (such as 10 years); and

(5) the effect, if any, of the adoption of any proposed changes on the admissibility of evidence under rule 412 of the Federal Rules of Evidence.

SEC. 613. SUPPLEMENTARY GRANTS FOR STATES ADOPTING EFFECTIVE LAWS RELATING TO SEXUAL VIOLENCE.

(a) IN GENERAL.—The Attorney General may, in each fiscal year, award an aggregate amount of up to $1,000,000 to a State that meets the eligibility requirements of subsection (b).

(b) ELIGIBILITY.—The authority to award additional funding under this section is conditional on certification by the Attorney General that the State has laws or policies relating to sexual violence that exceed or are reasonably comparable to the provisions of Federal law (including changes in Federal law made by this Act) in the following areas:

(1) Provision of training and policy development programs for law enforcement officers, prosecutors, and judges concerning the investigation and prosecution of sexual offenses.

(2) Authorization of law enforcement and prosecutorial units and teams that target sexual violence.

(3) Funding of victim services programs for victims of sexual violence.

(4) Authorization of educational and informational programs relating to sexual violence.

(5) Authorization of pretrial detention of defendants in sexual assault cases where provision of flight or the safety of others cannot be reasonably assured by other means.

(6) Authorization of serious penalties for nonconsensual sexual assault offenses.

(7) Payment of the cost of medical examinations and testing by the victim for sexually transmitted diseases.

(8) Provision of rape shield protection to ensure that victims of sexual assault are protected from inquiry into unrelated sexual behavior in sexual assault cases.

(9) Provision of rules of professional conduct intended to protect against a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants in sexual assault cases.

(10) Authorization of the presence of the victim in the courtroom at the time of trial and provides for the victim's addressing the court concerning the sentence to be imposed.

(11) Authorization of awards of restitution to victims of sexual assaults as part of a criminal sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section.

On page 292, lines 6 and 7, strike "the prisoner" and insert "a prisoner convicted of a nonviolent offense".

On page 26, line 16, strike "$620,000,000" and insert "$1,035,000,000", and on line 17, strike "$1,040,000,000" and insert "$1,720,000,000". and

On page 27, line 1, strike "$1,160,000,000" and insert "$2,070,000,000" and on line 2, strike "$1,225,000,000" and insert "$2,270,000,000" and on line 3, strike "$1,200,000,000" and insert "$1,900,000,000".

At the appropriate place in the bill, insert the following:

VIOLENT CRIME REDUCTION TRUST FUND

SEC. 1321A. PURPOSES.

The Congress declares it essential—

(1) to fully fund the control and prevention of violent crime authorized in this Act over the next 5 years.

(2) to ensure orderly limitation and reduction of Federal Government employment, as recommended by the Report of the National Performance Review, conducted by the Vice President; and

(3) to apply sufficient amounts of the savings achieved by limiting Government employment to the purpose of ensuring full funding of this Act over the next 5 years.

SEC. 1321B. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,095,182 during fiscal year 1994;
(2) 2,044,100 during fiscal year 1995;
(3) 2,003,846 during fiscal year 1996;
(4) 1,963,593 during fiscal year 1997; and
(5) 1,923,339 during fiscal year 1998.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 1321C. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1115. Violent crime reduction trust fund.

"(a) There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund", into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;
"(2) for fiscal year 1995, $2,423,000,000;
"(3) for fiscal year 1996, $4,267,000,000;
"(4) for fiscal year 1997, $6,313,000,000; and
"(5) for fiscal year 1998, $8,545,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, "appropriations under paragraph (1)" mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund."

"(30) An analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 1321B of the Violent Crime Control and Law Enforcement Act of 1993.

SEC. 1321D. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $314,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,423,000,000 in new budget authority and $2,330,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $4,287,000,000 in new budget authority and $4,184,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $6,313,000,000 in new budget authority and $6,221,000,000 in outlays;

(5) for fiscal year 1998, for the discretionary category: $8,545,000,000 in new budget authority and $8,443,000,000 in outlays.

Mr. MITCHELL. Mr. President, I thank my colleagues, and I now yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, again, as I did earlier, I commend the Senator from West Virginia.

I understand compromises are essential in this process. But, again, to spend $3 billion more on prisons after the disastrous experiences we have had just does not make sense.

If we are really interested in going after crime—for example, we have over one-fifth of the children of this country living in poverty. No other Western industrialized country has that kind of a record. We ought to be tackling the problems of poverty, and then we would really be tackling the problems of crime.

We ought to have a jobs bill.

I heard the Senator from Maine saying that our values need to be looked at. There is no question about that. I heard Senator BYRD speaking eloquently on that.

But one of the things we have done through our welfare system is to discourage families from living together. We have to examine our policy and not simply say we have to improve our values system. And I agree with that.

But I shall cast a vote against the amendment, even though very much of the amendment I think is excellent—having police on the street, having the violence against women bill. But to spend $3 billion more on prisons when we already have more people in prisons than any other country on the face of the Earth just does not make sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

Mr. President, on several occasions, I have taken the floor to discuss the drawdown in America's military forces.

In addition to the very substantial question, of how best to employ the tremendous skills of personnel leaving the services our country is searching for ways to put the physical facilities, of our defense infrastructure to new uses.

Senator DORGAN of North Dakota put forth a proposal, which addressed that long-term national concern, while promising to make America a safer place to live.

I had agreed to be an original cosponsor of his amendment.

However, the distinguished President pro tempore recognized the merit of our proposal, and has included it in the omnibus amendment which we are now considering.

I congratulate them both for their good work.

The crime bill before us and, indeed, the entire criminal justice system operates on the theory that the promise of punishment will deter crime, and when the deterrent fails, punishment must be swift and appropriate.

Too often, though, that system is undermined.

Punishment is not effective if it cannot be carried out.

And, as the chairman of the Judiciary Committee, Senator BIDEN, has explained, the critical block to swift punishment, is the overcrowding of our State and local prisons.

Make no mistake, there is enough space now in maximum-security prisons to hold all of the truly dangerous offenders. But first-time and nonviolent offenders are being shoved into the same facilities creating the overcrowding.

So the people who should be doing hard time, wind up serving reduced sentences, or in some cases, no sentence at all.

And those who do go to prison, are able to tutor young, first-time offenders, in the ways of violent crime.

With no punishment, or uncertain punishment, for committing crimes, there is virtually no deterrent. Is it any wonder, that first-time offenses and recidivism, both continue to climb?

To make room for the truly dangerous criminal, we need to revise the way the criminal justice system deals with nonviolent offenders and first-time offenders.

Alternatives to full-security incarceration, such as military-style boot camps and regional drug-treatment prisons, provide excellent means to alleviate some of the burdens associated with the cost and overcrowding problems in prisons. This amendment, turns these ideas into concrete steps.

The converted bases which would be opened only with the concurrence of local authorities, would be shared between the Federal Government and the States.

States would pay to operate the facilities and house the prisoners. In exchange for the use of the facility, some space in each would be reserved for Federal offenders whose crimes are of similar severity.

If the Senate is to incorporate creative alternatives into the criminal justice system, then we must find more prison space—but it does not have to be maximum security. Those alternatives require such space, separate from the existing full-security prisons in order to work.

The amendment before us would help provide the lower-security prison space required.

In this time of military downsizing, we need to explore the range of new use possibilities for closed military bases.

This amendment, in one of its provisions, proposes to refit closed military bases into boot camps and minimum-to-medium security prisons for first time offenders and nonviolent criminals; 23 Federal prisons currently operate on deactivated bases, or former military property. From that experience, we know that refitting deactivated military bases costs significantly less than starting from scratch.

This idea is resourceful, and forward-looking; this idea provides relief for overcrowded prisons. This idea helps to make alternatives for first-time offenders and nonviolent offenders viable. This idea offers a way of lowering the costs of building new prisons. This idea helps to keep violent criminals where they belong—in jail.

Therefore, I am pleased to join Senators BYRD and DORGAN, in sponsoring this amendment, and solicit the support of my colleagues for this next step in the fight against crime.

Mr. President, I thank the Chair and I yield the floor.

Mr. MITCHELL. Mr. President, there being no other Senator seeking recognition, and in order to give notice to Senators who are not in the Capitol—we set the vote for 11 p.m.—I now suggest the absence of a quorum.

Mr. BIDEN. Will the Senator withhold that request?

Mr. MITCHELL. I will withhold.

Mr. BIDEN. I would like to take just 2 minutes to explain what the Senator from Kansas, the Republican leader, and I agreed on as the changes that were contained in this unanimous consent agreement relative to the violence against women portion of this agreement.

There are basically two changes we agreed upon. We had in the bill an Attorney General's task force to study the issue of violence against women. The Republican leader pointed out that that was not particularly balanced and fair. So we changed it to a national commission to study violence against women, with appointees by the President and the minority and majority leaders in the House and the Senate, in both bodies. That is the first change.

The second change that we have agreed to in the Violence Against Women Act—and, I might add, this is something the Republican leader has worked on for more than a year on this issue —and that is we had payment for HIV tests requested by the victim of a rape, which is contained in this bill. We added to this provision the ability to test the accused after, and only after, a probable cause hearing before a judge and the judge, determining that there is a substantial reason for concern to exist, thereby ordering the test. And, so, there are the two changes that we made.

There are other pieces that are of no consequence, that do not change the bill at all, that were some minor language changes, one to clean up the definition of what constitutes a crime of violence motivated by gender. It really was semantic, rather than any substantive difference.

They are the changes that we are referring to when we say in the unanimous consent agreement that the Republican leader and I had agreed to changes in the portions relating to the violence against women section.

Mr. DOLE. Can I just add one additional thing to that? I think it also directs the sentencing commission to prepare recommendation for revising the sentencing guidelines that relate to offenses committed by offenders who intend to expose others to the HIV virus.

Mr. BIDEN. The Senator is correct. I apologize for leaving that out.

Mr. DOLE. I suggest there is another provision we could not agree on which we will offer to some other section—in fact, two others. We will offer it to another place in the bill.

I thank the chairman and members of his staff and others who have helped us resolve a couple of these areas. I think it makes it a better bill, more consistent with the bill many of us have been working on for a couple of years.

The PRESIDING OFFICER (Mr. DODD). The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished minority leader for his work on this because he has worked on violence against women for well over a year. He is one of the key players on this. I think it makes a tremendous difference, and this compromise has enabled this whole matter to go forward and I want to personally thank him and those who worked on it.

Mr. BYRD. Mr. President, I ask unanimous consent Mr. HOLLINGS be added as cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I rise as a cosponsor of the Byrd amendment, to urge my colleagues to support this vitally important initiative to combat the plague of crime in our Nation.

Mr. President, it is long past time to make the battle against crime a top national priority. Violent crime has increased substantially in recent years, and has reached crisis proportions. No part of our Nation is safe from this epidemic. From suburbs to inner cities, and even to our Nation's rural area, the threat of crime pervades America today. Congress has simply got to respond.

There is much to be done to address the crime problem. But one essential element of a war against crime is that we have to get tougher with criminals. We need tougher sentences. And we cannot tolerate a criminal justice system that lets even dangerous violent individuals out of prison long before their sentence is completed. Those who commit violent acts should know that they are going to go to prison for a long, long time—and that they are not going to get any special breaks to get out early.

This amendment will encourage States to adopt tough sentencing practices, to put a stop to the overly permissive policies in too many areas. For example, to qualify for certain Federal funds, States will have to impose sentences for serious firearm offenders that are at least as long as those imposed under Federal law. States also will be encouraged to ensure that defendants serve at least 85 percent of the sentence ordered.

Beyond getting tougher with criminals, Mr. President, we also need more police officers. As a member of the Commerce, Justice, State and Judiciary Appropriations Subcommittee, I have long been a strong proponent of community-based policing, to get officers out of their cars, and into their neighborhoods. It's made a big difference in many jurisdictions, and we need to encourage this approach.

This amendment would provide funds to hire an additional 100,000 police officers, who could pursue community-based approaches. This fulfills President Clinton's promise during last year's campaign. It's critically important, and I am very pleased we were able to identify the funds for this priority.

I would note, Mr. President, that the amendment also would fund boot camps for juvenile offenders, and additional prisons, to ensure that there is enough space to lock up violent offenders. Also included is the Violence Against Women Act, which I strongly support.

In sum, Mr. President, this is an important amendment that represents a significant step forward in the battle against crime. I am proud to be a cosponsor, and I urge my colleagues to support it.

Mr. DORGAN. Mr. President, I rise in support of the amendment of the distinguished President pro tem and chairman of the Appropriations Committee as he has modified it.

This amendment embodies very important provisions that I have been working on for many weeks with the chairman of the Judiciary Committee, Senator BIDEN; Senator GLENN; my good friend and colleague from North Dakota, Senator CONRAD; and Senators LIBERMAN, ROBB, and DASCHLE.

Mr. President, about half of the prisoners in State facilities are there because of a conviction for a nonviolent crime. Approximately 19 percent of State prisoners have never been convicted of a violent crime—yet they are taking up prison space that States could use for those who have committed violent crimes. I believe we can house these nonviolent prisoners in a manner that would cost far less, while still forcing them to serve their full prison sentence.

Last month, I introduced S. 1511, the Violent Crime Prevention Act of 1993. One of the major provisions of that bill authorizes $700 million to build—and convert unused military bases—to low- and minimum-security prisons. These prisons would house nonviolent criminals, and would free up space in existing higher-security prisons for violent criminals. It makes no sense to me that we are housing nonviolent prisoners in higher-security prisons while murderers are being released 10 years early because of prison over-crowding.

These minimum security prisons would also cost far less to build then high-security prisons. Last year Federal and State agencies spent an average of $35,889 per bed to build new prisons. However, the Bureau of Prisons converted an unused Air Force base in Florida into a minimum-security prison for only $265 per bed. Another example is Fort Dix in New Jersey, which is being turned into a low-security prison for one-fifth of the cost of building a new facility. Operating these low-security prisons will also be far less expensive because, for each prisoner, they cost $3,000 a year less to run than do high-security prisons.

Why should we be spending extra money on prisoners that do not require this level of security? These low-security prisons will save money, provide room for nonviolent criminals, and free up space to put violent prisoners where they belong—behind bars.

Mr. President, I am very pleased that this portion of my bill has become a part of Senator BYRD'S amendment. I thank him, Chairman BIDEN, and the entire Judiciary Committee for reaching this compromise amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the Violence Against Women Act.

Before I begin, I would like to thank the distinguished Senator from West Virginia for offering the amendment that will fully fund this act and to recognize the hard work of Chairman BIDEN.

We have heard a lot about the "Year of the Woman."

We have heard a lot about change.

We have heard a lot about stopping the violence that is ravaging our country.

But until this discussion began about the Violence Against Women Act, there was little discussion of the silent victims of violence. Until now, we have not heard enough from the women who have been victims of violence.

Not until Chairman BIDEN and the Judiciary Committee came forward with this legislation, not until 60 Senators, including myself, came forward as cosponsors, not until today, have we seen legislation in this Congress that goes out of its way to ask to hear from the silent women who are victims of violence.

The silence today is so complete that 84 percent of all rapes each year are never reported, according to a report by the National Victim Center.

The only way to end this silence is to make a promise.

A promise that if a victimized woman speaks out, she will be heard, and a prosecution will take place.

The Violence Against Women Act will improve the chances of keeping that promise.

Without this act, there is no reason for women to break the silence.

Today, without this act, only one out of 10 rapes reported to the police results in the attacker serving prison time.

Today, without this act, a convicted rapist is 50 percent more likely to receive probation than a convicted robber.

Today, without this act, 98 percent of the victims of rape never see their attacker caught, tried, or imprisoned.

And, I believe, without this act, violent acts against women will continue to rise. Consider these facts:

Since 1988 the number of known rapes in the United States has risen 18 percent, and

In 1992 alone, there were 109,062 rapes in the United States.

And rape is not the whole story.

More than 1.1 million women are victims of reported domestic violence every year—by some estimates, as many as 3 million more domestic violence crimes go unreported each year.

Women have between a 1-in-3 and a 1-in-5 chance of being physically assaulted by a partner or ex-partner during their lifetime, according to the Journal of the American Medical Association.

The Violence Against Women Act will:

Add $300 million for additional police, prosecutors, and victims advocates;

Provide additional training for judges;

Expand rape shield laws;

Add offenses for interstate spousal abuse;

Increase funds for shelters and rape crisis centers;

Guarantee that restitution will cover the victim's lost income, necessary child care, and other expenses related to prosecution of the offense; and

Most importantly, the Violence Against Women Act will work to break the silence.

By approving the Violence Against Women Act, this Senate will send a loud and clear signal to women throughout the country.

It will truly be the Year of the Woman when violence against women is never ignored.

It will truly be our year when violent acts against women never go unchallenged.

This legislation is the first step toward meeting the challenge of the Year of the Woman.

Violence is about power. This bill is about shifting power.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the vote that is about to occur will be the last rollcall vote this evening. There will be a rollcall vote at 9 in the morning, 9 tomorrow morning. We will have a long day tomorrow, but we are making good progress on this bill.

I thank the managers for their cooperation.

The PRESIDING OFFICER. The hour of 11 p.m. having arrived, the question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. BYRD], amendment No. 1103, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from North Carolina [Mr. HELMS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—4

Hatfield
Mathews
Pell
Simon

NOT VOTING—2

Durenberger
Helms

The amendment (No. 1103), as modified, was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, there is a very important amendment that the minority and majority have agreed to, but I think it is important that it be offered tonight.

The distinguished Senator from California has an amendment. I would ask if she is prepared to present that amendment. There will be no vote required because the managers of the bill have accepted it. But it is an important addition to the bill, quite frankly, which we did not have. We welcome it. So I yield to the Senator from California, if that is appropriate.

Mrs. BOXER. I say to my friend that I do have——

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Chair.

I say to my friend that I do have the amendment ready. It was my understanding that Senator DOLE was going to have his amendment disposed of, which I have modified.

Mr. DOLE. It has been modified. I think we need to dispose of it.

The PRESIDING OFFICER. The Chair would notify the Senator from California the amendment of the Senator from Kansas, as modified, is at the desk.

Mr. DOLE. I think we are supposed to act on it. We vitiated the yeas and nays.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Kansas? If not, the question is on agreeing to the amendment.

The amendment (No. 1102), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. I thank the Senator from California [Mrs. BOXER] for her modification which I think strengthens the amendment. I thank her.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

I thank the Republican leader for his good amendment, and I think, with the way it has been modified, it is going to really toughen the penalties for those who would set these fires and cause all the havoc and the heartache that we have been seeing out in California.

AMENDMENT NO. 1104

(Purpose: To call on the President to convene a national summit on violence in America)

Mrs. BOXER. Mr. President, I have an amendment I would like to send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER The clerk will report the amendment.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1104:

Subtitle D—Presidential Summit on Violence

SEC. 1731. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) violence in America has reached epidemic proportions;

(2) this epidemic reaches into communities large and small, affects the richest and the poorest among us, touches people of every ethnic and economic background, and affects all institutions, both public and private;

(3) actual violence and depictions of violence are so pervasive that they have an enormous impact on the lives and character of our children;

(4) every person, group, and institution in America has a role to play in ending the epidemic of violence; and

(5) we need a national conference in order to develop a shared understanding of the causes of violence in America and to build a national consensus on the solutions to this epidemic.

SEC. 1732. PRESIDENTIAL SUMMIT ON VIOLENCE.

Congress calls on the President to convene as soon as possible a national summit on violence in America. The President is urged to include participants from all regions of the country and all walks of life, both public and private.

Mrs. BOXER. Mr. President, I allowed the entire amendment to be read because I need not make a long speech about it. What we have laid out is the condition that we face in our Nation with this increasing violence, the fact that we all know, Republicans and Democrats, we must do something about it and that it is time to call attention to this problem in a very special way, the kind of way President Clinton called attention to this economy when he held an economic summit. This amendment simply is a sense of the Senate that the President call together the experts in the field of violence, real people who are affected by violence, people from every walk of life, and let us as a nation focus on this problem, find out what is working and really come together with a strategy so that our Nation can once again be a peaceful place.

I thank very much my friend and colleague from Delaware, the chairman of the Judiciary Committee, Senator BIDEN, and the ranking member, Senator HATCH, for their support of this idea, as well as to the administration which seems, frankly, very excited about this notion of having such a summit.

Again, I have not a long speech to make at this late hour, only to thank my colleagues both on the Republican side and Democrat side for their support of this amendment.

I yield the floor.

Mr. BIDEN. Mr. President, once again I compliment the Senator from California. I had taken the liberty to speak to the White House about this as well, and she is correct in that they are excited and plan on taking this suggestion of hers very seriously. It is something that I think Republicans and Democrats alike can support with some enthusiasm and hopefully out of this serious look at violence in America we may be able to gather additional consensus beyond what we have done here tonight.

So I thank her. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1104) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1105

(Purpose: To improve the rules of evidence)

Mr. DOLE. Mr. President, when we had our negotiations tonight we were able to agree on a couple of things and disagree on a couple things but we did agree it could be offered.

Mr. BIDEN. That is correct.

Mr. DOLE. One I would offer now that I think is self-explanatory and I will try to do it very quickly. Then I will send the amendment to the desk. It provides for admissibility of evidence of similar crimes in sex offense cases. First, evidence of similar crimes in sexual assault cases. Second, evidence of similar crimes in child molestation cases. And, finally, evidence of similar acts in civil cases concerning sexual assault or child molestation. It does change the rules.

Mr. President, the amendment I am offering tonight was originally part of the Sexual Assault Prevention Act of 1993, which I introduced on the first day of the session with several of my Republican colleagues.

In a nutshell, this amendment would create three new Federal rules of evidence that would provide helpful tools to prosecutors throughout the country in their efforts to prosecute and convict vicious sex crime offenders.

Mr. President, too often, crucial evidentiary information is thrown out at trial because of technical evidentiary rulings. This amendment is designed to clarify the law and make clear what evidence is admissible, and what evidence is not admissible, in sex crime cases.

The amendment would create a new rule 413 of the Federal Rules of Evidence. This new rule would provide that in a criminal case in which the defendant is accused of assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

The amendment would also create a new rule 414, similar to rule 413, that would apply to child molestation cases. This new rule would make clear that in a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

And finally, Mr. President, this amendment would create a new rule 415, making it clear that in civil cases, evidence of a defendant's commission of past offenses of sexual assault and child molestation is admissible and may be considered for whatever purpose is relevant.

Mr. President, I urge my colleagues to support this amendment—for this amendment would make it easier to prosecute sex offenders and provide justice for the victims of these crimes.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1105.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. 121. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "offense of sexual assault" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraphs (1)-(4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "child" means a person below the age of fourteen, and "offense of child molestation" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain or a child; or

"(6) an attempt or conspiracy to engage in conduct described in paragraphs (1)-(5).

"Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these rules.

"(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such late time as the court may allow for good cause.

"(e) This rule shall not be construed to limit the admission or consideration of evidence under any other rule."

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BIDEN. Mr. President, what the Senator from—what the Republican leader is doing is changing 404(b) of the Federal Rules of Criminal Procedure, and that is no big deal in and of itself except that by allowing evidence of—right now the rule in a courtroom in a Federal court is you go in and if you wish to introduce evidence of a similar crime, along the lines of what the Senator from Kansas is suggesting, you can only do it under very limited circumstances—I will get my glasses here to be precise—as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of a mistake or accident. These are the only circumstances in which you can offer this as evidence to go to those items that I mentioned—intent, preparation, opportunity, et cetera. There is a reason for that. These rules of relevancy—and that is what they are referred to under the Criminal Code and rules of procedure for criminal cases—it took essentially 800 years to develop the rules of evidence under our English jurisprudence system. The reason it did is all these rules have come about as a consequence of how do you better acquire the truth? How do you better make available to the jury that which is the essence of what happens? What probative value do the things you wish to introduce into evidence have?

Let me just put it another way. If you are a juror and I am a prosecutor and I am able to turn and say to the defendant who is being accused of rape or child molestation that they had been, in the past 2 years, 10 year, 30 years, 2 months, 2 days, two decades ago, convicted of a similar crime, that is obviously very prejudicial. You say, wait a minute. He has done this before. I guess maybe that means he may do it again.

The truth of the matter is that is not how human nature necessarily functions, and it certainly does not go to the essence of what our system is about; that is, proving that this defendant in this case is guilty beyond a reasonable doubt of the specific charges against him or her at that moment before that jury.

So there is little probative value. The fact that the defendant may have done something 10 years ago, had done something 10 years ago, may or may not be relevant to whether or not he is at the scene of the crime of which he is being accused. But once you tell somebody on a jury that, "By the way, Charlie done it before," it is awfully hard to overcome the instinctive prejudicial judgment that will be arrived at by a jury.

So, for example, it is a little bit like if your child ever exaggerated to you once, every time he or she came up to you to tell you something, "Well, you are exaggerating to me again," and you point out, "By the way, years ago when you did this, you exaggerated to me." We would say, no, that is not a fair thing to do to our child.

That is not a fair thing to do to an individual because it does not speak to the elements of the crime. It does not speak to whether he was there at the place at the time and the moment and committed the crime.

But it tends to—we found out from 800 years of experience—to blind people to looking at the real facts before them and making an independent judgment, at this time, at this circumstance, at this situation, that this defendant did that thing.

So, that is why it was developed. That is why the law has developed the way it has.

Currently, the bill has a provision that directs the Judicial Conference—and the Republican leader knows this well—the Judicial Conference is authorized under the rules of Congress to be able to set up—our separation of powers system allows them to make rules relevant to how they conduct courts. Although we could make those rules for them, we authorize them to do it. We in this bill direct the Judicial Conference to complete a study and submit to Congress recommendations for amending rule 404—if it makes any sense, the rule here in question—within 180 days of enactment of this legislation.

This study includes a survey of existing law on the introduction of prior similar sex crimes under State and Federal evidentiary rule, a recommendation as to whether rule 404 should be amended to introduce evidence of prior sex crimes, and, if so, whether such acts could be used to prove the defendant had a propensity to commit such crimes, and whether the evidence should be admitted for purposes other than to show character; also, a recommendation concerning whether evidence of similar acts should meet a certain threshold of similarity to be admitted.

For example, the fact that someone is accused of, let us say, statutory rape and that when they were 17 years old they had been found guilty of exposing themselves in public, well, there is not a lot of relationship necessarily between the two. If you are going to allow that into evidence——

Let me put it another way. What do you think the chances are the jury would keep an open mind if you were before the jury for having embezzled money, and the State was able to put in evidence, "By the way, when so and so was 19 years old, he was convicted of rape." It has nothing to do with whether he embezzled money, zero. But the tendency would be for the jury to say this person must be a bad person. The whole of our system is predicated on the notion that you are innocent of the crime for which you are accused until you are proven to be guilty of that particular crime and the elements of that crime beyond a reasonable doubt.

So I suspect we would not allow in evidence, for example, to suggest in a robbery case—this is not what this amendment would do, but to make the point—that you had been convicted of drunk driving. Why would not we allow drunk driving charges to be brought in a robbery case? Well, because it goes to your character, it makes you look like you are maybe the kind of guy if you broke that law, you may break this law. It is prejudice without any probative value. The ultimate prejudicial nonprobative kind of evidence to be introduced is to introduce evidence of a similar crime.

Well, the point here is in what we have written in the bill, the recommendation has to come from the Judicial Conference concerning whether evidence of similar acts should meet a certain threshold of similarity to be admitted or a recommendation concerning whether evidence of similar acts should be limited to certain periods of time; for example, only acts committed in the last 10, 20 years or some sort of finality to when in fact you can be forgiven for what you were accused of and what you were convicted of years ago.

The effect, if any, of the adoption of any change of rule 404 on rule 413, the rape shield law—the rape shield law is there to prevent the victim from being taken advantage of—what effect would this have on that law?

As the constitutionality and effect of amending rule 404 are unclear, this area bears further study and some clear-cut guidelines before Congress could enact any such legislation. The Violence Against Women Act provides for further study.

Therefore, I encourage my colleagues to oppose this amendment and await the outcome of the Judicial Conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I will just make a couple of points.

This does not go to prior conviction; prior offenses. We are dealing here with sexual assaults and child molestation. There have been other changes of rules of evidence in the bill. I think if somebody is a repeat offender, if you brought in eight or nine women, for example, or eight or nine children, and he had one offense after another, it would be probative. If it had not happened for 10 years, it probably would not have any value.

We also provide protection for the defendant because we require the Government to disclose the evidence of the defendant, including a statement of witnesses or a summary of the substance of any testimony expected to be offered at least 15 days before the scheduled date of trial, or at such later time as the court may allow for good cause.

So I think again it is a question—the chairman is much more knowledgeable than this Senator in this area. But again, if we are really going to get tough, and if we are really going to try to make certain that justice is provided for the victim as well as the defendant, of course, then I think we ought to look seriously at this.

So I have nothing further to say.

Mr. DOLE. I ask for the yeas and nays on the amendment and that it occur at 9 o'clock.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BIDEN. Mr. President, I will be very brief.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. That would be a 9 o'clock vote.

Mr. BIDEN. Mr. President, I ask if my colleague would be willing to allow 5 minutes on each side at 9 o'clock to complete debate on this, or 3 minutes on a side.

Mr. DOLE. I know that two of our colleagues have meetings with the President. I am hoping they could slip in.

Mr. BIDEN. Maybe we could come in at 8:50 if we could come in and vote at 9 o'clock.

Mr. DOLE. I know the staff is pleased with that.

Mr. BIDEN. I can see that. They all cheered when we suggested that. I ask unanimous consent that we be able to come in at 8:50 and vote at 9 o'clock.

Mr. DOLE. I do not know who will be here. But you and I will be here.

Mr. BIDEN. Let me say very briefly, the last point my friend from Kansas raised underscores, I would argue, even more definitively why this is a dangerous precedent. Let me read from the legislation. It says:

> In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible.

Translated, that means you do not even have to be convicted. So someone can come in—if the Attorney General can find someone, or the district attorney—who says: You have this defendant here that has been accused or raping Mary, or molesting Billy. I want to tell you that 10 years ago, even though I never told anybody about it, he did the same thing to me. You can get four other people to come in and say, "He did the same thing to me," with no evidence ever having been admitted at that time, 2 years ago, 10 years ago, 20 years ago, and no ability of the defendant to go back and find a witness from 2 years ago, 10 years ago, 20 years ago, no ability to disprove the assertion made that, yes, they did it to me, too, and allow that in evidence in a trial where you are being accused of a similar crime now.

As one of my criminal law professors used to say, this lends a significant opportunity for mischief on the part of the prosecutor, not that any prosecutor would engage in mischief, but it has been known to happen occasionally. Think about what we are about to do here if we pass this. Anybody accused of a sexual offense will be in a position where, after being told by the prosecutor that they are going to traipse in people who will say the same thing or a similar thing happened to them, even though they never mentioned it before, even though it was never raised before, even though they never had a chance to disprove it before, even though they have never been convicted of it.

But think about it, I say to all my colleagues. What do you think the impact is that will have on the mind of a juror, whose solemn charge is to consider only the facts put before him or her as to the innocence or guilt of that defendant—not hearsay evidence, unable to be questioned because the time has passed, witnesses have died, people have gone away, and records are no longer in existence.

It is a very dangerous amendment. I admit that any amendment anyone would bring to the floor that has anything to do with child molestation or sexual offenses is likely to get 51 votes here, no matter what it is. I imagine that if we said in cases of sexual molestation of a child we should require the defendant to undergo electric shock treatment, we would probably get a vote for that here. We would probably get a vote for that here, because everybody is against those heinous crimes.

I conclude by saying, so you need not stay here any longer, Mr. President, these rules of evidence took 800 years to develop. They took that long in a figurative sense, Mr. President, because we have worked out over all this time means by which to separate the wheat from the chaff, the means by which to separate those things which are not at all dispositive or do not in any way shed light on the truth, but in fact only shed light on prejudice and keep those inquiries and rules that do in fact shed light on the truth. This is all about the truth.

Let me just point out that there are a number of—I, along with the Presiding Officer, wrote the, not too many years ago, the child safety legislation, dealing with violence against children. It was a major piece of legislation that passed. But one of the things we found out in all those times and in all that investigation is that occasionally, for example, children say things that are not true. Look at some of the most celebrated cases that have come up, and you read in Time Magazine and Newsweek and other places where innocent individuals have been accused of doing something wrong, where later they find out—the jury and judge finds out they just did not do it, because of the child's inability to make judgments and be accurate and the like. What happens in those kinds of cases where you bring in 2, 3, 4, 5, 7, or 10 other people who have never proven their case in a court of law and they say, "The same thing happened to me."

It does not seem like a very important amendment when you are talking about a $21 billion crime bill that is so significant. But in terms of our civil liberties, in terms of protecting the innocent in order to ensure that we get the guilty, this is a very dangerous amendment. I hope my colleagues tomorrow morning will conclude it makes no sense to support it.

Mr. COHEN. Will the Senator yield for a question?

Mr. BIDEN. I am delighted to yield.

Mr. COHEN. I know two of my colleagues wish to make a statement on a very important matter. I was going to inquire from the chairman. I heard him say to the chair he was going to "let him go" for the evening. So I will refrain tonight from offering another amendment. But perhaps after listening to the chairman debate this matter with Senator DOLE, I might be privileged to offer the amendment sometime early tomorrow?

Mr. BIDEN. I, quite frankly, have no opposition to you introducing it tonight. In the meantime, if the Senator will withhold, I ask unanimous consent that no second degree amendments be in order to the amendment that is pending.

The PRESIDING OFFICER. Is there objection?

Without objection, it so ordered.

Mr. BIDEN. I say to my friend from Maine—and I mean it sincerely—I am delighted to stay here and begin to discuss his amendment with him. I suggest that maybe we withhold doing that now.

MILITARY STYLE BOOT CAMPS POLICE CORPS PROGRAM

Mr. BOREN. Mr. President, I rise today to discuss two provisions of the Violent Crime Control and Law Enforcement Act of 1993. These provisions represent innovative responses to one of the most frightening problems of modern life: the unacceptably high level of crime.

Few of our past answers have been successful in controlling the escalating violence. Our primary solution has been to incarcerate more people for longer periods of time in conventional prison environments. The population of many prisons is at record levels, and most correctional systems are seriously overcrowded. It is time to try new solutions.

First, the bill authorizes funds to be used in grants for the operation of military-style boot camps for younger nonviolent offenders. This provision is similar to legislation that I introduced earlier this year, The Boot Camp Prison Act of 1993. The goals of a boot camp are rehabilitation, deterrence, building self-esteem, and prison population reduction. To achieve these objectives, the boot camp regime includes four major components: drills, work assignments, education classes, and counseling. Further, the boot camp concept includes the provision of post-release assistance to help youths make the transition from institutional life to life on the outside.

We cannot afford to miss an opportunity to help younger Americans reclaim their futures, to find order and meaning in their lives, and to return to the civilian world ready to be productive citizens. My State's experience with boot camps indicates the promise of this solution. In 1984, Oklahoma opened what is now one of the Nation's oldest correctional boot camps for young, nonviolent, first-time offenders. Oklahoma's example has been followed by 24 other States. There are now at least 34 boot camps in the Nation, incarcerating over 400 people. In light of the success of boot camps on the State level, it is high time that we provided more Federal funding for these worthy projects.

I am also gratified at the inclusion of a second provision, the section establishing a national Police Corps program that would provide $200 million for Police Corps enrollees and $150 million for scholarships for police officers serving the Nation now. Modeled on the ROTC, the Police Corps program, which I have long supported, would provide education assistance in exchange for a commitment to post-graduation police service.

The Police Corps program offers a way to enlist the best and brightest Americans to combat violence in our country. They will gain not only the benefits of a good education, but they will also receive intensive Federal law enforcement training. Again, this provision offers an innovative solution to one of our most pressing crime problems: the need for more police in our communities. Since 1971, while violent crime has increased almost 300 percent, and spending on prisons has increased 154 percent, total spending on State and local police has increased only 12 percent.

Both of these provisions are practical and realistic responses to the problem of crime that threatens to overwhelm our cities and States. I am pleased that the comprehensive crime control package recognizes their promise and includes them as important components to an integrated approach.

AMENDMENT NO. 1099

Mr. GRASSLEY. Mr. President, I rise in support of the amendment of the Senator from Utah. I complement him and the Republican leader for including this amendment as part of the crime bill that I was pleased to cosponsor.

We can hire more police. That is important. And we can punish crimes with longer sentences and truth in sentencing. Those are also important. However, we will never make true progress in fighting crime without building prisons to hold the people that our police arrest and that will be necessary if sentencing is stiffened.

The bill before us fails to create sufficient prison space. Although unfortunate, this should surprise no one. As early as last spring, when the administration's proposed budget numbers were released, we first learned that cutting back on prison construction was an important administration goal. The amount of money proposed to be spent on new prison construction was slashed. That same philosophy has carried through to the administration's crime bill.

Drug treatment and boot camps should not be the first approach to incarceration. The amendment before us takes a much more effective approach. It provides $2 billion for the construction of new regional prisons and another $1 billion for grants to States to operate and maintain prisons.

We need more prisons because criminals today serve too little jail time.

We know what happens when criminals are released too soon for lack of prison space: They frequently commit more crimes. Michael Jordan's father's death was allegedly committed by youths who were on parole. The recent Florida killings were also allegedly committed by repeat offenders who had been released after serving only brief jail terms. And the results are in when it comes to experimentation with shorter sentences.

In the 1980's, Texas cut prison terms and increased parole population 400 percent. Punishment for serious crime fell 43 percent in Texas, while it rose 25 percent nationwide. Crime rates over the same period in Texas rose 29 percent, while they fell 4 percent across the country. Similarly, consider the Michigan experience. In the first half of the 1980's, Michigan cut back on prison construction. When national violent crime rates stabilized, the equivalent Michigan rate increased 25 percent by 1986, when the State began to build more prisons. The State's violent crime rate declined 12 percent by 1989, 3 years after the prison construction program began.

We hear the argument that prison construction is the wrong answer. We are told that it is too late by then, and that we should instead focus on preventing criminal activity. I disagree. Prison construction prevents crime. In 1989, a Florida newspaper followed what happened to prisoners that were given early release for lack of prison space. More than 30 percent were rearrested for a crime that occurred within the time they had been scheduled to remain in jail.

These 985 rearrested criminals were charged with 2,180 new crimes, including 11 murders or attempted murders, 63 armed robberies, 6 sexual assaults, 7 kidnapings, 104 aggravated assaults, 199 burglaries, and 451 drug offenses. And those are only the ones for which they were charged. Who knows how many others were committed for which they were not arrested?

The next time you hear someone say that it costs more to send someone to jail than to Harvard, consider how expensive it is not to send a criminal to jail.

Finally, Mr. President, the amendment of the Senator from Utah does not throw bad money after good. It does not merely give more money to States to keep doing what they have been doing. To have their prisoners serve time in the new regional prisons, and to receive new prison construction and operation grants, States will have to get tougher. Because the overwhelming number of criminals are violators of State crimes, we will never solve the problem of inadequate prison space unless the States change their procedures. To obtain these new Federal funds, States will need to adopt truth in sentencing.

Just as in the Federal system, qualifying States need to require criminals to serve at least 85 percent of their sentences, and to adopt sentencing procedures that limit judicial discretion. Today, that discretion frequently leads to grossly inadequate sentences, motivated in part by the lack of jail space to hold prisoners for longer periods. If they seek these new funds, States would also have to adopt pretrial detention procedures similar to those under Federal law. That approach will further reduce crime. Moreover, qualifying States would have to impose serious sentences for serious crimes, including firearms offenders, violent criminals, sex offenders, and child abusers, that were at least as stringent as those imposed under Federal sentencing guidelines. The States would also have to allow the perspective of crime victims to be considered at all appropriate stages.

While the States would not have any existing funding conditioned on adopting these measures, those States that wish to obtain some of these funds—funds which are fully paid for—will need to adopt the kinds of punishment that are necessary to reduce crime.

The amendment of the Senator from Utah thus represents the most effective approach to fighting crime that the Federal Government can undertake. Providing funds to States to build prison space, while at the same time requiring States to enact the kind of anticrime measures that are both effective and urgently needed. I urge my colleagues to vote for this amendment.

STATEMENT IN SUPPORT OF S. 1607

Mr. AKAKA. Mr. President, I am pleased that we are debating amendments to the Violent Crime Control Law Enforcement Act of 1993. I urge my colleagues to continue to put aside partisanship and enact this legislation without delay.

S. 1607 is a comprehensive, broad-based approach that focuses on tough criminal penalties, adequate resources for law enforcement activities, juvenile crime initiatives, and crime prevention and education programs.

The measure authorizes funds for a community policing program that will put 60,000 more police officers on the beat. There is authorization for college scholarships to students who commit to 4 years service as police officers and a $150 million educational scholarship fund for in-service officers.

S. 1607 authorize funds for State and local law enforcement to support police, rural anticrime efforts, juvenile justice, corrections, and drug treatment in the criminal justice system.

Mr. President, we have travelled this route before. Regrettably, the 102d Congress failed to enact a major crime package after the threat of a Presidential veto prevented the Senate from voting on the crime bill conference report.

However, I am hopeful that we will work swiftly to ensure the safety of all Americans who should be able to walk through their neighborhoods without fear from violence. This measure reflects many of President Clinton's anticrime initiatives for expanding community policing, focusing on gang violence, and providing alternative punishment for young people through boot camps.

S. 1607, however, is only one part of the effort to curb violent crime. Other anticrime components include the Brady bill and the Violence Against Women Act.

I want to relate a recent meeting with the family of John Scully, a young attorney from Hawaii, who was one of eight people murdered by a lone gunman during a rampage through a San Francisco law firm this past summer.

As I sat with John's parents, Niall and Pegi Scully of Honolulu, his wife, Michelle Spiess Scully, who was injured during the shootings, his sister, Megin Scully-Minuth, and her husband, Reed, I became personally involved with the tragedy of a violent crime. Having one son who is a police officer with the Honolulu Police Department, and another who is a physician, I was no longer able to listen to these fine people as merely their Senator. I listened as a parent, a grandfather, and a friend. Despite their recent loss, the Scully family is channeling their grief through the establishment of the John and Michelle Scully Fund, which seeks to reduce handgun-related violence in this country. They were visiting Capitol Hill to urge Members of the Senate to support the Brady bill. Their selflessness was remarkable; their commitment to change Senators' minds steadfast; and their ability to relate as personal a tragedy as this inspiring. Pegi spoke of having to contact her six surviving children to tell them of John's death. Michelle, who was injured in the attack, quietly retold her husband's last words as he shielded her from the gunman. Megin explained that as a physician, the medical costs related to gun violence are staggering. And her father, also a physician, called gun-related violence a devastating public health issue.

Mr. President, I raise this incident because no family is safe from the threat of violence. In my own State of Hawaii, there were 42 murders in 1992. Although the number of murders in 1992 was three less than the year before, the number of reported forcible rapes increased 17.3 percent in that time. This represents the highest increase in the past 15 years, amounting to a 90.5 percent increase. I regret that violence against women continues to plague Hawaii. Of the seven murder victims killed by their spouses, all seven were women. And, there is one rape committed every 20 hours.

I am confident that S. 1607 will provide real answers to the serious problem of youth gangs and youth violence. I have spoken with law enforcement officials in Hawaii who have expressed deepening concern over the growing number of Hawaii youngsters who are joining gangs. Unlike their mainland counterparts, Hawaii gangs generally do not participate in criminal activities and do not sell drugs. However, mainland gang members are infiltrating the State, and of course, our State prison now houses members of some of the mainland's most notorious gangs. There is also the constant threat from international gang members who infiltrate criminal activities in the State.

Hawaii law enforcement officers believe they can, with adequate support, control the growing problem of youth violence and gangs. There are kids at risk and we cannot loose entire generations to our State and Federal prison systems, or worse. We can no longer allow young children to fear for their lives when they go to school. Childhood should be a wondrous time, and we must give back to our children the innocence they have lost.

S. 1607 directly attacks the issue of youth violence, gangs, and the juvenile justice system. This bill would increase penalties for drug trafficking and criminal street gangs, provide juvenile drug trafficking and gang prevention grants to the States and create a bindover system for certain violent juveniles. Moreover, the measure would expand proven programs that deter offenders such as boot camps.

Mr. President, as we debate the different provisions of the crime bill, let me remind my colleagues that there is a war waging within our borders that demand our immediate and diligent attention. We cannot abandon our friends, neighbors and loved ones whose lives are threatened daily by criminal activities that affect all of us.

MORNING BUSINESS

Mr. BIDEN. Mr. President, I ask unanimous consent that there be a period for morning business for up to 8 minutes, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN MEMORY OF MARCIA VERVILLE

Mr. PELL. Mr. President, it is with great sadness that I rise to pay tribute to Marcia Verville, a valued member of the staff of the Foreign Relation Committee who died earlier this morning.

Marcia joined the committee staff in January 1987 after the retirement of Senator Tom Eagleton for whom she had worked for 16 years. It was in January 1987 that I became chairman of the Senate Foreign Relations Committee after the November 1986 election in which Democrats regained control of the Senate. The first person that I hired as part of the enlarged Democratic staff was Marcia Verville, and that was one of the best decisions I ever made.

I first came to know and admire Marcia when she was on the staff of the Labor and Human Resources Committee on which both Tom Eagleton and I served. She was a highly capable and dedicated professional who excelled in everything she did. When Senator Eagleton became a member of the Foreign Relations Committee during his final 2 years in the Senate, Marcia shifted gears professionally and did an outstanding job of staffing Senator Eagleton's fine work on the committee.

After Senator Eagleton's retirement, Marcia joined the Foreign Relations Committee staff and worked on foreign assistance and international economic issues. She did a superb job both for me and, later, for Senator SARBANES, the able chairman of our International Economic Policy Subcommittee. Many important pieces of legislation owe their existence to the imagination and skill of Marcia Verville.

Irrepressibly cheerful and witty, Marcia was liked by everyone. She had a wonderful sense of humor and a wry view of the world that helped to provide reality checks to all around her who needed them. She was kind, she was thoughtful, and she always wanted to help in any way she could. She did not have to be asked to do things; she instinctively knew what had to be done and did it. I cannot imagine better qualities for a member of the Senate family. We will miss her greatly.

Marcia was devoted to her daughter. Her office was festooned with Alexandra's photographs and artwork. Although Marica worked long, exhausting hours at the committee, she had arranged to spend as much time as possible with her family. Marcia had the right priorities. She was so enormously energetic and capable that devotion to family never diminished her enthusiasm or performance of her responsibilities as a Senate staffer.

Marcia is survived by her husband Richard, her daughter Alexandra, her sister Hazel Zimmerman, and her brother Vincent McCord. My heart goes out to all of them on this loss, and I want them all to know how much we in the Senate benefited from knowing and working with Marcia.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, today we mourn the tragic and untimely death of Marcia Verville, who passed away this morning after a long and valiant battle against cancer.

Marcia was a truly remarkable woman, known to many of us as a wise and exceptionally capable staff member, a dear and loyal friend, and a loving wife and mother.

She worked on the staff of the Senate Foreign Relations Committee since the beginning of 1987, having previously worked with our colleague, Senator Tom Eagleton, for some 16 years on the staff of the Senate Committee on Labor and Human Resources and the staff of the Senate Committee on Governmental Affairs.

This is a tremendous loss not only for her family and her friends, but, Mr. President, it is a tremendous loss for the committee, the Senate, and indeed the Nation that she is no longer here to share with us her extensive knowledge, her sharp wit, and her profound commitment to this Nation's highest ideals.

Many pieces of important legislation passed by this body were shaped by Marcia Verville, and her Nation's values and interests were enhanced by her efforts of more than 20 years as a Senate staffer.

It was a privilege to have worked with her. She was unmatched in her dedication and her effectiveness, admired and respected by all.

One thing that was particularly striking and endearing about Marcia was her ability in the midst of the daily crises and frustrations on the Hill to keep things in perspective, to understand what was truly important, and to maintain through all of it a wonderful sense of humor. She managed to perform an extremely difficult and demanding job with the utmost competence and what often seemed with the utmost ease while making time to spend with her daughter and her husband, who were so very important to her.

Mr. President, it is always a great tragedy and especially a great tragedy when someone is taken from us at such a young and vibrant age with so much yet to accomplish and so much yet to share.

We want Marcia's family to know that our thoughts are with them and that we all miss here deeply. We extend our profound sympathies to her husband, Dick, her daughter, Alexandra, and the other members of her family.

We learned of her death this morning at the very time that a meeting of the Senate Foreign Relations Committee was taking place at which the Secretary of State, Warren Christopher, was testifying. When the committee adjourned, Mr. President, at the conclusion of that hearing, it did so in memory of and in tribute to Marcia Verville. Her contributions, both personal and professional, were of extraordinary quality and will never be forgotten.

Mr. President, I yield the floor.

FEMA AND THE CALIFORNIA FIRES

Mrs. FEINSTEIN. Mr. President, California last week and this crackled with disaster, and I want to focus the attention of the United States Senate on the federal response to an unprecedented outbreak of wildfires.

Last week, after the first fires were reported, I traveled to California with Senator BARBARA BOXER and the new director of the Federal Emergency Management Agency, James Lee Witt, to see firsthand and up close how all levels of government were responding to the crisis. And again this week, as new fires transformed some of Southern California's most beautiful residential areas into grey and empty moonscapes, I closely monitored developments.

Over the past 2 weeks, 17 major fires raced out of control, sweeping more than 200,000 acres and destroying an estimated 1000 homes. Damage now exceeds $1.5 billion.

Tens of thousands of lives have been disrupted, but, miraculously, in these infernos only one life has been lost.

Many of the firestorms were touched off by arsonists for reasons that defy sanity. But as President Clinton said last night when he committed $15 million to assist the victims "you are not alone in facing these fires."

My concern is that as the fires die down our commitment to the victims remains steadfast. In the past, Californians have had a very poor experience with FEMA. Especially following the Loma Prieta earthquake in 1989 and this year's Los Angeles riots, the response by the federal government was slow, bureaucratic and riddled with problems.

More than two years after 3,200 homes were destroyed in the Oakland firestorm, many have still not been rebuilt. Because of the lapse of time, it was necessary for Congress to adopt legislation, which I authored, to give homeowners more time to rebuild and still qualify for income tax benefits.

Helping Californians recover from last week's and now this week's catastrophic wildfires will be a major test for FEMA. Quite frankly, I'm watching to see that it succeeds.

My purpose in spending time in the command centers and on the fire lines was to see how rapidly and effectively FEMA mobilized to assist those victimized by the disaster.

As I follow up, I assigned members of my California staff to each of the disaster assistance centers that have been established in the wake of the various fires. Additionally, I have asked for a status report of all outstanding complaints in California.

With 60-foot high flames pushed by winds gusting at more than 50 miles-an-hour, the fires left terrible devastation behind them.

Last week, 13 fires, raging from Ventura to the Mexican border, blackened more than 168,000 acres and turned 731 structures to ash, causing more than $500 million in damage.

On Tuesday of this week, again driven by strong Santa Ana winds, four new fires burst out of control, charring some 40,000 acres.

By far the most devastating of these fires exploded out of Topanga Canyon into Malibu north of Los Angeles and to the very shore of the Pacific. More than 200 homes were destroyed. By this morning, a containment line was holding around about 60 percent of the 18,000 acres burned so far, but hot spots continued to send flames curling skyward. It was this blaze that claimed a life. Damage in this fire is estimated at $1 billion.

Almost simultaneously, another fire broke out near Banning in Riverside County and swept 8,000 acres and destroyed at least 17 structures before it was brought under control yesterday. Yet another blackened 1,500 acres in Poway in San Diego County before it, too, was controlled.

Personally surveying the fires in Altadena, Riverside, and Laguna Beach, I was starkly reminded about the ferocity of fire: A major firestorm fueled by Santa Ana winds moves with unbelievable speed and without warning; fire often follows an illogical path—a single home on a block in Laguna Beach survived while all of the other homes were destroyed—this is a true testament to fire-resistant roofing and plants such as ice plants that are fire retardant; victims lose everything—and often escape only with the clothes they are wearing and their pets.

FEMA Director Witt, who flew to California last week when the first fires erupted, was again back in the State. Local, State, and Federal resources are pooled to respond to the latest conflagrations. I compliment the director for so swiftly responding to California's heartbreak.

For many, so many families, the dreams and years of effort have turned to ashes. They have lost everything, and in the weeks and months ahead they will need our assistance.

Our hearts go out to the victims of this disaster—and we all pray that the latest fires finally are controlled.

During the ground tour last week, one of the most impressive things I learned about was that California has a unique program known as FireScope.

It's a unified command system that coordinates all firefighting resources—local, state and national. Fire engines, ground crews, helicopters and aerial tankers are mobilized from throughout California and from other states and joined in a single, concerted effort.

FireScope enabled the quick mobilizations of 80 strike teams of five engines each from all over California to re-enforce the embattled firefighters in Southern California. It provides an impressive model for all states in disasters.

I want to see if the FireScope program can be expanded nationwide—and I intend to work with FEMA director James Lee Witt to see if this is feasible.

In addition, I intend to work with my colleague, Senator BARBARA BOXER, to look at the current Small Business Administration loan program for disaster victims. Loans of 4 percent and 8 percent are available, but in today's marketplace where low commercial interest rate loans are available, these rates may be too high. We will work to see if the loan rate for individuals and businesses can be lowered to offer greater assistance.

In the days and weeks ahead, it is the job of federal agencies to work with local and state government officials to: Make Small Business Administration loans available in a timely fashion to small companies hit hard by the fire, reseed the hillside areas—in the Santa Monica Mountains, above Altadena, and on the hillsides of Laguna Beach and Malibu and in Riverside, San Diego and Ventura counties—to make sure that what the fire left desolate and barren aren't followed by the disaster of mudslides when the rainy season comes; collaborate with local law enforcement officials in apprehending and prosecuting those who deliberately set several of the larger fires. Arson is a wild and indiscriminate crime that selects no single victim but threatens entire communities.

In the Federal, state and local response, delays and excuses can not be tolerated—action is what the people of these hard-pressed communities need right now.

I know I join the entire California delegation in saying that we stand ready to assist—and if any reforms are necessary at FEMA or at any other federal agency to speed the recovery process, I will quickly offer such legislation.

COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar Order No. 214, S. 732, the Comprehensive Child Immunization Act of 1993.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 732) to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE, REFERENCES AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Child Immunization Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) PURPOSE.—It is the purpose of this Act to ensure that children in the United States are appropriately immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 2. MONITORING OF CHILDHOOD IMMUNIZATIONS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Improved Immunization Delivery and Monitoring Systems

"Part A—List of Vaccines and Administration

"SEC. 2141. LIST OF PEDIATRIC VACCINES; SCHEDULE FOR ADMINISTRATION.

"(a) RECOMMENDED PEDIATRIC VACCINES.—

"(1) IN GENERAL.—The Secretary shall establish a list of the vaccines that the Secretary recommends for administration to all children for the purpose of immunizing the children, subject to such contraindications for particular medical categories of children as the Secretary may establish under subsection (b)(1)(D). The Secretary shall periodically review the list, and shall revise the list as appropriate.

"(2) RULE OF CONSTRUCTION.—

"(A) The list of vaccines specified in subparagraph (B) is deemed to be the list of vaccines maintained under paragraph (1).

"(B) The list of vaccines specified in this subparagraph is the list of vaccines that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices, an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention.

"(b) RECOMMENDED SCHEDULE FOR ADMINISTRATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a pediatric vaccine, the Secretary shall establish (and periodically review and as appropriate revise) a schedule of nonbinding recommendations for the following:

"(A) The number of immunizations with the vaccine that children should receive.

"(B) The ages at which children should receive the immunizations.

"(C) The dose of vaccine that should be administered in the immunizations.

"(D) Any contraindications regarding administration of the vaccine.

"(E) Such other guidelines as the Secretary determines to be appropriate with respect to administering the vaccine to children.

"(2) VARIATIONS IN MEDICAL PRACTICE.—In establishing and revising a schedule under paragraph (1), the Secretary shall ensure that, in the case of the pediatric vaccine involved, the schedule provides for the full range of variations in medical judgment regarding the administration of the vaccine, subject to remaining within medical norms.

"(3) RULE OF CONSTRUCTION.—

"(A) The schedule specified in subparagraph (B) is deemed to be the schedule maintained under paragraph (1).

"(B) The schedule specified in this subparagraph is the schedule that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the advisory committee specified in subsection (a)(2)(B).

"(c) GENERALLY APPLICABLE RULES OF CONSTRUCTION.—This section does not supersede any State law or requirements with respect to receiving immunizations (including any such law relating to religious exemptions or other exemptions under such State laws).

"(d) ISSUANCE OF LIST AND SCHEDULES.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish the initial list required in subsection (a) and the schedule required in subsection (b).

"Part B—State Registry System for Immunization Information

"SEC. 2145. PURPOSE.

"It is the purpose of this part to authorize the Secretary, in consultation with State public health officials, to establish State registry systems to monitor the immunization status of all children.

"SEC. 2146. GRANTS FOR IMMUNIZATION REGISTRIES.

"(a) IN GENERAL.—For the purpose described in section 2145, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 2151. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 2150 on behalf of the chief executive officer of such State.

"(b) DESIGN OF STATE REGISTRIES.—To carry out the purpose described in section 2145, a State registry established under this part shall be designed to—

"(1) provide accurate and up to date surveillance data regarding immunization rates at the State and local levels;

"(2) assist in identifying localities with inadequate immunization rates to target for necessary remedial assistance;

"(3) assist in the effective administration and management of immunization programs at State and local levels by providing data to guide immunization program efforts;

"(4) assist the State in providing and receiving information on the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(5) facilitate the linkage of vaccine dosage information to adverse events reported to the Centers for Disease Control and Prevention under section 2125(b) and disease outbreak patterns, for the purpose of monitoring vaccine safety and effectiveness.

"(c) ELIGIBLE USE OF FUNDS.—The Secretary may make a grant under subsection (a) only if the State agrees to expend the grant for the purpose of—

"(1) collecting the data described in section 2147;

"(2) operating registries to maintain the data (and establishing such registries, in the case of a State that is not operating such a registry);

"(3) utilizing the data to monitor the extent to which children have received immunizations in accordance with the schedule established under section 2141;

"(4) notifying parents, as appropriate, if children have not received immunizations in accordance with such schedule;

“(5) coordinating and exchanging information with other State registries to allow the monitoring of the immunization status of children changing State of residence; and

“(6) such other activities as the Secretary may authorize with respect to achieving the objectives established by the Secretary for the year 2000 for the immunization status of children in the United States.

“(d) REQUIREMENT REGARDING STATE LAW.—

“(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved—

“(A) provides assurances satisfactory to the Secretary that, not later than October 1, 1996, the State will be operating a registry in accordance with this part, including having in effect such laws and regulations as may be necessary to so operate such a registry; and

“(B) agrees that, prior to such date, the State will make such efforts to operate a registry in accordance with this part as may be authorized in the law and regulations of the State.

“(2) RULES OF CONSTRUCTION.—

“(A) With respect to the agreements made by a State under this part, other than paragraph (1)(B), the Secretary may require compliance with the agreements only to the extent consistent with such paragraph.

“(B) The provisions of this part do not authorize the Secretary, as a condition of the receipt of a grant under subsection (a) by a State, to prohibit the State from providing any parent, upon the request of the parent, with an exemption from the requirements established by the State pursuant to this part for the collection of data regarding any child of the parent.

“SEC. 2147. REGISTRY DATA.

“(a) IN GENERAL.—For purposes of section 2146(c)(1), the data described in this section are the data described in subsection (b) and the data described in subsection (c).

“(b) DATA REGARDING BIRTH OF CHILD.—With respect to the birth of a child, the data described in this subsection is as follows:

“(1) The name of each child born in the State involved after the date of the implementation of the registry (in no event shall such date be later than October 1, 1996).

“(2) Demographic data on the child.

“(3) The name of one or both of the parents of the child. If the child has been given up for adoption, any information regarding the identity of the birth parent or parents of the child may not be entered into the registry, or if entered, shall be deleted.

“(4) The address, as of the date of the birth of the child, of each parent whose name is received in the registry pursuant to paragraph (3).

“(c) DATA REGARDING INDIVIDUAL IMMUNIZATIONS.—With respect to a child to whom a pediatric vaccine is administered in the State involved, the data described in this subsection is as follows:

“(1) The name, age, and address of the child.

“(2) The date on which the vaccine was administered to the child.

“(3) The name and business address of the health care provider that administered the vaccine.

“(4) The address of the facility at which the vaccine was administered.

“(5) The name and address of one or both parents of the child as of the date on which the vaccine was administered, if such information is available to the health care provider.

“(6) The type of vaccine.

“(7) The lot number or other information identifying the particular manufacturing batch of the vaccine.

“(8) The dose of vaccine that was administered.

“(9) A notation of the presence of any adverse medical reactions that the child experienced in relation to the vaccine and of which the health care provider is aware, in accordance with section 2125.

“(10) The presence of contraindications noted by the health care provider with respect to administration of the vaccine to the child.

“(11) Such other data regarding immunizations for the child, including identifying data, as the Secretary, in consultation with State public health officials, may require consistent with applicable law (including social security account numbers furnished pursuant to section 205(c)(2)(E) of the Social Security Act).

“(d) LIMITATION.—The Secretary may not establish information reporting requirements in addition to those described in subsection (c) if such requirements are unduly burdensome.

“(e) DATE CERTAIN FOR SUBMISSION TO REGISTRY.—The Secretary may make a grant under section 2146 only if the State involved agrees to ensure that, with respect to a child—

“(1) the data described in subsection (b) are submitted to the registry under such section as soon as possible but in no event later than 8 weeks after the date on which the child is born; and

“(2) the data described in subsection (c) with respect to a vaccine are submitted to such registry as soon as possible but in no event later than 4 weeks after the date on which the vaccine is administered to the child.

“(f) UNIFORMITY IN METHODOLOGIES.—The Secretary shall, in consultation with State public health officials, establish standards regarding the methodologies used in establishing and operating registries under section 2146, and may make a grant under such section only if the State agrees to comply with the standards. The Secretary shall provide maximum flexibility to the States while also retaining a reasonable degree of uniformity among the States in such methodologies for the purpose of ensuring the utility, comparability, and exchange of the data maintained in such registries.

“(g) COORDINATION AMONG STATES.—The Secretary may make a grant under section 2146 to a State only if, with respect to the operation of the registry of the State under such section, the State agrees to transfer that information contained in the State registry pursuant to section 2146 to other States upon the request of such States for such information.

“SEC. 2148. FEDERAL STANDARDS ON CONFIDENTIALITY.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, in consultation with the States, shall by regulation establish standards providing for maintaining the confidentiality of the identity of individuals with respect to whom data are maintained in registries under section 2146. Such standards shall, with respect to a State, provide that the State is to have in effect laws or regulations regarding such confidentiality, including appropriate penalties for violation of the laws. The Secretary may make a grant under such section only if the State involved agrees to comply with the standards.

“(2) USE OF DISCLOSURE.—

“(A) No personally identifiable information relating to a child or to the parent or guardian of such child that is collected or maintained by the State registry may be used or disclosed by any holder of such information except as permitted for—

“(i) the monitoring of a child's immunization status;

“(ii) oversight, audit, and evaluation of the immunization delivery and registry systems;

“(iii) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine;

“(iv) processing of insurance claims for payment for vaccine administration (but only to the extent necessary for processing claims); and

“(v) administration of the National Vaccine Injury Compensation Program under subtitle 2.

“(B) Information regarding immunizations provided as described in subparagraph (A)(i) may be used or disclosed only with the written authorization of the individual to whom it refers or to the parent with custody of such individual.

“(b) USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Any usage or disclosure of data in registries under section 2146 that consists of social security account numbers and related information which is otherwise permitted under this part may be exercised only to the extent permitted under section 205(c)(2)(E) of the Social Security Act. For purposes of the preceding sentence, the term ‘related information’ has the meaning given such term in clause (iv)(II) of such section.

“SEC. 2149. PROVIDER PARTICIPATION.

“(a) IN GENERAL.—The State shall monitor and enforce compliance by health care providers with the requirements of sections 2147 and 2148 and section 2155(b) for all doses of pediatric vaccine administered in the State. The State shall establish procedures satisfactory to the Secretary for discontinuing the distribution of federally purchased or State purchased vaccine for any health care provider who fails to comply with the requirements of section 2147 and for reinstating such vaccine supply to such provider upon receiving from such provider—

“(1) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

“(2) satisfactory assurances regarding the provider's future compliance.

“(b) REPORTS TO SECRETARY.—The Secretary may make a grant under section 2146 only if the State involved agrees to submit to the Secretary such reports as the Secretary determines to be appropriate with respect to the activities of the State under this part.

“SEC. 2150. APPLICATION FOR GRANT.

“An application by a State for a grant under section 2146 is in accordance with this section if the application—

“(1) is submitted not later than the date specified by the Secretary;

“(2) contains each agreement required in this part;

“(3) contains any information required in this part to be submitted to the Secretary; and

“(4) is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

“SEC. 2151. DETERMINATION OF AMOUNT OF ALLOTMENT.

“The Secretary shall determine the amount of the allotments required in section 2146 for States for a fiscal year in accordance with a formula established by the Secretary that allots the amounts appropriated under section 2152 for the fiscal year on the basis of the costs of the States in establishing and operating registries under section 2146.

“SEC. 2152. AUTHORIZATION OF APPROPRIATIONS.

“For the purpose of carrying out this part, other than section 2153, there are authorized to be appropriated $152,000,000 for fiscal year 1994, $125,000,000 for fiscal year 1995, and $35,000,000 for each of the fiscal years 1996 through 1999.

“SEC. 2153. NATIONAL IMMUNIZATION SURVEILLANCE PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a national immunization surveillance program for the purpose of assessing the effects of the programs and activities provided for in this

subtitle towards appropriately immunizing children and facilitating State immunization registries. The national immunization surveillance program shall—

"(1) provide technical assistance to States for the development of vaccination registries and monitoring systems; and

"(2) receive aggregate epidemiologic data (that is in a format that is not person specific) collected by States as provided for in section 2147 at intervals determined appropriate by the Secretary for the purpose of—

"(A) compiling accurate and up-to-date surveillance data regarding immunization rates at the State level in order to assess the progress made towards achieving nationally established immunization goals;

"(B) assisting in the effective administration and management of immunization programs at the State level by providing technical assistance to guide immunization program efforts at the request of the State;

"(C) providing technical assistance to States and localities to facilitate monitoring the immunization status of children who move across geographic boundaries that are covered by different State or local registries at the request of such States or localities; and

"(D) monitoring the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the release of person specific information to the Secretary for the purpose of immunization surveillance.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section in each of the fiscal years 1994 through 1999.

"SEC. 2154. REPORT.

"Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development, operation and effectiveness of the national immunization surveillance program and the State immunization registries.

"Part C—Distribution of Vaccines, Public Outreach and Education

"SEC. 2155. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS.—The Secretary shall provide for the distribution, without charge, of recommended pediatric vaccines (in accordance with section 2141) purchased by the Secretary to health care providers who serve children and who—

"(A) are members of a uniformed service, or are officers or employees of the United States;

"(B) are health centers (as defined in section 2162(2)); or

"(C) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act.

"(2) STATES.—The Secretary shall provide for the distribution, without charge, of those recommended pediatric vaccines that are purchased by the Secretary and provided to States for the purposes of immunizing medicaid-eligible children, and additional vaccines that may be purchased by the Secretary for children within those States.

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider or entity receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider or health care entity may impose a fee that reflects actual regional costs as determined by the Secretary for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report the information required under section 2147 to the applicable State registry operated pursuant to a grant under section 2146 if such State registry exists. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccines distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary, in consultation with State public health officials, may prescribe.

"SEC. 2156. IMPROVED IMMUNIZATION DELIVERY, OUTREACH AND EDUCATION.

"(a) FEDERAL EFFORTS.—The Secretary, acting through the Centers for Disease Control and Prevention and in conjunction with State health officials and other appropriate public and private organizations, shall conduct the following activities to improve Federal, State and local vaccine delivery systems and immunization outreach and education efforts:

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary, in conjunction with State health officials and other appropriate public and private organizations, shall develop and implement a National Immunization Public Awareness Campaign to assist families (through bilingual means if necessary) of children under the age of 2 years, and expectant parents, in obtaining knowledge concerning the importance of having their children immunized and in identifying the vaccines, schedules for immunization, and vaccine provider locations, appropriate with respect to their children.

"(B) IMPLEMENTATION.—In implementing the Campaign under subparagraph (A), the Secretary shall ensure that—

"(i) new and innovative methods are developed and utilized to publicly advertise the need to have children immunized in a timely manner;

"(ii) print, radio and television media are utilized to convey immunization information to the public; and

"(iii) with respect to immunization information, efforts are made to target pregnant women and the parents of children under the age of 2.

"(2) INTERAGENCY COMMITTEE ON IMMUNIZATION.—The Secretary, in conjunction with the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the Secretary of Education, shall carry out activities through the Interagency Committee on Immunization to incorporate immunization status assessments and referral services as an integral part of the process by which individuals apply for assistance under—

"(A) the food stamp program under the Food Stamp Act of 1977;

"(B) section 17 of the Child Nutrition Act of 1966;

"(C) the Head Start Act;

"(D) part A of title IV of the Social Security Act;

"(E) title XIX of the Social Security Act;

"(F) any of the housing assistance laws of the United States; and

"(G) other programs determined appropriate by any of the Secretaries described in this paragraph.

"(3) EXPANDED OPPORTUNITY FOR NATIONAL SERVICE.—The Secretary, in conjunction with the Commission on National and Community Service and other independent agencies, is encouraged to develop opportunities for participants in national and community service programs to contribute to local initiatives for the improvement of immunization services, including public outreach and education efforts.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—

"(A) The Secretary may award grants to States to enable such State to develop, revise and implement immunization improvement plans as described in paragraph (2).

"(B) To be eligible to receive a grant under subparagraph (A), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) DESIGN.—A State immunization improvement plan shall be designed to improve immunization delivery, outreach, education and coordination within the State. Such plan shall provide for the creation of—

"(A) a vaccine provider education campaign and the distribution of any other materials determined to be appropriate by State health officials—

"(i) to enable such providers to make the best use of vaccination opportunities; and

"(ii) to educate such providers concerning their obligation to report immunization information with respect to their patients to State registries;

"(B) expanded capacity for the delivery of immunizations through—

"(i) increasing the number or type of facilities through which vaccines may be made available and the capacity of such facilities to immunize more children;

"(ii) developing alternative methods of delivering vaccines, such as mobile health clinics;

"(iii) increasing the number of hours during which vaccines are made available by providers within the State; or

"(iv) coordinating with federally qualified health centers to reach and immunize underserved children through education, outreach, tracking, and the provision of services;

except that, the Secretary may waive any specific requirement of this subparagraph if the Secretary determines that State immunization delivery efforts are sufficient without the imposition of such requirement;

"(C) population-based assessment criteria through which the State is able to assess the effectiveness of immunization activities in the State, which may be fulfilled through the implementation of a State immunization registry under section 2146;

"(D) a public awareness campaign, in conjunction with the National Campaign established under subsection (a)(1), to provide parents with information about the importance of immunization, the types and schedules for the administration of vaccines, and the locations of vaccines providers;

"(E) coordinated community outreach activities among public or private health programs, including local health departments and health centers, and other public or private entities, to encourage and facilitate the ability of parents to obtain immunization services for their children; and

"(F) other activities that are not inconsistent with the purposes of this subtitle, subject to the approval of the Secretary.

"(3) IMMUNIZATION IMPROVEMENT PLAN APPROVAL.—

"(A) GOALS.—As part of the immunization improvement plan of a State, the State shall establish immunization rate goals for children residing within the State.

"(B) APPROVAL.—The immunization improvement plan developed by a State under this subsection shall be submitted to the Secretary for approval prior to the distribution of grant funds to the States under this subsection. The Secretary shall periodically review the progress

that the State has made under such plan in achieving the goals established under subparagraph (A).

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grant awards will be equitably distributed between rural and urban areas. In determining such distribution, the Secretary shall take into account the added costs of supporting the health care delivery infrastructure in sparsely populated areas.

"(D) REPORTING.—A State shall annually prepare and submit to the Director of the Centers for Disease Control and Prevention a report concerning the implementation of the State immunization improvement plan. If the Director or the Secretary, in reviewing the reports submitted under this subparagraph determine that the State has exceeded the goals established under subparagraph (A), the Secretary may award a bonus to the State in an amount not to exceed 5 percent of the amount the State received under the grant for the purposes of the grant.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $250,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1999.

"Part D—General Provisions

"SEC. 2161. REPORT.

"Not later than October 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the costs, efficiency, and effectiveness of procedures established to deliver vaccine to health care providers.

"SEC. 2162. NATIONAL VACCINE PROGRAM.

"The Secretary shall authorize a report to be prepared by the National Academy of Sciences concerning the role of the National Vaccine Program established under this title in achieving progress towards the nationally established immunization goals for the year 2000, and recommendations with respect to the changes in such Program that would facilitate greater progress towards achieving such goals.

"SEC. 2163. DEFINITIONS.

"For purposes of this subtitle—

"(1) HEALTH CARE PROVIDER.—The term 'health care provider', with respect to the administration of vaccines to children, means an entity that is licensed or otherwise authorized for such administration under the law of the State in which the entity administers the vaccine, subject to section 333(e).

"(2) HEALTH CENTER.—The term 'health center' means—

"(A) a federally qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 329, 330 or 340;

"(ii) section 340A (relating to grants for health services for residents of public housing); or

"(iii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(3) IMMUNIZATION.—The term 'immunization' means an immunization against a vaccine-preventable disease.

"(4) PARENT.—The term 'parent', with respect to a child, means a legal guardian of the child.

"(5) PEDIATRIC VACCINE.—The term 'pediatric vaccine' means a vaccine included on the list established under section 2141.

"(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Republic of the Marshall Islands, Micronesia, the Northern Mariana Islands, and Palau.".

SEC. 3. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa-14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—

"(1) IN GENERAL.—The Vaccine Injury table contained in subsection (a) shall also include any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141.

"(2) REVIEW OF INFORMATION AND REVISION.—Not later than 2 years after the addition of a new vaccine to the table contained in subsection (a), and on a regular basis thereafter, the Secretary shall review information obtained under sections 2125 and part B of subtitle 3, and based on such review (and other relevant information) shall, as appropriate, develop with respect to such new vaccine—

"(A) revisions with respect to illnesses, disabilities, injuries or conditions covered by such table;

"(B) appropriate specifications of the time period for the first symptom or manifestation of onset or of significant aggravation of such illnesses, disabilities, injuries or condition after vaccine administration, for purposes of receiving compensation under the Program; and

"(C) recommendations as to the amount of tax that should be imposed under section 4131 of the Internal Revenue Code of 1986 for each dose of vaccine.

"(3) LIMITATION.—The Secretary may modify the table contained in subsection (a) pursuant to paragraphs (1) and (2) only in accordance with subsection (c).

"(4) REVISION.—For purposes of section 2116(b), the addition of vaccine to the table contained in subsection (a) by operation of this subsection shall constitute a revision of the table.".

(2) ATTORNEYS' FEES.—Section 2115(e) (42 U.S.C. 300aa-15(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The special master may award reasonable attorneys' fees whether or not an election has been made under section 2121(a) to file a civil action concerning such petition.".

(3) CONSENT FOR ANNUITY.—Subparagraphs (A) and (B) of section 2115(f)(4) are amended by striking ", with the consent of the petitioner," each place that such appears.

(4) TIME PERIODS FOR FEES AND COSTS.—

(A) IN GENERAL.—Section 2115(e) (42 U.S.C. 300aa-15(e)) (as amended by paragraph (3)) is further amended by adding at the end thereof the following new paragraph:

"(5) With respect to a petitioners' application for attorneys' fees and costs—

"(A) if the respondent enters no objection to such application within 21 days of the date on which the application was filed (unless such time period is extended by the special master with the consent of the petitioner) the special master shall enter a decision on such application within 30 days of such filing;

"(B) if the respondent files an objection to such application and the special master does not enter a decision with respect to the application within 60 days after the date on which the objection is filed, the special master involved shall, upon the written request of the petitioner, enter a decision within 15 days after the filing of such request; and

"(C) if the respondent files an objection to such application and the petitioner moves to reduce costs and fees as provided for in the objection, the special master shall enter a decision within 5 days after the receipt of the petitioner's motion.

The chief special master, upon the request of a special master, may waive the time limitations applicable to the special master under this paragraph if the special master demonstrates that complicating factors exist with respect to the issues involved to which the time limitation applies.".

(B) APPLICATION.—The amendment made by subparagraph (A) shall apply to all petitioners' applications for attorneys' fees and costs filed under section 2115(e) of the Public Health Service Act which are pending on the date of enactment of this Act.

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 2115(j) (42 U.S.C. 300aa-15(j)) is amended by striking "$80,000,000 for each succeeding fiscal year" and inserting in lieu thereof "$110,000,000 for each succeeding fiscal year".

(6) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa-16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(b) EXTENSION OF TIME FOR DECISION.—

(1) JURISDICTION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(2) REPORT ON COLLECTIONS.—Section 2117 (42 U.S.C. 300aa-17) is amended by adding at the end thereof the following new subsection:

"(c) REPORT.—The Attorney General shall, on January 1 of each year, prepare and submit to the appropriate committees of Congress a report concerning amounts collected under this section.".

(3) INCREASED RESPONSIBILITIES OF COMMISSION.—Section 2119(f) (42 U.S.C. 300aa-19(f)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ", and"; and

(C) by adding at the end thereof the following new paragraph:

"(6) monitor the balance of the Vaccine Injury Trust Fund established by section 9510 of the Internal Revenue Code and, as appropriate, recommend changes in the tax per dose of vaccine imposed under section 4131 of such Code.".

(c) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(1) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa-26(b)) is amended—

(A) by striking "by rule" in the matter preceding paragraph (1);

(B) in paragraph (1), by striking "90" and inserting "30"; and

(C) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(2) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa-26(c)) is amended—

(A) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(B) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine;

"(3) a statement of the availability of the National Vaccine Injury Compensation Program;

"(4) a statement of the availability from the Secretary of more detailed written information concerning the information required under paragraphs (1), (2), and (3), that shall be made available to the parent, legal guardian, or other responsible person upon request; and

"(5) such other relevant information as determined appropriate by the Secretary.".

(3) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa-26 (a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(4) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa–26(d)) is amended—

(A) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(B) by striking "or other information" in the last sentence.

(d) AUTHORIZATION OF APPROPRIATIONS.—Part A of subtitle 2 of title XXI (42 U.S.C. 300aa–10 et seq.) is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2120. (a) SECRETARY.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund established under section 9510(c) of the Internal Revenue Code of 1986, to the Secretary, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(b) ATTORNEY GENERAL.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Attorney General, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(c) COURT OF FEDERAL CLAIMS.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Court of Federal Claims, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.".

SEC. 4. MISCELLANEOUS PROVISIONS.

Section 317(k) (42 U.S.C. 247b(k)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) and (4), respectively.

SEC. 5. FEDERAL TORT CLAIMS AMENDMENTS.

(a) CLARIFICATION OF COVERAGE OF OFFICERS AND EMPLOYEES OF CLINICS.—The first sentence of section 224(g)(1) of the Public Health Service Act (42 U.S.C. 233(g)(1)) is amended by striking "officer, employee, or contractor" and inserting the following: "officer or employee of such an entity, and any contractor".

(b) COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN PATIENTS OF CLINIC.—Section 224(g) of such Act (42 U.S.C. 233(g)(1)), as amended by paragraph (1), is further amended—

(1) in the first sentence of paragraph (1), by inserting after "Service" the following: "with respect to services provided to patients of the entity and (subject to paragraph (7)) to certain other individuals"; and

(2) by adding at the end the following new paragraph:

"(7) For purposes of paragraph (1), an officer, employee, or contractor described in such paragraph may be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are not patients of an entity described in paragraph (4) only if the Secretary determines—

"(A) that the provision of the services to such individuals benefits health center patients and general populations that could be served by the health center through community-wide intervention efforts within the communities served by such health center, and facilitates the provision of services to health center patients; or

"(B) that such services are otherwise required to be provided to such individuals under an employment contract (or other similar arrangement) between the individual and the entity.".

(c) DETERMINING COMPLIANCE OF ENTITY WITH REQUIREMENTS FOR COVERAGE.—

(1) IN GENERAL.—Section 224(h) of such Act (42 U.S.C. 233(h)), as added by section 2(b) of the Federally Supported Health Centers Assistance Act of 1992, is amended by striking "the entity—" and inserting the following: "the Secretary, after receiving such assurances and conducting such investigation as the Secretary considers necessary, finds that the entity—".

(2) FINDING.—Section 224 of such Act (42 U.S.C. 233) is amended by adding at the end thereof the following new subsection:

"(l) With respect to subsection (h), the finding of the Secretary that an entity meets all of the requirements under such subsection shall apply for the period specified by the Secretary, and shall be binding for all parties unless the Secretary reverses such finding for good cause shown at a later date.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Federally Supported Health Centers Assistance Act of 1992.

AMENDMENT NO. 1106

(Purpose: To provide for the establishment of a performance-based grant program)

Mr. BIDEN. Mr. President, on behalf of Senator KENNEDY and Senator KASSEBAUM, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for Mr. KENNEDY, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 1106.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, line 4, strike "and".

On page 31, line 8, strike the period and insert "; and".

On page 31, between lines 8 and 9, insert the following:

"(C) has in effect such laws and regulations as may be necessary to ensure the following safeguards for the rights of parents:

"(i) An exemption for the parent, upon the request of the parent, from the requirements established by the State, pursuant to this part, for the collection of data described in subsections (b) and (c) of section 2147, or the collection of any other data regarding any child of the parent that the State may require for incorporation in the State immunization registry.

"(ii) Restrictions ensuring that no information relating to a child or to the parent or guardian of a child that is collected or maintained by the State immunization registry pursuant to this part, or the national immunization surveillance program established under section 2153, will be used as a basis for the criminal prosecution or the commencement of a criminal investigation of a parent or guardian.".

On page 50, line 3, add after the period the following new sentence: "The Secretary shall give special consideration to those States that have low childhood immunization rates and that submit plans that demonstrate the State's substantial effort and commitment to improving such rates.".

On page 50, line 8, strike "If the Director" and all that follows through line 15.

On page 50, between lines 19 and 20, insert the following:

"SEC. 2157. PERFORMANCE BASED GRANT PROGRAM.

"(a) ANNUAL REPORT.—Not later than July 1 of each year, a State shall prepare and submit to the Director of the Centers for Disease Control and Prevention a report that contains an estimate (based on a base population sample) of the percentage of 2 year old residents of the State who have been fully immunized as described in subsection (c).

"(b) PAYMENTS TO STATES.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide to a State that has submitted an annual report under subsection (a) that demonstrates that the State has fully immunized at least 50 percent of the 2 year old residents of that State, with respect to the year for which the report was prepared, a payment in an amount equal to—

"(A) with respect to a State that has demonstrated the full immunization of at least 50 and less than 64 percent of all 2 year old residents of the State, $50 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 50 percent amount;

"(B) with respect to a State that has demonstrated the full immunization of at least 65 and less than 70 percent of all 2 year old residents of the State, $75 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 65 percent amount; and

"(C) with respect to a State that has demonstrated the full immunization of at least 70 and less than 91 percent of all 2 year old residents of the State, $100 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 70 percent amount.

"(2) USE OF FUNDS.—

"(A) CONDITION.—As a condition of receiving amounts under this section a State that uses a combination of Federal and State funds in achieving the immunization goals described in paragraph (1) shall agree to reinvest, in activities related to improving immunization services, that percentage of the payments to the State under paragraph (1) that is equal to the amount of Federal contributions to immunization services in the State as compared to the amount of the State contributions to such services.

"(B) DISCRETIONARY USE.—A State that has demonstrated that the use of State-only funds was responsible for the increase in the immunization rate which qualified such State for payments under paragraph (1), may use amounts awarded under this section for other purposes, at the discretion of the State.

"(3) VERIFICATION.—Prior to making a payment to a State under this subsection, the Secretary shall, in collaboration with the Centers for Disease Control and Prevention, verify the accuracy of the State report involved.

"(c) DEFINITION.—For purposes of this section, the term 'fully immunized' means a 2 year old child that has received four doses of DTP vaccine (diphtheria, tetanus, pertussis), three doses of polio vaccine, and one dose of MMR (measles, mumps, rubella) vaccine.

On page 61, strike out line 3 and insert the following:

"SEC. 5. AMENDMENTS TO THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992.".

On page 63, between lines 6 and 7, insert the following:

(d) PAYMENT OF JUDGMENTS.—Section 224(k)(2) of such Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

On page 63, line 7, strike "(d)" and insert "(e)".

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 1106) was agreed to.

Mr. KENNEDY. Mr. President, I urge the Senate to adopt S. 732, the Comprehensive Child Immunization Act of 1993. President Clinton has taken the lead in calling for a comprehensive plan for childhood immunizations. By passing this measure, we can bring that vision closer to reality. I commend the efforts of my colleagues, particularly Senator KASSEBAUM and her staff. Their outstanding contributions to this effort have made S. 732 an excellent example of what can be achieved through bipartisan cooperation on critical issues in health care.

This act addresses some of the most serious barriers to childhood immunization and provides worthwhile solutions and needed resources to overcome them.

As we know, major causes of low immunization rates include lack of access to immunization, inadequate public awareness of the importance of vaccinations, and missed opportunities by health care professionals to offer needed immunizations to children they see as patients.

This legislation provides the necessary resources to strengthen the public health system for the delivery of immunization services. It addresses the practical needs of local health departments and public clinics. It provides support to expand community outreach efforts and improves access to immunization.

This bill is also a significant step toward comprehensive health reform. Preventive health care, including immunization, avoids the tragedy of unnecessary illness and reduces costs at the same time. The savings are clear. For every $1 spent on immunization, $10 are saved in later costs of treating illnesses that should have been prevented. But beyond the facts and figures, this measure is important in human terms. Few measures we have considered this year are more important than protecting the lives of children from preventable diseases and disabilities. This is a promise we can make, and keep.

I urge the Senate to adopt this legislation, and I look forward to its enactment.

I ask unamious consent that the several letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, October 13, 1993.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the American Academy of Pediatrics, I want to lend our strong support to you and Senator Kassebaum for S.732, the "Comprehensive Child Immunization Act of 1993." This important piece of legislation completes the initiatives set out by the Administration in its childhood immunization initiative which was only partially addressed in the Budget Reconciliation bill.

Investments in the vaccine delivery infrastructure, health education and outreach and the development of a vaccine registry/tracking system are critical to our ability to improve our nation's immunization rates. We pay a high price for immunization failures in this country. Your bill finally breaks down the barriers that have frustrated the system for far too long.

Immunizations represent one of the most promising tools we have in getting children into personal, primary care with a doctor who knows his/her name. While we await the passage of national health care reform, I can think of no better interim measure to assure that our children do not have to wait while the broader policy issues are debated. The entire nation will reap the benefits of protecting our children from the ravages of preventable diseases.

We applaud your leadership on this initiative and look forward to working with you to secure its passage.

Sincerely yours,
HOWARD A. PEARSON, M.D.
President.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 19, 1993.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC
Re childhood immunizations.

DEAR SENATOR KENNEDY: Immunization of children against vaccine-preventable diseases is the most effective preventive health action available. The United States has achieved an excellent record of immunizing children of school age because of the mandatory school immunization laws that have been adopted by all states. The record is much worse, however, for immunizing children by their second birthday against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, HiB, and HVB. Surveys of immunization levels of preschool age children document that nationally only 60% of children have completed the basic series of immunizations by age 2 and, in many cities and some rural areas in the United States, fewer than 40% of these children are fully immunized. As a consequence, vaccine-preventable diseases that were almost rare two decades ago have showed a resurgence and, in some instances such as measles, have again become epidemic during the last decade. To respond to this situation, one of the objectives in the national plan Healthy People 2000 is to achieve complete basic immunization for 90% of children by their second birthday by the year 2000.

The AMA supports this goal and commends the Congress and the Administration for making this issue such a high public health priority. The AMA supports a vaccine program that removes financial barriers to the immunization of young children and also addresses the need to educate and motivate parents.

The Comprehensive Child Immunization Act, S. 732 would create such a program. It would also encourage vaccines to continue to be provided as part of the primary health care system, which is highly beneficial from the standpoint of children's overall health. Also essential is creation of an efficient immunization recordkeeping system.

We urge you to include additional improvements to the National Vaccine Injury Compensation Program in any vaccine legislation you approve. We are concerned about the lapse in spending authority and collection of the vaccine excise tax. In addition, the AMA supports the recommendations of the Department of Health and Human Services to revise the existing Vaccine Injury Table and the section of the Act on "Qualifications and Aids to Interpretation" to more accurately reflect scientific findings and correct medical judgements.

Again, we commend you for placing high priority on improving our childhood immunization program. Significant public health benefits will surely result from an enhanced effort to reach our immunization goals for young children.

Sincerely,
JAMES S. TODD, MD,
Executive Vice President.

CHILDREN'S DEFENSE FUND,
Washington, DC, October 15, 1993.
Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR: I am writing to support wholeheartedly S. 732, the Comprehensive Child Immunization Act of 1993. This legislation is an essential companion to the pediatric vaccine purchase bill included in the Budget Reconciliation Act of 1993 and includes the key provisions needed for the U.S. to build a sound effort to immunize all of our pre-schoolers.

Our country's appallingly low immunization rate—only 56 percent of two years olds in America are appropriately immunized—is the result of many factors: high vaccine costs; lack of parental awareness of the importance of immunization; missed opportunities by providers to immunize children; and immunization services which are difficult to access. The provision of free vaccines for all Medicaid-eligible and uninsured children will remove cost as a barrier to timely immunization for millions of children. However, this alone will not be sufficient to raise the poor immunization rates of our nation's preschoolers to the levels we need. If we are to ensure that all children are immunized on time we must have a comprehensive strategy which addresses each of the contributing factors. The remaining pieces of such a strategy are embodied in S. 732.

Your bill provides grants for states to develop immunization implementation plans which propose specific solutions to the barriers to immunization and identify immunization rate goals for children in each state. These grants will enable states to improve access to immunization services by increasing the number of facilities which offer childhood immunization and increasing their hours and staffing levels. Missed opportunities will be reduced through provider education, and public awareness of the need for immunization will be heightened through a multi-media campaign. Underserved communities will gain access to immunization services by improved coordination between public and private programs. And states which exceed their stated immunization rate goals will be awarded a bonus.

In addition, grants to states for the establishment of registry and tracking systems are critical. It allows for the identification of communities with low immunization rates and enables these communities to target community outreach and education efforts. And the provision in the legislation requiring cooperation between federal agencies with programs that can assess immunization status and make referrals for children, such as WIC, Food Stamps and Head Start, will be important to minimize the number of children who now fall through the cracks.

I want to thank you for your continued leadership on childhood immunization, and feel confident that this legislation will guarantee success in meeting our nation's goal of universal immunization.

Sincerely,

MARIAN WRIGHT EDELMAN.

STATEMENT OF SUPPORT FOR THE COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

We, the undersigned organizations, applaud President Clinton's initiative to protect all of America's children against preventable diseases. It is unacceptable that almost half of our nation's preschoolers are not fully immunized. The nation's shameful immunization record is a testament to the need for comprehensive health care reform to guarantee comprehensive health care coverage for all Americans. This legislation is an important step towards that goal.

The President's initiative will guarantee that no child will go unimmunized because his or her family cannot afford the shot. It is unacceptable that forty percent of American preschoolers are not fully immunized when each dollar invested in immunizations saves our society more than $10 in health care costs by preventing disease and disability. This legislation will also create a national immunization registry to follow the vaccination status of individual children. The registry will provide reminder notices to families for their children's shots and identify communities with low coverage rates for outreach and public education. The Act will also improve Medicaid coverage of immunizations for low-income children, and reauthorize the National Vaccine Injury Compensation Program.

Action for Families and Children of Delaware.

Advocates for Children and Youth.

American Academy of Family Physicians.

American Association of University Affiliated programs for Persons with Developmental Disabilities.

American College of Nurse-Midwives.

American Dental Association.

American Federation of State, County, and Municipal Employees.

American Federation of Teachers.

American Hospital Association.

American Indian Health Care Association.

American Public Health Association.

American School Health Association.

American Speech-Language-Hearing Association.

The ARC (formerly the Association of Retarded Citizens.

Association for Supervision and Curriculum Development (ASCD).

Association for the Care of Children's Health.

Association of Junior Leagues International.

Association of Maternal and Child Health Programs.

Association of Schools of Public Health (ASPH)

Association of State and Territorial Health Officers

Bridgeport Child Advocacy Coalition

Catholic Charities, USA.

Child Welfare League of America.

Children Now.

Children's Advocacy Institute (California).

The Children's Alliance, Seattle, Washington.

The Children's Council of San Francisco.

Children's Defense Fund.

The Children's Foundation.

Children's Health Fund.

Children's Policy Institute of West Virginia.

Citizens for Missouri's Children.

Colorado Children's Campaign.

Community Services, Inc. (Head Start).

Consumers Union.

Flordia Children's Forum.

Friends Committee on National Legislation.

Georgia Alliance for Children.

Hadassah, the Women's Zionist Organization of America.

Hawaii Advocates for Children and Youth.

Human Development Center of Mississippi.

Interfaith Impact for Justice and Peace.

Jesuit Social Ministries, National Office.

Lutheran Office of Governmental Affairs (ELCA).

March of Dimes Birth Defects Foundation.

Maryland Committee for Children.

Massachusetts Advocacy Center.

Massachusetts Committee for Children and Youth.

Michigan Head Start Child Development Association.

Michigan League for Human Services.

Mid-Michigan District Health Department.

Mississippi Human Services Agenda.

Missouri Valley Human. Resource Head Start.

National Association for the Education of Young Children.

National Association of Children's Hospitals and Related Institutions.

National Association of Community Action Agencies.

National Association of Community Health Centers.

National Association of Developmental Disabilities Councils.

National Association of Partners in Education, Inc. (NAPE).

National Association of WIC Directors.

National Black Child Development Institute, Inc.

National Black Nurses Association.

National Community Education Association (NCEA).

National Easter Seal Society.

National Indian Education Association.

National PTA.

National Parent Network on Disabilities.

New Hampshire Alliance for Children and Youth.

North Carolina Child Advocacy Institute.

Office of Domestic Social Development, U.S. Catholic Conference.

Pennsylvania Head Start Staff Association.

Pennsylvania Partnerships for Children.

Philadelphia Citizens for Children and Youth.

Planned Parenthood Federation of America.

Results, Inc.

San Francisco Child Abuse Council.

Service Employees International Union.

Statewide Youth Advocacy, Inc.

Sudden Infant Death syndrome Alliance (SIDS Alliance).

Unitarian Universalist Association of Congregations.

United Auto Workers of America.

United Cerebral Palsy Associations.

United Educators of San Francisco.

The Children's Council of San Francisco.

The Vaccine Project.

Vermont Children's Forum.

Virginia Perinatal Association.

Wisconsin Council on Children and Families, Inc.

Women's Legal Defense Fund.

Zero to Three/National Center for Clinical Infant Programs.

Mrs. KASSEBAUM. Mr. President, I am pleased to join my colleague Senator KENNEDY in requesting the immediate consideration of S. 732, the Comprehensive Child Immunization Act of 1993. This legislation, which was approved unanimously by the Committee on Labor and Human Resources, provides a broad-based strategy to improve our Nation's low pre-school immunization rates. S. 732's provisions were approved by the full Senate as part of the 1993 Omnibus Budget Reconciliation Act, but were dropped from the conference report due to Byrd rule considerations.

The measles epidemic of 1989 and periodic outbreaks of other preventable diseases reveal our Nation's alarmingly low preschool immunization rates. Fewer than 60 percent of 2-year olds in most States are fully immunized, and in some cities, fewer than 10 percent are fully immunized.

The National Vaccine Advisory Committee's 1991 study of the measles epidemic and its 1992 follow-up report and recommendations, as well as public health administrators across the Nation, have identified the lack of parental and public awareness of the importance of preschool immunizations, missed opportunities to vaccinate children when they receive other health care services, and overburdened, understaffed, and inaccessible public health service clinics as the major causes of our Nation's low immunization rates.

S. 732 addresses these problems by providing an additional $250 million to the States to develop and strengthen public and parental outreach and education programs and to expand clinic sites, hours, and staff to make immunization services readily available. While States are given broad flexibility in designing and carrying out plans to improve immunization rates, they must work with the Secretary of Health and Human Services to establish measurable outcome goals as to a condition of receiving grants.

I am especially supportive of provisions in S. 732 which make immunization a priority in all Federal and Federal/State programs serving children and their families. S. 732 makes the assessment of immunization status a routine part of the application for Medicaid, Head Start, food stamps, child nutrition, and similar programs, with referral for services as needed.

Another barrier to improving immunization rates is the lack of comprehensive, timely data on immunizations at the local, State, and national level. S. 732 authorizes optional grants to the States to develop immunization registries and to supply aggregate State data to the Centers for Disease Control and Prevention to guide Federal efforts to improve immunization rates.

I am aware that the immunization registry provisions as originally introduced provoked concern about the protection of parental rights and privacy and the potential use of registry data for purposes other than immunizations. During Committee consideration of S. 732, the original registry provisions were modified to clarify that nothing in the legislation would overturn or modify any State exemptions from immunization requirements, that States could permit parents to opt out of registries, and that the data in the registries could be used only for purposes directly relating to immunizations. In addition, provisions were adopted to limit the functions of the national registry to the collection of aggregate data from the States and the provision of technical assistance to the States at their request.

The floor manager's amendment to this legislation offered by Senator KENNEDY and myself further strengthens S. 732. It includes an amendment offered by Senator BUMPERS during the consideration of the 1993 Omnibus Budget Reconciliation Act to provide incentive grants to States that meet or exceed immunization target levels. It also includes provisions which further strengthen parental rights and privacy protections relating to immunization registries, which further clarify that registry data may not be used for criminal prosecutions for child neglect or abuse, and which require States to allow parents to opt out of participating in immunization registries.

Finally, S. 732 also amends the Vaccine Injury Compensation program to permit program improvements and to make information about immunizations more understandable and accessible to parents.

I urge my colleagues to join me in supporting the passage of S. 732 to achieve the goal I know we share of ensuring that our Nation's children are fully immunized against preventable childhood diseases.

Mr. DANFORTH. Mr. President, I rise today in support of childhood immunization legislation, S. 732 as it was reported by the Labor Committee and amended by the manager's amendment. I applaud the bipartisan approach with which this effort was undertaken, and I believe that this legislation focuses on many of the true barriers to childhood immunization in our country. I want to express my appreciation to Senators KENNEDY and KASSEBAUM for their leadership in this matter.

As we noted in the numerous hearings and meetings on childhood immunization this year, our Nation's rate of childhood immunization is disturbingly low. Although over 90 percent of children are fully vaccinated by the time they enter grade school only 40 to 60 percent are fully vaccinated by age 2. When I visited St. Louis Children's Hospital in 1989, the leading cause of admission was measles. There should not be even a single case of measles in St. Louis or anywhere else; we have the ability to protect children from the dreaded diseases that plagued children in past decades. In the years following the measles epidemic of 1989–90, we have learned alot about what is causing our low immunization rates. And overwhelmingly, we have heard that it is a problem of educating parents and providers about the urgency of timely immunization, improving outreach and improving the delivery of vaccines by expanding clinic locations and hours, making use of mobile vans, et cetera.

Education, outreach and delivery were the major focus of legislation I introduced earlier this year on behalf of myself and Senators KASSEBAUM, DURENBERGER, GREGG, and BOND—the National Immunization Improvement Act of 1993, S. 887—and I appreciate the fact that many aspects of that legislation were merged with a similar initiative introduced by Senator KENNEDY, S. 732.

I hope that with renewed focus on this issue and with the enlarged and appropriately targeted resources provided by this legislation, we are on the road to significant improvement in timely immunization our Nation's children.

Mr. HELMS. Mr. President, I thank the able managers of the bill for including as part of the manager's floor amendment my amendment to S. 732, the Comprehensive Child Immunization Act of 1993.

As most Senators are aware, S. 732 sets up a computerized registry—at both the State and national levels—to keep track of all the children in America and their immunization status. The stated purposes for having the public health authorities keep an eye on our children this way are admirable, but I am uncomfortable in permitting and enabling the Federal and State governments to maintain such an extensive and longtime surveillance over children and their parents.

Hundreds of parents from across the country agree; they have written me in opposition to legislation, which they see as an unwarranted governmental intrusion into their privacy, as well as a violation of their constitutional right to religious freedom.

Senators on the other side of the aisle may be interested to learn that even the liberal American Civil Liberties Union shares many of these concerns about big government and has joined with conservative pro-family groups in advocating changes and privacy protections in the bill.

Mr. President, the distinguished managers have agreed to incorporate a number of protections for parents. My amendment requires the States, as a condition for receiving funding under this bill, to have in effect laws safeguarding the rights and privacy of parents by:

First, providing parents with an exemption, at their request, from any State-imposed requirements for the collection of data about their children for the purpose of including such information in a computerized immunization registry; and second, prohibiting the use of any information relating to a child or parent, maintained in a computerized immunization registry, from being used as the basis for processing, or beginning a criminal investigation of, a parent or legal guardian of a child.

Mr. President, while this provision does not, and cannot, guarantee that the national immunization surveillance network—created by this bill—will never be misused by overzealous government bureaucrats, it does go a long way toward ensuring that parents have some rights and protections if actual attempts to misuse the national registry do in fact occur.

Again, I thank the managers of the bill for agreeing to my amendment. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (S. 732), as amended, was passed, as follows:

(The text of S. 732, as passed, will appear in a future edition of the RECORD.)

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the bill was passed and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1993

Mr. BIDEN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 616), a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rates Amendments of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

Section 1114 is amended—

(1) by striking out "$85" in subsection (a) and inserting in lieu thereof "$87";

(2) by striking out "$162" in subsection (b) and inserting in lieu thereof "$166";

(3) by striking out "$247" in subsection (c) and inserting in lieu thereof "$253";

(4) by striking out "$352" in subsection (d) and inserting in lieu thereof "$361";

(5) by striking out "$502" in subsection (e) and inserting in lieu thereof "$515";

(6) by striking out "$632" in subsection (f) and inserting in lieu thereof "$648";

(7) by striking out "$799" in subsection (g) and inserting in lieu thereof "$819";

(8) by striking out "$924" in subsection (h) and inserting in lieu thereof "$948";

(9) by striking out "$1,040" in subsection (i) and inserting in lieu thereof "$1,067";

(10) by striking out "$1,730" in subsection (j) and inserting in lieu thereof "$1,774";

(11) by striking out "$2,152" and "$3,015" in subsection (k) and inserting in lieu thereof "$2,207" and "$3,093", respectively;

(12) by striking out "$2,152" in subsection (l) and inserting in lieu thereof "$2,207";

(13) by striking out "$2,371" in subsection (m) and inserting in lieu thereof "$2,432";

(14) by striking out "2,698" in subsection (n) and inserting in lieu thereof "$2,768";

(15) by striking out "$3,015" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$3,093";

(16) by striking out "$1,295" and "$1,928" in subsection (r) and inserting in lieu thereof "$1,328" and "$1,978", respectively; and

(17) by striking out "$1,935" in subsection (s) and inserting in lieu thereof "$1,985".

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out "$103" in clause (A) and inserting in lieu thereof "$105";

(2) by striking out "$174" and "$54" in clause (B) and inserting in lieu thereof "$178" and $55", respectively;

(3) by striking out "$71" and "$54" in clause (C) and inserting in lieu thereof "$72" and $55", respectively;

(4) by striking out "$82" in clause (D) and inserting in lieu thereof "$84";

(5) by striking out "$191" in clause (E) and inserting in lien thereof "$195"; and

(6) by striking out "$160" in clause (F) and inserting in lieu thereof "$164".

SEC. 4 CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out "$466" and inserting in lieu thereof "$478".

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) in subsection (a)(1), by striking out "$750" and inserting in lieu thereof "$769";

(2) in subsection (a)(2), by striking out "$165" and inserting in lieu thereof "$169";

(3) by striking (a)(3), by striking out the table therein and inserting in lieu thereof the following:

"Pay grade	*Monthly rate*
E–7	$794
E–8	838
E–9	[1]875
W–1	812
W–2	844
W–3	869
W–4	920
O–1	812
O–2	838
O–3	897
O–4	948
O–5	1,044
O–6	1,177
O–7	1,271
O–8	1,392
O–9	1,492
O–10	[2]1,636

[1] "If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Crops, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $943.

[2] "If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,753.";

(4) in subsection (c), by striking out "$191" and inserting in lieu thereof "$195"; and

(5) in subsection (d), by striking out "$93" and inserting in lieu thereof "$95".

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out "$319" in clause (1) and inserting in lieu thereof "$327";

(2) by striking out "$460" in clause (2) and inserting in lieu thereof "$471";

(3) by striking out "$595" in clause (3) and inserting in lieu thereof "$610"; and

(4) by striking out "$595" and "$117" in clause (4) and inserting in lieu thereof "$610" and "$120", respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking out "$191" in subsection (a) and inserting in lieu thereof "$195";

(2) by striking out "$319" in subsection (b) and inserting in lieu thereof "$327";

(3) by striking out "$162" in subsection (c) and inserting in lieu thereof "$166".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 1993.

Amend the title so as to read: "An Act to amend title 38, United States code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.".

VETERANS' COMPENSATION RATES AMENDMENTS OF 1993

Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I rise today to urge the Senate to pass S. 616, the proposed Veterans' Compensation Rates Amendments of 1993.

Mr. President, effective December 1, 1993, this bill would increase the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans. The rates would increase by 2.6 percent, the same percentage as the increase in Social Security and VA pension benefits for fiscal year 1994.

Mr. President, there are 2.2 million service-disabled veterans and 345,000 survivors who depend on these compensation programs. These individuals have made enormous sacrifices on behalf of this Nation. As chairman of the Committee on Veterans' Affairs, I am committed to ensuring that these veterans and veterans' survivors receive the benefits they deserve. I believe strongly that we have a fundamental obligation to meet the needs of those who became disabled as the result of military service, as well as the needs of their families. This measure fulfills one of the most important aspects of that obligation.

Mr. President, ever since I began my career in public service, I have worked closely with the veterans of my home State of West Virginia, and now, as chairman of the Committee on Veterans' Affairs, I have had the opportunity to work with veterans all across the country. Consequently, I am keenly aware of the fact that the compensation payments that would be increased by this bill have a profound effect on the everyday lives of the veterans and veterans' survivors who receive them. It is our responsibility to continue to provide cost-of-living adjustments in compensation and DIC benefits in order to guarantee that the value of these essential, service-connected VA benefits is not eroded by inflation.

I am very proud that Congress consistently has fulfilled its obligation to make sure that the real value of these benefits is preserved by providing an annual COLA for compensation and DIC benefits every fiscal year since 1976. Most recently, on October 24, 1992, Congress enacted Public Law 102–510, providing a 3.0-percent increase in these benefits, effective December 1, 1992.

Mr. President, we cannot ever repay the debt we owe to the individuals who have sacrificed so much for our country. Service-disabled veterans and the survivors of those who died as the result of service-connected conditions are reminded daily of the price they have paid for the freedom we all enjoy. The very least we can do is protect the value of the benefits they have earned through their sacrifice.

Mr. President, I urge all of my colleagues to support this vitally important measure.

Mr. DOMENICI. Mr. President, I rise today as a strong support of this bill, S. 616, the veterans' compensation COLA bill of 1993. This bill will provide our veterans with a 2.6 percent cost-of-living adjustment—a well-needed and well-deserved increase in their monthly compensation benefits.

Through this bill, approximately 2.5 million veterans and their survivors will received increases in their monthly compensation payments. This increase is intended to boost the payment we give to veterans who have suffered a loss in their earning capacity due to a service-related injury.

This compensation increase also benefits survivors by making up for the loss of family income caused by the death or disability of a service person. In my home State of New Mexico, approximately 19,000 veterans will receive increases in compensation and an additional 2,600 survivors will collect additional funds in their dependency and indemnity compensation checks.

These payments will be included in the monthly checks issued on December 4, 1993. Today, the number of veterans who are affected by this legislation is steadily growing as more military personnel leave the forces. The House and Senate Veterans' Affairs Committees should be congratulated for shepherding this bill through the legislative process in a timely manner. I also want to commend both chairmen for reporting legislation that complies with the provisions of the Budget Enforcement Act of 1990 and the Omnibus Budget Reconciliation Act of 1993.

I am pleased the Senate is completing the process of passing this legislation which means so much to our nation's veterans. It is crucial we support our armed services personnel—support those who made such a tremendous sacrifice to keep our country safe and I certainly believe we will do so through passage of this legislation.

Mr. BIDEN. Mr. President, I move that the Senate concur en bloc in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

The motion was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the motion was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURES PLACED ON THE CALENDAR—H.R. 3350, H.R. 3353, H.R. 3354, H.R. 3355

Mr. BIDEN. Mr. President, I ask unanimous consent that H.R. 3350, H.R. 3353, H.R. 3354, H.R. 3355, bills related to crime just received from the House, be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 2814

Mr. BIDEN. Mr. President, I ask unanimous consent H.R. 2814, the Civil Rules Amendments Act of 1993, just received from the House, be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE ROBERT F. PECKHAM U.S. COURTHOUSE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 243, H.R. 1345, a bill designating the Robert F. Peckham U.S. Courthouse and Federal building in San Jose, CA, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1345) was deemed read three times and passed.

AUTHORIZING THE FBI TO OBTAIN CERTAIN TELEPHONE SUBSCRIBER INFORMATION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 175, a bill to authorize the FBI to obtain certain telephone subscriber information, and that the Senate then proceed to its immediate consideration; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; that any statements relating to this measure appear in the RECORD at the appropriate place and as if given.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (H.R. 175) was deemed read three times and passed.

FBI ACCESS TO CERTAIN TELEPHONE SUBSCRIBER INFORMATION

Mr. LEAHY. Mr. President, H.R. 175 is an amendment to section 2709 of the Electronic Communications Privacy Act. In 1986, Congress passed the Electronic Communications Privacy Act [ECPA] which updated the Federal wiretap statute to cover emerging electronic communications. At that time, Congress provided that the Government could obtain subscriber identifying information from telephone companies only pursuant to a subpoena or court order, and only if the information is relevant to a criminal investigation—18 U.S.C. 2703. I note that this bill does not change the fundamental requirements of section 2703.

Section 2709 is a limited exception to that rule. It requires a certification by a designated FBI official that the information sought is relevant to an authorized foreign counterintelligence investigation and that there are specific and articulable facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978.

Some time ago, the FBI came to Congress seeking to expand the scope of section 2709 to compel wire and electronic communications service providers to identify those persons who have been in contact with foreign powers or suspected agents of foreign powers. Initially, I was concerned that the proposal was simply too broad. After lengthy discussions between the Senate and House Judiciary Committees, the Intelligence Committees and the Bureau, Congressman EDWARDS and I worked out this compromise language that would allow the FBI to get subscriber information—name, address, and length of service—of a person who is in communication with a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.

Finally, the current law provides that on a semiannual basis the Director of the FBI fully inform the permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests made by the Bureau under subsection 2709(b). H.R. 175 requires that this same notice be given to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate as well.

I believe that this bill is an appropriate balance of the FBI's need to conduct counterintelligence investigations with the rights of Americans to preserve both their first amendment rights and their right to privacy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED LEGISLATION TO IMPLEMENT THE NORTH AMERICAN FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 65

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am pleased to transmit today legislation to implement the North American Free-Trade Agreement, an agreement vital to the national interest and to our ability to compete in the global economy. I also am transmitting a number of related documents required for the implementation of NAFTA.

For decades, the United States has enjoyed a bipartisan consensus on behalf of a free and open trading system. Administrations of both parties have negotiated, and Congresses have approved, agreements that lower tariffs and expand opportunities for American workers and American firms to export their products overseas. The result has been bigger profits and more jobs here at home.

Our commitment to more free and more fair world trade has encouraged democracy and human rights in nations that trade with us. With the end of the cold war, and the growing significance of the global economy, trade agreements that lower barriers to American exports rise in importance.

The North American Free-Trade Agreement is the first trade expansion measure of this new era, and it is in the national interest that the Congress vote its approval.

Not only will passage of NAFTA reduce tariff barriers to American goods, but it also will operate in an unprecedented manner—to improve environmental conditions on the shared border between the United States and Mexico, to raise the wages and living standards of Mexican workers, and to protect our workers from the effects of unexpected surges in Mexican imports into the United States.

This pro-growth, pro-jobs, pro-exports agreement—if adopted by the Congress—will vastly improve the status quo with regard to trade, the environment, labor rights, and the creation and protection of American jobs.

Without NAFTA, American business will continue to face high tariff rates and restrictive nontariff barriers that inhibit their ability to export to Mexico. Without NAFTA, incentives will continue to encourage American firms to relocate their operations and take American jobs to Mexico. Without NAFTA, we face continued degradation of the natural environment with no strategy for clean-up. Most of all, without NAFTA, Mexico will have every incentive to make arrangements with Europe and Japan that operate to our disadvantage.

Today, Mexican tariffs are two and a half times greater than U.S. tariffs. This agreement will create the world's largest tariff-free zone, from the Canadian Arctic to the Mexican tropics—more than 370 million consumers and over $6.5 trillion of production, led by the United States. As tariff walls come down and exports go up, the United States will create 200,000 new jobs by 1995. American goods will enter this market at lower tariff rates than goods made by our competitors.

Mexico is a rapidly growing country with a rapidly expanding middle class and a large pent-up demand for goods—especially American goods. Key U.S. companies are poised to take advantage of this market of 90 million people. NAFTA ensures that Mexico's reforms will take root, and then flower.

Moreover, NAFTA is a critical step toward building a new post-cold war community of free markets and free nations throughout the Western Hemisphere. Our neighbors—not just in Mexico but throughout Latin America—are waiting to see whether the United States will lead the way toward a more open, hopeful, and prosperous future or will instead hunker down behind protective, but self-defeating walls. This Nation—and this Congress—have never turned away from the challenge of international leadership. This is no time to start.

The North American Free-Trade Agreement is accompanied by supplemental agreements, which will help ensure that increased trade does not come at the cost of our workers or the border environment. Never before has a trade agreement provided for such comprehensive arrangements to raise the living standards of workers or to improve the environmental quality of an entire region. This makes NAFTA not only a stimulus for economic growth, but a force for social good.

Finally, NAFTA will also provide strong incentives for cooperation on illegal immigration and drug interdiction.

The implementing legislation for NAFTA I forward to the Congress today completes a process that has been accomplished in the best spirit of bipartisan teamwork. NAFTA was negotiated by two Presidents of both parties and is supported by all living former Presidents of the United States as well as by distinguished Americans from many walks of life—government, civil rights, and business.

They recognize what trade expanding agreements have meant for America's economic greatness in the past, and what this agreement will mean for America's economic and international leadership in the years to come. The North American Free-Trade Agreement is an essential part of the economic strategy of this country: expanding markets abroad and providing a level playing field for American workers to compete and win in the global economy.

America is a Nation built on hope and renewal. If the Congress honors this tradition and approves this agreement, it will help lead our country into the new era of prosperity and leadership that awaits us.

WILLIAM J. CLINTON

THE WHITE HOUSE, *November 3, 1993.*

REPORT RELATIVE TO THE NORTH AMERICAN FREE TRADE AGREEMENT-MESSAGE FROM THE PRESIDENT—PM 66

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

By separate message, I have transmitted to the Congress a bill to approve and implement the North American Free Trade Agreement (NAFTA). In fulfillment of legal requirements of our trade laws, that message also transmitted a statement of administrative action, the NAFTA itself, and certain supporting information required by law.

Beyond the legally required documents conveyed with that message, I want to provide you with the following important documents:

—The supplemental agreements on labor, the environment, and import surges;

—Agreements concluded with Mexico relating to citrus products and to sugar and sweeteners;

—The border funding agreement with Mexico;

—Letters agreeing to further negotiations to accelerate duty reductions;

—An environmental report on the NAFTA and side agreements;

—A list of more technical letters related to NAFTA that have previously been provided to the Congress and that are already on file with relevant congressional committees.

These additional documents are not subject to formal congressional approval under fast-track procedures. However, the additional agreements provide significant benefits for the United States that will be obtained only if the Congress approves the NAFTA. In that sense, these additional agreements, as well as the other documents conveyed, warrant the careful consideration of each Member of Congress. The documents I have transmitted in these two messages constitute the entire NAFTA package.

I strongly believe that the NAFTA and the other agreements will mark a significant step forward for our country, our economy, our environment, and our relations with our neighbors on this continent. I urge the Congress to seize this historic opportunity by approving the legislation I have transmitted.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 4, 1993.*

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr.

Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2684. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

H.R. 2814. An act to permit the taking effect of certain proposed rules of civil procedure, with modifications.

H.R. 3188. An act to prohibit fishing in the Central Sea of Okhotsk, and for other purposes.

H.R. 3350. An act to establish a program of residential substance abuse treatment within Federal prisons.

H.R. 3353. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

H.R. 3354. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

H.R. 3355. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month."

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 616. An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and it appoints the following Members as managers of the conference on the part of the House: from the Committee on Ways and Means, for consideration of the House bill, and Senate amendment No. 2, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. FORD of Tennessee, and Mr. ARCHER; from the Committee on Post Office and Civil Service, for consideration of Senate amendment No. 1, and modifications committed to conference: Mr. CLAY, Mr. MCCLOSKEY, and Mr. MYERS of Indiana.

At 9:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1308. An Act to protect the free exercise of religion.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2685. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3188. An act to prohibit fishing in the Central Sea of Okhotsk, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 271. Joint resolution designating the month of November in each of calendar years 1993 and 1994 as "National American Indian Heritage Month"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills and joint resolutions were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2814. An act to permit the taking effect of certain proposed rules of civil procedure, with modifications.

H.R. 3350. An act to establish a program of residential substance abuse treatment within Federal prisons.

H.R. 3353. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

H.R. 3354. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

H.R. 3355. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative effects between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1723. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on continued production of the naval petroleum reserves beyond April 5, 1994; to the Committee on Armed Services.

EC-1724. A communication from the Assistant Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report of the joint officer promotion rates; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-312. A resolution adopted by the Council of the County of Hawaii, Hilo, Hawaii relative to natural disaster insurance; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S.J. Res. 143. A joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 103–170).

S.J. Res. 144. A joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 103–171).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 161. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, without amendment:

S. 1510. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, without amendment:

S. 1620. An original bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased Reservists and the dependents of such reservists.

S. 1621. An original bill to revise certain authorities relating to Pershing Hall, France.

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, without amendment and with a preamble:

S.J. Res. 129. A joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, Virginia, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration:

Michael F. DiMario, of Maryland, to be Public Printer.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Joseph A. Dear, of Washington, to be an Assistant Secretary of Labor.

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 1995.

Diane B. Frankel, of California, to be Director of the Institute of Museum Services.

Charles C. Masten, of Virginia, to be Inspector General, Department of Labor.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. GORTON, and Mr. SIMON):

S. 1618. A bill to establish Tribal Self-Governance, and for other purposes; to the Committee on Indian Affairs.

By Mr. METZENBAUM:

S. 1619. A bill to create the Insurance Regulatory Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER:

S. 1620. An original bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased Reservists and the dependents of such reservists; from the Committee on Veterans Affairs; placed on the calendar.

S. 1621. An original bill to revise certain authorities relating to Pershing Hall, France; from the Committee on Veterans Affairs; placed on the calendar.

By Mr. BREAUX:

S. 1622. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 1623. A bill to require the Secretary of Agriculture to carry out procedures for debarment of persons engaged in nonprocurement programs and activities with the Department of Agriculture who have violated the regulations of a program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 1624. A bill to standardize withdrawal options for Thrift Savings Plan participants, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BROWN (for himself and Mr. MOYNIHAN):

S. 1625. A bill to prohibit the sale of defense articles and defense services to countries that participate in the secondary and tertiary boycott of Israel; to the Committee on Foreign Relations.

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 1626. A bill to amend title 38, United States Code, to revise the Veterans' Home Loan Program; to the Committee on Veterans Affairs.

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S. 1627. A bill to implement the North American Free Trade Agreement; to the Committee on the Judiciary, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Foreign Relations and the Committee on Governmental Affairs, jointly, pursuant to 19 U.S.C. 2191(c).

By Mr. CONRAD:

S. 1628. A bill to encourage each State to adopt Truth in Sentencing laws and to help fund additional spaces in the State correctional programs as needed; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD:

S. Res. 161. An original resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. MURKOWSKI, Mr. GORTON, and Mr. SIMON):

S. 1618. A bill to establish tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

TRIBAL SELF-GOVERNANCE ACT OF 1993

Mr. McCAIN. Mr. President, this year much fanfare has been given to the idea of reinventing Government. The Vice President recently released his report entitled: "Creating a Government That Works Better and Costs Less." This report makes a number of recommendations for changing the way the Federal Government does business today. Unfortunately, the administration's report overlooked one of the true success stories about reinventing government that is taking place right now: the tribal self-governance demonstration project.

The self-governance demonstration project is a tribally driven initiative that was first enacted into law in 1988. The goal of this project is to examine the benefits of allowing Indian tribal governments to assume more control over programs and services to their members which are now largely provided through the Bureau of Indian Affairs. The project permits participating tribes to enter into compacts for self-governance and annual funding agreements with the Federal Government. Pursuant to these agreements, management authority over specific programs and services is transferred from the BIA to Indian tribal governments. In turn, each participating tribal government is allowed to redesign and operate those programs and services with minimal regulation and BIA involvement.

Last week the Committee on Indian Affairs held an oversight hearing to review the status of the project. Despite continued foot-dragging by the Bureau of Indian Affairs—a bureaucratic virus that has also afflicted the Indian Health Service, all of the self-governance tribes expressed continued enthusiasm for the project and urged the committee to establish the project on a permanent basis. Based on their individual experiences, the tribes collectively believe that permanent status is necessary because the Bureau of Indian Affairs continues to view the self-governance project as a temporary program. Once the demonstration period is over, the Bureau apparently believes that it can simply return to business as usual. In this instance, however, the BIA has seriously miscalculated its ability to stifle change. Self-governance is here to stay. The reason self-governance is here to stay is best captured in a statement by the Lummi tribe:

> The Self-Governance Demonstration Project is an historic effort to break a pattern of dominance and dependency. While some Federal programs in the past have allowed Indian Tribes to implement certain limited programs, Self-Governance offers the chance for us to assume total control of our economic, political, and social futures, and to demonstrate that we can accomplish what the BIA has not been willing or able to do in 120 years.

I have received numerous letters from self-governance tribes endorsing permanent self-governance legislation. These letters include examples of the many positive effects that tribes have experienced under self-governance, such as improvements in education, economic development, law enforcement, tribal courts, forestry, public works, community services, cultural programs, and tribal government operations. In general, Indian tribes feel: First, they are able to more effectively design programs and services to the needs of tribal members; second, self-governance has made tribal governments more responsive to the concerns of tribal members; and third, self-governance has allows the tribes to be more independent from the Bureau of Indian Affairs.

I want to emphasize that the self-governance program is purely voluntary. No tribe is forced to participate; in fact, such a requirement would be contrary to the whole concept of self-governance. I also want to emphasize that this program is not about equity funding. Unfortunately, Federal Indian programs are already severely underfunded. It is my hope that the Congress will not only increase funding for Indian programs, but will also ensure that such funding actually goes toward meeting the needs of the Indian people rather than the needs of a bloated Federal bureaucracy. Under self-governance, tribes have the opportunity to accomplish the latter goal. In fact, the tribal leader for the Mille Lacs Band of Ojibwe Indians, testified that her tribe has gone from receiving 11 cents on the dollar under BIA administration to 50 cents on the dollar under self-governance. That is what self-governance is all about. Allowing tribes to utilize Federal funding that is intended for their benefit and well-being.

Mr. President, our Constitution confers on the Congress the ultimate authority and responsibility for the relations between the Federal Government and the tribes. With this authority and responsibility comes the duty to ensure the fulfillment of the trust. These are not passing whims or fancies of the day. They are solemn legal and, I believe, moral obligations which are deeply embedded in our history as a Nation. Unfortunately, for the better part of two centuries, the Congress has so poorly exercised that authority that Federal Indian policy has become infamous for its shortsightedness, inconsistency, and disruptive consequences. President Nixon best summarized the situation in his 1970 special message to the Congress on Indian Affairs.

> * * * The removal of Federal trusteeship responsibility has produced considerable disorientation among the affected Indians and has left them unable to relate to a myriad of Federal, State and local assistance efforts. Their economic and social condition has often been worse after termination than it was before. * * * The very threat that this (trust) relationship may someday be ended has created a great deal of apprehension among Indian groups and this apprehension, in turn, has had a blighting effect on tribal progress. Any step that might result in greater social, economic or political autonomy is regarded with suspicion by many Indians who fear that it will only bring them closer to the day when the Federal government will disown its responsibility and cut them adrift.
>
> In short, one extreme policy, forced termination, has often worked to produce the opposite extreme: excessive dependence on the Federal government. In many cases this dependence is so great that the Indian community is almost entirely run by outsiders who are responsible to Federal officials in Washington, D.C., rather than to the communities they are supposed to be serving.

I believe we have a chance to write a new chapter in Federal-Indian relations. As we do, it is important to remember that from time immemorial, Indian tribes have been and will continue to be permanent governmental bodies exercising those basic powers of government, as do Federal and State governments, to fulfill the needs of their citizens. Under our constitutional system of government, the right of tribes to be self-governing and to share in our Federal system must not be diminished.

Over the long and tragic course of America's treatment of them, Indian leaders have persistently urged the Federal Government to work with them to arrive at sensible solutions to their problems. In 1961, at a meeting in Chicago of over 400 tribal leaders, that request was eloquently renewed in this urgent appeal:

> What we ask of America is not charity, not paternalism, even when benevolent. We ask only that the nature of our situation be recognized and made the basis of policy and action.

Mr. President, on behalf of all of the current self-governance tribes and their members, and on behalf of all those who seek to give true meaning to the concept of Indian self-determination, I am pleased to introduce today legislation to make self-governance permanent. I am joined in this effort by the distinguished chairman of the Indian Affairs Committee, Senator INOUYE, and Senators MURKOWSKI, GORTON, and SIMON.

The bill I am introducing today would make self-governance permanent within the Department of the Interior. The bill also provides the opportunity each year for up to 20 new tribes to negotiate self-governance agreements. The limitation on the number of tribes is based on the current ability of the Office of Self-Governance to annually process new self-governance agreements. As the ability of the office to process more agreements becomes apparent, the committee will respond accordingly. Finally, the bill provides for negotiated rulemaking. The inclusion of the negotiated rulemaking concept—first enacted by the Congress in 1990—is consistent with the goals of the program. That is, negotiated rulemaking procedures are generally designed to require a Federal agency to negotiate with the interests most affected, in this case the self-governance tribes, in the process of developing proposed regulations subsequently published for public review and comment. I would also note that this particular portion of the bill is consistent with the President's Executive Order No. 12875, calling upon the various Federal agencies to reduce the imposition of unfunded mandates upon State, local and tribal governments, in particular, the excessive micromanagement and unnecessary regulation from the Federal Government.

Noticeably absent in this bill is the application of permanent status to the Indian Health Service. Although some participating tribes argued for such application, in the final analysis it became apparent that because self-governance authority was not applicable to the Indian Health Service until 1992, an additional period for demonstration purposes is required. The committee fully intends, however, to revisit the issue of making self-governance permanent for the Indian Health Service in the near future.

In closing, I want to read from a letter I recently received from one tribal leader which, I think, provides a tribal perspective on this debate:

> The Federal bureaucracy, predominantly through the Bureau of Indian Affairs and the Indian Health Service, have dominated, controlled and manipulated our lives and government operations to the point that American Indians are the most regulated peoples in America.
>
> Other Federal Agencies have sought to redefine our presence to fit uniformity and convenience with labels such as organizations, corporations, associations, constituents, or even vendors. On the other side of the definition game, the Office of Management and Budget generally rules that Tribal governments are not included in Congressional assistance legislation intended for the common "State and Local Units of Government and Trust Territories" designation. Through the Tribally driven Self-Governance legislation, Tribes and Congress are finally setting the record straight and forcing the bureaucracies to recognize our governmental status. We certainly expect this tension of a Federal bureaucracy predisposition to uniformity against the Tribal demand for clear recognition to continue on into the future. But the fundamental principle is established in the Tribal Self-Governance permanent legislation regarding our unique relationships with the United States and the individual Indian Tribes and our inherent right of Self-Governance.

Mr. President, I ask unanimous consent that a copy of the bill, a section-by-section analysis, letters of support from various tribal governments, and Executive Order 12875, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) the tribal right of self-governance flows from the inherent sovereignty of Indian tribes and nations;

(2) the United States recognizes a special government-to-government relationship with Indian tribes, including the right of the tribes to self-governance, as reflected in the Constitution, treaties, Federal statutes, and the course of dealings of the United States Government with Indian tribes;

(3) although progress has been made, the Federal bureaucracy, with its centralized rules and regulations, has eroded tribal self-governance and dominates tribal affairs;

(4) the Tribal Self-Governance Demonstration Project was designed to improve and perpetuate the government-to-government relationship between Indian tribes and the United States, and to strengthen tribal control over Federal funding and program management; and

(5) Congress has reviewed the results of the Tribal Self-Governance Demonstration Project and finds that—

(A) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities intended to benefit Indians, is an effective way to implement the Federal policy of government-to-government relations with Indian tribes; and

(B) transferring control to tribal governments, upon tribal request, over funding and decisionmaking for Federal programs, services, functions, and activities strengthens the Federal policy of Indian self-determination.

SEC. 3. DECLARATION OF POLICY.

It is the policy of this Act to permanently establish and implement Self-Governance—

(1) to enable the United States to maintain and improve its unique and continuing relationship with, and responsibility to, Indian tribes;

(2) to permit each Indian tribe to choose the extent of the participation of such tribe in Self-Governance;

(3) to co-exist with the provisions of the Indian Self-Determination Act relating to provision of Indian services by designated Federal agencies;

(4) to ensure the continuation of the trust responsibility of the United States to Indian tribes and Indian individuals;

(5) to permit an orderly transition from Federal domination of programs and services to provide Indian tribes with meaningful authority to plan, conduct, redesign, and administer programs, services, functions, and activities that meet the needs of the individual tribal communities; and

(6) to provide for an orderly transition through a planned and measurable parallel reduction in the Federal bureaucracy.

SEC. 4. TRIBAL SELF-GOVERNANCE.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following new title:

"TITLE IV—TRIBAL SELF-GOVERNANCE

"SEC. 401. ESTABLISHMENT.

"The Secretary of the Interior (referred to in this title as the 'Secretary') shall establish and carry out a program within the Department of the Interior to be known as Tribal Self-Governance (referred to in this title as 'Self-Governance') in accordance with this title.

"SEC. 402. SELECTION OF TRIBES.

"(a) CONTINUING PARTICIPATION.—Each tribe that is participating in the Tribal Self-Governance Demonstration Project at the Department of the Interior under title III on the date of enactment of this title shall thereafter participate in Self-Governance under this title and cease participation in the Tribal Self-Governance Demonstration Project under title III with respect to the Department of the Interior.

"(b) ADDITIONAL TRIBES.—In addition to those tribes participating in Self-Governance under subsection (a), the Secretary, acting through the Director of the Office of Self-Governance, may select up to 20 new tribes per year, from the applicant pool described in subsection (c), to participate in Self-Governance.

"(c) APPLICANT POOL.—The qualified applicant pool for Self-Governance shall consist of each tribe that—

"(1) successfully completes the planning phase described in subsection (d);

"(2) has requested participation in Self-Governance; and

"(3) has demonstrated, for the previous 3 fiscal years, financial stability and financial management capability as evidenced by the tribe having no material audit exceptions in the required annual audit of the self-determination contracts of the tribe.

"(d) PLANNING PHASE.—Each tribe seeking to begin participation in Self-Governance shall complete a planning phase in accordance with this subsection. The tribe shall be eligible for a grant to plan and negotiate participation in Self-Governance. The planning phase shall include—

"(1) legal and budgetary research; and

"(2) internal tribal government planning and organizational preparation.

"SEC. 403. FUNDING AGREEMENTS.

"(a) AUTHORIZATION.—The Secretary shall negotiate and enter into an annual written funding agreement with the governing body of each participating tribal government.

"(b) CONTENTS.—Each funding agreement shall—

"(1) authorize the tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities administered by the Department of the Interior that are otherwise available to Indian tribes or Indians, including—

"(A) the Act of April 16, 1934 (popularly known as the 'Johnson-O'Malley Act') (48 Stat. 596, chapter 147; 25 U.S.C. 452 et seq.); and

"(B) the Act of November 2, 1921 (popularly known as the 'Snyder Act') (42 Stat. 208, chapter 115; 25 U.S.C. 13);

"(2) subject to the terms of the agreement, authorize the tribe to redesign programs, services, functions, or activities, and to reallocate funds for such programs, services, functions, or activities;

"(3) prohibit the inclusion of funds provided—

"(A) pursuant to the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.);

"(B) for elementary and secondary schools under the formula developed pursuant to section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008); and

"(C) to the Flathead Agency Irrigation Division or the Flathead Agency Power Division, except that nothing in this section shall affect the contract authority of such divisions under section 102;

"(4) specify the services to be provided, the functions to be performed, and the responsibilities of the tribe and the Secretary pursuant to the agreement;

"(5) authorize the tribe and the Secretary to reallocate funds or modify budget allocations within any year, and specify the procedures to be used;

"(6) provide for retrocession of programs or portions of programs pursuant to section 105(e);

"(7) provide that, for the year for which, and to the extent to which, funding is provided to a tribe under this section, the tribe—

"(A) shall not be entitled to contract with the Secretary for such funds under section 102, except that such tribe shall be eligible for new programs on the same basis as other tribes; and

"(B) shall be responsible for the administration of programs, services, functions, and activities pursuant to agreements entered into under this section; and

"(8) prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exists under treaties, Executive orders, and other laws.

"(c) SUBMISSION FOR REVIEW.—Not later than 90 days before the proposed effective date of an agreement entered into under this section, the Secretary shall submit a copy of such agreement to—

"(1) each tribe that is served by the Agency that is serving the tribe that is a party to the funding agreement;

"(2) the Committee on Indian Affairs of the Senate; and

"(3) the Committee on Natural Resources of the House of Representatives.

"(d) PAYMENT.—

"(1) IN GENERAL.—At the request of the governing body of the tribe and under the terms of an agreement entered into under this section, the Secretary shall provide funding to the tribe to carry out the agreement.

"(2) AMOUNT.—Subject to paragraph (3) of this subsection and paragraphs (1) and (3) of subsection (b), the Secretary shall provide funds to the tribe for one or more programs, services, functions, or activities in an amount equal to the amount that the tribe would have been eligible to receive under contracts and grants under this Act, including direct program costs and indirect costs, and for any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the tribe and its members.

"(3) TRUST SERVICES.—Funds for trust services to individual Indians shall be available under an agreement entered into under this section only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the tribe.

"(e) CIVIL ACTIONS.—

"(1) DEFINITION OF 'CONTRACT'.—Except as provided in paragraph (2), for the purposes of section 110, the term 'contract' shall include agreements entered into under this title.

"(2) PROFESSIONAL CONTRACTS.—For the period that an agreement entered into under this title is in effect, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25 U.S.C. 476), shall not apply to attorney and other professional contracts by Indian tribal governments participating in Self-Governance under this title.

"(f) FACILITATION.—

"(1) INTERPRETATION.—Except as otherwise provided by law, the Secretary shall interpret each Federal law and regulation in a manner that will facilitate—

"(A) the inclusion of programs, services, functions, and activities in the agreements entered into under this section; and

"(B) the implementation of agreements entered into under this section.

"(2) WAIVER.—

"(A) REQUEST.—A tribe may submit a written request for a waiver to the Secretary identifying the regulation sought to be waived and the basis for the request.

"(B) DECISION.—Not later than 60 days after receipt by the Secretary of a written request by a tribe to waive application of a Federal regulation for an agreement entered into under this section, the Secretary shall either approve or deny the requested waiver in writing to the tribe. A denial may be made only upon a specific finding by the Secretary that identified language in the regulation may not be waived because such waiver is expressly prohibited by Federal law.

"(C) APPEAL.—Not later than 60 days after denial of a waiver request, the Secretary shall, at the request of a tribe, provide the tribe with a hearing on the record and opportunity for an appeal.

"SEC. 404. BUDGET REQUEST.

"The Secretary shall identify, in the annual budget request of the President to the Congress, any funds proposed to be included in Self-Governance.

"SEC. 405. REPORTS.

"(a) REQUIREMENT.—Not later than January 1 of each year after the date of enactment of this title, the Secretary shall submit to Congress a report regarding the administration of this title.

"(b) CONTENTS.—The report shall—

"(1) identify the relative costs and benefits of Self-Governance;

"(2) identify, with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to Self-Governance tribes and their members, and the corresponding reductions in the Federal bureaucracy; and

"(3) include the separate views of the tribes.

"SEC. 406. EFFECT ON OTHER AGREEMENTS AND LAWS.

"Nothing in this title shall be construed to limit or reduce in any way the services, contracts, or funds that any other Indian tribe or tribal organization is eligible to receive under section 102 or any other applicable Federal law.

"SEC. 407. NEGOTIATED RULEMAKING.

"(a) IN GENERAL.—Not later than 90 days after the date of enactment of this title, at the request of a majority of the Indian tribes with agreements under this title, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

"(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section, shall have as it members only Federal and tribal government representatives, a majority of whom shall be representatives of Indian tribes with agreements under this title.

"(c) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures to the unique context of Self-Governance and the government-to-government relationship between the United States and the Indian tribes.

"(d) EFFECT.—The lack of promulgated regulations shall not limit the effect of this title.

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this title.".

SECTION-BY-SECTION ANALYSIS ON THE TRIBAL SELF-GOVERNANCE ACT OF 1993

SECTION 1—SHORT TITLE

This section sets forth the short title of the bill as the "Tribal Self-Governance Act of 1993"

SECTION 2—FINDINGS

This section sets forth certain findings of Congress related to the unique relationship between the United States Government and Indian tribal governments, to each tribe's inherent right of self-governance, and to the success of the Tribal Self-Governance Demonstration Project in improving and perpetuating that relationship by strengthening tribal control over Federal funding and program management intended to benefit Indians.

SECTION 3—DECLARATION OF POLICY

This section declares that the policy of this Act is to permanently establish Self-Governance within the Department of the Interior in order to accomplish certain goals set forth in this section. These include—

Improving the government-to-government relationship between the United States Government and Indian tribes;

Permitting each tribe to choose the extent of its participation in Self-Governance;

Having Self-Governance co-exist with other Indian Self-Determination Act arrangements with tribes;

Ensuring the perpetuation of the trust responsibility of the United States to Indian tribes and Indian individuals; and

Permitting an orderly transition from Federal domination of programs and services benefitting Indians to tribal authority and control over those benefits with an accompanying reduction in the Federal bureaucracy.

SECTION 4—TRIBAL SELF-GOVERNANCE

This section amends Public Law 93-638, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), by adding at the end therof the following new "Title IV—Tribal Self-Governance"

TITLE IV—TRIBAL SELF-GOVERNANCE

Section 401. Establishment. This section establishes a permanent program within the Department of the Interior to be known as Tribal Self-Governance.

Section 402. Selection of Tribes.

(a) Continuing Participation. This subsection clarifies that Title IV governs the Department of the Interior's implementation of Self-Governance and Title III governs the Indian Health Service's implementation of Self-Governance.

(b) Additional Tribes. This subsection permits the Interior Department to increase the number of tribes permitted to participate in Self-Governance by up to twenty (20) additional new tribes per year. Interior may add new tribes only if they meet certain requirements set forth in subsection (c).

(c) Applicant Pool. This subsection sets forth the requirements for a tribe to be considered a qualified applicant to begin participation in Self-Governance. Such a tribe must have successfully completed a planning activity described in subsection (d), it must have requested to participate in Self-Governance, and its financial stability and financial management capability must be demonstrated by the tribe having for the past three fiscal years no material audit exceptions in the required annual audits of its self-determination contracts under Public Law 93-638. This subsection is virtually identical to provisions in Title III regarding qualifications for participation.

(d) Planning Phase. This subsection requires each tribe applying to begin participation in Self-Governance to complete a planning phase that includes legal and budgetary research and internal tribal government planning and organizational preparation. Each such tribe is eligible to receive a grant from the Department of the Interior to carry out planning and negotiation activities. This subsection is more specific than are comparable provisions in Title III regarding required planning activities.

Section 403. Funding Agreements.

(a) Authorization. This subsection directs the Interior Secretary to enter into written annual funding agreements with the governing body of each participating tribal government. This subsection is virtually identical to provisions in Title III.

(b) Contents. This subsection sets forth the authorities and general terms that each annual funding agreement must contain. This subsection is virtually identical to provisions in Title III. The authorities and terms of agreement include—

Tribal authority to plan, conduct, consolidate and administer Interior Department programs, services, functions, and activities available to Indian tribes and Indians, including but not limited to those authorized under the general authorization statutes known popularly as the Johnson O'Malley Act and the Snyder Act;

Tribal authority to redesign or reallocate Interior Department funds negotiated for programs, services, functions, and activities;

Consistent with Title III, Title IV excludes certain Indian education funds (Tribally Controlled Community Colleges and elementary and secondary school formula funds) and Interior irrigation funds (Flathead Agency Irrigation Division or Flathead Agency Power Division) from being included in a Self-Governance annual funding agreement;

The specific services to be provided, functions to be performed, and the responsibilities of the tribe and the Secretary under the agreement;

The authority of the tribe and the Interior Department to reallocate funds or modify budget allocations during the year under specific procedures;

Tribal authority to retrocede programs or portions of programs under procedures employed with Indian Self-Determination Act contracts under Public Law 93-638;

A prohibition against a participating tribe contracting for the same funds at the same time it has included those funds in a Self-Governance annual funding agreement;

An Interior Department assurance that a participating tribe is eligible for new programs, benefits, and funds on the same basis as are tribes not participating in Self-Governance;

A tribal assurance that it will be responsible for administering the programs, services, functions and activities pursuant to the annual funding agreement; and

A prohibition against the Secretary waiving, modifying, or diminishing in any way the trust responsibility of the United States to Indian tribes and Indian individuals.

(c) Submission for Review. This subsection requires the Interior Department to submit a copy of a participating tribe's Self-Governance compact and annual funding agreement entered into under this Title to each tribe directly served by the Bureau of Indian Affairs Agency Office directly serving the participating tribe, and to the House Committee on Natural Resources and the Senate Committee on Indian Affairs. This submission must be done ninety (90) days before the proposed effective date of the agreement. This subsection is virtually identical to provisions in Title III.

(d) Payment. This subsection requires the Interior Department to provide funding to the tribe as negotiated in the funding agreement. This provision is virtually identical to provisions in Title III. This subsection also requires the Secretary to provide the same level of funding from one or more programs, services, functions or activities as the tribe would have been eligible to receive under a Indian Self-Determination Act contracts and grants under Public Law 93-638. This provision is virtually identical to provisions in Title III. This subsection additionally requires the Secretary to provide funds specifically or functionally related to the Interior Department's provision of services and benefits to the tribe and its members. This provision is similar to comparable provisions in Title III, but clarifies the intent of Congress to include funds functionally as well as specifically related to the Department's provision of services and benefits. This subsection excludes from availability those funds providing trust services to individual Indians unless the participating tribe provides the same services to individual Indians that would have been provided by the Interior Department. This provision is virtually identical to provisions in Title III.

This subsection clarifies the requirement in existing law by emphasizing that the Interior Department negotiate into a tribe's annual funding agreement all funds and resources sought by the tribe which the federal government would have used to carry out its programs and operations if it had provided services and benefits, either directly or through contracts, grants or other agreements, to the tribe or its members in lieu of a Self-Governance annual funding agreement. With respect to the Department of the Interior, this would include the funds and resources of the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Fish & Wildlife Service, the Office of Policy Management and Budget, the National Park Service, the Bureau of Land Management, the Minerals Management Service, the U.S. Geological Service, the Office of Surface Mining and Enforcement, and the Bureau of Mines. This section also requires inclusion of those funds or resources that otherwise would have been spent or provided at the reservation or Indian community, area/regional, and national/central levels if the Secretary were carrying out the federal government's responsibilities to the tribe and its members in lieu of a Title IV agreement. This section also requires inclusion of those funds or resources which originate from or are appropriated to other federal agencies but which are transferred to the Secretary's administrative access or control through inter-agency agreements or other authority. Federal funds and resources covered by this section include those which do not appear on the Secretary's budget as a cost item or activity but are nonetheless used by the Secretary or are otherwise functionally related to the Secretary's capacity to carry out its responsibilities to the tribe or its members in lieu of an annual funding agreement.

(e) Civil Actions. This subsection provides the same legal relief to agreements entered into under Title IV as is provided for Indian Self-Determination Act contracts under Section 110 of Public Law 93-638. This provision is virtually identical to provisions in Title III. This subsection also exempts a participating tribe's professional contracts from the usual requirement of review and approval by the Secretary. This provision is virtually identical to provisions in Title III.

(f) Facilitation. This subsection requires the Interior Department to interpret federal laws and regulations in a way that facilitates including Interior programs, services, functions and activities in agreements negotiated under Title IV and in a way that facilitates the flexible implementation of these agreements. This provision is virtually identical provisions in Title III. This subsection also establishes procedures and standards to guide the Interior Department in approving or disapproving a participating tribe's request for waiver of the application of a federal regulation to an agreement under Title IV. This provision provides specific structure in comparison to the more general waiver authorities of Title III.

Section 404. Budget Request. This section directs the Indian Department to identify in its annual budget request submission to Congress the funds it proposes to include in Self-Governance agreements. This provision is virtually identical to provisions in title III.

Section 405. Reports. This section sets forth the requirement of an annual report to be filed with Congress by the Interior Department that analyzes the relative costs and benefits of Self-Governance, identifies all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to participating tribes or their members, and identifies reductions in the federal bureaucracy corresponding to the amounts transferred to tribes with agreements under this title. The Interior Department is to include in the report the opportunity for the separate views of the participating tribes. This provision provides somewhat more specific structure to comparable report provisions in Title III.

Section 406. Effect on Other Agreements and Laws. This section declares that no one may accurately interpret title IV to limit or reduce in any way the services, Self-Determination Act contracts, or funds that any other Indian tribe or organization is eligible to receive under section 102 of Public Law 93-638 or other federal law. Section 110 of Public Law 93-638 provides a cause of action to any tribe or tribal organization harmed by violation of this section. This provision is virtually identical to provisions in Title III.

Section 407. Negotiated Rulemaking.

(a) In General. If a majority of the tribes with agreements under Title IV so request, this subsection requires the Secretary to use procedures under the Negotiated Rulemaking Act of 1990, as amended, Public Law 101-648, to begin the process of developing proposed regulations to carry out title IV. These procedures are generally designed to require a federal agency to negotiate with the interests most affected by rulemaking, in this case the participating tribes, in the process of developing proposed regulations subsequently published for public review and comment.

(b) Committee. This subsection requires the Interior Department to establish a negotiated rulemaking committee, a majority of whose members are representatives of participating tribes. The Committee would also include federal representatives. The Interior Department may also include representatives of tribes not participating in Self-Governance.

(c) Adaptation of Procedures. This subsection gives broad authority to the Interior Department to adapt the negotiated rulemaking procedures to the unique context of Self-Governance and the government-to-government relationship that the United States has with each participating tribe.

(d) Effect. This subsection clarifies that Title IV is effective on the date of enactment and is not limited in its effect by the absence of promulgated regulations.

Section 408. Authorization of Appropriations. This section provides a general authorization of such sums as are necessary to carry out Title IV.

[From the Federal Register, Oct. 28, 1993]

ENHANCING THE INTERGOVERNMENTAL PARTNERSHIP

(Presidential Documents—Executive Order 12875 of October 26, 1993)

The Federal Government is charged with protecting the health and safety, as well as promoting other national interests, of the American people. However, the cumulative effect of unfunded Federal mandates has increasingly strained the budgets of State, local, and tribal governments. In addition, the cost, complexity, and delay in applying for and receiving waivers from Federal requirements in appropriate cases have hindered State, local, and tribal governments from tailoring Federal programs to meet the specific or unique needs of their communities. These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to reduce the imposition of unfunded mandates upon State, local, and tribal governments; to streamline the application process for and increase the availability of waivers to State, local, and tribal governments; and to establish regular and meaningful consultation and collaboration with State, local, and tribal governments on Federal matters that significantly or uniquely affect their communities, it is hereby ordered as follows:

Section 1. Reduction of Unfunded Mandates. (a) To the extent feasible and permitted by law, no executive department or agency ("agency") shall promulgate any regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless:

(1) funds necessary to pay the direct costs incurred by the State, local, or tribal government in complying with the mandate are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of regulations containing the proposed mandate, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected State, local, and tribal governments, the nature of their concerns, any written communications submitted to the agency by such units of government, and the agency's position supporting the need to issue the regulation containing the mandate.

(b) Each agency shall develop an effective process to permit elected officials and other representatives of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.

Sec. 2. Increasing Flexibility for State and Local Waivers. (a) Each agency shall review its waiver application process and take appropriate steps to streamline that process.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State, local, or tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State, local, and tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the fullest extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements of the programs that are discretionary and subject to waiver by the agency.

Sec. 3. Responsibility for Agency Implementation. The Chief Operating Officer of each agency shall be responsible for ensuring the implementation of and compliance with this order.

Sec. 4. Executive Order No. 12866. This order shall supplement but not supersede the requirements contained in Executive Order No. 12865 ("Regulatory Planning and Review").

Sec. 5. Scope. (a) Executive agency means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

(b) Independent agencies are requested to comply with the provisions of this order.

Sec. 6. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. Effective Date. This order shall be effective 90 days after the date of this order.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 26, 1993.*

QUINAULT INDIAN NATION,
Taholah, WA, November 2, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Washington, DC.

DEAR SENATOR MCCAIN: I urge you to introduce and support prompt passage of Tribal Self-Governance permanent authorization legislation. The Quinault Indian Nation has been a participant in the Self-Governance Demonstration Project since the initial authorization in 1988 and is now entering the fourth Fiscal Year of implementation of our Self-Governance Compact. Our experience and progress under Self-Governance clearly has demonstrated the positive results of providing Tribal governments the management decision-making empowerment and administrative authority over Tribal programs, services and development.

The Quinault Nation believes the permanent Self-Governance legislation is the cornerstone statute in the development of comprehensive and real government-to-government relationships between Tribal governments and the United States. Although American Indian Tribes are addressed in the U.S. Constitution and our Treaties, Executive Orders and Acts of Congress clearly establish in law our rightful presence, we have struggled with political and economic pressures over the last two centuries by the dominant society to erode, diminish and even extinguish our cultures, languages, reservation land titles and rights to exist as legitimate, independent governments.

The sovereign status of Tribal governments is certainly not a new or radical idea, but is clearly embodied in American law. Chief Justice John Marshall in the 1832 Supreme Court decision of *Worcester* v. *Georgia* clearly stated the obvious:

"The Indian Nations had always been considered as distinct, independent political communities * * * and the settled doctrine of the law of nations is that a weaker power does not surrender its independence—its right to self-government—by associating with a stronger, and taking its protection."

Due to convenience and connivance, elements of American society have sought to redefine, subvert and twist the definition of Tribal governments and Tribal rights to our collective disadvantage. The Federal bureaucracy, predominantly through the Bureau of Indian Affairs and the Indian Health Service, have dominated, controlled and manipulated our lives and government operations to the point that American Indians are the most regulated peoples in America.

Other Federal Agencies have sought to redefine our presence to fit uniformity and convenience with labels such as organizations, corporations, associations, constituents or even vendors. On the other side of the definition game, the Office of Management and Budget generally rules that Tribal governments are not included in Congressional assistance legislation intended for the common "State and Local Units of Government and Trust Territories" designation. Through the Tribally driven Self-Governance legislation, Tribes and Congress are finally setting the record straight and forcing the bureaucracies to recognize our government status. We certainly expect this tension of a Federal bureaucracy predisposition to uniformity against the Tribal demand for clear recognition to continue on into the future. But the fundamental principle is established in the Tribal Self-Governance permanent legislation regarding our unique relationships with the United States and the individual Indian Tribes and our inherent right of Self-Governance.

Self-Governance has empowered the government of the Quinault Nation to determine priorities, allocate resources and manage our affairs with minimal Federal intrusion. We have consolidated and expanded education and social services to cost-effectively meet the needs of Tribal members according to their personal situation rather than a superimposed set of rules. Our Tribal justice system has been strengthened to ensure adequate protections and judicial services for our people as the legitimate concern of any government. Funds expended on our forests, fisheries and environment are now effectively coordinated for logical, comprehensive management. More Quinaults are employed now than ever before. More Quinaults are furthering their education and returning home to work for their people.

There is no doubt that Self-Governance has benefitted the Quinault Indian people on the Quinault reservation. We have problems, difficulties and challenges facing us that need to be addressed. But the decisions made on priorities and the determination of means and methods to address the future are being made by our people, here at home. Self-Governance is really the forerunner of the Clinton Administration's "Reinvent Government" plans to streamline the Federal bureaucracy and "Creating a Government that Works Better and Costs Less."

I am concerned, as I expressed at the Senate Committee on Indian Affairs Oversight Hearing on Self-Governance, that the law clearly direct the Federal bureaucracy to deal with our Tribal governments as independent, sovereign governments in the future. The new Indian Affairs foundation must be carefully, methodically and systematically built on the principle of sovereignty. The bureaucratic obstructions and resistance to change is well known as we've struggled to establish Self-Governance. The Clinton Administration will soon understand this Federal tenacity to maintain and expand power and control.

The Federal bureaucracy has two centuries of experience and an extensive arsenal of resources available to misinterpret, misunderstand and determine Congressional intent for its own interest. New Federal bureaucracies becoming involved in Self-Governance will employ their own tactics, traps and shallow reasoning to frustrate and subvert Self-Governance. The provisions for negotiated rulemaking in the permanent Self-Governance legislation must be unmistakably clear to a child's level of reasoning that the Federal bureaucracy is negotiating government-to-government, nation to nation.

We don't want Congress to micro-manage each Federal bureaucracy with thousands of pages of legislative directives to advance Self-Governance. Therefore, our government role in negotiations between governments needs to be crystal clear so even Federal lawmakers can comprehend this basic principle. Hopefully, we can creatively negotiate future rules and regulations to implement policies and procedures that finally make sense and support Tribal government realities.

The permanent Self-Governance legislation, as a cornerstone to a new Indian Affairs foundation of government-to-government relationships between individual Indian Tribes and the United States, is a beginning. There will be those detractors in the Congress, Courts and the public arena who will seek to diminish Tribal jurisdiction due to peripheral concerns such as gaming, water rights or the myriad special interest agendas employed against Tribes over the centuries. The Indian Affairs foundation, however, recognizes our rights and responsibilities as independent governments to exist and develop according to our Tribally-determined priorities. In the future, I envision that permanent Self-Governance will involve multiple Federal Departments and Agencies with negotiated agreements over multi-year periods. This permanent Self-Governance statute is a most important first step to an improved future.

I have stated many times to many audiences and forums my basic belief:

"No right is more sacred to a nation, to a people, than the right to freely determine its social, economic, political and cultural future without external interference. The fullest expression of this right occurs when a nation freely governs itself."

On behalf of the Quinault Indian Nation, I want to express our deep appreciation for the understanding, support and respect you have shown to Tribal governments in the development of Self-Governance. We strongly encourage immediate introduction and prompt passage of permanent Self-Governance legislation. We look forward to working together with Congress as we enter new frontiers in establishing meaningful government-to-government relationships between American Indian Tribes and the United States.

Sincerely,

JOSEPH B. DELACRUZ,
President.

JAMESTOWN S'KLALLAM TRIBE,
Sequim, WA, November 2, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Washington, DC.

Re permanent self-governance legislation.

DEAR SENATOR MCCAIN: I am writing on behalf of the Jamestown S'Klallam Tribe to express our strong support for passage of permanent Self-Governance legislation this Congressional session. As one of the first seven Tribes to negotiate a Compact of Self-Governance in FY1991, the Jamestown S'Klallam Tribe has operated in a highly dynamic political environment during the past three fiscal years. Our Tribe has experienced tremendous growth, opportunity, and change; and, many accomplishments have been achieved, both internally and on the national level. The goal of the Tribe has been to demonstrate that successful and effective Tribal Self-Governance is not only possible, but can serve as a model for future Federal Indian policy implementing the "government-to-government" relationship with all Tribal governments, if they so choose. As part of this Tribally-driven initiative, the Jamestown S'Klallam Tribe has made progressive change a reality.

SELF-GOVERNANCE AT THE TRIBAL LEVEL

At the Tribal level, this positive change is exemplified in numerous ways. The governing body and administrative staff now fully understand the flexibility and opportunities available through Self-Governance. The Jamestown S'Klallam Tribal Council and Program Directors actively participate in prioritizing, planning and justifying program needs. An internal Tribal budget process has been developed and adopted by the Tribal Council. Tribal programs have been restructured to reflect specific activities and meet actual Tribal needs and priorities. An internal Executive Committee, established during the initial year of Self-Governance, has facilitated greater cooperation among departments. Finally, community awareness about Self-Governance has been enhanced by providing information through the Tribal newsletter, community events, and general membership meetings.

TRIBAL ORGANIZATIONAL CHANGES

The Jamestown S'Klallam Tribe recognizes that BIA or other Federal funding will never meet all the needs of the Tribe and the Tribal community. The Tribe never had the opportunity under P.L. 93-638 contracting to actually analyze true needs and budget according to Tribally-specific priorities. Additionally in the past, the shuffling of staff people and division of very diverse responsibilities, due to multiple contract requirements, often created inefficiencies in use of time and skills of particular individuals. Much energy was spent throughout the year with this "juggling" act in an attempt to utilize existing employees in the most effective and efficient manner with insufficient and restrictive funding under BIA 638 contracts.

The Self-Governance concept has provided the flexibility to restructure our programs to build and address Tribal priorities and needs. The Tribe views Self-Governance as a way in which funds can be used in the most effective and Tribally-specific manner possible without diminishing the United States' trust responsibility to Indian peoples and Tribes.

The Tribe has made several changes to the historical way in which funds were distributed to Tribal programs. The Tribe chose not to budget funds as specifically negotiated by line item, but rather re-design and shift funds according to priorities within those line items. General Budget Categories, or Departments, were developed, and Program Managers of each Department have been required to work with the Executive Director and Tribal Council in planning programs and setting priorities based on combined knowledge of needs. These major Tribal Departments include: (1) General Services, (2) Planning, (3) Social Services, (4) Economic Development, (5) Social & Health Services, and (6) Self-Governance implementation. The following information highlights key areas in which funding was reprogrammed to benefit more specific Tribal needs:

Education—Scholarships, Adult Education, and Adult Vocational Training were consolidated into one Education program under the Department of Social Services. Education is a high priority of the Tribe, and funds are budgeted for tuition and books for all educational purposes at the beginning of the fiscal year based on information supplied by the Tribe's Education/Employment Counselor. Additionally, the Tribe recognized the need for a full-time staff person to provide an effective educational assistance service to prospective Indian students. Additional funding was added to the Department of Social Service's budget during the initial year of Self-Governance to increase this position to full-time.

Cultural Enhancement & Restoration—Cultural enhancement, preservation, and restoration has never been available under BIA 93-638 funding. The Tribe's culture has struggled for survival due to conflicts with the non-Indian cultural values and systems. Due to lack of programmatic support, our efforts towards restoring and preserving traditional ways are key to community cultural survival. The tribal Council considers cultural enhancement a priority, allowing the Department of Social services to use Self-Governance funding to assist in meeting some cultural project expenses. Projects that were minimally assisted by Self-governance funds include a weekly children's program, the summer Culture Program, expenses for a Summer Open House, and supplies for basket weaving, drum-making, and woodcarving classes.

Housing—The Tribe historically has been provided approximately $32,000 to $38,000 per year through the BIA Housing Improvement Program (HIP). These funds have always been insufficient for construction of a new home, and the Tribe has been forced to delay new home construction one to two years in order for sufficient funds to accumulate for such a project. Under Self-governance, the Tribal Council has determined the need for re-programming additional funding into the Housing Program which more accurately addresses the unique conditions of our Tribal community.

Economic Development—In the past under P.L. 93-638 contracts, the Tribe did not receive funding for development of its economic base. Because the development of successful businesses to sustain Tribal Operations has always been key to future self-sufficiency, the Tribe budgeted additional funding to the Economic Development Department. This funding has complemented and enhanced existing business development activities being temporarily funded through the HHS's Administration for Native Americans (ANA).

Natural Resources Development—Historically, the Tribe has been funded primarily for harvest management and some initial development of acquaculture. Limited funding has never allowed the Tribe to expand this program. Under Self-Governance, the Tribe has been able to re-prioritize funding resources to the Natural Resources Department in order to encompass new resource areas, particularly in water resource and shellfish management. Water resource management activities include both protection of water quality affecting fish and shellfish habitat, and, the planning and restoration of water quantity in our traditional fishing rivers. Other enhancement options in the Tribe's primary area of fisheries could not be pursued in the past, but through Self-governance and other new funding sources, the Tribe has become involved in innovative projects to restore and protect critically depleted stocks of salmon in cooperation with Federal, State, and private enhancement initiatives.

Construction—With the new additions to staff and programs under Self-Governance, IHS, and other program/project resources, the need for expansion of Tribal administrative facilities remains critical. Under Self-governance, the Tribal Council passed a budget modification to refurbish an older building, that was purchased with Tribal funds, to accommodate additional Tribal social and health programs.

We firmly believe that our experiences under Self-Governance have provided the Jamestown S'Klallam Tribe the opportunity to exhibit its ability to enhance Tribal operations to make the "government-to-government" policy a meaningful relationship. We can now control and decide how to best utilize the Federal resources made available to our communities.

The key purpose of this proposed Self-Governance legislation is to establish a clear message to the Administration that the negotiated transfer of resources and allowing the Tribe to assume management responsibilities is sufficient evidence to justify making it a permanent option. In conclusion, it is time to set the foundation for which we will build or future. We believe in our vision and have moved forward in making the goals of Self-Governance a reality. We look forward to continuing to work with you and thank you again for your support.

Sincerely,

W. RON ALLEN,
Tribal Chairman/Executive Director.

PORT GAMBLE S'KLALLAM TRIBE,
Kingston, WA, October 26, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Committee on Indian Affairs, Washington, DC.

DEAR SENATOR MCCAIN: The Port Gamble S'Klallam Tribe is entering it's third year of implementation and experience under the Self-Governance Demonstration Project. As Congress considers permanent legislation to make this Self-Governance opportunity available to all tribal governments, I want you to be aware of the many positive developments for our Tribe through the budget and management empowerment of Self-Governance.

EDUCATION

Increased the funding of education from pre-compact levels of $41,000 to $100,000 enabling:

26 students to enroll in a pilot project sponsored by the Evergreen State College allowing participants to attend classes on the reservation while earning a Bachelor's Degree at the end of five years. This is enabling many tribal employees the only opportunity available to further their college education.

Provided new Education Clinic space for after-school tutoring of grade school, junior high and high school students.

Increased the ability of our new high school graduates to attend colleges and universities throughout the United States. (The Class of 1993 was the first S'Klallam class in history to complete high school without any dropouts).

ECONOMIC DEVELOPMENT

Established and funded the Port Gamble Development Authority to advance economic development. Major accomplishments:

Contracted the construction of a road on the reservation thereby retaining profits for the Tribe that otherwise would have gone to off-reservation businesses.

Contracted the remodeling of the Health Clinic, again retaining profits for Tribal use.

Constructed and leased back to the Tribe an office building with profits to be used for further economic development of the Tribe's Salish Business Park.

Currently assisting in the planning and research necessary to evaluate the entry of the Port Gamble S'Klallam Tribe into the gaming industry.

LAW ENFORCEMENT

Increased the Tribal Police Force to provide 24 hour coverage of the reservation.

COURTS

Employed a Probation Officer and a Tribal Attorney to provide our Tribal government with adequate Legal Services.

FORESTRY

Initiated a Tribally-funded Forest Intern Program and development of a comprehensive long-term Forestry plan designed to provide yearly income to the Tribe.

PUBLIC WORKS

Created a Utility Department funded jointly by user fees and Self-Governance funds. This new Department cleaned the reservation's water tanks which greatly improved overall water quality.

COMMUNITY SERVICES

Established the following improvements to the quality of life on the reservation:

Funded Senior, Youth and Adult recreation programs.

Established a Senior lunch and Activities program.

Built a new Park on the reservation and rehabilitated the Community Activities Building.

Provided Self-Governance funded Day Care Services for families in order to allow parents to seek employment or educational opportunities off the reservation.

CULTURE

Created a Heritage Department to preserve and maintain the Tribe's cultural, artistic and historical heritage in modern society.

TRIBAL GOVERNMENT

Improved Tribal Government management and administration processes as follows:

Created a new budget and reporting system to facilitate input from the community; allow the Council a better understanding of the financial status of the Tribe; and, provide Tribal Council priority-setting and allocation authority over the Tribal Budget.

Enhanced the involvement of the Tribal Council in Tribal affairs through an increased amount of funds available for travel on the Tribe's behalf.

Established a Youth Council to acquaint our younger people with the governmental functions of the Tribe and to foster a pride in the accomplishments of the Self-Governance process.

I feel that these accomplishments would not have occurred without Self-Governance. Our people are beginning to experience a better life, which, I trust, will extend many hundreds of years into the future.

Sincerely,

GERALD J. JONES,
Chairman.

DUCKWATER SHOSHONE TRIBE,
Duckwater, NV, October 29, 1993.

Hon. JOHN MCCAIN,
Vice-Chairman, Senate Committee on Indian Affairs, Washington, DC.

DEAR HONORABLE MCCAIN: The Duckwater Shoshone Tribe supports the Self-Governance Permanent Legislation in the Bill that is being submitted by Senator John McCain. Self-Governance is a fine program, it is a program that has helped our Tribe and has helped the other tribes that we have worked with during the demonstration stage. The program has allowed our Tribe to show that we can provide more services and better services to our community than can any federal agency. And it has allowed us to show that we will remain accountable to our people and to the United States as we operate our programs. It is time for Self-Governance to move past the demonstration trials to move into permanent program status, and to prepare for expanding it into the federal/tribal relationships in all federal departments.

In the Tribe's opinion, Self-Governance is better. It is an improvement over 638 and over federal services. Self-Governance gives the Tribe more freedom to concentrate resources on needs and plans and to make decisions and changes based on tribal priorities. Self-Governance makes decision making and accountability local, a situation that has both pluses and drawbacks.

Under Self-Governance, the Tribe has reduced its problems with the BIA. The Duckwater Shoshone Reservation has always been hard to get to so the BIA mostly hassled the Tribe from far away. BIA staff questioned or lost the Tribe's proposals, budgets, and reports. BIA staff questioned the Tribe's shared use of the equipment and the Tribe's administrative procedures. BIA staff forgot to tell tribal staff about meetings or forgot to send out new information. BIA staff delayed or simply did not forward the Tribe's requests or suggestions up through the system. Because of Self-Governance, the Tribe receives timely information. The Office of Self-Governance people try to help solve problems and Office of Self-Governance is able to get more cooperation from the Agency and Area staff than the Tribe ever could.

Under Self-Governance, the Tribe has increased its program and resource coordination. As an example, the Tribe increased coordination between the social service program, law enforcement, and the school on substance abuse prevention during its first Self-Governance budget planning and revision session. This and other budget changes improved program services and increased the efficient use of funding. And the Self-Governance authority to coordinate decreased our people's worries about monitoring hassles from the BIA.

For the first time, the Tribal Manager and Tribal Council worked on a comprehensive budget that covers all programs. Previous budgets were always focused on individual fund sources. This year was the first where the Tribe tried to develop a comprehensive budget for the staff and Council to understand and use. This has made it easier to focus on tribal programs and services rather than to just think about the fund sources.

Under Self-Governance, the Tribe has identified the need to improve its long range planning, its record keeping, and its internal policies and procedures. Before Self-Governance, long range tribal planning was sometimes as frustrating as it was rewarding. The Tribe would prepare its long range plan and often was able to reach its multi-year objectives. But the Tribe was unable to get the BIA or IHS to take the plans seriously. Federal staff would not help the Tribe to gain resources that it needed to carry out the plan. That changed under Self-Governance since the Tribe could make its own planning and operation decisions.

The Tribe has found a similar situation with its policies and procedures and its record keeping. The current policies and procedures were usually developed in response to a P.L. 93-638 or other federal program administrative requirement. Tribal staff paid attention to following the policies and procedures but did not spend a lot of time thinking about what the policies were really trying to address or how to improve the policies.

Now staff are discussing the fact that Self-Governance freedom brings the potential for severe and frequent changes. And staff are worried that severe changes could hurt rather than help local services. Staff are recommending that the Council prepare to review new and revised tribal administrative and operating policies, that the Council prepare for developing an administrative code that includes strong budget and personnel controls, and that new policies tie primarily to local processes and A-128 compliance.

The Tribe supports permanent status for the Self-Governance program and requests Congressional support for and passage of the McCain Bill. We strongly believe that tribes that seek the opportunity to operate their own programs will do a better job than will federal agencies. We strongly believe that tribes that want this responsibility should have this opportunity. The McCain Bill expands the opportunity and brings it to more tribes each year. We hope that all Congressional members will support this opportunity and will support the tribes that wish to take on this responsibility. Please contact me or my staff if you have any questions about our experience or our support for this program.

Sincerely,

BOYD GRAHAM,
Tribal Chairman.

SHOSHONE PAIUTE TRIBES,
Owyhee, NV, October 29, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation are participating in the Self Governance Demonstration Project as authorized by Congress.

The Shoshone-Paiute Tribes fully support permanent legislation for Self Governance. Self Governance is working in Indian Country including the Duck Valley Indian Reservation and this process should continue on a permanent basis. It would be very difficult for the Shoshone-Paiute Tribes to go back to doing business the "old way" with the Bureau of Indian Affairs. We, as Indian people, are taking a more active role in determining our own priorities, setting our own goals and accepting the consequences of our actions.

Since so much is at stake we have been more conscientious in providing for our own people's services, activities and functions which have improved our way of life and have given us much more pride in our achievements.

Under the Self Governance Demonstration Project the Tribes' membership have enjoyed an increase in employment, a decrease in welfare cases, we have been able to create more youth work programs, give our students more financial assistance in their higher education endeavors and fund more students in adult vocation training. Under the Self Governance Project the Tribes have gone from two people participating in the Forest Service Cooperative Agreements to at least 12 people, and over half of these people have become permanent employees of the Forest Service. We are able to keep our Tribal Courts open year round. We are able to provide for a full time employee for the Human Development Center. We are providing for funds to improve twice the amount of homes in the Housing Improvement Program.

We have been able to do more in the way of community development by installing street lights, completing paving projects, providing more assistance to the Senior Citizens. We no longer have to lay people off in the middle of the year and we can provide year round services in many other areas of natural resource development. There have been many other advantages to Self Governance we have only named a few and we have only just begun to benefit from this "new way" of doing business.

The Self-governance demonstration Project has proven to be a resounding success and should be permanently placed in the system along with allowing additional Tribes to participate. Thank you Senator McCain for your support.

Sincerely,

LINDSEY W. MANNING,
Tribal Chairman.

KAWERAK, INC.,
Nome, AK, October 29, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Re support for permanent self-governance legislation.

DEAR SENATOR MCCAIN: I am writing on behalf of Kawerak, Inc., a tribal consortium consisting of 20 federally recognized tribes in the Bering Straits region of Alaska, and a current Self-Governance participant, to express our full support for the passage of the proposed "Tribal Self-Governance Act of 1993."

Kawerak began planning under the Self-Governance Demonstration Project (SGDP) in November, 1990. Our Compact was signed in late 1991, and we began to implement our first Annual Funding Agreement on January 1, 1992. In our view, passage of title III (creating the SGDP) ranks as one of the most important positive actions yet taken by Congress in the area of Indian affairs and policy. Its importance can perhaps only be overshadowed by passage of a permanent bill.

Kawerak would rate the SGDP as implemented thus far as an unqualified success. Although the Project continues to have its up and downs, periods of frustration and periods of excitement, for Kawerak and the 19 participating member tribes, the SGDP provides a considerably improved environment for meeting the needs of our respective tribal governments and individual tribal members. The basis for this improved environment is directly related to three key factors which are truly unique to the SGDP.

First is the ability to gather greater resources under the control of tribal leaders through the Annual Funding Agreement negotiation process; second is the flexibility to direct those resources to tribally determined needs and priorities, third is the programmatic and administrative flexibility associated with the Project. These are real and extremely significant changes and improvements from 638 contracting, and Kawerak is actively moving to take full advantage in all 3 areas. This statement is clearly illustrated by an examination of Kawerak's FY 93 budgets.

Excepting programs with earmarked funding, every singe FY 93 Kawerak program budget has been modified since the beginning of the fiscal year—many of the budgets more than once—through the internal budgeting process set up in response to the SGDP. The changes were made quickly, and efficiently. Had these changes been made under the old 638 contracting system, the time, effort and paperwork involved would have been tremendous. A process that used to take weeks or months has been reduced to minutes, hours or in some cases perhaps days. In short, because of the administrative and bureaucratic burdens imposed under the old system the changes simply would either not have occurred at all, or certainly would not have occurred at anything close to the same level that has occurred under the opportunities provided through the SG Project. It is clear that the Project goal of allowing tribal needs and priorities to be reflected by tribally determined budgets is occurring. Changes may not be dramatic in many cases, but there is no question that significant change is taking place.

Specific tribal budgetary actions worth noting include: (1) The movement of new and existing funds to create a tribal coordinator/manager program, to assure that every one of the 19 participating villages has at least a part-time administrative staff person to coordinate the governmental activities of their IRA/Traditional council; (2) The creation of a Tribal Employment Rights Office, or "TERO" program, made possible by using tribal funds in conjunction with other funding; (3) The addition of funds to a very underfunded subsistence advocacy and protection program; and (4) Subsidizing a Village Planning Assistance Program with tribal funds to allow it to continue for the purpose of training planner/grantwriters in each of our villages and providing direct grantwriting and planning services. Perhaps the key point at this time is not the specifics of the numbers themselves, or the specific actions taken, but the fact that the SG Project goal of providing maximum tribal budgeting flexibility is being realized. Kawerak is utilizing this flexibility at an ever increasing level resulting in improved and more efficiently provided services to tribal members.

In the area of administrative and programmatic flexibility, Kawerak has seen a significant reduction in processed paperwork and reporting. The goal of freeing program personnel from unnecessary administrative tasks, thereby allowing increased time for service delivery is being met. There is also a greater sense that the reporting that is done serves a more tangible benefit. That is, with limited exception, the only reporting that is now done is that which is aimed at and produced exclusively for Kawerak's Board of Directors. (Of course much if not all of this information is shared with the village councils and members as well.) All program directors are able to have a direct personal link with the individuals who are reading and responding to the reports that are produced. The production of extraneous information or forms is discouraged. The bottom line is that SGDP reporting regime has resulted in an increase or improvement in both accountability and service delivery. No longer do staff have the feeling that reports are produced for some vague or unknown reason, only to disappear into that mysterious "black hole" of the federal administrative bureaucracy. Kawerak is also pursuing program waivers in our HIP and General Assistance programs.

Another positive result of the SGDP is that Kawerak is now in a much different position than we used to be in with regards to the Bureau of Indian Affairs. Almost without exception we now call upon the BIA only when we truly need information, technical assistance or some other narrowly defined service. Most contacts are initiated by Kawerak. In the past, it seemed that Kawerak was much more in a position of responding or reacting to requests by the Bureau. This reversal of roles regarding contacts is a significant change. Essentially, the relationship seems to be shifting from one of tribes being led by the Bureau, to the much more desirable relationship of tribes leading the Bureau. The result of the reversal of roles is not that tribal dependence on, or the need for a continuing partnership with the Bureau is being eliminated, but that this partnership and dependence is taking on a much healthier nature. BIA is no longer the convenient scapegoat it has been in the past, nor is it a barrier. One would hope that this new relationship is viewed in the same positive light by the Bureau as it is by Kawerak.

The changes and improvements brought about by the SGDP are subjective as well as objective. The subjective changes may be harder to document, but are also clearly noticeable even after our first two years in the Project. Attitudes are changing in a positive way. The empowerment which takes place when a tribe fully participates under the SGDP is a potent force. The consequences will take time to be fully realized and appreciated, but these subjective attitudinal changes will continue to drive positive objective action. Tribal members are beginning to look to themselves and their own institutions for solutions, with the realization that there is real meaning and opportunity in doing so.

In summary, I would like to state that it is inconceivable to us that Self-Governance would not become a permanent option for tribes. In our view, the sooner the better. Self-Governance is the logical next step in the evolving federal-tribal relationship. We ask for your full support in passage of The "Tribal Self-Governance Act of 1993," and thank you for your efforts regarding this historic initiative.

Sincerely,

LORETTA BULLARD,
President.

SITKA TRIBE OF ALASKA,
Sitka, AK, October 29, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Sitka Tribe of Alaska, one of five Southeast Alaska tribes taking part in a self-governance demonstration project compact, endorses enactment of the proposed Tribal Self-Governance Act of 1993. The Act would authorize continued and increased self-governance activity, and would significantly improve the ability of the Sitka Tribe of Alaska to serve its citizens.

Our Tribe has been a signatory to the Southeast Alaska Self-Governance Compact for the past two years and has recently signed our third Annual Funding Agreement. We have experienced many positive results of participation in self-governance. The Sitka Tribe has received increased tribal funds as the Bureau of Indian Affairs bureaucracy has been reduced in our region; had the advantage of increased flexibility in redirecting funds toward economic development; and, have been able to increase and improve services to our members in the key areas of social services, education, and employment.

We join those many other tribes eager to have the demonstration project made permanent at the Interior Department and ask that you pass this bill into law before the end of the year. We support the fact that the scope of the bill has been limited to ensure that no controversial provisions delay quick enactment this year.

If there is anything more we can do to ensure this bill's passage, please let us know.

Sincerely,

TED A. WRIGHT,
General Manager.

CENTRAL COUNCIL, TLINGIT AND
HAIDA INDIAN TRIBES OF ALASKA,
Juneau, AK, October 28, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: I am writing this letter on behalf of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida) in support passage of legislation that would make the self-governance program permanent.

Tlingit & Haida is a federally recognized tribe that has been involved in the self-governance movement since the beginning. Our programs play a very important part in the lives of many needy Natives in Southeast Alaska. Permanent legislation will stabilize this very important program so that there will be no question as to whether the program will be around in future years.

The positive aspects of our experience with self-governance are flexibility in funding and program design, the increase of the funding base, and the reduction of federal oversight and monitoring.

In conclusion, I ask your support for the passage of this very important legislation. The benefit to our tribal members will continue to increase with each passing year that this program is in existence. Any support you can give this program is very much appreciated.

Sincerely,

EDWARD K. THOMAS,
President.

TANANA CHIEFS CONFERENCE, INC.,
Fairbanks, AK, October 29, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Tanana Chiefs Conference, Inc. (TCC) has recently entered into a Compact of Self-Governance with the Department of the Interior (DOI) concerning the Bureau of Indian Affairs (BIA) programs and projects we administer.

In the TCC region, Self-Governance is the key to achieving meaningful Tribal development. Self-Governance allows programs to be redesigned to better meet the needs of Tribes and Tribal members. As such, TCC is now able to offer, for the first time, an administrative position in each of our participating villages. The Tribal Administrators will handle the day to day operations of their Tribes and seek new opportunities to develop and enhance their Tribal governments.

Under Self-Governance, TCC will be responsive to the needs of our member Tribes rather than the bureaucratic whims of the BIA.

Self-Governance must be preserved. As such, the Tanana Chiefs Conference, Inc. supports your efforts to pass permanent Self-Governance legislation this session.

Sincerely,

WILL MAYO,
President.

LOWER ELWHA TRIBAL COUNCIL,
Port Angeles, WA, November 2, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN, I write to you today in support of your sponsorship of legislation which will amend Title III of the Indian Self Determination and Education Assistance Act, PL 93-638, and make the Self Governance Demonstration Project permanent. The Lower Elwha S'Klallam Tribe became a self governance tribe in 1993, after many years of experience in contracting under PL 93-638.

We have experienced many benefits under self governance, the foremost of which I can mention is the ability to design and fund tribal programs which we would not otherwise be able to offer our youth. As the Committee is well aware, the lure of drug and alcohol abuse among our young people is the greatest problem we face. Under self governance, we can support programs in cultural, educational and recreational activities, which we call Prevention Programs. These are highly successful in diverting children and adolescents from drug and alcohol abuse, while providing them educational enhancement, building pride in their tribal heritage, and developing and strengthening their minds and bodies. Without the flexibility of self governance reprogramming of tribal funds, we would be unable to provide these valuable programs for our young people. As well, we were able to provide financial support to our tribal day care program from self governance funds; we were able to do this only through reprogramming.

We thank the Committee for holding a hearing on this legislation October 20 and look forward to working with the Committee to further strengthen Tribal Self Governance.

Cordially yours,

BEVERLY J. BENNETT,
Chairperson.

ELY SHOSHONE TRIBE,
Ely, NE, November 2, 1993.

To: The Honorable John McCain, Vice-Chairman, Senate Committee on Indian Affairs.

From: Jerry Charles, Tribal Chairman, Ely Shoshone Tribe.

Subject: Permanent self-governance authority, Department of the Interior.

I wish to remark on Senator McCain's newly introduced legislation to apply permanent authority to the Tribal Self-Governance initiative of the Department of the Interior, now ending its 4th year as a demonstration project.

After concluding, I will ask for your support and co-sponsorship of this bi-partisan bill. It is difficult for me to imagine a more important piece of Native American legislation to come before the Congress the past 75 years.

I represent the Ely Shoshone Tribe, a small Western Shoshone tribe in the State of Nevada. When officials make speeches about the Self-Governance Demonstration Project, they generally include a line to the effect that Self-Governance funding ranges between Tribes receiving $530,000 to Tribes' receiving $10.2 million. We are the $530,000 Tribe.

But as the majority of tribes in this country are also small, I believe our experience may predict what theirs will be if Self-Governance is made permanent and extended to all.

Paticipation in the Tribal Self-Governance project has enabled my tribe to double its police protection for our community. It has enabled us to help our kids by expanding our educational services from a funding level of $5,600 to a funding level of $56,000. It has enabled us to relieve overcrowding in our homes by building room additions and bathrooms. None of this would have been possible were we not a part of the Self-Governance Demonstration Project.

The specifics are important, and I could spend a page listing them. But I want to ask something instead: do you remember, as a child, having to clear every decision you made, every penny you spent, with a parent, a teacher, another authority figure? This is how it has been with us vis-a-vis the Bureau of Indian Affairs.

This is the yoke Self-Governance removes. We now make local decisions about programs and spending levels that fit the values of our community. Furthermore, I believe we make and implement decisions far more efficiently and economically than the Federal bureaucracy ever did.

The tribally-initiated Self-Governance Demonstration Project has had the strong support of Congress and Presidents Reagan, Bush and Clinton. Whether the reasons for that support were couched in terms of "efficiency in government", "reduction of the federal bureaucracy", or "re-inventing government", we are grateful that the support has remained . . . on both sides of the aisle.

I ask you now for your support and co-sponsorship of this bill. This measure returns the keystone of tribal government back to tribal government, returning those powers of self-governance which we exercised in America for thousands of years. It removes, once and for all, a big colonial yoke from around our collective neck, and enables us to take our place within the sovereign family of governments in this nation.

THE SAULT STE. MARIE
TRIBE OF CHIPPEWA INDIANS,
Sault Ste. Marie, MI, November 3, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington DC.

DEAR SENATOR MCCAIN: The Sault Ste. Marie Tribe of Chippewa wholeheartedly supports the introduction to introduce permanent Self-Governance legislation. We believe the concept of Self-Governance is logical step towards achieving true tribal self-sufficiency.

The Tribal Self-Governance Program is a demonstration project authorized in 1988 by Congress. It was a concept originated by then Interior Assistant Secretary Ross Swimmer which establishes a direct funding relationship between tribes and the U.S. Government.

Currently, there are 30 tribes involved in the demonstration project in various states of development with 18 of these tribes having signed working "compacts" with the Department of Interior and the Indian Health Service.

In order to complete a compact a comprehensive planning process needs to take place at the tribal, agency, and area office levels. Essentially, all of the budgets pertaining to the participating tribe are analyzed and eventually a dollar amount is assigned in regards to direct dollars and administrative support given. Once all the programs have been analyzed in this manner, a total budgetary figure is arrived at. All parties are then convened at a negotiating session and a formal compact is then executed. The tribe then receives a "lump sum" amount of funds at the beginning of a fiscal year to cover all of designated programs. All Interior programs as well as all Indian Health Service Programs are eligible to be compacted with the exception of any "trust-responsibility" related functions.

Currently, no additional tribes are being accepted into the demonstration, however, the Sault Ste. Marie Tribe of Chippewa Indians supports the enact of legislation making the Self-Governance Program permanent.

Your assistance in this matter is greatly appreciated.

Sincerely,

BERNARD BOUSCHOR,
Tribal Chairman.

MILLE LACS BAND OF CHIPPEWA INDIANS, EXECUTIVE BRANCH OF TRIBAL GOVERNMENT,
Onamia, MN, November 1, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington DC.

DEAR SENATOR MCCAIN: First, I wish to extend my sincere appreciation to you for inviting me to testify on behalf of the Mille Lacs Band of Ojibwe at the October 20, 1993 hearing on the Self-Governance Demonstration Project. Second, I am writing to convey the Mille Lacs Band's strongest support for swift enactment of legislation making the Self-Governance Demonstration Project permanent.

At Mille Lacs, Self-Governance is the highest administrative priority for our tribal government. As a first-tier tribe, Mille Lacs is now in our sixth year of implementation of the demonstration project. We have found the project to be a tremendous success, and urge you to introduce and seek passage of permanent legislation as soon as possible.

Self-Governance is truly the "reinvention of government" for Indian tribes, because carried to its ultimate conclusion, the federal bureaucracy will reinvent itself to provide for tribal control and management over programs meant to benefit Indian tribes and people. As I noted at the hearing, Mille Lacs has determined that of every dollar appropriated by the Congress which should be the share benefiting the Mille Lacs Band, we have moved from accessing just eleven cents of each dollar in 1988 to over fifty cents of each dollar today in 1993. It is critical that other tribes across the United States have the opportunity, if at their option they choose, to participate in this project. But only through permanent legislation will that opportunity be created.

In addition, at some point the Congress will have to conclude the demonstration. In my opinion, it would not only be irresponsible, but criminal, if the Congress allowed the project to die and the clock were turned back to 1988 for the Mille Lacs Band and other tribes who have achieved so much success through self-governance.

On behalf of the Mille Lacs Band, I urge you to continue forward with permanent legislation. As you have observed the project over the last five years, your personal support for Self-Governance has been outstanding. We greatly appreciate the assistance which you and your fine staff have provided to Mille Lacs since 1988. If there is any way that the Mille Lacs Band can assist in this legislative effort, please do not hesitate to call upon me.

I may be reached at (612) 532-4181, along with Karen Ekstrom, Coordinator of Self-Governance at Mille Lacs. Or you may contact Emily Segar, of the Band's Washington Office, at (202) 543-8170. Thank you for you consideration and support.

Sincerely,

MARGE ANDERSON,
Chief Executive.

YAKUTAT NATIVE ASSOCIATION,
Yakutat, AK, November 1, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR HONORABLE MCCAIN: The Yakutat Native Association strongly supports quick enactment of the proposed Tribal Self-Governance Act of 1993. This bill would apply permanent authority to Self-Governance at the Department of the Interior and would increase the number of Tribes eligible to sign Compacts and Annual Funding Agreements with Interior.

Our Tribe has been a Signatory Tribe to the Southeast Alaska Tribes Self-Governance Compact for the past two years and recently signed our third annual funding agreement. Our Tribe has experienced many positive things as a result of our participation in Self-Governance.

In the near future we would also request to have our own individual Tribal Compact with the Office of Self-Governance. And request that language be included, to allow all Tribes the option to have their own compact in the future.

We have been able to increase the number of Tribal Staff, which provides more employment for our members. With the increased staff we are able to out reach to our clients better, improving the quality and amount of services we can provide to our clients.

We would like to see the demonstration project made permanent at the Interior Department and ask that you pass this bill into law before the end of the year.

Please let us know how we can support this bill getting into law this year.

Sincerely,

NELLIE VALE,
Executive Director.

MUCKLESHOOT INDIAN TRIBE,
Auburn, WA, November 1, 1993.

Senator JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Washington, DC.

DEAR SENATOR MCCAIN: The Muckleshoot Indian Tribe is writing to strongly endorse the introduction and swift passage of legislation to make permanent the Bureau of Indian Affair's Self-Governance program.

While the current 30-Tribe limit to the Self-Governance program precludes Muckleshoot's official entry into the program, our Tribe's planning efforts have been sanctioned by the Bureau of Indian Affairs, and we are actively pursuing becoming a Self-Governance Tribe.

The Muckleshoot Indian Tribe feels that legislation to authorize additional Self-Governance Tribes and make the program permanent is needed and justified. By treaty, Tribal governments have retained their inherent rights to self-govern and, as a matter of principle, should be afforded the opportunity to fully exercise that right under the BIA Self-Governance program. The current 30-Tribe limit is inconsistent with such principles and is a major inhibitor to Tribal growth and development.

Moreover, the Self-Governance program has proven to be a most cost-effective and streamlined means for ensuring maximum utilization of limited Federal resources. The Self-Governance program eliminates a number of the bureaucratic layers of the BIA by channeling Congressionally-appropriated funds more directly to Tribal governments at the local level. The efficiencies and cost-savings associated with the Self-Governance program are particularly relevant to the Congress's and the Administration's initiatives to enact savings by reducing Federal bureaucracies.

We wholeheartedly endorse and support the introduction and swift passage of legislation to make permanent the Bureau of Indian Affair's Self-Governance program. Your efforts and those of your colleagues in the Senate would be most welcomed and appreciated in this regard.

Sincerely,

VIRGINIA CROSS,
Chairman.

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA,
Shawnee, OK, October 25, 1993.

Senator JOHN MCCAIN,
Senate Committee on Indian Affairs, Hart Senate Building, Washington, DC.

DEAR SENATOR MCCAIN: Please find enclosed the testimony of the Absentee Shawnee Tribe of Indians of Oklahoma expressing support and concurrence with a measure which would make Self Governance for Indian Tribes and Nations a permanent program.

This office was present during the Oversight Hearings conducted regarding this subject on October 20, 1993, and greatly appreciate your continuing support of this vital issue.

Should questions arise, or additional information be deemed necessary, please do not hesitate to contact this office.

Sincerely,

LARRY NUCKOLLS,
Governor,
Absentee Shawnee Tribe of Oklahoma.

OFFICE OF THE GOVERNOR,
THE CHICKASAW NATION,
Ada, OK, November 1, 1993.

Hon. JOHN MCCAIN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: We understand that this week you will be introducing legislation in the Senate for permanent self-governance in relation to Indian tribal governments. We wholeheartedly endorse the concept of making self-governance a permanent program.

The Chickasaw Nation is now a self-governed tribe with its programs through the Bureau of Indian Affairs. Through self-governance, we have finally realized the potential that we have as an Indian nation. The direct input from our citizens has been phenomenal and the program has allowed us to exercise freedoms in meeting the needs of those we serve at a level that we have never before experienced. Tribal self-governance is a realization of an ideal that many Indian nations have had for more than a hundred years. It is indeed an idea whose time has come.

We encourage you to continue in your efforts and we express our willingness to work with you in the passage of legislation which will make the Self-Governance Program permanent.

Sincerely,

BILL ANOATUBBY,
Governor, the Chickasaw Nation.

LEECH LAKE TRIBAL COUNCIL,
Cass Lake, MN, November 1, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Leech Lake Band of Chippewa is a current participant in the Public Law 93-638 Title III Self-Governance Demonstration Project. As a fourth tier tribe, fiscal year 1994 is our first year of operation under our Compact/Funding Agreement.

During the planning and negotiation phases in preparation for entering into this new way of doing business with the Federal government, we were constantly reminded that Title III, Self-Governance was a temporary, experimental demonstration. This attitude was present at all levels of the Bureau of Indian Affairs and hindered negotiations.

The Leech Lake Tribal Council supports your sponsoring and introducing legislation which will make Self-Governance compacting a permanent option for tribes. Such legislation is necessary to move the Self-Governance process forward and to remove any doubt that this tribally driven initiative is here to stay. We feel it is important that the legislation be completed by the end of the year.

Your sponsorship of this legislation, and your continuing efforts on behalf of American Indians, is greatly appreciated.

Sincerely,

ALFRED R. PEMBERTON,
Chairman.

CHEROKEE NATION,
Tahlequah, OK, October 29, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: It is my understanding that on November 3rd or 4th you intend to introduce a bill making Self-Governance permanent. I want you to know that you have my unqualified support in your effort to make the Self-Governance project a permanent program.

To many students of Indian affairs, Self-Governance represents a natural, even inevitable progression in modern federal Indian policy which began with the enactment of PL 93-638, the Indian Self-Determination and Education Act. Although I firmly believe that Self-Governance will continue building upon itself and eventually become the centerpiece of federal Indian policy, its impact and goals will be greatly facilitated with permanent legislation. As long as Self-Governance remains a "demonstration project," there is a real danger that the two federal agencies primarily involved in executing Congress' Indian policy will not take Self-Governance seriously.

Your draft bill would make Self-Governance permanent only with respect to the BIA. If I understand correctly, your reasoning is that including IHS in the bill will cause it to be referred out to various other committees, substantially diminishing the chances for enactment of the bill into law in 1994. I fully support your position and agree that, for the time being, IHS should be left out of the bill. However, I would request that you consider including a provision requiring IHS to submit a written plan for permanent implementation of Self-Governance within that agency. If this, too, would lead to referral out to other committees, strong language expressing congressional intent to make Self-Governance permanent within IHS should be included.

For the record, I want to identify some of the many positive effects Self-Governance has had on Cherokee Nation. These include:

Significant improvements in law enforcement and the tribal court system, including new criminal and juvenile codes, a multi-jurisdictional cooperative agreement with the State of Oklahoma and various political subdivisions, establishment of a civil and criminal trial court system, with two district judges, a court clerk and a tribal prosecutor.

Expansion of the Cherokee Nation Environmental Protection Agency's scope of activities and a dramatic improvement in its technical expertise. Under Self-Governance, for example, Cherokee Nation recently submitted an application for determination of adequacy of its solid waste disposal regulatory program under Subtitle D of RCRA.

A substantial increase and improvement in community development programs such as Construction, Environmental Health, Youth Services, Elderly Assistance, Community Involvement and Special Projects. Over 75 persons have been assigned to this area with specific responsibilities to extend the services of Cherokee Nation throughout its fourteen-county jurisdictional service area.

Cherokee Nation has not yet implemented its IHS Compact, but during FY 1994 the Nation's objectives include development of a health care benefit plan for all eligible users of Cherokee Nation health services, establishment of cooperative agreements with state agencies and private facilities, development of epidemiological data generation and analysis and an automated health management information network.

The improvements in tribal government and services were the direct result of the program and budget consolidation and the greater flexibility in allocation of financial resources made possible by Self-Governance under Title III. Compared to Self-Governance, contracting under PL 93-638 is at once cumbersome and rigid, and assumes a much higher level of federal oversight. In fact, as a consequence of Cherokee Nation's compact with the Interior, the entire Tahlequaqh Agency of BIA was eliminated and its former superintendent transferred to the Area Office as a Self-Governance Officer. Self-Governance has brought dramatic changes in tribal government and the Nation's ability to deliver comprehensive, high-quality social and health services to Indian country in northeastern Oklahoma. The time has come to make the Demonstration Project into a permanent federal program.

Sincerely,

WILMA P. MANKILLER,
Principal Chief.

SAC AND FOX NATION,
Stroud, OK, October 28, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Sac and Fox Nation has participated in the Self-Governance Demonstration Project since the fall of 1991. As a "Compact" tribe, the Nation has been provided with the flexibility to determine its own future whether it be in the area of funding or in the area of service provision to the people in our jurisdiction. Through the Demonstration Project, we have been provided the vehicle for which the Nation can operate in a true government to government relationship.

It is time for permanent Self-Governance legislation to be introduced and enacted. As sponsors of and participants in the recent working conference to draft the permanent legislation, we fully support the enactment of permanent legislation.

Your continued efforts in pursuing permanent legislation on behalf of the tribes is appreciated.

Sincerely,

ELMER MANATOWA,
Principal Chief.

ORGANIZED VILLAGE OF KAKE,
Kake, AK, November 1, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Re permanent tribal self-governance legislation.

DEAR SENATOR: The Organized Village of Kake (OVK), as a Federally recognized Indian Tribe, strongly supports the speedy enactment of the proposed Tribal Self-Governance Act of 1993. This bill would apply permanent authority to Self-Governance at the Department of the Interior and would increase the number of Tribes eligible to sign Compacts and Annual Funding Agreements with Interior.

OVK has been a signatory to the Southeast Alaska Self-Governance Compact for the past two years and recently signed our third Annual Funding Agreement. OVK has experienced many positive benefits as a result of our participation in Self-Governance. We have realized the benefit of increased Tribal program funds as a result of our Compact reducing one layer of the Bureau of Indian Affairs (BIA) bureaucracy; thus, providing a significant enhancement to, and/or development of new, programs and services for our Tribal Membership. Specific examples include 1) targeting funds towards the economic development priorities of the Tribe as a result of increased flexibility; 2) responding to immediate Tribal needs through the ability of the IRA Council to authorize Tribal budget modifications; and 3) increased and improved services to our Membership in the key areas of education and social services.

OVK is eager to have the demonstration project made permanent at the Department of the Interior and ask that you pass this bill into law before the end of the year. We support the fact that the scope of the bill has been limited so that no controversial provisions will delay quick enactment this year.

In closing OVK wishes to thank the U.S. Senate Committee on Indian Affairs for the invitation to report our progress under Self-Governance at the October 20, 1993 Oversight Hearing. As we understand our concern, noted in our testimony, regarding our ability to move directly into a separate and independent Compact under permanent legislation is being addressed in the bill's report language to meet our needs.

Sincerely,

HENRICH B. KADAKE, SR.,
IRA Council President.

LUMMI INDIAN BUSINESS COUNCIL,
Bellingham, WA, November 2, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

Re permanent self-governance legislation.

DEAR SENATOR MCCAIN: The Lummi Nation requests your continued support and assistance in the development of the Tribal Self-Governance Legislative Authorization as a permanent way for Tribes to conduct their business. The Lummi Nation has been a part of this historic tribally-driven initiative since it's inception. On October 27, 1987, our Tribal Chairman at that time, Larry Kinley, presented testimony before the House Interior Appropriations Subcommittee regarding

"Problems and Solutions in the Tribal-Federal Relationship." In that testimony the Lummi Nation stated:

"The basic issue confronting us today is a cumbersome, unwieldy bureaucracy built layer upon layer over the years being pressured by frustrated Tribal governments yearning for independence in the management of their affairs and seeking a larger share of resources allocated for their benefit.

"I truly believe that American Indian Tribes and Congress over the next several years should restructure the Federal service and resource delivery system to Indian Country to efficiently and effectively address the broad spectrum of Tribal government needs from those totally dependent Tribes to Tribes desiring true self-government. The process of change is always unsettling and painful, but the new system could still provide strong trust protection and allocate a greater share of existing resource expenditures to Tribes without drastically increasing government appropriations."

With the passage of permanent legislation, we can better realize the full potential of this initiative. Without Self-Governance, as a permanent option for Tribal governments, it is likely that the Federal bureaucracy would return to the "business as usual" relationship with Tribal Governments and tie Tribal entities to the constraints of the 98-638 contracting relationship. If, this initiative were to continue as simply another one time "experiment," these Tribally-proposed principles would not be taken seriously. The Demonstration Phase of the Self-Governance initiative is a living example of the Clinton/Gore's concept of reinventing Government. We have only scratched the surface of the creative and innovative possibilities for the restructuring operations of Tribal government and effective Tribal/U.S. relationships. The Lummi Nation supports and commends your efforts in moving forward with permanent legislation

The Lummi Nation has helped develop and evolve this initiative for over six (6) years. We are in our fourth year of implementation with our Compact of Self-Governance with the Department of the Interior and will begin to implement our Compact with the Indian Health Service on January 1, 1994. We have also coordinated and administered the Self-Governance Communication/Education project (since 1989), in coordination with the Jamestown S'Klallam, Quinault Indian Nation, and the Hoopa Valley Indian Tribe. In this short period of time, the Lummi Nation has realized a great deal of positive change due to Self-Governance.

TRIBAL COMMUNITY

Budget Ordinance: With the adoption of this ordinance, the Tribal community members are actively involved in the decision-making processes of their Tribal government. This has resulted in greater Tribal control and fiscal accountability of all programs and resources. In 1988, prior to Self-Governance, only 20% of our members voted; in 1993, 58% of our eligible voters participated in our General Elections.

TRIBAL GOVERNMENT

Lummi Indian Business Council: Restructuring of the Tribal Government has occurred to accommodate new responsibilities and authorities. The Council now meets weekly rather than monthly. For the first time in Lummi Nation history we have a full-time paid Tribal Chairman. The Council focus now is on planning for the future, in sharp contrast with the past of simply reacting to crisis situations.

Tribal Staff: A new awareness has occurred among Tribal Staff. They have become accountable to the people and to the Business Council rather than to an outside Federal entity and/or representative.

Priorities: The Business Council now establishes meaningful Tribal priorities and determines the resource allocations for those priorities. Tribal members are part of this decision-making process under the auspices of the Tribal Budget Ordinance.

TRIBAL PROGRAMS

Veteran Affairs Office: This office was created to service Veterans in meeting their social, educational, health, employment, and housing-related needs. The Lummi Nation has over 330 Lummi Veterans with unique and different needs than the general Lummi population. The Office was created in 1992 with Self-Governance monies. The program is recognized as a regional and national model Veterans program for Native Americans.

Culture: A new Department was established under Self-Governance. A new Ordinance is completed for the Protection of Cultural Resources, Burial and Archaeological Sites.

Education: The Johnson O'Malley program has expanded from servicing 370 students, to providing services to over 800 youth. Tribal School teacher salaries were supplemented to bring them closer to that of the Washington State teachers. Under our Scholarship program, funding has assisted over 80 students to further their education. We established a Youth Program to supplement educational services. This program has serviced over 350 youth.

Law & Order: A full-time criminal investigator has been employed. We have cleared the record of many pending cases. A new drug code has resulted in drug-related and criminal arrests.

Court: The staffing has stabilized and an accumulated backlog of cases have been reviewed, evaluated and processed. Tribal code revisions for Criminal, Traffic and Rules of Court are being updated.

Program Support: Support for the following programs: Safe Streets; Senior Citizens; Education Commission; Budget committee; and, our local volunteer Fire Department.

Business Assistance Center: This center, in coordination with the Northwest Indian College, provided technical assistance to 150 tribal members who own or operate small businesses.

EXTERNAL

Self-Governance Communication/Education: Since 1989, we have accomplished the following: conducted 21 workshops across the Nation, with participation of over 250 Tribes; made over 200 presentations; wrote, edited, published and distributed over 13,550 copies of publications on the Project, the Red Book and Workshop Manual; currently publish and distribute a national Self-Governance monthly newsletter, and, we have recently completed a one-half hour documentary video on Self-Governance.

With potential permanent legislative authorization of the Self-Governance Initiative, the Lummi Nation is excited and we look forward to the future with a new vision for our Tribal community. Our vision includes: the reaffirmation and re-establishment of the government-to-government relationship with the United States; to move forward towards greater self-sufficiency, the possibility of becoming a community that is proactive rather than reactive; and, the realization of a Tribal government that is accountable and responsible to the people we are here to serve. Through Self-Governance, these visions, ideas and hopes for the future can and have become realities. Our experiences have proven that through Self-Governance, positive change can occur within our Tribal community. We know what our problems are, but most importantly, we know what the solutions are and how they can best be implemented.

We understand the need to proceed at a steady, calculated pace in the development of Self-Governance as a permanent way of implementing our government-to-government relationship. Yet, it is very difficult to explain to our people why we are self-governing in some areas, but not in others. Why we can be flexible in meeting the needs with some funding, but still restricted with others. Let us not lose sight of the need to address the inclusion of the rest of the Federal system that provides services, activities and functions to Indians in the very near future. We envision a future in which the Tribal governments can comprehensively manage services and development according to Tribally-established priorities and Tribally-oriented guidelines.

We know that Self-Governance does not answer all of our Tribal problems and that Self-Governance may not be appropriate for all Indian Nations, but for the Lummi Nation, it is our road to the future. For the first time in over 100 years, we are beginning to determine our own successes and learn from our own failures.

Bill Clinton and Al Gore said it the best with regards to, "*Putting People First*,"

"We can no longer afford to pay more for—and get less from—our government. The answer for every problem cannot always be another program or more money. It is time to radically change the way government operates—to shift from top-down bureaucracy to entrepreneurial government that empowers citizens and communities to change our country from the bottom up. We must reward the people and ideas that work and get rid of those that don't work."

This is the Tribal Self-Governance Initiative—the empowerment of Tribal governments to improve the quality of life of the Tribal people in our Tribal communities. Your support of legislation in making this initiative permanent is encouraged. We appreciate and commend you and your many supportive efforts on behalf of Indian people.

Sincerely,

HENRY M. CAGEY,
Chairman, Lummi Indian Business Council.

SQUAXIN ISLAND TRIBE,
November 3, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Squaxin Island Indian Tribe urges the prompt introduction and passage of permanent Tribal Self-Governance authorization legislation. We are certainly encouraged and excited over the positive bi-partisan expressed support from Congress on the principles of Tribal Self-Governance. We envision this permanent legislative authorization as an important step in the careful and deliberate process of re-establishing meaningful government-to-government relationships between Tribal governments and the United States.

The Squaxin Island Tribe is probably the most recent Tribal government to officially enter the Self-Governance Demonstration Project as our negotiated Compact and Annual Funding Agreement with the Interior

Department was implemented on October 1, 1993. We are redesigning our Tribal government operations according to our unique Tribal situation, needs and plans. We are also establishing procedures to more effectively manage our expanded responsibilities and more efficiently administer government services to our people. The Tribal Self-Governance principles provide us with both challenges and opportunities to improve the quality of life for the Squaxin Island Tribal people today and the generations to come.

We are concerned that the entrenched Federal bureaucracy will be creating extremely difficult obstacles and hurdles in the Self-Governance path with their extensive arsenal of regulatory restrictions and policy requirements. Hopefully, the proposed "negotiated rule-making process" will clearly offer a constructive, creative and productive negotiation procedure to facilitate change and improvements in the management of Indian Affairs. We want to be afforded our rightful government status at the negotiation table with the real possibility to develop, in the spirit of cooperation, regulatory guidelines that reflect both Tribal goals and Congressional intent. Tribal governments have been entangled, manipulated and controlled by the dominant Federal system for over a century. There will certainly be a Federal inclination to cling to past practice and traditions. Tribal governments, however, want to concentrate on improvements for the future. This important permanent Self-Governance legislation should focus our attention on both the present and the future of our government operations. Clearly, the time for change is now.

We are heartened by the October 26, 1993 Presidential Executive Order 12875 on "Enhancing the Intergovernmental Partnership" and the reasoned National Performance Review recommendations on "Creating a Government That Works Better & Costs Less." President Clinton's Executive Order concludes for Tribal, State and local governments that:

These governments should have more flexibility to design solutions to the problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal government.

The Squaxin Island Tribe certainly agrees with this Presidential premise. Self-Governance is a very historic initiative at a very critical time of change in the Federal system. We are indeed hopeful for a better future.

We truly appreciate the support from you and bipartisan Congressional members in making Self-Governance a reality for Indian Country. I urge that this cornerstone legislation for future Indian Affairs policy be passed as soon as possible so that, together, we can create meaningful government-to-government relationships.

Sincerely,

DAVE LOPEMAN,
Chairman.

THE CHIPPEWA CREE TRIBE OF THE
ROCKY BOY'S RESERVATION,
Box Elder, MT, October 28, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

THE HONORABLE JOHN MCCAIN: The Chippewa Cree Tribe of the Rocky Boy's Reservation in North Central Montana would like to voice our support of the draft bill to apply permanent authority to the Interior Department Self-Governance Program.

Although we are in the infant stages of implementation the tribe has experienced many positive results already. The primary benefit of the Self-Governance program is the tribe's ability to prioritize for themselves programs they feel need funding. With education being our number our priority we have been able to fund fifty-nine more Higher Education and Adult Vocational Training students. This accomplishment alone will have a major impact on our education department. We have also been able to create a Natural Resources Department which we will finally have total control over. Water and Solid Waste programs have also been created and funded which will directly benefit every tribal member.

Lastly, the new attitude we are experiencing with tribal employees has been very positive. The new responsibilities for employees and the accountability of the tribal council has made everyone realize that we are now truly deciding for ourselves, our own future.

We totally support the permanent legislation proposed, and feel every tribe should be given the opportunity to participate if they choose.

Respectfully yours,

JOHN SUNCHILD, Sr.,
Chairman.

By Mr. METZENBAUM:

S. 1619. A bill to create the Insurance Regulatory Commission; to the Committee on Commerce, Science, and Transportation.

INSURANCE PROTECTION ACT OF 1993

• Mr. METZENBAUM. Mr. President, today I introduce the Insurance Protection Act of 1993.

Consumer confidence in the insurance industry is shattered. An atmosphere of trust has been replaced with one of suspicion and uncertainty. For the first time, consumers are beginning to question whether their insurance company will make good on its promise of financial protection. They fear that their company will be the next insolvency to make national headlines.

Consumers cannot ignore the fact that between 1981 and 1990 there were 98 life and health insurance company insolvencies and 241 property and casualty insolvencies. They cannot ignore that in 1991 alone, a number of multi-billion-dollar life insurance companies, most notably Executive Life of California, First Capital Life Insurance Co., and Mutual Benefit Life Insurance Co., were taken over by State regulators.

Consumers also question the ability of State insurance regulators to effectively regulate the over 8,000 insurance companies doing business in the United States. Most States, due to limited funds, staff, and other resources, are severely lacking in their ability to monitor the financial solvency of insurance companies. In many instances, regulators have not demonstrated a strong will to take timely, appropriate, and decisive action.

Determined to take matters into their own hands, some consumers have made runs on their insurance companies. Reminiscent of the runs on banks in the 1930's, several recent large insolvencies were precipitated by runs on the insurance company after State regulatory action was delayed, stalled, or otherwise ineffective. Consumers, increasingly aware of an insurance company's deteriorating financial condition and regulators' inability to do anything about it, have chosen to take their money and run, rather than take a chance on the possible financial failure of their company.

To compound the problem, some States have strong insurance laws, while others have weaker laws. The variations occur in critical areas such as capital requirements, licensing, loss reserves, and other solvency issues. The National Association of Insurance Commissions [NAIC], for all its efforts, has not been successful in bringing uniformity to State insurance laws or solvency standards.

It is because of these problems and others that I introduce the Insurance Protection Act of 1993. There is an urgent need to restore consumer confidence in the insurance industry. With assets over $1.5 trillion and annual insurance premiums over $500 billion, we cannot stand on the sidelines and watch one of our Nation's largest financial systems deteriorate.

The Insurance Protection Act of 1993 creates a Federal agency, to be known as the Insurance Regulatory Commission [Commission]. Among other things, the Commission will set standards for State accreditation and for consumer disclosure of insurance information. Most importantly, the Commission will set national solvency standards, including capital and surplus requirements. This agency, similar in structure to the Securities and Exchange Commission, would not supersede State regulation but would establish specific solvency standards in areas where uniformity and Federal oversight are needed. State insurance departments would be required, as part of their accreditation, to implement the standards established by the Commission, and under Federal direction and oversight, would continue to be responsible for the day-to-day regulation of insurance companies.

The Insurance Protection Act of 1993 also establishes the Office of Reinsurance Regulation for the sole purpose of regulating the 3,500-plus reinsurance companies, both foreign and domestic, doing business in the United States.

Reinsurance regulation has fallen through the regulatory cracks. No one is consistently, comprehensively, or uniformly keeping a regulatory eye on the operations of reinsurance companies doing business in the United States. Some reinsurance contracts are nothing more than financial shams designed to puffup an insurance company's balance sheets with phony or inflated assets. To add to this regulatory nightmare, the more than 2,200 offshore, unlicensed reinsurers located in over 100 jurisdictions are virtually unregulated, yet they handle tens of millions of dollars of policyholders' hard-earned premium money.

Title III of the Insurance Protection Act of 1993 requires all reinsurers to meet and maintain certain prescribed financial solvency standards established by the Commission and in some cases, to establish a trust account in a qualified financial institution before the reinsurer can obtain a license to conduct the business of reinsurance in the United States.

Title IV of the bill creates the National Insurance Guaranty Corporation [Corporation]. The mission of that Corporation is to provide equitable and uniform guaranty fund protection to all policyholders no matter where they live.

Last year's Senate Subcommittee on Antitrust, Monopolies and Business Rights hearing on guaranty funds found that the so-called safety net that is supposed to protect consumers when their insurance company fails is riddled with holes. For example, a GAO study found that State life/health guaranty funds are not uniform in the protection they provide. They differ in who is protected, what policies are covered, and how much the funds will pay in benefits and policy claims. In an insolvency of a multistate insurer, these differences can result in unequal treatment of policyholders of the same failed insurer; some may have no protection at all. There is also concern as to whether the funds have sufficient capacity to handle the failure of one or more large insurers. The establishment of a national guaranty fund program is paramount to restoring consumer confidence in the safety net.

Title V of the bill establishes a Federal liquidation program. This is done to assist the Corporation in finding and liquidating all assets, no matter where they are located, belonging to the defunct insurance company. No more fights over assets belonging to the insolvent insurance company. No more hammering out agreements as to how a multistate liquidation will be handled. A national liquidation program will better insure that consumer and creditor claims will be paid as fully and as quickly as possible.

The bill also contains a title that makes insurance fraud a Federal offense. Title VI of the bill recognizes that in order to stop insurance fraud by insiders, you must go after the executives, directors, officers, agents, and others who participate in fraudulent schemes, loot insurance companies, and leave consumers holding an empty bag. Specifically, title VI would: First, make it a Federal crime to knowingly file fraudulent financial statements with a State insurance regulator; second, ban embezzlement and theft from an insurance company; third, prohibit the falsification of insurance records with the intent to defraud; and fourth, outlaw the criminal obstruction of proceedings before State insurance authorities.

In the words of Insurance Commissioner Tim Ryles as reported in the Journal of Commerce on November 2, 1992:

> Insurance fraud is on the rise because the fraud artists are moving away from securities and the Savings and Loans and into insurance which has always been loosely regulated.

Title VI will provide new tools for law enforcement authorities to deal with white collar crime in the insurance industry.

Mr. President, I introduce the Insurance Protection Act of 1993, because I, like many of my distinguished colleagues, am concerned about the financial future of our insurance industry and the financial security of insurance policyholders. We cannot afford to close our eyes to the critical financial problems that plague the industry, or refuse to hear the woes of consumers who are not getting what they were promised. Time is of the essence. We must act now before we are left with another financial mess to clean up.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INSURANCE PROTECTION ACT OF 1993—SUMMARY

Consumer confidence in the insurance industry is shattered. An atmosphere of trust has been replaced with one of suspicion and uncertainty. For the first time, consumers are beginning to question whether their insurance company will make good on its promise of financial protection. Consumers fear that their company will be the next insolvency to make national headlines. Consumers also question the ability of state insurance regulators to effectively regulate the 8,000 insurance companies doing business in the United States.

Most states, due to limited funds, staff, and other resources, are severely lacking in their ability to monitor the financial solvency of companies. In many instances, regulators have not demonstrated a strong will to take timely, appropriate and decisive action. To compound the problem, some states have strong insurance laws, while others have weaker laws. The variations occur in critical areas such as capital requirements, licensing, loss reserves and other solvency issues.

It is because of these problems and others that the "Insurance Protection Act of 1993" is introduced. There is an urgent need to restore consumer confidence in the insurance industry. With assets over $1.5 trillion and annual insurance premiums over $500 billion, we can not stand on the sidelines and watch one of our nation's largest financial systems deteriorate.

TITLE I—INSURANCE REGULATORY COMMISSION

Establishes an independent agency, the Insurance Regulatory Commission ("Commission"), with five members appointed by the President with the advice and consent of the Senate. The Commission would accredit states based on the state's adoption and implementation of federal standards. An accredited state would be authorized to issue interstate insurance licenses to companies domiciled in the state and would be responsible for the day-to-day regulation of those companies. The Commission would periodically review the accreditation of each state and examine individual insurance companies in order to monitor compliance with the standards promulgated and determine the effectiveness of a state's regulation.

TITLE II—FEDERAL MINIMUM STANDARDS

The Commission will set the national standards in areas critical to the solvency of insurance companies operating in the United States. This includes setting federal standards for: state insurance department resources; capital and surplus requirements; the valuation of real estate and other assets; the use of surplus notes; and credit for reinsurance. The Commission would also set limitations on the involuntary transfer of insurance policies, require meaningful consumer disclosure of policy information, and establish standards for the simplification and, where appropriate, the standardization of insurance policies.

With respect to consumer disclosure, the Commission would prescribe the type of information that must be provided by the insurer to the consumer prior to the purchase of any insurance policy. Such information must be conveyed in a manner that will allow the consumer to make meaningful cost and coverage comparisons of similar policies offered by other insurers and of different policies offered by the same insurer.

An "Insurance Advisory Committee" would be established to investigate and study issues and problems relating to the federal regulation of insurance. The Advisory Committee's findings and any recommendations for legislative or administrative action shall be submitted to the President, the Congress, and the Commission.

TITLE III—REINSURANCE

The "Office of Reinsurance Regulation" is established within the Commission. This office would have the authority to grant or revoke licenses to professional reinsurers and other reinsurers seeking to transact the business of reinsurance in the United States. Implementing standards adopted by the Commission, the Reinsurance Office would be responsible for regulating both domestic and foreign reinsurers. All reinsurers will be required to meet and maintain certain prescribed financial solvency standards and where appropriate, establish a trust account in a qualified financial institution.

TITLE IV—NATIONAL INSURANCE GUARANTY CORPORATION

The bill establishes the "National Insurance Guaranty Corporation" ("Corporation"), comprised of seven members: the five members of the Commission, the Secretary of Treasury, and the Comptroller of the Currency. The Corporation would provide equitable and uniform guaranty fund protection to all policyholders of member insurers operating in interstate commerce.

TITLE V—LIQUIDATION OF MEMBER INSURERS

The Corporation would serve as the national liquidator of member insolvent insurers operating in interstate commerce.

TITLE VI—CRIMINAL AND CIVIL PENALTIES

Insurance fraud would be a federal offense. Specifically the bill would: (1) make it a federal crime to knowingly file fraudulent financial statements with a state insurance regulator; (2) prohibit embezzlement and theft from an insurance company; (3) prohibit the falsification of insurance records with the intent to defraud; and (4) outlaw the criminal obstruction of proceedings before state insurance regulators.•

By Mr. BREAUX:

S. 1622. A bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes; to the Committee on Finance.

DRILLING COSTS LEGISLATION

• Mr. BREAUX. Mr. President, I rise to introduce legislation vitally important to strengthening the energy security of the United States. This legislation would also lead to greater technological advancements.

One very important fact about the domestic oil and gas industry that is too often overlooked, is that it is an extremely high-technology industry, particularly now that reserves are harder to recover, exploring and producing these remaining reserves requires very sophisticated technology. Some of the most sophisticated technology used in any industry, even more sophisticated than that used in the air and space industry, is the use by the oil and gas industry of 3-D seismic technology. The basic purpose of these tools are to survey and interpret subsurface geology.

Obviously, this very sophisticated technology is extremely costly. Currently, this kind of technology is the most economically viable for the major oil and gas producers. Independent oil and gas producers, who produce 31 percent of domestic crude oil and about 6 percent of domestic natural gas production, need greater financial access to this type of equipment.

Therefore, this legislation that I am introducing today would allow oil and gas producers that incur geological and geophysical [G&G] costs to expense those costs rather than capitalize those costs.

I understand the administration is also considering supporting a similar initiative on which I hope to work with them.•

By Mr. LEAHY:

S. 1623. A bill to require the Secretary of Agriculture to carry out procedures for debarment of persons engaged in nonprocurement programs and activities with the Department of Agriculture who have violated the regulations of a program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

USDA DEBARMENT ACT OF 1993

• Mr. LEAHY. Mr. President, today I speak about a problem that, believe it or not, has a solution. The problem is cheating on Government contracts, bid-rigging, price fixing—whatever you want to call it—I call it breaking the law. The bill I am introducing today, the USDA Debarment Act of 1993, sends the message that we have had it with corporations cheating the Government and American taxpayers.

If a corporation or individual cheats on a Federal contract, rigs bids, fixes prices, or violates regulations—the taxpayer can get stuck with the tab.

The solution is simple. If a corporation or individual breaks the rules, they should be punished. The punishment needs to be so stiff that rich corporations will take notice.

Fines are not enough. Government programs are sometimes so lucrative that even if corporations get caught, the corporations are willing to pay the fine as a cost of doing business. I have had enough. We need to throw out the rule breakers, terminate their contracts, and bar them from doing business with the Government.

For too long the Department of Agriculture has failed to maintain a coherent and consistent policy for weeding out those companies convicted of breaking laws or abusing or violating the regulations of the very USDA programs in which they participate.

Last year I worked to pass legislation to stop infant formula companies from price fixing. This year I am pushing to pass legislation to end price fixing in the School Lunch Program. I want to make sure that the same rules apply broadly to the Department. We must be sure that the integrity of the billions committed in the agricultural export programs, which were misused to provide nearly $2 billion in foreign aid to Iraq, is protected.

Seven years ago President Reagan issued an Executive order on debarment, intended to affect all executive agencies and departments. The Executive order established procedures for debarment, and established the principle that a company debarred at one agency should be debarred from other agencies' programs. According to the New York Times, USDA is the only executive department to not comply with this Executive order.

Secretary Espy has requested that USDA move to come into compliance with this order, but a meeting with OMB to work out the order's application to USDA has not yet taken place.

I am introducing this legislation to send a clear signal to the Department of Agriculture that it must develop and implement debarment policy consistent with the OMB rule. My legislation will require the Department of Agriculture to establish a uniform procedure for debarring companies which have broken laws, violated regulations in connection with the programs in which they participate, or have violated Federal or State laws which seriously compromise the regulation of the affected program. My bill also requires the Secretary to implement those portions of President Reagan's Executive order which do not conflict with this act.

This is not only the right thing to do, it is the only sensible thing to do. Let's get it done.

In Vermont there is an old saying, "First time shame on you, second time shame on me."

I insist that USDA apply this simple truth to protect the taxpayers and the integrity of its programs.•

By Mr. STEVENS (for himself and Mr. PRYOR):

S. 1624. A bill to standardize withdrawal options for Thrift Savings Plan participants, and for other purposes; to the Committee on Governmental Affairs.

THRIFT SAVINGS PLAN LEGISLATION

Mr. STEVENS. Mr. President, today I am introducing legislation to standardize the withdrawal options available to Federal employees departing Federal service who participate in the Thrift Savings Plan. This proposal would result in administrative savings to the plan and additional benefits for some employees. I am particularly pleased that my colleague on the Subcommittee on Federal Services, Post Office, and Civil Service—Chairman DAVID PRYOR—has agreed to cosponsor this bill.

When the Thrift Savings Plan was created as part of the Federal Employees' Retirement System Act of 1986, a provision required that employees who leave Federal service before they reach retirement age must transfer the funds in their Thrift Savings Plan accounts to an independent retirement arrangement [IRA] or an eligible retirement plan. Last year, Congress allowed Federal employees separated in a reduction-in-force who are not eligible for an immediate annuity to leave their contributions in the plan until retirement.

This bill will give all participants the same choices when they leave Federal service: First, leave their funds in the plan where they continue to earn but cannot continue to contribute; second, have their account balances transferred to an IRA or other eligible retirement plan; third, have the Thrift Savings Plan purchase annuities for them; or fourth, withdraw the funds in their account subject to the automatic 20-percent tax withholding.

Mr. President, I was the principal author of the legislation which resulted in the creation of the Thrift Savings Plan. I am very proud of the success and wide acceptance of that retirement benefit—over 72 percent of all employees covered by the Federal Employees' Retirement System [FERS] contribute to their Thrift Savings Plan accounts. I believe that the time has come to allow all participants the full range of options when they leave Federal service, whether that is the result of their retirement or they simply decide to accept challenges outside of the Federal Government.

During a recent hearing before the Governmental Affairs Committee, I took the opportunity to ask the representatives of the Federal Retirement Thrift Investment Board to comment on the feasibility and desirability of this change. The Executive Director of that independent agency, Francis X. Cavanaugh, recently responded that they support the extension of all options to all participants. I ask unanimous consent that the text of Mr. Cavanaugh's letter be inserted in the RECORD immediately following my remarks.

Mr. President, this is a win-win proposal. It provides additional benefits to some Federal employees—at no cost to the Federal Government—while at the same time streamlining the withdrawal process and reducing the cost of administering the Thrift Savings Plan. I urge my colleagues to favorably consider this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL RETIREMENT
THRIFT INVESTMENT BOARD,
Washington, DC, October 20, 1993.

Hon. TED STEVENS,
Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: I am pleased to express our support for the extension of Thrift Savings Plan (TSP) benefits authorized under P.L. 102-484 to all TSP participants. Such a change would provide all TSP participants with the withdrawal options that are now available only to those who are eligible for immediate retirement benefits or, under P.L. 102-484, separated due to a reduction in force.

Under this approach all separating employees would be granted the same full range of withdrawal options: (1) to have the TSP transfer their account balances to an Individual Retirement Arrangement (IRA) or other eligible retirement plan, (2) to have the TSP purchase annuities for them, (3) to receive their account balances in a single payment or a series of equal payments, or (4) to retain their accounts with the TSP.

Standardizing withdrawal options would greatly simplify the TSP withdrawal program and reduce administrative costs. It would permit less complicated forms and other communications materials as well as more timely processing of withdrawal requests.

I look forward to assisting the Committee in furthering this proposal.

Sincerely,

FRANCIS X. CAVANAUGH,
Executive Director.

By Mr. BROWN (for himself and Mr. MOYNIHAN):

S. 1625. A bill to prohibit the sale of defense articles and defense services to countries that participate in the secondary and tertiary boycott of Israel; to the Committee on Foreign Relations.

ANTI-ECONOMIC DISCRIMINATION ACT OF 1993

- Mr. BROWN. Mr. President, I rise today to introduce the Anti-Economic Discrimination Act of 1993. I am pleased to be joined in this effort by my good friend, the chairman of the Near East and South Asia Subcommittee of the Foreign Relations Committee, Senator MOYNIHAN.

On September 27, shortly after the signing of the Israeli-PLO accord, the Washington Times reported that Syria was urging Arab nations to tighten their 40-year boycott of Israel. The boycott bars all direct dealings with Israeli companies, and also blacklists non-Israeli companies who do business with Israel. These blacklists directly effect American companies hoping to do business with Israel and with Arab States.

On October 1, the Washington Post picked up the refrain when it reported that moderate Arab States had not responded to Secretary Christopher's call for confidence-building measures including lifting the economic boycott against Israel. I ask that these two articles be reprinted at the conclusion of my remarks.

The economic boycott presents not only a significant impediment to the development of economies in the Middle East, in the end, it will slow the growing momentum toward peace. Even worse, with a secondary and tertiary boycott in effect, American companies with direct interests in the region are prevented from acting as a bridge between the two antagonists.

During hearings in our subcommittee 2 weeks ago, we were told by Assistant Secretary Djerejian that substantial progress had been made toward ending the secondary and tertiary boycotts of United States companies by countries attempting to enforce a boycott against Israel.

However, the Office of Antiboycott Compliance at the Department of Commerce tracks the number of Arab letters sent to United States companies every quarter. Between July 1 and September 30, 1993, Saudi companies sent 314 letters to American companies. That is the highest number of boycott letters to United States companies in 6 years. Kuwaiti companies sent United States companies 31 letters in the last quarter—only 6 less than the previous quarter. Despite State Department optimism, progress appears nonexistent.

The bill that Senator MOYNIHAN and I are introducing today attempts to bring an end to this egregious practice by preventing the sale of defense articles or services to countries who engage in boycott practices. The bill permits the President to invoke a 1-year waiver for national interest or national security reasons, and also permits 12-month extensions of the waiver if so determined by the President.

It is my hope that many colleagues will join us in this effort, and that by so doing, the United States will send a clear signal that peace and prosperity cannot come through discriminatory actions such as the boycott.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Economic Discrimination Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) certain countries maintain an economic boycott of Israel, including a secondary boycott of companies that have investments in or trade with Israel;

(2) the secondary boycott has caused economic damage to the countries that maintain the boycott as well as to Israel;

(3) the secondary boycott causes great difficulties for United States firms that trade with Israel, depriving them of trade opportunities and violating internationally accepted principles of free trade;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) many American companies may be denied contracts in the West Bank and Gaza for infrastructure development because they conduct business with Israel; and

(6) many American companies may be denied contracts by the Kuwaiti Government for the reconstruction of Kuwait because they conduct business with Israel.

SEC. 3. PROHIBITION OF CERTAIN SALES AND LEASES.

(a) PROHIBITION.—No defense article or defense service may be sold or leased by the United States Government to any country or international organization that, as a matter of policy or practice, is known to have sent letters to United States firms requesting compliance with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott, unless the President determines, and so certifies to the appropriate congressional committees, that that country or organization does not currently maintain a policy or practice of making such requests or solicitations.

(b) WAIVER.—

(1) 1-YEAR WAIVER.—On or after the effective date of this section, the President may waive, for a period of 1 year, the application of subsection (a) with respect to any country or organization if the President determines, and reports to the appropriate congressional committees, that—

(A) such waiver is in the national interest of the United States, and such waiver will promote the objectives of this section to eliminate the Arab boycott; or

(B) such waiver is in the national security interest of the United States.

(2) EXTENSION OF WAIVER.—If the President determines that the further extension of a waiver will promote the objectives of this section, the President, upon notification of the appropriate congressional committees, may grant further extensions of such waiver for successive 12-month periods.

(3) TERMINATION OF WAIVER.—The President may, at any time, terminate any waiver granted under this subsection.

(c) DEFINITIONS.—As used in this section—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the terms "defense article" and "defense service" have the meanings given to such terms by paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

[From the Washington Times, Sept. 27, 1993]

SYRIA URGES ARABS TO TIGHTEN THEIR BOYCOTT OF ISRAEL

(From Combined Dispatches)

DAMASCUS, SYRIA.—Syria called on other Arab states yesterday to tighten their 400-year-old, economic boycott of Israel, accusing it of asking for everything in the Middle East peace process in return for nothing.

The government newspaper Tishrin and state-run Damascus radio said the boycott could not be abolished before the restoration of Arab rights and the recovery of occupied Arab lands.

That view was echoed by a senior Persian Gulf official and newspapers in the Gulf and Jordan.

Israeli Foreign Minister Shimon Peres has called for an end to the state of war between the Arabs and Israel and the abolition of the boycott.

But Damascus radio responded in a commentary: "Peres' provocative statement proved Israel wants everything in return for nothing. That it will never have so long as a single Arab right remains unrestored and an inch of Arab land remains unliberated."

Tishrin, in an editorial, said: "Arabs are requested to tighten rather than abolish the boycott against Israel because two years of talks on the Middle East in Washington produced nothing due to Israeli rejection of the basis of just and comprehensive peace."

Syria has shown increasing signs of annoyance since the Sept 13 signing of the PLO–Israeli accord, which it sees weakening its negotiating stance.

The Syrian government was apparently worried that lifting the boycott would further strengthen Israel's attitude in the peace talks.

Its official newspapers have given prominence in the last few days to articles about the boycott, but yesterday's editorial and commentary were the first clear statements of official thinking.

The boycott has been enforced since 1953 by Arab League members. Egypt is the only nation in the league to have abolished it, as part of its 1979 peace treaty with Israel.

The direct boycott bars all dealings with all Israeli companies and products. In addition, under an indirect boycott, foreign companies and their subsidiaries that work on strategic projects in Israel are black-listed in Arab countries.

In other Mideast developments yesterday:

- Israel's right-wing Likud party, torn by dissent over the Israel-Palestine Liberation Organization peace accord, signalled a readiness to cooperate or even rule jointly with Prime Minister Yitzhak Rabin's coalition.

The suggestion from Likud lawmaker Michael Eitan came as the party grappled with growing opposition to party leader's Benjamin Netanyahu's strong rejection of the agreement.

Likud has set a list of conditions, including a guarantee that Palestinians wouldn't achieve statehood, for cooperating with Mr. Rabin.

- King Hussein of Jordan signaled that he would probably postpone elections due to be held in November to prevent them from becoming a referendum on the Palestine self-rule agreement between Israel and the PLO.
- A Palestinian blew himself up with a car bomb in the occupied Gaza Strip in an apparent suicide attack gone awry, the Israeli army said. No one else was hurt.
- In Rafah in the occupied Gaza Strip an armed faction of PLO chairman Yasser Arafat's Fatah organization said it would fight on if Israeli troops continued to pursue its activists.

[From the Washington Post, Oct. 1, 1993]

ARAB NATIONS DECLINE TO LIFT ISRAELI EMBARGO—REFUSAL COMES ON EVE OF TALKS SEEKING FUNDS FOR PALESTINIANS

(By Daniel Williams)

UNITED NATIONS, Sept. 30.—Representatives of moderate Arab states deflected pleas from Secretary of State Warren Christopher today to end their economic boycott of Israel, saying their citizens were not ready for such a move.

They also deferred action to reverse anti-Israel resolutions passed by the U.N. General Assembly over the years. In a meeting among Arab diplomats late Wednesday, Syria strongly opposed such a step, saying they should wait until Israel has agreed to withdraw from the Golan Heights, Arab diplomats said. Syria lost the strategic territory at Israel's northeast corner during the 1967 war.

The resistance to conciliatory gestures creates an awkward situation for Friday's 38-nation conference in Washington, during which the United States hopes to obtain pledges of money for Palestinian development in the West Bank and Gaza Strip.

Under the accord signed by Israel and the Palestine Liberation Organization in Washington on Sept. 13, Israel initially will withdraw from part of the occupied territories—the Gaza Strip and the West Bank town of Jericho—and allow Palestinian self-rule.

In Washington, senior U.S. officials declined to speculate how much they expect in pledges from the individual countries attending the donors' conference, staff writer John M. Goshko reported. But the officials, who requested anonymity, said they were confident that the pledges would meet the initial target of $400 million a year for each of the first two years of Palestinian autonomy. Washington has pledged $250 million over two years.

Two Arab countries—Jordan and Lebanon—sought to take advantage of the donors' conference to call attention to their financial plight.

Crown Prince Hassan of Jordan told editors and staff members of The Washington Post that he hopes some of the money for the Palestinians will go into multilateral projects that would benefit Jordan, which has more than 1 million Palestinian refugees. Lebanese Finance Minister Faud Siniora said his country needs $10 billion to help rebuild its war-torn economy.

Christopher, in New York, met with the Gulf Cooperation Council representing Kuwait, Saudi Arabia and other Persian Gulf states. He also met with officials from Egypt, Tunisia, Morocco, Oman and Saudi Arabia.

He called for "confidence-building measures" from the Arab governments, including an end to the economic boycott of Israel, a senior administration official said. "The time to do this is now," he said, according to the senior official's account.

The Arab officials responded that they would need to see an Israeli withdrawal from the West Bank and Gaza. But, they added, the Arab League will consider the issue.

The Arabs gave "a clear impression of movement," the senior official said.•

• Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the legislation introduced by the senior Senator from Colorado. It has been my pleasure as chairman of the Near East Subcommittee of Foreign Relations to work with Senator BROWN, who is the ranking Republican member of the committee.

This legislation addresses a painful fact about the Arab League Boycott of Israel. Whereas the armies fielded against Israel have most often been supplied by the former Soviet Union, the States which have taken the lead in the economic boycott of Israel have been by and large the erstwhile friends of the United States. In the aftermath of Operation Desert Storm it seems particularly obscene that the Emir of Kuwait and the Saudi royal family should continue to enforce the boycott.

I am pleased to support this legislation, and I do hope that the strong message contained in it is heard. And acted upon in the Gulf State capitals.•

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 1626. A bill to amend title 38, United States Code, to revise the Veterans' Home Loan Program; to the Committee on Veterans' Affairs.

THE VETERANS HOME LOAN IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, I am very proud to introduce legislation that will improve VA's Home Loan Program in two ways—first, by extending veterans' entitlement to VA home loans; and second, by allowing veterans' to improve the energy efficiency of their homes while receiving interest rate reduction loans guaranteed by VA.

Mr. President, the Department of Veterans Affairs has been the guarantor of loans used to purchase more than 13 million single-family residences since the Home Loan Program was created as a readjustment benefit provided to the millions of veterans returning after World War II. The VA's Home Loan Program has been a very popular program with America's veterans and has helped millions of veterans enjoy the benefits of home ownership while creating employment for millions of Americans in housing-related industries.

RESTORATION OF HOME LOAN ENTITLEMENT

Mr. President, over the years, the Committee on Veterans' Affairs has heard a number of complaints from veterans that the rules on eligibility to entitlement to home loan benefits should be amended. One of the specific concerns relates to the requirement that, in order to be eligible for a loan, a veteran who had a prior loan must have disposed of the property purchased with the prior loan.

Mr. President, under current law, there are many veterans who have paid off their VA-guaranteed loan who are ineligible to secure VA guaranteed financing—either while attempting to refinance the loan on that residence or to purchase a new residence—because they have not disposed of their original residence. One example of such a veteran would be one who has paid off his or her VA-guaranteed residential loan and who has divorced and has minor children living in that residence. Another, which is a disturbing scenario occurring more and more often, would involve a veteran who has paid off his VA-guaranteed home loan and has his or her adult children and grandchildren move in. If the veteran now wants to buy a new principal residence using his or her VA loan guaranty, the veteran is unable to do so because the original home has not been sold.

Mr. President, in these and similar cases, although the veteran has paid off the VA-guaranteed loan, the veteran is not able to use his or her VA loan guaranty entitlement. This is bad policy and it is not equitable for our veterans. My proposal, under section 2 of this bill, would allow veterans who have paid off all obligations in connection with the VA Loan Guaranty Program to have their entitlement restored, allowing them to once again secure a principal residence.

ENERGY EFFICIENT MORTGAGES

Mr. President, section 9 of the Veterans Home Loan Program Act of 1992, Public Law 102-547, allows VA to participate in a number of energy efficient mortgage programs. I am pleased to report that the changes authorized under the law last year have been well received throughout the country and thousands of veteran homeowners have used the opportunity to make their homes more energy efficient. This is a very important program and I hope greater attention will be paid to it in the future, since it improves the housing stock and helps support our national policy of reducing the need to create additional expensive sources of energy.

VA's interest-rate-reduction program is designed to allow a veteran to refinance his or her home in order to enjoy lower monthly payments. The interest-rate-reduction loan does not allow the veteran to cash out, that is, to receive funds beyond the amount owed as principal on the loan. My proposal will keep this concept intact and will not allow the veteran borrower to receive cash from the outstanding balance of the loan.

I am proposing in section 3 of the bill to amend section 3710(a) of title 38 to allow veterans who apply for interest-rate-reduction loans to be eligible to secure energy efficient improvements at the same time.

Mr. President, under this proposal not only would veterans lower their mortgage payments, they would at the same time reduce their out-of-pocket expenses for energy. This change will allow the veteran to improve the veteran's home, reduce monthly mortgage payments, and have more money in the family budget at the end of each month by reducing his or her out-of-pocket energy expenses.

Mr. President, I hope to receive Senate action on this legislation as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Home Loan Improvement Act of 1993".

SEC. 2. REVISION IN COMPUTATION OF AGGREGATE GUARANTY.

Section 3702(b) of title 38, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) the loan has been repaid in full, or the Secretary has been released from liability as to the loan, or if the Secretary has suffered a loss on the loan, the loss has been paid in full; or";

(2) in paragraph (2), by striking out "; or" and inserting in lieu thereof a period; and

(3) by striking out paragraph (3) and all that follows through the end of the subsection.

SEC. 3. AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.

(a) LOANS.—(1) Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section.".

(2) Section 3710(e)(1) of such title is amended by inserting "or subsection (a)(11)" after "subsection (a)(8)".

(b) FEE.—Section 3728(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".●

By Mr. MITCHELL (for himself and Mr. DOLE) (by request):

S. 1627. A bill to implement the North American Free-Trade Agreement; to the Committee on the Judiciary, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Finance, the Committee on Foreign Relations and the Committee on Governmental Affairs, jointly, pursuant to 19 U.S.C. 2191(c).

NAFTA LEGISLATION

Mr. MITCHELL. Mr. President, I am pleased to introduce with Senator DOLE the implementing legislation for the North American Free-Trade Agreement. This trade agreement provides the United States with historic opportunities for the future: expanding markets in this hemisphere, increasing U.S. exports to emerging markets, and promoting social and economic stability throughout the Americas. We must take advantage of these opportunities.

Our economic security depends on opening closed foreign markets and providing U.S. companies and workers with access to emerging markets. In 1992, this Nation exported goods valued at over $420 billion, a 36-percent increase over 1988 exports, and more than 7 percent of U.S. gross domestic product. The future of the U.S. economy is closely linked to its ability to respond to the demands of the global marketplace.

Over the past 30 years, the productivity of U.S. workers has increased sharply. And U.S. workers continue to be the most productive workers in the world. But while each U.S. worker is producing more goods, the U.S. economy now comprises a smaller share of the global economy. U.S. gross domestic product as a percentage of the global economy has declined from approximately 37 percent in 1950 to approximately 22 percent in 1992. The United States cannot be satisfied with simply selling to our domestic market. We must take advantage of global markets so that U.S. companies and workers will benefit from their increased productivity and efficiency.

The United States cannot ignore the realities of an international economy. Capital, technology, and information are highly mobile. They can be rapidly, redistributed around the world. The world's companies seek well-educated, highly skilled workers, efficient transportation, cheap and reliable power sources, access to high technology, advanced communications networks, and adequate business services. Companies are not restricted by geographical boundaries. We cannot ignore these facts. Rejecting this trade agreement will not change these facts.

U.S. and foreign companies are now making substantial investments in U.S. manufacturing plants. Companies such as Mercedes-Benz and BMW are building automobile plants in the United States—not Mexico—for good reasons. The Office of Technology Assessment has reported that it costs $8,777 to build a car in the United States compared to $9,180 to build a car in Mexico. At the same time, other U.S. businesses are investing in foreign manufacturing plants to produce goods for both foreign markets and the U.S. market. However, these investment decisions have been made in the past—and will be made in the future regardless of whether Congress passes the North American Free-Trade Agreement.

Our trading competitors recognize the importance of seizing new opportunities in the international marketplace. Japan is developing new markets in the Far East. The European Community is searching out new opportunities in Eastern Europe and the nations of the former Soviet Union. The United States must compete with our trading partners in these and other emerging markets.

The North American Free-Trade Agreement presents the United States with an opportunity to create the biggest market in the world—an economy of $6.5 trillion and 370 million people. United States companies and workers already have benefited from expanded trade with Mexico. In the past 7 years, United States exports to Mexico have grown dramatically, from approximately $12 billion in 1986 to over $40 billion in 1992. The United States trade balance with Mexico has improved from a $5.7 billion deficit in 1987 to a $5.4 billion surplus in 1992. Mexico is now our third largest trading partner.

The principal purpose of the North American Free-Trade Agreement is the removal of trade barriers between the three nations. The trade agreement eliminates many Mexican tariff and non-tariff barriers which are much higher than any United States trade barrier. Over time, the NAFTA will eliminate Mexican tariffs, which average roughly 10 percent—more than two and half times the average United States tariff of 4 percent. NAFTA also eliminates numerous non-tariff barriers that require United States companies to invest or manufacture in Mexico in order to supply the Mexican market. This trade agreement replaces the present United States-Mexico trading rules—which have unfairly restrained United States exports to Mexico—with fair trading rules.

Since the United States has a trade surplus with Mexico, I believe that the fear of free trade with Mexico is misplaced. In 1992, the United States had bilateral trade deficits of $49 billion with Japan, $18.3 billion with China, $9 billion with Taiwan, $3.8 billion with Malaysia, $3.5 billion with Thailand, $2.3 billion with South Korea, $1.7 billion with Singapore and $1.5 billion with Indonesia. In many of the developing economies, the gross domestic product per capita is less than that of Mexico. Their exports to the United States have exploded over the last 10 years, and there is little to prevent U.S. companies from moving their manufacturing facilities to these countries.

When U.S. companies move their plants to the Far East, the United States does not often supply the capital equipment, the component parts, the materials or the services required to manufacture those consumer products. In Mexico, however, the United States remains an important partner in the production process. On an annual per capita basis, the average Mexican buys $450 worth of United States goods. That exceeds the per capita purchases of the more affluent Japanese or Europeans. We should not fear expanded trade with Mexico, since approximately 70 percent of its imports are from the United States.

If the United States does not capitalize on this opportunity, our competitors surely will. Our trading partners in Asia and Europe will sell their consumer products, commodities, capital goods and services in the Mexican market. And the United States, its companies and its workers will lose exports and jobs that come from those exports.

Maine companies and workers have already benefited from expanded trade with Mexico. Maine exports to Mexico have increased 774 percent from 1987 to 1992. Maine companies now are selling to Mexico a wide range of products, from leather to metal products to electronics to apparel.

The North American Free-Trade Agreement will help these and other Maine industries sell more of their goods and services in Mexico. The Mexican tariff on Maine sardines will be eliminated over a 10-year period. The Mexican tariffs on solid wood products, which range from 10 to 20 percent, will be eliminated over a 10-year period, and tariffs on lumber for wood frame construction will be eliminated immediately. The Mexican tariffs for pulp and paper, which are about 10 percent, will be eliminated within 10 years.

An expanded Mexican market will help other Maine companies, including the leather, scientific and medical equipment, and electronic equipment manufacturers, and insurance companies. One Maine company, Hussey Seating Co., has written, "Our sales would increase dramatically over 5 years. Presently, sales are about $150,000 annually. In 5 years we would expect this to increase to at least $1 million annually. This would mean an employment increase of 10 full-time people." That is one small example. There are many others. Opening the Mexican market to Maine products will have a positive side effect in our State: more Maine jobs.

The global economy is continually changing, and the United States must adapt to these changes. Our Nation cannot attempt to recreate or relive the past. We must seek new opportunities for the future. We must confront and turn to our advantage the inevitable challenge of change. The North American Free-Trade Agreement will provide historic opportunities for the United States economy in the 21st century. I look forward to its enactment in the near future.

Mr. DOLE. Mr. President, I am pleased to join with the majority leader in formally introducing the implementing legislation for the North American Free-Trade Agreement.

We have reached the final stage in the debate over NAFTA. The House is expected to vote in 13 days. I believe President Clinton is determined in this remaining time to undertake a full-scale, no-holds-barred national campaign to show how important this agreement is to our future as a leader in world trade and economic prosperity.

NAFTA is a model for future trade relations among nations. No trade agreement in history has ever held greater promise for unlocking the productive and competitive capacity of an entire hemisphere.

Mexico, and other Latin American nations such as Chile and Argentina are now on track for sustained economic growth. They are throwing off the shackles of statism, of over-regulation, and policies of nationalization. They see free enterprise and open trade as the only way to ensure a rising standard of living. The United States has been their model in this transformation to openness and free markets.

It would be a cruel irony to spurn these countries at the moment of their emergence.

In addition, Mr. President, NAFTA is simply the right thing to do. It is right for America. It means jobs, growth prosperity, and opportunity for Americans.

So I am very pleased to be introducing this bill today, and I look forward to its passage within the next 2 weeks, heralding the bright dawn of the 21st century global economy.

Mr. PACKWOOD. Mr. President, with today's introduction of the bill to implement the North American Free-Trade Agreement, or NAFTA as it is commonly referred to, the Congress formally begins deliberation on what is perhaps one of the most important trade issues that the United States has ever considered.

In my view, underlying the NAFTA debate are a couple of fundamental questions: How should the United States respond to the new global competition we face from our trading partners and what should be our future role in the world? NAFTA opponents think the best way to respond is to retreat and close ourselves off from rest of the world. This does little to improve our competitiveness and only denies us new economic opportunities and growth. I think the United States, which has one of the most productive economies in the world, should be eager to compete and win in the global marketplace. The NAFTA is the next logical step in preparing ourselves for this new competition.

Over the past 2 months, dozens of congressional committees of jurisdiction have worked closely with the administration in crafting the implementing bill and the statement of administrative action, or SAA, which accompanies the bill and describes how the administration intends to implement the NAFTA.

The NAFTA calls for an implementation date of January 1, 1994. Under the fast-track rules, now that the President has submitted the implementing bill and SAA to the Congress, Congress has a maximum of 90 working days to consider and vote on the NAFTA. Needless to say, in order to get a vote on the agreement this year, we will need to move it through the Congress under a faster timetable. This is what the President has asked for, and I think we should comply with his request.

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 27, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 426

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 426, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 482

At the request of Mr. BOREN, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 540

At the request of Mr. HEFLIN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the names of the Senator from California [Mrs. FEINSTEIN], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 830

At the request of Mr. EXON, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 830, a bill for the relief of Richard W. Schaffert.

S. 1188

At the request of Mr. COVERDELL, the names of the Senator from Texas [Mrs. HUTCHISON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1188, a bill to provide that Federal regulatory mandates shall not be enforced unless the cost to the States of implementing them are funded by the Federal Government.

S. 1203

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 1203, a bill to establish a Center for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

S. 1443

At the request of Mr. KEMPTHORNE, his name was added as a cosponsor of S. 1443, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles.

S. 1522

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1522, a bill to direct the U.S. Sentencing Commission to promulgate guidelines or amend existing guidelines to provide sentencing enhancements of not less than three offense levels for hate crimes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1522, supra.

S. 1533

At the request of Mr. LOTT, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1576

At the request of Mr. COATS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1576, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month".

SENATE CONCURRENT RESOLUTION 31

At the request of Mr. DODD, the names of the Senator from Nebraska [Mr. EXON], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Concurrent Resolution 31, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENT NO. 1097

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Georgia [Mr. COVERDELL], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of amendment No. 1097 proposed to S. 1607, a bill to control and prevent crime.

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1097 proposed to S. 1607, supra.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 1097 proposed to S. 1607, supra.

At the request of Mr. WOFFORD, his name was added as a cosponsor of amendment No. 1097 proposed to S. 1607, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1097 proposed to S. 1607, supra.

At the request of Mr. HARKIN, his name, and the name of the Senator from Kansas [Mr. DOLE] were added as cosponsors of amendment No. 1097 proposed to S. 1607, supra.

SENATE RESOLUTION 161—ORIGINAL RESOLUTION REPORTED TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 161

Resolved, That the Committee on Rules and Administration hereby is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate document 102-15, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

OMNIBUS CRIME LEGISLATION

ROTH (AND OTHERS) AMENDMENT NO. 1098

Mr. GRASSLEY (for Mr. ROTH for himself, Mr. GRASSLEY, Mr. THURMOND, Mr. COATS, Mr. HATCH, Mr. NICKLES, Mr. HEFLIN, Mr. MURKOWSKI, Mr. SASSER, Mrs. KASSEBAUM, Mrs. FEINSTEIN, Mr. GRAMM, Mr. CONRAD, and Mrs. HUTCHISON) proposed an amendment to amendment No. 1097 proposed by Mrs. FEINSTEIN to the bill (S. 1607) to control and prevent crime; as follows:

At the end of the pending amendment insert the following:

SEC. . CONFIRMATION OF INTENT OF CONGRESS IN ENACTING SECTIONS 2252 AND 2256 OF TITLE 18, UNITED STATES CODE.

(a) DECLARATION.—The Congress declares that in enacting sections 2252 and 2256 of title 18, United States Code, it was and is the intent of Congress that—

(1) the scope of "exhibition of the genitals or pubic area" in section 2256(2)(E), in the definition of "sexually explicit conduct", is not limited to nude exhibitions or exhibitions in which the outlines of those areas were discernible through clothing; and

(2) the requirements in section 2252(a)(1)(A), (2)(A), (3)(B)(i), and (4)(B)(i) that the production of a visual depiction involving the use of a minor engaging in "sexually explicit conduct" of the kind described in section 2256(2)(E) are satisfied if a person photographs a minor in such a way as to exhibit the child in a lascivious manner.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in filing its brief in United States v. Knox, No. 92–1183, and thereby depriving the United States Supreme Court of the adverseness necessary for full and fair presentation of the issues arising in the case, the Department of Justice did not accurately reflect the intent of Congress in arguing that "the videotapes in [the Knox case] constitute 'lascivious exhibition[s] of the genitals or pubic area' only if those body parts are visible in the tapes and the minors posed or acted lasciviously.".

HATCH (AND OTHERS) AMENDMENT NO. 1099

Mr. HATCH (for himself, Mr. MACK, Mr. DOLE, and Mr. GRAMM) proposed an amendment to the bill S. 1607, supra; as follows:

On page 294, strike line 1 and all that follows through page 303, line 21 and insert the following:

Subtitle B—Regional Prisons and State Prisons

SEC. 1331. REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT CRIMINAL ALIENS.

(a) DEFINITIONS.—In this section—

"child abuse offense" means an offense under Federal or State law that constitutes sexual exploitation of children or selling or buying of children within the meaning of chapter 110 of title 18, United States Code.

"firearm offense" means an offense under Federal or State law committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"crime of violence" means a felony offense under Federal or State law that is a crime of violence within the meaning of section 16 of title 18, United States Code.

"qualifying prisoner" means—

(A) an alien who is in this country illegally or unlawfully and who has been convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a serious drug offense (as defined in section 924(e)(2)(A) of title 18, United States Code); and

(B) a violent criminal.

"sex offense" means an offense under Federal or State law that constitutes aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, or abusive sexual contact within the meaning of chapter 109A of title 18, United States Code.

"violent criminal"—

(A) means a person convicted under Federal law of an offense described in, under the circumstances described in, the provisions of section 924 (c) or (e) of title 18 or section 994(h) of title 28, United States Code, or under State law for the same or a similar offense; and

(B) insofar as any of the circumstances described in an offense described in subparagraph (A) is the prior conviction of an offense, includes a person who had been adjudicated as a juvenile delinquent by reason of the commission of an act that, if committed by an adult, would constitute such an offense.

(b) CONSTRUCTION OF PRISONS.—The Attorney General shall, after consultation with state correctional administrators, construct a minimum of 10 regional prisons, situated throughout the United States, each containing space for at least 2,500 inmates. At least 75 percent of the overall capacity of such prisons in the aggregate shall be dedicated to qualifying prisoners from qualifying States.

(c) ACCEPTANCE OF PRISONERS.—Any qualifying State may apply to the Attorney General to accept any qualifying prisoner. If, in the Attorney General's judgment there are likely to be more qualifying prisoners than there is space available, then to the extent that the Attorney General deems it practicable, the Attorney General should seek to allocate space among qualifying States in a proportion similar to the number of qualifying prisoners held by that State in relation to the total number of qualifying prisoners from qualifying States.

(d) QUALIFYING STATE.—

(1) IN GENERAL.—The Attorney General shall not certify a State as a qualifying State under this section unless the State is providing—

(A) truth in sentencing with respect to any crime of violence that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentences for firearm offenders, violent criminals, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of the victim's perspective at all appropriate stages of criminal proceedings.

(2) DISQUALIFICATION.—The Attorney General shall withdraw a State's status as a qualifying State if the Attorney General finds that the State no longer appropriately provides for the matters described in paragraph (1) or has ceased making substantial progress toward attaining them, in which event the State shall no longer be entitled to the benefits of this section, except to the extent the Attorney General otherwise directs.

(3) WAIVER.—The Attorney General may waive, for no more than one year, any of the requirements of this subsection with respect to a particular State if the Attorney General certifies that, in the Attorney General's judgment, there are compelling law enforcement reasons for doing so. Any State granted any such waiver shall be treated as a qualifying State for all purposes of this subtitle, unless the Attorney General otherwise directs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $600,000,000 for fiscal year 1994;

(2) $600,000,000 for fiscal year 1995;

(3) $600,000,000 for fiscal year 1996;

(4) $600,000,000 for fiscal year 1997; and

(5) $600,000,000 for fiscal year 1998.

SEC. 1322. FEDERAL GRANTS FOR STATE PRISON CONSTRUCTION AND OPERATION.

(a) DEFINITION.—In this section, "new prison" means—

(1) a prison or bootcamp or city or county detention facility, including an addition to an existing prison or city or county detention facility, certified by the State, and approved by the Attorney General, as providing additional prison capacity beyond that which the State previously had available or had already planned to construct; and

(2) a prison that is principally dedicated, as determined by the Attorney General, to housing repeat violent offenders and sex offenders.

(b) GRANTS.—The Attorney General may enter into agreements with any qualifying State to provide construction grants or operating grants for new prisons.

(c) CONSTRUCTION GRANTS.—The Attorney General may make construction grants for up to 50 percent of the construction costs, as approved by the Director of the Federal Bureau of Prisons, for new prisons.

(d) OPERATING GRANTS.—The Attorney General may make operating grants for up to 50 percent of the operating costs, as approved by the Director of the Federal Bureau of Prisons, for new prisons.

(e) CANCELING GRANTS.—The Attorney General may, in the Attorney General sole discretion, cancel any construction grant or operating grant if the Attorney General finds that a State is using those funds to substitute for existing funds or to provide prison space that substitutes for existing prison space.

(f) DISTRIBUTION OF GRANTS.—The Attorney General shall ensure that each State receives no less than 50 percent of the funds made available under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $600,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998, of which 50 percent shall be used for construction grants and 50 percent shall be used for operating grants, except that the Attorney General may alter those allocations if the Attorney General certifies that there are compelling law enforcement reasons for doing so.

SEC. 1324. SENTENCES TO ACCOUNT FOR COSTS TO THE GOVERNMENT OF IMPRISONMENT, RELEASE, AND PROBATION.

(a) IMPOSITION OF SENTENCE.—Section 3572(a) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) the expected costs to the government of any imprisonment, supervised release, or probation component of the sentence;".

(b) DUTIES OF THE SENTENCING COMMISSION.—Section 994 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(y) The Commission, in promulgating guidelines pursuant to subsection (a)(1), may include, as a component of a fine, the expected costs to the Government of any imprisonment, supervised release, or probation sentence that is ordered.".

SEC. 1325. OVERHEAD EXPENSE REDUCTION FUNDING.

(a) CBO Scoring.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of $6,000,000,000 over 5 years ($1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) Reduction.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

(c) Allocation.—The amount of available budget authority resulting from enactment of this section shall be reallocated for programs authorized pursuant to this subtitle.

BIDEN AMENDMENT NO. 1100

Mr. BIDEN proposed an amendment to the bill S. 1607, supra; as follows:

On page 276 line 6 insert "non-" before "violent".

Strike all after the first word in the amendment and insert the following:

BYRD (AND OTHERS) AMENDMENT NO. 1101

Mr. BYRD (for himself, Mr. SASSER, Mr. MITCHELL, Mr. BIDEN, and Mr. DODD) proposed an amendment to amendment No. 1099 proposed by Mr. HATCH to the bill S. 1607, supra; as follows:

B—State Prisons

SEC. 1321. BOOT CAMPS AND REGIONAL PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) Definition.—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) Establishment of Grant and Technical Assistance Program.—

(1) In general.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, and improving boot camp prison programs;

(B) developing, constructing, and operating regional prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) Technical assistance.—The Attorney General may provide technical assistance to grantees under this section.

(3) Utilization of components.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) State and Multi-State Compact Applications.—

(1) In general.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) Content of application.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) Limitations on Funds.—

(1) Nonsupplanting requirement.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) Administrative costs.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) Matching funds.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) Duration of grants.—

(A) In general.—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) Multiyear grants.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) Conversion of Property and Facilities at Closed or Realigned Military Installations Into Boot Camp Prisons and Regional Prisons.—

(1) Definition.—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) Determination of suitability for conversion.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) Transfer.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) Report.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall prepare and disseminate to State and local officials a report listing any real property or facility located at a military installation to be closed or realigned under a base closure law that is suitable for use as a boot camp prison or regional prison. The Attorney General shall periodically update this report for dissemination to State and local officials.

(5) Applicability.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) Performance Evaluation.—

(1) Evaluation components.—

(A) In general.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) Outcome measures.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Attorney General shall review the performance of each grant recipient under this section.

(B) REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) REPORT TO CONGRESS.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) ACCESS TO DOCUMENTS.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) GENERAL REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000,000, to remain available until expended.

(2) USE OF APPROPRIATED FUNDS.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

VIOLENT CRIME REDUCTION TRUST FUND

SEC. 1321A. PURPOSES.

The Congress declares it essential—

(1) to fully fund the control and prevention of violent crime authorized in this Act over the next 5 years;

(2) to ensure orderly limitation and reduction of Federal Government employment, as recommended by the Report of the National Performance Review, conducted by the Vice President;

(3) to apply sufficient amounts of the savings achieved by limiting Government employment to the purpose of ensuring full funding of this Act over the next 5 years.

SEC. 1321B. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,095,182 during fiscal year 1994;

(2) 2,044,100 during fiscal year 1995;

(3) 2,003,846 during fiscal year 1996;

(4) 1,963,593 during fiscal year 1997; and

(5) 1,923,339 during fiscal year 1998.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 1321C. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

§ 1115. Violent crime reduction trust fund.

"(a) There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund," into which shall be deposited deficit reduction achieved by section 13218 of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994). the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;

"(2) for fiscal year 1995, $2,379,000,000;

"(3) for fiscal year 1996, $3,168,000,000;

"(4) for fiscal year 1997, $3,517,000,000; and

"(5) for fiscal year 1998, $2,492,000,000;

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, "appropriations under paragraph (1)" mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.".

SEC. 1321D. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $161,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,379,000,000 in new budget authority and $884,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $3,168,000,000 in new budget authority and $2,191,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $3,517,000,000 in new budget authority and $3,342,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: $2,492,000,000 in new budget authority and $3,470,000,000 in outlays.

DOLE (AND OTHERS) AMENDMENT NO. 1102

Mr. DOLE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) proposed an amendment to the bill S. 1607, supra; as follows:

On page 426, after line 25 add the following:

SEC. 2907. INCREASED PENALTIES FOR ARSON.

Section 844 of title 18, United States Code, is amended—

(1) in subsection (f)—

(A) by striking "ten years, or fined not more than $10,000" and inserting "20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years, or fined not more than $20,000" and inserting "40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed";

(2) in subsection (h)—

(A) in the first sentence by striking "five years" and inserting "10 years"; and

(B) in the second sentence by striking "ten years" and inserting "20 years"; and

(3) in subsection (i)—

(A) by striking "ten years or fined not more than $10,000" and inserting "20 years, fined the greater of $100,000 or the cost of repairing or replacing any property that is damaged or destroyed"; and

(B) by striking "twenty years or fined not more than $20,000" and inserting "40 years, fined the greater of $200,000 or the cost of repairing or replacing any property that is damaged or destroyed".

BYRD (AND OTHERS) AMENDMENT NO. 1103

Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. BIDEN, Mr. HATCH, Mr. SASSER, Mr. GRAMM, Mr. KERRY, Mr. DODD, Mr. MACK, Mr. THURMOND, Mr. DORGAN, Mr. DOMENICI, Mr. CONRAD, Mr. COHEN, Mr. D'AMATO, Mr. BRYAN, Mr. LIEBERMAN, Mr. WOFFORD, Mr. ROBB, and Mr. HOLLINGS) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

Subtitle A—Regional Prisons and State Prisons

SEC. 1331. REGIONAL PRISONS FOR VIOLENT CRIMINALS AND VIOLENT CRIMINAL ALIENS.

(a) DEFINITIONS.—In this section—

"child abuse offense" means an offense under Federal or State law that constitutes sexual exploitation of children or selling or buying of children within the meaning of chapter 110 of title 18, United States Code.

"firearms offense" means an offense under Federal or State law committed while the offender is in possession of a firearm or while an accomplice of the offender, to the knowledge of the offender, is in possession of a firearm.

"crime of violence" means a felony offense under Federal or State law that is a crime of violence within the meaning of section 16 of title 18, United States Code.

"qualifying prisoner" means—

(A) an alien who is in this country illegally or unlawfully and who has been convicted of a crime of violence (as defined in section 924(c)(3) of title 18, United States Code) or a serious drug offense (as defined in section 924(e)(2)(A) of title 18, United States Code); and

(B) a violent criminal.

"sex offense" means an offense under Federal or State law that constitutes aggravated sexual abuse, sexual abuse, sexual abuse of a minor or ward, or abusive sexual contact within the meaning of chapter 109A of title 18, United States Code.

"violent criminal"—

(A) means a person convicted under Federal law of an offense described in, under the circumstances described in, the provisions of section 924 (c) or (e) of title 18 or section 994(h) of title 28, United States Code, or under State law for the same or a similar offense; and

(B) insofar as any of the circumstances described in an offense described in subparagraph (A) is the prior conviction of an offense, includes a person who had been adjudicated as a juvenile delinquent by reason of the commission of an act that, if committed by an adult, would constitute such an offense.

(b) CONSTRUCTION OF PRISONS.—The Attorney General shall, after consultation with state correctional administrators, construct, and operate a minimum of 10 regional prisons, situated throughout the United States, each containing space for at least 2,500 inmates. At least 75 percent of the overall capacity of such prisons in the aggregate shall be dedicated to qualifying prisoners from qualifying States.

(c) ACCEPTANCE OF PRISONERS.—Any qualifying State may apply to the Attorney General to accept any qualifying prisoner. If, in the Attorney General's judgment there are likely to be more qualifying prisoners than there is space available, then to the extent that the Attorney General deems it practicable, the Attorney General should seek to allocate space among qualifying States in a proportion similar to the number of qualifying prisoners held by that State in relation to the total number of qualifying prisoners from qualifying States.

(d) QUALIFYING STATE.—

(1) IN GENERAL.—The Attorney General shall not certify a State as a qualifying State under this section unless the State is providing—

(A) truth in sentencing with respect to any felony crime of violence involving the use or attempted use of force against a person, or use of a firearm against a person, for which a maximum sentence of 5 years or more is authorized that is consistent with that provided in the Federal system in chapter 229 of title 18, United States Code, which provides that defendants will serve at least 85 percent of the sentence ordered and which provides for a binding sentencing guideline system in which sentencing judges' discretion is limited to ensure greater uniformity in sentencing;

(B) pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(C) sentence for firearm offenders, where death or serious bodily injury results, murderers, sex offenders, and child abuse offenders that, after application of relevant sentencing guidelines, result in the imposition of sentences that are at least as long as those imposed under Federal law (after application of relevant sentencing guidelines); and

(D) suitable recognition for the rights of victims, including consideration of their victim's perspective at all appropriate stages of criminal proceedings.

(2) DISQUALIFICATION.—The Attorney General shall withdraw a State's status as a qualifying State if the Attorney General finds that the State no longer appropriately provides for the matters described in paragraph (1) or has ceased making substantial progress toward attaining them, in which event the State shall no longer be entitled to the benefits of this section, except to the extent the Attorney General otherwise directs.

(3) WAIVER.—The Attorney General may waive, for no more than one year, any of the requirements of this subsection with respect to a particular State if the Attorney General certifies that, in the Attorney General's judgment, there are compelling law enforcement reasons for doing so. Any State granted any such waiver shall be treated as a qualifying State for all purposes of this subtitle, unless the Attorney General otherwise directs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $600,000,000 for fiscal year 1994;
(2) $600,000,000 for fiscal year 1995;
(3) $600,000,000 for fiscal year 1996;
(4) $600,000,000 for fiscal year 1997; and
(5) $600,000,000 for fiscal year 1998.

Page 303, line 21;

Subtitle B—State Prisons

SEC. 1321. BOOT CAMPS AND PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) DEFINITION.—In this section, "boot camp prison program" means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) ESTABLISHMENT OF GRANT AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, operating, and improving boot camp prison programs to medium security prisons;

(B) developing, constructing, and operating prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to grantees under this section.

(3) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) STATE AND MULTI-STATE COMPACT APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) CONTENT OF APPLICATION.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that receives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section may be renewed for up to 3 years beyond the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) MULTIYEAR GRANTS.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.—

(1) DEFINITION.—In this subsection, "base closure law" means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) DETERMINATION OF SUITABILITY FOR CONVERSION.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) TRANSFER.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall prepare and disseminate to State and local officials a report listing any real property or facility located at a military installation to be closed or realigned under a base closure law that is suitable for use as a boot camp prison or regional prison. The Attorney General shall periodically update this report for dissemination to State and local officials.

(5) APPLICABILITY.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) PERFORMANCE EVALUATION.—

(1) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(B) OUTCOME MEASURES.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Attorney General shall review the performance of each grant recipient under this section.

(B) REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) REPORT TO CONGRESS.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section and providing an assessment of the operations of the programs receiving grants.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) ACCESS TO DOCUMENTS.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) GENERAL REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000,000, to remain available until expended.

(2) USE OF APPROPRIATED FUNDS.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

Subtitle C—Grants Under the Juvenile Justice and Delinquency Prevention Act of 1974

"GRANTS FOR COMMUNITY-BASED VIOLENT-JUVENILE FACILITIES

"SEC. 238. (a) IN GENERAL.—The Attorney General, through the Bureau of Prisons, may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, and operating secure facilities for violent and chronic juvenile offenders. The mandates required by the Juvenile Justice and Delinquency Prevention Act shall not apply to grants under this subtitle authorization. There are authorized to be appropriated $100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, 1998.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violence Against Women Act of 1993".

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TITLE I—SAFE STREETS FOR WOMEN

SEC. 101. SHORT TITLE.

This title may be cited as the "Safe Streets for Women Act of 1993".

Subtitle A—Federal Penalties for Sex Crimes

SEC. 111. REPEAT OFFENDERS.

(a) IN GENERAL.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following new section:

"§ 2247. Repeat offenders

"Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State or foreign country relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.".

(b) RECOMMENDATION BY THE SENTENCING COMMISSION.—The Sentencing Commission shall implement the amendment made by subsection (a) by recommending to the Congress amendments, if appropriate, in the sentencing guidelines applicable to chapter 109A offenses.

(c) CHAPTER ANALYSIS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

"2247. Repeat offenders.".

SEC. 112. FEDERAL PENALTIES.

(a) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend, where necessary, its sentencing guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, or sexual abuse under section 2242 of title 18, United States Code, as follows:

(1) The Commission shall review and recommend amendments to the guidelines, if appropriate, to enhance penalties if more than 1 offender is involved in the offense.

(2) The Commission shall review and recommend amendments to the guidelines, if appropriate, to reduce unwarranted disparities between the sentences for sex offenders who are known to the victim and sentences for sex offenders who are not known to the victim.

(3) The Commission shall review and recommend amendments to the guidelines to enhance penalties, if appropriate, to render Federal penalties on Federal territory commensurate with penalties for similar offenses in the States.

(4) The Commission shall review and recommend amendments to the guidelines, if appropriate, to account for the general problem of recidivism in cases of sex offenses, the severity of the offense, and its devastating effects on survivors.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission shall review and submit to Congress a report containing an analysis of Federal rape sentencing, accompanied by comment from independent experts in the field, describing—

(1) comparative Federal sentences for cases in which the rape victim is known to the defendant and cases in which the defendant is not known to the defendant;

(2) comparative Federal sentences for cases on Federal territory and sentences in surrounding States; and

(3) an analysis of the effect of rape sentences on populations residing primarily on Federal territory relative to the impact of other Federal offenses in which the existence of Federal jurisdiction depends upon the offense's being committed on Federal territory.

SEC. 113. MANDATORY RESTITUTION FOR SEX CRIMES.

(a) SEXUAL ABUSE.—(1) Chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2248. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 109A of title 18, United States Code, is amended by adding at the end thereof the following:

"2248. Mandatory restitution.".

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—(1) Chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 2259. Mandatory restitution

"(a) IN GENERAL.—Notwithstanding the terms of section 3663 of this title, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

"(b) SCOPE AND NATURE OF ORDER.—(1) The order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) necessary transportation, temporary housing, and child care expenses;

"(D) lost income;

"(E) attorneys' fees, expert witness and investigators' fees, interpretive services, and court costs; and

"(F) any other losses suffered by the victim as a proximate result of the offense.

"(3) Restitution orders under this section are mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstanees of the defendant; or

"(B) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(4)(A) Notwithstanding the terms of paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid.

"(B) For purposes of this paragraph, the term 'economic circumstances' includes—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the defendant, including obligations to dependents.

"(C) An order under this section may direct the defendant to make a single lump-sum payment or partial payments at specified intervals. The order shall also provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(D) In the event that the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) PROOF OF CLAIM.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to subsection (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this section, shall be in camera in the judge's chambers.

"(4) In the event that the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) DEFINITIONS.—For purposes of this section, the term 'victim' includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court: *Provided*, That in no event shall the defendant be named as such representative or guardian.".

(2) The table of sections for chapter 110 of title 18, United States Code, is amended by adding at the end thereof the following:

"2259. Mandatory restitution.".

SEC. 114. AUTHORIZATION FOR FEDERAL VICTIM'S COUNSELORS.

There is authorized to be appropriated for fiscal year 1994, $1,500,000 for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia).

Subtitle B—Law Enforcement and Prosecution Grants to Reduce Violent Crimes Against Women

SEC. 121. GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 4 of Public Law 102-521 (106 Stat. 3404), is amended by—

(1) redesignating part Q as part R;

(2) redesignating section 1701 as section 1801; and

(3) adding after part P the following new part:

"PART Q—Grants To Combat Violent Crimes Against Women

"SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.

"(a) GENERAL PROGRAM PURPOSE.—The purpose of this part is to assist States, Indian tribes, cities, and other localities to develop effective law enforcement and prosecution strategies to combat violent crimes against women and, in particular, to focus efforts on those areas with the highest rates of violent crime against women.

"(b) PURPOSES FOR WHICH GRANTS MAY BE USED.—Grants under this part shall provide additional personnel, training, technical assistance, data collection and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women and specifically, for the purposes of—

"(1) training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(2) developing, training, or expanding units of law enforcement officers and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;

"(3) developing and implementing police and prosecution policies, protocols, or orders specifically devoted to identifying and responding to violent crimes against women, including the crimes of sexual assault and domestic violence;

"(4) developing, installing, or expanding data collection systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, prosecutions, and convictions for the crimes of sexual assault and domestic violence; and

"(5) developing, enlarging, or strengthening victim services programs, including sexual assault and domestic violence programs, to increase reporting and reduce attrition rates for cases involving violent crimes against women, including the crimes of sexual assault and domestic violence.

"Subpart 1—High Intensity Crime Area Grants

"SEC. 1711. HIGH INTENSITY GRANTS.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') shall make grants to areas of 'high intensity crime' against women.

"(b) DEFINITION.—For purposes of this part, 'high intensity crime area' means an area with one of the 40 highest rates of violent crime against women, as determined by the Bureau of Justice Statistics pursuant to section 1712.

"SEC. 1712. HIGH INTENSITY GRANT APPLICATION.

"(a) COMPUTATION.—Within 45 days after the date of enactment of this part, the Bureau of Justice Statistics shall compile a list of the 40 areas with the highest rates of violent crime against women based on the combined female victimization rate per population for assault, sexual assault (including, but not limited to, rape), murder, robbery, and kidnapping (without regard to the relationship between the crime victim and the offenders).

"(b) USE OF DATA.—In calculating the combined female victimization rate required by subsection (a), the Bureau of Justice Statistics may rely on—

"(1) existing data collected by States, municipalities, Indian reservations or statistical metropolitan areas showing the number of police reports of the crimes listed in subsection (a); and

"(2) existing data collected by the Federal Bureau of Investigation, including data from those governmental entities already complying with the National Incident Based Reporting System, showing the number of police reports of crimes listed in subsection (a).

"(c) PUBLICATION.—After compiling the list set forth in subsection (a), the Bureau of Justice Statistics shall convey it to the Director who shall publish it in the Federal Register.

"(d) QUALIFICATION.—Upon satisfying the terms of subsection (e), any high intensity crime area shall be qualified for a grant under this subpart upon application by the chief executive officer of the governmental entities responsible for law enforcement and prosecution of criminal offenses within the area and certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate program grants, with nongovernmental nonprofit victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(e) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application must provide the certifications required by subsection (d) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (d)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the population to be served, including age, marital status, disability, race, ethnicity, and language background; and

"(2) include proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(f) DISBURSEMENT.—

"(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that grantees—

"(A) equitably distribute funds on a geographic basis;

"(B) determine the amount of subgrants based on the population to be served;

"(C) give priority to areas with the greatest showing of need; and

"(D) recognize and address the needs of underserved populations.

"(g) GRANTEE REPORTING.—(1) Upon completion of the grant period under this subpart, the grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this part.

"(2) A section of the performance report shall be completed by each grantee or subgrantee performing the services contemplated in the grant application, certifying performance of the services under the grants.

"(3) The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may be used to supplement, not supplant, State funds.

"Subpart 2—Other Grants to States To Combat Violent Crimes Against Women

"SEC. 1721. GENERAL GRANTS TO STATES.

"(a) GENERAL GRANTS.—The Director may make grants to States, for use by States, units of local government in the States, and nonprofit nongovernmental victim services programs in the States, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women.

"(b) AMOUNTS.—From amounts appropriated, the amount of grants under subsection (a) shall be—

"(1) $500,000 to each State; and

"(2) that portion of the then remaining available money to each State that results from a distribution among the States on the basis of each State's population in relation to the population of all States.

"(c) QUALIFICATION.—Upon satisfying the terms of subsection (d), any State shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate, with nonprofit nongovernmental victim services programs, including sexual assault and domestic violence victim services programs; and

"(3) at least 25 percent of the amount granted shall be allocated, without duplication, to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) APPLICATION REQUIREMENTS.—The application requirements provided in section 513 of this title shall apply to grants made under this subpart. In addition, each application shall include the certifications of qualification required by subsection (c) including documentation from nonprofit nongovernmental victim services programs showing their participation in developing the plan required by subsection (c)(2). Applications shall—

"(1) include documentation from the prosecution, law enforcement, and victim services programs to be assisted showing—

"(A) need for the grant funds;

"(B) intended use of the grant funds;

"(C) expected results from the use of grant funds; and

"(D) demographic characteristics of the populations to be served, including age, marital status, disability, race, ethnicity and language background; and

"(2) proof of compliance with the requirements for the payment of forensic medical exams provided in section 162 of this title.

"(e) DISBURSEMENT.—(1) No later than 60 days after the receipt of an application under this subpart, the Director shall either disburse the appropriate sums provided for under this subpart or shall inform the applicant why the application does not conform to the terms of section 513 of this title or to the requirements of this section.

"(2) In disbursing monies under this subpart, the Director shall issue regulations to ensure that States will—

"(A) give priority to areas with the greatest showing of need;

"(B) determine the amount of subgrants based on the population and geographic area to be served;

"(C) equitably distribute monies on a geographic basis including nonurban and rural areas, and giving priority to localities with populations under 100,000; and

"(D) recognize and address the needs of underserved populations.

"(f) Grantee Reporting.—Upon completion of the grant period under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee and subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"SEC. 1722. GENERAL GRANTS TO TRIBES.

"(a) General Grants.—The Director is authorized to make grants to Indian tribes, for use by tribes, tribal organizations or nonprofit nongovernmental victim services programs on Indian reservations, for the purposes outlined in section 1701(b), and to reduce the rate of violent crimes against women in Indian country.

"(b) Amounts.—From amounts appropriated, the amount of grants under subsection (a) shall be awarded on a competitive basis to tribes, with minimum grants of $35,000 and maximum grants of $300,000.

"(c) Qualification.—Upon satisfying the terms of subsection (d), any tribe shall be qualified for funds provided under this part upon certification that—

"(1) the funds shall be used to reduce the rate of violent crimes against women and for at least 3 of the purposes outlined in section 1701(b);

"(2) grantees and subgrantees shall develop a plan for implementation, and otherwise consult and coordinate with nonprofit; and

"(3) at least 25 percent of the grant funds shall be allocated to each of the following three areas: prosecution, law enforcement, and victim services.

"(d) Application Requirements.—(1) Applications shall be made directly to the Director and shall contain a description of the tribes' law enforcement responsibilities for the Indian country described in the application and a description of the tribes' system of courts, including whether the tribal government operates courts of Indian offenses under section 201 of Public Law 90-284 (25 U.S.C. 1301) or part 11 of title 25, Code of Federal Regulations.

"(2) Applications shall be in such form as the Director may prescribe and shall specify the nature of the program proposed by the applicant tribe, the data and information on which the program is based, and the extent to which the program plans to use or incorporate existing victim services available in the Indian country where the grant will be used.

"(3) The term of any grant shall be for a minimum of 3 years.

"(e) Grantee Reporting.—At the end of the first 12 months of the grant period and at the end of each year thereafter, the Indian tribal grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application, certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if funds are expended for purposes other than those set forth under this subpart. Federal funds may only be used to supplement, not supplant, State funds.

"(f) Definitions.—(1) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'Indian country' has the meaning stated in section 1151 of title 18, United States Code.

"Subpart 3—General Terms and Conditions

"SEC. 1731. GENERAL DEFINITIONS.

"As used in this part—

"(1) the term 'victim services' means any nongovernmental nonprofit organization that assists victims, including rape crisis centers, battered women's shelters, or other rape or domestic violence programs, including nonprofit nongovernmental organizations assisting victims through the legal process;

"(2) the term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim/witness programs);

"(3) the term 'law enforcement' means any public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs);

"(4) the term 'sexual assault' includes not only assaults committed by offenders who are strangers to the victim but also assaults committed by offenders who are known or related by blood or marriage to the victim;

"(5) the term 'domestic violence' includes felony or misdemeanor offenses committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies; and

"(6) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial or ethnic populations, and populations underserved because of special needs, such as language barriers or physical disabilities.

"SEC. 1732. GENERAL TERMS AND CONDITIONS.

"(a) Nonmonetary Assistance.—In addition to the assistance provided under subparts 1 or 2, the Director may direct any Federal agency, with or without reimbursement, to use its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts.

"(b) Bureau Reporting.—No later than 180 days after the end of each fiscal year for which grants are made under this part, the Director shall submit to the Judiciary Committees of the House and the Senate a report that includes, for each high intensity crime area (as provided in subpart 1) and for each State and for each grantee Indian tribe (as provided in subpart 2)—

"(1) the amount of grants made under this part;

"(2) a summary of the purposes for which those grants were provided and an evaluation of their progress;

"(3) a statistical summary of persons served, detailing the nature of victimization, and providing data on age, sex, relationship of victim to offender, geographic distribution, race, ethnicity, language, and disability; and

"(4) a copy of each grantee report filed pursuant to sections 1712(g), 1721(f) and 1722(c).

"(c) Regulations.—No later than 90 days after the date of enactment of this part, the Director shall publish proposed regulations implementing this part. No later than 120 days after such date, the Director shall publish final regulations implementing this part.

"(d) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 1994, 1995, and 1996, $100,000,000 to carry out subpart 1, and $190,000,000 to carry out subpart 2, and $10,000,000 to carry out section 1722 of subpart 2.".

(b) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"Part Q—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1701. Purpose of the program and grants.

"SUBPART 1—HIGH INTENSITY CRIME AREA GRANTS

"Sec. 1711. High intensity grants.
"Sec. 1712. High intensity grant application.

"SUBPART 2—OTHER GRANTS TO STATES TO COMBAT VIOLENT CRIMES AGAINST WOMEN

"Sec. 1721. General grants to States.
"Sec. 1722. General grants to tribes.

"SUBPART 3—GENERAL TERMS AND CONDITIONS

"Sec. 1731. General definitions.
"Sec. 1732. General terms and conditions.

"PART R—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

Subtitle C—Safety for Women in Public Transit and Public Parks

SEC. 131. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION.

Section 24 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App. 1620) is amended to read as follows:

"GRANTS TO PREVENT CRIME IN PUBLIC TRANSPORTATION

"Sec. 24. (a) General Purpose.—From funds authorized under section 21, not to exceed $10,000,000, the Secretary shall make capital grants for the prevention of crime and to increase security in existing and future public transportation systems. None of the provisions of this Act may be construed to prohibit the financing of projects under this section where law enforcement responsibilities are vested in a local public body other than the grant applicant.

"(b) GRANTS FOR LIGHTING, CAMERA SURVEILLANCE, AND SECURITY PHONES.—

"(1) From the sums authorized for expenditure under this section for crime prevention, the Secretary is authorized to make grants and loans to States and local public bodies or agencies for the purpose of increasing the safety of public transportation by—

"(A) increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(B) increasing camera surveillance of areas within and adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages;

"(C) providing emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public transportation systems, including bus stops, subway stations, parking lots, or garages; or

"(D) any other project intended to increase the security and safety of existing or planned public transportation systems.

"(2) From the sums authorized under this section, at least 75 percent shall be expended on projects of the type described in subsection (b)(1) (A) and (B).

"(c) REPORTING.—All grants under this section are contingent upon the filing of a report with the Secretary and the Department of Justice, Office of Victims of Crime, showing crime rates in or adjacent to public transportation before, and for a 1-year period after, the capital improvement. Statistics shall be broken down by type of crime, sex, race, ethnicity, language, and relationship of victim to the offender.

"(d) INCREASED FEDERAL SHARE.—Notwithstanding any other provision of this Act, the Federal share under this section for each capital improvement project which enhances the safety and security of public transportation systems and which is not required by law (including any other provision of this chapter) shall be 90 percent of the net project cost of such project.

"(e) SPECIAL GRANTS FOR PROJECTS TO STUDY INCREASING SECURITY FOR WOMEN.—From the sums authorized under this section, the Secretary shall provide grants and loans for the purpose of studying ways to reduce violent crimes against women in public transit through better design or operation of public transit systems.

"(f) GENERAL REQUIREMENTS.—All grants or loans provided under this section shall be subject to all the terms, conditions, requirements, and provisions applicable to grants and loans made under section 2(a).".

SEC. 132. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN NATIONAL PARKS.

Public Law 91–383 (commonly known as the National Park System Improvements in Administration Act) (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

"(a) From the sums authorized pursuant to section 7 of the Land and Water Conservation Act of 1965, not to exceed $10,000,000, the Secretary of the Interior may provide Federal assistance to reduce the incidence of violent crime in the National Park System.

"(b) The Secretary shall direct the chief official responsible for law enforcement within the National Park Services to—

"(1) compile a list of areas within the National Park System with the highest rates of violent crime;

"(2) make recommendations concerning capital improvements, and other measures, needed within the National Park System to reduce the rates of violent crime, including the rate of sexual assault; and

"(3) publish the information required by paragraphs (1) and (2) in the Federal Register.

"(c) No later than 120 days after the date of enactment of this section, and based on the recommendations and list issued pursuant to subsection (b), the Secretary shall distribute funds throughout the National Park Service. Priority shall be given to those areas with the highest rates of sexual assault.

"(d) Funds provided under this section may be used for the following purposes:

"(1) To increase lighting within or adjacent to public parks and recreation areas.

"(2) To provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas.

"(3) To increase security or law enforcement personnel within or adjacent to public parks and recreation areas.

"(4) Any other project intended to increase the security and safety of public parks and recreation areas.".

SEC. 133. GRANTS FOR CAPITAL IMPROVEMENTS TO PREVENT CRIME IN PUBLIC PARKS.

Section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8) is amended by adding at the end the following new subsection:

"(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e), and from amounts appropriated, the Secretary shall provide financial assistance to the States, not to exceed $15,000,000 in total, for the following types of projects or combinations thereof:

"(1) For the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

"(A) increase lighting within or adjacent to public parks and recreation areas;

"(B) provide emergency phone lines to contact law enforcement or security personnel in areas within or adjacent to public parks and recreation areas;

"(C) increase security personnel within or adjacent to public parks and recreation areas; and

"(D) fund any other project intended to increase the security and safety of public parks and recreation areas.

"(2) In addition to the requirements for project approval imposed by this section, eligibility for assistance under this subsection is dependent upon a showing of need. In providing funds under this subsection, the Secretary shall give priority to those projects proposed for urban parks and recreation areas with the highest rates of crime and, in particular, to urban parks and recreation areas with the highest rates of sexual assault.

"(3) Notwithstanding subsection (c), the Secretary may provide 70 percent improvement grants for projects undertaken by any State for the purposes outlined in this subsection. The remaining share of the cost shall be borne by the State.".

Subtitle D—Justice Department Task Force on Violence Against Women

SEC. 141. ESTABLISHMENT.

Not later than 30 days after the date of enactment of this Act, the Attorney General shall establish a task force to be known as the Attorney General's Task Force on Violence Against Women (referred to in this subtitle as the "Task Force").

SEC. 142. GENERAL PURPOSES OF TASK FORCE.

(a) GENERAL PURPOSE OF THE TASK FORCE.—The Task Force shall recommend Federal, State, and local strategies for preventing and sanctioning violent crime against women, including the enhancement and protection of the rights of the victims of such crimes.

(b) FUNCTIONS.—The Task Force shall perform such functions as the Attorney General deems appropriate to carry out the purposes of the Task Force, including—

(1) evaluating the adequacy of, and make recommendations regarding, current law enforcement efforts at the Federal and State levels to reduce the rate of violent crimes against women and to punish those responsible for such crime;

(2) evaluating the adequacy of, and make recommendations regarding, the responsiveness of State prosecutors and State courts to violent crimes against women;

(3) evaluating the adequacy of rules of evidence, practice and procedure to ensure the effective prosecution and conviction of violent offenders against women and to protect victims from abuse in legal proceedings, making recommendations, where necessary, to improve those rules;

(4) evaluating the adequacy of pretrial release, sentencing, incarceration, and post-conviction release for crimes that predominantly affect women, such as rape and domestic violence;

(5) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal laws on sexual assault and the need for a more uniform statutory response to sex offenses, including sexual assaults and other sex offenses committed by offenders who are known or related by blood or marriage to the victim;

(6) evaluating the adequacy of, and make recommendations regarding, the adequacy of State and Federal Laws on domestic violence and the need for a more uniform statutory response to domestic violence;

(7) evaluating the adequacy of, and make recommendations regarding, the adequacy of current education, prevention, and protection services for women victims of violent crimes;

(8) assessing the issuance, formulation, and enforcement of protective orders, whether or not related to a criminal proceeding, and making recommendations for their more effective use in domestic violence and stalking cases;

(9) assessing the problem of stalking and persistent menacing and recommending effective means of response to the problem; and

(10) evaluating the adequacy of, and make recommendations regarding, the national public awareness and the public dissemination of information essential to the prevention of violent crimes against women.

SEC. 143. MEMBERSHIP.

(a) IN GENERAL.—The Task Force shall consist of up to 15 members, who shall be appointed by the Attorney General not later than 60 days after the date of enactment of this Act.

(b) REPRESENTATION.—The Attorney General shall choose members of the Task Force based on their education, training, or experience. The Attorney General shall ensure that the Task Force includes representatives of State and local law enforcement, judicial administration, prosecution, legal experts, persons devoted to the protection of victims' rights, persons providing services to the victims of sexual assault or domestic violence, and survivors of violence.

(c) CONGRESSIONAL COMMITTEE RECOMMENDATIONS.—In making appointments to the Task Force, the Attorney General shall consider the recommendations of the chairman and ranking minority members of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(d) VACANCIES.—A vacancy on the Task Force shall be filled in the manner in which the original appointment was made.

SEC. 144. TASK FORCE OPERATIONS.

(a) MEETINGS.—The Task Force shall hold its first meeting on a date specified by the Attorney General, which date shall not be later than 60 days after the date of enactment of this Act. After the initial meeting, the Task Force shall meet at the call of the Attorney General, or its chairman-designate, but shall meet at least 6 times.

(b) CHAIRMAN.—Not later than 15 days after the members of the Task Force are appointed, the Attorney General shall designate a chairman from among the members of the Task Force.

(c) PAY.—Members of the Task Force who are officers or employees or elected officials of a government entity shall receive no additional compensation by reason of their service on the Task Force.

(d) PER DIEM.—Except as provided in subsection (c), members of the Task Force shall be allowed travel and other expenses including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

SEC. 145. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date on which the Task Force is fully constituted under section 143, the Task Force shall prepare and submit a final report to the President and to congressional committees that have jurisdiction over legislation addressing violent crimes against women, including the crimes of domestic and sexual assault.

(b) CONTENTS.—The final report submitted under paragraph (1) shall contain a detailed statement of the activities of the Task Force and of the findings and conclusions of the Task Force, including such recommendations for legislation and administrative action as the Task Force considers appropriate.

SEC. 146. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Task Force shall have an Executive Director who shall be appointed by the Chairman, with the approval of the Task Force, not later than 30 days after the Chairman is selected.

(2) COMPENSATION.—The Executive Director shall be compensated at a rate not to exceed the maximum rate of the basic pay payable for a position above GS-15 of the General Schedule contained in title 5, United States Code.

(b) STAFF.—With the approval of the Task Force, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Task Force.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The Executive Director and the additional personnel of the Task Force appointed under subsection (b) may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) CONSULTANTS.—Subject to such rules as may be prescribed by the Task Force, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

SEC. 147. POWERS OF TASK FORCE.

(a) HEARINGS.—For the purpose of carrying out this subtitle, the Task Force may conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Task Force considers appropriate. The Task Force may administer oaths before the Task Force.

(b) DELEGATION.—Any member or employee of the Task Force may, if authorized by the Task Force, take any action that the Task Force is authorized to take under this subtitle.

(c) ACCESS TO INFORMATION.—The Task Force may request directly from any executive department or agency such information as may be necessary to enable the Task Force to carry out this subtitle, on the request of the Chairman of the Task Force.

(d) MAILS.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 148. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $500,000 for fiscal year 1994.

SEC. 149. TERMINATION.

The Task Force shall cease to exist 30 days after the date on which its final report is submitted under section 144.

Subtitle E—New Evidentiary Rules

SEC. 151. SEXUAL HISTORY IN ALL CRIMINAL CASES.

(a) RULE.—The Federal Rules of Evidence are amended by inserting after rule 412 the following new rule:

"Rule 412A. Evidence of victim's past behavior in other criminal cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, reputation or opinion evidence of the past sexual behavior of an alleged victim is not admissible.

"(b) ADMISSIBILITY.—Notwithstanding any other law, in a criminal case, other than a sex offense case governed by rule 412, evidence of an alleged victim's past sexual behavior (other than reputation and opinion evidence) may be admissible if—

"(1) the evidence is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the alleged victim's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the alleged victim.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the alleged victim and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence which the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2), that the evidence the defendant seeks to offer is relevant, not excluded by any other evidentiary rule, and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies the evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined. In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance, and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 412 the following new item:

"412A. Evidence of victim's past behavior in other criminal cases:
"(a) Reputation and opinion evidence excluded.
"(b) Admissibility.
"(c) Procedures.".

SEC. 152. SEXUAL HISTORY IN CIVIL CASES.

(a) RULE.—The Federal Rules of Evidence, as amended by section 151, are amended by adding after rule 412A the following new rule:

"Rule 412B. Evidence of past sexual behavior in civil cases

"(a) REPUTATION AND OPINION EVIDENCE EXCLUDED.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, reputation or opinion evidence of the plaintiff's past sexual behavior is not admissible.

"(b) ADMISSIBLE EVIDENCE.—Notwithstanding any other law, in a civil case in which a defendant is accused of actionable sexual misconduct, evidence of a plaintiff's past sexual behavior other than reputation or opinion evidence may be admissible if—

"(1) it is admitted in accordance with the procedures specified in subdivision (c); and

"(2) the probative value of the evidence outweighs the danger of unfair prejudice.

"(c) PROCEDURES.—(1) If the defendant intends to offer evidence of specific instances of the plaintiff's past sexual behavior, the defendant shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph shall be served on all other parties and on the plaintiff.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If necessary, the court shall order a hearing in chambers to determine if such evidence is admissible. At the hearing, the parties may call witnesses, including the plaintiff and offer relevant evidence. Notwithstanding subdivision (b) of rule 104, if the relevancy of the evidence that the defendant seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for the purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence the defendant seeks to offer is relevant and not excluded by any other evidentiary rule, and that the probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be admissible in the trial to the extent an order made by the court specifies evidence that may be offered and areas with respect to which the plaintiff may be examined or cross-examined. In its order, the court should consider—

"(A) the chain of reasoning leading to its finding of relevance; and

"(B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.

"(d) DEFINITIONS.—For purposes of this rule, a case involving a claim of actionable sexual misconduct, includes sexual harassment or sex discrimination claims brought pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000(e)) and gender bias claims brought pursuant to title III of the Violence Against Women Act of 1993.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 151, is amended by inserting after the item relating to rule 412A the following new item:

"412B. Evidence of past sexual behavior in civil cases:
"(a) Reputation and opinion evidence excluded.
"(b) Admissible evidence.
"(c) Procedures.
"(d) Definitions.".

SEC. 153. AMENDMENTS TO RAPE SHIELD LAW.

(a) RULE.—Rule 412 of the Federal Rules of Evidence is amended—

(1) by adding at the end the following new subdivisions:

"(e) INTERLOCUTORY APPEAL.—Notwithstanding any other law, any evidentiary rulings made pursuant to this rule are subject to interlocutory appeal by the government or by the alleged victim.

"(f) RULE OF RELEVANCE AND PRIVILEGE.—If the prosecution seeks to offer evidence of prior sexual history, the provisions of this rule may be waived by the alleged victim."; and

(2) by adding at the end of subdivision (c)(3) the following: "In its order, the court should consider (A) the chain of reasoning leading to its finding of relevance; and (B) why the probative value of the evidence outweighs the danger of unfair prejudice given the potential of the evidence to humiliate and embarrass the alleged victim and to result in unfair or biased jury inferences.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence is amended by adding at the end the item relating to rule 412 the following:

"(e) Interlocutory appeal.
"(f) Rule of relevance and privilege.".

SEC. 154. EVIDENCE OF CLOTHING.

(a) RULE.—The Federal Rules of Evidence, as amended by section 152, are amended by adding after rule 412B the following new rule:

"Rule 413. Evidence of victim's clothing as inciting violence

"Notwithstanding any other law, in a criminal case in which a person is accused of an offense under chapter 109A of title 18, United States Code, evidence of an alleged victim's clothing is not admissible to show that the alleged victim incited or invited the offense charged.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 152, is amended by inserting after the item relating to rule 412B the following new item:

"413. Evidence of victim's clothing as inciting violence.".

Subtitle F—Assistance to Victims of Sexual Assault

SEC. 161. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ASSAULTS AGAINST WOMEN.

Part A of title XIX of the Public Health and Health Services Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new section:

"SEC. 1910A. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

"(a) PERMITTED USE.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part may be used for rape prevention and education programs conducted by rape crisis centers or similar nongovernmental nonprofit entities, which programs may include—

"(1) educational seminars;

"(2) the operation of hotlines;

"(3) training programs for professionals;

"(4) the preparation of informational materials; and

"(5) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved racial, ethnic, and language minority communities.

"(b) TARGETING OF EDUCATION PROGRAMS.—States providing grant monies must ensure that at least 25 percent of the monies are devoted to education programs targeted for middle school, junior high school, and high school students.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) LIMITATION.—Funds authorized under this section may only be used for providing rape prevention and education programs.

"(e) DEFINITION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(f) TERMS.—States shall be allotted funds under this section pursuant to the terms of sections 1902 and 1903, and subject to the conditions provided in this section and sections 1904 through 1909.".

SEC. 162. RAPE EXAM PAYMENTS.

(a) No State or other grantee is entitled to funds under title I of the Violence Against Women Act of 1993 unless the State or other grantee incurs the full cost of forensic medical exams for victims of sexual assault. A State or other grantee does not incur the full medical cost of forensic medical exams if it chooses to reimburse the victim after the fact unless the reimbursement program waives any minimum loss or deductible requirement, provides victim reimbursement within a reasonable time (90 days), permits applications for reimbursement within one year from the date of the exam, and provides information to all subjects of forensic medical exams about how to obtain reimbursement.

(b) Within 90 days after the enactment of this Act, the Director of the Office of Victims of Crime shall propose regulations to implement this section, detailing qualified programs. Such regulations shall specify the type and form of information to be provided victims, including provisions for multilingual information, where appropriate.

SEC. 163. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF FEMALE RUNAWAY, HOMELESS, AND STREET YOUTH.

Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5711 et seq.) is amended by—

(1) redesignating sections 316 and 317 as sections 317 and 318, respectively; and

(2) inserting after section 315 the following new section:

"GRANTS FOR PREVENTION OF SEXUAL ABUSE AND EXPLOITATION

"SEC. 316. (a) IN GENERAL.—The Secretary shall make grants under this section to private, nonprofit agencies for street-based outreach and education, including treatment, counseling, and information and referral, for female runaway, homeless, and street youth who have been subjected to or are at risk of being subjected to sexual abuse.

"(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies that have experience in providing services to female runaway, homeless, and street youth.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1994, 1995, and 1996.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'street-based outreach and education' includes education and prevention efforts directed at offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim; and

"(2) the term 'street youth' means a female less than 21 years old who spends a significant amount of time on the street or in other areas of exposure to encounters that may lead to sexual abuse.".

SEC. 164. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.

Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) by striking "and" at the end of subdivision (a)(1)(B);

(2) by striking the period at the end of subdivision (a)(1)(C) and inserting "; and";

(3) by inserting after subdivision (a)(1)(C) the following new subdivision:

"(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim wishes to make a statement and to present any information in relation to the sentence.";

(4) in the penultimate sentence of subdivision (a)(1), by striking "equivalent opportunity" and inserting "opportunity equivalent to that of the defendant's counsel";

(5) in the last sentence of subdivision (a)(1) by inserting "the victim," before "or the attorney for the Government."; and

(6) by adding at the end the following new subdivision:

"(f) DEFINITIONS.—For purposes of this rule—

"(1) the term 'victim' means any person against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

"(A) a parent or legal guardian in case the victim is below the age of 18 years or incompetent; or

"(B) 1 or more family members or relatives designated by the court in case the victim is deceased or incapacitated,

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

"(2) the term 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.".

TITLE II—SAFE HOMES FOR WOMEN

SEC. 201. SHORT TITLE.

This title may be cited as the "Safe Homes for Women Act of 1993".

Subtitle A—Family Violence Prevention and Services Act Amendments

SEC. 211. GRANT FOR A NATIONAL DOMESTIC VIOLENCE HOTLINE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 316. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

"(a) IN GENERAL.—The Secretary may award a grant to a private, nonprofit entity to provide for the operation of a national, toll-free telephone hotline to provide information and assistance to victims of domestic violence.

"(b) ACTIVITIES.—Funds received by an entity under this section shall be utilized to open and operate a national, toll-free domestic violence hotline. Such funds may be used for activities including—

"(1) contracting with a carrier for the use of a toll-free telephone line;

"(2) employing, training and supervising personnel to answer incoming calls and provide counseling and referral services to callers on a 24-hour-a-day basis;

"(3) assembling, maintaining, and continually updating a database of information and resources to which callers may be referred throughout the United States; and

"(4) publicizing the hotline to potential users throughout the United States.

"(c) APPLICATION.—A grant may not be made under this section unless an application for such grant has been approved by the Secretary. To be approved by the Secretary under this subsection an application shall—

"(1) provide such agreements, assurances, and information, be in such form and be submitted in such manner as the Secretary shall prescribe through notice in the Federal Register;

"(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

"(A) the training program for hotline personnel;

"(B) the hiring criteria for hotline personnel;

"(C) the methods for the creation, maintenance and updating of a resource database; and

"(D) a plan for publicizing the availability of the hotline;

"(3) demonstrate that the applicant has nationally recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence; and

"(4) contain such other information as the Secretary may require.

"(d) SPECIAL CONSIDERATIONS.—In considering an application under subsection (c), the Secretary shall also take into account the applicant's ability to offer multilingual services and services for the hearing impaired.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for each of fiscal years 1994, 1995, and 1996.".

Subtitle B—Interstate Enforcement

SEC. 221. INTERSTATE ENFORCEMENT.

(a) IN GENERAL.—Part 1 of title 18, United States Code, is amended by inserting after chapter 110 the following new chapter:

"CHAPTER 110A—VIOLENCE AGAINST SPOUSES

"Sec. 2261. Traveling to commit spousal abuse.
"Sec. 2262. Interstate violation of protection orders.
"Sec. 2263. Interim protections.
"Sec. 2264. Restitution.
"Sec. 2265. Full faith and credit given to protection orders.
"Sec. 2266. Definitions.

"§ 2261. Traveling to commit spousal abuse

"(a) IN GENERAL.—Any person who travels across a State line with the intent to injure, harass, intimidate his or her spouse or intimate partners and who, in the course of or as a result of such travel, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(b) CAUSING THE CROSSING OF A STATE LINE.—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress or fraud and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the offense was committed in the maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable conduct under chapter 109A.

"(5) In a case not described in paragraph (1), (2), (3), or (4), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) CRIMINAL INTENT.—The criminal intent of the offender required to establish an offense under subsection (b) does not require a showing of the specific intent to violate the law of a State.

"(e) NO PRIOR STATE ACTION NECESSARY.—Nothing in this section requires a prior criminal prosecution or conviction or a prior civil protection order issued under State law to initiate Federal prosecution.

"§ 2262. Interstate violation of protection orders

"(a) IN GENERAL.—Any person against whom a valid protection order has been entered who—

"(1) travels across a State line with the intent to injure, harass, intimidate, or contact a spouse or intimate partner; and

"(2) commits an act that injures, harasses, or intimidates a spouse or intimate partner or otherwise violates a valid protection order issued by a State,

shall be punished as provided in subsection (c).

"(b) CAUSING THE CROSSING OF A STATE LINE.—Any person who causes a spouse or intimate partner to cross a State line by force, coercion, duress, or fraud, and, in the course or as a result of that conduct, commits an act that injures his or her spouse or intimate partner in violation of a valid protection order issued by a State shall be punished as provided in subsection (c).

"(c) PENALTIES.—A person who violates this section shall be punished as follows:

"(1) If permanent disfigurement or life-threatening bodily injury results, by imprisonment for not more than 20 years; if serious bodily injury results, by fine under this title or imprisonment for not more than 10 years, or both.

"(2) If the offense is committed with intent to commit another felony, by fine under this title or imprisonment for not more than 10 years, or both.

"(3) If the offense is committed with a dangerous weapon, with intent to do bodily harm, by fine under this title or imprisonment for not more than 5 years, or both.

"(4) If the offender has previously violated any prior protection order issued against that person for the protection of the same victim, by fine under this title or imprisonment for not more than 5 years and not less than 6 months, or both.

"(5) If the offense constitutes sexual abuse, as that conduct is described under chapter 109A of title 18, United States Code (without regard to whether the conduct was committed in the special maritime, territorial or prison jurisdiction of the United States), by fine or term of imprisonment as provided for the applicable offense under chapter 109A.

"(6) In a case not described in paragraph (1), (2), (3), (4), or (5), by fine under this title or imprisonment for not more than 5 years, or both.

"(d) CRIMINAL INTENT.—The criminal intent required to establish the offense provided in subsection (a) does not require a showing of the specific intent to violate a protection order or the law of any State.

"(e) NO PRIOR STATE ACTION NECESSARY.—Nothing in this section requires a prior criminal prosecution or conviction under State law to initiate Federal prosecution.

"§ 2263. Pretrial release of defendant

"In any proceeding pursuant to section 3142 of this title for the purpose of determining whether a defendant charged under this section shall be released pending trial, or for the purpose of determining conditions of such release, the alleged victim shall be given an opportunity to be heard regarding the danger posed by the defendant.

"§ 2264. Restitution

"(a) In General.—In addition to any fine or term of imprisonment provided under this chapter, and notwithstanding section 3663, the court shall order restitution to the victim of an offense under this chapter.

"(b) Scope and Nature of Order.—(1) An order of restitution under this section shall direct that—

"(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court, pursuant to paragraph (2); and

"(B) the United States Attorney enforce the restitution order by all available and reasonable means.

"(2) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

"(A) medical services relating to physical, psychiatric, or psychological care;

"(B) physical and occupational therapy or rehabilitation;

"(C) lost income;

"(D) attorneys' fees, plus any costs incurred in obtaining a civil protection order; and

"(E) any other losses suffered by the victim as a proximate result of the offense.

"(3) A restitution order under this section is mandatory. A court may not decline to issue an order under this section because of—

"(A) the economic circumstances of the defendant; or

"(B) the fact that victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance.

"(4)(A) Notwithstanding paragraph (3), the court may take into account the economic circumstances of the defendant in determining the manner in which and the schedule according to which the restitution is to be paid, including—

"(i) the financial resources and other assets of the defendant;

"(ii) projected earnings, earning capacity, and other income of the defendant; and

"(iii) any financial obligations of the offender, including obligations to dependents.

"(B) An order under this section may direct the defendant to make a single lump-sum payment, or partial payments at specified intervals. The order shall provide that the defendant's restitutionary obligation takes priority over any criminal fine ordered.

"(C) If the victim has recovered for any amount of loss through the proceeds of insurance or any other source, the order of restitution shall provide that restitution be paid to the person who provided the compensation, but that restitution shall be paid to the victim for the victim's other losses before any restitution is paid to any other provider of compensation.

"(5) Any amount paid to a victim under this section shall be set off against any amount later recovered as compensatory damages by the victim from the defendant in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(c) Proof of Claim.—(1) Within 60 days after conviction and, in any event, no later than 10 days prior to sentencing, the United States Attorney (or the United States Attorney's delegee), after consulting with the victim, shall prepare and file an affidavit with the court listing the amounts subject to restitution under this section. The affidavit shall be signed by the United States Attorney (or the United States Attorney's delegee) and the victim. Should the victim object to any of the information included in the affidavit, the United States Attorney (or the United States Attorney's delegee) shall advise the victim that the victim may file a separate affidavit and shall provide the victim with an affidavit form which may be used to do so.

"(2) If no objection is raised by the defendant, the amounts attested to in the affidavit filed pursuant to paragraph (1) shall be entered in the court's restitution order. If objection is raised, the court may require the victim or the United States Attorney (or the United States Attorney's delegee) to submit further affidavits or other supporting documents, demonstrating the victim's losses.

"(3) If the court concludes, after reviewing the supporting documentation and considering the defendant's objections, that there is a substantial reason for doubting the authenticity or veracity of the records submitted, the court may require additional documentation or hear testimony on those questions. Any records filed, or testimony heard, pursuant to this subsection, shall be in camera in the judge's chambers.

"(4) If the victim's losses are not ascertainable 10 days prior to sentencing as provided in subsection (c)(1), the United States Attorney (or the United States Attorney's delegee) shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such an order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

"(d) Restitution and Criminal Penalties.—An award of restitution to the victim of an offense under this chapter shall not be a substitute for imposition of punishment under sections 2261 and 2262.

"(e) Definitions.—For purposes of this section, the term 'victim' includes the person harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian.

"§ 2265. Full faith and credit given to protection orders

"(a) Full Faith and Credit.—Any protection order issued consistent with subsection (b) by the court of 1 State (the issuing State) shall be accorded full faith and credit by the court of another State (the enforcing State) and enforced as if it were the order of the enforcing State.

"(b) Protection Order.—(1) A protection order issued by a State court is consistent with this subsection if—

"(A) the court has jurisdiction over the parties and matter under the law of the State; and

"(B) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process.

"(2) In the case of an order under paragraph (1) that is issued ex parte, notice and opportunity to be heard shall be provided within the time required by State law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

"(c) Cross- or Counter-Petition.—A protection order issued by a State court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

"(1) no cross- or counter-petition, complaint, or other written pleading was filed seeking such a protection order; or

"(2) if a cross- or counter-petition has been filed, if the court did not make specific findings that each party was entitled to such an order.

"§ 2266. Definitions

"As used in this chapter—

"(1) the term 'spouse or intimate partner' includes—

"(A) a present or former spouse, a person who shares a child in common with an abuser, and a person who cohabits or has cohabited with an abuser as a spouse; and

"(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State in which the injury occurred or where the victim resides, or any other adult person who is protected from an abuser's acts under the domestic or family violence laws of the State in which the injury occurred or where the victim resides;

"(2) the term 'protection order' includes an injunction or other order issued for the purpose of preventing violent or threatening acts by 1 spouse against his or her spouse or intimate partner, including a temporary or final order issued by a civil or criminal court (other than a support or child custody order or provision) whether obtained by filing an independent action or as a pendente lite order in another proceeding, so long as, in the case of a civil order, the order was issued in response to a complaint, petition, or motion filed by or on behalf of an abused spouse or intimate partner;

"(3) the term 'act that injures' includes any act, except one done in self-defense, that results in physical injury or sexual abuse;

"(4) the term 'State' includes a State of the United States, the District of Columbia, and any Indian tribe, commonwealth, territory, or possession of the United States; and

"(5) the term 'travel across a State line' includes any travel except travel across a State line by an Indian tribal member when that member remained at all times on tribal lands.".

(b) Technical Amendment.—The part analysis for part 1 of title 18, United States Code, is amended by inserting after the item for chapter 110 the following new item:

"110A. Violence against spouses ... 2261.".

Subtitle C—Arrest in Spousal Abuse Cases

SEC. 231. ENCOURAGING ARREST POLICIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 211, is amended by adding at the end the following new section:

"SEC. 317. ENCOURAGING ARREST POLICIES.

"(a) Purpose.—To encourage States, Indian tribes and localities to treat spousal violence as a serious violation of criminal law, the Secretary may make grants to eligible States, Indian tribes, municipalities, or local government entities for the following purposes:

"(1) To implement pro-arrest programs and policies in police departments and to improve tracking of cases involving spousal abuse.

"(2) To centralize police enforcement, prosecution, or judicial responsibility for, spousal abuse cases in one group or unit of police officers, prosecutors, or judges.

"(3) To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.

"(4) To educate judges in criminal and other courts about spousal abuse and to improve judicial handling of such cases.

"(b) ELIGIBILITY.—(1) Eligible grantees are those States, Indian tribes, municipalities or other local government entities that—

"(A) demonstrate, through arrest and conviction statistics, that their laws or policies have been effective in significantly increasing the number of arrests made of spouse abusers;

"(B) certify that their laws or official policies—

"(i) mandate arrest of spouse abusers based on probable cause that violence has been committed; or

"(ii) permit warrantless arrests of spouse abusers, encourage the use of that authority, and mandate arrest of spouses violating the terms of a valid and outstanding protection order;

"(C) demonstrate that their laws, policies, practices and training programs discourage 'dual' arrests of abused and abuser;

"(D) certify that their laws, policies, and practices prohibit issuance of mutual protection orders in cases where only one spouse has sought a protection order, and require findings of mutual aggression to issue mutual protection orders in cases where both parties file a claim; *and*

"(E) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony spouse abuse offense, that the abused bear the costs associated with the filing of criminal charges or the service of such charges on an abuser; or that the abused bear the costs associated with the issuance or service of a warrant, protection order or witness subpoena.

"(2) For purposes of this section—

"(A) the term 'protection order' includes any injunction issued for the purpose of preventing violent or threatening acts of spouse abuse, including a temporary or final order issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding; and

"(B) the term 'spousal or spouse abuse' includes a felony or misdemeanor offense committed by a current or former spouse of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or committed by any other adult person upon a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

"(3) The eligibility requirements provided in this section shall take effect on the date that is 1 year after the date of enactment of this section.

"(c) DELEGATION AND AUTHORIZATION.—The Secretary shall delegate to the Attorney General of the United States the Secretary's responsibilities for carrying out this section. There are authorized to be appropriated not in excess of $25,000,000 for each fiscal year to be used for the purpose of making grants under this section.

"(d) APPLICATION.—An eligible grantee shall submit an application to the Secretary. Such an application shall—

"(1) contain a certification by the chief executive officer of the State, Indian tribe, municipality, or local government entity that the conditions of subsection (b) are met;

"(2) describe the entity's plans to further the purposes listed in subsection (a);

"(3) identify the agency or office or groups of agencies or offices responsible for carrying out the program; and

"(4) identify and include documentation showing the nonprofit nongovernmental victim services programs that will be consulted in developing, and implementing, the program.

"(e) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a grantee that—

"(1) does not currently provide for centralized handling of cases involving spousal or family violence in any one of the areas listed in this subsection—police, prosecutors, and courts; and

"(2) demonstrates a commitment to strong enforcement of laws, and prosecution of cases, involving spousal or family violence.

"(f) REPORTING.—Each grantee receiving funds under this section shall submit a report to the Secretary evaluating the effectiveness of the plan described in subsection (d)(2) and containing such additional information as the Secretary may prescribe.

"(g) REGULATIONS.—No later than 45 days after the date of enactment of this section, the Secretary shall publish proposed regulations implementing this section. No later than 120 days after such date, the Secretary shall publish final regulations implementing this section.".

Subtitle D—Domestic Violence, Family Support, and Shelter Grants

SEC. 241. DOMESTIC VIOLENCE AND FAMILY SUPPORT GRANT PROGRAM.

(a) PURPOSE.—The purpose of this section is to strengthen and improve State and local efforts to prevent and punish domestic violence and other criminal and unlawful acts that particularly affect women, and to assist and protect the victims of such crimes and acts.

(b) AUTHORIZATION OF GRANTS.—The Secretary of Health and Human Services shall make grants to support projects and programs relating to domestic violence and other criminal and unlawful acts that particularly affect women, including support of—

(1) training and policy development programs for law enforcement officers and prosecutors concerning the investigation and prosecution of domestic violence;

(2) law enforcement and prosecutorial units and teams that target domestic violence;

(3) model, innovative, and demonstration law enforcement programs relating to domestic violence that involve pro-arrest and aggressive prosecution policies;

(4) model, innovative, and demonstration programs for the effective utilization and enforcement of protective orders;

(5) programs addressing stalking and persistent menacing;

(6) victim services programs for victims of domestic violence;

(7) educational and informational programs relating to domestic violence;

(8) resource centers providing information, technical assistance, and training to domestic violence service providers, agencies, and programs;

(9) coalitions of domestic violence service providers, agencies, and programs;

(10) training programs for judges and court personnel in relation to cases involving domestic violence;

(11) enforcement of child support obligations, including cooperative efforts and arrangements of States to improve enforcement in cases involving interstate elements; and

(12) shelters that provide services for victims of domestic violence and related programs.

(c) FORMULA GRANTS.—Of the amount appropriated in each fiscal year for grants under this section, other than the amount set aside to carry out subsection (d)—

(1) 1 percent shall be set aside for each participating State; and

(2) the remainder shall be allocated to the participating States in proportion to their populations;

for the use of State and local governments in the States.

(d) DISCRETIONARY GRANTS.—Of the amount appropriated in each fiscal year, 20 percent shall be set aside in a discretionary fund to provide grants to public and private agencies to further the purposes and objectives set forth in subsections (a) and (b).

(e) APPLICATION FOR FORMULA GRANTS.—To request a grant under subsection (c), the chief executive officer of a State must, in each fiscal year, submit to the Secretary a plan for addressing domestic violence and other criminal and unlawful acts that particularly affect women in the State, including a specification of the uses to which funds provided under subsection (c) will be put in carrying out the plan. The application must include—

(1) certification that the Federal funding provided will be used to supplement and not supplant State and local funds;

(2) certification that any requirement of State law for review by the State legislature or a designated body, and any requirement of State law for public notice and comment concerning the proposed plan, have been satisfied; and

(3) provisions for fiscal control, management, recordkeeping, and submission of reports in relation to funds provided under this section that are consistent with requirements prescribed for the program.

(f) CONDITIONS ON GRANTS.—

(1) MATCHING FUNDS.—Grants under subsection (c) may be for up to 50 percent of the overall cost of a project or program funded. Discretionary grants under subsection (d) may be for up to 100 percent of the overall cost of a project or program funded.

(2) DURATION OF GRANTS.—Grants under subsection (c) may be provided in relation to a particular project or program for up to an aggregate maximum period of 4 years.

(3) LIMIT ON ADMINISTRATIVE COSTS.—Not more than 5 percent of a grant under subsection (c) may be used for costs incurred to administer the grant.

(g) EVALUATION.—The Secretary shall have the authority to carry out evaluations of programs funded under this section. The recipient of any grant under this section may be required to include an evaluation component to determine the effectiveness of the project or program funded that is consistent with guidelines issued by the Secretary.

(h) REPORT.—The Secretary shall submit an annual report to Congress concerning the operation and effectiveness of the program under this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $100,000,000 for each of fiscal years 1994, 1995, and 1996; and

(2) such sums as are necessary for each fiscal year thereafter.

(j) AUTHORIZATION OF APPROPRIATIONS FOR THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $85,000,000 for fiscal year 1994, $100,000,000 for fiscal year 1995, and $125,000,000 for fiscal year 1996.".

Subtitle E—Family Violence Prevention and Services Act Amendments

SEC. 251. GRANTEE REPORTING.

(a) SUBMISSION OF APPLICATION.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) APPROVAL OF APPLICATION.—Section 303(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds.".

Subtitle F—Youth Education and Domestic Violence

SEC. 261. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.), as amended by section 231, is amended by adding at the end the following new section:

"SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate the Secretary's powers to the Secretary of Education (hereafter in this section referred to as the 'Secretary'). The Secretary shall select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in the light of the comments of educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers. The participation of each of those groups or individual consultants from such groups is essential to the selection, implementation, and evaluation of programs that meet both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $400,000 for fiscal year *1994*.".

Subtitle G—Confidentiality for Abused Persons

SEC. 271. CONFIDENTIALITY OF ABUSED PERSON'S ADDRESS.

Not later than 90 days after enactment of this Act, the United States Postal Service shall promulgate regulations to secure the confidentiality of domestic violence shelters and abused persons' addresses consistent with the following guidelines:

(1) Confidentiality shall be provided to a person upon the presentation to an appropriate postal official of a valid court order or a police report documenting abuse.

(2) Confidentiality shall be provided to any domestic violence shelter upon presentation to an appropriate postal authority of proof from a State domestic violence coalition (within the meaning of section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410)) verifying that the organization is a domestic violence shelter.

(3) Disclosure of addresses to State or Federal agencies for legitimate law enforcement or other governmental purposes shall not be prohibited.

(4) Compilations of addresses existing at the time the order is presented to an appropriate postal official shall be excluded from the scope of the proposed regulations.

Subtitle H—Technical Amendments

SEC. 281. DEFINITIONS.

Section 309(5)(B) of the Family Violence Prevention and Services Act (42 U.S.C. 10408(5)(B)) is amended by inserting "or other supportive services" before "by peers individually or in groups,".

SEC. 282. SPECIAL ISSUE RESOURCE CENTERS.

(a) GRANTS.—Section 308(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)(2)) is amended by striking "six" and inserting "seven".

(b) FUNCTIONS.—Section 308(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(c)) is amended—

(1) by striking the period at the end of paragraph (6) and inserting ", including the issuance and enforcement of protection orders."; and

(2) by adding at the end the following new paragraph:

"(7) Providing technical assistance and training to State domestic violence coalitions.".

SEC. 283. STATE DOMESTIC VIOLENCE COALITIONS.

Section 311(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) working with local domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence within the State, including—

"(A) training and technical assistance for local programs and professionals working with victims of domestic violence;

"(B) planning and conducting State needs assessments and planning for comprehensive services;

"(C) serving as an information clearinghouse and resource center for the State; and

"(D) collaborating with other governmental systems which affect battered women;";

(3) in paragraph (2)(K), as redesignated by paragraph (1), by striking "and court officials and other professionals" and inserting ", judges, court officers and other criminal justice professionals,";

(4) in paragraph (3), as redesignated by paragraph (1)—

(A) by inserting ", criminal court judges," after "family law judges," each place it appears;

(B) in subparagraph (F), by inserting "custody" after "temporary"; and

(C) in subparagraph (H), by striking "supervised visitations that do not endanger victims and their children," and inserting "supervised visitations or denial of visitation to protect against danger to victims or their children"; and

(5) in paragraph (4), as redesignated by paragraph (1), by inserting ", including information aimed at underserved racial, ethnic or language-minority populations" before the semicolon.

Subtitle I—Data and Research

SEC. 291. RESEARCH AGENDA.

(a) REQUEST FOR CONTRACT.—The Director of the National Institute of Justice shall request the National Academy of Sciences, through its National Research Council, to enter into a contract to develop a research agenda to increase the understanding and control of violence against women, including rape and domestic violence. In furtherance of the contract, the National Academy shall convene a panel of nationally recognized experts on violence against women, in the fields of law, medicine, criminal justice and the social sciences. In setting the agenda, the Academy shall focus primarily upon preventive, educative, social, and legal strategies. Nothing in this section shall be construed to invoke the terms of the Federal Advisory Committee Act.

(b) DECLINATION OF REQUEST.—If the National Academy of Sciences declines to conduct the study and develop a research agenda, it shall recommend a nonprofit private entity that is qualified to conduct such a study. In that case, the Director of the National Institute of Justice shall carry out subsection (a) through the nonprofit private entity recommended by the Academy. In either case, whether the study is conducted by the National Academy of Sciences or by the nonprofit group it recommends, the funds for the contract shall be made available from sums appropriated for the conduct of research by the National Institute of Justice.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives, the Committee on the Judiciary of the Senate, and the Attorney General's Task Force on Violence Against Women.

SEC. 292. STATE DATABASES.

(a) IN GENERAL.—The National Institute of Justice, in conjunction with the Bureau of Justice Statistics, shall study and report to the States and to Congress on how the States may collect centralized databases on the incidence of domestic violence offenses within a State.

(b) CONSULTATION.—In conducting its study, the National Institute of Justice shall consult persons expert in the collection of criminal justice data, State statistical administrators, law enforcement personnel, and nonprofit nongovernmental agencies that provide direct services to victims of domestic violence. The Institute's final report shall set forth the views of the persons consulted on the Institute's recommendations.

(c) REPORT.—The Director of the National Institute of Justice shall ensure that no later than 9 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made is submitted to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

SEC. 293. NUMBER AND COST OF INJURIES.

(a) STUDY.—The Secretary of Health and Human Services, acting through the Centers for Disease Control Injury Control Division, shall conduct a study to obtain a national projection of the incidence of injuries resulting from domestic violence, the cost of injuries to health care facilities, and recommend health care strategies for reducing the incidence and cost of such injuries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000 for fiscal year *1994*.

TITLE III—CIVIL RIGHTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Civil Rights Remedies for Gender-Motivated Violence Act".

SEC. 302. CIVIL RIGHTS.

(a) FINDINGS.—The Congress finds that—

(1) crimes motivated by the victim's gender constitute bias crimes in violation of the victim's right to be free from discrimination on the basis of gender;

(2) current law provides a civil rights remedy for gender crimes committed in the workplace, but not for gender crimes committed on the street or in the home;

(3) State and Federal criminal laws do not adequately protect against the bias element of gender-motivated crimes, which separates these crimes from acts of random violence, nor do those laws adequately provide victims of gender-motivated crimes the opportunity to vindicate their interests;

(4) existing bias and discrimination in the criminal justice system often deprives victims of gender-motivated crimes of equal protection of the laws and the redress to which they are entitled;

(5) gender-motivated violence has a substantial adverse effect on interstate commerce, by deterring potential victims from traveling interstate, from engaging in employment in interstate business, and from transacting with business, and in places involved, in interstate commerce;

(6) gender-motivated violence has a substantial adverse effect on interstate commerce, by diminishing national productivity, increasing medical and other costs, and decreasing the supply of and the demand for interstate products;

(7) a Federal civil rights action as specified in this section is necessary to guarantee equal protection of the laws and to reduce the substantial adverse effects of gender-motivated violence on interstate commerce; and

(8) victims of gender-motivated violence have a right to equal protection of the laws, including a system of justice that is unaffected by bias or discrimination and that, at every relevant stage, treats such crimes as seriously as other violent crimes.

(b) RIGHT TO BE FREE FROM CRIMES OF VIOLENCE.—All persons within the United States shall have the right to be free from crimes of violence motivated by gender (as defined in subsection (d)).

(c) CAUSE OF ACTION.—A person (including a person who acts under color of any statute, ordinance, regulation, custom, or usage of any State) who commits a crime of violence motivated by gender and thus deprives another of the right declared in subsection (b) shall be liable to the party injured, in an action for the recovery of compensatory and punitive damages, injunctive and declaratory relief, and such other relief as a court may deem appropriate.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "crime of violence motivated by gender" means a crime of violence committed because of gender or on the basis of gender; and due, at least in part, to an animus based on the victim's gender;

(2) the term "crime of violence" means—

(A) an act or series of acts that would constitute a felony against the person or that would constitute a felony against property if the conduct presents a serious risk of physical injury to another, and that would come within the meaning of State or Federal offenses described in section 16 of title 18, United States Code, whether or not those acts have actually resulted in criminal charges, prosecution, or conviction and whether or not those acts were committed in the special maritime, territorial, or prison jurisdiction of the United States; and

(B) includes an act or series of acts that would constitute a felony described in subparagraph (A) but for the relationship between the person who takes such action and the individual against whom such action is taken.

(e) LIMITATION AND PROCEDURES.—

(1) LIMITATION.—Nothing in this section entitles a person to a cause of action under subsection (c) for random acts of violence unrelated to gender or for acts that cannot be demonstrated, by a preponderance of the evidence, to be motivated by gender (within the meaning of subsection (d)).

(2) NO PRIOR CRIMINAL ACTION.—Nothing in this section requires a prior criminal complaint, prosecution, or conviction to establish the elements of a cause of action under subsection (c).

(3) CONCURRENT JURISDICTION.—The Federal and State courts shall have concurrent jurisdiction over actions brought pursuant to this title.

(4) PENDENT JURISDICTION.—Neither section 1367 of title 28, United States Code, nor subsection (c) of this section shall be construed, by reason of a claim arising under such subsection, to confer on the courts of the United States jurisdiction over any State law claim seeking the establishment of a divorce, alimony, equitable distribution of marital property, or child custody decree.

(5) LIMITATION ON REMOVAL.—Section 1445 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d) A civil action in any State court arising under section 302 of the Violence Against Women Act of 1993 may not be removed to any district court of the United States.".

SEC. 303. ATTORNEY'S FEES.

Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended in the last sentence—

(1) by striking "or" after "Public Law 92-318,"; and

(2) by inserting ", or title III of the Violence Against Women Act of 1993," after "1964".

SEC. 304. SENSE OF THE SENATE CONCERNING PROTECTION OF THE PRIVACY OF RAPE VICTIMS.

(a) FINDINGS AND DECLARATION.—The Congress finds and declares that—

(1) there is a need for a strong and clear Federal response to violence against women, particularly with respect to the crime of rape;

(2) rape is an abominable and repugnant crime, and one that is severely underreported to law enforcement authorities because of its stigmatizing nature;

(3) the victims of rape are often further victimized by a criminal justice system that is insensitive to the trauma caused by the crime and are increasingly victimized by news media that are insensitive to the victim's emotional and psychological needs;

(4) rape victims' need for privacy should be respected;

(5) rape victims need to be encouraged to come forward and report the crime of rape without fear of being revictimized through involuntary public disclosure of their identities;

(6) rape victims need a reasonable expectation that their physical safety will be protected against retaliation or harassment by an assailant;

(7) the news media should, in the exercise of their discretion, balance the public's interest in knowing facts reported by free news media against important privacy interests of a rape victim, and an absolutist view of the public interest leads to insensitivity to a victim's privacy interest; and

(8) the public's interest in knowing the identity of a rape victim is small compared with the interests of maintaining the privacy of rape victims and encouraging rape victims to report and assist in the prosecution of the crime of rape.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that news media, law enforcement officers, and other persons should exercise restraint and respect a rape victim's privacy by not disclosing the victim's identity to the general public or facilitating such disclosure without the consent of the victim.

TITLE IV—SAFE CAMPUSES FOR WOMEN

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 1541(i) of the Higher Education Amendments of 1992 (20 U.S.C. 1145h(i)) is amended to read as follows:

"(i) For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1994 and such sums as are necessary for fiscal years 1995, 1996, and 1997.".

TITLE V—EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT

SECTION 501. SHORT TITLE.

This title may be cited as the "Equal Justice for Women in the Courts Act of 1993".

Subtitle A—Education and Training for Judges and Court Personnel in State Courts

SEC. 511. GRANTS AUTHORIZED.

The State Justice Institute may award grants for the purpose of developing, testing, presenting, and disseminating model programs to be used by States in training judges and court personnel in the laws of the States on rape, sexual assault, domestic violence, and other crimes of violence motivated by the victim's gender.

SEC. 512. TRAINING PROVIDED BY GRANTS.

Training provided pursuant to grants made under this subtitle may include current information, existing studies, or current data on—

(1) the nature and incidence of rape and sexual assault by strangers and nonstrangers, marital rape, and incest;

(2) the underreporting of rape, sexual assault, and child sexual abuse;

(3) the physical, psychological, and economic impact of rape and sexual assault on the victim, the costs to society, and the implications for sentencing;

(4) the psychology of sex offenders, their high rate of recidivism, and the implications for sentencing;

(5) the historical evolution of laws and attitudes on rape and sexual assault;

(6) sex stereotyping of female and male victims of rape and sexual assault, racial stereotyping of rape victims and defendants, and the impact of such stereotypes on credibility of witnesses, sentencing, and other aspects of the administration of justice;

(7) application of rape shield laws and other limits on introduction of evidence that may subject victims to improper sex stereotyping and harassment in both rape and nonrape cases, including the need for sua sponte judicial intervention in inappropriate cross-examination;

(8) the use of expert witness testimony on rape trauma syndrome, child sexual abuse accommodation syndrome, post-traumatic stress syndrome, and similar issues;

(9) the legitimate reasons why victims of rape, sexual assault, and incest may refuse to testify against a defendant;

(10) the nature and incidence of domestic violence;

(11) the physical, psychological, and economic impact of domestic violence on the victim, the costs to society, and the implications for court procedures and sentencing;

(12) the psychology and self-presentation of batterers and victims and the implications for court proceedings and credibility of witnesses;

(13) sex stereotyping of female and male victims of domestic violence, myths about presence or absence of domestic violence in certain racial, ethnic, religious, or socioeconomic groups, and their impact on the administration of justice;

(14) historical evolution of laws and attitudes on domestic violence;

(15) proper and improper interpretations of the defenses of self-defense and provocation, and the use of expert witness testimony on battered woman syndrome;

(16) the likelihood of retaliation, recidivism, and escalation of violence by batterers, and the potential impact of incarceration and other meaningful sanctions for acts of domestic violence including violations of orders of protection;

(17) economic, psychological, social and institutional reasons for victims' inability to leave the batterer, to report domestic violence or to follow through on complaints, including the influence of lack of support from police, judges, and court personnel, and the legitimate reasons why victims of domestic violence may refuse to testify against a defendant;

(18) the need for orders of protection, and the implications of mutual orders of protection, dual arrest policies, and mediation in domestic violence cases;

(19) recognition of and response to gender-motivated crimes of violence other than rape, sexual assault and domestic violence, such as mass or serial murder motivated by the gender of the victims; and

(20) current information on the impact of pornography on crimes against women, or data on other activities that tend to degrade women.

SEC. 513. COOPERATION IN DEVELOPING PROGRAMS IN MAKING GRANTS UNDER THIS TITLE.

The State Justice Institute shall ensure that model programs carried out pursuant to grants made under this subtitle are developed with the participation of law enforcement officials, public and private nonprofit victim advocates, legal experts, prosecutors, defense attorneys, and recognized experts on gender bias in the courts.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $600,000 for fiscal year 1994. Of amounts appropriated under this section, the State Justice Institute shall expend no less than 40 percent on model programs regarding domestic violence and no less than 40 percent on model programs regarding rape and sexual assault.

Subtitle B—Education and Training for Judges and Court Personnel in Federal Courts

SEC. 521. AUTHORIZATIONS OF CIRCUIT STUDIES; EDUCATION AND TRAINING GRANTS.

(a) STUDY.—In order to gain a better understanding of the nature and the extent of gender bias in the Federal courts, the circuit judicial councils are encouraged to conduct studies of the instances, if any, of gender bias in their respective circuits. The studies may include an examination of the effects of gender on—

(1) the treatment of litigants, witnesses, attorneys, jurors, and judges in the courts, including before magistrate and bankruptcy judges;

(2) the interpretation and application of the law, both civil and criminal;

(3) treatment of defendants in criminal cases;

(4) treatment of victims of violent crimes;

(5) sentencing;

(6) sentencing alternatives, facilities for incarceration, and the nature of supervision of probation and parole;

(7) appointments to committees of the Judicial Conference and the courts;

(8) case management and court sponsored alternative dispute resolution programs;

(9) the selection, retention, promotion, and treatment of employees;

(10) appointment of arbitrators, experts, and special masters; and

(11) the aspects of the topics listed in section 512 that pertain to issues within the jurisdiction of the Federal courts.

(b) CLEARINGHOUSE.—The Judicial Conference of the United States shall designate an entity within the Judicial branch to act as a clearinghouse to disseminate any reports and materials issued by the gender bias task forces under subsection (a) and to respond to requests for such reports and materials. The gender bias task forces shall provide this entity with their reports and related material.

(c) MODEL PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, may—

(1) include in the educational programs it presents and prepares, including the training programs for newly appointed judges, information on issues related to gender bias in the courts including such areas as are listed in subsection (a) along with such other topics as the Federal Judicial Center deems appropriate;

(2) prepare materials necessary to implement this subsection; and

(3) take into consideration the findings and recommendations of the studies conducted pursuant to subsection (a), and to consult with individuals and groups with relevant expertise in gender bias issues as it prepares or revises such materials.

SEC. 522. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) $400,000 to the Salaries and Expenses Account of the Courts of Appeals, District Courts, and other Judicial Services, to carry out section 521(a), to be available until expended through fiscal year *1995*;

(2) $100,000 to the Federal Judicial Center to carry out section 521(c) and any activities designated by the Judicial Conference under section 521(b); and

(3) such sums as are necessary to the Administrative Office of the United States Courts to carry out any activities designated by the Judicial Conference under section 521(b).

(b) THE JUDICIAL CONFERENCE OF THE UNITED STATES.—(1) The Judicial Conference of the United States Courts shall allocate funds to Federal circuit courts under this subtitle that—

(A) undertake studies in their own circuits; or

(B) implement reforms recommended as a result of such studies in their own or other circuits, including education and training.

(2) Funds shall be allocated to Federal circuits under this subtitle on a first come first serve basis in an amount not to exceed $50,000 on the first application. If within 6 months after the date on which funds authorized under this Act become available, funds are still available, circuits that have received funds may reapply for additional funds, with not more than $200,000 going to any one circuit.

TITLE VI—VIOLENCE AGAINST WOMEN ACT IMPROVEMENTS

SEC. 601. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.

Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) any felony under chapter 109A or chapter 110.".

SEC. 602. INCREASED PENALTIES FOR SEX OFFENSES AGAINST VICTIMS BELOW THE AGE OF 16.

Section 2245(2) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "; and" at the end of subparagraph (C) and inserting "; or"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;".

SEC. 603. PAYMENT OF COST OF HIV TESTING FOR VICTIMS IN SEX OFFENSE CASES.

Section 503(c)(7) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)(7)) is amended by adding at the end the following: "The Attorney General shall authorize the Director of the Office of Victims of Crime to provide for the payment of the cost of up to two tests of the victim for the human immunodeficiency virus during the 12 months following a serious assault, and the cost of a counseling session by a medically trained professional on the accuracy of such tests and the risk of transmission of the human immunodeficiency virus to the victim as the result of the assault.".

SEC. 604. EXTENSION AND STRENGTHENING OF RESTITUTION.

Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (2) by inserting "including an offense under chapter 109A or chapter 110" after "an offense resulting in bodily injury to a victim";

(2) by striking "and" at the end of paragraph (3);

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and".

SEC. 605. ENFORCEMENT OF RESTITUTION ORDERS THROUGH SUSPENSION OF FEDERAL BENEFITS.

Section 3663 of title 18, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

"(g)(1) If the defendant is delinquent in making restitution in accordance with any schedule of payments or any requirement of immediate payment imposed under this section, the court may, after a hearing, suspend the defendant's eligibility for all Federal benefits until such time as the defendant demonstrates to the court good-faith efforts to return to such schedule.

"(2) In this subsection—

"(A) 'Federal benefits'—

"(i) means any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or appropriated funds of the United States; and

"(ii) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

"(B) 'veterans benefit' means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States.".

SEC. 606. INADMISSIBILITY OF EVIDENCE TO SHOW PROVOCATION OR INVITATION BY VICTIM IN SEX OFFENSE CASES.

(a) RULE.—The Federal Rules of Evidence, as amended by section 154, are amended by adding after rule 413 the following new rule:

"Rule 414. Inadmissibility of Evidence to Show Invitation or Provocation by Victim in Sexual Abuse Cases

"In a criminal case in which a person is accused of an offense involving conduct proscribed by chapter 109A of title 18, United States Code, evidence is not admissible to show that the alleged victim invited or provoked the commission of the offense. This rule does not limit the admission of evidence of consent by the alleged victim if the issue of consent is relevant to liability and the evidence is otherwise admissible under these rules.".

(b) TECHNICAL AMENDMENT.—The table of contents for the Federal Rules of Evidence, as amended by section 4, is amended by inserting after the item relating to rule 413 the following new item:

"414. Inadmissibility of evidence to show invitation or provocation by victim in sexual abuse cases.".

SEC. 607. NATIONAL BASELINE STUDY ON CAMPUS SEXUAL ASSAULT.

(a) STUDY.—The Attorney General shall provide for a national baseline study to examine the scope of the problem of campus sexual assaults and the effectiveness of institutional and legal policies in addressing such crimes and protecting victims. The Attorney General may utilize the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime in carrying out this section.

(b) REPORT.—Based on the study required by subsection (a), the Attorney General shall prepare a report including an analysis of—

(1) the number of reported allegations and estimated number of unreported allegations of campus sexual assaults, and to whom the allegations are reported (including authorities of the educational institution, sexual assault victim service entities, and local criminal authorities);

(2) the number of campus sexual assault allegations reported to authorities of educational institutions which are reported to criminal authorities;

(3) the number of campus sexual assault allegations that result in criminal prosecution in comparison with the number of non-campus sexual assault allegations that result in criminal prosecution;

(4) Federal and State laws or regulations pertaining specifically to campus sexual assaults;

(5) the adequacy of policies and practices of educational institutions in addressing campus sexual assaults and protecting victims, including consideration of—

(A) the security measures in effect at educational institutions, such as utilization of campus police and security guards, control over access to grounds and buildings, supervision of student activities and student living arrangements, control over the consumption of alcohol by students, lighting, and the availability of escort services;

(B) the articulation and communication to students of the institution's policies concerning sexual assaults;

(C) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local criminal authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(D) the nature and availability of victim services for victims of campus sexual assaults;

(E) the ability of educational institutions' disciplinary processes to address allegations of sexual assault adequately and fairly;

(F) measures that are taken to ensure that victims are free of unwanted contact with alleged assailants, and disciplinary sanctions that are imposed when a sexual assault is determined to have occurred; and

(G) the grounds on which educational institutions are subject to lawsuits based on campus sexual assaults, the resolution of these cases, and measures that can be taken to avoid the likelihood of lawsuits and civil liability;

(6) an assessment of the policies and practices of educational institutions that are of greatest effectiveness in addressing campus sexual assaults and protecting victims, including policies and practices relating to the particular issues described in paragraph (5); and

(7) any recommendations the Attorney General may have for reforms to address campus sexual assaults and protect victims more effectively, and any other matters that the Attorney General deems relevant to the subject of the study and report required by this section.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to the Congress no later than September 1, 1995.

(d) DEFINITION.—For purposes of this section, "campus sexual assaults" includes sexual assaults occurring at institutions of postsecondary education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated $200,000 to carry out the study required by this section.

SEC. 608. REPORT ON BATTERED WOMEN'S SYNDROME.

(a) REPORT.—The Attorney General shall prepare and transmit to the Congress a report on the status of battered women's syndrome as a medical and psychological condition and on its effect in criminal trials. The Attorney General may utilize the National Institute of Justice to obtain information required for the preparation of the report.

(b) COMPONENTS OF REPORT.—The report described in subsection (a) shall include—

(1) a review of medical and psychological views concerning the existence, nature, and effects of battered women's syndrome as a psychological condition;

(2) a compilation of judicial decisions that have admitted or excluded evidence of battered women's syndrome as evidence of guilt or as a defense in criminal trials; and

(3) information on the views of judges, prosecutors, and defense attorneys concerning the effects that evidence of battered women's syndrome may have in criminal trials.

SEC. 609. REPORT ON CONFIDENTIALITY OF ADDRESSES FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) REPORT.—The Attorney General shall conduct a study of the means by which abusive spouses may obtain information concerning the addresses or locations of estranged or former spouses, notwithstanding the desire of the victims to have such information withheld to avoid further exposure to abuse. Based on the study, the Attorney General shall transmit a report to Congress including—

(1) the findings of the study concerning the means by which information concerning the addresses or locations of abused spouses may be obtained by abusers; and

(2) analysis of the feasibility of creating effective means of protecting the confidentiality of information concerning the addresses and locations of abused spouses to protect such persons from exposure to further abuse while preserving access to such information for legitimate purposes.

(b) USE OF COMPONENTS.—The Attorney General may use the National Institute of Justice and the Office for Victims of Crime in carrying out this section.

SEC. 610. REPORT ON RECORDKEEPING RELATING TO DOMESTIC VIOLENCE.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall complete a study of, and shall submit to Congress a report and recommendations on, problems of recordkeeping of criminal complaints involving domestic violence. The study and report shall examine—

(1) the efforts that have been made by the Department of Justice, including the Federal

Bureau of Investigation, to collect statistics on domestic violence; and

(2) the feasibility of requiring that the relationship between an offender and victim be reported in Federal records of crimes of aggravated assault, rape, and other violent crimes.

SEC. 611. REPORT ON FAIR TREATMENT IN LEGAL PROCEEDINGS.

Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall review and make recommendations, and report to Congress, regarding the advisability of creating Federal rules of professional conduct for lawyers in Federal cases involving sexual misconduct that—

(1) protect litigants from a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants;

(2) counsel against reliance on generalizations or stereotypes that demean, disgrace, or humiliate on the basis of gender;

(3) protect litigants from a course of conduct intended solely to increase the expense of litigation; and

(4) prohibit counsel from offering evidence that the lawyer knows to be false or from discrediting evidence the lawyer knows to be true.

SEC. 612. REPORT ON FEDERAL RULE OF EVIDENCE 404.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference shall complete a study of, and shall submit to Congress recommendations for amending, rule 404 of the Federal Rules of Evidence as it affects the admission of evidence of a defendant's prior sex crimes in cases brought pursuant to chapter 109A or other cases involving sexual misconduct.

(b) SPECIFIC ISSUES.—The study described in subsection (a) shall include—

(1) a survey of existing law on the introduction of prior similar sex crimes under State and Federal evidentiary rules;

(2) a recommendation concerning whether rule 404 should be amended to introduce evidence of prior sex crimes and, if so—

(A) whether such acts could be used to prove the defendant's propensity to act therewith; and

(B) whether evidence of prior similar sex crimes should be admitted for purposes other than to show character;

(3) a recommendation concerning whether evidence of similar acts, if admitted, should meet a threshold of similarity to the crime charged;

(4) a recommendation concerning whether evidence of similar acts, if admitted, should be limited to a certain time period (such as 10 years); and

(5) the effect, if any, of the adoption of any proposed changes on the admissibility of evidence under rule 412 of the Federal Rules of Evidence.

SEC. 613. SUPPLEMENTARY GRANTS FOR STATES ADOPTING EFFECTIVE LAWS RELATING TO SEXUAL VIOLENCE.

(a) IN GENERAL.—The Attorney General may, in each fiscal year, award an aggregate amount of up to $1,000,000 to a State that meets the eligibility requirements of subsection (b).

(b) ELIGIBILITY.—The authority to award additional funding under this section is conditional on certification by the Attorney General that the State has laws or policies relating to sexual violence that exceed or are reasonably comparable to the provisions of Federal law (including changes in Federal law made by this Act) in the following areas:

(1) Provision of training and policy development programs for law enforcement officers, prosecutors, and judges concerning the investigation and prosecution of sexual offenses.

(2) Authorization of law enforcement and prosecutorial units and teams that target sexual violence.

(3) Funding of victim services programs for victims of sexual violence.

(4) Authorization of educational and informational programs relating to sexual violence.

(5) Authorization of pretrial detention of defendants in sexual assault cases where provision of flight or the safety of others cannot be reasonably assured by other means.

(6) Authorization of serious penalties for nonconsensual sexual assault offenses.

(7) Payment of the cost of medical examinations and testing by the victim for sexually transmitted diseases.

(8) Provision of rape shield protection to ensure that victims of sexual assault are protected from inquiry into unrelated sexual behavior in sexual assault cases.

(9) Provision of rules of professional conduct intended to protect against a course of conduct intended solely for the purpose of distressing, harassing, embarrassing, burdening, or inconveniencing litigants in sexual assault cases.

(10) Authorization of the presence of the victim in the courtroom at the time of trial and provides for the victim's addressing the court concerning the sentence to be imposed.

(11) Authorization of awards of restitution to victims of sexual assaults as part of a criminal sentence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section.

On page 292, lines 6 and 7, strike "the prisoner" and insert "a prisoner convicted of a nonviolent offense".

On page 26, line 16, strike "$620,000,000" and insert "$1,035,000,000", and on line 17, strike "$1,040,000,000" and insert "$1,720,000,000"

On page 27, line 1, strike "$1,160,000,000" and insert "$2,070,000,000" and on line 2, strike "$1,225,000,000" and insert "$2,270,000,000" and on line 3, strike "$1,200,000,000" and insert "$1,900,000,000".

At the appropriate place in the bill, insert the following:

VIOLENT CRIME REDUCTION TRUST FUND

SEC. 1321A. PURPOSES.

The Congress declares it essential—

(1) to fully fund the control and prevention of violent crime authorized in this Act over the next 5 years.

(2) to ensure orderly limitation and reduction of Federal Government employment, as recommended by the Report of the National Performance Review, conducted by the Vice President; and

(3) to apply sufficient amounts of the savings achieved by limiting Government employment to the purpose of ensuring full funding of this Act over the next 5 years.

SEC. 1321B. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) DEFINITION.—For purposes of this section, the term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

(1) 2,095,182 during fiscal year 1994;

(2) 2,044,100 during fiscal year 1995;

(3) 2,003,846 during fiscal year 1996;

(4) 1,963,593 during fiscal year 1997; and

(5) 1,923,339 during fiscal year 1998.

(c) MONITORING AND NOTIFICATION.—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) COMPLIANCE.—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—Any provision of this section may be waived upon—

(1) a determination by the President of the existence of war or a national security requirement; or

(2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 1321C. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) ESTABLISHMENT OF THE ACCOUNT.—Chapter 11 of title 31, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1115. Violent crime reduction trust fund.

"(a) There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund", into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

"(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

"(1) for fiscal year 1994, $720,000,000;

"(2) for fiscal year 1995, $2,423,000,000;

"(3) for fiscal year 1996, $4,267,000,000;

"(4) for fiscal year 1997, $6,313,000,000; and

"(5) for fiscal year 1998, $8,545,000,000.

"(c) Notwithstanding any other provision of law—

"(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

"(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

"(3) for purposes of this subsection, "appropriations under paragraph (1)" mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.".

(b) LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(91) Violent Crime Reduction Trust Fund.".

(c) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(29) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund."

"(30) An analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 1321B of the Violent Crime Control and Law Enforcement Act of 1993.

SEC. 1321D. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

(1) for fiscal year 1994, for the discretionary category: $720,000,000 in new budget authority and $314,000,000 in outlays;

(2) for fiscal year 1995, for the discretionary category: $2,423,000,000 in new budget authority and $2,330,000,000 in outlays;

(3) for fiscal year 1996, for the discretionary category: $4,287,000,000 in new budget authority and $4,184,000,000 in outlays;

(4) for fiscal year 1997, for the discretionary category: $6,313,000,000 in new budget authority and $6,221,000,000 in outlays;

(5) for fiscal year 1998, for the discretionary category: $8,545,000,000 in new budget authority and $8,443,000,000 in outlays.

BOXER AMENDMENT NO. 1104

Mrs. BOXER proposed an amendment to the bill S. 1607, supra; as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Presidential Submit on Violence

SEC. 1731. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) violence in America has reached epidemic proportions;

(2) this epidemic reaches into communities large and small, affects the richest and the poorest among us, touches people of every ethnic and economic background, and affects all institutions, both public and private;

(3) actual violence and depictions of violence are so pervasive that they have an enormous impact on the lives and character of our children.

(4) every person, group, and institution in America has a role to play in ending the epidemic of violence; and

(5) we need a national conference in order to develop a shared understanding of the causes of violence in America and to build a national consensus on the solutions to this epidemic.

SEC. 1732. PRESIDENTIAL SUMMIT ON VIOLENCE.

Congress calls on the President to convene as soon as possible a national summit on violence in America. The President is urged to include participants from all regions of the country and all walks of life, both public and private.

DOLE AMENDMENT NO. 1105

Mr. DOLE proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, add the following:

SEC. 121. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

"Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

"(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant's commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "offense of sexual assault" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code;

"(2) contact, without consent, between any part of the defendant's body or an object and the genitals or anus of another person;

"(3) contact, without consent, between the genitals or anus of the defendant and any part of another person's body;

"(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

"(5) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

"Rule 414. Evidence of Similar Crimes in Child Molestation Cases

"(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant's commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

"(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

"(d) For purposes of this rule and Rule 415, "child" means a person below the age of fourteen, and "offense of child molestation" means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

"(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

"(2) any conduct proscribed by chapter 110 of title 18, United States Code;

"(3) contact between any part of the defendant's body or an object and the genitals or anus of a child;

"(4) contact between the genitals or anus of the defendant and any part of the body of a child;

"(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

"(6) an attempt or conspiracy to engage in conduct described in a paragraphs (1)–(5).

"Rule 415. Evidence of Similar Act in Civil Cases Concerning Sexual Assault or Child Molestation

"(a) In a civil case in which a claim for damages or other relief is predicated on a party's alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party's commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these rules.

"(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trail or at such later time as the court may allow for good cause.

"(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule."

COMPREHENSIVE CHILD IMMUNIZATION ACT OF 1993

KENNEDY (AND KASSEBAUM) AMENDMENT NO. 1106

Mr. BIDEN (for Mr. KENNEDY for himself and Mrs. KASSEBAUM) proposed an amendment to the bill (S. 732) to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes; as follows:

On page 31, line 4, strike "and".

On page 31, line 8, strike the period and insert "; and".

On page 31, between lines 8 and 9, insert the following:

"(C) has in effect such laws and regulations as may be necessary to ensure the following safeguards for the rights of parents:

"(i) An exemption for the parent, upon the request of the parent, from the requirements established by the State, pursuant to this part, for the collection of data described in subsections (b) and (c) of section 2147, or the collection of any other data regarding any child of the parent that the State may require for incorporation in the State immunization registry.

"(ii) Restrictions ensuring that no information relating to a child or to the parent or guardian of a child that is collected or maintained by the State immunization registry pursuant to this part, or the national immunization surveillance program established under section 2153, will be used as a basis for the criminal prosecution or the commencement of a criminal investigation of a parent or guardian.".

On page 50, line 3, add after the period the following new sentence: "The Secretary shall give special consideration to those States that have low childhood immunization rates and that submit plans that demonstrate the State's substantial effort and commitment to improving such rates.".

On page 50, line 8, strike "If the Director" and all that follows through line 15.

On page 50, between lines 19 and 20, insert the following:

"SEC. 2157. PERFORMANCE BASED GRANT PROGRAM.

"(a) ANNUAL REPORT.—Not later than July 1 of each year, a State shall prepare and submit to the Director of the Centers for Disease Control and Prevention a report that contains an estimate (based on a base population sample) of the percentage of 2-year-old residents of the State who have been fully immunized as described in subsection (c).

"(b) PAYMENTS TO STATES.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide to a State that has submitted an annual report under subsection (a) that demonstrates that the State has fully immunized at least 50 percent of the 2-year-old residents of that State, with respect to the year for which the report was prepared, a payment in an amount equal to—

"(A) with respect to a State that has demonstrated the full immunization of at least 50 and less than 64 percent of all 2-year-old residents of the State, $50 multiplied by the number of fully immunized 2-year-old resident children in excess of the number of children equaling such 50 percent amount;

"(B) with respect to a State that has demonstrated the full immunization of at least 65 and less than 70 percent of all 2-year-old residents of the State, $75 multiplied by the number of fully immunized 2-year-old resident children in excess of the number of children equaling such 65 percent amount; and

"(C) with respect to a State that has demonstrated the full immunization of at least 70 and less than 91 percent of all 2-year-old residents of the State, $100 multiplied by the number of fully immunized 2-year-old resident children in excess of the number of children equaling such 70 percent amount.

"(2) USE OF FUNDS.—

"(A) CONDITION.—As a condition of receiving amounts under this section a State that uses a combination of Federal and State funds in achieving the immunization goals described in paragraph (1) shall agree to reinvest, in activities related to improving immunization services, that percentage of the payments to the State under paragraph (1) that is equal to the amount of Federal contributions to immunization services in the State as compared to the amount of the State contributions to such services.

"(B) DISCRETIONARY USE.—A State that has demonstrated that the use of State-only funds was responsible for the increase in the immunization rate which qualified such State for payments under paragraph (1), may use amounts awarded under this section for other purposes, at the discretion of the State.

"(3) VERIFICATION.—Prior to making a payment to a State under this subsection, the Secretary shall, in collaboration with the Centers for Disease Control and Prevention, verify the accuracy of the State report involved.

"(c) DEFINITION.—For purposes of this section, the term 'fully immunized' means a 2 year old child that has received four doses of DTP vaccine (diphtheria, tetanus, pertussis), three doses of polio vaccine, and one dose of MMR (measles, mumps, rubella) vaccine.

On page 61, strike out line 3 and insert the following:

SEC. 5. AMENDMENTS TO THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992.".

On page 63, between lines 6 and 7, insert the following:

(d) PAYMENT OF JUDGMENTS.—Section 224(k)(2) of such Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

On page 63, line 7, strike "(d)" and insert "(e)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, November 4, 1993, at 10 a.m. to hold a hearing on the administration's fair lending enforcement efforts and the release of the 1992 Home Mortgage Disclosure Act data.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. to hear testimony from Office of Management and Budget Director Leon Panetta regarding the administration's health care reform proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, November 4, 1993, at 10 a.m. to hear Secretary of State Christopher on a foreign policy update.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, November 4, 1993, at 5 p.m. to receive a closed briefing from CIA Director Woolsey on the situation in Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, November 4, 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, November 4, 1993, at 9:30 a.m., to hold a markup. The committee will consider the following executive and legislative business: the nomination of Michael F. DiMario, of Maryland, to be Public Printer; H.R. 877, authorization for establishment of National African-American Museum within the Smithsonian Institution; H.R. 2677, authorization for Smithsonian Institution to plan, design, and construct the West Court of the Natural History Museum; Senate Joint Resolution 143, appointment of Frank Anderson Shrontz as a Smithsonian citizen regent; Senate Joint Resolution 144, appointment of Manuel Luis Ibáñez as a Smithsonian citizen regent; S. 716, Vegetable Ink Printing Act of 1993; and an original resolution to authorize printing of Senate Election Law Guidebook.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 4, 1993, at 2:30 p.m. to hold an open hearing on NAFTA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 4, 1993, to receive testimony on ocean mining technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING, AND SOLID WASTE MANAGEMENT

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling, and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, November 4, beginning at 9:30 a.m., to conduct a hearing on the Superfund liability scheme.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NAFTA

• Mr. WELLSTONE. Mr. President, I have been gratified by the healthy democratization of the trade-policy debate prompted by the proposed North American Free-Trade Agreement [NAFTA]. The broad involvement of citizens in debate over a policy area previously reserved mainly for small circles of experts, bureaucrats and trade lawyers has led to a public focus on the right kind of questions: Would NAFTA help the United States, Canada, and Mexico pursue a high-wage/high-skill strategy of growth and global competition? Would it promote environmental and consumer protection? Would it contribute to development and democracy?

In my opinion, Mr. President, NAFTA fails this new democratic test. It is a backward-looking document. It seeks to revive 1980's-style, trickle-down economics at the continental level. It would place downward pressure on hard-won environmental and consumer standards. And it relaxes our principled linkage of trade privileges to human rights performance.

A letter I would like to include in the RECORD today is not only an example of the kind of expression that has so enriched our trade policy debate, it also is a perfect illustration of why NAFTA is in such trouble now. Americans voted for change in the 1992 Presidential election. NAFTA is more of the failed old economic policy of disinvestment and deregulation. This letter explains why informed, concerned Americans are rejecting NAFTA.

Mr. President, I ask that this letter to the editor from Alec Porte of Minneapolis, published in the New York Times on October 27 of this year, be included in the RECORD following my remarks.

The letter follows:

RETHINK THE AGREEMENT

To the Editor:

Giving in to the pie-in-sky hopes expressed by supporters of the North American Free-Trade Agreement is not what I would expect of William Safire. "Laughter After Nafta" (column, Oct. 21) is no joking matter for tens of thousand of American workers on unemployment lines today or heading toward them in the future.

Mr. Safire's willingness to throw some people out of work now to help our kids get better jobs tomorrow is disingenuous. The trade agreement will not lose any jobs for economists or political columnists, but it will accelerate the outflow of factory and craft-worker jobs that have been sliding south to the sweatshops along our border with Mexico and eastward to Taiwan and other offshore factories.

What are the jobs that will benefit tomorrow's workers to which Mr. Safire alludes? Does he expect our unemployed and underemployed workers to wait two or three generations or forever, for Mexican and other Southern Hemisphere laborers to turn into big ticket consumers?

As our economy is significantly driven by middle-class consumer purchases, the outflight of jobs to Mexico can only serve to shrink our pool of workers with discretionary income to spend. It's already happening. What economic quid pro quo will Mexico supply, and how long will it take to generate?

With unemployment at record highs, particularly for minority youngsters, the United States neither today nor tomorrow can afford the price of providing improved income to Mexican workers and also to the run-away United States industries enjoying low-cost labor rates. We cannot reasonably expect all the next generation of Americans to be highly skilled technical-professional class employees. We can't expect all future workers to be college educated.

The United States will always need assembly, semiskilled and unskilled workers. How can we keep these jobs within our borders with the trade agreement sending them south?

The trade agreement does not answer America's need for work opportunities today or tomorrow, and realistically, it certainly does not guarantee an evolving middle class south of the border. Mexico's population is one of the fastest growing in the world. And the free trade treaty will not provide jobs equal to this exponentially exploding birthrate.

Mr. Safire also envisions a North American marketplace 370 million strong to keep Europe and Asia from "ganging up." Predictions for a Europe as an implacable economic entity have been set on their ear lately by the unwillingness of members of the European Community to give up enough monetary sovereignty, cultural independence or border control to make such a competitive monolith an impending threat to our economy.

We have yet to see Asia evolve as a solidified economic force aimed at North America. The Asian countries are tough enough competitors separately. But the competition among China, Japan, Korea and a half-dozen smaller Pacific countries is too dynamic to foresee a unified economic community rising out of the East.

We will have to rethink the North American Free Trade Agreement and possibly redraft it to conform to the realities of a United States in need of more work. We certainly cannot think of our country as an island economy unto itself. But it is also adjusting to a hemorrhage of industrial jobs and is still without a program for keeping its workers employed. The trade agreement will not help solve these needs.

Things to do within our borders include tax credits to businesses, small and large, that invest in job-producing research and development, and create training programs, along with increased Federal aid for cities and states filtered through the private sector to help rebuild our crumbling infrastructure or prepare displaced workers for new opportunities. These and not a stronger Mexican economy are more likely solutions to cure the defects of our displaced manufacturing economy. Otherwise the last laugh heard will be Mexico's.

ALEC ANDREW PORTE.

MINNEAPOLIS, *October 22, 1993.*•

ORDERS FOR TOMORROW

Mr. BIDEN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:50 a.m., Friday, November 5, that following the prayer, the Journal of Proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day, that immediately following the Chair's announcement, the Senate resume consideration of S. 1607, with the time until 9 a.m., for debate on the Dole amendment, No. 1105, with the time equally divided and controlled between Senators BIDEN and DOLE; that at 9 a.m., without intervening action or debate, the Senate vote on or in relation to the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:50 A.M. TOMORROW

Mr. BIDEN. Mr. President, other than noting that it is 3 minutes after 12, and my sister's birthday, if there is no further business to come before the Senate today, I ask unanimous consent the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 12:04 a.m., recessed until Friday, November 5, 1993, at 8:50 a.m.

NOMINATIONS

Executive nominations received by the Senate November 4, 1993:

DEPARTMENT OF COMMERCE

RAYMOND E. VICKERY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JAMES D. JAMESON, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LARRY E. BYRNE, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER, RESIGNED.

ASSASSINATION RECORDS REVIEW BOARD

HENRY F. GRAFF, OF NEW YORK, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD. (NEW POSITION)

NATIONAL COUNCIL ON DISABILITY

LARRY BROWN, JR., OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 1995. (REAPPOINTMENT)

DEPARTMENT OF AGRICULTURE

GRANT B. BUNTROCK, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE KEITH D. BJERKE, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD M. SCOFIELD, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

ROBERT D. BLEVINS [redacted]
RAYMOND G. DONLEY, [redacted]
JUAN C. FERNANDEZ [redacted]
JOHN M. GOLDEN [redacted]
DAVID J. HANKO [redacted]
MICHAEL L. MORGAN [redacted]

JONATHAN B. MORROW [redacted]
DOUGLAS B. SALMON [redacted]
BILLY M. STEPHENSON [redacted]
FRANCIS SZALEJKI [redacted]

To be major

ROBERT P. BAINE, II [redacted]
SAMUEL D. BATTEN [redacted]
RICHARD S. KEATING [redacted]
ALAN P. KNOPF [redacted]
KARL J. KUWIK [redacted]
LAWRENCE E. MANNING [redacted]
JERRY C. MCDANIEL [redacted]
CARL B. MCDONALD [redacted]
ROBERT M. MORRISON [redacted]
GEORGE S. RATHJEN [redacted]
JOHN P. RENKAS [redacted]
CALVIN J. ROMRELL [redacted]

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR AIR FORCE IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

MEDICAL CORPS

To be colonel

CHARLES G. KIRBY [redacted]

To be lieutenant colonel

JEFFREY D. BODIN [redacted]
VINCENT F. CARR [redacted]
JAMES B. NORWOOD [redacted]
KEVIN B. WEST [redacted]

To be major

DANIEL K. BERRY [redacted]
BRIAN K. BRZOWSKI [redacted]
ROBERT M. KRUGER [redacted]
JOSEPH R. RITCHIE [redacted]

DENTAL CORPS

To be lieutenant colonel

ANDREW H. LOEB [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

RICHARD C. BESTEDER [redacted]

To be major

*JOHN R. BOOTH [redacted]
*WILFRED R. BRISTOL [redacted]
REX E. CARPENTER [redacted]
*LESLIE G. NORTH [redacted]
*JOEL G. RAYFIELD [redacted]
*DANNY C. RIGGS [redacted]
*MARINUS G. VANDESTEEG [redacted]

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

To be captain

BRETT C. OXMAN [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADES AND DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be captain

GARY C. GROOMS [redacted]
DEBORAH A. SEAMAN [redacted]
MICHAEL J. YAGUCHI [redacted]

IN THE NAVY

THE FOLLOWING NAMED REGULAR OFFICER TO BE REAPPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be ensign, Medical Service Corps, USN, permanent

ROBERT K. TAKESUYE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be lieutenant (junior grade), Supply Corps, USN, permanent

THOMAS E. GRAEBNER
RONALD E. HOFFMANN
STEPHEN L. JENDRYSIK
STEPHEN M. JENNINGS
THOMAS E. JOHNSON
JEFFERY J. MASON
RICHARD M. NALWASKY
FIDENCIO S. PAMPO
DENNIS D. YLAGAN

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

To be ensign, Supply Corps, USN, permanent

GEOFFREY C. GRAHAM
HANS HARTWIG
MICHAEL E. MCNULTY
KEVIN E. PARKER
GERALD P. RAIA
JASON SCARLETT

THE FOLLOWING NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

JOHN D. SOWERS

THE FOLLOWING ARMY CADET TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531 AND 541:

ROBERT R. WINTERS

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

PETER P. BENTON
MATTHEW L. CLARK
THOMAS E. EWING
JASON P. GREENE
KELLEY S. HURST
KEVIN L. QUARDERER
CHARLES A. STERNBERG
PHILIP W. WALKER
JASON L. WEBB

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

HEIDI COURTNEY
GRANT C. WALLACE

THE FOLLOWING LIEUTENANT, U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT LIEUTENANT FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211:

GEORGE P. FIORE

THE FOLLOWING FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

WARREN P. KLAM

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

DREW K. SIEGEL

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

SCOTT W. IMRAY
LOREN J. STEENSON

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GARY W. CAILLE

THE FOLLOWING NAMED ENLISTED MEMBERS TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

RICKY D. ALLEN
BARBARA K. BELLMONT
DENNIS J. BIANCO
KRISTINA M. BINGHAM
KIM B. BROWN
TIMMY F. BROWN
BRIAN D. CLARK
KIM M. COWAN
STEVEN T. DOVER
JESSIE E. GROSS
THOMAS C. HUGHES
RICKY L. KIDMAN
MARC C. LEWIS
DANIEL L. LOCKWOOD
LYNN C. MARTIN
JOSE A. MARTINEZ
RICHARD MCCROW
THOMAS OLSON
MORRIS C. PETITT
WILLIAM E. SCHALCK
ROBERT J. SPEARS
DONALD R. SWAIN
GEORGE E. TAYLOR
LEEANN G. VARGAS
RICKY D. WHITE
PETER G. WISH

THE FOLLOWING NAMED ENLISTED MEMBERS TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

TIMOTHY F. DOLAN
LUIS FELICIANO
ALEJANDRO MONTELONGO
JOHN M. SERRANO
SUSAN B. SHAW
ERIC C. STOUT
CHRISTOPHER A. URSINO

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS TRAINING CORPS, USN

To be ensign; permanent

CHRISTOPHER J. ADAMS
MICHAEL J. ASSANTE
CHRISTOPHER J. ATKINSON
TIMOTHY A. BARNEY
JULLIAN C. BISHOP
DALE W. BOGARDUS
GREGORY M. BRADLEY
TAWANNA M. BRAGG
ALBERT BURGOS
ERIC M. BYMAN
MARK E. CAMPOS
LLOYD A. CHEE
JOHN S. CHRISTENSEN
PATRICK J. CUMMINGS
NICOLE L. DERAMUS
TIM J. DEWITT,
MARK A. EVERSON
DON G. FAYAS
TINA R. GONZALEZ
ERIC G. HALL
MARK J. HANSEN
CRAIG A HILL
MICHAEL G. KEENUM
NORMAN W. LEE
MAURICE E. MACKEY
JUAN C. MALDONADO
ERIK R. MARSHBURN
EDWARD MARTINEZ
JEFFERSON E. MCCOLLUM
MADELENE E. MEANS
EMMA J. MOORE
DANIEL E. NANCE
STEPHEN C. PETTY
CHRISTOPHER G. PORTER
LORN D. REYNOLDS
JASON L. RIDER
MICHAEL RILEY
PAUL J. RONAN
MARK J. RUNSTROM
ROBERT C. SHASSBERGER
JON D. SOLOMON
SCOTT S. SPRINGER
GREGORY T. STEHMAN
JEFFREY C. STEVENS
GREGORY J. TACZAK
BRETT A. WAGNER
MICHAEL R. WEST
MICHAEL J. WHIDDEN
BENJAMIN R. WOODS
THOMAS M. YANNONE, JR.
EDMUND L. ZUKOWSKI

THE FOLLOWING NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVY ENLISTED COMMISSIONING PROGRAM, USN

To be ensign; permanent

JAMES L. BASFORD
PAUL J. BERNARD
JOHNNY E. BOWEN
COREY L. BROWN
GERALD F. BURCH
MICHAEL D. DEWULF
LISA A. FLORKOWSKI
JOY A. GOE,
JOAQUIN GUERRERO
GREGORY C. HAIRSTON
DOUGLAS A. HARBOLD
DANA B. KEPNER
KIRK A. KNOX
STEVEN C. LEWIS
DAMON P. LILLY
ROBERT J. LINEBARGER
PATRICK M. MCDERMOTT
ROBERT P. MILES
HARRY X. NICHOLSON
ERIC C. NICKERSON
PAUL A. PIATT
WILLIAM J. PIERCE
WILLIAM H. PRIESTER
JEFFREY W. RAGGHIANTI
PAUL M. REIS
JULIE R. SCHUCHMANN
GREGORY O. STRATTON
CLIFTON J. WILLIAMS
DONALD E. WYATT

IN THE MARINE CORPS

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

U.S. MARINE CORPS CONFIRMATION LIST

To be second lieutenant

AAGAARD, HARALD
ALUOTTO, PATRICK S.
ANDERSON, GARRETT
BACHE, MATTHEW W.
BAILEY, TIMOTHY W.
BAIN, ROBERY
BERTAMINI, MARCOS E.
BLAKE, BRIAN D.
BODINE, WAYNE A.
BOORSTEIN, MICHAEL A.
BRATCHER, RICHARD C., JR.
BRAUN, PETER D., JR.
BRESNAHAN, JOHN J.
BRET, OLIN H.
BRIDE, JEFFREY A.
BRIGGS, KENNETH L.
BROKOS, MICHAEL J.
BROOKS, JOHN M.
BROSTEK, DEREK J.
BRYSON, GREGORY L.
BUCHAN, TOBY P.
BUDIHAS, CHRISTOPHER L.
BURKS, MICHAEL S.
BUSACCA, ALEXANDRIA
CAIMI, JEFFREY S.
CAMERON, COLIN E.
CAMERON, KIRK W.
CAMPBELL, JAMES D.
CAMPBELL, THOMAS H.
CARLISLE, KEVIN T.
CARR, SHANE P.
CARTER, CHRISTOPHER L.
CASHIN, MATTHEW T.
CATHCART, BRIAN C.
CAUNEDO, MICHAEL
CHANDLER, JEROME J.
CHAO, ANDREW L.
CHARNEY, SEAN S.
CHARPENTER, TIMOTHY J.
CHIVERS, MATTHEW
CHRISTOPHER, JAPHET T.
CHRISTOPHER, SIMPSON C.
CLARK, RONALD J.
CLEVENGER, ANDREW H.
CLINGAN, MARK H.

CLOUTIER, ERIC D.
COLLINS, SEAN C.
CONRAD, BRAIN H.
CONSTANTIN, PHILLIP E., JR.
COOK, MATTHEW P.
COOK, RIAN E.
CORTNEY, THOMAS
CORY, MARK D.
COTTELL, MATTHEW C.
COYLE, DONNA E.
CRACKNELL, LEE A.
CREED, CHAD R.
CRENSHAW, QUINTON J.
CROSS, JOSEPH E.
CROW, JASON G.
CRUZ, BRIAN P.
CURTIS, HEATHER L.
DAHL, TINA M.
DECKER, MARK R.
DEGABRIELE, ROBERT T.
DEGUIA, FENANDO G.
DEIS, JOHN J.
DELEONARDIS, JOHN P.
DELKA, JON
DERRICK, AMY E.
DEVORE, DUSTIN H.
DEWITT, DOUGLAS L.
DIBIANCA, SAMUEL
DIMARTINI, JASON D.
DINKLEMAN, GREG T.
DOHR, JAMES N.
DONALDSON, MATT A.
DONALDSON, WILLIAM H.
DOTSON, SEAN M.
DOUCET, NORMAN P.
DREMANN, TIMOTHY R., JR.
DUGAN, BRIAN C.
DUNN, SEAN R.
DUNNE, JONATHAN
DUPESSIS, BRIAN P.
DURHAM, OSCAR W.
DYER, TOBY G.
ENG, SAM
ERCOLANO, MICHAEL
ERICKSON, CHRISTOPHER J.
ESPOSITO, THOMAS
EWING, ANNE-MARIE C.
FANNING, ROBERT B.
FAUBER, CHAD M.
FISHER, CASEY J.
FLORES, ERIC A.
FORTUNATO, JEFFERY J.
FULLER, KAREN E.
GABBARD, DANIEL
GARCIA, ADOLFO JR.
GELERTER, JOSHUA K.
GIESE, JOHN T.
GIOIA, MATTHEW M.
GOODWIN, MATTHEW D.
GORDON, BRUCE D.
GOULD, JASON H.
GRABARCZYK, LAWRENCE J.
GRANEY, KEVIN F.
GRAY, DUANE A.
GRAY, WILLIAM C.
GREENWOOD, JACQUELINE D.
GREGOR, JOSEPH F.
GRIES, KAREN E.
GRIFFIN, STANLEY P.
GROS, CHRISTOPHER N.
HALSTEAD, WOODROW J.
HALVAKSZ, SETH A.
HAMLING, RAYMOND G.
HANSEN, CHAD
HAWKINS, BRIAN C.
HECK, TIMOTHY I.
HELD, DANIEL J.
HENDERSON, DAVID E.
HENEGAR, WALTER H.
HENRY, SHAWN P.
HERNANDEZ, DULCIE R.
HEYERLY, THOMAS
HILL, DOMETRIUS D.
HILL, JOHN F.
HILL, NESTOR L.
HILL, SCOTT P.
HILLS, JEFFREY T.
HINES, BRET O.
HOLZMAN, JAMES C.
HOOPER, ANDREW S.
HUDSPETH, DAVID W.
JIN, SUK J.
JOFFRION, MICHAEL D.
JOHNSON, DANNY L.
JOHNSON, ERIC S.
JOHNSON, RODNEY W.
JOHNSTON, GREGG M.
JOINER, MICHAEL W.
JURS, CHRISTIAN T.
JUSTIN, DIAL W.
KAMEI, ROBERT C.
KELLER, JOHN E.
KERRICK, LINDA G.
KIRBY, CHRISTOPHER H.
KIRCHER, ELI D.
KNUTSON, JOHN
KOCH, TIMOTHY A.
KOPETS, KEITH F.
KOPP, BRIAN J.
KRIENERT, ERIC V.
LAGLENN, JOHN C.
LAMIRAND, JOHN C.
LANE, SCOTT M.
LARSEN, DAVID B.
LAUDER, JOHN M.
LAUFER, ERIK E.
LAWAWAY, RUSSELL A.
LAWS, KENNETH O.
LAWSON, DAVID P.
LIGHTFOOT, STEPHEN J.
LIN, TONY H.
LOUKS, CHRISTOPHER
LOVEWELL, WILLIAM A.
LUCAS, JAMES W., IV
LUCIANO, BENJAMIN J.
MACCARI, PETER J.
MAGRISI, WAYNE K.
MALMQUIST, CHRISTOPHER J.
MARKO, MARK R.
MARKO, MICHAEL R.
MARKS, AARON S.
MARLETTE, ROBERT T.
MARTIN, ANDREW C.
MARTIN, DAVID C.
MARTIN, MICHAEL R.
MARTIN, THOMAS M.
MARTIN, WILLIAM
MARZOLF, THOMAS S.
MATA, PHILLIP M.
MCALEER, PETER
MCARTHUR, DAVID C.
MCAVOY, BRIAN G.
MCCOMB, COLIN P.
MCCUMBER, PATRICK A.
MCGRATH, STEVEN F.
MCKANE, JAMES P., IV
MCLEAN, DOUGLAS E.
MCMILLAN, KENNETH S.
MCNEICE, JEFFREY A.
MCNULTY, SEAN P.
MCSHEFFREY, KATIE L.
MCWHORTER, KEITH W.
MILES, JOHN J.
MILLER, ALLAN B.
MILLER, CARL W.
MILLER, CHRISTOPHER A.
MILLER, JOHN J.
MISHOE, KEITH B.
MIZELL, DARON M.
MOKARRY, TIMOTHY P.
MONKMAN, JOHN T.
MONTH, ROSS A.
MOON, GARY G.
MOORE, ANTHONY D.
MORAN, MICHAEL F.
MORHENN, ERIC T.
MULLINS, MICHAEL B.
MURCHISON, MICHAEL J.
MURPHY, NEIL F., JR.
NELSON, BRIAN C.
NEWELL, JONATHAN R.
NEWELL, ROBERT
NEWLAND, TIMOTHY A.
NEWSOME, STEPHEN L.
NGUYEN, MINH C.
OGLETREE, STEPHEN L.
OLSON, JEREMY R.
ONEILL, JEFFREY M.
OROURKE, BENJAMIN P.
OUTMAN, SCOTT D.
PARASCANDOLA, CIRO A., JR.
PARKER, RUSSELL W.
PARKS, GARRY L.
PATTERSON, ANDREW L.
PERRY, TODD R.
PEREZ, JOE E.
PERRIN, PAUL M.
PETERSON, DAVID H.
PETERSON, MATTHEW A.
PFEUFFER, ADIN M.
PIERCE, KEITH P.
POUNDRIER, JOEL P.
PRATT, JASON M.
PUFFER, SARAH T.
PUNTNEY, GREGORY T.
RACINEZ, RONALDO G.
RADER, MICHAEL J.
RAMIREZ, OSCAR A.
RAMSEY, ROBERT P., JR.
RANDALL, TERESA L.
RANKIN, CHRISTIAN M.
RAY, VALERIE S.
REMILY, ALEXANDER T.
REVIER, EUGENE D.
RICKETSON, MARY C.
RISHEL, JEREMY D.
RITTERBY, BERT H.
ROBINSON, JAMES T.
RODRIGUEZ, CESAR
ROST, FRANCIS J.
ROWE, CARLOS O.
RUSH, NATHAN M.
SALLEE, NATHAN E.
SALVAGE, DEBORAH L.
SCHLATHER, BYRON L.
SCHREFFLER, GEORGE C., III
SCHUPPNER, BRIAN N.
SELLERS, KEITH D.
SEVERSON, CHRIS T.
SHERWOOD, JILL M.
SHORTAL, MATTHEW C.
SIEBERT, TODD M.
SIENKIEWICZ, DONALD H.
SINDLE, JAMES M.
SKURDALSVOLD, SCOTT A.
SMITH, CHARLES L.
SNIFFEN, JAMES P.
SNOW, CASEY R.
SOUNDRS, CHRISTOPHER J.
SPACKMAN, KURT J.
SPRENKLE, DANIEL N., JR.
STACK, ROBERT O.
STANSELL, WILLIE M., III
STAUFFACHER, PHILIP K.
STENNER, BRADLEY J.
STEPHENSON, DANIEL A.
STERNBERG, JEFFREY A.
STERZING, PETER A.
STEWART, CHAD
STOWER, JEFFREY J.
STYSKAL, MICHAEL S.
SUELTENFUSS, TIMOTHY C.
SUESS, DAVID L.
SULLENBERGER, ERIK B.
SULLIVAN, EDWARD R.
SZILAGVI, ROBERT J.
TAUBENHEIM, BRIAN R.
TAYLOR, CHARLENE A.
TAYLOR, JASON C.
TAYLOR, MARCUS
THERIOT, TYRONE P.
THIELEMANN, CHRISTOPHER J.
THOMAS, MATTHEW L.
THOMAS, SCOTT K.
THOMPSON, JEREMY M.
TODD, ANDREW W.
TRAIL, SCOTT B.
TREPKA, JOHN C.
TRIBBETT, CHRISTOPHER J.
TUCKER, PATRICK M.
VANDERSLICE, CHAD R.
VICTORY, ERIC R.
VILACOBA, RICHARD J.
VILLHARD, DOUGLAS P.
WAHL, EVAN W.
WALSH, DAVID S.
WARD, ROBERT D.
WARE, KEVIN
WEER, CHADD B.
WELCH, JOHN M.
WHITE, JOSEPH F.
WHITTINGTON, ERIC S.
WILLIAMS, CYNTHIA M.
WILLIAMS, GEORGE A.
WILLIAMS, KEVIN A.
WOFFORD, BILLY J.
WOOD, MICHELLE L.
WRAY, MICHAEL J.
YEAGER, JAMES M.
YOUNG, ADAM C.
ZYLA, ROBERT C.

IN THE MARINE CORPS

THE FOLLOWING NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

To be second lieutenant

BONAFE, AUDREY R.
BOSTROM, MICHAEL L.
BRADFORD, MARY J.
BRADLEY, DANIEL J.
CAMERANO, JUDITH M.
CRUM, ROBERT C.
DAVIS, MADELEINE
DICKEY, GEORGE W., JR.
DYGOWSKI, LAUREN L.
ENGBERG, RANDAL S.
ENHOLM, JACOB C.
ESTRADA, AMADOR R.
GARD, BRIAN E.
GOMEZ, DAVID JR.
HESS, JOHN R.
HIPPLER, MARK A.
HUGHES, SHAWN J.
JENKINS, DONALD J.
JOHNSON, CHAD W.
KELLY, HOLLIE D.
KENYON, GORDON L.
KING, GARY A.
LOREN, SHEILA A.
MARCHLINSKI, GREGORY
MARTIN, CHARLES E.
MCGRADY, JOHANNA F.
MOORE, DAVID A.
OCONNOR, DANIEL W.
ODELL, JEFFREY D.
OSTERHOUDT, THOMAS F.
PERRETTA, ANTHONY R.
PERRY, CHRISTOPHER J.
PISCIOTTA, LEONARD P.
REDENIUS, WILLIAM J.
REDMOND, ROBERT D., II.
RODRIGUEZ, LANDON R.
SELIK, LAWRENCE D.
SIPE, PATRICK S.
STEAD, JOHN D.
STORM, BRYAN D.
SWICEGOOD, DAVID J.
TODL, ALAN F.
TOOTLE, RONALD
VIGNEAU, LISA L.
WILSON, RONALD S.

IN THE MARINE CORPS

THE FOLLOWING NAMED U.S. AIR FORCE ACADEMY GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE SECTION 541:

U.S. MARINE CORPS CONFIRMATION LIST

To be second lieutenant

GALFANO, CHRISTOPHER J.
LEICH, BRIAN H.
ROSA, THOMAS C.
SCHULTE, MICHAEL J.
WATTS, TIMOTHY C.

IN THE MARINE CORPS

THE FOLLOWING NAMED U.S. MILITARY ACADEMY GRADUATE FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 541 AND 5585:

U.S. MARINE CORPS CONFIRMATION LIST

To be second lieutenant

TLAPA, JEFFERY J.

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, WHO ARE IN THE NAVY COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS, USN

To be ensign; permanent

ALLEN, SCOTT M.
ANDERSON, HEINRICH A.
ATHANS, TINA M.
BANDY, WAY
BANGERT, LAWRENCE L.
BARE, CHARLES E., II
BARNES, DALE E.
BAUER, DONALD E.
BAXTER, JOSEPH M.
BEALE, WILLIE H.
BENSON, JEFFREY A.
BERG, FREDERICK W.
BIONDI, JOSEPH J.
BLAND, KEVIN C.
BOAMAN, SCOTT M.
BONNER, DELONG
BOYACI, DIMITRI C.
BRITTAIN, JESSE L.
CALER, CRISTAL B.
CERILLI, ANTHONY P.
CIARAVINO, BRIAN D.
CLARK, JOHN H.
COBURN, CHRISTOPHER J.
CONSTANTIAN, RICHARD K.
CORRIGAN, CHRISTOPHER J.
COSTNER, RICKY R.
COUGHLIN, ROBERT
COX, WILLIAM T.
COZINE, RAYMOND T.
CRISP, VITTERIO J.
CUNNINGHAM, REBECCA L.
DAVIS, GEORGE A.
DICKISON, RUSSELL J.
DOSSEY, RANDY A.
DRAKE, ROY A.
DUDLEY, TIMOTHY P.
DUGGAN, TIMOTHY J.
DUNHAM, ZACHARY K.
ELLIOTT, MICHAEL
FULLER, FRANK R.
GANT, ERIC L.
GEHL, DAVID L.
GIBBONS, JEFFREY T.
GONZALEZ, JUAN R.
GORDON, KIRK R.
GRADY, EARL S.
GUMKE, RANDALL A.
HAMILTON, WILLIAM E.
HAMLIN, SCOTT A.
HARRINGTON, MOLLEY A.
HEINSINGER, STEPHEN M.
HELMBRECHT, STEVEN B.
HENKLE, TERANCE J.
HILAIRE, PIERRE
HIME, RUSSELL V.
HIPSLEY, EVAN A., JR.
HUDAK, GREGG A.
HUDSON, MARC A.
HUNTER, ANTHONY R.
HUNTER, CHONG
ISBELL, TAREY D.
JACKQUES, GERALD D.
JOHNSON, RICHARD M.
JOHNSTON, WILLIAM D.
JONES, CARLTON L.
KELLY, BRIAN L.
KERCHER, GREGORY R.
KUNZMAN, DOUGLAS W.
L. ESPERANCE, JAMES O.
LEDOUX, STEVEN M.
LIBBY, DAVID W.
LOWER, RODGER D.
LUCE, JEFFREY R.
MAGHUYOP, CHRISTOPHER M.
MALDONADO, ALEXANDRA I.
MALLORY, PATRICK L.
MALLOY, BRIAN J.
MARRINAN, MICHAEL H.
MARTIN, STEPHEN L.
MASON, RONALD A.
MATTHEWS, CALVIN
MCCONNELL, RICHARD J.
MCGOVERN, SUSAN C.
MCVAY, MICHAEL T.
MONTGOMERY, JOHN F.
MUELLER, PAUL E.
NASH, WYATT J.
NOLTE, CARL P.
NORTON, SCOTT Q.
NYGARD, GREG L.
OLLER, ERIK D.
PELTON, JIMMY W.
PHARES, STEVEN L.
PLOWMAN, MICHAEL J.
PYLE, RAYMOND A.
RIKER, RICHARD R.
RIVERA, REINALDO J.
ROBERTSON, DALE
ROLLINS, MARK D.
ROMERO, JESUS D.
ROYS, MARK A.
SCHNEIDER, NATHAN D.
SCHOEFFLING, ROBERT D.
SHOENBERGER, JAMES A.
SMITH, CHRISTOPHER P.
SMITH, DEBORAH M.
SMITH, TIMOTHY B.
STARKEY, BENJAMIN J.
STJOHN, MIA K.
STRAHM, ROBERT P.
SWEET, DARREN L.
THOMAS, HAYDN A.
THOMPSON, WILLARD L.
TODD, DAVID B.
TROYANEK, JEFFREY D.
TURNER, CLIFTON C.
TURNER, KENNETH B.
URBAN, JOHNNY D.
WALKER, KEITH B.
WALTERS, KEITH
WHITTLE, LYNDA M.
WICK, BRIAN W.
WILKINSON, STEVEN R.
WILLIAMS, KIM C.
WILSON, KEVIN R.
WITHEE, JON E.
ZACHARY, URIAH E.

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS, USN

To be ensign; permanent

ABARBANELL, AARON M.
ABAYA, AMADO F.
ABBAMONDI, JOHN G.
ABOBO, JOEY B.
ACCOLA, RUCHIRA S.
ADAIR, ROBERT L.
AGUAYO, MARIA L.
AGUILAR, FELIX F.
ALBRECHT, GLENN G.
ALLBRITTON, BENJAMIN J.
ALLEN, GERALD A.
ALONZO, QUINO P., JR.
ALONZO, SESARIO P.
ALVAREZ, ERNESTO
ALVAREZ, ROGELIO E.
ANDERSON, GREGORY J.
ANDERSON, MARK E.
ANDERSON, SCOTT A.
ANDERSON, SEAN R.
ANSTEAD, THOMAS E.
ANTHONY, RYAN M.
ARCHER, CHRISTOPHER E.
ARNOLD, SCOTT W.
AUGELLI, VINCENT A.
AUSTIN, RICHARD J.
AYALA, ROBERT R.
BAHR, ROBERT L.
BAKER, CHAD E.
BAKER, DANIEL J.
BAKER, JEFFREY W.
BALCH, THOMAS A.
BALDUS BRIAN R.
BALDWIN, WILLIAM R.
BANASIEWICZ, ROBERT J.
BARBER, CHARLES W.
BARNES, JEFFERY D.
BARTON, JAMES E., II
BASS, ERIC B.
BATES, KENNETH R.
BAYLISS, RODERICK S.
BEAMER, WILLIAM G.
BEANE, JOHANNA L.
BEASLEY, JAMES R.
BEATTY, THEODORE J.
BEAUDRY, DANIEL P.
BECK, EDWARD G., II
BECK, JAMES A.
BECKER, ANDREW E.
BECKNER, TRINA M.
BEGLEY, JULIA K.
BEHRENS, BRIAN E.
BEICKE, DANIEL C.
BEIER, JAMES J.
BELCHER, JASON A.
BELL, JAMES W.
BELL, RANDALL A.
BELLIS, ROBERT H.
BELVIN, DOUGLAS S.
BENESH, TIMOTHY L.
BENNETT, KRISTEN T.
BENSON, CRAIG B.
BERG, PETER C.
BERNENS, WILLIAM C.
BERNIE, JOHN R.
BERRY, LAURI D.
BERZINS, PETER A.
BIALEK, ERIC J.
BILLY, RANDALL E.
BIRCH, DAVID M.
BIRKHOLZ, BRET C.
BISHOP, ANDREW T.
BITNER, STEPHEN J.
BJORK, KARL E.
BLACHOWICZ, KEITH R.
BLACK, MICHAEL F.
BLACKWELL, TOBIAS R.
BLACK, MATTHEW J.
BLAKELY, ASHLEY B.
BLASKOWSKI, PAUL L.
BOBO, FRANK, R.
BOCHENEK, JOSEPH W.
BOESE, SARAH A.
BOGIE, CHRISTOPHER D.
BOHLIN, MATTHEW D.
BONNER, MATTHEW J.
BOONE, TODD R.
BORCHERS, NATHAN P.
BORJA, JEFFREY P.
BOSQUE, EDWARD F.
BOSWELL, WILLIAM L.
BOUDREAUX, JEAN C.
BOUTOT, BRIAN J.
BOWSER, STEVEN J.
BOYCE, KATHERINE E.
BOYER, LESLIE W., III
BRACKENBURY, LISA L.
BRADSHAW, MICHAEL R.
BRASWELL, BRYAN E.
BRAUN, MICHAEL S.
BREIDENBACH, MICHAEL N.
BRENNAN, JOSEPH E.
BRENNAN, MICHAEL P.
BRENNAN, SHAUN P.
BRICKHOUSE, GEORGE D., III
BRIDGES, JASON A.
BROADNAX, LARON B.
BROMBERG, MATTHEW F.
BRONK, BRIAN B.
BROOKS, BRIAN G.
BROOKS, DAVID L.
BROOKSHIER, MARK A.
BROSKI, TODD M.
BROWN, CHARLES W., IV
BROWN, DANIEL D.
BROWN, MICHAEL S.
BROWN, PATRICK S.
BROWN, RAYMOND N.
BRUNHART, ANDREA E.
BRYANT, CHADWICK B.
BUCKLEY, DOROTHY L.
BUKOLT, KATHERINE M.
BURBRIDGE, DWAYNE E.
BURDEAUX, ROBERT C.
BURGESS, JASON A.
BURGETT, DANIEL V.
BURIANEK, MICHAEL J.
BURKE, MICHAEL J.
BURKE, RACHEL A.
BURNS, ROBERT T.
BURT, ROBERT L.
BUSS, JEFFREY D.
BUSSARD, DAVID M.
BYRD, JOSEPH M.
CAHILL, JOSEPH F., III
CALLAGHAN, PATRICK M., JR.
CALVIN, CHARLES L.
CAMERON, HEATHER L.
CANALES, RAUL I.
CAPIZZI, JOHN E.
CARL, LOUIS O.
CARMICHAEL, TRENT L.
CARNELL, JOSEPH A.
CARO, GREGORY P.
CARRIGAN, JOSEPH
CARROLL, STEPHEN G.
CARTER, JAMES W.
CARTER, PHILLIP G.
CARTER, TIMOTHY M.
CARTER, WILLIAM H.
CASAMASSA, MICHAEL
CASSIDY, REGINA M.
CATES, CLINTON J.
CAYLOR, KRIS A.
CECIL, THOMAS C.
CHAIKA, DAVID A.
CHAKOFF, JUDAH B.
CHANDLER, MICHAEL C.
CHANDO, SCOTT E.
CHAPMAN, REGINA R.
CHASTAIN, STEVEN D.
CHEELEY, STEPHEN P.

CHELMAN, DONALD S.
CHEN, VICTOR S.
CHESHIRE, CARY M.
CHEUNG, CHI K
CHOI, JOHN T.
CHOPEK, ANDREA E.
CHURCH, BRYANT T.
CINTRON, CARLOS J.
CLARK, MARC R.
CLARK, MARK E.
CLARK, MATTHEW D.
CLARKSON, ROBERT J.
CLEMENTZ, MATTHEW D.
CLENDENIN, DUNCAN M.
CLOUSER, DANIEL K.
COFFEY, TIMOTHY E.
COLBERT, CHARLES W.
COLEMAN, ARTHUR G.
COLEMAN, PAUL C.
COLEMAN, ROMEO L.
COLLING, CHRISTOPHER I.
COLLINS, GREGORY
COLLINS, ROBERT D.
COMMERFORD, MATTHEW B.
CONDIT, MARIO G.
CONZELMAN, JAMES G.
COOK, LAUREL A.
COOKE, JAMES D., III
COOPER, ABABETH M.
COOPER, CRAIG J.
CORBETT, STEVEN P.
CORCORAN, LAWRENCE
CORNECK, GRAHAM R.
CORRADO, LUANN
COSGRAVE, MICHAEL C.
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COWDREY, JOEL H.
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CREEL, MARLO L.
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CURRY, TIMOTHY S.
CURTIS, KIRSTEN L.
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DANGREMOND, MITCHELL W.
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DAVIS, JEFFERY P.
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DEADWYLER, GABRIEL R.
DEAL, DAVID A., JR.
DECKMAN, STEPHEN M.
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DEGRANGE, WALTER C.
DELARIVAHERRERA, BORJA
DELUCA, DAVID C.
DENEZZA, MATTHEW R.
DESAI, NIRAV G.
DESLICH, STANLEY J.
DEUTSCHER, BRETT J.
DEVORE, GREGORY S.
DIAZ, JOSE M.
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DINEEN, BRIAN R.
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DOMINGUEZ, SHAWN C.
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DOREY, HARLAN F.
DORN, LAWRENCE T.
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DUMMER, JOSEPH W.
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DWYER, BRIAN S.
EASTERLING, VALERIE M.
EBEL, JONATHAN H.
EDGE, DOUGLAS E.
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EITNER, KEITH D.
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ENGLISH, DION D.
ENGMAN, LARS E.
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ERWIN, JAMES O., IV
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FARTHING, JOHN M.
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FEHSKENS, SUZANNE M.
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FENDER, LONNIE M.
FERENCSIK, MICHAEL R.
FIELDS, APRIL L.
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FIRESTONE, STEPHEN B.
FISHER, JEFFREY M.
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FLANNERY, KEVIN A., JR.
FLANNERY, THOMAS J.
FLEISCHMAN, JEFFREY W.
FLEMING, MICHAEL F.
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FLENKER, TERRA L.
FLETCHER, CHRISTIAN A.
FLOTTEN, ANDREWS S.
FORD, JAMES P.
FORESTER, SCOTT A.
FORTIN, CHRISTOPHER F.
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FOWLER, ERIK J.
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FOX, BRIAN R.
FOY, RONALD A.
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FRANKLIN, ANTHONY A.
FREDERICK, PAUL A.
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FULLER, ROBERT L.
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GAGNON, DEREK A.
GAINER, ANDREW D.
GALLIMORE, DANIEL A.
GALVIN, JOHN C.
GANNON, COREY J.
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GARCIA, RONNIE A.
GARMENDEZ, RUDDY E.
GARRETT, ANDREW W.
GARRETT, TODD L.
GARRISON, BARTON J.
GARVEY, SCOTT A.
GASS, SEAN D.
GATES, JOSHUA H.
GEPHART, ROBERT T.
GERKEN, JOHN D.
GERSTEMEIER, ROBERT C.
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GIBBONS, TODD J.
GICK, JOSEPH R., JR.
GIDDEN, CHRISTOPHER W..
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GLIDDEN, ERIC S., II
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GRANNAN, WILLIAM J., JR.
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GRAY, GWEN D.
GRAY, HOWARD C.
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GREEN, KELVIN W.
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HUTCHINSON, CRAIG D.
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KELSO, MARK T.
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LEACH, EFREM R.
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LEYDEN, SEAN M.
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LITTLE, EDWARD G.
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LO, MICHAEL C. RUS
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LONG, KEVIN D.
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LUND, STEVEN J.
LUONGO, KELLY A.
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MANALO, GILBERT B.I.
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MANN, MONTE W.
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MARKLE, HOWARD B.
MARKLE, STACY L.
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MARSH, STEPHEN A.
MARSHALL, LEONARD E.
MARTIN, CHRISTOPHER T.
MARTIN, RODNEY A.
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MARTINEZ, EDUARDO Z.
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MCGINNIS, SHAWN W.
MCIVER, EVANDER R.
MCKELLAR, ALAN N.
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MIERKE, PETER F.
MIKULICH, MICHELLE J.
MILLER, AARON D.
MILLER, GEOFFREY B.
MILLER, HELEN L.
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MONTEHERMOSO, RONALD C.
MONTERO, BENNETT N.
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MORENO, EDGARDO A.
MORGAN, ERIC A.
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MORLATT, WAYNE R.
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MORROW, DONALD E.
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MOSLEY, SCOTT F.
MOYER, NATHAN J.
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NEWCOMER, BRADLEY P.
NOBLE, NICHOLIE T.
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NOTTER, DAVID E.
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ODEN, DONALD C.
OESTERLE, ROBERT W.
OETINGER, WAYNE D.
OLEARY, THOMAS R.
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OLSWOLD, BRIAN J.
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OREILLY, CHRISTOPHER J.
ORVIK, ROSS B.
OSBORN, ROBERT L.
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PARRISH, WILLIAM J.
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PATY, ROBERT M.
PAYNE, TODD A.
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PETRINA, MARKIAN G.
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PINKSTON, DANA L.
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PLAGGE, RICHARD M.
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POTTER, AARON D.
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PRICHARD, BRIAN R.
PRINCE, THEODORE A.
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PUGH, WILLIAM C.
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REA, JAMES G.
READY, STEPHEN E.
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REESE, JERRETT R.
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REILLY, VINCENT J.
REMOLL, ADAM J.
REPPAS, GREGORY T.
RESTIFO, CHRISTIAN M.
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RIDGWAY, CHARLES P., JR.
RIGNEY, KEVIN M.
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RIOS, MARTIN
RISCHMILLER, JONATHAN D.
RITUMALTA, LYNNE G.
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ROBERTS, PAUL J.
ROBERTSON, DANIEL S., JR.
ROBERTSON, WILLIAM C.
ROBINSON, GEROD F.
ROBINSON, SEAN W.
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RODRIGUEZ, ANDRES G.
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RUZEK, BRYAN C.
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SCHNEE, GERARD J., JR.
SCHORN, BRIAN G.
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TURNER, DANIEL P.
TYREE, CHRISTOPHER L.
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ZILLMER, JEFFREY B.
ZIMMERMANN, ELIZABETH A.
ZINK, JAMES H.
ZIRBEL, MATTHEW W.
ZIRKLE, DARYK E.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 4, 1993, withdrawing from further Senate consideration the following nomination:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LARRY E. BYRNE, OF VIRGINIA, TO BE ASSOCIATE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SCOTT M. SPANGLER, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 30, 1993.

EXTENSIONS OF REMARKS

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. TRAFICANT. Mr. Speaker, for the last several months, I have been investigating the case of former Immigration and Naturalization Service Agent Joseph Occhipinti. Since his unjust conviction in 1991, Joe Occhipinti has been fighting to vindicate himself and his good name. Mr. Occhipinti has compiled statements and other evidence that is crucial to his case. In order to ensure the integrity of this evidence, I will—beginning today—submit copies of this key evidence into the CONGRESSIONAL RECORD.

Mr. Occhipinti is fighting for a new trial and has been ordered by a Federal judge to turn over all the evidence he has compiled to the U.S. attorney's office. Joe Occhipinti was a dedicated and honest law enforcement officer who tried his best to win the war on drugs. Any objective review of the facts surrounding his case raises serious questions. I believe that Joe Occhipinti was wrongly convicted and may have been the victim of a conspiracy by the Dominican drug cartel in New York City. I have filed freedom of information requests with the Federal Bureau of Investigation, the INS, and the New York City Police Department—demanding copies of all files related to the Occhipinti case. I have also asked the House Judiciary Committee to investigate the case.

Mr. Occhipinti's problems stemmed from Operation Bodega, an aggressive INS/NYPD operation he headed from 1988 to 1990 to suppress a wide variety of organized crime activity in the Washington Heights section of New York City. The operation was conducted in response to the drug-related murder of NYPD Officer Michael Buczek in October 1988. A total of 55 business establishments were investigated in Washington Heights during the operation either by court-obtained search warrant or consensual search. Illegal activity was uncovered at each and every location. The operation resulted in more than 25 convictions, and put extreme pressure on the Dominican drug lords. Political pressure was brought to bear on local officials by a group called the Federation of Dominican Merchants and Industrialists of New York—a group many local law enforcement agents defined as a front for Dominican organized crime.

In March 1991, Occhipinti was indicted for alleged civil rights violations in connection with Operation Bodega. All of the key witnesses against Occhipinti had criminal records. This information was not allowed by the judge to be presented to the jury. The prosecution contended that Mr. Occhipinti's searches violated the civil rights of the businesspeople searched—even though illegal activity was uncovered at every location. Later that year, Mr. Occhipinti was found guilty and sentenced to 37 months in Federal prison. After losing his appeal 11 months later, Occhipinti went to prison in June 1992. Although President Bush commuted his sentence on January 15, 1993, Mr. Occhipinti's conviction still stands.

During his 22 years as an INS agent, Occhipinti compiled an impressive record, earning more than 78 commendations and 3 Attorney General awards for valor and meritorious service. He is the most decorated Federal agent in U.S. history.

Below is the first in a series of submissions of key evidence that I plan to make in the coming days:

JOE OCCHIPINTI
LEGAL DEFENSE FUND, INC.,
Manalapan, NJ, November 1, 1993.

U.S. Representative JAMES A. TRAFICANT,
17th District, OH, Rayburn Office Bldg., Washington, DC.

DEAR CONGRESSMAN TRAFICANT, thank you for offering to place in the Congressional Record Joe Occhipinti's brief in support of a motion for a new trial, and an overview of the evidence of his innocence.

Joe Occhipinti is an American hero. He was a front-line soldier in America's war on drugs. In his 22 years of service as a federal agent, he became one of the most highly decorated federal agents in U.S. history, with 78 commendations and awards. His reward for this service was being set up by Dominican drug lords on specious civil rights violations; being made to stand unfair trial before Judge Constance Baker Motley, who denied him a replacement defense attorney when his own had a nervous breakdown and became suicidal; having a one-hour appeals hearing wherein the judges did not review the briefs and were intimidated by hundreds of Dominican protestors chanting "No Justice, No Peace," and threatening to riot if the conviction was overturned; being sentenced to 37 months in a maximum security federal prison; and contrary to a court agreement, being sent to an Oklahoma prison and placed in "general population" with convicted alien drug dealers (a de facto death sentence). His life, and his family's has been ruined, and today they live knowing their safety is in jeopardy. For political expediency and Peace—in Joe's case, there was—No Justice!

For the last eleven months, I've been privy to all the intimate aspects of the Occhipinti case, and my relationship with Joe has afforded me access to in-depth evidence of his innocence, and personal interviews with key witnesses. Any objective review of the evidence will dictate the conclusion that Occhipinti was the target of a well-orchestrated conspiracy by a Dominican drug cartel, with the naive complicity of the Dinkins administration. Their motive was to neutralize Joe and his task force (Project Bodega), because its aggressive anti-organized crime operation was devastating the profits of their drug trade and related activity, was exposing the tentacles of their network and corruption in official governmental agencies, uncovered their role in voter fraud in the '89 election, and was about to reveal their "official" link to some members of the Dinkins administration. The above facts were clearly encapsulated in Mike McAlary's N.Y. Post series "The Framing of a Cop" (p. 262 enclosed).

Although President Bush granted "executive clemency" and commuted Joe's sentence on 1/15/93, a full pardon was denied for political reasons. Hence, Occhipinti remains a known felon, devoid of civil rights—in effect, a political prisoner. Since 1/16/93, he has labored unceasingly to clear his name, prove his innocence and expose the cartel. On 6/17/93 in a N.Y. Daily News article, an N.Y.P.D. spokesman confirmed that the "Federation" is simply a front for the drug cartel (p. 260 enclosed). In addition, the same article reveals that when the Checo brothers, who had testified against Occhipinti, were arrested on 6/16/93 on charges of illegal gambling and attempted bribery of police officers, an irate female employee screamed at the officers, "We're going to do you like we did Occhipinti."

N.J. Assembly Resolution 107 (p.250), and N.J. Senate Resolution 86 (p.252) memorializes President Clinton to appoint a special prosecutor to investigate all aspects of the case—and if the evidence warrants, grant a full presidential pardon. Of, if the evidence is inconclusive, grant a new trial. Joe is willing to risk a possible return to prison to vindicate himself at a new trial.

On 7/15/93, Anthony Pope, Joe's attorney, filed motions with the original judge, Constance Baker Motley, for: (1) a new trial; (2) the Judge to recuse herself for conflict of interest; and (3) a change of venue out of Southern District, where Joe's Project Esquire had uncovered corruption in the U.S. Attorney's office. To date, in her arrogance, she's refused to answer the motions.

Instead, she issued an order to Occhipinti that he must turn over all evidence accumulated to the U.S. Attorney's Office, on or before 10/18/93; in spite of the fact there's no pending trial. In response, Anthony Pope demanded an evidentiary hearing to create a record (letters enclosed). His motion was denied by Motley. In response, she issued another order that Occhipinti obtain a court-approved interpreter to officially translate those affidavits and tapes in Spanish to English (estimated cost: $25,000). Pope immediately filed a motion for C.J.A. aid because Occhipinti is indigent. She denied the motion.

We address these issues to you and ask your aid for the following reasons:

(1) We suspect Judge Motley will use Occhipinti's financial inability to meet the translation order as an excuse to dismiss the new trial, recusal, and change of venture motions.

(2) In Joe's first trial, the Judge ordered original primary defense evidence turned over to federal marshals and the U.S. Attorney. Evidence was denied him at trial and defense witnesses were harassed and pressured. We fear a replay. Hence, we present you our evidence and witness list (enclosed), to put the information in the public domain, via the Congressional Record, in the hope of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

preempting the intimidation tactics of the U.S. Attorney. Also, some witnesses' lives will be in danger if their names are arbitrarily released by the U.S. Attorney. Please recall journalist Manuel De Dios was executed by the drug cartel, after coming forward with evidence of Occhipinti's innocence!

(3) Occhipinti's first trial was a sham and we hope that exposure in the Congressional Record of that fact will avoid another travesty.

Please recall that Joe was only given two months to prepare for trial after indictment—unheard of in a criminal trial in Southern District. The Judge was pre-selected, rather than chosen by lot (the wheel). The Judge is a political ally of David Dinkins. The Judge is a self-proclaimed "civil rights activist" but the "real" record (CONGRESSIONAL RECORD, 8/30/66, p. 239 enclosed) reveals she's a lifelong radical, had been, and may still possibly be, a Communist Party activist, and because of her personal philosophy and agenda, should have recused herself in this case. A review of the five-week trial and 4,000 page transcript will convince even the most skeptical that civil rights activist Judge Constance Baker Motley routinely violated the civil rights of Joe Occhipinti and denied him a fair trial. It's interesting to note that either because of ineptitude or personal prejudice, with 33 years experience on the Federal bench, Judge Motley has the distinction of being the most "overturned" judge in the Southern District.

Of further import is the fact that the prosecutor, Jeh Johnson, should have recused himself for conflict of interest. Besides being the former law clerk and family friend of Judge Motley, he's also alleged to be her "godson." Furthermore, it was Jeh Johnson who was given the evidence and closed down Occhipinti's Project Esquire—which uncovered corruption and official misconduct in Johnson's office. In addition, prosecutorial misconduct has been alleged in the fact that Johnson was given the information documenting the drug cartel conspiracy, a year prior to Occhipinti's indictment, by police informant Alma Camarena (affidavit on p. 54). Johnson bragged that he'd use the Occhipinti conviction as a stepping stone to a high-paying private sector job. He's achieved that goal through his present position with Paul, Weiss, Rifkind, Wharton, et al. While some of us decorate our office walls with golf trophies, family photos or other mementos, Johnson adorns his with photos of the Occhipinti trial.

IN CONCLUSION

The Occhipinti case far supercedes Joe. Every law enforcement officer has been adversely affected. For example, the metropolitan area Port Authority police, in gross nonfeasance, have "stood down" since Joe's conviction, and are no longer conducting consentual searches, or interdicting "illegals" or narcotics—out of fear of civil rights charges.

Dick Callaghan, President of Federal Agents P.B.A., informed me that in the year prior to Occhipinti's conviction, the local office of the D.E.A. conducted 2,700 investigations. That number shrank to 500 in the year after the conviction because of the fear the agents had that the tactic used to send Occhipinti to prison would be used on them. And now, all over the country, we see the "civil rights" ploy being used to prosecute innocent lawman, such as Officer Della-Pizzi in New York City, or Sgt. Paul Mangelson in Utah.

All Joe wants is a new trial and a fair trial. Since his conviction, voluminous evidence of his innocence has been accumulated. Yet, Judge Motley is stonewalling the motions. What is her fear? She won't even grant an evidentiary hearing. Why not? If there's not enough evidence submitted, the Occhipinti issue will simply die there.

Allow me to quote from just one of the enclosed affidavits—that of Ramon Antonio Grullon, 8/19/93 (p. 201):

(1) "I am the former Consul of the Dominican Republic to Philadelphia, the former Consul General and Ambassador to Kingston, Jamaica, as well as other diplomatic positions I held for the Government of the Dominican Republic.

(2) On or about the end of 1989, I was personally told by Dominican businessmen Jose Delio Marte, Silvio Sanchez, Pedro Allegria and Ernesto Farbege that they needed my political assistance in "eliminating" former Immigration Officer Joseph Occhipinti. They explained to me that Occhipinti was a threat to their illegal businesses, which included loan sharking, gambling, drug distribution and the employment of illegal aliens. Pedro Allegria, Richard Knipping, Jose Delio Marte and a man called "Pepe," the brother-in-law to Delio Marte, operate a major loan sharking operation out of Sea Crest Trading Company where they set up Bodegas to conduct their illegal businesses. They also use Joel associates, Hamilton Drug Stores, and Hamilton Hardware located at West 136th and Hamilton Place from which illegal wire transfers from drug proceeds are made to the Dominican Republic.

I was told that Occhipinti would be eliminated on false allegations that he was shaking down the Bodega owners. They invited me to attend a press conference at the Club Deportivo (168th Street & Audubon Avenue) where they wanted to solicit the help of the Spanish media to publicize the false allegations. They told me I was needed because of my political position which give credibility to their allegations. I refused because I didn't want any trouble.

(3) On or about April, 1990, Jose Delio Marte and Silvio Sanchez again approached me to accompany them as a protestor at City Hall against Occhipinti to make the same false allegations. I again refused . . ." (only a portion of the two affidavits.)

Congressman, I'm not an attorney; nor am I a Swiss watchmaker, but I do know how to tell time. As a layman—putting aside hundreds of pages of documents, affidavits, 100 witnesses and countless undercover tape recordings—the above three paragraphs are enough for me to demand that justice be done in this case! If Occhipinti is willing to risk a return to jail if a new trial goes against him, the bureaucrats should be willing to risk a few taxpayers' shekels to grant a new trial, or at the very least, an evidentiary hearing, in order to resolve this case once and for all.

Again, Congressman, I sincerely thank you for all your help. I believe your action, placing the following pages in the CONGRESSIONAL RECORD, will afford us a national public forum to plead our case, and if some of your colleagues join your cause, I'm convinced we'll win our day in court—or a full presidential pardon.

Sincerely,

GREG KAYE,
Director.

JOE OCCHIPINTI
LEGAL DEFENSE FUND, INC.,
Manalapan, NJ.

INDEX OF BACKGROUND INFORMATION—THE JOE OCCHIPINITI CASE FOR THE CONGRESSIONAL RECORD

Subject and page numbers

(1) Anthony Pope, Esq. brief in support of a motion for a new trial for Joe Occhipinti—July '93. Pp. 1–27.

(2) Exhibit A—Affidavit (Name redacted for security). Pp. 28–31.

(3) Exhibit B—Affidavit (Name redacted for security). Pp. 32–35.

(4) Exhibit C—Affidavit (Name redacted for security). Pp. 36–38.

(5) Exhibit D—Affidavit (Name redacted for security). Pp. 39–44.

(6) Exhibit E—Affidavit (Name redacted for security). Pp. 45–46.

[Note: All redacted names will be released at either evidentiary hearing, or in preparation for new trial.]

(7) Exhibit F—Affidavit—Marino Reyes. P. 47.

(8) Exhibit G—Affidavit—Victoria Lopez. P. 48.

(9) Exhibit H—Affidavit—William Franz. Pp. 49–52.

(10) Exhibit I—Affidavit—Manuel DeDios. P. 53.

(11) Exhibit J—Affidavit—Alma Camarena. Pp. 54–56.

(12) Exhibit K—Affidavit—Raul Anglada. Pp. 57–58.

(13) Exhibit L—Affidavit—Tony Reyes & Hilda Navarro. Pp. 59–60.

(14) Exhibit M—Transcript of first trial dealing with Judge Motley's pre-selection, rather than selection by lot. Pp. 61–62.

(15) Exhibit N—Affidavit of Angel Nunez. Pp. 63–80.

(16) Exhibit O—Affidavit—Richard L. Callaghan—Pres., Federal Agents P.B.A. Pp. 81–85.

(17) Exhibit P—Affidavit—Ray Hagemann, Investigator, Borough President Guy V. Molinari's office. Pp. 86–99.

(18) Statement of Michael Capasso. P. 100

(19) Affidavit—John Hickey. P. 101.

(20) Affidavit—Hector Rodriguez. Pp. 102–107.

(21) Background Evidence. Pp. 108–124.

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(23) Affidavit—Ramon Rodriguez. Pp. 133–136.

(24) Affidavit—Hector Rodriguez. Pp. 137–144.

(25) Exhibits—Evidence in support of Affidavits. Pp. 145–176.

(26) Supplemental Affidavit—Dick Callaghan. Pp. 177–194.

(27) Supplemental Affidavit—Hector Rodriguez. Pp. 197–198.

(28) Letter—John McAllister, Ass't. Director, Organized Crime Drug Enforcement Task Force, to Guy V. Molinari. Pp. 199–200.

(29)* Affidavit—Ramon Antonio Grullon, former Counsel and Ambassador of Dominican Republic, documenting the conspiracy against Occhipinti. Pp. 201–202.

(30) Witness List—List of 88 possible witnesses at trial & synopsis of their knowledge on Occhipinti case. Pp. 203–223.

(31) Witness List—List of 19 supplemental witnesses and their knowledge on the Occhipinti case. Pp. 223–228.

(32) Anthony Pope, Esq.'s letters of 8/4/93, 9/10/93 and 9/29/93, to Federal Judge Constance Baker Motley regarding his unanswered motions for new trial, recusal of Judge Motley, and change of venue. Pp. 229–236.

(33) Letter from Joe Occhipinti to Paul Marcone, Chief of Staff—Rep. James Traficant's office; Re: Evidence of Occhipinti's innocence. Pp. 237–238.

(34) Congressional Record, U.S. Senate, 8/30/66, detailing the radical background and Communist Party membership and activity of Constance Baker Motley, during her confirmation hearings. Pp. 239–241.

(35) Press releases—9/10/93, 9/15/93, 9/24/93, 10/8/93 from U.S. Rep. James Traficant; Re: Occhipinti case. Pp. 242–249.

(36) N.J. Assembly Resolution 107, on behalf of Occhipinti; and sponsor Dick Kamin's remarks. Passed unanimously on 2/18/93. Pp. 250–251.

(37) N.J. Senate Resolution 86, on behalf of Occhipinti. Passed Senate Committee on Law and Public Safety unanimously on 7/13/93. Due to pass full Senate, Nov. 1993. Pp. 252–253.

(38) Congressional Record on Occhipinti, 4/28/93, Rep. Dick Zimmer, N.J. 12th District. P. 254.

(39) Sample of petition to President Clinton, national petition drive on behalf of Occhipinti. P. 255.

(40) Letter to President Clinton on behalf of Occhipinti; drafted by Rep. Susan Molinari, and co-signed by ten other Congressmen. P. 256

(41) Recent news articles on Occhipinti. Pp. 257–269.

(42)* N.Y. Daily News, 6/17/93, N.Y.P.D. Spokesman Lt. Raymond O'Donnell confirms Occhipinti's contention that the "Federation of Dominican Merchants and Industrialllists" is a front for the Dominican drug cartel. P. 260.

(43) N.Y. Post 10/9/91, Mike McAlary, "The Framing of A Cop". Pp. 262–263.

(44) "Strange Justice—Updated," article written by Greg Kaye for Chronicles Magazine, an overview of the Occhipinti story. Pp. 270–279.

[In the U.S. District Court, Southern District of New York, Criminal No. 91CR168 (CBM)]

UNITED STATES OF AMERICA, PLAINTIFF, VERSUS JOSEPH OCCHIPINTI, DEFENDANT

STATEMENT OF FACTS

On November 26, 1991, following a trial by jury before the Honorable Constance Baker Motley, in the United States District Court for the Southern District of New York, a judgment of conviction was entered against former Immigration and naturalization Services (INS) Special Agent, Joseph Occhipinti.

The Indictment upon which Mr. Occhipinti was convicted, initially charged him with twenty five counts in which the jury returned guilty verdicts on seventeenth counts of same. Specifically the charges of the Indictment alleged various Civil Rights violations against Dominican natives, false statements on INS Reports and Embezzlement.

The charges resulting in a conviction, which related to Civil Rights Violations and False Statements, allegedly arose during the period of 1989 or 1990, during Occhipinti's "Project Bodega" investigation, conducted by himself and other Special Agents on behalf of the INS. This investigation was initiated as a result of the murder of New York Police Officer, Michael Buczek, who was believed to have been killed by Dominican drug dealer, Daniel Mirambeaux. During the curse of the investigation, information was discovered relating to convicted drug dealer, Freddie Antonio Then (hereinafter referred to as Then). This information indicated that Then was involved in money laundering, drug trafficking and other criminal conduct, in which he used storefronts (bodegas) as a go between for same, which resulted in the initiation of "Project Bodega."

At trial of the Government's thirty-five witnesses, a majority of same were several Dominican natives who were employed, owned and/or managed various grocery stores (bodegas) on the upper west side of Manhattan. Specifically, these witnesses testified that in 1989 or 1990, Occhipinti with other INS agents, conducted searches of their bodegas, and sometimes individuals, without obtaining consent of the person(s) during the subject search. Moreover, it was further elicited by the Government that some of the witnesses, at Occhipinti's request, executed blank consent to search forms.

In addition to the foregoing allegations, the bodega witnesses also testified that during the subject searches, monies were confiscated and never returned to them. However, it should be noted that the jury did not return a conviction on any of the counts charging Occhipinti with embezzlement.

The evidence that was established during the trial, established that at almost every bodega, illegal lottery numbers were sold, as well as engagement in other illegal conduct. In addition to same, with regard to the defense's case, Occhipinti testified on his own behalf. He denied searching any of the premises he entered during Project Bodega, unless he obtained consent to execute the search. Furthermore, Occhipinti reinstated his firm belief that a Dominican Criminal Enterprise, namely The Federation of Dominican Businessmen, (hereinafter referred to as the "Federation") was the underlying entity responsible for the bodega witnesses to falsely testify that the consent to search forms were signed after the subject searches.

On October 18, 1991, Occhipinti was sentenced by Judge Motley to a 37 month term of imprisonment, followed by a five year period of probation. Moreover, a special assessment of $600.00 was also imposed by the Court. On January 15, 1993, Occhipinti's sentence was commuted to probation by President George Bush.

During Occhipinti's confinement, Staten Island Borough President, Guy Molinari, along with his staff and several other concerned citizens and media personnel, launched an independent investigation to prove Occhipinti's innocence and substantiate his allegations of Dominican conspiracy to prosecute him due to his interference with the criminal activities of the Dominican underworld. In fact, Molinari's efforts produced newly discovered evidence, which was not ascertainable at trial, that substantiated Occhipinti's allegations that bodega witnesses perjured themselves at trial, by testifying falsely as it relates to searches of their businesses. Moreover, this evidence further revealed that a Dominican enterprise was the underlying force which conspired to frame Occhipinti for criminal prosecution and subsequent conviction.

It is on the basis of this newly discovered evidence, which Occhipinti premises his motion for a new trial.

LEGAL ARGUMENT—NEWLY DISCOVERED EVIDENCE MANDATES THAT OCCHIPINTI BE GRANTED A NEW TRIAL

Federal case law and Rules of Procedure have acknowledged and upheld a defendant's right to a new trial. Specifically, Rule 33 of our Federal Rules of Procedure and Practice, prescribe a general standard governing same:

"The Court on motion of a defendant, may grant a new trial to that defendant, if required in *the interest of justice*. If trial was by the Court without a jury, the Court on motion of a defendant for a new trial, may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment. *A motion for a new trial based on the grounds of newly discovered evidence, may be made* only before or within two years after final judgment, but if an appeal is pending, the Court may grant the motion only on remand of the case. A motion for a new trial based on any other grounds, shall be made within 7 days after verdict or finding of guilty or within such further time as the Court may fix during the 7 day period." (Emphasis added).

Accordingly in short, Rule 33 provides that a Court may order a new trial for a defendant on the basis of newly discovered evidence if the interests of justice require it. Nevertheless, a motion for a new trial is addressed to the sound discretion of the trial court, and a decision to deny a new trial motion will not be reversed absent an abuse of discretion. *United States v. Champion*, 813 F.2d 1154 (11th Cir. 1987).

Federal case law, in interpreting the foregoing rule, has established a four prong test for a District Court to invoke whenconfronted with a motion for a new trial. For instance, to obtain a new trial based on newly discovered evidence, the defendant must show (1) that the evidence is truly newly discovered, i.e., discovered after trial; (2) that it could not, with due diligence, have been discovered prior to or during trial; (3) that the evidence is material and not cumulative or impeaching; and (4) that the evidence would probably lead to acquittal. *United States v. Underwood*, 932 F.2d 1049, 1052 (2d. Cir.), cert denied, ——U.S. ——, 112 S.Ct. 382, 116 L.Ed.2d 333 (1991); *United States v. Diaz*, 922 F.2d 998, 1006–07 (2d. Cir. 1990). ("New" evidence must create "a reasonable doubt that did not otherwise exist"), cert. denied, —— U.S. ——, 111 S.Ct. 2035, 114 L.Ed. 2d 119 (1991); *United States v. Tutino*, 883 F.2d 1125, 1140 (2d. Cir. 1989), cert. denied, 493 U.S. 1081, 1082, 110 S.Ct. 1139, 107 L.Ed. 2d 1044 (1990); *United States v. DiPaolo*, 835 F.2d 46, 49 (2d. Cir. 1987); *United States v. Gilbert*, 668 F.2d 94, 96 (2d. Cir. 1981), cert. denied, 456 U.S. 946, 102 S.Ct. 2014, 72 L.Ed. 2d 469 (1982); *United States v. Alessi*, 638 F.2d 466, 479 (2d. Cir. 1980); *United States v. Castano*, 756 F. Supp. 820, 823 (S.D.N.Y. 1991). However, as a matter of law, the trial court cannot grant a motion for a new trial based on newly discovered evidence once it has determined that the movant has failed to satisfy any part of the test, See *United States v. Hall*, 854 F.2d 1269 (11th Cir. 1988).

In *United States v. Matos*, 781 F. Supp. 273 (S.D.N.Y. 1991), the United States District Court for the Southern District of New York, was confronted with a motion for a new trial premised upon newly discovered evidence. The Court, in applying the facts to each prong of the test, held that even though the newly discovered evidence was material and not cumulative or impeaching, the evidence failed to satisfy the remaining criteria of the test. For instance, the defendant's newly discovered evidence consisted of two purportedly exculpating affidavits of co-defendants. The Court ruled that said evidence was not newly discovered, due to the fact that the defendant chose not to call said "witnesses" at trial, because their post arrest statements led defendant to believe that these witnesses would "inculpate, albeit falsely, rather than exculpate Matos." *Id.* p. 280. Second, the Court ruled that the defendant failed to establish that he could not with due diligence have discovered that evidence prior to trial, since there was no attempt to subpoena either of the co-defendants prior to trial. Third, the Court further set forth that the defendant failed to establish that the purportedly newly discovered evidence would probably lead to an acquittal, due to the suspect credibility of the co-defendants, both of whom were convicted and serving sentences arising from the same incident as defendant. Accordingly, in light of the foregoing, the Court held that it would not be in the interests of justice to grant the defendant a new trial.

In the matter at hand, Occhipinti respectfully submits newly discovered evidence to this Court, in support of his motion for a new trial. This evidence consists of numerous exculpating affidavits of individuals, working with Staten Island Borough President, Guy Molinari, and their consensually monitored conversations with individuals with personal knowledge and "bodega" witnesses whom testified at trial on behalf of the Government. As previously set forth, most of the Government's case-in-chief consisted of bodega witnesses, who testified that Occhipinti conducted searches at the subject bodegas without obtaining consent to search. However, the annexed affidavits contain various categories of newly discovered evidence, which detail improprieties, fraud, and perjury of these same Government bodega witnesses. Moreover, these affidavits further substantiate concerted efforts by a number of individuals, some of whom were Government witnesses, to frame Occhipinti for prosecution and conviction. The underlying reason for the conspiracy, as stipulated in the affidavits, was to terminate Occhipinti's investigation of the criminal conduct of the Federation, in which members of same, owned or operated bodegas.

Particularly, the affidavits describe, *inter alia*:

1. newly discovered evidence which confirms that certain members and associates of the Federation conspired and arranged to have Occhipinti framed and prosecuted by soliciting witnesses to assert false allegations to the authorities and then to testify falsely in the grand jury and trial;
2. newly discovered evidence which establishes that various substantive Government witnesses, whom testified against Occhipinti, lied under oath at the grand jury proceedings and at trial, consistent with the overall plan to frame Occhipinti; and
3. newly discovered evidence which supports Occhipinti's allegations at trial that a majority of the Government's bodega witnesses, used their "legitimate" businesses to commit and harbor illegal conduct and have continued to do same with the knowledge and tacit approval of the Government.

Before addressing the specifics of some of the affidavits, it should be noted that a number of the affiants have expressed fear for their safety and family members. Accordingly, most of the affiants will be identified herein as CI(1), CI(2), et seq. and generically as "he" to avoid identifying the sex of the affiant. Subject to this Court's approval and discretion, the original affidavits will be submitted, including the names and signatures of the affiants *under seal*. It should be noted that the identities of these confidential informants are within the possession of the Government. In fact, many of these informants were interviewed by FBI, Special Agent, Lionel Baron.

In addressing the newly discovered evidence, which is submitted by way of affidavits, specifically the affidavit of CI(1), which is annexed hereto as Exhibit A, it should be evident to this Court that Occhipinti should be granted a new trial. For instance, Exhibit A itemizes conversations of CI(1) with numerous individuals who testified on behalf of the Government, and/or were approached by the Federation to falsify allegations against Occhipinti, and/or have first hand knowledge of the framing of Occhipinti. Specifically, Martha Lozano, the owner of Commercial Travel Agency in Manhattan, admitted to CI(1) that she wasapproached by Mr. Simon Diaz of the Federation and asked to falsely testify that Occhipinti unlawfully searched her agency. Ms. Lozano refused to do same, even though she was previously Arrested by Occhipinti and convicted in Federal Court, because she set forth Occhipinti "performed his duties lawfully." Second, CI(1) met with Mr. Pedro Castillo-Reyes, the owner of Universal Travel Agency in Queens. Mr. Reyes admitted to CI(1) that Occhipinti was framed, but he refused to identify the conspirators. It should also be noted that Mr. Reyes was previously convicted in Federal Court for offering a bribe to Occhipinti. Third, Mr. Reymundo Tejeda also voluntarily conversed with CI(1). Mr. Tejeda testified at trial on behalf of the Government, that Occhipinti conducted an illegal search of his travel agency (Uptown Travel Agency). It should be noted, Mr. Tejeda admitted at trial to perjuring himself before the Grand Jury with relation to his criminal activities. However, in his conversations with CI(1), Mr. Tejeda admitted Occhipinti did not conduct an unlawful search, but he felt pressured to testify in the manner he did, by the United States Attorney's Office. Fourth, Thomas Galan, a college professor, who was present during the Tejeda search, stated to CI(1), in a consensually monitored taped conversation, that Occhipinti did not conduct an unlawful search. In fact, Mr. Galan asserted that he gave a statement to the U.S. Attorney's Office prior to trial stating same, but was not called as a Government witness. However, irrespective of same, the defense was not provided with Galan's name or statement. Accordingly, this newly discovered evidence not only reveals improprieties conducted by outside forces to frame Occhipinti, but also prosecutorial misconduct for failing to furnish exculpatory information to the defense. Fifth, Nurys Brito, the owner of Nurys' Travel Agency, was also a Government witness, who admitted to perjuring himself at trial to CI(1). At trial, Ms. Brito testified that Occhipinti conducted an unlawful search of her premises, but later admitted to CI(1) that Occhipinti conducted himself lawfully, but she felt pressured to testify in the manner she did.

Exhibit A, standing alone, raises serious concerns of prosecutorial misconduct, perjury and other improprieties, which were the catalyst to the framing, prosecution and conviction of Occhipinti. In support of same, the common thread that hauntingly appears in Exhibit A, is perjury committed by Government witnesses becasue they felt "pressured" to testify by the U.S. Attorney's Office and the Federation. Moreover, these Government bodega witnesses have no motive to presently change their testimony, especially since they are exposing themselves to perjury charges. Likewise, the bodega witnesses in the Affidavit, that did not testify at trial, also lack a motive to presently lie by setting forth that they were approached by the Federation to falsely testify, especially since they were previously arrested and convicted by Occhipinti's law enforcement efforts. However, the newly discovered evidence illustrated in Exhibit A, is only "the tip of the iceberg" of the "toto" of the newly discovered evidence submitted to this Court.

For example, in referring to the affidavit of CI(2), which is annexed hereto as Exhibit B, once again, two of the same Government bodega witnesses, namely Nurys Brito, and Reymundo Tejeda, reiterated their admission of perjury that was set forth to CI(1). For instance, Nurys Brito admitted to CI(2) in Exhibit B, that she gave Occhipinti permission to search her premises and she personally laid out files to facilitate the subject search. Moreover, Reymundo Tejeda admits to CI(2) that he lied to the Grand Jury because he consented to the search of his premises, prior to the execution of said search. Moreover, CI(2) elicits from Martha Lozano, the same individual who rendered statements to CI(1), a reiteration of the same statement. For instance, Ms. Lozano sets forth, once again, that she received a request to falsely testify against Occhipinti that he conducted an illegal search, but refused to do same. Thus Exhibit B is a crucial piece of newly discovered evidence, because it substantiates an indicia of credibility to itself and Exhibit A, that these individuals who rendered conversations to CI(1) and CI(2) are stating the truth, with no hidden motive.

Exhibit B is also very important to the pending Motion, due to the fact that it brings into the picture a new Government witness that admits to perjury. For instance, Mr. Jose Puello an executive board member in the Federation, reiterates, in a consensually monitored conversation to CI(2) that he had with a crucial Government witness, namely Jose Liberato who also is an executive board member in the Federation. The substance of this conversation was that Mr. Liberato informed Mr. Puello, that the allegations against Occhipinti were untrue and initiated by members of the Federation to prevent Occhipinti from interfering with the illegal activities of the Federation. In fact, Liberato admitted that he sought advice from his attorney who is named in Exhibit B, on how the Federation could stop Occhipinti's interference. Liberato was instructed by counsel various bodega merchants, that had a history with Occhipinti's law enforcement efforts, to falsely state that consent to search was never rendered and that monies were also stolen while the unlawful search was conducted. Accordingly, Exhibit B depicts to the Court a third Government witness, who also admits to perjury in addition to Ms. Brito and Mr. Tejeda, as well as admitting to initiating the conspiracy to frame Occhipinti as well as the underlying motive for same.

However, Jose Liberato's pride-filled bragging of his conspiring efforts did not stop with Jose Puello, and in turn CI(2). In fact, as evidenced by the affidavit of CI(3), which is annexed hereto as Exhibit C, Mr. Liberato bragged to CI(3) how he "F—— the Federales," by falsely testifying against Occhipinti for conducting unlawful searches and stealing monies. Furthermore, Liberato continued to brag of the Federation's efforts of organizing various bodega owners to falsely testify.

Moreover, the allegations encompassing the aforesaid conspiracy heighten with regard to the number of players involved. Specifically, referring to the affidavit of CI(4) annexed hereto as Exhibit D, it sets forth the conversation between said informant and the brother of Jose Elias Taveras, the latter who was also a Government witness at trial. This conversation details the admissions of Taveras' brother to the informant and others, which indicates that Jose Elias Taveras was instrumental in the framing and conviction of Occhipinti.

The contents of the affidavit of CI(4) is corroborated by the affidavit of CI(5), which is annexed hereto as Exhibit E. The affidavit of CI(5) details a conversation with the brother of Jose Elias Taveras, who refused to reveal his first name. Taveras' brother, once again, admits to a different informant that Jose Elias intentionally perjured himself against Occhipinti for the purposes of framing him.

In addition to the foregoing affidavits that have been submitted under seal, also attached are affidavits submitted by brave individuals, who have chosen to reveal their identities in the interest of justice. Exhibit F is the affidavit of Marino Reyes, the owner of Jose Grocery, New York, New York. Once again, this affidavit focuses upon the conversations of Jose Liberato in relation to the framing of Occhipinti. As illustrated by Exhibit F, in October of 1992, Mr. Reyes met with Liberato and was informed of the difficulty Liberato was confronted with in finding witnesses to falsely testify against Occhipinti. Moreover, Liberato reiterated to Reyes his motive for framing Occhipinti; his law enforcment efforts were interfering and damaging the Federation's illegal activities.

As depicted by Exhibit G. Victoria Lopez, a customer in Liberato's bodega in March of 1990, overheard his conversation with another individual, in which he set forth that he was attempting to locate individuals that would lie about their encounters with "the federal agent." In fact, as stated by Ms. Lopez, Liberato was emphatic that the "federal agent" would be placed in jail, for his interference, irrespective of the cost. In December of 1991, Ms. Lopez learned that Liberato asserted allegations against Occhipinti for Civil Rights violations, in which at that time she realized "the federal agent" referred to by Liberato in his previous statements, was in fact Occhipinti. Furthermore, referring to the Affidavit of William Franz, annexed hereto as Exhibit H, the contents of same sets forth portions of a audio taped conversation between a confidential informant and Raphame Liberato, who also was a Government witness, in which the latter bragged that himself and Jose Elias Taveras, had "taken care of" an agent. Thus, the foregoing affidavits that detail statements made by Jose Liberato and Jose Elias Taveras, evidences to this Court that they were key players in the framing of Occhipinti. For example, they not only admit their roles and the motives for same, but also the bragging to confidential informants and any individuals that were willing to listen to them, which clearly adds an indicia of credibility to their statements. After all, one must question their personal knowledge of the specifics of the aforesaid circumstances, if they were not being candid with their bragging.

Exhibit I is the affidavit of Manual DeDios the former editor of El Diario/La Riensa and Canbyo periodicals. During the courseof his investigatory work for his periodical, DeDios interviewed numerous individuals who were members of the Federation. Even though these individuals refused to permit DeDios to reveal their identities, due to concerns for their safety, they set forth that Occhipinti was framed by the Federation and the allegations against him were fabricated. Ironically, shortly after his willingness to submit his affidavit (Exhibit I), DeDios was tragically murdered in an execution-style shooting. Moreover, in a consensually-monitored conversation, DeDios confirmed Jose Liberato's involvement in the conspiracy to frame Occhipinti, as well as his involvement in ongoing alleged criminal activity.

Up to this point, the newly discovered evidence focused primarily upon the admission of perjury by key Government witnesses, at the hands of the Federation, in a conspiracy to frame Occhipinti, due to his interference with the drug cartel. However, the affidavit of Alma Camarena, the former legal assistant of a New York law firm and present informant, also presents new evidence regarding the outside players in this conspiracy. (See Exhibit J).

Ms. Camarena was employed by the same law firm from which Liberato sought legal advice for his problem named "Occhipinti" (See Exhibit B). In fact, this law firm was the target of Occhipinti's prior investigation, labeled "Project Esquire," that was assigned to Assistant U.S. Attorney Jeh Johnson, and subsequently failed to materialize. As evidenced by her affidavit, Ms. Camarena, in 1988, provided Occhipinti with information for his investigation into Officer Buczek's homicide, and the drug cartel, which was implicated in said homicide. Additionally, in 1989, she informed Occhipinti and others, that her employers were involved in "activities" other than legal assistance. Based upon same, Ms. Camarena had two meetings with Occhipinti, other law enforcement officers and Assistant U.S. Attorney Jeh Johnson, who "ironically" was the U.S. Attorney who prosecuted the case against Occhipinti. At those meetings, Ms. Camarena informed Mr. Johnson of the illegal activities of her employers and information of Freddie Then. However, no action was taken by the U.S. Attorney's office.

More importantly, in 1989, the affiant overheard a conversation at her employer's office, in which one partner complained to the other of the tremendous pressure Occhipinti was placing on the illegal activities of the firm's Dominican clients. The "elimination" of Occhipinti, was suggested. Instead, it was agreed that Occhipinti would be framed for prosecution for civil rights violations of Dominican bodega owners. In fact, the lawyer set forth that his "contacts" in the U.S. Attorney's office would aid him in the conspiracy. In August of 1989, Ms. Camarena reported this conversation to Assistant U.S. Attorney, Jeh Johnson. However, once again, no action was taken and this exculpatory information was not divulged to the defense. Unfortunately, shortly thereafter, the affiant was compelled to flee the state for her safety, once she learned that her employers were informed of her communication with the Government, by their contacts with the U.S. Attorney's Office.

The affidavit of Alma Camarena presents to this court serious questions of prosecutorial misconduct, improprieties in the U.S. Attorney's Office and illegal conduct of a New York law firm. Moreover, it also presents evidence which substantiates and correlates the contents of the other affidavits that Occhipinti was framed by the Federation, upon the advise of counsel, which nailed his prosecution and conviction based upon perjurious testimony. As previously stated, the common thread that flows from the contents of these affidavits is devastating due to the fact that they cannot be overlooked as mere coincidence. The fact of the matter remains, that a conspiracy was arranged by powerful Dominican drug lords, to frame an innocent man for his efforts in fulfilling his law enforcement duties to protect the public.

It should be noted that additional affiants and documents are annexed hereto in support of Occhipinti's motion for a new trial. Specifically, annexed hereto as Exhibit K is the affidavit of Raul Anglada, a New York City Detective, who accompanied Ms. Camarena to Jeh Johnson's office, when she reported the conspiracy to frame Occhipinti by her employers and their clients. Exhibit L is the affidavit of Tony Reyes, which details his personal knowledge of the conspiracy, as well as the law firm's involvement in same. Also, Exhibit M is the affidavit of Hilda Navarro, which introduces a new player in the conspiracy, namely Alfredo Placeras, an attorney with the Federation. This attorney admitted his involvement in the conspiracy and his efforts to "finish" Occhipinti.

Exhibit N is the affidavit of Angel Nunez, Esq., an attorney licensed to practice in the State of Pennsylvania. It should be noted that this affidavit contains information, a portion of which is not relevant to the present application. However, focusing on page eleven of said affidavit, Mr. Nunez refers to an individual identified as "Source A." "Source A," was a Dominican merchant, who defaulted on a loan to a Dominican loan shark. Source A's identity must remain confidential and his whereabouts not revealed, due to the fact that there exists a contract for assassination on his life. This source confirms that the conspiracy to frame Occhipinti was facilitated through fabricated civil rights violations and embezzlement allegations by Government witness, Jose Liberato. Mr. Nunez's affidavit also details the personal knowledge of other sources, which confirms the subject conspiracy and the players. This information was obtained from Source A post conviction.

Richard Callaghan, a retired Federal Agent and New York City Detective, affidavits are annexed hereto as Exhibit O. Mr. Callaghan executed two affidavits, memorializing the results of his investigation conducted on behalf of Staten Island Boro President, Guy Molinari. These affidavits detail newly discovered evidence, which could not have been ascertained prior to or during the trial, due to improprieties of the U.S. Attorney's Office. Specifically, the first affidavit details Occhipinti's search of Jaime Caba's bodega. Mr. Caba stated to Callaghan that he never made complaints against Occhipinti and that his civil rights were not violated, due to the fact that the agent was courteous and did not seize anymoney. Irrespective of same, Caba set forth that he was interviewed by investigators and a U.S. Attorney in which he told them that he refused to press charges or testify, due to Occhipinti's lawful conduct. This exculpatory witness was never revealed to the defense by the Government. In addressing Callaghan's second affidavit, Yehye Abuzaid, the owner of Uptown Deli and Grocery, this individual stated that he voluntarily signed the consent to search prior to Occhipinti conducting the search of his bodega. Abuzaid was contacted by the U.S. attorney's office with regard to same, but this information also was never disclosed to the defense. Thus, Occhipinti was confronted with two conspiracies, the conspiracy to frame him by the Federation and the conspiracy of convenient undisclosure of exculpatory evidence by the Government.

Exhibit P is the affidavit of Ray Hagemann, a Chief Investigator employed by Molinari. Hagemann's affidavit is critical to Occhipinti's pending application because it corroborates the contents of other affidavits detailed herein, specifically the affidavit of Alma Camerena. Moreover, Hagemann's affidavit details a taped conversation between a confidential informant and Jose Prado, a Government witness. During this taped conversation, Prado admitted that he received from Jose Liberato the sum of $35,000.00 to falsely testify against Occhipinti. A transcript of this conversation is annexed to Hagemann's affidavit for this Court's review. Aside from taping a conversation with Prado, the same informant also taped a conversation he had with Jose Elias Taveras, which was proven to be authentic by an independent voice analysis expert. (See results annexed to Hagemann's affidavit.) This conversation specifies Taveras' admissions that he perjured himself in the Grand Jury and at the subject trial. Thus, Hagemann's affidavit brings to focus the underlying reason why numerous bodega owners were willing to commit perjury at the direction of Liberato and the Federation. The reason being is at least one witness, namely Jose Prado, was paid a substantial amount of money for a dastardly service. Accordingly, this newly discovered evidence presents a chilling question to this Court: the trier of fact, based upon perjured testimony, procured by bribes and other illicit means, taken together with the absence of exculpatory evidence due to prosecutorial misconduct, convicted an innocent man.

Moreover, Hagemann's affidavit also details his knowledge of a conversation with himself, Molinari and Lenny Lemer, a Detective Sergeant of the New York City Police Department, assigned to the DEA task force. Lemer voluntarily went to Molinari and Hagemann, with regard to the results of his investigation of Sea Crest Trading Co., which is associated with the Federation. Lemer set forth that during this investigation, he discovered evidence which would prove Occhipinti was framed. Thus, Lemer's statement is important due to the fact that it portrays the voluntariness of independent law enforcement personnel, approaching Molinari and Hagemann, with regard to evidence proving Occhipinti's innocence, which was derived from a separate investigation.

However, Lemer isn't the only independent law enforcement personality which has publicly stated Occhipinti is innocent. For instance, James Fox, the Assistant Director of the FBI, publicly proclaimed that an independent federal investigation uncovered newly discovered exculpatory evidence, that could prove Occhipinti's innocence. In fact, Mr. Fox also publicly proclaimed that in light of same, Occhipinti deserves a new trail. It should be noted that Occhipinti has previously requested the release of any and all reports generated by the FBI in this investigation, which to date, have not yet been released.

Moreover, the State of New Jersey, after examining various pieces of evidence relating to the framing of Occhipinti, unanimously approved assembly resolution 107. This resolution called for a special prosecutor and a Congressional investigation into the alleged drug cartel conspiracy and the Justice Department's cover up of Dominican organized crime and its handling of the Occhipinti prosecution. In fact, Occhipinti was previously debriefed by the New Jersey Senate and will be testifying before them.

In addition to the foregoing, the aforesaid New Jersey resolution, was introduced into the U.S. Congressional record on April 28, 1993, by U.S. Congressman Dick Zimmer, and placed under Order 93.

The White House has also responded to this resolution, and has referred this matter to the U.S. Office of Special Counsel under file number: MA-93-1357.

Accordingly, premised upon this newly discovered evidence, it is obvious that the credibility emanating from same, has warranted the public and legal support of many influential government agencies and individuals. Thus, the only issue that remains, is whether this evidence meets the legal plateau for an award of a new trail.

Application of the facts in the case at bar to the foregoing legal principles governing the award for a new trail, clearly evidence to this Court that Occhipinti should be awarded a new trail for the following reasons. First, there can be no dispute that the contents of the affidavits, and documentation submitted is material to the issues presented and for cumulative or impeaching. For instance, the "newly discovered evidence" brings to light, for the first time, the existence of a conspiracy to frame Occhipinti, the underlying motive for same, admissions of perjury by key Government witnesses, prosecutorial misconduct as well as improprieties committed by Government agencies and certain members of the legal profession. Thus, this evidence is material due to the fact that it is submitted and offered for reasons other than to impeach the credibility of Government witnesses who testified at trail. In fact, it emanates beyond the realm of being material due to its content and relevance to the issues presented to this Court.

Second, the evidence submitted is truly newly discovered and, in fact, could not have with due diligence, been discovered prior to or during the trail. After all, it is reasonable to conclude that the Government witnesses, who presently admitted to committing perjury, the motive for same or the underlying conspiracy, would not have revealed this information prior to or during the trial. After all, if this evidence could have been discovered prior to or during the course of the trial, there would not have been a trial in the first place, or the matter may have been dismissed. Moreover, referring to the affidavit of Victoria Lopez, annexed hereto as Exhibit G, her knowledge was impossible to discover prior to or during the trial, since she did not realize the identity of the "federal agent" Liberato was referring to until December of 1991, which was well after the trial and conviction of Occhipinti. Additionally, the affidavit of Alma Camarena, annexed hereto as Exhibit I, discloses that even though she had knowledge of the conspiracy and some of the players, this information was never disclosed to the Court or the defense by the U.S. Attorney's Office. To complicate matters further, Ms. Camerena was compelled to flee the state shortly after her meeting with the U.S. Attorney Jeh Johnson, due to threats and concern for her safety. Thus, Ms. Camarena was unavailable as a defense witness, even if her knowledge was presented to the defense, in accordance with legal procedure. The factors at play, specifically the efforts to frame Occhipinti by powerful conspirators, taken together with prosecutorial misconduct and other improprieties, clearly prevented Occhipinti from ascertaining this evidence prior to or during the trial.

Fourth, based upon the contents of the "newly discovered evidence," it is obvious that this evidence would probably lead to an acquittal of Occhipinti, if he was awarded a new trial. For instance, for the first time, the trier of fact would have access to the contents of the evidence relating to a conspiracy to frame Occhipinti for his interference with the illegal activities of the Federation. This, of course, can be substantiated by Ms. Camerena and Raul Anglada, who was present with her, when she met with U.S. Attorney Jeh Johnson. (See affidavit annexed hereto as Exhibit J). Moreover, the conspiracy can also be established by Martha Lozano, (referred to in Exhibit A and B), Pedro Castillo-Reyes (Exhibit A), Thomas Galan (Exhibit A), Jose Puello (Exhibit B), Marino Reyes (Exhibit F), Victoria Lopez (Exhibit G), Hilda Navarro (Exhibit M), Tony Reyes (Exhibit L), as well as the confidential informants and the host of other persons named and/or disclosed in the "newly discovered evidence." Moreover, the Government would not have the availability of their key witnesses, namely Jose Liberato, Jose Elias Taveras, Reymundo Tejeda, Nurys Brito and others, unless these individuals were willing to openly admit to perjury in Court. Thus, the causal effect this bears on the Government's case-in-chief at a new trial, would be devastating for the following reasons. On the firsthand, the Government's witness list would be severely hampered, due to the elimination of perjured testimony previously submitted to and evaluated by the trier of fact in reaching a verdict. Second, the Government would have substantially less bodega witnesses to testify that Occhipinti conducted an unlawful search and a stole monies, which bears directly upon the counts of the Indictment, which previously led to aconviction. Furthermore, without the existence of prosecutorial misconduct and the other improprieties which plagued the defense in the first trial, it is apparent that the submission of this new evidence would create "a reasonable doubt that did not otherwise exist." (See previous citation).

Accordingly, the foregoing application has established that Occhipinti has satisfied every prong of the test governing an award for a new trial. The overwhelming evidence submitted warrants an award for a new trial, because it pursues the interest of justice, which is the ideal our legal system was founded upon. After all, Occhipinti was stripped of his fundamental right to be presumed innocent, until proven guilty, due to the underlying forces conspiring against him. Therefore, the time has come for this Court to remedy the injustice that was befallen on an innocent man, by aiding him in his struggle to eliminate his conviction and the stigma of guilt that surrounds him by proving his innocence by way of an award for a new trial.

CONCLUSION

Based upon the foregoing, it is respectfully requested that defendant, Joseph Occhipinti, be granted a new trial.

Respectfully yours,

Pope and Bergrin, P.A., Attorneys for defendant Joseph Occhipinti.

By: ANTHONY J. POPE.

FEDERAL SUPPORT FOR THE ARTS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MAZZOLI. Mr. Speaker, last month, the House passed H.R. 2351, a bill to reauthorize the National Endowment for the Arts [NEA], the National Endowment for the Humanities [NEH], and the Institute for Museum Services [IMS] through 1995.

I supported this reauthorization, as I have steadily over the years, because these organizations, despite the legitimate criticisms leveled against them, have done much to promote the arts and the humanities in Kentucky and across this Nation.

Because of the concerns—which again I would characterize as well founded and legitimate—expressed by our constituents about the questionable activities mostly funded by the NEA, significant limitations and guidelines were imposed by Congress on the grant-making authority of the NEA and its allied agencies in 1990.

Congress stated that: "obscenity is without artistic merit, is not protected speech, and shall not be funded." The same 1990 act established criteria for judging NEA applications, and stated: "artistic excellence and merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public."

Mr. Speaker, I am hopeful that these changes in the law governing taxpayer support of the arts and the recent confirmation of the new director of the NEA, the eminent actress, Jane Alexander, will create a new and most promising climate for Federal funding for the arts, humanities, and museums.

Mr. Speaker, I am particularly proud of the lively state of the arts and humanities in my State and district. Louisville and Jefferson County can properly boast of many organizations which exhibit, promote and teach art, drama, music, opera and dance to the residents of the Louisville and Jefferson County area.

Many of them, such as the Actors Theatre of Louisville, the Louisville Orchestra, and the J.B. Speed Art Museum are recent grantees of the NEA. Many others such as Theatre One, the Kentucky Opera, the Louisville Ballet, the Kentucky Shakespeare Festival, Artswatch, Inc., Stage One: the Louisville Children's Theatre, Kentucky Center for the Arts, and the Theater Workshop of Louisville are all assisted in their important missions by grants from Federal, State, and local government.

Mr. Speaker, as we know full well, the arts and the humanities enrich our world and ennoble humankind. They inspire, console, and direct us. They relax, refresh, and renew us. Federal support of the legitimate arts and humanities is critical, fitting, proper, and appropriate.

GOVERNMENT REGULATION GONE AWRY; TWO STAPLES OR ONE?

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PORTER. Mr. Speaker, I have introduced legislation today which would require the Postal Service to make a minor clarification in one of its regulations.

The regulation at issue is a good one—it prevents commercial mailers from stuffing their magazines full of inserts without paying additional postage. However, the regulation accidently includes within its reach newspapers that appear in a bound format—newspapers with two staple bindings.

These are bona fide second-class weekly newspapers which occasionally contain loose supplements—usually advertising mailers for local, small businessmen who would otherwise be unable to afford the cost of advertising. These newspapers simply do not follow what we have come to know as the conventional format.

There are only a handful of these newspapers in the country and one of the publishers is in my district.

My legislation simply requests the Postal Service to clarify this regulation to eliminate its unintended effect on a handful of second-class newspapers.

TESTIMONY OF BETH B. BUEHLMANN ON HEALTH CARE REFORM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GOODLING. Mr. Speaker, I wanted to share with Members the following testimony of Beth B. Buehlmann before the Labor Management Subcommittee of the House Education and Labor Committee. I believe her experiences and real life story exemplifies the need to reform our Nation's health care system.

TESTIMONY SUBMITTED BY BETH B. BUEHLMANN

Mr. Chairman, I welcome the opportunity to appear before you and other Members of the Committee today to tell my story, really my son Eric's story, because it is one that raises a number of issues that I believe have to be considered in any health care reform package. Fortunately for me, this story has a "happy" ending.

Let me start by asking each of you what you were doing on January 20 of this year? In case the date doesn't ring a bell, it was inauguration day. For myself, I was looking forward to a quiet day away from the office with no outside distractions. Instead, I was at Georgetown University Hospital, praying that my 24 year old, otherwise healthy son, would survive a massive brain hemorrhage that one doctor described in the following way: it's as though his head hit a brick wall going 60 miles per hour without the protection of a helmet, yet with no outside visible signs of damage. By noon, he had made it through the emergency craniotomy, but the prognosis was dismal. His bleeding could not be stopped, and his left side was paralyzed. No assessment was made as to the damage his brain had sustained, but because the bleeding had been deep, little optimism was evident.

Less than a week before, Eric had been diagnosed with ITP (thrombocytopenic purpura), and idiopathic disease which causes the body to destroy its own platelets (the element of your blood which aids coagulation). He underwent therapy for the ITP, but was told that he was not responding well to the steroids. A different, more invasive therapy would have to be started that Thursday, January 21. It was at this point that the doctor learned a disturbing fact—Eric did not have health insurance.

Although Eric was in his last semester of law school, because of a hold on his registration, he was not officially enrolled. As some of you may know, health care coverage for many students is enrollment driven. To add insult toinjury, because Eric had technically been carrying less than a full-time course load in the fall semester, he had not been covered then either. (This fact became important in determining whether he was covered by COBRA—obviously not.) Quite frankly, even if Eric had been covered by the student health insurance policy, maximum coverage was only $25,000. If he had done everything right, it still wouldn't have mattered because his initial hospital bills alone were close to $200,000. In order for him to have had greater coverage, he would have had to affirmatively request that coverage and pay an additional fee (most students, as I found out later, were unaware of this option). For any of you familiar with the life of a graduate student, you recognize that even the smallest cost would have been difficult to scrape together when you live on loans and other borrowed money, along with possible earnings from a part-time job. Besides, why would a healthy, young adult need more, catastrophic coverage?

In the two days after his initial surgery, Eric required an emergency splenectomy and an angioplasty. Removing his spleen was the last resort the doctors had in trying to stabilize his platelet count (when Eric was admitted, his platelet count was 4,000; the average person's count is 300,000 to 400,000.) If his platelet count could not be raised, it was likely that he would have a second, probably fatal, head bleed. Each of these procedures was life threatening, but in the balance, necessary.

Throughout this period of stress and emotional upheaval, the question remained, how would all of this be paid? Medicaid? Declaring bankruptcy? (ruining his credit record for years to come) Hospital charity programs? Assumption of my house, even though Eric did not live with me, and had not been claimed as a dependent for years? After consulting a few lawyers, two things remained unclear because Eric had lived in my house until the previous August, at which time he moved into the District of Columbia. The first was, if he qualified for Medicaid, in which jurisdiction would he be covered? The second was whether my assets would be counted against Eric in determining his eligibility, and whether they would be considered as a possible source of payment for his hospital costs? I do not want to minimize this point. It is very difficult to write or speak about the genuine fear I experienced over the possibility of losing everything—including my son.

None of the lawyers was willing to assure me of the answer to either question, but I was told emphatically to sign no papers which had any possibility of creating a fiscal liability for me.

Medicaid only considers assets, not liabilities in determining eligibility. Therefore his student loan debt had no bearing on his situation. DC said that Eric only lived in the district because he was a student. Therefore he would not be considered eligible in DC and needed to apply for Virginia Medicaid. Because Eric no longer lived with me, Virginia Medicaid said he was not their responsibility either. My decision finally was made on the basis of the Medicaid that was more universally accepted at the hospital, and on the basis of where he was living—DC.

It was more than three weeks after his brain hemorrhage before Eric qualified for DC Medicaid. Only then was I somewhat assured that I would not be held liable for my son's medical bills. However, I want to make one thing clear. Regardless of the cost, I would have risked my financial future, if that is what it took, to make sure that Eric received the medical and rehabilitative care that he needed and continues to receive. I would also like to add that even if I had divested myself of everything, I would not have paid for Eric's hospital bills—25 days at Georgetown, 10 weeks at NRH, and continued outpatient therapy to the present.

Based on my experience, I would like to make the following points:

College students are extremely vulnerable when it comes to health care coverage, which in turn places their families at risk as well;

The level and availability of health care coverage a person receives should not be decided on the basis of residence;

Family members should not have to worry about the fiscal liability they may face, when the focus of their efforts should be in support of the ill person;

Once a child is independent, parents' assets should not be placed at risk either by their proximity or involvement at the time of the crisis; and,

Artificial barriers to service should not exist because of arcane bureaucratic rules, regulations and insatiable documentation requirements.

It is now nine months after Eric's experience. He has overcome extraordinary odds and has made almost a complete recovery. Given the severity of the initial effects of the hemorrhage, and the original prognosis, his only remaining residual effect is a significant eyesight deficit. He is clearly the beneficiary of outstanding medical treatment and rehabilitative services. Without the efforts of the doctors, nurses and the therapists at Georgetown University Hospital and the National Rehabilitation Hospital who have worked with him, he could not have made it this far. In fact, his therapy is now focused on getting Eric back to law school part-time in January, just one year after all this happened.

As I stated in the beginning, this is a story with a "happy" ending. However, it could just as easily have been otherwise. Eric will however, live with ITP the rest of his life—a pre-existing condition, which under the current system of health care coverage could either prevent him from getting coverage, or at best, require that he pay a much higher price for basic health insurance. We need to assure a means of funding catastrophic illnesses, without bankrupting the individual, the family, the nation, and the system. I hope that with health care reform, this goal can be achieved.

GENERAL AL HAIG'S POSITION ON HUMAN RIGHTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I was disturbed to learn that Gen. Alexander M. Haig, Jr., who I have long admired and who was once our Secretary of State, NATO Commander, and White House chief of staff believes that the United States should not criticize China for its human rights violations. Both the executive and legislative branches of the U.S. Government are long on record for speaking out against human rights violations wherever they occur. The State Department's "Country Report on Human Rights Practices" has for years pointed out the terrible problems in Syria, Iran, and other places. Likewise, so has the Congressional Human Rights Caucus.

Last Friday, A.M. Rosenthal, in his "On My Mind" column for the New York Times, pointed out his puzzlement at General Haig's position. For my colleagues' review, I request that this column be printed in full in the RECORD at this point:

[From the New York Times, Oct. 29, 1993]

HOW DARE WE?

(By A.M. Rosenthal)

How dare the United States do this thing? Alexander M. Haig Jr. wants to know. How dare the U.S. "go around telling the rest of the world" that it must live up to American human rights standards? He has China in mind.

"I think the time has come to take a different tack here," he said in Beijing. "And Tiananmen is a long way behind us."

Mr. Haig has a distinguished record—Secretary of State, NATO commander, White House chief of staff. He was in Beijing to introduce the new president of United Technologies Corporation to Chinese Communist leaders. United Technologies is in the defense business.

Mr. Haig is a take-charge kind of guy. Right after President Reagan was shot in 1981, Mr. Haig, then Secretary of State, told the country that he himself was "in control" at the White House; Vice President Bush was in a plane flying to Washington.

The Haig decision did not sit well, probably because neither Mr. Reagan, Mr. Bush nor Congress had also so decided.

Anyway, you can see Mr. Haig deserves an answer and Washington better give him one in a hurry. Until then, I will do my best.

Mr. Haig, it really is a matter of taste and, if you forgive the expression, the moral responsibility of American business.

The taste of Congress, the incumbent President and most Americans kind of runs against governments that use forced labor in and out of prison as an official part of the economy, and torture as an inducement to both labor and political obedience.

In China, the Government uses the economic advantages of that labor, and of trade with the capitalist nations, to build the world's largest army—and to sell missiles, nuclear material and weapon technology, mostly to nations hostile to America.

Mr. Haig, those Americans not well disposed to gulag government do not want to bomb China or isolate it. All they say is that it is hypocrisy and destructive of liberty to say we disapprove of Communist Chinese techniques of government and yet refuse to do what we can to pressure the gulag wardens into at least lowering the torture quotient of political life, in China proper and imprisoned Tibet.

Congress taste, and expressed will, is to put a deal to your Beijing hosts: Loosen the handcuffs or we will lift the trade privileges that have made possible the $20 billion trade advantage China enjoys over the U.S.

Business is no more holy than diplomacy or journalism. Either can help build freedom or help maintain despotism.

Certainly it is obscene that profits made through the capitalist free-enterprise system be used to strengthen a Communist society that refuses to give its citizens and Tibetans the freedoms of choice that should be the very essence of capitalism.

I know of two U.S. companies that have adopted a human rights policy that does honor to them, their country, free enterprise and their customers. They have withdrawn their plants in China or are preparing to do so rather than contribute to the daily violations of decency that exist all around those factories.

So I am writing this dressed in a long-wearing, stylist pair of Timberland boots and long-wearing, stylish Levi Strauss shirt and pants.

Beijing may not tremble before Levi Strauss and Timberland. Neither did Pretoria tremble when some American company was the first to say: "No longer."

Mr. Haig says we should help China to offset Japan. Then we can balance the two superpowers of Asia against each other, instead of having to deal alone with Japan. Neat? Presumably Japanese and Chinese cannot figure that out and one day get together to give us a two-superpower squeeze.

Patrick E. Tyler, the New York Times bureau chief in China, who interviewed Mr. Haig earlier this month, writes that he was seething at U.S. policy toward China.

Mr. Haig is an excellent seether. I always liked him for that. We two may have faults but concealment is not one of them.

A press colleague told me Mr. Haig had said he would dearly love to punch me in the mouth for asking him a political question he thought impertinent in substance and manner. It was. Mike Wallace egged me on.

But since Mr. Haig never did punch me in the mouth I took the threat as mere wishfulness. If not, I hope he gets tired of waiting in line.

INTRODUCTION OF THE ECONOMIC AND EMPLOYMENT IMPACT ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DELAY. Mr. Speaker, I have often come to the floor of this House outraged about the burden this Government places on the taxpayer through its myriad of laws and regulations. Unfortunately, instead of this trend decreasing, it has only increased, and I believe drastic measures are necessary to fight it.

Today I am introducing a bill which will force Congress and the executive branch to fully consider the costs of laws and regulations on the economy and on individuals by requiring that all legislation considered by Congress, as well as all final and proposed regulations promulgated by executive branch agencies be accompanied by an economic and employment impact statement.

Modeled after the Economic and Employment Impact Act introduced by Senator NICKLES—and which failed to pass in the Senate by a mere two votes—this bill will require that these statements contain both the positive and the negative effects of any piece of legislation or any Federal regulation on employment, the gross domestic product, and the ability of U.S. industries to compete internationally, as well as the cost to consumers, to business, and to State and local governments.

Under current law, businesses and Government agencies are required to file environmental impact statements to demonstrate any harm which may result from construction or other activities. In light of the fact that we may soon be considering a bill to elevate the Environmental Protection Agency to Cabinet level, as well as comprehensive health care reform which is guaranteed to throw a whole host of new regulations on the system, I believe it is appropriate at this time to ask that the Federal

Government live by the same rules and keep in mind the interests of those on whom it is imposing its will—the American taxpayer.

Requiring that an economic impact statement accompany legislation and Federal regulations will do just that.

Regulations—which in fact are hidden taxes—are wreaking havoc on the competitiveness of this country and the standard of living of American families. Over the last 4 years the regulatory burden has grown tremendously and as a result the private sector has lost nearly 2 million jobs since early 1990. A conservative estimate of the cost of regulation to the average American family is a staggering $8,000 to $17,000 per year.

Despite all of the hoopla surrounding Vice President AL GORE'S plan to reinvent government and simplify the layers of regulation, the Center for the Study of American Business in St. Louis found in its latest analysis that regulatory staffing shows a slight increase in the President's budget for this coming year. In all, 128,615 positions in the U.S. Government are assigned to watching over hard working Americans and making sure that they comply with every minuscule rule that might be thought up by some bureaucrat in a Washington office.

My Economic and Employment Impact Act is a commonsense step to ensure meaningful evaluation of the potential costs and benefits of regulations before they are implemented, and I urge my colleagues to sign on as cosponsors.

NAFTA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PACKARD. Mr. Speaker, NAFTA will launch San Diego into the international trade spotlight. More than any other area of the country, San Diego stands to gain the most from the free-trade pact. We already sell more than $1.3 billion in goods and services to Mexico every year—that's 10 percent of San Diego's gross regional product. Free trade will boost that figure by $200 to $300 million per year. That translates into 20,000 new, high-paying jobs for San Diego.

Exports to Mexico in high-technology products and services are on the rise. The Mexican market demand is especially growing in San Diego's most competitive industries. But further market penetration has been hampered by Mexico's current trade barriers. For instance, computer software coming from the United States faces a 20-percent tariff in Mexico. That's an incredible hurdle to overcome in such a price-sensitive market. But NAFTA will pave new inroads for the computer industry. Under NAFTA, tariffs will be immediately eliminated on U.S. exports up to $200 million. Eventually, tariffs on all computer exports will be eliminated. We're going from a 20-percent tariff to zero. San Diego's computer industry will be given a competitive edge in a market that is growing every year.

Many other San Diego industry strongholds will also benefit under NAFTA, including electronics and medical equipment. Not only will the 20-percent tariff be eliminated on these products, but for the first time United States manufacturers will be allowed to compete in Mexico's valuable public-sector market. Up till now, Mexico's nationalist, protectionist policies have stopped us from participating in most of Mexico's industrial sectors.

San Diego companies are also going to benefit as NAFTA removes Mexico's bureaucratic hurdles and strips away the redtape. Licensing requirements are streamlined. Quotas are reduced or completely eliminated. And intellectual property rights are strengthened.

As the largest metropolitan area on the Mexican border, San Diego will be a magnet to attract United States companies and even Mexican subsidiaries. Our proximity to the border makes us an ideal jumping off point into either the Mexican or United States market. Coupled with our highly skilled and highly educated populace, that makes us a trading powerhouse.

San Diego consumers will also appreciate NAFTA as they get more bang for their buck at the cash register. Lower tariffs mean lower retail prices.

NAFTA will bring increased trade, increased commerce, new high-paying jobs, and lower retail prices. In short, NAFTA is a good deal for San Diego.

NATIONAL CHEMISTRY WEEK

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. CALLAHAN. Mr. Speaker, I would like to take this opportunity to rise and recognize the celebration of National Chemistry Week, sponsored by the American Chemical Society and scheduled to be held November 7–13, 1993.

The American Chemical Society is a nonprofit scientific and educational organization of professional chemists and chemical engineers. Its membership of over 144,000 makes it the largest scientific society in the world. The Mobile, AL, section of the American Chemical Society currently has 203 highly educated and motivated members.

The National Chemistry Week program was first developed in 1986 to impress on the public the importance of chemistry in everyday life. Its mission is to reach the public with positive messages about chemistry and make a positive change in the public's impression of chemistry.

I congratulate the members of the Mobile, AL, section of the American Chemical Society on their hard work and dedication to the field of science, and I wish them well in their celebration of National Chemistry Week.

CHIEF AL STEVENS: A TRUE PROFESSIONAL POLICE OFFICIAL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today in appreciation of the exceptional dedication to our community exhibited by George "Al" Stevens during his 32 years of public service. One of the truly exceptional men in law enforcement, Chief Stevens has developed an admirable reputation as someone committed to his family, his neighbors, and his profession. This unusual dedication is celebrated today among his many friends and family as we remember his 18½ years as the Richfield Township chief of police.

Working for the Genesee County Sheriff's Department until 1966, and the Davison Township Sheriff's Department until 1975, Al served as Richfield Township's first full-time police chief from 1975 to 1993.

A consummate professional, Al has handled the awesome responsibility of police chief with prudence, equity, and compassion. Moreover, his tireless commitment to my neighbors in the Fifth District is further evidenced by his 58 years in the Davison area, and 24-hour-a-day commitment to Richfield law enforcement.

A member of the Michigan Association of Chiefs of Police, Al's focus and devotion was serving Richfield Township, often sacrificing his personal agenda for that of the community. In Richfield, it has become almost routine to expect excellence from Chief Stevens, a civic leader in the truest sense of the word. I know I speak for my friends in Richfield Township when I thank Chief Stevens for his tireless efforts to ensure our safety and protection. I urge all my colleagues to wish him, his lovely wife Deanna, and all his children and grandchildren our very best.

HAPPY BIRTHDAY, CHINA LAKE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. THOMAS of California. Mr. Speaker, fellow Members of Congress, this weekend the Naval Air Warfare Center Weapons Division, or China Lake, in Ridgecrest, CA, is celebrating its 50th anniversary. By all standards, a 50th anniversary is a major achievement. However, in the case of China Lake, its 50th anniversary goes beyond the usual accolades.

Since 1943 when the Navy first came to Ridgecrest and it was known as the Naval Ordnance Test Station, through 1967 when the name was changed to the Naval Weapons Center, to this current designation, the facility at China Lake has met the test of time all the while representing the finest in cutting edge military technology and quality. The partial list of China Lake's accomplishments are legendary: Developed the first and still most successful air-to-air missile—the Sidewinder; developed the first antiradiation missiles—Shrike and HARM—and optically guided weapons such as Walleye; and more recent redesigns and product improvements for Sparrow, Harpoon, SLAM, RAM, and the Tomahawk cruise missile.

But its true test came during Desert Storm. Under the twin pressures of time and need, the engineers and technicians at China Lake performed near miracles. These miracles included reprogramming the HARM missile system to recognize the Iraqi radar installations;

creating a more efficient communications system between the Navy and its support facilities in the United States; rushing through a new fleet software system to meet some unique delivery conditions which arose in Iraq; making old bomb fuses serviceable; rushing through production of the GATOR weapon system, an air delivered landmine system used by the Marines; and, reviving the fuel air explosive program, which was used for clearing land mines and bunkers.

But as impressive as these accomplishments are, because I know this community, I expect China Lake will produce no less in the next 50 years.

As this country approaches the 21st century, the Nation can feel secure in the knowledge that a new era at China Lake, built upon both the glorious past and the present, is about to begin. I say this because in 1993 the Base Realignment and Closure Commission ranked China Lake the top defense laboratory in the country. Not only is this assessment well-deserved, it is one that I believe the Center will fight to hold with all its might and with continued cooperation from the people in the city of Ridgecrest and surrounding communities.

So as the relationship between the Naval Air Warfare Center Weapons Division and eastern Kern County moves into the next half century, it is my hope that the same community toughness, confidence, and spirit of achievement that so successfully worked for the past 50 continues for the next 50.

TRIBUTE TO STOP OREGON LITTER AND VANDALISM

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KOPETSKI. Mr. Speaker, I would like to call to the attention of my colleagues the efforts of Stop Oregon Litter and Vandalism, also known as SOLV. SOLV, located in Portland, works throughout the Fifth Congressional District as well as the entire State of Oregon.

Each year, common items such as six-pack yokes, fishing line, netting and strapping bands entangle and kill seabirds, fish, and mammals. Discarded plastic products also can be mistaken for food by sea and shore birds and marine mammals. Especially vulnerable are all four species of sea turtles found off the Oregon coast.

Discarded plastic products remain in the environment indefinitely. Litter is a recreational hazard; fouling boat propellers, clogging boat engines and contributing to the degradation of Oregon's beaches and waterways.

On Saturday, October 9, Oregonians of all ages gathered to continue the tradition of ridding Oregon's beaches of litter. From the Columbia River to the California border, volunteers braved the elements in search of garbage others left behind.

1993 is a special year for SOLV and the Great Beach Cleanup. It is the tenth anniversary of the Great Beach Cleanup, the first annual beach clean up established in the world. Since the first Great Beach Cleanup, this idea has spread to 32 other States and 33 foreign countries. Over the past 10 years, more than 25,000 volunteers have picked up 386,600 pounds of beach and ocean trash off the beautiful coast of Oregon.

SOLV deserves recognition for it's efforts to maintain the beauty of Oregon's pristine coast. I salute SOLV's fine work and particularly, the Great Beach Cleanup, a shining example of Oregonians blazing a trail the rest of the world is now following.

ST. XAVIER AND ASSUMPTION HONORED AS BLUE RIBBON SCHOOLS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MAZZOLI. Mr. Speaker, I would like to pay tribute to two schools located in my congressional district of Louisville and Jefferson County, KY, which were honored recently by the U.S. Department of Education as Blue Ribbon Schools: St. Xavier High School and Assumption High School.

The U.S. Department of Education honors various schools across the Nation as Blue Ribbon Schools based on detailed applications and visits to the schools. In 1993, 260 schools are being recognized for their high-quality teaching, up-to-date curricula, and strong parental involvement required to be Blue Ribbon Schools.

I am proud to say that St. Xavier High School, my own alma mater, is designated a Blue Ribbon School this year. St. Xavier is a three-time recipient—one of only two schools in the Nation to hold this honor. Assumption High School, the other Blue Ribbon designee from the third district, has won this award once earlier. To receive the Blue Ribbon once is remarkable. To win it more than once speaks volumes about these schools, their administrations, faculties, students, and parents.

This year's honorees were announced last spring, and the ceremonies at which the awards were made took place in October here in Washington, DC. On hand to receive the award on behalf of St. Xavier High School were its principal, Perry Sangalli, and Mr. John Hoeck, a member of the school's board of directors. Accepting the award for Assumption High School were Ms. Karen Russ, principal, Ms. Beverly McAuliffe, assistant principal, and Ms. Mary Lee McCoy, chair of the English department.

They and their counterparts from the other Blue Ribbon Schools attended a meeting at the White House and were addressed by President Clinton.

I am extremely proud of St. Xavier High School and Assumption High School for their academic achievements, and I join my community in offering both schools congratulations and best wishes for many more years of success.

Mr. Speaker, I ask that various news reports concerning awards to St. Xavier High School and Assumption High School be placed in the CONGRESSIONAL RECORD at this point:

[From the Louisville (KY) Courier-Journal, Oct. 22, 1993]

2 CATHOLIC SCHOOLS WIN BLUE RIBBONS

WASHINGTON.—Two Louisville Catholic high schools, Assumption and St. Xavier, are among six Kentucky high schools being honored by the U.S. Department of Education this week as the nation's "Blue Ribbon" schools.

A total of 260 schools in the nation won Blue Ribbons for best meeting needs and boasting high-quality teaching, up-to-date curricula and parental involvement.

The schools are chosen based on a detailed application and on-site observations by outside educators.

Representatives of the schools were to be honored at a White House ceremomy and a congressional reception. An awards luncheon is scheduled today in Washington.

The other schools in Kentucky are Belfry High School in Pike County, Williamsburg High School in Whitley County, Elizabethtown High School and Fort Campbell High School.

[From the Louisville (KY) Record, Oct. 21, 1993]

ASSUMPTION, ST. X GIVEN AWARDS FOR EXCELLENCE

Representatives of Assumption and St. Xavier high schools will be in Washington this week to receive their national "Blue Ribbon School" awards for excellence in education.

The two Louisville Catholic schools are among 260 secondary schools across the country to receive the awards from the U.S. Department of Education. Award recipients were announced last spring.

For both Assumption, a girls' school at 2171 Tyler Lane, and St. Xavier, a boys' school at 1609 Poplar Level Road, the 1993 blue-ribbon recognition will be repeat performances. Assumption is receiving the award for the second time, St. X for the third time.

The principals of both schools, who will be in Washington for ceremonies today and tomorrow, Oct. 21 and 22, said receiving the award once does not automatically ensure being selected again.

"You still have to prove yourself" and "make the educational program even better," said Assumption principal Karen Russ.

For example, she noted that in the four years since Assumption received the previous award in 1989, the education department was looking at "what have you done to improve" in meeting the needs of students and "for verification that we had reached out to the community," by presenting workshops, seminars and inviting people from the community to observe the school.

A school may apply for the award only every four years.

St. X principal Perry Sangalli said the award still means a great deal, even though St. X also received it in 1984 and 1989.

"It reinforces what we are doing, that we are on the right track in terms of what Catholic education and national high school education is supposed to be about," said Sangalli. Also, he added, it "challenges us to try to maintain the level of quality and develop further the programs that we offer."

Sangalli said St. X is one of two schools this year receiving the award for the third time.

The blue-ribbon awards (which include a flag and a plaque) are scheduled to be presented at a luncheon tomorrow. Other events include a meeting at the White House today for school representatives.

Representing Assumption in Washington will be Ms. Russ, Beverly McAuliffe, assistant principal, and Mary Lee McCoy, chairperson of the English department. St. X will be represented by Sangalli and Mr. and Mrs. John Hoeck. Hoeck is a member of the school's board of directors.

Both Ms. Russ and Sangalli said nomination for a Blue Ribbon School is an extensive process that involves the school's completing a lengthy and detailed application, followed by an onsite visit by education department representatives.

"It is a very thorough study of your school, looking at how well you meet the needs of students," academically as well as through personal growth and extracurricular activities, Ms. Russ said. The on-site visit is to verify what a school states in its application, she added.

She said the on-site visit includes meetings with groups of teachers, students and parents.

Both principals said the award is one of the highest a school can receive.

Ms. Russ said the award is important because it is based on a school's entire program and takes into account meeting the needs of students of "all levels of ability."

Sangalli said the award is noteworthy with the emphasis now on educational reform. "It is validation of some quality programs that are in place, that are already cutting-edge type programs," he said.

ANCHOR SPEAKS THE TRUTH ABOUT DECLINING JOURNALISM STANDARDS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. PORTER. Mr. Speaker, CBS News anchor Dan Rather made some rather startling remarks recently before his radio and television colleagues—he told them they were putting ratings ahead of responsible journalism. When a leading figure in television news speaks out in this way, you know there's a problem.

He criticized the tendency of news programs to compete not with other news shows, but with entertainment programs, by emphasizing—in his words—"dead bodies, mayhem, and lurid tales."

Sadly, he's right. News judgment isn't driving news content, Mr. Speaker—marketing departments are. They have found that horror, conflict, and exploitation sells, and they're selling it to the American people.

This profit-centered philosophy generates especially misleading and irresponsible reporting on Congress and government, emphasizing combat politics and ignoring the difficult issues of process and content. The result is growing cynicism and the steady erosion of faith in our governmental institutions.

Mr. Speaker, Unfortunately—sadly—Dan Rather, was right on target. He has sent a needed wake-up call to his network colleagues. I hope they're listening.

TRIBUTE TO SPERRY'S DEPARTMENT STORE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BONIOR. Mr. Speaker, I rise today, with pride, to announce the centennial celebration of Sperry's Department Store in Port Huron, MI. For those of you who have not yet had the good fortune to visit the wonderful city of Port Huron, you should know that it is an especially lovely and livable community. Sperry's Department Store in the heart of downtown reflects the same traditions and values as its home town.

When J.B. Sperry arrived in Port Huron in 1893, he purchased the stock of a failed store. Beginning with little more than a dream and the willingness to work hard, the plucky founder slowly built a prosperous business. The simple retail store thrived on the growth of the city itself as well as the dedication and vision of Mr. Sperry. In 1923, Sperry's Department Store moved to its current location where it anchors a key corner on Huron Avenue.

Sperry's has always represented quality and service during its long history. Over the years, patrons have been able to depend upon the store's commitment to excellence. Generations of families have shared the experience of shopping there. Loyal customers were certain to find a friendly smile from the staff, capable assistance, and satisfaction with their purchases.

That same spirit extends to community involvement and civic participation. From the Santa Claus parade to redevelopment, Sperry's has consistently promoted the viability of downtown. Through bad years, temptations to leave, and debilitating road and bridge closings, Sperry's has rededicated itself to the city. When other stores left, they remodeled and expanded merchandise selection.

I ask my colleagues to join me in saluting Sperry's for 100 years of success and service. This vital and growing business now embarks on its second century. I have every confidence that the years ahead will see a glowing future for the city of Port Huron and Sperry's Department Store.

CONGRATULATIONS TO CHILDREN'S HOSPITAL MEDICAL CENTER

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MANN. Mr. Speaker, please join with me in recognizing November 13, 1993, as Cincinnati Children's Hospital Medical Center Day. On this date, a new hospital tower will be dedicated at the center. For the past 110 years, Children's Hospital in Cincinnati, OH, has been dedicated to helping infants, children, and adolescents throughout the Nation. Within the past 60 years, Children's Hospital has worked diligently to advance medical knowledge and pediatric care through clinical and laboratory research.

Children's Hospital Medical Center serves more patients than any pediatric emergency room and has the largest pediatric residency program in the Nation. Through excellence in diagnostic capabilities, medical care, and surgical expertise the medical center has earned an enormous amount of respect from people throughout the medical field.

Children's Hospital Medical Center recognizes its increasing responsibility in helping resolve complex health care problems. Children's Hospital also realizes that the everyday health care problems such as the common cold are just as important. By opening up the hospital tower, the quality of patient care services for the seriously ill and injured children will become even better.

Please join me in offering Children's Hospital Medical Center wholehearted congratulations on the dedication of the new hospital tower and the celebration of Children's Hospital Medical Center Day on November 13, 1993.

THE SIEGE IN KASHMIR

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. QUINN. Mr. Speaker, I rise today to bring to the attention of this body, the horrifying events currently occurring in the Indian state of Kashmir.

As we commence today's legislative business, a deadly siege continues around the holiest mosque in Kashmir. More than 200 men, women, and children are inside the mosque trying to prevent the desecration of a holy relic by Indian security forces. These same men, women, and children are trapped with little food, and few medical supplies.

On October 15, Indian forces fired without warning upon peaceful Kashmiris demonstrating against the siege. During the massacre, more than 40 were killed, and 200 wounded. Eyewitnesses have stated that as the demonstrators marched toward the mosque, they were fired upon by security forces. Even those attempting to aid the wounded and those trying to surrender came under fire.

Since the renewal of the Moslem separatist movement in late 1989 more than 1,700 Kashmiris have been killed.

I urge President Clinton to pressure the Indian Government to end its siege immediately.

A SALUTE TO THE TRINIDAD ALL-STEEL PERCUSSION ORCHESTRA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. TOWNS. Mr. Speaker, it is my pleasure to acknowledge the efforts of the Trinidad All-Steel Percussion Orchestra [TASPO] for its monumental contribution as musical pioneers. In 1951, this group introduced steel band music to the international music world. This weekend in Brooklyn, NY, an all-star thank you concert will be held at the Whitman Hall, Brooklyn Center for the Performing Arts, Brooklyn College. The concert will feature contemporary stars, who will salute these musical trailblazers.

The story of TASPO is legend throughout the Caribbean world. Their initial appearance at the Festival of Britain in 1951 marked the beginning of a fledgling musical movement and sound that is now synonymous with the Caribbean. Of the original 10 members of the band 8 are still alive. The "Thank You, TASPO" concert is a benefit for the Trinidad and Tobago Folk Arts Institute, a research-oriented think tank whose focus is the indigenous folk culture of Trinidad and Tobago.

It is my pleasure to acknowledge the contributions of this remarkable and innovative group.

SMALL BUSINESS: THE BACKBONE OF OUR ECONOMY

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KYL. Mr. Speaker, small business is the engine that drives our Nation's economy. I am not alone in thinking this, since this week's issue of Forbes magazine says that smaller companies have created virtually all of the country's new jobs.

In its annual selection of the "200 Best Small Companies in America" Forbes ranks two companies located in Phoenix, AZ, and I recognize them today. Swift Transportation is one of the largest trucking companies in the State of Arizona, and Three-Five Systems manufactures and distributes electronics. These and the other 198 companies have the best job-and wealth-creating possibilities in the small business world, according to Forbes.

Small business employs almost 60 percent of the private work force and contributes 44 percent of all sales in the United States, along with 38 percent of the gross national product. Arizona's economic health is dependent on small businesses, and the national economy relies on them as well. The small business sector is expected to generate 75 percent of all new jobs in the next 25 years.

I congratulate Swift Transportation and Three-Five Systems for their accomplishments and wish them every success in their future endeavors. I applaud the efforts of each small business that is working to create the jobs and economic growth that will keep America competitive. Small businesses have the vision, energy, and innovation that will improve our economy and put us back on the road to economic growth.

CONGRESSIONAL MEDAL OF HONOR PENSION INCREASE, H.R. 3341

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3341, legislation that will increase the monthly pension provided to the recipients of the Medal of Honor from $200 to $400. As a cosponsor of this legislation, I commend the gentleman from Kansas [Mr. SLATTERY] for introducing this worthwhile legislation. Under the leadership of the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] the House Committee on Veterans' Affairs has shown a true commitment to the issues that affect our Nation's servicemen and women.

I am proud that the Members of the 103d Congress have approved a number of significant legislative initiatives that will positively benefit our Nation's veterans. However, we must continue to work on behalf of the servicemen and women who have given so much to our Nation. As a nation, we, must support the recipients of the Congressional Medal of Honor. Their valiant service has earned them the highest military decoration that the United States offers. Furthermore, considering that the monthly stipend has not been increased since 1978, I believe that this monthly increase is long overdue.

Mr. Speaker, the approval of H.R. 3341 is just one more way that we will continue to support our Nation's veterans who have given so much for the freedom and the liberty that we all enjoy.

A REPUBLICAN SWEEP

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, yesterday the people of New Jersey, Virginia, and New York City elected Republicans to their highest offices. This electoral sweep comes on the heels of Republican victories in special elections for the Senate in Texas and Georgia, as well as mayoral wins in two Democratic bastions, Jersey City and Los Angeles.

While I am pleased that Republicans nationwide did well last night, I am especially gratified with Christie Whitman's victory over New Jersey Governor Jim Florio. Throughout that campaign, most of the press and pundits were predicting a Florio win. The polls even had Christie trailing Mr. Florio right up until election day. Last night, however, the people of New Jersey proved the polls, press, and the pundites wrong.

The voters of New Jersey also returned Republican majorities to the State assembly and State senate, ensuring effective government in Trenton. Working with her Republican colleagues in the State legislature, I am confident that Christie will be able to turn New Jersey around after 4 years of economic stagnation. I wish her well.

THE 75TH ANNIVERSARY OF PORT OF TACOMA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DICKS. Mr. Speaker, I want to join my colleague, Mr. KREIDLER, from the State of Washington in honoring the Port of Tacoma on the occasion of its 75th anniversary.

The history of the city of Tacoma is very much connected to the development of one of the west coast's and the Nation's finest deep-water ports. In its early days, Tacoma was a hub of commerce because of its geography and because of its location as the terminus of the Northern Pacific Railroad. It continues today as one of the most modern and efficient ports in our Nation.

Mr. Speaker, as the Representative of the Tacoma area and the Port of Tacoma throughout the past decade of growth and development, I want to take this opportunity to mention to my colleagues how important shipping and international trade has been to the sixth Congressional District—and now also to the new 9th Congressional District of Washington.

The Port of Tacoma was established in 1918 at Commencement Bay, and over the years has grown from its original 240 acres to its current size of 2,400 acres. Today it is a highly diversified port, handling containerized cargo, lumber and forest products, automobiles, ores, and electronics. The Port of Tacoma is now the 6th largest and the fastest growing container port on the west coast and the major engine of economic growth in Pierce County and southern Puget Sound.

This growth has created and sustained jobs in our State for three-quarters of a century, and today I believe it is appropriate that we recognize this important milestone here in the House of Representatives as it is being celebrated in the city of Tacoma.

ADMINISTRATION'S REFORM OF THE PENSION BENEFIT GUARANTY CORPORATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GOODLING. Mr. Speaker, while the issue of health care security has lately riveted the attention of the Members of this body, I want to also bring to the attention of my colleagues another initiative which is aimed at securing people's hard earned pensions. This proposal, which has been advanced by the administration to reform the Pension Benefit Guaranty Corporation [PBGC] single-employer termination insurance program, the Retirement Protection Act of 1993, takes an important step in the direction of addressing the well documented problems of the PBGC.

The PBGC was created in 1974 under ERISA title IV in order to guarantee the private pension benefits of employees and retirees in the event their company goes bankrupt and leaves their pension plans less than fully funded. In PBGC's 1992 financial statement the single-employer fund established to make up any pension shortfall is said to be underfunded by over $2.7 billion. Subcommittees of both my Committee on Education and Labor and the Ways and Means Committee have held a number of oversight hearings to determine the true extent of PBGC's problems and the remedies that may be needed to avoid such a taxpayer bailout.

At these hearings, the U.S. General Accounting Office [GAO] testified that the PBGC has made significant progress in financial management in the last several years under the leadership of the former PBGC executive director, James B. Lockhart III. However, the GAO considers more important the fact that problems beyond the PBGC's control continue to mount, posing multibillion-dollar risks, thus creating a need for Congress to act.

The current cash flow accounting used in the Federal budget to measure the effect of PBGC's evolving obligations is also inadequate. For example, the number of PBGC insured plans has already declined 43 percent, so that only 67,000 defined benefit plans remain in the system. This presents an additional challenge to maintaining the program on a self-supporting basis that is maintained solely from the premiums levied on all covered defined benefit plans, and initially set in 1974 at $1 per plan participant, to pay for any PBGC shortfall. In fact, per capita premiums have escalated to $19 for fully-funded plans and to $72 for badly funded ones. These 2,000+ percent increases have not stemmed PBGC's flow of red ink. The increasing risk which has to be carefully weighed is that merely increasing premiums on the well-funded plans may accelerate their exit from the system, thus shrinking the tax base on which to levy the premiums necessary to finance present and future deficits.

In response to PBGC's current problems, the administration's reform proposal targets improved funding security for the participants covered in underfunded pension plans. Broad incentives to encourage faster funding for underfunded pension plans are at the heart of the reform proposal. Restrictions on certain transactions which would adversely affect seriously underfunded plans are also included. In addition, the proposal would require underfunded plans to provide pension participants with pertinent information regarding the plan's current funding, the role of the PBGC, and the status of individual benefits.

I commend the administration's efforts to increase the protections for our Nation's pensioners. Without timely and major reform to the PBGC insurance program, the retirement income security provided by our private pension system will continue at risk. For this reason, I urge my colleagues to closely study the several legislative approaches that have been introduced so that the debate over this important retirement income security issue can proceed expeditiously.

NISSAN, WORKERS DESERVE RECOGNITION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GORDON. Mr. Speaker, I rise today to congratulate the 5,800 Tennesseans who work with Nissan Motor Manufacturing Corp. U.S.A. in Smyrna, TN.

Nissan's plant in my home State of Tennessee has recently been recognized on two counts: As a manufacturer of an outstanding product and as a model employer.

The Nissan Altima, which is built in Tennessee, was named the 1993 Import Car of the Year by Family Circle, the world's largest-selling women's magazine. The Family Circle Car of the Year Award is the only consumer magazine-sponsored automotive award program based entirely of the opinions of new car buying families. The thousands of carowners who participated in Family Circle's survey said the Altima is the import car that best meets the needs and standards of American families. The Altima was a winner in the survey, which rated its performance, safety, appearance, value, durability, space, comfort, and suitability for intended use.

I agree with Jerry Benefield, president and CEO of the Smyrna plant, who said when he accepted the award:

> I'm proud of our employees, who make this award possible. It's gratifying to know that the Import Car of the Year is made right here in middle Tennessee. We know we build a high-quality product in Smyrna. This award helps to confirm that message to the rest of the world.

Nissan is rightly proud of its high-quality vehicles and of its place in the middle Tennessee community. Last month, our Governor presented Nissan an award from the Tennessee Committee for Employment of People with Disabilities. The Employer of the Year Award honored Nissan for its efforts in recruiting and hiring people with hearing disabilities. In its nomination, the League for the Hearing Impaired in Nashville said:

> Nissan goes out of its way to make its hiring and work environments encouraging to all disabled applicants, regardless of disability.

Nissan and its employees work hard to make the company a place where excellence is the goal, both among people's lives as well as on the shop floor. These awards demonstrate that their efforts are well spent.

I congratulate the employees of Nissan Motor Manufacturing Corp. U.S.A. for both of these outstanding accomplishments. They deserve our praise.

CENTENNIAL OF JONES, DAY, REAVIS, AND POGUE

HON. ERIC FINGERHUT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. FINGERHUT. Mr. Speaker, I rise today to call attention to a very special event in the Greater Cleveland community: The centennial anniversary of the founding of the law firm Jones, Day, Reavis, and Pogue. Since its establishment 100 years ago in Cleveland, OH, Jones Day has lived up to its commitment "to deliver the highest quality legal services to each of its many clients." It is due to this commitment that the firm has grown from the single office in Cleveland to 20 offices in 10 countries.

The backbone of Jones Day quite simply is its people. The skilled lawyers and competent staff work together to benefit every client. Many of its lawyers are noted for their excellence. In 1993 one of the partners had the honor of serving as the first woman president of the Ohio State Bar Association.

Jones Day has many clients ranging from large corporations to small businesses, estates, religious institutions, universities, as well as individuals. Because of this diversity of clientele, the lawyers of Jones Day are regularly challenged with interesting issues in assorted practice areas.

Jones Day takes pride in the fact that its attorneys are among the leaders in law firms across the Nation in the application of technology to law practice. The firm has a sophisticated computer network and a voice and data communications system tosupport its facilities. The objective of these systems is to ensure that the lawyers have the resources to provide the most efficient delivery of legal services.

Not only do Jones Day lawyers work for the benefit of their clients, they also work for the betterment of the communities. Jones Day lawyers are encouraged to participate in public service activities, including pro bono work. As a firm, Jones Day undertakes many law-related charitable endeavors that are of general public interest. This work includes volunteering as tutors and mentors at an inner city school through the adopt-a-school program and donating time and money to the United Way.

Were it just for their success in the practice of law, this centennial would simply be noteworthy. But Jones Day means much more to the Greater Cleveland community. The lawyers of Jones Day, recognizing their unique role in our community, have been in the forefront of every major civic and governmental activity of recent decades. Time and again, they have given of their time and financial resources for the greater good. It is for this reason that their centennial is a celebration that is worthy of notice by the Congress of the United States.

These prominent features of Jones Day combine to make it one of the foremost law firms, not only in the United States, but in the world. Perhaps this is why the National Law Journal's May 1993 survey cited Jones Day as the second most used law firm among the Nation's 250 largest corporations in 1992. I hope that you will join me in congratulating Jones Day on its first 100 years and wishing it well for the next 100 more.

CALLING FOR AN END TO THE ARAB BOYCOTT

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. SWETT. Mr. Speaker, the Arab League economic boycott of Israel has been a tool of economic warfare directed at that nation since its birth in 1948. To call an end to this belligerency, today I joined with some of my colleagues in introducing legislation which expresses the strong conviction of Congress that the Arab League boycott of Israel must be ended. We also urge that in every appropriate international trade forum the U.S. Government continue to raise the boycott as an unfair trade practice.

The Arab League boycott seeks to isolate the Israeli economy through primary, secondary, and tertiary boycotts. The damage to Israel's economy caused by this boycott is incalculable, but the cost is substantial. While the primary level of the boycott prohibits import of Israeli-origin goods and services into boycotting countries, the boycott has been applied at secondary and tertiary levels, which acts as a barrier to U.S. exports. Even Kuwait, where we risked and lost American lives during the Persian Gulf war, has not lifted its application of the boycott.

Mr. Speaker, this far-reaching effort has hurt Americans. In trying to destroy Israel's economic and military viability, theArab League also directs its boycott at any company that has business contacts with Israel. American companies, forced to choose between doing business solely with Israel or with the Arab countries, have suffered indeterminate loss of opportunity and potential employability of Americans. United States companies consistently have felt the economic hardship of this secondary and tertiary level of boycott, with over 400 American firms believed to be on an Arab blacklist.

The signing of the Declaration of Principles between the Israeli Government and the Palestine Liberation Organization and the ongoing peace talks between these two principles and other Arab countries signals a new era of cooperation in the Middle East. The climate surrounding these events makes this an opportune time to call on the Arab countries to life the economic boycott against Israel as a tangible symbol of their intention to keep the commitment they have made to establish a just and lasting peace in this region.

True peace in the Middle East can only be established and endure if there is economic cooperation in the region. This new cooperation must be extended to include trade relationships. Currently, the West Bank and Gaza survive solely on Israel's economy, the only nation that trades with this area and the country which the Arab League seeks to isolate. The continuation of this economic warfare will be a severe impediment to the prosperity of the region.

So far, the Arab response to a call for ending the boycott has been less than favorable, ranging from Syria's call for an expansion of the Arab blacklist to statements by the PLO that the boycott cannot be lifted without a unanimous vote by the Arab League. This Arab entrenchment makes one question the sincerity of their peace commitment.

Mr. Speaker, Israel has taken substantial risks in pursuit of peace, and it has assumed those risks in no small part because of its confidence in the unwavering support of the United States. To follow through with our commitment, I urge all of my colleagues to join me in supporting this legislation and demand an immediate end to this economic warfare.

Now is the time to take advantage of the recent advances toward peace and bring a long overdue end to this unfair practice. Ending the Arab economic boycott against Israel must be a top priority of Congress and the administration to secure peace in this region.

COMBATING ETHNIC INTOLERANCE IN ROMANIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. HOYER. Mr. Speaker, earlier this month, the Congress voted to support the administration's request to grant most favored nation [MFN] trading status to Romania. I was among those Members who spoke in favor of MFN when it came to the floor for debate on October 12, 1993.

I stressed at that time, however, that I would be monitoring developments carefully, as I fully expected progress in Romania's democratization process and human rights performance to continue. As co-chairman of the Helsinki Commission, I attach particular importance to Romania's compliance with the human dimension commitments of the Conference on Security and Cooperation in Europe, the CSCE. This includes the commitment to "take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property."

Respect for this commitment is particularly urgent with regard to Romania's substantial Roma—Gypsy—population. Over the past 3 years, at least 20 attacks on Roma communities have occurred. Most recently, on September 20, 1993, in the village of Hadareni, an altercation between members of the Roma—Gypsy—and non-Roma community in which one non-Roma villager was killed led to the lynching of three Roma individuals and the destruction of 13 Roma houses by several hundred non-Roma villagers. Most of the more than 100 Roma who lived in the village fled in fear. Particularly troubling are allegations that the deputy mayor of Hadareni, Gheorghe Bucur, played a role in instigating the assault.

The Government of Romania promptly issued a statement expressing serious concern over these events, and noted that measures have been taken to investigate the case and bring incriminated persons to trial. The Government also offered financial support to rebuild the homes that had been destroyed, and to school and lodge the children of the affected families. I commend the Romanian authorities for their attention to this matter, and will follow with interest the proceedings of the investigation. In this regard, I appreciate the efforts of the Romanian Embassy to keep me informed of the latest developments. I have also been told that the head of the local police department has been dismissed for his failure to coordinate an effective response.

I am deeply concerned, nonetheless, by certain elements of the Government response. The statement opens, for example, by asserting that the behavior of Roma families illegally settled in the area, "culminating in the cold blood killing of a young man, stirred the spontaneous reaction of the other inhabitants of the village." Such charged language conveys the strong impression that the Romanian Government considers the Roma community itself to bear responsibility for the attack it endured.

I am aware that in previous cases, Romanian authorities have offered to work with local Roma organizations and representatives to improve community relations and to protect the rights of Roma. Such constructive approaches are essential, but the gravity of this most recent incident indicates a need for renewed commitment and cooperation. I would urge my Romanian colleagues to reassert publicly and persistently that acts of collective punishment and vigilante justice can never be acceptable in a state governed by the rule of law; to ensure that attacks on Roma communities are clearly and publicly condemned by political authorities at all levels; to speed the investigations of violent attacks against Roma and to bring the perpetrators to justice; and to recognize and condemn the poisonous effect that negative stereotyping can inflict not just on the targeted community, but on society as a whole.

At this difficult time in Romania's transition to democracy, and given the destabilizing conflicts in the region, respect for individual human rights becomes all the more critical. I look forward to continued dialogue and cooperation from my Romanian interlocutors, and urge that the aggressors in this case will be brought swiftly to justice.

THE 75TH ANNIVERSARY OF PORT OF TACOMA

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. KREIDLER. Mr. Speaker, today the Port of Tacoma, located in my district, is celebrating its 75th anniversary as a public port authority.

As early as 1871, sailing ships carried lumber from Tacoma's waterfront to foreign destinations. The Port of Tacoma became a major shipping center after Tacoma became a major railhead in 1887. A public port authority was not established, however, until 1918.

Tacoma came to be known as the Lumber Capital of the World. Even today, the Port of Tacoma is America's leading forest products port by value.

In the 1970's, Tacoma attracted its first container shipping customers. In 1983, Sea-Land signed a long-term lease with the port and Tacoma took off as an intermodal port. Today, the Port of Tacoma is the sixth largest container port in North America and one of the top 25 container ports in the world.

Two of the keys to the Port of Tacoma's success have been its extraordinary efficient longshore work force and its use of state-of-the-art intermodal technology. The Port of Tacoma is now implementing its 2010 plan which will enable the port to expand its terminal facilities to meet the challenges of the 21st century.

I am proud of the role played by the Port of Tacoma as an economic engine for my congressional district and the entire Puget Sound region. I salute the port on its 75th anniversary and wish it continued success in the years ahead.

HERBERT AND MARY MILLER CELEBRATE 40 YEARS OF WEDDED BLISS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. POSHARD. Mr. Speaker, in an era when many are concerned with the demise of the institution of marriage and the family unit in the United States, I rise today to honor Herbert and Mary Isabelle "Belle" Miller of Pope County, IL, on the occasion of their 40th wedding anniversary. Herbert and Mary were married November 8, 1953, in Nahaunta, GA. Herbert and Mary will gather with their children, Tony and Debbie, and the rest of their family and friends on November 8, 1993, to celebrate this joyful occasion.

Herbert and Mary have actively contributed to life in southern Illinois, participating in social, civil, and religious affairs. Herbert is retired from Central Illinois Public Service Co. with 18½ years of service, and International Brotherhood of Electrical Workers as a business agent for 18½ years. Belle has dedicated her life to raising her children and being a homemaker.

Although, this anniversary may not make the national headlines, I believe we all could benefit from the fine example set by Herbert and Belle. Their commitment to marriage and family has prevailed through good times and bad. This feat, no doubt, required a tender balance of respect, humor, love, and affection. I join with the family and friends of this wonderful couple in celebrating this joyous occasion. To Herbert and Pauline, my heartfelt thanks for all you have done for all those whose lives you have touched.

RECOGNITION OF THE ACHIEVEMENTS OF MS. ESTELA M. DE LA CRUZ, MR. ARIEL ANTONIO RODRIGUEZ, AND JUDGE MARIANNE ESPINOSA MURPHY, MEMBERS OF THE HISPANIC BAR ASSOCIATION OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Ms. Estela M. De La Cruz of Fort Lee, NJ, who is being sworn in as the new president of the Hispanic Bar Association of New Jersey. Ms. De La Cruz brings with her the experience of a long and notable career in the practice of law in New Jersey.

A graduate of the Rutgers School of Law in Newark, Estela has been associated with three prominent New Jersey law firms, and has built a reputation as an outstanding attorney. Her dedication to her profession and to the community is commendable.

Estela has served since 1992 as a member of the Governor's Commission on Racism, Racial Violence and Religious Violence, and as a member of the Supreme Court of New Jersey Fee Arbitration Committee for Bergen County, district II–B. She also serves as a trustee of the United Way of Essex and West Hudson C÷ounties. During her upcoming term as president of the Hispanic Bar Association of New Jersey, I expect that Ms. De La Cruz will continue to grow as a leader in the legal community.

Mr. Speaker, the Honorable Ariel Antonio Rodriguez of North Bergen, NJ, is another notable member of the Hispanic Bar Association. Through his work he has made significant contributions to the State of New Jersey and Hudson County.

Judge Rodriguez, born in Cuba, is fluent in Spanish, English, and French. He received his juris doctor from Rutgers School of Law in Camden and has furthered his legal education through various prestigious universities throughout the country, including Northwestern University School of Law and Harvard Law School.

Judge Rodriguez has considerable experience, including 8 years as a partner at Iglesias & Rodriguez, Esqs. He has dedicated many years of his professional career to the State of New Jersey, and presently is serving the Superior Court of New Jersey in vicinage VI. He has been affiliated with the Hudson County Community College where he instructed Law in the Criminal Justice Program and with the Hudson County Prosecutor's Office where he served as an assistant prosecutor.

Judge Rodriguez is an active member of various professional and legal organizations. He is a member of five Supreme Court committees, as well as, a member of the advisory board of editors of the Bilingual Dictionary of Criminal Justice Terms and the State Bar Committee on Effective Dispute Resolution.

Knowing of Judge Rodriguez's commitment and dedication to Hudson County, the State of New Jersey and the Hispanic community, I am confident he will continue to strive for excellence and that he will excel in his pursuits.

Mr. Speaker, Judge Marianne Espinosa Murphy of Chatham, NJ, has excelled beyond most in her career, achievingpositions in the private and public sectors. In 1986 she was appointed by Governor Thomas Kean to the Superior Court of New Jersey in Morris County where she continues to serve with distinction.

Judge Murphy graduated from Rutgers Law School in Newark and proceeded to serve as a law secretary to the Honorable Richard J. Hughes, the chief justice of the Supreme Court of New Jersey. She has served as the deputy attorney general for the department of law and public safety where she prepared the position paper for the attorney general on the death penalty following Gregg versus Georgia. She also served as assistant counsel to the Prudential Insurance Co. and as the assistant U.S. attorney in the Criminal Division District of New Jersey.

Judge Murphy's unparalled experience and commitment merit recognition, I am sure she will continue to serve the State of New Jersey in some future capacity.

I am confident that my colleagues join in recognizing the achievements of these distinguished members of the Hispanic Bar Association of New Jersey and join me in saluting all the members of the Hispanic Bar Association of New Jersey for their service and dedication to the community at large.

CHIEF CORNELIUS J. BEHAN RETIRES AFTER 47 YEARS OF SERVICE IN THE LAW ENFORCEMENT PROFESSION

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Baltimore County Police Chief Cornelius J. Behan who will be honored on November 7, 1993, as he enters retirement from his 16 years of dedicated service to the Baltimore County Police Department and the citizens of Baltimore County, as well as his 47 years in the law enforcement profession.

In his 47 years of law enforcement, Chief Behan has added a new dimension to the law enforcement profession. He is a man who believes the work of the police is equatable to that of a priest. In terms of mission, they both are revered as holding true to the ideals of honesty and moral rectitude, and are both responsible for the welfare and propriety of the community. Chief Behan has been exemplary in fulfilling this role.

The innovations Chief Behan enacted have become paragons for community policing techniques and have gained him international prominence. His influence has reached far beyond Baltimore County, as he has become one of a handful of policemen who set the national agenda for local departments around the Nation and abroad. In a Baltimore Sun article, John E. Eck, executive director of the Police Executive Research Forum, is quoted as saying, "He'll leave a major legacy in the profession of law enforcement."

Among his major accomplishments, Chief Behan fought tremendously hard to establish responsible gun control laws. In 1988, he carried his gun-control campaign to the Maryland General Assembly, where he was influential in shaping the State's new law restricting the purchase of handguns. To cope with the changing patterns of crime and community development in the 1980's and 1990's, he reorganized and modernized the Baltimore County Police Department with innovations in training, management style, crime-prevention and fear-reduction programs, community policing implementations, and advanced technical support. These innovations transformed the department into a crime-fighting and crime-prevention organization. Yet, Chief Behan cites his most important accomplishment as, "developing the 1,400 member Baltimore County department to a point that would allow someone from within to succeed him." This goal was achieved when Col. Michael D. Gambrill, a veteran of the Baltimore County Police department, was sworn in as the new chief on September 20, 1993.

Mr. Speaker, my fellow colleagues, it is with great pleasure and pride that I congratulate Chief Cornelius J. Behan upon his retirement from 47 years of devoted service to law enforcement. His work with the Baltimore County Police Department is most deserving of commendation. I extend my best wishes to Chief Behan for many more years of continued success and happiness.

A STRONG MESSAGE TO THE MIDDLE EAST

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. DEUTSCH. Mr. Speaker, today, I am introducing legislation which calls on the nations of the Arab League to end their boycott of Israel. The Arab boycott of Israel was instituted in 1948, its motive to isolate Israel and to deny her very existence.

The new commitments to cooperation that today abound in the Middle East must be backed up by concrete action. By lifting the boycott the nations of the Arab League demonstrate their good faith effort to secure a lasting resolution of tensions and hostilities.

It is ironic that the only nation in the Middle East that trades with the West Bank and Gaza Strip is Israel. The West Bank and Gaza's mainly Palestinian residents survive on an economy whose lifeline is the nation whose existence the Arab League seeks to deny. If the nations of the Arab League continue with their boycott, they put the economic prosperity of the West Bank and Gaza on the line.

Without a stable economy, the areas soon to be under PLO control are likely to fall to the influences of terrorist organizations. Daily, we hear about the killings of Israeli soldiers and Palestinian residents who support the accord. And, yesterday the first plot to assassinate Chairman Yasser Arafat was uncovered from within his inner circle.

The stakes in the peace agreement are very high, and a strong showing of support is critical to its survival. Economic revitalization is the cornerstone of the Declaration of Principles signed by Israel and the Palestine Liberation Organization on September 13, 1993. If there is true support for this agreement, then lifting the boycott is the next logical action.

Recently, I had the opportunity to participate in a discussion with President Mubarak of Egypt. While Egypt does not actively participate in the boycott, I raised the issue of the boycott's effect on further negotiations and a lasting Middle East peace. The President's response left me dumbfounded. He stated that there was, in practice, no boycott of Israel, and the only aspect of the boycott that remained was the daily rhetoric that is the fodder of official public statements.

We are now in the 45th year of the Arab boycott and, Mr. Mubarak is correct, that the rhetoric used to enforce the psychological alienation of Israel has not changed. However, his statement that there is no longer an economic boycott of Israel is altogether false.

On October 29, the New York Times reported rumors of a lucrative natural gas deal between Israel and Qatar, one of the nations of the Arab League. However, the Qatari Oil Minister, when asked to publicly confirm the rumor denied that there was any deal in the works. He was quoted as saying that economic relations are not possible while the Arab boycott against Israel remains intact.

In the early 1950's, the United States was drawn into the economic fray of the boycott when the Arab League chose to blacklist firms worldwide which did business with Israel. To this day, many of the names on this list are U.S. companies. On a quarterly basis, the Department of Commerce compiles figures on the number of letters that U.S. firms receive asking that they comply with boycott regulations. Under U.S. law, providing evidence of compliance with the boycott is illegal.

Astonishingly, the United States counts among its allies many of these nations which intentionally and indiscriminately damage U.S. commercial interests abroad. And yet, until now the U.S. Government has brushed aside this issue, and to date, there has been no diplomatic price to pay. The time for allowing these nations to deliberately harm U.S. economic interests abroad must end.

As the discussion with President Mubarak came to an end, I approached him with a list of U.S. firms that were suffering under the Arab boycott. He had no real response to the evidence that confirmed the boycott was more than mere rhetoric.

If the framework of the peace agreement is to survive the difficulty of negotiations that are to follow, there must be a unanimity of commitment among the United States, Israel, and the Arab nations. To this end, the Arab League boycott of Israel is a serious impediment that strikes a blow of no confidence.

I ask my colleagues to join me in sending a strong message to all of the nations of the Middle East. As American lawmakers, we will no longer tolerate American allies holding U.S. firms hostage to a boycott which they can not and will not support. If the Arab nations support peace, then the boycott of Israel must be lifted.

VIOLENCE ON TV

HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to bring to the attention of my colleagues an issue that we shouldn't need to be discussing on the floor of the House of Representatives—a television cartoon.

It has been reported that the cartoon in question may have contributed to a situation in Moraine, OH, which led to the unnecessary death of a 2-year-old girl. The 2-year-old's brother, who is 5, started a fire in a mobile home earlier last month that led to the tragedy. The young boy watched the MTV cartoon "Beavis and Butt-head," which features two teenagers who comment on rock videos and spend time burning and destroying things. The two characters apparently had stated, "fire is fun." The cartoon is aimed at teenagers and adults but is viewed regularly by many young children because it airs at 7 o'clock in the evening on weeknights.

Regardless of whether there was any connection between the cartoon and the young child's death, one message should be clear: impressionable young children should not receive a message from any source that playing with fire is fun.

Many of the efforts of fire fighters, teachers and parents to warn children about the dangers of fire are diminished and dismissed when messages are sent from TV shows that playing with fire is in anyway acceptable, much less positive.

Mr. Speaker, I am speaking on this topic because I believe that the issue of violence and irresponsible behavior which is perpetuated by certain television shows, especially those that are watched by young people, must be further addressed by Congress.

As the father of two young children, I believe the burden for ensuring that young people will some day contribute positively to society falls on parents such as myself. But the entertainment industry must do its part to not complicate that job, and Congress should encourage it.

My office has been in contact with MTV and the producers of this program should know that there are probably better times than 7 o'clock in the evening to air shows with this type of content and there are better subjects for the show than encouraging young people to play with fire. To MTV's credit, the network has responded by pulling the episodes that promote childplay with fire and by committing to review the format and content of any shows aired that early in the evening. I ask my colleagues to join me and several national fire prevention organizations in calling on MTV to agree to air public service announcements promoting fire safety and hope that they will also respond positively to this reasonable request.

INTRODUCTION OF THE SECURITIES REGULATORY EQUITY ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. MARKEY. Mr. Speaker, today, I am pleased to cosponsor, along with Chairman DINGELL, the Securities Regulatory Equality Act of 1993. This legislation responds to the critical need for a clarification of the rules of the road governing the participation by banks in the securities business. Congress can no longer hide behind the fiction that a separation between the commercial and investment banking industries exists. The Glass-Steagall Act has, in salient part, been repealed by the bank regulators, the courts, and the aggressive push by banks into the securities field. The two industries are merging rapidly and substantially, with few if any rules to ensure that investors are not injured in the inevitable collision between two still very different businesses and cultures.

Today, banks' current interest in mutual funds raises with fresh urgency the question of whether investors are being properly protected, whether they understand that converting their CDs into securities offers no guarantees and places their principal at risk, and whether they are properly shielded from the conflicts of interest that may arise when a bank affiliates with a mutual fund. Currently, about one-third of all mutual funds are available through bank channels, and banks are turning increasingly toward proprietary funds for their sales. These are not necessarily bad developments. However, those who purchasefunds at their bank—especially those who abandon the safety of CD's for the higher potential returns of mutual funds—are among the less sophisticated and more vulnerable of the Nation's investors.

The absence of a clear roadmap for how banks should engage in securities activities is increasingly noticeable. But what is lacking above all is a clear delineation of who the traffic cops are whose job it will be to regulate this brave new world of financial juggernauts. For some time now, I have been advocating so-called functional regulation as the best means of ensuring that both bank depositors and securities investors, respectively, are protected. What functional regulation recognizes is that the best agencies to protect banks and their depositors are the experts in bank regulation, the banking regulators, and that the best agency to protect investors is the expert in securities regulation, the Securities and Exchange Commission [SEC].

Currently, regulation occurs somewhat whimsically, along institutional lines. Such regulatory whimsy results in disparate rules for investors depending on what building they choose to enter for purposes of buying their stocks, bonds, or mutual funds. The products are the same, but the rules applicable to their sale may well not be. But whether an investor walks into the bank on the corner or the brokerage branch in the local mall should not affect the quality and substance of the protection he or she is provided.

Accordingly, the bill we are introducing today would require banks that engage in securities activities to conduct them within the established framework for doing so. In addition, our bill addresses certain issues in the securities laws raised by the affiliation of banks with securities firms. For example, the bill prohibits the use by a bank-affiliated mutual fund of a name that is the same as or similar to the name of the bank. The risk of confusion to the investor—the mistaken belief that the product is federally insured or backed by the bank—is substantial if the names are easy to confuse.

I am aware that Chairman GONZALEZ and Congressman SCHUMER have recently introduced legislation that seeks to accomplish some of these same goals. I applaud them for the concern for investors demonstrated by their bill. Their bill does, however, raise important issues about further balkanization of securities regulation by investing in the banking regulators' redundant authority to regulate securities activities—not only of banks but also of related securities entities. While proper disclosure to investors about the uninsured status of their investments is an important leap forward, reinforcing the current mismatched regulatory structure for no defensible policy reason would be a significant step backward. Ideally, the sound ideas to be found in both of these vehicles should be combined, so that better regulation, benefitting all investors, can be the result.

INTRODUCTION OF METRIC HIGHWAY SIGN PROHIBITION ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. WILLIAMS. Mr. Speaker, I recently introduced legislation that will permanently prohibit Federal funds from being spent on changing our Nation's highway signs to metric units, in addition to forbidding the Secretary of Transportation from ordering States to erect metric signs.

The 1988 Trade and Competitiveness Act requires all Federal Government agencies to convert to the modern metric system. It mandated that each agency must begin using the metric system except to the extent that such use is impractical. Suddenly converting all of our highway signs to the metric system is not only impractical, but expensive, unnecessary and potentially dangerous.

The scope of the conversion would be enormous. We are not only talking about changing every 55 mile-per-hour sign on major highways. This policy would force the change of signs marking clearance heights through tunnels and under bridges and overpasses. Every single mile post marker—soon to be kilometer post markers—in the country would need to be moved and renumbered. Distance markers to highway exists or towns and cities would need to be modified. Signs warning of the narrow bridge or lane width would need to be changed. Unnecessary? Try dangerous. Quick—you tell me if your car or truck will fit in a 2.7-meter lane.

Congress has reaffirmed this sentiment in the past. The 1978 Federal Aid Highway Act prohibited the use of Federal funds for metric-only signs—a ban that stood until the passage of the Intermodal Surface Transportation Efficiency Act [ISTEA] in 1991.

My legislation would make permanent the ban on Federal funds to construct, erect or otherwise place any sign which contains metric measurements.

The Department of Transportation is currently gathering comments on no less than three potential policies to change our road signs—and not one of them offers the option of simply saying no to this ill-advised policy. And, it is not far-fetched to imagine a mandate from above to require States to erect the new signs—at State and local expense. We simply cannot afford this. So, this legislation prohibits the Secretary from mandating this change.

Changing over some areas in our daily lives to metric may make sense in some areas. However, modifying our highway signs does nothing to promote international trade. It does nothing to keep businesses in America. It will cause confusion. Some estimates peg the national cost to converting the nations highway signs at more than $200 million. Those dollars can be better applied to fix our crumbling infrastructure. We must permanently stop Federal funds from being spent on such wasteful projects—and ensure the buck does not get passed onto our States.

IN SUPPORT OF H.R. 3340, COLA ADJUSTMENT FOR DISABLED VETERANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3340, legislation that will set a 2.6-percent cost-of-living adjustment [COLA] for compensation payments to veterans with service-connected disabilities. I commend the gentleman from Kansas [Mr. SLATTERY] for introducing this worthwhile legislation, and I praise the commitment that House Committee on Veterans' Affairs has shown to the issues that affect our Nation's servicemen and women. Under the effective leadership of the ranking member, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. SUMP], the 103d Congress has approved a number of significant legislative initiatives that will positively benefit our Nation's veterans.

Mr. Speaker, passage of this legislation is just one way that we, as a nation, will continue to support our Nation's veterans who have given so much for the freedom and the liberty that we enjoy. By providing the cost-of-living increase, we are ensuring what eligible veterans have valiantly earned.

OSTEOPATHIC PHYSICIANS SHOULD BE INCLUDED IN HEALTH CARE REFORM

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to introduce the Osteopathic Medicine Awareness and Appreciation Act, a House concurrent resolution recognizing the contributions of osteopathic medicine to health care in America.

Many Americans may be unaware of the fact that there are two paths to becoming a complete physician: the allopathic route, denoted by the initials M.D., and the osteopathic route, designated by the initials D.O. Osteopathic physicians are complete physicians, fully trained and licensed to prescribe medication, perform surgery, and all other services within a physician's scope of practice.

In addition to these shared elements between D.O.'s and M.D.'s, osteopathic physicians are dedicated to a holistic philosophy of health care, and receive extra training in the musculoskeletal system, the body's interconnected system of nerves, muscles, and bones that make up two-thirds of its mass. This training provides osteopathic physicians with a better understanding of the ways that an injury or illness in one part of the body can affect another. It gives D.O.'s a therapeutic and diagnostic advantage over those who do not receive additional specialized training. In addition to the traditional art of medicine, an integral component of osteopathic medicine is the utilization of osteopathic manipulative treatment [OMT], a procedure through which D.O.'s use their hands to diagnose injury and illness and to encourage the body's natural tendency toward good health. By combining traditional medical practices with OMT, D.O.'s offer their patients the most comprehensive care available in medicine today.

For more than a century, osteopathic physicians have been filling a unique and vital niche in the delivery of health care in America. Despite the fact that osteopathic physicians constitute only 5.5 percent—about 35,000 osteopathic physicians—of the Nation's physician-manpower, they are often the only physicians in rural areas, as well as those which traditionally have difficulties in attracting and retaining physicians. Osteopathic physicians in fact comprise more than 15 percent of all physicians practicing in communities with populations of less than 10,000 people and 18 percent of all physicians serving communities of 2,500.

In addition, osteopathic physicians serve approximately one out of every seven Medicare and 25 percent of all Medicaid recipients in the United States. Osteopathic physicians also comprise 10 percent of all physicians serving in the military. In all, over 100 million patient visits are made to osteopathic physicians annually.

Further, the unique focus of osteopathic medicine, with its guiding principle of treating the whole person, has rooted the profession in a philosophy which emphasizes primary care and prevention, and has contributed to making the profession one of today's fastest growing segments of the medical professions.

Mr. Speaker, one point on which virtually all experts on health system reform agree is the disproportionately high percentage of recent medical school graduates choosing to specialize in areas other than primary care, and their distribution nationally. Because of this fact, a significant and critical demand for primary care physicians has developed—a trend which will not easily be reversed. For more than 100 years, the osteopathic profession has trained more than 50 percent of its physicians in primary care areas. Today, over 50 percent of osteopathic physicians practice in primary care areas, such as pediatrics, general practice obstetrics/gynecology [OB/GYN], and internal medicine. While osteopathic physicians may choose to specialize, and are represented in all specialty areas, the osteopathic internship requires a unique rotation in internal medicine, OB/GYN, family practice and surgery. This unique educational requirement ensures that osteopathic physicians are first trained as primary care physicians.

Despite these significant contributions to American health care, many Americans remain unaware that there are two types of full physicians in the United States, D.O.'s, and M.D.'s. I am deeply concerned that in the wake of comprehensive health system reform—which may include the establishment of minimum benefits packages, health networks, and other managed care systems—the services of D.O.'s may be unintentionally excluded, causing the eventual demise of an important treatment option for many Americans.

That is why I am introducing this measure, which I strongly urge my colleagues to support. It is my hope that this resolution will provide a significant step toward ensuring that the vital services provided by osteopathic physicians remain available to any American seeking them. In addition, the osteopathic profession is doing something right in the battle to develop high numbers of primary care physicians: it is my hope that the Congress will seek the counsel of the osteopathic profession, and learn from the century-old example that it has set when we address this critical problem.

SENATE—*Friday, November 5, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 8:50 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God of Abraham, Isaac, and Israel, give us ears to hear the word of Moses which is the foundation of Old Testament worship:

Now these are the commandments, the statutes, and the judgments, which the Lord your God commanded to teach you, that ye might do them in the land whither ye go to possess it:

That thou mightest fear the Lord thy God, to keep all his statutes and his commandments, which I command thee, thou, and thy son, and thy son's son, all the days of thy life; and that thy days may be prolonged.

Hear therefore, O Israel, and observe to do it; that it may be well with thee, and that ye may increase mightily, as the Lord God of thy fathers hath promised thee, in the land that floweth with milk and honey.

Hear, O Israel: The Lord our God is one Lord:

And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might.

And these words, which I command thee this day, shall be in thine heart:

And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:1-7.

May we take seriously, dear God, this foundation for social order and peace.

To the glory of God and for the sake of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1607, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

Pending:

Dole Amendment No. 1105, to allow similar crimes relative to sexual history and molestation to be introduced as evidence during a criminal trial.

AMENDMENT NO. 1105

The ACTING PRESIDENT pro tempore. The pending question is amendment No. 1105, offered by Mr. DOLE, of Kansas.

Under the order of November 4, 1993, the time until 9 a.m. will be evenly divided and controlled by the Senator from Delaware [Mr. BIDEN] and the Senator from Kansas [Mr. DOLE].

The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Delaware is not here yet, but I will take a couple minutes, and he can have the time that remains.

I want to add a few comments to what we discussed late last night with reference to the amendment I offered which would allow the admission of similar-crimes evidence in sexual offense and child molestation cases.

Ask any prosecutor, and he or she will tell you that the willingness of the courts to admit similar-crimes evidence in prosecutions for serious sex crimes is critical to effective prosecution in this area. In a rape case, for example, disclosure of the fact that the defendant has previously committed other rapes is often crucial, as the jury attempts to assess the credibility of a claim by the defense that the victim consented and that the defendant is being falsely accused.

The importance of admitting this evidence is still even greater in child molestation cases. These cases often hinge on the testimony of child victim-witnesses, whose credibility can readily be attacked in the absence of other corroborating evidence. In such cases, it is crucial that all relevant evidence that may help shed some light on the credibility of the charge be admitted at trial.

Unfortunately, the Federal rules of evidence reflect a general presumption against admitting evidence of uncharged offenses.

One exception to this general presumption can be found in rule 404(b), which allows evidence of other "crimes, wrongs, or acts" to prove "motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake."

Rule 404(b), however, makes no special allowance for the admission of other crimes, wrongs, or acts in sex offense cases.

This failure has been widely reproduced in State rules of evidence, whose formulation has been strongly influenced by the Federal rules.

The practical effect of this development is that the authority of the courts to admit evidence of uncharged offenses in prosecutions for sexual assaults and child molestations has been clouded at best, even in States that have traditionally favored a broad approach to admission in this area.

Take the 1988 case of Getz versus State. In Getz, the Supreme Court of Delaware overturned the defendant's conviction of raping his 11-year-old daughter because evidence that he had also molested her on other occasions was admitted. The court went on to hold that the disputed evidence in the case was impermissible evidence of character and could not—not—be admitted under the State's rule 404(b). The tragic result: The defendant walked. The tragic result is the defendant walked off scot free.

Similar tragedies have been repeated in other courts and in other States.

Yesterday, my colleague from Delaware claimed the amendment was unfair to criminal defendants. Let me strongly disagree, and let me repeat what I said last night—that the amendment requires the pretrial disclosure of all evidence to be offered under the proposed new rules. This is designed to provide the defendant with notice of the evidence to be offered and a fair opportunity to develop a response. The rules set a minimum period of 15 days notice, but of course, it is within the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

court's authority to grant a continuance if the defense needs additional time for preparation.

And finally, Mr. President, I would like to point out that my colleague from Delaware has himself proposed to amend the Federal rules of evidence to protect the privacy of sex-crime victims. I applaud this effort, but it shows that the Federal rules of evidence are not sacrosanct, as he would have us believe.

Yes, the Federal rules of evidence have been around since 1975, but that doesn't mean they should not be changed, particularly when the changes are appropriate.

And the changes proposed by this amendment are not only appropriate, they also make common sense—for when someone is out there committing sex crime after sex crime, committing child molestation after child molestation—it is this Senator's view that this evidence should be admitted at trial, without a protracted struggle over whether the evidence has been properly admitted under rule 404(b) or some other exception.

This is not a radical overhaul of the Federal rules of evidence. Rather, it is a reasonable attempt to establish a clear, general rule of admission in sex crime and child molestation cases, not only for Federal proceedings, but also as a model for comparable reforms in State rules of evidence.

It is time that we recognize that sex-crime cases are unique, requiring special standards and special treatment in the Federal rules of evidence. When evidence of guilt is available to the trail court, it should not be excluded because of evidentiary technicalities, nor should convictions be overturned because of a restrictive application of these technicalities.

I urge all of my colleagues—on both sides of the aisle—to support the amendment.

This amendment is about getting tough with criminals, and giving the victims of vicious sex crimes the justice they deserve.

Mr. President, the Senator from Delaware is not here. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1105 offered by Mr. DOLE of Kansas. The yeas and nays have been ordered. Those who wish to vote in the affirmative will vote yea, those in the negative will vote nay. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. MATHEWS], and the Senator from West Virginia [Mr. ROCKEFELLER], are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. MATHEWS] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Texas [Mr. GRAMM], and the Senator from North Carolina [Mr. HELMS], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "yea."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—75

Baucus
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Hollings
Hutchison
Inouye
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Pressler
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—19

Akaka
Biden
Bingaman
Bradley
DeConcini
Dodd
Feingold
Ford
Heflin
Jeffords
Kennedy
Leahy
Levin
Metzenbaum
Mitchell
Moynihan
Packwood
Pell
Wellstone

NOT VOTING—6

Bennett
Gramm
Helms
Johnston
Mathews
Rockefeller

So the amendment (No. 1105) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COHEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

AMENDMENT NO. 1107

(Purpose: To provide enhanced penalties for antifraud enforcement efforts)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. COHEN], for himself, Mr. DOLE, and Mr. REID, proposes an amendment numbered 1107.

Mr. COHEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

TITLE —ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT EFFORTS

SEC. 00. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE —ENHANCED PENALTIES FOR HEALTH CARE FRAUD

Subtitle A—Amendments to Criminal Law

Sec. ____01. Health care fraud.
Sec. ____02. Forfeitures for Federal health care offenses.
Sec. ____03. Injunctive relief relating to Federal health care offenses.
Sec. ____04. Racketeering activity relating to Federal health care offenses.

Subtitle B—Amendments to Civil False Claims Act

Sec. ____11. Amendments to Civil False Claims Act.

Subtitle A—Amendments to Criminal Law

SEC. 01. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health care plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for life or any term of years.

"(b) For purposes of this section, the term 'health care plan' means a federally funded public program or private program for the delivery of or payment for health care items or services.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

SEC. 02. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following:

"(6)(A) If the court determines that a Federal health care offense is of a type that poses a serious threat to the health of any person or has a significant detrimental impact on the health care system, the court, in imposing sentence on a person convicted of that offense, shall order that person to forfeit property, real or personnel, that—

"(i)(I) is used in the commission of the offense; or

"(II) constitutes or is derived from proceeds traceable to the commission of the offense; and

"(ii) is of a value proportionate to the seriousness of the offense.".

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud;

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud; and

"(v) section 301, 303(a)(2), or 303 (b) or (e) of the Federal Food, Drug and Cosmetic Act, if the violation or conspiracy relates to health care fraud.".

SEC. 03. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

SEC. 04. RACKETEERING ACTIVITY RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1961 of title 18, United States Code, is amended by inserting "section 982(a)(6) (relating to Federal health care offenses)," after "sections 891–894 (relating to extortionate credit transactions),".

Subtitle E—Amendments to Civil False Claims Act

SEC. 11. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.

Section 3729 of title 31, United States Code, is amended—

(1) in subsection (a)(7), by inserting "or to a health care plan," after "property to the Government,";

(2) in the matter following subsection (a)(7), by inserting "or health care plan" before "sustains because of the act of that person,";

(3) at the end of the first sentence of subsection (a), by inserting "or health care plan" before "sustains because of the act of the person.";

(4) in subsection (c)—

(A) by inserting "the term" after "section,"; and

(B) by adding at the end the following: "The term also includes any request or demand, whether under contract or otherwise, for money or property which is made or presented to a health care plan."; and

(5) by adding at the end the following:

"(f) HEALTH CARE PLAN DEFINED.—For purposes of this section, the term 'health care plan' means a federally funded public program for the delivery of or payment for health care items or services.".

Mr. COHEN. Mr. President, I introduce this amendment to the crime bill, which would enhance penalties for health care fraud. According to the GAO, by 1995, we will be losing approximately $100 billion a year due to health care fraud. A great deal of talk has been going on about how we are going to pay for this particular crime bill and whether we are going to have real savings or not, or whether they are illusory, but this is something we can deal with now.

I know that the focus of this particular legislation is pointing to violent criminals and acts of violence on the part of criminals. But we also have acts of violence being perpetrated against our citizens in another fashion. We are robbing them of necessary health care through the unscrupulous individuals who are taking advantage of our programs.

Mr. President, through our work on the Aging Committee, we have found example after example of taxpayers who are being ravaged by unscrupulous health care providers who are bilking taxpayers of billions of dollars.

I want to give a couple of examples of the kinds of things taking place day after day:

Overcharging for services provided; charging for services not rendered; accepting bribes or kickbacks for referring patients to laboratories, clinics, or medical supply companies; filing inaccurate claims and so-called upcoding to receive higher reimbursement; overbilling for home health care; overcharging by pharmacists for generic drugs and splitting prescriptions in order to collect extra dispensing fees; performing unnecessary clinical laboratory tests; and billing Medicare and private insurance carriers for inferior supplies at inflated prices.

Mr. President, I know that there is some opposition to this legislation on the part of the administration. The administration would like to wait until next year when we consider a comprehensive health care reform package. But I would like to encourage my colleagues to resist that opposition.

We cannot afford to wait until next year. The President's plan may or may not become law. It may or may not become law, and it has a long way to go.

I would like to call my colleagues' attention to something that Senator SIMPSON said in a different context sometime ago.

He said:

> A billion seconds ago, Eisenhower was on the campaign trail, running for his second term as President. A billion minutes ago, Hannibal was crossing the Alps with his troops. A billion hours ago, the earth was a cold, solid piece of rock. And a billion dollars is what the United States has spent on health care since yesterday.

We should not wait until next year to consider this legislation. I submit that it will be passed virtually as is next year. Everybody in the Chamber should know that we are losing approximately $300 million a day—$300 million a day.

So I urge my colleagues to move today on this amendment and not delay it until next year, not wait until next August, September, October, November, whenever we finally come to a conclusion on the health care package reform, but move today on something I think we can all agree upon.

The amendment would amend title 18 of the current law to specifically include penalties for health care fraud. It creates a new health care fraud statute patterned after the existing wire and mail fraud statute. It allows for the criminal forfeiture of proceeds derived from Federal health care offenses; permits injunctive relief relating to Federal health care offenses; establishes a health care fraud as a predicate to the RICO statute, and clarifies Civil False Claims Act to include false claims submitted to federally funded health care plans.

Mr. President, I submit to my colleagues this is something that we should not wait any longer on. We should provide the kind of criminal penalties that are necessary for those who are ripping off the system on a basis of $300 million a day.

I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I begin by commending my friend from Maine on focusing the attention of the Senate on what is not only a serious problem from the standpoint of the criminal justice system but a multibillion-dollar problem facing this country.

Senator COHEN's health care fraud amendment is quite good and substantially the same in some parts as a significant portion of the President's plan to combat health care fraud.

I say that not in any way to detract from the fact that Senator COHEN came up with this all on his own but to point out that finally we are beginning to focus in this country from all angles on this incredibly difficult and expensive problem to the taxpayers.

I share Senator COHEN's interest in health care fraud. As a matter of fact, last year I introduced a bill in Congress and held a hearing on the issue.

By considering the Senator's proposal today the opportunity to educate and focus public attention on this important issue might quite frankly be—I am not sure what the best way to go is, I guess is the best way to say it. We have this similar piece of legislation in the health care bill. We have a major bill that is up to deal with health care fraud.

I went to the Senator last night and pointed out to him, since he is on the Judiciary Committee, that he and I, and others, who have an interest in this, could do a great deal because, hopefully, the health care fraud piece will be referred to the Judiciary Committee and we are going to have a significant opportunity to focus public opinion on this.

By the way, I might add one of the reasons to focus public opinion on this is not so they can see how enlightened are the Senator from Maine or the Senator from Delaware, or anyone else. The reason is much of the fraud could be impacted upon if, in fact, the public was educated as to how those involved in fraudulent schemes to bilk, particularly seniors of tens of billions nationwide, do it.

That is one of the reasons I would like to see some significant focus on it.

But the Senator made a point to me, and to tell you the truth, it is a hard call. He says: "Senator BIDEN, if we wait until we do this in an orderly fashion, there are tens of millions of dollars a day that are being defrauded from people right now as we speak."

Senator COHEN has been a leader in this area in the Judiciary Committee hearings, as I said, on health care fraud, which I think could provide him and the issue a forum not only to further educate the public but also to continue with a very strong piece of legislation.

The Judiciary Committee intends to hold hearings on the health care fraud issue in December, this December, and early next year.

Senator COHEN's amendment and the President's plan share some of the following same features:

First, amend title XVIII to include specific penalties for health care fraud. The President's plan would actually include a few more new offenses. Allow criminal forfeiture of proceeds derived from Federal health care offenses, as in my bill. This section expands existing mail fraud and wire fraud provisions in health care; permits injunctive relief relating to health care offenses and classifies the Civil False Claims Act—that is the whistle-blower statute—to include health care plans.

Notwithstanding the fact I think it makes no sense to do it in a more orderly fashion and against the advice of everyone of my staff, I am prepared to accept the amendment. I cannot guarantee him, in light of the fact the House does not have any of this in their bill, whether or not it will, to be blunt about it, survive conference.

But I say, as the Senator knows, I completely agree with the substance of his amendment. The question is the timing. But I have not had a chance to speak with my friend from Utah about this yet. I am prepared to accept it. But I would suggest, if the Senator is willing, since I know the Senator from Utah has not had a full opportunity to look at this, could we temporarily lay aside the Senator's amendment and go to Senator DORGAN'S amendment, which will not require a vote, and upon completion of that return to this. I expect that to be not more than another 15 or 20 minutes. Is that appropriate?

Mr. DORGAN. That will be fine. There will be no vote on his amendment?

Mr. BIDEN. No. I am going to accept it, and I believe the minority plans on accepting the Dorgan amendment.

Mr. HATCH. Could I interrupt a second?

Mr. BIDEN. Please do.

Mr. HATCH. I do not see any reason to set it aside. Why do not we at least accept it? It is sponsored by Senator COHEN and Senator DOLE, and I think it is a good amendment.

Mr. BIDEN. He is willing to accept it. Fine. It is done.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment, and salute Senator COHEN for his leadership in combating fraud and abuse.

The Senator from Maine is absolutely correct in saying that while the vast majority of health care providers are honest and above-board, there are those who are perfectly willing to bilk billions of dollars from Government-run programs like Medicare and Medicaid.

And make no mistake about it—these are not victimless crimes. Because of fraud and abuse, individuals and employers are forced to pay higher premiums; tax dollars are being wasted; and patients are being put at risk by faulty medical equipment and shoddy lab work.

This area is one that needs to receive great attention in the ongoing health care reform debate, but there are some actions which we can and will take now through adoption of this amendment.

And this amendment will tell fly-by-night operators and those who make a career of swindling tax dollars that their behavior will not be tolerated, and will be met with stiff penalties.

Mr. President, we are losing as much as $300 million per day to health care fraud and abuse. We must not wait any longer to declare war on those who are increasing health care costs for all Americans. I join Senator COHEN in urging support for this amendment.

Mr. HATCH. I urge adoption of the amendment.

Mr. BIDEN. I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 1107) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN] is recognized.

AMENDMENT NO. 1108

(Purpose: To require an affirmative showing of good behavior for crediting of "good time" to prisoners serving a sentence for a crime of violence)

Mr. DORGAN. Mr. President, I have an amendment I would like to send to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1108.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may, at the discretion of the Bureau, receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, if the Bureau of Prisons determines that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.".

Mr. EXON. Mr. President, will the Senator yield so the Senator from Nebraska may ask a question without losing his right to floor?

Mr. DORGAN. I am happy to yield.

Mr. EXON. Mr. President, last evening the Senator from Nebraska talked to the managers of the bill. I have an amendment. I am not trying to exercise any right, but in keeping with what I said on the floor last night, I have this amendment that I am prepared to offer. I believe it will be accepted by the managers. There is no problem. If not, we will have a rollcall vote.

I would enter into a very short time agreement on the measure. I understood last night that there had not been any order of Senators being recognized. I find this morning that there seems to be at least an unofficial order. I am simply inquiring of the managers of the bill if an order has been established in what order will the Senator from Nebraska be able to offer his amendment, following what, and approximately at what time.

Mr. DORGAN. Mr. President, I do not believe the manager of the bill heard the Senator from Nebraska. I would encourage the Senator from Nebraska to visit with Senator BIDEN about that.

Mr. BIDEN. Mr. President, I apologize. I was conferring with the Senator from Maine, and I understand a question was directed to me.

Mr. EXON. I will repeat the question. I understood last night, in talking to the managers of the bill, there was no order. This morning, I thought there was no order. Now it seems there has been some unofficial order established.

I am simply not trying to interrupt the flow of business but, in keeping with what I said last night, the Senator from Nebraska has an amendment that I would enter into and have a very short time agreement. If it is accepted unanimously by the managers, I would not require a rollcall vote. If a rollcall vote is required, we can have a limited time agreement and go on.

I am simply asking. What unofficial or official orders do the managers of the bill have for offering of either controversial or noncontroversial amendments and about when could the Senator from Nebraska, under the official or unofficial order, be expected that his amendment will be in order to be offered?

Mr. BIDEN. Mr. President, I officially say unofficially that the Senator, I am told, has an amendment which he thinks would take 20 minutes; is that correct? I do not know the nature of the amendment.

Mr. EXON. I have sent a Dear Colleague letter around. The amendment is on preventing the payment by the Federal Government to illegal aliens. It is been before the Senate before and I think is generally understood by Members on both sides.

Mr. BIDEN. Mr. President, I can say there are seven Senators who came to the manager of the bill this morning asking to be able to proceed this morning. I can tell the Senator within 15 minutes. The expectation is if the Senator stays on the floor he may be able to offer his amendment in the next 15 or 20 minutes.

There is one Senator before him, Senator WELLSTONE. We thought we maybe had an agreement on whether or not his amendment would be accepted. That is being negotiated now with the minority.

So I would suggest that if the Senator stayed on the floor immediately after Senator DORGAN began he would be able to offer his amendment, although there is no official order. I would stand and seek recognition if I were the Senator from Nebraska, and I know he is not going to be shy about doing that.

Mr. EXON. I thank the manager of the bill, and I thank my friend from North Dakota for yielding for a question.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Mr. President, I offered an amendment that is relatively simple. I have been on the floor on previous occasions and indicated my feeling that part of the problem with our criminal justice system is we do not put criminals we know are violent away and keep them away. Many who commit violent acts of crime are not in jail for long. They are let back out through the revolving door of the criminal justice system only to victimize others. My feeling is we have an overwhelming amount of violent crime committed by a very few criminals. Studies show that 6 percent of the criminals in America commit two-thirds of the violent criminal acts.

Thus, in most cases, we know who these people are. We simply do not deal with them appropriately.

What I have tried to do in proposing amendments, some of which have already been incorporated into the bill, and others I am offering, is to find a place to put violent criminals, put them there, and keep them there: A pretty simple proposition.

Let me back up just for a second to say those who think we really need to be working on the root cause of crime. I agree with you. We have to try to understand what is causing this epidemic of violent crime in our country and respond appropriately. There are a myriad of reasons of why we have this crime epidemic. From poverty to child abuse to drug abuse to an erosion of the values in our country, there is a whole range of problems that we have to work on. But even while we do that, we cannot allow innocent folks to be walking down the street and be bludgeoned to death or otherwise victimized in a violent crime by people who we have let out of prison early because we do not have enough prison space or because our system says to them, "We are going to put you in prison, but we have got a reward system for you, so we'll let you back out on the streets early."

The first part of my plan was included in the piece of legislation that we passed last evening, and creates alternatives in incarceration facilities. We can take an abandoned military base—we are getting rid of over 100 of them in this country—and create a different type of incarceration facility. As my friend from Ohio, Senator GLENN, believes, we should use Quonset huts and fence, to create prison facilities, and put nonviolent prisoners there.

Fifty percent of the people in prison are nonviolent. We can put nonviolent, low-risk prisoners in those types of alternative prisons at one-fifth the cost it takes to build a prison. That opens up probably 100,000 or 150,000 prison cells in which you can put violent prisoners and keep them for a while.

Now, once you find a place to put them—and we have tried to accomplish that—the question is how do you keep them there?

Well, I will tell you. I would very much like, for violent criminals, to abolish good time. The notion of giving time credits for good behavior in prison is preposterous, especially for violent criminals. Violent criminals are put in prison to keep them off the streets because they commit acts of violence against innocent people. We should not be giving good time benefits.

I am not able to affect the State system with this legislation the way I would like to, but we are able to affect the Federal system. When a Federal prisoner is sent to prison, no matter how heinous the crime, they are automatically given a one-seventh reduction in their sentence—54 days a year. A 54-day reduction every year of their sentence just for going to prison. There is an automatic presumption on behalf of the prisoner that they get good time benefits.

My legislation changes this automatic presumption of good time benefits. For violent criminals who are sent to prison in the Federal system, we revoke the automatic presumption of good time benefits. Yes, the prison authorities can use good time if they choose, but there is not an automatic presumption on behalf the criminal.

I have made the point before that part of the dilemma we have is that we know who is committing these crimes, but we simply are not able to keep them locked up.

Let me demonstrate what I mean. I have mentioned these crimes before, but let me add to them.

I mentioned the crime yesterday of Michael Jordan's father, probably a crime more people read about than any other crime this past summer. A famous basketball star's father was tragically murdered. The perpetrators: Allegedly two people, both of whom committed violent acts before. They were both let out early.

I have mentioned the crimes here in Washington, DC. Four-year-old Launice Smith, on a sunny Saturday on a playground in Washington, shot in the head and killed by someone who was well known in the criminal justice system.

Mr. HATCH. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. HATCH. I hate to interrupt, but I personally appreciate what he is doing. I am going to support this amendment. I want to be added as a cosponsor to it right now.

I just think the Senator is very thoughtful. He has tried to do what is right. What he is saying is important, if it will help us to let these criminals know that we are not going to just be easy on them anymore. I want to compliment him for what he is doing.

I apologize for interrupting him, but I was afraid I would have to leave the floor and I would not be able to say that and let him know how much I want to support him and be a prime cosponsor of his amendment and to let him know how much I appreciate the efforts he is putting forth.

Mr. DORGAN. I thank the Senator for his courtesy.

I ask unanimous consent that he be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I appreciate that very much.

Let me continue for just a couple of minutes more, and then I will finish.

I have been mentioning that most of these crimes are committed not by strangers, not by someone who is mysteriously unknown to the law enforcement community, but previously convicted felons, who were let out of prison early.

Let me go through a few victims for you.

Richard Boles and David Strzalkowski, both Florida police officers shot with their own guns in 1988. The killer: Charles Street, who had been in prison for murder before, but served only half of his sentence. Released early because of overcrowding; released to kill again because prisons were too crowded.

In 1989, a 4-year-old named Lee, kidnapped, raped, tortured, and murdered. Companions Cole and William, age 10 and 11, tied up, molested, and stabbed to death. The killer: Wesley Allan Dodd, with a 17-year history of child molestation and murder: 1983, convicted; 1984, convicted; 1987, charged; 1989, killed two brothers; 1989 killed Lee Iseli; 1989, arrested after attempting to kidnap another 6-year-old. He was not a stranger to the criminal justice system. This person was not kept in jail and, as a result, those kids are dead.

In 1991, Xiste Martinez, flower vender, killed in a robbery by David Brandon, on parole for another violent crime.

In 1991, John McKeel—he was a former Iranian hostage—killed while helping a robbery victim. Killer: Someone who had been in the system before, and had committed violent crimes before.

Robert Perkins, a Chicago police officer, shot and killed. Killer was Stanley Davis, paroled early from a previous murder conviction.

These are all people that had been through the revolving door of the criminal justice system.

Last year, Patricia Lexie and her husband were driving down the highway just a couple of miles from here. A car pulled up beside them and Patricia Lexie was shot in the head and killed. Arrested a couple of days later was a fellow name Henry James. We knew Henry James. The week previous he had been let out on bail for another attempted murder charge, only to kill Patricia Lexie.

The point I am making is this: Yes, let us find out what is causing all this and deal with the root causes, but we cannot be letting killers back out onto our streets because prisons are overcrowded. Furthermore, we cannot be letting killers go back out onto our streets because we are giving automatic reductions in sentence for good behavior in prison. Good time may allow prison authorities to better manage violent criminals while in prison, but who manages them at night on a dark city street when they are released and about to perpetrate another crime against innocent victims?

My amendment, Mr. President, is very simple. It says, no longer is there an automatic presumption of a one-seventh reduction of sentence in the Federal system for those who commit violent crimes.It is something I hope my colleagues will accept.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? Is there further debate on the amendment?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I support Senator DORGAN'S amendment to reverse the good time presumption in our Federal prisons for violent offenders.

Today, all prisoners—violent and nonviolent—can get 54 days a year taken off their sentences for good behavior. But the problem—as Senator DORGAN has put his finger on—is that they are presumed to get the credit unless the Bureau of Prisons makes a specific determination that they have not complied with the prison regulations.

Senator DORGAN'S amendment would reverse that presumption. He says that you do not get the good time credits unless your behavior is exemplary.

This makes good sense. It makes sense because it means that violent criminals will be serving more time, and it makes sense because it will actually promote the very purpose of good time credit.

Good time credit provides prisoners with an effective carrot for good behavior. And that is why I would not support abolishing it altogether. The Bureau of Prisons reports that it is a very important disciplinary tool—that they can better maintain order and discipline in prisons when prisoners have an incentive to be orderly and disciplined.

If someone is in there for 25 or 15 or 18 years, and they do not have anything that they can use to impact on their behavior and conduct in prison, it makes it more difficult to run the prison.

What the Senator has done makes good sense, changing the presumption on good time.

Mr. DORGAN. Mr. President, if the Senator will yield for 1 second, let me make the point we checked with the Federal Bureau of Prisons and they could not give us one instance, one example in which the 54 days was ever reduced. It is totally automatic. That does not make any sense at all. There ought not be automatic good time and that is the point of this amendment.

Mr. BIDEN. I agree with the Senator. We are prepared on this side to accept the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, again I compliment the distinguished Senator for his thoughtful approach here. There is no question but we need to convert these bases, in many areas, to prisons. That will save us money. Those are natural uses of those bases.

I think publicizing the judge's sentencing, which is what the Senator is going to do—publicize the judge's sentencing practices—I think is going to help a lot of judges to realize people are watching them for a change, and they are not going to put up with some of the soft-headed approaches to crime that really are going on in our society today, that are unjustified. There is certainly room for compassion, there is certainly room for leniency in some areas. But at least they are going to have to realize people will be watching.

Then, as far as the good time matter, I think the distinguished Senator from North Dakota is approaching this in a very intelligent way.

I am a total believer the victims' families ought to appear at parole hearings. After all, they are the victims. They are the ones who have been hurt. Frankly, they ought to be able to be heard in those instances as well.

So I compliment him on his thoughtful and reflective approach here. Of course, we are willing to accept this amendment on this side as well.

Mr. BIDEN. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1108) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we are ready to go with the amendment of my friend from Nebraska.

We are preparing a list of additional amendments. If Senators have them, if they would notify the Cloakroom it would be helpful to us ordering the way to proceed today.

AMENDMENT NO. 1109

(Purpose: To prohibit the payment of Federal benefits to illegal aliens)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of myself and Senator D'AMATO, Senator CRAIG, Senator GRASSLEY, and Senator BURNS, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] for himself, Mr. D'AMATO, Mr. CRAIG, Mr. GRASSLEY, and Mr. BURNS, proposes an amendment numbered 1109.

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska [Mr. EXON], is recognized.

Mr. EXON. Mr. President, in order to move in an expeditious fashion, as I know everyone would like to do, I certainly offer again at this time, as I had previously, to enter into, with the approval of the managers of the bill, time limits, 20 minutes a side, if the managers of the bill think that might expedite things. Or if they would prefer, we will go ahead with debate and probably bring this to an early resolution.

Mr. BIDEN. Mr. President, if the Senator will yield, I suggest the Senator just proceed because I know the Senator from Massachusetts has indicated an interest in this. Before I enter a time agreement—I would like a time agreement, but before I do that I would rather have him here. Why does the Senator not proceed.

Mr. EXON. Mr. President, today I rise to offer an amendment which establishes a governmentwide policy which states that direct Federal financial benefits shall not be paid to illegal aliens unless specifically provided by the Immigration and Nationality Act. I am pleased that my colleagues, Senators D'AMATO, CRAIG, GRASSLEY, and BURNS, are original cosponsors.

I appreciate the support that has been offered personally to me on this by other Senators.

I introduced this legislation in February and the bill was referred to the Finance Committee. This legislation has been before the Congress in years past and most Members should be familiar with it.

In 1986, the Congress made good progress in the effort to control illegal immigration into the United States. By making it unlawful to hire illegal aliens, the Congress removed a powerful magnet for illegal immigration. Unfortunately, another magnet remains. That attraction to illegal immigration is the real or perceived availability of Government benefits to illegal aliens.

Over the years the Congress has crafted qualifications for Federal benefit statutes separately, with little consideration for uniform policy throughout the programs. In addition, individual courts have issued isolated opinions on program eligibility, creating a patchwork quilt of a policy. As a result, due to congressional inaccuracy or expansive court interpretations, these statutes have been used to provide Federal financial benefits to illegal aliens. I think this is wrong.

This situation has led to the payment of unemployment benefits, Social Security benefits, health care benefits, and housing benefits to individuals who have no legal right to even be in the United States. If enacted, this amendment will end the uncertainty once and for all.

Studies focusing on this problem point toward an alarming and potentially dangerous drain on the Nation's financial resources if the payments to illegal aliens are allowed to continue as they have in the past. This financial problem goes beyond the Federal level to the State, county, and local governments as well. In an eraof massive Federal deficits, even small instances of waste, fraud, and abuse cannot be tolerated.

The Federal Government must ensure that limited Federal funds go to their intended beneficiaries. The Congress made good progress in requiring verification of status for certain entitlement programs and in authorizing the systematic alien verification for entitlement programs, better known as the SAVE Program.

However, these steps contained in the Immigration Reform and Control Act of 1986 can only be as effective as the interpretations of the various underlying benefit statutes. In addition, the SAVE Program has recently been nearly eliminated by the Immigration and Naturalization Service because of staff cuts. This amendment will make it clear that unless expressly authorized by the Immigration and Nationality Act, direct Federal financial benefits will not be paid to illegal aliens.

Opponents of this legislation may ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam. They may cite some compelling stories about illegal aliens in unfortunate situations. I am most sympathetic. However, there are stories as dire and as compelling among our own citizens.

When our Nation is facing $250 billion deficits and the crushing burden of the Federal debt, Federal dollars paid to an illegal alien, sympathetic or otherwise, are literally dollars taken away from our own citizens under the law.

This legislation also gives the Congress an opportunity to set the record straight and destroy the international folklore of Uncle Sam's deep pockets. This measure is both a means to control illegal immigration and a means to control budget deficits. Without the real or perceived attraction to Federal benefits, illegal immigration will be deterred. Without the seepage of benefits away from intended beneficiaries, money will be saved. The Congressional Budget Office has released a preliminary estimate that the amendment would save $2.2 billion over 5 years. I suspect at best that is an underestimate rather than an overestimate. Also, the National Taxpayers Union Foundation has likewise estimated that the amendment would save $718 million each and every year.

Simply put, Mr. President, this amendment states that Federal benefits should not go to those who are in the United States illegally. If my colleagues feel as I do, that the taxpayers' dollars should not go to illegal aliens, I ask them to join me in support of this amendment.

Mr. HATCH. Will the Senator yield? Will the Senator yield for a question?

Mr. EXON. I yield.

Mr. HATCH. I really like this amendment. I think it is a good step in the right direction. Why should American taxpayers have to pay for all of these benefits to illegal aliens?

Could I ask the Senator if he would consider perfecting the amendment somewhat, because I would hate to see children hurt by the amendment. For instance, I would hate to see any educational benefits this country might provide——

Mr. EXON. Any what?

Mr. HATCH. Any educational benefits, even school lunch benefits for children or medicine benefits for children. If we could just add maybe one provision that this would not apply to school, schooling of children, elementary and secondary schooling of children.

Mr. EXON. If I understand the Senator, he is suggesting that we make at least one caveat?

Mr. HATCH. Right.

Mr. EXON. That would be that we would continue benefits to illegal aliens for educational purposes of the illegal aliens and their children?

Mr. HATCH. No, only for the benefit of the children who may be in elementary or secondary education, not beyond that.

Mr. EXON. I would certainly be glad to discuss that.

Mr. HATCH. If the Senator would do that, I would cosponsor this amendment and push as hard as we could to have it accepted. Actually, we should be concerned about the children. They cannot fend for themselves in most cases; they cannot take care of themselves.

In this particular case, I would hate to see children of illegal aliens who really do not have the right nutrition and maybe need some medicine that could be provided in a school context not be able to receive that.

Mr. EXON. Mr. President, may I advise my friend from Utah that I certainly will take a look at his suggestion. It has some merit and maybe we can work out something that would be satisfactory.

Mr. BIDEN. Will the Senator yield for a question?

Mr. EXON. I will be happy to yield.

Mr. BIDEN. I, too, think it is a good amendment and am prepared to accept the amendment with that exception. I will add another, not exception, point.

I think there is a constitutional question that is raised here as to whether or not we can, in fact, deny education benefits to children in elementary and secondary school. I am not an expert in this area, so I cannot say that with certainty. But it would seem to me that the bulk of what the Senator is attempting to do would in no way be impacted upon by exempting those benefits that flowed to a child in a school. This is public elementary and secondary education, not colleges.

So if the Senator is willing—and I give him my assurance—if we could set his amendment aside for a few minutes and see if we can work that out, I think we could accept this amendment and I think the Senator will have saved the taxpayers a lot of money.

Mr. EXON. I thank the managers of the bill. I would certainly agree to the suggestion of temporarily setting the amendment aside. Maybe we can work out a matter that I would like to take a further look at.

Mr. BIDEN. Mr. President, in light of that, and there is no one on the floor seeking recognition for another amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to take 7 minutes in morning business for purposes of making a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

NORTH AMERICAN FREE TRADE-AGREEMENT

Ms. MOSELEY-BRAUN. Mr. President, last night the leader introduced the implementing legislation for the North American Free-Trade Agreement.

When I have a chance to vote on the implementing legislation on the North American Free-Trade Agreement, or NAFTA, as it is known, I will vote for it. My reasons are uncomplicated and straightforward. The history of opening up trade is a history of increasing economic growth. When trade barriers are removed, trade increases. When trade increases, jobs are created. It is just that simple.

The United States has always had an interest in expanding trade. The Yankee trader is an important part of our history. And our Nation came to greatness, in no small part, because of our interest in expanding trade opportunities.

NAFTA is simply the latest expression of a longstanding U.S. policy that has been predicated upon opening up the world trading system. That is a policy that always made sense. It is a policy that continues to make sense, and it is the policy we must follow if we are to continue to succeed and prosper in this increasingly interdependent world.

The future depends on our capacity to relate effectively to a new global village. The world has changed. We really are closer together. And our economic relationships are more closely intertwined than ever before. NAFTA is about meeting that change and facing the future.

The North American Free-Trade Agreement—NAFTA—is our response to the breakdown of trade barriers around the world. Europe's common market, and Japan's expanding trading relationships around the Pacific rim are the realities we have to deal with. Removing trade barriers with our closest neighbors and most significant trading partners—Canada and Mexico—will help all of us compete more effectively with the businesses fromthe European trading bloc, and from Japan, China, Taiwan, Hong Kong, Singapore, Korea, Thailand, and the other rapidly growing economies in the Far East.

The first stage of the North American free-trade zone, created in the United States-Canada agreement, is already expanding trade with Canada—our largest export market. Last year, our exports to Canada totaled over $90 billion, up almost 6 percent from a year earlier, in spite of the fact that our economy was stuck in the economic doldrums.

Expanding the North American free-trade zone to include Mexico will also create trade and export opportunities for the United States. It will be good for this country, good for American workers, and good for my State.

Recent history shows that economic reform in Mexico is already paying dividends for the United States. Over the last 5 years, we have gone from a trade deficit with Mexico to a $5 billion-plus surplus. What that means in Illinois is that there are now almost 140,000 jobs supported by trade with Canada and Mexico.

My State now exports over $5.2 billion to Canada, up over 90 percent over the last 5 years, and Illinois exports to Mexico rose 385 percent from 1987 to 1992. Think of it, 385 percent. Since 1987, Illinois exports to Mexico have more than tripled.

Illinois exports to Mexico are not limited to one area, but are broad-based. Illinois leading exports to Mexico include: Industrial machinery and computers, transportation equipment, electric and electronic equipment, metal products, chemicals, agriculture and food products, and services.

The removal of Mexican tariff and nontariff barriers to United States products and services will continue to improve opportunities for both Illinois industries and businesses, and industries and businesses from other States around the Nation.

Phasing out the 20 percent tariff on the import of United States automobiles to Mexico will enable our country to sell more cars in that country—and that means more jobs here. Removal of nontariff trade barriers will allow United States insurance companies and financial firms to do more business in Mexico—and that means more jobs here.

Opening up the opportunity for United States firms to sell to the Mexican Government and to develop Mexico's infrastructure means more sales of things like construction equipment, telecommunications systems, and a myriad of other items—and that means more jobs here. And eliminating artificial trade barriers to the sale of United States agricultural products will mean the sale of more United States grains, soybeans, hogs, and other farm products in Mexico—and that will mean more jobs here.

Approximately 50,000 new jobs have been created by growth in Illinois manufactured exports to our North American trading partners since 1987. In 1992, Mexico ranked second among Illinois' 181 export markets. Our No. 1 and

No. 3 export markets respectively are Canada and Japan. What makes these figures even more significant is the fact that Mexico's GNP is so much smaller than either Canada's or Japan's.

Now, Mexico's GNP is only about one-twentieth of ours. Yet, Mexico's per capita imports from the United States total $450 per year, more than that of Japan or Europe, even though Mexico's per capita income is far lower.

The Mexican economy has great growth potential, and that is why we want to make sure we are there to benefit from the growth of that economy. As Mexicans become more wealthy, they will buy more products. We want them to buy United States products, not Japanese, not German, but American products. NAFTA helps ensure that they will.

The elimination of tariffs on U.S. products, such as a tractor, makes our American tractor cheaper and more attractive than the Japanese-made tractor. That is a fact. The U.S. business that will be generated because of NAFTA will be new business. That can only mean good things for our people and our economy.

To understand why NAFTA is in our interest, it is worth keeping in mind what it does. NAFTA phases out tariffs on United States exports to Mexico that currently average 2½ times the tariffs on Mexican exports to the United States. Some of the Mexican tariffs on United States exports to Mexico that will be phased out include: 20 percent on automobiles; up to 15 percent on chemicals; 10 to 20 percent on computers; and up to 22 percent on electronic components.

NAFTA also ends many of the restrictions on investments by United States firms in Mexico, restrictions that have no counterpart under United States law. Important, most of the Mexican restrictions do not apply to investments in business that will export their products back to the United States. And NAFTA will help end the piracy and patent infringement of United States products in Mexico.

The combination of these changes creates new opportunities for United States firms to sell in Mexico from United States factories. Instead of selling United States cars to Mexico from factories in that country, for example, we will be able to sell from plants in Chicago, and Belvedere. And these changes, and other benefits of the agreement will create new opportunities for United States insurance companies and other services to do much more business in Mexico.

But if NAFTA is a clear benefit to the United States, Mr. President, why is the agreement so controversial. The answer is that, unfortunately, much of the discussion on NAFTA has been driven by fear—fear of the unknown, fear of change, fear of lost jobs.

We have all heard about the great sucking sound of American jobs being lost to Mexico. And Americans have a right to be concerned about their economic future and the future of their children. American workers are justifiably worried about the lost jobs and stagnating incomes that characterized the last decade. However, NAFTA is not the cause of the problems that have worked to undermine traditional American optimism; it is not draining away American jobs. And because NAFTA is not the cause of the jobs loss problem, the stagnating wage problem, or, indeed, any of these problems, defeating NAFTA will not solve them.

Throughout my career, I have been a friend of the American labor movement. Labor speaks for American workers and American values, and I am proud to be their friend. To my friends in the labor movement, I say that I would not support NAFTA if I thought it was responsible for the job losses Americans have been experiencing, or if it would rob our economy of new jobs. It is because, after long and careful study, I am convinced that it will help American workers, instead of hurt them, that I am supporting NAFTA.

Killing NAFTA might make it appear that Congress is responding to the legitimate fears of American workers, but all it really does is to maintain the status quo, which is not in anyone's interest, including American workers. The status quo is 4 percent average tariffs on Mexican products into the United States, which is no protection at all when Mexican wages are so much lower than United States wages.

If there was a great sucking sound to be heard, it would be heard now. However, as I have already stated, we have a growing trade surplus with Mexico, which means we are creating jobs, not losing them.

Allowing others into our market, while we are shut out of theirs is not in our interest, and to continue with unfair trade relationships unnecessarily is foolish and dangerous. It forces our companies and our workers to compete on an unfair playing field. Is there really any good reason why we should support policies that allow trade barriers to continue, while opposing policies that would change this imbalance?

The question we need to ask is: What would the United States really gain if NAFTA is not passed, and what would we really lose if NAFTA is passed? As I have already stated, if NAFTA is not passed, the Mexican tariffs, which are higher on average than ours, would not be eliminated. Nontariff trade barriers would not be eliminated. Gains we have made in the environmental cleanup and labor protection arenas would be gone. We will have lost access to a growing market.

Jobs have left this country. They have gone to Mexico, the Caribbean, Asia, an other parts of the world. But killing NAFTA does not change what already has occurred. If anything, NAFTA will encourage U.S. companies that have factories in Asia to move back to North America. Frankly a factory in Mexico is much more likely to use American suppliers than a factory in Asia.

And the fact is, as I explained earlier, we are not losing jobs now in Mexico, we are gaining jobs. Implementing NAFTA will continue and accelerate those gains.

What would the United States lose if we pass NAFTA? Almost nothing. And what are we getting? Improved access to a market which, while much smaller than ours, is rapidly growing.

Now, no trade agreement can turn Mexico into the economic equivalent of the 52d State in the United States of America. There is no agreement that can make Mexican wages equal to ours overnight. There is no trade agreement that can make the United States Clean Air Act the law of the land in Mexico.

However, because of economic liberation in Mexico, wages have gone up, and NAFTA helps ensure that those increases will continue. From 1987, the beginning of economic liberalization, to 1992, real wages doubled in Mexico. And most recently, Mexico's President announced that Mexico would require the minimum wage to rise with productivity increases.

NAFTA is also proenvironment. The agreement contains provisions to protect standards in the United States and improve the situation in Mexico. In addition, separate negotiations are occurring between the administration and the Mexican Government on creating a stable source of funding for environmental cleanup.

Will some people lose jobs when NAFTA is implemented? Yes, there may be some job loss in certain import-sensitive industries. No trade agreement can guarantee that there will be no job dislocation. Fro those that lose jobs, there will be a worker dislocation bill to provide income support, training, and job placement assistance. There will be a safety-net for those who lose any job, not just jobs related to plant closures.

What is absolutely clear, however, is that we will gain many more jobs than we will lose. The last 5 years of Mexico-United States trade is the most eloquent testimony to the truth of that statement. Even with low Mexican wages, and even though the United States had a serious recession, we went from a trade deficit with Mexico to a trade surplus—and what that means is that we did not lose jobs, we gained jobs from United States-Mexico trade over that period. While plant openings and expansions are often less visible than plant closings and dislocations, they are no less real. The new jobs are real jobs, not illusory; the economic benefits are real benefits, not illusory.

Mr. President, my goal is to build a better future for our children. One part of what we must do to accomplish that goal is to maintain and enhance our international competitiveness. And part of what it takes to accomplish that goal is a trade policy that accepts the fact that we are part of a global economy.

In the end, that is what NAFTA is—the continuation of longstanding U.S. trade policy, and a recognition that we will prosper in an expanding global trading environment.

The decision on NAFTA is a decision on whether to choose hope or fear. In 1930, in the notorious Smoot-Hawley tariff bill, Congress chose fear, and made the Great Depression much, much worse.

This year, I think we must choose hope. NAFTA is about a confident, competitive, future-oriented America. It is about expanding opportunities. It is about creating jobs and improving standards of living by expanding the economic pie through trade and higher economic growth. It rejects the view that trade is a zero-sum game, where for every winner, there must be a loser, in favor of a win-win game of expanded economic opportunity for both the United States and Mexico.

NAFTA represents our future. It is the only trade policy that makes sense for a strong, outward-looking country like the United States. It makes sense for America; it makes sense for American workers. It is time to move forward with NAFTA.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I think we can now return to the amendment before the body.

Mr. President, I ask unanimous consent that Senator HELMS and Senator SIMPSON be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1109, AS MODIFIED

Mr. EXON. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 1109), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

(d) FEDERAL EDUCATION BENEFITS TO PRIMARY AND SECONDARY SCHOOLS.—Nothing in this section shall be construed to prohibit direct federal financial benefits to children in primary or secondary schools.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I believe we can accept this amendment. I ask the distinguished Senator from Delaware, the chairman of the committee, if he will accept this amendment.

Mr. BIDEN. Mr. President, we have——

Mr. EXON. Mr. President, may I interrupt? Something has happened that I was fearful might happen. I have just been advised that a Senator has a question about the amendment, and he is rushing over to the floor.

Here we go again.

I do think, to honor the request of the Senator coming to the floor, that we should set this matter aside temporarily once again, and I so ask.

The PRESIDING OFFICER. Without objection, the amendment will be temporarily laid aside.

Mr. EXON. Mr. President, once again, in anticipation, I had been fearful of what is about to take place, but I have always insisted on the rights of Senators under the rules of the Senate.

Let me say that if we can agree on the amendment with the addition that I certainly agree with, I will not insist on a rollcall vote. But if we are going to get into extended debate on this matter, I may insist on a rollcall vote to give the Senate an opportunity to speak to this matter once again. I simply advise that the last time this matter came up on the floor of the Senate for a vote, it was July 13, 1989, as the CONGRESSIONAL RECORD of that date on page S866 will demonstrate. The Senate overwhelmingly approved a very similar amendment with 93 yeas and 6 nays.

I have not insisted on a rollcall vote because I believe that the managers of the bill know full well the overwhelming spirit and feeling of the Senate on this matter. I am not—at least at this juncture—going back to the proposition that is so often used here, that I want a rollcall vote so that we will not be sold out in conference with the House. I have every confidence in the managers of the bill. I think they know full well the past history of this. I think they know how the Senate feels about this at this particular juncture.

So I would hope that after the Senator who is on his way over to the floor has whatever he wants to say about this bill—if we do not get into extended debate—which I think is not necessary, because I think no votes are going to be changed. The Senator coming to the floor was one of the six Senators who opposed this bill. Certainly, the Senator has the right to offer anything he wants, and if he insists on a rollcall vote so that he can offer his objection once again, I will not be against that.

With that, I yield the floor, with apologies and trepidations. I yield to any comments of the managers of the bill and, possibly, we can set it aside and proceed to other matters, unless the Senator appears on the floor momentarily.

Mr. HATCH. Mr. President, as I understand the parliamentary situation, it is that the Exon amendment is temporarily set aside.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I am happy to wait with him to see if we can resolve his problems, because I think his amendment, as modified, is very good.

AMENDMENT NO. 1110

(Purpose: To combat telemarketing fraud)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1110.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.

"2325. Definition.

"2326. Enhanced penalties.

"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized a significant number of persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud 2325

"113B. Terrorism .... 2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

Mr. HATCH. Mr. President, the amendment, the Senior Citizens

Against Marketing Scams Act of 1993, the SCAMS bill, is identical to a bill, S. 557, which passed the Senate earlier this year. We passed this bill with broad bipartisan support, and you will note that my chairman of the committee is my prime cosponsor on this bill.

S. 557 was cosponsored by Senators BIDEN, THURMOND, MOSELEY-BRAUN, DECONCINI, SIMPSON, HATFIELD, COHEN, and PRESSLER. That bill is currently pending in the House Judiciary Committee. This important amendment is aimed at better equipping Federal law enforcement and victims in the interest of preventing, investigating, and prosecuting telemarketing fraud. It has broad bipartisan support, as well as the support of the American Telemarketing Association.

Earlier this year, the FBI announced the result of an unprecedented undercover investigation into telemarketing fraud that began more than 2 years ago in Salt Lake City, UT, my hometown.

Unfortunately, the trusting people of my home State have been favorite targets of scam artists—but it is true in every State in this country. Several hundred arrests were made nationally in an operation encompassing 18 FBI field offices. The FBI should be commended. Still, more can and should be done. SCAMS authorizes the necessary Federal resources to combat telemarketing fraud. SCAMS also creates a new Federal statute criminalizing telemarketing fraud and enhances penalties for these crooked acts when senior citizens are the principal victims. It also establishes a reward program for tips leading to convictions of telemarketing crooks and provides for public prevention and awareness for senior citizens.

The FBI estimates that annual losses to the public, especially senior citizens, from illicit telemarketing operations to be in the billions of dollars every year. A Lou Harris survey indicates that over 5 million Americans have made telephone purchases that they felt were based on false representations. Of those cheated out of their money, less than one-third reported the matter to authorities. Continued law enforcement and greater public education can bring about an end to these scams. Adoption of this amendment, SCAMS, will accomplish this goal.

So, for that reason, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1110) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. Mr. President, might I inquire if there are any pending amendments that might have to be laid aside in order for me to offer an amendment at this time?

The PRESIDING OFFICER. The Exon amendment has already been temporarily laid aside. There is no requirement to do so.

AMENDMENT NO. 1111

(Purpose: To establish a commission on violence in schools)

Mr. ROBB. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB] proposes an amendment numbered 1111.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established; subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 25 members, as follows:

(A) PRESIDENT.—Five persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatves.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employeemnt.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filed not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance withsections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) Applicability of Civil Service Laws.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) Experts and Consultants.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) Staff of Federal Agencies.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) Other Resources.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) Physical Facilities.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) Hearings.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) Delegation of Authority.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) Information.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) Gifts, Bequests, and Devises.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) Monthly Reports.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) Reports.—

(1) Interim report.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) Final report.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) Printing and Public Distribution.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

Mr. ROBB. Mr. President, times tend to change. I wish I could say they always change for the better, but look at the change just 50 years has brought.

In 1940, in public school, teachers cited the top disciplinary problems as talking out of turn, chewing gum, students making noise, running in the halls, cutting in line, dress code violations, and littering.

Here is the same list 50 years later: drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, and assault.

Mr. President, schools are supposed to be about reading, writing, and arithmetic. Schools are supposed to provide an atmosphere conducive to learning about the ABC's and the 1, 2, 3's. But students in many of today's schools have traded the ABC's for the PCP's, the Base 10 for Mack 10, and the multiplication table for the autopsy table.

They are learning new skills, such as how to deal with classmates getting wounded with knives and killed by handguns.

They are learning how to arm themselves, to wear bullet-proof clothing, and to carry weapons to school.

They are learning what to do if a drive-by-shooting alarm rings. They are learning about violence. And they are learning about the nature of living in fear.

These are our schools, Mr. President. And for many children, this is education in the nineties. School violence is on the rise, and not just in inner cities. Rural areas are also being affected.

Behind the rise in school violence is a chilling shift in adolescent attitudes, most vividly seen as a sharp drop in respect for life. For many students, just going to school is an act of courage.

The issue of violence in schools is complex and needs to be addressed on a national scale. To do that, we need to know exactly what we are dealing with. We need to know the causes of violence in schools and to examine the extent to which guns and drugs contribute to the problem.

That is why I am offering an amendment which would establish a 2-year Commission to study violence in our Nation's schools. This Commission, to be titled the National Commission on Violence in Schools, will have four specific responsibilities.

First, the Commission will clearly define the causes of violence in school and examine how weapons and drugs contribute to the problem.

Second, the Commission will define the scope of the national problem and provide statistics and data on the problem of violence in schools on a State-by-State basis.

Third, the Commission will review current approaches used to prevent violence in schools at present and will review coordination of local, State, and Federal efforts.

Fourth, the Commission will make recommendations to the President and Congress as to how violence in schools should be handled on the national level.

Agreeing to this amendment will demonstrate to our Nation's children that we are concerned about their safety, we are concerned about their fears, and that we are prepared to do something about them. I ask my colleagues to support this amendment so that we can place learning about the 3 R's back as our top priority in schools.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise to compliment the Senator from Virginia. He has obviously underscored the gravity of the depth of the problem that we face these days, the children face.

All you have to do is turn on the television and listen, not to the police, not to the teachers, not to the administrators, listen to the children. Listen to the children. They are afraid. They are going to school afraid. They are afraid for their safety. They are afraid for their lives in some circumstances, in some cases and, quite frankly, what happens is it generates this epidemic of fear.

If I can make an analogy, you recall during the Los Angeles riots for the longest time there was an overwhelming impetus against any kind of gun control in the West L.A. community where a number of liberal people lived and the place from which antigun legislation was being generated.

Right after those riots, all of a sudden we found those very people—I do not have any studies or personals or anything; I do not offer it in that sense. You turn on the television, these very people who were the people saying, "my Lord, we have to do something about guns," say, "my Lord, I have to get myself a gun."

It feeds on itself. The violence in the school feeds on itself. So you have children going to school carrying weapons, who would have never carried a weapon were it not for the fact they had to carry a weapon to protect themselves.

For those of us who are old enough to be in this body we, in fact, find it, I think, bizarre to think that you go to school—our worst fear was you go to school and the guy who was the bully in the class may be waiting for you around the corner, or you get embarrassed that you have to fight him afterschool out in the football field, and you did not want to do that, or something to that effect. Or, the worst of all cases, you had some dead-end kid who might have a straight razor in his sock or a switch blade.

My Lord, these kids would relish the prospect of only having to worry about a straight razor or switch blade. They are worried about semiautomatic weapons or .22 pistols, like in the schools where my wife taught in New Castle County in Delaware.

I compliment my friend from Virginia on making sure that we do something and focus the attention of the Nation and get some consensus.

I held hearings on violence in schools last year, and the information the Judiciary Committee gathered was astounding. In some school districts gun attacks have literally doubled. Today, as children got up, got on their school buses, public transportation, in their parents' cars, in their own cars, or with their sneakers by way of foot headed for school, 130,000 of them—according to our studies in the Judiciary Committee—130,000 went packing a weapon, a loaded gun in their knapsack, in their lunch bag, under their baggy shirt, in the back of their pants—130,000. That is outrageous.

And by the way, I might point out, and I will end, more teachers have been killed in the line of duty than police officers. Hear what I just said: more teachers, teachers in the classroom, in a parking lot, on the way to their cars, at their doorstep at home—teachers.

So I cannot thank the Senator enough for his initiative. I know, having been a former Governor, he knows about the details of this plight of public education and violence in our school system better than the Senator from Delaware does. I compliment him for his leadership, and I wholeheartedly and gladly accept the amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the distinguished chairman of the Judiciary Committee and the Senator from Delaware for underscoring the importance of this particular situation as it exists today. It is truly scary.

I had seen the statistics that the Senator from Delaware made reference to with respect to teachers in terms of the total number of fatalities being greater than police officers. The particular information that is depicted on this particular chart was actually carried in last year's U.S. News & World Report. It was prepared on data that was put together by the Congressional Quarterly researcher.

It is, frankly, scary because most of us who may have been alive, rather young in 1940 and remember schools as a relatively benign place and have not seen some of the conditions which exist and under which teachers and pupils are expected to operate in a learning environment today, need to do so, because it is truly frightening.

I hope that this amendment will be accepted and that this Commission will help to shed additional light on the ways that the Federal Government as well as the State and local Governments, working in concert, can make some constructive changes to address a very serious problem and a problem not only with respect to crime—and this is part of the crime bill—but with respect to the atmosphere for learning which is degraded or imperiled by the kind of activities that we are talking about today.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. BIDEN. Mr. President, I believe the Senator from Utah can accept the Senator's amendment, too. That is my understanding.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am happy to accept the amendment and compliment the Senator for his efforts in this regard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, would you please advise this Senator as to the parliamentary situation at this moment? We were considering the Exon amendment. It was temporarily set aside to consider the matter by Senator ROBB. So the pending amendment before the Senate is the Robb amendment?

The PRESIDING OFFICER. The Senator from Nebraska is correct. The pending business is the Robb amendment.

Mr. EXON. Could I ask, since there has been some delay on the Robb amendment, that we temporarily set aside the Robb amendment and return to the Exon amendment, which I would like to move the question on at this time.

I, unfortunately, misadvised the Senate some time ago, because I was misadvised, that the Senator in question was on his way to the floor. The Senator could have crawled to the Senate floor in the time that this has taken.

I do not wish to be a truant officer, but I think far too often this body, in attempting to yield to the concerns of all Senators, finds itself playing a truant officer for those who cannot be here when they had adequate notice.

Therefore, if it is in order, I ask unanimous consent that the Robb amendment be temporarily set aside to return to consideration of the Exon amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object. Obviously, we will lay it aside if that is what the Senator wishes to do. But, as the manager of the bill, as he knows, if a Democratic Senator is waiting to speak on it, we will not go to a vote on the Exon Amendment. But I would be delighted to return to it. As he knows too well, the practice and procedure here is you must protect the right of a Senator to come and speak, even if he is crawling.

Mr. HATCH. Mr. President, I ask unanimous consent that the Robb amendment be temporarily set aside, as well, so I can call up another amendment that will be accepted.

The PRESIDING OFFICER. The Senator from Nebraska has already made that request.

Mr. HATCH. That both amendments be temporarily set aside?

The PRESIDING OFFICER. Well, the pending request before the body is the request of the Senator from Nebraska, a unanimous consent request, to temporarily lay aside the Robb amendment. So that would be the business before the Senate.

Mr. HATCH. I have the same unanimous consent request.

The PRESIDING OFFICER. The Chair could not hear the Senator.

Mr. HATCH. I agree with that. I hope we will temporarily set that aside so I can call up an amendment and agree to it.

The PRESIDING OFFICER. The Chair advises the Senator from Utah that the Senator from Nebraska is requesting unanimous consent for the Robb amendment to be temporarily laid aside so that we could return to the Exon amendment.

Mr. HATCH. If I could ask the distinguished Senator from Nebraska to defer to me to temporarily set aside both amendments so I can bring up an amendment that has no objection and pass it, I would appreciate it. Then we would go back to his unanimous consent.

Mr. EXON. Let us me see if I understand what the Senator is suggesting. The Senator wants to set aside both the Robb amendment and the Exon amendment for what purpose?

Mr. HATCH. So that I can send an amendment to the desk that will be accepted.

Mr. EXON. I withdraw my request.

Mr. HATCH. Mr. President, I ask unanimous consent that we temporarily set aside the Robb amendment so I can send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The Robb amendment is temporarily laid aside and the Exon amendment will continue to be temporarily laid aside.

The Senator from Utah.

AMENDMENT NO. 1112

(Purpose: To amend section 526 of title 28, United States Code, to authorize awards of attorney's fees)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1112.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AWARDS OF ATTORNEY'S FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney; agent; or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney; agent; or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative office of the United States Courts is entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrong-doing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorney's fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorney's fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorney's fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorney's fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorney's fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.".

Mr. HATCH. Mr. President, this amendment is a fairness amendment. It allows Department of Justice employees, such as young assistant U.S. attorneys, to recover a reasonable attorneys fee when they are exonerated in an internal departmental investigation or Federal criminal investigation. Currently, they are unable to do so and must bear the cost of their successful defense against charges of illegality or misconduct.

High-ranking officials investigated by the Independent Counsel who are exonerated can get a reasonable attorney's fee. This amendment extends that right to lower ranking Department of Justice employees when they are investigated and exonerated in an internal department or Federal criminal investigation.

This was brought to my attention by none other than the world-renowned author Scott Thurow, who used to be, as I recall, an assistant U.S. attorney and who at one time had this problem himself. Of course, being a successful author, he was able to pay his own attorney's fees. But many of these younger employees do not have the money, and some of the inquiries and some of these investigations are not fair to them. And when they win them, they ought to be able to have assistance.

I understand this amendment is acceptable to both sides, and I ask that the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BIDEN. Yes, Mr. President.

I support the amendment. I have to clear one additional hurdle. The Appropriations Committee may have some objection about this being a direct appropriation, and, as we operate by our rules around here, they may have an objection. It was just called to my attention. I apologize to my friend from Utah. I do not have it cleared through the Appropriations Committee on our side at this point. I support the Senator's amendment.

Mr. HATCH. I understand. I do not think this would be a direct appropriation. It just says the Government has some responsibility when these people have been investigated and exonerated to help them with attorney's fees, which they clearly cannot afford to pay. I had not heard of any objection by the distinguished leaders of the Appropriations Committee, but I hope we can clear this.

Mr. BIDEN. The problem, Mr. President, is we have not seen the precise language. If the language makes it clear it is not a direct appropriation, then we are cleared to be able to accept the amendment. My staff is looking at that as we speak.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending business is the Hatch amendment. We have also temporarily laid aside the Robb amendment and the Exon amendment.

Mr. ROBB. Mr. President, I ask unanimous consent that the pending Hatch amendment be temporarily laid aside and that the Senate resume consideration of the Robb amendment. If that is granted, I have an additional request.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware, Senator BIDEN, is recognized.

Mr. BIDEN. Mr. President, I respectfully suggest that everyone be just a little bit patient. We will resolve all three of these matters within the next 2 or 3 minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

AMENDMENT NO. 1109, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I would like to address myself to the amendment just presented on the subject of denying Federal moneys to any program that funds illegal aliens, as I understand it.

My office has been in contact with the Governor's office in the State of California, who views this amendment with considerable alarm.

We have literally hundreds of millions of dollars in costs on the local jurisdiction already California being a State with 50 percent of all of the illegal aliens in this country. If there are 4 million, as estimated, over 2 million of them are located in the State of California. This is an enormous drain on the revenues. Undocumented immigrants make up about 13 percent of our State prison population. It is an especially high percentage in Los Angeles County. Our SLIAG moneys run in the hundreds of millions of dollars also.

To accept this amendment is essentially to transfer a huge cost, in addition to the costs that are already there, on every State in this Union that has a large number of illegal immigrants. I very much regret having to do this because I think I understand what my distinguished colleague is trying to do. On the other hand, for those States—and there are quite possibly at least six or seven—this could be just an unsupportable burden. So, regretfully, I must rise to oppose the amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, as the chairman of the committee will know, early on—last night, again this morning—the Senator from Nebraska appealed for a time agreement. In the wisdom of the chairman of the committee, that was not necessary, or should not be granted. I suggest at this time that, if we want to debate this, fine. If we want to stay here all day long and all miss our airplanes, that I do not intend to miss—I will not go, if I have to be here doing my duty. I would simply say, certainly I have listened with great interest to my colleague from California. I would simply tell my colleague from California the last I knew, Pete Wilson was Governor of the State of California.

I ask, without losing my right to the floor, is that correct?

Mrs. FEINSTEIN. The Senator is correct.

Mr. EXON. I would advise my colleague from California that, when this amendment was voted on last on the floor of the U.S. Senate, then-Senator Pete Wilson voted in support of this proposition.

Everyone has a right to change his or her mind, but I simply say I am curious to know why former Senator Wilson, now Governor Wilson, who has made, among other things, great political hay—we are advised in the newspapers of a political comeback—by making allegations about stopping illegal immigration, notwithstanding my understanding of the problems that this might cause to some degree, I would have thought Governor Wilson, former Senator Wilson, should have some explanation for how he voted on this matter the last time and now he seems to view it differently as Governor of the State of California.

Of course, consistency is not the prime virtue of this organization.

Mr. BIDEN. Will the Senator yield for a unanimous consent request on time?

Mr. EXON. I do.

Mr. BIDEN. Mr. President, I ask unanimous consent debate on the Exon amendment be a total of 40 minutes, equally divided between the opponents and proponents, and we vote on the Exon amendment at quarter to 12; and no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request proposed by the Senator from Delaware?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I might object because of the insertion of the last statement, relative to no second-degree amendments.

I hope during the course of the debate we might be able to persuade the body that some modification of this is appropriate.

So I will be unable to accept the unanimous consent agreement that would foreclose that, but would be willing to consider a time limitation that would sanction a second-degree amendment with appropriate time to discuss such second-degree amendment or amendments.

Mr. BIDEN. I withdraw the request.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Nebraska [Mr. EXON].

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair would remind the Senator from Nebraska that the pending business is the Hatch amendment at this point.

Mr. EXON. I ask unanimous consent that for the purpose of seeking approval for a rollcall vote, that other amendments ahead of the Exon amendment be temporarily set aside so the request from the Senator from Nebraska for a rollcall vote may be considered. Then I will yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Nebraska retains the floor.

Mr. EXON. Mr. President, it seems to me what I feared last night, what I feared this morning, has now happened. I will simply say that it will be the intention of this Senator to not be Mr. Nice Guy on this legislation which could have been passed a long time ago when other Senators, who had full knowledge of the fact that this amendment was being offered, were off doing other things. That is their right.

But I will simply advise the Chair, although the Senator from Nebraska has other things to do also, as do many of my colleagues, that if we move forward on this—we will be moving forward or backward, depending on your point of view—as quickly as possible to a resolution—and maybe unlimited debate on the Exon amendment—because I think this is something, as an issue of fairness, which should be voted on up or down.

As I already said, this has passed the U.S. Senate with the assistance of former Senator Pete Wilson, on a vote of 93 to 6, 2 or 3 years ago.

I am prepared to enter into debate on this matter, but I think we should get on with it rather than putting it aside once again and stringing this matter out.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Senator HATCH].

Mr. HATCH. We are trying to clear the Thurow amendment. Since we have someone from the Appropriations Committee to do that, we will dispose of that and get that out of the way. Hopefully, we can clear the amendment of the distinguished Senator from Virginia. That would leave our colleague to do his amendment.

I apologize. I thought we were going to accept the Senator's amendment. I apologize, having gotten these other amendments ahead of his, because I thought this would be cleared long before now. Let us hope we get somebody from the Appropriations Committee here.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. We have someone from the Appropriations Committee. If there is objection to the Exon amendment, debate it, give the Senator a chance to vote or not vote on his amendment. Let us stay on the Exon amendment until we finish the Exon amendment and move on.

I am going to object to any further unanimous consent requests for anybody to do anything about anything until the Exon amendment is disposed of.

What is before the Senate at the moment?

The PRESIDING OFFICER. Pending at this time is the Hatch amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Senator HATCH] is recognized.

Mr. HATCH. If I can have the attention of the distinguished Senator from Florida and the distinguished Senator from California, Mr. President, it is my understanding that the Hatch amendment, the Thurow amendment that I have filed, is acceptable to the Appropriations Committee.

Mr. BIDEN. It is not acceptable to the Senator from Delaware. I do not know how many times I have to say that. It is not acceptable to the Senator from Delaware. If you want to debate the amendment, we will be delighted to debate the amendment. Otherwise, I suggest we move to the Exon amendment.

Mr. HATCH. I am happy to do that.

The PRESIDING OFFICER. The Senator from Utah retains the floor.

Mr. HATCH. Mr. President, if I can have the attention of the distinguished Senators from Florida and California, I ask unanimous consent that the Hatch amendment and the Robb amendment be temporarily set aside so that we can have the debate on the Exon amendment and dispose of it, one way or the other, or let the debate go on. I do not care. I think that is the fair thing to do because the distinguished Senator from Nebraska did wait for a considerable period of time, and all he wants is to debate his amendment and hopefully have a vote on it. If my colleagues will agree to that, it will be a fair thing to do.

Mr. GRAHAM. Did the Senator propound a unanimous consent request?

Mr. HATCH. I asked unanimous consent so we will go right to that debate.

Mr. BIDEN. Regular order.

The PRESIDING OFFICER. The Hatch amendment is pending at this time.

Mr. HATCH. I repeat my unanimous consent request and ask my colleagues to accede to it.

The PRESIDING OFFICER. Call for regular order would take us back to the Exon amendment.

Mr. HATCH. Good enough.

AMENDMENT NO. 1109, AS MODIFIED

The PRESIDING OFFICER. The question is on the Exon amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. We are now on the Exon amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAHAM. Mr. President, this is a very fundamental issue we are currently debating. It is an issue of federalism. What is the responsibility of the Federal Government, what is the responsibility of State and local governments under our Constitution?

As we all know, the Federal Government was granted by those initial States certain powers and responsibilities. These were to be the core obligations of the National Government. One of those responsibilities is for naturalization policy; that is, the responsibility for determining who has a right to enter and reside and eventually become a permanent resident or citizen of the United States was vested by the individual States to the National Government. Individual States, therefore, have no capacity, either under law or in resources, to control those persons who gain access to their particular territory.

This is a Federal responsibility. We all bemoan the fact that it is a Federal responsibility which has been breached with such increasing regularity in recent years. As recently as yesterday, some 35 to 40 Haitians arrived on the beach near Miami, FL. They are just the latest of a tide of hundreds of thousands of persons who have arrived in my State alone without legal right of entry over the last 15 or 20 years.

The same thing is true of most other States which face our southern border—California, to Texas, to Arizona and other States that have traditionally attracted large numbers of immigrant refugee populations, such as Illinois and New York.

The Federal Government, having failed to adequately enforce our immigration laws, the result being large numbers of persons in the country illegally, has at least accepted the fact that it now has some financial responsibility for these persons while they are here, and their stay here tends to be protracted because the same Federal Government has set up procedures by which a person can claim, for instance, political asylum, making a claim that "If I am deported, returned to my home country, I will face a legitimate fear of political persecution."

Once that claim is made, very extended administrative and judicial procedures under Federal law are made available to that illegal refugee. Therefore, their stay in this country becomes very extended. In my community, there are persons who have for 10 years been waiting for a resolution of a claim of political asylum.

Recognizing those realities of the Federal inability to enforce our borders and the Federal standards of due process that have been extended to illegal refugees once here, the Federal Government has taken on a limited, and I underscore the word "limited," amount of the financial responsibility for those persons while they are in the United States.

The effect of this amendment is to say to the Federal Government: Having failed to protect our borders, having established procedures that allow for a very protracted stay in the United States, you are now to be prohibited from financially participating in the consequences of their being here. The effect of that is that those communities which happen to have been most impacted by these Federal failures are now going to have to fully assume those costs.

As the Senator from California has already cited, a State under tremendous financial distress for a whole variety of reasons would have this additional burden added on top.

What are some of the practical aspects of this? One of the most obvious is in health care. Jackson Memorial Hospital is one of the large public hospitals in America located in Miami. A very high percentage, 25 to 50 percent, of its births are to mothers who are in the country illegally.

Are we going to say to these mothers, "Do not come to Jackson Memorial Hospital; have your baby in the streets on the sidewalks"? That is not the humanitarian society of America. Therefore, the Federal Government has been making a contribution to pay a portion of the indigent medical costs incident to this population that results at that hospital and similar hospitals across America. The effect of this is going to be that those women will still be delivering their babies in those hospitals, but it is now going to be the financial responsibility of a relatively few communities which happen to carry the major impact of the Federal Government's failure to enforce its immigration policy.

Another area is going to be in law enforcement. The Federal Government has had a program in which it has made a modest contribution to those States that have large numbers of illegal aliens in their criminal justice system, particularly in their local jails and State prisons. These are people who should not be in the United States at all. Now they are imposing a burden on specific counties, cities, and States because they not only come illegally, they have committed an illegal act since they have been here.

Are we going to say, under this amendment, that those kinds of Federal assistance to States with their tremendous law enforcement demands will be prohibited from providing any Federal support for that kind of an effort?

A third area is in the area of education. There was an amendment offered to the original typed version of the Exon amendment which provides:

> (d) Federal education benefits to primary and secondary schools. Nothing in this section shall be construed to prohibit direct Federal financial benefits to children in primary or secondary schools.

That language is a little difficult to understand. What is intended to be prohibited in terms of education? I assume clearly it means the kind of program the Senator from California referred to which is popularly known as SLIAG which was an enactment in the 1986 Immigration Reform Act. SLIAG provides Federal assistance to States to facilitate the transition of their previously illegal alien population into an ability to become self-sufficient. A major part of that is funding for various vocational programs, language programs, and other of those skills that are necessary for a person to become an independent resident within the United States.

I assume, by this restriction of educational benefits to just children in primary and secondary schools, that kind of assistance to adults would no longer be allowed, the consequence being, if you think that the program when passed by Congress in 1986 had any rationale, which was to facilitate that transition, we are now saying either that we were wrong in 1986 or that we do not care whether these people have the ability to become as expeditiously and fully as possible independent and self-supporting.

Those are some of the practical effects of this amendment. We are here debating a bill that has to do with crime. We are trying to discern what is the appropriate Federal role in reducing the level of violence in America. Does anyone think that it will make a contribution to the reduction of violence to have this population, which by most counts is among the most impoverished in America, to be further impoverished, to be restricted in terms of their current meager access to health care, to education, and to assist those communities which have to deal with the current law enforcement problems generated by this population?

Those are the practical effects of this amendment offered to legislation which is intended to enhance, not retard, our ability to deal with the circumstances that cause crime and criminal activity when it has in fact occurred.

Mr. President, I believe this is an amendment which has an obvious motivation in terms of a desire to not spend Federal money where it is inappropriate, but I believe that in selecting this particular object the Federal Government is misconstruingits responsibility. It is totally responsible for our national immigration and refugee laws and procedures. Therefore, it should not be held immune when its inability to enforce our laws results in serious impacts in law enforcement, in education, in health care, and other areas in those communities which happen to be the place where most of these illegal refugees arrive and stay.

Mr. President, I urge the defeat of this amendment or the adoption of a second-degree amendment which might deal with some of the realities of the situation as they exist and make this an amendment that could and would deserve the support of the Senate.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN].

Ms. MOSELEY-BRAUN. I thank the Chair.

Mr. President, I would like to propound some questions to the sponsor of the amendment, the Senator from Nebraska.

Looking at the amendment as modified, section (b) speaks directly to unemployment benefits, and that, it seems to me, is pretty straightforward and clear-cut.

However, I have some questions, specific questions, going to section (a) because I fear the language there is so broad that we may have cast a net that may go further than the Senator from Nebraska intends with this legislation; and, if that is the case, then I think it is important to clarify for the record the intentions of the Senator from Nebraska with regard to section (a) of the amendment.

The first question to the Senator from Nebraska. Senator FEINSTEIN spoke to the issue of SLIAG, which is the State legislative impact assistance grants, as did the Senator from Florida [Mr. GRAHAM]. That program, as the Senator from Nebraska is no doubt aware, helps States to cope with the financial costs associated with illegal immigration. My question to the sponsor of the amendment is, Was it his intention to affect or to wipe out or to diminish in any way SLIAG, State legislative impact assistance grants?

Mr. EXON. In response to the question from the Senator from Illinois, I simply refer to the opening remarks that I made in introducing this measure. In those remarks, I said opponents to this may come in and say what about this? What about that?

I will give a direct answer to my friend from Illinois. Yes, the intent of the Exon amendment is very clear, it is very forthright, and in my view the Exon amendment, hopefully, if passed, would stop any Federal funds that educate adult illegal aliens.

It was this Senator's feeling, after an appeal was made by the managers of the bill to exempt children in elementary and secondary education, especially with regard to the school lunch programs, he should yield on that point. In so doing, I was very fearful I would be setting myself up for the comments that have been made—which, I am sure, is the opinion of the Senator from Illinois—by the Senator from Florida.

But to answer the Senator's question, yes, I hope we would stop paying Federal money for the education of illegal immigrants.

Does that answer the Senator's question?

Ms. MOSELEY-BRAUN. Not exactly. If I may, the SLIAG funds are for more than education. It relates specifically in some instances to naturalization procedures; and, as the Senator from Florida pointed out, to citizenship training. It relates to other, if you will, health care. SLIAG relates to a broad spectrum of issues and concerns, not just education.

I have a question for the Senator from Nebraska on education specifically. But SLIAG is a broad-based program to help States deal with the plethora of issues concerning illegal immigration.

So, again, I guess what I was trying to get the Senator from Nebraska to respond to was, does his concern go to naturalization? Does his concern go to health care? I wanted to go through this specifically because I did not know, and I want to clarify for the record whether the Senator from Nebraska was intending to cast as broad a net as has apparently been cast by section A of this amendment.

So specifically with regard to SLIAG, putting aside for a moment education, was it the Senator's intention that citizenship training would be affected by this amendment?

Mr. EXON. Yes.

Ms. MOSELEY-BRAUN. Is it the Senator's intention that naturalization education would be affected by this amendment?

Mr. EXON. Illegal aliens, yes.

Ms. MOSELEY-BRAUN. The Senator from Nebraska is no doubt aware that under our Immigration and Naturalization Act provisions were made for amnesty, and for the amnesty of certain illegal immigrants; of people who had come to this country under circumstances which at the time were illegal, but under our new system for granting citizenship status that many of those people were now put in a status that was kind of a gray area; that is to say, they were no longer illegal, they were pending naturalization as U.S. citizens.

My question becomes whether or not this language in section A could be read to cover those individuals as well. The question is, is it the Senator's intention that individuals who are in the process of being naturalized, as under the provisions of the immigration and naturalization laws, be excluded under this section?

Mr. EXON. Yes.

Ms. MOSELEY-BRAUN. To go further, my State of Illinois, I guess some others as well, just recently became victims of the flood of 1993.

We have a tremendous amount of flood damage in parts, particularly in our farm communities. As you can imagine, there are flood victims who may—not certainly, but certainly in some instances—may be illegal aliens, and are not properly certified aliens.

The question is whether or not under section A, is it the Senator's intention that flood victims and farm workers will be included in the prohibition of this amendment?

Mr. EXON. The general answer to the question is yes. I would simply say that I want to draw a distinction. Those aliens that are in the United States under our immigration laws would not be affected by the Exon amendment. It is only those immigrants to the United States who are illegally immigrants to the United States, I say yes.

What I am trying to do is dispel this attitude that the taxpayers of the United States of America who are already overburdened have a responsibility to fix up a home that was damaged in a flood in Illinois. The illegal aliens should not be here in the first place.

What I am trying to get across is that as long as we have the kinds of programs that we now have, we are continuing a magnet, as I explained in my opening remarks, to encourage possibly more people to come in.

I am not trying to be cruel. I am not trying to be inhumane. I am simply trying to be realistic. Certainly, as I say in my opening remarks, I suspect there are going to be all kinds of claims that we cannot do this for a number of reasons.

One of the reasons that I do not think we can do it is because the United States is on the verge of bankruptcy. And we are making some extremely tough cuts in several programs of the Federal Government that assist in most cases, I think admirably, the legal citizens of the United States.

What I am saying is that I think if we are going to come to grips with the budget deficit and soaring national debt, we are going to have to take aim at reducing the benefit of in some instances to the people and legal residents of the United States, and also those illegal immigrants that may be located somewhere in Illinois or anyplace else in the United States who had property lost by flood.

I feel sorry for them. But I think the taxpayers of the United States are beginning to say why are we paying out taxpayers' money, especially at a time like this. There have been references made today to 1986. It was a different time. That was a different era. We were not as much concerned, nor were we as concerned as I think we should have been at that time with regard to the skyrocketing deficit.

But I simply generally say the answer is yes to most of the questions asked by my friend from Illinois.

I think it is time we face it.

Ms. MOSELEY-BRAUN. I thank the Senator. I have a couple of other questions for the Senator from Nebraska. I think there is not a person who would disagree with the concept that charity begins at home, and that we have an obligation to protect the taxpayers' interests. But I daresay one of the reasons for asking the questions—and I have a couple of other specific questions—is that when you throw a net that is so broad, that you may wind up having kind of a slap you in the face. Then this is a problem.

I fear that part of the impact of this amendment will be, as Senator GRAHAM pointed out, to shift costs to the State and local government that result from the Federal Government not doing its job.

So we are into another cost-shifting, finger-pointing, "It is not our problem; you take care of it," kind of situation, No. 1, and No. 2, that we may cause some harm in areas that were not intended.

I would like to go back to specific questions as opposed to kind of general statements. We can all agree on the generalities. It is when you get to the devil-is-in-the-details, when you get to the difficult details of the situation in this amendment language, that is where I think the problem has come.

We have, with regard to your section D under Federal education benefits—this is handwritten on the legislation. It relates specifically to primary and secondary schools. However, the question becomes whether or not, given the language, the broad language of section A, we are talking about prohibiting people who come here, for example, on student visas from being able to take advantage of the support that the Federal Government gives to those institutions of higher learning. Higher education is an issue in this because it has been left out, and seems to be seen in section A of the legislation.

Is it the Senator's intention to prohibit people who have student visas from receiving the benefits of higher educational programs and programs that may be presently available to them?

Mr. EXON. Is the Senator ready for me to answer the question?

Ms. MOSELEY-BRAUN. Absolutely.

Mr. EXON. The answer is a very definitive and absolute yes. I will simply say once again that here we go through this litany. Does the Senator really believe, I say to my friend from Illinois, that her constituents in Illinois believe that if somebody comes into the United States on a visa to go to our schools, they should not pay their own way? Should the Federal Government or local government pay for that? I think not.

I think for far too long the United States of America has been looked at as the sacred cow, if you will, with all of the money in the world, with our streets paved with gold, and if they get here legally, illegally, or by visa, coming here temporarily, they get to take their turn at the trough. The trough is still there, but the food and water that was in the trough—the milk of Federal funds—is drying up. And very definitely, I say to my friend from Illinois, educational benefits, or any other kind of aid for foreigners coming into the United States to get an education, should not be the expense of the taxpayers of the United States, in my view, or the taxpayers of the States involved.

Ms. MOSELEY-BRAUN. To my friend, the Senator from Nebraska, I ask this question: When we make reference to educational benefits, we are not necessarily just talking about scholarships; but there are many instances in which the Federal benefits support an entire curriculum or course of learning or laboratory. Are we suggesting we would not want people who are here as students legally—they would be excluded under the terms of this legislation; people on a student visa would not be able to participate in or to use a laboratory, or stay in a dormitory constructed with Federal funds, or use equipment provided by a Federal program?

Mr. EXON. Is the Senator from Illinois talking about someone who is in here who has violated the visa?

Ms. MOSELEY-BRAUN. No, sir. Someone here on a student visa.

Mr. EXON. If they are here under a legal visa, my feeling is that they should support themselves and not rely on any direct benefits from the Federal Government.

Ms. MOSELEY-BRAUN. To continue——

Mr. EXON. I will interrupt the Senator for just a moment. May I claim the floor for a unanimous-consent request on behalf of the leadership?

Ms. MOSELEY-BRAUN. Certainly.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. EXON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 947, June Gibbs Brown, to be Inspector General, Department of Health and Human Services.

I further ask unanimous consent that the nominee be confirmed and that any statements appear in the RECORD as if read; that the motion to reconsider be laid on the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination, considered and confirmed, is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

June Gibbs Brown, of Hawaii, to be Inspector General, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. EXON. I will answer any further questions of my friend from Illinois.

Ms. MOSELEY-BRAUN. I thank my friend from Nebraska.

Again, I am trying to clarify this for the purposes of the RECORD, regarding the very general language of section (a). It could be read by some to apply to health benefits—specifically, immunization.

As you know, we just passed legislation calling for immunization for all children. Based on the language of section (a), it could be read to mean that illegal alien children should not be immunized. I think the Senator can see the problem with that. Germs do not care whether you have a green card or not. It could cause a health hazard.

My question is: Is it the Senator's intention that immunization would not be available to children of illegal aliens?

Mr. EXON. I say to my friend once again that the statements she is making are statements that I think are legitimate questions. I think those statements pull at the heart strings of many of us. But, yes, this is a tough piece of legislation; it is going to do tough things. But we are asking the legal citizens of the United States of America to do tough things. We are doing tough things here day in and day out and are probably going to be doing more tough things regarding reducing benefits that have been worked into our laws for a number of years.

I simply repeat the general statement in explanation of the series of questions that have been posed by the Senator from Illinois, the statement that I suspect few, if any, heard.

I will repeat it: Opponents of this legislation may ask for sympathy for illegal aliens who have come to depend on the generosity of Uncle Sam. They might cite some compelling stories about illegal aliens in unfortunate situations. I am most sympathetic.

However, there are stories of dire and compelling similar situations for our own citizens. When our Nation is facing a $250 billion deficit, the crushing burden of the Federal debt, Federal dollars to illegal aliens, sympathetic or otherwise, are literally dollars taken away from our own citizens under the law.

So certainly I want to proceed to clarify this as best I can in the minds of my friends, but I think I have forthrightly answered "yes" to most of the questions of the Senator from Illinois. This is some of the sympathy building techniques that I have fully anticipated when this debate began.

Ms. MOSELEY-BRAUN. I say to the Senator from Nebraska, I am not attempting to build sympathy. I am trying to get to the specifics of what is a very general piece of legislation, and to clarify for the purposes of legislative intent the sponsor's wishes with regard to the legislation.

Again, I am asking these questions because the States and local governments will obviously want to know what the Senator's response is to this, as well as other Members.

In the area of law enforcement—and I guess that is kind of how we got here; we started out on the crime bill and got to this amendment. In the area of law enforcement, and particularly with regard to our corrections facilities, in any number of instances a person who is arrested, detained, and incarcerated, a period of time may well pass before it is determined that that individual is not in the country legally.

My question is, Whether it is the sponsor's intention that no Federal support should go to pay for illegal aliens who are incarcerated, who are in jails?

Mr. EXON. This is a very good question. I think it is very appropriate to be addressed by the Senator's question and hopefully my response.

When we talk about penal institutions and things of that nature we are not talking about benefits that go directly to illegal aliens. What we are talking about in that context are funds that go from the Federal Government in some cases to aid in the building of a penitentiary. Certainly under that scenario, I am not suggesting, nor do I think the intent of this legislation is, to try and bar any illegal alien from being placed in a penal institution of some type where Federal funds are involved.

To an extent, that comes back to some of the concerns that I had when at the suggestion of the managers of the bill we included elementary and secondary education because, likewise along the same rationale as I just attempted to use, the money in the school lunch program, per se, does not go to individuals.

What I am trying to do, I say once again to my colleague and friend from Illinois, is to lay it on the line, to make a tough stand both for fiscal responsibility and a tough stand to try and eliminate some of the magnets that I think still exist in our system that rightly or wrongly are viewed as people who are illegal aliens or might become illegal aliens to get into the United States so they could receive those benefits.

Ms. MOSELEY-BRAUN. To the Senator from Nebraska and to the amendment, I do not doubt for a moment but that the intentions of the Senator from Nebraska are well-meaning, but we ought to make sure, it seems to me, that the specific language of this amendment does not pave the wrong road with those good intentions, that we are clear when we make sweeping legislative changes in an area that is, on the one hand, as volatile and sensitive as this one, and that concerns so many Americans, but an area that is as intricate and complex as this one as well.

I do not know and I do not think necessarily this is the proper place to debate immigration policy. This is the crime bill. So I am not prepared to get into a long debate about immigration policy and what we should and should not do there.

Certainly, that debate needs to happen, and as a freshman Member of this body, I look very much forward to participating in such a debate. But, at the same time, we have to, I think, be cognizant of the broad reach, the wide net of the language of this amendment and the untoward effect that may result from it.

If we pass laws here that have the effect of dumping further responsibilities on the States to handle because they have to deal with reality, we can stand here and talk about the general concept forever, and that does not address the specific realities that State and local governments have to deal or the specific reality with regard to individuals.

A child of an illegal immigrant who has cholera could well be the source of great damage and harm to a whole community. That child's illness could have been prevented. An ounce of prevention is worth a pound of cure. We might have been able to prevent that but for language as broad as this amendment.

Similarly, a prisoner in a prison who it happens turns out to be an illegal immigrant, the State winds up paying for that. I think we estimated it was in Illinois $19,000 per person. The State will have to absorb that cost because of language as broad as this.

So, without going further into the details to my friend from Nebraska, without in any way reflecting on the intentions of the amendment, because I think it is pretty clear what the Senator is reflecting is a very real concern that the American people have, charity does begin at home. These are tight financial times. People do not want to see money just wasted or thrown away. They want to take care of home first. That is understandable.

But at the same time, other than section B, which is very specific, this legislation and particularly the first and the third chapters are so broad and written in such way that itcould well cause more harm than not.

Certainly, for that reason, I will have to oppose the amendment of the Senator from Nebraska.

If I may make a suggestion, and I know it is probably too late for that, if indeed the issue that the Senator really just wants to get at is unemployment benefits which is clear-cut and straightforward, then if the Senator would be willing to just reduce the amendment to unemployment benefits, we can take care of that.

The rest of this is so complex and complicated and so involved with issues of what the States pay for, what the local governments pay for, what the Federal Government pays for, and what the different categories are. What happens with people who are here on asylum? What happens to people who are here under amnesty provisions of the immigration law? The rest of this is so broad that we may well wind up doing something that some probably in the Chamber have done, which is shoot themselves in the foot.

I know that is not the intention of the Senator from Nebraska, and I very much hope that we can be specific and constrain our enthusiasm in this area to something that will not be counterproductive.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California, Senator BOXER.

Mrs. BOXER. Mr. President, I thank the Chair very much.

I rise briefly to add my voice to those who have expressed concern about the amendment being offered by our friend from Nebraska. Perhaps it is because his is a State that has not had the problems that many of us have in our States that he is offering this because I think if he had the experience that many of these Senators on this floor who are speaking in this debate today have had I do not think he would be offering this amendment.

I know my friend and colleague, Senator FEINSTEIN, started to give some very specific numbers here on how this is going to impact the State.

I say to my friend, I understand his intent. I understand that the message is that we want to certainly dampen illegal immigration. Let me just tell the Senator that all of us want to stop illegal immigration.

There are good people waiting who never get here, and there are those who run over the border or sneak in on a ship or fly in undocumented. Sometimes there are smugglers who entice them and forgers who forge their passports.

In fact, there are just a few States that are suffering from this problem. I want to say to my good friend I do not think it is his intent to punish States like Florida, Texas, California, and Illinois. But I want to say to my friend that if I were going to give a title to his amendment it really would be a punish-the-States amendment.

Why do we have this problem in California, the problem of illegal immigration? We have it because the Federal Government has not been able to control its borders.

Senator FEINSTEIN and I have put forward proposals and some of them are moving forward. My proposal, for example, to beef up the Border Patrol by having the National Guard relieve them from their administrative duties so they can get on the line is moving forward with the help of Senator INOUYE. Senator FEINSTEIN has worked to increase the number of Border Patrol personnel and got there because of the help of Senator GRAMM and members of the Appropriations Committee.

I say to my friend that we are trying very hard to get a handle on illegal immigration. But it seems to me, and I would like my friend to hear this, the height of cruelty to say to States that are having problems because of undocumented workers that the Federal Government now is going to close you off for reimbursements, for emergency health, for Head Start funding, for public health. And I further say to my friend the reason I think it is the height of cruelty is that it is the Federal Government which has failed, which has failed to control the borders.

We have had fair immigration laws, but we have not enforced the borders. Now with this amendment we say to the States, you know, you are on your own.

I would add my voice to others. Perhaps the Senator would be willing to look at this amendment a little further. I think there are some areas on which we can have broad agreement. But it seems to me that for the Federal Government, which has not enforced the borders, to now say we are turning our back on the problem, and as Senator MOSELEY-BRAUN pointed out, we can have the case of an undocumented worker who is harboring tuberculosis and other communicable diseases.

And because we cannot get enough reimbursement from the Federal Government for health care, that individual spreads into the entire population.

It seems to me that is harmful rather than helpful. So I hope that my friend will look at this amendment. I will be happy to look at it with him and maybe we can change it in some ways that we can live with.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from California.

Mrs. FEINSTEIN. Thank you very much. I want to thank my colleague from California for those excellent remarks because I think she said it very much like it is.

Let me try to present some specifics.

I ask unanimous consent to have printed in the RECORD a document, entitled "Alien Eligibility for Federal Assistance." This is put out by the Congressional Research Center.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

ALIEN ELIGIBILITY FOR FEDERAL ASSISTANCE

(Joyce C. Vialet, specialist in immigration policy, Education and Public Welfare Division and Larry M. Eig, legislative attorney, American Law Division)

OVERVIEW

There has been concern recently about alien participation in Federal cash and noncash assistance programs. This concern has focused on undocumented, or illegal, aliens, but also includes aliens lawfully admitted for permanent residence (i.e., immigrants), refugees, and other aliens with a more temporary status. This report summarizes the conditions under which various categories of aliens may and may not legally participate in Federal assistance programs. It should be emphasized that this brief overview of a very complex subject necessarily oversimplifies it, and is not intended to be definitive.[1]

There is no uniform rule governing which categories of aliens are eligible for benefits, and no single statute where they are described. Summarizing briefly, aliens who are lawful permanent residents or are otherwise legally present on a permanent basis (e.g., refugees) are generally eligible for Federal benefits on the same basis as are citizens. With the single exception of emergency Medicaid, undocumented aliens are specifically barred by law from participation in all the major Federal assistance programs, as are tourists and most other aliens here legally in a temporary status.

MAJOR FEDERAL ASSISTANCE PROGRAM ELIGIBILITY

Four major Federal programs provide income support and medical assistance for persons with limited income and resources. These are Aid to Families with Dependent

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[1] For further discussion, see U.S. Library of Congress. Congressional Research Service. *Alien Eligibility Requirements for Major Federal Assistance Programs.* CRS Report for Congress No. 89-435 EPW, by Joyce Vialet and Larry Eig. Washington, Aug. 1, 1989. An updated version is forthcoming.

Children (AFDC); Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Medicaid; and Food Stamps.

AFDC and Medicaid are Federal/State matching programs. AFDC provides Federal funds for State programs furnishing cash welfare payments for the families of needy dependent children. Medicaid provides medical assistance for low-income persons who are aged, blind, or disabled or members of families with dependent children. SSI is a Federal program providing cash assistance for needy persons who are aged, blind, or disabled. These three programs are authorized by the Social Security Act and administered by the Department of Health and Human Services (HHS).

The fourth program, Food Stamps, is authorized by the Food Stamp Act of 1977 and administered by the Department of Agriculture. Food Stamps, like SSI, is a Federal program. It provides low-income households with monthly benefits, generally in the form of food stamp coupons, to enable them to purchase more adequate diets.

Each of these four programs includes a series of eligibility criteria which must be met by participating U.S. citizens. In addition, the legislation for each program specifies categories of aliens who may participate, provided they also meet the other criteria (e.g., financial need, family structure, etc.) which apply to U.S. citizens.

Eligibility criteria for all four programs specify that aliens lawfully admitted for permanent residence, popularly referred to as immigrants or greencard holders, may participate. However, the enabling legislation for AFDC, SSI, and Food Stamps provide that for the purpose of determining financial eligibility for 3 years after entry, immigrants will be deemed to have available for their support some portion of the income and resources of their immigration sponsors. This applies to immigrants who use an affidavit of support signed by a U.S. resident sponsor to satisfy the admission requirement in the Immigration and Nationality Act (INA) that they show that they not be likely to become a public charge.

AFDC, SSI, and Medicaid also define as eligible those aliens who are "otherwise permanently residing [in the United States] under color of law" (PRUCOL). The PRUCOL standard has not been defined by statute. Under regulation (SSI and Medicaid) and court decision (AFDC, PRUCOL encompasses various classes of aliens granted permission to remain here for an indefinite period (e.g., refugees, asylees, certain aliens whose deportation has been stayed or suspended).

Under both regulations and a Federal court decision, PRUCOL also includes "other aliens who are living in the Untied States with the knowledge and permission of the INS and whose departure the INS does not contemplate enforcing." The boundaries of this class are imprecise. For example, the courts generally have held that asylum applicants are not PRUCOL for the purpose of AFDC eligibility, but the Florida Supreme Court has ruled otherwise. Also, Congress has expressly denied PRUCOL status to aliens granted temporary protected status (TPS). (TPS is time-limited relief generally granted on a country-wide basis to aliens who do not want to return home because of armed conflict, natural disaster, or other extraordinary and temporary conditions there.)

In part because of the vagueness of "permanently residing under color of law," the Food Stamp legislation was amended in 1977 to replace the PRUCOL language with specific categories of eligible aliens. Thus, alien eligibility is more narrowly drawn for Food Stamps than it is for AFDC, SSI, and Medicaid.

UNDOCUMENTED ALIEN ELIGIBILITY

Undocumented aliens are specifically barred by law from receiving Aid to Families for Dependent Children (AFDC); Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Food Stamps; Medicaid except for emergency conditions; legal services; assistance under the Job Training Partnership Act; unemployment compensation; and postsecondary student financial aid.

Unlike the other major financial assistance programs, Medicaid covers otherwise eligible undocumented aliens for emergency conditions. An "emergency medical condition" is defined by the Medicaid statute to mean "a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—(A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part" (Social Security Act, section 1903(v)(3)).

It should also be noted that children born in the United States to undocumented aliens are U.S. citizens. Consequently, they may receive AFDC benefits and Medicaid in their own right, depending on their families' structure and income. HHS statistics indicate that AFDC recipients who were the U.S. born citizen children of aliens who themselves were ineligible for ADFC accounted for an estimated 3 percent of all AFDC cases in FY 1991. The alien parents' ineligibility could have been due either to their illegal status or to the 5-year disqualification of legalized aliens from AFDC discussed below.

There are other income, health, education, and social service programs for which undocumented aliens may be eligible, since these programs' requirements do not include specific provisions regarding alien status. Such programs include, for example, the Special Supplemental Food Program for Women, Infants, and Children (WIC), Earned Income Tax Credits (EITC), migrant health centers, and veterans' pensions. In 1982, the U.S. Supreme Court ruled in Plyer v. Doe, 457 U.S. 202, that States may not deny public education to undocumented alien children residing within them. Such children would also be eligible for the school lunch program.

LEGALIZED ALIEN ELIGIBILITY

The Immigration Reform and Control Act (IRCA) of 1986 amended the INA in part to establish programs for the legalization of the immigration status of eligible aliens. IRCA set forth special eligibility rules governing receipt of certain Federal benefits by aliens participating in these legalization programs. With limited exceptions, aliens who legalized their status under the programrequiring residency prior to 1982 were barred from receiving Federal benefits for 5 years. Aliens who legalized under the Special Agricultural Worker (SAW) program were subject to the 5-year bar on AFDC and some Medicaid restrictions, but otherwise could receive assistance on the same basis as legal permanent residents. More than 2 million legalized aliens are now ceasing to be ineligible for AFDC and other Federal benefit programs because of their legalized alien status, but it is too early to assess their use of these programs.

FEDERAL SOCIAL INSURANCE PROGRAMS

The two major Federal social insurance programs, as opposed to assistance programs, are Social Security (Old-Age, Survivors, and Disability Insurance) and Medicare (part A, Hospital Insurance). They provide benefits as an earned right without regard to need, and do not have citizenship or alien status requirements. Any alien, whether he or she was in the United States legally or illegally, or as a permanent or temporary resident, is potentially eligible for social security benefits if he or she engaged in employment under which social security taxes were withheld for the necessary time. Similarly, regardless of their status in the United States, all aliens are eligible to receive Medicare Hospital Insurance (part A) benefits if they have been in employment entailing mandatory withholding of Medicare taxes for the requisite time period.

ALIEN ELIGIBILITY FOR FEDERAL ASSISTANCE: SUMMARY CHART

As noted above, there is no uniform rule governing which categories of aliens are eligible for benefits. The alien eligibility requirements for participation in the various Federal assistance and benefit programs are generally set forth in the laws and/or regulations establishing and governing those programs, rather than in the Immigration and Nationality Act. It should be emphasized that, in addition to alien status, aliens must also meet all the eligibility criteria which apply to U.S. citizens (e.g., financial need).

The table below summarizes eligible, ineligible and restricted categories of aliens for nine Federal assistance programs. Unless otherwise noted, alien eligibility restrictions are part of the enabling legislation. Five programs are included in the table in addition to the major assistance programs discussed above. The Legal Services Corporation provides legal assistance to the poor; alien eligibility criteria are included in the annual appropriation legislation. The Job Training Partnership Act (JTPA) authorizes employment training for economically disadvantaged adults and youth as well as dislocated workers. Medicare (Part B, the Supplementary Insurance program), is a voluntary health insurance for people over 65 financed jointly by enrollees and the Federal Government. Unemployment compensation is a Federal/State program providing income for involuntarily unemployed workers. Student financial aid for postsecondary education and training is available under title IV of the Higher Education Act. Additionally, alien eligibility criteria for low-income housing assistance are set forth in section 214 of the Housing and Community Development Act. They are not being implemented pending finalization of a Department of Housing and Urban Development regulation.

SUMMARY OF ALIEN ELIGIBILITY FOR SELECTED PROGRAMS

Federal programs	Eligible [1]	Ineligible or restricted
Aid to Families with Dependent Children (AFDC).	Immigrants, refugees/asylees, parolees, other PRUCOL [3].	Ineligible: Undocumented aliens. Legalized aliens [2] for 5 years. Nonimmigrants.[4] Restricted for 3 years: Sponsored immigrants.[8]
Supplemental security income (SSI) for the aged, blind and disabled.	Same as AFDC, legalized aliens [2].	Ineligible: Undocumented aliens. Nonimmigrants. Restricted for 3 years: Sponsored immigrants.[5]
Medicaid	Same as AFDC	Ineligible except for emergency conditions: Legalized aliens [2] for 5 years. Undocumented aliens. Other non-eligible aliens.

SUMMARY OF ALIEN ELIGIBILITY FOR SELECTED PROGRAMS—Continued

Federal programs	Eligible[1]	Ineligible or restricted
Food Stamps	Immigrants, refugees/asylees, parolees, aliens with deportation withheld[6] SAW legalized aliens. Restricted for 3 years: Sponsored immigrants.[6]	Ineligible: Other PRUCOL. Undocumented aliens. Pre-1982 legalized aliens for 5 years. Nonimmigrants.
Legal Services	Immigrants: Certain close relatives of U.S. citizens, refugees/asylees, aliens with deportation withheld[7], legalized aliens[2].	Ineligible: Undocumented aliens. Parolees. Other PRUCOL. Most nonimmigrants. Limited: Temporary H2–A agricultural workers.[7]
Job training (JTPA)	Immigrants, refugees/asylees, parolees, other aliens authorized to work.	Undocumented aliens. Other aliens not authorized to work.
Medicare, part B (supplementary insurance).	Immigrants after 5 yrs residence.	All other aliens.[8]
Unemployment compensation.	Immigrants, refugees/asylees, parolees, other PRUCOL, other aliens authorized to work.	Undocumented aliens. Other aliens not authorized to work. Certain nonimmigrants.[9]
Student aid	Immigrants: refugees/asylees, intending permanent resident.	Undocumented aliens. Aliens present for temporary purpose.

[1] Aliens must also meet all eligibility requirements that apply to U.S. citizens.

[2] The term "legalized alien" includes both those whose status is based on their pre-1982 residence here and special agricultural worker (SAW) legalized aliens.

[3] PRUCOL is an acronym for "permanently residing under color of law" which includes refugees, asylees, parolees, aliens whose deportation has been withheld or suspended, etc.

[4] Nonimmigrants are admitted temporarily for specific purposes (e.g., tourists, students).

[5] "Sponsored immigrants" entered with affidavits of support from U.S. residents, indicating they were not likely to become public charges. For the purpose of determining financial eligibility for AFDC, SSI, and Food Stamps, some portion of their sponsors' income is deemed available to them for 3 years after entry.

[6] Refers to withholding of deportation because of threat of persecution, a PRUCOL category for programs using PRUCOL standard.

[7] Legal services limited to wages, housing, transportation, and certain other employment rights.

[8] Aliens in other categories (e.g., refugees, asylees, legalized aliens) would become eligible after they adjust to immigrant status and satisfy the 5-year residence requirement.

[9] Nonimmigrants not subject to unemployment (FUTA) taxes or eligible for benefits include students and exchange visitors (F,J,M visa holders) and H-2A agricultural workers.

Mrs. FEINSTEIN. I would like to very briefly quote from that document. The title is "Undocumented Alien Eligibility."

Unlike the major financial assistance programs, Medicaid covers otherwise eligible undocumented aliens for emergency conditions. An "emergency medical condition" is defined by the Medicaid statute to mean "a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in—(A) placing the patient's health in serious jeopardy, (B) serious impairment to bodily functions, or (C) serious dysfunction of any bodily organ or part" (Social Security Act, section 1903(v)(3)). * * *

There are other income, health, education, and social service programs for which undocumented aliens may be eligible, since these programs' requirements do not include specific provisions regarding alien status. Such programs include, for example, the Special Supplemental Food Program for Women, Infants, and Children (WIC), Earned Income Tax Credits (EITC), migrant health centers, and veterans' pensions. In 1982, the U.S. Supreme Court ruled in *Plyler* v. *Doe*, 457 U.S. 202, that States may not deny public education to undocumented alien children residing within them. Such children would also be eligible for the school lunch program.

I think, Mr. President, this report very clearly cites the Federal limitations on the receipt of certain benefits by undocumented aliens.

If I may, let me just quickly give you what we have been able to calculate as the immediate impact of this amendment.

Effectively, this amendment is an unfunded mandate if it is agreed to. Nobody should ever say that we are for doing away with unfunded mandates if we agree to this amendment, because it will simply codify a cost shift to taxpayers in local States. It will become an unfunded mandate.

Let me tell you what it will mean for the State of California. It will mean hundreds of millions of dollars in costs will be immediately transferred to the States. Let me be specific. The State's total estimated cost for 1993–94 for services to undocumented aliens is $2.9 billion.

Now let me give you the programs where the costs are transferred to the State as a product of this amendment, according to State estimates. The first is the provision of emergency services of Medicaid, which would transfer $400 million of Federal reimbursement costs in California immediately to the State of California. That would be an unfunded mandate, because the State is required by Federal law to provide emergency services in the circumstances I have just read. So we will create an unfunded mandate, which will transfer $400 million in cost to the State from the Federal Government.

The second unfunded mandate would be on AFDC, where it is currently permitted, as I have just read, to serve families of children legally born in the country.

AFDC is only allowed to an undocumented family when the undocumented family has a child that is an American citizen. The cost to the State of continuing these services without Federal funds would be an unfunded mandate of $236 million. The Medi-Cal shift that is anticipated in this amendment, according to State figures, would also shift costs to the State of California of about $35 million. And if I might add that up, that comes to $671 million of unfunded mandates that this amendment would require the State of California to cover.

Now, in the six big States—New York, Florida, Illinois, Texas, New Jersey, and California—this will be the codification of an unfunded cost shift immediately to those States. I will let each one speak for their own.

I have been tempted to second degree this amendment with what I think really stops the influx of people, and that is legislation that we have drawn to fully fund the Border Patrol. By increasing it in the 1994–95 fiscal years with 600 new agents, by providing the infrastructure, by providing a special narcotics abatement task force and funding this with a border crossing fee not to exceed $1, we could effectively cut off the flow of illegal immigrants into our country.

One of the things America is great at is passing laws and then not enforcing those laws. And that is what we have done with immigration. We have made INS a stepchild. We do not fund the asylum process. There are 300,000 cases backed up. We let them have appeal after appeal after appeal. We liberalized the statute so anybody who comes into the country who claims oppressive birth control conditions can claim asylum. That is ridiculous.

We do not fund our Border Patrol. I saw on the border one Border Patrol agent for 3 miles of border, with hundreds of people lined up on the other side of that border just waiting for that Border Patrol agent to turn his back to come across the border.

I am very much inclined to second degree this amendment. I do not want to blindside members of the Immigration Subcommittee of the Judiciary Committee. My legislation is prepared. I have it here. It would, in essence, fully fund the Border Patrol, and I believe it would cut off illegal immigration on the north, south, east, and west borders of this country.

But in the interim, while I consider this, let me just say once again: What do we have before us? It is nothing any different from an unfunded mandate, because the Federal laws provide that the States must provide this money. If the Federal Government fails to provide its match, we, therefore, have an unfunded mandate.

So I remain in opposition to the amendment before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we are continuing to hear interesting arguments and discussions. I think no one knows exactly how the Exon amendment, if adopted, will turn out. I simply say, to one degree or another, all of the arguments being made today have been made in one form or another previously.

I simply cite, I think, interestingly enough, the last time we voted on this amendment when it was adopted, yeas 93 and nays 6, most of the information we are discussing today was known then. So it is a repeat.

I point out at that time those voting, the six "no" votes on the identical issue were: Cranston of California, GRAHAM of Florida, HATFIELD, MACK of Florida, MOYNIHAN, and PELL.

We are having a repeat discussion here. The only one I know so far who has changed his or her mind was then-Senator Wilson of California, who did not go along with his then colleague from California, Senator Cranston.

I emphasize once again, Senator Wilson voted for the Exon amendment when he was here and now, according to the Senator from California, the

Governor, the Governor's office—I do not know whether Senator FEINSTEIN spoke to the Governor or not—but the Governor's office had indicated that the Governor had some grave reservations about this.

Without losing my right to the floor I would like to ask Senator FEINSTEIN as to whether she talked with the Governor or just someone in the Governor's office.

Mrs. FEINSTEIN. Through the Chair to the Senator from Nebraska, I just called the Governor's staff. They are trying to reach the Governor right at this time.

Essentially what they did tell me is that the Governor would be happy to support this if all State mandates were removed as a product. Then they gave me the cost figures, which I have just relayed.

Of course, they are listening to this at the present time.

I asked them to please try to get in touch with the Governor on an emergency basis so I might be able to speak with him directly. That has not yet happened.

Mr. EXON. I would certainly say I fully respect and understand that the Governor of California has his hands full with other matters right now, and we all feel for him. I hope, though—I do not know whether Senator FEINSTEIN is aware of the fact that Senator Wilson did support this amendment when he was here in the Senate. I hope he will be advised of that so he does not get blindsided.

Mrs. FEINSTEIN. I appreciate that. If I may, Senator, one thing I found is things inside the Beltway are very different from the trenches.

Mr. EXON. Mr. President, there has been some talk here today, and I think legitimate discussion, about how far the Exon amendment goes. I suspect in the end the EXON amendment—which I hope will be agreed to again and this time will not be dropped in conference, it will become law—may not be as all encompassing as this Senator would like to see it.

Since the previous speaker brought up the matter of the Congressional Research Service, I would like to read into the RECORD at this time an article from the Congressional Research Service, of January 3, 1990, that deals directly with some of the questions that have been raised here. And it raises some questions as to whether or not the Exon amendment in some areas might or might not be as all encompassing as some people seem to feel.

I am quoting from the Congressional Research article of the mentioned date under "2." Prospective effect of the Exon amendment:

> Because Medicaid currently has PRUCOL standard for nonemergency benefits and effectively no alienage restrictions for emergency benefits, the Exon amendment clearly would narrow alien eligibility for Medicaid were that program found to be subject to its restrictions. Absent relief from the Attorney General, all PRUCOL aliens other than temporary residents, asylees, parolees, and refugees apparently would be made ineligible for nonemergency services by the exon amendment. Also absent relief from the Attorney General, all PRUCOL aliens other than temporary residents, asylees, refugees, and parolees and all undocumented aliens (but not nonimmigrant aliens in status) would be made ineligible for emergency services.
>
> However, Medicaid arguably may appear not to fall within the Exon amendment, notwithstanding floor statements by Senator Exon and others implying that amendment broadly may apply to all federal assistance provided to individuals. The Exon amendment covers only "direct financial benefit[s]" and "social insurance benefit[s]." Medicaid recipients receive services not direct cash payments. Also, Medicaid is a needs-based program, and benefits are not provided on the basis of past individual contributions to a particular account. Medicaid benefits thus arguably may not constitute a "social insurance benefit" if by "insurance" the amendment contemplates only programs like OASDI (Social Security) and Medicare in which participation is based on past contributions. At the same time, the term "social insurance benefit" may not readily be equated with all direct government assistance, needs-based and otherwise.

I simply say I think it is clear what the Senator is trying to do, and hope the amendment does.

I think there may be some legitimate questions as to whether in the end it would go as far as the Senator would like to see it go and maybe alleviate some of the concern by those who are in opposition.

The PRESIDING OFFICER. Does the Senator from Nebraska yield the floor?

Mr. EXON. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I believe I first addressed the Chair, and then I certainly will be glad to carry on a debate with the Senator from Florida. I have been here a long time dealing with this issue of illegal immigration. It is a thankless job. It is politically incorrect but getting more politically correct all the time because the people of America wonder, really, in this instance perhaps more than in any other, whether we really "get it."

That is the popular phrase: "Get it." They get it. The polls have shown for years that they are in favor of limiting benefits to illegal immigration and illegal immigrants. It is very critical that we should respond to them. But we do not.

Now we are in the situation where there are ugly, ugly waves of something "out there" where people want to do something and we have to be very careful.

I am enjoying very much working with the Senator from California [Mrs. FEINSTEIN], who has taken a vital interest in this, and she is working on asylum issues, refugee issues, all of the aspects that go with it. It is very complex, and yet it is rather simple. And the simplicity of Senator EXON's amendment is very special.

We are not talking about refugees. We are not talking about asylees. We are not talking about permanent resident aliens. We are not talking about parolees.

The essence of the amendment—and it has been read, but let me just quote a bit of it again because, really you must hear what this says. I do not know how anyone could really object to it with any great basis of argument. We all do that. Occasionally we do slip away, as I do often myself.

What we are saying is crystal clear, and I want to read it. The amendment is short, and I commend the Senator from Nebraska. It is almost lawyerlike, but simply defined. The Senator from Nebraska and I enjoy that repartee about lawyers and nonlawyers. But this is simplicity itself:

> Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.
>
> No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.
>
> In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

It is not fair to come to this floor and talk about the poor, the destitute, the uncared for. Those people are taken care of beautifully in this country. We are talking about people who are here because they have made a knowledgeable decision to violate our law, period.

Then, of course, the amendment has another excellent provision, the final provision, that says:

> Federal Education Benefits to Primary and Secondary Schools. Nothing in this section shall be construed to prohibit direct Federal financial benefits to children in primary or secondary school.

I support the amendment. I have done it before. It will be adopted again by the same or similar margin as it had before and it will go to conference. But this time I think the Senate ought to say: "You are not going to come out of conference stripping an amendment which passes here 90 to 10 or 93 to 6. We are not going to allow that to happen." We will instruct our conferees that this amendment will stay.

I think people will have difficulty imagining why it should not. I can say to you that illegal aliens, people who are here illegally, will not be entitled to Federal direct financial benefit except—and please hear this; it is almost like it is not even being considered—except for emergency health care and is now amended, school-related benefits. They will be taken care of, if they become ill, for emergency health care. Of course, I have shared with you the rest of it.

The irony to me is that nowhere in our immigration laws do we presently have this explicit line drawn on prohibiting illegal aliens from getting public benefits. So many of my colleagues over the years have argued that the Federal Government does not adequately control illegal immigration. I have heard that argument from my friend from Florida over the years, and he is right; I have heard it from my friends, Senator Cranston, Senator Wilson, Senator Hayakawa, from Senators FEINSTEIN and BOXER, and they are right. The Feds fail and the States pick up the slack, and they are right; it is true.

So while the Federal Government can clearly do more to address illegal immigration, which is exactly what we will be doing in this session and the next, the Exon amendment doesnot—and you must hear this; someone is misfiring on this information—this amendment does not require the States to pay more social benefits to illegal aliens than each State currently does pay. This is not some shovel job anew. It does, in effect, require the States to check the immigration status of applicants prior to granting benefits which involve direct Federal financial benefit or social insurance benefits.

The States can use the Systematic Alien Verification of Eligibility Program, called SAVE. It works. It is an excellent program. It was designed specifically to allow the States to check the status of noncitizens prior to giving of benefits.

We have the world's most generous immigration and refugee programs. They are extraordinary. We do our share for legal immigrants and refugees, and they are very good for us. We are a fortunate Nation to have the refugees and the immigrants we do.

I get a lot of criticism for setting a figure higher than my colleagues might want. I continue to do that out of my own compassion. But we have no reason to apologize, no reason to feel guilty for any restrictions against illegal aliens. These people are here in knowing violation of our law. It is that simple.

What you are finding, and will always find as we go forward—and this will be a session of immigration and asylee reform and immigration and refugee reform—what you find here are the groups at work—"the groups." I call them "the groups." They are out there and they see their power and influence waning. They have continually asked for so much that now it is very difficult for them to be heard by the American people.

Good and fine people flock to our doorstep and we take care of them. Yet, the groups—I have never heard a positive word out of the groups as I have worked to stimulate and increase legal immigration, to close the back door so that we could open the front door. All you ever hear from them is that we are a base, ugly group trying to do in our fellow man and woman. I do not buy that. That is old saw stuff. We have procedures to allow legal immigration and they ought to use them. Those who adhere to our procedures receive the most generous programs in the world, period.

This amendment simply provides that this generosity will not be extended to those who violate our immigration laws. What could make better sense than that? I hear clearly what my colleague from Florida has stated and my colleague from California. He would embrace those who he believes cannot qualify for legal immigration. His concerns and the concerns of the Senator from California arise out of compassion for those who are less fortunate.

However, Mr. President, I can see no basis for this country to act as the caretaker for the world of those who flaunt our laws. We cannot afford that. It makes no sense to do that.

During the second session of this Congress, we will be examining in great detail comprehensive health care legislation and we will find that such a concept is going to be very expensive indeed, whether the President's proposal, whether the Republican proposal, whether a bipartisan proposal. It is going to be very expensive and our citizens will be paying for that. It will take a giant bite out of the national budget and out of the budgets of our constituents.

We simply cannot afford to provide the best care in the world to every human being who decides to come to us without authorization and in an illegal status. We do no service to anyone by trying to accomplish that.

Let us not forget what we are about here. This is a crime bill. It is called a crime bill, and illegal aliens are violating our law. Their very presence in this country is a violation of our law. We owe no duty to a person here who is knowingly illegal. We owe no duty to provide every single social service that we provide to our own citizens, our own taxpayers, and the legal immigrants and people in legal status who live here.

I believe this is a very appropriate amendment. I am very pleased to be a cosponsor. I look forward to hearing the remarks of the debate.

I thank the Chair, and I thank the Senator from Nebraska for his patience and determination with an amendment which passes here in the most extraordinary form and then suddenly falls off the table during conference. I assure the Senator I will work to keep it there in conference.

Mr. EXON. Will the Senator yield for a question?

Mr. SIMPSON. Indeed.

Mr. EXON. I thank my friend and colleague from my neighboring State of Wyoming, who has done as much as anyone in the body since I have been here to wrestle with this problem. I remember we were working with the SAVE Program, which has been a good one. I think during those times the Senator has shown he does care about this and wants to work it out on a reasonable basis.

I simply ask the Senator from Wyoming whether or not we have covered all of this ground previously in his opinion, and can he imagine from the statements we have heard today that the Senate would turn around and not agree to simply vote again for a proposal that they have voted 93 to 6 on 3 years ago?

Mr. SIMPSON. Mr. President, not only have we covered the ground on this issue, we have plowed it about 8 feet deep, and we have done it at least two and possibly three times in my memory. Every single aspect of this debate has been covered before, without exception.

Mr. EXON. I thank my friend from Wyoming.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, in remarks a few moments ago, the Senator from Nebraska indicated one area in which we had not plowed this 8 feet deep was the facts, the facts of what would be the impact of the adoption of this proposal on those communities in America which for no reason of their own making have become the site and residence of most of these illegal refugees.

This is not an issue which is distributed uniformly across America. There are approximately 3,000 counties in America and 40 of those 3,000 counties have the vast proportion of illegal refugees. We have a problem which is concentrated in a relative handful of American communities. It is a problem which has as its root the failure of the Federal Government to meet its constitutional responsibilities.

Under the U.S. Constitution, there are a series of powers which the States vested to the Federal Government. Article I, section 8 of the Constitution enumerates those powers. Among those is the power of the Federal Government "to establish an uniform rule of naturalization."

The States made it a Federal power and singular responsibility "to establish an uniform rule of naturalization." That is what we are talking about today, Mr. President, what happens when the Federal Government fails to enforce its uniform rule of naturalization and we end up with this large number of undocumented, illegal aliens.

Is it then appropriate for the Federal Government to say to those handful of communities that are the point of impact, forget about it; we do not want to hear from you? Yes, we failed to meet our constitutional responsibility. Yes, you transferred to us any capacity that you might have previously had to enforce your borders, to protect you against illegal refugees and we have failed to properly carry out the charge that we accepted. But having failed, it is now going to be your responsibility to carry the full financial load.

It is not as if these communities are escaping. The Senator from California cited a statistic which would indicate the State of California is paying about 75 percent of the cost of illegal aliens. Now we are proposing to have the State of California pay 100 percent of the cost of this population which is in its State because of the Federal Government's failure to enforce its laws.

So I agree with the Senator from Nebraska that we have to plow this deep enough in terms of gaining information as to what has occurred in terms of the level of burden that is being placed on the States and what would be the further implication of the adoption of this total prohibition.

AMENDMENT NO. 1114 TO AMENDMENT NO. 1109, AS MODIFIED

Mr. GRAHAM. To that end, Mr. President, I send an amendment, which is in the form of a substitute amendment, to the desk.

The PRESIDING OFFICER (Mr. FORD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1114 to amendment No. 1109:

In lieu thereof, insert the following:

The Congress directs the Attorney General and the heads of all relevant federal departments or agencies to analyze and report to Congress within 2 years on the impact of participation in Federal financial benefit or social insurance benefit programs by persons not lawfully present within the United States and the impact of denial of such benefits on State and local units of government and other service providers. In this section, "persons not lawfully within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal financial benefit are not either a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the Immigration and Nationality Act.

Mr. GRAHAM. Mr. President, the purpose of this amendment is to move this debate beyond where it has been for the past several years, move it by directing the Attorney General who has responsibility for the Immigration and Naturalization Service with other relevant Federal agencies to analyze and submit to the Congress within 2 years an impact study. What is the level of burden on the Nation as a whole and on specific communities? What are the effects of Federal laws which today mandate the States to provide services for this population of undocumented aliens and which it is now proposed to eliminate any Federal funding to carry the burden of those mandates.

I believe, Mr. President, that this amendment is a prudent way to proceed in terms of assessing what is the current Federal dereliction of duty, what is its extent in terms of its ability to enforce our borders and protect America so that we are only dealing with those persons who enter the country legally through the established immigration process, and what is the cost to the Nation and to those local communities that are primarily affected.

It has been suggested this is just an issue of compassion; that there are some soft-hearted people who are trying to use this as a means of expressing their humanity. I would be less than honest to say, Mr. President, that there is not a degree of legitimate compassion. America is not a nation which will turn away from its hospital doors a pregnant woman about to give birth. That is the consequence of the amendment that is before us. But if you are not moved by the compassion of human beings, just sheer pragmatism, one area that I assume would be precluded under the amendment that has been suggested, would be direct services from the public health departments. Are we going to have people who come into this country undocumented without knowledge as to their health conditions not be able to receive screening services from the public health and, where appropriate, inoculation from diseases?

That is not compassion. That is common sense protection for the people who are already living in the United States of America. We know that there are large incidences of communicable diseases among this population. It is in our interest to have the Federal Government participate with the State in an effective public health program to assure that we are not placed at undue jeopardy, again, that generally being the result of Federal Government's failure to enforce its immigration laws which resulted in this large number of people being in the country in the first place.

Mr. President, I submit this as an attempt to move this discussion forward, to gather information upon which sound public policy can be established, to gather information which might motivate this Congress to do the kinds of things that the Senator from California has suggested, enhancement of our border patrols so that we will have less of this problem to deal with in the future.

It would certainly be a respectful act of this Congress to take toward our brethren at the State and local level who will be the ones that will carry the burden should we precipitously adopt a total cut off of Federal assistance to this group of persons who are illegally in the country because of the failure of the Federal Government in imposing major financial obligations on the communities in which they reside.

Mr. President, I urge the adoption of this amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of the amendment by the Senator from Florida. I joined my colleague from Wyoming when we passed the immigration bill, when Senator SIMPSON was pushing to have an immigration bill that made it illegal for people to employ aliens, those who are here illegally.

Frankly, up to that point we had the ridiculous situation where it was illegal for people to come in but it was OK to hire them. So you had a magnet.

And I have great respect for my colleague from Nebraska whom I first knew when he was Governor of Nebraska way back when Hubert Humphrey became ill and I went out to speak at a fundraiser in Lincoln, NE.

JIM EXON was the Governor of Nebraska. Of course, I spent two of my college years at Dana College in Nebraska. But I think we have to put this into perspective. On Social Security, illegal aliens pay in more than they take out. That happens to be a plus in an area where we gain some money.

On Federal Government benefits, those who are here illegally generally do not try to gain benefits. Frankly, if you are talking about unemployment compensation, I think they should not be eligible. If you are talking about Pell grants or guaranteed student loans, I do not think they should be eligible.

But if you have a pregnant mother who is about to give birth to a child, if you have someone who has a heart attack, I do not think we can say in our country we are just going to ignore you. Hospitals are not going to do that. To say this is totally the burden of that hospital and that we are not going to share that burden I think does not make sense.

Or, take another program, immunization: Measles do not care whether you are here legally or illegally. And if young people who are here illegally are not immunized, everyone is in jeopardy. So I think it makes sense to have some eligibility here.

The same on primary and secondary schools. You simply cannot have children running around without going to school and believe that you know we are going to have a healthy society. The numbers should not be great, and I do not think we should make schools places where they have to police whether the people are here legally or illegally.

It seems to me that the amendment of the Senator, the substitute amendment of the Senator from Florida makes sense. I think there are areas, as I indicated, unemployment compensation, benefits for going to college and that sort of thing, where I think some cutting off of benefits is a desirable thing. But I think when it comes to emergency hospitalization, going to school, that sort of thing, I think it would be a mistake.

So I will support the substitute amendment of my colleague from Florida. With a great respect for my friend from Nebraska, I am going to oppose his amendment.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that Senator BRYAN be added as a cosponsor to the Exon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I simply want to say that I listened very carefully to my friend from Illinois. I am sorry that he seems to be leaving us on this after having voted on the identical amendment in 1989 when it passed the body 93 to 6. I am very much concerned, as I said in my opening statement—and I am going to be intentionally redundant by quoting it again because I think some scare tactics have been used on the floor of the U.S. Senate on this overall matter that I warned the Senate about when I spoke to a near deserted Senate early on today.

I simply want to say that in answer to a series of questions today I have indicated that I want the EXON amendment to be interpreted as broadly as possible. I have read into the RECORD a statement from the Congressional Research Service regarding the identical language that 93 Senators voted for in 1989, including the Senator from Illinois. Everybody has a right to change his or her mind.

I think this should be very broadly interpreted. However, I am the first to agree that probably the amendment is not as broad as I would like to have it.

The Senator from Wyoming made a point I think very, very well, that essentially this is direct benefit.

Do I think we need a study, as suggested by the Senator from Florida with his substitute amendment, to decide whether we should make Social Security payments to illegal aliens? No. I do not think we need a study on that.

But I will also say that I suspect, and I probably believe, that in the end emergency medical treatment would be covered and probably would not be eliminated by the Exon amendment. Once again, it is not a direct benefit.

I emphasize once again that I am simply saying that in these times of severe restraints, at a time when we have to make some reductions, that this is the place we can make them, and is directed at illegal aliens.

I said earlier the opponents of this legislation may ask for sympathy for the illegal aliens who have come to depend on the generosity of Uncle Sam. They may cite some compelling stories about illegal aliens in some unfortunate situations. I am most sympathetic. However, there are stories of dire and compelling needs among our own citizens as well.

I would simply say at this time—I know that there are lots of Senators who have talked to me about moving this along and bringing it to a close—at the appropriate time, as soon as possible, I intend to move to table the amendment offered by the Senator from Florida.

Mr. BIDEN. If the Senator will yield, I think the moment is appropriate.

Mr. EXON. I would do so, but I do not like to try to cut off debate.

Mr. BIDEN. I am sure no one will be offended if the Senator moves to table. As a matter of fact, they may feel relieved.

Mr. EXON. Have the yeas and nays been requested on the amendment by the Senator from Florida?

The PRESIDING OFFICER. They have not.

Mr. EXON. I request the yeas and nays on the amendment, and then I reserve the right to table.

The PRESIDING OFFICER (Mr. DORGAN). Is there a sufficient second? There is not a sufficient second.

Mr. EXON. I move to table the amendment offered by the Senator from Florida.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to lay on the table the amendment of the Senator from Florida.

On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. MATHEWS] and the Senator from Nevada [Mr. REID], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. McCAIN], the Senator from Wyoming [Mr. WALLOP], and the Senator from Utah [Mr. BENNETT], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "yea."

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Arizona [Mr. McCAIN]. If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Arizona would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 29, as follows:

[Rollcall Vote No. 354 Leg.]

YEAS—64

Baucus
Bond
Boren
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Domenici
Dorgan
Durenberger
Exon
Faircloth
Ford
Glenn
Gorton
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Leahy
Levin
Lott
Lugar
McConnell
Metzenbaum
Mitchell
Murkowski
Nickles
Nunn
Pressler
Pryor
Riegle
Rockefeller
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—29

Akaka
Biden
Bingaman
Boxer
Bradley
Bumpers
DeConcini
Dodd
Feingold
Feinstein
Graham
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Lautenberg
Lieberman
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Robb
Sarbanes
Simon
Wellstone

NOT VOTING—7

Bennett
Dole
Gramm
Mathews
McCain
Reid
Wallop

So the motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1115 TO AMENDMENT NO. 1109, AS MODIFIED

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1115 to amendment No. 1109, as modified.

(e) PUBLIC HEALTH.—Nothing in this section shall affect or be construed to prohibit direct federal financial benefits for purposes of public health.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Deleware.

Mr. BIDEN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. BIDEN. Mr. President, there are a number of Members of this body, as you can see by their rapt attention, wondering what the rest of the schedule for today is likely to be. Part of that depends upon the question I am about to ask the Senator from Florida.

As I understand it, the Senator from Florida will require a vote on his amendment and then the Senator from Nebraska, depending on the outcome of that amendment, would look for a vote on the underlying amendment, the Exon amendment. Then it would be the intention of the managers to move to an amendment by the distinguished Senator from Illinois, in which there is a verbal agreement that it be limited to a 1-hour time agreement, relating to the age that someone can be tried as an adult for certain crimes.

Then there is the possibility of two or three, although I cannot guarantee it or guarantee one way or another, additional amendments that may be voted on. And there are approximately, including the distinguished Senator from Virginia, seven or eight other Senator's amendments that I am prepared to clear, that we have cleared on both sides.

So my question to my friend from Florida is, does he have any estimation for the Senate as to how much time it would take before we get to a vote on his amendment?

Mr. GRAHAM. No. I do not know how many people would like to speak on this amendment. We have had some discussion of the issue of public health impact, but how long it will take to fully discuss this question I do not know.

Mr. BIDEN. Would the Senator be willing to enter into a time agreement?

Mr. GRAHAM. No.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. I yield the floor.

Mr. EXON addressed Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. GRAHAM. Mr. President, I thought the Senator from Florida had the floor and I yielded for a question.

The PRESIDING OFFICER. The Senator from Florida sent the amendment to the desk and the Senator from Delaware sought recognition. The Senator from Delaware now relinquishes the floor and the Chair recognized the Senator from Nebraska.

Mr. EXON. Mr. President, we are trying to accommodate an awful lot of people. I think I have been trying to accommodate an awful lot of people since 9 o'clock this morning without very much cooperation from some quarters.

I must say that I am afraid we are going to go through a series of redundant amendments here. I would simply say that I do not wish to cut off debate precipitously on this, but I am going to ask for the yeas and nays on the amendment just offered by the Senator from Florida, and very soon I intend to offer a tabling motion to try and move the process.

So with that, I ask for the yeas and nays on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EXON. I do not offer a tabling motion at this time, but I intend to in short order.

Mr. SIMPSON. Mr. President, this is a point of inquiry back to the Senator who is capably managing this bill, Senator BIDEN. He mentioned the amendments that were out there that would be processed. I am wondering if the Senator has in his consideration amendments from this side of the aisle, as he named several significant amendments.

Mr. METZENBAUM. Mr. President, may we have order in the Senate? We cannot hear the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. SIMPSON. I thank the Chair and I thank my friend from Ohio.

I was just inquiring as to whether there will be a consideration of a Democratic amendment, then a Republican amendment. Is there any schedule for that?

Mr. BIDEN. I would be happy to do that. I have been encouraging, and I welcome now, any Republican amendment that will require a vote and be able to get a vote. We can move to them.

I am perfectly agreeable to going from side to side. In addition to that, of the amendments we were able to clear, a number of those are Republican amendments. So there is no intention on the part of the Senator from Delaware to do it any other way.

What I am interested in, and I believe my colleague from Utah is, is that, since we are here on Friday afternoon and since we are attempting to get out of here by Thanksgiving, if we do not have votes and we do not move this along, there is no possibility, I am told by the leadership, there is no possibility of us meeting anything remotely the schedule that would get us out of here prior to Thanksgiving. So the majority leader has asked me to do all in my power, and I shall attempt to do that, to bring forward as many amendments as possible that could require and would require a vote.

Second, the reason I have not moved to clear the close to a dozen amendments we may have, Republicans as well as Democrats, is that I want to accommodate those who do have places to go. If we get some votes for the remainder of the afternoon, they will be able to leave here earlier. I am willing to stay here late into the evening to clear amendments that do not require the presence of other Senators.

I found that the people whose amendments I am willing to take still want to talk some time on those amendments, which I understand. So I am not going to personally clear any amendment that anybody has any intention of talking on at all until we have several more amendments on which we get votes, so we can move this process along.

That is the Senator from Delaware's hope and expectation to the extent I can effect that.

Mr. SIMPSON. Mr. President, I appreciate that. I will work with that.

The Republican leader is absent on necessary business and I am ready to assist in going forward.

I think to stimulate that discussion—and I say this out of great respect for Senator GRAHAM—but these amendments come, and they have come for years, in the same format.

I will assist, as best I can, Senator EXON, in trying to get to a vote on the final proposal, an up-or-down vote which he has already asked for. And know, please, that this amendment of Senator GRAHAM is exactly what we will be dealing with when we deal with health care reform. It is a very important part of health care reform. What do we do with illegal aliens? What do we do with people who are not appropriate in the United States? It is a very valid point to deal with it then. Not here. This is a crime bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have to say most of the debate today and a good percentage of yesterday has been taken up on the other side of the floor. I do not find any fault with that. But I am starting to get some rumbling on our side we are not getting enough of our wishes considered.

I know the distinguished Senator from Delaware has done his very best here. I appreciate it and respect him and want to support him. I agree with him it is time to bring amendments to the floor that we can dispose of.

We are spending an awful lot of time on an awful lot of amendments that we are having a difficult time clearing. We are not going in the direction I would like to go right now.

Be that as it may, let us work together and try and get it done.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am delighted to go down the direction of my friend from Utah. I respectfully suggest to him if he has a Republican who has an amendment that will require a vote, immediately upon the completion of this bring him to the floor. We have Senator MOSELEY-BRAUN we can move to immediately. She is willing to enter into a time agreement on her amendment once we dispose of the Exon amendment. Let us line up with a Republican, if we get a Republican who is willing to enter a time agreement and get a vote now—we can line this up and give everybody an idea how long we will be here and how long we will be voting.

Mr. HATCH. I am ready to send up an amendment now.

Mr. BIDEN. You cannot because there is an amendment pending.

Mr. HATCH. As soon as that is disposed of I am ready to send it to the desk.

Mr. COHEN. Is it possible for the Senator to ask unanimous consent that amendments that the majority and minority are going to accept have a time limit of no more than 5 minutes equally divided so those who are seeking to offer an amendment do not take 30 or 40 minutes to discuss something that is going to be accepted?

Mr. BIDEN. I imagine there may be some objection to that, but I have no objection to the Senator from Maine propounding it. I will not object.

Mr. HATCH. I will support it.

Mr. COHEN. I yield the floor.

Mr. HATCH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. HATCH. Will the Chair state what the pending business is?

The PRESIDING OFFICER. The pending business is the amendment offered by Senator GRAHAM.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, the Graham amendment that is before us now is one that I believe we have to adopt if we are going to have any kind of a national response to health care problems in America. I heard the Senator from Wyoming say this is a crime bill and that the Graham amendment ought to be put in health care reform rather than on a crime bill.

I could say that about the underlying Exon amendment. It has to do with immigration policy. That has nothing to do with crime. So why does not the Senator from Wyoming, if he is so interested in that, why does he not have the Senator from Nebraska offer his amendment not on a crime bill but on an immigration bill?

We have before us the Exon amendment that would cut off Federal funding for illegal aliens in this country. We just had the vote on the Graham amendment to get a 2-year stay to seewhat the effect of this would be, but we know what the effect of it would be. Those States in which we have a high proportion of undocumented aliens would be forced to pick up the tab for what is essentially a national problem.

We do not have a lot in Iowa. I daresay to my friend from Nebraska, we do not have a lot of illegal aliens in Nebraska, or Iowa—a few, maybe. That does not release us from our responsibility to respond to this on a national basis. We cannot dump it in the laps of California or New Mexico or Arizona or other border States—Florida. It is a national problem.

After all, there is really nothing those States can do individually to protect themselves from an influx of illegal aliens. They have to rely upon the U.S. Government to do that. If the U.S. Government cannot stop them from coming in, certainly the State cannot either.

So, while the underlying Exon amendment I think would be very punitive to those States, this Graham amendment we have before us is one on which I want to speak directly, because if the Exon amendment is indeed going to be adopted—and it looks like the will of the body is probably to adopt the Exon amendment—then the least we can do is to carve out two areas.

One area has already been carved out by the proponent of the amendment, Senator EXON. That is to carve out chapter 1 funding.

If my colleagues will look at the Exon amendment as originally drafted it does not carve out the area of education. It would basically say no Federal funds can go to any individuals in States who are illegal aliens—period.

There was a provision that was added on by the Senator that excludes for purposes of education. Which means chapter 1 funding.

That is good. I congratulate the Senator from Nebraska for putting that on. Because that would hurt the very kids we are trying to help get an education.

But there is a second area we have to carve out. Perhaps it is not one that the Senator from Nebraska had thought about. I can understand that. He is not on the committees that deal with this, but I happen to be both on the authorizing committee that deals with health and I happen to chair the appropriations subcommittee that spend your tax dollars, our constituents' tax dollars, on public health—well, on all health, as far as that goes, but public health is part of it.

What the Graham amendment would allow us to do would be, like we did for chapter 1 funding, to carve out that area of public health so we can continue on a national basis to respond to the health needs of people no matter where they are.

I visited some of these hospitals in some of our border States where they have a high proportion of illegal aliens that they treat. We want them to come in, do we not, for health care? We want them to get their shots and their vaccinations. We want pregnant women to come in for prenatal care. We want women who are about to give birth to come in to a hospital someplace to give birth to that baby so she can get good care and that child can get decent care when it is born. We want that to happen.

So we fund through the public health system, hospitals. We reimburse hospitals, I should put it that way, for the costs they incur in meeting the public health needs of noncitizens, of illegal aliens.

If we do not adopt the Graham amendment, what it is going to say to the States, or the cities, is: You pick up the tab. It will tell Miami: You pick up the tab on the Haitians and Cubans and El Salvadorans and Jamaicans and everybody else who is there—you pick up the tab. It will tell Albuquerque to pick up the tab on all the illegal Mexicans who are there. The same with California.

But, again, these are not State problems and they are not city problems, they are national problems. If there is one thing we do not want to see happen in these areas it is outbreaks of tuberculosis, or measles, AIDS, or whatever. We want to respond to those needs and we have the facilities to do so. But under the Exon amendment we would not be allowed to reimburse those local hospitals to do that. So the local hospitals, or local clinics, local public health agencies in those cities would not be able to respond to the imminent dangers of outbreaks of illnesses, or diseases that could affect the whole community and not just the community of illegal aliens.

So I hope the Senator from Nebraska would accept this amendment. Just as he carved out the exception for chapter 1 funding, he would carve out the exception for public health, because I daresay, again, just to repeat myself one more time, we want women to come in there for prenatal care.

We want them to come in and have their babies in a hospital setting. We want them to have well child care. We want these local public health agencies to be able to respond to outbreaks of tuberculosis, for example—or something—immediately knowing full well that the Federal Government will reimburse them for the cost of that because it is a public health crisis that affects all of us. Just as chapter 1 was carved out, I hope we will carve this out.

So, again, the Graham amendment now before us is one that I feel very strongly about, being in charge of the public health spending that comes through my Appropriations Committee. I can tell you right now that that spending does not just go to protect illegal aliens. It goes to protect everyone in the cities and the States wherein these illegal aliens may reside. And to say that we cannot use public health dollars in any way to reach out and to treat, to care for, to respond to the health needs of illegal aliens does not just get at the illegal aliens, it gets at all of us.

So I hope that the Senator from Nebraska will take a look at this and accept the amendment, because I think it is equally as important, perhaps if not more important, than the exclusion that was carved out for chapter 1.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I want to join the Senator from Iowa in his analysis of the pending Graham second-degree amendment to the amendment of my friend from Nebraska.

I appreciate the concern of the Senator from Nebraska: How can you justify the use of public funds for people who are in the United States without the proper papers, are here illegally, undocumented? We know that occurs with the hundreds of thousands of people who come into this country. We know many of the reasons, and we have passed very stiff laws imposing sanctions on employers who hire someone who is not validly in this country.

Notwithstanding that, we have hundreds of thousands of them coming into the States, particularly to the State of Arizona. Having said that, what is there to stop it? Whose responsibility is it to stop it? It certainly is the Federal Government's responsibility. The Federal Government regulates our boundaries, regulates the security and regulates the flow of people and of goods into and out of a country. That has been a dismal failure for all the reasons that have been discussed here: Failure of border patrol, failure of infrastructure, failure of economic conditions to improve, particularly to the south of us.

So we are faced, those States that have a flood, that are inundated by these people who come across without proper documents, we are pressed as to what do you do with them? How do you treat them, and what happens if they get sick?

Undocumented people who come across through our southern border do not read the laws. Most of them come across in a relatively healthy condition, reports will show, and they come into the United States looking for work—clear, pure, and simple. They want to get some money so they can send it back to their relatives. Most studies show that the vast majority of them do return, do send the money back and come back again.

In the meantime, when they come across, they do not have the law in front of them that indicates that if they get sick and go to a hospital, nobody is going to pay for it or that the State is going to have to pay for it. Certainly, the Federal Government is not going to pay for it. They are not even thinking about that, and that is understandable. When they come across, they are very, very economically depressed people. Yes, they are breaking the law; they are breaking the laws of our country. It used to be the laws of our country that it was illegal to be here. Now, in addition, it is illegal for a person to hire them, but they are here.

The facts before us are that we have perhaps severalmillion people in this country. The number is somewhat hard to actually put your finger on, but it is several million people. Hundreds of thousands pass through Arizona each year and thousands of them stay there. They are in our States. The Senator from Florida knows better than anybody just how many come into his State day after day without the proper authority.

So the Senator from Nebraska has come up with an appealing amendment and it says, "Hey, we're not going to spend taxpayers' dollars taking and reimbursing any State that treats somebody who is here undocumented."

What does that do? Number one, it shifts the primary responsibility of the Federal Government to manage the control of people across their borders to the States. That is not the States' responsibility. It never has been, nor should it be.

In Arizona, in this Senator's State, we have had hospitals that have gone broke because the Federal Government refused or did not have the money to reimburse for handling undocumented health care needs. That is something that we cannot ignore.

The Senator from Nebraska is asking us to seriously jeopardize any State that has any sizable number, but even if a State does not have a sizable number, I do not think the Senator from Nebraska would want to impose another Federal mandate on any State, whether it is on health issues, safety issues, or law enforcement issues, that would require the State to pick up more of the tab, for the State to pay the cost that is legitimately imposed on them by the Federal Government, by us.

The Senator from Iowa pointed out, and the Senator from Florida pointed out just what this means to us in States that have a large number of people coming into the State without proper documents. The health hazard that is available and permeated by this kind of condition is very serious.

What do you do if an undocumented person walks into a clinic or a hospital and has signs of a very contagious disease, like cholera? That has happened in Arizona. The Federal Government refuses to fund or reimburse the State; the State is out of money. What does the State do? Probably in that case, the State is going to absorb it. They are just not going to take the chance and send that person out. But they might. They might.

What are you going to do with the pregnant woman who needs to have prenatal care, who is in desperate need of some attention? They are going to go into the hospital or the clinic, and the State may say no. Then what do you have? You have not only the human being of this expectant mother suffering through nontreatment, but very likely the delivery of a child that is going to have problems. Who is going to pick up those problems, the emergency ward of the hospital, and maybe for the mother as well?

These are real-life examples that happen every day in the State of Arizona, in my hometown. That is exactly what the hospitals are doing—probably today. The Federal Government should reimburse and they do not reimburse 100 percent. But it is not the right thing to cut this off.

The problems of the deficit I understand. Nobody has been a stronger supporter to reduce the deficit than the Senator from Nebraska. If that is his motive to move in the direction of reducing the deficit, I cannot chide him for that. He has been there time and time again, pressing that on us. But I ask him to seriously think of the consequences of reducing the deficit, creating a health problem in the States where these undocumented people are and also causing a deficit in the States.

My State cannot have a deficit, as the Federal Government can. We have a balanced budget amendment in our Constitution. So we have to pay for it. If this amendment is adopted without the second-degree amendment of the Senator from Florida, we are jeopardizing a number of States' financial well-being, as well as the humanitarian real-life situation of what happens to people who are coming into the country that we cannot stop or we do not stop, and they get sick.

The Senator from Florida has come up with a very reasonable approach, and that is to exempt public health. There should probably be further exemptions, but I think the Senator from Florida has offered this as a compromise, realizing that the Senator from Nebraska is trying to get at the deficit problem and reduce the cost to the Federal Government.

The Senator from Florida is not asking for too much. I hope my colleagues will look at this from the standpoint of what is right for the individual States, what is right for the people involved in those States, the citizens, the legal aliens that are in the States, who are all taxpayers, as well as those who are not properly in the States.

So it goes way beyond just the person who is economically driven from their country into the United States looking for employment and thereby breaking the law. It goes far beyond. The Senator from Iowa points out just how serious it can be. So it would really be a mistake.

I hope the Senator from Nebraska would consider accepting this amendment. I do not think he is defeated in his effort to reduce the deficit. I think it would be an expression of understanding of how important it is to border States.

Mr. HARKIN. Will the Senator yield for a question and observation?

Mr. DECONCINI. I will be glad to yield.

Mr. HARKIN. I appreciate the Senator's statement. He is right on target I believe. The Senator is right in terms of reducing the deficit. I know the Senator from Nebraska has been a strong supporter of deficit reduction. The Senator from Arizona has also. I would like to believe all of us want to reduce the deficit, maybe each in different ways.

Will the Senator from Arizona agree that perhaps cutting back the support of public health services to respond to certain health needs in certain communities where there are a lot of illegal aliens might, in fact, increase the deficit rather than reduce it?

For example, preventive health care. If in Phoenix the local public health officials see perhaps a small outbreak of tuberculosis or something like that in an area, they can then go out to that community, take tests, secure an area, for example, provide medical services to people in that area to keep the disease from spreading.

Now, that costs some money, but I daresay it is going to save a lot more in the long run. So in a way I think if we do not exempt public health, it may in fact impact our deficit even more.

Mr. DECONCINI. I think the Senator is so correct. I had not reached the point that affects just a few States, not the State of Iowa or the State of Nebraska, and that is native Americans.

The health service delivered to the Native Americans, in my State over 200,000 of them, is paid completely by the Federal Government. There are no State hospitals there. There are no county hospitals there. If they go off the reservation, then they can go to the county hospital or State hospital. But on the reservation it is completely funded by the Indian Public Health Service.

So what happens? Undocumented aliens also go onto reservations. Anybody can go onto a reservation. Sometimes they work there, sometimes they visit friends, and sometimes they get sick. So what does an Indian Public Health Service officer do when an undocumented person comes in, or they hear that someone has some contagious disease in a village? They are prohibited from going over there. They could not go, as I read this amendment.

So this is setting aside a class of citizens that is going to be isolated from public health services if it just so happens that some undocumented person sets foot on an Indian reservation.

These are not just little villages. We are talking about millions of acres and hundreds of thousands of people with health conditions that are already far below that of the average American.

So this is a vital amendment that the Senator from Florida has offered, if for no other reason than for a specific number of Native Americans who are citizens just like you and me. Wehave heard the argument they were here long before we were, but they are citizens, they pay taxes, and they deserve to have public health services delivered if someone is in their vicinity where the only treatment available would be from public health.

So I truly thank the Senator from Florida for his addressing this issue and for letting me support his amendment, as long as I took. I did not mean to take that long because I am sure he has an eloquent response to everything that has been said. But I thank him for his leadership. I mean that, I say to the Senator, because he has different problems in his State of Florida than we do in Arizona. But they all come down to the same thing. It is not fair to impose this type of prohibition on the use of public funds for health purposes.

Mr. GRAHAM and Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I thank the Chair.

I say to my colleagues who want to get out of here because it is Friday or because we want to hurry up and get home to have Thanksgiving turkey with our families, that sometimes it is important in this Senate to stop and think about what we are doing to real people as we rush forward.

I thank my colleague from Arizona for his very eloquent speech on this topic. Sometimes I wonder what we in the Senate are thinking as we move forward so hastily.

I wish to ask the Senator from Florida a question about his amendment because I am concerned about the impact of this amendment, particularly in my State, in the rural regions where we do have a number of undocumented workers who pick apples in our orchards, and so on, who are in our schools when they are there.

If there was an outbreak of an illness such as measles or a bacterial infection in one of our public schools, if this amendment failed and the underlying bill passed, what would be the effects? What would happen to those undocumented workers' children?

Mr. GRAHAM. If this amendment were adopted, one thing we know would happen is that the Federal Government would not participate in that public health effort as it would in all other public health initiatives. As to what the local community, the school board would do in terms of would they accept this and would they pay the cost which otherwise would have been a nationally assisted cost, that would be their judgment.

My sense is that most school districts would have a degree of compassion and recognize the importance of this to all of the children and to the total community; that even with 100 percent local or State funds they would meet this public health challenge.

Mrs. MURRAY. I thank my colleague from Florida. That answers my question from two perspectives. One, it would be a tremendous public health hazard to many of our communities out there if an outbreak were to occur and children who are in our schools were not vaccinated or taken care of. They would continue to spread the diseases, or the local community would be required to pick up the costs of that public health service.

So often here I hear eloquent speeches about how we should not pass legislation at the Federal level that unfairly impacts our State and local communities. I submit to you that without this amendment this will drastically impact those communities.

Frankly, Mr. President and my colleagues, I am also very worried about the underlying amendment. I thought I grew up in a country that cared deeply about people as individuals and human beings. It seems to me that the underlying amendment says if you come here as an undocumented worker or a child of an undocumented worker, we are not going to treat a human being as someone we care about. I think we should be very careful as we proceed on this issue.

I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we need to remind ourselves that we are here debating a crime bill, for those who tuned in late and might think we had moved onto the President's health proposal or to an immigration bill. That is for another time. Today we are debating crime.

One of the underlying issues of the discussion of the crime bill has been a realization that most responsibility for the criminal justice system in America is not here in Washington but, rather, is in the individual States and communities of this Nation.

There has been a certain undercurrent of, I would have to use the word, "arrogance" expressed toward State and local communities with the inference that here are a bundle of very good ideas—boot camps, regional prisons, expanded penalties, more police on the streets; all of those are good ideas—why have not the States and local communities already adopted those ideas? Why have they had to wait for us to send them the signal that these are the magic bullets that will make our Nation safe from violence?

Mr. President, I reject that analysis. The fact is there is no group more concerned with the safety of its citizens than the people who live in the communities which are unsafe. Does anyone suggest that the mayor of a city is less concerned about the safety of his or her people than the persons, citizens, of that city who elected us to come here to Washington to represent them in the Federal Congress? Of course not. So why, if these ideas are so obvious and compelling, have they not already been accomplished?

We are responsible in many ways for the fact they have not been adopted. We are responsible because we have contributed to an eroding of the fiscal capacity of State and local governments to be able to respond to their criminal justice challenge. We have done it by passing mandates that have told local communities, "You shall do this," and then provided them with no or inadequate funds to carry out that mandate. We have arrived at one of those occasions right here today, Mr. President. The Federal Government has mandated to States and local communities that they must provide these health services to all persons, including illegal aliens.

The Federal Government has provided a small portion of meeting the cost of that mandate that we have placed upon them. We are now about to withdraw that minuscule contribution that we made in the past. That contribution, according to the Senator from California, represents about $1 out of $4 that their State is spending to meet these needs for undocumented aliens, most of which are mandated by laws that we pass.

There also is another reason why States and local communities have not been able to carry their full criminal justice responsibilities; that is, because the Federal Government has not been carrying its criminal justice responsibilities and, therefore, unloading onto States and local communities what should legitimately have been a Federal obligation.

Again, one of those areas is in the field of illegal aliens. Again, the Senator from California indicated, I believe, that 11 percent of the inmates in the State of California are illegal aliens who have committed a crime while they were in the State of California and are now in the custody of the State of California.

In my State, the figure would be more in the range of 5 or 6 percent of the inmates in our State prisons are illegal aliens, those people who are in this country because the Federal Government failed to carry out its responsibility, which is a singular responsibility under the U.S. Constitution to protect our borders against illegal refugees and illegal aliens. Because the Federal Government failed, now the States have some of these people who commit crimes in their State correctional systems, therefore diluting the resources that would otherwise be available to fight crime as it relates to the rest of the population.

The Federal Government has always failed to meet its responsibility by setting thresholds of prosecution and unequal thresholds of prosecution.

Let me give you a specific example, Mr. President. For the last 15 or so years I have been taking various jobs. One of my jobs a couple of years ago was with the U.S. Customs Service at the Miami International Airport. During that day, one of my assignments was to take a small cocker spaniel dog and go out to the ramp that is moved up against the door of arriving airplanes.

This little dog looks very happy and friendly, and it is a happy and friendly dog unless you happen to be exiting that airplane with drugs, at which point the little dog becomes very agitated, noisy, and sends a signal as to the person who is carrying the drugs, which allows the Customs Service to detainthat individual for further inspection.

On this particular day, a plane was arriving from a Caribbean site at the Miami International Airport. A number of passengers got off, the dog was friendly, wagging his tail, happy. Then the absolute prototype American tourist that you would select, this mid-30's man, bright shirt, happy, suntanned, rather overweight, comes off the airplane. Our dog starts to bark. So we lead this man back to the customs area in the airport. We ask if we can do an inspection. We do. And the man has 20, 30 pounds of marijuana wrapped around his waist, explaining in part why he looked rather overweight.

Well, since we were U.S. Customs and we were at the international airport, we detained this person coming off an international air flight, I thought certainly we would now call a Federal agency to come and take custody of this individual and that he would be processed under appropriate Federal laws for having violated the law of transporting drugs in international commerce into the United States.

No, Mr. President. That was not what happened. We called up the local equivalent of a sheriff's office to come and take this person away.

I said, "Why are we calling the local sheriff and not the FBI or DEA?" The answer is because there is a "prosecution threshold." In Miami, with that 25 or 30 pounds of marijuana, this fellow did not meet the prosecution threshold to be handled in the Federal system.

So now we have dumped him off, and he no doubt has been processed through and may be now a long-term visitor at one of the State of Florida's correctional institutions.

That is an example of the Federal Government failing to meet its responsibility by unloading obligations to other levels of government which should appropriately have been a Federal responsibility.

So, Mr. President, since we are debating a crime bill, I think it is appropriate that we put in the RECORD the fact that we are now, in this amendment, recurring to an underlying theme that has made the basic concern for a Federal crime bill before us; that is, that the Federal Government, through a series of actions, has been undercutting the ability of the State to respond as they deem appropriate to their criminal justice challenge.

Another issue that has been raised in the last discussion had to do with deficit reduction. Should we not support the amendment that has been offered by the Senator from Nebraska because it will contribute to deficit reduction? I take second place to no one in this body as one concerned about and prepared to take some very tough votes to reduce our Federal deficit.

I think that, within the framework of looking at where we ought to first give our attention, this is a constitutional context. Under our U.S. Constitution, the States vested in, delegated to, the Federal Government certain responsibilities. Prior to that delegation the States were like nation States under themselves. They had all of these powers. They were sovereign. But under our Constitution, certain of those powers which previously belonged to the States were delegated to the national Government.

I believe, Mr. President, as we look at how we will deal with our Nation's deficit, we need to pay particular attention to those responsibilities which the Federal Government has the singular constitutional responsibility for, to those areas where there is no backstop at the State or local level. If the job is not done at the national level, it will not be done at all, because the States have delegated all of their authority in that field to the national Government.

One of those areas is the responsibility to establish a uniform rule of naturalization. The States specifically gave to the national Government, and the national Government accepted, responsibility for naturalization.

Where we are today is that the responsibility for naturalization has been breached.

(Mrs. MURRAY assumed the chair.)

Mr. GRAHAM. The Federal Government has not been carrying out its duty. The result of that failure is thousands, tens of thousands, hundreds of thousands of illegal aliens coming into our country and imposing demands on the communities in which they settle.

So as we look at areas of deficit reduction, I think we should give appropriate consideration to those areas of responsibility which are the singular obligation of the Federal Government, one of which is naturalization. Today, we are talking about the consequences of the failure of the Federal Government to carry out its responsibilities under that provision.

Mr. President, there was a very instructive article in the New York Times of Monday, October 25, which talked specifically about the issue raised in this amendment. That is, what happens in a community with a significant number of undocumented aliens, who are in that community because of the failure of the Federal Government to properly protect our borders? What happens when those undocumented aliens begin to encounter health problems, individual problems, and public health problems?

Let me read some paragraphs from this New York Times article of October 25:

[From the New York Times, Monday, Oct. 25, 1993]

HEALTH DEBATE STIRS CONCERN IN BORDER TOWNS OVER ALIENS

(By Sam Howe Verhovek)

HARLINGEN, TX.—At the Su Clinica Familiar; the largest community health care center in the Rio Grande Valley, the issue of whether a patient is an illegal immigrant is net with a kind of "don't ask, don't tell" policy. If a pregnant woman provides a utility bill or phone bill showing she has a local address, she is legally entitled to treatment, though only part of it is reimbursable to the clinic through Medicaid.

A few miles away, at the McAllen Medical Center where care for indigents cost the hospital up to $1 million a month, a different strategy prevails. Private security guards with green uniforms that bear an uncanny resemblance to those of the United States Border Patrol have been periodically posted at the entrance. Critics say they are put there to discourage illegal aliens from walking in.

But officials at these places, and at medical institutions all along the 2,000-mile United States-Mexico border, agree on one thing. Whatever President Clinton's health care proposal may offer for American citizens, it has left largely unresolved the question of how to care for the nation's 3.2 million illegal immigrants, and who should pay for it.

Administration officials say that people living illegally in the United States would not be automatically eligible for the national health security card and standard package of insurance benefits under the President's plan, though some illegal workers could be covered if their employers paid their benefits.

The President's proposal would set aside $1 billion in a fund for emergency treatment of illegal aliens by clinics and hospitals, which remain obligated under several Federal mandates to treat all sick people regardless of their legal residency.

But this figure is dismissed as absurdly low by the people who run the hospitals along the border and in cities like New York and Los Angeles which have large populations of illegal aliens. Moreover, many of the officials grappling with the problem argue that denying such people basic benefits like preventive care or immunizations will just compound costs later on, when truly sick people show up in their emergency rooms.

Madam President, I refer back to the discussion between the Senator from Washington, who is not presiding, and the Senator from Arizona, and the comments made by the Senator from Iowa, on the impact of failing to provide appropriate and timely health care services, and the ultimate total cost both in human and economic terms.

Returning to the New York Times article:

"The rap we get from the anti-immigrant groups is that we are a Mexican birthing center, that people are walking across the bridge to get treatment here," said Pete Duarte, the chief executive officer at Thomason Hospital in El Paso, just across the Rio Grande from Ciudad Juarez.

"But that's a very small part of the problem and realistically, most of these people have lived here for years," he said, referring to illegal aliens. "The 'enemy,' if you will, is in our midst. It's your maid, it's your gardener, it's your cooks and your dishwashers. And TB, or H.I.V., or hepatitis they sure don't care whether you're documented or not."

A few years ago, the El Paso hospital executives grew so aggravated at the unreimbursed cost of caring for illegal immigrants that county officials sent the White House a bill for $10 million, which was ignored. Indigent care, which covers both illegal and legal residents of El Paso, now costs $50 million a year out of a hospital budget of $151 million and has been a factor in at least four recent El Paso County tax increases, Mr. Duarte said.

Here in Harlingen and at a companion health center in nearby Brownsville, the administrators at the 23-year-old Clinica Su Familiar say they are obliged by Federal law to treat anyone who is seriously ill or pregnant. With most clients living at or below the poverty line, the clinic relies heavily on Federal payments to survive.

But for births, Medicaid, the Federal medical plan for the poor, will cover only part of the cost of the delivery, and not preventive care.

Madam President, what the underlying amendment proposes to do is to say we will only not pay part, we will pay zero at the Federal level of these costs which the Federal Government mandates these local health care centers to provide.

And the clinic is so jammed, with 30,000 client families and 1,000 families on the waiting list, that many people who seek routine treatment are turned away. "For things like that, we basically have a closed-door policy," said Francisco G. Gonzalez, the executive director.

Mr. Gonzalez said the clinic was legally prohibited from investigating residency when a patient came in on an emergency basis, while at the same time it was often denied payment by the Federal Government when it came time to settle the bills.

Madam President, what a damning commentary on our National Government.

But those who treat patients say they have no desire to become detectives either, kicking people out the door if they do not have proper forms or an insurance card.

"We don't do police work here," said Jorge A. Garza, a clinic doctor who was treating a 7-year-old boy who had an ear infection. "We're talking about sick human beings, people who need some help. That's what I do." The boy, having been born here, is an American citizen; but his mother, though she has lived in Harlingen for five years, does not have citizenship, and the family is uninsured.

For pregnant women, many of whom said they had come here in recent years because they heard about plentiful service jobs that are now proving scarce, the clinic represents the only place where they can get any level of check-ups and prenatal care.

The cost for prenatal care is $300, but some said they could only afford payments of as little as $5 a month. The clinic will generally allow this and go ahead with treatment in hopes of reducing the chance of a complicated or dangerous delivery later on.

"I didn't come to this country because of the health care, I came here for work," said 34-year-old Maria Luisa Martinez, who moved here 12 years ago from Guadalajara, Mexico, and is expecting her third child in December. She applied to become a citizen several years ago, she said, but the process stalled when she and her husband, who was already a citizen, separated.

"It's true that you should be an American citizen," she said. "I want to be an American citizen. My children are Americans. But what do I do now? Just not go to a hospital at all, because I do not have the piece of paper?"

ANXIETY IN THE VALLEY

Elsewhere in the Rio Grande Valley, there is anxiety that provisions against providing national health insurance for illegal aliens could dry up even the small amounts of money now available for treating them.

Asked to discuss the prospects that officials in Washington will provide some relief, Bill Elliott, the director of community relations at Valley Baptist Medical Center in Harlingen, said: "It's a short story. They don't deal with illegal immigrants."

"But when a person comes in bleeding and injured, his immigration status is not the most important thing," added Mr. Elliott, who said the hospital wrote off $28 million in charity care for the indigent last year.

Clinton Administration officials have said in recent weeks that there may be negotiations over providing certain preventive treatment for illegal aliens or perhaps providing block grants to the states for such programs.

At the same time, though, there is considerable worry in both the White House and on Capital Hill that providing even a minimal package of preventive-care measures for illegal aliens, including immunizations and prenatal care, could stoke anti-immigrant protests throughout the country because they could be interpreted as sanctioning illegal immigration.

"This issue scares people to death," said one Democratic Congressional aide familiar with initial talks over the health plan. "It's seen as a lose-lose situation. And certainly, nobody's willing to jeopardize universal coverage for American citizens to fight a battle over undocumented workers."

In California alone, officials say the $1 billion emergency fund envisioned in the president's plan would not be nearly enough to handle the annual emergency-care bills there.

Recently, the state hospital associations in eight states, including those along the Mexican border and New York, Florida, Illinois and Michigan, joined in a lobbying effort to get Congress to confront the problem.

And there are many other issues as well, some of which go beyond illegal immigration. Some advocate groups contend that widespread use of the health-security cards that President Clinton intends to give all legal American citizens could actually punished some immigrant groups.

"When documents are demanded, usually the adverse effects are on foreign-looking people, whether they're here legally or not," said Maria Jimenez, director of the immigration law project of the American Friends Service Committee, a humanitarian organization that has worked with immigrants for more than 75 years.

That is the issue that this second-degree amendment raises. If we are going to adopt as a policy that we are going to deny any Federal direct assistance to these persons who are in this country because of a failure of the Federal Government's ability to protect our border and enforce our immigration laws, if we are going to say to the communities in which these persons happen to reside, not because they have been invited there, not necessarily because they desired to be there, but because the reality is they are there, if we are going to take the position the Federal Government will walk away from even the minimal amount of assistance that it has provided in the past, at least for our own protection we should not extend this to public health measures.

Our investment in public health is in order to protect the public. When a person who is potentially the carrier of a communicable disease is vaccinated, we all benefit. When a person who has an illness that could affect the community is given treatment, we all are the beneficiaries, not just that individual patient.

So, Madam President, I believe that it is an eminently reasonable and responsible additional provision to add to this amendment to say that public health expenditures will not be proscribed and eliminated under the sweeping language of this amendment just as we have already done in this amendment modification.

I might say, since the time we last voted on this, we recognized the fact that States and local communities are legally obligated to provide educational services to all of their children; therefore, it is appropriate for the Federal Government to participate in programs such as chapter 1 for all the children that the States are obligated to serve. Similarly, it is appropriate for the Federal Government to participate in providing these health services for all of the people that by our Federal laws we have obligated hospitals, clinics, States, and local governments to provide health care services for.

Madam President, with those words, I hope that this might be an amendment that the Senator from Nebraska could accept and we could move forward. If not, I believe that we are raising a level of insensitivity to the individuals affected by our judgments relative to eliminating this portion of the financing of their health care, insensitive to the communities in which persons potentially with significant health and communicable disease conditions will live, and insensitive to the obligations which we undertook when this Congress mandated that all sick people be treated regardless of their legal residency and now are making that another in the long list of unfunded mandates.

How adopting that policy would make any contribution toward a safer and less violent society, which was the objective of this total enterprise escapes me. This small gesture of recognition of the Federal Government's obligations I think would make a small contribution toward making this a more humane society.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, we have had a very interesting and long debate on this. It is time to call it to a conclusion.

I would simply say that, while many points have been made here, I believe that emergency medical service is included under the law as it is now, and I do not believe that my amendment knocks out emergency medical services.

What has been advanced by the last several speakers is opening up the whole public health of all illegal aliens and say we are going to pay for it and we are going to continue to pay for it. At the same time, we are talking about making major reductions in Medicare, mostly to legal residents of the United States of America.

This whole matter is something that I suggest will be debated again when we get into health care.

I emphasize once again that this is the same amendment that was voted on by 93 to 6 in support of in 1989.

Therefore, I move to table the amendment offered by the——

Mr. GRAHAM. Madam President, will the Senator yield for a question before moving to table?

Mr. EXON. I yield for a question without losing my right to the floor?

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAHAM. The Senator indicated he felt within his current amendment there is an exemption for emergency medical services?

Mr. EXON. No; I have not said that. I have said and said time again and said it in debate that I believe emergency medical service would be included as on a continuing basis.

I agree that there may be some disagreement on how you define and what is emergency medical services. But the Congressional Research Service office indicated that in my original amendment that passed the Senate 93 to 6 they thought that regardless of my intentions, emergency medical services would not be restricted.

Mr. GRAHAM. If an amendment to that effect was incorporated, it would make many of us feel much more at ease with what the impact of this would be.

As I read the amendment as it is offered, it says:

> Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of the enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

And since the principal area of benefit for undocumented aliens is in the health area, as was stated in the earlier debate by the Senator from California, what is the basis, the feeling, that language would have the specific intention of eliminating emergency medical and the other minimal programs in which undocumented aliens can participate with Federal financing?

Mr. EXON. Let me respond in this fashion.

First, Madam President, I ask unanimous consent that Senator ROTH be added as a cosponsor of the Exon amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I would simply say that if we could bring this matter to an end, if we could quit the bickering, move ahead, do what I think most of the people of the United States of America want to do—and that is stop paying Social Security and other direct benefits to illegal aliens and begin to put the brakes on the amount of money that we are spending—I might be able to make some further accommodation.

The problem, I say my friend from Florida, is that each time I offer an accommodation, then there is another, and another, and another.

Is the Senator from Florida saying that he would support the Exon amendment if we simply added in at an appropriate place in the Exon amendment to provide for emergency medical service?

Mr. GRAHAM. I am saying, Senator—and I am glad we have gotten to this discussion—that it is possible that a modification of your amendment could be written that would render it acceptable.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, I rise first as the chairman of the Committee on Finance, and second as a Senator from New York State, to declare my strong objection to the measure before us. It is, in the first instance, a measure that has nothing to do with the crime bill that we are, presumably, addressing. It is a measure with a prohibition on payment of Federal benefits to illegal aliens.

On the surface, there is a certain attraction to the idea that someone who is here illegally ought not to be the recipient of medical care and such like matters. Yet the reality is that the individuals involved, and there are millions of them, are here. The fact that they are here illegally is statement of the dereliction of the Federal Government in its duty to police the borders and to control immigration.

If the Federal Government does not do this, and clearly it does not—there is no other Western nation that has anything like the extent of the problem that we do—it is scarcely appropriate for the Federal Government to turn over to the States and to the cities the burden that is imposed by the presence of illegal aliens when they become ill, when they have to go to a hospital, when they have to be looked after in one or another way. That is elementally a national responsibility.

For that reason and that specific reason, in the Omnibus Budget Reconciliation Act of 1993, which the Senate adopted, if memory serves, on August 8, and the President signed on August 11, but which in any event is the law today, we specifically provided for Medicaid matching payments to bona fide emergency services for undocumented aliens, an undocumented alien being an illegal alien. Such a person can be 1 year of age, can be 95 years of age, can be anywhere in between. And emergency services, which are provided for in Medicaid, are by statute available.

Here is a conflict which we will all to some extent feel. These are persons living amongst us who have arrived here illegally, some fleeing their homelands, others—many more, most—coming here looking for economic opportunity in the manner that legal aliens have done for centuries.

It is only in this century that we began requiring persons to obtain documents and be permitted to enter the United States, as a general rule. We had the Chinese Exclusion Act in the 1880's, I believe. There was an effective, informal sanction on Japanese immigration. Some legislation was adopted in the second decade of the century. Then, in 1924, a more general Naturalization Act was enacted which controlled immigration. Until very recently, none of these measures affected the Western Hemisphere at all.

This pattern has been there through most of our history. I cannot imagine a hospital in New York or Seattle or San Antonio, in 1890, looking at a 3-year-old child with a life-threatening condition, and saying, "We will not treat it. The child is not a legal immigrant." That is not what the idea of hospitals is. Hospitals are not about health insurance. Hospitals are about caring for the sick.

We have provided this in statute, that these emergency services will be provided. We have done so—how many months will it have been; September, October—10 weeks ago. And here we are standing, suddenly, on a crime bill, proposing to repeal acts of mercy, acts of elemental compassion and care, the emergency care of undocumented aliens in hospitals.

If you are a person who would like to see no crime bill, that is fine. This may be a vehicle to assure you there will be no such bill enacted. This bill might very well pass the Senate. It will not get through conference. It is a measure that only the Committee on Finance can deal with, and will have to be made by conferees.

I stand here, not in any threatening mode, but simply to state this will not happen. Congress has considered the matter in the appropriate mode. The measure which we enacted in August in the Budget Reconciliation Act arose in the other body, was accepted in conference by the Senate conferees, and is statute. We are not about to repeal it on an empty floor at 3 o'clock, or 2:30, on a Friday afternoon. That is no way to legislate.

If any Senator wishes to introduce a bill, it will be referred to the Committee on Finance and I will assure that there will be hearings. I said I speak as the chairman of the Committee on Finance. I speak as a New Yorker. I think of that symbol of the United States, the Statue of Liberty, with that poem about "huddled masses yearning to breathe free," welcoming. "Give me. . ."

We have not been so welcoming of late, and there is reason to be careful and follow statute. But to deny medical care—to do what? Let the child bleed to death on the sidewalk? That is not who we are. That is not what we should become.

I hope we will have enough sense just to put this matter aside. If not, we can debate it for the rest of the year.

This is not the spirit of the United States of America. It is not the face we should show the world.

One of the oldest practices in international law—treaty law—which began early in this century, has been the understanding that nations with social insurance programs, health programs, extend those services to any person resident on its soil as a reciprocal arrangement, it being so elemental that whatever is shared in common humanity, there is a willingness to provide help to persons who are ill, to heal where possible, to relieve where no more than that can be done.

I do not want to rise to any degree of anger on this matter. I will not. But surely there should be a degree of embarrassment on the Senate floor that we are doing this. We are—all of us—in a common humanity, even if we do not have a common legal status, and that ought not to be denied by statute, as within the past 10 weeks we have provided. I cannot imagine that we will do this, Madam President.

We also propose to deny unemployment benefits, which are only available to people who have earned them through a period of regular employment during which Federal unemployment taxes have been paid. This is debasing some of the great statutes of this land. Surely it is not presenting a very appealing face to the world.

I hope we just will not do this in terms of an amendment. I assure the Senate with the greatest of confidence that if it wishes to put the entire crime measure in jeopardy, this is a sure and certain way to do it.

Madam President, I cannot suppose I have silenced the Senate by these remarks, but I observe no Senator is seeking recognition. No Senator is even at his or her desk, and a good thing, too. We ought to get rid of this painfully embarrassing measure.

I am handed a note that says, under the amendment of my friend from Nebraska, New York City hospitals would lose about $300 million a year in Medicaid matching for emergency services provided to aliens. Well, they would. We can ill-afford it. But the statute provides those services as a matter of law, and those hospitals predate Medicaid.

New York hospitals were founded by a charter from George II, and they have not, since the day they opened, whether it is Beth Israel or Albert Einstein or Columbia Presbyterian, which began as the College of Physicians and Surgeons of King College, or the great Catholic hospitals of Brooklyn and Queens, they have never, since the day their doors opened, closed them to any human being in need of help. They were there before this statute. Under the statute, which dates from 1965, and by enactment within the last 10 weeks, they are entitled to reimbursement for that care. They will continue to give it whether they are reimbursed or not, save some will end up closing the doors opened a century ago, a half century ago, 250 years ago.

I do not know that anything more need be said, Madam President. I will be prepared to answer any question addressed to me.

I see the distinguished Senator from Illinois has risen, and I will be happy to yield for any question she might ask.

Ms. MOSELEY-BRAUN. A question to the Senator from New York: The Senator had indicated—the Senator is an expert, actually, in the area of unemployment insurance. Section B of the underlying amendment refers specifically to the issueconcerning unemployment insurance.

Mr. MOYNIHAN. It does.

Ms. MOSELEY-BRAUN. Perhaps for the edification of the body, if the Senator would discuss where we are in terms of reform of the unemployment insurance program so as to respond to this section of the amendment, that would be helpful.

Mr. MOYNIHAN. I am grateful to my friend for raising this question. It is time that we revisited the whole structure of unemployment benefits, which was established as a part of a title of the Social Security Act of 1935. We then later added extended benefits, and now we have a special further extension.

I can report to my friend from Illinois, who follows these matters carefully, that we have successfully concluded a House-Senate conference on the extension, which was voted in the Senate about 2 weeks ago, for which we had the unyielding support of the Senator from Illinois. That has been done. The conference committee will come to the floor possibly later today. The matter will be done and on the President's desk in a very few days.

During that debate, she well recalls, I suggested the time to straighten up this system so it is easily understood by the workers for whom it is designed is at hand as regards part B.

Only aliens with green cards, which is to say legal aliens with the right to work, will have unemployment benefits paid for them, and when they do, they will have a Social Security number and that is their social insurance. Social insurance is a matter of right—a participatory, contributory insurance.

I thank the Senator from Illinois for raising the prospect that next session we should have a thorough review of this whole matter and every half century, if you fix up a program, that is not precipitous. But this is, what we have before us is precipitous and indefensible.

Ms. MOSELEY-BRAUN. To the Senator from New York, is it not a fact then that this amendment suggests something that is going to remove something that is already an illegal act? It is illegal for an illegal alien to collect unemployment benefits today. So section B of this amendment is unnecessary at best and precipitous, as you call it, at worst?

Mr. MOYNIHAN. My learned and alert friend is absolutely right. We are prohibiting something which is now prohibited. That is trivializing debate on crime, which is real.

Ms. MOSELEY-BRAUN. I thank the Senator from New York.

Mr. MOYNIHAN. Madam President, I again see no Senator wishing to speak. Given the nature of this amendment, I am not surprised. I hope it might just be withdrawn. I cannot say what will happen, but it has no place in this legislation, and it has no place on our statute books.

I thank the Chair and yield the floor.

Ms. MOSELEY-BRAUN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, what is the current parliamentary status of the Senate? What is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is the second-degree amendment of the Senator from Florida.

Mr. GRAHAM. Madam President, I am pleased to report that there has been some very constructive discussion with the Senator from Nebraska. I believe that an amendment has been developed which will achieve the goals that the Senator from Nebraska seeks, yet which will be consistent with what many of us believe to be appropriate Federal responsibility.

Therefore, I withdraw the second-degree amendment which I previously submitted, and I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 1115) was withdrawn.

AMENDMENT NO. 1109, AS MODIFIED

Mr. EXON. Mr. President, since the yeas and nays have not been ordered under my amendment, I send a correcting amendment to the desk, and ask that it be incorporated as modified and changed.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1109), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, to any person not lawfully present within the United States for Aid to Dependent Children (AFDC), Supplemental Security Income (SSI) for the Aged, Blind, and Disabled; Food Stamps; Medicaid except for emergency conditions; legal services; assistance under the Job Training and Partnership Act; unemployment compensation; and postsecondary student financial aid.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "persons not lawfully present within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal benefit are not either a United States citizen, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the Immigration and Nationality Act, or admitted with temporary protected status, temporary residents, or persons granted Family Unity Protection Status under the INA.

Mr. EXON. Mr. President, let me request at this time that in addition to the previously announced and recorded cosponsors of the amendment, as it now stands I wish to add as cosponsors the Senator from Florida [Mr. GRAHAM], the Senator from Washington State [Mrs. MURRAY], the Senator from Illinois [Ms. MOSELEY-BRAUN], both Senators from California, [Mrs. FEINSTEIN and Mrs. BOXER], and the Senator who now presides in the chair, the Senator from Arizona [Mr. DECONCINI].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am pleased to have reached this compromise substitute amendment. I understand Senator EXON's concern in offering his amendment, and I am pleased he has agreed to this compromise.

There is a good deal of misinformation about this issue. Current law already denies illegal aliens access to Federal benefits, except in a few narrow categories which have specifically been authorized by Congress or mandated by the Supreme Court. This amendment carries forward current law.

As a result of the immigration debates of the past several years, particularly during our consideration of the Immigration Reform and Control Act of 1986, Congress has already implemented a series of measures to strengthen our laws denying access to Federal programs by illegal aliens.

First and foremost is the SAVE Program, in which the Immigration Service is mandated to determine whether an alien applying for benefits is lawfully in the United States and is eligible for those benefits. That program is working well in communities across the country.

Second, the only benefits that illegal aliens now qualify for are emergency medical services, or programs for school children—which the Supreme Court has ruled they must be eligible to receive as part of public education in the United States. Thus, Medicaid benefits are available, but only for emergency services. WIC nutritional assistance benefits are available to women and infants. And school lunches and breakfasts are available, if the children are enrolled in a public school.

All other benefits are already prohibited under previous action by Congress. We have already denied benefits to illegal aliens under the vast majority of Federal programs. Where benefits are still available, such as for emergency medical services, it is because the social and economic cost of not providing the benefits exceeds the actual cost of the benefits.

Finally, Mr. President, this issue is also part of the current debate over national health care reform. If the President's health program is approved, and we have a universal health card, illegal aliens will automatically be denied access to regular health programs.

I look forward to working with the Senator from Nebraska to clarify these issues. This amendment is simply reaffirming the prohibition in current law.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. It seems to me there should be no need for further debate on the amendment, although I know that the majority leader has his hand up in the air. I would be glad to yield to him.

Mr. MITCHELL. Mr. President, my understanding is that the participants want just a couple of minutes to explain the modification.

So might I ask that there be 5 minutes equally divided under the control of Senators EXON and GRAHAM, and that——

Mr. MOYNIHAN. May the Senator from New York have 1 minute?

Mr. MITCHELL. Certainly; that there be 1 minute in addition to Senator MOYNIHAN; and that upon the conclusion of that time there be a vote on the amendment. I also ask now that it be in order to request the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I further ask that there be no second degrees in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The Senator from Nebraska is recognized for 2½ minutes.

Mr. EXON. Was it 2½ minutes per side or 5?

The PRESIDING OFFICER. Two and a half to the side, 1 minute to the Senator from New York.

Mr. EXON. Mr. President, I just want to say it seems to me with an awful lot of effort we have really worked out what the main goals of all of us were on this amendment; the savings that I outlined in my talk on this matter this morning would be realized or nearly realized.

I think we have made a significant stride, and yet address some of the concerns raised by other Members of the body. Certainly I thank them for their cooperation and their understanding.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I want to commend the Senator from Nebraska for his concern for this issue and for the very appropriate manner in which he has gone about presenting his ideas, and now reaching what I think is a very honorable resolution.

Basically, the amendment that is before us, does the following: First, it states with specificity what are the direct Federal financial benefits or social insurance benefits which may not be paid to a person who is in the country in an illegal undocumented status.

Therefore, there will not be any question as to which programs that are otherwise available to American citizens are precluded from those who are here illegally. One area of great concern to many of us was the fact that this preclusion does not include emergency medical services. So that they will be eligible for emergency medical services.

It clearly stipulates that they will not be eligible for unemployment benefits, and it contains a definition of who a person not lawfully present within the United States is, so that there will be as limited an ambiguity as to what that means as possible.

I want to particularly thank the Senator from Wyoming for bringing his expertise to bear on that aspect of the amendment.

I am pleased to be a cosponsor of the amendment. I urge its adoption.

Mr. EXON. Mr. President, I yield the remaining time to my friend and colleague from Wyoming, without whose help and understanding and expertise in this area this would not have been possible. I thank him. I yield that time to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I appreciate that. I very much appreciate the work of the Senator from Nebraska, who has been dogged and attentive on this as he was in 1989 and now again; the Senator from Florida who, when he was Governor, used to work with me on immigration and refugee matters, who I regard highly; and the Senators from California and Florida who are the most effective in anything we do in this place.

I just think it is so appropriate to note that we have done something here which should be well received on a crime bill, and we will be doing some very significant things with illegals on a health bill, and then we will be doing some very significant things anew with regard to asylum, refugee, and immigration bills that will be coming up in the next session.

I am very pleased to have been of some assistance, but more than that, appreciating what was done by the Senators from Nebraska, Florida, and California.

Mr. MOYNIHAN. Is all time yielded back?

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, this amendment is a kick in the shins to every hospital in every major city in America, as we begin to talk about universal health care indeed.

In 1989, I was one of six persons in the body to vote no. I will vote no again. This time it will probably be at least a little bit higher. But since 1989 when I became chairman of the committee on finance, almost without exception these measures are dealt with as Finance Committee matters. We are happy to hear them out in committee, to deliberate them in the normal manner, but not to enact legislation of this kind at 3:10 on a Friday afternoon with no previous notice, no hearings, no evidence, no support.

Mr. President, lest I grow heated, I yield the floor.

Mr. EXON. Is there any remaining time, I ask the chair?

The PRESIDING OFFICER. The Senator from Nebraska has 35 seconds remaining.

Mr. EXON. Mr. President, I claim my time.

I simply say to our distinguished chairman of the Finance Committee that this bill had been asleep in his committee for a long, long time. They did not act on it. We are acting in the Senate. The chairmen of the committees must realize and recognize that if they do not respond to the wishes of the Chamber and make the changes they think are necessary, then indeed we have the right under the Senate rules—which we are doing here—to move in this area that the Finance Committee did not.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BRADLEY be recognized to address the subject for 1 minute; that following the disposition of the Exon amendment, Senator GRASSLEY be authorized to offer an amendment, with a time limitation of 30 minutes, equally divided in the usual form on Senator GRASSLEY's amendment; and that no other amendments be in order prior to the disposition of Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, this debate has illustrated that illegal immigration is a very big issue in the United States, and it is growing every day.

We are about to have a vote on the North American Free-Trade Agreement. Let no one be unaware that if the North American Free-Trade Agreement is defeated, with that country where half of the population is under the age of 19—Mexico to our south—the problems of illegal immigration in this country have only just begun.

It is very important that we see the connection between the speeches on the floor against illegal immigration and a vote on the North American Free-Trade Agreement.

If you want more illegal immigration into this country, you will vote against the North American Free-Trade Agreement. If you want less illegal immigration into the United States, you will vote for the North American Free-

Trade Agreement. I would rather have Mexicans working jobs in Mexico than have illegal immigrants in Los Angeles, New York City, Chicago, San Francisco, or any other city in America. This debate is only the beginning.

The PRESIDING OFFICER. All time has expired on the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. MATHEWS] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. MCCAIN], and the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 2, as follows:

[Rollcall Vote No. 355 Leg.]

YEAS—85

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—2

Hatfield
Moynihan

NOT VOTING—13

Bennett
Bingaman
Bond
Bumpers
Campbell
Dole
Gramm
Jeffords
Mathews
McCain
Murkowski
Reid
Wallop

So the amendment (No. 1109), as further modified, was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that, immediately upon the disposition of Senator GRASSLEY's amendment, the Senate proceed to Senator MOSELEY-BRAUN's amendment and that there be a time limitation of 12 minutes divided in the following form: the Senator from Illinois, with 8 minutes and the Senator from Delaware with 4 minutes; and that no other amendment be in order prior to the disposition of Senator MOSELEY-BRAUN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, we are about to accept Senator GRASSLEY's amendment. If the Senator would be recognized, then we could move on.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 1116

(Purpose: To establish stricter requirements for exhaustion of administrative remedies by prisoners who wish to bring civil rights actions)

Mr. GRASSLEY. Mr. President, on behalf of myself, Senator MCCONNELL and Senator NICKLES, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. MCCONNELL and Mr. NICKLES, proposes an amendment numbered 1116.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(A) EXHAUSTON OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

Mr. GRASSLEY. I also ask unanimous consent that Senator BURNS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, the amendment I have just offered is quite simple. It makes it easier for States and Federal judges to require prisoners filing civil rights cases in the Federal courts to first exhaust available administrative remedies. It does not limit prisoner's right to sue in Federal court. It merely ensures that judges can continue the case for the prison and the State to try to resolve the complaint through an administrative grievance system.

Prisoner civil rights cases are overloading the Federal courts. While the courts struggle to handle their criminal docket, they find huge portions of their time squandered on frivolous complaints by convicted felons serving time in State prisons. In the past year, prisoner civil rights cases were 14.2 percent of the total Federal civil docket—a mind-boggling 32,000 cases. In Iowa and Arizona, they were an astonishing 48 percent of all Federal civil cases. In Missouri they were 46 percent, in Arkansas 42 percent, and so on. Each one of these cases costs the taxpayers an average $50,000.

This might not be bad if most of these prisoners had legitimate grievances. But let me give you an example of some of the cases that are being brought:

Keith Smith sued because a prison doctor would not give him birth control pills.

Charles McManus sued because he had to eat too fast in the prison mess hall.

Jesse Loden sued because he could not attend chapel in the nude.

In Nevada, child molester Chris Chapman sued because the prison would not let him subscribe to the North American Man-Boy Love Association Bulletin.

In Florida, Donald Perry has filed 42 lawsuits. One sounded serious—it charged a guard with beating him with the flashlight. Mr. Perry neglected to mention that, at the time, he was stabbing the officer and a colleague with an ice pick. The jury ruled against Perry after a few minutes deliberation, but the suit cost the state $60,000.

Another inmate sued because he was not allowed to deal drugs from his cell.

In a case that we discussed on the floor last week, a group of inmates sued claiming their freedom of religion was violated when the prison wouldn't let their new religion—the "Church of the New Song [CONS]", whose sacraments were chateaubriand and Harvey's Bristol Cream—meet and worship at their leisure. That case was in the courts for 10 years.

In the ultimate ridiculous case, Kenny Parker sued, claiming his "cruel and unusual punishment" when the prison served him creamy instead of chunky peanut butter.

These anecdotes from last month's ABC 20/20 broadcast on "the Great Prison Pastime" give you some idea of the nature of the problem.

My amendment makes some simple changes that the Federal judges have urged.

First, and most importantly, it makes it easier for States to establish administrative grievance procedures under the Civil Rights of Institutionalized Persons Act of 1980. It will allow the court to continue a case for exhaustion of remedies if the court determines or the Justice Department certifies that the grievance system either substantially complies with minimum standards laid out in the statute or is otherwise fair and effective. This is necessary because, as the Federal courts study committee concluded, the current system is slow, onerous, and has failed to encourage administrative resolution of State prisoner civil rights claims.

This requirement is already imposed on Federal prisoners, and has not caused any undue burdens on legitimate claimants.

Second, the amendment extends the period during which the judge can continue the case from 90 to 180 days.

Finally, the amendment adds failure to state a claim to the reasons a judge can dismiss a prisoner case brought in forma pauperis.

The changes to the Civil Rights of Institutionalized Persons Act in the amendment are supported by the administrative office of the courts.

I urge adoption of the amendment.

I yield the floor at this point.

Mr. BIDEN. Mr. President, although I have reservations about the amendment, having checked with the folks that have a deep concern about it, we are not happy about it, but we are prepared to accept it.

Mr. HATCH. We are prepared to accept it.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. BIDEN. I yield back my time.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time being yielded back, the question is on agreeing to the amendment.

The amendment (No. 1116) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I will be brief. This amendment will allow for the courts to try, as adults, juvenile criminals from the age of 13 who commit crimes in a limited, distinct number of categories. Specifically, a juvenile who kills someone or attempts to kill someone may be tried as an adult from age 13. A juvenile who commits an armed assault with a firearm may be tried as an adult from age 13. A juvenile who commits a robbery with a firearm may be tried as an adult; and a juvenile who commits an aggravated sexual assault with a firearm may be tried as an adult from the age of 13.

There are five categories only. In most jurisdictions juveniles may be tried as an adult in these situations already. This amendment calls for juveniles who commit these crimes on a Federal level to be tried as an adult in all cases. This is a critical amendment we have to agree to. If we send the message that we are going to treat violent juvenile criminals as criminals and not as children, we will be able to help stop the tremendous rise in violent juvenile crime.

Between 1965 and 1990, juvenile arrests for murder increased by 332 percent; juvenile arrests for forcible rape more than doubled. This amendment will give us the capacity to have a record of the violent crimes these young criminals commit. This will give us a capacity to have an evidentiary hearing for these young people. This will make these young people accountable for the consequences of their actions when they kill people, commit aggravated assaults, commit aggravated sexual assaults, or rob someone with a firearm.

I urge the favorable consideration of this amendment by the body.

The PRESIDING OFFICER. The Senator will send the amendment to the desk, please.

AMENDMENT NO. 1117

(Purpose: To authorize the prosecution as adults of armed offenders 13 years of age or older)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 1117.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 127, line 3, strike "16- and 17-year-olds" and insert "juveniles 13 years of age and older."

On page 127, between lines 15 and 16, insert the following:

Subtitle A—Federal Prosecutions

SEC. 631. PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraph:

(A) Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years old or older on the date of the commission of an offense under section 113(a), (b), or (c), 1111, 1113, 2111 or 2113 (if the juvenile was in possession of a firearm during the offense), or 2241 (a) or (c) (if the juvenile was in possession of a firearm during the offense) shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

(B) If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when he or she reaches the age of 16.

(C) The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out the purposes of this section. For resentencing determinations pursuant to subsection (b), the Commission may promulgate guidelines, if necessary to permit sentencing adjustments which may include adjustments which provide for supervised release, for defendants who have clearly demonstrated (i) an exceptional degree of responsibility for the offense and (ii) a willingness and ability to refrain from further criminal conduct.

Ms. MOSELEY-BRAUN. It has just been pointed out to me that it should be made clear my amendment applies to Federal crimes only. This applies only to those matters that fall within Federal jurisdiction. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will take 2 minutes of the 4 minutes of my time and yield 2 minutes to the Senator from Pennsylvania.

Mr. President, I am very troubled by this proposal. I agree there are some kids who are beyond hope and beyond help. That is why in my bill, the underlying Biden bill, I provide grants to States to prosecute violent 16-year-olds and 17-year-olds as adults. It is why my bill contains stiff new penalties for gang members. But 13-year-olds? The philosophy that drives the juvenile justice system is that kids in trouble need something more than to be thrown in prison. I really think this is going much too far. I have an inordinate regard for my friend from Illinois, but this is much beyond what this Senator thinks we should be doing, trying 13-year-olds as adults.

I reserve the remainder of my time. I yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania—the Senator from Delaware yields his time?

Mr. BIDEN. No; 2 minutes on the 4 minutes of my time I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 minutes.

Mr. SPECTER. I thank my colleague from Delaware.

I appreciate the concerns which the Senator from Illinois has expressed. I discussed this amendment with her and know how deeply she feels about it.

I have grave concern about a mandatory requirement that 13-year-olds be tried as adults in all circumstances, even where limited, as they are, to those four categories.

If you have a coconspirator in a getaway car, if you have an accessory, they would be included.

I found, as district attorney of Philadelphia, that it was necessary to certify juveniles to be tried as adults, but the discretion remained in the court. I believe the amendment by the distinguished Senator from Illinois would be acceptable if there were discretion, perhaps even a presumption in favor of, at a certain age category, trying juveniles as adults. But to make it mandatory and leave no discretion with the court, in my judgment, goes just a little far.

Also, age 13 is a very tender age. So while I sympathize with the objectives, I think it is just a little too far here, and the concern I have is trying to run through the pros and cons in the very limited timeframe which we have available this afternoon. So I must oppose the amendment.

Mr. BIDEN. How much time does the Senator from Delaware have left on the amendment?

The PRESIDING OFFICER. The Senator controls 1 minute 23 seconds.

Mr. BIDEN. Mr. President, let me use the remainder of my time by saying I have great respect for my friend from Illinois, but not only does this trying 13-years-olds as adults; this in fact mandates they be tried as adults and mandates that, for a Federal crime, they, in fact, be tried in Federal courts as adults at age 13.

We have argued, the Senator from South Carolina, [Mr. THURMOND] and I have argued about trying 17- and 16-year-olds for murder. I do not ever recall—ever—us arguing on this floor whether or not there be mandatory sentences and mandatory trials for serious offenses for 13-year-olds in Federal court.

I understand the motivation of the amendment. As I said, I know, as they say, from whence my former prosecuting friend comes. I have great respect for her. But I have overwhelming opposition to this amendment.

If all time is yielded back, I am ready to vote.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want to make a unanimous consent request, but I will do it following the completion of this debate, prior to the vote.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I did not use all of my time, and I will use all of it now to respond.

In the first instance, the rationale, the reason behind this amendment is clear. Serious, violent juvenile criminals is the group from which there has been the single greatest rise in juvenile crime: crime involving death, crime involving the use of firearms. That is the first point. That is the reality of it.

The second point is that this amendment is very narrowly drawn, not only to apply just to Federal activities, but to the five specific categories of criminal activity which I pointed out—murder, attempted murder, aggravated assault, aggravated sexual assault and robbery with a handgun. So it is only five instances.

The third point is, this does not walk away from the sense of the underlying goals of the juvenile justice system. In fact, it calls for review after 3 years of the appropriateness of the sentence for a juvenile. It calls for expungement of that juvenile's record at age 18 where found appropriate. So it would provide safeguards for of those instances.

However, at the present time we are grappling with a situation in which these juveniles leave no record, leave no fingerprints. They can shoot someone with impunity at 14 years of age, 15 years of age, 16 years of age, and do not have to account for their actions. If we send a clear message that an individual who kills someone has to be accountable for what they do, then older people will no longer be able to use these juveniles as mules, as lookouts, as the trigger people. If we are going to send that message from this Chamber as part of the crime initiative we are undertaking now, I believe this amendment is not only appropriate but long overdue.

The statistics are very clear. The rationale, the logic is clear. This is a narrowly crafted piece of legislation, not all encompassing, and will, I believe, target that group that is terrorizing our country the most. I will point out, without using inflammatory examples in order to do so, in Florida, when the British tourist was recently killed, those arrested for that horrible crime were juveniles, including one 13-year-old and one 14-year-old. We can go jurisdiction by jurisdiction and tell terrible stories.

One Member on the other side of the aisle told me about a funeral his son attended this morning for a juvenile killed by another juvenile. If we are serious about protecting the kids—there are youngsters killing our youngsters. If we want to protect our kids, we have to make young criminals know they are accountable when they kill someone. It is just that simple.

[Disturbance in the visitors' galleries]

The PRESIDING OFFICER. The gallery will please refrain from any expression.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is seeking recognition. He has no time.

Ms. MOSELEY-BRAUN. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Illinois has 4 minutes 45 seconds remaining.

Mr. HATCH. I Will not take much time. Let me tell you something. These young kids are carrying guns, killing people, shooting people. In my home State of Utah there is an epidemic of gang violence.

In Utah, it is estimated gang-related crime has risen from 388 in 1991 to over 3,100 in the first 7 months of this year. There were over 612 drive-by shootings and 3 murders attributed to youth violence so far this year.

The MOSELEY-BRAUN amendment responds to this violence. It basically permits adult prosecution of juveniles 13 year of age or older. But the amendment does not throw these juveniles in prison where they are going to rot. It allows them to petition for resentencing if they have proven themselves no longer a threat to society and accept responsibility for their acts.

So this is a responsibility-for-your-acts amendment. I admit, I wish it could have been drafted a little bit differently, but I want to compliment the distinguished Senator from Illinois. This is not an easy thing to do. But these are not just kids; these are kids with guns doing violent, brutal, murderous things. We have to get tough on them. Our streets are not safe anymore.

When you see Salt Lake City where they are not safe, you can imagine what it is like in some of the large inner cities where there is a much greater propensity to commit criminal activity, where these kids idolize guns and think it is the answer to everything.

So I want to give Senator MOSELEY-BRAUN support here. It is not easy because I wonder about tender juveniles, too; but she is right, let us have them be responsible, and when they see a few of their friends having to face the music, maybe it will stop thousands of others from doing what they have been doing.

I thank the Senator for allowing me this limited time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that on Monday, November 8, the Senate resume consideration of this bill at 10 a.m.; that Senator WELLSTONE be recognized at that time to offer an amendment on the subject of child visitation centers; that there be 1 hour for debate, equally divided in the usual form on Senator WELLSTONE's amendment, with a vote on, or in relation to, Senator WELLSTONE's amendment occurring at 11 a.m. on Monday, with no other amendments in order prior to the disposition of the Wellstone amendment.

Mr. HATCH. Reserving the right to object, I can agree with that except the "no other amendments" part. There may be a desire from someone on our side, or even your side, to have an amendment to Senator WELLSTONE's amendment. The problem here is that we have tried to work it out all day. I really thought I had it worked out with the distinguished Senator. We have had objections on our side. If we can reserve that one right to amend, we can go ahead. I will still continue to try to work it out.

Mr. MITCHELL. Mr. President, may I suggest then that we modify it to say that relevant second-degree amendments be in order, and set the same time limitation?

Mr. HATCH. Sure, that will be fine.

Mr. MITCHELL. Is that agreeable with the Senator?

Mr. WELLSTONE. The Senator from Utah is right; we have spent the better part of a day to get an agreement. I suppose the Senator is right. I am disappointed we cannot have an up-or-down vote——

Mr. HATCH. We may, but we may want to offer a relevant, germane amendment.

Mr. WELLSTONE. I say to the Senator from Utah that there is not really anything I can do about it. I would like to continue to work with you——

Mr. HATCH. We will work——

Mr. WELLSTONE. I guess I want to make it clear, you know how strong I feel about it. I would like to have a vote on this. One way or another, I am going to push to make sure that happens.

Mr. MITCHELL. Mr. President, I renew my request with the modification stated that relevant second-degree amendments be in order and, if offered, be subject to the same time limitation as the Wellstone amendment.

The PRESIDING OFFICER. The unanimous consent request is so modified. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I simply want to repeat what I have said earlier. Beginning Monday, there will be 11 legislative days left prior to Thanksgiving, including the day before Thanksgiving. Over and over and over again, Senators are telling me privately they want to adjourn by Thanksgiving. And yet, over and over and over again, once on the Senate floor, Senators delay, dither, dilly-dally, and waste time.

I want very much to adjourn by Thanksgiving, but we will adjourn by Thanksgiving only if we complete the business that is required. The Senators cannot have it both ways to say we want to adjourn by Thanksgiving but, please, do not have any votes on Friday afternoon; please do not have votes on Monday morning, on Monday night, and at various other times.

Whether or not we adjourn by Thanksgiving is entirely up to Senators. Entirely. There is a specific agenda of business which we must complete. If we complete it, we will adjourn. If we do not complete it, we will not adjourn before Thanksgiving. We will come back afterward and stay until we do complete it. That is entirely within the hands of Senators.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1117

Ms. MOSELEY-BRAUN. Mr. President, I think there are 3 minutes left.

In conclusion, Mr. President, in 1991, murders committed by juveniles in my State increased by over 104 percent from 1990. This compared with an increase of 17 percent for adults. I can give you the numbers, and I would like to share some of the numbers, but it is horrifying. The dramatic increase in juvenile crime from age 13 includes 14,282 aggravated assaults in last year alone. Clearly, this is the area that most cries out for us to show some leadership.

Admittedly, the Federal jurisdiction is limited. The number of crimes involved here are very limited, but it seems to me that it is altogether appropriate for us to take some leadership with this legislation. This is not to say we are moving beyond the juvenile courts. We want to support the juvenile courts; we want to support the approach that says we should save young people who want to be saved. In fact, this legislation is part of a comprehensive package that calls for mandatory education for youngsters who are incarcerated; that calls for parenting and alternative dispute resolution classes to help young people resolve their arguments without a gun. There are a number of different approaches which I have proposed.

But it seems to me we have to be very clear and certain that a young person who takes a gun in his or her hand to kill somebody, to commit a robbery, to commit an assault or to commit a sexual assault should be held accountable, should not just get off, should not get away without having a record or some indication of that violent criminal activity.

Right now, that is one of the major problems. Juveniles commit a crime and there is no record. They commit another, and another, until they get to be 18, and only then they begin to develop a record. We have to put a stop to this, Mr. President.

I encourage the support of my colleagues for this amendment. I think our country desperately needs this kind of approach to deal with serious, violent juvenile crime.

The PRESIDING OFFICER (Mr. GLENN). Who yields time?

Ms. MOSELEY-BRAUN. I yield back the remainder of my time.

Mr. BIDEN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1117. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Tennessee [Mr. MATHEWS], and the Senator from Nevada [Mr. REID], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. McCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Arizona [Mr. McCAIN], and the Senator from Wyoming [Mr. WALLOP], would each vote "yea."

The result was announced—yeas 64, nays 23, as follows:

[Rollcall Vote No. 356 Leg.]

YEAS—64

Akaka
Baucus
Boren
Bradley
Breaux
Brown
Bryan
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Domenici
Dorgan
Faircloth
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hollings
Hutchison
Johnston
Kempthorne
Kerry
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan

Nickles
Nunn
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Stevens
Thurmond
Warner
Wofford

NAYS—23

Biden
Boxer
Chafee
Dodd
Durenberger
Exon
Feingold
Ford
Glenn
Gorton
Heflin
Inouye
Kassebaum
Kennedy
Kerrey
Leahy
Levin
Metzenbaum
Mitchell
Murray
Packwood
Specter
Wellstone

NOT VOTING—13

Bennett
Bingaman
Bond
Bumpers
Campbell
Dole
Gramm
Jeffords
Mathews
McCain
Murkowski
Reid
Wallop

So the amendment (No. 1117) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Ms. MOSELEY-BRAUN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1111

The PRESIDING OFFICER. The pending business is the Robb amendment No. 1111.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 1111, AS MODIFIED

Mr. ROBB. Mr. President, I have conferred with both sides. There was a request for a very slight modification. The modification of the amendment relates only to the number of appointees by the President; the number of appointees by the Senate and the House remain the same on the commission to study violence in schools. It has been approved on both sides.

I send the modification to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment (No. 1111), as modified, is as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established, subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 22 members, as follows:

(A) PRESIDENT.—Two persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatives.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employment.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorizedto be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1111), as modified, was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1112

The PRESIDING OFFICER. The question recurs on the Hatch amendment No. 1112.

Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1112) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I believe we are ready to move down a schedule of amendments that the distinguished Senator from Delaware and I will be able to accept on the part of the majority and minority.

AMENDMENTS NOS. 1118, 1119, 1120, 1121, AND 1122, EN BLOC

Mr. BIDEN. Mr. President, there are five amendments: A Johnston amendment on National Triad Program Act; an Akaka amendment regarding the mailing of nonindigenous plants and animals; a Roth amendment expressing the sense of the Senate on the expansion of the role of the United Nations in international organized crime control; a Lieberman amendment to set up a task force on prison construction standardization; a Roth amendment to provide a report on the success in recruiting former Royal Hong Kong police officers into Federal law enforcement positions.

They have been cleared on both sides, and I ask unanimous consent that they be agreed to, en bloc, and that any statements be entered into the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (Nos. 1118, 1119, 1120, 1121, and 1122) were agreed to, as follows:

AMENDMENT NO. 1118

(Purpose: To establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes)

On page 196, between lines 6 and 7, insert the following:

Subtitle C—Senior Citizens

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "National Triad Program Act".

SEC. 922. FINDINGS.

The Congress finds that—

(1) senior citizens are among the most rapidly growing segments of our society;

(2) currently, senior citizens comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) senior citizens find themselves uniquely situated in our society, environmentally and physically;

(4) many senior citizens are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) senior citizens are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that senior citizens that are victims of violent crime are more likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against senior citizens are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of senior citizens, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that senior citizens may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of senior citizens;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against senior citizens;

(13) those differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(14) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of senior citizens;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; and

(16) recognizing that senior citizens have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 923. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement and social service agencies to stem the tide of violence against senior citizens and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the senior citizens' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against senior citizens in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice shall, subject to the availability of appropriations, conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against senior citizens and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against senior citizens and the extent of unreported crime;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against senior citizens, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against senior citizens, including identifying and conducting such survey and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of senior citizens, and hard-to-reach senior citizens who are in poor health, are living alone or without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of senior citizens with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of senior citizens through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of senior citizens; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against senior citizens, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 922 and 923, the Director of the National Institute of Justice shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 925. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance shall, subject to the availability of appropriations, make grants to coalitions of local law enforcement agencies and senior citizens to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of the Triad cooperative model developed by the organizations described in section 922(15), which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 senior citizens' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate organizations.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's senior citizens;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing senior citizens and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF AWARDS.—The Director of the Bureau of Justice Assistance shall make awards—

(1) to 17 Triad programs in counties with a population of less than 50,000;

(2) to 17 Triad programs in counties with a population of at least 50,000 but less than 100,000; and

(3) to 16 Triad programs in counties with a population of 100,000 or more.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on senior citizens in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 924—

(1) the Director of the Bureau of Justice Assistance shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against senior citizens and promoting ideas or programs to prevent them.

SEC. 927. REPORT.

The Director of the Bureau of Justice Assistance and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 925.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 925;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 924 and 926;

(3) $1,000,000 to the Bureau of Justice Assistance for the purpose of developing public service announcements under sections 924 and 926;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluation pilot programs, and carrying out the research agenda under sections 924 and 926; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

Mr. JOHNSTON. Mr. President, on behalf of myself and Senator LOTT, and others, I offer an amendment which incorporates legislation we introduced earlier this year to expand the Triad Program.

I first learned about this innovative program from Sheriff Charles Fuselier from Louisiana who initiated our State's first local Triad Program in St. Martin Parish. This program has been very successful and has raised the sensitivity of law enforcement officials to the well being of our seniors who are often the victims of crime. Today, there are Triad programs in eight different locations in Louisiana, and in over 75 locations nationwide.

In August 1991, the Senate Special Committee on Aging held a field hearing in Lafayette, LA, at my request on the issue of crime and the elderly, and focused on the Triad Program's benefits in both reducing crime among the elderly as well as seniors' very real fears of crime. Over 500 senior citizens from throughout Louisiana attended this hearing, including many participants from the Triad Program. Sheriff Fuselier as well as representatives from the American Association of Retired Persons and the International Associations of Chiefs of Police made thoughtful presentations on how to establish a Triad Program. We also heard from some very courageous individuals who were victims of crime about the assistance they received from Triad programs established in south Louisiana.

The law enforcement officers, seniors organizations, and victim assistance organizations who testified before the committee all convinced me that the Triad approach is one of the most effective ways of helping our Nation's seniors, in large part because of the partnership on which it is based.

The Triad concept was initiated in 1987 through a partnership of three key groups—the American Association of Retired Persons [AARP], the International Association of Chiefs of Police [IACP], and the National Sheriffs Association [NSA]. These groups pledged to put into place a joint, multidisciplinary efforts to reduce criminal victimization of senior citizens and to alleviate the unwarranted fear of crime among this vulnerable part of our population.

These groups recognized the need to adjust the focus of crime prevention programs to serve the needs of our Nation's seniors, a growing part of our population and one which will continue to increase. In 1990, one in every eight Americans was age 65 or older, totaling over 31 million Americans. By the year 2030, demographers expect this group will double and will total some 66 million Americans.

Types of crimes, frequencies and victim profiles are all different for seniors; law enforcement groups recognize the need to develop training aids and materials for state and local authorities and groups which reflect these differences and meet the special needs of seniors. Similarly different prevention materials and training for potential victims need to be developed and implemented to improve the ability of State and local authorities as well as seniors to prevent criminal acts against seniors.

Developing and adjusting information, training, and prevention programs is the heart of the Triad Program, and these activities are undertaken at the grassroots level, with equal involvement of law enforcement officials and seniors.

Senior advisory councils, often called the S.A.L.T. Council—Senior and Lawmen Together—form the cornerstone of local triad programs, and serve as the communication link among the three local partners. Formed by the chief of police and the sheriff in a local area, the council may include members representing AARP chapters, other law enforcement professionals, the area office on aging, health care providers, representatives from Meals on Wheels, ministerial associations, nursing homes, older community residents, public housing officials and public safety service organizations. The goal is to cast as wide and diverse a net as possible to help develop and implement the program.

SALT councils meet regularly and help local law enforcement leaders identify the specific concerns of the senior community by, among other things, conducting senior surveys and through other informal consultative means. The councils also prepare lists of services available to seniors especially in the areas of crime prevention and victimization of seniors, for distribution in the local community. Most important, the councils recommend strategies for reducing crime targeted on older persons and to reduce seniors' very real fear of crime. Suggestions in the past include crime prevention education and techniques designed for seniors; processes to identify seniors such as telephone reassurance programs, Meals on Wheels and hotlines; witness and victim assistance programs; and involving seniors in neighborhood watch programs. These projects are carried out by seniors, with assistance from the law enforcement community.

Some very innovative and successful programs have resulted from local triad council recommendations. Bridgeport, CT, has developed a program to encourage seniors to get more exercise safely through their Walk on the Wide Side Program conducted on Wednesday mornings at the Bridgeport zoo. In Volusia County, FL, the sheriffs departments has expanded the distribution of senior citizen alert bulletins with volunteers dispensing meals, as well as posting crime prevention flyers in bold, easily readable print in stores, businesses, and post offices. In Monroe, LA, two workshops were held at Northeast Louisiana University, sponsored by the Institute of Law Enforcement and the North Delta Regional Police Academy, to provide law enforcement officers and others a forum for learning more about the process of aging, crimes against the elderly and ways of improving communications with seniors. And in Lafayette, LA, a highly successful program, the Call Care Program, has been developed to help assure the safety of seniors in their homes.

These are just some of the interesting and effective ideas which have been developed by triad groups around the country.

The amendment Senator LOTT and I are offering today will help further these successful efforts. Very similar to S. 2484, legislation which passed the Senate last year with 54 cosponsors, this amendment includes a new provision to authorize $6 million for the National Institute of Justice [NIJ] and the Bureau of Justice Assistance [BJA] to help expand and build on these efforts. Of the $6 million authorized, $2 million is authorized to be used by NIJ to conduct research, and a national assessment and evaluation of existing triad pilot programs. The remainder, $4 million, would be used by BJA to fund 50 nationwide 12-month triad pilot programs, a technical assistance and national training effort, and a national promotion campaign. To make sure that the pilot programs represent a diverse cross section of crime-related problems facing our Nation's seniors, BJA is directed to distribute these pilot project awards among three categories based on county populations of less than 50,000, between 50,000 and 100,000 and over 100,000.

The bill before us includes a very important title to increase the protection of our Nation's seniors and provides for the enforcement of more stringent guidelines for the punishment of those convicted of crimes against senior citizens. This amendment will compliment these provisions by providing minimal assistance to local partnerships which are designed to empower seniors to step up crime prevention themselves and to help reduce the fear of crime among this vulnerable group. Together, the committee's important initiatives to deter criminal activity against the elderly along with these grassroots communication and education efforts will help us take a major step forward in reducing crimes against seniors.

I hope the committee will be able to support this amendment, and urge the Senate to approve it.

I ask consent that letters by AARP, IACP, and NSA endorsing the Triad Program be printed in full at the end of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, November 3, 1993.

Hon. J. BENNETT JOHNSTON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSTON: It is the understanding of the International Association of Chiefs of Police (IACP) that it is your intention to offer as an amendment of Senator Biden's crime bill S. 1607, the language of your bill S. 451. The IACP would like to support you in this effort and commend you for this section.

As you know, the IACP along with the National Sheriffs' Association (NSA) and the American Association of Retired Persons (AARP) have joined forces to develop a program called TRIAD, aimed at preventing crimes against senior citizens and alleviating seniors' fear of crime. The rather modest authorization provided by your bill would be very helpful in spreading the Triad concept across the country.

Again the IACP supports your action.

Sincerely,

SYLVESTER DAUGHTRY,
President.

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, November 4, 1993.
Hon. J. BENNETT JOHNSTON,
U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: The problem of the criminal victimization of senior citizens is of deep concern to the 3,095 sheriffs of our nation and the more than 14,000 police chiefs who protect and serve an ever increasing number of elderly persons in their respective jurisdictions. At the National Sheriffs' Association we are grateful to you for focusing a spotlight on the crime-related problems of the elderly, and on the Triad approach to assisting these persons by introducing an amendment to the Crime Bill.

We believe that the Triad concept is one of the very best means of reducing criminal victimization—and involving older persons in the solution. The Triad offers a logical integrated approach, as sheriffs, police chiefs, and older persons work cooperatively on the national, state and local level.

Advertising the Triad concept to law enforcement officials is a critical need—as well as technical assistance as fledgling Triads begin their work. It is important to involve senior citizens in an advisory council which assists the local sheriff's and police departments. It is important to give our sheriffs and chiefs the knowledge and tools they need to better protect and serve their elderly populations.

NSA stands wholeheartedly behind the Triad concept—a solution for the 1990's and beyond. Thank you for your concern—and your assistance with legislation to support future Triads.

Sincerely,

CHARLES B. MEEKS,
Executive Director.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, November 3, 1993.
Hon. BENNETT JOHNSTON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSTON: On behalf of the American Association of Retired Persons, I am writing to express our strong support for the "National Triad Program Act," which I understand you plan to offer as an amendment to S. 1607, the crime bill.

The National Triad Program Act will encourage research, program development, and information dissemination to assist states and units of local government in their efforts to prevent crime, assist crime victims, and educate the public regarding crimes against the elderly. If funded, the demonstration programs authorized under this bill would be useful to law enforcement agencies and organizations representing the elderly around the country as constructive examples of how to deal with crimes against the elderly.

The legislation you have introduced is modeled on a program developed through a cooperative arrangement between AARP and two national law enforcement organizations, the National Sheriff's Association and the International Association of Chiefs of Police. This program—names Triad after its three principal sponsors—aims to place renewed emphasis on the reduction of criminal victimization of older persons through a variety of preventive and assistive activities. We are pleased that the TRIAD model has provided the inspiration for this legislation.

AARP appreciates your continuing efforts to promote collaborative activities such as Triad that can result in an improved sense of security and quality of life for older citizens.

Sincerely,

JOHN ROTHER,
Director, Legislation and Public Policy.

AMENDMENT NO. 1119

(Purpose: To establish a law enforcement task force to facilitate the enforcement of laws relating to the introduction of nonindigenous plant and animal species and to establish a criminal penalty for mailing injurious animals, plant pests, plants, or illegally taken fish, wildlife, or plants)

At the appropriate place in the bill, insert the following:

SEC. . TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) TASK FORCE.—

(1) IN GENERAL.—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) MEMBERSHIP.—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous species.

(3) DUTIES.—The task force shall—

(A) provide mutual assistance to Federal and State law enforcement agencies in the prosecution of violations of laws relating to the conveyance, sale, or introduction of nonindigenous species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous species.

(4) REPORT.—The task force shall report to the Attorney General and the Judiciary Committees of the Senate and House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii which related to the introduction of nonindigenous species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) CONSULTATION.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) CRIMINAL PENALTY.—

(1) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

"§ 1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants

"A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

"1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.".

Mr. AKAKA. Mr. President, I send an amendment to the desk and ask for its immediate consideration. My amendment has been cleared by the committee.

My amendment would do two things. First, it would establish a law enforcement strike force to facilitate the enforcement of laws designed to safeguard Hawaii from illegal shipments of noxious plants and animals. My amendment would create a mechanism for Federal and State law enforcement agencies to share information, resources, and strategies to engage in a concerted effort to prosecute violations of laws intended to prevent the wrongful conveyance, sale, or introduction of plants and animals that pose a threat to agriculture and the environment.

My amendment also corrects an oversight in legislation passed by Congress last year which prohibited shipment of these noxious pests through the mails.

The problems addressed by my amendment were recently highlighted in an Office of Technology Assessment report on harmful nonindigenous species. The report found that Hawaii represents the worst-case example of the Nation's alien species problem. The movement of alien species into Hawaii threatens to exterminate Hawaii's native plant and animal communities as well as cause irreparable damage to agriculture, tourism and human health. The cost associated with this invasion of pests, many of which are brought into the State illegally, amounts to many millions of dollars annually. For a State like Hawaii, that is real money. The OTA concluded that few economic or non-economic activities in Hawaii are unaffected by the influx of nonindigenous species to the State.

Our greatest problem in overcoming the threat of alien species is the morass of overlapping and sometimes conflicting laws administered by many Federal agencies that have responsibility for safeguarding our State from these pests. The OTA report identified five Federal agencies and three State agencies that are responsible for enforcing these statutes. With so many agencies running in different directions with conflicting statutory mandates, it is no wonder that this law enforcement effort has been largely unsuccessful. I ask that a copy of an OTA chart which outlines the roles of Federal and State agencies be included in the RECORD following my remarks.

To correct this enforcement problem, my amendment would establish a law enforcement task force comprised of Federal and State officials who have experience with the enforcement of laws relating to non-indigenous species. The task force would provide mutual assistance to Federal and State law enforcement agencies responsible for prosecuting violations of laws which prohibit the wrongful introduction of these pests.

Mr. President, I know that there are many pressing crime issues that concern the citizens of Hawaii and other States throughout the Nation. I support this crime bill because it contains some tough measures to fight violent crime. While the concerns which my amendment would address certainly do not constitute violent crime, the problem of alien species nonetheless has serious economic consequences for the State of Hawaii and deserves to be included in this legislation.

At this point in the RECORD I wish to include the following material.

There being no objection, the material was ordered to be printed in the RECORD as follows:

NON-INDIGENOUS SPECIES IN HAWAII: ROLES OF FEDERAL AND STATE AGENCIES

FEDERAL AGENCIES

Treasury Department: Customs Service—inspects cargo and passengers from foreign points of origin; directs cases to USDA or FWS.

Interior Department: Fish and Wildlife Service—manages 2 nature parks, includes NIS control and research

Agriculture Department: Agricultural Research Service—research on pest control and eradication.

Animal and Plant and Health Inspection Service: Animal Damage Control—works to reduce feral animal problems; Plant Protection and Quarantine—inspects foreign arrivals and domestic departures for U.S. mainland to prevent movement of agricultural pests; Veterinary Service—quarantines animals for rabies and other diseases.

Forest Service—NIS control research.

Defense Department: Military Customs Inspection—inspects military transport arriving from foreign areas under Customs and APHIS authority.

STATE AGENCIES

Governor's Office: Agricultural Coordinating Committee.

Department of Agriculture: Board of Agriculture; Technical Advisory Committee—advises on plant and animal imports, based on input from five technical subcommittees.

Plant Industry Division: Plant Quarantine Branch—inspects arriving passengers and cargo to prevent entry of pests; reviews requests to import plants and animals; regulates movement of biological material among islands; provides clearance for export of plant material to meet quarantine standards.

Plant Pest Control Branch—carries out eradication and control of plant pests through two sections: Biological Control and Chemical/Mechanical Control.

Animal Industry Division: Inspection and Quarantine Branch—inspects animals entering Hawaii, manages animal quarantines

Department of Land and Natural Resources: Division of Forestry and Wildlife—manages State forests, natural area reserves, wildlife sanctuaries; involves watershed protection, natural resources protection, control-eradication of pest species.

AMENDMENT NO. 1120

(Purpose: To express the sense of the Senate concerning expansion of the role of the United Nations in international organized crime control)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

(a) FINDINGS.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

Mr. ROTH. Mr. President, I rise today to introduce an amendment to the crime bill addressing the need for increased international awareness and cooperation through the good offices of the United Nations to combat the increased threat posed by international organized crime groups.

This amendment would express the Sense of the Senate encouraging the development of a United Nations Convention on Organized Crime and urging the United Nations to provide additional authority and resources to the U.N. Commission on Crime Prevention and Criminal Justice.

Mr. President, this amendment is a result of the investigation of Asian organized crime that I initiated in 1991 as ranking member of the Permanent Subcommittee on Investigations. In December, 1992, following the conclusion of this investigation, the subcommittee issued a report concluding that there has been a substantial increase in Asian organized crime activity in the United States and that it is time for us to focus our attention on this growing problem. This resolution is a step in that direction.

Our subcommittee's report found that international criminal activity has been increasing dramatically, facilitated by modern development in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade. This necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups. While the United Nations has helped bring about improved international cooperation with respect to narcotics through its Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the current role of the U.N. with respect to international organized crime is limited by the lack of a binding international convention. This amendment encourages the U.N. to develop just such a convention and to provide additional resources and authority to the U.N. Commission on Crime Prevention and Criminal Justice. I urge my colleagues to support this amendment.

AMENDMENT NO. 1121

(Purpose: To establish a Task Force on Prison Construction Standardization and Techniques)

At the appropriate place insert the following:

SEC. . TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) TASK FORCE.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) COOPERATION.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials, to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted, broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

Mr. LIEBERMAN. Mr. President, prison facilities throughout the United States are buckling under the strain of unprecedented prison population growth over the last decade. There is such a serious bedspace shortage in some States that criminals are serving only small portions of their sentences. Many judges have to take space availability into consideration when handing down sentences. Prison population growth continues to outpace new prison construction schedules and even the most creative and efficiently implemented space utilization plans.

According to capacity standards adopted by the Bureau of Prisons, the Federal prison system now holds 43 percent more inmates than it should. The Bureau's figures for State prison systems are far worse. One or more prisons in 31 States and the District of Columbia are either under court order or are the subject of consent decrees to reduce prison overcrowding.

The prison overcrowding problem is attributed to a dramatic increase in drug-related crimes. These convictions—important victories won in the battle to rid our streets, schools, and playgrounds of drugs—are necessary. Yet, our prison systems are facing a virtual three-way competition for bedspace among those convicted of severely violent crimes, of drug-related crimes, and of other nonviolent crimes. Prison facilities regularly face inappropriate matchups of mandated security level incarcerations and bedspace availability.

Prison expansion and new prison construction are obvious remedies for overcrowding. But with limited construction funds in a time of huge Federal deficits, we have to figure how to do it more cheaply. Prison construction is very expensive. In 1988 the National Institute of Justice in cooperation with the American Correctional Association conducted a survey. The survey showed that 262 correctional facilities were constructed in 44 States between 1978 and 1987 at a cost of $3.3 billion. A total of 96,178 inmates were housed by the new construction. That represents an average construction cost per inmates of $34,000. Two years earlier, the National Institute of Justice estimated that States would need to build new prison facilities at a rate that would provide 1,000 new beds each week to keep pace with prison population growth. Note that the estimate would only keep pace with anticipated growth—it does not address existing shortages. There is no way, with current prison construction price tags, that States and municipalities can afford this construction.

It's clear that in order to meet new prison construction needs, we must get more bang for our bucks. Little is known centrally about how to make prison construction or its related construction components less expensive. However, groundbreaking initiatives in this area are successfully being implemented. The Governmental Affairs Subcommittee on General Services, Federalism, and the District of Columbia, on which I serve, became acquainted with a few of them.

In May 1989, I chaired a subcommittee hearing on Federal and State efforts in the war on drugs and drug-related crime in New Haven, CT. In answer to Connecticut's prison overcrowding problem, the Department of Corrections cited its design of prototype additions that can be site adapted at various facilities. The Department of Corrections also effectively uses preengineered buildings to get space online as soon as possible. Getting more for our prison expansion dollars requires innovative ideas and approaches.

Mr. President, I offer this amendment because I feel its inclusion is essential to the necessary task of expanding prison space. More than one-half of the Nation's 3,500 detention facilities are reportedly 30 years old or older. New standardization for prison construction must be developed to maximize the benefit of advancements in modern technology. The use of precast concrete components for walls, structural framing and cells are reported to lower prison construction costs considerably. If so, new standards for construction must include their usage.

Under the provisions of this amendment, the National Institute of Corrections would establish a task force composed of Federal, State, and local officials, as well as architects and engineers from the private sector, expert in prison construction, that would work to establish and recommend standardized construction plans and techniques for prison and prison component construction. The task force would evaluate, recommend, and hopefully certify new cost-saving construction technologies, techniques, and materials which will reduce prison construction costs and make prison construction more efficient at the State, local, and Federal levels. The task force would also work to promote, evaluate, and advise on the implementation, results, and effectiveness of the cost-saving efforts at the State, local, and Federal levels.

Mr. President, we have an opportunity today to develop a comprehensive crime initiative package which meaningfully encompasses the elements of crime prevention, law enforcement, and incarceration facility construction planning.

AMENDMENT NO. 1122

(Purpose: To provide a report on the success in recruiting former Royal Hong Kong Police officers into Federal law enforcement positions)

At the appropriate place, insert the following:

SEC. . REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. The report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

Mr. ROTH. Mr. President, I rise today to introduce an amendment to the crime bill designed to help protect Americans from the new threats posed by international organized crime as we prepare to enter the 21st century.

This amendment requires the Attorney General, together with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, to report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions.

Mr. President, this amendment is a result of the investigation of Asian organized crime that I initiated in 1991 as ranking member of the Permanent Subcommittee on Investigations. In December 1992, following the conclusion of this investigation, the subcommittee issued a report concluding that there has been a substantial increase in Asian organized crime activity in the United States and that it is time for us to focus our attention on this growing problem. The amendment I am offering today is a step in that direction.

Our subcommittee's investigation revealed that combating Asian organized crime presents U.S. law enforcement agencies with unique problems for which current resources are insufficient. Perhaps the biggest problem is the dearth of law enforcement personnel with knowledge of the language and culture necessary to effectively investigate and prosecute these criminal organizations. The amendment I am offering today addresses that by requiring the Attorney General, along with the leaders of our other leading law enforcement agencies, to report on the success in recruiting former Royal Hong Kong Police officers into Federal law enforcement positions in order to facilitate the successful investigation and prosecution of these criminal groups. I urge my colleagues to support this amendment.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, for the purposes of the RECORD, we have just concluded a vote on an amendment having to do with trying 13-year-olds as adults. There seem to be some misconceptions about what this amendment does. I want to make clear for the RECORD that Federal law prohibits the death penalty from being applied in any of these cases.

So we need to make it very clear that it is our intention that Federal law will not be changed in that regard. We are not looking for the death penalty. We are simply looking for accountability in the way the 13-year-old criminals are tried in the criminal justice system.

Mr. BIDEN. Mr. President, what the Senator from Illinois says is absolutely correct. Although I strongly disagree with her amendment, I congratulate her. Obviously, I am the one out of step in this body in terms of my view of when somebody should be tried as an adult, and there are rationales for that.

I think one of the reasons there may be some confusion is that right now there is only one Federal death penalty offense in the law. In the Biden amendment we create 47 additional death penalty offenses. When the Biden bill passes, there will be 47 new death penalty provisions in the law.

My colleagues and I—not my friend from Utah, but ones who are not on the floor—over the past 10 years have argued vehemently about reducing the age at which a person can be tried and put to death for having violated a Federal death penalty statute.

In the past, that debate has centered with the former ranking Member and chairman, Senator THURMOND. He has sought to reduce the age down to as low as 16. Others have suggested that the age be reduced lower. I would hope that everyone will be put on notice. Part of the underlying bill, the Biden bill—when we come to discussions on the death penalty, were we to vote to lower the death penalty for children in this legislation in the future—that is Monday, Tuesday, or Wednesday—and were it to become part of the Biden Anticrime Act, then this is also part of the Biden Anticrime Act.

As I read this legislation, by definition, someone at whatever age that would be lowered, would also fall into the category of being able to be tried and convicted and put to death as a young person. But the Senator is correct. It is not her intention. Her legislation does not at this moment allow, and it is not intended to allow a juvenile, age 13, 14, 15, 16, or 17 to be put to death. I know that is her point.

The reason why there is some confusion is, I predict to you—and I sincerely hope that I am wrong—but I predict to you that someone will walk on the floor between now and the moment we have final passage on this legislation, and because the Senator from Delaware increases the number of death penalty offenses in the Biden anticrime bill here by 47, all someone has to do is come on the floor and say: For the following crimes, I have an amendment to reduce the age at which you can be tried for murder under a Federal law,to whatever that age is in which case, then, this amendment would, in fact, take on a slightly different impact.

If that were to occur, I assume I can go back to my friend from Illinois, and maybe we could seek to amend this if that were the case.

Ms. MOSELEY-BRAUN and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, in the first instance, and I hate to take issue with my distinguished friend and leader from Delaware, there is no reason to open the floodgates on this.

This amendment is very specific. This amendment is very clear. We are talking about the procedures for trying juvenile criminals who happen to be between the ages of 13, in some cases 16, in some cases 17, and in some cases 18.

I wanted to make the record clear. The present law is that the death penalty does not apply.

I will join the Senator from Delaware if in the future someone comes along with legislation, independent, separate legislation that would seek to apply the death penalty to a 13 or 14 or 15 year old. I would certainly be there for the Senator.

I am personally opposed to the death penalty. I have been on record in that regard.

But that is not the law. That is not what this amendment does. That is not the law today. That is not the law with the passage of the Biden bill unless the Biden bill gets amended even further, specifically in regards to the death penalty and these young people.

Again, we will join together to fight that should it occur, but it is important that his explanation not suggest there is a possibility that through some unintentional happenstance the death penalty might wind up applying under this amendment. That is not the law. That will not be the law unless this body takes affirmative action to create the law in that regard.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am glad this discussion took place, because there was some confusion at the time. The Senator from Illinois and the Senator from Delaware are right. The current Federal law prohibits the death penalty from applying to persons under 18 years of age.

In fact, the Supreme Court even ruled in a recent case, within the last few years, as I recall, that the death penalty does not apply. It would be unconstitutional to anyone under 16 years of age.

I might say as to both of the death penalty bills, we are gradually merging many of the important aspects of both the Biden bill and the Dole-Hatch bills which is getting us a bipartisan bill here that really is exciting everybody in this body.

I had people on both sides of the floor come up and say they are excited finally to see some real progressive movement in anticrime legislation here.

I have to say both of our death penalty bills and each of those two bills, the Biden bill and the Dole-Hatch bill, do not apply the death penalty below 18 years of age.

Of course, this is because the Supreme Court has ruled the death penalty cannot be constitutionally applied to individuals who are below 16. I personally do not favor having the death penalty apply to anyone under the age of 18 years of age. I doubt seriously that there will be an amendment to do so. So I think it is kind of a tempest in a tea pot.

Having said that, I commend the distinguished Senator from Illinois. I think it takes a lot of intestinal fortitude to come on the floor and do what she has just done here and receive an overwhelming vote of support in sending a message to parents out there, as well as these young people, that we are not going to tolerate irresponsibility anymore, especially in the area of violence.

I commend her because that is not an easy thing to do. I doubt seriously that anyone else in this body had the guts to do what she has just done. I commend her for it because, although no one wants to see young people mistreated in any way, these are hardened kids who need to know that there is a responsibility out there that they have to assume someday. Her amendment does provide for a safety valve. If a child reaches 16 years of age, if the child shows remorse and shows that he or she will accept responsibility for their actions, the court can wipe out the penalty. There is a very good discretionary clause in her amendment.

It is well thought out. It has been well argued. I commend the distinguished Senator from Illinois for the excellent argument that she has made on this floor. That is why I think, in part, she has received such an overwhelming vote. I personally commend her for her actions.

Ms. MOSELEY-BRAUN. Mr. President, I also wish to give thanks first in terms of the bipartisan effort.

Senator Bond asked to be added as an original cosponsor, and I neglected to add him earlier. I now ask unanimous consent that Senator Bond be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. I also thank the Senator from Utah, Senator Hatch, for all his assistance. I thank Senator Biden for his assistance in helping me getting this to the floor.

This could not have come to a vote had it not been for the intensive efforts of Senator Biden, the Senator from Delaware, and, I might add, his wonderful staff. They have been just terrific today to allow me to bring this issue to a vote this afternoon. I am very grateful to them.

I do not know what the time agreement is. I know everybody wants to get out of here. I suspect many people are gone.

If I may take just a minute as an addendum to add something to the Record, I would like to add it to the Record because it fits in with what Senator Robb earlier talked about in the differences between 1940 and 1992. Then standing in line was a big complaint. Now the big complaints are rapes, robberies, and the like.

Last year alone, between the ages of 13 and 14, there were 1,411 arrests for forcible rape, 13 year olds to 14 year olds; at 15 years there were 952.

Aggravated assaults for ages 13 and 14 years old, 14,282—aggravated assaults; that is with a weapon.

Juvenile arrests for murders just at the age 13 we are talking about 55, with a firearm 40. I can go down these numbers. Age 13, 55 murders; age 14, 166 murders; age 15, 393 murders; age 16, 686 murders; age 17, 965 murders; age 18, 1,090 murders in last year alone. That is the population we are addressing.

Mr. BIDEN. Mr. President, will the Senator yield?

Ms. MOSELEY-BRAUN. I yield.

Mr. BIDEN. How many of those murders and those crimes the Senator just cited will be affected by her legislation?

Ms. MOSELEY-BRAUN. That is a good question because, as the Senator knows, I said in the debate the crimes that would be affected by this legislation are Federal crimes limited in scope. This would be the nature of the crime that would be affected by this legislation, but they certainly would have to happen on Federal property and under the circumstances of Federal criminal laws.

We are not looking to federalize here. I did not want to get into a colloquy or take up too much time. The debate has concluded.

Again, I thank everyone for the support and help.

Mr. President, I ask unanimous consent that these statistics from the FBI Uniform Crime Report be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

JUVENILE ARRESTS FOR MURDER—1992

	Total murders	With firearms
Age:		
13	55	40
14	166	123
15	393	320
16	686	535
17	965	767
18	1,090	869

Source: FBI Uniform Crime Reports, 1992 (FBI UCR).

Juvenile arrests for aggravated assault—1992[1]

	Total assaults
Age:	
13 to 14	14,282
15	11,731
16	14,952
17	16,728
18	17,595

[1] Breakdown for aggravated assaults with a firearm not provided.

Source: FBI UCR.

Juvenile arrests for forcible rape—1992[1]

	Total assaults
Age:	
13 to 14	1,411
15	952
16	1,132
17	1,236
18	1,458

[1] Breakdown for forcible rapes with a firearm not provided.

Source: FBI UCR.

JUVENILE CRIME IN ILLINOIS—FACTS AND FIGURES

In 1991, murders committed by juveniles increased by over 104 percent from 1990. This compares with an increase of 17 percent for adults. In addition, negligent manslaughter by juveniles increased by 200 percent over the previous year, compared with a 10 percent increase for adults.

In 1991, 121,245 violent crimes were committed, and 334,050 were committed over a three year period. Violent crimes include murder, criminal sexual assault, robbery, aggravated assault, aggravated battery, attempted murder and ritual mutilation.

Mr. BIDEN. I thank my friend from Illinois.

Mr. President, in terms of the bill before us, the Biden crime bill, which I hope will become a bipartisan bill.

By the way, my friend is saying, and I would like for him to make it a bipartisan bill now. I suspect he is going to wait until there is gun legislation that gets attached to the bipartisan bill.

This bipartisan bill, I suspect, will become bipartisan if the habeas corpus provision I have in there is changed.

Right now everything we are talking about is the Biden crime bill, beginning, middle, and end. I hope this becomes bipartisan before this is over, in fact, because that means we reached agreement on habeas corpus and guns and we would have reached agreement on a number of other things significant to that consequence.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BIDEN. I am delighted to yield.

Mr. HATCH. Mr. President, I think it is bipartisan working together. We know the Biden package has to be the package to do it on. I commend him for that.

We have to get it so it is bipartisan. We want to make sure everybody feels good about it. It is a big job from the Senator from Delaware on his job to make sure we bring effective changes, a big job on my side. I think we can get it done. If we do, nobody will be happier than I, being the prime cosponsor of the Biden crime bill.

Mr. BIDEN. I would be delighted to make the motion to change the bill to the Biden-Hatch crime bill if the Senator likes.

Mr. HATCH. Mr. President, I intend to see that is done before this is over, and we are going to work to make sure that occurs. Of what we do, much of it bipartisan right now. The central core package is bipartisan.

I give the credit to the distinguished Senator from Delaware being willing to do some of the tough things on crime that heretofore neither side had been able to get done.

I am pleased with it. I want to work with him before we make it the Biden-Hatch bill.

Mr. BIDEN. Mr. President, I see the majority leader on the floor.

I say bipartisan, nonpartisan, or partisan, I have nothing more to say on this legislation tonight. I am prepared with his permission to yield this seat for the evening.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I would like to make a general comment on the bill.

Much of the debate preceding and following the most recent vote dealt with violent crime in America and how beat to deal with it. These debates in the Senate have, of course, become routine and commonplace. Very lengthy debates, examples of horrible violent crimes created, solutions proposed, which, at least to some extent, are intended to, and which in fact do, create the impression among the American people that what we are doing affects, and will prevent, the violent crime cited.

Mr. President, I am the only Member of the Senate who used to be a Federal judge and perhaps the only one that was both a State and a Federal prosecutor.

We ought to take this matter seriously, as we do, but we should not participate in a fraud on the American people bytrying to create the impression that the violent crimes occurring in our cities across America will be, in any way, affected by most of this legislation.

This is a Federal bill. This deals with those acts which are within Federal jurisdiction, and nearly 100 percent—certainly well above 95 percent, and nearly 100 percent—of the violent crimes which occur in our society occur within the jurisdiction of States and not within Federal jurisdictions. All of the references to murder, and attempted murder, and rape, those occur in the vast, indeed, the overwhelming, majority of cases within the jurisdiction of States.

And so we can stand here and say we are going to try to deal with violent crime in America by passing a Federal law, but the American people should understand that does not affect almost all of the crimes of violence that afflict our society today.

What we have is a situation that requires help where the battle is being fought. And the battle is not being fought under Federal law. The battle is being fought at the State and local level.

We do a disservice to those valiant and overworked and understaffed States and local authorities who really do deal with these matters by attempting to and, in fact, creating the impression that we are solving the problem of violent crime by passing a Federal law.

The trend in recent years here, obviously in an effort to respond politically to a very serious national problem, has been to federalize more crimes and to try to extend Federal criminal jurisdiction into more areas of activity. Obviously, we are trying to do something about the problem within the limited scope of our jurisdiction.

There is substantial assistance in this bill. I commend Senator BIDEN and Senator HATCH for what they are doing in the areas of police protection. That is really a substantial way to help, that is, to try to do what we can to get more police on the street, both as a crime prevention and as a means of apprehending and prosecuting crime where it does occur. That is an important part of this.

But we have to be honest with the American people, and much of this debate has not been. It is clearly intended to create the impression that we are doing something about the problem.

We should be doing something. We should be trying to do all we can do, but the very first thing we must do is to tell the truth about the limitations which exist upon us.

We have, for 200 years, resisted—resisted—and rightly so, making criminal law enforcement solely a national responsibility. I doubt there is a Member of this Senate who would favor abolishing State jurisdiction.

Mr. HATCH. Will the Senator yield?

Mr. MITCHELL. Certainly.

Mr. HATCH. I really appreciate the remarks of the distinguished majority leader. There is no question we are not going to solve every crime problem with this bill. But the vast majority of this money for police in the streets, even in the regional prisons, the boot camps, the gifts and grants to the States, goes to the States. So we can play a major, major role in helping the States at a time when they really need to be helped.

Second, we provide in both bills that Federal prosecutors can be of assistance to State prosecutors. We are doing everything we know how to do from a Federal Government standpoint to assist the States in what really is an inundation of criminal activity in our society.

I know that nobody knows more than the distinguished majority leader, having been a Federal judge and having been a prosecutor in both the State and Federal system, how there is no way anybody can resolve all these problems. But this is a really, really important set of steps in the right direction.

Mr. MITCHELL. I agree completely with the Senator and I commended him. I commend him and Senator BIDEN again for what they have done.

My remarks are devoted to the repeated amendments we get here on the Senate floor federalizing crimes and imposing ever higher penalties, and trying to suggest that, if we can just increase the penalty from 20 to 40 years, or from 40 years to 60 years, or from 60 years to life, we are doing something about the murder and the rape and the mayhem that is occurring on our city streets. And the answer is, of course, we are not.

Mr. BIDEN. Will the Senator yield on that point?

Mr. MITCHELL. Yes, certainly.

Mr. BIDEN. I think it is an important point that the leader makes. Quite frankly, it is the first point I made when I introduced the bill. We should disabuse people. None of the penalties in this bill are worth a hill of beans. None of the penalties.

I wrote the bill; literally. I wrote the bill that is before us now with my own hand. I put the penalties in. They are not worth this podium in terms of preventing crime, because they only affect that 2, 3, or 4 percent of the crime that falls within the Federal jurisdiction.

So I understand the Senator's frustration. When people stand on the floor and cite statistics like those that were cited a moment ago, and cited all through the day, and will be cited on Monday, and Tuesday, and Wednesday as if we are making any difference, that is malarkey.

What does make a difference, in my humble opinion, is not the penalties in this legislation, but the help in this legislation. The idea that we, with Federal money, are going to contribute $8.9 billion of the taxpayers' money to provide 100,000 police officers with local uniforms, local badges, local control, under local jurisdiction, to deal with local crime is a big help, in my view.

The idea that we are going to provide up to $6 billion for boot camps, alternative prison settings, and prisons to house violent and nonviolent offenders under local control, under local prisons, in most cases, is, in fact, a help. The idea that we provide, through this Federal Government, money for drug testing of convicted felons, drug treatment of convicted felons, that will impact upon recidivism. That will impact upon the amount of crime.

But I want to join my friend from Maine and say, again, and again, and again, and not that he would ever have, or anyone, have the time or inclination to read the RECORD—the first statement I made when I introduced this bill was the statement the Senator is making now. It is that the penalties will make everyone feel good, saying we are going to try 13-year-olds, or saying we are going to increase the penalty for rape, or saying we are going to put in a death penalty makes people feel good. But we need a little, as I was saying earlier, truth in Government, truth in advertising. Let me put it in perspective.

In 1989, I had introduced the last crime bill. We had 50-some death penalties in that crime bill. I asked the Republican administration and the Justice Department, take a look at those death penalties and tell me, if they had all been Federal law, the previous year, how many of the 24,700 mursthat were committed would have resulted in someone being put to death for commission of one of those murders, under the Federal law, if it had been in effect?

Do you know what the answer was, I say to my friend—six; s-i-x. Six. That did not come from a whacko liberal group of 1960's revisionists. That came from some hard-core Republicans in the Attorney General's office.

I support the death penalty. I think it makes sense under limited circumstances where they are required to prove beyond a reasonable doubt and safeguards are built in.

But I am the first to admit, having written the provisions that are in the Biden bill, that maybe 50 people would be eligible. Maybe 100—say 200 in all of America, for all the crimes that were committed last year, or will be next year, and over 5.7 million felonies were committed last year and over 24,000 murders.

The place we should concentrate and tell the American people straightforwardly we can help them is by putting more cops on the street, by providing for treatment, by providing for alternatives for hardcore incarceration for first-time offenders, drug courts and drug court diversion, and prisons for the most hardened predators among us. That is the way we can help.

I thank the Senator for pointing this out. If we listen to the debate, time and again we will hear it. You will think if we just get tough here on the floor and say we are going to have a death penalty, we are going to put people in jail, we are going to do the following, that we can impact on crime. We will not. But we will impact on crime with this $20 billion crime bill that will put more people on the street to help protect people's interests.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, again I repeat, I commend my colleagues for what they are doing, particularly with respect to the police. But I would ask my colleagues—I will ask the chairman and the ranking member to consider the following: We are now in effect federalizing local police in America. We are providing Federal funds for local police in America. Under this bill we are federalizing the incarceration of persons convicted of crimes with local jurisdiction by the prison provision.

I ask my colleagues to now consider as a next step in this process, because it is clearly going in that direction, to begin to have hearings and determine how we can provide assistance at the State and local level for the prosecution of crimes.

I have been both a State prosecutor and a Federal prosecutor. And I can say, and I believe my experience was not out of the ordinary, that the State prosecutors are overwhelmed in relation to the Federal prosecutors.

They are all very busy. But on any relative scale, State prosecutors—I tried murder, arson, and rape and other cases at the State level in a volume that vastly exceeded the volume in the Federal system. And more serious crimes.

If we have made a national determination that we are going to federalize the local police forces and we are going to federalize the incarceration of local prisoners, then I think we have to consider what we can do with respect to prosecution. Because the best thing we can do is to have police to prevent crime and arrest those guilty, but we have to have swift, effective, and vigorous prosecution, and strict punishment. That is going to be the way, if we are going to make a difference in really dealing with crime, to have our words come anywhere near to the rhetoric that flows here, that is going to be a way to do it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If the Senator will yield, I have to say I agree with most of what he said. I do believe that this bill does an awful lot to help the States. I would emphasize that a little more, perhaps, than the majority leader. And I also agree with much of what our distinguished chairman said.

To point out another thing, much to the credit of the distinguished chairman of the Judiciary Committee, Senator BIDEN, the violence against women bill that is in here recognizes the role of the States but it does lend assistance in this very critical area that has been ignored for so many years. And it also is going to help the States in some very serious criminal areas.

I have to add to that, much to his credit and the credit of Senator DOLE who has worked long and hard on it, and I think most people would recognize I have worked very hard on it, it is called the Biden-Hatch amendment, it could just as easily be called the Biden-Dole-Hatch amendment because Senator DOLE has worked hard.

Mr. MITCHELL. Since neither of them are here, I will call it the Hatch-Biden-Dole amendment.

Mr. HATCH. That has a ring to it I kind of like, but I think my distinguished friend from Delaware deserves the credit I am giving.

Let me just say this. The fact that we are paying to help local police does not convert them to Federal police. I want to make sure that is not misunderstood.

Actually, one of the remaining flaws in the underlying bill is that it does not provide real help to the FBI, the DEA, Federal prosecutors. I hope to work that out with Chairman BIDEN, and I believe we can. But we provide help to the States without taking over local police departments, nor do we federalize them.

Our first responsibility in Government is to ensure the safety of the public, yet it is being argued here that criminal matters should be better left to the States. The State and local governments, since the distinguished majority leader has pointed this out, now handle 95 percent of all the criminal cases filed every year.

The crime bill we are debating recognizes this fact by proposing a significant increase in financial assistance to the States, to hire additional police, build more prisons and jails, and make schools safer.

So what we are doing here is as much as we can do, and I submit the role of the Federal Government in assisting the States' fight against violent crime has to be measured by financial support.

We are talking about already in this bill 18 billion funded dollars to help the States over 5 years. That is a lot of money. The States are going to breathe a sigh of relief and say thank goodness for the Congress of the United States. We can pass this bill if we can keep extraneous amendments off, if we can keep the buzz amendments off, if we can stop people from trying to bring up the issues that are going to bog this down as they have for the last 8 years on all crime legislation. Then we are going to have something here that both sides of the floor are going to be very happy with and every State in this Union is going to thank God for.

The Federal Government, as a result of the Controlled Substance Act, has jurisdiction over virtually all drug trafficking, all drug manufacturing, and all drug distribution offenses. Yet most drug cases are still prosecuted at the State and local level. This is because the Federal law enforcement agencies have worked in a coordinated manner with local officials so United States resources can be used most effectively. I am unaware of any single State or local prosecutor who opposes the Federal Government's assistance in these cases.

Without it they would be dead. They could not handle it. And we are having trouble handling it even with assistance. This bill will give them billions of dollars of assistance they now do not have. I have to say this bill before the Senate does not convey exclusive jurisdiction from the States to the Federal Government. Rather, it permits the Federal Government to assist the States in their ongoing effort against violent crime. This bill does not relieve the States of any responsibility for prosecuting violent crime. It simply permits Federal assistance.

I want to personally thank my dear colleague from Delaware for his leadership in this matter as well as the majority and minority leaders who have been assisting us behind the scenes in this matter and especially the distinguished Senator from West Virginia, who has brought about the means whereby this matter can be funded. Without funding, we would not be as far along in this bill. I have had Democrats and Republicans come to me and say, great, it looks like we are making headway for one of the first times in history on this type of a bill.

If we can keep all the extraneous amendments off, even though they may be important on some other bill, I think we can get something done here that is going to make a difference.

Some of my colleagues have little or no trouble proposing that we federalize delivery and payment of health care services, labor/management relations, teacher standards, energy policy, environmental standards, child-support collection, reproductive rights and other issues just too numerous to list.

Yet, when the issue before Congress is the safety of law-abiding Americans, oftentimes their enthusiasm for Federal intervention seems to dissipate. While regrettably their position is understandable—after all, if resources have to be devoted to fighting crime, there will be less resources to address their particular social interest.

In my view, however, Congress should not get into these other areas until our principal obligation to the American people has been met.

Claims that criminal cases are taking up a disproportionate amount of Federal filings are simply not supported by the facts. According to the Administrative Office of U.S. Courts, the criminal caseload per judge is nearly 50 percent below that of 1972. The number of criminal cases reached a 40-year peak in 1972, and despite all of the cries from the defense bar, the number of criminal cases filed in 1992 was actually 14 percent below the 1972 figure. There were less criminal cases in Federal courts in 1992 than there were in 1972, even though the number of authorized judges is now 62 percent higher than that level was in 1972.

This bill cannot do everything, but, it is going to do more than has ever been done before. It is going to give the States some financial backing they have not had before. It is going to put 100,000 police right in the streets, something both sides have wanted for a long time. This bill will provide $8.9 billion over a 5-year period. It will also put $6 billion into prisons, into alternative sanctions, into boot camps, into grants to the States to help them to do these things. Also, right now it has the violence against women provisions in it that both Senator BIDEN and I have sponsored and are very, very proud of. We think it will make a difference in this country. We think it will make a difference not just for women but for families in general.

I was asked earlier in the day by the media: "What do you think is driving this? How come some of these people who never have been willing to support these provisions before are now doing it on the floor of the Senate?"

I said, I think the basic force that is driving this happens to be the women in this country, mothers who are sick and tired of their kids going to school and being in danger, mothers tired of kids having guns at schools, mothers tired of other criminal activities in schools. The women of this country are tired of the gang-related violence, which I think the amendment of the distinguished Senator from Illinois will help to correct.

Single women, single heads of households are worried about their children at home, latchkey kids that can be grabbed by these drug lords and made into terrible criminals themselves. They are worried sick about their kids. And then you can talk about single women who are afraid to walk down the streets of Washington, DC. Washington, DC, is the murder capital of the world. I have to tell you that women are worried about it in a lot of cities that never had this problem before.

This bill will help and let nobody doubt it. It cannot do everything that needs to be done. Nobody can do that. But we are doing more than has ever been done before, and I would hate to see this bill cluttered up with debates and amendments that would divide us, that would blow it out of the water, that would stop these fundings from going to the States when they need them the most, just because some people here want to beat their breast and show how tough they are on crime or how weak they are on crime. So I am very concerned about it.

I appreciate the majority leader's comments and also the comments of the distinguished Senator from Delaware. They are right to a degree, but do not believe otherwise, this bill will make a real difference in this country, and I intend to see it does. I am going to work my side as hard as I can to try to keep the amendments that are going to hurt this bill off.

Yes, habeas corpus reform is a big battle. It may be best we remove it from this bill and let the courts see what they can do with it, because they are at least addressing it in an intelligent fashion. There are some other aspects of the bill we have to work on if we are going to have a totally bipartisan bill. But right now the central core package of what we have done so far is bipartisan. It has taken the efforts of both sides. People are now starting to get a little pride about it on both sides. We have our cranky ones on both sides, but, by and large, people are starting to get excited that we might have a major, major crime bill for the first time in history that really addresses some of these serious problems and does it with some real money behind it.

So I appreciate the comments of my colleagues. I just want to make these points because this is very, very important stuff, and we are just starting. We have come a long way, but there are a number of things that have to be done before this bill can really reach the stature of having true bipartisan support in every way. I intend to do everything in my power to assist the distinguished Senator from Delaware and others on this floor to get us there. I intend to work hard on it, as we have in the past, as we did the day before yesterday, all day yesterday and, of course, all day today.

I am proud we have been able to accomplish what we have so far. I hope we can continue in a progressive forward motion on this bill and do what needs to be done.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KOHL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMAINING AMENDMENTS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to S. 1607, the crime bill, and that they be subject to relevant second-degree amendments; that no motion to commit be in order during the pendency of this agreement; and I send the list to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

DEMOCRATIC AMENDMENTS TO S. 1607

Biden:
(1) Relevant.
(2) Child Abuse.
(3) Technical.
Boxer:
(1) Tamper proof licenses.
(2) Immigration documents forgery.
(3) Driver privacy DMW.
(4) Safe schools.
(5) Firearms penalties.
(6) Gun dealers.
Bradley: Sense of Senate Gun Tax.
Bryan:
(1) Immigration related.
(2) Immigration related.
(3) Immigration related.
(4) Immigration related.
(5) Telemarketing fraud.
Campbell: Felon gun bill.
Conrad:
(1) Academic progress in prison.
(2) Pilot on police.
(3) Juveniles.
(4) Relevant.
Conrad/Lieberman: State/multi state prisons.
DeConcini:
(1) Assault weapons.
(2) Missing Children's task force.
(3) Indian Nation funding.
(4) Authorizing gang resistance and ed. programs.
Dorgan:
(1) Sense of Senate victim allocation.
(2) Relevant.
Feingold: Life imprisonment.
Dodd: Law enforcement partnership.
Feinstein-Metzenbaum-DeConcini: Assault weapons.
Feinstein:
(1) Habeas corpus.
(2) Safety Officers' Benefits.
(3) Federal firearms licensees.
Glenn:
(1) Savings & efficiency under the Act.
(2) Military Bases.
Heflin: Grants to States.
Kennedy:
(1) Relevant.
(2) Relevant.
(3) Youth access to guns.
(4) Clinic Violence.
(5) Coordination with HHS.
(6) Substance abuse treatment.
(7) Libya.
(8) DOJ guidelines/study.
(9) Safe schools.
Kerrey:
(1) Community policing.
(2) Youth violence prevention.

Kerry:
(1) Police Corps.
(2) Drug Czar.
Kohl:
(1) Young guns.
(2) Technical relating to guns.
(3) Civil Action Against Violations of the controlled substances act and distributors of drug paraphernalia.
Leahy: Rural Crime.
Lautenberg:
(1) Guns and felons.
(2) Gang related.
(3) Relevant.
Levin:
(1) Fingerprints.
(2) Boot camps.
(3) Drug treatment.
(4) Death penalty.
(5) Life imprisonment.
Lieberman:
(1) Rapid deployment force.
(2) Drug emergency areas.
(3) Support federal task force.
(4) Prison construction.
(5) Counter terrorism.
(6) GIs law enforcement.
(7) Anti-loitering laws fight crime.
(8) Serious habitual offender program.
(9) Carjacking.
Metzenbaum:
(1) Bankruptcy fraud.
(2) Guns.
(3) Relevant.
(4) Parental kidnapping statute.
Mitchell:
(1) Relevant.
(2) Relevant.
(3) Relevant.
(4) Relevant.
Moseley-Braun:
(1) Alternative non-violent juveniles.
(2) Civil fines parents.
(3) Mandatory education incarcerated youth.
(4) Children and guns.
(5) Juvenile justice.
(6) Racial bias study jury selection.
(7) Insurance gun owners.
(8) Decentralization courts.
(9) Relevant.
Moynihan: Relevant.
Pryor: Banks & Community Reinvestment.
Reid: Border patrol.
Riegle: Regional violence crime assistance.
Robb:
(1) Relevant.
(2) Relevant.
Simon:
(1) Life imprisonment.
(2) Prison programs incarcerated parents.
(3) Juvenile death penalty prohibition.
(4) Prison impact statement.
(5) Gun dealer amendment.
Wellstone:
(1) Domestic violence firearms.
(2) Relevant.
(3) Relevant.
Wofford: Citizens policy academy.

REPUBLICAN AMENDMENTS TO S. 1607

Brown—Federal Prison Work Program.
Brown—Safe Schools.
Brown—Street Gangs.
Chafee—Stalking.
Coats—Boot Camp.
Coats—Interstate Fees.
Coats—Relevant.
Cochran—Prison.
Cochran—Prison.
Cochran—State Leadership Activities—Safe Schools.
Cohen—Relevant.
Cohen—Elderly Abuse.
Cohen—Juvenile Mental Health.
Cohen—Prisons.
Craig—Instant Background Check.
Craig—Mental Incompetence.
Craig—Police Liability.
Craig—State Preemption.
Craig—Waiting Period Limitation.
D'Amato—Death Penalty for Drug Kingpins.
D'Amato—Firearm/Homicide/Mandatory Minimums.
Danforth—Community Schools.
Danforth—Police Brutality.
Danforth—Relevant.
Danforth—Relevant.
Dole—Family Breakdown.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Firearms.
Dole—Gangs.
Dole—Leadership.
Dole—Leadership.
Dole—Leadership.
Dole—Los Angeles.
Dole—Neighborhood Security.
Dole—Peremptory Challenges.
Dole—Relevant.
Dole—Relevant.
Dole—Troops-to-Cops.
Dole—Violence Against Women.
Domenici—Juvenile Justice.
Domenici—Additional Funding for Federal Judiciary.
Domenici—DWI.
Domenici—Violence Against Women.
Domenici—Youth Gang Prevention.
Durenberger/Simon—Mothers in Prisons.
Gorton—Relevant.
Gorton—Sexual Violent Predators.
Gramm—Drugs.
Gramm—Firearms.
Gramm—Mandatory Minimums.
Gramm—Mandatory Minimum Repeal.
Gramm—Prisons.
Gramm—Prisons.
Gramm—Relevant.
Grassley—Internal. Child Pornography.
Hatch—10 Relevant Amendments.
Hatch—DEA Agents.
Hatch—FBI Agents.
Hatch—Federal Prosecutors.
Hatch—Gangs.
Hatch—Managers.
Hatch—Quantico.
Hatch—Rural Crime.
Hatfield—Domestic Violence.
Hatfield—Televise Executions.
Helms—Prison Caps.
Helms—Prisons.
Helms—Prisons.
Helms—Soc. Sec./Incompetence.
Hutchison—Police/Overtime.
Hutchison—Restitution of Defendants.
Jeffords—Asset Forfeiture.
Kassebaum—Asylum.
Kempthorne—Cops on the Street.
Kempthorne—Min. Population/Grants.
Kempthorne—Rural Law Enforcement.
Lott—3-Time Loser.
Lott—Triad.
McCain—Child Sex Abuse.
McCain—Parental Accountability.
McCain—Relevant.
McConnell—Parent Locator.
McConnell—Public Corruption.
Nickles—Victims' Rights.
Pressler—Youth Crimes.
Roth—Hong Kong Police Recruits.
Roth—State Cooperation With INS.
Roth—U.N. Organized Crime.
Simpson—Immigration.
Simpson—Immigration.
Smith—Alien Terrorists.
Smith—Immigration.
Smith—Law Enforcement Funding.
Smith—Mandatory Minimums.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Habeas Corpus.
Specter—Interstate Wagering.
Specter—National Literacy Act/Tech. Corrections.
Specter—Office of Correctional Job Training.
Specter—State Habitual Offenders.
Stevens—State Sentencing Requirements.
Stevens—State Criminal Justice Reforms.
Stevens—Violent Crime Penalties.
Thurmond—Child Abduction/Lindbergh Act.
Warner—Naming of Federal Courthouse.
Warner—Relevant.

Mr. LIEBERMAN. Mr. President, I rise today to supplement my remarks concerning the amendment offered by my colleague from West Virginia, and chairman of the Appropriations Committee, Senator BYRD. I want to extend my appreciation to him for his diligence, his efforts, and his commitment to real funding—not just promises for the war on crime. I am particularly pleased that the Byrd amendment takes many of the steps I believe are necessary to fight crime seriously, such as major increases in prison funding, attention to the violent juvenile repeat offender population, and mandatory minimum sentencing at the State level. Each of these steps was addressed in my crime bill, S. 1581.

Mr. President, it was clear to me that in order to make the serious dent in crime we talk about, we had to back up our pledge with action. In my crime bill, I proposed that we establish 10 regional drug prisons to help States add prison capacity. This amendment does this and more. It provides $3 billion to construct and operate 10 regional prisons for prisoners convicted of violent crimes and drug offenses. Three-quarters of the capacity in these prisons must be reserved for State prisoners. In addition, this amendment provides $3 million to States to build and operate boot camps for less serious offenders. I have always favored military-style boot camps as a way to show people convicted of less serious crimes that jail is no vacation.

Second, since we already know that the largest percentage of crimes occur at the State level, we can't get tough on crime unless the States do. In my crime bill, I would have made grants to States conditional upon enactment of tough sentencing provisions. This bill does this by only providing regional prison space to States that implement tough penalties and sentencing guidelines for seriously violent crimes. I must once again extend my thanks to my colleagues for incorporating my concerns into this provision.

And last, Mr. President, one of my most serious concerns grew out of my ride-alongs with Connecticut police officers in New Haven, Hartford, and Bridgeport, CT. Those police officers told me that an overwhelming number of serious violent crimes are being committed, not by hardened adult criminals, but by a core of juvenile, repeat offenders, who are savvy to the system and the loopholes for them to escape prolonged incarceration. An amendment I planned to offer, taken from the core of legislation I introduced in S. 1581, would have provided for the continuance of funding for the SHOCAP Program. Police officers I spoke to pointed to the program's success in assisting their crime prevention efforts and its help in identifying repeat juvenile offenders of violent crimes. This amendment accomplished the same goal by providing $600 million in funding for programs that confront the problem of violent juveniles.

Mr. President, I am pleased that the Byrd amendment addressed my concerns in each of these areas. By doing so, it has obviated the need for me to offer amendments on each of these points. The Byrd amendment is a real step forward, and will provide real punch to the Federal fight against violent crime.

Mr. DODD. Mr. President, I rise to explain my vote against Senator DOLE'S amendment which would change rule 404 of the Federal Rules of Evidence.

A fundamental premise of our legal system is that the government must prove the defendant's guilt with evidence that is relevant to the charge against the defendant. Currently, rule 404 allows for the admission of evidence, against a defendant, of prior similar acts if the evidence is being used to prove motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Recently, some critics have questioned whether rule 404 is working as well as it should, particularly in sexual assault cases. In response to those concerns, Senator BIDEN included in the crime bill a provision directing the Judicial Conference to study, and make recommendations for amending, rule 404. The Judicial Conference, an organization authorized by Congress, generally supervises the courts and has a vast amount of expertise concerning the Federal Rules of Evidence.

In contrast, Senator DOLE'S amendment would change the rule without any additional study. Under Senator DOLE'S amendment, in sexual assault and child molestation cases, any evidence of past similar acts could be admitted into evidence, without the protections provided by the present rule. For example, the amendment would allow the admission of testimony which merely alleged similar past acts, no matter how far in the past, regardless of whether the allegation was ever proven or a charge filed. Clearly, that kind of approach could lead to some questionable evidence being used in certain cases.

Additionally, it is important to remember that the Federal rules are interrelated. I am concerned about any effects that changes to rule 404 may have on rule 412, the rape shield law. In my view, it would be better to have the Judicial Conference study that issue before changing rule 404.

Clearly, we must do everything possible to prevent sexual assault and child molestation. These kinds of offenses are the most despicable of all. I have devoted much of my time and energy in the Senate to making life better for women and children. I will continue those efforts, by supporting Senator BIDEN'S crime bill, and through other efforts that will improve the health and safety of our children. But with regard to the Dole amendment, it would be better to have a detailed study before making such a radical change in our Federal Rules of Evidence.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the conference report to H.R. 2520, which the clerk will report.

The bill clerk read as follows:

A conference report to accompany H.R. 2520, an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the conference report.

CLOTURE MOTION

Mr. WELLSTONE. Mr. President, I send to the desk a cloture motion on the conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report accompanying H.R. 2520, the Interior Appropriations bill:

Patty Murray, Dianne Feinstein, Harry Reid, Harris Wofford, Dennis DeConcini, Daniel K. Inouye, Wendell Ford, Carol Moseley-Braun, Russell D. Feingold, Dale Bumpers, Robert C. Byrd, Claiborne Pell, Edward M. Kennedy, Paul Simon, Joe Biden, Barbara Boxer, Howard Metzenbaum, Harlan Mathews.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WELLSTONE. Mr. President, I now ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMARKS OF COMMISSIONER WILLIAM L. MASSEY, FEDERAL ENERGY REGULATORY COMMISSION

Mr. BUMPERS. Mr. President, on November 1, Commissioner William L. Massey of the Federal Energy Regulatory Commission addressed the 28th Edison Electric Institute Financial Conference at Lake Buena Vista, FL. His basic message was that the competition sweeping the industry is good for consumers and presents real opportunities for utilities willing to embrace the future, become cost competitive, and aggressively meet customer needs. Commissioner Massey also summarizes FERC's efforts to implement its new transmission access authority under the Energy Policy Act of 1992. I believe his remarks provide food for thought for those of us who follow closely the evolution of this backbone industry. I ask unanimous consent that his remarks appear in the RECORD immediately following my statement.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIAM L. MASSEY, COMMISSIONER, FEDERAL ENERGY REGULATORY COMMISSION

I'm here today to talk about the implementation of the Energy Policy Act of 1992 and the future of the electric utility industry. But, first, I'd like to review briefly the industry's past.

For most of this century, the vertically-integrated, regulated monopoly worked well, allowing utilities to achieve increasing reliability and economies of scale. Then came PURPA, not a universally-revered policy, but it proved unequivocally that non-utility generators can be reliable sources of power.

Vertical integration is not sacrosanct. This realization led to independent power producers, which like QF's own and operate a generating facility with no retail territory and little or no transmission investment. FERC recognized that most IPPs lack market power, and may sell at market-based, as opposed to cost-based, rates.

FERC has also promoted competition in the wholesale power market through its regulation of traditional utilities. For example, FERC has allowed even traditional utilities to sell power at market-based rates if they opened up their transmission systems to wheel power for others, and has conditioned mergers on the opening up of the merged company's transmission system. All of these policy changes were aimed at creating a more competitive marketplace for wholesale generation.

But the move toward competition received its latest and biggest boost with two key changes enacted in the Energy Policy Act of 1992.

First, building on the experience of QF's and IPP's, Congress allowed the creation of "exempt wholesale generators," entities free from the regulatory legerdemain of the Public Utility Holding Company Act of 1935. To date, FERC has received about 80 EWG applications and granted almost 65 of them. Many of these are utility-owned.

Our experience with EWG's thus far makes it increasingly clear that there will be many more sellers in the wholesale power market.

The second major change made by the Energy Policy Act was to dramatically expand the Commission's authority to order wholesale wheeling. FERC can now order transmission service when it is in the public interest, subject to only a few limited exceptions. For example, we cannot order transmission service that would supplant existing power sales contracts or impair the reliability of the transmission system. Perhaps you share my view that this expansion of our wheeling authority is the most important change in electric utility regulation in 60 years.

In the past few months, we have taken a number of important steps to implement our new transmission authority. First, we have adopted a new policy encouraging the development of regional transmission groups or RTG's. The policy identifies the minimum components the Commission will look for in an RTG, including adequate consultation with state regulators, fair and nondiscriminatory governance procedures and voluntary dispute resolution.

I believe that RTG's, if properly structured and fairly administered, can sharply reduce the time and cost needed to arrange transmission service. The bottom line will be an industry that is more responsive to the market.

Transmission owners may look at RTG's and wonder: What's in it for me? The answer is a greater measure of control over your transmission destiny in this new area. FERC intends to grant deference to RTG decisions, including decisions on reliability and transmission pricing.

Another benefit for transmission owners should be expedited access to neighboring transmission systems, for the purpose of buying cheap but distant power or selling your own power to distant buyers. Taking advantage of such market opportunities will be increasingly important as competition takes hold in the industry. I look forward to the day when a dozen or so RTG laboratories are functioning all across the country, resolving consensually the myriad of thorny transmission issues that will be presented.

Secondly, the Commission recently finished a rulemaking to implement the Congressional requirement that utilities make certain transmission information publicly available. This includes power flow studies, transmission maps and transmission reliability criteria.

This information will help wholesale buyers and sellers to identify those market opportunities for which transmission capacity may be readily available. In a way, it will serve the same purpose that electronic bulletin boards serve in the natural gas industry: That is, to enhance access between buyers and sellers in the wholesale market.

Thirdly, the Commission adopted a policy on the information that should be contained in a good faith request for transmission service. Our goal was to encourage a broad exchange of information between the parties, and thus increase the likelihood of a voluntary agreement for transmission service. In the same policy statement, we affirmed our authority to order so-called network service, that is, service broader than the traditional point-to-point transmission service.

Fourthly, we have issued a major pricing inquiry, requesting comments on a broad range of issues related to the pricing for transmission service. Some of the Questions are whether transmission should be priced on the basis of the traditional contract path, or instead on the actual path of electron flow; embedded costs or incremental costs; and postage-stamp rates or distance-sensitive rates. Comments in the proceeding are due next week, and I believe the Commission will act on these pricing issues early next year.

I am convinced that, in a competitive era, the traditional method of postage stamp rates based upon the contract path will often not be the best policy choice. And, I'm not sure there is only one right answer for pricing. Instead, I think a range of pricing methods may be appropriate in different circumstances, and it may be appropriate for them to vary by region. That is why I believe the role of Regional Transmission Groups will be critical in the competitive era. What works in the Northeast may not work in the West, and a totally different solution may be necessary in the Midwest. Regional experimentation will be vital.

Fifthly, just last week, we voted out the first order under our expanded transmission authority. Specifically, we issued a proposed order to require Florida Power & Light to provide transmission service to the members of the Florida Municipal Power Agency.

This case is important both for what it decided and what it did not decide. First, we ordered network transmission service, not just point-to-point service. And, we did so even though the parties had existing agreements for transmission service. Specifically, we found that the statutory prohibition against ordering transmission service in place of existing electric energy contracts applies only to power sale contracts, not transmission contracts.

We also decided, at least preliminarily, that Florida Power & Light could not base its pricing for this service on multiple point-to-point charges. In other words, if there are ten points of entry and ten points of delivery, meaning 100 combinations, the company may not take the rate for single point-to-point service and multiply it by 100. At the same time, however, we recognized that network service may cost more to provide than point-to-point service, and that a higher rate for network service may be appropriate if shown to be cost-justified.

But, importantly, what we did not decide is the actual rate that should be charged, or the terms and conditions of service. Instead, we gave the parties 60 days to try and work these provisions out between themselves.

I think the most important message in this case is the same one implicit in our order on RTG's. FERC will give the industry a chance to work out these issues by agreement. But, we cannot and will not wait indefinitely. If the industry cannot resolve these issues fairly and consensually, FERC will step in and decide them. I hope FERC intervention is the exception, not the rule. I strongly encourage the industry to take up the opportunity for negotiation and compromise we are offering.

In summary, the electric utility industry, prodded by Congress, regulators and consumers, has moved into an era of much greater competition at the wholesale level. There are more wholesale generation competitors and a greater disintegration of the generation function as FERC continues boldly to implement its new wheeling authority. And, importantly, the participants in the debate should make no mistake about the commitment of this Commission to the vision of a competitive wholesale market. Congress outlined our mission. We are simply filling in the blanks.

This will involve several key tasks for FERC over the next year. We must come to grips with transmission pricing, as I mentioned. An important issue is whether to provide price incentives for utilities to wheel. We must deal with the issue of stranded investment at the wholesale level, perhaps generally, so that transmitting utilities will know in advance what the groundrules are. We must somehow help nurse to life the fledgling efforts to create RTG's. Obviously, transmission owners must participate or there will be no RTG's.

And finally, an issue that I intend to pay close attention to over the next year is the extent of cooperation between FERC and the state regulators. Nothing will be gained if FERC orders transmission service but the state denies certification for siting. Similarly, if federal and state regulators allocate transmission facilities differently, and the result is a revenue shortfall for transmitting utilities, those utilities will adamantly resist further efforts to expand transmission capacity. And, I see federal and state cooperation as key to making RTG's work effectively. In short, federal and state cooperation is essential to improving the availability of transmission service. We must have a regular and effective federal/state dialogue.

Where is the industry going from here? Will customer desire for a more competitive product ultimately lead to the same level of disintegrationas has occurred in the natural gas industry, where gas supply is now totally deregulated, products and services are unbundled, and the industry participants have more distinct and separate roles as producers, transporters or distributors of natural gas? Clearly, there are critical lessons to learn from the gas industry's evolution, but I would like to mention at least three important differences in federal regulation.

First, in the natural gas industry, FERC has broad authority over pipelines, including certification authority over new pipelines and expansions. That is not true in the electric industry, where licensing of new transmission lines is state-regulated.

FERC's efforts over the years to restructure the natural gas industry have relied significantly on our broad statutory authority over transporters of natural gas. In Order No. 636, FERC separated the supply function from the transportation function by regulatory fiat. We have no similarly broad authority over electric transmission lines, certainly no authority to force the separation of generation and transmission, and Congress last year declined the opportunity to grant us such authority.

Congress seems perfectly content with a bifurcated system of regulation under which FERC can order wholesale transmission service, but the states can block the transmission construction such service requires. Congress expressly reaffirmed this regulatory schism last year. I have no reason to criticize this policy choice, but simply want to underscore this key difference in electric and gas regulation.

Second, Congress has comprehensively decontrolled prices in the wholesale market for natural gas, but has not been so bold with electric generation, deciding instead to promote competition incrementally by allowing more EWG sellers into the market and increasing FERC's authority to order wholesale transmission service. This encourages but does not require the disintegration of wholesale generation. There has, moreover, been no legislative deregulation of the price of wholesale electric energy, although an increase in transmission open access filings may make market-based rates for generation increasingly available.

Third, on the natural gas side, FERC has occasionally exercised its authority to allow industrial customers and electric generators to bypass the local distribution company and hook up directly with the pipeline. FERC has no similar authority on the electric side. In fact, Congress has stated unequivocally that FERC has no authority to order retail wheeling. Thus, the pressure for retail wheeling will come at the state rather than the Federal level.

These three differences in the scope of federal regulation suggest that the evolution of the electric industry is not bound inexorably to follow that of the natural gas industry. Nevertheless, I am convinced that similar changes will occur primarily because the competitive forces driving both industries are the same: Simply stated, lawmakers, regulators and customers want the industry to provide a more competitive product.

This same force has swept other industries. In the long-distance telephone market, AT&T is still the dominant carrier, but it is fighting for every percentage of market share. It has reduced its workforce and its rates, taken major write-offs of assets, and become much more responsive to customer needs and desires. But daily it must lock horns with vigorous and creative competitors scrambling for each additional customer.

In my view, the key lesson to be learned from natural gas and telecommunications is not to bet your electric utility on a hoped-for return to a non-competitive environment, but instead to devote your resources to becoming as competitive as you can, as fast as you can. Successful electric utilities will focus on becoming competitive, not on fighting the inevitable. Those that become competitive will win, and those that ignore competition, their minds clouded by fond memories of the "Good Old Days" will lose.

What happens to those who fail to compete? Looking again at the natural gas industry, a key threat to local gas distribution companies is bypass. If they are not competitive, their industrial customers may attempt to hook up directly with the pipeline to secure the service they want at a competitive price.

In the telephone industry, customers generally can now change long-distance companies with one phone call. A similar development in the electric industry, with customers changing power supplies with a phone call, may be on the horizon.

Even the baby bells, functionally similar to electric distribution companies, are starting to see competition in the market for local service. Mobile phones are becoming common. The cable TV companies are trying to supplant the need for a traditional phone line into our homes. The proposed Bell Atlantic-TCI merger will increase the competitive pressure toward this end. And, the technology for completely portable personal communication devices is almost at our doorstep.

In the electric industry, perhaps the most prominent near-term regulatory threat is retail wheeling. Here, the key decisionmakers will be state lawmakers and regulators.

We are all aware of the debate raging in several states. If I were a utility executive, I would not rely solely on political or regulatory protection from this threat.

Large utility customers will mount powerful arguments that retail wheeling will allow them to retain or add local jobs, and that utilities should not be allowed to hide inefficiencies behind a state-imposed monopoly.

Utilities forcefully counter that retail wheeling will severely erode the health and viability of an industry that over time has literally been the economic backbone of our Nation. There is, the industry will argue, a higher societal value than merely cheap electrons, and that is a stable and viable electric infrastructure. Utilities will also argue that retail wheeling should be prevented to avoid billions of dollars of stranded investment. Undeniably, the dollar amounts involved will be impressive.

On the other hand, these costs may be perceived by policymakers as representing only one-time transition costs, a necessary price as the electric industry shifts from regulation to competition. And, the country has survived the break-up of another backbone industry, telecommunications, at a time when telecommunications services, particularly with computers, are increasingly essential to our economy. If state policymakers are sympathetic to these views, or if they choose to allocate some of the stranded costs to shareholders instead of the remaining ratepayers, a choice utilities will fiercely battle, the stranded investment argument will lose some of its obvious persuasive force.

Mercifully, Congress has told me as a federal regulator that I must leave this debate in the hands of state policymakers, and I gladly do so. I discuss retail wheeling here for two reasons. First, it looms on the horizon, and is no doubt on everyone's mind. It underscores the absolute necessity for utilities in this day and age to work hard to keep their existing customers happy. And second, I am keenly aware that FERC regulatory action—in particular, how we deal with stranded investment and transmission pricing at wholesale—may influence the retail wheeling debate.

The threat of retail wheeling, and the general increase in competition in the industry, had a very important financial consequence last week, as Standard & Poor's tightened its criteria for evaluating electric utility debt. S&P also revised the credit outlook for a third of the industry from stable to negative. S&P cited increased business risk as the primary reason for the changes. A spokesman also indicated that, if competition develops as they expect, S&P will tighten its benchmarks even more.

I see S&P's actions are one more wake-up call for the industry. Competition is here and it may increase very quickly.

In this environment, what can utilities do to ensure the health of their business? In my view, the key is this: Each utility must treat its customers as if it wants to be their supplier by choice, not by government mandate. A utility that succeeds must adapt to an environment of continuous change and be as responsive, cost-effective and customer-oriented as its competitors.

To achieve this result, one cannot overlook promising new technologies. Change in the electric utility industry, as in most other industries, may be driven as much by technology as by regulation. Being competent at today's technology will not be sufficient in the future, and perhaps sooner than we think. Just ask IBM.

A number of new technologies bear mentioning today. For example, Flexible AC Transmission Systems (FACTS) may dramatically increase the capacity of existing transmission lines, thus increasing a utility's ability to benefit from market opportunities and decreasing regulatory battles over sitting. FACTS may also greatly reduce the problem of loop flow.

Distributed generation by fuel cells or photovoltaic also may allow a utility to serve increased load without large-scale investments in, and major regulatory battles over, new transmission or generation capacity. And, real-time pricing and advances in meeting technology may allow customers to cut their energy costs and reduce the utility's need for peak generation.

Failure to use competitive new technologies may undermine other efforts at becoming or staying competitive.

Competition may require cost cutting. Some utilities have chosen the painful option of workforce reductions. Many will write-down or sell uncompetitive assets.

Besides cutting costs, some have begun to discount their prices when necessary to make sales.

Price, however, is not the only consideration in being competitive. Utilities must also offer products that meet customer needs. If you don't supply the product options your customers want, someone else will.

Many utilities are already responding aggressively to competition by restructuring to form strategic business units. Some have spun off generating assets into separate subsidiaries to serve the competitive wholesale market. Others will form brokering and marketing affiliates similar to those in the natural gas industry. Unbundling of services may allow smaller, leaner business units to better meet customer needs.

In addition, utilities are pursuing efficiencies by integrating their operations with other utilities. This can be done through contractual arrangements. But the dominant means of achieving these efficiencies is a merger. I expect competition to prompt an increasing number of proposed mergers, which are of course subject to FERC and often state approval.

Is there any good news in all of the changes I've discussed? The best news, of course, is for customers, who are likely to see their cost of electricity decline over time. That is what Congress intended and that is what I think will happen.

But, even for the industry, I think there is much good news. First of all, electric load in total is not likely to decline. To the contrary, load will probably continue to increase at a more or less steady rate. In fact, new uses for electricity may even accelerate load growth, through such products as electric vehicles.

More importantly, the good news will come to those who treat increased competition in the wholesale power market as an opportunity, not a threat. Competition means a utility can continue to make money, perhaps even more money than in the past, if it can seize the opportunities presented.

My advice to electric utilities, for what it is worth, is:

Shed the culture of the "Good Old Days";

Keep abreast of promising technologies;

Be creative and aggressive about meeting customer needs;

Become cost competitive;

Play to the particular strengths of your individual company.

And finally, embrace the future. Electric utilities have the resources and expertise to compete and to thrive.

REAR ADM. MICHAEL L. BOWMAN

Mr. GLENN. Mr. President, one of the pleasures of serving in this great legislative body is the opportunity we occasionally get to publicly acknowledge truly outstanding citizens of our great Nation.

Mr. President, I rise today to recognize one such individual, Rear Adm. Michael L. Bowman, U.S. Navy, for devoted and distinguished service to his country. As Chief of Legislative Affairs for the Navy these past 21 months, Admiral Bowman has been the Navy's point man charged with ensuring that the Congress was provided with clear, coherent, and timely information on Navy issues, and with full Navy support and cooperation in meeting congressional requests. This was a major assist to us as we fulfilled our responsibility to see that the United States continues to field well equipped, well trained, modern, and responsive naval forces.

Admiral Bowman has provided support to the Congress in a particularly demanding period of transition from the old cold war era to the new challenges in a world environment that puts an increased premium on flexibility, innovation, and rapid response. Not the least of meeting these new challenges is the need to do so in a period of rapidly shrinking defense budgets as we struggle to completely overhaul and redefine the national security strategy of the United States.

As senior advisor to both the uniformed and civilian leadership of the Navy, Mike Bowman was a major player marshalling congressional support for the new Navy/Marine Corps strategic vision presented in "From the Sea * * *", a far sighted strategy that has already begun to dramatically reshape the way this Nation employs its maritime forces. Mike's highly successful efforts to keep open clear lines of communication from the Navy to the Members of Congress and their staffs was instrumental in fostering a sense of common purpose in ensuring the future readiness of our naval forces.

Mr. President, Admiral Mike Bowman has consistently displayed great leadership, drive, dedication, and integrity in representing the Navy and the Nation which he so proudly serves. I am sure that the Senate, and indeed the whole Congress, joins me in wishing him Godspeed as he returns to the fleet in his new assignment as Commander, Carrier Group Six, based in Mayport, FL. Admiral, we wish you fair winds and following seas in your challenging new assignment.

Mr. President, I ask consent that Admiral Bowman's official biography be printed in the RECORD at this point.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

REAR ADM. MICHAEL L. BOWMAN, U.S. NAVY

Rear Admiral Michael L. Bowman was born in St. Joseph, Missouri on June 27, 1943. He received his commission through the Aviation Officer Candidate Program, and earned his Naval Aviator designation in February 1967.

His operational assignments at sea included Operations Officer, Carrier Air Wing Fourteen, and Commanding Officer, Attack Squadron Ninety Seven. He also commanded three air wings: Carrier Air Wing Five, embarked abroad USS Midway (CV-41); and Carrier Air Wing Thirteen and Carrier Air Wing One, embarked aboard USS America (CV-66).

Admiral Bowman's shore assignments included duty as a Fleet Replacement Pilot Instructor in Attack Squadron One Two Five; duty as the Principal Deputy to the Secretary of the Navy for Senate Liaison; and three tours in various divisions within the Bureau of Naval Personnel. He assumed his duties as Navy Chief of Legislative Affairs in March 1992.

He flew a total of 250 combat missions in Viet Nam and Desert Storm. He has accumulated over 4000 accident-free flight hours in 25 different types of aircraft, and has logged over 1200 carrier landings.

In addition to campaign and unit awards, Admiral Bowman's personal awards include the Legion of Merit (two awards); the Distinguished Flying Cross; the Bronze Star; the Meritorious Service Medal (three awards); and the Air Medal (three individual-mission and 22 strike/flight awards).

THE INTERNATIONAL CENTER OF WORCESTER

Mr. KENNEDY. Mr. President, on October 24, 1993, the International Center of Worcester in Massachusetts celebrated its 13th anniversary. During the past three decades, the center has fostered mutual understanding and friendship between residents of Massachusetts and international visitors and students. The center continues to serve as a vital source of information, especially at this time when the world is undergoing so many dramatic transformations.

The center has participated in the U.S. Information Agency's International Visitors Program, International Business Forums, and International Fellowship Program. It maintains a large language bank and matches individuals with skilled translators. In addition, its library makes available to the local community a complete file of State Department policy statements on all countries around the world.

It is a privilege to take this opportunity to pay tribute to the International Center of Worcester and its dedicated staff, and I commend them for their outstanding work.

Mr. President, I ask that the October 25 Worcester Telegram and Gazette article on the center's 30th anniversary may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Worcester Telegram and Gazette, Oct. 26, 1993]

FOREIGN POLICY BEGINS AT HOME: INTERNATIONAL CENTER CELEBRATES

(By John J. Monahan)

SHREWSBURY.—The International Center of Worcester marked 30 years of hosting foreign visitors in the city yesterday with a public brunch that also included local observation of United Nations Day.

The organization was started by the Worcester Rotary club and Junior League in 1963, as a way to assist doctors who came to work and study at the city's three teaching hospitals.

"They came with wives and small babies," and the center volunteers helped them settle into living in Worcester by taking them grocery shopping, offering English-as-second-language courses, providing child care and friendships, said Jeanne Nader, past president and member.

While the International Center network has produced hundreds of lifelong friendships, Nader said, it later assumed the role of host to foreign visitors who have come to Worcester as guests of the U.S. government.

The center is now affiliated with the National Council for International Visitors, a network of 106 International Centers across the country. Nader said the local centers host scientists, physicians, educators, artists, and cultural specialists who are invited to come to see the United States as part of a U.S. Information Agency program.

"It's been called one of our most important foreign policy programs," Nader said.

In the last year, she said, more than 100 foreign guests have visited the city, and the visits have been enhanced by cooperative efforts of numerous institutions in the city affiliated with its 200 local members and a network of about 50 volunteers.

This summer the center was host to 53 foreign visitors—from Jordan, South Africa, Albania, Bulgaria, Haiti, Colombia, Mexico, Benin, Guinea, Lesotho, Mali, Mauritius, Namibia, Niger, Rwanda, Senegal, Seychelles, Sudan, Swaziland, Togo, Zimbabwe, Afghanistan, Costa Rica, Egypt, Israel, Jamaica, Lebanon, Sri Lanka, the United Kingdom, Chad, Congo, and the Czech Republic.

In August, one 10-member international group was studying urban renewal and inner city redevelopment in Worcester, while another 15-member group of young leaders from Africa were in the city as part of their trip focusing on "Democracy in America."

Another side of the center's work in assisting foreign visitors living and working in the city. These would include recent immigrants as well as university students, who still benefit from the hospitality and services provided by the International Center's volunteer network.

Two people who have worked closely with the center over the years, Worcester City Manager William J. Mulford, and Clark University President Richard P. Traina were honored with citations from the center at yesterday's brunch held at the Worcester Foundation for Experimental Biology.

Also honored were longtime members Betsy Davidson and her late husband Richard C. Davidson for their "outstanding work as international parents and grandparents for generations of ICW members."

Traina said the International Center has been a great help to the many international students who attend that university, which Traina said is diligent in efforts to attract foreign students.

BEGIN AT THE BEGINNING

Mr. MOYNIHAN. Mr. President, I have recently received a long and thoughtful letter from Ms. Eugenie Ahders, who is living now in Haverford, PA, formerly a New Yorker, with some thoughts on the subject of a workable health plan for America, which is entitled "Begin At The Beginning." It seems that, "Realistically, universal access to affordable health care for every American will not be possible in the near future."

That may or may not be the case. But her emphasis on health care in early childhood, for children, for infants seems to me very much on point at a time when we have established that almost 30 percent of American children are born to single parents and all of the health care problems associated with that condition in life. As George Will recently observed, "Poverty is sickening in the literal as well as the moral sense."

I think these are views that deserve attention, and I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BEGIN AT THE BEGINNING

A SUGGESTION FOR A PRACTICAL, WORKABLE HEALTH PLAN FOR AMERICA

Realistically, universal access to affordable health care for every American will not be possible in the near future. As Senator Paul Wellstone says in his introduction to his excellent bill, S. 491, which provides for a single-payer system: "Certainly it will take time to make changes of the magnitude that is required, and there will be unforeseen complications in any system we choose. But we do not have the time, and the American economy does not have the resilience to tinker with programs destined to fail."

So, let us "Begin at the Beginning" by insuring the health of our children—prenatal to age 18. In other words, let us concentrate first on a small but vital section of the huge package now being considered by Hillary Rodham Clinton's Task Force. As far as I know, every plan under consideration includes the basic requirements proposed here for our children's health care. The cost would be no more, probably much less.

Here are the key features of this plan:

As their right, all children, prenatal to age 18, would be covered for primary and preventive care, hospital and practitioner care.

Community clinics would be set up to provide a range of high quality integrated services in a conveniently located one-stop shopping setting.

Under this plan an organized, computerized system would be established in local communities, administered by the states, under standards set by a bipartisan American Health Care Board.

With this gradual plan, in ten years time it could be extended to cover all persons up to 28 years of age. As each new year ensues, the plan would automatically insure more of the population.

The benefits are many, in both the short and long term:

"Begin at the Beginning" would give us a reasonable goal to focus on. Furthermore, insuring the health of our children should be acceptable to Republicans, Democrats and Independents and would certainly please this administration which proclaims dedication to our children.

The plan allows time to get the infrastructure in place, developing the clinics and the primary care practitioners required.

Starting with the children allows time and opportunity to develop a workable system on a smaller, easily monitored group. Costs will be much lower than for a like number of adults.

The plan would improve not only the health but the educational prowess and the social behavior of our children. Consider, for example, the difference the testing of eyes and ears could make for some children in the classroom.

It could prevent teenage pregnancies and the birth of low-weight, impaired babies. These babies can cost as much as 1 million dollars each.

Focusing on children's health care would eliminate, or at least postpone the fierce battles with the insurance companies, hospitals and other health providers.

It would break the connecting link to employers.

"Begin at the Beginning" would create immediate valuable long-term jobs to establish the clinics and the system.

It is a hopeful beginning to break the stalemate on the seemingly impossible task before our nation. The plan provides for a gradual extension of health benefits so long neglected by this country.

Best of all, it is a start in promoting a healthy population.

And it is an original program for the United States, not borrowed from any other country.

HOW TO PAY FOR "BEGIN AT THE BEGINNING"

First of all, costs are bound to be reduced if all the bureaucracy is eliminated that is essential to monitor and control the very large entities, e.g. insurance companies, big business, small businesses, HMOs, doctors, etc.

Costs would be financed through a transfer of current state and federal government expenditures, for instance, the WIC and AFDC programs, and others, which at present contribute to the needs of these children. Also, the part of Medicaid which goes for the care of children of the poor is considerable, and could be used to advantage in this program.

Shortages will be supplemented by a truly progressive and fair federal income tax to guarantee insurance for our children's health care.

IN THE MEANTIME—FOR THE ADULT POPULATION

This section of the population would continue to get care from the same providers they now use: their doctors, their insurance companies and employers or HMOs, and with Medicare and Medicaid. However, their situation will improve in both the short and the long term for the following reasons:

Insurance premiums should be reduced where the family policies need no longer cover the children. Also "Being at the Beginning" will give families a tremendous sense of relief to know their children are fully cared for.

Many states have been experimenting and improving their health care systems with a lot of success. And, quoting from the New York Times of April 25, 1993: "The states hope the administration will be flexible and let many of their efforts stand."

During these next few years, the federal government must take an active role in improving laws and regulations to help the experimentations in the states.

We will have, not "managed competition," but competition among the states to develop the best system.

A few years down the road, the country can then decide on the competition between the "Begin at the Beginning" and the improved residue of our present system as designed by the states.

In any case, under any new system, it is likely to take a whole before everyone will be insured beyond Medicare or Medicaid.

With the adoption of "Begin at the Beginning" the country could move ahead now. It could ease in the pattern for a successful single-payer System for all Americans.

Suggested with concern and hope by—

EUGENIE AHDERS.

HAVERFORD, PA, SPRING 1993.

VIOLENCE IN AMERICA

Mr. MOYNIHAN. Mr. President, 2 months ago, the National Center on Health Statistics released data showing that the rate of out-of-wedlock births in the United States increased to 29.5 percent in 1991. For whites it was 21.8 percent, for blacks 67.9 percent. And matters are almost certain to get worse. For the last 20 years, the out-of-wedlock rate has increased without interruption. When plotted on a graph, the annual rates fall along a straight line, rising at just under 1 percent a year. At a recent hearing before the Senate Finance Committee, Dr. Lee Rainwater, one of this Nation's most respected students of the subject, predicted that the rate will reach 40 percent by the year 2000.

Not surprisingly, the most serious problem is in urban America. In Newark, Atlanta, Cleveland, St. Louis, and Washington, DC, two-thirds of all the children born in 1991 were to unmarried women. In Detroit, it was close to three-fourths. In these communities, the traditional family has virtually ceased to exist. And it shows.

In 1965, I wrote an article in America on this subject. Included was this assessment:

> From the wild Irish slums of the 19th century eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable. And it is richly deserved."

Charles Murray makes much the same point in an October 29 article in the Wall Street Journal. Had we been asked in the mid-1960's to imagine a society in which out-of-wedlock births had reached today's levels, he writes, our prognosis would have been somber:

> * * * if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized

male adolescents made norms—physical violence, immediate gratification and predatory sex.

And indeed that is what we have got.

Recently, NBC broadcast a five-part series, entitled "Society Under Siege" which focused on the growing violence among young people in this country. The series reports on events in Salt Lake City, UT, Topeka, KS, San Francisco, CA, and Raleigh-Durham, NC, places not normally associated with the worst urban violence. In Salt Lake City, we hear about a child gang called Tiny Toons which has members as young as 7. NBC's Roger O'Neil reports that Salt Lake City's officials say the gang problem is not about race and has very little to do with drugs. Instead, "kids are in gangs because they need a sense of self-esteem, a sense of being. They get that from the gangs. You know, 'c'mon in, you're our buddy now. You're a part of us. We're family now.'" The gang, it seems, is the only family these children have.

Interspersed among the stories are jarring statistics—"In New York City alone it costs more than $960,000 to treat each gunshot victim * * *" "Medical care for victims of violence now costs this country up to 18 million dollars a year * * *" "Being shot is now the second leading cause of death among America's young people * * *" And we see examples of communities responding to the crisis. In San Francisco, emergency room doctors call for violence to be defined as a preventable disease. Salt Lake City has night basketball games. Raleigh-Durham has mentoring programs.

Last year I wrote an article, "Defining Deviancy Down," for the American Scholar in which I argued that the amount of deviant behavior in American society has increased beyond levels that we are capable of acknowledging. So we have redefined deviancy so as to exempt much conduct previously stigmatized. That is what has happened to urban violence. Because there is so much of it, we have come to see it as normal. That's why the NBC series is so important. It demands from all of us that we stop acquiescing in this deviant behavior and do something about it.

Mr. President, I ask unanimous consent that a transcript of the NBC series be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SOCIETY UNDER SIEGE

NBC Nightly News, Monday, October 4, 1993, Tom Brokaw: American Close Up Now: Society Under Siege. Tonight we begin a week-long series of reports on the problem of violence among young people—spiralling out of control.

Arrests of individuals younger than age 18 for murder, assault, rape—up from more than 58 thousand a year to more than 87 thousand. A 50 percent increase in just four years.

Murder victims age 19 and under—thousands of them. An increase of 54 percent in ten years.

This week, we'll visit four American cities facing these problems, and searching for solutions. Tonight: Salt Lake City, Utah. A city you might think was free of this kind of youth violence. Think again. NBC's Roger O'Neil reports.

O'Neil: It was a wakeup call for the gangs and for the community. In a metro-wide police crackdown beginning before dawn today Salt Lake City police arrested 27 suspected gang members.

This weekend, enforcement of a teen curfew law was stepped up.

Authorities are trying to take back the streets from the 185 gangs and 17 hundred youths they have identified as gang members or wanna-be's. The population of Salt Lake is less than 750 thousand.

Just 4 years ago the cops weren't even tracking gangs, but then they weren't losing this war.

Lt. Jim Bell, Salt Lake City Police: We can arrest 'em and charge 'em and send 'em through the system, but they're back out on the street generally before the officer can get his paperwork done.

O'Neil: Until this summer most people here denied their city had a gang problem.

Then they heard about a child gang called "Tiny Toons" and kids as young as 7.

And they were shocked when a high school football star was charged with killing another teen.

Finally in Sept. at the family-oriented state fair another shooting.

Vendor at fair: He just reached down and shot the kid.

O'Neil: In the 1st 9 months of this year more than 3 thousand gang related crimes. That's almost double for all of last year.

Officials say the gang problem in Salt Lake is not about race and has very little to do with drugs.

Craig Trujillo, "Youth Works" Board Member: Kids are in gangs because they need a sense of self esteem, a sense of being. They get that from the gangs. You know, 'c'mon in, you're our buddy now. You're a part of us. We're family now.

Anousak Kaykeo, former gang member: I just needed someone to turn to, like my second family. That's what a gang is.

O'Neil: In Salt Lake City, the Mormon Church is unquestionably the most powerful institution. In the past, it has taken positions on everything from abortion to women in the workplace to drinking coffee. But on the issue of kids, gangs, and guns, the hierarchy of the LDS church has been remarkably silent.

In a written statement to NBC news, church officials said "those members who chose to ignore the laws may be placing their church membership in jeopardy."

Others are beginning to offer solutions.

Tomorrow, the mayor will ask city council to get tough.

Mayor Dee Dee Carradini, Salt Lake City: "We've got to get guns out of the hands of our kids and second we need beds. We can arrest these young people, but there's no place to put them."

O'Neil: A special session of the legislature will take on guns and gangs when it meets next week.

Preventative solutions to joining a gang are just beginning in Salt Lake. Night basketball, which seems to work in other cities, has started. And a new job training program is underway. Experts say offering kids a carrot rather than the stick is a lot more effective.

Miles Kinikini, former gang member: They need attention, they need love, and that's something the community has got to offer. And it's a long way to go, but they gotta offer it."

Trujillo: "You just can't lock everybody up. I mean you're not dealing with just a few young boys. You're dealing with girls. You're dealing with kids as young as 6 years old. How you going to lock up a 6 year old?

O'Neil: Even if locking them up was the solution, this city doesn't have the jail space. Most of the juveniles rounded up this morning are back on the streets tonight.

For America Close-Up. Roger O'Neil, NBC News, Salt Lake City.

NBC Nightly News, Tuesday, October 5, 1993, Tom Brokaw: On America Close Up tonight we continue our week-long series: Society Under Siege. A look at the rapidly increasing problem of youth violence. Statistics tell part of the story:

For example, being shot is now the second leading cause of death among America's young people. Only car accidents claim more lives.

And the problem of gang violence reported in 10 cities in 1981. Ten years later it's much, much worse.

This week, we look at four American cities trying to find a solution. Tonight, NBC's Dawn Fratangelo reports from Topeka, Kansas. One city that didn't use to have a gang problem. One where violence now takes a terrible toll.

Irene Gardner (mother): "They remember her, how she was, the smile she always had on her face."

Renee Gardner (sister): "They strangled her and beat her and took her car."

"It was the most devastating, horrific thing that's ever happened to this family and always will be.

Fratangelo: Last April violence shattered the Gardner family when their 16 year old daughter and sister, Mandy, was murdered.

Marvin Gardner—(father): "The kids that did this to Mandy in jail joked and laughed. In the courtroom they laughed about it. I don't know if they know they killed a human being."

Fratangelo: In this prairie city of 120 thousand Mandy's family is not the only one touched by violence. Just visit the local cemetery.

Lowell Manis, funeral director: "She was killed over a car. There's a 17 year old over here that was killed for a car. An 18 year old that was killed over this way over a 50 dollar argument. It just goes on and on.

Nickie Stallons, victim's friend: "He was murdered in a house by one of his friends. It was a dare to shoot him and he shot him, five times."

"He just didn't take one life. He took a whole family.

Fratangelo: Since January there have been 105 shootings and 18 murders in Topeka. Most committed by people under age 20. Only five years ago there were just eight homicides.

Fratangelo: "Gangs, drugs, violence. They are nothing new to this area. But many admit Topeka ignored them, was afraid to admit they were creeping into this small Midwest city. That denial has the city in a race to catch up."

Anticrime units which began a year ago are targeting high risk areas with operations like this one.

Thomas Glor, Topeka police officer: "Do you think this saturation is working? In this area, yes. It's definitely working. Anytime you saturate an area with tons of cops, it's definitely going to have an impact on crime."

Fratangelo: Gangs from Chicago and Los Angeles were looking for new recruits—both black and white. But in Topeka? Within a matter of years—it hardly seemed like Kansas anymore.

Kelly McKinley, Topeka police officer: "People have to realize that Dorothy is still Dorothy but now she's carrying a gun and Toto's no longer a terrier, he's a rottweiller and he's here to bite and that's the way Kansas has turned."

Fratangelo: The aggressive, new police chief wants to turn around that image—but needs help.

Chief Gerald Beavers, Topeka police department: "Let's don't just say we're gonna put more police officers out there. Let's get some people involved with the youth of our community. If the youth are causing the problem what can we do with them."

Fratangelo: One solution is the Topeka Youth Project. Run by a former Chicago gang member—Darryln Johnson—it trains 16 to 20 year olds for employment.

James Henderson, former gang member: "I joined when I was 15, got shot when I was 17, then I was pretty much rock bottom and my mom heard about Darryln and he's been helping ever since."

Darryln Johnson, youth corps director: "Some of this stuff is just a shock. And when you're shocked the next thing you need to do is educate yourself so you and others around you don't become victims."

Fratangelo: That shock kept Topeka from reacting quickly. Now it's scrambling for solutions. There is a talk of a curfew, more police precincts, anything to keep more young people from ending up here.

Friends kneeling near stone: "It's a beautiful tombstone."

Fratangelo: For America Close Up, Dawn Fratangelo, NBC News, Topeka Kansas.

NBC Nightly News, Wednesday, October 6, 1993, Tom Brokaw: America Close-up tonight, "Society Under Seige," continuing our special series on the growing violence among young people in this country. The numbers tell part of the story.

For example, medical care for victims of violence now costs this country up to $18 billion dollars a year.

In New York City alone it costs more than $9,600 to treat each gunshot victim. Last year the city had almost 6,000 of them.

Of course the cost of youth violence is not just measured in dollars. In many cases victims pay the highest price. Something we've seen in all four cities we're looking at this week. Tonight, San Francisco, and the view from the emergency room. NBC's Margaret Larson.

Larson: San Francisco general hospital.

One of these stab wounds went into his chest and partially collapsed his lung.

19-year-old Davis Avilar was stabbed repeatedly near the heart with a screwdriver.

Doctor: His blood pressure is dropping.

Larson: Dr. Geno Tellez, a trauma surgeon, is battling to keep Avilar alive. It's a scene played out daily in the city's mission district, where gang violence is an entrenched way of life.

Unidentified Gang Member: We get angry, we get mad, we kill one of them, they kill one of us, it doesn't stop.

Larson: In the first 6 months of this year, 15 juveniles have been arrested in murder cases here, just one arrest short of the total for all of 1992.

Larson: There are more and more kids getting arrested, more of you getting killed, where does that stop?

Second Gang Member: It doesn't stop.

Larson: Nationwide, violence is the leading cause of death and disability for people 15 to 34 years old. On the basis of those figures, violence among young people is now being considered a public health issue, and it's being called an epidemic.

Dr. Geno Tellez: I think if nothing is done it will keep escalating and we'll definitely just destroy ourselves.

Larson: So Dr. Tellez is exploring a different approach, treating violence not just as a crime, but as a preventable disease. He says public health education can make a difference, similar to the attack on smoking, drunk driving, or even AIDS. Funded with a small part of a $30,000,000 grant from the nonprofit California Wellness Foundation, Dr. Tellez recruits other physicians for community outreach programs. He also spends time in the mission district sharing information with social service experts and developing a support network for young violence victims after they've left the hospital.

Dr. Tellez: My concern is to follow these kids, to find out where they are going, and where they are headed.

Larson: He also wants children to know that violence on the streets isn't Hollywood make-believe.

Dr. Tellez: It does hurt and you do not get up off the street and walk away, it hurts and it hurts badly, they are extremely unaware of how bad it really is.

Larson: Dr. Tellez and his colleagues see the worst of it, and that's moving many health workers toward activism and a demand for health care reform to include violence prevention programs.

Andrew McGuire, Pacific Center for Violence Prevention: They don't like treating a little 4-year-old who's been shot in the stomach with five nine-millimeter bullets, and when you get that kind of perspective outside of the hospital into the policy arena, that has force.

Larson: But they all know it's an uphill battle, as Geno Tellez scrubs for surgery on one victim, more arrive downstairs. Tellez believes the medical community can offer some solutions in the war on violence, but he also knows it's a war that, so far, we are losing.

NBC Nightly News, Thursday, October 7, 1993, Tom Brokaw: America Close-up tonight . . . we continue our week-long special series—Society Under Seige. A look at the growing problem of violence among young people. The statistics tell part of the story.

For example: 75-percent of America's teenagers say being threatened with violence in school is a problem.

And many times . . . the threats involve deadly force. Young people bring an estimated 270-thousand guns to school every day.

Tonight . . . the fourth city in our series . . . Raleigh-Durham, North Carolina. A place where some caring adults are trying to rescue a generation. NBC National Correspondent Brian Williams.

Williams: Gloria Vaca is trying to save the children of Durham.

Vaca (talking to a sick child): "Why don't you go home and tell your mother about this. She knows about it? She knows about it . . ."

Williams: Gloria Vaca's job is to save kids from one of the roughest neighborhoods in the country. She knows all the little ones . . . and can tell you which of them aren't likely to see the age of 16.

Vaca (introduced to a parent): "I have a program that can help your kids . . ."

Williams: Gloria finds adult mentors for children in trouble. Often, that means taking them to her house at night . . . because for them, home is often too dangerous.

Vaca: "Durham is a particularly bad town for children and I would dare say there are lots of towns like us, and I don't know if America knows that."

Williams: It is not one of the country's largest urban areas. It is Raleigh-Durham North Carolina. The land of good jobs, good schools and safe streets. For most.

It is an image the area enjoys: the Fortune 500 Companies who moved here and brought thousands of families who in turn bought thousands of nice homes.

Many, in this region of ¾-million people, came here to get away from big-city life. They did NOT expect this:

In the years 1985 to 1991, the number of juveniles arrested for violent crime jumped 103-percent.

Last year alone, 28-thousand assaults were reported in North Carolina schools, resulting in suspension, or arrest.

Sheriff John Baker Jr., Wake County, North Carolina (to inmates in cellblock): "Some of you get mad at me because you are here. I'm not the reason why you're here."

Williams: Sheriff John Baker can tell you all about those numbers. He's surrounded by them. His county jail is over capacity . . . and no one in this group is over 17.

Sheriff Baker: "I never dreamed that some of the crimes that are committed elsewhere would be committed here. But its here and its real . . . its reality."

Williams: The Oxford Manor housing project in Durham . . . is home to poverty, violence, and the children who live with it. At night, the often heavily-armed drug dealers takeover . . . and patrolman Charles Soles does his best.

Officer Charles Soles, Durham, North Carolina Police: "It's very, very depressing to be arresting a 15-year-old kid with shooting a gun at school. I arrested an 8-year-old one time up here at a school with a gun, and he was getting ready to pull it on us."

Williams: This is visitor parking at Raleigh's East Wake High School . . . and the visitor is armed. A deputy sheriff walks the halls every day . . . since fighting here got out of hand.

Emily Corbett, Student Body President: "I'm embarrassed to say there's a deputy sheriff roaming the halls of my school. But it's better now."

Williams: At nearby Millbrook High School, the off-campus shooting death of a student in April left the guidance counselor questioning her own safety.

Mary Ellen Taft, Guidance Counselor: "I never thought 20-years ago that I would be in a profession where I would be scared or I would have fear, or I would check that my life insurance policy was paid off."

Gov. Jim Hunt, D-NC: "Everybody is concerned and many of them are scared. We've got to do something about it. We can't ignore this anymore."

Williams: The Governor says the answer is getting to children and preaching anti-violence before they're FIVE years old. Sheriff Baker says the answer is teaching discipline at home, and not at school—or in jail. And Gloria Vaca says the solution is what she's doing: Finding enough adults to watch over the children who are in danger. That's too many children to count, right now. For America CloseUp, Brian Williams, NBC News, Raleigh-Durham, North Carolina.

NBC Nightly News, Friday, October 8, 1993, Tom Brokaw: Tonight, Society Under Siege, our America Close Up series on violence among the young in America this week. We know that violence has reached epidemic proportions—six kids a day are dying from gunshots. It's the number one cause of death for young black males, and it's everywhere. What we learned this week is that violence among the young is not just a big-city problem. Topeka, Kansas . . .

Unidentified Man: There's a 17-year-old over here that was killed for a car, an 18-year-old over this way that was killed over a $50 argument.

Brokaw: It's also going on in Salt Lake City, Utah, Raleigh-Durham, North Carolina.

Ten years ago, gangs were in 10 American cities; now, they're in 125 cities. Communities are trying everything to cut down on the carnage. In Topeka, cops on bikes. In Raleigh-Durham, where violent crime is up more than 100 percent in six years, adults are taking on children headed for trouble.

Unidentified Doctor: One of the stab wounds went into his chest and partially collapsed his lung down.

Brokaw: In San Francisco, the medical community is treating violence among the young as a public-health problem. If there is a common theme, it is that too many young people grow up with no sense of right and wrong; too many young people grow up with violence as a routine part of their lives; too many young people have no one to turn to if they want another way of life.

Tonight, we want to talk about this with two people who have beenstudying the problem of violence among the young in America. Dr. Deborah Prothrow-Stith is a Dean at the Harvard School of Public Health and author of "Deadly Consequences," a study of violence among the teen-agers in this country. And Bill Bennett, former secretary of education and drug czar in the Reagan and Bush administrations.

Dr. Stith, let's begin with you. Let me ask you, we have seen a rising curve of violence in this country. Is there any good news out there?

Dr. Deborah Prothrow-Stith (Harvard University): Well, I think there is good news out there. I travel all over the country, and I'm impressed with the number of parents, teachers, outreach workers, teens themselves who are struggling with this issue, who have started programs, using videotape, using curricula in the schools, doing midnight basketball, doing street outreach work; a number of people. Just—people have decided that we've got to do more than lock kids up, and they are really taking that to heart. I think we are on the verge of a groundswell, really, of a national movement to prevent violence in our relationships.

Brokaw: And Bill Bennett—in North Carolina tonight—a lot of people do want to lock up more kids, but the jails are already full. Is there a role for the federal government in coming up with more pro—programs to head off violence in the first place?

Mr. Bill Bennett (Reagan Cabinet Secretary): Yeah, I think there is role, Tom. Video efforts, curricular efforts, midnight basketball are all fine, but these kids need, more than anything else—it's parents. And what these boys that we have been seeing all week on your show need—we've been watching—are fathers. And we—a lot of them don't have fathers. You go back into the history of these children, you will find there is not a good strong male presence in their lives.

Now what does the federal government do about that? It can't supply male role models, but it can think about its policies in welfare; it can think about its policies toward the family, in terms of taxes; and it can think about educational policy. But the fundamental issue, I think, is to recognize that civilization does not come in our genes; it has to be taught, and it has to be learned. And that requires the basic social institutions to be stronger than they are today.

Brokaw: Dr. Prothrow-Stith, should there be more outrage within the community about what is going on with too many mothers having babies at too early an age and fathers not around?

Dr. Prothrow-Stith: Well, I think that's an important factor. But I think it's important to know that no one factor is going to solve this problem. I mean, there are many, many men raised by single mothers in this society who are not only decent, productive citizens, but they are not violent. Right, children do need fathers. Children need teachers that are good. Children need an extended family. They need recreation programs. They need a society that's going to love them and raise them. And if any one part of it isn't perfect, which is always the case, other parts of the society and of the family and of the school can take up the slack.

What we have now, I think, more than a breakdown in families, is a breakdown in community. We have a society that promotes violence, that encourages violence. We have people who make money off of violence. They sell guns. They sell movies, teaching our children that violence is the way to solve problems. So it's more than a family issue.

Brokaw: Bill Bennett, let me ask you abut the drug situation. You were the drug czar. A lot of these gangs are fueled by drugs. Looking back, do you think it would have been better to spend more money on education and less money on interdiction, which has not worked very well?

Mr. Bennett: No, no. I think you've got to keep the money coming. We spend more money on everything, and I think you've got to continue that effort. But let's—let's remember the juvenile justice system has broken down. We don't have a system in which kids put in a lot of time in prison. The juvenile justice system needs to be reformed.

Let me just come back to the point. Communities are important, but the most important community for the child is the family. And if we don't get—make that institution stronger, we're going to keep repeating more and more of this.

Brokaw: Bill Bennett, Dr. Deborah Prothrow-Stith, I can assure you that we'll have you back, because we have a commitment to talk about this subject in the weeks to come here on Nightly News. Thank you both very much tonight.

Dr. Prothrow-Stith: Thank you.

Brokaw: Thank you.

THE MEANING OF WAR

Mr. LEVIN. Mr. President, in this post-cold-war age, as our military establishment goes through a necessary restructuring and we seek to redefine America's role in the world, it behooves us to remember the meaning of war.

Last week one of my constituents sent me an article he had authored which I would like to share with you. This constituent, Walter Adams, has led a fascinating and full life. He is currently a professor and president emeritus of Michigan State University.

In 1944 he toured Western Europe as a foot soldier—first with the 83d Infantry Division and later with the 11th Armored Division. He recently retracked his steps through Western Europe, nearly a half century later, in a moving account that appeared in the Lansing State Journal, where he remembers the meaning of war.

His essay recalls the bravery and courage in the face of danger of his fellow comrades in arms, the enduring legacy the soldiers left with people living in the European countryside and the disturbing memories of man's inhumanity to man jarred by visits to old battlefields and empty concentration camps.

For my colleagues' review, I request that this column be printed in full in the RECORD at this point:

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Lansing State Journal, Oct. 24, 1993]

RETURN TO NORMANDY

(By Watler Adam)

It wasn't professional travel. Nor was it a vacation.

If anything, it was a pilgrimage. To remember. To reflect. To contemplate. To gain perspective on the most cataclysmic event in my life.

But, above all, to commemorate that brave armada which assaulted the monstrous fortifications of Normandy as a first step on the long road to the liberation of Europe from Nazi oppression.

Next year will be the 50th anniversary of that June 6, 1944, which marks an incomparable feat in military history. No doubt, it will attract crowds of tourists, sightseers, curiosity seekers and a rapidly diminishing group of veterans who survived "the longest day."

To avoid what may well degenerate into a commercial extravaganza and televised circus, I decided to go this year, in the quiet of September, accompanied by my wife, Pauline. I wanted to walk the beaches, visit the memorials, and pay my respects one last time at the cemeteries dotting the Norman landscape.

My trek started at the Pegasus bridge, a vital link across the Orne River, taken shortly after midnight of June 5, by Major Howard's glider troops of the 6th Royal Airborne Division. The house next to the bridge—the first to be liberated in France—still stands. Today, it is a combination snack bar/museum/souvenir shop. I dropped in to browse. I selected sixteen postcards, counted them out ceremoniously to the handsome middle-aged owner, and inquired lightheartedly whether I was entitled to a quantity discount. Without a change of expression, she carefully checked the number of cards and, noting my army fatigue uniform (which I wore throughout the trip), asked if I was there in '44. I explained that I was in the American sector, on Utah Beach, and that I did not land until D+13.

"But you were part of the liberating force?"

"Yes."

"In that case, please take these cards with my compliments—in appreciation of what you and your comrades did."

Overcome by this unanticipated gesture, I couldn't hold back the tears. (For the moment, I didn't even feel embarrassed.) In subsequent conversation, it turned out that the house next to the bridge had belonged to her parents, that as a little girl she witnessed a German officer choking her mother and since that liberation she has been fighting "the bureaucrats in Paris" who want to demolish the bridge and replace it with a modern structure. Her mission, she felt, was to keep alive the memory of what the brave men of the Pegasus Division had done on that fateful night nearly 50 years ago.

SAND OF UTAH BEACH

In the town square of Sainte-Marie-du-Mont, just off Utah Beach, I stopped for information at a small restaurant/hotel. Attracted by my uniform, and assured that I had participated in the invasion force, the proprietor (a man about 40) regaled me with stories about June 6. The town, he said, was liberated by the Screaming Eagles of 101st U.S. Airborne Division, and its inhabitants—led by their parish priest—guided the paratroopers to the German sniper nests infesting the area.

He proudly pointed to the memorial plaques recounting diverse incidents in the town's liberation. Then, suddenly, he asked me to wait a few minutes. He had a souvenir for me. He returned with a small wine bottle which he had just filled with Utah sand: "This is a token of our appreciation. It will help you remember." (I didn't have the heart to tell him that I had already collected sand from each of the beaches—British, Canadian, and French, as well as American.)

AN INTERESTING DEBRIEFING

Perhaps our most curious encounter was with Owe Svenson, a used car salesman from Sweden. Born in December 1944, he had an obsessive interest in a war that neither he nor his country experienced first-hand. Now he was in France to see for himself systematically visiting the several beaches, ravenously exploring the monuments and memorials. Waiting for us at the exit from "La Madeleine" museum on Utah, he expressed outrage that I was asked to pay the (very modest) admission charge to the museum.

He asked permission to take my photograph—then another together with Pauline. Then he invited us for coffee and proceeded to debrief me as if he were a military intelligence officer. Did I land on Utah? With what unit? In how many major battles did I participate? How old was I at the time? What did each of the decorations on my uniform signify? And, finally, how difficult was it?

My division, the 83rd Infantry, I told him, relieved the 101st Airborne south of Carentan. Our first mission was to capture Periers (not the Perrier of sparkling water fame)—a village some 12 miles away. Fighting from hedgerowto hedgerow, literally yard by yard, it took us nearly a month to reach our objective.

The cost? Some 5,000 casualties, including killed, wounded, or captured. And after Normandy? Four other major campaigns: Northern France, the Rhineland, the Battle of the Bulge, and Germany. How many men of the 83rd Infantry survived from Utah to V-E Day, I couldn't tell him. Svenson was genuinely appealed. When we took our leave, as if to make amends, he gave us his address and telephone number: "Visit me any time you want. Don't worry about the cost. Everything will be on me."

TOUCHING, TELLING

These random, unplanned encounters were emotional—and revealing. To a wide variety of people, in different walks of life, the events of 1944 were more than stale history. There was a feeling among the many, almost exclusively European visitors to the beaches and little museums that something of transcendent importance had occurred there half a century ago.

Equally touching and telling were the memorials that are ubiquitous in the area. Every kilometer on the road from Utah to St. Lo to Avranches, the Voie de la Liberté 1944 (liberation route), displays a red-white-blue road marker indicating the distance from the landing area.

In the town square of Sainte-Mére-Eglise, in front of its famous church, stands a stone monument with the stark reminder: "On 6 June 1944, the paratroopers of the 82nd and 101st U.S. Airborne Divisions liberated this District." Near Ouistreham, on Sword Beach (British), the exploits of Commandant Kieffer, leader of 177 French Commandos, are commemorated:

"With their British brothers-in-arms, they conquered this beach to open the road for the liberation of Europe."

At Pointe du Hoc, on a sheer 200-foot cliff, which the 2nd U.S. Ranger Battalion had to climb with ropes and ladders (under withering fire) to knock out a 155 mm gun battery that commanded "bloody" Omaha, a stark granite stalagmite stands in mute tribute.

A nearby sign post records this "mission impossible":

"Pointe du Hoc

"Strongest German position on the invasion front in Normandy

"It had to be taken

"The success of the landings in the American sector depended on it."

GRIPPING MEMORIALS

Inevitably, there is a memorial to George "Blood and Guts" Patton, the Allied general most admired by the Europeans. It is a majestic obelisk, flanked by a pair of American flags, erected on soil brought over from every state in the Union. It stands in the middle of a major thoroughfare in Avranches, and records the exploits of the most brilliant tank commander on the Western front.

One of the most gripping memorials, perhaps, is the tribute to Major Thomas D. Howie (age 36), located in St. Lo, the crucial road junction that had to be captured before the Allies could break out of the deadly hedgerows of Normandy. Major Howie had wanted to be the first American to set foot in St. Lo, but was killed one day before the town was taken. His men of the 2nd Battalion, 116th Regiment, 29th Infantry Division, loaded his body on the first jeep to enter St. Lo and thus made his wish a sentimental (however macabre) reality. The memorial, erected by the French, stands in a square renamed in his honor.

THEY REST IN PEACE

Nothing, of course, can approach the emotional impact of Normandy's military cemeteries. On beautifully landscaped, meticulously tended tracts, designed in parade-perfect order, are the identical headstones that mark the graves of thousands of young men—men whose lives and hopes were prematurely terminated, men who today would be my age.

There is an air of tranquility, even serenity that exudes from their resting place—belying the violence and brutality that sent them to their deaths. The American markers include only name, rank, unit, home state, and date of death. The British and Canadian also contain age and a message from the family. On the Canadian cemetery at Beny-sur-Mer: "In memory of my dear husband and our only son. May he rest in peace," and "Bon Jesus, donnez lui le repos eternel." In the British cemetery at Ranville: "Deep in our hearts his memory is kept." and at Bayeux the all-too-frequent: "A soldier of the 1939–1945 war known unto God."

In these hallowed places, one gets a sense of intimate cameraderie, pervasive equality, and democratic unity. At Beny-sur-Mer, where all markers are imprinted with the Maple Leaf, and Anglo from the Winnipeg Rifles lies next to a Quebecois from the Regiment de la Chaudiére. At St. Laurent, my comrade from the 83rd Infantry Division, Lieutenant Eugene Zender from Wisconsin rests close to Private-first-class Lawrence Slutzker from New York. Killed in the same battle, one lies under a cross, the other under a Star of David. "E pluribus unum!"

There are 16 British cemeteries (19,137 graves) interspersed on Normandy's peaceful landscape, two Canadian (5,007 graves), and five German (58,172 graves). We did not visit all these sites. Most of our time was spent at St. Laurent, the American cemetery on the plateau overlooking the steep bluffs of bloody Omaha.

AMERICAN CEMETERY

The memorial structure consists of a semi-circular colonnade with a loggia housing battle maps at each end and a large bronze statue in the open area formed by its arc. A circular chapel in the graves area contains the inscription "They endured all and gave all that justice among nations might prevail and that mankind might enjoy freedom and inherit peace."

Behind the memorial structure is the Garden of the Missing. Its semicircular wall records the names and particulars of 1,557 soldiers, sailors, and airmen from 49 States, the District of Columbia, and Guam. Their memory is preserved along with that of 9,072 servicemen, 4 women, 3 Congressional Medal of Honor recipients, and 307 Unknowns whose remains are interred at St. Laurent.

(At the request of their families, some 14,000 others were brought home for burial.) Remembering them is an obligation for those of us lucky enough to have survived. It is also a catharsis.

WHAT DID IT MEAN?

On the long flight home, I tried to assess the meaning of World War II.

Isn't the world still beset by tribalism, nationalism, and ideological conflict—in Asia, Africa, Latin America, and Eastern Europe? Has human nature been transformed? Have we learned to sublimate our instincts of aggression and bestiality? Or, as the cynics suggest, is war an inevitable part of the human condition that can be expected to recur with unfortunate regularity in one generation after another?

I like to believe that liberating Europe from Nazi oppression (and East Asia from Japanese hegemony) was not a sterile adventure. I like to believe that defeating a megalomaniac regime, intent on world domination and the extermination of peoples not belonging to the "master race"—a regime capable of perpetrating the holocaust—was an unavoidable necessity and obligation. I like to believe that keeping the hand of an Adolf Hitler away from the atomic trigger was an achievement of capital importance.

Assessing the impact of the war on my personal life was less problematic. It taught me, above all, the evil of ideological bigotry and racial hatred.

When I witnessed its consequences in the concentration camps we liberated—the most notorious at Mauthausen in Austria—I recalled, and never since forgot, the warning of Postor Martin Niemoeller: "When they came to get the Jews, I said I was not a Jew. When they came to get the Communists, I said I wasn't a Communist. When they came to get the Socialists, I said I was not a Socialist. When they came to get me, it was too late."

After seeing—first-hand—the ultimate in man's inhumanity to man, I vowed that for the rest of my life I would stand up and speak up against injustice. Looking back, I hope I have been true to that pledge.

THE REQUEST FOR ARMOR FOR U.S. FORCES IN SOMALIA

Mr. D'AMATO. Mr. President, on October 6, Senator BROWN and I wrote a letter to Secretary Aspin asking a series of questions about his decision concerning reported requests for armored reinforcements by the United States commander in Somalia. We have yet to receive an answer to that letter.

What we asked were the following questions:

"Did you consult with any of your former colleagues in Congress before reaching such a conclusion?"

"Did the U.S. commander in Somalia ask for armored reinforcements?"

"What did he ask for, specifically?"

"Did his request reach your desk?"

"Did you make a decision on the request?"

"What was that decision?"

"If you denied the request, why did you deny the request?"

"If that was the U.S. commander's request then, how does deployment of a smaller force now, under clearly more dangerous circumstances, meet the force protection needs he identified?"

And, "Is it true that it took more than 10 hours from the beginning of the Rangers' raid to the time the relief force reached their position?"

While we have not received a response from the Secretary, we have read articles in the newspapers that answer most of those questions, presuming that the published reports are accurate.

Specifically, on Sunday, October 31, the Washington Post published an article by Barton Gellman on page A1 entitled "The Words Behind a Deadly Decision: Secret Cables Reveal Maneuvering Over Request for Armor in Somalia." Let us see what answers that article can provide us for the questions we asked.

It says nothing about whether the Secretary called any of his former colleagues here before concluding that there would be a backlash in Congress against providing armored reinforcements. The article does say, in regard to the request, that:

> "It's just not going to happen," Aspin replied, according to two people who heard [General Colin] Powell's account of the conversation. Officials familiar with both men's recollections said the secretary told Powell that in terms of overall strategy in Somalia "the trend is all going the other way" and that Congress would be "all over" the administration if it raised the visibility of its presence there.

This tells me that the Secretary should have called his friends over here before allowing fears of floor speeches to influence a decision that ultimately cost the lives of American fighting men.

The second question is clearly answered. The article says that "[General] Montgomery faxed [General] Hoar a written request in the second week of August for a battalion task force of 28 Abrams tanks and 28 Bradley Fighting Vehicles." Later, the article says that "Montgomery sent the request Sept. 14," referring to a second request for a smaller armored force.

The third question is clearly answered. The article says that Montgomery originally asked for a battalion task force, but that "* * * [General] Hoar encouraged Montgomery to scale back his armor request to one reinforced company—4 tanks and 14 Bradleys." It later says that Hoar "* * * also removed Montgomery's request for six 105mm howitzers."

The fourth question is also answered. The article says that "Montgomery's message, a copy of which Powell handed Aspin on Sept. 23 * * *" and later, "Powell, days from retirement, spoke to Hoar and then reiterated the request at least once more."

The fifth and sixth questions are not clearly addressed in this article. Other media reports, however, have characterized Secretary Aspin's treatment of the request as deferring a decision. Well, as we all know, deciding not to decide can also be a decision. In fact, this article quotes Secretary Aspin as telling Powell that "[i]t's just not going to happen." This is clearly a decision, even if there is no "Les Aspin" signature on a piece of paper formalizing his denial of these vitally needed reinforcements.

The seventh question is answered by implication in the portions of the article I've already quoted—the initial media report was correct—Secretary Aspin was clearly afraid of a backlash.

In my earlier statements on this issue, I called Secretary Aspin's decision to deny our forces the armor they needed political. I think it was purely a political decision and it was also a grave mistake, one that cost the lives of American fighting men.

Why do we not have a more detailed and forthcoming answer to this question from the Secretary himself? Why do we have to read the Washington Post to find out what happened?

The eighth question was relevant when the letter was written, while the Secretary's response to the battle in Mogadishu was limited to the dispatch of the reinforced armor company that Montgomery had finally requested, and while the hunt for Aideed was still on. Now, of course, much larger forces have been dispatched and, so far as we can tell, Aideed has changed from a wanted mass-murder suspect to a respected negotiating partner.

Finally, we know the answer to the last question. I personally met with wounded veterans of the Mogadishu battle in Walter Reed Hospital. It was closer to 13 hours for one brave young man, a New Yorker, 1st Lt. James O. Lechner, from the time he was wounded to the time the relief force reached his position.

On October 7, I wrote a longer letter to the Secretary asking a number of detailed questions. I received a reply dated October 27, in both classified and unclassified form. In the response, Secretary Aspin chose what questions he would respond to and what questions he would ignore. Those he responded to were answered with the least amount of detail it was possible to provide. And the classified responses are not much more forthcoming.

Mr. President, what is going on here? The answer is simple—the less factual information the Department has to put into the public record, the easier it will be to disguise the truth and deflect attempts to determine who was really responsible for this disaster.

In fact, Secretary Aspin himself appears to have started this effort to deny, deflect, and mislead. Let us look again at the article. Two separate instances of seriously misleading statements by the Secretary are reported in the article—one that is on the public record, and another that is inferred from President Clinton's public statement reporting what Aspin told him.

Let me quote from the article's report of the first instance:

> Later, in explaining his decision to refuse the armor,Aspin said on ABC's "This Week With David Brinkley" that the request was "never put in terms of protecting troops; it was put in terms of [accomplishing] the mission of delivering humanitarian aid."
>
> That was not correct. Montgomery's message, a copy of which Powell handed Aspin on Sept. 23, had this header: "Subject: U.S. Force Protection." In the body of the message Montgomery said the "primary mission" of the armor "would be to protect U.S. forces."

Mr. President, this is so important that I want to repeat it again—Secretary Aspin said the request was, and I quote, "never put in terms of protecting troops," when, according to this report, it was put in precisely those terms.

In fact, that passage of the article continued as follows:

> In particular, Montgomery wrote, he would use the armor "to deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability for our vulnerable thin-skinned vehicles." It was roadblock ambushes against Humvees and five-ton trucks that prevented rapid reinforcement of the pinned-down Ranger force Oct. 3.
>
> "I am increasingly concerned by the timid behavior of the [U.N.] coalition with which the security of our force rests," Montgomery said at the close of his message to Hoar. "We must ensure our own security. . . . I believe that U.S. forces are at risk without it."

Mr. President, this could not be any clearer if it were written on that wall in letters of fire—General Montgomery reportedly wrote that he needed the armor to "deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability" and that he believed that "U.S. forces are at risk without it."

He did not get his armor. We got 18 dead American soldiers.

And when we ask how this happened and why this happened, we get statements from the man who made the decision, Secretary Les Aspin, that appear intended to deny, deflect, and mislead the search for the truth.

Now, on to the second instance. Let me again quote from the article:

> Powell, days from retirement, spoke to Hoar and then reiterated the request at least once more. People who have heard his account said he expressed no ambivalence about his endorsement. Other officers, and senior civilians, said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake.

It is clear that Secretary Aspin still has a few loyalists in the Department seeking to explain away his fatal mistake. Did the Secretary actually read General Montgomery's request? If he did, why would it have been necessary for General Powell to repeat what was already clearly there in writing? This is a poisonous argument, attempting to divert responsibility from Aspin and cast blame on General Powell for not havingpressed for the tanks. If the Chairman of the Joint Chiefs comes to you twice on an issue as small as deploying a reinforced company of tanks, you know it is important to him. But that is a separate issue. We are focusing on what Secretary Aspin said, in light of the facts he knew.

Back to the article:

> On Oct. 6, when the first reports surfaced that Aspin had refused to send armor, Clinton "picked up the phone and called Les to find out what the hell was going on," according to a senior administration official. Two days later Clinton said that Aspin told him that there had been "no consensus among the Joint Chiefs" to send the armor.
>
> In fact, neither Aspin nor Powell consulted the chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the president, they never corrected him.

Here we have another instance of loyal staff trying to explain away a report that, if it is accurate, reflects another instance in which the Secretary and the truth were apparently strangers. In this case, because the source of the report was the President of the United States, it was harder for them to find an explanation. The apologists now say that the President misunderstood—suggesting that Aspin did not say what Clinton reported he said.

Well, what if Clinton was right? The President is a very smart man with a very good memory. If Aspin had told him that the commander of CENTCOM—CINCCENT—was opposed to the request, or had doubts about it, Clinton clearly would have understood the difference between that and the Joint Chiefs of Staff. Even without military experience, the President would not have made that mistake.

Mr. President, that leaves us with two instances—one clearly on the public record from Secretary Aspin's own mouth, and one as hearsay, but with the President of the United States as the source—in which Secretary Aspin said one thing when the facts said another, and there is very good reason to believe Secretary Aspin was fully familiar with the facts.

What conclusions are we to draw from this about the Secretary of Defense?

I have previously called for his resignation. All that this does is build the case that he lacks not only the judgment, but also the personal integrity, to be second in the military chain of command of the United States of America. Orders flow from President Clinton to Secretary Aspin to the uniformed commanders of the Nation's Armed Forces. Mr. Aspin is in the nuclear release chain. Mr. Aspin, in the event of disaster, is in the presidential chain of succession.

Should he be there? I answer that question "no!" and I once again call upon him to resign.

Mr. President, so the record is complete, I ask unanimous consent that my letters to Secretary Aspin of October 6 and October 7, 1993, his unclassified response to my October 7 letter, and the Washington Post article by Barton Gellman from which I have been quoting be printed in the CONGRESSIONAL RECORD at the end of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 6, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: We write today seeking information concerning a published report that the U.S. commander in Mogadishu was denied armor he requested to better protect his troops. This critical question demands a quick, clear, and forthcoming answer as soon as possible.

Specifically, *The Wall Street Journal* reported today that Army Major General Montgomery, the commander of U.S. forces in Somalia, had requested an additional battalion of armored troops, including 55 tanks or armored personnel carriers. The paper further states that you "* * * declined at the time to send the armored troops. * * *" Furthermore, the article notes that it was only after Sunday's fighting, which more than doubled total U.S. casualties in Somalia, that the Pentagon acted to fulfill the earlier request.

You reportedly denied the commander's request, fearing some kind of "backlash" from Congress or the public. If this report is accurate, did you consult with any of your former colleagues in Congress before reaching such a conclusion?

Did the U.S. commander in Somalia ask for armored reinforcements? What did he ask for, specifically? Did his request reach your desk? Did you make a decision on the request? What was that decision? If you denied the request, why did you deny the request?

If that was the U.S. commander's request then, how does deployment of a smaller force now, under clearly more dangerous circumstances, meet the force protection needs he identified?

Is it true that it took more than ten hours from the beginning of the Rangers' raid to the time the relief force reached their position?

We appreciate your kind attention to this important matter and look forward to receiving your written responses to these questions as soon as possible.

Sincerely,

HANK BROWN,
U.S. Senator,
ALFONSE D'AMATO,
U.S. Senator.

U.S. SENATE,
Washington, DC, October 7, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The debacle in Mogadishu on Sunday, October 3, 1993, in which 75 U.S. Army Rangers were wounded, 12 killed and perhaps as many as 6 captured, raises very serious questions that demand immediate, full, and forthcoming answers. As a member of the Subcommittee on Defense of the Appropriations Committee, I have some specific questions to which I request answers in writing.

I recognize that the U.S. Central Command and the Joint Task Force in Somalia are both working very hard in the aftermath of the debacle to rescue the detainees, recover the remains of our dead, and better protect the forces already there. Accordingly, I have divided my questions into two sets. The first set should be answered on an expedited basis.

The answers to the first set are vital to the course of the immediate debate on amendments likely to be proposed to prohibit the expenditure of any funds appropriated to the Department for any purpose in or related to Somalia except to withdraw all U.S. uniformed personnel as quickly as possible and defend them during that withdrawal.

Written responses to the second set of questions may be deferred not more than fourteen days from the date of this letter. I would appreciate having these responses before the conclusion of conference on the defense appropriations bill.

Finally, responses to these questions should be prepared in both classified and unclassified versions if some classified information is required for a full and convey your responses to me via the Select Committee on Intelligence, of which I am a member.

I appreciate your kind attention to this very important matter.

Sincerely,

ALFONSE D'AMATO,
U.S. Senator.

SET ONE—IMMEDIATE RESPONSE REQUESTED

1. What were the rules of engagement governing U.S. forces in Somalia on Sunday, October 3, 1993?

2. Were the rules of engagement drafted by U.S. commanders and approved by the U.S. chain of command?

3. When were the rules of engagement last modified?

4. In your view, did the rules of engagement accurately reflect the changed circumstances U.S. forces—particularly the

Rangers—found themselves in as a result of the increasing level of armed hostilities in Mogadishu?

5. What impact did the rules of engagement have on the employment of indirect fire weapons by U.S. forces or in support of U.S. forces?

6. What role did the UNOSOM, the United Nations command in Somalia, have in drafting and approving the rules of engagement?

7. What U.S. indirect fire weapons were available on Sunday, October 3, 1993, to support the Ranger force sent on the mission to raid a cluster of buildings near the Olympic Hotel in south Mogadishu?

8. Did the raiding force have the capability to call in air support and indirect fire support?

9. During the battle, did the raiding force actually call for air support? Please provide a full statement.

10. What air support did the raiding force and the forces sent to relieve them actually receive during the course of the battle?

11. During the battle, did the raiding force actually call for indirect fire support?

12. At any time during the battle, did U.S. forces call for, but were denied, air support or indirect fire support for reasons other than airspace deconfliction, danger to other U.S. forces in close proximity, or technical problems with the supporting weapons systems? Please be specific.

13. What indirect fire support did the raiding force and the forces sent to relieve them actually receive during the course of the battle?

14. At any time during the raid and the subsequent battle, were U.S. forces denied air support or indirect fire support as a result of the rules of engagement?

15. Are riot control gases available to U.S. forces in Somalia? If not, why not?

16. Do the rules of engagement permit U.S. forces to employ riot control gases? Under what circumstances?

17. Are obscurants (tactical smoke) available to U.S. forces in Somalia?

18. Do the rules of engagement permit U.S. forces to employ obscurants?

19. Were riot control gases and/or obscurants available to the Ranger forces conducting the raid and/or to the forces sent to relieve them or to support the raid or the relief?

20. Were riot control gases and/or obscurants called for by any of the forces engaged? Were they actually used?

21. What was the Ranger unit conducting the Sunday, October 3, 1993 raid's chain of command? Please provide both a narrative listing by name, rank, and position from the Ranger company command level through U.S. Central Command level, and a line and block chart displaying the same information in graphic form.

22. What was the chain of command of the United Nations forces who ultimately relieved the surrounded U.S. Army Ranger force? Again, please provide a narrative listing by name, rank, and position from the Malaysian unit and Pakistani unit level through the United Nations Secretary General level, and a line and block chart displaying the same information in graphic form.

SET TWO

1. Please provide a narrative discussion of the legal basis for placing U.S. forces under United Nations command in Somalia, including citations to applicable treaties, statutes, executive orders, Defense Department regulations, and including the actual text of orders given to U.S. commanders effecting that subordination.

2. Does a tape recording exist of radio transmissions from the commander of the Ranger force on the raid to other U.S. or U.N. forces in Mogadishu?

3. Has a transcript of that tape been prepared?

4. Please provide me a copy of the transcript of any tape recording of U.S. command radio transmissions during the course of the Ranger's battle on Sunday, October 3, 1993, and Monday, October 4, 1993.

5. Please provide me a copy of any notes that may have been made, including those forming entries in the command, operations, or intelligence logs of the units involved, of U.S. command radio transmissions during the course of the Ranger's raid and the subsequent battle, including the relieving forces' attacks, on Sunday, October 3, 1993, and Monday, October 4, 1993.

6. Who was responsible for preparing contingency plans to come to the aid of the Ranger force if it should meet unexpected resistance?

7. Were any plans prepared to call upon UNOSOM (non-U.S.) forces in the event that U.S. forces were outmanned, outgunned, or other wise in a tactically difficult positions from which U.S. forces could not unilaterally extract them?

8. How were such plans, if they existed, coordinated with UNOSOM commanders and staff?

9. If such plans existed, were they activated when the Ranger raiding force found itself trapped and decisively engaged in south Mogadishu on Sunday, October 3, 1993, and Monday, October 4, 1993?

10. Did the UNOSOM response to the activation of such a plan, if it existed, meet the requirements of the plan? Please specifically discuss forces committed and timelines for operations.

11. If such plans were not made, are they being made and coordinated now? When do you expect them to be effective?

12. Please describe the communications channels available to the Ranger force sent on the raid—radio, pyrotechnic, other visual signals, etc.

13. Please characterize the radio communications environment the Ranger force faced during the raid and following battle. Were radio transmissions from the raiding force able to be received by relieving forces, supporting forces, and the U.S. headquarters without difficulty?

14. Did the Ranger force—or any other component of U.S. forces deploy to Mogadishu—have indirect fire weapons available for employment during the October 3th and 4th raid and subsequent battle? (This includes 60 mm. mortars, 81 mm. mortars, 4.2 inch mortars, 105 mm. artillery, and 155 mm. artillery.)

15. Please describe the fire control procedures governing the employment of these indirect fire weapons.

16. What non-lethal weapons are available to U.S. forces in Somalia?

17. What delivery systems are available to U.S. forces in Somalia to employ:

a. Riot control gases; and

b. Obscurants?

18. The former U.S. Embassy compound in Mogadishu, the airport, and U.S. forces' bases have been receiving increasing quantities of incoming mortar fire, according to published reports. What counter-mortar and counter-battery radars, if any, do U.S. forces have available in the Mogadishu area?

19. Have counter-battery fires every been initiated by U.S. forces in response to any of these mortar attacks? If not, why not?

20. What steps have U.S. forces taken to prevent Aideed's forces from moving reinforcements and logistic support into Mogadishu from the outside?

21. What level of forces would be required to effectively isolate Aideed's forces from outside support?

23. Once isolated, what level of forces would be required to do a complete and detailed sweep of the ares of Mogadishu that Aideed and his allies control, in order to disarm his forces and apprehend Aideed and his top lieutenants, while minimizing risks to U.S. forces engaged?

a. How long would it take to deploy those forces?

b. How long would such an operation take?

c. How long would it take to withdraw those forces after such an operation were concluded?

d. How much, roughly, would such an operation cost? How much more would it cost than what we are doing now?

SECRETARY OF DEFENSE,
Washington, DC, October 27, 1993.

Senator ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: The attached information is in response to your recent letter concerning the October 3 Mogadishu military operation. As you requested, information pertaining only to your first set of questions is provided at this time. Additional information addressing your second set of questions is being researched and will be sent to you when available.

As you are aware, much of the information regarding our operations in Somalia is extremely sensitive. Premature disclosure of battlefield factors that led to the loss of life on October 3, without allowing sufficient time to prepare for potential future operations, could lead to further casualties. Military shortfalls, rules of engagement, and future plans all require extremely limited distribution. Your assistance in limiting the classified information to only those immediately requiring access is appreciated.

LES ASPIN.

RESPONSE TO SET ONE QUESTIONS (UNCLASSIFIED)

RULES OF ENGAGEMENT (ROE)

U.S. forces were operating under U.S. developed and approved ROE on October 4, 1993. The ROE were adequate to allow U.S. commanders the ability to react to the situation they encountered. They did not interfere with the development of indirect fire weapons if the field commander had chosen to employ them.

INDIRECT FIRE WEAPONS

Indirect fire and air support were available to U.S. forces throughout the conduct of this operation. The skillful employment by the air crews undoubtedly saved many lives during the operation and allowed for the extraction of the force.

RIOT CONTROL AND OBSCURANTS

Riot control agents and obscurants are available to the field commanders in Somalia. They were not used during this operation due to tactical considerations not due to ROE.

U.S. CHAIN OF COMMAND

The chain of command for the Ranger forces is attached. A listing by name, rank and position is compartmented and can only be provided to specific individuals on your staff that have been in-briefed to the compartment.

U.N. CHAIN OF COMMAND

The operation was a U.S. commanded operation with UNOSOM authorization for participation by Malaysian and Pakistani units. Tactically the UNOSOM units were under the control of the QRF commander. The chain of command or the UNOSOM forces during the operation flowed from Commander UNOSOM II to Dep Commander UNOSOM II/Commander U.S. Forces to the QRF Commander and then to the attached UNOSOM units.

THE WORDS BEHIND A DEADLY DECISION

(By Barton Gellman)

At 7 p.m. on Sept. 14, Army Maj. Gen. Thomas M. Montgomery sat down in his battle-scarred headquarters in Mogadishu and transmitted a call for help.

Montgomery, the American commander in Somalia, asked for tanks and armored vehicles "at the earliest feasible date." "I believe that U.S. forces are at risk without it," his classified message said.

The urgency was somewhat rehearsed. Montgomery's superior and recipient of his message was Gen. Joseph P. Hoar knew what Montgomery would ask him for and, according to one knowledgeable official, thought he could sell the package in Washington.

But on Sept. 23, Defense Secretary Les Aspin turned down Montgomery's request. Ten days later, on Oct. 3, Somali militiamen killed 18 Americans who were trapped, in part for lack of armor, under enemy fire. The resulting uproar brought congressional calls for Apsin's resignation and forced President Clinton to promise withdrawal from Somalia by March 31.

The bare facts of the episode are public: What has not emerged until now is the context of Aspin's decision and the maneuvering that preceded it. A Washington Post examination of the secret cable traffic and interviews with key participants provide a portrait of a genuine dilemma for Aspin, more complicated than either the defense secretary or his harshest critics have acknowledge.

The text of Montgomery's message, which Aspin read and which has not been disclosed before made clear the general had pressing concerns for safety of his troops. Aspin and his top aides have been reluctant to acknowledge that, publicly describing Montgomery's aim as protection of logistical lines.

There is no evidence that any senior uniformed leader argued against Montgomery's request. Hoar, chief of the U.S. Central Command, endorsed it in a Sept. 22 memorandum. Gen. Colin L. Powell, in his last days as chairman of the Joint Chiefs of Staff, sought Aspin's approval on Sept. 23, and later asked Aspin to reconsider his decision.

But three other cables to Washington from Hoar at the same period show a man absorbed much less by the need for reinforcements than by the wish to encourage withdrawal from a humanitarian enterprise that had long since bogged down in guerrilla war.

Aspin already had good reason to worry about "mission creep" and what might be seen as a gradual escalation of U.S. combat presence just as the Clinton administration was looking for a graceful way out.

Three U.S. generals, in recent interviews, expressed admiration for Aspin's forthright public acceptance of responsibility for the consequences of his decision. But they said it is important that he understand, in their view, he made a serious mistake. The lesson Aspin should draw, they said, is that there is no middle ground in military operations, even "peace operations" as murky as the armed humanitarian rescue of Somalia.

"Once you give them the mission, you have to give them the assets," one officer said. "If you don't want to give the assets, you have to redefine the mission accordingly."

The subject of new armor arose in August. An American-led hunt for Somali warlord Mohamed Farah Aideed had begun in June, after Aideed's forces killed 24 Pakistani soldiers who were part of a 32-country United Nations peace-keeping force. The U.S. retaliation had led in turn to attacks by Aideed on American troops.

Four Americans were killed Aug. 8 by a mine that detonated on command under their vehicle, the first use of such a weapon and, in terms of American lives, the most costly attack to that point. Aideed's forces became bolder in staging ambushes at roadblocks, and their mortar fire now guided by spotters equipped with radios, grew more accurate.

In Washington, the mounting casualty list led to congressional demands for withdrawal. In Mogadishu, it led Montgomery to make his request for armored reinforcements. His light infantry troops, equipped with Humvees and trucks, had few defenses against mine warfare and rocket-propelled grenades.

Montgomery faxed Hoar a written request in the second week of August for a battalion task force of 28 Abrams tanks and 28 Bradley Fighting Vehicles. That would have been a substantial increase in U.S. firepower, and Hoar took no immediate position. But the four-star Marine, an experienced player in the defense bureaucracy began "working the proposal" in his staff and exploring it informally in Washington, according to a knowledgeable official.

The armor proposal found high-ranking allies on the Joint Staff and an adversary in policy undersecretary Frank G. Wisner. Wisner, according to an official who knew his arguments, was "very troubled" at the thought of "increasing the amount of military punch out there" at a time when the Clinton administration was trying to renew its emphasis on a political solution.

Robert Gosende, the State Department's liaison officer in Mogadishu, believed a political solution was impossible with Aideed still at large. In a Sept. 6 cable entitled "Taking the Offensive," Gosende wrote that "any plan for negotiating a 'truce' with Aideed's henchmen should be shelved. WE should refuse to deal with perpetrators of terrorist acts."

Gosende went on to propose a major new infusion of U.S. troops and a "major sweep operation" to clear Mogadishu of Aideed's militia influence.

Hoar, never in favor of the hunt for Aideed and increasingly doubtful of a military solution, fired off what one senior civilian called "a corrosively critical" answer to Gosende at 8:30 that night.

"After four months of operations with extraordinary help from the U.S., the U.N.'s successes have been modest," Hoard wrote in a cable to Wisner and Powell. "A coherent plan which encompasses the political humanitarian and security needs for the country has yet to emerge. Control of Mogadishu has been lost."

Rejecting "facile solutions like 'get Aideed and all will be well,'" Hoar concluded, "if the only solution for Mogadishu is a large-scale infusion of troops and if the only country available to make this commitment is the United States, then it's time to reassess."

Hoar restated his argument more judiciously in a cable meant for wider readership, though still classified, on Sept. 8, "The U.N. is attempting too much too quickly in Somalia," he wrote. "It cannot carry through on current military plans without substantial additional U.S. support which may be both politically unacceptable and unwise."

That day, Hoar flew to Mogadishu on an unannounced two-day visit. Even as Hoar conferred with Montgomery about the need for armor to protect U.S. troops, the Senate voted in a nonbinding resolution that Clinton should obtain its consent for the Somalia mission by Nov. 15 or withdraw.

Sensitive to Senate pressure to wind down, and locked in bureaucratic struggle with Gosende and U.N. special envoy to Somalia Jonathan T. Howe, Hoar encouraged Montgomery to scale back his armor request to one reinforced company—four tanks and 14 Bradleys. Montgomery sent the request Sept. 14.

Later, in explaining his decision to refuse the armor, Aspin said on ABC's "This Week With David Brinkley" that the request was "never put in terms of protecting troops; it was put in terms of [accomplishing] the mission of delivering humanitarian aid."

That was not correct. Montgomery's message, a copy of which Powell handed Aspin on Sept. 23, had this header: "Subject: U.S. Force Protection." In the body of the message Montgomery said the "primary mission" of the armor "would be to protect U.S. forces."

In particular, Montgomery wrote, he would use the armor to "deter or defeat militia/bandit attacks on U.S. forces" and to "provide a critical roadblock clearing capability for our vulnerable thin-skinned vehicles." It was roadblock ambushes against Humvees and five-ton trucks that prevented rapid reinforcement of the pinned-down Ranger force Oct. 3.

"I am increasingly concerned by the timid behavior of the [U.N.] coalition with which the security of our force rests," Montgomery said at the close of his message to Hoar. "We must ensure our own security. . . . I believe that U.S. forces are at risk without it."

For reasons that remain unclear, Hoar waited until Sept. 22 to fax Montgomery's cable to Powell with a covering memorandum. He also removed Montgomery's request for six 105mm howitzers. When Aspin read Hoar's endorsement the next day, according to an authoritative official, he took it to be lukewarm.

"Concur that we must do a better job at protecting our local U.S. logistical traffic, the bypass road to the airfield and key installations, and to have more effective roadblock clearing capability," Hoar wrote. But he added there was a "political downside" to the proposal. Sending armor would expand the "U.S. footprint in Somalia," elevate "Aideed's stature" and increase "collateral damage in Somalia due to the increased firepower."

Powell, officials said, told Aspin he agreed with Hoar's request.

"It's just not going to happen," Aspin replied, according to two people who heard Powell's account of the conversation. Officials familiar with both men's recollections said the secretary told Powell that in terms of overall strategy in Somalia "the trend is all going the other way" and that Congress would be "all over" the administration if it raised the visibility of this presence there.

Powell, days from retirement, spoke to Hoar and then reiterated the request at least once more. People who have heard his account said he expressed no ambivalence about his endorsement. Other officers, and senior civilians, said it is hard to imagine that Aspin would have resisted if Powell had told him firmly that lives were at stake.

On Oct. 6, when the first reports surfaced that Aspin had refused to send armor, Clinton "picked up the phone and called Les to find out what the hell was going on," according to a senior administration official. Two days later Clinton said Aspin told him there had been "no consensus among the Joint Chiefs" to send the armor.

In fact, neither Aspin nor Powell consulted the chiefs. Administration officials speculated that Clinton misunderstood Aspin's reference to the mixed signals he thought he was getting from Hoar. Reluctant to contradict the president, they never corrected him.

MIGUEL DeJESUS

Mr. DODD. Mr. President, yesterday I shared with my colleagues terrible news from New Britain, CT. Miguel DeJesus, an 18-year-old student at New Britain High School, was gunned down in front of the school at 7 a.m. on Thursday.

I am sad to report to my colleagues that Miguel died this morning at 11:03 a.m. Police are investigating whether the murder was gang-related.

As we continue debating the crime bill, I think it is important for us to remember that real people's lives are at stake here. Miguel DeJesus was a real person. He is now the latest casualty in the undeclared war on the streets of this Nation.

His teachers described Miguel as a bright boy with great potential. Every summer he participated in an intensive 5-week college preparation program at Central Connecticut State University. During last summer's session, he won an award for his accomplishments in English.

Miguel contributed a prose poem titled "The End of Innocence" for a literary magazine produced by the students participating in the summer program. In this essay, he bluntly yet eloquently described the lives of many of our country's young people today. I think this poem should be read as a cry for help. "Happiness in the streets," he wrote, "is to be able to survive another day; being able to leave your home and come back safely is happiness to us."

Miguel was not able to survive another day. He will not be able to fulfill the great potential those who knew him said he possessed. But his cry for help on behalf of the youth of today endures. I ask unanimous consent that the full text of Miguel's poem, "The End of Innocence," which appeared in today's Hartford Courant, appear in the RECORD at the conclusion of my remarks.

I believe the key to stopping the killing of our youth lies in forming partnerships between the Government and local communities. To this end, I plan to offer two amendments to the crime bill that I believe could help us address the terrible problem of youth violence.

The Safe Schools Act, which I introduced on behalf of the Clinton administration earlier this year, would help schools create a safe and secure environment for their students. This legislation, which was favorably reported by the Labor Committee this week, would hopefully help us prevent shootings like the one that took Miguel's life.

Another amendment, the Police Partnership for Children Act, would link police and child and family services agencies in an effort to help children deal with the psychological trauma of violence. For example, this bill would provide resources to counsel the students who witnessed Thursday's shooting.

We must stop the rampage of gangs and the senseless killing of our youngest citizens. We must prevent the kind of violence that has robbed Miguel DeJesus of his young life.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE END OF INNOCENCE

(By Miguel De Jesus)

The end of innocence is here. No more do we hear about not saying this or that in front of this kid, because nowadays the kids know more than we do. They don't know the academics, but they know the streets, and they think that's all they need to know. They're wrong but they still don't realize that. They think if they beat some other little kid up, or steal a bike, they think that's how they gain respect. I don't blame them for thinking like that, because that's what they learn from their peers and parents. If you know nothing else other than drugs and violence, then that's all you do. It's all about morals, which are not your fault, but society tends to blame the fruit instead of the person who planted the seed.

The innocence is gone. Never again will kids be able to go outside and not be exposed to drugs, hunger, or to poverty. The youth of today have nothing to do. They have no place to go. Especially here in New Britain, it's dead out here. We don't even have a movie theater. Then you wonder why we have so many gangs out here. If you have nowhere to go and nothing to do you feel alone, and when you feel alone you need to belong to something. When we have nothing to do, some of us turn to drugs and alcohol. It helps us forget we have nothing to do. It relieves our problems, but on the other-hand, it causes more problems, because some of us get violent when we drink or do drugs. Therefore, when we do it and expose the kids to this way of life, and they no longer can call themselves innocent, because at an early age they become part of the problem, and the innocence is gone.

These kids do not grow up happy, because they know no happiness. How can you expect to learn how to be happy from people who don't know happiness themselves? Happiness in the streets is to be able to survive another day, being able to leave your house and come back safely is happiness to us. Leaving the house and coming back to find all your furniture and TV is happiness to us. That's how we lose our innocence, we don't care about nobody, just ourselves. In the street nobody cares if you've eaten, or if you have a place to stay. They don't care if you're mentally ill. Because they don't care, they have no time for sympathy, for nobody has sympathy for them.

The next generation is going to be very hard-core. Just think about it, you have babies having babies. The sad part about it is that these kids are not born healthy, some are born addicts. Some are addicted to dope, cocaine, and alcohol. This is not their fault, but that's the way it goes when innocence is lost.

SELECTIVE LEAKS OF CLASSIFIED INFORMATION ON HAITI

Mr. DECONCINI. Mr. President, during the last week there have been a series of newspaper articles containing allegations about CIA activities in Haiti and CIA reporting on President Aristide. As the chairman of the Senate Intelligence Committee, I have been very disturbed not only by the substance of the allegations, but the manner in which some members and staff have used classified information provided by the executive branch.

On October 31, the Los Angeles Times carried an article entitled, "CIA Aid Plan Would Have Undercut Aristide in 1987–'88." The article begins by saying,

> The CIA once tried to intervene in Haiti's elections with a covert action program that would have undercut the strength of its current President, Jean-Bertrand Aristide—this according to congressional sources with first-hand knowledge of the incident."

According to a source identified as a former senior staff member of the Senate Intelligence Committee, "There were those in the CIA who were not pleased with him [Aristide] in the past and don't want him to be successful now."

The following day, the New York Times carried an article entitled, "Key Haiti Leaders Said to Have Been in the CIA's Pay." The lead paragraph of this article states,

> Key members of the military regime controlling Haiti and blocking the return of its elected President, Jean-Bertrand Aristide, were paid by the Central Intelligence Agency for information from the mid-1980's at least until the 1991 coup that forced President Aristide from power, according to American officials.

The article quotes President Aristide's spokesman as having said,

> Given what the CIA has done in the past two weeks, namely the attempted character assassination of Jean-Bertrand Aristide, it wouldn't be surprising to learn that the CIA had been working with his political enemies in Haiti for many years.

The article indicates that a member of the House Intelligence Committee confirmed the existence of payments to "* * * people in sensitive positions in the current situation in Haiti."

Following these articles, USA Today ran an op-ed entitled, "History Repeats in CIA Smear of Haiti's Aristide." The op-ed states that,

> Aristide, like [Martin Luther] King is perceived as a threat to those who desire the status quo. King's death was preceded by character assassination from U.S. spy agencies. Could history repeat itself?"

Mr. President, these are very serious charges, and, based upon what the Intelligence Committee has been told to date, I think the CIA may be getting a bad rap. While we are continuing to investigate the allegations in question, we have no evidence that the CIA sought to prevent Mr. Aristide from coming to power. Similarly, we have no information suggesting any concerted effort by the CIA to weaken or discredit President Aristide since he was elected President of Haiti. We have examined, and are continuing to examine, the information supporting the CIA's classified analysis of the situation in Haiti and Mr. Aristide. While some of the conclusions reached in that analysis are debatable, there is no evidence that information has been fabricated or deliberately distorted. I think that most members of our committee, even those who may question some of theCIA's judgments, will agree that the analysts have acted in good faith. What is frankly more difficult to defend has been the conduct of congressional Members and staff who have been selectively leaking classified information.

Leaking classified information provided to this body violates the law and the standing rules of the Senate.

Selective leaks also create a highly distorted picture and do a disservice to the public. The reporting in this instance is a clear case in point. The facts are, in reality, quite complex, and those individuals who have chosen to leak information bearing on only one side of the story have created a distorted impression of the CIA's reports and activities.

Those who leak information in this manner also may put sensitive sources and methods at risk. The present circumstances in Haiti are a perfect case in point. There is absolutely no doubt that people's lives would be jeopardized if it were revealed that they had cooperated with CIA in the past. Whatever branch of Government we may serve in, we have a moral obligation to protect the lives of such individuals.

Continued leaks of classified information also inevitably undermine the executive branch's confidence in our ability to protect confidential information. This could ultimately make it harder to obtain classified information from the executive branch.

Finally, we need to consider the impact of selected leaks on the intelligence community. I recall that during the Gates nomination many Members, myself included, expressed concerns regarding the politicization of intelligence. Republicans and Democrats alike said that we wanted the CIA to give us their most candid views, regardless of how politically inconvenient such information might be. We agreed that we don't see any value in intelligence analysis if it is just going to be a lot of mush, or worse yet, reporting that is merely contrived to support the policies of the President and his administration.

The intelligence community under Jim Woolsey deserves credit for not ducking the tough calls. The intelligence reporting on Haiti, and other regions as well, has not always been convenient for this administration. Whether the analysts are right on this one may be debatable, but it is clear to me that they have been candid, as they should be, and the DCI is doing the right thing in encouraging them to call it like they see it. If members and staff continue to selectively leak classified information, however, I think that the candor we claim to want will dry up and disappear. If an analyst provides a briefing, and parts of it are then used by the media and Members of the Senate to publicly castigate the administration or the intelligence community, the lesson will be clear: Don't tell the Senator anything they don't want to hear; don't say anything that could be used to oppose current policies; just feed the Senators a spoonful of mush when they ask a tough question.

Mr. President, I want the intelligence community to be able to speak freely to us. I don't want intelligence analysts who come to Capitol Hill to be asking themselves, before they respond to a question, "How is this going to look tomorrow if it appears on the front page of the New York Times, or am I going to get myself in trouble with the administration?"

Mr. President, we all know that if a referee in a football game fails to throw a flag when flagrant penalties are occurring, the game can quickly get out of control. That's what I'm doing, Mr. President, throwing out a flag before this situation gets out of control. It is time for us to bring some discipline to the way we handle intelligence. In particular, we need to examine the procedures governing classified briefings outside the framework of the intelligence committees and how information provided in those briefings is subsequently controlled. If we do not clarify the rules on such matters, we are apt to have a repetition of the events that have transpired in the last couple of weeks which are not in the interests of the Senate, the executive branch, or the public. I will be asking the staff of the Intelligence Committee to review these issues and will work with the leadership of the Senate to address them. I also would welcome any ideas in this regard that my colleagues have to offer.

Mr. President, I ask that a series of articles pertinent to this issue be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsclips, Nov. 1, 1993]

CIA'S AID PLAN WOULD HAVE UNDERCUT ARISTIDE IN 1987–88

(By Jim Mann)

WASHINGTON—The CIA once tried to intervene in Haiti's elections with a covert-action program that would have undercut the political strength of its current president, Jean-Bertrand Aristide, according to congressional sources with firsthand knowledge of the incident.

But the CIA's effort was stymied when the Senate Intelligence Committee ordered the CIA to halt the program, under which the agency tried to channel money for the use of some of the candidates in the 1987–88 Haitian elections.

Aristide was not a candidate at the time but assailed the military-controlled process, calling for radical change and apparently worrying some U.S. officials.

Two current and former U.S. intelligence officials acknowledged that the CIA developed a covert-action plan for intervention in Haiti's elections and that the plan was blocked in Congress. They insisted, however, that the purpose of the program had not been to oppose Aristide but to provide a free and open election and to help some candidates who didn't have enough money.

"We were engaged in covert action on behalf of the National Security Council," said one former high-level U.S. intelligence official who was directly involved in the covert-action plan and the dispute with Congress. "We were involved in a range of support for a range of candidates."

The story of the CIA's involvement in Haitian elections provides some of the backdrop for the episode earlier this month in which a senior U.S. intelligence official, Brian Lattell, characterized Aristide as mentally unbalanced. The comments were made in a closed-door briefing to member of Congress.

The CIA has made similar allegations in the past about Aristide, based on what officials say is a psychological profile of the Haitian leader. Aristide was elected Haiti's president by a landslide in December, 1990, but was ousted in a military coup after serving less than a year.

Asked last week about the CIA's involvement in Haiti and the dispute with Congress over covert actions there, Kent Harrington, CIA director of public affairs replied, "Our comment would be no comment on this one."

The CIA's negative assessment of Aristide's psychological stability complicated the Clinton Administration's Haiti policy by giving Republicans a rationale for trying to limit the extent of U.S. support for Aristide.

"It needs to be known that there is some history there" between the CIA and Aristide, said a source who was working in a senior position for the Senate Intelligence Committee at the time the CIA and Congress were fighting over covert operations in Haiti.

"There were those in the CIA who were not pleased with him [Aristide] in the past and don't want him to be successful now."

Aristide first came to prominence in Haiti as a proponent of liberation theology, which seeks to blend the teaching of Christ with a doctrine of political revolution by the poor against the established order. Liberation theology took hold not only in Haiti but among priests in poor parishes throughout many other Latin American countries.

Asked why the CIA might have sought to oppose Aristide, the congressional source said: "Liberation theology proponents are not too popular at the agency. Maybe second only to the Vatican for not liking liberation theology are the people at [CIA headquarters in] Langley."

Aristide was not a candidate in Haiti's 1987–88 elections. At the time, he was a charismatic priest with a strong following in the poorest slums of Haiti. He denounced the military-dominated election and called upon Haitians for a "real revolution" against the entire process.

Aristide's activities figured prominently in the elections and the American response to them, in which U.S. officials showed a strong antipathy to Aristide.

In a letter to Time magazine during the elections, then-Assistant Secretary of State Elliott Abrams, the Ronald Reagan Administration's primary spokesman for Latin American policy, devoted most of his energies to attacking Aristide.

"The stark contrast between the Pope and the firebrand Aristide underscores the difference between responsible constructive effort and strident negativism." Abrams wrote.

Abrams did not return two phone calls last week to his office at the Hudson Institute. A secretary said he was out of town. In an article in the Washington Times two weeks ago, Abrams criticized the White House for supporting Aristide, saying that the Clinton Administration was "repeating every error committed by the Bush Administration."

Opposing Aristide would have been in line with the Reagan Administration's overall policy in Latin America. With active support from then-CIA Director William J. Casey, the Administration sought aggressively to combat left-wing regimes, parties and leaders in countries such as Nicaragua and El Salvador. The George Bush Administration took a less confrontational approach.

Intelligence and congressional officials gave the following account of the CIA's dispute with Congress over covert action during the 1987–88 elections:

At the beginning of the 1987 elections, the CIA may have already been operating in Haiti under an existing, previously approved covert-action program, according to a present and a former intelligence officer. Any CIA covert operation must be approved both by the President and the congressional intelligence committees.

As the campaign began, the CIA was supporting or preparing to support particular candidates.

"This sort of thing doesn't go on every day," a former high-ranking U.S. intelligence official said. "But there's nothing unusual about it. The idea was to enable some candidates to spend money on publicity and that sort of thing.

"The CIA didn't pick the candidates to support. These candidates were selected by the State Department. * * * There were multiple candidates. We didn't have any one candidate."

During the early stages of the election, some staff members of the Senate Intelligence Committee paid a visit to Haiti. After their return, the committee demanded to know exactly what the CIA was doing and which candidates it was supporting.

Then-CIA Director William H. Webster refused to give the committee the names of the CIA-supported candidates. Finally, a compromise was arranged in which the CIA director would give the names only to Sens. David L. Boren (D-Okla.) and William S. Cohen (R-Me.), then the chairman and ranking minority member of the Intelligence Committee.

But the deal fell through. "They killed the program," a former U.S. intelligence official said. "It was one of the few times they ever closed us down. It was a bruising battle."

One high-ranking source working for the Intelligence Committee said the reason the CIA's covert-action program was killed was that "there are some of us who believe in the neutrality of elections."

The Haitian elections were supposed to be held Nov. 29, 1987, but they collapsed in violence when 34 people died on election day—some as they were standing in line to vote. In early January 1988, a new ballot was held and the candidate favored by Haiti's military government won, but he was ousted later that year in a military coup.

Aristide had urged a boycott of the elections, saying, "The army is our first enemy." By helping to finance some of the candidates, the CIA apparently hoped to strengthen those candidates' position and to diminish Aristide's attempt to have a low turnout, which would have reduced the election's validity.

But in 1990, Aristide ran for president himself and won with about two-thirds of the popular vote.

Supporters of Aristide and some congressional sources have alleged that the CIA opposed the Haitian president and supported his principal opponent, Marc Bazin, in the 1990 elections.

But that allegation was denied by a present and a former U.S. intelligence official, each of whom knew of the covert-action plans in the 1987–88 elections.

In addition, a State Department official handling Haiti policy at the time of Aristide's election and a ranking staff member of the Senate Intelligence Committee at the time said they had no knowledge of any CIA effort to defeat Aristide in 1990. Both said that if there had been a CIA operation against Aristide that year, they would have known about it.

On Dec. 19, 1990, three days after Aristide's election, Bernard Aronson, the Bush Administration's assistant secretary of state for Latin America, congratulated Aristide on his victory and announced an increase in U.S. aid to Haiti.

After serving less than eight months as Haiti's president, Aristide was deposed in a military coup in September, 1991. Since that time, he has been living in the United States while waiting to return to Haiti.

History Repeats in CIA Smear of Haiti's Aristide

(By Barbara Reynolds)

During a recent lunch I attended with Jean-Bertrand Aristide, the deposed Haitian president didn't climb onto the table and stomp through my mashed potatoes.

Yet if CIA reports are to be believed, Aristide's luncheon guests would have been smart to hide under the table in terror. The reports label the charismatic priest a violent fruitcake who has been treated in a mental hospital and has used drugs to calm his manic depression.

Aristide denies those CIA profiles circulating on Capitol Hill, saying the only time he was hospitalized was as a boy with hepatitis.

Shockingly enough, the CIA also describes Lt. Gen. Raoul Cedras, Haiti's cruel military dictator, as "one of the most promising Haitian leaders to emerge since the Duvalier dictatorship was deposed in 1986." How could Cedras be praised when the army has been blamed for thousands of murders since Aristide was ousted in a 1991 coup? What gives here?

Why is the CIA discrediting a man who is considered the Martin Luther King Jr. of Haiti, where on Dec. 16, 1990, he became the first president elected in free elections? Here is a priest who is a folk hero to Haiti's poor, who founded an orphanage for homeless street kids, confronted the murderous Macoutes and exposed U.S. policy that propped up the hated Duvaliers.

Here is a man who speaks six languages, has a doctorate in philosophy, has written six books, composed more than 100 songs sung in Haiti and plays six musical instruments.

Yet U.S. spy agencies depict him as crazy, something they never said of Ronald Reagan, whose presidency was guided by astrologers.

Something is screwy here.

Aristide, like King, is perceived as a threat to those who desire the status quo. King's death was preceded by character assassination from U.S. spy agencies. Could history repeat itself?

The smearing of Aristide is geared to discredit him in the public mind, which is stupid for a nation that should be begging him to continue the fight against drug trafficking, which has gained momentum since the coup.

"The drug war can't be won as long as Cedras and his corrupt, elite supporters are in power," says Patrick Elie, Haiti's drug czar in exile. "Haiti is the second-largest drug transshipment port, after Colombia, and coup leaders bring in more than $200 million yearly in illegal drugs, which are shipped to the USA. Why would the CIA discredit the first Haitian leader committed to fighting drugs?"

I don't think Aristide is crazy at all. But those trying to discredit him might be.

[From the New York Times, Nov. 1, 1993]

Key Haiti Leaders Said To Have Been in the CIA's Pay—Aristide Aides Angered—Say Payments Prove Agency's Reports Critical of Leader Have Been One-Sided

(By Tim Weiner)

WASHINGTON, October 31. Key members of the military regime controlling Haiti and blocking the return of its elected President, Jean-Bertrand Aristide, were paid by the Central Intelligence Agency for information from the mid-1980's at least until the 1991 coup that forced Mr. Aristide from power, according to American officials.

As part of its normal intelligence-gathering operations, the C.I.A. cultivated, recruited and paid generals and politicians for information about everything from cocaine smuggling to political ferment in Haiti, they said.

Without naming names, a Government official familiar with the payments said that "several of the principal players in the present situation were compensated by the U.S. Government." It was not clear when the payments ended or how much money they involved, although they were described as modest.

REPORTING CALLED ONE-SIDED

Supporters of Mr. Aristide said the payments proved that the C.I.A.'s primary sources of information in Haiti were Mr. Aristide's political enemies, and they criticized the agency's reporting on Haiti as one-sided.

Michael D. Barnes, a former member of Congress who is a spokesman for Mr. Aristide, said, "Given what the C.I.A. has done in the past two weeks, namely the attempted character assassination of Jean-Bertrand Aristide, it wouldn't be surprising to learn that the C.I.A. had been working with his political enemies in Haiti for many years.

But Representative Robert G. Torricelli, a New Jersey Democrat who serves on the House Intelligence and Foreign Affairs Committees and who confirmed the payments, defended the intelligence relationships as crucial to United States policy-makers in trying to gain an understanding of Haitian politics.

"The U.S. Government develops relationships with ambitious and bright young men at the beginning of their careers and often follows them through their public service," he said. "It includes people in sensitive positions in the current situation in Haiti."

A member of Congress familiar with the recruiting of sources of information within the Haitian Government said the information received was a mixed bag. "There are things we should have been getting for the money which we didn't get—for example, on the narcotics side," he said. Members of the current regime are suspected of receiving lucrative payments from drug traffickers to protect shipments of cocaine passing through Haitian airfields en route to the United States.

The C.I.A's activities in Haiti also included a covert operation, authorized by President Ronald Reagan and the National Security Council, which involved an aborted attempt to influence an election held in January 1988, the officials said.

Haiti was then under the control of a military ruler, Lieut. Gen. Henri Namphy, who assured the Reagan Administration that the elections would be free and fair. But the ballot was widely perceived as rigged by the military, and the campaign was marked by killings of civilians.

ARISTIDE URGED BOYCOTT

Mr. Aristide, who was not a candidate, had urged a boycott of the election. The operation undertaken by the C.I.A. aimed at seeing the election go forward, the officials said, but it also involved plans to slip campaign money to candidates. In a rare action, the payments were blocked by the Senate Select Committee on Intelligence, the officials said. The attempt was first reported today by the Los Angeles Times.

In the 1980's, the United States undertook covert operations and military actions throughout the Caribbean and Latin America to support pro-United States and anti-Communist governments. Several prominent figures in the region were on the United States intelligence payroll during the decade.

The officials who described the payments to Haitian generals and politicians said they were not intended to install any one leader as the President of Haiti.

In 1990, in the first free election in 20th-century Haiti, Mr. Aristide won 67.5 percent of the vote in a field of 10 candidates. He was overthrown in a September 1991 coup. The military regime controlling Haiti has blocked his return—which was to have taken place Saturday under an accord negotiated by the Clinton Administration and signed by the military leaders last summer—with a widespread campaign of intimidation, violence and murder.

Supporters of Mr. Aristide say the C.I.A., which does not make policy but which can influence policy-makers through its reporting, has undermined the chances for his return. In recent briefings to Congress, Brian Latell, the C.I.A.'s chief analyst for Latin American affairs, has described Mr. Aristide as unstable and as having a history of mental problems.

In a 1992 report widely circulated in Washington, Mr. Latell described a meeting with Lieut. Gen. Raoul Cedras, Haiti's current military dictator, and praised him as one of "the most promising group of Haitian leaders to emerge since the Duvalier family dictatorship was overthrown in 1986."

The Clinton Administration, in turn, questioned the C.I.A.'s analyses and praised Father Aristide as a rational and reasonable man.

The officials who described the payments to generals and politicians in the current regime in exchange for information said they were a normal and necessary part of gathering intelligence in a foreign country.

"These relationships are crucial so that we can anticipate changes in volatile societies," Representative Torricelli said. He said the quality and quantity of information the C.I.A. provided on Haiti was generally praiseworthy.

But Robert Pastor, the chief National Security Officer for Latin American affairs from 1977 to 1981, said, "It appears that the portrait of Aristide is seriously flawed. Whether that is in part due to intelligence contacts that began as a result of these operations is a legitimate and important question that needs an answer."

TANKS FOR RUSSIA'S IMPERIAL INTENTIONS?

Mr. DECONCINI. Mr. President, lately this administration, and concerned westerners more generally, have seemed unable to adequately address the reassertion of imperial rights by Russia toward other former Soviet Republics. I would like to bring to the attention of this body one area in which we can make a difference—the amount of weaponry Russia is permitted to deploy against these republics. The Russian military, now with the support of the Foreign Ministry, has reintensified its pitch to alter the Treaty on Conventional Forces in Europe, which places strict limits on military equipment levels in various regions of Europe. They are focusing on the so-called flank provisions, which place extra limits on the numbers of tanks and armored personnel carriers that Russia can maintain in the Northern Caucasus and Leningrad military districts.

The North Caucasus are of interest not only because they border the unstable—and intensely Russian-penetrated—Republics of Georgia, Armenia and Azerbaijan, but because Russia's own Caucasian ethnic minorities are restive—the president of the Caucasian region of Chechnya announced earlier this week that, since Chechnya had been independent for 2 years, it had no reason to participate in Russia's parliamentary elections.

Around the northern Russian Leningrad military district, some elements of the Russian Government still have military interests in the Baltic States; Russia already has an immense amount of weaponry in the region. Russian ability and willingness to meet treaty-imposed deadlines for destruction of equipment are already questionable.

Until recently, Russian military personnel have presented the instability in the Caucasus as the justification for their request. Recently, however, Russia has succeeded in re-introducing its forces into both Georgia and Azerbaijan through coercing both countries back into the CIS. This would seem to alleviate the need for more heavy equipment inside Russia itself; in any case, the equipment already on the ground is quite sufficient for battles where the tide can be turned with five tanks, as was the case in Georgia this week. If Russia is concerned with flexing its muscles in the north, this has disturbing implications for the Baltic States.

Thus far, the United States has not given Russia any concrete encouragement but has not succeeded in closing the issue. Some of our allies—Germany—have also expressed interest in discussing the issue with the Russians; Turkey, on the other hand, has threatened not to observe the treaty itself if Russia does not comply fully.

The CFE Treaty provides both a baseline for Russian armament and also limited control over other regional arms buildups; allowing Russia to abrogate. It would be a clear symbol that we will allow or even welcome uncontrolled Russian hegemony in the former Soviet Republics. Far from being a show of support or understanding for a Russian Government obligated to its military, United States willingness to compromise the treaty provisions would indicate a weakening in our commitment to democracy and rule of law in all the former Soviet Republics, including Russia itself. Russia will need all its energies and resources to complete its own transition to democracy and a market economy, a fact I would urge this administration to contemplate before it encourages Russian adventures in the so-called near abroad.

NOMINATION OF MORTON HALPERIN

Mr. HATFIELD. Mr. President, the nomination of Morton Halperin as Assistant Secretary of Defense for Democracy and Peacekeeping has been stalled for too long. I believe that the President's confidence in selecting Dr. Halperin was well-placed, for he is a man of considerable intellect and skill.

I am well aware of the criticisms and charges levied against Dr. Halperin and know that some of my colleagues believe his nomination is not appropriate. It is time for these concerns to be aired in a hearing and on the Senate floor. The Senate has the responsibility to act on this nomination either affirmatively or negatively and it should move forward.

Former Secretaries of Defense Robert McNamara and Elliot Richardson have written an opinion piece on this nomination and I ask that it be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 5, 1993]

Stop the Innuendo

(By Robert S. McNamara and Elliot L. Richardson)

President Clinton's choice to be assistant secretary of defense for democracy and peacekeeping is Morton Halperin. He is a highly intelligent, capable and moral man. He has served the national interest for more than 30 years in Democratic and Republican administrations as well as outside government. He is widely respected and has been endorsed for the post by a vast array of former government officials, including former secretaries of state Cyrus Vance and Edmund Muskie, former defense secretary Harold Brown, former CIA directors William Colby and Stansfield Turner, top Reagan adviser Paul Nitze and retired four-star general W. Y. Smith.

But in a shocking turn of events, Halperin's nomination and reputation are on the verge of being wrecked by a smear campaign.

By tradition, the nominee is not allowed to defend himself publicly. There is only one way to restore rationality and fairness to the process: Give the man a hearing.

Both of us have known and worked with Halperin for decades, and we believe that the "case" against him is nothing more than a collection of false rumors, misapprehensions and distorted quotations. The Senate Armed Services Committee can continue to allow this dispute to be waged in the press, where Halperin foes have been aided by leaks that twist the facts. Or Chairman Sam Nunn (D-Ga.) can call a hearing where both sides can present and test the evidence.

Opponents brand Halperin as a collaborator and sympathizer with radical leftists. This is nonsense. Halperin, as a longtime defender of free speech and other constitutional protections, has simply acted to protect the rights of individuals without regard to their substantive views. When he was an official of the American Civil Liberties Union, he defended the constitutional freedoms not only of left-wing government critics but also of conservative Reagan officials like Lyn Nofziger and Oliver North. Instead of scoffing at the distinction, critics should test their suspicions—at a hearing. If opponents truly believe that a principled advocate of constitutional liberties is per se disqualified from service at the Defense Department, let them make that case.

Opponents imply that Halperin cannot be trusted with the nation's secrets—even though Pentagon investigators this year found nothing to disqualify Halperin from holding a top security clearance. If anyone has been scrutinized for trustworthiness and discretion, it is Halperin. The Nixon administration wiretapped his telephone for almost two years and sought to tar him with scandal. As our friend Henry Kissinger later admitted in apologizing for the tap, these efforts revealed no improper conduct on Halperin's part. Opponents continue to try to prove that he is a leaker, but they have found nothing. If they have anything other than innuendo, let them confront Halperin with it in a Senate hearing room.

Opponents say Halperin has intentionally tried to weaken U.S. defenses by calling for limits on CIA covert activities. But Halperin's concerns about clandestine action stem directly from his belief that, under our system of government, the people are sovereign. He recognizes the necessity for some covert activity but has worked to ensure that secret programs are consistent with our publicly declared foreign policies and that Congress is fully informed. Indeed, no one has tried harder than Halperin to fairly and effectively balance the competing requirements of national security and democratic government. Sen. David Boren (D-Okla.), who served six years as chairman of the Senate Intelligence Committee, has praised Halperin on this very score.

Opponents also contend that Halperin is a proponent of a radical multilateralism that would place U.S. troops under United Nations control. This is a total distortion of his views. Halperin has written thoughtfully about creating a new international structure to promote peace and democracy, but his views on peacekeeping and multilateral action in today's world are measured and cautious. We can hardly think of a person better suited to engage in serious public discussion on these matters and to do so persuasively.

Now opponents are reportedly attempting to tie Halperin to unspecified shady dealings in some foreign country. They search for an alleged CIA document, apparently the sole basis for the claim, but CIA can find no such record. Instead of focusing on an elusive document, why not question Halperin publicly? Why not question his accuser publicly?

A NEW RUSSIAN EMPIRE?

Mr. DECONCINI. Mr. President, throughout the last few weeks, I have seen an increasing number of commentaries in the media from experts expressing alarm about Russia's attempts—tacit and not-so-tacit—to reconstitute its empire and resubjugate its neighbors. Indeed, there appear to be growing indications that Russia, at a minimum, is expanding its sphere of influence in the other New Independent States through the use of rogue military units or economic blackmail. These actions call into question Russia's adherence to CSCE commitments, most notably the obligation of states to respect the territorial integrity of other states.

Moreover, Russian hegemony over its former empire would harm Russia itself, acting as a barrier to the development of genuine democracy there. The best guarantor of a democratic, stable Russia, is a Russia that respects the rights of her neighbors.

Any Russian moves to reestablish its empire are clearly dangerous and destabilizing, especially with respect to its largest European neighbor, Ukraine. A conflagration between Russia and Ukraine could have dire ramifications for peace and security in the entire world.

Mr. President, I believe that we need to start paying greater attention to Russian actions to reestablish control over the former Soviet Union—whether in the Caucasus, central Asia, or Ukraine. We need to know what Yeltsin owes the Russian military for supporting him in his battle with the Parliament. We need to think through the implications of Russia's apparent attempts to reintegrate its independent-minded neighbors. I admit that this is not a straightforward issue, but that is all the more reason for us to start zeroing in on it.

I would like to commend two recent op-ed pieces to the attention of my colleagues—one by John P. Hannah, titled "The (Russian) Empire Strikes Back" that appeared in the October 27 New York Times, and one by former National Security Agency Director William Odom in the October 23 Washington Post, called "Yeltsin's Deal With the Devil"—and request that they be submitted into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 23, 1993]

Yeltsin's Deal With the Devil

(By William E. Odom)

President Boris Yeltsin's bold action in closing down the Russian parliament has won high praise from President Clinton. Yet Yeltsin's new course carries ominous implications having nothing to do with the legal basis for it.

There is no Russian constitution to violate. A constitution exists only when there is an elite consensus on the rules for deciding who rules. There is no such consensus in Russia. Whether one can be achieved without further violence is an open question, but Yeltsin's action at least makes progress toward it possible, and for that he deserves tempered Western support.

He defeated the parliament because the military supports him, but Yeltsin is paying a price for it. When the Commonwealth of Independent States proved unwilling to create a joint armed forces in the spring of 1992, Yeltsin authorized a purely Russian military establishment. By June 1992, the Russian Defense Ministry had produced a draft "military doctrine," later submitting it as a draft law to the parliament.

The thrust of this doctrine, enthusiastically supported by the Vice President Alexander Rutskoi, is to reestablish Russian military control over the former Soviet Union, the so-called "near abroad." Yeltsin has yet to take a clear public stand on it, but recently he has backed its de facto implementation in the "near abroad," a step wholly at odds with the Foreign Ministry's policy toward the "far abroad"—i.e., the rest of the world. This includes supporting Abkhazian rebels against the Georgian government, being an accomplice in Gaidar Aliyev's coming to power after a military coup in Azerbaijan, using Russian forces to keep the old Communists in power in Tajikistan, where civil war has claimed more than 50,000 lives, issuing threats and causing quarrels aimed at destabilizing Ukraine, letting the rogue Russian 14th Army in eastern Moldova carve out an independent Trans-Dneister republic and dragging its feet on troop withdrawals from the Baltic states.

Until last summer, Yeltsin kept his distance from most of these operations. Even Gen. Pavel Grachev occasionally pleads innocence as his forces are carrying them out. In the spring of 1993, Grachev announced that the "first echelon" of Russia's military posture in the south would be on the north side of the Caucasus. Now that Russian meddling has helped turn Georgia into warring factions against Eduard Shevardnadze's regime, Grachev insists on Russia's "first echelon" extending to the Turkish border, requiring indefinite Russian military basing in Georgia.

In Central Asia, Yeltsin has gone along with Grachev's insistence on controlling the Tajik border with Afghanistan and using Russian troops in the civil war there. A few Russian parliamentarians warned that this could lead Russia back into another Afghanistan fiasco, but they were ignored.

Given the Russian public resistance to military conscription, Yeltsin has authorized more than 150,000 "contract" soldiers who receive very high pay for voluntary service in "dangerous places." Only thus can these "peace-making" Russian forces be manned. The Defense Ministry's debt to military industry is now more than 1 trillion rubles, in part, because its manpower costs for foreign deployments are growing.

Military industrial bureaucrats also like these policies because they promise to restore much of the old military-industrial complex. In Belarus, they conspire against the government with Russian military industrialists to keep their factories producing arms, selling some of them to Tajikistan. Similar industrialist sentiments for ties to Russia are now manifest in Kazakhstan and Ukraine.

In a word, a new Russian empire is in the making. To get a military constituency for routing the parliament, Yeltsin supports the "near abroad" foreign policy of the Defense Ministry and the military industrialists. As that imperial policy succeeds, Russia's military requirements will go up, its incentives for converting much of its military industry will decline, and eventually its domestic policies must become repressive to contain popular objections to costs of the new empire. This is hardly the road to constitutionalism and market reforms.

Little wonder that the parliament is politically isolated. As Disraeli "dished the Whigs" by stealing their program in 19th century Britain. Yeltsin is "dishing the parliament," which supports Rutskoi and other proponents of restoring the empire.

Let us suppose that the December elections produce a new parliament that is committed to economic reform and cooperation with Yeltsin. Will that be compatible with Grachev's foreign policy toward the "near abroad"? Military expenditures, already a large factor in the uncontrolled budget deficit, will be difficult to reduce. And the economic entanglements with the other republics will give new life to the old economic nomenklatura and resistance to market reforms.

Yeltsin at last has a political coalition that can break the political paralysis in Moscow. At the same time, he is restoring political forces that will make liberal economic and political reform difficult if not impossible.

Perhaps he will be equally skilled in breaking the power of the constituency that helped him close the parliament. That is the gamble the United States is taking with Yeltsin.

[From the New York Times, Oct. 27, 1993]

THE (RUSSIAN) EMPIRE STRIKES BACK

(By John P. Hannah)

WASHINGTON.—The hand-wringing that accompanied Boris Yeltsin's crushing of the neo-fascist uprising in Moscow this month deflected attention from an issue that really should keep U.S. policymakers awake nights: Russia's attempt to resurrect an exclusive sphere of influence across the former Soviet Union.

Like so many dominoes, the former Soviet republics are succumbing to Moscow's reassertion of imperial prerogatives. The process is now hurtling toward its logical conclusion, with Moscow's sights set on Ukraine—52 million people strategically situated in the heart of Central Europe.

President Yeltsin had many differences with his former Vice President, Aleksandr Rutskoi. But a conviction that Russia should exercise hegemony over its former empire was not one of them. True, the two men had vastly opposing strategies. Mr. Rutskoi wanted to challenge the West by asserting Russia's imperium through direct military confrontation. He would have wiped out all vestiges of the new states' independence and reestablished the Soviet Union's borders.

In contrast, Mr. Yeltsin has sought to safeguard Russia's relations with the West by more subtle muscle-flexing. Economic blackmail and "rogue" army units have been his weapons to coerce the former republics into the Moscow-dominated Commonwealth of Independent States. He seems willing to allow Russia's neighbors to retain the trappings of sovereignty, provided Moscow has the final say on important policy questions.

Recent events in Georgia provide a textbook case of this strategy. The devastating defeat inflicted on Georgian troops in September by Abkhazian rebels would have been impossible without support from Russia's army. Subsequently, the Georgian leader, Eduard Shevardnadze, was forced to beg Mr. Yeltsin for membership in the C.I.S. The endgame is obvious: a bilateral treaty providing Russia's military with permanent bases in Georgia, including control over its strategic Black Sea coast.

In short, Georgia's re-integration into Russia's security orbit involves about as much mutual consent as a Mafia shakedown. Russia had cowed its independence-minded neighbors with tacit threats of dismemberment before. In the former republics of Moldova and Azerbaijan, an undeniable pattern has emerged. Secessionist rebels, abetted by rogue Russian forces, score impressive military successes. Miraculously, when these states relent and agree to join the C.I.S., Russia's ability to impose a lasting cease-fire soars.

All this, however, has been a prelude to the final act: Ukraine, Moscow seeks to short-circuit its largest neighbor's drive for independence. Economically, it has exacerbated Ukraine's internal crisis by withholding vital energy supplies. Politically, it has waged a successful diplomatic campaign to isolate Kiev internationally in a dispute over former Soviet nuclear weapons.

On the brink of chaos, Ukraine has already made major concessions to Moscow. An original, though reluctant, member of the C.I.S., it has agreed to tighter economic coordination within the Commonwealth, and has surrendered the entire Black Sea Fleet to the Russian Navy. Now, special Russian access to Ukraine's Black Sea ports and Ukraine's acceptance of the Russian-dominated C.I.S. security treaty seem only a matter of time.

With Ukraine's resubjugation, Russia—Boris Yeltsin's democratic Russia—will have gone far toward reconstituting its old empire. In so doing, it will have decisively, and unilaterally, determined the geo-strategic alignment of post-cold-war Europe. Is the West paying attention?

CONGRATULATING ZOË BAIRD ON THE BRANDEIS AWARD SHE WILL BE RECEIVING

Mr. SIMON. Mr. President, I would like to congratulate Zoë Baird on a distinguished award she will be receiving, the Brandies Award. This award, given by the American Jewish Congress, was developed in memory of Justice Louis Brandeis. It is presented every year to honor one member of the legal community who strives to achieve the same high standards and ideals for civil rights and civil justice that Justice Brandeis achieved in his lifetime.

Zoë Baird has demonstrated a special commitment to civil rights and civil justice throughout her career. As Aetna's general counsel, she has provided outstanding leadership in the company's exemplary pro bono legal program. Ms. Baird has been an active member of her community as well. For years, she has served as a board member of the Science Park Development Corp. Located in one of New Haven's poorest communities, the corporation seeks to improve the community by promoting local economic development. Currently, Ms. Baird is working in coordination with Attorney General Reno to create a national network of lawyers to provide pro bono legal services to children.

Zoë Baird's outstanding work led to her nomination for U.S. Attorney General. While some unfortunate mistakes led her to withdraw her nomination, her contributions to the legal community deserve our praise.

Ms. Baird has proven herself to be a person of unusual capability, and I am pleased that she will be receiving this important award. I would also like to acknowledge the fine work of her husband, Paul Gewirtz. He, too, is a truly gifted individual who deserves recognition for his outstanding work.

I would like to extend my congratulations to Zoë Baird for her recent success and to thank her for a life dedicated to public service. I wish Zoë Baird continued success.

REGARDING THE SITUATION IN KASHMIR

Mr. DOLE. Mr. President, I want to comment on the recent bloodshed in the Kashmir Valley, which is located along the India-Pakistan border.

Since 1989, the predominantly Muslim people of Kashmir have endured a violent campaign waged by separatists fighting for independence from India's mainly Hindu Government. In response, the Government of India dispatched troops to establish order and control in the area. However, there have been reports in the news media and by credible human rights organizations which allege that India's military forces have committed human rights violations, ranging from summary executions of detainees to torture, rape, and reprisal attacks which left hundreds of innocent civilians dead. Many reports also allege the Muslin separatists have conducted similar actions. The war between the separatists and the Indian Government does not excuse killing innocent people.

Mr. President, for the past several weeks a serious conflict has been developing in the city of Srinagar, India. Srinagar, located in the state of Kashmir, was the site of a violent confrontation between India's military forces and citizens of the town, angered that troops had besieged the Hazratbal Mosque—Kashmir's holiest mosque. Reports out of Srinagar indicate that separatist leaders were peacefully demonstrating near the mosque when they were attacked by Indian troops.

An even bloodier incident occurred in the nearby town of Bijbehara. The people organized a march intended to end at the mosque in Srinagar. Military troops reportedly opened fire on the marchers, leaving 34 people dead and over 100 injured. These confrontations have been two of the more serious since the start of the insurgency in 1989.

The issue of Kashmir has important regional implications, and has increased tension between India and Pakistan. A conflict between these two countries threatens to erupt. The Indian Government accuses the Pakistani Government of supporting Kashmir "terrorists" while Pakistan views India's military actions as "anti-Muslim" campaigns. Needless to say, a fourth war between these two governments would be devastating to the region and has catastrophic potential for the rest of the world.

Both India and Pakistan are believed to have the ability to produce and deliver nuclear weapons. The United States must address this issue before it escalates further.

Mr. President, India is the world's largest democracy, with a population fast approaching the 1 billion mark. Great opportunities for improved diplomatic and economic relations between our two nations are jeopardized by human rights violations in Kashmir and possible conflict with Pakistan. I urge the Indian Government to take the necessary steps to defuse the situation, and to ensure that human rights violations by their forces cease.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOX SCORE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is the constitutional duty of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,429,229,286,675.85 as of the close of business yesterday, November 4. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,243.82

COMPREHENSIVE CHILD IMMUNIZATION ACT

The text of the bill (S. 732) to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes, as passed the Senate on November 4, 1993, is as follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCES AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Child Immunization Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) PURPOSE.—It is the purpose of this Act to ensure that children in the United States are appropriately immunized against vaccine preventable infectious diseases at the earliest appropriate age.

SEC. 2. MONITORING OF CHILDHOOD IMMUNIZATIONS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle 3—Improved Immunization Delivery and Monitoring Systems

"Part A—List of Vaccines and Administration

"SEC. 2141. LIST OF PEDIATRIC VACCINES; SCHEDULE FOR ADMINISTRATION.

"(a) RECOMMENDED PEDIATRIC VACCINES.—

"(1) IN GENERAL.—The Secretary shall establish a list of the vaccines that the Secretary recommends for administration to all children for the purpose of immunizing the children, subject to such contraindications for particular medical categories of children as the Secretary may establish under subsection (b)(1)(D). The Secretary shall periodically review the list, and shall revise the list as appropriate.

"(2) RULE OF CONSTRUCTION.—

"(A) The list of vaccines specified in subparagraph (B) is deemed to be the list of vaccines maintained under paragraph (1).

"(B) The list of vaccines specified in this subparagraph is the list of vaccines that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the Advisory Committee on Immunization Practices, an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention.

"(b) RECOMMENDED SCHEDULE FOR ADMINISTRATION.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of a pediatric vaccine, the Secretary shall establish (and periodically review and as appropriate revise) a schedule of nonbinding recommendations for the following:

"(A) The number of immunizations with the vaccine that children should receive.

"(B) The ages at which children should receive the immunizations.

"(C) The dose of vaccine that should be administered in the immunizations.

"(D) Any contraindications regarding administration of the vaccine.

"(E) Such other guidelines as the Secretary determines to be appropriate with respect to administering the vaccine to children.

"(2) VARIATIONS IN MEDICAL PRACTICE.—In establishing and revising a schedule under paragraph (1), the Secretary shall ensure that, in the case of the pediatric vaccine involved, the schedule provides for the full range of variations in medical judgment regarding the administration of the vaccine, subject to remaining within medical norms.

"(3) RULE OF CONSTRUCTION.—

"(A) The schedule specified in subparagraph (B) is deemed to be the schedule maintained under paragraph (1).

"(B) The schedule specified in this subparagraph is the schedule that, for purposes of paragraph (1), is established (and periodically reviewed and as appropriate revised) by the advisory committee specified in subsection (a)(2)(B).

"(c) GENERALLY APPLICABLE RULES OF CONSTRUCTION.—This section does not supersede any State law or requirements with respect to receiving immunizations (including any such law relating to religious exemptions or other exemptions under such State laws).

"(d) ISSUANCE OF LIST AND SCHEDULES.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish the initial list required in subsection (a) and the schedule required in subsection (b).

"Part B—State Registry System for Immunization Information

"SEC. 2145. PURPOSE.

"It is the purpose of this part to authorize the Secretary, in consultation with State public health officials, to establish State registry systems to monitor the immunization status of all children.

"SEC. 2146. GRANTS FOR IMMUNIZATION REGISTRIES.

"(a) IN GENERAL.—For the purpose described in section 2145, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 2151. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 2150 on behalf of the chief executive officer of such State.

"(b) DESIGN OF STATE REGISTRIES.—To carry out the purpose described in section 2145, a State registry established under this part shall be designed to—

"(1) provide accurate and up to date surveillance data regarding immunization rates at the State and local levels;

"(2) assist in identifying localities with inadequate immunization rates to target for necessary remedial assistance;

"(3) assist in the effective administration and management of immunization programs at State and local levels by providing data to guide immunization program efforts;

"(4) assist the State in providing and receiving information on the immunization status of children who move across geographic boundaries that are covered by different State or local registries; and

"(5) facilitate the linkage of vaccine dosage information to adverse events reported to the Centers for Disease Control and Prevention under section 2125(b) and disease outbreak patterns, for the purpose of monitoring vaccine safety and effectiveness.

"(c) ELIGIBLE USE OF FUNDS.—The Secretary may make a grant under subsection (a) only if the State agrees to expend the grant for the purpose of—

"(1) collecting the data described in section 2147;

"(2) operating registries to maintain the data (and establishing such registries, in the case of a State that is not operating such a registry);

"(3) utilizing the data to monitor the extent to which children have received immunizations in accordance with the schedule established under section 2141;

"(4) notifying parents, as appropriate, if children have not received immunizations in accordance with such schedule;

"(5) coordinating and exchanging information with other State registries to allow the monitoring of the immunization status of children changing State of residence; and

"(6) such other activities as the Secretary may authorize with respect to achieving the objectives established by the Secretary for the year 2000 for the immunization status of children in the United States.

"(d) REQUIREMENT REGARDING STATE LAW.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State involved—

"(A) provides assurances satisfactory to the Secretary that, not later than October 1, 1996, the State will be operating a registry in accordance with this part, including having in effect such laws and regulations as may be necessary to so operate such a registry;

"(B) agrees that, prior to such date, the State will make such efforts to operate a registry in accordance with this part as may be authorized in the law and regulations of the State; and

"(C) has in effect such laws and regulations as may be necessary to ensure the following safeguards for the rights of parents:

"(i) An exemption for the parent, upon the request of the parent, from the requirements established by the State, pursuant to this part, for the collection of data described in subsections (b) and (c) of section 2147, or the collection of any other data regarding any child of the parent that the State may require for incorporation in the State immunization registry.

"(ii) Restrictions ensuring that no information relating to a child or to the parent or guardian of a child that is collected or maintained by the State immunization registry pursuant to this part, or the national immunization surveillance program established under section 2153, will be used as a basis for the criminal prosecution or the commencement of a criminal investigation of a parent or guardian.

"(2) RULES OF CONSTRUCTION.—

"(A) With respect to the agreements made by a State under this part, other than paragraph (1)(B), the Secretary may require compliance with the agreements only to the extent consistent with such paragraph.

"(B) The provisions of this part do not authorize the Secretary, as a condition of the receipt of a grant under subsection (a) by a State, to prohibit the State from providing any parent, upon the request of the parent, with an exemption from the requirements established by the State pursuant to this part for the collection of data regarding any child of the parent.

"SEC. 2147. REGISTRY DATA.

"(a) IN GENERAL.—For purposes of section 2146(c)(1), the data described in this section are the data described in subsection (b) and the data described in subsection (c).

"(b) DATA REGARDING BIRTH OF CHILD.—With respect to the birth of a child, the data described in this subsection is as follows:

"(1) The name of each child born in the State involved after the date of the implementation of the registry (in no event shall such date be later than October 1, 1996).

"(2) Demographic data on the child.

"(3) The name of one or both of the parents of the child. If the child has been given up for adoption, any information regarding the identity of the birth parent or parents of the child may not be entered into the registry, or if entered, shall be deleted.

"(4) The address, as of the date of the birth of the child, of each parent whose name is received in the registry pursuant to paragraph (3).

"(c) DATA REGARDING INDIVIDUAL IMMUNIZATIONS.—With respect to a child to whom a pediatric vaccine is administered in the State involved, the data described in this subsection is as follows:

"(1) The name, age, and address of the child.

"(2) The date on which the vaccine was administered to the child.

"(3) The name and business address of the health care provider that administered the vaccine.

"(4) The address of the facility at which the vaccine was administered.

"(5) The name and address of one or both parents of the child as of the date on which the vaccine was administered, if such information is available to the health care provider.

"(6) The type of vaccine.

"(7) The lot number or other information identifying the particular manufacturing batch of the vaccine.

"(8) The dose of vaccine that was administered.

"(9) A notation of the presence of any adverse medical reactions that the child experienced in relation to the vaccine and of which the health care provider is aware, in accordance with section 2125.

"(10) The presence of contraindications noted by the health care provider with respect to administration of the vaccine to the child.

"(11) Such other data regarding immunizations for the child, including identifying data, as the Secretary, in consultation with State public health officials, may require consistent with applicable law (including social security account numbers furnished pursuant to section 205(c)(2)(E) of the Social Security Act).

"(d) LIMITATION.—The Secretary may not establish information reporting requirements in addition to those described in subsection (c) if such requirements are unduly burdensome.

"(e) DATE CERTAIN FOR SUBMISSION TO REGISTRY.—The Secretary may make a grant under section 2146 only if the State involved agrees to ensure that, with respect to a child—

"(1) the data described in subsection (b) are submitted to the registry under such section as soon as possible but in no event later than 8 weeks after the date on which the child is born; and

"(2) the data described in subsection (c) with respect to a vaccine are submitted to such registry as soon as possible but in no event later than 4 weeks after the date on which the vaccine is administered to the child.

"(f) UNIFORMITY IN METHODOLOGIES.—The Secretary shall, in consultation with State public health officials, establish standards regarding the methodologies used in establishing and operating registries under section 2146, and may make a grant under such section only if the State agrees to comply with the standards. The Secretary shall provide maximum flexibility to the States while also retaining a reasonable degree of uniformity among the States in such methodologies for the purpose of ensuring the utility, comparability, and exchange of the data maintained in such registries.

"(g) COORDINATION AMONG STATES.—The Secretary may make a grant under section 2146 to a State only if, with respect to the operation of the registry of the State under such section, the State agrees to transfer that information contained in the State registry pursuant to section 2146 to other States upon the request of such States for such information.

"SEC. 2148. FEDERAL STANDARDS ON CONFIDENTIALITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, shall by regulation establish standards providing for maintaining the confidentiality of the identity of individuals with respect to whom data are maintained in registries under section 2146. Such standards shall, with respect to a State, provide that the State is to have in effect laws or regulations regarding such confidentiality, including appropriate penalties for violation of the laws. The Secretary may make a grant under such section only if the State involved agrees to comply with the standards.

"(2) USE OF DISCLOSURE.—

"(A) No personally identifiable information relating to a child or to the parent or guardian of such child that is collected or maintained by the State registry may be used or disclosed by any holder of such information except as permitted for—

"(i) the monitoring of a child's immunization status;

"(ii) oversight, audit, and evaluation of the immunization delivery and registry systems;

"(iii) activities relating to establishing and maintaining a safe and effective supply of recommended childhood vaccine;

"(iv) processing of insurance claims for payment for vaccine administration (but only to the extent necessary for processing claims); and

"(v) administration of the National Vaccine Injury Compensation Program under subtitle 2.

"(B) Information regarding immunizations provided as described in subparagraph (A)(i) may be used or disclosed only with the written authorization of the individual to whom it refers or to the parent with custody of such individual.

"(b) USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Any usage or disclosure of data in registries under section 2146 that consists of social security account numbers and related information which is otherwise permitted under this part may be exercised only to the extent permitted under section 205(c)(2)(E) of the Social Security Act. For purposes of the preceding sentence, the term 'related information' has the meaning given such term in clause (iv)(II) of such section.

"SEC. 2149. PROVIDER PARTICIPATION.

"(a) IN GENERAL.—The State shall monitor and enforce compliance by health care providers with the requirements of sections 2147 and 2148 and section 2155(b) for all doses of pediatric vaccine administered in the State. The State shall establish procedures satisfactory to the Secretary for discontinuing the distribution of federally purchased or State purchased vaccine for any health care provider who fails to comply with the requirements of section 2147 and for reinstating such vaccine supply to such provider upon receiving from such provider—

"(1) the reports necessary to make current and complete the information that would have been furnished to the State registry between the dates of the provider's termination and reinstatement; and

"(2) satisfactory assurances regarding the provider's future compliance.

"(b) REPORTS TO SECRETARY.—The Secretary may make a grant under section 2146 only if the State involved agrees to submit to the Secretary such reports as the Secretary determines to be appropriate with respect to the activities of the State under this part.

"SEC. 2150. APPLICATION FOR GRANT.

"An application by a State for a grant under section 2146 is in accordance with this section if the application—

"(1) is submitted not later than the date specified by the Secretary;

"(2) contains each agreement required in this part;

"(3) contains any information required in this part to be submitted to the Secretary; and

"(4) is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"SEC. 2151. DETERMINATION OF AMOUNT OF ALLOTMENT.

"The Secretary shall determine the amount of the allotments required in section 2146 for States for a fiscal year in accordance with a formula established by the Secretary that allots the amounts appropriated under section 2152 for the fiscal year on the basis of the costs of the States in establishing and operating registries under section 2146.

"SEC. 2152. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, other than section 2153, there are authorized to be appropriated $152,000,000 for fiscal year 1994, $125,000,000 for fiscal year 1995, and $35,000,000 for each of the fiscal years 1996 through 1999.

"SEC. 2153. NATIONAL IMMUNIZATION SURVEILLANCE PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national immunization surveillance program for the purpose of assessing the effects of the programs and activities provided for in this subtitle towards appropriately immunizing children and facilitating State immunization registries. The national immunization surveillance program shall—

"(1) provide technical assistance to States for the development of vaccination registries and monitoring systems; and

"(2) receive aggregate epidemiologic data (that is in a format that is not person specific) collected by States as provided for in section 2147 at intervals determined appropriate by the Secretary for the purpose of—

"(A) compiling accurate and up-to-date surveillance data regarding immunization rates at the State level in order to assess the progress made towards achieving nationally established immunization goals;

"(B) assisting in the effective administration and management of immunization programs at the State level by providing technical assistance to guide immunization program efforts at the request of the State;

"(C) providing technical assistance to States and localities to facilitate monitoring the immunization status of children who move across geographic boundaries that are covered by different State or local registries at the request of such States or localities; and

"(D) monitoring the safety and effectiveness of vaccines by linking vaccine dosage information with adverse events reporting under section 2125(b) and disease outbreak patterns.

"(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to authorize the release of person specific information to the Secretary for the purpose of immunization surveillance.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section in each of the fiscal years 1994 through 1999.

"SEC. 2154. REPORT.

"Not later than January 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the planning, development, operation and effectiveness of the national immunization surveillance program and the State immunization registries.

"Part C—Distribution of Vaccines, Public Outreach and Education

"SEC. 2155. DISTRIBUTION OF VACCINES.

"(a) IN GENERAL.—

"(1) HEALTH CARE PROVIDERS.—The Secretary shall provide for the distribution, without charge, of recommended pediatric vaccines (in accordance with section 2141) purchased by the Secretary to health care providers who serve children and who—

"(A) are members of a uniformed service, or are officers or employees of the United States;

"(B) are health centers (as defined in section 2162(2)); or

"(C) provide services under section 503 of the Indian Health Care Improvement Act or pursuant to a contract under section 102 of the Indian Self Determination Act.

"(2) STATES.—The Secretary shall provide for the distribution, without charge, of those recommended pediatric vaccines that are purchased by the Secretary and provided to States for the purposes of immunizing medicaid-eligible children, and additional vaccines that may be purchased by the Secretary for children within those States.

"(b) DUTIES OF HEALTH CARE PROVIDERS.—

"(1) FREE PROVISION TO CHILDREN.—A health care provider or entity receiving vaccine under this section may use such vaccine only for administration to children and may not impose a charge for such vaccine. A provider or health care entity may impose a fee that reflects actual regional costs as determined by the Secretary for the administration of such vaccine, except that a provider may not deny a child a vaccination due to the inability of the child's parent to pay an administration fee.

"(2) REPORTING REQUIREMENTS.—A health care provider receiving vaccine under this section shall report the information required under section 2147 to the applicable State registry operated pursuant to a grant under section 2146 if such State registry exists. The provider shall additionally report to such State registry any occurrence reported to the Secretary pursuant to section 2125(b). The provider shall also provide regular and periodic estimates to the State of the provider's future dosage needs for recommended childhood vaccines distributed under this section. All reports shall be made with such frequency and in such detail as the Secretary, in consultation with State public health officials, may prescribe.

"SEC. 2156. IMPROVED IMMUNIZATION DELIVERY, OUTREACH AND EDUCATION.

"(a) FEDERAL EFFORTS.—The Secretary, acting through the Centers for Disease Control and Prevention and in conjunction with State health officials and other appropriate public and private organizations, shall conduct the following activities to improve Federal, State and local vaccine delivery systems and immunization outreach and education efforts:

"(1) NATIONAL PUBLIC AWARENESS CAMPAIGN.—

"(A) IN GENERAL.—The Secretary, in conjunction with State health officials and other appropriate public and private organizations, shall develop and implement a National Immunization Public Awareness Campaign to assist families (through bilingual means if necessary) of children under the age of 2 years, and expectant parents, in obtaining knowledge concerning the importance of having their children immunized and in identifying the vaccines, schedules for immunization, and vaccine provider locations, appropriate with respect to their children.

"(B) IMPLEMENTATION.—In implementing the Campaign under subparagraph (A), the Secretary shall ensure that—

"(i) new and innovative methods are developed and utilized to publicly advertise the need to have children immunized in a timely manner;

"(ii) print, radio and television media are utilized to convey immunization information to the public; and

"(iii) with respect to immunization information, efforts are made to target pregnant women and the parents of children under the age of 2.

"(2) INTERAGENCY COMMITTEE ON IMMUNIZATION.—The Secretary, in conjunction with the Secretary of Agriculture, the Secretary of Housing and Urban Development, and the Secretary of Education, shall carry out activities through the Interagency Committee on Immunization to incorporate immunization status assessments and referral services as an integral part of the process by which individuals apply for assistance under—

"(A) the food stamp program under the Food Stamp Act of 1977;

"(B) section 17 of the Child Nutrition Act of 1966;

"(C) the Head Start Act;

"(D) part A of title IV of the Social Security Act;

"(E) title XIX of the Social Security Act;

"(F) any of the housing assistance laws of the United States; and

"(G) other programs determined appropriate by any of the Secretaries described in this paragraph.

"(3) EXPANDED OPPORTUNITY FOR NATIONAL SERVICE.—The Secretary, in conjunction with the Commission on National and Community Service and other independent agencies, is encouraged to develop opportunities for participants in national and community service programs to contribute to local initiatives for the improvement of immunization services, including public outreach and education efforts.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—

"(A) The Secretary may award grants to States to enable such State to develop, revise and implement immunization improvement plans as described in paragraph (2).

"(B) To be eligible to receive a grant under subparagraph (A), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) DESIGN.—A State immunization improvement plan shall be designed to improve immunization delivery, outreach, education and coordination within the State. Such plan shall provide for the creation of—

"(A) a vaccine provider education campaign and the distribution of any other materials determined to be appropriate by State health officials—

"(i) to enable such providers to make the best use of vaccination opportunities; and

"(ii) to educate such providers concerning their obligation to report immunization information with respect to their patients to State registries;

"(B) expanded capacity for the delivery of immunizations through—

"(i) increasing the number or type of facilities through which vaccines may be made available and the capacity of such facilities to immunize more children;

"(ii) developing alternative methods of delivering vaccines, such as mobile health clinics;

"(iii) increasing the number of hours during which vaccines are made available by providers within the State; or

"(iv) coordinating with federally qualified health centers to reach and immunize underserved children through education, outreach, tracking, and the provision of services;

except that, the Secretary may waive any specific requirement of this subparagraph if the Secretary determines that State immunization delivery efforts are sufficient without the imposition of such requirement;

"(C) population-based assessment criteria through which the State is able to assess the effectiveness of immunization activities in the State, which may be fulfilled through the implementation of a State immunization registry under section 2146;

"(D) a public awareness campaign, in conjunction with the National Campaign established under subsection (a)(1), to provide parents with information about the importance of immunization, the types and schedules for the administration of vaccines, and the locations of vaccines providers;

"(E) coordinated community outreach activities among public or private health programs, including local health departments and health centers, and other public or private entities, to encourage and facilitate the ability of parents to obtain immunization services for their children; and

"(F) other activities that are not inconsistent with the purposes of this subtitle, subject to the approval of the Secretary.

"(3) IMMUNIZATION IMPROVEMENT PLAN APPROVAL.—

"(A) GOALS.—As part of the immunization improvement plan of a State, the State shall establish immunization rate goals for children residing within the State.

"(B) APPROVAL.—The immunization improvement plan developed by a State under this subsection shall be submitted to the Secretary for approval prior to the distribution of grant funds to the States under this subsection. The Secretary shall periodically review the progress that the State has made under such plan in achieving the goals established under subparagraph (A).

"(C) DISTRIBUTION OF GRANTS.—In awarding grants under this section, the Secretary shall ensure that grant awards will be equitably distributed between rural and urban areas. In determining such distribution, the Secretary shall take into account the added costs of supporting the health care delivery infrastructure in sparsely populated areas. The Secretary shall give special consideration to those States that have low childhood immunization rates and that submit plans that demonstrate the State's substantial effort and commitment to improving such rates.

"(D) REPORTING.—A State shall annually prepare and submit to the Director of the Centers for Disease Control and Prevention a report concerning the implementation of the State immunization improvement plan.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $250,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1999.

"SEC. 2157. PERFORMANCE BASED GRANT PROGRAM.

"(a) ANNUAL REPORT.—Not later than July 1 of each year, a State shall prepare and submit to the Director of the Centers for Disease Control and Prevention a report that contains an estimate (based on a base population sample) of the percentage of 2 year old residents of the State who have been fully immunized as described in subsection (c).

"(b) PAYMENTS TO STATES.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide to a State that has submitted an annual report under subsection (a) that demonstrates that the State has fully immunized at least 50 percent of the 2 year old residents of that State, with respect to the year for which the report was prepared, a payment in an amount equal to—

"(A) with respect to a State that has demonstrated the full immunization of at least 50 and less than 64 percent of all 2 year old residents of the State, $50 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 50 percent amount;

"(B) with respect to a State that has demonstrated the full immunization of at least 65 and less than 70 percent of all 2 year old residents of the State, $75 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 65 percent amount; and

"(C) with respect to a State that has demonstrated the full immunization of at least 70 and less than 91 percent of all 2 year old residents of the State, $100 multiplied by the number of fully immunized 2 year old resident children in excess of the number of children equaling such 70 percent amount.

"(2) USE OF FUNDS.—

"(A) CONDITION.—As a condition of receiving amounts under this section a State that uses a combination of Federal and State funds in achieving the immunization goals described in paragraph (1) shall agree to reinvest, in activities related to improving immunization services, that percentage of the payments to the State under paragraph (1) that is equal to the amount of Federal contributions to immunization services in the State as compared to the amount of the State contributions to such services.

"(B) DISCRETIONARY USE.—A State that has demonstrated that the use of State-only funds was responsible for the increase in the immunization rate which qualified such State for payments under paragraph (1), may use amounts awarded under this section for other purposes, at the discretion of the State.

"(3) VERIFICATION.—Prior to making a payment to a State under this subsection, the Secretary shall, in collaboration with the Centers for Disease Control and Prevention, verify the accuracy of the State report involved.

"(c) DEFINITION.—For purposes of this section, the term 'fully immunized' means a 2 year old child that has received four doses of DTP vaccine (diphtheria, tetanus, pertussis), three doses of polio vaccine, and one dose of MMR (measles, mumps, rubella) vaccine.

"Part D—General Provisions

"SEC. 2161. REPORT.

"Not later than October 1, 1995, and biennially thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the costs, efficiency, and effectiveness of procedures established to deliver vaccine to health care providers.

"SEC. 2162. NATIONAL VACCINE PROGRAM.

"The Secretary shall authorize a report to be prepared by the National Academy of Sciences concerning the role of the National Vaccine Program established under this title in achieving progress towards the nationally established immunization goals for the year 2000, and recommendations with respect to the changes in such Program that would facilitate greater progress towards achieving such goals.

"SEC. 2163. DEFINITIONS.

"For purposes of this subtitle—

"(1) HEALTH CARE PROVIDER.—The term 'health care provider', with respect to the administration of vaccines to children, means an entity that is licensed or otherwise authorized for such administration under the law of the State in which the entity administers the vaccine, subject to section 333(e).

"(2) HEALTH CENTER.—The term 'health center' means—

"(A) a federally qualified health center, as defined in section 1905(l)(2) of the Social Security Act; or

"(B) a public or nonprofit private entity receiving Federal funds under—

"(i) section 329, 330 or 340;

"(ii) section 340A (relating to grants for health services for residents of public housing); or

"(iii) section 501(a)(2) of the Social Security Act (relating to special projects of regional and national significance).

"(3) IMMUNIZATION.—The term 'immunization' means an immunization against a vaccine-preventable disease.

"(4) PARENT.—The term 'parent', with respect to a child, means a legal guardian of the child.

"(5) PEDIATRIC VACCINE.—The term 'pediatric vaccine' means a vaccine included on the list established under section 2141.

"(6) STATE.—The term 'State' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Republic of the Marshall Islands, Micronesia, the Northern Mariana Islands, and Palau.".

SEC. 3. NATIONAL VACCINE INJURY COMPENSATION PROGRAM AMENDMENTS.

(a) AMENDMENT OF VACCINE INJURY TABLE.—

(1) ADDITION OF VACCINES.—Section 2114 (42 U.S.C. 300aa–14) is amended by adding at the end thereof the following new subsection:

"(f) ADDITION OF VACCINES TO TABLE.—

"(1) IN GENERAL.—The Vaccine Injury table contained in subsection (a) shall also include any recommended childhood vaccine included in the list promulgated by the Secretary under section 2141.

"(2) REVIEW OF INFORMATION AND REVISION.—Not later than 2 years after the addition of a new vaccine to the table contained in subsection (a), and on a regular basis thereafter, the Secretary shall review information obtained under sections 2125 and part B of subtitle 3, and based on such review (and other relevant information) shall, as appropriate, develop with respect to such new vaccine—

"(A) revisions with respect to illnesses, disabilities, injuries or conditions covered by such table;

"(B) appropriate specifications of the time period for the first symptom or manifestation of onset or of significant aggravation of such illnesses, disabilities, injuries or conditions after vaccine administration, for purposes of receiving compensation under the Program; and

"(C) recommendations as to the amount of tax that should be imposed under section 4131 of the Internal Revenue Code of 1986 for each dose of vaccine.

"(3) LIMITATION.—The Secretary may modify the table contained in subsection (a) pursuant to paragraphs (1) and (2) only in accordance with subsection (c).

"(4) REVISION.—For purposes of section 2116(b), the addition of vaccine to the table contained in subsection (a) by operation of this subsection shall constitute a revision of the table.".

(2) ATTORNEYS' FEES.—Section 2115(e) (42 U.S.C. 300aa-15(e)) is amended by adding at the end thereof the following new paragraph:

"(4) The special master may award reasonable attorneys' fees whether or not an election has been made under section 2121(a) to file a civil action concerning such petition.".

(3) CONSENT FOR ANNUITY.—Subparagraphs (A) and (B) of section 2115(f)(4) are amended by striking ", with the consent of the petitioner," each place that such appears.

(4) TIME PERIODS FOR FEES AND COSTS.—

(A) IN GENERAL.—Section 2115(e) (42 U.S.C. 300aa-15(e)) (as amended by paragraph (3)) is further amended by adding at the end thereof the following new paragraph:

"(5) With respect to a petitioners' application for attorneys' fees and costs—

"(A) if the respondent enters no objection to such application within 21 days of the date on which the application was filed (unless such time period is extended by the special master with the consent of the petitioner) the special master shall enter a decision on such application within 30 days of such filing;

"(B) if the respondent files an objection to such application and the special master does not enter a decision with respect to the application within 60 days after the date on which the objection is filed, the special master involved shall, upon the written request of the petitioner, enter a decision within 15 days after the filing of such request; and

"(C) if the respondent files an objection to such application and the petitioner moves to reduce costs and fees as provided for in the objection, the special master shall enter a decision within 5 days after the receipt of the petitioner's motion.

The chief special master, upon the request of a special master, may waive the time limitations applicable to the special master under this paragraph if the special master demonstrates that complicating factors exist with respect to the issues involved to which the time limitation applies.".

(B) APPLICATION.—The amendment made by subparagraph (A) shall apply to all petitioners' applications for attorneys' fees and costs filed under section 2115(e) of the Public Health Service Act which are pending on the date of enactment of this Act.

(5) AUTHORIZATION OF APPROPRIATIONS.—Section 2115(j) (42 U.S.C. 300aa-15(j)) is amended by striking "$80,000,000 for each succeeding fiscal year" and inserting in lieu thereof "$110,000,000 for each succeeding fiscal year".

(6) LIMITATION OF ACTIONS.—Section 2116(b) (42 U.S.C. 300aa-16(b)) is amended by striking "such person may file" and inserting "or to significantly increase the likelihood of obtaining compensation, such person may, notwithstanding section 2111(b)(2), file".

(b) EXTENSION OF TIME FOR DECISION.—

(1) JURISDICTION.—Section 2112(d)(3)(D) (42 U.S.C. 300aa-12(d)(3)(D)) is amended by striking "540 days" and inserting "30 months (but for not more than 6 months at a time)".

(2) REPORT ON COLLECTIONS.—Section 2117 (42 U.S.C. 300aa-17) is amended by adding at the end thereof the following new subsection:

"(c) REPORT.—The Attorney General shall, on January 1 of each year, prepare and submit to the appropriate committees of Congress a report concerning amounts collected under this section.".

(3) INCREASED RESPONSIBILITIES OF COMMISSION.—Section 2119(f) (42 U.S.C. 300aa-19(f)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ", and"; and

(C) by adding at the end thereof the following new paragraph:

"(6) monitor the balance of the Vaccine Injury Trust Fund established by section 9510 of the Internal Revenue Code and, as appropriate, recommend changes in the tax per dose of vaccine imposed under section 4131 of such Code.".

(c) SIMPLIFICATION OF VACCINE INFORMATION MATERIALS.—

(1) INFORMATION.—Section 2126(b) (42 U.S.C. 300aa-26(b)) is amended—

(A) by striking "by rule" in the matter preceding paragraph (1);

(B) in paragraph (1), by striking "90" and inserting "30"; and

(C) in paragraph (2), by striking ", appropriate health care providers and parent organizations".

(2) REQUIREMENTS.—Section 2126(c) (42 U.S.C. 300aa-26(c)) is amended—

(A) in the matter preceding paragraph (1), by inserting "shall be based on available data and information," after "such materials"; and

(B) by striking out paragraphs (1) through (10) and inserting in lieu thereof the following new paragraphs:

"(1) a concise description of the benefits of the vaccine;

"(2) a concise description of the risks associated with the vaccine;

"(3) a statement of the availability of the National Vaccine Injury Compensation Program;

"(4) a statement of the availability from the Secretary of more detailed written information concerning the information required under paragraphs (1), (2), and (3), that shall be made available to the parent, legal guardian, or other responsible person upon request; and

"(5) such other relevant information as determined appropriate by the Secretary.".

(3) OTHER INDIVIDUALS.—Subsections (a) and (d) of section 2126 (42 U.S.C. 300aa-26 (a) and (d)) are amended by inserting "or to any other individual" immediately after "to the legal representative of any child" each place that such occurs.

(4) PROVIDER DUTIES.—Subsection (d) of section 2126 (42 U.S.C. 300aa-26(d)) is amended—

(A) by striking all after "subsection (a)," the second place it appears in the first sentence and inserting "supplemented with visual presentations or oral explanations, in appropriate cases."; and

(B) by striking "or other information" in the last sentence.

(d) AUTHORIZATION OF APPROPRIATIONS.—Part A of subtitle 2 of title XXI (42 U.S.C. 300aa-10 et seq.) is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 2120. (a) SECRETARY.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund established under section 9510(c) of the Internal Revenue Code of 1986, to the Secretary, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(b) ATTORNEY GENERAL.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Attorney General, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.

"(c) COURT OF FEDERAL CLAIMS.—For purposes of administering this part, there are authorized to be appropriated from the Vaccine Injury Compensation Trust Fund described in subsection (a), to the Court of Federal Claims, $3,000,000 for each of the fiscal years 1994, 1995, and 1996.".

SEC. 4. MISCELLANEOUS PROVISIONS.

Section 317(k) (42 U.S.C. 247b(k)) is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (5) as paragraphs (1) and (4), respectively.

SEC. 5. AMENDMENTS TO THE FEDERALLY SUPPORTED HEALTH CENTERS ASSISTANCE ACT OF 1992.

(a) CLARIFICATION OF COVERAGE OF OFFICERS AND EMPLOYEES OF CLINICS.—The first sentence of section 224(g)(1) of the Public Health Service Act (42 U.S.C. 233(g)(1)) is amended by striking "officer, employee, or contractor" and inserting the following: "officer or employee of such an entity, and any contractor".

(b) COVERAGE FOR SERVICES FURNISHED TO INDIVIDUALS OTHER THAN PATIENTS OF CLINIC.—Section 224(g) of such Act (42 U.S.C. 233(g)(1)), as amended by paragraph (1), is further amended—

(1) in the first sentence of paragraph (1), by inserting after "Service" the following: "with respect to services provided to patients of the entity and (subject to paragraph (7)) to certain other individuals"; and

(2) by adding at the end the following new paragraph:

"(7) For purposes of paragraph (1), an officer, employee, or contractor described in such paragraph may be deemed to be an employee of the Public Health Service with respect to services provided to individuals who are not patients of an entity described in paragraph (4) only if the Secretary determines—

"(A) that the provision of the services to such individuals benefits health center patients and general populations that could be served by the health center through community-wide intervention efforts within the communities served by such health center, and facilitates the provision of services to health center patients; or

"(B) that such services are otherwise required to be provided to such individuals under an employment contract (or other similar arrangement) between the individual and the entity.".

(c) DETERMINING COMPLIANCE OF ENTITY WITH REQUIREMENTS FOR COVERAGE.—

(1) IN GENERAL.—Section 224(h) of such Act (42 U.S.C. 233(h)), as added by section 2(b) of the Federally Supported Health Centers Assistance Act of 1992, is amended by striking "the entity—" and inserting the following: "the Secretary, after receiving such assurances and conducting such investigation as the Secretary considers necessary, finds that the entity—".

(2) FINDING.—Section 224 of such Act (42 U.S.C. 233) is amended by adding at the end thereof the following new subsection:

"(l) With respect to subsection (h), the finding of the Secretary that an entity meets all of the requirements under such subsection shall apply for the period specified by the Secretary, and shall be binding for all parties unless the Secretary reverses such finding for good cause shown at a later date.".

(d) PAYMENT OF JUDGMENTS.—Section 224(k)(2) of such Act (42 U.S.C. 233(k)(2)), as added by section 4 of the Federally Supported Health Centers Assistance Act of 1992, is amended by adding at the end thereof the following new sentence: "Appropriations for purposes of this paragraph shall be made separate from appropriations made for purposes of sections 329, 330, 340 and 340A.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Federally Supported Health Centers Assistance Act of 1992.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA—MESSAGE FROM THE PRESIDENT—PM 67

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823(b), to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Korea Extending the Agreement of July 26, 1982, Concerning Fisheries off the Coasts of the United States, as extended and amended. The agreement, which was effected by an exchange of notes at Washington on June 11, 1993, and October 13, 1993, extends the 1982 agreement to December 31, 1995. The exchange of notes together with the 1982 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Korea, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 5, 1993.*

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the program of grants relating to preventive health measures with respect to breast and cervical cancer; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints Mr. DINGELL, Mr. WAXMAN, Mr. KREIDLER, Mr. MOORHEAD, and Mr. BLILEY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2205) to amend the Public Health Service Act to revise and extend programs relating to trauma care; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. SYNAR, Mr. MOORHEAD, and Mr. BLILEY as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1725. A communication from the Acting Director of the Office of Thrift Supervision, transmitting, pursuant to law, a report relative to changes in district offices; to the Committee on Banking, Housing and Urban Affairs.

EC-1726. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on head injuries in motor vehicle crashes; to the Committee on Commerce.

EC-1727. A communication from the Deputy Associate Director for Compliance of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1728. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report of the Corporation for 1992; to the Committee on Energy and Natural Resources.

EC-1729. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the nondisclosure of safeguards information, for the quarter ending September 30, 1993; to the Committee on Environment and Public Works.

EC-1730. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC-1731. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to audit reports issued during fiscal year 1993; to the Committee on Governmental Affairs.

EC-1732. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a notice of proposed rulemaking; to the Committee on Governmental Affairs.

EC-1733. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to internal management and audit plans; to the Committee on Governmental Affairs.

EC-1734. A communication from the Director, Division of Commissioned Personnel, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Public Health Service Commissioned Corps Retirement System for fiscal year 1992; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1182. A bill to amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency (Rept. No. 103-172).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Frederick F.Y. Pang, of Hawaii, to be an Assistant Secretary of the Navy, vice Barbara Spyridon Pope, resigned.

(The above nomination was approved subject to the nominee's commitment to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of September 14, October 4 and October 19, 1993, at the end of the Senate proceedings.)

*In the Naval Reserve there are 8 promotions to the grade of rear admiral (lower half) (list begins with James Wayne Eastwood) (Reference No. 128).

*Lt. Gen. Gary H. Mears, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 445).

*In the Naval Reserve there are 4 promotions to the grade of rear admiral (list begins with Grant Thomas Hollett, Jr.) (Reference No. 472).

**In the Air Force there are 598 promotions to the grade of colonel (list begins with Richard A. Aceto) (Reference No. 649).

**In the Army there are 69 promotions to the grade of colonel (list begins with Robert E. Abodeely) (Reference No. 703).

*Gen. Jimmy D. Ross, USA to be placed on the retired list in the grade of general (Reference No. 709).

*Maj. Gen. Johnnie E. Wilson, USA to be lieutenant general (Reference No. 712).

*Vice Adm. Jerry O. Tuttle, USN to be placed on the retired list in the grade of vice admiral (Reference No. 724).

*In the Army there are 38 promotions to the grade of brigadier general (list begins with Edwin P. Smith) (Reference No. 729).

*In the Army Reserve there are 26 promotions to the grade of major general and below (list begins with Donald F. Campbell) (Reference No. 741).

**In the Air Force there is 1 promotion to the grade of colonel (Robert G. Worthington) (Reference No. 742).

**In the Air Force and Air Force Reserve there are 22 appointments to the grade of colonel and below (list begins with Samar K. Bhowmick) (Reference No. 743).

**In the Army Reserve there are 44 promotions to the grade of colonel and below (list begins with Thomas N. Bordner) (Reference No. 744).

**In the Marine Corps there are 33 appointments to the grade of captain and below (list begins with Jeffrey A. Baumert) (Reference No. 745).

**In the Air Force there are 2,165 appointments to the grade of captain (list begins with Kenneth F. Abel) (Reference No. 746).

**In the Army Reserve there are 95 promotions to the grade of colonel (list begins with Patricia A. Affe) (Reference No. 747).

**In the Marine Corps Reserve there are 68 appointments to the grade of colonel (list begins with Stephen S. Adams) (Reference No. 748).

**In the Marine Corps there are 197 appointments to the grade of lieutenant colonel (list begins with Joseph A. Alexander, Jr.) (Reference No. 749).

**In the Marine Corps Reserve there are 107 appointments to the grade of lieutenant colonel (list begins with James C. Andrus) (Reference No. 750).

**In the Marine Corps there are 299 appointments to the grade of major (list begins with Timothy C. Abe) (Reference No. 751).

**In the Naval Reserve there are 280 promotions to the grade of captain (list begins with Jon Christian Abeles) (Reference No. 752).

**In the Naval Reserve there are 573 promotions to the grade of commander (list begins with Ronald David Abate) (Reference No. 754).

**In the Naval Reserve there are 455 promotions to the grade of commander (list begins with Lee Thomas Baker) (Reference No. 755).

**In the Navy there are 245 appointments to the grade of captain and below (list begins with Charles L. Aley III) (Reference No. 756).

*Vice Adm. William A. Owens, USN for appointment to the grade of admiral (Reference No. 759).

*Vice Adm. Thomas J. Lopez, USN for reappointment to the grade of vice admiral (Reference No. 760).

Total: 5,333.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mr. KENNEDY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. SHELBY, and Mr. SIMON):

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. PRYOR, and Mr. DODD):

S. 1630. A bill to require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1631. A bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. LIEBERMAN):

S. Res. 162. A resolution relating to the treatment of Hugo Princz, a United States citizen by the Federal Republic of Germany; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. SARBANES, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. MACK, and Mr. MOYNIHAN):

S. Con. Res. 50. A concurrent resolution concerning the Arab boycott of Israel; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. Con. Res. 51. A concurrent resolution to express the sense of Congress in support of consumer labeling utilizing an American and foreign flag program, labeling all goods and services; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself, Ms. MIKULSKI, Mr. KENNEDY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. SHELBY, and Mr. SIMON):

S. 1629. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes; to the Committee on Labor and Human Resources.

LUPUS RESEARCH AMENDMENTS OF 1993

Ms. MOSELEY-BRAUN. Today, I am introducing the Lupus Research Amendments of 1993. This bill would provide vital funding to NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus, Lupus, is a potentially devastating, chronic, inflammatory, autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction, and to attack its own healthy cells. The areas most often impacted by Lupus involve not only the skin and joints, but also the blood, heart, lungs, and kidneys.

It has been estimated that over 500,000 Americans have been diagnosed with the disease. Lupus affects women of childbearing age at a ratio of nine women to each man. Currently, the cause is not understood. Treatments can be effective, but may lead to damaging side effects, and many victims suffer from severe and sometimes debilitating pain, making it difficult to maintain jobs and live normal lives. The best hope for the prevention and control of lupus and its related disabilities is increased intensive research.

The Lupus Research Amendments of 1993 expands basic research concerning the causes of lupus; encourages the development of improved screening techniques; expands clinical research for the development and evaluation of new treatments, and improves information and education programs for health care professionals and the public.

The bill authorizes funding of $20 million for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995–96.

This legislation can make a real difference to thousands of Americans afflicted with lupus and millions of Americans particularly women, who are at risk of contracting the disease. I urge my colleagues to join me in supporting this important legislation.

Mr. President I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lupus Research Amendments of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more often than men;

(3) there are 3 main types of lupus: systemic lupus, a serious form of the disease that affects many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women in 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatments of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

"LUPUS

"SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include research to determine the reasons underlying the elevated prevalence of the disease among Africa-American and other women. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(1) basic research concerning the etiology and causes of lupus;

"(2) epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease;

"(3) the development of improved screening techniques;

"(4) clinical research for the development and evaluation of new treatments, including new biological agents; and

"(5) information and education programs for health care professionals and the public.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1994 through 1996. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.".

By Mr. BINGAMAN (for himself, Mr. PRYOR and Mr. DODD):

S. 1630. A bill to require the withholding of Federal highway funds for States that do not require the immediate revocation of the drivers license of an individual who is found in possession of a handgun on the premises of an elementary or secondary school located in the State, and for other purposes; to the Committee on Environment and Public Works.

HANDGUNS IN SCHOOLS ACT

• Mr. BINGAMAN. Mr. President, during the past few days of debate on the Violent Crime Control Act of 1993, many of my colleagues have come to the Senate floor to discuss the epidemic of violence that is plaguing our Nation and killing our children.

My colleagues have proposed a number of measures to address this terrifying problem and make our streets, our homes, and our schools safer. Today, I join my colleagues in introducing a bill that I believe could be part of the solution our Nation so desperately needs.

My bill, unlike the measures offered by many of my colleagues, does not involve the criminal justice system or require a lengthy and expensive prosecution. It will not toughen prison sentences or increase jail space. Instead, my bill attempts to prevent violence by posing a penalty that is so immediate and so real it will deter handgun-related crime among our Nation's fastest growing group of offenders and victims: Our youth.

The Handguns in School Act, which I introduce today on behalf of myself and my distinguished colleagues, Senator PRYOR and Senator DODD, will help school administrators and State and local law enforcement officials keep handguns out of our Nation's elementary and secondary schools. Our bill encourages States to impose an immediate penalty—the instantaneous revocation of a drivers license—on anyone who brings a handgun to school. In my view, this penalty may be our most effective tool for keeping many children and teens away from handguns. After all, the one thing they want from government is a license to drive.

This measure is not the total solution to the very serious problem we face, and to teenagers who are immersed in a life of crime, this additional penalty will mean little. We need the tough prison sentences and strong penalties contained in the Youth Handgun Safety Act. I am proud to cosponsor this measure, authorized by the Senator from Wisconsin, Senator KOHL. We also need to give our children alternatives to crime, and we need to support our schools as outlined in Senator DODD'S Safe School Act, which I am also proud to cosponsor.

But I believe we can—and must—do more. It is simply unrealistic, in my mind, to think that the criminal justice system can solve all the problems of crime in America. Our prisons are overcrowded, our courts are backlogged, our police are overworked; and still 14 children will die today in suicides, homicide, or accidental shootings and between 90,000 and 135,000 guns will be brought into our Nation's schools.

These statistics are almost too high to believe, but they give us a clear indication of the effectiveness of current laws creating safe school zones, which rely entirely on the criminal justice system for enforcement and punishment.

As a nation, we need to admit that violence, particularly gun-related violence, is more than our criminal justice system can handle. Earlier this week, the Surgeon General of the U.S. Public Health Service, Dr. Jocelyn Elders, discussed the extent of the problem during testimony before the House Committee on Government Operations.

Dr. Elders stated that since the 1950's, suicide rates among our youth have almost quadrupled. She reported that homicide rates among young men are 20 times as high as most other industrialized countries and 40 times higher in young African-American males. According to the Department of Justice, the 50,000 juvenile weapons arrests in 1991 accounted for more than 1 in 5 weapons arrests. The Department also reports that 16,000 violent acts occur in our Nation's schools every day.

These tragic statistics are hard to believe; but unfortunately, they are all too familiar in my home State of New Mexico. New Mexico ranks worst in the country in violent teendeaths, with 121 deaths per 100,000 compared to the national average of 71 deaths per 100,000. More than twice as many New Mexico youth between 15 and 25 commit suicide than the national average.

It is as clear in my mind as it is in Dr. Elder's statement: the criminal justice approach simply is not enough. It comes too late—it treats the problem after it occurs. We must, as Dr. Elders says, couple prevention with our criminal justice system of treatment. Prevention is the cornerstone of my bill. It will encourage States to enact laws that:

First, require the immediate revocation of an individual's drivers license if he or she brings a handgun into an elementary or secondary school zone; and

Second, stipulate for an individual under the State's legal driving age, that the period of revocation will be 5 years or until the age of 18, whichever is longer.

As I mentioned earlier, this revocation would be in addition to—not a substitute for—any other applicable penalties under State or Federal law. The revocation would be automatic, 5 years for the first offense, 10 years thereafter, upon notification by the school's principal to the State.

To encourage swift adoption by the States of this law, the Department of Transportation will withhold 5 percent of a State's Federal formula highway funds if the State does not adopt an instant license revocation law in the first fiscal year after enactment. In later years, 10 percent will be withheld. States adopting the law would immediately receive, without limitation on use, any funds then currently being withheld.

That is the extent of my amendment. It is simple and straightforward. It focusses on a penalty that is very real to most of our youth. All kids, at one point or another, anticipate the day they will get their drivers license. To them, 5 years without a license is forever, but criminal penalties are often little more than a far-off maze of courts, delays, and loopholes.

Mr. President, we need to use every tool available to us in our effort to control crime and reduce violence. We need to discourage our children from choosing crime as a way of life. We need to help our teachers, principals, and school counselors make schools a safer place in which to learn and grow. We need to be better parents and better role models for our children. In short, we need to help our children find the hope and desire to fulfill the potential that lives within each one of them.

I believe this bill is one of the tools needed to accomplish these objectives. I urge my colleagues to read the bill and to lend it their support.●

By Mr. GRAHAM (for himself and Mr. MACK):

S. 1631. A bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Energy and Natural Resources.

EVERGLADES NATIONAL PARK PROTECTION ACT

Mr. GRAHAM. Mr. President, I rise today to introduce legislation with my colleague from the State of Florida [Mr. MACK]. This bipartisan bill has been endorsed by the administration, the State of Florida, Dade County, the South Florida Water Management District, and by the entire Florida congressional delegation.

Our legislation will grant the National Park Service greater flexibility in the use of flood control funding under the Everglades Expansion Act of 1989. The bill will expand the current authorized use of this funding to include land acquisition in the Taylor Slough Area of the East Everglades. By acquiring these lands and raising canal stages and groundwater levels, the four partners involved—the Department of the Interior, the State, the county, and the South Florida Water Management District—hope to improve the hydrology and restore the natural sheetflow of water in this area and into Florida Bay.

Mr. President, the Everglades restoration settlement has attempted to address many of the water quality problems threatening the Florida Everglades—and work remains to be done on the settlement. But this legislation will begin to take the next step in restoring the Everglades ecosystem through addressing the water quantity issues facing the area.

It is important to note that this legislation does not grant the Federal Government condemnation authority over these lands, nor does it preclude the Federal Government from continuing to use the funds for flood control. This legislation simply gives the four partners involved greater flexibility in determining how to best manage the restoration efforts in the East Everglades.

I would also like to thank my colleagues on the Senate Energy Committee for their willingness to hold a hearing on this bill, and I look forward to working with them on this proposal. Mr. President, I would like to submit for the RECORD a letter of endorsement from the Secretary of the Interior, Bruce Babbitt.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION.

Section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8) is amended by adding at the end the following new subsection:

"(k)(1) Notwithstanding any other provision of this Act, the Secretary is authorized to use funds appropriated pursuant to this Act, including any available funds appropriated to the National Park Service for construction in the Department of the Interior and Related Agencies Appropriations Acts for fiscal years 1991 through 1994 for project modifications by the Army Corps of Engineers, in such amounts as determined by the Secretary, to provide Federal assistance to the State of Florida (including political subdivisions of the State) for acquisition of lands described in paragraph (4).

"(2) With respect to any lands acquired pursuant to this subsection, the Secretary may provide not more than 25 percent of the total cost of such acquisition.

"(3) All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the Park or Florida Bay.

"(4) The lands referred to in paragraph (1) are those lands or interests therein adjacent to, or affecting the restoration of natural water flows to the Park or Florida Bay which are located east of the Park and known as the Frog Pond, the Rocky Glades Agricultural Area, and the Eight-and-One-Half Square-Mile Area.".

THE SECRETARY OF THE INTERIOR,
Washington, DC, November 4, 1993.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: I have been advised that you and Senator Mack are jointly sponsoring a bill to amend the Everglades Expansion Act, to allow the Interior Department to explore a partnership with Florida officials for possible acquisition of lands east of Everglades National Park.

I understand the majority of the state Congressional delegation considers this an important initiative. I am happy to offer my support for this delegation effort.

Sincerely,

BRUCE BABBITT.

STATEMENT BY SENATOR MACK ON EAST EVERGLADES LEGISLATION

Mr. President, today Senator Graham and I are introducing legislation to provide some flexibility for the use of funds appropriated for the benefit of the Everglades National Park. In the 101st Congress we passed the Everglades National Park Protection and Expansion Act of 1989 in order to improve the historic water flows to the Everglades in an attempt to save this ailing ecosystem.

Included in the original act was funding for construction of a flood control project to protect landowners adjacent to the park from the increased water flows to the Everglades. The Department of Interior, the Park Service, and the Army Corps of Engineers have agreed that acquiring the lands and flooding them is a better alternative at this time. This legislation provides the flexibility to the Department of Interior to use these funds to purchase these adjacent lands. This legislation, however, does not prohibit the Corps from using the funds for the flood control project if ultimately deemed necessary.

Restoring the natural sheet flow of water to the Everglades is essential to reviving the health of this national treasure. The quality, quantity, timing and distribution of water is critical not only to the survival of the Everglades but also to the health of Florida Bay, whose sea grass beds are the prime habitat for a multimillion dollar commercial fishing industry. This bill will provide the Secretary of Interior with the flexibility to move forward in protecting these valuable national resources.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. MURKOWSKI, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 327, a bill to amend the Internal

Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Services.

S. 720

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 720, a bill to clean up open dumps on Indian lands, and for other purposes.

S. 1098

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1098, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State Medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

S. 1125

At the request of Mr. DODD, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1125, a bill to help local school systems achieve Goal Six of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1486

At the request of Mr. HARKIN, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Illinois [Mr. SIMON], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1486, a bill to provide relocation assistance in connection with flooding in the Midwest, and for other purposes.

S. 1596

At the request of Mr. SIMON, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1596, a bill to provide for application of the sentencing guidelines for certain nonviolent offenses in which a mandatory minimum term of imprisonment would otherwise be required.

S. 1618

At the request of Mr. MCCAIN, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 1618, a bill to establish Tribal Self-Governance, and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the names of the Senator from Washington [Mr. GORTON] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE CONCURRENT RESOLUTION 35

At the request of Mr. WOFFORD, the names of the Senator from Indiana [Mr. COATS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. LEVIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. BOND], the Senator from Idaho [Mr. CRAIG], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 35, a concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration.

SENATE CONCURRENT RESOLUTION 36

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Concurrent Resolution 36, a concurrent resolution expressing the sense of the Congress that U.S. truck safety standards are of paramount importance to the implementation of the North American Free-Trade Agreement.

AMENDMENT NO. 1105

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of amendment No. 1105 proposed to S. 1607, a bill to control and prevent crime.

SENATE CONCURRENT RESOLUTION 50—RELATING TO THE ARAB LEAGUE BOYCOTT OF ISRAEL

Mr. LAUTENBERG (for himself, Mr. GRASSLEY, Mr. SARBANES, Mr. LIEBERMAN, Mr. MACK and Mr. MOYNIHAN) submitted the following concurrent resolution which was referred to the Committee on Foreign Relations:

S. CON. RES. 50

Whereas the signing on September 13, 1993, of the Declaration of Principles between the Palestine Liberation Organization and the Government of Israel signals a new era of cooperation in the Middle East;

Whereas a true peace in the Middle East can only be established and remain in effect if there is economic stability and cooperation in the region;

Whereas adherence to the Arab League boycott of Israel is a source of economic instability in the Middle East;

Whereas the members of the Arab League instituted a primary boycott against Israel in 1948;

Whereas in the early 1950's the Arab states instituted a secondary and tertiary boycott against United States and other firms because of their commercial ties to Israel;

Whereas the boycott attempts to use economic blackmail to force United States firms to comply with boycott regulation;

Whereas the boycott was cited by the United States Trade Representative in the 1992 National Trade Estimate Report on Foreign Trade Barriers as an "additional legal restraint to U.S. trade in the region";

Whereas hundreds of United States firms have been blacklisted and barred from doing business with members of the Arab League under the secondary and tertiary boycott;

Whereas the total damage caused by the boycott is unknown because the number of United States firms that conduct business with Israel and have not attempted commercial transactions with members of the Arab League due to the boycott is uncertain; and

Whereas the United States has a policy of prohibiting United States firms from providing Arab states with the requested information about compliance to boycott regulation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Anti-Boycott Resolution of 1993".

SEC. 2. EXPRESSION OF CONGRESSIONAL VIEWS.

The Congress—

(1) believes the continuation of the Arab League boycott of Israel will be a severe impedimentto the economic prosperity of all participating nations and to the establishment of a lasting peace and prosperity in the Middle East;

(2) believes the secondary and tertiary boycott cause substantial economic losses to United States firms;

(3) welcomes the actions by those members of the Arab League that have begun dismantling the secondary and tertiary boycott, and urges them to continue their efforts until a complete dissolution of the primary, secondary, and tertiary boycott is achieved;

(4) hopes that the indefinite postponement of the October 24, 1993, meeting of the Central Boycott Committee signals an end to the placement of more United States firms on the boycott list and a willingness to dismantle the boycott in its entirety;

(5) urges those states that have begun to or are considering dismantling all forms of the boycott to proceed promptly with such dismantlement;

(6) urges those states that are still enforcing the boycott to dismantle the boycott in all its forms and to issue the necessary laws, rules, and regulations to ensure that United States firms have free and open access to Arab markets regardless of their business relationship with Israel;

(7) urges those states, in addition, to cease enforcing and requiring participation in the boycott in its primary, secondary, and tertiary forms;

(8) urges the United States Government to continue to raise the boycott as an unfair trade practice in every appropriate international trade forum; and

(9) expresses the sense of the Congress that the end of the Arab League boycott of Israel is of great urgency to the United States Government and will continue to be a priority issue in all bilateral relations with participating states until its complete dissolution.

Mr. LAUTENBERG. Mr. President, today I am introducing a resolution calling for an end to the Arab League boycott of Israel and American companies that do business with Israel. I am pleased that Senators SARBANES, GRASSLEY, LIEBERMAN, MACK, and MOYNIHAN are original cosponsors of this resolution.

The resolution expresses the sense of Congress that ending the boycott is a matter of great urgency for our Nation. It makes clear that the boycott is a priority issue in our bilateral relations with each Arab State.

The resolution is in line with a letter that I along with Senator GRASSLEY and 75 of our colleagues in the Senate recently sent to the head of the Arab League calling for an end to the boycott.

Since the establishment of the Jewish state in 1948, the Arab countries have, in addition to striking Israel militarily, declared economic war against her, and those that do business with her. They do this by boycotting Israel and companies that do business within Israel.

A few weeks ago, the world hoped and expected that the Arab League would publicly renounce the boycott. We had just witnessed a breathtaking signing ceremony which laid the groundwork for Israeli-Palestinian reconciliation. The conditions were ripe for a renunciation of the boycott.

After decades of conflict, Prime Minister Rabin and Chairmàn Arafat concluded that cooperation—rather than conflict—holds the greatest promise for attaining peace and prosperity for the Israeli and Palestinian people. The PLO finally renounced terrorism and recognized Israel's right to exist. Despite the history of bloodshed and battle, they recognized each other. They shook hands and courageously agreed to work together for peace between Israel and the Palestinians.

Because the Arab League has linked progress on the Palestinian issue to a renunciation of the boycott, I expected the Arab countries to agree to lift the boycott after the Israeli-Palestinian agreement was signed. I expected the Arab nations to support the peace process with an appropriate confidence building measure.

But they did not.

Instead, the Arab League took a series of decisive steps backward. The league formally reaffirmed its commitment to the boycott policy. Indeed, Arab representatives began discussing methods to step up rather than dismantle the boycott of American companies. And in a demonstration that their ideology had not changed and their intransigence had not altered, they scheduled an Arab League meeting to discuss adding more American firms to the list of blacklisted companies. Fortunately, the meeting was cancelled, which is a step in the right direction.

Mr. President, we already know that the economic boycott undermines Israel's economy. Now, in the wake of the Israeli-Palestinian agreement, a failure to lift it will harm the economies in Gaza and the West Bank too.

Why? Because a significant emphasis is now being placed on economic development in the West Bank and Gaza—development that will be inextricably linked to Israel's economy. The international community has already pledged development assistance, and economic cooperation has been in the forefront of discussion between the Israelis and Palestinians.

Given the monumental changes that have taken place between Israel and the Palestinians, clinging to the boycott no longer makes sense. The boycott will hurt the same people the Arab League has, in the past, vigorously claimed it wants to help—the Palestinians. It will make it that much harder to create a viable and stable economy in the West Bank and Gaza.

Secretary of State Warren Christopher commented on this point recently when he said that the Arab boycott "hurts not only the Israelis but also the Palestinians because they will be partners in many endeavors."

What the Arab League has demonstrated is that it has taken the tactics of terrorism to heart. Terrorists have always been willing to place hostages at risk as part of a strategy to achieve their goals. The Arab League has now demonstrated, again, that it is willing to hold the Palestinians hostage—to put them at risk—in order to achieve the goal of harming Israel. The cynicism of this strategy reveals the relative low priority the Arab League places on helping the Palestinians and the high priority it places on harming the Israelis.

But it is not just the Israelis and the Palestinians who suffer from the Arab League's economic blackmail. Importantly, Mr. President, the secondary and tertiary boycott—the refusal to do business with companies doing business with Israel—imposes harmful and unnecessary burdens on the United States economy as well.

Hundreds of businesses have been officially blacklisted by the Arab League. Because of the Arab League economic blackmail, they lose business. And that costs American jobs.

U.S. policy unalterably opposes the boycott. The United States has been seeking its end for many years. Our laws reflect that policy by barring U.S. companies from acquiescing in the boycott. American businesses should not be asked to violate U.S. law to conduct business in the Middle East.

But they are.

We know that in 1992, almost 10 thousand documents containing requests to take boycott related actions were reported to the Department of Congress' Bureau of Export Administration. That means our businesses were asked nearly 10 thousand times to break the law and acquiesce in the boycott.

We know that according to the Commerce Department's most recent preliminary statistics, 314 of the boycott compliance requests from July through September came from Saudi Arabia. This is the highest number from Saudi Arabia in any quarter in the last year and a half.

Because the boycott harms America's economy, the U.S. Trade Representative has, at my urging, included the boycott in its annual report outlining major barriers to U.S. trade. I ask unanimous consent that a copy of a portion of the report be included in the RECORD at the end of my remarks.

It is also why the U.S. Trade Representative, Micky Kantor, will soon ask the International Trade Commission to conduct an economic analysis of the boycott on U.S. industry and jobs. I ask unanimous consent that a copy of a letter I along with Senators MOYNIHAN and GRASSLEY sent to Ambassador Kantor addressing this and other issues as well as his response be inserted in the RECORD at the end of my remarks.

Additionally, given the harm to our own economy, continuation of the boycott undermines U.S. support for the peace process. The American people may question why the United States takes a political and economic leadership role in the effort to achieve peace while the Arab States penalize American companies doing business in and with Israel.

Mr. President, it is time for the boycott to go.

To its credit, the administration has been forcefully seeking an end to the boycott. At the United Nations last month, Secretary of State Warren Christopher attempted to seek a call for an end to the Arab boycott.

And President Clinton recently proclaimed: "I am confident that in the course of time, we will get the ban lifted."

I hope the President is right. But, for now, the Arab League stands in the way.

Perhaps it would be different if the Arab League adopted the view of the editor of a Saudi weekly who recently suggested "that we reconsider the boycott and ponder the benefits of establishing an economic relationship that makes the Jewish state want to foster and improve it."

Perhaps it would be different if the Arab League acted on the words of the Omani Foreign Minister, who recently stated "the boycott is a matter of the past and should remain in the past."

But the Arab League countries are not adopting this attitude. They refuse to move away from their intransigent position. They claim their citizens are not ready for a renunciation of the boycott. Syria is trying to turn back the diplomatic clock by calling for a tightening of the boycott. Consequently, the Arab League is digging in its heels.

Mr. President, the game has gone on long enough. It is time for the Arab League to put its money where its mouth is and abandon the boycott.

Now that the Palestinians have courageously entered into productive dialogue with Israel and significant progress has been made, the Arab League needs to step up to the plate. It should not create new conditions for lifting the boycott. For too long, the Palestinians have been used by the Arab League as pawns in the game of Middle Eastern politics.

It's time for the Arab League to put the diplomatic chess board away, take a confidence-building step, and support the peace process by dismantling the boycott.

Mr. President, I ask unanimous consent that additional material be placed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1993 NATIONAL TRADE ESTIMATE REPORT ON FOREIGN TRADE BARRIERS

(By the Office of the U.S. Trade Representative)

CORPORATE TAX POLICIES

Saudi Arabia, Oman, and Kuwait tax foreign companies at a higher rate than they tax domestic companies. Additionally, several GCC countries tax royalties as if they were 100 percent profit, and maintain a variety of other tax policies considered unfair to foreign companies.

THE ARAB LEAGUE BOYCOTT OF ISRAEL

The Arab League Boycott of the State of Israel is an additional legal restraint to U.S. trade in the region. While the primary level of the Boycott prohibits import of Israeli-origin goods and services into boycotting countries, the Boycott has been applied at "secondary" and "tertiary" levels which act as a barrier to U.S. exports. The "secondary" level prohibits U.S. and other firms that contribute to Israel's military or economic development from doing business with boycotting countries, and places these firms on a blacklist. The "tertiary" level prohibits U.S. and other firms that do business with blacklisted companies from doing business with boycotting countries.

U.S. law prohibits U.S. films from taking certain actions that boycotting countries frequently request as part of commercial transactions, such as refusing to do business with a blacklisted company. However, noncompliance with the Boycott by U.S. companies often leads to their being blacklisted and prevented from doing business with boycotting countries. Enforcement of the "secondary" and "tertiary" levels of the Boycott varies from country to country (and extends beyond the GCC to include Algeria, Djibouti, Iraq, Jordan, Lebanon, Libya, Mauritius, Morocco, Somalia, Sudan, Syria, Tunisia, and the Republic of Yemen). Most of these countries have an Israel Boycott Office which enforces the Boycott of companies or individuals who appear on their particular blacklist. But there appears to be wide variation in how companies are put on the blacklists, and how rigorously the Boycott is enforced.

Where enforced, the Boycott serves as a ban or zero quota on the products of a blacklisted firm. However, given that the boycott is unevenly applied, that it results in lost and foregone opportunities, and that it may serve to distort investment decisions by firms, it is difficult to accurately quantify the economic harm done to U.S. firms by the policy.

U.S. SENATE,
Washington, DC, April 1, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MICKEY: Enclosed is a letter urging you to negotiate aggressively an end to the Arab boycott of companies that do business with or invest in Israel and laying out some recommendations for including a more comprehensive review of the boycott in future National Trade Estimate Reports. As you can see, Senators Moynihan and Grassley have joined me in sending this letter.

In light of the fact that the 1993 NTE report has been completed, I would appreciate receiving a supplementary report from the United States Trade Representative's office on these issues no later than September 30, 1993.

The boycott is an important barrier to trade for U.S. business and should be ended. I look forward to hearing from you on this important issue.

Sincerely,

FRANK R. LAUTENBERG.

U.S. SENATE,
Washington, DC, April 1, 1993.

Hon. MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR MR. AMBASSADOR: The time has come to press forward with negotiations to remove a very significant impediment to American exports: the Arab boycott of companies doing business with Israel. We urge you to make these negotiations a top priority.

The American leadership role in the anti-boycott issue was recently evidenced by the settlement in the Baxter International case. We believe that our trading partners' companies should be prevented from complying with the Arab boycott as Baxter International and all American companies are currently prohibited. The Office of the United States Trade Representative should aggressively work toward that goal.

The National Trade Estimate (NTE) report, released earlier this week, acknowledges that the boycott is a barrier to trade. At our urging, the NTE now includes a brief discussion of the Arab League's secondary boycott (through a blacklist of companies doing business with Israel) and its tertiary boycott of companies that do business with the blacklisted companies.

We urge you, Mr. Ambassador, to take the next logical step and actively pursue negotiations both with the boycotting countries and with those trading partners that encourage or permit their companies to comply with the secondary and tertiary boycotts. The boycott is costly to American firms. These trade barriers need to be dismantled, and we urge you to give this issue the highest priority in negotiations.

To support negotiating efforts, we believe a more comprehensive analysis of the boycott should be included in the NTE report. Including this information would send a strong signal to our trading partners and the boycotting countries that the United States is serious about securing an end to the boycott. It would also provide the United States Trade Representative with important information for negotiations on the boycott.

To that end, we would encourage you to respond to the following recommendations in future NTE reports.

First, the NTE Report should include a country-by-country analysis of the extent to which Arab League and other countries encourage and permit compliance with the secondary and tertiary boycott of American companies as well as the extent to which our major trading partners permit and encourage compliance. The United States has the strongest anti-boycott laws in the world. Although U.S. law prohibits American companies from complying with the Arab boycott, many of their competitors are not similarly constrained. As a result, some of our competitors have prospered while U.S. firms have lost substantial sales.

Second, the NTE Report should analyze how countries blacklist companies and enforce the boycott. To date, very little is known about the list of companies blacklisted by Arab League countries. We know that the office of Boycott Compliance is headquartered in Damascus, Syria and have read reports that thousands of companies are blacklisted by the Arab League if they do business with or invest in Israel. We also know that once a company is included on the blacklist, all companies are urged not to do business with the blacklisted company or with any business trading with the blacklisted company. In fact, the Wall Street Journal recently reported that Kuwait is still blacklisting American companies. Clearly, any effort to negotiate an end to the secondary and tertiary boycott must include an effort to eliminate the practice of blacklisting American companies and the NTE Report should address this issue.

Third, the NTE Report should include a quantitative analysis of the loss to U.S. business resulting from enforcement and compliance with the secondary and tertiary boycott. We would encourage you to conduct a survey of American businesses to estimate the lost revenues resulting from the secondary and tertiary boycotts and from the failure of other countries to prohibit compliance with the boycott. Including this type of quantitative analysis in the NTE Report would help underscore the lost opportunities and revenues for American companies.

Ultimately, the Office of the United States Trade Representative should work to complement other U.S. agency efforts to seek an end to the enforcement of, and compliance with, the secondary and tertiary Arab Boycott in all international trade negotiations and meetings. Including a comprehensive analysis would provide the United States Trade Representative with the necessary tools during negotiations and demonstrate a commitment to ending this barrier to trade for American companies.

We look forward to hearing from you on this important matter.

Sincerely,

CHARLES E. GRASSLEY,
DANIEL PATRICK MOYNIHAN,
FRANK R. LAUTENBERG.

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, August 9, 1993.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Thank you very much for your letter of April 1 concerning the Arab League boycott of Israel. I apologize for the delay in responding. As we explained to your staff, we wanted to take sufficient time to prepare a comprehensive response to your letter.

I agree with you that the boycott is an impediment to U.S. exports. Ending the secondary and tertiary aspects of the boycott, which impact directly on U.S. business, is a high-priority goal of this administration, endorsed personally by President Clinton. I intend to involve USTR in a significant way in support of the Administration's efforts towards this end.

First, I intend to raise the issue directly with my counterparts in many of the boycotting countries. With those countries with whom we have significant trading relationships, I will press their representatives in person to end immediately the secondary and tertiary aspects of the boycott as applied to the U.S.

Second, I intend to raise this issue personally with many of our largest trading partners. I will urge them to either institute or strengthen anti-boycott rules, as appropriate, and to enforce these rules at least as vigorously as we enforce ours.

Third, I will expand substantially the section of our National Trade Estimate that addresses the boycott. The section will describe in greater detail the operation of the boycott and the impact it has on U.S. businesses. Where appropriate, we will discuss the specific actions of individual boycotting countries.

Fourth, I will request the ITC to commence a study of the boycott's impact on U.S. businesses. This study should provide us for the first time with a carefully researched estimate of the impact of the boycott on the U.S.

Finally, I am pleased to report that we were successful in developing a statement at the Tokyo Economic Summit meeting expressing the opposition of the Summit countries to the boycott.

In the Summit Political Declaration, the G-7 countries unconditionally called for an end to the Arab boycott and stressed their determination to apply continuing pressure on Iraq and Libya to implement all relevant UN Security Council resolutions in full.

I should note that the actions I am undertaking only complement the substantial efforts undertaken by my colleagues at the State, Commerce and Treasury departments. You noted in your letter the settlement of the Baxter International case, which I believe is an indication of the seriousness with which we enforce our anti-boycott compliance laws.

The State Department has conducted an active diplomatic campaign to convince Arab League countries that the time to end the boycott is now. We have had substantial success in this regard over the past year, the most recent example of which was the public announcement by Kuwait that it was ending the "indirect boycott" of Israel. We have welcomed this development, as we have other recent moves by the Saudis and other Gulf states that suggest that the demise of the boycott's enforcement against U.S. firms is an achievable goal.

I greatly appreciate your letter, and the constructive suggestions you have made. I look forward to reporting to you the progress we make over the coming months.

Sincerely,

MICHAEL KANTOR.

SENATE CONCURRENT RESOLUTION 51—RELATING TO FLAG LABELING OF PRODUCTS

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science and Transportation:

S. CON. RES. 51

Whereas it is important to secure American growth in a competitive global economy;

Whereas many Americans would prefer to buy American goods and services;

Whereas a program labeling all goods and services with American flags and foreign flags, provides accessible consumer information to enable citizens to identify products that are made by Americans with parts that are made in America in companies that are American owned;

Whereas providing this information by utilizing American and foreign flags, enables Americans to buy American products, promotes American enterprises, and helps protect American jobs;

Whereas a program of American and foreign flag labeling empowers industries in the United States by emphasizing the importance of United States product integrity in relation to the future of the economic survival of the United States;

Whereas over two dozen major American companies have begun labeling their products with American flags and foreign flags; and

Whereas the South Dakota and Iowa legislatures have endorsed the concept of consumers utilizing flags: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports consumer labeling utilizing an American and foreign flag program for labeling all goods and services.

Mr. PRESSLER. Mr. President, on February 20, 1992, the South Dakota House of Representatives passed a resolution endorsing the F.L.A.G.S. Foundation and its effort to have all goods and services labeled with the flag of the country in which they are produced. The resolution I am introducing today recognizes this idea.

This concept was born in Rapid City, SD. The idea is to label products with a flag over each of the words "owned," "made," and "parts." For example, if a company is American owned, the first flag is American. If the product is made in Mexico, the second flag is Mexican. If the product contains a majority of American parts, the third flag is again, American.

While this system of labels does not exclusively promote the purchase of American goods, it will help eliminate confusion over the origin of products. A 1992 USA Today poll showed that 85 percent of U.S. consumers say they make an effort to buy American whenever possible. But often consumers are unclear what products are American made. With better origin identification, American consumers would be better informed, resulting in increased sales for U.S. companies.

SENATE RESOLUTION 162—RELATING TO THE TREATMENT OF HUGO PRINCZ

Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 162

Whereas Hugo Princz and his family were United States citizens residing in Europe at the outbreak of World War II;

Whereas as civilians, Mr. Princz and his family were arrested as enemy aliens of the German Government (not prisoners of war) in early 1942;

Whereas the Government of Germany, over the protests of Mr. Princz's father, refused to honor the validity of the Princz family's United States passports on the grounds that the Princz family were Jewish Americans and failed to return to Princz family to the United States as part of an International Red Cross civilian prisoner exchange;

Whereas the Princz family was instead sent to Maidanek concentration camp in Poland, after which Mr. Princz's father, mother and sister were shipped to Treblinka death camp and exterminated;

Whereas Mr. Princz and his two younger brothers were transported by cattle car to Auschwitz to serve as slave laborers, where Mr. Princz was forced to watch as his two siblings were intentionally starved to death while they lay injured in a camp hospital;

Whereas Mr. Princz was subsequently transferred to a camp in Warsaw and, then, by death march, to the Dachau slave labor facility;

Whereas in the closing days of the war, Mr. Princz and other slave laborers were selected for extermination by German authorities in an effort to destroy incriminating evidence of war crimes;

Whereas hours before his scheduled execution, Mr. Princz's death train was intercepted and liberated by United States Armed Forces, and Mr. Princz was sent to an American military hospital for treatment;

Whereas although the actions of the United States Army saved Mr. Princz's life, he was sent to an American facility and was never processed through a "Center for Displaced Persons", a development which would later affect his eligibility to receive reparations for his suffering;

Whereas following his hospitalization, Mr. Princz was permitted to enter then-Communist-occupied Czechoslovakia to search for family members, and, after determining that he was the sole survivor, Mr. Princz traveled to America where he was taken in by relatives;

Whereas in the early 1950s, the Federal Republic of Germany (FRG) established a reparations program for "survivors", to which Mr. Princz made timely application in 1955;

Whereas Mr. Princz's application was rejected, and Mr. Princz has argued that his rejection was based on the grounds that he was a United States national at the time of his capture and later rescued and not a "stateless" person or "refugee";

Whereas Mr. Princz has not received relief from the Federal Republic of Germany in the intervening 40 years;

Whereas Mr. Princz's diplomatic remedies were exhausted by late 1990, forcing him to sue the Federal Republic of Germany in the Federal District Court for the District of Columbia in 1992;

Whereas the Court denied Germany's dismissal motion and determined Mr. Princz's situation to be sui generis, given Germany's concurrence with the material facts in the case and its simultaneous failure to accept financial responsibility with respect to Mr. Princz, when it has distributed billions of dollars in compensation to other Nazi death camp survivors, simply because of his American citizenship at the time of Mr. Princz's capture and later rescue;

Whereas the trial is now stayed pending Germany's appeal to the District of Columbia Circuit to require the case to be dismissed on grounds of sovereign immunity; and

Whereas Germany's refusal to redress Mr. Princz's unique and tragic grievances and to provide him a survivor's pension undercuts its oft-voiced claims to have put its terrible past behind it: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and Secretary of State should—

(1) raise the matter of Hugo Princz with the Federal Republic of Germany, including the Chancellor and Foreign Minister, and take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz; and

(2) state publicly and unequivocally that the United States will not countenance the continued discriminatory treatment of Hugo Princz in light of the terrible torment he suffered at the hands of the Nazis.

Mr. LAUTENBERG. Mr. President, today I am introducing a resolution calling on the German Government to provide fair reparations to Mr. Hugo Princz. I am pleased that Senator BRADLEY is an original cosponsor of the resolution.

Hugo Princz is a constituent from Highland Park. His story is tragic. Sadly, because he is an American citizen he has been unable to collect fair reparations for his suffering during the Second World War.

Mr. Princz and his family lived in Europe at the outbreak of World War II. Although U.S. citizens and civilians at the time, Mr. Princz and his family were arrested as enemy aliens of the German Government in early 1942.

Despite the protests of Mr. Princz' father, the Government of Germany refused to honor the validity of the Princz family's United States passports.

Mr. President, the Princz family were Jewish Americans. Consequently, the Government of Germany refused to return them to the United States although a civilian prisoner exchange program was available through the International Red Cross.

Instead, the Pricz family was sent to the Maidanek concentration camp in Poland. Mr. Princz' father, mother, and sister were shipped to Treblinka death camp and exterminated.

Mr. Princz and his two younger brothers were transported by cattle car to Auschwitz to serve as slave laborers. At Auschwitz, Mr. Princz was forced to watch as his two brothers were starved to death while they lay injured in a camp hospital. Mr. Princz was subsequently transferred to a camp in Warsaw and then, by death march, to the Dachau slave labor facility.

In the closing days of the war, Mr. Princz and other slave laborers were selected for extermination by Germany in an effort to destroy incriminating evidence of war crimes. Fortunately, hours before Mr. Princz' scheduled execution, his death train was intercepted and liberated by U.S. Armed Forces personnel.

U.S. personnel recognized Mr. Princz as an American by the designation "USA" stenciled by the Germans on his concentration camp garb, and he was sent to an American military hospital for immediate treatment.

The actions of the U.S. Army were commendable. They saved Mr. Princz' life. However, because Mr. Princz was given immediate medical treatment, he was never processed through a center for displaced persons. This process would later affect his eligibility to receive reparations for his suffering.

Following his hospitalization, Mr. Princz was permitted to enter then-Communist-occupied Czechoslovakia to search for family members. After determining that he was the sole survivor, Mr. Princz traveled to America.

In the early 1950's, the Federal Republic of Germany established a reparations program for survivors. Mr. Princz' application was rejected because he had not been classified as a stateless person or refugee.

Had he been processed through the Center for Displaced Persons instead of receiving immediate medical care in a U.S. facility, Mr. Princz would have received this designation. Instead, he has been considered a U.S. national and, therefore, ineligible for fair reparations.

Although the Federal Republic of Germany has provided reparations to thousands of Holocaust survivors, Mr. Princz hasn't received a dime.

Mr. President, it's time for the Federal Republic of Germany to recognize its injustice against Mr. Princz. Mr. Princz has suffered enough. He should receive fair reparations.

This resolution urges the President and the Secretary of State to raise this case with the Federal Republic of Germany. It also urges them to take all appropriate steps necessary to ensure that this matter will be expeditiously resolved and that fair reparations will be provided Mr. Princz.

Mr. President, the Federal Republic of Germany cannot bring back Hugo Princz' family or erase the painful memories of the tragic years he spent in slave labor camps. But, the Federal Republic of Germany can and should acknowledge Mr. Princz' tragic story and provide him with fair reparations which are long overdue.

AMENDMENTS SUBMITTED

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

COHEN (AND OTHERS) AMENDMENT NO. 1107

Mr. COHEN (for himself, Mr. DOLE, Mr. REID, and Mr. SASSER) proposed an amendment to the bill (S. 1607) a bill to control and prevent crime, as follows:

At the appropriate place insert the following:

TITLE —ENHANCED PENALTIES FOR ANTI-FRAUD ENFORCEMENT EFFORTS

SEC. 00. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "National Health Care Anti-Fraud and Abuse Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this title is as follows:

TITLE —ENHANCED PENALTIES FOR HEALTH CARE FRAUD

Subtitle A—Amendments to Criminal Law

Sec. ___01. Health care fraud.
Sec. ___02. Forfeitures for Federal health care offenses.
Sec. ___03. Injunctive relief relating to Federal health care offenses.
Sec. ___04. Racketeering activity relating to Federal health care offenses.

Subtitle B—Amendments to Civil False Claims Act

Sec. ___11. amendments to Civil False Claims Act.

Subtitle A—Amendments to Criminal Law

SEC. 01. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

§ 1347. Health care fraud

"(a) Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health care plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person shall be imprisoned for life or any term of years.

"(b) For purposes of this section, the term 'health care plan' means a federally funded public program or private program for the delivery of or payment for health care items or services.".

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

SEC. 02. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

Section 982(a) of title 18, United States Code, is amended by inserting after paragraph (5) the following:

"(6)(A) If the court determines that a Federal health care offense is of a type that poses a serious threat to the health of any person or has a significant detrimental impact on the health care system, the court, in imposing sentence on a person convicted of that offense, shall order that person to forfeit property, real or personnel, that—

"(i)(I) is used in the commission of the offense; or

"(II) constitutes or is derived from proceeds traceable to the commission of the offense; and "(ii) is of a value proportionate to the seriousness of the offense.".

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) sections 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title if the violation or conspiracy relates to health care fraud;

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud; and

"(v) section 301, 303(a)(2), or 303 (b) or (e) of the Federal Food, Drug and Cosmetic Act, if the violation or conspiracy relates to health care fraud.".

SEC. 03. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

SEC. 04. RACKETEERING ACTIVITY RELATING TO FEDERAL HEALTH CARE OFFENSES.

Section 1961 of title 18, United States Code, is amended by inserting "section 982(a)(6) (relating to Federal health care offenses)," after "sections 891–894 (relating to extortionate credit transactions),".

Subtitle E—Amendments to Civil False Claims Act

SEC. 11. AMENDMENTS TO CIVIL FALSE CLAIMS ACT.

Section 3729 of title 31, United States Code, is amended—

(1) in subsection (a)(7), by inserting "or to a health care plan," after "property to the Government,";

(2) in the matter following subsection (a)(7), by inserting "or health care plan" before "sustains because of the act of that person,";

(3) at the end of the first sentence of subsection (a), by inserting "or health care plan" before "sustains because of the act of the person.";

(4) in subsection (c)—

(A) by inserting "the term" after "section,"; and

(B) by adding at the end the following: "The term also includes any request or demand, whether under contract or otherwise, for money or property which is made or presented to a health care plan."; and

(5) by adding at the end the following:

"(f) HEALTH CARE PLAN DEFINED.—For purposes of this section, the term 'health care plan' means a federally funded public program for the delivery of or payment for health care items or services.".

DORGAN AMENDMENT NO. 1108

Mr. DORGAN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CREDITING OF "GOOD TIME".

Section 3624 of title 18, United States Code, is amended—

(1) by striking "he" each place it appears and inserting "the prisoner";

(2) by striking "his" each place it appears and inserting "the prisoner's";

(3) in subsection (d) by striking "him" and inserting "the prisoner"; and

(4) in subsection (b)—

(A) in the first sentence by inserting "(other than a prisoner serving a sentence for a crime of violence)" after "A prisoner"; and

(B) by inserting after the first sentence the following: "A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence, other than a term of imprisonment for the duration of the prisoner's life, may, at the discretion of the Bureau, receive credit toward the service of the prisoner's sentence, beyond the time served, of up to 54 days at the end of each year of the prisoner's term of imprisonment, beginning at the end of the first year of the term, if the Bureau of Prisons determines that, during that year, the prisoner has displayed exemplary compliance with such institutional disciplinary regulations.".

EXON (AND OTHERS) AMENDMENT NO. 1109

Mr. EXON (for himself, Mr. D'AMATO, Mr. CRAIG, Mr. GRASSLEY, Mr. BURNS, Mr. HELMS, Mr. SIMPSON, Mr. BRYAN, Mr. ROTH, Mr. GRAHAM, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DECONCINI, and Mr. BROWN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PAYMENT OF FEDERAL BENEFITS TO ILLEGAL ALIENS.

(a) DIRECT FEDERAL FINANCIAL BENEFITS.—Notwithstanding any other law, no direct Federal financial benefit or social insurance benefit may be paid, or otherwise given, on or after the date of enactment of this Act, to any person not lawfully present within the United States except pursuant to a provision of the Immigration and Nationality Act.

(b) UNEMPLOYMENT BENEFITS.—No alien who has not been granted employment authorization pursuant to Federal law shall be eligible for unemployment compensation under an unemployment compensation law of a State or the United States.

(c) DEFINITION.—In this section, "person not lawfully within the United States" means a person who at the time the person applies for, receives, or attempts to receive a Federal financial benefit is not a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a nonimmigrant in status for purposes of the immigration laws.

HATCH (AND OTHERS) AMENDMENT NO. 1110

Mr. HATCH (for himself and Mr. BRYAN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following new title:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.

"2325. Definition.

"2326. Enhanced penalties.

"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized a significant number of persons over the age of 55; or

"(B) targeted persons over the age of 55, may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud 2325
"113B. Terrorism .... 2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

ROBB AMENDMENT NO. 1111

Mr. ROBB proposed an amendment to the bill S. 1607, supra; as follows:

On page 368, between lines 2 and 3, insert the following:

Subtitle D—Commission on Violence in Schools

SEC. 1731. ESTABLISHMENT SCHOOLS.

There is established, subject to appropriations, a commission to be known as the "National Commission on Violence in America's Schools" (referred to in this subtitle as the "Commission").

SEC. 1732. PURPOSES.

The purposes of the Commission are—

(1) to develop comprehensive and effective recommendations to combat the national problem of national scale and prepare a report including an estimated cost for implementing any recommendations made by the Commission;

(2) to study the complexities, scope, nature, and causes of violence in the Nation's schools;

(3) to bring attention to successful models and programs in violence prevention and control;

(4) to recommend improvements in the coordination of local, State, and Federal agencies in the areas of violence in schools prevention; and

(5) to make a comprehensive study of the economic and social factors leading to or contributing to violence in schools and specific proposals for legislative and administrative actions to reduce violence and the elements that contribute to it.

SEC. 1733. DUTIES.

The Commission shall—

(1) define the causes of violence in schools;

(2) define the scope of the national problem of violence in schools;

(3) provide statistics and data on the problem of violence in schools on a State-by-State basis;

(4) investigate the problem of youth gangs and their relation to violence in schools and provide recommendations as to how to reduce youth involvement in violent crime in schools;

(5) examine the extent to which weapons and firearms in schools have contributed to violence and murder in schools;

(6) explore the extent to which the school environment has contributed to violence in schools; and

(7) review the effectiveness of current approaches in preventing violence in schools.

SEC. 1734. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 25 members, as follows:

(A) PRESIDENT.—Five persons appointed by the President.

(B) SENATE.—Five persons appointed by the majority leader of the Senate and five persons appointed by the minority leader of the Senate.

(C) HOUSE OF REPRESENTATIVES.—Five persons appointed by the Speaker of the House of Representatives, and five persons appointed by the minority leader of the House of Representatives.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement; and

(v) ethnography and urban poverty, including health care, housing, education, and employment.

(b) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(c) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(d) QUORUM.—Thirteen members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(f) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filed not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(h) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 1735. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chairperson of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 1736. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 1737. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than one year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

SEC. 1738. TERMINATION.

The Commission shall terminate on the date which is two years after the members of the Commission have met and designated a Chairperson and Vice Chairperson.

SEC. 1739. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to enable the Commission to carry out its duties under this subtitle.

HATCH AMENDMENT NO. 1112

Mr. HATCH proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . AWARDS OF ATTORNEY'S FEES.

Section 526 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c)(1)(A) A current or former Department of Justice attorney; agent; or employee who supervises an agent who is the subject of a criminal or disciplinary investigation, instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in prosecuting or investigating a criminal matter, who is not provided representation under Department of Justice regulations, shall be entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(B) A current or former attorney; agent; or employee who supervises an agent employed as or by a Federal public defender who is the subject of a criminal or disciplinary investigation instituted on or after the date of enactment of this subsection, arising out of acts performed in the discharge of his or her duties in defending or investigating a criminal matter in connection with the public defender program, who is not provided representation by a Federal public defender or the Administrative office of the United States Courts is entitled to reimbursement of reasonable attorney's fees incurred during and as a result of the investigation if the investigation does not result in adverse action against the attorney, agent, or employee.

"(2) For purposes of paragraph (1), an investigation shall be considered not to result in adverse action against an attorney, agent, or employee if—

"(A) in the case of a criminal investigation, the investigation does not result in indictment of, the filing of a criminal complaint against, or the entry of a plea of guilty by the attorney, agent, or supervising employee; and

"(B) in the case of a disciplinary investigation, the investigation does not result in discipline or results in only discipline less serious than a formal letter of reprimand finding actual and specific wrong-doing.

"(3) The Attorney General shall provide notice in writing of the conclusion and result of an investigation described in paragraph (1).

"(4) An attorney, agent, or supervising employee who was the subject of an investigation described in paragraph (1) may waive his or her entitlement to reimbursement of attorney's fees under paragraph (1) as part of a resolution of a criminal or disciplinary investigation.

"(5) An application for attorney fee reimbursement under this subsection shall be made not later than 180 days after the attorney, agent, or employee is notified in writing of the conclusion and result of the investigation.

"(6) Upon receipt of a proper application under this subsection for reimbursement of attorney's fees, the Attorney General and the Director of the Administrative Office of the United States Courts shall award reimbursement for the amount of attorney's fees that are found to have been reasonably incurred by the applicant as a result of an investigation.

"(7) The official making an award under this subsection shall make inquiry into the reasonableness of the amount requested, and shall consider—

"(A) the sufficiency of the documentation accompanying the request;

"(B) the need or justification for the underlying item;

"(C) the reasonableness of the sum requested in light of the nature of the investigation; and

"(D) current rates for equal services in the community in which the investigation took place.

"(8)(A) Reimbursements of attorney's fees ordered under this subsection by the Attorney General shall be paid from the appropriation made by section 1304 of title 31, United States Code.

"(B) Reimbursements of attorney's fees ordered under this Act by the Director of the Administrative Office of the United States Courts shall be paid from appropriations authorized by section 3006A(i) of title 18, United States Code.

"(9) The Attorney General and the Director of the Administrative Office of the United States Courts may delegate their powers and duties under this subsection to an appropriate subordinate.".

SPECTER AMENDMENT NO. 1113

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1607, supra; as follows:

At the end of subtitle G of title XXIX, add the following:

SEC. 2972. INTERSTATE WAGERING.

Section 1301 of title 18, United States Code, is amended by inserting "or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise or similar scheme conducted by another State (unless that business is permitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;" after "scheme;".

GRAHAM (AND BRYAN) AMENDMENT NO. 1114

Mr. GRAHAM (for himself and Mr. BRYAN) proposed an amendment to amendment No. 1109 proposed by Mr. EXON to the bill S. 1607, supra; as follows:

In lieu thereof, insert the following:

The Congress directs the Attorney General and the heads of all relevant Federal departments or agencies to analyze and report to Congress within 2 years on the impact of participation in Federal financial benefit or social insurance benefit programs by persons not lawfully present within the United States and the impact of denial of such benefits on State and local units of government and other service providers. In this section, "persons not lawfully within the United States" means persons who at the time they applied for, receive, or attempt to receive a Federal financial benefit are not either a United States citizen, a permanent resident alien, an asylee, a refugee, a parolee, or a non-immigrant in status for purposes of the Immigration and Nationality Act.

GRAHAM AMENDMENT NO. 1115

Mr. GRAHAM proposed an amendment to amendment No. 1109 proposed by Mr. EXON to the bill S. 1607, supra; as follows:

At the end of the pending amendment, add this following:

(e) PUBLIC HEALTH.—Nothing in the section shall affect or be construed to prohibit direct federal financial benefits for purposes of public health.

GRASSLEY (AND OTHERS) AMENDMENT NO. 1116

Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. NICKLES and Mr. BURNS) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "ninety days" and inserting "180 days"; and

(B) in paragraph (2), by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting before the period at the end the following: "or are otherwise fair and effective"; and

(B) in paragraph (2) by inserting before the period at the end the following: "or is no longer fair and effective".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

MOSELEY-BRAUN (AND BOND) AMENDMENT NO. 1117

Ms. MOSELEY-BRAUN (for herself and Mr. BOND) proposed an amendment to the bill S. 1607, supra; as follows:

On page 127, line 3, strike "16- and 17-year-olds" and insert "juveniles 13 years of age and older."

On page 127, between lines 15 and 16, insert the following:

Subtitle A—Federal Prosecutions

SEC. 631. PROSECUTION AS ADULTS OF VIOLENT JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended by adding at the end the following new paragraph:

(A) Notwithstanding any other provision of this section or any other law, a juvenile who was 13 years old or older on the date of the commission of an offense under section 113(a), (b), or (c), 1111, 1113, 2111 or 2113 (if the juvenile was in possession of a firearm during the offense), or 2241 (a) or (c) (if the juvenile was in possession of a firearm during the offense) shall be prosecuted as an adult in Federal court. No juvenile prosecuted as an adult under this paragraph shall be incarcerated in an adult prison.

(B) If a juvenile prosecuted under this paragraph is convicted, the juvenile shall be entitled to file a petition for resentencing pursuant to applicable sentencing guidelines when he or she reaches the age of 16.

(C) The United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, if necessary, to carry out the purposes of this section. For resentencing determinations pursuant to subsection (b), the Commission may promulgate guidelines, if necessary to permit sentencing adjustments which may include adjustments which provide for supervised release, for defendants who have clearly demonstrated (i) an exceptional degree of responsibility for the offense and (ii) a willingness and ability to refrain from further criminal conduct.

JOHNSTON (AND OTHERS) AMENDMENT NO. 1118

Mr. BIDEN (for Mr. JOHNSTON for himself, Mr. LOTT, Mr. BREAUX, Mr. HEFLIN, Mr. DECONCINI, Mr. GRASSLEY, Mr. CHAFEE, Mr. PACKWOOD, Mr. BURNS, Mr. JEFFORDS, Mr. HARKIN, and Mr. GRAHAM) proposed an amendment to the bill, S. 1607, supra; as follows:

On page 196, between lines 6 and 7, insert the following:

Subtitle C—Senior Citizens

SEC. 921. SHORT TITLE.

This subtitle may be cited as the "National Triad Program Act".

SEC. 922. FINDINGS.

The Congress finds that—

(1) senior citizens are among the most rapidly growing segments of our society;

(2) currently, senior citizens comprise 15 percent of our society, and predictions are that by the turn of the century they will constitute 18 percent of our Nation's population;

(3) senior citizens find themselves uniquely situated in our society, environmentally and physically;

(4) many senior citizens are experiencing increased social isolation due to fragmented and distant familial relations, scattered associations, limited access to transportation, and other insulating factors;

(5) physical conditions such as hearing loss, poor eyesight, lessened agility, and chronic and debilitating illnesses often contribute to an older person's susceptibility to criminal victimization;

(6) senior citizens are too frequently the victims of abuse and neglect, violent crime, property crime, consumer fraud, medical quackery, and confidence games;

(7) studies have found that senior citizens that are victims of violent crime are more

likely to be injured and require medical attention than are younger victims;

(8) victimization data on crimes against senior citizens are incomplete and out of date, and data sources are partial, scattered, and not easily obtained;

(9) although a few studies have attempted to define and estimate the extent of abuse and neglect of senior citizens, both in their homes and in institutional settings, many experts believe that this crime is substantially underreported and undetected;

(10) similarly, while some evidence suggests that senior citizens may be targeted in a range of fraudulent schemes, neither the Uniform Crime Report nor the National Crime Survey collects data on individual- or household-level fraud;

(11) many law enforcement agencies do not have model practices for responding to the criminal abuse of senior citizens;

(12) law enforcement officers and social service providers come from different disciplines and frequently bring different perspectives to the problem of crimes against senior citizens;

(13) those differences, in turn, can contribute to inconsistent approaches to the problem and inhibit a genuinely effective response;

(14) there are, however, a few efforts currently under way that seek to forge partnerships to coordinate criminal justice and social service approaches to victimization of senior citizens;

(15) the Triad program, sponsored by the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP), is one such effort; and

(16) recognizing that senior citizens have the same fundamental desire as other members of our society to live freely, without fear or restriction due to the criminal element, the Federal Government should seek to expand efforts to reduce crime against this growing and uniquely vulnerable segment of our population.

SEC. 923. PURPOSES.

The purposes of this subtitle are—

(1) to support a coordinated effort among law enforcement and social service agencies to stem the tide of violence against senior citizens and support media and nonmedia strategies aimed at increasing both public understanding of the problem and the senior citizens' skills in preventing crime against themselves and their property; and

(2) to address the problem of crime against senior citizens in a systematic and effective manner by promoting and expanding collaborative crime prevention programs, such as the Triad model, that assist law enforcement agencies and senior citizens in implementing specific strategies for crime prevention, victim assistance, citizen involvement, and public education.

SEC. 924. NATIONAL ASSESSMENT AND DISSEMINATION.

(a) IN GENERAL.—The Director of the National Institute of Justice shall, subject to the availability of appropriations, conduct a qualitative and quantitative national assessment of—

(1) the nature and extent of crimes committed against senior citizens and the effect of such crimes on the victims;

(2) the numbers, extent, and impact of violent crimes and nonviolent crimes (such as frauds and "scams") against senior citizens and the extent of unreported crime;

(3) the collaborative needs of law enforcement, health, and social service organizations, focusing on prevention of crimes against senior citizens, to identify, investigate, and provide assistance to victims of those crimes; and

(4) the development and growth of strategies to respond effectively to the matters described in paragraphs (1), (2), and (3).

(b) MATTERS TO BE ADDRESSED.—The national assessment made pursuant to subsection (a) shall address—

(1) the analysis and synthesis of data from a broad range of sources in order to develop accurate information on the nature and extent of crimes against senior citizens, including identifying and conducting such survey and other data collection efforts as are needed and designing a strategy to keep such information current over time;

(2) institutional and community responses to elderly victims of crime, focusing on the problems associated with fear of victimization, abuse of senior citizens, and hard-to-reach senior citizens who are in poor health, are living alone cr without family nearby, or living in high crime areas;

(3) special services and responses required by elderly victims;

(4) whether the experience of senior citizens with some service organizations differs markedly from that of younger populations;

(5) the kinds of programs that have proven useful in reducing victimization of senior citizens through crime prevention activities and programs;

(6) the kinds of programs that contribute to successful coordination among public sector agencies and community organizations in reducing victimization of senior citizens; and

(7) the research agenda needed to develop a comprehensive understanding of the problems of crimes against senior citizens, including the changes that can be anticipated in the crimes themselves and appropriate responses as the society increasingly ages.

(c) AVOIDANCE OF DUPLICATION.—In conducting the assessment under subsection (a), the Director of the National Institute of Justice shall draw upon the findings of existing studies and avoid duplication of efforts that have previously been made.

(d) DISSEMINATION.—Based on the results of the national assessment and analysis of successful or promising strategies in dealing with the problems described in subsection (b) and other problems, including coalition efforts such as the Triad programs described in sections 922 and 923, the Director of the National Institute of Justice shall disseminate the results through reports, publications, clearinghouse services, public service announcements, and programs of evaluation, demonstration, training, and technical assistance.

SEC. 925. PILOT PROGRAMS.

(a) AWARDS.—The Director of the Bureau of Justice Assistance shall, subject to the availability of appropriations, make grants to coalitions of local law enforcement agencies and senior citizens to assist in the development of programs and execute field tests of particularly promising strategies for crime prevention services and related services based on the concepts of the Triad model, which can then be evaluated and serve as the basis for further demonstration and education programs.

(b) TRIAD COOPERATIVE MODEL.—(1) Subject to paragraph (2), a pilot program funded under this section shall consist of the Triad cooperative model developed by the organizations described in section 922(15), which calls for the participation of the sheriff, at least 1 police chief, and a representative of at least 1 senior citizens' organization within a county and may include participation by general service coalitions of law enforcement, victim service, and senior citizen advocate organizations.

(2) If there is not both a sheriff and a police chief in a county or if the sheriff or a police chief do not participate, a pilot program funded under this section shall include in the place of the sheriff or police chief another key law enforcement official in the county such as a local prosecutor.

(c) APPLICATION.—A coalition or Triad program that desires to establish a pilot program under this section shall submit to the Director of the Bureau of Justice Assistance an application that includes—

(1) a description of the community and its senior citizen population;

(2) assurances that Federal funds received under this part shall be used to provide additional and appropriate education and services to the community's senior citizens;

(3) a description of the extent of involvement of each organizational component (chief, sheriff (or other law enforcement official), and senior organization representative) and focus of the Triad program;

(4) a comprehensive plan including—

(A) a description of the crime problems facing senior citizens and need for expanded law enforcement and victim assistance services;

(B) a description of the types of projects to be developed or expanded;

(C) a plan for an evaluation of the results of Triad endeavors;

(D) a description of the resources (including matching funds, in-kind services, and other resources) available in the community to implement the Triad development or expansion;

(E) a description of the gaps that cannot be filled with existing resources;

(F) an explanation of how the requested grant will be used to fill those gaps; and

(G) a description of the means and methods the applicant will use to reduce criminal victimization of older persons; and

(5) funding requirements for implementing a comprehensive plan.

(d) DISTRIBUTION OF AWARDS.—The Director of the Bureau of Justice Assistance shall make awards—

(1) to 17 Triad programs in counties with a population of less than 50,000;

(2) to 17 Triad programs in counties with a population of at least 50,000 but less than 100,000; and

(3) to 16 Triad programs in counties with a population of 100,000 or more.

(e) POST-GRANT PERIOD REPORT.—A grant recipient under this section shall, not later than 6 months after the conclusion of the grant period, submit to the Director of the Bureau of Justice Assistance a report that—

(1) describes the composition of organizations that participated in the pilot program;

(2) identifies problem areas encountered during the course of the pilot program;

(3) provides data comparing the types and frequency of criminal activity before and after the grant period and the effect of such criminal activity on senior citizens in the community; and

(4) describes the grant recipient's plans and goals for continuance of the Triad program after the grant period.

SEC. 926. TRAINING ASSISTANCE, EVALUATION, AND DISSEMINATION AWARDS.

In conjunction with the national assessment under section 924—

(1) the Director of the Bureau of Justice Assistance shall make awards to organizations with demonstrated ability to provide training and technical assistance in establishing crime prevention programs based on

the Triad model, for purposes of aiding in the establishment and expansion of pilot programs under this section; and

(2) the Director of the National Institute of Justice shall make awards to research organizations, for the purposes of—

(A) evaluating the effectiveness of selected pilot programs; and

(B) conducting the research and development identified through the national assessment as being critical; and

(3) the Director of the Bureau of Justice Assistance shall make awards to public service advertising coalitions, for the purposes of mounting a program of public service advertisements to increase public awareness and understanding of the issues surrounding crimes against senior citizens and promoting ideas or programs to prevent them.

SEC. 927. REPORT.

The Director of the Bureau of Justice Assistance and the Director of the National Institute of Justice shall submit to Congress an annual report (which may be included with the report submitted under section 102(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(b)) describing the results of the pilot programs conducted under section 925.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

(1) $2,000,000 to the Bureau of Justice Assistance for the purpose of making Triad pilot program awards in that amount under section 925;

(2) $1,000,000 to the Bureau of Justice Assistance for the purpose of funding the national training and technical assistance effort under sections 924 and 926;

(3) $1,000,000 to the Bureau of Justice Assistance for the purpose of developing public service announcements under sections 924 and 926;

(4) $2,000,000 to the National Institute of Justice for the purposes of conducting the national assessment, evaluation pilot programs, and carrying out the research agenda under sections 924 and 926; and

(5) to the extent that funds are not otherwise available for the purpose, such sums as are necessary to pay the administrative costs of carrying out this subtitle.

AKAKA AMENDMENT NO. 1119

Mr. BIDEN (for Mr. Akaka) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . TASK FORCE AND CRIMINAL PENALTIES RELATING TO THE INTRODUCTION OF NONINDIGENOUS SPECIES.

(a) Task Force.—

(1) In general.—The Attorney General is authorized to convene a law enforcement task force in Hawaii to facilitate the prosecution of violations of Federal laws, and laws of the State of Hawaii, relating to the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species.

(2) Membership.—(A) The task force shall be composed of representatives of—

(i) the Office of the United States Attorney for the District of Hawaii;

(ii) the United States Customs Service;

(iii) the Animal and Plant Health Inspection Service;

(iv) the Fish and Wildlife Service;

(v) the National Park Service;

(vi) the United States Forest Service;

(vii) the Military Customs Inspection Office of the Department of Defense;

(viii) the United States Postal Service;

(ix) the office of the Attorney General of the State of Hawaii;

(x) the Hawaii Department of Agriculture;

(xi) the Hawaii Department of Land and Natural Resources; and

(xii) such other individuals as the Attorney General deems appropriate.

(B) The Attorney General shall, to the extent practicable, select individuals to serve on the task force who have experience with the enforcement of laws relating to the wrongful conveyance, sale, or introduction of nonindigenous species.

(3) Duties.—The task force shall—

(A) provide mutual assistance to Federal and State law enforcement agencies in the prosecution of violations of laws relating to the conveyance, sale, or introduction of nonindigenous species into Hawaii; and

(B) make recommendations on ways to strengthen Federal and State laws and law enforcement strategies designed to prevent the introduction of nonindigenous species.

(4) Report.—The task force shall report to the Attorney General and to the Judiciary Committees of the Senate and House of Representatives on—

(A) the progress of its enforcement efforts; and

(B) the adequacy of existing Federal laws and laws of the State of Hawaii which relate to the introduction of nonindigenous species.

Thereafter, the task force shall make such reports as the task force deems appropriate.

(5) Consultation.—The task force shall consult with Hawaii agricultural interests and representatives of Hawaii conservation organizations about methods of preventing the wrongful conveyance, sale, or introduction of nonindigenous plant and animal species into Hawaii.

(b) Criminal Penalty.—

(1) In general.—Chapter 83 of title 18, United States Code, is amended by inserting after section 1716C the following new section:

"§ 1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife and plants

"A person who knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything that section 3015 of title 39 declares to be nonmailable matter shall be fined under this title, imprisoned not more than 1 year, or both.".

(2) Technical amendment.—The chapter analysis for chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716C the following new item:

"1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken fish, wildlife, and plants.".

ROTH AMENDMENT NO. 1120

Mr. BIDEN (for Mr. Roth) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE ROLE OF THE UNITED NATIONS IN INTERNATIONAL ORGANIZED CRIME CONTROL.

(a) Findings.—The Senate finds that—

(1) international criminal activity has increased dramatically over the past decade and has been facilitated by modern developments in transportation and communications, relaxed travel restrictions, and the greatly increased volume of international trade;

(2) the expansion of international criminal activity is reflected in the growth of requests for mutual legal assistance and extradition made between the United States and other countries, the number of such requests having increased from 535 in 1984 to 2,238 in 1992;

(3) the global reach of organized crime constitutes a serious threat to the security and stability of sovereign nations;

(4) the expanding scope of international organized crime necessitates greater cooperation among nations to prosecute and eliminate organized criminal groups;

(5) there is an urgent need for new approaches designed to allow the international law enforcement community to pursue international criminals across national boundaries;

(6) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances has helped bring about improved international cooperation with respect to narcotics;

(7) the current role of the United Nations with respect to international organized crime is limited by the lack of a binding international convention dealing with the broad range of organized criminal activity beyond narcotics;

(8) the United Nations Commission on Crime Prevention and Criminal Justice has successfully facilitated the negotiation and implementation of mutual legal assistance and extradition treaties between certain nations, and has helped train nations to effectively execute the terms of such treaties; and

(9) the United Nations Commission on Crime Prevention and Criminal Justice currently has limited authority and resources.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the United States should encourage the development of a United Nations Convention on Organized Crime; and

(2) the United Nations should—

(A) provide significant additional resources to the Commission on Crime Prevention and Criminal Justice;

(B) consider an expansion of the Commission's role and authority; and

(C) seek a cohesive approach to the international organized crime problem.

LIEBERMAN AMENDMENT NO. 1121

Mr. BIDEN (for Mr. Lieberman) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . TASK FORCE ON PRISON CONSTRUCTION STANDARDIZATION AND TECHNIQUES.

(a) Task Force.—The Director of the National Institute of Corrections shall, subject to availability of appropriations, establish a task force composed of Federal, State, and local officials expert in prison construction, and of at least an equal number of engineers, architects, and construction experts from the private sector with expertise in prison design and construction, including the use of cost-cutting construction standardization techniques and cost-cutting new building materials and technologies.

(b) Cooperation.—The task force shall work in close cooperation and communication with other State and local officials responsible for prison construction in their localities.

(c) PERFORMANCE REQUIREMENTS.—The task force shall work to—

(1) establish and recommend standardized construction plans and techniques for prison and prison component construction; and

(2) evaluate and recommend new construction technologies, techniques, and materials, to reduce prison construction costs at the Federal, State, and local levels and make such construction more efficient.

(d) DISSEMINATION.—The task force shall disseminate information described in subsection (c) to State and local officials involved in prison construction, through written reports and meetings.

(e) PROMOTION AND EVALUATION.—The task force shall—

(1) work to promote the implementation of cost-saving efforts at the Federal, State, and local levels;

(2) evaluate and advise on the results and effectiveness of such cost-saving efforts as adopted,broadly disseminating information on the results; and

(3) to the extent feasible, certify the effectiveness of the cost-savings efforts.

ROTH AMENDMENT NO. 1122

Mr. BIDEN (for Mr. ROTH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON SUCCESS OF ROYAL HONG KONG POLICE RECRUITMENT.

Not later than 6 months after the date of enactment of this Act, the Attorney General, in concert with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Agency, the Commissioner of the Immigration and Naturalization Service, and the Commissioner of the Customs Service, shall report to Congress and the President on the efforts made, and the success of such efforts, to recruit and hire former Royal Hong Kong Police officers into Federal law enforcement positions. The report shall discuss any legal or administrative barriers preventing a program of adequate recruitment of former Royal Hong Kong Police officers.

NOTICES OF HEARING

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, November 18, 1993, beginning at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 316, to expand the boundaries of the Saguaro National Monument, and for other purposes; and

S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–8115.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH CONSERVATION FORESTRY AND GENERAL LEGISLATION

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on the Federal Meat Inspection Programs. The hearing will be held on Monday, November 22, 1993, at 9:30 a.m. in SR–332. Senator TOM DASCHLE will preside.

For further information, please contact Tom Buis at 224–2321.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, November 5, 1993, at 9 a.m. to hold a nomination hearing on Robert Gelbard, to be Assistant Secretary of State for International Narcotics Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN VIOLENCE

• Mr. SIMON. Mr. President, all of us know only too well that gun violence continues to plague our cities and our rural communities as well. Despite the rise in violence and the growing concern among Americans for the safety of their families, the number of gun dealers grows every day. We now have close to 300,000 dealers in our country. Unfortunately, most of these dealers acquire their dealer license to skirt State laws and to buy firearms at wholesale prices. The majority of these dealers sell less than 10 guns a year and use their home or car as their place of business.

The Bureau of Alcohol, Tobacco and Firearms [BATF] has been unable to address this problem efficiently because it simply does not have the resources. Nonetheless, with the help of an Executive order issued by President Clinton this summer, BATF was able to join forces with local law enforcement in some cities to weed out those dealers who are not in compliance with State and local laws.

I am pleased that in Chicago, in conjunction with the Chicago Police and the mayor, BATF was able to force 197 of the 212 federally licensed dealers to surrender their licenses as they were not in compliance with State and local laws.

This is an extremely important step in our effort to curb gun violence. I am hopeful that Chicago will continue its good work and that other cities will follow its excellent lead.

I would like to enter a copy of the Chicago Tribune report on this effort into the RECORD. I urge my colleagues to work within their States on similar efforts.

The report follows:

[From the Chicago Tribune, Oct. 10, 1993]

INVESTIGATION TARGETS GUN DEALERS AS CROWDS RALLY AGAINST VIOLENCE

(By Penny Roberts)

The majority of Chicago's gun dealers are no longer licensed to operate, after an 8-month investigation found they were doing business in violation of city ordinances, federal and city officials said Saturday.

On the same afternoon that hundreds of people rallied in the Loop against handgun violence, Mayor Richard Daley announced that 197 of the 212 people with federal licenses to sell firearms in Chicago had failed to comply with local ordinances regulating the sale of guns. Nearly 150 of them surrendered their licenses since the investigation began in February, authorities said. The rest of the licenses are being revoked, officials said.

The investigation was carried out by Chicago and the federal Bureau of Alcohol, Tobacco and Firearms. It targeted "kitchen table" gun dealers—those who sell weapons from their residences. Nationwide, they account for more than 70 percent of all dealers.

With $30 and a satisfactory criminal background check, anyone can obtain a 3-year federal firearms license from the Bureau of Alcohol, Tobacco and Firearms to buy an unlimited number of firearms. In Illinois, there are 11,000 federally licensed gun dealers. Nationwide, there are about 250,000.

A person granted a license is required to comply with local regulations for selling firearms as well. In Chicago, that means he or she must obtain a deadly weapons license, which also covers knives and to date is held by fewer than 15 dealers in the city, according to ATF officials. Zoning ordinances also prohibit the sale of firearms from a residence. ATF spokesman Jerry Singer said he could not supply the number of Chicago gun dealers operating from residences.

The probe was led by ATF agents, Chicago police officers and state Department of Revenue license inspectors, who went door to door to the dealers to ensure that they were complying with local ordinances.

Those who were not in compliance were asked to surrender their licenses, essentially closing their businesses. If they refused, ATF initiated efforts to revoke them. Agents were trying to contact a few of the dealers.

"We're trying to lessen and reduce the accessibility and availability of weapons to streetgang members," said James Reilly, assistant to the mayor. "The vast majority of guns that end up in their hands are not stolen, but legitimately purchased from dealers."

The victory heralded by city officials could be only temporary. A dealer can reapply for a license, and the fact that it had been surrendered or revoked would not make it any more difficult to obtain, if the dealer complies with local ordinances, Reilly said.

National gun control legislation introduced by Sen. Paul Simon (D-Illinois) would require that dealers doing business for the first time show proof that they have complied before being given the federal license.

"Chicago is a magnet for illicit gun trade," said ATF Special Agent Jerry Singer. "I think we're going to see a lot more of federal and local agencies working together on this kind of thing."

The disclosure of the investigation came as hundreds attended an Illinois Council Against Handgun Violence rally at Daley Plaza. Most marched 2 miles to show their support for handgun control.

Rainy weather forced the crowd inside the Daley Center, but it did not lessen their enthusiasm. Many carried signs with pictures of relatives and friends who have fallen victim to gunfire. Others held up written messages such as, "Handguns are not child's play" and "How many more must die?"

The gathering was attended by a phalanx of politicians proposing anti-handgun legislation.

U.S. Rep. Bobby L. Rush (D-Chicago) announced his intention to introduce in Congress this week a bill that would make it unlawful for anyone to possess or transfer a handgun except for military and law enforcement personnel. He said it also would call for increasing the $10 annual federal firearm license fee paid by gun dealers to $3,000 a year.

"Some of us are tired of going to funerals on a day-to-day basis," Rush said. "We've got to do something about these guns."

U.S. Rep. Mel Reynolds (D-Chicago) expressed support for the Brady Bill—a measure pending before Congress that would require a five-day wait for gun purchasers.

Said Reynolds, "We've got to have the courage to stand up to the National Rifle Association."

But most were there because in some way their lives have been touched by tragedy.

Among them was Sarah Yoon, a 14-year-old Lincoln Park High School student whose best friend, Rolanda Marshall, was killed last month in a drive-by shooting.

She carried a picture of Marshall as she began the 2-mile march from Daley Plaza.

"I just want people to stop the shooting," Yoon said. "I want to get rid of the guns."•

OPPOSITION TO INCREASING CUSTOMS USER FEES ON CRUISE TRAVELERS

• Mr. MACK. Mr. President, the administration has proposed a funding package to offset an estimated $2.8 billion in lost revenues expected to result from implementation of the North American Free-Trade Agreement. One provision of the package would increase the Customs user fees paid by cruise and airline passengers and would remove the existing exemption for passengers arriving from Canada, Mexico, and the Caribbean. The administration claims this tax increase will raise more than $1.1 billion over the next 5 years.

Why is the administration asking cruise passengers to pay for the NAFTA? Neither cruise passengers on vacation nor the cruise industry itself are expected to receive any extraordinary benefits from enactment of the NAFTA. I can see no reason they should be forced to make up such shortfall in revenues as may result from lower tariff rates on commodities shipped across our borders.

The administration considers the increase a minor one. Yet charging passengers who arrive from Canada, Mexico, and the Caribbean an additional $6.50 will raise over 40 times the revenue necessary to cover the costs of the Customs inspections currently being provided to the cruise industry. This is no user fee, this is a tax on average Americans traveling on vacation: Americans who are already overburdened with an endless list of travel-related user fees and taxes.

Imposing a $6.50 Customs user fee on cruise passengers would reportedly collect over $175 million from a growing industry which has a major presence in my State. The cruise industry provides thousands of jobs to Americans, and has as its passengers average people who save their hard-earned money for cruise vacations. Why ask these citizens to subsidize the cost of a program which is unrelated to any benefits they receive?

I also find it puzzling that while the countries of the Caribbean Basin do not directly benefit from the NAFTA, its passengers are being asked to fund it. Even stranger, this comes at the same time that we are working to foster economic development in the region through tourism via the Caribbean Basin Initiative. Instead, the administration has chosen to delete the current exemption which would have lessened the impact of the NAFTA funding proposal on the Caribbean.

Apparently, this administration learned nothing from the luxury tax of 1990, which was reportedly intended to impact only the rich. While supporters of the tax called it merely a minor increase on those most able to pay, it had the immediate effect of putting companies out of business and Americans out of work. In the end, hard working boatbuilders, not the wealthy, paid the price for the luxury tax through lost jobs.

Once again, we are going to lose revenue by discouraging economic activity. In 1992, the cruise industry was responsible for generating over 450,000 American jobs. We should encourage the continued growth of this industry, not formulate policies which discourage its economic contribution.•

IMPORTANCE OF HEALTH SECURITY—HOW DIFFERENT HEALTH REFORM PLANS STACK UP

• Mr. DASCHLE. Mr. President, the introduction last week of the Health Security Act of 1993 signals a new era of possibility for every American, an era where, for the first time in history, our citizens have within their grasp the possibility of guaranteed health coverage. Of health care that is always there.

Health security. It's a simple principle, but one that packs a lot of punch.

What makes it so important? Why does the President insist it is one of the principles upon which he refuses to compromise?

Because the President understands a fundamental reality of our health care system: That we cannot achieve savings, simplicity, responsibility, and many of the other goals we value until we guarantee that every American has health insurance that can never be taken away.

Unfortunately, the importance of this simple principle has escaped the authors of most of the major health care plans that have been introduced to date. Health plans that their congressional sponsors claim are serious reform measures that address our system's major problems.

Despite these claims, with the exception of the McDermott-Wellstone single payer plan, none of the major alternative health plans guarantees coverage of all Americans.

For this reason, I have deep reservations about the viability of these plans.

IMPORTANCE OF HEALTH SECURITY

Certainly we cannot contain costs unless everyone is under the same system, and all costs are explicit and accounted for.

How can we assure that businesses, for example, pay only their fair share of health expenses until we put an end to the cost shifting that is crippling those companies and individuals who pay now for their health coverage?

How do we begin to simplify our complex, patchwork system if people continue to move in and out of the mainstream health care system, asking others to subsidize their care because they fail to purchase their own coverage?

How do we ensure that we have healthy children, an efficient and productive work force, and that cost-effective preventive care is utilized so that costly illnesses are avoided if all Americans do not have access to primary and preventive care?

Finally, how do we ensure that Americans no longer have to make decisions about where they work and live, whether and if they will marry, and if they should have a family based on their health coverage?

Mr. President, in my State alone, 6,000 people every month lose their health coverage. These are not just the poor. Many of them are people who work hard, pay their taxes, save their money, and have held health insurance for most of their lives.

So how do they lose something as basic as their health insurance? Perhaps they lost their job, or their employer decided to drop the business's health coverage, or they had a child diagnosed with diabetes and their company refused to renew their contract.

These are the faces of the uninsured in my State and across the Nation.

How can we expect these people to be productive, healthy citizens if we do not ensure them a basic protection afforded the citizens of every other western nation?

HOW ALTERNATIVE PLANS COMPARE

What do the major alternative health plans do to guarantee everyone has health coverage? Unfortunately, very little.

At least Senator CHAFEE has publicly recognized the importance of universal coverage. Unfortunately, the details of his bill betray this recognition. Under his pay-as-you-go plan, coverage would not be expanded unless savings are achieved.

There is one fatal flaw to this strategy: Serious savings will never be achieved unless everyone is under the same system and accounted for. Patchwork coverage simply does not lead to simplicity and cost containment.

Still, I commend Senator CHAFEE for taking the goal seriously with a plan that strives for universal coverage by the 21st century.

On the other hand, it is disappointing that all the other health reform proposals acknowledge that guaranteed coverage is not on the immediate agenda.

None of these plans mandates coverage in any way; they don't require anyone—not employers, not individuals, not the Government—to take responsibility for health care. Instead, the authors of these bills hope to expand access to care almost solely through competition and shifting more responsibility to consumers. This will certainly result in a high number of uninsured Americans.

In fact, a July 1993 Congressional Budget Office analysis of the Cooper approach projected that it would result in 22 million uninsured.

And Senator GRAMM's bill actually puts more Americans at risk by leaving insurance companies free to drop people and raise their rates for reasons beyond the consumers control.

Under any of these plans, employers could continue to drop costly workers from coverage, or not cover their work force at all, adding to the rising number of uninsured Americans.

Under all of these plans, job lock would continue, since employees will be unwilling or unable to change jobs if they fear losing coverage.

Under all of these plans, we would see the continued negative effects of high numbers of uninsured patients:

Cost shifting would continue, since individuals could still decide that health care isn't their responsibility, thus shifting their expenses to those who purchase insurance.

The uninsured will continue to forgo preventive and primary care, and will instead receive expensive emergency room treatment.

In economic terms, this hurts individuals, it hurts businesses, and it hurts the Nation.

CONCLUSION

As we analyze different reform plans, we must sort out the fact from the fiction, the rhetoric from the reality. We must ensure that the claims that are made hold up under scrutiny.

The issue of health care reform is too critical to all of our futures to allow us to enact a bill that does not fulfill the goals that we value.

So, as we consider the health reform plans that are touted as viable alternatives to the President's proposal, let's be sure these measures provide us with health security, so that every other goal we value can be achieved.

Let's ensure that health coverage is no longer a fringe benefit. That health security is no longer just something to which the rich are entitled.

Isn't it about time that we join the rest of the industrialized world and give to our citizens health coverage as a basic right of citizenship?

As we write a new chapter in history, let's be sure we enact a plan that gives us no less.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise again today in my continuing effort to put a face on the problems of unmet health care needs across our country. Today I want to share the story of Lynda Maillet, from Ann Arbor, MI. Lynda has had difficulties finding a comprehensive health insurance policy that she can afford.

Lynda is a 29-year-old independent consultant. Because she is self-employed, she has been unable to obtain health insurance at a group rate. Lynda is also single, so she can't get coverage under anyone else's policy. She has had no choice but to buy an expensive individual policy which only covers major medical expenses—not doctors visits.

In October 1990, after finishing graduate school, Lynda subscribed to a health insurance policy through Benefit Trust Life. The policy guaranteed no premium increases for 2 years. In October 1992, exactly 2 years after she bought the policy, her premium went up from $129.80 per month to $180.42 per month. In other words, her premium increased nearly 40 percent even though she had never filed a claim. Only 7 months later—in April of this year—Lynda received notification that her premium would rise again—this time to $243.57 per month, another 35-percent increase. Lynda had still not made any claims against her policy.

Lynda's early salary varies, but it usually totals less than $10,000. If she had stayed with the policy she had, the cost of her health insurance premiums would have totaled almost 30 percent of her income. Lynda could not afford to keep this policy, so she began an exhausting search for more affordable insurance.

In May, Lynda was able to obtain another individual policy through Time insurance Co. She is currently paying $105 per month for this policy, but with a higher deductible and cost sharing than her previous policy. Lynda is particularly concerned that maternity expenses will not be covered by her new insurer. While becoming pregnant is not in her plans for the immediate future, Lynda is only 29 and hopes to have a family someday. With her current policy, she would have to buy a rider to cover any maternity costs.

Lynda considers herself lucky. She enjoys good health, and has had to pay little out-of-pocket for basic health care, even though she has never been covered for anything but major medical expenses. Lynda worries, however, about people who are not in good health whose premiums must rise even faster than hers.

Mr. President, we must do something to control the skyrocketing cost of health insurance premiums. And we must prevent insurers from being able to charge exorbitant rates to individuals when they provide the same policies to large groups for significantly less. All Americans deserve the security that guaranteed affordable coverage can bring.

I will continue to do everything I can to work with my colleagues and ensure that affordable health care coverage is available to every American.•

SCREEN VIOLENCE: IT'S KILLING US

• Mr. SIMON. Mr. President, Dean Shahinian, the executive director of the Ararat Foundation, heard me speak about television violence at the National Press Club recently and sent me an article by David Barry, a journalist and screenwriter from Los Angeles, who is a member of the Writers Guild of America. The article from Harvard magazine is titled "Screen Violence: It's Killing Us." The subtitle is "There's no question that violence on-screen leads to violence off-screen. The question is, What will we do about it? Studio heads are already talking about their first amendment rights."

Among the items that Mr. Barry mentions is this bit of history:

> Thirty-five years later America is in the grip of a violence epidemic that has transformed the country from one of the safest to one of the most dangerous nations on earth. The national homicide rate, corrected for population growth, increased almost exactly 100 percent from 1950 to 1990. In major cities the increase has been much higher.

But everyone does not agree. He quotes TV writer/producer Barbara Hall:

> "You can find a study to support any theory you have," says TV writer-producer Barbara Hall. "I think these theories linking violence to TV watching are very specious. They don't prove anything."
>
> Hall's viewpoint is widely shared by writers and producers inboth the TV and the

movie industries, where the claim is often made that the studies are inconclusive and that the research community is divided on the issue. This opinion flies in the face of the written record.

He talks about a consensus that has developed on television violence. He writes:

The consensus includes the American Medical Association, the National Institute of Mental Health, the Surgeon General's Office, the American Academy of Pediatrics, the American Academy of Child Psychiatry, the American Psychiatric Association, and the Centers for Disease Control. Nevertheless, the report goes on to say that evidence of the effects of TV violence has "for decades been actively ignored, denied, attacked and even misrepresented in presentation to the American public, and popular myths regarding the effects have been perpetuated."

Slaby describes it as a major education gap. "In most research areas," he says, "when there's new evidence developed, the practitioners learn of it, incorporate it, and do something about it. But in the area of screen violence, there is a greater education gap than in almost any area. You could compare it to the tobacco industry's reaction to studies showing the disease risk of cigarette smoking.

"Still, with tobacco," Slaby continues, "you can count on Mike Wallace to be there to ask embarrassing questions of cigarette makers. But you can't count on the TV industry to examine itself. You can count on it to ignore, redirect, or smokescreen the issue when it comes to their own industry."

He also quotes TV and movie writer Michael Graham, who once was an officer in the Wayne County Prosecutor's Office in Detroit:

Graham, a one-time officer of the Wayne County Prosecutor's Office in Detroit, got his fill of violent crime before becoming a screenwriter. "I've watched kids die from bullet holes," he says. "When violence is shown on-screen, it should be horrible, the way it really is—not slick and superficial, the way some movies show it."

I ask that the full article be placed into the RECORD at this point.

The article follows:

[From the Harvard Magazine, November–December 1993]

SCREEN VIOLENCE: IT'S KILLING US

(By David Barry)

There's no question that violence on-screen leads to violence off-screen. The question is, what will we do about it? Studio heads are already talking about their First Amendment rights.

The films "Blackboard Jungle" and "Rebel Without a Cause," so shocking in 1955, seem almost quaint today, especially in Los Angeles where they were made and where teenage-gang killings now make the front page only if they're unusual.

Unless you lived through the Eisenhower era, it may be hard to imagine the impact of the on-screen sight of sneering high-school students challenging adults with switchblades. But in '50s America, killing was still seen as something rare and horrible, something done by soldiers in battle, by lawmen, by gangsters, or by the occasional psychopath.

Homicides in movies, even those considered violent, were infrequent. "On the Waterfront," for example, had only two killings, "Rebel Without a Cause" had one, and "Blackboard Jungle" had none. Those films presented juvenile delinquency more as the threat of rebellion and disobedience than of outright violence. The idea of American teenagers as killers was beyond comprehension.

That changed in 1957 when a wave of teen-street-gang killing in New York City (22 in the first six months of the year) spurred the emergency deployment of six hundred Police Academy cadets in a war on teen street crime. Though teen violence soon lost its place in news headlines to other crises, it did not go away.

Thirty-five years later America is in the grip of a violence epidemic that has transformed the country from one of the safest to one of the most dangerous nations on earth. The national homicide rate, corrected for population growth, increased almost exactly 100 percent from 1950 to 1990. In major cities the increase has been much higher.

Detroit's homicide tally climbed from 130 in 1953 to 726 in 1992, while the population declined. That's a five-fold increase. New York City recorded 321 homicides in 1953, compared with 1,665 in 1993, again, with a population decline—an increase of close to 500 percent. In Los Angeles County the 1953 homicide total was 82. In 1992, with a population almost exactly doubled, the total was 2,512—an increase of over 1,000 percent. These are staggering increases by any measure, with the one-year toll for L.A. County exceeding the deaths in over fifteen years of conflict in Northern Ireland.

Youth crime accounts for a disproportionate number of these killings, with eight hundred of the L.A. County killings listed as gang related. That's more than twice the number recorded a decade earlier, reflecting the fact, according to FBI reports, that the number of youths who committed murder with guns was up 79 percent in one decade.

Clearly something has gone horribly wrong. In looking for a root cause, one of the most obvious differences in the social and cultural fabric between post-World War II and pre-World War II America is the massive and pervasive exposure of American youth to television. Since the 1950s, behavioral scientists and medical researchers have been examining screen violence as a possible causative element in America's spiraling violent crime rate. There is compelling evidence of a direct, demonstrable link.

You've seen statistics about national TV-viewing habits and the violence quotient—children aged 2 to 11 log an average of 28 hours per week, which means they've seen more than five thousand murders by the end of elementary school. These viewing habits go on in a country where homicide has become the second leading cause of death of all persons 15 to 24 (auto crashes are the first) and the leading cause among African-American youth. In 1992 the U.S. surgeon general cited violence as the leading cause of injury to women ages 15 to 44, and the U.S. Centers for Disease Control consider violence a public health issue, to be treated as an epidemic.

These issues were brought into public view during hearings held last June by Senator Paul Simon in Washington, and later in Beverly Hills, on the effects of screen violence on behavior. With the veiled threat of possible federal regulation, TV-network heads promised to make reduction of violence a high priority.

At both conferences TV spokespeople made the claim that the networks had already cleaned up the violence content considerably. Statistics show the claim is true. Nevertheless, TV executives, producers, and writers at the Beverly Hills conference were openly skeptical of the evidence presented by researchers and behavioral scientists linking TV violence to violent behavior.

"You can find a study to support any theory you have," says TV writer-producer Barbara Hall. "I think these theories linking violence to TV watching are very specious. They don't prove anything."

Hall's viewpoint is widely shared by writers and producers in both the TV and the movie industries, where the claim is often made that the studies are inconclusive and that the research community is divided on the issue. This opinion flies in the face of the written record.

A recent study authored by Ron Slaby of the Harvard Education Development Center; Ed Donnerstein of the School of Communications, University of California; and Leonard Eron, professor emeritus at the University of Illinois, specifically addressed those charges, examining the research work in roughly thirty years of study and mapping out what has been done with it.

One project studied was a thirty-year tracking of a rural school from 1960 by Leonard Eron, producing the finding that TV viewing at age 8 was an accurate predictor of violent behavior in adolescents and adults. Eron found a 150 percent increase in conviction for criminal behavior among those who preferred and regularly watched violent TV shows.

Another study cited was by George Comstock at Syracuse University's Center for Research on Aggression. Comstock concluded that 188 research studies from 1957 to 1990 showed clearly that exposure to violent images is associated with antisocial and aggressive behavior.

Slaby, Donnerstein, and Eron reported the finding of a clear consensus in more than one thousand studies done over a thirty-year period. The 1968 National Commission on the Causes and Prevention of Violence, for example, cited screen violence as a major component of the problem. The 1972 Surgeon General's Report on TV and Behavior cited clear evidence of a causal link between TV violence and aggressive behavior by viewers. A ten-year follow-up to the Surgeon General's Report by the National Institute of Mental Health stated unequivocally, "The opinion held by most of the research community is that TV violence does lead to aggressive behavior by children and teenagers who watch the programs."

The consensus includes the American Medical Association, the National Institute of Mental Health, the Surgeon General's Office, the American Academy of Pediatrics, the American Academy of Child Psychiatry, the American Psychiatric Association, and the Centers for Disease Control. Nevertheless, the report goes on to say that evidence of the effects of TV violence has "for decades been actively ignored, denied, attacked and even misrepresented in presentation to the American public, and popular myths regarding the effects have been perpetuated."

Slaby describes it as a major education gap. "In most research areas," he says, "when there's new evidence developed, the practitioners learn of it, incorporate it, and do something about it. But in the area of screen violence, there is a greater education gap than in almost any area. You could compare it to the tobacco industry's reaction to studies showing the disease risk of cigarette smoking.

"Still, with tobacco," Slaby continues, "you can count on Mike Wallace to be there to ask embarrassing questions of cigarette makers. But you can't count on the TV industry to examine itself. You can count on it to ignore, redirect, or smokescreen the issue when it comes to their own industry."

Slaby takes encouragement from the industry's recent pledge to tone down violence, but he thinks the pledge was a long, long time coming. "This is two decades after the surgeon general pointed out the problem," Slaby says, "and four decades after research indicated a problem. That's quite a long time. And during that time, there has been an active campaign to distort the issues."

TV writers and producers, in their turn, feel persecuted and wrongly held responsible for a situation they believe is itself gravely misrepresented. In fact, the most recent research indicates that prime-time TV programming is not the culprit in the violence problem.

Last April a Washington, D.C., nonprofit activist group—the Center for Media and Public Affairs—monitored the violence in eighteen hours of TV programming. Their survey, which included cable and pay channels, showed an average of one hundred acts of violence per hour, for a total of nearly two thousand acts of violence overall. Most of the violence involved a gun, with murder making up one tenth of the total. Cable proved to be far more violent than network broadcasting: WTBS clocked in at nineteen violent acts per hour; USA had fourteen; and MTV, the youth-oriented music video channel, and HBO each had thirteen.

The networks (except for CBS, whose violence content was skewed by the reality show "Top Cops") were almost as low in violence content as PBS, which had two violent acts per hour. (ABC showed three per hour, NBC two.)

Since almost no one would accuse PBS of excess violence, clearly prime-time network programming is no longer the source of violence activists believed it to be. In fact, only one eighth of the violence occurred in prime-time TV programming. That's the good news.

The bad news is that the bulk of the violence occurred in children's programming, with cartoons and toy commercials registering a staggering 25 violent acts per hour. TV writers and programming executives defend cartoon violence as fantasy not likely to be confused with reality. But Deborah Prothrow-Stith, M.D. '79, assistant dean of the Harvard School of Public Health, says cartoons teach children to laugh at violence.

From their very first cartoon all the way through the latest super-hero movie," Prothrow-Stith said at a forum on violence in Los Angeles last May, "we teach our children that violence is funny, is entertaining, is successful, is the hero's first choice, is painless, is guiltless, is rewarded. . . . If you watch little children watch their first cartoon, they literally learn when to laugh. It's not a natural response to violence to laugh. But they learn, because the other children around them laugh. Because there's a laugh track, because there is music that tells them when to laugh." The effect, Prothrow-Stith says, is that children see violence as the way to solve problems.

Prothrow-Stith, who became involved in the cause of violence prevention through her work in the emergency room at Boston City Hospital, does not single out media violence as the sole or even prime offender. Rather, she sees it as one of several interlocked causative factors.

Barbara Hall counters by saying that responsibility for screen violence has to be shared by the people who create it and the public that supports it by paying to see it. "If the public wants good TV programming," she says, "then it should support the good shows that come on." Similarly, Hall believes that the public's enthusiasm for violent films is an endorsement of them. "It's a consumer society," she continues. "The studio heads are just business people."

True. But what about children in low-income, inner-city families with only one parent, or no parent, at home? Studies show that such children watch significantly more television (including cable and movies via VCR) than children in more advantaged households. Who takes responsibility for what those children watch?

Paul Juarez, of the Department of Family Medicine at Martin Luther King Hospital in Los Angeles, believes screenwriters need to share the responsibility. "I think there's the danger that film producers and writers, who are in a position to really shape attitudes, may not recognize their role," he says. "For those who live on the West Side [an affluent sector of L.A.], the reality may be that screen violence doesn't affect their children much. But for kids in disadvantaged homes, the media has a much stronger impact."

In fact, Juarez says, "with what's going on in our society—the changing nature of families, class differences, income disparity, less church attendance, deterioration of schools—the traditional social institutions are not responsive to the needs of youth." So, he says, young people increasingly rely on TV to set standards. "The media has come to fill a void in terms of shaping attitudes and opinions," says Juarez. "TV and movies have replaced church and schools in the sense of shaping the way kids are developing, in terms of presenting reality and the way things are supposed to be."

Studies examined in the report by Slaby, Eron, and Donnerstein describe immediate behavioral changes in children who watch violent TV shows: they become aggressive. Los Angeles TV and movie producer Alan Marcil had precisely that experience with his three-year-old son and the cartoon series "Teenage Mutant Ninja Turtles," which is heavy on exaggerated, karate-style, nonlethal violence.

"My son is a sweet guy," Marcil says. "But right after watching 'Ninja Turtles', he punched his sister. He'd never done that before. He began kicking, too, and he attacked the piano with a hammer. Now all kinds of toys have become weapons and have to be locked away. The wiffle bat—watch out; it's now a Ninja sword."

To Marcil, the gloomiest aspect of the situation is the change in his son's TV-watching appetite. "He used to like Mister Rogers and 'Sesame Street,'" he says, "but he's not interested in those shows anymore. I turn them on and he wants something futuristic, with lots of violent action."

There is a report mentioned in the Washington hearings that goes far beyond other studies in terms of postulating a causal link between TV and real-life violence. The report, by Dr. Brandon Centrewall of the University of Washington Department of Epidemiology and Psychiatry, appeared in the June 1992 Journal of the American Medical Association.

Treating violence in the United States as an epidemic, Centrewall sought its causes as he would any medical epidemic, looking for statistical connections between the change in homicide rates following the introduction of TV in three countries. He studied the United States and Canada, where TV was introduced in 1945, and the Republic of South Africa, where it was introduced thirty years later. Centrewall sees the three countries as having similar cultural bases, with strong Christian religious influences.

Canada serves as a control on the study of homicide rates in the United States in that it was spared the upheavals of anti-war protests and civil rights struggles that may be thought to have influenced U.S. statistics. To rule out the effect of South Africa's racial tension, Centrewall used only white homicide statistics throughout his study.

What he found is this: homicide rates in Canada and the United States increased almost 100 percent between 1945 and 1970. In both countries TV-set ownership increased in almost the same proportion as the homicide rate. In South Africa, he found that the (white) homicide rate had been in gradual decline between 1945 and 1970. When the government allowed TV in 1975, the homicide rate (again, white only) exploded, increasing 130 percent by 1983 after decades of decline.

There are other controls in Centrewall's study to rule our firearms, alcohol, drug abuse, and urban population shifts as prime causative factors in the homicide rate increase. The statistical implication is that TV is a cause of violence.

"Given that homicide is primarily an adult activity," Centrewall says,"if television exerts its behavior-modifying effects primarily on children, the initial "television generation" would have had to age ten to fifteen years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed."

Centrewall's study shows TV as the prime causative agent in the doubling of the American homicide rate over the past forty years. That means, he says, that without TV, we would have had 50 percent fewer homicides over the past four decades. "People who commit murder are a very small fraction of the population," Centrewall says, referring to the 1950 murder rate: about four and a half per hundred thousand people. "By 1990 the rate was twice that. Still a tiny fraction of the population, but twice as large a fraction as before."

Although action films like "Total Recall" and "Die Hard" have a huge impact on audiences (judged by ticket sales alone), they represent only a small piece of annual movie production. Activists concerned about screen violence tend to be equally concerned with the high body counts of such film: "Total Recall" boasts 74 deaths; "Robocop II," 81; "Rambo III," 106; and "Die Hard 2,264.

What's the responsibility to the public of writers and movemakers? "I think writers have a responsibility to write honestly and write well," says Barbara Hall. "In terms of the effects it might have, it's almost impossible to predict that." Harlan Ellison voices a similar opinion. "You can't feel a responsibility for the effect of what you write. You have to be true to the art. You have no allegiance to producers, editors, or audiences."

Other writers disagree. "TV and widescreen movies combine into the greatest influential force in the history of the human race," says TV and movie writer Michael Graham. "We as writers have an awesome responsibility in how we use that force, and there should be a collective examination of conscience about it."

Graham, a one-time officer of the Wayne County Prosecutor's Office in Detroit, got his fill of violent crimes before becoming a screenwriter. "I've watched kids die from bullet holes," he says. "When violence is shown on-screen, it would be horrible, the way it really is—not slick and superficial, the way some movies show it."

Although writer Robert King worries about the notion of movie or TV story content being analyzed or graded for violence, he believes it's obvious that screenwriting affects people. "Writers can't just throw up their hands and say we have no effect, because to do so would be to say our writing didn't mean anything," King says. "I think the minimum of what we should be doing as writers is talking about this issue. But when I try to get a conversation started with other writers, I hear the argument that just talking about it is putting yourself in the hands of censors."

Some might consider that to be an odd escape route from a discussion of the subject, since movies and television are the most heavily self-censored industries in the world. Networks exercise absolute veto power over the scripts of their TV writers, with any element, including the entire story, subject to rejection on almost any basis at all. Feature film scripts, often created under a development contract to a studio or production company, are written to the taste of the producer, who writes the checks and who has veto power on any issue, including aesthetics, conscience, taste, or anything else.

That's the nature of the business of writing for hire, yet it doesn't get called censorship. What does bring that cry is the request for a discussion of writers' responsibilities. Similarly, when asked about their responsibility on the issue of violence, studio heads take cover behind the issue of artistic freedom for their moviemakers. "The issue is not one of freedom of speech," says TV and movie writer Ben Stein. "It's freedom to make a lot of money. I think it's been proven beyond any doubt that screen violence affects children," Stein adds. "Now TV violence seems to have diminished, but violence in movies is totally out of control. I believe moviemakers have a responsibility to consider the consequences of their work. People who make the culture have as much responsibility to think about its effect as people who make cars have to think about the effect of their product."

Nevertheless, Stein continues, "it's wrong to blame studio heads for the violence; they don't write the material. Writers write it. But the people who make tens of millions of dollars each year increasing the level of youth violence should really be ashamed. There's no difference between them and people who sell guns."

Stein is probably on safe ground when he tosses the argument into the pit of profits, since the returns from the most violent pictures—"Total Recall," "Robocop," "Terminator," and "Die Hard"—run into the hundreds of millions of dollars.

But if violence in prime-time TV programming has already been addressed as a problem (and I think it has), the violence in children's TV programming and in the feature films that make their way into America's homes via cable TV or VCR remains relatively unexamined.

How to sway the minds of those who make violent films? The heads of movie studios, unlike the heads of TV networks, have so far refused to credit the evidence of a link between screen violence and violent behavior. Furthermore, they invariably cite artistic freedom as an absolute right to be enjoyed by filmmakers.

That position, like the anti-censorship argument of TV writers, ignores the fact that there's no constitutional violation in a studio head rejecting a film project out of concern for its possible harmful effect on society. Studio executives reject film projects all the time, usually because they fear the movie won't make a profit. Without even hinting at anything so odious as a regulatory body, it's not hard to imagine activist groups exercising their First Amendment rights by bringing pressure on corporate heads of studios to examine the possible harm done by extremely violent films.

Although many writers see the availability and proliferation of guns as the culprit in America's escalating violence, Jeff Silverman, a screenwriter and journalist, is convinced that screen violence is related to criminal violence. "Guns on-screen lead to guns off-screen; and a gun that's loaded has a way of going off," says Silverman. He sees the cinematic use of firearms defining character on-screen and fashion on the street. "Guns have become lethal and illegal versions of Air Jordans," he says. "There's a reason that Los Angeles—the capital of the movie industry—is the capital of kids getting caught with guns in school."•

U.N. PROTECTION FORCES

• Mr. DECONCINI. Mr. President, I rise today to express the most profound concern over a news report published this week in New York Newsday regarding the participation of U.N. Protection Forces—UNPROFOR—in war crimes in Bosnia and Herzegovina. The journalist who prepared this report, Roy Gutman, first broke the story last year of concentration camps under Serb control and subsequently won a Pulitzer Prize for his dispatches on this war.

Today, Roy Gutman adds another grisly chapter to the mounting documentation of war crimes. According to his report, which is based on a 6-month long investigation, U.N. peacekeepers from perhaps as many as a half dozen different countries actually took part in rapes of Moslem and Croat women being held by Serb forces. The attacks occurred at a Serb-run brothel known as Sonja's and at the Park Hotel outside of Sarajevo. Men as well as women were subjected to sexual abuse and Gutman's interviews with camp survivors suggest that many of the rape victims did not survive their ordeal or were purposely killed.

What has been the response of U.N. officials to these allegations of complicity in war crimes? For the most part, it seems to consist of two perspectives: Denial from some quarters, and a so-what-if-we-did attitude from others. Although local sources have apparently been reporting on these allegations for nearly a year, Secretary-General Boutros Boutros-Ghali has only recently appointed a special U.N. Commission of Inquiry to examine these, and other longstanding charges levied against UNPROFOR, including blackmarketeering and violating the United Nation's economic sanctions on Serbia.

It seems to me, Mr. President, that the allegations of war crimes by U.N. personnel already falls within the scope of authority of the U.N. Commission of Experts, which is mandated to investigate war crimes. In any case, the U.N. should respond to these allegations by launching an exhaustive probe into these claims by independent investigators. Equally important, each of the national governments implicated in these charges should likewise begin their own investigations. Those governments are, in the first instance, responsible for the actions of their officials. If these allegations are found to have merit, the individual soldiers involved should be brought to trial before their own domestic courts or, if necessary, before the United Nation's own International Tribunal for War Crimes in the former Yugoslavia.

Representative STENY HOYER and I, as the Cochairmen of the Helsinki Commission, have repeatedly said that holding war criminals personally accountable for their actions is not only consistent with the standards we have struggled for 50 years to establish, but is essential for any long-term prospects of peace in this region. Without giving the victims of war crimes in this conflict both the satisfaction and deterring example of justice, we can be virtually assured that there will be more violence in the future. This standard must apply not only to the belligerents directly engaged in combat, but to the military forces placed in the former Yugoslavia under U.N. auspices.

Moreover, this issue goes beyond just the pressing and immediate crisis in Yugoslavia. Where will U.N. peacekeepers ever be welcomed again, if they become associated in people's minds with the very forces that have perpetrated genocide? If U.N. peacekeeping is to regain any of its sorely tarnished credibility, U.N. member states must credibly demonstrate that they are capable of policing their own house. This is exactly what the United States did earlier this year, when several American soldiers were held to account before United States military authorities for excessive use of force in Somalia, resulting in at least one conviction, and I understand that Canadian authorities have made similar investigations into cases involving their troops in Somalia. If those countries participating in U.N. peacekeeping operations cannot demonstrate their ability to bring alleged war criminals from within their own ranks to answer for their actions, efforts to bring others to answer before the international community will appear hypocritical and shallow.•

GUN TAXES

• Mr. BURNS. Mr. President, there has been a lot of talk in Washington, DC, regarding gun taxes. I would like to rise today to express my opposition to this idea.

Montana has a deep tradition in hunting. And increasing taxes on guns and gun related equipment will put an unfair tax on hunters in Montana.

There are a number of areas in which gun and gun equipment taxes have been discussed. The White House and Members of this body, have indicated that they want this type of tax to help underwrite the cost of the health care plan. Already the White House says that 30 percent of the Nation will pay more to cover this plan, why should hunters be expected to pay even more than this. The real issue is not a tax on guns, the real issue is gun control.

Also, there is a bill pending in this body, S. 868, which would increase this gun tax. What proponents of this bill do not realize that there already is about an 11-percent tax on guns and gun related equipment. This tax goes straight to the Pittman-Robertson Fund, which then goes directly to the States. In Montana, these funds pay for hunter education classes and wildlife restoration funds.

Mr. President, gun taxes are wrong. Montana's lawful hunters should not be expected to pay the bill on the health care plan, and the Pittman-Robertson Fund should not be raided.●

ILLINOIS IS PROUD OF MARCA BRISTO

● Mr. SIMON. Mr. President, 14 years ago, I chaired a House subcommittee field hearing at the Rehabilitation Institute of Chicago on the implementation of Public Law 94–142. Following the hearing, the institute director, Dr. Henry Betts, an outstanding leader himself, introduced me to a remarkable young woman named Marca Bristo. That introduction was the beginning of a friendship that has rewarded and educated me, and given me reason to take great pride in the leadership coming from our State.

Just a couple of years prior to our meeting, Marca had received a spinal cord injury in a swimming accident that put her into a wheelchair. But she was already well on the way to making a success of access living, a program that would enable not just her, but thousands of persons with disabilities in the Chicago area, to live independent, productive lives.

President Clinton has nominated Marca to chair the National Council on Disability. I was pleased to nominate her for this position and hope we will confirm her soon. And this week Marca was honored with the Henry B. Betts Award, which recognizes an American who significantly improves the quality of life for persons with disabilities.

Marca realized early on that the difficulties she faced as a person with a disability were the community's problems, not her own. Rather than focusing on her own situation, she determined to tackle the larger hurdles, and to fight to give every person with a disability control over his or her own life. In working to make life better for people with disabilities, Marca has demonstrated how each of us can improve the world around us, and for ourselves at the same time.

Marca is highly deserving of the recognition she received this week, and of the responsibility she will have with the Council on Disability. I expect her to continue to challenge and inspire us in the days ahead, and I look forward to her leadership.●

BILLY TAYLOR SUMMER LEAGUE

● Mr. CHAFEE. Mr. President, I would like to take this opportunity to recognize a program in my home State of Rhode Island. The Billy Taylor Summer League, established in Providence 3 years ago, provides an opportunity for inner-city children to participate in an innovative writing and recreational program.

Each year, nearly 200 youngsters between the ages of 9 and 17 take part in the three facets of this program.

The first facet teachers teamwork and organization by providing children with an opportunity to play basketball, thus providing youngsters with a positive alternative to the streets on long summer nights. A 1991 study of police records showed a 50-percent decrease in the number of police calls to the area since the establishment of the Billy Taylor Summer League.

Second, the league conducts mandatory health education programs in conjunction with Providence's Miriam Hospital, one of the league's sponsors. Hospital staff hold weekly seminars on sport and nutrition, sports injuries, and HIV and sports. The president of Miriam Hospital, Steve Baron, has taken a personal interest in the league, dedicating his own time and energy in addition to the more than $15,000 and numerous summer jobs offered to the league and its participants by the hospital.

The third, and most impressive segment of the league is a program designed to improve basic writing skills. Each athletic team meets with two instructors for an hour-long program each week, and each youngster is required to complete creative writing projects ranging from short stories to poetry.

A requirement that children attend the writing program in order to play basketball has contributed to an impressive rate of success. The writing program is funded by Fleet Bank's Youth Initiative Program, and is administered by Max Hyppolite, a senior at Virginia State University; and Nicole Clement, a senior at Brown University.

Boston Celtics forward Ed Pickney serves as the honorary commissioner of the Billy Taylor League. League Commissioner Kenneth Brown has spent nearly every summer evening for the past 3 years providing leadership and continuity to a group of youngsters in desperate need of these qualities, both on and off the basketball court.

The league's success, however, depends on the dedication of volunteers who provide hundreds of hours each summer making possible the basketball and writing portions of the program. Sidney Lima, a retired Providence firefighter, is one such volunteer. He spends countless hours each summer acting as a positive role model and helping youngsters to succeed.

Providence City Council member Joshua Fenton founded the league and currently serves as an organizer, coach, and fundraiser. His efforts help to ensure a continued commitment to the futures of these children.

Mr. President, I hope that Senators will join me and the people of Rhode Island in paying tribute to the organizers and volunteers of the Billy Taylor Summer League, which has helped so many youngsters who are in desperate need of guidance and assistance.●

ORDERS FOR MONDAY, NOVEMBER 8, 1993

Mr. WELLSTONE. Mr. President, on behalf of the majority leader, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 9 a.m., Monday, November 8, that, following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak therein, with the entire period of morning business under the control of Senator BYRD; that, at 10 a.m., as previously ordered, the Senate resume consideration of S. 1607; further, that the previous order governing the Wellstone amendment be modified to specify that the time for debate on the Wellstone amendment be 40 minutes, that relevant second-degree amendments thereto be limited to 40 minutes, and that the remaining provisions of the agreement relating to the Wellstone amendment remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, NOVEMBER 8, 1993, AT 9 A.M.

Mr. WELLSTONE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate now stand in recess, as previously ordered.

There being no objection, the Senate, at 5:50 p.m., recessed until Monday, November 8, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 5, 1993:

DEPARTMENT OF STATE

EDMUND T. DEJARNETTE, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

DEPARTMENT OF JUSTICE

DON CARLOS NICKERSON, OF IOWA, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS VICE GENE W. SHEPARD, RESIGNED.

STEPHEN JOHN RAPP, OF IOWA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF 4 YEARS VICE CHARLES W. LARSON, RESIGNED.

DONALD KENNETH STERN, OF MASSACHUSETTS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS VICE WAYNE A. BUDD, RESIGNED.

G. RONALD DASHIELL, OF WASHINGTON, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF WASHINGTON FOR THE TERM OF 4 YEARS VICE PAUL R. NOLAN.

NANCY J. MCGILLIVRAY-SHAFFER, OF MASSACHUSETTS, TO BE U.S. MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF 4 YEARS VICE ROBERT T. GUINEY.

DONALD R. MORELAND, OF FLORIDA, TO BE U.S. MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS VICE RICHARD L. COX, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOSEPH W. PRUEHER, U.S. NAVY, [redacted].

DEPARTMENT OF DEFENSE

JOE ROBERT REEDER, OF TEXAS, TO BE UNDER SECRETARY OF THE ARMY, VICE JOHN W. SHANNON, RESIGNED.

TOGO DENNIS WEST, JR., OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE ARMY, VICE MICHAEL P.W. STONE, RESIGNED.

RICHARD DANZIG, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE NAVY, VICE J. DANIEL HOWARD, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

JOHN E. TULL, JR., OF ARKANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1998, VICE WILLIAM P. ALBRECHT, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate November 5, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JUNE GIBBS BROWN, OF HAWAII, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

HOUSE OF REPRESENTATIVES—*Monday, November 8, 1993*

The House met at noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 8, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, almighty God, that the wisdom of all the days past will guide us with the concerns of the new day; we pray that we will respond to the challenges that bear mightily down on our Nation with an integrity that expresses the best of character; we pray our words will be forthright and our actions trustworthy, that in all things we may do the work of justice and mercy this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI] to lead the House in the Pledge of Allegiance.

Mr. MAZZOLI led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain telephone subscriber information, and

H.R. 1345. An act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title: "An act to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 732. An act to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

THE VOTERS WANT CAMPAIGN FINANCE REFORM NOW

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there has been a lot of spin doctoring about the elections of last Tuesday, but I think some points are clear. The voters have rejected the status quo. They have rejected business as usual. The voters have voted for the outsiders against the insiders, and they have voted very loudly and clearly for change.

They are voting for changes in government, Mr. Speaker, and change in the political structure, changes in how people achieve public office. And, it is today that I express a great sadness that we are now 1 year into the 103d Congress and we have not passed campaign finance reform.

All of us knew, coming in last January, that something had to be done about spending limits, something had to be done about political action committees, something had to be done about bundling and soft money, but to this date, Mr. Speaker, nothing has been done.

I am encouraged by expressions that we will reach campaign reform before Thanksgiving, but the issue will not be put to the President's desk until next year. That is really unfortunate because the voters have indicated they want change. We need to deliver that change now.

LEAVING THE STATION

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, tomorrow, the Senate starts considering congressional reform legislation, but here in the House the promise of reform is only a fleeting fantasy.

Once again, the reform train leaves the station, but House Democrats will not even buy a ticket.

Mr. Speaker, the House Democratic leadership has stymied the Joint Committee on the Organization of Congress from achieving real congressional reform.

The Democratic leadership has stalled any markup, rejected any bold measure, and derailed all efforts that challenge their 40-year stranglehold of this institution.

We need real congressional reform. We need a budget process that makes it easier, not harder, to cut spending first. We need to make politicians accountable to the laws they pass on to the people. And we need to open up the process so that every Representative can contribute to the legislative process.

Mr. Speaker, the reform train is leaving the station. The House needs to get on board before the American people are left behind once again.

A "HOT" AND SAUCY STORY

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, debunking the myths and misinformation about NAFTA has been an uphill battle. Phrases like "a giant sucking sound" resonate more loudly than "sound economic indicators."

There is a real life story I like to tell, though, which makes the case for NAFTA better than any statistic or projection.

Three years ago, the company that makes Pace picante sauce rented a grocery store in Mexico City to film a TV commercial. After the shoot, rather than lugging all 350 jars of salsa back to the United States, Pace told the Mexican grocer to hang onto the products, maybe stick on some price tags and see what happened. Within 2 weeks all 350 jars were gone and the Mexican grocer was begging for more. American-made Pace picante sauce has since grabbed 11 percent of the market in

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mexico. Talk about selling coals to Newcastle.

What this story says to me is that American products can compete if given the opportunity. And that is what NAFTA's about—creating opportunities: new markets, higher wage jobs, and a cleaner environment. Right now, the trading deck is stacked against us. The United States market is relatively open to Mexican goods but Mexico sharply restricts American access to its market. NAFTA promises to even this up, expanding U.S. export growth potential. NAFTA will knock down trade barriers and open the door to more success stories for American workers and businesses.

BUDGET SIMPLIFICATION A PRIME INGREDIENT OF CONGRESSIONAL REFORM

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, it always surprises me when Congress claims it achieved savings by failing to spend as much as had been projected the year before. We then go on to spend the imaginary savings on new programs. It is incredible that this is allowed to continue. Part of the reason this happens is due to the mind-boggling complexity of our budget.

As many suspect, Congress operates by the maxim that, "If you can't dazzle them with brilliance, baffle them with you know what." An average of 200 bills are introduced per session to combat this problem. It is a clear indication of the agreement among Members that the budget is not reliable in its present form.

I feel a simplified budget would be valuable for a number of reasons. We could remove some of the unnecessary complexity by utilizing line-item budgeting. This tool would make our expenditures more identifiable. Many unworthy spending programs are protected by inclusion in general categories.

Fairness in budgeting is another reason to simplify the process. This is a climate where every program should be placed on the table and funded on its merits. Programs which are already accessible often receive more than their fair share of scrutiny. If most of our programs were clear line-item amounts, reductions could be spread more evenly.

Finally, a simplified budget would improve the budget process. Congress wastes too much time debating which baseline to use and which accounting procedures should constitute a spending reduction. For too many years Members of Congress have been able to use this intricate system to fund unnecessary spending. Simplifying the budget would demonstrate an honest commitment to making Congress and its budget accountable.

By the way, Mr. Speaker, the Senate is moving ahead on congressional reform. Why is the House not doing the same?

CALLING ON PRESIDENT CLINTON TO SUSPEND NAFTA AND SAVE THE DEMOCRAT PARTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, American workers helped to elect Bill Clinton; American workers oppose NAFTA; President Clinton now supports NAFTA; all of this forcing the Americans workers to turn to an independent, an independent that is really a Republican.

As a Democrat, I say "beam me up." NAFTA is not only going to destroy jobs, it is tearing apart the core of the Democrat Party that must now defeat NAFTA, but it is also propelling a major third political party. This debate, a side show, has turned NAFTA, in my opinion, into a dog and pony show.

Mr. Speaker, I am asking the President to suspend NAFTA before the Democrat Party is completely decimated. I do not know who was advising the people at the White House or the leaders of the Democrat Party, but it sure as hell was not the American workers and the people who voted for Democrats.

AMERICAN POLICIES PROMOTE VALUES EXPRESSED BY THOMAS JEFFERSON: INDUSTRY, IMPROVEMENT, AND SELF-SUFFICIENCY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, sometimes this Congress is so consumed by its own voice and those of the beltway media that it is difficult for the feelings expressed at home to come through the din.

Henry Bailey, a lawyer and friend from Cheyenne, expresses eloquently the feelings of many. He says:

> Sandy and I are doing our best to raise seven children in an economy, a Nation, and a world of uncertainties, trying to provide for their needs—and at the same time teach them to work and provide for themselves. I worry that the messages from Washington, in the form of policies President Clinton is trying to force-feed us, teach them lessons very different about what it takes to succeed in life.

Mr. Bailey further says that Mr. Clinton has often invoked the name of Thomas Jefferson—he should read Jefferson's inaugural:

> A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

□ 1210

Mr. Bailey's and Mr. Jefferson's thoughts are not often heard here.

NAFTA BAD FOR MONTANA

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, for the past almost full year I have considered NAFTA and my vote for or against it. I visited with people on both sides. I have had briefings for people both for and against. I have read the issue papers and briefings that have been sent to me.

I have decided now to vote "no" on NAFTA. Both sides are guilty of oversell. The agreement is neither that good nor is it that bad.

In deciding my vote on NAFTA I used as a model America's last trade agreement, the Canadian Free-Trade Agreement. It is almost 4 years ago that that agreement went into effect with many promises of how good it would be. And it has turned out to be bad, very bad for Montana's agricultural producers.

It is primarily for that reason that I will vote "no" on NAFTA.

WHAT IS CONGRESS DOING ABOUT CRIME?

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, last week, the House of Representatives and its leadership robbed the already victimized American people. With their famous smoke and mirror routine they flashed more cops on the beat and puffed more smoke into prison treatment programs. This week, we will finish the assault by making certain that law-abiding citizens jump another hurtle to defend their life, liberty, and property.

But while Congress is committing this slight of hand, should someone not ask—

What happened to legislation to keep repeat offenders behind bars?

What happened to speeding up the tortoise paced criminal judicial process?

What happened to capital punishment for Federal capital crimes?

What happened to legislation to make the punishment fit the crime?

What happened to pledges to stop the criminal revolving door?

Once again Congress and its leadership has assaulted the public's demands, robbed us of an opportunity to stop being the victim, and now will disarm us.

RETURN ARISTIDE TO HAITI

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the struggle in Haiti has taken a new downturn. The U.S. Envoy, Dante Caputo, has left and given up in the negotiations with the military there.

This is a struggle between the international community and the international drug cartel, which owns Haiti. Haiti is the second-largest transshipment point for cocaine moving from Colombia onto the streets of America. The cocaine drug lords support the military and allow them to stand stubbornly in the face of international pressure.

Despite the refusal of the CIA to acknowledge it, the truth is that Haiti is an island already owned by the Colombian drug lords. Either the drug lords will continue to rule Haiti, or Aristide, the elected constitutional head of the country, will be allowed to be returned.

The United States and the international community should act immediately to save our children from new supplies of drugs and to save Haitian democracy. Aristide must be returned, and he must be returned now.

TURNING A DEAF EAR

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Congressional leaders continue to turn a deaf ear to the pleas of the American people who, in overwhelming numbers, demand spending cuts. Yet the chairman of the other body's powerful appropriations committee, over the weekend was quoted "we've already been cut to the bone on discretionary spending." Report after report from the grace commission to current GAO reports show that is not so in the background of our $250 billion annual budget deficit; our $4-plus trillion national debt; and the hundreds of billions of dollars of waste every year. How can anyone in leadership seriously imply discretionary cut are off limits? Attempts by the liberal leadership are being made to shut down recommendations of a bi-partisan group of members who identified $103 billion in spending cuts. Americans care and Americans are raising their voices and voting to send a message—we need to reach those most hard of hearing in this institution. The message is cut spending now.

NAFTA: WE CANNOT AFFORD TO SAY NO

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise today in favor of NAFTA, a forward-looking agreement that will create jobs in the United States and strengthen our ability to compete with Europe and Japan.

NAFTA will remove Mexican tariffs, allowing greater access to the Mexican market for our most competitive products. Increased exports to Mexico will spark United States economic growth. The Congressional Budget Office estimates an increase in the U.S. GDP by at least $73 billion over 5 years. This will result in $13.8 billion in additional Federal tax revenues.

Such an increase in U.S. exports means more jobs for Americans here at home. The economy of my home State, Colorado, benefits significantly from exports. In fact, Canada is Colorado's second largest trading partner and Mexico is Colorado's sixth. From 1987 to 1992, trade between Colorado and its northern and southern neighbors more than doubled, reaching $673 million by 1992. This represents almost 18,000 jobs, and makes trade with Canada and Mexico the largest private sector employer in the State.

Exports to Mexico spurring job growth is not simply a Colorado phenomena. During the past 5 years, States like Illinois, Minnesota, Wisconsin, Kentucky, and Ohio have seen significant job growth directly caused by trade with Mexico. In Illinois, for example, $1 billion growth in exports to Mexico generated 17,000 new jobs. By 1995, NAFTA will create 200,000 more export-related jobs here in the United States. The benefit to Colorado and America is clear. We cannot afford to say "no."

NAFTA NEXT STEP TO REDUCING WORLD TRADE BARRIERS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the North American Free-Trade Agreement is necessary, and my colleagues and I ought to be supporting it.

Why? Because NAFTA is another step forward in the 40-year struggle America has led around the world to reduce trade barriers, to open up trade to help not only America but other countries in the world.

But whether NAFTA is passed or failed, NAFTA in and of itself is just a small issue. The much broader issue is what is the signal that we send to America, that we send around America and around the rest of the world if we do no pass NAFTA? What are we telling the Europeans and the Pacific rim and others about what America's intentions are?

Are we going to compete or are we going to retreat?

I think it is important, Mr. Speaker, that we tell the world that we take up the challenge, that we will compete. But we shall only do that by taking the next step forward, by passing NAFTA.

UNITED STATES SETS DANGEROUS PRECEDENT IF NAFTA FAILS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, like President Clinton and many Democrats that are for NAFTA, I have been supported by organized labor in all of my elections. In fact, over 10 years in Congress I have had a 90-percent-plus record in favor of their issues.

Yesterday President Clinton took a courageous stand when he criticized organized labor for their stand on NAFTA.

Mr. Speaker, when our friends are wrong, like labor is on NAFTA, we should not hesitate to tell them so.

Mr. Speaker, if NAFTA is not approved, President Clinton and this country's ability to get the Uruguay round of the GATT talks approved will also be in doubt, because the Europeans and the Japanese are not likely to risk alienating voters at home if they think the United States Congress is going to squelch the deal anyway.

Our moral authority to persuade other nations to support free trade would most certainly be eroded if NAFTA fails. We will set a very dangerous precedent if NAFTA fails.

The day after the NAFTA vote, President Clinton meets with Asian leaders in Seattle to push for free trade. It would be a devastating setback to the President if on the eve of this meeting we rejected NAFTA here in the Congress.

In my opinion, NAFTA will not only serve to create jobs for America, but it is also vital to strengthening our leadership around the world. Remember, over 70 percent of job growth in recent years has come from exports.

Contrary to what my friends in Labor say, NAFTA is a good deal for American workers.

I urge your support on NAFTA.

PRESIDENT IS RIGHT IN CRITICIZING AMERICAN LABOR MOVEMENT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the President is absolutely right in his criticism of the American labor movement and its opposition to NAFTA. American labor leaders, unfortunately, are trying to justify themselves by opposing NAFTA, but instead are showing a lack of vision and the playing to fears and prejudices that too often have been their hallmark.

American labor is selling American workers short. They are the most productive workers in the world and America is the world's greatest exporter—not Japan, nor Germany, but the good old USA.

Can we compete with a weak economy to our south and a tiny economy to our north? Of course. Do lower wages in Mexico mean American business will move there wholesale? Of course not. If that were the case, they would already have done so and Mexico would be the world's strongest economy not the United States.

Mr. Speaker, it is time for the demagogs to stand down and for the United States to lead the world to more free trade and a better life for all people. American labor leaders sell America and its productive, competitive workers far short.

The President is right.

□ 1220

SUPPORT NAFTA: HISTORY IS ON OUR SIDE

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, today's horoscope, as I was born on May 22, says to focus on authority, power, and durable goods.

So today I am going to focus on the latter. There is probably nothing more important that we could do for our durable goods industry than to support the North American Free-Trade Agreement.

Let us look at some trade statistics. I am indebted to David Hale, the chief economist of Kemper Corp., for these statistics: For 1992, the United States had a $5 billion trade surplus with Mexico, as opposed to a $75 billion trade deficit with East Asia. Why? Because United States firms account for 70 percent of Mexican imports and we have essentially a mere toehold in East Asia.

Since the 1960's, our trade policies essentially have sent thousands of jobs to East Asia. Those countries have enjoyed a 20-fold increase in their per capita incomes. If we had kept those jobs and that purchasing power in North America, we would be much better off today.

We have an opportunity to create jobs in this House on November 17. Let us not do the work of Japan; let us do the work for the United States.

Let us open up wide one of the most rapidly growing markets to U.S. exports. Let us pass NAFTA.

SUPPORT NAFTA: IT IS GOOD FOR MISSISSIPPI AND THE COUNTRY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I have two subjects I would like to cover. The first subject, I think NAFTA would be an overall plus for our Nation as well as my State.

Lifting tariffs on goods going into Mexico will make it more open to agricultural and forest products, electronic equipment and machinery, just to name a few.

A couple of years ago, Mr. Speaker, when Mexico reduced its tariffs from 40 percent to around 20 percent, business doubled for some of our manufacturing firms in Mississippi. Eliminating the tariffs altogether would bring even greater economic opportunities.

VETERANS DAY LEGISLATION AND VETERANS' BENEFITS

Mr. Speaker, the second subject that I would like to cover is: A month ago we mailed to each Member's office from our Committee on Veterans' Affairs a packet of information on Veterans Day and legislation passed in the House benefiting veterans. If my colleagues cannot locate that packet, if they would call the Committee on Veterans' Affairs, we will help them.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. RICHARDSON) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
November 8, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, November 5, 1993 at 4:50 p.m. and said to contain a message from the President wherein he transmits the extension of the agreement between the United States and Korea which constitute a governing international fishery agreement (GIFA) under the Magnuson Fishery Conservation and Management Act of 1976.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXTENSION OF AGREEMENT BETWEEN UNITED STATES AND KOREA CONSTITUTING GOVERNING INTERNATIONAL FISHERY AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-161)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement Between the Government of the United States of America and the Government of the Republic of Korea Extending the Agreement of July 26, 1982, Concerning Fisheries off the Coasts of the United States, as extended and amended. The agreement, which was effected by an exchange of notes at Washington on June 11, 1993, and October 13, 1993, extends the 1982 agreement to December 31, 1995. The exchange of notes together with the 1982 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Korea, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 5, 1993.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after consideration of House Resolution 293.

AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS of 1993

Mr. OWENS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2722) to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters, law enforcement officers, and incumbent elected judges; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, as amended.

The Clerk read as follows:

H.R. 2722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination in Employment Amendments of 1993".

SEC. 2. AMENDMENTS.

Section 4(j)(1) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)(1)) is amended by striking "attained the age" and all that follows through "1983, and", and inserting the following:

"attained—

"(A) the age of hiring or retirement in effect under applicable State or local law on March 3, 1983, or

"(B) if the age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

SEC. 3. REPEALER.

Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note) is repealed.

SEC. 4. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (in this section referred to as "the Chairman") shall conduct, directly or by contract, a study that will include—

(1) a list and description of all tests available for the assessment of abilities important for completion of public safety tasks performed by law enforcement officers and firefighters,

(2) a list of such public safety tasks for which adequate tests do not exist,

(3) a description of the technical characteristics that performance tests must meet to be compatible with applicable Federal civil rights Acts and policies,

(4) a description of the alternative methods available for determining minimally acceptable performance standards on the tests described in paragraph (1),

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests described in paragraph (1), and

(6) an examination of the extent to which the tests described in paragraph (1) are cost effective, safer, tests and comply with Federal civil rights Acts and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of their jobs.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—(1) The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the United States Fire Administration,

(B) the Federal Emergency Management Agency,

(C) organizations that represent law enforcement officers, firefighters, and their employers, and

(D) organizations that represent older individuals.

(2) Before issuing the advisory guidelines required in subsection (b), the Chairman shall allow for public comment on the proposed guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. OWENS] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2722, the Age Discrimination in Employment Amendments of 1993.

This legislation would permanently exempt State and local public safety agencies from the Age Discrimination in Employment Act in order to permit them to consider age in their hiring and retirement policies. Federal public safety agencies, including the Federal Bureau of Investigation and Federal firefighters, are already permanently exempted from the ADEA.

As a rule, Congress must avoid exempting whole classes of employees from the protection of civil rights laws unless it is absolutely necessary. We should not carve out exemptions merely because an employer finds civil rights compliance to be costly or inconvenient. Exemptions must be made only when there is a strong compelling need to do so and there is no other reasonable alternative. This is one of those rare instances.

State and local fire and police agencies must be exempted from the ADEA in order to protect and promote the safety of the public. This is literally a life or death matter. If police officers or firefighters cannot adequately perform their duties, people die and people get hurt.

Age does indeed affect an individual's ability to perform the duties of a public safety officer. This is not a stereotype. This is not ageism. This is a medical fact. Physical ability declines with age. For example, aerobic capacity declines at a rate of 1 percent per year after age 30. Strength declines at a rate of 10–13 percent every decade. The risk of sudden incapacitation also clearly increases with age, increasing sixfold between the age of 40 and 60 years of age. These physical effects are not experienced by all people to the same degree or at the same precise time. But they pose a significant problem to public safety agencies in their efforts tomaintain a fit and effective work force.

A public safety agency can respond to age-related declines in ability in one of two ways. It can establish an age-based mandatory retirement policy. This will reduce the risks to public safety, but it may result in some capable individuals being forcibly retired.

Alternatively, an agency can try to use performance and physical ability testing to try to screen out employees who might pose a threat to public safety. Unfortunately, there are numerous problems with trying to use tests as an alternative to age which makes this option untenable.

It is simply not possible to devise a test for all tasks carried out by a public safety employee. For example, no test could have possibly simulated the kinds of physical conditions firefighters in southern California have faced over the past 2 weeks. No test, no matter how comprehensive, can measure all of the skills and abilities a public safety employee must possess.

Moreover, there is no current test that can effectively screen for the risk of sudden incapacitation among symptomatic individuals. A mandatory retirement age, used in conjunction with screening for their risk factors, continues to be the most effective way of reducing the risk of sudden incapacitation by public safety officers.

Another, but lesser concern is that it is enormously expensive to administer performance and ability tests on a periodic basis to all public safety employees, consuming scarce resources that are needed to keep police on the street. In addition, testing often entails considerable litigation over the content of the tests. In Tennessee, for example, there were several years of litigation over the State wildlife officer's entrance exam which focused on the question of whether the fences that recruits had to scale should be 8 or 10 feet tall.

Testing can also have a very serious negative impact on other individuals and groups that historically have been discriminated against in employment. Tests have been proven to have an adverse impact on women and minorities. Women on average are less strong than men. Written tests may underpredict the on-the-job performance of minorities. To assure that such factors did not prevent women and minorities from serving in public safety positions, many agencies within-group normed the results of certain tests. Unfortunately, a provision of the Civil Rights Act of 1991 now prohibits the practice of norming. As a result, any increase in the use of physical and mental testing of public safety employees will jeopardize employment opportunities for women and minorities.

For these and other reasons, testing does not today represent a viable alternative to age-based mandatory retirement policies for public safety agencies. Under H.R. 2722, those agencies who wish to experiment with testing in lieu of retirement ages will be able to do so. But given the uncertainty about the effectiveness, effectsand implications of using tests as a substitute for age, the Congress must not force every public safety agency to implement them. This would be the case if we did not enact H.R. 2722.

I want to emphasize that this exemption is strongly supported by the affected employees themselves; if they did not support it, I would not have introduced H.R. 2722 and the Committee on Education and Labor would not have reported it without a single objection. Age-based retirement is not regarded by firefighters and police officers as unfair or as something which imposes any kind of hardship on them;

on the contrary, they believe it is essential. What is more, where agencies have set mandatory retirement ages, most of the employees retire well before attaining that age. Those who wish to continue to work full time have no problem finding other employment.

This is why this legislation is strongly supported by not only the National League of Cities and other public safety employers but by the Fraternal Order of Police, the International Association of Firefighters, and other representatives of public safety employees.

In making this exemption from ADEA permanent, our intent is not to forever close the door on this issue. Rather, our objective is to ensure that when Congress does reexamine this issue, it does so because there are compelling reasons to take another look—not because of some arbitrary, predetermined deadline.

I would strongly support reexamining this issue and consider amending or repealing the exemption in any of the following circumstances:

If there were any indications that significant numbers of public safety employees considered the exemption to be unfair and unwarranted;

If Federal public safety agencies such as the FBI and Federal firefighters eliminated their age-based retirement policies; or

If there was compelling evidence that there were reasonable, effective alternatives to the use of age which did not have an adverse impact on any class of individuals who are protected by Federal civil rights laws.

The 1964 Civil Rights Act, the ADEA, and other civil rights statutes have all been amended numerous times since their original enactment; no special temporary provision was needed to prod Congress to act in these instances. Permanent does not mean forever. What it means is that Congress will only return to this issue when there is strong support and compelling evidence for it to do so.

I urge my colleagues to join me in supporting H.R. 2722. It is imperative that all public safety employees be fit, effective and fully capable of fulfilling their duties. This legislation will assure that State and local police and fire agencies will be able to pursue that goal using the same age-based employment criteria which is now used by the FBI, the Secret Service, and other Federal public safety agencies.

□ 1230

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2722, the Age Discrimination in Employment Amendments of 1993. This bill would permanently extend the public safety exemption under the Age Discrimination in Employment Act [ADEA]. Thus, the legislation would allow State and local police and fire departments to use maximum hiring ages and mandatory retirement ages without having to prove that age is a bona fide occupational qualification. Mandatory retirement policies are generally not permissible under the ADEA.

H.R. 2722 is very similar to H.R. 2554, which was introduced by Mr. MURPHY, and which I cosponsored along with many other Democrat and Republican Members of this body. The only difference is H.R. 2722 would not limit the public safety exemption to those police and fire departments that had age-based personnel policies in place as of March 3, 1983. Rather, it would allow all police and firefighting forces to have mandatory retirement policies as long as such policies are no more restrictive than 55 years of age. Fifty-five is the retirement age that is often applicable to Federal sector public safety personnel. This provision was added to H.R.2722 in the interest of having a uniform national policy applicable to all State and local governments.

As a supporter of this legislation, I must take care to reiterate that it is an exception to the usual rule that arbitrary age-based distinctions that limit the employment opportunities of older Americans will not be tolerated. When the ADEA was amended in 1986 to remove the upper limit of 70 years of age for coverage under the act, Congress was making a statement that no age should be an impediment to career advancement if an individual had the skills and expertise to succeed in his or her chosen profession. At that same time, however, Congress recognized the unique demands and responsibilities inherent to the field of public safety, including the needs for judicial consistency in terms of what the hiring and retirement standards should be and for a well-trained and physically and mentally capable work force. Thus, Congress created the exemption under the ADEA allowing police and fire departments to continue to use age-based hiring and retirement policies.

Perhaps unfortunately, the reasons why this legislation is necessary today are much the same as they were 7 years ago. There simply is not adequate guidance in place to enable police and fire departments to replace age-based personnel policies with physical and mental tests that will meet their work force needs while at the same time withstand judicial scrutiny. I might add that businesses throughout the country are very familiar with this bind. H.R. 2722 attempts to address this problem with respect to public safety by requiring the Equal Employment Opportunity Commission to conduct a study of available tests to assess law enforcement officers' and firefighters' performance of their jobs and to promulgate guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters.

H.R. 2722 must walk the delicate line between protecting the employment rights of older Americans and ensuring the public safety needs of all Americans. I believe H.R. 2722 does so fairly and I urge my colleagues to support the legislation.

Mr. OWENS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I thank my chairman, the gentleman from New York [Mr. OWENS], for yielding this time to me.

Originally I sponsored H.R. 2552 in which my good colleague and friend, the gentleman from Pennsylvania [Mr. GOODLING] joined me, together with 105 other sponsors.

Basically all this legislation intends to do is to carry out an extension of an amendment to the Age Discrimination Act which this Congress passed in 1986 by a vote of 394 to nothing.

The gentleman from New York [Mr. OWENS] the gentleman from Pennsylvania [Mr. GOODLING], myself, the gentleman from Wisconsin [Mr. GUNDERSON], all of the members of the Committee on Education and Labor have long been champions of our senior citizens. We believe that people who are in their fifties, sixties, yes, seventies, and even eighties, can perform many vital functions and tasks and should not be discriminated against just because of their advanced age; however, we just as firmly believe that police and firemen should not be subject to this Federal regulation or Federal law that says there shall be no discrimination.

All this legislation will do is make permanent the amendment we passed in 1986 that says the local government, the State government, the city, the county, may set up a retirement system for firemen and policemen.

□ 1240

Surely it must be within their discretion to determine whether a person 87 years of age can be fighting out of duel with armed criminals on the street or whether a 72-year-old can perform the same functions as a 42-year-old in fighting fires, as my chairman, the gentleman from New York [Mr. OWENS], mentioned is going on in the State of California today.

Mr. Speaker, this discretion to make mandatory their service when they are in the frontlines of our public safety must be left to the local government, not to the Congress of the United States. That is what we determined in 1986 when we granted a 7-year extension, and during that time our study showed, and the response from all local government, the response from the policemen and the firefighters who are on frontlines are saying, "Let that determination be made by our local government." The experience in those 7 years has proven to us that this should be made permanent. There should be an exemption from the Age Discrimination Act to allow that public safety employees be retired at the discretion of their local government.

Mr. Speaker, I urge all of the Members to support this, keeping in mind we are champions of the senior citizens, but also we must be the champions of public safety.

Mr. Speaker, today I rise in support of H.R. 2722. This legislation is the successor to a bill I introduced earlier this year, H.R. 2554. I was pleased to serve as an original cosponsor of this legislation with the chairman of the Subcommittee on Select Education and Civil Rights, MAJOR OWENS. Representative OWENS deserves much of the credit for keeping this issue under active consideration. I applaud his interest in such a vital public safety issue.

As many of you may remember, this debate actually started years ago. In 1986, Congress debated and passed an amendment to the Age Discrimination in Employment Act of 1967 [ADEA] which bars most employers from setting mandatory retirement ages. During that debate, I offered an amendment which created a 7-year exemption for State and local governments allowing them to set mandatory retirement ages for firefighters and law enforcement officers. The vote was 394–0. This exemption is set to expire on December 31, 1993.

Throughout my years of public service, I have championed the rights of America's older citizens. I have always believed that there are many people of advanced age who have the capacity and the ability to continue working. Many of us in Congress watched with great admiration the work and dedication of the late Congressman Claude Pepper. The fact that mandatory retirement ages no longer exist in most professions, stands as a testament to the dogged determination of that remarkable man.

While there are numerous occupations that Senior Citizens can perform well past the age of 65, I submit that firefighting and police work are not among them. I firmly believe that we should not confuse what is advantageous for many public sector employees with what is safe for other public safety employees and reasonable for the community. No one can honestly say that the public would be adequately protected by 98-year-old police officers chasing drug dealers down the street or fighting in pitched battles with dangerous, well-armed criminals. Also, picture the fireman who is on the line of duty in this thirties, or forties, or fifties, who has to serve alongside a person who is in his eighties, who cannot be removed from the front lines.

Making this exemption permanent allows State and local governments to use their own discretion in establishing proper retirement ages for public safety officers. I do not believe Congress should impose its judgment in place of theirs. I believe that the right course is to allow the local councilman and State legislator to determine whether or not State troopers should be serving at 72 or 82 years of age. This was the original intent of the law, and this judgment is still correct.

I want to thank my 105 colleagues who joined with me as cosponsors of H.R. 2554. This commitment to the success of H.R. 2554 should not be enlisted to pass H.R. 2722.

Mr. OWENS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] and our ranking member, the gentleman from Pennsylvania [Mr. GOODLING], and I associate myself with the comments of both gentlemen in commenting briefly on an amendment that I had offered in committee which I believe furthers the primary goal of this legislation—the protection of public safety.

The amendment, which was supported unanimously by the committee, provides for the development and voluntary use of two tools that will help our cities and towns maintain effective public safety forces:

First, it requires the Equal Employment Opportunity Commission to develop guidelines for performance tests which cities could use to measure the fitness of public safety officers;

Second, my amendment requires EEOC to develop standards for wellness programs for fire fighters and police that will give these valuable public servants opportunities to stay fit for duty.

I want to make it clear that my amendment does not mandate anything. It simply requires the Federal Government to provide our local governments with a range of cost effective, flexible, and fair ways to ensure the safety of their citizens.

Our goal is to assure the citizens of our communities, and our public safety forces themselves, that those in the front line of public safety, that they are fit to carry out their responsibilities effectively.

Again, Mr. Speaker, I thank the gentleman from New York [Mr. OWENS] for his support, and I urge my colleagues to support H.R. 2722.

Mr. BALLENGER. Mr. Speaker, I rise in support of H.R. 2722, the Age Discrimination in Employment Amendments of 1993, a measure which was favorably reported by the Committee on Education and Labor several weeks ago.

The bill before us today simply extends, on a permanent basis, the exemption under the Age Discrimination in Employment Act [ADEA] allowing police and fire departments to use maximum hiring and mandatory retirement ages without having to prove that age is a bona fide occupational qualification. The bill would not limit the exemption to those departments having such personnel policies in place on March 3, 1983, but would allow departments to develop such policies as long as they were no more restrictive than a 55 year mandatory retirement age. I am pleased to be able to support the legislation as it was reported by the committee as I did have some concerns about the bill as it was introduced. I point out, for my colleagues information, that a somewhat controversial provision with reference to the mandatory retirement of elected judges was deleted and I appreciate the committee's decision to hold that issue until a later day.

My decision to support the permanent extension of the public safety exemption under the Age Discrimination in Employment Act [ADEA] did not come without serious thought about the message it would send to the older members of our work force. As I am now among those ranks myself, I am concerned about the use of age criteria that arbitrarily limit the employment prospects of senior citizens. However, in this limited case of public safety, I was convinced by the vivid testimony of representatives of police and firefighting forces that an exception allowing mandatory retirement was necessary.

Many of the letters and visits I received on this issue emphasized the fact that there were not adequate tests available to measure the physical and mental capacities of older police officers and firefighters to respond to the types of emergency situations that their professions confront. Perhaps appropriately rigorous tests can be developed that will survive judicial scrutiny, and the legislation before us today takes steps toward that end. It requires the Equal Employment Opportunity Commission to conduct a study of available tests to assess law enforcement officers' and firefighters' performance of their jobs and to promulgate guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters.

I am certain that both the full committee and the Subcommittee on Select Education and Civil Rights will continue to monitor the practical effects of mandatory retirement in the public safety area, and I assuredly will support the chairman in these efforts.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and, if the other side is prepared to yield back its time, I will yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from New York [Mr. OWENS] that the House suspend the rules and pass the bill, H.R. 2722, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters and law enforcement officers; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OWENS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 2722, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

OLDER AMERICANS ACT TECHNICAL AMENDMENTS OF 1993

Mr. MARTINEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3161) to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Act Technical Amendments of 1993".

SEC. 2. TECHNICAL AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965.

The Older Americans Act of 1965 (42 U.S.C. 3001–3058ee) is amended—

(1) in section 102(3) by inserting "of the United States" after "Virgin Islands",

(2) in section 202(a)(18)—

(A) by striking ", and service providers,", and

(B) by inserting ", and service providers," after "on aging",

(3) in section 202(a)(27)(C) by striking "1994" and inserting "1995",

(4) in section 203(a)(3) by striking "Federal" the first place it appears,

(5) in section 206(g)—

(A) in paragraph (1) by striking "1994" and inserting "1995",

(B) in paragraph (2)(B) by striking "1993" and inserting "1994", and

(C) in paragraph (3) by striking "1994" and inserting "1995",

(6) in the first sentence of section 211 by striking "agencies," and inserting "agencies",

(7) in section 302 by striking paragraph (10),

(8) in paragraphs (1) and (2) of section 305(b) by striking "clause (1) of subsection (a)" each place it appears, and inserting "subsection (a)(1)",

(9) in section 307—

(A) in section 307(a)—

(i) in the last sentence of paragraph (8) by striking "knowledgable" and inserting "knowledgeable", and

(ii) in paragraph (24) by striking the semicolon at the end and inserting a period, and

(B) in subsection (b)(2) by striking "the requirement described in clause (3)(B) of subsection (a)" and inserting "such requirement",

(10) in section 310(a)(1) by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act",

(11) in section 314(a) by striking "(a) PROMOTION.—",

(12) in section 321(a)(15) by striking "clause (16) of section 307(a)" and inserting "chapter 3 of subtitle A of title VII and section 307(a)(16)",

(13) in section 361(a) by inserting "and Prevention" after "Control",

(14) in section 402(b) by striking "Alcohol, Drug Abuse, and Mental Health Administration" and inserting "Substance Abuse and Mental Health Services Administration",

(15) in section 411(e) by striking "431(b)" and inserting "section 431(b)",

(16) in the first sentence of section 421(a) by striking "purposes" the last place it appears and inserting "purpose",

(17) in section 429G(a)(2)(B)(v)(X) by striking "and" at the end,

(18) in subsections (a) and (b)(2) of section 429I by striking "black" and inserting "Black",

(19) in section 429J(a)(2)(D) by inserting "of 1974" after "Act", and

(20) in section 510 by striking "section 203 of such Act (29 U.S.C. 1603)" and inserting "sections 203 and 204(d)(5)(A) of such Act (29 U.S.C. 1603, 1604(d)(5)(A))", and

(21) in subsections (c) and (d) of section 614 by striking "Commission" and inserting "Assistant Secretary".

SEC. 3. ASSISTANT SECRETARY FOR AGING.

(a) AMENDMENTS TO THE OLDER AMERICANS ACT OF 1965.—The Older Americans Act of 1965 (42 U.S.C. 3001–3058ee) is amended—

(1) by amending section 102(2) to read as follows:

"(2) The term 'Assistant Secretary' means the Assistant Secretary for Aging.",

(2) in section 201—

(A) in subsection (a) by striking "a Commissioner on" and inserting "an Assistant Secretary for",

(B) in subsection (c)—

(i) in paragraph (2) by striking "an Associate Commissioner on" and inserting "a Director of the Office for", and

(ii) in paragraph (3) by striking "Associate Commissioner on" and inserting "Director of the Office for",

(C) in subsection (d)—

(i) by striking "an Associate Commissioner for Ombudsman Programs" and inserting "a Director of the Office of Long-Term Care Ombudsman Programs", and

(ii) by striking "Associate Commissioner" each place it appears and inserting "Director", and

(D) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(3) in section 202—

(A) in the heading by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY",

(B) in subsection (a)(21)(A) by striking "Associate Commissioner for Ombudsman Programs" and inserting "Director of the Office of Long-Term Care Ombudsman Programs",

(C) in subsection (e)(1)(A)(iv) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(D) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(4) in sections 212 and 429E—

(A) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(5) in section 307—

(A) in subsections (d) and (e) by striking "Commissioner's" each place it appears and inserting "Assistant Secretary's", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(6) in section 311(a)(4)(B) by striking "Commissioner" and inserting "Assistant Secretary for Aging",

(7) in section 427—

(A) in subsection (a) by striking "Commissioner" and inserting "Assistant Secretary", and

(B) in subsection (b) by striking "Commissioner on Aging" each place is appears and inserting "Assistant Secretary",

(8) in subsections (a) and (b)(1) of section 503, and in section 505(a), by striking "Commissioner" each place it appears and inserting "Assistant Secretary for Aging",

(9) in section 712—

(A) in subsection (h)(4)(A) by striking "Associate Commissioner for Ombudsman Programs" and inserting "Director of the Office of Long-Term Care Ombudsman Programs", and

(B) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(10) in section 751—

(A) in subsection (a) by striking "Associate Commissioner on" and inserting "Director of the Office for", and

(B) in subsections (a) and (b) by striking "Commissioner" each place it appears and inserting "Assistant Secretary",

(11) in the headings of sections 338B(b), 429A(g)(2), 429G(c)(2), and 763(b) by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY",

(12) in the heading of section 433 by striking "COMMISSIONER" and inserting "ASSISTANT SECRETARY", and

(13) by striking "Commissioner" each place it appears, and inserting "Assistant Secretary", in sections 203(a), 203A, 204(d), 205, 206(g), 207, 211, 214, 215(b)(2), 301, 304, 305, 306, 308, 309(a), 310, 312, 313(a), 314, 321, 331, 336, 337, 338(a), 338A, 338B, 341, 351, 361, 381, 402, 411, 412, 421, 422, 423, 424, 425(a), 428, 429, 429A, 429B, 429C, 429D, 429F, 429G, 429H, 429I, 429J, 431, 432, 433, 613, 614, 614A, 623, 624, 631, 632, 701, 703, 705(a)(7)(D), 713, 741(a)(4)(G), 763, and 764(a).

(b) AMENDMENTS TO OTHER LAW.—(1) Section 5315 of title 5 of the United States Code is amended in the item relating to Assistant Secretaries of Health and Human Services by striking "(5)" and inserting "(6)".

(2) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking "Commissioner on Aging" and inserting "Assistant Secretary for Aging".

(3) Sections 911(a)(8) and 921(a)(2) of the Alzheimer's Disease and Related Dementias Services Research Act of 1986 (42 U.S.C. 11211(a)(8), 11221(a)(2)) are amended by striking "Commissioner on Aging" and inserting "Assistant Secretary for Aging".

(4) Section 17(o)(3)(A) of the National School Lunch Act (42 U.S.C. 1766(o)(3)(A)) is amended by striking "Commissioner of Aging" and inserting "Assistant Secretary for Aging".

(c) REFERENCES.—Any reference to the Commissioner on Aging in any order, rule, guideline, contract, grant, suit, or proceeding that is pending, enforceable, or in effect on the date of the enactment of this Act shall be deemed to be a reference to the Assistant Secretary for Aging.

SEC. 4. MATTERS RELATING TO THE OLDER AMERICANS ACT AMENDMENTS OF 1992.

(a) TECHNICAL AMENDMENTS.—The Older Americans Act Amendments of 1992 (Public Law 102–375; 106 Stat. 1195–1310) is amended—

(1) in section 202(g) by striking "1993" each place it appears and inserting "1994",

(2) in section 211 by striking "1994" and inserting "1995", and

(3) in section 502(b)—

(A) in the matter preceding paragraph (1) by striking "The first sentence of section" and inserting "Section", and

(B) in paragraph (1) by inserting "in the first sentence" after "(1)".

(b) DELAYED APPLICABILITY OF CERTAIN AMENDMENTS.—The amendments made by—

(1) sections 303(a)(2), 303(a)(3), 304 (excluding paragraphs (1) and (2) of subsection (a)), 305, 306, 307, and 317, and

(2) title VII,

of the Older Americans Act Amendments of 1992 (Public Law 102–375; 106 Stat. 1221 et seq.) shall not apply with respect to fiscal year 1993.

SEC. 5. TECHNICAL AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

The Native American Programs Act of 1974 (42 U.S.C. 2991–2992d) is amended—

(1) in section 802 by striking "Alaskan" and inserting "Alaska", and

(2) in the first sentence of section 803(a) by striking "nonreservation areas" and inserting "areas that are not Indian reservations or Alaska Native villages",

(3) in section 803A—

(A) in subsections (b), (c), and (d)(1) by striking "to which a grant is awarded under subsection (a)(1)" each place it appears,

(B) in subsection (d)(2) by striking "to which a grant is made under subsection (a)(1)", and

(C) in subsection (f)(1) by striking "for fiscal years 1988, 1989, and 1990 the aggregate amount $3,000,000 for all such fiscal years" and inserting "for each of the fiscal years 1992, 1993, and 1994, $1,000,000",

(4) in section 803B(c)—

(A) in paragraph (5) by striking "individuals who" and inserting "agencies described in section 803(a) that", and

(B) in paragraph (6) by striking "such individuals" and inserting "Native Americans,",

(5) in section 806(a)(2) by striking "Alaskan" and inserting "Alaska",

(6) in section 815—

(A) in paragraph (2) by striking "Alaskan" each place it appears and inserting "Alaska", and

(B) in paragraph (4) by adding a semicolon at the end, and

(6) in section 816—

(A) in subsections (a) and (b) by inserting a comma after "803A" each place it appears,

(B) in subsection (c) by striking "are" and inserting "is",

(C) in subsection (e) by striking "fiscal years 1992 and 1993" and inserting "fiscal year 1994", and

(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 6. AMENDMENTS REGARDING THE WHITE HOUSE CONFERENCE ON AGING.

Title II of the Older Americans Amendments of 1987 (42 U.S.C. 3001 note) is amended—

(1) in section 202(a) by striking "December 31, 1994" and inserting "May 31, 1995,",

(2) in section 203(b)—

(A) in paragraph (1) by striking "subsection (a)(2)" and inserting "subsection (a)(3)", and

(B) in paragraph (3) by striking "subsection (a)(5)" and inserting "subsection (a)(6)",

(3) in section 204—

(A) in subsection (a)—

(i) in paragraph (1) by striking "90 days after the enactment of the Older Americans Act Amendments of 1992" and inserting "December 31, 1993", and

(ii) in paragraph (2)(B) by striking "60 days" and inserting "90 days",

(B) in subsection (b) by moving the left margin of paragraph (2) 2 ems to the right so as to align such margin with the left margin of paragraph (1), and

(C) in subsection (d) by striking "prescribed rate for GS–18 under section 5332" and inserting "equivalent of the maximum rate of pay payable under section 5376",

(4) in section 206(5) by inserting "of the United States" after "Virgin Islands", and

(5) in section 207—

(A) in subsection (a)(1) by striking "1994" and inserting "1996", and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "June 30, 1995, or", and

(II) by striking ", whichever occurs earlier",

(ii) in paragraph (2)—

(I) by striking "June 30, 1995, or", and

(II) by striking ", whichever occurs earlier,", and

(iii) in paragraph (3) by striking "June 30, 1994" and inserting "December 31, 1995".

SEC. 7. AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT.

(a) DISCRETIONARY AUTHORITY.—Section 681(a)(2) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)) is amended—

(1) in subparagraph (D) by striking "(including" and all that follows through "facilities", and inserting ", including rental housing for low-income individuals",

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and

(3) by inserting after subparagraph (D) the following:

"(E) technical assistance and training programs regarding the planning and development of rural community facilities (in selecting entities to carry out such programs, the Secretary shall give priority to organizations described in subparagraph (D));".

(b) ANNUAL REPORT.—Section 682 of the Community Services Block Grant Act (42 U.S.C. 9911) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "contract with" and inserting "awarding a grant or contract to",

(ii) by striking "this subtitle" and inserting "section 674", and

(iii) by striking subparagraphs (A) and (B) and inserting the following:

"(A) The uses of the Community Services Block Grant to the States that are related to the purposes of the subtitle.

"(B) The number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and that amount of information concerning the demographics of the low-income populations served by such eligible entities as is determined to be feasible.

"(C) Any information in addition to that described in subparagraph (B) that the Secretary considers to be appropriate to carry out this subtitle, except that the Secretary may not require a State to provide such additional information until the expiration of the 1-year period beginning on the date on which the Secretary notifies such State that such additional information will be required to be provided.",

(B) by striking paragraphs (2) and (3), and

(C) by adding at the end the following:

"(2) In selecting an entity to prepare a report under this subsection, the Secretary shall give a preference to any nonprofit entity that has demonstrated the ability to secure the voluntary cooperation of grantees under this subtitle in designing and implementing national Community Services Block Grant information systems.", and

(2) in subsection (b) by striking "Not later" and all that follows through "prepared, the", and inserting "The".

(c) TECHNICAL AMENDMENTS.—The Community Services Block Grant Act (42 U.S.C. 9901–9912) is amended—

(1) in section 673(4) by inserting "of the United States" after "Virgin Islands",

(2) in section 674(a)—

(A) in paragraphs (1)(B) and (2)(A)(ii) by striking "681(c)" each place it appears and inserting "681(d)", and

(B) in paragraph (3) by inserting "of the United States" after "Virgin Islands",

(3) in section 680(a) by striking "681(c)" and inserting "681(d)", and

(4) in section 681A by striking "Statewide" and inserting "statewide".

SEC. 8. TECHNICAL AMENDMENTS WITH RESPECT TO CHILD CARE.

Section 8 of Public Law 102–586 is amended by striking "Child Care and Development Block Grant Act Amendments of 1992" each place it appears and inserting "Child Care and Development Block Grant Act of 1990".

SEC. 9. AMENDMENTS TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) IN GENERAL.—The first sentence of section 114(d) of the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992 (42 U.S.C. 5106a note; Public Law 102-295) is amended—

(1) by striking "on October 1, 1993, or", and

(2) by striking ", whichever occurs first".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 1993.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MARTINEZ] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after the enactment of the 1992 reauthorization of the Older Americans Act of 1965, we discovered a need to make technical and conforming changes. These amendments address matters of punctuation, grammar, and citation in the Older Americans Act, as well as the child care development block grant of 1990 and the community services block grant.

Through discussions with the Department of Health and Human Services and because of the delayed enactment of the Older Americans Act Amendments of 1992, we found that successful implementation of changes in the act warranted modest delays and extensions in the application of certain provisions.

In addition, at the request of the administration, the status of the Commissioner on Aging was changed to that of Assistant Secretary for Aging. Given that the fastest growing segment of the population in the United States is that over the age of 60, a long-term strategy will need to be in place to address aging issues. A key component of this process will be to elevate the status of aging services beginning with the Assistant Secretary for Aging.

H.R. 3161, as amended, makes technical changes to the Community Services Block Grant Act, the Child Abuse Prevention and Treatment Act, and the Native Americans Programs Act of 1974. These changes primarily affect the timing of duties and responsibilities under those acts in response to practical concerns raised in implementing provisions of law.

Finally, Mr. Speaker, I would like to thank the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor, for his support, and the ranking minority member of the Subcommittee on Human Resources, the gentlewoman from New York [Ms. MOLINARI] who is an original cosponsor of H.R. 3161.

Mr. Speaker, I reserve the balance of my time.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from California [Mr. MARTINEZ], as well as my Republican colleague, the gentlewoman from New York [Ms. MOLINARI], for their efforts to bring H.R. 3161, the Older Americans Act Technical Amendments Act of 1993 to the floor today. All of us in Congress have a responsibility to ensure that our laws are correct and accurate, and can be properly implemented. With this technical amendments bill, my colleagues have lived up to this responsibility with the utmost professionalism.

Beyond the grammatical and clarifying amendments, this bill also contains some noncontroversial practical changes. One of those changes is an extension of time for convening the White House Conference on Aging. This extension is needed because of delays caused, in part, by the late passage of last year's reauthorization bill and the change in administrations. I am glad to see that such an important conference will not be lost because of the built-in procrastination of our Government.

Mr. Speaker, we support this bipartisan, noncontroversial technical amendments bill and urge its speedy passage. No committee, especially the Committee on Education and Labor, ought ever to have laws on the books that are not grammatically perfect.

I have no requests for time, Mr. Speaker, and, therefore, I yield back the balance of my time.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the bill, H.R. 3161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous materials, on H.R. 3161, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GUS YATRON FEDERAL POSTAL FACILITY

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3197) to redesignate the Post Office building located at 13th and Rockland Streets in Reading, PA, as the "Gus Yatron Federal Postal Facility," as amended.

The Clerk read as follows:

H.R. 3197

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The postal facility located at 2100 North 13th Street in Reading, Pennsylvania, and known as the Reading General Mail Facility, shall be known and designated as the "Gus Yatron Postal Facility".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the postal facility referred to in section 1 shall be deemed to be a reference to the Gus Yatron Postal Facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of H.R. 3197, as amended, which would designate the postal facility located at 2100 North 13th Street in Reading, PA, as the "Gus Yatron Postal Facility."

Gus Yatron, a former Member of the House of Representatives, represented the Sixth District of Pennsylvania for 24 years. He spent his entire career in Congress on the Post Office and Civil Service Committee. Gus Yatron played an essential role in the decision to have the postal facility in Reading built. He was also a member of the Foreign Affairs Committee and was deeply involved in the United States-Mexico Interparliamentary Exchange Program.

Previous to serving in the House, Congressman Yatron served in the Pennsylvania State Senate, on the Reading School Board and worked as a small businessman and a professional boxer.

I am pleased to join Congressman HOLDEN and the citizens of Reading, PA, in their desire to rename the Reading General Mail Facility the "Gus Yatron Postal Facility," and I urge my colleagues to support the passage of H.R. 3197.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3197 to designate the postal facility in Reading, PA, for my good friend and our former colleague, Gus Yatron.

Gus is a unique individual, who served in this body from 1968 until January of this year. He spoke and presented papers on human rights and democracy before the European Parliament many times during his congressional career and he also served as chairman of the annual United States-Mexican Interparliamentary Conference from 1980 until his retirement from the Congress.

I am advised that Congressman Yatron represented his congressional district, which included Reading, longer than any Representative to the Congress in history and I believe it would be more than fitting to honor this fine man and great legislator in this manner. I urge my colleagues to join me supporting H.R. 3197.

Mr. Speaker, I reserve the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise as a proud sponsor of H.R. 3197, which will rename the general mail facility in the city of Reading, PA, the "Gus Yatron Postal Facility," named in honor of my predecessor.

As my colleague, the gentleman from New York [Mr. BOEHLERT], and my colleague, the gentlewoman from Michigan [Miss COLLINS], have said, Congressman Yatron served in this body for 25 years with honor and with distinction. During his tenure in the U.S. Congress, Congressman Yatron served on the Foreign Affairs Committee, where he was recognized internationally for his work in human rights.

Congressman Yatron also served on the Committee on Post Office and Civil Service, where he served with distinction. Congressman Yatron has always been known as a friend of the postal workers of this country and of the Commonwealth of Pennsylvania and of the Sixth District of Pennsylvania. I think it is only fitting and proper for the U.S. Congress to take this opportunity to rename the facility in Reading, PA, after your former colleague and my predecessor, the Honorable Gus Yatron, who served with distinction and honor in this Chamber, who was loved and adored by all citizens of the Commonwealth of Pennsylvania and the Sixth District of Pennsylvania, and especially by the citizens of Reading.

I want to take this opportunity to wish my predecessor a long and healthy retirement with his family, his wife, Millie, and his children, Thiena and George. I will relay to my colleague when I have the opportunity and when I will speak to him later today, that I have talked with many Members of this body in the last couple of days as this bill was coming to the floor, and that everyone is thrilled and honored to have this opportunity to rename this facility after the Honorable Gus Yatron.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I, too, want to rise in favor of this bill and point out that this is an honor well deserved for Gus Yatron. I do not imagine that there was a better-linked member of the Pennsylvania delegation during the time Gus Yatron served in this body. He was somebody Members enjoyed talking with because he was the kind of guy who always had a kind of unique view of issues, and he was somebody who did, as my colleague said before me, serve with distinction.

He was particularly known for the work he did in the foreign affairs area, and sometimes that was not the easiest thing to carry forward in his district back home, because it does not necessarily focus on foreign affairs efforts. Yet Gus always handled it very well. He explained why it was he was doing the kind of things he was doing to help lead the Nation and help develop some particular policies during a particularly turbulent time.

I was pleased to serve and share a county with Gus during the time he served here, and I think it is entirely appropriate that he should be honored by having a postal facility named in his honor, and I certainly endorse the legislation before us.

Mr. BOEHLERT. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania [Mr. WALKER] for those eloquent remarks.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to have supported H.R. 3197, a bill that pays tribute to an outstanding legislator, and dedicated public servant, the Honorable Gus Yatron, of Reading PA.

Congressman Yatron served over two decades as the Representative of Pennsylvania's Sixth Congressional District. Mr. Yatron was a dedicated and diligent legislator who worked tirelessly for the residents of his district and the entire Nation. Gus sat with me on the House Foreign Affairs Committee, Post Office and Civil Service Committee, and was chairman of the House Subcommittee on Human Rights and International Organizations.

After graduating from Kutztown State University in 1950, Gus helped manage the family ice cream manufacturing business. Early on, he attained local fame as the boxing champion in Reading. Gus began his political career in 1956 when he was elected to the Pennsylvania House of Representatives, and later served an 8-year term in the State senate.

For 24 years Gus played a vital role in the U.S. House of Representatives. His leadership, and expertise as the chairman of the Subcommittee on Human Rights and International Organizations was self-evident. He placed human rights concerns at the center of U.S. foreign policy, and put national interests above party politics.

Mr. Speaker, when Gus retired from the 102d Congress, we lost a valuable colleague and an outstanding legislator.

Accordingly, I urged all of my colleagues to support H.R. 3197, which designated a U.S. postal facility in Reading PA, as the "Gus Yatron Federal Postal Facility." This dedication will remain a lasting tribute to a truly great legislator.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 3197, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the 'Gus Yatron Postal Facility'."

A motion to reconsider was laid on the table.

GEORGE W. YOUNG POST OFFICE

Miss COLLINS of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3285) to redesignate the postal facility located at 1401 West Fort Street, Detroit, MI, as the "George W. Young Post Office."

The Clerk read as follows:

H.R. 3285

SECTION 1. REDESIGNATION.

The postal facility located at 1401 West Fort Street, in Detroit, Michigan, shall be known and designated as the "George W. Young Post Office."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the postal facility referred to in section 1 shall be deemed to be a reference to the "George W. Young Post office."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan [Miss COLLINS] will be recognized for 20 minutes and the gentleman from New York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am delighted to sponsor and support the passage of H.R. 3285, which would designate the postal facility located at 1401 West Fort Street, Detroit, MI, as the "George W. Young Post Office."

George W. Young diligently served as a dedicated employee of the Detroit Postal Service for more than 20 years. He began his employment with the Postal Service as a window clerk, before moving up to become Assistant Personnel Director, then Assistant Postmaster for the Detroit Regional Post Office, in the 1960's and 1970's.

As a former postal employee, I had the pleasure of serving under Mr. Young when he was the Assistant Postmaster for Detroit. George Young had a special way of listening to postal employees. His meetings with and attentiveness to postal employees, while touring the Detroit facility, regularly helped to ease the stress on those employees. He was a great and caring man.

He graduated as Class President from Detroit Miller High School in 1938. He graduated Magna Cum Laude from the University of Detroit in 1961. In addition, he graduated from the U.S. Army's Officer Candidate School, achieving the school's second highest test score, just below his brother, the Honorable Coleman A. Young, the current mayor of the city of Detroit.

Mr. Young was drafted in World War II and served in the Army Signal Corps, achieving the bank of captain. His widow, Mrs. Elizabeth Robinson with whom he had one son, Ronald Young; still resides in my district in Detroit.

I am pleased to join the entire Young family, as well as the citizens of Detroit, in their desire to rename the postal facility at 1401 West Fort Street the "George W. Young Post office," and I urge my colleagues to support the passage of H.R. 3285.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to take this opportunity to rise in support of H.R. 3285, legislation reported from the Committee on Post Office and Civil Service to designate a postal facility in Detroit, MI, as the "George W. Young Post Office."

Mr. Speaker, the late Mr. Young, a brother of renowned Detroit Mayor Coleman Young, was a postal worker in Detroit for over 20 years. He began as a window clerk and ended his career there as the assistant postmaster for all of Detroit. A graduate of the University of Detroit and a veteran of the U.S. Army's Signal Corps in World War II, Mr. Young was truly an example to all of us and I would hope that with the support of my colleagues we will be able to honor his memory and his life in this fashion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan [Miss COLLINS] that the House suspend the rules and pass the bill, H.R. 3285.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Miss COLLINS of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the two bills just passed, H.R. 3197 and H.R. 3285.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

□ 1300

INTERMODAL SURFACE TRANSPORTATION TECHNICAL CORRECTIONS ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3276) to make technical corrections to title 23, United States Code, the Federal Transit Act, and the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intermodal Surface Transportation Technical Corrections Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Secretary defined.

TITLE I—TITLE 23 PROGRAMS

Sec. 101. Definitions.
Sec. 102. References to Dwight D. Eisenhower System of Interstate and Defense Highways.
Sec. 103. Federal-aid systems.
Sec. 104. Apportionment.
Sec. 105. Programs of projects.
Sec. 106. Advance acquisition of rights-of-way.
Sec. 107. Standards.
Sec. 108. Letting of contracts.
Sec. 109. Prevailing rate of wage.
Sec. 110. Construction.
Sec. 111. Advance construction.
Sec. 112. Maintenance.
Sec. 113. Certification acceptance.
Sec. 114. Availability of funds.
Sec. 115. Federal share.
Sec. 116. Payment to States for construction.
Sec. 117. Relocation of utility facilities.
Sec. 118. Advances to States.
Sec. 119. Emergency relief.
Sec. 120. Applicability of axle weight limitations.
Sec. 121. Toll roads.
Sec. 122. Rail-highway crossings.
Sec. 123. Surface transportation program.
Sec. 124. Metropolitan planning.
Sec. 125. Statewide planning.
Sec. 126. Control of junkyards.
Sec. 127. Nondiscrimination.
Sec. 128. Enforcement of requirements.
Sec. 129. Availability of rights-of-way.
Sec. 130. Highway bridge program.
Sec. 131. Great River Road.
Sec. 132. Hazard elimination program.
Sec. 133. Use of safety belts and motorcycle helmets.
Sec. 134. National maximum speed limit.
Sec. 135. Minimum allocation.
Sec. 136. National minimum drinking age.
Sec. 137. Revocation of drivers' licenses of individuals convicted of drug offenses.
Sec. 138. Reimbursement for segments of interstate system constructed without Federal assistance.
Sec. 139. Federal lands highway program.
Sec. 140. Bicycle transportation and pedestrian walkway.
Sec. 141. State highway department.
Sec. 142. Management systems.
Sec. 143. State planning and research.
Sec. 144. Appropriation for highway purposes of Federal lands.
Sec. 145. International highway transportation outreach program.
Sec. 146. Highway safety programs.
Sec. 147. National Highway Safety Advisory Committee.
Sec. 148. Alcohol-impaired driving counter measures.
Sec. 149. Public transit facilities.
Sec. 150. Use of recycled paving material.
Sec. 151. Work zone safety.
Sec. 152. High cost bridge project.
Sec. 153. Congestion relief project.
Sec. 154. High priority corridors on National Highway System.
Sec. 155. High priority corridor project.
Sec. 156. Rural access projects.
Sec. 157. Urban access and mobility projects.
Sec. 158. Innovative projects.
Sec. 159. Intermodal project.
Sec. 160. Miscellaneous Intermodal Surface Transportation Efficiency Act amendments.
Sec. 161. Disadvantaged business enterprise program.
Sec. 162. Amendments to Surface Transportation and Uniform Relocation Assistance Act of 1987.
Sec. 163. Freeway service patrols.
Sec. 164. Pan American Highway.

TITLE II—FEDERAL TRANSIT PROGRAMS

Sec. 201. Section 3 program amendments.
Sec. 202. Metropolitan planning.
Sec. 203. Formula grant program.
Sec. 204. Mass transit account block grants.
Sec. 205. Grants for research and training.
Sec. 206. General provisions.
Sec. 207. Period of availability and reapportionment of section 16 funds.
Sec. 208. Rural transit program.
Sec. 209. Nondiscrimination.
Sec. 210. Authorizations.
Sec. 211. Project management oversight.
Sec. 212. Planning and research program.
Sec. 213. Needs survey and transferability study.
Sec. 214. State responsibility for rail fixed guideway system.
Sec. 215. National Transit Institute.
Sec. 216. Increased Federal share.
Sec. 217. Performance reports on mass transit systems.
Sec. 218. Miscellaneous multiyear contracts.
Sec. 219. Cross reference to Federal Transit Act.

TITLE III—MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS

Sec. 301. Participation in international registration plan and international fuel tax agreement.
Sec. 302. Intelligent vehicle-highway systems.
Sec. 303. Title 49, United States Code, amendments.
Sec. 304. Surface Transportation Assistance Act of 1982 amendments.
Sec. 305. Commercial Motor Vehicle Safety Act of 1986 amendments.
Sec. 306. Cleveland Harbor, Ohio.
Sec. 307. Surface Transportation and Uniform Relocation Assistance Act of 1987 amendments.
Sec. 308. Intermodal Surface Transportation Efficiency Act Technical amendments.
Sec. 309. Improved bus safety.

SEC. 2. SECRETARY DEFINED.

As used in this Act, the term "Secretary" means the Secretary of Transportation.

TITLE I—TITLE 23 PROGRAMS

SEC. 101. DEFINITIONS.

Section 101(a) of title 23, United States Code, is amended by striking the 1st undesignated paragraph of such section that relates to public lands highways.

SEC. 102. REFERENCES TO DWIGHT D. EISENHOWER SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS.

(a) DECLARATION OF POLICY.—Section 2 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914–1915) is amended—

(1) in the 3d undesignated paragraph by striking "National System of" and inserting "Dwight D. Eisenhower System of"; and

(2) in the 7th undesignated paragraph by striking "Interstate and Defense Highway System" and inserting "Dwight D. Eisenhower System of Interstate and Defense Highways".

(b) COMPLETION OF INTERSTATE SYSTEM.—Section 1001 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1915–1916) is amended in each of subsections (a) and (b) by striking "National".

(c) DEFINITION OF INTERSTATE SYSTEM IN TITLE 23.—The undesignated paragraph of section 101(a) of title 23, United States Code, relating to the Interstate System, is amended by striking "National".

(d) CONFORMING AMENDMENT TO VEHICLE WEIGHT LIMITATIONS.—Section 127(a) of title 23, United States Code, is amended by striking "National" each place it appears and inserting "Dwight D. Eisenhower".

(e) VEHICLE LENGTH RESTRICTION.—Section 411(j) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(j)) is amended in each of paragraphs (1), (5)(D), and (6)(A) by striking "National" and inserting "Dwight D. Eisenhower".

(f) LONGER COMBINATION VEHICLE DEFINED.—Section 4007(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2153) is amended by striking "National" and inserting "Dwight D. Eisenhower".

(g) COMMEMORATION.—Section 6012 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 2180–2181) is amended—

*(1) in the section heading by striking "**NATIONAL**"; and*

(2) in subsection (a) by striking "National".

SEC. 103. FEDERAL-AID SYSTEMS.

(a) NATIONAL HIGHWAY SYSTEM.—Section 103(b)(4) of title 23, United States Code, is amended by inserting "and all corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991" after "by the States".

(b) INTERSTATE SYSTEM.—Section 103(e)(1) of such title is amended by striking the next to the last sentence.

(c) SUBSTITUTE PROJECTS.—Section 103(e)(4) of such title is amended—

(1) in the last sentence of subparagraph (B) by striking "projects on the Federal-aid secondary system" and inserting "surface transportation program projects";

(2) in subparagraph (G) by inserting "and" before "$240,000,000"; and

(3) in subparagraph (J)(i) by inserting a comma after "October 1, 1991".

SEC. 104. APPORTIONMENT.

(a) SET-ASIDE.—Section 104(a) of title 23, United States Code, is amended—

(1) by striking "for the Federal-aid systems" and inserting "for this chapter"; and

(2) by striking "upon the Federal-aid systems" and inserting "under this chapter".

(b) CROSS REFERENCE TO INTERSTATE CONSTRUCTION PERIOD OF AVAILABILITY.—Section 104(b)(5)(A) of such title is amended by striking "118(b)(2)" and inserting "118(b)(1)".

(c) TECHNICAL AMENDMENT.—Section 104(b)(5)(B) of such title is amended by striking the comma following "1984" each place it appears.

(d) REPEAL OF URBAN SYSTEM APPORTIONMENT.—Section 104(b)(6) of such title is repealed.

(e) PLANNING SET ASIDE.—Section 104(f)(3) of such title is amended by striking "(j)".

(f) TRANSFERABILITY AMONG SAFETY AND BRIDGE PROGRAMS.—Section 104(g) of such title is amended by striking "Not more than" and all that follows through "any other of such sections" the second place it appears and inserting the following: "Not more than 40 percent of the amount which is apportioned in any fiscal year to each State under section 144 or which is reserved for such fiscal year under section 133(d)(1) only for carrying out section 130 or 152 may be transferred from the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve the transfer of 100 percent of the apportionment under section 144 or one of the reservations under section 133(d)(1) to the apportionment or reservation under such other section".

SEC. 105. PROGRAMS OF PROJECTS.

(a) REPEAL OF REQUIREMENT.—Section 105 of title 23, United States Code, and the item relating to such section in the analysis for chapter 1 of such title are each repealed.

(b) CONFORMING AMENDMENTS.—Section 106(a) of such title is amended—

(1) by striking ", as soon as practicable after program approval,"; and

(2) by striking "included in an approved program".

(c) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—Section 1105(g)(7) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2036) is amended to read as follows:

"(7) PRIORITY FOR HIGH PRIORITY SEGMENTS OF CORRIDORS OF NATIONAL SIGNIFICANCE.—In selecting projects for inclusion in a plan or program under chapter 1 of title 23, United States Code, a State may give priority to high priority segments of corridors identified under subsection (c) of this section.".

SEC. 106. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.

(a) INTERSTATE SYSTEM.—Section 107(a)(2) of title 23, United States Code, is amended by striking "subsection (c)" and inserting "subsection (a)".

(b) APPORTIONED FUNDS.—Section 108(a) of such title is amended—

(1) by striking "on any Federal-aid highway" and inserting "for any project eligible for assistance under this chapter";

(2) by striking "on such highway" and inserting "on such project"; and

(3) by striking "a road" and inserting "the project".

(c) RIGHT-OF-WAY REVOLVING FUND FUNDS.—Section 108(c) of such title is amended—

(1) in paragraph (2) by striking "highways and passenger transit facilities on any Federal-aid system" and inserting "any project eligible for assistance under this chapter"; and

(2) in paragraph (3) by striking "such project for the actual construction" and all that follows through "Secretary" the last place it appears and inserting "actual construction of such project on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any funds apportioned under this chapter to the State in which such project is located and available for obligation for such projects and the State shall reimburse the Secretary".

(d) EARLY ACQUISITION.—Section 108(d)(2)(F) of such title is amended by striking "this Act" and inserting "this title".

SEC. 107. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (h) by striking "Federal-aid system" and inserting "Federal-aid highway"; and

(2) in subsection (q) by striking "under sections" and inserting "under section".

SEC. 108. LETTING OF CONTRACTS.

Section 112(f) of title 23, United States Code, relating to applicability to contracts for projects on the secondary system, is repealed.

SEC. 109. PREVAILING RATE OF WAGE.

Section 113 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highway projects on" and all that follows through "authorized under" and inserting "highway projects on Federal-aid highways authorized under";

(2) in subsection (a) by striking "upon the Federal-aid systems," and inserting "on Federal-aid highways,"; and

(3) in subsection (b) by striking "of the Federal-aid systems" and inserting "Federal-aid highway".

SEC. 110. CONSTRUCTION.

Section 114 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "highways or portions of highways located on a Federal-aid system" and inserting "Federal-aid highway or portion thereof";

(2) in subsection (b)(1) by striking "highways or portions of highways located on a Federal-aid system" and inserting "a Federal-aid highway or portion thereof"; and

(3) in subsection (b)(3) by striking "highways or portions of highways located on a Federal-aid system" and inserting "any Federal-aid highway or portion thereof".

SEC. 111. ADVANCE CONSTRUCTION.

(a) TECHNICAL AMENDMENTS.—Section 115 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "PLANS, SPECIFICATIONS," and inserting "PROJECT APPROVAL"; and

(2) in subsection (c) by striking "134," and the second comma after "144".

(b) ADVANCED PLANNING.—Notwithstanding any other provision of law, upon application of a State, the Secretary shall pay to the State the Federal share of the cost of transportation planning carried out (including transportation planning carried out by metropolitan planning organizations), after September 30, 1991, and before December 18, 1991, in accordance with all procedures and all requirements applicable to such planning under title 23, United States Code. Such payment shall be made to the State from funds apportioned to the State under such title and available for carrying out transportation planning.

SEC. 112. MAINTENANCE.

Section 116 of title 23, United States Code, is amended—

(1) by inserting "highway" before "project" the first place it appears in each of subsections (a) and (c);

(2) in subsection (a) by striking "no longer constitutes a part of a Federal-aid system" and inserting "is no longer a Federal-aid highway"; and

(3) in subsection (b) by striking "the Federal-aid secondary system" and inserting "a Federal-aid highway".

SEC. 113. CERTIFICATION ACCEPTANCE.

Section 117 of title 23, United States Code, is amended—

(1) in subsection (e) by striking "2000(d)" and inserting "2000d"; and

(2) by striking subsection (f), relating to discharge of the Secretary's responsibilities with respect to the secondary system.

SEC. 114. AVAILABILITY OF FUNDS.

(a) PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by striking "Interstate construction in a State" and inserting "completion of the Interstate System in a State"; and

(2) in the second sentence by inserting "for completion of the Interstate System" after "shall be allocated".

(b) SET ASIDE FOR INTERSTATE CONSTRUCTION PROJECTS.—Section 118(c)(1) of such title is amended by striking the period at the end of the first sentence and all that follows through the period at the end of the second sentence and inserting "for obligation at the discretion of the Secretary for projects to complete the Interstate System.".

(c) SET-ASIDE FOR 4R PROJECTS.—Section 118(c)(2) of such title is amended by inserting "of" after "$64,000,000 for each".

SEC. 115. FEDERAL SHARE.

(a) INTERSTATE SYSTEM PROJECTS.—Section 120(a) of title 23, United States Code, is amended by inserting before "including a project" the following: "including a project the cost for which is included in the 1991 interstate cost estimate and".

(b) SAFETY PROJECTS.—Section 120(c) of such title is amended by striking "for all the Federal-aid systems".

(c) EMERGENCY RELIEF.—The first sentence of section 120(e) of such title is amended—

(1) by striking "system, including" and inserting ", including a highway on";

(2) by striking "on a project on such system";

(3) by striking "and (c)" and inserting "and (b)"; and

(4) by striking "90 days" and inserting "180 days".

(d) PLANNING PROJECTS.—Section 120 of such title is amended by adding at the end the following new subsection:

"(j) PLANNING PROJECTS.—The Federal share payable on account of any project to be carried out with funds set aside under section 104(f) of this title shall be 80 percent of the costs thereof unless the Secretary determines that the interest of the Federal-aid highway program would best be served by decreasing or eliminating the non-Federal share of such costs.".

(e) CONFORMING AMENDMENT.—Section 208(2) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3338(2)) is amended by striking "section 120(a) of title 23, United States Code;".

SEC. 116. PAYMENT TO STATES FOR CONSTRUCTION.

Section 121 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "After" and inserting "Except as otherwise provided in this title, after"; and

(2) in subsection (c) by striking "Federal-aid system" and inserting "Federal-aid highway".

SEC. 117. RELOCATION OF UTILITY FACILITIES.

Section 123(a) of title 23, United States Code, is amended—

(1) by striking "on any Federal-aid system" and inserting "eligible for assistance under this chapter"; and

(2) by striking the last sentence.

SEC. 118. ADVANCES TO STATES.

Section 124(a) of title 23, United States Code, is amended by striking "projects on any of the Federal-aid systems, including the Interstate System, he" and inserting "a project eligible for assistance under this title, the Secretary".

SEC. 119. EMERGENCY RELIEF.

(a) TECHNICAL AMENDMENT.—The first sentence of section 125(b) of title 23, United States Code, is amended by striking all preceding "Provided" and inserting the following: "The Secretary may expend funds from the emergency fund herein authorized for projects for repair or reconstruction on Federal-aid highways in accordance with the provisions of this chapter:".

(b) CONFORMING AMENDMENTS.—Section 125(b) of such title is further amended—

(1) by striking "authorized" in the second sentence and all that follows through the period at the end of such sentence and inserting "authorized on Federal-aid highways."; and

(2) by striking "the Disaster Relief and Emergency Assistance Act (Public Law 93–288)" and inserting "The Robert T. Stafford Disaster Relief and Emergency Assistance Act".

SEC. 120. APPLICABILITY OF AXLE WEIGHT LIMITATIONS.

(a) WISCONSIN STATE ROUTE 78 AND UNITED STATES ROUTE 51.—Section 127 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(f) OPERATION OF CERTAIN SPECIALIZED HAULING VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—If the 104-mile portion of Wisconsin State Route 78 and United States Route 51 between Interstate Route 94 near Portage, Wisconsin, and Wisconsin State Route 29 south of Wausau, Wisconsin, is designated as part of the Interstate System under section 139(a) of title 23, United States Code, the single axle, tandem axle, gross vehicle weight, and bridge formula limits set forth in subsection (a) shall not apply to the operation on such 104-mile portion of any vehicle which could legally operate on such 104-mile portion before the date of the enactment of this subsection.".

(b) VEHICLE WEIGHT LIMITATIONS IN THE STATE OF OHIO.—

(1) REVIEW.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(2) WAIVER AUTHORITY.—If the Secretary of Transportation determines, on the basis of the review conducted under paragraph (1), that it is in the public interest, the Secretary may waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, and of the State certification requirements of sections 141(b) and 141(c) of such title, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(3) MORATORIUM ON WITHHOLDING OF FUNDS.—Until the Secretary of Transportation makes a determination relating to the public interest under paragraph (2), the Secretary shall not withhold funds under section 127(a) or 141(c) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section with respect to short wheel-base vehicles.

(c) TECHNICAL AMENDMENTS.—Section 127 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "118(b)(1)" and inserting "118(b)(2)"; and

(2) in subsection (d)(1)(E) by striking "July 5, 1991" and inserting "July 6, 1991".

SEC. 121. TOLL ROADS.

(a) USE OF REVENUES.—Section 129(a)(3) of title 23, United States Code, is amended by striking "all toll revenues received" and all that follows through the period at the end of the first sentence and inserting the following: "toll revenues received from operation of the toll facility will be used for financing and any other obligations in respect of the facility, for reserves, for reasonable return to investors financing the project (as determined by the State), and for the costs necessary for the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation.".

(b) REFERENCE TO FEDERAL-AID HIGHWAYS.—The last sentence of section 129(a)(4) of such title is amended by striking "the Federal-aid system" and inserting "Federal-aid highways".

(c) LOANS.—Section 129(a)(7) of such title is amended—

(1) by inserting "or commit to loan" after "loan" the first place it appears;

(2) by striking "agency" each place it appears and inserting "entity";

(3) by inserting after "constructing" the first place it appears "or proposing to construct";

(4) by striking "all Federal environmental requirements have been complied with and permits obtained" and inserting "the National Environmental Policy Act of 1969 has been complied with";

(5) by inserting "to a private entity" after "Any such loan";

(6) by inserting after the fifth sentence the following new sentence: "Any such loan to a public entity shall bear interest at such rate as the State determines appropriate."; and

(7) by striking "the time the loan was obligated" and inserting "the date of the initial funding of the loan".

(d) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of such title is amended—

(1) in the first sentence of subsection (b) by striking "the route of which" and all that follows through the period at the end of such sentence and inserting "the route of which has been classified as a public road and has not been designated as a route on the Interstate System."; and

(2) in subsection (c)(4) by striking "and" preceding "repair".

(e) PILOT PROGRAM.—Section 129(d) of such title is amended—

(1) in each of paragraphs (1) and (3) by striking "7" and inserting "9";

(2) in paragraph (3) by striking "State of Pennsylvania" each place it appears and inserting "States of Pennsylvania and West Virginia"; and

(3) in paragraph (3) by inserting "the" before "State of Georgia".

(f) TREATMENT OF CENTENNIAL BRIDGE, ROCK ISLAND, ILLINOIS, AGREEMENT.—For purposes of section 129(a)(6) of title 23, United States Code, the agreement concerning the Centennial Bridge, Rock Island, Illinois, entered into under the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa", approved March 18, 1938 (52 Stat. 110), shall be treated as if such agreement had been entered into under section 129 of title 23, United States Code, as in effect on December 17, 1991, and may be modified accordingly.

(g) TREATMENT OF I–95 AND PENNSYLVANIA TURNPIKE.—For purposes of section 129 of title 23, United States Code, the project for construction of an interchange between Interstate Route 95 and the Pennsylvania Turnpike shall be treated as a reconstruction project described in section 129(a)(1)(B) of such title.

SEC. 122. RAIL-HIGHWAY CROSSINGS.

Section 130 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "Except as provided in subsection (d) of" and inserting "Subject to";

(2) in subsection (a) by striking "entire" each place it appears;

(3) in subsection (a) by striking "except as provided in subsection (d) of" and inserting "subject to";

(4) in subsection (e) by striking "authorized for and";

(5) in subsection (e) by striking the last sentence;

(6) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(7) in subsection (f) as so redesignated by striking "railroad highway" and inserting "railroad-highway".

SEC. 123. SURFACE TRANSPORTATION PROGRAM.

(a) STATE CERTIFICATION.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "subsections (b) (3) and (4)" and inserting "subsections (b)(3) and (b)(4)";

(2) in subsection (d)(3)(B) by striking "tobe" and inserting "to be"; and

(3) in subsection (e)(2) by inserting after "each State" the following: "or the designated transportation authority of the State".

(b) TECHNICAL AMENDMENT.—Section 1007(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1930) is amended—

(1) by striking "104(b)(3)" and inserting "104(b)"; and

(2) by striking "to read as follows" and inserting "by inserting after paragraph (2) the following new paragraph".

SEC. 124. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 134 of title 23, United States Code, is amended—

(1) in each of subsections (b)(2), (b)(3), and (h)(4) by striking "the date of the enactment of this section" and inserting "December 18, 1991";

(2) in each of subsections (b)(3)(B) and (g)(2)(B) by striking "long-range" and inserting "long range";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B); and

(5) in subsection (k) by striking "the Federal-Aid Highway Act of 1991" and inserting "this title".

(b) FACTORS TO BE CONSIDERED.—Section 134(f) of such title is amended by adding at the end the following new paragraph:

"(16) Recreational travel and tourism.".

(c) TRANSFER OF FUNDS.—Section 134(k) of such title is amended by striking the last sentence.

(d) CONFORMING CHAPTER ANALYSIS AMENDMENT.—The analysis for chapter 1 of such title is amended by striking

"134. Transportation planning in certain urban areas."

and inserting

"134. Metropolitan planning.".

SEC. 125. STATEWIDE PLANNING.

Section 135 of title 23, United States Code, is amended—

(1) in subsection (c) by striking paragraph (1) and inserting the following new paragraph:

"(1) The transportation needs identified through use of the management systems required by section 303 of this title.";

(2) in subsection (c)(5) by inserting after "nonmetropolitan areas" the following: ", including the identification of a rural priority local road and bridge system,";

(3) in subsection (c) by striking paragraph (15) and redesignating paragraphs (16) through (20) as paragraphs (15) through (19), respectively;

(4) in subsection (c)(18), as so redesignated, by striking "commercial motor vehicles" and inserting "passengers and freight";

(5) in subsection (d)(3) by striking "concerns" and inserting "transportation needs";

(6) in each of subsections (e) and (f)(1) by inserting "Indian tribal governments," after "private providers of transportation,"; and

(7) in subsection (h)—

(A) by striking "United States Code," and inserting "other Federal laws, and";

(B) by striking "this Act" and inserting "this title"; and

(C) by striking "or section 8 of such Act," and inserting "of this title, or section 8 of the Federal Transit Act,".

SEC. 126. CONTROL OF JUNKYARDS.

(a) STRICTER STATE STANDARDS.—Section 136(l) of title 23, United States Code, is amended by striking "the Federal-aid highway systems" and inserting "Federal-aid highways".

(b) PRIMARY SYSTEM DEFINED.—Section 136 of such title is amended by adding at the end the following new subsection:

"(n) PRIMARY SYSTEM DEFINED.—For purposes of this section, the term 'primary system' means the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.".

SEC. 127. NONDISCRIMINATION.

(a) STATE ASSURANCES.—Section 140(a) of title 23, United States Code, is amended by striking "any of the Federal-aid systems" and inserting "Federal-aid highways".

(b) TRAINING.—Section 140(b) of such title is amended—

(1) by inserting "operator of a Youth Corps center," after "nonprofit),";

(2) by striking "for the surface transportation program"; and

(3) by striking "the bridge program".

SEC. 128. ENFORCEMENT OF REQUIREMENTS.

Section 141(b) of title 23, United States Code, is amended by striking "the Federal-aid primary system" and all that follows through "including" and inserting "Federal-aid highways, including highways on".

SEC. 129. AVAILABILITY OF RIGHTS-OF-WAY.

Section 142 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "the surface" and inserting "surface"; and

(2) in subsection (f) by striking "exits" and inserting "exists".

SEC. 130. HIGHWAY BRIDGE PROGRAM.

(a) SET ASIDES.—Section 144(g) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking "103" and inserting "1003";

(2) in paragraph (3) by striking "OFF-SYSTEM BRIDGES" and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(3) in paragraph (3) by striking ", other than those on a Federal-aid system" and inserting "that are functionally classified as local or rural minor collectors"; and

(4) in paragraph (3) by striking "bridges not on a Federal-aid system" and inserting "such bridges".

(b) CROSS REFERENCE.—Section 144(i) of such title is amended by striking "307(e)" and inserting "307(h)".

(c) CONTINUATION OF EXISTING BRIDGE APPORTIONMENT CRITERIA.—The criteria for apportionment of funds used by the Department of Transportation under section 144 of title 23, United States Code, as in effect on September 30, 1991, shall remain in effect until September 30, 1997, or until changed by law, whichever occurs first.

SEC. 131. GREAT RIVER ROAD.

Section 148(a)(1) of title 23, United States Code, is amended by striking "centers of the State" and inserting "centers of the States".

SEC. 132. HAZARD ELIMINATION PROGRAM.

Section 152 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "authorized" and inserting "available"; and

(2) by striking subsections (d) and (e) and redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f), respectively.

SEC. 133. USE OF SAFETY BELTS AND MOTORCYCLE HELMETS.

(a) REFERENCE TO DATE OF ENACTMENT.—Section 153 of title 23, United States Code, is amended—

(1) in subsection (c) by striking "the date of the enactment of this section" and inserting "December 31, 1991"; and

(2) in subsection (i)(3) by striking "the date of the enactment of this section" and inserting "December 31, 1991,".

(b) ELIGIBILITY FOR GRANTS.—Section 153(f)(2) of such title is amended by striking "at all times" each place it appears.

(c) PENALTIES.—Section 153(h) of such title is amended—

(1) in paragraph (1) by striking "at any time in" and inserting "by the last day of";

(2) in paragraph (2) by inserting "by the last day of fiscal year 1995 or" after "If,";

(3) in paragraph (2) by striking "1994," and inserting "1995,"; and

(4) in paragraph (4)(A) by striking "under section 402" and inserting "by this subsection".

(d) DEFINITIONS.—Section 153(i) of such title is amended by adding at the end the following new paragraph:

"(5) STATE.—The term 'State' has the meaning such term has under chapter 4 of this title.".

SEC. 134. NATIONAL MAXIMUM SPEED LIMIT.

(a) EXISTING PROGRAM.—Section 154(a)(1) of title 23, United States Code, is amended by striking "on the Interstate System" and all that follows through "or more" and inserting "described in clause (2) or (3) of this subsection".

(b) NEW PROGRAM.—Section 1029 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1968–1970) is amended—

(1) in subsection (c)(1)(A) by inserting "of a State" after "apportionments";

(2) in subsection (c)(1)(A) by striking "if a State" and inserting "to the apportionment of the State under section 402 of such title if the State";

(3) in subsection (c) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) of subsection (c) the following new paragraph:

"(2) LIMITATION ON USE OF FUNDS.—

"(A) GENERAL RULE.—A State must obligate at least 50 percent of its funds transferred pursuant to this subsection for a fiscal year for speed limit enforcement and public information and education.

"(B) WAIVER.—Upon request of a State, the Secretary may waive the requirement of subparagraph (A) for any fiscal year if in the preceding fiscal year the State was in compliance with the speed limit requirements established pursuant to paragraph (1).".

SEC. 135. MINIMUM ALLOCATION.

Section 157 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking "118(b)(2)" and inserting "118(b)(1)";

(2) in subsection (a)(3)(A) by striking "year 1989" and inserting "years 1989"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 136. NATIONAL MINIMUM DRINKING AGE.

Section 158 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "104(b)(5), and 104(b)(6)" each place it appears and inserting "104(b)(3), and 104(b)(5)";

(2) in subsection (b)(1)(A)(iii) by striking "104(b)(6)" and inserting "104(b)(3)";

(3) in subsection (b)(3)(B) by striking "104(b)(5)(B), or 104(b)(6)" and inserting "104(b)(3), or 104(b)(5)(B)"; and

(4) in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 137. REVOCATION OF DRIVERS' LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.

Section 159 of title 23, United States Code, is amended in each of subsections (b)(3) and (b)(4) by striking "118(b)" and inserting "118".

SEC. 138. REIMBURSEMENT FOR SEGMENTS OF INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.

Section 160 of title 23, United States Code, is amended—

(1) in subsection (b) by striking "The amount" and inserting "Subject to subsection (g), the amount"; and

(2) by adding at the end the following new subsection:

"(g) PUERTO RICO.—Notwithstanding any other provision of this section, Puerto Rico shall receive in a fiscal year ½ of 1 percent of the amounts appropriated pursuant to subsection (f) for such fiscal year. No State (including the District of Columbia) which has a reimbursement percentage in the table contained in subsection (c) of 0.50 shall have its reimbursement amount in fiscal years 1996 and 1997 reduced as a result of the enactment of the preceding sentence.".

SEC. 139. FEDERAL LANDS HIGHWAY PROGRAM.

(a) PUBLIC LANDS HIGHWAYS ALLOCATION.—Section 202(b) of title 23, United States Code, is amended by striking "66 percent of the remainder" and inserting "the remaining 66 percent".

(b) AVAILABILITY OF FUNDS.—Section 203 of such title is amended by striking the comma preceding "forest development" each place it appears.

(c) PURPOSES FOR WHICH FUNDS MAY BE USED.—Section 204(b) of such title is amended—

(1) by striking "construction and improvement" each place it appears and inserting "planning, research, engineering, and construction"; and

(2) by striking "construction or improvement" and inserting "planning, research, engineering, or construction".

(d) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS.—Section 204(c) of such title is amended by inserting "of" after "15 percent".

(e) OBLIGATION OF FUNDS.—Section 204 of such title is amended by adding at the end the following new subsection:

"(k) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, funds available for Federal lands highway programs shall be treated as obligated if—

"(1) the Secretary authorizes engineering and related work for a particular project; or

"(2) the Secretary approves plans, specifications, and estimates for procurement of construction under section 106 or 117 of this title.".

(f) REFERENCE TO PARK ROADS.—Section 1003(a)(6)(C) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) by striking "HIGHWAYS" in the subparagraph heading and inserting "ROADS"; and

(2) by striking "highways" the place it appears preceding "$69,000,000" and inserting "roads".

(g) TECHNICAL AMENDMENT.—Section 1032(b)(2) (A) of such Act (105 Stat. 1974) is amended by striking "improvements" and inserting "improvement".

SEC. 140. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAY.

Section 217 of title 23, United States Code, is amended—

(1) in subsection (b) by inserting "pedestrian walkways and" before "bicycle transportation facilities";

(2) in subsection (f) by striking "and the Federal share" and all that follows through "80 percent";

(3) by redesignating subsection (j) as subsection (k); and

(4) by inserting after subsection (i) the following new subsection:

"(j) INCLUSION OF PEDESTRIAN WALKWAYS AND BICYCLE TRANSPORTATION FACILITIES IN PLANNING.—

"(1) GENERAL RULE.—The Secretary may not approve under this chapter a highway project for new construction or reconstruction within the boundaries of a State along which a pedestrian walkway or bicycle transportation facility is required to be included under the State's transportation improvement plan developed under section 135 unless such pedestrian walkway or bicycle transportation facility is part of such highway project.

"(2) EXCEPTION.—The Secretary does not have to approve a project for construction of a pedestrian walkway or bicycle transportation facility under paragraph (1)—

"(A) if the Secretary determines that such construction is not feasible or that use of the walkway or facility would pose a safety risk to pedestrians or bicyclists, as the case may be; or

"(B) the Secretary determines that there will be no substantial transportation or recreation benefit resulting from the project.".

SEC. 141. STATE HIGHWAY DEPARTMENT.

Section 302(b) of title 23, United States Code, is amended by striking "on the Federal-aid secondary system, financed with secondary funds," and inserting "not on the National Highway System".

SEC. 142. MANAGEMENT SYSTEMS.

Section 303 of title 23, United States Code, is amended in each of subsections (a) and (b) by striking "1 year after the date of the enactment of this section" and inserting "December 18, 1992".

SEC. 143. STATE PLANNING AND RESEARCH.

Section 307 of title 23, United States Code, is amended—

(1) in subsection (c)(1) by striking "104" and inserting "104(b)";

(2) in subsection (e)(3)(C) by striking "climactic" and inserting "climatic";

(3) in subsection (e)(13) by striking the quotation marks preceding "$35,000,000";

(4) in subsection (f)(2) by striking "section" the first place it appears and inserting "paragraph";

(5) in the heading to subsection (f)(3) by inserting "EARTHQUAKE" after "NATIONAL"; and

(6) in subsection (f)(3) by inserting "Earthquake" after "National".

SEC. 144. APPROPRIATION FOR HIGHWAY PURPOSES OF FEDERAL LANDS.

Section 317(d) of title 23, United States Code, is amended by striking "system" and inserting "highway".

SEC. 145. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

Section 325(a)(5) of title 23, United States Code, is amended by striking "the date of the enactment of this section" and inserting "December 18, 1991".

SEC. 146. HIGHWAY SAFETY PROGRAMS.

(a) ESTABLISHMENT OF PROGRAMS.—Section 402(a) of title 23, United States Code, is amended—

(1) by striking "section 4007" and inserting "section 4004"; and

(2) by striking "performance criteria" and inserting "performance goals".

(b) ADMINISTRATIVE REQUIREMENTS.—Section 402(b) of such title is amended—

(1) in paragraph (1) by striking the period at the end of each of subparagraphs (A) and (B) and inserting a semicolon;

(2) in paragraph (1)(C) by inserting ", including Indian tribal governments," after "subdivisions of such State";

(3) in paragraph (1)(C) by striking the period at the end and inserting "; and";

(4) by striking paragraph (1)(E); and

(5) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3).

(c) APPORTIONMENT OF FUNDS.—Section 402(c) of such title is amended by striking the 8th sentence.

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) of such title is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of the application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding the provisions of subsection (b)(1)(C), 95 percent of the funds transferred to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The provisions of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—For the purposes of this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCESS.—Section 402(j) of such title is amended to read as follows:

"(j) RULEMAKING PROCESS.—The Secretary may from time to time conduct a rulemaking process to determine those highway safety programs that are most effective in reducing traffic accidents, injuries, and deaths. Any rule under this subsection shall be promulgated taking into account consideration of the views of the States having a major role in establishing such programs. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing traffic accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.".

(f) RECORDKEEPING SYSTEM.—Section 402 of such title is amended by striking subsection (k).

SEC. 147. NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE.

Section 404(d) of title 23, United States Code, is amended by striking "Commerce" and inserting "Transportation".

SEC. 148. ALCOHOL-IMPAIRED DRIVING COUNTER MEASURES.

Section 410(d)(1)(E) of title 23, United States Code, is amended by striking "the date of enactment of this section" and inserting "December 18, 1991".

SEC. 149. PUBLIC TRANSIT FACILITIES.

Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking "this Act" each place it appears and inserting "the Department of Transportation and Related Agencies Appropriations Act, 1993".

SEC. 150. USE OF RECYCLED PAVING MATERIAL.

Section 1038(e) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 109 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'State' has the meaning such term has under section 101 of title 23, United States Code.".

SEC. 151. WORK ZONE SAFETY.

Section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 401 note) is amended—

(1) by inserting "technologies and services," after "appurtenances,";

(2) by inserting "training," after "traffic control plans,"; and

(3) by adding at the end the following new sentence: "The Secretary shall annually review, and provide to State and local governments, information and recommendations concerning safety practices that can enhance safety at highway construction sites, including information relating to new safety technologies, services, traffic control plans, training, and work zone-related bidding practices.".

SEC. 152. HIGH COST BRIDGE PROJECT.

The table contained in section 1103(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027–2028) is amended in item number 5, relating to Gloucester Point, Virginia, by inserting after "York River" the following: "and for repair; strengthening, and rehabilitation of the existing bridge".

SEC. 153. CONGESTION RELIEF PROJECT.

The table contained in section 1104(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2029–2031) is amended—

(1) in item number 10, relating to San Diego, California, by striking "1 block of Cut and Cover Tunnel on Rt. 15" and inserting "bridge decking on Route 15"; and

(2) in item number 43, relating to West Virginia, by striking "Coal Fields" and inserting "Coalfields".

SEC. 154. HIGH PRIORITY CORRIDORS ON NATIONAL HIGHWAY SYSTEM.

(a) EAST-WEST TRANSAMERICA CORRIDOR.—Section 1105(c)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including (A) a Kentucky corridor centered on the cities of Paducah, Benton, Hopkinsville, Bowling Green, Columbia, Somerset, London, Hazard, Jenkins, and Pikeville, Kentucky, to Williamson, West Virginia, and (B) a West Virginia corridor from Williamson to the vicinity of Welch, West Virginia, sharing a common corridor with the Interstate Route I–73/74 corridor (referred to in item 12 of the table contained in subsection (f)), and from the vicinity of Welch to Beckley, West Virginia, as part of the Coalfields Expressway described in section 1069(v)".

(b) INDIANAPOLIS TO HOUSTON CORRIDOR.—Section 1105(c)(18) of such Act (105 Stat. 2032) is amended by inserting before the period at the end the following: ", including a Kentucky corridor centered on the cities of Henderson, Sturgis, Smithland, Paducah, Bardwell, and Hickman, Kentucky".

SEC. 155. HIGH PRIORITY CORRIDOR PROJECT.

The table contained in section 1105(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033–2035) is amended in item number 26, relating to Indiana, Kentucky, Tennessee, by striking "Newberry" and inserting "Evansville".

SEC. 156. RURAL ACCESS PROJECTS.

The table contained in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2037–2042) is amended—

(1) in item number 34, relating to Illinois, by striking "Resurfacing" and all that follows through "Omaha" and inserting "Bel-Air Road improvement from south of Carmi to State Route 141 in southeastern White County";

(2) in item number 52, relating to Bedford Springs, Pennsylvania, by striking "and Huntington" and inserting "Cambria, Franklin, and Huntingdon";

(3) in item number 61, relating to Lubbock, Texas, by striking "with" and inserting "with Interstate 10 through";

(4) in item number 75, relating to Pennsylvania, by striking "Widen" and all that follows through "lanes" and inserting "Road improvements on a 14-mile segment of U.S. Route 15 in Lycoming County, Pennsylvania";

(5) in item number 92, relating to Ohio, by striking "Minerva, Ohio" and insert "Lisbon, Ohio";

(6) in item number 93, relating to New Mexico, by striking "Raton-Clayton Rd., Clayton, New Mexico" and inserting "U.S. Rt. 64/87 from Raton, New Mexico, through Clayton to the Texas-New Mexico State line"; and

(7) in item number 111, relating to Parker County, Texas (SH199)—

(A) by striking "Parker County" and inserting "Parker and Tarrant Counties"; and

(B) by striking "to four-" and inserting "in Tarrant County, to freeway standards and in Parker County to a 4-".

SEC. 157. URBAN ACCESS AND MOBILITY PROJECTS.

The table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2043–2047) is amended—

(1) in item number 13, relating to Joliet, Illinois, by striking "and construction and interchange at Houbolt Road and I–80"; and

(2) in item number 36, relating to Compton, California, by striking "For a grade" and all that follows through "Corridor" and inserting "For grade separations and other improvements in the city of Compton, California".

SEC. 158. INNOVATIVE PROJECTS.

The table contained in section 1107(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2048–2059) is amended—

(1) in item number 29, relating to Blacksburg, Virginia, by inserting "methods of facilitating public and private participation in" after "demonstrate";

(2) in item number 35, relating to Alabama, by striking "to bypass" and all that follows through "I–85" and inserting "beginning on U.S. Route 80 west of Montgomery, Alabama, and connecting to I–65 south of Montgomery and I–85 east of Montgomery";

(3) in item number 52, relating to Pennsylvania, by striking "off Interstate" and all that follows through "Mountaintop," and inserting "and highway improvements off Interstate 81 between Pittston and Hazleton,";

(4) in item number 61, relating to Mojave, California, by striking "Mojave" and inserting "Victorville" and by inserting "Mojave" after "reconstruct";

(5) in item number 100, relating to Arkansas, by striking "Thornton" and inserting "Little Rock";

(6) in item number 113, relating to Durham County, North Carolina, by inserting after "Route 147" the following: ", including the interchange at I–85"; and

(7) in item number 114, relating to Corpus Christi to Angleton, Texas, by striking "Construct new multi-lane freeway" and inserting "Construct a 4-lane divided highway".

SEC. 159. INTERMODAL PROJECT.

The table contained in section 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2060–2063) is amended in item number 9, relating to E. Haven/Wallingford, Connecticut—

(1) by striking "$8.8" and inserting "$7.5";

(2) by striking "$2.4" and inserting "$2.0"; and

(3) by striking "$0.7" and inserting "$0.6".

SEC. 160. MISCELLANEOUS INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT AMENDMENTS.

(a) CROSS REFERENCE IN HIGHWAY USE TAX EVASION PROGRAM.—Section 1040(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "(e)" and inserting "(f)".

(b) REPORT TO CONGRESS ON QUALITY IMPROVEMENT.—Section 1043(b) of such Act (105 Stat. 1993) is amended by inserting "General" after "Comptroller".

(c) PERIOD OF AVAILABILITY OF FUNDS FOR MISCELLANEOUS PROJECTS.—Section 1069 of such Act is amended—

(1) by striking the last sentence of subsection (y); and

(2) by adding at the end the following new subsection:

"(ii) PERIOD OF AVAILABILITY.—Funds provided to carry out this section shall remain available until expended.".

(d) FINAL RULE FOR ROADSIDE BARRIERS AND SAFETY APPURTENANCES.—Section 1073(b) of such Act (105 Stat. 2012) is amended by striking "1 year" and inserting "2 years".

(e) INTERSTATE STUDY COMMISSION.—Section 1099 of such Act (105 Stat. 2026) is amended—

(1) by striking "bill" and inserting "Act";

(2) by striking "passage of this legislation" and inserting "the enactment of this Act";

(3) by inserting after "Columbia" the second place it appears the following: "appointed by the Governors of the States of Maryland and Virginia and the Mayor of the District of Columbia, respectively"; and

(4) by striking "appointed by the Governors and the Mayor" and inserting ", 1 each for Maryland, Virginia, and the District of Columbia appointed by the Governors and the Mayor, respectively".

(f) DRUG RECOGNITION EXPERT TRAINING PROGRAM.—Section 2006(b) of such Act (23 U.S.C. 403 note; 105 Stat. 2080) is amended by inserting "Federal" before "Advisory".

(g) APPLICABILITY OF OBLIGATION CEILING TO CERTAIN HIGHWAY SAFETY PROGRAMS.—Section 2009 of such Act (105 Stat. 2080) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking "211(b)" the first place it appears and inserting "211";

(3) by striking "102" and inserting "1002"; and

(4) by striking subsection (b).

SEC. 161. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

In administering section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991, the limitation on annual gross receipts of a small business concern set forth in paragraph (2)(A) of such section shall be the only limitation on annual gross receipts which applies to small business concerns.

SEC. 162. AMENDMENTS TO SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987.

(a) NEW RIVER, WEST VIRGINIA.—Section 149(a)(62) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 191) is amended by striking "in the vicinity of" and inserting "on the west side of".

(b) BURBANK-GLENDALE-PASADENA AIRPORT, CALIFORNIA.—Section 149(a)(69) of such Act (101 Stat. 191) is amended—

(1) in the first sentence by striking "highway";

(2) in the first sentence by striking "and construction of terminal and parking facilities at such airport"; and

(3) by striking "by making" in the second sentence and all that follows through the period at the end of such sentence and inserting: "by preparing a feasibility study and conducting preliminary engineering, design, and construction of a link between such airport and the commuter rail system that is being developed by the Los Angeles County Metropolitan Transportation Authority.".

SEC. 163. FREEWAY SERVICE PATROLS.

(a) GENERAL RULE.—Except to the extent that the Secretary shall find that it is not feasible, any funds expended in a fiscal year directly or indirectly for freeway service patrols from amounts made available to a State under titles I and III of the Intermodal Surface Transportation Efficiency Act of 1991 shall be expended with privately owned or privately operated business concerns. The preceding sentence shall not apply to any publicly owned or operated freeway service patrol that was in operation before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term "freeway service patrol" means automotive road service vehicles and automotive towing vehicles operated in a continuous, dedicated service as part of an incident management program.

SEC. 164. PAN AMERICAN HIGHWAY.

(a) STUDY.—The Secretary shall conduct a study on the adequacy of and the need for improvements to the Pan American Highway.

(b) ELEMENTS.—The study to be conducted under subsection (a) shall at a minimum include the following elements:

(1) Findings on the benefits of constructing a highway at Darien Gap, Panama and Colombia.

(2) Recommendations for a self-financing arrangement for completion and maintenance of the Pan American Highway.

(3) Recommendations for establishing a Pan American highway authority to monitor financing, construction, maintenance, and operations of the Pan American Highway.

(4) Findings on the benefits to trade and prosperity of a more efficient Pan American Highway.

(5) Findings on the benefits to United States industry through the use of United States technology and equipment in construction of improvements to the Pan American Highway.

(6) Findings on environmental considerations, including environmental considerations relating to the Darien Gap.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

TITLE II—FEDERAL TRANSIT PROGRAMS

SEC. 201. SECTION 3 PROGRAM AMENDMENTS.

(a) LETTERS OF INTENT.—Section 3(a)(4)(E) of the Federal Transit Act (49 U.S.C. App. 1602(a)(4)(E)) is amended—

(1) in the first sentence by striking "letters of intent" and all that follows through "shall not exceed the" and inserting "letters of intent, early systems work agreements, and full funding grant agreements shall not exceed the"; and

(2) in the second sentence by striking "new letters issued" and all that follows through "shall not exceed any" and inserting "new letters issued and contingent commitments included in early systems work agreements and full funding agreements shall not exceed any".

(b) ASSURED TIMETABLE FOR FINAL DESIGN STAGE.—Section 3(a)(6)(C) of the Federal Transit Act (49 U.S.C. App. 1602(a)(6)(C)) is amended by inserting before the period at the end the following: "or, if an environmental impact statement is not required for such project, the date of completion of an environmental assessment for such project or of a finding of no significant impact".

(c) RAIL MODERNIZATION.—Section 3(h) of such Act is amended in paragraph (6) by striking "paragraph" and inserting "subsection".

(d) NONAPPLICABILITY.—Section 3(i)(5)(C) of such Act is amended by striking "the Federal-Aid Highway Act of 1991" and inserting the following: "title 23, United States Code,".

(e) TRANSITIONAL PROVISION FOR PROGRAMS OF INTERRELATED PROJECTS.—Section 3011(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (49 U.S.C. App. 1602 note; 105 Stat. 2098) is amended by inserting after "interrelated projects" the following: "but excluding any project for which a timetable for project review or for Federal funding is provided for by a provision of law other than section 3(a)(6) of the Federal Transit Act and for which such timetable is different than the timetable established by such section".

(f) CONFORMING AMENDMENTS.—Section 3007 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2091) is amended—

(1) in paragraph (5)(B) by striking the comma which precedes the closing quotation marks and the semicolon; and

(2) in paragraph (6) by striking the comma which precedes the closing quotation marks and the final period.

SEC. 202. METROPOLITAN PLANNING.

(a) TECHNICAL AMENDMENTS.—Section 8 of the Federal Transit Act (49 U.S.C. App. 1607) is amended—

(1) in subsection (f)(5) by inserting "of title 23, United States Code" after "133";

(2) in subsection (f)(9) by striking "of this title" and inserting "of such title";

(3) in subsection (f)(11) by inserting "passengers and" before "freight";

(4) in subsection (g)(5) by redesignating subparagraphs (i) and (ii) as subparagraphs (A) and (B), respectively;

(5) in subsection (i)(3) by striking "this title and the Federal Transit Act" and inserting "title 23, United States Code, and this Act";

(6) in subsection (i)(4) by striking "or pursuant to the Federal Transit" and inserting ", or pursuant to this";

(7) in subsection (i)(5) by inserting "of title 23, United States Code," after "section 134";

(8) in subsection (i)(5) by inserting "of such title" after "104(b)(3)";

(9) in subsection (i)(5) by inserting "of such title" after "133(d)(3)" each place it appears;

(10) in subsection (i)(5) by striking "the Federal Transit" the first 2 places it appears and inserting "this";

(11) in subsection (i)(5) by striking "section 8(o) of the Federal Transit Act" and inserting "subsection (o) of this section";

(12) in subsection (m)(1) by striking "or the Federal Transit" and inserting ", or this";

(13) in each of subsections (p)(2) and (p)(4) by striking "section 8" the first place it appears and inserting "this section";

(14) in subsection (p)(2) by striking "section 8 of this Act" and inserting "this section";

(15) in subsection (p)(3) by striking "subparagraph (B)" and inserting "paragraph (2)"; and

(16) in subsection (p)(5) by striking "paragraph" and inserting "section".

(b) FACTORS TO BE CONSIDERED.—Section 8(f) of such Act is amended by adding at the end the following new paragraph:

"(16) Recreational travel and tourism.".

(c) LONG RANGE PLAN.—Section 8(g)(2)(B) of such Act is amended by striking "long-range" and inserting "long range".

(d) TRANSFER OF FUNDS.—Section 8(k) of such Act is amended by striking the last sentence.

(e) NONATTAINMENT AREA REQUIREMENTS.—Section 8(l) of such Act is amended by striking "transit" and inserting "highway".

SEC. 203. FORMULA GRANT PROGRAM.

(a) TRANSIT SECURITY SYSTEMS.—Section 9(e)(3) of the Federal Transit Act (49 U.S.C. App. 1607a(e)(3)) is amended by inserting before "and any other" in the last sentence the following: "employing law enforcement or security personnel in areas within or adjacent to such systems;".

(b) LIMITATION ON FUNDING OF OPERATING ASSISTANCE.—Section 9(k)(2)(A) of such Act is amended by adding at the end the following new sentence: "If an urbanized area had a population under the 1980 decennial census of the United States of more than 1,000,000 and has a population under the 1990 decennial census of less than 1,000,000, the maximum percentage of funds which may be used for operating assistance for purposes of the first sentence shall be 90 percent of the amount of funds apportioned in fiscal year 1982 under such paragraphs (1)(A), (2)(A), and (3)(A) to such area.".

(c) GRANDFATHER OF CERTAIN URBANIZED AREAS.—Section 9(s)(2) of such Act is amended by striking "fiscal year 1993," and inserting "each of fiscal years 1993 and 1994,".

(d) FERRYBOAT OPERATIONS.—For purposes of calculating apportionments under section 9 of the Federal Transit Act for fiscal years beginning after September 30, 1993, 50 percent of the ferryboat revenue vehicle miles and 50 percent of the ferryboat route miles attributable to service provided to the city of Avalon, California, for which the operator receives public assistance shall be included in the calculation of "fixed guideway vehicle revenue miles" and "fixed guideway route miles" attributable to the Los Angeles urbanized area under sections 9(b)(2) and 15 of such Act.

SEC. 204. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 9B(a) of the Federal Transit Act (49 U.S.C. App. 1607a–2(a)) is amended by striking "subsections (b) and (c) of".

SEC. 205. GRANTS FOR RESEARCH AND TRAINING.

(a) NATIONAL CENTER.—Section 11(b)(10)(A) of the Federal Transit Act (49 U.S.C. 1607c(b)(10)(A)) is amended by striking "technology" and inserting "Technology".

(b) APPLICABILITY OF OBLIGATION CEILING TO FUNDING FOR UNIVERSITY TRANSPORTATION CENTERS.—Section 11(b)(12) of such Act is amended by striking "102" and inserting "1002".

(c) INTERNATIONAL INSTITUTE FOR SURFACE TRANSPORTATION POLICY STUDIES.—Section 11(c) of such Act is amended—

(1) in the heading to paragraph (1) by striking "INSTITUTE FOR NATIONAL" and inserting "INTERNATIONAL INSTITUTE FOR";

(2) in paragraph (1) by striking "an institute for national" and inserting "an international institute for";

(3) in paragraph (3) by striking "through the Institute for Transportation Research and Education and" and inserting a comma;

(4) in paragraph (3) by inserting a comma after "South Florida"; and

(5) in paragraph (6) by striking "through the Institute for Transportation Research and Education".

SEC. 206. GENERAL PROVISIONS.

(a) RAIL TRACKAGE RIGHTS AGREEMENTS.—Section 12(c)(1) of the Federal Transit Act (49 U.S.C. App. 1608(c)(1)) is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

(b) TECHNICAL AMENDMENT.—The first sentence of section 12(f)(1) of such Act is amended by striking "such State of local" and inserting "such State or local".

(c) TURNKEY SYSTEM PROJECT.—Section 12(l) of such Act is amended—

(1) in paragraph (1)(C) by striking "is" and inserting "may be"; and

(2) in paragraph (3) by striking "the date of the enactment of this Act" and inserting "the date of the enactment of the Intermodal Surface Transportaton Efficiency Act of 1991".

(d) SALE OF CAPITAL ASSETS.—Section 12 of such Act is further amended by adding at the end the following new subsection:

"(n) SALE OF CAPITAL ASSETS.—

"(1) IN GENERAL.—If a recipient of assistance under this Act determines that facilities and equipment and other assets (including land) acquired, in whole or in part, with such assistance are no longer needed for the purposes for which they were acquired, the Secretary shall authorize the sale of the assets with no further obligation to the Federal Government if the Secretary determines that—

"(A) there are no purposes eligible for assistance under this Act for which the asset should be used; and

"(B) the proceeds from the sale of the asset will be used by the recipient to procure items eligible for capital assistance under this Act.

"(2) RELATIONSHIP TO OTHER LAWS.—The provisions of this subsection shall be in addition to and not in lieu of any other provision of law governing use and disposition of facilities and equipment under an assistance agreement.".

SEC. 207. PERIOD OF AVAILABILITY AND REAPPORTIONMENT OF SECTION 16 FUNDS.

Section 16 of the Federal Transit Act (49 U.S.C. App. 1612) is amended—

(1) in subsection (b) by inserting "and" after the semicolon at the end of paragraph (1);

(2) in subsection (b) by striking "; and" at the end of paragraph (2) and inserting a period;

(3) in subsection (b) by striking paragraph (3) and inserting the following:

"Eligible capital expenses under this subsection may include, at the option of the recipient, the acquisition of transportation services under a contract, lease, or other arrangement.";

(4) in subsection (c)(4) by striking "the enactment of the Federal Transit Act" and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991";

(5) by adding at the end of subsection (c) the following new paragraph:

"(5) PERIOD OF AVAILABILITY.—Sums apportioned under this subsection shall be available for obligation by the State for a period of 2 years following the close of the fiscal year for which the sums are apportioned and any amounts remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.";

(6) in subsection (e) by striking "handicapped and elderly individuals" and inserting "elderly persons and persons with disabilities"; and

(7) in subsection (e) by striking "such individuals" and inserting "such persons".

SEC. 208. RURAL TRANSIT PROGRAM.

The second sentence of section 18(a) of the Federal Transit Act (49 U.S.C. App. 1614(a)) is amended by striking the final period.

SEC. 209. NONDISCRIMINATION.

Section 19 of the Federal Transit Act (49 U.S.C. App. 1615) is amended—

(1) by striking "(1)" each place it appears;

(2) by redesignating paragraphs (2), (3), (4) and (5) as subsections (b), (c), (d), and (e), respectively;

(3) in subsection (c) as so redesignated—

(A) by striking "(A)" and inserting "(1)";

(B) by striking "(B)" and inserting "(2)";

(C) by striking "paragraph (a)" and inserting "paragraph (1)";

(D) by striking "(i)" and inserting "(A)";

(E) by striking "(ii)" and inserting "(B)";

(F) by striking "(iii)" and inserting "(C)"; and

(G) by striking "(iv)" and inserting "(D)"; and

(4) in subsection (d) as so redesignated by striking "(a)(3)(B)(ii)" and inserting "(c)(2)(B)".

SEC. 210. AUTHORIZATIONS.

(a) FORMULA GRANT PROGRAM FROM TRUST FUND.—Section 21(a)(1) of the Federal Transit Act (49 U.S.C. App. 1617(a)(1)) is amended—

(1) by striking "8 9B," and inserting "6, 8, 9B, 10,"; and

(2) by inserting "20," after "18,".

(b) FORMULA GRANT PROGRAM FROM GENERAL FUND.—Section 21(a)(2) of such Act is amended—

(1) by striking "8 9," and inserting "6, 8, 9, 10,"; and

(2) by inserting "20," after "18,".

(c) SETASIDE FOR PLANNING, PROGRAMMING, AND RESEARCH.—Section 21(c) of such Act is amended—

(1) by inserting "beginning after September 30, 1992," after "each fiscal year";

(2) by striking "or appropriated" each place it appears;

(3) in paragraph (3) by striking "the State program under"; and

(4) in paragraph (4) by striking "the national program under".

(d) OTHER SETASIDES.—Section 21(d) of such Act is amended by striking "or appropriated" each place it appears.

(e) COMPLETION OF INTERSTATE TRANSFER TRANSIT PROJECTS.—Section 21(e) of such Act is amended by striking "$160,000,000" and all that follows through the period at the end and inserting "for fiscal years beginning after September 30, 1991, not to exceed $324,843,000. Such sums shall remain available until expended.".

SEC. 211. PROJECT MANAGEMENT OVERSIGHT.

Section 23 of the Federal Transit Act (49 U.S.C. App. 1619) is amended—

(1) in subsection (a) by striking "or 18" and inserting "and 18"; and

(2) in subsection (h) by striking "subsections (a) (1) through (5)" and inserting "subsection (a)".

SEC. 212. PLANNING AND RESEARCH PROGRAM.

(a) STATE PROGRAM.—Section 26(a) of the Federal Transit Act (49 U.S.C. App. 1622(a)) is amended to read as follows:

"(a) ALLOCATION OF PLANNING FUNDS.—

"(1) TRANSIT COOPERATIVE RESEARCH PROGRAM.—Fifty percent of the funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be available for the transit cooperative research program to be administered as follows:.

"(A) INDEPENDENT GOVERNING BOARD.—The Secretary shall establish an independent governing board for such program to recommend such transit research, development, and technology transfer activities as the Secretary deems appropriate.

"(B) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities as the Secretary determines are appropriate.

"(2) STATE PLANNING AND RESEARCH.—The remaining 50 percent of funds made available under sections 21(b)(3)(D) and 21(c)(3) shall be apportioned to the States for grants and contracts consistent with the purposes of sections 6, 8, 10, 11, and 20 of this Act in the ratio which the population in urbanized areas in each State bears to the total population in urbanized areas in all the States, as shown by the latest available decennial census, except that no State shall receive less than ½ of 1 percent of the amount apportioned under this subsection. In any case in which a statewide transit agency is responsible under State law for the financing, construction, and operation, directly, by lease, contract, or otherwise, of statewide public transportation services, such agency shall be the recipient for receiving and dispensing funds under this paragraph.

"(3) ALLOCATION WITHIN A STATE.—A State may authorize a portion of its funds made available under paragraph (2) to be used to supplement funds available under paragraph (1), as the State deems appropriate.".

(b) NATIONAL PROGRAM.—Section 26(b) of such Act is amended—

(1) in paragraph (1) by striking "section 21(c)(4)" and inserting "sections 21(b)(3)(E) and 21(c)(4)"; and

(2) in paragraph (2) by inserting "annually" after "$2,000,000".

(c) PILOT PROJECT.—Section 26(c)(4) of such Act is amended by striking "the date of the enactment of this Act" each place it appears and inserting "the date of the enactment of the Intermodal Surface Transportation Efficiency Act of 1991".

SEC. 213. NEEDS SURVEY AND TRANSFERABILITY STUDY.

Section 27(b) of the Federal Transit Act (49 U.S.C. App. 1623(b)) is amended—

(1) in paragraph (1) by striking "(3)";

(2) in paragraph (2) by striking "such sections" and inserting "section 9(j) of this Act"; and

(3) in paragraph (2) by striking "With" and inserting "with".

SEC. 214. STATE RESPONSIBILITY FOR RAIL FIXED GUIDEWAY SYSTEM.

Section 28 of the Federal Transit Act (49 U.S.C. App. 1624(b)) is amended—

(1) in the section heading by inserting **"RAIL"** before **"FIXED GUIDEWAY"**; and

(2) in subsection (b)(1) by inserting "rail" before "fixed guideway".

SEC. 215. NATIONAL TRANSIT INSTITUTE.

Section 29 of the Federal Transit Act (49 U.S.C. App. 1625) is amended in the heading to subsection (b) by striking "FUNDING" and inserting "TRAINING OF STATE AND LOCAL GOVERNMENT TRANSPORTATION PERSONNEL".

SEC. 216. INCREASED FEDERAL SHARE.

The Federal Transit Act (49 U.S.C. App. 1601–1625) is amended by adding at the end the following new section:

"SEC. 30. INCREASED FEDERAL SHARE.

"(a) STATES WITH LARGE AREAS OF INDIAN AND CERTAIN PUBLIC DOMAIN LANDS.—In the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in the State, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in the State is of its total area.

"(b) STATES WITH LARGE AREAS OF INDIAN AND PUBLIC DOMAIN LANDS AND NATIONAL FORESTS, PARKS, AND MONUMENTS.—In the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, the Federal share which, but for this subsection, would be applicable for any construction project under this Act shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area.

"(c) MAXIMUM SHARE.—Notwithstanding subsections (a) and (b) of this section, the Federal share for any construction project under this Act shall not exceed 95 percent of the total cost of such project.

"(d) GRANT RECIPIENT AGREEMENT.—In any case where a grant recipient elects to have the Federal share provided in subsection (b) of this section, the grant recipient must enter into an agreement with the Secretary covering a period of not less than 1 year, requiring grant recipient to use solely for purposes eligible for assistance (other than operating assistance) under this Act (other than paying its share of projects approved under this Act) during the period covered by such agreement the difference between the grant recipient's share as provided in subsection (b) and what its share would be if it elected to pay the share provided in subsection (a) for all projects subject to such agreement.".

SEC. 217. PERFORMANCE REPORTS ON MASS TRANSIT SYSTEMS.

Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "January 1994, January 1995, and January of each odd-numbered year thereafter".

SEC. 218. MISCELLANEOUS MULTIYEAR CONTRACTS.

(a) PORTLAND WESTSIDE LIGHT RAIL PROJECT.—Section 3035(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2129) is amended by inserting at the end the following: "The Hillsboro Extension to the Westside Light Rail Project shall be considered by the Federal Transit Administration as a single project extending from downtown Portland, Oregon, to downtown Hillsboro, Oregon, for the purposes of project review, evaluation, and approval of construction under section 3(i) of the Federal Transit Act and for the purpose of preparing a report under section 3(j) of such Act.".

(b) NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122–2123) is amended by inserting after "Hudson River Waterfront Transportation System" the following: "(including corridor connections to and within the city of Bayonne)".

(c) ADDITIONAL TRACKAGE RIGHTS AND RIGHT-OF-WAY PURCHASE FOR GILROY SERVICE.—Section 3035(h) of such Act (105 Stat. 2130) is amended—

(1) by striking "July 1, 1994" and inserting "September 30, 1996"; and

(2) by striking "August 1, 1994," and inserting "October 31, 1996,".

(d) DALLAS LIGHT RAIL PROJECT.—

(1) MULTIYEAR GRANT AGREEMENT.—Section 3035(i) of such Act (105 Stat. 2130) is amended—

(A) by striking "6.4 miles" and inserting "9.6 miles";

(B) by striking "10 stations" and inserting "not to exceed 14 stations";

(C) by striking "such light rail line" and inserting "the program of interrelated projects identified in section 3(a)(8)(C)(vii) of the Federal Transit Act"; and

(D) by striking "of such elements" and inserting "element of such program of interrelated projects".

(2) PROGRAM OF INTERRELATED PROJECTS.—Section 3(a)(8)(C)(vii) of the Federal Transit Act (49 U.S.C. App. 1602(a)(8)(C)(vii)) is amended by striking "Camp Wisdom" and inserting "Interstate Route 20, L.B.J. Freeway".

(e) SOUTH BOSTON.—Section 3035(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2130–2131) is amended—

(1) by inserting "the second place it appears" after "striking '—' "; and

(2) by adding at the end the following: "Funds made available for the South Boston Piers Transitway in fiscal year 1994 for alternatives analysis may also be used for construction.".

(f) KANSAS CITY LIGHT RAIL LINE.—Section 3035(k) of such Act (105 Stat. 2131) is amended by striking "$1,500,000 in fiscal year 1992, and $4,400,000 in fiscal year 1993" and inserting "$5,900,000".

(g) ORLANDO STREETCAR DOWNTOWN TROLLEY PROJECT.—Section 3035(l) of such Act (105 Stat. 2131) is amended by inserting after "engineering" the following: "and the initiation of final design, construction, land and equipment acquisition, and related activities".

(h) SAN DIEGO MID COAST FIXED GUIDEWAY PROJECT.—Section 3035(u) of such Act (105 Stat. 2132) is amended—

(1) in the subsection heading by striking "LIGHT RAIL" and inserting "FIXED GUIDEWAY"; and

(2) by striking "Light Rail" and inserting "Fixed Guideway".

(i) EUREKA SPRINGS, ARKANSAS.—Section 3035(z) of such Act (105 Stat. 2133) is amended by striking "1992" each place it appears and inserting "1994" and by striking "electrically powered bus" and inserting "alternatively fueled vehicle".

(j) BALTIMORE-CENTRAL LIGHT RAIL EXTENSION.—Section 3035(nn)(1) of such Act (105 Stat. 2134–2135) is amended by striking "as follows:

"(A) Not less than $30,000,000 for fiscal year 1993.

"(B) Not less than $30,000,000 for fiscal year 1994."

and inserting "and shall not be less than $60,000,000.".

(k) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Section 3035(vv) of such Act (105 Stat. 2136) is amended to read as follows:

"(vv) JACKSONVILLE AUTOMATED SKYWAY EXPRESS EXTENSION.—Not later than April 30, 1994, the Secretary shall negotiate and sign an agreement which modifies the full funding agreement signed on September 27, 1991, with the Jacksonville Transportation Authority for phase 1–B of the north segment of the Automated Skyway Express project to make available $15,000,000 in already appropriated funds and $35,000,000 under section 3(k)(1)(B) of the Federal Transit Act to carry out construction of the locally preferred alternative for an operable segment of a not to exceed 1.8 mile extension to such project.".

SEC. 219. CROSS REFERENCE TO FEDERAL TRANSIT ACT.

Section 176 of the Clean Air Act (42 U.S.C. 7506) is amended in each of subsections (c)(2) and (d) by striking "Urban Mass Transportation" each place it appears and inserting "Federal Transit".

TITLE III—MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS

SEC. 301. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Section 4008(j) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2155) is amended by striking "102" in the second sentence and inserting "1002".

SEC. 302. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) OPERATIONAL TESTING PROJECTS.—Section 6055(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2192–2193) is amended by inserting "and enter into cooperative agreements and contracts with" after "The Secretary may make grants to".

(b) FUNDING.—Section 6058 of such Act (105 Stat. 2194–2195) is amended—

(1) in the second sentence of subsection (d) by striking "projects undertaken pursuant to subsection (c) of this section" and inserting "activities undertaken with funds made available under subsection (b) and activities undertaken with funds subject to subsection (c)";

(2) in subsection (e) by striking "102" and inserting "1002"; and

(3) by adding at the end the following new subsection:

"(f) NONAPPLICABILITY OF OTHER REQUIREMENTS OF LAW.—A person (including a public agency) that does not receive assistance under title 23, United States Code, the Federal Transit Act, or any provision of this Act (other than the Intelligent Vehicle-Highway Systems Act of 1991) shall not be subject to any Federal design standard, law, or regulation applicable to persons receiving such assistance solely by reason of such person receiving assistance under this section.".

SEC. 303. TITLE 49, UNITED STATES CODE, AMENDMENTS.

The analysis for chapter 1 of title 49, United States Code, is amended—

(1) by striking "Sec. 110. Saint Lawrence Seaway Development Corporation."; and

(2) by striking "Sec. 111." and inserting "111.".

SEC. 304. SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 AMENDMENTS.

(a) MOTOR CARRIER SAFETY GRANT PROGRAM.—Section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302) is amended—

(1) by moving each of subparagraphs (H) through (N) (including any clauses therein) 2 ems to the left;

(2) in subsection (b)(1)(N) by striking "give" and inserting "gives"; and

(3) in subsection (d) by striking "3" and inserting "5".

(b) CARGO CARRYING UNIT LIMITATION.—Section 411(j)(5)(D) of such Act (49 U.S.C. App. 2311(j)(5)(D)) is amended by striking "prohibited under" and inserting "subject to".

SEC. 305. COMMERCIAL MOTOR VEHICLE SAFETY ACT OF 1986 AMENDMENTS.

(a) SECTION 12011.—Section 12011 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710) is amended—

(1) in each of subsections (a) and (b) by striking "104(b)(5), and 104(b)(6)" and inserting "104(b)(3), and 104(b)(5)"; and

(2) in subsection (c)(1)(A)(ii) by striking "104(b)(6)" and inserting "104(b)(3)".

(b) SECTION NUMBER REDESIGNATION.—Such Act is further amended by redesignating the second section 12020, relating to violation of out-of-service orders, as 12021.

SEC. 306. CLEVELAND HARBOR, OHIO.

Section 1079 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2018–2019) is amended—

(1) by striking the semicolon at the end of subsection (b) and inserting a period; and

(2) in subsection (d)—

(A) by striking "279.31 feet" and inserting "269.31 feet";

(B) by striking "127.28 feet" and inserting "137.28 feet";

(C) by striking the comma following "Grid System";

(D) by striking "33°-53'-08" east" the first place it appears and inserting "33°-53'-08" west";

(E) by striking "north-westerly" and inserting "northwesterly"; and

(F) by striking "174,764 square feet (4.012 acres)" and inserting "175,143 (4.020 acres)".

SEC. 307. SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987 AMENDMENTS.

Section 317(b) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (49 U.S.C. App. 1608 note; 101 Stat. 233) is amended—

(1) in paragraphs (2) and (3) by inserting "or cooperative agreement" after "contract" each place it appears; and

(2) by adding at the end the following new paragraph:

"(7) CONVERSION OF CONTRACTS.—The Secretary may convert existing contracts entered into under this subsection into cooperative agreements.".

SEC. 308. INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT TECHNICAL AMENDMENTS.

(a) NATIONAL RECREATIONAL TRAILS.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2064–2068) is amended—

(1) in subsection (c) by striking "Act" each place it appears and inserting "part";

(2) in subsection (c)(2)(B) by inserting after "reserves" the following: "an amount equivalent to";

(3) in subsection (d)(1) by striking "national surveys" and inserting "a 1-time national survey";

(4) by adding at the end of subsection (d)(1) the following:

"The 3 percent limitation in the preceding sentence shall not apply to expenditures to pay the cost of conducting the 1-time national survey described in subparagraph (C).";

(5) in subsection (e)(8)(B) by inserting "the State" before "may be exempted"; and

(6) in subsection (e)(8)(B) by inserting "funds may be" before "expended or committed".

(b) SOUTHERN FLORIDA COMMUTER RAIL.—Section 3014 of such Act (105 Stat. 2108) is amended by striking "(49 U.S.C. 1607a)".

(c) ROAD TESTING OF LCV'S.—Section 4007(d)(1) of such Act (49 U.S.C. App. 2302 note) is amended by striking "on board" and inserting "onboard".

(d) NATIONAL COMMISSION ON INTERMODAL TRANSPORTATION.—Section 5005 of such Act (49 U.S.C. 301 note; 105 Stat. 2160–2162) is amended—

(1) in subsection (d)(1) by striking "11 members" and inserting "15 members";

(2) in subsection (d)(1)(A) by striking "3 members" and inserting "7 members"; and

(3) in subsection (i) by striking "1993" and inserting "1994".

(e) SECTION 6017.—Section 6017 of such Act (105 Stat. 2183) is amended by striking "502(a)" and inserting "5002(a)".

SEC. 309. IMPROVED BUS SAFETY.

(a) APPLICABILITY OF FEDERAL MOTOR CARRIER SAFETY REGULATIONS TO BUS OPERATIONS OF PRIVATE MOTOR CARRIERS OF PASSENGERS.—Section 206 of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2505) is amended by striking subsection (h) and inserting the following new subsection:

"(h) APPLICABILITY TO BUS OPERATIONS OF PRIVATE MOTOR CARRIER OF PASSENGERS.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall issue regulations making the relevant commercial motor carrier safety regulations issued under subsection (a) applicable to all operations by private motor carriers of commercial motor vehicles providing transportation of passengers in interstate commerce.".

(b) EDUCATION PROGRAM.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall develop and implement an education program to inform all private motor carriers of passengers that they must comply with the Federal commercial motor vehicle safety regulations issued under section 206 of the Motor Carrier Safety Act of 1984 when providing commercial motor vehicle transportation of passengers in interstate commerce.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report describing in detail the regulations that have been issued pursuant to subsection (a) and the status of the education program being developed and implemented under subsection (b).

(2) SUBSEQUENT REPORTS.—Each year for a period of 4 years on the annual anniversary date of the report submitted to Congress under paragraph (1), the Secretary of Transportation shall submit to Congress a report describing in detail the status of enforcement of the Federal commercial motor vehicle safety regulations issued under section 206 of the Motor Carrier Safety Act of 1984 to operations by private motor carriers of commercial motor vehicles providing transportation of passengers in interstate commerce.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from West Virginia [Mr. RAHALL] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. EMERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. RAHALL].

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3276.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3276 provides for technical, conforming, and clarifying amendments to correct mistakes and omissions in the Intermodal Surface Transportation Efficiency Act of 1991 and related law.

The bill also makes necessary, noncontroversial, minor policy changes to facilitate ISTEA's implementation.

I would like to make it clear that the bill creates no new budget authority, does not authorize new transportation demonstration projects, and does not earmark apportioned funds for any new purpose.

This is a no-fat, sodium-free, low-cholesterol technical corrections bill.

In effect, it is sugar-free ISTEA.

Title I of the bill relates to the highway program. Provisions of this title make a number of technical and conforming amendments such as providing for the proper reference to the Dwight D. Eisenhower System of Interstate and Defense Highways, providing for high priority corridors to be part of the interim National Highway System, and making a series of technical, conforming, and clarifying amendments to the metropolitan and statewide planning, toll road, bridge, safety, Federal lands highway and bicycle transportation-pedestrian walkway programs of ISTEA.

Provisions of this title also make technical and clarifying amendments to project descriptions under the congestion relief, high priority corridor, rural access, urban and mobility, and innovative project categories.

Title II makes a number of technical, conforming, and clarifying amendments to transit programs such as those involving metropolitan planning and ferryboat operations. Provisions of this title also correct project descriptions under the section 3 discretionary grant program.

And finally, title III makes technical and conforming amendments to programs involving intelligent vehicle highway systems, the Motor Carrier Safety Act, and the recreational trails provisions of ISTEA.

Mr. Speaker, I reserve the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3276, the ISTEA Technical Corrections Act.

In 1991, we enacted the landmark Intermodal Surface Transportation Efficiency Act, ISTEA, which set our Nation's transportation policy on a new course. In the 2 years since ISTEA's enactment, however, we have become aware of certain minor, inadvertent defects and mistakes which impede the proper implementation of ISTEA's programs. This ISTEA Technical Corrections Act makes these necessary changes to ISTEA.

I want to congratulate Chairman MINETA, Mr. SHUSTER, Mr. RAHALL, and Mr. PETRI on bringing this bill to the floor today and thank them for all of their hard work in producing this important legislation.

I want to emphasize that the bill before you today is truly clean and noncontroversial legislation. It is so clean that I believe it has earned its nickname—"sugar-free" ISTEA. This bill authorizes no new money, contains no controversial policy changes, and authorizes no new projects at all. It is limited to necessary technical corrections and minor policy changes and should be supported by all Members of this body.

In an effort to keep this bill clean and limited to truly technical changes we were unable to include a number of worthwhile, but significant, controversial or costly measures which were not truly technical in nature. I assure my colleagues that we will consider these and other worthy provisions next spring when we take up the National Highway System legislation.

The changes made by this technical corrections bill are important, and it is my sincere hope that bill will be considered and quickly passed by the Senate this year.

I urge all of my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend our ranking minority member, the gentleman from Wisconsin [Mr. PETRI], for his work on this legislation. As well, I wish to commend the gentleman from Missouri [Mr. EMERSON] for his work and his comments. In addition, I wish to commend our ranking Republican member, the gentleman from Pennsylvania [Mr. SHUSTER], as well as the distinguished chairman of the full committee, the gentleman from California [Mr. MINETA], who were most helpful in the drafting of this legislation. Of course, those individuals were involved in the original ISTEA legislation. So I commend the full membership of the Committee on Public Works and Transportation as well for their help.

Mr. Speaker, I reserve the balance of my time.

Mr. EMERSON. Mr. Speaker, I yield such time as he may consume to my dear friend and colleague, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I rise in support of this bill.

I first want to thank the leadership and members of the Public Works Committee, and in particular the gentleman from West Virginia, for including a provision proposed by this gentleman and my colleague in the Kentucky delegation, Mr. BARLOW.

The 1991 Intermodal Surface Transportation Act authorized an east-west trans-America corridor on the National Highway System, also known as the I-66 corridor.

H.R. 3276 contains an amendment which stipulates the route of the I-66 corridor in southern and eastern Kentucky, consistent with the early planning studies now underway.

This ensures that a new I-66 will come through our eastern Kentucky region, bringing economic development and jobs.

Mr. Speaker, the mountain communities in my eastern Kentucky district, like Pikeville, Jenkins, Hazard, London, and Somerset—their families and business people—want to be a part of the transcontinental I-66 project. And speaking for them today, I want to thank the members of the committee and the House for their support towards that same goal.

I urge the House to adopt this bill.

Mr. EMERSON. Mr. Speaker, I wish to thank the gentleman from Kentucky [Mr. ROGERS] for the statement that has just been made and to associate myself with his remarks.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Kentucky [Mr. ROGERS] as well for his comments. Our districts border each other and we share many of the same problems and concerns with our mutual constituencies. The description of the language the gentleman has just given is appropriate. I commend him for his work in helping us put this particular section in this legislation as well.

Ms. SNOWE. Mr. Speaker, I heartily endorse H.R. 3276, a bill making simple technical amendments and minor policy clarifications to the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

One of these policy clarifications is urgently needed. Section 153 of ISTEA penalizes States that have not enacted mandatory motorcycle helmet and seat belt safety laws by September 30, 1993. States failing to enact such laws by the deadline will have 1.5 percent of their highway construction funds diverted to highway safety programs in fiscal year 1995. The penalty increases to 3 percent the following year. H.R. 3276 changes the deadline for compliance to September 30, 1994, giving States an additional year to comply.

I fully support the 1 year delay in the deadline date. However, I remain fully committed to outright repeal of section 153. Maine is facing the prospect of having roughly $850,000 in fiscal year 1995 highway transportation funds diverted away from much needed highway construction projects and into already funded highway safety programs. In the next fiscal year, the State could face a penalty diversion of $1.7 million.

Maine has always spent its Federal money carefully, making every effort to ensure that the best interests of its residents are met. It is completely unacceptable that the Federal Government should dictate to Maine how its highway funds must be spent. In essence, the Federal Government is forcing Maine—and other States—to waste valuable Federal resources.

Currently, 27 States are not in compliance with Federal law. Some of these States have enacted neither a mandatory seat belt nor a motorcycle helmet law, or failed to enact one or the other of these two requirements. It is interesting to note that a minority of our 50 States have seen fit to enact mandatory laws of this nature.

I object to the Federal Government's coercive tactics. My bill, H.R. 799, would address this problem by repealing section 153 of ISTEA. H.R. 799 has 116 cosponsors, over 25 percent of the House. I am looking forward to working with my colleagues on the Surface Transportation Subcommittee to move my much needed bill through the legislative process next year.

Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 3276, legislation making technical corrections to the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

As the distinguished chair of the subcommittee has stated, the bill is entirely technical corrections and minor policy items. This is a testament to the leadership of Chairman RAHALL and the subcommittee's ranking Republican member, Mr. PETRI, and they should be congratulated.

The 1991 ISTEA legislation developed and approved by the Committee on Public Works and Transportation is already helping to lay the groundwork for an innovative and effective transportation network as the United States enters the 21st century.

The ISTEA legislation was genuinely a new transportation policy for America, and a tremendous investment in our future.

As can be expected with any such comprehensive proposal, there were errors in the final version of the ISTEA legislation. This legislation we are considering today attempts to smooth over the wrinkles, change or clarify project details, and address some minor policy changes.

I'd like to take this opportunity to call to your attention one particular fact: there is no new budget authority or new project authorizations in this bill.

Some Members have indicated their interest in pursuing specific project authorizations and other major policy issues. I am pleased to report that the Committee has also announced plans to move legislation, mid-term through the ISTEA authorization period, to adopt the National Highway System [NHS].

This NHS approval legislation will also give us the opportunity to make necessary modifications to ISTEA programs which reflect changing needs as we move into the third year of ISTEA implementation.

I am completely supportive of this effort and want to assure Members that we have every intention of moving the NHS approval legislation in a timely manner.

In the interim, I urge my colleagues to support this important legislation.

Ms. FURSE. Mr. Speaker, I rise today in support of H.R. 3276, the Intermodal Surface Transportation Technical Corrections Act. H.R. 3276 contains an important provision which clarifies a provision in the original Intermodal Surface Transportation Efficiency Act [ISTEA] regarding the Westside Light Rail project in my district in Oregon.

In 1990, voters in Multnomah, WA and Clackamas County went to the polls and passed by 74 percent a general obligation bond measure to provide the local match for the Westside Light Rail, a project stretching from downtown Portland to downtown Hillsboro. Even in a year when the political tide was vehemently opposed to taxes, and a statewide property tax limitation was passed on the same ballott, voter support for light rail in the tricounty area was so prevalent that almost three out of every four citizens decided to put their money in Westside Light Rail. This is the type of broadbased support my district has for this important project. The bill before us today helps keep our commitment to the citizens who voted in that election by making an important modification to the language in the authorizing legislation.

I want to take a moment to thank Congressman DEFAZIO for the attention he has given this issue on the Public Works Committee. As a Member new to this Congress, he has gone out of his way for me personally on numerous occasions, and I want to pay him a special thanks. His work on behalf of Westside Light Rail and other important transportation policy matters in Oregon has earned him a well-deserved debt of gratitude from the entire delegation.

I also want to thank Chairman MINETA who worked very closely with my predecessor, LES AUCOIN, on Westside Light Rail, and the chairman of the Surface Transportation Subcommittee, Mr. RAHALL. I support the important clarifications of ISTEA in H.R. 3276, and urge my colleagues to support its passage in the House.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The Question is on the motion offered by the gentleman from West Virginia [Mr. RAHALL] that the House suspend the rules and pass the bill, H.R. 3276, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amendment, was passed.

A motion to reconsider was laid on the table.

EL CAMINO REAL PARA LOS TEXAS STUDY ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 983) to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

The Clerk read as follows:

S. 983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real Para Los Texas Study Act of 1993".

SEC. 2. FINDINGS.

The Congress finds—

(1) El Camino Real Para Los Texas was the Spanish road established to connect a series of missions and posts extending from Monclova, Mexico to the mission and later Presidio Nuestra de Pilar de los Adaes which served as the Spanish capital of the Province of Texas from 1722 to 1772;

(2) El Camino Real, over time, comprised an approximately 1,000-mile corridor of changing routes from Saltillo through Monclova and Guerrero, Mexico; San Antonio and Nacogdoches, Texas and then easterly to the vicinity of Los Adaes in present day Louisiana; and constituted the only major overland route from the Rio Grande to the Red River Valley during the Spanish Colonial Period;

(3) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico were played out along the evolving travel routes across this immense area; and, as well, the future of several American Indian nations were tied to these larger forces and events;

(4) El Camino Real and the subsequent San Antonio Road witnessed a competition that helped determine the United States southern and western boundaries; and

(5) the San Antonio Road, like El Camino Real, was a series of routes established over the same corridor but was not necessarily the same as El Camino Real; and that from the 1830's, waves of American immigrants, many using the Natchez Trace, travelled west to Texas via the San Antonio Road, as did Native Americans attempting to relocate away from the pressures of European settlement.

SEC. 3. STUDY OF TRAIL.

Section 5(c) of the National Trail System Act (16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(36)(A) El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacagdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

"(B) The study shall—

"(i) examine the changing roads within the historic corridor;

"(ii) examine the major connecting branch routes;

"(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

"(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled 'A Texas Legacy: The Old San Antonio Road and the Caminos Reales', dated January 1991; and

"(v) make recommendations concerning the suitability of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

"(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

"(D) The study shall be undertaken in consultation with the Louisiana Department of Transportation and Development and the Texas Department of Transportation.

"(E) The study shall consider alternative name designations for the trail.

"(F) The study shall be completed no later than two years after the date funds are made available for the study.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

□ 1310

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 983, which passed the Senate on July 21, 1993, directs the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System. A companion bill (H.R. 2160) was introduced in the House by Representative CHARLES WILSON.

The El Camino Real Para Los Texas—or The Royal Road to Texas—extended 1,000 miles from Saltillo, Mexico, through San Antonio and Nacogdoches, TX, up to Los Adeas in Louisiana. Approximately 650 miles of the trail are in Texas, 40 miles are in Louisiana, and 250 miles are in Mexico. The importance of the road is related to the 17th, 18th and early 19th century rivalries among the European colonial powers of Spain, France, and England. The bill provides for a study of the trail for potential addition to the National Trails System and allows the Secretary to work in cooperation with the Government of Mexico to study that portion of the trail which lies in Mexico. The administration supports the bill and it had unanimous support from the Committee on Natural Resources.

Mr. Speaker, this is a noncontroversial bill and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 983, the El Camino Real Para Los Texas study trail.

As fully explained by the chairman, this 1,000 mile corridor represents an important historical route dating back to the 17th century. Composed of Indian trails, natural crossings, and exploratory routes, this corridor served the Spanish and French explorers, northern Mexico, Christians, Indians, European settlers, as well as troops during the Civil War. Stretching through Texas and Louisiana, this corridor is vital to understanding the history of the South and Southeast.

I urge my colleagues' support for S. 983.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 983.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EL CAMINO REAL DE TIERRA ADENTRO STUDY ACT OF 1993

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 836) to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro [The Royal Road of the Interior Lands], and for other purposes.

The Clerk read as follows:

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real De Tierra Adentro Study Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tiera Adentro extended 1,800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international boarder at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine the changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman form Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 836, which passed the Senate on July 21, 1993, directs the Secretary of the Interior to study the El Camino Real de Tierra Adentro for potential addition to the National Trails System. A companion bill (H.R. 1838) was introduced in the House by Representatives BILL RICHARDSON and RON COLEMAN.

El Camino Real de Tierra Adentro, or The Royal Road to the Interior Lands, extended some 1,800 miles from Mexico City through El Paso, TX, to Santa Fe NM. The trail originated as an Indian trail following the Rio Grande River and served as a key travel route during the Spanish colonial period, the Mexican national period, and the United States territorial period. It was the primary route for clergy, colonists, soldiers, Indians, and trade caravans between what is today Mexico City and Santa Fe, NM. Approximately 350 miles of the trail are in New Mexico, 20 miles are in Texas, and 1,400 miles are in Mexico. The bill provides for a study of this trail for potential addition to the National Trails System and authorizes the Secretary to work in cooperation with the Government of Mexico to study that portion of the trail which lies in Mexico.

Mr. Speaker, this is a noncontroversial bill which is supported by the administration. I urge its adoption.

Mr. Speaker, the 20 miles of the trail in Texas touch a very important community there, El Paso, which is represented by our colleague, the gentleman from Texas [Mr. COLEMAN], who is the sponsor of this measure.

Mr. Speaker, as I commend him for his work on this study, I take great pleasure in yielding such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me. Mr. Speaker, I rise in support of S. 836, the Camino Real de Tierra Adentro Study Act, and urge its passage. S. 836 provides for the National Park Service to study the Camino Real from the international border at El Paso, TX, to Santa Fe, NM, for inclusion within the National Historic Trail System.

S. 836 is extremely timely because we face the risk of losing portions of the Camino Real to commercial development in the coming years if we do not act now to protect it. I come from one of the fastest growing regions in the country. I believe that irrespective of the outcome of the proposed North American Free-Trade Agreement [NAFTA], the region will continue to grow very rapidly over the next decade. It is important that we take steps now to protect this important part of our heritage before we lose the opportunity. I am confident that when the National Park Service study is completed, the study will recommend that El Camino Real be included in our National Historic Trail System.

El Camino Real is perhaps the most important piece of the history of the interior Southwest. It was the lifeblood of the development of commerce in the region and of my district of El Paso, TX, itself. Indeed, El Paso derives its name from the term given to it by travelers along El Camino Real, El Paso del Norte or the Pass of the North. I would like to share a brief history of the region in order to demonstrate the central role the Camino Real played in the development of the region.

For more than 300 years El Camino Real de Tierra Adentro [The Royal Highway of the Interior Lands] was the road used by conquistadors and clergy, native Americans and colonists, merchants and ranchers traveling between New Mexico and Mexico. Until legal trade between the United States and Mexico was established in 1821, El Camino Real served as the only commercial route linking the territories north of the Rio Grande with the outside world. As the only means of transporting men, goods, and ideas, El Camino Real served as the genesis of both commercial and cultural development in the territories of West Texas and New Mexico. The unique heritage of the American Southwest, with its blend of native American, Mexican, and Spanish traditions, is firmly rooted along the Camino Real.

Portions of the Camino Real had their origins in much older trails along the Rio Grande. These oldest trails were used primarily by the inhabitants of Taos Pueblo in New Mexico and extended to El Paso, TX. The route fostered trade and cultural exchanges between the Pueblo tribes and the inhabitants of Mexico.

The arrival of the Spanish in the 16th century saw the consolidation of these older trails to form the longest and oldest highway in the New World. El Camino Real came to serve as a commercial route between Santa Fe, NM, and Santa Barbara, Mexico. In 1598, Juan de Onate crossed the Rio Grande at El Paso and traveled north along the trail into New Mexico. Onate, who had been given permission by the Spanish King, brought with him 129 men, their families and thousands of head of livestock. Onate also brought a group of Franciscan friars with him in order to convert the inhabitants of the Pueblos. The trail Onate used became both a trading and communications route. By the time Santa Fe became the capital of the territory of New Mexico in 1610, El Camino Real was already a well established trade route to Mexico.

During the Pueblo revolt of 1680, which came as a result of the abuse of the Spanish settlers, El Camino Real was used as an escape route. The 2,400 fleeing Spaniards, accompanied by a large group of Tiwa Indians, eventually settled in El Paso. A presidio—or fortress—and two missions were established there. The missions and the presidio chapel still serve rural communities outside El Paso today. It was from these new settlements in El Paso that a mission to reconquer New Mexico was launched in 1692; putting the territory north of the Paso del Norte firmly in Spanish hands once again. Gradually, the hostility between the Spaniards and the Pueblo Indians subsided.

With the belief in the need to convert the native inhabitants of the region, missions sprang up along El Camino Real. During the course of the 17th century, a unique style of art and architecture, sometimes known as Mexican Baroque, evolved. This architectural style typifies the missions found in both the American Southwest and Mexico. Artifacts and paintings to decorate the ornate missions were brought along El Camino Real from Mexico City.

The missions attracted new settlers. Initially these settlements served as resting places for those traveling along El Camino Real; however, during the course of the 18th century increasing numbers of farms and ranches were established. These settlements were particularly concentrated in the Rio Grande Valley and were populated by a mixture of settlers of Spanish and Portuguese descent, as well as Genizaros, Ute, Wichita, Navajo, Apache, and Pawnee. By the close of the century, there was an almost continuous line of settlements the length of El Camino Real. These settlements consisted not only of farms and ranches but also of thriving urban centers, populated by artisans, craftsmen and merchants. El Camino Real served as a focal point for the convergence of the Spanish and native American cultures in the American Southwest.

When Mexico declared its independence from Spain in 1821, one of the first things the new Mexican Government did was relax traderestrictions against the United States. Suddenly, whole new market were available to merchants in both areas. The Santa Fe Trail was born. With the terminus of El Camino Real also in Santa Fe, commerce flourished. Although it became known as the Chihuahua Trail to Anglo-Americans, El Camino Real continued to play its historic role as the primary route between New Mexico and central Mexico after the surrender of the northern territories of Mexico to the United States in 1848. Only the advent of the railroads in the 1880's served to displace El Camino Real as the link between the populations north and south of the Rio Grande.

El Camino Real represents an important part of the heritage of the American Southwest. My friend from New Mexico [Mr. RICHARDSON] and I introduced a similar measure earlier this year, to ensure the preservation of this unique piece of our Nation's history. I want to thank the gentleman from Minnesota for moving this legislation forward in such a timely manner. This is a noncontroversial measure, which is supported by the administration and the States and the local communities. I urge its adoption so we may ensure that our children will have the opportunity to enjoy this part of our Nation's rich cultural heritage.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 836 which would study the feasibility of adding the 1,800-mile El Camino Real de Tierra Adentro Trail to the National Trails System.

This trail, also known as The Royal Road of the Interior Lands, was an 1,800-mile trail stretching from Mexico City, Mexico, to Santa Fe, NM, and used for nearly 300 years by missionaries, soldiers, Indians, and traders. The Spanish conquistadors entered what is now the United States via this trail. The first European settlements in the Southwest appeared along this trail and predated English settlements in the East by several decades.

This legislation merely authorizes a study to determine the feasibility and suitability of adding this trail to the National Trails System. Any actual trail designation would require a separate act of Congress. S. 836 is supported by the entire New Mexico congressional delegation.

I urge my colleagues to support S. 836.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 836.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONVEYANCE OF LANDS TO CERTAIN INDIVIDUALS IN BUTTE COUNTY, CA

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 457) to provide for the conveyance of lands to certain individuals in Butte County, CA, as amended.

The Clerk read as follows:

H.R. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that they believed were accurate; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest will correctly establish accurate boundaries between such forest and private lands.

(b) PURPOSE.—It is the purpose of this Act to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons claiming to have been deprived of title to such lands.

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(1) the term "affected lands" means those Federal lands located in the Plumas National Forest in Butte County, California, in sections 11, 12, 13, and 14, township 21 north, range 5 east, Mount Diablo Meridian, as described by the dependent resurvey by the Bureau of Land Management conducted in 1992, and subsequent Forest Service land line location surveys, including all adjoining parcels where the property line as identified by the 1992 BLM dependent resurvey and National Forest boundary lines before such dependent resurvey are not coincident;

(2) the term "claimant" means an owner of real property in Butte County, California, whose real property adjoins Plumas National Forest lands described in subsection (a), who claims to have been deprived by the United States of title to property as a result of previous erroneous surveys; and

(3) the term "Secretary" means the Secretary of Agriculture.

SEC. 3. CONVEYANCE OF LANDS.

Notwithstanding any other provision of law, the Secretary is authorized and directed to convey, without consideration, all right, title, and interest of the United States in and to affected lands as described in section 2(1), to any claimant or claimants, upon proper application from such claimant or claimants, as provided in section 4.

SEC. 4. TERMS AND CONDITIONS OF CONVEYANCE.

(a) NOTIFICATION.—Not later than 2 years after the date of enactment of this Act, claimants shall notify the Secretary, through the Forest Supervisor of the Plumas National Forest, in writing of their claim to affected lands. Such claim shall be accompanied by—

(1) a description of the affected lands claimed;

(2) information relating to the claim of ownership of such lands; and

(3) such other information as the Secretary may require.

(b) ISSUANCE OF DEED.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Act, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated November 11, 1989;

(B) all new property lines established by such surveys have been monumented and marked; and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) NOTIFICATION TO BLM.—The Secretary shall submit to the Secretary of the Interior an authenticated copy of each deed issued pursuant to this Act no later than 30 days after the date such deed is issued.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 457 is a bill by the gentleman from California [Mr. HERGER] that would provide for the conveyance of about 30 acres in Butte County, CA, to some 16 parties.

This conveyance would resolve title problems of adjoining private landowners caused by the Forest Service's acceptance of an incorrect boundary survey done by a private contractor. The errors in this survey were later shown by a resurvey of the area by the Bureau of Land Management.

The adjoining landowners had relied on the incorrect survey, and when its errors became known, they learned that lands they thought they owned were really owned by the United States. These are the lands that would be conveyed under the bill.

This is a noncontroversial bill to remove clouds from private lands titles, with only a technical amendment to correct the legal description of the lands involved.

I urge its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 457. Sponsored by my good friend the gentleman from California [Mr. HERGER] this bill will finally clear title for approximately 13 landowners near the Plumas National Forest. Due to a long line of erroneous boundary surveys, title to about 20 acres is clouded by the Federal Government. These lands have been occupied and improved for years by private owners and it is time to clean up these titles once and for all.

I commend Mr. HERGER for his efforts and urge my colleagues' support for H.R. 457.

□ 1320

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 457, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENSION OF INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 654) to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

The Clerk read as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION.

Subsection (h) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(h)) is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, and 1998".

SEC. 2. REPORT TO CONGRESS.

The Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b) is amended by adding at the end the following:

"(i) REPORT TO CONGRESS.—The Administrator shall transmit an annual report to the appropriate Committees of the Congress with jurisdiction over the applicable environmental laws and Indian tribes describing which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws and the effectiveness of any such enforcement.".

SEC. 3. MISCELLANEOUS.

(a) GENERAL ASSISTANCE PROGRAM.—Subsection (d)(1) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(d)(1)) is amended by inserting "consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes" after "programs".

(b) EXPENDITURE OF GENERAL ASSISTANCE.—Subsection (f) of the Indian Environmental General Assistance Program Act of 1992 (42 U.S.C. 4368b(f)) is amended by adding at the end the following: "Such program and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 654, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the behest of the gentleman from New Mexico [Mr. RICHARDSON], chairman of the Subcommittee on Native American Affairs, and also a member of the Committee on Natural Resources, I am pleased to present this bill to the House.

This bill extends the authorization for the Indian Environmental General Assistance Program through the year 1998. I want to commend Chairman RICHARDSON for the work he and the subcommittee have completed on this important measure. It is important law which first was passed in the 102d Congress, and as I have indicated, it is due to expire in this Congress.

The measure before us would continue the multimedia grants to Indian tribes so that the tribes will have the flexibility to assess tribal environmental priorities and allocate their limited funds accordingly.

There are a growing number of environmental problems, and yet there is an overwhelming lack of information on the environmental problems on native American lands. Indian tribes must address a wide variety of problems such as contamination of groundwater, leaking underground storage tanks, untreated uranium mill tailings, and the illegal dumping of hazardous waste on tribal lands.

In most cases, Indian tribes rely on a single environmental protection office to address this wide range of environmental problems. Funds for these efforts must be flexible to address individual environmental priorities for each native American group.

In past years, the EPA funded the so-called multimedia environmental protection programs on several Indian reservations on a demonstration basis. In each case, these tribal programs have met with significant success. Indian tribes have strongly supported the development of such a grant program as a very effective means to providing a flexible source of funds for environmental protection.

Under this program, the Indian Environmental General Assistance Program allows native American groups to plan and develop a reservation-specific approach to environmental protection. This program has enabled Indian tribes to conduct studies to determine environmental impacts on reservations and to monitor adverse environmental impacts to water, air, and the tribal lands themselves. With these funds, Indian tribes have been able to build programmatic and regulatory capacities to address a growing number of environmental concerns. Our chairman has worked closely with the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] to ensure that the legislation conforms to existing environmental provisions and laws.

I of course want to commend the gentleman from New Mexico [Mr. RICHARDSON] for the work he has done on the Committee on Natural Resources. He also serves on the Committee on Energy and Commerce, which has obviously facilitated his work on this very important measure that is before the body, and I urge its support.

I include for the RECORD a letter from the chairman of the Committee on Natural Resources to the chairman of the Committee on Energy and Commerce concerning this legislation:

COMMITTEE ON NATURAL RESOURCES,
Washington, DC, November 4, 1993.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to our conversation, I am writing to express my understandings regarding S. 654, which amends the Indian Environmental General Assistance Program Act of 1992. It is my understanding that the Committee on Energy and Commerce, without waiving its jurisdictional prerogatives with regard to the legislation, agrees to the following amendments:

(1) Subsection (h) of the Indian Environmental General Assistance Program Act of 1992 is amended by striking "and 1994" and inserting ", 1994, 1995, 1996, 1997, and 1998".

(2) The Indian Environmental General Assistance Program Act of 1992 is amended by adding at the end the following:

"(i) REPORT TO CONGRESS.—The Administration shall transmit an annual report to the appropriate Committees of the Congress with jurisdiction over the applicable environmental laws and Indian tribes describing which Indian tribes or intertribal consortia have been granted approval by the Administrator pursuant to law to enforce certain environmental laws and effectiveness of any such enforcement.".

(3) Subsection (d)(1) of the Indian Environmental General Assistance Program Act of 1992 is amended by inserting "consistent with other applicable provisions of law providing for enforcement of such laws by Indian tribes" after "programs".

(4) Subsection (f) of the Indian General Assistance Program Act of 1992 is amended by adding at the end the following: "Such programs and general assistance shall be carried out in accordance with the purposes and requirements of applicable provisions of law, including the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

The Committee on Natural Resources is in agreement with these amendments of S. 654, to amend the Indian Environmental General Assistance Program Act of 1992. Please contact me if this comports with your understanding of our agreement. I look forward to working with you to ensure this important legislation receives prompt consideration by the House of Representatives and agree that if a Conference is required, that your Committee will be entitled representation.

Sincerely,

GEORGE MILLER,
Chairman.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 654, the Indian Environmental General Assistance Program Act Reauthorization, as amended.

The gentleman from Minnesota has adequately explained the bill's provisions, so I will simply urge my colleagues to support passage.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the letter I have submitted will be helpful in terms of the understanding between the Committee on Natural Resources and the Committee on Energy and Commerce on this matter. Again I commend the gentleman from New Mexico [Mr. RICHARDSON] and others who have worked so hard on this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of S. 654, to reauthorize the Indian Environmental General Assistance Program. As chairman of the Subcommittee on Native American Affairs, I have heard testimony from Indian tribes regarding the wide range of environmental problems facing Indian country. Our subcommittee has held several hearings on environmental problems ranging from leaking and abandoned underground storage tanks to abandoned uranium mill tailings on Indian lands. What has been most apparent throughout these hearings is the need to establish an environmental presence on each Indian reservation and to effectively coordinate Federal environmental responsibilities on Indian lands.

This bill would increase the environmental presence on Indian lands through the continued development of tribal environmental programs. It provides assistance to Indian tribes so that they may tailor their environmental programs to meet their unique circumstances. It will enable Indian tribes to develop environmental priorities so that scarce tribal resources may be effectively allocated to address competing environmental concerns. Under this program, Indian tribes will plan and develop a reservation specific approach to environmental protection. This program will enable Indian tribes to conduct studies to determine environmental impacts on the reservation and to monitor adverse environmental impacts to water, air, and tribal lands. This program provides Indian tribes with the flexibility to develop environmental protection programs across a wide range of environmental media areas. Through the development of a tribal multimedia program, Indian tribes will be in a better position to coordinate environmental responses to reservation problems that may concern several different EPA programs such as water quality standards and leaking underground storage tanks.

For several years, the EPA has funded multimedia environmental protection programs on Indian reservations on a demonstration basis. The Bad River Tribe in Wisconsin and the Wind River Tribe of Wyoming have operated multimedia programs for several years. In both cases, these tribal programs have met with a great deal of success. Indian tribes across the country have noted this success and support the development multimedia grant programs for their reservations.

I would like to thank the chairman of the Energy and Commerce Committee for his hard work on this measure. Our committees have worked closely to ensure that this legislation conforms to existing environmental statutes. There is strong support across Indian country for this measure. I urge my colleagues to support this very important legislation which has bipartisan support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 654, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS OF 1993

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2440) to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

The Clerk read as follows:

H.R. 2440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Safety Board Act Amendments of 1993".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 309(a) of the Independent Safety Board Act of 1974 (49 U.S.C. App. 1907(a)) is amended by adding at the end the following new sentence: "There are authorized to be appropriated for the purposes of this Act not to exceed $37,580,000 for the fiscal year ending September 30, 1994, $44,000,000 for the fiscal year ending September 30, 1995, and $45,100,000 for the fiscal year ending September 30, 1996; such sums to remain available until expended.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. OBERSTAR] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MICA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. SWIFT], chairman of the Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2440, the Independent Safety Board Act Amendments of 1993.

This bill, which I introduced together with my colleague, the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Subcommittee on Aviation, simply reauthorizes appropriations for the National Transportation Safety Board for the 3 years through fiscal year 1996. Funding levels in the bill are $37,58 million for fiscal year 1994, $44 million for fiscal year 1995, and $45.1 million for fiscal year 1996.

The funding levels for fiscal years 1995 and 1996 are consistent with those requested by the NTSB. However, the funding level for fiscal year 1994 is $455,000 morethan the President requested.

The additional funding, in the judgment of the subcommittee and the full Committee on Public Works and Transportation, would permit the NTSB to retain its current staff rather than take a staff reduction of nine positions, which would have been necessary if the requested funding level had not been authorized. I want to point out that in the course of hearing on this matter the NTSB, we learned, originally requested a higher funding level, but the Office of Management and Budget refused to endorse that request in support of the President's call for a reduction of Federal positions. And while I generally agree with the administration about the need to shrink the size of Government, this is an area that we must not shrink or compromise. Safety is critical. Every person who gets on an airplane, gets on a train, or is involved in trucking wants to know that their driving, flying, and riding conditions are going to be safe.

The NTSB is the Nation's watchdog on aviation safety, and I want to be sure that it is fully staffed to carry out its very heavy responsibilities. The National Transportation Safety Board is the Nation's central and critical functional agency for transportation safety.

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It is held in enormous respect both at home and abroad. Our neighbors to the north, the Canadians, have patterned their safety board after ours. The NTSB is involved around the world wherever there are American-built aircraft or American airlines operating aircraft overseas which have an accident. The safety board is there, they are looked to with great respect by their colleagues in other countries.

They have developed an unparalleled professionalism for their investigations and the unbiased nature of their findings, recommendations, and conclusions.

It is rare in the Federal Government for interested parties to be universally satisfied with the work of an investigative agency. No agency likes to have its work critiqued or criticized. But the NTSB has developed such a stature that during our reauthorization process not a single industry organization, labor group, or Federal agency had enough concern about the NTSB work to send a single witness to testify in opposition to, or express concern about, the NTSB.

I think that is an extraordinary record of accomplishment, especially to come to this point of a reauthorization without industry criticism.

I think it is vitally important that congressional action assure the NTSB of the funding levels it needs to maintain the personnel, maintain the staffing competence and professionalism, to avoid any question, any hint of deterioration in the quality of their work product. Clearly it is not cost effective to reduce funding for an agency whose recommendations, whose central mission is and has been to save lives.

The funding levels we have requested are necessary, they are not excessive, they maintain the current staffing status, and I urge support of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I ask unanimous consent to yield 10 minutes to the gentleman from Ohio [Mr. OXLEY] and pending that, I yield myself such time as I may consume.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MICA] has yielded 10 minutes of his time to be controlled by the gentleman from Ohio [Mr. OXLEY].

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, first of all I want to take a moment and comment that the gentleman from Pennsylvania, [Mr. SHUSTER] ranking member of the Committee on Public Works and Transportation, is not able to be here, nor is the gentleman from Pennsylvania [Mr. CLINGER] who is tied up with another obligation at this particular moment.

Mr. Speaker, I am pleased to speak and to rise in favor of H.R. 2440, which is the National Transportation Safety Board reauthorization.

I would also be remiss if I did not take a moment to first of all compliment the chairman of the Subcommittee on Aviation of the Committee on Public Works and Transportation, the gentleman from Minnesota [Mr. OBERSTAR] with whom I have enjoyed working. I want to commend him for his diligence, his efforts, his tireless energy on behalf of aviation and on behalf of transportation generally in our country.

I think that if the Congress worked in the fashion in which our committee worked, and in which its subcommittees work, transportation, public works and aviation, if every one of these committees worked in such a congenial bipartisan fashion, the products of this Congress and the Congress and the country would be in much better shape.

But this is a fairly noncontroversial matter, though an important matter, the transportation safety of our country.

As we know, the NTSB is guardian of our national transportation safety. It is an independent agency whose effectiveness is dependent on timely accident reports and safety recommendations. To accomplish that, they need the support of this Congress and of our committee, and we are doing that here today.

So I am pleased, being a fiscal conservative, also that the constraints that have been placed on this board, even though the NTSB requested $42.2 million for 1994, that we are coming in well below that in this authorization at $37.58 million, which is again another example of how this Congress should work and can work in a bipartisan effort.

So, with that, again I rise in favor of this reauthorization.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support the reauthorization of the National Transportation Safety Board. The Board is an independent agency that comes under the joint oversight of the Committee on Public Works and Transportation and the Committee on Energy and Commerce.

This legislation was passed, unamended, on a voice vote, by the Committee on Energy and Commerce in October of this year. We passed the bill exactly as it came out of the Committee on Public Works and Transportation.

The mandate of the Safety Board is to investigate transportation accidents, including those involved in railroads. The Board must determine probable cause and make recommendations designed to prevent such accidents from recurring.

Since its inception 26 years ago, the Board has undertaken over 50,000 accident investigations and has issued more than 9,000 safety recommendations covering a wide range of transportation safety issues.

The Subcommittee on Transportation and Hazardous Materials of the Committee on Energy and Commerce, which I have the honor to chair, has oversight responsibility for the Safety Board's investigations and recommendations of rail accidents. The Safety Board has also undertaken a number of rail-related special studies, including studies on tank car and locomotive fuel tank integrity, collision avoidance and work/rest cycles on train crews. The Safety Board is held in high esteem by those who know of its work, and the bill before us insures that that work will not be impaired.

I urge Members to pass this bill, H.R. 2440.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. I yield myself such time as I may consume.

Mr. Speaker, I want to commend our subcommittee chairman, the gentleman from Washington, for his very diligent and constructive efforts to enact this reauthorization of the National Transportation Safety Board. I also want to recognize the efforts of our committee chairman, the gentleman from Michigan, and our ranking committee member, the gentleman from California, as well as the efforts of the leadership of the Public Works Committee, with whom we share jurisdiction over the National Transportation Safety Board.

The NTSB performs an important safety function: It is capable of conducting an expert investigation of virtually any type of transportation accident. After such an investigation, the agency can then make recommendations aimed at avoiding similar accidents in the future. Because NTSB is not an enforcement or regulatory agency, it often can call the shots as it sees them, without some of the inhibitions that might apply within the Department of Transportation.

I strongly support this bipartisan reauthorization bill and urge its prompt approval by the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would like to express my great appreciation to the gentleman from Florida [Mr. MICA] for his very thoughtful remarks. I think the distinguishing characteristic of our subcommittee is that we do work on a bipartisan basis and an openness among members and staff. The gentleman has rightly characterized our work product as being excellent and reflects that spirit of cooperation. I greatly appreciate the gentleman's thoughtful remarks.

Mr. MOORHEAD. Mr. Speaker, I want to commend our committee chairman, Mr. DINGELL, our subcommittee chairman, Mr. SWIFT, and the subcommittee's ranking member, Mr. OXLEY for their Bipartisan effort to reauthorize the very important activities of the National Transportation Safety Board. Until recently, the NTSB was identified in the public's eye almost exclusively with aircraft accident investigations. However, in the wake of the unfortunate Amtrak accident in September near Mobile, Al I believe many more Americans now realize that the NTSB's safety investigations cover virtually every form of transportation. This is a highly respected and expert Agency, and as such deserves to be reauthorized as provided in this bill. I strongly support this bipartisan reauthorization bill and urge its prompt approval by the House.

Mr. MINETA. Mr. Speaker, I rise in strong support of H.R. 2440, the Independent Safety Board Act Amendments of 1993. This bill, which reauthorizes appropriations for the National Transportation Safety Board for fiscal years 1994–96, has full bipartisan support and is completely noncontroversial.

The National Transportation Safety Board is unique within the Federal Government. The importance of its safety mandate transcends politics. The highly skilled NTSB work force investigates accidents to determine the probable cause in five transportation modes: aviation, highways, rail, pipeline, and marine. The safety recommendations made by the Board directly translate into lives saved. Every person in this room and in this country has benefited from the fine work done by the Board. It is a tribute to the reputation of the Board that more than 80 percent of its recommendations are accepted voluntarily.

This bill would enable the Board to continue its vital work at current staff levels. It is important that we ensure that fair funding levels are established in order to prevent any deterioration in the invaluable services provided by the National Transportation Safety Board. This bill establishes fair funding levels that have received bipartisan support in both the Committee on Public Works and Transportation, and the Committee on Energy and Commerce.

I urge my colleagues to support this important legislation.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 2440.

The question was taken.

Mr. BUNNING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

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PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 170, REMOVAL OF U.S. ARMED FORCES FROM SOMALIA

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 293 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 293

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994. The amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the concurrent resolution shall be considered as adopted. The previous question shall be considered as ordered on the concurrent resolution, as so amended, to final adoption without intervening motion except: (1) the further amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution; (2) the further amendment in the nature of a substitute printed in part 2 of the report of the Committee on Rules accompanying this resolution; and (3) one motion to recommit. Each of the amendments printed in the report of the Committee on Rules may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. All points of order against the amendments printed in the report are waived. If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted.

SEC. 2. The provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply during the remainder of the first session of the One Hundred Third Congress to a concurrent resolution introduced pursuant to section 5 of the War Powers Resolution (50 U.S.C. 1544) with respect to Somalia.

The SPEAKER pro tempore. (Mr. MAZZOLI). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], for purposes of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 293 is a rule providing for the consideration of House Concurrent Resolution 170, the resolution directing the President to remove United States troops from Somalia, and amendments thereto in the House. Mr. Speaker, I want to point out at this time there is a small drafting error in the rule. The committee intended to provide 1 hour of general debate. The rule, however, orders the previous question to final adoption without providing for general debate.

At this time, Mr. Speaker, after consultation with the minority on the Rules Committee and the Foreign Affairs Committee, I ask unanimous consent that when House Concurrent Resolution 170, as amended, is called up for consideration pursuant to House Resolution 293, it will be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Foreign Affairs Committee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, the rule provides that the Foreign Affairs Committee amendment in the nature of a substitute shall be considered as adopted. Under the rule, only two substitute amendments printed in the report to accompany the rule shall be in order. These amendmentsmay be offered by Mr. GILMAN or his designee, and Mr. HAMILTON or his designee, and shall be considered in the order and manner specified. As specified in the report, each amendment shall be debated for up to 30 minutes, equally divided and controlled by the proponent of the amendment and an opponent. The Gilman and Hamilton amendments shall be considered as read, not subject to amendment, and all points of order against them are waived.

If more than one of the two amendments made in order is adopted, only the last amendment to be adopted shall be considered as finally adopted. This is in keeping with the agreed upon king-of-the-hill procedure. The rule also provides that the provisions of section 7 of the War Powers Act shall not apply during the remainder of the first session of the 103d Congress to a concurrent resolution introduced pursuant to section 5 of the War Powers Resolution with respect to Somalia. Mr. Speaker, this is necessary to allow the House to make the best use of its very limited time before the end of the current session of Congress. Finally, the rule provides one motion to recommit.

Mr. Speaker, House Concurrent Resolution 170 as reported by the House Foreign Affairs Committee directs the President to remove the United States Armed Forces from Somalia by March 31, 1994. The recent death of Somalis and U.N. forces, including United States military servicemen, has generated controversy over the Somalia operation. The Foreign Affairs Committee action is in keeping with the requirements of the War Powers Act that pertain to the use of U.S. Armed Forces engaged in hostilities overseas. This resolution will afford us the opportunity to discuss and debate our actions with respect to Somalia as well as our overall policy objectives concerning United States troops abroad. The people of our country, including the families of servicemen and women stationed in Somalia, deserve to know when and under what conditions our troops will return from their original humanitarian mission.

The carefully crafted rule before us received bipartisan support on the Rules Committee and passed unanimously in a voice vote. I urge my colleagues to support it.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to join my friend, the gentleman from Ohio, in urging all Members to support this rule.

This is one of those rare occasions when I ask the Members to support a rule which is less than open.

But I can do so today because this rule meets the two criteria that are necessary to gain Republican support.

First, this rule is the product of genuine negotiations between the majority and minority leadership.

A great deal of effort went into finding a format that would be fair to all sides concerned.

I believe this rule does provide for a balanced debate, and the leadership of both parties have agreed to it.

Second, this rule does not freeze out Republicans.

One Republican-sponsored amendment is made in order and one Democrat-sponsored amendment is made in order.

Each side is given one shot, and the difference between the two is clearly drawn.

For these reasons, then, I urge support for the rule.

Mr. Speaker, I need not reiterate the entire explanation of the rule given to us by the gentleman from Ohio, I would simply say that the issue before us boils down to a clear-cut choice:

Should the House adopt the Gilman amendment, which would bring United States troops out of Somalia by January 31, 1994?

Or should the House adopt the Hamilton amendment, which adheres to the President's deadline and would bring the troops home 2 months later than that, by March 31, 1994?

For my own part, I strongly support the Gilman amendment—indeed, I would like to bring the troops home even sooner, and I know there are a lot of Members of this House who feel the same way I do.

I do not believe any purpose is being served by keeping our troops in Somalia for a single further day. The time to begin an orderly withdrawal is right now, today.

Mr. Speaker, I must also say that the gentleman from New York [Mr. GILMAN] deserves special commendation from the House for his tenacious efforts in keeping this issue on the front burner, as does the gentleman from Florida [Mr. MICA].

The Senate has devoted more than 3 full legislative days to debating the questions related to United States involvement in Somalia and our participation in United Nations peacekeeping missions.

So far, the majority leadership of the House has denied the Members of this body from engaging in a similar comprehensive debate.

And we would not be here today were if not for the persistence of the gentleman from New York [Mr. GILMAN], who even had to go so far as to invoke the Wars Powers Resolution in order to bring this issue to the floor here today. So he really deserves our thanks.

Mr. Speaker, I myself might be more flexible in supporting the timetable the administration proposed for getting our troops out of Somalia if I could be convinced that the administration has a coherent foreign policy, but I am not so convinced.

I served for years on the Foreign Affairs Committee, and Mr. Speaker, I have never seen such a situation as we have today. I know I speak for many Members on both sides of the aisle when I say that the Clinton administration's commitment to so-called peacekeeping as the centerpiece of its foreign policy has not been thought through.

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It is, in fact, threatening to distort and derail any kind of realistic and bipartisan consensus that might be reached concerning America's strategic interests and role in today's world.

Members may recall that when the first rule for the Defense authorization bill was considered here on the floor more than 3 months ago—early in August—many Republicans took to the well to criticize the majority leadership for not allowing a debate and appropriate amendments on the subject of peacekeeping.

Those calls for debate were renewed by Republicans and concerned Democrats throughout the month of September, when the Somalia operation looked to be going seriously wrong and even spinning out of control.

Finally, on October 3, 18 more Americans were killed, and more than 70 were wounded in an ambush in the streets of Mogadishu.

The worst fears that many of us had were confirmed several days later in the most disastrous and chaotic briefing I have ever attended in 15 years as a Member of Congress.

Secretary of State Christopher and Secretary of Defense Aspin could neither explain, defend, nor even confirm the existence of a coherent peacekeeping policy in Somalia.

We have watched the U.N.-led mission in Somalia apparently evolve from humanitarian relief to law enforcement.

Then it became nation building.

Then it became taking sides in a civil war situation and going after the bad guys.

When all of that failed, it was back to the barracks.

Now, evidently, it has gone back to law enforcement, and American troops are once again pounding the beat on the streets of Mogadishu where they have no business being.

Mr. Speaker, I have said it before and I will say it again: This is madness!—This is mindless folly!

Maybe this would not be so dangerous if America did not have other overseas commitments.

But the fact of the matter is we do. Read today's headlines about 70 percent of the North Korean Communist forces being deployed on the 38th parallel right now, today.

And I know something else, too: At a time when Defense budgets are declining sharply, we cannot maintain a policy of indiscriminate support for "peacekeeping" operations, in areas of peripheral importance to the United States, without harming our readiness to defend our real interests elsewhere, such as in South Korea.

During the debate this year on both the authorization and appropriation bills for national defense, both of which should be back on this floor later this week as conference reports—Members from the majority side of the aisle, from the Democrat side, subcommittee chairmen, very respected Members like the gentleman from Missouri [Mr. SKELTON], warned that we are running the risk of hollowing out our active-duty forces—just as we did in the late-1970's—if this Government does not establish some realistic priorities.

This is all the more a critical point because the Clinton administration's projected levels of Defense spending over the next 4 years come in well below what their own "bottom-up" review defines as the minimum amount necessary to protect the security, the national interests of the United States of America.

Mr. Speaker, our Nation has real interests and real commitments in Europe, the Middle East, the Western Hemisphere, and the Pacific rim.

It is time to get out of this side show in Somalia once and for all.

America should not have a policy of intervening in local disputes—be they issues of minority rights, local autonomy, or anything else—unless there is an explicit and undeniable threat to another sovereign nation with whom we are allied. American foreign policy under all Presidents, be they Republicans or Democrats, has been to defend the sovereignty and the boundaries of allied nations against outside aggression, not to become embroiled in civil wars.

Mr. Speaker, I am gratified that a debate on these important subjects is being provided by the resolution this rule makes in order. I urge adoption of the rule. I am going to vote for it, and I urge support for the amendment being offered by the gentleman from New York [Mr. GILMAN]. If that fails, Mr. Speaker, I think this body is going to have to answer for itself in a very unpleasant fashion somewhere down the road.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I would say to the gentleman that we have several speakers, and, if the gentleman does not intend to use his time, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], a very valuable member of our Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Normally I would be fighting this type of restricted rule—because debate on the floor of this House should be as free and open as possible to allow all Members a chance to improve the legislative product, especially when we are dealing with having our troops in harm's way. But today, through bipartisan agreement, we bring forward a resolution on Somalia under a restrictive rule—which I will support for pragmatic reasons because it is important that we deal with this debate in a timely way.

In recent months, Somalia has become a household word. Vivid images—first of starving Somalis and later of American casualties after a bungled U.N. military mission—have raised serious questions about the purpose of ourmission and the appropriateness of our national response to this crisis.

At this point, Mr. Speaker, most Americans know that it is time for American troops to withdraw from Somalia as soon and as quickly as possible. Today's debate then will be focused on when that is possible. Many Members, including this one, believe that we should be able to extricate ourselves from Somalia within the next weeks—and certainly by the end of January.

Today Members will have the option to vote for the January 31 withdrawal—or to accede to the President's request for a delay until the 31st of March. Given the difficulty this administration has had with formulating and carrying out effective and responsible policy in Somalia and in absence of other compelling reasons—I simply cannot accept the later date. We have had too many American casualties in Somalia already—it is unconscionable that we would keep our young men and women in harm's way one day longer than absolutely necessary.

I simply do not agree with the argument of the distinguished chairman of the Foreign Affairs Committee that the extra 2 months are needed to allow other countries to assume full responsibility for security in Somalia. In light of recent events that argument rings hollow for me, half of the Foreign Affairs Committee and a great many Americans. True, we need a clear understanding of what our remaining interests are in Somalia and how much manpower is necessary to provide for them. Embassy security, the safety of Americancitizens and relief workers does not, in my view, justify large-scale commitment of U.S. combat troops.

Mr. Speaker, the United States mission in Somalia has been a moving target—evolving far beyond the bounds of a reasonable humanitarian effort, through an obsessive manhunt phase, a nebulous nation-building expedition, and now idling in a face-saving program.

The Clinton administration must review what went wrong in Somalia, challenge its decisionmaking, and explain to the American people and the families forever scarred by this tragedy why lives had to be lost and why young Americans must continue to serve in such a dangerous and volatile situation. Then it must accept accountability for its mistakes and reassure us that such a terrible blunder will never happen again.

The Clinton administration has proven it can turn a deaf ear to the wishes of the American people—witness the tax-and-spend budget plan forced on this country despite massive popular opposition. But I implore the President to hear the message Americans are sending about Somalia—that it is time to get out now, that saving face is not a good enough reason to remain involved in the Somalia quagmire.

I urge support of the Gilman resolution—let us raise the decibel level on that message in the hopes that eventually the President will hear the people he was elected to serve.

Mr. SOLOMON. Mr. Speaker, I certainly agree with the gentleman from Florida [Mr. GOSS], and now we have another gentleman from Florida—this seems to be Florida day here—who has really led the fight, along with the gentleman from New York [Mr. GILMAN], in trying to bring this issue to the floor of this House, and I commend him for it.

Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I rise with a little bit of bitterness and a little bit of sadness this afternoon. I am going to speak against this rule.

This rule is too late. This rule is too late for the dozens of American servicemen who have already given their lives, tragically lost without reason, without a sound U.S. policy. This rule and this debate are also too late for the American taxpayer. They were told by the previous administration that we would be in Somalia in December and out in January, and now we have spent billions of taxpayer dollars in a charade. This debate and this rule are too late because we had an opportunity, we had an opportunity many months ago, as the gentleman from New York [Mr. SOLOMON] pointed out; before the Committee on Rules in defense authorization we had that opportunity, and in the Defense appropriation we had that opportunity.

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We were supposed to be out of Somalia in January. We were not out of Somalia in January. January went, February went, March went, April went, and then we heard the excuses.

We were appalled by the amount of American taxpayer dollars being poured into this folly. Where were the conservatives? Where were the liberals, the people who were concerned about American cities, Americans who go without education, who go homeless on the street, Americans who are struggling to pay their taxes and exist as loyal Americans? Their money was being poured down the drain, and no one would listen.

When I introduced legislation to withdraw our troops, no one would listen, and when I begged the Rules Committee time and time again to allow an amendment on this floor, that is when we should have had the debate, before we saw the headlines, before we heard the newscasts on our nightly news. When our American youths went in there to save children and our American youths were being killed, then they all rushed to this floor.

What is sad is that the debate now is whether we will take our troops out in January or March. That is not the real question here. The question is that we made a mistake. This administration tried to save face, and this Congress went along with the deal. That deal is not good, and the deal before us today, whether it was cut in a bipartisan fashion, is not good. The rule is too late; the debate is too late. We have lost American lives, we have lost the confidence of the American people, and we have cost the American taxpayer.

So that is why it is with reluctance, sadness, and bitterness that I rise on the floor of the House this afternoon and urge my colleagues to speak and vote against this rule.

Mr. Speaker, this rule is too late, and this debate is too late.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just begin to sum up by commending the gentleman from Florida [Mr. MICA] for his comments.

If we were to bring our troops home by January 1994, we would probably save the taxpayers of this Nation about $500 million. That is a half-billion dollars.

I recall just a month or so ago speaking to the North Atlantic Assembly, the political arm of NATO. We were debating just exactly what the policy should be for NATO as it concerned Bosnia. And at that time, Mr. Speaker, our own NATO allies were urging the United States of America to participate in going into such places as Rwanda, Somalia, southern Iraq, Angola, Cambodia, El Salvador, Western Sahara, Yugoslavia, Bosnia—the list goes on and on and on.

Mr. Speaker, at that time I recalled to the North Atlantic Assembly that the North Atlantic Treaty Organization was formed for the specific purpose of protecting the boundaries of nations and not trying to interfere in internal disputes. That is exactly what we are doing now in Somalia by going beyond the humanitarian relief efforts which were completed, as the gentleman from Florida [Mr. MICA] said, back in January of this year, 8 or 9 months ago.

We have no business being there in a nation-building objective. That is why we should adopt this rule and we should agree to the amendment the gentleman from New York [Mr. GILMAN] will be offering. We should bring our troops home once and for all.

Mr. Speaker, I submit with my remarks certain printed and tabular material concerning the rules process, as follows:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	43	11	26	32	74

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 5, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. GILMAN. Mr. Speaker, I am pleased to associate myself with the remarks of Mr. SOLOMON, the distinguished ranking Republican member of the Rules Committee, in support of the rule to enable debate on House Concurrent Resolution 170, calling for withdrawal of United States Forces from Somalia by January 31.

The debate that this rule will make in order is long overdue. It is time for the House of Representatives to reassert itself in the formulation of United States policy in Somalia. I'm certain that many Members have shared my frustration as we sat on the sidelines over the last several months, while the administration and the other body negotiated the terms of United States involvement in Somalia.

It was in order to allow the House to have a meaningful debate on this important issue that, along with the distinguished ranking Republican member of the Committee on Armed Service, the Gentleman from South Carolina [Mr. SPENCE] I introduced House Concurrent Resolution 170.

Our resolution is a concurrent resolution pursuant to section 5(c) of the War Powers Resolution. As originally introduced, House Concurrent Resolution 170 directed the President to withdraw United States Armed Forces from Somalia by January 31, 1994. In marking up the resolution, the Committee on Foreign Affairs decided by a one-vote margin to substitute March 31, 1994, for the date we originally proposed. I am pleased that this rule makes in order a substitute amendment I will offer tomorrow to restore the January 31 date.

So far as I am aware, there is general agreement regarding the legal effect of our resolution. A 1983 Supreme Court decision makes clear that section 5(c) of the War Powers Resolution cannot require the President to withdraw U.S. forces from a foreign country upon adoption of a concurrent resolution like House Concurrent Resolution 170. This means that, if we pass this concurrent resolution, the effect will be the same as the effect of passing any other concurrent resolution—it will express the opinion of the Congress, but have no binding legal effect on the President.

I would prefer for us to debate and vote on a measure that would have binding legal effect. in fact, Mr. SPENCE and I introduced such a measure, H.R. 3292, that was essentially the same as the Byrd amendment to the fiscal year 1994 Defense appropriations bill adopted by the other body last month. The main difference between our bill and the Byrd amendment was that ours moved up the date for withdrawal of U.S. forces from March 31, 1994, to January 31.

It was made clear to us, however, that H.R. 3292 would not be scheduled for action. Our only recourse, therefore, was to offer this nonbinding resolution.

I know that some Members are concerned about tying the President's hands by setting a firm date for withdrawing our U.S. forces and I am very sympathetic to their concern. The Byrd amendment, however, will cut off funds for United States combat troops in Somalia after March 31. The Byrd amendment almost certainly will become law. The other body has passed it, the administration does not object to it, and the House has instructed its conferees to recede to it.

The Byrd amendment is a far more serious restriction on the President's flexibility than House Concurrent Resolution 170, which will not legally bind the President.

Members concerned about tying the President's hands should find it much easier to vote for House Concurrent Resolution 170 than for the Byrd amendment.

Because the Byrd amendment sets a deadline—enforced by a funding cutoff—for the withdrawal of United States forces from Somali, there no longer is any question about whether Congress will set a deadline. The question posed by House Concurrent Resolution 170 is what that deadline should be.

The Byrd amendment sets the deadline at March 31. The substitute amendment I will offer tomorrow sets the deadline 2 months earlier, at January 31.

In deciding which of these dates is preferable, we need to look at what our forces are doing in Somalia. Let me read from a Washington Post article that appeared 1 week ago today:

> [T]he nearly completed buildup of American combat forces in Somalia is starting to seem more irrelevant than daring. U.S. combat troops . . . are all but invisible. . . . U.S. military commanders are focusing almost exclusively on one goal: keeping American casualties to a minimum until the planned U.S. withdrawal next March.

Today's Washington Post reports that United States officials are now considering using our forces in Somalia more aggressively, and that Somalia warlord Mohamed Farah Aideed is warning that doing this may lead to another bloody confrontation like the one last month in which 18 Americans were killed and 75 wounded. Today's story goes on to say that the peace process in Somalia is stalled because U.N. officials in Mogadishu are being:

> Surprisingly inflexible, refusing, for example, to back away from their public insistence on arresting Aideed without first having a Security Council vote.

Mr. Speaker, I request that both articles be included in the RECORD.

Mr. Speaker, if our forces in Somalia aren't going to do anything except lay low and avoid casualties, we should bring them home. If they are about to get into another confrontation with Somali warlords in hopes of buying leverage in negotiations, that too is misguided, and instead they should be brought home.

The reality is, Mr. Speaker, that the administration surrendered its leverage over the Somali warlords when it announced that United States forces would be withdrawn by March 31 no matter what. It is a dangerous fantasy to believe that prolonging that withdrawal longer than absolutely necessary to complete it will enable our diplomats to negotiate an agreement they can't negotiate today.

Let's not prolong the agony. Let's not become complicit in a policy that may cause unnecessary American casualties between January 31 and March 31. I urge my colleagues to support this rule and my substitute amendment to House Concurrent Resolution 170.

[From the Washington Post, Nov. 1, 1993]

GI'S IN SOMALIA DIG, DUCK, AND COVER

(By John Lancaster)

MOGADISHU. Somalia. Oct. 31.—On the mean streets of this divided capital, the nearly completed buildup of American combat forces in Somalia is starting to seem more irrelevant than daring.

U.S. combat troops—3,600 Army soldiers backed by the same number of Marines on ships nearby—are all but invisible here. They do not patrol city streets or enforce the United Nation's ban on openly carried weapons and militia checkpoints.

Instead, the evolving American military strategy in Somalia might best be described as duck and cover. While gunmen rule the streets outside, American soldiers live in vast, protected enclaves linked by specially constructed bypass roads, avoiding all but occasional contact with the city they were sent to help secure. For now, at least, U.S. military commanders are focusing almost exclusively on one goal: keeping American casualties to a minimum until the planned U.S. withdrawal next March.

"You've got this huge force flying in with nothing to do but protect its perimeters and bases," said one frustrated U.S. officer. "Meanwhile, everything is going to hell in a handbasket on the outside."

There are, of course, good reasons for caution. With the forces of faction leader Mohamed Farah Aideed holding their fire against American and U.N. troops, U.S. commanders want to avoid offensive measures that could foil diplomatic efforts to broker a peace settlement among Aideed and rival clans.

On the other hand, there is no evidence that President Clinton is fulfilling his pledge to "keep open and secure the key roads and lines of communication" in Somalia and "keep the pressure on" armed looters and factional fighters.

Despite the cease-fire, security in Mogadishu as eroded in recent days, with gunmen and militia checkpoints reappearing on city streets amid renewed clashes among rival sub-clans. U.N. and American civilian officials complain privately that they now have more difficulty moving around the city than during four months of sporadic combat with Aideed's forces after the United Nations ordered the militia leader's arrest. In addition, they say, factional tensions and extortion threats are once more interfering with relief operations here.

"Checkpoints, gunmen running around town—that's got to stop," said a U.S. government official here who asked not to be named. "The city throughout the war with Aideed was functioning better than it is now. Now, you can't get across town."

The official added: "We keep building wider bypasses instead of dealing with whatever the problem is that's forcing us to build wider bypasses. It's the classic military conundrum. Are you more secure improving your fortifications or going out more aggressively and patrolling?"

The deteriorating security situation—and the absence of any U.S. military response—prompted a cable from the American diplomatic mission here to the State Department late last week expressing concern that U.S. forces have "totally pulled back," according to a U.S. official familiar with its contents.

U.S. military officers too are frustrated by what they describe as an absence of clear guidance from Washington. They are hoping to receive such guidance this week from Clinton's special envoy to Somalia, Robert B. Oakley, who arrives here Monday in a bid to jump-start stalled political negotiations among rival clans. Oakley met last week with members of the military's Joint Staff to try to clarify the U.S. military mission, a U.S. official said.

"I'd call it 'Waiting for Oakley,'" said a U.S. official here of the posture of American forces. "I do not think that in the end events will allow us to carry out the policy as it exists right now and achieve the desired results. There will have to be choices made."

At present, the diplomatic process is stalled, with Aideed refusing to send delegates to U.N.-sponsored political talks. U.S. officials say Oakley has little chance of breaking the deadlock so long as Aideed believes he has nothing to fear from the expanded U.S. military presence here. "I suspect [Oakley] is going to give them [U.S. forces] a little more room to maneuver," as U.S. official said. "Something needs to be done."

For now, soldiers devote most of their professional energies to self-preservation—stringing barbed wire, filling sandbags and plotting defensive artillery coordinates in keeping with the "force protection" mission that U.S. commanders say is their number-one priority. Even the formidable U.S. armored contingent—30 M-1A1 tanks, 48 Bradley Fighting Vehicles and eight self-propelled howitzers—will for now be parked at a remote base being bulldozed out of an old surface-to-air missile site several miles outside the city.

The U.S. decision to dig in rather than move out also has affected the posture of multinational U.N. peacekeeping troops. These troops were supposed to serve as the front-line enforcers of security in Mogadishu, with the American soldiers standing by for emergencies. But the arrival of the American reinforcements has done little to boost the confidence of their U.N. partners, who remain largely confined to 11 U.N. strongholds around the city.

In keeping with their non-confrontational approach, American and U.N. military commanders sought to negotiate with representatives of Aideed's political organization, the Somali National Alliance, after members of his militia began brandishing weapons in full view of several Pakistani strong-points last week. But when they convened a meeting Saturday of a newly formed "security advisory committee" purported to include each of the city's 15 factions and clan groups, only four representatives showed up, none from Aideed's faction.

Later in the day, American helicopters dropped leaflets over the city explaining once again the U.N. rules against the open display of weapons. But the message seemed to have eluded a jeering mob of armed Somalis who showed up today outside the hotel in Mogadishu where most foreign journalists stay after members of a rival faction held a news conference there. The latter escaped by car after firing a warning shot in the air.

American helicopter pilots who fly reconnaissance patrols over the city still report occasional gunfire in their direction, but they too are exercising extreme restraint. During a battle between Somali factions last Monday, the pilot of a U.S. helicopter spotted through his targeting camera the Somali who had just tried unsuccessfully to kill him with a rocket-propelled grenade, according to a senior officer. But the pilot elected not to return fire.

The American retreat from the streets has been accompanied by a rise in thuggery and factional violence, which once more has begun to interfere with humanitarian relief work here. Last week, the port was virtually shut down for three days after Somalis from south Mogadishu prevented rivals from the northern half of the city from reporting to their jobs as dockworkers, port officials said.

The anarchy of city streets contrasts sharply with the largely self-contained world of the adjoining U.N. and American compounds here. Behind the fortified walls are orderly rows of tents and air-conditional trailers, volleyball courts and an Israeli-run post exchange featuring shaded outdoor seating and cold canned beer.

[From the Washington Post, Nov. 8, 1993]

AIDEED WARNS U.S. TROOPS OFF STREETS

(By Keith B. Richburg)

MOGADISHU, Somalia, Nov. 7.—Somalia militia leader Mohamed Farah Aideed warned the United States today to restrict the thousands of new American combat troops in Mogadishu to their barracks or risk "another bloody confrontation" such as the one last month that left 18 U.S. servicemen dead and 75 wounded.

"We are calling for the U.S. troops to confine [themselves] to their positions to avoid a repetition of the unfortunate events of the past," Aideed said in a rare news conference held in a largely abandoned villa in a neighborhood of dusty roads and alleyways that be controls. Aideed said deploying the U.S. troops now to retake the capital's streets from rival militias would be considered "provocative" and would violate an uneasy, month-long truce between U.S.-led United Nations forces here and Aideed's Somalia National Alliance (SNA) militia faction.

American diplomats and military officials here have said the U.S. infantrymen, backed by newly arrived MI tanks and Bradley Fighting Vehicles, would begin patrolling the city's main roads in the coming days, to reopen "lines of communication," secure the major supply routes and reestablish a visible foreign troop presence in the capital's dangerous streets, which lately have fallen back into the hands of gun-toting teenagers.

But Aideed, reacting to reports that a U.S. troop move into the streets was imminent, said, "There are no closed roads in Mogadishu.

Now Mogadishu is calm and business activities are running smoothly. Therefore, we see no viable reason for the deployment of foreign troops."

Speaking to about two dozen reporters and television camera crews, Aideed—who is technically still a fugitive from a U.N. arrest order—ruled out any negotiations with the United Nations to help end the six-month-long crisis in the capital, and he called on all U.N. troops to be withdrawn from Somalia.

"There is no negotiation for the moment, and I am not expecting any," Aideed said. He said the U.N. Operation in Somalia, known as UNOSOM, "has lost the confidence of the Somali people" and should "give up this operation in Somalia and leave the country."

Aideed's comments today were his first public statement in three weeks and seemed to indicate that following his earlier, conciliatory gestures—including releasing an American pilot and a Nigerian soldier that his militia had held captive—he is now moving back to a more confrontational position.

Senior members of Aideed's militia have expressed mounting frustration that the United Nations did not appear to be eagerly embracing the Clinton administration's recent policy shift toward dialogue and away from a military manhunt for Aideed, whose arrest the United Nations ordered for his suspected involvement in the ambush killings of 24 Pakistani peace keepers in June. U.N. officials here say they still want to capture Aideed.

It was uncertain, however, whether Aideed's remarks today indicated merely a rhetorical shift to a more confrontational tone or whether a resumption of military clashes in the capital is now likely. Aideed did not say specifically that American troops would be attacked if they took to the streets, but he said that deploying them now "would be a provocative action . . . an unnecessary step."

As a sign of some diplomatic thawing, the United Nations said today it had released 16 of the 58 Somali prisoners it was holding. None of the top SNA officials in custody was among those released.

One of the released prisoners, Abdi Farah, showed reporters marks on his wrists that he said were caused by the plastic handcuffs used by U.S. Army Rangers who captured him Oct. 3. He said he had been hit with rifle butts, but he showed no other outward signs of having been beaten. A senior U.N. official said today that at least some of the Somali prisoners had been on a hunger strike recently.

U.N. officials have said all the Somali detainees are being given medical treatment and have been allowed visits by the International Committee of the Red Cross. Reporters have been prohibited from seeing them or even entering the white, single-story detention facility where they are being kept under guard by Nigerian peace-keeping soldiers and military police.

Despite his warnings to the United States not to deploy its troops on the capital's streets, Aideed today appeared to go to some lengths to praise President Clinton for shifting U.S. policy on Somalia and blamed the United Nations for the continued stalemate in negotiations. He said UNOSOM "is responsible for the current crisis and proves to be the biggest obstacle to peace and reconciliation in Somalia."

Others involved in the ongoing diplomatic maneuverings agreed that the peace process appears to have stalled, and they said the United Nations must shoulder a large share of the blame. American diplomats and Africans helping mediate the conflict said U.N. officials here in Mogadishu were showing themselves to be surprisingly inflexible, refusing, for example, to back away from their public insistence on arresting Aideed without first having a Security Council vote to change their resolution authorizing the arrest.

Aideed last appeared at a news conference Oct. 14, when he announced the release of the American and Nigerian captives. Today, he appeared fit and in good humor for a man often described by U.N. officials as "hunted" and on the run. He wore a crisp white shirt, a silk tie and new wire-rim glasses he obtained while in hiding.

Aideed arrived at the hour-long news conference site in a white Toyota. Outside the villa, children on the streets chanted "Aideed! Ai-deed!" and flashed the victory sign.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed until 4 o'clock this afternoon, just prior to the pending vote on the motion to suspend the rules.

ANNOUNCEMENT REGARDING PLANS OF THE COMMITTEE ON RULES FOR CONSIDERATION OF H.R. 3425 AND H.R. 3351

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Mr. Speaker, this is to notify Members regarding the Rules Committee plans on H.R. 3425, the Department of Environmental Protection Act and H.R. 3351, Allowing Grants for Developing Alternative Methods of Punishment for Young Offenders. The committee is planning to meet on both measures the week of November 15 to take testimony and grant rules for these bills. In order to assure timely consideration on the bill on the floor, the Rules Committee is considering rules that may limit the offering of amendments.

Any Member who is contemplating an amendment to H.R. 3425 or to H.R. 3351, should submit, to the Rules Committee in H–312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 5:00 p.m. on Wednesday, November 10, 1993.

In addition to this announcement, "Dear Colleague, letters have already been circulated to all offices informing Members of these requests.

The committee appreciates the cooperation of all Members in this effort to be fair and orderly in granting rules for H.R. 3425 and H.R. 3351.

GENERAL LEAVE

Mr. HALL of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks during debate on House Resolution 293, the rule just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONFERENCE REPORT ON H.R. 3167, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 3167) to extend the Emergency Unemployment Compensation Program, to establish a system of worker profiling, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-333)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3167), to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment numbered 2, insert the following:

SEC. 9. EFFECTIVE DATES.

(a) REPEAL OF DISREGARD OF RIGHTS TO REGULAR COMPENSATION.—Notwithstanding the provisions of section 3(b) of this Act, the repeal made by section 3(a) of this Act shall apply to weeks of unemployment beginning after October 2, 1993, except that such repeal shall not apply in determining eligibility for emergency unemployment compensation from an account established before October 3, 1993.

(b) RAILROAD WORKERS.—

(1) IN GENERAL.—Paragraphs (1) and (2) of section 501(b) of the Emergency Unemployment Compensation Act of 1991 (Public Law 102-164, as amended), as amended by section 8(a)(1) of this Act, are each amended by striking "January 1, 1994" and inserting "February 5, 1994".

(2) CONFORMING AMENDMENT.—Section 501(a) of such Emergency Unemployment Compensation Act of 1991, as amended by section 8(a)(2) of this Act, is amended by striking "January 1994" and inserting "February 1994".

(3) TERMINATION OF BENEFITS.—Section 501(e) of such Emergency Unemployment Compensation Act of 1991, as amended by section 8(c) of this Act, is amended—

(A) by striking "January 1, 1994" and inserting "February 5, 1994", and

(B) by striking "March 26, 1994" and inserting "April 30, 1994".

And the Senate agree to the same.

From the Committee on Ways and Means, for consideration of Senate amendment numbered 2, and modifications committed to conference:

DAN ROSTENKOWSKI,
HAROLD FORD,

From the Committee on Post Office and Civil Service, for consideration of Senate amendment numbered 1, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
Managers on the Part of the House.

DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
BOB PACKWOOD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3167), to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment numbered 1 added a provision relating to the reduction of Federal full-time equivalent positions.

The Senate recedes from its amendment number 1.

The Senate amendment numbered 2 added a provision relating to limitation in eligibility for emergency unemployment compensation.

The House recedes from its disagreement to the amendment of the Senate numbered 2 with an amendment which is a substitute for the Senate amendment. The differences between the House bill and the Senate amendment, and the substitute amendment agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

I. EMERGENCY UNEMPLOYMENT COMPENSATION (EUC) PROGRAM

PRESENT LAW

The Federal Emergency Unemployment Compensation (EUC) program was first enacted in November 1991 and extended most recently by P.L. 103-6 on March 4, 1993. The EUC program, which expired on October 2, provides workers who have exhausted their regular State unemployment benefits (and who began receiving EUC benefits on or before October 2) with 15 weeks of benefits in States with the highest unemployment and 10 weeks of benefits in all other States. States with adjusted insured Unemployment rates (the average of the current week and the preceding 12 weeks) of at least 5 percent, or total unemployment rates (6-month moving average) of at least 9 percent, are eligible to pay the higher number of weeks of benefits. At present, only four States (Alaska, California, Rhode Island, and West Virginia) are eligible to provide 15 weeks of benefits.

The statute provides for a decline to 13 and 7 weeks of benefits if the national unemployment rate falls below 6.8 percent for two consecutive months. The rate for the months of August and September was 6.7 percent.

The EUC program expired on October 2. Unless the program is extended, workers who exhaust their regular State benefits after that date will be ineligible for EUC benefits. Workers who began receiving EUC benefits on or before October 2 will be entitled to the full number of weeks of benefits for which they were found eligible. However, no benefits are payable after January 15, 1994.

Individuals who have exhausted their rights to regular State benefits either because their benefit year has expired or because they have received all of the benefits to which they are entitled, may elect to receive either EUC benefits or regular State benefits under any new benefit year that has been established.

HOUSE BILL

The EUC program is extended through February 5, 1994. Workers who have exhausted or will exhaust their regular State benefits after October 2 will be eligible for up to 13 weeks of benefits in States with the highest unemployment. In all other States they will be eligible for up to 7 weeks of benefits. Workers who exhaust their regular State benefits after February 5 will not be eligible for EUC benefits. Workers who begin receiving EUC benefits on or before that date will be entitled to the full number of weeks of benefits for which they were found eligible. However, no EUC benefits will be payable after April 30, 1994.

The provision giving individuals the option to choose between EUC benefits and regular State benefits is repealed. After the date of enactment, no new EUC options will be exercised. However, individuals who began or continued EUC based on an option exercised before October 2, 1993, may continue to receive EUC until exhaustion of their EUC account.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The Conference agreement follows the House bill and the Senate amendment, modified to provide that no new EUC options may be exercised after October 2, 1993.

II. ADDITIONAL UNEMPLOYMENT COMPENSATION FOR RAILROAD WORKERS

PRESENT LAW

Workers in the railroad industry are eligible for a separate unemployment compensation program that provides benefits basically equivalent to those provided under regular State unemployment compensation programs. Railroad workers with under 10 years of railroad service are not eligible for extended benefits. The UC law temporarily provides extended benefits to railroad workers with under 10 years of service and additional weeks of extended benefits to other qualifying railroad workers in order to maintain comparability with the EUC benefits provided to workers in other industries.

HOUSE BILL

Eligible railroad workers will continue to receive the additional benefits provided under the EUC law for other workers through January 1, 1994.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment and conforms the expiration dates for the authorization of new claims and continued claims for railroad workers to that for other workers, which are February 5, 1993, and April 30, 1994, respectively.

III. WORKER PROFILING AND REEMPLOYMENT ASSISTANCE

PRESENT LAW

P.L. 103-6, enacted March 4, 1993, directs the Secretary of Labor to establish a program for encouraging the adoption and implementation of State systems of profiling all new claimants for regular unemployment compensation. These systems are to be used to determine which claimants might be most likely to exhaust their regular unemployment compensation benefits and might need reemployment assistance services to make a successful transition to new employment.

HOUSE BILL

Each State's unemployment agency is required to establish a profiling system as described above, and to refer claimants identified as needing services to reemployment services available under any State or Federal law. The State agency is also required to collect follow-up information relating to the services received by claimants and the employment outcomes for such claimants subsequent to receiving services, and to use this information in making identifications under this profiling system. States that fail to comply substantially with these requirements may be subject to withholding of administrative funds until the Secretary is satisfied that there is no longer any such failure.

In addition, the bill provides that as a condition of eligibility for unemployment compensation benefits, a claimant who has been referred to reemployment services pursuant to the profiling system must participate in these or similar services unless the State agency determines that the claimant has completed such services, or there is justifiable cause for failure to participate.

Reemployment services will include job search assistance and job placement services, such as counseling, testing, and providing occupational and labor market information, assessment, job search workshops, job clubs and referrals to employers, and other similar services.

The Secretary of Labor is directed to provide technical assistance and advice to assist the States in implemneting the profiling system, including the development and identification of model profiling systems.

Not later than three years after the date of enactment, the Secretary of Labor is required to report to the Congress on the operation and effectiveness of the profiling system and the participation requirement, with such recommendations as the Secretary determines to be appropriate.

Effective Date.—The profiling requirement is effective one year after the date of enactment.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

IV. TECHNICAL AMENDMENT TO UNEMPLOYMENT TRUST FUND

PRESENT LAW

The Emergency Unemployment Compensation Act, as amended, inadvertently included language amending section 905(b)(1) of the Social Security Act. The language assumes enactment of a provision that had been proposed, but never enacted.

HOUSE BILL

The bill restores language in section 905(b)(1) of the Social Security Act that was inadvertently changed by P.L. 102–318. This section provides for the transfer of funds to the State administration accounts.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

V. EXTENSION OF REPORTING DATE FOR ADVISORY COUNCIL

PRESENT LAW

P.L. 102–164, the Emergency Unemployment Compensation Amendments of 1991, provided for the establishment of a quadrennial advisory council on unemployment compensation to examine the purpose, goals, and functioning of the unemployment compensation system, and to make recommendations for improvement. The first report is due by February 1, 1994.

HOUSE BILL

The due date for the first report would be delayed for one year. Subsequent reports would be due the third year following the establishment of the council, rather than the second year.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT

The conference agreement follows the House bill and the Senate amendment.

VI. INCREASE IN SPONSORSHIP PERIOD FOR ALIENS UNDER THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM

PRESENT LAW

The SSI program provides Federal benefits to aged, blind, and disabled individuals whose income and resources are below specified amounts. To be eligible, an individual must be either a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.

Under current law, the income and resources of an alien's sponsor are considered in determining the alien's eligibility for SSI benefits. A sponsor is an individual who has signed an affidavit of support as a condition of the alien's admission for permanent residence in the United States. This "deeming" of income and resources applies for 3 years after the alien's entry into the United States. After the 3 years, the alien's eligibility for SSI is determined without regard to the income and resources of the sponsor. The "deeming" requirement does not apply with respect to an individual who becomes disabled or blind after entering the United States.

HOUSE BILL

The period during which the sponsor's income and resources would be "deemed" to the alien would be extended from 3 to 5 years.

Effective Date.—The provision would be effective January 1, 1994 through fiscal year 1996. The provision would not apply in the case of individuals who are eligible for SSI for December 1993 (or whose eligibility is suspended but not terminated) and whose 3-year deeming period ended prior to January 1994. Thus, individuals who apply for SSI benefits on or after January 1, 1994, and individuals on the SSI rolls (because their sponsors' deemed income and resources do not make them ineligible) whose 3-year deeming period has not ended by January 1, 1994, would come under the 5-year rule.

SENATE AMENDMENT

Same as House bill.

CONFERENCE AGREEMENT.

The conference agreement follows the House bill and the Senate amendment.

VII. INCOME LIMIT FOR RECIPIENTS OF EUC BENEFITS

PRESENT LAW

Under the permanent Federal-State unemployment insurance program, unemployed individuals who meet eligibility requirements may receive up to 26 weeks of State unemployment benefits without regard to their taxable income. Those individuals who exhaust their regular State benefits, but continue to be unemployed, are eligible to receive additional weeks of benefits under the temporary emergency unemployment compensation (EUC) program, also without regard to their taxable income.

HOUSE BILL

No provision.

SENATE AMENDMENT

Benefits under the emergency unemployment compensation program may not be paid to any individual whose taxable income for 1992 exceeds $120,000.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, i.e., no provision.

VIII. LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS

PRESENT LAW

The President and the Congress, through the enactment of appropriation legislation, determine the number of full-time equivalent positions that may be employed by each agency of the Government. In February 1993, the President, by Executive Order, mandated that employment levels be reduced by 100,000 full-time equivalent positions over 3 years. In September 1993, Vice President Gore's National Performance Review recommended that the Federal workforce be reduced by 252,000 full-time equivalent positions.

HOUSE BILL

No provision.

SENATE AMENDMENT

The President, through the Office of Management and Budget, shall ensure that the total number of full-time equivalent positions in all agencies of the Government shall not exceed 2,095,182 such positions during fiscal year 1994; 2,044,100 positions during fiscal year 1995; 2,003,846 during fiscal year 1996; 1,963,593 during fiscal year 1997; 1,923,339 during fiscal year 1988; and 1,883,086 during fiscal year 1999.

The Office of Management and Budget, after consultation with the Office of Personnel Management, shall continuously monitor all agencies and determine, on the first date of each quarter of each applicable fiscal year, whether the required limitation on full-time equivalent positions has been met, and shall notify the President and the Congress of any determination that such limitation has been exceeded.

If the Office of Management and Budget determines that the applicable limitation on full-time equivalent positions for any fiscal year has been exceeded, no agency may hire any employee for any position until the total number of full-time equivalent positions for all agencies equals or is less than the applicable limitation.

Any of the provisions in the bill may be waived upon a determination by the President of the existence of war or a national security requirement, or the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

CONFERENCE AGREEMENT

The conference agreement follows the House bill, i.e., no provision.

From the Committee on Ways and Means, for consideration of Senate amendment numbered 2, and modifications committed to conference:

DAN ROSTENKOWSKI,
HAROLD FORD,

From the Committee on Post Office and Civil Service, for consideration of Senate amendment numbered 1, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
Managers on the Part of the House.

DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
BOB PACKWOOD,
Managers on the Part of the Senate.

RECESS

The SPEAKER pro tempro. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4 p.m. today.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess until 4 p.m.

☐ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. YATES) at 4 p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 170, REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA

The SPEAKER pro tempore. The pending business is the vote on House Resolution 293.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 8, not voting 35, as follows:

[Roll No. 548]

YEAS—390

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—8

Dellums
Goodling
Huffington
Hunter
McKinney
Mica
Owens
Zimmer

NOT VOTING—35

Barton
Becerra
Blute
Brown (OH)
Camp
Chapman
Clay
DeFazio
Dooley
Ewing
Flake
Frank (MA)
Gibbons
Harman
Hinchey
Johnson (SD)
Lewis (CA)
Lewis (FL)
Meek
Moakley
Mollohan
Murtha
Petri
Pickett
Pickle
Sangmeister
Schenk
Slattery
Smith (OR)
Smith (TX)
Spratt
Stark
Stokes
Sundquist
Wise

☐ 1621

Mr. PACKARD and Mr. BEREUTER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS OF 1993

The SPEAKER pro tempore (Mr. ORTON). The pending business is the question of suspending the rules and passing the bill, H.R. 2440.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. OBERSTAR] that the House suspend the rules and pass the bill, H.R. 2440, on which the yeas and nays are ordered.

The Chair reminds Members that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 353, nays 49, not voting 31, as follows:

[Roll No. 549]

YEAS—353

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Bunning
Buyer
Byrne
Calvert
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel

English (AZ)
English (OK)
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spence
Stark
Stearns
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—49

Allard
Archer
Armey
Bachus (AL)
Ballenger
Bartlett
Boehner
Burton
Callahan
Coble
Collins (GA)
Condit
Crane
DeLay
Doolittle
Dornan
Dreier
Duncan
Everett
Grams
Hall (TX)
Hancock
Herger
Hoke
Hunter
Inglis
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kyl
McCrery
McHugh
Nussle
Paxon
Penny
Ramstad
Roberts
Rohrabacher
Royce
Sensenbrenner
Solomon
Stenholm
Stump
Taylor (MS)
Walker
Zeliff

NOT VOTING—31

Barton
Blute
Brown (OH)
Camp
Clay
DeFazio
Dicks
Ewing
Frank (MA)
Gibbons
Harman
Johnson (SD)
Lewis (CA)
Lewis (FL)
Meek
Moakley
Mollohan
Murtha
Oxley
Petri
Pickett
Pickle
Sangmeister
Shepherd
Slattery
Smith (OR)
Smith (TX)
Spratt
Stokes
Sundquist
Wise

☐ 1632

Messrs. KIM, McHUGH, KING, TAYLOR of Mississippi, and HALL of Texas changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Florida. Mr. Speaker, due to a death in my family, I was unable to vote on House Resolution 293 or H.R. 2440. Had I been here, I would have voted "aye" on both measures.

PERSONAL EXPLANATION

Mr. PICKLE. Mr. Speaker, I was unavoidably detained and therefore unable to vote on House Resolution 293 and H.R. 2440. Had I been present, I would have voted "yea" on the Hamilton amendment and I would have opposed the Gilman amendment.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I was unavoidably detained in Massachusetts, and was unable to cast two rollcall votes.

I would like the record to show that had I been present I would have voted as follows:

Rollcall 548—"yea."
Rollcall 549—"yea."

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3167, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 103–334) on the resolution (H. Res. 298) waiving points of order against the conference report on the bill (H.R. 3167) to extend the Emergency Unemployment Compensation Program, to establish a system of worker profiling, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1036, AMENDING THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 103–335) on the resolution (H. Res. 299) providing for consideration of the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws, which are referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER Pro Tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Tuesday, November 9, 1993.

TELECOMMUNICATIONS INFRASTRUCTURE AND FACILITIES ASSISTANCE ACT OF 1993

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2639) to authorize appropriations for the promotion and development of the U.S. national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Infrastructure and Facilities Assistance Act of 1993".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) A strong commitment to building the national telecommunications and information infrastructure will promote economic growth, aid America's competitiveness, and increase the Nation's standard of living.

(2) An advanced telecommunications and information infrastructure initiative serves the national interest.

(3) Private sector investments in the United States telecommunications and information infrastructure can benefit from a Federal investment in demonstration projects in which advanced telecommunications capabilities are used

to aid the delivery of critical social services such as education and health care traditionally supported by government.

(4) Government funding of demonstrations and pilot projects of telecommunications and information infrastructure applications for health care providers, educational institutions, research facilities, State and local governments, libraries, and other social service and public information providers can serve as a catalyst in promoting increased private sector investment in, and continued development of, the national telecommunications and information infrastructure.

(5) Federal assistance in the promotion of the national telecommunications and information infrastructure will use a wide range of technologies including, but not limited to, broadcast, fiber optic cable, coaxial cable, satellite systems, and microwave systems.

(6) Providing assistance to help eligible entities connect to and fully utilize existing and developing telecommunications networks and information services is in the public interest.

(7) There are tremendous information resources in the Nation, but the benefits of an advanced telecommunications and information infrastructure will be enhanced when United States citizens have reasonable access to such existing and future information resources.

(8) Federal support of public broadcasting has helped provide valuable and useful educational and cultural programs that reach nearly all citizens of the United States.

(9) The Federal Government shall ensure that all citizens of the United States have access to public telecommunications services through all appropriate available telecommunications distribution technologies.

(10) Public telecommunications entities and services constitute valuable local community resources for utilizing electronic media to address national concerns and solve local problems through community programs.

(11) The Federal Government should encourage partnerships to adapt technologies to public service uses in a cost-effective manner, utilizing and maintaining existing facilities where appropriate and effective, and to avoid duplicate services or capacities which are currently provided by public telecommunications entities.

SEC. 3. NATIONAL TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE DEVELOPMENT.

(a) AMENDMENTS TO THE NTIAO ACT.—The National Telecommunications and Information Administration Organization Act is amended—

(1) by redesignating part C as part F; and

(2) by inserting after part B the following new parts:

"PART C—PLANNING AND CONSTRUCTION OF PUBLIC BROADCASTING FACILITIES

"SEC. 121. PURPOSE.

"The purpose of this part is to assist, through matching grants, in the planning and construction of public broadcasting facilities in order to achieve the following objectives:

"(1) extend delivery of public broadcasting services to as many citizens of the United States as possible by the most efficient and economical means, including broadcast, fiber optic cable, coaxial cable, satellite systems, and microwave systems;

"(2) increase public broadcasting services and facilities available to, operated by, and owned by minorities and women; and

"(3) strengthen the capability of existing public broadcasting entities to provide public broadcasting services to the public.

"SEC. 122. GRANTS FOR CONSTRUCTION.

"(a) APPLICATIONS FOR GRANTS.—Any eligible applicant (as described in paragraph (1)) desiring to obtain a grant under this part for the construction of public broadcasting facilities shall submit to the Secretary an application containing such information with respect to the proposed construction project as the Secretary may require, including the total cost of such project and the amount of the grant requested for such project. Each applicant shall also provide assurances satisfactory to the Secretary that—

"(1) the applicant is—

"(A) a public broadcast station;

"(B) a system of public broadcasting entities;

"(C) a nonprofit foundation, corporation, institution, or association organized primarily for educational or cultural purposes; or

"(D) a State or local government (or any agency thereof), or a political or special purpose subdivision of a State;

"(2) the operation of such public broadcasting facilities will be under the control of the applicant;

"(3) necessary funds to construct, operate, and maintain such public broadcasting facilities will be available when needed;

"(4) such public broadcasting facilities will be used primarily for the provision of public broadcasting services, and the use of such public broadcasting facilities for purposes other than the provision of public broadcasting services will not interfere with the provision of such public broadcasting services as required in this part;

"(5) the applicant has participated in comprehensive planning for such public broadcasting facilities in the area which the applicant proposes to serve, and such planning has included an evaluation of alternate technologies and coordination with State educational television and radio agencies, as appropriate; and

"(6) the applicant will use the grant efficiently and effectively.

"(b) AMOUNT OF GRANT.—Upon approving any application under this section with respect to any project for the construction of public broadcasting facilities, the Secretary shall make a grant to the applicant in an amount determined by the Secretary, except that such amount shall not exceed 75 percent of the amount determined by the Secretary to be the reasonable and necessary cost of such project. The Secretary may provide such funds as the Secretary deems necessary for the planning of any project for which construction funds may be obtained under this section.

"(c) PLANNING GRANTS.—

"(1) INFORMATION AND ASSURANCES.—An applicant for a planning grant shall provide such information with respect to such project as the Secretary may require and shall provide assurances satisfactory to the Secretary that the applicant meets the eligibility requirements of subsection (a) to receive construction assistance.

"(2) STUDIES.—Any studies conducted by or for any grant recipient under this subsection shall be provided to the Secretary, if such studies are conducted through the use of funds received under this section.

"(d) REGULATIONS; PRIORITIES.—The Secretary shall establish such regulations as may be necessary to carry out this part, including regulations relating to the order of priority in approving applications for construction or planning projects and relating to determining the amount of each grant.

"(e) SPECIAL CONSIDERATION.—In establishing criteria for grants pursuant to this section, and in establishing procedures relating to the order of priority established under subsection (d) in approving applications for grants, the Secretary shall give special consideration to applications which would increase participation by minorities, women, and populations traditionally underserved in the ownership and operation of public broadcasting entities. The Secretary shall take affirmative steps to inform minorities, women, and underserved populations of the availability of funds under this part, and the localities where new public broadcasting facilities are needed, and to provide such other assistance and information as may be appropriate.

"SEC. 123. CRITERIA FOR APPROVAL AND EXPENDITURES BY NTIA.

"(a) CONSTRUCTION AND PLANNING GRANTS.—The Secretary, in consultation with the Corporation for Public Broadcasting, public broadcasting entities, and, as appropriate, with others, shall establish criteria for making construction and planning grants. Such criteria shall be consistent with the objectives and provisions set forth in this part, and shall be made available to interested parties upon request.

"(b) BASIS FOR DETERMINATION.—The Secretary shall base determinations of whether to approve applications for grants under this part, and the amount of such grants, on criteria developed pursuant to subsection (a) that are designed to achieve—

"(1) the establishment of new public broadcasting facilities to extend service to areas currently not receiving public broadcasting services;

"(2) the expansion of the service areas or production capabilities of existing public broadcasting entities;

"(3) the development of public broadcasting facilities owned by, operated by, and available to minorities and women; and

"(4) the improvement of the capabilities of existing public broadcasting entities to provide public broadcasting services, including services to underserved audiences such as deaf and hearing impaired individuals and blind and visually impaired individuals.

"(c) NONCOMMERCIAL RADIO BROADCAST STATION FACILITIES.—Of the sums appropriated pursuant to section 125 for any fiscal year, a substantial amount shall be available for the expansion and development of noncommercial radio broadcast station facilities.

"SEC. 124. ADMINISTRATIVE PROVISIONS.

"(a) RECOVERY OF FUNDS.—If, within 5 years after completion of any project for construction of facilities, with respect to which a grant has been made under this section—

"(1) the applicant or other owner of such facilities ceases to be an entity as described in section 122(a)(1); or

"(2) such facilities cease to be used primarily for the provision of public broadcasting services (or the use of such public broadcasting facilities for purposes other than the provision of public broadcasting services interferes with the provision of such public broadcasting services as required in this part);

the United States shall be entitled to recover from the applicant or other owner of such facilities the amount bearing the same ratio to the value of such facilities at the time the applicant ceases to be such an entity or at the time of such determination (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facilities are situated), as the amount of the Federal participation bore to the cost of construction of such facilities. The Secretary may increase the period for recovery under the preceding sentence from 5 to 10 years if the Secretary determines that the longer period is necessary in order to accomplish the purposes of this part.

"(b) RECORDKEEPING REQUIREMENTS.—Each recipient of assistance under this part shall keep such records as may be reasonably necessary to enable the Secretary to carry out the functions of the Secretary under this part, including—

"(1) a complete and itemized inventory of all public broadcasting facilities under the control of such recipient;

"(2) records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the

project in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project supplied by other sources; and

"(3) such other records as will facilitate an effective audit.

"(c) ACCESSIBILITY OF RECORDS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance under this part that relate to assistance received under this part.

"SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for each of the fiscal years 1995 and 1996, to be used by the Secretary to assist in the planning and construction of public broadcasting facilities as provided in this part. Sums appropriated under this part for any fiscal year are authorized to remain available until expended. Sums appropriated under this part may be used by the Secretary to cover the cost of administering the provisions of this part.

"PART D—TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE PROGRAM

"SEC. 131. PURPOSE.

"It is the purpose of this part to facilitate the development of the national telecommunications and information infrastructure by authorizing the Secretary to establish and maintain, by the most efficient and economical means, a Telecommunications and Information Infrastructure Development Program that will promote the widespread availability of advanced telecommunications technologies to—

"(1) enhance the delivery to the public of diverse social services, including education and health care; and

"(2) support, through the interconnection and improvement of existing facilities and the deployment of new facilities, the formation of a nationwide, multimedia, high-speed, interactive infrastructure of varied information technologies.

"SEC. 132. GRANT AUTHORITY.

"(a) GRANT PURPOSES AND CRITERIA.—In accordance with the requirements of this part, the Secretary is authorized to award grants to eligible applicants (as described in subsection (b)(1)) to assist the development of a national telecommunications and information infrastructure. The Secretary shall not award a grant under this part unless the Secretary determines that the project will promote one or more of the following objectives:

"(1) expand or otherwise augment telecommunications networks or information technology systems for health care providers, educational institutions, research facilities, libraries, museums, State and local governments, and other social service and public information providers;

"(2) enhance the ability, through interconnection, of health care providers, educational institutions, research facilities, libraries, museums, State and local governments, and other social service and public information providers to have access to existing and new sources of information;

"(3) the development and utilization of standards for interoperability and interconnection of the various facilities, systems, and networks which would comprise a demonstration or pilot project;

"(4) universal availability and utilization of an advanced telecommunications and information infrastructure, especially for traditionally underserved populations; and

"(5) demonstrate and improve the efficiency and effectiveness of the delivery of social services, such as education and health care, to the American people.

"(b) APPLICATIONS FOR GRANTS.—Any eligible applicant desiring to obtain a grant under this part shall submit to the Secretary an application containing such information with respect to such project as the Secretary may require. Each applicant shall also provide assurances satisfactory to the Secretary that—

"(1) the applicant is—

"(A) a nonprofit foundation, corporation, institution, or association;

"(B) a State or local government (or any agency thereof), or a political or special purpose subdivision of a State or local government; or

"(C) any enterprise owned and operated by a State or local government entity;

"(2) the applicant has the technical, administrative, and financial capability to obtain, operate, and maintain the facilities, systems, or networks that are the subject of the application;

"(3) the applicant has chosen an efficient and economical means to achieve its communications or information needs, and has not failed to utilize commercially available network services to meet such needs to the extent such commercial services meet the needs of the applicant in the most efficient and economical manner;

"(4) the applicant has participated in comprehensive planning for such facilities, systems, or networks and such planning has included an evaluation of alternative technologies and coordination with appropriate State agencies, as needed;

"(5) the amount of the grant will not exceed 50 percent of the amount determined by the Secretary to be the reasonable and necessary cost of such project, unless the Secretary determines that extraordinary circumstances warrant permitting a grant in an amount that will not exceed 75 percent of such cost; and

"(6) the applicant will use any facility, system, or network obtained with funds provided under this section primarily to achieve the objectives identified in the application and will comply with regulations prescribed by the Secretary with respect to resale of any capacity of such facility, system, or network.

"(c) REGULATIONS; PRIORITIES.—The Secretary shall establish such regulations as may be necessary to carry out this part, including regulations relating to the order of priority to be used in approving applications and relating to determining the amount of each grant for such projects. As part of such regulations, the Secretary shall provide a preference in the award of assistance for projects that increase utilization and efficiency of existing telecommunications and information facilities. The Secretary shall seek the views of the Secretary of Education, the Secretary of Health and Human Services, and the Director of the National Science Foundation in developing the regulations authorized under this part. Such regulations shall include such regulations for purposes of subsection (b)(6) as the Secretary determines to be necessary to prevent an applicant from using commercial resale of excess capacity to compete unfairly with providers of telecommunications services.

"(d) SPECIAL CONSIDERATION.—In establishing criteria for grants pursuant to this part, and in establishing procedures relating to the order of priority established under subsection (c) in approving applications for grants, the Secretary shall give special consideration to applications that (1) will increase participation by minorities, individuals with disabilities, women, and other underserved populations in the ownership of, operation of, and access to, telecommunications and information infrastructure; and (2) will avoid unnecessary duplication of existing facilities and services. The Secretary shall take affirmative steps to inform minorities, individuals with disabilities, women, and other underserved populations of the availability of funds under this part, and to provide such other assistance and information as may be appropriate.

"SEC. 133. TRAINING AND PLANNING.

"(a) TRAINING EXPENSES.—The Secretary is authorized to provide funds for necessary and reasonable expenses for training in the operation of the facilities, systems, or networks developed pursuant to this part, except that such expenditures shall be authorized only for a period not to exceed one year after termination of the grant for the telecommunications or information facility, system, or network funded under this part.

"(b) PLANNING AND STUDIES.—The Secretary is authorized to provide up to 100 percent of the cost of planning projects or studies that will promote the development or enhancement of the national telecommunications and information infrastructure. Any plans or studies conducted by or for any grant recipient under this section shall be provided to the Secretary. An applicant for a planning grant shall provide such information with respect to such project as the Secretary may require and shall provide assurances satisfactory to the Secretary that the applicant meets the requirements of section 132(b)(1).

"SEC. 134. ADMINISTRATIVE PROVISIONS.

"(a) RECOVERY OF FUNDS.—If, within five years after completion of any project with respect to which a grant has been made under this part—

"(1) the applicant or other owner of the facility, system, or network ceases to be an agency, institution, foundation, corporation, association, or other entity described in section 132(b)(1); or

"(2) such facility, system, or network ceases to be used primarily for the intended purposes of the grant project;

the United States shall be entitled to recover from the applicant or other owner of such facility, system, or network an amount bearing the same ratio to the value of such facility, system, or network at the time the applicant ceases to be such an entity or at the time of such determination (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility, system, or network is situated), as the amount of the Federal grants bore to the cost of construction of such facility, system, or network.

"(b) RECORDKEEPING REQUIREMENTS.—Each recipient of assistance under this part shall keep such records as may be reasonably necessary to enable the Secretary to carry out the functions of the Secretary under this part, including—

"(1) a complete and itemized inventory of all telecommunications and information facilities, systems, or networks under the control of such recipient procured with funds authorized under this part;

"(2) records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project supplied by other sources; and

"(3) such other records as will facilitate an effective audit.

"(c) ACCESSIBILITY OF RECORDS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance under this part that relate to assistance received under this part.

"(d) DUTY TO MONITOR.—The Secretary shall monitor and evaluate projects in order to determine that such projects fulfill the objectives of this part. The Secretary shall evaluate the activities of the assistance program under this part

to assure that it is fulfilling its goals and objectives. The Secretary shall develop criteria for evaluations pursuant to section 132(c). Not later than January 1, 1998, the Secretary shall submit to the Congress a summary of the results of the monitoring and evaluation conducted under this subsection.

"(e) CLEARINGHOUSES.—

(1) CLEARINGHOUSE ON DISTANCE LEARNING.—In carrying out the requirements of subsection (d), and in collecting studies pursuant to section 133(b), the Secretary shall provide for the collection and dissemination of information concerning distance learning. The Secretary shall maintain information on distance learning providers; receive, review, and analyze reports of different distance learning activities; and publish periodically a compilation of the reports submitted and such analysis.

(2) CLEARINGHOUSE ON TELEMEDICINE.—In carrying out the requirements of subsection (d), and in collecting studies pursuant to section 133(b), the Secretary shall provide for the collection and dissemination of information concerning telemedicine projects. The Secretary shall maintain information on telemedicine projects, receive, review, and analyze reports of different telemedicine activities, and publish periodically a compilation of the reports submitted and such analysis.

"SEC. 135. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 1995 and $150,000,000 for fiscal year 1996. Sums appropriated under this section for any fiscal year are authorized to remain available until expended. Sums appropriated under this section may be used by the Secretary to cover the direct and indirect costs of administering the provisions of this part, for evaluating the effectiveness of the program and projects funded pursuant to this part, and for other related activities. Up to 5 percent of the funds appropriated pursuant to this section may be used by the Secretary for research to support the grant making activities under this part.".

(b) TRANSFER AND REAUTHORIZATION OF NATIONAL ENDOWMENT FOR CHILDREN'S TELEVISION.—The Communications Act of 1934 (hereinafter in this subsection referred to as "the 1934 Act") and the National Telecommunications and Information Administration Organization Act (hereinafter in this subsection referred to as "the NTIAO Act") are amended as follows:

(1) The NTIAO Act is amended by inserting after part D (as added by subsection (a) of this section) a new part E, the heading of which shall be as follows:

"PART E—NATIONAL ENDOWMENT FOR CHILDREN'S TELEVISION".

(2) Section 394 of the 1934 Act is transferred to such new part E of the NTIAO Act and is redesignated as section 141 of the NTIAO Act.

(3) Such section 141 is amended so that the section designation and section heading of such section shall be in the form and typeface of the section designation and section heading of this section.

(4) Subsection (h) of such section 141 is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $6,000,000 for each of the fiscal years 1995 and 1996, to be used by the Secretary to carry out the provisions of this section. Sums appropriated under this subsection for any fiscal year shall remain available for contracts and grants for projects for which applications approved under this section have been submitted within one year after the last day of such fiscal year.".

(c) CONFORMING AMENDMENTS.—

(1) NTIAO ACT DEFINITIONS.—Section 102(a) of the National Telecommunications and Information Administration Organization Act is amended by adding at the end the following new paragraphs:

"(6) The term 'construction' means acquisition (including acquisition by lease), installation and modernization of public broadcasting facilities, and planning and preparatory steps incidental to any such acquisition, installation, or modernization.

"(7) The term 'interconnection' means the use of an association of transmission channels or telecommunication circuits, switching units, or other equipment to provide the means of a transfer of signals between two or more points in a telecommunications network or networks or the use of an interconnection system.

"(8) The term 'interconnection system' means any system of facilities used for the distribution of programs to public telecommunications entities (as such term is defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397).

"(9) The term 'public broadcasting facilities' means telecommunications and related equipment necessary for the provision of public broadcasting services, except that such term does not include the buildings to house such apparatus (other than small equipment shelters that are part of satellite Earth stations, translators, microwave interconnection facilities, and similar facilities).

"(10) The term 'public broadcasting services' means the production, acquisition, distribution, or dissemination of noncommercial, educational, or cultural programs and related noncommercial and instructional and informational material disseminated by entities licensed by the Federal Communications Commission as noncommercial educational broadcast stations.

"(11) The term 'nonprofit' (as applied to any foundation, corporation, or association) means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(12) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a public broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational and cultural television or radio programs.

"(13) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

(2) DELEGATION.—Section 103(b)(3)(B) of The National Telecommunications and Information Administration Organization Act is amended to read as follows:

"(B) shall assign to the Assistant Secretary and the NTIA the administration of parts C through E of this title.".

(3) COMMUNICATIONS ACT AMENDMENTS.—Part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.) is amended—

(A) by striking subparts A, B, and C (47 U.S.C. 390–395);

(B) by redesignating subparts D and E as subparts A and B; and

(C) in section 397—

(i) by amending paragraph (1) to read as follows:

"(1) The term 'construction' means acquisition (including acquisition by lease), installation and modernization of public broadcasting facilities, and planning and preparatory steps incidental to any such acquisition, installation, or modernization.";

(ii) in paragraph (2), by striking "subpart D" and inserting "subpart A";

(iii) by striking paragraph (10);

(iv) by amending paragraph (15) to read as follows:

"(15) The term 'Secretary' means the Secretary of Health and Human Services."; and

(v) by redesignating paragraphs (11) through (17) as paragraphs (10) through (16), respectively.

SEC. 4. REAUTHORIZATION OF THE NTIA.

(a) AMENDMENT.—Section 151 of the National Telecommunications and Information Administration Organization Act is amended by striking "$17,600,000 for fiscal year 1992 and $17,900,000 for fiscal year 1993" and inserting "$28,000,000 for each of the fiscal years 1995 and 1996".

(b) TECHNICAL AMENDMENT.—Section 105(c)(2) of such Act is amended by adding at the end the following: "The Secretary is authorized to retain and use all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunications Sciences of the NTLA in furtherance of its assigned functions under this section. Such funds received from other Government agencies shall remain available until expended.".

SEC. 5. STUDY REQUIRED.

Part F of the National Telecommunications and Information Administration Organization Act (as redesignated by section 3(a)(1) of this Act) is amended by adding at the end the following new section:

"SEC. 156. STUDY AND REPORT ON SATELLITE-BASED EDUCATIONAL NETWORK FOR AFRICAN CHILDREN.

"(a) STUDY REQUIRED.—Within 6 months following enactment of this section, the National Telecommunications and Information Administration shall conduct a feasibility study to identify the opportunities, facilities, programming and other resources necessary to establish networks using modern telecommunications technologies for the purpose of providing educational and other training essential to ensure growth and opportunities in Africa. The study shall pay particular attention to the educational needs of children residing in rural and remote areas, and to the opportunities to address those needs. In conducting such study, the National Telecommunications and Information Administration shall identify resources and programs of governmental, nongovernmental, and multinational agencies that may be deployed promptly and economically. The study shall identify any legal, procedural, or technical impediments to the establishment of such a network or networks and the appropriate steps to remove such impediments.

"(b) REPORT REQUIRED.—The National Telecommunications and Information Administration shall submit to the President and the Congress a report on the results of the study required by subsection (a). The National Telecommunications and Information Administration shall include in such report any legislative or administrative actions required to promote the establishment of such a network.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $285,000 to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2639, the Telecommunications Infrastructure and Facilities Assistance Act of 1993.

This bill, which passed unanimously both the Subcommittee on Telecommunications and Finance and the full Committee on Energy and Commerce, is a signal that the Government will assist in bringing the information age to all Americans. This bill is about demonstrating that the benefits of the technological revolution are more than just access to 10,000 movie titles at its best, the revolution is about information; it's about doctors diagnosing patients across the State through telemedicine applications. It's about students conversing with other students across the country through distance learning programs. In essence, this bill promotes the promise of an information age for all Americans, rich and poor, in cities and in rural areas.

Allow me to explain briefly how H.R. 2639 will demonstrate this promise. H.R. 2639 amends the National Telecommunications and Information Administration Organization Act by creating a Public Broadcasting Facilities Program to accelerate the development of a nationwide communications and information infrastructure that is accessible to all Americans.

Specifically, this bill improves the Public Telecommunications Facilities Program by creating a Public Broadcasting Facilities Program in recognition of the importance of broadcasting in the dissemination of information. This program will extend the delivery of public broadcasting services to as many citizens of the United States as possible, using all sorts of technological mediums from microwave to fiber optics to satellites to broadcast. In addition, this grant-making program will give special consideration to public broadcasting services and facilities available to, operated by, and owned by minorities, women and underserved populations. It also will enhance the capability of existing public broadcasting entities by continuing the ability of NTIA to finance upgrading and improvement of existing facilities. This bill authorizes $35 million for fiscal year 1995 and 1996 to carry out this program.

Second, this bill authorizes NTIA to establish the Telecommunications and Information Infrastructure Program, a pilot project program that will promote the widespread availability of advanced telecommunications to health care providers, educational institutions, and State and local governments. This section is designed to enhance the delivery of diverse social services to the public through interconnection, and through the formation of a nationwide, high-speed, multimedia, interactive infrastructure.

Third, this bill transfers the National Endowment for Children's Educational Television, a grant program created under the Children's Television Act of 1990, to the NTIAO Act, where it can continue to be administered by the NTIA. This bill authorizes $6 million each for fiscal years 1995 and 1996 for the Endowment.

This bill also creates clearinghouses for telemedicine and distance learning at NTIA to collect and analyze information on which programs are most efficient. These clearinghouses will enable government grant administrators as well as hospital and school administrators all across the country to share ideas and suggestions on the different ways the health care and educational communities can benefit from the information infrastructure.

□ 1640

There I would like to particularly note the work of the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Washington [Mr. KREIDLER], who have helped to give some shape and direction to this new path that we are taking in the delivery of information services.

This bill also directs the NTIA to conduct a six month study to identify and make recommendations concerning the use of satellite technology to bring educational programming to Africa. This provision, which I wholeheartedly support was offered by our colleague JACK FIELDS in memory of the late Mickey Leland, who dedicated his life to bettering the lives of people all around the world.

Finally, this bill authorizes $28 million for the administration and salaries of NTIA each for fiscal year 1995 and 1996.

I urge all members to join me in supporting this critical component of an information infrastructure program.

The gentleman from Michigan [Mr. DINGELL], chairman of our full committee, and I, and all of the other members on the Democratic side give our wholehearted support to this legislation. We have worked it out in a bipartisan fashion, as usual, in the tradition of the Telecommunications and Finance Subcommittee. I want to compliment the gentleman from Texas [Mr. FIELDS] and the ranking member, the gentleman from California [Mr. MOORHEAD], for their work.

Mr. Speaker, I reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise to urge my colleagues to join me in supporting H.R. 2639, the Telecommunications Infrastructure and Facilities Assistance Act of 1993.

This bipartisan legislation reauthorizes the National Telecommunications and Information Administration [NTIA] for fiscal years 1995 and 1996.

NTIA is the telecommunications policy advisory agency in the executive branch. As such, NTIA formulates policy to support the development and growth of the telecommunications, information and related agencies. Among its duties, NTIA coordinates and monitors policy initiatives in international telecommunications, information services, spectrum management, and other important areas.

NTIA played an integral role in developing the comprehensive spectrum management package passed by Congress earlier this year. The communications licensing and spectrum allocation improvement act was a bipartisan initiative which was incorporated in the Omnibus Budget Reconciliation Act and which required the Department of Commerce to identify 200 megahertz of Government spectrum to be reallocated for use by the private sector. As a result of this initiative, spectrum resources will be available to accommodate emerging technologies for use by the American people.

H.R. 2639 also establishes a infrastructure development program to be administered by NTIA. This program will award grants to nonprofit organizations and State and local governments to assist in the development of a national advanced communications infrastructure for their services.

Mr. Speaker, I would note that this program should serve only to complement private sector development of the communications infrastructure. As recent market event have dramatically demonstrated, the private sector is willing, ready and able to make the investment necessary to bring an advanced communications highway into reality. The Government's primary role should be to create as competitive environment as possible for this investment to take place.

This legislation also replaces the Public Telecommunications Facilities Program with a new grant program aimed at upgrading the facilities of public broadcasting services and reauthorizes the National Endowment for Children's Educational Television Program.

Finally, this legislation requires the NTIA to conduct a study of the feasibility of establishing a satellite-based educational network to provide educational programming to African children. Mr. Speaker, this program has special significance because it will be offered in memory of one of our friends and colleagues, Mickey Leland, who worked tirelessly on behalf of the children of Africa.

Mr. Speaker, I want to thank the committee chairman, Mr. DINGELL, the subcommittee chairman, Mr. MARKEY, and their staffs for their work on this legislation. I urge my colleagues to support H.R. 2639.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Speaker, I thank the gentleman for allowing me time to speak on this outstanding bill. I first must congratulate Mr. MARKEY, Mr. FIELDS, and all the members of the subcommittee for bringing this bill to the floor, and I urge my colleagues to support it.

H.R. 2639, the Telecommunications Infrastructure and Facilities Assistance Act, reflects a serious commitment to the development of useful telecommunications technologies. The bill will help schools, doctors, public broadcasters and others to bring new services and information to American citizens.

I am particularly interested in increasing access to education through distance learning programs, and am pleased to see that the act strongly supports the development of these programs.

To provide additional support to these programs, the full committee adopted my amendment to establish an information clearinghouse on distance learning at the NTIA. The clearinghouse would assist distance learning providers with technical information about what works and what doesn't, and to help the NTIA make judgments about feasible and cost-effective technologies.

Mr. Speaker, it is time to bring the information age to the classroom. This bill will help us do just that, and I again urge my colleagues to support it.

□ 1650

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the ranking Republican on the full Committee on Energy and Commerce.

Mr. MOORHEAD. I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge my colleagues to support H.R. 2639, which authorizes the National Telecommunications and Information Administration [NTIA] for fiscal years 1995 and 1996.

I congratulate the chairman of our subcommittee, the gentleman from Massachusetts [Mr. MARKEY], and the ranking Republican on the subcommittee, the gentleman from Texas [Mr. FIELDS], for their work in bringing this legislation to the floor of the House.

Mr. Speaker, last year, Congress codified NTIA's authority as the primary advisory agency in the executive branch on telecommunications policy. As such, NTIA is responsible for developing policy initiatives for domestic and international telecommunications; for managing the use of radio spectrum by the Government; and for performing research in the telecommunications sciences.

In addition to reauthorizing NTIA, this legislation establishes a infrastructure grant program to assist in the development of a national telecommunications and information infrastructure. While this program cannot substitute for the development of a national communications highway by the private sector, it is hoped that it will assist educational institutions and health care providers gain access to this highway.

This legislation also replaces the public telecommunications facilities program with a new grant program to maintain and upgrade the facilities of public broadcasting services.

This legislation also reauthorizes the National Endowment for Children's Educational Television Program which supports television programming projects which will enhance the education of our Nation's children. In addition, this legislation directs the NTIA to conduct a 6-month study to identify resources which could be used to develop a satellite-based educational network to provide programming to the children of Africa. This program would be offered in memory of the late Congressman Mickey Leland.

Mr. Speaker, I urge my colleagues to support H.R. 2639.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH of Oklahoma. I thank the gentleman for yielding this time to me.

Mr. Speaker, I thank the gentleman for bringing this legislation to the floor today—legislation which truly takes a giant step forward in addressing the need for an advanced telecommunications infrastructure throughout America.

As the gentleman knows, I am very concerned about the lack of a modern telecommunications system in the rural areas of this country. Studies have shown that if rural communities are going to have a chance to survive economically, they must have a modern telecommunications system in place. In other words, we need a universal modernization effort to take place over the next few years if we are going to have any impact at all on our small rural towns.

Quality health care is no exception to the burdens facing our rural communities. Over the past few years, we have seen the growing benefits afforded by telemedicine. I am pleased to see that this bill establishes a clearinghouse for both telemedicine and distance learning in an effort to trace the growing number of unique and innovative programs being implemented in our country today. I also appreciate the report language which accompanies this bill that spells out the need for the NTIA to pay special attention to rural areas when selecting recipients of these grants.

Just for the record today, I would like to confirm my colleague's desire to have the NTIA seek to fund projects involving the application of telemedicine technology in rural areas.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. ENGLISH of Oklahoma. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the gentleman for his commitment to this issue, and I agree that rural telemedicine projects, which the gentleman from Oklahoma is in the forefront of, advocating as an indispensable part of laying the foundation for this information highway as it reaches out to rural America and guarantees that they have access to the communications networks to provide medicine in the most rural parts of the country, should be covered.

Of course, they would have to pass the intense review of the NTIA, but these are the kinds of projects that the NTIA is authorized to fund under this bill, and I am sure will, in fact, receive the highest consideration.

Mr. ENGLISH of Oklahoma. I thank the gentleman for his comments.

Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time. Let me just say in closing I urge all of my colleagues to support this piece of legislation. Not only is it a good piece of legislation, it is the right legislation. What it in essence is doing is helping to prime the pump for the telecommunications revolution about which the chairman talked earlier.

I personally believe that we are going to see more telecommunications innovation and development in the next 7 years between now and the year 2000 than we as a country have seen this entire century.

So we feel that this is an important piece of legislation, priming the pump, so to speak.

Also, on our side of the aisle we feel very comfortable knowing much of this effort, if not all, will be directed by the Assistant Secretary of Commerce, and the Administrator for NTIA, the Honorable Larry Irving, who is a friend on both sides of the aisle and a person who we think is competent in helping lead us in that direction toward a true revolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume for just about 30 seconds in order to say to the gentleman from Texas that including this Mickey Leland project in this legislation assures that there will be a memorial in this telecommunications area that will live on.

It also assures that Larry Irving, as the gentleman from Texas pointed out, who used to be Mickey's legislative staff director, who later served as chief telecommunications counsel for our subcommittee and is now the head of the NTIA, will be there to ensure that the intent of the gentleman from Texas and the intent of the full Committee on Energy and Commerce, each one of us, from Chairman DINGELL to CARLOS MOORHEAD and all Democrats and Republicans want to see this memorial to Mickey built. This legislation in that one little provision captures the national and international implications of this telecommunications revolution, what is possible and what we are helping to lay the foundation for as the Members of this House vote on this legislation here today.

Mr. HASTERT. Mr. Speaker, I rise to voice my strong support for H.R. 2639, the Telecommunications Infrastructure and Facilities Assistance Act of 1993. Part D of this bill would establish the Telecommunications and Information Infrastructure Program within the National Telecommunications and Information Administration [NTIA]. The purpose of this program is to promote widespread availability of advanced telecommunications technologies to the public, including educational institutions and health care providers, and support through the interconnection and improvement of existing facilities, the formation of nationwide, high-speed, interactive infrastructure of various information technologies.

For the illumination of Members, I would like to include in the RECORD a copy of testimony submitted by Morteza A. Rahimi, vice president and professor of engineering and computer science at Northwestern University to the telecommunications and finance Subcommittee on the merits of this bill.

STATEMENT ON CAPABILITIES AT NORTHWESTERN UNIVERSITY AND A CHICAGO-AREA INFORMATION INFRASTRUCTURE CONCEPT

(By Morteza A. Rahimi)

Mr. Chairman and other distinguished Members of the Subcommittee. I am submitting written testimony in support of H.R. 2639 to be inserted in the official record on behalf of Northwestern University.

I consider H.R. 2639 an important vehicle for transferring much of what is being developed in our leading universities to the rest of the society. While the emphasis in many earlier government programs has been on research and development of new technology, the program being considered emphasizes the deployment of existing technologies. If wisely administered, this program will encourage the integration of knowledge and technology developed at universities for application to broad issues of national concern, particularly in underserved areas. To demonstrate this, I will provide the committee with a wide range of development, technologies, and collaboration that have shaped Northwestern programs. These programs already support a number of partnerships with health care providers, k-12 education, government agencies, and businesses. I will then present a general description of how Northwestern University hopes to expand and build upon these services, using telecommunication and networking, to serve many more people in the Chicago area.

Northwestern University has recently expanded its network to provide high-speed access to a rich distributed computing environment to all members of the University communities in Chicago and Evanston. This network has high speed links to the Internet and to commercial networks, making it possible to share resources and capabilities beyond our campus boundaries. We are exploring ways to extend the University network, using existing commercially available telecommunication means, to include our current and future educational, industrial, and medical partners in the Chicago area. The expanded network will provide us all with better connection to the Internet and to emerging public network services. We plan to include our sister universities, libraries, museums, and service agencies in the Chicago area.

We hope to expand collaboration between our medical school and other health care support groups to improve regional health care. We hope to use this networking capability to expand our collaboration with our industrial and service partners. And, we hope to use the network to expand our involvement with Greater Chicago schools and to deploy the resources of our industrial partners to improve science and technology training throughout the area.

A few notable examples of collaborative and developmental efforts of University organizations are given below. The varied activities, from learning visualization to telemedicine, are the bases for our present telecommunication-based activities and could be the bases for possible activities supported under H.R. 2639.

The Learning through Collaborative Visualization Project, led by Professor Roy Pea, is attempting to transform science learning to resemble more closely the authentic practice of science. The project is using wideband commercially available ISDN networks to join high school students with other students at remote locations in collaborative work groups. Through these networks, students will communicate with University researchers and other scientific experts. Participating students study atmospheric and environmental sciences through project-based activities. Using state-of-the-art scientific visualization software, specially modified to be appropriate to a learning environment, students have access to the same research tools and data sets used by leading-edge scientists in the field. The project will provide students with a "collaboratory" workbench that includes desktop video teleconferencing; shared software environments for remote, real-time collaboration; access to the resources of the Internet; a multimedia scientist's "notebook"; and scientificvisualization software. In addition to providing new technology, the project is working closely with teachers at participating schools to develop new curricular and new pedagogical approaches that take advantage of project-based science learning. Faculty from the School of Education and Social Policy as well as from the Institute for Learning Sciences are working on this project. It is supported by a grant from the National Science Foundation. Project partners include the National Center for Supercomputing Applications, the Technical Educational Research Center, and The Exploratorium (science center), Ameritech, Apple Computer, Bellcore, Science Kit/Boreal Labs, and SUN Microsystems.

The Total Quality School Project, led by Professor Stuart Greenbaum, is a project in the Kellogg Graduate School of Management. The assumption of the project is that school administrators in our core city are as capable as business managers if given the same opportunity to learn management techniques. Therefore, the project uses the facilities and resources of the Kellogg School, normally used to train corporate leaders, to train Chicago school administrators on total quality management. The funding for the program comes partially from the University and partially from business partners who "adopt a school."

The Institute for Learning Sciences, led by Professor Roger Schank, was established at Northwestern University in 1989. The goal of the Institute is to create innovative, computer-based learning environments, based on leading-edge research in cognitive sciences and artificial intelligence, that exploit developing theories about the way humans actually learn, remember and reason. The teaching and learning systems being built employ sophisticated software technologies in compelling, interactive, multimedia systems. The Institute is intended to serve as a catalyst for change in school systems through software that alters how and what children learn. Research and development is conducted by project teams, representing several areas of expertise such as natural language processing and interface design, instructional design, and computer and multimedia technologies. The faculty is drawn from several university departments, including Electrical Engineering and Computer Science, Psychology, and the School of Education and Social Policy.

Northwestern's Medical School and Northwestern Memorial Hospital are now investing in an advanced information network to connect their various facilities and will then extend this network to select community-based clinics and private physician offices in an effort to link ambulatory and inpatient care, education and research.

The Weinberg Medical Informatics Training Center was conceived and designed to prepare today's medical students for practice in the 21st Century by introducing them to Medical Informatics, the integration of Information Management and Decision Science. The Weinberg computer-equipped classroom serves as a major resource for training medical students, post-M.D. trainees, faculty, alumni, practicing physicians, and other health care professionals in the use of such education resources as lecture presentation programs and clinical simulations, in the use of such productivity tools as word processing and spreadsheets, and in the use of decision support tools such as decision trees and expert systems. It is also a classroom where computer-based interactive programs have been integrated into course curricula such as in physiology, neuroscience, and statistics. The Weinberg Center has also been the site of Northwestern's participation in the evaluation of computer-based student assessment being developed by the National Board of Medical Examiners.

The Center for Information and Telecommunication Technology, led by Professor Albert Rubenstein, is a multidisciplinary research center that does basic and applied research on a wide range of topics. Typically, CITT studies are concerned with the stage before commercialization. Projects concentrate on areas in which the capabilities of CITT members provide a comparative advantage, including design and performance measurement for computer and communications networks, personal communications systems and wireless information networks, users' needs for intelligent systems, automatic document processing, image processing, database management, and the economics and organization of information technologies in the service sectors. CITT is based in Northwestern University's Robert R. McCormick School of Engineering and Applied Science. Faculty members from several McCormick departments and other schools at Northwestern participate in CITT research and related activities. CITT partners come mainly from manufacturing and the service sector, such as hospitals and insurance companies.

The campus information service, NUInfo, provides information about campus services and an electronic calendar of events. Individual departments have established their own information servers to provide current departmental information to their faculty and student. NUWho is an electronic directory that is automatically updated each month and provides the most recent information about Northwestern faculty, staff and students. Students use e-mail clients software to receive and send electronic mail. A server of public domain and site license software is available. This server includes various networking software that enables faculty, students and staff to take advantage of the resources available to them on the Internet.

The Northwestern Library has been a leader in the use of computers to provide services to the Northwestern Community. The NOTIS/LUIS electronic catalog system, which Northwestern developed and installed in over 100 universities, is now a commercial product. The Library has begun to provide new types of services and information electronically across the campus network. Databases that can be accessed from the campus include Science Citation Index, ERIC, Dissertation Abstracts, Newspaper Abstracts, and Grolier's Electronic Encyclopedia. The Oxford English Dictionary (OED) is available for campus network access. It uses PAT to enable users to perform sophisticated searches for words or phrases in text collections and display them on screen in context. The Library has recently made the Perseus Project's electronic collection of ancient Greek texts and graphics on the campus network. The Galter Health Sciences Library provides network access to NUMed resources, which includes the Medline database.

The Instructional Technology Group works with departments and schools to support and develop ways of integrating technology into instruction. Electronic mail, list services, and news programs are being used to support the interaction between faculty and the students they teach outside of the normal class time. Seven new electronic classrooms have been installed on campus over the last year. These classrooms provide computer-controlled audio and video equipment (laser disc, VCR, CD-ROM) and access to the campus network. The podiums in these classrooms includes a Macintosh and a PC system, or a UNIX workstation. Faculty can also connect their own computer or laptop for a class presentation.

A Network Operations Center has been established to monitor the network and to guarantee dependable services. The information technology staff work with departments and schools on the design and installation of network connections and on the creation of Local Area Networks (LANs). The staff is also available to provide ongoing technical support of established network connections and LANs throughout the year. The Distributed Computing Group has also been created to establish distributed computing environment across the University Network that will support new network services to users and access to a new level of computing resources. A Network Applications Development Group as been created to develop client/server applications that benefit instruction, research, and administrative computing at Northwestern. The University Network was designed not only to meet today's needs to provide options for smooth transitions to future networking and computing technologies that will offer integrated data, voice and video services across a single network.

To accomplish the tasks necessary to expand these services to the entire community in the Chicago area, we propose to use our networking capabilities and the computational powers available to us and to our partners to create a common platform for the support of diverse educational, health care, and business support applications and to create an easy-to-use electronic environment for collaboration.

We hope to pursue four objectives:

Strengthen and expand university support of schools in the Greater Chicago area.

In 1992 our faculties participated in a variety of projects in K-12 science education. A collaborative network environment would greatly enhance the effectiveness of faculty in education, science, engineering, and business in working with local schools.

Deploy the science and technology capabilities of Greater Chicago industries in support of K-12 science education.

There are thousands of scientists and engineers employed by local industry who could bring their knowledge and interest to bear upon improving science education, teacher education, and learning research. The enhanced networked environment would facilitate their involvement in area schools by supporting remote collaborative efforts with students, teachers, and researchers.

Expand opportunities for collaboration among medical schools and their health care provider partners.

The collaborative capabilities and shared resources of an expanded network have the potential to enhance research, to improve medical services, to increase health care efficiencies, and to support remote clinics in underserved areas.

Strengthen and expand the University's partnership with manufacturing and service industries.

In 1992 our faculties received over $22,000,000 from business and industry in support of collaborative projects. The envisioned collaborative network environment will provide new possibilities for collaboration between local universities and business, including expanded multi-disciplinary projects.

To accomplish the above objectives, we propose to:

Deploy the existing telecommunication infrastructure to link us to our educational, medical and industrial partners.

The combination of the Internet and public network services will make it possible effectively to share resources and data, to exchange ideas and information, and to collaborate with partners in a variety of professions at different locations.

Establish a collaborative environment through electronic mail, electronic conferencing, resource sharing, and other software.

We are integrating communication and collaborative tools for our internal use. These tools could be extended to K-12 schools, health care facilities, and industrial partners in order to encourage interaction across a wide range of projects.

Identify and support important applications that can benefit several professions.

Professions, regardless of their field, have many common software needs. Visualization software, for example, is used throughout science and engineering as well as in education and business. Adopting a common set of tools across different platforms would facilitate collaboration. It would provide a conceptual bridge between different disciplines that can stimulate the development of new approaches and solutions to problems.

Create a model for the support of work in a network setting that can be emulated elsewhere.

Developing a network model for collaboration will substantially enhance the computational resources available to users and improve their productivity. The resulting environment would distribute computing resources across the network and offer individuals access to the combined resources of networked workstations, large and small servers, and remote super computers that far exceed the capabilities normally available to any single individual or group.

Create a network environment that enables industrial scientists to provide support for K-12 science education.

It would be unrealistic to expect industrial scientists to spend a portion of their time away from their offices to support K-12 instruction. In a networked environment, however, they could participate in the development of materials for instruction, act as consultants to teachers, enable apprenticeships for learning science through doing science, and be resources and role models for the students from the desktop computers in their offices.

Create a team of support personnel to integrate existing software and to develop software needed to support activities across different disciplines.

By defining a standard architecture across the network, a single team will be able to develop common tools that would serve the diverse needs of collaboration between universities K-12 education, health care, and industry. The effort could provide a national model for the deployment of existing technologies in various disciplines for multi-disciplinary purposes.

Provide support to teachers, scientists, engineers, and other professionals so that they can devote a portion of their time to develop concepts and to participate in collaborative efforts.

A mechanism will be sought out to provide release time for participants so they can contribute to the evolution of projects. The collaborative environment will allow us to take advantage of people's limited time more effectively.

Evaluate the effectiveness of the collaborative network environment to support learning, health care, and economic development.

We will develop ways to evaluate the results of our activities so that we can demonstrate what is effective and what is not, and thus, provide a "total quality" approach to uses of networked environment in support of these diverse activities.

In conclusion, Mr. Chairman, Northwestern is actively using information technology to support her varied collaborations with many other organizations in the Chicago area. We welcome your initiative to make resources available that could be used to expand these Northwestern University activities in Chicago and could be used to support other organizations interested in undertaking similar projects elsewhere in the United States.

Thank you for the opportunity to submit this statement to the subcommittee.

Mr. SYNAR. My Speaker, I rise today in support of H.R. 2639, legislation that will bring America's diverse social service needs in line with 21st century technology.

In 1956, the Federal Government made a commitment to building a national interstate highway system, in order to provide better commerce and recreational opportunities for all Americans. One of the guiding principles at that time was that no one, whether they lived in Nowata, OK, Malden, MA, or Dearborn, MI, would be left without access to the Nation's evolving transportation system.

It is in this same spirit that Congress must champion the current private sector effort to build a telecommunications infrastructure so that we have a system linking to citizens to information that will enhance their lives and health. The possibilities are enormous—from schoolchildren in Stilwell, OK, learning college calculus by satellite to doctors from the Mayo Clinic diagnosing the illness of a patient hundreds of miles away at a hospital in northeastern Oklahoma.

These types of projects should be developed through public-private partnerships that are catalyzed by grants to State and local governments, hospitals, museums, libraries, and schools. The Telecommunications and Information Infrastructure Grant Program outlined in NTIA's expanded authorizing legislation will fund network projects and last mile linkages so that the promise of the Nation's information superhighway is brought to citizens in both rural and urban areas.

One of the most important applications of these networks will be in the area of telemedicine. The capability of transfer medical data and images electronically will be a critical part of any reform proposal to deliver preventive and diagnostic medical services to rural Americans in a cost-effective way. That is why this legislation mandates that the Secretary of Commerce create and maintain a clearing house on state-of-the-art telemedicine activities and urges the Department to focus its efforts on funding appropriate NTIA grants in the area of rural health care delivery.

In addition, I am pleased to note that this bill also reauthorizes NTIA to continue its programs in the areas of public broadcasting and children's educational television over the next 5 years. These grant programs leverage Federal dollars to maintain our public broadcasting facilities so that vital educational and cultural programming can flourish in the future.

I urge my colleagues to support this legislation, so that we can take concrete steps in bringing the best of telecommunications technology and its real-time, real-life benefits to Oklahomans and Americans throughout our Nation.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ORTON). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 2639, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2639, as amended, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

TRIBUTE TO ERNEST PETINAUD

By unanimous consent, Mr. MONTGOMERY was allowed to proceed for 1 minute and to revise and extend his remarks.

Mr. MONTGOMERY. Mr. Speaker, one of our most respected retired employees on Capitol Hill died yesterday. I am speaking of Ernest Petinaud, who was the maitre d' in the House Members dining room for many, many years.

Ernest's home was engulfed in flames Saturday, and Ernest lost his life in that house. I would like to point out something about Ernest Petinaud.

Mr. Speaker, Ernest was from Panama. He lived for 88 years. He came to work on the Capitol Hill, he came when he was just 16 years old and worked as a busboy, as a waiter, became maitre d' when the House front extension made room for the new concession of the congressional dining room.

He worked in the Capitol for over 40 years.

Mr. Speaker, the Members dining room is named the Petinaud Room after Ernest.

Mr. Speaker, we do not have funeral arrangements, but we will make those available when we have that information.

Ernest died at the age of 88, an old friend of ours.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding to me.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Mississippi. I am really distressed to hear this information. I have not heard it before.

Mr. Speaker, I have known Ernest probably in excess of 30 years; knew him well, joked with him, traded stories with him. Mr. Speaker, this is most distressing news. I join the gentleman from Mississippi [Mr. MONTGOMERY] in expressing sorrow about this tragedy.

Mr. MONTGOMERY. I appreciate the remarks of the gentleman from Missouri.

□ 1700

TRIBUTE TO REAR ADM. MICHAEL L. BOWMAN

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize and say farewell to a fellow Missourian who has served ably and well over the past 21 months as the Navy's Commander of Legislative Affairs. That is Rear Adm. (lower half) Michael L. Bowman.

During his tenure, he has provided timely support and accurate information on Navy and Marine Corps plans and progress. His reports have enabled the Defense agencies and Congress to work directly together to ensure the modern, well-trained and well-equipped naval forces remain strong for our country. Admiral Bowman has opened and maintained lines of communication with Members and staff alike which fueled an atmosphere of mutual respect and common purpose.

A veteran of Vietnam and leader of Air Group 1 in Desert Storm, this highly decorated combat veteran now goes on to become the commander of Carrier Group 6 based in Mayport, FL. I know all the Members of this body join me in wishing Adm. Michael L. Bowman the very best.

COMMENDING AMERICAN AIRMEN HELD AS PRISONERS AT BUCHENWALD CONCENTRATION CAMP DURING WORLD WAR II

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the concurrent resolution (H. Con. Res. 88) recognizing and commending American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. ORTON). Is there objection to the gentlewoman from Virginia?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, as sponsor of this legislation, I rise in strong support of House Concurrent Resolution 88.

Mr. Speaker, I yield to the gentleman from Mississippi [Mr. MONTGOMERY] who chairs the Veterans' Affairs Committee and who is the chief sponsor who introduced this resolution.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, I rise in support of this resolution. I am proud to be the author of this piece of legislation, which recognizes and commends the American survivors of the Buchenwald concentration camp in World War II.

I want to thank the committee chairman, the gentleman from Missouri [Mr. CLAY] and the gentlewoman from Maryland [Mrs. MORELLA] for taking such a big interest in this legislation.

I think it is of great interest to the Speaker and other Members. I would briefly like to explain what the resolution does, and I want to thank the gentlewoman from Virginia [Ms. BYRNE] for bringing the resolution so quickly to the floor.

Eighty-one American military men in the Army Air Force and 92 other allied fliers were held as prisoners. These prisoners were considered as spies because they were captured in civilian clothes.

Since the end of World War II, the Allied nations of Canada, Australia, and New Zealand have recognized their airmen who where in Buchenwald. In addition, the Danish Government has recognized the 1,700 Danish policemen who also were at Buchenwald with our American airmen.

It is only fitting that our country pays tribute with this recognition. The resolution requests the President to issue a proclamation to recognize and commend these gallant airmen for their bravery and fortitude in surviving the horrors of the Buchenwald concentration camp. I am proud to have introduced the resolution and urge its passage.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I appreciate this opportunity to say a few words regarding House Concurrent Resolution 88.

I would also like to express my appreciation to the chairman of the Committee on Veterans' Affairs, Mr. MONTGOMERY, and the dedicated work by Chairman MONTGOMERY's staff, Al Bemis, for introducing this legislation which would recognize and commend the American airmen held as prisoners of war at the Buchenwald concentration camp during World War II.

Eighty-one American military men in the Army Air Force, along with 92 other Allied fliers, were held as prisoners. They were considered spies because, when they were captured in 1944, they were dressed in civilian clothes. These airmen did what they were trained to do: They tried to elude the enemy and resist capture, and were trying to make their way back to their units. In doing so, many of the airmen—who were over France at the time—met the Resistance and wore civilian clothes. The capturing army considered the Allied personnel in civilian clothes as saboteurs and spies. The captured airmen were first sent to Fresnes Prison in Paris and then to Buchenwald.

Since then, the Allied Nations of Canada, Australia, and New Zealand have honored their airmen who were imprisoned in Buchenwald. The Danish Government has erected a museum honoring the 1,700 Danish police officers who were imprisoned with the Allied airmen. This is the first opportunity that we have had in our country to recognize these American airmen.

Mr. MONTGOMERY has shared with us a communication written by one of the survivors who states in his letter:

Buchenwald was a real place with real atrocities to mankind. What is unreal is the unwillingness of the U.S. Government to recognize that American airmen were in fact imprisoned in Buchenwald. Those of us wounded in battle are embarrassed when seeking VA medical assistance to see reflected in our V.A. records the statement, "Claims he was imprisoned in Buchenwald."

Chairman MONTGOMERY has said that these Allied airmen who were held as prisoners of war displayed faithful service, personal bravery, and exceptional fortitude and deserve to be honored. Passing this legislation, Mr. Speaker, will help us to correct some of the historical gaps in America's intervention in World War II and, recognize the sacrifices made by our own brave military personnel.

I urge my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 88

Whereas, during World War II, 173 Allied airmen were captured by the enemy and held as prisoners of war at the Buchenwald concentration camp in Weimar, Germany;

Whereas the captured airmen included 81 Americans, 27 Canadians, and 65 Britons, Australians, and New Zealanders;

Whereas the facts and circumstances of their confinement are amply documented in the official records maintained by the National Archives and Records Administration;

Whereas a report from the International Red Cross concerning Stalag Luft III in Sagan, Germany, mentioned 6 American Airmen held at Buchenwald, including 1 whose name does not appear on the lists maintained by the National Archieves;

Whereas, since the liberation of Buchenwald in 1945, numerous personal memoirs, scholarly books, and articles have been published describing the conditions at the concentration camp;

Whereas this extensive documentation records the extraordinarily inhuman treatment, deprivations, and personal suffering inflicted on prisoners of war and other inmates at Buchenwald; and

Wheras Allied Governments and veterans organizations outside the United States have granted special recognition to their citizens and members who were held as prisoners of war in World War II concentration camps: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and commends the valiant American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their faithful service, personal bravery, and exceptional fortitude; and

(2) requests that the President issue a proclamation recognizing and commending the service, bravery, and fortitude of the American airmen.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL GOOD TEEN DAY

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 75) designating January 16, 1994, as "National Good Teen Day" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, and I do not object, I yield to the gentleman from Ohio [Mr. TRAFICANT], who is the chief sponsor of House Joint Resolution 75.

Mr. TRAFICANT. Mr. Speaker, I thank the gentlewoman from Maryland for yielding to me.

Mr. Speaker, I rise in support of House Joint Resolution 75, designating January 16, 1994, as "National Good Teen Day." I would like to thank Chairman CLAY and ranking member MYERS of the Post Office and Civil Service Committee for their assistance in quickly bringing this important piece of legislation to the floor.

I introduced this bill earlier this year because I believe that a national day should be created to focus on the positive qualities in America's youth. Last year, President Bush signed into law this initiative, and January 16, 1993, was declared "National Good Teen Day."

The concept of Good Teen Day was created by Mr. Robert Viencek, an instructor of English at Salem High School in my district. He selected January 16 as Good Teen Day because Abraham Lincoln, our 16th President, was quoted as saying, "When you look for the good in man, you'll always find it." Viencek says that the 16th is, quote, "A special year in the lives of teenagers, it is the age when many young people start to drive and start to work—it is also the middle date of the seven teen years—13–19." Salem City schools designated January 16, 1992 as "Good Teen Day." The city of Salem, OH, as well as the Ohio House of Representatives, have extended recognition to Salem City Schools for this important commemoration.

Mr. Speaker, our Nation's teenagers represent an important part of our society. The many physical and emotional changes and character-building experiences that teenagers go through are an important concern. It is often easy to stereotype teenagers as either those who have problems or those who excel. Teenagers should not simply be recognized for their intelligence, abilities, skills, and talents, but rather for the good which is inherent in all human beings.

Teenagers are the future of our great country. There are more than 24 million teenagers in the United States according to the latest census. Therefore, I believe that Mr. Viencek's idea should not be limited to one locality, but expanded to the national level.

Mr. Speaker, I again thank Chairman CLAY and ranking member MYERS for their help in honoring our Nation's teenagers. I would also like to thank 250 of my colleagues who saw the merits of "National Good Teen Day" and cosponsored the bill.

Mrs. MORELLA. Further reserving the right to object, Mr. Speaker, I want to thank the gentleman for introducing the resolution and for speaking so positively about it.

It is true that we must recognize the good that teenagers do and the inspiration that we as adults are to them.

I did not realize until the gentleman mentioned it that the 16th was chosen because of the 16th President, and the 16th President, Abraham Lincoln, also said, "Bring out the better angels of our nature."

I think we all have a responsibility to look to our teens, knowing that they are going to be our future and give them the opportunities to bring out the better angels of their nature.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 75

Whereas Salem City Schools in Salem, Ohio, have proclaimed January 16, 1992, as "Good Teen Day";

Whereas there are more than twenty-four million teenagers in the United States according to the 1990 Census;

Whereas our Nation's teenagers represent an important part of our society, and the many physical and emotional changes and character-building experiences which teenagers go through are an important concern;

Whereas it is easy to stereotype teenagers as either those who have problems or those who excel;

Whereas teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings;

Whereas as unique individuals, teenagers are encouraged to esteem the good as well as the potential that is within each of them;

Whereas a day should be created to focus on the positive qualities in America's youth; and

Whereas teenagers are the future of this great country: Now, therefore, be it

Resolved by the Senate and Housing of Representatives of the United States of America in Congress assembled, That January 16, 1994, is designated as "National Good Teen Day," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day by recognizing the teenagers of the United States and by participating in appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1710

NATIONAL FAMILY WEEK

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 79) to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. ORTON). Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Indiana [Mr. MYERS] who is the chief sponsor of House Joint Resolution 79.

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for yielding, and I thank her and the gentlewoman from Virginia [Ms. BYRNE] for bringing this action to the floor today.

A number of years ago, Mr. Speaker, when I first came to Congress, a schoolteacher in Indiana came forth with the idea that we should honor the family, and how appropriate that is today. All of us are here because we have families, and most of us have families that we respect. At a time when, particularly, young people find it difficult to adjust themselves into society, there is something wrong with its fabric, and maybe we need to have more attention paid to the family, so it is appropriate at this time of Thanksgiving particularly that we recognize the value of the family, the importance of the family, to our American way of life, and the things we kind of take for granted are there because our families have given those things to us.

So, Mr. Speaker, today I am thankful that this bill has been brought to the floor. I hope someday we will not have to do this on an annual basis, that we can recognize the family as an institution, a vital institution, a vital part of our life in this country, and we will not need to do this on an annual basis. We will do it every year without having to have this legislation. But in the meantime I say, "Thank you."

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I point our that this resolution, thanks to the sponsor, has been around for 22 years, and today we are going to make it 23 and 24 years because this is going to designate the week beginning November 21, 1993, and November 20, 1994, as National Family Week.

Much has been said about the family and its different configurations, but there is no doubt that, whether it is a single head of household, whatever kind of family it is, the family unit is critical to the health and welfare and strength of our Nation. It is through the family that values occur, and, where there is not the outward semblance of family, I think we, as a community, have a responsibility to try to provide that.

So, Mr. Speaker, I certainly commend the gentleman from Indiana [Mr. MYERS] for introducing this resolution, and I do hope that we remember it, not just 1 week every year, but every day of every year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 79

Whereas the family is the basic strength of any free and orderly society;

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994 as "National Family Week".

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILDREN'S DAY

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 139) to designate the third Sunday in November of 1993 as "National Children's Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from the Eighth District of Massachusetts [Mr. KENNEDY] who represents my mother there and who is the prime sponsor of this resolution.

Mr. KENNEDY. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. MORELLA] for that kind introduction. The fact is that she is probably the only person that I am delighted has moved out of the Eighth Congressional District of Massachusetts so that she could represent, I think it is, the Eighth District here in the State of Maryland so that there is a little less competition up there in my home

State. But I also want to thank the gentleman from Missouri [Mr. CLAY], chairman of the Committee on Post Office and Civil Service, and the gentleman from Indiana [Mr. MYERS], who have always done such fine work on the committee, as well as the gentlewoman from Virginia [Ms. BYRNE] for her efforts in bringing this important commemorative to the floor. I very much appreciate all the time and effort that the committee spent on this issue.

Mr. Speaker, on Sunday, November 21, this country will celebrate the fifth annual National Children's Day. It is a time to honor our kids, celebrate their many triumphs, listen to their hopes and concerns, and reflect for a moment on the world they are living in and the world we are leaving them.

There is an urgent need now, to address the problems of children.

Difficult economic times have had a tragic effect on our Nation's children. There are half a million homeless children in America. Children who are living completely on their own now account for 4 percent of the total homeless population in our country.

Health care is sorely lacking for millions of American children. Eighty percent of children in low-income families have one or more medical problems that go untreated.

Child abuse and neglect have become a national heartache, and the statistics are intolerable. Forty-two out of every 1,000 children have been abused or neglected.

And that mistreatment begins a cycle of violence. Every city in this country is reeling from the staggering increase of violent crimes committed by juveniles, and it just seems to me that at a time in our country's history when the kids are under attack by so many of our Nation's problems that we need a day to celebrate the tremendous contributions that they made to this country, contributions that kids all across our Nation, as the gentlewoman from Maryland [Mrs. MORELLA] can remember from the hearings that we have had in years past as a result of the passage of this commemorative, kids that come in and testify about how they combat homelessness, how they are involved in projects to reduce hunger at the local level, how they are involved in sports, how they are involving themselves at their own schools in trying to come up with projects where they talk to other kids about the kind of violence that exists in schools, and the amounts of drugs, how kids are helping other kids by talking them out of drug abuse.

It just seems to me that at a period of time in our Nation's history where kids are so vulnerable in our society that we can take 1 day out of the year and say that we are going to honor our children, we are going to honor kids that have done special things, and we are also going to honor kids across the country. We are going to urge parents to just take an hour out of that day and spend that hour with their child reading, take them for a walk in the park, take them to a ball game, show their children that we care, and it does not just have to be their own kid. It can be their nephew or their niece. It can be a kid next door. It can just be any child that for 1 hour, for 1 day out of the 365 days of each calender year, for 1 day we can make for those kids a very special day and let them know that we, as a family, we, as a nation, honor them, that we are going to tell them that they are important, that they count, and that every one of them can make a difference.

Mr. Speaker, we need to send a message to our Nation's children that they are our greatest resource. We hear so much rhetoric in this Chamber, and yet there can be no more fundamental calling for any Member of Congress than to say that we want to have a better country for our Nation's future.

Mr. Speaker, I thank so much again the gentlewoman from Maryland [Mrs. MORELLA] for the efforts that she has made in helping me get this passed in years past and for the efforts that she has made to be at every hearing that we have had to celebrate National Children's Day. We look forward to working with her again in the future, and again I want to thank particularly the gentlewoman from Virginia [Ms. BYRNE] for her efforts at being a freshman and making this day possible to honor our Nation's kids. I thank them both very much for their efforts.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, again I want to commend the gentleman from Massachusetts [Mr. KENNEDY] for this recognition of National Children's Day. There is just no doubt that we as adults are teachers of children. They look to us as role models. They follow what it is that we say is right and good in our society, and they are so bewrought with the temptations and the problems, as has been mentioned with homelessness, with violence in the home, violence on the streets, violence in the media, with just so many problems. It is up to us as adults to provide the opportunities and to look to them, pat on the back, give them the health, give them the education, give them the values that are going to make them the leaders of tomorrow.

□ 1720

As a matter of fact, it is interesting that we have had three resolutions in a row. I know that the gentlewoman from Virginia [Ms. BYRNE], who has handled them on that side and has been so supportive, knows that they all tie in to children. We have this one, National Children's Day, which is so important, and then we had Good Teen Day, to recognize as they progress the values that these teens give in terms of helping with national service and helping in so many ways in their communities. Then we had the Family Recognition Week. So it all ties together, and I hope it is a wakeup call for all of us as we prepare for Thanksgiving to look to our children who will become teens and hope that they will become in some way a part of a family unit that we can provide.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. ORTON). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 139

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in November of 1993 is designated as "National Children's Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the commemorative joint resolutions and the concurrent resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

PROPOSED IMPORT PROHIBITIONS AGAINST THE PEOPLE'S REPUBLIC OF CHINA AND TAIWAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–162)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

On September 7, 1993, the Secretary of the Interior certified that the People's Republic of China (PRC) and Taiwan are engaging in trade of rhinoceros and tiger parts and products that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Five rhinoceros species and the tiger are listed in Appendix I of CITES, which means that the species are threatened with extinction and no trade for primarily commercial purposes is allowed. Although recent actions by the PRC and Taiwan show that some progress has been made in addressing their rhinoceros and tiger trade, the record demonstrates that they still fall short of the international conservation standards of CITES. This letter constitutes my report to the Congress pursuant to section 8(b) of the Fisherman's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(b)).

The population of the world's rhinoceros has declined 90 percent within the last 23 years to the present level of less than 10,000 animals, and the tiger population has declined 95 percent within this century to the present level of about 5,000. Neither the PRC nor Taiwan has fully implemented the international standards established by CITES for controlling the trade in these species, and the poaching of rhinoceroses and tigers continues in their native ranges fueled in part by the market demand in the PRC and Taiwan. These populations will likely be extinct in the next 2 to 5 years if the trade in their parts and products is not eliminated.

To protect the rhinoceros and tiger from extinction, all countries and entities that currently consume their parts and products must implement adequate legislative measures and provide for enforcement that effectively eliminates the trade, including taking actions to comply with the criteria set down by CITES in September 1993 and fully cooperating with all CITES delegations. The PRC and Taiwan have made good faith efforts to stop the trade in rhinoceros and tiger parts and products, and have, since the announcement of Pelly certification, undertaken some positive legislative and administrative steps in this regard. These efforts, however, have yet to yield effective reductions in trade.

I wish to support and build on these good faith efforts undertaken by the PRC and Taiwan. At the same time, I would like to make clear the U.S. position that only effective reductions in the destructive trade in these species will prevent the rhinoceros and tiger from becoming extinct. Accordingly, I have established an Interagency Task Force to coordinate the provision of U.S. technical assistance to the PRC and Taiwan to help them eliminate their illegal wildlife trade. I have also instructed the Department of the Interior, in coordination with the Department of State and the American Institute in Taiwan, to enter immediately into dialogue with the PRC and Taiwan regarding specific U.S. offers of trade and law enforcement assistance.

Actions by the PRC and Taiwan that would demonstrate their commitment to the elimination of trade in rhinoceros and tiger parts and products could include: at a minimum, consolidation and control of stockpiles; formation of a permanent wildlife or conservation law enforcement unit with specialized training; development and implementation of a comprehensive law enforcement and education action plan; increased enforcement penalties; prompt termination of amnesty periods for illegal holding and commercialization; and establishment of regional law enforcement arrangements. I would expect that in taking these actions, the PRC and Taiwan would take account of the recommendations by the CITES Standing Committee and other CITES subsidiary bodies. In that regard, I am pleased to announce that the United States will participate in a delegation to the PRC and Taiwan organized by CITES to evaluate their progress between now and the March 1994 CITES Standing Committee meeting.

At its last meeting, the CITES Standing Committee unanimously recommended that parties consider implementing "stricter domestic measures up to and including prohibition in trade in wildlife species now" against the PRC and Taiwan for their trade in rhinoceros and tiger parts and products. The United States is prepared, through close dialogue and technical aid, to assist the PRC and Taiwan. I hope that both will demonstrate measurable, verifiable, and substantial progress by March 1994. Otherwise, import prohibitions will be necessary, as recommended by the CITES Standing Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1993.*

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER TIME

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the 5-minute special order be vacated for the gentleman from Georgia [Mr. KINGSTON] and that a 60-minute special order be granted the gentleman in lieu thereof.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NAFTA NECESSARY FOR GROWTH IN AMERICAN EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, we live in revolutionary times. And among the revolutions that are sweeping the world at the present time, is the revolution of the globalization of the economy. More and more we find that the products on Main Street are products that come in from around the world, and what we know is that the United States also ships its products to the world.

What we do know about the United States is that we are the largest exporting nation in the world. We stand to lose more by the countries of the world cutting back on trade than we stand to gain, but we also stand to gain more as in fact trade expands around the world. It seems to me that we need to think about that as we enter into the debate over the next few days on the North American Free-Trade Agreement. Because it is clear to me that the one factor of globalization which we have to take into account is the fact that the world's nations, faced with a globalized economy, are coming together in trading blocs.

Europe has already come together in what has been known as Europe '92, and they now have a European trading bloc. The Pacific rim countries, ranging from Korea, down through Japan, Hong Kong, into Singapore, are coming together in a trading bloc to influence the trade affairs of that part of the world.

What we are attempting to do with the North American Free-Trade Agreement is to bring North America together in a similar kind of trading bloc. It is an important trading bloc, because in fact what it has is the largest consumer market in the world. It is a growing market, largely because of the growth of the Mexican economy.

If the United States is a part of such a trading bloc, it will give it clout in future negotiations with regard to international trade agreements.

We cannot stop the globalization of the economy, but we can in fact be a part of making certain that it is fairer to us. The only way that we can achieve that fairness is if we have the power and clout to make the General Agreement on Tariff and Trade, in other words, the worldwide regulations on trade, meet our needs.

If we do that as a part of the world's largest trading bloc, we have a chance of succeeding. If in fact what happens is we become isolated as a nation, so that only we are trying to negotiate against trading blocs around the world, that isolation will cause us untold difficulties.

Mr. DREIER. Mr. Speaker, will my friend yield on that point?

Mr. WALKER. Certainly. I will be happy to yield to my friend from California.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. I think the gentleman makes a very good point about the globalization of trade which has taken place.

There are many colleagues here who like to say, "We should negotiate another North American Free-Trade Agreement."

Well, frankly, we know that to come to an agreement on which everyone will agree is virtually impossible. We have found that this one is very tough. The fact of the matter is, as we continue to talk about another NAFTA, we have seen not only the Pacific rim work to come together, but we have got four countries in South America that by 1995 will have a free-trade agreement. Chile is attempting to join with the United States as part of a free-trade arrangement. Then, of course, last December 31 we saw the emergence of EC '92.

So my friend is absolutely right that these trading blocs are developing, and the fact of the matter is the train is rapidly moving out of the station. The world is moving in the direction of satellite technology, cellular telephones, fax machines. All these changes are taking place, and, unfortunately, some here in the United States want to see us stick our heads in the sand.

None of us will argue that the NAFTA is a perfect agreement, but it is lightyears ahead of the status quo.

Mr. WALKER. Reclaiming my time, some Members here in Congress who are opposed to this treaty are in fact protectionists. They are proud to be protectionists. But the problem is that protectionism is a globalized economy is in fact isolationism.

My great concern follows exactly the line that the gentleman has just outlined. My great concern is that Canada, having elected a new government now, may in fact decide that if NAFTA goes down in the Congress, they will almost certainly pull out of NAFTA. The question is whether they will also pull out of the free-trade arrangement that already exists between our two countries. If in fact they would do that, if there were no NAFTA and if there were no free-trade agreement with Canada left at the end, the United States would stand totally isolated.

Maybe for isolationists that is fine. But, as far as I am concerned, that will be disastrous to our ability to build our economy within a global economy in the future. If I can make just one more point, it seems to me that the other thing that is going to follow, as night follows day, in this particular scenario is that Mexico will not be left isolated.

Mexico is a growth economy. Everybody acknowledges that. People want to take advantage of that growth economy. My guess is that the Japanese and the Europeans, and the Japanese in particular, are going to take advantage of our lack of desire to go into the North American Free-Trade Agreement and will make an agreement themselves.

□ 1730

The Japanese lobbyists in this town are not lobbying against NAFTA because they think that they are doing the good government thing. They are lobbying because they believe that Japan has a very good chance of making the deal the next day after we turn down NAFTA. And if that, in fact, happens, this Nation will not only be isolated from the world, it will be isolated in a way that our toughest trading partners will be right at our border.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support designating the month of November as National American Indian Heritage Month.

Earlier this month the House passed unanimously House Joint Resolution 271 which will designate the month of November, 1993 and 1994 in honor of American Indians. Together with 235 of my colleagues, this bill passed unanimously. There would have been one more cosponsor of this legislation, but because of an administrative oversight, the gentleman from Wisconsin [Mr. KLECZKA] was inadvertently omitted from the list of cosponsors. I want to take this opportunity to personally thank Mr. KLECZKA for his support of this legislation.

Mr. Speaker, each day we are in session this month I will bring to the attention of my colleagues some facet of the history of the American Indians which warrants this special recognition.

Today, among other topics, I would like to mention a few of the many contributions American Indians have contributed to the United States. Among these are the development and practice, hundreds of years ago, of the fundamental principles of freedom of speech and separation of powers in Government.

Mr. Speaker, also deserving of recognition are American Indian societies which exhibited a respect for the finiteness of natural resources through deep respect of the Earth. These values, which have been held by American Indians for thousands of years, are finally gaining popularity in other cultures as well. Indians showed early colonists how to plant and harvest tobacco and corn. As early as the 1400's many tribal governments were organized into operating cooperatives with managed economies and structured governments and standing militia.

Mr. Speaker, fire was judiciously used to assist in the management of farming land, and helped return nutrients to the soil. After the land was cleared by controlled burns, new plant growth came, and with that the deer that the Indians hunted. The land was also easier to cultivate, and berries and acorns could be gathered more easily. It was through land management of this nature that American Indians made the land more productive while carefully avoiding destruction of the ecosystems in the areas they used.

Mr. Speaker, even our favorite national park in Yosemite Valley was shaped by centuries of Indian burning, pruning, sowing, weeding, tilling, and selective harvesting. That this land could be managed so well while remaining productive speaks very highly of the Indian culture. Today, as we all know, if we want to preserve areas of natural beauty, we designate them as parks, wilderness areas, or in other similar protective categories. Despite complaints that we are protecting too much public land, it does point out the difference in today's society in that we are unable to maintain modest productive use of public lands without these designations. From my perspective, one of today's challenges is to create new ways, or return to old ways, to manage lands which make them productive without the use of contaminants which destroy the land for future generations.

For example, in Oregon, in the absence of controlled fires, the berry bushes no longer produce the thick crops of huckleberries that Indian elders speak of to younger generations. Another example is the underground sandwood plant found in the Sonora desert. Today, the plant is considered endangered in two States, yet when Indians migrated throughout the area in which it grew, the regular gathering stimulated the branching of sweet, tender tissue.

Mr. Speaker, although not well known, not all American Indians were given U.S. citizenship until 1924, and not until 1948 did Indians in all States have the right to vote. Nevertheless, American Indians have served honorably in support of the United States in every war and conflict it has fought.

Mr. Speaker, the history of the relationship of the U.S. Government and the American Indians has not been without conflict. Over the past 200 years, we have gone through periods of armed conflicts, extermination, assimilation, termination of existing relationships, and then recognition of the same tribes again. This process is far from over. Just 2 weeks ago, I spoke at length on this floor in support of H.R. 1426, a bill to provide for Federal recognition of the Lumbee Tribe of Cheraw Indians of North Carolina. The Lumbees are an example of how poorly past relationships with Indians have been managed over the years. Despite recognition by the State of North Carolina, and general agreement among the experts that the Lumbees are, in fact, Indians, the Lumbees have been striving for Federal recognition for over 100 years. In the 102d Congress, a bill to provide for Federal recognition of the Lumbees passed in the House of Representatives, but was two votes short of those needed to pass a cloture motion in the Senate. The future of the Lumbees is again with the Senate, and I hope for a more satisfactory resolution of this issue during this Congress.

Mr. Speaker, I appreciate the opportunity to bring additional attention and recognition to the American Indians in this month of traditional thanksgiving, and I look forward to elaborating on future items of interest.

IN SUPPORT OF NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this special order this evening to talk about a very important trip that I took this past weekend with several of my colleagues. That trip was to look at the situation in Mexico and specifically to see what the effect of the North American Free-Trade Agreement will have on both the United States of America and Mexico.

I should say that I went to Mexico believing that the North American Free-Trade Agreement was very important for the future of our entire hemisphere. And having returned just last night, I am even more convinced that it is clearly the right thing to do. In fact, it was a fascinating juxtaposition for me yesterday morning, I went to the largest Wal-Mart store in the world. It is not in Bentonville, AR. It is not in California. It is not in Texas. It happens to be in Mexico City.

It is a huge store, and we were there yesterday at midday in Mexico City. And it was amazing to see the numbers of Mexican people who came up to us and basically said, please get us more American products. In fact, one person thought I was a representative from Wal-Mart who had come in from Bentonville, AR. And the message was very simply, can you get us some more American-made products here.

And it was fascinating to listen to that, because I didn't just listen to people who came up to me. I went up to shoppers there and asked the question as to whether or not they were interested in more U.S. goods, and that was their No. 1 priority. In fact, in the largest Wal-Mart, which happens to be in Mexico City, over 55 percent of the products sold there are made in the United States of America.

When I said it was a fascinating juxtaposition, when I arrived last night, I got home late and turned on television to see the news and, naturally, channel surfed as many of us do. I got to C-SPAN 2, where I saw this rally that was taking place in Tampa, FL. It was a rerun of something that took place earlier on in the day.

It was our friend, Mr. Perot, who was talking abut the North American Free-Trade Agreement. As I listened to the things that were being said there, I was convinced that he was talking about a completely different country, a completely different arrangement, a completely different spot. It seems to me that these arguments, which clearly have instilled a great deal of fear in the American people, have not focused on the facts.

I am very pleased that tomorrow evening for 90 minutes on the Cable News Network, we will be hearing Vice President GORE and Mr. Perot debate the issue of the North American Free-Trade Agreement. I am convinced that as the American people and our colleagues here look at the facts versus the fear, which has been encouraged by Mr. Perot and organized labor and others, they will come down on the side of job creation, the expansion of export markets and, clearly, the choice that the United States of America must make to move in the direction of the rest of the world.

☐ 1740

That is why I am very encouraged, and I am one of the people who, as we have looked at this, and have been talking to people in the media, I am optimistic about this vote. I happen to believe that a week from tomorrow we are going to see, at this very defining moment in the history of the United States of America and the world, passage of the North American Free-Trade Agreement.

As my friend, the gentleman from Ohio [Mr. BOEHNER] said from here in the well earlier today, during the 1-minutes, NAFTA is only part of this debate. Clearly the debate is much larger than that. It is going to be a determination as to whether or not the United States of America will be part of the wave of the future, or whether we will choose to look toward the past. That is why I am convinced that responsible Members of Congress will follow the directive of Edmund Burke and in fact be Representatives of the people, but use their best judgment as they seek to make decisions that will affect the United States and the world.

I would like to take a few minutes to talk about our trip, other aspects of it. We went to the border. We were welcomed, having traveled in with a very able Representative from the Laredo area, the gentleman from Texas [Mr. BONILLA], and we were greeted by the mayor and others in Laredo, and had a very impressive tour.

We saw what I was very happy to witness, a very warm relationship that exists on both sides of the border, Mexico and the United States. In my State and in other areas we hear about this adversarial situation which exists on the border, but it is great to see a very warm relationship between what are referred to as dos Laredos, the two Laredos right on the border.

The mayor and those with the Border Trade Alliance did a spectacular job of talking us and showing us the maquiladora. We had the opportunity to go to the Packard Electric facility in Nuevo Laredo, which is a maquiladora.

We often see the photographs of one particular spot where people live in cardboard houses. It was nothing like that. This was one of the cleanest operations that I have seen. The living standards of the people who work in this maquiladora, contrary to the photographs that we have seen, are very, very positive. They have a standard of living, a minimum standard of living which is nothing like the squalor which we have so often been told about.

The people who work in this Packard Electric facility in Nuevo Laredo are actually hourly workers who work there on average for 2 years. Basically the majority of the workers are very young. They are under the age of 20. this is really a first job for many of them, which is comparable to the kind of job that young people get in this country working at a fast food restaurant, for example.

Like many of the teenagers in this country, the people who are working in these maquiladoras in simply the assembling of operations work there, trying to earn money so they can improve their lot in life, basically to gain an education, just like many of the young people in this country.

Like most maquiladoras, the Packard Electric facility, which is part of

General Motors, is actually an assembly facility, not a manufacturing facility. So often we hear of this flow of manufacturing jobs that has gone from the United States to Mexico. The Packard Electric facility in Nuevo Laredo is simply an assembly operation.

The very high wage technical and manufacturing jobs that are part of the manufacturing that goes into the facility, into the assembling, are based in Michigan and Ohio, and I would like to underscore that again. The manufacturing for this assembly plant, which is the maquiladora on the border of Nuevo Laredo, the manufacturing is done in Michigan and Ohio. They employ 2,000 American workers, but 87 percent of Packard Electric's products originate from right here in the United States.

One of the other things that struck us there is, we had a chance to meet with the Customs Service. We talked about one of the very serious problems, that being the flow of illegal drug trafficking.

Clearly the statement has been made to us over and over again, every shred of evidence indicates, contrary to what one might have heard from threats that have been offered or any other situation like that, NAFTA will most likely reduce the flow of illegal drug trafficking, because it allows our Customs agents and auditors to visit plants in Mexico, to look at their books, and clearly, it provides an opportunity for an even greater degree of scrutiny.

It seems to me as we look at that, that is going to be just one other aspect of the benefit that is going to be accrued. I think that as we look at other aspects of this potential agreement, the agreement that has been signed that we will be voting on next week, we have many other very important items that need to be addressed.

One of the things that came forward when we did get into Mexico City was that there are great opportunities for competition to exist if the NAFTA is defeated, and the competition that we will see for us will, as my friend, the gentleman from Pennsylvania, said earlier, come primarily from the Europeans, who will clearly seek an opportunity to embark on a free-trade agreement with Mexico, and the Japanese and others in the Pacific rim.

Mr. Speaker, one of the things that I think needs to be pointed out, and I would like to underscore it once again, is the fact that the tariff barrier which is eliminated between the United States and Mexico under the North American Free-Trade Agreement is in fact maintained for other countries in the world that are not part of the North American Free-Trade Agreement; specifically, Western Europe, Germany and the Pacific rim, Japan.

As we look at that, the tariff barrier has remained for them, and yet we in the United States get an advantage. When we met with President Salinas and the very impressive members of his Cabinet, who have moved dramatically toward improved human rights, toward political pluralism, and toward a free market, the kinds of things that the United States of America has been encouraging for many years, we have found that the Japanese clearly would like to see the defeat of NAFTA.

In fact, President Salinas made it very clear that the Japanese have already made an attempt to be in contact with Mexico in hopes they would be able to embark on an agreement like the one that we are going to have a chance to pass here in the Congress a week from this Wednesday.

What happens under the North American Free-Trade Agreement? We have something called rule of origin requirements. We continue to hear about all these United States businesses that have continued to flow to Mexico, the fact that we have an opportunity for Japan and other countries to utilize Mexico as a springboard, so they can sell products into the United States, because we are the world's largest market.

The fact of the matter is, under the North American Free-Trade Agreement, that opportunity will not be as attractive for Japan or Western Europe as it is today. Why? Because we have rule of origin requirements.

Many people have said, "If we pass NAFTA, we will see the Japanese open up markets in Mexico the way they have opened up Honda plants and Toyota plants and other operations here in the United States, choose the cheap labor in Mexico and send the cars into the United States."

Anyone who has said that has not looked at the North American Free-Trade Agreement, for the manufacture of autos, the rule of origin requirement, basically domestic content requirement, states that 62.5 percent of that content must come from the North American continent: Canada, the United States of America, or Mexico. So they also will be faced with something that we will not have. That is the very high tariff barrier that exists today for us and the rest of the world, but will come down under the North American Free-Trade Agreement.

Mr. Speaker, I would like to take a moment to focus the attention of our colleagues on some charts which basically show, for autos and other sectors, what that tariff structure is today, and how it remains under the North American Free-Trade Agreement for the rest of the world but comes down for the United States of America.

I would like to first focus on the area of computers, which is a very large industry in my State of California, and something that is of great concern. Computers clearly are the wave of the future. Right now the average tariff on computers, as we can see from this chart, is 10 percent. Actually it goes as high as 20 percent. That is the tariff on United States-manufactured computers going into Mexico.

The tariff that we charge on Mexican-manufactured computers coming into the United States is between 3.7 and 3.9 percent. Basically, as we can see, we have again what I call the Gibbons thesis, for the gentleman from Florida [Mr. GIBBONS], chairman of the Subcommittee on Trade of the Committee on Ways and Means, who has constantly referred to the fact that there is one-way free trade today: That is, access of the Mexican manufacturers to the American consumer market. Yet it is very difficult for us to gain access to the Mexican market.

□ 1750

So basically it is 10-percent to 20-percent tariff on computers, comes down it is totally eliminated under the North American Free-Trade Agreement, but it is maintained for Japan, for Germany and the rest of the world as they attempt to get into Mexico. So those who argue that NAFTA is going to somehow enhance their chances are way off base. This tariff stays up for those not in North American or Mexico. The same for computer chips and electronics, and so on and so on.

I am very happy that I have been joined by my friend from Holland, MI, who was a very important part of our delegation in Mexico. And he is a new Member of Congress who has had a great impact on this institution and is doing a great job, and I appreciate the fact that he wasextraordinarily open-minded and very, very encouraged and impressed with the people of Mexico with whom we met.

I am happy to yield to my friend, the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding. What I would like to do for a few minutes is just to share some of my thoughts that I kind of kept a diary on our trip, if that would be all right.

Mr. DREIER. I am happy to hear the diary. I do not know if it will be subpoenaed, but we are happy to share it with you right here.

Mr. HOEKSTRA. I will shred it when I get back to my office.

I went down last Friday on the trip you organized to answer some of the questions that I had about the North American Free-Trade Agreement, recognizing that all along I have been learning in favor of supporting the agreement, believing that it would help create jobs in Michigan and in the United States. But for the people who are listening, here is a little bit of background, and here is what goes on when you are with a congressional delegation. HOEKSTRA has a little surprise when we got to Laredo, and we touched down, and we walked down the steps, and we were met by a marching band. I was not sure that was what I expected on a factfinding trip, but I can tell you that it was a positive way and a positive thing to see so many young people beginning to get a feel for and beginning to get involved in the political process.

I will have to say as the rest of the trip went on it really was focused on factfinding. The people in the city of Laredo gave us an overview in terms of what increased trade has meant to their border town. In the last year they have invested over $100 million in construction projects. They have created 16,500 new jobs. Their unemployment rate is down to 8.6 percent over a history of being in the double digits. So obviously this border area is booming because of an improving relationship with Mexico.

We then went to Nuevo Laredo and visited a maquiladora plant. I thought the most interesting thing about walking into the plant for the first time was that the office furniture that they used was from the company that I used to work for, Herman Miller. The chairs that we sat in were the Equi-chair. I spent 5 years working on the development of that chair, getting that chair into production for the U.S. market, and know the production capabilities, recognizing that most of those components were sourced in the United States.

Mr. DREIER. Do you mean to tell me there actually was something in Mexico that was manufactured in the United States by American workers?

Mr. HOEKSTRA. The parts were manufactured and sourced in the United States, shipped to Mexico, and I visited with people from that company on Saturday.

Mr. DREIER. They were made in Michigan?

Mr. HOEKSTRA. Yes, they were made in Michigan.

Mr. DREIER. I mean that is just so shocking, because based on the rhetoric I have heard from Michigan, we have seen over the past several years nothing but a flow of Michigan jobs to Mexico. And it is difficult having listened to those arguments to believe that there is something that was made in Michigan and sold in Mexico.

Mr. HOEKSTRA. Yes. I talked about the company I worked for, Herman Miller, and the furniture business. Two other significant players in the furniture business, Steel Case and Hayworth have also both made significant increased exports from west Michigan into Mexico.

Mexico is an evolving market. One of the things I was going to talk about later, as we drove through Mexico City, one of the things that we used to always do as we traveled around the United States, we could always tell what city was going to be a boom market in our industry 2 or 3 years in the future, because we would take a look at the number of construction cranes between the airport and downtown. And driving from the airport in Mexico City and driving downtown, and then on Saturday driving 25 miles from the center of Mexico City, which is where I think we were, driving 25 miles down a six-lane expressway, and it is hard to believe for an economy that cannot afford to buy cars, and if we were not being, you know, given a snow job, as we were in Mexico, I do not know where they found the cars to fill up 25 miles of expressway with bumper-to-bumper traffic on a Saturday afternoon.

Mr. DREIER. Let us underscore that point once again. We continually hear this argument that the people of Mexico could never afford to buy any United States-manufactured products. We hear that so often about these poor Mexicans, and I am always struck with that. I mean, if you look at the city, is there poverty in Mexico? Of course there is poverty in Mexico. Is there poverty in the United States of America? Of course there is poverty in the United States of America. But if you look at the argument we have heard for years, that there are 36 ruling families, and only a few very wealthy people, and the middle class in Mexico is virtually nonexistent, the fact of the matter is there are 20 million people, as we found from our trip, who are middle-income wage earners and purchase these things.

I mean, we went looking all over. We even did a hardship duty by going to the Hard Rock Cafe and found hundreds of people who obviously were able to afford all kinds of things. And these people have regularly said, "We want U.S.-made products and goods."

So my friend is absolutely right. When you look at the standard of living in Mexico City and in other parts of the country, clearly it is much different than the picture that has been portrayed by many of our colleagues here, and some of those who are trying to instill fear in the American people.

Mr. HOEKSTRA. Let me make it clear that you were at the Hard Rock Cafe. I was back at the hotel.

But in terms of Mexico City, and of construction cranes, they have a number of modern office buildings, and they are going to have many more. It is an emerging economy.

The other interesting thing, you talked about consumption. We may talk about their priorities, but we happened to be staying in the same hotel with Michael Jackson. Michael is down there for approximately 2 to 3 weeks. He is doing six concerts. He sold out 6 concerts, 100,000 people per concert. The cheapest tickets was $30. So there is some money available, and there is an emergent economy in Mexico.

But if we go back to what we did in Nuevo Laredo, we went through the Packard Electric plant, and again Herman Miller furniture, much of it sourced in west Michigan. We then took a look at their history. They moved down into Mexico in the late 1970's, way before anybody ever started thinking about NAFTA. They moved down there because they were in danger of losing all of their jobs, all of their employees' jobs because their competitors had sourced low-cost labor in Asia or in other parts of Mexico.

Today Packard electric is maintaining 12,000 jobs in the United States and growing. They do have 26,000 jobs in Mexico, but they would not have had any jobs if they had not taken the initiative to blend low-cost assembly with high-technology work in the United States.

As we also found out on this trip, I got a letter today from one of my constituents who said why do we not, if we really want free and open trade, why do we not form free trade relations with Japan and Europe. I think that would be the most unfair thing to do to the American worker today.

Japan, in terms of assembling and manufacturing their products, has what we would call a 35 percent low-cost content. Japan has more maquiladores type plants in Vietnam, which they have just developed over the last 3 to 5 years, than what we have in Mexico. Japan has brought to an art form the blending of high-technology skilled labor in their country along with lower cost, lower skilled jobs throughout Asia. And that is how Japan has gotten so strong in terms of competing on an international basis.

Us going head to head against that type of blended relationship that Japan has and that Europe is developing would put us at a distinct disadvantage, and would be absolutely the most unfair thing to do to the American worker today.

We toured the factory floor, well lit, clean, low automation, very labor-intensive work. What the people in this plant assembled were the wiring harnesses for our cars, laying all of the wires out on about a 48 sheet of plywood, clipping on the connectors at the end, high labor-intensive, low automation, perfect blending. These harnesses now go into U.S. cars.

Once the tariffs come down between Mexico and the United States, all over it will reduce the cost of our cars that are manufactured in North America. And I think it will make us more competitive against our Japanese and European competition.

□ 1800

It was interesting as we left the Packard Electric plant—and I loved the convoy that we were in, 1 bus, 8 or 10 cars including police cars, pickup trucks, suburbans, rat patrol jeeps with police insignias on them. But then as we were driving through some of the low-cost housing—and Mexico does have poor areas—but it surprised me the number of satellite dishes that we saw. For an economy in a city that has such poverty, to still see satellite dishes throughout; and you see the Mercedes truck dealership. One of the things we saw throughout the trip, all of the companies on an international basis that are moving in there: Mercedes, Lufthansa, Philips, just one company after another establishing a presence in this country as the economy starts to emerge.

We see lots of VW Beetles; it is still the most popular car in Mexico and still manufactured there.

Now the wastewater treatment plant—and the environment is an issue—currently the sewage from Nuevo Laredo goes in a raw state directly into the Rio Grande. This is a huge new sewage treatment plant. The environment will be improving. But when you take a look at what is going on in terms of how they construct it, they are constructing it with shovels, pickaxes, human labor. They look like ants scurrying all over the site.

It looked to me—I asked myself the question: Is this one of the areas where we can really have an impact? And I mean with the infrastructure construction, by U.S. construction companies.

We go back to the border and we meet with U.S. officials. I find that on the drug issue that now is being brought up by Mr. Perot: If 35 million people cross this section of the border annually, the problem with drugs I do not believe isan access problem. It is a demand problem.

Drugs are crossing the border because there is a demand in our cities and among our young people for these drugs. We have a 2,000-mile border. I cannot believe that with NAFTA all of a sudden we are going to find more drugs flowing into this country because they are going to be able to sneak it in through trucks. Now, I believe with as many drugs coming into this country today as what there is demand for, that is really a red herring. In fact under the North American Free-Trade Agreement it will be easier for our customs officials to have access to Mexican operations that they do not have access to today, for inspection.

So that enhances our chances to police it.

Mr. DREIER. Mr. Speaker, my friend is right on target when he says that the problem is not the supply, it is the demand. The demand here is obviously such that it flows across the border and we are trying our darndest to decrease that demand. If it is successful, there will be no incentive for this flow of drugs to continue across the border.

Mr. Speaker, I further yield to the gentleman.

Mr. HOEKSTRA. As we go on we go to Mexico City and we meet with Mexican officials on Saturday morning. I was very impressed with the quality of their presentation. But I think perhaps some of the things that we ought to know, or the American people ought to know is that they come up with a great formula for success for their economy and for their Federal Government. They have cut the capital gains tax to zero, they do not tax dividends, they have cut corporate taxes and individual tax rates. And it is possible—they not only have balanced their budget but for the last 2 years I believe they have run a surplus.

Mr. DREIER. And they have taken the entities that were heretofore owned by the government and sold them off and taken their national debt from $62 billion down to $20 billion.

So what has happened is we have seen what many people like to claim was a failure in the United States, that being the concept of supply-side economics, cutting taxes, stimulating economic growth, increasing revenue to the Federal Treasury works successfully in Mexico.

Mr. HOEKSTRA. I thought one of the questions that I wanted to ask President Salinas which I have not heard much of the debate on or ever been part of the debate here in the United States. And that is what is the threat to Mexico if NAFTA passes.

It seems like everybody believes that this is only a win-win situation for Mexico. But there are certain threats that may happen to Mexico if they do not step to the line once NAFTA gets approved. They must perform.

They have 6 million farmers today to feed 85 million people. We have 2 million farmers to feed 260 million. Today their support price for corn is twice the world price. The agricultural community, the industry in Mexico is going to change dramatically as a result of NAFTA. There are going to be many people who are going to be displaced from their farms because of what is going to happen as we get more efficient United States agricultural products providing access into Mexico. It is not all a free ride for Mexico.

Their inefficient businesses are going to have to improve. They must be competitive. They have to be more labor-conscious, they have to be more environmentally conscious, they have to continue their budget discipline, something that I hope we learn from them.

They are moving; in the last 5 years they have moved from a protectionist command society to a free-market economy.

Five years ago the Government was running that country and running the economy and running all kinds of their industry. We do not even talk about the history that is such a built-in advantage to our country, our free-enterprise system. We know how to compete, we know how to be productive, we know how to bring labor and management together and to compete on a worldwide basis.

These are many skills that are just starting to develop in the Mexican market.

Mr. DREIER. And they have started developing it and it has brought some incredible things about. Throughout history they have had continual inflation, as high as triple-digit inflation in Mexico. They now have an inflation rate that this year is expected to be about 7.5 percent. They cut taxes, as my friend was referring to earlier, and we have seen an actual increase over the past 5 years in revenues to the treasury by 32 percent as capital gains, corporate taxes on dividends were cut or eliminated.

Mr. HOEKSTRA. I think President Salinas talked about, this, that perhaps the biggest reform they have made in addition to some of these others is that they have had to change their mental attitude. It has been a mental reform; they change in their perspective, meaning they have to develop closer relations with the United States.

Remember, the United States took one-half of their territory. Mexico once invaded the United States. So he has had to change their mentality from being a protectionist society to one that is reaching out, not reaching out for aid, but for trade so that it can move forward.

I found it very interesting that as he is talking about a feeling for change and transformation, he made a call for hope, not fear; even though Mexico has gone through more change and pain during the last 5 years than what the United States has.

So he, in that country, still appears to be willing to move forward; he sees change, transformation as the opening of new doors and new opportunities while in many cases we look at change not in a positive perspective but as a threat to the status quo. I think it says something about where the United States is and perhaps something about where the rest of the world is today.

I asked myself the question, I jotted it down: Why is the United States gripped with fear? Do we have some more fundamental fears in this country today that NAFTA has come to symbolize? The problem is not NAFTA, but we have some fears in our country.

You know, NAFTA, I think, says, or it becomes a statement of the type of relationship that we may want to have together. We must challenge both countries to get better.

President Salinas believes that NAFTA may be a once-in-a-lifetime opportunity. As I talked with Mexican citizens later on in the day they are very aware of the North American Free-Trade Agreement, the discussion, the debate, the controversy in the United States. I do not believe it is as simple as saying, "Well, let's just vote this NAFTA down. If it passes we will go back and renegotiate another one."

The door may close or the door may open to Mexico to form some relationships either with Europe or Japan.

Mr. DREIER. My friend is absolutely right on that. I think from having traveled around the country, an interesting irony: It was announced just before we went down there that there would be this debate taking place between Ross Perot. And of the 86 million Mexicans I did sort of a sampling survey and found that 29.6 million of those Mexicans would like to debate Ross Perot. As a matter of fact everywhere I went there were people who said, "I want to debate Ross Perot. He is wrong on this. We want to create jobs and opportunities and we want more of your products."

So the fact of the matter is I happen to believe these people who are hungry for U.S.-manufactured goods and services know that this is the right thing to do.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will continue to yield, as we went on during the day after the meeting with President Salinas, I went off with a colleague of mine that I used to work with who was born and raised in Mexico City, worked in the States for 12 years and has now relocated back to Mexico City.

He took me around to parts of Mexico City that perhaps the Embassy would never have taken me to. We went 25 miles south, you go 25 miles in Mexico City and you are still in Mexico City, but he took me to his home where he grew up and explained to me the differences in the community, taking me through some of the back streets, going around through the alleys and all of a sudden you are coming up on a small little store. There are lots of little shops in Mexico City, but there was a video store, a rental store, which tells me they not only have VCR's, they also have TV's.

Once again it moves aside the assumption or the belief that the Mexican people cannot afford or will not buy United States consumer goods.

Like I said, six lanes of traffic, bumper to bumper for 25 miles, lots of construction cranes, the old indicator of future business. There is going to be a lot of future business in Mexico City. There are lots of modern office buildings. This is not your typical poor country.

Mr. DREIER. It is very interesting that the gentleman talks about this issue of so many U.S. goods, wanting access to them, TV's and VCR's and all, as we went through that Wal-Mart store yesterday afternoon, and I know I am jumping ahead, but I was talking about this before my friend joined us here, one of the things I was struck with, 55 percent of the goods come from the United States. I did see many items that were from Taiwan, China, and Japan in the Wal-Mart store. The president of the partnership there said to me, "Well, of course, you know that under NAFTA there will be a much greater opportunity for United States goods to be here than this exercise equipment from Taiwan, this basket here from China."

Why? Because the tariff barriers which exist today for products going from the United States to Mexico may go down to zero under the North American Free-Trade Agreement, will continue to exist for Taiwan, Germany, Japan, China, and every other country throughout the world that is not part of the North American Free-Trade Agreement.

So what it does, it greatly enhances the opportunity for United States-manufactured items to go to Mexico by way of the zero tariffs under the North American Free-Trade Agreement.

Mr. Speaker, I am happy to yield further to my friend.

Mr. HOEKSTRA. On Sunday, I had the opportunity not to spend the time with the rest of the delegation, but to visit an agricultural center in Mexico, 150 miles north of Mexico City. I had the opportunity to go through much of the countryside. There are lots of areas that we would describe as poverty, probably most of it.

Highway transportation was good. Then we get into some of the side roads. The roads deteriorate. Then we come upon a pretty nice city again. Another emerging growth area. You start seeing the car dealerships again. You start seeing the consumer goods stores. You see that in this area of agribusiness where they do have some special resources that they can and will compete. There is no doubt about that. It is a beautiful countryside with lots of small farms, but in these agriareas they have developed an organized agribusiness, some are state of the art.

I went through one of their processing plants,because many of my growers of asparagus are concerned abut what may happen to their asparagus market; but they have talked about and shared their experience with garlic in terms of saying that with that product, their growing season complemented our growing season. Their growing season for asparagus is different than our asparagus season in Michigan. They complemented the garlic growing season as garlic became available on a year-round basis. All of a sudden consumption increased.

Will the same thing happen with asparagus? I am not sure. I hope it does.

But they also mentioned that it is not always as clear to say that their costs, their labor costs are the determining factor. Their costs for energy are higher than ours. Their costs for pesticides are higher than ours. Pesticides, yes, they do use pesticides, but pretty much in the same way that we do, because the produce is checked at the border. They are checked at the U.S. border.

They also export to Europe. They export to Japan; so in some cases they have to use standards that are as tight, if not tighter than ours, because you cannot wash the pesticide off. You can test the tissue of your vegetables and determine what pesticides have been used during the growing of that particular vegetable.

So they are cautious. I am sure there may be some abuses, but I do not believe they are as widespread as what some would lead us to believe.

Most of their farms have to be irrigated. So it is not as straightforward as saying they have got these advantages of low-cost labor, they just use pesticides indiscriminately, therefore they are going to cream us in what may be called specialty crops.

I think the issue is much more complex than that.

I went through one of their processing plants, a plant that looks much like the kind of processing plants that we have in west Michigan, but it was clean. It was safe, and probably had much more manual labor than we would have had in one of our plants.

Mr. DREIER. That is not what we hear about working standards in Mexico as one listen to the arguments that have been coming from the opponents of the North American Free-Trade Agreement.

Mr. HOEKSTRA. Well, yes. The surprising thing is, as the gentleman knows, we decided to leave early on Sunday morning, so I was not able to meet with the person who was setting up my schedule in this town. We ended up meeting with his sons. They gave us some options of what we could see. We told them what we wanted to go see, and we did that from 8 o'clock in the morning until 10 o'clock in the morning.

We met with their father who had set up the agenda that was supposed to start at 10 o'clock and run until noon, which was much different; so we had really the opportunity to set the agenda. It was an unplanned agenda and it was not something that they had planned the week before and said, "Hey, we've got some American Congressmen. Let's take them to these certain facilities."

We threw them kind of a curve ball unintentionally. I think we saw what we wanted to see.

As a final note on the trip that some of the American taxpayers may say this is why we have a problem, but it may also give them an idea in terms of what the infrastructure is like in Mexico.

To take me to this town, 150 miles away from Mexico City in a rural area, to take me and two people from the Embassy, we needed to take two cars.We needed to take two cars because it is not a fully developed country. As such it has certain advantages and disadvantages, but since there are no gas stations or they are few and far between, they wanted to make sure that they got me to the location where we wanted to go and they got me back to Mexico City to catch the plane to get me back to Washington, that they felt the only sure way to do that was to make sure that there were two cars, one taking us and one as a back-up.

Now, if that is how some businesses have to operate in Mexico, you know that there are added costs, and I am sure most businesses do not go driving around with two cars, but I think when you start taking a look at perhaps the reliability of their phone service, their electricity and other types of things, there are incremental costs in their businesses that we do not have in the States. Their infrastructure is not where ours is.

Mr. DREIER. That gets right to this point of low-cost labor which we continually hear over and over again. All these United States businesses are flowing into Mexico to take advantage of low-cost labor, which again is a fallacious argument, because the United States businesses that are located in Mexico, owned by United States companies, 70 percent of the business that they do is right there in Mexico to gain access to the Mexican consumer market. They have to get into that country and open their operations so that they can be there. They are not there using Mexico's labor to export back to the United States in an overwhelming number of cases.

Why? The reason for that is that the raw materials, the infrastructure, those things to which my friend has referred, are more costly in that country than they are in the United States.

Under the NAFTA, many businesses that have to move to Mexico because it is the only way they could gain access to the 86 to 88 million consumers there is that they will be able to stay in the United States because of the zero tariff that we will have under the North American Free-Trade Agreement.

Mr. HOEKSTRA. As I came in and the gentleman was talking, the gentleman was talking about the automobile industry. The other statistics that have been published in the United States story run a while back in the Washington Post, producing a car in Mexico is actually more expensive than producing that same car in the United States. If NAFTA passes, and as the trade tariffs come down for United States automobiles in Mexico, I think that automobile company is going to have to think long and hard about building new capacity in Mexico with the costs, even if they were the same, but they may be higher, when they already have excess capacity in the United States, the smartest thing for them to do is to add more workers, perhaps add another shift in the United States to take advantage of the capacity that is already in place before they ever opened one more plant in Mexico.

□ 1820

The most efficient thing for business is to utilize capacity, not build new capacity.

Mr. DREIER. Mr. Speaker, my friend is absolutely right. In fact, the cost is about $400 per unit higher to produce an automobile in Mexico than it is in the United States because of all those factors.

This clearly is a bipartisan debate. There is a strong bipartisan coalition in support of the North American Free-Trade Agreement, and I am very pleased at this point that we have been joined by my very good friend from Selah, WA, a classmate of the gentleman from Holland, Mr. INSLEE, and at this point I would be happy to yield to my friend.

Mr. INSLEE. Mr. Speaker, I say to the gentleman, "Thank you. I appreciate that. I am glad to be able to join you."

I just have a couple of things to add that I sort of stumbled across in the last weekend. I thought the gentleman might find it interesting.

As the gentleman knows, many of the people that we have talked to in our debates, in our discussions in our townhalls, expressed questions about NAFTA and the ability to which we will have to really export under NAFTA to Mexico, and I just thought I would share with the gentleman and some others some of the statistics I picked up this weekend about that.

I think that the perception that we have about Mexico is rooted in the past, and let me just show my colleagues some numbers, if I can, about, in fact, what people have, and buy and purchase.

I was talking to someone the other day, and I said, "You know, when we knock down that 22 percent tariff in Mexico so we can sell cars to Mexico," my friend said, "Well, they don't have cars in Mexico," and I said, "Well, they do have cars in Mexico," and their particular version of reality is wrong, and I am just looking at this survey. It was in the New York Times yesterday.

Out of 5,000 people, and it was a survey in 42 U.S. cities, 53 percent of the households had a car, 83 percent of them had color television, 53 percent had phones, 63 percent had VCR's, 24 percent had compact disk players.

The problem we have faced in NAFTA is that our vision of Mexico is greatly outdated. In fact, we have got an economy there to sell to. They buy cars, they buy VCR's, and it is about time we started selling to them. It is a fact that, I think, ought not to be lost, and why it is important for us to sell it to them—I thought maybe I could just share with my colleagues the facts I received from the Tutt Hill Corp. in Tacoma, WA, and I just want to paraphrase it.

It is a fax for me. It describes a joint venture of this cable craft vision. They have a joint venture in Mexico since 1976, and they entered into an agreement then, and they had some operations, not because Mexican labor rates are low. It was because it was the only way to get their goods into market.

And I just want to read to my colleagues one paragraph from Keith Clino. I have never met Mr. Clino about his business. I got this unsolicited. This gentleman is not even from my district. He says:

> If you pass NAFTA and eliminate the restrictions at the border, we will sell our joint venture and ship completed products from our South Carolina facility. The results will be more consistent quality at a lower price for our Mexican customers plus more jobs in the U.S.A. Vote yes for NAFTA.

I think this was the best kind of argument I have seen yet for NAFTA, when someone who is not even from my district takes the time to tell me, "Yes, INSLEE, you pass NAFTA, and I'm going to create some jobs in NorthCarolina." I realize they are not in my district, but they still count because they are in the United States of America, and I think we have got to start paying attention to American entrepreneurs and American jobs that come along.

Mr. DREIER. My friend is absolutely right, and I thank him for his helpful contribution.

An excellent 1-minute speech was delivered when the House convened today by my good friend from Phoenix in continuing the bipartisan spirit of this debate, trying to create jobs and opportunities and break down barriers. My friend from Phoenix, Mr. COPPERSMITH, I am happy to yield.

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding.

I walked in with exactly the same chart which I will circulate, Mr. Speaker, to our colleagues pointing out this is a survey of over 5,400 people.

Mr. DREIER. Why do we not have that chart entered into the RECORD so that all of our colleagues who may not be following this debate at this moment may have a chance to do that?

Mr. COPPERSMITH. I think the point for our colleagues to remember is that is a survey of over 5,400 households. Most of us make decisions on whether to run for reelection on far fewer over far more complex issues, but there is a Mexican middle class. It is rapidly growing. It is, as the gentleman has said so many times, larger than the entire population of Canada. This is a rapidly growing market, and it is one where we have a natural advantage that we should take advantage of.

The issue I wanted to discuss, I discussed during the 1-minute, I think it bears some repeating this evening, comes from an article by David Hale who is the chief economic analyst from Kemper, and he points out that in 1992, the last full year we have trade statistics available, the United States ran a

$5 billion surplus with Mexico which our opponents are talking was a low wage country. We still sold $5 billion more in goods and service to the Mexicans than we purchased from them.

Compare that to East Asia where the United States ran a $75 billion trade deficit with the countries of East Asia. Why is that? It is because we have American companies selling their goods and services, have 70 percent of the Mexican market, but we have a bare total in East Asia.

Mexico represents a rapidly growing market, and I just ask my colleagues to imagine what would have happened if we had had a trade policy, an economic policy, that would have encouraged those kinds of jobs instead of going to East Asia and developing that huge trade surplus to stay in North America to create that market where we have that natural advantage.

In East Asia incomes have gone up twentyfold over the past 15 to 20 years. Allowing that kind of growth in Mexico will spur the kind of growth we are seeing in the United States, and it makes only sense for us to try and increase our advantage to the market where we have a natural advantage anyway.

Mr. DREIER. If I can follow on that point, it is a very good one that my friend makes, and, going further, as we look at the Pacific rim, 35 percent of the products that are sold by Japan are done so with partnership arrangements that are made, partnership arrangements that are made with other countries in the Pacific rim, whereas today only 5 percent of the products that are exported from the United States are done so with any kind of partnership arrangement.

So, that is a fascinating factor. For example, if we look in Japan at an item that is manufactured there, it most likely would include, as one pointed out to us, part of that microphone that was made in Malaysia or another part of the Pacific rim, and so these partnerships are growing in the Pacific rim. As I say, 35 percent of the products exported from Japan are done so under a partnership arrangement today. Only 5 percent of the U.S. goods that are exported are done so under a partnership arrangement.

And to further confirm the point that my friend made, Mr. Speaker, I happen to just have another chart there which my very able staff has put together, I assume with the help of some outside organizations. But this chart points to the per capita spending on goods made in the United States of America, and, if we look at this, we can see on this chart, Mr. Speaker, that the per capita spending is $385 in Japan, $296 in Europe, and $450 spend on a per capita basis by those very poor Mexicans who cannot afford to buy anything in the United States. When we look at Japan, the earnings are 10 times those of the Mexicans, and yet $450 is the per capita spending for Japan, $385 for Mexico, $385 for Japan.

So, it is very clear that we can put together partnership arrangements, as the Japanese have successfully done with 35 percent of their exports. We can do the same with our exports moving from 5 percent up to an even broader level if we will reduce barriers to enhance opportunity, and I would like to further yield to my friend from Holland, Mr. HOEKSTRA.

Mr. HOEKSTRA. There is also much debate and discussion about that $450 in terms of saying it is not meaningful or it is capital goods. It is also interesting to note that, as we met with the Mexican Government leaders, they pointed out, and I think that viewers need to recognize, that the Mexican economy was a centralized planning organization. The Government ran the economy as they went to privatization and led that drive. In 1988, much of the capital structure of that country was deemed to be worthless because to a much lesser extent than what we have seen in the Soviet Union, in Mexico they also found out that many of the things that government thought was important and that government should be involved in, that they should be investing in once they went to a free market economy, they found out that is not what the consumers wanted.

□ 1830

The reason they are buying so much capital equipment is because they are starting in many ways from scratch.

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. COPPERSMITH] be allowed to manage the remaining 6 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COPPERSMITH. Mr. Speaker, the chart that was earlier referred to by my colleague from California, it is important to remember that Mexico is already one of America's biggest and best trading partners. Mexico imports $40 billion in American products a year. There are our third largest export market and we have a $5 billion trade surplus, as I have already mentioned. It is the 13th largest economy in the world, and it is growing quickly, with a middle class estimated at 20 million people that like American products.

It is also important to remember that there are an estimated 700,000 American jobs that rely on those $40 billion in exports. There are jobs today that depend on trade with Mexico. You can only look at the past to see how Americans have benefited, how American jobs have been created, from increased trade. It is a rapidly growing market. It is one in which we have a natural advantage, and it is an opportunity of which we should take advantage to pass NAFTA.

Mr. DICKEY. Mr. Speaker, I wanted to see if you all could tell me what you hear out there when you talk to the opponents of the NAFTA agreement, what is said in response to the fact that we can get out with 6 months' notice, six months' termination? Have you all had any discussions about that?

Mr. COPPERSMITH. If I could jump in first, I think a lot of the discussion we are hearing is almost biblical in nature, that NAFTA has become the economic scapegoat upon which many people are trying to visit a number of supposed economic sins, and if, by attributing to this treaty everything that has disturbed people about the progress of our economy, if we could banish it into the wilderness, that somehow we would be redeemed.

It does not work that way and will not work that way, and we would only be turning our back on a leadership role in the market, in our own economy, and a leadership role in our own hemisphere.

Mr. INSLEE. I agree with that comment. If I can respond, what I hear, I will go one step further if I can. The answer to that, I have heard, is no answer. The answer I hear reminds me of Orson Welles.

If you will recall Orson Welles on Halloween, I think back in 1939, he went on the radio. He was a very charismatic figure, and his troop, the Mercury Theater, he convinced millions of Americans that the Martians were landing. Not to take our jobs, but to take our towns over.

Mr. COPPERSMITH. I think it was Downer's Grove, NJ.

Mr. INSLEE. You have got that right, in New Jersey. And that is what we have heard, and that is what I suspect we may hear some more of as we go along. It is simply fear, the fear of the unknown. Let me give you an example. I was talking to a woman today who right now I know her employer in Wenatchee, WA, is going to hire more people to increase exports of apples to Mexico the day NAFTA passes, if we knock down those Mexican trade barriers.

Yet she was concerned because she heard a rumor from the fearmongers that they are going to ship her job to Mexico, when right now she does not even have a job because we cannot get enough apples in. We are getting some in. We are going to get more.

So I think that the answer we get is the Orson Welles' response. And the point you made is the best way to believe a treaty is good is when the other side says it is bad. And I heard you say this the other day, that if they will let you out in 6 months' notice, they have got pretty good confidence it is going to work, as you and I do.

Mr. HOEKSTRA. I would say in response to your question that when we are in a rational argument, in a rational discussion, which we have not always had in this debate, that when you explain to them that the agreement allows for any time in the future with 6 months' notice, to get out of the agreement, that what that will do is it will force all three parties to ensure that this is a win-win-win agreement, because if it becomes a lose for any one of the three, they will pull out. And that is not what any of us want. We want a strong North American manufacturing alliance that is win-win-win, and a 6-month escape clause provides us with that option.

Mr. DICKEY. The thing that I think is so significant is that a 6-month escape clause is really looking at it from a negative standpoint, that we are going to get out. But it eliminates the sovereignty issue, this business about well, we are giving up our sovereignty. How in the world can you give up your sovereignty if you can get out in 6 months or the other guy can get out in 6 months?

It takes away arguments like well, we cannot renegotiate. Because if you get out in 6-months, you can always renegotiate. Always. If you have some problems you can renegotiate. And that is going to be a threat at the table at any time.

I say we do not have a chance of exploiting Mexico. We do not have a chance of exploiting Canada. Because we have the 6-month clause that what it will bring to us.

Mr. COPPERSMITH. Mr. Speaker, I thank the various gentlemen for participating in this special order.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk tonight about health care, and specifically I wanted to talk about the Clinton proposal, and then talk a little bit about the Michel alternative. The reason why I want to do this is because there are a lot of health care plans that are out there right now. I am glad that there are a lot of plants out there. There are plans offered in the Senate. There are plans offered in the House, by Republicans and by Democrats, and certainly by the administration.

But, let us face it, the President is a 500-pound gorilla. Therefore, his health care plan is center stage, and that is the plan I am going to talk to, address tonight.

I want to say up front though that I am not in favor of his plan, and I want to talk to you about that and explain why. In doing so, I will explain the goals and the mechanics of his plan and what I see are the good parts and the bad parts.

First of all, let me say this: That the plan has three basic goals. I know that they actually say six goals, but there are three basic goals: security, savings, and simplicity.

Security, universal coverage. Everyone in America will have health care, despite your income, employment, age, medical status. Whatever, you will have health care.

□ 1840

That health care will be portable. If you quit one employer and go to another, no problems satisfying a preexisting condition portion of a policy. You can take it with you. You will have a guaranteed benefit plan without cancellation. Every American will have an insurance card. With this cared, you can get health care coverage anywhere you want to go. And it cannot be cancelled.

I think that has some interesting ramifications aside from health care, because this plan will also register you as a resident of America, no matter where you are. And so I would think that this card could also be used for criminal investigation and background checks. I only say that in passing, because I think there is something there that bears investigation.

This health care bill is a 1,600-page bill, and we need to know what is in all the parts of it. Now, aside from the goal of security, the plan also has savings. The idea is that each individual in America will pay about 1,800 for health care, and families will pay about $4,200. The idea behind the savings is that you will have more people, in spreading the risk, more people participating in the program because we will not just have 215 million insured people, we will have an additional 37 million.

Now, the President's plan does not address the fact of what happens if all those 37 million cannot pay, but this is part of the idea of savings.

The third goal of his plan is simplicity, one-stop shopping. You will get your health care through a health care alliance. Now, there is simplicity for the individual, maybe for the shopper, but there are a little bit more problems for the bureaucracy. Because according to one study, the plan will actually create 59 new Federal programs, expand 20 others, and begin 79 new Federal mandates and changes in our tax laws. That is not exactly simple. It reminds me of the saying, "I am from the Government; I am here to help."

I do not know that that will help or not. But remember, we are looking at a 1,600-page bill. These are the goals of the President's plan, the mechanics. How does it work?

Step No. 1, creating a national health care board with seven full-time directors. Now, Health Secretary Shalala said that these directors would actually have minor responsibilities. Later she went back and said, "Well, I meant it would be minor, the number of people who actually serve on the board."

But included in their duties, no matter what you call them, is that they would outlaw certain insurance practices and change certain policy rules and preempt a number of State laws that affect insurance. Insurance has been regulated by the McCarran-Ferguson Act, which says, as long as States regulate insurance, the Federal Government would not get into the roll. Well, this bill, I would think, in effect, repeals McCarran-Ferguson, particularly as respects health care.

The board would also establish community rates. Remember, we talked about this health care card. One thing about it, you and I, everyone in America will have it, but what is interesting to note is if you are a 23-year-old marathon runner or a 55-year-old person who does not ever exercise, you may smoke a little bit too much, you may drink a little bit too much, you may eat a lot of fried foods and never exercise, your premium is going to be the same as the 23-year-old marathon runner.

I do not like that idea. I think that you should have personal responsibility and that people who take care of themselves should pay a lower premium than those that do not. As one friend but it, in the automobile business, it would be similar to charging somebody who has absolutely no speeding tickets and somebody who has several DUI's and five speeding tickets the same premium. Where is the personal motivation.

Another thing the national health care board will do is define the benefit package, decide what is covered in the policy and what is not. And then, and maybe most importantly, they will decide what protocols and what procedures are appropriate for health care providers. As I read it, there is not a provision that national health care board members or the alliances under them have to be medically trained, but they will be telling doctors what procedures are and are not appropriate. That is step No. 1.

Step No. 2, by January 1, 1997, each State will have to set up a series of health care alliances. The health care alliances will act like a broker. They will tell customers which network has what sort of plan, what their service record has been. They will also have a report card where they publish the performance of the different networks. They monitor the claims and collect all kinds of data.

But the alliance is a Government-created monopoly. You will have to buy your health care through an alliance. That means if you are happy with your current coverage, if you are one of the majority of Americans that surveys show that you like the plan you are under right now, you will have to surrender that. You will have to get it through an alliance. that is the second step.

The third step, and actually, it goes at the same time as the setting up of the alliance, that would be requiring or pushing and encouraging health care providers to join a network. That would be your doctors, your hospitals, your nurses, your physical therapists, all your health care delivery folks will get together and decide how much they would charge for delivering your health care from A to Z.

The alliance would offer you three different types of programs: No. 1, the standard; No. 2, an HMO or PPO, health maintenance organization or preferred provider organization type coverage; and then No. 3, fee for service.

Fee for service is basically what we are doing right now. It is the type coverage you have right now where you pay for service a fee and then the doctor charges the insurance company for it. The only problem is, under this plan, nobody will be going under a fee-for-service program, because the economies of scale will all be under the standard plan.

Now, what coverage is provided under the standard plan? Do not think standard means economy. I would call it deluxe, where I come from, but up here in Washington, they call the following standard coverages: Well baby care, hospice, no limit outpatient care, catastrophic care, home health care, long-term care, rehabilitation services, eye glasses for children, substance abuse, preventive care, abortion and massage therapy. That is the standard plan, and that is what is supposed to save us money. Hardly a basic policy by anybody's definition.

Now that I have described that, let me go into what the cost is. As we all know, the administration has been rather vague on how this plan will be financed and what sort of taxes will be raised as a result of it. The one thing that the President stood up here a few feet behind me and said is there would be no broad-based new taxes. Well, broad-based taxes in many respects are the fairest kind to have, and it is the kind that would ask for the smallest amount of contribution.

Instead, the President said we are going to raise taxes on cigarettes. Well, for you smokers out there, you are going to need to triple and quadruple your smoking consumption, because at current consumption we will only pay for about 5 percent of the care. Let us not fool ourselves. We can beat up on tobacco and cigarette smokers all we want. It is not going to do a thing. It is not going to carry the burden. It will not finance this massive new bureaucracy and plan.

The President also talked about a 12-percent reduction in Medicaid and Medicare costs. Now, they did not quite define that. We are not sure exactly what they mean by that.

Another thing that they talked about was controlling the premiums paid to insurance companies by paying less for claims.

According to Ira Magaziner, as quoted in the New York Times, "This will cut our waste and reduce overpayments to doctors."

This is extremely important. I want to digress a little bit on this point for that reason.

I have a woman that I met in my district in Savannah, GA. She is a German citizen, Her name is Ann Schweistris. Unfortunately, I have a difficult time pronouncing regular English, with my accent, so I cannot venture into German.

Her father was 81 years old and had a heart attack in Germany. He went to get health care. He was still living. He needed a bypass. He needed some medical procedures.

Unfortunately, because he was not a wage earner anymore, he was put in the back of the line. He went along back and forth with the socialist health care system with the nationalized medicine in Germany, trying to get in the front of the line so he could get treatment. He did not. Five months later he died. He did it because the Government of Germany decided they were going to spend *x* number of dollars on heart care and bypasses and because they put a limit on it. Then they would have to decide who was going to get those dollars and who was not.

□ 1850

From a nonhumanitarian point of view, certainly a 33-year-old wage earner would come in front of an 81-year-old man who was no longer a wage earner. One of them paid taxes, the other one did not. So her father died a few years earlier than he would have. You can imagine the pain and agony that that led to her family.

That is why Ann lives in the United States of America today, yet she is horrified that we seem to be going in the direction of Germany and other countries that have nationalized medicine, because of this one part, that we will paying less to insurance companies, for claims, and that is going to be a trickle-down effect. The big word for it is rationing, plain and simple.

Another thing, to get back to my list of other coverages or other ways that the President wants to cover the cost, by the year 2000 no prices will be allowed to increase except for inflation; again, more rationing.

A decrease in fraud. We all want to decrease fraud. Tell us how. I support that.

Then there is the grind on small businesses. Employers, small businesses, will pay 80 percent of the health care premium of their employees up to 7.9 percent of their payroll. The other 20 percent will be paid for by employees.

Many employers do not pay that benefit right now. It is part of their compensation package. The President is going to jump that line of contractual obligation between employer and employee and say, "This is how you have to do it." There is not discretion at all for businesses.

Many of the small businesses that I have talked to, the pet stores, the clothing stores, the car service garages, they are saying, "Forget it. We will close down. Our margin is too thin right now. We cannot afford to pick up 80 percent of the cost."

Finally, and the one that even some of the liberal media institutions in the Washington area have a difficult time with, they said that $51 billion will come from the fact that businesses will be making more profits because they will not have to pay higher health care premiums. Therefore, they will be paying new taxes, and we think this is going to be in the neighborhood of $51 billion.

Those are pretty nebulous ideas. I would love to have an airplane, I would go home, go back and forth from my district to Georgia and Washington each week. I would love to have an airplane and just commute a little more often, but the fact is I cannot afford an airplane. This is what happens, though, when you let your heart do your thinking for your head. You have to merge the two. You have to have humanitarian goals, but you have to have a bottom line. You have to remember that this is paid for with tax dollars that are competing with dollars for everything else.

Let me talk about the good points for this plan and the bad points. A good point is that the President has brought this to the front burner, and that Congress has let the issue become predominant. There have been other health care reform bills introduced in the past, both by Republicans and Democrats, but it has never gotten to the front burner. I salute the administration for that.

The portability, I like the idea that somebody will not have job loss. I think that is a good idea. Certainly I would not doubt the President's sincerity. I think he does want the American people to save money. He does want to increase security. I think those are all good.

Let me get down to the down side. I know I have already made a few comments along the way about that. Just to take a few examples, choice. You will not have your choice under the President's plan. He is saying that you will have choice, but remember, he called a tax increase a contribution, so you have to watch what he is saying.

You will have your choice of doctors if your doctors are all in the same network. The average American family generally has an internist, has a gynecologist, and has a pediatrician. If all three of those doctors are in the same network and you happen to choose that network, yes, you have the choice.

However, if they go to different networks, you will not have your choice in doctors. That is extremely important to remember.

The rate discrimination that I talked about earlier, what motivation is there for you to take care of yourself and have an annual mammogram or Pap smear or prostate test and exercise and drink the right things, eat the right things, if your premium is going to be the same. It does not matter. Certainly you are going to enjoy good health for it, but I think we should really encourage people to remember, in America, if you try a little harder, there is a break to it, but that incentive is taken out of this plan.

Increased bureaucracy. There is absolutely no question that this plan will increase the bureaucracy. In my area we have a lot of beautiful live oak trees. All of them started out with a tiny little acorn, and they grew.

That creates something real pretty, but a bureaucracy grows the same way, and it does not create something as pretty as a live oak tree. That is what this will do.

You can talk about your seven-member National Health Care Board, but it is going to grow. These alliances are going to grow. They are quasi-governmental, even from the inception. The track record of Government is to grow and grow and grow, and this will create more bureaucracy.

Another problem, it will preempt State laws. In my State, in Georgia, the Georgia insurance commissioner, the Governor, the chairman of the insurance committee in the legislature are all working for health care reform. They have different ideas on it. They have different plans, but they are working on that reform. Under this scenario, whatever they do will be lost, because this will basically preempt State laws and supersede whatever reforms are passed on the State level.

What is bad about that? If the State of Georgia does something that is not in Georgia's best interests, it can turn around and reverse that policy quickly. However, if it comes out of Washington, you are basically stuck with it. What works in Georgia might not work in South Carolina. What works in Alaska, which is a sparsely populated State, won't necessarily work in New York. What works in California is going to be different from Arizona. That is why we have State governments and State legislatures, but this plan will wipe all that out.

Mr. Speaker, finally, let me remind the Members, you would have to surrender your current policy. If you are happy with your current policy, it will not matter. You have to give it up and buy through the alliance. These are problems with the President's plan that we all need to be aware of, because this plan is going to affect all of us.

Alternatives: I am happy to say there are a lot of alternatives. The one I prefer is the one that BOB MICHEL has introduced in the House. It has a number of aspects. No. 1, for the universal appeal of it, it says that small businesses will have to offer health care to their employees, but the financing mechanism and the choice of coverage and plans will strictly be up to the employee and the employer, but they will have to offer it. That dialog will take place.

The fact is, many small businesses, for various reasons, do not want health care. They may be getting it through their spouse's policy, they may be willing to chance it, but that is their choice. This is America. This is a free country. The Government should not be telling you what you can and cannot do in terms of health care.

Another part of the Michel bill, which actually is in the Clinton plan, and I do need to point that out, is 100 percent deductibility for small businesses. Currently, proprietorships, partnerships, sole proprietors, they do not have the full deductibility of the health care premium the way large corporations do. This plan and the Clinton plan will give them 100 percent deductibility. I think that is good.

The Michel plan also has portability of coverage. I believe that is good. The Michel plan, however, allows you to keep your current coverage if you want to do that. The Michel plan also has a Medisave account.

The way a Medisave account works is that the employer, instead of just funding strictly a premium which goes to an insurance company actually would buy a catastrophic coverage for you, a policy, and then have the balance that would fund a large deductible, a $2,000 or $3,000 deductible, so the employee would be covered in the event there was some catastrophic illness, but in the meantime for your broken arms and your stitches and colds and so forth, the employee would be spending money out of that fund, and whatever is left over would go straight to the employee's pocket.

The idea behind that, and one that I think is very important, is that in America we can tell you how much cars cost, even though we don't necessarily own that type of car. We can tell you how much houses cost in another neighborhood. We can talk to you about the price of a new TV.

When it comes to a broken arm, no one has any idea. You don't know if it is a $50 medical cost to set an arm or if it is $500 or if it is $272. We don't know. Let us educate and empower consumers so they can know what a fair price is and they can shop for a fair price.

Given that opportunity, I believe we will have competition in health care and we will drive the cost down.

Finally, the Michel plan allows small businesses and institutions to form various purchase groups. These various purchase groups would act as clusters so that small business could enjoy the economies of scale that large corporations enjoy.

Those are some of the alternatives offered by the Michel plan. Again, there are a lot of plans. There are plans. There is one by Senator CHAFEE, WELLSTONE, COOPER, Senator GRAHAM. The gentleman from Iowa [Mr. GRANDY] has one in the House. I think it is important. There are a lot of plans. I think this is very important, because we are talking about such a large issue, an issue that touches every single American.

Although I think it is important, we always talk about 37 million people who do not have health care, but we never talk about the 215 million who do have health care.

□ 1900

One of the things that was in the Investors Business Daily on October 25 was an article that discussed the composition of the 37 million people, and in it they talked about the fact that the majority of them are workers who have temporarily lost their benefits because they are in between jobs, and then it said the other portion of the 37 million are 18-year-old college students, nonworkers, and spouses and indigents. So we are not necessarily talking about the same 37 million people. We are talking about a 37 million group that passes through, that turns over a lot.

I would never stand here and tell you that we do not need health care reform, but I would stand here and say we have got to look at everything very, very carefully.

Incidentally, the same article says that in 1986 the level of uninsured was the same as it is 1993. We should have started health care reform in 1986, obviously. But I only stress this to say the urgency is no worse today than it was 5 or 6 years ago. We talk about medical inflation. Here is a statistic in the same article that said that in 1981 the health care inflation was 9.6 percent, and in 1974 it was 12 percent.

All of these statistics get somewhat lost in the argument, and that is why I want to bring them out, because I think it is very important. I am glad again that the President has brought this important debate before Congress and the American people. But I want to say that there are a lot of alternatives, and before we run off into a Socialist medicine program we need to be very careful and preserve the good things about our current delivery system, and try to stay away from more Government.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted for:

Mr. ROMERO-BARCELO (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. LEWIS of Florida (at the request of Mr. MICHEL) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. HOEKSTRA, for 60 minutes, today.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Ms. BYRNE) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes each day, on November 8, 9, 10, 15, 16, and 17.

Mr. SKELTON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes each day, on November 9 and 10.

Mr. FINGERHUT, for 60 minutes each day, on November 9 and 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. GINGRICH in nine instances.
Mr. FAWELL.
Mr. BOEHLERT.
Mr. THOMAS of Wyoming.
Mr. CRANE.
Mr. PACKARD.
Mr. SOLOMON in two instances.
Mr. WELDON in two instances.
Mr. YOUNG of Florida.
Mr. BAKER of California.
Mr. GALLEGLY.
Mr. LEWIS of Florida.
Ms. MOLINARI.
Mr. BEREUTER.
Mr. GALLEGLY.

(The following Members (at the request of Ms. BYRNE) and to include extraneous matter:)

Mrs. MALONEY in four instances.
Mr. DE LUGO.
Ms. LONG.
Mr. JACOBS.
Ms. DELAURO.
Mr. RICHARDSON.
Mr. TRAFICANT.
Mr. PARKER.
Mr. DE LA GARZA.
Mr. POSHARD.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. TEJEDA.
Mr. STUDDS.
Mr. GEPHARDT.
Mr. KLEIN.
Mr. ORTIZ.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain subscriber information.

H.R. 1345. An act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 616. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval a joint resolution of the House of the following title:

On November 4, 1993:

H.J. Res. 205. Joint resolution designating the week beginning October 31, 1993, as "National Health Information Management Week."

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 9, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2112. A letter from the Chairman, Farm Credit Administration, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Farm Credit Administration, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2113. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the University of the District of Columbia President's Representation Fund for FY 1990, 1991 and 1992," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2114. A letter from the Auditor, District of Columbia, transmitting a report entitled "Analysis of the District of Columbia Water and Sewer Utility Administration's Commercial and Residential Accounts Receivable," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2115. A letter from the Auditor, District of Columbia, transmitting a report entitled "Comparative Analysis of the Structure of the District of Columbia Water and Sewer Enterprise Fund," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

2116. A letter from the Executive Director, District of Columbia Retirement Board, transmitting financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732, 1-734(a)(1)(A); to the Committee on the District of Columbia.

2117. A letter from the Secretary of Education, transmitting a notice of final regulations for the Talent Search Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2118. A letter from the Secretary of Energy, transmitting the report on the status of Exxon and Stripper Well oil overcharge funds; to the Committee on Energy and Commerce.

2119. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Australia (Transmittal No. 4-94), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Deputy Secretary's determination and justification that it is in the national interest to grant assistance to Guatemala, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

2121. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

2122. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in September 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2123. A letter from the Director, Office of Management and Budget, transmitting a report on enacted appropriations legislation pursuant to section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on Government Operations.

2124. A letter from the Chairman, U.S. Nuclear Waste Technical Review Board, transmitting a report pursuant to the Inspector General Act Amendment of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2125. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting the 1992 annual report of the Corporation, pursuant to 40 U.S.C. 880(a); to the Committee on Natural Resources.

2126. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

2127. A letter from the Secretary of Commerce, transmitting the second report on the impact of increased aeronautical and nautical chart prices, pursuant to 44 U.S.C. 1307(a)(2)(A); to the Committee on Merchant Marine and Fisheries.

2128. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

2129. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending September 30, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted November 5, 1993]

Mr. HAMILTON: Committee on Foreign Affairs. House Concurrent Resolution 170. Resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994; with amendments (Rept. 103–329). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 8, 1993]

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3225. A bill to support the transition to nonracial democracy in South Africa; with amendments (Rept. 103–296, Pt. 2). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3161. A bill to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes; with an amendment (Rept. 103–330). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 457. A bill to provide for the conveyance of lands to certain individuals in Butte County, CA; with an amendment (Rept. 103–331). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3252. A bill to provide for the conservation, management, or study of certain rivers, parks, trails, and historic sites, and for other purposes; with amendments (Rept. 103–332). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee of Conference. Conference report on H.R. 3167. A bill to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes (Rept. 103–333). Ordered to be printed.

Ms. SLAUGHTER: Committee on Rules. House Resolution 298. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes (Rept. 103–334). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 299. Resolution providing for consideration of the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws (Rept. 103–335). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2178. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997; with amendments (Rept. 103–336 Pt. 1). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3276. A bill to make technical corrections to title 23, United States Code, the Federal Transit Act, and the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes; with an amendment (Rept. 103–337). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAWELL:

H.R. 3458. A bill to amend the Occupational Safety and Health Act of 1970 to apply its provisions to the House of Representatives and instrumentalities of Congress; jointly, to the Committees on Education and Labor and House Administration.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3459. A bill to amend the Federal Deposit Insurance Act to permit the continued insurance of deposits in minority- and women-owned banks by the Bank Deposit Financial Assistance Program; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL (for himself and Mr. SHUSTER):

H.R. 3460. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, 1997, and 1998, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mrs. MALONEY:

H.R. 3461. A bill to amend part E of title IV of the Social Security Act to require States to administer qualifying examinations to all State employees with new authority to make decisions regarding child welfare services; to the Committee on Ways and Means.

H.R. 3462. A bill to amend part E of title IV of the Social Security Act to expedite the permanent placement of foster children by requiring States, at the time of a child is placed in foster care, to find any absent parent of the child and evaluate the ability of the absent parent to provide a suitable home for the child; to the Committee on Ways and Means.

H.R. 3463. A bill to amend part E of title IV of the Social Security Act to facilitate the placement of foster children in permanent kinship care arrangements; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 3464. A bill to provide comprehensive measures against arson; jointly, to the Committees on the Judiciary and Agriculture.

By Mr. STUDDS (for himself and Mr. DE LA GARZA):

H.R. 3465. A bill to amend the Federal Water Pollution Control Act to improve the protection of wetlands and thereby restore and maintain the physical, chemical, and biological integrity of the Nation's waters, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Agriculture, and Public Works and Transportation.

By Mr. OBEY:

H.R. 3466. A bill to amend title 18, United States Code, to prohibit the possession of a handgun or handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile; to the Committee on the Judiciary.

By Mr. RICHARDSON:

H.R. 3467. A bill to establish a health care reform trust fund in the Treasury of the United States; jointly, to the Committees on Energy and Commerce, Ways and Means, and Government Operations.

By Ms. SLAUGHTER:

H.R. 3468. A bill to amend the Public Health Service Act with respect to employment opportunities at the National Institutes of Health for women who are scientists, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS of Wyoming (for himself, Mr. TAYLOR of North Carolina, and Mr. YOUNG of Alaska):

H.R. 3469. A bill to provide for the consideration of a petition for Federal Recognition of the Lumbee Indians of Robeson and adjoining counties, and for other purposes; to the Committee on Natural Resources.

By Mr. MICHEL (for himself, Mr. GINGRICH, Mr. THOMAS of California, Mr. LIVINGSTON, Mr. BAKER of California, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BEREUTER, Mr. BLUTE, Mr. CALVERT, Mr. CASTLE, Mr. COLLINS of Georgia, Mr. COX, Mr. DICKEY, Mr. DOOLITTLE, Mr. EWING, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. GEKAS, Mr. GOODLING, Mr. GOSS, Mr. GREENWOOD, Mr. HASTERT, Mr. HOKE, Mr. HORN of California, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KOLBE, Mr. MCCRERY, Mr. MCKEON, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. OXLEY, Mr. PACKARD, Mr. PORTMAN, Mr. QUINN, Mr. RAMSTAD, Mr. ROTH, Mr. SAXTON, Mr. SCHIFF, Mr. SHAYS, Mr. SMITH of Texas, Mr. SMITH of Michigan, Mr. UPTON, and Mr. WALSH):

H.R. 3470. A bill to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections, and for other purposes; to the Committee on House Administration.

By Mr. GEPHARDT:

H. Con. Res. 176. Concurrent resolution to recognize and encourage the convening of a National Silver-Haired Congress; to the Committee on Education and Labor.

By Mr. WELDON (for himself, Mr. ORTIZ, Mr. STUDDS, Mr. FIELDS of Texas, Mr. YOUNG of Alaska, Mr. SAXTON, Mr. LAUGHLIN, Mr. RAVENEL, Mr. COBLE, Mr. MCCLOSKEY, Ms. SCHENK, Mr. INHOFE, Mr. COPPERSMITH, Mr. HEFLEY, Mrs. FOWLER, Mr. GOSS, Mr. SKEEN, and Mr. SMITH of Texas):

H. Con. Res. 177. Concurrent resolution calling for the United States to amend the London Convention to ban the ocean dumping of low-level radioactive waste, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 302: Mrs. VUCANOVICH.

H.R. 322: Mr. LAZIO.

h.r. 323: Mr. BAKER of California.

H.R. 401: Mr. ARMEY.

H.R. 429: Mr. ALLARD, Mr. BILIRAKIS, Mr. MOORHEAD, Mr. STEARNS, and Mr. STUMP.

H.R. 513: Mr. PORTMAN.

H.R. 818: Mr. PAYNE of New Jersey, Mr. OWENS, Mr. TOWNS, Mr. SCOTT, and Mr. FILNER.

H.R. 898: Mr. GOODLATTE, Mr. SCHAEFER, Mr. CHAPMAN, Mr. SCOTT, and Mr. WILSON.

H.R. 1012: Mr. YATES.

H.R. 1046: Mr. ROMERO-BARCELO and Ms. VELAZQUEZ.

H.R. 1047: Mr. BROWN of California and Ms. VELAZQUEZ.

H.R. 1055: Mrs. JOHNSON of Connecticut.

H.R. 1174: Ms. WOOLSEY.

H.R. 1354: Mr. BACCHUS of Florida, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. WAXMAN, Mr. HAMBURG, Ms. WOOLSEY, and Mr. MORAN.

H.R. 1472: Ms. HARMAN.

H.R. 1504: Mr. BROWN of California.

H.R. 1552: Mr. JOHNSON of South Dakota and Mr. EMERSON.

H.R. 1559: Mr. ACKERMAN.

H.R. 1645: Mr. ENGEL, Mr. FINGERHUT, and Ms. ENGLISH of Arizona.

H.R. 1709: Mr. NADLER and Mr. CRAPO.

H.R. 1957: Mr. GINGRICH.

H.R. 2092: Mr. FARR.

H.R. 2543: Mr. FRANK of Massachusetts.

H.R. 2572: Mr. TORRES.

H.R. 2586: Ms. PELOSI and Mr. EDWARDS of California.

H.R. 2599: Mr. WYNN and Mr. HAMBURG.

H.R. 2612: Mr. MATSUI and Mr. HAMBURG.

H.R. 2613: Mr. FROST and Mr. LIPINSKI.

H.R. 2638: Mr. EDWARDS of California, Mr. MCCLOSKEY, Mr. WAXMAN, Mr. HOCHBRUECKNER, Mr. BROWN of California, and Mr. RAHALL.

H.R. 2641: Ms. CANTWELL and Mr. WILLIAMS.

H.R. 2662: Mr. FIELDS of Louisiana, Mr. FORD of Tennessee, Mrs. CLAYTON, Mr. WHEAT, Mr. HILLIARD, Mr. THOMPSON, Mr. CONYERS, and Mr. EVANS.

H.R. 2702: Mr. RICHARDSON.

H.R. 2706: Mr. GEJDENSON, Mr. INSLEE, Mr. HAMBURG, and Mr. GUTIERREZ.

H.R. 2735: Ms. KAPTUR.

H.R. 2803: Mr. GLICKMAN, Mr. LEHMAN, Mr. DEUTSCH, Mr. MCCRERY, and Mr. BURTON of Indiana.

H.R. 2834: Ms. MARGOLIES-MEZVINSKY.

H.R. 2835: Mr. MEEHAN and Ms. MARGOLIES-MEZVINSKY.

H.R. 2860: Mr. OXLEY and Mr. HUTCHINSON.

H.R. 2880: Mr. BAKER of California.

H.R. 2884: Mr. KOPETSKI.

H.R. 2898: Mr. TORRES.

H.R. 2941: Ms. DANNER, Mr. LIGHTFOOT, and Mr. ROBERTS.

H.R. 2968: Mr. DEAL and Mr. MINGE.

H.R. 3005: Mrs. MEYERS of Kansas, Mr. FIELDS of Texas, and Mr. MILLER of Florida.

H.R. 3030: Mr. ROGERS.

H.R. 3041: Mr. BONIOR, Mr. REED, and Mr. FINGERHUT.

H.R. 3070: Mr. OBERSTAR, Mr. SKEEN, Mr. INSLEE, Mr. BARLOW, Mr. MOLLOHAN, Mr. JEFFERSON, Mr. EVANS, and Mr. LANCASTER.

H.R. 3087: Mr. MCNULTY and Mr. BARRETT of Wisconsin.

H.R. 3102: Mr. TOWNS, Mr. GLICKMAN, Mr. KLECZKA, Mr. OBERSTAR, Ms. KAPTUR, Mr. BARLOW, Mr. BURTON of Indiana, Mr. COBLE, Mr. COLEMAN, Mr. ENGLISH of Oklahoma, Mr. HALL of Texas, Mr. INSLEE, Mr. INHOFE, Mr. ISTOOK, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. PAYNE of Virginia, Ms. PRYCE of Ohio, Mr. ROGERS, Mr. SLATTERY, Mr. VALENTINE, Mr.VOLKMER, Mr. WILLIAMS, and Mr. ZELIFF.

H.R. 3109: Mr. MARTINEZ.

H.R. 3138: Mr. COPPERSMITH.

H.R. 3158: Mr. FILNER and Mr. FROST.

H.R. 3219: Ms. BYRNE, Mr. BONIOR, Mrs. MINK, Mr. LIPINSKI, Mr. FILNER, Mr. MURPHY, Mr. HASTINGS, Mr. DEFAZIO, Mr. PAYNE of New Jersey, Ms. FURSE, Mr. SANDERS, Mr. PALLONE, Mr. HINCHEY, and Mr. EVANS.

H.R. 3259: Mr. KLUG, Mr. FOGLIETTA, Mr. COPPERSMITH, and Mr. LIPINSKI.

H.R. 3303: Mr. HAMBURG, Mr. MILLER of California, Mrs. UNSOELD, Mr. HUGHES, Mr. BROWN of California, Ms. WOOLSEY, Mr. TAYLOR of Mississippi, Mr. FILNER, Mr. WALSH, and Mr. GENE GREEN of Texas.

H.R. 3314: Mr. KREIDLER, Ms. BYRNE, Mr. FOGLIETTA, Ms. PELOSI, Mr. GUNDERSON, Mr. DELLUMS, Mr. EVANS, Ms. SHEPHERD, Mrs. SCHROEDER, Mr. SWETT, Mr. KOPETSKI, Mr. BILBRAY, and Mr. STARK.

H.R. 3320: Mr. MCKEON and Mr. SENSENBRENNER.

H.R. 3357: Mr. RAMSTAD, Mr. JACOBS, Mr. PETRI, Mr. SCHIFF, Mr. MANN, Mr. TORKILDSEN, and Mr. MCCANDLESS.

H.R. 3363: Mr. PETERSON of Florida, and Mrs. LOWEY.

H.R. 3364: Mr. DIAZ-BALART, Mr. HASTINGS, Ms. BROWN of Florida, Mr. FRANK of Massachusetts, Mr. FOGLIETTA, Mr. DELLUMS, Mr. CONYERS, Mr. STARK, and Mr. DEUTSCH.

H.R. 3370: Mr. OWENS and Ms. VELÁZQUEZ.

H.R. 3373: Mr. SWIFT and Mr. GREENWOOD.

H.R. 3374: Mr. SWIFT and Mr. GREENWOOD.

H.R. 3392: Mr. CLEMENT and Mr. EWING.

H.R. 3421: Mr. FIELDS of Texas, Mr. BONILLA, Mr. MILLER of Florida, and Mr. EMERSON.

H.R. 3435: Mr. DEUTSCH, Mr. BARRETT of Wisconsin, Mr. BERMAN, and Ms. KAPTUR.

H.J. Res. 75: Mr. CASTLE.

H.J. Res. 113: Mr. HOCHBRUECKNER and Mr. HUNTER.

H.J. Res. 139: Mr. GORDON, Mr. REED, Mr. SWETT, Ms. BROWN of Florida, Mr. MACHTLEY, Mr. BUNNING, Mr. KLINK, Mr. LANTOS, Mr. RAVENEL, Mr. SANDERS, Mr. KLUG, Mr. LEWIS of Florida, Ms. PRYCE of Ohio, Mr. SKEEN, Mr. NUSSLE, Mr. GRANDY, Mr. RAHALL, Mr. KLECZKA, Mr. MCCLOSKEY, Mr. KOPETSKI, Mr. MCCOLLUM, Mr. RICHARDSON, Mr. EVERETT, Mr. BROWN of California, Mr. OBERSTAR, Mr. DICKEY, Mr. POSHARD, Mr. LIVINGSTON, Mr. CARDIN, Mr. ABERCROMBIE, Mr. SARPALIUS, Mr. LEACH, Mr. HAYES, Mr. PAYNE of New Jersey, Mr. MINETA, Mr. MURPHY, Mr. MEEHAN, Miss COLLINS of Michigan, Mr. GILMAN, Mr. KILDEE, Mr. LIPINSKI, Mr. HUNTER, Mr. POMEROY, Mr. TANNER, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WAXMAN of California, Ms. SNOWE, Mr. SPRATT, Mr. SMITH of Iowa, and Mr. PALLONE.

H.J. Res. 185: Ms. MARGOLIES-MEZVINSKY.

H.J. Res. 216: Mr. CLINGER, Mr. MCCRERY, Mr. ROHRABACHER, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. DELAY, Mr. GRANDY, Mr. HORN of California, Mr. LEWIS of California, Mr. SHAW, Mr. SHAYS, Mr.ZIMMER, and Mr. SPRATT.

H.J. Res. 234: Mr. BORSKI and Mr. KLUG.

H. Con. Res. 147: Ms. FURSE.

H. Res. 237: Mr. GINGRICH, Mr. GOSS, Mr. HUNTER, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. KIM, Mr. KYL, Mr. EVERETT, Mr. MCMILLAN, Mrs. MEYERS of Kansas, Mr. ROTH, Mr. SMITH of Michigan, Mr. THOMAS of Wyoming, Mr. UPTON, Mr. WALKER, Mr. KNOLLENBERG, Mr. WALSH, Mr. KLUG, Mr. STUMP, Mr. BUYER, Mr. CALVERT, Mr. CRAPO, and Mr. LIVINGSTON.

H. Res. 270: Mr. KING and Mr. BATEMAN.

H. Res. 281: Mr. BALLENGER, Mr. MACHTLEY, Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CASTLE, Mr. WELDON, Mr. SKEEN, Mr. SMITH of Oregon, Mr. SPENCE, Mr. TORKILDSEN, Mr. CRAPO, Ms. PRYCE of Ohio, Mr. SAM JOHNSON, Mr. ARCHER, Ms. BYRNE, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. EVERETT, Mr. FISH, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. GALLO, Mr. MOORHEAD, Mr. PACKARD, Mr. QUINN, Mr. KASICH, Mr. KINGSTON, Mr. LEVY, Mr. LEWIS of California, Mr. KOLBE, Mr. LEACH, Mr. KILDEE, Mr. MONTGOMERY, Mr. COBLE, Mrs. MEYERS of Kansas, Mr. BARTON of Texas, Mrs. JOHNSON of Connecticut, and Mr. THOMAS of Wyoming.

SENATE—*Monday, November 8, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Rabbi Arthur Schneier, Park East Synagogue, New York City, NY.

PRAYER

The guest chaplain, Rabbi Arthur Schneier, Park East Synagogue, New York, NY, offered the following prayer:

Let us pray:

God bless America. But God needs man. The men and women in this Chamber, who are elected by the people, understand this truth. By their commitment and dedication to the American system, they are copartners with You, O Lord, in making America the land of freedom and opportunity.

We stand in prayer today on the eve of the 55th anniversary of Kristallnacht, the infamous day and night of broken glass. The terror of those hours is still etched into my soul as I recall, as a child in Vienna, the burning of synagogues and the burning of books, fires that ultimately ended with the burning of Jews.

Kristallnacht has taught us that the right of men and women to live in peace and dignity and respect is as essential as the very air we breathe. But these are not our human rights alone; they belong also to every member of the human family. For each one of us is linked to the other in a thousand ways.

Give us the wisdom, O God, to remember what went before; the U.S. Memorial Holocaust Museum, only a mile or so from this Capitol, is a monument to the collective memory of those who perished not so long ago, the victims of cruelty, of indifference, and of silence.

Help us, O God, to see with a clear eye what is happening now and to imagine what may yet happen tomorrow. Let us remember the words of the sage Hillel and his three sublime questions:

"If I am not for myself," he asked, "then who will be for me?

"But if I am only for myself, what am I?

"And if not now, when?"

If we in the blessed land do not act—as we must—in our own self-interest there will be none to do so. But if we act only for ourselves, we will have surrendered our moral sense and moral purpose as a nation. We can never go back to the days when we tried, and failed, to insulate and isolate ourselves against the world.

The spirit of America has captured the hearts and minds of people throughout the world. Let their faith in our way of life encourage us to guard and preserve our precious freedom.

Victory belongs not to evil but to good, not to indifference but to justice, not to darkness but to light, not to death but to life. And in that final victory, with Your help, O God, America will play its role.

Heavenly Father, bless this land. Bless the President, the Vice President, the Congress, and all who labor for peace, for justice, and for the freedom of mankind, all who have learned to remember, to listen, and to act.

In the words of the Psalmist, "Let your work be revealed to your servants, and your glory upon their children. May your favor, Lord our God, rest on us [and] establish for us the work of our hands."

And let us all say: Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 8, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the consideration of morning business not to extend beyond the hour of 10 a.m., with the time to be under the control of the Senator from West Virginia [Mr. BYRD].

The Chair recognizes the Senator from West Virginia [Mr. BYRD].

THE BALANCED BUDGET AMENDMENT

Mr. BYRD. Mr. President, it seems that we live in an age of little reverence and less patience. It is an era of fast food and slick advertising slogans, of instant analysis and rapid information. In politics, it is a time of sound bites and media men.

The practical application of democracy as it has evolved, with its condensed messages and its blow-dried candidates, stands in stark contrast to the carefully crafted, intricate, thoughtful system envisioned by the Framers and given form by the written document known as the Constitution of the United States of America.

Representative democracy is a slow, complex, and cumbersome way of governing. Its strong point is not speed but stability. In a world enamored of instant gratification, 30-second political ads, 30-minute press conferences, rapid transit, fax machines, satellite communications, and a whole host of lifestyle subtleties that peddle speed and simplicity as invaluable commodities, I sometimes wonder if, as a people, we have somewhere lost the patience for representative democracy.

It is as if the perseverance to examine issues with meticulous care, considering and publicly debating all aspects until a solid consensus emerges, has gone out of style. Perhaps our ability to concentrate—the American attention span, if you will—has been shortened, rather like a child who has watched too much bad television. And there is all too much of that to watch.

Given our national fascination with time-saving devices that simplify our lives, it becomes easy to understand why intractable problems, without quick or obvious solutions, are especially frustrating to the American people. In many American families, both parents have to work just to make ends meet and then struggle to parcel out any leftover time, if there is any left over, to raise their children. The American people, frankly, are distracted by their own overly busy, fractured lifestyles, and the simple, quick solution is currently at a premium value.

Some in the political sphere have seized upon that distraction and have made hay out of offering one-liner solutions to the Nation's most complex problems. Some manipulative politicians have discovered that the simple, the catchy, the obvious, the easy will sell like hot cakes to an American public frustrated by the demands of making a living and disappointed by a political system that no longer seems to matter in their own daily lives.

Is the American public weary of budget deficits? Yes. Pass a constitutional amendment to balance the budget; it is just that simple.

Our forefathers did not intend that the Constitution never be amended for all time. They provided an article, article V, which provides for the amending of that document if two-thirds of both Houses and three-fourths of the States give their approval to amending the Constitution. It can be done; it has been done. We have 27 amendments, 17 since the original 10 that we refer to as the Bill of Rights.

But we are not talking about that here. We are talking about an amendment that would burst at its seams the very pillars on which this constitutional system rests: The separation of powers and checks and balances. That is what it amounts to. That is what we are talking about here. Why do we not just throw out the Constitution and start all over, start out anew? Perhaps we would rather do it by stealth, under the cloak of a balanced budget amendment to the Constitution.

Mr. President, last Monday I came to this floor to speak against Senate Joint Resolution 41. If passed by the Congress and ratified by the States, the resolution, which proposes an amendment to the Constitution, would require that the Federal budget be in balance on an annual basis.

Section 1 of the proposed constitutional amendment reads: "Total outlays for any fiscal year shall not"—it does not say may not—"shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote."

In my remarks last week, I pointed out several of the dangers inherent in placing that kind of mandate in this Nation's basic charter. Today, I want to focus on one particular aspect of this measure, Senate Joint Resolution 41. Just as Toto pulled back the curtain to expose the not-so-mighty Wizard of Oz, the curtain must be pulled back on this resolution so that the American people, too, can see that it is political sorcery.

The language in the proposed constitutional amendment mandates that outlays of the Federal government shall not exceed receipts, and, to some, that probably sounds fairly straightforward. But if we accept that requirement, if we rivet that quack nostrum into the Constitution of the United States, then the obvious question is how do we ensure that in fact, outlays do not exceed receipts? How do we ensure that outlays do not exceed receipts? How are we supposed to comply with that constitutional mandate? Simply stating that outlays shall not exceed receipts is an empty incantation and will not make it happen. There would still need be some sort of enforcement mechanism.

Well, Mr. President, the proponents of this resolution tell us not to worry. They say, and quite correctly, that a constitutional amendment is not the place to put the particulars, put the details of how we achieve budget balance. Instead, we are told that section 6 of the proposed amendment requires the Congress to develop its own enforcement mechanism by passing the implementing legislation.

Section 6 reads as follows:

> The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

For Senators to understand what kind of wonder drug they are being asked to swallow, they need to truly understand that specific section of the resolution. I also believe that once the American people understand it, they will know that this amendment is nothing more—nothing more—than sleight of hand and political sorcery.

Section 6 of the resolution states that "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Again, Mr. President, such language would appear rather uncomplicated. Let us take a look at this sleight-of-hand mechanism. If we take a closer look, especially at the latter half of this, we will see that the entire premise of this amendment is as shaky as a house of cards. Indeed, in one single word—the word "estimates"—we find the achilles heel of the whole balanced budget amendment concept, be it Senate Joint Resolution 41 or some other version. The achilles heel is in the word "estimates."

If we follow the directive of section 6, then the central tenet of our enforcement mechanism, we would see, is to be based on "estimates of outlays and receipts." Now get that. "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts." What the public needs to know is that, unlike most individuals who will receive a set salary or wage for the year and whose expenses are relatively stable, total outlays and total receipts of the Federal government are not known—and infact they cannot be known—at the beginning of any given fiscal year. It is impossible for them to be known at the beginning of any given fiscal year. All that the President and the Congress have to work with, when they begin to put the budget together, are estimates provided to them by the Office of Management and Budget and the Congressional Budget Office—estimates, nothing more.

If we have learned nothing else over the past 12 years, we have learned that actual outlays and actual receipts in any given year can and do vary from those estimates by billions of dollars. In fact, in most years, actual outlays and actual receipts do not even come close—do not even come close—to what the experts projected at the beginning of the fiscal year. As these charts will show, outlays, receipts, and deficits have consistently been misestimated in every one of the 12 years from fiscal year 1981 through fiscal year 1992, inclusive. No exception. In every one of those 12 years, the outlays, receipts and deficits have been misestimated.

Mr. President, before turning to the specifics of these charts, let me emphasize that the data presented here come from the independent and nonpartisan Congressional Budget Office. That office, created by the 1974 Congressional Budget Act, has a staff of 226 people and an annual budget of $22.3 million. By comparison, the Office of Management and Budget, which provides economic advice to the President, retains a staff of 560 people, and has an annual budget of $56.5 million. In any event, the Congressional Budget Office's primary function is to assist the Congress in the preparation and analysis of the budget by providing us with the economic and budget data we need throughout the year. As part of those duties, they are responsible for closely monitoring the government's deficits. But, as we shall see, despite all the expertise of the individuals who work in that office, they remain powerless—powerless—to provide the accuracy that would be required under this amendment.

Now let us look at the first chart. This first chart shows the difference between revenues as estimated in the first budget resolution for each of fiscal years 1981 through 1992, versus what those revenues actually turned out to be.

In fiscal year 1981, we can see that actual revenues collected by the Federal government were $11.2 billion less than what had been forecast in the budget resolution for that year. Eleven billion dollars, Mr. President! Then, in fiscal year 1982, revenues fell short of the estimate by $40 billion; for fiscal year 1983, the revenues fell short of the estimate by $65.3 billion; for fiscal year 1984, $13.1 billion; in fiscal year 1985, revenues fell $16.8 billion short; in fiscal year 1986, they were $26.6 billion short—$26.6 billion short of the estimates that had been projected; in fiscal year 1987, revenues were actually $1.7 billion greater than what had been expected; in fiscal year 1988, we can see that revenues again fell short of the projection by $23.8 billion; in fiscal year 1989, they were $26.4 billion greater than projected; in fiscal year 1990, they were $34 billion short of the estimate projected; in fiscal year 1991, $55.7 billion short; and in fiscal year 1992, revenues were an unbelievable $77.5 billion short of the projection—$77.5 billion short of the estimate. The last column on the chart, to the viewer's right, shows that the average difference between actual and projected revenues for these 12 fiscal years amounted to $28 billion. The average difference per year between the revenues that were estimated and the actual revenues was $28 billion. So, Mr. President, on average, over the past 12 years, we have underestimated the amount of revenues available to the government by $28 billion every year.

The next chart shows, for the same 12 fiscal years of 1981 through 1992, the difference between estimated outlays as contained in the first budget resolution and what those outlays actually were. What was estimated, on the one hand, and what the outlays actually were, on the other hand.

Starting again on the viewer's left with fiscal year 2981, we can see that outlays were actually $46.9 billion more than what the budget resolution had estimated. In fiscal year 1982, outlays were $32.9 billion greater; in fiscal year 1983, outlays were $26.2 billion greater; in fiscal year 1984, outlays were $9.4 billion less than what had been estimated; in fiscal year 1985, outlays once again exceeded estimates by $4.8 billion; in fiscal year 1986, outlays exceeded estimates by $22.2 billion; in fiscal year 1987, $7.9 billion greater; in fiscal year 1988, the outlays exceeded the estimates by $21.7; in fiscal year 1989, the outlays were $43.2 billion greater than the estimates; in fiscal year 1990, the outlays were $85 billion greater than the estimates by the CBO at the beginning of the fiscal year. Only in fiscal years 1991 and 1992 were outlays appreciably lower than what had been estimated. As we can see, Mr. President, actual outlays in those 2 years were lower than estimates by $40.4 billion and $66.1 billion, respectively. But, even though they were lower than what had been expected, the point is that they still differed significantly from the original estimates. And finally, as the last column shows, the average difference—the average difference—between actual and estimated outlays for those 12 fiscal years amounted to $14.6 billion.

And that was the average difference, the average annual difference over the 12 years?

Chart 3 gives us the differences between actual budget totals and first budget resolution estimates for fiscal years 1981 through 1992—the actual deficits.

Since the difference between the revenues and outlays—the difference between the revenues on one hand and the outlays on the other—is what makes up the deficit, this third chart shows the difference between what the deficit was estimated to be and what it actually turned out to be for fiscal years 1981 through 1992.

For fiscal year 1981, the deficit was $58.1 billion larger than had been estimated; for fiscal year 1982, the deficit was $72.9 billion larger; for fiscal year 1983, the deficit was $91.5 billion higher than the estimated deficit. For fiscal year 1984, the difference narrowed some, but the deficit was still $3.7 billion larger; then in fiscal year 1985, it went back up to $21.6 billion larger than the estimate; in fiscal year 1986, the deficit was $48.8 billion larger; in fiscal year 1987, $6.2 billion larger; in fiscal year 1988, the actual deficit was $45.5 billion higher than the estimate; in fiscal year 1989, $16.8 billion larger than the estimate; in fiscal year 1990, the deficit was an astounding $119.1 billion higher than what had been estimated; in fiscal year 1991, Congress did better, but still the deficit was $15.3 billion larger than the estimate; and in fiscal year 1992, $11.4 billion larger. The last column, on the viewers' right, shows that the average difference for those twelve years was $42.6 billion. Mr. President, as we can see from this chart, in only 2 of those 12 years was the actual deficit within $10 billion of what had been estimated.

In only two of those years, 1984 and 1987, in only those 2 years, was the actual deficit within $10 billion of what had been estimated.

The point of these charts is to show that, no matter how hard the Congress, in the budget resolution, tries to estimate outlays and receipts, it has repeatedly failed.

In the days of the tyrannical monarchs, the heads at CBO would have gone off. The people at CBO would have lost their heads.

In 10 of the past 12 years, revenues have been lower than expected, and in 9 of the 12 years, outlays have been greater than expected.

Let me say that again. In 10 of the past 12 years, revenues have been lower than the estimates, and in 9 of the 12 years, outlays have been higher than the estimates.

And there is nothing in this resolution, nothing in this resolution, or any other resolution or any other version of the balanced budget amendment, that can correct that problem.

And there is not one among the 100 Senators who can come up with a version that will correct it; not one. All 100 Senators cannot come up with a constitutional amendment that would allow us to proceed on the basis of estimating receipts and outlays versus actual receipts and outlays and come out with accurate estimates. It cannot be done.

Despite knowing that the estimates we must work with will inevitably be in error, they are exactly what this resolution would have us rely on. Remember, it says right there in section 6 that we "may rely on estimates of outlays and receipts."

That is it. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

What does that mean? What are we talking about? Well, section 1 states, "total outlays for any fiscal year shall not"—shall not—"exceed total receipts for that fiscal year * * *"

And then how will it be done? The magic incantation is, in section 6, "The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts."

Despite knowing that the estimates we must work with will inevitably be in error, they are exactly what this resolution would have us rely on. It says so. It says we "may rely on estimates of outlays and receipts."

We already have a process for estimating revenues, outlays, and deficits prior to each fiscal year, and as we have seen, it is far from perfect. So what is Congress to do? It is ludicrous to think that, just because we pass this resolution, we will somehow come up with a new system that will accurately predict balanced budgets in advance of each fiscal year. It cannot be done.

Of course, it would be easy to say that all we need to do to correct the dilemma is to find more competent budget analysts. Let us throw the rascals out and hire a whole new batch of analysts. Unfortunately, it is not that simple. The plain truth is that the men and women who help put these figures together each year are not at fault. If not the analysts, then, who is the culprit? In simple terms, the miscalculations that we have seen displayed on these charts can be put into three categories: policy miscalculations, economic miscalculations, and technical miscalculations. Those are the terms used by the Congressional Budget Office to explain the differences between the budget estimates and what actually occurred each year: policy, economic, and technical.

The first of these terms refers to any portion of these differences that can be attributed to the Congress' passing legislation that was not accounted for in the estimates.

However, over the 12 fiscal years represented on these charts, policy differences accounted for the smallest amount of estimation error. In fact, enactment of legislation by the Congress since 1990 has been but a very small portion of the deficit error. The reason for this, Mr. President, is the pay-as-you-go requirement and the spending caps that were instituted with the 1990 Budget Enforcement Act and extended this summer with the 1993 Omnibus Budget Reconciliation Act. These are tough new requirements that have worked to restrain spending because the only way around them is with the designation of an emergency.

The second reason for the difference between actual versus estimated revenues, outlays, and deficits, is attributed to the failure of budget analysts to anticipate the actual performance of the economy. I know that some Americans may not be aware of the fact that, when the budget is put together, it is based on certain economic assumptions. Factors such as the gross national product, the unemployment rate, the inflation rate, and interest rates must be assumed for the upcoming year. They have to be assumed because they cannot be known.

Therefore, if more Americans are unemployed than had been anticipated, the government will have larger outlays for unemployment insurance benefits, food stamps, and so on, than originally thought. This larger payout for these benefits would then be categorized as an economic error. Likewise, if interest rates unexpectedly go up, then the amount of interest we have to pay on the national debt would be higher. This, too, would be considered as an economic error. Nobody can help it. No one could foresee it.

To illustrate this point further, Mr. President, we need only look to the recent recession. Because that recession was deeper than expected, and the recovery weaker, revenues unexpectedly fell in fiscal year 1992 by $46.3 billion. In addition, these lower-than-projected revenues, due to the economy's failure to perform as expected, caused the fiscal year 1992 budget deficit to exceed the budget resolution's deficit estimate by $25.7 billion.

The third reason why estimates are inaccurate is due to what CBO calls technical differences. This category contains a number of items. Most notable among these are the miscalculations due to rising health care costs associated with the Medicare and Medicaid programs.

Mr. President, I know all of these explanations and numbers must be mindnumbing to the American people. But the fact that this material may be dry does not make it any less true or important. What is important, though, is that the public understands that errors in estimates attributable to economic factors accounted for 53.8 percent of the $42.6 billion average error in the deficit projection for the period 1981 to 1992, inclusive. What that means, simply, is that of all of the factors that account for deficit estimates being out-of-sync with reality, more than half of the average error over the past 12 years was due to factors that we will never be able to correct, unless, of course, someone has a crystal ball that can accurately tell us at the beginning of each year what the unemployment rate, the interest rate, the inflation rate, and the gross domestic product will be for that year. It cannot be done.

This is why I refer to the word "estimates" as being the achilles' heel of the balanced budget amendment. On the one hand, under this resolution we would be mandated to balance the Federal budget every year. But while we struggle with that difficult task, the economic information we have at our disposal will inevitably be in error, and more than half of that error will be due to factors beyond anyone's control. Mr. President, what a balanced budget amendment amounts to is like telling someone that they must drive their car 100 miles, but only giving them 80 miles worth of gas. No matter how hard they try, or how well-intentioned they may be, there is just no way on God's green Earth that they can make up that last 20 miles.

If we know, then, that we must balance the budget, and we also know that it is impossible to do that at the beginning of the year, it should be obvious to everyone that the Congress will be forced to pull out its old bag of tricks and bring back the smoke and mirrors and rosy scenarios to make this appear to work. They will not make it work. They will make it appear to work. So what can the American people expect to see if this catastrophe is inserted into the Constitution? Rather than rely on my own imagination, Mr. President, I would like to read to the Senate a few ideas that come from the Judiciary Committee's own report that accompanies Senate Joint Resolution 41.

This is the Judiciary Committee's own report that accompanies Senate Joint Resolution 21.

On page 11 of that report—get it and read it—Senate report 103–163, it is stated that: "This provision"—meaning section 6—"gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation." What is meant by "flexibility"?

The report continues: "For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith." Does this mean that if we pass a budget that is balanced, at least on paper, we need not worry if the budget becomes unbalanced during the course of the year? Is that the ideal we are supposed to include in our implementing legislation? If that is what the sponsors of this amendment have in mind, I think that is a very different approach than what the American people are expecting from a balanced budget amendment.

We have already seen that the estimates of revenues and outlays are invariably wrong, and that is understandable. But the committee report says "Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable * * *."

Who knows what "reasonable" is? Who is to say what is reasonable? "* * * so long as the estimates were reasonable and made in good faith." How do we know whether or not they were made in good faith? Who is to say? Who is to know whether they were made in good faith?

The next sentence states: "In addition, Congress could decide that a deficit caused by a temporary, self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article." Mr. President, what that sentence says to me, is that, at the same time the proponents of this amendment are telling the American people that a constitutional amendment will bring about balanced budgets, they are telling the Congress that they do not expect us to practice what we preach. If we followed this advice and the Congress codified a broad definition of the words "temporary" and "self-correcting," then we will have found the escape hatch—aha, there it is, this is the escape doorthat we all know will be needed under this amendment. But will that be what the American people expect from this amendment?

The proponents have trumpeted from the Atlantic to the Pacific, from the Canadian border to the Gulf of Mexico: This is the wonder cure. This is the wonder drug, a prescription for budget deficits. A politician appearing before an audience, can ask the question: "How many of you believe that we ought to have a balanced budget amendment to the Constitution?" All hands will go up. "Well, I want to tell you, ladies and gentlemen, you elect me, and I will vote for a constitutional amendment to balance the budget."

Get your applause meters going. That is a sure way to ring the bell. This wonder drug is the way to get votes. It is not a sure cure, but it is a sure way to get votes.

Reading again from the report, the next sentence states:

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

Now get that. Let us read it again.

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

How small is small? How small is a negligible deviation?

It reminds me of Abraham when he intervened on behalf of the city of Sodom. He asked God if, perchance, there were 50 people in Sodom who were righteous people, would God spare Sodom. God answered yes. Abraham then asked, if there were less than 50, perchance 45, would you spare Sodom? God said, yes, if there are 45, He would spare Sodom. Perchance, if there were

40, would you spare Sodom? God answered, yes. Perchance 30? God answered in the affirmative. Perchance there were 20? God said He would spare Sodom if there were 20. If only 10, would you spare Sodom? God answered that if there were 10 righteous men in Sodom, He would spare the city.

This is the same thing in a reverse sort of way.

If Congress could state that very small, or negligible, deviations from a balanced budget would not represent a violation of section 1, how small is small?

Is it $5 billion? Yes. Well, if $5 billion is "small," how about $10 billion? If $10 billion is "negligible," what is wrong with $11 billion? OK. If $11 billion is small, how about $12 billion? And if $12 billion is only a "negligible" deviation, how about $15 billion? So, where do we stop?

Here, Mr. President, we have the suggestion that the Congress could just stand up and declare that certain amounts of deficit, as long as we determined them to be "negligible," are not in violation of the amendment.

A $25 billion deviation—Congress could say it is OK. It is "small." Small in comparison to what? When considered in the context of a budget that is $1.5 trillion, it is negligible.

But if we were to constitutionalize the mandate that outlays must not exceed receipts, any congressional attempt to deviate from that requirement would bring the moral authority of the entire Constitution into question.

I will say that again.

If we were to constitutionalize the mandate that outlays shall not exceed receipts—that is what the amendment says. It does not say "may not," the amendment mandates that outlays shall not exceed receipts. If we were to constitutionalize the mandate, any attempt to deviate from that requirement would bring the moral authority of the entire Constitution into question.

If we could violate this amendment with impunity, then what other provisions of the Constitution might be put in peril? Finally, this paragraph is really a wonder drug paragraph; it will fit any prescription for a balanced budget. Amazing new, wonder drug, this section 6. Do not vote for it. If you follow me, Senators, and listen carefully, you can see that this will not work.

Finally, the last sentence in this paragraph states:

> If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year.

There you have it. What a prescription for a balanced budget. That is a massive loophole. Let me read it again.

> If an excess of outlays over receipts were to occur, Congress can require that any shortfall must be made up during the following fiscal year.

That is a loophole that, if adopted by the Congress as part of its implementing legislation, would be big enough for Attila, the king of the Huns, and his hordes of horsemen from Central Asia to sweep through.

What the sponsors of the amendment are telling us is that, if Congress cannot figure out what to do, if Congress runs into options too difficult to swallow, Congress can just require that the shortfall be made up the next year. Just put it off until the next year.

Mr. President, what kind of fiscal shenanigan is this? Just put it over until next year.

Let me emphasize again: These suggestions for dealing with the deficit under a balanced budget amendment come from the committee's report. Every Senator, every Senator's office should get that report, the Judiciary Committee's report on Senate Joint Resolution 41. Read it. As such, these suggestions in the committee report would not become part of the underlying resolution if it were to pass. They are not going to be incorporated into the constitutional amendment. They would not have any force of law. But, nevertheless, they give the American people some idea of the kinds of gimmicks and evasions the people can expect to see if this constitutional amendment is adopted by the Congress and ratified by three-fourths of the states.

The American people are being sold a bag of budget tricks. Is this what the American people want? Are they being told about the realities of what it would take to balance the budget each and every year?

As I listen to those who speak in favor of a balanced budget amendment, I do not hear them telling the public that we really intend just to roll the deficit over into the following year. I do not hear them telling the public that the Congress will just state that the deficit is "negligible," and so we do not have to deal with it. I do not hear them telling the public that, if this measure is passed and ratified, the implementing legislation will only require that the budget be balanced on paper at the beginning of the year. That is not what the American people are being told.

Mr. President, if this matter were not so serious, if it were not so dangerous to the delicate separation and balance of powers that were put in place more than 200 years ago, and if it would not have such cataclysmic effects on the economic well-being of the American people, what we have seen today, with respect just to section 6 would be laughable. It would be laughable. But it is really not laughable. And the sooner the American people begin to understand that, and the sooner the Members of this body understand that, the sooner we will realize the serious policy choices that must be made if we are to put our fiscal house in order.

Mr. President, if this amendment is ever enshrined in our Constitution, it would be impossible to accomplish the task of health-care reform that so many want. And it would have been impossible to fund the crime bill that many of our fiscally conservative friends so desperately wanted.

Mr. President, how much confidence do even the authors of this amendment have, if right in the committee report, they start figuring out ways to get around this amendment? How much confidence do they have—the sponsors of the amendment—if right in the committee report they start figuring out ways to get around the amendment? No, Mr. President, this proposal is not worthy of being enshrined in our Constitution. It is little more than political catnip offered to disguise the real difficulty of getting our budgets in balance. I do not think we should perpetrate this charade upon the American people. If it were simply a political sham, which it is, if it were just a political dodge, which it is, it would be regrettable and unwise to adopt. But it is much, much worse than those things.

This proposal is dangerous. Within its murky appeal and unsound formula for budget balance lie the seeds for the further diminishment of the trust of the people in their government. The legislative branch can ill afford any more cynicism and loss of trust. And this Senator worries almost as much about the trust deficit as he does about the budget deficit.

Often Members believe that doing what seems to be the safe thing—the popular thing—will prove also to be the right thing. Political correctness is supposed to be the order of the day, I guess. I believe that endorsing this balanced budget amendment has taken on the aura of a politically correct act. It has become a litmus test of sorts—the right choice to make the political proprietary meter register 100 percent in one's favor.

But whether or not we amend the Constitution in this damaging way is far too important for us to take the temporarily easy way out. The American people must be made to understand that once they take a closer look at this amendment, it is far from what it seems. I hope that each Senator will carefully study this amendment before voting on it. I believe close and open-minded scrutiny of this proposal shreds it, reveals its many shortcomings, and unmasks its benign countenance to reveal the sinister seeds of a constitutional crisis in the making.

Surely we will not travel this road if we are fully aware of where it may lead. In the days ahead, let us be very sure of just what it is we propose to do to our country and to our Constitution before we act.

I thank the Chair and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I may speak for 6 minutes, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AIR FORCE C-17 CONTRACTS

Mr. GRASSLEY. Mr. President, since the beginning of the year, I have spoken several times about financial mismanagement and abuse on Air Force C-17 contracts.

My thoughts on the subject have been drawn almost exclusively from reports prepared by the inspector general [IG] at the Department of Defense [DOD]

Admittedly, Mr. President, those reports focused on financial mismanagement and abuse that occurred between July 1, 1990, and December 31, 1990.

That was 3 years ago. That was a long time ago. Some say that the Air Force has cleaned up the C-17 act.

They say the Air Force has fixed the problem.

Well, that is pure baloney. There has been no let up.

Anyone having doubts about my assessment of C-17 contract mismanagement need not go far for confirmation. Just go to your nearest Armed Services Committee report.

The same old problems persist right up to the present time.

Mr. President, I would like to quote from the House Armed Services Committee Report No. 103-200, dated July 30, 1993.

I quote from page 77:

> After an extensive set of hearings, the committee learned that the C-17 remains a seriously troubled program * * * in a way that defies remedy. The contractor may be in default on the full-scale development contract and plans to seek $1.2 billion in claims against the government. And lax management by the Air Force may be signaling that the government has no intention of enforcing the contract terms or terminating the program.

Mr. President, that is a devastating assessment. It is an indictment of the C-17 program.

The Senate Armed Services Committee Report No. 103-112, dated July 27, 1993, is almost as critical of the C-17 program as its House counterpart.

This is what the Senate Armed Services Committee says about the C-17.

I quote from page 40:

> The committee is at the limit of its patience with the C-17 program, due to serious mismanagement by the Air Force and the contractor, and is approaching the point of advocating program termination.

Mr. President, we have serious criticism about the C-17 coming from both Armed Services Committees. That is reason for concern. That is a red warning flag. We need to pay attention. That criticism is based on extensive knowledge.

Mr. President, my concerns flow from two related developments.

First, C-17 aircraft delivered to date do not meet important contract specifications.

Official Air Force and DOD documents, such as the DD-250—or Material Inspection and Receiving Report—clearly indicate that C-17 aircraft delivered to date have significant contract deficiencies.

Mr. President, I am not talking about Mickey Mouse stuff, either.

The C-17 does not meet range/payload specifications or specs as they are called. The C-17 has failed to demonstrate the capability to carry cargo into a short, 3,000-foot runway.

That is not rinky dink stuff.

Mr. President, what we are talking about here are deficiencies that could undermine the primary justification for the C-17.

Second, DOD is developing an unsatisfactory solution for the problem. The plan is outlined in a memo from the new DOD acquisition czar, Mr. John M. Deutch, to the Secretary of the Air Force. It is dated May 11, 1993.

Mr. Deutch has essentially told the Air Force to revise the C-17 specs as the service sees fit.

Mr. Deutch has given the Air Force a license to steal.

The Deutch memo gives credence to the House Armed Services Committee's warning that the "Government has no intention of enforcing the terms of the contract."

The Deutch plan will help the contractor and the airplane meet the specs. The specs will be lowered.

The specs will meet the airplane rather than having the airplane meet the specs. This is one way to achieve harmony on contracts. It is also a waste of money.

We paid McDonnell Douglas top dollar to meet much more stringent specs.

More stringent specs are more expensive because they involve greater risk. They may not be feasible.

If the C-17 cannot meet the more stringent specs, then the McDonnell Douglas must either correct the problem or repay the Government a reasonable sum of money for lost performance.

Otherwise, Mr. President, the contract should be terminated for default.

But, Mr. President, we all know that is not going to happen. The contract will be modified to meet the airplane.

We are headed down that road, again.

News reports suggests that the deed is done.

The C-17's range/payload specifications have been adjusted downward on three different occasions—November 1985, March 1990, July 1991. They are about to take another nosedive.

Each time we paid for higher specs but end up with lower ones and still pay full price and more.

The practice of harmonizing contract specs to match product performance makes a mockery of defense contracting.

Mr. President, if contracts are constantly modified to meet product performance, what value do contracts have?

Mr. President, I know the Armed Services Committee is trying to grapple with the problem.

Mr. President, the Armed Services Committee is trying to impose some discipline on the C-17 program and to prevent further erosion of critical aircraft performance specifications.

Thanks to the Armed Services Committee, the fiscal year 1994 defense authorization bill includes a provision—section 124—designed to hold the line on a long list of important C-17 performance requirements.

Mr. President, Senator D'AMATO and I offered an amendment to the fiscal year 1994 Defense appropriations bill, section 8142, that would buttress the section 124 of the authorization bill.

Our amendment was adopted on October 18.

It would attempt to draw a line on contract specifications.

Mr. President, our amendment would help to ensure: First, that progress payments on fiscal year 1994 contracts are commensurate with the work performed; and second, that the work performed meets the quality standards established in those contracts.

If fiscal year 1994 C-17 aircraft are on schedule, within cost, and meet contract specifications, then the money will flow as planned. If not, then there is a problem—as there should be.

Our amendment would help to reinforce and reinvigorate section 2307 of title X, which the DOD IG says is being ignored and abused.

What is the bottom line?

I want to send a clear signal to the Air Force: Obey the law when making progress payments on C-17 contracts. And that is it.

Mr. President, I hope the Appropriations Committee will protect our amendment in conference.

If you support the C-17 program but want better management, then you should support my amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent to be allowed to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE TO WORK

Mr. HARKIN. Mr. President, already this year, the administration has sent major proposals to Congress to reform education, reform health care, and reinvent Government. Soon we will also receive a bill to reform the Nation's welfare system.

This is an area in which I have long held a strong interest. I now serve on the Labor and Health Committee, under the able guidance of our distinguished chairman, Senator KENNEDY. But I am also privileged to serve as the chairman of the Senate Appropriations Subcommittee on Labor, Health, and Human Services which has direct spending authority, appropriations authority over almost all of our welfare system.

I believe it is critical that we help people move from welfare to earning a living and I have been working for months to develop a proposal to do so. I will be introducing my welfare-to-work proposal in the next few weeks before Congress recesses until next year. So I want to take a few minutes this morning to review the need for this legislation and to briefly outline it.

Let me say at the outset, unless we have welfare reform coincidental with health care reform, I do not think health care reform is really going to work, not unless we also have a parallel track of welfare reform in this country, because the two go so closely, hand in hand.

Nowhere is the need for change more apparent and necessary than in welfare programs. For example, the predecessor to Aid to Families With Dependent Children, AFDC, was created almost 60 years ago. During the 1980's the program was amended, with some of the most sweeping changes being enacted in the Family Support Act of 1988. Yet despite these thoughtful reform efforts, expenditures on AFDC have increased, as have the numbers of family and children on welfare.

Two million more children are on welfare today than in 1980, and one in five American children now lives in poverty. In Iowa, one of every seven children lives in poverty, an increase of 21.7 percent, almost twice the national increase.

We can go into the reasons for that. Obviously, our economic system over the last 20 years has not been working well for low-income Americans. Real wages, for example, of those young Americans who did not go on to college but only with a high school education, has dropped by over 20 percent in the last few years. The real wages have gone down that much. So we do have to address it on the economic side, in terms of employment, job training, et cetera.

But, again, that will not solve the problem until we really address the fact that the current welfare system is failing children, families, and taxpayers, and it must be changed. Something that is 60 years old, built upon conditions that existed many years ago, based upon a demography that existed years ago just will not work today.

Last spring, the State of Iowa, with virtually unanimous bipartisan support, passed a welfare reform program that I think can serve as a model for the rest of the country. At the core of the Family Investment Program, as it is called in the State of Iowa, is a requirement that all families on welfare must enter into a social contract with the State of Iowa. That agreement details the steps that individual families will take to move off of welfare and into work and self-sufficiency.

I chose those words carefully. It is not getting off of welfare and getting a job. That job is not just the answer. Ajob can be so low paying that the person really still is below the poverty level and still is on welfare. So the idea is to get people off of welfare into self-sufficiency, not just get a job. As I have said many times before, jobs are not the issue. Every slave had a job when you think about it. So it is not just a job. It is what kind of a job and how much will that individual earn to enable them to be self-sufficient and to take care of their families.

Under the Iowa plan the social contract will be developed with individuals. There will be an agreement and each individual agreement will establish a specific time when welfare benefits will end for that family. The Iowa Program forces families to act responsibly and provides them a hand up to do so. It requires families to take stock of their situation, to think out what needs to be done, to enter into this agreement, and take the steps that move them off of welfare and make that family self-sufficient. To facilitate this process, families will have more incentives to earn and save.

Each family investment agreement will take into consideration the unique problems that confront each family individually. In some cases, benefits will be needed for 6 months. In other situations, it may require 2 years. But, for the most difficult circumstances, a family may need 3 or 5 or 7 years. The key is not necessarily the length of time. The key is whether or not the family is making progress, acting responsibly, and keeping their end of the bargain.

This individualized approach is important because arbitrary uniform time limits called for by some do not recognize the unique circumstances of different families and may unintentionally increase the time some people spend on welfare.

An inflexible 2-year limit could well end up being a 2-year minimum welfare stay. The Iowa Program charts a course for how a family will get off of welfare and establishes periodic benchmarks for progress. This thoughtful, workable approach is more likely to succeed than a one-size-fits-all approach that fails to recognize individual differences.

I think that government is simply a contract—an agreement —between people and their elected leaders. Government has a role to play in helping people realize their dreams. But each individual is a party to that contract also.

Welfare, like any government assistance, should come with a price—and that price is responsibility. That is the heart of the Iowa plan: Responsibility on the part of the recipient and responsibility on the part of the State. The State must meet its end of the contract. It must provide the support services—the training, transportation, child care, et cetera—to enable the individual to meet his or her end of the agreement.

So it is a contract between the government and the recipient. It is giving people dignity and hope for a better future so they can hang on and hang together through the tough times. It is not the government coming down to a welfare recipient and saying, OK, in 2 years you are off. It is not coming down to an individual and saying you have to take this job. It is sitting down with an individual, looking at his or her unique circumstances, education, background, training—what are they capable of doing? How soon are they capable of doing it? What supportive services do they need in the interim to get them through this timeframe to self-sufficiency? How long is it reasonable to expect? And then to set up benchmarksalong the way so you do not just go to 10 months or 2 years or whatever the timeframe is and then say to the individual, well, you are off now. Good luck. You have benchmarks along the way so if either one side or the other is not living up to their end of the agreement, changes can be made, modifications can be made, things can be implemented to make sure that one end or the other of the contract is lived up to.

Our current welfare system has gotten away from the simple principle—that it is basically to give people dignity and hope and opportunity for the future. Instead of a contract in which both parties give something and both got something, we now have a system where too many people are giving something with nothing asked in return—and both sides lose. I firmly believe it is not that our Government asks too much of our citizens, it is that our Government asks too little. The American people are eager to help when they believe those they are helping are also helping themselves.

The Iowa welfare reform program demands responsibility and accountability from families but it is not punitive. It recognizes that welfare should provide a hand-up, not a hand-out. It says that Government will do its parts in providing the support and the guidance and the services, if you, the recipient, do your part to move back to self-sufficiency by moving into the work force.

A recent book by Jonathan Freedman on poverty in America gave an eloquent description of what welfare programs should be. Freedman argues that social programs should not be a safety net that catches people as they fall, but should be a railing up a staircase. I have spoken for years about the misguided directions inherent in supporting this idea of a safety net that catches people when they fall out the bottom. I have argued for years that rather than a safety net we should have a ladder or ramp of opportunity which enables people to ascend.

Jonathan Freedman, in his book, said: "A railing"—this railing up a staircase—"is used to prevent falls and to guide people upward; it makes ascent safer without taking away self-reliance."

I believe that is an apt description of how the Iowa Family Investment Program works, and it is an apt description of where this Nation should be headed on welfare reform.

I worked long and hard with State and Federal officials to secure the waivers necessary to implement Iowa's innovative program. I want to thank the Secretary of Health and Human Services, Donna Shalala, for responding to this and providing Iowans the waiver necessary to experiment with this new program. We received the final approval in August. The first family investment agreements will be negotiated and signed in January of next year.

As I said earlier, I believe the Iowa plan can serve as a model for the rest of the country and, in the next few weeks, I will be introducing legislation to that effect.

Again, I want to take this opportunity, Mr. President, to give a warning to the Governor and to the legislature in Iowa. One is of one party and one is of the other, so I am not doing it in a partisan manner. But I say to both that the State of Iowa must also live up to its end of the agreement when they sign on the dotted line with welfare recipients to move them into self-sufficiency. If the State falls short and does not provide the supportive services and the training and the education, as they signed up to do in this social contract, if they do not do that, then it is not going to succeed.

So, again, Mr. President, this, I believe, is a proper way to go for welfare reform in this country. But welfare reform itself is not enough, as I said in the beginning. We must change some of the underpinnings of economics for these families. The expansion of the earned income tax credit is very important to make it work as a viable option to these people moving off welfare and into the work force. Health care reform is also essential because they simply cannot afford to lose the Medicaid coverage for themselves and their children.

Improving collection of child support is just as important, and my legislation will address that. Absent parents must be responsible and provide financial support for their children. There is a simple, clear message to be sent here: Deadbeat dads will not get away scot free. They have a responsibility, and they will fulfill that responsibility.

In 1991, the U.S. Commission on Interstate Child Support said that collection of child support fell far short of court awards. Eleven million children in the United States have been awarded a total of $15 billion in support payments, but about $5 billion, or about 30 percent of that, is not paid each year. In Iowa, over $523 million in child support is overdue, and half of that is over 5 years late.

We have made some progress in this area, but we need to do more. We must enforce court-ordered child support awards and improve the efforts to put more child support orders in place. The legislation I will shortly introduce will strengthen activities to establish paternity at the time of birth and require employers to send copies of W-4 forms to the State child support recovery agency. That agency could then match records to see if the worker owes child support.

Mr. President, in closing, let me just say that many States have passed welfare reform programs. I think it is veryimportant that Federal welfare reform legislation not interfere with the State programs. This principle recognizes the vast difference among States, and it will allow States to continue to act as laboratories for change and progress and reform.

I look forward to cooperating with the Clinton administration as we reform our welfare system. I look forward to an era where work is rewarded, where responsibility is welcomed, where Government provides that railing up the staircase and not just a welfare safety net, and where the Government meets its end of the agreement. Most of all, Mr. President, I look forward to an era when all Americans, regardless of circumstances of birth or where they may live, race, color, that all Americans can reach their dreams with dignity and not just be provided a safety net to catch them when they fall.

Mr. President, I yield the floor.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,429,513,344,083.03 as of the close of business on Friday, November 5. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,244.92.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1607, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized to offer an amendment.

AMENDMENT NO. 1124

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1124.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

TITLE—

SECTION 1. SHORT TITLE.

This title may be cited as the "Child Safety Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse.

(2) Some perpetrators use the children as pawns to control the abused party after the couple is separated.

(3) Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States.

(4) In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees. Most victims were children from ages 2 to 11 years.

(5) Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year.

(6) Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986.

(7) Approximately 90 percent of children in homes in which their mothers are abused witness the abuse.

(8) Data indicates that women and children are at elevated risk for violence during the process of and after separation.

(9) Fifty to 70 percent of men who abuse their spouses or partners also abuse their children.

(10) Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples.

(11) In one study of spousal homicide, over half of the male defendants were separated from their victims.

(12) Seventy-three percent of battered women seeking emergency medical services do so after separation.

SEC. 03. PURPOSE.

The purpose of this Act is to authorize funding to enable supervised visitation centers to provide the following:

(1) Supervised visitation in cases where there is documented sexual, physical or emotional abuse as determined by the appropriate court.

(2) Supervised visitation in cases where there is suspected or elevated risk of sexual, physical or emotional abuse, or where there have been threats of parental abduction of the child.

(3) Supervised visitation for children who have been placed in foster homes as result of abuse.

(4) An evaluation of visitation between parents and children for child protection social services to assist such service providers in making determinations of whether the children should be returned to a previously abusive home.

(5) A safe location for custodial parents to temporarily transfer custody of their children with noncustodial parents, or to provide a protected visitation environment, where there has been a history of domestic violence or an order for protection is involved.

(6) An additional safeguard against the child witnessing abuse or a safeguard against the injury or death of a child or parent.

(7) An environment for families to have healthy interaction activities, quality time, non-violent memory building experiences during visitation to help build the parent/child relationship.

(8) Parent and child education and support groups to help parents heal and learn new skills, and to help children heal from past abuse.

SEC. 04. DEMONSTRATION GRANTS FOR SUPERVISED VISITATION CENTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") is authorized to award grants to and enter into contracts and cooperative agreements with public or nonprofit private entities to assist such entities in the establishment and operation of supervised visitation centers.

(b) CONSIDERATIONS.—In awarding grants, contracts and agreements under subsection (a), the Secretary shall take into account—

(1) the number of families to be served by the proposed visitation center to be established under the grant, contract or agreement;

(2) the extent to which supervised visitation centers are needed locally;

(3) the relative need of the applicant; and

(4) the capacity of the applicant to make rapid and effective use of assistance provided under the grant, contract or agreement.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract or cooperative agreement awarded under this section shall be used to establish supervised visitation centers and for the purposes described in section 03. In using such amounts, grantees shall target the economically disadvantaged and those individuals, who could not otherwise afford such visitation services. Other individuals may be permitted to utilize the services provided by the center on a fee basis.

(2) COSTS.—To the extent practicable, the Secretary shall ensure that, with respect to recipients of grants, contracts or agreements under this section, the perpetrators of the family violence, abuse or neglect will be responsible for any and all costs associated with the supervised visitation undertaken at the center.

SEC. 05. DEMONSTRATION GRANT APPLICATION.

(a) IN GENERAL.—A grant, contract of cooperative agreement may not be made or entered into under this Act unless an application for such grant, contract or cooperative agreement has been submitted to and approved by the Secretary.

(b) APPROVAL.—Grants, contracts and cooperative agreements under this Act shall be awarded in accordance with such regulations as the Secretary may promulgate. At a minimum, to be approved by the Secretary under this section an application shall—

(1) demonstrate that the applicant has recognized expertise in the area of family violence and a record of high quality service to victims of family violence; and

(2) be submitted from an entity located in a State where State law requires the courts to consider evidence of violence in custody decisions.

SEC. 06. EVALUATION OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the end of each fiscal year, a recipient of a grant, contract or cooperative agreement under this Act shall prepare and submit to the Secretary a report that contains information concerning—

(1) the number of families served per year;

(2) the number of families served per year categorized by—

(A) families who require that supervised visitation because of child abuse only;

(B) families who require supervised visitation because of a combination of child abuse and domestic violence; and

(C) families who require supervised visitation because of domestic violence only;

(3) the number of visits per family in the report year categorized by—

(A) supervised visitation required by the courts;

(B) supervised visitation based on suspected or elevated risk of sexual, physical, or emotional abuse, or threats of parental abduction of the child that is not court mandated;

(C) supervised visitation that is part of a foster care arrangement; and

(D) supervised visitation because of an order of protection;

(4) the number of supervised visitation arrangements terminated because of violations of visitation terms, including violence;

(5) the number of protective temporary transfers of custody during the report year;

(6) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution and custody violations;

(7) the number of safety and security problems that occur during the report year;

(8) the number of families who are turned away because the center cannot accommodate the demand for services;

(9) the process by which children or abused partners will be protected during visitations, temporary custody transfers and other activities for which the supervised visitation centers are created; and

(10) any other information determined appropriate in regulations promulgated by the Secretary.

(b) EVALUATION.—In addition to submitting the reports required under subsection (a), an entity receiving a grant, contract or cooperative agreement under this Act shall have a collateral agreement with the court, the child protection social services division of the State, and local domestic violence agencies or State and local domestic violence coalitions to evaluate the supervised visitation center operated under the grant, contract or agreement. The entities conducting such evaluations shall submit a narrative evaluation of the center to both the center and the grantee.

(c) DEMONSTRATION OF NEED.—The recipient of a grant, contract or cooperative agreement under this Act shall demonstrate, during the first 3 years of the project operated under the grant, contract or agreement, the need for continued funding.

SEC. 07. SPECIAL GRANTS TO STUDY THE EFFECT OF SUPERVISED VISITATION ON SEXUALLY ABUSED OR SEVERELY PHYSICALLY ABUSED CHILDREN.

(a) AUTHORIZATION.—The Secretary is authorized to award special grants to public or nonprofit private entities to assist such entities in collecting clinical data for supervised visitation centers established under this Act to determine—

(1) the extent to which supervised visitation should be allowed between children who are sexually abused or severely physically abused by a parent, where the visitation is not predicated on the abusive parent having successively completed a specialized course of therapy for such abusers;

(2) the effect of supervised visitation on child victims of sexual abuse of severe physical abuse when the abusive parent exercising visitation has not completed specialized therapy and does not use the visitation to alleviate the child victim's guilt, fear, or confusion;

(3) the relationship between the type of abuse or neglect experienced by the child and the use of supervised visitation centers by the maltreating parent; and

(4) in cases of spouse or partner abuse only, the extent to which supervised visitation should be predicated on participation by the abusive spouse in a specialized treatment program.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including documentary evidence to demonstrate that the entity possesses a high level of clinical expertise and experience in child abuse treatment and prevention as they relate to visitation. The level of clinical expertise and experience required will be determined by the Secretary.

(c) REPORT.—Not later than 1 year after the date on which a grant is received under this section, and each year thereafter for the duration of the grant, the grantee shall prepare and submit to the Secretary a report containing the clinical data collected under such grant.

SEC. 08. REPORTING.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and sub it to the appropriate committees of Congress a report containing the information collected under the reports received under sections 06 and 07, including recommendations made by the Secretary concerning whether or not the supervised visitation center demonstration and clinical data programs should be authorized.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of awarding grants, contracts and cooperative agreements under this Act, there are authorized to be appropriated $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, and $25,000,000 for fiscal year 1996.

(b) DISTRIBUTION.—Of the amounts appropriated under subsection (a) for each fiscal year—

(1) not less than 80 percent shall be used to award grants, contracts, or cooperative agreements under section 05; and

(2) not more than 20 percent shall be used to award grants under section 07.

(c) DISBURSEMENT.—Amounts appropriated under this section shall be disbursed as categorical grants through the 10 regional offices of the Department of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, there is 40 minutes for consideration of this amendment, the 40 minutes being equally divided. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, this amendment authorizes funds—a very small amount of funds—starting at $15 million per year, altogether $60 million out of this fund, to create supervised visitation centers for families that have a history of violence.

These supervised visitation centers would, first of all, provide supervised visitations with families where there has been documented sexual, physical, or emotional abuse. When we talk about crime and violence, one of the problems is that all too often there is a history of abuse by a parent, but yet during visitation rights, quite often the child is then in jeopardy again. With these safe child visitation centers, there would be supervision so that violence does not happen.

Second of all, these supervised child visitation centers would provide supervised visitation for families where there is suspected or elevated risk of sexual, physical, or emotional abuse or where there have been threats of parental abduction of a child. It is really startling, but in any given year, we have several hundred thousand examples of where, during visitation, a child is abducted. If a court has reason to believe that would happen, again, at these child visitation centers, you have supervised visitation so that it cannot happen.

Third of all, these child visitation centers provide a safe and neutral place for parents to visit with children who have been put in foster care because of abuse or neglect.

I cannot emphasize enough the importance of this. Even when a child has been abused by his or her parent or parents, that child still loves the parents. So what you want to do is rebuild the relationship. The way in which you can do that, however, has to be with clear supervision; again, protecting the child against violence, against a crime. In many ways, what this is is both intervention and prevention at the same time.

Finally, these child visitation centers serve as an additional safeguard so that parents can have an exchange of the child without there being any violence. This is very important. All too often what happens is when one spouse has visitation rights and there is a history of domestic abuse or family violence, at the point at which that spouse comes to the home, that violence takes place again. Seventy-five percent of the family violence in our country takes place after separation and divorce.

I cannot emphasize enough, Mr. President, how important these supervised visitation centers are in preventing that violence from happening. This way you can have visitation and the exchange of the child through this supervised center without any of that violence taking place at the home.

Finally, the importance of these supervised visitation centers is they serve as an additional safeguard against children witnessing the abuse of a parent or sustaining injury themselves. In 90 percent of the cases of family violence, Mr. President, a child witnesses that and, if we want to break that cycle of violence, there is no more important step that we can take than, on a small scale, to begin to support these safe visitation centers for children and for women.

Mr. President, I wish to quote from testimony from my wife, Sheila, before the Subcommittee on Children, Families, Drug and Alcoholism, October 2, 1993:

> Before I came to Washington, while I was a librarian in Northfield, I was responsible for cataloging all incoming documents, books, fliers, newsletters, et cetera. I began to come across many accounts of terrible things happening to women and children in their homes: Beatings, killings, threats from husbands, boyfriends. It struck me how amazing and tragic that what is supposed to be the safest place, our homes, can be the most violent, the most dangerous and the most deadly.

We have worked together on this issue, Mr. President, and we have traveled in Minnesota and talked to people from all around the country—judges, lawyers, doctors, women, police officers, groups of councilmen, groups of councilwomen—and all of them have told us that the solution of setting up these safe visitation centers is one of the most important steps we can take if we are concerned about violence and crime aimed at both women and children. These centers offer solutions.

A. They provide a place for parents to have court-ordered, supervised visits with their children.

B. They provide a place for parents who have custody of their children to transfer the children to the noncustodial parent in a way that prevents violence or abusive encounters.

I wish to repeat that. They provide a place where separated parents can exchange and visit their children without fear of any violent confrontation. This is a logical and effective way to begin to break the cycle of violence. It also is a way that families can begin to build positive relationships.

Mr. President, this amendment, if adopted by the Senate—and I believe it will have the support of my colleagues—addresses violence at the home, it addresses violence and crime against women and children and, most important of all, it is a first step toward ending violence in the streets.

We have two of these centers in Minnesota. There have been efforts to establish some of these centers around the country. When you talk to people, a broad cross section—clergy, law enforcement, women, children, community groups—they all say it is a marriage of public policy.

No. 1, it tries to support families that are struggling.

No. 2, it protects children against the violence and it protects children against crime, and

No. 3, it is supportive of women. It is effective. It is simple, and it works.

Mr. President, I wish to be very clear. One of the reasons I think all of us on the subcommittee feel so strongly about it—Senator DODD is an original cosponsor.

I would ask unanimous consent that Senator DODD and Senator INOUYE's names be included as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I know it also has very strong support of Senator BIDEN.

We had testimony in our committee by Joanie Colsrud, whom I wish to quote:

> In 1985 and 1986, my ex-husband told numerous people that he was going to shoot us. He said the kids would be better off dead than with me. He even told his girlfriend. I told the sheriff of these threats, but he told me there was nothing he could do because it was only hearsay.
>
> On January 2, 1987, my ex-husband came to pick up the children for his visitation with a loaded shotgun. He shot Chad, age 6, in the left shoulder, neck and face area. He shot Nicole and missed her, thank God. He shot me in the right leg and as a result of the shooting my leg had to be removed from above the knee.
>
> My whole reason for telling you about all this is because I firmly believe that if we had a children's visitation center available to us, none of this would have had an opportunity to take place.

And then she goes on to explain. Her husband could have come and the visitation could have taken place under supervision. She could have come in, the children would havebeen at the center, she would have left, and the husband would have come in. There would have been no encounter, would have been protection for her, would have been protection for her children.

What I am trying to do is take a credible, workable program and say that this clearly can be part of the way in which we communicate in a message from Senators that we support families and support children and support women.

People in the court system in Minnesota tell us, we wish we had so many more of these visitation centers because we know so much of the violence takes place during visitation, but we have no way of dealing with it, because we know the children are also in jeopardy, because we know the children can see that violence, and we know what a horrible effect it has on children.

Mr. President, I think I have spoken enough at the beginning, and I wish to reserve the remainder of my time. I believe there will be broad support in the Senate for this amendment. I think it is an example of a program which can make a huge difference. I urge my colleagues, as a vote for community, as a vote against violence, as a vote against crime—and that is exactly what we are talking about—to support this amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I would suggest the absence of a quorum and ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The absence of a quorum has been suggested. The clerk will call the roll. The time will run equally to both sides during the pendency of the quorum call.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I want to add for a moment to what I said.

I am informed by my wife, Sheila, that actually, while we had representatives from two visitation centers who testified before our committee, that Senator DODD chairs, we actually now have about 20 of these centers that are strung out in Minnesota. Frankly, we hear from people from all over the country. Again, it is broad based—law enforcement, clergy, union people.

I want to make it crystal clear also that it is gender neutral in protecting family members from violence and crime.

Actually, I gave short shrift to the number of models that are developing in my own State, and the potential of this around the country.

So I did want to just clarify those remarks, and try to emphasize one more time the importance of the broad base of support.

I think if I were going to emphasize any one part of the community, Mr. President, it would be the law enforcement part which really believes, whether it be the police or the judges, that these safe child, safe visitation centers are so important both for intervention and prevention of violence and crime, both for children, women and men as well.

This is really a community-based program. It is all about what we in the Senate say we are for and say that we want to encourage.

Again, I really hope that this will have broad support.

Mr. President, I again suggest the absence of a quorum. I ask that the time be charged to both sides.

The PRESIDING OFFICER. The time will be equally charged against both sides, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. WELLSTONE. I yield time to the Senator.

The PRESIDING OFFICER. The Senator from Delaware is yielding time?

Mr. BIDEN. I am not sure.

Parliamentary inquiry: Who controls the time?

The PRESIDING OFFICER. The manager, assuming that he is in opposition to the amendment offered by the Senator from Minnesota, the Senator from Minnesota is controlling the time in favor of the amendment.

Mr. BIDEN. I ask the Senator to yield to me 3 minutes.

Mr. WELLSTONE. I yield such time as the Senator from Delaware needs. He is not rising to oppose the amendment but to support it.

The PRESIDING OFFICER. The Senator is advised that he controls 2 minutes and 12 seconds.

Mr. BIDEN. Mr. President, it will not take much more time than that.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I support the Wellstone amendment —I support it strongly—which provides grants for supervised visitation centers for parents who are separated from their children, and where there has been past abuse.

During the difficult period of separation and divorce, family violence often escalates. Every year 1,000 to 5,000 children are killed by their parents in this Nation. And about 160,000 children are seriously injured by or abused or neglected each year. These things get worse after separation. Up to 75 percent of all domestic assaults reported to law enforcement agencies are inflicted after the couple separates.

Senator WELLSTONE's amendment will provide a safe place for parents and children to meet during these difficult times. It will help fund supervised visitation centers in cases where this is documented abuse, and where there have been threats of abduction, and where children have been placed in foster homes.

This proposal will help stop the cycle of violence that terrorized some of our Nation's children. It is important for children to have the support of both parents.

This amendment will allow such conflicts to take place in a safe setting, and it provides an opportunity for both parents to remain involved in their children's lives. It will help provide a safe, secure environment for families so they can start healing their wounds, and putting their lives back together.

I commend the Senator who has been the most eloquent and effective champion on behalf of our Nation's children. And I urge my colleagues to adopt this amendment.

I thank the Senator.

Mr. President, I suggest the absence of a quorum, and I ask that the time be equally charged.

The PRESIDING OFFICER. The clerk will call the roll, and the time will be equally charged.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, we have been negotiating. As I understand it, both sides are willing to accept this amendment.

So we can vitiate the rollcall vote and accept the amendment, with the understanding that Senator SMITH's amendment will be up next and that there will be no amendments to the Smith amendment.

Mr. BIDEN. Mr. President, if the Senator will withhold on vitiating——

The PRESIDING OFFICER. The Chair informs the Senator that the yeas and nays have not been ordered on the amendment.

Mr. HATCH. I thought they had.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. We accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1124) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I wish to be recognized for 30 seconds to thank my colleagues.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, I thank both Senators, the Senator from Delaware and the Senator from Utah, for their support. I have really appreciated the discussion and negotiation. I thank them very much.

I thank my wife, Sheila, for her support.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, may I say one thing on that?

Mr. BIDEN. Sure.

Mr. HATCH. Mr. President, I commend the Senator from Minnesota, and, in particular, his willingness to cut back on the total authorization amount in the amendment has been very helpful in getting an acceptance.

The amendment does have a great deal of merit, and I think all of us recognize that.

So we are pleased we have been able to resolve this without the necessity of a rollcall vote.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, we have seen an interesting and, I think, very positive development in that the husbands and wives of sitting Senators and Congresspersons—and, I might point out the obvious, the President—have increasingly played constructive roles in positive changes in the law and attitudes in this country.

Prior to the mentioning of it by the Senator from Wisconsin, I planned on mentioning it.

Mr. WELLSTONE. Minnesota.

Mr. BIDEN. Minnesota. I compliment the Senator from Minnesota. The reason I said Wisconsin is that I have been dealing with the Senator from Wisconsin [Mr. KOHL] on an amendment he has regarding children and guns. I do apologize. I compliment the Senator from Minnesota [Mr. WELLSTONE]. I have had the opportunity not only to work with the Senator—and I am not being solicitous when I say this—but also the opportunity to work with his wife Sheila. She has done more than most people who serve in the U.S. Congress, particularly in her State of Minnesota, but now beyond the State of Minnesota, in trying to resolve these conflicts that result in horrible physical abuse, in many cases resulting in death of spouses and children as a consequence of so-called domestic violence.

I, on the record, on the floor of the Senate, compliment her for her work on this amendment, the Wellstone amendment. I do not think my friend from Minnesota would be offended if I said the Wellstone amendment, because she has done a phenomenal job and has been a real help to not only the people of Minnesota, as I observed it, but in helping me, as the chairman of the Judiciary Committee, substantively formulate some of this legislation. I cannot believe she did not play a part in helping the Senator from Minnesota formulate his amendment.

Mr. WELLSTONE. I thank the Senator from Delaware for his very gracious remarks.

Mr. BIDEN. I am not being gracious. I am just being totally truthful. I know the Presiding Officer in the chair knows of whom I speak, and she is a very committed person in this fight.

Mr. President, I say, for the benefit of my colleagues who are on the floor, as well as those who are in committee hearings and have their staffs watching these proceedings, the Senator from Utah and I, the managers of the bill, are attempting, as we have now dealt with some of the major pieces of this legislation—it is not to mislead anybody. There are a number of potential, outstanding amendments. As a matter of fact, we have a list of roughly 250 potential amendments to the crime bill. My guess is and the guess of the Senator from Utah is somewhere in the order of 200 of these will go away when they realize what they are proposing has already been passed in the bill thus far.

And there is probably the ability to agree on and accept, without a vote by unanimous consent, anywhere from another 20 to 40 amendments that are very positive amendments.

So, what we have mutual staffs doing is trying to get some sense of those outstanding amendments and determine which ones we can agree on so that, at some point in the package, we can present a number of those amendments.

The second thing we are attempting to do is, we believe that it is important, to the extent that we can without being overly rigorous about it, to take turns—a Republican amendment, a Democrat amendment, a Republican amendment—on those that appear as though they will require a vote.

At the outset, we thought the Wellstone amendment was going to require a vote, but, through the good offices and hard work of the Senator from Utah, he was able to accept the amendment.

So I invite my colleagues who have amendments that they think will require a vote to contact Cathy Russell of my staff, who is here on the floor, and Republicans to contact Senator HATCH's staff to see if we can get some order so we do not waste a lot of Senators' time being on the floor here waiting to get in line.

Then the Senator from Utah and I have a package of amendments that relate to major pieces of the bill, everything from rural crime to drug courts to FBI and so on. We are very close to working out an agreement on some of these major pieces. When we do and if we do—and I expect we will—we would probably—and I look to my colleague to confirm this, if I am not mistaken—we would move to those items first.

Then we have some very contentious amendments that I do not believe there is any possibility of, A, either getting a time agreement on or, B, getting an agreement to accept them. They, almost in every instance, relate to guns, either changes, proposed changes in minimum mandatory penalties relating to guns, including the death penalty, or those amendments relating to limiting access to the ability to purchase and own a gun.

Those amendments, as we know from vast experience here on the floor of the U.S. Senate, always generate a great deal of debate and a great deal of interest because they are important.

So, it is our hope that we will proceed in the following general way, without being slavish about trying to stick to this: First, we are going to try to line up amendments that we believe would require a vote on which we could get a time agreement. A case in point: The Senator from New Hampshire [Mr. SMITH] is on his way to the floor. He has an amendment that we believe we can—we will not attempt to get the UC until he is here—we can agree to an hour's time, equally divided, no second-degree amendments being in order.

So I urge those who have amendments that we can get a time agreement on to come forward so that we can order those amendments.

It would be my hope that we would withhold at least until the early afternoon moving to those amendments that are going—how can I say this?—to maybe be the firing shot on mayhem on the floor in terms of a debate. I would like to get as much done as we can before we get to those amendments that are not likely to be able to be resolved either by agreement and/or by time agreements that will take a lot of time.

That is how the Senator from Delaware, at least, would propose that we proceed.

I see my friend from Pennsylvania seeking recognition. I will be happy to yield for a question. I do not want to yield the floor in the event my friend may have an amendment that does not fall into one of those categories at this point.

Does the Senator have a question?

Mr. SPECTER. I do have a question.

Will the Senator from Delaware yield for the introduction of an amendment that has been agreed to, the so-called lottery amendment which the Senator wanted to handle last Friday.

Mr. BIDEN. I would be delighted to. I believe we have reached agreement on both sides on this amendment.

I would be delighted to yield to my friend from Pennsylvania for that purpose.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1113

(Purpose: To amend section 1301 of title 18, United States Code, to make unlawful the transmission in interstate or foreign commerce of information to be used for the purpose of procuring an interest in a lottery ticket)

Mr. SPECTER. Mr. President, I call up amendment No. 1113 on behalf of myself and Senator WOFFORD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. WOFFORD, proposes an amendment numbered 1113.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of subtitle G of title XXIX, add the following:

SEC. 2972. INTERSTATE WAGERING.

Section 1301 of title 18, United States Code, is amended by inserting "or, being engaged in the business of procuring for a person in 1 State such a ticket, chance, share, or interest in a lottery, gift, enterprise, or similar scheme conducted by another State (unless that business is permitted under an agreement between the States in question or appropriate authorities of those States), knowingly transmits in interstate or foreign commerce information to be used for the purpose of procuring such a ticket, chance, share, or interest;" after "scheme;".

Mr. SPECTER. Mr. President, this amendment would prohibit transactions in which interests in out-of-State lottery tickets are purchased by a person in the purchaser's home State, which means that under this amendment someone in Pennsylvania could not buy an interest in an out-of-State lottery ticket which is transmitted by electronic means.

The amendment would close a loophole which has undermined the Pennsylvania lottery and its providing of funds for senior citizens.

The situation arose in July of this year, Mr. President, when a Federal court in Harrisburg struck down a Pennsylvania law which prohibited the sale of an interest in out-of-State lottery tickets—that is non-Pennsylvania tickets—which were sold in Pennsylvania. That means that somebody in Pennsylvania could buy an interest, hypothetically, in a lottery ticket in California.

A Federal judge found that the Federal law did not prohibit the sale of an interest in out-of-State lottery tickets, based really on a technicality. Although current law does prohibit the interstate transportation of the lottery ticket and would appear on its face to restrict all sales of lottery tickets across State lines, the development of communication technology resulted in this loophole in the Federal lottery law. Transactions of the sale and interest in out-of-State lottery tickets by persons via computer communications, where no paper crosses State lines, are legal under this strict interpretation of the law.

Pennsylvania's interests in promoting its lottery have been infringed and State officials in Pennsylvania believe that the State must have the exclusive right to sell lottery ticketswithin its own borders.

The issue of a lottery is highly controversial, Mr. President. Candidly, I have always had substantial reservations about it, but that has been the law of Pennsylvania for more than 20 years. The Pennsylvania lottery proceeds, under the laws of my State, have been dedicated for very worthwhile programs to benefit senior citizens, although, as I say, there has always been a question in my mind as to the desirability of taking the funds from gamblers.

The issue of senior citizens was put into sharp focus by a letter from Mr. Harvey Portner, chairperson of the Pennsylvania Council on Aging, dated October 18, 1993, which reads as follows:

DEAR SENATOR SPECTER: As you know, Pennsylvania is the only state in the country in which our lottery dollars are one-hundred percent dedicated to the needs of older people. Only 16 percent of the Department of Aging's budget is federal.

Lottery supported programs of the Pharmaceutical Assistance Contract for the Elderly (PACE), Shared Ride transportation, Property Tax and Rent Rebates, senior centers, and the OPTIONS program which enables older people to live in their homes rather than in nursing homes—are all funded by the lottery. Over one million people every year benefit from some service offered by our Commonwealth.

Mr. President, that is the essential statement of the purpose by the senior citizens. I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PENNSYLVANIA COUNCIL ON AGING,
Harrisburg, PA, October 18, 1993.

Hon. ARLEN SPECTER,
Member, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR SPECTER: As you know, Pennsylvania is the only state in the country in which our lottery dollars are one-hundred percent dedicated to the needs of older people. Only 16 percent of the Department of Aging's budget is federal.

Lottery supported programs of the Pharmaceutical Assistance Contract for the Elderly (PACE), Shared Ride transportation, Property Tax and Rent Rebates, senior centers, and the OPTIONS program which enables older people to live in their homes rather than in nursing homes—are all funded by the lottery. Over one million people every year benefit from some service offered by our Commonwealth.

For these reasons, the PA Council on Aging is gravely concerned over a court decision in Pennsylvania that over turned a recently passed state law (Oct. 8, 1993) that would have banned out-of-state lottery sales. These types of sales have a direct and negative impact on Pennsylvania lottery sales. The final result will be revenue losses for programs that assist very vulnerable older citizens of Pennsylvania.

We understand that you are exploring Congressional action that could prevent the out-of-state ticket sales in Pennsylvania. We urge your immediate and full support of such a legislative remedy.

Thank you for your consideration on this very important matter.

Sincerely,

HARVEY PORTNER,
Chairperson.

Mr. SPECTER. Mr. President, current law prohibiting interstate transfer of lottery tickets is designed to protect the sovereignty of State lottery programs. However, due to advances in communication technologies, current law does not accomplish its intended goals. This amendment is designed to uphold the intent of that law by preserving a State's right to sell its own lottery tickets within its borders and exclude the sale of other States' tickets.

A recent Federal court decision struck down a Pennsylvania law to prohibit the sale of an interest in out-of-State lottery tickets in Pennsylvania. This decision was based on a strict interpretation of the law which, I believe, is in urgent need of updating. Current law does prohibit the interstate transportation "of any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in * * * a lottery." Although this provision of law would appear to restrict the interstate sale of a lottery ticket or any interest in a lottery ticket, the subsequent development of communication technology has resulted in a loophole that allows for the circumvention of the law.

The transactions of concern to Pennsylvania are the sale of interests in out-of-State lottery tickets via computer transaction with no paper crossing State lines. The judicial interpretation of the law concluded that transactions of this nature are allowed under a strict interpretation of the law.

It is my belief that current Federal gambling laws clearly intend to prohibit this type of activity. Therefore, today I am offering this amendment to prohibit the engagement of business transactions in which interests in out-of-State lottery tickets are purchased for a person in the purchaser's home State.

The situation in Pennsylvania is not unique. Other States which have lottery programs are concerned that the sale of out-of-State lottery tickets will undermine their ability to realize projected revenues for valued State programs. State lottery programs are based on the premise that the revenues derived from the lottery go toward State programs for the betterment of that particular State. Any erosion of revenues due to the sale of out-of-State lottery tickets is contrary to the purpose of State lottery programs.

Further, the right of a State to regulate lottery and gambling within its borders must be preserved. Federal gambling laws have traditionally enabled States to regulate in-State gambling. Federal laws should continue to limit the proliferation of interstate gambling to preserve the sovereignty of States that do not permit certain forms of gambling.

Mr. President, a State's right to conduct State lotteries and regulate gambling within its own borders must be preserved. Accordingly, I urge my colleagues to support the amendment.

Mr. WOFFORD. Mr. President, I am pleased to offer this amendment with the senior Senator from Pennsylvania. This amendment is needed to update the existing Federal criminal statutes to reflect modern advancements in telecommunication and computer technology that have overtaken existing prohibitions.

States have historically had the authority to establish, operate, and regulate lotteries within their borders. But new technologies are undermining that historic right. Pennsylvania, like many other States, has worked hard over the past 21 years to maintain the integrity of its lottery. As a result, our lottery receipts have grossed $1.5 billion this year with over $800 million going toward senior citizens programs.

However, the Pennsylvania lottery is threatened today by a scheme under which out-of-State lotteries are in effect able to market and sell their lottery tickets in Pennsylvania. These schemes, which plainly violate the spirit and intent of the Federal law, are allowable because of a loophole in the current law.

The purpose of the amendment we are offering today is to close this loophole by updating the law to preserve States historic ability to regulate lotteries.

I am pleased that this amendment has been cleared on both sides. I thank and commend my colleague from Pennsylvania for his work on this issue. And I thank the Chair and ranking member of the Judiciary Committee for working with us to accept this amendment.

Mr. BIDEN. Mr. President, currently, Federal law prohibits the sale of lottery tickets across State lines. However, a loophole exists that allows the sale of a receipt, instead of a ticket, for a lottery located in another State.

A recent Federal court case in Pennsylvania overturned a Pennsylvania law that attempted to close this loophole.

Not only is the loophole contrary to congressional intent to prohibit interstate gambling operations, but it hurts the operation of lotteries in the smaller States, like Delaware.

The Governor of Delaware, Thomas Carper, wrote to me in support of this amendment.

His letter noted that the Delaware State lottery added $29 million to the State treasury last year. These funds are a significant contribution to the State treasury.

This amendment will prevent the negative impact on lottery sales in small States the loophole entails and maintains those lotteries as important sources of revenue.

I ask unanimous consent that the text of the letter from the Governor of the State of Delaware, Gov. Tom Carper, supporting this amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF DELAWARE,
OFFICE OF THE GOVERNOR,
Dover, DE, October 29, 1993.

Hon. JOSEPH R. BIDEN,
Russell Senate Office Building, Washington, DC.

DEAR JOE: I would like to take this opportunity to bring to your attention an amendment which may be offered to the crime package by Senators Wofford and Specter prohibiting the sale of out-of-state lottery tickets, and to make you aware of its beneficial impact on Delaware's state lottery.

As you are aware, current federal gambling law prohibits the transportation of state lottery tickets across state lines. While this statute was intended to prevent sales of out-of-state lottery tickets, a small company in New Jersey, Pic-A-State with over 160 offices in Pennsylvania, has circumvented federal law by selling receipts, instead of tickets, for large state lotteries outside of Pennsylvania. This issue has been the subject of a several year dispute between Pic-A-State and Pennsylvania state officials, who believe it has adversely affected state lottery revenues.

In July, the U.S. District Court in Pennsylvania struck down Pennsylvania's law which bans the sale of out-of-state lottery tickets. The Wofford/Specter amendment would in effect overturn this decision by amending federal interstate gambling law to prohibit the sale of out-of-state lottery tickets. As the court's decision has the potential to negatively affect state revenues from lottery ticket sales, especially for smaller states, this amendment is supported by the National Association of State and Provincial Lotteries.

Should Pic-A-State and other companies which may form as a result of the recent U.S. District Court decision move into Delaware, I am concerned about the potential adverse financial impact on Delaware's revenues from state lottery ticket sales. Last year, Delaware's lottery contributed $29 million to the state's general fund.

I hope that you will keep these issues in mind during your deliberations on the crime bill. Again, I appreciate the opportunity to share my thoughts with you.

Sincerely,

TOM CARPER,
Governor.

Mr. HATCH. Mr. President, I want to again compliment the distinguished Senator from Pennsylvania. It is a good amendment and, as usual, it is a very thoughtful one. The distinguished Senator from Pennsylvania knows as much about these subjects as anybody on the floor or anybody in the whole Congress. We appreciate having his advice and counsel on this and certainly we are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment offered by the Senator from Pennsylvania.

The amendment (No. 1113) was agreed.

Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I am about to propose a unanimous-consent request and then, after I do that, ask by unanimous consent we yield to the Senator from New Jersey for 10 minutes on an unrelated matter.

Mr. President, I ask unanimous consent that we proceed to debate on the Smith amendment on alien terrorists with 1 hour for debate equally divided and controlled in the usual form with a vote to occur on or in relation to the Smith amendment upon the use or yielding back of time, and no other amendments be in order prior to the disposition of the Smith amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I now ask unanimous consent that we put the Smith amendment aside without any time being charged to it for a period of 10 minutes to yield to the Senator from New Jersey on an unrelated matter.

I might say that through the generosity of the Senator from New Hampshire we are doing this because, as I told the Senator from New Jersey, what he has to speak to is very important. But I would discourage those who have speeches on unrelated matters, matters unrelated to the crime bill, from coming to the floor because it will not be my intention to yield on any matter other than that related to the crime bill so we can get amendments up, ordered, and move along. But I am delighted to yield now, and I ask unanimous consent I be permitted to yield to the Senator from New Jersey.

The PRESIDING OFFICER. Senator from New Jersey is recognized for 10 minutes.

NAFTA

Mr. BRADLEY. I thank the distinguished Senator from New Hampshire for allowing me to proceed, and I thank the distinguished chairman of the committee.

Mr. President, today, I rise to speak in favor of the North American Free-Trade Agreement, an aspect of that agreement—its job-creating potential. I do so as a result of the implementing legislation being sent to the Congress last Thursday or Friday.

The United States is in the midst of four economic transformations. These are worldwide transformations. All have had negative impacts upon jobs in this country.

We are in the middle of the period of adjusting to the end of the cold war, which has given great hope to people—peace breaking out all over. Yet the jobs in the defense sector will have dropped from 7.2 to 4.2 million by 1996.

We are in the midst of a knowledge revolution, changing the way we produce things, the services that are offered. The effect of that knowledge revolution, however, is also to reduce the number of workers needed to produce the same amount of product.

The third transformation is an explosion of world markets. In the last decade the walls of communism and protectionism and authoritarianism have folded across the world. There are 3 billion members in that market today—a billion more workers producing tradable goods. The result has been some loss of jobs because of that competition.

The fourth transformation is the debt that has increased over the last decade as a result of irresponsible fiscal policies. That also has produced job loss.

All four of these transformations have taken place—are taking place—and do produce job loss. I believe the North American Free-Trade Agreement has the potential of job creation precisely at a time where these other transformations are leading to job loss. The North American Free-Trade Agreement reduces tariffs and nontariff barriers over a 10-year period for all manufacturing goods and over a 15-year period for agricultural goods. It enshrines in Mexico the concept of the free market as opposed to autarchy. And I believe that it gets Mexico to do the things we have wanted them to do for a generation: Lower trade barriers, stabilize the currency, deregulate business, and encourage foreign investment.

This will produce jobs in the United States. In the automobile sector alone, in the first year of the North American Free-Trade Agreement the companies estimate they will sell 60,000 cars into Mexico. Last year they sold 1,000 cars. That is 60,000 cars in 1 year, into a growing market. There are 750,000 cars sold every year in Mexico. It is going to be a million soon. Mexican production facilities cannot possibly keep up with that. It will generate thousands and thousands of jobs in the United States in the automotive sector—supplying the demand in Mexico for automobiles.

In addition to that, there will be jobs created in the capital goods sector. We had, for example, 3 weeks ago, the head of Texas Instruments in the Finance Committee. We asked him, "Why do you not locate a manufacturing facility in Mexico since you have two assembly plants there? Why are you putting a big manufacturing facility in Dallas, Texas?"

He said, "Two reasons." One reason was higher productivity in Dallas than in Mexico. And the second reason was that in Mexico there was no power grid sufficient to produce semiconductors, which needs an uninterrupted power supply. Indeed, if you look at what General Electric estimates to be the demand for power grid investment in Mexico over the next decade, it is $34 billion.

Where are those turbines and those goods going to be supplied from? They are going to be supplied from the United States. They are going to be supplied from factories in the United States that are paying wages 12 to 13 percent higher than nonexport jobs.

In addition, Caterpillar has seen its sales double each year since 1988. There is a tremendous demand in Mexico for construction equipment, for tractors, for other kinds of capital investment; investment that will be made over and over again—not once, but over and over again, generating jobs in the United States.

For the first time in history, the oil and gas industry in Mexico is now open for United States investment and for United States exports. For example, it has been estimated that over the next 5 years, $20 billion will be spent in Mexico to modernize the oil and gas industry. That means $20 million that companies like Dresser Industries, or smaller companies like Solar Turbines, can compete for, thereby generating jobs in the United States.

The manufacturing sector is a winner out of the North American Free-Trade Agreement in terms of jobs generated. But, of course, our labor force is not only manufacturing. Out of 100 million people in our labor force working full time only about 17 to 18 million are in manufacturing. In Mexico only 23 percent of the Mexican gross national product is manufacturing, but 60 percent of the Mexican gross national product isservices. The services market for U.S. companies has been virtually closed. If we do the North American Free-Trade Agreement, that will be opened up.

What kind of services am I talking about? Communications, transportation, banking, insurance, publishing, beach front tourism, film distribution, retraining, education training, civil engineering, computer software design, and natural gas and electric power generating facilities.

So in terms of the service industry there is an enormous opportunity for job creation. For example, because of the elimination of equity limits and establishment of a good patents and copyright law, Government procurement open to American goods, some investment guarantees, you are going to see a dramatic explosion of everything from the sale of films in Mexico, drugs in Mexico, candy in Mexico—insurance is growing at 20 percent a year in Mexico. It is at 3 percent here. It will be a big market for insurance.

One finance company in my State says they will open 100 offices in Mexico over the next 5 years and each one of those offices will support a job in my State of New Jersey of up to $40,000 to $50,000 a job.

One pharmaceutical company says it will increase 800 to 1,000 jobs in New Jersey because of the North American Free Trade Agreement.

The fact of the matter is, in my State the North American Free-Trade Agreement is a tremendous advantage. In the last several years we have increased our exports to Mexico from New Jersey from $189 million to $483 million. There are approximately 16,000 jobs in my State directly related to export to Mexico. If the North American Free-Trade Agreement goes through, there will be an additional 2,360 jobs in New Jersey, as a result of exports to Mexico.

The reality is that the North American Free-Trade Agreement is a major job producer. Do not take my word for that, take President Clinton's word, who says it will generate 200,000 jobs over the next 4 years. Take 24 out of 25 studies that have been done of the impact of the North American Free-Trade Agreement. It will generate jobs—24 out of 25 say that, net, it will generate jobs, jobs in the manufacturing sector, as well as jobs in the service sector; jobs that would not be there otherwise; jobs that will be generated precisely at the time that the other four economic transformations that the economy is going through will cost jobs.

Mr. President, I think it is also important to understand the concept that virtually all exports generate jobs in this country. However, all imports do not subtract jobs. What do I mean by that? Let us say you are importing a product that you could not otherwise get; for example, oil. That does not lose jobs. You need the oil, you generate the jobs with the oil. Or let us say you import something, you need distribution and marketing jobs in this country. Those are jobs generated.

The reality is the North American Free-Trade Agreement will generate jobs. It is a big idea. It is an idea whose time has come, and I hope that we can focus on why it is good in terms of job creation for the manufacturing sector and for the services sector and why it will make us more competitive in international markets in the years ahead.

The PRESIDING OFFICER. The Senator's time has expired. Under the unanimous-consent agreement, the Chair recognizes the Senator from New Hampshire.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1125

(Purpose: To provide special procedures for the removal of alien terrorists)

Mr. SMITH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. SIMPSON, proposes an amendment numbered 1125.

Mr. SMITH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

"SEC. . REMOVAL OF ALIEN TERRORISTS.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

"REMOVAL OF ALIEN TERRORISTS

"SEC. 242C. (a) DEFINITIONS.—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 I.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and invokes the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 300A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3 When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte."

The PRESIDING OFFICER. The Senator is recognized for 30 minutes.

Mr. SMITH. Mr. President, I am offering this amendment on behalf of myself and the Senator from Wyoming [Mr. SIMPSON] the distinguished ranking minority member and former chairman of the Subcommittee on Immigration and Refugee Affairs of the Committee on the Judiciary.

The Smith-Simpson amendment is essentially identical to section 821, the removal of alien terrorist provisions of Senate bill 1356, or otherwise known as the Republican crime bill.

As we see the end of the cold war, we see dramatically diminished the unrelenting threat of the nuclear war that plagued all Americans for so many decades, but there is another specter that still looms large, and that is the threat of the wave of terrorism that we see in the United States.

Earlier this year, that threat became reality with the bombing of the World Trade Center. Americans were horrified and outraged by the senseless murder and destruction brought by that heinous act of terrorism.

Fortunately, the Justice Department's Federal Bureau of Investigation moved with impressive speed to identify the suspects who are now being prosecuted for the World Trade Center bombing. Those suspects, of course, are aliens. They are not American citizens.

Mr. President, now that the scourge of international terrorism has come to our shores in a major way with the World Trade Center bombing, it is time to give the Department of Justice another tool to prevent future acts of terrorism. My amendment, which would establish special procedures for the removal of alien terrorists from the United States, provides that tool, a much-needed tool. My proposal is not a new one. The special procedure for the removal of alien terrorists that would be established by this amendment first was formally submitted to the Congress by the Reagan administration in 1988. It continued to be supported by the Bush administration throughout its 4-year term. Thus, it was supported by three successive Attorneys General of the United States of America.

This removal of alien terrorist proposal resulted from the careful work of a team that was comprised largely of career lawyers from throughout the Justice Department, and that team of

Justice Department lawyers aimed to solve a very real problem: International terrorism brought to the shores of the United States.

Let me describe that problem. One of the most important jobs that the FBI does is to investigate international terrorist aliens and organizations as they operate in the United States. The goal of those investigations is to detect preparations forand ultimately to prevent acts of terrorism from ever happening. It is not enough to arrest someone after it happens. What we must try to do is detect this problem before the act occurs. One of the best ways to prevent terrorism is for the FBI to identify terrorist aliens and to work with the Immigration and Naturalization Service to deport those aliens from the United States. But by virtue of the very nature of antiterrorism investigations, much of the information that the FBI gathers on a given alien terrorist is classified. That information is classified under the law in order to protect human sources of information and to safeguard the methods of intelligence gathering.

Under current law, however, Mr. President, classified information cannot be used to establish the deportability of aliens. In other words, any and all information that the Government uses to seek the deportation of an alien must be disclosed to the alien. Thus, in situations in which the Government does not have sufficient unclassified information to establish the deportability of a terrorist alien, the Government faces a catch-22 situation. It faces two untenable choices, in other words: On the one hand, the Government did declassify enough of its evidence against the terrorist to get that alien lawfully deported. But sometimes that simply cannot be done because the information is so sensitive that its disclosure to the alien would endanger the lives of human sources or compromise secret methods of intelligence gathering. That choice then is untenable. The Government simply cannot create a situation in which its human sources get themselves killed because they provided the FBI with information about terrorist aliens.

Let us look at the other choice. That is equally untenable, in my opinion. The Government can simply let the terrorist alien involved remain in the United States. It then must wait until he commits a crime before it acts. But aliens, of course, are our guests. We ought not to have to tolerate the presence in this country of aliens who are working on behalf of and to further the terrorist activities of terrorist organizations that threaten the lives and property of American citizens. Thus, letting terrorist aliens remain in this country until they commit a crime is equally untenable.

Let me illustrate what I have been saying by using an all too plausible hypothetical scenario. Let us say that the FBI identifies an alien who is a high-ranking operative of an international terrorist organization. Let us say that organization's activities pose a potent danger of the commission of terrorist acts in the United States. Let us also say that the alien in question has frequently left the United States to attend meetings with other terrorists overseas and to undergo terrorist training, only to slip back into the United States as an even worse threat to public safety, armed with more information. But let us also say that the alien involved is quite careful not to cross the line and commit a crime for which he could be prosecuted and put in jail. Believe me, we are dealing with some very sophisticated people here who have the capability of doing just that.

Let us say that the FBI determines that the alien involved is sufficiently dangerous and has abused his status as a "guest" in this country to a degree that he should be deported. But the FBI and the INS have a problem. All of the information that the Government has about the terrorist alien that we are talking about in this hypothetical is classified. And it is classified because the FBI has sources for that information whose lives would be endangered if that alien learned of the information and realized how it had been obtained. In other words, the information is so sensitive that the U.S. Government's human sources might be killed if the information were to come to the attention of the alien in question.

Under current law, the Justice Department is just plain stuck. It has done its job by discovering the activities of the terrorist alien. That alien is part of a dangerous organization. He is important to that organization, which will be hurt by his removal from the United States. The Justice Department believes strongly that national security requires the removal of that alien, but the circumstances of the case are such that the Justice Department cannot neutralize that alien by making out a criminal case against him and getting him put in jail.

At the very least, at the very least, the Justice Department believes that terrorist alien ought to be removed from the United States and be forced to return to his home country. But because that information that Justice has in its dossier about the alien is classified and cannot be used publicly under current law without risking someone being killed, Justice must let this same alien remain at large in the United States of America—remain at large.

Now, faced with this situation in real cases—no more hypotheticals, in real cases—the Justice Department carefully developed a proposal to address the problem. That proposal, developed by the Reagan Justice Department and strongly supported by the Bush Justice Department, is embodied by this amendment, the amendment that I offer, the Smith-Simpson amendment.

This amendment establishes a special procedure that permits the U.S. Government to use classified information under limited circumstances to establish the deportability of terrorist aliens. This amendment utilizes familiar definitions from existing law. It clearly defines an alien terrorist as that term is used under the Immigration Act of 1990. And under that act it basically says:

> Engaged in Terrorist Activity: As used in this Act, the term "engaged in terrorist activity" means to commit in an individual capacity or as a member of an organization an act of terrorist activity or an act which the actor knows or reasonably should know affords material support to any individual, organization, or government in conducting a terrorist activity at any time including any of the following: 1. Preparation or planning of a terrorist activity; 2. The gathering of information on potential targets for terrorist activity; 3. The providing of any type of material support including a safe housing, transportation, communications, funds, false identification, weapons, explosives or training to any individual the actor knows or has reason to believe has committed or plans to commit a terrorist activity; 4. The soliciting of funds or other things of value for terrorist activity; and 5. Solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorist activity.

That is the legal term. It defines classified information as that term is used in the Classified Information Procedures Act, with which most of us are familiar.

It establishes a special court that is modeled on the special court that was created by the Foreign Intelligence Surveillance Act. Under this amendment, the special removal procedure for terrorist aliens could only be used under extraordinary circumstances. The procedure could only be invoked when the Attorney General certifies under seal to the special court: First, that the Attorney General or the Deputy Attorney General has personally approved of invoking a special procedure; second, an alien terrorist is physically present in the United States; third, the removal of that alien terrorist by the use of the normal process of public immigration proceedings would pose a risk to the national security of the United States because such proceedings would disclose classified information.

So under this amendment, once the Attorney General made those determinations, the Government's case for the removal of the terrorist alien involved would go before this special court. That special court would be made up of seven sitting U.S. district judges designated by the Chief Justice of the United States, but only one such judge would sit on each case. Thus the

Government would have the burden of proving its case for the removal of the terrorist alien before an independent, life-tenured Federal judge. It is the Government's burden to prove the case.

Mr. President, once the Government's case for the removal of the given terrorist alien is before a Federal judge, the judge must make his or her own determination about whether the invocation of the special procedure is justified.

The judge must determine that there is probable cause to: First, believe that the alien involved has been correctly identified; second, that a public deportation hearing would pose a risk to the lives of human sources or the national security of the United States because such proceedings would disclose classified information; and third, the threat posed by the alien's physical presence is immediate and involves the risk of death or serious bodily harm to American citizens.

Let me reflect for a moment, Mr. President. This amendment provides major protections against any abuse by the Government of this special procedure—major protections. First, as I have explained, the Attorney General must make certain specific determinations before the Government can seek to use the procedure. Second, the independent U.S. district judge to whom the case is assigned must make specific determinations of his or her own before the process can go any further.

Under my amendment, once the special procedure is invoked by the Attorney General's certification and is approved by the U.S. district judge, a special removal hearing is held. The alien is provided the right to be present at that hearing and to be represented by a lawyer, at public expense if necessary. The alien also is given the right to introduce evidence on his or her own behalf and to ask the judge to issue subpoenas for the presence of named witnesses.

On the Government's side, my amendment allows the Justice Department to introduce classified information for the independent Federal judge's review to establish the need for the removal from the United States of this terrorist alien. Before the judge can decide not to allow the alien to see the evidence, however, the judge must make his or her own independent determination that public disclosure of the evidence would pose a risk to the lives of human sources or the national security of the United States.

If the Federal district judge involved makes that determination, that Federal judge would then review the classified information in his or her chambers and would not permit that information to be seen or disclosed to the alien or to his counsel. So classified information is protected.

For those civil libertarians over there anxiously awaiting to take me on, there is another protection for the alien. Where possible, without compromising the classified evidence, the judge would give the alien a summary of the evidence and/or the facts established by that evidence. Under the Smith-Simpson amendment, the U.S. district judge ultimately would determine whether, considering the evidence on the record as a whole, the Justice Department has proven by clear and convincing evidence that the alien is a terrorist—a terrorist, not an alien, a terrorist—as defined by the Immigration Act of 1990 and therefore should be removed from the United States. In cases where the Federal district judge determines that the alien is a terrorist who should be removed from the United States, then the alien is given the right to appeal to the U.S. Court of Appeals for the Federal Circuit and, again, to appeal even further to the U.S. Supreme Court.

Mr. President, this Senator understands and appreciates the concerns of those who oppose changing the law to allow the use of classified information to establish the deportability of terrorist aliens.

Their fundamental concern is that under this amendment the alien is not allowed to confront his accusers and to be informed of all the specific evidence against him. They make two main points. First, they say such a procedure never could be used against a U.S. citizen; second they say it is fundamentally unfair to the alien but of course the persons who are subject to removal from the United States by this special procedure are not U.S. citizens. They are aliens. They are guests. As such they do not have the same constitutional rights as an American citizen.

With regard to the fairness, this amendment goes the extra mile to balance the legitimate rights of the alien against the national security interests of the United States. We have the right as a people to protect our Nation against this kind of terrorism. This amendment provides many layers of protection against abuse by the Government, but ultimately when push comes to shove the national security interests of the United States must outweigh the procedural rights of an alien terrorist.

Mr. President, let me review once more the specific protections that this amendment provides to aliens who are subject to this procedure.

First, this amendment requires the personal approval of the Attorney General or the Deputy Attorney General, the two top officials, personal approval before the procedure can be used.

Second, this amendment requires the independent approval of a life-tenured U.S. district judge.

Third, this amendment requires notice to the alien that the Government is seeking to deport the alien under this procedure.

Fourth, the Smith-Simpson amendment requires the district judge to allow the alien to testify and present evidence on his behalf.

Fifth, this amendment gives the alien a right to counsel, sometimes at public expense.

Sixth, this amendment entitles the alien, whenever national security allows it, to a summary of the evidence and a statement of facts established by the evidence.

Seventh, the amendment gives the alien the right to appeal to the court of appeals, and to the Supreme Court, if necessary.

In short, this amendment seeks to address a serious problem with a balanced approach, an approach that seeks to protect to the maximum extent possible both the rights of the alien involved and the vital national security interests of the United States.

Let me reiterate that this is not new. It is a proposal that was made by the Reagan administration, supported later by the Bush administration. It is a proposal that the Justice Department in those administrations believed to be fully constitutional, and it was supported by all three of the immediate predecessors of the current Attorney General of the United States.

Unfortunately, though, as Congress does its work the Senate Judiciary Committee has failed to hold hearings on this proposal after it was sent to Congress by President Reagan in 1988. It failed to hold hearings in 1989. It failed to hold hearings in 1990. It failed to hold hearings in 1991. It failed to hold hearings in 1992.

It is time to stop waiting for the committee to act, Mr. President. It is time for the full Senate to act and adopt this amendment.

Let us give the Justice Department the vital new tool to help prevent future terrorist acts like the World Trade Center bombing.

We still live in a dangerous world. I can assure you the American people support this amendment. I can assure you the American people do not want aliens walking the streets when we have information on them knowing what they are doing, and not deporting them. I can assure you the American people want them deported.

The World Trade Center bombing showed us the danger that Americans face from this threat. Let us give the Department of Justice an important new tool to protect us from these people. That is not unreasonable.

Let me close on this point, Mr. President. Many of you know that earlier this year I happened to witness a terrorist act at the CIA in which a terrorist gunman shot and killed two people, including an employee.

I think, although I had the opportunity to witness that firsthand, that many of us through the media have witnessed firsthand a great deal of international terrorism. And we are very concerned about it—very concerned about it.

All of us as Americans saw this at the World Trade Center. That is just one example. Let us resolve to do all that we can to protect ourselves against this potent threat to our domestic security.

This is a reasonable amendment. It protects the rights of the individual terrorist even. But even more importantly, it protects the national security of the United States of America, and it also protects the citizens of the United States of America which is what we ought to be doing in all of our actions here in the U.S. Senate.

So, Mr. President, I ask for the yeas and nays at this point, and I reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BIDEN. Will the Senator withhold the request for just a moment? I would like to ask a question before he does that.

Mr. SMITH. Yes.

Mr. BIDEN. Mr. President, I think we may be able to, at least I know the Senator from Illinois has some points to raise about this amendment. But I am inclined to accept the amendment. My inclination to accept the amendment goes in direct proportion of whether or not we have to take 15 minutes to vote on the amendment.

So depending on what the Senator from Illinois——

Mr. SIMON. If my colleague will yield. I favor the general idea. I think there are some things that need to be worked out. I am not opposed to it accepting it by a voice vote, with the understanding that when we move to conference we try to work something out here on some of the details.

I think it is important that we not move away from some basic protections that the Senator from New Hampshire and the Senator from Delaware and I all believe.

Mr. BIDEN. Mr. President, with this amendment, the Senator from New Hampshire makes a basic fundamental point that I think is irrefutable; that is, nothing that he is proposing rises to the level of being unconstitutional. We are not talking about a constitutional violation. Were we talking about an American citizen with this proposal, I would be up here filibustering, if need be, to stop this from passing, if I could effect it. We do not have that as an issue in this debate.

So, although I would write this slightly differently, I have no objection to accepting the amendment. And obviously, any amendment accepted and/or passed when we get to conference on an amendment, its chances of surviving the conference are enhanced by how much agreement can be reached in the conference.

So, I would suggest, if the Senator from New Hampshire is willing, that we accept his amendment. I would like to make a very few brief comments about it, and not be required to bring all of our colleagues back at 12:30 to vote on it.

It is totally up to him.

Mr. SMITH. If the chairman is willing to accept the amendment, there is no need for a recorded vote. If you get a win, you accept a win. I am more than happy to do that.

I might also say if you do have suggestions, we would be happy to discuss any suggestions the chairman might have.

Mr. BIDEN. Mr. President, since the Senator from Illinois have some points he wants to raise about it, before we——

Mr. SIMON. I do not need to take the time here to do that.

If my colleague will yield, what I would like to do is have his staff work with the Immigration Subcommittee staff to see if we cannot get something worked out in conference that we can all agree to.

Mr. BIDEN. Mr. President, I want to make it clear to the Senator from New Hampshire. I am proposing accepting the amendment notwithstanding, not conditioned upon, whether anything is worked out.

So I would accept the amendment. I just mention that working it out, having your staff sit down and talk, does enhance the prospects of when and if it comes up in conference in dispute; that it is more helpful, if the Senator from Illinois and others are also speaking for the amendment. To that extent, it is a value to work it out. But I am not conditioning acceptance on that point.

Mr. SIMPSON. Mr. President, I support this amendment which would provide the United States with a new weapon to fight international terrorism perpetrated by aliens present in our country.

I believe our Nation has few interests more compelling than combating the narrow situation that this amendment addresses. Here is that situation: Where an alien poses an immediate threat of death or serious bodily harm to either: First, a substantial number of persons; or second, an individual of political significance.

This amendment specifically excludes aliens who are merely fundraisers or membership solicitors for groups with questionable international ties.

NEED FOR PROCEDURES

Some critics contend that this amendment is not needed. That is patently untrue.

We cannot proceed against some alien terrorists in criminal trials, when our only evidence is classified, and to reveal the classified information would put a person's life in danger.

We cannot exclude alien terrorists from this country if we do not find out about their being a terrorist threat until it is too late—until after they have entered. Like the aliens who were allegedly involved in the World Trade Center bombing.

CONCERN ABOUT SECRET TRIALS

I know all of us have an aversion to secret court proceedings. I share that concern. But, this amendment would avoid such a proceeding if at all possible.

First, the amendment would require an open, public hearing in most instances. It would require the Government, when using classified information, to provide an alien with either a summary or redacted—censored—version of the classified information. If that information is not provided, the court would normally be required to dismiss the case.

However, in one instance, the court may proceed even if the alien has not received a summary of the evidence. The court may proceed in secret if disclosure of even a summary of the classified information would expose the source of that information to death or serious bodily harm.

Mr. President, if we have good information that a violent terrorist act is imminent, and if revealing the source of that information would expose that source to possible death, then I think it is proper to go forward and deport that alien terrorist as swiftly as possible.

This is admittedly a rare instance. I do not expect the Government to use this procedure very often at all. Nonetheless, where there is reliable evidence of an immediate and serious terrorist threat, we must take that threat seriously. And if it is clear that the only evidence we have against the alien is confidential and disclosure of the evidence would place the source of the information's life in danger, then I believe we should be able to proceed with the deportation of that alien.

This amendment would require a judge to find that the alien is clearly deportable and that the alien's due process rights have been respected. I believe that that is a fair and reasonable process when the Government's interest is a compelling as it is when a terrorist threat is imminent. I urge the adoption of this amendment.

REBUTTAL TO CRITICISMS ABOUT DUE PROCESS

The amendment has been criticized as violative of an alien's right to due process. This criticism is partially correct, but we must remember what the context is. Deportation is a civil proceeding. An alien does not have the same rights as does a criminal defendant. Rather, the alien has the same rights as an American citizen would have if he were challenging the termination of his disability benefits by the Social Security Administration.

The Supreme Court case that controls here is Mathews versus Eldridge, a 1976 opinion by former Justice Powell. Mathews held that whether due process existed in a civil proceeding depended on a test which balanced the following three interests: First, the individual's interest; second, the risk of an erroneous decision by the existing procedure, and the ability to make determinations more accurate with additional procedures; and third, the Government's interest.

This amendment specifically incorporates the factors which Mathews created. The amendment would not allow an alien to be deported under the special court procedures unless the judge has determined—in addition to the alien being deportable—that the due process factors of Mathews have been satisfied.

This amendment does comply with constitutional due process requirements. If anyone criticizes this amendment on due process grounds, then they are devising a definition of due process that is beyond what the Constitution requires. Let me be perfectly clear on that point.

In addition, I should note that the Supreme Court has found that national security and the need for Government confidentiality has been found to overcome a plaintiff's right to recover damages for wrongdoing in civil tort: U.S. versus Reynolds, 1953.

Following this Supreme Court precedent, a Federal appeals court invoked national security to deny 27 individuals and organizations an opportunity to sue the Government for claimed violations of the fourth amendment: Halkins versus Helms, 1978. There should be no doubt that national security is an effective ground upon a court may properly reply to restrict a person's right to a civil proceeding.

Mr. SMITH. Mr. President, because of the statement made by the chairman, I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I would be delighted to yield as much time to my friend from Utah as he needs.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Thank you, Mr. President. We are prepared to accept this on this side as well.

I rise in strong support of the amendment by my colleague from New Hampshire. The events of the past year have graphically demonstrated the need for quick and certain procedures for the removal of aliens who would terrorize our people. In February, we witnessed the bombing of the World Trade Center in New York. And this past summer, the outstanding work of Federal law enforcement prevented a series of terrorist acts from being carried out in and around New York City.

I congratulate the agencies which apprehended the World Trade Center bombers, and which prevented the later disasters. But it is time to give our law enforcement agencies and courts the tools they need to quickly remove alien terrorists from our midst without jeopardizing national security or the lives of law enforcement personnel.

My colleague's amendment provides the Justice Department with a mechanism to do this. It allows for a special deportation hearing and in camera, ex parte review by special judges when the disclosure of information in open court of Government evidence would pose a threat to national security.

It is entirely within the power of Congress to establish special adjudicatory proceedings and to specify the procedural rights of aliens involved in terrorist acts. As the Supreme Court noted over 10 years ago, "control over matters of immigration is a sovereign prerogative, largely within the control of the Executive and the legislature." [*Landon* v. *Plasencia*, 459 U.S. 21, 34–35 (1982).] So long as the procedures established by Congress are essentially fair, they satisfy the requirement of due process.

Moreover, we have the power as well to distinguish between classes of aliens, and accord separate procedures to different classes. Congress has plenary power over immigration and naturalization. The legitimate distinction between aliens and citizens justifies and permits both separate procedures for aliens and the congressional determination that not all aliens should be treated alike. [*Mathews* v. *Diaz*, 426 U.S. 67 (1976).]

Mr. President, sound policy dictates that we take steps to ensure that we deport alien terrorists without disclosing to them and their partners our national security secrets. Our counterterrorism programs have, so far, effectively safeguarded our citizens. The success to date of our counterterrorism efforts is largely due to its effective use of classifiedinformation used to infiltrate these groups. We cannot afford to turn over these secrets in open court, jeopardizing both the future success of these programs and the lives of those who carry them out.

Some raise heartfelt concerns about the precedence of this provision. I believe their opposition is sincere, and I respect their views. Yet, these special proceedings are not criminal proceedings for which the alien will be incarcerated. Rather, the result will simply be the removal of these aliens from U.S. soil—that is all.

According to the FBI, there are numerous terrorist organizations operating within the United States. Over the past decade, the FBI has recorded at least 75 terrorist preventions here at home. Recently, the FBI arrested four individuals who were plotting to attack the Israeli Embassy. And as I noted a moment ago, there have been several terrorist attempts in New York this year. The FBI has supported legislation similar to this amendment in the past.

Americans are a fair people. Our Nation has always emphasized that its procedures be just and fair. And the procedures in the Smith amendment are in keeping with that tradition. The special court would have to determine that the alien in question is an alien terrorist, that an ordinary deportation hearing would pose a security risk, and that the threat by the alien's physical presence is grave and immediate. The alien would be provided with counsel, given all information which would not pose a risk if disclosed, and would have the right of appeal. But Mr. President, in our effort to be fair, we must not provide to terrorists, and to their supporters abroad, the informational means to wreak more havoc on our society.

Mr. President, ours is a free society. Of all of our liberties, the openness of our institutions and our freedom to travel are among our most cherished. But his freedom is not without its costs. Because we are so open, we are vulnerable to those noncitizens who would take advantage of our liberty to inflict terror on us. This amendment ensures that those noncitizens who would terrorize our citizens receive fair, but swift, deportation without disclosing sensitive information which would then be turned against us. I urge my colleagues to support it.

The PRESIDING OFFICER. If there is no further debate on the amendment offered by the Senator from New Hampshire, the question is on agreeing to the amendment.

The amendment (No. 1125) was agreed to.

Mr. SMITH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I am not going to offer an amendment, but I would like to discuss an amendment that I did not have time to discuss on Friday, which amendment was accepted by the majority and Republican sides of the aisle. It is now part of the legislation before us.

The reason I want to discuss it is because it tries to deal with a very real problem that we have. I also want to discuss it because I want the managers of the bill, when this is in conference, hopefully, to seriously and conscientiously defend it.

I believe that there were some comments that I am going to refer to from the CONGRESSIONAL RECORD of Friday that would indicate that there may not be desire to do that. I want all of my colleagues to know how important this amendment is, and, more importantly, understand the very difficult problem it deals with.

The amendment that was adopted on Friday deals with litigation in Federal court by people who are in prison, including State prisons.

It makes it easier for the States and for Federal judges to require prisoners filing civil rights cases in the Federal courts to first exhaust available administrative remedies. It does not limit prisoners' rights to sue in Federal court at all. It merely ensures that judges can continue the case for the prison and the State in an interim period of time to try to resolve their complaint through an administrative grievance system.

Prisoners' civil rights cases are overloading and clogging our Federal courts. While the courts struggle to handle their criminal docket, they find huge portions of their time squandered on frivolous complaints by convicted felons serving time in State prison. In the past year, prisoners' civil rights cases were 14.2 percent of the total Federal civil docket. That is a mind-boggling 32,000 cases that are before our Federal courts—14.2 percent of all those cases coming from the very small percentage of the people in this country who are incarcerated. In Iowa and Arizona, they were an astonishing 48 percent of all Federal civil cases—these were civil rights cases brought by prisoners. In Missouri they were 46 percent of the cases; in Arkansas, 42 percent. And you can go on and on.

Let me say what the cost to the taxpayers is. These cases averaged $50,000 apiece, cost to the taxpayers—$50,000; from a very small percentage of the population, clogging the courts with 14 percent of the cases. In my State, 48 percent.

This is something that, it seems to me, this body has a responsibility to treat as a serious problem. We need to do something about it, and do something about it not only to save the taxpayers' money, as important as that is. Because the injustice here is to people who have not committed any crimes, never been in prison and want justice in our court system, but cannot get that justice because 1 percent of the people in this country are clogging the courts with 14 percent of the cases.

It seems to me we have a responsibility to make sure the other 99 percent of the people who have civil matters they want dealt with are able to get access to justice.

It would not be so bad if these prisoners had legitimate grievances. But I want to give an example of some of the cases that are being brought:

Keith Smith sued because a prison doctor would not give him birth control pills.

Charles McManus sued because he had to eat too fast in the prison mess hall.

Jesse Loden sued because he could not attend chapel in the nude.

That is a case in the Federal district court that might cost an average of $50,000.

In Nevada, child molester Chris Chapman sued because the prison would not let him subscribe to the North American Man-Boy Love Association bulletin.

In Florida, Donald Perry has filed not 1 but 42 lawsuits. One sounded very serious—it charged a guard with beating him with a flashlight. Mr. Perry neglected to mention that at the time he was stabbing the officer and a colleague with an ice pick. The jury ruled against Perry after a few minutes deliberation, but that suit still cost $60,000.

Another inmate sued because he was not allowed to deal drugs from his cell.

Obviously, my colleagues, or anybody listening wants to know whether this is a very serious business we are talking about, when these examples make it sound like it is almost a joke? Yes, this is serious business because it is taking up 14.2 percent of the caseload in our Federal courts and it is costing $50,000 per case.

There is another case here, one we discussed on the floor last week, maybe 10 days ago now. A group of inmates sued, claiming their freedom of religion was violated when the prison would not let their new religion—it is called the Church of the New Song, whose sacraments were chateaubriand and Harvey's Bristol Cream—meet and worship at their leisure. That case was in the court for 10 years.

In the ultimate ridiculous case, Kenny Parker sued, claiming cruel and unusual punishment when the prison served him creamy instead of chunky peanut butter.

These anecdotes from last month's ABC "20/20" broadcast on "The Great Prison Pastime" give some idea of the nature of the problem.

My amendment makes some very simple changes that Federal judges have urged. Let me give a little background to my interest in this, other than "20/20" making it real to the taxpayers of this country, so they demand that something be done.

Go back 4 years, I believe it was. Chief Justice Rehnquist appointed me as one Member of this body, Judge Heflin the other, among four Members of Congress who were on the Federal Courts Study Committee, a 20-member citizen/officeholder-type review of the Federal court system, the first review of the Federal court system in 200 years. For 2 years we studied and made recommendations on judicial reforms. This was one of the reforms suggested when we reported 2½ years ago—now 3 years ago, I think.

In addition to the four Members of Congress who were on this study committee, there were several circuit court of appeals judges, several Federal district court judges, appellate State court and local judges, prosecutors, and public defenders who made up the committee. So the judges have urged this problem be addressed.

First and most important, the amendment that was adopted makes it easier for the States to establish administrative grievance procedures under the Civil Rights of Institutionalized Persons Act of 1980. It will allow the court to continue a case for exhaustion of remedies if the court determines or the Justice Department certifies that the grievance system either substantially complies with the minimum standards laid out in the statute or is otherwise fair and effective. This is necessary because, as the Federal Courts Study Committee concluded, the current system is slow. The current system is onerous. And the current system has failed to encourage administrative resolution the State prisoners' civil rights claims.

This requirement is already imposed on Federal prisoners and has not caused any undue burden on legitimate claimants.

Second, the amendment extends the period during which the judge can continue the case from 90 to 180 days.

And, finally, the amendment adds failure to state a claim to the reasons a judge can dismiss a prisoner case brought in forma pauperis.

The changes to the Civil Rights of Institutionalized Persons Act are supported by the Administrative Office of the Federal Courts. Understand, what we are proposing here is already instituted for people who are in Federal prisons.

We want to apply this to State prisons. I have some figures comparing the State of Minnesota and my State, the State of Iowa. These figures show that where you do have an administrative grievance system like this working, it really cuts down on the workload of the courts. I will submit these for the RECORD. But let me note, for the State of Minnesota, in just 1 year, 1993, they had a total of 2,280 civil cases. Of those only 107 that dealt with the civil rights of a State prisoner.

In my own State of Iowa, we have had in the northern district 645 civil cases in 1993. Almost one-third of those, 191, were State prisoner civil rights cases. In the southern district of Iowa, out of 1,232 civil cases, 472, at least one-third, were State prisoner civil rights cases.

In Minnesota, they have a system for administrative determination of the legitimacy of some of these complaints.

It keeps frivolous prisoner cases out of the Federal court system, for the most part, so that these cases constitute less than 5 percent of the Federal docket in Minnesota.

In those other States that lack administrative grievance systems, there is a much higher percentage of these prisoner cases that get into the Federal courts and clog the Federal courts. The administrative grievance system could work in all of the other 49 States, like it is working in the State of Minnesota.

The reason I bring this up at this time, Mr. President, is because we had an hour's worth of debate set aside for the proponents and opponents of this on Friday. Mine was going to be the last amendment of the day, but Senator MOSELEY-BRAUN, because her mother has been ill, wanted to bring her amendment up. So, in the first instance, the manager of the bill, Senator BIDEN, said if we would keep the debate limited, we would have a rollcall, and he indicated to me in private conversation—I hope I am not violating any confidence—that he could perhaps even find fit to vote for it in a rollcall vote just to get it done away with and have a rollcall on it. That was to my liking at that particular time, because if you can get an overwhelming rollcall vote, I think it establishes your position in the conference.

That still would have taken too much time for the Senate to get its work done on Friday, and Senator MOSELEY-BRAUN wanted to move ahead. So he asked if I would give up the rollcall vote and just have my amendment accepted. I thought, based upon our previous discussion, that would be a perfectly good way to go. The hint that I got from Senator BIDEN was that he would vote for my amendment.

Then I read this statement in the Friday RECORD under Senator BIDEN's acceptance of my amendment:

> Although I have reservations about the amendment, having checked with the folks that have a deep concern about it, we are not happy about it, but we are prepared to accept it.

I know Senator BIDEN is not here, but maybe when he comes back he can discuss this with me because I would like to get some determination based upon what happened between the 5 minutes he originally talked to me and the period of time that he moved in debate in the Chamber of the Senate to accept my amendment, that it seems to me, looking back now, I would have been better off if I had not been cooperative and had a rollcall vote on my amendment and gone to conference with such a rollcall vote supporting my case.

I think, though, that on reflection, if Senator BIDEN will look at, and if anybody in conference looks at what my amendment attempts to do, looks at the success in States where this procedure does work, and sees how these cases by a small percentage of our population are, in fact, clearly clogging our courts and costing $50,000 on an average per case, they will conclude that we just cannot allow this system to go on. It is not giving justice to the people in prison, because such a high percentage of these cases are frivolous. And, second, it denies legitimate access to our Federal courts in civil matters, denying justice to people with legitimate grievances.

So I ask that when Senator BIDEN comes back, he please consider my remarks. I am hoping he will be able to make a statement of willingness to look into the seriousness of this problem and to help us get it solved, hopefully the way my amendment would solve it.

Mr. President, I ask unanimous consent to print in the RECORD the statistics I mentioned concerning the State of Minnesota and the State of Iowa, statistics on prisoner petitions commenced during the 12-month periods ended June 30, 1970 through 1993 and civil cases filed in U.S. district courts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Total civil cases	State prisoner civil rights
Minnesota:		
1989	2,255	53
1990	2,089	67
1991	1,942	62
1992	2,095	59
1993	2,280	107
Iowa/North Dakota:		
1989	665	104
1990	557	128
1991	626	179
1992	688	216
1993	645	191
Iowa/South Dakota:		
1989	1,279	390
1990	1,036	318
1991	1,061	356
1992	1,100	351
1993	1,232	472

U.S. DISTRICT COURTS CIVIL CASES FILED YEARS ENDED JUNE 30

	All civil	State prisoner civil rights		
		Filings	Percent of total	Percent change over previous year
Year:				
1989	233,838	25,039	10.7	
1990	217,700	24,843	11.4	−.8
1991	207,690	25,046	12.1	.8
1992	226,895	28,308	12.5	13.0
1993	228,562	32,369	14.2	14.3

U.S. DISTRICT COURTS PRISONER PETITIONS COMMENCED DURING THE 12-MONTH PERIODS ENDED JUNE 30, 1970 THROUGH 1993

	Grand total	Federal prisoners					State prisoners			
		Total	Motions to vacate sentence	Habeas corpus	Mandamus and other	Civil rights	Total	Habeas corpus	Mandamus and other	Civil rights
1970	15,997	4,185	1,729	1,832	488	136	11,812	9,088	694	2.030
1971	16,266	4,121	1,335	1,873	699	214	12,145	8,378	852	2,915
1972	16,261	4,178	1,590	1,636	700	252	12,083	7,964	776	3,343
1973	17,218	4,535	1,722	1,760	639	414	12,683	7,787	722	4,174
1974	18,410	4,987	1,822	2,089	631	445	13,423	7,626	561	5,236
1975	19,307	5,047	1,690	2,344	535	478	14,260	7,843	289	6,128
1976	19,809	4,780	1,693	1,969	626	502	15,029	7,833	238	6,958
1977	19,537	4,691	1,921	1,745	542	483	14,846	6,866	228	7,752
1978	21,924	4,955	1,924	1,851	544	636	16,969	7,033	206	9,730
1979	23,001	4,499	1,907	1,664	340	588	18,502	7,123	184	11,195
1980	23,287	3,713	1,322	1,465	323	603	19,574	7,031	146	12,397
1981	27,711	4,104	1,248	1,680	342	834	23,607	7,790	178	15,639
1982	29,303	4,328	1,186	1,927	381	834	24,975	8,059	175	16,741
1983	30,775	4,354	1,311	1,914	339	790	26,421	8,532	202	17,687
1984	31,107	4,526	1,427	1,905	372	822	26,581	8,349	198	18,034
1985	33,468	6,262	1,527	3,405	373	957	27,206	8,534	181	18,491
1986	33,765	4,432	1,556	1,679	427	770	29,333	9,045	216	20,072
1987	37,316	4,519	1,669	1,812	313	725	32,797	9,542	283	22,972
1988	38,839	5,130	2,071	1,867	330	862	33,709	9,880	270	23,559
1989	41,481	5,577	2,526	1,818	315	918	35,904	10,554	311	25,039
1990	42,630	6,611	2,970	1,967	525	1,149	36,019	10,823	358	24,843
1991	42,462	6,817	3,328	2,112	378	999	35,645	10,331	268	25,046
1992	46,452	6,662	3,717	1,526	515	904	39,790	11,087	395	28,308
1993	52,454	8,228	5,224	1,424	701	879	44,226	11,411	446	32,369

Source: Administrative Office of the U.S. Courts.

Mr. GRASSLEY. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand we are in the midst of waiting for the next step. I know the two managers of the bill have been working very hard to try to set up an order of amendments. I understand I am not taking time from anybody at this moment who may be bringing up an amendment. I want to speak just briefly on a subject which may seem at the moment somewhat unrelated, but it is not. It refers to our children, it refers to hunger in America, a matter of which the distinguished Presiding Officer is well aware. He has been one of the leaders in both the House of Representatives and in the Senate on hunger issues. I have been proud to work with him on that.

I mention it because it has to be also one of those areas that affects some of the conduct of children, such as criminality.

Incidentally, I should note, I have been advised by the distinguished Senator from Iowa that he had been asked to put in a quorum call when he finished speaking. I assure the Chair I will put in a quorum call, unless the managers are here on the floor, when I finish, so they may take back control of the bill.

I mention this because if you look at the issue of nutrition, undernutrition, it is really the scourge of America's children. We have in our country, in this rich powerful country, 1 million children at risk of impaired mental development. Why? Because of anemia, and anemia is caused by undernourishment—1 million children.

It really raises the issue that we have to stop hunger at once. I look at even the situation in my home State of Vermont, a State which has been blessed with natural resources, where people care for each other, a State that, as far as I am concerned, is one of the ideal places to live, and to grow, to be nourished and to be educated. But even in my State, we find 55,600 Vermonters are on food stamps. That is over 10 percent of the population of my State. In fact, the Vermont food bank provides 40 tons of food per month. They tell me that is nowhere near enough.

To put that in perspective, one of the scenic beauties of our State is Mount Mansfield, the highest spot in the State, but if you took 40 tons of food per month, put it into boxes of breakfast cereal and stacked them end on end, it would be 13 times higher than Mount Mansfield. Vermont's child poverty rate is 11.5 percent. There are 17,000 hungry children today in Vermont. Even short-term undernourishment affects a child's ability to learn and it affects a child's ability to be a productive and useful member of society.

I know that the Secretary of Agriculture is very concerned about this, too.

The Department of Agriculture, under Secretary Espy's leadership, is starting a series of regional hunger forums around the country. The first one will be held next month, December 13. It will be held in Vermont at St. Michael's College McCarthy Arts Center. It will go from 9 in the morning to 1 that afternoon. It is going to look at the extent and consequences of hunger, access to a healthy diet, and how you can take control of hunger issues. It will speak to a regional area, looking at all of New England.

I wish to thank Secretary Espy for picking Vermont as the first place to hold this extremely important series of forums on regional hunger, as he will in other parts of the country later on.

If we do not worry about hunger, Mr. President, we are not worrying about our children; we are not worrying about the next generation. There is not one Senator who goes hungry except by choice. We can walk out of this Chamber just a few blocks, and we will find people who do not have the choice of whether to go hungry or not. If they do not have the choice and have to go hungry, they also have a sense of hopelessness and a sense of desperation.

When we debate this crime bill, we ought to think of that as one of the reasons for the desperation we see in some of the crimes committed in this country. We are the richest, wealthiest nation, the most powerful nation on Earth. We have the ability, as no other major power has ever had, to not only feed all 250 million people of our country but to have food left over for export or for humanitarian reasons. Hunger should not exist in this Nation. I am hoping that this series of hearings will bring about the best ways to combat it.

As I said, the distinguished Presiding Officer and I have worked on these issues with our good friend, Harry Chapin, and with others in a bipartisan effort, both in the Senate and in the House, and I think as a result of some of the efforts on which we have joined together there are millions of people who are fed in this country today who would not have been otherwise.

I know when I became chairman of the Senate Agriculture Committee, I said at the first meeting of that committee, the first meeting with the Secretary of Agriculture, we were putting the word "nutrition" back, and it would be known as the Senate Agriculture, Nutrition, and Forestry Committee and that hunger would be a top priority.

Since that time, I am proud of the fact that millions of Americans are fed daily who would not have been fed other than because of the steps that we took. But it took a joint effort of both Republicans and Democrats in the House and the Senate to do that. I am proud of it.

So I hope people will come to this regional hunger forum, will join Secretary Espy and myself at St. Michael's College on December 13, and talk together to figure out how best we tackle what really is not only one of the great problems of this Nation but is a problem that shames so powerful and wonderful a nation as ours.

We should not have a million people at risk of impaired development because of anemia caused by undernourishment; we should not have a child poverty rate of over 11 or 12 percent; we should not have a situation with people in my State or any other State on food stamps. That must end.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DASCHLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GETTING A WORD IN EDGEWISE ON NAFTA

Mr. DORGAN. Mr. President, in reading the Washington Post these past months, it struck me that I was getting a very heavy dose of pro-NAFTA propaganda. So, I decided to add it up.

I reviewed the editorial and op-ed pages of the Post from January 1 to the present. Sure enough, the heavy dose was an overdose. It turned out that the Post had devoted 40 feet of column space to pieces opinionizing on behalf of NAFTA. The pact's opponents, meanwhile, got all of 6 feet. That is nearly a 7-to-1 advantage for those pushing the NAFTA cause. A fair and competitive debate? A free and open marketplace of ideas? Hardly.

It looks to me as though the people who are preaching the virtues of competition and free trade for the rest of America, aren't practicing those virtues in the trade policy debate. And it is not just the Washington Post. I made the same tallies for the New York Times, the Los Angeles Times, and the Wall Street Journal—and some of them were even worse.

This one-sided debate is not because anti-NAFTA voices do not exist. There are plenty of us. So many, in fact, that passage of the United States/Mexico trade agreement in Congress is still in doubt.

But rather than give us a fair chance to speak, the Post and the others prefer to portray us as a bunch of backward folks who just pulled into town in a pickup truck looking for directions. We are dismissed as isolationists, protectionists, xenophobes, and labor dupes who fear the bracing winds of progress and change. NAFTA supporters, meanwhile, are always described as visionaries, statesmen, and deep thinkers, never corporate flacks or paid representatives of foreign governments; people who—like the pro-NAFTA pundits generally—are not likely to lose their own jobs if more plants move to Mexico.

This is a shame. The NAFTA debate ought to be a barnburner, not a steamroller—a long-overdue discussion of the basic trade issues our country faces.

For one thing, it could be an opportunity to show the public that trade is like most other issues: the truth lies in the details. The major dailies apparently have followed the lead of the Mobil Oil ad, which admonished the country to "set the specifics aside" and debate NAFTA as though it were simply a treaties on trade theory. Yet NAFTA is nothing if not specific trade rules for everything from beans to automobiles to french fried potatoes.

Many of these rules are totally unfair. Mexican producers of beans, potatoes, and other crops, for example, get big advantages over their American competitors. Food processors who stay in the United States lose, while those who move production to Mexico win—not just in terms of low wages, but with tariff and quota protections as well. The list goes on and on.

The Bush administration, which negotiated NAFTA, made a great show during its term of rejecting any form of industrial policy because they said it would put government in the business of picking winners and losers. Why then did they pick winners and losers in the trade negotiations for NAFTA?

That in turn raises more basic questions. Is NAFTA really about free trade when corporations are free to move their factories but workers are not free to move their labor, nor farmers their fields. Or, is NAFTA really about free capital flight—the movement of jobs—which is much different? Is the corporate agenda of producing abroad at Third World wages and then selling back to the United States marketplace really a strategy that will make the United States more competitive—or will it simply make us more jobless?

Most basic of all, of course, is whether NAFTA would take America forward or back. NAFTA is based on the 19th-century notion of competitive advantage, which holds that the global economy will work to clockwork perfection if each nation does what it does best, by virtue of climate, raw materials, and the like. Yet today, comparative advantage is generally political rather than natural; nations attract factories not by superior raw materials or dexterity of workers, but by keeping wages low, environmental standards lax, and so forth.

When all is said and done, NAFTA would take one of the worst aspects of our Federal system—the smokestack chasing that leads to enormous taxpayer subsidies and waste—and project it onto a hemispheric scale. It is true that this competition for jobs exists already. But that is precisely why we need a trade agreement that addresses the problem rather than enshrines it into international law. Why cannot the United States and Canada and Mexico work together to compete against Japan and the rest of the world, instead of competing with one another for factories and jobs?

Maybe we will still have that debate if the major newspapers let us get a word in edgewise. After all, if competition is good for trade, then competitive debates must be good for the agreements under which that trade proceeds.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BIDEN. Madam President, the distinguished Senator from Mississippi [Mr. LOTT] is here, and has an amendment. He is ready to go with it. I would like to ask him whether or not he is prepared to enter into a time agreement whereby there would be a half-hour equally divided in the usual form, with no amendments in order to his amendment. If he is, I think it would be helpful.

Mr. LOTT. Madam President, if I might reply, I would be happy to agree with that. There may be two or three Members that would like to make comments on it. But I do not see any reason why we need to drag this out. It is pretty easy to explain. We will have a few statements. I would be willing to agree with a time agreement.

Mr. BIDEN. I so request, then, Madam President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Mississippi is recognized.

AMENDMENT NO. 1126

(Purpose: To amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony)

Mr. LOTT. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 1126.

Mr. LOTT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . MANDATORY LIFE IMPRISONMENT OF PERSONS CONVICTED OF A THIRD VIOLENT FELONY.

Section 3581 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) IMPROSONMENT OF CERTAIN VIOLENT FELONS.—

"(1) DEFINITION.—In this section, 'violent felony' means a crime of violence (as defined in section 16) under Federal or State law that—

"(A) involves the threatened use, use, or risk of use of physical force against the person of another:

"(B) is punishable by a maximum term of imprisonment exceeding 1 year; and

"(C) is not designated as a misdemeanor by the law that defines the offense.

"(2) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life if the defendant has been convicted of a violent felony on 2 or more prior occasions.

"(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty.".

Mr. LOTT. Madam President, this amendment in the form of a bill has generally been referred to as the LIFER bill. There is similar legislation pending in the House of Representatives with over 70 cosponsors. There are a number of cosponsors of this bill in the Senate along with perhaps some other versions of the same bill.

It is very simple to understand, really. It just says three strikes and you are out; or, if you will, three strikes and you are in.

If you commit not one, not two, but three felonies, on that third State or Federal felony you will go to prison for life, without parole.

If you talk to law enforcement officials, they will tell you repeatedly that one of their biggest problems is recidivism—those criminals who commit felonies repeatedly. In fact, about 70 percent of violent crimes are committed by the same 6-percent repeat offenders. So this LIFER bill would say that once you have committed a third violent felony, you would pay the penalty of life in prison.

There are a number of groups supporting this LIFER bill: The National Victim Center, Empower America, and various law enforcement groups, including the National Sheriffs' Association.

So I urge my colleagues to take a very close look at this amendment. I want to note now that the State of Washington, just last Tuesday, passed a version of this LIFER amendment. I understand there might be some differences. That one did include some grants to the State to help carry it out. But even States now are taking the initiative in this particular area. The State of Washington did it last week.

There is no doubt that a small hardened group of criminals commit most of the violent crimes in this country. This amendment would begin to try to deal with this. LIFER stands for Life Imprisonment For Egregious Recidivists Act. Many of the people involved in these crimes are released again and again because of the "revolving door" of the prison system. They commit a crime, they are indicted and convicted, but we do not have enough prisons, so they are back out in the streets and they commit other crimes.

So we are talking about State and Federal felonies. They would have to go to prison for life. Seventy-six percent of criminals who have been jailed three times or more end up committing crimes once again. They think they have a license to kill, steal, and maim. They might have to serve a little time, but they get back on the streets.

A 1987 study by the National Institute of Justice found that the average multiple offender is responsible for $430,000 in crime costs. Putting just 1,000 more repeat offenders away would cost about $25 million more annually. But putting these crooks behind bars would save society millions of dollars and save many, many lives.

I would like to read from some of the letters that I received endorsing this legislation.

The National Sheriffs' Association said:

On behalf of the 22,000 members of the National Sheriffs' Association, we are writing to support the LIFER amendment to the crime bill.

The crime bill is certainly comprehensive in that it proposes reforms and solutions to several issues in the criminal justice system. However, this amendment will address the problem of victimization by removing some of the most dangerous criminals in our society. This is one big step in curbing recidivist crimes.

The National Victim Center also has written, and they make it very clear that they are concerned about this issue and would like to support the LIFER amendment.

I ask unanimous consent that the letter from the National Sheriffs' Association be printed in the RECORD at this point, along with the National Victim Center legislation letter.

There being no objection, the letters was ordered to be printed in the RECORD, as follows:

NATIONAL SHERIFFS' ASSOCIATION,
Alexandria, VA, October 27, 1993.
Hon. TRENT LOTT,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the 22,000 members of the National Sheriffs' Association, we are writing in support of the Life Imprisonment for Egregious Recidivists," (LIFER) amendment to the crime bill. We applaud your stand and comment you for your efforts.

The crime bill is certainly comprehensive in that it proposes reforms and solutions to several issues in the criminal justice system. However, this amendment will address the problem of victimization by removing some of the most dangerous criminals in our society. This is one big step in curbing recidivist crimes.

Once again, we thank you for your endeavors and support of the nation's law enforcement community.

Sincerely,
CHARLES "BUD" MEEKS,
Executive Director.

NATIONAL VICTIM CENTER,
Arlington, VA, November 4, 1993.
Hon. TRENT LOTT,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the Board Members and Staff of the National Victim Center, we wish to lend our full support to the "Life Imprisonment for Egregious Recidivists Act of 1993" (Senate Bill 499).

The National Victim Center works with more than 8,000 victim-related organizations and law enforcement agencies nationwide. These organizations and agencies serve on the front lines in our nation's war against crime. As such, they see first hand the horrible human toll violent crime exacts on innocent members of society.

Nothing is more demoralizing to victims and service providers than to see the same offenders destroying the lives of countless other victims, despite previous arrests, convictions, and sentences.

The criminal justice machine recycles the same career criminals time after time and crime after crime. The offenders appear unaffected by the process, but their victims are ground beneath its gears.

Statistics indicates that 6 percent of violent offenders commit 70 percent of violent crimes. Many re-offend within months of their release from incarceration. But the real cost can only be measured in human terms. Each cycle through the system comes at the expense of at least one victim.

The legislation you have proposed allows victims a first glimmer of hope that this vicious cycle can be stopped no later than the third turn of the wheel. Given the recidivism rates of our nation's most violent offenders, their is no doubt that tens of thousands of would-be victims will be spared and thousands of lives saved each year.

No greater accomplishment could be offered to the victims of crime in this nation than a measure which will prevent the addition of more members to their ranks. The "Life Imprisonment for Egregious Recidivists" bill is such a measure.

Therefore, the Board of Directors and Staff of the National Victim Center support this important bill and urge your colleagues in the Senate to make every effort to secure passage of this legislation.

Sincerely,
ROBERT S. ROSS, Jr.,
Executive Director.

Mr. LOTT. I also have a letter from the Law Enforcement Alliance. I will read one paragraph from this letter:

For violent recidivists, career criminals who thrive on violent antisocial behavior, we urge swift and certain isolation from society. Senator Trent Lott's S. 499, aimed at egregious, repeat, violent offenders is, we believe, society's most effective short-term response. These violent predators must be removed from society if we are to be safe from their deprivations. The daily carnage on our streets demands that we prevent these monsters from claiming more victims.

I ask unanimous consent that this letter from the Law Enforcement Alliance of America be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW ENFORCEMENT ALLIANCE
OF AMERICA,
Falls Church, VA, October 18, 1993.
Hon. JOSEPH R. BIDEN, Jr.,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BIDEN: Once again, I am writing regarding the upcoming anti-crime bill on behalf of the now early 35,000 members of the Law Enforcement Alliance of America. The increase in LEAA membership since my last letter makes us not only the nation's largest coalition of law enforcement professionals and concerned crime victims, it makes us the nation's fastest growing organization of its kind.

I wish to call your attention to a concern of law enforcement that to date has received very little attention by legislators or the media.

Law enforcement occupies a unique position in its capacity of law conservators as first hand witnesses to the treatment of crime victims throughout our criminal justice system. Often we are the first to see victims immediately after they have suffered a criminal violation. We see them again during our investigation of the incident and yet again throughout the court proceedings.

We watch helplessly as the system often first ignores them, and then again as they are vilified during the actual trial. The greatest offense our system perpetrates against victims, in our view, is the primacy of perpetrator rights over those of their victims. We have watched and remained silent, until now.

Now we are compelled to break our professional silence and raise the cry for simple justice for crime victims and for society.

Over the decades, the courts have taken great pains and great strides to protect the rights of the accused and of those convicted of heinous crimes. We agree in principle.

But, those laudable goals have been turned into a travesty of their intent by the deliberate and frivolous petitioning for imagined or fabricated infractions. Further, the extremes taken to mitigate time served by turning penal institutions into virtual prisoner entertainment centers has failed to stem the recidivist rate from the days when prisons were extremes in austere living conditions.

We urge a determined legislative search for a solid middle ground that ensures basic rights, provides basic living conditions, and underscores the fact that inmates are serving time for a very real, very serious infraction of society's rules.

For violent recidivists, career criminals who thrive on violent anti-social behavior, we urge swift and certain isolation from society. Senator Trent Lott's S499, aimed at egregious, repeat, violent offenders, is, we believe, society's most effective short-term response. These violent predators must be removed from society if we are to be safe from their depredations. The daily carnage on our streets demands that we prevent these monsters from claiming more victims.

I emphasize that this is a short-term solution. It provides immediate protection, saves lives, and allows honest citizens the ability to enjoy life as described in the preamble to our Declaration of Independence.

Society is not the place to experiment with unproved long-term solutions to crime. Lives are at stake. We don't allow direct human experimentation with drugs designed to cure our illnesses. We certainly shouldn't use humans, in this case society, to research ways to curb those who rape, rob, or kill. To do so is to heap yet another insult upon crime's victims.

We look forward to your leadership in providing sound measures addressing our concerns.

Again, we offer our assistance in any way possible to pass meaningful remedies to the nation's crime problems.

Sincerely,

JAMES J. FOTIS,
Executive Director.

Mr. LOTT. Madam President, last week, we did make some major revisions to this crime bill. I think we improved it considerably. We did add a large amount of funds for prisons, Federal prisons. These recidivists are the people who really need to be put in these Federal or regional prisons, as well as the prisons in the various States around the country.

I urge my colleagues to support this amendment. I believe it will go a long way toward really dealing with crime in this country. I noted late last Friday that the distinguished majority leader said, "There is not much in this Federal legislation that is really going to deal with crime and criminals in this country. A lot of it occurs under the jurisdiction of the State and local level." But recidivism is one place where we can make a difference. If we can begin to get these few thugs off of the streets, it will really make a difference, not only in cities like Washington, DC, but in rural areas across this country.

Again, I urge adoption of this amendment.

I yield the floor.

Mr. BIDEN. Madam President, I think I and all Americans sympathize with what my friend from Mississippi is attempting to do. In the crime bills that have passed in the recent 10 years, we have had some what we refer to as minimum mandatory sentences in the bill, like this being a minimum mandatory. For example, as the Senator accurately characterized, there is mandatory life imprisonment in this circumstance. I will read the language:

> Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life.

The point is: "Shall sentence for life," Madam President. Now, the Senator from Mississippi—I was going to say "I am sure"—I suspect he had in mind what the Senator from Delaware did when I drafted minimum mandatory provisions 3, 4, or 5 years ago in previous crime bills; that is, what we are looking for here is the predator, the guy or woman out there—in almost every instance it is the man—who has committed a heinous crime, has been let out of jail and commits another one, and is let out of jail and then commits another one. He is clearly a predator. It is a term I use, not a term of art; but that is how I think of these folks, as predators. So we want to put them in jail. This would be the 3-time rapist and the 3-time murderer. You might say, should they not be in jail for life after one?

Well, the truth is, the average amount of time served in the District for a conviction for a capital offense, I believe, is 5½ years, and in other States it is similar. The reason I wrote the sentencing commission law with a couple others about 10 years ago, Madam President, was because your State of California was letting people out of jail after being convicted of murder on average of serving only 7 years. I remember Sirhan Sirhan coming up, and I said, "How in the Lord's name can we have that happen?"So they are the people we are all looking at.

One of the things that I found out is when you pass these minimum mandatory bills you sometimes end up in your net taking in people who you would never intend by the scope of the law when you write it to take in.

As I read this amendment—and I promise the Senate I am not trying to nitpick with my friend from Mississippi—but it says the definition of a "violent felony," to be precise, "means a crime of violence (as defined in section 16) under Federal or State law that—

> "(A) involves the threatened use, use, or risk of use of physical force against the person of another;
>
> "(B) is punishable by a maximum term of imprisonment exceeding 1 year; and,
>
> "(C) is not designated as a misdemeanor by the law that defines the offense."

If one man takes his hand and that hand connects to another man's jaw, in almost every case in every State in the Union that is a felony. That is an assault. It is a felony and by definition of this law is a violent crime.

We all have in our small towns and our large towns the guy who gets drunk, who is the person who causes brawls in bars. We can identify them, particularly in small towns who they are. It is either Bubba, Charlie, Harry, Bill, or Pete. They may very well have been convicted twice of being in a fistfight in a bar-connected fight. Both are felonies. In almost every State in the Nation, a plain old, good old American fistfight, in fact, in most States is a felony, a violent crime punishable by more than a year in jail.

If that same person has the misfortune of also getting in one of those fistfights at Yellowstone Park, at one of the restaurants in Yellowstone Park, under this law, as bizarre as it sounds, a Federal judge, upon convicting, finding that person guilty, must send that person to jail for the rest of his natural life.

I do not think we are intending to do that. I know I should not say "know." I suspect that is not the intention of my friend from Mississippi.

As to a three-time rapist, I do not have even the slightest concern about that person spending the rest of his life in jail. As a matter of fact, in the violence against women legislation which was adopted as an amendment in this bill, we increased the penalties for rape. I am all for minimum mandatory life imprisonment—no probation and no parole.

These are aberrations that occur in the law. I wonder if my friend would entertain an amendment to his legislation whereby in subsection (c)(1) where it says "Definition" it says, "In this section, 'violent felony' means a crime of violence (as defined in section 16) under Federal or State law that"—and then to sections (A), (B), and (C) add a section (D) that says, "And carries with it a maximum penalty of 10 years or more," so that we do not end up inadvertently sweeping into our net people that a Federal judge would be required to put in jail for life—the drunken brawler who gets in his third fight and he happens to do it in Yellowstone Park while he is there—and the reason I say "Yellowstone Park," I am not being facetious—one of these offenses has to occur under Federal jurisdiction. So if he does a crime of violence on a Federal jurisdiction, almost by definition, with a few notable exceptions, it has to be a crime committed on an Indian reservation and/or a crime committed on Federal property.

Theoretically, I guess, if someone had two prior convictions for being drunk and disorderly and getting in fights and then happens to be watching this debate up in the gallery there and someone said, "I do not like what BIDEN says," the other says, "I like it," and he pops him, that is on Federal property, and that is a Federal crime.

The other thing I might point out is I think this is a very dangerous law to pass in terms of equity for American Indians, because if you are an American Indian and you get over a period of 10 years, 20 years, 30 years, convicted three times for being disorderly and/or a crime of assault with your fist because you are on an Indian reservation and that is Federal property, you might have to go to jail for life.

I do not think that is the intention of my friend from Mississippi. Maybe it is. If it is, I would like to know. If it is not, I would like to suggest maybe we could go into a short quorum call and see if there is any way he would be willing to further circumscribe this to get at the people he and I and everyone wants to get at, and those are people who commit serious heinous crimes.

I am not suggesting to get in a fight, one man with another, and without provocation one man hits another and knocked his teeth out or tooth out is not serious. That is serious. I am not trying to belittle that. I do not think anybody is suggesting that person should have to be sent to jail for life with no discretion on the part of the judge because that happened three times over the period of his life.

But that is a question and a request.

Mr. LOTT. Madam President, will the distinguished Senatorfrom Delaware yield for a comment?

Mr. BIDEN. I am happy to yield.

Mr. LOTT. Certainly, I think for any rule you could find an exception. I can think of certain circumstances where obviously you would like for the judge to have some discretion. If you get in a fistfight one time, I guess that could happen with anybody. I am responding to the Senator's example about the fistfights. If you got into one, maybe you just got carried away; if you got into the second one maybe it was provoked. If you got in a third one, that is assault and battery, whatever the evidence. Keeping in mind that under the system we have, the judge has discretion with what he might have decided in the first case and second case. But after this third case, there is pretty good evidence that you have a repeat offender on your hands who keeps getting in fistfights and knocking people's teeth out and causing serious injury.

I think the point the Senator is making is a legitimate one. I would like to talk to him a little. I would like to look at the language and see exactly what he is proposing. Some flexibility perhaps would be something we could work together on, because I am not out trying to charge every petty crook with a felony, but these statistics we have here are not about petty crooks, but violent criminals. The Senator knows the ones we are trying to get to.

Mr. BIDEN. If the Senator will yield, I completely agree the statistics are overwhelming that there are, for example, as the Presiding Officer knows a lot about this issue as well knows that 6 percent of all the criminals in America—convicted folks—commit about 65 or 70 percent of all the serious crimes.

Mr. LOTT. Those are the ones we want.

Mr. BIDEN. Those are the ones the Senator wants. I have no disagreement on that.

I do not have any particular language in mind. All I want to do is believing, and the Senator confirmed it, they are the people he is going after, that there may be a way to tighten this a little bit so we do not inadvertently get the folks we do not want to get.

For example, under the Federal system, under the current guidelines a murderer with two prior convictions or one of these folks out there with two serious convictions gets an average sentence of 30 years under the Federal guidelines; whereas, a troublemaker who gets in three fights under the present guideline of the Sentencing Commission gets an average of 5½ years. We are not looking to let off the bully who goes around knocking people's teeth out. They get 5½ years on average.

When the Senator was in the House and I was and we worked on this, under the Federal guidelines we took away the discretion of the judges. That is why they are mad. Right now the judges are not real happy with the Senator from Delaware, separate and apart from minimum mandatories because we passed a law that is the law now, and the Sentencing Commission exists out there.

For every Federal crime we make a crime, they must set up a sentence, and the sentences are those that are required. The defendant is required, the convicted person is required to serve that time. That is what we call flat time sentencing. In only rare circumstances can a Federal judge alter it by increasing or decreasing up to 15 percent the sentence. That is where we get this 85 percent, serve a minimum of 85 percent of the time having to be served.

I am taking more time than is needed to be taken here. I will not formally propound this at the moment, but I would consider propounding a unanimous consent request that we temporarily move off this amendment without the Senator losing the right to come back up and ask for a vote if he wants it and to see if we can work out language that somewhat circumscribes the people to whom we intend this to apply.

I am confident his staff and mine can work out some language. Again, I have nothing particular in mind. I have not thought through how it should be. I just want to tighten it so we do not get the folks we are talking about who are now in the Federal system doing 5½ years having to serve life without probation, parole, and without discretion on the part of the judge.

Mr. LOTT. If the distinguished Senator will yield further, perhaps at some point we could have that quorum call and talk more about it. I do know that there are a number of States, including the distinguished Presiding Officer's State, California, where they have a lot of repeat offenders. It is a serious problem when you have this combination of felonies; quite often one may not be so serious and the next one could be a lot more serious. I want to emphasize something I said a while ago, that the average multiple offender is responsible for $430,000 in crime costs.

While there might be some additional costs as a result of this amendment to incarcerate these people for life, it is estimated we could save $405 million per thousand prisoners if we could pass an amendment like this because of the burden of the cost on the judicial system, the law enforcement system, where these people come back and have to be tried again and again and again. It is something for which there is a lot of support.

I saw one poll just last week that indicated that well over 70 percent of the American people thought we should be tough on these repeat offenders. When I talk to policemen, sheriffs, and other law enforcement people in my State, this is the issue they mention more than anything else—more than habeas corpus, more than some of these other rules that we talk about. They say that if we had the surety of punishment of these repeat offenders, it would make their jobs so much easier and safer from that standpoint.

Mr. BIDEN. Will the Senator yield for one more question?

Mr. LOTT. I am glad to yield.

Mr. BIDEN. Again, we have no disagreement, at least he and I have no disagreement, on trying to get to these serious repeat offenders, three-time losers.

But I have a second question unrelated to that. And that is, I am a little bit confused the way the amendment is written.

Does this require a State to impose minimum mandatory life or only the Federal judge to apply minimum mandatory life? In other words, must the defendant be within the jurisdiction of a Federal judge—having committed his third felony, that felony being a Federal felony for violence—before this can happen, or is the Senator instructing every State to change their laws and for them to impose at a State level in State court minimum mandatory life imprisonment?

Mr. LOTT. Madam President, I would like to respond to the Senator's question. It is not my intention that we micromanage every State judge. Obviously a Federal judge would impose such sanctions under this amendment.

Mr. BIDEN. I think the Senator has it fairly clearly in this and I was not suggesting it was not.

But we have a rash, as my friend from Mississippi knows—a State's right man, a man from a State that protected its own integrity and fought for that—we have more conservatives, liberals, moderates, Democrats and Republicans insisting in this crime bill that we require States to adopt every aspect of the Federal system. I am pleased to see that is not what the Senator is doing here.

I would like to suggest, for purposes of trying to work out this language as to what the definition of a serious violent offender is, I would like to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. BIDEN. I realize I must ask unanimous consent to be able to go into a quorum call without the time for the quorum being charged against the remaining time that the Senator from Mississippi and the Senator from Delaware has on the Lott amendment.

The PRESIDING OFFICER. Is there objection? There being none, that will be the order.

The clerk will call the roll.

Mr. LOTT. Madam President, I ask unanimous consent, that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Madam President, I ask unanimous consent that I be permitted to modify my amendment. I send that modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification? There being none, it is so ordered. The amendment is modified.

The amendment (No. 1126), as modified, is as follows:

At the appropriate place insert the following:

SEC. . MANDATORY LIFE IMPRISONMENT OF PERSONS CONVICTED OF A THIRD VIOLENT FELONY.

Section 3581 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—

"(1) DEFINITION.—In this section, 'violent felony' means a crime of violence (as defined in section 16) under Federal or State law that—

"(A) involves the threatened use, use, or risk of use of physical force against the person of another;

"(B) is punishable by a maximum term of 5 years or more; and

"(C) is not designated as a misdemeanor by the law that defines the offense.

"(2) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life if the defendant has been convicted of a violent felony on two or more prior occasions.

"(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty.".

Mr. LOTT. Madam President, before I yield the floor, I would like to point out I had a discussion with the distinguished chairman of the committee and other Senators, and we have agreed to the modification that would change, on the second page of the amendment, section "(B), is punishable by a maximum term of 5 years or more."

This would replace the language that had said, "imprisonment exceeding 1 year." I think this is an improvement. This is the language basically that was recommended by the Senator from Delaware to get at those most violent crimes and criminals.

I think this is a reasonable approach. That is why I modified the language.

I ask unanimous consent that Senator McCAIN be added as a cosponsor of the amendment and Senator GORTON, of Washington.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, as Senator BIDEN said, the scope of definition could cover prior conditions, which the Senator from Mississippi does not wish to cover. I commend my colleague from Mississippi for working with the Senator from Delaware to make it clear this amendment applies to individuals with three felony convictions for crimes incurring a maximum penalty of 5 years or more. I think that is a reasonable way to resolve this.

I commend the distinguished Senator from Mississippi for his efforts in trying to get this provision through because I think it is important. He has made the right decision. I think that this provision will help us in this fight against crime.

Mr. BIDEN. Madam President, how much time does the Senator from Delaware have?

The PRESIDING OFFICER. Two minutes fifty-three seconds.

Mr. BIDEN. I ask unanimous consent that we be able to increase the time on each side 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. I yield 5 minutes to my friend from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I thank my friend, the distinguished Senator from Delaware. I am pleased to have been added as an enthusiastic cosponsor to this modified amendment.

Last Tuesday when the citizens of my State passed Initiative 593, with more than 75 percent voting in favor, they made the State of Washington extremely unpleasant for two-time violent offenders to live. If someone now commits a third serious felony in Washington State, they are going to go to prison for life. The Nation watched this election campaign as the initiative was entitled, "Three Strikes, You're Out." That is the case now in Washington State. It will be the case under the Federal system if this amendment is to be adopted.

Let me tell you just one of the significant differences this makes in the State of Washington. Up until this point, before this initiative passed, the average prison term for a child molester who had two previous sex felony convictions on his record was 9½ years. That will not be the case in the future. We will not have that kind of predator going in and out of the revolving door in the State of Washington.

I regret to say that 2 years ago the State of Washington had the sixth highest crime rate in the Nation, and that last year there was another percentage increase. This is a reaction by the people of the State of Washington in repudiation of that kind of record and particularly because two-thirds of all violent crime is committed by a relatively small handful of offenders.

My citizens, the people I represent, want those predators off our streets, away from our schools and safely behind bars. As a consequence, this is one of few amendments on any bills with which we deal in which we have a graphic illustration in the very week in which we vote, that people in one State, who I am convinced are typical of people across the United States, have told us precisely what it is that they wish.

The modification, which the Senator from Mississippi has offered, makes it certain that this will not inadvertently be applied to some of those who have engaged in crimes, which most of us probably would not regard as being serious enough to count against the "three strikes you're out" strategy. In Washington State, when our young people play baseball, "Three strikes and you're out." The people of the State of Washington have said to violent criminals, "Three strikes and you're out." The Lott amendment says to those who are charged under the Federal system: "Three strikes, you're out."

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, how much time do I have?

The PRESIDING OFFICER. Seven minutes and twenty-four seconds.

Mr. LOTT. Madam President, if I could take a moment to commend the distinguished Senator from Washington for his statement. Having served as attorney general of the State of Washington before he came to this body, he had an outstanding record and was well respected as an attorney general by the attorneys general from all over this country. I know that is the case because I have talked with other attorneys general with whom he served. I am very pleased he came here this morning and was able to work with us on this modification. His statement is a very ringing endorsement.

I commend the people of his State of Washington for the vote they had last Tuesday. They are very serious about dealing with these repeat offenders. I believe it adds a great deal of weight and timeliness to this particular amendment.

Madam President, I do not have any further request for time at this moment. I would like to ask for the yeas and nays, so perhaps we can be assured of getting a recorded vote, perhaps at an agreed-to time. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, with the permission of my friend from Mississippi, I ask unanimous consent that the vote on this amendment, for which the yeas and nays have just been ordered, occur at 2:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. That being the case, I yield back whatever time I have remaining on this amendment.

Mr. HOLLINGS. Mr. President, I was unable to be present for today's vote on the Lott amendment, the so-called three time loser amendment. I would like the record to show, had I been in attendance, I would have voted for the amendment. I believe this is a much needed amendment. We must take those who continue to perpetrate violent crimes and make sure they never walk the streets again. We must insure these repeat offenders are isolated from society forever. Again, I just wanted to let the record show that despite my absence, I support the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. All time is yielded back.

Mr. LOTT. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. Time is yielded back.

Mr. BIDEN. Madam President, I think we are very close—we are literally drafting the final language, as they say, crossing the t's and dotting the i's on four major initiatives that the Senator from Utah and I have been working on literally for the past month. They relate to several major areas of the bill.

So, unless someone wishes to speak, I am going to suggest the absence of a quorum and hopefully between now and 2:30, we will be back with that drafted language which we can approve and accept prior to the rollcall vote on the Lott amendment.

Further, that upon the completion of the Lott amendment, we hopefully will have another amendment we can go to for action and debate, as we are lining them up. Those offices that are listening to this proceeding on the floor, I urge you if you or your Senators have amendments that you are seeking to offer to the crime bill, let the floor staff know so we can try to order them.

I see my distinguished friend from California, the Presiding Officer, perking up because I know she has a major amendment which I am sure in due time we will get to. Hers is so major, once we get to it, we may not get to anything else for a couple of hours. So maybe we can get rid of some additional amendments in the meantime.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. GLENN. Madam President, the debate on the crime bill has been long and will be even longer. It is one of the more important pieces of legislation we will probably pass this year.

Madam President, we pass laws in this country so that as a civilized nation we can all live together, so that we have the greatest good for the greatest number of people. We pass laws to that end, but some people find it difficult to live within those laws or deliberately try to short-circuit the system, the American democracy that we all know and love so well. They try to do things that disadvantage the rest of us, and they break our laws.

When they do, certain things then occur. The police system in this country starts out by trying to apprehend these people. There are a lot of people involved in that effort. And once our police system apprehends one suspected of a crime, we have a judicial system that goes to work and says, OK, you have been charged with certain crimes, and you now have certain constitutional privileges to protect you against unlawful abrogation of your rights. So we have an elaborate judicial system to make sure that everybody has their day in court and a fair hearing. And at the end of this whole process, which sometimes is far too lengthy, we finally have a judgment of guilty against a high proportion of these people.

Then, if things worked as they are supposed to, we have punishment meted out. Those who find they cannot live in harmony under the laws of this country receive punishment for their infractions. That is the way our system is supposed to work.

What we are considering in this crime bill is whether that system is working properly or not. And we are debating how we can strengthen the system so that it works better and so that it works more fairly for everybody in this country of ours.

Let us go back through those three things again—apprehension by our police system, determination of guilt by our judicial system, and punishment.

First, apprehension of those who break the laws. We have in this country right now around 600,000 sworn officers in police and sheriffs departments. In this legislation, we are going to increase the number of officers by up to 100,000 over 5 years. Needless to say, this is a very substantial increase.

No one doubts that will make some difference, just by the fact you see more policemen out on the street. But is that the answer? No. I do not think that is the principal weakness of our whole system of crime and punishment in this country. The facts are that we have more arrests now than we are able to accommodate within our judicial system and more than we are able to accommodate within our penal system. The police are simply arresting more people than we can handle.

Now, will this visual presence out on the street do some good? Of course it will. How many times have you driven along a road just a little bit over the speed limit and just the sight of a police car—what the Ohio State Patrol used to call visual patrol, just parking a car out along the road—leads you to lift your foot off the gas pedal to make sure you are back under the limit. We have all done that. I admit to it myself.

So whether it is by the highway patrol out along the highways or whether it is a new cop out there on the corner, through visual presence crime is deterred. That will work to a certain degree. But I submit that our central problem is not the lack of police officers. They are arresting more people now than the rest of the system can handle.

Let us look at the judicial system for a moment. The rights of people are protected through the court system. It is a long and arduous process. That judicial system is severely strained, as the distinguished majority leader pointed out in the Chamber here last week. He believes that we need more people in that system so that we move people through the system more quickly and make sure their rights are fully protected—and I agree with that. But once again I submit that we are convicting more people through that system than we are able to take care of.

So we come to the last part of that system, the punishment part of the system—taking away the freedom of those who cannot live within the boundaries of the laws that we depend on in this democratic society of ours.

Depriving a man of his freedom is not done lightly. But once it is decided by the courts, after all of the constitutional protections have been afforded, after all of the police apprehension efforts, after all of the judicial proceedings, at that point the carrying out of that sentence should be swift; it should be certain; and it should be meaningful for those who violate the law and do not fit into the norms of society.

It seems to me that here is where our whole system of crime and punishment begins to fall apart these days, because our problem is not that the judicial system is in chaos; it is that the punishment system, after the judicial system has worked, is in chaos. Our whole penal system is in literal chaos. It is overloaded. It is crowded. People are not serving their sentences. We even have such overcrowding of prison facilities we are under court orders to correct the situation in the majority of States, including my home State of Ohio.

The system right now makes a mockery of justice. When the police go out, all too often at the risk of their own lives, and apprehend the criminals, the judicial system works and sentences are handed out. But then when punishment is nonexistent or minimal at best, we are engaged in the process of creating a nation of scofflaws who are making a mockery of our penal system. They know they have committed a crime. Why not go out and rob again? You get very little for it, a hand slap, parole, maybe some minor punishment. Why not grab an old lady's purse and run down the street with it? You are not going to get anything much if you get caught anyway. What matters if you steal from your employer? Does that make any difference? They are probably not going to be able to prove it. If they do, the sentence will probably be light.

Why not sell drugs? It is easy money because your prison sentence will probably be minimal. Why not drive drunk? You know there will be minimal penalty if you are caught.

I read in the paper a few days ago where a person, I believe in Florida, drove across a median, drunk, ran into some other cars, and several people were killed. That person had been arrested for drunk driving 24 times previously.

How about white-collar crime? Does it get punished properly? No. Too often not.

Over the last few days we have had soaring rhetoric from Senator after Senator after Senator. We are going to get tougher. We are going to outmacho anybody else. We are going to show them we can be as tough on crime as anybody will be, and we will show them through proposals such as the death penalty that we really mean business on crime.

So we pass all sorts of things that lead us into thinking that we are doing something, and leads the American people into thinking we are doing something, when I feel we are not even addressing the major weakness. The part that is missing is really meaningful confinement, the loss of liberty for those who cannot obey the laws that everybody else obeys.

Let me go back to the last time we had a crime bill on the floor. Let me tell you my little personal experience. This might be of some interest to my colleagues on both sides of the aisle who are up for reelection and want to touch the hot button among the people on crime. In 1991 when the crime bill was on the floor for debate, I happened to have been in the Cloakroom and planned to take part in the debate. But what they were debating at the time I came on the floor was the amount we were going to spend to help States build prisons, and what was going to be spent on the Federal prison system.

I was interested in this because back home when I was running for election back many years ago, I had made some statements about my thoughts on how crime should be punished once the judgment is in—that crime should be punished immediately, and we should have adequate prison space.

I had put together and proposed some ideas at that time, not for great new brick and mortar palaces that we put people in, not the slammers that have to deal with the violent criminals, but ways of dealing with the nonviolent criminals and how we could incarcerate them without building these great big expensive structures costing hundreds and hundreds of millions of dollars.

I made my statements that day on the floor concerning some ideas on low-cost incarcerations that I thought were very good. I proposed that we use some of our construction techniques that have been used in the military and that I have had some experience with. And I proposed that we build not just great big new brick and mortar things where each cell costs as much as $50,000 per prisoner, more than many of the people that they have offended paid for their homes. I think it isridiculous to be putting out that kind of money for nonviolent prisoners.

I do not question locking the violent people up in whatever the most secure facilities are. But for nonviolent prisoners, I do not think we need that same kind of construction nor that kind of security.

Is there a better way? Is there a cheaper incarceration for the nonviolent? I believe there is.

I spent some 23 years in the Marine Corps putting in my military time along with several million other Americans who did not live in great big brick buildings for years at a time. We lived in low-cost housing like Butler buildings or, back in World War II days and since then, Quonset huts, plain old Quonset huts.

Everybody is familiar with what we mean when we say a Quonset hut. But whether it is Quonset hut, Butler buildings, prefabs, or mobile home conversions, or whatever it may be, I believe we can do prison and jail construction more inexpensively. Some localities have even tried things like taking old 18-wheeler trailers off the highway after their days are done, refurbishing them and making them into quarters for people; even things like that may have practical application in our prison system.

Is this inhuman? Is this inadequate? Our military experience is that millions of good American citizens in the military lived in quarters just like that for years at a time, and did it without any problem at all. Whole families lived in quarters like that. I know because on two different occasions my family lived in half of a Quonset hut, and it was quite adequate. But it was constructed at a mere fraction of the cost that a big brick and mortar building would have cost.

This is not something that just applies in the tropics. People lived in things like Quonset huts and Butler buildings for month after month, year after year, from the Arctic to the tropics. You can take these buildings and make them just as livable as any other building.

I still visit bases around this country and around the world, and I find some of these buildings still being used some 45 years after they were constructed. They are not constructed for just a few months of use. They can be made just as livable from the Arctic to the tropics and from summer to winter use.

We love to rise on the Senate floor and talk about the crisis of crime. And it is a crisis. No one doubts that. But when we deal with a crisis, are we willing really to come out and say here is a cheaper way that we can make sure that people serve the sentence that they have received?

We are putting somewhere around $6 billion into prison construction in this bill.

Let us say we take an average cost of $50,000 per cell for regular prison construction across this country. What will $6 billion mean divided by $50,000 per cell? It means that 120,000 additional people could be locked up, even if this bill works out perfectly.

Yet we find in my home State of Ohio, we have some 40,000 people locked up. But our capacity is only 21,863 prisoners. So we are nearly double the capacity of the Ohio prison system right now. And Ohio is not alone.

I think we would come a long ways toward tripling or quadrupling the effect of that $6 billion if we did not insist on all of this brick and mortar construction and went to quite adequate low cost quarters, whether they be Quonset huts or Butler buildings, or some other type of low-cost housing.

We also have excess military bases around this country. They have all the facilities of a city. They have sewer, water, lights, buildings, bunks, recreation, the whole works furnished right there, ready to be moved in once those bases are surplus. They should be utilized.

One thing that is provided in the bill that I think is good is it encourages regional use of the facilities like that for several States. I think that is important. I hope that some of the States exercise their rights once Federal entities have indicated there is no Federal use for the property and it becomes the right of the State as the next claimant. I hope that States are willing to work out some agreements where they can use those bases for prisons. They are set up ideally for this purpose.

Next, I think we should expand existing penal facilities within States by some of these cheaper methods that I am talking about. What is wrong with going to some of our facilities in Ohio which are overcrowded using some of these cheaper construction techniques to expand their facilities on those same grounds? What is wrong with that? I see nothing wrong with it myself. I repeat, millions of Americans have lived in those and far worse facilities in serving their country. I find it difficult to think this would be inhumane or is not the way to treat prisoners. I think it is every bit the way to treat prisoners.

A third area: If we establish new prisons, I submit that we would get our greatest bang for the buck by doing what I am talking about here and not trying to insist on great big brick and mortar buildings costing $50,000 a cell. Why not go out on a 500- or 1,000-acre plot of land someplace, put security around it, double concertina wire, flood lights at night? But within that area, the living area is of the cheaper construction I am talking about, which would save billions of dollars.

If we establish these new prisons, I do not think there is any problem with perimeter security on anything like that. I find people thinking we have to have all sorts of exercise equipment and gymnasiums and nautilus equipment and rowing machines for prisoners. What happened to the day when you could get your exercise by running around the perimeter of a facility—inside, of course—running around to get your exercise? What is wrong with having the people build their own Quonset huts, as far as that goes? About six people can build one in 3 or 4 days, once you lay out the construction and know what you are doing. You can insulate it and do whatever you want with it.

What is wrong with having prisoners build some of their own facilities? That has been tried in Arizona. They built 100 Quonset huts and housed a number of people in them over a number of years. What is wrong with people growing some of their own food on that ground? A hoe in the hand to some of these people might lead them to learn that tomatoes do not come in cans and so forth. I do not see why it is a problem to have them grow some of their own food. I could go on and on with the analogies, but it is not necessary.

In other words, a Quonset establishment like that can have buildings for whatever purpose you may want to have a building built. You can join them together, and you can have a library, you can have your shower and toilet facilities, and you can have whatever you want, and it can be done at a fraction of the cost of what it is now. That is what I talked about when I came on the floor 2 years ago.

Advice to my colleagues: Let me tell you what happened. This was 2 years ago before the current furor about the rise of crime and what we are going to do about it. I left the floor that day, and by the time I got back to our office—this whole presentation having been made on C–SPAN, of course; now that the Senate is broadcast by C–SPAN all over the country every day—by the time I got back to my office, the phones had lit up, not just from back home in Ohio, but from all over this country. People were saying, "Why not? What is wrong with that idea? It is the best idea I have heard of in a long time." We got a terrific increase in mail over the next few weeks on this very subject. People were saying, "What is wrong with it? We do not want the crooks back in our neighborhood. Why does everybody convicted not serve some time?" And they are right.

Following that time, I had such an outpouring of interest, I went back and spent a week at the next break going all around Ohio. I asked the people in several of our major communities—six of them—to set up meetings with prosecutors, police, sheriffs, judges, mayors, all in onemeeting, to talk about what was wrong with our criminal justice system. What is lacking in our present system that would make the whole system work better?

Well, what I found was a great frustration on behalf of the prosecutors, police, sheriffs, judges, the mayors, that after all of the efforts to apprehend, after all of the efforts in the judicial system, too often, the final outcome was that the prisoner walks free to do it again. This was the frustration of these people who were most involved. Why? Because there is no place to put them. Or you have to let one go early for every new one that you put in.

Let me give an example. In one of our major counties, the sheriff there told me he had between 50,000 and 70,000 unserved warrants. He did not send officers out to arrest more offenders because he did not have anyplace to put them anyway. At that time, the sheriff 2,900 times had given people convicted of crimes letters telling them when to come back—up to 18 months later—to start serving their sentence. When and if they came back in 18 months, what would be the result? They would have to put somebody out of prison to let this other person in. If that is not a mockery of justice, I do not know what is.

Earlier I referenced the crisis facing Ohio's prison system. It is creating a situation where we are letting people get by without serving any major penalty because we have no place to put them.

What is wrong with the idea of Butler buildings, or Quonset huts, or converting trailers, or whatever, for our nonviolent prisoners? I see nothing wrong with it. Millions of Americans have lived under those conditions and lived quite well while they were in the military.

I see no reason why our prisoners should be treated better than the people in our military. If we had a system the way it is supposed to work, we would have enough bed spaces out there, in whatever type facility. We should have beds waiting. We should have beds waiting so that when a judge imposes a sentence he knows that person is going directly into prison and not be let off. We should have enough space so that a prison official does not have to put somebody out of the prison to let another person get into the system. It just makes common sense.

How are we ever going to carry out the Stevens proposal, which I fully back up, saying 85 percent of every sentence should be served? I submit that is impossible to do with the present spaces that we have available.

When I came to the Senate floor a couple years ago, a man in Cleveland was listening that day and sent me a little model. Everyone likes to come on the Senate floor these days with little models of everything. Since we went on C-SPAN, I think the cost of doing charts for the Senate floor must have gone up 10,000 percent. I would like to know what the bill is now for placards. We love to have easels on the Senate floor. This man sent this to me from Cleveland. This man was Mr. Milton Rudler. He heard what I said and was interested in seeing what he could do to make a model of this. Here is an old World War II style Quonset hut.

I do not think he knew we were having a brand new debate on this subject, but he sent a model of a new Quonset hut the other day. He sent us one that looked like prisoners could be incarcerated in without hurting their souls too much. Here it is.

So we are gaining our own little city of model Quonset huts here so everyone will see what these look like. This has shrubbery around it, a flag out in front, and a few other things with it. This Quonset hut looks a little better than the old World War II style, I must admit.

What I am submitting is not an ad for Quonset huts. It is an ad for low-cost incarceration of nonviolent prisoners.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BIDEN. If the Senator will yield for a question?

Mr. GLENN. I yield for a question.

Mr. BIDEN. As I understand it, the Senator from Ohio has another half an hour?

Mr. GLENN. No, about 10 minutes.

Mr. BIDEN. The Senator from Ohio has another 10 minutes on the issue he was speaking to.

Then, what I would like to do, with the permission of the ranking member, comanager of the bill, is then move to the Helms amendment. Senator HELMS has an amendment on restriction on payments of benefits to individuals confined by court order to public institutions pursuant to verdicts of not guilty by reason of insanity or other mental disorders.

Mr. THURMOND. Madam President, we have an amendment following that of Senator HELMS.

Mr. BIDEN. Madam President, what I would like to do—we have been attempting to go back and forth here, Democratic and Republican amendments—I would be delighted to go to the Senator from South Carolina after the Senator from North Carolina, assuming there is not a Democratic amendment intervening. But I want to put everyone on notice at the expiration of the 10 or 12 minutes time the Senator from Ohio is going to take, I would ask unanimous consent we then move to the Helms amendment with a time agreement of 15 minutes equally divided, with no second-degree amendments to be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. In the meantime, I will sit with my friend from South Carolina and others to see if we can line up additional amendments to go upon the completion of the Helms amendment.

I thank my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DORGAN. Madam President, I wonder if the Senator from Ohio will yield for a comment and question?

Mr. GLENN. I yield for questions without losing my right to the floor.

Mr. DORGAN. Madam President, I have worked with the Senator from Ohio [Mr. GLENN], on this amendment and I am a cosponsor with him.

This amendment furthers what we are trying to do with the crime legislation I introduced last month. Senator GLENN cosponsored this legislation, which attempts to develop alternative incarceration facilities.

Senator GLENN has made the point that is important to remake. One half of the people in prison are nonviolent. I believe there is no reason for us not to take these offenders out of regular prison cells, put them in converted air bases or Army bases with alternative incarceration facilities, and free up the prison cells for violent criminals. This will give us the room to stop turning criminals out early or not even putting them in, as is now the case.

The interesting thing about this approach is that it is a way of doing things better and doing things smarter. We do not always haveto throw money at problems. Senator GLENN has suggested that we could build prisons for nonviolent offenders for about one-fifth the cost of building regular prison cells for violent criminals. We have plenty of cells, let us just put violent prisoners in them and turn some of the nonviolent prisoners out into a different kind of incarceration facilities.

I think that nonviolent prisoners sentenced to prison ought to serve their time. But, why not provide alternative facilities that are one-fifth as costly and open up those prison cells to put violent prisoners in. The Senator from Ohio has been talking about this for some long while and does the Senate, I think, a real service in pointing out how we can do the same thing at much less cost. We do not always have to look for the most costly approach to solve a problem.

Finally, one other point that I made when we debated alternative forms of incarceration last week. The problems in this country are not just related to an epidemic of violence, but an inability to put those who are violent behind bars and keep them there. Almost every major crime has been committed by someone we knew, someone who has been in jail and was turned out. Why? Because there is overcrowding. Senator GLENN's amendment solves that and at one-fifth the cost.

The Senator from Ohio has done a real service and I just want to compliment him for it and ask him if he does not concur that his approach would save an enormous amount of money and accomplish the same result?

Mr. GLENN. It would certainly lock up far more prisoners for the dollars spent. That is the bottom line of what we are trying to do here.

The PRESIDING OFFICER. If the Senator will suspend for one more moment, I am going to get the Senate in order.

The Senator from Ohio.

Mr. GLENN. What we are talking about is that we should have enough spaces in our prison system so that when a judge sentences someone to a time in jail, there should be a bed waiting—and that space should cost the taxpayers the least amount plausible.

A judge should not be constrained by having to integrate part of his thinking into the fact that we do not have a spot for that person unless we put another one out. What kind of a criminal justice system is it that sends us through an apprehension process with the police out there sometimes risking their lives, through an expensive judicial process, through a sentencing process, and then it ends and we say, "Oh, yes, I forgot, we don't really have any place to put you. And so we are going to send you back to your community with a letter to wait your turn as to when you will serve. And when you do come back in to serve that sentence, we will have to put somebody else out to accommodate you," as is happening right now in my home State of Ohio.

Madam President, Senator STEVENS made a proposal that 85 percent of the sentences should be carried out. I agree with that; 85 percent of the time assigned should be served. We just adopted moments ago in this Chamber a proposal that says if you are a three-time felony offender, you go to jail. No question, that is it. But where are they going to go to jail? That is what I am trying to address today.

Almost half of the people that have been through the criminal justice system in this country—they have been apprehended, been charged, been judged and given a term—almost half of them are nonviolent prisoners. Why do they have to have be housed in brick and mortar high security facilities when those are needed for the violent prisoners? Putting them instead in low-cost housing would relieve much of the stagnation in our prison system, as I see it.

We have a GAO report that came out in October of 1991, almost 2 years ago. It is called "Prison Costs, Opportunities Exist to Lower the Cost of Building Federal Prisons." And they are so right. If anything, this has become even more obvious over the last couple of years since this report was published in October of 1991: "Prison Costs, Opportunities Exist to Lower the Cost of Building Federal Prisons."

I wish I did have a blowup of this. I was making a little bit of fun about some of the charts and pictures we see in the Senate Chamber these days. I wish everyone could see this. It pictures facilities in Arizona and Florida that would be the envy of any small college. They are beautiful facilities. These facilities are far better than the places where many of the prisoners came from, I can guarantee you that. These are beautiful facilities and they house nonviolent prisoners as well as violent ones. Nonviolent prisoners do not need to be in a facility where there is a slammer, where it has to be locked up at night.

According to the GAO report:

> The Bureau of Prisons' overall philosophy is that the term of confinement is the punishment, not the conditions of confinement and that inmates should find their surroundings safe, humane and "normalized."

Then it says:

> Thus, prisons are designed to provide a campus-like setting with recreation areas and landscaped grounds that give the inmates space for some freedom of movement.

Campus-like facilities—the pictures I just showed here, those are very plush campus-like facilities, I can guarantee you that. Is that what we really mean by establishing prisons and sending people to prisons?

Let me get on to the costs. Federal prisons cost more to build than State prisons. In the report, construction costs are compared.

> The State prisons analyzed ranged from about $11,000 and $93,000 per bed with an overall average of about $55,000. Construction costs for the four Federal prisons range from about $50,000 to $85,000 per bed and averaged about $70,000.

This is for violent and nonviolent prisoners. Why are we spending more than the homes they came from to lock them up—more per cell—when they could just as well be housed like millions of Americans have been housed for years and years and years, for many decades, ever since World War II. Not in inhumane facilities, but in something like these model Quonset huts, Butler buildings, or whatever. In facilities I am sure we could design that would cost maybe one-fourth or one-fifth as much. And for the same amount of money we could incarcerate maybe four or five times the number of people.

Madam President, there are other things in this GAO report. I will not try and cover every point made in this GAO report. Here are some other pictures of some of the gym facilities, the equipment, and the bunk rooms. I will tell you, the people in the military would have dearly loved to have lived in anything this posh or have had access to these recreation facilities. I am not against having good facilities, but I think where we talk about crime as being a crisis in this country, then I think we ought to treat it as a crisis.

"Bureau of Prisons Cost Cutting Proposals." They have some proposals, but they have a rather narrow scope.

The Bureau of Prisons convened an Administration Wardens' Advisory Group to identify and consider several options aimed at reducing construction costs for medium security prisons. In December 1990, the BOP executive staff considered the following 12 options developed by the wardens advisory group:

One, utilize inmate labor to construct staff training centers. I do not disagree with using inmate labor to construct their own buildings. I know from personal experience that one person can read the construction sheet for a Quonset hut and a half-dozen people can put one up in 3 or 4 days' time. I have done it. It is not something that is impossible to do. I hold no stock in the Guonset company.

The point I am making is that this kind of construction is something that we could use instead of the big brick and mortar structures that cost hundreds and hundreds and millions of dollars. So in regard to the recommendation to utilize inmate labor to construct facilities, I agree with that.

Two, they propose deleting construction of gymnasiums at satellite camps. I see no problem with that at all. I agree with them on that absolutely. If we want to have people get some exercise at some of these camps, what on Earth is wrong with having them run around the perimeter of the camp like people in the military have done for the last 50 years? They can get plenty of exercise—build a ball diamond, build their own huts, their own recreation facilities. What on Earth iswrong with that? What is wrong with them growing some of their own food? I do not see anything wrong with it at all.

Three, reduce programmed square footage in the following support areas: outside and inside warehouses, maintenance shop, recreation, commissary, and laundry. As far as square footage goes, low-cost facilities like Guonset huts are cheap enough to construct that I would guarantee you we could exceed the per-square-foot requirement that they put out for each prisoner. That is no problem at all. We would have plenty of space for each person, far more than we are ever going to be able to afford in the big brick and mortar construction.

Four, replace sloping roofs with flat roofs or, at a minimum, utilize composition shingles on sloped roofs. That is something that was supposed to start saving some money, I suppose. If we cannot do better by using something like these little models beside me, I would be surprised.

Five, delete landscaping and irrigation beyond basic seeding and make landscaping inmate labor intensive. I agree with that.

Six, although an actual savings would not be realized, certain equipment items could be paid from other funds.

Seven, reduce the quality of exterior walls and insulation.

Eight, delete indoor "active recreation," such as weight lifting and gymnasiums; make open-air recreation available. Boy, do I ever agree with that. What is wrong with people getting outside and building their own ball diamond? What is wrong with getting outside and making their own basketball court? What is wrong with getting outside and doing push-ups, putting cinder blocks on the end of a pipe and do bench presses if they want to, as I used to see people in the military doing all the time—and they enjoyed it.

What is wrong with focusing not on how much we can spend for prisoners but what we can do without—the minimum facilities that we can get by with for the nonviolent prisoners.

Well, several of these recommendations go on. But out of all of these recommendations, nowhere are low-cost structures considered. These were some of the recommendations of the administration-wardens advisory group.

Now, is there any wonder that the wardens do not particularly want low-cost construction? If you are a warden out there, you would love to preside over a great big Federal penitentiary with its big glass windows and its great big brick walls and nice driveways. Facilities that can cost between $50,000 and $100,000 per prisoner. Now, sure, if you were a warden, I am certain that you would much prefer to preside over that. In your office, you can sit at your window overlooking your marble palace.

But if we are trying to incarcerate criminals who are terrorizing our society, and we call this a crisis and we all get up and we beat our breasts here on the Senate floor and make our press releases talking about what a crisis this is for America, then we should be concerned about locking these people up. Half of them are nonviolent prisoners who should be serving time and who are now in a revolving door where they just go in and out, get a slap on the wrist and they are out again, and in again and out again. It does, indeed, mean something if you have a prison sentence awaiting you.

Let my give you one little example of this. Almost 2 years ago, I chaired a hearing of the Governmental Affairs Committee. The hearing involved some of the problems of apprehension of drug offenders here in the District. Without going into a lot of detail on it, we had two young people in from the Mayor's task force in Washington who were working to keep the kids out of drugs. They were both in their very early twenties. One of them had grown up out here in an area infested with drugs which is in the paper a lot these days for murders and other crimes. The first one had not been in any trouble. He stayed out of trouble. He wanted to be part of the Mayor's task force. The second one was a young man, I think he was 23, and he had been in trouble. He had been to prison. He had been selling drugs and he got caught.

I asked him when he started selling drugs—he was just hustling drugs himself—how much was he making? And he said, "Oh, about 60 bucks a day." I said, "Well, but you had some people working for you." He said, "Yeah, I wound up with 24 mules working for me." And I said, "How much did you make then?" And as I recall I think he said, "$350,000." And I said, "Over what time?" I think the figure was 5 months. And I said, "Well, why did you get into this to begin with." "Well," he said, "the other kids had a car and they had good clothes and I wanted that, so I got into it that way."

He said, "I knew there was some danger in it, but everybody always said we make a lot of money and then occasionally go to prison but its a piece of cake. It's no problem. It's almost like living at home," words to that effect. "There is no problem with it. So you can do your time and get out and you will get out pretty quick anyway."

And then I said, "Well, is that the way you found it?" "No, sir, Senator." That was not the way he found it. He did not like jail. He did not like to be locked up. He did not like to be away from his home area. And so he hated that lockup so much that he was now part of the Mayor's task force working with other young people in Washington, DC to try and prevent the spread of drugs and the sale of drugs.

Now, going to jail and the certainty of a sentence is not something that is a piece of cake, as he had been told. He did not like to have his freedom taken away from him. He did not like any of that. He hated it so much that he has now signed up to help prevent other kids from getting involved in that same sort of thing.

So going to jail does have an effect, it does have an impact. But justice should be served swiftly, fairly, and with a sentence carried out immediately at the end of it, if it is to mean anything.

I would say as far as the nonviolent prisoners go—let me just repeat that—

the nonviolent prisoners can be incarcerated in facilities that are not the big slammers, not the $50,000 per cell unit. They can be done at a fraction of that cost with lesser facilities, and I think that is what we should be doing.

For the first offender who may be at the beginning of a life of crime, if they receive a sentence right then, maybe it will stop them. But they get the idea that, hey, this is a piece of cake; we can roll this over. No problem. I will just take my chance out here. I will grab that old woman's purse, and I will not go to jail anyway. Street crime, whatever crime, white collar crime, you name it. What happens out on our highways? Do we lock people up that should be locked up for drunk driving repeat offenses? No, we do not.

So we are not just talking about murders here. We are talking about the people who are just scofflaws that are not locked up at the State level because they do not have the facilities in which to put them.

We have about 40,000 to 50,000 deaths, incidentally, to follow up on that, on our highways every year. It varies up and down a little bit. Half of those fatalities on the highway—half of them—are from drunk driving. We thought it was a tragedy that in the Vietnam war we killed 58,000 people over a 10-year period. Every 2½ years we kill as many people in this United States just from drunk driving as we did in 10 years of the Vietnam war. And yet we laugh it off—oh, yeah, you were just drunk; you had a few beers.

That is fine until you come up against the thing I mentioned a little while ago. The fellow in Florida who had 24 arrests for drunk driving and nothing happened, basically, and he is out then driving down the road, goes across the median, rams into a car and kills some people. He should have been locked up a long time ago, so he would have known that the consequences of drunk driving are not something that you wave off and just say, "Well, it is not important, ho, ho, ho." Yes, "ho, ho, ho," unless you have a family member who is a victim of something like that.

This crime bill, the Biden crime bill, has some very major provisions to it, and I support the bill. Community policing, we are going up to 100,000 police initially. I support that. So this vigil of having police out there on the corner does work. It will make for a little less crime over a period of time. It is not going to work by itself unless people know if they are apprehended they are going to absolutely and certainly go through that criminal justice system and wind up in jail. They are going to do their time. So that is a requirement for more jails.

State and local law enforcement is covered in this bill. It supports police, corrections, drug treatment, authorizes money for military-style boot camps for nonviolent offenders, trying to get them while they are young, which I support. All of this requires more prison space. It authorizes drug court programs; it requires testing, treatment, alternative punishments; and expands the death penalty.

The death penalty—many people in the Senate love to hang their hats on the death penalty. We are making the largest ever expansion of the Federal death penalty—50 new death penalty offenses. It sounds as if we are really getting tough on this, except over the last 20 years there have been 40 documented cases where mistakes have been made in this area. I know of no study which says that the death penalty really is effective in creating less violent crime deaths in the future. It turns out most studies show these are not crimes where someone sat down and said, "You know, I am going to go out and get so and so."

Most of them are crimes of passion, spur-of-the-moment type things.

There are over 60 penalty increases in new offenses primarily covering violent crime, drug trafficking, gun crimes, enhanced penalties for, among other crimes, the use of semiautomatic gun possession by convicted criminals dealing in drug zones. That is a whole section on increased penalties.

Where are we going to put these offenders once we have these increased penalties meted out? There is no place that I know of. Increased penalties for sexual violence, child abuse—all of these are very laudable provisions of this legislation. But at the end of the process, there is no place to put the offenders, no place to lock up the criminals.

Fifty percent of the criminals that are apprehended and go through our system are judged to be nonviolent. We do not need the big slammers. We do not need the dragnet-type door closed with all the sound effects. We do not need all of that for the nonviolent prisoners.

What we do need is the cheapest possible incarceration per prisoner we can get for those prisoners. I am not trying to be inhumane. But I am trying to say we should be treating those people no better than millions upon millions of military personnel in this country have been treated, living in, whether it is Quonset huts, Butler buildings, converted warehouses, or whatever. But let us see if we cannot arrange for the lowest cost incarceration instead of blowing the money provided in this bill on big, new, brick and mortar, in effect, palaces for people who are convicted criminals.

Mr. President, I send to the desk an amendment that seeks to ensure this goal. I believe it has been accepted on both sides. I want to speak just briefly about it and then summarize my statement today. We are talking about a lot of money in this bill. I am trying to make sure it gets spent wisely, deters crime, and punishes criminals to the maximum extent per dollar spent.

In the legislation before us, we are increasing the number of police. I favor that. We have a judicial system in this country that gives people their fair day in court, and, if convicted, gives them a sentence. I favor beefing that up. But I submit that not with this bill, and not with any other bills like this, are we going to really have an appropriate punishment at the end of that judicial process unless we do a lot more than we are doing now.

I talked a couple of years ago to our Governor and Lieutenant Governor about the idea of low-cost prison construction after I made my trip around Ohio. They agreed basically we should be going to something like this.

So what this amendment does, Mr. President, is it calls on the Attorney General to encourage innovations and cost-saving methods in making grants to States and localities under this bill. We are talking about cost savings in a lot of areas. One of them is administrative spending. We can do better in streamlining operations, increasing automation, providing for more cooperative ventures, and reducing the cost of overhead administration.

We are talking about putting a lot of police officers on the street. We can compound this effect by encouraging more community policing; also making neighborhoods partners in providing for security in their communities.

Another issue that Senator DORGAN spoke to me about recently and I certainly support increasing our criminal debt collection efforts. It is estimated that of the fines assessed against criminals, only 5 to 10 percent get collected. Maybe they do not have much money or they would not be out there committing whatever crime it is. But it is estimated that over $1 billion is owed in this area. And I am certain that more of that could be collected if we went after it. Why should they not be required to pay back the people that they have wronged, if at all possible? I agree with that. Senator DORGAN deserves a lot of credit for the work he has done in this particular area.

Certainly we can do better in providing facilities for nonviolent offenders at a lesser cost than we have been doing. We do not need Cadillac prisons. We do not need marble palaces for these offenders. We need practical solutions to help alleviate a very serious crisis that faces America. We all get up and say crime is a crisis in this country. If it is a crisis, let us treat it that way. If it is a crisis, let us say we are going to put people behind bars who need to be behind bars—or behind secure fences. They do indeed lose their freedom if they have been judged as the type people in our society who do not have any claim to being out in the open as long as they are committing the kind of crimes that they are committing.

We say it is a crisis. But it is a crisis which forces judges and prison officials to play a sort of a Russian roulette, if you will, or a family attack roulette, in allocating prison space, making impossible choices on who to keep locked up and who to let go.

I already spoke about the situation in Ohio where prisons now house 41,121 people, and that is 18,258 inmates over capacity and growing. Some facilities in Ohio, like the Lorain Correctional Institution, are more than 200 percent of capacity.

I only hope that the action we took last week in the extraordinary effort of Senator BYRD—I commend him for this—the chairman, and the ranking minority member, will alleviate this situation. And I have worked closely with my friend and colleague, Senator DORGAN from North Dakota, on efforts to increase prison space for the nonviolent prisoners.

We do not want to just make more space. We want to add it in the most cost-effective manner possible. We do not need to be building $50,000-a-bed prisons for drunk drivers and nonviolent drug offenders.

It is my hope that this amendment will result in greater use of low-cost alternative forms of housing other than marble palaces. I think most people across this country would be supporting of that.

These models were sent to me by Mr. Rudler. I did not ask for them. I do not know him personally. He heard some of my remarks on the floor a few years ago. He sent the first one. A few days ago this model arrived, a little model of a Quonset hut, a shortened version.

It shows that it can be quite an attractive place. I was accused by one of the staff a little while ago of trying to put mailboxes on the Senate floor, which I am not exactly doing. But what I am doing is saying that this is a model of a Quonset hut; it could just as well be a Butler building; but it is low-cost space and can be built very cheaply compared to what we spend in price for prisons right now.

To those who say this type of alternative is too harsh, that it would provide prisoners with a spartan existence, I would make two points:

First, millions of military personnel have lived in Quonset huts—and I spent a significant part of my life in Quonset huts. Two different times my wife, our children, and I lived in half of a standard Quonset hut. We did not feel too set upon. We lived quite reasonably well there. Would I have preferred a big permanent home someplace on a base? Yes; sure I would have. But it was not all that bad. The accommodations were OK. We lived through one winter, a cold winter, in a Quonset hut. It was not all that bad. We lived through a summer without an air-conditioner. We might break out in a sweat. Wouldn't that be too bad if a prisoner had to break out in a sweat?

Quonset huts are used by the military families in the tropics to the Arctic. If it is good enough to house our military people serving the country, I think it would be considered good enough for convicted criminals. They might not offer plush accommodations, but a spartan environment is not going to particularly hurt anybody.

The Warden's Association did not recommend low-cost facilities. No wonder. They, like any other administrator, would like to preside over a great campus-like environment that looks much better. I do not quarrel with that. I am interested in seeing convicted criminals get locked up. I do not say this would be the answer for housing all prisoners, but at the very least they provide an overflow relief valve. Not all prisoners need to be in a high-security environment, but they should be incarcerated.

Housing them in Quonset huts or other prefab housing accomplishes two important things: It ensures that all offenders, regardless of their offense, serve their time. No. 2, it frees up space in the big brick and mortar facilities for violent criminals to serve a greater percentage of their terms.

We have a number of States currently using some prefab housing to alleviate their prison overcrowding problems. As I mentioned, one State that utilized the Quonset hut approach is Arizona. In 1984, the Arizona State Prison faced a severe overcrowding crisis, and they came up in what was looked at as an ingenious solution. They got a hold of enough Army surplus material for 100 Quonset huts, formed prisoner work crews to put them up, and lo and behold, the prison was no longer overcrowded. Imagine that. They did it at a low cost, and they did it quickly. Just as important, they did it themselves.

A hammer in a man's hand, I feel, can be a real character builder. And so can a hoe. I would have prisoners grow their own food and have them learn that food does not all come out of a fast food drive-through window, that tomatoes grow on vines, that peas have pods, and that corn can grow in as little as 90 days. They might learn something. They can eat their own food and can some of it, as we did when I was a kid in New Concord, OH. Crazy idea? I do not think it is. And neither are Quonset huts or Butler buildings, or other types of low-cost facilities. They can mean a very significant cost savings.

Our overcrowded prisons are sending a clear message to criminals. Do you know what society does? It talks like Rambo and acts like Bambi. That is what we do here on the Senate floor—talk like Rambo and act like Bambi when it comes to doing what has to be done in providing punishment to criminals who were sentenced in the criminal justice system. We say we did not really mean it after all. It might cost a little bit, but it need not cost as much as we have been led to believe.

A career of crime carries with it little or no risk of serving time in too many cases. We need to help States build low-cost alternatives to brick and mortar prisons so the revolving door criminals are not back on the street to repeat the crimes, being picked up again and going through the system, and once again finding no place to punish them at the end of that process.

We can make sure there is always a vacancy at the local jail or State prison. A "no vacancy" situation can no longer be an excuse for the absence of justice.

Mr. President, it is my understanding from the floor managers of the bill that they are prepared to accept this amendment.

The PRESIDING OFFICER. Will the Senator send his amendment to the desk?

AMENDMENT NO. 1127

(Purpose: To promote efficiency in law enforcement and corrections)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. HELMS, Mr. DORGAN, and Mr. KERRY, proposes an amendment numbered 1127.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 447, after line 23, add the following:

SEC. . EFFICIENCY IN LAW ENFORCEMENT AND CORRECTIONS.

(a) IN GENERAL.—In the administration of each grant program funded by appropriations authorized by this Act or by an amendment made by this Act, the Attorney General shall—

(1) encourage innovative methods for the low-cost construction of facilities to be constructed, converted, or expanded and the low-cost operation of such facilities and the reduction of administrative costs and overhead expenses; and

(2) give priority to the use of surplus Federal property.

(b) ASSESSMENT OF CONSTRUCTION COMPONENTS AND DESIGNS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall make an assessment of the cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing nonviolent criminals.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that in providing assistance to State and local governments, the Attorney General should emphasize the provision of technical assistance in implementing methods to promote cost efficiency and realization of savings.

Mr. HATCH. Mr. President, it is my understanding, on behalf of both floor managers, that this amendment is acceptable and we would like to have it in the bill. We commend the Senator for his articulate explanation of it and for the amendment itself.

Mr. HELMS. Mr. President, I ask the Senator from Ohio to add my name as a cosponsor of the amendment.

Mr. GLENN. I would be happy to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1127) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1126, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment (No. 1126), as modified, of the Senator from Mississippi [Mr. LOTT].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. DECONCINI] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 357 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—1

Packwood

NOT VOTING—8

Chafee
Coverdell
DeConcini
Hollings
Jeffords
Kennedy
Metzenbaum
Shelby

So the amendment (No. 1126), as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER (Mr. LIEBERMAN). Is there a motion to lay on the table?

Mr. GLENN. May we have order, please?

The PRESIDING OFFICER. The Senate is not in order.

There is a motion to reconsider.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair. In a moment I shall call up an unprinted amendment which is at the desk. But, first, I will make a few comments.

The amendment which I shall shortly call up will put an end to killers, and others who have been incarcerated after having been declared insane, from collecting millions of dollars in Social Security disability benefits. If this amendment sounds familiar to Senators, it is because 94 U.S. Senators voted for this very amendment on September 29, 4 Senators voted against it, and 2 Senators were absent. Notwithstanding that overwhelming vote, when the bill went to conference with the House, the Senate conferees were not very anxious to defend any Senate amendment, and this very sensible amendment was dropped. There has been an outcry from all across the country because of the action of the conference committee, and that is why I am here to submit, in just a moment, this amendment.

Mr. President, I ask unanimous consent that the rollcall vote on September 29 be printed in the RECORD at this point.

There being no objection, the vote was ordered to be printed in the RECORD, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—94

Akaka, Baucus, Bennett, Bingaman, Bond, Boren, Boxer, Bradley, Breaux, Brown, Bryan, Bumpers, Burns, Byrd, Campbell, Chafee, Coats, Cochran, Cohen, Conrad, Coverdell, Craig, D'Amato, Danforth, Daschle, DeConcini, Dodd, Dole, Dorgan, Durenberger, Exon, Faircloth. Feingold, Feinstein, Ford, Glenn, Gorton, Graham, Gramm, Grassley, Gregg, Harkin, Hatch, Hatfield, Heflin, Helms, Hollings, Hutchison, Jeffords, Johnston, Kassebaum, Kempthorne, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Lott, Lugar, Mack, Mathews. McCain, McConnell, Metzenbaum, Mikulski, Mitchell, Moseley-Braun, Moynihan, Murkowski, Murray, Nickles, Nunn, Packwood, Pell, Pressler, Reid, Riegle, Robb, Rockefeller, Roth, Sarbanes, Sasser, Shelby, Simpson, Smith, Specter, Stevens, Thurmond, Wallop, Warner, Wofford.

NAYS—4

Domenici, Inouye, Simon, Wellstone.

NOT VOTING—2

Biden, Pryor.

So the amendment (No. 976) was agreed to.

AMENDMENT NO. 1128

(Purpose: To prohibit Social Security disability payments to individuals confined to public institutions pursuant to court order based on a verdict that the individual is guilty, but insane or not guilty by reason of insanity or similar finding)

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk for which I ask its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1128.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To be added at the end of the bill:

"SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners":

(2) in paragraph (1) add "(A)" after (1)

(3) in paragraph (1), by inserting at the end: (B) Notwithstanding any other provision of this subchapter, no monthly benefits shall be paid under this section or under section 423 of this title to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is not guilty of such an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence), unless the payment is made directly to the public institution to compensate the institution for its expenses."

(4) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail, prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to benefits for months

> commencing after 90 days after the date of the enactment of this Act.

The PRESIDING OFFICER. Under the previous agreement, there are 15 minutes allocated for debate on this amendment, divided in the customary manner.

Mr. HELMS. Mr. President, I offered this amendment, as I stated a moment ago, to the Labor-HHS appropriations bill and, as I also mentioned earlier, the Senate approved it 94 to 4. But when the bill went to conference, it was dropped by the House conferees, and the Senate conferees did little or nothing to defend this sensible and necessary amendment.

So it had been overwhelmingly approved by the Senate. Among other things, this may illustrate the difficulty in cutting Federal spending and reducing the Federal deficit. Congress so often talks a good game, but does so little, so often, really to cut Federal spending.

There is a distinguished gentleman in the House of Representatives, ANDY JACOBS of Indiana, who has introduced an amendment almost identical to mine in the House. Mr. JACOBS was the author of successful legislation some years ago to forbid convicted felons from receiving Social Security payments. So he and I have been on the same wavelength all the way.

I spoke to ANDY JACOBS over the weekend. I called him in Indiana. When I apologized for intruding on his afternoon, he replied, "I appreciate it, because my wife had me out raking leaves." We discussed this legislation. He said, "Please do offer it, and I support it fully."

So he urged me to proceed with it, and here I am proceeding with it.

How did all this begin as far as JESSE HELMS is concerned? Back in September, a very fine constituent in Raleigh, NC, John Sisson, wrote to me. Let me read his letter.

> DEAR SENATOR HELMS: The old saying, "Crime doesn't pay" is no longer true, and I hope you will do all you can to reverse this trend.
>
> On September 21, "The News and Observer" in Raleigh carried a headline on page 3A which read "Insane Killer's Federal Checks Challenged." The article reports on Michael Charles Hayes who is incarcerated for killing four people in Winston-Salem, NC. Mr. Hayes receives $536 a month from Social Security while he is incarcerated because he is "disabled."

He is classified "disabled" by reason of insanity, Mr. President. But let me proceed with Mr. Sisson's letter. He says:

> While incarcerated in Dorothy Dix Hospital he has purchased a motorcycle, two leather jackets worth $300 apiece, a wardrobe of 40 knit shirts and television sets and VCR's.

Mr. Sisson says:

> Here is a loophole which should be immediately stopped. * * * Please do what you can.
>
> Stop Mr. Hayes' payments.
>
> Close the deficit spending by removing disability pay for all who are criminally insane and incarcerated.
>
> Thank you for listening. Above all, we must reduce the deficit spending.
>
> Sincerely,
>
> JOHN W. SISSON, Jr.

Mr. President, let me outline specifically what happened in this case. Five years ago in Winston-Salem a man named Michael Hayes fired into several cars as they passed by. He shot nine people, four of whom died. They were killed in cold blood. Hayes was found to be insane by the courts and sentenced to a mental institution where he promptly filed for Social Security disability benefits. And what do you know? He got them.

Mr. President, Hayes, as I said earlier, now collects $536 a month of the taxpayers' money sent to him by the Federal Government that has no choice about it unless this Senate and the House of Representatives and the President act.

According to the father of one of the four victims who were killed, Hayes is living in hog heaven. I think Mr. Nicholson, the father with whom we have been in contact, gave the best description of this injustice when he appeared before a House subcommittee several weeks ago.

Let me quote.

> The inventory of Hayes' personal property filled nine pages with 20 items on each sheet, necessitating that the hospital provide him with additional storage space for all the things he was able to buy with that $536 a month.

Still quoting.

> He had four jackets, two full-length leather coats, all purchased with the Social Security disability benefits * * * two television sets, two VCR's, an elaborate stereo * * * microwave oven, and walkie-talkies, with which he and his girl friend, a fellow patient, communicated during the day.

That is the information supplied by Mr. Nicholson.

Mr. President, this did not happen just in North Carolina. It is happening all across the Nation. For example, in New Jersey a man named Herbert Olsen tried to kill his parents; he was found to be insane, and he has collected $8,646 in retroactive disability payments and then began receiving $678 a month thereafter. Then he escaped and went to New York to buy drugs, subsidized by you know whom—the taxpayers of the United States.

Mr. President, as Congressman JACOBS has said, as so many of us have said, Social Security disability payments are intended to provide food and shelter for the disabled. Inmates of mental institutions are already receiving food and shelter, and they should not be allowed to double dip into the pockets ofthe taxpayers.

Mr. President, the law already prohibits such payments to convicted felons in prison. This amendment merely expands the current law and will save the taxpayers at least $10 million a year, perhaps more than that.

Since managers of the bill, Mr. BIDEN and Mr. HATCH, have agreed to accept this amendment, I shall not ask for a rollcall vote because the Senate has already had a rollcall vote, taken back in September. But I do seek assurance from the managers of the bill that, this time, the Senate conferees will stand up for this and other worthwhile amendments, including the Glenn amendment which has just been discussed.

With that understanding and with that assurance from Senator HATCH, who is on the floor, I will yield the floor when the Senator gives me that assurance.

Mr. President, I ask that this time not be charged against my 7½ minutes.

The PRESIDING OFFICER. The time allotted to the Senator from North Carolina has just expired.

Mr. HELMS. Pardon me.

The PRESIDING OFFICER. The time allotted to the Senator from North Carolina has just expired.

Mr. HELMS. I ask unanimous consent that my time be extended by 5 minutes, which I will not use if and when I will get an affirmative response to my inquiry.

Mr. HATCH. Does the Senator yield?

Mr. HELMS. Let the Chair rule on my unanimous-consent request for 5 minutes, please.

The PRESIDING OFFICER. The Chair advises the Senate the Senator from North Carolina propounded a unanimous-consent request that his time be extended 5 minutes.

Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I understand the Senator has a question for me.

Mr. HELMS. I thank the Chair.

I certainly will yield to my friend from Utah.

Mr. HATCH. Mr. President, it is my understanding the Senator would like assurance we will fight for this provision in conference. I intend to do so. I intend to do the best I can for him. I am hopeful there might be a conference and we might be able to pass the bill in good form, that the President and everybody else will support it.

Mr. HELMS. Very well, I thank the Senator.

With that assurance, Mr. President, I yield back the remainder of the 5 minutes, and I ask we proceed with the vote.

The PRESIDING OFFICER. Is all time yielded back?

Does the Senator from North Carolina yield back his remaining time?

Mr. HATCH. I yield back our time as well.

The PRESIDING OFFICER. All time having been yielded back, the question occurs on the amendment offered by the Senator from North Carolina.

The amendment (No. 1128) is agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. THURMOND].

AMENDMENT NO. 1129

(Purpose: To amend section 1201 of title 18, United States Code, to provide for a definition of the term "parent")

Mr. THURMOND. Mr. President, I send an amendment to the desk on behalf of myself, Senator METZENBAUM, Senator DOLE, Senator SIMPSON, Senator NICKLES, Senator KENNEDY, Senator HATCH, Senator HELMS, Senator CRAIG, and Senator KEMPTHORNE.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself, Mr. METZENBAUM, Mr. DOLE, Mr. SIMPSON, Mr. NICKLES, Mr. KENNEDY, Mr. HATCH, Mr. HELMS, Mr. CRAIG, and Mr. KEMPTHORNE proposes an amendment numbered 1129.

Mr. THURMOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . DEFINITION.

Section 1201 of title 18, United States Code, is amended by adding at the end thereof the following:

"(h) As used in this section, the term 'parent' does not include any person whose parental rights as to the victim of an offense under this section have been terminated by a final court order."

Mr. THURMOND. Mr. President, this proposal addresses the interpretation of the Federal Kidnaping Act by the fourth circuit in U.S. versus Sheek.

The Federal Kidnaping Act, often referred to as the Lindbergh Act, was adopted by the Congress soon after the high profile kidnaping of the Lindbergh baby. This act makes criminal the interstate kidnaping "for ransom or reward or otherwise." However, the act exempted kidnaping of a minor by the parent thereof.

The Sheek decision involved the abduction of two children from a couple in South Carolina who were licensed foster parents pursuing adoption of the children. In November of 1987, the South Carolina Department of Social Services had removed the children from the custody of their biological mother and placed them in the care of the foster parents. In November of 1989, a South Carolina family court issued an order wherein the parental rights of the biological mother were permanently terminated. In the language of the family court, "The Parental Rights of Grace Clark (Sheek) * * * to Amanda York and Michael York are hereby terminated, henceforth and forever." The family court had found evidence relating to physical abuse and neglect of both children. The court further found that the mother had made no effort to maintain a bond with her children after they were placed in foster care. Further, at the time of final hearing, the mother was incarcerated in Florence, SC.

Later, the mother moved to Missouri and remarried. In August of 1991, she returned to South Carolina with friends where they tied up the prospective adoptive parents, robbed them of over $5,000 in cash and abducted the children. The biological mother then took the children to Missouri, crossing State lines and thereby triggering the Lindbergh Act. The mother and the others who accompanied her were arrested in Missouri. The mother was charged under the Lindbergh Act and a Federal firearms statute.

The mother, Mrs. Sheek, moved to dismiss the courts under the Lindbergh Act upon the grounds that she was exempted from liability by virtue of her status as a parent of the two children. As I stated earlier, the Lindbergh Act criminalizes kidnaping but exempts kidnaping of a minor by the parent thereof. The Federal district court dismissed the courts applicable to Mrs. Sheek because of the parental exemption under the Lindbergh Act. The United States appealed. On appeal the fourth circuit upheld the dismissal and ruled that the law does not apply to biological parents, even if their parental rights have been terminated.

Mr. President, this ruling is understandable under the plain language of the statute when given its ordinary meaning. Our amendment today will clarify the parental exemption under the Lindbergh Act. It denies exemption to parents under the Lindbergh Act where that parent has had parental rights finally terminated by a final court order. I believe individuals should not be exempt from Federal kidnaping charges where their parental rights as to the victim have been terminated by a final court order. Taking the Sheek decision to its logical conclusion, it would protect a biological parent from kidnaping charges even if they had abducted the child from an adoptive home after final adoption. Surely this is not the protection Congress sought to establish when the Lindbergh Act was enacted. Our amendment corrects this inconsistency and I urge my colleagues to support its passage.

Incidently, Mr. President, the Senate may be interested to know that Mrs. Sheek is currently serving time on State charges of abduction and two of her accomplices are serving time on Federal charges in relation to the abduction.

The National Council for Adoption supports this amendment. I understand the Justice Department has signed off on it, so I presume they support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio [Mr. METZENBAUM].

Mr. METZENBAUM. Mr. President, I am happy to join with my colleague from South Carolina in sponsoring this amendment. It is my understanding that Senators DOLE and KENNEDY are also cosponsors of it. I believe it to be a good amendment to the Federal Kidnaping Act.

Just imagine that you are a parent living in a loving home with your adoptive child. Then your adoptive child is kidnaped by his or her birth parents. Next assume that Government officials capture the wrongdoers and want to bring Federal kidnaping charges.

Can you imagine your shock and dismay to learn that the current Federal kidnaping law exempts parents from prosecution?

You are the adoptive parents, you are the ones that have brought up the child, you are the ones that have legal rights under the law and the natural parents come along and kidnap the child.

But the fact is, it is true. Parents who kidnap their children cannot be prosecuted for violating Federal kidnaping laws, even when their parental rights have been terminated by a final court order.

Just this March, the U.S. court of appeals for the fourth circuit upheld the dismissal of three counts of Federal kidnaping against a defendant because she was the parent of the victim. In that case, the defendant was a birth mother who had her parental rights permanently terminated. Although the defendant abducted her birth children while armed with a handgun, Federal kidnaping charges were dismissed solely because the defendant was the parent of the victim.

The amendment that we are offering today, would correct this unjust situation. I believe that at the time the Federal kidnaping statute was originally enacted no one could conceive that a parent would kidnap their own child. The original act also exempted parents from liability in an attempt to avoid the law from being used in custody battles among parents and other family members. Such matters may be better handled on the State level.

This amendment would only affect those parents who kidnap their child and have had their parental rights terminated by a final court order. Our amendment makes it clear that persons whose parental rights have been terminated by final court order are not immune to Federal prosecution for kidnaping when they criminally abduct their child. It does not interject the Federal Government into custody matters where parents either have joint custody or one parent has custody and the other parent has visitation rights.

This commonsense amendment is truly a bipartisan effort. I urge my colleagues to support it.

Mr. SIMPSON. Mr. President, I am pleased to cosponsor this amendment.

This amendment closes an unintended loophole in the Lindburgh Act which has allowed great injustice to occur.

While the incidents of individuals taking advantage of this loophole are rare, the consequences to families and innocent children are so very severe that we must, in my opinion, enact this amendment into law as soon as possible.

It is truly unfortunate that an individual whose parental rights have been terminated, the child placed into adoption into a loving and sustaining home, can carry out a kidnaping simply because of a unique exception to the definition of kidnaping that would allow this bizarre result to occur.

I understand that this amendment will be accepted and I simply thank my colleagues for their support. I would congratulate my fine friend Senator THURMOND for his leadership and prompt action. He is a very special legislator.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I think this is a very good amendment. As a matter of fact, I can almost, without reservation, say that anytime the distinguished Senator from Ohio and the distinguished Senator from South Carolina—Senators METZENBAUM and THURMOND—agree on anything, who could be against it?

Mr. METZENBAUM. There are 168 years of wisdom contained in the amendment.

Mr. BIDEN. As the Senator from Ohio just pointed out, he said, there are 168 years of wisdom contained in this amendment. I certainly shall not stand in the way of that wisdom.

We accept the amendment on this side.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have just the exact opposite reaction. I am a cosponsor of this and now that the distinguished Senator from Ohio is on it, I am starting to worry about my cosponsorship.

But I accept it, too. I think these two grand veterans of the Senate both approach these matters very seriously. I respect both of them, and I respect this amendment and, of course, will support it here on the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND. Mr. President, I wonder if the able chairman of the Judiciary Committee would like to be added as a cosponsor?

Mr. BIDEN. I would be delighted.

Mr. THURMOND. Mr. President, I ask unanimous consent that his name be added.

The PRESIDING OFFICER. Without objection, the Senator from Delaware will be added as a cosponsor.

Is there further debate?

Hearing no further debate, the question is on agreeing to the amendment.

The amendment (No. 1129) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1130

(Purpose: To strike provisions repealing minimum mandatory sentencing, and to provide for increased minimum mandatory sentencing)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1130.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 399, strike line 13 and all that follows through the period on line 11, page 404; and insert in lieu thereof the following:

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided bysection 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substance Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony, punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

Mr. GRAMM. Madam President, I would like to begin by saying I believe we have the makings of a historic crime bill. I want to do everything I can to help us move ahead with this crime bill because I think we have put together a funding mechanism that will assure we are not just promising to do something about violent criminals, but that we are actually going to get something done. We are not just promising to put police officers on the street, we are actually providing the money to put 100,000 of them on the street. We are not just promising to build prisons, we are building 10 regional prisons, and we are allowing States to participate with us in using these prisons to incarcerate violent repeat offenders. But, in order for States to participate they have to adopt a truth-in-sentencing provision that requires that when someone is sent to prison for a long time, they serve a long time in prison.

It had been my intention to offer a series of amendments, but in trying to help us move this bill forward, what I have done is combined a series of amendments into one amendment. I assume anybody who would support any one of these provisions would support all three of them and anyone who would oppose any one of them would probably oppose all three of them. So, if the amendment is rejected, then I would like to offer each of them independently, but I think the issue is basically the same.

Let me begin by talking about what I am doing in terms of mandatory minimum sentencing, and then I would like to talk about a dispute with the chairman that I would like to work on and see if we could compromise. But let me first go through the amendment. Then when the chairman gets back we can talk about the other issue.

The amendment I have sent to the desk strikes language in the bill, and it inserts three new provisions. The first provision has to do with firearms. This is not a gun amendment; this is a criminal amendment. This is not an amendment that blames guns for crime; this is the amendment that blames criminals for crime. What it says in essence is this: If someone is in the act of committing a violent crime or a drug felony and they have a gun and they are apprehended and convicted, they are going to serve 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug felony, no matter what sentence they get for the violent crime or drug felony itself.

The amendment also says, if they discharge the firearm, they get 20 years in prison. If they kill somebody, they get life imprisonment without parole. And, under aggravated circumstances and other provisions of this bill, they would get the death penalty.

The basic objective here is to send a very clear signal to those who would carry firearms and those who would commit violent crimes or drug felonies: You are going to get a mandatory minimum sentence of 10 years in prison for carrying that firearm during the commission of a violent crime or drug felony. If you discharge the firearm, you are going to get 20 years in prison without parole. If you kill somebody, you are going to spend the rest of your life in prison. And if it is an aggravated circumstance, you are going to be put to death. That is the first provision.

The second provision tries to deal with two separate circumstances. One is some drug hoodlum using children todistribute drugs. All of us have read too many accounts of drug lords who, in trying to protect themselves, use minors to actually deliver the drugs. The second provision that would be covered is people selling drugs to minors; and to try to be absolutely sure we are getting adults who are selling drugs to minors, we define an adult as somebody who is 21 or over and a minor as somebody who is under 18. But the bottom line, the logic of the amendment is very simple. If you sell drugs to a minor, no matter who your daddy is or how society has done you wrong, and you are apprehended and convicted, you are going to spend 10 years in the Federal penitentiary and you are going to serve every single day of that sentence. If you use minors in a drug conspiracy, if you use minors to deliver drugs and you are apprehended and convicted, you are going to spend 10 years without parole in the Federal penitentiary.

The final provision is similar to an amendment that was offered before, but I think it has a better, stronger definition. I think it encompasses more, so I included it in this one single amendment. This is what we normally call the three-time loser provision. But unlike the amendment that was offered before, this would include both drug felonies and major violent crimes. What it says simply is this: If you commit any combination of three major drug felonies or serious violent crimes, on the third conviction you get life imprisonment without parole.

We have had an ongoing discussion about mandatory minimum sentencing. We have all seen stories that have been written by those who oppose mandatory minimum sentencing. I would like to relate two that have appeared in the newspaper before I talk about what to do about first-time offenders.

There have been two stories that have been used as examples of where mandatory minimum sentencing for drug felons is unfair. The first one was an AP story, and it was a story about a lady who went to visit her husband who was a fugitive from justice in Panama. While she was in Panama, in what the author of the story called desperate straits, she put 4 pounds of cocaine in her girdle and attempted to smuggle the cocaine back into the United States. She was apprehended and was given a mandatory minimum sentence, and she is in the Federal penitentiary.

The logic of the story was that this was a lady who basically had troubles, this was her first offense, and the fact that she was smuggling cocaine into the country was a relatively minor thing and it was outrageous that she was given a mandatory minimum sentence.

My guess is, had the author's child been the target of that cocaine, the author might have felt differently about it. Frankly, I believe anybody smuggling cocaine into the United States ought to get a mandatory minimum sentence and probably should be grateful that the sentence is no greater than it is.

The second story I have read used this example of how unfair mandatory minimum sentences are: A student in junior college was working with her boyfriend to sell drugs into a high school, and she met with an undercover agent and arranged the delivery of drugs to be delivered by her boyfriend to be sold into a high school. She was apprehended because she was not talking to somebody who was buying drugs to use but instead was talking to an agent. And the point of the story was, this poor lady who was a good student in junior college, is now in the Federal penitentiary because she was involved in a drug conspiracy, trying to sell drugs to children in high school.

Again, I submit, if those were your children that probably was not a nonviolent offense. If they were your children this was probably not a minor matter. Obviously, the person writing this story saw this as an example of the unfairness of mandatory minimum sentences.

I would simply like to relate some data that, at least to me, put this in perspective. The one thing I know as an old schoolteacher is that you can use data about any way you want to. This is my effort to try to look at this problem.

The question is, How many people who were given mandatory minimum sentences are really just people who happen to be in the wrong place at the wrong time doing the wrong thing?

According to the U.S. Sentencing Commission, in fiscal year 1992, a total of 9,221 individuals were convicted on drug offenses which carried a mandatory minimum sentence. Of that total, 662 were individuals who carried no weapon, had zero criminal history points, and had played only a minimal or minor role in the offense.

Out of the 9,221 people in 1992 who were subject to mandatory minimum sentencing, 662 had no criminal record, did not carry a weapon, and had played only a minor, mitigating role in the offense. Of those 662, 306 were non-U.S. citizens. We do not know what their record was. We do not know how many crimes these people had committed in their own country.

Of those who were U.S. citizens and for whom complete sentencing data is available, only 180 individuals received the mandatory minimum sentences. The others had their sentences reduced because of the assistance they rendered, or for other reasons.

In 1992, 9,221 were people convicted of drug crimes that carried mandatory minimum sentences. When you look at the people who were not carrying a weapon, who had no criminal history, and who were only minor players in the crime, you reduce that down to 662; 306 of whom were not American citizens, and we do not know what their criminal history was.

When you get down to the ones we actually have data on—which is not all of them—and you look at the people who provide assistance in prosecuting other people, we get down to 180 people out of 9,221.

So was anybody who was sentenced to a mandatory minimum sentence someone who just happened to be committing a major drug felony but had no criminal record, did not carry a weapon, and was not a major player in the crime? Of those 9,221 that we have good data on, only 180 might have fallen into those categories and yet got a mandatory minimum sentence.

I know there are a lot of writings. I told the story of a lady who smuggled cocaine into the country in her girdle. I talked about the lady who was a junior college student who was engaged in a drug conspiracy to sell drugs to minors. Those are held out in articles as examples of the unfairness of mandatory minimum sentencing.

Madam President, I am not convinced, but also I would like to work with my colleagues. So what I have done is I have struck the provisions of the bill that would eliminate mandatory minimum sentencing under certain conditions and I have substituted the three mandatory minimum provisions which seem to have become my annual contribution to the crime bill but which never become the law of the land. Even though we vote for them in the Senate, even though we vote for them in the House, they always mysteriously die in conference.

But I am willing to sit down with the chairman of the committee and the ranking member and try to come up with language that would deal with the case where you had a first offender who carried no weapon, who had no criminal record, including an extensive juvenile record, who was not an illegal alien, and who played a minor role in the drug offense. I would be willing to try to work something out with the chairman and with the ranking member. But I want a provision that says that if this same person who happened to be in the wrong place at the wrong time doing the wrong thing, that if, in fact, they happen to be in the wrong place at the wrong time doing the wrong thing a second time, I want 20 years in prison without parole for conviction of that offense.

That is something that is not in this bill, but it is something that I am willing to sit down and talk with others who are concerned about what many or some at least feel to be an injustice.

Quite frankly, Madam President, I believe selling drugs to minors is a violent crime. I think much of the violence in our society springs from drugs. Someone selling drugs to a child, in my opinion, ought to go to prison and ought to be there a very long time. But what I have done is simply struck the language which would weaken mandatory minimum sentencing. I am willing to sit down with any of my colleagues and see what might be worked out on that issue. What I have substituted for that language is three new mandatory minimum provisions.

First, mandatory minimum sentencing for gunviolations, 10 years for possession, 20 years for discharge, life imprisonment without parole for killing somebody, and the death penalty in aggravated cases.

The second provision has to do with conviction of not one, not two, but three violent crimes or drug felonies, a three-time loser provision for a combination of violent crimes and drug felonies, life imprisonment.

And, finally, mandatory minimum sentencing, 10 years in prison, for selling drugs to a minor under any circumstances. So if someone has a parent who is powerful and greatly respected, or if someone has the saddest sob story about how society has done them wrong, it would not do them any good if they were convicted of selling drugs to a minor because they would have 10 years in prison to decide not to do it again.

That is the essence of the amendment. These are amendments that we have voted on many times; I think our colleagues understand them perfectly; and rather than coming down and offering three different amendments—since I believe that we have made great progress on this bill and I very much want to see it become the law of the land—I thought I would just combine all three amendments, propose a simple amendment in bringing all three together, strike the provision in the bill that undermines mandatory minimum sentencing, and say to any of my colleagues that, before we finish the bill, I would be willing to sit down and discuss with them, at least by my numbers, this 180 people out of 9,221 last year who were given a mandatory minimum sentence who did not have a criminal record, did not possess a weapon, were not illegal aliens, were not active participants in the crime in terms of being a leader of a drug conspiracy. I think it is a straightforward amendment. We have debated it many times. I do not require an extensive debate on it.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1131 TO AMENDMENT NO. 1130

(Purpose: To provide for increased mandatory minimum sentences for criminals using firearms and for life imprisonment without release for criminals convicted a third time, and to provide for flexibility in sentencing for certain nonviolent offenses in which a mandatory minimum term of imprisonment is imposed by law)

Mr. HATCH. Madam President, I appreciate the amendment of the distinguished Senator from Texas, and I want to improve the amendment. So I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1131 to amendment No. 1130.

Mr. HATCH. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike all after the first word and insert the following:

Subtitle B—Mandatory Minimum Sentence Guidelines

SEC. 2911. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 1 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a criminal offense, that resulted in the defendant's being taken into State custody);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense; and

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guildelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21) U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—the amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act.

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or spend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or spend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence of for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

Mr. HATCH. Madam President, this is a very, very important amendment the distinguished Senator from Texas brought to the floor. If we adopt his amendment and his tripartite part of this amendment as part of our amendment that was sent to the desk, we write some flexibility in the case of first-time offenders, nonviolent offenders who have not sold drugs in the schools and to children.

I have talked with judges all over this country, and they have all indicated to me, most all have indicated to me—and I do not know of any objections—that they need more flexibility in some of these cases because the mandatory minimums are resulting in injustices. So this amendment will bring a greater measure of credibility to our criminal justice system. I can think of no issue more vital to our national interest than the control of drug abuse and violent crime. The Hatch amendment, which, of course, includes the Gramm amendments, will help restore credibility in our criminal justice system by ensuring that violent offenders and recidivists will face enhanced mandatory minimum sentences, by returning a measured degree of discretion to the courts in cases involving first-time, nonviolent drug offenders.

The American dream that every American has an opportunity to improve his or her lot in life and that our children will do better than their parents is threatened if we continue to fear for our safety in our neighborhoods, if innocent people continue to fall prey to criminals, and if young men and women are forever dragged down by drug addiction. Essential to our ability to improve our criminal justice system's response to crime and drugs is a review of our Government's enforcement and sentencing policies to ensure that they have their intended effect.

Consistent with this responsibility, Attorney General Janet Reno, whom I admire and respect, has announced a review of Federal sentencing policies. I am anxious to review the Department's findings.

As the Supreme Court affirmed in the case of Mistratta v. United States in 1989, the Constitution does not exclusively assign to any one of the three branches of Government responsibility for Federal sentencing—the function of determining the scope and extent of punishment for Federal offenses. Still, the Constitution assigns to Congress the power to define crimes and fix the degree and method of punishment.

While the right to try offenses and, upon conviction, impose punishment is judicial, Congress has the power to control the scope of judicial sentencing discretion. If exercised appropriately, these powers provide Congress with a prominent and constructive role in Federal sentencing.

In recent years, Congress has begun to take a more active role in the sentencing system and has fundamentally altered our Nation's sentencing goals and practices. As most of my colleagues on the Judiciary Committee know, Congress' assertion of its power in this area has been the subject of much debate, controversy, and litigation.

In 1984, a bipartisan majority of Congress rejected the rehabilitation policies of the 1960's and 1970's. Congress found that this soft-headed approach to crime lacked the certainty necessary to retain the confidence of society and be an effective deterrence against crime. Indeterminate sentencing produced disparity and uncertainty in sentencing and a fundamental lack of comprehensiveness and consistency. The concern which Congress had for so long was at the heart of these disparities. There was unjustifiable variation in the sentences imposed by judges upon similarly situated defendants and the Parole Commission compounded the problem by releasing prisoners according to its own view of the appropriate term of imprisonment.

By 1984, Congress and the American people had had enough.Congress began to take a more prominent role in sentencing policy. Through passage of the Sentencing Reform Act of 1984, which I along with Senators THURMOND, KENNEDY, BIDEN, and others authored, Congress outlined the objectives of sentencing, described in detail the kind of sentences that may be imposed and described the factors to be considered in sentencing in a particular case. Rehabilitation was rejected as a primary objective of sentencing. Certain and effective sentencing became the primary goals of sentencing.

The most revolutionary aspect of the 1984 act was the creation of the U.S. Sentencing Commission. The commission produced a guidance system which furthered the Congress' stated objectives for sentencing by curtailing unwanted sentencing disparity, ensuring sentence certainty and providing just punishment. Congress in order to ensure that there was adherence to this new sentencing philosophy made the guidelines compulsory and abolished parole.

Congress' pursuit of certain ineffective sentencing did not end with the creation of the sentencing commission. Congress began to renew support for mandatory minimum sentences. From 1984 to 1990, Congress enacted an array of mandatory minimum penalties specifically targeted at drugs and violent crime. The purpose of mandatory minimum penalties is to deter through the prospect of certain and lengthy prison terms potential offenders from engaging in these offenses. As well, mandatory minimum sentences embody Congress' view of the appropriate minimum level of punishment for these offenses. Inherent in judging the effectiveness of mandatory minimum sentences, however, is the need to ensure that there is uniform application in cases involving similarly culpable defendants.

Today there is a significant debate over whether Congress' enhanced role in sentencing has proven beneficial. On the whole, I believe it has. Supporters and critics alike acknowledge that while sentencing guidelines have been in effect for only a short time, the current system is more predictable and uniform and therefore preferable to policies of the 1960's and 1970's. As well, mandatory minimum sentences have enhanced the likelihood of incarceration for certain serious offenses. In recent years, some have begun to question whether mandatory minimums advance the objectives of sentences as established in the 1984 act. Some believe that the mandatory minimum sentences are too tough or unfair. I do not share this view. My view on this subject is that we need to take a close look at mandatory minimum sentences. In some cases we need more of them. In other cases we need to return to a greater degree of discretion of the judiciary.

The amendment I offer today accomplishes both of these objectives. First, my amendment enhances the mandatory minimum penalties for firearms related offenses. It is virtually identical to the proposal authored by Senator GRAMM and contained in the Dole-Hatch bill which provides that anyone who carries a firearm in a crime of violence or drug trafficking offense receives a mandatory minimum sentence of 10 years in prison. Firing the firearm carries with it an additional 20 years. If the firearm is a semiautomatic rifle, the amendment provides for 30 years imprisonment, mandatory. If death or serious bodily injury results, the amendment imposes mandatory life imprisonment. As well, the amendment provides mandatory life for three-time losers.

Mr. President, a relatively small portion of the populationis responsible for a large amount of the violent crime in this country. A University of Pennsylvania study found that about 66 percent of the violent crimes were committed by 7 percent of young males. Common sense dictates that the imprisonment of the violent chronic offender will reduce the amount of violent crime. The evidence indicates that mandatory minimum penalties for violent offenses are being applied in a uniform manner, thereby deterring crime, incapacitating deserving criminals and reducing unwarranted sentencing disparity.

In my opinion, the mandatory minimum penalties proposed in this amendment provide an appropriate and just level of punishment for what are often brutal offenses. Some may argue that Congress should not enact any more mandatory minimum penalties. I do not share this view. Mandatory minimum penalties for violent offenders, if applied uniformly, are entirely appropriate and accomplish Congress' stated goals of predictability and uniformity in sentencing.

Due in large part to what is commonly referred to as the Thornburgh memorandum, mandatory minimum penalties for firearms offenses are being applied in a uniform manner. The Thornburgh memo initiated a still ongoing policy within the Department of Justice that limits the ability of Federal prosecutors to plea bargain or drop charges against defendants who violate the armed career criminal statute. There is no disputing the fact that armed career criminals through the operation of the Thornburgh memo and Project Trigger Lock are being charged with section 924(c) violations, use of a firearm in a drug trafficking or a crime of violence, and that they are receiving the required mandatory minimum sentences.

My amendment appropriately enhances the penalties under section 924(c) so that we can be assured that there will be no further danger to the public.

Despite my strong support for mandatory minimums in general, especially for cases involving violent offenders, I am concerned that some mandatory minimum sentences for nonviolent offenses have led to some sentencing disparity. The critical factor controlling the effectiveness of mandatory minimum sentences is whether they are applied in a uniform manner. Absent uniform application, there is no sentencing certainty and therefore they are of less value as a deterrent.

The judiciary conference, the Federal Court Study Commission and the sentencing commission all found that in many cases involving nonviolent offenders mandatory minimums are not being applied in a uniform manner.

In a major study of mandatory minimums ordered by Congress, the United States Sentencing Commission found that offenders whose conduct warranted application of mandatory minimum sentences failed to receive those sentences approximately 41 percent of the time. Further, of the 60 criminal statutes containing mandatory minimums, only 4 result in frequent convictions. A lack of uniform application in nonviolent drug cases involving first-time offenders is reducing sentencing certainty.

Why is this the case? The Federal sentencing guidelines incorporate a real offense approach to sentencing, but mandatory minimums are basically a charge-specific approach wherein the sentence is only triggered if the prosecutor chooses to charge the defendant with a given offense or charge certain things.

So unless the prosecutor charges the defendant with a mandatory minimum offense, it is uncertain that the mandatory sentence envisioned by a Congress will actually be imposed.

Quite often more comparable defendants higher in the drug conspiracy can oppose evidence and information which is of use to the prosecutor. These offenders can essentially sell that information to a prosecutor in exchange for a reduced charge, or a prosecutor can agree to make a motion to reduce a sentence based on substantial assistance.

When the court grants a substantial-assistance motion, mandatory minimum sentences do not apply. Meanwhile, low-level, nonviolent offenders, who have no information to provide the authorities because they have only limited involvement with a given enterprise or are acting alone, get charged with the mandatory minimum offense and cannot benefit from the substantial-assistance motion.

For these reasons, I believe Congress must return a limited degree of discretion to the courts for sentencing first-time nonviolent offenders in certain nonviolent drug offenses.

I am not alone in my desire to address this problem. A bipartisan group of Senators who have been working on this issue for some time, and those who have expressed interest in this effort include Senators THURMOND, SIMPSON, WARNER, SIMON, KENNEDY, and LEAHY.

The Hatch amendment, in addition to enhancing mandatory minimum penalties for violent offenders, steps up to the plate and delivers the narrow reform needed to return a small degree of discretion to the courts for a small percentage of nonviolent drug cases. It essentially permits the courts, consistent with the sentencing guidelines, to impose sentences below the mandatory minimums for drug trafficking, distribution, and possession offenses, provided the defendant was nonviolent, is nonviolent, not a leader, or organizer, and that he or she is a first-time offender. Mandatory minimum sentences for violent offenses or for child-related drug offenses are not affected by this part of my amendment.

Before the court can even consider going below the mandatory minimum, the court would have to find that each of the following factors have been met:

First, the offense must be the defendants first felony conviction. The exception to this is if the defendant has one prior conviction which did not result in any sentence or imprisonment or incarceration, yet acts of delinquency committed by a juvenile would be considered prior convictions for purposes of this legislation.

Old convictions which did not result in a prison sentence are not counted.

Second, if the act does not result in death or serious bodily injury to any person. This would cover reasonably foreseeable acts committed by conspirators which result in death or injury, as well as serious injuries or death resulting from the use of drugs.

Third, the defendant does not carry or possess a firearm or did not carry or possess a firearm or other dangerous weapon during the course of the offense, or direct another to do so. In my view, if a defendant carried a knife or firearm, he is violent and should face the mandatory minimum penalty.

Fourth, the defendant was not an organizer, leader, manager, or supervisor as defined under existing sentencing guidelines. This ensures that a first-time offender who is nevertheless a major dealer or trafficker, would still face the mandatory minimum sentence.

Fifth, the offender was nonviolent—if he or she did not use force against the person of another during the offense. Any person who uses or credibly threatens violence should face the mandatory minimum penalty.

According to the Sentencing Commission, far less than 5 percent of mandatory minimum drug defendants will meet all of these factors. If all of these factors are met, a sentencing judge would then be permitted to apply the guidelines without being bound by the mandatory minimum.

Mr. President, I will finish the remainder of my remarks during the course of this debate.

So, at this particular point I hope that our fellow Senators will recognize the amount of effort and time and thought that has gone into the amendment that I am proposing, because I think it is the right amendment to show the necessary discretion, and yet the necessary toughness in these matters so that this bill is enhanced, not hurt by that.

So, with that, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I came over here, but I have not had a chance to examine, except very briefly, the Gramm amendment, and I have not had a chance to look at the Hatch amendment. We are talking about something that can affect the lives of a great many citizens in our country.

So in order to give us a chance to look at this, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1132

(Purpose: To prohibit the imposition of a sentence of death for crimes committed by persons under the age of 18 years)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 1132.

At the appropriate place insert the following:

No person in the United States shall be sentenced to death for a crime committed when the person was under 18 years of age. The district courts of the United States shall have jurisdiction of proceeding for injunctive and equitable relief to enforce this section.

Mr. BIDEN. Mr. President, if the Senator will yield for a moment, maybe this has already been done. Is the Senator prepared to enter into a time agreement on his amendment?

Mr. SIMON. I am certainly prepared to do that as I indicated to Senator BIDEN over the phone. If we want to have 40 minutes or 20 minutes on each side, that is fine with me.

Mr. BIDEN. Mr. President, I ask unanimous consent that there be 40 minutes equally divided on the amendment of the Senator from Illinois, that the time be handled in the usual manner, and that there be no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Mr. President, my amendment simply says that capital punishment may not be applied if you are under the age of 18.

In June 1992, the Senate gave its advice and consent to the International

Covenant on Civil and Political Rights which a great many countries have adopted. Part of that is to say in this area of civil and political rights that no one under the age of 18 will be executed by a country.

When we acceded to the covenant last year, however, we did it subject to some exceptions. One of those was that we retain the right to execute individuals who had committed crimes while under the age of 18.

What countries now execute people under the age of 18? Mr. President, you will be interested in this list. In the last decade, the only countries to impose capital punishment on people under the age of 18 are Bangladesh, Barbados, Pakistan, Iraq, Iran, and the United States of America.

I do not think we should continue in that kind of lonely company.

Since 1976, about 75 people who were under 18 when they committed their crimes were sentenced to death in the United States. At present, about 35 of 2,800 inmates across the Nation who are now on death row committed their crimes when they were under the age of 18.

So we are talking about 1 percent of those who are on death row. One of the other realities is because they are minors there are many more appeals, and it costs literally millions to prosecute in the case of minors in the United States.

It is also interesting that in the case of minors, race plays an even greater part. One of the things that is clearlywrong with our system of punishment is that if you are an African-American, if you are a Hispanic-American, the reality is—and you commit the same crime as someone who is white who lives in the suburbs—you are going to get a harsher punishment. That is also true for young people in the case of capital punishment.

I could go on into other cases. I might mention, Mr. President, that in 1988, the Court threw out the death sentence of an Oklahoma youth who committed his crime when he was 15. But the Court in 1989 held in a 5-to-4 decision that States are free to impose the death penalty for young people 16 and 17.

I think we ought to join the large overwhelming majority of nations in outlawing the death penalty for those under the age of 18.

I might mention, because someone is probably going to mention this—am I opposed to the death penalty generally? Yes; I am. I think the evidence is overwhelming that the death penalty is applied only to those of limited means.

If you have the money to hire a good attorney, you do not get the death penalty. But to apply the death penalty to people under the age of 18 I think is unconscionable.

I hope—maybe there will be no opposition—the amendment could be agreed to, and we could vote on it. But I do not anticipate that will be the case.

I yield the floor.

Mr. BIDEN. Mr. President, will the Senator yield a few minutes of his time to me because I support his amendment?

Mr. SIMON. I yield 4 minutes to the Senator from Delaware.

Mr. BIDEN. I thank the Senator.

Mr. President, I think this is a good amendment. As a matter of fact, I think it is a necessary amendment. I support the death penalty unlike I believe my friend from Illinois, I believe, and unlike some in this Chamber. I happen to support, and have supported the death penalty.

But there are two things that I have had great difficulty with, for those who do support the death penalty. One is when they have, in addition to supporting the death penalty, lessened the safeguards built into the process whereby you significantly diminish the prospect that you do not put to death an innocent person. That does happen in a system like ours. No matter how perfect the system, that happens.

So in this bill we have a so-called death penalty procedure section that is designed to see to it that although the death penalty is available, it is available only in circumstances wherever reasonable constitutional safeguards available to a criminal defendant is afforded that defendant.

This is a second area I have great difficulty with regarding the death penalty; and that is, putting children to death. I realize I am one of an overwhelming minority who last Friday voted to not treat 12-year-olds and 13-year-olds as adults. We passed on this floor a bill overwhelmingly, I might add—maybe it is me—overwhelmingly last week that called for a requirement—not discretionary—requirement that in Federal court a 13-year-old committing certain crimes must be tried as an adult in Federal court.

I personally have great difficulty with that idea.

I have always had difficulty with the idea that we are going to, where the death penalty is available, subject people under the age of 18 to the death penalty.

It seems to me when we do that we have basically in a sense surrendered. We have surrendered to our baser side. We have surrendered in a way that undercuts the whole notion that there is any such thing as youth, and that there is the possibility of redemption, if you will. So I hope—although I have no illusions, as I have been here long enough to know that the Senator from Illinois is going to have a tough fight on this one—I hope that we will be able to pass his amendment, and I just plead for a little bit of mercy on this floor when it comes to the death penalty.

I can understand how everyone is prepared to not be inclined to feel that way in almost every imposition of every other sentence. But death is final, to state the obvious. I just think that this is a bit of a measure of what kind of society we think ourselves to be.

Again, as I said, we are attaching this to a bill that is called the Biden crime bill—I introduced this bill—but we are adding all these amendments to this. I wrote this bill. I wrote into the law that we add a number of death penalty provisions at a Federal level. So I support the death penalty. But it seems to me that we should have some sense of societal compassion when it comes to dealing with children in society.

I know you can give examples where 17-year-olds are as bad as 18-year-olds, and 15-year-olds are as bad as 30-year-olds, but I wish we would not do this.

(Mr. SIMON assumed the chair.)

Mr. BIDEN. I assume, since the Presiding Officer is the person controlling the time on his own amendment, that as manager of the bill I am able to control the time for the Senator from Illinois, in which case I have been instructed to yield 5 minutes to the distinguished Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I also rise in strong support of the Chair's amendment. The senior Senator from Illinois has brought up a very important amendment that I think would improve this bill. I am delighted to hear of the support of the chairman of the committee for it as well.

What the senior Senator from Illinois has brought up very clearly is: What kind of a society executes its youth? That is the question. He has really given the answer. He mentioned those six countries in the world that do this—Bangladesh, Barbados, Pakistan, Iraq, Iran, and the United States. Not only is it not necessarily good company to be in with those countries on a variety of issues, but particularly in the area of human rights.

I further understand that even South Africa and Libya have set a minimum age of 18 before they would impose the death penalty, and that includes, apparently, even countries that have criminal codes that I think would disturb us in many respects. Yet, more than half of the States in our United States with the death penalty actually allow execution of offenders under the age of 18 at the time of their offense.

This amendment would halt the practice of executing juvenile offenders in the United States and thus bring us into accord with the rest of the international community. In fact, as the Senator from Illinois pointed out, the Senate gave its advice and consent to the International Covenant On Civil and Political Rights that would ban this practice. It is unfortunate that the United States acceded to the covenant last year with a few exceptions, one being to reserve the right to execute individuals who commit crimes while under the age of 18.

The international consensus on this issue is so strong that it has also been included in the Geneva Convention relative to the protection of civilian persons in time of war; the American Convention of Human Rights; the American Declaration of the Rights and Duties of Man, just to name a few.

I do not want to leave any doubt—as I am sure the author does not—that there should be stiff and severe punishment for youths who commit these serious violent crimes that some States have chosen to reserve the death penalty for. But the idea of imposing the death penalty, to me, in these situations is outrageous. What purpose does it serve? The threat of execution, in my view, does not deter adults. Why would it deter a juvenile who is even less likely than an adult to think ahead to the consequences of his or her behavior?

I have been told by some who have worked in the environment that it is more dangerous to work in a juvenile maximum securityfacility than in an adult prison. The number of assaults in juvenile facilities is much higher than in adult facilities. I think this is, at least in part, due to the fact that juveniles are usually less rational than adults and do not think about the consequences of their actions.

The death penalty will not and does not deter juvenile criminal behavior. I am afraid it may actually encourage violence among youth. It is my view across the board that the death penalty only adds to societal violence and is morally wrong. When it comes to youth, it has a special lack of reasoning connected with it.

We are all concerned about the disturbing rise in violence among our Nation's young people. We should be and are seeking ways to turn this tide and, hopefully, we can provide them with reasons and alternatives that will help them not to resort to violence. That is the goal, to think of violence as an unacceptable alternative. How many times do we have to hear about kids shooting other children over a fight or dispute, or as the result of even more shocking circumstances as we have had in our own home State of Wisconsin, such as one kid wants another kid's pair of shoes, or a warmup jacket.

What kind of a signal does this practice of executing kids under 18 send to these young people? It is the signal of death, that even our Federal Government is in the death business and wants to expand its participation into the death business; that the States allow the execution of juveniles and that that is what our country is all about. We are sending the wrong message to our youth with this practice: If you commit a violent act, we the Government will also resort to violence and will kill you.

I think that is wrong; it is the wrong message, and I am very, very pleased with the amendment of the Senator from Illinois. I am enthusiastic about supporting it.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate this opportunity to talk about this particular amendment.

I have to say that I cannot support it. There is one simple and very solitary reason why I cannot support it. And that is, here we are, Senators of the Federal Government telling the States what they have to do with regard to something as important as capital punishment. I think the States are very capable of making up their own minds, regardless of what we may think one way or the other. This is the ultimate "we know it all here in the Federal Government within this beltway" amendment.

Frankly, I do not think we should support an amendment that would impose upon the States this type of an obligation. I haveto say that I have some empathy for the Senator's amendment if we limit it to the Federal Government. I would probably support it if it was limited to the Federal Government. But when we start getting to the point where we start dictating to the States how they can handle these problems, I think it is a big mistake. I think it is not the thing to do. Mr. President, we do that too often——

Mr. SIMON. If the Senator will yield on that point, we have signed the International Covenant on Civil and Political Rights, and under that covenant, it says that those under the age of 18 should not be executed. We made clear when we approved that that we did not include this provision. Nevertheless, we have signed that. And under the Constitution, article I, section 8, it says: "Congress has the authority to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations."

This is something that clearly the huge majority of nations, by signing this international covenant, have agreed is the law of nations. In fact, I do not know if the Senator was here when I pointed out that the only nations in the last decade to execute those under the age of 18 have been Bangladesh, Barbados, Pakistan, Iraq, Iran, and the United States of America.

So I think we have a legal precedent. I think it is clearly constitutional. If the point that the Senator from Utah makes is that it is unwise, I differ with him in terms of its constitutionality. I think we clearly have the authority to do it.

Mr. HATCH. Even if we might have the authority to do it, the question is whether we should do it. In Stanford versus Kentucky, the Supreme Court ruled that you can impose capital punishment for 16-, 17-, and 18-year-olds. They decided that. Who are we to be standing here in the Federal Government and telling the States what they have to do?

That is precisely what is killing us with regard to the grazing fees. The Federal Government is telling the States they are going to change the whole water laws of the country. I am getting tired of that, to be honest with you.

The fact is that this particular amendment I could support if we limited it strictly to the Federal Government. I do not have any desire to impose capital punishment on young people below 18 years old. I do not have much desire to impose it on them 18 or over. I would very seldom use it, only in the most heinous of cases where there is no evidence of discrimination and there is clear-cut evidence of guilt.

The fact of the matter is what I object to is based on the principles of federalism. I object to us here in the Federal Government telling the States that they cannot do anything with regard to cleaning up crime in their own States with regard to capital punishment.

This amendment prohibits not only the Federal Government but every State from imposing a death penalty on someone who has committed a crime who is under 18 years of age. In my view, this is a matter which ought to be left to the State, given the increasing violence by younger and younger people.

States ought to be left to determine what is best for them. Frankly, some of these younger people are very hardened criminals. Some of them think they can go and shoot people at will. Some of them think it is a sport, it is a game, and they are being made into heroes by their compatriots.

Maybe some of the States where they are having particular problems might feel otherwise than we here today.

In the Stanford versus Kentucky case, the Supreme Court of the United States held that States may impose the death penalty on 16- and 17-year-olds and they can do so constitutionally.

In article I, clause 8, paragraph 10, Congress has the power to define offenses as on the basis of the law of nations.

On the other hand, that does not mean that Congress has power or should exercise its power to impose its will on the States in this particular area.

I think it is offensive to the States. It ought to be offensive to those of us who really believe in the principles of federalism. It really ought to be offensive to those of us who believe our States may have special needs and may have special situations where they may not like this rule.

Let us face it. If the Senator's amendment is limited to the Federal

Government, there would be very, very few cases where it would apply. If you put it on the State government and impose it upon them, there may be literally dozens, if not hundreds, if not thousands, of cases where it would apply, and there may be some very, very specific areas where imposing the death penalty constitutionally on 16-, 17-, and 18-year-olds may be something that will help to deter crime in those particular States, or at least the States ought to have the right to make that determination. I doubt that many will. But why should we be imposing upon them and directing them in a bill involving the Federal Government and its viewpoint toward crime?

In any event, I hope my colleagues will vote against this amendment and be happy to have it limited to the Federal Government. I would be happy to support it if it was, because I think the distinguished Senator, of course, has a very good point of view. I do not particularly disagree with him. But when you get into the area of imposing upon the States something which they themselves may not want, I think that is something we ought to leave up to the States. Let them decide for themselves, and under the Supreme Court's constitutional decision they would be able to decide for themselves what they do.

Many of them may opt to do what the distinguished Senator from Illinois decides is right for the Federal Government, and they may opt to do what he thinks is right for the States. But some of them may not, and it may be States where some of the worst criminal activity is taking place.

In Utah we had some drive-by shootings by some of the young people who are 16, 17, and 18 years of age who do not seem to care about human life at all and do not seem to have any consideration for it.

In those situations where the crimes are particularlyheinous, where they clearly have evidence of guilt, and where there is no evidence of any discrimination against a person, I am not so sure that maybe some of these 16-, 17-, and 18-year-olds should not have to face the music. Maybe it would be a very, very good thing for the rest of their friends who are thinking that guns are nice things to play with and shooting people is not a bad thing, and that they can kill their friends at will and maybe people they do not even know in drive-by shootings. Maybe it would be important for them to have to face the music, and maybe the States will decide it is that important for them to do that in certain exemplary cases where it is really deserved.

So I hope our colleagues will vote against this. I really believe it is important that we vote it down. Then, if the distinguished Senator wants to limit it to the Federal Government, then I support him on that because we have a right to make that decision, and I do understand his sincerity and desire to do that. Of course, I have a great appreciation and feeling of respect for him as well.

So I hope our colleagues will vote this amendment down. I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois [Mr. SIMON] is recognized.

The Senator has 5 minutes 58 seconds.

Mr. SIMON. Mr. President, I simply point out that it is already in the bill that those under 18 cannot be executed at the Federal level. I would simply reinforce what the Senator from Wisconsin said earlier, Senator FEINGOLD. Libya even has done away with executing those under the age of 18. Five nations, plus the United States, still execute people under the age of 18. Iraq and Iran are two of them. I do not like the company we are keeping, Mr. President. I think we can do better.

Mr. FEINGOLD. Mr. President, will the Senator from Illinois yield for a question?

Mr. SIMON. I am pleased to yield to my colleague from Wisconsin.

Mr. FEINGOLD. Mr. President, in talking about States rights, we just heard about the importance of allowing the States to make the decision for themselves. I cannot help but think a little bit about the fact the way the death penalty has been imposed in this country and who is most likely to be executed as a result of this. Is not it the case that it is most likely to be members of racial minority groups—and in this case children—who will be the ones who will suffer if we do not ban this practice?

Mr. SIMON. There is no question about that. That is why, frankly, I oppose capital punishment, period, because it is disproportionately African-Americans, Hispanic-Americans, and native Americans who get the death penalty.

I would add one other point that I think is important. It is entirely people of limited means. If you have enough money to hire a good attorney, a high-priced attorney, you are not going to get the death penalty, period.

If we want to impose that on people above the age of 18, I do not like it, but I know it is one of those things. But to do this to young people under the age of 18 I think is unconscionable.

Mr. President, if the Senator from Utah is willing to yield back his time, I am willing to yield back the time and go ahead and vote on it.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. Are the yeas and nays ordered?

The PRESIDING OFFICER. They are not.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator yield back the remaining time?

Mr. HATCH. I yield back the remainder of my time.

Mr. SIMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from Indiana [Mr. DORGAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alabama [Mr. SHELBY], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Mississippi [Mr. LOTT], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 358 Leg.]

YEAS—52

Baucus
Bennett
Bond
Breaux
Brown
Bryan
Burns
Byrd
Cochran
Craig
D'Amato
Daschle
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kassebaum
Kempthorne
Kerrey
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Roth
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—41

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Bumpers
Campbell
Chafee
Coats
Cohen
Conrad
Danforth
Dodd
Durenberger
Feingold
Glenn
Gregg
Harkin
Hatfield
Hollings
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wofford

NOT VOTING—7

Coverdell
DeConcini
Dorgan
Hutchison
Inouye
Lott
Shelby

So the motion to lay on the table the amendment (No. 1132) was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1131 TO AMENDMENT NO. 1030

The PRESIDING OFFICER. The question before the Senate now is amendment No. 1131.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 1301

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, with the consent of the Republican leader, may at any time turn to the consideration of Calendar No. 224, S. 1301, the intelligence authorization bill; that the bill be considered under the following limitation: 30 minutes for debate on the bill, including the committee amendment, and three amendments to be offered by the managers on behalf of themselves and others, equally divided in the usual form; 2 hours and 10 minutes for the debate on Senator METZENBAUM's sense-of-the-Congress amendment regarding disclosure of the annual intelligence budget, with the time to be divided as follows: 75 minutes under Senator METZENBAUM's control, 45 minutes under Senator WARNER's control and 10 minutes under Senator SPECTER's control; that no other amendments or motions to recommit be in order; that upon third reading of the bill, the Intelligence Committee be discharged from further consideration of the House companion, H.R. 2330; that all after the enacting clause be stricken and the text of S. 1301, as amended, be substituted in lieu thereof; and that the Senate, without any intervening action or debate, vote on final passage of H.R. 2330, as amended; that upon the disposition of H.R. 2330, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees; and that the Senate bill be indefinitely postponed at that time.

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I withdraw my request.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. BIDEN. Mr. President, while I have some of our colleagues on the floor, let me tell them where we are on this bill. There are about 200 slots that have been reserved for amendments. Many of these amendments we do not have language for at this moment, and I expect, as always on a crime bill and other major pieces of legislation, some of these will evaporate as we move down the line.

But there are, as I count them, about 20 amendments at this point that look like they would take real, live votes. In a moment, I would like to read off some of those amendments and encourage the authors of those amendments to stick around a little bit now to see if we can get an agreement as to what order to bring these up.

In addition, we are going to now, most assuredly, have votes on at least one very controversial amendment. There will be an amendment offered on assault weapons. That will be offered, hopefully, sooner than later in the a.m. tomorrow or early afternoon. So I say to my friends, once we dispose of that amendment, one way or the other, we will have a much clearer reading of how the remainder of this bill is going to move.

Let me just suggest that there is a Boxer amendment on driver's licenses; a Kennedy amendment on clinic access; a Kerry amendment on the police corps; a Simon amendment on the death penalty; a Lieberman amendment on drug emergency areas; a Lieberman amendment on carjacking; a Lieberman amendment on rapid deployment services; a Dole amendment on gangs; a Moseley-Braun amendment on mandatory education in prisons—this is not an exclusive list, but these are amendments on which I am fairly confident we will not be able to reach agreement, not be able to clear them, and they will require votes.

A Wofford amendment on citizen policing; a Brown amendment on Federal prisons; a Chafee amendment on stalking; a Danforth amendment on police brutality; a Moseley-Braun amendment on women in prison and their children; a Gorton amendment on—I do not even know what it is on.

Mr. GORTON. Sexual predators.

Mr. BIDEN. Sexual predators, allowing a judge to keep someone in jail even after they served their sentence, which is the most novel thing I have heard in a long time.

A Grassley amendment on international child pornography; and a Hutchison amendment concerning the use of moneys for overtime—the use of moneys in this bill for community policing to pay overtime.

As I have gone down the list of a couple hundred amendments, they are the amendments which seem fairly clear on their face on which we are not going to reach agreement. So I ask those Senators, if they are willing to do what Senator BOXER and others have done, to enter into time agreements with us tonight so we can, in a rational fashion, try to stack these amendments tomorrow in order to have some reasonable prospect of how to order your day.

There is also an amendment of the Senator from Wisconsin relating to children and guns which, depending on the outcome of other things, may or may not be accepted or may or may not require a vote.

I urge Senators whose names I have mentioned to stay aroundand give the managers some idea of how much time they will require, and then we will see if we can get a UC agreement on some of those.

Mr. DOLE. Will the manager yield?

Mr. BIDEN. I will be happy to yield.

Mr. DOLE. While the majority leader is on the floor, I understand there is a function that would take from about 7:30 until 9. I am prepared to stay and offer my gang amendment. I am not sure the manager is able to be here.

Mr. BIDEN. I am able to be here.

Mr. DOLE. Maybe we can get people to stay and offer their amendments and then have the votes in the morning so we do not keep everybody here until 9 o'clock or after. I will stay here. I will offer my amendment. I think others will offer their amendments, and we will accomplish the same result without keeping a lot of people here.

Mr. BIDEN. I say to the Republican leader, I think that is a very good idea. I am prepared to do that. I will again ask anyone in the Chamber—I see some of the people whose names I mentioned—is there anyone in the Chamber who is willing to go with their amendment tonight, debate and enter a time agreement? Senator BROWN is. Is Senator LIEBERMAN prepared to? I beg your pardon, both Senator MOSELEY-BRAUN and my distinguished friend from Arizona have the same amendment. Is Senator CHAFEE prepared to go tonight as well?

I am sure I can say to the leader, we can do that. As he knows, we always get complete cooperation on these crime bills. So I am sure we can stack at least 10 or 12 votes for tomorrow morning at this rate. But, no, I am delighted to do that. I would like to do that and, with the permission of the leader, we will do that.

Mr. HATCH. Let us let people go then.

Mr. President, I would like very much to suggest, if we can do what is suggested by the Republican leader, that we start voting as early as 9 o'clock tomorrow morning.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, it is now apparent, based on prior discussion, that it is not possible to have any further votes this evening, and therefore Senators who have amendments are encouraged to stay and offer those amendments.

It is now also clear from the private discussion that followed we cannot have any votes tomorrow morning, and therefore any votes would have to be stacked to occur beginning tomorrow afternoon after the caucuses.

I say to Senators that there are only 2 more days in session this week, and Senators should be prepared for very lengthy sessions tomorrow and Wednesday, very lengthy, late in the evening, if we hope to have any chance of making good progress on this bill and have any chance of completing our work prior to Thanksgiving.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BYRD. Will the distinguished majority leader yield?

Mr. MITCHELL. Yes. The Republican leader——

Mr. DOLE. I will be happy to yield to the Senator from West Virginia.

Mr. BYRD. I thank the distinguished Republican leader.

I was merely rising to pose the question as to what time the cloture vote would occur tomorrow, on the motion that has been entered on cloture against the Interior appropriations bill?

Mr. MITCHELL. I was asked again this evening for additional time to debate the subject. I must express my personal view. I think that subject has been debated far more than is necessary. But I have proposed 1 hour this evening, 1 hour early tomorrow morning, and then to have the cloture vote at 12:15, and then to be followed by whatever votes are stacked on amendments to be debated tonight and in the morning.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield further——

Mr. MITCHELL. Yes.

Mr. BYRD. I do not think any more than 30 minutes equally divided will be needed on that, and at any time that is convenient with the majority leader tomorrow as far as the overall program is concerned, it is perfectly agreeable with me as chairman of the Appropriations Subcommittee to proceed, but we will need to do something or else the rule will work itself and we will vote 1 hour after we come in.

Mr. MITCHELL. If we do not get agreement, that is precisely what would occur. It is my expectation that we will get an agreement.

Mr. BYRD. Very well. I thank the leader.

Mr. MITCHELL. I am pleased to yield to the Republican leader.

Mr. DOLE. Let me indicate we just had a meeting in the majority leader's office to try to accommodate a lot of people who want to depart here before Thanksgiving, and in order for that to happen, because of the problem we have tomorrow morning, it is going to be necessary that a number of Members either offer their amendments tonight—those that are going to require votes—or in the morning.

Mr. BIDEN. Both.

Mr. DOLE. Or both. That is probably better. Or, as the majority leader has indicated, there is only one way to make it up. You have to make it up late tomorrow night, late the next night, and I assume some have obligations on Thursday with Veterans Day. The majority leader loses the morning.

So I hope we can accommodate the wishes of the majority leader and the managers, and we will do our best to produce, not just produce votes—if we can take the amendments without votes, that is fine. But if there has to be a vote, we ought to make certain we do not have a bunch of quorum calls tonight and tomorrow morning.

Mr. MITCHELL. I thank my colleague.

Mr. DOLE. It is also fair to say that you might as well mark November 20, Saturday, because we will be in session.

Mr. MITCHELL. We will be, and if necessary on that Sunday as well.

Mr. BYRD. November 20. On that day I will be 27,760 days old. And I do not look a bit older than 25.

Mr. DOLE. That was the reason for the session, just a special tribute to the distinguished Senator.

[Laughter.]

Mr. BIDEN. Mr. President, I ask Senator KERRY, Senator LIEBERMAN, Senator REID, Senator GORTON, and Senator CHAFEE, all of whom indicated they were ready to debate amendments tonight, to please hold fast, and we will enter into a time agreement on their amendments within the next 5 minutes so we can debate them.

But we will get a time agreement so we know when people are going to be voting. The Senator from Arizona and the Senator from Illinois—we have an amendment that they have that we are prepared to agree to, that the majority is prepared to agree to. Do they wish to discuss the amendment? Why do I not yield to them, let them discuss their amendment, and proceed to it now.

Mr. HATCH. I would like to finish the mandatory minimum amendment. We have an agreement. I am going to go ahead with it.

Mr. BIDEN. I have no objection to that, if that is what the Republican manager would like to do. Let me make sure we have checked it out with staff.

Mr. HATCH. What I want to do is modify my amendment.

Mr. President?

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1131, AS MODIFIED

Mr. HATCH. I send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment is so modified.

The amendment (No. 1131) as modified, is as follows:

(Purpose: To provide for increased mandatory minimum sentences for criminals using firearms and for life imprisonment without release for criminals convicted a third time, and to provide for flexibility in sentencing for certain nonviolent offenses in which a mandatory minimum term of imprisonment is imposed by law)

In the pending amendment strike all after the first word and insert the following:

Subtitle B—Mandatory Minimum Sentence Guidelines

SEC. 2911. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 0 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspiracy that involved possession of a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense;

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense; and

"(G) the defendant did not own the drugs, finance any part of the purchase, or sell the drugs.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to 3553(f) who is subsequently convicted of a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

Mr. HATCH. Mr. President, where we are right now is that we have worked together with both sides on this. Neither side is completely happy. Senator GRAMM is not totally pleased with this. Neither are Senators KENNEDY and SIMON. However, we believe it is a good compromise. We believe it will resolve the problems. I hope it does not have to lead to a vote. If it does, we will vote on it.

We believe we have made a very, very good effort to try to accommodate everybody and everyone's feelings on this matter.

I would like to have the amendment, the Hatch-Gramm-Dole amendment, agreed to tonight if we can.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I would like to ask the distinguished manager of the bill, is this the Gramm amendment as amended or perfected by Senator HATCH?

Mr. HATCH. This is the modified Hatch-Gramm-Dole amendment that accepts the basic Gramm amendment and provides for some flexibility with regard to the first-time offenders who have not pushed drugs in school and who have not been violent.

Mr. D'AMATO. I have no objection as it relates to those provisions whereby you give flexibility to first-time, nonviolent offenders as it relates to dealing drugs. I have heard that many of the judges have complained about lack of flexibility. I think it is important. I think it is fine.

But I do have as it relates to not having an opportunity to offer a gun amendment that the floor manager was well aware of, as it relates to imposing real mandatory sentences for those guns that come across State lines. I do not intend to be precluded as a result of the parliamentary situation that we find ourselves in and agree to passage of this without having an opportunity to offer my amendment. If I have to stay on the floor and object to our going further, believe me, I am prepared to do it.

Mr. HATCH. Parliamentary inquiry, Mr. President. Is there anything that would stop the distinguished Senator from New York from offering his amendment once this amendment is either adopted or voted up or down? It seems to me it would be totally in order for him to offer his amendment.

Mr. D'AMATO. It seems to me, if you might indulge me——

Mr. HATCH. Could I get an answer?

The PRESIDING OFFICER. The substitute amendment would still be in order.

Mr. HATCH. I acknowledge that the distinguished Senator from New York has an excellent amendment. And it is something that I hope will be adopted by the Senate as a whole. I would certainly support his amendment because he is very thoughtful and reflective on what needs to be done in this area. No one has tried to preclude him from offering his amendment.

Certainly, what we have done here today is try to bring both sides together on the mandatory minimum issue, which has been a very difficult and problematic issue as we have tried to resolve this bill.

But I do not see any way that it is going to stop the distinguished Senator from New York from sending his amendment to the desk later and see if we either accept it or vote on it.

Mr. D'AMATO. Let me suggest, if I do not have an opportunity, it seems to me, as pointed out to me by theParliamentarian, to amend the amendment that the underlying amendment, the Hatch amendment, dealt with, as Senator GRAMM's amendment, that I will be precluded from touching those sections, I think subsection 104. I would be precluded from doing that, as this would be dealing with sentences that are already dealt with.

I would suggest that maybe we spend a little time and work out and see to it that we do have an opportunity—that I have this opportunity. I withheld for a week from offering the gun amendment. After all, nobody is going to offer a gun amendment. Fine. I am not going to be bigger than the institution. I understand that.

But then when I find out that almost the identical language which would preclude me from putting forth an amendment which I think goes further, does more, and accomplishes something, then I have to say I am going to insist that I have the right to do that.

I am willing to work with the distinguished managers of the bill, but I want to make sure that I am not going to lose that opportunity. That is something I have not been assured of. I have to tell you, I waited patiently. I was down here on this floor a couple of days. I withheld. Then to come and find out that I find myself in the situation where I may not be able to, as the parliamentary situation they placed me in, then I am going to say that I will not agree to a time agreement, not as long as you have that gun amendment in that bill. If you have the gun amendment as part of that which precludes me from offering mine, then I am going to object.

Mr. HATCH. Parliamentary inquiry: Is the Senator precluded from doing what he would like to do by the Hatch-Gramm-Dole amendment? Would he be prevented from adding his amendment to the sections involved?

The PRESIDING OFFICER. The pending second-degree amendment would not preclude——

Mr. HATCH. That is my understanding: Nothing would preclude the Senator from New York from offering his amendment later on on any of the sections that he has mentioned. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. D'AMATO. Let me say——

Mr. HATCH. I ask unanimous consent that the distinguished Senators——

Mr. BIDEN. Reserving the right to object, I am not sure that I understand what is being requested here. So for the moment, I object to a unanimous-consent agreement. Particularly, is it required in order for the Senator to be able to do what he wishes to do? I want to figure out what is going on.

I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that we temporarily set aside the Hatch-Gramm-Dole amendment, so that the distinguished Senator from Arizona can call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1133

(Purpose: To encourage parents to assume greater responsibility for preventing their children from engaging in illegal activity)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1133.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

"SEC. . PARENTAL ACCOUNTABILITY.

(a) In General.—Chapter 43 of title 18, United States Code, is amended by adding at the end the following new section:

"SEC. 5043. CIVIL PENALTIES FOR PARENTS OF CERTAIN JUVENILE OFFENDERS.

(a) In General.—(1) The parent or legal guardians of any juvenile charged with any violation of federal law shall attend all court proceedings involving the juvenile, and

(2) if the court finds that the legal guardian or guardians did not exercise reasonable care to control the juvenile,

(A) the legal guardian or guardians shall be ordered to perform the same community service sentence as required to be performed by the juvenile if such sentence is ordered, or

(B) may be ordered by the court to perform community service not to exceed 2 hours of service for each seven days of incarceration ordered for the juvenile if community service is not ordered to be performed by the juvenile.

(3) Paragraph (1) or (2) may be waived, in whole or in part, by the court if it deems that compliance with paragraphs (1) and (2) would result in undue hardship to the family of the juvenile.

(4) For the purpose of this section, the term "juvenile" means any person under 18 years of age.

AMENDMENT NO. 1134 TO AMENDMENT NO. 1133

Ms. MOSELEY-BRAUN. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 1134.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all beginning on line 9 and insert in lieu thereof the following:

"(2) Except as provided in subsection (b), the parents or legal guardians of a juvenile who has been convicted of a criminal offense under any Federal law may be liable to the United States for a civil penalty of not more than $10,000.

(b) Exercise of Parental Responsibility.—The court may decline to enforce if it would cause undue hardship (a)(1) or to impose a fine under subsection (a)(2) if the court makes an affirmative determination that under the circumstances, the parents or legal guardians exercised reasonable care, supervision and control of the juvenile and counseled the juvenile that criminal activity is not acceptable.

(c) Amount of Fine.—

(1) Mandatory minimum.—In no case shall a fine imposed under subsection (a) be less than $100.

(2) Financial hardship.—In no case shall a fine imposed under subsection (a) be less than $500 unless the court makes a finding that a fine in that amount would impose a severe financial hardship on the family of the parent or legal guardians.

(3) If the court determines that the parents or legal guardians are not financially able to pay the fine immediately, the court may set a schedule by which the fine will be paid over time.

(d) Community Service or Parenting Classes in Lieu of Civil Penalty.—A parent or legal guardian ordered to pay a civil penalty under this Section may petition the court to perform such community service or attend and successfully complete parenting classes, as the court determines to be appropriate, in lieu of the civil penalty.

(e) Definitions.—

(1) For the purposes of this section, the term "juvenile" means any person who is under 18 years of age.

(2) For the purpose of this section, the term "parent" means a biological or custodial parent who has legal responsibility for the juvenile at the time the crime was committed.

(f) TECHNICAL AMENDMENT.—The chapter analysis for chapter 403 of title 18, United States Code, is amended by adding at the end the following new item:

"5043. Civil penalties for parents of certain juvenile offenders.".

Mr. MCCAIN. Mr. President, the amendment at the desk can be summarized in two words: parental accountability. Simply, it makes the parents accountable for crimes committed by their dependent children.

When an individual, juvenile or not, commits a crime, that individual must be made to pay back society for the wrongdoing. But in our society, we do not hold juveniles totally responsible for their actions. We also hold parents and legal guardians responsible for the actions of their children. Parents must take a greater role in their children's lives, and greater responsibility for their children's actions. This amendment furthers that goal.

This amendment would mandate that when any individual under the age of 18 is charged with breaking Federal law, the legal guardian or guardians of that individual must:

First, attend all court proceedings; and if the juvenile is convicted,

Second, pay a fine up to $10,000; or

Third, may petition the court to perform community service or attend and successfully complete parenting classes in lieu of a monetary fine.

Further, because many families in which a child commits a crime may be suffering from financial and social hardship, the amendment allows the court to waive, in whole or in part, the sanctions if compliance would result in an undue hardship to the family.

Mr. President, I had originally hoped to apply criminal penalties to parents who neglect their duty and allow their children to commit crimes. The first degree amendment at the desk does exactly that. However, due to constitutional concerns raised by some of my colleagues, Senator MOSLEY-BRAUN and I have offered a second degree amendment that meets constitutional muster and forces parents to assume a greater responsibility for preventing their children from engaging in illegal activity.

Mr. President, daily the media reports of young people under the age of 18 who join gangs, deal drugs, and treat death and killings as cavalier events. This is demonstrative proof that parents are neglecting their obligation to teach our children right from wrong.

The prevalence of gangs is growing. Gang violence is rising.

No area is safe. Drugs are omnipresent—not merely being used by young Americans, but being sold and marketed as a business by young Americans.

According to U.S. News & World Report, November 8, 1993:

> Today, more than 3 million crimes a year are committed in or near the 85,000 U.S. public schools. * * * A University of Michigan study reports that 9 percent of eighth graders carry a gun, knife, or club to school at least once a month. In all, an estimated 270,000 guns go to school every day.

According to the article, in 1940, public school teachers rated the top disciplinary problems as: talking out of turn; chewing gum; making noise; running in the halls; cutting in line; dress code violations; and littering.

In 1990, public school teachers rated the top disciplinary problems as: drug abuse; alcohol abuse; pregnancy; suicide; rape; robbery; and assault.

Mr. President, we are watching the disintegration of our society. We simply cannot sit back and idly watch this happen.

On October 17, 1993, the Seattle Times headline read:

> Age of violence—Youth Crime Is Rising Fast, And Everyone Is A Victim—More Children Are Killing Others, Or Themselves. Can Anything Be Done?

The article states that in 1991, according to the Washington State Department of Community Development, the number of violent crimes—assault, homicide, sexual assault—committed by 10 to 17 year-olds has doubled since 1981. Although people in this age group represent only 11 percent of the population, they committed at least 25 percent of all violent crimes in Washington State.

I do not in any way mean to single out Washington State. This is a national, not local, problem.

According to the Phoenix Gazette article entitled "Violent Juvenile Crimes on the Rise; Experts Blame Unfulfilled Emotional Needs of Children":

> The FBI reports a 27 percent increase in violent juvenile crime in a decade since 1980. This increase crosses all racial, social, and economic boundaries.

Our youth did not become violent overnight. Our youth did not choose the gun as the tool of choice to solve their problems due to a change in the weather.

These problems are occurring because we are abrogating our responsibility to our children.

Mr. President, the people we represent back home know the unfortunate truth: the family is disintegrating. Parents allow their children to run around uncontrolled and without supervision or moral guidance.

The realities of the modern age may make it more difficult for parents to spend a great deal of time with their children. That is unfortunate, but in many cases it is reality.

But parents cannot be divested of their moral obligation to teach their children right from wrong. Values cannot be artificially imposed on children by society or the Government. Values can and should only be taught by parents. Justice will not prevail unless it is taught to our children.

Dr. Deborah Prothrow-Stith, a national expert on juvenile violence from Harvard University stated:

> It's no longer enough to offer children an average stable family life. When [juveniles] have got this kind of aggressive consistent message that's made as attractive as it is, parents must actively counter it.

According to Hunter Hurst, Director of the National Center for Juvenile Justice in Pennsylvania:

> Society can't just sit back and rely on police, public officials or public institutions to solve the problem. Parents need to get back to the basics and take care of their children.

That is exactly what this amendment encourages.

Mr. President, it is time for us to say to parents, you are responsible for your children. You cannot step back, give no guidance or moral leadership to your children and then say "society—now it's your problem." If parents are going to let our Nation's youth commit crime, then parents are going to be held responsible by a just and fair society.

This amendment does exactly that. When a young person takes from society, then the courts can make the parents perform community service to pay back our communities.

This is not a new or novel concept. If a young person breaks a store window, it is the parents who are held accountable and made to pay retribution. If a young person desires to enter into a contract, we mandate that the parents take responsibility and sign the contract. Why should we not then hold parents responsible when their child commits a crime?

This amendment also acts as a deterrent. If parents know that their child's activity in a gang or with drugs may result in their being punished, I wonder how many will turn a blind eye to these kinds of activities.

The concept for increased parental accountability has been promulgated by the Governor Symington, the Governor of Arizona. I believe that it is significant that this proposal originated with a state official.

While we are debating sweeping national policy issues, it is the local cop on the beat who is actually making a difference. It is the local city council member, county official, and State Governor who is truly confronting the problem of crime. It saddens me that far too often these hallowed marble walls that surround this body seem to cut it off from the reality of life back home.

Thus I charge my colleagues, listen to the local officials. Let us base our policies on their initiatives, tested in the laboratory of the streets, and use their knowledge. Let us pay attention to individuals such as Governor Symington and his good work embodied in his anticrime proposal. These local officials have told us that we must act, and act now. These people on the front lines have told us to follow their lead: Pass a tough crime bill that punishes those who commit crimes and that stops our families from hemorrhaging.

I would hope this amendment would be readily accepted. The purpose of this amendment summarizes this issue perfectly—to "encourage parents to assume greater responsibility for preventing their children from engaging in illegal activity."

If we cannot hold parents accountable, then who can we?

I hope my colleagues will carefully consider that question and support this fair, simple amendment.

Mr. President, in summary, I thank the Senator from Illinois for her second-degree amendment to my amendment. I think it is an important addition. It is a privilege to work with her on this very important and critical issue on the crime bill.

Very briefly, the amendment of the Senator from Illinois will mandate that when any individual under the age of 18 that is charged with breaking Federal law, the legal guardian or guardians of that individual must attend all court proceedings. If the juvenile is convicted, they must pay a fine of up to $10,000, or may petition the court to perform community service or attend and successfully complete parenting classes in lieu of a monetary fine.

I yield to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Arizona. We have worked well together with this concept. Essentially, it is a concept that calls for parental responsibility in the enforcement of our juvenile laws.

Essentially, this is a sanction that allows for us to use the law to bring parents into the process. So where a juvenile is charged with a crime, where there is a trial, the parents will be called on to participate in the trial. The parents will be called on to participate in the proceeding by themselves, and to—when appropriate—have responsibility for fines which may be waived in cases of undue hardship.

I urge the support of our colleagues for this parental responsibility legislation.

Mr. McCAIN. Mr. President, I again thank the Senator from Illinois. It has been a pleasure working with her. I will make an important point here. Everybody in America agrees that crime is a serious problem in our society. Everybody believes that the root cause of that is a breakdown of the family unit. What this amendment does is places responsibility on the parents of these children.

This amendment states that the responsibility for the actions of children lays in the laps of the parent. If we are going to restore the family unit, there are many steps we need to take. One of the most important is that we emphasize parental responsibility, and that is an area that we are all in agreement on. I again thank Senator MOSELEY-BRAUN for her help in this. I think she has made a significant contribution.

I understand this amendment is acceptable to the distinguished managers of the bill. I know they have many other things to do tonight. I would like to talk for a long time regarding this issue, and I know that the Senator from Illinois does, because crime committed by juveniles is affecting every aspect of my community and State, as it is hers. In the interest of time, however, I yield the floor, and I hope the managers of the bill will accept the amendment.

Mr. BIDEN. Mr. President, I understand what our distinguished colleagues are attempting to do. I think it is a worthwhile attempt. I am prepared to accept the amendment. But we should understand—and I know there is reason for the exception here—a significant number of children committing these crimes have no parents, and they are predators wandering the streets. We find, for example, in the city of New York, there are 175,000 drug-addicted children under the age of 17 who have no mother, no father, who in fact commit, on average, 200 crimes a year, and there is going to be no one to put in jail or to have community service for except these individuals. But it is a worthwhile and notable effort, as long as we do not overpromise what this will do; it will not do a whole lot, but it will do something positive. I am prepared to accept the amendment.

Mr. HATCH. Mr. President, I am also prepared to accept the amendment. I associate myself with the chairman of the committee. I appreciate what these two distinguished Senators are trying to do here this evening. I understand and I think it is a worthwhile amendment. I am prepared to accept it.

The PRESIDING OFFICER. The question is on the second-degree amendment.

The amendment (No. 1134) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on amendment No. 1133, as amended.

The amendment (No. 1133), as amended, was agreed to.

AMENDMENT NO. 1131

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, what is the parliamentary situation right now? Is it the Hatch-Gramm-Dole amendment?

The PRESIDING OFFICER. The Senator from Utah is correct.

Mr. HATCH. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

The question is on agreeing to the amendment.

The amendment (No. 1131) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, we now have an agreement from at least five individuals who are prepared to debate their amendments tonight, and we have time agreements. I am going to propound a unanimous-consent agreement relative to time. I ask that on the Dole amendment relating to gangs, there be 20 minutes equally divided in the usual form, with no second-degree amendments.

Mr. HATCH. Parliamentary inquiry. Has my underlying amendment been agreed to on the mandatory minimum?

The PRESIDING OFFICER. The underlying amendment of the Senator from Texas is still pending, which was No. 1130.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I feel very good about what we are about to do next because we are going to move this bill even further along than we have up to now. This bill has the potential of becoming the best crime bill in history from the Federal Government's standpoint. Right now in my opinion it is. We are going to add some provisions that I think are going to make it even better.

AMENDMENT NOS. 1135 THROUGH 1139

Mr. HATCH. Mr. President, I send to the desk a package of amendments and ask for its immediate consideration en bloc.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes amendments numbered 1135 through 1139.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Amendment No. 1135

Strike Title II and insert the following:

TITLE II—DEATH PENALTY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1993".

SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) In General.—Part II of title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c), if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) Mitigating Factors.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) Impaired capacity.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) Duress.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) Minor participation.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) Equally culpable defendants.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) No prior criminal record.—The defendant did not have a significant prior history of other criminal conduct.

"(6) Disturbance.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) Victim's consent.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) Other factors.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) Aggravating Factors for Espionage and Treason.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) Prior espionage or treason offense.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) Grave risk to national security.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) Grave risk of death.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) Aggravating Factors for Homicide and for Attempted Murder of the President.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (3), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) Death during commission of another crime.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) Involvement of firearm or previous conviction of violent felony involving firearm.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c), the defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

"(3) Previous conviction of offense for which a sentence of death or life imprisonment was authorized.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) Previous conviction of other serious offenses.—The defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) Grave risk of death to additional persons.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

"(6) Heinous, cruel, or depraved manner of committing offense.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) Procurement of offense by payment.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) Pecuniary gain.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) Substantial planning and premeditation.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) Conviction for two felony drug offenses.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) Vulnerability of victim.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death. The court of appeals shall not reverse or vacate a sentence of death on account of any error which can be harmless, including any erroneous special finding of an aggravating factor, where the government establishes beyond a reasonable doubt that the error was harmless.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§ 3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

"228. Death sentence .... 3591".

SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(4) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(5) KILLING OF FOREIGN OFFICIAL.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(6) KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(7) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18, United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(8) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

(9) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(10) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(11) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(12) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(13) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for

life and a fine of not more than $1,000,000, or both;".

(15) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking the period after "both" and inserting ", or sentenced to death.".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—In this section—

"'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

"'murder' means a first degree or second degree murder (as defined by section 1111).

"'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 207. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111, or, in the case of manslaughter, a sentence as provided under section 1112.".

SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1993".

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Drive-by shooting

"(a) DEFINITION.—In this section, 'major drug offense' means—

"(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

"(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

"(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

SEC. 209. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Foreign murder of United States nationals

"(a) DEFINITION.—In this section, 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this paragraph is not subject to judicial review.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(2) The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign murder of United States nationals.".

SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 211. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 212. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 109(a), is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) DEFINITION.—In this section, 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.

"(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 109(b)(2), is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 213. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.".

SEC. 214. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (a) by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.".

SEC. 215. MURDER IN COURSE OF ALIEN SMUGGLING.

Section 274(a) of the Immigration and Naturalization Act (8 U.S.C. 1324) is amended by inserting before the period at the end the following: ": *Provided further*, That if during and in relation to an offense described in paragraph (1) the person causes serious bodily injury to, or places in jeopardy the life of, any alien, such person shall be subject to a term of imprisonment of not more than 20 years, and if the death of any alien results, shall be punished by death or imprisoned for any term of years or for life.".

AMENDMENT NO. 1136

(Purpose: To limit participation in the drug court program under title XI of the bill to nonviolent offenders)

On page 260, strike line 15 and all that follows through page 262, line 11, and insert the following:

SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.

APPLICATION.—The Attorney General may establish a unified or coordinated process for applying for grants under parts T, U, and V of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this title. In addition to any other requirements that may be specified by the Attorney General, an application for a grant under any provision of this title shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate coordination with all affected agencies;

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(7) certify that no violent offenders will be eligible or allowed to participate in the program authorized under part U.

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Attorney General shall issue regulations and guidelines to carry out the programs authorized by this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.—The Attorney General shall—

(A) issue regulations and guidelines to ensure that the programs authorized under part U of this title do not permit participation by violent offenders; and

(B) immediately suspend funding for any grant under this title if the Attorney General finds that violent offenders are participating in any program funded under part U.

TECHNICAL ASSISTANCE AND EVALUATION.—The Attorney General may provide technical assistance to grantees under the programs authorized by this title. The Attorney General may carry out, or arrange by grant or contract or otherwise for the carrying out of, evaluations or programs receiving assistance under the programs authorized by this title, in addition to any evaluations that grantees may be required to carry out pursuant to subsection (b).

USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section or other provisions of this title, or in coordinating activities under the programs authorized by this title.

GAO STUDY.—

IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by this title and report to Congress the results of the study on or before January 1, 1997.

(2) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under paragraph (1), including the identities and criminal records of program participants.

(3) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by this title, the Comptroller General shall consider, among other things—

(A) recidivism rates of program participants;

(B) completion rates among program participants;

(C) drug use by program participants; and

(D) the costs of the program to the criminal justice system.

(f) DEFINITION.—In this title, "violent offender" means a person charged with or convicted of an offense (or charged with or adjudicated as a delinquent by reason of conduct that, if engaged in by an adult would constitute an offense), during the course of which offense of conduct—

(1) the person carried, possessed, or used a firearm or dangerous weapon;

(2) there occurred the death of or serious bodily injury to any person; or

(3) there occurred the use of force against the person of another

without regard to whether any of the circumstances described in paragraph (1), (2), or (3) is an element of the offense or conduct of which or for which the person is charged, convicted, or adjudicated as a deliquent.

Mr. HATCH. Mr. President, the Democrat's crime bill proposes spending $1.2 billion on a drug courts program. The proposal is essentially three separate State grant programs which will be coordinated by the Attorney General.

These grant programs would fund drug testing on arrest programs, residential drug treatment programs, and alternative sanctions for young offenders. The Attorney General is required to coordinate the distribution of these grants so that efforts similar to the Miami/Dade County's drug court will be funded. The Miami program was pioneered by Janet Reno. The Miami program assigns drug cases to one or two special courtrooms, where offenders, who are called clients, are assigned treatment for their drug problem rather than punishment.

As a general matter, the Democrat bill stresses expanded drug treatment as opposed to additional prison construction. I do not quarrel with the need to treat those who are, in fact, treatable. Yet, I believe dollars should be spent on treatment only after we have ensured the peaceful, law-abiding people of this Nation that we have adequate prison space to back up the sentences we impose. Furthermore, I do not believe that all criminals with drug problems are treatable. While I believe there is a role for treatment in combating drug related crime, we must bear in mind that treatment's proven effectiveness is limited. Nearly one in four State prison inmates have participated in a drug treatment program before entering prison. [Bureau of Justice Statistics, Survey of State Prison Inmates, 1991.]

I must concede that I am suspicious of programs which propose treatment as a complete alternative to prison. Unless these drug court programs are carefully monitored, we run the risk of letting soft-headed, self-proclaimed experts on drug policy take drug crimes completely out of the criminal justice system. Alternatively, we risk turning our courts into social service bureaus through which drug addicts are recycled.

I have several other reservations about the proposed drug courts program. I am concerned that the programs might be ripe for abuse. Many experts believe that offenders will repeatedly try to use the treatment programs to avoid prison. Indeed, Miami's program has a certain degree of failure—that is, recidivism—built in. The offenders are expected to continue to use drugs.

Additionally, the effectiveness of drug treatment programs, and drug courts in general, is still unproven and largely anecdotal. At least 40 percent of offenders completing the program in Dade County, Florida, has been rearrested. And these recidivism rates do not include those offenders who do not successfully complete the drug court program. [Washington Post, February 20, 1993.] Moreover, since an offender's record is wiped clean pursuant to the Miami program, it is very difficult to determine whether the programs have any positive effect at all.

My concerns are supported by some criminal defense attorneys. As one well known defense attorney recently said, "These drug programs don't work. The success rate is very poor—probably because you throw the offenders back into the same environment where they came from, where everybody's doing drugs." [Legal Times, March 1, 1993 quoting Greta Van Susteren of DC.'s Coale, Allen, & Van Susteren.]

In addition to my concerns about the effectiveness of these programs, I am concerned that violent offenders will inevitably make their way into these drug court systems, further endangering society and eroding our criminal justice system's credibility.

As I understand the Democratic proposal, the drug courts established under this bill are intended to be limited to non-violent drug offenders. However, as originally drafted, the proposal does not bar nonviolent offenders. In fact, it requires that gang-related offenders be allowed to participate.

The drug court programs being proposed in some of our cities anticipate the participation of violent offenders. As proposed in some jurisdictions, such as the District of Columbia, drug courts could handle a broader range of offenders, including those arrested on non drug charges, but who are considered to have an underlying drug problem. [Legal Times, March 1, 1993.] The same holds true for the drug court program being instituted in Los Angeles. That program may be broadened to include more serious crimes than drug offenses and recidivists. [Los Angeles Times, May 17, 1993.] Thus, alternative sanctions—that is, punishment other than prison—could be available to violent criminals.

Currently, the jury is still out on alternative sanctions. Over 25 percent of all inmates assigned to halfway houses in the District of Columbia simply walk away. [The Washington Post, October 19, 1993.] Over a fourth of those who escape are never caught. Those who are caught are often arrested for other crimes. The poor capture rate is not surprising considering reports that it takes the corrections department an average of 9 weeks to obtain arrest warrants for escapees. [Washington Post, October 19, 1993.]

A number of recent high-profile crimes in the District of Columbia were committed by convicted criminals who were supposed to be in the District's halfway houses:

A 35-year-old man who escaped from a halfway house in June has been charged with a brutal videotaped robbery of a Korean-owned jewelry store in September. When the videotape aired on local news, many of us watched in horror as the suspects pistol whipped one victim and critically shot another.

A 22-year-old man, who had escaped from a halfway house in January, was charged in the August killing of a liquor store owner during a robbery.

In May, a 33-year-old man was charged with the kidnaping and rape of a 74-year-old Maryland woman 1 week after he walked away from his halfway house.

Despite my concerns, I recognize the link between drug abuse and crime. I support the need to treat drug dependent, nonviolent offenders. For this reason, I am willing to work with this administration on this drug court program. Yet, we cannot afford the prospect that violent or repeat offenders will be placed back out on the streets. Any federally sponsored drug courts program must expressly exclude the participation of violent offenders from the program.

The focus of the criminal justice system should be on keeping criminals—especially violent criminals—off the streets. If a proposal does not do this; indeed if it actually increases the chances that such criminals will stay on the streets, it should not be in the crime bill. Drug treatment programs, or so-called drug courts, should not be used to supplant incarceration for violent criminals who should be in prison. If the drug courts proposal is limited to nonviolent drug offenders as intended, it meets this test.

AMENDMENT NO. 1137

On page 276, line 7, strike "28" and insert "25".

AMENDMENT NO. 1138

(Purpose: To add provisions relating to drug control and rural crime and law enforcement personnel)

On page 308, strike line 2 and all that follows through page 310, line 7, and insert the following:

Subtitle A—Drug Trafficking in Rural Areas

SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O $50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1402. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, tne Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Asset seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 1405. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

DRUG CONTROL AND RURAL CRIME

Mr. HATCH. Mr. President, more Federal attention needs to be given to rural America. More Federal agents and other special efforts are needed to support State and local enforcement efforts in rural America. A Judiciary Committee staff report issued last Congress found that in 13 rural States, including Utah, violent crime increased at a faster rate than in New York City.

Rural America is suffering through a plague of violent crime which, in many respects, exceeds that of our larger cities. For example, in 1991, FBI figures show that violent crime rose 35 percent faster in rural counties than it did in America's eight largest cities. According to these FBI statistics, a person stands a better chance of being raped or the victim of theft in Utah than he or she does in the District of Columbia, Los Angeles, or New York City. Still, the police presence in these cities far exceeds Utah's. For example, the District has four times as many police officers per capita than Utah. Plainly, these are alarming figures which demonstrate that rural America needs relief.

Utah has a growing problem of youth gangs, who are coming to Salt Lake City from California and bringing their drug and crime activity with them. According to Salt Lake City officials, drive-by shootings are more common and national gangs like the Bloods and the Crips are present.

We know that much of the crime and violence we face is fueled by illegal drugs. In addition to the pernicious effects on the individual who takes illegal drugs, drugs relate to crime in at least three ways: First, a drug user may commit crime because of drug-induced changes in physiological functions, cognitive ability, and mood; second, a drug user may commit crime in order to obtain money to buy drugs; and third, a violent crime may occur as part of the drug business or culture. See Goldstein, Drugs and Violent Crime, in "Pathways to Criminal Violence" 16, 24-36, N. Weiner, M. Wolfgang eds., 1989. Studies bear out these possibilities, and demonstrate a direct nexus between illegal drugs and crimes of violence. See generally id., at 16-48.

For example, 57 percent of a national sample of males arrested in 1989 for homicide tested positive for illegal drugs. National Institute of Justice, "1989 Drug Use Forecasting Annual Report" June 9, 1990. The comparable statistics for assault, robbery, and weapons arrests were 55, 73, and 63 percent, respectively. In New York City, in 1988, 90 percent of all male arrestees tested positive for drug use.

While I would think that most of us understand this link between crime and drugs, Mr. President, thus far, the Clinton administration, while talking about getting tough on crime, has been sending the signal that drug control is no longer a national priority. Mr. President, I think it should be.

When President Clinton was running for office he said, in recognition of the link between drugs and crime, that "we have a national problem on our hands that requires a tough national response." New York Times, March 26, quoting an earlier Clinton statement. This campaign rhetoric does not match the governing reality. Director Lee Brown, the President's own drug czar, has recently conceded that drugs are no longer at the top of the agenda as an issue. Washington Post, July 8.

The administration has been retreating in the drug war on too many fronts. While giving Director Brown a paper promotion to Cabinet level, this administration has slashed the drug czar's office to the bone—from 146 positions to 25. It has sought to cut funding in the drug war. It has recommended eliminating the Drug Enforcement Agency, which has a proven track record of success. Budget allocations for prosecutors have been reduced, prison construction is being cut, and it appears interdiction efforts will be cut back. The administration has been inadequate on both demand and supply reduction.

Finally the administration presented with great fanfare its so-called interim drug control strategy. Mr. President, it is a major disappointment, consisting largely of generalities and pitches for various Clintonadministration proposals like the National Service Plan. It is a placebo; a political document so general as to be unhelpful, and useful only to give the appearance of taking this issue as seriously as it should be.

Drugs and drug violence are problems that hit us all right at home. According to the Salt Lake Tribune, last year in my home State of Utah, where we have been subjected to increasing drug and gang presences, there were 6,673 drug-related arrests. One-fifth of those arrested for drugs last year were juveniles. Salt Lake Tribune, October 2. Our kids and our families are at risk, and we cannot afford not to invest the effort and resources necessary to win this war and end this scourge. And we must do it now.

A recent University of Michigan study demonstrates why. The study shows that the decline of drug use among our Nation's young people, which began during the Reagan-Bush years, has virtually halted and that marijuana and LSD use are on the rise. The New York Times reported that Dr. Lloyd Johnson, who headed up the research team, concluded that the study indicates a more tolerant attitude toward drugs and the possibility of a steep increase in drug abuse. New York Times, July 16. This study demonstrates the risk we face if we do not attack immediately and with resolve.

Mr. President, drugs, crime, and violence are national problems facing urban and rural America. Unfortunately, the crime problems faced in rural America have been overlooked by Federal agencies in Washington. They havefocused on the crime in more urban areas. Yet, rural States problems need greater Federal attention. The number of Federal prosecutors and law enforcement agents has been inadequate to handle the growing crime.

In addition, rural States have unique problems which make criminal investigations more difficult. For example, clandestine labs, especially methamphetamine, "ice" labs, present a big problem for rural authorities. According to DEA officials in Utah, a major center for these labs is Utah. In an 11-month period, DEA busted 15 such labs.

The Neighborhood Security Act of 1993, S. 1356, addresses the crime and drug problems faced by all of America—urban and rural—by assisting in the fight against drug traffickers and violent criminals. The bill does, however, provide a special focus on crime in rural areas. For example, the legislation:

Amends current State and local law enforcement grants program to authorize an additional $250 million in grants for rural States over 5 years.

Authorizes an additional $100 million over 5 years to hire additional DEA agents for drug investigations in rural and urban areas.

Directs the Attorney General to establish rural crime and drug enforcement task forces in every Federal judicial district that includes significant rural areas. Headed by the local U.S. attorneys, the task forces would include personnel from DEA, FBI, Customs, U.S. Park Police, U.S. marshals, and State andlocal law enforcement. These task forces would be required to coordinate activities to ensure that resources are used as effectively as possible.

Permits the Attorney General to cross-designate up to 100 law enforcement officers from the U.S. Park Police, U.S. Forest Service, Bureau of Land Management, and other law enforcement agencies to enforce Federal drug and criminal law in rural areas. Also, the section requires the Attorney General to ensure that the task forces are adequately staffed with investigators.

Establishes a specialized training program at the Federal Law Enforcement Training Center in Glynco, GA, to teach police officers and sheriffs from rural agencies the most effective methods of conducting drug trafficking investigations.

Requires that the assets forfeited by rural task forces be used to enhance the operations of the task force and participating State and local law enforcement agencies.

Mr. President, the protection of citizens is the first duty of government. If there is a place where Federal expenditures is warranted, it is to fight national crime and violence. I urge my colleagues to support the Neighborhood Security Act to help stop crime and violence in our cities and in our rural areas.

Mr. PRESSLER. Mr. President, we have seen significant progress made in the last couple of days toward giving the American people a truly significant, and no doubt historic, crime bill. When the scholars write the history of when this Nation turned the tide in stemming the violent crime wave undermining civility in this Nation, they may well begin with the actions the Senate has taken in recent days.

Of particular importance to me is the rural crime amendment, cosponsored by Senators HATCH, KEMPTHORNE, myself, and others, to the crime bill which addresses crime issues in rural areas. Too often when we look at fighting crime, the focus is on crime generated by conditions in urban areas. But rural areas are not immune from the ravages of crime.

According to the 1992 Uniform Crime Reports, the number of persons arrested for certain crimes is increasing at a faster rate in rural counties than in suburban and urban counties. For example, the number of persons arrested for robbery increased 14.5 percent in rural counties. Arrests for the same offense in suburban counties and cities declined during the same period. Aggravated assaults increased 7.2 percent, a rate higher than in either suburban counties or cities. Sex offenses in rural counties over the past year increased 19.5 percent, a nearly fourfold rate over cities and suburban counties. Arrests for drug abuse in rural counties increased 22.5 percent from 1992 to 1993. This was nearly twice the rate in suburban areas and nearly four times the rate as in cities.

The facts are clear: serious crime problems exist in rural areas, particularly in the area of drugs. That is why I strongly support this important rural crime amendment now contained in the crime bill.

Let me explain how this amendment will help law enforcement authorities in fighting crime in rural areas. First, it calls for the establishment of rural crime and drug enforcement task forces in rural areas. These task forces, comprised of Federal, State, and local law enforcement authorities, will enable us to wage a coordinated and powerful attack against drug crime in rural areas.

Second, it ensures adequate staff assistance for these rural drug task forces. Creating a task force without the means to carry out its mission would be like hiring additional police without the means to fight crime. It would not be very effective.

Third, the rural crime amendment also provides that assets seized as a result of rural drug enforcement task force investigations will be used primarily to enhance the operation of these task forces. This will help these task forces to maintain their ability to stay ahead of the criminals by turning their own resources against them.

Rural America needs to have these rural crime provisions in the crime bill before the Senate. I am glad to join with my colleagues in cosponsoring this important amendment.

AMENDMENT No. 1139

(Purpose: To authorize the Attorney General to make grants for improved training and technical automation)

On page 219, between lines 7 and 8, insert the following:

Subtitle D—Improved Training and Technical Automation

SEC. 1031. IMPROVED TRAINING AND TECHNICAL AUTOMATION.

(a) GRANTS.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to units of State and local law enforcement for the purposes of improving law enforcement agency efficiency through computerized automation and technological improvements.

(2) TYPES OF PROGRAMS.—Grants under this section may include programs to—

(A) increase use of mobile digital terminals;

(B) improve communications systems;

(C) accomplish paper-flow reduction;

(D) establish or improve ballistics identification programs;

(E) increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis and

(F) improve computerized collection of criminal records.

(3) No fund under this subtitle may be used to implement a cryptographic or digital telephone programs.

(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

(A) expand and improve investigative and managerial training courses for State and local law enforcement agencies; and

(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1994—

(1) $100,000,000 to carry out subsection (a);

(2) $40,000,000 to carry out subsection (b)(1)(A); and

(3) $10,000,000 to carry out subsection (b)(2)(B).

QUANTICO/LAW ENFORCEMENT ASSISTANCE AMENDMENT

Mr. HATCH. Mr. President, I rise to offer an amendment which will bolster our effort in the Nation's war against crime and drugs by providing the Department of Justice with needed resources to improve law enforcement efficiency and training. The amendment authorizes $150 million for grants to States for computerized automation and technical improvements; expansion of investigative and managerial training for State and local law enforcement; and improved intelligence sharing in the investigation of violent serial crimes.

With skyrocketing deficits and a creeping erosion in our Government's financial stability, Congress needs to decide what its funding priorities are going to be. I believe that crime control is of paramount importance and that more resources need to be dedicated to the investigation, prosecution, and incarceration of violent criminals.

While we must spend more, we must also do what we can to improve the efficiency of existing law enforcement agencies and personnel. Inherent in this effort is providing local law enforcement with funds to improve communications systems, reduce paper flow, and encourage other technological improvements. I agree with my colleagues that we need to get more police out from behind their desks. But we must also make sure that they are adequately trained and that their respective departments benefit from the improved services and information sharing we all take for granted.

My amendment furthers these interests. First, it provides grants to State and local law enforcement to make technological improvements. The District of Columbia's Metropolitan Police Department still uses rotary dial phones. They are not adequately computerized. The same holds true for police departments all across the country. In an effort to help bring law enforcement into the information age, I worked with D.C. Police Chief Henry Thomas to craft a grant program which will provide law enforcement with some of the resources it needs to do so. This grant program provides $100 million for programs to improve law enforcement efficiency through technological improvements. Funds can be used to purchase mobil digital terminals, improve ballistics identification, reduce paper flow, and more.

My amendment also recognizes the need to continue the FBI's valuable role in training our Nation's law enforcement agencies. the amendment provides an additional $40 million to the FBI Academy at Quantico to improve its delivery of training and technical assistance to Federal, State, and local law enforcement. Over 26,000 State and local law enforcement officers, including several officers from Utah, have graduated from the National Academy. Last year alone, over 1,040 State and local law enforcement officials graduated from the National Academy. These men and women returned to their respective agencies and have enhanced the quality of investigative and operation techniques of law enforcement. The academy also provides, at regional locations, specialized and technical training to approximately 150,000 police officers everyyear. Virtually every community in America benefits directly from the training conducted at the National Academy.

At Quantico, the FBI also runs the National Executive Institute which trains new police executives, chiefs, commanders, and other high level administrators, on important management techniques. Chief Ruben Ortega of the Salt Lake City Police Department attended the National Executive Institute and has told me that it is one of the finest management law enforcement programs he has ever participated in. Chief Ortega shares my view that the FBI, through its various training programs at Quantico, has improved the efficiency and quality of police departments nationwide.

Finally, my amendment provides $10 million to the Department of Justice to develop and implement an artificial intelligence system to help Federal, State, and local law enforcement investigate violent serial crimes. The National Center for the Analysis of Violent Crime, through its VICAP program [Violent Criminal Apprehension Program], is blazing new trails into the field of law enforcement behavioral sciences. Their expertise is profiling and assisting the States in their investigation of serial crimes is unmatched.

My amendment directs the Department to build upon the work being done by the center. The amendment establishes a pilot program which will consolidate the knowledge and expertise of those who work in this field into an artificial intelligence system which can better provide investigative support to State and local officials investigating violent serial crimes. At the outset, only 10 cities will participate. If it works, and I believe it will, the program could be expanded nationwide.

I believe that we must begin to link the abilities and resources of our serial crime investigators at the State level. We must improve the delivery of the intelligence and expertise which has been endowed upon the national center. In my view, for a relatively small investment, the national center has the potential to prevent an untold number of serial crimes and assist in the apprehension of those responsible for these reprehensible crimes.

In closing, this amendment is an investment for the future. The Hatch amendment furthers the interest of improving the efficiency, training, and delivery of services of our Nation's nearly 550,000 police officers.

For these reasons, I urge my colleagues to support this amendment.

Mr. President, this package of amendments includes the following.

No. 1, a Biden-Hatch amendment (No. 1135) which improves the death penalty procedures.

No. 2, a Hatch amendment (No. 1136) to prohibit violent offenders from participating in the drug courts program.

No. 3, a Hatch amendment (No. 1137) to lower the age of eligible participants in the drug courts alternative sanctions program from individuals who are 28 or younger to 25 or younger.

No. 4, a Hatch-Biden-Pressler-Kempthorne-Leahy amendment (No. 1138) on—I understand Senator LEAHY is on that—am I right on that? A Hatch-Pressler-Kempthorne amendment on rural crime control.

And, No. 5, a Hatch amendment (No. 1139) on funding for technological improvements for law enforcement, for improvements to Quantico and a pilot serial crimes program.

Mr. President, these are excellent amendments that I think will strengthen this package. In particular, we have worked hard to improve the death penalty procedures, and I want to compliment my distinguished colleague from Delaware for his energetic and very persuasive improvements and approaches to this particular subject. We have worked hard, I think, to bring both sides together. I believe this amendment does it.

With regard to amendment No. 2, the same thing applies; the same with amendment No. 3.

The rural crime control amendment is one I am particularly proud of because we have rural crime all over this country and we are not giving much, other than lip service, to it. This amendment will provide for a whole raft of help to people in the rural areas and to State anticrime facilities and personnel in rural areas, to help bring down rural crime and keep it under control.

With regard to No. 5, the amendment for technological improvements for law enforcement and for improvements at Quantico, the Quantico Police Academy is the single most important police academy training program for law enforcement officials all over the world. It is a unique program. They have their own city down there. They need to have their own courts, their own jails, everything to provide for actual training of law enforcement personnel in how to handle all kinds of situations as they arise.

In addition, the pilot serial crimes program, which applies to the psychiatric section down there, is one of the most important programs I can think of, because that particular section is having a real, dramatic impact in helping State and local law enforcement people and Federal law enforcement people all over this country. So we provide for specific moneys from an authorizing standpoint to that as well.

It is about time that we have, because they are doing some remarkable things that can help to dampen some of the criminal activities in this country, and even in a greater way than they are right now.

So, Mr. President, I am very proud to submit this package. We are prepared to move this.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will be very brief. Let me say the underlying Biden bill, the crime bill, has death penalties procedures changes in it, and safeguards built in. The Senator from Utah raised some legitimate concerns. We amended it in several ways.

Second, with regard to the drug courts, which is contained in the underlying bill, that is a $1 billion-plus piece of this bill. There are two amendments that clarify the intent of the drug court program, which I believe is already clear, but my colleague from Utah wanted to see some more clarification.

On rural crime, we have a major chunk for rural crime in the bill already, but under the leadership of the Senator from Utah, he has beefed it up considerably in terms of the moneys that are allocated to rural crime in particular, and the allocation to drug enforcement agencies to deal with the drug problem.

I think they are very valuable additions to the bill, also the law enforcement technology in Quantico. This is a brand new addition. I think the Senator is absolutely right. I think it should be in the bill.

I urge the package of the amendments that are before the Senate.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the en bloc amendments.

The amendments (Nos. 1135 through 1139) were agreed to en bloc.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 1140

(Purpose: To substitute provisions relating to gangs, juveniles, drugs, and prosecutors)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself and Mr. HATCH, proposes an amendment numbered 1140.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 114, strike line 11 and all that follows through page 126, line 13, and insert the following:

TITLE VI—GANGS, JUVENILES, DRUGS, AND PROSECUTORS

SEC. 601. SHORT TITLE.

This title may be cited as the "Anti-Gang and Youth Protection Act of 1993".

Subtitle A—Criminal Youth Gangs

SEC. 611. CRIMINAL STREET GANGS OFFENSES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after chapter 93 the following new chapter:

"CHAPTER 94—PROHIBITED PARTICIPATION IN CRIMINAL STREET GANGS AND GANG CRIME

"Sec.
"1930. Crimes in furtherance of gangs.
"1931. Prohibited activity.
"1932. Penalties.
"1933. Investigative authority.

"§ 1930. Crimes in furtherance of gangs

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Criminal street gangs have become increasingly prevalent and entrenched in our society in the last several decades. In many areas of the country, these gangs exert considerable control over other members of their community, particularly through the use of violence and drugs. Criminal street gangs have also become more national in scope, extending their influence beyond the urban areas in which they originated.

"(2) The major activities of criminal street gangs are crimes of violence and the distribution and use of illegal drugs. It is through these activities that criminal street gangs directly affect interstate and foreign commerce, even when their particular activities, viewed in isolation, appear to be purely intrastate in character.

"(b) BASIS FOR CHAPTER.—On the basis of the findings stated in subsection (a), the Congress determines that the provisions of this chapter are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish criminal law.

"§ 1931. Prohibited activity

"(a) DEFINITIONS.—In this chapter—

"'criminal street gang' means an organization or group of 5 or more persons, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with a purpose that any of those persons alone, or in any combination, commit or will commit, 2 or more predicate gang crimes, 1 of which must occur after the date of enactment of this chapter and the last of which occurred within 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime.

"'participate in a criminal street gang' means to act in concert with a criminal street gang with intent to commit, or with the intent that any other person associated with the criminal street gang will commit, 1 or more predicate gang crimes.

"'predicate gang crime' means—

"(A) any act or threat, or attempted act or threat, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year, involving murder, attempted murder, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or manufacturing, importing, receiving, concealing, purchasing, selling, possessing, or otherwise dealing in a controlled substance or controlled substance analogue (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) any act punishable by imprisonment for more than 1 year under section 922 or 924 (a)(2), (b), (c), (g), or (h) (relating to receipt, possession, and transfer of firearms), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant); or

"(C) any act punishable under subsection (b)(5).

"'State' means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) UNLAWFUL ACTS.—It shall be unlawful—

"(1) to commit, or to attempt to commit, a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang;

"(2) to participate, or attempt to participate, in a criminal street gang, or conspire to do so;

"(3) to command, counsel, persuade, induce, entice, or coerce any individual to participate in a criminal street gang;

"(4) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime, with intent to promote the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(5) to use any communication facility, as defined in section 403(b) of the Controlled Substances act (21 U.S.C. 843(b)), in causing or facilitating the commission, or attempted commission, of a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang. Each separate use of a communication facility shall be a separate offense under this subsection.

"§ 1932. Penalties

"(a) PENALTIES OF UP TO 20 YEARS OR LIFE IMPRISONMENT.—A person who violates section 1931(b) (1) or (2) shall be punished by imprisonment for not more than 20 years, or by imprisonment for any term of years or for life if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, and if a person commits such a violation after 1 or more prior convictions for such a predicate gang crime, that is not part of the instant violation, such person shall be sentenced to a term of imprisonment which shall not be less than 10 years and which may be for any term of years exceeding 10 years or for life.

"(b) PENALTIES BETWEEN 5 AND 10 YEARS.—A person who violates section 1931(b) (3) or (4) shall be sentenced to imprisonment for not less than 5 nor more than 10 years, and if a person who was the subject of the act was less than 18 years of age, to imprisonment for 10 years. A term of imprisonment under this subsection shall run consecutively to any other term of imprisonment, including that imposed for any other violation of this chapter.

"(c) PENALTIES OF UP TO 5 YEARS.—A person who violates section 1931(b)(5) shall be punished by imprisonment for not more than 5 years.

"(d) ADDITIONAL PENALTIES.—

"(1) IN GENERAL.—In addition to the other penalties authorized by this section—

"(A) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves murder or conspiracy to commit murder which results in the taking of a life, and who commits, counsels, commands, induces, procures, or causes that murder, shall be punished by death or by imprisonment for life;

"(B) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves attempted murder or conspiracy to commit murder, shall be sentenced to a term of imprisonment which shall not be less than 20 years and which may be for any term of years exceeding 20 years or for life; and

"(C) a person who violates section 1931(b) (1) or (2), and who at the time of the offense occupied a position of organizer or supervisor, or other position of management in that street gang, shall be sentenced to a term of imprisonment which shall not be less than 15 years and which may be for any term of years exceeding 15 years or for life.

"(2) PRESUMPTION.—For purposes of paragraph (1)(C), if it is shown that the defendant counseled, commanded, induced, or procured 5 or more individuals to participate in a street gang, there shall be a rebuttable presumption that the defendant occupied a position of organizer, supervisor, or other position of management in the gang.

"(e) FORFEITURE.—

"(1) IN GENERAL.—A person who violates section 1931(b) (1) or (2) shall, in addition to any other penalty and irrespective of any provision of State law, forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation; and

"(B) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.

"(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Section 413 (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of the Controlled Substances Act (21 U.S.C. 853 (b), (c), and (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p)) shall apply to a forfeiture under this section.

"(c) SENTENCING GUIDELINES INCREASE FOR GANG CRIMES.—The United States Sentencing Commission shall at the earliest opportunity amend the sentencing guidelines to increase by at least 4 levels the base offense level for any felony committed for the purpose of gaining entrance into, or maintaining or increasing position in, a criminal street gang. For purposes of this subsection, "criminal street gang" means any organization, or group, of 5 or more individuals, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with the intent that any of those individuals alone, or in any combination, commit or will commit, 2 or more acts punishable under State or Federal law by imprisonment for more than 1 year.

SEC. 612. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(E)"; and

(2) by inserting before the semicolon at the end of the paragraph the following: ", or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person below the age of 18 years in the commission of the offense".

SEC. 613. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking "and" at the end of clause (ii) and inserting "or"; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph; and".

SEC. 614. ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3))," and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C.

952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963),"; and

(B) by striking "922(p)" and inserting "924(b), (g), or (h)";

(2) in the fourth undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959, 960(b)(1), (2), or (3), or 963), or section 924(b), (g), or (h) of this title,"; and

(B) by striking "subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3))" and inserting "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)"; and

(3) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.".

SEC. 615. INCREASED PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS NEAR SCHOOLS AND PLAYGROUNDS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.".

SEC. 616. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR PUBLIC HOUSING.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 617. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.

(a) TRAVEL ACT PENALTIES.—Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both." and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

(b) MURDER CONSPIRACY PENALTIES.—Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 618. AMENDMENTS CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.

(a) Section 5038 of title 18, United States Code, is amended by striking subsections (d) and (f), redesignating subsection (e) as subsection (d), and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032 of this title, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

(b) Section 3607 of title 18, United States Code, is repealed, and the corresponding item in the chapter analysis for chapter 229 of title 18 is deleted.

(c) Section 401(b)(4) of the Controlled Substances Act (21 U.S.C. 841(b)(4)) is amended by striking "and section 3607 of title 18".

SEC. 619. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING OBJECTIVE.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs.".

Subtitle B—Gang Prosecution

SEC. 621. ADDITIONAL PROSECUTORS.

There is authorized to be appropriated $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

SEC. 22. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by January 1, 1995.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1994.

SEC. 623. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1992" and inserting "1993".

SEC. 624. GRANTS FOR MULTIJURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by inserting "and gang" after "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug".

Subtitle C—Antigang Provisions

SEC. 631. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs";

and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States, units of general local government, private not-for-profit anticrime organizations, or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including prevention and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To reduce and prevent juvenile drug and gang-related activity in rural areas.

"(6) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(7) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(8) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(9) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(10) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(11) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(12) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 232. There are authorized to be appropriated $100,000,000 for fiscal year 1994 and such sums as are necessary for fiscal year 1995 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 233. The amounts appropriated for this subpart for any fiscal year shall be allocated as follows:

"(1) $500,000 or 1.0 percent, whichever is greater, shall be allocated to each of the States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"SEC. 234. (a) IN GENERAL.—Each State or entity applying for a grant under section 231 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.".

SEC. 632. CONFORMING REPEALER AND AMENDMENTS.

(a) REPEAL OF PART D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

Mr. DOLE. Mr. President, I ask there be 30 minutes equally divided on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. It may not take 30 minutes. I know the Senator from Connecticut is ready to go. It may be acceptable.

The PRESIDING OFFICER. Without objection, the pending amendment of the Senator from Texas will be set aside.

Mr. DOLE. Mr. President, I am pleased to join with my distinguished colleague, Senator HATCH, in offering this amendment to address the rising level of gang-related violence in our country.

In fact, not long ago, the Washington Post ran a front page story on the problem of youth gangs in Wichita, KS. Anytime that crime in Wichita, KS, is front page news in Washington, you know there is a big problem out there. It is not just in the cities, it is everywhere.

In my own State of Kansas, gang activity is on the rise, not only in Wichita, but in Topeka and Kansas City as well.

The Kansas Bureau of Investigation has identified 2,895 gang members in the State. And if you include those who call Kansas City, MO, their home, the number of gang members wreaking havoc in Kansas exceeds 3,300.

This amendment takes a balanced approach—focusing both on law enforcement and prevention. It was crafted with the assistance of the Justice Department during the Bush administration, and with the help of Federal prosecutors who are on the front lines in the war against violent crime. The amendment reflects the antigang provisions of the Neighborhood Security Act, which Senate Republicans introduced earlier this year.

On the law enforcement side, the amendment would give Federal prosecutors clear-cut authority to prosecute illegal gang activity by creating a new Federal antigang statute.

The amendment specifically makes it a Federal criminal offense to commit, or attempt to commit, a predicate gang crime with the intent to promote or further a criminal street gang. The amendment defines predicate gang crime as any act, or attempted act, which is chargeable under Federal or State law and punishable for imprisonment for more than 1 year, involving murder, attempted murder, kidnaping, robbery, obstruction of justice, and illegal drug activity. In other words, very serious crimes.

The amendment also makes it a Federal crime to participate in, or to conspire to participate in, a criminal street gang, and to induce others to join the gang.

I might say we adopted minimum penalties last week at the suggestion of the distinguished Senator from California [Mrs. BOXER] when it came to admission of prior offenses in sexual misconduct. So tough mandatory minimum penalties would apply to those who violate these provisions of the new Federal antigang statute.

The amendment also authorizes $100 million over 5 years to hire additional assistant U.S. attorneys to prosecute gang activity and directs the Attorney General to develop a national strategy aimed at coordinating Federal gang-related investigations.

It is one thing to make the criminal laws tougher, but it is equally important to give our Federal prosecutors the resources to ensure that these laws are enforced.

In addition, the amendment establishes crimes involving the use of minors as predicate crimes under the RICO statute. And it creates a presumption in favor of adult prosecution of the leaders of juvenile gangs or juveniles with a history of violent crime or drug activity.

On the prevention side, the amendment establishes a $100 million grant program under the Juvenile Justice and Delinquency Prevention Act. Moneys under the grant program would be made available to States and to private, not-for-profit organizations who work with juveniles and gang members. The purpose of the grants is not to coddle gang members, but to help them get on the right path through mentoring, role-model, and other valuable programs.

In fact, the distinguished Senator from New Mexico, Senator DOMENICI, discussed this theme earlier. I hope he or his staff is listening because I think he has particular interest in this particular provision.

I know that my distinguished colleague from Delaware establishes a similar prevention program in his bill, and I commend him for that.

Mr. President, this amendment will not stop gang activity overnight, but it is a significant step in the right direction.

There is no excuse, no reason, that can justify the vicious crimes of violence that gang members commit on our streets. More often than not, it is the innocent bystander, and not the gang member himself, who ends up getting caught in the crossfire.

If we want to get tough with gangs and with criminal gang activity, then we ought to support this amendment.

We have had a lot of good amendments adopted. I think we are headed for a good crime bill. Let us not weaken now. Let us not back off. Let us stick with it, and let us pass a tough crime bill which will include this particular amendment.

I thank the Chair and I yield to my colleague.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank the minority leader for his work on this amendment.

I urge my colleagues to support this amendment on gangs. Our Nation is currently witnessing an unprecedented growth in gang violence, a scourge all too well known to cities like Los Angeles and New York City. What used to be a problem of our Nation's largest cities, gangs have invaded the very States and cities in Wichita, KS, and Salt Lake City, in my own home State.

The problem of gang and youth violence is a great concern to the citizens of my State. According to the Salt Lake Area Gang Project, a multijurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 215 identified gangs in our region with over 1,700 members. That is hard to believe, but that is true.

The project informs me that gang-related crime incidents have risen from 388 in 1991 to over 3,100 in the first 7 months of this year. While many of these offenses are property crimes, I have to say assaults and shootings continue to grow as well. In fact, there were over 62 drive-by shootings and 3 homicides attributable to gang violence in Utah in the first 7 months of this year.

Juvenile involvement in Utah's gangs is substantial, accounting for 34 percent of gang membership, and members usually range from 15 to 22 years of age. The young people of our inner cities need to be steered away from gang involvement. As well, law enforcement needs tools to intervene early in the lives of these troubled minors. Gang intervention efforts are critical to the Salt Lake Valley, the entire State of Utah and, frankly, to every State of the Union. That is why we need to ensure continued funding for projects like the Salt Lake Area Gang Project.

The project has worked to interdict gang activity, mobilize communities, and provide gang intelligence to police agencies. Salt Lake City, Sandy City, Murray City, and other surrounding cities all contribute manpower to this effort. The Hatch-Dole amendment ensures continued funding for this project. In July, the Senate passed legislation similar to this aspect of the Hatch-Dole amendment. Funding for multijurisdictional gang task forces must be passed so that our struggling cities are provided the funds necessary to combat gang and youth violence.

The Hatch-Dole, or Dole-Hatch, gang amendment also incorporates many other aspects of the Dole-Hatch crime bill. It includes a provision providing for the powerful arm of the Federal Government to be made available to State and local law enforcement agencies to help combat gang violence.

The amendment makes it a Federal offense to engage in gang-related crime and subjects gang members to stiff mandatory minimum penalties. For example, gang members who recruit others into criminal gangs or engage in criminal conduct shall be subject to a mandatory minimum penalty of 5 years imprisonment. If a gang offense involved attempted murder, the perpetrator faces a mandatory minimum sentence of 20 years imprisonment, and if there is murder, the gang member faces a possible death sentence.

As well, our amendment makes it a RICO predicate; that is, the Racketeering Influence and Corrupt Organizations predicate, punishable with up to 20 years imprisonment to involve juveniles in criminal activities. That is, criminal gang leaders who use juveniles in criminal enterprises for financial gain will be subject to the same penalties as organized crime leaders. That is important. It is tough. It is going to mean something, and it is going to make people think twice before they involve our teenagers in these crimes.

Our amendment also provides for adult prosecution of serious juvenile offenders, increased penalties for employing children to distribute drugs near schools or playgrounds or public housing and for travel act crimes involving violence and conspiracy to commit contractual killings.

As well, our amendment provides $50 million for additional Federal prosecutors who will be assigned to fight gang violence. These additional prosecutors will make implementation of this gang measure a reality by ensuring that additional prosecutors will be assigned to cities where most needed.

Finally, the Hatch-Dole amendment establishes a $100 million grant program for efforts at the State and local level, and by private not-for-profit anticrime organizations to assist in prevention and enforcement programs aimed at fighting juvenile gangs.

Funding formulated under this provision will be allocated to each of the States as follows: Each State would receive a minimum of $500,000, or 1 percent, whichever is greater, and the balance would be distributed to each State based on a ratio of the population of juveniles residing in the State as compared to the population of juveniles residing in the country.

Mr. President, while the Democratic bill appears to address gang violence, their street gangs provision is too narrow to be of any practical use to prosecutors. In fact, in order for a gang offender to be prosecuted under their proposal, he or she must have committed a Federal crime and have a prior felony criminal conviction for drug trafficking or crime of violence.

Further, the Democratic bill fails to provide mandatory minimum penalties for serious gang related crimes.Instead, their bill simply enhances the maximum penalty. The positive aspect of the Democrats' gang title, which our amendment leaves intact, is a proposal to allow the States to use existing law enforcement grants to implement bindover systems for the prosecution of violent juveniles in adult courts. I commend my colleague from Delaware for this proposal.

Essentially, those who oppose the Hatch-Dole amendment will argue that this amendment unnecessarily federalizes matters that are better left to the States, yet I can think of no area where there is a greater Federal interest than in assisting the States to prosecute and incarcerate violent offenders.

The first responsibility of government is to ensure the safety of the public. It is true that State and local governments now handle over 95 percent of the criminal cases filed each year. The crime bill we are debating recognizes this fact by proposing a significant increase in financial assistance to States to hire additional police, build more prisons and jails, and make schools safer. I submit, however, that the Federal Government's role in assisting the States' fight against violent crime must be measured by more than financial support.

The Federal Government, as a result of the Controlled Substance Act, has jurisdiction over virtually all drug trafficking, manufacturing, and distribution offenses. Yet, most drug cases are still prosecuted at the State and local level. This is because the Federal law enforcement agencies have worked in a cooperative manner with local officials so that the U.S. resources can be used most effectively. I am unaware of a single State or local prosecutor who opposes the Federal Government's assistance in these cases.

The Hatch-Dole antigang amendment does not transfer the exclusive jurisdiction of gang offenses from the States to the Federal Government. Rather, it permits the Federal Government to assist the States in their ongoing effort to fight gang violence. This amendment does not relieve the States of any responsibility for prosecuting gangs or other violent crime. It simply permits Federal assistance.

Some of my colleagues have little or no trouble proposing that we federalize the delivery and payment of health care services, labor/management relations, teacher standards, energy policy, environmental standards, child support collection, reproductive rights, and other issues too numerous to list. Yet, when the issue before the Congress is the safety of law-abiding Americans, oftentimes the enthusiasm for Federal intervention dissipates. While regrettable, their position is understandable. After all, if Federal resources must be devoted to fighting crime, there may be less resources available to address their particular interests. In my view, however, Congress should not get into these additional areas until our principal obligation to the American people has been met.

The Senator from Delaware and I differ somewhat on this amendment, but he is not opposed to federalizing all criminal matters. Last week, the Senate adopted an amendment to this bill authored by our chairman which federalizes crimes motivated by gender. I am a cosponsor of this measure and worked with our distinguished friend, Senator BIDEN, to pass it.

I appreciate the fact that Federal judges are opposed to the increasing trend toward federalizing crimes. Yet, claims that criminal cases are taking up a disproportionate amount of Federal filings are not supported by the facts. According to the Administrative Office of the U.S. Courts, the criminal caseload per judge is nearly 50 percent below that of 1972. The number of criminal cases reached a 40-year peak in 1972, and despite all of the cries from the defense bar, the number of criminal cases filed in 1992 was actually 14 percent below the 1972 figure. There were less criminal cases in Federal courts in 1992 than there were in 1972, even though the number of authorized judges is now 62 percent higher than in 1972.

Mr. President, the choice is clear. If my colleagues truly want to provide the States the assistance they need in fighting gang violence, both financial support and jurisdictional support, then they should support this amendment, and I hope they will.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. We have an interesting and somewhat fascinating trend going on in the Senate. The more conservative you are and the more Republican you are, the more you want to eliminate federalism and States rights. It is a phenomenal and fascinating undertaking we have been engaged in here.

One of the two things we have always said should be left to State and local governments in terms of directing them how they should act is in terms of education and in terms of law enforcement. We have gone out of our way for over 200 years to prevent the establishment of a Federal police force, and we have spent a great deal of time making sure that we do not federalize all criminal laws.

Let us talk about what is in the Biden crime bill already and why I believe this is not needed.

Under the youth violence provisions of the Biden crime bill to which this amendment is being added, there are increased penalties for drug dealing in drug-free zones near playgrounds, school yards, and youth centers; increased penalties for drug dealing in public housing facilities; increased penalties for adults who use kids to deal drugs near schools and playgrounds; a new 10-year penalty for gang members who commit Federal drug offenses or crimes of violence and who have been convicted before; increased penalties for the Travel Act violations, crossing State lines, that is, to commit violent crimes in furtherance of drug trafficking; grants for State bindover programs to prosecute and sentence violent 16- and 17-year-olds as adults; and a $15 million grant for antigang and antidrug law enforcement efforts.

With regard to prevention in this area, there is a $15 million grant for antigang and drug trafficking prevention programs made available to the States, and $100 million for the safe schools program to fund anticrime, antidrug, and safety measures such as metal detectors in schools.

Now, let us take a look at the proposed Dole amendment in contrast to what I have mentioned. It is, in my view, counterproductive. First, Senators HATCH and DOLE provide for sweeping federalization of crimes that are more properly handled by the States. The Republican bill provides for Federal prosecution and penalties for State crimes—State crimes, not Federal crimes, State crimes—committed as part of gang activities, ranging from violent crimes to possession of drugs to property damage.

This amendment before us would federalize hundreds of thousands of street crimes, obviously charging Federal law enforcement agents with enforcing these street crimes. On first look, it sounds very good, but let us remember it is State and local law enforcement officers who are experts in this type of street crime, not Federal agents. The skills and resources of Federal officers are best devoted to investigating and prosecuting complex multi-State, major drug investigations, and the task force is suited to these skills and expertise that involve costly Federal agents to be involved.

What is more, it is also clear that State and local law enforcement agents are the experts when it comes to busting street gangs, street thugs, and street punks. That is why this bill targets such significant aid to local police.

Let us understand what we are doing. What we are doing is providing in this bill almost $9 billion—$9 billion—to provide 100,000 local police officers —100,000 over the next 5 years—who will be out on the street, on the pavement, walking around dealing with local crime—a big, big, big deal. Now, to come along after we have done that and federalize all of those local crimes, insisting that we have Federal agents doing that, bringing these cases into Federal court, prosecuted by Federal law enforcement agencies basically says one of two things: Either we think that local law enforcement is not competent to handle it, even when we contribute $9 billion additional to help them help themselves, or we have concluded that they are unwilling to prosecute these crimes and go after these individuals, for why else do we federalize these measures?

Think about it. For 200 years we have not federalized unless there has been a Federal nexus like in the drug cases. The reason why we have had Federal intervention in local drug cases is because drugs are fungible and porous. They pour across State borders. No single local law enforcement agency can break up a major drug cartel.

If a gang is engaged in major drug trafficking, they would fall under that purview. But if a gang involving local thugs is involved in the normal business—and it is bizarre to say normal business—the normal business of being involved in burglarizing and robbing and terrorizing the community, what are local police for? What do we have them for? Why are we passing a $9 billion bill? Why do we not spend the $9 billion, give it to the FBI and the DEA, which could use it very badly, put Federal agents on the street in these local communities, and make them Federal crimes?

But we are doing both here. We are coming along with a total of a $21 billion bill, over $21 billion, almost all of which is in indirect aid to the States, $9 billion of which is just for police officers. On top of that, we are going to federalize these crimes.

Why would you have a burglary committed by a gang member, or a robbery attempted by a gang member, why is that a Federal crime, and yet a robbery committed by the same person not a member of the gang is a local crime? What is the rationale here? I know we do not often need a rationale to act in this body, but it seems to me there should be some nexus.

Let us keep the Federal agents doing what they do best. Ninety-five percent of all crimes are investigated and prosecuted at the State level, and this amendment seeks to drastically change that. It seeks to federalize murder or attempted murder, assault, kidnapping, attempted kidnapping, robbery, attempted robbery, extortion, attempted extortion, arson, attempted arson, obstruction of justice, and attempted obstruction of justice, tampering with a witness, manufacturing, importing, or receiving, purchasing, selling, or dealing in drugs. These are all very serious crimes, I might add. They should be punished. They should be punished at the State level.

This amendment is also very troublesome for another reason. In an effort to appear tough, the amendment would impose new mandatory penalties which, in many circumstances, will fit neither the crime nor the criminal. For instance, under the Republican bill, someone who acts as a lookout out while someone else buys drugs could get up to 20 years in prison, twice as long as the sentence we would give an adult who sells $100,000 worth of cocaine.

Under Federal law, an adult who sells $100,000 worth of cocaine would get half the amount of time as the kid who is a lookout for a gang while someone else is buying drugs.

The Republican bill will provide a mandatory 10-year sentence for a gang member who recruits someone else into a gang. We do not have mandatory 10-year sentences for the people in the Federal system who do a whole lot worse than that, or at the State level. A mandatory 10-year sentence to a kid who steals a transistor radio one day and breaks into a car the next day in trying to gain admission into a gang. They get 10 years, but an adult who sells 25,000 dollars' worth of heroin will get 5 years.

A gang initiation where they say steal that radio, and then the next day steal that car, all things which should be prosecuted at a State level, I might add, under this bill are federalized and a mandatory 10-year sentence. The same drug dealer down the street can sell 25,000 dollars' worth of heroin, and get 5 years in jail.

I do not mean to suggest for a moment these are not serious offenses, because they are. And they should be punished. But punishment should fit the crime, and punishment should fit the criminal.

I favor much tougher treatment, and my bill, the Biden bill to which this is being attached, provides much tougher treatment. But punishment must still be appropriately calibrated it seems to me.

There are some kids I fear who are beyond help, and that is one of the reasons why I have come to believe that there are certain juveniles, certain violent juveniles, who should be prosecuted and sentenced as adults.

So my bill provides that grants could be made to States to bind over programs to treat certain violent 16- and 17-year-olds as adults. In other words, we give the States money to hold over these violent juveniles, 16- and 17-year-olds, and try them in adult courts.

It is also why my bill contains a stiff new penalty for gang members who commit a second violent crime or serious drug crime. It is also why the Biden bill contains stiff new penalties for crossing State lines to commit violent crimes in furtherance of drug trafficking. But my penalties, unlike those of the Dole amendment, better comport with the reality and with federalism. They apply to Federal crimes.

And they apply to violent crimes and serious drug crimes. These are the kids who we really need to go after with the stiff penalties, the serious repeat offenders. We have to focus our attention on a small percentage of the kids who are committing a great majority of the crimes at a Federal level. At the local level they should focus on all of it.

I understand the frustration, fear, and the sense of helplessness that is felt across our land with regard to juvenile violence. I share it.

But that does not mean that we should federalize tens of thousands of State crimes that should be left in the hands of the States to prosecute. This is one area where the police, the local police, do a pretty good job. I might add we are giving them $9 billion—$9 billion for 100,000 local police officers to help do this job.

I am willing to yield the time if my Republican colleagues are. If not, I reserve the remainder of my time.

Mr. President, parliamentary inquiry: The unanimous-consent agreement under which we are operating indicated there are no second-degree amendments. Is that correct?

The PRESIDING OFFICER (Mr. MATHEWS). That has not been part of the agreement.

Mr. BIDEN. I would so request. I make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I would also suggest, and I am going to seek some advice here from floor staff, that when we yield back the time that the vote on this amendment be ordered to occur at 2:30.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BIDEN. Mr. President, I ask unanimous consent that the vote on the Dole amendment occur immediately following the disposition of the cloture vote which has been ordered tomorrow afternoon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I see my friend from Connecticut is on the floor. I know he is kind enough to stay this late hour. I truly appreciate it. I understand he has an amendment on carjacking. Do we have a time agreement on that amendment? How much time would the Senator wish?

Mr. LIEBERMAN. Mr. President, 30 minutes will be more than enough, equally divided. Perhaps we will not have to use that amount of time.

Mr. BIDEN. Mr. President, I ask unanimous consent that 30 minutes be on this amendment and divided in the usual form with no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1141

(Purpose: To make carjacking a Federal offense without regard to whether the offense is committed with the use of a firearm and to authorize imposition of the death penalty if death results from commission of the offense)

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1141.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, line 18, strike the period after "death." and insert "; and by striking ", possessing a firearm as defined in section 921 of this title,","

Mr. LIEBERMAN. Mr. President, as has been said by Members of the Senate of both parties, this has been an extraordinary period of days here in the United States Senate, because I really do believe that we have shown not just by our rhetoric, but by our actions, by the amendments we have adopted, that we hear the voice of the people of this country crying out for protection, crying out for public safety, crying out for help against those individuals who are committing this madness on our streets and in our neighborhoods, the outrageous and unacceptable amount of crime which strikes at the fundamental purpose for which governments are formed: Order.

So I am very proud to have been part of these discussions and to see this bill getting better and better.

This amendment that I have proposed deals with a particular part of the horrific increase in crime into areas where crimes had not previously occurred, and that is in the particular case of carjacking. I believe, if adopted, this amendment will further strengthen this bill.

In May of this year, I introduced legislation to provide prosecutors with the option of seeking the death penalty in carjackings where death results. I was pleased that the chairman of the Judiciary Committee included in his bill a provision to allow the imposition of the death penalty in carjackings in which a firearm is used and results in the death of an innocent person. But, Mr. President, the brutal and heinous character of carjackings occurring throughout the country, including in my own State of Connecticut, has convinced me that the current provisions of the bill should be extended. The law must be broadened to include all carjackings that result in death, not simply armed carjackings.

So the amendment I am offering would provide that if a death results from a carjacking, the death penalty may be applied, regardless of whether a firearm was used in the course of that carjacking.

Mr. President, we were all sickened and infuriated by the Basu case, the carjacking here in suburban Maryland a year or so ago in which a young mother, in really a nightmare come true, was dragged to her death as she tried to pull her child from her carjacked car, leaving her house in her neighborhood. As I recall, she was stopped at a stop sign and individuals ran out and carjacked the car, not even aware, as I recall—although I am not sure—that there was an infant in the car. And the mother, as the car pulled away, doing what any of us would do, terrified about what would happen to her child, grabs onto the car and is literally dragged to her death. It was the collective horror over that case that prompted Congress to federalize carjacking and provide stiff penalties for the crime.

Ironically, though, the law we passed last year could not have been used to prosecute the crime that engendered the law—the Basu case—even if it had occurred after the law's enactment, because in that case a gun was not used in taking the car. These individuals simply overwhelmed and strong-armed the woman and drove off with her car.

So the amendment I am introducing today removes the requirement that a firearm be used before the Federal law may be invoked. It also provides that if a death occurs as a result of the carjacking, the death penalty may be imposed. It seems to me that that was the purpose of the law in the first place. If a carjacking occurs and a death occurs as a result of that, does it really matter whether a firearm was used, whether a knife wasused, whether physical force was used, or whether a mother, as in the Basu case, was dragged to her death because she wanted to make every effort to save the life of her child?

Mr. President, it is a measure of the outrageous levels to which we have sunk that we have to think of amendments like this. It is really absurd that law-abiding people in our country now have to fear not only walking the streets of our cities and towns but also driving on our streets and our highways. Today, people are afraid to do what used to be the most ordinary, safe activity—while driving. People are afraid to idle at a light today with their doors unlocked, to leave their windows open in their car on a warm day, or to stop at a rest stop along an interstate highway.

As we know—because we have heard of these cases, we have seen the terror enacted, we have seen the victims suffer—these fears are not irrational; they are based on violent crimes, carjacking crimes, that have actually occurred.

For example, in Hartford, CT, a woman was dragged along the streets as she clung to her car in which her small children were strapped, an experience painfully similar to that tragedy in suburban Maryland.

In Waterbury, CT, a man with a utility knife forced his way into a car stopped at a light and drove off after terrorizing the driver.

Along Interstate 95 in Connecticut—and these are all in my home State—carjackers have struck at rest stops. In one case, a man with a knife crept up behind a woman as she opened her car door, forced his way behind the wheel and drove off, only releasing that poor woman after an hour of terror.

In another case, a couple stopped at a rest stop to catch some sleep before driving further north to Massachusetts, woke to the sound of carjackers smashing their car windows. The carjackers grabbed the female passenger, struck her in the face with a revolver, ordered the couple out of the car, and drove off. This is barbaric, outrageous behavior that no civilized society can accept.

Mr. President, we need to send a louder and clearer message. This new violent crime of carjacking will not be tolerated. Criminals must learn that when they choose to expand their violence to carjacking, the law enforcement resources of the Federal Government will be brought to bear against them, regardless of whether or not they have used a gun. They must understand that if a carjacking causes someone's death, they will face death themselves.

Mr. President, here, too, as we have in so many other sections of this bill that seems to grow stronger every day in the Senate, we have to galvanize Federal and State resources before carjacking becomes just another in an array of crimes that too many of us simply accept and adjust to. We must not and cannot accept these lawless acts.

Like all crimes, carjacking terrorizes not only the victims but all who are forced to stay on guard, change their normal patterns of life, or otherwise alter their behavior to avoid becoming a victim.

Mr. President, since armed carjacking became a Federal crime last October, the U.S. attorneys have brought over 90 prosecutions of carjackers.Some carjackers have been brought to justice and are sitting in jail where they belong. Many more prosecutions are anticipated.

It is clear that when we adopted the law we adopted last year, it was not theory, it was reality, and that reality has now been used by Federal prosecutors.

This amendment will broaden and strengthen that law so our U.S. attorneys have every possible tool available to them to attack the problem. Criminals need to know that our response to new crimes will be swift and will be decisive and that society will not tolerate this lawless behavior.

Mr. President, I invite my colleagues to join me in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I thank my colleague from Connecticut for again staying here at this hour to offer an amendment. What I am about to say may cause him some difficulty. I have found him to be most cooperative. Whenever I have asked him to go out of his way to accommodate what sometimes was a confusing schedule of this body, at least when I have been managing a bill, he has always done it. I truly appreciate it.

Mr. President, I hope that State prosecutors, State attorneys general, State district attorneys, State Governors, State legislators, State senators, and the people of this country are listening to this debate.

The truth of the matter is every one of the things we have talked about, almost without exception, which call for federalizing what heretofore has been a State offense are occurring because States are not doing their job. No one in here wants to admit that. No one in here wants to say the States are not doing the job. To say that gets you in trouble with your Governor, your local officials, and the like.

As chairman of the Judiciary Committee, I get letters from all over the country asking why cannot the Federal Government do something about this, whatever "this" is? I also get the same letters with the following sentences: "The Federal Government should stay out of our business; the Federal Government should take care of matters that relate to Federal problems. But, by the way, shouldn't there be a law against this?"

So what we are responding to—and I am not in any way belittling the point the Senator from Connecticut has made—what we are responding to is the lack of faith, the lack of efficiency, the lack of commitment, the lack of resolve, the lack of success that States have had in this matter. Yet I am confident when this is all over the Congress will be blamed for whatever it is that does not happen out there.

So I just want everybody to understand what we are doing here. In the past, the way we have dealt with crime is we have dealt with crime at a Federal level when it has been a Federal problem. My friend from Connecticut—and I am not being solicitous—is truly a first-class lawyer and was a first-rate prosecutor, a graduate of Yale Law School, a man who is esteemed in the law and knows the law. The fact of the matter is we have heretofore basically operated on the basic principle of federalism, and there has to be constitutionally some nexus between the thing out there that we are trying to outlaw and the Federal Government in order for the Federal Government to take jurisdiction.

Mark my words, as problems in school increase in some States, there will be Senators on the floor of the United States Senate saying we should federalize truancy, we should federalize any assaults that take place within a school, we should federalize any assaults or any crimes that are committed on school grounds.

Think of what we are doing. We are here on the floor at the same time that the Governors and the State legislators and the American people who are saying the Federal Government is trying to do too much are coming here and asking the Federal Government to take care of something that has historically been a local problem.

At least here there is a nexus. There is a nexus in that an automobile can, even if it does not, travel in interstate commerce. That nexus was stronger, I might add, when therequirement of a gun went along with the requirement of an automobile to find a Federal constitutional rationale—a constitutional rationale, to be more precise—to have the long arm of the Federal law extend to what is otherwise a local crime.

Keep in mind, in the past we made it bank robbers, because we found that banks transferred money in interstate. They were federally chartered and the like, so there was a rationale for it. Right now, if there is a robbery in a grocery store, we do not say, "call in the FBI." If there is a robbery in the bank, we have said for years you can—you do not have to—you can call in the FBI.

Essentially what we are doing here, all of what we have been talking about here is basically saying if it happens in the corner grocery store, call in the FBI. If they take my transistor radio out of my car and it is a kid who is a member of the gang and then he steals the car, call in the FBI.

Since I came here over 20 years ago I have been involved in this criminal justice issue. From the time I got here I have spent more of my time on this issue than any other issue. I am proud to say I was a coauthor of the Speedy Trial Act, a coauthor of the Sentencing Commission, the author of increasing the number of Federal judges by one-quarter, and the list goes on.

But we used to deal with getting the Federal law enforcement house in order. I just want the record to note, for those who are listening, the Federal house is in order. This is one thing the Federal Government has gotten right. We have flat-time sentencing. We have enough room in our prisons. We have enough prosecutors. We have enough judges. We have a Speedy Trial Act, and we have flat-time, stiff sentencing.

I hope the States are listening.

This is the last point I will make, and I expect it will be the last time tonight, but it will not be the last time before this bill is finished. At least, my friend from Connecticut has taken an area of law enforcement, a crime, that has historically been able to be prosecuted at a State and local level. Car theft crossing interstate lines has been something that, in fact, has been a Federal crime. When you use a gun, we found the nexus. When you used the car, we found a nexus. But we are getting fairly attenuated here.

I must admit that in the Biden bill, to which this is being attached, there is a provision for the Federal death penalty where a death results from a carjacking with the use of a gun.

So I must admit I am hard pressed to make a strident argument against the position of my friend from Connecticut, because at least he still has the car involved in this process. But I hope we pay attention a little bit to what we are doing.

Let me conclude by saying that on Friday last the majority leader stood up and said: "We should be honest with the American people. There is not much in this bill that is going to affect crime at the State and local level."

I agree with him. But he was referring specifically to the penalties we are putting in this bill. There are a number of penalties where we are federalizing certain crimes, and there are a number of penalties where even the long arm of the Federal Government does not reach to the crime. That is not something of consequence, in my view, that we are doing in this bill. What we are doing of consequence in this bill is we are providing 100,000 local police officers; we are providing 6 billion dollars' worth of help to the States in order to house violent criminals; we are providing $1.2 billion in this Biden bill to provide for drug courts to focus on first-time drug offenders; we are providing $600 million to fund my violence-against-women legislation, all of which is significant in a big, big, big way.

But I hope no one thinks by federalizing—as we may tomorrow if we pass the Dole amendment—tens of thousands of street crimes that are totally, completely within local jurisdiction and, hopefully, only hundreds of crimes of the nature the Senator from Connecticut is talking about, that we are really making the most significant contribution here.

I do not know whether this amendment is going to require a vote. To tell you the truth, I started off thinking I was going to oppose the amendment, in part because I wanted to stem this hemorrhage of federalization of everything out there.

My father has an expression on unrelated matters. He says: "If everything is important to you, then nothing is important to you."

We are making everything important to the Federal Government. I want the Federal Government focusing on the Mafia. I want the Federal Government focusing on international drug cartels. I want the Federal Government and FBI agents going after those people who defrauded the American people of tens of billions of dollars in the S&L debacle.

I want the Federal Government focusing on complex money laundering schemes. I want the Federal Government training local officers to deal with local crime. I want the Federal Government providing financial help to the States and localities in terms of police, law enforcement, and training. I want the Federal Government passing criminal laws that are modeled for the States so the States can then go out and adopt those laws.

That has historically been the role of the Federal Government. I would hope we would cease and desist from responding to every local problem with a new method, which is: Forget about the Constitution, forget about the notion of the Federal relationship and pass a Federal law dealing with what heretofore has been dealt with very nicely at a local level.

So, as I said, of all the legislation in this area that I believe is the most justified, the one from my friend from Connecticut is, in my view. I understand the counter-arguments. I understand the need, because it is hard, it is very hard to resist the cries for help that are coming from people.

Let me give the Senator one specific example. I know he spoke about how people are fearful of when they get in their automobiles.

If I may be anecdotal and give him two specific examples. The Senator from Delaware commutes to his home State every day. That is a 250-mile commute. When we are in late, beyond

8 o'clock, and the Metroliner to New York—I get off in Wilmington, halfway—is the last good train to leave, I often drive home, because I occasionally have a car down here.

Let me tell you literally what I do—to reinforce the Senator's point. Up until 18 months ago, when I drive home, I drive through, to get to where I have to go, what are considered to be several relatively rough neighborhoods in Washington, DC, which, I might add, would be the case in any major city in America, any major city. And in the summer, when I drive home, Washington nights are hot. And when I say "home," I end up driving 125 miles home. When I drive home, I have the windows down.

About 18 months ago, I concluded that I could not do that anymore. When I drive home, when I drive by myself, I literally find myself, as I go down the deserted streets of Washington, DC, making sure that I pace myself on the lights. If I can see a red light and I am three-quarters of a block away, I stop in the middle of the block. I slow down to 2 or 3 miles an hour, with my doors locked, so I never have to come to a complete stop at the stoplight at a corner. Because that is the place where people walk up and stick a 9 millimeter pistol up against the glass window or take a hammer and smash through the window and physically grab you or hold you at gunpoint.

And so I in no way belittle the crime and the concerns the Senator is speaking to.

If I, as a U.S. Senator, with the protection of the Capitol Hill Police and all the help that is here in Washington, when I drive my automobile home, riding through the neighborhoods, I must go through to get to I-95, if I do not let my car ever come to a full stop—and I am hopefully still an able-bodied person in a position to handle myself relatively well—what must it be for the elderly who lives in that neighborhood? What must it be for the woman with her two children in the back seat who lives in that neighborhood or works in those neighborhoods? What must it be? It is a nightmare.

And so I, in no way, underestimate the sense of fear that people have and how outrageous it is.

And the last little anecdote I will tell the Senator—and I will mention this for a second time in this debate. Those nights that I do not get to go home because it is so late and I did not have a car here, I did not drive down that day, as my good friend knows, I just go down to the bottom of Capitol Hill, and there are two very nice hotels. There is a Hyatt Hotel and a Washington Court Hotel. I get a room in one of those hotels, assuming they have a vacancy.

I have been here 20 years. For the first 18 of those 20 years, I walked down to the hotel from here. It is four or five blocks.

Well, I am not allowed to walk down there anymore. And this is nothing but beautiful scenery, lovely park land,beautiful, stately Federal buildings owned by and revered by the people of the United States.

I do not go down there anymore on foot because about 5 months ago, I started down and right literally in front of the Hyatt Hotel, well lighted, in the gutter, a Congressman was found beaten and robbed and stabbed while people were standing around.

Now I say Congressman. It was a Congressman. It could have been a Senator or a tourist or someone who worked in the hotel.

I ask unanimous consent to proceed for one more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. And so, to make a long story not quite so long, I have to ride down with the Sergeant at Arms. They insisted I go down. The former Capitol Hill policeman driving me down told me that, on his way home in his neighborhood, he stopped at a 7-Eleven type convenience store and while a woman was pumping gas, someone came up, put a gun to her, took her automobile, and drove off. He followed that person. He followed the person, as a former police officer—this particular fellow who was giving me a ride down to the hotel. He found the fellow, trapped him because the guy could not drive as well, got out of his automobile and went over to the car. And the fellow, I believe, I am not certain of this, I believe had a .9 millimeter pistol on the seat and turned and said, "Pal, don't. Just don't." And this guy just walked away.

These are real life experiences that happen every day.

So I commend the Senator for his interest and concern, but I hope we will follow the old rule of giving the States the money and resources to help them hire their local police to do the job.

I thank my colleagues, and I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Delaware for his kind words.

I will just say very briefly, in the time remaining, on a personal basis, what a great pleasure it has been to work with him—always thoughtful, always eloquent, always, as he has just now, speaking not just from his head but from his heart.

The changes in behavior that the Senator from Delaware described in his own behalf are typical of what every American has done in the last several years—and it cannot go on. These changes in behavior are the acts of a very rational man who understands what is out there. And I think that is why we need the kind of penalties that are involved in this amendment.

Mr. President, I would just say this. I understand his concern about too great a federalization of the criminal laws. I will look forward to speaking to that on some other occasion.

In this case, there is already a Federal law against carjacking. In fact, more than 100 cases have been brought by U.S. attorneys in the last year.

In this case, the very bill I am amending has the death penalty for carjacking. All I am doing here is taking a small but I think significant additional step in saying, if the death penalty is going to be enacted into law for cases of carjacking where death occurs, then we ought not to require that that death have to involve a firearm. If the person in a carjacking is killed as a result of a knife or other weapon or just as a result of the carjacking, then the criminal ought to be subject to death himself. That is why I propose the amendment.

Mr. President I hope that I may eventually enjoy the support of the Senator from Delaware. I do not know that I will enjoy unanimous support in the Chamber because of those who oppose capital punishment.

So, in that sense, I ask when the vote be taken it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I thank the Chair, and I yield the floor.

Mr. BIDEN. Mr. President, I ask unanimous consent that the vote on the amendment of the Senator from Connecticut take place to follow the completion of the vote on Senator Dole's amendment tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent to get the yeas and nays on the Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Thank you, Mr. President.

I yield the floor.

AMENDMENT NO. 1142

(Purpose: To provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Law Enforcement Assistance Program)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of Senator DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. DOMENICI, proposes an amendment numbered 1142.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 621, is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

Mr. DOMENICI. Mr. President I offer an amendment that will help our country address the continuing problem of suffering and financial losses due to accidents caused by drivers operating motor vehicles while under the influence of alcohol.

All of us are painfully aware of the psychological and physical costs and the fiscal implications which result from the carnage which we as a nation inflict upon ourselves every year on America's highways. Approximately 5 million of our constituents yearly are motor vehicle crash victims, costing employers 15 million days of lost time and $48.5 billion annually, according to some estimates. Drunk drivers are a major part of the problem. As a result, I am now introducing an amendment which will make a significant contribution to the attack on drunk driving throughout the country.

My amendment amends the 1968 Omnibus Crime Control and Safe Streets Act by adding a 22d category to the initiatives that States are allowed to spend money under the Edward Bryne Memorial State and Local Law Enforcement Program. My amendment would create a new category which will allow States to fund programs for the prosecution of driving under the influence charges and for the enforcement of laws relating to alcohol use and the operation of motor vehicles.

I want to stress to Senators that although I believe that my amendment is the right thing for states to do, it does not mandate they spend any of the funding they receive from the Edward Byrne Memorial grants for the purpose outlined in the amendment. My amendment simply provides them with the authority to do so if they so desire.

Mr. President, I believe my amendment is a step in the right direction. I ask my colleagues to support it.

Mr. HATCH. It is my understanding that this amendment is agreed to by both sides.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1142) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I am about to propound a unanimous-consent request. My distinguished friend from Connecticut has another amendment on drug emergency areas. I ask unanimous consent that we be able to proceed to the amendment with 30 minutes equally divided in the usual form.

Mr. HATCH. Will the Senator yield? Let us not agree to a time limit but proceed to the amendment, debate it tonight and get unanimous consent with regard to other amendments.

Mr. BIDEN. I amend my unanimous-consent request that we proceed to the LIEBERMAN amendment on drug emergency areas and that no second-degree amendments relating to guns be in order to the amendment, and that upon completion of the debate on the amendment tonight it be laid aside until there is unanimous consent to bring it back up.

That is my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair and thank the Senator from Delaware.

AMENDMENT NO. 1143

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 1143.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(a) DEFINITION.—In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, in consultation with the Attorney General, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) DECLARATION OF VIOLENT CRIME AND DRUG EMERGENCY AREAS.—If a major violent crime or drug related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, may declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be deemed to include the District of Columbia and any United States territory or possession.

(c) PROCEDURE.—

(1) IN GENERAL.— A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officers of a State and local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, States, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) FINDING.—A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response tosave lives and to protect property and public health and safety.

(d) IRRELEVANCY OF POPULATION DENSITY.—The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the mignitude and severity of such activities is beyond the capability of the State or local government to respond.

(e) REQUIREMENTS.—As part of a request for a declaration under this section, and as a prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) REVIEW PERIOD.—The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) FEDERAL ASSISTANCE.—The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, financial assistance, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information; and

(h) DURATION OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—Federal assistance under this section shall not be provided to a Violent Crime or Drug Emergency Area for more than 1 year.

(2) EXTENSION.—The chief executive officer of a jurisdiction may apply to the Attorney General for an extension of assistance beyond 1 year. The President, in consultation with the Attorney General, may extend the provision of Federal assistance for not more than an additional 180 days.

(i) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this section.

(j) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this Section shall diminish or detract from existing authority possessed by the President or Attorney General.

Mr. LIEBERMAN. Mr. President, this amendment would give the mayors and Governors of our country, chief elected officials of States and localities, the opportunity to petition the President of the United States to declare a violent crime or drug emergency in their States or locality, making them eligible for special Federal assistance to fight back against local crime problems that have simply gone beyond their ability in the short term to control.

Crime is reaching unprecedented levels across our Nation. Over the past three decades, the number of crimes reported has increased from one crime per police officer in 1961 to five crimes per officer in 1991. The rise in the number of violent crimes has been particularly shocking. Violent crimes rose 14 percent between 1980 and 1988, and then 23 percent between 1988 and 1991. In addition, during the last 4 years, rapes have jumped 17 percent, robberies 33 percent, and aggravated assaults 28 percent.

Even more startling and disturbing is the callous disregard for human life which is evidenced in existing data on crime. Last year, 24,000 Americans were murdered, many in drug and gang-related activities.

We clearly must do everything in our power to reverse these disturbing trends. Crime is literally ripping apart the social fabric of our communities. As noted, in the Public Policy Institute's "Mandate for Change, crime * * * turns strangers into enemies, unfamiliar ground into dangerous turf, and random social contact into risky business. When crime afflicts a neighborhood, those who can avoid it, stay away; those who cannot, suffer alone. The former become isolated, the latter abandoned."

So many of our neighbors, particularly our elderly citizens, are prisoners in their homes, especially at night, when the world outside becomes a forbidden zone. Just glance at the news on any given night reveals this growing madness in our society.

During the last several months, I travelled throughout my home State of Connecticut and met with police, prosecutors, prison officials, community officials, and countless citizen to discuss the problem of crime and Government's response to it. The underlying message conveyed to me in these meetings was the public's fear and yearning for Government to secure and protect their personal safety.

We in Congress have a special responsibility to take crime seriously and return to the public the sense of security that has been snatched from them in recent years. Indeed, we have a constitutional responsibility to ensure domestic tranquility. We must restore their faith in Government's ability and capacity to deal effectively with the crime problem. I believe my amendment takes an important step in that direction by increasing Federal support for the war on crime.

Mr. President, there are times and places when criminals get the upper hand in a neighborhood or a city, and local and State authorities do not have the resources to adequately safeguard people's lives. That is when the Federal Government must be able to rush in with the personnel, equipment and other resources needed by law enforcement agencies to strike back against gangs, drug traffickers, and other violent criminals.

In these instances, this amendment will give the President, upon consultation with the Attorney General, the power to declare that a violent crime or drug emergency exists in a State, community, or neighborhood. In doing so, the President would direct the agencies of the Federal Government to provide emergency Federal assistance to the designated area so as to supplement State and local efforts to save lives and protect property, public health, and safety.

That assistance can come in the form of personnel, equipment, supplies, facilities, financial assistance, and managerial, technical and, advisory services, including communications support and law enforcement-related intelligence information. Requests for declaration of an emergency must be made in writing by the Governor and chief executive officer of any affected State and local government. The President must act on these requests within 30 days.

I believe the case for this is reinforced by recent events in Hartford, CT. Facing a particularly violent rash of gang activity in Hartford, city government and law enforcement officials launched Operation Liberty—an aggressive State and local effort to reduce violence in a number of targeted neighborhoods throughout the city. In an attempt to supplement and bolster local law enforcement efforts in dealing with this emergency, the State has provided additional police officers and other forms of tactical support sorely needed in certain areas of the city.

While there is still much work to be done, preliminary reports are encouraging. The Hartford Courant recently reported that there is little dispute that violence and gang activity has been reduced dramatically. As a result of these coordinated efforts, citizens in affected areas are regaining a sense of security that was stripped from them by these gangs. There has also been a drop in the number of assaults against police officers.

I believe that the priorities outlined in this amendment must be enacted into law if we are serious about fighting crime on a national basis. Declaring a neighborhood, a city, or a State a violent crime or drug emergency area will have two immediate, positive effects:

First, it would be a powerful signal to lawbreakers that all of society takes their crimes seriously—not just their victims, not just the local cops. But everyone up to and including the President of the United States and the Attorney General knows that they are up to, and are willing to fight back. I have every confidence that it would send a chill down the spines of wrongdoers, just as it would give a sigh of relief to the beleaguered citizens living under the yoke of crime.

The second benefit of this strategy would be an immediate infusion of added resources, including manpower, equipment, financial assistance, and other logistical assistance, into a crime-plagued region, quickly bolstering the limited scope of local police, and giving the law enforcement overwhelming force to use against lawbreakers. Too often, our local police are in unfair fights.

While there will be critics of the medicine I prescribe to help remedy this national ailment, I fully expect the biggest supporters of this idea will be the people who live in those neighborhoods where crime has taken over. It is they who would welcome the arrival of the Federal help with hope and open arms.

As the Senator from Delaware said earlier, in this bill we are taking the Federal Government into a new cooperative relationship with the States and localities in trying to fulfill our constitutional responsibility to provide for domestic tranquility, which certainly does not exist in too many neighborhoods of our country now.

Clearly, as the Senator from Delaware said, there is a limit to how far we can go in federalizing the criminal law. But we have taken the right step in recognizing that we have this authority, and we have done so in a way that is meaningful. Again, not just with rhetoric but with serious proposals and on a bipartisan basis, we have put forward the money to make those proposals real. Thus, this extraordinary response to the fact that too many criminals are going through the revolving doors because there is not enough jail space to put them into, and we have provided billions of dollars to help the States and localities build jails. Thus the fact, acknowledging our Fereral responsibility, we have provided these billions of dollars to put 100,000 more police out onto the streets. And we have also added to the Federal criminal law, providing the extra deterrent that the Federal system enables us to provide.

I have spent a fair amount of time in recent months around my State talking to police, prosecutors, citizens, judges. There is an interesting fact that I can report to the Chamber. While there are some—including some editorial writers—some Federal judges in fact, who decry the so-called federalization of the criminal law, when I talk to the local police and the local prosecutors they say to me one of the best things that has happened in the fight against crime in recent years is that we have added a Federal punch to the criminal law, that we have created task forces throughout this country bringing together Federal, State and local investigators, enforcers, prosecutors. As more than one police officer and prosecutor in my State has said to me, the one part of the criminal justice system that is working today is the Federal part, because the criminals know that, and local prosecutors are using Federal law to target the worst of the local criminals, involved in the most serious of local crimes.

They know if arrested under the Federal law they almost always will be taken to trial, because the Federal courts have that capacity. And, if convicted, they will almost always go to jail, and they will go to jail for a good long period of time as they should under the mandatory minimum sentencing provisions of Federal law.

So we have taken some serious steps forward in bringing the Federal Government to a reasonable partnership with the States in protecting law-abiding citizens from crime. This is the next step I am proposing.

It says that when a community and its police officers are simply outgunned and outmanned—as has happened in too many areas of our country—by the criminals, that the chief elected officials of the local areas and of the States can turn to the President and say, as they do in the case of a natural disaster—a flood, a hurricane, a fire—"Mr. President, we need the help of the Federal Government for short term to come in and help us to restore basic order."

The President, under this proposal, will have the ability to bring together existing Federal resources and send them in to help people in the local area. We have a special responsibility, I think, Mr. President, to help to make that happen.

This amendment will give the President, upon consultation with the Attorney General, the power to declare that a violent crime or drug emergency exists in a State, community or neighborhood. In doing so, the President would direct the agencies of the Federal Government to provide emergency Federal assistance to the designated area so as to supplement State and local efforts to save lives and protect property, public health, and safety.

The Federal Government, the President, and the Attorney General will be able to rush in with the personnel, equipment, financial assistance and other resources needed by local law enforcement agencies to strike back against gangs, drug traffickers or other violent criminals.

Requests for declaration of an emergency under this amendment must be made in writing by the Governor and Chief Executive officer of any affected State and local Government, and the President, under the amendment, would be required to act on those requests within 30 days. Of course, we hope that the President would act much more rapidly.

I do want to stress, in terms of the concerns about who controls law enforcement, that any Federal personnel, any Federal equipment sent by the President to help local police would be under the administrative authority of the local police chief or the highest law enforcement official in that jurisdiction, pursuant to terms negotiated prior to deployment among the parties.

Mr. President, I believe the case for this amendment was reinforced by recent events in the capital city of my State of Connecticut. Facing a particularly violent rash of gang activity in Hartford, literally a war between two gangs that effectively took over control of one of the great historic neighborhoods of Hartford, CT, city government and law enforcement officials turned to the State of Connecticut and said: "We need help."

The State responded under a new law that Connecticut has that enables the Governor and the public safety commissioner to dispatch State troopers to help local law enforcement officials in much the same way this amendment would authorize the President of the United States and the Attorney General to send Federal help to local law enforcement officials.

In Hartford, State and local officials formed something called Operation Liberty, an aggressive joint effort to reduce violence in a number of these targeted neighborhoods throughout the city. In an attempt to supplement and bolster local law enforcement efforts in dealing with this emergency, the State provided additional police officers and other forms of tactical support.

While there was much work to be done, I am pleased to say that the reports of what happened were encouraging. The Hartford Current reported in an editorial that there was little dispute that violence in gang activity as a result of the additional personnel and equipment in that neighborhood was reduced. In fact, the crime rate generally dropped by more than 15 percent. As a result of these coordinated efforts, citizens in affected areas regained a sense of security for that period of time, a sense of security that was taken away from them by those gangs.

I must say that I spoke to a woman in one of those neighborhoods during one of my walks through one of those neighborhoods and she said to me:

> Senator, I know that when the State troopers arrived and when the extra police came into our neighborhood, some people might say that this place looks like a police state. But you know what, Senator, I felt comfortable. I felt secure for the first time in too long a time. I felt that I could go out of my house, walk in my neighborhood without fear of being the victim of crime, without fear of being an unintended bystander caught in a crossfire.

I believe that the priorities outlined in this amendment should be enacted into law to continue the expression that is so much a part of this bill, that we are really serious about fighting crime on a national basis.

Declaring a neighborhood or a city or a State a violent crime or drug emergency area will have at least two effects that go beyond the direct help that will be provided by Federal personnel and perhaps even Federal financial assistance.

First, I believe it would be a powerful signal to the lawbreakers that all of society takes their crime seriously, not just their local victims, not just the local cops, but everyone up to and including the President of the United States and the Attorney General of the United States know what those criminals are up to and that we are willing to fight back. I am hopeful that it will send a chill down the spines of these criminals, just as it would give a sigh of relief to the beleaguered citizens living under the yoke of crime.

Mr. President, the second benefit of this strategy, I think, would be an immediate infusion of added resources, including, again, personnel, equipment, financial assistance and other logistical assistance into a crime-plagued region, giving the President the power, as he does in a natural disaster, to effectively say that these violent crime and drug emergency areas have become unnatural disasters, man-made disasters, and to take the resources provided to the President, to the Justice Department under existing law and focus them for a limited period of time into this area where the local police simply are unable themselves to return control and security because they have been put in an unfair fight.

I know that there may be some who will question this remedy, but I believe that the biggest supporters of this proposal will be the people who live in those neighborhoods where the gangs have taken over. It is they who will welcome the arrival of Federal help with hope and with open arms.

I hope that the Senate will agree with me, support this amendment, and provide this other means of help to our local and State law enforcement officials.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, once again, let me compliment my friend from Connecticut. Back years ago when I first drafted the drug czar legislation—and it passed—and we had the first Presidential finding on what our national drug strategy should be, we had the first so-called drug bill. And in that bill, I introduced the concept called drug emergency areas whereby we would treat drug emergency areas and identify them the same way we do natural disasters.

No one bats an eye in this town or this Nation—nor should they—I might add, when the poor people of Iowa and Missouri, and Kansas and Nebraska are flooded by the Platte, Missouri and Mississippi Rivers and are wiped out. No one bats an eye when the people in the Los Angeles area suffer the ravages of the consequences of an arsonist, apparently, and the Santa Ana winds combining to rob them of their homes and their livelihoods and their lives. No one thinks twice when Hurricane Andrew comes ripping through the State of Florida and all the way through Louisiana, wreaking havoc on anything in its path. They are true national natural disasters and emergencies.

As the Senator from Connecticut knows, as well as anyone, having been a former attorney general of the State, there are neighborhoods, towns, entire sectors of cities that are natural disaster areas because they are drug emergency areas.

I can take you to Philadelphia, Armingo Avenue; I can take you, I suspect, to parts of New Haven; I can take you to parts of Wilmington, DE, towns in my State, as small as the State is, where the drug trade has literally—not figuratively, literally—taken over a section of the town—armed persons on the street, plying and selling their wares, occasionally shooting each other for control of a corner, people afraid to walk out of their homes, overwhelming local police, because, as the Senator knows, when the major drug cartels, whether they are Colombian, Jamaican, Mafia, whatever the nature of the cartel, decide to move into an area, they do not move in in a small way. They move in with firepower, financial power, organizational power, and they overpower a community.

This is an example of what I was talking about before. This is where the Federal Government over the past 40 years has developed a genuine expertise, where we have a capability that far exceeds any State capability. No matter how incredibly competent major State law enforcement agencies are, they pale in comparison to the capabilities that exist at the Federal level.

When I introduced the last Biden bill that was filibustered for 2 years by my Republican colleagues, I went even further. I had $300 million in the bill for drug emergency areas, allowing the President to designate drug emergency areas.

I think we have to think in terms of natural disasters. If you ask me whether or not I would rather a hurricane come through my neighborhood where I live on a one-time occasion or you gave me the awful alternative of having a Jamaican organized crime ring move in peddling drugs or the Mafia or the Colombian cartel or the Cali cartel move in to take over my neighborhood, at least I know what the hurricane is. If I make it past that hour, I will live and I can reconstruct my life; my children, if they make it through that hurricane, will live. We will have financial deprivation; we may have serious injuries, but we can rebuild.

People who have these cancerous organizations move into their neighborhoods in towns and cities, it is not a one-time event. It is a lifetime event.

I strongly support the Senator. He does not even ask for additional money. He asks only for the authority of the President to declare an area a drug emergency area and use existing Federal resources to come to the aid of that locality. This is a place where a true Federal-State partnership should exist. This is a place where we can bring to bear the significant resources of the Federal Government.

I might add that my friend from Utah, in his addition to my rural crime initiative in this bill, provided the ability to do something like this. We added a number of drug enforcement agents who are able to go into rural communities and do the kind of thing the Senator from Connecticut is asking to do on a larger scale in areas where the cancer has spread. But make no mistake about it, there is no exaggeration on the part of the Senator from Connecticut when he says this is a real need. This is literally like a cancer in the body politic when these major drug trafficking organizations literally take over cities, parts of cities.

Let me conclude by saying I mentioned earlier that occasionally, since I do not have an apartment or home in Washington, I stay overnight at a local hotel. It is more practical and more frugal to do it that way. I will get back to the hotel at night and turn on the television. They have these movie channels on. There are more movies now—my wife and I are moviegoers at the local movie theaters—and you see the previews for coming attractions. I want the Senator to know how many upcoming movies and grade B movies are now on the air which have as their premise that it is the year 1999 or 2005, and entire sectors of cities have been overtaken by drug gangs. The theme of the movie is having it go out and get some Robocop or some supercop or some madman or some Sylvester Stallone-type character to go in to no man's land. That is a Hollywood exaggeration of what exists now. Some of these areas are literally a no man's land, but real, live, decent people live in that no man's land. This is an area where the Federal Government can, should, and I believe must help local law enforcement with the considerable expertise and experience we have to bear.

I hope, when the time comes for us to vote on this tomorrow, the majority of my colleagues will agree with the Senator from Connecticut, as I do, and vote to support his legislation.

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend and colleague from Delaware for his very powerful statement and, of course, for his support of this amendment. I really wish to thank him in a more general and historic sense—not so historic—for the fact that it was his original legislation which is the inspiration for this amendment.

The amendment grew out of experiences that we have had in Connecticut, some of the extraordinarily positive experiences with the local-State-Federal task forces. As we began to fashion the amendment, we looked back at work the Senator from Delaware had done. This seemed like the perfect response to it.

I wish to share with my friend and colleague an experience which validates so much of what he says about what has happened in too many neighborhoods in our country and leads to the kinds of films that the Senator referred to.

A while ago, the chief states attorney of Connecticut, John M. Bailey, Jr., convened what he called a summit on crime, with police officials, prosecutors, State and local, Federal legislators, and we saw there a tape I had heard about in the last 2 or 3 months from various local law enforcement officials in Connecticut that startled me, as bad as we know things are.

It was a tape taken by the resident of a neighborhood in Bridgeport, CT, out his window one evening and night. If you saw the tape, you would be embarrassed to believe that this was America. You would think it was another country that we too often have looked down on, or we say, OK, that happened somewhere else. Frankly, it looked like a war zone.

The situation I will describe briefly to the Senator is this: The day before, a gang that controlled this particular neighborhood for the purpose of drug sales and distribution had its quarters raided by the local police. I believe—I am not sure—that the BATF may have been involved. The target of the raid was the weapons possessed by this gang. A tremendous arsenal was seized. Word got out that this had occurred. These gang members apparently were fearful that other gangs, hearing that they had been disarmed, would come in to try to take over their territory in this neighborhood. I do not know the means, but they either went out and acquired another arsenal immediately that day or they had something else hidden that the police did not find.

And there you see on the streets of Bridgeport, CT—and this tape was taken by a citizen, a videotape—individuals walking with semiautomatics, long guns, on the streets in clear view essentially, and on the sidewalks, walking in the streets as if to say this is our territory, stay out of it.

Mr. BIDEN. Looked like Somalia.

Mr. LIEBERMAN. Looked like Somalia, looked like Beirut at an earlier time, at one point they were shooting up at the streetlights, lights that the local police had just replaced because they had earlier been shot out as a way to maintain darkness which would provide the cover for drug sales.

Incidentally, one of the terrifying—we laughed but it was a rueful laugh. It took one of these guys probably 10 shots to knock out the streetlight, not a very good shot, and yet possessing a very powerful weapon. Obviously, you worry about the impact if he were shooting at another individual on the street.

You see in this film a mother walking by with a child, apparently coming from shopping. These guys are walking around with automatic weapons strung over their shoulders.

Mr. President, that is an extreme case, but too often in too many neighborhoods of our country that case is replicated or comes close to it. That is what this is all about.

I would add just a few points again just to stress this. The Federal, State, and local task forces that have been set up in part by the former director of the FBI, Judge Sessions, who came under some criticism on different matters. Nonetheless, it showed some real leadership in setting up these task forces, playing a key role in establishing, along with the previous Attorney General—which have worked magnificently with State and local police, bringing to bear FBI agents, DEA agents, when appropriate Immigration or Customs agents, using the U.S. attorneys, working State and local police. And, basically, in Connecticut State and local police saying this gang is controlling this neighborhood, Federal Government, we need your help, come in with your extra surveillance capacity, your sophisticated investigative help.

In New Haven, for instance, a gang known as the Jungle Boys occupied a housing project, literally occupied it, chose it because they assumed the residents would not object, and also because it was right adjacent to the interstate highway—laughable when you think about it, providing kind of an easy-on, easy-off access for drug purchasers, mostly from the suburbs, coming in to New Haven from the suburbs—took it over, and victimized the people in the project. Ultimately, the local police acknowledged they could not deal with it, and brought the Federal agents in.

It is a long and complicated story. But basically they made several arrests, and sent the two leaders of this gang away to Federal prison for 21 and 28 years, respectively.

That is the kind of cooperation this amendment is intended to build on.

Mr. President, as the Senator from Delaware said, I have not included in this amendment any specific funding. I have given authority here, this amendment gives authority to the President and the Attorney General to utilize resources available under law.

My hope is that some of the resources that are, in fact, made available under this law would be used by the President to respond to a local violent crime or drug emergency.

I have some hope in believing that there may be additional amendments, agreed to on a bipartisan basis, that will provide more funds for more U.S. attorneys to prosecute, more FBI agents to be involved in the war against crime, perhaps more DEA agents to help with drug emergencies.

And those extra resources provided under law, hopefully, will be at the call of the President to organize and target these areas that have just gone out of control and, quite literally, have become violent crime and drug emergency areas. The words that the chairman of the Judiciary Committee spoke are just right.

We have natural disaster areas. No one objects. Everyone supports the President when he goes in and helps areas, as he has now recently with the fires in California.

These are unnatural disasters caused by crime in too many of our cities and towns. I think it is time to give the President that same authority to come to the aid of local law enforcement and the people, the law-abiding people, who live in those cities and towns.

Mr. President, I again thank the Chair. I thank my friend from Delaware.

I ask that when the vote be taken on this amendment it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BIDEN. Mr. President, I ask the Senator to withhold the request for the yeas and nays, not that we will not give him the yeas and nays. But since we have no time agreement at this point, not because he does not, but we cannot get one on the other side, as well as one amendment may be in order.

So if he will withhold that until tomorrow, I assure him if he wants a vote, he will get a vote on this.

Mr. LIEBERMAN. I thank the Senator. I withhold until tomorrow.

Mr. BIDEN. Let me say to my friend from Connecticut, Mr. President, that in the last crime bill that I wrote we had provisions to provide for a significant increase in the number of FBI agents and prosecutors. It is my intention, and we are working out the details now at the urging of my friend from Connecticut and others, that in this bill we provide for over 5 years and up to $1 billion for additional Federal assistance relative to prosecutors and FBI agents in order to accommodate the kind of things he is talking about.

I really do think this is, as characterized by the Senator from Utah, what we have done so far if we pass it, the most significant, sweeping, and bold effort that the Federal Government has ever undertaken relative to dealing with crime in America.

I might add it is also probably the most often-called-for help that we have had as Senators from our people.

I understand that my friend from Connecticut had another amendment that both sides are prepared to accept. I do not know whether it is appropriate at the moment. But if the Senator is prepared to move on that amendment, we would be delighted to accept that amendment.

Mr. LIEBERMAN. Mr. President, I am prepared to move, and with the approval of the Senator from Delaware, I will send the amendment to the desk at this time.

The PRESIDING OFFICER. Is there objection to temporarily laying aside the pending amendment? Without objection, it is so ordered.

AMENDMENT NO. 1144

Mr. LIEBERMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Senator D'AMATO, proposes an amendment numbered 1144.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF RECIPIENTS IN TERRORISM REWARDS PROGRAM.

(a) COUNTERTERRORISM REWARDS PROGRAM.—Section 36(e) of the State Department Basic Authorities Act (22 U.S.C. 2708) is amended—

(1) by inserting "(1)" immediately after "(e)"; and

(2) by adding the following to the end of section 36(e);

"(2) RELOCATION OF PROGRAM PARTICIPANTS.—

(A) Whenever the information that would justify a reward under subsection (a) is furnished by an alien, and the Secretary of State and Attorney General jointly determine that the protection of such alien or members of the immediate family of the alien requires the admission of such alien or aliens to the United States, then such alien and the members of the immediate family of the alien, if necessary, may be admitted to the United States without regard to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and shall be eligible for permanent residence as provided in paragraph (4)(A) below.

"(B) The total number of aliens admitted to the United States under subparagraph (A) shall not exceed 25 in any fiscal year.

"(3) CONDITIONS OF ENTRY FOR REWARDS FOR PROGRAM PARTICIPANTS.—(A) Any alien admitted under subsection (e) who otherwise would be inadmissible under sections 212(a)(2) or 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182) shall be admitted and permitted to remain in the United States on the condition that the person: (i) shall have executed a form that waives the alien's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status, (ii) is not convicted of any criminal offense in the United States since the date of such admission, and (iii) shall report not less often than quarterlyto the Commissioner of the Immigration and Naturalization Service such information concerning the alien's whereabouts and activities as the Secretary of State and the Attorney General may require.

"(B) The Secretary of State and the Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (i) the number of such aliens admitted, (ii) the number of terrorist acts prevented, frustrated, or thwarted or prosecutions or investigations resulting from cooperation of such aliens, and (iii) the number of such aliens who have failed to report quarterly (as required under paragraph (3)(A)(i)(I) or who have been convicted of crimes in the United States after the date of their admission.

"(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—(A) If, in the opinion of the Attorney General, in consultation with the Secretary of State, the alien admitted into the United States under section 36(e) of the State Department Basic Authorities Act has supplied information that has contributed to the prevention, frustration, or favorable resolution of a terrorist act or has substantially contributed to an authorized investigation or the prosecution of an individual described in section 36(a) (1) and (2) of such section, the Attorney General may adjust the status of the alien (and the alien's immediate relatives if admitted under such section) to that of an alien admitted for permanent residence if the alien is not described in section 212(a)(3)(E) of the Immigration and Nationality Act, provided further that if the alien is subject to paragraph (3)(A) above, such adjustment may be made not earlier than 3 years after the date of admission and upon a determination by the Attorney General in consultation with the Secretary of State that the conditions of paragraph (3)(A) (i) through (iii) have been met.

"(B) Upon the approval of adjustment of status under subparagraph (A), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) of the Immigration and Nationality Act for the fiscal year then current."

(b) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), as amended by section 725, is further amended by striking "or" before "(5)" and by inserting before the period the following: "; or (6) an alien who was admitted pursuant to section 36(e) of the State Department Basic Authorities Act".

(c) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)), as amended by section 725, is further amended by inserting "or section 36(e)(4)(A) of the State Department Basic Authorities Act" after section 245(h) in the parenthetical "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))".

Mr. LIEBERMAN. Mr. President, may I say that I am pleased to be joined in offering this amendment by my friend and colleague from New York, Senator D'AMATO.

The amendment concerns terrorism. Unfortunately, Senator D'AMATO has not only been a great fighter against terrorism, but he has been targeted by terrorists, as the Senate knows, all too well.

Mr. President, the World Trade Center bombing earlier this year put a lie to the predictions that terrorist acts against Americans were in decline and that the United States was invulnerable to foreign-sponsored terrorism. Our law enforcement and counterterrorist experts have done an extraordinary job in pursuing that case, the World Trade Center case, and others in recent years.

This amendment would give them, those who are involved in antiterrorism, the authority to act in a way that will be helpful in pursuing their aims.

This amendment, Mr. President, would induce those with information that might prevent a terrorist attack or would aid in the capture or prosecution of a terrorist to come forward and assist the United States.

Mr. President, the vast majority of thwarted terrorist attacks and successful prosecution of terrorists are dependent on the cooperation of defectors or informants, and of witnesses, those involved directly, as has been the case as we know in the World Trade Center bombing.

Frequently, these are not American citizens. But they are critically important in providing information that, one, can allow law enforcement to stop the terrorist act before it occurs, or two, if it does occur, can enable law enforcement to prosecute the terrorists and bring them to justice.

There is currently a small interagency program that provides financial rewards to those who assist the United States. But no amount of money is likely to persuade a person to come forward with information, unless he or she has the confidence that they will be protected against reprisals by the terrorists. Outside of the United States, where most of these potential defectors, informants, and witnesses live, it is often difficult for American law enforcement to provide such protection. A small number of those individuals must be relocated to the United States very quickly—sometimes overnight—and their identities must be protected.

This is just like the witness protection program that the Federal Government has used so successfully in other crimes, particularly in breaking the back of organized crime.

So this amendment would allow the Secretary of State and the Attorney General to determine jointly when an alien or a member of an alien's immediate family needs to be admitted to the United States for protection because he or she has provided information or assistance to the United States in preventing an act of terrorism or in arresting or prosecuting terrorists. The total number of aliens admitted to the United States annually under this program would not exceed 25, including close family members. Once in the United States, participants would have to comply with all laws and follow even stricter Immigration and Naturalization Service procedures than those applicable to any alien lawfully admitted to the United States.

In February 1992, I held a hearing in the Governmental Affairs Committee exploring the difficulties that those in charge of our counterterrorism programs were having in gaining INS authority to admit persons who had assisted the United States and needed our protection. Among those were a number of people who helped thwart major terrorist acts during the gulf war or who were critical to prosecutions abroad of foreign terrorists who had attacked American citizens or property.

Mr. President, my hearing focused on one terrorist defector, whom I consider to be one of the true heroes of the international battle against terrorism.

At the cost of his freedom, his safety and his identity, this man turned his back on the Iraqi terrorist who once counted him as an ally. He provided critical information that prevented the bombing of an international hotel in Geneva, provided information useful during the gulf war regarding the location of underground bunkers, which he had helped to construct, and most recently was the key witness in the successful prosecution in Greece of one of the world's most notorious terrorists, Mohammed Rashid. His dismal experiences with the INS—even though he had the support of the State Department, the FBI and the Marshals Service acting on his behalf in his attempt to bring close family members here—convinced me that something needed to be done to help others like him who needed the assurance that he and his family—if they had the courage to stand up to terrorists—would be protected. Believe it or not, it took 10 years to straighten out his immigration status. Only this month, could his family members, close family members, get tourist visas to visit him.

Following the hearing I introduced legislation similar to the amendment I am offering today. A similar provision was included in the administration's State Department fiscal years 1994–95 authorization bill but, unfortunately, was removed in understandable deference to the Judiciary Committee's jurisdiction and in anticipation that this crime bill would again offer a provision and opportunity to facilitate entry into the United States of people who cooperate in Federal or State Government investigations of organized crime.

So this amendment addresses a different category of people who have helped prevent or resolve a terrorist act, people who may never have been part of a terrorist organization and may be needed for future investigations or trials outside or within the United States.

Mr. President, I am pleased to say that this amendment has the support of those within our Government who are battling terrorism and protecting Americans here and abroad every day. Again, I say that I am pleased to have the support of the Senator from New York [Mr. D'AMATO] who joins me as a cosponsor and whose record as a forceful and persuasive advocateon behalf of our Nation's counterterrorism program is well known.

Finally, I must say I am particularly grateful to have the support of the chairman of the Judiciary Committee, Senator BIDEN, and the ranking Republican, Senator HATCH, two other Members of this Chamber who, of course, can always be counted on in their various leadership roles, in Judiciary and Foreign Affairs, to aid the Nation's counterterrorism efforts.

I thank the Chair and I yield the floor.

Mr. BIDEN. Mr. President, once again, I congratulate the Senator from Connecticut. This is a very worthwhile amendment. Quite frankly, it is an area that we overlooked prior to his calling it to the Nation's attention and the attention of this Chamber. Senator HATCH and I have cleared it on both sides and are anxious to accept the amendment.

The PRESIDING OFFICER. Is there further debate.

The question is on agreeing to the amendment.

The amendment (No. 1144) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1145

(Purpose: To encourage States to establish registration and tracking procedures and community notification with respect to released sexually violent predators)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 1145.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 183, between lines 11 and 12, insert the following new subtitle:

Subtitle ___—Sexually Violent Predators

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the "Sexually Violent Predators Act".

SEC. ___02. FINDINGS.

Congress finds that—

(1) there exists a small but extremely dangerous group of sexually violent persons who do not have a mental disease or defect.

(2) persons who are sexually violent predators generally have antisocial personality features that—

(A) are not amenable to mental illness treatment modalities in existence on the date of enactment of this Act; and

(B) render the persons likely to engage in sexually violent behavior;

(3) the likelihood that sexually violent predators will repeat acts of predatory sexual violence is high; and

(4) the prognosis for curing sexually violent predators is poor and the treatment needs of the population of the predators are very long-term.

SEC. ___03. DEFINITIONS.

As used in this subtitle:

(1) MENTAL ABNORMALITY.—The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes the person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(2) PREDATORY.—The term "predatory", with respect to an act, means an act directed towards a stranger, or a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" means—

(A) an act that is a violation of title 18, United States Code; or State criminal code that—

(i) involves the use or attempted or threatened use of physical force against the person or property of another person; and

(ii) is determined beyond a reasonable doubt to be sexually motivated.

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

SEC. ___04. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—In accordance with this section, the Attorney General shall establish guidelines for State programs to require a sexually violent predator to register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. The Attorney General shall approve each State program that complies with the guidelines.

(2) STATE COMPLIANCE.—

(A) IMPLEMENTATION DATE.—A State that does not implement a program described in paragraph (1) by the date that is 3 years after the date of enactment of this Act, and maintain the implementation thereafter, shall be ineligible for funds in accordance with subparagraph (B).

(B) INELIGIBILITY FOR FUNDS.—

(i) IN GENERAL.—A State that does not implement the program as described in subparagraph (A) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(ii) REALLOCATION OF FUNDS.—Funds made available under clause (i) shall be reallocated, in accordance with such section, to such States as implement the program as described in subparagraph (A).

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—

(1) IN GENERAL.—An approved State program established in accordance with this section shall contain the requirements described in this section.

(2) The determination that a person is a "sexually violent predator" and the determination that a person is no longer a "sexually violent predator" shall be made by the sentencing court after receiving a report by a board of experts on sexual offenses. Each State shall establish a board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) NOTIFICATION.—If a person who is required to register under this section is anticipated to be released from prison, paroled, or placed on supervised release, a State prison officer shall, not later than 90 days before the anticipated date of the release or commencement of the parole—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing not later than 10 days after the change of address;

(C) obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(4) TRANSFER OF INFORMATION TO STATE AND THE FBI.—Not later than 3 days after the receipt of the information described in paragraph (2), the officer shall forward the information to a designated State law enforcement agency. As soon as practicable after the receipt of the information by the State law enforcement agency, the agency shall—

(A) enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency that has jurisdiction over the area in which the person expects to reside; and

(B) transmit the information to the Identification Division of the Federal Bureau of Investigation.

(5) QUARTERLY VERIFICATION.—

(A) MAILING TO PERSON.—Not less than every 90 days after the date of the release or commencement of parole of a person under paragraph (2), the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(B) RETURN OF VERIFICATION FORM.—

(i) IN GENERAL.—The person shall return, by mail, the verification form to the agency not later than 10 days after the receipt of the form. The verification form shall be signed by the person, and shall state that the person continues to reside at the address last reported to the designated State law enforcement agency.

(ii) FAILURE TO RETURN.—If the person fails to mail the verification form to the designated State law enforcement agency by the date that is 10 days after the receipt of the form by the person, the person shall be in violation of this section unless the person proves that the person has not changed the residence address of the person.

(6) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESSES.—Any change of address by a person required to register under this section that is reported to the designated State law enforcement agency shall as soon as practicable be reported to the appropriate law enforcement agency that has jurisdiction over the area in which the person is residing.

(7) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to register and keep the registration current shall be subject to criminal penalties in the State. It is the sense of Congress that the penalties should include imprisonment for not less than 180 days.

(8) TERMINATION OF OBLIGATION TO REGISTER.—The obligation of a person to register under this section shall terminate on a determination made in accordance with the provision of paragraph (2) of this section that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) COMMUNITY NOTIFICATION.—The designated State law enforcement agency may release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from liability for any good faith conduct under this section.

The PRESIDING OFFICER. Without objection, amendment No. 1143 will be set aside temporarily.

Mr. GORTON. Mr. President, the purpose of the amendment is to encourage States to establish registration and tracking procedures and community notification with respect to released sexually violent predators.

A sexually violent predator is a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offense, as determined by the convicting court based on expert advice. The main process is used to free such a person from the provisions of the amendment when it is appropriate to do so. Washington State leads the Nation in coping with this small group of criminals who terrorize our playgrounds, parks, and neighborhoods, preying on the most vulnerable in society. This amendment is modeled in part after the Washington State law.

The amendment is similar to the registration and tracking procedures of Crimes Against Children Subtitle of S. 1607, also known as the Jacob Wetterling Crimes Against Children Registration Act. It applies the same State guidelines and State compliance standards regarding the registration of released sexually violent predators.

The amendment also provides for community notification of released sexual predators and immunity for law enforcement officials in notifying communities of the presence of a sexually violent predator.

This measure targets the small group of violent sexual offenders who are released into society after serving time for rape or child molestation, despite the fact that they are a continued threat. After a determination has been made that the person is a sexually violent predator, law enforcement officials can monitor the person's whereabouts and warn communities where the person may prey. Currently, law enforcement officials often fail to communicate the presence of a sexual predator in their communities, because they either have no way of ensuring his residence or lack the legal protection to do so.

The amendment gives law enforcement officials the tools to do their jobs to protect their communities from the most violent and brutal criminals. Prison officials will share necessary information about released sexually violent predators with local law enforcement who can monitor their movements locally, and the FBI who can monitor their interstate movements.

The Washington State law was inspired by the grisly crimes to repeat sexual offender Earl Shriner who had a 24-year history of violent sexual assaults on young people. Shriner had never been judged incompetent to stand trial, so he was tried and convicted for his criminal acts. Each time he was convicted of a crime, he served his sentence, was released back into society, and proceeded to commit crimes similar to ones for which he had previously been convicted. Law enforcement officials knew he was still a threat but were powerless to protect the community. After a series of other crimes committed by repeat sexual offenders, the State legislature met in special session and passed the Sexually Violent Predators Act which provided for post-incarceration indefinite civil commitment of a small group of sexually violent predators.

The Washington State Supreme Court has recently upheld this statute.

In its original form, this amendment would have provided an analogous procedure, but it is clearly at the cutting edge and troubled a number of Members of this body, including the distinguished chairman. So that portion has been removed from the amendment as it has been presented to the body here.

It does, however, include the registration and the tracking provisions which will enable communities to care for themselves and police to track such people in the way in which they cannot at the present time.

As I have already said, it is a pattern on a section which was a part of this bill with respect to offenders against children.

I greatly appreciate the thoughtful consideration of this proposal and the changes which have been made as a result of the action of the chairman and the staff.

At this point, I believe the proposal is acceptable to both sides, and I ask for confirmation of that proposition by the chairman, at which point I trust we can pass the amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to compliment my friend from Washington State on the amendment. As the manager on this side, I am prepared and anxious to accept the amendment. I think it is a good amendment. As I understand, it has been cleared on the Republican side as well.

Mr. GORTON. It has been.

Mr. BIDEN. I yield back the time, and we can vote on the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

So the amendment (No. 1145) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. What is the pending business?

Mr. GORTON. Before we go on to something else, will the Senator yield a moment?

Mr. BIDEN. I will yield for a question. I do not want to yield the floor.

AMENDMENT NO. 1143

The PRESIDING OFFICER. The pending business is amendment No. 1143.

Mr. BIDEN. Mr. President, I yield for a question to the Senator from Washington.

Mr. GORTON. I thank the Senator from Delaware for his constructive help in connection with the last amendment. I simply wanted to note that this was to take 40 minutes and possibly a vote that was otherwise reserved. He can strike that from his list.

Mr. BIDEN. I thank the Senator for his cooperation. I think the changes he made in his amendment much improve the amendment. I appreciate his being willing to do so.

Mr. President, let me sort of recap here for a moment.

For the last 2 days, we have been telling Senator KOHL, who has a very important amendment relating to children and guns, we had been asking him to withhold that amendment to accommodate the Senate.

I understand my distinguished friend from the State of Virginia has a similar amendment. It is the intention of the manager of the bill to see to it within his ability and power that the Senator from Wisconsin have an opportunity to offer his amendment first.

So I am going to go through some remarks here that I have on the bill and yield to Senator KOHL.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BIDEN. I am happy to yield for a question.

Mr. WARNER. I ask if I could have recognition. If it is not the Senator's desire to have my recognition at this time——

Mr. BIDEN. It is not the Senator's desire to give up the floor at this time. I am happy to answer a question.

Mr. WARNER. Mr. President, I am not trying to end run the Senator from Wisconsin. I said to the manager of the bill that I recognize he has done work in this area, and I had done work independently.

I first read his bill today. I have been in this institution for a while. I am not trying to take another Senator's idea. This is an entirely different approach to a very complicated issue of trying to stop the sale of guns on the streets of America to juveniles.

Mr. BIDEN. I can answer the Senator's question. I am not even attempting to imply the Senator from Virginia is attempting to deal with an issue that was not something he had been working on. I know that. As a matter of fact, the Senator from Virginia has taken a very courageous position in years past on measures relating to guns, being from the State of Virginia, and previous crime bills. I recognize that.

The reason I am going to attempt to keep the floor this evening, Mr. President, is that as the Senator from Virginia knows from managing equally complicated bills like the defense bill, he knows that when you make commitments—he did not make the commitment; the Senator from Delaware made the commitment. So I am not in any way suggesting the Senator from Virginia did or did not do something that is totally within his rights.

As he knows from managing language this complex, this large, and this expensive—and the defense bills he handles are even more expensive than this bill by a long shot—that it is a delicate balance in trying to negotiate agreements by which we will take up amendments, Democrat and Republican, Democrat and Republican. We tried to do this and keep things from sort of getting out of hand.

Toward that end, the Senator from Wisconsin has been on the floor every day with his amendment in hand, every day ready to go throughout the entire day since this bill has been up, and Ipersonally have prevailed upon him not to offer his amendment, because we have been attempting to work it out. We have been attempting to work out whether or not it could be accepted.

This has nothing to do with the Senator from Virginia. Were the Senator from Delaware, at 9:30 at night when the Senator from Wisconsin is not on the floor, to participate in allowing an amendment to come up that, although different, deals with the same subject matter—children and guns—I think it would be appropriate for the Senator from Wisconsin to assume that not the Senator from Virginia but the Senator from Delaware acted in bad faith. So I want to make sure that we work this out.

I have no objection whatsoever, nor would it be my right to object, I might add, to the Senator from Virginia bringing up his amendment or any amendment relative to this area whenever he would like. I would like to see if we could work out an order in which we could bring it up.

What we have done, as the Senator from Virginia probably has not had the opportunity to know, on all these amendments, we have been taking them up based on subject matter. We took up a series of amendments relative to, for example, gangs. We took up a series of amendments relative to police funding, and so on. In order to do that, we have come up with the order that allows us to manage this legislation.

Also, my friend from Virginia knows, although it is not his intention, that if the Senator were to lay down his amendment on guns tonight, it is amendable in the second degree and all amendments are amendable in the second degree. What may very well happen here is in this delicate balance we have been trying to put together how to deal with these gun amendments I am fearful there might be a feeling on the part of some of those who do not share the view of the Senator from Virginia and me, and they would, in fact, second degree this amendment in a way that brings into play gun legislation that I very bluntly am not prepared tonight to deal with.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. BIDEN. I yield for a question.

Mr. WARNER. Mr. President, I simply came on the floor at the invitation of the managers and leadership of the Senate for Senators who have amendments to bring them.

I said explicitly to the Senator from Delaware that I am not asking for immediate consideration. I simply want it printed in the RECORD. I simply want to make floor comments and then depart. I am not trying to interfere in the progress on the bill. I thought I came over in a constructive manner.

Mr. BIDEN. I am sure he did.

There may be a way to deal with this. Maybe if the Senator from Virginia is willing—he need not agree to this as it is within his right not to agree with it—if the Senator is willing not to send his amendment to the desk for consideration but merely to make his comment on what his legislation does and asks that it be printed in the RECORD but not be sent to the desk as an amendment, I have no problem yielding to the Senator for that purpose.

Mr. WARNER. Mr. President, that is exactly what I told the managers of the bill.

Mr. BIDEN. Mr. President, I sincerely apologize. I thought the Senator was sending his amendment to the desk for consideration and discussion and then it would be taken down.

I ask unanimous consent that I be permitted to yield the floor to the Senator from Virginia on the grounds that he be able to speak to the amendment that he is going to offer at some future date, that it not be sent to the desk, but his amendment along with his remarks be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank the distinguished manager of the bill.

Let me make it very clear that I, like many other Members of this body, am seriously concerned about the readily available source of handguns to juveniles in America. We read about it every day.

This is not an original idea. I think many Members of this body are trying to figure out means by which to prevent the transfer for consideration. I am not talking about a father giving a son free a gift of a gun. Let us hope the father understands what he is doing and as such will accept the responsibility.

My father gave me several guns when I was a juvenile. They are among my proudest possessions today. They happen to be a .22 rifle and a shotgun. I understand that. I am not trying to interfere with family life and guns.

What I am directing this amendment to is the street scene. And clearly in this statute or the amendment that I am sending forth, if it becomes law, it is for the transactions where these guns are sold for cash or traded for drugs or a combination thereof.

This may not be the perfect amendment. I yield to anybody to improve it. I am willing to take my name off it and let anybody have the name on it if they want it if they can do a better job.

The Senator from Wisconsin [Mr. KOHL], has an amendment which I discovered long after I had this idea and begun to work on it, but that happens around here all the time. I am perfectly willing that he go first. I can go last. You can put me at any point in time. It makes no difference to me.

But let us hope that the minds of this body are able to devise some type of legislation to get down to these transactions in the street for cash and for drugs, which transactions are leading to the wanton killing and maiming of thousands and thousands of individuals.

So I am going to momentarily send this amendment to the desk and have it printed. Then it is up to the managers when they might wish to bring it up.

First, I define what a handgun is. And this definition is taken out of other Federal law.

> The term "handgun" means—
>
> (A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and,
>
> (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.

Now, as to the offense: "Section 922 of Title 18, United States Code, is amended"—in other words, there is a title of the Code right in there now that prevents gun dealers, just gun dealers from selling to anyone under the age of 21, but the law is silent about these transactions taking place in the street every day—silent. And the purpose of this amendment is to fill that gap.

The amendment reads:

> Section 922 of title 18, United States Code is amended by adding at the end thereof the following new subsection:
>
> (s)(1) It shall be unlawful for any person to sell or otherwise transfer for consideration——

That is the key and operative phrase—

> for consideration to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is ajuvenile—
>
> (A) a handgun; or,
>
> (B) ammunition that is suitable for use only in a handgun.

Second section:

> For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

Penalties: I will move right onto section (5)(A):

> (5)(A) Except as provided in subparagraph (B), whoever knowingly violates subsection (s) of section 922 shall be fined not more than $5,000, imprisoned not more than five years, or both.
>
> (B) Whoever knowingly violates subsection (s) of section 922 knowing or having reasonable cause to know that the juvenile to whom the handgun or ammunition was sold or otherwise transferred for consideration intended to carry, possess, discharge, or otherwise use such handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

In other words, if this transaction takes place in such a manner that the seller, the owner of the gun that is transferring it to a juvenile, has reason to believe that the juvenile is going to use it in a crime of violence, wham, 10 years.

Now both of these penalties are left, in terms of the minimum, to the discretion of the judge. I did that intentionally not to make them mandatory, because in my travels through the State of Virginia recently, I sat down with every single Federal judge in the Commonwealth of Virginia in their chambers, in the various locations where the Federal judiciary sits in my State, and discussed at length this problem. This was one of their No. 1 problems.

This is an idea that was imparted to me by those individuals, the jurists on the front line of law enforcement today. This was an idea imparted to me not only by the members of the judiciary, but I met with the prosecutors and chiefs of police. So I am here speaking on their behalf today. This is something that is badly needed in our Federal Code.

This is a simple, direct approach to selling guns to juveniles. It makes it a crime to sell or otherwise transfer—because there are many transactions that these youngsters formulate that none of us have ever experienced before. It is hard to write it into law—for consideration. That means something flows from the juvenile to the seller of the weapon—dollars, drugs, but there is some consideration. And that is a term well defined in the law. The amendment is limited to handgun or handgun ammunition to a person under 18.

I am not in any way trying to invade the province of the father and the son, the uncle and the son, and the family and the son in the country and on the farms. I am not trying to in any way to invade the military. That is not affected by this statute. They do not sell or transfer for consideration.

I joined the Navy when I was 17. We were taught to use the firearms, and later I served in the Marines and trained many marines under the age of 18, 17-year-old marines. This amendment does not affect that.

This amendment goes down into the streets and the alleys all across this country, where these transactions are taking place at the very moment we are in this Chamber tonight. At the very moment we are struggling with this complex crime bill, these transactions are taking place. This bill does not attempt to reach the issue of mere possession of a handgun by a juvenile; a very difficult issue, but important.

Lastly, it directs our attention to the guns on the streets, as I said, and provides two penalties.

So I want to accommodate the managers. I want to accommodate any of my colleagues who can come up with a better idea. I take no great pride of authorship.

As I said, this idea came to me—yes, I have thought about it, as each of you have. But I really began to formulate how we do it in law by sitting with the Federal judiciary, sitting with the prosecutors, sitting with the chiefs of police.

It is, it was a very valuable trip. I would urge other Senators to go and visit with the members of their judiciary in their State. These individuals are struggling from dawn to dusk with their problems associated with crime. In many instances, they are being overwhelmed. So I thank them. I thank the managers of this bill.

Mr. President, I ask unanimous consent to insert in the RECORD tonight for printing a copy of my amendment and a copy of the bill by the Senator from Wisconsin, as it was reported by a Judiciary Subcommittee, so that Senators can compare the two. I find them quite distinct and, therefore, in no way was I trying to invade the workmanship of one of my most respected colleagues and friends in this Chamber.

As I say, this work product is derived from a field trip that I have undertaken over the past 2 or 3 months throughout my State, visiting with members of the judiciary and other law enforcement officials.

So, Mr. President, I ask unanimous consent to have those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WARNER AMENDMENT

(Purpose: To amend chapter 44 of title 18, United States Code, to prohibit the sale or transfer for consideration of a handgun or handgun ammunition to a juvenile)

On page 127, after line 15, insert the following new section:

SEC. . PROHIBITION OF THE SALE AND TRANSFER FOR CONSIDERATION OF A HANDGUN OR HANDGUN AMMUNITION TO A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(s)(1) It shall be unlawful for any person to sell or otherwise transfer for consideration to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking out "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph;

"(5)(A) Except as provided in subparagraph (B), whoever knowingly violates subsection(s) of section 922 shall be fined not more than $5,000, imprisoned not more than five years, or both.

"(B) Whoever knowingly violates subsection(s) of section 922 knowing or having reasonable cause to know that the juvenile to whom the handgun or ammunition was sold or otherwise transferred for consideration intended to carry, possess, discharge, or otherwise use such handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

KOHL BILL

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Handgun Safety Act of 1993".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as an illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 3. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for any person to sell, deliver, or transfer to a juvenile, or to anyone who the person has reason to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) for target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) under the personal supervision and in the presence of an adult who is not prohibited by Federal, State, or local law from possessing a firearm;

"(iii) with the permission of the juvenile's parent or legal guardian; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty; or

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile.

"(4) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5) A person who knowingly violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) MODEL LAW.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Mr. WARNER. Mr. President, I yield the floor. I thank the managers.

Mr. BIDEN. Mr. President, let me compliment my friend from Virginia in speaking to a problem that I wish, quite frankly, the entire body was more sensitive to.

Mr. WARNER. Mr. President, I was not able to give the distinguished Senator my attention.

Mr. BIDEN. I said let me thank my friend from Virginia for speaking to a subject that, quite frankly, I wish the entire body was more sensitive to. I thank him for being willing, not just on this occasion but on past occasions relative to working on crime issues, to stand up and take a risk.

It has never been popular in any of our States to be perceived as being for gun control. But when it was unpopular, before there was a significant, overwhelming support from the public for efforts to deal rationally with the proliferation of guns and access to guns, the Senator from Virginia was a stand-up fellow and he stood and spoke to it.

So I compliment him on the way he has gone about this, and on his position on this issue.

Mr. WARNER. If I might just interject, I thank my distinguished colleague from Delaware. Indeed I worked with him for many years, and I commend him and commend his distinguished ranking member, Mr. HATCH, for the work they have done.

I will be guided by the wishes of the managers and others as to when and how this amendment that I have can be brought up, how it can be approved. I shall be available tomorrow at their request.

FAMILY BREAKDOWN

Mr. DOLE. Mr. President, by adopting the Republican truth-in-sentencing proposal and by devoting $22 billion in resources to build more prison space and put more police on the streets, the Senate has taken a big step forward in the war against crime.

In the final analysis, however, the best deterrent to crime is not police, or a police cell, but something called conscience—that little inner voice that says: "No, you better not do that. It's wrong." For generations, people have developed conscience through the church, the schools, and most importantly, through families and the set of values that families have traditionally transmitted to their children.

Unfortunately, the American family today is in tatters. More than two-thirds of all black children, and nearly 25 percent of all white children, are born to unwed mothers. In some inner-city communities, the illegitimacy rate is a staggering 80 percent, as thousands of children are born each year into a world without fathers and to mothers who are simply unprepared for the responsibilities of motherhood.

The corrosive impact of family breakdown on inner-city life cannot be underestimated. Not only is there a clear link between family breakdown and poverty, as my Senate colleague DANIEL PATRICK MOYNIHAN pointed out some 25 years ago, there is also an indisputable link between family breakdown and crime. Not surprisingly, 70 percent of the juveniles in State reformatories today come from homes without fathers.

An important article written by Charles Murray and appearing in the Wall Street Journal last week puts this all in perspective. I commend the article to my colleagues.

Mr. President, I ask unanimous consent that the Wall Street Journal article be inserted in the RECORD immediately after my remarks.

There being no objection, the order to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 29, 1993]

THE COMING WHITE UNDERCLASS

(By Charles Murray)

Every once in a while the sky really is falling, and this seems to be the case with the latest national figures on illegitimacy. The unadorned statistic is that, in 1991, 1.2 million children were born to unmarried mothers, with a high of 30% of all live births. How high is 30%? About four percentage points higher than the black illegitimacy rate in the early 1960s that motivated Daniel Patrick Moynihan to write his famous memorandum on the breakdown of the black family.

The 1991 story for blacks is that illegitimacy has now reached 68% of births to black women. In inner cities, the figures is typically in excess of 80%. Many of us have heard these numbers so often that we are inured. It is time to think about them as if we were back in the mid-1960s with the young Moynihan and asked to predict what would happen if the black illegitimacy rate were 68%.

Impossible, we would have said. But if the proportion of fatherless boys in a given community were to reach such levels, surely the culture must be "Lord of the Flies" writ large, the values of unsocialized male adolescents made norms—physical violence, immediate gratification and predatory sex. That is the culture now taking over the black inner city.

But the black story, however dismaying, is old news. The new trend that threatens the U.S. is white illegitimacy. Matters have not yet quote gotten out of hand, but they are on the brink. If we want to act, now is the time.

In 1991, 707,502 babies were born to single white women, representing 22% of white births. The elite wisdom holds that this phenomenon cuts across social classes, as if the increase in Murphy Browns were pushing the trendline. Thus, a few months ago, a Census Bureau study of fertility among all American women got headlines for a few days because it showed that births to single women with college degrees doubled in the last decade to 6% from 3%. This is an interesting trend, but of minor social importance. The real news of that study is that the proportion of single mothers with less than a high school education jumped to 48% from 35% in a single decade.

CLASS DIFFERENCES

These numbers are dominated by whites. Breaking down the numbers by race (using data not available in the published version), women with college degrees contribute only 4% of white illegitimate babies, while women with a high school education or less contribute 82%. Women with family incomes of $75,000 or more contribute 1% of white illegitimate babies, while women with family incomes under $20,000 contribute 69%.

The National Longitudinal Study of Youth, a Labor Department study that has tracked more than 10,000 youths since 1979, shows an even more dramatic picture. For white women below the poverty line in the year prior to giving birth, 44% of births have been illegitimate, compared with only 6% for women above the poverty line. White illegitimacy is overwhelmingly a lower-class phenomenon.

This brings us to the emergence of a white underclass. In raw numbers, European-American whites are the ethnic group with the most people in poverty, most illegitimate children, most women on welfare, most unemployed men, and most arrests for serious crimes. And yet whites have not had an "underclass" as such, because the whites who might qualify have been scattered among the working class. Instead, whites have had "white trash" concentrated in a few streets on the outskirts of town, sometimes a Skid Row of unattached white men in the large cities. But these scatterings have seldom been large enough to make up a neighborhood. An underclass needs a critical mass, and white America has not had one.

But now the overall white illegitimacy rate is 22%. The figure in low-income, working-class communities may be twice that. How much illegitimacy can a community tolerate? Nobody knows, but the historical fact is that the trendlines on black crime, dropout from the labor force, and illegitimacy all shifted sharply upward as the overall black illegitimacy rate passed 25%.

The causal connection is murky—I blame the revolution in social policy during that period, while others blame the sexual revolution, broad shifts in cultural norms, or structural changes in the economy. But the white illegitimacy rate is approaching that same problematic 25% region at a time when social policy is more comprehensively wrongheaded than it was in the mid-1960s, and the cultural and sexual norms are still more degraded.

The white underclass will begin to show its face in isolated ways. Look for certain schools in white neighborhoods to get a reputation as being unteachable, with large numbers of disruptive students and indifferent parents. Talk to the police; listen for stories about white neighborhoods where the incidence of domestic disputes and casual violence has been shooting up. Look for white neighborhoods with high concentrations of drug activity and large numbers of men who have dropped out of the labor force. Some readers will recall reading the occasional news story about such places already.

As the spatial concentration of illegitimacy reaches critical mass, we should expect the deterioration to be as fast among low-income whites in the 1990s as it was among low-income blacks in the 1960s. My proposition is that illegitimacy is the single most important social problem of our time—more important than crime, drugs, poverty, illiteracy, welfare or homelessness because it drives everything else. Doing something about it is not just one more item on the American policy agenda, but should be at the top. Here is what to do:

In the calculus of illegitimacy, the constants are that boys like to sleep with girls and that girls think babies are endearing. Human societies have historically channeled these elemental forces of human behavior via thick walls of rewards and penalties that constrained the overwhelming majority of births to take place within marriage. The past 30 years have seen those walls cave in. It is time to rebuild them.

The ethical underpinning for the policies I am about to describe is this: Bringing a child into the world is the most important thing that most human beings ever do. Bringing a child into the world when one is not emotionally or financially prepared to be a parent is wrong. The child deserves society's support. The parent does not.

The social justification is this: A society with broad legal freedoms depends crucially on strong nongovernmental institutions to temper and restrain behavior. Of these, marriage is paramount. Either we reverse the current trends in illegitimacy—especially white illegitimacy—or America must, willy-nilly, become an unrecognizably authoritarian, socially segregated, centralized state.

To restore the awards and penalties of marriage does not require social engineering. Rather, it requires that the state stop interfering with the natural forces that have done the job quite effectively for millennia. Some of the changes I will describe can occur at the federal level; others would involve state laws. For now, the important thing is to agree on what should be done.

I begin with the penalties, of which the most obvious are economic. Throughout human history, a single woman with a small child has not been a viable economic unit. Not being a viable economic unit, neither have the single woman and child been a legitimate social unit. In small numbers, they must be a net drain on the community's resources. In large numbers, they must destroy the community's capacity to sustain itself. Mirabile dictu, communities everywhere have augmented the economic penalties of single parenthood with severe social stigma.

Restoring economic penalties translates into the first and central policy prescription:

to end all economic support for single mothers. The AFDC (Aid to Families With Dependent Children) payment goes to zero. Single mothers are not eligible for subsidized housing or for food stamps. An assortment of other subsidies and in-kind benefits disappear. Since universal medical coverage appears to be an idea whose time has come, I will stipulate that all children have medical coverage. But with that exception, the signal is loud and unmistakable: From society's perspective, to have a baby that you cannot care for yourself is profoundly irresponsible, and the government will no longer subsidize it.

How does a poor young mother survive without government support? The same way she has since time immemorial. If she wants to keep a child, she must enlist support from her parents, boyfriend, siblings, neighbors, church or philanthropies. She must get support from somewhere, anywhere, other than the government. The objectives are threefold.

First, enlisting the support of others raises the probability that other mature adults are going to be involved with the upbringing of the child, and this is a great good in itself.

Second, the need to find support forces a self-selection process. One of the most shortsighted excuses made for current behavior is that an adolescent who is utterly unprepared to be a mother "needs someone to love." Childish yearning isn't a good enough selection device. We need to raise the probability that a young single woman who keeps her child is doing so volitionally and thoughtfully. Forcing her to find a way of supporting the child does this. It will lead many young women who shouldn't be mothers to place their babies for adoption. This is good. It will lead others, watching what happens to their sisters, to take steps not to get pregnant. This is also good. Many others will get abortions. Whether this is good depends on what one thinks of abortion.

Third, stigma will regenerate. The pressure on relatives and communities to pay for the folly of their children will make an illegitimate birth the socially horrific act it used to be, and getting a girl pregnant something boys do at the risk of facing a shotgun. Stigma and shotgun marriages may or may not be good for those on the receiving end, but their deterrent effect on others is wonderful—and indispensable.

What about women who can find no support but keep the baby anyway? There are laws already on the books about the right of the state to take a child from a neglectful parent. We have some 360,000 children in foster care because of them. Those laws would still apply. Society's main response, however, should be to make it as easy as possible for those mothers to place their children for adoption at infancy. To that end, state governments must strip adoption of the nonsense that has encumbered it in recent decades.

The first step is to make adoption easy for any married couple who can show reasonable evidence of having the resources and stability to raise a child. Lift all restrictions on interracial adoption. Ease age limitations for adoptive parents.

The second step is to restore the traditional legal principle that placing a child for adoption means irrevocably relinquishing all legal rights to the child. The adoptive parents are parents without qualification. Records are sealed until the child reaches adulthood, at which time they may be unsealed only with the consent of biological child and parent.

Given these straightforward changes—going back to the old way, which worked—there is reason to believe that some extremely large proportion of infants given up by their mothers will be adopted into good homes. This is true not just for flawless blue-eyed blond infants but for babies of all colors and conditions. The demand for infants to adopt is huge.

Some small proportion of infants and larger proportion of older children will not be adopted. For them, the government should spend lavishly on orphanages. I am not recommending Dickensian barracks. In 1993, we know a lot about how to provide a warm, nurturing environment for children, and getting rid of the welfare system frees up lots of money to do it. Those who find the word "orphanages" objectionable may think of them as 24-hour-a-day preschools. Those who prattle about the importance of keeping children with their biological mothers may wish to spend some time in a patrol car or with a social worker seeing what the reality of life with welfare-dependent biological mothers can be like.

Finally, there is the matter of restoring the rewards of marriage. Here, I am pessimistic about how much government can do and optimistic about how little it needs to do. The rewards of raising children within marriage are real and deep. The main task is to shepherd children through adolescence so that they can reach adulthood—when they are likely to recognize the value of those rewards—free to take on marriage and family. The main purpose of the penalties for single parenthood is to make that task easier.

One of the few concrete things that the government can do to increase the rewards of marriage is to make the tax code favor marriage and children. Those of us who are nervous about using the tax code for social purposes can advocate making the tax code at least neutral.

A more abstract but ultimately crucial step in raising the rewards of marriage is to make marriage once again the sole legal institution through which parental rights and responsibilities are defined and exercised.

Little boys should grow up knowing from their earliest memories that if they want to have any rights whatsoever regarding a child that they sire—more vividly, if they want to grow up to be a daddy—they must marry. Little girls should grow up knowing from their earliest memories that if they want to have any legal claims whatsoever on the father of their children, they must marry. A marriage certificate should establish that a man and a woman have entered into a unique legal relationship. The changes in recent years that have blurred the distinctiveness of marriage are subtly but importantly destructive.

Together, these measures add up to a set of signals, some with immediate and tangible consequences, others with long-term consequences, still others symbolic. They should be supplemented by others based on a re-examination of divorce law and its consequences.

VIRTUE AND TEMPERANCE

That these policy changes seem drastic and unrealistic is a peculiarity of our age, not of the policies themselves. With embellishments, I have endorsed the policies that were the uncontroversial law of the land as recently as John Kennedy's presidency. Then, America's elites accepted as a matter of course that a free society such as America's can sustain itself only through virtue and temperance depend centrally on the socialization of each new generation, and that the socialization of each generation depends on the matrix of care and resources fostered by marriage.

Three decades after that consensus disappeared, we face an emerging crisis. The long, steep climb in black illegitimacy has been calamitous for black communities and painful for the nation. The reforms I have described will work for blacks as for whites, and have been needed for years. But the brutal truth is that American society as a whole could survive when illegitimacy became epidemic within a comparatively small ethnic minority. It cannot survive the same epidemic among whites.

AMENDMENT NO. 1131

Mr. KENNEDY. Mr. President, I am disappointed that the Senator from Utah would offer an amendment to revise the mandatory minimum safety valve that we negotiated with Senators SIMPSON and THURMOND and other Members of the Senate. Those negotiations resulted in the introduction of a free-standing bill, S. 1596, that had been included in the crime bill.

Now the Senator from Utah proposes a much narrower version of the safety valve. In fact, this version is so narrow that it is effectively meaningless. It is called mandatory minimum reform, but it will have no practical effect on the day-to-day injustices that are created by mandatory minimums.

I will first describe the basis for the underlying safety valve provision, and then explain why that version is preferable to the Hatch version.

Section 2404 of the crime bill creates a narrow safety valve in the mandatory minimum sentencing laws. As I have noted, this was a bipartisan effort to remedy some of the worst injustices created by mandatory minimum sentencing statutes.

It also reflects a growing recognition that mandatory minimum sentences are unnecessary and unhelpful now that we have a fully functioning sentencing guidelines system in the Federal courts.

This provision would permit a small number of low-level, nonviolent defendants who would otherwise be subject to mandatory minimum laws to be sentenced under the guideline system instead. Basically, the defendants exempted from mandatory sentencing would be low-level drug trafficking defendants with very minimal criminal records who did not possess a firearm or cause death during the commission of the offense, and who did not have an aggravating role in the offense as defined by the guidelines.

The imposition of lengthy mandatory prison terms on such relatively minor defendants has led to an outcry of disapproval from judges, prosecutors, defense attorneys and other knowledgeable observers. These cases are clogging up our courts and our prisons. It is expensive, counterproductive and unjust to keep these small-time, non-violent defendants in prison for 10 or 20 years, especially when some dangerous, career criminals are serving less time.

Mandatory minimum sentences cause these irrational results, and enactment of S. 1596 would be a sensible initial response to the obvious flaws in current law. My personal preference would have been for more comprehensive reform of mandatory sentencing laws, but I have cosponsored this bill because I recognize that this may be as far as the current Congress is prepared to go. If this law is enacted, I hope my colleagues will join me in evaluating its effect, and reviewing the Sentencing Commission's recommendations for further action.

My opposition to mandatory sentencing is not based on the length or severity of current sentences. Rather, I oppose mandatory sentencing laws because they are counterproductive in the fight against crime and are flatly inconsistent with the sentencing guideline system that we enacted by passing the Sentencing Reform Act of 1984.

That act, the product of more than a decade of congressional debate, created the U.S. Sentencing Commission, established the guidelines system, abolished parole, and authorized appellate review of sentences. The Sentencing Reform Act provides the framework for a coherent Federal sentencing policy.

Senator THURMOND and I worked together for many years to persuade our colleagues of the merits of sentencing reform. Our legislative strategy and our goals were bipartisan. We sought to eliminate unwarranted disparity, promote honesty in sentencing, and rationalize this stage of the Federal criminal justice system.

But mandatory minimum sentencing statutes have hampered the guideline system and are becoming a increasingly serious obstacle to its success.

Congress has persisted in enacting these statutes in recent years, despite the fact that mandatory minimums interfere with the commission's effort to devise a rational sentencing system. Both mandatory penalties and guidelines limit judicial sentencing discretion, but the guidelines offer a more sophisticated opportunity to channel judicial discretion.

Mandatory minimums inevitably lead to sentencing disparity because defendants with different degrees of guilt and different criminal records receive the same sentence.

The guideline system permits the court to consider the aggravating and mitigating circumstances relevant to each offense and each offender, but mandatory minimums override such individualized sentencing.

Some advocates of mandatory sentencing believe that coerced uniformity is appropriate. But the mandatory statutes do not produce uniformity; they just transfer discretion from judges to prosecutors, who decide whether defendants will be charged with an offense carrying a mandatory penalty, and whether to insist on a plea to that count of the indictment. A guideline system makes judges accountable for the discretion they exercise; mandatory sentencing laws impose no similar check on prosecutors.

The Attorney General, the Sentencing Commission and the Judicial Conference have all criticized mandatory penalties. At a recent conference, Chief Justice Rehnquist noted that mandatory minimums "frustrate the careful calibration of sentences, from one end of the spectrum to the other, that the guidelines were intended to accomplish."

So our safety valve was a small but important step in the effort to recapture the goals of sentencing reform. We must begin to let the Sentencing Commission do the job we delegated to it.

But the Hatch approach—especially as it has now been modified—is far too small a step. Let me describe some of the differences between our approach and the Hatch approach:

The Hatch safety valve applies to defendants convicted of drug laws, but doesn't apply to defendants convicted of attempt to violate the drug laws. Certainly a defendant who merely attempted to violate the law deserves as much consideration as a defendant who actually violated the law.

The Hatch safety valve doesn't apply to defendants convicted of conspiracy to violate the drug laws. Serious injustices often occur in these conspiracy cases, because a minor player in a conspiracy is criminally responsible for the entire amount of drugs involved in the conspiracy. So low-level conspirators get 10- or 20-year sentences, they clog up the courts and the prisons, and that'sprecisely what's wrong with mandatories.

Our version applies to individuals who have, at most, very minor criminal histories under the guidelines. The Hatch version is much narrower—it excludes anyone who has ever been sentenced to a period of incarceration, or who has a juvenile adjudication of criminal conduct. So under the Hatch version, a prior shoplifting conviction that resulted in a 2-day jail sentence will mean the difference between whether a defendant is subject to a 20-year mandatory minimum prison sentence.

Similarly, a 55-year-old defendant with no criminal history, but who was adjudicated a delinquent for a fist fight 40 years ago would be ineligible for the safety valve. These are just silly distinctions.

The Hatch amendment would make a defendant ineligible for the safety valve if the offense involved a death, whether or not the defendant had anything to do with, or even knew about the death.

Our safety valve would not apply to anyone who caused, threatened to cause, or credibly threatened to cause serious bodily injury or death. But the Hatch amendment would exclude anyone who threatens physical injury—a slap, a punch, or a threat to slap or punch someone would spell the difference between a mandatory minimum or not.

These are just some of the ways in which the Hatch amendment is unreasonably and unnecessarily narrower than the version that is in the bill now.

I also oppose both the Hatch second degree amendment and the underlying Gramm amendment because they propose new mandatory minimums and a new death penalty authorization. But I am especially pained that the safety valve proposal—which was so carefully negotiated—has now been effectively emasculated.

I hope that we can work in conference to improve the mandatory minimum safety valve that will be included in the Senate-passed bill.

PROGRAM

Mr. BIDEN. Mr. President, the following votes have been ordered for tomorrow after we dispose of the cloture vote.

One is the Dole amendment, relative to gangs; the Lieberman amendment relating to carjacking; and pending is a Lieberman amendment on drug enforcement areas for tomorrow, on which we hope we can get a time agreement and have a vote ordered.

The following Senators have indicated they would like to speak tomorrow on the following amendments:

The distinguished Senator from Wisconsin, Senator KOHL, on an amendment on children and guns.

Senator D'AMATO and the death penalty for drug kingpins. He has agreed to a 20-minute time limitation. We do not have UC for these yet, but he has agreed to a 20-minute time limitation.

A D'Amato amendment concerning mandatory minimum sentences on which it has agreed to have a 30-minute time limitation.

A Kerry of Massachusetts amendment relative to increased funds for police court. He has agreed to a 1-hour time agreement.

The Senator from Delaware, Mr. ROTH, on noncooperation of local governments with the Immigration and Naturalization Service. He has 30 minutes he has agreed to on that amendment.

A Chafee amendment on stalking, which I believe he is willing to agree to a 40-minute time agreement, equally divided.

In addition, pending and laid aside at the moment is the Gramm of Texas amendment, as amended by the Hatch amendment.

We hope that Senators, the Senators I named, will be here tomorrow to offer their amendments beginning at 10 a.m.

At that time, I hope to turn this announcement into a unanimous consent request, to enter into an agreement for considering these amendments, and to stack votes on them to follow those votes already ordered. We will also seek to reach agreements on all other amendments.

I have also been informed the Senators from Arizona and California and Ohio—METZENBAUM, FEINSTEIN, and DECONCINI—wish to move early, relatively early, tomorrow, on their amendment relative to assault weapons.

So we should have a full day tomorrow. If we can continue the pace and progress we have made today, I hope the majority leader would consider keeping us in very late tomorrow night until we finish this legislation.

Mr. President, there is no more business relative to the crime bill, the Biden crime bill, that I wish, or anyone wishes to bring before the Senate.

MORNING BUSINESS

Mr. BIDEN. Mr. President, I ask unanimous consent there be a period for morning business for up to 8 minutes, with Senators permitted to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 472. Jeffrey E. Garten, to be Under Secretary of Commerce for International Trade;

Calendar 482. Jonathan Z. Cannon, to be an assistant Administrator of the Environmental Protection Agency;

Calendar 483. Mary Dolores Nichols, to be an Assistant Administrator of the Environmental Protection Agency;

Calendar 484. Joseph Swerdzewski, to be General Counsel of the Federal Labor Relations Authority;

Calendar 490. Eugene A. Brickhouse, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration);

Calendar 491. Kathy Elena Jurado, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs);

Calendar 493. Joseph A. Dear, to be an Assistant Secretary of Labor;

Calendar 494. Ernest W. DuBester, to be a member of the National Medicine Board;

Calendar 495. Diane B. Frankel, to be Director of the Institute of Museum Services;

Calendar 497. Lt. Gen. Gary H. Mears, to be lieutenant general on the retired list;

Calendar 498. Gen. Jimmy D. Ross, to be general on the retired list;

Calendar 499. Maj. Gen. Johnnie E. Wilson, for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility;

Calendar 500. The officers named for promotion in the Regular Army of the United States;

Calendar 501. The officers named to be major general and brigadier general;

Calendar 502. The captains named of the Reserve of the U.S. Navy for permanent promotion of rear admiral (lower half);

Calendar 503. The rear admirals (lower half) named of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral;

Calendar 504. Vice Adm. Jerry O. Tuttle, to be vice admiral;

Calendar 505. Vice Adm. William A. Owens, to be admiral;

Calendar 506. Vice Adm. Thomas J. Lopez, to be vice admiral; and

All nominations placed on the Secretary's Desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Jeffrey E. Garten, of New York, to be Under Secretary of Commerce for International Trade.

ENVIRONMENTAL PROTECTION AGENCY

Jonathan Z. Cannon, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

Mary Dolores Nichols, of California, to be an Assistant Administrator of the Environmental Protection Agency.

FEDERAL LABOR RELATIONS AUTHORITY

Joseph Swerdzewski, of Colorado, to be General Counsel of the Federal Labor Relations Authority for a term of 5 years.

DEPARTMENT OF VETERANS AFFAIRS

Eugene A. Brickhouse, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources and Administration).

Kathy Elena Jurado, of Florida, to be an Assistant Secretary of Veterans Affairs (Public and Intergovernmental Affairs).

DEPARTMENT OF LABOR

Joseph A. Dear, of Washington, to be an Assistant Secretary of Labor.

NATIONAL MEDIATION BOARD

Ernest W. DuBester, of New Jersey, to be a member of the National Mediation Board for a term expiring July 1, 1995.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Diane B. Frankel, of California, to be Director of the Institute of Museum Services.

[New Reports]

DEPARTMENT OF DEFENSE

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Gary H. Mears, [redacted] U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Jimmy D. Ross, [redacted] U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Johnnie E. Wilson, [redacted] U.S. Army.

The following-named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Edwin P. Smith [redacted]
Col. Neil N. Snyder, II[redacted]
Col. Mark R. Hamilton [redacted]
Col. Emmitt E. Gibson [redacted]
Col. Robert D. Shadley [redacted]
Col. Charles R. Viale [redacted]
Col. George F. Close, Jr. [redacted]
Col. Dale R. Nelson [redacted]
Col. Joseph E. Oder [redacted]
Col. Michael W. Ackerman [redacted]
Col. Boyd E. King, Jr. [redacted]
Col. John M. Le Moyne [redacted]
Col. Michael L. Dodson [redacted]
Col. John J. Ryneska [redacted]
Col. Roy E. Beauchamp [redacted]
Col. Richard A. Black [redacted]
Col. John B. Sylveste[redacted]
Col. James P. O'Nea[redacted]
Col. Thomas W. Garret[redacted]
Col. John D. Thomas, Jr[redacted]
Col. James E. Shane, Jr[redacted]
Col. John G. Meyer, Jr[redacted]
Col. Joseph M. Cosumano, Jr[redacted]
Col. Robert B. Flowers [redacted]
Col. Robert R. Ivany [redacted]
Col. Michael T. Byrnes [redacted]
Col. David S. Weisman [redacted]
Col. Ralph G. Wooten [redacted]
Col. Julian H. Burns, Jr. [redacted]
Col. Robert T. Clark [redacted]
Col. Christopher C. Shoemake[redacted]
Col. Kevin P. Byrnes [redacted]
Col. John M. McDuffie [redacted]
Col. Gregory A. Rountree [redacted]
Col. Larry J. Lus[redacted]
Col. Peter C. Frankli[redacted]
Col. David L. Grange [redacted]
Col. Kenneth R. Bowra [redacted]

The following U.S. Army Reserve officers for promotion to the grades indicated in the Reserve of the Army of the United States, under the provisions of sections 593(a), 3371 and 3384, title 10, United States Code:

To be major general

Brig. Gen. Donald F. Campbell, [redacted]
Brig. Gen. Peter W. Clegg, [redacted]
Brig. Gen. Lindsay M. Freeman, [redacted]
Brig. Gen. Leonard L. Hoch, [redacted]
Brig. Gen. Thomas P. Jones, [redacted]
Brig. Gen. Howard T. Mooney, [redacted]
Brig. Gen. Thomas J. Plewes, [redacted]
Brig. Gen. Richard F. Reeder, [redacted]
Brig. Gen. Richard E. Storat[redacted]

Brig. Gen. Francis D. Terrell [redacted]

Brig. Gen. John M. Vest, [redacted]

Brig. Gen. Robert H. G. Waudby [redacted] [redacted]

To be brigadier general

Col. Michael E. Dunlavey, [redacted]

Col. James L. Bauerle, [redacted]

Col. Melvin R. Johnson, [redacted]

Col. Bruce B. Bingham, [redacted]

Col. Michael R. Mayo, [redacted]

Col. Robert J. Winzinger, [redacted]

Col. John G. Kulhavi, [redacted]

Col. Rodney D. Ruddock, [redacted]

Col. Robert L. Lennon, [redacted]

Col. John J. Green, Jr. [redacted]

Col. James C. Larson, [redacted]

Col. Clifford L. Massengale, [redacted]

Col. Robert A. Lee, [redacted]

Col. Norman B. Burdett, [redacted]

IN THE NAVY

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral (lower half) in the line and staff corps, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. James Wayne Eastwood [redacted] 1115, U.S. Naval Reserve.

Capt. Timothy O'Neil Fanning, Jr. [redacted] [redacted] U.S. Naval Reserve.

Capt. John Edwin Kerr, [redacted] [redacted] U.S. Naval Reserve.

Capt. John Benjamin Totushek, [redacted] 1315, U.S. Naval Reserve.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

Capt. Robert Hulburt Weidman, Jr., [redacted] [redacted] U.S. Naval Reserve.

MEDICAL CORPS OFFICER

To be rear admiral (lower half)

Capt. Macea Eugene Fussell, [redacted]/ 2105, U.S. Naval Reserve.

SUPPLY CORPS OFFICER

To be rear admiral (lower half)

Capt. Brian Nelson McCarthy, [redacted]/ 3105, U.S. Naval Reserve.

CHAPLAIN CORPS OFFICER

To be rear admiral (lower half)

Capt. William Ashley Will, Jr., [redacted]/ 4105, U.S. Naval Reserve.

The following-named rear admirals (lower half) of the Reserve of the U.S. Navy for permanent promotion to the grade of rear admiral in the line, as indicated, pursuant to the provision of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral

Rear Adm. (lh) Grant Thomas Hollett, Jr., [redacted]115, U.S. Naval Reserve.

Rear Adm. (lh) Tim McCall Jenkins [redacted] [redacted] U.S. Naval Reserve.

Rear Adm. (lh) John Jacob Mumaw [redacted] [redacted] U.S. Naval Reserve.

UNRESTRICTED LINE OFFICER (TRAINING AND ADMINISTRATION OF RESERVE)

TO BE REAR ADMIRAL

Rear Adm. (lh) James Duane Olson II [redacted] [redacted] U.S. Naval Reserve.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Jerry O. Tuttle, U.S. Navy, [redacted] [redacted]

The following-named officer for appointment to the grade of admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be admiral

Vice Adm. William A. Owens, [redacted] U.S. Navy.

The following-named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Thomas J. Lopez, [redacted] U.S. Navy.

Air Force nominations beginning Richard A. Aceto, and ending Raymond D. Wilkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 14, 1993.

Air Force nomination of Robert G. Worthington, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Air Force nominations beginning Samar K. Bhowmick, and ending Ernest G. Weeks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Air Force nominations beginning Kenneth F. Abel, and ending Sheila J. Zrimm, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Army nominations beginning Robert E. Abodeely, and ending Julia B. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 4, 1993.

Army nominations beginning Thomas N. Bordner, and ending Lynnette D. Kennison, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Army nominations beginning Patricia A. Affe, and ending Alan H. Brightman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Marine Corps nominations beginning Jeffrey A. Baumert, and ending Jeffrey A. Ripa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Marine Corps nominations beginning Stephen S. Adams, and ending Craig W. Wood, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Marine Corps nominations beginning Joseph A. Alexander, Jr., and ending Wade Yoffee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Marine Corps nominations beginning James C. Andrus, and ending Floyd H. Winn, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Marine Corps nominations Timothy C. Abe, and ending Mark G. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Jon Christian Abeles, and ending John Stewart Daughenbaugh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Ronald David Abate, and ending Reuben Teruo Tsujimura, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Lee Thomas Baker, and ending Thomas Joseph Yurik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

Navy nominations beginning Charles L. Aley III, and ending Doreen E. Tate, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 19, 1993.

STATEMENT ON THE NOMINATIONS OF EUGENE A. BRICKHOUSE AND KATHY E. JURADO

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to recommend to the Senate the confirmation of two individuals to important positions in the Department of Veterans Affairs. The two nominees, and the positions to which they have been nominated, are:

Eugene A. Brickhouse to be Assistant Secretary for Human Resources and Administration; and

Kathy E. Jurado to be Assistant Secretary for Public and Intergovernmental Affairs.

These are two outstanding individuals, and I am confident that each will use their skills and talents to play key roles alongside the Secretary of Veterans Affairs, Jesse Brown, and Deputy Secretary, Hershel Gober, in providing the Department of Veterans Affairs with leadership and motivation.

The Committee held a hearing on October 28, 1993, at which both nominees responded candidly to questions from committee members. Each nominee also responded to pre- and post-hearing questions and completed the committee's questionnaire. After reviewing all these materials as well as the FBI reports on both individuals, I am satisfied that each is well suited to serve in the position for which they have been nominated. On Wednesday, November 3, 1993, our committee met to consider these nominations and voted unanimously to recommend their confirmation to the full Senate.

Mr. President, I would like to speak briefly regarding the two nominees.

A native of Exmore, VA, Eugene Brickhouse graduated from Virginia State University in 1962 and from the University of Texas in 1976 with a master's degree in management of human resources. He has a distinguished career in the Army, including extensive experience with human resource management and administrative matters.

In addition, for the last 18 months, Eugene has served as a professional staff member on the staff of the House Committee on Veterans' Affairs. He has been a valuable resource on Capitol Hill for everyone dedicated to veterans' issues.

Kathy Jurado was born in Tampa, FL, and received her undergraduate degree in government and international relations from the University of Notre Dame in 1982. She has experience in public affairs both in the private and public sectors. She served as press secretary for the Florida Clinton-Gore 1992 campaign and is presently the University of South Florida's director of government relations. I am impressed by Kathy, and I am confident that she will be a highly effective Assistant Secretary for Public and Intergovernmental Affairs.

Mr. President, in conclusion, I reiterate my sense of satisfaction that these two nominees are well suited to take on the challenges of the positions for which they have been nominated, and I urge my colleagues to give them their unanimous support.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRADE OF RHINOCEROS AND TIGER PARTS—MESSAGE FROM THE PRESIDENT—PM68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

On September 7, 1993, the Secretary of the Interior certified that the People's Republic of China (PRC) and Taiwan are engaging in trade of rhinoceros and tiger parts and products that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Five rhinoceros species and the tiger are listed in Appendix I of CITES, which means that the species are threatened with extinction and no trade for primarily commercial purposes is allowed. Although recent actions by the PRC and Taiwan show that some progress has been made in addressing their rhinoceros and tiger trade, the record demonstrates that they still fall short of the international conservation standards of CITES. This letter constitutes my report to the Congress pursuant to section 8(b) of the Fisherman's Protective Act of 1967, as amended (Pelly Amendment) (22 U.S.C. 1978(b)).

The population of the world's rhinoceros has declined 90 percent within the last 23 years to the present level of of less than 10,000 animals, and the tiger population has declined 95 percent within this century to the present level of about 5,000. Neither the PRC nor Taiwan has fully implemented the international standards established by CITES for controlling the trade in these species, and the poaching of rhinoceroses and tigers continues in their native ranges fueled in part by the market demand in the PRC and Taiwan. These populations will likely be extinct in the next 2 to 5 years if the trade in their parts and products is not eliminated.

To protect the rhinoceros and tiger from extinction, all countries and entities that currently consume their parts and products must implement adequate legislative measures and provide for enforcement that effectively eliminates the trade, including taking actions to comply with the criteria set down by CITES in September 1993 and fully cooperating with all CITES delegations. The PRC and Taiwan have made good faith efforts to stop the trade in rhinoceros and tiger parts and products, and have, since the announcement of Pelly certification, undertaken some positive legislative and administrative steps in this regard. These efforts, however, have yet to yield effective reductions in trade.

I wish to support and build on these good faith efforts undertaken by the PRC and Taiwan. At the same time, I would like to make clear the U.S. position that only effective reductions in the destructive trade in these species will prevent the rhinoceros and tiger from becoming extinct. Accordingly, I have established an Interagency Task Force to coordinate the provision of U.S. technical assistance to the PRC and Taiwan to help them eliminate their illegal wildlife trade. I have also instructed the Department of the Interior, in coordination with the Department of State and the American Institute in Taiwan, to enter immediately into dialogue with the PRC and Taiwan regarding specific U.S. offers of trade and law enforcement assistance.

Actions by the PRC and Taiwan that would demonstrate their commitment to the elimination of trade in rhinoceros and tiger parts and products could include: at a minimum, consolidation and control of stockpiles; formation of a permanent wildlife or conservation law enforcement unit with specialized training; development and implementation of a comprehensive law enforcement and education action plan; increased enforcement penalties; prompt termination of amnesty periods for illegal holding and commercialization; and establishment of regional law enforcement arrangements. I would expect that in taking these actions, the PRC and Taiwan would take account of the recommendations by the CITES Standing Committee and other CITES subsidiary bodies. In that regard, I am pleased to announce that the United States will participate in a delegation to the PRC and Taiwan organized by CITES to evaluate their progress between now and the March 1994 CITES Standing Committee meeting.

At its last meeting, the CITES Standing Committee unanimously recommended that parties consider implementing "stricter domestic measures up to and including prohibition in trade in wildlife species now" against the PRC and Taiwan for their trade in rhinoceros and tiger parts and products. The United States is prepared, through close dialogue and technical aid, to assist the PRC and Taiwan. I hope that both will demonstrate measurable, verifiable, and substantial progress by March 1994. Otherwise, import prohibitions will be necessary, as recommended by the CITES Standing Committee.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1993.*

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 1490) to amend Public Law 100-518 and the U.S. Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2151. An act to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes.

At 7:09 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 616. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.R. 175. An act to amend title 18, United States Code, to authorize the Federal Bureau of Investigation to obtain certain subscriber information.

H.R. 1345. An act to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham United States Courthouse and Federal Building."

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2151. An act to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1735. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "The Retail Food Store Authorization Act of 1993"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1736. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports from the month of September, 1993; to the Committee on Governmental Affairs.

EC-1737. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1738. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-1739. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a draft of proposed legislation to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mr. SPECTER, Mr. LOTT, and Mr. FORD):

S. 1632. To extend the effectiveness of an exemption from the requirements of the Depository Institution Management Interlocks Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. RIEGLE (for himself and Mr. D'AMATO):

S. 1633. A bill to consolidate under a new Federal Banking Commission the supervision of all depository institutions insured under the Federal Deposit Insurance Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEFLIN:

S. 1634. A bill to authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MACK:

S. 1635. A bill to authorize a certificate of documentation for certain vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. STEVENS, and Mr. PACKWOOD):

S. 1636. A bill to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JOHNSTON:

S. 1637. A bill to provide a more effective, efficient, and responsive Department of the Interior; to the Committee on Energy and Natural Resources.

S. 1638. A bill to provide a more effective, efficient, and responsive Department of Energy; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1639. A bill for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 1640. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK:

S. 1641. A bill to authorize a certificate of documentation for the vessel *Inspiration*; to the Committee on Commerce, Science, and Transportation.

S. 1642. A bill to authorize a certificate of documentation for the vessel *Princess Xanadu of Monaco*; to the Committee on Commerce, Science, and Transportation.

S. 1643. A bill to authorize a certificate of documentation for the vessel *Match Maker*; to the Committee on Commerce, Science, and Transportation.

S. 1644. A bill to authorize a certificate of documentation for the vessel *Later*; to the Committee on Commerce, Science, and Transportation.

S. 1645. A bill to authorize a certificate of documentation for the vessel *Venus*; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY:

S. 1646. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. RIEGLE (for himself and Mr. D'AMATO):

S. 1633. A bill to consolidate under a new Federal Banking Commission the supervision of all depository institutions insured under the Federal Deposit Insurance Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REGULATORY CONSOLIDATION ACT OF 1993

• Mr. RIEGLE. Mr. President, I rise to introduce the Regulatory Consolidation Act of 1993 together with the ranking Republican on the Senate Banking, Housing, and Urban Affairs Committee, Senator ALFONSE D'AMATO. This legislation addresses three important needs in America's financial regulatory system: First, the need to modernize and streamline the outdated anachronistic system under which the Nation's banking and thrift institutions currently must operate; second, the need to increase the effectiveness of Federal Government oversight of depository institutions by integrating responsibility for Federal supervision and examination in a single regulatory body; and third, the need to reduce unnecessary regulatory compliance costs on the industry wherever possible without sacrificing safety and soundness.

Our bill would combine the supervisory and regulatory functions of the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation and the Office of Thrift Supervision into a single Federal Banking Commission.

AMERICA'S FLAWED BANK REGULATORY SYSTEM

Today, we have four entirely separate Federal banking agencies. Each has its own squad of examiners, its own bureaucracy, and its own regulations. No thoughtful person would ever design such a system from scratch. In fact, nobody planned our present bank regulatory system—it's a product of historical accident.

America's bank regulatory system evolved as a reaction to crisis. Running short of money to fund the Civil War, Congress created the Office of the Comptroller of the Currency to facilitate war financing efforts in 1863. In 1913, Congress established the Federal Reserve System to stabilize the industry after a series of banking panics. In 1933, Congress created the FDIC to introduce a system of Federal deposit insurance and restore confidence in our financial system after hundreds of bank failures. And the Office of Thrift Supervision also had its roots in the Depression, only to be transformed into its present form after the savings and loan crisis.

This piecemeal regulatory system is clearly out of date and in critical need of overhaul. It generates needless expense and endless confusion for America's banks and thrifts. Money that the banking industry could make available for lending to its customers is spent instead to support well-intentioned—but only marginally successful—efforts at complying with multiple agency mandates.

In fact, our current bank regulatory system has virtually no defenders outside the regulatory agencies themselves. As former FDIC Chairman William Seidman recently acknowledged:

> The financial institutions regulatory system is complex, inefficient, outmoded and archaic. It needs to be reformed with a single independent federal regulator. (Do not bother to ask regulators about it; their turf is their only message.)

TESTIMONY OF EX-REGULATORS AND EXPERTS

On September 14, 1993, the Senate Banking Committee received testimony from a bipartisan group of six former financial regulators, together with former Senate Banking Committee Chairman William Proxmire and current House Banking Committee Chairman HENRY GONZALEZ.

The group was unanimous and unequivocal in its view that the current system is costly, burdensome, inefficient, archaic and the time has come for it to be re-engineered and modernized.

Our witnesses were also unanimous and unequivocal on the following issues:

Major consolidation would benefit consumers;

Major consolidation would benefit the industry;

Major consolidation would improve the safety and soundness of the financial services industry; and

Reforming our bank and regulatory bureaucracy is long overdue and now is the time to address the need for major consolidation. We have a new administration committed to change. Banks and thrifts are posting record profits, and both the Congress and the administration are committed to cost-saving, deficit reduction and a more efficient government. This issue must be addressed in the administration's ongoing efforts to reinvent Government.

As I have said, these views were shared by every single one of our witnesses. Here are some brief excerpts of what each had to say about the current bank regulatory system:

William Proxmire, chairman of the Senate Committee on Banking, Housing, and Urban Affairs from 1975 to 1980 and 1987 to 1989:

> We have the most bizarre, entangled regulatory system in the world. It never ceases to amaze me that it has lasted this long.
>
> * * * I should like to add the recommendation that at an absolute minimum the Congress consolidate the bank regulatory functions of the Comptroller of the Currency, the Federal Reserve Board and the FDIC in a single agency * * * [T]he minimum consolidation of bank regulation should also include the bank regulating functions of these three agencies and the Office of Thrift Supervision.

HENRY B. GONZALEZ, current chairman of the House Committee on Banking, Finance and Urban Affairs:

> Our current system of regulation operates like a Hydra-headed monster, with its many heads flailing around, each with a mind of its own and indifferent to the activities of the other. Certainly, no rational person would have ever designed such a system for regulating the nation's banks and thrifts.
>
> Consolidation of the regulatory functions [OCC, Federal Reserve, FDIC and OTS] into a single, independent regulator would result in many benefits.

L. William Seidman, chairman of the Federal Deposit Insurance Corporation from 1985 to 1991:

> If one wants to talk about "reinventing government", one doesn't have to be a Thomas Edison to recognize that this is an obvious place to start * * * regulatory restructuring is necessary for the following reasons: to simplify the system and make its regulations uniform; to make it more effective and efficient; to make it operate on a timely basis; to make our financial system more competitive; and to reduce frustration and the resultant consumption of stomach pills.

John G. Heimann, Comptroller of the Currency from 1977 to 1981:

> I first testified in favor of reorganizing the banking supervisory structure in 1975 and, since that time, have consistently argued for banking agency consolidation both while I was in government service and after my return to the private sector. My view as to the wisdom of consolidation remains the same some 18 years later. The system we have today is archaic, expensive, duplicative and inefficient. The costs are unnecessarily burdensome. Directly and indirectly, they are borne by the consumer and the shareholder. They can be meaningfully reduced without harmful consequences. In fact, I would argue that consolidation would improve the system of banking supervision at less cost.
>
> We should create a Federal Banking Commission (F.B.C.) which would envelop the present bank supervisory activities of the OCC, OTS, FDIC, FRB and the National Credit Union Administration (N.C.U.A.).

H. Joe Selby, Executive Vice President and Director of Regulatory Affairs at the Federal Home Loan Bank of Dallas from 1986 to 1988; Senior Deputy Comptroller of the Currency from 1975 to 1986; and Acting Comptroller of the Currency in 1985:

> The present regulatory apparatus is outdated and outmoded. Created in response to financial crises, and to the introduction of new financial products, it has been rendered inefficient and ineffective in many respects by the rapid changes in the financial system.
>
> Multiple federal agencies with overlapping responsibilities only promote duplication, inconsistency and inefficiency.
>
> Responsibility for regulation and supervision of all federally insured depository institutions and holding companies should be vested in a single, federal financial institution supervisory agency.

Andrew F. Brimmer, member of the board of governors of the Federal Reserve System from 1966 to 1974:

> * * * Uneven bank examination standards—growing out of our fragmented Federal Bank Regulatory Apparatus—contributed to the severe credit crunch of 1990–91 and aggravated the recession which occurred in those years.
>
> The Federal Bank Regulatory structure should be revamped. The Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration should all be abolished.

Richard C. Breeden, Chairman of the Securities and Exchange Commission from 1989–93; Deputy Counsel to the Vice-President and Staff Director of the Task Group on Regulation of Financial Services from 1982–85:

> Our current bank regulatory system is simply too big, too costly, and too inefficient. At a time when we face extremely difficult and painful choices as a nation regarding resource allocation and government spending priorities, it is surprising that the bank regulatory system has remained seemingly immune to reductions in overcapacity and elimination or privatization of unnecessary functions. Indeed, the total employment of the depository regulatory agencies in the U.S. is over 40,000 persons. This exceeds the size of several NATO armies, and it is more than 15 *times* greater than the total employment of the SEC, even though the SEC oversees approximately the same number of entities of different types with aggregate assets at least double all the deposits of banks and thrifts in the U.S.
>
> It would be a substantial improvement from the status quo if each banking company could have a single regulator (rather than 2 or 3). Of course, total consolidation of the bank and thrift agencies would allow substantial cost-savings through the elimination of redundant facilities, staff and other overhead.
>
> Today's bank regulatory system is so costly that it is creating a major threat to the competitiveness of commercial banks, and thereby undercutting to some degree the objectives the system is designed to achieve.

Timothy Ryan, Director of the Office of Thrift Supervision from 1990–92:

> There is only one word to describe all this. That word is gridlock. No one creating a regulatory system today would design such a mechanism.
>
> Government has the opportunity to make the regulatory world over again not for regulation's sake, but for America's safety and competitiveness. Regulatory agency restructuring has been studied for years. Almost every report issued over the last three decades has recognized the need for and benefits of consolidation.
>
> What is the best structure? Simply stated, I believe that all bank and thrift regulatory activities should be consolidated into one agency. This agency should have all of the authority that today is vested in the multiple agencies. I know this proposal will raise turf issues. That debate, however, is not worth the time or energy.
>
> Consolidation makes sense and could be easily implemented over a two year period. Now, it's time to "just do it."

THE NEED FOR REFORM

The fact that we have just emerged from America's greatest financial crisis since the Great Depression makes this an especially good time for Congress to look at regulatory consolidation. First, we learned the hard way of the enormous price that America's taxpayers and financial institutions are forced to pay by inefficient regulation. And second, for the first time in several years we can look at important administrative issues like regulatory restructuring outside of a crisis environment.

America needs a more rational, modern bank regulatory system. The current system is needlessly complex. The Banking Committee also held hearings in 1991 on several regulatory restructuring proposals. We discovered at least three major problems with the existing regulatory structure.

Lack of independence: Like monetary policy, bank regulation should be separated from political influence. Bank regulatory policy should be decided on its virtue and not by the direction of blowing political winds. In his testimony before the Banking Committee, Steve Roberts, a former aide to Fed Chairman Paul Volcker, gave his rationale for an independent banking regulator this way:

> Independent agencies are able to function well for several reasons: they tend to have a continuity of leadership, they have a continuity of mission and purpose with dedicated professional staffs, and a clear mandate. Regulatory agencies that are parts of government departments normally lack such continuity and are generally headed by an individual who has great influence on the staff, the bureau's approach to its mission and objectives, and its approach to regulation and supervision.

Regulator delays: By fragmenting authority, the current system impedes timely decisionmaking because of internal squabbling among the banking agencies, and hinders efforts to make needed changes in the banking regulations. As former Senator William Proxmire said in testimony before the Banking Committee:

> Our banking and financial system is undergoing rapid technological change where new and complex practices are introduced almost daily. Bank regulators cannot possibly stay on top of this constantly changing financial system if they must spend most of their time fighting turf wars.

Unhealthy competition among regulators: In recent years the heads of the four Federal bank regulatory agencies have all testified in favor of meaningful consolidation of the agencies, and indeed the agencies have made limited progress in carrying out their responsibilities in a properly coordinated manner. Nevertheless, the overlapping jurisdiction in the present regulatory structure continues to foster unhealthy competition among the agencies.

Just last week on October 30, The Washington Post carried a story about the proposal of the Nation's eighth largest banking organization, Wells Fargo, to trade its bank charter for a savings and loan charter in order to take advantage of less restrictive rules on interstate branching and permissible activities. The story went on to note that the proposal would have put Federal regulators on the spot and was dropped because it might be too controversial.

As Fed Chairman Arthur Burns stated in the early 1970's:

> The present system is conducive to subtle competition among the regulatory authorities, sometimes to relax constraints, sometimes to delay corrective measures.

Wolfgang Reinicke of the Brookings Institution, testifying in 1991 before the Banking Committee agreed:

> The fewer the number of Government agencies, the lesser the regulatory overlap and the lower the chance that short-term institutional competition will override long-term public policy.

Regulatory consolidation is not a new or radical idea. The need to merge the Federal bank regulatory agencies has been widely acknowledged for decades. In 1949, the Hoover Commission was the first of a series of high-level commissions to recommend consolidation of the bank regulatory apparatus. In 1962, the Commission on Money and Credit did the same. In the mid-1970's, my predecessor, Chairman Proxmire, held hearings on regulatory consolidation and introduced legislation on three occasions. In the early 1980's, the Reagan administration embraced regulatory consolidation as a cost-saving measure. And the Bush administration included a stripped-down regulatory consolidation proposal in the initial legislative package sent to Congress in 1991—the package that ultimately became FDICIA. So I want to be the first to acknowledge that this bill has many ancestors.

John Sandner, the chairman of the Chicago Mercantile Exchange, earlier this year outlined his own regulatory consolidation proposal. At a news conference, Mr. Sandner called the current Federal system of financial regulation "an expensive morass of duplication and inefficiency." And just recently in an interview with the American Banker, David Mullins, the vice chairman of the Federal Reserve Board, also called for a more rational Federal bank regulatory system, saying "there's no question that we need to move to a more streamlined system." He declared the current structure "costly and cumbersome and tending not to lead to decisive actions when needed."

I completely agree with Mr. Sandner and Mr. Mullins. Reform of our regulatory system is long overdue.

It will be a tough fight, however. In testimony before the Banking Committee in 1991, Senator Proxmire warned of the difficulties facing his earlier consolidation proposals (which did not include the thrift regulator):

> I seriously underestimated the depth of the entrenched opposition to regulatory consolidation. All three bank regulatory agencies vehemently opposed the legislation. Privately, however, each agency let it be known it would withdraw its objections if it could assume the powers of the other two.

Therefore, it's important to recognize that regulatory consolidation will serve many vital interests beyond those of the banking agencies:

For taxpayers, regulatory consolidation means more effective Federal supervision and examination of depository institutions, which translates into better protection against the risk that taxpayer funds will ever again need to be called on because losses outstrip Federal deposit insurance funds.

For bank and thrift customers and the general public, regulatory consolidation means a more accountable, more responsive bank regulatory system. Citizens will no longer have to guess which faceless agency is responsible for the particular institution they bank with. Whether it's a bank or a thrift, they'll know that the Federal Banking Commission is the place to turn if there's a problem.

For the American economy, regulatory consolidation means more efficient government and a more vital, cost-effective, and competitive banking system. No other country hobbles its financial system with so many bank regulators. With a streamlined regulatory system, our financial institutions will be able to put more effort into their business and less into coping with their regulators.

For the banking industry, consolidation holds the promise of a more rational system of Federal oversight, with substantially reduced examination and supervision fees, less frequent and less intrusive examinations, and reduced need to sort out inconsistent and even conflicting regulatory guidance.

KEY PROVISIONS OF THIS BILL

Let me now briefly describe how the bill I am introducing today would reform America's bank regulatory system.

The bill would establish a five-member Federal Banking Commission to supervise and regulate all FDIC-insured depository institutions. Although the Commission would be an independent agency, its members would include both the Secretary of the Treasury—or the Secretary's designee—and a member of the Federal Reserve Board. Three independent Commissioners appointed for staggered 6-year terms would also serve on the Commission. The President would designate one of these independent Commissioners to serve as Chairman of the Commission and another to serve as Vice Chairman.

I believe this structure provides both the administration and the Federal Reserve Board with the information and oversight they need with regard to bank regulation while simultaneously fulfilling the vital need for political independence in financial regulation.

The Commission would assume the regulatory and supervisory functions currently exercised by the Comptroller of the Currency with respect to national banks; the Federal Reserve Board over bank holding companies and State-chartered banks that belong to the Federal Reserve System; the FDIC with respect to other State-chartered banks; and the Office of Thrift Supervision with respect to savings associations and savings association holding companies. The FDIC, as deposit insurer, would retain its existing backup enforcement authority. The Federal Reserve would retain all of its central bank monetary policy, lender of last resort, and payment system responsibilities and would have access, through the Federal Banking Commission, to all the information and resources it needs to deal with potential systemic risk issues. I should point out that there are many powerful central banks around the world. As one of our witnesses pointed out, the German Bundesbank is notably among them and it is not only a powerful and effective central bank but it spends 100 percent of its time worrying about monetary policy and the value of the currency. Regulation and insurance of credit unions would remain exactly as they are today.

The bill would require the consolidation of regulatory functions to occur on a date set by the Secretary of the Treasury. The goal would be to achieve consolidation within 10 months after the bill becomes law, but the Secretary would have discretion to extend the period by an additional 5 months. To facilitate a timely and orderly consolidation, the act would urge the President to nominate the initial group of appointed Commissioners at least 3 months before the consolidation date, and urge the Senate Banking Committee to act on those nominations at least 45 days before that date.

Finally, the bill would also reform the Board of the FDIC to reflect the abolition of the Office of the Comptroller of the Currency and the Office of Thrift Supervision by giving both the Secretary of the Treasury—or the Secretary's designee—and the Chairman of the Federal Banking Commission seats on the FDIC Board.

Those are the essential provisions of this bill. Let me state as clearly as I can that I believe strongly that the time is now for full consolidation of the supervisory responsibilities of the four agencies—any alternative that doesn't go this far would simply result in another kind of regulatory hodgepodge. On other details of my bill I have an open mind. I therefore view this bill as an important first step—the central tenet of my view of what can best provide constructive solutions to the regulatory burden problem and to become the foundation of a meaningful discussion of a much-needed, modern bank regulatory structure for the future.

CONCLUSION

The bill I am offering today can go a great distance toward relieving the regulatory burdens many bankers are feeling, improving the efficiency and effectiveness of regulation, and placing America's financial system on a sound regulatory footing for generations ahead. I urge my colleagues to consider it carefully and lend it their support. I urge the administration to seize this unique moment of opportunity to reinvent and reengineer Government in a major, meaningful way.

Mr. President, I ask unanimous consent that the text of the bill, an analysis of it, together with additional material, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Regulatory Consolidation Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL BANKING COMMISSION

Sec. 101. Establishment.
Sec. 102. Management.
Sec. 103. Federal banking commissioners.
Sec. 104. Powers and duties of the Commission.
Sec. 105. Conforming amendment relating to transfers of functions.
Sec. 106. Designated transfer date.
Sec. 107. Timing of initial appointments.
Sec. 108. Access by the Federal Reserve Board to the Commission's records.

TITLE II—ABOLITION OF FEDERAL BANKING AGENCIES

Sec. 201. Office of Comptroller of the Currency and position of Comptroller of the Currency abolished.
Sec. 202. Office of Thrift Supervision and position of Director of the Office of Thrift Supervision abolished.
Sec. 203. Savings provisions.
Sec. 204. References in Federal law to Federal banking agencies.
Sec. 205. Disposition of affairs.
Sec. 206. Status of employees.
Sec. 207. Transfer of property.
Sec. 208. Conforming changes in Federal Deposit Insurance Corporation Board of Directors.
Sec. 209. Comptroller's currency-related functions repealed.
Sec. 210. Federal Financial Institutions Examination Council abolished.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) APPOINTED COMMISSIONER.—The term "appointed commissioner" means a commissioner appointed by the President under section 102(3).

(2) CHAIRPERSON.—The term "Chairperson" means the Chairperson of the Federal Banking Commission.

(3) COMMISSION.—The term "Commission" means the Federal Banking Commission.

(4) DESIGNATED TRANSFER DATE.—The term "designated transfer date" means the date designated under section 106.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(6) CERTAIN OTHER TERMS.—The terms "company", "control" (when used with respect to an insured depository institution), and "insured depository institution" have the same meaning as in section 3 of the Federal Deposit Insurance Act.

TITLE I—FEDERAL BANKING COMMISSION

SEC. 101. ESTABLISHMENT.

There is established the Federal Banking Commission as an independent establishment in the executive branch.

SEC. 102. MANAGEMENT.

The management of the Commission shall be vested in 5 commissioners, including—

(1) the Secretary of the Treasury (or the Secretary's designee);

(2) 1 member of the Board of Governors of the Federal Reserve System designated as a commissioner by resolution of the Board of Governors; and

(3) 3 commissioners appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States.

SEC. 103. FEDERAL BANKING COMMISSIONERS.

(a) POLITICAL AFFILIATION.—Not more than 3 commissioners may be members of the same political party.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) CHAIRPERSON.—The President shall, by and with the advice and consent of the Senate, designate 1 of the appointed commissioners, at the time of that person's appointment to the Commission, to serve as the Chairperson of the Commission for a term of 6 years (or, in the case of any appointment under subsection (c)(2), for the remainder of the commissioner's term as a commissioner).

(2) VICE CHAIRPERSON.—The President shall, by and with the advice and consent of the Senate, designate 1 of the appointed commissioners, at the time of that person's appointment to the Commission, to serve as the Vice Chairperson of the Commission for a term of 6 years (or, in the case of any appointment under subsection (c)(2), for the remainder of the commissioner's term as a commissioner).

(3) ACTING CHAIRPERSON.—The Vice Chairperson shall act as Chairperson if—

(A) the position of Chairperson is vacant; or

(B) the Chairperson is absent or disabled.

(c) APPOINTED COMMISSIONERS' TERMS.—

(1) 6-YEAR TERM.—Except as provided in paragraphs (3) and (4), each appointed commissioner shall be appointed for a term of 6 years.

(2) UNEXPIRED TERMS.—Any commissioner appointed to fill a vacancy occurring before the end of the term to which the commissioner's predecessor was appointed shall be appointed only for the remainder of the term.

(3) INITIAL APPOINTMENTS STAGGERED.—Of the first commissioners to be appointed under section 102(3)—

(A) 1 shall be appointed for a term to expire 6 years after the designated transfer date;

(B) 1 shall be appointed for a term to expire 4 years after the designated transfer date; and

(C) 1 shall be appointed for a term to expire 2 years after the designated transfer date,

as designated by the President at the time of the appointment.

(d) VACANCY.—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(e) EMPLOYMENT AND OTHER RESTRICTIONS.—

(1) IN GENERAL.—During service on the Commission, no commissioner may—

(A) hold any office or position, or otherwise be employed by, any insured depository institution or company having control of an insured depository institution;

(B) hold stock or other securities of any insured depository institution or company having control of an insured depository institution;

(C) serve as an officer, director, or employee of any Federal Reserve bank or Federal home loan bank; or

(D) serve as an officer, director, or employee of any organization other than a nonprofit organization organized for charitable, educational, or other public purposes.

(2) CERTIFICATION.—Upon taking office, each commissioner shall file with the Commission a certification under penalty of perjury that the commissioner is in compliance with paragraph (1).

(3) APPOINTED COMMISSIONERS' POST-SERVICE EMPLOYMENT RESTRICTED.—

(A) IN GENERAL.—No appointed commissioner may hold any office or position in, or otherwise be employed by, any insured depository institution or company having control of an insured depository institution, during the 2-year period beginning on the date on which the commissioner ceases to serve on the Commission.

(B) EXCEPTION FOR COMMISSIONERS WHO SERVE FULL TERMS.—Subparagraph (A) does not apply to any commissioner who has served the full term for which that commissioner was appointed.

(f) COMPENSATION.—

(1) CHAIRPERSON.—Section 5313 of title 5, United States Code, is amended by adding at the end the following new item:

"Chairperson of the Federal Banking Commission.".

(2) OTHER APPOINTED COMMISSIONERS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Presidentially appointed members of the Federal Banking Commission (2).".

SEC. 104. POWERS AND DUTIES OF THE COMMISSION.

(a) REGULATION OF NATIONAL BANKS.—

(1) TRANSFER OF FUNCTIONS.—All functions of the Comptroller of the Currency are transferred to the Commission.

(2) COMMISSION'S AUTHORITY.—The Commission shall have all powers and duties that were vested in the Comptroller of the Currency before the designated transfer date.

(b) REGULATION OF SAVINGS ASSOCIATIONS AND SAVINGS AND LOAN HOLDING COMPANIES.—

(1) TRANSFER OF FUNCTIONS.—All functions of the Director of the Office of Thrift Supervision are transferred to the Commission.

(2) COMMISSION'S AUTHORITY.—The Commission shall have all powers and duties that were vested in the Director of the Office of Thrift Supervision before the designated transfer date.

(c) REGULATION OF MEMBER BANKS, BANK HOLDING COMPANIES AND AFFILIATES, AND VARIOUS INTERNATIONAL BANKING ENTITIES.—

(1) TRANSFER OF FUNCTIONS.—All functions of the Board of Governors of the Federal Reserve System (and any Federal Reserve bank) relating to the supervision and regulation of the following entities are transferred to the Commission:

(A) Banks that are members of the Federal Reserve System.

(B) Bank holding companies and their subsidiaries and affiliates.

(C) Companies operating under the International Banking Act of 1978 and sections 25 and 25A of the Federal Reserve Act.

(D) Companies that are subject to supervision or regulation by the Board of Governors of the Federal Reserve System under any title of the Consumer Credit Protection Act.

(2) COMMISSION'S AUTHORITY.—The Commission shall have all powers and duties that, before the designated transfer date, were vested in the Board of Governors of the Federal Reserve System under the following provisions of law:

(A) Sections 6 (other than the 1st and 2d paragraphs), 9, 19(h), 23, 23A, 23B, 24(a), 24A, 25, 25A, and 29, and subsections (g) and (h) of section 22, of the Federal Reserve Act.

(B) The Bank Holding Company Act of 1956.

(C) The Bank Holding Company Act Amendments of 1970.

(D) The International Banking Act of 1978.

(E) Sections 20, 31, and 32 of the Banking Act of 1933.

(F) The Federal Deposit Insurance Act.

(G) Any title of the Consumer Credit Protection Act.

(H) The Bank Protection Act of 1968.

(I) The Home Mortgage Disclosure Act of 1975.

(J) The Community Reinvestment Act of 1977.

(K) The Depository Institution Management Interlocks Act.

(L) The Bank Service Corporation Act.

(M) The Federal Financial Institutions Examination Council Act of 1978.

(N) The Right to Financial Privacy Act of 1978.

(O) The Alternative Mortgage Transaction Parity Act of 1982.

(P) The International Lending Supervision Act of 1983.

(Q) The Expedited Funds Availability Act.

(R) The Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(S) The Federal Deposit Insurance Corporation Improvement Act of 1991.

(T) The Depository Institutions Disaster Relief Act of 1992.

(d) REGULATION OF STATE NONMEMBER BANKS.—

(1) TRANSFER OF FUNCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), all functions of the Federal Deposit Insurance Corporation (and its Board of Directors) relating to the supervision and regulation of State nonmember banks are transferred to the Commission.

(B) INSURANCE-RELATED FUNCTIONS EXCEPTED.—The functions of the Federal Deposit Insurance Corporation relating to insurance, conservatorship, or receivership functions shall not be transferred to the Commission.

(2) COMMISSION'S AUTHORITY.—The Commission shall have all powers and duties that, before the designated transfer date, were vested in the Federal Deposit Insurance Corporation under the following provisions of law:

(A) Sections 7(a), 20, 21, 22, 27, 30(c), 32, 33, 34, 35, 36, 37, and 39, subsections (b) through (n), (r), (s), (u), and (v) of section 8, subsections (b)(2)(A), (c), (d), and (e) of section 10, and subsections (c) (other than paragraph (1)), (d), (g), (i), (j), (l), (o), and (p) of section 18 of the Federal Deposit Insurance Act.

(B) Any title of the Consumer Credit Protection Act.

(C) The Depository Institution Management Interlocks Act.

(D) The Federal Financial Institutions Examination Council Act of 1978.

(E) The Home Mortgage Disclosure Act of 1975.

(F) The Right to Financial Privacy Act of 1978.

(G) The Alternative Mortgage Transaction Parity Act of 1982.

(H) The Bank Service Corporation Act.

(I) The Expedited Funds Availability Act.

(J) The Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(K) The Community Reinvestment Act of 1977.

(L) The Federal Deposit Insurance Corporation Improvement Act of 1991.

(M) The Depository Institutions Disaster Relief Act of 1992.

(e) SCHOOLS FOR EXAMINERS.—All functions of the Federal Financial Institutions Examination Council relating to the conduct of schools for examiners and assistant examiners pursuant to section 1006(d) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305(d)) are transferred to the Commission.

(f) EFFECTIVE DATE.—Subsections (a) through (e) shall become effective on the designated transfer date.

(g) REGULATIONS AND ORDERS.—In addition to any powers transferred to the Commission under subsections (a) through (e), the Commission may prescribe such regulations and issue such orders as the Commission may determine to be appropriate to carry out this Act and the powers and duties of the Commission transferred under subsections (a) through (e).

SEC. 105. CONFORMING AMENDMENT RELATING TO TRANSFERS OF FUNCTIONS.

Effective on the designated transfer date, section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)) is amended to read as follows:

"(q) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' means the Federal Banking Commission.".

SEC. 106. DESIGNATED TRANSFER DATE.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairperson of the Federal Deposit Insurance Corporation, shall, by order, designate a single calendar date by which to complete the transfer of functions to the Commission under section 104.

(b) AMENDED DESIGNATION.—The Secretary may, by order, change the date designated under subsection (a).

(c) PERMISSIBLE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any date designated under this section shall be not earlier than 120 days nor later than 300 days after the date of enactment of this Act.

(2) EXTENSION OF TIME.—The Secretary may designate a date that is later than 300 days after the date of enactment of this Act if the Secretary transmits to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a written certification that orderly implementation of this Act is not feasible before the last date designated under this section together with—

(A) an explanation of why orderly implementation of this Act is not feasible before any other date designated under this section;

(B) a description of the steps that have been taken to effect an orderly implementation of this Act—

(i) within the period described in paragraph (1); or

(ii) if the Secretary has previously designated a date under this paragraph, before that date; and

(C) a description of the steps that will be taken to effect an orderly and timely implementation of this Act.

(3) EXTENSION LIMITATION.—In no case shall any date designated under this section be later than 450 days after the date of enactment of this Act.

SEC. 107. TIMING OF INITIAL APPOINTMENTS.

It is the sense of the Senate that—

(1) it is highly desirable that all of the first commissioners to be appointed by the President under section 102(3) be appointed and

qualified not later than 20 days before the designated transfer date; and

(2) accordingly—

(A) the President should transmit those commissioners' appointments to the Senate not later than 90 days before the designated transfer date; and

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate should act on those appointments not later than 45 days before the designated transfer date.

SEC. 108. ACCESS BY THE FEDERAL RESERVE BOARD TO THE COMMISSION'S RECORDS.

For the purpose of carrying out its functions under the Federal Reserve Act, the Board of Governors of the Federal Reserve System shall have access to—

(1) all books, accounts, records, reports, files, memoranda, papers, things, property belonging to or in use by the Commission; and

(2) all reports of examination;

that relate to insured depository institutions or other depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act) or companies having control of insured depository institutions or other depository institutions; and together with related work papers and correspondence files, and all without any deletions.

TITLE II—ABOLITION OF FEDERAL BANKING AGENCIES

SEC. 201. OFFICE OF COMPTROLLER OF THE CURRENCY AND POSITION OF COMPTROLLER OF THE CURRENCY ABOLISHED.

(a) IN GENERAL.—Effective on the designated transfer date, the Office of the Comptroller of the Currency and the position of Comptroller of the Currency are abolished.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Effective—

(1) on the designated transfer date—

(A) chapter 9 of title VII of the Revised Statutes is amended by striking sections 324, 325, and 326; and

(B) subchapter I of chapter 3 of title 31, United States Code, is amended by striking section 307; and

(2) 90 days after the designated transfer date, section 5314 of title 5, United States Code, is amended by striking "Comptroller of the Currency.".

SEC. 202. OFFICE OF THRIFT SUPERVISION AND POSITION OF DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION ABOLISHED.

(a) IN GENERAL.—Effective on the designated transfer date, the Office of Thrift Supervision and the position of Director of the Office of Thrift Supervision are abolished.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Effective—

(1) on the designated transfer date—

(A) the Home Owners' Loan Act (12 U.S.C. 1461 et seq.) is amended by striking section 3; and

(B) subchapter I of chapter 3 of title 31, United States Code, is amended by striking section 309; and

(2) 90 days after the designated transfer date, section 5314 of title 5, United States Code is amended by striking "Director of the Office of Thrift Supervision.".

SEC. 203. SAVINGS PROVISIONS.

(a) SAVINGS PROVISIONS RELATING TO THE COMPTROLLER OF THE CURRENCY.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 104(a)(1) and 201 shall not affect the validity of any right, duty, or obligation of the United States, the Comptroller of the Currency, the Office of the Comptroller of the Currency, or any other person, that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This Act shall not abate any proceeding commenced by or against the Comptroller of the Currency or the Office of the Comptroller of the Currency, except that the Commission shall be substituted for the Comptroller or the Office as a party to any such proceeding as of the designated transfer date.

(b) SAVINGS PROVISIONS RELATING TO THE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Sections 104(b)(1) and 202 shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Thrift Supervision, the Office of Thrift Supervision, or any other person, that existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This Act shall not abate any proceeding commenced by or against the Director of the Office of Thrift Supervision or the Office of Thrift Supervision, except that the Commission shall be substituted for the Director or the Office as a party to any such proceeding as of the designated transfer date.

(c) SAVINGS PROVISIONS RELATING TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 104(c)(1) shall not affect the validity of any right, duty, or obligation of the United States, the Board of Governors of the Federal Reserve System, or any other person that—

(A) arises under any provision of law referred to in section 104(c)(1); and

(B) existed on the day before the date of enactment of this Act.

(2) CONTINUATION OF SUITS.—This Act shall not abate any proceeding commenced by or against the Board of Governors of the Federal Reserve System with respect to any function transferred to the Commission, except that the Commission shall be substituted for the Board of Governors as a party to any such proceeding as of the designated transfer date.

(d) SAVINGS PROVISIONS RELATING TO THE FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Section 104(d)(1) shall not affect the validity of any right, duty, or obligation of the United States, the Federal Deposit Insurance Corporation, the Board of Directors of that Corporation, or any other person, that—

(A) arises under any provision of law referred to in section 104(d)(2); and

(B) existed on the day before the designated transfer date.

(2) CONTINUATION OF SUITS.—This Act shall not abate any proceeding commenced by or against the Federal Deposit Insurance Corporation or the Board of Directors of that Corporation with respect to any function transferred to the Commission, except that the Commission shall be substituted for the Corporation or Board of Directors, as the case may be, as a party to any such proceeding as of the designated transfer date.

(e) CONTINUATION OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS.—All orders, resolutions, determinations, and regulations, which have been issued, made, prescribed, or allowed to become effective by the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation (including orders, resolutions, determinations, and regulations that relate to the conduct of conservatorships and receiverships), or by a court of competent jurisdiction, in the performance of functions that are transferred by this Act and that are in effect on the designated transfer date, shall continue in effect according to the terms of those orders, resolutions, determinations, and regulations and shall be enforceable by or against the Federal Banking Commission until modified, terminated, set aside, or superseded in accordance with applicable law by the Commission, by any court of competent jurisdiction, or by operation of law.

SEC. 204. REFERENCES IN FEDERAL LAW TO FEDERAL BANKING AGENCIES.

(a) COMPTROLLER OF THE CURRENCY AND DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.—Any reference in any Federal law to the Comptroller of the Currency, the Office of the Comptroller of the Currency, the Director of the Office of Thrift Supervision, or the Office of Thrift Supervision shall be deemed to be a reference to the Federal Banking Commission.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Any reference in any Federal law to the Board of Governors of the Federal Reserve System in connection with any function of the Board of Governors under any provision of law referred to in section 104(c)(2) shall be deemed to be a reference to the Federal Banking Commission.

(c) FEDERAL DEPOSIT INSURANCE CORPORATION.—Any reference in any Federal law to the Federal Deposit Insurance Corporation or the Board of Directors of such Corporation in connection with any function of the Corporation or Board of Directors under any provision of law referred to in section 104(d)(2) shall be deemed to be a reference to the Federal Banking Commission.

SEC. 205. DISPOSITION OF AFFAIRS.

(a) IN GENERAL.—During the 90-day period beginning on the designated transfer date, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision—

(1) shall, solely for the purpose of winding up the affairs of their respective agencies related to any functions transferred to the Commission under this Act—

(A) manage the employees of those agencies and provide for the payment of the compensation and benefits of any such employee which accrue before the designated transfer date; and

(B) manage any property of those agencies until the property is transferred under section 209; and

(2) may take any other action necessary to wind up the affairs of their respective agencies relating to the transferred functions.

(b) AUTHORITY AND STATUS OF EXECUTIVES.—

(1) IN GENERAL.—Notwithstanding the transfers of functions under this Act, the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Director of the Office of Thrift Supervision shall, during the 90-day period beginning on the designated transfer date, have any authority vested in those persons before that date that is necessary to carry out the requirements of this Act during that period.

(2) OTHER PROVISIONS.—For purposes of paragraph (1), the Comptroller of the Currency and the Director of the Office of Thrift Supervision shall continue—

(A) to be treated as officers of the United States during the 90-day period referred to in paragraph (1); and

(B) to be entitled to receive compensation during that period at the same annual rate of basic pay that they were receiving before the designated transfer date.

SEC. 206. STATUS OF EMPLOYEES.

(a) STATUS OF EMPLOYEES BEFORE TRANSFER.—The transfer of functions under this Act and the abolition of the Office of the Comptroller of the Currency and the Office of Thrift Supervision shall not be construed as affecting the status of those agencies' employees as employees of an agency of the United States for purposes of any other provision of law.

(b) CONTINUATION OF SERVICES.—

(1) USE OF EMPLOYEES AND PROPERTY.—The Commission may use the services of employees and other personnel and the property of the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation, on a reimbursable basis, to perform functions that have been transferred from those agencies for such time as is reasonable to facilitate the orderly transfer of functions under this Act.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, that was providing supporting services to the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation, before the designated transfer date shall, in connection with those transfers to the Commission—

(A) continue to provide those services, on a reimbursable basis, until the transfer of those functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and orderly transition.

(c) TRANSFER OF EMPLOYEES.—Employees of the Office of the Comptroller of the Currency and the Office of Thrift Supervision, and employees of the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation engaged in performing functions transferred to the Commission on the designated transfer date, shall be transferred to the Commission.

(d) RIGHTS OF EMPLOYEES.—Employees transferred under subsection (c) shall have the following rights:

(1) TRANSFER.—Each employee shall be transferred to the Commission for employment not later than 90 days after the designated transfer date, and the transfer shall be deemed a transfer of function for the purpose of section 3503 of title 5, United States Code.

(2) EQUAL POSITION.—Each transferred employee shall be guaranteed a position with not less than the same status, tenure, and pay as that held December 31, 1992.

(3) 1-YEAR PRESERVATION OF PERMANENT POSITIONS.—No employee holding a permanent position shall be involuntarily separated or reduced in grade or compensation for 1 year after the date of transfer, except for cause.

(4) SPECIAL APPOINTMENT AUTHORITY.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(5) WORK FORCE REORGANIZATION.—If the Commission determines, after the end of the 1-year period beginning on the designated transfer date, that a reorganization of the combined work force is required, that reorganization shall be deemed a "major reorganization" for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(6) EMPLOYEE BENEFIT PROGRAMS.—Any employee transferred to the Commission may retain for 1 year after the date the transfer occurs membership in any employee benefit program of the transferring agency, including insurance, to which the employee belongs on the designated transfer date if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Commission.

The Commission shall pay the difference in the costs between the benefits which would have been provided by the agency or entity and those provided by this section. If any employee elects to give up membership in a health insurance program or the Commission does not continue the health insurance program, the employee shall be permitted to select an alternate Federal health insurance program not later than 30 days after the election or notice, without regard to any regularly scheduled open season.

(7) SENIOR EXECUTIVE SERVICE EMPLOYEES.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the agency or entity to which the employee is transferred.

(8) NOTICE OF POSITION ASSIGNMENTS.—Transferring employees shall receive notice of their position assignments not later than 120 days after the effective date of their transfer.

SEC. 207. TRANSFER OF PROPERTY.

(a) IN GENERAL.—Not later than the end of the 90-day period beginning on the designated transfer date—

(1) the property of the Office of the Comptroller of the Currency and the Office of Thrift Supervision shall be transferred to the Commission; and

(2) any property of the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation used in performing functions of those agencies transferred to the Commission under this Act shall be transferred to the Commission.

(b) PRESERVATION OF PROPERTY.—Property transferred under this section shall not be altered, destroyed, or deleted before transfer under this section.

(c) PROPERTY DEFINED.—For purposes of this section, the term "property" includes all real property, books, accounts, records, reports, files, memoranda, paper, reports of examination, work papers and correspondence related to such reports, and any other information or materials of the agencies specified in subsection (a) on the designated transfer date.

(d) ADMINISTRATIVE PROVISION.—For purposes of this section, the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation shall determine what property is used in performing functions to be transferred under this Act.

SEC. 208. CONFORMING CHANGES IN FEDERAL DEPOSIT INSURANCE CORPORATION BOARD OF DIRECTORS.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 2(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)) are amended to read as follows:

"(A) 1 of whom is the Secretary of the Treasury (or the Secretary's designee);

"(B) 1 of whom is the Chairperson of the Federal Banking Commission; and".

(b) VACANCY.—Section 2(d)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1812(d)(2)) is amended to read as follows:

"(2) ACTING OFFICIAL MAY SERVE.—

"(A) SECRETARY OF THE TREASURY.—In the event of a vacancy in the position of the Secretary of the Treasury or during the absence or disability of the Secretary of the Treasury, the acting Secretary or the acting Secretary's designee shall serve as a member of the Board of Directors.

"(B) CHAIRPERSON OF THE FEDERAL BANKING COMMISSION.—In the event of a vacancy in the position of Chairperson of the Federal Banking Commission or during the absence or disability of the Chairperson, the acting Chairperson shall serve as a member of the Board of Directors.".

SEC. 209. COMPTROLLER'S CURRENCY-RELATED FUNCTIONS REPEALED.

(a) OBSOLETE CURRENCY PROVISIONS REPEALED.—

(1) REPEAL OF REVISED STATUTES PROVISIONS.—The following sections of the Revised Statutes are repealed:

(A) Section 5203 (12 U.S.C. 87).

(B) Section 5206 (12 U.S.C. 88).

(C) Section 5196 (12 U.S.C. 89).

(D) Section 5158 (12 U.S.C. 102).

(E) Section 5159 (12 U.S.C. 101a).

(F) Section 5172 (12 U.S.C. 104).

(G) Section 5173 (12 U.S.C. 107).

(H) Section 5174 (12 U.S.C. 108).

(I) Section 5182 (12 U.S.C. 109).

(J) Section 5183 (12 U.S.C. 110).

(K) Section 5195 (12 U.S.C. 123).

(L) Section 5184 (12 U.S.C. 124).

(M) Section 5226 (12 U.S.C. 131).

(N) Section 5227 (12 U.S.C. 132).

(O) Section 5228 (12 U.S.C. 133).

(P) Section 5229 (12 U.S.C. 134).

(Q) Section 5230 (12 U.S.C. 137).

(R) Section 5231 (12 U.S.C. 138).

(S) Section 5232 (12 U.S.C. 135).

(T) Section 5233 (12 U.S.C. 136).

(U) Section 5185 (12 U.S.C. 151).

(V) Section 5186 (12 U.S.C. 152).

(W) Section 5160 (12 U.S.C. 168).

(X) Section 5161 (12 U.S.C. 169).

(Y) Section 5162 (12 U.S.C. 170).

(Z) Section 5163 (12 U.S.C. 171).

(AA) Section 5164 (12 U.S.C. 172).

(BB) Section 5165 (12 U.S.C. 173).

(CC) Section 5166 (12 U.S.C. 174).

(DD) Section 5167 (12 U.S.C. 175).

(EE) Section 5222 (12 U.S.C. 183).

(FF) Section 5223 (12 U.S.C. 184).

(GG) Section 5224 (12 U.S.C. 185).

(HH) Section 5225 (12 U.S.C. 186).

(II) Section 5237 (12 U.S.C. 195).

(2) CURRENCY PROVISIONS IN OTHER STATUTES REPEALED.—The following provisions of law are repealed:

(A) Section 12 of the Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.", and approved March 14, 1900 (12 U.S.C. 101).

(B) Section 3 of the Act entitled "An Act to amend the laws relating to the denominations, and notes by national banks and to permit the issuance of notes of small denominations, and for other purposes." and approved October 5, 1917 (12 U.S.C. 103).

(C) The following sections of the Act entitled "An Act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes." and approved June 20, 1874:

(i) Section 5 (12 U.S.C. 105).

(ii) Section 3 (12 U.S.C. 121).

(iii) Section 8 (12 U.S.C. 126).

(iv) Section 4 (12 U.S.C. 176).

(D) The following sections of the Act entitled "An Act to enable national-banking associations to extend their corporate existence, and for other purposes." and approved July 12, 1882:

(i) Section 8 (12 U.S.C. 177).

(ii) Section 9 (12 U.S.C. 178).

(3) OTHER STATUTES REPEALED.—

(A) The Act entitled "An Act to amend the National Bank Act in providing for redemption of national bank notes stolen from or lost by banks of issue." and approved July 28, 1892 (12 U.S.C. 125) is repealed.

(B) The Act entitled "An Act authorizing the conversion of national gold banks." and approved February 14, 1880 (12 U.S.C. 153) is repealed.

(b) FEDERAL RESERVE ACT AND OTHER LAWS AMENDED.—

(1) FEDERAL RESERVE ACT.—

(A) The 1st sentence of the 8th undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 418) is amended by striking "the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury," and inserting "the Secretary of the Treasury shall".

(B) The 9th undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 419) is amended to read as follows: "When such notes have been prepared, the notes shall be delivered to the Board of Governors of the Federal Reserve System subject to the order of the Secretary of the Treasury for the delivery of such notes in accordance with this Act.".

(C) The 10th undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 420) is amended—

(i) by striking "Comptroller of the Currency" and inserting "Secretary of the Treasury"; and

(ii) by striking "Federal Reserve Board" and inserting "Board of Governors of the Federal Reserve System".

(D) The 11th undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 421) is amended to read as follows: "The Secretary of the Treasury may examine the plates, dies, bed pieces, and other material used in the printing of Federal Reserve notes and may issue regulations relating to such examinations.".

(2) OTHER LAWS.—

(A) The Act entitled "An Act to provide for the redemption of national-bank notes, Federal Reserve notes, and Federal Reserve notes which cannot be identified as to the bank of issue." and approved June 13, 1933, is amended—

(i) in the 1st section (12 U.S.C. 121a)—

(I) by striking "whenever any national-bank notes, Federal Reserve bank notes," and inserting "whenever any Federal Reserve bank notes"; and

(II) by striking ", and the notes, other than Federal Reserve notes, so redeemed shall be forwarded to the Comptroller of the Currency for cancellation and destruction"; and

(ii) in the 2d section (12 U.S.C. 122a)—

(I) by striking "National-bank notes and"; and

(II) by striking "national-bank notes and".

(B) The 1st section of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, and for other purposes." and approved March 3, 1875 (12 U.S.C. 106), is amended in the first paragraph that appears under the heading "NATIONAL CURRENCY." by striking "Secretary of the Treasury: *Provided*, That" and all that follows through the period and inserting "Secretary of the Treasury.".

(C) The Act entitled "An Act to simplify the accounts of the Treasurer of the United States, and for other purposes." and approved October 10, 1940 (12 U.S.C. 177a) is amended by striking all after the enacting clause and inserting the following: "The cost of transporting and redeeming outstanding national bank notes and Federal Reserve bank notes as may be presented to the Treasurer of the United States for redemption shall be paid from the regular annual appropriation for the Department of the Treasury.".

(D) Section 5234 of the Revised Statutes (12 U.S.C. 192) is amended by striking "has refused to pay its circulating notes as therein mentioned, and".

(E) Section 5236 of the Revised Statutes (12 U.S.C. 194) is amended by striking ", after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association,".

(F) Section 5238 of the Revised Statutes (12 U.S.C. 196) is amended by striking the first sentence.

(G) Section 5119(b)(2) of title 31, United States Code, is amended by adding at the end the following: "The Secretary shall not be required to reissue United States currency notes upon redemption.".

SEC. 210. FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL ABOLISHED.

(a) IN GENERAL.—The Federal Financial Institutions Examination Council is abolished.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Federal Financial Institutions Examination Council Act of 1978 is amended by striking sections 1002, 1004, 1005, 1007, 1008, 1009, and 1009A.

(2) TRAINING.—Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by striking subsections (a), (b), (c), (e), and (f).

(3) DEFINITION.—Section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302) is amended—

(A) by inserting "and" at the end of paragraph (1);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(c) REDESIGNATION OF APPRAISAL SUBCOMMITTEE.—

(1) IN GENERAL.—The Appraisal Subcommittee established by section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3310) shall be redesignated the "Appraisal Committee".

(2) AMENDMENT TO SECTION 1011.—The first sentence of section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3310) is amended to read as follows: "There shall be a committee to be known as the 'Appraisal Committee', which shall consist of the designees of the Chairperson of the Federal Banking Commission, the Chairperson of the Federal Deposit Insurance Corporation, and the Chairman of the National Credit Union Administration Board.".

(3) AMENDMENT TO SECTION HEADING.—The heading of section 1011 of the Federal Financial Institutions Examination Council Act of 1978 is amended to read as follows:

"SEC. 1011. ESTABLISHMENT OF APPRAISAL COMMITTEE.".

(d) REFERENCES IN OTHER LAW.—Any reference in any Federal law to the Federal Financial Institutions Examination Council shall be deemed to be a reference to the Commission.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the designated transfer date.

REGULATORY CONSOLIDATION ACT OF 1993

The Act would establish a 5-member Federal Banking Commission, consisting of:

The Secretary of the Treasury (or the Secretary's designee);

A member of the Federal Reserve Board, chosen by the Board; and

Three commissioners appointed for staggered 6-year terms.

The Commission—an independent agency—would supervise and regulate all FDIC-insured depository institutions and their holding companies and other affiliates.

The Commission would thus have all the depository institution regulatory functions currently exercised by:

The Comptroller of the Currency (national banks);

The Federal Reserve Board (bank holding companies and State member banks);

The FDIC (State nonmember banks); and

The Director of the Office of Thrift Supervision (thrifts and thrift holding companies).

The FDIC would, as deposit insurer, retain its existing back-up enforcement authority.

The consolidation of regulatory functions occur on a date set by the Secretary of the Treasury. The goal would be to achieve consolidation within 10 months after the bill becomes law, but the Secretary would have discretion to allow an additional 5 months.

To facilitate a timely and orderly consolidation, the Act would urge the President to nominate the initial group of appointed commissioners at least 3 months before the consolidation date, and urge the Senate Banking Committee to act on those nominations at least 45 days before the date.

The President would, subject to Senate confirmation, designate one of the 3 appointed commissioners as Chairperson and the other as Vice Chairperson.

The bill would not specifically require that the Federal Banking Commission have a separate Consumer Division or that one of the commissioners have a consumer-advocacy background.

The Secretary of the Treasury (or the Secretary's designee) and the Chairperson of the Federal Banking Commission would sit on the FDIC's 5-member Board of Directors, in place of the Comptroller of the Currency and the Director of the Office of Thrift Supervision.

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, DC, November 8, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States,
White House, Washington, DC.

DEAR MR. PRESIDENT: In the preface to the "Report of the National Performance Review" you and the Vice-President state: "It is time to radically change the way government operates." We agree.

Let us state as clearly as we can that we strongly believe that the time is now for the full consolidation of the supervisory and regulatory responsibilities of the four bank and thrift regulatory agencies—the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision—into a single, independent Federal Banking Commission.

The current system is costly, burdensome, inefficient, archaic and must be re-engineered and modernized. We believe this issue must be addressed immediately and call upon you to exert bold leadership in this area as part of the Administration's ongoing effort to reinvent government.

Reforming our bank and financial regulatory bureaucracy is long overdue. Now is the time to address this issue head on. Banks and thrifts are posting record profits, and both the Congress and the Administration are committed to cost saving, deficit reduction, and a more efficient government.

Consolidation of the regulatory agencies is not a new idea. Virtually every independent study of our federal bank regulatory system since 1949 has recognized the need for major consolidation. Consolidation has been advocated by, among others, The Hoover Commission, the Hunt Commission, the FINE Study, the Grace Commission, the Task Group on Regulation of Financial Services, and the recently completed National Commission on Financial Institution Reform, Recovery, and Enforcement.

Most recently, on September 14, 1993, the Senate Banking Committee received testimony from a bi-partisan group of six former financial agency regulators. The witnesses were unanimous and unequivocal that major consolidation would benefit consumers; benefit industry; and improve the safety and soundness of the financial services industry. For the banking industry, consolidation holds the promise of reduced examination fees and an end to duplicative examinations and conflicting regulations. For the general public, regulatory consolidation means a more accountable, more responsive bank regulatory system. And for the American economy, regulatory consideration means a more vital, more competitive banking system.

We believe that a streamlined regulatory system will allow America's banks to put more effort into productive business activities and less into coping with their regulators. We also believe that the consolidation and streamlining of our supervisory and regulatory system into a single Federal Banking Commission will do much to reduce the paperwork burden facing the industry while at the same time increasing the safety and soundness of the system.

Mr. President, full consolidation of the supervisory and regulatory responsibilities of all four of our bank and thrift regulatory agencies is a top priority for us in this Congress. We look forward to working closely with you and your Administration on this issue. Given the similarity of approaches contained in the bills we have introduced in the House and Senate, we urge your administration to seize this unique and historic opportunity to fundamentally improve the way our bank and thrift regulatory agencies operate and to reinvent and re-engineer this area of our government in a major, meaningful way.

Sincerely,

HENRY B. GONZALEZ,
Chairman,
House Banking Committee.
ALFONSE M. D'AMATO,
Ranking Member,
Senate Banking Committee.
DONALD W. RIEGLE, JR.,
Chairman,
Senate Banking Committee.●

● Mr. D'AMATO. Mr. President, I am pleased to join Senator RIEGLE, the distinguished chairman of the Senate Committee on Banking, Housing, and Urban Affairs, in introducing the Regulatory Consolidation Act of 1993. Before explaining the importance and purpose of the legislation, I want to acknowledge his determination and outstanding leadership in formulating a bipartisan and coherent legislative approach to modernizing and rationalizing the regulation of financial institutions.

Mr. President, the bill we are introducing today would consolidate into a single, independent Federal Bank Commission the supervisory and regulatory functions currently scattered among the Comptroller of the Currency, the Federal Reserve Board, the Federal Deposit Insurance Corporation and the Office of Thrift Supervision. The Federal Bank Commission would assume the regulatory and supervisory functions of the Comptroller of the Currency over national banks; the Federal Reserve Board over bank holding companies and State-chartered banks that belong to the Federal Reserve System; the Fed with respect to other State-chartered banks; and the Office of Thrift Supervision concerning savings associations and their holding companies. The FDIC would retain back-up enforcement authority in its capacity as insurer. The Fed would continue its historical and critical roles as central bank and lender of last resort. The bill would not address or change the present regulation and insurance of credit unions.

Mr. President, several weeks ago amidst great fanfare the administration released the "National Performance Review" containing many recommendations for reinventing Government. The report proposes to streamline, decentralize, reorient and even eliminate agencies and programs in order to create a more responsive, effective and efficient Government. But the report conspicuously avoids any attempt to achieve these laudable goals in the context of the bank regulatory structure. This must be an oversight or a subject still under review within the administration because it has been proposed—but not accomplished—byindependent commissions, think tanks and prominent experts since the late 1930's.

Mr. President, the Regulatory Consolidation Act of 1993 would, in the words of Vice President GORE, move our bank regulatory system from "red-tape to results * * *". With the administration's support, and building upon the bipartisan enthusiasm for consolidation in the House and Senate, an independent Federal Bank Commission can be established in this Congress. I urge the administration witnesses to support the bill when they testify before the committee later this month.

Mr. President, the regulatory system for depository institutions has developed more by accident than by design. Bank executives have expressed frustration over what they have called a "revolving door of examiners." And among the most notable causes of the credit crunch is the burdensome, confusing, and costly regulation that has resulted from the present labyrinthine framework of overlapping and uncoordinated examinations, duplicative reports, and differing and inconsistent interpretations. The current system of regulation is archaic, cumbersome, costly and confusing to both the regulated and the regulators.

Mr. President, I want to emphasize that this legislation addresses only regulatory structure and not the substance of the regulation. The committee recognizes the need to update bank and thrift regulation, mitigate the unintended or unnecessary consequences of particular regulations, and increase the ability of banks and thrifts to make money and credit available to the economy. In the near future, the Senate will consider S. 1275, the "Community Development, Credit Enhancement, and Regulatory Improvement Act of 1993" to address these concerns. The purpose of this bill is to recognize and consolidate the four regulatory agencies into a Federal Bank Commission, and it is entirely consistent with the committee's overall approach to simplifying and streamlining regulation while strengthening the banking system. Mr. President, Chairman RIEGLE and I intend to make regulatory consolidation a priority for our committee. I have pledged to fully support and cooperate in this effort. We are both committed to the passage of legislation by the end of this Congress. Although this is an ambitious goal, especially in light of the fate of similar efforts in the past, I urge my colleagues to capitalize on this opportunity to reinvent and reorganize the bank regulatory structure.

Mr. President, I congratulate the chairman again for offering an excellent way to reduce overregulation and streamline the regulatory structure for depository institutions. Enacting this legislation will provide for significant paperwork reduction, regulatory burden relief and contribute to economic growth while increasing the safety and soundness of the financial system. I urge our colleagues to join us in achieving a comprehensible system of regulation for depository institutions.●

By Mr. HEFLIN:

S. 1634. A bill to authorize each State and certain political subdivisions of States to control the movement of municipal solid waste generated within, or imported into, the State or political subdivisions of the State, and for other purposes; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE FLOW CONTROL ACT OF 1993

Mr. HEFLIN. Mr. President, I rise today to introduce the Municipal Solid Waste Flow Control Act of 1993. I am introducing this legislation because I believe it essential that Congress speak on the question of how our States and their attendant political subdivisions plan for and manage the disposition of municipal solid waste generated within their borders.

The Congress, in RCRA, placed mandates on local communities to plan for and manage their municipal solid waste on a long-term basis. Much has been said in recent days about Federal mandates on our Governors and mayors and the costs of implementing these Federal regulations. In the area of municipal solid waste management, it is essential that the Congress reaffirm that our State and local communities have the power to carry out these federally imposed planning mandates. These entities should be able not only to plan for municipal solid waste management but also to build and operate the necessary infrastructure, in public or private partnership, to deal with solid waste.

The need for this legislation is occasioned by a confused legal landscape. While local flow control has been exercised for over 100 years, there is a recent line of Federal court cases which question this right on commerce clause grounds.

While our Federal circuits are currently divided on the applicability of the commerce clause, they are agreed upon one important fact: That the U.S. Congress has never explicitly granted flow control authority to the States. If the Congress states clearly what has always been an assumed local power, the principal legal arguments overflow control will be resolved.

The bill I introduce today does precisely this. It will reaffirm the principle that States and local governments should assume responsibility for the municipal waste that they generate. It will give local governments the power to manage this waste in an environmentally responsible manner. It will protect the property rights of individuals and organizations who have separated recyclable materials from the waste stream. The legislation will protect the investments that communities have made in solid waste infrastructure already or that they need to make to provide for future disposal capacity. Bondholders will be protected. This legislation will also have the result of discouraging wholesale interstate transportation of garbage because it will encourage local communities to plan for and manage their own solid waste.

I would like to note that legal challenges to flow control are pending in 24 States including the State of Alabama. In southeastern Alabama, 4 counties joined together to form the Southeast Alabama Solid Waste Authority to plan for and design waste disposal capacity and recycling for some 32 cities and towns in the 4-county region. The project is to consist of a regional disposal facility and three waste transfer stations financed by revenue bonds. Revenues from tipping fees are tosupport this regional effort and flow control ordinances are to guarantee a flow of solid waste sufficient to finance the integrated waste disposal plan without impacting the tax base of the involved communities. A firm wishing to transport trash to a competing landfill filed suit recently against the flow control ordinance and the ordinance has been struck down in Federal District Court, pending appeal.

This situation is not dissimilar in its fundamental aspects from what is happening across this country. Private parties are challenging the waste management plans of communities across the United States, using the commerce clause argument. In many cases, these challenges are succeeding. The result is that local responsibility for municipal solid waste planning and disposal is disintegrating from a predictable, workable system into unknown and, I believe, dangerous territory. Simply put, communities cannot be required to plan for the disposal of solid waste if they cannot control the destination of the very same waste that is generated within their jurisdiction. And yet, RCRA requires them to do just this for good reasons of environmental policy. If we in Congress expect local communities to continue to carry out this vital responsibility for public health and safety, we are going to have to step up to the plate and clarify to the satisfaction of the courts that we mean for communities to have this legal authority.

It would be a mistake for us to await definitive action on this question by the Federal judiciary. Every flow control challenge has its own particular facts and circumstances and courts are deciding these cases differently in different jurisdictions. It is highly unlikely in my view that the Supreme Court will definitively decide this issue in the Carbone case. What is really needed is for Congress to come forward and clarify the broad outlines of permissible flow control authority. If we do this, we will prevent our existing systems of solid waste collection and management from collapsing as they are in danger of doing today.

I urge my colleagues to give this matter their serious attention and to pass legislation that clearly outlines the circumstances under which State and local communities can exercise flow control for public health and sanitation requirements. Obviously, different communities will choose to exercise these powers in different ways but this is nothing to fear. It is a continuation of the tradition of local control and responsibility.

By Mr. MACK:

S. 1635. A bill to authorize a certificate of documentation for certain vessels; to the Committee on Commerce, Science, and Transportation.

WAIVERS TO THE JONES ACT

• Mr. MACK. Mr. President, the Commerce Subcommittee on Merchant Marine has been working on legislation to phase out bare boat charters. Currently, the law provides an exception under a bare boat provision which allows foreign built vessels to operate as de facto passenger charters. They do so without meeting the same criteria required of Coast Guard certified charter vessels.

Over the years an industry has developed and substantial investments have been made by the owners of these vessels. They have made economic decisions based upon exceptions which the law provides. However, as that law is now being changed, as a matter of equity, the owners of these vessels should be granted waivers to the Jones Act.

I don't believe it's fair to change the rules of the game for our business men and women and take away their jobs and their way of life because we in the Congress have decided to change the law.

The Bare Boat Association has provided the committee a list of five of their vessels which need Jones Act waivers. As it is my understanding the committee has cleared these vessels, I am introducing this legislation on the association's behalf.•

By Mr. KERRY (for himself, Mr. STEVENS and Mr. PACKWOOD):

S. 1636. A bill to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE MAMMAL PROTECTION ACT AMENDMENTS OF 1993

• Mr. KERRY. Mr. President, today I rise before the Senate along with my colleagues, Senators STEVENS and PACKWOOD, to introduce the Marine Mammal Protection Act Amendments of 1993, S. 1636.

Mr. President, the Committee on Commerce, Science, and Transportation held two hearings on the reauthorization of the Marine Mammal Protection Act this year. At the first hearing, the committee received testimony on the issue of interactions between marine mammals and commercial fishing operations. At the second hearing, the committee received testimony on the issue of public display and scientific research. Because proposed regulations for managing captive marine mammals were only recently made available, the legislation we are introducing today addresses only the interaction between commercial fishermen and marine mammals. Changes to the MMPA to address public display issues will be considered at a later date.

The purposes of the legislation I am introducing today are to: First, extend the authorization of appropriations for 5 years; and second, establish a new regime governing the incidental taking of marine mammals in commercial fishing operations.

The MMPA establishes a comprehensive Federal program to conserve marine mammals to the central feature of which program is a moratorium on the taking of all marine mammals by persons subject to U.S. jurisdiction. This protection prohibits harassment of animals, as well as the hunting or capturing of them. In addition, imports of marine mammals or marine mammal products into the United States are banned.

The moratorium on the taking or importation of marine mammals may be waived for the incidental taking of marine mammals in the course of commercial fishing operations.

General permits and small-take exceptions were issued to U.S. fishermen in 1983, for a period of 5 years. In July 1986, the Federation of Japan Salmon Fisheries Cooperative Association applied for a 5-year general permit to allow the incidental taking of Dall's porpoise, northern fur seals, and sea lions in the course of its Bering Sea salmon drift net fishery. The National Oceanic and Atmospheric Administration [NOAA] issued a permit allowing the take of Dall's porpoise, but denied one for northern fur seals and sea lions because adequate information was unavailable to assess the status of those populations. NOAA believed that it had discretion under the MMPA to authorize the taking of Dall's porpoise, which were at the optimum sustainable population [OSP] level, even though some other species would be taken occasionally as well.

After the issuance of this general permit, lawsuits to enjoin the permit were filed by the Kokechik FisheriesAssociation. On June 15, 1987, the U.S. District Court for the District of Columbia ruled that issuance of the permit violated the MMPA. The court's decision, Kokechik Fishermen's Association versus Secretary of Commerce, held that NOAA could not issue the permit to take Dall's porpoise if it were likely that northern fur seals also would be taken because the act prohibits the issuance of a permit and any taking of a population that is below its OSP level. The decision affected NOAA's discretion to issue or renew general permits to U.S. fishermen for the incidental taking of small numbers of marine mammals from depleted populations or from those for which the status is uncertain.

The 1988 MMPA authorization legislation addressed the Kokechik decision and provided for the issuance of a new 5-year interim exemption for commercial fisheries. The provision implemented a negotiated agreement between commercial fishing operations and conservation groups, exempting most commercial fishing operations from the permit requirements of the act. The 5-year exemption allowed the nonintentional killing of marine mammals during fishing operations and required fishermen to carry observers and collect better scientific data on populations of marine mammals and the interactions between marine mammals and fisheries. This statutory exemption would expired on October 1, 1993. However, Congress recently passed legislation (Public Law 103-86) extending the exemption for an additional 6 months, until April 1, 1994.

Mr. President, this bill would extend the authorization of appropriations through fiscal year 1998 for the Department of Commerce, Department of Interior, and the Marine Mammal Commission. DOC would receive $21,636,000 for fiscal year 1994, DOI would receive $8,000,000 for fiscal year 1994, and the Marine Mammal Commission would receive $1,350,000 for fiscal year 1994. Funding levels have been adjusted for inflation in the outyears. With respect to fishery interactions, the primary focus of the legislation is to establish criteria for identifying and prioritizing marine mammal stocks most affected by interactions with commercial fishing operations. Emphasis is placed on the need for immediate action to protect those stocks in decline or at low population levels. In addition, the intentional killing of marine mammals by commercial fishermen is prohibited.

Specifically, the bill first, would require the Secretary of Commerce to prepare and issue a stock assessment for each marine mammal stock. The stock would be designated into 1 of 5 categories ranked in priority based on population trend, size, and level of total lethal take. All stock assessments would be issued within 240 days after the date of enactment, with a final stock assessment published 90 days after the end of the public comment period.

Second, the interim exemption—section 114—would remain in place until the regulations prescribed in the new section 118 take effect.

Third, the Secretary would be required to establish an incidental take team of knowledgeable and experienced individuals to develop an incidental take plan recommending measures for assisting a stock to recover. If the incidental take team cannot reach agreement and submit a draft plan within 6 months, then the Secretary would be required to publish a proposed plan and implementing regulations for public review within two additional months. Emergency regulations could be prescribed prior to final publication upon a Secretarial finding that incidental taking is having an immediate and significant adverse impact on a stock. The incidental take plan for a critical stock would include a review and evaluation of the information gathered in the stock assessment, and proposed management measures to reduce takings by commercial fisheries based proportionately on their contribution to the problem.

Fourth, the Secretary of Commerce would be authorized to develop a vessel registration system to assess fishery effort. The Secretary may establish such a registration system only if no other Federal, State, or tribal registration system exists. Any fees charged for a registration decal would not be permitted to exceed administration costs incurred in issuing the decal. Appropriated funds would be used to cover any costs of maintaining a separate registration system. Only those vessels that fish in a fishery with frequent or occasional takes could be included within a registration system.

Fifth, all incidental lethal and serious injury takes would be reported at the end of each fishing trip on a standard form, and failure to report would be subject to civil penalties.

Sixth, the Secretary of Commerce would be authorized to implement a vessel observer program, and require vessels to carry observers to the extent they can be safely accommodated. Highest priority in assigning observers would be given to those fisheries that take stocks designated as depleted or critical. Cost of monitoring would be covered by appropriations.

Seventh, establishment of an incidental take team would be mandated within 60 says of enactment to begin work immediately on a draft incidental take plan to assist the Alaska harbor seals and the Gulf of Maine harbor porpoises which are know critical stocks toward recovery.

In closing, I would like to comment on the efforts of the fishing community, conservation groups, and the administration. The task at hand has not been an easy one, and I recognize that as in all compromises, no one is completely satisfied by this legislative solution. However, I think we are all in agreement that we must move steadily toward reducing the injury of marine mammals during commercial fishing operations. At the same time we must strike a balance that does not put our commercial fishermen out of business. This legislation is the result of many months of negotiations by the interested parties. Our efforts would not have been as successful, without their cooperation and hard work.

Mr. President, I request that the bill be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Protection Act Amendments of 1993".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for the fiscal years 1994 through 1998;

(2) ensure that the incidental take of marine mammals in any fishery, by itself and in combination with other human activities, does not cause any species or stock of marine mammals to be reduced to or maintained at, for significant periods of time, a level that is below the lower limit of its optimum sustainable population range;

(3) avoid restrictions on fishing operations when such restrictions are not necessary to meet the purpose described in paragraph (2);

(4) prohibit intentional lethal taking during commercial fishing, except as authorized through a waiver under section 101(a)(3) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(3));

(5) focus efforts on identifying and addressing the most significant problems involving fishery-marine mammal interactions, considering both the status of the affected marine mammal stocks and the numbers of marine mammals that are taken incidentally in each fishery;

(6) streamline the procedure for authorizing the incidental taking of marine mammals in commercial fisheries, consistent with the long-term objective of identifying and taking such steps as may be practicable to reduce mortality and serious injury incidental to commercial fishing operations to insignificant levels approaching zero; and

(7) develop a cost-effective program for reliably monitoring (A) the levels of incidental take of marine mammals in commercial fisheries and (B) the size and current population trends of the affected marine mammal stocks.

SEC. 3 AUTHORIZATION OF APPROPRIATIONS.

(a) Commerce Department.—Section 7(a) of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384(a)), is amended to read as follows:

"(a) Department of Commerce.—There are authorized to be appropriated to the Department of Commerce, for purposes of carrying out such functions and responsibilities as it may have been given under title I of the Marine Mammal Protection Act of 1972, $21,636,000 for fiscal year 1994, $22,502,000 for fiscal year 1995, $23,402,000 for fiscal year 1996, $24,338,000 for fiscal year 1997, and $25,311,000 for fiscal year 1998.".

(b) Interior Department.—Section 7(b) of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384(b)), is amended to read as follows:

"(b) Department of Interior.—There are authorized to be appropriated to the Department of Interior, for purposes of carrying out such functions and responsibilities as it may have been given under title I of the Marine Mammal Protection Act of 1972, $8,000,000 for fiscal year 1994, $8,600,000 for fiscal year 1995, $9,000,000 for fiscal year 1996, $9,400,000 for fiscal year 1997, and $9,900,000 for fiscal year 1998.".

(c) Marine Mammal Commission.—Section 7(c) of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1407), is amended to read as follows:

"(c) Marine Mammal Commission.—There are authorized to be appropriated to the Marine Mammal Commission, for purposes of carrying out such functions and responsibilities as it may have been given under title II of the Marine Mammal Protection Act of 1972, $1,350,000 for fiscal year 1994, $1,400,000 for fiscal year 1995, $1,450,000 for fiscal year 1996, $1,500,000 for fiscal year 1997, and $1,550,000 for fiscal year 1998.".

SEC. 4. INCIDENTAL TAKING OF ENDANGERED AND THREATENED SPECIES.

(a) In General.—Section 101(a)(4) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(4)) is amended to read as follows:

"(4)(A) The Secretary may allow the incidental, but not the intentional, taking, by citizens of the United States while engaging in commercial fishing operations, of marine mammals from a species or stock designated under this Act as depleted because of its listing as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) if the Secretary, after notice and opportunity for public comment, determines that such taking is pursuant to a statement issued by the Secretary for such taking under section 7 of such Act (16 U.S.C. 1536).

"(B) Section 103 and 104 shall not apply to the taking of marine mammals under the authority of this paragraph.".

(b) Conforming Amendment.—Section 7(b)(4)(C) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)(C)) is amended by inserting "101(a)(4) or" immediately before "101(a)(5)" each place it appears.

SEC. 5. CONSERVATION PLANS.

Section 115(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383b(b)) is amended by adding at the end the following new paragraph:

"(4) If the Secretary determines that an incidental taking plan is necessary to reduce the incidental taking of marine mammals in the course of commercial fishing operations from a stock identified as a critical stock under section 118(c), any conservation plan required under this subsection for such stock shall only address non-incidental takings.".

SEC. 6. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

Title I of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended by adding at the end the following new section:

"SEC. 118. TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS.

"(a) In General.—(1) Except as provided in section 114 and in paragraphs (2), (3), and (4) of this section, and notwithstanding section 101, the provisions of this section shall govern the incidental taking of marine mammals in the course of commercial fishing operations by persons using vessels of the United States or vessels which have valid fishing permits issued by the Secretary in accordance with section 204(b) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)). The Secretary shall develop and implement incidental taking plans under this section to reduce the incidental lethal taking of marine mammals, from stocks listed as critical stocks under subsection (c), to a level below the calculated acceptable removal level.

"(2) Section 101(a)(4), and not this section, shall govern the incidental taking of marine mammals from species or stocks designated under this Act as depleted on the basis of their listing as threatened or endangered species under the Endangered Species Act of 1973.

"(3) Sections 104(h) and 306, and not this section, shall govern the taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(4) This section shall not govern the taking of marine mammals from an experimental population of California sea otters to which the Act of November 7, 1986 (Public Law 99-625); 100 Stat. 3500) applies.

"(5) Sections 103 and 104 shall not apply to the incidental taking of marine mammals under the authority of this section.

"(b) Scientific Consultation.—In implementing the incidental taking program under this section, the Secretary shall seek the advice of individuals with expertise in marine mammal biology and ecology population dynamics and modeling, and commercial fishing technology and practices. Such advice should be sought with respect to information available, and actions proposed, for such implementation, including—

"(1) information provided in connection with stock assessments under this section;

"(2) studies needed to resolve uncertainties regarding stock separation, stock abundance, or trends and factors affecting distribution, size, or productivity of stocks;

"(3) studies needed to resolve uncertainties in determining marine mammal species, numbers, ages, and gender, and the reproductive status of stocks; and

"(4) research to identify modifications in fishing gear and fishing practices likely to reduce the mortality and serious injury of marine mammals incidental to commercial fishing operations.

"(c) Stock Assessments.—(1) Using the best scientific information available and in accordance with this subsection, the Secretary shall prepare and issue, and thereafter (as appropriate) revise, a stock assessment for each marine mammal stock which occurs in waters under the jurisdiction of the United States. The stock assessment shall include—

"(A) a definition of the stock by species or subspecies and its spatial and temporal distribution;

"(B) the best available estimates of the stock's population abundance, realistic minimum populations size, and current population trend;

"(C) estimates of the total lethal take from the stock by source and, for a stock designated under this subsection as a critical stock, other factors that may impede recovery of the stock, including impacts on marine mammal habitat and prey;

"(D) a description of any commercial fishery that interacts with the stock, including—

"(i) the approximate number of vessels participating in the fishery;

"(ii) the approximate incidental lethal and serious injury take from the from the stock by such fishery;

"(iii) seasonal or area differences in levels of such incidental lethal or serious injury take; and

"(iv) the rate of incidental mortality in the stock caused by such fishing, based on a unit of fishing effort;

"(E) a determination as to the status of the stock, including whether the stock is determined to be within its optimum sustainable population range, is designated as depleted under this Act, is listed as threatened or endangered under the Endangered Species Act of 1973, or is proposed for listing as a critical stock under subparagraph (G);

"(F) a determination of the calculated acceptable removal level for the stock and the factors used to calculate it, including a recovery factor if the stock is below its optimum sustainable population; and

"(G) designation of the stock (based on a scientific analysis of the stock's population trend and population size, the level of total lethal take from the stock from all sources, and the best available estimates of net productivity at the maximum net productivity level) for listing in one of the following categories:

"(i) Class 1, consisting of stocks whose population size is declining, or whose population trend is unknown and whose realistic minimum population is less than 10,000, and from which the total annual lethal take exceeds the net productivity of the population when it is at its maximum net productivity level.

"(ii) Class 2, consisting of stocks—

"(I) whose population size is declining, or whose population trend is unknown and whose realistic minimum population is less than 10,000; and from which the total annual lethal take is between 20 percent and 100 percent of the net productivity of the stock's population when it is at its maximum net productivity level; or

"(II) whose population size is stable, or whose population trend is unknown and the realistic minimum population is greater than 10,000 but less than 100,000; and from which the total annual lethal take exceeds the net productivity of the stock's population when it is at its maximum net productivity level.

"(iii) Class 3, consisting of stocks—

"(I) whose population size is declining, or whose population trend is unknown and whose realistic minimum population is less than 10,000; and from which the total annual lethal take is less than 20 percent of the net productivity of the stock's population when it is at its maximum net productivity level;

"(II) whose population size is stable, or whose population trend is unknown and whose realistic minimum population is greater than 10,000 but less than 100,000; and from which the total annual lethal take is between 20 percent and 100 percent of the net productivity of the stock's population when it is at its maximum net productivity level; or

"(III) whose population size is increasing, or whose population trend is unknown and whose realistic minimum population is greater than 100,000; and from which the total annual lethal take exceeds the net productivity of the stock's population when it is at its maximum net productivity level.

"(iv) Class 4, consisting of stocks—

"(I) whose population size is stable, or whose population trend is unknown and the realistic minimum population is greater than 100,000; and from which the total annual lethal take is between 20 percent and 100 percent of the net productivity of the stock's population when it is at its maximum net productivity level; or

"(II) whose population size is increasing, or whose population trend is unknown and whose realistic minimum population is greater than 100,000; and from which the total annual lethal take is between 20 percent and 100 percent of the net productivity of the stock's population when it is at its maximum net productivity level.

"(v) Class 5, consisting of stocks whose population size is increasing, or whose population trend is unknown and the realistic minimum population is greater than 100,000; and from which the total annual lethal take is less than 20 percent of the net productivity of the stock's population when it is at its maximum net productivity level.

"(2) Not later than 240 days after the date of enactment of this section, the Secretary shall issue a draft of each stock assessment required by this subsection, after seeking advice from the experts described in subsection (b). The Secretary shall publish in the Federal Register a notice of availability of the draft and provide an opportunity for public review and comment during a period of not to exceed 60 days.

"(3) Not later than 90 days after the close of the public comment period on such preliminary stock assessment, the Secretary shall publish in the Federal Register a final stock assessment, after consideration of advice, recommendations, and comments of experts and the general public and the best scientific information available.

"(4) The Secretary shall review stock assessments in accordance with this subsection, and obtain advice and recommendations from experts—

"(A) on an annual basis for stocks listed as critical stocks or for which new information is available; and

"(B) at least once every 3 years for all other marine mammal stocks.

The Secretary shall revise such assessments after notice and opportunity for public comment, if the review indicates revision is necessary.

"(d) INCIDENTAL TAKING PLAN.—(1) The Secretary shall develop and implement an incidental taking plan designed to assist in the recovery of each marine mammal stock that is listed as a critical stock and interacts with commercial fisheries. Such plan shall be developed in consultation with the incidental take team established for the plan under this subsection. If there is insufficient funding available to develop and implement an incidental taking plan for all critical stocks that interact with commercial fisheries, the Secretary shall give highest priority to the development and implementation of Class 1 stocks. Within a particular class of critical stocks that interact with commercial fisheries, the Secretary shall give highest priority to the development and implementation of plans for stocks that the Secretary considers the most critical within the class.

"(2) Each incidental taking plan developed under this subsection for a critical stock shall include the following:

"(A) A review and evaluation of the information contained in the stock assessment published under subsection (c) and any new information that may be available.

"(B) An evaluation and estimate of the total number of percentage of animals from the stock that are being killed or seriously injured each year as a result of commercial fishing activities.

"(C) Proposed management measures or voluntary actions for the reduction of incidental taking by commercial fisheries. Such proposed measures and actions shall be developed in light of the plan's immediate objective of reducing incidental lethal and serious injury take by commercial fisheries by the same proportion as their proportion of the total lethal and serious injury take from all sources.

"(D) A long-term strategy to reduce, to insignificant rates approaching zero within 10 years, the incidental mortality and serious injury within the stock that results from commercial fishing operations.

"(3) Each incidental taking plan shall include projected dates for achieving the objectives of the plan. If the total lethal take exceeds the calculated acceptable removal level, the plan shall include measures the Secretary expects will reduce, within 6 months after commencement of fishing, the share of the lethal take that exceeds the calculated acceptable removal level and is attributable to commercial fisheries.

"(4)(A) At the earliest possible time (not later than 120 days) after the Secretary issues a final stock assessment listing a stock as a critical stock, the Secretary shall—

"(i) establish an incidental take team for such critical stock and appoint the members of such team in accordance with subparagraph (C); and

"(ii) publish in the Federal Register a notice of the team's establishment, the names of the team's appointed members, the full geographic range of such critical stock, and all the commercial fisheries that have lethal incidental takings from such stock.

"(B) The Secretary may charge an incidental take team to deal with a stock that extends over one or more regions, or multiple stocks within a region, if the Secretary determines that doing so would facilitate the development and implementation of plans required under this subsection.

"(C) Members of incidental take teams shall be individuals knowledgeable and experienced regarding the measures to conserve such stocks and to reduce any takings from such stock incidental to commercial fishing operations. Members may include representatives of Federal and State agencies, regional fishery management councils and commissions, academic and scientific organizations, environmental and fishery groups, and others as the Secretary considers appropriate. Incidental take teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of government, resource user interests, and non-user interests. Incidental take teams shall not be subject to the Federal Advisory Committee Act (5 App. U.S.C.) but their meetings shall be open to the public, after timely publicity on the time and place of such meetings.

"(D) Members of incidental take teams shall serve without compensation, but shall be reimbursed by the Secretary for reasonable travel costs and expenses incurred in performing their duties as members of the team.

"(E) Nothing in this section shall be construed to constrain the Secretary from establishing priority among classes of critical stocks covered by this subsection and exercising discretion (in consultation with scientific experts) to address such stocks in any fiscal year according to that priority.

"(5) Where the total lethal take from such a critical stock is estimated to be greater than the calculated acceptable removal level established in the stock assessment, the following procedures shall apply in the development of the incidental taking plan for the stock:

"(A) Not later than 6 months after the date of establishment of an incidental take team for the stock, the team shall submit a draft incidental taking plan for the critical stock to the Secretary, consistent with the other provisions of this section.

"(B)(i) The Secretary shall take the draft incidental taking plan into consideration and, not later than 60 days after the submission of the draft plan by the team, the Secretary shall publish in the Federal Register a proposed incidental taking plan and proposed regulations to implement such plan, for public review and comment.

"(ii) In the event that the incidental take team does not submit a draft plan to the Secretary within 6 months, the Secretary shall, not later than 8 months after the establishment of the team, publish in the Federal Register a proposed incidental taking plan and implementing regulations, for public review and comment.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final incidental taking plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary and the incidental take team shall meet every 6 months to monitor the implementation of the final incidental taking plan until such time that the Secretary determines that meetings are no longer necessary.

"(E) The Secretary may, in consultation with the incidental take team, amend the incidental taking plan and implementing regulations as necessary, consistent with the procedures in this section for the issuance of such plans and regulations.

"(6) Where the total lethal take from a critical stock to which this subsection applies is estimated to be less than the calculated acceptable removal level established in the stock assessment, the following procedures shall apply in the development of the incidental taking plan for the stock:

"(A) Not later than 11 months after the date of establishment of an incidental take team for the stock, the team shall submit a draft incidental taking plan for the stock to the Secretary, consistent with the other provisions of this section.

"(B)(i) The Secretary shall take the draft incidental taking plan into consideration and, not later than 60 days following the submission of the draft plan by the team, the Secretary shall publish in the Federal Register a proposed incidental taking plan and implementing regulations, for public review and comment.

"(ii) In the event that the incidental take team does not submit a draft plan to the Secretary within 11 months, the Secretary shall, not later than 13 months after the establishment of the team, publish in the Federal Register a proposed incidental taking plan and implementing regulations, for public review and comment.

"(C) Not later than 60 days after the close of the comment period required under subparagraph (B), the Secretary shall issue a final incidental taking plan and implementing regulations, consistent with the other provisions of this section.

"(D) The Secretary and the incidental take team shall meet on an annual basis to monitor the implementation of the final incidental taking plan until such time that the Secretary determines that formal meetings are no longer necessary.

"(E) The Secretary may, in consultation with the incidental take team, amend the incidental taking plan and implementing regulations as necessary, consistent with the procedures in this section for the issuance of such plans and regulations.

"(7) If the Secretary finds, prior to the issuance of a final incidental taking plan, that the incidental taking of marine mammals in a commercial fishery is having an immediate and significant adverse impact on the stock to which the plan would apply, the Secretary may, after consultation with appropriate Regional Fishery Management Councils and State fishery managers, prescribe emergency regulations to reduce, to the maximum extent practicable, such incidental taking. In prescribing such emergency regulations, the Secretary shall take into account the economics of the fishery concerned and the availability of existing technology to prevent or minimize incidental taking of marine mammals, and shall conform such regulations, to the maximum extent practicable, with existing State of regional fishery management plans. Such regulations—

"(A) shall be published in the Federal Register together with the reasons therefor;

"(B) shall remain in effect for not more than 180 days, until such time as a final incidental taking plan for the stock is issued, or until the end of the applicable fishing season, whichever is earlier; and

"(C) may be terminated by the Secretary at an earlier date by publication in the Federal Register of a notice of termination if the Secretary determines the reasons for the emergency regulations no longer exist.

"(e) REGULATORY MEASURES.—(1)(A) The Secretary shall, after notice and opportunity for public comment, promulgate regulations to implement an incidental taking plan necessary to accomplish the objectives set forth in subsection (i).

"(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary to modify the incidental taking plan at the request of the appropriate Regional Fishery Management Council or State or tribal management authority.

(2) In implementing an incidental taking plan issued pursuant to this section, the Secretary may promulgate regulations which include, but are not limited to, measures to—

"(A) Establish fishery-specific incidental lethal taking limits or restrict commercial fisheries by time or area;

"(B) register commercial fishing vessels as set forth in subsection (f);

"(C) require the use of alternative gear techniques and new technologies, encourage the development of such gear or technology, or convene expert skippers' panels;

"(D) educate commercial fishermen and other individuals, through workshops and other means, on the importance of reducing the incidental lethal taking of marine mammals from critical stocks; and

"(E) monitor the level of the incidental lethal taking of marine mammals in the course of commercial fishing operations, as set forth in subsection (h).

"(f) REGISTRATION OF VESSELS.—(1) Subject to the provisions of this subsection, the Secretary may develop a system to register commercial fishing vessels and to assess fishery effort, where such system is necessary, to understand the interaction between commercial fisheries and marine mammal stocks in a region.

"(2) In developing a registration system to understand such interactions, the Secretary shall rely upon existing Federal, State, or tribal data bases which provide the following information about an affected commercial fishery:

"(A) The approximate number of vessels participating in the fishery.

"(B) The identity of specific vessels to be registered.

"(C) The owner or operator, or both, of such vessels.

"(D) The time period in which the fishery occurs.

"(E) The approximate geographic location, or its official reporting area where the fishery occurs.

"(F) The description of fishing gear, including the appropriate unit of fishery effort.

"(3) The incidental take teams shall advise the Secretary as to whether existing Federal, State, or tribal data bases are capable of being utilized to understand the interaction between commercial fisheries and critical stocks in a region. If the Secretary determines, after consultation with such a team, that data bases for specific fisheries which provide the information required under paragraph (2) are not available to the Secretary or the team, the Secretary may require through regulation separate registration to obtain the information set forth in paragraph (2).

"(4)(A) The Secretary may, as a condition of accepting a Federal, State, or tribal registration as adequate for the purposes of this section, require such registration to be supplemented by the requirement that the vessels so registered display a decal or other evidence, issued by the registering authority, that indicates the registration is current.

"(B) To the extent the Secretary determines that separate registration is required for a specific fishery pursuant to paragraph (3), The Secretary is authorized to charge a fee for the issuance of a decal or other evidence indicating the registration is current. The fee charged under this subparagraph shall not exceed the administrative costs incurred in issuing the decal or other evidence. Fees collected under this subparagraph shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in the issuance of such decal or other evidence.

"(5) The costs of maintaining a separate registry system for a specific fishery pursuant to paragraph (3) shall be covered through Federal appropriations.

"(6) The Secretary may include within a registration system under this subsection only those vessels that fish in a fishery that has frequent or occasional incidental taking of marine mammals.

"(g) REPORTING REQUIREMENT.—The owner or operator of a commercial fishing vessel subject to this Act shall report all incidental lethal and serious injury takings of marine mammals in the course of commercial fishing operations to the Secretary at the end of each fishing trip on a standard form to be developed by the Secretary under this section. Such form shall be readable by computer or other machine and shall require the vessel owner or operator to provide the following:

"(1) The vessel name, and Federal, State, or tribal registration numbers of the registered vessel.

"(2) The name and address of the vessel owner or operator.

"(3) The name and description of the fishery.

"(4) The species of marine mammal incidentally killed or seriously injured, and the date and time of such incidental taking.

"(5) The time and period in which the fishery occurred.

"(6) The approximate geographic location of the incidental taking.

"(h) MONITORING.—(1) The Secretary may establish a vessel observer program to monitor incidental lethal and serious injury takings of marine mammals during the course of commercial fishing operations. The purpose of the monitoring program shall be to develop independent information on interactions between commercial fisheries and marine mammals and to verify reporting of incidental lethal and serious injury takings under subsection (g). Observers may perform other tasks including, but not limited to—

"(A) recording other sources of mortality;

"(B) recording the number of marine mammals sighted during the observation period; and

"(C) other scientific investigations, including collection of marine mammal tissues.

"(2) Commercial fishing vessels shall carry observers on board, when requested by the Secretary, to the extent that the vessel can safely accommodate the observer. The owner or operator of a vessel who refuses to carry an observer shall be subject to a civil penalty, pursuant to subsection (j).

"(3)(A) The Secretary may establish an incidental take monitoring program to achieve the objectives of this paragraph which may include, but not be limited to, direct observation of fishing activities from vessels, airplanes, video observation, or points on shore.

"(B) Individuals engaged in such monitoring program shall collect scientific information on fisheries consistent with the requirements of this paragraph.

"(4) The cost of the monitoring program shall be funded by Federal appropriations, and the Secretary shall allocate available observers among fisheries consistent with the following priority:

"(A) The highest priority shall be given to fisheries that incidentally lethally take or seriously injure animals from (i) stocks designated as depleted on the basis of their listing as endangered or threatened species under the Endangered Species Act of 1993, or (ii) critical stocks.

"(B) The second highest priority shall be given to fisheries other than those described in subparagraph (A) in which the greatest incidental lethal take and serious injury of marine mammals occurs.

When the Secretary determines that sufficient observation of a specific fishery has occurred, the Secretary may discontinue such observation and direct available observer resources to the next fishery in priority. Nothing in this subsection precludes the Secretary from resuming observation of a fishery when necessary to achieve additional verification of the nature of interactions with marine mammal stocks.

"(5) Notwithstanding paragraph (4), the Secretary may initiate, where necessary, additional monitoring programs to gather information on the interaction between commercial fisheries and marine mammal stocks not identified as critical stocks. Such information may be used to verify—

"(A) the numbers of incidental lethal and serious injury takings of marine mammals in a commercial fishery, and the rate of such takings;

"(B) impacts on marine mammals of changes in fishing patterns or technologies; and

"(C) the accuracy of reporting, by vessel owners and operators, of the lethal and serious injury takings of commercial fishing vessels.

"(i) ZERO MORTALITY RATE GOAL.—(1) Commercial fisheries shall reduce their rates of incidental lethal or serious injury taking, to insignificant rates approaching zero within 10 years after the date of enactment of this section.

"(2) Fisheries which maintain insignificant serious injury and mortality rate levels approaching zero shall not be required to further reduce their mortality rates.

"(3) Three years after such date of enactment, the Secretary shall review the progress, by fishery, toward reducing mortality and serious injury rates to insignificant rates approaching zero. The Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives a report setting forth the results of such review within 1 year after commencement of the review. The Secretary shall note any fishery for which no information exists on its incidental serious injury or mortality rate of marine mammals.

"(4) If the Secretary determines after review under paragraph (3) that the rate of incidental lethal and serious injury taking in a fishery is not consistent with paragraph (1), then the Secretary shall make recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives on further actions to achieve the goal specified in paragraph (1).

"(j) PENALTIES.—(1) Except as provided in paragraph (2), a person who violates this section, or any regulations thereunder, may be assessed a civil penalty of not more than $5,000 for each violation, and shall not be subject to penalty under any other provision of this Act. The penalty shall reflect the severity of the violation in relation to preventing the reduction of incidental lethal taking of marine mammals, or the accomplishment of other express objectives of this section.

"(2) Intentional killing of marine mammals, or failure to report incidental lethal takings of marine mammals as required by this section, shall be subject to the penalties in section 105.

"(3) Each owner or operator of a vessel engaged in a fishery that has a remote likelihood of or no known incidental taking of marine mammals, and the master and crew members of such vessel, shall not be subject to penalties under this section or any other provision of this Act for the incidental taking of marine mammals if such owner or operator reports to the Secretary in accordance with subsection (f)(4).

"(k) VOLUNTARY MEASURES.—Nothing in this section shall be construed to limit the Secretary's authority to permit voluntary measures to be utilized in reducing the incidental taking of marine mammals in commercial fisheries.

"(l) DEFINITIONS.—For purposes of this section—

"(1) The term 'calculated acceptable removal level' means the realistic minimum population of a stock, multiplied by the net productivity rate of the stock, multiplied (if applicable) by a recovery factor.

"(2) The term 'critical stock' means a marine mammal stock that is listed as a Class 1 or 2 stock pursuant to subsection (c)(1)(G).

"(3) The term 'incidental take team' means an incidental take team established under subsection (d)(4).

"(4) The term 'incidental taking plan' means an incidental taking plan developed under subsection (d).

"(5) The term 'maximum net productivity level' means the population size of a stock which results in the greatest net productivity.

"(6) The term 'net productivity' means the estimated or theoretical annual increase in population numbers resulting from additions to the population due to reproduction, less the losses due to mortality.

"(7) The term 'net productivity rate' means the net annual per capita rate of increase of a stock at its maximum net productivity level.

"(8) The term 'non-critical stock' means a marine mammal stock that is listed as a Class 3, 4, or 5 stock pursuant to subsection (c)(1)(G).

"(9) The term 'realistic minimum population' means an estimate of the number of animals in a stock that provides reasonable assurance that the population size is equal to or greater than the estimate.

"(10) The term 'recovery factor' means the number that is applied to the calculation of a calculated acceptable removal level to provide reasonable assurance that a stock will recover to its optimum sustainable population.".

SEC. 7. PENALTIES; PROHIBITIONS.

(a) CIVIL PENALTIES.—Section 105(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(a)(1)) is amended by inserting ", except as provided in section 118(j)," immediately after "thereunder".

(b) CRIMINAL PENALTIES.—Section 105(b) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1375(b)) is amended by inserting "(except as provided in section 118(j))" immediately after "thereunder".

(c) PROHIBITIONS.—Section 102(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1372(a)) is amended by striking "and 114" and inserting in lieu thereof "114, and 118".

SEC. 8. ALASKA HARBOR SEALS AND GULF OF MAINE HARBOR PORPOISES.

Notwithstanding any other provision of this Act, including section 118 of the Marine Mammal Protection Act of 1972 (as added by this Act), the Secretary of Commerce shall establish an incidental take team for the harbor seal stock in Alaska and for the harbor porpoise stock in the Gulf of Maine, within 60 days after the date of enactment of this Act. The incidental take teams shall begin work immediately on a draft incidental taking plan in accordance with such section 118, and shall use the best scientific information available. The draft incidental taking plan shall be reviewed by the Secretary, after consultation with scientific experts as described in subsection (b) of such section 118 and after notice and opportunity for public comment, and shall be approved and implemented as quickly as practicable.

SEC. 9. AUTHORIZATION TO DETER MARINE MAMMALS.

Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end the following new subsection:

"(d)(1) Except as provided in paragraph (2), the provisions of this Act shall not apply to the use by any person of measures to deter marine mammals from—

"(A) damaging the gear or catch of commercial or recreational fishermen;

"(B) damaging private or public property; or

"(C) endangering personal safety,

so long as such measures do not result in marine mammal death or serious injury.

"(2) If the Secretary determines, using the best scientific information available, that certain forms of deterrence have a significant adverse effect on marine mammals, the Secretary may prohibit such deterrent methods through regulation under this Act.

"(3) The authority to deter marine mammals pursuant to paragraph (1) applies to all marine mammals, including all stocks designated as depleted under this Act.".

SEC. 10. TREATY RIGHTS.

Nothing in this Act, including any amendments made by this Act, is intended to abrogate or diminish existing Indian treaty fishing or hunting rights, and regulation of Native American fishing and hunting activities shall be limited to measures consistent with existing treaty rights.

SEC. 11. TRANSITION RULE.

Section 114(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383a(a)(1)) is amended by striking "ending April 1, 1994," and inserting in lieu thereof "until superseded by regulations prescribed under section 118,".

SEC. 12. TECHNICAL AMENDMENTS.

(a) DEFINITIONS.—Section 3 of the Marine Mammal Protection Act of 1972 (16 U.S.C.

1362) is amended by redesignating the last three paragraphs as paragraphs (16), (17), and (18), respectively.

(b) MARINE MAMMAL HEALTH AND STRANDING RESPONSE.—The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is amended—

(1) by redesignating title III, as added by Public Law 102–587 (106 Stat. 5060), as title IV; and

(2) by redesignating the sections of that title (16 U.S.C. 1421 through 1421h) as sections 401 through 409, respectively.

• Mr. STEVENS. Mr. President, I am pleased to be able to introduce this bill with my friend from Massachusetts to create a new regime governing commercial fisheries interactions with marine mammals. This bill reflects an extensive meeting process between the commercial fishing industry, the environmental community, the administration, and others concerned about the protection of marine mammals. The Commerce, Science, and Transportation Committee heard testimony at hearings earlier this session as well, and we appreciate the valuable assistance and comments of all those involved in putting this bill together.

Our bill addresses only commercial fisheries' interactions with marine mammals. It would replace the interim regime that has governed the taking of marine mammals incidental to commercial fishing operations since the 1988 amendments to the MMPA were passed. The legislation will help to focus limited Federal resources on the marine mammal stocks most in danger.

There are other outstanding issues we will need to address as part of the broader MMPA reauthorization. We anticipate additional MMPA provisions, as well as possible changes to this commercial fisheries interaction provision before the reauthorization process is completed. General concerns have been expressed to me by the Native community in my State about the possible side effects this proposal could have on subsistence use. I would ask the cooperation of my colleagues to help me in addressing these concerns before final action is taken on this bill.•

By Mr. JOHNSTON:

S. 1637. A bill to provide a more effective, efficient, and responsive Department of the Interior; to the Committee on Energy and Natural Resources.

S. 1638. A bill to provide a more effective, efficient, and responsive Department of Energy; to the Committee on Energy and Natural Resources.

DEPARTMENTS OF ENERGY AND INTERIOR REFORM AND SAVINGS ACTS OF 1993

• Mr. JOHNSTON. Mr. President, I ask unanimous consent that the Department of Interior Reform and Savings Act of 1993 and the Department of Energy Reform and Savings Act of 1993 be introduced and printed in the CONGRESSIONAL RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Department of the Interior Reform and Savings Act of 1993".

TITLE I—IMPROVE THE FEDERAL HELIUM PROGRAM

SEC. 101. AMENDMENTS TO HELIUM ACT AMENDMENTS OF 1960.

(a) Section 4 of the Helium Act Amendments of 1960 (74 Stat. 920, 50 U.S.C. 167b) is amended to insert after "lands acquired, leased, or reserved;" the following: "reduce costs and increase operational efficiencies, especially in operations that do not produce revenue; establish and adjust fees charged private industry for storage, transmission, and withdrawal of privately-owned helium from Government storage facilities to compensate fully for all costs incurred;".

(b) Section 6 of the Helium Act Amendments of 1960 (74 Stat. 921, 50 U.S.C. 167d) is amended—

(1) by amending subsection (b) to read:

"(b) The Secretary is authorized to sell helium for Federal, medical, scientific, and commercial uses in such quantities and under such terms and conditions as the Secretary determines. Sales shall be made in quantities and a manner to avoid undue disruption of the usual markets of producers, processors, and consumers of helium and to protect the United States against avoidable loss."; and

(2) by amending subsection (c) to read:

"(c) Sales of helium by the Secretary shall be at prices, as established by the Secretary, that are adequate to cover all costs incurred in carrying out the provisions of this Act. Helium shall be sold at prices comparable to helium sold by private industry. An annual review of price comparability shall be made and adjustments shall be made accordingly.".

SEC. 102. LONG-TERM COMPREHENSIVE PLAN.

The Secretary of the Interior shall prepare and develop a long-term, comprehensive plan to (1) cancel the outstanding debt owed to the Treasury by the Department of the Interior related to the Federal helium program; and (2) improve Federal helium program operations over a multi-year period. The plan should analyze various options to accomplish (1) and (2) above, with emphasis on ways to minimize adverse impacts on Federal employment, Federal helium purchasers, and U.S. private sector helium markets. The plan, with the Secretary's preferred options, shall be presented to the President within 4 months of enactment of this Act. The President may adopt the plan, in whole or in part, and is authorized to cancel thestanding debt upon a finding that such debt cancellation is in the national interest.

TITLE II—IMPROVE MINERALS MANAGEMENT SERVICE ROYALTY COLLECTION

SEC. 201. IMPROVEMENT OF MINERALS MANAGEMENT SCIENCE ROYALTY COLLECTION.

(a) The Secretary of the Interior shall, by fiscal year 1995, direct the Minerals Management Service, Royalty Management Program to develop and implement (1) an automated business information system to provide to its auditors a lease history that includes reference, royalty, production, financial, compliance history, pricing and valuation, and other information; (2) the optimum methods to identify and resolve anomalies and to verify that royalties are paid correctly; (3) a more efficient and cost-effective royalty collection process by instituting new compliance and enforcement measures, including assessments and penalties for erroneous reporting and underreporting; and (4) such other actions as may be necessary to reduce royalty underpayment and increase revenue to the U.S. Treasury by an estimated total of $28 million for fiscal year 1999.

(b) The Federal Oil and Gas Royalty Management Act of 1982 (Public Law No. 97–451), 30 U.S.C. 1701 et seq.) is amended by adding a new subsection 111(h) as follows:

"PENALTY ASSESSMENT FOR SUBSTANTIAL UNDERREPORTING OF ROYALTY"

"SEC. 111. (h)(1) If there is any underreporting of royalty owned on production from any lease issued or administered by the Secretary for the production of oil, gas, coal, any other mineral, or geothermal steam, from any Federal or Indian lands or the Outer Continental Shelf, for any production month, by any person who is responsible for paying royalty, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

"(2) If there is a substantial underreporting of royalty owed on production from any lease issued or administered by the Secretary for the production of oil gas, coal, any other mineral, or geothermal steam. from any Federal or inland lands or the Outer Continental Shelf, for any production month, by any person who is responsible for paying royalty, the Secretary may assess a penalty of 20 percent of the amount of that substandial underreporting.

"(3) For purposes of this section, the term 'underreporting' means the difference between the royalty on the value of the production which should have been reported and the roylalty on the value of the production which was reported, if the value of the production which should have been reported is greater than the value of theproduction which was reported. An underreporting constitutes a 'substantial underreporting' if such difference exceeds 10 percent of the royalty on the value of the production which should have been reported.

"(4) The Secretary shall not impose the assessment provided in paragraphs (1) or (2) if the person corrects the underreporting before the date the person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of enactment of this section, whichever is later.

"(5) The Secretary shall waive any portion of an assessment provided in paragraphs (1) or (2) attributable to that portion of the underreporting for which the person demonstrates that—

"(i) the person had written authorization from the Secretary to report royalty on the value of the production on the basis on which it was reported, or

"(ii) the person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported, or

"(iii) the person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

"(iv) the person meets any other exception which the Secretary may, by rule, establish.

"(6) All penalties collected under this subsection shall be deposited to the same accounts in the Treasury or paid to the same recipients in the same manner as the royalty with respect to which such penalty is paid.".

TITLE III—PHASE OUT THE MINERAL INSTITUTE PROGRAM

SEC. 301. PHASE OUT OF MINERAL INSTITUTE PROGRAM.

The Secretary of the Interior, beginning in fiscal year 1995, shall take action to phase out the Mining and Mineral Resources Research Institute Act of 1984, Public Law 98-409, as amended (98 Stat. 1536 through 1541 and 102 Stat. 2339 through 2341, 30 U.S.C. 1221 through 1230). There are hereby authorized to be appropriated under the Act of the following amounts: fiscal year 1995—$6.5 million; fiscal year 1996—$5 million; fiscal year 1997—$3 million; and fiscal year 1998—$1.5 million. No further appropriations for this Act are authorized after September 30, 1998.

S. 1638

Be it enacted by the Seante and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be referred to as the "Department of Energy Reform and Savings Act of 1993".

TITLE I—ALASKA POWER ADMINISTRATION SALE AUTHORIZATION ACT

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Alaska Power Administration Sale Authorization Act".

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy may sell the Snettisham Hydroelectric Project (referred to in this subtitle as "Snettisham") to the State of Alaska Power Authority (now known as the Alaska Industrial Development and Export Authority, and referred to in this subtitle as the "Authority"), or its successor, in accordance with the February 10, 1989, Snettisham Purchase Agreement between the Alaska Power Administration of the United States Department of Energy and the Authority.

(b) The Secretary of Energy may sell the Eklutna Hydroelectric Project (referred to in this subtitle as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this subtitle as "Eklutna Purchasers") in accordance with the August 2, 1989, Eklutna Purchase Agreement between the United States Department of Energy and the Eklutna Purchasers.

(c) The heads of other affected Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized by this Act.

(d) The Secretary of Energy shall deposit sale proceeds in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as are necessary to prepare or acquire Eklutna and Snettisham assets for sale and conveyance, such preparations to provide sufficient title to ensure the beneficial use, enjoyment, and occupancy to the purchasers of the assets to be sold.

(f) No later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration; and

(2) prepare and submit to Congress a report documenting the sales.

SEC. 103. ASSESSMENT OF ALTERNATIVE OPTIONS.

Before taking any action authorized in section 102, the Secretary shall assess the feasibility of alternative options for maximizing the return to the Treasury from the sale of the Alaska Power Marketing Administration.

TITLE II—FEDERAL-PRIVATE COGENERATION OF ELECTRICITY

SEC. 201. FEDERAL-PRIVATE COGENERATION OF ELECTRICITY.

Section 804(2)(B) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)(B)) is amended by striking ", excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities.".

TITLE III—POWER MARKETING ADMINISTRATION DEBT BUYOUT

PART 1—BONNEVILLE POWER ADMINISTRATION DEBT BUYOUT

SEC. 301. SHORT TITLE.

This part may be cited as the "Bonneville Power Administration Repayment Bonds Act".

SEC. 302. SALE OF BONDS.

Notwithstanding any other law and without fiscal year limitation—

(1) in addition to the authority in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k), the Administrator may issue and sell bonds, notes, and other evidences of indebtedness (referred to in this part as "Bonds") in the manner and amounts the Administrator, considers appropriate in the name of and for and on behalf of the Bonneville Power Administration, to—

(A) satisfy the unpaid repayment obligation associated with the appropriated capital investment made in the Federal Columbia River Power System before the issuance of the Bonds authorized under this part takes place, but not including Federal irrigation investments assigned to be repaid from power revenues; and

(B) refund Bonds;

(2) the Administrator shall transfer, and the Secretary of the Treasury shall accept for the account of the General Fund, the net proceeds of the Bonds referred to in paragraph (1)(A), and when the Secretary of the Treasury receives the net proceeds, the repayment obligation associated with the part of the appropriated capital investment in the Federal Columbia River Power System covered by the Bonds is considered to be satisfied forever;

(3) the Secretary of the Treasury, in consultation with the Administrator, shall establish the amount of proceeds needed to satisfy the unpaid repayment obligation associated with the part of the capital investment referred to in paragraph (1)(A) as the amount necessary to increase the sum of the net proceeds and the discounted present value of the remaining Federal debt service of the Federal Columbia River Power System by $100 million relative to the discounted present value of the total Federal debt service of the Federal Columbia River Power System as provided by the Administrator based upon the repayment schedule that would have been paid under repayment policy and practices in effect on September 1, 1993;

(4) to determine the discounted present values in paragraph (3), the Secretary of the Treasury shall use discount rates based on the secondary market's average yield for the most recently issued 30-year Treasury bonds when the Bonds authorized in paragraph (1) are issued;

(5) these Bonds shall be in the forms and denominations, bear the maturities (without respect to the remaining average service life of the capital investment associated with the repayment obligation satisfied by the Bonds issued under this part), be issued and sold at the times, prices, discounts, and yields, and be subject to other terms and conditions (including variable rates) as the Administrator considers appropriate;

(6) under section 2(f) of the Bonneville Project Act of 1937 (16 U.S.C. 832a(f)) and this part, the Administrator may enter into any contract that the Administrator considers necessary for the purposes of carrying out this part including, but not limited to, contracts for—

(A) the payment of the principal, interest, and premium, if any, on Bonds issued under this part;

(B) the purchase or redemption of those Bonds;

(C) the payment of costs and expenses incidental to this payment, purchase, and redemption; or

(D) the creation of reserve and other funds to be held by a trustee, which funds the Administrator may pledge exclusively to pay those costs for which the funds were created and establish a lien on the funds in favor of the beneficiaries of the funds under any indenture, resolution, or other agreement entered into in connection with the issuance of Bonds under this part;

(7) Bonds issued under this part—

(A) shall be issuable and payable through the Federal wire system;

(B) are negotiable instruments that may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which is under the authority or control of any officer or agency of the United States;

(C) may be held without limitation by national banks;

(D) qualify as legal investments for banks, savings and loan institutions, and credit unions; and

(E) are eligible collateral for Federal advances and discounts, for deposits of the United States, and for the Treasury tax and loan accounts;

(8) Bonds issued under this part are not intended to be and are not secured by the full faith and credit of the United States;

(9) Bonds issued under this part are exempt both as to principal and interest from all taxation by any State or local taxing authority, except estate, inheritance, and gift taxes;

(10) Bonds issued under this part shall contain a recital that they are issued under this part and this recital is conclusive evidence of the regularity of the issuance and sale of the Bonds and their validity;

(11) the Bonds issued under this part, all receipts of the Secretary of the Treasury under this part, any portion of the fund established under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) related to these Bonds, all receipts and disbursements of that fund related to these Bonds, and all expenditures by the Administrator related to these Bonds—

(A) are exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government, sequestration order, or discretionary spending limit;

(B) are exempt from any order issued pursuant to sections 251, 252, or 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(C) are not subject to apportionment under subchapter II of chapter 15 of title 31, United States Code;

(12) in all future contracts for the sale of electric power, transmission, or other services, the Administrator shall include provisions specifying that after the repayment obligation is fully and forever satisfied, the Administrator's rates for electric power, transmission, or other services shall not include any form of economic rent to be returned to the United States Government, including, without limitation, a falling water charge or any other fee for use of Federal facilities for power generation or transmission, that relates to a project, facility, or separable unit of a project or facility associated with the satisfied repayment obligation, other than a charge necessary to repay the new indebtedness incurred under this part. Amounts provided under section 1304 of title 31, United States Code, shall be the sole source for payment of a judgment against the Administrator or the United States on a claim for a violation of the contract provision required by this paragraph;

(13) the Administrator shall offer to amend the Administrator's existing contracts for the sale of electric power, transmission, or other services to include the provisions described in paragraph (12); and

(14) the Administrator shall consult with the Secretary of the Treasury regarding the timing and structure of the bonds issued under this part.

SEC. 303. PAYMENT OF BOND COSTS.

Section 11(b)(6) of the Federal Columbia River Transmission System Act (16 U.S.C. 838i(b)(6)), is amended by striking "or" before "(iv)" and by inserting before the semicolon ", or (v) to pay the cost of financing and debt service, including premiums, if any, on Bonds issued by the Bonneville Power Administration".

SEC. 304. COMBINED REPAYMENT STUDY.

Section 7(a) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(a)), is amended by adding after paragraph (2) the following:

"(3) In establishing power and transmission rates, the Administrator may base them on a single, combined generation and transmission repayment study which demonstrates that all indebtedness is repaid by its due date. The use of such a study is sufficient for the commission to approve the rates as meeting repayment requirements.".

SEC. 305. DEFINITIONS.

For the purposes of this part—

(1) "Administrator" means the Administrator of the Bonneville Power Administration; and

(2) "appropriated capital investment made in the Federal Columbia River Power System" means an investment made by the United States that—

(A) is made using Federal appropriations;

(B) is for a project or separable feature of a project that is placed in service;

(C) is allocated to power and required by law to be repaid from the power revenues by the Administrator;

(D) is not allocated or suballocated to irrigation; and

(E) excludes an investment made using funds borrowed under section 13 of the Federal Columbia River Transmission System Act.

PART 2—OTHER POWER MARKETING ADMINISTRATIONS DEBT BUYOUT

SEC. 306. SHORT TITLE.

This part may be cited as the "Power Marketing Administrations Financing Act".

SEC. 307. DEFINITIONS.

For the purposes of this part—

(1) "Administrator" means the Administrator of the Southeastern Power Administration, the Administrator of the Southwestern Power Administration, and the Administrator of the Western Area Power Administration;

(2) "Fund" means the Power Marketing Administration Sinking Fund established under section 309; and

(3) "Power marketing administration" means the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration.

SEC. 308. REPAYMENT OF EXISTING INDEBTEDNESS.

(a) Notwithstanding any other law, within 12 months after the enactment of this Act, each Administrator shall develop, in consultation with the Secretary of the Treasury, and shall implement a plan for paying the United States Treasury the discounted present value of principal and interest payments on power investments scheduled to be paid to the United States Treasury as provided by the Administrator under existing law and repayment practices by that power marketing administration, as well as a one-time additional payment of $12,500,000 by the Southeastern Power Administration, $12,500,000 by the Southwestern Power Administration, and $50,000,000 by the Western Area Power Administration. Each Administrator shall issue revenue bonds as provided in section 310 to pay the obligation to the United States Treasury addressed in this section, except that the issuance of these bonds shall occur only if each Administrator determines by means of financial studies that the refinancing will not cause an increase in power rates over existing repayment practices. When the Treasury receives full payment from an Administrator, it shall consider the repayment obligation of the Administration associated with the payment fully and forever discharged.

(b) In all future contracts for the sale of electric power, transmission, or other services, each Administrator shall include provisions agreeing that when the repayment obligation is fully and forever discharged under subsection (a), the Administrator's rates for electric power, transmission, or other services shall not, other than is necessary to repay the new indebtedness incurred under this Act, include any charge in place of the satisfied obligation or include any other similar form of economic rent by or returned to the United States (including, without limitation, a falling water charge or any other type of user fee for use of Federal facilities for the purpose of power generation and transmission) on account of any project, facility, or separable unit of a project or facility associated with the repayment obligation satisfied.

(c) Each Administrator shall offer to amend existing contracts for the sale of electric power, transmission, or other services to include the provision described in subsection (b).

SEC. 309. POWER MARKETING ADMINISTRATION SINKING FUND.

(a) There is established in the Treasury of the United States a Power Marketing Administration Sinking Fund. The Secretary of the Treasury, acting as trustee for the power marketing administrations, shall establish and maintain a separate account in the Fund for each power marketing administration, and monies of one power marketing administration shall not be commingled with monies of another power marketing administration. Within the separate account for each power marketing administration, separate projects or systems shall be accounted for separately. An Administrator may deposit into the Fund the monies derived from revenues that the Administrator considers appropriate to ensure that the bonds issued under section 310 are refunded in a timely manner.

(b) Balances in the Fund shall earn interest at a rate determined by the Secretary of the Treasury.

(c) An Administrator may make expenditures from the Administrator's account in the Fund without further appropriation and without fiscal year limitation to pay indebtedness incurred from bonds issued under section 310.

(d) Each power marketing administration shall maintain its books of account in substantial conformance with the Uniform System of Accounts of the Federal Energy Regulatory Commission.

(e) The financial transactions of an Administrator shall be audited by independent financial auditors, and reports of the results of each audit shall be made to the Congress within 6½ months following the end of the fiscal year covered by the audit.

SEC. 310. REVENUE BONDS.

(a) Each Administrator, in consultation with the Secretary of the Treasury, may issue and sell from time to time in the name of, and for and on behalf of, the respective power marketing administration bonds, notes, and other evidences of indebtedness (in this section collectively referred to as "bonds") to refinance existing indebtedness as provided in section 308 and to issue and sell bonds to refund those bonds. The bonds shall be in the forms and denominations, bear maturities (without respect to the remaining average service life of facilities), and be subject to terms and conditions as prescribed by the Administrator taking into account terms and conditions prevailing in the market for similar bonds and financing practices of the utility industry. Provisions for early retirement of bonds may be prescribed by each Administrator. The bonds shall bear interest at a rate determined by the Administrator.

(b) Each Administrator may enter into any contract that the Administrator considers necessary for the purposes of carrying out this part including, but not limited to, contracts for—

(1) the payment of the principal, interest, and premium, if any, on bonds issued under this part;

(2) their purchase or redemption;

(3) the payment of costs and expenses incidental to their payment, purchase, and redemption; or

(4) the creation of reserve and other funds to be held by the Secretary of the Treasury as trustee, which funds the Administrator may pledge exclusively to pay those costs for which the funds were created and may establish a lien on the funds in favor of the beneficiaries of the funds under any indenture, resolution, or other agreement entered into in connection with the issuance of bonds under this part.

(c) Bonds issued under this part—

(1) shall be issuable and negotiable through the Federal wire system;

(2) are negotiable instruments that may be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which is under the authority or control of any officer or agency of the United States;

(3) may be held, without limitation, by national banks;

(4) qualify as legal instruments for banks, savings and loan institutions, and credit unions; and

(5) are eligible collateral for Federal advances and discounts, for deposits of the

United States, and for Treasury tax and loan accounts.

(d) Bonds issued under this part are exempt both as to principal and interest from all taxation by any State or local taxing authority, except estate, inheritance, and gift taxes.

(e) Bonds issued under this part shall contain a recital that they are issued under this part and such a recital is conclusive evidence of the regularity of the issuance and sale of the bonds and their validity.

(f) These bonds are not intended to be and are not secured by the full faith and credit of the United States.

(g) The bonds issued under this part, all receipts of the Secretary of the Treasury under this part, any portion of the Fund established under section 310 related to these bonds, all receipts and disbursements of the Fund related to these bonds, and all expenditures by an Administrator related to these bonds—

(1) are exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government, sequestration order, or discretionary spending limit;

(2) are exempt from any order issued pursuant to sections 251, 252, or 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(3) are not subject to apportionment under subchapter II of chapter 15 of title 31, United States Code.

(h) With respect to the Western Area Power Administration, except as otherwise provided, this Act is considered to be a supplement to the Federal reclamation laws.●

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1639. A bill for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

PRESIDIO CORPORATION ESTABLISHMENT

● Mrs. BOXER. Mr. President, today I am introducing legislation, on behalf of myself and my colleague, Senator FEINSTEIN, the senior Senator from California, that will contribute to the success of the Presidio of San Francisco as a national park.

In 1972, Congress recognized the park potential of the Presidio. At that time Congressman Phil Burton's legislation creating the Golden Gate National Recreation Area [GGNRA] was drawn to include the Presidio, and provided that the Presidio would become a national park when it was no longer needed by the Army.

That time has now come, and the Army has begun the process of leaving the Presidio. Planning for the transition from military base to park has been underway and the draft general management plan for the Presidio was released last month for public comment.

It is projected that the new park will attract 10 million or more visitors a year. Those visitors will enjoy one of the most beautiful and historic urban open spaces in the world not already set aside as a park. The park offers a spectacular vistas of the Pacific Ocean, the Golden Gate, the Marin Headlands, San Francisco Bay, and the skyline of San Francisco.

The Presidio also offers over 200 years of military history, from its founding in 1776, through the Civil War, the Spanish-American War, and World Wars I and II. Presidio architecture represents a remarkable collection of structures dating from the days of Mexican sovereignty over California. The entire Presidio was declared a National Historic Landmark in 1962.

The bill I am introducing today is the second step in a two-step process designed to make the Presidio park as self-sufficient as possible and to minimize the need for annual congressional appropriations. The first bill, introduced by Senator FEINSTEIN and myself 2 weeks ago, will provide the Secretary of the Interior the authority he needs to go forward, on an interim basis, with lease negotiations for Presidio properties. The bill we introduce today will establish the Presidio Corp., a public benefit corporation modeled on the Pennsylvania Avenue Development Corp.

The corporation will manage the facilities at the Presidio which are not of the type normally administered by the National Park Service. It will be responsible for leasing, maintenance, and property management—all within the provisions of the final National Park Service plan for the Presidio. The open space, forests, and recreational land will be managed by the Park Service as they are doing in other parts of the GGNRA.

Critical to the success of this undertaking will be the Presidio's ability to generate revenues to offset the costs of operation and capital improvement. The corporation would have the flexibility necessary to negotiate terms of leases and other contracts, to leverage lease revenues and to utilize a staff qualified in financial management. It would be accountable to the public through a public-private governing board of directors, annual auditing and reporting requirements, and a statutory requirement to adhere to the publicly approved general management plan for the Presidio.

According to expert analysis, the Presidio Corp. established by this bill would produce savings of 20 to 30 percent when compared to the cost of total Federal management of the Presidio. The Presidio is an example of defense conversion that will be cost effective while serving an important national purpose.

This bill has the support of the Park Service, the Department of the Interior, local and national environmental groups, and the local community.

The Presidio is one of the Nation's great treasures. If we act now, we can ensure its successful transformation from a military base into a monument to environmental preservation and recreation as a national park.●

By Mr. EXON:

S. 1640. A bill to amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1993

Mr. EXON. Mr. President, I rise to introduce the Hazardous Materials Transportation Authorization Act of 1993, S. 1640.

This legislation builds on the success of the Hazardous Materials Transportation Uniform Safety Act of 1990. Over the years, the United States of America has developed a most impressive safety record for the transportation of hazardous materials. There are nearly a half-million hazmat movements each and every day. Rarely is there a dangerous incident.

Unfortunately, that record is not good enough. Each year there are still thousands of unintentional hazmat releases, 400 human injuries, and 8 to 10 deaths as a result of hazardous materials incidents. Safety can and must be improved.

The 1993 Hazardous Materials Transportation Authorization Act makes commonsense changes which will significantly advance hazardous transportation safety on all modes. The presence of hazardous materials on the Nation's highways and byways also highlights the need for several truck safety initiatives also included in this legislation.

On July 21 of this year the Surface Transportation Subcommittee heard testimony from the Clinton administration, shippers, carriers, emergency response providers, and labor. This legislation takes into consideration that testimony and proposes significant, but manageable, safety improvements.

The bill reauthorizes the hazmat program at the levels recommended by the President and incorporates several provisions to improve the use of hazmat resources by the Department of Transportation, as well as State and local authorities. To improve emergency response training and planning, provisions to allow Indian tribes to qualify for hazmat planning grants, and clarifications to the training criteria for emergency response are added to the basic hazmat law. The bill requires the retention of shipping papers. In addition, to prevent retaliation fromour international trading partners, a registration and fee exemption for offerors of hazmat shipments domiciled outside of the United States is included. All carriers of international hazmat shipments destined for the United States would be unaffected by this provision and would continue to file and pay registration fees.

As the Nation deploys intelligent vehicle highway systems IVHS the 1993 hazmat bill requires that the promotion of safe hazardous materials transportation become a top IVHS priority.

On the issue of rail tank car safety, it is fair to say that the previous administration took its time in responding to the repeated congressional concern, inquiry, and legislation. Incomplete rule makings on rail tank car safety issues have been pending for several years. Explanations and excuses from the executive branch must be replaced with action. This legislation requires that the Department of Transportation issue final rules within 12 months with regard to two pending rail tank car safety rulemakings.

Mr. President, one provision of which I am very proud attempts to motivate safe behavior at rail-highway grade crossings. Under the 1993 bill, a new Federal fine of up to $25,000 could be imposed on any driver of a motor vehicle carrying hazardous materials or a driver of any commercial motor vehicle, entering a highway-railroad grade crossing without having sufficient space to drive completely through the crossing without stopping. Earlier this year, an Amtrak train hit a tanker truck grid-locked in a grade crossing. The resulting fireball from the crash killed the driver and several innocent individuals in nearby cars. The threat of a significant Federal civil penalty should get the attention of all drivers.

In the area of general safety enforcement, the bill improves law enforcement's ability to enforce current hours of service rules for all professional drivers and recognizes the special hours of service needs of rural America during planting season. The bill also requires the Secretary to issue rules which will make it easier for employers to verify the safety record of new truck drivers.

The final provision I will mention creates a toll-free number for drivers, shippers, and the public to call to report potential Hazardous Materials Transportation Act violations.

Mr. President, my top priority as chairman of the Surface Transportation Subcommittee is to ensure safety. This legislation advances safety in a responsible and deliberate manner. I encourage my colleagues to study and support this necessary and important legislation.

Thank you, Mr. President. I ask unanimous consent that the text of the Hazardous materials Authorization Act of 1993 be entered into the RECORD as if read following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Materials Transportation Authorization Act of 1993".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 115(a) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1812(a)) is amended by striking all after "not to exceed" and inserting in lieu thereof "$12,600,000 for fiscal year 1994, $13,100,000 for fiscal year 1995, and $13,600,000 for fiscal year 1996.".

SEC. 3. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.

Section 106(c) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)) is amended by adding at the end the following new paragraph:

"(16) FOREIGN OFFERORS.—A person who is domiciled outside the United States and who offers, solely from a location outside the United States, hazardous materials for transportation in commerce does not have to file a registration statement under this subsection.".

SEC. 4. PLANNING GRANTS FOR INDIAN TRIBES.

(a) AUTHORITY TO MAKE GRANTS.—Section 117A(a)(1) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)(1)) is amended—

(1) in the introductory matter, by inserting "and Indian tribes" immediately after "States"; and

(2) in subparagraph (A), by striking "within a State and between a State and another State" and inserting in lieu thereof "within the lands under the jurisdiction of a State or Indian Tribe, and between the lands under the jurisdiction of a State or Indian tribe and the lands of another State or Indian tribe".

(b) MAINTENANCE OF EFFORT.—Section 117A(a)(2) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)(2)) is amended by inserting "or Indian tribe" immediately after "State" each place it appears.

(c) COORDINATION OF PLANNING.—Section 117A(a) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1815(a)) is amended by adding at the end the following new paragraph:

"(4) COORDINATION OF PLANNING.—A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes.".

SEC. 5. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.

Sectin 106(b)(3) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(b)(3)) is amended—

(1) in the paragraph heading, by striking "EMERGENCY RESPONSE" and insert in lieu thereof "EMPLOYEE";

(2) by inserting "or duplicate" immediately after "conflict with"; and

(3) by striking all after "Labor relating to" through "(and amendments thereto) and" and inserting in lieu thereof "hazard communication, and hazardous waste operations and emergency response, contained in part 1910 of title 29 of the Code of Federal Regulations (and amendments thereto) or".

SEC. 6. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

Section 112(b) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1811(b)) is amended—

(1) by inserting immediately after "(b) FEES.—" the following heading:

"(1) RESTRICTION.—"; and

(2) by adding at the end the following new paragraph:

"(2) DISCLOSURE. —A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

"(A) the basis on which the fee is levied upon persons involved in such transportation;

"(B) the purposes for which the revenues from the fee are used;

"(C) the annual total amount of the revenues collected from the fee; and

"(D) such other matters as the Secretary requests.".

SEC. 7. ANNUAL REPORT.

Section 109 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1808(e) is amended by striking the first sentence and inserting in lieu thereof the following: "The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years.".

SEC. 8. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system technologies to promote hazardous materials transportation safety. The Secretary of Transportation shall ensure that one or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

SEC. 9. RAIL TANK CAR SAFETY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations under the following:

(1) The rulemaking proceeding under Docket NM-175A entitled "Crashworthiness Protection Requirements for Tank Cars".

(2) The rulemaking proceeding under Docket HM-201 entitled "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks".

SEC. 10. SAFE PLACEMENT OF TRAIN CARS.

The Secretary of Transportation shall conduct a study of existing practices regarding the placement of cars on trains, with particular attention to the placement of cars that carry hazardous materials. In conducting the study, the Secretary shall consider whether such placement practices increased the risk of derailment, hazardous materials, spills, or tank ruptures or have any other adverse effect on safety. The results of the study shall besubmitted to Congress within 1 year after the date of enactment of this Act.

SEC. 11. GRADE CROSSING SAFETY.

The Secretary of Transportation shall, within 6 months after the date of enactment of this Act, amend regulations—

(1) under the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) to prohibit the driver of a motor vehicle transporting hazardous materials in commerce, and

(2) under the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2501 et seq.) to prohibit the driver of any commercial motor vehicle, from driving the motor vehicle onto a highway-rail grade crossing without having sufficient space to drive completely through the crossing without stopping.

SEC. 12. DRIVER'S RECORD OF DUTY STATUS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations amending section 395.8(k) of title 49, Code of Federal Regulations, to require that any supporting document bearing on the record of duty status of a driver who operates a commercial motor vehicle—

(1) be retained, by the motor carrier using such driver, for at least 6 months following its receipt of such document; and

(2) include information identifying the driver and vehicle related to the document.

(b) DEFINITION.—In this section, the term "supporting document" means any electronic or paper document or record generated in the normal course of business, in the provision of transportation by commercial motor vehicle, that could be used by a safety inspector or motor carrier to verify the accuracy of entries in a driver's record of duty status, including trip reports, pay slips, bills of lading or shipping papers, and receipts for fuel, lodging, and tolls.

SEC. 13. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.

(a) AMENDMENT OF REGULATIONS.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations, to—

(1) specify the safety information that must be sought under that section by a motor carrier with respect to a driver;

(2) require that such information be requested from former employers and that former employers furnish the requested information within 30 days after receiving the request; and

(3) ensure that the driver to whom such information applies has a reasonable opportunity to review and comment on the information.

(b) SAFETY INFORMATION.—The safety information required to be specified under subsection (a)(1) shall include information on—

(1) any motor vehicle accidents in which the driver was involved during the preceding 3 years;

(2) any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 12020 of the Commercial Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701) after being found to have used, in violation of law or Federal regulation, alcohol or a controlled substance;

(3) any use by the driver, during the preceding 3 years, in violation of law or Federal regulation, of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and

(4) any other matters determined by the Secretary of Transportation to be appropriate and useful for determining the driver's safety performance.

(c) FORMER EMPLOYER.—For purposes of this section, a former employer is any person who employed the driver in the preceding 3 years.

SEC. 14. RETENTION OF SHIPPING PAPERS.

(a) AMENDMENT.—Section 105(g) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1804 (g)) is amended by adding at the end the following new paragraph:

"(5) RETENTION OF PAPERS.—After the hazardous material to which a shipping paper provided to a carrier under paragraph (1) applies is no longer in transportation, the person who provided the shipping paper and the carrier required to maintain it under paragraph (1) shall retain the paper at their respective principal places of business. Such person and carrier shall, upon request, make the shipping paper available to a Federal, State, or local government agency at reasonable times and locations.".

(b) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall issue regulations implementing the requirements of paragraph (5) of section 105(g) of the Hazardous Materials Transportation Act, as added by subsection (a) of this section.

SEC. 15. TOLL FREE NUMBER FOR REPORTING.

The Secretary of Transportation shall establish a toll free "800" telephone number for transporters of hazardous materials and other individuals to report to the Secretary possible violations of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.) or any order or regulation issued under the Act.

SEC. 16. TECHNICAL CORRECTIONS.

(a) AMENDMENTS RELATING TO PACKAGING.—(1) Sections 103(5)(B), 103(6)(A)(iii), and 109(c) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1802(5)(B), 1802(6)(A)(iii), 1808(c)) are each amended by striking "packages" and inserting in lieu thereof "packaging".

(2) Sections 105(a)(3), 105(a)(4)(B)(v), 110(a)(1), and 120 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1804(a)(3), 1804(a)(4)(B)(v), 1809(a)(1), 1818) are each amended by striking "a package" and inserting in lieu thereof "packaging".

(3) Sections 106(c)(1)(B) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1805(c)(1)(B)) is amended—

(A) by striking "a bulk package" and inserting in lieu thereof "bulk packaging"; and

(B) by striking "the package" and inserting in lieu thereof "the bulk packaging".

(b) OTHER.—(1) Section 105(a)(3) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1804(a)(3)) is amended by inserting "hazardous materials" immediately after "shipped".

(2) Section 105(e)(1) of the Hazardous Materials Transportation Act (49 App. U.S.C. 1804(e)(1)) is amended by striking "or package" and inserting in lieu thereof ", package, or packaging (or a component of a container, package, or packaging)".

SEC. 17. EXEMPTION FROM HOURS OF SERVICE REQUIREMENTS.

The Secretary of Transportation shall exempt farmers and retail farm suppliers from the hours of service requirements contained in section 395.3 of title 49, Code of Federal Regulations, when such farmers and retail farm suppliers are transporting farm supplies for agricultural purposes within a 50-mile radius of their distribution point during the crop-planting season.

By Mr. LEAHY:

S. 1646. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the Food Stamp Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP FRAUD REDUCTION ACT OF 1993

Mr. LEAHY. Mr. President, today I am introducing a bill which should greatly reduce the potential for food stamp fraud. The bill is based on a report issued by the Office of Technology Assessment of the U.S. Congress. The report is entitled "Making Government Work."

OTA has spent over a year studying the opportunities offered by the electronic transfer of food stamp benefits—rather than using paper coupons.

Under the current program, USDA prints more than 375 million food stamp booklets per year, which amounts to 2.5 billion paper food coupons for food stamp households to use at retail stores.

These coupons are used once, except for one dollar coupons printed, which may be used to make change. The 2.5 billion coupons per year are printed, mailed, or otherwise issued to participants, shipped, counted, canceled, redeemed through the banking system by Treasury, shipped again, stored, and then destroyed. That cost can reach up to $60 million per year in total costs, Federal and State.

Issuing coupons is expensive. Some States mail them out each month and pay the postage for which they receive a partial Federal reimbursement. Some States hire staff to issue coupons at offices. Coupons are lost or stolen in the mail.

Also, food stamp recipients can get cash change in food stamp transactions if the cash does not exceed one dollar per purchase. This allows food stamp benefits to be diverted to the purchase of nonfood items.

In addition, food stamp coupons can be the subject of trafficking or outright theft.

The OTA report notes, on page 98, by eliminating cash change for food stamps and reducing the opportunity for trafficking in benefits, that a national electronic benefits transfer [EBT] system might reduce levels of food stamp benefit diversion by as much as 80 percent.

Let me repeat that—a national EBT system might reduce levels of food stamp benefit diversion by as much as 80 percent.

However, OTA issued a warning. OTA stated that Congress and the President need to act quickly on EBT if opportunities for integrating services and capturing economies of scale are to be realized.

OTA made several very important determinations regarding how this electronic benefits transfer [EBT] of food stamp benefits can greatly reduce fraud and assist participants.

OTA determined that EBT promises to reduce theft and fraud, as well as reduce errors, reduce paperwork, save time, and reduce delays and the stigma attached to food stamp coupons.

OTA stated that EBT can yield significant cost savings to retailers, recipients, financial institutions, and Government agencies. They also concluded that recipients, retailers, and financial institutions, and local program administrators who have tried EBT prefer it to coupons.

Food stamp recipients are also winners under an EBT system. OTA found that using EBT provided an added sense of dignity and security to food stamp families.

The bill calls for the Secretary of Agriculture, in coordination with the Secretary of Treasury and the Secretary of Health and Human Services, to design and implement a nationally coordinated feasibility test to more fully evaluate technological options, including online and offline EBT technologies, and hybrid approaches, for replacing paper food stamp coupons with EBT systems.

This test will examine the advantages and disadvantages of centralized, as opposed to decentralized, EBT systems and determine the degree to which a nationwide EBT system can be integrated with existing commercial networks. The study will also ascertain the likely impact of a nationwide EBT system on recipients, the State agencies and on local food stamp offices.

In addition, the test will examine the likely impact of a nationwide EBT system on the banking and retail food industries and examine ways to use laser scanner technology with EBT technology so that only eligible food items can be purchased by food stamp participants in those stores which use scanners.

Under the bill, the Secretary of Agriculture will also report to the Congress on additional ways to ensure the confidentiality of personal information in EBT systems and the applicability of the Privacy Act of 1974 to EBT systems. The Secretary will look at the need for interagency EBT regulations to maximize cost savings of EBT technology for Federal programs and the need for the National Institute of Standards and Technology to develop standards for card and terminal manufacture and for other aspects of EBT technology.

This report will also set forth the best approaches to maximize the use of existing point of sale terminals and existing EBT systems to reduce the costs of implementing a nationwide EBT system, as well as to identify the best approach to maximize the use of EBT systems for multiple Federal benefit programs.

The Secretary of Agriculture will also have to determine whether using the existing Food and Nutrition Service regions in the creation of a national EBT system would be cost-effective. In making this determination the Secretary shall explore other regional configurations of State agencies.

Mr. President: I am convinced that the single most important thing we can do to reduce fraud in the Food Stamp Program is to eliminate the use of coupons. My bill does that. Except for certain circumstances where EBT might be impossible to use, for example at farmers' markets authorized to participate in the Food Stamp Program, coupons would be eliminated 3 years after enactment.

We can essentially eliminate illegal trafficking in coupons. We can better assure that benefits go to needy families.

Plain and simply, I am sick and tired of petty thugs ripping off the Food Stamp Program. This bill will go a long way toward fixing that problem.

Will there be fraud under an EBT system. Where there is a will, there is a way. However, OTA notes that fraud, on balance, should be greatly reduced under EBT.

The "Making Government Work" study released today by OTA confirms the need to take control of a problem that we can fix. I have been working on this issue for years and have introduced legislation in the past to encourage use of EBT. Now my bill mandates EBT. I know it is the right thing to do.

The bill will eliminate food stamp coupons nationwide in 3 years with certain exceptions for farmers' markets, rural areas, or States which have difficulty in meeting the implementation deadline.

A personal security number will be assigned to each EBT card to help reduce misuse. This system will of course eliminate cash change since the system will store the declining balance of benefits allowed to be used down to the last penny.

In some stores with laser scanners, the system has the potential of allowing the purchase of only approved food items.

Prior to the conversion to EBT, the ability of States to voluntarily implement EBT systems is enhanced by requiring USDA to take into account the potential reductions in fraud associated with EBT.

Mr. President, I am very pleased that this administration is fully committed to the promise of EBT. The Vice President is leading the charge regarding using EBT to reduce Federal costs and increase Federal services.

I know that Secretary Mike Espy and Assistant Secretary Ellen Haas are rapidly moving forward in this area. They are convinced of the value of EBT systems. In my view, legislation is needed to give them the authority to move full speed ahead. Under this bill, most of the key decisions are entrusted to the Secretary of Agriculture or to the States within legislatively set time limits.

I look forward to working with Secretary Espy and with Assistant Secretary Ellen Haas regarding this issue.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Stamp Fraud Reduction Act of 1993".

SEC. 2. FINDINGS.

(a) MAKING GOVERNMENT WORK FINDINGS.—In the findings of the report entitled "Making Government Work" regarding the electronic benefits transfer of food stamps and other government benefits, the Office of Technology Assessment found that—

(1) by eliminating cash change and reducing the opportunity for trafficking in benefits, a nationwide electronic benefits transfer system might reduce levels of food stamp benefit diversion by as much as 80 percent;

(2) electronic benefits transfer is likely to reduce theft and fraud, as well as reduce errors, paperwork, delays, and the stigma attached to food stamp coupons;

(3) Congress and the President need to act quickly on electronic benefits transfer if opportunities for integrating services and capturing economies of scale are to be realized;

(4) electronic benefits transfer is proven, reliable, and easy to use;

(5) electronic benefits transfer can yield significant cost savings to retailers, recipients, financial institutions, and government agencies;

(6) recipients, retailers, financial institutions, and local program administrators who have tried electronic benefits transfer prefer electronic benefits transfer to coupons; and

(7) food stamp recipients using electronic benefits transfer experience an added sense of dignity and security.

(b) OTHER FINDINGS.—Congress finds that—

(1) the food stamp program prints more than 375,000,000 food stamp booklets per year, including 2,500,000,000 paper coupons;

(2) food stamp coupons (except for $1 coupons) are used once, and each 1 of the over 2,000,000,000 coupons per year is then counted, canceled, shipped, redeemed through the banking system by the Secretary of the Treasury, stored, and destroyed;

(3) food stamp recipients can receive cash change in food stamp transactions if the cash does not exceed $1 per purchase; and

(4) the printing, distribution, handling, and redemption of coupons costs at least $60,000,000 per year

SEC. 3. ELIMINATION OF FOOD STAMP COUPONS.

Section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013) is amended by adding at the end the following new subsection:

"(d)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this Act, effective beginning on the date that is 3 years after the date of enactment of this subsection, no State may participate in the food stamp program if the State issues or uses food stamp coupons to carry out the program.

"(2) Paragraph (1) shall not apply to the extent that—

"(A) a use of food stamp coupons is specifically authorized by section 7; or

"(B) the Secretary grants a waiver to a State to delay implementation of electronic benefits transfer for good cause shown by the State.".

SEC. 4. NATIONWIDE ELECTRONIC BENEFITS TRANSFER FEASIBILITY TEST.

(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Treasury and the Secretary of Health and Human Services, shall conduct a nationwide coordinated feasibility test to—

(1) more fully evaluate technological options, including on-line, off-line, and hybrid electronic benefits transfer technologies, for replacing paper food stamp coupons with electronic benefits transfer systems;

(2) examine the advantages and disadvantages of centralized, as opposed to decentralized, electronic benefits transfer systems;

(3) determine the degree to which a nationwide electronic benefits transfer system could be integrated with commercial networks;

(4) ascertain the likely impact of a nationwide electronic benefits transfer system on recipients, State agencies, and local food stamp offices;

(5) examine the likely impact of a nationwide electronic benefits transfer system on the banking and retail food industries; and

(6) examine means of using laser scanner technology with electronic benefits transfer technology so that only eligible food items can be purchased by food stamp participants in stores that use scanners.

(b) INITIAL REPORT.—Not later than 290 days after the date of enactment of this Act, the Secretary of Agriculture, in coordination with the Secretary of the Treasury and the Secretary of Health and Human Services, shall report to the appropriate committees of Congress on—

(1) means of ensuring the confidentiality of personal information in electronic benefits transfer systems and the applicability of section 552a of title 5, United States Code, to electronic benefits transfer systems;

(2) the need for regulations to coordinate the electronic benefits transfer systems of agencies to maximize the cost savings of electronic benefits transfer technology for Federal programs;

(3) the need for the National Institute of Standards and Technology to develop standards for card and terminal manufacture and standards for other aspects of electronic benefits transfer technology;

(4) the best approaches for maximizing the use of then current point of sale terminals and systems to reduce the costs of implementing a nationwide electronic benefits transfer system; and

(5) the best approaches for maximizing the use of electronic benefits transfer systems for multiple Federal benefit programs so as to achieve the highest cost savings possible through the implementation of electronic benefits transfer systems.

(c) TWO-YEAR REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture shall report to the appropriate committees of Congress on the results of the feasibility test conducted under subsection (a).

SEC. 5. IMPLEMENTATION OF NATIONWIDE ELECTRONIC BENEFITS TRANSFER SYSTEM.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended—

(1) in subsection (i)(2)(A), by inserting after "startup costs" the following: "less estimated savings achieved by reductions in fraud and other diversions of benefits"; and

(2) by adding at the end the following new subsection:

"(j)(1)(A) The Secretary shall coordinate with, and assist, each State agency in the conversion from use of coupons to electronic benefits transfer technology.

"(B) The Secretary shall assist stores located in very rural areas, stores without access to electricity or regular telephone service, and farmers' markets that are authorized to accept coupons to continue to participate in the food stamp program after the conversion to electronic benefits transfer technology.

"(C) The Secretary may permit the use of coupons or other means of providing benefits to food stamp households that use stores or markets described in subparagraph (B).

"(D) The Secretary shall waive the application of any other provision of this Act, to the extent the waiver is necessary to carry out subparagraphs (B) and (C).

"(2) Not later than 18 months after the date of enactment of Food Stamp Fraud Reduction Act of 1993, the Secretary shall—

"(A) determine whether using the then current Food and Nutrition Service regions, or other regional configurations of State agencies, would be the most cost-effective means of establishing a nationwide electronic benefits transfer system; and

"(B) report to the appropriate committees of Congress on the determination made under subparagraph (A).

"(3) Not later than 30 months after the date of enactment of Food Stamp Fraud Reduction Act of 1993, the Secretary shall publish proposed regulations setting forth the rules and procedures for a nationwide electronic benefits transfer system to carry out the food stamp program.

"(4)(A) Not later than 3 years after the date of enactment of Food Stamp Fraud Reduction Act of 1993, subject to subparagraph (B), the Secretary shall require, by regulation, a nationwide electronic benefits transfer system to carry out the food stamp program.

"(B) In establishing the system required under subparagraph (A), the Secretary—

"(i) shall take into account the results of the test, determination, and reports made under section 4 of the Food Stamp Fraud Reduction Act of 1993 and paragraph (2);

"(ii) may establish a national, regional, or State system;

"(iii) may use on-line, off-line, or hybrid electronic benefits transfer technologies;

"(iv) may waive the application of any other provision of this Act to the extent the waiver is necessary to carry out this paragraph, except that household eligibility and benefit levels may not be reduced as a result of a waiver; and

"(v) shall ensure that a personal identification number is issued with each electronic benefits transfer card in order to help protect the integrity of the food stamp program.

"(C) The regulations required under subparagraph (A) shall set forth standards regarding—

"(i) the required level of recipient protection regarding privacy, ease of use, and access to and service in retail food stores;

"(ii) the terms and conditions of participation by retail food stores, financial institutions, and other appropriate parties;

"(iii) system security;

"(iv) system transaction interchange, reliability, and processing speeds;

"(v) financial accountability;

"(vi) the required testing of system operations prior to implementation; and

"(vii) rules prohibiting store participation unless any special equipment necessary to permit households to purchase food with the benefits issued under this Act is operational—

"(I) in the case of a participating retail food store in which benefits are used to purchase 15 percent or more of the total dollar amount of food sold by the store (as determined by the Secretary), at all registers in the store; and

"(II) in the case of other participating stores, at a sufficient number of registers to provide service that is comparable to service provided individuals who are not members of food stamp households, as determined by the Secretary.

"(D) Administrative costs incurred in connection with activities under this subsection shall be eligible for reimbursement in accordance with section 16, subject to the limitations in section 16(g).".

SEC. 6. CONFORMING AMENDMENTS.

(a) Section 3 of the Food Stamp Act of 1977 (42 U.S.C. 2012) is amended—

(1) in subsection (a), by striking "coupons" and inserting "benefits";

(2) in the first sentence of subsection (c), by striking "authorization cards" and inserting "allotments";

(3) in subsection (d), by striking "the provisions of this Act" and inserting "section 7(g)";

(4) in subsection (e)—

(A) by striking "Coupon issuer" and inserting "Benefit issuer"; and

(B) by striking "coupons" and inserting "benefits";

(5) in the last sentence of subsection (i), by striking "coupons" and inserting "allotments"; and

(6) by adding at the end the following new subsection:

"(u) 'Electronic benefits transfer card' means a card issued to a household participating in the program that is used to purchase food.".

(b) Section 4(a) of such Act (7 U.S.C. 2013(a)) is amended—

(1) in the first and second sentences, by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons"; and

(2) by striking the third sentence and inserting the following new sentence: "The Secretary, through the facilities of the Treasury of the United States, shall reimburse the stores for food purchases made with electronic benefits transfer cards or coupons provided under this Act.".

(c) The first sentence of section 6(b)(1) of such Act (7 U.S.C. 2015(b)(1)) is amended—

(1) by striking "coupons or authorization cards" and inserting "electronic benefits transfer cards, coupons, or authorization cards"; and

(2) in clauses (ii) and (iii), by inserting "or electronic benefits transfer cards" after "coupons" each place it appears.

(d) Section 7 of such Act (7 U.S.C. 2016) is amended—

(1) by striking the section heading and inserting the following new section heading:

"ISSUANCE AND USE OF ELECTRONIC BENEFITS TRANSFER CARDS OR COUPONS";

(2) in subsection (a), by striking "Coupons" and all that follows through "necessary, and" and inserting "Electronic benefits transfer cards or coupons";

(3) in subsection (b), by striking "Coupons" and inserting "Electronic benefits transfer cards";

(4) in subsection (f)—

(A) by striking "issuance of coupons" and inserting "issuance of electronic benefits transfer cards or coupons";

(B) by striking "coupon issuer" and inserting "electronic benefits transfer or coupon issuer"; and

(C) by striking "coupons and allotments" and inserting "electronic benefits transfer cards, coupons, and allotments";

(5) by striking subsections (g) through (i); and

(6) by redesignating subsection (j) (as added by section 5(2)) as subsection (g).

(e) Section 8(b) of such Act (7 U.S.C. 2017(b)) is amended by striking "coupons" and inserting "electronic benefits transfer cards or coupons".

(f) Section 9 of such Act (7 U.S.C. 2018) is amended—

(1) in subsections (a) and (b), by striking "coupons" each place it appears and inserting "coupons, or accept electronic benefits transfer cards,"; and

(2) in subsection (a)(1)(B), by striking "coupon business" and inserting "electronic benefits transfer cards and coupon business".

(g) The first sentence of section 10 of such Act (7 U.S.C. 2019) is amended—

(1) by inserting after "provide for" the following: "reimbursing stores for purchases made with electronic benefits transfer cards and for"; and

(2) by inserting after "food coupons" the following: "or use their members' electronic benefits transfer cards".

(h) Section 11 of such Act (7 U.S.C. 2020) is amended—

(1) in the first sentence of subsection (a), by striking "coupons" and inserting "electronic benefits transfer cards or coupons,";

(2) in subsection (e)—

(A) in paragraph (2)—

(i) by striking "a coupon allotment" and inserting "an allotment"; and

(ii) by striking "issuing coupons" and inserting "issuing electronic benefits transfer cards or coupons";

(B) in paragraph (7), by striking "coupon issuance" and inserting "electronic benefits transfer card or coupon issuance";

(C) in paragraph (8)(C), by striking "coupons" and inserting "benefits";

(D) in paragraph (9), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons";

(E) in paragraph (11), by striking "in the form of coupons";

(F) in paragraph (16), by striking "coupons" and inserting "electronic benefits transfer card or coupons";

(G) in paragraph (20)—

(i) by striking "their coupons" and inserting "the electronic benefits transfer cards or coupons of the households";

(ii) by striking "a coupon issuer" and inserting "an electronic benefits transfer card or a coupon issuer"; and

(iii) by striking "face value of any coupons" and inserting "value of any benefits or coupons";

(H) in paragraph (21), by striking "coupons" and inserting "electronic benefits transfer cards or coupons";

(I) in paragraph (24), by striking "coupons" and inserting "benefits"; and

(J) in paragraph (25), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons"; and

(3) in subsection (h), by striking "face value of any coupon or coupons" and inserting "value of any benefits or coupons".

(i) Section 12 of such Act (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3), by striking "coupons" each place it appears and inserting "electronic benefits transfer cards or coupons";

(2) in subsection (d)—

(A) in the first sentence—

(i) by inserting after "redeem coupons" the following: "and to accept electronic benefits transfer cards"; and

(ii) by striking "value of coupons" and inserting "value of benefits and coupons"; and

(B) in the third sentence, by striking "coupons" each place it appears and inserting "coupons or benefits"; and

(3) in the first sentence of subsection (f)—

(A) by inserting after "to accept and redeem food coupons" the following: "electronic benefits transfer cards, or to accept and redeem food coupons,"; and

(B) by inserting before the period at the end the following: "or program benefits".

(j) Section 13 of such Act (7 U.S.C. 2022) is amended by striking "coupons" each place it appears and inserting "benefits".

(k) Section 15 of such Act (7 U.S.C. 2024) is amended—

(1) in subsection (a), by striking "issuance or presentment for redemption" and inserting "issuance, presentment for redemption, or use of electronic benefits transfer cards or";

(2) in the first sentence of subsection (b)(1)—

(A) by inserting after "coupons, authorization cards," each place it appears the following: "electronic benefits transfer cards,"; and

(B) by striking "coupons or authorization cards" each place it appears and inserting the following: "coupons, authorization cards, or electronic benefits transfer cards"; and

(3) in the first sentence of subsection (g), by inserting after "coupons, authorization cards," the following: "electronic benefits transfer cards,".

(l) Section 17 of such Act (7 U.S.C. 2026) is amended—

(1) in the last sentence of subsection (a)(2), by striking "coupon" and inserting "benefit";

(2) in subsection (d)(1)(B), by striking "coupons" each place it appears and inserting "benefits";

(3) by striking subsection (f); and

(4) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(m) Section 21 of such Act (7 U.S.C. 2030) is amended—

(1) by striking "coupons" each place it appears (other than in subsections (b)(2)(A)(ii) and (d)) and inserting "benefits";

(2) in subsection (b)(2)(A)(ii), by striking "coupons" and inserting "electronic benefits transfer cards or coupons"; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "Coupons" and inserting "Benefits"; and

(B) in paragraph (3), by striking "in food coupons".

(n) Section 22 of such Act (7 U.S.C. 2031) is amended—

(1) in subsection (b)—

(A) in paragraph (3)(D)—

(i) in clause (ii), by striking "coupons" and inserting "benefits"; and

(ii) in clause (iii), by striking "coupons" and inserting "electronic benefits transfer benefits";

(B) in paragraph (9), by striking "coupons" and inserting "benefits";

(C) in paragraph (10)(B)—

(i) in the second sentence of clause (i), by striking "Food coupons" and inserting "Program benefits"; and

(ii) in clause (ii)—

(I) in the second sentence, by striking "Food coupons" and inserting "Benefits"; and

(II) in the third sentence, by striking "food coupons" each place it appears and inserting "benefits";

(2) in subsection (d), by striking "coupons" each place it appears and inserting "benefits";

(3) in subsection (g)(1)(A), by striking "coupon"; and

(4) in subsection (h), by striking "food coupons" and inserting "benefits".

(o) Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "electronic benefits transfer cards or" before "coupons having".

(p) This section and the amendments made by this section shall become effective on the date that the Secretary of Agriculture implements a nationwide electronic benefits transfer system in accordance with section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) (as amended by this Act).

ADDITIONAL COSPONSORS

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 426

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 426, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 482

At the request of Mr. BOREN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1329

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1501

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1501, a bill to repeal certain provisions of law relating to trading with Indians.

S. 1527

At the request of Mr. RIEGLE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1527, a bill to provide for fair trade in financial services.

S. 1583

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1583, a bill to impose comprehensive economic sanctions against Iran.

S. 1618

At the request of Mr. MCCAIN, the name of the Senator from Colorado

[Mr. CAMPBELL] was added as a cosponsor of S. 1618, a bill to establish Tribal Self-Governance, and for other purposes.

S. 1622

At the request of Mr. BREAUX, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 1622, a bill to amend the Internal Revenue Code of 1986 to treat geological, geophysical, and surface casing costs like intangible drilling and development costs, and for other purposes.

S. 1629

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1629, a bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 148

At the request of Mr. BROWN, the names of the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Joint Resolution 148, a joint resolution proposing an amendment to the Constitution of the United States barring Federal unfunded mandates to the States.

SENATE CONCURRENT RESOLUTION 45

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Concurrent Resolution 45, a concurrent resolution relating to the Republic of China on Taiwan's participation in the United Nations.

SENATE RESOLUTION 152

At the request of Mr. NICKLES, the names of the Senator from Indiana [Mr. COATS], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to prohibit the consideration of any retroactive tax increase unless three-fifths of all Senators duly chosen and sworn waive the prohibition by roll call vote.

SENATE RESOLUTION 160

At the request of Mr. DURENBERGER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Resolution 160, a resolution expressing the sense of the Senate regarding the October 21, 1993, attempted coup d'etat in Burundi, and for other purposes.

SENATE RESOLUTION 162

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 162, a resolution relating to the treatment of Hugo Princz, a United States citizen by the Federal Republic of Germany.

AMENDMENT NO. 1113

At the request of Mr. WOFFORD his name was added as a cosponsor of amendment No. 1113 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENTS SUBMITTED

VIOLENT CRIME CONTROL AND PREVENTION ACT OF 1993

WELLSTONE AMENDMENT NO. 1123

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill (S. 1607) a bill to control and prevent crime; as follows:

At the appropriate place insert the following:

TITLE —DOMESTIC VIOLENCE

SEC. 1. SHORT TITLE.

This title may be cited as the "Domestic Violence Firearm Prevention Act".

SEC. 2. FINDINGS—

The Congress finds that—

(1) domestic violence is the leading cause of injury to women in the United States between the ages of 15 and 44;

(2) firearms are used by the abuser in 7 percent of domestic violence incidents; and

(3) individuals with a history of domestic abuse should not have easy access to firearms.

SEC 3. PROHIBITION AGAINST DISPOSAL OF FIREARMS TO, OR RECEIPT OF FIREARMS BY, PERSONS WHO HAVE COMMITTED DOMESTIC ABUSE.

(a) PROHIBITION AGAINST DISPOSAL OF FIREARMS.—Section 922(d) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; or"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of the United States of an offense that—

"(i) has as an element the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by a court of the United States in a case involving the use, attempted use, or threatened use of physical force against a person described in subparagraph (A), to maintain a minimum distance from that person.".

(b) PROHIBITION AGAINST RECEIPT OF FIREARMS.—Section 922(g) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by inserting "or" at the end of paragraph (7); and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) has been convicted in any court of the United States of an offense that—

"(i) has as an element the use, attempted use, or threatened use of physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person; or

"(ii) by its nature, involves a substantial risk that physical force against a person who is a spouse, former spouse, domestic partner, child, or former child of the person may be used in the course of committing the offense; or

"(B) is required, pursuant to an order issued by a court of the United States in a case involving the use, attempted use, or threatened use of physical force against a person described in subparagraph (A), to maintain a minimum distance from that person;".

WELLSTONE (AND OTHERS) AMENDMENT NO. 1124

Mr. WELLSTONE (for himself, Mr. DODD, and Mr. INOUYE) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in the bill insert the following:

TITLE—

SECTION 01. SHORT TITLE.

This title may be cited as the "Child Safety Act".

SEC. 02. FINDINGS.

Congress finds the following:

(1) The problem of family violence does not necessarily cease when the victimized family is legally separated, divorced, or otherwise not sharing a household. During separation and divorce, family violence often escalates, and child custody and visitation become the new forum for the continuation of abuse.

(2) Some perpetrators use the children as pawns to control the abused party after the couple is separated.

(3) Every year an estimated 1,000 to 5,000 children are killed by their parents in the United States.

(4) In 1988, the Department of Justice reported that 354,100 children were abducted by family members who violated custody agreements or decrees. Most victims were children from ages 2 to 11 years.

(5) Approximately 160,000 children are seriously injured or impaired by abuse or neglect each year.

(6) Studies by the American Humane Association indicate that reports of child abuse and neglect have increased by over 200 percent from 1976 to 1986.

(7) Approximately 90 percent children in homes in which their mothers are abused witness the abuse.

(8) Data indicates that women and children are at elevated risk for violence during the process of and after separation.

(9) Fifty to 70 percent of men who abuse their spouses or partners also abuse their children.

(10) Up to 75 percent of all domestic assaults reported to law enforcement agencies were inflicted after the separation of the couples.

(11) In one study of spousal homicide, over half of the male defendants were separated from their victims.

(12) Seventy-three percent of battered women seeking emergency medical services do so after separation.

SEC. 03. PURPOSE.

The purpose of this Act is to authorize funding to enable supervised visitation centers to provide the following:

(1) Supervised visitation in cases where there is documented sexual, physical or emotional abuse as determined by the appropriate court.

(2) Supervised visitation in cases where there is suspected or elevated risk of sexual, physical or emotional abuse, or where there have been threats of parental abduction of the child.

(3) Supervised visitation for children who have been placed in foster homes as result of abuse.

(4) An evaluation of visitation between parents and children for child protection social services to assist such service providers in making determinations of whether the children should be returned to a previously abusive home.

(5) A safe location for custodial parents to temporarily transfer custody of their children with noncustodial parents, or to provide a protected visitation environment, where there has been a history of domestic violence or an order for protection is involved.

(6) An additional safeguard against the child witnessing abuse or a safeguard against the injury or death of a child or parent.

(7) An environment for families to have healthy interaction activities, quality time, non-violent memory building experiences during visitation to help build the parent/child relationship.

(8) Parent and child education and support groups to help parents heal and learn new skills, and to help children heal from past abuse.

SEC. 04. DEMONSTRATION GRANTS FOR SUPERVISED VISITATION CENTERS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") is authorized to award grants to and enter into contracts and cooperative agreements with public or nonprofit private entities to assist such entities in the establishment and operation of supervised visitation centers.

(b) CONSIDERATIONS.—In awarding grants, contracts and agreements under subsection (a), the Secretary shall take into account—

(1) the number of families to be served by the proposed visitation center to be established under the grant, contract or agreement;

(2) the extent to which supervised visitation centers are needed locally;

(3) the relative need of the applicant; and

(4) the capacity of the applicant to make rapid and effective use of assistance provided under the grant, contract or agreement.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts provided under a grant, contract or cooperative agreement awarded under this section shall be used to establish supervised visitation centers and for the purposes described in section 03. In using such amounts, grantees shall target the economically disadvantaged and those individuals, who could not otherwise afford such visitation services. Other individuals may be permitted to utilize the services provided by the center on a fee basis.

(2) COSTS.—To the extent practicable, the Secretary shall ensure that, with respect to recipients of grants, contracts or agreements under this section, the perpetrators of the family violence, abuse or neglect will be responsible for any and all costs associated with the supervised visitation undertaken at the center.

SEC. 05. DEMONSTRATION GRANT APPLICATION.

(a) IN GENERAL.—A grant, contract of cooperative agreement may not be made or entered into under this Act unless an application for such grant, contract or cooperative agreement has been submitted to and approved by the Secretary.

(b) APPROVAL.—Grants, contracts and cooperative agreements under this Act shall be awarded in accordance with such regulations as the Secretary may promulgate. At a minimum, to be approved by the Secretary under this section an application shall—

(1) demonstrate that the applicant has recognized expertise in the area of family violence and a record of high quality service to victims of family violence; and

(2) be submitted from an entity located in a State where State law requires the courts to consider evidence of violence in custody decisions.

SEC. 06. EVALUATION OF DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Not later than 30 days after the end of each fiscal year, a recipient of a grant, contract or cooperative agreement under this Act shall prepare and submit to the Secretary a report that contains information concerning—

(1) the number of families served per year;

(2) the number of families served per year categorized by—

(A) families who require that supervised visitation because of child abuse only;

(B) families who require supervised visitation because of a combination of child abuse and domestic violence; and

(C) families who require supervised visitation because of domestic violence only;

(3) the number of visits per family in the report year categorized by—

(A) supervised visitation required by the courts;

(B) supervised visitation based on suspected or elevated risk of sexual, physical, or emotional abuse, or threats of parental abduction of the child that is not court mandated;

(C) supervised visitation that is part of a foster care arrangement; and

(D) supervised visitation because of an order of protection;

(4) the number of supervised visitation arrangements terminated because of violations of visitation terms, including violence;

(5) the number of protective temporary transfers of custody during the report year;

(6) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecution and custody violations;

(7) the number of safety and security problems that occur during the report year;

(8) the number of families who are turned away because the center cannot accommodate the demand for services;

(9) the process by which children or abused partners will be protected during visitations, temporary custody transfers and other activities for which the supervised visitation centers are created; and

(10) any other information determined appropriate in regulations promulgated by the Secretary.

(b) EVALUATION.—In addition to submitting the reports required under subsection (a), an entity receiving a grant, contract or cooperative agreement under this Act shall have a collateral agreement with the court, the child protection social services division of the State, and local domestic violence agencies or State and local domestic violence coalitions to evaluate the supervised visitation center operated under the grant, contract or agreement. The entities conducting such evaluations shall submit a narrative evaluation of the center to both the center and the grantee.

(c) DEMONSTRATION OF NEED.—The recipient of a grant, contract or cooperative agreement under this Act shall demonstrate, during the first 3 years of the project operated under the grant, contract or agreement, the need for continued funding.

SEC. 07. SPECIAL GRANTS TO STUDY THE EFFECT OF SUPERVISED VISITATION ON SEXUALLY ABUSED OR SEVERELY PHYSICALLY ABUSED CHILDREN.

(a) AUTHORIZATION.—The Secretary is authorized to award special grants to public or nonprofit private entities to assist such entities in collecting clinical data for supervised visitation centers established under this Act to determine—

(1) the extent to which supervised visitation should be allowed between children who are sexually abused or severely physically abused by a parent, where the visitation is not predicated on the abusive parent having successively completed a specialized course of therapy for such abusers;

(2) the effect of supervised visitation on child victims of sexual abuse of severe physical abuse when the abusive parent exercising visitation has not completed specialized therapy and does not use the visitation to alleviate the child victim's guilt, fear, or confusion;

(3) the relationship between the type of abuse or neglect experienced by the child and the use of supervised visitation centers by the maltreating parent; and

(4) in cases of spouse or partner abuse only, the extent to which supervised visitation should be predicated on participation by the abusive spouse in a specialized treatment program.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including documentary evidence to demonstrate that the entity possesses a high level of clinical expertise and experience in child abuse treatment and prevention as they relate to visitation. The level of clinical expertise and experience required will be determined by the Secretary.

(c) REPORT.—Not later than 1 year after the date on which a grant is received under this section, and each year thereafter for the duration of the grant, the grantee shall prepare and submit to the Secretary a report containing the clinical data collected under such grant.

SEC. 08. REPORTING.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall prepare and sub it to the appropriate committees of Congress a report containing the information collected under the reports received under sections 05 and 07, including recommendations made by the Secretary concerning whether or not the supervised visitation center demonstration and clinical data programs should be authorized.

SEC. 09. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of awarding grants, contracts and cooperative agreements under this Act, there are authorized to be appropriated $15,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, and $25,000,000 for fiscal year 1996.

(b) DISTRIBUTION.—Of the amounts appropriated under subsection (a) for each fiscal year—

(1) not less than 80 percent shall be used to award grants, contracts, or cooperative agreements under section 05; and

(2) not more than 20 percent shall be used to award grants under section 07.

(c) DISBURSEMENT.—Amounts appropriated under this section shall be disbursed as categorical grants through the 10 regional offices of the Department of Health and Human Services.

SMITH AMENDMENT NO. 1125

Mr. SMITH (for himself and Mr. SIMPSON) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, add the following:

"SEC. . REMOVAL OF ALIEN TERRORISTS.

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting the following new section:

"REMOVAL OF ALIEN TERRORISTS

"SEC. 242C. (a) DEFINITIONS.—As used in this section—

"(1) the term 'alien terrorist' means any alien described in section 241(a)(4)(B);

"(2) the term 'classified information' has the same meaning as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(3) the term 'national security' has the same meaning as defined in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App. IV);

"(4) the term 'special court' means the court described in subsection (c) of this section; and

"(5) the term 'special removal hearing' means the hearing described in subsection (e) of this section.

"(b) APPLICATION FOR USE OF PROCEDURES.—The provisions of this section shall apply whenever the Attorney General certifies under seal to the special court that—

"(1) the Attorney General or Deputy Attorney General has approved of the proceeding under this section;

"(2) an alien terrorist is physically present in the United States; and

"(3) removal of such alien terrorist by deportation proceedings described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information.

"(c) SPECIAL COURT.—(1) The Chief Justice of the United States shall publicly designate up to 7 judges from up to 7 United States judicial districts to hear and decide cases arising under this section, in a manner consistent with the designation of judges described in section 103(a) of the Foreign Intelligence Surveillance Act (50 I.S.C. 1803(a)).

"(2) The Chief Justice may, in the Chief Justice's discretion, designate the same judges under this section as are designated pursuant to 50 U.S.C. 1803(a).

"(d) INVOCATION OF SPECIAL COURT PROCEDURE.—(1) When the Attorney General makes the application described in subsection (b), a single judge of the special court shall consider the application in camera and ex parte.

"(2) The judge shall invoke the procedures of subsection (e), if the judge determines that there is probable cause to believe that—

"(A) the alien who is the subject of the application has been correctly identified;

"(B) a deportation proceeding described in section 242, 242A, or 242B would pose a risk to the national security of the United States because such proceedings would disclose classified information; and

"(C) the threat posed by the alien's physical presence is immediate and invokes the risk of death or serious bodily harm.

"(e) SPECIAL REMOVAL HEARING.—(1) Except as provided in paragraph (4), the special removal hearing authorized by a showing of probable cause described in subsection (d)(2) shall be open to the public.

"(2) The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent such alien. Counsel may be appointed as described in section 300A of title 18, United States Code.

"(3) The alien shall have a right to introduce evidence on his own behalf, and except as provided in paragraph (4), shall have a right to cross-examine any witness or request that the judge issue a subpoena for the presence of a named witness.

"(4) The judge shall authorize the introduction in camera and ex parte of any item of evidence for which the judge determines that public disclosure would pose a risk to the national security of the United States because it would disclose classified information.

"(5) With respect to any evidence described in paragraph (4), the judge shall cause to be delivered to the alien either—

"(A)(i) the substitution for such evidence of a statement admitting relevant facts that the specific evidence would tend to prove, or (ii) the substitution for such evidence of a summary of the specific evidence; or

"(B) if disclosure of even the substituted evidence described in subparagraph (A) would create a substantial risk of death or serious bodily harm to any person, a statement informing the alien that no such summary is possible.

"(6) If the judge determines—

"(A) that the substituted evidence described in paragraph (4)(B) will provide the alien with substantially the same ability to make his defense as would disclosure of the specific evidence, or

"(B) that disclosure of even the substituted evidence described in paragraph (5)(A) would create a substantial risk of death or serious bodily harm to any person,

then the determination of deportation (described in subsection (f)) may be made pursuant to this section.

"(f) DETERMINATION OF DEPORTATION.—(1) If the determination in subsection (e)(6)(A) has been made, the judge shall, considering the evidence on the record as a whole, require that the alien be deported if the Attorney General proves, by clear and convincing evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(2) If the determination in subsection (e)(6)(B) has been made, the judge shall, considering the evidence received (in camera and otherwise), require that the alien be deported if the Attorney General proves, by clear, convincing, and unequivocal evidence, that the alien is subject to deportation because he is an alien as described in section 241(a)(4)(B).

"(g) APPEALS.—(1) The alien may appeal a determination under subsection (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under such subsection.

"(2) The Attorney General may appeal a determination under subsection (d), (e), or (f) to the court of appeals for the Federal Circuit, by filing a notice of appeal with such court within 20 days of the determination under any one of such subsections.

"(3 When requested by the Attorney General, the entire record of the proceeding under this section shall be transmitted to the court of appeals under seal. The court of appeals shall consider such appeal in camera and ex parte."

LOTT (AND OTHERS) AMENDMENT NO. 1126

Mr. LOTT (for himself, Mr. MCCAIN, Mr. GORTON, Mr. THURMOND, Mr. HELMS, and Mr. SMITH) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . MANDATORY LIFE IMPRISONMENT OF PERSONS CONVICTED OF A THIRD VIOLENT FELONY.

Section 3581 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c) IMPRISONMENT OF CERTAIN VIOLENT FELONS.—

"(1) DEFINITION.—In this section, violent felony' means a crime of violence (as defined in section 16) under Federal or State law that—

"(A) involves the threatened use, use, or risk of use of physical force against the person of another;

"(B) is punishable by a maximum term of imprisonment exceeding 1 year; and

"(C) is not designated as a misdemeanor by the law that defines the offense.

"(2) MANDATORY LIFE IMPRISONMENT.—Notwithstanding any other provision of this title or any other law, in the case of a conviction for a Federal violent felony, the court shall sentence the defendant to prison for life if the defendant has been convicted of a violent felony on 2 or more prior occasions.

"(3) RULE OF CONSTRUCTION.—This subsection shall not be construed to preclude imposition of the death penalty."

GLENN (AND OTHERS) AMENDMENT NO. 1127

Mr. GLENN (for himself, Mr. HELMS, Mr. LIEBERMAN, Mr. ROBB, Mr. INOUYE, Mr. KERRY and Mr. DORGAN) proposed an amendment to the bill S. 1607, supra; as follows:

On page 447, after line 23, add the following:

SEC. . EFFICIENCY IN LAW ENFORCEMENT AND CORRECTIONS.

(a) IN GENERAL.—In the administration of each grant program funded by appropriations authorized by this Act or by an amendment made by this Act, the Attorney General shall—

(1) encourage innovative methods for the low-cost construction of facilities to be constructed, converted, or expanded and the low-cost operation of such facilities; and the reduction of administrative costs and overhead expenses' and

(2) give priority to the use of surplus Federal property.

(b) ASSESSMENT OF CONSTRUCTION COMPONENTS AND DESIGNS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall make an assessment of the cost efficiency and utility of using modular, prefabricated, precast, and pre-engineered construction components and designs for housing nonviolent criminals.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that in providing assistance to State and local governments, the Attorney General should emphasize the provision of technical assistance in implementing methods to promote cost efficiency and realization of savings.

HELMS AMENDMENT NO. 1128

Mr. HELMS proposed an amendment to the bill S. 1607, supra; as follows:

To be added at the end of the bill:

"SEC. . RESTRICTION ON PAYMENT OF BENEFITS TO INDIVIDUALS CONFINED BY COURT ORDER TO PUBLIC INSTITUTIONS PURSUANT TO VERDICTS OF NOT GUILTY BY REASON OF INSANITY OR OTHER MENTAL DISORDER.

Section 202(x) of the Social Security Act (42 U.S.C. 402(x)) is amended—

(1) in the heading, by inserting "and Certain Other Inmates of Public Institutions" after "Prisoners":

(2) in paragraph (1) add "(A)" after (1)

(3) in paragraph (1), by inserting at the end: (B) Notwithstanding any other provision of this subchapter, no monthly benefits shall be paid under this section or under section 423 of this title to any individual for any month during which such individual is confined in any public institution by a court order pursuant to a verdict that the individual is not guilty of such an offense by reason of insanity (or by reason of a similar finding, such as a mental disease, a mental defect, or mental incompetence), unless the payment is made directly to the public institution to compensate the institution for its expenses."

(4) in paragraph (3), by striking "any individual" and all that follows and inserting "any individual confined as described in paragraph (1) if the jail prison, penal institution, correctional facility, or other public institution to which such individual is so confined is under the jurisdiction of such agency and the Secretary requires such information to carry out the provisions of this section.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to benefits for months commencing after 90 days after the date of the enactment of this Act.

THURMOND (AND OTHERS) AMENDMENT NO. 1129

Mr. THURMOND (for himself, Mr. METZENBAUM, Mr. DOLE, Mr. SIMPSON, Mr. NICKLES, Mr. KENNEDY, Mr. HATCH, Mr. HELMS, Mr. CRAIG, Mr. KEMPTHORNE, and Mr. BIDEN) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in the bill add the following:

SECTION . DEFINITION.

Section 1201 of title 18, United States Code, is amended by adding at the end thereof the following:

"(h) As used in this section, the term 'parent' does not include any person whose parental rights as to the victim of an offense under this section have been terminated by a final court order."

GRAMM AMENDMENT NO. 1130

Mr. GRAMM proposed an amendment to the bill S. 1607, supra; as follows:

Beginning on page 399, strike line 13 and all that follows through the period on line 11, page 404; and insert in lieu thereof the following:

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided bysection 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offense) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For the purpose of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

HATCH (AND OTHERS) AMENDMENT NO. 1131

Mr. HATCH (for himself, Mr. GRAMM, and Mr. DOLE) proposed an amendment to amendment No. 1130, proposed by Mr. GRAMM, to the bill S. 1607, supra; as follows:

In the pending amendment strike all after the first word and insert the following:

Subtitle B—Mandatory Minimum Sentence Guidelines

SEC. 2911. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 1 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a criminal offense, that resulted in the defendant's being taken into State custody);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or "(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense; and

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense.".

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act.

SEC. . INCREASED MANDATORY MINIMUM SENTENCES FOR CRIMINALS USING FIREARMS.

Section 924(c)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: "Except to the extent a greater minimum sentence is otherwise provided by the preceding sentence or by any other provision of this subsection or any other law, a person who, during and in relation to any crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which a person may be prosecuted in a court of the United States, uses or carries a firearm, shall, in addition to the punishment provided for such crime of violence or drug trafficking crime—

"(A) be punished by imprisonment for not less than 10 years;

"(B) if the firearm is discharged, be punished by imprisonment for not less than 20 years; and

"(C) if the death of a person results, be punished by death or by imprisonment for not less than life.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence." and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

SIMON AMENDMENT NO. 1132

Mr. SIMON (for himself and Mr. KOHL) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

No person in the United States shall be sentenced to death for a crime committed when the person was under 18 years of age. The district courts of the United States shall have jurisdiction of proceedings for injunctive and equitable relief to enforce this section.

McCAIN AMENDMENT NO. 1133

Mr. McCAIN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place in the bill, add the following:

"SEC. . PARENTAL ACCOUNTABILITY.

(a) IN GENERAL.—Chaper 43 of title 18, United States Code, is amended by adding at the end the following new section:

"SEC. 5043. CIVIL PENALTIES FOR PARENTS OF CERTAIN JUVENILE OFFENDERS.

(a) IN GENERAL.—(1) The parent or legal guardians of any juvenile charged with any violation of federal law shall attend all court proceedings involving the juvenile, and

(2) if the court finds that the legal guardian or guardians did not exercise reasonable care to control the juvenile,

(A) the legal guardian or guardians shall be ordered to perform the same community service sentence as required to be performed by the juvenile if such sentence is ordered, or

(B) may be ordered by the court to perform community service not to exceed 2 hours of service for each seven days of incarceration ordered for the juvenile if community service is not ordered for the juvenile if community service is not ordered to be performed by the juvenile.

(3) Paragraphs (1) or (2) may be waived, in whole or in part, by the court if it deems that compliance with paragraphs (1) and (2) would result in undue hardship to the family of the juvenile.

(4) for the purpose of this section, the term "juvenile" means any person under 18 years of age.

MOSELEY-BRAUN AMENDMENT NO. 1134

Ms. MOSELEY-BRAUN proposed an amendment to the amendment No. 1133, proposed by Mr. McCAIN to the bill S. 1607, supra; as follows:

Strike all beginning on line 9 and insert in lieu thereof the following:

"(2) Except as provided in subsection (b), the parents or legal guardians of a juvenile who has been convicted of a criminal offense under any Federal law may be liable to the United States for a civil penalty of not more than $10,000.

(b) EXCERCISE OF PARENTAL RESPONSIBILITY.—The court may decline to enforce (a)(1) if it would cause undue hardship or to impose a fine under subsection (a)(2) if the court makes an affirmative determination that under the circumstances, the parents or legal guardians exercised reasonable care, supervision and control of the juvenile and counseled the juvenile that criminal activity is not acceptable.

(c) AMOUNT OF FINE.—

(1) MANDATORY MINIMUM.—In no case shall a fine imposed under subsection (a) be less than $100.

(2) FINANCIAL HARDSHIP.—In no case shall a fine imposed under subsection (a) be less than $500 unless the court makes a finding that a fine in that amount would impose a severe financial hardship on the family of the parent or legal guardians.

(3) If the court determines that the parents or legal guardians are not financially able to pay the fine immediately, the court may set a schedule by which the fine will be paid over time.

(d) COMMUNITY SERVICE OR PARENTING CLASSES IN LIEU OF CIVIL PENALTY.—A parent or legal guardian ordered to pay a civil penalty under this section may petition the court to perform such community service or attend and successfully complete parenting classes, as the court determines to be appropriate, in lieu of the civil penalty.

(e) DEFINITIONS.—

(1) For the purposes of this section, the term "juvenile" means any person who is under 18 years of age.

(2) For the purpose of this section, the term "parent" means a biological or custodial parent who has legal responsibility for the juvenile at the time the crime was committed.

(f) TECHNICAL AMENDMENT.—The chapter analysis for chapter 403 of title 18, United States Code, is amended by adding at the end the following new item:

"5043. Civil penalties for parents of certain juvenile offenders.".

BIDEN (AND HATCH) AMENDMENT NO. 1135

Mr. HATCH (for Mr. BIDEN for himself and Mr. HATCH) proposed an amendment to the bill S. 1607, supra; as follows:

AMENDMENT NO. 1135

Strike Title II and insert the following:

TITLE II—DEATH PENALTY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Death Penalty Act of 1993".

SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

"CHAPTER 228—DEATH SENTENCE

"Sec.
"3591. Sentence of death.
"3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
"3593. Special hearing to determine whether a sentence of death is justified.
"3594. Imposition of a sentence of death.
"3595. Review of a sentence of death.
"3596. Implementation of a sentence of death.
"3597. Use of State facilities.
"3598. Special provisions for Indian country.

"§ 3591. Sentence of death

"A defendant who has been found guilty of—

"(1) an offense described in section 794 or section 2381;

"(2) an offense described in section 1751(c), if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

"(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

"(A) intentionally killed the victim;

"(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

"(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

"(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

"§ 3592. Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified

"(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

"(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

"(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

"(3) MINOR PARTICIPATION.—The defendant is punishable as a principal in the offense, which was committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

"(4) EQUALLY CULPABLE DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

"(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

"(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

"(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

"(8) OTHER FACTORS.—Other factors in the defendant's background, record, or character or any other circumstance of the offense that mitigate against imposition of the death sentence.

"(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (3), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

"(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c), the defendant—

"(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

"(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

"(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute.

"(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

"(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

"(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

"(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

"(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"(12) CONVICTION FOR SERIOUS FEDERAL DRUG OFFENSES.—The defendant had previously been convicted of violating title II or III of the Controlled Substances Act for which a sentence of 5 or more years may be imposed or had previously been convicted of engaging in a continuing criminal enterprise.

"(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

"(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

"(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

"(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

"(C) a foreign official listed in section 1116(b)(3)(A), if the official is in the United States on official business; or

"(D) a Federal public servant who is a judge, a law enforcement officer, or an employee of a United States penal or correctional institution—

"(i) while he or she is engaged in the performance of his or her official duties;

"(ii) because of the performance of his or her official duties; or

"(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor for which notice has been given exists.

"§ 3593. Special hearing to determine whether a sentence of death is justified

"(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury that determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury that determined the defendant's guilt was discharged for good cause; or

"(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). Information is admissible regardless of its admissibility under the rules governing admission of evidence at criminal trials except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

"(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

"(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

"(1) an offense described in section 3591(1), an aggravating factor required to be considered under section 3592(b) is found to exist; or

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

"§ 3594. Imposition of a sentence of death

"Upon a recommendation under section 3593(e) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court may impose a sentence of life imprisonment without possibility of release.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedures employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d).

"(c) DECISION AND DISPOSITION.—

"(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

"(2) Whenever the court of appeals finds that—

"(A) the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor;

"(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

"(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death. The court of appeals shall not reverse or vacate a sentence of death on account of any error which can be harmless, including any erroneous special finding of an aggravating factor, where the government establishes beyond a reasonable doubt that the error was harmless.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"§ 3596. Implementation of a sentence of death

"(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

"(b) PREGNANT WOMAN.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

"§ 3597. Use of State facilities

"(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

"(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

"§ 3598. Special provisions for Indian country

"Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.".

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

"228. Death sentence .... 3591".

SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.

(a) CONFORMING CHANGES IN TITLE 18.—Title 18, United States Code, is amended as follows:

(1) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting ", except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retaliation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.".

(3) EXPLOSIVE MATERIALS.—(A) Section 844(d) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(B) Section 844(f) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(C) Section 844(i) of title 18, United States Code, is amended by striking "as provided in section 34 of this title".

(4) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

"Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;".

(5) KILLING OF FOREIGN OFFICIAL.—Section 1116(a) of title 18, United States Code, is amended by striking "any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and".

(6) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(7) NONMAILABLE INJURIOUS ARTICLES.—The last paragraph of section 1716 of title 18,

United States Code, is amended by striking the comma after "imprisonment for life" and inserting a period and striking the remainder of the paragraph.

(8) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

"(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, shall be punished—

"(1) by imprisonment for any term of years or for life; or

"(2) if the conduct constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.".

(9) WRECKING TRAINS.—The second to the last undesignated paragraph of section 1992 of title 18, United States Code, is amended by striking the comma after "imprisonment for life", inserting a period, and striking the remainder of the section.

(10) BANK ROBBERY.—Section 2113(e) of title 18, United States Code, is amended by striking "or punished by death if the verdict of the jury shall so direct" and inserting "or if death results shall be punished by death or life imprisonment".

(11) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after "or for life" the following: "and, if the death of any person results, shall be punished by death or life imprisonment".

(12) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking "and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both" and inserting "and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both".

(13) RACKETEERING.—Section 1959(a)(1) of title 18, United States Code, is amended to read as follows:

"(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;".

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "a fine of not more than $1,000,000 or imprisonment for life," and inserting ", where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;".

(15) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking the period after "both" and inserting "; or sentenced to death.".

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.

Chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Murder by a Federal prisoner

"(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

"(b) DEFINITIONS.—In this section—

"'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

"'murder' means a first degree or second degree murder (as defined by section 1111).

"'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Murder by a Federal prisoner.".

SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting ", or may be sentenced to death.".

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting ", or may be sentenced to death" after "or for life".

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting ", or may be sentenced to death" after "or both".

SEC. 207. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.

Section 1114(a) of title 18, United States Code, is amended by striking "punished as provided under sections 1111 and 1112 of this title," and inserting "punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111, or, in the case of manslaughter, a sentence as provided under section 1112.".

SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) SHORT TITLE.—This section may be cited as the "Drive-By Shooting Prevention Act of 1993".

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 36. Drive-by shooting

"(a) DEFINITION.—In this section, 'major drug offense' means—

"(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

"(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

"(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.".

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

"36. Drive-by shooting.".

SEC. 209. FOREIGN MURDER OF UNITED STATES NATIONALS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1118. Foreign murder of United States nationals

"(a) DEFINITION.—In this section, 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

"(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

"(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this paragraph is not subject to judicial review.".

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking "or 1116" and inserting "1116, or 1118".

(2) The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

"1118. Foreign murder of United States nationals.".

SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

"§ 2245. Sexual abuse resulting in death

"A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

(b) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and inserting the following:

"2245. Sexual abuse resulting in death.
"2246. Definitions for chapter.".

SEC. 211. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: "Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.".

SEC. 212. MURDER BY ESCAPED PRISONERS.

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 109(a), is amended by adding at the end the following new section:

"§ 1119. Murder by escaped prisoners

"(a) DEFINITION.—In this section, 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.

"(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 109(b)(2), is amended by adding at the end the following new item:

"1119. Murder by escaped prisoners.".

SEC. 213. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.

Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

"(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

"(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.".

SEC. 214. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.

Section 930 of title 18, United States Code, is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (a) by striking "(c)" and inserting "(d)"; and

(3) by inserting after subsection (b) the following new subsection:

"(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.".

SEC. 215. MURDER IN COURSE OF ALIEN SMUGGLING.

Section 274(a) of the Immigration and Naturalization Act (8 U.S.C. 1324) is amended by inserting before the period at the end the following: ": *Provided further*, That if during and in relation to an offense described in paragraph (1) the person causes serious bodily injury to, or places in jeopardy the life of, any alien, such person shall be subject to a term of imprisonment of not more than 20 years, and if the death of any alien results, shall be punished by death or imprisoned for any term of years or for life.".

HATCH AMENDMENT NO. 1136

Mr. HATCH proposed an amendment to the bill, S. 1607, supra; as follows:

On page 260, strike line 15 and all that follows through page 262, line 11, and insert the following:

SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.

(a) APPLICATION.—The Attorney General may establish a unified or coordinated process for applying for grants under parts T, U, and V of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this title. In addition to any other requirements that may be specified by the Attorney General, an application for a grant under any provision of this title shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State and local sources of funding that would otherwise be available;

(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate coordination with all affected agencies;

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

(7) certify that no violent offenders will be eligible or allowed to participate in the program authorized under part U.

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Attorney General shall issue regulations and guidelines to carry out the programs authorized by this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(2) PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.—The Attorney General shall—

(A) issue regulations and guidelines to ensure that the programs authorized under part U of this title do not permit participation by violent offenders; and

(B) immediately suspend funding for any grant under this title if the Attorney General finds that violent offenders are participating in any program funded under part U.

(c) TECHNICAL ASSISTANCE AND EVALUATION.—The Attorney General may provide technical assistance to grantees under the programs authorized by this title. The Attorney General may carry out, or arrange by grant or contract or otherwise for the carrying out of, evaluations or programs receiving assistance under the programs authorized by this title, in addition to any evaluations that grantees may be required to carry out pursuant to subsection (b).

(d) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section or other provisions of this title, or in coordinating activities under the programs authorized by this title.

(e) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by this title and report to Congress the results of the study on or before January 1, 1997.

(2) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under paragraph (a), including the identities and criminal records of program participants.

(3) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by this title, the Comptroller General shall consider, among other things—

(A) recidivism rates of program participants;

(B) completion rates among program participants;

(C) drug use by program participants; and

(D) the costs of the program to the criminal justice system.

(f) DEFINITION.—In this title, "violent offender" means a person charged with or convicted of an offense (or charged with or adjudicated as a delinquent by reason of conduct that, if engaged in by an adult would constitute an offense), during the course of which offense or conduct—

(1) the person carried, possessed, or used a firearm or dangerous weapon;

(2) there occurred the death of or serious bodily injury to any person; or

(3) there occurred the use of force against the person of another

without regard to whether any of the circumstances described in paragraph (1), (2), or (3) is an element of the offense or conduct of which or for which the person is charged, convicted, or adjudicated as a delinquent.

HATCH AMENDMENT NO. 1137

Mr. HATCH proposed an amendment to the bill, S. 1607, supra; as follows:

On page 276, line 7, strike "28" and insert "25".

HATCH (AND OTHERS) AMENDMENT NO. 1138

Mr. HATCH (for himself and Mr. BIDEN, Mr. PRESSLER, Mr. KEMPTHORNE, Mr. LEAHY, and Mr. FEINGOLD) proposed an amendment to the bill, S. 1607, supra; as follows:

On page 308, strike line 2 and all that follows through page 310, line 7, and insert the following:

Subtitle A—Drug Trafficking in Rural Areas

SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(9) There are authorized to be appropriated to carry out part O $50,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "$100,000" and inserting "$250,000".

SEC. 1402. RURAL CRIME AND DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Crime and Drug Enforcement Task Force in each of the Federal judicial districts which encompass significant rural lands. Assets seized as a result of investigations initiated by a Rural Drug Enforcement Task Force shall be used primarily to enhance the operations of the task force and its participating State and local law enforcement agencies.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service;

(5) the Customs Service;

(6) the United States Marshals Service; and

(7) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.

(a) IN GENERAL.—The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1502(b)(6) of the Omnibus Crime Control and Safe Streets Act of 1968 with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands and title 18 of the United States Code to the extent necessary to effect the purposes of this Act.

(b) ADEQUATE STAFFING.—The Attorney General shall, subject to the availability of appropriations, ensure that each of the task forces established in accordance with this title are adequately staffed with investigators and that additional investigators are provided when requested by the task force.

SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

SEC. 1405. MORE AGENTS FOR THE DRUG ENFORCEMENT ADMINISTRATION.

There are authorized to be appropriated for the hiring of additional Drug Enforcement Administration agents $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

HATCH AMENDMENT NO. 1139

Mr. HATCH proposed an amendment to the bill S. 1607, supra; as follows:

On page 219, between lines 7 and 8, insert the following:

Subtitle D—Improved Training and Technical Automation

SEC. 1031. IMPROVED TRAINING AND TECHNICAL AUTOMATION.

(a) GRANTS.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, make grants to units of State and local law enforcement for the purposes of improving law enforcement agency efficiency through computerized automation and technological improvements.

(2) TYPES OF PROGRAMS.—Grants under this section may include programs to—

(A) increase use of mobile digital terminals;

(B) improve communications systems;

(C) accomplish paper-flow reduction;

(D) establish or improve ballistics identification programs;

(E) increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis; and

(F) improve computerized collection of criminal records.

(3) No funds under this subtitle may be used to implement a cryptographic or digital telephone program.

(b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

(1) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations—

(A) expand and improve investigative and managerial training courses for State and local law enforcement agencies; and

(B) develop and implement, on a pilot basis with no more than 10 participating cities, an intelligent information system that gathers, integrates, organizes, and analyzes information in active support of investigations by Federal, State, and local law enforcement agencies of violent serial crimes.

(2) IMPROVEMENT OF FACILITIES.—The improvement described in subsection (a) shall include improvements of the training facilities of the Federal Bureau of Investigation Academy at Quantico, Virginia.

(3) INTELLIGENT INFORMATION SYSTEM.—The intelligent information system described in paragraph (1)(B) shall be developed and implemented by the Federal Bureau of Investigation and shall utilize the resources of the Violent Criminal Apprehension Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1994—

(1) $100,000,000 to carry out subsection (a);

(2) $40,000,000 to carry out subsection (b)(1)(A); and

(3) $10,000,000 to carry out subsection (b)(2)(B).

DOLE (AND OTHERS) AMENDMENT NO. 1140

Mr. DOLE (for himself and Mr. HATCH) proposed an amendment to the bill, S. 1607, supra; as follows:

On page 114, strike line 11 and all that follows through page 126, line 13, and insert the following:

TITLE VI—GANGS, JUVENILES, DRUGS, AND PROSECUTORS

SEC. 601. SHORT TITLE.

This title may be cited as the "Anti-Gang and Youth Protection Act of 1993".

Subtitle A—Criminal Youth Gangs

SEC. 611. CRIMINAL STREET GANGS OFFENSES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after chapter 93 the following new chapter:

"CHAPTER 94—PROHIBITED PARTICIPATION IN CRIMINAL STREET GANGS AND GANG CRIME

"Sec.

"1930. Crimes in furtherance of gangs.

"1931. Prohibited activity.

"1932. Penalties.

"1933. Investigative authority.

"§ 1930. Crimes in furtherance of gangs

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Criminal street gangs have become increasingly prevalent and entrenched in our society in the last several decades. In many areas of the country, these gangs exert considerable control over other members of their community, particularly through the use of violence and drugs. Criminal street gangs have also become more national in scope, extending their influence beyond the urban areas in which they originated.

"(2) The major activities of criminal street gangs are crimes of violence and the distribution and use of illegal drugs. It is through these activities that criminal street gangs directly affect interstate and foreign commerce, even when their particular activities, viewed in isolation, appear to be purely intrastate in character.

"(b) BASIS FOR CHAPTER.—On the basis of the findings stated in subsection (a), the Congress determines that the provisions of this chapter are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish criminal law.

"§ 1931. Prohibited activity

"(a) DEFINITIONS.—In this chapter—

"'criminal street gang' means an organization or group of 5 or more persons, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with a purpose that any of those persons alone, or in any combination, commit or will commit, 2 or more predicate gang crimes, 1 of which must occur after the date of enactment of this chapter and the last of which occurred within 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime.

"'participate in a criminal street gang' means to act in concert with a criminal street gang with intent to commit, or with the intent that any other person associated with the criminal street gang will commit, 1 or more predicate gang crimes.

"'predicate gang crime' means—

"(A) any act or threat, or attempted act or threat, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year, involving murder, attempted murder, kidnapping, robbery, extortion, arson, obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or manufacturing, importing, receiving, concealing, purchasing, selling, possessing, or otherwise dealing in a controlled substance or controlled substance analogue (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) any act punishable by imprisonment for more than 1 year under section 922 or 924 (a)(2), (b), (c), (g), or (h) (relating to receipt, possession, and transfer of firearms), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant); or

"(C) any act punishable under subsection (b)(5).

"'State' means a State, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) UNLAWFUL ACTS.—It shall be unlawful—

"(1) to commit, or to attempt to commit, a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang;

"(2) to participate, or attempt to participate, in a criminal street gang, or conspire to do so;

"(3) to command, counsel, persuade, induce, entice, or coerce any individual to participate in a criminal street gang;

"(4) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime, with intent to promote the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(5) to use any communication facility, as defined in section 403(b) of the Controlled Substances act (21 U.S.C. 843(b)), in causing or facilitating the commission, or attempted commission, of a predicate gang crime with intent to promote or further the activities of a criminal street gang or for the purpose of gaining entrance to or maintaining or increasing position in such a gang. Each separate use of a communication facility shall be a separate offense under this subsection.

"§ 1932. Penalties

"(a) PENALTIES OF UP TO 20 YEARS OR LIFE IMPRISONMENT.—A person who violates section 1931(b) (1) or (2) shall be punished by imprisonment for not more than 20 years, or by imprisonment for any term of years or for life if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, and if a person commits such a violation after 1 or more prior convictions for such a predicate gang crime, that is not part of the instant violation, such person shall be sentenced to a term of imprisonment which shall not be less than 10 years and which may be for any term of years exceeding 10 years or for life.

"(b) PENALTIES BETWEEN 5 AND 10 YEARS.—A person who violates section 1931(b) (3) or (4) shall be sentenced to imprisonment for not less than 5 nor more than 10 years, and if a person who was the subject of the act was less than 18 years of age, to imprisonment for 10 years. A term of imprisonment under this subsection shall run consecutively to any other term of imprisonment, including that imposed for any other violation of this chapter.

"(c) PENALTIES OF UP TO 5 YEARS.—A person who violates section 1931(b)(5) shall be punished by imprisonment for not more than 5 years.

"(d) ADDITIONAL PENALTIES.—

"(1) IN GENERAL.—In addition to the other penalties authorized by this section—

"(A) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves murder or conspiracy to commit murder which results in the taking of a life, and who commits, counsels, commands, induces, procures, or causes that murder, shall be punished by death or by imprisonment for life;

"(B) a person who violates section 1931(b) (1) or (2), 1 of whose predicate gang crimes involves attempted murder or conspiracy to commit murder, shall be sentenced to a term of imprisonment which shall not be less than 20 years and which may be for any term of years exceeding 20 years or for life; and

"(C) a person who violates section 1931(b) (1) or (2), and who at the time of the offense occupied a position of organizer or supervisor, or other position of management in that street gang, shall be sentenced to a term of imprisonment which shall not be less than 15 years and which may be for any term of years exceeding 15 years or for life.

"(2) PRESUMPTION.—For purposes of paragraph (1)(C), if it is shown that the defendant counseled, commanded, induced, or procured 5 or more individuals to participate in a street gang, there shall be a rebuttable presumption that the defendant occupied a position of organizer, supervisor, or other position of management in the gang.

"(e) FORFEITURE.—

"(1) IN GENERAL.—A person who violates section 1931(b) (1) or (2) shall, in addition to any other penalty and irrespective of any provision of State law, forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation; and

"(B) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation.

"(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Section 413 (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of the Controlled Substances Act (21 U.S.C. 853 (b), (c), and (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p)) shall apply to a forfeiture under this section.

(c) SENTENCING GUIDELINES INCREASE FOR GANG CRIMES.—The United States Sentencing Commission shall at the earliest opportunity amend the sentencing guidelines to increase by at least 4 levels the base offense level for any felony committed for the purpose of gaining entrance into, or maintaining or increasing position in, a criminal street gang. For purposes of this subsection, "criminal street gang" means any organization, or group, of 5 or more individuals, whether formal or informal, who act in concert, or agree to act in concert, for a period in excess of 30 days, with the intent that any of those individuals alone, or in any combination, commit or will commit, 2 or more acts punishable under State or Federal law by imprisonment for more than 1 year.

SEC. 612. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" before "(E)"; and

(2) by inserting before the semicolon at the end of the paragraph the following: ", or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person below the age of 18 years in the commission of the offense".

SEC. 613. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking "and" at the end of clause (ii) and inserting "or"; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph; and".

SEC. 614. ADULT PROSECUTION OF SERIOUS JUVENILE OFFENDERS.

Section 5032 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C 841), or section 1002(a), 1003, 1005, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), (3))," and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1003, 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b)(1), (2), or (3), or 963),"; and

(B) by striking "922(p)" and inserting "924(b), (g), or (h)";

(2) in the fourth undesignated paragraph—

(A) by striking "an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959)" and inserting "an offense (or a conspiracy or attempt to commit an offense) described in section 401, or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841, 844, or 846), section 1002(a), 1005, 1009, 1010(b)(1), (2), or (3), of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959, 960(b)(1), (2), or (3), or 963), or section 924(b), (g), or (h) of this title,"; and

(B) by striking "subsection (b)(1)(A), (B), or (C), (d), or (e) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, 1009, or 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), (3))" and inserting "or an offense (or conspiracy or attempt to commit an offense) described in section 401(b)(1)(A), (B), or (C), (d), or (e), or 404 (insofar as the violation involves more than 5 grams of a mixture or substance which contains cocaine base), of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), (B), or (C), (d), or (e), 844, or 846) or section 1002(a), 1003, 1009, 1010(b)(1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b)(1), (2), or (3), or 963)"; and

(3) in the fifth undesignated paragraph by adding at the end the following: "In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh heavily in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.".

SEC. 615. INCREASED PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS NEAR SCHOOLS AND PLAYGROUNDS.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding any other law, any person at least 18 years of age who knowingly and intentionally—

"(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

"(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 401.''.

SEC. 616. INCREASED PENALTIES FOR DRUG TRAFFICKING NEAR PUBLIC HOUSING.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within"; and

(2) in subsection (b) by striking "playground, or within" and inserting "playground, or housing facility owned by a public housing authority, or within".

SEC. 617. INCREASED PENALTIES FOR TRAVEL ACT CRIMES INVOLVING VIOLENCE AND CONSPIRACY TO COMMIT CONTRACT KILLINGS.

(a) TRAVEL ACT PENALTIES.—Section 1952(a) of title 18, United States Code, is amended by striking "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both." and inserting "and thereafter performs or attempts to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.".

(b) MURDER CONSPIRACY PENALTIES.—Section 1958(a) of title 18, United States Code, is amended by inserting "or who conspires to do so" before "shall be fined" the first place it appears.

SEC. 618. AMENDMENTS CONCERNING RECORDS OF CRIMES COMMITTED BY JUVENILES.

(a) Section 5038 of title 18, United States Code, is amended by striking subsections (d) and (f), redesignating subsection (e) as subsection (d), and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been found guilty of committing an act which if committed by an adult would be an offense described in clause (3) of the first paragraph of section 5032 of this title, the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division. The court shall also transmit to the Federal Bureau of Investigation, Identification Division, the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult, shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

(b) Section 3607 of title 18, United States Code, is repealed, and the corresponding item in the chapter analysis for chapter 229 of title 18 is deleted.

(c) Section 401(b)(4) of the Controlled Substances Act (21 U.S.C. 841(b)(4)) is amended by striking "and section 3607 of title 18".

SEC. 619. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING OBJECTIVE.

Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking "and" at the end;

(2) in paragraph (21) by striking the period and inserting "; and"; and

(3) by inserting after paragraph (21) the following new paragraph:

"(22) law enforcement and prevention programs relating to gangs, or to youth who are involved or at risk of involvement in gangs.".

Subtitle B—Gang Prosecution

SEC. 621. ADDITIONAL PROSECUTORS.

There is authorized to be appropriated $20,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

SEC. 22. GANG INVESTIGATION COORDINATION AND INFORMATION COLLECTION.

(a) COORDINATION.—The Attorney General (or the Attorney General's designee), in consultation with the Secretary of the Treasury (or the Secretary's designee), shall develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

(b) DATA COLLECTION.—The Director of the Federal Bureau of Investigation shall acquire and collect information on incidents of gang violence for inclusion in an annual uniform crime report.

(c) REPORT.—The Attorney General shall prepare a report on national gang violence outlining the strategy developed under subsection (a) to be submitted to the President and Congress by January 1, 1995.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for fiscal year 1994.

SEC. 623. CONTINUATION OF FEDERAL-STATE FUNDING FORMULA.

Section 504(a)(1) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(a)(1)) is amended by striking "1992" and inserting "1993".

SEC. 624. GRANTS FOR MULTIJURISDICTIONAL DRUG TASK FORCES.

Section 504(f) of title I of the Omnibus Crime and Safe Streets Act of 1968 (42 U.S.C. 3754(f)) is amended by inserting "and gang" after "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug".

Subtitle C—Antigang Provisions

SEC. 631. GRANT PROGRAM.

Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631 et seq.) is amended—

(1) by inserting after the part heading the following subpart heading:

"Subpart I—General Grant Programs";

and

(2) by adding at the end the following new subpart:

"Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

"FORMULA GRANTS

"SEC. 231. (a) AUTHORIZATION.—The Administrator may make grants to States, units of general local government, private not-for-profit anticrime organizations, or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects, directly or through grants and contracts with public and private agencies, for the development of more effective programs including prevention and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) PARTICULAR PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

"(1) To reduce the participation of juveniles in drug-related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

"(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

"(3) To develop within the juvenile justice system, including the juvenile corrections system, innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

"(4) To reduce juvenile drug and gang-related activity in public housing projects.

"(5) To reduce and prevent juvenile drug and gang-related activity in rural areas.

"(6) To provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to—

"(A) identify drug-dependent or gang-involved juvenile offenders; and

"(B) provide appropriate counseling and treatment to such offenders.

"(7) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic, or artistic enrichment that also teach that drug and gang involvement are wrong.

"(8) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in drug trafficking, drug use, or gang-related activities.

"(9) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

"(10) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(11) To provide education and treatment programs for juveniles exposed to severe violence in their homes, schools, or neighborhoods.

"(12) To establish sports mentoring and coaching programs in which athletes serve as role models for juveniles to teach that athletics provides a positive alternative to drug and gang involvement.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 232. There are authorized to be appropriated $100,000,000 for fiscal year 1994 and such sums as are necessary for fiscal year 1995 to carry out this subpart.

"ALLOCATION OF FUNDS

"SEC. 233. The amounts appropriated for this subpart for any fiscal year shall be allocated as follows:

"(1) $500,000 or 1.0 percent, whichever is greater, shall be allocated to each of the States.

"(2) Of the funds remaining after the allocation under paragraph (1), there shall be allocated to each State an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles residing in the State bears to the population of juveniles residing in all the States.

"APPLICATION

"Sec. 234. (a) In General.—Each State or entity applying for a grant under section 231 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) Regulations.—To the extent practicable, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the regulations governing applications required under subpart I of this part and subpart II of part C, including the regulations relating to competition.".

SEC. 632. CONFORMING REPEALER AND AMENDMENTS.

(a) Repeal of Part D.—Part D of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667 et seq.) is repealed, and part E of title II of that Act is redesignated as part D.

(b) Authorization of Appropriations.—Section 291 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "(1)" and by striking "(other than part D)"; and

(B) by striking paragraph (2); and

(2) in subsection (b) by striking "(other than part D)".

LIEBERMAN AMENDMENT NO. 1141

Mr. LIEBERMAN proposed an amendment to the bill S. 1607, supra; as follows:

On page 53, line 18, strike the period after "death."" and insert "; and by striking ", possessing a firearm as defined in section 921 of this title,"."

DOMENICI AMENDMENT NO. 1142

Mr. HATCH (for Mr. Domenici) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 621, is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

LIEBERMAN AMENDMENT NO. 1143

Mr. LIEBERMAN proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . VIOLENT CRIME AND DRUG EMERGENCY AREAS.

(A) Definition.—In this section, "major violent crime or drug-related emergency" means an occasion or instance in which violent crime, drug smuggling, drug trafficking, or drug abuse violence reaches such levels, as determined by the President, in consultation with the Attorney General, the Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

(b) Declaration of Violent Crime and Drug Emergency Areas.—If a major violent crime or drug-related emergency exists throughout a State or a part of a State, the President, in consultation with the Attorney General and other appropriate officials, many declare the State or part of a State to be a violent crime or drug emergency area and may take any and all necessary actions authorized by this section and other law. For the purposes of this section, the term "State" shall be deemed to include the District of Columbia and any United States territory or possession.

(c) Procedure.—

(1) In general.—A request for a declaration designating an area to be a violent crime or drug emergency area shall be made, in writing, by the chief executive officers of a State and local government, respectively (or in the case of the District of Columbia, the mayor), and shall be forwarded to the Attorney General in such form as the Attorney General may by regulation require. One or more cities, counties, State, or the District of Columbia may submit a joint request for designation as a major violent crime or drug emergency area under this subsection.

(2) Finding.—A request made under paragraph (1) shall be based on a written finding that the major violent crime or drug-related emergency is of such severity and magnitude that Federal assistance is necessary to ensure an effective response to save lives and to protect property and public health and safety.

(d) Irrelevancy of Population Density.—

The President shall not limit declarations made under this section to highly populated centers of violent crime or drug trafficking, drug smuggling, or drug use, but shall also consider applications from governments of less populated areas where the magnitude severity of such activities is beyond the capability of the State or local government to respond.

(e) Requirements.—As part of a request for a declaration under this section, and as prerequisite to Federal violent crime or drug emergency assistance under this section, the chief executive officer of a State or local government shall—

(1) take appropriate action under State or local law and furnish information on the nature and amount of State and local resources that have been or will be committed to alleviating the major violent crime drug-related emergency;

(2) submit a detailed plan outlining that government's short- and long-term plans to respond to the violent crime or drug emergency, specifying the types and levels of Federal assistance requested and including explicit goals (including quantitative goals) and timetables; and

(3) specify how Federal assistance provided under this section is intended to achieve those goals.

(f) Review Period.—The Attorney General shall review a request submitted pursuant to this section, and the President shall decide whether to declare a violent crime or drug emergency area, within 30 days after receiving the request.

(g) Federal Assistance.—The President may—

(1) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including financial assistance, personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

(2) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information; and

(h) Duration of Federal Assistance.—

(1) In general.—Federal assistance under this section shall not be provided to a Violent Crime or Drug Emergency Area area for more than 1 year.

(2) Extension.—The chief executive officer of a jurisdiction may apply to the Attorney General for an extension of assistance beyond 1 year. The President, in consultation with the Attorney General, may extend the provision of Federal assistance for not more than an additional 180 days.

(i) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this section.

(j) No Effect on Existing Authority.—Nothing in this Section shall diminish or detract from existing authority possessed by the President or Attorney General.

LIEBERMAN (AND OTHERS) AMENDMENT NO. 1144

Mr. LIEBERMAN (for himself and Mr. D'Amato) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . PROTECTION OF RECIPIENTS IN TERRORISM REWARDS PROGRAM.

(a) Counterterrorism Rewards Program.—Section 36(e) of the State Department Basic Authorities Act (22 U.S.C. 2708) is amended—

(1) by inserting "(1)" immediately after "(e)"; and

(2) by adding the following to the end of section 36(e):

"(2) Relocation of Program Participants.—

(A) Whenever the information that would justify a reward under subsection (a) is furnished by an alien, and the Secretary of State and Attorney General jointly determine that the protection of such alien requires the admission of such alien or aliens to the United States, then such alien and the members of the immediate family of the alien, if necessary, may be admitted to the United States without regard to the requirements of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and shall be eligible for permanent residence as provided in paragraph (4)(A) below.

"(B) The total number of aliens admitted to the United States under subparagraph (A) shall not exceed 25 in any fiscal year.

"(3) Conditions of Entry for Rewards for Program Participants.—(A) Any alien admitted under subsection (e) who otherwise would be inadmissible under sections 212(a)(2) or 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182) shall be admitted and permitted to remain in the United States on the condition that the person:

(i) shall have executed a form that waives the alien's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status, (ii) is not convicted of any criminal offense in the United States since the date of such admission, and (iii) shall report not less often than quarterly to the Commissioner of the Immigration and Naturalization Service such information concerning the alien's whereabouts and activities as the Secretary of State and the Attorney General may require.

"(B) The Secretary of State and the Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning (i) the number of such aliens admitted, (ii) the number of terrorist acts prevented, frustrated, or thwarted or prosecutions or investigations resulting form cooperation of such aliens, and (iii) the number of such aliens who have failed to report quarterly (as required under paragraph (3)(A)(i)(I) or who have been convicted of crimes in the United States after the date of their admission.

"(4) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—(A) If, in the opinion of the Attorney General, in consultation with the Secretary of State, the alien admitted into the United States under section 36(e) of the State Department Basic Authorities Act has supplied information that has contributed to the prevention, frustration, or favorable resolution of a terrorist act or has substantially contributed to an authorized investigation or the prosecution of an individual described in section 36(a) (1) and (2) of such section, the Attorney General may adjust the status of the alien (and the alien's immediate relatives if admitted under such section) to that of an alien admitted for permanent residence if the alien is not described in section 212(a)(3)(E) of the Immigration and Nationality Act, provided further that if the alien is subject to paragraph (3)(A) above, such adjustment may be made not earlier than 3 years after the date of admission and upon a determination by the Attorney General in consultation with the Secretary of State that the conditions of paragraph (3)(A) (i) through (iii) have been met.

"(B) Upon the approval of adjustment of status under subparagraph (A), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) of the Immigration and Nationality Act for the fiscal year then current.".

(b) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), as amended by section 725, is further amended by striking "or" before "(5)" and by inserting before the period the following: "; or (6) an alien who was admitted pursuant to section 36(e) of the State Department Basic Authorities Act".

(c) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)), as amended by section 725, is further amended by inserting "or section 36(e)(4)(A) of the State Department Basic Authorities Act" after section 245(h) in the parenthetical "(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))".

GORTON AMENDMENT NO. 1145

Mr. GORTON proposed an amendment to the bill S. 1607, supra; as follows:

On page 183, between lines 11 and 12, insert the following new subtitle:

Subtitle .—Sexually Violent Predators

SECTION 1. SHORT TITLE.

This subtitle may be cited as the "Sexually Violent Predators Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there exists a small but extremely dangerous group of sexually violent persons who do not have a mental disease or defect.

(2) persons who are sexually violent predators generally have antisocial personality features that—

(A) are not amenable to mental illness treatment modalities in existence on the date of enactment of this Act; and

(B) render the persons likely to engage in sexually violent behavior;

(3) the likelihood that sexually violent predators will repeat acts of predatory sexual violence is high; and

(4) the prognosis for curing sexually violent predators is poor and the treatment needs of the population of the predators are very long-term.

SEC. 3. DEFINITIONS.

As used in this subtitle:

(1) MENTAL ABNORMALITY.—The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes the person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(2) PREDATORY.—The term "predatory", with respect to an act, means an act directed towards a stranger, or a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" means—

(A) an act that is a violation of title 18, United States Code; or state criminal code that—

(i) involves the use or attempted or threatened use of physical force against the person or property of another person; and

(ii) is determined beyond a reasonable doubt to be sexually motivated.

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—In accordance with this section, the Attorney General shall establish guidelines for State programs to require a sexually violent predator to register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. The Attorney General shall approve each State program that complies with the guidelines.

(2) STATE COMPLIANCE.—

(A) IMPLEMENTATION DATE.—A State that does not implement a program described in paragraph (1) by the date that is 3 years after the date of enactment of this Act, and maintain the implementation thereafter, shall be ineligible for funds in accordance with subparagraph (B).

(B) INELIGIBILITY FOR FUNDS.—

(i) IN GENERAL.—A State that does not implement the program as described in subparagraph (A) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(ii) REALLOCATION OF FUNDS.—Funds made available under clause (i) shall be reallocated, in accordance with such section, to such States as implement the program as described in subparagraph (A).

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—

(1) IN GENERAL.—An approved State program established in accordance with this section shall contain the requirements described in this section.

(2) The determination that a person is a "sexually violent predator" and the determination that a person is no longer a "sexually violent predator" shall be made by the sentencing court after receiving a report by a board of experts on sexual offenses. Each State shall establish a board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) NOTIFICATION.—If a person who is required to register under this section is anticipated to be released from prison, paroled, or placed on supervised release, a State prison officer shall, not later than 90 days before the anticipated date of the release or commencement of the parole—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing not later than 10 days after the change of address;

(C) obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(4) TRANSFER OF INFORMATION TO STATE AND THE FBI.—Not later than 3 days after the receipt of the information described in paragraph (2), the officer shall forward the information to a designated State law enforcement agency. As soon as practicable after the receipt of the information by the State law enforcement agency, the agency shall—

(A) enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency that has jurisdiction over the area in which the person expects to reside; and

(B) transmit the information to the Identification Division of the Federal Bureau of Investigation.

(5) QUARTERLY VERIFICATION.—

(A) MAILING TO PERSON.—Not less than every 90 days after the date of the release or commencement of parole if a person under paragraph (2), the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(B) RETURN OF VERIFICATION FORM.—

(i) IN GENERAL.—The person shall return, by mail, the verification form to the agency not later than 10 days after the receipt of the form. The verification form shall be signed by the person, and shall state that the person continues to reside at the address last reported to the designated State law enforcement agency.

(ii) FAILURE TO RETURN.—If the person fails to mail the verification form to the designated State law enforcement agency by the date that is 10 days after the receipt of the form by the person, the person shall be in violation of this section unless the person proves that the person has not changed the residence address of the person.

(6) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESSES.—Any change of address by a person required to register under this section that is reported to the designated State law enforcement agency shall as soon as practicable be reported to the appropriate law enforcement agency that has jurisdiction over the area in which the person is residing.

(7) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to register and keep the registration current shall be subject to criminal penalties in the State. It is the sense of Congress that the penalties should include imprisonment for not less than 180 days.

(8) TERMINATION OF OBLIGATION TO REGISTER.—

The obligation of a person to register under this section shall terminate on a determination made in accordance with the provision of paragraph (2) of this section that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) COMMUNITY NOTIFICATION.—The designated State law enforcement agency may release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from liability for any good faith conduct under this section.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that I am introducing titles IV and VII of the President's Government Reform and Savings Act of 1993, which contain the President's reform proposals for the Department of Energy and the Department of the Interior, as separate bills. I would also like to announce that the Committee on Energy and Natural Resources will hold a hearing on these two titles, which contain provisions on the Alaska Power Administration, Federal-private cogeneration of electricity, Power Marketing Authority debt buyouts, the Federal Helium Program, the Minerals Management Service, and the Mineral institute Program.

The hearing will take place on Tuesday, November 16, 1993, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Sam Fowler.

For further information, please contact Sam Fowler of the committee staff at (202) 224-7569.

NOTICE OF ADDITION TO HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that an additional measure has been added to the hearing previously announced for November 18, 1993, before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources. The additional measure to be considered is S. 1631, a bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes.

The hearing will take place on Thursday, November 18, 1993, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

For further information regarding this hearing, please contact David Brooks of the subcommittee staff at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, November 8, 1993, at 10 a.m. to hold ambassadorial nomination hearings on Edward Djerejian to be Ambassador to Israel and Marc Ginsberg to be Ambassador to the Kingdom of Morocco.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on mental health and substance abuse under the Health Security Act of 1993, during the session of the Senate on November 8, 1993, at 12 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on November 8, 1993, at 2 p.m. on S. 1469, S. 787, and S. 1458, legislation related to aviation competition and safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be permitted to meet today at 1:30 p.m. to hear testimony on the subject of trade negotiations between the United States and Japan.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HEDWIG DIANE ORLOWSKI

• Mr. RIEGLE. Mr. President, I rise today to pay tribute to Hedwig Diane Orlowski, a nurse from Michigan who served with the 67th Evacuation Hospital during the Vietnam war. Twenty-six years ago this month Heddy Orlowski died along with two of her fellow nurses when her plane attempted to land in bad weather at Qui Nhon. She was just 23 years old.

Heddy studied at the Hurley Medical Center School of Nursing in Flint, MI. In January of 1967, she began her tour of duty in Vietnam at Qui Nhon. She was temporarily assigned to Pleiku to assist with the large number of wounded there. On November 30, 1967, Heddy's plane went down as it returned her to her post.

In observing Veteran's Day this year, I would like to pay special tribute to this outstanding young woman for the ultimate sacrifice she made for our country. At the age of 22, Heddy traveled to Vietnam to provide medical attention and personal support to the young American soldiers who were wounded in the war. During each day of the 11 months she spent in Vietnam, she faced death with courage that few of us possess. She gave all her strength to those who needed her help. Today, her memory is carried on by the people she nursed back to health, as well as her family and friends who loved her.

With the dedication of the Women's Vietnam Veterans Memorial on November 11, our Nation is paying a long-overdue tribute to the service and sacrifice of Hedwig Orlowski and the 11,500 women who served with her in Vietnam. This bronze statue honors all the women who served in Vietnam—those who served with the armed forces, and the volunteers who served with humanitarian organizations such as the USO and the Red Cross.

Like Heddy, these women faced the horrors of the Vietnam conflict on a daily basis. They offered support and comfort to thousands of young men in their final moments of life and they helped save the lives of hundreds of thousands more. The fortitude and courage that these women displayed also helped keep many soldiers from falling into despair. These women deserve recognition for their important service to their country. The Women's Vietnam Veterans Memorials will help to ease the pain that many of these women still feel. It will also remind Americans today and in future generations of their tremendous courage and let them know that this Nation is grateful for their service.

The women who served in Vietnam were willing to give their lives in service to others and their country; Heddy was 1 of 8 who sacrificed their lives to save the lives of others. The Women's Vietnam Veterans Memorial can never completely make up for the loss of a young woman like Heddy who was so full of life. But it will remind us of the bravery that she displayed and the sacrifice she made. Not only will the soldiers whom she helped always be grateful to her, but all Americans are grateful for Hedwig Diane Orlowski's selfless service to her country. Through this memorial, her memory lives on.•

LEON SHULL CELEBRATES HIS 80TH BIRTHDAY

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to Leon Shull, who is celebrating his 80th birthday today. His brand of progressive activism in the pursuit of social justice deserves our recognition and respect.

Economic and social justice are goals which Leon Shull has promoted his entire life. In 1964, Leon became the national director of Americans for Democratic Action [ADA]. At the helm of ADA, Leon led national fights to bring full civil rights to all Americans. All of us who treasure our constitutional and personal freedoms owe Leon a debt of gratitude. He also worked diligently during his career to end human rights abuses abroad.

In the late 1940's Leon chaired the Philadelphia Council for Equal Job Opportunity. Out of this work was borne his lifelong commitment to workers and minorities, to peace and social justice, and to honesty in government. Very involved in Pennsylvania reform politics, Leon helped to thoroughly reform that State's political machinery. That same reform commitment carried over to the national level in his work in Pennsylvania for Stevenson and Kennedy for President.

As the publisher of the Pennsylvania Guardian, Leon aired his free-thinking, progressive views. From 1950 to 1963, he served as the executive director of the southeastern Pennsylvania chapter of ADA, bringing his expertise to grassroots action. Under Leon's leadership as the national director of ADA, he spearheaded the effort to enact full employment legislation with the passage of the Humphrey-Hawkins full employment bill, which he had originally drafted at an ADA convention 15 years before.

Although he retired from ADA 8 years ago, today Leon remains a stellar volunteer. He serves as the legislative and grassroots coordinator for ADA's work in support of a single-payer health care plan, for full employment, and for realigning our national budget priorities. Over the years this indefatigable man has been right in the middle of ADA efforts to spread the message on civil rights and economic justice. Leon's distinguished career and many contributions is a cause for celebration. Just this past Friday evening, former president of ADA and other friends of Leon's gathered at a dinner celebration in his honor at the Omni Shoreham Hotel and shared their memories of his wonderful work over the years. It was a very meaningful celebration, and much deserved. I am proud to recognize his outstanding work; his commitment to American ideals is an inspiration to all of us.

As he commemorates this significant milestone it is an honor for me to join with Leon's family, many friends and colleagues in conveying my warmest birthday wishes. Congratulations, Leon, on your 80th birthday. May you have continued good health, success, and happiness.•

MEMORIAL TO THE VICTIMS OF THE BOMBING OF PAN AM FLIGHT 103

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 264, Senate Joint Resolution 129, a joint resolution relating to the placement of a memorial cairn in Arlington Cemetery to honor the victims of the Pan Am Flight 103; that the joint resolution be read a third time, passed, the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (S.J. Res. 129) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 129

Whereas Pan Am Flight 103 was destroyed by a bomb during the flight over Lockerbie, Scotland, on December 21, 1988;

Whereas 270 persons from 21 countries were killed in this terrorist bombing;

Whereas 189 of those killed were citizens of the United States including the following citizens from 21 States, the District of Columbia, and United States citizens living abroad:

ARKANSAS: Frederick Sanford Phillips;

CALIFORNIA: Jerry Don Avritt, Surinder Mohan Bhatia, Stacie Denise Franklin, Matthew Kevin Gannon, Paul Isaac Garrett, Barry Joseph Valentino, Jonathan White;

COLORADO: Steven Lee Butler;

CONNECTICUT: Scott Marsh Cory, Patricia Mary Coyle, Shannon Davis, Turhan Ergin, Thomas Britton Schultz, Amy Elizabeth Shapiro;

DISTRICT OF COLUMBIA: Nicholas Andreas Vrenios;

FLORIDA: John Binning Cummock;

ILLINOIS: Janina Jozefa Waido;

KANSAS: Lloyd David Ludlow;

MARYLAND: Michael Stuart Bernstein, Jay Joseph Kingham, Karen Elizabeth Noonan, Anne Lindsey Otenasek, Anita Lynn Reeves, Louise Ann Rogers, George Watterson Williams, Miriam Luby Wolfe;

MASSACHUSETTS: Julian MacBain Benello, Nicole Elise Boulanger, Nicholas Bright, Gary Leonard Colasanti, Joseph Patrick Curry, Mary Lincoln Johnson, Julianne Frances Kelly, Wendy Anne Lincoln, Daniel Emmett O'Connor, Sarah Susannah Buchanan Philipps, James Andrew Campbell Pitt, Cynthia Joan Smith, Thomas Edwin Walker;

MICHIGAN: Lawrence Ray Bennett, Diane Boatman-Fuller, James Ralph Fuller, Kenneth James Gibson, Pamela Elaine Herbert, Khalid Nazir Jaafar, Gregory Kosmowski, Louis Anthony Marengo, Anmol Rattan, Garima Rattan, Suruchi Rattan, Mary Edna Smith, Arva Anthony Thomas, Jonathan Ryan Thomas, Lawanda Thomas;

MINNESOTA: Philip Vernon Bergstrom;

NEW HAMPSHIRE: Stephen John Boland, James Bruce MacQuarrie;

NEW JERSEY: Thomas Joseph Ammerman, Michael Warren Buser, Warren Max Buser, Frank Ciulla, Eric Michael Coker, Jason Michael Coker, William Allan Daniels, Gretchen Joyce Dater, Michael Joseph Doyle, John Patrick Flynn, Kenneth Raymond Garczynski, William David Giebler, Roger Elwood Hurst, Robert Van Houten Jeck, Timothy Baron Johnson, Patricia Ann Klein, Robert Milton Leckburg, Alexander Lowenstein, Richard Paul Monetti, Martha Owens, Sarah Rebecca Owens, Laura Abigail Owens, Robert Plack Owens, William Pugh, Diane Marie Rencevicz, Saul Mark Rosen, Irving Stanley Sigal, Elia Stratis, Alexia Kathryn Tsairis, Raymond Ronald Wagner, Dedera Lynn Woods, Chelsea Marie Woods, Joe Nathan Woods, Joe Nathan Woods, Jr.;

NEW YORK: John Michael Gerard Ahern, Rachel Maria Asrelsky, Harry Michael Bainbridge, Kenneth John Bissett, Paula Marie Bouckley, Colleen Renee Brunner, Gregory Capasso, Richard Anthony Cawley, Theodora Eugenia Cohen, Joyce Christine Dimauro, Edgar Howard Eggleston III, Arthur Fondiler, Robert Gerard Fortune, Amy Beth Gallagher, Andre Nikolai Guevorgian, Lorraine Buser Halsch, Lynne Carol Hartunian, Katherine Augusta Hollister, Melina Kristina Hudson, Karen Lee Hunt, Kathleen Mary Jermyn, Christopher Andrew Jones, William Chase Leyrer, William Edward Mack, Elizabeth Lillian Marek, Daniel Emmet McCarthy, Suzanne Marie Miazga, Joseph Kenneth Miller, Jewell Courtney Mitchell, Eva Ingeborg Morson, John Mulroy, Mary Denice O'Neill, Robert Italo Pagnucco, Christos Michael Papadopoulos, David Platt, Walter Leonard Porter, Pamela Lynn Posen, Mark Alan Rein, Andrea Victoria Rosenthal, Daniel Peter Rosenthal, Joan Sheanshang, Martin Bernard Carruthers Simpson, James Alvin Smith, James Ralph Stow, Mark Lawrence Tobin, David William Trimmer-Smith, Asaad Eidi Vejdany, Kesha Weedon, Jerome Lee Weston, Bonnie Leigh Williams, Brittany Leigh Williams, Eric Jon Williams, Stephanie Leigh Williams, Mark James Zwynenburg;

NORTH DAKOTA: Steven Russell Berrell;

OHIO: John David Akerstrom, Shanti Dixit, Douglas Eugene Malicote, Wendy Gay Malicote, Peter Raymond Peirce, Michael Pescatore, Peter Vulcu;

PENNSYLVANIA: Martin Lewis Apfelbaum, Timothy Michael Cardwell, David Scott Dornstein, Anne Madelene Gorgacz, Linda Susan Gordon-Gorgacz, Loretta Anne Gorgacz, David J. Gould, Rodney Peter Hilbert, Beth Ann Johnson, Robert Eugene McCollum, Elyse Jeanne Saraceni, Scott Christopher Saunders;

RHODE ISLAND: Bernard Joseph McLaughlin, Robert Thomas Schlageter;

TEXAS: Willis Larry Coursey, Michael Gary Stinnett, Charlotte Ann Stinnett, Stacey Leanne Stinnett;

VIRGINIA: Ronald Albert Lariviere, Charles Dennis McKee;

WEST VIRGINIA: Valerie Canady;

UNITED STATES CITIZENS LIVING ABROAD: Sarah Margaret Aicher, Judith Bernstein Atkinson, William Garretson Atkinson III, Noelle Lydie Berti, Charles Thomas Fisher IV, Lilibeth Tobila Macalolooy, Diane Marie Maslowski, Jane Susan Melber, Jane Ann Morgan, Sean Kevin Mulroy, Jocelyn Reina, Myra Josephine Royal, Irja Syhnove Skabo, Milutin Velimirovich;

Whereas 15 active duty members and at least 10 veterans of the United States Armed Forces and members of their families were among those who lost their lives in this tragedy;

Whereas the terrorist bombing of Flight 103 was unquestionably an attack on the United States;

Whereas a memorial cairn honoring the victims of the bombing of Flight 103 has been donated to the people of the United States by the people of Scotland;

Whereas a small, vacant plot of land, unsuitable for gravesites, has been located in Arlington National Cemetery, Arlington, Virginia; and

Whereas Arlington National Cemetery, Arlington, Virginia, is a fitting and appropriate place for a memorial in honor of those who perished in the Flight 103 bombing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to place in Arlington National Cemetery, Arlington, Virginia, a memorial cairn, donated by the people of Scotland, honoring the 270 victims of the terrorist bombing of Pan Am Flight 103 who died on December 21, 1988, over Lockerbie, Scotland.

VETERANS' REEMPLOYMENT RIGHTS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from and the Senate proceed to the immediate consideration of H.R. 995, relating to the veterans' reemployment rights; that all after the enacting clause be stricken and the text of S. 843, as passed the Senate on November 2, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid upon the table; and that any statements relative to passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 995), as amended, was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 995) entitled "An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Employee pension benefit plans.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of rights with respect to a State or private employer.
"4323. Enforcement of rights with respect to the Federal executive agencies.
"4324. Enforcement of rights with respect to certain Federal agencies.
"4325. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS

"4331. Regulations.
"4332. Outreach.

"SUBCHAPTER I—GENERAL

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

"§4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or an employer practice or custom and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3)(A) The term 'employee' means any person employed by an employer.

"(B) With respect to employment in a foreign country, the term 'employee' includes an individual who is a citizen of the United States.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311 of this title.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4317 of this title.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

"(11) The term 'Secretary' means the Secretary of Labor or any person designed by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance, service, application for service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, performance, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(d)(1) An employer may take an action otherwise prohibited by this section with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer to violate the law of the foreign country in which the workplace is located.

"(2) If an employer controls a corporation incorporated and located in a foreign country, any practice prohibited by this chapter that is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(3)(A) The prohibitions of this section shall not apply to a foreign employer not controlled by an American employer.

"(B) For purposes of this paragraph the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control of the employer and the corporation.

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title, such employment would impose an undue hardship on the employer.

"(2) In any proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title would impose an undue hardship on the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed

services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4317(a)(2)(A) of this title.

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and section 4314 of this title (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment in accordance with the following order of priority:

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of the position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of a position referred to in subparagraph (A), after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

"(3) In the case of a person who has a disability incurred in, or aggravated by, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated by, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 of this title in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 of this title who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1), consistent with circumstances of such person's case, with full seniority.

"§4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312 of this title, such person shall be reemployed in a position of employment as described in section 4313 of this title.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 of this title and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"§4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe procedures for ensuring that the rights under this chapter apply to the employees of such agency.

"(b) In prescribing procedures under subsection (a), the head of an agency referred to in that subsection shall ensure, to the maximum extent practicable, that the procedures of the agency for reemploying persons who serve in the uniformed services provide for the reemployment of such persons in the agency in a manner similar to the manner of reemployment described in section 4313 of this title.

"(c)(1) The regulations prescribed under subsection (a) shall designate an official at the agency who shall determine whether or not the reemployment of a person referred to in subsection (b) by the agency is impossible or unreasonable.

"(2) Upon making a determination that the reemployment by the agency of a person referred to in subsection (b) is impossible or unreasonable, the official referred to in paragraph (1) shall notify the person and the Director of the Office of Personnel Management of such determination.

"(3) A determination pursuant to this subsection shall not be subject to judicial review.

"(4) The head of each agency referred to in subsection (a) shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on an annual basis a report on the number of persons whose reemployment with the agency was determined under this subsection to be impossible or unreasonable during the year preceding the report, including the reason for each such determination.

"(d)(1) Except as provided in this section, nothing in this section, section 4313 of this title, or section 4324 of this title shall be construed to exempt any agency referred to in subsection (a) from compliance with any other substantive provision of this chapter.

"(2) This section may not be construed—

"(A) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

"(B) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

"(e) The Director of the Office of Personnel Management shall ensure the offer of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under section 4315(c) of this title that reemployment of the person by the agency is impossible or unreasonable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter after a period of service in the uniformed services is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1)(A) Subject to paragraphs (2) through (6), a person who performs service in the uniformed services shall be—

"(i) deemed to be on furlough or leave of absence while performing such service; and

"(ii) entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a practice, policy, agreement, or plan in effect at the commencement of such service or established while such person performs such service.

"(B) Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to subparagraph (A) to the extent other employees on furlough or leave of absence are so required. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person deemed to be on furlough or leave of absence under this subsection while serving in the uniformed services shall not be entitled under this subsection to any benefits which the person would not otherwise be entitled if the person were not on a furlough or leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty service in excess of 31 days to the extent such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) The requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(A) the date of the end of the 18-month period that begins on the date on which the person commences the performance of the service referred to in paragraph (1); or

"(B) the date of the expiration of the person's obligation with respect to such service to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(7) The entitlement of a person to a right or benefit under an employee pension benefit plan is provided for under section 4317 of this title.

"(c)(1)(A) Subject to paragraphs (2) and (3), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person may elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for not more than 18 months after such absence begins.

"(B) A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(C) In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan arising under this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period served by the person in the uniformed services).

"(2) A person who elects to continue health-plan coverage under this subsection shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(3) The period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this subsection shall be the lesser of—

"(A) the 18-month period beginning on the date on which the absence referred to in paragraph (1) begins; or

"(B) the aggregate of the period of the person's service in the uniformed services and the period in which the person is required to notify the person's employer of the person's intent to return to a position of employment under section 4312(e) of this title.

"(d)(1) Except as provided in paragraph (2), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage of the person upon reemployment under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(2) Paragraph (1) shall not apply to the condition of a person if the Secretary determines that the condition was incurred or aggravated during active military, naval, or air service.

"(e) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) within one year after the date of such reemployment, if the person's period of service before the reemployment was more than 180 days; or

"(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

"(f)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4317. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. This subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) Except as provided in section 4312(f)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals only to the extent the person elects to make employee contributions or elective deferrals that are attributable to the period of service described in subsection (a)(2)(B). No such contributions or deferrals may exceed the amount the person or employer would have been permitted or required to make had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any employee contribution or deferral to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree but in no event shall such person be afforded a payment period shorter than the length of absence for service for which the payments are due.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the rate the employee would have received but for the absence during the period of service; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Notwithstanding any other provision of this section—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any forfeitures during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, any of its participants, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned or reallocated, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"§4321. Assistance in obtaining reemployment or other employment rights or benefits

"(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"(b)(1)(A) A person referred to in subparagraph (B) may submit a complaint to the Secretary with respect to the matters described in clause (ii) of such subparagraph. Such complaint shall be submitted in accordance with subsection (c).

"(B) A person may submit a complaint under subparagraph (A) if the person claims—

"(i) to be entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(ii) that the employer (including the Office of Personnel Management, if the employer is the Federal Government) has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and to such claimant's employer.

"(c) A complaint submitted under subsection (b) shall be in a form prescribed by the Secretary and shall include—

"(1) the name and address of the employer or potential employer against whom the complaint is directed; and

"(2) a summary of the allegations upon which the complaint is based.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (b). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall resolve the complaint by making reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4322 of this title (in the case of a person submitting a complaint against a State or private employer) or section 4323 of this title (in the case of a person submitting a complaint against the Federal Government).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§4322. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) *or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.*

“(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

“(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

“(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4321(c) of this title;

“(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

“(iii) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

“(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

“(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

“(i) to require the employer to comply with the provisions of this chapter;

“(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

“(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

“(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

“(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

“(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

“(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

“(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

“(5) In any such action, only a State and local government (as an employer), an employer, or a potential employer, as the case may be, shall be a necessary party respondent.

“(6) No State statute of limitations shall apply to any proceeding under this chapter.

“(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

“§4323. Enforcement of rights with respect to Federal executive agencies

“(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

“(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

“(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

“(b)(1) A person referred to in paragraph (2) may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board. A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

“(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

“(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4321(c) of this title;

“(B) has received a notification from the Secretary under section 4321(e) of this title;

“(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

“(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

“(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

“(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency or employee to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

“(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

“(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

“(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

“(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

“§4324. Enforcement of rights with respect to certain Federal agencies

“(a) This section applies to any person who alleges that—

“(1) the reemployment of such person by an agency referred to in subsection (a) of section 4315 of this title was not in accordance with procedures for the reemployment of such person under subsection (b) of such section; or

“(2) the failure of such agency to reemploy the person under such section was otherwise wrongful.

“(b) Any person referred to in subsection (a) may submit a claim relating to an allegation referred to in that subsection to the inspector general of the agency which is the subject of the allegation. The inspector general shall investigate and resolve the allegation pursuant to procedures prescribed by the head of the agency.

“(c) In prescribing procedures for the investigation and resolution of allegations under subsection (b), the head of an agency shall ensure, to the maximum extent practicable, that the procedures are similar to the procedures for investigating and resolving complaints utilized by the Secretary under section 4321(d) of this title.

“(d) This section may not be construed—

“(1) as prohibiting an employee of an agency referred to in subsection (a) from seeking information from the Secretary regarding assistance in seeking reemployment from the agency under this chapter, alternative employment in the Federal Government under this chapter, or information relating to the rights and obligations of employee and Federal agencies under this chapter; or

“(2) as prohibiting such an agency from voluntarily cooperating with or seeking assistance in or of clarification from the Secretary or the Director of the Office of Personnel Management of any matter arising under this chapter.

“§4325. Conduct of investigation; subpoenas

“(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

“(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

“(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

“(d) Subsections (b) and (c) shall not apply to the legislative branch or the judicial branch of the United States.

“SUBCHAPTER IV—MISCELLANEOUS

“§4331. Regulations

“(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations

implementing the provisions of this chapter with respect to States and local governments (as employers) and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4332. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(c) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General of the United States, and the Special Counsel referred to in section 4323(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to an entitlement to rights and benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35 of title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) CREDITABLE MILITARY SERVICE UNDER CSRS.—Section 8331(13) of title 5, United States Code, is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(b) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER CSRS.—Section 8334(j)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(c) CREDITABLE MILITARY SERVICE UNDER FERS.—Section 8401(31) of such title is amended in the flush matter by inserting "or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990" before the semicolon.

(d) PAY DEDUCTIONS FOR MILITARY SERVICE UNDER FERS.—Section 8422(e)(1) of such title is amended—

(1) by striking out "Each employee" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), each employee"; and

(2) by adding at the end the following:

"(B) In any case where military service interrupts creditable civilian service under this subchapter and reemployment pursuant to chapter 43 of title 38 occurs on or after August 1, 1990, the deposit payable under this paragraph may not exceed the amount that would have been deducted and withheld under subsection (a)(1) from basic pay during civilian service if the employee had not performed the period of military service.".

(e) TECHNICAL AMENDMENTS.—Title 5, United States Code, is amended as follows:

(1) In section 8401(11), by striking out "1954" in the flush matter above clause (i) and inserting in lieu thereof "1986".

(2) In section 8422(a)(2)(A)(ii), by striking out "1954" and inserting in lieu thereof "1986".

(3) In section 8432(d), by striking out "1954" in the first sentence and inserting in lieu thereof "1986".

(4) In section 8433(i)(4), by striking out "1954" and inserting in lieu thereof "1986".

(5) In section 8440—

(A) by striking out "1954" in subsection (a) and inserting in lieu thereof "1986"; and

(B) by striking out "1954" in subsection (c) and inserting in lieu thereof "1986".

SEC. 6. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4)(A) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(i) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(ii) the period of time over which the employee wishes to make contributions under this subsection.

"(B) The employing agency may place a maximum limit on the period of time referred to in subparagraph (A)(ii), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f) Amounts paid under subsection (c) or (d) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(g)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(h) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(g)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code (as added by section 2(a)), occurs on or after August 1, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR REEMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is restored or reemployed in a position of employment (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

SEC. 7. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

SEC. 8. TECHNICAL AMENDMENT.

(a) TECHNICAL AMENDMENT.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 9. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to reemployments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4316(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4316. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) INVESTIGATIONS AND SUBPOENAS.—The provisions of section 4325 of title 38, United States Code, as provided in the amendments made by this Act, shall become effective on the date of the enactment of this Act and apply to any matter pending with the Secretary of Labor under section 4305 of title 38, United States Code, as of that date.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceedings that begin before the end of the 60-day period referred to in subsection (a).

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.

SEC. 10. INCREASE IN AMOUNT OF LOAN GUARANTY FOR LOANS FOR THE PURCHASE OR CONSTRUCTION OF HOMES.

Subparagraphs (A)(i)(IV) and (B) of section 3703(a)(1) of title 38, United States Code, are each amended by striking out "$46,000" and inserting in lieu thereof "$50,750".

ORDERS FOR TUESDAY, NOVEMBER 9, 1993

Mr. BIDEN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, November 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, the Senate resume consideration of the motion to invoke cloture on the Interior Appropriations conference report, with 1 hour for debate, the time equally divided and controlled between Senators REID and NICKLES, or their designees; that once the hour has been used on the motion to invoke cloture, the Senate then resume consideration of S. 1607, the crime bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences; that at 2:15 p.m., the Senate, without intervening action or debate, vote on a motion to invoke cloture on the Interior Appropriations conference report, to be followed, without intervening action or debate, by a vote on, or in relation to, the DOLE amendment No. 1140; that upon disposition of the Dole amendment, and without intervening action or debate, the Senate vote on, or in relation to, the Lieberman amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, NOVEMBER 9, 1993, AT 9 A.M.

Mr. BIDEN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:58 p.m., recessed until Tuesday, November 9, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 1993:

DEPARTMENT OF ENERGY

CHRISTINE ERVIN, OF OREGON, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY), VICE J. MICHAEL DAVIS, RESIGNED.

COMMODITY FUTURES TRADING COMMISSION

BARBARA PEDERSEN HOLUM, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 1997, VICE FOWLER C. WEST, RESIGNED.

DEPARTMENT OF AGRICULTURE

WALLY B. BEYER, OF NORTH DAKOTA, TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION FOR A TERM OF TEN YEARS, VICE JAMES B. HUFF, SR.

DEPARTMENT OF STATE

STUART GEORGE MOLDAW, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 8, 1993:

DEPARTMENT OF COMMERCE

JEFFREY E. GARTEN, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

FEDERAL LABOR RELATIONS AUTHORITY

JOSEPH SWERDZEWSKI, OF COLORADO, TO BE GENERAL COUNSEL FOR THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS.

DEPARTMENT OF LABOR

JOSEPH A. DEAR, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF VETERANS AFFAIRS

EUGENE A. BRICKHOUSE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION).

KATHY ELENA JURADO, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS).

NATIONAL MEDIATION BOARD

ERNEST W. DUBESTER, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 1995.

ENVIRONMENTAL PROTECTION AGENCY

JONATHAN Z. CANNON, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MARY DOLORES NICHOLS, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DIANE B. FRANKEL, OF CALIFORNIA, TO BE DIRECTOR OF THE INSTITUTE OF MUSEUM SERVICES.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GARY H. MEARS, [redacted] UNITED STATES AIR FORCE

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JIMMY D. ROSS [redacted] UNITED STATES ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHNNIE E. WILSON, [redacted] UNITED STATES ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent brigadier general

COL. EDWIN P. SMITH [redacted]
COL. NEIL N. SNYDER III [redacted]
COL. MARK R. HAMILTON [redacted]
COL. EMMITT E. GIBSON [redacted]
COL. ROBERT D. SHADLEY [redacted]
COL. CHARLES R. VIALE [redacted]
COL. GEORGE F. CLOSE, JR. [redacted]
COL. DALE R. NELSON [redacted]
COL. JOSEPH E. ODER [redacted]
COL. MICHAEL W. ACKERMAN [redacted]
COL. BOYD E. KING, JR. [redacted]
COL. JOHN M. LE MOYNE [redacted]
COL. MICHAEL L. DODSON [redacted]
COL. JOHN J. RYNESKA [redacted]
COL. ROY E. BEAUCHAMP [redacted]
COL. RICHARD A. BLACK [redacted]
COL. JOHN B. SYLVESTER [redacted]
COL. JAMES P. O'NEAL [redacted]
COL. THOMAS W. GARRETT [redacted]
COL. JOHN D. THOMAS, JR. [redacted]
COL. JAMES E. SHANE, JR. [redacted]
COL. JOHN G. MEYER, JR. [redacted]
COL. JOSEPH M. COSUMANO, JR. [redacted]
COL. ROBERT B. FLOWERS [redacted]
COL. ROBERT R. IVANY [redacted]
COL. MICHAEL T. BYRNES [redacted]
COL. DAVID S. WEISMAN [redacted]
COL. RALPH G. WOOTEN [redacted]
COL. JULIAN H. BURNS, JR. [redacted]
COL. ROBERT T. CLARK [redacted]
COL. CHRISTOPHER C. SHOEMAKER [redacted]
COL. KEVIN P. BYRNES [redacted]
COL. JOHN M. MCDUFFIE [redacted]
COL. GREGORY A. ROUNTREE [redacted]
COL. LARRY J. LUST [redacted]
COL. PETER C. FRANKLIN [redacted]
COL. DAVID L GRANGE [redacted]
COL. KENNETH R. BOWRA [redacted]

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTIONS 593(A), 3371 AND 3384, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DONALD F. CAMPBELL [redacted]
BRIG. GEN. PETER W. CLEGG [redacted]
BRIG. GEN. LINDSAY M. FREEMAN [redacted]
BRIG. GEN. LEONARD L. HOCH [redacted]
BRIG. GEN. THOMAS P. JONES [redacted]
BRIG. GEN. HOWARD T. MOONEY [redacted]
BRIG. GEN. THOMAS J. PLEWES [redacted]
BRIG. GEN. RICHARD F. REEDER [redacted]
BRIG. GEN. RICHARD E. STORAT [redacted]
BRIG. GEN. FRANCIS D. TERRELL [redacted]
BRIG. GEN. JOHN M. VEST [redacted]
BRIG. GEN. ROBERT H. G. WAUDBY [redacted]

To be brigadier general

COL. MICHAEL E. DUNLAVEY [redacted]
COL. JAMES L. BAUERLE [redacted]
COL. MELVIN R. JOHNSON [redacted]
COL. BRUCE B. BINGHAM [redacted]
COL. MICHAEL R. MAYO [redacted]
COL. ROBERT J. WINZINGER [redacted]
COL. JOHN G. KULHAVI [redacted]
COL. RODNEY D. RUDDOCK [redacted]
COL. ROBERT L. LENNON [redacted]
COL. JOHN J. GREEN, JR. [redacted]
COL. JAMES C. LARSON [redacted]
COL. CLIFFORD L. MASSENGALE [redacted]
COL. ROBERT A. LEE [redacted]
COL. NORMAN B. BURDETT [redacted]

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

Unrestricted line officer to be rear admiral (lower half)

CAPT. JAMES WAYNE EASTWOOD [redacted] U.S. NAVAL RESERVE
CAPT. TIMOTHY O'NEIL FANNING, JR [redacted] U.S. NAVAL RESERVE
CAPT. JOHN EDWIN KERR [redacted] U.S. NAVAL RESERVE
CAPT. JOHN BENJAMIN TOTUSHEK, [redacted] U.S. NAVAL RESERVE

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. ROBERT HULBURT WEIDMAN, JR., [redacted] U.S. NAVAL RESERVE

MEDICAL CORPS OFFICER

To be read admiral (lower half)

CAPT. MACEA EUGENE FUSSELL, [redacted] U.S. NAVAL RESERVE

SUPPLY CORPS OFFICER

To be rear admiral (lower half)

CAPT. BRIAN NELSON MCCARTHY [redacted] U.S. NAVAL RESERVE

CHAPLAIN CORPS OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM ASHLEY WILL, JR [redacted] U.S. NAVAL RESERVE

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE LINE, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

Unrestricted line officer to be rear admiral

REAR ADM. (LH) GRANT THOMAS HOLLETT, JR., [redacted] U.S. NAVAL RESERVE
REAR ADM. (LH) TIM MCCALL JENKIN [redacted] U.S. NAVAL RESERVE
REAR ADM. (LH) JOHN JACOB MUMAW [redacted] U.S. NAVAL RESERVE

Unrestricted line officer (training and administration of reserve) to be rear admiral

REAR ADM. (LH) JAMES DUANE OLSON, II, [redacted] U.S. NAVAL RESERVE

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JERRY O. TUTTLE, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBLY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. WILLIAM A. OWENS, [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. THOMAS J. LOPEZ [redacted] U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING RICHARD A. ACETO, AND ENDING RAYMOND D WILKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 14, 1993

AIR FORCE NOMINATION OF ROBERT G. WORTHINGTON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

AIR FORCE NOMINATIONS BEGINNING SAMAR K BHOWMICK, AND ENDING ERNEST G WEEKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

AIR FORCE NOMINATIONS BEGINNING KENNETH F. ABEL, AND ENDING SHEILA J ZRIMM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

IN THE ARMY

ARMY NOMINATIONS BEGINNING ROBERT E ABODEELY, AND ENDING JULIA B WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 4, 1993

ARMY NOMINATIONS BEGINNING THOMAS N. BORDNER, AND ENDING LYNNETTE D. KENNISON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

ARMY NOMINATIONS BEGINNING PATRICIA A AFFE, AND ENDING ALAN H BRIGHTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JEFFREY A BAUMERT, AND ENDING JEFFREY A RIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

MARINE CORPS NOMINATIONS BEGINNING STEPHEN S ADAMS, AND ENDING CRAIG W WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

MARINE CORPS NOMINATIONS BEGINNING JOSEPH A ALEXANDER, JR, AND ENDING WADE YOFFEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

MARINE CORPS NOMINATIONS BEGINNING JAMES C ANDRUS, AND ENDING FLOYD H WINN, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

MARINE CORPS NOMINATIONS BEGINNING TIMOTHY C ABE, AND ENDING MARK G ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

IN THE NAVY

NAVY NOMINATIONS BEGINNING JON CHRISTIAN ABELES, AND ENDING JOHN STEWART DAUGHENBAUGH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

NAVY NOMINATIONS BEGINNING RONALD DAVID ABATE, AND ENDING REUBEN TERUO TSUJIMURA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

NAVY NOMINATIONS BEGINNING LEE THOMAS BAKER, AND ENDING THOMAS JOSEPH YURIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

NAVY NOMINATIONS BEGINNING CHARLES L ALEY, III, AND ENDING DOREEN E TATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF OCTOBER 19, 1993

EXTENSIONS OF REMARKS

SCHOOL CHOICE IN THE YEAR 2000

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to encourage all of our colleagues to read the following article on the future of school choice by former Secretary of Education Lamar Alexander.

Like most Americans, I believe that we must fix the learning system in America. We must reform education so that every child in the United States has the opportunity to learn, and we must build a culture of lifelong learning so that we can use the knowledge we have and successfully compete in the world.

We cannot continue to trap children in school systems in which the resources are siphoned off by bureaucrats and union employees and never actually reach the students. At least 35 States now offer parents at least some measure of choice in education, and academic choice options are expanding. Five States have implemented comprehensive open enrollment plans that allow parents to select their children's schools, and several others have announced new choice programs. As former Secretary Alexander predicts, school choice will be the way of the future because Americans will have figured out that schools which provide a quality education will succeed in attracting students to study there and significantly help low- and middle-income have access to good schools.

[Reprinted from the Phi Delta Kappan, June 1993]

SCHOOL CHOICE IN THE YEAR 2000

(By Lamar Alexander)

I have this prediction: by the time our fifth-graders, the class of 2000, are seniors, school choice will not be an issue. About the only people discussing it will be a few Ph.D. candidates who will have chosen to investigate that strange era when local government monopolies had control of the most valuable and important enterprises in America—our schools—and fought furiously to keep the doors to many of the best schools closed to middle- and low-income children. The era will be especially difficult to understand because it will have flourished at the same time that the ideas of freedom, choice, and opportunity were sweeping the rest of the world. In hindsight, it will look like we Americans were determined, in education at least, to be the last to practice our own best ideas.

School choice will not be an issue in the year 2000 because it will then be commonplace. Middle- and low-income parents will have demanded it, and the public at large will have remembered that consumer power is a tried and true American way to encourage innovation and improvement. Still, for most people today, it is hard to imagine that the idea that parents—not the government—should decide what is best for children will become commonplace so quickly. There is no more divisive issue in American education today than the idea of school choice, especially when it is extended to include schools or academic programs that may have been invented and operated by someone other than the local school board.

Trying to encourage our education system to give all families the same options that, say, my family has or President Clinton's family has when it comes to choosing schools was only one of a number of proposals that President Bush and I supported when I was his secretary of education. Some of these proposals were very different: setting new national standards in basic subjects, devising a national examination system geared to those standards, creating thousands of "break-the-mold schools" from scratch, removing most federal regulations that handcuff classroom teachers, and inviting the genius of America's huge, vibrant, creative private sector to help create the best schools in the world for our children.

But these proposals—taken either singly or all together—did not stir anything like the intense reactions evoked by the idea of giving all parents the opportunity to choose among all schools. When I appeared before newspaper editorial boards with the intention of discussing President Bush's entire America 2000 education program, I often found much of my time consumed by arguments with editors who had plenty of choices for their own children but were worried about giving those same choices to parents with less money. Albert Shanker, president of the American Federation of Teachers, whom I had always found to be reasonably receptive to different ideas, became positively red-faced and grumpy over our persistent advocacy of school choice. He described it as a "dagger to the heart" and helped to lead an enormous political effort to support Bill Clinton and to end the talk of "private school choice."

Many educators told me that they greatly feared that school choice, instead of helping to create better schools, would create worse ones. And when, having been interrupted in my work by the voters, I climbed into my Ford Explorer on January 20 and drove back home to Tennessee, I had among my papers a clipping quoting one lobbyist as saying, with obvious relief, "Well, that is the last we'll hear of 'break-the-mold' schools and private school choice."

Of course, the lobbyist was wrong. When I arrived in Maryville, Tennessee—the small town at the edge of the Great Smoky Mountains where I grew up, where both my parents taught, and where my father was school board chairman—there in the Maryville-Alcoa Daily Times was a story about how the school board was turning Fort Craig Elementary into a "school of choice." Fort Craig would have an extended-day, year-round schedule for the children of working parents and a different curriculum. So, of course, no child would be assigned to Fort Craig. The school would do things the way we do most other things in America—Fort Craig would attract students. And teachers, too. The school board had decided that it might as well have teachers who chose to teach at Fort Craig in addition to children whose parents thought Fort Craig would be the best school for them.

That was far from all. The Daily Times also reported that Maryville was building a new middle school. There was to be a town discussion—everyone's opinions were being invited—so that Maryville would not just end up with the same kind of new school that a "cruise-control" mentality might produce. Maryville was determined to "break the mold," to start from scratch to create a school that would fit the needs of children growing up today in my hometown.

All of this reminded me of Cousin Hazel, our self-appointed family historian. A few years ago at our family reunion, Hazel collected $25 from each of us to put together a family history, and eventually she produced one. Somewhere toward the middle, the history describes, in approximately the following words, the school my Grandfather Alexander attended in Cloyd's Creek: "First, they created the church, and then the school. And the school was open during the summer for about three months, and it taught children reading and writing and arithmetic to the fourth grade."

When my father and his brothers and sisters came along, my grandfather sold his farm near Cloyd's Creek and moved into Maryville—so that his children could attend a better school. My father went to those same Maryville schools that I am describing, the ones I also attended—schools of which we were and are proud and that regularly help to produce the highest student achievement scores in the state at a cost of less than $4,000 per student per year.

But today the community of Maryville sees that, even in our small town, the world is changing dramatically. Instead of there being only an Alcoa aluminum plant that hires most of those who do not farm, there is also a Nippondenso plant making auto parts, and the aluminum plant has gotten much smaller. At both plants today the employees are expected to understand algebra, estimation, statistics, and spatial relationships; to speak and communicate well in English; and to work in teams in a way that was not expected of us when we graduated years ago.

And anyone who needs a further reminder of how the world around my hometown is changing can look just down the road to Sweetwater, home of Tennessee Megii Gakuin—the first Japanese high school in the United States, where students attend classes about 80 more days a year than they do at my old high school and consequently learn in three years what the Maryville High School students learn in four.

One reason that Fort Craig Elementary is changing its hours and curriculum and that the new "break-the-mold" middle school is being planned is that, even in Maryville, children are growing up differently today. And an 8 a.m. to 3 p.m. school schedule for nine months of every year, featuring a teacher lecturing from a textbook, doesn't fit the way a child grows up today. The school, as James Coleman of the University of Chicago says, "is organized to help the family do some things the family doesn't do as well."

Also in the newspaper on the day I returned to Tennessee was a story about the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

progress of the Edison Project, headquartered at Whittle Communications in nearby Knoxville. The article told of the excitement within the Edison team of teachers and others, who are asking of education the question Peter Drucker has insisted that American business ask of itself, "If you weren't already doing it, would you start?" What the Edison group—headed by Benno Schmidt, former president of Yale University—is contemplating is every bit as exciting and promising and revolutionary as the highly successful start-from-scratch Saturn automobile plant a few miles down the highway in Spring Hill, Tennessee.

Driving on to Nashville, where my family and I now live, I visited with the new mayor, a Democrat fresh from the world of business, who had quite innocently—and I think correctly—asked early in his term, "Why can't we make every school a magnet school?" And the Nashville newspapers carried a piece about Carl Ross of Dodson Elementary School, certainly one of the best principals in the metropolitan Nashville area during the time that I have watched education in Tennessee. Carl had resigned his position to create a private company and is—as I write—negotiating with the school board to manage one or more of the public schools in Nashville as a way of creating the best schools in the world for the children there.

Over the last 15 years, during which time I have been governor, university president, and U.S. secretary of education, I have come to understand better that all education—like all politics—is local. That is why I gather, mostly from what I see happening around me in Tennessee, that opposition to school choice is on its last legs. But I saw the same trends all across America. And I suspect that, if you look carefully around your own community, you will see them too.

I certainly saw these same trends during the 22 months I served as education secretary. Most of my "education" during that time took place outside Washington, D.C. I visited virtually every state—more than 100 communities. I saw a consensus developing that will inevitably create a new definition and form of what we call "public education." This consensus is developing primarily because America is shifting gears—we are understanding that the world has changed not only in the Soviet Union and Eastern Europe or in some other remote place on television, but in our own backyards as well. Small businessmen and businesswomen in the U.S. who have, as a consequence of this change, gone through wrenching restructuring in their private and business lives are asking with some indignation why the government is not willing to undergo the same sort of transformation. And they are particularly questioning the organization of our schools, because schools are so important and because schools are still designed quite literally for the day when my grandfather attended classes three months a year until the fourth grade and then went to work in the fields.

In addition, Americans have seen how rapidly the rest of the world has been seeking to emulate the American way of life. Everywhere it seems that freedom, choice, and opportunity are becoming the principles on which are founded the answers to the most basic human questions. Around the world, nothing is in quite so much disfavor as government monopolies of essential services. Even in Poland, the government is now giving families more choices of all schools, including private schools, as a way of extending opportunity and improving the system of education.

I will never forget the experience my family had in 1987, when, after eight years in the governor's mansion in Tennessee, we moved to Sydney, Australia, to live for six months. We made this move to get our feet back on the ground as a family. Of course, we learned a lot about crocodiles and sharks and beautiful beaches and jungles. But we learned mostly, as any traveler does, about the wonders of our home country—how big America is, how much variety it contains, how creative it is, and how it is still the premier innovator of the world. And especially we learned afresh what freedom, choice, and opportunity can mean in everyday life.

I suppose we learned the most as we traveled home from Australia through China and then Russia. In China, the children began making lists of things they could do at home in America that Chinese children could not do: choose the college they would attend, the profession in which they would work, the kind of car they would drive, the city in which they would live, and the person they would marry.

What do you suppose would happen in America if some law said you had to attend Vanderbilt instead of the University of Tennessee, live in Cincinnati instead of Cleveland, drive a Ford instead of a Chevrolet, take a job as a welder instead of a fireman, or marry this person instead of that? There would be a revolution—that is what would happen. Then how in the world did we ever fall into—and persist in—this rut that says that a single government monopoly in every town will design all the schools, operate all the schools, and tell each of us—unless we have the money to move across town or to go to a private school—just which one of those schools our child must attend? This is certainly not the way America usually operates.

Last year, the Carnegie Foundation for the Advancement of Teaching reported that 28 percent of the parents it surveyed responded positively when they were asked if they would like to send their child to "some other school * * * public or private, inside or outside of your district." This was truly astonishing: 28 percent—conservatively, parents of at least 12 million American families—would like to send their children to some other school. Nine percent said some other public school; 19 percent said some other private school.

What was even more astonishing was the way the authors of the report interpreted this finding. They concluded that, although 28 percent of consumer parents are dissatisfied, these results somehow represented a mandate to keep things the way they are. That is, if 70 percent say everything is okay, why change it for the rest of you? This made me wonder what would have happened if we had sent this same Carnegie team to Europe five years ago. Would its members have reported that the Berlin Wall was a good idea because only 28 percent of east Germans wanted out?

The Berlin Wall analogy may seem harsh, but it is not so far-fetched. America has stumbled—unnecessarily and uncharacteristically—into this system in which well-intentioned local monopolies have given us what monopolies in a rapidly changing world might be expected to give us: schools in a time warp, schools that stymied teachers and too often bore children, schools that leave 28 percent of American parents wishing they could send their children to some other school.

Recently, someone gave me an article from the August 1968 issue of Psychology Today titled "A Proposal for a Poor Children's Bill of Rights." The proposal was to give a federal coupon to perhaps as many as 50 percent of American children, through their parents, to be spent at any school. "By doing so," the authors wrote, "we might both create significant competition among schools serving the poor (and thus improve the schools) and meet in an equitable way the extra costs of teaching the children of the poor." The authors of the article were Theodore Sizer and Phillip Whitten. Sizer, of course, is today one of America's most respected and pioneering educators and chairman of the Coalition of Essential Schools.

The year 1968 was long ago. Lyndon Johnson was President. "Power to the people" was the battle cry. Sizer and Whitten were young faculty members at Harvard when they wrote:

"The idea of such tuition grants is not new. For almost two centuries various proposals for the idea have come from such figures as Adam Smith, Thomas Paine, John Stuart Mill and more recently from Milton Friedman. Its appeal bridges ideological difference. It has never been tried, quite possibly because the need for it has never been so demonstrably critical as now."

The authors quoted Mario Fantini, then of the Ford Foundation, who imagined "a parents' lobby with unprecedented motivation . . . [and with] a tangible grasp on the destiny of their children." Sizer and Whitten commented, "The ability to control their own destinies definitely will instill in poor people a necessary pride and dignity of which they have been cheated." And what about the argument that this scheme might destroy the public schools? Sizer and Whitten answered:

"Those who would argue that our proposal would destroy the public schools raise a false issue. A system of public schools which destroys rather than develops positive human potential now exists. It is not in the public interest. And a system which blames its society while it quietly acquiesces in, and inadvertently perpetuates the very injustices it blames for its inefficiencies, is not in the public interest. If a system cannot fulfill its responsibilities, it does not deserve to survive. But if the public schools serve, they will prosper."

It was precisely this kind of thinking (although we had not then seen the article by Sizer and Whitten) that led the Bush Administration in 1992 to propose annual scholarships of $1,000 in new federal dollars for each child of a middle- or low-income family in a participating state or locality. Families could spend the scholarships at any lawfully operated school—public, private, or religious. Up to $500 of each scholarship could be spent on "other academic programs"—for example, a Saturday program to learn math, or any afternoon program for children with speech disabilities, or a summer or accelerated program in language or the arts.

The President called his program the "GI Bill for Children" because it would begin to do for elementary and secondary students what the federal government had been doing since World War II for college students—and since 1990 for toddlers in day care. The President's proposal was a demonstration program, but it was the largest new program in the federal budget for fiscal year 1993—a much bigger program, for example, than Head Start was in 1965. It would have spent half a billion new dollars each year, enough to provide scholarships for all eligible children (about 60 percent) in 24 cities the size of San Jose, or in 30 cities the size of Little Rock, or in seven the size of Milwaukee.

These federal dollars would have gone directly to parents, so there would have been no church/state question. There were antidiscrimination proposals included in the program relating to race, disability, and gender. And all the new money in the President's "GI Bill for Children" could have gone to public schools—and I believe that at least 70 percent of it would have—as long as parents thought those schools were best for their children.

Our "GI Bill for Children" proposal in 1992 was almost the same as Sizer's "Poor Children's Bill of Rights" proposal in 1968. Sizer did imagine a "federal coupon" a good deal larger than the $1,000 scholarship President Bush proposed, but $1,000 per student is enough to make a difference in any public school and to pay all of the tuition in, for example, almost any Catholic elementary school (and Catholic schools enroll about 55 percent of America's private school children).

It is time for local school boards to think of themselves differently—as overseers of a system that offers families the widest possible range of choices of the best schools, in somewhat the same way that an airline offers travelers a wide range of opportunities. The airline does not insist on inventing or designing or building its airplanes. It does not insist on owning them. It does not even insist on making reservations. The airline conceives of its job as making sure that every traveler who wants to fly has a wide range of attractive choices at a reasonable cost and can get from point A to point B safely and on time.

We should think of a system of public education in much the same way. The managers of that system should see it as their responsibility to ensure (1) that every single child has the broadest possible number of options to enroll, at a reasonable cost, in the best schools and academic programs; (2) that each child can attend school safely; and (3) that each child will leave school having learned what he or she needs to know to live, work, and compete in the world.

Many school boards are already thinking in this way. Dade County (Miami) is putting more elementary schools in hospitals and creating as many as 50 break-the-mold schools as it rebuilds after Hurricane Andrew. Honeywell has a high school in its corporation headquarters in St. Paul. Down the street, there is a kindergarten in a bank. Baltimore has hired a private company to help manage nine public schools. Minnesota school boards have long had "contract schools" that others design and operate. California has just authorized 100 "charter" schools, to be designed by teachers and others and to operate outside the usual regulations. Why not invite museums, corporations, groups of teachers, libraries, and places of business to design and operate schools that are the best in the world and let those schools attract our children? Why employ our most creative people only when we want to create missiles that will find their way down smokestacks?

Watch for California to lead the way as it grapples with enormous challenges to its education system. According to Maureen DiMarco, the governor's secretary of child development and education, 200,000 new children—more than attend all the schools in Detroit—will arrive in California schools every year. Twenty-two percent of the children in California schools don't speak English. Something has to give. The school structures were never designed for such challenges. Drastic changes—and more money—will be required.

California's response this year was to enact legislation to create 100 charter schools, releasing them from state and union rules, and to invite teachers to design new schools that meet the needs of children. California also tried to hold a referendum on vouchers for its existing schools, but the motion did not quite secure the necessary number of valid signatures to get on the ballot. (Now the referendum is slated for consideration in 1994.) What if California combined the demand for different kinds of schools, the demand for school choice, and the demand for new funds into a single movement—chartering 1,000 new schools each year for the next 10 years and establishing a California "GI Bill for Children" that would provide scholarships that parents could use at any California school? A federal "GI Bill for Children" could then supplement California legislation by providing additional dollars for parents of middle- and low-income children.

From Washington, D.C.—where, to the relief of many, I can no longer be found—it may be hard to imagine this picture of America in the year 2000. But from Tennessee, where I am now, it looks fairly clear that Americans will stay very busy for the rest of the decade, working together on what is arguably America's most important enterprise—creating the best schools in the world for our children. And as we do this, we will find that these schools must be so different that we will break the mold and imagine different learning environments that fit families and children the way they are living in the 1990s. When we do this we will attract families to these different schools, not compel then to attend. And surely we will invite the private sector to join in creating such wonderful opportunities.

That is why I am convinced that by the year 2000 today's divisiveness about school choice will be history, only a dissertation topic, and some puzzled graduate student will be asking, "Now, please explain it one more time. Exactly why was it that America kept in place for so long a system that froze our schools in a time warp and denied to children of middle- and low-income families the same opportunity to choose the best schools for their children that fortunate families, like the Clintons and the Alexanders, enjoyed? Why indeed?

BANNING THE OCEAN DUMPING OF LOW-LEVEL RADIOACTIVE WASTE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. WELDON. Mr. Speaker, I rise today to introduce the ocean nuclear dumping ban resolution. This House concurrent resolution expresses the sense of Congress that the United States should press for an international ban on the ocean dumping of low-level radioactive waste at the London Convention meeting which opened today.

Last week, the Clinton administration joined the Governments of Denmark, Argentina, Australia, Brazil, Chile, Finland, Germany, Iceland, Ireland, Italy, Japan, Malta, Mexico, The Netherlands, New Zealand, Papua New Guinea, Poland, Portugal, Solomon Islands, Spain, and Sweden in supporting amending the London Convention to ban the ocean dumping of low-level nuclear waste.

With the United States and 21 other nations supporting the prohibition, I am confident that international law will be revised to incorporate the ban.

In the past, international law alone has not stopped Russia from dumping radioactive waste at sea. Russia's former Communist leadership repeatedly violated international law by dumping high- and low-level radioactive waste into the world's oceans. Since 1959, the former Soviet Union dumped 18 nuclear reactors and a reactor screen, 7 of which contained spent nuclear fuel, thousands of cannisters of nuclear waste, and hundreds of thousands of gallons of liquid radioactive waste into the marine environment.

Even after the fall of communism, Moscow has continued to dispose of radioactive waste at sea. In mid-October, Russia dumped 900 tons of low-level radioactive waste in the Sea of Japan in violation of a previously agreed upon international moratorium.

According to Japanese press accounts, high-ranking Russian officials have admitted that ocean dumping of radioactive waste will continue. Passage of the ocean nuclear dumping ban resolution will send a powerful message to Moscow to end this practice.

The Environmental Defense Fund and Greenpeace have both endorsed the concurrent resolution. I encourage my colleagues to join me, the chairman and ranking member of the Committee on Merchant Marine and Fisheries, and the chairman of the committee's Subcommittee on Oceanography in supporting the ocean nuclear dumping bank concurrent resolution.

DIAMOND MANUFACTURERS AND IMPORTERS CELEBRATE 60TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important industry in the city of New York.

The Diamond Manufacturers and Importers Association is comprised of America's largest and most reputable diamond manufacturing and importing firms. This group of business men and women, is dedicated to providing consumers with an assurance that the diamonds they buy, for those very special occasions, are of the quality and integrity they ought to be.

These outstanding individuals have as their main objective, the protection of the buying public by eliminating unscrupulous merchants who use dishonest and deceptive practices. At a time when so many Americans are turning to us and to the judicial system for assistance, I am pleased to represent an industry which truly heeds those words, "Physician heal thyself."

The DMIA impacts New York through its employ of 26,000 workers and almost 95 percent of the 1.32 billion dollars' worth of diamonds which enter the United States, are processed right here in New York City.

I would like to ask my colleagues to salute this distinguished organization for its professionalism and its persistence in ensuring diamonds remain the true symbol of excellence which they are.

NAFTA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. PACKARD. Mr. Speaker, a lot of misinformation and exaggeration is coming out of the NAFTA opposition camp. Contrary to current hyperbole, NAFTA is going to cut in taxes.

Tariffs are nothing more than a hidden sales tax. The average American family spends more than $1,000 every year on imported goods because of tariffs. NAFTA will eliminate those hidden taxes. Currently, Mexican tariffs are almost 2½ times greater than our own. Fully half of all United States exports will be eligible for zero Mexican tariffs when NAFTA takes effect on January 1. Eventually, all tariffs will be eliminated. Americans will be paying significantly less in tariffs. A cut in tariffs is a cut in taxes.

But tariffs aren't the only cost of doing business. Businesses spend millions of dollars every year in other hidden costs. NAFTA will eliminate many of those costs. Bureaucratic hurdles will be taken down. Government redtape will be stripped away. Licensing requirements are streamlined. Quotas are completely eliminated. Intellectual property rights are strengthened. And Mexican markets that are currently closed to United States businesses will be opened. That means American businesses that would have been forced to relocate south of border under current trade laws, could now stay in America.

All of these savings will be passed onto the American consumer in the form of lower prices. Once again, hidden sales taxes will be stripped away and Americans will be spending less for the products they buy.

But Americans will not only benefit from lower retail prices. United States business profits and personal incomes will increase as Mexican and Canadian consumers spend more of their money on our products. Canada and Mexico are already our second and third largest export markets, and the size of those markets are expanding every year. Just since 1986, United States merchandise exports to Mexico have risen an astounding 228 percent. Already 70 cents of every dollar spent by Mexico on foreign goods is spent on American products. NAFTA will lock in and expand those trade gains we've already made.

NAFTA means lower tariffs, increased trade, and higher incomes and profits. That translates into increased revenues and that's money in our pockets. NAFTA means a net gain for America. Don't be fooled by the rhetoric, NAFTA will reduce taxes for American workers and consumers.

INSUFFICIENT FORCE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to recommend that all my colleagues read the following editorial from the October 8, 1993, issue of the Washington Times.

As we prepare to face the challenges of "New World Order," I believe that it would be very helpful for all of us to reflect on the dangers of trying to micromanage the military in the field from the political corridors of Washington. As this editorial clearly points out, giving field commanders a free hand in meeting their objectives was essential in winning Desert Storm.

I certainly hope that Congress, as well as the White House and the rest of the executive branch of Government have learned something from the debacle in Somalia:

INSUFFICIENT FORCE

One of the first things the military heard from the new Clinton administration was that the good old times were over; the generals had better get used to being under civilian command now. During the 1980s, they had been pampered and much too often allowed to get their way. Well, now we know what happens when the advice of military men is overridden by politicians, who for one reason or another, believe they know better.

Yesterday, Secretary of Defense Les Aspin was on Capitol Hill to explain just how it could be that 100 U.S. Rangers ended up being pinned down the night between Sunday and Monday for 10 hours by Somali fighters under the control of warlord Mohamed Farrah Aidid, trying to protect two downed Blackhawk helicopters and their crews. In all, 12 lost their lives and 79 were wounded. Six are missing and one is in captivity. That's a staggering result. Details of their ordeal are now coming from soldiers being treated at a U.S. hospital in Landstuhl, Germany, and they are truly harrowing. Fighting snipers in trees, on buildings and on rooftops, they waited and waited for relief, getting picked off one by one. Even with superior training and equipment, our soldiers didn't stand a chance, being vastly outnumbered. They had to wait for hours for Pakistani and Malaysian troops to come to their rescue.

Meanwhile, the armored vehicles that could have been used to clear the streets of barricades—and which their commanders had requested from the United States in early September—were never dispatched. As reported yesterday by Bill Gertz of The Washington Times, Gen. Colin Powell twice last month conveyed the request from U.S. commanders in Mogadishu to Mr. Aspin for tanks and armored vehicles to protect the U.S. forces in Somalia, but the request was rejected by the secretary of defense.

Why was it turned down? Because, so Mr. Aspin told congressional leaders, he did not want to appear to be reversing what was then a reduction of U.S. forces in Somalia and because the equipment might be needed in Bosnia. That happened at the same time as the U.S. mission had actually expanded, now to include the hunt and capture of Mr. Aidid. It is worth recalling that the crack U.S. Rangers sent there by Mr. Clinton in August numbered a mere 300. The rest of the 4,700 U.S. forces there are not combat troops.

When George Bush decided that the time had come to evict Saddam Hussein from his new real estate in Kuwait, he gave his military commanders a free hand to decide how best to accomplish that goal. Anyone who has studied the memoirs of Gen. Norman Schwartzkopf will know how much that meant for the success of the enterprise. Sure there was pressure, but his demands and his reasoning were deferred to.

One should hope that Mr. Clinton and Mr. Aspin have learned something from the tragic events of this week. It's up to them to define clearly the political objectives of our presence in Somalia—and wherever else American troops are sent. The military means need to be left to the experts.

PUERTO RICAN HERITAGE MONTH COMMITTEE—COMITE NOVIEMBRE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. KLEIN. Mr. Speaker, I rise today to acknowledge November 1993 as Puerto Rican Heritage Month in the State of New Jersey and in the United States of America. This acknowledgment is in conjunction with the tribute I presented before Congress on May 5, 1993, declaring 1993 as "Puerto Rican Heritage Year." I would also like to acknowledge the hard-working people of Comite Noviembre of New Jersey who are contributing to the success of this month.

Comite Noviembre is the national organization for Puerto Rican Heritage Month. The organization has chapters in New York, New Jersey, Illinois, Massachusetts, and Puerto Rico.

Comite Noviembre of New Jersey dedicates itself to shining the rays of Puerto Rican culture and heritage to the people of the State. The Comite Noviembre places an emphasis on educational excellence as a key to the future and seeks to promote awareness of Puerto Rican cultural, economic, and political contributions to communities throughout the State.

On November 11, 1993, Comite Noviembre of New Jersey headed by Chairperson Lillian Arocho will honor the Puerto Rican leaders of the State for their positive images and contributions to the Puerto Rican people. The event will applaud the past, recognize the pivotal impact of the leaders of the present, and provide example and cultural grounding to the young people who represent the emerging Puerto Rican leaders of the future.

I join with my colleagues in saluting this positive and productive group. The Comite Noviembre is working to make Puerto Rican Heritage Month a success.

HERBERT AND MARY MILLER CELEBRATE 40 YEARS OF WEDDED BLISS

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. POSHARD. Mr. Speaker, in an era when many are concerned with the demise of the institution of marriage and the family unit in the United States, I rise today to honor Herbert and Mary Isabelle (Belle) Miller of Pope County, IL, on the occasion of their 40th wedding anniversary. Herbert and Mary were married November 8, 1953 in Nahaunta, GA. Herbert and Mary will gather with their children Tony and Debbie and the rest of their family and friends on November 8, 1993, to celebrate this joyful occasion.

Herbert and Belle have actively contributed to life in southern Illinois, participating in social, civil, and religious affairs. Herbert is retired from Central Illinois Public Service Co. with 18½ years of service and International Brotherhood of Electrical Workers as a business agent for 18½ years. Belle has dedicated her life to raising her children and being a homemaker.

Although, this anniversary may not make the national headlines, I believe we all could benefit from the fine example set by Herbert and Belle. Their commitment to marriage and family has prevailed through good times and bad. This feat, no doubt, required a tender balance of respect, humor, love, and affection. I join with the family and friends of this wonderful couple in celebrating this joyous occasion. To Herbert and Belle, my heartfelt thanks for all you have done for all those whose lives you have touched.

LEGISLATION INTRODUCED FOR FULL FEDERAL RECOGNITION OF THE LUMBEE INDIANS OF ROBESON AND ADJOINING COUNTIES

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today on behalf of myself and Representatives YOUNG of Alaska and TAYLOR of North Carolina to introduce a bill to provide for the consideration of a petition for Federal recognition of the Lumbee Indians of Robeson and adjoining counties.

The Lumbee are a group of Indian descent living in southern North Carolina. They are an admixture of several different Siouan and other coastal tribes, including the Cherokee, Tuscarora, Hatteras, Pamlico, and early white colonists and African-Americans. At present, the Lumbee are not a federally recognized Indian tribe. "Recognized" means that the United States acknowledges the existence of a government-to-government relationship with an Indian tribe, a prerequisite to the members of the tribe receiving the services available from the Bureau of Indian Affairs [BIA].

The Lumbee have, however, petitioned the BIA for recognition. Within the BIA there is an office called the Branch of Acknowledgement and Research [BAR] charged with evaluating petitions for recognition and recommending either acceptance or rejection of a tribal petition to the Secretary of the Interior based on a set of seven criteria used to determine tribal status. The BAR began evaluating the Lumbee petition, but ceased its consideration when the BIA solicitor ruled that under a 1956 act of Congress the Lumbee were barred from going through the petitioning process.

Mr. Speaker, the historical basis for this bar is fairly straightforward. In 1885, the State of North Carolina designated a group of Indians in and around Robeson County, NC—the ancestors of the present Lumbee—as "Croatan Indians." By 1911, however, the designation had been popularly shortened to "Cro" and was used by non-Indians as a racial pejorative which the Indians found extremely objectionable. In addition, the term was one not recognized by historians, ethnologists, or bureaucrats in the Federal Government because "[I]t had no historical precedent and was based on the name of a place, not the name of a people." Therefore in that year, at the group's request, the State legislature changed the group's name to "Indians of Robeson County." That change, however, "pleased nobody and settled nothing," since in the opinion of many Lumbee it served only to obscure further the claimed origins of the group. Consequently, in 1913, again at the group's request and despite the vehement protests of the federally recognized Eastern Cherokee Tribe in the western part of the State, the name was changed to "Cherokee Indians of Robeson County."

From 1910 to the 1930's, supporters of the group introduced several bills in Congress to give them a Federal designation variously proposed as "Cherokee Indians of Robeson and adjoining counties," "Southeastern Cherokee," "Cheraw," and "Siouan Indians of the Lumber River." In 1953, they finally settled on adopting a derivation of the name of the Lumber, Lumbee, River, which flows through Robeson County, as their self-designation. In justification for the change, one of the group's leaders wrote:

> The first white settlers found a large tribe of Indians living on the Lumbee River in what is now Robeson County—a mixture of colonial blood with Indian blood, not only of [Raleigh's] colony; but, with other colonies following and with many tribes of Indians; hence, we haven't any right to be called any one of the various tribal names; but, should take the geographicalname, which is Lumbee Indians, because we were discovered on the Lumbee River.

In 1956, Congress passed a commemorative bill designed to reflect that change in the group's self-designation made three years earlier at the state level. The Act provided:

> That the Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after the ratification of this Act, be known and designated as Lumbee Indians of North Carolina.

However, to ensure that nothing in the act would be construed as granting Federal recognition to the group as that term is understood in Indian law, an amendment was added to the legislation which prohibited the Lumbee from obtaining any Federal services available to Indians because of their status as Indians—that is, any services offered by the BIA. Later, after the Lumbee had submitted their petition to the BAR in the early 1980's, the solicitor ruled that this prohibition extended to the petitioning process, and barred the Lumbee from the process.

Partly as a result, the Lumbee have sought legislative recognition outside the BAR process in the last two Congresses. I and my Republican colleagues have steadfastly opposed this form of recognition, since the Congress is not equipped to make such a complex and important determination based on anthropological, ethnohistorical, and genealogical data. Instead, when recognition legislation—such as H.R. 334 introduced this session—has come before the Committee on Natural Resources, we have offered in committee to remove the bar to the process in the 1956 act, thereby allowing the Lumbee to proceed through the process like every other group in the country must in order to become recognized.

The Lumbee, though, have consistently fought our amendment, preferring the quick fix of legislative recognition instead. This preference has, unfortunately for them, left the group emptyhanded. Once a bill to legislatively recognize the Lumbee passes out of the House, as it did this year by a narrow margin of 223 to 184, it dies a languishing death in the other body which opposes legislative recognition for the Lumbee for the same reasons I and my colleagues have.

Mr. Speaker, I have introduced this bill in the hope that, as it become evident to the Lumbee and their supporters at the close of the Congress next year that H.R. 334 will meet the same demise in the other body as did its predecessors, they will have a viable alternative available to them in the form of our legislation. If they had only accepted this reasonable compromise when it was first offered more the 5 years ago, they could have been through the system already and received the recognition to which they contend they are entitled.

I hope that all my colleagues will join me in supporting the Lumbee quest for recognition through the administrative process by supporting this legislation.

SOMALIA'S NEEDLESS DEATHS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues will take a moment and read the following editorial by David Beckwith entitled "Somalia's Needless Deaths" which appeared in the November 1, 1993, issue of the Wall Street Journal.

I join Colonel Beckwith in saluting the Ranger/Delta unit which valiantly served in Somalia. They were put into a terrible situation and paid a heavy price for trying to help the Clinton administration in struggling to define the use of force and practice peacekeeping in the post-cold war world.

Colonel Beckwith describes some very valid and thought-provoking lessons from the tragedy in Somalia, and I believe that the military as well as the White House and Members of Congress must begin to wrestle with these very difficult issues before we again put American soldiers into an extremely tough predicament without the support or military leadership which is required for us to be militarily successful in peacekeeping missions in the future.

It makes my blood boil and brings tears to my eyes when I view the television news and read in the media all the criticism focused on the performance of the U.S. Rangers and Delta Force in Somalia.

Despite Maj. Gen. William Garrison's recent letter to President Clinton accepting full responsibility for the now infamous Ranger/Delta operation of Oct. 3, this was indeed nothing more than another case of U.S. forces being placed under United Nations command and suffering for it.

Newspaper accounts have painted the operation as a lone U.S. endeavor. But the facts show that, although there was a separate U.S. command, the Ranger/Delta operations were ultimately subject to the approval of a U.N. authority.

The result: U.S. forces were put into a situation where they were not allowed to prosecute the mission to the full extent of their abilities. They were dropped into a hostile territory with limited rules of engagement, forced to operate outside their normal chain of command and denied the necessary equipment that is part of their standard operating procedure. And if that's not enough, this was all inflicted on them by the civilian military leadership of this country.

OBTUSE DECISION

First of all, let's be honest about these "U.N." missions. The true source of military might behind the U.N.'s words are the soldiers, sailors, airmen and Marines of the U.S. armed forces. Mr. Clinton's decision to place American combat troops under the command of U.N. military officials in Somalia was obtuse. Every military force around the world is different. Some are well-trained and others are not; many lack the leadership and desire necessary to get the job done. In multinational forces, there is also usually a language problem, and differing values and religious beliefs.

As a young Special Forces captain in 1962–63, I served as an exchange officer with the elite British 22nd Special Air Service Regiment, where none of these issues was a problem. Nevertheless, it took me about three months to truly understand the ins and outs of the regiment.

If the U.S. is going to continue to act asthe world's policeman, and in certain instances I agree we should, then we need to organize and train a multinational force for that purpose. Let's stop kidding ourselves that U.S. forces aren't the real teeth of the U.N. Let's stop putting our soldiers in situations like downtown Mogadishu—which could easily be avoided if we only admitted that the U.N. fighting forces aren't up to snuff and need to meet U.S. standards of readiness and expertise. It is a grave mistake to give the most elite and best-trained soldiers in our Army the task of mending political fences around the world without ensuring they have the support to back them up.

Delta operators and Rangers are trained to kill. It is imperative that they carry only those items of equipment that are essential to accomplishing their mission: weaponry, ammunition and a good, sharp knife. In this respect, the operations in and around Mogadishu were no different, requiring Rangers and Delta operators to travel light. The difference was that they were forced to depend on other "friendly" U.N. units for support fire and reinforcement. One of the many problems in Mogadishu on Oct. 3 stemmed from the fact that other friendly forces, for the reasons I outlined above, were not quick to respond. Hence, the Ranger/Delta contingent was left unsupported for an extended period of time.

The second lesson of the Somalia mission is that we should not leave the most vital military decisions—the actual planning and execution of military operations—to civilians. To be sure, our democratic principles and the Constitution require that military officers be ultimately accountable to civilian leaders in the Pentagon. But the commander in chief, and members of Congress on the appropriate subcommittees, should strive much harder to fill these civilian posts with either former military personnel or, at the very least, knowledgeable pro-military civilians.

Which leads me to my next point. There was another serious flaw in the support of the special operations effort in Somalia. It was the poor performance on the part of Defense Secretary Les Aspin. He has never been a friend of the military establishment and for the past 20 years, as a member of Congress, he looked for ways to limit our military services. I was not surprised to learn that he disapproved—10 days before the Oct. 3 firefight—two critical requests from the leadership of the Ranger/Delta contingent in Somalia for heavy armor and air support.

It was determined from the outset that the Special Operations contingent—tasked with catching Mohammed Farah Aidid—required an armor package and C–130 gunships. The responsibility for the loss of 18 soldiers on Oct. 3 rests on Mr. Aspin's shoulders. He should be held accountable for his poor performance as defense secretary and resign.

Finally, there has been much criticism in the press and from Pentagon personnel of the decision to surround and defend a helicopter from the 160th Special Operations Aviation Regiment that was downed by a rocket-propelled grenade fired by Gen. Aidid's forces.

To find "the problem" with the operation and—I believe—to let the administration off the hook, many have cited the fact that, after the wounded were evacuated, the Rangers decided to stay with the body of the dead pilot, waiting for reinforcements and proper rescue equipment to pry the body loose from the wreckage. More offensive yet, as reported in the press, a senior Pentagon official, who had the disdain to remain anonymous, was critical of the Rangers' planning and techniques, calling the decision to stay by the dead pilot "emotional."

Far from criticizing such actions, I must agree with Ranger Platoon Sgt. Robert Gallagher, who defended his fellow Rangers at the crash site. "Some people may think it is not normal to stick around a dead pilot," Sgt. Gallagher was quoted as saying in newspaper accounts. "But when you work with people on a daily basis, you develop a bond. Whether you are killed or wounded, you need to have someone look after you." God bless you, Sgt. Gallagher, and to hell with the critics.

As far as I'm concerned, any military personnel, much less civilians who have never seen combat, who criticize the performance of the Ranger/Delta unit during the Oct. 3 battle in Mogadishu haven't a leg to stand on. For 11 hours and without any support, that unit held off a numerically superior enemy force. While the battle took a heavy toll, this was in fact the first time that many of these young Rangers had smelled the smoke and heard the crack of an enemy bullet. And when the relief force did show up, it is well documented that the Pakistani soldiers in the M–48 tanks failed to engage Gen. Aidid's forces with the ferocity that U.S. forces would have displayed. And despite all this, the Rangers lost only 18 men. Damn impressive.

Meanwhile, the press is quick to bury the fact that this unit inflicted close to 1,000 casualties on Gen. Aidid's forces: about 300 dead and 700 wounded—possibly more. That's a 10-to-1 kill ratio. I defy any other country in the world to put a unit in the same situation and have even one solder walk out alive.

REASONS FOR PRIDE

One thing should be made clear to the citizens of the U.S.: We should be very proud of the job these young Rangers and Delta operators did in Somalia, in spite of all the problems they faced. And those who died, regardless of what this administration would like you to believe, did so not because of a lack of training or unnecessary heroics, but because they were put in an impossible situation by civilian authorities who don't know the first thing about conducting a precise, paramilitary operation—or when such an operation is called for.

The blood of those Ranger and Delta Force personnel who died in the streets of Mogadishu, protecting a comrade they had the utmost trust in and respect for, is on the hands of this administration.

NAFTA

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Ms. LONG. Mr. Speaker, many times in the past, I have voiced my support for free trade. I believe that free trade, carried out on a playing field that is level and fair, benefits everyone involved.

Furthermore, I believe a North American Free Trade Agreement could have tremendous benefits for all three countries involved. But the NAFTA that Congress will vote on in the next few weeks falls short of being fair. I do not believe that the North American Free Trade Agreement, as it is currently written, creates a level playing field for everyone involved. Therefore, I intend to vote against the agreement when it comes before the House of Representatives.

I have a number of concerns with the current version of the NAFTA. The first is with the potential adverse impact that the agreement may have on rural areas of the United States. Liberalized trade could provide increased agricultural markets for American products. However, agriculture provides less than 10 percent of the jobs in rural areas, and the impact of a trade agreement on rural areas, as well as urban areas, must be taken into consideration.

Studies indicate that job losses in the United States will be concentrated in low-wage, low-skill professions. Nearly 70 percent of low-skill, low-wage jobs are located in rural areas. The closure of a factory that is the economic lifeblood of a rural community would be devastating. Glassware, automotive parts, and brooms—all important to Northeast Indiana communities—will be particularly hard hit. People will be forced to migrate to cities, adding further stress to an already overburdened segment of our economy.

Regardless of where job losses occur, the fact is, they are job losses. Canada lost 23.1 percent of all its manufacturing jobs in the first 3 years after beginning free trade with the United States. While that could have been partly due to the recession, in the absence of solid evidence to distinguish the source of the job losses, we must be concerned. Our own economy is making a fitful recovery out of recession, and I am not confident that we are ready for the impacts that could accompany a trade agreement like the current NAFTA. It could exacerbate or worst economic problems: disappearing jobs and declining wages.

Another issue about which we should all be concerned in tight budgetary times is how to pay for a NAFTA. It is not fiscally responsible to talk about environmental cleanup or job training and retraining when the implementation of an agreement will mean the loss of up to $3 billion in tariff revenues. Our current budget rules require us to make up those lost revenues. with further spending cuts or from increased revenues elsewhere.

Even with the separately negotiated side agreements on labor, the environment, and import surges, I am not convinced that the NAFTA provides adequate protection in these areas. The United States—or any partner—would have little recourse in settling disputes that could arise because the enforcement provisions within the agreement are cumberson and bureaucratic. I've read that the Mexican Minister of Commerce has scoffed at the enforcement procedures saying that the process will be so drawn out that sanctions—necessary to compel a country to comply with the agreement—will never be levied.

Trade between the United States and our neighbors is too important not to have agreements that promote and preserve fairness. The benefits of free trade can be many when trade is fair, and I believe all the parties involved in negotiating this NAFTA recognize that the fact. Unfortunately, the North American Free Trade Agreement, as it is currently written, falls short of too many standards to be truly fair. Although the concept of free trade is supportable, this free trade agreement is not. Should it not be ratified, I am confident that the United States, Canada, and Mexico can return to the negotiating table to find an agreement that all three can support.

RITA AND STANLEY KAPLAN HONORED FOR COMMITMENT TO COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to two of the most caring, concerned, and philanthropic members of the New York community, Rita and Stanley Kaplan.

Mr. and Mrs. Kaplan are well known benefactors of several institutions such as the Kaplan Comprehensive Cancer Center at the New York University Hospital, the Brooklyn Museum, Carnegie Hall, and the Jewish Museum. Furthermore, they are active promoters of minority education programs through the Kaplan Educational Centers and various scholarships. Both Rita and Stanley are also active supporters of the Albert G. Oliver Program which provides tuition benefits to promising underprivileged students.

In addition to their work on these worthy causes, Stanley Kaplan serves on the boards of the Brooklyn Academy of Music, the Roundabout Theater, the New York University Medical Center, and chairs the City College Fund as well as the Brooklyn Philharmonic. He began his career as a tutor in 1938 and built Stanley H. Kaplan Educational Centers into this country's leading educational test preparation provider. There are 155 Kaplan centers throughout the world.

Rita and Stanley have spent their lifetimes giving back their good fortune to the community. For their achievements, Rita and Stanley are to be honored at the Fourth Annual Interfaith Concert of Remembrance and the Commemoration of the 100th Anniversary of the Cathedral of St. John the Divine. I am deeply pleased to have been asked to participate in that ceremony and I hope my colleagues will join with me now in applauding their tremendous contributions to their country and their city.

HOUSE PAYS TRIBUTE TO ROTARIANS OF DISTRICT 7190

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. SOLOMON. Mr. Speaker, on November 14, 1993, the Rotarians of district 7190 will gather for their annual meeting in Albany, NY.

Paul Harris is the founder of Rotary International, which, through the Rotary Foundation, has led the way in the promotion of world peace and understanding through its various international, charitable, and educational programs.

The foundation has provided over 1,000 scholarships for graduate, undergraduate, and vocational, and journalism scholars, as well as teachers of the handicapped. The foundation can also point to over 400 study group exchanges and humanitarian projects.

One of the most prominent programs of the foundation is Polio Plus, which has raised over $300 million all over the world, to immunize children against polio. During 1988, I had the privilege of awarding a congressional plaque to Walter Maddocks, who was international chairman of Polio Plus.

Mr. Speaker, I am proud to call myself a Rotarian, and friend of Rotary International. I ask you and other members to join me as we pay our tribute to district 7190.

MEDISAVE ACCOUNTS: THE ETHICAL HEALTH REFORM

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, as we prepare to begin the debate on health care, I would like to call your attention to an article on health care reform written by Merrill Matthews, Jr. Mr. Matthews is the health policy director of the National Center for Policy Analysis and the ethicist for Richardson Medical Center in Dallas, TX.

Mr. Matthews' analysis addresses the growing concern about patient autonomy under the health care plan proposed by the Clinton administration. Mr. Matthews argues that the plan proposed by the administration, which will force Americans into a system based strictly on Government-run managed competition, further removes the patient from the decision-making process because the majority of health care decisions will be based on the cost of the procedure, rather than patient input. Presently, Canadians are experiencing the effects of a cost-based system in which patients can expect to wait months for procedures ranging from CAT scans to heart by-pass surgery. In the Canadian system, patient choice is restricted because the Government, rather than the people, controls the costs.

In contract, Mr. Matthews goes on to assert that a plan including medical savings accounts, often referred to as Medisave, is the only health care proposal that respects individual choice and places control in the hands of the consumers. He contends that Medisave accounts allow for patient automony, while at the same time, advocating savings and prudent health care decisionmaking. Moreover, Mr. Matthews argues that Medisave accounts encourage people to make more responsible health care decisions because it is their money that is being spent. This is a sharp contrast to the current system in which the money of a third party is being used to pay for health care needs.

In the coming months, the health care debate will be the focus of attention for all Americans. It is my hope and desire that, above all, we remember that this is America. We are not Canada, we are not Germany, our society is unique and is founded upon the principles of individual liberty for all of its citizens. As we determine the health care plan that is best for this country, let us focus not on curing what is wrong with America, but rather resolving this dilemma with what is right with America—individual liberty and choice.

MEDISAVE ACCOUNTS: THE ETHICAL HEALTH REFORM

Though medical ethicists disagree on a number of issues, on one point almost all concur: Patients who are conscious and competent should have control over their bodies in medical decisions. That means that nothing should be done to the patient without "informed consent." However, the concern that medical ethicists show for patient autonomy has been absent from the recent political debate over health-care reform. Indeed, a number of proposals—including President Clinton's—move in precisely the opposite direction.

Only one health-care reform idea before Congress incorporates sound economics and actually encourages patient autonomy: medical savings accounts.

The primary justification given for moving away from patient autonomy is that patients do not have the knowledge or emotional stability to make intelligent decisions about medical care or the ability to receive conflicting medical opinions. But this justification runs counter to what most ethicists believe about informed consent.

Medical schools, for example, establish committees known as institutional review boards to oversee research on humans. One of the board's primary concerns is that researchers develop an informed competent document that explains in terms a layman can understand the reason for the research, what the researcher expects the patient to experience and gain, and what the researcher hopes to learn or accomplish by the experiment.

The board assumes that it is possible to make this information clear and understandable to a patient and that most patients, even for fairly esoteric procedures, can make a reasonably informed decision about whether to consent.

When it comes to standard health care, however, many people in the health policy community do not believe that patients, even after consultation with their physicians, can make informed decisions.

The president's proposal, for example, is based in part on moving most Americans into health maintenance organizations, where "managed care" increasingly has come to mean interference in the doctor-patient relationship.

A patient can receive drugs or treatments and perhaps never learn that there were better, more expensive alternatives that were not used because an insurer did not want to pay for them. In effect, medical ethics has succumbed to medical economics, as paternalism is given precedence over autonomy.

Les Aspin learned this fact the hard way. When he became secretary of defense, he needed additional vaccinations because of his expanded international travel itinerary. His physicians gave him a vaccine slightly more risky than one that would have cost $1.55 more, and Mr. Aspin ended up in intensive care as a result. To my knowledge, he was never asked if he would be willing to pay $1.55 out of pocket to avoid the risk.

Or consider the case of Sen. Bob Dole's prostate cancer. Most managed-care plans see little medical benefit in a cancer blood test known as prostate-specific antigen, and therefore do not routinely provide it. Fortunately, Sen. Dole had the opportunity to make his own decision and opted for the test in 1991. It led to a biopsy and the surgery he contends saved his life.

While a Canadian-style system of national health insurance gives the patient a free choice of physicians. The ultimate power for decision making is in the hands of a health-care bureaucracy that determines how much money will be allocated to each health-care facility. People who need heart bypass surgery or a brain scan may have to wait months before it is their turn. Patients are allowed to make very few choices about what type of health care they receive, because the government—rather that the patient—controls the money.

Medical savings accounts, often referred to as Medisave accounts or medical IRAs, respect autonomy and put power into the hands of the patient. No other health-care reform no proposal can make that claim. That makes medical savings accounts the most ethical proposal for health-care reform now available.

These accounts would help to reverse the convoluted incentives operating in the American health-care system. Under our current third-party-payer system, the vast majority of patients pay only a small fraction of their medical bills. The bulk of the expense is paid by insurers, employers and the government. This has led to systematic overuse by consumers who see little reason to limit the amount they are spending of someone else's money, and by health-care providers who have little economic reason to weigh the cost vs. the benefit of a medical procedure. "To stem this overuse, third-party payers are moving to restrict or deny the choices of their clients.

By contrast medical savings accounts minimize the role of third-party payers by giving people the opportunity to set aside money each year in a special, tax-free account to pay for small medical bills, while using high deductible, catastrophic insurance to cover major expenses. For example, instead of the employer providing $4,500 for a family policy, the employee could take $1,700 of that money and buy a catastrophic policy with a deductible of $2,500 to $3,000. He then would deposit the premium savings of $2,800 in the Medisave account.

Medical savings account funds could accumulate and be used for health expenditures before or after retirement, or they could become part of the estate at death. Deposits could be made by employees or by their employers, but the medical savings account would be personal and portable and would belong to the employee.

Medisave accounts would permit people to pay for most health care expenditures with their own money, encouraging them to become more prudent shoppers. They would have an incentive to avoid waste but would not be denied needed care because of a lack of funds. For most medical decisions, no one would come between the physician and the patient.

It is likely that medical savings accounts would impose a greater burden of responsibility on the physician to inform the patient about alternative therapies and their costs. Similarly, Medisave accounts would impose a greater burden of responsibility on the patient to be a more informed and rational consumer.

But then, that's the ethnical thing to do.

TRIBUTE TO THE CLIFTON JEWISH CENTER

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay tribute to an organization that has offered guidance and support to the Jewish community of Clifton, NJ. The Clifton Jewish Center is celebrating its 50th year anniversary and I join with my colleagues in congratulating the congregation and its members.

From its beginnings in 1943, with only a handful of families to its present numbers nearing 500 family members, the center has provided a constant source of cultural and spiritual events for all age groups. The center's main purpose has always been to enrich the lives of the people of Clifton and it achieves this by offering many educational and social activities in which adults, children, and senior citizens can become involved.

Youth activities such as lectures, workshops, religious school, and Hebrew High for students after their bar mitzvah, bat mitzvah or confirmation help teach the children about the Jewish faith. Events for adult and senior members continue to carry the traditions of the culture and faith as well as provide opportunities for socializing.

The center educates not only its members, but non-Jews as well on the meaning of religious and secular events. Rabbi Markovitz of the Jewish center gained nationwide recognition for his method of disciplining non-Jewish youths who had vandalized the center. he spent many hours teaching them the concepts of brotherhood and Judeo-Christian values.

For 50 years the city of Clifton has benefited from the positive influence the Clifton Jewish Center has provided. I wish the center many more wonderful years and continued success.

TRIBUTE TO NNENNA LYNCH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. WELDON. Mr. Speaker, I rise today to honor Nnenna Lynch, one of the top 10 finalist, for the 1993 NCAA Woman of the Year.

As a recent graduate of Villanova University, Ms. Lynch has excelled as the University's most outstanding student-athlete in recent history. Her numerous accomplishments including finishing third individually as a senior in the NCAA cross country championships as well as leading her team to four consecutive NCAA championship titles and undefeated seasons.

On the track Nnenna has also dominated the field as one of the Nation's top 3,000M athletes. Earning her mark in June of 1992 as the NCAA division 1 outdoor track champion in this event, she went on later that summer to be a finalist in the 1992 United States Olympic trials. In all, she has accumulated eight NCAA All-American honors and was recognized for her outstanding career at the 1993 Penn Relays.

In addition to her athletic accomplishments, Ms. Lynch graduated summa cum laude last May with an overall grade point average of 3.91. Her dedication in the classroom paid off last December when she was one of 32 Americans to receive the prestigious Rhodes Scholarship. Nnenna began her studies at Oxford University in England last month.

In conclusion, I would like to congratulate Nnenna Lynch on her many athletic and academic accomplishments and wish her luck on November 9, 1993 when the 1993 NCAA Woman of the Year will be announced here in Washington, DC.

KIDS 'N KUBS KICK OFF THEIR 64TH SEASON IN ST. PETERSBURG, FL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. YOUNG of Florida. Mr. Speaker, the Kids 'n Kubs Softball Club kicked off its 64th season at the North Shore Park in St. Petersburg, FL, this past Saturday and I salute these gentlemen and encourage all to attend a game played by these true sportsmen.

This is not just another softball league, Mr. Speaker, it is a very unique league that is nationally renowned, not only for its quality of play and sportsmanship. What makes the Kids 'n Kubs unique is that the players must be 75 years of age or older. In fact, the oldest player George Bakewell is 101. Their enthusiasm for the game, the competitiveness of the players, and the tradition of the Kids 'n Kubs, down to their white shirts and bow ties, makes their Congressman proud.

When founded by Evelyn Barton Rittenhouse in 1930, the Kids 'n Kubs were first known as the Three Quarter Softball Club. Since then, for 5 months each year, from November through March, the Kids 'n Kubs play softball 3 days a week.

Having been featured in news reports and television special all over the country, the Kids 'n Kubs have grown in size and in reputation. Softball enthusiasts from across the United States retire to Pinellas County in hopes of playing for the Kids 'n Kubs. With the opening of each new season, the teams welcome those rookies who have made it into the big leagues and remorsefully pause to remember former teammates who are no longer with them on the diamond.

Mr. Speaker, any time I have a break in my schedule, I try and take in a Kids 'n Kubs game because they exemplify the true spirit of amateur athletics. There are no million dollar contracts or prime time televised games. The players do not even keep track of wins or loses. Instead, they play for the shear love of the game remembering that a true sports hero is always a gentlemen.

My best wishes go out to all the players and fans for another season of fun and good hard competition.

CREATING A CRISIS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to call your attention to an editorial written by Malcolm Forbes, Jr. in the September 27 issue of Forbes Magazine. In his article Mr. Forbes pinpoints what I believe are some key issues concerning the health care reform package proposed by the Clinton administration.

First, changes to our health care system that jeopardize the parts of the system that work well, such as those proposed by the administration, are not necessary to solve the problems which currently exist. The establishment of a health care bureaucracy to implement a system based strictly upon Government-run managed competition will lead to the type of medical rationing seen in many socialized medical systems around the world.

Second, Mr. Forbes asserts that the Clinton plan fails to address one of the primary reasons for the rising medical costs we are currently experiencing—consumer responsibility. He maintains that if consumers were responsible for their health care decisions, a substantial savings could be realized as a result of more prudent purchasing.

President Clinton's plan is unique, it offers amputation as a means to stem the bleeding we are experiencing in the current health care system. Furthermore, Clinton's proposal recommends the yoke of bureaucracy to ease the burden for the American health care consumer. Mr. Speaker and fellow colleagues these are not the answers. It is my desire, and I hope yours as well, to work together toward a plan that mends old wounds rather than creates new ones.

CREATING A CRISIS

(By Malcolm S. Forbes, Jr.)

President Clinton's about-to-be-unveiled package of health care "reform" violates the first law of medicine: Do not harm the patient.

The proposals will lead to medical rationing and will emasculate research and development, the gemstone of American medicine. We will have fewer choices about who our medical providers are. We will pay more and get less.

The Clintons' plan will also harm the economy. The phase-in for small businesses won't dilute the poison but will merely stretch out the inevitable result—bankrupting hundreds of thousands of enterprises.

The basic flaw of the plan is its top-down approach. The White House package would still rely on employers, government bureaucrats and insurance companies to run and regulate the system. Don't the President and like-minded "experts" see the irony of the phrase "managed competition? What is it about health care that makes us think of trends we would normally consider positive-greater demand, technological breakthoughts, living longer—as negative?

The problem with American medicine is not its quality or availability but the way it is financed. Most insurance premiums are paid by employers with pretax dollars, while most individuals have to use aftertax dollars. Having the illusion that someone else is paying, we pay too little attention to the prices of health products and services.

The solution is simple. Change the tax code so that individuals can buy medical insurance with pretax dollars, and permit people to set up medical IRAs or savings accounts funded by pretax dollars.

Most individuals would opt for insurance with high deductibles, say between $1,000 and $3,000. The savings would be enormous (a $2,000 deductible could slash the premium by 50% or more), and some of it could be put into IRAs. The money would accumulate, tax-free, to be tapped for routine medical bills or insurance premiumsduring a bout of unemployment or to supplement Medicare after age 65 or even to add to retirement pensions.

Such tax-code reforms would cut an enormous expense by reducing the paperwork of routine claims and, more important, by encouraging consumers to comparison shop. They would know that generic drugs might be just as effective and significantly cheaper than brand-name ones. People would be able to spend more on prevention. Hospitals would learn to quote prices in advance for elective surgery and other medical procedures. Health care providers are more likely to overcharge insurance companies or the government than they are individuals.

With free-market forces in operation, we would make more effective use of our nurses, who can provide us with most forms of routine care. During hospital stays we would have fewer high-fee, two-minute "consultations" from so many physicians. And we could focus efforts to help those with chronic illnesses who couldn't get catastrophic insurance and couldn't afford to set up medical IRAs.

We would feel richer. Individual compensation has increased in real terms over the past 20 years, but most of that has come in the form of medical insurance, not cash. A company in New York can pay in excess of $6,000 for an employee's family health insurance policy.

There is a myth that free enterprise can't operate in the medical field because people can't substitute their judgment for that of a doctor. But you don't have to be a farmer to buy food; a carpenter, a house; an aeronautics engineer, an airline ticket. Obviously, a heart-attack victim isn't going to negotiate prices in an emergency room, but an insurance policy can do that in advance. Most health care consumption, moreover, is not emergency-related.

With consumers realizing that it's their money that buys health care, they would effectively regulate, stimulate this market just as they do others, including the most basic one of all—food.

GREATER BLOUSE, SKIRT AND UNDERGARMENT ASSOCIATION'S 60TH ANNIVERSARY HONORED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important event which will take place in my district on November 19. That date will mark the 60th anniversary of the Greater Blouse, Skirt and Undergarment Association [GBSUA]. This association represents 30,000 hard-working members of the labor movement and over 540 manufacturers. The GBSUA's growing membership is one of the most important apparel production forces in our great city.

The GBSUA's hard-won successes of the past few years are a testament to the diligence and dedication of both labor and management as they have fought off foreign competition. They have done this by investing in their plants and equipment, but most importantly, in their work force.

The goal of the GBSUA is to return New York City to its place of prominence as the premier producer of women's apparel in the United States. The label "Made in New York" is already synonymous with quality and integrity throughout the world.

I am proud to report of the GBSUA's recent accomplishments such as a bilingual newsletter and a marketing program designed to promote their capabilities. And because the Greater Blouse, Skirt and Undergarment Association is a truly shining example of American industry, I hope my colleagues will join me in congratulating them on their 60th anniversary.

PRIDE, PATRIOTISM WERE BYWORDS OF HAROLD J. WILLS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. SOLOMON. Mr. Speaker, pride and patriotism. Those are the two words Harold J. Wills has followed all of his life.

I am going to miss this old former marine when he returns to his hometown of Scranton, PA, following 27 years of Government service, most recently as special assistant to the Sergeant at Arms for Physical Security here in the House of Representatives.

When the Korean war broke out, Harold Wills enlisted in the U.S. Marine Corps and served proudly. For the last 6 years, he coordinated the Congressional Marine Breakfast Group.

Mr. Wills is a carpenter by training. He began as a master carpenter, and served 10 years as an instructor for the Joint Carpentry Apprenticeship Committee here in Washington, where he was able to pass on his love of building and working with his hands. His interests soon expanded to security, and he became a certified locksmith. Again, he felt motivated to share his knowledge with others, and became an instructor for the American Association of Locksmiths.

His House career began in the cabinet shop. He was promoted to special assistant to the House Clerk, and finally to his most recent position.

Mr. Wills eventually found a way to combine his particular talents with his love of American history. He began collecting historical memorabilia. He created a number of special plaques and pen sets made from pieces of the original White House roofing and burned wood from the Capitol which were destroyed by the British during the War of 1812. He has presented his works to Presidents Ronald Reagan, George Bush, and Bill Clinton, to former Speakers Tip O'Neill and Jim Wright, to former Marine Corps Commandant Al Gray, to Pope John Paul II, and to many other dignitaries.

Mr. Wills is the son of the late Mary and Richard Wills, Sr. He is married to the former Marion Helen Hart and has lived in northern Virginia for the last 32 years. They have three daughters.

Mr. Speaker, Harold Wills is one of those uncommon common men who have made America the great country it has always been. Every time I go to Marine Corps Breakfasts, I will think of the great American patriot who organized them, and who served his country so well for so many years.

I would ask everyone to join me in a salute to our good friend, Harold J. Wills, and to wish him all the best during his well-deserved retirement.

QUESTIONS ABOUT PEACEKEEPING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. CRANE. Mr. Speaker, at the outset of World War II, the attack on Pearl Harbor catalyzed public opinion and the American people were ready to go to war with a clear sense of purpose about who and why we were fighting. In conflicts since that time, public opinion has been more often mixed about United States involvement overseas because our goals have not been nearly so clear.

I fear that the families of the men and women serving in Somalia today might not be able to draw on that same sense of purpose evident in World War II, because our Government has failed to specifically define either our goals or our purposes in this operation. As valiant as our soldiers' service has been, I believe that in the long run, their sacrifices will not have been made toward a specific purpose, and the families of those who make the ultimate sacrifice will be left with far more questions than answers.

Such is the case for retired Army Lt. Col. Larry E. Joyce, whose son was killed in Somalia. I have inserted for the record an article from the October 20, 1993, edition of USA Today, in which Joyce poses a number of important questions that the Clinton administration and the Pentagon must answer.

Among the important issues he raises is the question of why adequate reinforcements were not provided for the Ranger units that were eventually pinned down. At least part of the answer lies in the fact that the United States did not have adequate armor in country, due to Secretary Aspin's denial of requests to deploy tanks and armored personnel carriers.

I believe that the answers to Joyce's questions can only lead to one conclusion—that we should immediately withdraw our men and women from Somalia. Any other decision will only put more lives unnecessarily at risk and can only lead to more parents like Colonel Joyce.

[From USA Today, Oct. 20, 1993]

DID MY SON HAVE TO DIE?

(By Larry E. Joyce)

U.S. Army Rangers are the most highly motivated and best-trained soldiers in the world. They volunteer four times: They volunteer to be soldiers. They volunteer to be paratroopers. They volunteer to serve in one of three elite Ranger battalions. Then, they voluntarily stay in a Ranger unit despite grueling physical and emotionally draining assignments.

They are kept in places like Panama, England, Korea, Egypt and Thailand for weeks at a time. They can walk away and join a less demanding assignment any time—no questions asked.

They are a national treasure. I'm proud my son chose to be an Army Ranger. He died in the arms of the finest soldiers this nation ever produced. I only wish I could have been there to fight at his side. But now, I'm questioning why he died.

At the peak of deployment in January, about 25,000 troops were in Somalia to provide security for a humanitarian mission. Once that was completed all but about 4,700 came home. Of those 4,700 about 1,700 were combat troops—including a Ranger task force of about 400 who were sent there in late August. And, suddenly, with this bare-bones force and no American armor or mechanized equipment and troops, the mission changed to one of very direct combat.

Who changed the mission? The United Nations? The multinational commander on the ground in Somalia?

Who in the American chain of command concurred? The president? The secretary of state? The secretary of Defense?

From all we've learned since the tragic events of Oct. 3, the senior American military officers—including Chairman of the Joint Chiefs of Staff Gen. Colin Powell—requested tanks and armor-protected troop carriers from Secretary of Defense Les Aspin. There were repeatedly rebuffed. Why? Rangers are highly mobile because they travel lightly. This means they are lightly armed. Light infantry should never be committed with no means of reinforcement.

Did Maj. Gen. Thomas Montgomery, the senior American officer in Somalia, demand U.N. reinforcements be assembled and placed in reserve?

The Pakistanis and Malaysians had tanks and armored personnel carriers, but it took them over three hours to make the decision to move. They arrived 10 hours after the battle began. Did Montgomery make their ready involvement a prerequisite for using our Rangers? If not, why not?

Now a question for President Clinton. Why is Les Aspin our secretary of Defense? Why is a man who made a career of criticizing the military put in charge of the military? This makes as much sense as appointing an atheist to be a cardinal.

I've spoken to parents and loved ones of other Rangers who were killed or wounded in Mogadishu. I've spoken to several Rangers who served with my son—some of them were wounded. I don't want to suggest that I'm speaking for any of them, but maybe I am.

I certainly think it's reasonable to ask for them and for all concerned Americans that a thorough investigation of this debacle be conducted immediately, and the results be made public. Those who are responsible must be held accountable.

Mr. President, start with Aspin. He is too uncaring and too incompetent to command the most precious resource this nation has. At the very least, Mr. President, seek advice on military affairs from the professionals in uniform who are eager to serve you—not from politicians or people who are experts in manipulating public opinion.

CHALLENGE FOR CLINTON

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to suggest that all of my colleagues read the October 8, 1993, editorial by Tony Snow which appeared in the Washington Times.

I believe that this article can help guide us in the debate on what America's role in the post-cold-war world will be. By looking at the lessons learned in Somalia, we can better prepare ourselves for future challenges. What will be our mission? Who will control U.S. troops? How will we train and do humanitarian and multilateral missions? What and where are U.S. vital interests?

These are questions which must be addressed, and I hope that all of my colleagues will take the time to think through these serious issues.

[From the Washington Times, Oct. 8, 1993]

CHALLENGE FOR CLINTON

(By Tony Snow)

Americans grasped the perils of multinationalism this week when gleeful supporters of Somali warlord Mohammed Farrah Aidid dragged the battered remains of a U.S. soldier through the streets of Mogadishu and paraded frightened helicopter pilot Michael Durant before television cameras.

The spectacle in Somalia, horribly reminiscent of the hostage seizure in Tehran 14 years ago, set off two parallel dramas. In

Washington, Congress began pressing the administration to pull troops out of Somalia as soon as possible. Meanwhile, U.N. Secretary General Boutros Boutros-Ghali stepped up his demands that the multinational forces in Mogadishu flush out Gen. Aidid, and make Somalia safe for democracy.

The unpleasant chore of straightening out this mess goes to President Clinton, who plans to tell Congress on Oct. 15 why he wants to keep U.S. troops in Somalia, and for how long. As he does so, he also will define America's role in the post-Cold War world.

The president has tried to finesse these questions in the past by reciting Bush-era prerequisites for using force: (1) a clearly defined military mission; (2) forces adequate to accomplish the mission; and (3) a plan for removing forces upon completion of the mission.

Unfortunately, this list makes sense only when a president has good reasons for sending troops—when he has determined that military force alone can defend vital national interests or national security.

Nearly one year into our involvement in Somalia, nobody has found a compelling reason to risk American lives and blood there. Smith Hempstone, former U.S. ambassador to Kenya and early critic of our involvement in Somalia, puts it this way:

"Somalia was a CNN intervention. I suppose it's to the credit of the American people that they don't like to look at kids with matchstick limbs, glowing eyes, who are about to starve to death. But foreign policy is better made by the head than with the heart."

President Clinton can silence his critics and unite the nation only if he distinguishes between short-term missions and long-term lessons. The short-term mission seems obvious: He needs to mount a furious assault to free American hostages and punish the warlord.

After that, the administration ought to get the forces home and absorb the lessons of Somalia.

First, a president must retain control of his troops. In Somalia, the United States agreed to accept a bit part in a play orchestrated by the United Nations. That won't do: American fighters should answer to American leaders.

He also must stand up to Congress, which has passed nonbinding resolutions that ask him to devise a military strategy by Oct. 15 and a plan by Nov. 15. President Clinton would do well to follow George Bush's example. He should seek congressional support because it's the right thing to do, but he should not let lawmakers micromanage military affairs.

Second, there is no such thing as a humanitarian war: Diplomats love the notion of humanitarian intervention because it transforms war into a nice and reasonable activity. But humanitarian intervention never works, for the simple reason that it involves taking sides in an ongoing dispute. Mr. Hempstone made the point more bluntly last year, when he warned superiors that "If you liked Beirut, you'll love Mogadishu."

Third, pick your fights: Wars will flare all over the world as nations stumble toward democracy, or at least self-rule. We can't serve as the world's nanny or cop and we shouldn't try. One cannot impose democracy with troops: Nations must develop democratic institutions themselves. As a result, U.S. presidents should put soldiers' lives at risk only when necessary to defend vital economic or strategic interests, and use subtler strategies—such as supporting the creation of free markets—to bolster democracy.

Similarly, do not accept responsibility for "nation-building." The Somalian operation spun out of control when U.N. leaders decided that they wanted not only to save lives in Somalia, but also top purify the form of government.

Finally, multilateral actions succeed only when the U.S. leads. Even though U.N. Secretary General Boultros-Ghali seems eager to put on epaulets, the president inevitably will take the heat for the failures of multileralism. As a result, the United States should engage in multilateral actions only when the forces provide cover for U.S. action—and not the other way around.

There is no clean or pleasant way out of Somalia. But in extracting himself from a quagmire he did not create, Bill Clinton at last can prove that he understands the one crucial truth of foreign policy. If he doesn't take charge, goons like Gen. Aideed will.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case:

EXHIBIT A—AFFIDAVIT

1. On November 12, 1991 I executed an affidavit where I provided testimony that former Immigration Officer Joseph Occhipinti was convicted on perjurious testimony by Reymundo Tejeda and Nurys Brito. I also say in the affidavit that there had been an organized conspiracy by Jose Liberato and others to frame Mr. Occhipinti on civil rights violations in order to stop his enforcement efforts.

2. I agreed to work in an undercover capacity on behalf of Staten island Borough President Guy Molinari in order to obtain further information of this conspiracy. I agreed to have my conversations tape recorded in order to obtain the necessary evidence to prove Officer Occhipinti's innocence. My investigation during the period of December 1991 until present has uncovered the following evidence:

MARTHA LOZANO

3. Martha Lozano is the owner of Commercial Travel Agency in Manhattan. She was previously arrested by Officer Occhipinti and convicted at Federal Court in 1988 for immigration violations. In a consensually monitored conversation she admitted to me that one of the principal conspirators against Mr. Occhipinti was Simon Diaz, the President of the Federation. In fact, Mr. Diaz hadcontacted her and asked her to falsely testify against Mr. Occhipinti that he had violated her constitutional rights by unlawfully searching her Travel Agency. Ms. Lozano refused to do it saying Mr. Occhipinti had performed his duties lawfully.

PEDRO CASTILLO-REYES

Mr. Castillo-Reyes is the owner of the Universal Travel Agency in Queens, New York. Mr. Castillo-Reyes was previously convicted in Federal Court for offering a bribe to Mr. Occhipinti. I met with Mr. Castillo-Reyes on several occasions where he admitted to me the fact that Mr. Occhipinti was set up; however, he would not reveal the identity of the Co-Conspirators. Mr. Castillo-Reyes did admit that he had received a call from someone asking him to falsely testify against Mr. Occhipinti regarding an illegal search and theft of monies at his travel agency. Mr. Castillo-Reyes refused to identify the person, but did admit he attended some Federation meeting where they discussed setting up Mr. Occhipinti.

REYMUNDO TEJEDA

Reymundo Tejeda is the owner of Uptown Travel Agency in Manhattan. Mr. Tejeda was a government witness at trial against Officer Occhipinti. Mr. Tejeda testified that Officer Occhipinti conducted an illegal search at his travel agency. However, in a couple of consensual monitored conversations, Mr. Tejeda admitted that Mr. Occhipinti didn't do anything wrong. He said he signed the consent form before the search because he was nervous. Mr. Tejeda said that he felt he had been pressured to testify against Mr. Occhipinti by the United States Attorney's Office.

TOMAS GALAN

Mr. Galan is a college professor living in the Bronx. Mr. Galan was present with Mr. Tejeda when the government said Mr. Occhipinti did an illegal search. However, at Mr. Tejeda's travel agency, in a consensually monitored conversation, Mr. Galan admitted that he didn't believe Mr. Occhipinti did anything wrong. Mr. Galan stated he had a taped interview with the United States Attorney's Office regarding the search, but was never called as a government witness. Mr. Galan said if subpoenaed he would testify as to what occurred during the search of Mr. Tejeda's travel agency.

NURYS BRITO

Nurys Brito was the former owner of the Nurys Travel Agency in the Bronx, New York. Mr. Brito was a government witness against Mr. Occhipinti and testified he did conduct an illegal search of her travel agency. However, in a couple of consenually monitored conversations she said she didn't think Mr. Occhipinti did anything wrong. She said Mr. Occhipinti was a gentleman to her, didn't mistreat her and was very professional. She said that she felt pressured to testify against Officer Occhipinti.

JOSE PUELLO

Mr. Puello is a well respected businessman in the Dominican community, who first told me about the conspiracy to frame Officer Occhipinti. The facts are contained in my first affidavit. In a couple of consenually monitored conversations Mr. Puello, who was an executive officer in the Federation, stated that the Federation's Press Release which announced the protest of Project Bodega in 1990 at City Hall was not authorized by the Federation'sExecutive Board. Instead, the whole protest was masterminded by Simon Diaz and Jose Liberato.

I was recently told by a fellow employee, who is related to Jose Liberato that Officer Occhipinti had been framed by Jose Liberato.

I am still conducting my investigation on behalf of Mr. Molinari's office. I have been interviewed by several different FBI agents regarding the Occhipinti case and have agreed to work with the FBI in their investigation. The various consensually monitored tapes were turned over to Mr. Molinari's office for safekeeping.

EXHIBIT B

1. I currently reside * * * and am the owner of * * *.

2. I know Joseph Occhipinti, who was employed by the Immigration and Naturalization Service. I first met Mr. Occhipinti in 1984 when I was employed by Dominicana Airlines. At that time, I caught an individual trying to enter the United States with an illegal stamp in his passport. As a result of this, I contacted the Immigration and Naturalization Service. Mr. Occhipinti was a Special Agent in charge of the investigation.

3. In the end of June or beginning of July 1991, I became aware that Mr. Occhipinti was convicted of various charges in the Federal Court. I became aware of this investigation from listening to reports of television and reading about it in the newspaper. The reports I read indicated that the complaints underlying Mr. Occhipinti's convictions stemmed from searches made at the premises of various merchants belonging to the Federation of Dominican Merchants and Industrialists of New York. My knowledge and experience in the Dominican community immediately led me to become suspicious of these charges. I am aware that many merchants in this organization are involved in various criminal activities including but not limited to money laundering, illegal wire transfers, gambling, drug trafficking and loan sharking. Subsequent to reading about Mr. Occhipinti's conviction, I spoke to Mr. Angel Nunez, an attorney who had been assisting Mr. Occhipinti. I was familiar with Mr. Nunez because he was the attorney who represented Dominicana Airlines while I was employed by them. Mr. Nunez indicated that if I had any knowledge to help Mr. Occhipinti, it would be appreciated.

4. In an effort to assist Mr. Occhipinti and Mr. Nunez, I had a meeting with Mr. Jose Puello. Mr. Puello was a member of the Federation and is an individual who I knew from the time that I was employed by Dominicana Airlines. The conversation between myself and Mr. Puello got around to Mr. Occhipinti and his conviction. Mr. Puello had informed that he was told by Jose Liberato that the allegations against Mr. Occhipinti were generated and fabricated by members of the Federation because Mr. Occhipinti's enforcement activities were disrupting the illegal activities of the Federation. Mr. Puello further stated that when Mr. Occhipinti searched some of Mr. Liberato's establishments, Mr. Liberato got mad and had a meeting with his attorney, Jorge Guthlein. The purpose of this meeting was to seek advice on how to stop Mr. Occhipinti. Mr. Guthlein told Mr. Liberato to get the various merchants, who were the subject of searches conducted by Mr. Occhipinti, to state that money had been stolen as a result of these searches and that permission was not obtained to conduct these searches.

5. On or about November 23, 1991, I had a conversation with an individual named Victor Mena. Mr. Mena is a businessman in Manhattan with whom I have had previous community dealings. At the time of this meeting, Mr. Mena admitted to me that Mr. Liberato had told him that he had falsified the amounts of money involved in the searches and had deliberately fabricated the allegations that Mr. Occhipinti had conducted illegal searches.

6. Later that day, I met with Mr. Angel Nunez, at his home. At that meeting, Mr. Nunez had mentioned to me the names of various complainants who had made accusations against Mr. Occhipinti. I was astonished at some of the names mentioned. For example, Mr. Nunez had told me that one Nurys Brito had made a complaint against Mr. Occhipinti. Mrs. Brito owns a travel agency in New York. I have had business dealings with her in the past. In January 1990, Mrs. Brito had told me that her travel agency had been searched by various Federal agents. She further told me that she had given permission for the search and in fact had personally laid out various files on her desk to facilitate the search. In other words, Mrs. Brito did not say that anything improper took place during the search. Despite this, I learned that she was one of the complainants against Mr. Occhipinti.

7. During the course of my business dealings with various travel agents in the New York area, I became aware of incidents which led me to believe that Mr. Occhipinti was the victim of a frame. In the end of 1990, I had a conversation with a Mr. Reymundo Tejada, who owns a travel agency in New York. Mr. Tejada admitted to me that he had testified in a Grand Jury concerning Mr. Occhipinti. Mr. Tejada indicated that the truth wasthat the Federal Agents had come into his travel agency and that they had searched the agency only after he had consented to the search. On another occasion, Mr. Tejada admitted to me that he lied in a Grand Jury when he testified that he did not give permission for the search.

8. In July 1991, I had a conversation with Mr. Pedro Castillo-Reyes at his travel agency in Queens, New York. During the course of our discussions, Mr. Occhipinti and his conviction became the topic of discussion. Mr. Castillo-Reyes' wife, Sylvia Perdomo, said that various individuals wanted them to testify against Mr. Occhipinti and to falsely state that he stole money and conducted unlawful searches. They stated that they refused to do so because this was not the truth. In fact, they admitted, when Mr. Occhipinti searched their premises, he found money in a garbage can and returned it to them. Coincidently, I was present during the time that the search took place.

9. Furthermore, in the Summer 1991, I had a conversation with a woman by the name of Martha Lozano. Mrs. Lozano is the owner of a travel agency known as Commercial Travel which is located on Broadway in Manhattan. Mrs. Lozano began to talk to me about Mr. Occhipinti. She stated that Mr. Occhipinti had previously arrested her and had treated her with respect. She also stated that she had received a telephone call from an individual who wanted her to lie and say that Mr. Occhipinti had conducted illegal searches at her premises. She refused to do so.

10. I have read this Affidavit consisting of five (5) pages and it is totally correct and accurate. I give this Affidavit of my own free will and have not been coerced or pressured into making this Affidavit. I have also not been given any inducements or promises to make this Affidavit.

TRIBUTE TO DORIS SCHNEIDER HELTON

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. PARKER. Mr. Speaker, I rise today to honor a talented artist and educator, Doris Schneider Helton, formerly of William Carey College, in Hattiesburg, MS.

Ms. Helton will be recognized as William Cary College's Distinguished Alumnus for 1993 at the college's homecoming activities on November 13.

She is a 1964 William Carey graduate, earning her bachelor of arts in theater, and currently is associate professor and graphics/scenic designer in the department of theatre at North Carolina Central University in Durham, NC. She recently was the recipient of a Fullbright-Hayes fellowship to study the cultural arts of Trinidad and Jamaica at the University of the West Indies.

She holds a master's of product design from North Carolina State University and a master's of arts from the University of Southern Mississippi. She completed additional studies at Banff School of Fine Arts, Canada; Duke University; Carrboro Art School; and North Carolina State University. She has won first and second place in the Southeastern graphic design competition, as well as winning the prestigious Extraordinary Service Award at NCCU. She has published several articles including two for the most widely circulated publication in technical theater, "Theatre Crafts International."

Ms. Helton's directing and designing career began at William Carey, where she directed 3 main stage productions and designed 20 shows. She has designed and painted 33 main stage productions at NCCU and has designed for Durham Savoyards Inc. and Duke University. She also has directed a number of productions at NCCU and elsewhere, including Meredith College and Durham Savoyards.

William Carey, the school from which I obtained my undergraduate degree, is a private church-related liberal arts college with an enrollment of about 2,000 students at its 3 campuses in Mississippi and 1 campus in New Orleans, LA. So many former students have made us proud, but Doris Schneider Helton deserves special recognition for her positive influence and inspirational guidance to young adults, as an outstanding Mississippian and a role model for the many people touched by her life and work.

Mr. Speaker, at this time, I ask that my colleagues join me in saluting Doris Schneider Helton for her many outstanding achievements.

INTRODUCTION OF THE CONGRESSIONAL HEALTH AND SAFETY ACT OF 1993

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. FAWELL. Mr. Speaker, today I am introducing, along with Representative GOODLING, the Congressional Safety and Health Act of 1993. The bill continues our efforts to ensure that congressional employees are covered by the same laws and regulations which apply to other employees and to see that Members of Congress and other congressional employers are held accountable under the same laws that are imposed on other employers.

The Congressional Safety and Health Act would subject Congress to regulations and penalties which are applied to private-sector employers by the Occupational Safety and Health Act [OSHAct]. While the general principle that Congress should not be exempt from the laws it imposes on others is reason enough to pass this legislation, in this case there is also ample evidence of the need for corrective legislation. Last year, at the request of members of the Education and Labor Committee, the General Accounting Office conducted a single round of inspections of 25 worksites under the jurisdiction of five House offices and legislative agencies. The GAO found 140 violations of OSHA standards, including over 50 violations which were described as "serious." Surely, the argument cannot be made that covering the House of Representatives and other legislative branch agencies under the OSHAct is not necessary because it is already in compliance with what is required by that law.

It has been reported that the OSHAct might be excluded from the list of laws to be applied to Congress as part of congressional reform efforts because compliance would be too difficult or too expensive. But to exclude the OSHAct would be a major retreat from the principle that Congress should live by the same laws and regulations that it imposes on other employers, OSHA requirements are a substantial restriction and cost item for every employer who is covered by the OSHAct. Whether those restrictions and costs are justified or not, surely there is nothing unique about congressional workplaces which would prevent us from complying with the same requirements as private sector offices.

The Congressional Safety and Health Act would require Members of Congress and other employing authorities to comply with the standards and regulations issued by OSHA. However, as the OSHAct is enforced through the Department of Labor, applying precisely the same enforcement mechanisms to Congress would present constitutional concerns. For that reason, a slightly different enforcement process is required, one that relies upon congressionally appointed persons to enforce the requirements under the OSHAct. The substance of what would be required, and the penalties which members and other employers within the legislative branch would face if those requirements were not met, however, would be the same as those which apply where OSHA enforces the law directly.

Mr. Speaker, the Congressional Safety and Health Act provides meaningful congressional coverage under the OSHAct, while addressing constitutional concerns regarding executive branch enforcement against the Congress. This legislation provides one more step in the long process of bringing Congress under the workplace laws of the country. I look forward to the passage of this legislation.

MARY T. LYNCH REMEMBERED

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mrs. MALONEY. Mr. Speaker, I am deeply saddened to rise today to bring to the attention of my colleagues the sad passing of Mary T. Lynch. Her kindness and generosity will be deeply missed by all those whose lives she touched, but particularly by her husband, John; her daughter, Darlene; her granddaughter, Jennifer; her sister Caroline Daniello; and her four nephews and three nieces. I hope my colleagues will join with me in expressing our deepest sympathies to this family on their tragic loss.

COMMENDING RENALDO TURNBULL

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. DE LUGO. Mr. Speaker, there is a new defensive star in professional football this season: Renaldo Turnbull, who was named September's NFL defensive player of the month, and as a linebacker with the New Orleans Saints has been a key to the team's success this year.

In his first four games, Renaldo Turnbull turned in 21 tackles, four forced fumbles, and seven sacks, the highest in the league.

In the Saints' game against Atlanta, with just 30 seconds remaining, Turnbull stripped the ball, recovered the fumble, and set up a 44-yard field goal that broke a 31–31 tie and won the game.

Turnbull says he has set high standards for himself: He wants to be recognized as one of the best linebackers in the NFL. And at the rate he is going he may be.

Renaldo Turnbull sets an excellent example for our youth by proving that skill, hard work, determination, and settling for nothing less than excellence really do pay off.

The people of the district I represent are particularly proud of this fine young football player, because Renaldo Turnbull is from my home, the Virgin Islands.

NOW THE GOOD NEWS ON HEALTH CARE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I ask you to join me today in recognizing Dominion Resources, Inc. of Richmond, Virginia as an innovator and leader in private sector health care reform. As national health care expenditures continue to escalate, health care costs at Dominion Resources have risen less than 1 percent. Furthermore, in 1992 Dominion Resources under-ran their health care budget by 31 percent resulting in a savings of $67,000. These savings were then passed on to employees who conformed to healthy lifestyles.

As a health care innovator Dominion Resources has identified health risk factors and offered employees cash as an incentive to achieve a low risk rating as defined by insurance industry standards. Additionally, Dominion Resources has created an interest bearing savings program to provide employees with a mechanism to pay for routine medical expenses. The philosophy guiding the innovations at Dominion Resources is that medical benefits should be treated as a form of compensation, and employees who contribute to cutting the medical costs of the company are rewarded.

As we prepare to begin the debate to determine the best course of action for health care reform in our country, we should recognize that the innovative and creative energy of companies such as Dominion Resources are the trademarks of American civilization. Furthermore, we as Americans should carefully consider any health care reform legislation that might stifle these principles.

[From the Manager's Journal, Sept. 20, 1993]

NOW THE GOOD NEWS ON HEALTH CARE

(BY KEN DAVIS)

For several years the media have reported one horror story after another about the cost and delivery of health care. Now, for something completely different:

Since 1989, my company's health care costs have risen less than 1% a year. During that time, we have improved and expanded our medical benefits program. In 1992, we underran our health-care budget by 31%. We Shared these savings with our employees in May by distributing checks totalling more than $67,000.

We have expanded coverage for preventive and diagnostic procedures. We have established a cash incentive program to reward our employees who adopt and maintain healthy lifestyles. We have taken a number of steps to help our employees become informed and empowered consumers of medical services.

We have restructured our benefits programs to make it easier for employees to custom tailor a package of benefits that best meets their needs for the least cost. And we have preserved for employees the freedom to make their own choices when selecting a doctor, hospital or other provider of medical care.

There are three reasons for the results we have achieved. First, we have focussed on health maintenance and prevention. Second, we have treated health insurance like true insurance. Third, we have begun to treat company-provided benefits like a form of compensation, which they are, and less like a program of entitlements.

In a typical working-age population, about one-third of medical costs arise from five familiar risk factors: weight, blood pressure, cholesterol, smoking and seatbelt use. To a large degree, these risk factors can be controlled by personal behavior. We try to encourage our employees and their families to focus on, and act on, these issues without delay. We do this by offering them wellness incentives of up to $600 a year if their five risk factors can be rates as "low risk" using traditional insurance-industry rating tables.

More than 60% of our employees participate in our voluntary wellness program. They appreciate our concern for their health. And they appreciate our concern for their privacy: medical data used to assess risk, such as blood pressure readings, are kept strictly confidential by the outside contractors who administer the program. In addition, no incentive payments are withheld from individuals because of any risk-factor conditions beyond their control.

In tackling the more fundamental issues of the cost of insurance, we have gone back to basics. Most health "insurance" programs use administrative systems borrowed from the property and casualty insurance industry to run entitlement programs that pay for routine medical expenditures. Consider auto insurance as a common example of property and casualty insurance. If it were run like most health programs, our company would pay for things like spark plugs and motor oil, and the price of these items would skyrocket. Uninsured individuals would not be able to afford good car care. And employers would be working with their carriers to negotiate volume discounts with networks of preferred garages.

It is more cost-effective for insurance companies to pay a small number of large claims than to pay a large number of small claims. If an insurer receives many small claims, it adds up to mountains of paperwork—and that take a huge staff, which costs a lot of money. The payer must also confirm that the service rendered was covered and that the charge billed was appropriate. Each of these necessary steps adds administrative expenses.

However, if you have a few large claims, you don't need the extra paperwork or the staff. Thus, at my company, we focus coverage on the significant expenses that can logically and efficiently be reimbursed by insurance. By raising plan deductibles, we have greatly reduced the premiums that our company and employees have to pay. We offer our employees a medical insurance plan that includes a deductible of $1,500 a year for individual coverage and $3,000 a year for family coverage. Seventy-five percent of our employees have selected this high deductible, low premium plan. I have elected to cover myself and my family with this plan and pay about $110 a month for our coverage.

The significant money saved on premiums is available to me and other employees to pay for routine medical expenses through other more direct and efficient means, such as by cash, check or credit card, if small claims are paid out of pocket by the employee, the number of claims plummets and the insuree becomes a better risk for the insurer. In fact, here at Dominion, claims filed per employee came down to 10 in 1992 from 19 in 1991. Since this means far less work in administering claims, we're renegotiating next year's administrative fee with Blue Cross.

To encourage direct payment of small medical bills, my company has established payroll deduction savings accounts at a local bank for employees to accumulate money that otherwise would be spent on medical premiums. These medical savings accounts pay interest, and they accumulate funds for participating employees on an after tax, fully vested basis. Funds not spent in a current year are carried forward to later years for employees on a "use it or keep it" basis.

The combination of high insurance deductibles and medical savings accounts controls the cost and improves the quality of our health care by eliminating the wasteful "use it or lose it" incentives created by traditional medical plans that pay for the most routine medical services. By focusing our insurance coverage on more significant cases, my company has greatly reduced the need to manage its health care of our employees or to intervene in the relationships they have with their doctors.

The final leg of our successful health plan package is our treatment of medical benefits as a form of compensation. Compensation should be based on the contribution that an employee makes to the success of his company. Our wellness incentive payments are based on the cost-control contributions that employees make when they responsibly manage the risk factors that affect their health. And the refund payments we made this year when we came in under our health-care budget rewarded employees for their prudent consumption of medical services.

We even pay some extra money for medical benefits to employees who earn our highest appraisal rating for their superior job performance and their contribution to the success of our company. And to stress the point that benefits are compensation, we provide Total Compensation Statements to employees each year to show how much they are paid in company expenditures for their benefits.

Reform of health benefits can be a win-win situation for everybody concerned. It has been for us.

INTRODUCTION OF LEGISLATION TO CREATE A HEALTH CARE REFORM TRUST FUND

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. RICHARDSON. Mr. Speaker, I am introducing legislation today to create a health care reform trust fund to carefully monitor health care spending and revenues during the implementation of reform. We must try to reach universal coverage and not just universal access to insurance to try to reduce health care costs. I believe this is a necessary goal and the only true way to contain health care costs in the long run. However, as we work to attain that goal, we must also keep a careful eye on the impact of health care reform on the Federal budget in the short run.

Mr. Speaker, it appears that we will be depending on reduced growth in Medicare and Medicaid to increase coverage to the uninsured. However, too much reliance on reductions in Medicare spending could backfire because Medicare spending is already growing at a slower per-capita rate of spending than overall per-capita health spending. Furthermore, providers in rural areas are having difficulty now meeting their total costs with the reimbursements provided by Medicare. Proceeding sensibly with health care reform will help rural providers once health care reform is fully enacted but we certainly do not want to squeeze them any more on Medicare reimbursements between now and then.

With the Federal deficit totaling $290 billion dollars last year, we must face the fact that the Federal Government has never been able to accurately predict the costs of a new health program. One of the expressed goals of the administration's health care plan is to eliminate cost shifting while reducing overall health care costs. Yet, unless we are able to bring private health costs more in line with the costs of our public health programs, we will not be able to eliminate cost shifting. With the cuts in Medicare and Medicaid spending that are being considered to help finance health care reform, cost shifting is encouraged. My legislation will help enhance accountability in health care costs to try to prevent cost shifting from occuring.

Under my proposed legislation, any savings in Federal health spending or any tax increases enacted as part of health care reform will go into a health care trust fund. Outlays from that trust fund can only be used for approved spending under an enacted health care reform bill—nothing else.

Mr. Speaker, I believe that our chances for passing significant and lasting health care reform are improved by the creation of a health care reform trust fund. The American public will have greater confidence that tax revenues and spending cuts will definitely be dedicated to health care reform. At the same time, we can carefully monitor new Government spending and make sure that we do not add to the terrible burden created by our Federal deficit. We are walking on a precarious fiscal tightrope with the financing of health care reform. I believe this legislation gives us a needed safety net to rely on.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH REFORM TRUST FUND.

(a) ESTABLISHMENT.—There is established the Health Care Reform Trust Fund (hereinafter referred to as the "Fund") for the purposes of guaranteeing that the net deficit reduction required by the Health Security Act is fully achieved.

(b) MONEYS IN THE FUND.—The Fund shall consist only of amounts equal to the net deficit reduction, calculated pursuant to the procedures set forth in subsection (c), that is estimated to result from the Health Security Act. Such amounts shall be transferred to the Fund as specified in subsection (c).

(c) TRANSFER OF MONEYS.—Within 10 days of enactment of the Health Security Act—

(1) the Director of the Office of Management and Budget shall determine the sum of the net deficit reduction that results from the enactment of the Health Security Act; and

(2) there shall be transferred from the general fund to the Fund an amount equal to the sum determined in paragraph (1).

(d) USE OF MONEYS.—Notwithstanding any other provision of law, the amounts in the Fund shall be used exclusively for health care reform.

(e) GRH EXCLUSION.—Amounts in the Fund, as determined by the Director of the Office of Management and Budget, that result from the net total of direct spending and receipts provisions calculated according to the provisions of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be excluded from, and shall not be counted for purposes of, the totals under section 252 and sections 254(d)(3) and 254(g)(3) of that Act.

(f) PRESIDENT'S BUDGET.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

"(27) information about, and a separate statement of amounts in, the Health Care Reform Trust Fund.".

SALUTE TO THE ANTI-DEFAMATION LEAGUE

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor the Ventura County members of the

Anti-Defamation League of B'nai B'rith as they hold their 14th annual ADL appeal, and for their ceaseless efforts to expose and defeat hate.

The Anti-Defamation League continues to play a vital role in our national fight against prejudice and discrimination. It is reprehensible that anti-Semitism remains a powerful force for evil in our Nation, and I am especially saddened that we have also seen a resurgence of hate crimes and religious desecration of places of worship, homes, and businesses in Ventura County as well.

As Ventura County's congressman, I am especially pleased to salute the 800 members of our four B'nai B'rith chapters—Camarillo B'nai B'rith unit, Camarillo B'nai B'rith women Channel Islands B'nai B'rith unit, and Haverim B'nai B'rith couples unit—who are leading the fight against discrimination in our own community.

I am also pleased to recognize Dr. Frank Eiklor, the president of Shalom International, and Dr. Irving Cheslaw, past president and trustee of the Haverim B'nai B'rith couples unit, who are receiving Distinguished Community Service Awards.

And finally, Mr. Speaker, I am especially pleased to recognize Joseph Ellenbogen of Camarillo, who not only is serving as the ADL reception chair, but who also just concluded his first session as a member of the California Senior Legislature.

Mr. Speaker, I ask my colleagues to join me in honoring the members of B'nai B'rith, in Ventura County and throughout the Nation, for their vigilance and their leadership in fighting discrimination.

B'NAI B'RITH'S 150 YEARS OF SERVICE

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. BAKER of California. Mr. Speaker, I rise today to offer my most sincere congratulations to the members of B'nai B'rith in celebrating their 150 years of service.

B'nai B'rith, the oldest philanthropic organization in North America, is celebrating its 150th anniversary on November 29, 1993.

I especially offer my congratulations to members of local B'nai B'rith Lodge 1756 of Contra Costa County.

B'nai B'rith provides various community services such as feeding the homeless, providing services to senior citizens, and other charitable activities.

I thank the B'nai B'rith for the services it has provided and extend my heartfelt congratulations to its members.

H.R. 3465, WETLANDS PROTECTION AND MANAGEMENT ACT, NOVEMBER 8, 1993

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. DE LA GARZA. Mr. Speaker, over the past 4 years, it has become clear that Federal wetlands policy has been neither fair to landowners nor effective in protecting wetlands.

As chairman of the Committee on Agriculture, I am well aware of the frustrations experienced by farmers, ranchers, and landowners across the country with current Federal wetlands rules. It is clear to me that any true people-oriented reform of Federal wetlands policy must be sensitive to the productive needs of our Nation's agricultural landowners.

This summer the Clinton administration proposed a comprehensive package of administrative and legislative reforms designed to end the confusion, contradictions, and many of the controversies that have engulfed Federal wetlands policy. While I have concerns about some of its provisions, I commend the administration for making a serious attempt at developing a more fair, flexible, and effective approach to wetlands policy.

The 103d Congress now has the opportunity to consider and refine the administration's legislative proposal in conjunction with the reauthorization of the Clean Water Act.

I believe our Nation's agricultural producers and the Committee on Agriculture must be a part of that debate. That is why I have joined Mr. STUDDS of Massachusetts, the distinguished chairman of the Committee on Merchant Marine and Fisheries, as an original cosponsor of H.R. 3465, the Wetlands Protection and Management Act.

H.R. 3465 embodies in legislative form much of the administration's original wetlands policy proposal, including the authority for the U.S. Department of Agriculture's Soil Conservation Service [SCS] to delineate wetlands on agricultural lands.

H.R. 3465 also includes, at my suggestion, language to better address various agriculture-related concerns. SCS is given authority to carry out the identification and delineation of wetlands on nonagricultural lands that are contiguous or contained within agricultural lands if this will help streamline the permitting process. It includes a more comprehensive list of what is to be defined as agricultural lands and normal farming, silviculture, and ranching activities exempted from the section 404 permit process.

The bill also makes clear that a participation in set-aside, diverted acres or similar USDA programs does not constitute abandonment of prior converted cropland.

With the inclusion of these modifications, I have agreed to cosponsor H.R. 3465 so that this legislation can serve as a starting point in the legislative deliberations here in the House. The measure also provides the Committee on Agriculture with an opportunity to address the confusion and contradictions over the regulation of wetlands.

My cosponsorship does not mean I support every provision in the bill as written. Indeed, while it represents a substantial improvement over the current situation, I strongly believe further reforms are needed to address agricultural and landowner concerns.

However, the time has come for Congress to work in a cooperative spirit to strike a more reasonable balance between landowner rights and environmental protection. I believe H.R. 3465 is a reasonable point both to begin this debate and to serve as a legislative vehicle for true reform of Federal wetlands policy.

SOMEBODY BETTER READ THE FINE PRINT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to call your attention to an article in the Los Angeles Times written by James P. Pinkerton. Mr. Pinkerton is the John Locke Foundation fellow at the Manhattan Institute in Washington, DC. I believe Mr. Pinkerton points out some fundamental problems that exist in the Clinton's proposed health care solution.

Mr. Speaker and fellow colleagues, I am concerned that many Americans have, as Mr. Pinkerton points out, failed to read the fine print in the Clinton health care plan. Further, the administration has attempted to coax the American public into believing that a massive health care bureaucracy, based here in Washington, will offer each American security, simplicity, and savings. At this point I feel that a simple question must be asked, and that question is when, in the history of bureaucracies, have the citizens of this country seen a large bureaucratic organization achieve simplicity and savings? I would argue that the answer to this question, of whether a large bureaucracy has achieved simplicity and savings, is never. Additionally, Mr. Pinkerton looks to Theodore Lovi to provide some insight into what we can expect from the bureaucracy of the Clinton health care board. Mr. Lovi asserts in his writings that as government grows bigger and bigger representative government will fade away and give way to rule by elite Washington insiders.

Now we as Americans should ask ourselves, is President Clinton's health bureaucracy what we really want? Should we as Americans relinquish our freedom of choice over health care decisions to some appointed board in Washington. Furthermore, does history provide us with examples of bureaucratic organizations, such as the Federal Drug Administration, offering simplicity and savings. I believe that the answer to these questions is self-evident—the answer is no.

Bureaucracy is not the answer, it is the problem. Americans deserve health care reform that respects freedom of choice, free enterprise and individual responsibility. Mr. Speaker, fellow colleagues and fellow Americans, as we begin the debate about which health care plan is the best for our country I ask each of you to read the fine print and the reject proposals that offer cloudy rhetoric and government intervention as a solution to our current health care problems.

SOMEBODY BETTER READ THE FINE PRINT

(By James P. Pinkerton)

In what bids to be the defining event of his presidency, Bill Clinton laid out his "Big Offer" to the American people last night. Presidents who make sweeping change are remembered, for better or worse. Think of Franklin Roosevelt's New Deal, Lyndon Johnson's Great Society, Reaganomics.

Clinton's offer sounds good. We'll hear the litany of buzzwords over and over again: security, simplicity, savings. "By 1998, everyone is paying less" for health care, senior adviser Ira Magaziner predicted last week. This week, the Clintonians sweetened the pot further, moving up to 1997 the date when we all start getting more health care for less money.

If Clinton is to be another F.D.R., this had better work. But the biggest challenge he faces is the deep public skepticism that the government really is here to help us.

Theodore Lowi saw it coming. In 1969, he wrote "The End of Liberalism," a far-reaching critique of the post-New Deal welfare state. Lowi, a former president of the American Political Science Assn. now at Cornell, is no conservative. He would describe himself as committed to real democracy, which he sees as threatened by the delegation of legitimate authority to the Iron Triangle of bureaucrats, lobbyists and special interests.

As government grows bigger and bigger, Lowi argued, representative government will inevitably give way to the undemocratic rule of insiders. Think about it. How many members of Congress actually read the 1,000-page bricks they vote for? They can barely lift them, let alone comprehend them. So elected officials turn to unelected officials to explain, interpret and implement the law with thousands more pages of legalese. It's like the Marx Brothers movie "A Day at the Races": you need a code book to translate the code book.

Lowi coined the phrase "interest-group liberalism," to describe the bargaining among the Washington elites that has characterized American politics since the 1930s. What we will get, Lowi prophesied, is "a crisis of public authority" and "atrophy of institutions of popular control."

Assuming the Clinton plan passes, consider just some of the thousands of to-be-determined questions that lawyers and logrollers will resolve in the shadowland between K Street and Capitol Hill:

The famous "one-page form." The Clintonians allege they will reduce patient paperwork to a single page. But if you don't ask questions, how do you keep people from ripping off the system? The Reaganites simplified banking regulation so much that the S&Ls make off with 12 zeros worth of our money. So, will we all have a chance to play Charles Keating? Unlikely. The EZ form is the tip of the red-tape iceberg. The Administration wants another $2 billion to hire auditors and overseers to keep track of our pills and proctoscopies.

Medical specialities. "Regional review boards" will allocate slots in medical schools so that we get the politically correct ratio of general practitioners to specialists. Stay tuned for the story about how Senate Appropriations Committee Chairman Robert Byrd and the multiculturalists have cut the ultimate deal: affirmative action and quotas enabling all West Virginians to attend medical school, so long as they promise not to be plastic surgeons.

The National Health Board. This new regulatory agency, its members appointed by the President, will have responsibility for making the whole trillion-dollar operation work. NHB is an acronym to remember; it will be in charge of everything from baseline budgets for the health alliances to providing technical assistance to help dawdling states get with the new program.

Magaziner is a smart guy. But even the most brilliant have their limitations. One is reminded of the scene in the 1981 film "Body Heat," when crook Mickey Rourke discusses murder with crooked lawyer William Hurt. In this business, Rourke advises Hurt, there are 50 ways you can foul up. If you're a genius, you can think of 25. And you, Rourke tells Hurt, ain't no genius. Magaziner is trying hard, but it's hard to see how he will bat more than .500. That's superb in baseball, but not good enough when our lives are at stake.

If popular sovereignty is to mean anything, then sovereign power has to be understandable to the populace. Lowi's book is a restatement of the truism: The devil is in the details. A quarter-century ago, he warned that the details were drowning us. Today, it looks as if democracy is about to take another dunking.

LEGISLATION TO BAN DUMPING OF LOW-LEVEL RADIOACTIVE WASTES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. ORTIZ. Mr. Speaker, I rise in strong support of the House concurrent resolution introduced by Mr. WELDON calling for the United States to amend the London Convention to ban the ocean dumping of low-level radioactive wastes. This week, over 40 countries are meeting to examine and amend the convention. One of the major issues to be discussed is the institution of a ban on the ocean dumping of low-level nuclear wastes.

The dumping of high-level wastes was banned in the original London Convention agreements in 1972. This was followed by a voluntary moratorium on ocean dumping of low-level wastes in 1983. Violations of this moratorium by the former Soviet Union have recently been exposed which show that the former Soviet Union routinely dumped large amounts of high- and low-level wastes in the Arctic Ocean and other marine areas. Additionally, the Russian Government recently dumped 900 tons of liquid low-level wastes into the Sea of Japan in the face of strong opposition from the Japanese Government.

The administration has taken a formal position in support of adding a permanent ban on the ocean dumping of low-level nuclear wastes to the London Convention. The U.S. will join over 20 other countries in the effort to assure that this is accomplished. Adoption of this resolution will send a clear message that the Congress supports the administration and it will strengthen their position as deliberations take place.

Mr. Speaker, I want to commend Mr. WELDON for his leadership in this issue. I believe that it is important that the House take up this matter, and I urge the Members' support.

BOB HAMMERLE AND MONICA FOSTER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. JACOBS. Mr. Speaker, there is a husband and wife lawyer team in Indianapolis of historic proportions.

Bob Hammerle and Monica Foster are, to say the least, a headache to the average prosecutor. They don't quite have the batting average of Perry Mason. But, of course, there is a fundamental difference. They exist, they are not fiction. And all of those who love liberty should celebrate this kind of talent which is available to every citizen who might be charged with a crime, and especially those who turn out to be innocent.

I insert in the RECORD the article by George Stuteville which appeared in the Indianapolis Star on October 31, 1993.

HOOSIER LAWYER INSPIRED AND READY FOR HER FIRST CASE AT SUPREME COURT

(By George Stuteville)

WASHINGTON.—Truth would win without fail on every Perry Mason episode, and Monica Foster would watch and dream of the day when she would grow up and become a lawyer, too.

After Foster became an attorney 10 years ago, her dream shifted to the day when she might argue a case before the United States Supreme Court.

That day will be Monday. And it won't involve a nice, neat Perry Mason-style case of innocent defendant set free.

Foster will attempt to convince a majority of the court that a judge in 1981 improperly condemned an Evansville man to death after a Brown County jury recommended against the execution.

Thomas N. Schiro confessed to the Feb. 4, 1981, rape, murder and mutilation of Laura Jane Luebbehusen of Evansville.

Court records show that Schiro, who was serving a reduced sentence in a halfway house for a robbery, got inside Luebbehusen's house by telling her his car had broken down and asking to use her phone. After raping her over a period of hours, he smashed her head with a vodka bottle and a clothing iron.

"This was a horrible crime," Foster conceded. But she took the case, she explained, because she also saw serious flaws in Schiro's sentencing.

Her main point: The jury did not issue guilty verdicts on separate murder charges that would have automatically made a death penalty case. The judge, she said, sentenced Schiro to die for crimes he was not found guilty of committing.

Further, she said, the jury took only 61 minutes to recommended against executing Schiro because his violence was caused by profound mental illness.

CONSUMED BY CASE

Since May, the grisly murder, the complicated legal arguments, and the pressure of going before the nation's highest court have consumed the 33-year-old public defender.

"I worked on this and little else for the last four months. There have been many nights when I have left the office when the sun was coming up in the morning."

In some ways, she has been preparing for the case most of her career.

After graduating in 1983 from Indiana University School of Law at Indianapolis, Foster wanted to work on death penalty cases. She soon moved to that specialty. Her clients included a Gary teen-ager, Paula Cooper, whose death sentence eventually was commuted to 60 years after an international outcry. Even relatives of Cooper's victim supported the lesser sentence.

In a gritty New York accent that lingers from her childhood in Buffalo, Foster makes no apologies for her choice of clientele. She has asked the Supreme Court to review 10 to 12 other cases.

"The people I represent are the people who have fallen through the nets. It is worth it to come in and help those people understand why it is they committed horrible crimes, to show these people some empathy, and in many instances it is empathy they have never received from anyone in their entire life including when they were pure and innocent as children."

SCOUTING THE COURT

To prepare, she has traveled across the country to present her arguments to top constitutional law experts and has set up mock court situations to simulate Monday's panel.

Last month, she sat in on a Supreme Court session to familiarize herself with the surroundings and the intimidating protocol inside the ornate white marble building. As ready as she believes she is, she still worries that one of the justices will ask her a question she cannot answer.

"If you think of it, you've got nine justices asking one person questions and even if I went to Harvard—which I didn't—and even if I graduated magna cum laude—which I didn't—and even if I had law clerks to help me—which I don't—I don't think I could think of all the questions they could ask."

Likewise facing his first Supreme Court presentation is Arend Abel, who will represent the Indiana attorney general's office. Abel, also 33, a 1986 graduate of Indiana School of Law at Bloomington, will be assisted by Matthew Gutwein and Wayne Uhl.

Abel noted that appeals courts, including the Indiana Supreme Court and the U.S. District Court for the Northern District, have consistently upheld the state since 1983.

"I am honored to do this and I am looking forward to it," he said. "On the other hand, there is no joy, no pleasure in it because it is tragic for the victims, and each step of the way reminds the victims of this horrible thing."

Abel, who was raised in Union City, said he thought it would be tragic if the Supreme Court should reverse the findings of the lower courts and set aside the death sentence.

Any ruling is months away. In the meantime, each side will be heard at the summit of the justice system. As daunting as the experience may be, Foster said, she looks forward to the beauty of the justice system and already feels the encouragement of the justices.

"When I went to Washington to prepare, I saw an African-American and two women on that court. It was affirming. I know this court is very conservative, but I feel very good because I know we've got some representation across gender and race lines. I can't help but know that is a good thing in the grand scheme of things. I had no role models when I was growing up. Now we have two of them. It will make a difference when I stand there. This is the show," Foster said.

And it's not Perry Mason.

RESOLUTION TO RECOGNIZE AND ENCOURAGE THE CONVENING OF A NATIONAL SILVER HAIRED CONGRESS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GEPHARDT. Mr. Speaker, I rise today to introduce a resolution recognizing and encouraging the convening of a National Silver Haired Congress, and I invite my colleagues to join me in this recognition.

In 1973, Missouri senior citizens convened the first Silver Haired Legislature. The purpose was to provide a statewide forum for nonpartisan evaluation of grassroots solutions to concerns and issues shared by many senior Americans. This forum was patterned after the Missouri Legislature with upper and lower chambers. Senior citizens—60 years and older—were elected by their peers from across the State. Since that time Alabama, Arkansas, California, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Rhode Island, Texas, Utah, Virginia, West Virginia, and Wyoming have organized Silver haired Legislatures generally patterned after their State legislative bodies. More than 2,500 senior representatives work on behalf of their peers from their respective States. This highly successful forum has developed as an effective resource for public policymakers. Important legislation in areas of consumer protection, homestead tax exemptions, health care, long-term care, insurance, housing, and crime prevention have been passed as a result of this responsible, dedicated advocacy.

The National Council of Silver haired Legislators continues to grow and expand in other States by serving as a forum to advocate on important issues and concerns of older Americans through grassroots, nonpartisan participation.

The success at the State level revealed the need for a national forum patterned after the U.S. Congress to address broader senior issues.

I encourage you to help these vigorous older Americans use the knowledge and experience of senior citizens fro responsible involvement in the Federal legislative process. They will focus, not only on concerns of older Americans, but on those of their children, grandchildren and the environment.

The National Silver Haired Congress will be unique in its approach to providing solutions. Its representatives will convene and serve without cost to taxpayers.

I urge your support for this resolution to recognize and encourage a National Silver Haired Congress.

DUBROVNIK: DECENT PEOPLE WHO STAND ON PRINCIPLE

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Ms. MOLINARI. Mr. Speaker, the ancient city of Dubrovnik, Croatia, sustained heavy damage and destruction during the 1991–92 artillery barrage launched by the Serbs against the old walled city. Now, the people of Dubrovnik with the help of others around the world, including the Rebuild Dubrovnik Fund based in Washington, DC, are restoring their historic city and rebuilding their personal lives.

The American Society of Travel Agents joined with Atlas Travel Agency of Dubrovnik to found the Rebuild Dubrovnik Fund a year ago. I and several other Members of Congress serve on the fund's honorary advisory board. Through this work and two visits to Croatia in the last 2 years, I am aware of the valiant effort of the citizens of this jewel of the Adriatic to repair the damage and restore their tourist-based economy.

In the October 25, 1993, issue of Travel Agent magazine, publisher Richard P. Friese wrote eloquently of his memories of Dubrovnik and his respect for Dubrovnik as "a symbol to protect and restore things in a world where destruction and decay run rampant."

I commend the editorial to my colleagues.

[From Travel Agent, Oct. 25, 1993]

DUBROVNIK

(By Richard P. Friese)

Last month in St. Louis, while addressing a small breakfast group, Lady Margaret Thatcher poignantly recalled her visit to Dubrovnik in 1980. Slipping back in time, she expressed her love for the ancient city, which was severely damaged by heavy artillery shelling in 1991. That bombardment resulted from the long-standing ethnic and nationalistic tensions that exist in the region—tensions which erupted when Serbs in Croatia rebelled against the new Croatian government.

Referring to Dubrovnik as the "Jewel of the Adriatic," Mrs. Thatcher expressed the need to preserve world culture and called for international assistance to rebuild the old city.

While it's been over 20 years since I visited Dubrovnik, it is nonetheless difficult to imagine the splendor of one of the world's most exquisite cultural monuments now desecrated by the pockmarks of war and turbulence. As Mrs. Thatcher spoke, I recalled my first impressions of the old city. Indeed, to enter Dubrovnik was to enter into a time warp—a world of make-believe out of the fairy tale lands of Hans Christian Andersen. Even the brilliant but irreverent George Bernard Shaw wrote that those in search of an earthy paradise should travel to Dubrovnik.

Located on the southern Adriatic in the Republic of Croatia, Dubrovnik is without question the most picturesque city along the Dalmation Coast. It was founded in the seventh century by Roman refugees fleeing Epidaurus, but its basic city plan dates from 1292. Built on a promontory jutting out into the sea, Dubrovnik's medieval fortifications rise directly from the water's edge.

A massive round tower dominates the city on the landward side. Inside the huge walls surrounding Dubrovnik, the beauty of the old world is reflected in its splendid architecture, terra-cotta tiled roofs and the cultural masterpieces that line the city's narrow but harmonious streets. There are museums, galleries and countless little houses decorated in century-old vines.

DEALING WITH ADVERSITY

Today, Dubrovnik's churches remain open to visitors, but as a result of the bombardment the city's museums are closed and their treasures have been hidden for an indefinite period of time. However, in an economy that depends on tourism for 80 percent of its income, the people of Dubrovnik are suffering from a severe decline in visitors and from high unemployment. Still, they are progressive and have an impressive history of successfully dealing with adversity.

Durbrovnik survived a massive earthquake in 1667 that destroyed three-quarters of its buildings and killed nearly two-thirds of the population. The city has maintained its independence by acknowledging the sovereignty of state after state—first the Byzantine Empire, then Venice and Hungary, and then the

Ottoman Turks. Napoleon occupied the city in 1806.

On the other hand, almost extraordinarily, by 1347 Dubrovnik had a municipal old people's home, and by 1432 it had an orphanage. The slave trade was abolished in the city in the 15th century, long before people elsewhere entertained the idea. Also by the 15th century, public assistance was available for people in need: There was a public health service, a town planning "institute" and numerous public schools.

And having met many of the people over the past couple of years who are charged with the responsibility of rebuilding Dubrovnik—including its Lord Mayor, Nikola Obuljen—there is no question that some day the city will once again capture the imagination of people from around the world.

Realistically, however, the war in neighboring Bosnia grinds mercilessly on. Diplomats and military planners also are now worried that the war in Croatia could erupt again. "One would be very myopic to fail to see and warn about the gathering clouds of war," the deputy chief of the United Nations force in the Balkans, Cedric Thornbury, said recently, "It will need a major, focused effort by the international community, and a real will for peace if a second Serbo-Croat conflict is to be averted."

STANDING ON PRINCIPLE

Meanwhile, over the past year here in this country, people from the travel industry have formed the "Rebuild Dubrovnik Fund." ASTA President Earlene Causey is chairman: USTOA President Bob Whitley serves on its board. Other directors from the industry include Alex Harris, Don Daly, Patty Noel, Anne-Marie Powell, Ivan Michael Schaffer, Mathew Upchurch and Nazli Weiss, who coordinates the effort from the fund's Washington office. There are five members of the U.S. Congress serving as honorary members, as well as many other people from fields related to the travel industry.

But while the preservation of Dubrovnik is indeed a noble cause, there is, in my view, a deeper significance that transcends Dubrovnik itself. It has to do with the spirit of the people within the American travel indsutry—the recognition that the beauty and culture of the world should be preserved as a matter of moral principle and responsibility for the future.

In a sense, Dubrovnik serves as a symbol to protect and restore things in a world where destruction and decay runs rampant. And that's the essence of it all; decent people who stand on principle. If the senseless ravages of war destroy a heritage, there will always be those kind and gentle people who will find a way to put it back together again.

IN HONOR OF THE VARICK MEMORIAL A.M.E. ZION CHURCH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Ms. DELAURO. Mr. Speaker, November 21, 1993, the Varick Memorial African Methodist Episcopal Zion Church will celebrate its 175th anniversary in New Haven, CT. I am pleased to pay tribute to this extraordinary institution, and to the parishioners who continue to make it such a positive force in our community.

Established in 1818, and later named Varick Memorial A.M.E. Zion in memory of Bishop James Varick, the church has undergone a number of transitions over the years. In 1841, a devastating fire destroyed the original church building, but the congregation endured. Thanks to the generosity of its faithful members, a new structure was purchased in 1866. That building was moved from Fair Haven to Foote Street, where the church remained until 1911, when a new church home was constructed at the current location of Dixwell Avenue and Charles Street.

Varick Memorial A.M.E. Zion Church has always played a critical role in New Haven. Long a vital source of solidarity, spiritual fulfillment, and moral guidance for New Haven African-Americans, Varick A.M.E. Zion Church has a vibrant and active membership. From the church's founders to the current pastor, Rev. Lester Agyei McCorn, its clerical leaders have consistently encouraged their congregation to contribute to the community. Through a variety of projects—including an outreach center, soup Kitchen, and Hannah Gray Home for the Aged—church members have exhibited extraordinary commitment and dedication in caring for their neighbors. The parishoners' compassionate activism has benefited both our youth and senior citizens.

I commend the Varick Memorial A.M.E Zion Church, and the people who, inspired by their community of faith, help their parish to do so much for so many. On this special occasion, I congratulate this congregation on the celebration of its 175th anniversary.

AMERICAN LEGION AGREES: IT'S TIME FOR UNITED STATES TROOPS TO LEAVE SOMALIA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. BEREUTER. Mr. Speaker, the American people have come to the conclusion that we should not be in the business of nation-building—in Somalia. Yet, over 10,000 American troops remain committed to the ill-conceived and misdirected U.N. effort of nation-building in Somalia. Unfortunately, if the Clinton administration has its way, those forces will remain deployed in harm's way until March 31, 1993.

Recently the national commander of the American Legion spoke candidly of his concerns about a continued United States presence in Somalia. According to Bruce Thiesen:

> Our mission was to feed Somalia's starving masses who were cut off from supply lines by a bloody civil war. Under the flag of the United Nations, we accomplished that mission. At that point, our troops should have come home.

Mr. Thiesen very appropriately suggests four reasons why the United States should disengage rapidly. First, our involvement in Somalia has not been clearly linked to United States national interest. Second, he notes, quite correctly, that the troop deployment was made without the appropriate consultation with Congress. Third, an error was made in permitting U.S. troops to serve under foreign command. Lastly, Mr. Thiesen notes that captured Americans have not been afforded the protections of the Geneva Convention because the administration has failed to acknowledge the existence of a state of hostilities.

As this body nears consideration of House Concurrent Resolution 170 on accelerated withdrawal from Somalia, this Member would urge his colleagues to heed the admonition of the national commander of the American Legion. This Member would ask that Mr. Thiesen's editorial from the Nebraska Legionnaire be inserted in the CONGRESSIONAL RECORD.

IT'S TIME FOR UNITED STATES TROOPS TO LEAVE SOMALIA

(By Bruce Thiesen)

The civil war in Somalia is a war America does not need, America does not want, and America is not willing to commit sufficient force to win. We are there for the wrong reasons. It's time for our government to do its duty by those they've allowed to be sent into harm's way. As national commander of The American Legion, I am gravely concerned that our involvement in Somalia signals four serious flaws in our foreign policy—flaws that already have cost many American servicemen their lives.

First, America does not have a clear definition of our national interests as it relates to peacekeeping and humanitarian operations. The United States became involved in Somalia's civil war in response to grim photos of starving people. Clearly, we let our compassion dictate our foreign policy and have placed ourselves on a road to quagmire.

When Operation Restore Hope began at the close of 1992, our mission was to feed Somalia's starving masses who were cut off from supply lines by a bloody civil war. Under the flag of the United Nations, we accomplished that mission. At that point, our troops should have come home. But westayed on, mistakenly, as the United Nations turned the humanitarian mission into one of "nation building," the task of rebuilding Somalia's government and its national economy. The American Legion doesn't believe our troops should be used for such political purposes, especially in a country where the United States has no national interest at stake.

Second, Congress has not been involved in approving the commitment of U.S. forces to peacekeeping or humanitarian operations. By using the United Nations as a policy-making organ, the Administration is taking American foreign policy out of the hands of Congress and the American people. If our President wants to send our sons and daughters to serve in peacekeeping operations, then he must come before us with clearly defined goals and a time line for the accomplishment of those stated goals. And these operations should never be outside the scrutiny of Congress.

Third, American troops have been placed under foreign command. This should not occur except in circumstances where Congress has granted approval. Congress must establish effective ways to prohibit foreign command of U.S. military forces. The placing of American forces under foreign command violates the U.S. Constitution which designates the President As Commander-in-Chief, thus stripping away American's sovereignty. When our sons and daughters join America's armed forces, they swear an oath to support and defend the U.S. Constitution, not the missions of the United Nations. Both in Somalia and Macedonia, U.S. troops have been placed under foreign command, a dangerous precedent as the United States get more involve in peacekeeping operations.

Fourth, American troops captured during peacekeeping operations have not been given POW status and afforded all the protections of the Geneva Conventions. The American Legion has called on the Administration and Congress to establish a Prisoner of War/Missing in Action Commission to deal with the question of the official status of U.S. military personnel taken prisoner by a foreign power when this nation is not at war.

According to current Defense Department policy, U.S. service personnel taken during peacekeeping operations are not prisoners of war. They are hostages or political prisoners with not defined legal rights under the Geneva Conventions. In combat, Desert Storm for example, search and rescue teams were on alert to rescue downed pilots and stranded infantry troops before they were captured. Whether a rescue is mounted is a military and tactical decision. During peacekeeping however, GIs turned the hostage become the State Department's responsibility and the decision to rescue those personnel becomes a political question.

Five years ago, U.S. Marine Col. William R. "Rich" Higgins was captured by terrorists in Lebanon and brutally murdered. He was serving under the UN flag at the time and was accorded no dignity or the limited protection afforded by POW status. He was treated as a common criminal and hung. A recent letter I received from his wife, Marine Lt. Col. Robin L. Higgins makes the tragedy of America's current policy apparent: "Rich was never declared a prisoner of war * * * some of what that meant for Col. Higgins was no rescue, no retribution, no insistence on any international conventions of treatment, and no posthumous POW medal. America failed my husband."

America will continue to fail our sons and daughters who serve in the nation's armed forces unless it declares every U.S. serviceperson captured by hostile forces a POW. Col. Higgins was hanged by terrorists who were never held accountable for their actions because our own government didn't hold itself accountable for Higgins' safety.

At this writing, at least one American serviceman is a hostage—not a POW—in Somalia; 27 have lost their lives there, and 165 servicemen have been wounded. How many more Americans who've vowed to serve their country faithfully in uniform will be killed, wounded or captured and left to an uncertain fate before our government does its duty to them?

HAPPY BIRTHDAY, MARINES

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. TEJEDA. Mr. Speaker, the United States Marine Corps celebrates is 218th birthday on November 10, and in honor of that event I would like to insert in the RECORD the following article from the San Antonio Express-News. The article recognizes the special group of marines who served in the Combined Action Program [CAP] in Vietnam. The CAP Marines volunteered to live in Vietnamese villages to provide security, improve living conditions, and improve the combat effectiveness of the South Vietnamese Popular Forces. As a young soldier in Vietnam, I personally witnessed the important work performed by these marines, and I am proud to honor these soldiers.

This week, a group of former CAP members, the CAP Unit Veterans Association [CUVA], are meeting in my hometown of San Antonio. CUVA, which promotes fellowship among former CAP members, preserves the unique history of the program, and lends assistance to dependents of former CAP members, benefits not only the veterans' community, but society at large. Future generations should remember and understand the involvement of these dedicated marines, and the CUVA fills that need.

With the Marine Corps Birthday approaching, I wish to join our Nation in honoring the great veterans in the CUVA on this special day.

HAPPY BIRTHDAY, U.S. MARINES

(By Maury Maverick)

On Nov. 10 the U.S. Marine Corps will celebrate its 218th birthday. In today's column, my salute this year goes to the Marines who volunteered to live in the villages of South Vietnam. About 80 of those former Marines from all over the country will be in convention, Nov. 8–12, in San Antonio at the Travelodge Hotel on Villita Street across from the County Courthouse.

I urge all Marines, active and former, to help make their stay a pleasant one. For details call Professor Robert Flynn at his home (492–1127) or at Trinity University (736–7517).

You old Marines (and everybody else in town) go to your bookstore and buy Bob's paperback book, "A Personal War in Vietnam." (140 pages, Texas A&M University Press, $11.95). It is the professor's gripping account of those Marines who lived in the villages. I bought my copy at The Twig in Alamo Heights.

A Baptist country boy from Chillicothe, Flynn has been a teacher at Trinity for some 30 years and has national standing as a writer with seven books, mostly novels, under his belt.

Naomi Nye, a former prize student, says of Flynn: "He's one of the best teachers I ever had, an inspiring and intellectual person." (The professor may be all that, but he still looks to me like a Baptist from Chillicothe, which I say as a compliment since it means that those sweet-smelling, hotsy totsy Presbyterians at Trinity University haven't ruined him.)

Flynn went to Vietnam as a war correspondent for True magazine. He tells about it in the introduction to his book:

"I had many reasons for going to Vietnam * * * I was almost 38 years old and a father, a novelist and a professor * * * I had been a Marine (having enlisted) in the Korean peace action * * * I never got to Korea.

"I believe I was confirmed by my (combat) experience in Vietnam," Flynn explains. He then goes on at length in praise of the Marines who served in the villages. But he also has a warning for our country: "Americans persist in seeing themselves as the Lone Ranger who rides into town, chases out the bad men, and rides away while men cheer and virgins swoon. However, it becomes increasingly difficult to find Tonto."

In his book, Flynn describes how groups of 14 Marines plus one Navy corpsman would live in the various villages where they taught the natives to defend themselves, delivered babies, pulled teeth, improved the sanitation and worked in agriculture.

Over lunch, the professor told me: "I believe the idea originated with old-time Marines like Chesty Puller who saw in Nicaragua the ineffectiveness of regular military tactics against the guerrillas."

That reminded me of something my retired publisher, Charles O. Kilpatrick, a combat Marine, told me. In the Pacific of World War II Puller would gather junior officers about him and say something like, "This is my kind of a war. We are here; the Japanese are over there. There's no question about the location of the enemy or who the enemy is. In Nicaragua when you went to sleep at night you never were sure your native orderly wouldn't cut your throat."

That, I gather from reading Flynn's book, is what the Marines experienced living with the villagers. The natives were generally friendly, but the leathernecks never know when they might get double-crossed.

Flynn is right when he claims "Tonto" is getting harder and harder to find. That's true be it Haiti, Somalia, and especially the Middle East. It is something for our young president to think about—he who, as a college boy, opposed Vietnam, but who, as a candidate, approved the stationing of Marines in Beirut and approved the invasion of Grenada, Panama and Iraq where, since then, an estimated 150,000 or more Iraqi children have died. All of those engagements remind me more of Caesar than of George Washington in his Farewell Address.

It was difficult for me to find research on the Marines who lived in the villages of Vietnam and so I called Col. J.E. Greenwood, USMC (Ret.), editor of the Marine Corps Gazette. As luck would have it, he worked with those Marines, for whom he had the highest praise. Not only that, he sent me all kinds of research including the book "The Combined Action Platoons," by Michael Peterson, which stated:

"The Marines distilled their experiences in the banana wars (in Central America) into an operations manual that became the Corp's magnum opus, the Small Wars Manual. The Manual provided a source of guidance for the conduct of counter-insurgency operations that anticipated later strategies. It is particularly interesting in its insistence on what would later be called low-intensity conflict, coupled with an appreciation of the social, economic and political milieu in what operations must be conducted."

(As a matter of fact, the U.S. Marines and the U.S. Army had a conflict between themselves. The Army was more inclined to search out and destroy than it was in working in the villages).

Robert Flynn ended his book, and I think accurately, on the pessimistic note about Tonto. Peterson in his book, equally pessimistic, writes: "Even assuming the United States had to intervene militarily in Vietnam (which it did not), I do not believe that if (the U.S. had employed a nationwide (village pacification program) that the United States would have won the war. To paraphrase (Barbara) Tuchman, Vietnam was a problem for which there was no American solution."

Peterson seems to warn against our country involving itself in future wars of Third World countries. If he is still around and attends the San Antonio reunion of Marines in convention, I plan to ask him what he thinks about places such as Haiti.

But the lead cheer today goes to Robert Flynn of Trinity University, devoted as he is to those Marines who were part of the pacification program in Vietnam. Get his inexpensive paperback book and read it.

To you Marines in convention, and to all Marines of South Texas, happy 218th birthday.

Semper Fidelis.

WETLANDS LEGISLATION INTRODUCED

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. STUDDS. Mr. Speaker, for several years, controversy over the Federal Wetlands Regulatory Program has raged unabated. The ensuing gridlock has caused mistrust of any reform ideas and virtually blocked any possibility for fixing the program. Legitimate dialog ceased long ago, with polarized rhetoric taking its place. While both sides of the debate have contributed thoughtful, well-reasoned suggestions for improvement, neither side has been willing to give an inch. This stalemate is tragic because there is real need for reform and genuine opportunity to improve wetlands protection and make the regulatory program more user friendly.

President Clinton launched a major initiative to break this logjam and bridge the differences between the two sides. Through extensive discussion with experts in the environmental community, industry, and academia, and with an unprecedented level of cooperation among Federal agencies, a new Federal wetlands policy was announced on August 24, 1993.

The leadership provided by the Clinton administration presents the Congress with the opportunity to forge ahead on the wetlands debate. It has moved us away from two polarized points of view and toward a rational discussion of how to fix what is broken in the permitting process and close loopholes that allow wetlands to be destroyed. It provides a new opportunity for substantive congressional action rather than simply more rhetoric. I believe the President's proposal will help us move forward together to provide greater protection to wetlands, a sensible regulatory process, and fairness, consistency, and predictability for landowners.

Many pieces of the administration's policy can be initiated without congressional action, but many cannot. Today, I am introducing legislation that embodies the Clinton wetlands policy and provides the statutory mandates the administration needs to make it a lasting solution.

I am including with this statement a section-by-section analysis of my bill. I invite every Member, whether you are a cosponsor of H.R. 350, H.R. 1330, or any other bill to join me as a sponsor of H.R. 3465.

SECTION-BY-SECTION ANALYSIS OF THE WETLANDS PROTECTION AND MANAGEMENT ACT

Section 1. Short Title. The short title of the bill is the "Wetlands Protection and Management Act".

Section 2. References. This section states that an amendment or repeal in this Act shall be considered to be made to a section or provision of the Federal Water Pollution Control Act, (i.e., the Clean Water Act).

Section 3. Policy and Findings. This section amends the Clean Water Act's Declaration of National Goals and Policy, stating that it is national policy to protect the nation's remaining wetland base and restore wetlands that have been degraded.

The findings elaborate the value of wetlands in maintaining the chemical, physical, and biological integrity of the nation's waters. Integrated planning of wetlands with other water resources is encouraged as is coordination among Federal, state and local governments. They also discuss the many economic benefits we gain as a nation by protecting wetlands including flood control, water purification, erosion control and fish and wildlife habitat.

Section 4. Delineation of Wetlands. Subsection (a) calls for the continued use of the 1987 Corps of Engineers wetlands delineation manual. It also states that no new manual for delineating wetlands shall be issued until after the National Academy of Sciences has completed its study as authorized by Public Law 102-389 and that the study must be considered in any revision and any changes must be field tested and open for public comment.

Subsection (b) provides for the delineation of wetlands on agricultural lands to be the responsibility of the Soil Conservation Service (SCS), using the 1987 manual in conjunction with the National Food Security Act Manual. The Corps will continue to make wetlands delineations on non-agricultural lands. The Administrator has the discretion to give greater authority to SCS to delineate nonagricultural lands that are associated with agricultural lands if it will streamline the permitting process. Both SCS and Corps delineation activities remain subject to Environmental Protection Agency (EPA) oversight and EPA may reassume delineation authority in problem cases.

Subsection (c) authorizes the revision of guidelines for wetland delineations in order to incorporate regional differences in plants, soils and wetlands hydrology. These revisions may be completed prior to publication of the National Academy of Sciences' study.

Section 5. Wetlands Conservation, Management and Restoration. This section provides for the Administrator to make grants to states from monies provided for administration of state water quality programs under section 104 for state wetlands conservation planning. This section also establishes a new Section 321, State Wetlands Conservation Plans, in the Clean Water Act. Subsection (a) of 321 provides for the Administrator to make grants to assist in the development and implementation of state wetlands conservation plans.

Subsection (b) provides guidelines for the contents of the plans including wetlands inventory, descriptions of causes of losses of wetlands, applicable state and local programs, potential restoration sites, management strategies and timetables, and monitoring mechanisms.

Section 6. Issuance of Permits. This section amends Section 404(d). Paragraph (1) requires that to the extent practicable, there be no net loss of wetland acres, functions and values for each permit issued.

Paragraph (2) requires that all conditions of a permit shall be enforceable and any mitigation required as a condition of a permit has to be monitored to ensure compliance and to determine effectiveness.

Paragraph (3) requires permit reviews for minor permits to be completed within 60 days. Minor permits are for actions of an individual landowner which affect less than one acre of wetlands. They cannot be part of a larger plan that would disturb more wetland acres. Written notice by the Corps is required if the application should be subject to further review due to unacceptable risks to the environment or if additional time to process permits is necessary to comply with other federal laws.

Paragraph (4) requires the Secretary to establish a new fee schedule for processing permits with an annual revenue goal of $10,000,000. Fees for permits for individuals for non-commercial uses may not exceed $20. The permit fees will be deposited in a newly established Small Land Owner Assistance Account in the U.S. Treasury. The amounts collected shall be used to provide technical assistance to any landowner who lacks the financial capacity to comply with this section. For instance, assistance may be provided in delineating wetlands and identifying appropriate mitigation measures.

Section 7. General Permits. Paragraph (1) allows permits to be issued on a state or nationwide basis for specifically defined categories of discharges of dredged or fill material if it has been determined that the activities are similar, will cause only minimal adverse environmental effects, and will have only minimal cumulative effects on the environment. General permits may also be issued for specific categories of waters. It also requires that general permits adhere to section 404(b)(1) guidelines, have minimum standards, and include adequate measures to monitor activities to assure compliance.

Paragraph (2) authorizes programmatic general permits to be issued in order to avoid unnecessary duplication of federal, state, or tribal requirements. The agency administering the regulatory program must have jurisdiction over the activities andwaters within the scope of the programmatic permit. The section provides safeguards to ensure that the programmatic permit will have no more than minimal cumulative adverse effects and at least the same level of protection as the Federal program provides including being subject to other Federal environmental laws. Finally, it allows for review of each permit application by all pertinent Federal agencies.

Paragraph (3) limits the term of general permits to five years and provides that they be revoked if they result in more than minimal adverse impacts on the environment.

Paragraph (4) requires notice and an opportunity for public comment for any activity permitted through a general permit that requires predischarge notification.

Paragraph (5) requires the review of general permits by the Secretary every two years and revision if there is evidence of adverse cumulative effects.

Section 8. Exemptions from Permitting Requirements. Subsection (a) amends the language in 404(f)1 to clarify existing exemptions for normal farming activities.

Subsection (b) adds a new paragraph to 404(f) exempting certain areas which are not considered navigable waters, such as: irrigation ditches in uplands, artificial lakes, swimming pools, stormwater detention areas, and any land determined by the U.S. Department of Agriculture to be prior converted cropland.

Section 9. Report on Effects of Permit Program; Needs Analysis. Subsection (a) requires a biennial report to Congress on the effects of activities conducted under permits, including general permits. The section also outlines the contents for the report, and establishes a national database containing information on wetland functions, values, acreage, mitigation and restoration. This report will allow the Federal Government and the public to be regularly apprised of the losses and gains of wetlands associated with the permit program.

Subsection (b) requires a needs analysis by the Comptroller General and recommendations for additional staffing and funding for the agencies involved with wetland regulation.

Section 10. Administrative Appeals. This section requires the Corps of Engineers to establish an administrative appeals process to allow individuals to question regulatory decisions without having to pay for a full blown judicial review. Appeals will be heard on jurisdiction, administrative penalties, or permit decisions. An appeal must be heard by someone other than the official who made the decision in question and in a venue that is in the proximity of the parcel of property in question. The appeals process for permit decisions is also open to anyone who participated in the public comment process.

Section 11. Wetlands Mitigation. This section establishes mitigation guidelines and permit requirements for wetlands mitigation projects.

Section 12. Mitigation Banks. This section adds a new section to 404 authorizing mitigation banks, and also provides for the establishment of specific financial and environmental guidelines for establishing and maintaining mitigation banks.

Section 13. Wetlands Delineation Certification Program and Programs to Provide Technical Assistance. This section outlines a program for federal employees and other individuals to become certified as wetlands delineators.

Section 14. Education and Outreach Program. This section seeks to help the public better understand the wetlands regulatory program by calling for EPA, the Corps, and the SCS to improve existing outreach programs; assist individuals with the requirements of this section; and to inform the public of the value of wetlands. It is also required that private landowners be provided with technical materials to assist with wetlands identification.

Section 15. Section 404 Definitions. This section redefines dredged or fill material for the purposes of this section to include any additional or redeposit of dredge or fill material which is incidental to draining, dredging, excavation, channelization, flooding, pumping, driving of pilings, diversion of water, mechanized landclearing, or ditching. The new definition also includes these activities if they significantly impair the flow or change the hydrologic regime of water without the addition of materials. Currently, many activities that destroy wetlands escaped regulation because they were not specifically "dredge" or "fill" activities. This section also defines prior converted croplands.

Section 16. General Definitions. This section defines navigable waters and wetlands for the purposes of this Act.

Section 17. Sense of Congress Concerning Wetlands Reserve Program. This section acknowledges that non-regulatory cooperative ventures such as the Wetlands Reserve Program authorized by the Food Security Act are effective conservation and restoration programs and should be encouraged by full funding.

COATED PILL OF CONTROLS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 8, 1993

Mr. GINGRICH. Mr. Speaker, I would like to call to your attention an article in the Washington Times written by Ben Wattenberg. I believe this article outlines important issues pertaining to the recent history of the health care reform movement as they pertain to the current debate. Furthermore, it is my hope that an analysis of this history will provide us with the insight necessary to avoid the pitfalls experienced in 1992.

In 1992, legitimate efforts to reform the American health care system were being introduced. In particular, legislation proposed by Senator Lloyd Bentsen introduced reforms that were bipartisan in nature and therefore widely accepted. Additionally, Mr. Wattenberg identifies four key issues that were catalysts for reform in 1992.

First, corporations were beginning to aggressively streamline their organizations by cutting middle management and calling into question skyrocketing health care costs. Second, insurance companies were being scrutinized for denying coverage to people with previous medical conditions. Third, there was a consensus in Congress that the U.S. health care industry was in trouble and that reform was needed. Finally, and most importantly, the Bush White House had availed itself to discussing health care reform legislation if it included malpractice reform.

Mr. Speaker and distinguished colleagues, we must recognize that the opportunity to contribute, in a measurable way, to the well-being of society presents itself infrequently and when it does must be acted upon. If we cannot pursue a truly bipartisan plan that respects and encourages individual responsibility, free choice, and private enterprise then there will be no winners.

COATED PILL OF CONTROLS

(By Ben Wattenberg)

Cherry-pickers unite! Your time has come! The phrase goes back to the last health-care debate, which occurred a couple of years ago. Sen. Lloyd Bentsen was pushing for new federal health insurance legislation. The Bush White House, gradually coming out of its political stupor, was interested in the idea.

The time seemed ripe. Corporations were going leaner and meaner, which led to leaner and meaner health insurance programs. Insurance companies were denying coverage on the basis of "pre-existing conditions," thereby cutting down "portability," specializing in covering people least likely to need insurance. (How sweet.) Malpractice awards were soaring, yielding "defensive medicine" driven by juries, not doctors. Middle-class Americans, the kind who vote, were getting worried and angry. In Congress, a new consensus for reform was growing.

Mr. Bentsen's legislation tried to fix what was most obviously wrong. He aimed at encouraging small businesses to provide their employees with insurance, in a way both political parties could agree upon. Applicants could not be turned down for pre-existing conditions. Portability would be enhanced. When the Bush White House finally came up with its own proposal, it drew heavily on Mr. Bentsen's work, adding tough controls on malpractice, a universal insurance form to cut down on waste, and health-care vouchers to cover most, although not all, of the remaining uninsured.

And it never happened. The opposition in Congress came principally from liberal Democrats. Borrowing an epithet from the insurance industry, they said it was "cherry-picking," taking just the good stuff that most folks agreed upon. (What a terrible way to legislate that would be.) Good was Bad. If the ripe cherries got picked, horrors, voters wouldn't be upset any more. The motivation for broader health reform might dissolve before America took its bitter medicine. The liberal prescription for such medicine came under many brand names, but the generic label on the bottle was always "More Government Control."

There was a second reason that Bentsen-style incremental reform didn't succeed. The 1992 presidential election year approached, with health care looming as a big issue. Some of Mr. Bentsen's Democratic colleagues said, "Don't send Bush a bill he could sign"—lest Republicans get political credit.

And so, we now have the proposed Clinton remedy. Surely, he deserves credit for bringing the issue front and center on the political agenda. Surely, there is much that makes sense in his plan. In fact, most of the good old cherries are right there, including portability, elimination of pre-existing conditions, and a universal insurance form. (Although tough treatment of malpractice abuse is missing.) The Clinton plan goes further than Mr. Bentsen's or Mr. Bush's: Everyone gets coverage, including prescription medicine.

But, alas, with these fine Clinton cherries, we also get a coated pill of more government control, which in this day and age constitutes political malpractice.

Mr. Clinton proposes scores of new state "health alliances" to shape the very nature of medicine in America, adding one more layer of governmental busybodies to a system already overloaded with bureaucracy. And there will be federal price controls, in the form of a National Health Board, regulating the costs of insurance premiums, which under the Clinton plan means controlling everything.

Price controls are a disaster. They never work economically. They can reduce innovation for new products—like drugs for Parkinson's, cancer and Alzheimer's. And they further extend the gray power of government over our lives—just when Vice President Al Gore has told us all about how the federal quagmire can't buy an ashtray without a task force.

It's unlikely to happen. The votes in Congress are not there for such a power grab. What we are probably going to get—what we should get—is Bentsen-style incremental reform, expanded to include coverage for all. Mr. Clinton's plan fixes more than is broke. It's time to pick some cherries.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 9, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 10

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine the Immigration and Naturalization Service's (INS) Criminal Alien Program.

SD–342

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

9:45 a.m.

Armed Services

To hold hearings on the nominations of R. Noel Longuemare, Jr., of Maryland, to be Deputy Under Secretary of Defense for Acquisition, Henry Allen Holmes, of the District of Columbia, to be Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and Gilbert F. Casellas, of Pennsylvania, to be General Counsel of the Department of the Air Force.

SR–222

Labor and Human Resources

Business meeting, to consider the nomination of Harold Varmus, of California, to be Director of the National Institutes of Health, Department of Health and Human Services.

SD–430

10:00 a.m.

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold oversight hearings on the mutual fund industry.

SD–538

Finance

To hold hearings to review the Uruguay Round of multilateral trade negotiations.

SD–215

Foreign Relations

To hold hearings on the nominations of Theodore E. Russell, of Virginia, to be Ambassador to the Slovak Republic, Thomas L. Siebert, of Maryland, to be Ambassador to Sweden, M. Larry Lawrence, of California, to be Ambassador to Switzerland, Nicholas Andrew Rey, to be Ambassador to the Republic of Poland, Edward Elliott Elson, of Georgia, to be Ambassador to Denmark, and John F. Hicks, Sr., of North Carolina, to be Assistant Administrator for Africa of the Agency for International Development.

SD–419

Labor and Human Resources

To hold hearings to examine long-term care for senior citizens and individuals with disabilities.

SD–430

Joint Organization of Congress

Business meeting, to continue to mark up proposed legislation to reform congress.

S–5, Capitol

2:00 p.m.

Governmental Affairs

To hold hearings to examine the North American Free Trade Agreement's (NAFTA) job statistic claims.

SD–342

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 1288, to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program.

SR–332

NOVEMBER 16

9:30 a.m.

Indian Affairs

To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona.

SR–485

Special on Aging

To hold hearings to examine health care reform issues, focusing on prescription drug price competition.

SD–G50

2:00 p.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine the Immigration and Naturalization Service's (INS) Criminal Alien Program.

SD–342

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine the potential effects of proposals to restructure the National Aeronautics and Space Administration (NASA).

SR–253

NOVEMBER 17

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

NOVEMBER 18

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 316, to expand the boundaries of the Saguaro National Monument in Arizona, and S. 472, to improve the administration and management of public lands, National Forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands.

SD–366

Indian Affairs

To hold hearings on S. 1345, to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College.

SR–485

10:00 a.m.

Veterans' Affairs

To hold hearings to examine illnesses as a result of the Persian Gulf War.

SD–106

2:30 p.m.

Indian Affairs

To hold hearings on H.R. 734, to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona.

SR–485

NOVEMBER 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 1526, to improve the management of Indian fish and wildlife and gathering resources.

SR–485

NOVEMBER 22

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings to review the Federal meat inspection programs.

SR–332

NOVEMBER 30

9:30 a.m.

Indian Affairs

To hold hearings on S. 1216, to resolve the 107th Meridian boundary dispute between the Crow Indian Tribe, the Northern Cheyenne Indian Tribe, and the United States and various other issues pertaining to the Crow Indian Reservation.

SR–485

POSTPONEMENTS

NOVEMBER 9

10:00 a.m.

Foreign Relations

Business meeting, to mark up proposed legislation for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other New Independent States, and S. Res. 160, regarding the October 21, 1993, attempted coup in Burundi, and to consider pending nominations and treaties.

SD–419

3:00 p.m.

Conferees on H.R. 1268, to assist the development of tribal judicial systems.

S–6, Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, November 9, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Enlighten us, O God, so we grow in the knowledge of values and their power in our lives. In our present age with new expertise and proficiency, we tend to forget those values that give meaning to all our relations and are the foundation of respect and reverence of one person to another. We pray, O God, that we will cultivate a greater understanding of integrity and honor, of character and reverence, and that we will treat each other with the values that are Your gifts to us. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 154, not voting 23, as follows:

[Roll No. 550]

YEAS—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clinger
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—154

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
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Hunter
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Hyde
Inhofe
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Jacobs
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Blackwell
Brown (CA)
Callahan
Chapman
Clyburn
Deutsch
Engel
Hayes
Huffington
Johnson, Sam
Lewis (FL)
McCurdy
Moakley
Olver
Ortiz
Orton
Petri
Rangel
Rose
Roth
Slattery
Sundquist
Whitten

□ 1123

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). We will now be led in the Pledge of Allegiance by the gentleman from Illinois [Mr. PORTER].

Mr. PORTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced

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□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 995. An act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 129. Joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, Virginia, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103.

DUMP THIS NAFTA NOW

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, one thing is clear about the events of the past few days:

If NAFTA passes, Henry Kissinger will not be put out of work.

Fortune 500 executives will not lose their stock options.

And Lee Iacocca will not lose his job. But 500,000 Americans will.

And the worst part is, we are being asked to raise our taxes in order to send our jobs to Mexico.

Mr. Speaker, I say "no." We have got to say "no" to this NAFTA.

This NAFTA does nothing to raise the Mexican minimum wage above 58 cents an hour.

It just locks into place a system that exploits its own people and send our jobs south.

We need an agreement that will create jobs in this country.

That will allow Mexican workers to buy our products.

That will raise Mexico's standards up to our level, instead of lowering ours to theirs.

An agreement that will bring us together instead of tearing us apart.

But this NAFTA will not do that. It will just raise taxes in order to send our jobs to Mexico.

And that is why we have to dump this NAFTA now.

NAFTA AND THE ENVIRONMENT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, NAFTA is the greenest trade agreement ever negotiated and sets a strong precedent for the protection of the environment in all future trade agreements. It preserves the preeminence of our Federal, State, and local environmental laws and our right to turn away any imports that do not meet strict U.S. standards. It also addresses specific issues of American concern, such as border area pollution and other Mexican environmental problems. The Mexican Government, which is preparing to comply with these stringent requirements, has already committed $460 million for border cleanup. For these reasons and others, nearly every major environmental organization in America supports NAFTA. The few that do not suffer from the same lack of understanding and vision as America's labor unions.

Mr. SPEAKER, NAFTA will provide the mechanism for us, as a nation, to retain the right to modify our environmental laws, to protect and maintain our sovereignty, and to ensure the improvement of all three countries' environmental standards.

MORE REASONS TO OPPOSE NAFTA

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I thought I had more than enough reasons to oppose NAFTA.

However, the Banking Committee, on which I serve, has heard several weeks of testimony concerning abuses within the Mexican political, regulatory, judicial, and financial services sectors.

We heard testimony from Mrs. Lucia Duncan, who described several accounts of the Mexican courts allowing seizure, without cause, of property owned by Americans.

IBM's political agent in Mexico, Kaveh Moussavi, has been named Public Enemy No. 1 by the Salinas government for filing formal fraud complaints with the Mexican Government.

When Mr. Moussavi contacted a Mexican attorney to obtain judicial redress in that nation, the attorney said, and I quote, "Your naivete is touching; this is not the United Kingdom nor the United States."

Mr. Moussavi decided to go public with his case. He was threatened over the telephone that if he testified before the United States Congress about the corruption in the Mexican Government, that when he returned to Britain, he would have one less child.

Mr. Alex Arguenta, a developer from Tucson, AZ, is living proof that large, centralized banks in Mexico defraud their clients and steal their savings.

Mr. Arguenta testified that gangster tactics were used against him after he obtained a $2 million loan from a Mexican bank.

After being held incommunicado for 2 days, he was imprisoned for 1½ years. He was released only after he signed a promissory note which changed the terms of his loan, and, subsequently deprived him of $20 million.

These examples, along with the lack of banking regulations and evidence of the large volume of drug money being laundered by Mexican banks give me more and more reasons to oppose NAFTA.

FREE TRADE NOT THAT COMPLICATED

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the North American Free-Trade Agreement, [NAFTA], has been pushed through so unnecessarily fast that the process has become unnecessarily complicated. If free trade is what we want, all we need is a one-page bill which would eliminate all tariffs between the two countries so we can continue doing business with Mexico and keep Canada in the mix.

□ 1130

Instead, we have a 1,400-page document and an 8-pound enabling bill setting up empires for international trade lawyers and lobbysts over American interests. Our costs are shut out and the powers of the 50 States eroded under the existing proposed NAFTA agreement.

In some cases the tariffs are actually raised and our Government procurement, affecting even school boards and townships, also is included in NAFTA.

Our best and brightest professionals are targeted for competition on their home territories, and all United States contractors and builders will face competition from Mexico on all Federal, State, and local bids.

Let us stop this masquerade agreement which affects the sovereignty of the United States. If free trade is what everyone is concerned about, then why not a simple one-page bill that wipes out the tariffs to allow trade to flow freely?

YES TO AMERICAN WORKERS, NO TO NAFTA

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, in 8 days, this House will finally vote on the North American Free-Trade Agreement.

In 8 days, Members of this House will have to decide whether to accelerate two disturbing trends in this country—the export of jobs and the gap between rich and poor—or stand up for the most vulnerable wage earners of our society. I say vote "no" on NAFTA. America cannot afford this treaty.

NAFTA will cost thousands of jobs and tens of billions of dollars to implement, but the proponents of this treaty seem to want to pave over both of these facts as if they were small bumps in the new highway planned between Mexico and Texas. They say we will retrain workers who lose jobs—but for what? And when. People whose livelihoods are threatened deserve honest answers.

Mr. Speaker, the answer is that in the rush to invest in Mexico, thousands of our workers will be left high and dry, without an effective means to another job. They may be statistically expendable to Wall Street investors, but to me they are families whose future prospects deserve much more than just passing consideration. On November 17, say "yes" to American workers and "no" to NAFTA.

ON WITHDRAWING OUR TROOPS FROM SOMALIA

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today the House will vote on whether to withdraw our troops from Somalia on January 31 or March 31.

The American people have spoken loud and clear and have said we Americans have completed our mission in Somalia and we have given enough money and we have lost enough American lives, yet there are those in this Congress, despite the fact that even the Somalia people want us out of Somalia, who are so insensitive to the wishes of the American people, the very people who put their trust and confidence in them, that they insist that we stay and donate millions more and put more American soldiers lives in jeopardy.

I ask this Congress to abide by the wishes of the American people and not cave in to the special foreign policy interests.

Let us do what is right for America. Let us vote for our American soldiers and our taxpayers for a change.

BRADY BILL IS STEP IN RIGHT DIRECTION IN FIGHT AGAINST CRIME

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, lest we forget in the cascade of comments about NAFTA, this week we will have an opportunity, here in the House, to take a very sizable step forward in fighting crime. We will have an opportunity to adopt the Brady bill, which as we know is the 5-day waiting period before the handgun can be purchased.

I would urge my colleagues to look very sympathetically at this, because it is a good solid first step in fighting crime, not the last step. We need to get criminals off the streets, build more jails, be more resolute in our sentencing; but certainly one step in the direction to reduce violence in our communities would be to take some guns out of the wrong hands.

There could be two amendments offered to the Brady bill, one a sunset amendment and the other an amendment that would preempt State laws once the electronic instant identification goes on line both of which I hope the House defeats.

With those amendments defeated and with the Brady bill passed, we can then go home for Thanksgiving knowing we have done something to truly fight crime.

GULF WAR VETS' FAMILIES DESERVE FULL DISCLOSURE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it has been 3 weeks since I asked for hearings on what the Defense Department knows about the use of any chemical and biological weapons during the Persian Gulf war. I have been joined by several of my colleagues from both sides of the aisle in also calling for Secretary of Defense Aspin to immediately and fully disclose what the Pentagon knows on this issue. We have not heard a response.

Today at noon, the Veterans Affairs Committee will hear from the spouses and family members of gulf war veterans who are suffering from gulf war Syndrome. One of my constituents, Hester Adcock of Ocala, will speak as a mother who watched her son die from Gulf Syndrome. Meanwhile, Secretary of Defense Aspin continues to sit on information that may be relevant to the medical treatment of our gulf war veterans.

Once again, Mr. Speaker, I am calling on Secretary Aspin and the Department of Defense for full and immediate disclosure of the facts regarding any chemical weapons used during the war. Our gulf war veterans, their families, and their surviving relatives deserve nothing less.

HEALTH CARE GOBBLEDYGOOK

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, a minister friend of mine in Tennessee told me recently about a trip he and a church group had made to Russia. He said that while there, his group had toured a hospital.

He said to me, "Congressman, I wouldn't take my dog to that hospital."

Mr. Speaker, the truth is that in this Nation today, our animals get better medical treatment than do the people in many other countries around the world.

In our current health care debate, we need to make sure that we do not mess up the best health care system in the world.

The leaders and wealthy people from other countries come here when they get seriously ill. They do not trust their own Government-run health care systems.

I am not defending the status quo. We need many changes, but the Clinton plan is 1,369 pages of bureaucratic gobbledygook.

Every reform that takes us in the direction of more Government involvement or control over our medical system is doomed to fail. Greater Government control will lead inevitably to a lower quality of care at a much greater cost.

In addition, as one Democratic Member said recently, the Clinton plan will add big bucks to the deficit and greatly increase costs to the consumer.

IN SUPPORT OF WITHDRAWING TROOPS FROM SOMALIA BY MARCH 31

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, later today I will support the Foreign Affairs Committee resolution calling on the President to withdraw United States combat forces from Somalia by March 31, 1994, and oppose the Gilman amendment to advance that deadline to January 31.

As a member of the Armed Services Committee, I think we have much to learn about shaping effective peacekeeping policies without overloading our own shrinking forces. President Clinton took an important step in that direction when he shifted the emphasis of our mission away from fighting Aideed and set the deadline of March 31, 1994, for withdrawing U.S. combat forces.

I support this resolution because it underlines Congress' role while giving the President the time he seeks to finish this mission. As Chairman HAMILTON has said, "We owe it to those who have already given their lives to complete our mission in Somalia."

I also agree with Chairmen HAMILTON, DELLUMS, and MURTHA that it is time for a broad review of the War Powers Resolution, which is the basis for this resolution. Participating in peacekeeping operations is a different kind of decision from responding to a direct attack on U.S. territory, citizens, or allies. Congress and the executive branch both have important parts to play in those debates, and the result will be a better informed and more supportive public.

OPPOSE HIGHER EXCISE TAX ON CIGARETTES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise in opposition to President Clinton's proposal to raise the Federal excise tax on tobacco by 75 cents. This tax threatens to destroy thousands of businesses and jobs in our country.

While increasing taxes on tobacco products might be a popular idea among many members of our Government, it will deliver a terrible and significant blow to thousands of small businesses throughout America. One industry that has much to lose is the convenience store operators.

The giant letter I have with me today is addressed to President Clinton and has been signed by hundreds of members of the National Association of Convenience Stores, a trade association representing 63,000 convenience stores throughout the United States. The convenience store industry is comprised of both small and large companies that provide thousands of jobs for people.

These operators have expressed deep concerns over the prospect of higher tobacco taxes. Raising the tobacco excise tax would be devastating to this industry, where 27 percent of all merchandise sales are in tobacco products. New tobacco taxes would force convenience stores to eliminate 6,000 jobs, or at least $60 million in payroll. Another 31,000 tobacco-related jobs could be lost in North Carolina.

I urge the President and this Congress to reconsider the proposal to raise the tobacco excise tax that will cost thousands of Americans their jobs and will put many small companies out of business.

THE FREE TRADE TRAIN IS LEAVING THE STATION

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, a moment ago, when we were reciting the Pledge of Allegiance, there was a line in there that made me think about NAFTA, and that line said, "and to the Republic for which it stands," and it seems to me that all of the Members of this Chamber, we are going to be called upon in a few days to state publicly what we stand for, and I believe we should say that we stand for free trade, we stand for a good working relationship with our neighbors north and south, we stand for honoring an agreement that two American Presidents have negotiated.

Now some say that we are going to have another chance somewhere over the horizon in the distant future to have another statement of what we stand for. Well, this train, this free trade train, is leaving the station once, and that is in a few days, and, if it is derailed, it will be derailed into a swamp, into a bayou of protectionism, and it is not going to come back for our political generation.

And why not? The reason is that we cannot slap our neighbors to the south. They are not a punching bag. We cannot knock them down and expect them to come right back to negotiate again something we have already negotiated.

Mr. Speaker, tonight we are going to have a chance to decide who we stand for between two gentleman, two Americans, and I want to tell my colleagues that I am going to stand for that gentleman who is the Vice President, who stands for free trade, who stands for the principle of taking care of workers by expanding markets in Mexico.

"NAFTA"—THE WRONG ACRONYM TO BLAME FOR JOB MIGRATION

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to shatter the biggest myth of the North American Free-Trade Agreement.

Opponents of NAFTA have wrongfully frightened the American people by claiming NAFTA will cause American jobs and businesses to migrate to Mexico. The fact is, there is absolutely nothing stopping these jobs from going there right now, from going to Mexico.

This, Mr. Speaker, is sending jobs to Mexico. This book that I hold up contains the hundreds of forms it takes a small business in my State and my colleagues' States as well to comply with Government regulations. NAFTA is the wrong acronym to blame for job migration. The real culprits are OSHA, EPA, ICC, IRS, and a myriad of other agencies which burden American business.

Mr. Speaker, Mexico is going to experience an economic explosion, with or without NAFTA. We can either pass the agreement and reap the rewards of this explosion, or bury our heads in the sand and miss the opportunity of a lifetime. I urge my colleagues to pass NAFTA.

THE AIDS STAMP

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to praise a forthcoming AIDS stamp to be issued by the Post Office this December commemorating World AIDS Awareness Day. The most basic step in combating any disease is public awareness, and an AIDS stamp will go a long way in promoting widespread awareness of this dreaded disease.

It is my hope, Mr. Speaker, that this stamp signifies our Government's commitment to fighting AIDS with every resource available; that it symbolizes America's willingness to fund biomedical research into AIDS prevention and cure; that it stands for our promise to take care of those living with the disease; and that there will be a frank, comprehensive AIDS education program established to reach people of all ages, economic status, ethnicities, and sexual orientation.

Mr. Speaker, let this gesture be meaningful. Now is the time to stamp out AIDS.

FORMER SURGEON GENERAL KOOP SKEPTICAL OF CLINTON HEALTH PLAN

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, back in September, the White House announced that former Surgeon General C. Everett Koop would serve as one of its health care advisers. President and Mrs. Clinton had hoped that Dr. Koop would work with physicians, who are understandably skeptical of the Clinton Health Plan, and help convince them the Clinton plan is right for America.

But, evidently, Dr. Koop has doubts of his own. Koop was recently quoted as saying, "We Americans can have the best health care in the world, total access to care for everyone, or affordable care. But it is impossible to provide more than two of the three."

Mr. Speaker, Bill and Hillary Clinton would have us believe that their Government-based plan will provide better quality, universal coverage, and all at a lower cost. But the American people are smarter than that. To the contrary, even the Clinton's own adviser, former Surgeon General Koop, knows that if the Clintons have their way, we will, instead, jeopardize the best quality health care in the world.

□ 1150

ECONOMIC INDICATORS DEBUNK PRO-NAFTA ARGUMENTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, supporters of NAFTA have argued that the increasing trade surplus we have with Mexico proves that NAFTA will benefit the United States. Opponents have argued that, because the Mexican Government has kept wages artificially low, Mexico is a weak market where workers can't afford American goods, but where cheap labor will siphon off American jobs.

Today we learn that the ground is caving away beneath the pro-NAFTA argument, and that the fears of those who oppose this NAFTA are being confirmed. New figures show that our trade surplus with Mexico in the first 8 months of this year has been cut in half compared to the same time last year. The Mexican demand for United States goods is shrinking, and the robust market pro-NAFTA people predicted is questionable at best.

At the same time, productivity of Mexican workers is up more than 9 percent for the first quarter of this year, but their real hourly wages have risen only about 1 percent. So the Mexican policy of depressing wages continues.

Mr. Speaker, these disturbing trends provide more evidence that much more must be done to achieve a NAFTA that is beneficial to all sides, and that a vote against this NAFTA is the right vote.

MICHEL PLAN ON HEALTH CARE SEEN AS BEST FOR SMALL BUSINESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, along with the Clinton health plan, there are a lot of other ones. Representatives COOPER and GRANDY have a plan. Senators CHAFEE, WELLSTONE, and GRAMM have plans. But the plan I like is the plan offered by Congressman BOB MICHEL. It has a number of advantages.

No. 1, it is small business-friendly. Unlike the Clinton plan which requires small business to give their employees health care and pay for 80 percent of it, the Michel plan simply says you have to offer it. It is a lot more favorable to small business and preserving jobs.

The Michel plan also allows small businesses to form voluntary purchasing groups. Unlike the mandated government alliance monopolies, this would be a voluntary economy of scale.

The Michel plan also lets you keep your current coverage. Studies show that most Americans are happy with their current health care, but under the Clinton plan they would have to surrender it and go to this government monopoly called the alliance. This would also give the choice of doctors, something which the Clinton plan does not give.

I think it is important, Mr. Speaker, that we look at all plans, but I think the Michel plan, when we compare them objectively, is best for the American people and for small business.

THIS IS THE WRONG NAFTA

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in just over 1 week, the House of Representatives will consider the North American Free-Trade Agreement [NAFTA]. Despite the claims made by proponents of NAFTA, it is my belief that this particular trade agreement is a bad deal for the United States of America and should be rejected by Congress for several reasons. Appeals to general abstract economic theories in discussing NAFTA do not give us confidence in the face of certain economic realities facing the governments of the United States, Mexico, and Canada.

At the heart of NAFTA is the opening up of investment restrictions which in the past have restrained U.S. corporations from pouring massive amounts of capital into factories south of the border. Under the maquiladora program which has provided reduced restrictions on investment and trade barriers, hundreds of U.S. companies have sought cheaper Mexican labor and lax environmental regulations. If the North American Free-Trade Agreement were to pass Congress, I believe this trend would intensify.

Despite arguments made by supporters of NAFTA who maintain that the agreement will create large numbers of jobs relating to the huge trade surplus currently enjoyed by the United States over Mexico, reality says otherwise. Much of this so-called surplus with Mexico comes from the overvalued Mexican peso making United States imports artificially cheaper for Mexican consumers. According to Jeff Faux of the Economic Policy Institute, we can expect the devaluation of the peso soon after the next Mexican election to be held in 1994. Moreover, if the Mexicans continue to run a current account deficit, the devaluation of the peso will be a necessity.

When we analyze our exports with Mexico, we can discern that the recent surplus with Mexico is primarily made of increases in the export of capital, machinery, equipment, and intermediate goods. These products are being used in tooling-up the production of Mexican consumer goods targeted mostly at the United States market. This enormous export of capital from the United States to Mexico will eventually lead to a tipping of the balance of trade in favor of Mexico.

The reason Mexico will be able to profit from an accelerated infusion of capital is because their costs of production are lower. The predetermined policy of holding down Mexican wages and lax environmental measures pursued by the Mexican Government is central to my concern. With the people having no real power to engage in collective bargaining, wages are maintained at deplorable low levels. In the 1970's, the ratio between the United States and Mexican wages was 3 to 1 and today, it is 7 to 1.

Earlier this year, I participated with other congressional women in a congressional fact-finding mission to Mexico. We found individuals who had worked for U.S. corporations for years making $1.70 performing skilled tasks in electronic and television manufacturing. At the heart of this trend are the actions of an authoritarian government and its attempt to attract foreign capital. This reality refutes the assertion that Mexican workers are paid good wages performing only low skilled jobs.

Another general economic argument offered by proponents of NAFTA is that many of "* * * these jobs would be lost with or without NAFTA." Suggestions are made that these jobs would go to countries in Asian or other countries where there is cheap labor and a productive work force. The argument continues: "* * * real jobs created by NAFTA would be high-tech jobs." The reality is that persons living in rural communities or inner cities, working in apparel or textile, auto parts or TV assembly, will see their jobs disappear. They will experience the economic reality of unemployment in an uncertain economic market. It will be of little comfort or confidence to promise worker retraining for a higher skilled job not identified or nonexistent. We have already seen real jobs lost due to job migration to Mexico, NAFTA will reinforce this trend.

In addition to lower wage and worker safety costs, the lax enforcement of Mexico domestic environmental laws would further lower Mexican production costs. This certainly would be used as an incentive to relocate United States corporations to Mexico, again resulting in labor dislocation here in the United States by impacting United States corporate competitiveness.

Both proponents and opponents recognize the need for funding sources to finance environmental improvements in the border area. The Council of Americas on July 1993 estimated this cost at $6.6 billion. A regional development bank has been proposed to fund needed infrastructure; toxic waste cleanup would be financed in part by financial institutions selling private stocks. This may have a limited appeal given the nature of toxic waste cleanup without the infusion of large sums of money from the Federal Government and from States situated along the border. The need for additional financing of NAFTA is also required because of the loss in tariff revenues in over $2½ billion. With all of these factors included, the cost of NAFTA will be passed to the U.S. taxpayer.

Although the North American Free-Trade Agreement has been labeled as good domestic and foreign policy, I believe that we can do better. Any trade agreement must substantively contain a basic respect for the lives of the people it will affect. I do not believe that NAFTA will profit workers in neither the United States or Mexico. Here in the United States, little attention has been given to the problems NAFTA will create relating to worker dislocation. Our Nation is currently faced with a jobless recovery and cutbacks in defense, and I believe NAFTA will serve to exacerbate economic difficulties. Moreover, the Mexican Government has done little or nothing to ensure that the Mexican workers will profit from increased productivity.

In my own First Congressional District of North Carolina, I fear substantial job loss in the vulnerable low-skilled sector of our economy without proper preparation for new skilled employment opportunities. Throughout the 1980's, thousands of jobs were lost in the apparel and textile industry to overseas competition where real wages were only a fraction of American wages. Thousands of hard-working people could be the victims of this ill-conceived international trade agreement.

Another troubling concern relates to the nature of who will lose if NAFTA were implemented. I believe that NAFTA would adversely affect a large portion of hard-working women who are currently employed in manufacturing. Many of these women are heads of their households and working in vulnerable manufacturing jobs. According to the Congressional Research Service report, there are six "NAFTA-vulnerable" manufacturing sectors where women hold a disproportionately large share of jobs. The devaluation of women's work inside and outside the home is a crucial factor toward this trend of lower wages. NAFTA could negatively affect many families across our Nation and in rural North Carolina.

I believe that we must put a human face on the highly abstract issue of free trade. We must remember the thousands of workers in this country who will see their jobs disappear because of cheaper wages to be attained by U.S. corporations. What will the North American Free-Trade Agreement provide for the families of this Nation who are to be adversely affected by its enactment? I believe we must reject the NAFTA because it represents a bad deal for our Nation. Instead, we must focus on those trade policies which enhance our capability to compete. This NAFTA undercuts American competitiveness by applying the wrong rules to the game of international trade.

Ultimately, I am hopeful that the North American hemisphere will prosper from increased trade. However, I believe we must work toward a hemisphere which comprehensively respects the principles of democracy, pluralism, human rights, and competitive market forces.

STATE LEGISLATURES SHOW THE WAY WITH MORE SUNSHINE LAWS

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, many State legislatures have sunshine laws which require any meeting between three or more lawmakers to be open to the public. This is one of the best ways of guaranteeing lawmakers are accountable. Only mushrooms and earthworms thrive in the dark, and we all know what feeds both of those. The dark is no place for a sound legislative proposal, especially the Congressional reform proposal. Congress could benefit by adopting the successful tools used by our State houses. We should begin by opening our meetings.

To their credit, progressive committees have already adopted sunshine provisions in their rules. Congress as a whole should follow their lead and demonstrate a general commitment to responsible Government. It is particularly important to open all committee meetings. Most of the detail work in Congress happens at this level. By the time a bill reaches the floor it usually features significant content changes. As with State laws, we can retain closed meetings for the three situations which absolutely require secrecy. These include discussions of national security, personnel inquiries, and ongoing criminal investigations. The rest of our work should be available to the people who elected us to serve here.

Mr. Speaker, there is a general perception that politics is dishonest work. Some of that feeling could be dispelled if our meetings invited people in to see what actually happens and better understand how Congress operates. For years, major corporations have recognized this practice is good for public relations. A little sunshine would do Congress some good.

CZECH REPORT SAID TO IDENTIFY GULF WAR CHEMICAL AND BIOLOGICAL AGENTS

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, 2 months ago I went to Prague and dug up confirming details of chemical agent detections in the 1991 Gulf war, but the United States Government has withheld an official, unclassified Czech report on the controversy from me and the public.

I want that Czech report. Considering 2 years of virtual denial by the Defense Department that chemical or biological agents were present in the Gulf war, the withholding of this document and cancelled meetings with Members of Congress fall into a disturbing pattern.

This is beginning to look like a classic case of stonewalling, and in my book it is obstructing justice for American veterans with mystery illnesses from that war.

COST-SAVING PROPOSALS REJECTED BY JUDICIARY COMMITTEE

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, last week actions were taken by the House Judiciary Committee that can only be described as ill-advised and ironic

On November 4, the committee met to consider legislation (H.R. 3400), introduced by Majority Leader GEPHARDT, to implement certain aspects of Vice President GORE'S National Performance Review. At that time, the Democrat majority of the committee rejected two significant cost-saving proposals contained in the bill.

A major provision the Democrat majority on the Judiciary Committee voted 21–14 to remove from this Clinton administration bill would greatly enhance Federal debt collection efforts. It would have ensured that the United States would receive a 10-percent surcharge on the amount of a debt owed, when the Government has to go to court to collect that debt. In addition, a new debt collection fund would be created, where surcharge proceeds would be earmarked to support expanded debt collection efforts. Last Friday's Washington Post estimated that this idea would result in a savings of $961 million. Every committee Republican voted to retain this provision; every Democrat voted to take it out.

The second provision would have required Federal prison inmates to pay a nominal fee to partially cover their health care costs. The Attorney General would have discretion to waive the fee for humanitarian reasons—no inmate would be denied health care because of an inability to pay. The estimated savings—$13.8 million.

Mr. Speaker, everyone knows it is high time for budgetary sanity and economic common sense. How can anyone justify not saving the American taxpayer an estimated $974.8 million? It is high time that the Democrat Party started reading from the same page on budget cuts and effective Federal debt collection.

MORE COMPANIES, MORE JOBS EXPECTED TO BE LOST IF NAFTA PASSES

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, in parts of my district such as North Lawndale more than half of my constituents are without work. In the suburban community of Maywood more than 12 percent of the able-bodied people who want to work do not have any jobs. Why is that? That is because some of our oldest and best known manufacturers have gone to Mexico.

Among them are the Quaker Oats Fisher Price Division, Zenith, Lamkin Leather & Rubber, R.R. Donnelley & Sons, American Hospital Supply, North American Philips, Gould Electric Products, Cooper Lighting, Brunswick, Eureka Manufacturing, and Outward Marine Corp. If NAFTA passes next week, more and more companies will leave, more and more of their jobs will be lost, and more and more of our American workers will be considered disposable by those who vote for NAFTA.

Mr. Speaker, I say, vote against this free-trade agreement. It is not free. It is too costly in terms of jobs.

NAFTA: A TOOTHLESS TIGER

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, if you have any doubts about NAFTA, add this convoluted one to your list: the proposed agreement sets up a three-nation dispute settlement process which is supposed to enforce the NAFTA side agreements on environment and labor. But, according to Canadian law, environmental and labor matters fall largely under the jurisdiction of the provinces, not their national government.

Article 41 of the text states Canada may not join the United States as a complaining party against Mexico unless Canada states in writing that the matter would be under their federal jurisdiction, or where the provinces included in the declaration cited account for at least 55 percent of Canada's gross domestic product.

This means a minimum of three Canadian provinces would have to agree or Canada could not participate in enforcement of NAFTA. Since NAFTA requires a two-third vote of the panel, it is very likely that many cases will arise, where under the terms of the agreement, Canada would be unable to support the United States in serious complaints against Mexico.

How is that for a toothless tiger?

NOVEMBER 9: THREE SIGNIFICANT ANNIVERSARIES

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, today is November 9. In the Dornan family that is a birthday of one of my five children, Bob, Jr., and it is a day that I reminded him all of his life is an important day in history, because it is the 65th anniversary of Kristallnacht, where Nazi thugs took to the street, beat up Jewish shop owners, destroyed and burned their shops, and really was the beginning of the true unending violence of World War II that went on for 7 ghastly years.

But it is also the anniversary now of the coming down of the Berlin Wall. It seems amazing that it was 4 years ago. But in that 61-year span, this great Nation of ours was called upon to produce more heroes and heroins than most nations ever throughout history.

I think in the intervening 4 years we have had a chance to reflect on the new world disorder, and that we still need young men and women to stand forth courageously and be heroes in our time.

Mr. Speaker, I met one of those heroes at Fort Campbell on Friday, CWO Michael Durant. He met my airplane with a young widow who lost her husband as one of these great helicopter pilots over Mogadishu October 3.

Mr. Speaker, we are a lucky, lucky nation to have all of these fine young people in our U.S. military forces.

NAFTA AND THE ENVIRONMENT

(Mr. COPPERSMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COPPERSMITH. Mr. Speaker, today I want to talk about NAFTA and the environment. I represent a border state, and I know opposing NAFTA really locks us into the status quo. There are no other resources on the horizon to deal with environmental problems along the border. Opposing NAFTA condemns us to today's problems, the lack of infrastructure and pollution, which will only get worse.

NAFTA requires Mexico to unwind the twin plant system, with its adverse job and environmental effects on my State. NAFTA is also the first trade agreement that deals with the environment. The word does not even appear in the General Agreement in Tariff and Trade, and will not, if we do not pass NAFTA.

I also would tell opponents, as the Washington Post said yesterday, that the alliance between progressive and liberal groups on one hand, and Pat Buchanan and Paul Weyrich on the other hand, has turned arguments against NAFTA into an intellectual muddle.

Mr. Speaker, we cannot turn back the clock and preserve a past that never existed. Too many people, too many businesses, would rather freeze progress and rearrange slices of a static pie. I say "no." We need to grow our economy and seek out new markets, new jobs, and new opportunities. Vote "yes" on NAFTA.

LIFE IMPRISONMENT FOR EGREGIOUS RECIDIVISTS

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, 1½ years ago I heard of an initiative in Washington State called three strikes, you're out. I paraphrased it and called it the LIFER bill, life imprisonment for egregious recidivists, and filed it in the House of Representatives.

The bill would basically say two violent felonies, OK, the State or the Federal Government treats you as they will. On the third one, you go to prison forever. You do not come out. Three violent felonies, or three strikes, and you are out—out of society for good.

Last week Washington State passed that initiative into law by a majority of 76 percent of the voters. Yesterday the U.S. Senate passed the bill by 91 to 1.

The gentleman from Maryland [Mr. HOYER] has introduced a companion bill, and I look forward to working with him in getting this very important measure passed into law. I have 100 cosponsors on my bill, H.R. 93.

We know that about 6 percent of the violent criminals commit 70 percent of the violent crime in America today. If we can take those people off the streets, we will score a major victory over crime. I urge cosponsorship of this bill. It is a real crime bill. Let us get it passed.

Mr. HOYER. Mr. Speaker, if the gentleman will yield, I agree with him.

NAFTA IS BAD FOR AGRICULTURE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, the wheat farmers in my State have lost markets and experienced suppressed prices because of improper Canadian subsidies under the Canadian Free-Trade Agreement. Section 22 was specifically retained in this trade agreement to protect farmers from exactly these circumstances. Although the evidence supporting a section 22 sanction for Canadian wheat exports is clear, this administration, like the administration before it, has done nothing.

This failure to act exposes the biggest failing of trade agreements for the farmers of this country. When multinational trade agreements create problems for agriculture, the diplomatic discomfort of enforcing the treaties comes before protecting our farmers.

A Section 22 action against Canadian wheat exports has nothing to do with NAFTA, but everything to do with whether farmers can ever expect our Government to enforce trade treaties when agriculture issues are at stake. Because under the last trade agreement this has never been demonstrated, NAFTA to North Dakota stands for not another foolish trade agreement. I will be voting "no" on November 17.

INCONSISTENCIES IN RON BROWN INVESTIGATION

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Secretary of Commerce Ron Brown has been accused of taking a $700,000 bribe plus other benefits from the Vietnamese Government to lower the trade barriers and to normalize relations with that country, even though we have not had a full accounting of the 2,200 POW-MIA's left behind. We found out later that he lied to the media, and we believe to Members of Congress, about meeting with Mr. Hao, the guy that made the connection with Vietnam. We believe that he may have even lied to Congress when he appeared before the Committee on Foreign Affairs about this.

Mr. Speaker, there was a grand jury impaneled because the man who is his chief accuser passed a 6-hour lie detector test in Florida, administered by the FBI. But that gentleman, Mr. Binh Ly, has never been called before the grand jury to testify.

Mr. Speaker, why is that? Is the Justice Department trying to whitewash this whole issue?

It seems to me that Mr. Ly ought to be called. Now we find out in Time Magazine this week that officials at the White House are saying that Ron Brown is likely to be let off. They are confident this case will be dismissed.

Something is funny here. How does the White House know about what the grand jury is doing down there? They are not supposed to be involved in a grand jury investigation. Something is funny. The Justice Department should be taken to task for not calling Mr. Binh Ly to testify.

DO NOT HURT PEOPLE WITH WELFARE REFORM

(Mr. FORD of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Tennessee. Mr. Speaker, my Republican colleagues are about to release a welfare reform proposal here tomorrow. They say that the problem is no one works, illegitimacy, and too much welfare for too many immigrants.

□ 1210

They say the solution is to establish paternity, restrict welfare, and crack down on deadbeat dads. If we look at the evidence, the problem is not that welfare recipients choose not to work, but that welfare recipients do not have the job skills to get jobs that will support their children.

They say most of the increase in poverty and welfare is caused by illegitimacy. I believe they are wrong, and not only because of their poor choice of words. It is that Republicans ought to wake up as they try to propose and fashion their welfare package. Most economists believe technology has changed the mainstream, and therefore has caused a lot of poverty in this country. These parents do not need more preaching by the Republicans, they need job preparation.

They say we spend too much on welfare for immigrants. In some cases, this might be right, but let us not forget that we are a nation of immigrants. I ask that we look very closely at this welfare proposal by the Republicans.

AMERICA'S CRIME EPIDEMIC

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, America is in the grip of a crime epidemic. Every year, nearly 6 million people, including 2 million women, are victims of violent crime. It both saddens and infuriates me to turn on the local news or open the paper and be constantly pounded with headlines detailing the newest criminal outrage.

The unfortunate reality in our great Nation is that crime pays. Studies show that violent criminals serve only about one-third of their sentences before being released. It is no wonder that violent crime has increased sevenfold since the 1950's.

On paper, the solution to this crime epidemic is simple: we must deter people from committing crimes in the first place. This means far stiffer penalties, including the death penalty for the most serious criminals, such as drug kingpins, and longer prison sentences in places where inmates actually pay for their crimes, not sit around and watch TV. Until a criminal actually fears the consequences of being caught, we simply do not have a chance to solve our Nation's crime problem.

Women of America are demanding safe streets. We cannot and should not ignore their plea.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

(Mr. TEJEDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TEJEDA. Mr. Speaker, I rise today to express my strongest support for the North American Free-Trade Agreement [NAFTA]. A window of economic opportunity is before us; in just a few short days, we must decide whether to move forward to more trade and long-term growth, or whether to look backward, regressing into an isolated and protectionism posture.

Passing NAFTA will create opportunity: opportunities for increased exports; opportunities to boost economic reform in Mexico; opportunities for United States companies to stay in the United States instead of moving to Mexico; opportunities for creative solutions to longstanding problems, such as the polluted border environment, severe lack of border infrastructure and the pain of worker displacement; and opportunities to strengthen goodwill between the United States and Mexico, and with other Latin American countries.

On the other hand, defeating NAFTA will not create jobs, and will not solve our United States-Mexico environmental border problems. Defeating NAFTA will not prevent job loss to Mexico or Asia. That is happening now, without NAFTA.

If we do not take advantage of this tremendous opportunity, Japan and the European Economic Community certainly will. Let us not slam the window shut on our children's and grandchildren's economic futures.

TRIBUTE TO TOM LANDRY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, this past Sunday at the halftime of the Dallas-New York Giant football game, Tom Landry, long-time coach of the Dallas Cowboys, was inducted into the Cowboy Ring of Honor.

This was an honor that was well-deserved. We are all familiar with Coach Landry's football accomplishments: two Super Bowl wins, five Super Bowl appearances, a lifetime winning percentage over 600 percent, almost 300 career victories.

What many people are not familiar with are his accomplishments off the field, as one of the most eloquent spokesmen for the Fellowship of Christian Athletes and many other charities, and a man who devotes a tremendous amount of time to his family. On numerous occasions I have tried to contact Coach Landry to help in a charitable event. I have been told that he was unavailable and he would call back in 5 or 10 minutes from home, where he was babysitting his grandchildren. He and his wife Alicia, their sons and daughters, truly do live the American dream.

Of all the outstanding people I have had the honor to get to know as a public figure, Coach Tom Landry is one of the most impressive and well deserving of this honor, being inducted into the Cowboy Ring of Honor at Texas Stadium.

NAFTA IS A BAD DEAL

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the great majority of people in this country recognize that the North American Free Trade Agreement is a job killer. It hurts small business, it devastates communities. Now, having lost the jobs and wage debate, the pro-NAFTA people have tried to turn the issue to a foreign policy side, saying if we do not pass NAFTA the Salinas government will run into all kinds of problems, there will be more immigration, it will create crises all around the world for the United States and for foreign policy.

What they do not explain is that we have no business helping the Mexican Government, a government that for 65 years has been a one-party government, the PRI, longer than any single-party reign in the world. There are numerous human rights violations, assassinations, and imprisonment of labor leaders, of political opponents, of journalists all across that country. In Mexico, 36 families control over 36 percent of the wealth. And, most importantly, wages in Mexico have gone down 30 percent over the last 12 years, while productivity has gone up.

NAFTA is a bad deal. It is a job killer. NAFTA is a bad deal and it hurts small business. NAFTA is a bad deal. It hurts our community.

ILLINOIS LEADS BY EXAMPLE ON BUDGET BALANCING

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, Governor Florio of New Jersey could have learned a lesson from Governor Edgar of Illinois.

Our Governor has proven that it is possible to balance a budget without raising taxes. When Jim Edgar ran for Governor in 1990, he pledged to hold the line on taxes. As he always does, Governor Edgar kept his word and forced a reluctant legislature to cut spending in order to balance the budget. It was not easy, but our State made real spending cuts and balanced our budget without eliminating vital social services.

In contrast to New Jersey, Governor Edgar has the strong support of the people of Illinois as he announces his bid for reelection because he has demonstrated that you can cut spending and reject tax increases. Most Americans realize this simple fact. Too bad the Governor of New Jersey did not. Hopefully the majority in Congress will get this message before they are "Florioed" by the voters.

NAFTA, A BAD DEAL FOR AMERICAN WORKERS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERRICK. Mr. Speaker, I must admit I am a bit confused by some of the arguments NAFTA supporters have been making. On the one hand, they say Mexico's wages will rise under NAFTA because Mexican workers are becoming more and more productive. With an increase in the wages, they say, Mexicans will then be able to buy more American exports.

But on the other hand, they say "Don't worry. American businesses will not move their plants to Mexico. It is not worth it. Even though the average Mexican is paid about $1 an hour, their productivity is not very high."

It seems to me that NAFTA supporters are more concerned with rationalizing their position than they are with making sure American workers are not sacrificed by this poorly thought-out agreement.

Under NAFTA there will be more jobs for Mexican workers, while hundreds of thousands of Americans will lose their jobs. Many of those who do not lose their jobs will see their wages depressed when they are forced to compete with workers making $1 an hour.

Mr. Speaker, NAFTA is a bad deal for American workers, and it should not pass.

INTRODUCTION OF THE MANDATORY SPENDING CONTROL ACT OF 1993

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCHAEFER. Mr. Speaker, last Friday, President Clinton proposed a Bipartisan Commission on Entitlement Reform to recommend savings in mandatory spending programs.

It is time that every Member of this body recognize, as the President now does, that the deficit will never go away until Congress honestly deals with the entitlements now consuming over one-half of our budget.

Unfortunately, the President's Commission is a toothless tiger. Since Congress is not compelled to consider its recommendations, we will likely ignore them much as we ignored the Grace Commission.

Today I am introducing legislation with real teeth. The Mandatory Spending Control Act will create a commission whose recommendations will limit the growth of mandatory spending to 3 percent per year. Under my bill, these recommendations must be considered by Congress. If Congress follows the Commission's recommendations, the budget will be balanced in just 6 years.

I urge my colleagues to cosponsor the Mandatory Spending Control Act of 1993.

☐ 1220

VIOLENCE AGAINST WOMEN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the wife from Manassas was tired of the hassles, and having been sexually forced, she went to the kitchen and grabbed a knife, prepared to take her husband's life. But she thought such revenge was just too heinous, so she cut off instead his penis.

And Mr. Speaker, I can assure you this husband will not come home drunk, nor rape his wife anymore. And I do not know if he plays the piano, but from here on out he is singing soprano.

But the serious part of this is it is a sad day in America when women have to take matters into their own hands to get some justice in our troubled land.

With that, I yield back this pain and suffering.

A VERY BAD CALL

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the President has just made a very bad call. He has said "no" to a balanced budget amendment. Even though 7 of 10 Americans support this effort to force Government to live within its means, President Clinton says "no." Why? Maybe he is afraid real spending controls would cramp his liberal, old-fashioned Democrat, big-spending style. Or maybe he is afraid the proposal would shut down his efforts to syphon more revenue from the pockets of American taxpayers. Or maybe it is just that he is tired of being President and ready to move out of the White House—something that could happen if he continues to oppose the types of fiscal accountability Americans are demanding. As one administration official put it, the President's decision is "on the wrong side of the spending issue and on the wrong side of the voters." I guess that makes it consistent, if nothing else. Meanwhile, Mr. Speaker, we need what most Americans want—a balanced budget amendment.

WEIGHING THE CONSEQUENCES OF SANCTIONS ON HAITI

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, in imposing an embargo on Haiti, the United States is making clear that we stand for democracy in a troubled land. But democracy is not all that America wants for Haiti or for the developing world.

In one of the poorest nations in the world we also want people to have a chance to live a decent life, to be free from disease, to have an economy that can grow and prosper. It is critical in this fight to help restore democracy in Haiti that sanctions be applied against the military leadership, the oligarchs who have denied these people the chance for democratic government. But in applying those sanctions broadly against all of Haitian society, we raise the specter that we may restore democracy, but we may also allow for a situation where contagious disease, and famine and poverty consume an already desperate nation.

I urge the administration in their enthusiasm to restore the Ariside government not to lose the larger and broader American objectives for the Haitian people.

INCREASING THE PERSONAL EXEMPTION FOR FAMILIES WITH CHILDREN

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, most Republican and Democratic Members are concerned about the breakup of the American family. Every indicator, from child abuse to spouse abuse to teen violence to teen pregnancy, all show we are going the wrong way.

We saw the other day that the Senate passed a bill to create more prisons with billions and billions of dollars. I have a bill where we have 197 cosponsors which would increase the personal exemption for families for children from the current $2,300 to $3,500. We have Republicans and Democrats on this bill.

This would do more to help the American family, to help moms and dads on child care, on education, on health care or whatever the case may be. I would ask all Members before they go home for Thanksgiving, please call my office and cosponsor H.R. 436, a bipartisan bill that would do more to help the American family than anything that I think we are working on or talking about, building new prisons or doing all of these things.

Let us give moms and dads a chance to keep more of their hard-earned money whereby they can make the decisions to help the American family. As American values go and family values go, so goes the country.

Please call my office and cosponsor H.R. 436.

THE VIOLENCE AGAINST WOMEN ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, crime turned out to be the major issue in last week's elections. Here in Congress jails, more police on the streets, fewer guns, and death penalties have been the debate for weeks. Here in the District of Columbia, and around the country, children are reacting to the slightest provocation with violence. We see violence on TV. We read about violence in the papers. Our children are in danger in their own schools.

Yes, we need more jail space. Yes, we need more cops on the beat. Yes, we need to be tough on crime. But, we cannot crack the culture of violence that these kids are growing up in unless we address the violence in their homes. Violence will occur at least once in two-thirds of all marriages. The only legislation in this body effectively designed to address domestic violence is the Violence Against Women Act.

Domestic violence is a crime that has been ignored by police and prosecutors, and disregarded by judges. Between 22–35 percent of women who visit the emergency rooms are there because of symptoms related to on-going abuse. And 2,000 to 4,000 women are beaten to death every year. Violent homes are a breeding ground for abused children and later, if they receive no help, violent adults.

Anti-crime legislation that fails to address violence at its roots—in the home—is not anticrime legislation. It is a waste of time and money. A lot of us like to think of home as the safest place, but for victims of domestic violence and their children, home is the most dangerous place of all. Let us pass the Violence Against Women Act before the session ends.

AMERICA'S IDEALISM LIVES AGAIN IN "MR. SMITH GOES TO WASHINGTON"

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, today we need the same dedication, patriotism and ideals that some of our predecessors had.

Because of tonight's premiere of the restored 1939 classic, "Mr. Smith Goes to Washington," I quote from statements made by that Mr. Smith:

> We need to bring together kids from all creeds, kinds, and all walks of life. To educate them in American ideals, to promote mutual understanding and to bring about a healthful life to the youth of this great and beautiful land.
>
> You see, kids forget what their country means by just reading "The Land of the Free" and history books—and when they grow up they forget even more.
>
> Liberty is too precious a thing to be buried in books. Men should hold it up in front of them every single day of their lives and say—I'm free to think and to speak. My ancestors couldn't, I can, and my children will. Kids ought to grow up remembering that. They got to see it like that Capitol Dome.

Mr. Speaker, as one of the five Mr. SMITH's in this body, I hope that we can recapture the American idealism of Jimmy Stewart's characterization of Jeff Smith.

NORTH AMERICAN FREE-TRADE AGREEMENT

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. UNSOELD. Mr. Speaker, our NAFTA negotiators did a terrific job of making Mexico safe for United States investment. The agreement forces the Mexican Government to amend several laws to do so. But our negotiators failed to insist that they take any steps to end the antiworker policies.

In failing to do so, this NAFTA does nothing to end the suppression of Mexican wages. And low Mexican wages in an atmosphere of more secure foreign investment will lead to an outflow of United States investment and United States jobs.

A NAFTA truly in the best interest of United States and Mexican workers would end the Mexican government's policy of holding down wages to attract foreign investment. It would end their restrictions on collective bargaining. It would prize the rights of workers as highly as it does security of investment.

We must send our negotiations back to the bargaining table with instructions to get it right.

TURNING JAPANESE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, if you love our $55 billion trade deficit with Japan now, and if you wish more American jobs would go to Japan, you will vote against NAFTA.

If you think the land of the Rising Sun should have a clear shot at Mexico's markets, without strong competition from American products, you will vote against NAFTA.

If you want to encourage a closer working agreement between the Mexican and Japanese economies, freezing out American companies, you will vote against NAFTA.

If you are a friend of the Japanese worker and a foe of the American worker, you will vote against NAFTA.

Mr. Speaker, the Mexican Government is going to turn to Japan for their products, and reject products made in this country, if we reject NAFTA. That is why Japan strongly opposes NAFTA.

Support the American worker. Support NAFTA.

□ 1230

REPUBLICAN HAT TRICK

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in hockey they call it a hat trick.

That's the hockey phrase for scoring three goals and that is what Republicans did in last week's elections.

In baseball, they call it batting a thousand.

That is the baseball phrase for getting a hit in every time at bat and that is what Republicans have done in all six major elections since Bill Clinton was elected President.

President Clinton and his liberal game-plan of big government, bigger spending, and biggest taxes have been the best coaches that the Republican party could have—they have shown us how not to do it.

In New York, New Jersey, and Virginia the Democrats will be riding the pine because Democrats ran the wrong way and snatched defeat from the jaws of victory.

They should have been tougher on criminals than on taxpayers.

Instead of just talking about reform, they should have heeded the Republicans battle cry of "Real Reform Now."

Whatever the sport, however you want to say it, America won because the Republicans won last Tuesday.

SUPPORT THE GILMAN AMENDMENT TO BRING OUR TROOPS HOME FROM SOMALIA

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend is remarks.)

Mr. WELDON. Mr. Speaker, how many more lives will be lost in Somalia? The American people in poll after poll have said alarmingly to bring our troops home now. But this President wants us to keep troops there through March 31.

Today this body will have another chance to vote on this issue.

What is our mission today? one disgruntled military officer in Somalia called it duck and run, because our troops are basically hiding away from the Somalia clans.

But last week it was Ambassador Oakley who said to the clan leaders, and I quote, "Soon American troops will resume patrolling the city streets, clearing roadblocks and disarming the technicals," to which Aideed responded on Sunday, "There will be trouble if the Americans start patrolling the streets again."

Mr. Speaker, what will change from now until March 31? How much more money will we spend in Somalia over the $2 billion we have already spent there on this operation? How many more lives will be lost above the 35 that have already been killed there?

I urge our colleagues today to vote for the Gilman amendment to bring our troops home as soon and as expeditiously as possible and not to have any more loss of life 8,000 miles from our borders.

MEMBERS URGED TO SUPPORT THE VIOLENCE AGAINST WOMEN ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, whether walking alone down city streets late at night, driving to work in quiet suburban neighborhoods, or even "Home Alone" with their loved ones, for women and girls in America, violence is an everyday fact of life.

In this country, every 5 minutes a woman is raped, every 15 seconds a women is beaten by her husband or companion, and every year 4,000 women are killed by their abusers.

Street and domestic violence costs our Nation 5.3 billion health care dollars annually. More than 30 percent of women in emergency rooms are there because of domestic violence, and more than 60 percent of the women in mental health wards are there because of ongoing abuse.

It is time for this Congress to act. It is time for Congress to pass the Violence Against Women Act.

Require all States to enforce orders of protection regardless of State or origin and to encourage mandatory arrest policies.

Provide grants for rape prevention and more effective law enforcement strategies and for training our judges about rape and domestic violence.

Grant permission for battered immigrant women, the spouses of U.S. citizens or legal residents, to self-petition for legal status for themselves and their children.

And, most importantly, declare that crimes motivated by gender to be bias crimes and violations of an individual's civil rights.

For too long we have tolerated increasing levels of violence against women and girls. For too long we have tolerated the twin evils of violence and sexism in our society. Now, we say we have had enough.

It is time, Mr. Speaker, to pass the Violence Against Women Act.

CONFERENCE REPORT ON H.R. 3167, UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 298 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 298

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 298 provides for the consideration of the conference report on H.R. 3167, Unemployment Compensation Amendments of 1993.

The rule waives all points of order against the conference report and against its consideration. Waivers are required because the conference report has not been available for 3 days and the conference report includes two technical amendments which are in violation of the House rule on the scope of conference. One technical amendment conforms the railroad workers extension effective dates to those for the other workers in the bill. The other technical amendment, necessitated by the delay in passage of this bill, would set the effective date of a provision of the bill as October 3, 1993, the day after the previous extension ended, instead of the date of enactment.

The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report on H.R. 3167, for which the committee has recommended this rule, extends Federal emergency unemployment compensation to those exhausting their regular unemployment compensation benefits between October 3, 1993 and February 5, 1994.

While the economic news is hopeful, the national recovery is still not strong enough to provide jobs for all the workers seeking employment. Passage of this legislation is essential to provide an additional safety net for these workers and for their families.

Mr. Speaker, 38 days have passed since the expiration of these benefits which are so important to the survival and dignity of thousands of American families. Unhappily, we have made this bill a political football for too long. I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this vital conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when our colleagues in the other body took up the emergency unemployment benefits extension bill after it was delayed by the House leadership, they adopted a very important amendment. By a vote of 82 to 14, they approved an amendment to bring about a reduction of 252,000 Federal employees by 1999—a proposal made earlier this year by President Clinton and supported with the National Performance Review submitted by Vice President GORE.

Last Thursday the House voted 275 to 146 to instruct conferees to accept the Senate amendment.

Now, Mr. Speaker, one would think that, based on the overwhelming support for this amendment in both the House and the Senate, this provision would be included in the conference report. Unfortunately, but not surprisingly, it is not. And the reason stems from a procedural abuse known as the motion to instruct conferees, which gets to the root of one of the major problems which exists in this institution, and that is a lack of accountability.

Because the motion to instruct conferees is not binding, Members can vote for the popular position on a bill without the threat of that position becoming law. The Senate amendment on Federal work force reductions is the most recent example of this abuse.

The overwhelming vote in both Chambers also contradicts a contention by some of our colleagues that the work force reduction amendment was only a tactic to delay approval of this bill.

Needless to say, Mr. Speaker, we would not be here debating this measure had the Democrat leadership not tried to force the House to choose between benefits to unemployed Americans and benefits to immigrant aliens.

Mr. Speaker, I am very happy to yield such time as he may consume to my colleague from the Committee on Rules, the distinguished former mayor of Sanibel, FL, the gentleman from Florida [Mr. GOSS].

□ 1240

Mr. GOSS. Mr. Speaker, I thank my good friend the gentleman from greater San Dimas, CA, for yielding me this time.

Mr. Speaker, today we bring down the curtain on the fifth act in this emergency unemployment compensation drama. The script has taken many twists and turns, with much suspense and heightened rhetoric. But here we are today, more than a month after the latest emergency was declared—back to square one and a predictably bad ending. This conference report is virtually identical to the measure first passed by this House on October 15. This gentleman and many colleagues know full well that we should be quite troubled by the smoke-and-mirrors accounting gimmicks that have been used to predict a happy budget landing for this bill.

It will be a miracle if this thing comes down without crashing, given the prognosis and the mechanisms that we are using to pay for it.

Actually, I think it is more a matter of hubris—the same type of prideful tragic flaw that has so many times led this body toward ever higher deficits. I remain concerned about the tendency of this House to fall back on emergency designations rather than implementing long-term, economic fixes to increase productivity and job creation so more Americans can return to meaningful work.

Why do we have to declare emergencies when there is a better way?

Today we have yet another problem that my colleague, the gentleman from California, has alluded to. Since the conference committee, in what must be record time of less than 5 minutes, jettisoned an important amendment crafted in the other body to implement a key provision of the administration's reinventing government proposal. This amendment, which sought to phase out more than 250,000 unneeded, unnecessary, redundant, wasteful Federal jobs over 5 years, was dropped in conference despite the fact that 82 Members of the other body and 275 Members of this House support adding it to H.R. 3167. We are once again bypassing a very fine opportunity for reform—reform that Americans are asking for—buying a vague promise of action sometime down the road.

I well remember the Speaker saying that this was going to be the month of reform, after last month was the month of reform. We have not got to reform, and it does not look like we are going to get to reform this year. I certainly hope we are going to get to it by next year.

It is a tragi-comedy of error and arrogance that is all to familiar to this Member and most Americans, especially in light of the fact that the chairman of the Appropriations Committee of the other body this weekend made a statement saying, "We have cut discretionary spending to the bone." I do not think anybody in America really believes that.

Mr. Speaker, this rule waives all points of order against the conference report—something I am always loathe to do. However, it does allow us to finally move beyond the cat and mouse moves that have kept us in suspense and in gridlock. And for that I think we can all be thankful, and those who need unemployment compensation assistance can be grateful; but it is time to end this long-running drama. Even this emergency bill should not have nine lives.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Sanibel, FL, opened and closed the debate from our side, but I would like to say that I urge a "no" vote on this rule.

The House voted 275 to 146 in support of the amendment that would allow for the reduction of 252,000 Federal workers, and it seems to me that this conference report grossly violates the will of both the House and the Senate.

So, Mr. Speaker, I urge a "no" vote on this rule so that we can come forward with the original package.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the millions of Americans who are out of work, who are dependent upon the unemployment insurance to tide them over, to help them pay their bills, to pay their mortgages and try to keep themselves together with dignity, I urge all Members of this House to vote in support of this rule so that we may get with attending to what all of us realize is a very serious problem.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 172, not voting 12, as follows:

[Roll No. 551]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio

Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Penny
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Barlow
Beilenson
Dellums
Fields (TX)
Gephardt
Gordon
Kaptur
Lambert
Lewis (FL)
Moakley
Petri
Rose

☐ 1304

Messrs. POMBO, HERGER, and CONDIT changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to the provisions of House Resolution 298, I call up the conference report on the bill (H.R. 3167) to extend the emergency unemployment compensation program, to establish a system of worker profiling, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of House Resolution 298, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, November 8, 1993, at page 37769.)

The SPEAKER pro tempore. Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference agreement on H.R. 3167, the Unemployment Compensation Amendments of 1993. This legislation will extend the authorization for new claims under the Emergency Unemployment Compensation, or EUC, program from October 2, 1993, through February 5, 1994. It also continues the reforms needed to reorient our unemployment compensation system to emphasize reemployment.

It has been over 2½ years since the bottom of the recession. While job growth has improved, most of us know from our time spent back home that unemployment remains a problem. Last Friday's unemployment report simply confirms our experience: the unemployment rate rose slightly to 6.8 percent. And long-term unemployment—at which the EUC program is targeted—remains significantly higher than when this program first was enacted.

Over its 4-month life, H.R. 3167 will provide assistance to roughly 1 million workers and their families who are expected to exhaust regular State benefits. Workers will receive either 7 or 13 weeks of emergency benefits, depending on the unemployment rates in each State. About two hundred and fifty thousand of these workers already have filed claims for assistance and will receive benefits retroactively.

H.R. 3167 also includes an administration proposal that will reduce the cost of unemployment to Government and workers. Workers who have lost their jobs permanently will be identified early in their spells of unemployment, and will engage in intensive job search activities. Rigorous studies demonstrate that the unemployed will find jobs sooner than otherwise, and the Federal Government will save $764 million over the budget period.

Mr. Speaker, the bill before us is the same bill—except for two technical amendments—that this body resoundingly approved 3½ weeks ago. The conference committee chose wisely to delete from the final agreement a Senate amendment, which would have means-tested the EUC program for the first time. This amendment was bad policy; furthermore, it would have been near impossible for States to administer.

Mr. Speaker, I urge my colleagues to put an end to the delays that have characterized this legislation, and to approve this conference report quickly. The hundreds of thousands of Americans who are without work have earned this support, which will help tide their families over during the coming holidays.

☐ 1310

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent to revise and extend my remarks.

The majority leadership in the House and Senate have done it again. Their Democrat conferees on this measure took less than 5 minutes to ignore overwhelming votes in both chambers—and strike from the bill the Senate amendment to cut the Federal work force by 252,000 employees.

As you'll recall, that Senate amendment had passed the other body on a vote of 82 to 14. My motion to instruct House conferees to concur in that amendment passed the House on a vote of 275 to 146.

At the close of this debate, my distinguished colleague on the Ways and Means Committee—Mr. CRANE of Illinois—will offer a motion to recommit the bill to the conference with instructions—again—to insist on the Senate amendment. We'll see who was serious about the earlier vote.

The administration and Democrats in Congress have made it clear that they're not serious at all about putting teeth into the rhetoric of cutting the Federal work force over 6 years. Those who want to preserve the bloated Federal bureaucracy made that clear in conference.

The reinventing Government crowd is more interested in rejuvenating it.

But that's not really surprising in a bill to provide another extension of a so-called temporary program which has been extended over and over and over.

Like the Energizer Bunny, it just keeps going and going.

Nearly 2 years ago, Congress enacted the Emergency Unemployment Compensation program as a temporary program to provide Federal benefits to the long-term unemployed.

Today, we are considering the conference report on a fourth extension—and I have no confidence whatsoever that it will be the final one. It's not justified by current economic conditions, but that doesn't seem to matter.

Members are ignoring the fact that we have a Federal and State matching extended benefit system in place already if States choose to implement it. It's designated to address situations exactly like the one we're in today.

It assists States where unemployment is high—without spending precious tax dollars unnecessarily in States with virtually no unemployment at all.

The sense of nationwide economic distress that was used to justify creation of the emergency program no longer exists. The program in fact delivered more benefits than it was expected to.

The initial program—and its three earlier extensions—were estimated to cost some $15 billion. By the end of September, it had actually provided approximately $25 billion in Federal benefits in its 2-year existence.

This latest extension is supposed to cost about $1.1 billion—but who believes that estimate will hold up either?

There's been no sense of urgency about this fourth extension. It's been more like a plodding inevitability as the Democrat leadership has stumbled along for several weeks trying to figure out.

Today we are back at it again. I have no doubt that the votes will be there to pass this extension. Mine won't be one of them.

I for one think it's time to let this temporary program expire as it was intended—and to let the underlying matching program do its job.

Yes, the States would have to put up some matching funds under those circumstances, and it would not be 100 percent financed by the Federal Government. But that is the law. It should be permitted to take effect.

Mr. Speaker, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in support of the conference report accompanying H.R. 3167. In conference, the Senate receded to the House on a nongermane amendment that would have imposed inflexible and irresponsible employment ceilings on the Federal Government. That amendment constituted an unnecessary intrusion into the administrative responsibilities and operations of the executive branch. It sought to force savings by imposing personnel ceilings regardless of whether those ceilings adversely affected efficiency or the ability of Government to deliver essential services.

If we are honestly interested in achieving savings and improving efficiency, then personnel levels should not be arbitrarily predetermined, but must reflect the realities of existing circumstances. To try to dictate in 1993 what the size of the Government must be in 1999 is not simply fanciful, it is foolish. Congress can and does control employment levels more efficiently in the annual budget process and will ultimately achieve greater savings in this manner.

I understand that a motion will be offered by a Member on the other side of the aisle to recommit the conference report with instructions that the House take the Senate amendment. In my view, it is deplorable that some in this body would jeopardize the welfare of ordinary Americans by further delaying the extension of unemployment benefits over this issue. Unemployment remains a major problem in this country. Unemployment today is only two-tenths of a percent less than it was when the emergency unemployment benefits plan was enacted in November 1991. More than 8.5 million Americans are still looking for work—1.7 million Americans have been out of work for more than 6 months. The current authorization to pay emergency benefits to new claimants expired on Saturday, October 2. Unless the conference report is adopted, those unemployed workers whose regular unemployment benefits have expired since October 2 will continue to be left without any further unemployment benefits

The motion to recommit increases the suffering and hardship that Americans are facing in order to score political points against the administration in support of a ludicrous provision that I believe is deliberately intended to frustrate rather than further efficient and cost effective government. Let us be absolutely clear about what is going on here. This is not about reducing the deficit or achieving savings. This is not about policy. This is pure, blatant politics. The well-being of unemployed Americans is being held hostage to the process. The motion to recommit, if adopted, will not improve government efficiency. It will only serve to further delay the extension of unemployment benefits. Though cloaked in popular rhetoric, the motion to recommit reflects bad policy, and is being pursued for bad ends. I urge Members to defeat the motion to recommit and approve the conference report.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think it is interesting that we have just had a discussion about the unemployment bill being held hostage, when for now 6 weeks the bill has been held hostage to special interest concerns on the Democratic side of the aisle. We had it held hostage because the financing mechanism was not proper. We have had various groups playing games with this bill over on that side. Now, 6 weeks into the process, 6 weeks after people stopped getting their unemployment checks, all of a sudden it becomes important to move the bill very quickly.

Why is it important now to move the bill? Well, because there is a desire on the part of both the House and the Senate, expressed by the majority votes in both of those bodies, to eliminate 252,000 employees, as per Vice President GORE's National Performance Review.

□ 1320

However, the committee, in the games that Congress plays, has decided, despite the majority action in both bodies, to come back with a bill that does not include the elimination of 252,000 Federal employees.

Why do we want to pass the bill quickly? So that Congress can cover its tracks, so that everybody can figure out that we have cast our votes saying we were for 252,000 employees being eliminated, but when it comes to the real action, we are really not for it. This is a perfect example of what happens when people go into back rooms and decide to make decisions.

The public action of the Congress has been to say, "Cut the Federal work force." The public action is in support of the administration's performance review. The administration has said they want precisely that number of employees cut. Now we have a bill on the floor that, while both houses voted within this bill to say they wanted to do what the President wants to do, we do not have that accomplished.

I think we ought to vote for the motion to recommit. Let us send this back. This will not delay anything. This could be done in the conference committee in a matter of minutes. The bill could come back over here, and we would accomplish two things. First of all, we would assure that people get their unemployment benefits. Second, we would assure that the Federal work force drops by 252,000 employees. That is what should happen here today.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD], and ask unanimous consent that he be allowed to control the time on this side.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the gentleman from Tennessee [Mr. FORD] is authorized to control the time.

Mr. FORD of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report that is before the committee today. Mr. Speaker, this is the third occasion we will have an opportunity to vote to pass this conference report and these emergency unemployment compensation benefits. The Committee on Ways and Means reported the bill out. October 2 was the last day for workers to exhaust all of their benefits. That is long past us now. It has been over a month.

Mr. Speaker, I would hope that the quarter of a million people who have exhausted all of those benefits would be taken into consideration today, and we give final approval so those who have exhausted those emergency benefits will be able to go and receive those benefits immediately.

Mr. Speaker, I urge my colleagues to vote to pass this conference report and let us get on by providing the emergency unemployment compensation benefits to the unemployed in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 4 minutes to my respected colleague, the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, at the close of debate today I intend to offer a motion to recommit the conference report. My motion simply sends the report back to conference and instructs our conferees to do what we told them to do last time on a vote of 275 to 146—concur in the Senate amendment to cut the Federal bureaucracy by 252,000 employees.

It is outrageous that in less than 5 minutes the conferees dropped a provision that was overwhelmingly agreed to in both Chambers.

According to the Congressional Budget Office, the Gramm provision summarily dropped by conferees will save American taxpayers more than $21 billion over the next 5 years alone.

It was originally offered in the other body by Senator GRAMM and adopted by an overwhelming vote of 82 to 14.

The provision reduces the bureaucracy by actually implementing one of the recommendations of Vice President GORE's well-publicized national performance review to cut Federal employment by 252,000 positions. This proposal was not cooked up at the last minute.

As we were told by the administration, this is a serious proposal that is the product of a long-term examination of bureaucratic waste by the Vice President.

The Federal employment levels in the Senate amendment for fiscal years 1994 and 1995 are taken directly from the President's fiscal year 1994 budget. The remaining cuts needed to reach the 252,000 level are allocated evenly among fiscal years 1996 through 1999.

We have had lots of proposals around here lately to reduce spending. But as all of us know only too well, it is much more difficult to actually vote for cuts than to simply talk about them.

Here is our chance to vote for serious cuts.

The President has just sent to Congress his proposal for additional spending cuts. After all the anticipation and publicity, his bill saves only around $10 billion over 5 years. We have a chance today to save more than twice that much.

We had this same chance last week on the motion to instruct conferees offered by Mr. ARCHER. On that occasion, a large majority of Members found the courage to vote for the $21 billion in savings.

Who among us that voted for the Archer motion will want to explain to voters why they changed their vote and now oppose cutting the bloated Federal Bureaucracy by 252,000 employees? Voters might be interested in responding to this question next November at the polls.

For many Members, that earlier vote was easy. This time the vote truly counts. Members must now be asked if they stand by their earlier vote.

Answer this challenge by voting "yes" on the motion to recommit.

Mr. FORD of Tennessee. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise to object to the anticipated motion to recommit this conference report for two reasons. One is that it is liable to put thousands of families into the Thanksgiving holidays with the traumatic anxiety of not knowing whether they are going to be able to continue to make their mortgage payments, keep their automobiles, provide a livelihood for their family. How irresponsible and uncaring if we let this happen.

However, even as irresponsible as that, is the second reason, because the intent of the recommittal is to take savings by cutting a quarter of a million Federal employees, without having any idea what the impact of that cut will be, who we are cutting, what programs are going to be affected, how badly they are affected. This represents the worst aspect of our legislative process, when we go home and take credit for things without accepting any accountability for the impact of those actions.

We will not disappoint any of our constituency groups. We are not going to have to say no to any special interest group. We will take credit for cutting a quarter of a million Federal employees, completely oblivious as to what the results of that action are.

If we want to eliminate Federal employees, we ought to identify the programs that are not necessary, the functions that are not essential: the budget officers, the auditors, the accountants, the quality control people, the program managers that we have created to respond to the legislation that we have enacted, but we are not willing to do that. We want to take the easy way out and leave it to the executive branch to take the heat for our actions today.

I urge my colleagues to vote "no" on the motion to recommit.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, the Vice President has made this suggestion. I would ask the gentleman, he disagrees with the Vice President of his party?

Mr. MORAN. What will happen, Mr. Speaker, and the Vice President is aware of this, and would also vote against the recommittal, is that the executive branch will be forced to RIF, cause a reduction in force. Because of civil service law, the people with the high salaries are going to bump people with lower salaries, so we will have highly paid people performing less challenging functions and the people who are actually going to be eliminated are the ones who were last to be hired, firing the people that represent affirmative action objectives for women and minorities, firing the people that are getting paid the least and often are providing the most bang for the buck in terms of the cost of Federal employment.

We are going to accomplish just the opposite of what we want to achieve by this motion. We ought to make the tough decisions, do the right things, identify where people can and ought to be eliminated, instead of taking the easy, irresponsible way out.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the respected minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I support the effort that will later be made today by the distinguished gentleman from Illinois [Mr. CRANE] to recommit the bill, H.R. 3167, with the hope that the conference committee would accept the Senate amendment requiring Government personnel reductions totaling 252,000 over the next 6 years.

Mr. Speaker, the gentleman from Indiana [Mr. BURTON] just made the point with the preceding speaker that the Vice President had recommended this in his National Performance Review. It is a good argument for doing what we are attempting to do here.

□ 1330

It was offered as an amendment to the unemployment bill in the Senate and agreed to in that body, and by the way, that vote was 82 to 14 in favor of what we are attempting to do here. That was on October 28.

Last Thursday this House instructed its conferees to accept the Senate amendment reducing Government personnel by a decisive vote, 275 to 146. Normally when you go to conference and an issue is within the scope of the conference, and both bodies voted in support of the issue, then that issue is included in the conference agreement. Not to do so really undermines the votes that were taken in both Houses. It would have been one thing if it had passed overwhelmingly in one body, but not in the other. But here we have a situation where both bodies of the Congress voted decisively in favor of the personnel reductions, and then when the conferees met that afternoon they disregarded the will of both bodies and struck the Senate amendment.

So it comes back to us without this reduction of 252,000 in Federal personnel that is supported not only by the Vice President but by the entire Clinton administration and by a significant majority of votes in both Houses, as I indicated.

So I would simply says, Mr. Speaker, that I support wholeheartedly the effort that will be made later in these deliberations to recommit H.R. 3167 to the conference committee with instructions that the Federal personnel reductions be included in the conference report.

Mr. FORD of Tennessee. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in opposition to the motion to recommit the conference report, and my reasons have nothing to do with the fact that the amendment would reduce the government workforce by 250,000 workers. We all know that the Vice President has committed himself to addressing this issue in his reinventing government program.

The compelling reason why I am standing here urging my colleagues not to vote for this recommittal is equity and fairness for unemployed individuals across these United States. On October 2 time ran out for those who were on extended benefits. Today is November 9, and we have gone back and forth on this question.

What does this mean in terms of lives affected? The administration estimates that each month about 250,000 workers will exhaust their unemployment compensation benefits, and as the gentleman from Virginia, Mr. MORAN said, we are not talking about dollars that replace wages. We are talking about benefits that help people keep things together, not the whole mortgage payment, a little on the mortgage payment. It is getting colder where I come from in New England. It means do you turn the thermostat on or not, and at what time do you have to put the children to bed because it is getting cold.

These are the facts of life, and if those who want to recommit the conference report don't want to address these kinds of heart-rending, they might call them, examples which are true, may I just recite what happened to me last Sunday. I was entering the drugstore and I heard my name called out. A young woman came up to me and she said, "Mrs. KENNELLY, when are you going to act on extended benefits?" And I looked at her and I said, "I'm not quite sure, but I hope next week." I said, "What do you do?" She said, "I work at the Labor Department." She said, "Have you listened to some of those phone calls and what they are saying?" And I said yes, they are calling my office. And she said, "That's because we told them we couldn't answer these individual's questions anymore. We can't explain what you are doing down there and why you are holding this up."

So I say to those who have a memory, remember what happened to our former President, remember when he did not understand what people needed, what they had to have to keep going, to make ends meet. Remember he did not heed them, and he no longer is our President.

The American people cannot have public officials who do not understand what it means to try to get through the day, to have dignity. This is what America is about.

I urge Members to get on with the business of Government, to extend these benefits, and then do what we should be doing in other areas.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me the time.

Do Members know how long it took to take that provision out of the bill that is going to allow 252,000 Federal employees that are supposed to be cut over a 5-year period out of the conference committee report? It took less than 5 minutes. It took less than 5 minutes.

Now how long would it take to put that provision back in that would say we are going to cut those 252,000 Federal jobs over a 5-year period? It would take less than 5 minutes.

So while my colleagues come to the floor and keep saying oh, my gosh, the people who are unemployed are not going to get their benefits, this is a tragic thing, people are not going to be able to get their food for their children, they are going to be dying, and all of this sort of thing, it is baloney. It just simply is baloney.

The fact of the matter is if we send this back to the conference committee with a motion to instruct the conferees, they can do it just like that. Within a matter of a couple of days we will have this thing back on the floor. It will pass, and the people who are not getting their benefits will get them. So that is a red herring.

The fact of the matter is the President of the United States and the Vice President have said and committed to the American people that we are going to cut Federal spending by $21 billion. That is $21,000 million, by reducing the Federal work force by 252,000 over a 5-year period. That provision, supported by the President and the Vice President, passed the House overwhelmingly, passed the Senate overwhelmingly, and yet when it went to conference committee, under the cover of darkness they took it out. Why? Because they want to protect some of their constituents back home that are going to get them reelected.

The fact of the matter is this is a policy that this administration is for, President Clinton is for. This is a policy both the House and the Senate are for. We ought to send it back to the conference committee and cut those 252,000 jobs and save the American taxpayer $21 billion. The deficit is out of control. If we are really serious about getting control of Federal spending and saving the economy of this country, we ought to pass this today overwhelmingly and send it back to the conference committee.

Mr. FORD of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN], a member of the Subcommittee on Human Resources.

Mr. LEVIN. Mr. Speaker, here is the problem: We have structural unemployment in this country. I wish that we did not. More people are exhausting their benefits than when this program was first contemplated.

Many States simply are not eligible for the State programs, so there is no use saying that is a remedy, because the way the law is now written, many States can simply not take advantage of the State program if they want.

So we have structural unemployment. The unemployment compensation system is structurally deficient. We clearly have to amend it and change it to connect unemployment with reemployment. We cannot do that right here and now, and in the meanwhile we have tens of thousands of people exhausting their benefits, and they are simply asking for some kind of help as they look for new work.

My complaint about the recommittal motion is in essence that it is going to be a further delay, it is going to be a further complication, and we will be saying to the unemployed in this country, "Sorry you are looking for work, but we're not even going to help tide you over."

I do not think that is a reasonable way to proceed. It is not keeping faith with people in this country who are laid off through no fault of their own.

I urge that we pass the conference report. I think the recommittal motion is simply a tactic that will delay action by this body.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the respected Republican whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank my friend from Texas for yielding the time.

Let me make very clear to my colleagues what the Crane motion to instruct conferees does, because this is not some complicated, difficult or arcane problem. The other body, by 82 to 14, adopted a proposal, not a Republican proposal, it adopted a proposal of Vice President GORE. It adopted a proposal which the President of the United States said was a good idea. It said let us write into law the national performance review standard of reducing Federal employment levels by 250,000.

All it said was we agree with President Clinton, we agree with Vice President GORE. We are prepared to write into law, not just have a press conference, not just make a speech, but Congressman CRANE is now trying to instruct the conferees to accept what was a Clinton administration proposal and put it into law.

The vote, 82 to 14 in the other body, was a bipartisan vote.

☐ 1340

Then it came to the House side. Notice the numbers on the House side. We had a motion to instruct, which I believe was the Archer motion, at that time to instruct conferees. The Archer motion to instruct conferees said, "Let's agree with the other body, the Senate, in accepting President Clinton's and Vice President GORE's proposal in writing it into law." What was the margin in the House? It was 275 to 146.

Now, if you were a normal American citizen and you were watching C-SPAN and you had seen the Senate vote 82 to 14 and you had seen the House vote 275 to 146 and you knew the President was for it and the Vice President was for it, you might say to yourself, "Gosh, I guess that's a done deal." Apparently when the conferees got together, and this is why my good friend, Mr. CRANE, is offering this motion, apparently when the conferees got together, the Senate conferees, the other body said, "Oh, heck, we really didn't mean that," promptly caved and walked out. And suddenly the taxpayers, working Americans, voters, people who are concerned about Washington and how it works, are saying to themselves, "You mean you can have a 6-to-1 majority in the Senate, you can have almost a 2-to-1 majority in the House, you can have the President and the Vice President agree, but somehow when it gets to a conference, it disappears, and 250,000 jobs are supposed to be saved, suddenly the politicians figure out a way to avoid what the public wants?"

So what my good friend from Illinois, Mr. CRANE, has done is offer a motion which allows every Member of the House to say, "You know, when I voted, and I say this specifically to the 275 who already voted once, when I voted with the President, when I voted with the Vice President, when I voted with the taxpayers, when I voted to cut the spending by cutting the number of Federal employees, I actually meant it. This was not a press release, not a chance to sneak back home, this was not just another Rotary Club speech; I actually want this to stand."

Now, what will happen? If we pass the motion, the Crane motion to instruct, it will go back to conference. I believe at that moment the Senate conferees, who after all did have an 82-to-14 vote in their favor, have the option of saying, "We really want to pass unemployment compensation." They could agree to it.

I believe on our side, and I think Mr. MICHEL, the leader would agree, we would be willing to bring it up even today, we would be willing to bring it up tomorrow. We could get this right back, pass it before the weekend, and we can go home.

Now, it is that simple, this is not a delaying tactic. We can get unemployment compensation extended this week and we can write into law the Gore National Performance Review standard of eliminating 250,000 Federal jobs so we can both help the taxpayer and help the unemployed in the same bill.

Now, the only way you can help the taxpayer and help the unemployed and you can reduce the deficit over time is to vote "yes" when the Crane motion to instruct conferees is voted on.

So I urge every one of the 275 who voted "yes" earlier to be consistent and vote "yes" again today. I urge the 146 who last time did not quite understand the issue to accept the opportunity to cut spending, to save money, to reduce the deficit. This is an important vote, and I urge the House to send an important signal to the conferees that, "We are tired of the will of the people being in some way blocked magically so that votes in public disappear in secret."

Mr. FORD of Tennessee. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. I thank the gentleman for yielding.

Mr. Speaker, like all Members, I want to see the unemployment benefits extended, but the Congress ought to pay for it and I do not think the Congress is appropriately paying for this bill.

Mr. Speaker, so far as I know, I have voted for every unemployment compensation bill since I have been in the Congress. I believe that workers who have lost their jobs through no fault of their own should get extended benefits. When I was a member of the Texas Employment Commission, I sat on the governing board of my State's unemployment benefits program because I firmly believed that we needed to help people who had lost their jobs, so I have a longstanding commitment to help unemployed workers.

With this particular bill, though, I have grave reservations regarding the lack of proper financing of the extension. We are asked to spend $1.1 billion in the next year, but the recommended revenue raiser, which purports to make up the money in the next 5 years, is not real and valid. The so-called profiling approach, in my view, simply will not produce the intended savings. There's just no reality in that approach.

Mr. Speaker, I want unemployed workers to get their benefits, but we must be more responsible in finding a realistic way to pay for them. I am willing to look at cuts or real revenues, and I would even be willing to look at that most sacred of sacred cows, cutting entitlements. I believe very strongly that we need a real, working unemployment benefits program, but we've got to be responsible enough to really pay for it.

Mr. FORD of Tennessee. Mr. Speaker, I yield 4 minutes to my colleague, the gentleman from Maryland [Mr. CARDIN], a member of the committee.

Mr. CARDIN. Mr. Speaker, I thank the subcommittee chairman for yielding this time to me.

Mr. Speaker, people watching and listening to this debate must be wondering what is going on. We are talking about the unemployed, but we bring in other issues. This is not the first time.

This bill has been on the floor many times before, and there always seems to be problems in dealing with our unemployed. We should have an orderly process, an orderly process to consider legislation.

But when it comes to the unemployed, there are always these other issues that are brought up.

Members of this House, it has been since October 2 when the emergency unemployment benefits expired that we have been talking about this issue with other issues.

People, 250,000 a month, exhaust their unemployment benefits and go without benefits until we can act. But there is always something brought up.

I do not want to use the procedures of the other body as the right procedure that we should be using. Yes, we should be talking about the Vice President's proposal, but that should be done in an orderly way, not in the legislation that deals with extending the emergency unemployment benefits.

We have been talking since October 2, and people are suffering out there. Make no mistake about it, a vote against the motion to recommit, a vote in favor of the conference committee, is a vote in favor of the unemployed getting their benefits at last. I urge my colleagues to reject the motion to recommit and approve the conference report.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Virginia.

Mr. MORAN. I thank the gentleman from Maryland, my friend and colleague, for yielding to me.

Mr. Speaker, listening to this debate, people would believe that what is being recommended in the motion to recommit is to simply comply with the Vice President's recommendation. That is not true. In fact, what the minority leader said is not the case. If people who are making this recommendation would read the Vice President's report, they would realize that the recommendation to eliminate 252,000 jobs is the bottom line result if the Congress is willing to take the Vice President's recommended reform actions.

The Vice President has recommended a very clear, specific manner in which to achieve the reduction of a quarter of a million Federal employees: procurement and regulatory reform, and especially by taking the plethora of small special interest type programs, the kinds of programs that we create to respond to political interests, and consolidating them into bloc grant programs, a form of revenue sharing that we give back to the States. That will eliminate the need for a lot of Federal employees.

There is a long list of actions that the Vice President recommended this Congress take. And if we have the courage to take those actions, we can then reduce 252,000 people and save $108 billion. But what we are being asked to do is to put the cart before the horse, take the credit for the cuts but not take any of the responsibility for the impact of those cuts on our own constituents.

Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN] for yielding, and I urge my colleagues to take the responsible action, to vote against the motion to recommit, to vote for people who are in desperate situations who are unemployed today, and then to go about the responsible business of achieving reductions in the Federal work force and knowing what we are doing before we take the credit for doing it.

Mr. CARDIN. Mr. Speaker, let us remember that we have the chance right now to act on behalf of those people who, through no fault of their own, are unemployed and do not have the resources to take care of their family needs.

I urge my colleagues to vote "no" on the motion to recommit; let us pass this bill, let us get the benefits to the people who are unemployed.

Mr. FORD of Tennessee. Mr. Speaker, I yield such time as I may consume to myself, and I close by saying that hundreds of thousands of Americans and their spouses and their children await our action on this legislation. Through no fault of their own, they are without work and are in need of support. Therefore I urge my colleagues to join with me and members of the subcommittee and the full committee and others to pass this legislation and vote the recommittal motion down.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, simply to respond to the gentleman from Virginia. I do not think for 1 minute that the American taxpayers are going to accept, on the one hand, what is supposed to be a strong proposal to reduce the Federal work force by over 250,000, and, on the other hand, to accept the gentleman from Virginia's argument that we may not really do this because we may not put into effect the revenue sharing, we may not put into effect some of these other reforms, therefore this is a promise without any substance to it.

□ 1350

The gentleman from Illinois offers a motion to recommit that puts absolute substance into the President's proposal and it does so in such a way that it adopts the President's own recommendation for employment cuts in the next 2 years, precisely what is in the President's budget. That would happen irrespective of all the things that the gentleman from Virginia says may not happen.

In the following 4 years it is implemented on the basis of equal increments.

Now, with 2 years prior to that occurrence, surely there is enough time for whatever reforms are necessary to create this implementation.

It is a smokescreen to say on the one hand that we are going to cut these jobs; on the other hand, but wait, we may not put in the reforms to let it happen. Let us make it happen. Let us be sure that the demand is there, that the reforms are put into effect. Let us vote for the motion to recommit.

Mr. COYNE. Mr. Speaker, I strongly support House passage of the final conference report for H.R. 3167, legislation extending the Emergency Unemployment Compensation Program.

The need for final passage of H.R. 3167 remains as strong today as it was when this program was first enacted.

Over 1 million Americans who have exhausted their regular unemployment benefits would suffer dramatic economic harm without the continuation of a Federal extended unemployment benefits program. The national unemployment rate has continued to hold at just under 7 percent, with the current rate moving back up to 6.8 percent. In addition, many States are faced with rates of unemployment which are significantly above the national rate.

These Americans need help from their elected Representatives in the Congress. The final bill before the House today provides that needed assistance. H.R. 3167 provides that 13 weeks of extended emergency unemployment benefits will be available in States with regular unemployment rates of at least 9 percent, or States with an adjusted unemployment rate of 5 percent. The adjusted unemployment rate includes those Americans who have exhausted their regular unemployment rates. All other States with lower rates of unemployment will be eligible for 7 weeks of extended benefits. For example, residents of Pennsylvania would be eligible for 7 weeks of extended benefits since the most recent unemployment rate was 6.6 percent.

The final conference report maintains the House provisions which guaranteed that the bill would be fully financed. This bill does not add to the Federal deficit and complies with the principle of "pay as you go." This is done by enacting unemployment benefit program reforms which will help workers find a job before they have experienced long-term unemployment. The final conference report requires States to identify workers who, when they first file for unemployment benefits, are considered likely to exhaust their regular benefits. These workers would be required to participate in State job search assistance programs as a condition of receiving unemployment benefits. In addition, the U.S. Labor Department would be required to provide technical assistance to States in classifying workers who may require job search assistance.

Mr. Speaker, I strongly support passage of this conference report for H.R. 3167, an emergency unemployment benefits extension bill. I urge my colleagues to vote for passage of this legislation.

Mr. STOKES. Mr. Speaker, I rise today in support of the conference report to accompany H.R. 3167, a bill to extend the Emergency Unemployment Compensation Act of 1991. I want to commend Congressman ROSTENKOWSKI for his hard work in bringing this bill through the conference committee in an expeditious manner, and for financing the extension without emergency funding, and without making unacceptable cuts in other vital programs.

As we are all aware, H.R. 3167 responds to the continuing unemployment problem by extending the authorization for new claims of emergency unemployment compensation benefits through February 5, 1994. Some Members will argue that extension of the Emergency Unemployment Compensation Program is unnecessary because the economy is showing some signs of recovery. To those individuals I would simply point out that unemployment is still at almost the same level as when the Emergency Unemployment Benefits Program was enacted in November 1991—8½ million people are still looking for work, and nearly 2 million of there people have been out of work for more than 6 months. Many thousands more individuals are no longer counted in official unemployment estimates because they have been unemployed so long that they are classified as discouraged workers, and are no longer officially counted as unemployed.

To compound the unemployment numbers, the evidence indicates that the current recovery is anemic. In my hometown of Cleveland, OH, we have lost nearly 35,000 jobs over the last 3 years. Alarmingly, 26,000 of the jobs which were lost were high wage manufacturing jobs. These discouraging figures clearly indicate that Cleveland's labor market is currently quite weak, and I am sure other Members have similar stories to tell of the lingering effects of the recent recession.

Mr. Speaker, I believe that we can all take pride in the fact that the extension of the Emergency Unemployment Benefits Program in H.R. 3167 was accomplished in a fiscally responsible way, without adding to the deficit, or declaring a budget emergency. Most importantly, however, is that the extension was financed without taking funds away from other programs addressing vital domestic priorities.

The evidence is clear that the current recovery is not benefiting those who have lost their jobs during the recent recession. It would be unconscionable to let the emergency unemployment compensation benefits expire at this time. An extension of this program is vital to the millions of Americans who desperately want to work, but for whom there still are no jobs available. I urge all my colleagues to vote to extend this program, and to send a message to the millions of long-term unemployed individuals in the United States that their Government has not forgotten them.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to support the motion to recommit by Mr. CRANE that would require a reduction of the Federal work force by 252,000.

As my colleagues are aware, in September the National Performance Review and the White House recommended reducing the Government's work force over 5 years by 252,000. By doing so, the White House recognized what many people have already acknowledged: that the Federal work force has grown too big and inefficient and is in need of reform.

Congress will soon be asked to authorize a major buyout program to implement this reduction program. However, that legislation will not specify the target of 252,000 Federal employees for these buyouts. By passing this motion, Congress can codify the goal of cutting 252,000 Federal employees that was first proposed by the White House.

Earlier this year, I introduced H.R. 3086, the Government Employee Limitation Act. This bill established a schedule by which the Government would reduce its work force by 252,000. In addition, it would have reduced the maximum number of permanent staff allowed for Members of Congress from 18 to 16. This motion would carry the substance of H.R. 3086 into law.

Mr. Speaker, putting the goal of reducing the Federal work force by 252,000 into law sends an important message that Congress is finally serious about reducing the deficit. The National Performance Review claims that the Federal Government can save over $40 billion in 5 years if the Federal work force is reduced by 252,000. It's high time Congress started to trim the bloat out of the Federal bureaucracy. Therefore, I urge my colleagues to vote for the Crane motion.

Mr. REED. Mr. Speaker, I rise in support of the conference report on this latest extension of the Emergency Unemployment Compensation [EUC] Program which regrettably expired in early October.

Although this bill does not put Americans back to work, it will help many Rhode Island families stay afloat during the holiday season.

Unfortunately, just staying afloat is becoming more and more difficult for many of the long-term unemployed Americans. Indeed, Rhode Island has the largest percentage of unemployed who have been out of work for over 6 months, but not all Rhode Islanders who have exhausted their State benefits will be eligible for the full 13 weeks of assistance. Even though unemployment in Rhode Island remains high, the official rate has dropped because so many people have either exhausted all State and emergency benefits or they have simply given up looking for work which means they are no longer considered officially unemployed. These people, who have suffered the most, are not even counted as part of the unemployment rate.

It is my hope when Congress reconvenes in January that the administration will propose legislation which not only creates jobs, but also reforms the unemployment and training systems to ensure that people in need of help, get help. They are tired of waiting for Congress to help them. That is why we must pass this conference report.

I urge my colleagues to join me in supporting this legislation.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

Mr. FORD of Tennessee. Mr. Speaker, I yield back the balance of my time, and move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CRANE. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRANE moves to recommit the conference report on H.R. 3167 to the committee of conference with instructions that the managers on the part of the House concur in the Senate amendment numbered 1 (relating to a "Reduction of Federal Full-Time Equivalent Positions").

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the conference report, following the vote on the motion to recommit.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 202, not voting 5, as follows:

[Roll No. 552]

YEAS—226

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (MN)
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer

Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)

Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)

Thomas (WY)
Thurman
Torkildsen
Upton
Valentine
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NAYS—202

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barlow
Becerra
Beilenson
Bentley
Berman
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman

Gonzalez
Gordon
Green
Hall (OH)
Hamburg
Hamilton
Hastings
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)

Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—5

Barton
Lewis (FL)

Moakley
Petri

Rose

☐ 1418

Messrs. NADLER, RANGEL, and GORDON, Ms. McKINNEY, Mrs. LLOYD, and Ms. DANNER changed their vote from "yea" to "nay."

Messrs. BARCIA of Michigan, BROWDER, DREIER, SHAYS, HALL of Texas, DOOLEY, SKELTON, GILMAN, CHAPMAN, LANCASTER, BOEHLERT, POMEROY, GUTIERREZ, CRAMER, HEFNER, EDWARDS of Texas, and STRICKLAND, Mrs. JOHNSON of Connecticut, and Ms. SCHENK changed their vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1420

AMENDING THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 299 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 299

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such Act does not preempt certain State laws. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield the customary one-half hour of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 299 is the rule providing for the consideration of H.R. 1036, legislation to amend the Employee Retirement Income Security Act of 1974 so that the act does not preempt certain State laws.

Mr. Speaker, this is an open rule. It provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

The rule makes in order the Education and Labor Committee amendment in the nature of a substitute now printed in this bill as an original bill for the purpose of amendment. The substitute will be considered as read.

In addition to the 1 hour of debate time, the rule provides 4 hours for consideration of the bill for amendment. After careful deliberation, the Committee on Rules granted this time limit request as one that is both fair and reasonable for a bill to which only one amendment was offered during full committee consideration.

In fact, when the House last year considered an almost identical rule for a very similar ERISA preemption bill, the rule, which was approved by voice vote, included the same 4-hour restriction. That debate on amendments took less than 2 hours' time.

Further, at the request this year of the Rules Committee for prefiling of amendments, only two amendments were submitted for consideration; I would note for my colleagues that the Education and Labor Committee added to the bill as reported two of the amendments accepted by the House last year.

And, Mr. Speaker, the scope of H.R. 1036 is very narrowly defined so that any potential amendment to the bill must be narrowly written as well, effectively restricting the number and type of amendments that may be offered.

We are all, of course, mindful of the limited amount of time we have as the session nears end, which was another important point the Committee on Rules considered in granting the Committee on Education and Labor's request.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1036, the bill for which this resolution is offered, seeks to restore three kinds of State laws that have been preempted by the Employee Retirement Income Security Act, which Congress passed in 1974 to govern most private pensions.

The laws that have been preempted: First, require the payment of prevailing wages and benefits on State public work projects; second, establish minimum standards or regulate certified apprenticeship programs; and third, provide remedies such as mechanics' liens for nonpayment of multiemployer plan contributions.

All of these areas have traditionally been governed by State laws, which only in the past few years have been held in several court decisions to have been preempted by ERISA.

Mr. Speaker, H.R. 1036 is essentially States rights legislation. It is necessary to restore longstanding State laws that Federal court decisions have invalidated by misinterpreting the intent of ERISA. It is strongly supported by the States and many State organizations, including the National Association of Attorneys General.

Mr. Speaker, to repeat, this is an open rule, providing ample time for consideration of this narrowly written piece of legislation. I urge my colleagues to adopt the rule so that we may proceed with the consideration of H.R. 1036.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again we have a rule before us that is being billed as an "open rule" when, in fact, it is not. The rule contains a 4-hour time limit for the consideration of amendments, a restriction that has no justification except that the rule on a similar bill last year contained an identical restriction.

Mr. Speaker, this rule reminds me of a comment by one of our esteemed colleagues on the Ways and Means Committee regarding the debt limit rule earlier this year. I asked him why he was supporting a closed rule. He said it is "customary" and that he was just following precedent.

Mr. Speaker, this rule is an assault on our sensibilities, just as H.R. 1036 is an assault on American business. At a time when our economy is struggling to create jobs under the weight of stifling Federal regulations, this bill will force small businesses to comply with an array of new, conflicting, and inconsistent State regulations. These regulations will, at a minimum, lead to the likely elimination of employee health and pension benefits and, possibly, to the loss of more jobs.

In addition, the apprenticeship and training requirements contained in H.R. 1036 discriminate against open shop programs and could prevent nonunion employers from training their workers. Fortunately, the gentleman from Illinois [Mr. FAWELL] will offer an amendment to address this problem, and I urge my colleagues to support it.

Mr. Speaker, I include for the RECORD these documents reflecting a count of open versus restrictive rules from the 95th to the 103d Congresses.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	44	11	25	33	75

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 8, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994–95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE—THE RULE ON H.R. 1036, LIMITS ON EMPLOYEE RETIREMENT INCOME SECURITY ACT PREEMPTION OF CERTAIN STATE LAWS

1. Motion offered by Mr. Solomon to strike the time limit on amendments:

Vote (Defeated 3-5): Yeas—Solomon, Dreier, Goss; Nays—Derrick, Beilenson, Frost, Hall, Slaughter. Not voting: Moakley, Bonior, Wheat, Gordon, Quillen.

2. Adoption of Rule:

Vote (Adopted 5-3): Yeas—Derrick, Beilenson, Frost, Hall, Slaughter; Nays—Solomon, Dreier, Goss. Not voting: Moakley, Bonior, Wheat, Gordon, Quillen.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS], the chairman of the Subcommittee on Labor-Management Relations of the Committee on Education and Labor.

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am going to vote for this rule, and I urge my colleagues to do likewise, but I must say that I have concerns about this rule. We do not need 4 hours of debate on this bill. We have had interminable debate on this bill already in a previous Congress. Nor should we have an open rule on this debate. Not every Member of this Chamber is enamored with an open rule. I for one believe an open rule on this bill is a mistake.

Mr. Speaker, this bill is very narrowly drawn, but a very narrowly drawn constraint on ERISA. This is a States rights bill, but it is very narrow. An open rule allows Members to come in and amend any part of ERISA, including with regard to health care. That is a mistake. That was not our intention in bringing the bill to the floor.

Mr. Speaker, in fact, it is no accident that my committee would not bring ERISA bills to the floor for 15 years, because we did not want to have the Members faced with inappropriate amendments. Nonetheless, this is a way to begin this process and get us moving in a matter that we have to move on. Because of that, I am going to vote yes on the rule.

Let me say it again, however. We are going to have an hour on the rule, we are going to have an hour of general debate, we are going to have 4 hours on the amendments, we are going to have another hour or two in votes. That is an 8-hour day, an 8-hour day on this one bill, and the minority is not satisfied with that.

We can give them an 8-hour day on the bill, we can give them an open rule, and they still stand up and they are not satisfied. I would recommend to the Committee on Rules that they tell the minority no more often.

Mr. DREIER. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I urge a no vote on this rule.

Mr. BEILENSON. Mr. Speaker, we have no further requests for time. I do remind my colleagues, as did our friend, the gentleman from Montana [Mr. WILLIAMS], that it is in fact an open rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 299 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1036.

□ 1435

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws, with Mr. MCDERMOTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Montana [Mr. WILLIAMS] will be recognized for 30 minutes, and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1036. Mr. Chairman, this is a States rights bill. That is what we are trying to do here is to reaffirm States rights. This bill would restore to the States their traditional right to require the payment of prevailing wages on State public works projects and to establish minimum standards for apprenticeship and training programs.

In addition, the bill restores State laws permitting multiemployer plans to use State mechanic's liens to collect delinquent contributions. By the way, Mr. Speaker, these were long-established rights, but they have been wiped out by a series of recent Federal court decisions interpreting the ERISA, which is the Employee Retirement Income Security Act of 1974. The courts have recently interpreted ERISA as preempting State laws. We do not believe that was the intent.

As New York State's commissioner of labor pointed out, Mr. Speaker, at a subcommittee hearing that I had a couple of years ago, the effect of the court decisions is particularly troubling. He said that they repudiate the ability of States to set the terms of their own contracts, contracts in which the money being spent is State money and the projects being done are being done to complete State projects.

In addition, State laws have provided additional tools for multiemployer plans to collect delinquent contributions, including mechanics' liens, bonds, or other types of security. Recently, with the approval of the Supreme Court, courts have interpreted ERISA to preclude the States from enforcing these laws as well.

H.R. 1036 restores States' rights in these critical areas and is strongly supported by the Clinton administration, the National Association of Government Labor Officials [NAGLO], the National Association of State Apprenticeship Directors [NASAD], the National Apprenticeship Program [NAP], the National Association of Attorneys General, the National Electrical Contractors Association [NECA], the Sheet Metal and Air Conditioning Contractors' National Association, and the AFL–CIO.

When the Subcommittee on Labor-Management Relations held hearings on the bill this year, considerable debate took place about whether Congress intended to preempt the types of laws affected by this bill. At full committee markup, that debate continued.

There is no question, Mr. Speaker, that the scope of ERISA preemption is broad, because all laws that relate to employee benefit plans are included.

□ 1440

But at the same time, several examples of State laws were expressly saved from preemption, including State insurance, banking, and securities laws. In addition, since 1974, Congress has amended ERISA to allow States to regulate multiple employer welfare arrangements—many people call them MEWAs—and, in recognition of States' traditional role over marital property, excluded from ERISA preemption qualified domestic relations orders issued by State courts.

I was not in Congress when ERISA was first passed, so I cannot read the minds of those who shaped its provisions. But I can say this. There is not one word in the legislative history of ERISA that could lead anyone to conclude that Congress affirmatively intended to strip States of their longstanding authority to determine what terms and conditions a contractor who voluntarily bids on a State public works project must meet.

Nor is there any support in the legislative history for the proposition that State laws authorizing mechanics liens, surety bonds, and other collection tools should not apply to the delinquent contribution obligations of companies who participate in multiemployer plans. In fact, when ERISA was amended in 1980 to establish a Federal collection mechanism, the legislative history of the Multiemployer Pension Plan Amendment Act of 1980 specifically discussed this new Federal tool as an addition to current State protections.

If the framers of ERISA, in their zeal to protect employers from inconsistent State regulations of benefit plans actually did think about these particular situations and really did intend to block these State laws, then they were wrong, and it is time to change that. But we have no evidence that that is what the authors or those who voted for ERISA originally intended to do.

So H.R. 1036 simply recognizes that ERISA should not interfere with well-established and traditional areas of State concerns such as apprenticeship and training, prevailing wages and mechanics' liens.

Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, today, we take up legislation which has a long history in the House. The issue is ERISA preemption and how it relates to State prevailing wages laws, State apprenticeship and training standards, and State mechanics' liens laws. We'll hear today that this is a State's rights issue—that the bill is intended to clarify ERISA and restore State laws that were never intended to be preempted by ERISA.

While on the surface it may seem to be a Federal preemption versus States' rights issue, the uniqueness of the pension and employee benefits law under ERISA begs a deeper look. Since the extension of pension and welfare benefits are premised on a voluntary system, ERISA preemption has retained the freedom for plan sponsors to establish uniform benefit plans across State lines. In this atmosphere, free from myriads of State laws, employees through collective bargaining and other means can also pursue their common objectives and achieve multistate benefit portability.

PREVAILING WAGE STANDARDS

In regard to State prevailing wage laws, proponents have argued that States may not have the ability to set prevailing wages on State and/or State/Federal public works projects. While on the surface this may appear to be true, the real crux of the matter is that, except in rare instances, States have had and will continue to have the ability to set prevailing wages.

An alternative to the intrusive New York supplements law, which was struck down in the General Electric case, exists in other States. These laws set total prevailing wage levels so as to include the cost of prevailing ERISA benefits, but in a benefit neutral fashion as is the case under the Federal Davis Bacon Act. In other words, a prevailing wage and benefits cost of x dollars can be met by x dollars of cash or ERISA benefits costs which may be substituted for cash. Under these laws, an employer is not required to establish a plan or to provide specific benefits or their costs, but is allowed credit in meeting the prevailing wage for the cost of any ERISA benefits already provided.

No court has preempted such benefit neutral statutes, and the General Electric decision does not address these situations. After 17 years of ERISA it is highly unlikely that any challenge will be made to such a statute. Of course, the bill's exception to ERISA preemption for prevailing wage laws will help to ensure that this latter result will be obtained.

In particular, the proposed ERISA section 514(b)(9)(A) relating to the exception to ERISA preemption for certain prevailing wage laws reads, in part, that the State law exempted must permit "any prevailing employee benefit plan contribution or cost requirement of such law be met by crediting (1) the payment of wages in lieu of such contributions or costs, (2) the payment of employee benefit plan contributions or costs, or (3) a combination of wages and such contributions or costs:". In a colloquy during committee markup the chairman of the Subcommittee on Labor-Management Relations, Mr. WILLIAMS, and I affirmed that it is "the intent of the committee that this section require that a State prevailing wage law, to be exempted from ERISA preemption, be structured so as to allow the crediting or substitution of the contributions or costs of any ERISA pension or welfare benefit plan against the 'prevailing employee benefit plan contribution or cost requirement of such law', regardless of whether such ERISA benefits are considered to be 'prevailing' under the State law." What does this mean? In short, that an employer can use any ERISA plan cost to satisfy a State's prevailing benefit requirement.

Also, it can be generally stated that section 514(b)(9)(A) of the bill provides for an exception to ERISA preemption for State prevailing wage laws which permit the crediting or substitution of any combination of wages or ERISA employee benefit plan contributions or costs in satisfaction of the "prevailing employee benefit plan contribution or cost requirement of such law." By means of a second colloquy between Mr. WILLIAMS and myself, it was affirmed that "by limiting this exception to the so-called prevailing employee benefit plan contribution or cost requirement of such law, it is the committee's intent that there be no inference as to the effect of ERISA preemption on other portions of State prevailing wage laws to the extent that they permit the crediting or substitution of ERISA employee benefit plan contributions or costs in satisfaction of the cash wage portion of such laws."

Again, what does this mean? In short, it means that employer ERISA plan costs in excess of State prevailing benefits can continue to be credited against the cash wage portion of a State's prevailing law, such as is the case in my own State of New Jersey.

APPRENTICESHIP AND TRAINING STANDARDS

Turning to the apprenticeship and training provision of the bill, the language goes significantly beyond that needed to merely reverse the Hydrostorage and several other court decisions which proponents say is their intent. Since apprenticeship or other training programs are specifically defined as employee welfare benefit plans under ERISA, the courts have determined in these decisions that ERISA preempts the several State laws, rules, regulations, and administrative orders involved.

I want to stress, however, that these decisions do not jeopardize the many aspects of the apprenticeship programs now operating in the States. To the contrary, the courts have gone to great lengths to limit the reach of preemption only to instances in which the State laws have clearly mandated specific plan operations or mandated that employers participate in a particular plan.

In contrast, by going beyond the Hydrostorage decision, the reach of the bill's exception to preemption would allow States to regulate not only apprenticeship and training programs connected with State public works projects, but also any training program of any employer. While such State laws are now typically limited to construction-related occupations, the broad language of the bill leaves an open invitation for States to extend their jurisdiction to occupations under other single and multiple employer plans whether union or nonunion. There was no reason given—in subcommittee, full committee, or the committee report—to expand the ERISA exemption beyond the overturning of the narrow court cases related to public project work.

As with other benefits under ERISA, it can be stated with regard to training programs that varying State laws will stifle innovation, increase the hassle and costs of setting up such programs, and, ultimately, reduce the number of programs. At a time when all agree that worker training is crucial, restrictive changes would be a serious mistake.

It is my understanding that my colleague, Representative GOODLING, will offer an amendment to H.R. 1036 which ensures that ERISA will continue to preempt State laws which discriminate against the continuation or formation of apprenticeship or training programs that meet the standards of the National Apprenticeship Act. I would call your attention to the remarks of my colleague for a fuller explanation of his amendment and the serious problems that the bill continues to have in the apprenticeship and training area. In this connection, I would point out that this bill contains my amendment adopted on the floor last year, which corrects a weakness which otherwise would have allowed states to undermine the ERISA fiduciary standards applicable to such plans.

MECHANICS' LIENS

In a manner similar to the apprenticeship provision, the bill's exception to ERISA preemption for collection remedies goes significantly beyond that needed to merely overturn the Iron Workers and related court decisions relating to so-called mechanics' lien remedies.

Under the bill as reported, the mechanics' liens and other remedies imposed under the exempted laws may vary from State to State, thereby exposing employers who contribute to regional or national plans to varying remedies. Such laws could even take a form requiring the bonding of contributing employers or third-parties, in advance of a contributor incurring actual contribution obligations. The actual experience obtained under these remedies will have to be carefully monitored to make sure they do not impinge upon the carefully balanced funding standards and withdrawal liability collection remedies applicable to multiemployer plans under ERISA.

□ 1450

Mr. Chairman, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. I thank the gentleman for yielding this time to me.

Mr. Chairman, first I want to compliment the gentleman from Montana [Mr. WILLIAMS] for the hard work he has put forth in getting this to the floor.

I want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA], I think—I have not decided on that, I say to the gentlewoman. Did the gentlewoman come down with us or against us?

Mr. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from Michigan that I said we can improve this bill with the amendment that the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Illinois [Mr. FAWELL] are going to present.

Mr. FORD of Michigan. Well, every time we bring this to the floor, we adopt a Roukema amendment. So I am sure that the gentlelady will have—

Mrs. ROUKEMA. Unfortunately, I do not have the authority today. My colleagues have preempted me on that, if the gentleman will pardon the pun.

Mr. FORD of Michigan. Mr. Chairman, this legislation is the same as it was after the floor action in 1992. It passed at that time with a voice vote, but it did not finish in the other body before the end of the Congress. The measure was reported this time in a bipartisan way, including the amendment that the gentlewoman from New Jersey offered on the floor when we last considered the bill. She remains consistently a champion of maintaining current ERISA fiduciary and prudent investment requirements which would, by this bill, continue unaffected.

As the chairman of the subcommittee has already indicated, the main purpose of this bill is the restoration of State and local rights over areas that they have traditionally had in the past. He mentioned that he was not here when we wrote ERISA. I was here, and I was on the committee. And I am confounded with how the courts have managed to construct out of whole cloth an intention that was never any place in the record of our consideration of the bill, was never mentioned in either hearings or in markup sessions, and is a total mystery to those of us who were here and did work on the bill on the committee.

The gentleman's legislation is long overdue, and it has the practical effect of restoring to the States things that we who wrote the bill originally never intended to take from the States in the first place.

Therefore, we are not really going back to write a new substantive law here; we are trying to go back to carry out the original intent of the law.

Mr. Chairman, I rise in strong support of H.R. 1036, a bill amending the Employee Retirement Income Security Act [ERISA], to insure that such act does not preempt certain State and local laws. H.R. 1036 preserves State prevailing wage and benefits laws applicable to State projects; reinstates the States' ability to establish minimum standards for the certification or registration of apprenticeship or other training programs; and permits the States to use mechanics liens to enforce delinquent contributions to multiemployer pension, health and welfare plans.

This is an important piece of legislation needed to restore the validity of three traditional areas of State law authority. It was never the intent of ERISA that its preemption clause would sweep so broadly as to include laws so basic to the States' proprietary role. The courts have, through a recent line of cases, misinterpreted the ERISA preemption clause, depriving State and local authorities of their basic rights to set contract requirements for their public works projects, to set apprenticeship standards, and to use their historical State laws methods for the collection of delinquent payments. These court decisions have had disastrous consequences for the States, for multiemployer plans that cannot collect pension and welfare contributions, and for the millions of workers who were protected by these laws. We need to change the courts' direction and again allow States to exercise their rightful powers in these areas of historic State domain.

The predecessor of this bill, H.R. 2782, passed the House on August 4, 1992, by a voice vote. It died at the end of the last Congress. The Committee on Education and Labor has again reported the measure with bipartisan support. It is essentially the same proposal but for the incorporation of two clarifying amendments which were offered during the floor debate last year. The first was offered by my colleague, Mrs. ROUKEMA, and made certain the current ERISA fiduciary and prudent investment requirements would continue unaffected.

The second was an amendment offered by my late colleague, Congressman Henry, and accepted by Congressman BERMAN, the original sponsor of the bill. It was incorporated to ensure that the bill's exception to preemption would not be construed as allowing a State prevailing wage law to otherwise mandate the maintenance of or regulate the benefits or operations of any employee benefit plan. The amendment also clarified that this measure only relates to workers on public works projects and not on private projects. In committee, one additional clarifying change was made to the Henry-Berman agreement. H.R. 1036 conditions the exemption of State law by allowing the employer to meet the prevailing employee benefit plan contribution or cost requirement in one of three ways: One, by paying cash wages in lieu of such contributions or costs; two, by paying contributions to or costs for employee benefit plans; or, three, by paying any combination of wages and such contributions or costs.

The committee has made every effort to accommodate the legitimate concerns expressed about the intent and wording of this bill. We have debated the policy, we have made legislative changes, and we have, in fact, improved the measure. Now it is time to pass H.R. 1036 as reported and move it one step closer to enactment. I urge my colleagues from both sides of the aisle to vote for H.R. 1036.

Mrs. ROUKEMA. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the ranking member of the full committee.

Mr. GOODLING. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise to speak about the concern I continue to have as to the content of H.R. 1036 as currently written.

H.R. 1036 now seeks to depart from ERISA's well-reasoned preemption provision by allowing States excessively broad authority with regard to apprenticeship and training laws. When ERISA was enacted in 1974, its sponsors made clear their intention for the broadest possible preemption of State laws in order to eliminate the threat of restrictive, conflicting, and inconsistent State and local regulation. They were seeking to expand and enhance the benefits employers provided their workers by establishing a single, consistent set of rules that applied to all employee benefit plans.

In short, ERISA's preemption provisions were originally intended, and continue to be, as much in employees' best interest as they are in employers'. This is no more clear than in the case of ERISA apprenticeship and training programs. ERISA has encouraged their development and expansion.

However, by allowing States to restrict the types of apprenticeship and training programs employers may utilize, H.R. 1036 could preclude many employers from training their own workers, thereby increasing their costs while at the same time diminishing their available pool of skilled workers.

This unfortunate, yet inevitable, consequence is all the more confusing, Mr. Chairman, when one considers the growing chorus of experts calling for increased efforts to expand apprenticeship-type training opportunities.

Indeed, President Clinton, along with many in his administration, has repeatedly emphasized the need to improve the training and development of the American work force, and to increase apprenticeship and training opportunities, especially for minorities, women, and youth. I and many others in Congress, on both sides of the aisle, share the President's commitment to work force training and have joined him in that effort.

It is all the more disturbing then, in light of these bipartisan efforts, that we are here today considering legislation that could actually stifle the training and development of American workers.

As it stands, the bill would permit States to erect discriminatory barriers to the training of even entry-level workers. For this reason, I will be supporting the amendment to keep apprenticeship and training opportunities open and fair for all American workers.

Before closing, I should point out that in several respects the bill is somewhat less onerous than the version we considered in this Chamber last year. To a degree, this speaks to the merits of considering this kind of legislation under an open rule as was the case in the 102d Congress. Responding to concerns expressed on this side of the aisle, the prevailing wage exemption was made more acceptable by amendments limiting the exemption to public works projects. Amendments to the bill also make it clear that ERISA plan contributions or costs, wages, or any combination thereof can be used to meet any prevailing employee benefit plan contribution or cost requirement of such a law.

As mentioned earlier, ERISA came into being with workers' best interests clearly in mind. The measure of ERISA's success in that regard in perhaps best reflected in its longevity. The fact is that the ERISA preemption section has been amended precious few times in the nearly 20 years it has been in effect. And on those few occasions when changes have been made, they have been carefully crafted and very narrow in scope. And, virtually all have maintained the fundamental premise of ERISA preemption.

Unfortunately, the same cannot be said for the entirety of H.R. 1036. Instead of tampering with ERISA's 20 years of proven success, Congress should be seeking ways to encourage the establishment of new benefit plans and increased opportunities for worker training. H.R. 1036 can be greatly improved by the passage of an amendment that will be offered, and I urge my colleagues to support this amendment at the conclusion of general debate.

Mr. WILLIAMS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN], who has done all the heavy lifting on this bill, and who, as a sponsor of the legislation, has provided leadership which has been very important to our committee on this particular issue.

Mr. BERMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, as the author of H.R. 1036, I rise to urge my colleagues to support this important legislation. Its purpose is simple: To restore the right of States to protect their workers in three critical areas: Prevailing wages, apprenticeships and training, and remedies for the collection of delinquent plan contributions.

H.R. 1036 preserves the agreement reached with our late colleague, Representative Paul Henry, when this legislation was considered and passed by this body by voice vote last year, as well as the amendment offered on the floor last year by our colleague, the gentlewoman from New Jersey.

I view this bill as narrow legislation intended to clarify that section 514 of ERISA, the preemption provision, was never intended to preempt State law in these three areas.

Section 514 provides that, with certain exceptions, ERISA "shall supersede any and all State laws insofar as they may now or hereafter relate to any employee benefit plan."

I think my colleagues would be amazed to learn, as I have, the range of State laws that have been invalidated on the basis of that short sentence—in areas where Congress has never purported to legislate. Relentless efforts have been made to overturn an array of State laws establishing labor standards and other protections for workers. I know that as a former State legislator myself, as are so many of my colleagues here today, I am well aware of the case that was made on behalf of State legislation in those areas—and consequently the tremendous harm resulting to workers as a result of ERISA preemption.

I know firsthand from my discussions with California workers the price they have paid and will continue to pay as a result of preemption of State prevailing wage laws, State law establishing standards for apprenticeship programs, and State laws providing remedies or means for collecting contributions to multiemployer plans. I am convinced that the harm caused by the interpretation of ERISA as to these issues is so significant that action on our part is required.

On the issue of State prevailing wage law, certainly the interest of the State in establishing minimum standards for employment on publicly funded or assisted projects should be clear. The 31 States that have enacted State prevailing wage laws have, in so doing, acted out of an interest in setting the terms on which they will do business with contractors.

But in 1989, the second circuit in General Electric versus New York State Department of Labor invalidated the fringe benefit provisions of New York's prevailing wage law.

The notion that Congress would willfully bar the States from enacting and enforcing laws effectuating State interests in an area which ERISA does not in any way lay claim to cover, is a strange one to me. I cannot believe that this was the intent of Congress in enacting ERISA, and that is why prevailing wage laws are the first of three issues addressed by the bill.

It is typical of prevailing wage laws that they contain provisions for the determination of both a prevailing level of wages and a prevailing level of benefits. H.R 1036 will protect State prevailing wage laws from ERISA preemption as long as the benefit provisions of such laws permit an employer to satisfy the payment of the amount attributable to benefits by the payment of employee benefit plan contributions or costs, the payment of wages in lieu of such contributions or costs, or the payment of a combination of wages and such contributions or costs. Benefit plan costs or contributions, additional wages, or a combination of benefit costs and contributions and additional wages can all be credited against the benefit portion of the prevailing wage obligation.

The type of State prevailing wage law which mandates an employer to pay specific benefit contributions on a line item by line item basis would not be protected by this bill.

Furthermore, under H.R. 1036, a State can require that only that portion of the prevailing wage law attributable to benefits can be satisfied by these crediting provisions. If a State law so requires, then an employer must satisfy that portion of the prevailing wage law attributable to wages by the payment of wages.

Let me provide some examples of how this legislation would work. Assume that a State has determined that the prevailing wage level is $18, consisting of $12 for wages, $4 for health benefits and $2 for retirement benefits. Thus, $6 of the total prevailing wage level is attributable to benefits.

Under H.R. 1036, a State must allow an employer to meet the obligation to pay the $6 attributable to benefits by paying all $6 in benefit plan contributions or costs or by adding $6 in wages to the employee or by a combination of wages and benefit plan contributions or costs. For example, an employer could pay an additional $1 in wages and $5 in benefit plan costs or contributions. An employer could also satisfy this portion of the obligation by paying $5 in health benefits and $1 in retirement benefits.

The employer would receive a dollar-for-dollar credit for additional wages paid or by benefit plan contributions or costs toward that portion of the prevailing wage level which is attributable to benefits.

However, the State would not be permitted to require an employer to contribute exactly $4 to health benefits or exactly $2 to retirement benefits.

Moreover, State law could, under this legislation, require that an employer must satisfy the wage portion of the obligation by the payment of wages, not benefits. The provisions of the bill which require credits of payments to benefit plan contributions or costs only apply to that portion of the prevailing wage obligation attribution to benefits. Thus, in the example, an employer who provided a benefit plan with a total cost of $8 would not be able to reduce the wage level to $10. If State law so provided, the employer would still be required to pay the prevailing wages of $12.

With regard to the second of the three types of State worker protection laws addressed by H.R. 1036, every one of the 50 States has enacted laws setting standards for the certification or training of apprentices. States have a patent interest in the development of a skilled work force, capable of performing in real jobs and likely to guarantee safer workplaces. This is the basis of State regulation or employer conduct in the establishment and maintenance of apprenticeship programs—and it is fully consistent with the Federal-State scheme of the 50-year-old Fitzgerald Act.

ERISA certainly does not purport to set standards for apprenticeship programs. Yet, in Hydrostorage, Inc. versus Northern California Boilermakers, the ninth circuit in 1989 invalidated California apprenticeship standards on ERISA preemption grounds.

In this area, too, we see State laws that have in many instances been on the books for decades thrown out on preemption grounds, leaving a vacuum in their wake, and in essence nullifying the Fitzgerald Act. H.R. 1036 provides essential clarification on this issue, as well, spelling out that ERISA does not preempt State law establishing apprenticeship program standards, making certified or registered apprenticeship or other training an occupational qualification, or regarding the establishment, maintenance, or operation of apprenticeship programs.

The third and final element of H.R. 1036 provides that ERISA does not preempt State law providing additional remedies or means for collection of contributions to multiemployer plans.

It is quite clear to me that preservation of State collection remedies was explicitly intended by Congress to be an integral part of the ERISA scheme for assisting plans in collecting contributions. Congress reaffirmed this intention in the Multiemployer Pension Plan Amendments Act of 1980. Yet, in Carpenters Southern California Administrative Corp. versus El Capitan Development Co., the California Supreme Court invalidated California mechanics lien law on ERISA preemption grounds.

There is a long history of bipartisan support for effective means of maintaining the fiscal integrity of multiemployer plans. There is certainly no disagreement among plan trustees on this issue; to the contrary, State remedies and means for collecting unpaid contributions simply provide fiduciaries with the necessary tools to protect the plans for which they are responsible. Yet the El Capitan case—and the fifth circuit decision in the Iron Workers Mid-South Pension Fund cases—have severely undermined the fiscal soundness of many plans. We must take action.

Mr. Chairman, every one of the issues I have addressed today was raised first with me by my constituents. And the concerns they have raised have stood the test of time.

State labor standards and remedies that have been on the books for decades have been wiped out; lower court cases which were first brought to my attention several years ago have not been reversed.

These cases certainly do not square with my notion of federalism, and I suspect that they are at odds with all of the rhetoric heard regularly in this Chamber about returning government to the people at State and local levels.

Where Federal law spells out rights and remedies in the interest of protecting Americans and promoting uniformity of our laws, then indeed preemption is in order. But in the cases I have outlined, our courts have invalidated vitally important State laws on matters to which ERISA does not purport to speak.

We cannot allow this situation to stand, and that is why I urge my colleagues to vote for H.R. 1036.

□ 1500

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore (Mr. KLINK) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2520), an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate agrees, to the amendments of the House to the amendments of the Senate numbered 1, 2, 4, 10, 12, 18, 23, 24, 38, 39, 62, 69, 71, 72, 73, 74, 75, 77, 81, 84, 90, 100, 102, 118, 120, 121, and 125 to the above-entitled bill.

The message also announced that the Senate recedes from its amendments numbered 123 and 124, to the above-entitled bill.

The SPEAKER pro tempore. The Committee will resume its sitting.

AMENDING THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

My comments, even though I know this bill deals with three main issues, but nevertheless, my comments will be in regard to the area of the bill that pertains to apprenticeship training.

In that regard, Mr. Speaker, H.R. 1036, in my view, is anticompetitive and an antiworker training bill.

H.R. 1036 seeks to allow State laws to establish minimum standards for apprenticeship plans without such laws being subject to ERISA preemption. The reason often cited, of course, is "States' rights". Ironically, however, despite ERISA preemption, States have for many years been establishing minimum standards for apprenticeship plans under the National Apprenticeship Act and such State apprenticeship laws are not subject—I repeat—not subject to ERISA preemption as long as one is functioning within the scope of the National Apprenticeship Act.

The problem that has arisen and is the genesis for this bill is that a few

States, only about four or five, have passed State laws which have attempted to discriminate against other qualified apprenticeship plans which are competing against established apprenticeship plans. These State laws have been held to be outside the scope of the National Apprenticeship Act, and therefore subject to ERISA preemption, precisely because they have discriminated against other apprenticeship plans.

H.R. 1036 is a bill, therefore, designed primarily to resuscitate efforts in a few States to pass discriminatory apprenticeship standards in order to ward off competition in apprenticeship and job training in the construction trades.

There is nothing new about that. We all know that groups with special influence seeking to discriminate against competition is something we see around here quite a bit. Virtually every profession or trade group in history has attempted to regulate the number of people that can compete with it.

A direct and open attempt in Congress, of course, to endorse this type of discrimination against qualified apprenticeship training would fail. Therefore, what H.R. 1036 does is indirect and a bit subtle, but without having any problems in regard to ERISA preemption, the Sates are now free to favor a locally-established apprenticeship plan, for instance, and restrict competition. The State could declare, for instance, that only one apprenticeship plan could be approved in a given area. Or the State could require that all employers seeking to bid on State public works projects would be required to have their apprentices trained by an "established" union plan favored by the State Apprenticeship Council.

There are cases that have involved these kinds of issues.

Now, the victims of this type of discrimination, so that we have in effect less apprenticeship plans, are not merely small or nonunion construction firms. The persons who have been consistently excluded from construction union training, and I am talking about training of 4 to 5 years on-the-job training and in-the-classroom training, are minorities, women, disadvantaged youths, native Americans, intercity workers. They are the ones who suffer the most when open competition, and I think that is to be stressed, open competition of qualified apprenticeship plans are frustrated.

□ 1510

The bill is directly aimed, therefore, at the growth and competition from new sponsors of apprenticeship plans expanding into territory previously dominated by an established plan.

Fortunately there is an easy answer for these concerns which I have expressed. I, along with others, will be certainly backing the Goodling amendment which, while accepting the loss of Federal preemption of State apprenticeship standards, which are discriminatory in nature, will require that State laws not limit apprenticeship or training opportunities by discriminating against apprenticeship training programs. It simply says, to States, "Don't discriminate," that is, don't use your powers to establish apprenticeship standards to in effect discriminate against new apprenticeship programs in order to protect established union apprenticeship plans. That is the message of the Goodling amendment.

Mr. WILLIAMS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I rise in support of H.R. 1036 as reported by the Committee on Education and Labor.

Enactment of this legislation is of critical importance to the Commonwealth of Pennsylvania and to hundreds of thousands of workers who labor in my State.

During the Labor-Management Relations Subcommittee hearing in March, Pennsylvania's Secretary of Labor and Industry, Thomas Foley, called for prompt enactment of H.R. 1036 to head-off lawsuits threatening to destroy the State's longstanding prevailing wage law.

In July of this year, Secretary Foley's nightmare became real. A Federal judge ruled that ERISA preempts, and renders enforcement, Pennsylvania's prevailing wage act in a case called Keystone Chapter, Associated Builders & Contractors versus Foley.

That court decision is dead wrong. It misreads ERISA's letter and intent, and must be overruled. H.R. 1036 would overrule the decision by clarifying that ERISA does not preempt State prevailing wage laws like Pennsylvania's.

Pennsylvania's decades-year old law simply requires contractors awarded public works projects to pay their workers on these projects the wages prevailing in the communities where the projects are located. Prevailing wages include employee pension and health benefit contributions, reflecting the fact that these contributions have become an important aspect of the compensation paid to workers for their labor.

This law represents a public policy judgment by the people of Pennsylvania that public contracts should not undercut the wages and living standards of a community. This law is also a means by which Pennsylvania ensures fair competition among contractors for public works contracts.

ERISA was never intended to prevent Pennsylvania, or any other State, from setting the terms and conditions under which it contracts for public works projects. ERISA was never intended to deprive States of their fundamental right to contract.

ERISA was designed to regulate the structure and content of employee benefit plans. Pennsylvania's prevailing wage law does not interfere with ERISA's regulatory scheme. It does not regulate the content or operation of employee benefit plans. It does not mandate employers to create or maintain plans.

In fact, my State's law allows contractors who do not have employee pension or health plans to meet their prevailing wage obligations by paying increased wages in lieu of the benefit plan contributions prevailing in the community. The law does not allow contractors to pay less than the prevailing cash wages, even if they choose to pay more than the prevailing benefit contributions. The prevailing cash wage is in minimum wage for the project, and the setting of minimum cash wages remains of fundamental State concern even though we also have a Federal minimum wage floor. Pennsylvania's policy is that the payment of at least the prevailing cash wage is important to workers and to the economies of their communities.

H.R. 1036 would restore Pennsylvania's prevailing wage law to life. It would restore to my State its fundamental right to determine the terms and conditions under which it would contract for public works financed with State or local funds. Such decisions are Pennsylvania's to make; not Washington's.

I want to note for my colleagues that H.R. 1036 has nothing to do with the Federal Davis-Bacon Act. The bill deals only with State laws. It removes ERISA as an unintended impediment to States which decide to enact prevailing wage laws with respect to State and local contracts.

Beyond preserving the right of States to have prevailing wage laws, H.R. 1036 would clarify that ERISA does not preempt States from continuing to play a vital role in the Nation's regulatory scheme for apprenticeship training and employment.

Since the enactment of the National Apprenticeship Act—or Fitzgerald Act—in 1937, apprenticeship has been regulated through a Federal-State partnership. The Fitzgerald Act itself does not set any apprenticeship standards. It directs the Secretary of Labor to work with State agencies which develop and enforce such standards.

Pursuant to the act, the Labor Department has delegated regulatory authority over apprenticeship to State agencies, called State Apprenticeship Councils, in 27 States. These councils have been free to establish and enforce apprenticeship training and employment standards that go beyond the bare minimums set in Labor Department regulations. The councils set specific requirements that meet the particular needs, policies, and practices of their States.

ERISA was never intended to disturb this longstanding regulatory scheme for apprenticeship. ERISA itself contains no apprenticeship standards. It has nothing to do with the training and employment of apprentices.

It is incomprehensible to me that courts have construed ERISA to prevent State Apprenticeship Councils from performing the vital role in apprenticeship regulation that another Federal law—the Fitzgerald Act—assigned to them. These court decisions are wrong. They create the kind of legal catch 22 that gives Government a bad reputation. I am pleased that H.R. 1036 would overrule these judicial mistakes.

A few may argue that the State Apprenticeship Councils should be cutback and restricted to doing only that which the U.S. Department of Labor's regulations specifically require. Such a cutback in the councils' longstanding authority is no compromise. It would emasculate the councils from playing their traditional role of addressing local needs and concerns, and would further erode essential protections against ineffective and fraudulent apprenticeship programs.

I urge my colleagues to vote in favor of H.R. 1036 as reported.

Mrs. ROUKEMA. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. BALLENGER], a member of the committee.

Mr. BALLENGER. Mr. Chairman, mention ERISA preemption and apprenticeship training programs in the same sentence and you'll probably notice eyes beginning to glaze over and a lot of yawns. While the issue may be dull, this legislation, H.R. 1036, could have a dramatic impact for nonunion contractors.

H.R. 1036 is designed to stop the growth of nonunion apprenticeship programs by reversing a series of Federal and State court rulings that prohibit discrimination in favor of union sponsored programs. Basically, passage of this bill would mean systematic discrimination against nonunion training programs precisely because they compete with entrenched union operations.

The case of Walther Electric of California dramatically illustrates this point. Every attempt has been made to prevent the Walther Electric Co. from providing a training program because it is not controlled by organized labor. Yet, even the California Supreme Court, in an unanimous decision, ruled against the special interest of organized labor and for the Asian, Hispanic, and two women employees who were in the Walther Electric Co.'s training program.

This is the story of this company as I understand it. Operating in California's Central Valley which suffers from high unemployment levels, Walther Electric employs between 50 and 100 people depending on the conditions in the construction industry. The company has been involved in industrial and commercial construction and electrical service since 1953. The company provides its employees with a full benefit package.

Walther Electric has spent a significant amount of time and money to have its apprenticeship training program approved by the U.S. Department of Labor's Bureau of Apprenticeship Training [BAT]. Five apprentices for Walther Electric including an Asian, a Hispanic, and two women, one of them a veteran, have been approved for the apprenticeship program.

With a good ratio of women and minorities in his work force Len Edh, the president and owner of this company, started building an education program which included on-the-job training as well as regular classroom instruction under the supervision of competent journeymen electricians. Insisting on the highest level of training for his employees, Mr. Edh is aware of the benefits of good instruction—safer job sites, quality work, and reduced worker liability.

When the company's program was first approved and then turned down by California's Apprenticeship Council, the company went to court to seek equal training opportunities for its workers. In every instance, right through a unanimous decision by that State's Supreme Court, Walther Electric has prevailed. Even so, California's Department of Apprenticeship Standards and its apprenticeship council has not only refused to obey the courts in freeing up the certification for Walther Electric, it has also commenced a series of harassment actions against the company in an obvious attempt to prevent it from engaging in training apprentices. The California Department of Apprenticeship Standards (DAS) refuses to approve additional Walther trainees, even while admitting that the program standards are sound in every way.

The situation of this company is not unique. The California Apprenticeship Council is treating a number of open shop contractors the same way.

In a 61-page decision, the California Supreme Court unanimously agreed with the court of appeals. ERISA preemption of State apprenticeship laws clearly stops attempts to manipulate State law so as to prevent nonunion employers from operating approved apprenticeship programs. The Walther Electric Co. and other similar nonunion companies see H.R. 1036 as a deliberate attempt to build barriers to needed training.

The direct targets of this legislation are open shop contractors expanding into previously union-dominated territory, and the real victims, however, are the women, minorities, and young people who will be denied training opportunities. Already there is a growing waiting list for existing apprenticeship training programs. Even the Clinton administration has had trouble supporting this antitraining bill in the face of the President's call for expanded training opportunities.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I notice that, as last year, charges about how this bill is intended to benefit organized labor are beginning to creep into the debate here, and I just want to quickly make a point.

This bill is not about employers and employees or an unorganized versus an organized work force. This bill is about States rights, States rights to determine how State money shall be used on State projects. It does not go beyond that.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I rise in strong support of H.R. 1036.

This legislation will amend the Employee Retirement Income Security Act to ensure that ERISA does not preempt three types of State worker protection laws: Those dealing with prevailing wages, apprenticeship and training, and mechanics liens.

I have cosponsored H.R. 1036. I know that ERISA preemption of State laws is a big problem for New York, California, and Louisiana.

It has also become a problem in my State. In fact, my friend, Pennsylvania labor and industry secretary Tom Foley, testified before the Education and Labor Committee, of which I am a member, about Pennsylvania's prevailing wage law being preempted by ERISA.

Secretary Foley told us that Pennsylvania's efforts to regulate wage standards have been seriously weakened. Pennsylvania is less able to protect workers from unscrupulous employers or maintain a level playing field for contractors who engage in competitive bidding on public works projects.

Like many of my colleagues, I have also been contacted by businesses in my district who are opposed to H.R. 1036. I understand their concerns about the bill.

However, ERISA was designed to protect the interests of workers and retirees. Ironically, it is now preempting State laws that are also designed to protect workers and retirees.

That is why I am in support of H.R. 1036. I urge my colleagues to do likewise.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BOEHNER], a member of the committee.

□ 1520

Mr. BOEHNER. Mr. Chairman, the issues brought up by this bill are not straightforward or easy to understand. ERISA is one of the most complicated Federal statutes on the books. Understanding this law and its relationships with State apprenticeship programs is difficult to explain. However, the results of enactment of this legislation are not nearly as difficult to interpret. Enactment of H.R. 1036 will result in union control of construction trade apprenticeship programs.

Union membership in the construction trades has declined dramatically over the past 30 years. Today, less than 30 percent of the construction industry is unionized. Seizing control of apprentice programs would reverse this trend in two ways.

First, union control of apprenticeships would force those who want to learn a trade to join a union, since the union would control the apprenticeship training program. Second, nonunion labor would be prevented from participating in apprenticeship programs. This would deny those who choose not to join a union the opportunity to learn the necessary skills for construction work or in other words, this legislation would allow unions to decide who gets training and who doesn't.

Union control of the construction industry work force is just one of the goals supporters of H.R. 1036 have in mind. There is a second item on the agenda of this bill's supporters: A narrowing of the broad preemptive powers under the ERISA Act.

For almost 20 years, employee benefit programs have been governed by the ERISA statute. It was enacted to create a set of national rules and regulations for employee benefits. The foundation of ERISA is its broad preemption powers. It was the obvious intent of those who wrote this law to preempt all State and local laws that relate to employee benefits.

H.R. 1036 is the first in a series of bills purposely designed to undermine the ERISA preemption. If Congress passes this bill, we would signal to all special interest groups a willingness by Congress to create special carve outs to the ERISA preemption.

This is a very dangerous trend. Many States are facing severe fiscal problems, and employee benefits would be a tempting source of revenues. If Congress were to enact H.R. 1036, it would be an open invitation to the States to enact mandates, regulations, and taxes on employee benefit plans.

For 20 years, ERISA has created a national framework for workplace benefits. Within the parameters of ERISA, employers and employees can determine what benefits best fit the needs of each. Instead of considering legislation to weaken ERISA, the House should be looking for ways to strengthen our Nation's employee benefit laws. Unfortunately, this bill is a step in the opposite direction. I urge my colleagues to oppose this legislation.

Mr. WILLIAMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, given some of the things that have been said in the debate, I want to make a few points here. First, H.R. 1036 would not allow broad State mandates to be imposed on all contracts or all plans. The bill deals only with very specific types of State law, State prevailing wage laws applicable only to contractors, union as well as nonunion, who successfully bid on publicly financed or publicly assisted State or local projects.

In addition, the only State laws that would be reinstated are those which permit an employer the choice of satisfying the prevailing wage portion of the minimum wage requirement in one of three ways: First, by paying cash equal to the value of prevailing benefits; second, by paying benefits equal to the value of prevailing benefits; or, third, by a combination of cash and benefits equal to the value of prevailing benefits.

I want to point out to my colleagues that the bill specifically prevents States from mandating the specific passage of benefits that an employer must offer or requiring that the benefits be provided in a particular way or under a particular type of plan.

For instance, in my home State of Montana, our prevailing wage law used to give an employer credit toward the prevailing benefit portion of the prevailing wage only if benefits would be provided through a multiemployer plan. That type of a law would continue to be preempted even if H.R. 1036 were enacted.

Second, H.R. 1036 would reinforce and strengthen the long-standing role of the States in apprenticeship and training, and would not, as critics argue, stifle innovation and undermine the expansion of these programs.

Although ERISA includes apprenticeship and other training programs as a form of employee welfare benefits, the substantive rules governing these programs are actually provided under another Federal statute, the National Apprenticeship Act, also referred to as the Fitzgerald Act, passed in 1937. The Fitzgerald Act and its implementing regulations establish Federal minimum standards and encourage states to expand on them.

Consistent with the regulatory scheme established in the Fitzgerald Act, 28 states have chosen to regulate apprenticeship through State Apprenticeship Councils [SAC's], using State-appropriated funds. In each case, these State programs have been approved by the Department of Labor. So the State laws at issue in H.R. 1036 are part of a 56-year old Federal-State partnership.

Finally, H.R. 1036 would in fact, as its opponents claim, overturn the current situation in which a single uniform remedy for collecting delinquent contributions must be utilized. But that's the point.

Prior to Federal preemption of State law, multi-employer plans had access to a variety of collection remedies, including mechanics liens laws, some of which have been around from the 19th century, and so-called little Miller Acts which provide for collection through contract bonds or surety bonds. More than one type of collection mechanism is necessary since the needs of the plan vary by industry.

For example, the building and construction industry is characterized by thousands of relatively small, mobile employers who work on short-term projects and who can easily go out of business or simply disappear.

The ERISA remedy for delinquent contributions, suing the employer and trying to collect a money judgment after the fact, simply does not work in most cases. The purpose of the bill is to restore long-standing State remedies that have been invaluable as a collection tool for multiemployer pension, health, and welfare plans.

Finally, Mr. Chairman, I want to point out that the State laws that are restored by its provisions affecting apprenticeship, training, prevailing wages, and mechanics liens and surety bonds are of vital importance to the workers of America organized and unorganized. We must act swiftly to restore these protections that the courts have taken away. Thus, I urge a yes vote on H.R. 1036.

I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, it should be repeated that what we are dealing with here is legislation that will try to affect or underscore the delicate balance between ERISA Federal preemption and State laws. I think we are two-thirds of the way there with respect to the way we have dealt with prevailing wages and the mechanic liens.

Mr. Chairman, with America's workers and employers facing the competitive pressures of the global economy, we must be extremely careful in making changes so that we do not discourage the establishment and maintenance of plans under our voluntary pension and welfare benefit system.

Consequently, I urge my colleagues to support the efforts of Representative GOODLING to amend this bill in order to clarify States' ability to set apprenticeship and training standards without discriminating or interfering with the establishment of worker training programs. It is my hope that the bill can be improved from its present form by eliminating the restrictive effect it will have on our voluntary employee benefit system.

□ 1530

It is my hope that we can perfect this bill, that it will be improved through the amendment process from its present form by eliminating any restrictive effects it will have on our voluntary employee benefits system.

Mr. Chairman, I yield back the balance of my time.

Mr. WILLIAMS. Mr. Chairman, I yield back the balance of my time.

Mr. MCDADE. Mr. Chairman, I rise in support of H.R. 1036 as reported by the Committee on Education and Labor.

The Commonwealth of Pennsylvania is the most recent victim of the mistaken judicial interpretations of ERISA that this bill is designed to correct.

In July, a Federal court misread ERISA to deprive the Commonwealth of Pennsylvania of its right to require payment of prevailing wages on public projects involving State or local moneys. This court decision was wrong, and should be overturned by this bill.

Pennsylvania's tradition of regulating the terms of employment on public contract work dates back to the last century. The current prevailing wage act is more than 30 years old.

There is no way that Congress intended ERISA to deprive Pennsylvania, or any other State, of the fundamental right to set the terms and conditions under which contracts for public works and services are awarded. The Federal Government sets the terms and conditions of its public contracts. It cannot deny that right to State and local governments, at least in the absence on any conflict with Federal law or policy.

ERISA was intended to federalize the regulation of employee pension and health plans. State prevailing wage laws like Pennsylvania's do not conflict with this regulatory scheme. These State laws do not regulate benefit plans or interfere with their operations. They do not require employers to create or maintain plans. Employers who do not have pension or health plans can substitute cash wages in lieu of plan contributions to satisfy their prevailing wage obligations.

Pennsylvania does require all employees on public contract to pay their workers no less than cash wages prevailing in the community where the project is located, and does not allow this minimum to be offset by benefit contributions in excess of the prevailing rate of contributions. The setting of a minimum wage is a fundamental State right preserved even under the Federal Fair Labor Standards Act. That act sets a floor which the States are free to raise.

H.R. 1036 is a States' rights bill. It does not require any State to enact, or to retain, a prevailing wage law, an apprenticeship standards law, a mechanics lien law, or any other law. The bill merely clarifies that ERISA does not prevent a State from enacting these laws.

My colleagues, you cannot say that you are for States' rights and yet oppose this legislation. You cannot say that you are for States' rights and try to limit the content of the State laws that are preserved by this measure. If you do not like the State law, work to change it in the State. Do not encourage the Federal Government to make these choices for the States. I urge a yes vote on H.R. 1036 as reported.

Ms. PELOSI. Mr. Chairman, I rise in strong support of these amendments to the Employees Retirement Income Security Act [ERISA] of 1974. These amendments return to States the right to: First, set standards for contractors on State public works programs with respect to prevailing wages; second, establish requirements for apprenticeship and training programs; and third, provide mechanisms for securing the employer contribution to pension plans.

These amendments are necessary because the courts have misread ERISA as displacing the States' traditional authority in these three areas. States like California should have the authority to set wage protection determined to be in the public interest—particularly for projects supported by State funds. Further, workers in California need remedies to protect the sound funding of their pension and health plans.

Mr. Chairman, the late Congressman Phil Burton was actively involved in passing ERISA back in 1974. The intent of Congress then was to protect workers and to respond to worker's concerns about the security of their pension plans. We need to reaffirm these worker protections today.

Mr. Chairman, I urge my colleagues to vote for this bill which will assure employee benefit plans, workers and employers the protection ERISA originally intended.

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support for H.R. 1036. This legislation would amend the Employee Retirement Income Security Act [ERISA] to provide that ERISA does not preempt certain State worker protection laws. A series of Federal court decisions have struck down various State laws providing protections for workers on the grounds that ERISA preempted them. This was clearly not the intent of Congress when it enacted ERISA in 1974.

Currently, 31 States have enacted State prevailing wage laws, setting the terms on which they can do business with contractors. Yet, in both New York and California, the prevailing wage laws have been struck down on the ERISA preemption provisions.

In addition, all 50 States have enacted laws setting standards for certification and training of apprentices. In fact, my State of Connecticut has a very strong and successful apprenticeship program. Our States have a vested interest in establishment and maintenance of their apprenticeship programs. These apprenticeship programs serve an important function in the development of our workers skills.

This legislation also addresses the issue of mechanics' lien laws by restoring power to the States to provide for collection of delinquent contributions. Without a lien on the contracted property, workers and their benefit plans would often remain unpaid by employers.

I cosponsored this bill in the 102d Congress and have again cosponsored this year. Last year the House passed an almost identical bill. I, like many of my colleagues, was disappointed that the other body failed to act. I am most pleased that it has come to the floor again. This legislation will restore to States traditional powers that courts denied them and will assure what ERISA originally intended. I commend the Committee on Education and Labor, chaired by Congressman Bill FORD, for their hard work on this important piece of legislation. I urge my colleagues to support H.R. 1036.

Mr. CLAY. Mr. Chairman, I rise in support of H.R. 1036. The opponents of this legislation contend that State prevailing wage, apprenticeship, and mechanics' lien laws somehow conflict with, rather than compliment, the policies that ERISA was intended to further. Such a contention is absurd on its face.

State prevailing wage laws require that employers providing services paid for by public funds provide wages and benefits equal to those prevailing for workers performing similar work in that area. Public contracts are typically awarded on a low bid basis. Absent prevailing wage protection, the low bidder would in many cases be the employer who paid the lowest wages. To contend that ERISA preempts State prevailing wage laws is to claim that in the name of protecting pensions we must adopt a policy that discourages employers from ever providing a pension.

It is equally absurd to contend that ERISA was intended to or should preempt State mechanics' lien laws. These laws provide employees in the construction industry and their pension plans with a means of securing what is owed to them in an industry that is otherwise characterized by thousands of small, mobile employers who work on short term projects, do not own real assets, and frequently disappear without a trace. Such laws have been enacted in all 50 States and many date back to the 19th century. ERISA is intended to promote and not undermine the financing of pension plans.

Nor can one find any more logic in the contention that ERISA was intended to or should preempt State laws intended to regulate apprenticeship programs. Rather, the opponents of H.R. 1036 would seek to preclude the States from ensuring that apprenticeship programs do not serve a guise for undermining both wages and skills. They further contend that we are somehow serving minorities and women by permitting employers to establish sham programs that take work from skilled journeymen and women without providing trainees with either the skills or the opportunity to better their own circumstances.

As one who has been privileged to serve on the Education and Labor Committee since ERISA was enacted, I assure my colleagues this legislation has become necessary as the result of the impact of the appointment of Federal judges unconcerned with the rights and welfare of working Americans rather than any intent on the part of the ERISA's authors. The contention that Jacob Javits, John Dent, Carl Perkins, Frank Thompson, or Phil Burton intentionally sought to preempt State prevailing wage, apprenticeship, or mechanics' lien laws is as absurd as the argument that undermining wages, training, or the ability to collect debts furthers one's retirement security. I urge my colleagues to support H.R. 1036 and to oppose any amendments to it.

Mrs. MINK. Mr. Chairman, I rise in strong support of H.R. 1036, a bill to amend the Employee Retirement Income Security Act of 1974 to limit ERISA preemption of certain State laws.

The ERISA preemption language contained in section 514 has been broadly interpreted to preempt State laws that relate to ERISA-covered employee benefit plans.

When Congress enacted ERISA in 1974, the intent was to establish minimum standards to protect the interests of participants and beneficiaries of private pension plans and to require the prudent management of pension funds. The preemption language contained in the original legislation was never intended to be interpreted by judicial decision to so broadly preempt State prevailing wage, apprenticeship, and mechanics' lien laws.

It is imperative, therefore, that H.R. 1036 be enacted to overturn a line of court decisions that have strayed from ERISA's original intent and the intent of the 1980 amendments. H.R. 1036 will restore to the States their traditional right and power in the areas previously and erroneously held preempted by ERISA.

As a current member of the Committee on Education and Labor and as a member of the Committee on Education and Labor when ERISA was originally reported out of committee and enacted into law, I can attest to the original intent underlying the passage of ERISA in 1974. H.R. 1036 amends ERISA to be true to its original intent.

Mr. Chairman, I urge my colleagues to vote for H.R. 1036, and to support its enactment into law. It is what was intended in 1974, and it is necessary to correct the misinterpretation of the original intent of Congress.

Mr. FRANKS of Connecticut. Mr. Speaker, the changes in ERISA we are voting on today exempt certain State and local laws regarding apprenticeship programs from ERISA preemption. In 1974, ERISA greatly expanded employee pensions and other employee benefit plans, including training programs, for union and non-union employees. The law created one set of rules for all employers, but left companies and their employees the ability to create their own arrangements to pension, benefit, and training needs.

Recently, a few States have attempted to pass State regulations which ended recognition of certain apprenticeship programs. Federal courts overturned these regulations on the basis of ERISA preemption. Now Congress is attempting to overturn these cases by giving States the ability to establish minimum apprenticeship standards without being subject to ERISA preemption.

If H.R. 1036 is passed, States will be able to discriminate against union or non-union programs. A monopoly on certain types of apprentice programs will stifle innovation, increase the cost of setting up training programs, and ultimately discourage employers from offering training and apprenticeship programs. Most likely to suffer from this change will be women, minorities, and young people who are looking for jobs that require training.

With the changes happening in the American economy today, Congress should not be passing legislation that allows States to require non-union companies to join union training programs or be denied an approved apprenticeship program. I feel that competition between open-shops and union shops expands our workforce and results in better American products. I will vote against this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ERISA PREEMPTION RULES NOT TO APPLY TO CERTAIN ADDITIONAL STATE LAWS.

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following new paragraph:

"(9) Subsection (a) shall not apply to—

"(A) any provision of State law to the extent that such provision requires the payment of prevailing wages, including employee benefits, on public projects and permits any prevailing employee benefit plan contribution or cost requirement of such law to be met by crediting—

"(i) the payment of employee benefit plan contributions or costs,

"(ii) the payment of wages in lieu of such contributions or costs, or

"(iii) the payment of a combination of wages and such contributions or costs;

except that this subparagraph shall not be construed to exempt from subsection (a) any such provision to the extent it otherwise mandates the maintenance of, or otherwise regulates the benefits or operations of, any employee benefit plan;

"(B) any provision of State law to the extent that such provision—

"(i) establishes minimum standards for the certification or registration of apprenticeship or other training programs,

"(ii) concerns the establishment, maintenance, or operation of a certified or registered apprenticeship or other training program, or

"(iii) makes certified or registered apprenticeship or other training an occupational qualification, and does not conflict with any right, requirement, or duty established under this title; or

"(C) any provision of State law to the extent that such provision provides for a mechanics' lien or other lien, bonding, or other security for the collection of delinquent contributions to a multiemployer plan.".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 shall take effect on the date of the enactment of this Act and shall apply to matters with respect to which actions are pending on or after such date.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 4 hours.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 4, line 2, insert after "title;" the following: "except that nothing in this subparagraph shall be construed to exempt from subsection (a) any portion of such provision of the law of such State to the extent that such portion limits apprenticeship or training opportunities by discriminating against any apprenticeship or training program under an employee benefit plan for an anti-competitive purpose which is based on the affiliation or nonaffiliation of the plan sponsor, any participant, or any employer of a participant with any labor organization, or which is designed to benefit or protect any other apprenticeship or training program under such a plan;".

Mr. GOODLING. Mr. Chairman, this amendment is the product of long, hard work by two members of the committee on the minority side.

You may recall that Congressman FAWELL last year offered an amendment entirely striking the section of this bill dealing with apprenticeship and training programs. The result of that amendment would have been that ERISA would have continued to preempt all State laws regarding such programs. The amendment I am offering now represents a well-thought-through compromise on this issue.

This compromise strikes a sound balance between allowing the States maximum flexibility in setting standards for apprenticeship programs in their jurisdiction, while providing that standards which unfairly discriminate, through anticompetitive means, would remain preempted by ERISA.

The bottom line is that this amendment in no way will affect or limit in any way the ability of States to confidently move ahead with progressive and innovative apprenticeship programs.

Mr. Chairman, I would like to take a moment to actually read the amendment so that everyone understands this point. The amendment is fair because it expands States rights to establish and monitor apprenticeship plans while also making sure that women, minorities, and other workers will be able to secure training for jobs through apprenticeship plans.

In contrast, the apprenticeship programs of H.R. 1036 are deeply flawed. Under the guise of overturning a few narrow court cases, its provisions will seriously undermine the establishment of needed ERISA apprenticeship and training programs. The American worker will be the ultimate loser.

But in closing, I want to reemphasize that this amendment will intrude on the State's discretion to set standards only in the most rare circumstances—that is, in cases where a State is limiting apprenticeship opportunities for anticompetitive purposes—a difficult thing to prove—which are either based on the affiliation of the plan sponsor, such as union, nonunion, or is designed to benefit or protect any other apprenticeship or training program under such a plan—one example being a situation where a State decrees that only one program in the area may qualify for approval regardless of the need for and quality of other programs which are available.

The Washington State director of the bureau of apprenticeship training called this exact situation "discriminatory against a segment of our construction industry that performs the majority of the work, and it will continue to deny hundreds of individuals the opportunity of training in a bona fide apprenticeship program. Politics and philosophies aside, we should be looking to advance the training opportunities for all people in our society and to help alleviate the shortage of skilled workers that is now upon us." I urge you to support this amendment, a revision of the Fawell amendment of which you have heard much about already incorporating the Gunderson ideas.

Mr. WILLIAMS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

My colleagues, I notice that our good friend, an important member of the full committee and subcommittee from which this legislation emanated, the gentleman from Pennsylvania refers to himself as the offeror, not the author of this amendment. This amendment has at various times been called the Fawell amendment, the Gunderson amendment, and now I guess it is the Goodling amendment. I think I know why the authors are so hard to find. This amendment is wholly unnecessary.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we changed it to Goodling because Goodling "good," it is a good amendment.

Mr. WILLIAMS. Mr. Chairman, it does have that to commend it. The sponsor is a good gentleman. But he has offered an amendment, as I say, that is wholly unnecessary.

It is also troubling, because I think that this amendment is going to cause a flood of wasteful litigation. Lawsuits are going to be filed, mark my words. They are going to be filed to challenge State apprenticeship standards as subterfuge for discrimination against nonunion programs.

Look, ERISA is not the appropriate vehicle for regulating the standards for apprenticeship training and employment. Those standards are under the Fitzgerald Act. If changes are needed to prevent unfair discrimination against nonunion programs, then amendments should be offered to the Fitzgerald Act. The Fitzgerald Act is not before us now. This is ERISA.

Without this amendment, without this amendment, this bill will in no way disturb the extensive protections that prohibit discrimination against nonunion programs. Under existing law, which is unaffected by this bill, any complainant who believes that a State apprenticeship council is unfairly discriminating against the complainant's apprenticeship program has full recourse under State law, just as they have always had, has full recourse under the State process.

In addition, the Labor Department's Bureau of Apprenticeship and Training regulations provide a formal complaint process, procedure which can result in the Department's withdrawing recognition of a State apprenticeship council and thereby withdrawing the State's authority to register and regulate apprenticeship programs for Federal purposes.

If a nonunion employer association believes that a State is unfairly excluding its programs from registration, the association files a formal complaint with the Federal Labor Department seeking to have the Bureau of Apprenticeship and Training withdraw recognition of the State program. And that pressures the State to reconsider.

Through this complaint process, the particular facts of the situation can be developed and considered. Nonunion apprenticeship programs have been registered under both the State and Federal programs. No State program conditions registration of an apprenticeship program on sponsorship by a union. No State requires that.

For example, in the State of the sponsor of this bill, the gentleman from California [Mr. BERMAN], in California, there are at least 10 State-registered nonunion apprenticeship programs and more than 600 single employer programs that are registered.

□ 1540

Therefore, I worry that the so-called Fawell—pardon me, the so-called Gunderson—I mean the so-called Goodling—that amendment that has been looking for a home, I fear that it is going to do more harm than good. Rather than preventing discrimination, it will upset the effectiveness of the existing prohibitions, and worst of all, it will result in constant litigation.

Mr. Chairman, I urge that the amendment of my three good friends be defeated.

Mr. ENGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 1036, a bill to clarify ERISA, and I oppose any changing amendments. As a member of the Education and Labor Committee, I was pleased to support this bill at full committee, and want to thank both Chairman FORD and Chairman WILLIAMS for moving this important piece of legislation.

Mr. Chairman, recent Federal court decisions have found that State laws requiring contractors on public works projects to comply with standards on apprenticeship training, mechanics liens, and prevailing wages are a violation of ERISA preemption. These rulings completely misconstrue the original intent of ERISA preemption. This law was intended to protect benefit plans from multiple Government regulation by establishing benefit plan regulation as an exclusive concern of the Federal Government. It was not the aim of Congress when it passed this law to preempt States from setting the terms under which they contract for public works, goods, and services.

My home State of New York requires that general contractors provide a bond on public construction contracts to assure the payment of wages and benefits in the event of a default by the general contractor or any of its subcontractors. This valuable source for collection of moneys owed to employees is being eroded by courts that misconstrue ERISA to preempt these important State laws.

H.R. 1036 would address this problem so that State laws governing apprenticeship training and prevailing wages would not be preempted by ERISA. Passage of H.R. 1036 is crucial in order to preserve the power of the States to protect employees and their benefit plans.

H.R. 1036 is in essence win-win legislation. Everybody wins. Employees and their benefit plans win, and the States win, because they will be able to legislate in this area to protect the unique needs of each State.

I urge my colleagues to vote in favor of H.R. 1036, and against any amendments which would gut the bill.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Goodling amendment.

Mr. Chairman, H.R. 1036 is an anticompetitive and antiworker training bill, presented in the guise of State's rights.

It is a bill designed to ward off competition in apprenticeship and job training in the construction trades. H.R. 1036 would permit States to undermine the National Apprenticeship Act by establishing nonuniform sets of apprenticeship standards which, history has shown, discriminate against one select group of apprenticeship plans at the expense of many others.

There is nothing new about groups with special influence seeking to discriminate against their competition. Virtually every profession or trade group in history has attempted to regulate its number of competitors. The medieval guilds limited access by birthright.

Of course, a direct and open attempt in Congress to endorse this type of discrimination would clearly fail because of a justifiable public outcry. Therefore, the approach of H.R. 1036 is indirect and subtle; a State, no longer subject to Federal preemption, would be free to set standards which, in effect, only existing apprenticeship—union—programs could meet. In order to favor a locally established apprenticeship plan and restrict competition, the State could declare, for instance, that only one apprenticeship plan could be approved in an area. Or the State could require that all employers seeking to train their work force must register their apprentices only with the established apprenticeship program, thereby, in effect, barring competition from other union or nonunion sponsors.

These examples are not idle conjecture. Each has been tried in several States. But for the fact that the Federal law preempted such State laws because they were outside the scope of the National Apprenticeship Act, as determined by the Federal courts, officially sanctioned discrimination would be the rule in various parts of the country. H.R. 1036 overturns those court decisions and clears the way for abuse by powerful special interests.

The victims of this type of discrimination are not merely small, nonunion construction firms. The persons who have been consistently excluded from construction union training—4 to 5 years of on-the-job and classroom training—minorities, women, and disadvantaged youths are the ones who suffer the most under H.R. 1036.

The experience of California dramatizes this point. The California Apprenticeship Council has established policies which ensured that apprenticeship plans offered by nonunion companies would be denied. The State's Little Hoover Commission found that the policies hampered efforts to increase apprenticeship participation among minorities and females in the construction industry. Specifically, the Commission found that the State apprenticeship council had shown reluctance in certifying more than one program in a given area "because second or parallel programs are usually not union-sponsored, and the California Apprenticeship Council is composed in large part of union representatives."

Without amendment, H.R. 1036 would allow States like California to again subtly limit and discriminate against competition to established apprenticeship plans from both union and nonunion apprenticeship and training programs.

The bill is directly aimed at the growth and competition from new sponsors of apprenticeship plans expanding into territory previously dominated by an established apprenticeship plan—usually a union plan—favored by a State Apprenticeship Council.

But, as indicated, the real victims will be the nontraditional construction workers, that is, women, minorities, native Americans, disadvantaged youth, inner-city workers, who will be denied training opportunities to learn and compete in the construction trades. Also affected will be construction craft unions with the temerity to sponsor new apprenticeship plans which may compete with an older union's apprenticeship plan.

Congress should be in the business of expanding apprenticeship training opportunities, not undermining the National Apprenticeship Act by giving States power to treat apprenticeship plans unequally where no reasonable distinction between those plans favored by the State and those not favored can be found. That is what plan discrimination is and that is what H.R. 1036 would allow unless the Goodling amendment is accepted. Surely, that is not asking too much.

Proponents have also argued that the Goodling amendment does not save from Federal preemption State apprenticeship plans which are of higher standards of more rigorous than the minimum standards of the National Apprenticeship Act. This is not true. The Goodling amendment does not in any way affect State laws taken under the National Apprenticeship Act no matter how high or rigorous those standards may be. Again, the Goodling amendment only asks that States not discriminate between competing apprenticeship plans.

Surely, that is not asking too much.

The CHAIRMAN (Mr. McDERMOTT). The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I appreciate the gentleman yielding.

There are a number of things I want to say, Mr. Chairman, but I will seek my own time for that. The gentleman keeps talking about plans which exceed the scope of the national act.

Mr. FAWELL. Yes.

Mr. BERMAN. The national act is the Fitzgerald Act.

Mr. FAWELL. That is correct.

Mr. BERMAN. Mr. Chairman, it is not ERISA. It authorizes cooperation with State agencies engaged in the formulation and promotion of standards of apprenticeship. By definition, it says, "You can have a Federal program or you can have a State program. Both are within the scope of this act."

Mr. FAWELL. Mr. Chairman, let me reclaim my time. If one is outside the scope of the National Apprenticeship Act, that is the only time one can suffer ERISA preemption.

We will note the cases, we will note, because otherwise the courts have held if it is under the National Apprenticeship Act, lawfully under this act, it is a Federal act and we do not have preemption of sister Federal statutes.

Mr. BERMAN. If the gentleman will continue to yield, I disagree completely with that point.

Mr. FAWELL. It is that which we are taking away. No longer will laws or standards of the State which actually may discriminate rather subtly, and that is usually the case, it is usually not overt discrimination, no longer will one be able to file a lawsuit and say, "Because this is outside the scope of the National Apprenticeship Act, it is therefore subject to ERISA preemption." That has been lost.

Therefore, we are substituting an amendment that simply says, "Well, in regard to all State standards pertaining to apprenticeship, we are merely asking that the States will agree not to discriminate against one particular apprenticeship plan and in favor of another."

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 2 additional minutes.)

□ 1550

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from New York.

Mr. ENGEL. The gentleman talks about the intent to establish uniform Federal standards. The Fitzgerald Act never intended uniformity. The implementing regulations, which I have here, and I would like to read, specifically contemplate States going beyond the Federal standards.

It says that they want each State to supply a description of the policies and operating procedures which depart from or oppose requirements in addition to those prescribed in this part. So uniformity was never intended.

All we are saying is allow the States to pass the legislation that is right for their State. Do not put the States in straitjackets.

Mr. FAWELL. May I respond? I do not want to repeat what I have already said, but the Goodling amendment makes it very clear the States can do anything they wish in regard to setting standards in reference to apprenticeship plans. That is a given. We know that ERISA preemption would be lost.

But we are saying something that everybody ought to be able to readily agree to, and that is that the State laws and standards will not in effect discriminate between apprenticeship plans. That is, discriminate in regard to the competition of these plans so that if you have a building trades or an employer who meets all of the standards of the State, that you will not subtly or otherwise discriminate so as to deny that particular apprenticeship plan to operate. When you do that, when you have competition in what is basically educational programs, apprenticeship plans, then you have more and more people who are able to break into the construction trades, and that means to a great degree the minorities, the inner-city people, disadvantaged youth, women, who do not have and never have had that opportunity. That is all that the amendment does. It simply says that the States do not discriminate in regard to apprenticeship plans.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, this amendment by our friend and offeror, the gentleman from Pennsylvania [Mr. GOODLING], is a very bizarre way to try and reach a result that could be reached much more directly, clearly, and effectively by approaching the underlying law. This amendment is imprecise. It undercuts the fundamental purpose of the bill, and it comes from a part of the House which, in the area of other ERISA legislation, has screamed and yelled about the consequence and flow of litigation that will come if we were to undo the cases which we are seeking to undo.

I guarantee if this amendment were to pass that in every single State, all 27 where you have apprenticeship programs, as to the dozens and dozens of apprenticeship programs you have in each State you will now find you have a lot of Federal litigation trying to find out whether a provision of ERISA passed in 1974, that was never intended to have any impact on State apprenticeship programs, will now preempt or not preempt based on a whole series of undefined, ambiguous terms.

We are not talking about amending the Fitzgerald Act to increase the effectiveness of remedies against discrimination. We heard about a case. The gentleman from North Carolina talked about a case of a Republican activist family in California and the problems they had with an apprenticeship program. The absurdity of this issue is they are saying an apprenticeship council, State apprenticeship council appointed by Governor George Deukmejian and Governor Pete Wilson has been out in this case to get this particular company's apprenticeship program because they are not union. Anyone who has followed the appointment process in California and the political process in California and thinks that George Deukmejian and Pete Wilson have spent the last 10 years seeking to discriminate against nonunion apprenticeship programs has been looking at something very different from what I have been looking at out in California for the past 10 years.

What is this amendment that is in front of us? I will ask the gentleman from Pennsylvania. Perhaps he can clarify or one of the Members on that side could clarify. We talk about a provision of law to extend, that that provision of law limits apprenticeship or training opportunities, discriminating against any apprenticeship or training program under an employee benefit plan for an anticompetitive purpose. Let us start with anticompetitive purpose, a term of art that is not defined in the amendment, that it is not defined in ERISA, that is not defined in the Fitzgerald Act, and which construed one way can make certain sense, and in another way can make no sense.

The whole premise of apprenticeship programs and the efforts to provide certain skills and certain standards to workers in certain crafts can be used and viewed as an anticompetitive purpose. It is saying in order to do certain kinds of electrical work you have to know and pass certain electrical standards, any standard, any test, any State's licensing process which has certain kinds of anticompetitive consequences. We balance those against the desire to ensure that that craft and that skill is reliable, and that consumers can depend upon it, and it makes perfect sense.

There is no effort to define what we mean by anticompetitive purpose.

One last point, and then I am happy to yield. Then we have a phrase which is based on the affiliation or nonaffiliation of the plan sponsor. Affiliation with what? The local Chamber of Commerce, the Kiwanis Club, the AFL–CIO, a non-AFL–CIO association? This language has not been drafted with any thought to specificity, to definition, to providing standards by which you are going to have 27 State laws challenged in the Federal courts for program after program that exist based on an application that this amendment gives no hope to.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, this amendment is all about discrimination. The States are being given complete authority, unrestricted authority to establish standards in regard to apprenticeship programs.

Mr. BERMAN. Discrimination on what basis?

Mr. FAWELL. Let me explain. Discrimination in regard to favoritism for the established, usual apprenticeship plan in an area, and in effect discrimination that says to the other apprenticeship plans, brother, or sister, your apprenticeship plan is not going to qualify. For instance, as I said before, the rule of no parallel plans allowed.

Mr. BERMAN. May I reclaim my time to ask, and we are getting right to the heart of this, is the gentleman suggesting that any State limitations authorized under State law as envisioned in the Fitzgerald Act which might limit to 600 rather than 1,200 or to 200 rather than 900 the number of apprenticeship programs, based on viability, ability to police, and the need for the work force, any effort to put a limit, which by definition then favors the ones that have been established versus the ones that might seek to be established, any type of limit like that makes that State law fall, makes it preempted by ERISA by the State apprenticeship regulation, is that what the gentleman intends?

Mr. FAWELL. Of course not.

Mr. BERMAN. Where in this amendment does the gentleman distinguish what discrimination is appropriate with reference to established plans, which is appropriate and which is not? Where in the amendment is this kind of language?

Mr. FAWELL. The amendment, I repeat, refers to discrimination.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has again expired.

(On request of Mr. FAWELL and by unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. FAWELL. The amendment deals with discrimination.

Mr. BERMAN. On what basis?

Mr. FAWELL. It is explained here. Discrimination in regard to particular apprenticeship plans which are denied the opportunity to compete in the educational endeavor called apprenticeship training for American workers.

Now there is a lot of case law on the subject, and the facts and circumstances may vary. But let me give an example if I may.

Mr. BERMAN. Just to reclaim my time, this amendment is what is in front of us. No case is in front of us. This is new law the gentleman is seeking to support in this legislation.

□ 1600

Tell me what kind of discrimination is allowed and what kind of discrimination is not allowed? If one does not have to accept every single person's idea of apprenticeship program at the State level and approve every apprenticeship program, how many do you have to approve? What is the standard? What is the marketplace test?

Mr. FAWELL. May I respond?

Mr. BERMAN. Sure.

Mr. FAWELL. As it is stated here, if you have standards of State laws which are designed to benefit or protect any particular apprenticeship program at the expense of others, that is a factual situation, obviously. And just as in the past when we litigated these matters and basically we litigated them on the assumption that if they are outside the scope of the apprenticeship act, the National Apprenticeship Act, they would be subject to preemption. That was the issue in those cases. That is how discrimination against certain plans occurs so that certain people never have the opportunity to have their plans approved; that is how it took place. You are taking that away. You are taking it away because some States found they were losing in the courts as a result of it. What we have here is a definition, a broad definition that points out that there can be discrimination where one plan will be favored over the other. That is just part of it, of course. And if you have, for instance, you find that the affiliation or nonaffiliation of a plan's sponsor—let us say I am an employer or that I represent the building and trades council so that there is discrimination because of my lack of an affiliation with the union. That, in part, is what it refers to.

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. BERMAN]?

Mr. WILLIAMS. Mr. Chairman, reserving the right to object, I would just say to my colleagues that the debate is, frankly, becoming circular, it is turning back on itself. I think it has been helpful, but there are others here, including perhaps the other sponsor of this amendment, who would probably like to be heard.

So I will not object to this request, but I may in future extensions of time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

(By unanimous consent, Mr. BERMAN was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. I would like to ask, if I may, the gentleman from Illinois: Affiliate with whom? The gentleman does not say in the statute.

Mr. FAWELL. It does.

Mr. BERMAN. Based on the affiliation or nonaffiliation of a plan's sponsor. Affiliate with whom or what?

Mr. FAWELL. It refers to a labor organization.

Mr. BERMAN. Where, where?

Mr. FAWELL. Right in the affiliation or nonaffiliation of a plan's sponsor with a labor organization.

Mr. BERMAN. Affiliation of the plan's sponsor, any participating or any employer participant?

Mr. FAWELL. Yes; with a labor organization.

Mr. BERMAN. And on that basis, what should happen?

Mr. FAWELL. What we are saying is that because you are not affiliated with a labor organization, there could be discrimination against any sponsor who presented an apprenticeship program. And if the court were to find that there was that kind of discrimination, then of course you have a violation of this law.

Mr. BERMAN. In order not to—I do not want to abuse the time. I have already had a good deal of time.

Let me just close by indicating I would suggest the appropriate approach is to amend the Fitzgerald Act, if that is what you seek to do, establish the standards you want, define what the gentleman means by anticompetitive, indicate when it is appropriate to say, "Enough apprenticeship plans in this particular skill area," versus, "We have to continue allowing more," set up the standards the gentleman wants, create a new administrative remedy with a judicial remedy at the end of it. Do not have 27 State laws challenged as they would apply to each different skill or craft, and let us defeat this amendment and take an approach which makes coherence, which follows on the law.

Mr. GUNDERSON. Mr. Chairman, in order to get somebody else involved in this debate, if I may, I move to strike the requisite number of works.

Mr. Chairman and colleagues, I have got to tell you I am up here not as an opponent of this bill but as a supporter. But I am also a supporter of this amendment. So I do not want people to understand that this amendment is a quote unquote killer amendment to the bill. That is why I am involved in this whole process.

Let us understand the bill in front of us is the same bill from the last Congress dealing with three issues: prevailing wage, I do not think there is any debate; mechanics liens, I do not think there is any debate; apprenticeship preemption under ERISA, and obviously there is some debate, evidenced by what we have just been listening to.

I passionately believe that training programs in this country, to be successful, must be done at the most local level possible. And everything we are doing in our Education and Labor Committee with job training programs, with last week's school-to-work transition programs, everything we are doing is sending those training programs back to the States and the locals.

That is why I support the legislation in front of us, because I think that is where it belongs, and I can tell you from personal experience in the State of Wisconsin that is where our State wants it to belong. That is a State administration under a Republican Governor.

We talked to them about this legislation, and we have talked to them about the amendments from the last Congress and the amendments in the Committee on Education and Labor, and they too share the concern that Mr. BERMAN and others have raised here about, "Do we want to recreate a Federal preemption under the Fitzgerald Act when we are eliminating our under ERISA?" They do not want that, and, very frankly, ladies and gentleman, I do not want that.

We began in 1989 a program in Wisconsin to modernize and reform our apprenticeship programs in that particular State. We are succeeding in innovative ways, creating dynamic new standards and goals for those programs, hopefully, unlike anything else being done anywhere in the country.

In all due respect, we do not want the Federal Government to come in and tell us we cannot do that, that we have to be part of some national standard on apprenticeship programs.

The problem we have today is that all of a sudden in solving the ERISA problem we have this new question of what are we going to do under the Fitzgerald Act?

The first thing this Congress ought to do under the Fitzgerald Act is to commit to modernizing it. It was written in 1937. It is antiquated for apprenticeship programs for the 21st century. That is why we find ourselves in the catch-22 situation here this afternoon.

And at the same time that we do not want to create a new preemption, I think we ought to admit that there is a problem. That problem is: If you give States total control to design the apprenticeship programs they want without any limitations, you allow the possibility of, very frankly, discrimination based on affiliation.

Now, hopefully, there are enough of us in this Congress on both sides of the aisle who are neither 100 percent pro- nor 100 percent anti-union, but want to allow both the opportunity to compete and succeed based on the merits of their programs, that we want to try to find a solution to this problem.

I want to read to my colleagues the language of the amendment offered by Mr. GOODLING:

> Nothing in this subparagraph shall exempt any provision of such State to the extent that in doing so we, No. 1, limit apprenticeship or training opportunity by, No. 2, discriminating against any apprenticeship or training program, No. 3, based on the affiliation or nonaffiliation of the plan's sponsor or any participant.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I will yield when I am——

Mr. FORD of Michigan. I want to know what the gentleman is reading. I have the Goodling amendment before me, and I do not find the language the gentleman is reading.

Mr. GUNDERSON. Okay. I can read the whole thing. I was trying to take those pertinent words and convert this legalese into plain English.

Mr. FORD of Michigan. The gentleman from Illinois is a very skillful lawyer and frequently confuses me because he talks way over my head most of the time. The gentleman from Wisconsin has always demonstrated such fine Midwestern common sense that I usually understand him. That is why I am upset when I read the same thing he does and do not see the same words.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(On request of Mr. FORD of Michigan and by unanimous consent, Mr. GUNDERSON was allowed to proceed for 3 additional minutes.)

□ 1610

Mr. GUNDERSON. All right, let us not read it. Let us talk plain English.

The fact is what this amendment is trying to do is say, "Look, we're going to eliminate any ERISA preemption except under one circumstance. That circumstance being where a State limits apprenticeships by discriminating against any apprenticeship program based on the affiliation or non-affiliation either of the sponsor or the participants."

Now, why did we develop this language? We developed this language because we were trying to get at the goal that I have been told is supported on both sides of the aisle, which is parallel programs ought not to be prohibited just by virtue of their sponsor. You do not want a right-to-work State denying a union-sponsored apprenticeship program, and very frankly you do not want a union-controlled State apprenticeship program denying a non-union sponsor if the merits of that program are there. We like that kind of competition. That has to be dealt with somehow, someway. Ideally, and that gets to the point that the gentleman from California [Mr. BERMAN] and the gentleman from Montana [Mr. WILLIAMS] are trying to get at.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman tell me, it is certainly not my State the gentleman has in mind. Is this a problem in Wisconsin?

Mr. GUNDERSON. This is not a problem in Wisconsin at the present time.

Mr. FORD of Michigan. Where is the problem we are trying to solve?

Mr. GUNDERSON. There is a concern that it will be a problem in a number of States in the future.

Mr. FORD of Michigan. It is a hypothetical concern that has not happened and it might happen?

Mr. GUNDERSON. It is a concern that the gentleman from Montana [Mr. WILLIAMS] does not want.

Mr. FORD of Michigan. Well, it has not happened, has it?

Mr. GUNDERSON. It has not happened? Wait a minute.

Mr. FORD of Michigan. I would maybe not agree. but I would feel more at ease if the gentleman could tell me, where has this evil practice existed by State law?

Mr. GUNDERSON. Well, first of all, I think we have got the State law. We have the State of Washington case. We obviously have the Hydrostorage case and others that have brought this issue to the Congress.

Now, they happen to have used the ERISA preemption as the basis. That is why we are here today overturning that, because most of us do not believe that ERISA benefits are to include apprenticeship, and we certainly do not believe that we ought to have one national standard.

But having agreed on those two goals, I would hope that we also do not disagree on the desire not to discriminate based on the affiliation of the sponsor. I am trying to make sure we solve all three problems.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield again?

Mr. GUNDERSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I am trying very hard to understand what it is we are curing here. In the first instance, the gentleman says he has no problem with the idea that we pull the Federal Government out of the States' hair to regulate these three areas. The gentleman mentioned apprenticeship as one of them.

Except we say but the States in operating their apprenticeship programs shall be subject to a new rule, except that I cannot read in this amendment any standard that would let a State legislature know when they were within the rule and outside the rule.

This is a lawyer's employment dream.

I would suggest that the gentleman and I do not belong to the same union as lawyers, but this will put every lawyer to work in the country.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. GUNDERSON was allowed to proceed for 3 additional minutes.)

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I want to clarify this issue.

The chairman of the committee asked the question, where is the problem? The gentleman from Wisconsin mentioned Hydrostorage. Hydrostorage was not a case about discrimination. Hydrostorage was a case that decided that little phrase in ERISA relating to employee benefit plans preempted——

Mr. GUNDERSON. A State council from doing what they had been doing.

Mr. BERMAN. A State council from doing what they were doing. There was no finding that the State council had exercised its power abusively or discrimatorily or had shut out certain people. It just said you cannot regulate in this area because ERISA preempts you. So Hydrostorage was not the case of discrimination. Hydrostorage was the case of preemption.

Mr. GUNDERSON. Mr. Chairman, I want to reclaim my time, because we all agree on that, but we also know that the reason that case was filed is because there was inability to get apprenticeship programs approved by the State Apprenticeship Council in California.

We also know that despite what has been said here this afternoon, people who suggest that the Bureau of Apprenticeship Training in Washington can reclaim a State certification, that is not going to happen when we are cutting money at the Federal level. That has never been done in recent memory, even under Ronald Reagan. We did not retract that authority here at the Federal level when we did not like what a union-dominated apprenticeship council was doing, for budget reasons. So that is not going to happen, either.

The fact is that the gentleman and I both know that ideally we ought to be dealing with the reform of Fitzgerald. We do not have that opportunity.

The gentleman knows in an attempt to correct this problem, the gentleman was going to offer an amendment that says we could not deny a plan simply based on whether it was union or nonunion. That was the same intent of this language, only we both know and recognize that nobody ever says the reason we are rejecting this application for apprenticeship program is because it is union or nonunion program. They come up with some other reason to do that.

So if we are going to try to make the kind of reforms that I think the gentleman wants and that I want as sponsors and supporters of this bill and supporters of the right of States to design and implement the highest standard possible programmatically in their apprenticeship programs, this amendment, added to the bill, solves that problem and makes it a better bill.

Mr. Chairman, I encourage Members to vote for the amendment, and upon its adoption, for the bill.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment, and I yield to my colleague, the ranking member, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentlewoman for yielding to me.

I was sitting over here in amazement, kind of chuckling the whole way through because I have sat beside I forget how many chairmen so far and every time we have the labor issue, I say, "If we can produce legislation from this committee to guarantee full employment for attorneys, why can we not do it for the rest of the Nation?"

All of a sudden today I am being told from that side that we are producing legislation that is somehow or other going to produce work for attorneys. Every time I have said that, they have said, "Oh, this will never happen. You're just over-reacting," et cetera, et cetera. So I found that amazing.

The second thing that I found amazing was the fact that everybody on that side of the aisle, everybody on this side of the aisle, all of our Members who may or may not be listening know exactly what the legislation is protecting. Everybody knows that, and they know who you are protecting.

When the Secretary of Labor came and said to me, "I would like your support to see whether we can do the kind of training that we need to do if we are going to stay competitive," I said, "Mr. Secretary, I will be very happy to help you, but first of all, you have to bring organized labor into the 21st century when it comes to training and when it comes to apprenticeship programs."

And he said, "I realize changes have to be made."

That is what we are trying to do here. Changes have to be made.

So again, let us support an amendment that will give us an opportunity to truly prepare and train for the 21st century, not those programs that are no longer effective, not those programs where you have to know an uncle, an aunt, a cousin, a brother, a sister, et cetera, et cetera. It does not matter whether you are underprivileged and should get an opportunity. It does not matter whether you are a woman and you should have that opportunity. The only thing that matters is that you know the right people.

So let us be realistic. Let us not play games. Let us pass the amendment and make sure that we have a good ERISA program and that we have a good training and apprenticeship program.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman, the author of the amendment.

Mr. Chairman, I yield to the other author of the amendment, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, there was a question put to the gentleman from Wisconsin [Mr. GUNDERSON] as to whether or not there have been problems. One case was mentioned, Hydrostorage, where indeed in that case a contractor from Tennessee was told that in order to be able to bid on a public works project, he had to sign a boilermaker's union apprenticeship plan and drop his own.

I have got a list of other cases, too. There have been a number of cases. We all know that.

There is the Electrical Joint Apprenticeship Committee versus MacDonald:

> The standards of the State Committee (which allowed an exemption from a state prevailing wage law for a State Apprenticeship Council approved programs but not for BAT approved programs) (are) 'independent and apart from the regulation authorized and provided for by the Fitzgerald Act and its accompanying regulations against plans.'

The Inland Pacific Chapter of Associated Builders and Contractors versus Joseph A. Dear:

> It is clear that the State of Washington is not allowing parallel apprenticeship programs (union and nonunion), which are allowed under the Fitzgerald Act and the applicable regulations.

Southern California Chapter of Associated Builders and Contractors versus California Apprenticeship Council:

> In speaking of a California "no parallel program" rule, the court stated, "we observe that the only apparent purpose of the challenged requirement in section 212.2(a) is to restrict competition among apprenticeship programs, as it was interpreted by the Council to do in this case.

The experience in California I think is especially poignant. The California Apprenticeship Council has established policies which insured that apprentice plans offered by nonunion companies would be denied, and the State's Little Hoover Commission found that the policies hampered efforts to increase apprenticeship participation among minorities and females in the construction industries.

Specifically, the commission found that the State Apprenticeship Council had shown "reluctance" in certifying more than one program in a given area, "because second or parallel programs are usually not union sponsored and the California Apprenticeship Council was composed in large part of union representatives."

□ 1620

That is the Little Hoover Commission, Mr. Chairman. Those are not my words.

So, there are problems that exist right now, and I thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for having yielded this time to me.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Goodling amendment and in opposition to H.R. 1036. In what is clearly a triumph of the efforts of trial lawyers and the AFL–CIO, H.R. 1036 represents a new direction counter to the original intent of ERISA. For those Members who may be confused about this issue, let me give you some background. The purpose of the Employment Retirement Income Security Act is to provide for uniform regulation of employer provided benefit programs. Employee benefits can include pension plans, employer provided health packages and the like. Congress sought to shield these plans from dual Federal and State regulation by broadly preempting State laws. Representative John Dent, an early supporter of ERISA, made the case on the floor of this House for the broadest possible preemption of State laws in the area of regulation of employee benefit plans. He stated, and I quote,

> Finally, I wish to make note of what is to many the crowning achievement of this legislation, the reservation to Federal authority [of] the sole power to regulate the field of employee benefit plans. With the preemption of the field, we round out the protection afforded participants by eliminating the threat of conflicting and inconsistent State and local regulation.

Mr. Chairman, H.R. 1036 would practically throw this consensus out the window. In fact, it is precisely the inconsistent and conflicting local and State regulation that the supporters of this legislation seek. Straining credibility, the backers of H.R. 1036 argue that it was never the intent of ERISA to preempt State laws regulating apprenticeship and prevailing wage programs or collection remedies for multiemployer plans.

The fact of the matter is that many past efforts by the States go to the heart of ERISA precisely because their result, if unchallenged, is the regulation of employee benefit plans. Invariably the decisions of the courts have demonstrated that these State laws or regulations relate to employee benefits and thus are preempted by ERISA.

My colleague recognizes the problems of H.R. 1036 and offers alternatives that this House should consider. His amendment would ensure that apprenticeship programs aren't subject to discrimination by union dominated State apprenticeship boards. In a move designed to foster job training and employment opportunity, the Goodling amendment would prevent special interests from either decertifying legitimate apprenticeship programs or from disallowing the creation of new apprenticeship programs.

Today, this House is being asked to start down the pathway of unraveling the uniformity of ERISA. What will the result be? With passage of H.R. 1036 we risk lowering worker training. We will be encouraging discriminating against nonunion apprenticeship programs. We will raise the cost of providing employee benefits. We will raise more barriers against women and minorities by keeping them out of the work force. Mr. Chairman, the Goodling amendment will protect most apprenticeship programs from the effects of this new change, and for that reason I will support it.

But overall, the erosion of ERISA is not in the interest of workers. It's not in the interest of small business. It's not in the interest of minorities and women. In whose interest then is passage of H.R. 1036? The AFL–CIO and the American Trial Lawyers Association. They will benefit, and they will prosper.

Having a host of differing standards across the Nation will be administratively and financially a nightmare. Complying with a different standard all across the country may be good for the unions and trial lawyers, but it's extremely burdensome for struggling small businesses and contractors. It will force companies to pay additional benefits to its workers where local prevailing wages were found to vary even slightly from those provided by the company. Even if a company whose benefits were superior to the local prevailing benefits would have to provide additional payments or benefits to it workers.

The shredding of the uniformity and predictability of ERISA regulation will severely impair the preemption cornerstone provided by ERISA which has served our Nation well for nearly 18 years. With American workers and employers facing the competitive pressures of the global economy, now is the time to discourage the establishment and maintenance of apprenticeship and training programs.

Mr. Chairman, H.R. 1036 is bad for apprenticeship, bad for minority and women participation in the work force, and bad for the American worker. I urge my colleagues to vote for the Goodling amendment and against H.R. 1036, and I admonish my colleagues to listen to the gentleman from Illinois [Mr. FAWELL] who has command of the details and is unchallenged by anybody with an objective understanding of this legislation held aside from service to a special interest group that would like to control the workers' destiny, thousands of Americans who have exercised their freedom and prerogative in this country to not join a union.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Montana [Mr. WILLIAMS] is recognized for 5 minutes.

There was no objection.

Mr. WILLIAMS. Mr. Chairman, the merits or demerits of the issue aside, it is unfortunate that some people, including the gentleman from Texas [Mr. ARMEY] who just spoke, use occasions like this to draw a line in the sand, to claim all the good people are on one side and the bad people are on the other, and they try to paint millions of people, lawyers, common workers who happen to decide to join a union, on the side of the line with the bad people. Polarization, name calling, no matter how subtle, really has no place in a debate like this.

Mr. Chairman, the gentleman from Texas [Mr. ARMEY] simply is wrong. Those of us on this side who are supporting the bill of the gentleman from California are not trying to defend any particular interest group. But neither are we attempting to condemn any particular group that does not see the language of this bill precisely the way we do.

Mr. Chairman, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague, the gentleman from Pennsylvania [Mr. GOODLING].

The Goodling amendment preserves the availability of a very important employee benefit—training and apprenticeship programs for American workers. Under the Goodling amendment, any employer who wants to offer their workers training which meets the standards of the National Apprenticeship Act may do so.

In its present form, H.R. 1036 would allow States to force nonunion employers to participate in union training programs or be denied an approved apprentice plan, even if those plans meet Federal standards. The minorities, women, and young people generally employed by nonunion firms are sure to feel the negative impact of such action. In addition, nonunion firms will find themselves at a competitive disadvantage, with a less talented work force and higher payroll costs.

Mr. Chairman, this is simply an issue of fairness. The Goodling amendment eliminates the discriminatory effects of H.R. 1036 by preserving the right of union and nonunion employers alike to provide quality worker training to improve the skills of their employees, while providing States flexibility.

We cannot afford to inhibit the productivity of America's work force by denying access to quality training, nor can we afford to encourage a less competitive environment in which American businesses must operate. We must provide flexibility for our businesses and opportunity for our workers to meet high standards.

I strongly support the Goodling amendment. A vote in favor of this amendment is a vote for education, and a vote for American workers, American business, and American competitiveness. Vote "yes" on the Goodling amendment.

□ 1630

Mr. GRAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as an independent contractor, I rise in support of the Goodling-Fawell amendment.

In its current form, H.R. 1036 would add burdensome and unnecessary costs to independent contractors by permitting States to discriminate against nonunion organizations regarding apprenticeship programs. As a result, State laws which discriminate against nonunion-affiliated contractors will be permitted if this bill is passed.

Such discrimination is not only unfair, it is also unwise, as it will reduce the number of apprenticeship and training programs because of cost. This will mean fewer trained workers and a less competitive American work force.

For these reasons, I strongly urge my colleagues to support the Goodling-Fawell amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the Goodling amendment which will protect an outstanding training program in my district.

Brazosport College has worked in cooperation with the local chapter of the Associated Builders and Contractors and Dow Chemical Co. in training apprentices in the Brazosport community for over 20 years.

Obviously, I am very proud of this successful program. But my colleagues should be aware that this partnership is nationally recognized. The John Gray Institute of Lamar University was commissioned to conduct a study for the Occupational Safety and Health Administration in the Labor Department.

The lead author of that study, Dr. John Wells, stated that the program run in the Brazosport area should be a model for the Nation. To quote Dr. Wells, he said "I think the story of Dow Chemical Plant Freeport, TX, and the Brazosport ABC chapter can be a shining light for this industry and this Nation."

I submit for the RECORD a copy of an article which appeared in the Brazosport Facts which discusses the wonderful success of this program.

H.R. 1036, as written, would jeopardize the continuation of this program.

Mr. Chairman, I would also like to submit for the RECORD a letter from John Grable, president of Brazosport College expressing his opposition to H.R. 1036 which threatens to end the successful training program at his school.

I support the Goodling amendment which would prevent the big labor unions from ending this nonunion training program which is a model for the Nation. I strongly urge my colleagues to support the Goodling amendment and oppose H.R. 1036.

BRAZOSPORT COLLEGE,
Lake Jackon, TX, September 24, 1993.

Hon. TOM DELAY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DELAY: Brazosport College, a two-year community college, serving your constituents, strongly opposes H.R. 1036, which exempts certain state laws from the preemption provisions of the Employee Retirement Income Security Act of 1974 (ERISA).

H.R. 1036 seeks to amend ERISA by exempting state laws from ERISA in the areas of apprenticeship and training, benefits on private and public projects, and mechanics liens.

Apprenticeship and other training programs are important benefits which many employers, both union and non-union, offer on a multi-state and multi-locality basis. The effect of the proposed amendment could have a negative impact on providing training opportunities for non-union employees by requiring non-union companies to join union training or be denied an approved apprenticeship program.

A part of the mission of Brazosport College is to provide educational programs which insure success of all students. Brazosport College has worked successfully with Associated Builders and Contractors, an association of non-union employers, in training apprentices for over twenty (20) years. This cooperative training partnership has been a model for other ABC chapters throughout the nation. The passage of H.R. 1036 would be extremely detrimental to the ability of the college to provide for the needs of local employers.

It is my belief that unnecessary limitations or restrictions that might be placed on non-union employers as a result of H.R. 1036 should be viewed as being in direct opposition to President Clinton's focus on improving the skill level of the entire work force.

Sincerely,

JOHN R. GRABLE,
President.

[From the Brazosport (TX) Facts, Aug. 14, 1991]

CONTRACTOR SAFETY—INSTITUTE OFFICIAL PRAISES ABC, DOW, COLLEGE

(By Rachelle Whitney)

The president of John Gray Institute called the partnership between the Dow Chemical Co., Brazosport College and Associated Builders and Contractors a model for the nation.

The John Gray Institute of Lamar University System in Beaumont conducted a study on contractor safety and health issues for the Labor Department's Occupational Safety and Health Administration (OSHA) in the aftermath of the Phillips Petroleum Co. Pasadena explosion.

The recently announced results have generated media and political attention on the state of contractor safety nationwide.

Dr. John Wells, president of the institute, and associate Michal Smith were invited to the Brazosport area Wednesday to observe the three facilities and speak to industry and contractor firm leaders about key findings on contractor safety.

Wells said the objective of the study was to determine the facts concerning the use of contractors and safety, and health practices in the petrochemical industry.

"The study is not to castigate or recommend the elimination of contract workers," Wells said. "It is not a study to take sides in the debate between union or non-union."

The study examined six issues:

The use of contractors and how it is changing.

The motivation for using contractors.

The education and training of contractors compared to direct-hire employees.

The injury/illness rate of contractors compared to direct-hire employees.

The role of safety in the contractor selection process.

Who bears the responsibility for contractors when working on site?

"Despite what you may have heard, we were not asked to try to prove contractor workers had caused catastrophic incidents," Wells said. "In fact, we were prohibited from looking at fatalities and incidences. We were not asked to make a judgment on 'There should or shouldn't be contract workers.'"

Wells said the four data streams were nationwide plant manager surveys, nine case studies, surveys with 600 contract workers and 600 direct-hire employees, and surveys of 300 contractor firms.

The plants studied in Texas, California, Louisiana, West Virginia, Ohio and Illinois were not disclosed.

The study found that contractors account for 32–54 percent of all hours worked.

Out of the total work force contractors are doing 50 percent of major renovations, 37 percent of turnaround, 22 percent of maintenance and repair, 20 percent of specialty and 9 percent of operations, the report said.

Over the past five years, use of contractors in all areas but operations has increased, the report stated.

The three motivations for use of contractors is flexibility (not having to hire and fire), specialty requirements and cost, according to the study.

As far as education and training are concerned, the study said contractors are less prepared for work than direct-hire employees.

The study showed the accident rate for contractors is higher than direct-hire employees, although researchers also found the probability declined significantly through training.

The role of safety in contractor selection ranged from "a rigorous pre-bid review to they didn't know what it was," Wells said.

Oversight of contractors was generally the principal responsibility of plant managers, with a major concern being co-employment liability, the study found.

Other key findings were:

There is no industry standard of excellence, although excellence exists.

There is no industry standard for education, such as grade level or even language.

Wells said the study was the first of its kind and tremendous in scope.

"We couldn't find a single scholarly article in the literature that addressed these issues—not one." he said. "As far as we can determine, this is the single largest volume of data collected on this issue known to mankind."

After spending 20 months on this study, Wells said the experience they had Wednesday left them impressed.

"We are very impressed with the level of personal commitment demonstrated by ABC and Dow and the sophisticated system of safety for all workers," Wells said.

"We're impressed by the holistic, comprehensive approach that's integrated into the management of the firms."

Wells said the high points they observed were the cooperative relationship between owners and users, the rigorous standards for selection of contractors and the partnership with Brazosport College.

Wells urged Dow and the ABC chapter to show themselves to the nation as a model of excellence.

"I think the story of Dow Chemical Plant Freeport, Texas, and the Brazosport ABC chapter can be a shining light for this industry and this nation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WILLIAMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 255, not voting 9, as follows:

[Roll No. 553]

AYES—174

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Derrick
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Leach
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Neal (NC)
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Sarpalius
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thurman
Upton
Valentine
Vucanovich
Walker
Walsh
Wolf
Young (FL)
Zeliff
Zimmer

NOES—255

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Ridge
Roemer
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery

Slaughter
Smith (IA)
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Lewis (FL)
Moakley
Norton (DC)
Petri
Romero-Barcelo (PR)
Rose
Tauzin
Underwood (GU)
Whitten

☐ 1653

The Clerk announced the following pair:

On this vote:

Mr. Lewis of Florida for, with Mr. Moakley against.

Mr. PETERSON of Florida, Mr. LIPINSKI, Ms. WOOLSEY, and Messrs. RUSH, ORTIZ, and TEJEDA changed their vote from "aye" to "no."

Mr. DERRICK changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

☐ 1655

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HUGHES) having assumed the chair, Mr. MCDERMOTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 1036) to amend the Employee Retirement Income Security Act of 1974 to provide that such act does not preempt certain State laws, pursuant to House Resolution 299, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. ROUKEMA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 150, not voting 7, as follows:

[Roll No. 554]

AYES—276

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zimmer

NOES—150

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Boehner
Bonilla
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Laughlin
Lewis (CA)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Montgomery
Moorhead
Myers
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Roth
Royce
Sarpalius
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowe
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vucanovich
Walker
Walsh
Wolf
Young (FL)

NOT VOTING—7

Lewis (FL)
Mann
Moakley
Petri
Smith (MI)
Whitten
Zeliff

☐ 1712

The Clerk announced the following pairs: On this vote:

Mr. Mann for, with Mr. Lewis of Florida against.

Mr. Moakley for, with Mr. Smith of Michigan against.

Mr. ORTIZ and Mr. TEJEDA changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 1036, the bill which was just considered and passed.

The SPEAKER pro tempore (Mr. HUGHES). Is there objection to the request of the gentleman from Montana?

There was no objection.

PERSONAL EXPLANATION

Mr. MANN. Mr. Speaker, on rollcall 554 I would like to indicate that I was unavoidably detained and could not cast my vote. Had I cast my vote I would have voted "aye."

CONFERENCE REPORT ON H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Mr. MURTHA submitted the following conference report and statement on the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

CONFERENCE REPORT (H. REPT. 103-339)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 27, 36, 57, 61, 62, 64, 80, 88, 92, 93, 94, 95, 96, 97, 104, 105, 106, 110, 111, 112, 131, 135, 149, 150, 153, 160, 164, 166, 171, 175, 176, 177, 184, 193, 195, 199, 200, 202, 204, 206, 207, 210, 213, 215, 219, and 223.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 17, 20, 24, 28, 35, 37, 39, 41, 42, 43, 45, 48, 50, 52, 53, 55, 60, 66, 69, 72, 73, 74, 75, 77, 79, 82, 85, 87, 98, 118, 123, 125, 126, 134, 137, 146, 158, 159, 162, 167, 168, 172, 179, 181 182, 188, and 224, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,296,177,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$18,330,950,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,772,317,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$15,823,030,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,149,147,000*; and the Senate agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,555,800,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$350,890,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$781,958,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,340,283,000*; and the Senate agree to the same.

Amendment numbered 10:

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,223,492,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$15,802,057,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

After the words "on January 1, 1947 and ending on December 31, 1971" named in said amendment strike out all the matter that follows:

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$19,860,309,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: : *Provided, That $350,000 shall be available only to connect residences located in the vicinity of the Naval Air Warfare Center, Warminster, to the Warminster municipal water supply system: Provided further, That of the funds appropriated under this heading, not less than $56,442,500 shall be made available only for the Pacific Missile Range Facility, Hawaii: Provided further, That for costs associated with the termination of the planned MHC facility in Astoria, Oregon, $2,000,000 shall be made available only to the State of Oregon within 60 days after enactment of this Act for the Marine and Environment Station at South Tongue Point, Oregon, and of this amount, $500,000 shall be made available for program development*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$1,857,699,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$19,093,805,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: : *Provided further, That $15,500,000 shall be used only to operate, maintain and enhance the Tactical Interim CAMS and REMIS Reporting System (TICARRS-92): Provided further, That TICARRS-92 be reestablished, with direct maintenance data input, as the supporting system for at least one wing each of F-15, F-16 and F-117A aircraft by no later than May 31, 1994: Provided further, That TICARRS-92 be reestablished, with direct maintenance data input, as the supporting system for all F-15, F-16, and F-117A aircraft by no later than August 31, 1994: Provided further, That none of the funds appropriated or otherwise made available under this Act shall be used to operate, maintain or otherwise support an automated maintenance management system for F-15, F-16, and F-117A aircraft other than TICARRS-92 after August 31, 1994: Provided further, That of the funds appropriated under this heading, not more than $9,538,000 shall be available only for a grant to the Women in Military Service for America Memorial Foundation, Inc., to be used solely to perform the repair, restoration, and preservation of the main gate structures, center plaza, and Homicycle of the Arlington National Cemetery, and these funds shall be made available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: Provided further, That of the funds appropriated under this heading, $5,000,000 shall be made available only for continued environmental restoration of the former Olmsted Air Force Base, Pennsylvania*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,456,801,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: : *Provided, That of* *the funds appropriated in this paragraph, $10,000,000 shall be made available for activities to support the clearing of landmines for humanitarian purposes: Provided further, That of the funds appropriated under this heading, $48,000,000 shall be made available only for aiding school districts in accordance with authority granted under Public Law 81–874: Provided further, That of the funds appropriated in this paragraph, not less than $50,000,000 shall be made available only for the Legacy Resource Management Program, of which not less than $200,000 shall be made available for the Legacy Resource Management Program fellowships: Provided further, That notwithstanding the provisions of the Federal Cooperative Grant and Agreement Act of 1977 (31 U.S.C. 6303–6308), the Department of Defense may hereafter negotiate and enter into cooperative agreements and grants with public and private agencies, organizations, institutions, individuals or other entities to implement the purposes of the Legacy Resource Management Program: Provided further, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the repair and maintenance of federally owned education facilities located on military installations* ; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$1,075,140,000*; and the Senate agree to the same.

Amendment numbered 26: -

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$763,137,000*; and the Senate agree to the same.

Amendment numbered 29:

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$83,130,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$1,335,354,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,230,419,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That of the funds appropriated in this paragraph, $10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District: Provided further, That of the funds appropriated under this heading, $3,000,000 shall be made available only for the MEDRETES program*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,632,298,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That of the funds appropriated under this heading, $10,000,000 shall be made available only for the operation of Air National Guard C–130 operational support aircraft of the 159th Air National Guard Fighter Group, the 169th Air National Guard Fighter Group, and the 118th Airlift Wing*; and the Senate agree to the same.

Amendment numbered 38:

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,962,300,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $2,000,000.

WORLD CUP USA 1994

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the World Cup USA 1994) provided by any component of the Department of Defense to the World Cup USA 1994; $6,000,000.

And the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That of the funds appropriated under this heading, $30,000,000 shall be made available only for Kurdish relief activities, of which $15,000,000 shall be made available for a 1993–1994 winterization relief program*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

After the words "Congressional defense" named in said amendment in two instances insert: *, foreign affairs,* in two instances;

And the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,320,886,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,094,309,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$888,817,000*; and the Senate agree to the same.

Amendment Numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$735,445,000*; and the Senate agree to the same.

Amendment Numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,892,766,000*; and the Senate agree to the same.

Amendment Numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,704,220,000*; and the Senate agree to the same.

Amendment Numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum "$2,972,906,000" named in said amendment insert: *$2,986,720,000*; and the Senate agree to the same.

Amendment Numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert: *, and in addition, $50,000,000 for advance procurement on the LHD–7 amphibious assault ship*; and the Senate agree to the same.

Amendment Numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$110,049,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *$343,104,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,195,075,000;* and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,994,231,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That notwithstanding any other provision of law, not less than $20,000,000 shall be obligated and expended only for automatic data processing investment equipment and peripheral equipment and related software for the Defense Accounting Office and Naval Computer and Telecommunications Station, New Orleans, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center, and the Naval Reserve Force Information Systems Office: Provided further, That the Department of Defense shall establish a central management and control site for local area networks at the Naval Computer and Telecommunications Station, New Orleans: Provided further, That the operations and functions of the Reserve Financial Management System and other Reserve specific automation systems shall remain colocated with the Commander, Naval Reserve Force*; and the Senate agree to the same.

Amendment numbered 76:

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$441,216,000*; and the Senate agree to the same.

Amendment numbered 78:

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,662,934,000*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,899,170,000*; and the Senate agree to the same.

Amendment numbered 83:

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$7,637,250,000*; and the Senate agree to the same.

Amendment numbered 84:

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,200,000,000*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,810,039,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,427,546,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided further, That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to a joint research partnership involving an educational institution, not now engaged in a large volume of basic research, and a biomedical research institute, including a working arrangement with Canadian and German scientists, for the development and testing of a new insulin derivative for the treatment of diabetes and hypoglycemia in the dependents of active duty military members: Provided further, That $850,000 of the funds appropriated in this paragraph shall be available for a lyme disease program*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,365,786,000;* and the Senate agree to the same.

Amendment numbered 99:

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,314,362,000;* and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided, That not less than $21,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology: Provided further, That not less than $40,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS): Provided further, That of the funds appropriated in this paragraph, not less than $15,000,000 of the funds in the Advanced Weapons program element shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site (MSSS)*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$8,838,690,000;* and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

In lieu of the matter stricken by said amendment insert: *: Provided, That not less than $97,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: Provided further, That not less than $55,000,000 of the funds appropriated in this paragraph are available only for the Patriot Multimode Missile: Provided further, That not less than $56,424,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments (ACES): Provided further, That the Ballistic Missile Defense Organization (BMDO) shall continue its current strategy of flight testing, ground testing, simulations, and other Government analyses of the Patriot Multimode Missile and the Extended Range Interceptor for selection of the best technology in terms of cost, schedule, risk, and performance to meet PAC–3 missile requirements for theater missile defense and that the Director, BMDO, will determine when there is adequate information to proceed to selection for engineering and manufacturing development: Provided further, That the Secretary of Defense and the Secretary of Energy shall jointly certify to interested Committees of Congress that activities conducted by the Department of Defense and the Department of Energy in the areas of research, development, demonstration, or commercialization of electric vehicles and the related infrastructure; fuel cell research; and natural gas research are coordinated: Provided further, That of the funds appropriated under this heading, not less than $43,000,000 shall be made available only for the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center (CSRC) program, which shall be managed only by the Advanced Research Projects Agency (ARPA) and of that amount, not less than $23,000,000 shall be made available only for the continued operation of the original CSRC by the current nonprofit institution or its successor in interest, as the Department's tri-service CALS standards and technologies development, deployment, training, and education hub for the CSRC program; the continued operation of the CSRC Regional Satellite (CRS); and the establishment and continued operation of additional CRSs to be operated by educational or other nonprofit institutions: Provided further, That the remaining $20,000,000 shall be made available only for the continued operation of the six original CRSs: Provided further, That nothing shall prohibit use of the CSRC or CRSs by industry, associations, other Department of Defense services and agencies, and other government agencies for efforts to be separately negotiated and funded: Provided further, That $2,300,000 of the funds appropriated in this paragraph shall be made available only for cell adhesion molecule research: Provided further, That of the funds appropriated in this paragraph, not less than $5,000,000 of the funds in the High Performance Computing Modernization program element shall be made available only to upgrade the supercomputing capability and capacity of the Maui High Performance Computing Center*; and the Senate agree to the same.

Amendment numbered 103:

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter inserted by said amendment.

And the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$232,457,000*; and the Senate agree to the same.

Amendment numbered 108:

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,102,295,000*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *Provided, That none of the funds available in the Defense Business Operations Fund shall be used for any hardware procurement, new development, or expansion of the Defense Business Management System beyond that required to support fiduciary, management information and other requirements established by law or directive and support existing customers consistent with the provisions of the DBOF Improvement Report*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,540,800,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That up to $50,000,000 shall be available for transfer to the Secretary of Transportation: Provided further, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes* ; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,626,072,000* ; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,352,435,000* ; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agreed to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$273,637,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *: Provided further, That of the funds appropriated in this Act, such funds as necessary shall be used for the continuation of the cooperative program model being established at Madigan Medical Center for severely behavior disordered students: Provided further, That of the funds appropriated under this heading, not less than $1,410,000 shall be made available only for annual incentive pay bonuses for certified nurse anesthetists: Provided further, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available only for nursing research programs*; and the Senate agree to the same.

Amendment numbered 120:

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$389,947,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$291,261,000*; and the Senate agree to the same.

Amendment numbered 122:

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$67,986,000*; and the Senate agree to the same.

Amendment numbered 124:

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$30,700,000*; and the Senate agree to the same.

Amendment numbered 127:

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$868,200,000*; and the Senate agree to the same.

Amendment numbered 128:

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of the sum named in said amendment insert: *$3,200,000*; and the Senate to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$137,601,000*; and the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert: *$136,801,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$10,000,000*; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$151,288,000*; and the Senate agree to the same.

Amendment numbered 136:

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,500,000,000*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8014A*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8023. None of the funds made available by this Act may be obligated for the acquisition of major automated information systems which have not successfully completed oversight reviews required by Department of Defense regulations: Provided, That the automated information systems oversight review board will be independent of any other Department review function and chaired by the Assistant Secretary of Defense for Command, Control, Communications and Intelligence: Provided further, That except for those programs to modernize and develop migration and standard automated information systems that have been certified by the Department's senior information resource management (IRM) official as being fully compliant with the Department's information management initiative as defined in Defense Department Directive 8000.1, no funds may be expended for modernization or development of any automated information system (AIS) by the military departments, services, defense agencies, Joint Staff or Military Commands in excess of $2,000,000 unless the senior official of the Office of the Secretary of Defense with primary responsibility for the functions being supported or to be supported certifies to the Assistant Secretary of Defense for Command, Control, Communications and Intelligence that the functional requirement(s) is valid and that the system modernization or development has no unnecessary duplication of other available or planned AISs: Provided further, That the Department shall develop the capability for open systems integration of commercial-off-the-shelf (COTS) applications within *the Composite Health Care System (CHCS): Provided further, That the Department shall limit deployment of the Defense Blood Standard System (DBSS) to existing donor and processing centers, the ten Primary Casualty Receiving Hospitals (PCRHs), and two OCONUS military hospitals, with transfusion services only, and shall procure, install, and integrate by April 1, 1994, at two or more CHCS sites an open system compliant COTS hospital-based blood bank/transfusion application, with security access by application function and developed in the same application language as CHCS: Provided further, That the Department shall procure and install at all CHCS alpha and beta sites by September 1, 1994, an open system integrated anatomic pathology COTS application with security access by application function and developed with the same software application language as CHCS: Provided further, That notwithstanding any other provision of law, the one time investment cost, including the procurement or lease of new or reutilized automatic data processing investment equipment, peripheral equipment and related software, for the July 16, 1993 DOD Data Center Consolidation Plan shall not exceed $309,000,000.*

And the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment of the Senate numbered 140, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8025. Notwithstanding any other provision of law, to establish region-wide, at-risk, fixed price managed care contracts possessing features similar to those of the CHAMPUS Reform Initiative, the Secretary of Defense shall submit to the Congress a plan to implement a nation-wide managed health care program for the military health services system not later than December 31, 1993: Provided, That the program shall include, but not be limited to: (1) a uniform, stabilized benefit structure characterized by a triple option health benefit feature; (2) a regionally-based health care management system; (3) cost minimization incentives including "gatekeeping" and annual enrollment procedures, capitation budgeting, and at-risk managed care support contracts: and (4) full and open competition for all managed care support contracts; Provided further, That the implementation of the nation-wide managed care military health services system shall be completed by September 30, 1996: Provided further, That the Department shall competitively award contracts in fiscal year 1994 for at least four new region-wide, at-risk, fixed price managed care support contracts consistent with the nationwide plan, that one such contract shall include the State of Florida (which may include Department of Veterans Affairs' medical facilities with the concurrence of the Secretary of Veterans Affairs), one such contract shall include the States of Washington and Oregon, and one such contract shall include the State of Texas: Provided further, That any law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery, administration, and financing methods shall be preempted and shall not apply to any region-wide, at-risk, fixed price managed care contract entered into pursuant to chapter 55 of title 10, United States Code: Provided further, That the Department shall competitively award within 13 months after the date of enactment of this Act two contracts for stand-alone, at-risk managed mental health services in high utilization, high-cost areas, consistent with the management and service delivery features in operation in Department of Defense managed mental health care contracts: Provided further, That the Assistant Secretary of Defense for Health Affairs shall, during the current fiscal year, initiate through competitive procedures a managed health care program for eligible beneficiaries in the area of Homestead Air Force Base with benefits and services substantially identical to those established to serve beneficiary populations in areas where military medical facilities have been terminated, to include retail pharmacy networks available to Medicare-eligible beneficiaries, and shall present a plan to implement this program to the House and Senate Committees on Appropriations not later than January 15, 1994.

And the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

SEC. 8028. Of the funds appropriated to the Army, $217,600,000 shall be available only for the Reserve Component Automation System (RCAS): Provided, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

(7) unless RCAS performs its own classified information processing: Provided further, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost or feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8028A* and

Delete the words "Deputy Under Secretary of Defense (Logistics)" named in said retained matter and insert in lieu thereof: *Principal Deputy Under Secretary of Defense, Acquisition*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8029A*; and

After the words "February 28, 1992" named in said retained matter insert: *: Provided, That the Director of Central Intelligence may waive this provision, on a case by case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8030A*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 8035. None of the funds available to the Department of Defense shall be obligated or expended for (or to implement) automatic data processing, data processing center, central design activity, DMRD 918, defense information infrastructure, and military or civilian personnel function consolidation plans, consolidations, and disestablishment or realignment plans that impact, in terms of reductions in force or transfers in military and civilian personnel, end strength, billets, functions, or missions, the Enlisted Personnel Management Center, the Naval Computer and Telecommunications Station, New Orleans, and the Naval Reserve Personnel Center until sixty legislative days after the Secretary of Defense submits to the House and Senate Committees on Appropriations a report, including complete review comments and a validation by the Department of Defense Comptroller, justifying and validating that such plans and actions: (1) do not consolidate, plan to consolidate, disestablish or realign Department of Defense or Service data processing functions or centers, central design activities, or military and civilian personnel functions *and activities, or claim savings from such function and activity consolidations and disestablishment, realignment, or consolidation plans, that are in more than one defense management report plan or decision or any other Department of Defense or Service consolidation, disestablishment or realignment plan; (2) utilize criteria to evaluate, measure and compare, using objective measurements, how data processing centers, central design activities, and military and civilian personnel functions and activities are ranked in terms of operational readiness, customer satisfaction, and the most cost effective and least expensive from a business performance, and regional operations cost standpoint; (3) will provide equal or better service for DoD customers; (4) provide details as to the impacts on the quality of life and benefits of the individual service person, dependents, and civilian personnel, and (5) will not adversely impact the mission and readiness of the Navy and Navy Reserves: Provided, That funds made available to the Department Base Closure and Realignment Commission approved recommendations concerning the Enlisted Personnel Management Center and the Naval Computer and Telecommunications Station, New Orleans.*

And the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8035A*; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said amendment insert: *8046A*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8051. Notwithstanding any other provision of law, a qualified Indian Tribal corporation or Alaska Native Corporation furnishing the product of a responsible small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract pursuant to section 2323 of title 10, United States Code, solely because the Indian Tribal corporation or Alaska Native Corporation is not the actual manufacturer of processor of the product to be supplied under the contract.

and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said amendment insert: *8056A*; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete the words ", and supporting software, not engineered and" named in said restored matter and insert in lieu thereof: *not*, and further

Amend the matter retained by said amendment as follows:

In lieu of the section number "8059" named in said amendment insert: *8059A* and

Delete the words "(4)(B)" named in said retained matter.

And the Senate agree to the same.

Amendment numbered 154:

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

(c) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1994, not more than $1,352,650,000 may be obligated for financing activities of Federally Funded Research and Development Centers.

(d) The total amount appropriated by this Act is hereby reduced by $200,000,000 to reflect the obligation limitation contained in subsection (c).

(e) The total amount appropriated to or for the use of the Department of Defense in titles III and IV of this Act is reduced by $200,000,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

And the Senate agree to the same.

Amendment numbered 155:

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete all the matter contained in said restored matter appearing after the words "being as of the date of enactment of this Act." down to and including "national security purposes."

And further

Amend the matter retained by said amendment as follows:

In lieu of section "8065" named in said retained matter insert: *8065A*; and the Senate agree to the same.

Amendment numbered 156:

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter restored by said amendment insert:

Sec. 8070. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, $5,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) Notwithstanding any other provision of law, in the event that the purchaser of the Sale Parcel exercises its option to withdraw from all or a portion of the sale, as provided in the Agreement and Modification, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, as amended, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification, as amended, shall come from the funds made available to the Department of Defense by this Act.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed of the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein, is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

And further

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8070A*; and the Senate agree to the same.

Amendment numbered 157:

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of section "8075" named in said retained matter insert: *8074A* and

After the words "Environmental Policy Act" named in said retained matter insert: *, or for General Accounting Office studies requested by a member of Congress or a Congressional Committee* ; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8083A*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

In lieu of the matter retained by said amendment insert:

SEC. 8088A. None of the funds available to the Department of Defense for establishing a Naval East Coast Electronics Engineering Center may be obligated or expended for the establishment of such Headquarters at any location other than Charleston, South Carolina: Provided, That no such funds may be obligated or expended for the establishment or operation of subordinate detachments at Portsmouth, Virginia, with manning levels or broader functions than that specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission: Provided further, That no funds may be obligated or expended for the relocation, alteration or modification of the functions specified in the 1993 Report to the President of the Defense Base Closure and Realignment Commission to be maintained at St. Inigoes, Maryland, including all civilian management, support personnel and management operations associated with these functions that were in existence as of September 20, 1993.

and the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter restored by said amendment as follows:

Delete the words "domestic owned and" in said restored matter, and further

In lieu of the matter retained by said amendment insert:

SEC. 8090A. None of the funds available to the Department of the Air Force shall be available to establish or support any organic depot maintenance support activity for the B-2 bomber until the Under Secretary of Defense, Acquisition reviews the existing infrastructure for the private sector and Air Force Depot support and maintenance of the B-2, and reports to the Congressional Defense Committees no later than May 15, 1994, the most efficient and cost effective utilization of both public and private facilities to support the B-2.

And the Senate agree to the same.

Amendment numbered 169:

That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8094A*; and the Senate agree to the same.

Amendment numbered 170:

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

(TRANSFER OF FUNDS)

SEC. 8096. In addition to amounts appropriated or otherwise made available by this Act, $25,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the National Park Service, of which: $10,000,000 shall be available to repair and rehabilitate military structures transferred from the Department of Defense to the National Park Service as part of the Golden Gate National Recreation Area; $10,000,000 shall be available to convert and rehabilitate military structures at Fort Wadsworth for National Park Service's purposes; and $5,000,000 shall be available for cultural cyclic resource programs within the National Park Service system: Provided, That these funds shall remain available for obligation until September 30, 1995.

And the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8099A. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installation in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

And the Senate agree to the same.

Amendment numbered 174:

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows:

Restore the matter stricken and retain the matter inserted by said amendment, amended as follows:

Amend the matter retained by said amendment as follows:

In lieu of the section number named in said retained matter insert: *8102A*; and the Senate agree to the same.

Amendment numbered 178:

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8109. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8110. None of the funds appropriated by this Act shall be available for the planning, programming or actual movement of any component or function of the Defense Mapping Agency Aerospace Center annex from the St. Louis, Missouri, area.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts appropriated or otherwise made available by this Act, $21,700,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.2 percent pay increase for uniformed members.

SEC. 8112. Notwithstanding any other provision of law, and in accordance with section 2905 of the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, the Department of Defense shall proceed with implementation of the 1993 Defense Base Closure and Realignment Commission recommendation concerning the consolidation of tactical missile maintenance at Letterkenny Army Depot.

SEC. 8113. In addition to amounts appropriated elsewhere in this Act, $200,000 shall be available only for settlement of claims and interest thereon, associated with contract numbered N62474–86–C–0253 for construction of a multipurpose range complex at the Marine Corps Air Ground Combat Center in Twentynine Palms, California: Provided, That such settlement shall be made pursuant to the recommendation of August 19, 1993, of the Comptroller General of the United States (case B–230871.3): Provided further, That such settlement shall be accomplished within thirty days of enactment of this Act.

SEC. 8114. Notwithstanding any other provision of law, none of the funds appropriated for fiscal year 1993 and fiscal year 1994 for the DDG–51 destroyer program shall be obligated or expended for procurement of the ring laser gyroscope inertial navigation system under a sole source contract.

SEC. 8115. The Secretary of the Navy shall carry out the establishment of the Mine Warfare Center of Excellence at the naval station at Ingleside, Texas (including the establishment of all subordinate units and the relocation of Navy mine warfare forces), in accordance with the schedule of the Navy for the establishment of such center and without regard to any alteration in that schedule that would otherwise be required pursuant to any other provision of law enacted during the first session of the 103d Congress that applies specifically to the construction and operation of that center or to the relocation of Navy mine warfare forces to Ingleside, Texas.

SEC. 8115A. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

SEC. 8116. Unobligated balances of the funds appropriated in Public Law 102–172 and Public Law 102–396 under the headings "World University Games", "Summer Olympics" and "World Cup USA 1994" in title II of those Acts shall, notwithstanding any other section of those Acts, remain available for obligation until September 30, 1995.

SEC. 8116A. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E–3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1994, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8117. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8118. None of the funds available to the Department of Defense may be used to support the relocation of P–3 aircraft squadrons or other aircraft or units from the Naval Air Station at Barbers Point, Hawaii unless such relocation was specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission.

SEC. 8119. The Secretary of Defense is authorized to use, for foreign military sales otherwise authorized under Chapter 39, title 22 United States Code or for transfer to United States Army, Army National Guard, or Army Reserves, articles and services procured for the implementation of the Italian air defense agreements: Provided, That the term "Italian air defense agreements" has the meaning given such term in Section 1050 of Public Law 102–190 (105 Stat. 1469): Provided further, That upon notification of the Government of the United States by the Government of Italy of its desire to withdraw from the Italian air defense agreement or 180 days from the enactment of this Act, section 1050 of Public Law 102–190 (105 Stat. 1469) is repealed.

SEC. 8119A. Notwithstanding any other provision of law, funds and credits received from the contractor under contract warranties for the failure of the first ultra high frequency follow-on satellite shall no longer be available for a replacement ultra high frequency satellite but shall be made available to finance a replacement extremely high frequency satellite and its launch.

And the Senate agree to the same.

Amendment numbered 180:

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

Under the heading, "Research, Development, Test and Evaluation, Navy, 1993/1994", $42,936,000;

Under the heading, "Research, Development, Test and Evaluation, Air Force, 1993/1994", $55,500,000;

Under the heading, "Aircraft Procurement, Navy, 1992/1994", $8,000,000;

Under the heading, "National Guard and Reserve Equipment, 1992/1994", $3,400,000;

Under the heading, "National Guard and Reserve Equipment, 1992/1994", $3,618,000;

And the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate number 183, and agree to the same with an amendment, as follows:

After the sum "$49,868,000;" named in said amendment insert: *Under the heading, "Other Procurement, Navy 1993/1995", $58,456,000;* and the Senate agree to the same.

Amendment numbered 183:

That the House recede from its disagreement to the amendment of the Senate number 185, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

Under the heading, "Aircraft Procurement, Navy 1993/1995", $45,700,000;

Under the heading, "National Guard and Reserve Equipment, 1993/1995", $29,282,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

Craft, outfitting, post delivery, and special support equipment, $3,806,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

DDG–51, destroyer program, $41,800,000;

Craft, outfitting, post delivery, and DBOF transfer, $2,560,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1995":

T–AO fleet oiler program, $27,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1994":

T–AO fleet oiler program, $13,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1996":

T–AO fleet oiler program, $12,129,000; and the Senate agree to the same.

Amendment numbered 186:

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,932,000*; and the Senate agree to the same.

Amendment numbered 187:

That the House recede from its disagreement to the amendment of the Senate numbered 187, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,062,000*; and the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1996":

T–AO fleet oiler program, $31,371,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1993/1997":

DDG–51 destroyer program, $14,400,000;

Refueling overhauls, $909,000;

MHC coastal mine hunter program, $9,343,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $45,177,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991";

AO conversion program, $256,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992";

LSD–41 cargo variant ship program, $28,250,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993";

T–AO fleet oiler program, $14,184,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

LSD–41 dock landing ship cargo variant program, $30,300,000; Oceanographic ship program, $410,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995";

LSD–41 dock landing ship cargo variant program, $27,800,000

And the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8120A. The provision in Public Law 102–396 requiring that not less than $55,500,000 be made available only for the Space Nuclear Thermal Propulsion Program is hereby repealed.

SEC. 8121. Notwithstanding any other provision of law, funds appropriated in this Act for the upgrade, purchase, or modernization of supercomputing capability and capacity under the High Performance Computing Modernization program shall only be available for contracts, contract modifications, or contract options which are awarded as the result of open competition based upon the requirements of the users without regard to the architecture or design of the supercomputer system.

SEC. 8122. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

And the Senate agree to the same.

Amendment numbered 191:

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8124. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 50 percent of the entire system's components are manufactured in the United States, and if less than 50 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

SEC. 8125. None of the funds appropriated by this Act may be used (1) to transfer to the United Nations a facility in the continental United States for use as a United Nations peacekeeping facility, or (2) for the renovation of such a facility in preparation for such a transfer.

And the Senate agree to the same.

Amendment numbered 192:

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert:

SEC. 8126. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the *term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1993 (41 U.S.C. 10a et seq.).*

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

SEC. 8127. In the case of members who separate from active duty or full-time National Guard duty in a military department pursuant to a Special Separation Benefits program (10 U.S.C. Sec. 1174a) or a Voluntary Separation Incentive program (10 U.S.C. Sec. 1175) at any time after the enactment of this Act, the separation payments paid such members who are also paid any bonus provided for in chapter 5, title 37, United States Code, during the same years in which they separate shall be reduced (but in no event to an amount less than zero) by an amount equal to any such bonus: Provided, That any future bonus payments to which such members would otherwise be entitled are rescinded: Provided further, That this measure will not apply to members who separate during the last year of a bonus paid pursuant to chapter 5, title 37, United States Code: Provided further, That civilian employees of the Department of Defense are prohibited from receiving voluntary separation payments if such employees are rehired by another agency of the Federal Government within one hundred and eighty days of separating from the Department of Defense.

SEC. 8128. Under the heading "Research, Development, Test and Evaluation, Army" in the Department of Defense Appropriations Act, 1993 (Public Law 102–396), delete the final proviso and insert in lieu thereof: ": Provided further, That of the funds appropriated in this paragraph, $4,000,000 shall be used only for a grant to the Assistive Technology Center at the National Rehabilitation Hospital for laboratory and other efforts associated with research and development and other programs of major importance to the Department of Defense".

SEC. 8129. None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

And the Senate agree to the same.

Amendment numbered 194:

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8131*; and the Senate agree to the same.

Amendment numbered 196:

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8132*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8133*; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8134.(a)(1) The Secretary of Defense shall pay a death gratuity under this section to each beneficiary under a Servicemen's Group Life Insurance policy in the case of each deceased member of the uniformed services described in paragraph (2).

(2) This section applies with respect to any member of the uniformed services—

(A) who died on or after October 29, 1992 (the date of the enactment of the Veterans' Benefits Act of 1992 (Public Law 102–568)), and before December 1, 1992 (the effective date of amendments made by title II of the Act, relating to veterans' life insurance programs); and

(B) whose death was in performance of duty.

(b)(1) The amount of the death gratuity payable to a beneficiary under this section shall be equal to the amount of the life insurance proceeds paid or payable to that beneficiary under section 1967(a) of title 38, United States Code, by reason of death of such member.

(2) In the case of a deceased member of the uniformed services who, before death, affirmatively elected, in writing, to apply for an increase in SGLI coverage in an amount less than $100,000 under subsection (e) of section 1967 of title 38, United States Code, the death gratuity paid under this section shall be equal to the amount of the increase so elected.

(c) A death gratuity may not be paid under this section if the deceased member, before death, affirmatively elected, in writing, to apply for increased SGLI coverage under subsection (e) of section 1967 of title 38, United States Code, and, by reason of a provision of law enacted after October 29, 1992, insurance is payable pursuant to that election.

(d) A death gratuity shall be payable under this section to a SGLI beneficiary upon receipt of a written application for the payment of such gratuity. Any such application must be received by the Secretary of Defense not later than September 30, 1994.

(e) In addition to amounts otherwise appropriated in this Act, the amount of $5,300,000 is hereby appropriated for, and shall be available only for, the payment of death gratuities under this section. Funds provided under this section shall remain available until expended for any valid claims received by the Secretary of Defense not later than September 30, 1994.

And the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

(RESCISSIONS)

SEC. 8135. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Aircraft Procurement, Army, 1993/1995", $42,700,000;

"Procurement of Ammunition, Army, 1992/1994", $30,181,000;

"Procurement of Ammunition, Army, 1993/1995", $52,480,000;

"Other Procurement, Army, 1992/1994", $4,000,000;

"Weapons Procurement, Navy, 1992/1994", $15,000,000;

"Weapons Procurement, Navy, 1993/1995", $7,500,000;

"Other Procurement, Navy, 1993/1995", $26,600,000;

"Procurement, Marine Corps, 1992/1994", $8,274,000;

"Procurement, Marine Corps, 1993/1995", $6,508,000;

"Missile Procurement, Air Force, 1993/1995", $6,000,000;

"Other Procurement, Air Force, 1993/1995", $13,706,000;

"Other Procurement, Air Force, 1992/1994", $17,276,000;

"Research, Development, Test and Evaluation, Air Force, 1993/1994", $51,000,000;

And the Senate agree to the same.

Amendment numbered 203:

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8136. Not later than may 1, 1994, the Under Secretary of Defense for Acquisition shall submit to the Congressional defense committees the complete results of an independent study of options for accomplishing the functions now performed by the Defense Nuclear Agency (DNA): Provided, That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1994, $1,000,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

And the Senate agreed to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8137*; and the Senate agreed to the same.

Amendment numbered 208:

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8138*; and the Senate agreed to the same.

Amendment numbered 209:

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8139*; and the Senate agree to the same.

Amendment numbered 211:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8140*; and the Senate agree to the same.

Amendment numbered 212:

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8141*

In lieu of the word "Senate" named in said amendment insert: *Congress*; and the Senate agreed to the same.

Amendment numbered 214:

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment, as follows:

In lieu of section number "8152" named in said amendment insert: *8142*; and the Senate agree to the same.

Amendment numbered 216:

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8143. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate the funds appropriated for fiscal years 1992 and 1993 for the USH-42 Mission Recorder program within the A-6 aircraft program: Provided, That the Secretary of the Navy verifies that the mission recorder is required in the future for Navy aircraft for peacetime training and bomb damage assessment in combat: Provided further, That the Secretary shall make this verification within thirty days of this Act becoming law: Provided further, That the Secretary shall obligate such funds within thirty days of this verification that the mission recorder is required in Navy aircraft for peacetime training and bomb damage assessment in combat.

And the Senate agree to the same.

Amendment numbered 217:

That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows:

In lieu of the section number named in said amendment insert: *8144*

Delete the words "an annual" named in said amendment and insert in lieu thereof: *a*

Delete the word "annual" named in said amendment; and the Senate agree to the same.

Amendment numbered 218:

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment, as follows:

In lieu of section number "8156" named in said amendment insert: *8145*; and the Senate agree to the same.

Amendment numbered 220:

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows:

In lieu of the words "Sec. 8158.(a) Is is" named in said amendment insert: *Sec. 8146.(a) It is*; and the Senate agree to the same.

Amendment numbered 221:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of section number "8159" named in said amendment insert: *8147*; and the Senate agree to the same.

Amendment numbered 222:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

SEC. 8148. Funds appropriated in title III of this Act for the Department of defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8149. Funding appropriated under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may be transferred to other appropriations or funds of the Department of Defense, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8150. Upon approval by the Secretary of the Navy, clause (2) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer of the USS Blueback by the Secretary of the Navy under section 7308(a) of such title.

SEC. 8151. (a) The Congress finds that—

(1) the United States entered into Operation Restore Hope in December of 1992 for the purpose of relieving mass starvation in Somalia;

(2) the original mission in Somalia, to secure the environment for humanitarian relief, had the unanimous support of the Senate, expressed in Senate Joint Resolution 45, passed on February 4, 1993, and was endorsed by the House when it amended S.J. Res. 45 on May 25, 1993;

(3) Operation Restore Hope was being successfully accomplished by United States forces, working with forces of other nations, when it was replaced by the UNOSOM II mission, assumed by the United Nations on May 4, 1993 pursuant to United Nations Resolution 814 of March 26, 1993;

(4) neither the expanded United Nations mission of national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission has been endorsed or approved by the Senate;

(5) the expanded mission of the United Nations was, subsequent to an attack upon United Nations forces, diverted into a mission aimed primarily at capturing certain persons, pursuant to United Nations Security Council Resolution 837, of June 6, 1993;

(6) the actions of hostile elements in Mogadishu, and the United Nations mission to subdue those elements, have resulted in open conflict in the city of Mogadishu and the deaths of 29 Americans, at least 159 wounded, and the capture of American personnel; and

(7) during fiscal years 1992 and 1993, the United States incurred expenses in excess of $1.1 billion to support operations in Somalia.

(b) The Congress approves the use of United States Armed Forces in Somalia for the following purposes—

(1) The protection of United States personnel and bases; and

(2) The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations through the provision of—

(i) United States military logistical support services to United Nations forces; and

(ii) United States combat forces in a security role and as an interim force protection supplement to United Nations units: Provided, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994, for the operations of United States Armed Forces in Somalia: Provided further, That such date may be extended if so requested by the President and authorized by the Congress: Provided further, That funds may be obligated beyond March 31, 1994 to support a limited number of United States military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia: Provided further, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United States: Provided further, That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed Forces: Provided further, That—

(A) captured United States personnel in Somalia should be treated humanely and fairly; and

(B) the United States and the United Nations should make all appropriate efforts to ensure the immediate and safe return of any future captured United States personnel: Provided further, That the President should ensure that, at all times, United States military personnel in Somalia have the capacity to defend themselves, and American citizens: Provided further, That the United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released: Provided further, That nothing herein shall be deemed to restrict in any way the authority of the President under the Constitution to protect the lives of Americans.

SEC. 8152. Funds appropriated by this Act for intelligence or intelligence-related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1994 until the enactment of the Intelligence Authorization Act for fiscal year 1994.

SEC. 8153. (1) Except as provided in subsection (c) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless:

(a) the President initiates consultations with the bi-partisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least 15 days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible, but in no case later than 48 hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

(b) such consultation should include discussion of—

(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

(2) the United States' interests that will be served by the operation;

(3) the estimated cost of the operation;

(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

(5) the extent of involvement of armed forces and other contributions of personnel from other nations;

(6) the operation's anticipated duration and scope;

(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than $50,000,000.

(2) Further, it is the sense of the Congress—

(a) that the President should seek a supplemental appropriation to defray the costs of United States military operations in Somalia in

order to restore needed operation and maintenance funds for United States Armed Forces;

(b) that the President should seek supplemental appropriations for any significant future deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.

SEC. 8154. The Department shall ensure that the A-6 rewing contracts are terminated this fiscal year: Provided, That none of the funds recouped by the Department through the termination of the A-6 rewing program shall be available for obligation or expenditure during this fiscal year.

SEC. 8155. None of the funds available to the Department of Defense shall be available to make progress payments based on costs to large business concerns at rates in excess of 75% on contract solicitations issued after enactment of this Act.

SEC. 8156. Not to exceed $100,000,000 of the funds provided in this Act may be made available for payment to non-United States government entities for logistical support of Somalia operations: Provided, That the Congressional Defense Committees are notified in advance of any obligations providing such support: Provided further, That any funds obligated pursuant to this authority shall be reimbursed by the United Nations to the Department of Defense to the originating appropriations.

And the Senate agree to the same.

Amendment numbered 225:

That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

TITLE X

SEC. 10001. CONVEYANCE OF KAHO'OLAWE ISLAND, HAWAII, TO THE STATE OF HAWAII.

(a) PURPOSE.—It is timely and in the interest of the United States to recognize and fulfill the commitments made on behalf of the United States to the people of Hawaii and to return to the State of Hawaii the Island of Kaho'olawe. Kaho'olawe Island is among Hawaii's historic lands and has a long, documented history of cultural and natural significance to the people of Hawaii reflected, in part, in the Island's inclusion on the National Register of Historic Places and in the longstanding interest in the return of the Island to State sovereignty, public access and use. Congress finds that control, disposition, use and management of Kaho'olawe is affected with a federal interest. It also is in the national interest and an obligation undertaken by Congress and the United States under this and other Acts, and in furtherance of the purposes of Executive Order 10436 (1953), to recognize the cultural and humanitarian value of assuring meaningful, safe use of the Island for appropriate cultural, historical, archaeological and educational purposes as determined by the State of Hawaii and to provide for the clearance or removal of unexploded ordnance and for the environmental restoration of the Island for such purposes. Congress also finds it is in the national interest and an essential element in the federal government's relationship with the State of Hawaii to ensure that the conveyance, clearance or removal of unexploded ordnance, environmental restoration, control of access to the Island and future of the Island be undertaken in a manner consistent with the enhancement of that relationship, the Department of Defense's military mission, the federal interest and applicable provisions of law.

(b) CONVEYANCE.—Subject to Section 10001(e) of this Act, the United States, through the Secretary of the Navy (also, hereinafter, "the Secretary"), shall, notwithstanding Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620 (h)) convey and return, without consideration and without conditions other than those set forth in or required by this Act, to the State of Hawaii all right, title and interest of the United States, except that interest set forth in Section 10001(d)(2) and Section 10001(e) of this Act, in and to that parcel of property consisting of approximately 28,776 acres of land known as Kaho'olawe Island, Hawaii and its surrounding waters. Such conveyance of title shall occur no later than 180 days from the date of enactment of this Act and the appropriation of funds for such purposes described in this Act.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of property to be conveyed under Section 10001(b) shall be determined by a survey that is deemed satisfactory by the State of Hawaii in consultation with the Secretary. The cost of the survey shall be borne by the Secretary, making use of funds provided pursuant to this Act.

(d) IMPLEMENTATION.—(1) The Secretary shall carry out the requirements of this Act following consultation with the State of Hawaii as required by Section 10002 of this Act and with the technical and logistical support, as needed, of the United States Army Corps of Engineers and other federal agencies.

(2) Notwithstanding any other provisions of this Act, the Secretary shall retain the control of access to the Island, in consultation with the State of Hawaii and prior to and following the entering into force of the Memorandum of Understanding contained in Section 10002 of this Act, until either clearance and restoration are completed or within no more than 10 years after the date of enactment of this Act, whichever comes first, and control of access is transferred to the State of Hawaii, pursuant to such conditions.

(e) INDEMNIFICATION AND THE CONTROL OF ACCESS.—(1) The Navy shall retain control of the access to the Island during the time period set forth in Section 10001(d)(2) of this Act that it is undertaking unexploded ordnance removal and hazardous materials removal activities required in this Act.

(2) During the time period the United States retains control of access to the Island, the United States shall hold harmless, defend and indemnify the State of Hawaii or its political subdivisions from and against all claims, demands, losses, damages, liens, liabilities, injuries, deaths, penalties, fines, lawsuits and other proceedings, judgments, awards and reasonable costs and expenses arising out of, or in any manner predicated upon, the presence, release or threatened release of any munitions, exploded or unexploded ordnance, solid waste associated with such ordnance or hazardous substance, pollutant or contaminant resulting from the activities of the Department of Defense, including the activities of the Department of the Navy and the Department of the Army and any agent, employee, lessee, licensee, independent contractor or other person on the property during such time that the property was and remains under the control of the Department of Defense, Navy, Army or other agencies of the United States Government. Notwithstanding this subsection or any other provision of law, response action contractors are not included as activities of the Department of Defense under this subsection.

The term "response action contractor" has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)), except that such term includes a person who enters into, and is carrying out, a contract to provide at a facility (including a facility not listed on the National Priorities List) a response action with respect to any release or threatened release from the facility of a hazardous substance or pollutant or contaminant, or a similar action with respect to petroleum or its derivatives.

(3) Nothing in this Act is intended to alter or affect the federal or state requirements of law governing liability following the transfer of control of access to the State of Hawaii, except that the United States shall remain liable for and retain responsibility for any environmental restoration, remediation, or corrective action required at the property conveyed in paragraph (b).

SEC. 10002. COOPERATION OF FEDERAL DEPARTMENTS AND THE STATE OF HAWAII AND TRANSFER OF CONTROL OF ACCESS.

(a)(1) Upon the request of the Secretary or the State of Hawaii, and in accordance with existing laws and requirements, any department or agency of the Federal Government may provide assistance to the Secretary or the State of Hawaii, as the case may be, in carrying out their respective duties under this Act.

(2) Within 180 days following passage of this Act, and notwithstanding any other provision of law, the Secretary shall consult with and enter into a Memorandum of Understanding with the State of Hawaii governing the terms and conditions of (i) access to the Island for those purposes set forth in Sections 10001 and 10002 of this Act and any other cultural, archeological, educational and planning purposes provided for in this title, giving due regard to the risk of harm to public health and the environment and safety involved in providing such access and the need to avoid interference with or disruption of the Navy's clearance, removal and remediation activities; (ii) the timing, planning, methodology and implementation of ordnance clearance or removal and hazardous substance clearance and other waste removal and the protection of historical, cultural and religious sites and artifacts, provided that all reasonable effort should be made to avoid harm to such sites and artifacts from the detonation of unexploded ordnance, clearance or removal of ordnance, and hazardous substance clearance; (iii) the establishment of a two-tiered standard of restoration and ordnance clearance, removal, restoration and safety, taking into account the purpose for which any geographic area will be used and the nature and purpose of human access to such area, but assuring the protection of human health and the environment; (iv) the means for protecting historical, cultural and religious sites and artifacts from intentional destruction, harm and vandalism; (v) public participation, as appropriate, including the opportunity for public comment and hearing; and (vi) the means for regular interval clean-ups and removal of newly discovered previously undetected ordnance by the Navy. Under any such terms and conditions, the Secretary shall be assured full and necessary access to carry out the obligations of the Secretary arising out of the responsibilities and liabilities of this title. Such terms and conditions shall remain in existence until the completion of the restoration and remediation activities required by Section 10002 of this Act and be revised periodically by mutual consent and giving due regard to the importance of access to the Island as the level of clean-up, restoration and remediation moves toward attainment. Nothing in this title is intended to diminish or alter the rights and responsibilities of the Navy to allow access to the Island that existed prior to the enactment of this title.

(3) The United States, through the Secretary of the Navy, shall transfer the control of access to the State of Hawaii within no more than 10 years from the date of enactment of this Act or

when the activities required by this Act, including ordnance clearance or removal activities and environmental remediation activities are completed, whichever comes first.

(4) Notwithstanding the duties and obligations set forth in this title and notwithstanding the conveyance required under Section 10001, the State of Hawaii shall not be liable or responsible for the conduct of any clean-up and response actions arising from and relating to the use, environmental clean-up and ordnance removal and remediation of Kaho'olawe Island and its adjacent waters.

SEC. 10003. KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND.

(a) There is established on the books of the Treasury of the United States a fund to be known as the "Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund" (hereinafter in this subsection referred to as the "Fund"). The Fund shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to pay the obligations incurred by the Secretary of the Navy or the Department of Defense in carrying out the purposes of this Act and for properly allocable costs of the Federal Government in the administration of the Fund.

(b) There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

(1) Amounts paid into the Fund from any source.

(2) Any amount appropriated to the Fund.

(3) Any return on investment of the assets of the Fund.

(c) To the extent provided in appropriation Acts, the assets of the Fund shall be available for obligation by the Secretary of the Navy to carry out the purposes of this Act.

(d) There is authorized to be appropriated into the Fund $400,000,000, which may be appropriated as a lump sum or in annual increments. Of the amounts deposited into the Fund, not less than eleven percent shall be made available to the State of Hawaii to carry out the provisions of Section 10002 of this Act.

(e) Amounts appropriated to the Fund shall remain available until obligated or until the Fund is terminated.

(f) Upon payment of all incremental costs associated with the purposes for which the Fund is established, the Fund shall be terminated.

(g) Subject to the provisions of this Section, the Secretary is authorized to provide $45,000,000 to the State of Hawaii for the purpose of long term planning and implementation by the State of (i) such long term planning (ii) environmental restoration activities and (iii) the terms and conditions set forth in the Memorandum of Understanding required by Section 10002 of this Act, concerning Kaho'olawe Island and its adjacent waters. Such funds as are provided by the Secretary for the purpose of carrying out this Section shall be made available to the State by the Secretary from funds made available pursuant to this Act and shall be provided to the State of Hawaii.

(h) Funds in addition to those provided pursuant to Section 10003(g) may be provided to the State of Hawaii upon the submission of an acceptable plan containing the elements identified in 10003(g) of this Act and demonstrating, to the satisfaction of the Secretary, that such funds are necessary to the proper fulfillment of such elements and the purposes of this Act. The Secretary shall have sole discretion to award such additional funds, however, the award of such funds shall not be unreasonably withheld.

SEC. 10004. ANNUAL REPORT TO CONGRESS AND RELATED DISPUTE RESOLUTION.

(a) The Secretary shall submit annually a Report, in detail, describing compliance with the provisions of this Act. Such Report shall include the comments of the State of Hawaii and be submitted to the Defense Committees of Congress.

(b) Federal Courts shall have jurisdiction to enforce the terms, conditions and provisions of this Act, regarding the activities, duties, and responsibilities of the United States, its departments, agencies and instrumentalities set forth in this Act and occurring on the Island of Kaho'olawe and in its adjacent waters. In any judicial review under this Act, the United States or the State, or both, if not a party may intervene as a matter of right. The United States, its departments, agencies and instrumentalities shall be subject to only such injunctive relief as may be imposed by the court to enforce compliance with the terms of this Act and the Memorandum of Understanding. Such compliance shall be enforced giving due regard to the need for expeditious clean-up under the terms and conditions of this Act.

And the Senate agree to the same.

JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. (BILL) HEFNER,
MARTIN O. SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
WILLIAM H. NATCHER,
JOSEPH M. MCDADE,
C.W. BILL YOUNG,
BOB LIVINGSTON,
JERRY LEWIS,
JOE SKEEN,

Managers on the Part of the House.

DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
ROBERT C. BYRD,
PATRICK J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
TED STEVENS,
ALFONSE D'AMATO,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116), making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the Department of Defense Appropriations Act, 1994, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 103-254 and Senate Report 103-153 should be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary.

TITLE I—MILITARY PERSONNEL

The conferees agree to the following amounts and end strength totals for the Military Personnel accounts as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
Active personnel:				
Army	21,206,600	21,571,207	21,212,285	21,296,177
Navy	18,356,900	18,633,383	18,156,982	18,330,950
Marine Corps	5,678,700	5,763,117	5,755,272	5,772,317
Air Force	15,629,630	15,916,937	15,662,809	15,823,030
Reserve personnel:				
Army	2,114,400	2,143,272	2,138,416	2,149,147
Navy	1,528,700	1,565,838	1,550,989	1,555,800
Marine Corps	308,000	350,490	311,661	350,890
Air Force	772,748	783,158	778,919	781,958
National Guard personnel:				
Army	3,290,200	3,334,183	3,332,556	3,340,283
Air Force	1,197,892	1,215,935	1,230,471	1,223,492
Total, Military Personnel	70,083,770	71,277,520	70,130,360	70,624,044

ACTIVE END STRENGTH

[Fiscal year 1994]

	Budget	Conference	Conference versus budget
Army	540,000	540,000	0
Navy	480,800	480,800	0
Marine Corps	174,100	177,000	+2,900
Air Force	425,700	425,700	0

ACTIVE END STRENGTH—Continued

[Fiscal year 1994]

	Budget	Conference	Conference versus budget
Total	1,620,600	1,623,500	+2,900

MILITARY PERSONNEL, ARMY

Amendment No. 1: Appropriates $21,296,177,000 instead of $21,571,207,000 as proposed by the House and $21,212,285,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	313,730	310,600	310,600
Base Support DBOF Adjustment	41,877	41,877	41,877
DCAA/DCMC DBOF Adjustment	9,000	0	9,000
Permanent Change of Station	0	−75,338	−38,000
Retired Pay Accrual	0	−184,908	−92,000
Personnel Underexecution	0	−31,200	−31,200
Separation Programs	0	−110,700	−110,700
Temporary Lodging Allowance	0	10,020	0
Foreign Currency Reimbursement	0	334	0
European Troop Strength PCS Costs	0	45,000	0
Total, Military personnel, Army	+364,607	+5,685	+89,577

MILITARY PERSONNEL, NAVY

Amendment No. 2: Appropriates $18,330,950,000 instead of $18,633,383,000 as proposed by the House and $18,156,982,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	266,483	260,400	260,400
DCAA/DCMA DBOF Adjustment	10,000	0	10,000
Permanent Change of Station	0	−19,289	−10,000
Retired Pay Accrual	0	−158,651	−79,100
Personnel Underexecution	0	−289,304	−205,000
Submarine Duty Pay	0	−2,250	−2,250
Temporary Lodging Allowance	0	8,880	0
Foreign Currency Reimbursement	0	296	0
Total, Military personnel, Navy	+276,483	−199,918	−25,950

MILITARY PERSONNEL, MARINE CORPS

Amendment No. 3: Appropriates $5,772,317,000 instead of $5,763,117,000 as proposed by the House and $5,755,272,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	84,417	84,900	84,417
Retired Pay Accrual	0	−51,645	−25,800
End Strength Adjustment	0	40,000	35,000
Temporary Lodging Allowance	0	3,210	0
Foreign Currency Reimbursement	0	107	0
Total, Military personnel, Marine Corps	84,417	+76,572	+93,617

MILITARY PERSONNEL, AIR FORCE

Amendment No. 4: Appropriates $15,823,030,000 instead of $15,916,937,000 as proposed by the House and $15,662,809,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	264,307	263,900	263,900
DCAA/DCMC Adjustment	23,000	0	23,000
Permanent Change of Station	0	−21,398	−11,000
Retired Pay Accrual	0	−158,447	−80,800
Personnel Underexecution	0	−39,269	−2,000
Force Structure/Tactical Airlift	0	−19,260	0
Temporary Lodging Allowance	0	7,890	0
Foreign Currency Reimbursement	0	263	0
Flight Duty Pay	0	−500	−500
Total, Military personnel, Air Force	287,307	−33,179	+193,400

NATIONAL GUARD AND RESERVE FORCES

The conferees agree to provide $9,401,570,000 in Reserve personnel appropriations, $8,119,478,000 in operation and maintenance appropriations, and $1,200,000,000 in the National Guard and Reserve Equipment appropriation. These funds support a Selected Reserve strength of 1,024,800 as shown below. The conferees agreed to delete House section 8012, which placed a floor on technicians and a ceiling on the number of active Guard and Reserve positions. Amendment number 137 shows the AGR and military technician breakout.

RESERVE STRENGTHS

[Fiscal year 1994]

	Budget	Conference	Conference versus budget
Selected Reserve:			
Army Reserve	260,000	260,000	
Navy Reserve	113,400	113,400	
Marine Corps Reserve	36,900	42,200	+5,300
Air Force Reserve	81,500	81,500	
Army National Guard	410,000	410,000	
Air National Guard	117,700	117,700	
Total	1,019,500	1,024,800	+5,300

RESERVE PERSONNEL, ARMY

Amendment No. 5: Appropriates $2,149,147,000 instead of $2,143,272,000 as proposed by the House and $2,138,416,000 as proposed by the Senate. The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	28,872	28,900	28,872
Retired Pay Accrual	0	−10,639	−5,300
Junior ROTC	0	−5,420	0
Transition Assistance	0	11,175	11,175
Total, Reserve personnel, Army	28,872	24,016	+34,747

RESERVE PERSONNEL, NAVY

Amendment No. 6: Appropriates $1,555,800,000 instead of $1,565,838,000 as proposed by the House and $1,550,989,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	21,038	21,000	21,000
COOP Program	3,200	0	0
P–3 Squadrons	12,900	0	0
Retired Pay Accrual	0	−9,611	−4,800
Transition Assistance	0	10,900	10,900
Total, Reserve personnel, Navy	37,138	22,289	+27,100

RESERVE PERSONNEL, MARINE CORPS

Amendment No. 7: Appropriates $350,890,000 instead of $350,490,000 as proposed by the House and $311,661,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	4,490	4,500	4,490
Force Structure Adjustment	38,000	0	38,000
Retired Pay Accrual	0	−1,548	−800
Junior ROTC	0	−491	0
Transition Assistance	0	1,200	1,200
Total, Reserve personnel, Marine Corps	42,490	3,661	+42,890

RESERVE PERSONNEL, AIR FORCE

Amendment No. 8: Appropriates $781,958,000 instead of $783,158,000 as proposed by the House and $778,919,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	9,687	9,700	9,687
WC–130 Weather Reconn Mission	723	0	723
Retired Pay Accrual	0	−2,486	−1,200
Junior ROTC	0	−1,043	0
Total, Reserve Personnel, Air Force	10,410	6,171	+9,210

NATIONAL GUARD PERSONNEL, ARMY

Amendment No. 9: Appropriates $3,340,283,000 instead of $3,334,183,000 as proposed by the House and $3,332,556,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	43,983	44,000	43,983
Retired Pay Accrual	0	−15,444	−7,700
Transition Assistance	0	13,800	13,800
Total, National Guard personnel, Army	43,983	42,356	+50,083

NATIONAL GUARD PERSONNEL, AIR FORCE

Amendment No. 10: Appropriates $1,223,492,000 instead of $1,215,935,000 as proposed by the House and $1,230,471,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	House	Senate	Conference
Pay Increase	18,043	18,000	18,000
Retired Pay Accrual	0	−6,621	−3,300
Force Structure/Tactical Airlift	0	10,300	0
Transition Assistance	0	10,900	10,900
Total, National Guard personnel, Air Force	18,043	32,579	+25,600

TITLE II—OPERATION AND MAINTENANCE

A summary of the conference agreement is as follows:

[In thousands of dollars]

	1994 budget amount	House amount	Senate amount	Conference amount
O&M, ARMY	14,966,194	15,221,091	15,706,229	15,802,057
TRANSFER—DBOF	(880,200)	(880,200)		
TRANSFER—STOCKPILE	(150,000)	(150,000)	(150,000)	(150,000)
O&M, NAVY	18,139,200	18,097,782	19,845,083	19,860,309
TRANSFER—DBOF	(1,092,700)	(1,092,700)		
TRANSFER—STOCKPILE	(150,000)	(150,000)	(150,000)	(150,000)

[In thousands of dollars]

	1994 budget amount	House amount	Senate amount	Conference amount
O&M, MARINE CORPS	1,697,000	1,773,889	1,834,495	1,857,699
TRANSFER—DBOF	(121,000)	(121,000)		
O&M, AIR FORCE	18,582,984	18,305,447	19,107,389	19,093,805
TRANSFER—DBOF	(941,400)	(941,400)		
TRANSFER—STOCKPILE	(200,000)	(200,000)	(200,000)	(200,000)
O&M, DEFENSEWIDE	9,500,581	9,487,133	9,452,165	9,456,801
O&M, ARMY RESERVE	1,107,800	1,115,095	1,057,740	1,075,140
O&M, NAVY RESERVE	773,800	807,200	761,137	763,137
O&M, MARINE CORPS RESERVE	75,100	86,855	75,125	83,130
O&M, AIR FORCE RESERVE	1,354,578	1,370,222	1,333,470	1,335,354
O&M, ARMY NATIONAL GUARD	2,218,900	2,272,018	2,216,944	2,230,419
O&M, AIR NATIONAL GUARD	2,657,233	2,695,233	2,686,299	2,632,298
NATL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY	2,483	2,483	2,483	2,483
COURT OF MILITARY APPEALS, DEFENSE	6,055	5,855	6,055	5,855
SUPPORT FOR INTL. SPORTING COMPETITIONS, DEFENSE		6,000		
SUMMER OLYMPICS			2,000	2,000
WORLD CUP USA 1994			12,000	6,000
ENVIRONMENTAL RESTORATION, DEFENSE	2,309,400	1,716,800	2,207,800	1,962,300
HUMANITARIAN ASSISTANCE		15,000	48,0000	48,000
GLOBAL COOPERATIVE INITIATIVES	448,000			
FORMER SOVIET UNION THREAT REDUCTION	400,000	400,000	400,000	400,000
GRAND TOTAL, O&M	74,239,308	73,378,103	76,754,414	76,616,787
TRANSFER	(3,535,300)	(3,535,300)	(500,000)	(500,000)
TOTAL FUNDS AVAILABLE, O&M	(77,774,608)	(76,913,403)	(77,254,414)	(77,116,787)

JUSTIFICATION MATERIALS AND REPROGRAMMING PROCEDURES

The conferees agree that proposed transfers of funds between O-1 budget activity funding categories in excess of $20,000,000 are subject to normal reprogramming procedures. Due to continuing concerns about military force readiness, the conferees also agree that the Department shall notify the Congressional defense committees prior to transfers in excess of $20,000,000 from the following subactivity group categories:

O&M, Army

Operating forces: Combat units; Tactical support; Force-related training/special activities.

O&M, Navy

Operating forces: Mission and other flight operations; Mission and other ship operations.

O&M, Air Force

Operating forces: Primary combat forces; Primary combat weapons; Global C3I and early warning.

The conferees direct the Department to submit a Mid-Year Operation and Maintenance Execution Review not later than May 1, 1994. The review should be submitted to the Committees on Appropriations and Armed Services of the House and Senate. The conferees intend to work with the Department to determine the details of this submission.

DEPOT MAINTENANCE

The conferees are concerned about the size and cost of the depot maintenance infrastructure operated by the Department of Defense. To this end, the conferees urge the Department to improve its programs for depot maintenance competition and interservicing, and identify ways to reduce excess capacity. However, the conferees also believe that the Department needs to maintain a core inhouse capability because commercial activities cannot support all mobilization needs, and because private concerns may not always be the lowest cost provider of needed depot maintenance services.

Beside the need to reduce costs and improve the efficiency of depot maintenance, the conferees are also concerned about maintaining adequate oversight. Last year the House Appropriations Committee expressed concern over this matter and directed the Department not to unilaterally implement depot "privatization" initiatives absent Congressional approval. The conferees continue to believe the Department must develop a uniform policy concerning the public-private share of depot maintenance which, if it incorporates changes to existing policy, should be forwarded as a legislative initiative.

The conferees support recommendations found in both the House and Senate reports directing the Department of Defense to conduct analyses required to operate depot maintenance functions more efficiently. Specifically, the conferees direct that Department to take the following actions:

Privatization.—The report directed by both House and Senate in their reports accompanying this bill shall be forwarded to the Committees on Appropriations and Armed Services of the House and Senate by April 15, 1994.

Certification of Bids in Depot Maintenance Competitions.—Section 9095 of the fiscal year 1993 Defense Appropriations Act required certification of both public and private bids for depot maintenance contracts by the Defense Contract Audit Agency. The conferees wish to clarify their intent that, for competitions carried out under this provision, DCAA audit reports containing an opinion that a bid was prepared in accordance with the DoD Cost Comparability Handbook and is acceptable for evaluation shall be considered a valid certification. The inclusion of findings questioning costs as either understated or overstated are to be considered of an advisory nature only, unless specifically stated by DCAA.

Determination of Core Depot Maintenance Workload.—The conferees direct the Department to carry out a study to determine the appropriate public/private mix needed to accomplish depot maintenance workload. In addition to identifying that workload which should be performed by the Department, this study should also develop a plan for distributing workload to DoD facilities to include increasing the use of interservicing. The Department should provide its findings to the Committees on Appropriations not later than April 15, 1994.

Funding Levels.—The conferees have not set funding levels subject to DD 1414, Base for Reprogramming, since there exists a reprogramming threshold of $20 million between budget activities. However, the conferees caution the Department to use depot maintenance funds as a last resort for emergency purposes and, that once additional funds are provided, to restore those same amounts taken from the depot maintenance accounts. The conferees direct each Service to report to the Committees on Appropriations of the House and Senate 30 days after their mid-year reviews on the adjustments made to the depot maintenance accounts.

SPECIAL DEPOT FACILITIES

As part of the maintenance structure supporting the Department of Defense, there are a number of special depot facilities with experienced contractor/government teams having a superior record of performance in support of small fleets of uniquely configured aircraft. The Department should consider transferring no workload from these facilities or consolidating workload within other facilities performing unrelated depot services unless such transfer or consolidation is an integral part of the Base Realignment and closure (BRAC) process, or until completion of a cost and operational effectiveness analysis (COEA) which clearly shows the benefits to the user community and to the taxpayer of such a move.

DEFENSE FINANCE AND ACCOUNTING SERVICE

The conferees agree to reduce funding for accounting services by a total of $85,200,000, as proposed by the Senate. The specific reductions to the service and Defensewide accounts shall be rebated by the Defense Finance and Accounting Service (DFAS), as described in Senate Report 103-153. The conferees strongly agree that DFAS must reduce administrative overhead to a greater degree than that reached to date if it is to achieve the operating and efficiency objectives promised by the agency.

FUEL REPRICING AND WAR RESERVES

Since savings will result from changes in world fuel prices and war reserve requirements, the conferees agree to reduce funding for fuel purchases requested by the military services by a total of $527,900,000. Because these savings will accure to the Department's wholesale fuel supply system, the conferees direct the Defense Fuel Supply Center to provide, free-of-charge, fuel to the services in the amounts listed in the table on page 40 of Senate Report 103-153.

CONSOLIDATION OF COMMAND AND STAFF AND WAR COLLEGES

The conferees direct the Secretary of Defense to provide a study detailing potential cost savings from consolidation of the military services command and staff, and war colleges, and their administration. The study should include possible alternative consolidation strategies and timetables, and provide comments on the practicality of each alternative. Consideration shall be given to the progress that has been made on joint and service-specific education. The study shall also consider possible enhancements to joint education and training that may result from consolidation of these institutions, and a comparison of savings achieved through vertical integration of the administrations within each service, including instances where such integration has occurred, versus the overall integration of the administrations of the service schools. The Department shall not take action on any consolidation until the study has been submitted to the appropriate Congressional committees.

Noting the Department's noncompliance with a similar request made in the fiscal year 1993 Senate Appropriations Committee report (S. Report 102-408), this study shall be submitted to the Congressional defense committees no later than March 31, 1994. The Department's report on this matter shall not be combined with other reports due to the Congress on military personnel management, such as Defense Officer Personnel Management Act (DOPMA) reform. If the study is not provided by the date specified above, the Conferees will consider corrective actions in ensuing legislation.

TRAVEL

The conferees note that substantial amounts appear to be set aside annually for Department of Defense personnel to attend conventions, conferences, and seminars sponsored by non-governmental organizations. The conferees also note that substantial amounts of resources are used to support conventions, and conferences sponsored by non-governmental organizations. The conferees direct the Department to limit the amount of funds and other resources it provides to various non-governmental organizations at their conventions, conferences, and other functions to one-half of the levels provided in fiscal year 1993. The conferees intend to initiate a review of the Department's support to non-governmental organizations in the near future.

DOD ENVIRONMENTAL SECURITY PROGRAMS

OVERVIEW

The conferees have agreed to a reduction of $347,100,000 to the Defense Environmental Restoration Account (DERA) from the President's budget request due to severe budget constraints. This reduction should in no way lessen the Department's commitment to the restoration and treatment of its natural resources, and the conferees urge the new Administration to work to reduce the impediments to expeditious cleanup.

In addition, the conferees continue to strongly agree that individual site cleanup projects should not be specifically earmarked within the DERA account.

The Senate mandated a number of reports from the Department to assess the validity of requested environmental funds. The conferees agree to these new reports and direct that they be submitted annually to the Defense oversight committees.

Directions provided by either the House or Senate reports should be complied with if funding or direction has either been included by the conferees or was included in the President's budget request.

The conferees agree to the following specific allocations for environmental restoration and compliance projects. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval. Amounts shown are in thousands of dollars.

Environmental restoration and compliance projects

Operation and Maintenance, Army:	
Radioactive Waste Disposal Program	*($1,650,000)
Sixth Infantry Division:	
Munitions reaction furnace	*($350,000)
Water treatment controls	*($2,500,000)
Munitions disposal	*($1,500,000)
U.S. Army Pacific Command Joint Task Force Initiative:	
Wastewater Treatment Joint Task Force	*($500,000)
Family Housing Master Plan	*($2,000,000)
Operation and Maintenance, Navy: Walker River Paiute Reservation	*($500,000)
Operation and Maintenance, Air Force:	
Eleventh Air Force Petroleum, oil and lubricants (POL) cleanup	*($2,500,000)
Kotzebue landfill replacement	*($1,300,000)
Operation and Maintenance, Army National Guard:	
Camp Withycombe	*($800,000)
Oregon National Guard Headquarters	*($835,000)

POLLUTION ABATEMENT TEST

The Energy Policy Act of 1992 calls on the Secretary of Energy in conjunction with industry and federal agencies to conduct a study on diesel engine combustion and fuels and lubricants to reduce emissions of oxides of nitrogen and particulates. To assist in the conduct of this study, the conferees direct the Secretary of Defense to consider developing a program involving DOD fleet vehicles, in particular trucks and buses, to test diesel fuel additives as a means to reduce emissions.

DOD SUPPORT FOR ANTARCTIC RESEARCH

The conferees note the direction in Senate Report 103-137 for the National Science Foundation and the Department of Defense to report on how changes in the armed forces may impact support for the Antarctic research program. The conferees expect that report to be provided concurrently to the Subcommittees on Defense of the House and Senate Committees on Appropriations.

CABLE TELEVISION CONTRACTS

The conferees direct the Department to develop a uniform policy toward all cable television operators that hold contracts or franchise agreements at military installations. The rules of the Federal Acquisition Regulations, including case law applicable to these contracts and franchise agreements, shall be applied in a uniform manner to contracts entered into before and after the date of enactment of this Act. The Department shall transmit a copy of the new policy 90 days after enactment of this Act to the Committees on Appropriations and Armed Services of the House and Senate.

CHILD CARE FACILITIES PRE-SCHOOL EDUCATION

The Committee is aware that child care facilities at several Army bases have implemented an innovative pre-school education initiative which utilizes the Sesame Street program as the basis for interactive reading and for assisting families to become their children's first teachers. Quality care and education of military dependents should continue to be a high priority of the Department of Defense, and the Committee recommends that the Department examine how to expand the Sesame Street pre-school education program to all branches of the military.

OPERATION AND MAINTENANCE, ARMY

Amendment No. 11: Appropriates $15,802,057,000 instead of $15,221,091,000 as proposed by the House and $15,706,229,000 as proposed by the Senate.

Amendment No. 12: Deletes House language to transfer $880,200,000 from the Defense Business Operations Fund.

Amendment No. 13: Inserts Senate language earmarking $6,500,000 for the Army Environmental Policy Institute, of which $2,000,000 shall be for a study on the effects of depleted uranium on the environment; inserts Senate language earmarking $500,000 to study the effects of uranium milling on individuals employed in uranium mills between 1947 and 1971; and deletes Senate language regarding the Somalia operations which is now carried as a general provision (Section 8151).

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
100	OPERATION AND MAINTENANCE, ARMY				
150	BUDGET ACTIVITY 1: OPERATING FORCES				
200	LAND FORCES				
250	COMBAT UNITS	1,548,665	1,658,665	1,506,411	1,620,862
300	TACTICAL SUPPORT	1,104,862	1,104,862	1,084,441	1,099,162
350	THEATER DEFENSE FORCES	201,050	201,050	199,704	201,050
400	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,107,503	1,137,503	1,061,397	1,137,503
450	FORCE COMMUNICATIONS	61,482	61,482	61,070	61,482
500	DEPOT MAINTENANCE	720,723	920,723	743,196	795,723
550	JCS EXERCISES	61,147	61,147	60,737	61,147
600	BASE SUPPORT	2,809,570	2,843,170	2,712,105	2,748,429
650	LAND OPERATIONS SUPPORT				
700	COMBAT DEVELOPMENTS	227,662	227,662	223,366	227,662
750	UNIFIED COMMANDS	35,165	35,165	35,165	35,165
800	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	7,877,829	8,251,429	7,687,592	7,988,185
850	BUDGET ACTIVITY 2: MOBILIZATION				
900	MOBILITY OPERATIONS				

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
950	POMCUS	72,600	72,600	59,400	59,400
1000	STRATEGIC MOBILIZATION	171,765	171,765	204,965	204,965
1050	WAR RESERVE ACTIVITIES	30,212	30,212	29,232	30,212
1100	INDUSTRIAL PREPAREDNESS	97,819	97,819	97,819	97,819
1150	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	372,396	372,396	391,416	392,396
1200	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
1250	ACCESSION TRAINING				
1300	OFFICER ACQUISITION	44,345	44,345	41,458	41,458
1350	RECRUIT TRAINING	12,597	12,597	12,597	12,597
1400	ONE STATION UNIT TRAINING	12,947	12,947	12,947	12,947
1450	RESERVE OFFICER TRAINING CORPS (ROTC)	95,266	101,016	95,266	101,016
1500	BASE SUPPORT (ACADEMY ONLY)	111,077	111,077	108,870	108,459
1550	BASIC SKILL/ADVANCE TRAINING				
1600	SPECIALIZED SKILL TRAINING	327,264	327,264	327,264	327,264
1650	FLIGHT TRAINING	257,448	257,448	257,448	257,448
1700	PROFESSIONAL DEVELOPMENT EDUCATION	61,458	61,458	59,432	61,458
1750	TRAINING SUPPORT	349,770	366,770	366,770	366,770
1800	BASE SUPPORT (OTHER TRAINING)	921,972	921,972	899,752	900,246
1850	RECRUITING/OTHER TRAINING				
1900	RECRUITING AND ADVERTISING	151,284	151,284	155,384	155,384
1950	EXAMINING	50,895	50,895	50,895	50,895
2000	OFF-DUTY AND VOLUNTARY EDUCATION	113,430	113,430	113,430	113,430
2050	CIVILIAN EDUCATION AND TRAINING	86,816	86,816	86,816	86,816
2100	JUNIOR ROTC	69,093	69,093	42,840	69,093
2150	BASE SUPPORT (RECRUITING LEASES)	161,877	194,797	156,584	190,976
2200	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	2,827,539	2,883,209	2,787,753	2,856,257
2250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
2300	SECURITY PROGRAMS				
2350	SECURITY PROGRAMS	401,982	401,982	396,511	401,982
2400	LOGISTICS OPERATIONS				
2450	SERVICEWIDE TRANSPORTATION	520,955	595,955	650,955	600,955
2500	CENTRAL SUPPLY ACTIVITIES	479,785	479,785	551,494	479,785
2550	LOGISTIC SUPPORT ACTIVITIES	327,911	338,461	317,411	410,461
2600	AMMUNITION MANAGEMENT	249,790	249,790	249,790	249,790
2650	SERVICEWIDE SUPPORT				
2700	ADMINISTRATION	308,170	272,570	335,266	293,728
2750	SERVICEWIDE COMMUNICATIONS	781,392	751,392	765,692	751,392
2800	MANPOWER MANAGEMENT	71,956	71,956	71,956	71,956
2850	OTHER PERSONNEL SUPPORT	154,704	154,704	150,104	155,204
2900	OTHER SERVICE SUPPORT	421,995	411,995	385,795	392,195
2950	ARMY CLAIMS ACTIVITIES	199,373	199,373	199,373	199,373
3000	REAL ESTATE MANAGEMENT	98,843	98,843	100,843	100,843
3050	DEFENSE ENVIRONMENTAL RESTORATION PROGRAM				
3100	BASE SUPPORT	678,371	674,743	618,130	659,249
3150	SUPPORT OF OTHER NATIONS				
3200	INTERNATIONAL MILITARY HEADQUARTERS	222,813	212,813	191,758	191,913
3250	MISC SUPPORT OF OTHER NATIONS	23,396	23,396	23,396	23,396
3300	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	4,941,436	4,937,758	5,008,474	4,982,222
3330	CLASSIFIED PROGRAMS UNDISTRIB. REDUCTIONS		15,905	−14,200	5,803
3350	GENERAL REDUCTION, DBOF	−880,200	−880,200		
3400	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−150,000	−150,000	−150,000	−150,000
3450	PRIOR YEAR REDUCTION	−4,806	−4,806	−4,806	−4,806
3520	REDUCTIONS FOR BRAC III	−18,000	−18,000		
3530	TRANSFER TO INSPECTOR GENERAL		−9,800		
3535	AUTOMATIC DATA PROCESSING		−25,000		−63,000
3585	INVENTORIES		−151,800		
3590	FOREIGN CURRENCY				−205,000
3600	TOTAL, OPERATION AND MAINTENANCE, ARMY	14,966,194	15,221,091	15,706,229	15,802,057
3650	(BY TRANSFER—DBOF)	(880,200)	(880,200)		
3700	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUND)	(150,000)	(150,000)	(150,000)	(150,000)
3750	TOTAL FUNDS AVAILABLE	(15,996,394)	(16,251,291)	(15,856,229)	(15,952,057)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1:	
250 OPTEMPO	+100,000
Supplemental Fuel Tank	+2,000
Fuel Repricing	−17,883
Fuel war reserves	−14,670
Purchase Threshold	+2,750
300 Simulation Internet	−5,700
400 OPTEMPO	+30,000
500 C-E Depot Maint Backlog	+46,600
Aircraft Maint	+28,400
600 European Base Ops	−20,000
George AFB/NTC Airhead	+3,000
San Francisco Conservation Corps	+300
U.S. Base Ops	+10,000
Equip Maint Shelters (Ft. Bragg)	+2,000
DBOF/Base Ops	+8,650
Civ Pers Understrength	−66,241
Castner Range Cleanup	+1,150
Budget Activity 2:	
950 POMCUS	−13,200
1000 Strategic Mobility	+33,200
Budget Activity 3:	
1300 Officer Acquisition	−2,887
1450 ROTC Prog & ROTC/IU-NW Project	+5,750
1500 Civ Pers Understrength	−2,618
1750 Teletraining	+17,000
1800 Civ Pers Understrength	−21,726
1900 Recruiting	+4,100
2150 DBOF/Base Ops	+32,920
Civ Pers Understrength	−3,821
Budget Activity 4:	
2450 Retro-Eur	+80,000
2550 Retro-Eur	+74,000
Use of Natural Gas Technology	+2,600
Acft & Maint Shelters (Italy)	+5,000
Voice Maintenance Test	+950
2700 Celebrations	+900
SES Workyears	−1,500
Consultant Advisory Assistance Sys	−15,000
Defense Nuclear Agency	+32,018
Headquarters	−6,360
Travel	−22,100
Criminal Investigation	−2,400
2750 General Communications	−30,000
2850 Life Science Lab	+500
2900 DFAS Services	−29,800
3000 Real Estate Administration	+2,000
3100 White Sands RPM Backlog	+2,700
Hamilton AFB Cleanup	+5,000
Letterkenny RPM Backlog	+1,500
DBOF/Base Ops	−6,928
Civ Pers Understrength	−15,994
Pentagon Renovation	−5,400
3200 Spt to Other Nations	−30,900

MOBILE SUBSCRIBER EQUIPMENT MAINTENANCE

The conferees agree to delete the House reporting requirement on contractual arrangements for Mobile Subscriber Equipment maintenance.

COMBAT SURVIVAL TRAINING PROGRAM

The conferees agree that the Army should establish a combat survival training program similar to the Air Combat Aircrew Training Program. The conferees direct the Army to submit a plan to establish this program to the Committees on Appropriations and Armed Services of the House and Senate by April 15, 1994.

FORT RAY CLEANUP

The conferees agree that $850,000 shall be available only for the removal of hazardous material and demolition of former military facilities at the Fort Ray site in Alaska. These properties were ultimately conveyed to the Shee Atika Native corporation by the Department of Defense. The Secretary of the Army shall submit a plan for activities at the Ft. Ray site to the Committees on Appropriations of the House and Senate not later than February 1, 1994.

LIFE SCIENCES LAB

The conferees provide $500,000 for the Air Force's Life Sciences Equipment Laboratory. This lab is involved in the identification of POW/MIA remains.

OPERATION AND MAINTENANCE, NAVY

Amendment No. 14: Appropriations $19,860,309,000 instead of $18,097,782,000 as proposed by the House and $19,845,083,000 as proposed by the Senate.

Amendment No. 15: Deletes House language to transfer $1,092,700,000 from the Defense Business Operations Fund.

Amendment No. 16: Restores House language earmarking $350,000 to connect residences in the vicinity of the Naval Air Warfare Center to the Warminster municipal water supply system.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
3800	OPERATION AND MAINTENANCE, NAVY				
3850	BUDGET ACTIVITY 1: OPERATING FORCES				
3900	AIR OPERATIONS				
3950	MISSION AND OTHER FLIGHT OPERATIONS	1,797,906	1,847,906	1,744,029	1,760,971
4000	FLEET AIR TRAINING	614,685	635,685	591,650	587,985
4050	INTERMEDIATE MAITENANCE	91,482	101,482	91,482	91,482
4100	AIR OPERATIONS AND SAFETY SUPPORT	144,178	144,178	144,178	144,178
4150	AIRCRAFT DEPOT MAITENANCE	554,404	604,404	603,804	603,804
4200	AIRCRAFT DEPOT OPERATIONS SUPPORT	25,288	25,288	25,288	25,288
4250	BASE SUPPORT	998,210	995,142	985,233	980,932
4300	SHIP OPERATIONS				
4350	MISSION AND OTHER SHIP OPERATIONS	2,044,690	2,104,690	1,978,065	2,004,690
4400	SHIP OPERATIONAL SUPPORT AND TRAINING	453,522	453,522	436,526	438,892
4450	INTERMEDIATE MAINTENANCE	471,610	486,610	471,619	471,619
4500	SHIP DEPOT MAINTENANCE	2,003,269	2,043,269	2,122,269	2,104,769
4550	SHIP DEPOT OPERATIONS SUPPORT	645,607	645,607	669,807	668,307
4600	BASE SUPPORT	927,787	927,787	900,967	897,166
4650	COMBAT OPERATIONS/SUPPORT.				
4700	COMBAT COMMUNICATIONS	203,346	203,346	203,346	203,346
4750	ELECTRONIC WARFARE	7,522	7,522	7,522	7,522
4800	SPACE SYSTEMS AND SURVEILLANCE	222,017	222,017	222,017	222,017
4850	WARFARE TACTICS	128,850	138,850	148,850	148,850
4900	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	203,039	203,039	203,039	203,039
4950	COMBAT SUPPORT FORCES	265,475	265,475	250,845	250,845
5000	EQUIPMENT MAINTENANCE	132,676	132,676	132,676	132,676
5050	DEPOT OPEATIONS SUPPORT	1,438	1,438	1,438	1,438
5100	BASE SUPPORT	410,889	440,889	405,547	404,621
5150	WEAPONS SUPPORT				
5200	CRUISE MISSILE	105,995	105,995	105,995	105,995
5250	FLEET BALLISTIC MISSILE	800,005	800,005	800,005	800,005
5300	IN-SERVICE WEAPONS SYSTEMS SUPPORT	46,752	46,752	46,752	46,752
5350	WEAPONS MAINTENANCE	506,616	536,616	506,616	506,616
5400	BASE SUPPORT	86,837	86,837	85,708	86,037
5410	UNDISTRIBUTED	—	—	−9	−9
5450	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	13,894,095	14,217,027	13,885,264	13,899,833
5500	BUDGET ACTIVITY 2: MOBILIZATION				
5550	READY RESERVE AND PREPOSITIONING FORCES				
5600	SHIP PREPOSITIONING AND SURGE	507,725	507,725	507,725	507,725
5650	ACTIVATIONS/INACTIVATIONS				
5700	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,880	6,880	6,880	6,880
5750	SHIP ACTIVATIONS/INACTIVATIONS	808,505	808,505	808,505	808,505
5800	MOBILIZATION PREPAREDNESS				
5850	FLEET HOSPITAL PROGRAM	17,756	17,756	17,756	17,756
5900	INDUSTRIAL READINESS	12,752	12,752	12,752	12,752
5950	COAST GUARD SUPPORT	18,205	18,205	18,205	18,205
6000	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	1,371,823	1,371,823	1,371,823	1,371,823
6050	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
6100	ACCESSION TRAINING				
6150	OFFICER ACQUISITION	54,761	54,761	54,761	54,761
6200	RECRUIT TRAINING	4,498	4,498	4,498	4,498
6250	RESERVE OFFICERS TRAINING CORPS (ROTC)	49,961	54,961	49,961	52,461
6300	BASE SUPPORT	112,519	112,519	112,519	112,519
6350	BASIC SKILLS AND ADVANCED TRAINING				
6400	SPECIALIZED SKILL TRAINING	227,268	237,268	225,268	232,268
6450	FLIGHT TRAINING	334,461	334,461	331,461	331,461
6500	PROFESSIONAL DEVELOPMENT EDUCATION	56,773	56,773	77,070	56,773
6550	TRAINING SUPPORT	142,284	142,284	140,284	140,284
6600	BASE SUPPORT	438,117	438,117	431,117	438,117
6650	RECRUITING, AND OTHER TRAINING AND EDUCATION				
6700	RECRUITING AND ADVERTISING	80,478	80,478	90,478	90,478
6750	OFF-DUTY AND VOLUNTARY EDUCATION	55,306	55,306	55,306	55,306
6800	CIVILIAN EDUCATION AND TRAINING	26,848	26,848	26,848	26,848
6850	JUNIOR ROTC	18,484	18,484	14,899	18,484
6900	BASE SUPPORT	427	427	427	427
6950	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	1,602,185	1,617,185	1,614,897	1,614,685
7000	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
7050	SERVICEWIDE SUPPORT				
7100	ADMINISTRATION	302,943	277,943	295,055	273,166
7150	EXTERNAL RELATIONS	20,298	20,298	20,298	20,298
7200	CIVILIAN MANPOWER AND PERSON MANAGEMENT	48,833	48,833	48,833	48,833
7250	MILITARY MANPOWER AND PERSON MANAGEMENT	127,315	127,315	125,660	126,115
7300	OTHER PERSONNEL SUPPORT	390,476	390,476	364,523	368,876
7350	SERVICEWIDE COMMUNICATIONS	265,267	235,367	226,617	232,767
7400	BASE SUPPORT	294,565	291,365	281,604	279,233
7450	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT				
7500	SERVICEWIDE TRANSPORTATION	193,230	193,230	193,230	193,230
7550	PLANNING, ENGINEERING AND DESIGN	281,596	281,596	281,596	281,596
7600	ACQUISITION AND PROGRAM MANAGEMENT	368,777	368,777	368,777	368,777

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
7650	AIR SYSTEMS SUPPORT	195,006	195,006	195,006	195,006
7700	HULL, MECHANICAL AND ELECTRICAL SUPPORT	63,130	63,130	63,130	63,130
7750	COMBAT/WEAPONS SYSTEMS	18,174	18,174	18,174	18,174
7800	SPACE AND ELECTRONIC WARFARE SYSTEMS	80,182	80,182	80,182	80,182
7850	BASE SUPPORT	129,640	134,240	124,755	131,040
7900	SECURITY PROGRAMS				
7950	SECURITY PROGRAMS	533,130	533,130	436,124	533,130
8000	BASE SUPPORT	4,478	4,478	4,478	4,478
8050	SUPPORT OF OTHER NATIONS				
8100	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,657	7,657	7,657	7,656
8150	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	3,324,797	3,271,197	3,135,699	3,225,688
8180	CLASSIFIED PROGRAMS UNDISTRIB. REDUCTIONS	—	−10,000	−12,600	−12,920
8200	GENERAL REDUCTION, DBOF	−1,092,700	−1,092,700	—	—
8250	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−150,000	−150,000	−150,000	−150,000
8320	REDUCTIONS FOR BRAC III	−811,000	−811,000	—	—
8330	TRANSFER TO INSPECTOR GENERAL	—	−15,200	—	—
8335	AUTOMATIC DATA PROCESSING	—	−25,000	—	−69,000
8385	INVENTORIES	—	−275,550	—	—
8390	FOREIGN CURRENCY	—	—	—	−19,800
8400	TOTAL, OPERATION AND MAINTENANCE, NAVY	18,139,200	18,097,782	19,845,083	19,860,309
8450	(BY TRANSFER—DBOF)	(1,092,700)	(1,092,700)	—	—
8500	(BY TRANSFER—NATIONAL DEFENSE STOCKPILE FUND).	(150,000)	(150,000)	(150,000)	(150,000)
8550	TOTAL FUNDS AVAILABLE	(19,381,900)	(19,340,482)	(19,995,083)	(20,010,309)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1:	
3950 OPTEMPO	+20,000
Fuel repricing	−20,000
Fuel war reserves	−42,935
Purchase threshold	+6,000
4000 Fuel repricing	−21,000
Simulation Internet	−5,700
4150 Aircraft Maint Backlog	+49,400
4250 DBOF/Base Ops	−3,078
Military personnel understrength	−9,200
Fuel repricing	−5,000
4350 OPTEMPO	+25,000
Fuel repricing	−25,000
Fuel war reserves	−40,000
4400 SOSUS	−14,630
4500 Ship Maint Backlog	+100,000
LCU Modernization	+1,500
4550 Shipyard Modernization	+22,700
4600 UPC	−11,681
Fuel repricing	−10,000
Military personnel understrength	−8,940
4850 Pacific Missile Range Facility	+20,000
4950 Fuel repricing	−14,630
5100 Fuel repricing	−2,468
Military personnel understrength	−3,800
5400 Military personnel understrength	−800
Budget Activity 3:	
6250 ROTC	+2,500
6400 Skills training	+5,000
6450 Fuel repricing	−3,000
6550 Schoolhouse tng/prof develop	−2,000
6700 Recruiting	+10,000
Budget Activity 4:	
7100 Navy Audit	−2,277
Consultant Advisory Assistance Svs	−15,000
Criminal investigation	−9,700
Military personnel understrength	−2,800
7250 Military personnel understrength	−1,200
7300 DFAS Services	−18,600
Military personnel understrength	−3,000
7350 Gen Purpose communic	−29,600
Military personnel understrength	3,000
7400 Servicewide support	−9,132
Pentagon Renovation	−3,200
Military personnel understrength	−3,000
7850 Natural Gas Technology	+2,600
Military personnel understrength	−1,200

NAVAL TEST AND FLEET TRAINING RANGE

The conferees agree to add funding to support communications upgrades and operations at the Pacific Missile Range Facility. Below is a listing identifying these projects and the approved funding increases.

Project	*Funding*
SPS-48E Long Range Air Surveillance Radar	$12,200,000
Communications Network expansion	27,500
Portable threat emitter simulator upgrade	395,000
PMRF/USER interconnectivity	2,000,000
Haleakala Maui Microwave/Fiber link	1,000,000
High speed data comm. FDDI network	1,000,000
Wide band communications	3,000,000
Total	19,622,500

NAVAL PUBLIC WORKS FACILITY, PASCAGOULA

The conferees are aware that after nearly three years the Navy has yet to resolve claims associated with a Naval Public Works Facility, Contract No. N62467-88-CO-0039, even though the facility is complete. The conferees firmly recommend that Navy settle or resolve these claims expeditiously and direct the Department to provide a status report to the Committees on Appropriations of the House and Senate by January 15, 1994 on its actions.

JUNIOR LEADERSHIP CORPS

The conferees urge the Department to apply $4 million of available funds to the Junior Leadership Corps pilot program to be conducted at Loring AFB.

HAIFA PORT

In a previous act, the Congress directed the Navy to submit a report detailing possible requirements for upgrades to the Israeli Port of Haifa. Such upgrades would have been in support of U.S. Navy operations in the eastern Mediterranean. That report was submitted by the Secretary of the Navy and reviewed by the Congress. The report indicates that the Haifa port provides a full range of support needed by Navy ships visiting the region. Although no additional funding for port upgrades is available at this time due to budget constraints, the conferees will continue to examine this matter. The conferees wish to express their gratitude to the Government of Israel and the Israeli people for making available to U.S. servicemen and women the facilities of Haifa Port.

NAVY GRADUATE EDUCATION

The conferees direct that funding of at least $38,500,000 be made available to the Naval Postgraduate School for its fiscal year 1994 programs, including $1,000,000 for expanding joint warfare analysis programs.

SOUTHERN MARYLAND HIGHER EDUCATION FACILITY

The conferees direct the Navy to provide support for the southern Maryland higher education facility that will exist to provide graduate level engineering and other education courses for military and civilian personnel at the Patuxent Naval Air Warfare Center.

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 17: Deletes center heading.

Amendment No. 18: Appropriates $1,857,699,000 instead of $1,773,889,000 as proposed by the House and $1,834,495,000 as proposed by the Senate and deletes House language to transfer $121,000,000 from the Defense Business Operations Fund.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
8600	OPERATION AND MAINTENANCE, MARINE CORPS				
8650	BUDGET ACTIVITY 1: OPERATING FORCES				
8700	EXPEDITIONARY FORCES				
8750	OPERATIONAL FORCES	297,241	317,241	298,179	319,929
8800	FIELD LOGISTICS	137,586	137,586	137,586	137,586
8850	DEPOT MAINTENANCE	44,152	66,702	41,152	41,152
8900	BASE SUPPORT	713,651	723,921	729,389	715,515
8950	USMC PROPOSITIONING.				
9000	MARITIME PROPOSITIONING	64,567	98,667	95,967	95,967
9050	NORWAY PROPOSITIONING	6,705	6,705	6,706	6,705
9100	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,263,902	1,350,822	1,308,979	1,316,854
9150	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
9200	ACCESSION TRAINING				
9250	RECRUIT TRAINING	5,389	5,389	5,389	5,389
9300	OFFICER ACQUISITION	204	204	204	204
9350	BASE SUPPORT	56,991	56,991	56,991	56,992
9400	BASIC SKILLS AND ADVANCED TRAINING.				
9450	SPECIALIZED SKILLS TRAINING	19,528	19,528	19,528	19,528
9500	FLIGHT TRAINING	164	164	164	164
9550	PROFESSIONAL DEVELOPMENT EDUCATION	6,919	6,919	3,290	6,919
9600	TRAINING SUPPORT	49,745	49,745	48,192	48,192
9650	BASE SUPPORT	61,101	61,070	61,101	61,101
9700	RECRUITING AND OTHER TRAINING EDUCATION.				
9750	RECRUITING AND ADVERTISING	51,266	51,266	53,566	53,566
9800	OFF-DUTY AND VOLUNTARY EDUCATION	12,506	12,506	12,506	12,506
9850	JUNIOR ROTC	5,104	5,104	5,104	5,104
9900	BASE SUPPORT	6,796	6,796	6,796	6,796
9950	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	275,713	275,682	272,831	276,460
10000	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
10050	SERVICEWIDE SUPPORT				
10100	LOGISTICS SUPPORT	110,460	110,460	81,460	93,160
10150	SPECIAL SUPPORT	98,122	88,122	102,122	102,122
10200	SERVICEWIDE TRANSPORTATION	37,379	37,379	37,379	37,379
10250	ADMINISTRATION	23,582	23,582	22,882	22,882
10300	BASE SUPPORT	8,842	8,842	8,842	8,842
10350	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	278,385	268,385	252,685	264,385
10400	GENERAL REDUCTION, DBOF	−121,000	−121,000		
10550	TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS	1,697,000	1,773,889	1,843,495	1,857,699
10600	(BY TRANSFER—DBOF)	(121,000)	(121,000)		
10650	TOTAL FUNDS AVAILABLE	(1,818,000)	(1,894,889)	(1,834,495)	(1,857,699)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1:	
8750 Force Structure	+9,000
OPTEMPO	+15,000
Fuel Repricing	−1,133
Fuel war reserves	−929
Purchase threshold	750
8850 Ammo Rework	−3,000
8900 Pendleton Flood Repairs	+2,775
DBOF/BOS	−911
9000 Maritime Repositioning Shortfall	+31,400
Budget Activity 3:	
9600 Professional Development	−1,553
9750 Recruiting	+2,300
Budget Activity 4:	
10100 DLR/DBOF	−6,000
JLSC overestimate	−5,900
DFAS Services	−5,400
10150 New Parent Program	+4,000
10250 Travel	−700

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 19: Appropriates $19,093,805,000 instead of $18,305,447,000 as proposed by the House and $19,107,389,000 as proposed by the Senate.

Amendment No. 20: Deletes House language to transfer $941,400,000 from the Defense Business Operations Fund.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
10700	OPERATION AND MAINTENANCE, AIR FORCE				
10750	BUDGET ACTIVITY 1: OPERATING FORCES				
10800	AIR OPERATIONS				
10850	PRIMARY COMBAT FORCES	2,434,488	2,335,448	2,507,239	2,479,007
10900	PRIMARY COMBAT WEAPONS	482,907	482,907	482,907	482,907
10950	COMBAT ENHANCEMENT FORCES	312,117	312,117	298,549	312,117
11000	AIR OPERATIONS TRAINING	457,821	482,821	419,862	420,384
11050	COMBAT COMMUNICATIONS	552,236	552,236	552,236	552,236
11100	BASE SUPPORT	2,260,124	2,341,085	2,168,578	2,199,521
11150	COMBAT RELATED OPERATIONS				
11200	GLOBAL C31 AND EARLY WARNING	790,353	790,353	786,210	786,210
11250	NAVIGATION/WEATHER SUPPORT	150,578	150,578	150,578	150,578
11300	OTHER COMBAT OPS SUPPORT PROGRAMS	253,223	253,223	251,223	257,223
11350	JCS EXERCISES	31,405	31,405	31,405	31,405
11400	MANAGEMENT/OPERATIONAL HEADQUARTERS	108,357	108,357	108,108	108,108
11450	TACTICAL INTELLIGENCE AND OTHER SPECIAL ACTIVITIES	186,749	186,749	186,749	186,749
11500	SPACE OPERATIONS				
11550	LAUNCH FACILITIES	280,183	280,183	296,183	296,183
11600	LAUNCH VEHICLES	105,474	105,474	105,474	105,474
11650	SPACE CONTROL SYSTEMS	423,008	423,008	420,349	423,008
11700	SATELLITE SYSTEMS	45,315	45,315	45,315	45,315
11750	OTHER SPACE OPERATIONS	81,978	81,978	81,978	81,978
11800	BASE SUPPORT	315,390	315,390	303,665	304,665
11850	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	9,271,706	9,278,627	9,196,608	9,223,068
11900	BUDGET ACTIVITY 2: MOBILIZATION				
11950	MOBILITY OPERATIONS				
12000	AIRLIFT OPERATIONS	1,521,193	1,521,193	1,419,693	1,471,193
12050	AIRLIFT OPERATIONS C31	103,481	103,481	103,481	103,481
12100	MOBILIZATION PREPAREDNESS	136,856	136,856	136,856	136,856
12150	PAYMENT TO TRANSPORTATION BUSINESS AREA	1,599,981	1,599,981	1,599,981	1,599,981

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
12200	BASE SUPPORT	1,147,434	1,147,434	1,122,599	1,124,795
12250	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	4,508,945	4,508,945	4,382,610	4,436,306
12300	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
12350	ACCESSION TRAINING				
12400	OFFICER ACQUISITION	44,672	44,672	42,471	44,672
12450	RECRUIT TRAINING	4,660	4,660	2,839	4,660
12500	RESERVE OFFICER TRAINING CORPS (ROTC)	28,809	38,809	25,709	28,809
12550	BASE SUPPORT (ACADEMIES ONLY)	69,953	54,253	68,361	64,953
12600	BASIC SKILLS AND ADVANCED TRAINING				
12650	SPECIALIZED SKILL TRAINING	208,356	208,356	207,418	208,356
12700	FLIGHT TRAINING	381,565	381,565	381,565	381,565
12750	PROFESSIONAL DEVELOPMENT EDUCATION	81,613	72,813	53,724	63,489
12800	TRAINING SUPPORT	69,687	69,687	69,687	69,687
12850	BASE SUPPORT (OTHER TRAINING)	497,306	497,297	474,238	489,806
12900	RECRUITING, AND OTHER TRAINING AND EDUCATION				
12950	RECRUITING AND ADVERTISING	35,373	35,373	35,373	35,373
13000	EXAMINING	3,788	3,788	3,788	3,788
13050	OFF DUTY AND VOLUNTARY EDUCATION	69,854	69,854	69,854	69,854
13100	CIVILIAN EDUCATION AND TRAINING	71,309	71,309	68,729	71,309
13150	JUNIOR ROTC	16,510	16,510	16,510	16,510
13200	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	1,583,455	1,558,946	1,520,266	1,552,831
13250	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
13300	LOGISTICS				
13350	LOGISTICS OPERATIONS	851,465	901,465	829,855	829,865
13400	TECHNICAL SUPPORT ACTIVITIES	358,793	361,393	353,793	361,393
13450	SERVICEWIDE TRANSPORTATION	212,749	212,749	211,749	211,749
13500	BASE SUPPORT	735,734	740,354	713,301	719,301
13550	SERVICEWIDE ACTIVITIES				
13600	ADMINISTRATION	113,691	98,226	104,049	87,346
13650	SERVICEWIDE COMMUNICATIONS	462,806	396,806	380,806	385,506
13700	PERSONNEL PROGRAMS	85,046	85,046	85,046	85,046
13750	RESCUE AND RECOVERY SERVICES	35,447	35,447	35,447	35,447
13800	SUBSISTENCE-IN-KIND	56,896	56,896	56,896	56,896
13850	ARMS CONTROL	37,887	37,887	37,887	37,887
13900	OTHER SERVICEWIDE ACTIVITIES	544,266	539,266	511,366	511,766
13950	OTHER PERSONNEL SUPPORT	33,239	33,239	33,239	33,239
14000	CIVIL AIR PATROL CORPORATION	4,392	4,642	4,392	4,392
14050	BASE SUPPORT	153,640	109,820	146,346	129,340
14100	SECURITY PROGRAMS				
14150	SECURITY PROGRAMS	786,859	786,859	753,202	786,859
14200	SUPPORT TO OTHER NATIONS				
14250	INTERNATIONAL SUPPORT	7,368	7,368	7,331	7,368
14300	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	4,444,278	4,407,463	4,264,705	4,283,400
14330	CLASSIFIED PROGRAMS UNDISTRIB. REDUCTIONS		−62,784	−56,800	−25,600
14350	GENERAL REDUCTION, DBOF	−941,400	−941,400		
14400	GENERAL REDUCTION, NATIONAL DEFENSE STOCKPILE FUND	−200,000	−200,000	−200,000	−200,000
14452	REDUCTIONS FOR BRAC III	−84,000	−84,000		
14460	TRANSFER TO INSPECTOR GENERAL		−12,700		
14470	AUTOMATIC DATA PROCESSING		−25,000		−53,000
14485	INVENTORIES		−122,650		
14495	FOREIGN CURRENCY				−123,200
14550	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE	18,582,984	18,305,447	19,107,389	19,093,805
14600	(BY TRANSFER - DBOF)	(941,400)	(941,400)		
14650	(BY TRANSFER - NATIONAL DEFENSE STOCKPILE FUND)	(200,000)	(200,000	(200,000)	(200,000)
14700	TOTAL FUNDS AVAILABLE	(19,724,384)	(19,446,847)	(19,307,389)	(19,293,905)

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1:	
10850 Depot Level Repairables	+280,000
B–1 flying hours	−8,451
Strategic modernization	−24,500
Fuel repricing	−100,000
Fuel war reserves	−58,070
Purchase threshhold	+5,750
Mothball B–52s	−50,210
11000 Fuel repricing	−31,737
Simulation internet	−5,700
11100 Base Ops	−10,000
11th AF RPM	+11,700
DBOF/BOS	−4,048
Civ Pers understrength	−55,857
Beale AFB Cleanup	+2,800
Military personnel understrength	−5,198
11200 Civ pers understrength	−4,143
11300 Manual Osmosis desalinators	+4,000
11400 Military personnel understrength	−249
11550 NOAA	+17,000
Civ Pers understrength	−1,000
11800 Civ Pers understrength	−10,000
Military personnel understrength	−725
12000 Fuel war reserves	−50,000
12200 Base Ops	−10,000
Civ Pers understrength	−10,000
Military personnel understrength	−2,639
Budget Activity 3:	
12550 Base Ops	−5,000
12750 Professional Development	−18,124
12850 Civ Pers understrength	−7,500
Budget Activity 4:	
13350 Logistics support	−11,500
DFAS Services	−21,900
Aircraft Depot Maint backlog	+11,800
13400 Natural gas technology	+2,600
13500 Base Ops	−10,000
JSTARS	−5,000
Military personnel understrength	−1,433
13600 Major command reorganization	−9,500
Arlington Cemetery	+9,535
Consultant Advisory Assistance Sys	−15,000
Headquarters	−7,680
Criminal investigation	−2,900
Military personnel understrength	−1,000
13650 Gen Purpose Communications	−40,300
Military personnel understrength	−1,000
Alternate dispute resolution	+200
13900 Disability Compensation	−32,000
Military personnel understrength	−500
14000 Civil Air Patrol	+250
14050 Base Ops	−15,000
Hamilton AFB Cleanup	−5,000
Pentagon renovation	−3,800
Military personnel understrength	−500

Amendment No. 21: Restores and amends House language to provide funding for the Tactical Interim CAMS and REMIS Reporting System (TICARRS–92); restores House language providing funding for the Women in Military Service For America Memorial Foundation, Inc., for specific repair, restoration and preservation functions at Arlington

National Cemetery; and restores House language providing funding for continued environmental restoration of the former Olmsted Air Force Base, Pennsylvania.

AUTOMATED LOGISTICS MAINTENANCE SYSTEMS

Last year, the conferees directed the Institute for Defense Analyses (IDA) to complete a comparative evaluation of CAMS/REMIS and TICARRS. This evaluation was directed because the General Accounting Office (GAO) and a Department of Defense Major Information System Review Council had found serious deficiencies in the ability of CAMS and REMIS to deliver timely and accurate data.

IDA verified these previous findings that CAMS/REMIS has problems with data integrity, availability and responsiveness. Furthermore, IDA concluded that because of the complexity of the CAMS/REMIS architecture, it is very uncertain that these shortcomings can be overcome. It also found that the Air Force could save $100,000,000 over ten years by using TICARRS instead of CAMS/REMIS. IDA's overall assessment concluded that TICARRS is at least as effective as CAMS/REMIS with less risk and cost.

Given these findings, the conferees support the House position and direct in the interim that the Air Force reestablish TICARRS, with direct data input, as the maintenance management system for F-15, F-16 and F-117A aircraft.

The conferees further direct that the Deputy Secretary of Defense provide the Committees on Appropriations of the House and Senate a report not later than May 15, 1994, on plans to develop a new joint service, Secretary of Defense-managed, logistics maintenance system. This report should include, but not be limited to: a proposed acquisition timeline, the cost of one new joint system, an evaluation of the applicability of OMB Circular A-109, and the naming of an Office of the Secretary of Defense designee who will manage this important acquisition.

STANDARDIZATION OF MAINTENANCE SYSTEM APPLICATIONS

The Army was tasked in a Program Decision Memorandum, entitled "Army Maintenance Information System", (September 18, 1992), to implement a smart data system. Subsequently, the Army was directed to fund a concept demonstration for presentation to the Undersecretary of Defense for Acquisition on April 1, 1993. However, the conferees have been informed that no action has yet been taken by the Army.

The conferees support the concept of a joint program for maintenance support below the wholesale logistics level, and therefore encourage the Department to carefully evaluate several potential systems before selecting one maintenance support system.

In keeping with this philosophy, the conferees direct that the Army complete a smart data system concept demonstration under the auspices of the Undersecretary of Defense for Acquisition who shall report the results to the defense committees prior to September 30, 1994.

ALTERNATE DISPUTE RESOLUTION

The conferees recommend an additional $200,000 over the request for alternate dispute resolution training and program resolution. These funds are required as a result of recent decisions expanding the Air Force's successful efforts to date in implementing the Administrative Dispute Resolution Act of 1990.

OVER-THE-HORIZON BACKSCATTER RADAR SYSTEM

The conferees agree with the Senate language directing the Air Force to continue operating the East Coast Over-the-Horizon Backscatter (OTH-B) radar at no less than the current 40 hour per week schedule, and to ensure that all OTH-B tracking data is transmitted directly to DOD and civilian agencies responsible for providing counterdrug detection and monitoring support to law enforcement agencies. In order to utilize the full potential of this wide-area sensor, the conferees direct DOD to (1) assist the Air Force in linking the East Coast OTH-B radar site data directly to users, including but not limited to the U.S. Customs/Coast Guard C3I Center, Miami; Joint Task Force 4 Operations Center, Key West; U.S. Southern Command Operations Center, Key West; and U.S. Southern Command Operations Center, Panama; and (2) fully cooperate with efforts of other government agencies to utilize the dual-use capabilities of this system for remote environmental and weather monitoring and other purposes.

DOD NAVIGATION AIDS

The conferees understand that the Air Force and Navy plan to terminate non-directional beacon signals (NBS) navigation aids at Adak Naval Air Station and Eareckson Air Force Station. The conferees direct that these facilities remain in operation until thirty days after the Secretary of the Air Force and the Administrator of the Federal Aviation Administration jointly report to the Committees on Appropriations of the House and Senate the impact of this proposal on military, commercial and private aviation in the regions served by the navigational aids, and how necessary navigational assistance will be maintained.

INVESTIGATION OF RADIATION TESTING

In 1957, the Air Force conducted tests of radioactive material on Alaska Natives. The conferees are concerned about the long term implications of these tests on the Native groups involved, and the failure of the Department of Defense to conduct adequate followup evaluation of these cases. The conferees agree that $150,000 shall be available only for the investigation of the tests conducted by the Air Force, and for the preparation of a report recommending specific actions to be taken by the Department of Defense to ensure that the health needs of individuals who were involved in these tests are addressed.

C-12 AIRCRAFT

The conferees direct the Air Force to continue funding and performing operation and maintenance activities on C-12 aircraft used by Defense Attaches.

C-20 AIRCRAFT TRANSFER

The conferees direct the Secretary of the Air Force to transfer one C-20 aircraft from the Air Force's current aircraft inventory to the Coast Guard.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

Amendment No. 22: Appropriations $9,456,801,000 instead of $9,487,133,000 as proposed by the House and $9,452,165,000 as proposed by the Senate.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
14750	OPERATION AND MAINTENANCE, DEFENSEWIDE AGENCIES				
14800	BUDGET ACTIVITY 1: OPERATING FORCES				
14850	JOINT CHIEFS OF STAFF	343,702	343,702	348,702	348,702
14900	SPECIAL OPERATIONS COMMAND	974,314	996,001	962,114	977,301
14950	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,318,016	1,339,703	1,310,816	1,326,003
15000	BUDGET ACTIVITY 2: MOBILIZATION				
15050	DEFENSE LOGISTICS AGENCY	154,200	154,200	154,200	154,200
15150	TOTAL, BUDGET ACTIVITY 2: MOBILIZATION	154,200	154,200	154,200	154,200
15200	BUDGET ACTIVITY 3: TRAINING AND RECRUITING				
15250	DEFENSE ACQUISITION UNIV	104,517	74,000	104,517	87,000
15300	DEF BUSINESS MGT UNIV	3,842	3,200	3,842	3,842
15350	TOTAL, BUDGET ACTIVITY 3: TRAINING AND RECRUITING	108,359	77,200	108,359	90,842
15400	ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
15450	ARMED FORCES INFOR SVC	74,662	74,662	74,662	74,662
15550	CORPORATE INFORMATION MGT	57,030	132,030	57,030	132,030
15600	CLASSIFIED AND INTEL	3,033,799	2,945,824	2,939,099	2,948,575
15650	DEFENSE CONTRACT AUDIT AG	355,375	355,375	355,375	355,375
15750	DEFENSE INVESTIGATIVE SVC	186,640	186,640	264,137	186,640
15800	DEFENSE LOGISTICS AGENCY	1,333,825	1,380,825	1,328,725	1,367,725
15850	DEFENSE LEGAL SVC AGENCY	6,841	6,841	6,841	6,841
15900	DEFENSE MAPPING AGENCY	707,286	700,000	707,286	700,000
16000	DEFENSE NUCLEAR AGENCY	90,942	58,774	....	50,285
16050	FEDERAL ENERGY MGT PROGRAM	59,000	59,000	59,000	59,000
16100	DOD DEPENDENTS EDUCATION	1,176,828	1,168,113	1,176,828	1,176,478
16150	DEFENSE SUPPORT ACTIVITIES	80,959	80,959	80,959	80,959
16200	DEFENSE TECH SECURITY AG	40,198	8,435	9,198	8,435
16250	JOINT CHIEFS OF STAFF	104,295	102,835	104,295	114,295
16300	OFFICE OF ECONOMIC ADJUST	28,812	28,812	38,812	38,812

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
16350	OFFICE OF SECDEF	383,972	362,472	551,972	530,472
16400	ON SITE INSPECTION AGENCY	114,888	74,888	90,796	84,588
16500	WASHINGTON HDQTS SVCS	171,654	155,920	171,654	155,920
16550	TOTAL, BUDGET ACTIVITY 4:	8,007,006	7,882,405	8,016,669	8,071,092
16560	DBOF ADJUSTMENT—DCAA & DCMC		−87,300	−99,000	−99,000
16570	COMMUNICATIONS		−10,000		
16580	DEFENSE CONVERSION		229,925		65,000
16590	CONSULTANTS ADVISORY ASSISTANCE SERVICES		−12,000		−12,000
16620	REDUCTIONS FOR BRAC III	−87,000	−87,000		
16640	AUTOMATIC DATA PROCESSING				−30,000
16680	DEFENSEWIDE REDUCTIONS			−38,879	−109,336
16700	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	9,500,581	9,487,133	9,452,165	9,456,801

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are as follows:

[In thousands of dollars]

Budget Activity 1:	
14850 Joint Chiefs of Staff:	
Northern Edge JCS Exercise	+$5,000
14900 Special Operations Command:	
Consulting Service	−2,200
Civilian Personnel	−1,500
Schoolhouse training	−4,100
Naval Reserve Boat Units	−3,000
DBOF/BOS	−1,213
OPTEMPO Shortfall	+15,000
Budget Activity 3:	
15250 Defense Acquisition Univ	−17,517
Budget Activity 4:	
15550 Corporate Information Management	+75,000
15800 Defense Logistics Agency:	
Stockpile operations	−5,100
Procurement Tech Assistance Prog	+25,000
Automated Document Conversion System	+14,000
15900 Defense Mapping Agency Automation	−7,286
16100 DOD Dependents Education:	
Guam DODDS	+500
DBOF/BOS	−850
16200 Defense Tech Security Agency	−31,763
16250 Joint Chiefs of Staff:	
Joint Military Contact Team Program	+10,000
16300 Office of Economic Adjustment	+10,000
16350 Office of SecDef:	
Military Youth Prog	+70,000
Impact Aid	+48,000
Project PEACE	+40,000
Legacy	+40,000
Natural Gas Technology	+1,500
CALS	−23,000
16400 OSIA (Arms Control)	−30,300
16500 Washington HQ Svc:	
Automation Enhancement	−11,654
Pentagon renovation	−4,080
16680 Defense-wide reductions:	
Fuel repricing	−2,742
Fuel war reserves	−2,249
Civ pers understrength	−33,750
Purchase threshold	+12,325
Foreign Currency Fluctuation	−71,900
DFAS	−9,500
Pentagon renovation	−1,520

DEFENSEWIDE REDUCTIONS

The conferees direct that Budget Activity 1, Operation and Maintenance, Defense-Wide, be excluded from reductions shown under "Defensewide Reductions", Line No. 16680.

SPECIAL OPERATIONS FORCES

Fort Bragg Base Support.—The conferees agree that base support provided by Fort Bragg to the Special Operations Forces stationed at that installation shall be budgeted in Operation and Maintenance, Defense-wide, U.S. Special Operations Command, starting in fiscal year 1995.

Joint Special Operations Command (JSOC).—The conferees expect that all of the funds provided in this Act for the JSOC shall be made available to JSOC for obligation no later than 30 days after enactment by the Special Operations Command, and shall not be withheld for any reason without the explicit approval of the Committees of jurisdiction.

JOINT MILITARY CONTACT TEAM PROGRAM

The conferees agree to provide $10,000,000 for the Joint Military Contact Team program. As part of this program, the National Guard "Partnership States" arrangement has met with particular success in the Baltic nations. The conferees expect the Department to continue including Guard and Reserve components in this program.

DEFENSE PERSONNEL SUPPORT COMMAND

The conferees agree that the Department should consider increasing its purchases of Jumbo, Colossal and Super Colossal ripe olives.

DEFENSE LOGISTICS AGENCY

AUTOMATED DOCUMENT CONVERSION SYSTEM

The conferees recommend an additional $14,000,000 only for a competitively procured Automated Document Conversion System for the Defense Logistics Agency. This system shall be capable of efficiently converting information contained in technical documents (including technical manuals, engineering drawings and maps). The system also shall be able to recognize and distinguish between printed alpha numerics, geometric representations, symbols, and foreign font sets as objects.

MILITARY YOUTH PROGRAMS

The conferees agree to provide $70,000,000 for military youth programs initiated last year by Congress that were not funded in the President's 1994 request. These funds are appropriated to the Office of the Secretary of Defense and may be made available to the following programs: the National Guard ChalleNGe program, STARBASE, and the CCC program. The Department is directed to provide to the Committee on Appropriations of the Senate and the House a report detailing the objectives of each of these programs, the unique features of each program, objective measures of success, a plan for consolidating these programs, should overlap exist, and a plan for allocating these additional funds. That report is to be provided to the Committees no later than 60 days after enactment of this Act. The conferees intend to work with the Department to determine the exact allocation of these funds over the coming fiscal year, but urge the Department to provide sufficient funds to establish new state ChalleNGe programs in at least five states.

EDUCATIONAL DEVELOPMENT GRANT

The conferees agree that of the funds available to Operation and Maintenance, Defense-wide, $160,000 shall be available only for a grant to the Network for Educational Development in St. Louis, Missouri, for the support of the Personal Responsibility Education Program. This will be the second year for this program. The Secretary shall notify the Committees on Appropriations of the House and Senate upon execution of the grant.

Amendment No. 23: Deletes House language for the Special Operations Command; restores House language providing $10,000,000 for clearing of landmines for humanitarian purposes; deletes House language which made a portion of the appropriation available for obligation only after enactment of authorizing legislation; inserts and amends Senate providing $48,000,000 for aiding school districts; inserts and amend Senate language providing $50,000,000 for the Legacy Resource Management Program; and inserts Senate language providing $10,000,000 for the repair and maintenance of federally owned education facilities located on military installations.

LANDMINE CLEARING

The conferees recommend $10,000,000 for activities to support the clearing of landmines for humanitarian purposes. The conferees intend that the Department of Defense will use these funds for technical assistance, training and equipment for landmine clearing for humanitarian purposes, including locations where refugees and displaced persons are seeking to return to their land after a conflict has ended.

LEGACY RESOURCE MANAGEMENT PROGRAM

The conferees have provided $50,000,000 as recommended by the Senate to continue the Legacy Resource Management Program. The conferees direct that lands, facilities and property owned and/or managed by the National Guard in each of the fifty states and territories are specifically included in the Legacy Resource Management Program.

Amendment No. 24: Inserts Senate language providing $1,000,000 for Secretary of

Defense review of captured Iraqi government documents relating to Kurds, provides $1,000,000 for Defense Mapping Agency for evaluation of Former Soviet Union materials, and requests a report from Defense Mapping Agency by March 15, 1994.

OPERATION AND MAINTENANCE, ARMY RESERVE

Amendment No. 25: Appropriates $1,075,140,000 instead of $1,115,095,000 as proposed by the House and $1,057,740,000 as proposed by the Senate and deletes House language prohibiting obligation of $19,505,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
16750	Operation and Maintenance, Army Reserve				
16800	Budget Activity 1: Operating Forces				
16850	Mission Operations				
16900	Base support	235,794	225,089	223,734	223,734
16950	Depot maintenance	42,097	42,097	42,097	42,097
17000	Recruiting and retention	32,785	32,785	32,785	32,785
17050	Training operations	684,066	702,066	649,266	666,666
17100	Total, budget activity 1: Operating forces	994,742	1,002,037	947,882	965,282
17150	Budget activity 4: admin & servicewide activities				
17200	Administration and Servicewide Activities				
17250	Information management	24,460	24,460	23,460	23,460
17300	Public affairs	399	399	399	399
17350	Personnel administration	45,339	45,339	44,139	44,139
17400	Staff management	42,860	42,860	41,860	41,860
17450	Total, budget activity 4: admin & servicewide act	113,058	113,058	109,858	109,858
17650	Total, operation and maintenance, Army reserve	1,107,800	1,115,095	1,057,740	1,075,140

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
16900 DBOF/BOS	−$12,210
Purchase threshold	+150
17050 Operations & support	−17,400
17250 Communications	−1,000
17350 Communications	−1,200
17400 Communications	−1,000

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 26: Appropriates $763,137,000 instead of $807,200,000 as proposed by the House and $761,137,000 as proposed by the Senate.

Amendment No. 27: Restores House language putting the command and operational control of the Naval Reserve Personnel Center under the Commander, Naval Reserve Command.

Amendment No. 28: Deletes House language prohibiting obligation of $31,400,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
17700	OPERATION AND MAINTENANCE, NAVY RESERVE				
17750	BUDGET ACTIVITY 1: OPERATING FORCES				
17800	RESERVE AIR OPERATIONS				
17850	MISSION AND OTHER FLIGHT OPERATIONS	278,175	298,575	267,740	269,356
17900	FLEET AIR TRAINING	25,293	25,293	24,344	25,293
17950	INTERMEDIATE MAINTENANCE	16,449	16,449	16,449	16,449
18000	AIR OPERATION AND SAFETY SUPPORT	1,547	1,547	1,547	1,547
18050	AIRCRAFT DEPOT MAINTENANCE	64,152	64,152	64,152	64,152
18100	AIRCRAFT DEPOT OPS SUPPORT	528	528	528,	528
18150	BASE SUPPORT	111,459	111,459	111,709	111,709
18200	RESERVE SHIP OPERATIONS				
18250	MISSION AND OTHER SHIP OPERATIONS	40,757	53,757	39,228	38,663
18300	INTERMEDIATE MAINTENANCE	23,545	23,545	23,545	23,545
18350	SHIP DEPOT MAINTENANCE	36,175	36,175	36,175	36,175
18400	RESERVE COMBAT OPERATIONS SUPPORT				
18450	COMBAT COMMUNICATIONS	608	608	608	608
18500	COMBAT SUPPORT FORCES	24,560	24,560	24,560	24,560
18550	BASE SUPPORT	58,467	58,467	58,467	58,467
18600	RESERVE WEAPONS SUPPORT				
18650	WEAPONS MAINTENANCE	7,656	7,656	7,656	7,656
18700	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	689,371	722,771	676,708	678,708
18750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
18800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
18850	ADMINISTRATION	7,467	7,467	7,467	7,467
18900	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,699	2,699	2,699	2,699
18950	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	28,283	28,283	28,283	28,283
19000	OTHER PERSONNEL SUPPORT	1,952	1,952	1,952	1,952
19050	SERVICEWIDE COMMUNICATIONS	19,006	19,006	19,006	19,006
19100	BASE SUPPORT	22,278	22,278	22,278	22,278
19150	COMBAT/WEAPONS SYSTEMS	2,744	2,744	2,744	2,744
19200	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	84,429	84,429	84,429	84,429
19350	TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE	773,800	807,200	761,137	763,137

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
17850 Fuel repricing	−$5,000
Fuel war reserves	−3,819
18150 Purchase threshold	+250
18250 COOP	+2,000
Fuel repricing	−2,094
Fuel war reserves	−2,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

Amendment No. 29: Appropriates $83,130,000 instead of $86,855,000 as proposed by the House and $75,125,000 as proposed by the Senate and deletes House language prohibiting obligation of $11,805,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
19400	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE				
19450	BUDGET ACTIVITY 1: OPERATING FORCES				
19500	MISSION FORCES				
19550	TRAINING	12,649	24,349	12,649	20,549
19600	MATERIAL READINESS	17,584	17,584	17,584	17,584
19650	BASE SUPPORT	18,070	18,020	18,095	18,095
19700	DEPOT MAINTENANCE	1,754	1,754	1,754	1,754
19750	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	50,057	61,707	50,082	57,982
19800	BUDGET ACTIVITY 4: ADMIN 7 SERVICEWIDE ACTIVITIES				
19850	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
19900	RECRUITING AND ADVERTISING	7,197	7,197	7,197	7,197
19950	SPECIAL SUPPORT	2,792	2,792	2,792	2,792
20000	SERVICEWIDE TRANSPORTATION	4,127	4,127	4,127	4,127
20050	ADMINISTRATION	5,846	5,951	5,846	5,951
20100	OTHER BASE SUPPORT	5,081	5,081	5,081	5,081
20150	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	25,043	25,148	25,043	25,148
20300	TOTAL, OPERATION AND MAINT, MARINE CORPS RESERVE	75,100	86,855	75,125	83,100

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
19550 End Strength Restoration	+$7,900
19650 Purchase threshold	+25
Budget Activity 4	
20050 Environ Compliance Ofc, New Orleans	+105

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

Amendment No. 30: Appropriates $1,335,354,000 instead of $1,370,222,000 as proposed by the House and $1,333,470,000 as proposed by the Senate and deletes House language prohibiting obligation of $15,644,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
20350	OPERATION AND MAINTENANCE, AIR FORCE RESERVE				
20400	BUDGET ACTIVITY 1: OPERATING FORCES.				
20450	AIR OPERATIONS				
20500	AIRCRAFT OPERATIONS	886,326	901,970	871,243	874,213
20550	MISSION SUPPORT OPERATIONS	33,351	33,351	32,351	32,351
20600	BASE SUPPORT	232,316	232,316	228,491	227,405
20650	DEPOT MAINTENANCE	145,231	145,231	145,231	145,231
20700	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	1,297,224	1,312,868	1,277,316	1,279,200
20750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
20800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
20850	ADMINISTRATION	25,679	25,679	24,679	24,679
20900	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	19,346	19,346	19,346	19,346
20950	RECRUITING AND ADVERTISING	6,825	6,825	6,825	6,825
21000	OTHER PERSONNEL SUPPORT	4,936	4,936	4,736	4,736
21050	AUDIOVISUAL	568	568	568	568
21100	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	57,354	57,354	56,154	56,154
21250	TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE	1,354,578	1,370,222	1,333,470	1,335,354

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
20500 WC-130	+1,884
Fuel repricing	−5,000
Fuel war reserves	−6,797
Communications	−2,200
20550 Fuel repricing	−1,000
20600 Fuel repricing	−2,286
Purchase threshold	+375
Travel	−3,000
20850 Travel	−1,000
21000 Travel	−200

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Amendment No. 31: Appropriates $2,230,419,000 instead of $2,272,018,000 as proposed by the House and $2,216,944,000 as proposed by the Senate.

Amendment No. 32: Restores House language earmarking $10,000,000 for a National Guard Outreach Program in the Los Angeles School District; deletes House language prohibiting obligation of $48,763,000 until authorized; and inserts Senate language earmarking $3,000,000 for the MEDRETES program.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
21300	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD				
21350	BUDGET ACTIVITY 1: OPERATING FORCES				
21400	MISSION OPERATIONS				
21450	TRAINING OPERATIONS	1,628,791	1,685,791	1,631,091	1,644,091
21500	RECRUITING AND RETENTION	27,391	27,391	27,391	27,391
21550	MEDICAL SUPPORT	11,997	11,997	11,997	11,997
21600	DEPOT MAINTENANCE	113,674	113,674	113,674	113,674
21650	BASE SUPPORT	256,182	252,300	251,926	252,401

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
21700	TOTAL, BUDGET ACTIVITY 1: OPERATING FORCES	2,038,035	2,091,153	2,036,079	2,049,554
21750	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
21800	ADMINISTRATION AND SERVICEWIDE ACTIVITIES				
21850	INFORMATION MANAGEMENT	60,862	60,862	60,862	60,862
21900	PUBLIC AFFAIRS	1,537	1,537	1,537	1,537
21950	PERSONNEL ADMINISTRATION	81,250	81,250	81,250	81,250
22000	STAFF MANAGEMENT	37,216	37,216	37,216	37,216
22050	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	180,865	180,865	180,865	180,865
22200	TOTAL, OPERATION AND MAINT, ARMY NATIONAL GUARD	2,218,900	2,272,018	2,216,944	2,230,419

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
21450 LA Unified School District	+10,000
Urban Youth/Youth CCC Program	+3,000
O&M Restoration	+2,300
21650 Rhode Island Tandem Network	+475
DBOF/BOS	−4,356
Purchase threshold	+100

NATIONAL GUARD PROGRAMS

Training operations.—The conferees direct the Defense Fuel Supply Center to provide free-of-charge all fuel planned for purchase by the Army National Guard in fiscal year 1994. The Army National Guard is directed to apply the resulting savings to other potentially unfunded training programs.

Medivac unit.—As described in Senate Report 103–153 (page 95), the conferees agree to establish a medical combat enhanced capability aviation team at Hilo, Hawaii. Funding totaling $16,350,000 is set aside for this purpose.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 33: Appropriates $2,632,298,000 instead of $2,695,233,000 as proposed by the House and $2,686,299,000 as proposed by the Senate.

Amendment No. 34: Amends House language to provide additional funds for the 118th Airlift Wing.

Amendment No. 35: Deletes House language prohibiting obligation of $30,000,000 until authorized.

The conference agreement is as follows:

[In thousands of dollars]

		1994 budget amount	House amount	Senate amount	Conference amount
22250	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD				
22300	BUDGET ACTIVITY 1: OPERATING FORCES				
22350	AIR OPERATIONS				
22400	AIRCRAFT OPERATIONS	1,769,006	1,805,006	1,794,129	1,742,546
22450	MISSION SUPPORT OPERATIONS	311,105	313,105	315,523	313,105
22500	BASE SUPPORT	288,995	288,995	288,520	288,520
22550	DEPOST MAINTENANCE	279,170	279,170	279,170	279,170
22600	TOTAL BUDGET ACTIVITY 1: OPERATING FORCES	2,648,276	2,686,276	2,677,342	2,623,341
22650	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES				
22700	SERVICEWIDE ACTIVITIES.				
22750	ADMINISTRATION	4,503	4,503	4,503	4,503
22800	RECRUITING AND ADVERTISING	4,454	4,454	4,454	4,454
22850	TOTAL, BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACT	8,957	8,957	8,957	8,957
23000	TOTAL, OPERATION AND MAINT. AIR NATIONAL GUARD	2,657,233	2,695,233	2,686,299	2,632,298

ADJUSTMENTS TO BUDGET ACTIVITIES

Adjustments to the budget activities are shown below:

[In thousands of dollars]

Budget Activity 1	
22400 C–130	+10,000
Fuel repricing	−20,029
Fuel war reserves	−16,431
22400 Urban Youth/Youth CC	+2,000
22500 Purchase threshold	+625
Travel	−1,100

C–23B AIRCRAFT

The conferees provide $2,800,000 for the pilot training, preparation and contractor logistics support of four C–23 commercial variants by the original manufacturer. These funds also may be used to operate these aircraft which are being procured with prior year funds and will be stationed with the Oklahoma National Guard during the first quarter of fiscal year 1994 prior to the completion of their retrofit into C–23B Sherpas.

COURT OF MILITARY APPEALS, DEFENSE

Amendment No. 36: Appropriates $5,855,000 as proposed by the House instead of $6,055,000 as proposed by the Senate.

The conferees recommend a reduction from the budget request for administration, per diem, and travel as proposed by the House.

Amendment No. 37: Deletes House language which made a portion of the appropriation available for obligation only after enactment of authorizing legislation.

ENVIRONMENTAL RESTORATION, DEFENSE

Amendment No. 38: Appropriates $1,962,300,000 instead of $1,716,800,000 as proposed by the House and $2,207,800,000 as proposed by the Senate.

Amendment No. 39: Deletes House language which provided funds for research and development.

SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE

Amendment No. 40: Deletes House language making funds available for Support for International Sporting Competitions, Defense, and inserts and amends Senate language appropriating $2,000,000 for the Summer Olympics and $6,000,000 for World Cup USA 1994.

In addition, the conferees agree to House report language directing the Department to include in the fiscal year 1995 budget request an exhibit showing obligations and expenditures for these games. The conferees also agree to insert Section 8116 which extends the availability of prior year funds.

HUMANITARIAN ASSISTANCE

Amendment No. 41: Inserts Senate language providing that funds may be used for transportation of humanitarian relief supplies for the Kurdish population and other minorities of northern Iraq.

Amendment No. 42: Inserts Senate language providing technical correction that funds may be used for transportation of humanitarian relief supplies for the people of sub-Saharan Africa.

Amendment No. 43: Appropriates $48,000,000 as proposed by the Senate instead of $15,000,000 as proposed by the House.

The conferees recommend $48,000,000 for humanitarian assistance, to be used only for acquisition and transportation of excess nonlethal property and supplies to the Kurdish population and other minorities of northern Iraq, the people of sub-Saharan Africa, and the people of Afghanistan.

Amendment No. 44: Deletes House language which made a portion of the appropriation available for obligation only after enactment of authorizing legislation.

FORMER SOVIET UNION (FSU) THREAT REDUCTION

Both the House and the Senate provided $400,000,000, as requested by the budget, for assistance to the states of the former Soviet Union. The conferees agree that, as matters of specific congressional interest, within this amount $60,000,000 shall be reserved for establishing United States-Russian joint venture companies, as proposed by the Senate, and $10,000,000 shall be reserved for technical and linguistic support by the National Academy of Sciences as proposed by the House. In addition, funds are also available for Multilateral Nuclear Safety as proposed by the

House and Economic Development as proposed by the Senate. The conferees also agree that funds from this account are available for expenses of FSU students attending the George Marshall Center.

Amendment No. 45: Inserts Senate provision: requiring that $10,000,000 shall be available only for the continuing study, assessment, and identification of nuclear waste disposal by the FSU in the Arctic region; and extending the $400,000,000 in transfer authority provided in the Department of Defense Appropriations Act, 1993, with any such transfers subject to the overall transfer limitation contained in this Act.

Amendment No. 46: Amends Senate provision to incorporate notification of the Congressional foreign affairs committees concerning a prohibition on use of these funds for any country which is currently engaged in the production of a new road mobile or fixed-site land based inter-continental ballistic missile armed with multiple nuclear reentry vehicles.

TITLE III—PROCUREMENT

GENERAL CONFERENCE ISSUES

INSTALLATION OF MODIFICATIONS

The conferees agree with the Senate report on policy and procedures for budgeting for the installation of modifications. Specifically, the conferees reluctantly agree to the budget proposal to incrementally fund these costs in procurement. The Department shall include in budget justification material the total cost of installing each kit to be procured and display, by program, the fiscal year in which the installation funds will be budgeted. In addition, the justification material shall show, by fiscal year and item, the installation costs for those kits which have already been procured. Finally, installation costs may not be reprogrammed to any other purpose.

REPROGRAMMING

The conferees agree with Senate report recommendations and directions concerning omnibus reprogrammings and new start reprogrammings. In addition, the conferees restate the current policy that reprogramming thresholds for increases and decreases in procurement and research and development appropriation lines apply to the entire life of the appropriation and are not renewed each year. In other words, an item funded in this bill in Procurement of Ammunition, Army may not be increased or decreased by below threshold reprogramming more than a total of $10 million between now and September 30, 1996. To the extent that it is not already the case, this policy shall be incorporated in Departmental reprogramming regulations.

BUDGETING FOR CLOSED ACCOUNTS

The Senate reduced Army budget authority in investment accounts by $120,639,000 noting that Army managers have interpreted internal instructions in a manner which causes them to request and reserve between one and five percent of funds to cover unanticipated cost overruns on prior year programs. The conferees recognize the concern of Army officials that, with the closure of the M Account, current programs may have to be cut to pay for higher prior year costs. However, to budget specifically for such unknown cost increases defeats one of the key tenets of M Account reform. That legislation was designed to foster better accountability and cost control, and to encourage discipline by program officials. Cost overruns are not to be endorsed either implicitly or explicitly. Budgeting for such contingencies sends exactly the wrong message to program officials.

The conferees emphatically direct that no program manager or Defense Department official shall submit a request to Congress which contains a contingency amount to cover prior year cost overruns. Furthermore, the conferees warn headquarters activities that, if program managers are taxed in advance of cost overruns to cover any such costs, the Committees on Appropriations may recommend legislation next year prohibiting such activity.

Funding reduced by the Senate has been restored because of the reluctance of the conferees to recommend reductions which are not levied against specific programs.

FY 1993 OMNIBUS REPROGRAMMING

In the Department of Defense Omnibus Reprogramming (FY 1993-3PA) a series of internal realignments within the Other Procurement, Navy Appropriation for FY 1992 and FY 1993 was delayed pending action on the FY 1994 Appropriation Bill. These realignments were required in order to implement a proposed funding policy change contained in the FY 1994 Budget Request wherein the Department would budget for equipment installation on an annualized basis in the year required vice on a full funding basis in the year the major equipment is procured. In view of the conferees' position approving the requested funding policy, the conferees interpose no further objection to the OPN internal realignments proposed in the DOD Omnibus Reprogramming.

9MM HANDGUNS

The conferees understand that Navy operational requirements documentation for standard M9 handguns is nearing final approval. The conferees have no objection to the application of measures to accommodate Navy needs for an improved all steel pistol in the next M9 standard handgun procurement and are encouraged at the progress made towards handgun standardization among the services that this step represents.

AIRCRAFT PROCUREMENT, ARMY

Amendment No. 47: Appropriates $1,320,886,000 for Aircraft Procurement, Army, instead of $1,726,164,000 as proposed by the House and $1,125,303,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
AIRCRAFT PROCUREMENT, ARMY					
GUARDRAIL COMMON SENSOR (TIARA)	4,885	29,885	4,885	1	17,385
C-21A AIRCRAFT		22,000		1	5,500
ARL (TIARA)		42,098			42,098
AH-64 ATTACK HELICOPTER (APACHE)	17,570	386,000	177,570	10	167,570
HELICOPTER NEW TRAINING	29,254	48,154			29,254
AH-64 MODS	46,392	45,292	37,392		37,392
FLIGHT DATA RECORDER	2,373		2,373		
UH-1 MODS	14,171	14,171	10,000		10,000
UH-1 HUEY SLEP		25,000			15,000
UH-60A (BLACK HAWK) MODS	46,886	16,086	22,300		22,300
KIOWA WARRIOR	145,548	129,018	104,348		104,348
AHIP		216,000		18	122,500
SPARES AND REPAIR PARTS	86,251	56,251	86,251		56,251
INDUSTRIAL FACILITIES	7,322	7,322	2,401		2,401
BUDGETING FOR CLOSED ACCOUNT			−11,104		

GUARDRAIL COMMON SENSOR

The conference agreement includes $17,385,000 for Guardrail Common Sensor aircraft. The conferees direct that $12,500,000 shall be used only for the procurement of one RC-12 training aircraft.

NEW TRAINING HELICOPTER

The conference agreement includes $29,254,000 for the new training helicopter program, the budget estimate. The Army shall procure as many aircraft as possible within these available funds. If additional aircraft are needed, the Army may budget for them in future budget requests. Under no circumstances, however, shall the Army continue to operate the current training helicopters when all the new training helicopters are delivered.

AH-64 MODIFICATIONS

The conference agreement includes $37,392,000 for AH-64 Apache modifications, the Senate amount and a reduction of $9,000,000 below the budget estimate. The conferees agree that these funds are to be used exclusively for the GPS integration program. However, if safety modifications are required during the execution of this program, funds may be used for that purpose with prior notification.

UH-1 HUEY SLEP

The House recommended $25,000,000 to initiate a service life extension program (SLEP) for the UH-1 Huey helicopter program. The Senate opposed creation of this unbudgeted program. The Senate recedes to the House position with an amendment. The conferees agree to provide $15,000,000 to begin a Huey SLEP program as a lower cost option than replacing the total Army inventory with UH-60 Black Hawk helicopters. The conferees direct that the Secretary of the Army work closely with the Chief of the Army National Guard to identify the specific components of the Huey SLEP program. The Army is to give highest priority to the replacement of all major dynamic components to maximize reduced time between overhaul, reduced operating cost and improved operation performance. Any component replacement or modification must eliminate shortfalls identified in the U.S. Army's January, 1993 Aviation Modernization Plan.

The conferees direct that the Army may not expend more than $10,000,000 in federal development funds related to the SLEP program initiated under this section. The conferees further direct that none of these federal development funds shall be drawn against the $15,000,000 provided under this heading for the Huey SLEP program.

The Army and National Guard are directed to conduct a full and open competition to initiate the SLEP program. The conferees expect the Army and the Army National Guard to be prepared to implement such a competition no later than January 1, 1994. The conferees also expect the Appropriations Committees of the House and Senate to receive periodic progress reports from the Army and the Army National Guard on the implementation of the Huey SLEP program.

UN-60 BLACK HAWK MODIFICATIONS

The conference agreement includes $22,300,000 for UH-60 Black Hawk modifications, the Senate amount and $24,586,000 below the budget. The conferees agree that these funds are to be used only for the refurbishment program and may not be obligated until the Army submits to the Defense committees complete budget documentation for this program. However, if safety modifications are required during the execution of this program, funds may be used for that purpose with prior notification.

Both the House and Senate denied the $15,000,000 budgeted for UH-60Q procurement on the basis that procurement funding was premature in fiscal year 1994. The conferees agree that the Army may fund development, integration, and testing and related efforts in fiscal year 1994 using available research and development funds, with prior notification.

KIOWA WARRIOR MODIFICATIONS

The conference agreement includes $104,348,000 for the Kiowa Warrior modification program, the Senate amount. The conferees agree that this amount includes funding for continuation of the CDS Upgrade program.

Amendment No. 48: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

MISSILE PROCUREMENT, ARMY

Amendment No. 49: Appropriates $1,094,309,000 for Missile Procurement, Army instead of $1,126,110,000 as proposed by the House and $934,123,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
MISSILE PROCUREMENT, ARMY					
AVENGER SYSTEM SUMMARY	135,231	135,231		144	135,231
HELLFIRE SYS SUMMARY	92,535	64,835	78,635	1,485	64,835
TOW 2 SYSTEM SUMMARY	25,282	82,282	50,162	2,000	73,282
MLRS SYSTEM ROCKET	9,801	80,101	69,801		75,000
MLRS LAUNCHER	216,616	196,616	178,916	34	178,916
BUDGETING FOR CLOSE ACCOUNT			10,436		

PATRIOT MISSILE—ITALIAN CASE

The conferees agree with the Senate provision regarding the Patriot Missile—Italian Case and have included a general provision which terminates the Italian Case enabling legislation upon notification by the Italian government of its desire to withdraw from the 1988 United States-Italy cooperative air defense memorandum of understanding or 180 days after the enactment of the fiscal year 1994 Defense Appropriations Act, whichever event occurs first. The conferees also direct that the authority provided to the Secretary of Defense to make Patriot assets from the Italian case available for foreign military sales under the general provision is subject to the standard notification requirements under the Arms Export Control Act.

HELLFIRE

The Department of the Army budgeted $92,535,000 in fiscal year 1994 for the Hellfire missile system. The conferees agree to provide $64,835,000 a reduction of $27,700,000 to the budget request. The conferees specifically deny $4,179,000 budgeted for the destruction and disposal of production tooling for the Hellfire I missile and $9,673,000 for the establishment of an organic depot capability for the Hellfire II missile. The conferees do not agree with the House position of extending prior year production and delivery schedules for the Hellfire II.

TOW II

The Department of the Army budgeted $25,282,000 for the TOW II missile in fiscal year 1994. The conferees agree to provide $73,282,000 an addition of $48,000,000 to the budget request. The conferees direct that $15,120,000 budgeted originally for the destruction and disposal of TOW II production tooling be used only for the acquisition of additional TOW II missiles.

Amendment No. 50: Deletes House language making a portion of the appropriation available for obligation only after the enactment of authorizing legislation.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

Amendment No. 51: Appropriates $888,817,000 for Procurement of Weapons and Tracked Combat Vehicles, Army, instead of $892,709,000 as proposed by the House and $805,074,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

		Budget	House	Senate	Conference
PROCUREMENT OF W&TCV, ARMY					
BRADLEY FIGHTING VEHICLE FAMILY (MYP)	66,100	66,100	71,600		71,600
BRADLEY BASE SUSTAINMENT PROGRAM	192,437	192,437	142,437		192,437
ARMORED GUN SYSTEM (AGS)	8,218		8,218		8,218
CARRIER, MOD	5,465	17,465	5,465		9,465
HOWITZER, MED SP FT. 155MM M109A6 (MO)	171,526	159,526	171,526		159,526
M1 ABRAMS TANK (MOD)	53,898	53,898	48,998		48,998
ABRAMS UPGRADE PROGRAM	79,701	119,701	77,101	72	96,701
M88A1E1 RECOVERY VEHICLE		31,200		13	31,200
SPARES AND REPAIR PARTS	34,137	17,337	34,137		17,337
HOWITZER, LIGHT, TOWED, 105MM, M119	4,290		4,290		4,290
GRANADE LAUNCHER, AUTO, 40MM, MK19–3	20,677	20,677	35,677	1,800	35,677
BUDGETING FOR CLOSED ACCOUNT			−8,743		

ABRAMS TANK UPGRADE PROGRAM

The conference agreement includes $96,701,000 for the Abrams tank upgrade program, of which $17,000,000 is provided only for the Congressionally mandated tank engine industrial base initiative.

The conferees agree with the Senate's direction to the Blue Ribbon panel to examine the entire gas turbine engine industrial base within their mandated review. The Office of the Secretary of Defense is directed to report to the defense committees on what action is recommended prior to January 31, 1994.

The conferees direct that the additional $17,000,000 provided may be obligated only for tank engine long lead parts and material that can be used either by the original manufacturer or the Army's tank depot in response to solutions proposed to Congress. Such obligations may occur only after the Department certifies that a production gap would otherwise occur which would seriously impair production base options.

The conferees further direct that the Army shall negotiate and acquire the data rights for a tank engine remanufacture program prior to signing a production contract.

Amendment No. 52: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

PROCUREMENT OF AMMUNITION, ARMY

Amendment No. 53: Deletes House centerhead "(Including Transfer of Funds)".

Amendment No. 54: Appropriates $735,445,000 for Procurement of Ammunition, Army, instead of $620,787,000 as proposed by the House and $610,174,000 as proposed by the Senate. The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
PROCUREMENT OF AMMUNITION, ARMY					
CTG, 5.56MM, ALL TYPES	21,776	34,095	21,776		25,000
CTG, 7.62MM, ALL TYPES	20,523	20,523	11,223		13,500
CTG. .45 CAL, ALL TYPES	401		101		
CTG, 25MM, ALL TYPES	30,535	30,535	5,535		30,535
CTG MORTAR 60MM 1/10 PRAC M840	302	3,200	302	11	3,200
CTG TANK 105MM TP-T M490A1		20,000		20	5,000
CTG TANK 105MM TPDS-T M724A1		20,000		20	5,000
CTG TANK 120MM HEAT/MP, ALL TYPES M830 A1	50,046	33,246	50,046	18	50,046
PROJ ARTY 155MM M804		10,000		50	10,000
AT-4 UPGRADE		15,000			15,000
LAYAWAY OF INDUSTRIAL FACILITIES	51,532	41,532	48,008		48,008
MAINTENANCE OF INACTIVE FACILITIES	59,801	54,801	59,801		59,801
CONVENTIONAL AMMO DEMILITARIZATION	53,339	70,468	53,339		70,468
M483—M864 CONVERSION					25,000
FLEX. MFG. CTR.—LAAP					7,500
GENERAL REDUCTION—CAWCF		−100,000			
BUDGETING FOR CLOSED ACCOUNT			−7,344		
(BY TRANSFER—CAWCF)		(100,000)			

25MM AMMUNITION

The conference agreement provides $30,535,000 for the procurement of 25mm ammunition in fiscal year 1994. The conferees direct that of the funds provided, $25,000,000 shall be used only to buy M919 combat ammunition.

120MM MORTAR AMMUNITION

The conferees agree to the budget proposal to delete a general provision carried in previous Acts regarding the procurement of 120mm mortars and ammunition. This has been done with the understanding that the Army intends to procure mortars and ammunition, including components, from qualified domestic sources. The Army is directed to continue this policy in future procurements.

CONVENTIONAL AMMUNITION DEMILITARIZATION

The conferees agree that of the $70,468,000 included in the bill for conventional ammunition demilitarization, $1,000,000 shall be used only to continue the Iowa Army Ammunition Plant demilitarization upgrade program.

M864 PROJECTILE CONVERSION PROGRAM

The conference agreement includes $25,000,000 for a demonstration program to determine the feasibility and desirability of converting elements of the M483 155mm ICM projectile inventory to M864 155mm baseburner projectiles. This is done without making any commitment to additional funding for this program in the future. The conferees direct that thirty days before obligating these funds, the Army shall present to the Defense committees its proposal for implementing this demonstration program. The proposal shall include the procurement strategy, program quantity, and cost. It shall also set forth a funding profile (quantities and costs) for continuing the program if continuation is deemed to be desirable.

The conferees direct that the demonstration program include new projectile metal parts which shall be competitively procured from the existing government-owned production base, with some production assigned to each part of that base.

FLEXIBLE MANUFACTURING CENTER

The conference agreement provides $7,500,000 for the establishment of a flexible manufacturing center for artillery projectile bodies at the Louisiana Army Ammunition Plant.

JOLIET ARMY AMMUNITION PLANT

The conferees agree that the Army should maintain contractor-owned equipment for production of M864 baseburner assemblies at the Joliet Army Ammunition Plant for one year, pending the completion of the ammunition production base plan.

Amendment No. 55: Deletes House transfer of $100,000,000 from the Conventional Ammunition Working Capital Fund.

CONVENTIONAL AMMUNITION WORKING CAPITAL FUND

The conference agreement deletes the House transfer of $100,000,000 to the Procurement of Ammunition, Army appropriation from the Conventional Ammunition Working Capital Fund (CAWCF). However, the conferees agree with the discussion of CAWCF in the House report and with the actions directed by the House. Specifically, the Army is directed to report by March 15, 1994 on actions required for an orderly close-out of the Fund. The Army may also propose remedial actions as arguments for retaining the Fund.

OTHER PROCUREMENT, ARMY

Amendment No. 56: Appropriates $2,892,766,000 for Other Procurement, Army, instead of $2,904,933,000 as proposed by the House and $2,784,474,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
OTHER PROCUREMENT, ARMY					
TACTICAL TRAILERS/DOLLY SETS	4,138	4,138	14,138		14,138
FAMILY OF MEDIUM TACTICAL VEH (MYP)	25,815	13,499	25,815	256	19,500
FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	464,258	458,258	350,958	945	402,958
MEDIUM TRUCK EXTENDED SVC PGM(ESP)	17,615	17,615			17,615
MODIFICATION OF IN SVC EQUIP	21,826	14,068	21,826		28,068
SPARES AND REPAIR PARTS	10,046	5,546	10,046		5,546
DEFENSE SATELLITE COMMUNICATIONS SYSTEM	85,088	72,288	85,088		78,688
NAVSTAR GLOBAL POSITIONING SYSTEM	42,428	42,428	32,408	7,107	32,408
GROUP COMMAND POST	12,158		12,158		
WWMCCS INFORMATION SYSTEM (WIS)	7,501	7,501			
ARMY DATA DISTRIBUTION SYSTEM (ADDS)	21,978	66,978	21,978		36,978
MOBILE SUBSCRIBER EQUIP (MSE)	45,787	31,787	45,787		45,787
EAC COMMUNICATIONS	10,229	9,029	45,429		45,429
COMMON HARDWARE AND SOFTWARE			15,000		15,000
TERRESTRIAL TRANSMISSION	1,377		1,377		
C–E FACILITIES/PROJECTS	1,442	1,442			
DEFENSE DATA NETWORK (DDN)	5,930	5,930	4,661		4,661
DEFENSE MESSAGE SYSTEM (DMS)	8,293	8,293			4,150
PENTAGON TELECOM CTR (PTC)	3,499	3,499	1,709		3,499
GENERAL DEFENSE INTELL PROG (TIARA)	40,077	39,077	35,577		33,591
ALL SOURCE ANALYSIS SYS (ASAS)	29,578	16,078	29,578		29,578
DIGITAL TOPOGRAPHIC SPT SYS (DTSS)	14,179	9,179	14,179		12,800
LT SPEC DIV INTERIM SENSOR (LSDIS)	1,914	1,914			1,914
NIGHT VISION DEVICES	91,414	86,314	91,414		86,314
INTEGRATED MET SYS SENSORS (IMETS)	6,452	1,452	6,452		1,452
ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	24,892		24,892		12,000
FAAD—GBS		42,700			7,900
STAMIS TACTICAL COMPUTERS (STACOMP)	43,479	43,749	21,729		33,479
AUTOMATED DATA PROCESSING EQUIP	62,784	62,784	56,688		62,784
INTEGRATED FAMILY OF TEST EQUIP (IFTE)	47,956	47,956	47,956		57,956
INITIAL SPARES—PEO CCS	20,050	13,650	16,950		15,000
INITIAL SPARES—PEO COMM	44,577	39,577	44,577		42,000
PRODUCTION BASE SUPPORT (C–E)	765	765			
MASK, PROTECTIVE, NBC M40/M42	43,795	43,795	34,495		43,795
IMPROVED CHEMICAL AGENT MONITOR	1,926	1,926			
DETECTING SET, MINE, AN/PSS–12	5,555		5,555	4,104	
STANDARD INTEGRATED CMD POST SYSTEM	34,475	27,000	34,475		27,000
SOLDIER ENHANCEMENT	11,529	11,000	11,529		11,000
ITEMS LESS THAN $2.0M (CSS–EQ)	2,092	2,092	1,092		1,092
XM56 SMOKE GENERATOR SYSTEM		9,800			4,900

[In thousands of dollars]

	Budget	House	Senate		Conference
COMBAT SUPPORT MEDICAL	19,551	11,000	19,551		19,551
GENERATORS AND ASSOCIATED EQUIP	35,685	30,000	35,685		30,000
TRAINING DEVICES, NONSYSTEM	79,650	79,650	84,650		84,650
ARMS CONTROL COMPLIANCE	10,471	10,471	5,610		5,610
NATURAL GAS UTILIZATION		16,000			10,000
RAISE O & M PURCHASE THRESHOLD		−12,000	−3,000		−3,000
BUDGETING FOR CLOSED ACCOUNT			−30,513		

TACTICAL TRAILERS/DOLLY SETS

The conference agreement provides $14,138,000 for tactical trailers and dolly sets, of which $5,000,000 is available only for the procurement of M-149A2 400 gallon water trailers and an additional $5,000,000 is available only to upgrade the mobility and stability characteristics of the M-149A2 family of water trailers.

The conferees are aware of an urgent Army requirement for M-1022 mobilizers to redress severe shortfalls in support of deployable medical systems (DEPMEDS) and aviation intermediate maintenance (AVIM) units. While procurement of the current M-1022 model would fulfill these requirements, the Army has contracted for a new design M-1022 which has yet to enter production or field test. In the event there is a delay in delivery of test vehicles, scheduled for February, 1994, the conferees direct the Army to procure sufficient quantities of the existing model M-1022 to fill critical shortages. However, prior to the obligation of any funds for current generation M-1022 mobilizers, the Army shall report to the Defense committees regarding the test and production schedule for the new M-1022 and, if necessary, the Army's plans to comply with the conferees' direction.

TACTICAL VEHICLE MODIFICATIONS

The conference agreement provides $28,068,000 for tactical vehicle modifications. the HMMWV conversion program has been deferred as proposed by the House. However, the conference agreement includes $14,000,000 to be used only for the heavy armor HMMWV program. The conferees agree that the Army shall provide an overall heavy armor HMMWV program to the Defense committees by March 1, 1994. The plan shall include procurement profile (quantities and costs by year) and a description and explanation of the procurement strategy.

COMBAT SUPPORT MEDICAL

The conferees are advised that a cost effective, NDI Liquid Oxygen System (LOX) which satisfies the mission requirement for field generated oxygen is readily available. In fact, such a system was successfully employed by the Army during Operation Desert Shield and Desert Storm. The Army has assigned a high priority to acquiring field medical oxygen generation capability. The conferees understand that the Army's acquisition strategy for field oxygen generation systems includes a requirement for LOX as well as for the Army developed Field Medical Oxygen Generation and Distribution System (FMOGDS). However, the budget request included funds only for FMOGDS.

The conferees direct the Army to prepare a report addressing the overall requirements for field medical oxygen systems in light of its revised evacuation doctrine and projected force structure requirements and provide said report to the defense committees not later than August 1, 1994.

ALL SOURCE ANALYSIS SYSTEM (ASAS)

The conferees agree to provide $29,578,000 for the All Source Analysis System (ASAS), the amount of the fiscal year 1994 budget request. The conferees also direct that of the funds provided for the ASAS program in fiscal year 1994, $3,500,000 is only for the acquisition of communications and ADP equipment related to the upgrade program for the Single Source Processor—SIGINT workstations.

INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)

The Conferees agree to provide $23,472,000 an increase of $9,000,000 above the fiscal year 1994 budget request for Automatic Test Equipment development. The conferees direct that the additional funding provided for this program only be used to develop test program sets for the Apache Longbow and Kiowa Warrior. The conferees further provide $500,000 for the Army to conduct a user test of DSESTS-TOW, making use of the prototype located at Fort Hood. If this study demonstrates that the incorporation of DSETS-TOW will be cost effective, the conferees have provided $5,000,000 for the purchase of this equipment in fiscal year 1994. The conferees have also provided an additional $10,000,000 above the budget request for IFTE equipment for use only by the Army National Guard and Reserve.

Further, the conferees support the Army's decision to adopt a single standardized family of test equipment for all weapon systems. Fielding a limited family of test equipment to service multiple weapons systems is economically and operationally desirable in this era of declining defense budgets. While it is recognized that the DSESTS system services all current tracked vehicles and that the DSESTS optical system is being considered for use as the IFTE EOA, the conferees are in agreement that Army policy concerning automatic test equipment must be maintained. The conferees therefore direct the Department of the Army to prepare an analysis to determine the remaining useful life of DSESTS. The analysis should also determine the appropriate date to transition from DSESTS to the IFTE Base Shop Test Facility as the primary automatic test equipment for armored systems and shall also investigate the feasibility of incorporating DSESTS into the IFTE family. The results of this analysis should be provided to the Committees on Appropriations no later than March 15, 1994. The conferees also direct that no future upgrades, unless proven cost effective, will be made to DSESTS.

AIRCRAFT PROTECTION INITIATIVE

The conferees concur with House position on the Aircraft Protection Initiative program.

TRAINING DEVICES

The Conferees agree to provide $84,650,000 for this program activity in fiscal year 1994, an increase of $5,000,000 above the budget request. The conferees further agree that the additional funds are only for the Improved Moving Target Simulator (IMTS) as explained within the Senate report.

Amendment No. 57: Deletes Senate language earmarking $18,000,000 for procurement of heavy armor HMMWV's. This issue is discussed further above.

AIRCRAFT PROCUREMENT, NAVY

Amendment No. 58: Appropriates $5,704,220,000 for Aircraft Procurement, Navy, instead of $5,664,216,000 as proposed by the House and $5,665,615,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
AIRCRAFT PROCUREMENT, NAVY					
F/A-18C/D (FIGHTER) HORNET (MYP)	1,492,734	1,521,534	1,492,734	36	1,521,534
F/A-18C/D (FIGHTER) HORNET (MYP) (AP-CY)	252,569	127,669			127,669
CH/MH-53E (HELICOPTER) SUPER STALLION	281,884	276,484	281,884	12	276,484
CH/MH-53E (HELICOPTER) SUPER STALLION (AP-CY)	15,000	22,400	15,000		15,000
SH-60B (ASW HELICOPTER) SEAHAWK (AP-CY)	27,150	57,150	27,150		27,150
T-45TS (TRAINER) GOSHAWK	259,225	259,225	236,166	12	259,225
HH-60H (HELICOPTER) CSAR	144,146	144,146	130,492	9	130,492
A-6 SERIES	19,623	65,623			19,623
F-14 SERIES	116,213	9,213	291,213		116,213
H-46 SERIES	74,321	76,013	74,321		76,013
H-53 SERIES	37,202	39,464	37,202		39,464
H-1 SERIES	74,944	79,009	16,708		47,858
P-3 SERIES	214,304	11,266	118,304		118,304
S-3 SERIES	12,910	27,910	12,910		16,660
FEWSG	26,506	11,506	26,506		11,506
E-6 SERIES	118,461	118,461	58,282		58,282
COMMON ECM EQUIPMENT	65,774	73,774	65,774		71,774
SPARES AND REPAIR PARTS	903,187	865,587	903,187		893,187

EA-6B PROWLER

The Navy has been developing new electronics for the EA-6b PROWLER for the past few years with the expectation of increasing the capability of this important aviation asset. In the past the conferees have supported this program as a cost effective way to increase the survivability of other Navy assets.

The conferees continue to believe the Navy's program to increase the capability of sensors and avionics, as well as remanufacture of the airplane, is going to be cost-effective and timely. In particular, the conferees are encouraged by the progress made thus far as evidenced by the reports issued upon completion of development testing and operational evaluation. The technical test summary stated that the systems “* * * demonstrated excellent potential for the tactical jamming mission due to the magnitude of improvement * * * over the current EA-6B ICAP-II variants * * *” And the operational test summary stated the systems were “* * * assessed to be potentially operationally effective and operationally suitable.”

The conferees agree to provide $77,586,000 for the EA-6B program as requested and expect the program to transition to low rate initial production as soon as possible. The conferees request that the fiscal year 1995 budget request include production funding to support fleet introduction of EA-6B ADVCAP.

T-45 GOSHAWK

The conferees agree to provide the budget request of $289,981,000 for 12 aircraft, simulators, and advance procurement.

The conferees understand that if Navy chooses to proceed with a T-45 engine competition, proper execution of the competition requires realigning fiscal year 1992 Aircraft Procurement, Navy funds to research and development. The conferees direct that the Navy use the existing 1992 APN engine competition funds ($15 million) for on-going T-45 production purposes and reprogram $15 million in 1993 or 1994 T-45 procurement funds to research and development for continuing the T-45 engine competition if necessary. This creates a total of $35 million for engine competition.

F-14 MODIFICATIONS

The conferees agree to provide $116,213,000 as requested instead of $9,213,000 as recommended by the House and $291,213,000 as recommended by the Senate. The conferees are concerned with current Defense Department and Navy plans for the F-14 which accentuate air-to-ground modifications over re-engining. The Navy is directed not to obligate $107,213,000 of the funds provided for F-14 modifications until it reconsiders its current plan for the F-14 upgrades and reports back to the Committees on Appropriations of the House and Senate in conjunction with the fiscal year 1995 budget submission. In its report, the Navy should examine the relative merit of the planned upgrade program versus continuing to re-engine F-14 aircraft. The conferees understand that re-engining F-14 aircraft remains the highest priority of the Navy fleet and believe that re-engining should be of higher priority than the planned air-to-ground upgrades or other enhancements.

H-1 SERIES MODIFICATIONS

The conferees agree to provide $47,858,000 for H-1 series helicopter modifications. The conferees direct the Department of the Navy to fund the programs within this account in accordance with fleet priorities.

P-3 SERIES MODIFICATIONS

The conferees agree to provide $118,304,000 as proposed by the Senate. The amount provided is $107,038,000 above the House recommendation and $96,000,000 below the budget request.

The conferees agree that the maritime patrol force modernization plan of 2 September 1993 submitted to the Congress by the Secretary of the Navy is a substantial improvement over previous plans. Accordingly, the conferees agree to endorse the following: (1) the maritime patrol force structure for fiscal year 1994 shall be 16 active and 9 reserve squadrons of 8 aircraft each; (2) the Navy shall take appropriate action to ensure 29 P-3B heavy weight aircraft are reconfigured as TP-3C aircraft to satisfy training squadron requirements; (3) the P-3C sustained readiness program should be aggressively pursued and ramp up to at least 20 per year by fiscal year 1997; and (4) the ASUW improvement program may be initiated in fiscal year 1994, but funds for 12 of 13 proposed systems are deleted until program testing has commenced as proposed by the Senate.

If any of the foregoing issues cannot be fully accommodated, the Secretary of the Navy is directed to notify the House and Senate Defense Appropriations Subcommittees that a problem has emerged and identify what action is necessary to correct the problem.

E-6 SERIES MODIFICATIONS

The conferees agree to provide $58,282,000 for E-6 modifications as proposed by the Senate. The amount provided is $60,179,000 below the amount provided by the House and the budget request of $118,461,000. The reduction is based upon documentation provided with the budget request which stated the airborne command post modification approval for production would occur in 1996. Subsequent material from the Department of the Navy indicates an acceleration of the production approval process is expected and a decision will occur in 1994.

The conferees acknowledge the importance of the modifications but have no assurances that production approval will occur two years ahead of the original schedule. Therefore, the conferees have agreed to the Senate reduction but will consider any proposed reprogrammings for this effort if the planned schedule changes and necessary approvals are achieved.

S-3 SERIES MODIFICATIONS

The conferees agree to provide $16,660,000 for S-3 series modifications. The amount provided is $3,750,000 above the budget request. The increased funding is to be used to initiate procurement of AN/USH-42 mission recorders as stated in House Report 103-254.

COMMON ECM EQUIPMENT

The conferees agree to provide $71,774,000 for procurement of common ECM equipment. The amount provided is $6,000,000 more than the budget request. The additional funds are to be used only for continued procurement of the LAU-138/A launcher raid chaff dispenser system.

WEAPONS PROCUREMENT, NAVY

Amendment No. 59: Appropriates $2,986,720,000 for Weapons Procurement, Navy instead of $2,808,986,000 as proposed by the House and $2,972,906,000 as proposed by the Senate and inserts Senate provision concerning the Trident II D-5 missile.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
WEAPONS PROCUREMENT, NAVY					
RAM	58,476	43,876	58,476	240	51,176
DRONES AND DECOYS		15,000	17,500		17,500
SPARROW MODS	35,899	35,899	7,625		21,625
WEAPONS INDUSTRIAL FACILITIES	22,067	22,067	37,567		37,567
FLEET SATELLITE COMMUNICATIONS (MYP)	159,784		159,784		159,784
MK-50 ALWT	21,419	38,419	29,269		46,269
TORPEDO INDUSTRIAL BASE			25,000		
ASW TARGETS	17,587	8,000	17,587		8,000
VERTICAL LAUNCHED ASROC (VLA)	22,682	32,682	22,682	40	32,682
MK-46 TORPEDO MODS	24,099	24,099	8,199		24,099
MACHINE GUN AMMUNITION	7,355	1,566	2,853		1,566
PRACTICE BOMBS	10,862	20,862	4,346		14,346
5 INCH/54 GUN AMMUNITION	55,161	40,161	55,161		51,961
SMALL ARMS & LANDING PARTY AMMUNITION	11,468	11,468	9,371		9,371
PYROTECHNIC AND DEMOLITION	13,400	13,400	9,287		9,287
DEMILITARIZATION	6,712		6,712		

MK-50 ADVANCED LIGHTWEIGHT TORPEDO

The conferees agree to provide $46,269,000 for the Mk-50 Torpedo program an addition of $24,850,000 to the fiscal year 1994 budget request. Of the additional funding provided by the conferees, $2,850,000 is for the safe disposal of 920 Mk-50 boilers, $5,000,000 is for the settlement of requests for equitable adjustments that can be negotiated and paid in fiscal year 1994, and $17,000,000 is for continued procurement of the Mk-50 torpedo.

VERTICAL LAUNCHED ASROC (VLA)

The conferees agree to provide $32,682,000 for the Vertical Launched ASROC (VLA) program an addition of $10,000,000 to the fiscal year 1994 budget request. The conferees direct the Department of the Navy to procure as many VLAs as possible with the funding provided.

PRACTICE BOMBS

The conference agreement includes $14,346,000 for practice bombs. Of this amount, $10,000,000 is available only for procurement of laser guided practice bombs.

5"/54 GUN AMMUNITION

The conference agreement provides $51,961,000 for 5"/54 gun ammunition. Of this amount, $18,958,000 is available only for procurement of high explosive (HE-CVT) ammunition.

Amendment No. 60: Deletes House language making a portion of the appropriation available for obligation only after the enactment of authorizing legislation.

SHIPBUILDING AND CONVERSION, NAVY

Amendment No. 61: Deletes the Senate proposed funding for the carrier replacement program.

Amendment No. 62: Appropriates $2,642,772,000 for the DDG-51 destroyer program as proposed by the House instead of $2,610,972,000 as proposed by the Senate.

Amendment No. 63: Appropriates $50,000,000 for advance procurement on the LHD-7 amphibious assault ship rather than earmarking from within available funds as proposed by the Senate.

Amendment No. 64: Appropriates $124,175,000 for the mine warfare command and control ship as proposed by the House.

Amendment No. 65: Appropriates $110,049,000 for the oceanographic ship program as proposed by the House instead of $62,482,000 as proposed by the Senate. Also deletes House language on T-AGS 60 contract options and Comptroller General recommendations.

Amendment No. 66: Deletes House language which included production design support along with other miscellaneous costs.

Amendment No. 67: Deletes House language which included cost growth along with other miscellaneous costs and appropriates $343,104,000 for craft, outfitting, post delivery, and first destination transportation, instead of $595,131,000 as proposed by the House and $330,104,000 as proposed by the Senate.

Amendment No. 68: Appropriates a total of $4,195,075,000 instead of $5,397,102,000 as proposed by the House and $7,332,133,,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
SHIPBUILDING & CONVERSION, NAVY					
CARRIER REPLACEMENT PROGRAM		1,000,000	3,403,600		
DDG-51	2,642,772	2,642,772	2,610,972	3	2,642,772
LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP) (AP-CY)					50,000
MINE WARFARE C2 SHIP	124,175	124,175		1	124,175
OCEANOGRAPHIC SHIPS	110,049	110,049	62,482	2	110,049
SERVICE CRAFT	27,362	32,362	23,986		36,986
OUTFITTING	251,330	221,785	211,003		211,003
POST DELIVERY	169,732	169,732	89,322		89,322
PRODUCTION DESIGN SUPPORT	38,459	38,459			
COST GROWTH		127,000			

SCN ACCOUNT CLOSING

The conferees understand that the Department of Defense has drafted special guidance governing the application of the account closing law to the Shipbuilding and Conversion, Navy (SCN) appropriation. The conferees are concerned that the guidance must recognize that the SCN appropriation must be considered an indefinite account. This guidance would be consistent with the proviso that the Congress has added to the SCN appropriation since 1984 to recognize the unique nature of ship construction and extend its availability.

The conferees direct the Secretary of Defense to issue procedures to ensure that the account remains available until all the purposes for which the appropriation was made available have been accomplished. The conferees expect the Department to adhere to all limitations in the appropriation throughout its life, and to close it expeditiously when the purposes have been accomplished.

DISPUTED CLAIMS

The conferees are aware of a long standing dispute between Southwest Marine of San Diego, California and Atlantic Dry Dock of Jacksonville, Florida and the Department of the Navy over facility investments made by these two shipyards. Although, the shipyard owners agree that there is no legal remedy for a claim to be paid by the Navy, they continue to believe that, in fairness, the Navy should pay costs which the yards incurred in making facility investments. The conferees direct the Navy to examine this issue again and inform the Committees on Appropriations of the House and Senate by May 31, 1994 on what course of action it recommends to resolve this matter.

STUDY OF NUCLEAR POWERED AIRCRAFT CARRIERS AND SUBMARINES

The conferees direct the Comptroller General of the United States to study the cost-effectiveness to the Navy of the utilization of nuclear powered aircraft carriers and nuclear powered submarines. The study should include the following:

1. A comparison of the life-cycle cost, including the cost of processing or otherwise disposing of nuclear fuel and other nuclear waste removed from nuclear-powered ships, of nuclear-powered aircraft carriers and nuclear-powered submarines with the life-cycle cost of conventionally-powered aircraft carriers and conventionally-powered submarines;

2. A comparison of the cost of procuring nuclear-powered aircraft carriers with the cost of carrying out the service-life extension or complex overhaul of existing conventionally-powered aircraft carriers;

3. A comparison of the projected cost to the Navy of operating a fleet of twelve aircraft carriers utilizing one or more homeports located at foreign overseas installations with the projected cost of operating such a fleet utilizing only homeports located in the United States;

4. An assessment of the refueling costs and the cost of disposing of the waste generated by such refuelings for the nuclear-powered aircraft carriers of the fleet through the year 2020;

5. A detailed estimate of the costs associated with processing or otherwise disposing of nuclear fuel and other nuclear material from the existing nuclear-powered fleet of ships in the Navy; and

6. A detailed description of all programs of the Department of Defense and the Department of Energy relating to nuclear propulsion systems for naval ships that utilize such systems required for the nuclear-powered aircraft carriers.

DDG-51 DESTROYER

The conferees agree to provide $2,642,772,000 for procurement of three DDG-51 class destroyers. The funding provided is to be used for procurement of three destroyers as well as production design support. The conferees reject the Department's proposal to finance design support outside the production funding line.

The conferees further agree that the Department should more aggressively explore the use of existing equipment which can be removed from ships planned for retirement and used on new platforms.

Two issues were addressed in previous reports on this program. First, the conferees have adopted a general provision that prohibits using any funds for a sole source procurement of ring laser gyroscope configured inertial navigation systems. Second, the conferees agree the Navy should conduct a competition in 1995 for switchgear for flight IIA DDG-51 class destroyers.

Further, the conferees agree to allow the Department of the Navy to go forward with the award of contract N00024-93-C-5203 for DDG-51 shipboard display equipment subject to the same restrictions that apply to Navy Tactical Data Systems equipment as discussed in the Other Procurement, Navy section of the statement of managers.

LHD-7 ADVANCE PROCUREMENT

The Senate earmarked $50,000,000 in funds from the LHD-6 which could have been used for advance procurement on the LHD-7. The Senate action presupposed that, if an LHD-7 were to be purchased, the cost of the LHD-6 would be reduced as the shipyard would be receiving additional work. The conferees agree with the intent of the Senate in support of the LHD-7. However, there is a concern that the price of the LHD-6 will not decrease with the addition of the LHD-7. Therefore, the conferees have added $50,000,000 which may be available for advance procurement on the LHD-7. The conferees expect that the Defense Department will fund the balance of the ship in fiscal year 1995 prior to obligating the advance procurement funds.

SERVICE CRAFT

The conferees agree to provide $36,986,000 for procurement of service craft. The agreement includes a reduction of $3,376,000 from the budget request to reflect the Department of the Navy's decision to delete the large covered lighter (YFNB) from its service craft requirements. Additionally, the conferees agree to provided $5,000,000 above the budget request for six open lighters (YC) and two fuel oil storage barges (YOS).

Finally, the conferees have provided, in this account, $8,000,000 for conversion of the USNS CHAUVENET to a training ship for the Texas Maritime Academy's Training Program.

OUTFITTING AND POST DELIVERY

The conferees agree to provide $211,003,000 for outfitting and $89,322,000 for post delivery expenses. In total, the funding provided for these two accounts is $120,737,000 below the budget request.

SHIP COST ADJUSTMENT

The conferees have included a general provision (section 8120) which transfers $761,101,000 in prior year funds to cover cost increases in various ship programs. The only source used for transfer which was not identified by Navy officials is $55,500,000 from the Space Nuclear Thermal Propulsion Program within the RDT&E, Air Force appropriation. The following table lists the adjustments by appropriations.

Appropriations to which transfer is made:	*Amount*
Shipbuilding and Conversion, Navy 1986/1990	$3,459,000
Shipbuilding and Conversion, Navy 1987/1991	256,000
Shipbuilding and Conversion, Navy 1988/1992	141,704,000
Shipbuilding and Conversion, Navy 1989/1993	174,540,000
Shipbuilding and Conversion, Navy 1990/1994	144,071,000
Shipbuilding and Conversion, Navy 1991/1995	297,071,000
Total	761,101,000

Appropriations from which transfer is made:	*Amount*
Shipbuilding and Conversion, Navy 1990/1994	5,037,000
Shipbuilding and Conversion, Navy 1991/1995	3,806,000
Shipbuilding and Conversion, Navy 1992/1996	44,360,000
Shipbuilding and Conversion, Navy 1992/1995	27,000,000
Shipbuilding and Conversion, Navy 1993/1994	13,000,000
Shipbuilding and Conversion, Navy 1993/1996	43,500,000
Shipbuilding and Conversion, Navy 1993/1997	69,829,000
Aircraft Procurement, Navy 1992/1994	65,600,000
Aircraft Procurement, Navy 1993/1995	45,700,000
Weapons Procurement, Navy 1992/1994	36,000,000
Weapons Procurement, Navy 1993/1995	105,800,000
Other Procurement, Navy 1993/1995	163,274,000
Research, Development, Test and Evaluation, Navy 1993/1994	46,395,000
Research, Development, Test and Evaluation, Air Force 1993/1994	55,500,000
National Guard and Reserve Equipment 1992/1994	3,400,000
National Guard and Reserve Equipment 1993/1995	32,900,000
Total	761,101,000

Amendment No. 69: Deletes a House provision making a portion of the appropriation subject to authorization.

OTHER PROCUREMENT, NAVY

Amendment No. 70: Appropriates $2,994,231,000 for Other Procurement, Navy, instead of $2,980,815,000 as proposed by the House and $2,794,718,000 as proposed by the Senate.

The conferees agree on items in conference as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
OTHER PROCUREMENT, NAVY					
OTHER GENERATORS	17,180	12,780	17,180		12,780
OTHER PUMPS	5,089	189	5,089		189
SUBMARINE PUMP RETROFIT KITS		1,000			1,000
SUBMARINE BATTERIES	9,019	8,019	9,019		8,019
REACTOR COMPONENTS	186,425	175,425	186,425		180,500
STANDARD BOATS	9,350	14,350	9,350		10,600
NUCLEAR ALTERATIONS	108,590	108,590	81,990		108,590
AN/SPS–48	9,018	23,018			14,018
SURFACE ELECTRO–OPTICAL SYSTEM	3,663	3,663			
AN/SQQ–89 SURF ASW COMBAT SYSTEM	88,110	88,110	54,810		88,110
SSN ACOUSTICS	27,200	25,700	27,200		25,700
SONAR SWITCHES AND TRANSDUCERS	17,294	16,294	17,294		16,294
SSTD	14,907	14,907			14,907
TOWED ARRAY SONARS		10,000			6,000
AN/SLQ–32	1,328	1,328			
C–3 COUNTERMEASURES	18,172	50,672			
OUTBOARD	11,266	9,266	11,266		9,266
AN/WLQ4	4,867	4,867	2,324		2,324
SUBMARINE SUPPORT EQUIPMENT PROG	9,785	7,485	9,785		7,485
NAVY TACTICAL DATA SYSTEM	42,863	24,000	42,863		66,863
TACTICAL FLAG COMMAND CENTER	33,787	42,787	25,687		42,787
LINK 16 HARDWARE	24,021	24,021			12,000
MINESWEEPING SYSTEM REPLACEMENT	51,728	50,000	51,728		50,000
SPACE SYSTEM PROCESSING	8,225		8,225		
WWMCCS COMMUNICATIONS EQUIPMENT	2,296	2,296			
AN/SSQ–77 (VLAD)		34,200			34,200
AIR EXPENDABLE COUNTERMEASURES	39,360	39,760	39,360		39,260
MARINE LOCATION MARKERS	3,204	704	3,204		704
WEAPONS RANGE SUPPORT EQUIPMENT	46,200	46,200	58,985		58,985
TARTAR SUPPORT EQUIPMENT	21,872	31,872	21,872		21,872
AEGIS SUPPORT EQUIPMENT	29,589	34,589	24,589		29,589
NATURAL GAS UTILIZATION EQUIPMENT		16,000			10,000
INTELLIGENCE SUPPORT EQUIPMENT	44,639	44,639	43,639		39,355
COMPUTER ACQUISITION PROGRAM	38,181	58,181	38,181		58,181
FLEET MODERNIZATION PROGRAM			50,000		50,000
BASE CLOSURE SAVINGS			–20,000		
RAISE O & M PURCHASE THRESHOLD		–25,000	–6,250		–6,250

BQG–5 WIDE APERTURE ARRAY

The AN/BQG–5 Wide Aperture Array (WAA) is a conformal hull sonar array developed for the Seawolf. It can be retrofitted on Los Angeles-class submarines, and is a likely candidate for Centurion. The WAA provides rapid range and bearing on a target, an essential advantage in shallow coastal waters where sonar clutter, shipping, and ocean conditions limit surveillance ranges and increase the likelihood of chance encounters. Therefore, the conferees provide $33,000,000 for the acquisition of one complete BQG–5 shipset and the completion of a partially cannibalized BQG–5 already in the possession of the Navy for backfit on Los Angeles-class subs. The WAAs procured shall include the additional cards necessary to provide full search capability. The conferees direct the Navy to reprogram the funds necessary to cover administrative and array installation costs.

AN/SPS–48E RADAR

The conferees agree to provide $14,018,000 for the AN/SPS–48E radar of which $5,000,000 is available to initiate the subproject as directed in the House report.

NAVY TACTICAL DATA SYSTEM (NTDS)

The conferees agree to provide $66,863,000 for the Navy Tactical Data System an addition of $24,000,000 to the budget request. The additional funding provided is available only for the acquisition of low cost commercial emulator systems. The use of commercial emulators in place of Mil-spec display equipment at shore-based facilities has proven to be cost effective and the conferees expect the Department of the Navy to continue to aggressively pursue further cost savings through the use of commercial emulators in place of Mil-spec display equipment.

Accordingly, the conferees direct the Department of the Navy not to expend any OPN or SCN funds on the purchase of new Mil-spec display equipment if that equipment requirement can be fulfilled (1) by an existing emulation system, (2) from assets available at land-based sites, (3) from decommissioned ships, or (4) by expenditure of funds provided to develop new emulators. A certification of need to purchase new Mil-spec display equipment by other than these methods must be obtained from the Naval Audit Service and applies to the following types of equipment: LS–653, LS–654/A, OJ–452, OJ–451, OJ–535, OL–190, and OL–191. The conferees further direct the Navy to expedite the use of funds provided in fiscal years 1993 and 1994 for the upgrade of existing emulators and the acquisition of new emulators so that additional funds can be saved in the future.

Amendment No. 71: Restores and amends House language and provides $20,000,000 for Defense Department and Navy automated information system acquisitions and operations. The conferees strongly believe that the funding be used for missions and functions as directed in the bill and House Report 103–254, pages 154–155, except with regard to the management and coordination of active and reserve personnel central design activity and personnel accounting programs. The conferees direct that not less than $17,000,000 ($8,500,000 at each location) shall be spent for acquisitions, upgrades, and replacements at the Enlisted Personnel Management Center (EPMAC) and the Naval Computer and Telecommunications Station (NCTS), New Orleans. The conferees direct that not less than $3,000,000 shall be spent for acquisitions, upgrades, and replacements at the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center (NRPC), and the Defense Accounting Office (DAO), New Orleans. In addition to the missions and functions described in the House report, the conferees recommend that the Department of the Navy have the EPMAC, the NRPC, and the Navy Reserve Force Information Systems Office and the Bureau of Personnel jointly design, develop, test and maintain a new automated enlisted detailing system and a new consolidated Naval manpower data base. The conferees believe that the Department of Defense should establish a central management and control site for local area networks, as described in House Report 103–254, and operate a central design activity software and development test center and classified systems site for megacenters at NCTS, New Orleans. The Department of Defense should also establish a coordinated central management, operations, and processing site for the Integrated Disbursing and Financial Management System at NCTS and DAO, New Orleans. The Department of Navy may proceed, with prior year funds, to design, procure, install, and deploy the NRPC subsystem of the Electronic Military Personnel Records System, to include preparation of life cycle management documentation through milestone III. The work on the subsystem shall be contracted through and administered by the NRPC.

Amendment No. 72: Deletes House language since this subject is addressed under amendment number 71.

Amendment No. 73: Deletes House language since this subject is addressed under amendment number 71.

Amendment No. 74: Deletes House language since this subject is addressed under amendment number 71.

Amendment No. 75: Deletes House language which made a portion of the appropriation available for obligation only after enactment of authorizing legislation.

PROCUREMENT, MARINE CORPS

Amendment No. 76: Appropriates $441,216,000 for Procurement, Marine Corps, instead of $527,754,000 as proposed by the House and $441,056,000 as proposed by the State.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
PROCUREMENT, MARINE CORPS					
AMMO DEMILITARIZATION	7,217		7,217		
ITEMS LESS THAN $2 MIL	3,572	2,522	3,572		2,522
AAV7A1 PIP	15,139,	2,539	15,139		2,539
LAV PIP	6,914	12,914	6,914		6,914
PEDESTAL MOUNTED STINGER (PMS) (MYP)	19,201	49,201	19,201	24	19,201
GPS	14,597	14,597	9,199	1,453	9,199
JOINT TACT INFOR DIST SYS (CL I)	1,743	5,743	1,743		1,743
SINGLE CHAN GRD & AIR RADIO	46,122	56,122	46,122		46,122
ITEMS LESS THAN $2M (TEL)	3,079	3,079			1,535
INTELLIGENCE SUPPORT EQUIPMENT	21,636	21,636	14,301		21,636
NIGHT VISION EQUIPMENT	12,392	34,892	12,392		12,392
ADP EQUIPMENT	14,504	14,504	7,004		10,100
TEST CALIB & MAINT SPT	931	931			931
MODIFICATION KITS (NONTEL)	2,447	2,447			1,280
AUTOMATIC BUILDING MACHINES		2,500			1,750
TRAINING DEVICES	11,018	11,018	5,918		11,018
RAISE O & M PURCHASE THRESHOLD			−775		−775

Amendment No. 77: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

AIRCRAFT PROCUREMENT, AIR FORCE

Amendment No. 78: Appropriates $6,662,934,000 for Aircraft Procurement, Air Force instead of $6,887,201,000 as proposed by the House and $4,017,475,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
AIRCRAFT PROCUREMENT, AIR FORCE					
B–18 (MYP)	162,547	162,547	126,547		162,547
B–2A (MYP)	604,339	604,339	572,239		572,239
F–16 C/D (MYP)	724,700	724,700		12	400,000
C–17 (MYP)	2,072,809	1,772,809		6	1,934,809
C–17 (MYP) (AP-CY)	245,500	245,500			245,500
C–130H	53,794	73,794	53,794		53,794
COMPLEMENTARY WIDEBODY AIRCRAFT					100,000
TANKER, TRANSPORT, TRAINER SYSTEM	147,356	140,756	147,356	35	140,756
CIVIL AIR PATROL A/C	2,543	3,643	2,743	27	3,643
E–8B	281,823	241,823	476,823	2	436,823
B–1B	50,808	40,808	29,008		29,008
B–52	47,357	47,357	37,357		37,357
A–10	28,414	28,414	19,614		19,614
F–15	282,725	268,325	270,125		268,325
EF–111		15,000			3,750
C–17A	16,472	16,472	2,072		2,072
C–141	29,195	29,195	12,895		29,195
C–130	141,085	149,085	121,085		129,085
C–135	46,643	203,143	40,343		70,643
E–4	31,489	31,489	9,000		9,000
OTHER AIRCRAFT	83,984	83,984	66,784		66,784
CLASSIFIED PROJECTS	37,647	28,347	37,647		28,347
SPARES AND REPAIR PARTS	556,077	556,077	496,077		456,077
COMMON AGE	193,535	190,035	193,535		193,535
WAR CONSUMABLES	31,906	17,906	31,906		17,906
OTHER PRODUCTION CHARGES	670,242	597,970	656,842		638,442

B–2

The conferees recommend $572,239,000 for the procurement of support equipment and other support for the B–2 bomber. The recommendation is $32,100,000 below the budget request to reflect the need for a review by the Under Secretary of Defense, Acquisition, on the long-term support and maintenance plan for the B–2 bomber. The Under Secretary shall report to the Congressional Defense Committees on the most efficient and cost-effective utilization of both public and private facilities to support the B–2 bomber. The conferees recognize that the government has already invested significantly in the private sector to train a highly skilled work force and has constructed facilities which can support this need. In addition, it is recognized that the Air Force has constructed facilities to allow for organic maintenance of the B-2 bomber. The $32,100,000 reduction reflects no prejudice; it is deemed that such expenditure would be premature until the Department has completed its review.

C-17

The conferees agree to provide $1,935,809,000 for the acquisition of six C-17 aircraft, a reduction of $138,000,000 to the fiscal year 1994 budget request. The conferees also agree to provide $245,500,000 for advance procurement of C-17 aircraft; this is the amount of the budget request. It is the sense of the conferees that the C-17 is a vitally important program which addresses severe shortfalls in the Defense Department's overall airlift capability. It is also the conferees expectation that the C-17 will play a large role in any alternative mix of airfleets which will fulfill future Department airlift requirements. The conferees are not without concern for the future success of the program, however, and restrict the obligation of fiscal year 1994 advance procurement funding under the following conditions:

1. The conferees direct that not more than $100,000,000 of fiscal year 1994 advance procurement funding may be obligated until the Secretary of Defense provides a report to the Congressional Defense Committees which designates a production representative aircraft which incorporates fixes to the wing, flaps, slats and landing gear. In addition, the report will identify the cost of retrofitting the first ten production aircraft with these deficiency corrections.

2. The conferees also direct that the C-17 Lot VII engine advance procurement contract not be awarded until the Secretary of Defense provides the Congressional Defense Committee with a report on the consideration to be received by the government for any engines in Lots IV through VI which do not meet the specific fuel consumption requirements in the engine specifications found in the original contracts.

Should present unit cost and performance trends continue for the C-17 engine, the conferees will be forced to consider other options to address the requirement. The conferees also agree to the House language which requires the submission of a quarterly report detailing the progress of the C-17 flight test program.

C-130J

It is the conferees sense that in the future, acquisition of new tactical airlift aircraft should be the most capable and cost effective variant of the C-130. Toward that end, the conferees encourage the Air Force to consider including in the fiscal year 1995 budget request the C-130J which could be available for delivery in 1996.

E-8B JSTARS

The conferees recommend $436,823,000 for the purchase of two E-8B JSTARS aircraft. The conferees agree with the House allocation which reduced engineering change orders by $40,000,000 believing the budgeted amount to be excessively high. The conferees further agree that the Air Force should examine a multiyear purchase of JSTARS subcomponents, including the purchase of airframes.

C-130 MODIFICATIONS

The conferees agree to provide $129,085,000 for C-130 modifications, a reduction of $12,000,000 to the fiscal year 1994 budget request. The conferees agree to the Senate proposed reduction of $20,000,000 due to delays in modifications to electrical systems. The conferees also agree to the House proposal to include an additional $8,000,000 solely for the compass call mission training system.

KC-135 RE-ENGINING

The conferees recommend $70,643,000 for C-135 modifications, $24,000,000 above the fiscal year 1994 budget request. The conferees understand that $100,900,000 of prior year funds may be available in addition to the $24,000,000 increase provided herein for C-135 re-engining. The conferees agreed that these funds would be used to re-engine two KC-135E and two RC-135 aircraft. However, the conferees will not object if the Air Force uses the full amount to re-engine up to five KC-135E aircraft.

SPARES AND REPAIR PARTS

The conferees recommend $456,077,000 for the purchase of spare and repair parts. This amount is $100,000,000 below the fiscal year 1994 budget request. The recommendation reduces funds from B-2 spare parts noting that, because of a change in Air Force spare parts budgeting policy, these funds will not be needed until fiscal year 1996.

F-16 BOMB EJECTOR RACKS

The conferees recommend $4,500,000 for F-16 ejector racks under Other Production Charges. This program was supported by both the House and Senate. Providing funds in this bill will allow the Air Force to proceed with the purchase of a replacement for the TER-9A ejector rack by the second quarter of fiscal year 1994.

Amendment No. 79: Deletes House language earmarking $20,000,000 for the C-130J program.

Amendment No. 80: Deletes Senate language earmarking $4,500,000 for the TER-9A ejection rack.

MISSILE PROCUREMENT, AIR FORCE

Amendment No. 81: Appropriates $3,899,170,000 for Missile Procurement, Air Force instead of $3,845,354,000 as proposed by the House and $4,127,514,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
MISSILE PROCUREMENT, AIR FORCE					
HAVE NAP		10,000			5,000
TRI-SERVICE ATTACK MISSILE	195,860		195,860		160,860
ADVANCED CRUISE MISSILE	59,367	59,367	59,367		5,367
AMRAAM	501,629	489,929	496,329	749	489,929
AGM-130 POWERED GBU-15	73,881	73,881	70,381	102	70,381
SPARES AND REPAIR PARTS	54,177	54,177	51,477		51,477
GLOBAL POSITIONING (MYP) (AP-CY)	55,935	30,935	55,935		55,935
MEDIUM LAUNCH VEHICLE	134,407	84,407	132,307	2	132,307
DEFENSE SUPPORT PROGRAM (MYP)	265,734	265,734	256,269	1	265,734
DEFENSE SUPPORT PROGRAM (MYP) (AP-CY)	193,409	193,409	202,874		94,026
DEFENSE SATELLITE COMM SYSTEM (MYP)	32,440	32,440	27,640		27,640
IONDS (MYP)	31,727	21,727	31,727	6	31,727
SPECIAL PROGRAMS	1,613,932	1,472,332	1,490,332		1,456,432
ARMS CONTROL					−4,661

Amendment No. 82: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

OTHER PROCUREMENT, AIR FORCE

Amendment No. 83: Appropriates $7,637,250,000 instead of $7,336,918,000 as proposed by the House and $7,527,084,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
OTHER PROCUREMENT, AIR FORCE					
BOMB PRACTICE 25 POUND	7,405	7,405	5,584	715,704	5,584
CBU-87 (COMBINED EFFECTS MUNITIONS)			70,000		70,000
BSU INFLATABLE RETARDER		5,000		8	8,000
FLARE, IR MJU-78	6,288	5,274	6,288	306,572	6,288
AMMO DEMIL	200		200		
FMU-139 FUZE	20,563		20,563		10,250
ITEMS LESS THAN $2,000,000	11,756	11,531	11,756		11,531
HEAVY RESCUE VEHICLE	2,162		2,162		
60K A/C LOADER	27,601	11,701	27,601	19	27,601
ITEMS LESS THAN $2,000,000	344	344			
AIR TRAFFIC CTRL/LAND SYS (ATCALS)	13,455	14,955			14,955
TACTICAL AIR CONTROL SYS IMPROVE	55,931	50,931	55,931		50,931
WEATHER OBSERV/FORCAST	47,650	48,650	47,650		48,650
DEFENSE SUPPORT PROGRAM	38,563	28,463	12,117		28,463
NAVSTAR GPS	5,264	3,864	4,577		4,577
IMAGERY TRANS	4,971	4,971			
AUTOMATIC DATA PROCESSING EQUIP	64,178	64,178	52,411		64,178
WWMCCS/WIS ADPE	21,954	18,594			
MOBILITY COMMAND AND CONTROL	42,768	36,000	42,768		36,000

[In thousands of dollars]

	Budget	House	Senate		Conference
AIR FORCE PHYSICAL SECURITY SYSTEM	32,395	30,395	32,395		30,395
RANGE IMPROVEMENTS	35,053	35,053	25,553		25,553
BASE LEVEL DATA AUTO PROGRAM	32,948	32,948	18,994		32,948
AUTOMATED TELECOMMUNICATIONS PRG	10,195	10,195	2,376		10,195
MILSATCOM	85,338	85,338	64,003		74,003
WIDEBAND SYSTEMS UPGRADE	2,032	2,032	1,000		1,000
CAP COM & ELECT	194	194	294		294
SPACE MODS	25,807	25,807	22,907		22,907
BREATHING APPARATUS TWO HOUR	5,074	5,074			
ITEMS LESS THAN $2,000,000	3,545	3,545			
NATURAL GAS UTILIZATION EQUIPMENT		16,000			10,000
MOBILITY EQUIPMENT	4,581	4,581			
WARTIME HOST NATION SUPPORT	1,292	1,292			
INTELLIGENCE PRODUCTION ACTIVITY	51,367	51,367	50,367		45,297
SR YR GROUND STATIONS	55,654	40,552	50,654		40,552
SELECTED ACTIVITIES	5,741,033	5,394,534	5,592,533		5,650,698
RAISE O&M Purchase Threshold		−27,000	−6,750		−6,750

NATIONAL GUARD AND RESERVE EQUIPMENT

Amendment No. 84: Appropriates $1,200,000,000 for National Guard and Reserve Equipment instead of $1,178,100,000 as proposed by the House and $785,000,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
NATIONAL GUARD & RESERVE EQUIPMENT					
ARMY RESERVE					
EXTERNAL FUEL TANKS		3,500			
PLS/HEMTT		47,000			
HET TRUCKS		6,000			
AUTOMATIC BUILDING MACHINES		5,000			
TUG BOATS		25,000			
D-9 BULLDOZER		15,000			
MISCELLANEOUS EQUIPMENT			70,000		100,000
NAVY RESERVE:					
P-3 UPGRADES		30,000			
M1UW VANS		21,000			
C-130T AIRCRAFT		124,000			
F/A-18 SUPPORT		1,500			
ALR-67(V)2		15,000			
MISCELLANEOUS EQUIPMENT			70,000		50,000
C-9 MODS		25,000			
AN/S11-T1 TRAINER		11,000			
MARINE CORPS RESERVE:					
KC-130T AIRCRAFT		70,000			
AH-1W COBRA AIRCRAFT		78,000			
FIREARMS TRAINING SYSTEM		5,000			
MISCELLANEOUS EQUIPMENT		11,500	40,000		50,000
AIR FORCE RESERVE:					
C-130 AIRCRAFT		189,000			
C-130 SIMULATOR		23,000			
MISCELLANEOUS EQUIPMENT			65,000		50,000
FIREARMS TRAINING SYSTEM		5,000			
ARMY NATIONAL GUARD:					
MISCELLANEOUS EQUIPMENT			90,000		100,000
HET TRUCKS		30,000			
MEDIUM TACTICAL TRUCKS SLEP (2.5 TON ESP)		50,000			
M-9 ACE		50,000			
EXTERNAL FUEL TANKS		4,000			
NIGHT VISION DEVICES		35,000			
FIREARMS TRNG EQPT		10,000			
UPGRADE CIVIL ENGINEERING EQUIP		2,000			
AUTOMATIC BUILDING MACHINES		5,000			
CH-47 SIMULATOR		15,000			
CH-47 FADEC UPGRADE		9,600			
MOVING TARGET SIMULATOR		5,000			
IFTE		10,000			
SINCGARS RADIOS		75,000			
AN/PSG-7 DIGITAL DATA SET		9,700			
AIR NATIONAL GUARD:					
C-130 AIRCRAFT		63,000			
LOCASS		1,800			
APX-109		7,400			
MCE/TASCI P3I		17,900			
KC-135 RADAR UPGRADE		15,000			
TACTICAL AIRLIFT AIRCRAFT			250,000		
TACS ARM DECOYS		42,200			
MISCELLANEOUS EQUIPMENT			50,000		50,000
FIREARMS TRAINING EQUIPMENT		10,000			
OTHER GUARD/RESERVE EQUIPMENT					
NATIONAL GUARD AIRCRAFT			150,000		
GUARD/RESERVE AIRCRAFT					800,000

The conferees agree that this program shall be executed by the heads of the guard and reserve components with priority consideration for miscellaneous equipment appropriations given to the following items:

PLS/HEMTT trucks, HET trucks, Automatic building machines, Tugboats, D-9 tractor upgrade, APX-109 transponder system, OCASS submunition, KC-135 receiver, transmitter/antennae upgrade, Firearms training systems, C-130 simulator, MIUW vans, C-9 modifications, F/18 support, AN/SQQ-T1 trainer, AH-1W Cobra aircraft, AN/AQS-14 "MATE", Night vision devices, Civil engineering equipment upgrade, SINCGARS radios, AN/PSG-7 digital data set, 2.5 ton truck SLEP, M-9 ACE/FAASV, CH-47 simulator, CH-47 FADAC upgrade, MCE/TASCI P3I, Transition assistance program, Material handling equipment, AN/TLQ-32 ARM Decoys, Electronic document imaging system, MLRS launchers, M915/916 trucks, Forklifts, 20 ton dumptrucks, C-nite, UH-1 external fuel tanks, ALR-66 ESM upgrade.

NATIONAL GUARD AND RESERVE AIRCRAFT

The conferees agree to provide $800,000,000 for the procurement of new transport aircraft for the reserve components. Both the House and Senate passed bills recognized the urgent requirement to replace aging National Guard and Reserve transport aircraft. The Department has consistently failed to request funds to ensure the timely modernization of the reserve component aircraft fleet, for large tactical transport and smaller mission aircrat for cargo and personnel transportation, air ambulance and evacuation missions and short, unprepared runway operations.

The Chiefs of the National Guard and the Reserves shall allocate these funds to accommodate the most critical reserve component aircraft replacement needs. The Chiefs will report the proposed allocation of funds, by component and by specific system, to the Defense committees not later than January 15, 1994. The conferees expect these funds to be released for obligation by the Office of the Comptroller of the Department of Defense upon submission of the report to the Congress. the conferees identify this initiative as a special priority of the Congress and will not consider any reprogramming or transfer of these funds under authority provided by Sec. 8006.

AIR FORCE RESERVE C-130 MODERNIZATION

The conferees agree with the House position requiring the Department to provide 8 C-130G aircraft for the 910th Tactical Airlift Group in Youngstown, Ohio as directed in the fiscal year 1992 and 1993 Defense Appropriation Conference Reports.

COLORADO AIR FORCE RESERVE MODERNIZATION

It is the sense of the conferees that as the Air Force Reserve continues its tactical airlift modernization plan, high priority will continue to be given to the Colorado Air Force Reserve in Colorado Springs.

Amendment No. 85: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorizing legislation.

PROCUREMENT, DEFENSE-WIDE

Amendment No. 86: Appropriates $1,810,039,000 for Procurement, Defense-Wide, instead of $1,557,344,000 as proposed by the House and $1,602,726,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

[In thousands of dollars]

	Budget	House	Senate		Conference
PROCUREMENT, DEFENSEWIDE:					
MAJOR EQUIPMENT, OSD/WHS	62,420	62,420	62,420		21,120
REMOTELY PILOTED VEHICLES	69,300	88,300	89,300		88,300
SUPERCOMPUTERS		122,800			100,000
AIRBORNE RECON		13,443			
WMCCS ADP SYSTEMS	8,725	8,725			7,000
ITEMS LESS THAN $2 MILLION	44,162		44,162		44,162
DBOF TRANS		2,800			2,800
DEVELOPMENT TEST FACILITY	17,500	17,500			17,500
ITEMS LESS THAN $2 MILLION		4,300			4,300
MAJOR EQUIPMENT	186,233	21,493	186,233		161,233
VEHICLES	106	106	106		
OTHER CAPITAL EQUIPMENT	935	935	935		
AC-130U GUNSHIP ACQUISITION	27,489	20,489	27,489		24,789
C-130 MODIFICATIONS	63,819	65,919	63,819		65,919
PC, CYCLONE CLASS	13,369	13,369	13,369		28,369
SOF PLATFORM GUN AMMUNITION	19,032	26,532	19,032		23,032
COMM EQUIPMENT & ELECTRONICS	40,075	20,075	55,075		55,075
SOF INTELLIGENCE SYSTEMS	26,665	6,389	26,665		26,665
SPECIAL WARFARE EQUIPMENT	17,743	6,643	17,743		17,743
CLASSIFIED PROGRAMS	459,385	407,988	369,585		444,239
MENTOR-PROTEGE PROGRAM					45,000
RAISE O&M PURCHASE THRESHOLD			−12,325		−12,325
DEFENSE CONVERSION		8,000			6,000

SPECIAL OPERATIONS FORCES

The conferees agree to provide for Special Operations Forces an additional $2,100,000 for Quiet Knight; $4,000,000 to purchase LI-465 Fuzes; and $15,000,000 to cover costs growth in the Patrol Craft program.

PATROL BOATS

The conferees agree to provide an increase of $15,000,000 for special operations patrol boats. These funds may be required to pay for cost overruns on special operations patrol boats which are currently under construction. The conferees direct that these funds will only be used to cover contractor claims on that program if the Navy determines the claims are the responsibility of the government. The Secretary shall inform the Committees on Appropriations prior to the allocation of these funds to cover contractor claims.

Amendment No. 87: deletes House language on the High Performance Computer Modernization plan since this issue is addressed under amendment number 190.

DEFENSE PRODUCTION ACT PURCHASES

Amendment No. 88: Restores House language which includes an appropriation paragraph for the Defense Production Act Purchases and appropriates $200,000,000. The conferees direct the Department to submit all projects/programs in accordance with the Defense Production Act, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

OVERSIGHT, CONSULTATION, AND NOTIFICATION

The conferees agree with the Senate report language with respect to oversight, consultation, and notification about proposed changes to acquisition programs. The conferees note that compliance with this direction may be accomplished without use of the established formal DD Form 1415 reprogramming procedures.

ITEMS OF SPECIAL CONGRESSIONAL INTEREST

Funds for projects noted to be of special interest in either the House or the Senate reports remain so, even if the dollar value of these items has changed in conference or even if not specifically mentioned in this report, unless indicated to the contrary in this report.

ELECTRO-OPTICAL DEVICE MAINTENANCE AT DOD TEST RANGES

As a cost saving measure during the downsizing of Defense Department operations, the conferees direct the Defense Director of Test and Evaluation, in consultation with the directors of test and evaluation of each armed service, to submit a report and plan by June 1, 1994 on establishing government-owned/contractor-operated centralized maintenance service centers for electro-optical tracking systems at Department of Defense test ranges. The report should include a feasibility analysis evaluating the need to develop two such centers, one each to support Eastern and Western test ranges, with depot maintenance of this equipment accomplished at contractor facilities. The conferees encourage the Department to include Service training ranges, which may use these electro-optical tracking systems, in the overall plan for these centralized maintenance service centers. The evaluation also should include a special assessment of the impacts of such maintenance arrangements on maintaining the effective operations of any test and operational training ranges located outside the continental United States. The Department should consider centralized maintenance in the future for data collection and reduction capabilities and range command and control systems used at DOD test ranges.

SMALL BUSINESS INNOVATIVE RESEARCH

The Small Business Act requires Federal agencies which perform research to conduct a certain percentage of their extramural research funding with small businesses. The goal of this legislation is to foster the development and growth of small businesses. The fiscal year 1994 Department of Defense budget proposes a system in which Defense small business funds in the RDT&E appropriations are budgeted in separate line items. While this may be well-intended and offers some advantages, such as increased program visibility, the conferees believe that this also has the undesirable effect of decoupling such efforts from major research programs. The conferees believe the goals of the small business legislation are thwarted when each defense program manager is exempted from the responsibility for cultivating small businesses within major research or development programs. The conferees have therefore denied funding for separate small business program elements and have not agreed to a general provision proposed by the Senate. This action in no way changes the Defense Department's responsibility for full compliance with all provisions of the Small Business Act.

SPACE SURVEILLANCE PROGRAMS

The fiscal year 1994 budget requested a total of $1,128,877,000 for space-based, early warning, infrared satellites. The disposition of items in conference is as follows:

[In thousands of dollars]

	Request	House	Senate	Conference
DSP				
MsProc, AF	459,143	459,143	459,143	359,760
OthProc, AF	38,563	28,463	12,177	28,463
RDTE, AF	66,777	66,777	51,577	51,577
MilPers, AF	36,000	36,000	36,000	36,000
O&M, AF	61,000	61,000	61,000	61,000
Subtotal	661,483	651,383	619,897	536,800
FEWS				
RDTE, AF	214,794	214,794	214,794	110,000
Brilliant Eyes				
RDTE, DW	252,600	252,600	0	0
RDTE, AF	0	0	0	140,000
General Reduction RDTE, DW	0	−200,000	0	0
Total	1,128,877	918,777	834,691	786,800

Defense Support Program (DSP). The conferees believe that there is no requirement for DSP 25 and have therefore provided no funds. The $536,800,000 being provided is sufficient to continue funding in fiscal year 1994 for the multi-year contract for DSP satellites 23 and 24.

FEWS. The conferees agree that there is a requirement to replace the DSP system. In addition, the conferees believe that to terminate FEWS, competitively select new contractors, and start a new development effort would introduce unacceptable financial and schedule risk. Consequently, the conferees agree to continue the FEWS program, but at a reduced funding level.

Brilliant Eyes. The conferees agree to continue funding this program, but at a reduced level. The conferees also agree that the program management and funding responsibility should be transferred to the Air Force.

Reprogramming Authority. The conferees agree that the Secretary of Defense may realign funding into or out of the above programs only with the prior approval of the House and Senate Committees on Appropriations.

SPACE AND RELATED PROGRAMS

The House and Senate each included specific direction for many of the various DOD and intelligence space and related programs. The conferees agree with the language contained in the two different reports except as addressed elsewhere in this joint statement or as modified in this section.

The conferees believe it is premature in fiscal year 1994 to begin the aggressive development of a new medium lauch vehicle.

The conferees are unwilling at this time to endorse the evolution of improvements to Pegasus and Taurus class small lift vehicles and the suggestion that the Defense Department should spur development of alternative competitive vehicles.

The conferees agree that the Defense Department and intelligence community should provide, not later than June 1, 1994, a technologically achievable and affordable plan for how current and planned large payloads may be downsized on a reasonable schedule to permit launch on a medium lift vehicle. The conferees believe it is premature to decide now as to when such downsizing can be achieved.

SPACE LAUNCH VEHICLES

The conferees agree to provide a total of $60,000,000 to ARPA for research and development activities for space launch vehicles. The conferees agree not to provide $53,906,000 to the Air Force for a new National Lauch System vehicle as proposed by the House, but rather agree to provide $10,000,000 to ARPA to begin program concept definition for a new, affordable, near-term medium launch vehicle. The conferees also agree to provide $40,000,000 for a competitive Single Stage to Orbit (SSTO) vehicle as proposed by the House; however, the conferees agree to modify the House language to permit reimbursement to the Air Force for projects approved by the Director of ARPA. Finally, the conferees also agree to provide $10,000,000 as proposed by the House for launch technology development projects such as hybrid propellants and parafoils.

UNIVERSITY AFFILIATED RESEARCH CENTERS

The conferees agree with the Senate requirement to provide a report and direct the Department of Defense to provide the requested report by June 15, 1994.

MEDICAL RESEARCH

The conferees recommend the following levels highlighted in the table below for the military services' medical research programs. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval.

RESEARCH, DEVELOPMENT, TEST & EVALUATION

[In thousands of dollars]

	Budget	House	Senate	Conference
Army				
0601101A In-House Lab Ind Reser	4,378	4,378	4,378	4,378
0601102A Def Res Sciences	48,989	49,239	49,664	49,664
Serum Cholesterol	0	0	(425)	*(425)
Nutrition	0	(250)	(250)	*(250)
0602787A Med Technology	86,711	87,461	90,461	94,761
Dengue Fever	0	0	(1,000)	*(1,000)
Laser Burn	0	0	(2,000)	*(2,000)
Nutrition	0	(750)	(750)	*(750)
Environ. Med. Unit	0	0	0	*(300)
Post Polio Syndrome	0	0	0	*(1,000)
Hypoglycemia	0	0	0	*(1,000)
Madigan ENT Project	0	0	0	*(2,000)
0603002A Medical Adv Tech	40,346	112,996	41,096	115,000
Def. Wmn's Hlth Pg	0	(40,000)	0	*(40,000)
Environ. Med. Unit	0	(1,200)	0	0
Nutrition	0	(750)	(750)	(750)
Breast Cancer	0	(25,000)	0	*(25,000)
Breast Cancer Center	0	0	0	*(5,000)
Prostate Cancer	0	(2,000)	0	*(2,000)
Depleted Uranium Study	0	(1,700)	0	*(425)
LMF/Touro Infirmary Study	0	0	0	*(1,200)
Telemedicine Testbed	0	0	0	*(1,000)
Post Polio Syndrome	0	(1,000)	0	0
Hypoglycemia	0	(1,000)	0	0
0603105A AIDS	3,410	33,410	35,000	*33,410
0603807A Med Sys—Adv Dev	27,628	27,628	21,628	21,628
SASC Reduction	0	0	(−6,000)	(−6,000)
0604807A Med Mat/Med Bio Df Eq	21,128	21,128	19,569	19,569
SASC Reduction	0	0	(−1,559)	(−1,559)
0605801A Med Cmd Spt	5,197	5,197	5,197	5,197
0605898A Mgmt HQs	3,873	3,873	15,873	15,873
Akamai	0	0	(12,000)	*(12,000)
Subtotal	241,660	345,310	282,866	359,480
0601152N In-House Lab Ind Res	1,290	1,290	1,290	1,290
0601153N Def Res Sciences	2,914	2,914	2,914	2,914
0603216N Aviation Surviv	1,770	3,770	1,770	3,770
Naval Biodynam Lab	0	(2,000)	0	*(2,000)
0602233N Miss Spt Technology	4,550	4,550	4,550	4,550
0603706N Medical Development	16,956	60,148	16,956	55,004

RESEARCH, DEVELOPMENT, TEST & EVALUATION—Continued

[In thousands of dollars]

	Budget	House	Senate	Conference
Naval Biodynam Lab	0	(1,000)	0	*(1,000)
Bone Marrow	0	(37,000)	0	*(37,000)
POW Medical Update	0	(192)	0	*(48)
Breast Cancer Center	0	(5,000)	0	0
0603713N Ocean Engin. Develop	5,877	5,877	5,877	5,877
0603792N Adv Tech Transition	2,344	844	2,344	2,344
Freeze Dried Blood	(2,344)	(844)	0	(2,344)
0604771N Medical Development	4,030	4,030	4,030	4,030
0605152N Studies & Analysis	110	110	110	110
0605856N Strategic Tech Spt	1,154	1,154	1,154	1,154
0605861N RDT&E Sci & Tech Mgmt	7,913	7,913	7,913	7,913
0605862N RDT&E Inst Mod	3,946	3,946	3,946	3,946
Subtotal	52,854	96,546	52,854	92,902
0604703F Aeromedical Sys Dev	2,651	2,651	2,651	2,651
0605306F RANCH HAND II	3,707	3,707	3,707	3,707
Subtotal	6,358	6,358	6,358	6,358
0601101D In-House Lab Ind Res	3,368	3,368	0	2,323
0601102D Def Medical Science	2,021	2,021	0	0
0602227D Medical Free Electr	19,248	19,248	19,248	19,248
0602787D Def Medical Tech	6,737	6,737	6,737	6,737
0603002D Medical Adv Techn	4,701	11,001	4,701	11,001
Sandia Lab Res	0	(4,000)	0	*(4,000)
Cell Adhes Molecule	0	(2,300)	0	*(2,300)
060378D Cooperative DOD/DVA Res	0	30,000	20,000	*20,000
Subtotal	36,075	72,375	50,686	59,309
Total	336,947	520,589	392,764	518,049

Some funds have been realigned from either the House or Senate recommendations to a different appropriation or program element to more correctly budget for a project in the account in which funds will be obligated and expended.

CONFERENCE RECOMMENDATIONS

BREAST CANCER

The conferees recommend $25,000,000 for breast cancer reseach. This funding should be used to continue the fiscal year 1992 and 1993 breast cancer research program in accordance with the standards outlined by the Institute of Medicine recommendations. The conferees agree that the Department should continue this important program in future budget requests.

DOD/DVA SHARING

The conferees recommend $20,000,000 to continue cooperative sharing arrangements between the Departments of Defense and Veterans' Affairs, instead of $30,000,000 as proposed by the House. In addition, the conferees encourage the Assistant Secretary of Defense for Health Affairs to continue to work jointly with the Department of Veterans' Affairs to pursue any sharing arrangements which may be advantageous to both Departments.

WALTER REED ARMY INSTITUTE OF RESEARCH (WRAIR)

The conferees strongly support the House position and direct the Department to make the new WRAIR a top priority and to proceed with the obligation and expenditure of funds appropriated for this project immediately.

SOUTHEAST REGIONAL TELEMEDICINE TESTBED FACILITY

The conferees recommend $1,000,000 for a facility to make use of advanced technology to provide high quality, on-site medical care for injured and ill military and civilian patients at remote locations.

LOUISIANA MEDICAL FOUNDATION/TOURO INFIRMARY STUDY

The conferees recommend $11,200,000 and direct that this funding be used for a research grant to the Louisiana Medical Foundation and Touro Infirmary in New Orleans only to evaluate an anti-bacterial treatment method of the Desert Storm syndrome already begun and found to be successful for some veterans using established methods for treating diseases associated with bacteriuria.

TRANSURETHRAL HYPERTHEMIA (TUHT)

A recent advance in medical technology offers the opportunity to develop a less invasive alternative to corrective surgery for benign prostatic hyperplasia. The conferees believe that the Department should move forward with a randomized multi-year trial comparing TUHT patients with those who receive surgical therapy using veterans as the target population. The conferees request the Department to report back on joint DOD/DVA efforts to move forward with such an effort not later than March 31, 1994. The report should include, but not be limited to: estimated total cost of such an effort, projected number of participants to be included, and the location of VA hospitals to be included in this multiyear trial.

MADIGAN ENT MINIMALLY INVASIVE SURGICAL SIMULATION

The conferees recommend $2,000,000 to develop and evaluate a minimally invasive prototype surgical simulator to establish real time requirements for tactile feedback and computer image synthesis for training surgical and trauma care procedures. This project, which shall involve Madigan Army Medical Center, is an important step in the technological evolvement of surgical simulation into the virtual reality training environment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

Amendment No. 89: Appropriates $5,427,546,000 instead of $5,560,082,000 as proposed by the House and $5,275,385,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL ARMY.				
DEFENSE RESEARCH SCIENCES	203,695	188,945	177,588	190,774
ELECTROMECHANICS AND HYPERVELOCITY PHYSICS	3,712	8,712	3,712	5,712
MATERIALS TECHNOLOGY	11,288	11,288	15,288	17,288
ELECTRONIC SURVIVABILITY AND FUZING TECHNOLOGY	28,793	36,793	28,793	34,793
TRACTOR HIP	11,921	11,921	11,921	13,921
AVIATION TECHNOLOGY	34,150	36,650	34,150	35,150
LASER WEAPONS TECHNOLOGY	510	5,510	510	4,510
MODELING AND SIMULATION	....	10,000	20,000	10,000
COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	38,994	54,494	38,994	39,494
CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	37,766	51,985	37,766	39,585
WEAPONS AND MUNITIONS TECHNOLOGY	34,794	38,794	34,794	35,794
ELECTRONICS AND ELECTRONIC DEVICES	19,400	27,400	19,400	24,900
ENVIRONMENTAL QUALITY TECHNOLOGY	21,229	68,729	26,629	54,129
AIRBORNE RECONNAISSANCE LOW (ARL)	....	7,760	....	7,760
MILITARY ENGINEERING TECHNOLOGY	41,183	41,933	41,183	41,383
LOGISTICS TECHNOLOGY	28,453	32,953	28,453	31,453
MEDICAL TECHNOLOGY	86,711	87,461	90,461	94,761
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	63,044	66,514	63,044	....
LOGISTICS ADVANCED TECHNOLOGY	12,913	14,913	12,913	12,913
MEDICAL ADVANCED TECHNOLOGY	40,346	112,996	41,096	115,000
AVIATION ADVANCED TECHNOLOGY	53,073	53,073	29,873	41,473
WEAPONS AND MUNITIONS AND ADVANCED TECHNOLOGY	17,291	30,791	17,291	27,291

	Budget	House	Senate	Conference
COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	16,049	16,049	8,049	8,049
TRACTOR HIKE	7,355	7,355	4,355	4,355
TRACTOR RED	7,629	7,629	15,629	15,629
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) RESEARCH	3,410	33,410	35,000	33,410
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	29,484	29,484	10,113	21,113
EW TECHNOLOGY	28,533	32,833	28,533	32,833
MISSILE AND ROCKET ADVANCED TECHNOLOGY	46,497	35,997	61,497	46,497
JOINT SERVICE SMALL ARMS PROGRAM	5,529	7,529	5,529	7,529
LINE-OF-SIGHT, ANTITANK, (LOSAT)		25,000		5,000
NIGHT VISION ADVANCED TECHNOLOGY	38,661	38,661	30,961	34,811
ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	30,946	33,746	25,208	26,677
ANTI-SATELLITE WEAPON (ASAT)			10,000	
TRACTOR TREAD			12,000	12,000
NON-LINE OF SIGHT (N-LOS)	34,702			25,000
ARTILLERY PROPELLANT DEVELOPMENT	12,033	12,033	30,533	30,533
52 CALIBER, M109 HOWITZER SYSTEM		18,700		
ADVANCED TANK ARMAMENT SYSTEM (ATAS)	5,435		5,435	
ARMY DATA DISTRIBUTION SYSTEM	11,757	19,757	11,757	19,757
TACTICAL SURVEILLANCE SYSTEM—ADV DEV	15,422	12,422	15,422	15,422
SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCG)		10,000		2,500
TACTICAL ELECTRONIC SURVEILLANCE SYSTEMS—ADV DEV	15,373	10,373	15,373	15,373
AVIATION—ADV DEV	10,759	16,259	10,759	16,259
LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,695	19,695	14,695	15,945
COMBAT SERVICE SUPPORT COMPUTER SYSTEM EVALUATING AND	20,502	20,502	24,502	24,502
NBC DEFENSE SYSTEM-ADV DEV	32,163	40,944	32,163	40,944
MEDICAL SYSTEM—ADV DEV	27,628	27,628	21,628	21,628
AIRCRAFT AVIONICS	5,061	15,061	5,061	5,061
EW DEVELOPMENT	60,453	84,953	62,453	84,453
TRI-SERVICE STANDOFF ATTACK MISSILE	89,682		84,782	43,382
ALL SOURCE ANALYSIS SYSTEM	971	15,971	971	4,471
JAVELIN	44,937	44,937	47,437	47,437
HEAVY TACTICAL VEHICLES	476	2,476	476	2,476
ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	8,654	28,654	8,654	10,654
LIGHT TACTICAL WHEELED VEHICLES	2,064		2,064	
ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	13,304	16,404	13,304	16,404
NON-SYSTEM TRAINING DEVICES—ENG DEV	62,669	52,669	62,669	57,669
AUTOMATIC TEST EQUIPMENT DEVELOPMENT	14,472	23,472	14,472	23,472
TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ENG DEV	52,547	37,547	52,547	52,547
TRACTOT BAT	117,008	78,008	110,008	120,008
AVIATION—ENG DEV	5,733	11,033	5,733	9,033
WEAPONS AND MUNITIONS—ENG DEV	15,365	30,365	15,365	20,365
LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	29,372	25,552	29,372	25,552
MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT	21,128	21,128	19,569	19,569
SENSE AND DESTROY ARMAMENT MISSILE—ENG DEV	41,011	98,672	5,000	28,500
NON-COOPERATIVE TARGET RECOGNITION—ENG DEV	34,547	46,547	34,547	34,547
ARMY TACTICAL COMMAND & CONTROL SYSTEMS (ATCCS) ENG DE	37,227	37,227	22,227	22,227
RADAR DEVELOPMENT	25,834		25,834	17,934
COMBAT VEHICLE IMPROVEMENT PROGRAMS	69,972	137,572	89,972	114,972
HORIZONTAL BATTLEFIELD INTEGRATION		25,000		20,000
AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	19,410	19,410	19,410	13,910
MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	59,782	68,782	59,782	65,782
OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	66,438	72,438	66,438	68,438
TRACTOR CARD	7,615	7,615	10,615	11,115
CLASSIFIED PROGRAMS	41,294	62,694	41,294	56,294
SATCOM GROUND ENVIRONMENT	153,931	122,633	153,931	137,633
DOD HIGH ENERGY LASER TEST FACILITY	4,808	26,608	24,808	24,808
LAMPF/LANSC				15,000
SUPPORT OF OPERATIONAL TESTING	58,433	58,433	53,433	53,433
PROGRAMWIDE ACTIVITIES	96,011	103,011	86,011	93,011
MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	13,763	23,991	19,763	23,991
ENVIRONMENTAL COMPLIANCE	44,014	48,014	44,014	46,764
BASE OPERATIONS—RDT&E	274,409	274,409	269,409	269,409
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	11,951	11,951	23,951	23,951
MANUFACTURING TECHNOLOGY DEVELOPMENT		75,000	24,400	43,200
GENERAL REDUCTION, OVERHEAD		−70,000		
TEST AND SIMULATION TECHNOLOGY			69,810	
UNDERGROUND TEST			38,579	
WEAPONS SYSTEMS LETHALITY			10,350	
WEAPONS SYSTEMS OPERABILITY			17,257	
CONVENTIONAL ARMS CONTROL TECHNOLOGY			11,423	
CHEMICAL WEAPONS CONVERSION TECHNOLOGY			21,465	
CLOSED ACCOUNT BUDGETING			−52,499	

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

The conferees agree to the following specific program adjustments. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval. Amounts shown are in thousands of dollars.

Army

[In thousands of dollars]

	Budget	HAC	SAC	Conf
ARMY				
Defense Research Sciences	203,695	188,945	177,588	190,774
Medical—Nutrition		250	250	*250
Automatic Target Recognition		0	−1,700	0
Vehicle Propulsion		0	−2,482	0
Air Mobility		0	−1,456	0
Environmental—AMC		0	−7,548	0
Excess growth		0	−13,596	−13,596
Medical—Serum cholesterol		0	425	*425
General reduction		−15,000	0	0
Materials Technology	11,288	11,288	15,288	17,288
Hardened materials		0	4,000	*4,000
Ductile iron		0	0	*2,000
Electronic Survivability and Fuzing Technology	28,793	36,793	28,793	34,793
Passive microwave camera		6,000	0	*4,000
Ultra Wide Band Radar		2,000	0	2,000
[NOTE: UWB Radar earmarked at $3,862,000]*				
Aviation Technology	34,150	36,650	34,150	35,150
ARVTCAD		2,500	0	*1,000
[NOTE: Army is directed to follow House report language concerning ARVTCAD.]				
Laser Weapons Technology	510	5,510	510	4,510
Solid—state dye laser		2,400	0	*2,000
Hi—power diode laser		2,500	0	*2,000
Combat Vehicle and Automotive Technology	38,994	54,494	38,994	39,494
Land Vehicle—Composites		15,000	0	0

[In thousands of dollars]

	Budget	HAC	SAC	Conf
Air Brake Test		500	0	*500
Chemical, Smoke and Equipment Defeating Tech	37,766	51,985	37,766	39,585
Transfer from Air Force		1,819	0	1,819
International R&D		10,000	0	0
General		2,400	0	0
Weapons and Munitions Technology	34,794	38,794	34,794	35,794
Longhorn AAP		4,000	0	*1,000
Electronics and Electronic Devices	19,400	27,400	19,400	24,900
SIPE		5,000	0	*2,500
Battery Technology		3,000	0	*3,000
Environmental Quality Technology	21,229	68,729	26,629	54,129
National Defense Center for Environmental Excellence (NDCEE)	[5,000]	5,000	0	5,000
[NOTE: NDCEE earmarked at $10,000,000.]*				
Jefferson Proving Ground—Unexploded Ordnance		10,000	0	*10,000
Joint Agriculture/DOD Project		20,000	0	*5,000
National Renewable Energy Laboratory (NREL)		2,000	0	1,000
Bioremediation Technology		2,000	0	0
Bioremediation Education, Science and Technology Centers (BEST)		4,000	0	2,000
Facility Environmental Management and Monitoring System (FEMMS)		4,500	0	*4,500
Hawaii Small Business Development Center		0	5,400	*5,400
Military Engineering Technology	41,183	41,933	41,183	41,383
Natural Gas Desiccant Cooling		750	0	*200
Logistics Technology	28,453	32,953	28,453	31,453
Cold Pasteurization/Sterilization Techniques		2,000	0	*2,000
Quality Quantification and Enhancement of Combat Rations		2,000	0	*500
XM1098 Water Tank Semitrailer		500	0	*500
Weapons and Munitions Advanced Technology	17,291	30,791	17,291	27,291
Lethality Technology Programs		7,500	0	*4,000
MX-982 155mm ER Projectile		5,000	0	*5,000
Cannon Caliber Electro-Magnetic Launcher		1,000		1,000
[NOTE: Cannon Caliber EM Launcher earmarked at $2,500,000]*				
Global Surveillance/Air Defense/Precision Strike	29,484	29,484	10,113	21,113
Precision Strike		0	−18,894	−7,894
Tractor Hike		0	−477	−477
Electronic Warfare Technology	28,533	32,833	28,533	32,833
Stingray		4,300	0	*4,300
Missile and Rocket Advanced Technology	46,497	35,997	61,497	46,497
Enhanced FOG–M	[10,500]	0	[25,500]	*[10,500]
Line-of-Sight, Antitank (LOSAT)		25,000	0	*5,000
Non-Line of Sight (NLOS)	34,702	0	0	*25,000
Artillery Propellant Development	12,033	12,033	30,523	30,533
Unicharge Propellant/52 Caliber Howitzer		0	18,500	*18,500
Army Data Distribution system	11,757	19,757	11,757	19,757
Enhanced Position Location Reporting System		8,000	0	*8,000
Aviation Advanced Development	10,759	16,259	10,759	16,259
Aircrew Integrated Ensemble		3,700	0	*3,700
Integrated Common Helmet		1,800	0	*1,800
Logistics and Engineer Equipment Adv Dev	14,695	19,695	14,695	15,945
Laser Vibration Sensing System		5,000	0	*1,250
Electronic Warfare Development	60,453	84,953	62,453	84,453
TACJAM—A		22,500	0	*22,500
Advanced Tactical Radar Jammer (ATRJ)		2,000	0	*500
Study on Jamming Requirements		0	2,000	1,000
[NOTE: Jamming Requirements Study earmarked at $2,000,000]*				
Javelin	44,937	44,937	47,437	47,437
Classified		0	2,500	*2,500
Heavy Tactical Vehicles	476	2,476	476	2,476
Palletized Load System (PLS)		2,000	0	*2,000
Advanced Command and Control Vehicle	8,654	28,654	8,654	10,654
Accelerate		18,000	0	0
Intercom System/Mission Module		2,000	0	*2,000
Automatic Test Equipment Development	14,472	23,472	14,472	23,472
Test Program Sets—Apache Longbow and Kiowa Warrior		9,000	0	*9,000
Aviation Engineering Development	5,733	11,033	5,733	9,033
Aviation Life Support System		3,300	0	3,300
[NOTE: Aviation Life Support System earmarked at $5,733,000.]*				
Aircraft Concurrent Engineering T&E Center		2,000	0	0
Weapons and Munitions Engineering Development	15,365	30,365	15,365	20,365
Joint Advanced Rocket System		10,000	0	0
120mm Mortar Training Round		5,000	0	*5,000
Bunker Defeat Munition	[6,303]	[6,303]	[6,303]	*[6,303]
Aircraft Mod/Product Improvement Program	19,410	19,410	19,410	13,910
Classified				−5,500
Missile/Air Defense Product Improvement Program	59,872	68,782	59,782	65,782
Complementary Missile w/Avenger System		9,000	0	*6,000
Other Missile Product Improvement Program	66,438	72,438	66,438	68,438
Insensitive Rocket Motors		4,000	0	0
Hellfire Training Round		2,000	0	*2,000
Classified	41,294	62,694	41,294	56,294
X–ROD		21,400	0	*15,000
High Energy Laser Test Facility (HELSTF)	4,808	26,808	24,808	*24,808
LAMPF/LANSC				*15,000
[NOTE: Army is directed to transfer funds without delay to the Defense Nuclear Agency for execution of this project upon the determination by the Secretaries of Defense and Energy that the project will make a significant contribution to enhancing national security.]				
Programwide Activities	96,011	103,011	86,011	93,011
Medical Diagnostic Imaging Support (MDIS)		7,000	0	*7,000
General reduction		0	−10,000	−10,000
Munitions Standardization, Effectiveness and Safety	13,763	23,991	19,763	23,991
Ammunition Demilitarization		4,228	0	4,228
Plasma Centrifugal Furnace		6,000	6,000	*6,000
Environmental Compliance	44,014	48,014	44,014	46,764
Ft Ord		4,000	0	2,750
Management Headquarters	11,951	11,951	23,951	23,951
Akamai (MDIS)		0	12,000	*12,000
Manufacturing Technology	0	75,000	24,400	43,200
National Defense Center for Environmental Excellence (NDCEE)		20,000	0	*20,000
Composites		10,000	0	*2,500
Instrumented Factory for Gears (INFAC)		8,500	0	*4,700
Advanced Powder Metallurgy Disks		2,000	0	*1,000
National Institute of Standards and Technology (NIST)		2,000	0	0
Army requirements		32,500	24,400	15,000

MATERIALS TECHNOLOGY

The conferees agree to provide $17,288,000 for this program element. The conferees agree to provide $4,000,000 only for the hardened materials development program as proposed by the Senate.

In addition, the conferees agree to provide $2,000,000 over the request, as authorized, for cast ductile iron evaluation efforts. Funds for development and evaluation of cast ductile iron munitions are specifically denied. The conferees note ongoing efforts to develop cast ductile iron tracked vehicle components, including track shoes, and believe the Army should consider directing a portion of these funds to the Tank and Automotive Command for field testing of these items.

ENVIRONMENTAL QUALITY TECHNOLOGY

The conferees agree to provide $54,129,000 for this program element.

National Defense Center for Environmental Excellence (NDCEE). The conferees agree to provide $10,000,000 for the NDCEE. In addition, the conferees agree that the NDCEE shall perform the projects listed in the House report and evaluate applications of the Adams process.

Unexploded Ordnance Program. The conferees agree to provide $10,000,000 for research and testing of remediation technology at the Jefferson Proving Ground. In addition, the conferees direct the Secretary of the Army to report on plans to obligate funds available for this initiative and to comply with priorities identified by Congress not later than January 15, 1994.

LOGISTICS ADVANCED TECHNOLOGY

The conferees agree to provide $12,913,000, the budget request, for this program element.

Munitions Packaging. The conference agree that $300,000 of the fiscal year 1993 funds provided for this effort shall be used to pursue the Army's munitions packaging effort with industry to pursue injection-molded plastic technology development.

LINE-OF-SIGHT, ANTITANK (LOSAT)

The conferees agree to provide $5,000,000 for this program element. The conferees also agree that the Army should continue to pursue the LOSAT technology effort in order to reach Engineering, Manufacturing, and Development of LOSAT in fiscal year 1996. In addition, the conferees agree that the Army should evaluate whether the LOSAT technology can be used on the early concept vehicle.

NON-LINE OF SIGHT (NLOS) SYSTEM

The conferees agree to provide $25,000,000 only to develop and field an accelerated, resource constrained Non-Line of Sight missile system such that the first unit equipped will occur not later than the third quarter of 1999.

The conferees expect that, prior to the award of a development contract for this accelerated NLOS program, the Department of the Army will provide program, schedule, and cost data to the defense committees.

Further, because of the critical requirement to deploy the NLOS system to the light, early entry forces, the conferees acknowledge the need and support a non-classical contracting approach to the development and procurement of the NLOS missile system

ARTILLERY PROPELLANT DEVELOPMENT

The conferees agree to provide $30,533,000 for artillery propellant development, of which $18,500,000 is provided only for the joint development of the XM230 unicharge propellant and the XM297 52 caliber cannon.

The conferees expect the Department of the Army to complete type classification of the XM230 unicharge propellant for 39 caliber howitzers not later than the third quarter of fiscal year 1994 with a follow-on type classification for 52 caliber howitzers on a time scale consistent with the AFAS program to provide a backup armament suite should the preferred liquid propellant not succeed. The conferees further direct the Army to develop a mount that will allow a "bolt in/bolt out" integration of the XM297 cannon with the Paladin turret.

Finally, in view of the Paladin interface considerations, the conferees expect the Program Executive Office, Armaments to manage these activities.

LOGISTICS AND ENGINEER EQUIPMENT—ADVANCE DEVELOPMENT

The conferees agree to provide $15,945,000 for this program element, of which $1,250,000 is only for laser vibration sensing technology research on bridge, overpass and highway structural integrity assessment and shall be conducted by the Constructed Facilities Center under the aegis of the U.S. Army Belvoir RD&E Center, Bridge Division.

ALL SOURCE ANALYSIS SYSTEM (ASAS)

The conferees agree to provide $4,471,000 for the All Source Analysis System, an addition of $3,500,000 to the fiscal year 1994 budget request. The conferees also direct that the additional funding provided shall only be used for continuing the upgrade of the communications and intelligence capabilities of the Army's existing Single Source Processor—SIGINT and continuing the development of a lightweight portable equivalent for support of contingency operations.

ADVANCED COMMAND AND CONTROL VEHICLE

The conferees agree to provide $10,654,000 for the Advanced Command and Control Vehicle, of which $2,000,000 is only for integration of the vehicle intercom system and mission module.

The conferees agree to delete the additional funding proposed by the House for acceleration of this program. This action is taken because of fiscal constraints and should not indicate any lessening of the conferees' desires to accelerate this program along with the M1A2 tank upgrade program.

BRILLIANT ANTI-ARMOR TECHNOLOGY (BAT)

The conferees agree to provide $120,008,000 for the continued development of the Brilliant Anti—armor Technology system.

Based upon the decision by the conferees to take the Army out of the TSSAM program, the conferees agree to provide an additional $10,000,000 above the Senate allowance for the initiation of the studies and design work for the possible integration of the BAT on the Multiple Launch Rocket.

SENSE AND DESTROY ARMAMENT MISSILE (SADARM)

The conferees agree to terminate the SADARM program as proposed by the Senate. The conference agreement provides $28,500,000, the amount identified by the Army as required for the orderly termination of the SADARM program in fiscal year 1994.

COMBAT VEHICLE IMPROVEMENT PROGRAM

The conferees agree to provide $114,972,000 for this program element, of which $45,000,000 is for the M1A2 tank upgrade program; the M1A2 electronic data processing, storage and retrieval system; and the Bradley Fighting Vehicle upgrade program.

In addition, the conferees agree to provide $11,403,000, the budget request, for the Improved Recovery Vehicle.

HORIZONTAL BATTLEFIELD INTEGRATION

Both the House and Senate Committees addressed the importance of the Army's program to digitize the battlefield. Therefore, the conferees agree to provide $20,000,000 for these efforts. Prior to obligating these funds, the Army should report to the defense committees on how these funds will be utilized and how they fit into the Army's overall plan on digitizing the battlefield.

As a related issue, the conferees agree to delete the additional funding recommended by the House for avionics upgrades due to fiscal constraints. However, the conferees agree that any plan of the Army's to digitize the battlefield should include aviation assets as well.

MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM

The conferees agree to provide $65,782,000 for this program element, of which $6,000,000 is only for the ground-to-air complementary missile live-fire tests from the Avenger. The Secretary of the Army shall report the results of the test to the congressional defense committees not later than June 15, 1994.

HIGH ENERGY LASER SYSTEM TEST FACILITY (HELSTF)

The conferees agree to provide $24,808,000 for the DOD High Energy Laser System Test Facility (HELSTF). The conferees agree with the restrictions placed in the House report, but stress that they apply only to the high energy laser capabilities at HELSTF. The conferees agree that the Department may use the funds provided for HELSTF to study the future status of HELSTF. In addition, the conferees direct that the report requested in last year's conference and Senate reports on the long-term plan for HELSTF be submitted not later than January 15, 1994.

Amendment No. 90: Restores House language concerning development and testing of a new insulin derivative for the treatment of diabetes and hypoglycemia in the dependents of active duty military members; restores and amends House language earmarking funds for a lyme disease program; deletes House language making a portion of the appropriation subject to authorization; and deletes Senate language earmarking funds for an upgrade of the Los Alamos Meson Physics Facility/Los Alamos Neutron Scattering Center.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

Amendment No. 91: Appropriates $8,365,786,000 for Research, Development, Test and Evaluation, Navy instead of $8,604,777,000 as proposed by the House and $7,925,369,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL NAVY				
DEFENSE RESEARCH SCIENCES	416,922	428,422	396,922	400,422
SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	67,305	92,305	63,605	68,605
SURFACE SHIP TECHNOLOGY	17,495	38,795	17,495	19,320
MISSION SUPPORT TECHNOLOGY	34,424	48,224	34,424	41,849
MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	71,063	72,563	71,063	73,063
UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	107,960	108,960	107,960	108,210
MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE TECHN	21,944	23,944	21,944	23,944
OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	37,711	47,511	37,711	47,511
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	86,113	70,000	73,309	
GENERAL REDUCTION, 92 LEVEL		−84,000		
AIR SYSTEMS ADVANCED TECHNOLOGY DEVELOPMENT	30,005	80,005	24,460	36,960
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	50,999	30,000	36,999	30,000
UNDERSEA SUPERIORITY TECHNOLOGY DEMONSTRATION	95,438	70,000	57,038	62,038
SHIP CONCEPT ADVANCED DESIGN	18,820	8,700	18,320	14,010
MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	35,815	27,587	35,815	25,787
MEDICAL DEVELOPMENT	16,956	60,148	16,956	55,004
MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	18,652	22,452	13,652	17,452
GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	13,720	38,520	13,720	15,720
ADVANCED ANTI-SUBMARINE WARFARE TECHNOLOGY	49,172	68,172	49,172	64,172
SHALLOW WATER MCM DEMOS	5,148	5,148	11,148	11,148
ADVANCED TECHNOLOGY TRANSITION	63,394	40,000	85,894	85,894
C3 ADVANCED TECHNOLOGY	10,747	10,747	2,747	2,747
TACTICAL SPACE OPERATIONS	2,018		2,018	
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	54,295	54,295	15,869	30,869
SSBN SECURITY/SURVIVABILITY PROGRAM	27,835	27,835	30,835	36,835
NAVY STRATEGIC COMMUNICATIONS	36,184	26,184	36,184	31,184
TRAINING SYSTEM AIRCRAFT	32,565	32,565	30,939	32,565
AVIATION SURVIVABILITY	13,672	23,072	13,672	23,072
TACTICAL AIRBORNE RECONNAISSANCE	30,358	3,141	6,241	33,141
ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,750	3,750		
UNDERSEA WARFARE & MCM DEVELOPMENT	65,660	50,000	45,658	45,658
ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	20,341	23,341	20,341	23,341
SHIP COMBAT SURVIVABILITY	17,315	14,588	17,315	17,315
RETRACT JUNIPER	32,560	22,560	32,560	32,560
SURFACE ASW	21,150	21,150		
SUBMARINE TACTICAL WARFARE SYSTEMS	9,518	9,518	6,577	6,577
ADVANCED SURFACE MACHINERY SYSTEMS	92,328	92,328	69,579	83,000
CONVENTIONAL MUNITIONS	42,632	42,632	28,814	35,000
ADVANCED WARHEAD DEVELOPMENT (MK–50)			1,500	16,000
MARINE CORPS ASSAULT VEHICLES	20,554	28,554	20,554	20,554
MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	27,624	21,570	27,624	21,570
RETRACT MAPLE	124,408	124,408	101,823	106,520
RETRACT ELM	62,997	62,997	57,797	57,797
SHIP SELF DEFENSE	237,204	341,904	248,204	289,754
WARFARE SYSTEMS ARCHITECTURE AND ENGINEERING	7,033	7,033	3,517	3,517
GUN WEAPON SYSTEM TECHNOLOGY	17,247	38,247	17,247	38,247
AV–8B AIRCRAFT—ENG DEV	18,284	19,784	18,284	18,684
AIR/OCEAN EQUIPMENT ENGINEERING	6,028	6,028	3,643	5,000
P–3 MODERNIZATION PROGRAM	15,134	21,634	5,235	5,235
V–22A	82,295	82,295	10,000	10,000
AIR CREW SYSTEMS DEVELOPMENT	11,126	14,976	11,126	14,976
EW DEVELOPMENT	128,850	100,000	128,850	115,000
TRI-SERVICE STANDOFF ATTACK MISSILE	75,430		75,430	75,430
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	15,159	15,159		
AIR-TO-AIR MISSILE SYSTEMS ENGINEERING	7,098	7,098	22,026	
STANDARD MISSILE IMPROVEMENTS	63,022	63,022	33,934	63,022
AIRBORNE MCM	33,155	43,155	33,155	33,155
SSN–688 AND TRIDENT MODERNIZATION	56,549	56,549	51,833	54,749
SUBMARINE TACTICAL WARFARE SYSTEM	25,427	34,427	25,427	34,427
SHIP CONTRACT DESIGN/LIVE FIRE T&E	47,137	37,137	47,137	42,137
NAVY TACTICAL COMPUTER RESOURCES	17,572	22,572	17,572	17,572
LIGHTWEIGHT TORPEDO DEVELOPMENT				9,000
PACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEE	11,916	6,916	2,167	2,167
SHIP SELF DEFENSE	116,760	118,860	123,823	123,823
NAVIGATION/ID SYSTEM	80,047	83,047	79,097	79,097
DISTRIBUTED SURVEILLANCE SYSTEM	135,879	135,879	126,596	126,596
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	17,863	11,683	17,863	11,683
F/A–18 SQUADRONS	485,496	1,485,496	1,458,496	1,471,996
E–2 SQUADRONS	48,930	48,930		18,930
INTEGRATED SURVEILLANCE SYSTEM	71,781	74,781	71,781	74,781
CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	37,200	46,200	37,200	40,200
SURFACE ASW COMBAT SYSTEM INTEGRATION	24,905	24,905	19,905	24,905
F–14 UPGRADE	71,995	149,995	35,997	71,995
JAST				30,000
MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	24,259	17,615	24,259	19,115
MARINE CORPS COMBAT SERVICES SUPPORT	9,656	595	9,656	595
MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS	22,772	22,772	19,772	22,772
MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	36,735	46,735	36,735	39,235
MK (MARK) 46 TORPEDO			5,000	
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,819	4,319	4,258	4,258
CLASSIFIED PROGRAMS	628,026	415,425	561,826	452,826
ENVIRONMENTAL PROTECTION	44,461	44,461	47,286	53,461
TARGET SYSTEMS DEVELOPMENT	37,474	37,474	25,311	30,402
TECHNICAL INFORMATION SERVICES	10,273	14,773	10,273	14,273
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	12,787	12,787	8,456	8,456
RDT&E INSTRUMENTATION MODERNIZATION	39,419	39,419	13,593	39,419
RDT&E SHIP AND AIRCRAFT SUPPORT	80,587	80,587	75,587	75,587
TEST AND EVALUATION SUPPORT	293,422	293,422	283,422	283,422
MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABIL	1,314	4,314	1,314	4,314
LONG RANGE PLANNING SUPPORT	14,374	3,000	6,055	9,374
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	11,550	666	11,550	11,550
MANUFACTURING TECHNOLOGY DEVELOPMENT		205,000	24,600	142,225
GENERAL REDUCTION, OVERHEAD		−120,000		
WEAPONS SYSTEMS LETHALITY			10,350	
WEAPONS SYSTEMS OPERABILITY			17,257	
GRANTS, SUBSIDIES, AND CONTRIBUTIONS—RDT&E			−150,000	

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

The conferees agree to the following specific program adjustments. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval. Amounts shown are in thousands of dollars.

[In thousands of dollars]

	Budget	HAC	SAC	Conf.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY				
Defense Research Sciences	416,922	428,422	396,922	400,422
General Increase for Authorized Projects		11,500		2,000
HELSTF			−20,000	−20,000
Diffusion Tomography				*1,500
Wave Research			(10,000)	*(10,000)
Molecular Design Institute				*(10,000)
Surface/Aerospace Surveillance and Weapons Technology	67,305	92,305	63,305	68,605
Wide Area Surveillance		−5,000		−5,000
Free Electron Laser		25,000		*5,000
Polar Ozone Aerosol Monitor		5,000		*5,000
Laser Technology			−3,700	−3,700
[Note: Conferees direct Navy to MIPR funds to the Army to augment the existing free electron laser contract rather than to initiate a new contract.]				
Surface Ship Technology	17,495	38,795	17,495	19,320
Air Circuit Breakers		3,300		*825
Composites Technology		15,000		0
Electronic Technical Manual		3,000		*1,000
Mission Support Technology	34,424	48,224	34,424	41,849
Aircrew Protection		3,600		3,600
Phase Change Materials		1,000		*1,000
General Increase for Authorized Projects		8,500		2,125
Ergonomic Seats		700		*700
Aircrew Protection		(5,600)		*(5,600)
Materials, Electronics, and Computer Technology	71,063	72,563	71,063	73,063
Distributed Manufacturing Demo		1,500		2,000
Air Systems Advanced Technology Development	30,005	80,005	24,460	36,960
AARGM		12,500		*12,500
SA/CRFMS		15,500		0
Open Architecture		13,000		0
Avionics Racks		9,000		0
Advanced Avionics		0	−5,545	−5,545
Global Surveillance/Air Defense Precision Strike	50,999	30,000	36,999	30,000
General Reduction		−20,999		−6,999
Appolo AWPGM			−5,000	−5,000
Advanced Missile Propulsion			−3,000	−3,000
Classified			−3,000	−3,000
Advanced Strike Planning			−3,000	−3,000
Undersea Superiority Technology	95,438	70,000	57,038	62,038
Demonstration				
General Reduction		−25,438		0
Airborne Minefield Reconnaissance			−10,000	−10,000
UUV Surveillance			−5,000	−5,000
Semi-autonomous UUV			−4,000	−4,000
Submarine Machinery Cradle			−11,400	−11,400
An/SQS–53C Improvement			−8,000	−8,000
Near Term UUV For Mine Warfare				5,000
Classified Earmark		(8,000)		*(1,000)
Ship Concept Advanced Design	18,820	8,700	18,320	14,010
DD–21		−10,120	−500	500
General Reduction				4,310
Marine Corps ATD	35,815	27,587	35,815	25,787
Expeditionary Vehicle		−6,799		−6,799
Engines/propulsion		−3,229		−3,299
SRAW		1,800		0
Manpower, Personnel, Training	18,652	22,452	13,652	17,452
IMAT		3,800		*3,800
General Reduction			−5,000	−5,000
Advanced ASW Technology	49,172	68,172	49,172	64,172
Extended Echo Ranging		4,000		0
LLFA		15,000		*15,000
Acoustic projectors (within LLPA)		(5,000)		*(5,000)
Advanced Technology Transition	63,394	40,000	85,894	85,894
General Reduction		−23,000		
Fuselage Structure			−3,000	−3,000
Gun-launched Airframe			−4,000	−4,000
Infrared Sensor			−3,500	−3,500
Advanced Missile Multimission Propulsion Technologies			3,000	*3,000
Mountain Top Demo			36,000	*30,000
Terminal Placement of Weapons		(4,500)		*(3,800)
MHD Open Ocean Demo		(5,000)		*(1,000)
Advanced ASW Receiver			(4,200)	*(4,200)
LM–2500R Engine				*(1,250)
Advanced Missile Multimission Propulsion Technologies				*(6,400)
Strategic Sub/Weapon Support System	54,295	54,295	15,869	30,869
CSS–MK–2			−2,126	−2,126
Trident II Propellant			−15,000	0
Alternative Warhead			−4,500	−4,500
Trident II Support			−5,400	−5,400
Computer Study			−3,800	−3,800
Trident Study			−4,100	−4,100
Missile Study			−3,500	−3,500
Training System Aircraft	32,565	32,565	30,939	32,565
JPATS			−1,230	−1,230
In-House Support			−396	−396
Anthropomorphic Cockpits				*1,626
Advanced Submarine System Development	142,068	142,068	142,068	142,068
Dry Deck Shelters		(17,000)		(0)
Superlite Propulsor			(1,500)	*(1,500)
Advanced Surface Machinery Systems	92,328	92,328	69,579	83,000
Permanent Magnet Motor		(7,500)		*(7,500)
[Note: Conferees agree to a general reduction rather than specific reductions proposed by the Senate.]				
Ship Self Defense	237,204	341,904	248,204	289,754
Airship		20,000		*10,000
E–2/E–3 CEC Integration		25,000		*10,000
CEC		20,000		*10,000
CEC/MSAG		6,000		*1,500
CIWS Ammo		3,000		*3,000
B–52 ECM		3,000		*750
QRCC		11,000	11,000	*11,000
NESEA Data Fusion		3,800		*3,800
Sealift/Tanker Protection		8,900		0
Surface Target Gun		5,000		*2,500
Classified		−31,000		* −16,000
Classified		10,000		0
Classified (Risk Reduction)		20,000		*16,000
AV–8B	18,284	19,784	18,284	18,684
LAU 138/A Integration		1,500		*400
Electronic Warfare Development	128,850	100,000	128,850	115,000

[In thousands of dollars]

	Budget	HAC	SAC	Conf.
General Reduction		−28,850		−13,850
Post ASPJ ECM		(3,000)		(0)
Aegis Combat System Engineering	103,995	103,995	103,995	103,995
LM–2500R Turbine Engine		(5,000)		(0)
Aeroderivateive Gas Turbine Engine		(18,000)		(0)
SSN–688 Trident Modernization	56,549	56,549	51,833	54,749
AN/SQQ–5E			−2,916	−0
ASTECS			−1,800	−1,800
Ship Contract Design/Live Fire T&E	47,137	37,137	47,137	42,137
General Reduction		−10,000		−5,000
[Note: Conferees agree that no reduction should be applied to the LX ship.]				
Consolidated Training Systems Development	37,200	46,200	37,200	40,200
Outboard Trainer		9,000		*3,000
Marine Corps Ground Combat/Supporting Arms Systems	24,259	17,615	24,259	19,115
LAV		−2,706		−1,206
Ground Weaponry Product Improvement		−2,799		−2,799
Soldier/Marine Enhancement		−1,139		−1,139
Environmental Protection	44,461	44,461	47,286	53,461
Solid Waste Disposal			9,000	*9,000
Pollution Abatement			−6,175	0
Target Systems Development	37,474	37,474	25,311	30,402
SSST			−6,103	−4,103
SAT			−3,969	−2,969
Threat Simulators			−1,046	0
Surface Target Simulators			−1,045	0
Technical Information Systems	10,273	14,773	10,273	14,273
ATIS		4,500		*4,000
T&E Support	293,422	293,422	283,422	283,422
FOUR			−500	−500
General Reduction			−9,500	−9,500
HIDDENSEE Project		(1,000)		(1,000)
Manufacturing Technology	0	205,000	24,600	142,225
MSAG		7,000		*7,000
Shipbuilding Initiative		10,000		0
NCEMT		40,000		*40,000
LINC		8,000		*3,500
NCAGMT		11,000		*8,000
Laser Assisted Manufacturing		2,000		*1,000
Spray Forming Research		2,500		*2,500
Surface Engineering		13,500		*13,500
Center/Ship Hull Design		8,000		*4,000
EA–6B Upgrades		8,200		*6,000
Cast Ductile Iron		18,000		*12,000
Navy-NIST Link		5,000		0
Great Lakes Composites Consortium		27,900		*6,975
Taconite Process Technology		500		*500
Fiberoptic Acoustic Sensors		3,000		*3,000
EMPF		12,000		*11,000
JLSC Ramp		9,500	3,300	*3,300
Navy Fleet of the Future		2,000		0
NSWC, Crane Louisville Site		5,000		*5,000
Center, Best Manufacturing Practices		4,000		*1,000
Joining Center		3,000		0
Electro-optics Manufacturing		750		*750
NSWC, Indian Head Energetic Materials		3,000	5,000	*1,500
General Increase		1,150		2,000
Electroslag			1,500	*1,500
Advanced Communications Institute				*2,200
Advanced Manufacturing Research Facility				*6,000

[Note: The conferees do not agree to the House language concerning 5 inch 54 projectiles within the cast ductile iron manufacturing technology program.]

ANTI-SUBMARINE WARFARE

The conferees are concerned about the emerging threat of very quiet diesel-electric and air independent propulsion submarines in the hands of potentially hostile third world countries, and about the state of technology which will allow our Navy to deal effectively with these threats operating in littoral environments. ARPA and the Navy should review the state of the technology programs required to effectively counter this emerging threat.

ADVANCED MARINE BIOLOGICAL SYSTEMS

The conferees agree that the Navy should have some flexibility in transitioning the marine mammals no longer required for this program. In this regard, regulatory agencies should act in consultation with the Marine Mammal Commission when dealing with the Navy on transfers to other protected captive environments or facilities. The Congressional defense committees should be notified in advance of such proposed transfers.

ADVANCED SURFACE MACHINERY SYSTEMS

The conferees agree to provide $83,000,000. The conferees note the importance of the Intercooled Recuperative Engine (ICR) for future requirements in the Navy's surface combatant fleet. The conferees direct the Secretary of the Navy to proceed on schedule with the establishment of the ICR land-based engineering site at Philadelphia.

ADVANCED WARHEAD DEVELOPMENT (MK–50)

The conferees agree to provide $16,000,000 for advanced warhead development for the Mk–50 torpedo program. The conferees also direct that none of the funds provided may be obligated until the Department of the Navy reports to the Committee on Appropriations the programmatic objectives, schedule, technical risks, and annual and total costs of the warhead development program.

LIGHTWEIGHT TORPEDO DEVELOPMENT

The conferees agree to provide $9,000,000 for the development of a lightweight hybrid torpedo. The additional funding provided shall be used to ascertain the feasibility of producing hybrid torpedoes. The conferees also direct that none of the funds provided may be obligated until the Department of the Navy reports to the Committee on Appropriations the programmatic objectives, schedule, technical risks, and annual and total costs of the hybrid torpedo development program.

STRATEGIC SUBMARINE AND WEAPON SYSTEM SUPPORT

The conferees understand that the Navy earlier this year informed Congress that activities had been terminated to explore development of conventional variants of the Trident I and II missiles. No funds were requested in the budget for this purpose, and accordingly the conferees have provided no funds for such efforts in fiscal year 1994. The conferees would regard initation of any such activities in fiscal year 1994 as a new start requiring prior approval by the Congressional defense committees.

V–22

The conferees encourage the Defense Department to budget sufficient procurement funds to achieve the Marine Corps' V–22 initial operating capability in 1999, to the extent the Secretary of Defense believes the initial operating capability can be attained in light of the technological maturity and affordability of the program.

F–14

The conferees do not agree to provide an additional $78,000,000 as proposed by the House for the F/A–14 development program. The conferees do believe that the Secretary of Defense should closely examine the benefits in terms of military warfighting capability that such a program could provide. The conferees would consider a reprogramming request in fiscal year 1994 to initial such a program if warranted.

JOINT ADVANCED STRIKE TECHNOLOGY PROGRAM

The conferees direct that none of the funds provided for the Joint Advanced Strike Technology program may be obligated to support any specific project or sub-project which was denied by other conference agreements in this report. The conferees direct the Assistant Secretary of the Navy for Research, Development, and Acquisition to submit a report to the Congressional defense committees by May 5, 1994 on the JAST organization, program goals, acquisition strategy, funding, and milestones.

TACTICAL AIRBONE RECONNAISSANCE

The conferees provided $33,141,000 to develop a capability to meet the Navy and Marine Corps' tactical airborne reconnaissance requirements as a follow-on to the cancelled Advanced Tactical Airborne Reconnaissance System (ATARS) program. The conferees direct that $3,141,000 is available for the development of the Navy's JSIPS. Of the remaining appropriated funds, no more than $4,069,000 is available to continue flight tests using the ATARS hardware and software transferred from the Air Force to better define the requirements for the follow-on program. The conferees direct that $25,931,000 may not be obligated until the Secretary of the Navy submits a report to the Congressional defense committees detailing a program plan, schedule, annual and total funding requirements, and the technical risks associated with developing a F/A-18D tactical reconnaissance capability to satisfy current requirements. Furthermore, the conferees direct that the report include a description and analysis of two program options: an accelerated program and a prudent risk, minimum concurrency program. The conferees further direct that the Navy and Marine Corps take no action in the follow-on program which would preclude the Air Force from eventually acquiring the system to be developed.

C4I FOR THE WARRIOR

The conferees agree that within the appropriated funds for the C4I for the Warrior program, the Navy is to provide $1,000,000 for the Joint Universal Data Interpreter System effort at St. Inigoes, Maryland.

UNMANNED UNDERSEA VEHICLES

The conferees agree with the Senate direction that the Office of the Secretary of Defense should establish affordable, cost affective priorities among the many projects proposed by the Navy and ARPA related to unmanned undersea vehicles (UUV's) and should present an overall, coordinated program in the fiscal year 1995 budget request. The conferees recognize the requirement for a near-term UUV that can detect mines and minefields and relay such information back to commanders as part of the Navy's clandestine mine reconnaissance concept primarily for amphibious operations.

The conferees believe that meeting this requirement is a high priority and are concerned that the submarine offboard mine search system (SOMSS) proposed in the budget will not provide such a near-term, affordable capability. In addition, the conferees are concerned that there is no central focus of effort in the Navy regarding the development of UUV's, especially with respect to addressing the near term requirement. The conferees direct that the Director of the Navy's Expeditionary Warfare Division (N85) be assigned the responsibility for establishing the Navy's UUV program priorities.

In order to begin addressing this near-term requirement, the conferees have added $5,000,000 to the Undersea Superiority Technology Demonstration program element. Of this amount, $1,000,000 is available only for the classified clandestine mine warfare project proposed by the House. The conferees further direct that funds provided to ARPA for its autonomous mine countermeasures project may not be obligated until the Undersecretary of Defense for Acquisition and the Assistant Secretary of the Navy for Research, Development, and Acquisition certify that the ARPA effort is part of the overall plan and meets the priorities established for UUV's.

MANUFACTURING TECHNOLOGY OFFICE

The conferees do not agree to the House bill language which prohibits use of funds at the Navy Research Laboratory after a certain date unless the Navy's manufacturing technology office is afforded a headquarters level status. The conferees do agree that the Navy's manufacturing technology office should have sufficient organizational visibility and responsibility to obtain maximum benefit from the $142,255,000 provided in this bill for manufacturing technology. The conferees are particularly concerned that this office be able to influence the adoption of advanced manufacturing technologies and processes in Navy weapon systems as part of the normal acquisition process. The conferees direct that the Assistant Secretary of the Navy for Research, Development, and Acquisition submit a plan to the Appropriations Committees by May 5, 1994 to achieve these objectives.

NAVY NUCLEAR FUEL REQUIREMENTS

The conferees are concerned that the United States maintain its technological capabilities for producing naval nuclear fuel. The conferees urge the Secretary of the Navy to submit, no later than May 5, 1994, a report outlining the Navy's current and future requirements and capabilities for producing nuclear fuel. This report should include, if required and appropriate, results of an engineering reconfiguration program study so the Navy may efficiently prepare for future requirements. The conferees direct that no funds may be obligated to conduct this study without prior approval by the Congressional defense committees.

SHIP SELF DEFENSE

The conferees agree to modify the Senate language restricting the obligation of funds for the Enhanced Sea Sparrow Missile to permit a total of $4,800,000 to be obligated before the required report is submitted to Congress.

RDT&E INSTRUMENTATION MODERNIZATION.

The conferees agree to provide funds for the Navy to buy out the lease of the large cavitation channel to avoid the payment of unnecessary lease costs in fiscal year 1994. However, funds for such acquisitions normally are budgeted in the Military Construction appropriation. The conferees believe the Navy should have complied with normal budgeting practices in this instance and direct that the Office of the Secretary of Defense ensure that Defense Department components do so in the future. The conferees do not regard this action as a precedent.

Amendment No. 92: Restores language proposed by the House and stricken by the Senate which provides $1,000,000 as a grant for the National Center for Physical Acoustics.

Amendment No. 93: Restores language proposed by the House and stricken by the Senate which provides limitations on the Aegis destroyer variant.

Amendment No. 94: Restores language proposed by the House and stricken by the Senate which provides limitations on Aegis tactical display simplification funds.

Amendment No. 95: Restores language proposed by the House and stricken by the Senate which provides limitations on Aegis tactical display simplification contracts.

Amendment No. 96: Restores language proposed by the House and stricken by the Senate which provides limitations on E-2 aircraft upgrades.

Amendment No. 97: Restores language proposed by the House and stricken by the Senate which provides limitations on development of L-X ship.

Amendment No. 98: Deletes language proposed by the House which provides limitations on the funds for the Naval Research Laboratory.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

Amendment No. 99: Appropriates $12,314,362,000 instead of $12,608,995,000 as proposed by the House and $11,847,970,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or the Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL AF				
DEFENSE RESEARCH SCIENCES	241,317	255,317	215,321	236,321
GEOPHYSICS	30,252	37,252	32,530	34,280
MATERIALS	70,805	71,305	70,580	71,305
AEROSPACE FLIGHT DYNAMICS	64,238	64,238	59,738	59,738
HUMAN SYSTEMS TECHNOLOGY	51,392	49,573	50,392	48,573
AEROSPACE PROPULSION	78,100	81,100	66,912	75,506
AEROSPACE AVIONICS	74,835	74,835	66,540	66,540
PERSONNEL, TRAINING AND SIMULATION	28,942	28,942	27,579	27,579
CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	7,187	7,187	3,610	6,187
ROCKET PROPULSION AND ASTRONAUTICS TECHNOLOGY	40,031	51,137	37,931	51,137
ADVANCED WEAPONS	32,961	32,461	47,961	47,461
CONVENTIONAL MUNITIONS	46,653	46,653	35,053	35,053
COMMAND CONTROL AND COMMUNICATIONS	95,957	85,957	95,957	90,957
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	140,976	123,777	121,356	
GENERAL REDUCTION, FY92 LEVEL		−200,000		
ADVANCED MATERIALS FOR WEAPON SYSTEMS	15,825	25,825	15,825	22,825
ADVANCED AVIONICS FOR AEROSPACE VEHICLES	49,226	49,226	14,975	25,725
CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	10,460	12,960	10,460	12,960
GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHN	14,999	14,999		
ADVANCED FIGHTER TECHNOLOGY INTEGRATION	15,613	15,613	1,303	1,303
ADVANCED AVIONICS INTEGRATION	30,384	30,384	3,493	3,493
NATIONAL AERO SPACE PLANE TECHNOLOGY PROGRAM	43,259	80,000		40,000

[In thousands of dollars]

	Budget	House	Senate	Conference
EW TECHNOLOGY	25,689	25,689	21,678	23,689
SPACE AND MISSILE ROCKET PROPULSION	10,027	11,430	10,627	12,030
BALLISTIC MISSILE TECHNOLOGY	58,980	58,980	900	20,900
AIRBORNE LASER TECHNOLOGY	3,845	3,845		1,945
ADVANCED SPACECRAFT TECHNOLOGY	24,275	24,275	21,091	21,091
SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,500	3,500	3,640	3,640
SPACE SUBSYSTEMS TECHNOLOGY		8,000		8,000
CONVENTIONAL WEAPONS TECHNOLOGY	25,964	25,964	16,964	17,464
ADVANCED RADIATION TECHNOLOGY	55,415	78,315	79,815	94,715
C3I SUBSYSTEM INTEGRATION	15,882	8,882	8,182	8,882
ADVANCED COMPUTING TECHNOLOGY	19,619	19,619	8,119	8,119
C3 ADVANCED DEVELOPMENT	17,066	7,066	2,372	8,900
B–1B (H)	93,543	126,543		49,000
B–2 ADVANCED TECHNOLOGY BOMBER	790,497	838,497	838,497	790,497
MINUTEMAN SQUADRONS	184,335	118,059	137,126	131,090
MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (ME	35,634	634	4,034	4,034
MILSTAR SATELLITE COMMUNICATIONS SYSTEM (AF TERMINALS)	973,162	873,162	951,062	932,000
ARMS CONTROL IMPLEMENTATION	7,107	4,107	7,107	7,107
WESTERN SPACE LAUNCH FACILITY (WSLF)	9,546	9,546	4,773	9,546
EASTERN SPACE LAUNCH FACILITY (ESLF)	41,242	41,242	30,621	51,242
IMPROVED SPACE BASED TW/AA	214,794	214,794	214,794	110,000
BRILLIANT EYES				140,000
NCMC—TW/AA SYSTEM	141,841	141,841	138,341	138,341
SPACETRACK	45,246	45,246	57,021	60,521
DEFENSE SUPPORT PROGRAM	66,777	66,777	51,577	51,577
NUDET DETECTION SYSTEM	9,359	8,359	9,359	9,359
CLASSIFIED PROGRAMS	297,280	297,280	252,080	278,080
KC–135S	20,811	3,441	20,511	11,826
COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	9,395	3,395	9,395	9,395
DOD PHYSICAL SECURITY EQUIPMENT—EXTERIOR	2,971	2,971	500	500
C–17 PROGRAM	179,799	154,799	179,799	179,799
SPECIALIZED UNDERGRADUATE PILOT TRAINING	36,835	5,596	2,000	5,596
F–22 EMD	2,250,997	2,250,997	1,925,199	2,088,000
EW DEVELOPMENT	143,433	143,433	118,666	118,666
JOINT TACTICAL FUSION PROGRAM	4,221	2,221	4,221	2,221
JOINT DIRECT ATTACK MUNITION	87,822	87,822	75,422	75,422
COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	7,137	16,137	7,137	14,137
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	16,113	16,113	11,513	11,513
JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	295,228	295,228	264,628	288,728
F–16 SQUADRONS	116,947	76,947	61,524	61,524
F–15E SQUADRONS	91,497	66,497	61,997	66,497
MANNED DESTRUCTIVE SUPPRESSION	20,496	15,496	4,396	4,396
ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	69,785	54,785	67,785	67,785
FOLLOW-ON TACTICAL RECONNASSIANCE SYSTEM	65,338	17,649	6,638	9,000
AF TENCAP	14,722	4,722	4,722	14,722
OVERSEAS AIR WEAPON CONTROL SYSTEM	19,570	19,570	14,270	14,270
ADVANCED PROGRAM TECHNOLOGY	148,114	162,914	114,214	128,414
ADVANCED SYSTEMS IMPROVEMENTS	129,164	129,164	123,820	123,820
NATIONAL AIRSPACE SYSTEM (NAS) PLAN	18,773	12,773	18,773	15,773
CLASSIFIED PROGRAMS	295,395	27,320	290,695	290,695
DEFENSE SATELLITE COMMUNICATIONS SYSTEM	25,522	20,522	25,522	20,522
INFORMATION SYSTEMS SECURITY PROGRAM	15,418	16,918	15,418	16,918
AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATC)	9,304	9,304		9,304
CLASSIFIED PROGRAMS	2,175,965	2,203,524	2,026,665	2,109,563
SPACE TEST PROGRAM	50,465	45,465	43,918	43,918
SATELLITE SYSTEMS SURVIVABILITY	10,732	3,732	4,432	4,432
TRAINING SYSTEMS DEVELOPMENT	30,015	20,015	26,015	20,015
THREAT SIMULATOR DEVELOPMENT	34,362	46,962	38,202	41,864
NATIONAL LAUNCH SYSTEM	53,906	53,906		
R&M MATURATION/TECHNOLOGY INSERTION	20,593	20,593	18,648	18,648
MAJOR T&E INVESTMENT	55,798	55,798	45,798	50,798
NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	28,313	31,813	26,313	29,813
INITIAL OPERATIONAL TEST & EVALUATION	32,811	32,811	27,811	27,811
TEST AND EVALUATION SUPPORT	399,930	399,930	374,930	387,430
DEVELOPMENT PLANNING	9,796	9,796	6,946	6,946
RDT&E AIRCRAFT SUPPORT	42,157	42,157	37,157	39,657
MINOR CONSTRUCTION (RPM)—RDT&E	7,739	7,739	2,739	7,739
MAINTENANCE AND REPAIR (RPM)—RDT&E	46,020	46,020	41,020	41,020
BASE OPERATIONS—RDT&E	121,974	121,974	111,974	111,974
USAF WARGAMING AND SIMULATION	11,573	11,573	6,000	11,573
SATELLITE CONTROL NETWORK	110,164	110,164	93,561	100,000
MEDIUM LAUNCH VEHICLES	58,502	99,838	53,922	72,458
TITAN SPACE LAUNCH VEHICLES	330,740	336,740	235,540	272,740
DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	31,953	21,953	31,153	26,553
MANUFACTURING TECHNOLOGY DEVELOPMENT		130,000	36,600	73,800
INTERNATIONAL ACTIVITIES	3,820	3,820	1,910	1,910
OVERHEAD		−180,000		
WEAPONS SYSTEMS LETHALITY			10,351	
WEAPONS SYSTEMS OPERABILITY			17,258	
WEAPON SAFETY AND OPERATIONAL SUPPORT			24,039	
STRATEGIC ARMS CONTROL TECHNOLOGY			13,462	

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

The conferees agree to the following specific program adjustments. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval. Amounts shown are in thousands of dollars.

Air Force	Budget	HAC	SAC	CONF
Defense Research Sciences	241,317	255,317	215,321	236,321
Seismic Research		14,000	[6,500]	14,000
[Note: Seismic Research earmarked at $21,000,000.]*				
National Solar Observatory		0	[800]	*800
University Data Research—Seismic	[4,000]	[4,000]	[4,000]	*[4,000]
Software Reliability Research			[4,000]	*4,000
General reduction		0	−24,996	−23,796
Geophysics	30,252	37,252	32,530	34,280
Seismic Research		2,000	0	*500
Computational Resources—Nuclear Devices		5,000	0	*1,250
Laser Radar (SERDP)		0	−222	−222
High Altitude Auroral Research Project (HAARP)		0	2,500	*2,500
Materials	70,805	71,305	70,580	71,305
Remote Aircraft Fatigue Sensing		500	0	*500
Aircraft Paints, Primers, Coatings (SERDP)		0	−225	0
Human Systems Technology	51,392	49,573	50,392	48,573

Air Force	Budget	HAC	SAC	CONF
Transfer to Army		1,819	0	−1,819
Obligations—Unmanned Vehicles		0	−100	−100
Execution		0	−900	−900
Aerospace Propulsion	78,100	81,100	66,912	75,506
Coal-based fuels		3,000	0	*3,000
Turbine Engine/Aerospace Power Projects		0	−11,188	−5,594
Aerospace Avionics	74,835	74,835	66,540	66,540
General			−7,145	−8,145
Processor Design Tools			−150	−150
GPS—related efforts			−1,000	0
Civil Engineering and Environmental Quality	7,187	7,187	3,610	6,187
SETA Support		0	−1,700	−1,000
Environmental Quality Projects (SERDP)		0	−1,877	0
Rocket Propulsion and Astronautics Technology	40,031	51,137	37,931	51,137
Space System Propulsion Technology	[11,039]	[11,893]	[11,039]	*[11,893]
Missile System Propulsion Technology	[9,419]	[9,671]	[9,419]	*[9,671]
Thermionics Space Power	0	10,000	0	*10,000
FY 93 Transfer		0	−2,100	0
Advanced Weapons	32,961	32,461	47,961	47,461
Nuclear Effects Radiation Studies		−500	0	−500
Maui High Performance Computing Center		0	15,000	*15,000
Advanced Materials for Weapon Systems	15,825	25,825	15,825	22,825
National Center for Industrial Competitiveness		10,000	0	*7,000
Crew Systems and Personnel Protection Technology	10,460	12,960	10,460	12,960
Advanced Life Support		2,500	0	2,500
[Note: Advanced Life Support earmarked at $3,538,000]*				
Space and Missile Rocket Propulsion	10,027	11,430	10,627	12,030
Space Systems Propulsion Technology	[6,693]	[7,630]	0	*[7,630
Missile Systems Propulsion Technology	[3,334]	[3,800]	0	*[3,800]
Propellants and Components for Space Boosters	0	0	600	*600
Ballistic Missile Technology	58,980	58,980	900	20,900
Missile Electronics (AIMS/GPS)	[58,080]	[58,080]	0	*[20,000]
Reentry Vehicle Technology	[900]	[900]	[900]	[900]
Conventional Weapons Technology	25,964	25,964	16,964	17,464
Multimode Missile Seeker/AMRAAM		0	−5,400	−5,400
Low—drag/low—observable airframes		0	−100	−100
INS/GPS Terminal Guidance Demonstration		0	−3,000	−3,000
Boosted Penetrator Warhead		0	−500	0
[Note: Obligation/expenditure of Boosted Penetrator funds prohibited until FY 93 conference report statement of managers requirements are satisfied.]				
Advanced Radiation Technology	55,415	78,315	79,815	94,715
Adv Tech Excimer Laser Technology		22,000	6,000	*20,000
High Power Microwave Technology		900	0	*900
Laser Radar Field Demonstration (LIDAR)		0	18,400	*18,400
C31 Subsystem Integration	15,882	8,882	8,182	8,882
[Note: No funds may be used for any Tenet activities.]				
Civil and Environmental Engineering Technology	8,435	13,435	13,435	13,435
Production Scale Spray Casting Equipment		5,000	5,000	*5,000
C3 Advanced Development	17,066	7,066	2,372	*8,900
General		−10,000	0	0
Surveillance Radar Technology project		0	−4,056	−4,056
TBM C31 (Tenet)		0	−9,000	−9,000
Laser Communications Project		0	−1,638	−1,638
General add		0	0	6,528
[Note: No reductions shall be assessed against Speakeasy sub-project. No general increase may be used for the denied projects and sub-projects.]				
B–52 Squadrons	0	6,300	6,300	6,300
Have Lite		6,300	6,300	*6,300
[Note: $6,300,000 is to complete Have Lite Technology efforts.]				
Minuteman Squadrons	184,335	118,059	137,126	131,090
Reentry Systems Launch Program Transfer	[16,336]	0	[16,336]	0
Propulsion Replacement Program	[49,940]	0	[4,700]	[15,000]
Guidance Replacement Program	[87,425]	[87,425]	[87,425]	*[87,425]
Long Range Planning Studies	[4,487]	0	[2,158]	[2,518]
MILSTAR Satellite Communications	973,162	873,162	951,062	932,000
Excess funding		−100,000	0	−19,062
Polar adjunct studies		0	−15,000	*−15,000
FY 93 funds replacement		0	−4,700	−4,700
Fighter Receive Terminal		0	−2,400	−2,400
[Note: The conferees agree with the Senate report language about reallocations of MILSTAR funds and about pre-planned product improvement activities.]				
Eastern Space Launch Facility (ESLF)	41,242	41,242	30,621	51,242
Half funding		0	−20,621	0
Dual Use Launch Facility Grants		0	10,000	*10,000
[Note: No funds provided for the Eastern and Western Launch Facilities may be used for any Autonomous On-Board Control System efforts.]				
Spacetrack	45,246	45,246	57,021	60,521
Advanced Electro—Optical System (AEOS)		0	14,100	*14,100
AEOS Instrumentation		0	0	*2,500
AEOS Atmospheric Measurements		0	0	*1,000
Space Surveillance System Development		0	−2,325	−2,325
General Reduction		−5,000	0	0
HAVE STARE		5,000	0	0
KC–135S	20,811	3,441	20,511	11,826
Avionics Improvements	0	0	−300	−300
Improved Air Refuel System	[3,441]	[3,441]	[3,441]	*[3,441]
Receptacle Modifications	[6,214]	0	[6,214]	[3,107]
Multipoint Modifications	[11,156]	0	[11,156]	[5,578]
Specialized Undergraduate Pilot Training	36,835	5,596	2,000	5,596
T–1A Tanker—Transport Training System (TTTS)	[2,205]	[2,205]	0	[2,205]
T–3A Enhanced Flight Screen (EFS) Program	[191]	[191]	0	[191]
Joint Primary Aircraft Training System (JPATS)	[34,439]	[3,200]	[2,000]	[3,200]
[Note: The $3,200,000 for JPATS is only for program support costs.]				
Computer Resource Technology Transition (CRTT)	7,137	16,137	7,137	14,137
Computer Resource Development Program (CARDS)	0	9,000	0	*7,000
Joint Surveillance/Target Attack Radar System	295,228	295,228	264,628	288,728
Self-defense Suite		0	−24,100	0
Site activation		0	−500	−500
Excess		0	−6,000	−6,000
F–15E Squadrons	91,497	66,497	61,997	66,497
General		−25,000	0	−10,000
APG–63 Radar Upgrade for A–Dd Platforms		0	−29,500	−15,000
Training Systems Development	30,015	20,015	26,015	20,015
JPATS Ground Based Station		−7,136	0	−7,136
GENERAL		−2,864	−4,000	−2,864
[Note: Earmark Advanced Training System (ATS) at $1,909,000, the Budget Request.]*				
Threat Simulator Development	34,362	46,962	38,202	41,864
REDCAP		12,600	10,164	*10,164
Advanced Airborne Interceptor Simulator		0	−6,024	−3,012
SA–15 SAM System		0	−1,300	−650
Have Note		0	1,000	*1,000
Navigation/Radar/Sled Track Test Support	28,313	31,813	26,313	29,813
High Velocity Sled Track		3,500	0	*3,500
Unobligated FY 93		0	−500	−500

Air Force	Budget	HAC	SAC	CONF
Growth		0	−1,500	−1,500
Satellite Control Network	110,164	110,164	93,561	100,000
Integrated Satellite Control System		0	−5,294	−5,294
Growth		0	−11,309	−4,870
Medium Launch Vehicles	58,502	99,838	53,922	72,458
Infrastructure Improvements—WSLF		15,000	0	0
Infrastructure Improvements—ESLF		22,000	0	0
Reentry System Launch Program Transfer		16,336	0	*16,336
GPS Slippage		−12,000	0	0
Atlas Vehicle Improvement		0	−1,000	−1,000
Delta Facility Modifications		0	−780	−780
Delta Integration		0	−2,200	0
Medium Launch Vehicle Studies		0	−600	−600
Titan Space Launch Vehicles	330,740	336,740	235,540	272,740
Centaur Processing Facility		6,000	0	0
Infrastructure Range Safety Upgrades		0	−37,200	0
Centaur Processing Facility		0	−10,000	−10,000
Centaur Upper Stage Design Reassessment		0	−11,000	−11,000
Excess		0	−14,000	−14,000
Solid Rocket Motor Propellant		0	−23,000	−23,000
Defense Meteorological Satellite Program (DMSP)	31,953	21,953	31,153	26,553
Study Resolution		−10,000	0	−5,000
Block 6 Studies		0	−800	−400
Manufacturing Technology	0	130,000	36,600	73,800
Air Force Requirements		59,600	36,600	29,000
National Center for Manufacturing Sciences (NCMS)		60,000	0	40,000
Computer-Aided ACQ and LOG Support—AFMC		7,200	0	1,800
Ductile Cast Iron		2,000	0	2,000
Mid-West Manufacturing Corporation		0	0	0
Platform for Automated Const of Intelligent Sys		1,200	0	1,000
[Note: Earmark Manufacturing 2005 pilot programs at $10,000,000, The Budget Request.]*				

ADVANCED FIGHTER TECHNOLOGY INTEGRATION

ADVANCED AVIONICS INTEGRATION

The conferees agree with the Senate reductions in these program elements. However, the conferees agree to modify the Senate report language with respect to the Advanced Avionics Integration program element to permit the use of $1,000,000 to complete the stellar sensor/inertial system project in fiscal year 1994.

The conferees also agree that the Air Force, after reevaluating its priorities and submitting better justification, may request approval from the Congress through the established procedures for funds for reduced activities.

NATIONAL AERO SPACE PLANE (NASP) TECHNOLOGY PROGRAM

The conferees agree to provide $40,000,000 for this program element. The conferees agree to provide this amount due to fiscal constraints and pursuant to section 242 of the National Defense Authorization Act for Fiscal Year 1993.

The conferees are aware that the National Aero Space Plane Technology Program has technological benefits, both for military and domestic uses. Therefore, the conferees agree that the Air Force should re-evaluate its need to continue this program or to move some of the components into other technology base programs.

BALLISTIC MISSILE TECHNOLOGY

The conferees agree to provide $20,900,000 for the Ballistic Missile Technology program, of which $20,000,000 is available for the Advanced Inertial Measurement System (AIMS) project. The conferees direct that none of the funds for AIMS may be obligated or expended until the Secretary of Defense certifies that the project is fully funded in the Future Years Defense Program and that a specific, validated military requirement exists for the project. None of the funds provided for this program element may be used for the GPS-aided guidance package (reentry vehicle) project.

AIRBORNE LASER TECHNOLOGY

The conferees agree to provide $1,945,000 for the Airborne Laser Technology effort. The conferees direct that these funds may not be obligated or expended until the Secretary of the Air Force provides the rationale for pursuing this technology and certifies that the program is fully funded in the Future Years Defense Program.

B–1B

The House allowance recommended $126,543,000 for development of B–1B bomber enhancements. The Senate denied all funds and proposed rescinding $31,000,000 of fiscal year 1993 funds.

The conferees agree to provide $49,000,000 in new budget authority, and not to rescind the prior year funds, to provide a total of $80,000,000. The conferees direct that these funds may only be used to develop conventional war-fighting enhancements to the B-1B, including the Relative Targeting System/GPS-Aided Munition (RTS/GAM) demonstration. The conferees also agree that none of these funds may be used for any activities related to addressing deficiencies in the aircraft's electronic countermeasures systems.

In addition, the conferees are concerned with the Department of Defense's inability to comply with the B–1B upgrade program reporting requirements in the Joint Explanatory Statement of the Committee of Conference on the fiscal year 1993 Act. The conferees direct that this comprehensive information be provided to the congressional defense committees no later than March 1, 1994, along with a certification by the Secretary of Defense that any proposed upgrades are militarily-required, affordable, and fully-funded in the Future Years Defense Program.

B–2 ADVANCED TECHNOLOGY BOMBER

The conferees agree to provide $790,497,000 for the B–2 Advanced Technology Bomber program. In addition, the conferees fully support the Air Force's decision to integrate a GPS-Aided Targeting System (GATS) and the Joint Direct Attack Munition (JDAM) into the B–2 conventional development effort at the earliest practical time to provide the B–2 with an effective, affordable, all weather, near-precision guided conventional munition. The conferees agree the JDAM weapon is the best long term solution, but also recognize that a GPS-Aided Munition (GAM) may offer a sufficient capability for an interim period of time, albeit at a higher cost. The conferees, therefore, approve the Air Force's request to proceed with JDAM testing and integration on the B–2 and to procure 28 test GAMS to validate the GATS capability. The conferees direct the Air Force to protect the option to produce GAMS to ensure an interim capability in the event the JDAM program does not meet its schedule.

MINUTEMAN SQUADRONS

The conferees agree to provide $15,000,000 for the Minuteman III Propulsion Replacement Program. However, the conferees direct that no funds for this project may be obligated or expended until the Under Secretary of Defense for Acquisition complies with the certification requirement in the Senate report and also certifies that the entire propulsion upgrade project is needed to avoid costly disruption in the intercontinental ballistic missile industrial base. The funds also may not be obligated or expended until after the Secretary of the Air Force submits a full report on the results of the independent cost estimate and provides a risk assessment, final acquisition strategy, and emerging results from the cost-and-operational effectiveness analysis for the project.

KC–135

The conferees recognize the military utility of the receptacles and multipoint aerial refueling enhancements and have provided half of the budget request for each for fiscal year 1994. The conferees direct that none of these funds may be obligated until the Secretary of the Air Force complies with the reporting requirements imposed by Congress in fiscal year 1993 and in the fiscal year 1994 House report. The conferees further direct that the House reporting requirement be expanded to include the receptacles project.

The conferees also direct that none of the funds provided for either project may be obligated until the Secretary certifies to the congressional defense committees that the relevant project is fully funded in the Future Years Defense Program.

The conferees direct that the required reports and certification be submitted to the committees no later than February 15, 1994.

FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM

The conferees agree to provide $9,000,000 for the continued development of the Air Force's Joint Services Imagery Processing System (JSIPS). The conferees direct that of the unobligated fiscal year 1993 funds, $7,000,000 is available for the development and testing of an electro-optical sensor with framing and on chip forward motion compensation capabilities, $1,500,000 is available to pay Air Force costs to transition the canceled Advanced Tactical Reconnaissance Systems program to the Navy, and $1,500,000 is available for JSIPS. The conferees agree with the Senate's report language about the reallocation of other ATARS prior year funds.

ROME LABORATORY

The conferees are concerned about reports of possible realignment actions being considered which might affect Rome Laboratory, Griffiss Air Force Base, New York. Therefore, the conferees prohibit the use of any Defense Department funds to implement the realignment, closure, or consolidation of any mission or activity at Rome Laboratory except as part of the base realignment and closure process.

SPACE NUCLEAR THERMAL PROPULSION (SNTP) PROGRAM

The conferees disagree with the provision directing obligation of $55,500,000 provided in fiscal year 1993 solely for the SNTP program. The conferees agree to amend this proposal by deleting the fiscal year 1993 statutory requirement reserving the funds solely for this program. The conferees agree to transfer the fiscal year 1993 SNTP funds to the Navy to help meet ship cost adjustment funding needs.

Amendment No. 100: Restores House language earmarking funds for the Joint Seismic Program and Global Seismic Network administered by the Incorporated Research Institutions for Seismology; restores and amends House language earmarking funds for the National Center for Manufacturing Sciences; deletes Senate language earmarking funds for the development of a GATS/GAM capability for the B–2 Advanced Technology Bomber; inserts Senate language earmarking funds for the Air Force Maui Space Surveillance Site (MSSS); and deletes Senate language earmarking funds for development and testing of down-sized test equipment for the F–15.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

Amendment No. 101: Appropriates $8,838,690,000 for Research, Development, Test and Evaluation, Defense-Wide instead of $9,376,918,000 as proposed by the House and $8,296,588,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

	Budget	House	Senate	Conference
RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE				
IN-HOUSE LABORATORY INDEPENDENT RESEARCH	3,368	3,368	—	2,323
DEFENSE RESEARCH SCIENCES	79,657	76,657	76,657	84,657
DEFENSE RESEARCH SCIENCES	2,021	2,021		
UNIVERSITY RESEARCH INITIATIVES	242,611	274,611	242,611	251,611
FOCUSED RESEARCH INITIATIVES	29,472	20,000		12,000
HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SC		15,000		
COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	368,589	272,789	326,318	325,918
TACTICAL TECHNOLOGY	143,891	156,541	72,733	89,477
INTEGRATED COMMAND AND CONTROL TECHNOLOGY	57,214	125,014	57,214	85,000
MATERIALS AND ELECTRONICS TECHNOLOGY	198,502	303,202	212,547	259,902
DEFENSE NUCLEAR AGENCY	288,388	238,388		235,000
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	24,703	22,060	24,703	
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	3,851	3,439		
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANS	2,281	2,037	2,281	
GENERAL REDUCTION, 92 LEVEL		−35,000		
BALLISTIC MISSILE DEFENSE (BMD)		2,720,040		2,638,900
OTHER FOLLOW-ON SYSTEMS	354,187		265,709	
THEATER MISSILE DEFENSES	1,636,304		1,364,047	
THEATER MISSILE DEFENSES	50,410		50,410	
LIMITED DEFENSE SYSTEM	1,195,459		683,851	
RESEARCH AND SUPPORT ACTIVITIES	358,223		290,989	
SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRAN	42,552		29,529	
MEDICAL ADVANCED TECHNOLOGY	4,701	11,001	4,701	11,001
JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,446	16,446	18,976	18,976
EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGI	512,198	617,098	453,429	562,114
ADVANCED SUBMARINE TECHNOLOGY	32,556		32,556	40,556
MARITIME TECHNOLOGY OFFICE		190,556		38,750
DUAL-USE PARTNERSHIPS	324,000	624,000	474,000	474,000
MANUFACTURING TECHNOLOGY	147,733		114,433	
STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	97,958	67,958	200,000	160,000
COMPUTER/COMM APPLICATION				3,000
FOCUS HOPE		20,000		
COMPUTER AIDED LOGISTICS SUPPORT	10,424	23,224	10,424	10,424
COOPERATIVE DOD/VA MEDICAL RESEARCH		30,000	20,000	20,000
MANUFACTURING TECHNOLOGY	299,597	342,340	306,224	338,924
SEMATECH		90,000		
ADVANCED SIMULATION	9,207	9,207	9,207	27,107
SEMICONDUCTOR MANUFACTURING TECHNOLOGY	100,000	10,000	90,000	90,000
HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	122,819		122,819	46,100
CONSOLIDATED DOD SOFTWARE INITIATIVE	9,151	31,651	9,151	23,026
JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	67,152	67,152	79,152	79,152
ROCKET MOTOR DEMILITARIZATION PROGRAM	12,267	27,267	13,167	17,417
SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	17,794	17,794	6,744	6,744
SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	9,655	31,165	9,655	27,165
DOD/CTC JOINT CALS INITIATIVE		52,000		43,000
VERIFICATION TECHNOLOGY DEMONSTRATION	46,350	41,350		41,350
NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	3,500	3,112	3,500	3,500
WWMCCS SYSTEMS ENGINEER	9,253	8,653	9,253	8,653
WWMCCS ADP MODERNIZATION	7,000		7,000	3,500
PHYSICAL SECURITY EQUIPMENT	20,676	30,676	20,676	20,676
JOINT ROBOTICS PROGRAM	22,125	32,125	22,125	27,125
ADVANCED SENSOR APPLICATIONS PROGRAM	25,920	39,919	25,920	39,919
AIM–9 CONSOLIDATED PROGRAM	9,593	43,480		25,000
BIOLOGICAL DEFENSE—ADVANCED DEVELOPMENT	26,355	26,355		10,000
MOBILE OFFSHORE BASING		24,000		17,000
JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	67,053	67,053	37,053	49,553
JOINT REMOTELY PILOTED VEHICLES PROGRAM	180,112	151,237	130,342	85,217
SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	221,305	247,305	191,305	218,555
SOF OPERATIONAL ENHANCEMENTS	72,167	72,167	21,567	21,567
LONG-HAUL COMMUNICATIONS (DCS)	20,720	16,720	20,720	20,720
DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION S	66,334	56,334	66,334	56,334
AIRBORNE RECONNAISSANCE SUPPORT PROGRAM	356,303	356,303	209,303	334,519
AIRBORNE RECONN. INITIATIVE		75,906		
DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	81,872	51,032	81,872	81,872
C3I INTELLIGENCE PROGRAMS	6,754	16,754	6,754	16,754
CLASSIFIED PROGRAMS	1,280,732	1,265,926	1,214,532	1,116,363
NATO RESEARCH AND DEVELOPMENT	57,641		42,800	42,800
TECHNICAL STUDIES, SUPPORT AND ANALYSIS	37,434	31,000	27,434	27,434
FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	336,176	12,000	236,176	160,000
DEFENSE SUPPORT ACTIVITIES	12,561	45,561	12,561	15,311
MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	24,005	25,505	24,005	25,505
MANUFACTURING TECHNOLOGY DEVELOPMENT		45,300		21,850
ELECTRIC VEHICLE TECHNOLOGY		50,000	27,000	46,250
NATURAL GAS VEHICLES		25,000	10,000	15,000
GENERAL REDUCTION, OVERHEAD		−130,000		
COMMERCIAL COMMUNICATIONS		20,000		20,000
ARPA SPACE PROGRAMS		130,000		60,000
SPACE SURVEILLANCE		−200,000		
EARTH CONSERVANCY		40,000		10,000

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

The conferees agree to the following specific program adjustments. DD Form 1414 for fiscal year 1994 shall show the items marked with an asterisk ("*") as Congressional interest items, a change to which requires prior approval. Amounts shown are in thousands of dollars.

	Budget	HAC	SAC	Conference
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE				
Defense Research Sciences	79,657	79,657	76,657	84,657
Process Synthesis			−3,000	−3,000
Hazardous Substance Research Centers			(8,000)	*8,000
University Research Initiatives	242,611	274,611	242,611	251,611
EPSCOR		20,000		*6,000
General Increase for Authorization Projects		12,000		3,000
AASERT		(55,000)		(55,000)
HBCU			(15,000)	*(15,000)
Magnetic Materials Microscope (NCEM)				*(7,000)
Focused Research Initiative	29,472	20,000	0	12,000
General Reduction		−9,472		−17,472
National Medical Technology Testbed		(10,000)		*(7,000)
Computing Systems and Communications Technology	368,589	272,789	326,318	325,918
High Performance Computing		−100,000	−52,867	−42,271
ASSET		7,000		1,750
Seismic Research		−7,500		*−3,750
Non-Seismic Technology		4,700		*4,700
STARS			−6,200	−3,100
Software Plan			−700	0
DNA Functions			17,496	0
VHPSM-MIMD		(6,500)		*(6,500)
ASSET	(2,000)		(2,000)	*(3,750)
[Note: Conferees agree to a general reduction to High Performance Computing funds rather than specific reductions proposed by the Senate. The conferees direct that none of the HPC reduction be applied to the funds budgeted for activities at the Maui HPC center.]				
Tactical Technology	143,891	156,541	72,733	89,477
Advanced Landing System		1,750	1,750	*1,750
Microspheres		5,500		*1,375
Speakeasy		5,400	2,200	2,200
SLID			−6,000	*−3,000
LCV			−6,800	−6,800
Rotor Engine			−3,600	−3,600
Ship Software Tools			−10,356	−5,178
Ship System Monitoring			−14,382	−7,191
Warbreaker			−38,970	−38,970
CEROS			5,000	*5,000
Speakeasy	(4,523)			*(6,723)
Integrated Command and Control Technology	57,214	124,014	57,214	85,000
AMLCD Technology		(25,000)		*(25,000)
Materials/Electronic Technology	198,502	303,202	212,547	259,902
General Increase for Authorization Projects		77,700		17,500
Coal Utilization Center		5,000		*5,000
Cross-Discipline Materials Research		2,700		*2,700
Infrared Sensitive Materials		9,500		*9,500
Joint Casting Emission Reduction		13,500		*13,500
Multi-Chip Modules		4,000		0
Process synthesis			13,200	13,200
Free Form Manufacturing			4,155	0
Fiber Metal Matrix Composites			21,400	*21,400
Diamond/superconducting Materials/System Optimization			10,000	*5,000
Diamond/Superconducting Materials/System Optimization	(78,300)			(118,300)
[Note: The Conferees agree to provide $9.5 million only for a project utilizing Group III–V materials for opto-electronics and infrared applications.]				
Defense Nuclear Agency	288,388	238,388	0	235,000
General Reduction				−53,000
Nuclear Testing		57,000		0
Bioenvironmental Hazards Research		4,000		*(4,000)
NTS Technology Transfer		3,000		*(750)
Jupiter Simulator				*(6,000)
[Note: Conferees agree to a general reduction rather than specific reductions proposed by either House or Senate.]				
EEMIT	512,198	617,098	453,429	562,114
Fuel Cells		50,000		*11,375
BMDO Programs		28,900		0
Gamma Gamma Resonance Imaging		5,000		*5,000
Fire Detection Technology		1,000		*250
Nuclear Waste Monitoring		1,000		*250
MSAG		16,000		*4,000
ASTOVL		6,000		*6,000
Large Millimeter Telescope		3,000		*3,000
SELENE		5,000		0
UUV Fuel Cells		4,000		0
CAMEO		−15,000	−15,000	−15,000
Warbreaker Transfer			38,970	+38,970
Warbreaker Reduction			−44,850	−30,200
ATSSB			−9,000	−9,000
Impact			−3,000	0
Periscope Detection			−1,000	−1,000
STOW			−19,270	−9,635
Mine Counter Measures			9,594	−5,094
Virtual Brigade			15,000	*15,000
DSI			32,100	32,100
Air Defense Initiative			43,725	−12,450
Hyperspectral Sensor			600	*600
Dry Deck Shelters				*4,250
Aeroderivative Engine				*4,500
Tactical SIGINT Satellite				*10,000
General Reduction				−3,000
[Note: 1. Conferees do not agree to a reduction to foliage penetration radar funds within WARBREAKER. Conferees agree to other WARBREAKER reductions and direction in the Senate report. 2. Conferees agree to provide $4.0 million only for a generic multi-function self-aligned gate gallium arsenide wideband module-propulated active array antenna for shipboard/airborne radar and electronic warfare use. 3. Within the amount provided for fuel cells, $1,250,000 is only for further development of 200 kW phosphoric acid fuel cells to be conducted under the auspices of the Army Construction Engineering Research Laboratory. 4. Additional ASTOVL funds are only for a critical technical evaluation of the direct lift concept. 5. Within the amount provided for WARBREAKER, $7.0 million is only for Interferometric Synthetic Aperture Radar.]				
Dual Use Partnerships	324,000	624,000	474,000	474,000
Dual-Use Critical Technology Partnership			(150,000)	*(150,000)
Commercial-Military Integration Partnership			(100,000)	*(100,000)
Regional Technology Alliance			(100,000)	*(100,000)
Advanced Manufacturing Technology Partnership			(30,000)	*(30,000)
Agile Manufacturing/Enterprise Integration			(35,000)	*(35,000)
Advanced Material Partnership			(30,000)	*(30,000)
Defense Manufacturing Engineering Education Program			(24,000)	*(24,000)
United States-Japan Management Training Program			(5,000)	*(5,000)
Advanced Submarine Technology	32,556	0	32,556	40,556
Active Structural Control				8,000
Active Structural Control				*(10,000)
Maritime Technology Office	0	190,556	0	38,750

	Budget	HAC	SAC	Conference
Submarine Technology		32,556		0
Shipbuilding Initiative		100,000		30,000
ORCA		20,000		0
Ship Self Defense		15,000		5,000
Advanced Ship Propulsion		15,000		3,750
Active Structural Control		(8,000)		0
Active Structural Control		(10,000)		(0)
Strategic Environmental Research	97,958	67,958	200,000	160,000
General Reduction/Increase		30,000		62,042
CIESIN		(5,000)		*(1,250)
GAMOT		(2,200)		*(550)
Plasma-Disposal Ft. Belvoir		(7,500)		*(1,875)
NEETC		(3,500)		*(3,500)
Air Quality Monitor		(1,400)		*(350)
Solid Waste Encapsulation		(100)		*(100)
Phase I Projects		(37,800)		*(37,800)
Northeast Institute				*(4,000)
[Note: The Conferees agree to provide $4.0 million only for the Northeast Institute for Environmental Restoration, of which $2.0 million is to develop an automated regional environmental system and $2.0 million is for a pilot project to demonstrate technologies for metal removal in liquid waste treatment systems.]				
Manufacturing Technology	299,597	342,340	306,224	338,924
Advanced Lithography		27,543		12,700
Environmentally Conscious Manufacturing		20,000		*20,000
FOCUS HOPE		−4,800	15,000	*15,000
Advanced Flexible Manufacturing			4,000	*4,000
AESA			−6,573	−6,573
FDAMMS			−5,800	−5,800
Coronary Angiography		(2,200)		*(2,200)
Digital Subtraction Angiography		(3,000)		*(3,000)
FOCUS HOPE	(4,800)			*(19,800)
[Note: Conferees direct advanced flexible manufacturing funds to be managed only by the NCMS.]				
Advanced Simulation	9,207	9,207	9,207	*27,107
[Note: $17,900,000 is provided only for the Army National Guard Advanced Research Projects Agency advanced simulation project to develop new training strategies for National Guard Units. The conferees expect the Department to note the direction of the Senate that priority should be given to states with already established fiber optic infrastructure which can reach all Guard armories for the least cost.]				
Consolidated DOD Software Initiative	9,151	31,651	9,151	23,026
NASEC		10,000		*10,000
Software Managers Network		5,000		*2,000
RTAP		7,500		*1,875
Joint Wargaming Simulation	67,152	67,152	79,152	79,152
Technical Center			2,000	2,000
DMSO			10,000	10,000
Joint Simulation Center			(2,500)	(2,500)
Peace Enforcement Doctrine Dev Ctr			(1,000)	(1,000)
Rocket Motor Demilitarization Program	12,267	27,267	13,167	17,417
Energetic Materials Disposal		6,000		*1,500
Strategic Missile Disposal		7,000		*1,750
Longhorn AAP		2,000		*500
NTS Site Analysis			900	*900
Sunflower AAP				*500
Joint Robotics Program	22,125	32,125	22,125	27,125
MDARS-E		10,000		*5,000
Special Operations Tactical Systems Development	221,305	247,305	191,305	218,555
Quiet Knight				6,000
CV–22				15,000
JASORS			−30,000	−26,250
Advanced Seal Delivery System				2,500
JTIDS	67,053	67,053	37,053	49,553
JTIDS			−7,800	−7,800
MIDS–LVT			−22,200	−9,700
[Note: The conferees understand that the MIDS–LVT reduction should not have a negative impact on ongoing contractor activities and personnel.]				
Joint RPV Program	180,112	151,237	130,342	85,217
Close Range UAV		−28,875	−18,275	−18,275
Medium Range UAV			−32,275	−77,400
Project Management			−1,620	−1,620
Classified			2,400	2,400
[Note: The conferees direct that the Close Range funds are available to develop the down-sized Ground Control Station. The remaining Medium Range UAV funds are provided only to implement DOD's decision to terminate the program.]				
Defense Support Activities	12,561	45,561	12,561	15,311
Shipbreaking		3,000		*750
CALS		30,000		*2,000
Manufacturing Technology	0	45,300	114,433	21,850
Machine Tools		10,000		*2,500
CRAMTD		2,800		*700
GEM		7,500	3,000	*3,000
Military Sewn Products		10,000		*7,500
Metal Casting		15,000		*3,750
General Increase				*4,400
Electric Vehicle Technology	0	50,000	27,000	46,250
McClellan AFB Program		5,000		*4,000
Los Angeles Agile Manufacturing		5,000		*4,000
CA Environmental Vehicle Consortium (CEVCO)		5,000		*3,250
MARCAU Consortium		10,000		*10,000
General Increase		25,000		0
Hawaii Project			10,000	*10,000
Other On-going Projects			17,000	15,000
Superconductive Magnetic Energy Storage (SMES)				
[Note: The Conferees agree to the House report language amended to read "National Energy Research Council" instead of "Nuclear Energy Regulatory Commission."]				
Special Operations Advanced Technology Development	9,655	31,165	9,655	27,155
Intraformation Positioning System				15,000
CA & Psyops Enhancements				1,000
EOD/LIC				1,000

SUPERCONDUCTING MAGNETIC ENERGY STORAGE

The conferees agree with the Senate recommendation to transfer management and funding responsibility for the superconducting magnetic energy storage (SMES) program to the Department of Energy. The conferees direct the Defense Nuclear Agency to undertake and complete such a transfer by the end of fiscal year 1994. In order to minimize ultimate costs and maximize progress, every effort should be made to keep the existing program intact.

ADVANCED LITHOGRAPHY

The conferees are aware of ARPA's use of consortia composed of industry, federal laboratories, and universities to pursue new technologies. The conferees recognize that consortia can foster U.S. leadership in advanced lithography. The conferees encourage ARPA to investigate the development of x-ray and advanced optical lithography technologies through the use of consortia.

SEMATECH

The conferees agree to provide $90,000,000 for SEMATECH. The conferees do not agree with the Senate's direction that ARPA prepare a plan to reduce the obligatory Federal investment over the next five years. However, given the great financial pressures on a declining defense budget, it is likely that the

Defense Department and the Congress will not be able to sustain the level of investment in SEMATECH that has been made in the past. In addition, the conferees again note that ARPA previously proposed that funds be provided to SEMATECH only for those projects selected on the basis of merit by ARPA. The conferees agree that it would be useful for the new Administration to present to Congress its plans for future activities with SEMATECH. The conferees direct the Undersecretary of Defense for Acquisition to submit a plan to the Defense Committees of Congress by March 1, 1994 on planned activities for SEMATECH during the next five years. The plan should provide ARPA the opportunity to ensure its requirements are sufficiently addressed in the annual plan developed by the SEMATECH members.

TACTICAL TECHNOLOGY

Small, Low Cost Interceptor Device (SLID). The conferees agree to provide $3,000,000, and allow the transfer of $6,500,000 of prior year funds from program element 0602618A, Ballistic Technology, task AH-81, for the Small, Low Cost Interceptor Device (SLID) program. While the conferees agree with the Senate's concerns about SLID, the conferees recognize the need to investigate an alternative to continually adding more armor to our combat vehicles. The conferees direct ARPA to devise a program which develops and demonstrates this technology at a substantially lower cost. The conferees expect such a plan to continue to include actual live fire tests while possibly reducing the number of participants in each phase of development.

Light Contingency Vehicle (LCV). The conferees agree to deny all funds requested to develop a Light Contingency Vehicle (LCV). The conferees agree with the Senate's concerns and urge the Defense Department to fully assess all alternative approaches to performing the scout mission.

DEFENSE NUCLEAR AGENCY

The conferees do not agree to the Senate's proposal to fund the functions of the Defense Nuclear Agency (DNA) in the individual armed services and ARPA and to require the Under Secretary of Defense for Acquisition to submit a plan and schedule to transition DNA's functions to them. The conferees agree to provide $235,000,000 for the Defense Nuclear Agency program element. The conferees also agree with the House recommendation to provide another $41,350,000 for the Verification Technology Demonstration program which is executed by DNA.

The conferees have modified the Senate's proposed bill language so as to require the Under Secretary of Defense to submit to the Congressional defense committees the complete results of an independent study of options for accomplishing the functions now performed by DNA. The conferees direct that this study be accomplished by the RAND Corporation's National Defense Research Institute, a federally-funded research and development center. The conferees direct that the options to be studied shall, at a minimum, include: (1) transferring DNA's functions to the individual armed services and ARPA under an arrangement whereby a service or ARPA becomes the executive agent for the entire Department of Defense for the function or functions transferred; (2) maintaining DNA as a separate agency under the plan proposed by the Department of Defense in a letter to the Congressional defense committees on June 25, 1993, to adapt the agency to the conditions of the new international security environment; (3) transferring DNA's functions to the Department of Energy nuclear weapons laboratories; (4) combining any of the previously-listed options; and, (5) reorganizing DNA to significantly reduce the agency's operating, management, administrative, and other overhead costs.

For any option evaluated, the conferees direct that the study shall provide, at a minimum, detailed information and conclusions as to: (1) any impact on the federal government's ability to maintain critical expertise in nuclear and conventional defense areas and to effectively perform functions now performed by DNA; (2) annual cost savings, if any; and, (3) a reasonable implementation schedule. The study also shall provide recommendations as to which option is in the best national security and fiscal interests of the federal government. The Under Secretary of Defense is directed to take all administrative and other actions necessary to ensure that the research and investigative work of the study shall begin within 30 days after the enactment of the defense appropriations Act.

The conferees further direct that the results of this study shall be submitted in unclassified, and, if necessary, classified format and shall be submitted by the Under Secretary to the Congressional defense committees without any delay upon the completion of the internal review process by the independent organization accomplishing the study. The conferees direct that the results submitted to the committees shall contain all the information, conclusions, and recommendations validated by this internal review process. The conferees have mandated in statutory language that $1,000,000 be allocated to accomplish this study, which must be submitted to the committees no later than May 1, 1994. The conferees also direct that none of the funds provided to the Defense Nuclear Agency in fiscal year 1994 may be used for the Mighty Uncle underground nuclear test and associated activities, which have been cancelled by the Department of Defense.

BALLISTIC MISSILE DEFENSE

The conferees agree to provide $2,638,900,000 for the Ballistic Missile Defense Program. This amount does not include funds for the Brilliant Eyes project, which is funded in the Air Force RDT&E appropriation. The conferees do not agree to the specific reductions proposed and approved by the Senate. The conferees agree to recommend the illustrative reductions contained in the following table which is expressed in thousands of dollars. The conferees believe these reductions could be necessary to implement this lower aggregate level of funding for fiscal year 1994. The bulk of these reductions were approved by the full Senate or reflect recent decisions by BMDO to reduce or terminate specific projects. The conferees agree to the Senate direction concerning the Ground Based Interceptor and theater missile defense simulation efforts.

	Budget	HAC	SAC	Conference
BALLISTIC MISSILE DEFENSE ORGANIZATION (BMDO)				
Limited Defense System	1,195,459		683,851	650,000
Integrated Logistics Support	3,906		−3,906	−3,906
Producibility and Manufacturing	3,476		−3,476	−3,476
Independent T&E Oversight and Assessment	5,860		−5,860	−5,860
System Simulations	5,458		−2,658	−2,658
System Engineering	49,580		−49,580	−49,580
Test & Evaluation Facilities	19,534		−8,000	−8,000
System Planning and Execution	35,069		−15,000	−15,000
Operational Test and Evaluation	4,000		−4,000	−4,000
Command Center	76,318		−38,000	−33,000
NMD-Ground Based Radar	100,124		−80,124	−80,124
Ground-Based Exo Interceptor Dev	238,176		−191,256	−186,256
Lethality and Target Hardening	4,884		−2,000	−2,000
Survivability Eng & Demo Project	19,533		−19,533	−19,533
Communications Engineering	10,037		−10,037	−10,037
Space-Based Sensor (Brilliant Eyes)	140,074		−140,074	−140,074
Red Tigress III	14,651		20,000	20,000
Sys Test Env—TMD Simulations	53,718		25,000	9,900
HAVE YAK	0	(6,500)		(6,500)
Airborne Surv Testbed (AST)	24,418		16,896	−2,418
System security engineering	12,776			−12,776
Survivability engineering	600			−600
Ground Common	965			−965
System Test Environmental Support	4,884			−4,884
Small Business				9,788
Theater Missile Defense	1,636,304		1,364,047	1,400,582
Naval & Marine Corps TMD	159,203		10,000	−37,629
LEAP Tech Demo Program	93,835		−43,835	−13,835
Space-Based Sensor (Brilliant Eyes)	112,518		−112,518	−112,518
THAAD	484,270		−50,000	−50,000
CORPS Surface-to-Air Missile	31,998		−31,998	−21,998
Tact Missile Def Attack Ops/Counterforce	3,906		−3,906	−3,906
Advanced TMD Weapons	5,958			−5,958
Contingency				−11,823
Small Business				21,945
Theater EMD	50,410		50,410	50,410
Follow-On Technologies	354,187		265,709	242,554
Power and Power Conditioning	9,767		−2,707	−2,707
Brilliant Pebbles	72,671		−62,671	−37,671
General Reduction			−23,100	−74,960

	Budget	HAC	SAC	Conference
Small Business				3,705
Research and Support Activities	358,223		290,989	295,354
Opertional Support Costs	356,709		−67,234	−67,234
Small Business				4,365
Small Business Innovative Research	42,552		29,529	0
SBIR/STTR	42,552	−42,552	−13,023	−42,552
Total BMDO RDT&E	3,637,135	2,720,040	2,684,535	2,638,900

The conferees do not agree to the House bill language which prohibits use of BMD funds to operate more than one public affairs office in the Washington DC area. However, the conferees do believe that more than one such office is unnecessary and an unaffordable luxury. The conferees direct the Secretary of Defense to eliminate one of the two current BMD public/external affairs offices in the Washington DC area by the end of the fiscal year, unless he certifies to the Defense committees of Congress that each is essential. Should the Secretary choose to close one of these offices, the conferees do not expect that the organization chosen for elimination will simply be funded from another appropriation but will actually be abolished.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

The conferees note recent actions taken by the Defense Department to develop a process for evaluating and approving service environmental research and development projects. DoD is in the process of developing a multi-year Strategic Environmental Research and Development Program (SERDP) plan and has asked participants to propose projects addressing priority concerns. These actions respond to concerns raised by the Senate and should allow the services to plan on the availability of funds for high priority environmental projects. Given these actions, the conferees do not agree to the Senate proposal to transfer service research and exploratory development projects to the SERDP program element in fiscal year 1995.

The conferees agree that global environment change research should be a priority within the SERDP program. The conferees agree to the House proposal to provide $37,800,000 only for continued funding of Phase 1 projects approved by the SERDP Science Advisory Board which include global environmental change efforts. The conferees direct that these funds be allocated expeditiously.

DOD/CTC JOINT CALS INITIATIVE

The conferees agree to provide $43,000,000 only for the CALS Shared Resource Center program, $9,000,000 less than recommended by the House. This program and funding shall be managed only by ARPA with the nonprofit Concurrent Technologies Corporation serving as the Department's technical advisor. The conferees support the funding initiatives addressed in the House report, except that additional Regional CSRCs shall be established only in Oakland, California; Atlanta, Georgia; and Bremerton, Washington.

JOINT WARGAMING SIMULATION MANAGEMENT OFFICE

The conferees agree to provide $79,152,000. Within this amount, $2,500,000 is available only for establishment and operation of a Joint Simulation Center for Warfighting Concepts and Doctrine Development, and $1,000,000 is available only for the establishment of a Peace Enforcement Doctrine Development Center.

POLLUTION ABATEMENT TESTING

The Energy Policy Act of 1992 calls on the Secretary of Energy in conjunction with industry and federal agencies to conduct a study on diesel engine combustion and fuels and lubricants to reduce emissions of oxides of nitrogen and particulates. To assist in the conduct of this study, the conferees urge the Secretary of Defense to consider developing a program involving DOD fleet vehicles, in particular trucks and buses, to test diesel fuel additives as a means to reduce emissions and particulates.

ELECTRIC VEHICLES

The conferees agree to the requirements stated in the Senate report, except that the prohibition or purchasing vehicles developed or manufactured outside the United States should only apply to new projects. The conferees further agree to modify this prohibition to only apply to vehicles developed and manufactured outside the United States.

C3I INTELLIGENCE PROGRAM (0305190D)

As proposed by the House, the conferees agree to provide an increase of $10,000,000 solely for the National Drug Intelligence Center (NDIC). The conferees also agree that DOD may reimburse the Department of Justice for such costs as are incurred. In addition, the conferees expect that the NDIC will submit a single consolidated budget justification for fiscal year 1995 which will show such data as the total funding being requested by agency, the number of personnel by agency, hardware acquisition, and operating costs.

TACTICAL SIGNALS INTELLIGENCE SATELLITE

The House provided $80,000,000 for ARPA to begin development of a low cost, deployable, rapid-prototype signals intelligence satellite. The conferees agree to provide a total of $10,000,000 in the EEMIT program. Additional details are contained in the accompanying classified report by the conferees.

WORLDWIDE MILITARY COMMAND AND CONTROL SYSTEM (WWMCCS)

The conferees are satisfied that possible management problems within the WWMCCS program highlighted in the Senate report have been fully addressed in the Department of Defense Inspector General (DOD IG) Report No. 94-006, dated October 19, 1993. Further, because the DOD IG report clears the WWMCCS program of any improprieties, the conferees require no further action by the Department on this subject.

Amendment No. 102: Restores and amends language proposed by the House concerning tactical missile defense programs; restores and amends language proposed by the House concerning coordination of certain energy research programs between the Departments of Defense and Energy; inserts language proposed by the Senate on the Maui High Performance Computing Center; restores language proposed by the House concerning cell adhesion molecule research; and restores and amends language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program.

Amendment No. 103: Deletes language proposed by the House concerning a grant to historically black colleges and universities; deletes language proposed by the House concerning the High Performance Computing initiative; deletes language proposed by the House concerning the Experimental Program to Stimulate Competitive Research; deletes language proposed by the House concerning coordination of certain energy research programs between the Departments of Defense and Energy; deletes language proposed by the House concerning cell adhesion molecule research; deletes language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program; and deletes language proposed by the Senate concerning the Maui High Performance Computing Center.

Amendment No. 104: Deletes language proposed by the Senate concerning the ARPA Nuclear Nonproliferation Technology initiative.

Amendment No. 105: Deletes language proposed by the Senate concerning establishment of a simulation center and a peace enforcement doctrine development center.

Amendment No. 106: Deletes language proposed by the Senate concerning a methanol plantship.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

Amendment No. 107: Appropriates $232,457,000 instead of $232,592,000 as proposed by the House and $228,047,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

	Budget	House	Senate	Conference
DIRECTOR OF TEST & EVAL DEFENSE				
FOREIGN COMPARATIVE TESTING	34,913	24,913	34,913	32,913
DEVELOPMENT TEST AND EVALUATION	114,135	99,134	84,590	91,000

DEVELOPMENT TEST AND EVALUATION

The conferees agree to a reduction of $23,135,000 for the Development Test and Evaluation program. The Senate has receded on its reductions to specific activities within this program element. The recommended reduction should be taken against the total program.

DEFENSE CONVERSION

The Conferees strongly support the objectives of the Defense Conversion, Reinvestment, and Transition Act of 1992. To help accomplish the goals of that legislation the conferees have included at least $2,491,000,000 in the fiscal year 1994 Defense Appropriations Act as follows:

Title I:	
Temporary Early Retirement	$319,000,000
Temporary Health Transition Assistance	12,000,000
Subtotal, Title I	331,000,000
Title II:	
Separation Pay and Civilian Health Benefits	100,000,000
Occupation Conversion and Training	6,250,000
Transition Assistance/Relocation Assistance	67,000,000
Office of Economic Adjustment	39,000,000
Junior ROTC Expansion	73,000,000
Law Enforcement and Health Care Provider Training	15,000,000
Other Defense Conversion Projects	76,750,000
Subtotal, Title II	377,000,000
Title III:	
Neutron Generators, Components, and Associated Equipment	6,000,000
Shipbuilding Initiative	50,000,000
Subtotal, Title III	56,000,000
Title IV:	
Shipbuilding Initiative	30,000,000
Dual-Use Partnerships	474,000,000
Subtotal, Title IV	504,000,000

In addition several programs in the Research, Development, Test and Evaluation and Procurement budget constitute defense conversion initiatives. The following amounts (including increases above the budget) are also contained in Title IV of the bill:

Intelligence Systems/Software	$68,800,000
High Performance Computing	195,600,000
Software Engineering	39,100,000
SEMATECH	90,000,000
Advanced Simulation	74,300,000
High Definition Systems	85,000,000
Materials and Electronics Technology	259,000,000
Advanced Lithography	60,200,000
Other Electronics Manufacturing	264,500,000
Defense Research Sciences	84,700,000
Subtotal	1,222,100,000

The conferees have agreed to provide the authorized level of $377,000,000 for Defense Conversion in the Operation and Maintenance, Defense-Wide appropriation. This amount is $65,000,000 above the budget request.

The conferees also recommend that the following conversion projects be funded in the Operation and Maintenance, Defense-Wide appropriation. DD Form 1414 shall show them as items of special Congressional interest, a funding decrease to which requires prior Congressional approval:

Southeastern Pennsylvania Consortium for Information Technology and Training	$875,000
Western Michigan University School of Aviation Sciences/Fort Custer Industrial Park	6,000,000
Illinois Vietnam Veterans Leadership Program	125,000
Monterey Institute of International Studies	5,000,000
California State University System	15,000,000
New London State Pier	3,725,000
Conversion of Homestead Air Force Base	5,000,000
Miami Dade Community College	10,500,000
California Statewide Economic Development Network	3,125,000
San Diego State University Center on Defense Conversion	7,000,000
San Francisco State University California Economic Recovery and Environmental Restoration Project	750,000
Hampton University/Hughes Aircraft Aeroscience Institute	3,750,000
Rand Study on Force Downsizing and Immigration	1,000,000
Personnel Training in Law Enforcement and Health Care Professions	15,000,000
Mare Island & Charleston Shipyard Conversion/Reuse Studies	500,000
Mare Island Worker Retraining for Environmental Restoration	2,500,000
Section 1333 Worker Retraining	5,000,000
Personnel Transition Assistance	3,750,000
Century Brass Products' Environmental Cleanup	5,000,000
Aviation Technology and Training Center	4,500,000
System International Job Training Education Program	8,000,000
World Language and Cultural Studies Center, Pfeiffer College	250,000
Urban-Rural Health Care Network—Carolinas	3,000,000
Health Care Network—New York	2,500,000
Servicemen Occupational Conversion and Training Act	6,250,000

The conferees recommend that the following conversion project be funded in the Procurement, Defense-wide appropriation. DD form 1414 shall show this project as an item of special Congressional interest, a funding decrease to which requires prior Congressional approval:

Neutron Generators, Components and Associated Equipment	$6,000,000

The conferees recommend that the following conversion projects be funded in the Research, Development, Test and Evaluation Defense-wide appropriation account in the Dual Use Technologies program element. DD form 1414 shall show them as items of special Congressional interest, a funding decrease to which requires prior Congressional approval:

CFC Free Refrigeration Technology Project	$200,000
Shipboard Material Handling System	500,000
Plastics and Rubber Technologies	3,125,000
Drew Medicine and Science Health Occupations Retraining Demonstration Project	2,000,000
Midwest Regional Centers for Advanced Technology Development	20,000,000
Far West Regional Office Technology Transfer Project	79,000
Renewable Electric and Renewable Thermal Utility Demonstration Projects	6,250,000
Ocean Thermal Power Plantships Technology Project	2,000,000
St. Louis Manufacturing Extension Program	1,000,000
Center for Photochemical Sciences	1,250,000
Center for Advanced Control System Technology	2,500,000
Queens Hall of Science "Discovery Lab" Project	2,500,000
Lahey Clinic Ambulatory Surgical Research	750,000
RPI New York Regional Manufacturing and Engineering Center, Troy, New York	1,250,000
Miami Health Technologies Science Center Defense Reinvestment Project	750,000
Tucson Defense Conversion Project	225,000
Joint Arizona Center for Manufacturing and Training (JACMET)	375,000
Curved Plate Technology Project in Norfolk, Va	15,000,000
Joint Army Ammunition Plant Transfer Project	18,750
Southeast Health Professional Training Center at Mt. Sinai Medical Center of Miami, Florida	750,000
High Technology Center of Rochester, New York	6,000,000
Magnetically Levitated Transportation Prototype Test Track	0
USF/DOE Pinellas Technology Deployment Center	10,000,000
Device Independent Multi-Media Universal Interface System for Medical Information Management	1,400,000
Ben Franklin Partnership and Industrial Resource Center	14,000,000
Methanol Plantship	3,000,000
Low Cost Continuous Emission Monitoring System	185,000

Mojave Regional Technical Center for San Bernadino County	167,000
Software Engineering Environment for Parallel Processor Supercomputers	7,851,000
Environmental Technology Project at Duquesne University	750,000

The conferees also recommend that the Department consider funding for the following projects: the California Gold Strike Program, California Manufacturing Excellence Program, and California Information Initiative Program.

Details on some of the projects listed above follows:

Transition Assistance Programs

The conferees are aware that the Congress appropriated $1,200,000 in 1993 for the Assistant Secretary of Labor for Veterans Employment and Training to use for distributing the Militran Guide under the Transition Assistance Program (TAP). Since the services rely upon the TAP program to help with the transition of military personnel leaving the force, the conferees urge DOD to work with the Assistant Secretary of Labor for Veterans Employment and Training to release funds for distributing the Militran Guide.

Law Enforcement and Health Care Provider Training

The conferees agree to provide a total of $15,000,000 for a demonstration project designed to ease the impact of defense downsizing while strengthening local law enforcement and health care efforts by encouraging military personnel with experience in these fields to work for local police departments and health care agencies after completion of military service. The conferees urge the Secretary of Defense to consider using a part of these funds to help ease the transition of military members living in Southern California.

San Diego University Defense Conversion Center

The conferees agree that a regional conversion center shall be established at San Diego University and appropriate $7 million in defense conversion funds for the center.

Urban-Rural Health Care Network

The conferees are aware of the health care program that the Carolinas Medical Center is developing to serve parts of North and South Carolina. This program should provide better and more cost effective health care in rural areas where hospitals have had trouble attracting professionals and buying the necessary equipment. The concept could also prove useful to the military. The conferees have included $3,000,000 to provide the telecommunications equipment necessary to begin this program.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

Amendment No. 108: Appropriates $1,102,295,000 instead of $1,091,100,000 as proposed by the House and $1,161,095,000 as proposed by the Senate.

Defense Commissary Agency. The Defense Commissary Agency's budget request is reduced by $58,800,000.

Amendment No. 109: Restores and amends House language restricting the obligation of funds for the Defense Business Management System (DBMS) beyond those funds necessary to provide the present level of support for existing customers consistent with all provisions of law and the DBOF Improvement Report.

The conferees direct the Department to continue executing sound business decisions and seeking efficiency improvements to the DBMS system. The Department, however, may neither expand the current mission of the system nor the number of customers served by it.

NATIONAL DEFENSE SEALIFT FUND

Amendment No. 110: Restores the title of the National Defense Sealift Fund as proposed by the House instead of the National Defense Strategic Lift Fund as proposed by the Senate.

Amendment No. 111: Restores the House center heading.

Amendment No. 112: Restores the title "Sealift" as proposed by the House instead of "Strategic Lift" as proposed by the Senate.

Amendment No. 113: Appropriates $1,540,800,000 for National Defense Sealift Fund instead of $490,800,000 as proposed by the House and $2,669,100,000 for the National Defense Strategic Lift Fund as proposed by the Senate.

Amendment No. 114: Deletes language proposed by the House regarding execution of a loan guarantee program and inserts language allowing transfer of funds to the Secretary of Transportation and restriction on foreign ship equipment purchases.

NATIONAL DEFENSE SEALIFT FUND

The conferees agree to provide $1,540,800,000 for the National Defense Sealift program. Up to $50,000,000 of these funds are available for shipbuilding loan guarantees as authorized. An additional, $1,200,000,000 may be available for later transfer to Shipbuilding and Conversion, Navy for the CVN-76 nuclear aircraft carrier to the extent that such funds are authorized in supplemental legislation. In the event that such authorization does not occur, the funds provided may be available, subsequent to notification to and approval by the Committees on Appropriations, to charter up to five roll-on/roll-off vessels if subsequent authorization allows for this charter under the National Defense Sealift Fund and/or for sealift ship construction.

MERCHANT MARINER UTILIZATION

The conferees recognize the vital role played by the United States merchant marine in providing operating crews for sealift vessels retained in inactive status when activated for defense purposes. The conferees direct that vessels constructed or operated with funds drawn from the NDSF shall be operated and crewed by United States merchant mariners to the extent possible. Preference shall be given to otherwise qualified former military personnel released from active service as a result of the downsizing of the Armed Forces. This action is to be consistent with current policy and practices.

NATIONAL DEFENSE STOCKPILE

Zinc Stockpile. The conferees note that current sales of zinc from the National Defense Stockpile compete directly with zinc sales of U.S. domestic producers. The conferees further note that the zinc from the stockpile is being sold at prices well below prices paid by the U.S. Treasury for coinage operations. Therefore, it is the view of the conferees that if, in fact, the zinc in the stockpile meets the ASTM standards for flat-rolled zinc for coinage operations, then the manager of the stockpile should first sell zinc as required for Treasury coinage operations prior to the release of zinc from the stockpile to the domestic market.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

Amendment No. 115: Appropriates $9,626,072,000 instead of $9,644,447,000 as proposed by the House and $9,576,209,000 as proposed by the Senate.

Amendment No. 116: Earmarks $9,352,435,000 instead of $9,368,185,000 as proposed by the House and $9,303,447,000 as proposed by the Senate.

The conferees recommend the following levels highlighted in the table below for the Defense Health Program:

[In thousands of dollars]

	Budget	House	Senate	Conference
Operation and Maintenance:				
All Other Programs	$9,023,685	$9,023,685	$9,023,685	$9,023,685
Medical Funding Shortfall	$0	300,000	$0	$289,500
Laboratory Technology Demonstration	$0	1,000	$0	1,000
Physician Assistant/Rural Health Demo	1,000	1,000	1,000	1,250
Cancel DBOF Base Support Test	49,853	$0	$0	$0
William Beaumont ADP/indigents' care	$0	2,500	$0	2,500
Medical Imaging Network—Washington	$0	3,000	$0	3,000
Head and Neck Injury Initiative	6,000	7,000	6,000	7,000
Composite Health Care System (CHCS)	$0	20,000	$0	9,000
Blood/Anatomic Pathology Applications	$0	10,000	$0	5,000
Undistributed Increase	$0	$0	272,762	$0
Nursing Research	$0	$0	(3,000)	3,000
Nurse Practitioner Program	$0	$0	(2,000)	2,000
Pacific Island Referral Program	$0	$0	(2,500)	2,500
Brown Tree Snakes	$0	$0	(1,000)	1,000
Clinic Investigation/Tripler	$0	$0	(500)	500
National Museum of Health and Medicine	$0	$0	(1,500)	1,500
Total—Operation and Maintenance	9,080,538	9,368,185	9,303,447	9,352,435
Procurement:				
All Other Programs	272,762	272,762	272,762	272,762
Digital Mammography System	0	3,500	0	875
Total—Procurement	272,762	276,262	272,762	273,637
Total—Defense Health Program	9,353,300	9,644,447	9,576,209	9,626,072

CONFERENCE RECOMMENDATIONS

FORT BRAGG MENTAL HEALTH DEMONSTRATION PROJECT

The conferees support the House position and recognize that to ensure continuation of the current services the demonstration authority must be extended to allow for the delivery of and payment for services currently not part of the CHAMPUS benefit.

PHYSICIAN ASSISTANT/RURAL HEALTH CARE DEMONSTRATION

The conferees support the House position. In addition, the conferees agree to $250,000 in additional funding for this ongoing demonstration project to expand its scope to study cost effective methods of providing rural health care.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USUHS)

The conferees do not agree with the House report language.

NONPHYSICIANS RANK STRUCTURE

The conferees remain concerned about the inability of nonphysicians (particularly the Nurse Corps) to achieve adequate numbers in the upper ranks of captain (Navy) and colonel, as well as flag and general officer ranks. The conferees believe the Department should address this inequity by providing more career advancement options to affected officers.

HEALTH MANAGEMENT PRACTICES

Biofeedback care.—The conferees continue to support CHAMPUS reimbursements for biofeedback care.

Patient records.—The Department is encouraged to ensure that patient medical records are integrated, such that all health care providers, including nurses, utilize the same form.

Psychology Prescription Privileges.—The conferees agree to delete a general provision detailing certain restrictions regarding this program, as proposed by the Senate. The conferees expect the Department to continue to provide regular and timely reports to the Congress on the status of the psychology prescription privilege training project.

Amendment No. 117: Earmarks $273,637,000 instead of $276,262,000 as proposed by the House and $272,762,000 as proposed by the Senate.

Amendment No. 118: Inserts Senate language that includes the State of New Mexico in one multi-state expansion region of a mail service pharmacy program.

Amendment No. 119: Restores House language for the continuation of the cooperative program model recently established at Madigan Medical Center for severely behavior disordered students; deletes House language which made a portion of the appropriation available for obligation only after enactment of authorizing legislation; inserts Senate language providing $1,410,000 for annual incentive pay bonuses for certified nurse anesthetists; and inserts Senate language providing $3,000,000 for nursing research programs.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

Amendment No. 120: Appropriates a total of $389,947,000 for Chemical Agents and Munitions Destruction, Defense, instead of $397,561,000 as proposed by the House and $395,847,000 as proposed by the Senate.

OPERATION AND MAINTENANCE

Amendment No. 121: Earmarks $291,261,000 for operation and maintenance, instead of $292,061,000 as proposed by the House and $278,361,000 as proposed by the Senate.

The reduction of $16,900,000 below the budget is to be applied to Anniston reconfiguration operations (−$10,000,000), Tooele systemization (−$5,900,000) and CSSEP (−$1,000,000).

The conferees have agreed to restore $1,000,000 of the $2,000,000 Senate reduction for anticipated savings in FEMA's overhead cost. The action is based on assurances from representatives from the Department of Defense and FEMA that steps have been and are continuing to be taken to improve the management of the CSSEP program. In addition, it is based on assurances by the new Assistant to the Secretary of Defense for Atomic Energy that a thorough review of the CSSEP will be conducted and that a decision on the management structure will be forthcoming in this fiscal year.

PROCUREMENT

Amendment No. 122: Earmarks $67,986,000 for procurement instead of $74,800,000 as proposed by the House and $65,886,000 as proposed by the Senate, and adds the words "shall be for Procurement" as proposed by the Senate.

The conference agreement includes the following reductions below the budget estimate:

DBOF	−$11,000,000
Transfer to R&D	−5,700,000
Umatilla long lead equipment	−19,000,000
Pine Bluff equipment	−21,800,000

The $700,000 remaining in the bill for the Pine Bluff facility provides only for continuing design and engineering work. The $19,200,000 remaining for the Umatilla facility provides for long lead equipment procurement. The conferees stipulate, however, that any equipment procured with these funds must be required for the facility regardless of which destruction technology is chosen for that facility. In other words, no "baseline-unique" equipment may be procured.

Amendment No. 123: Deletes House language "shall be for Procurement" as proposed by the Senate.

Amendment No. 124: Earmarks $30,700,000 for research, development, test and evaluation as proposed by the House instead of $51,600,000 as proposed by the Senate and adds "shall be for Research, development, test and evaluation" as proposed by the Senate.

Amendment No. 125: Deletes House language "shall be available for Research, development, test and evaluation" as proposed by the Senate.

Amendment No. 126: Deletes House language making a portion of the appropriation available for obligation only after enactment of authorization legislation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

Amendment No. 127: Appropriates $868,200,000 instead of $757,785,000 as proposed by the House and $1,080,656,000 as proposed by the Senate.

The conference agreement on the items in conference is as follows:

[In thousands of dollars]

	1994 Pres. budget	HAC	SAC	Conference
Military Personnel:				
Army Reserve	5,820	5,820	5,820	5,820
Army National Guard	123,381	123,381	123,381	123,381
Navy Reserve	4,374	4,374	4,374	4,374
Marine Corps Reserve	2,080	2,080	2,080	2,080
Air Force	13,922	13,922	13,922	13,922
Air Force Reserve	6,200	6,200	6,200	6,200
Air National Guard	28,894	28,894	28,894	28,894
SOC	720	720	720	720
Subtotal, Military Personnel	185,391	185,391	185,391	185,391
Operation and Maintenance:				
Army	147,428	147,428	123,771	147,428
Navy	240,391	240,391	213,391	240,391
Marine Corps	10,345	10,345	10,345	10,345
Air Force	199,808	199,808	157,608	199,808
Defense Agencies	92,248	92,248	92,248	95,748
Army Reserve	7,772	7,772	7,772	7,772
Navy Reserve	8,197	8,197	8,197	8,197
Marine Corps Reserve	2,329	2,329	2,329	2,329
Air Force Reserve	6,000	6,000	6,000	6,000
Army National Guard	23,654	23,654	24,654	23,654
Air National Guard	6,896	6,896	6,896	6,896
SOC	14,449	14,449	14,449	14,449
Undistributed Reduction		(180,000)		(137,331)
CMASS		(500)		(500)
OSD Support		(1,000)		(1,000)
Support to Law Enforcement		(10,000)		(2,000)
Theater CINC Support		(1,500)		(1,500)
Classified		(112,862)		(96,235)
Gulf States Initative		5,900	3,200	3,200
Civil Air Patrol		400		400
Multi-jurisdictional Task Force		2,000		2,000
Police Research Institute		1,100		0

[In thousands of dollars]

	1994 Pres. budget	HAC	SAC	Conference
Subtotal, O&M	759,517	463,055	670,860	530,051
Procurement:				
Procurement, Army	61,263	61,263	56,898	61,263
Procurement, Navy	11,802	11,802	11,802	11,802
Procurement, MC	3,500	3,500	3,500	3,500
Procurement, AF	5,500	5,500	5,500	5,500
Procurement, Def Ags	36,378	36,378	36,378	36,378
National Guard/Reserve	21,447	21,447	21,447	21,447
Procurement, SOC	1,376	1,376	1,376	1,376
Air Force Reserve Counter-Drug Support		(4,000)		(4,000)
Classified		(58,437)		(55,397)
Undistributed Reduction		(10,000)		
Subtotal, Procurement	141,266	68,829	136,901	81,869
Research, Development, Test and Evaluation				
Army	10,282	10,282	7,760	10,282
Navy	961	961	961	961
Defense Agencies	70,783	70,783	78,783	74,783
Counterdrug R&D		(7,000)		(3,500)
Classified		(24,516)		(11,637)
Undistributed Reduction		(10,000)		
Subtotal, RDT&E	82,026	40,510	87,504	70,889
Total, Drug Interdiction	$1,168,200	$757,785	$1,080,656	$868,200

JTF–6

The conferees agree with the House position regarding the limitation on obligations for Defense Department training support to law enforcement agencies and also agree that this limitation shall only apply to Joint Task Force 6 activities.

LIGHT ARMORED VEHICLES (LAVS)

The conferees agree with the House position regarding Light Armored Vehicles (LAVs) to be used by the national guard to support activities of law enforcement agencies in the counter-drug program. The conferees do not agree with the Senate language which directs the Marine Corps to transfer 4 LAVs to the National guard for a two year demonstration project. the conferees therefore direct the Defense Department to acquire these vehicles and equipment as directed in the fiscal year 1993 Defense Appropriations Act. It is the conferees belief that with the acquisition of the fiscal year 1993 LAVs, the requirements of the National guard in this mission area will have fully been met.

MILITARY DRUG REHABILITATION FACILITY

The conferees agree to provide $3,500,000 to assist in the establishment of a military style boot camp to be located in Cook County, Illinois which concentrates on substance abuse intervention of the youthful drug offender using traditional therapeutic community approaches along with military discipline. The conferees also direct that the Defense Department provide assistance to the county sheriff's office in the planning of a military style regimen and curricula at the facility.

GULF STATES INITIATIVE

The conferees have provided $3,200,000 for the Gulf States Counter-Narcotics Initiative (GSCI). The conferees understand the Defense Department plans to reprogram additional funds to the GSCI and expects this to occur so that the fiscal year 1994 funds along with reprogrammed funds will be enough for sustainment and enhancement costs in fiscal year 1994. The conferees concur with the House direction regarding future management for the GSCI C4 network.

COUNTER-DRUG MULTI-JURISDICTIONAL TASK FORCE TRAINING

The conferees agree to provide $2,000,000 for the Multi-jursidictional task force training program identified by both the House and Senate. The conferees have provided additional funding above the budget request for this program and in addition to those amounts requested and identified in this bill for National Guard Counter-drug activities. The additional funding in made available only for the Florida National Guard to implement counter-drug operations courses developed during fiscal year 1993, including $905,000 for the procurement of equipment for the delivery of the distance learning module to public administrators.

LAND BASED AEROSTATS

The conferees are deeply concerned about the degradation of operational readiness of the land based aerostat program currently managed by the Air force. The conferees therefore direct the Department of Defense Coordinator for Drug Enforcement Policy to provide a report detailing the status of the land based aerostat network and corrective action required to maintain an adequate level of coverage. The conferees further direct that the Committees on Appropriations be notified prior to any action which deactivates a land based aerostat site.

LINGUIST AND INTELLIGENCE ANALYSIS SERVICE

Consistent with section 1004 of the fiscal year 1991 National Defense Authorization Act, the Conferees direct that $5,000,000 is available solely for the purpose of supporting the translation needs of the Drug Enforcement Administration.

COUNTER-NARCOTICS R&D

The conferees direct that none of the funding reductions taken to the fiscal year 1994 counter-drug research and development budget be taken against existing cargo inspection site efforts.

Amendment No. 128: Amends House language earmarking funds for the Gulf States Counter-Narcotics Initiative.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 129: Appropriates $137,601,000 instead of $169,801,000 as proposed by the House and $127,601,000 as proposed by the Senate.

Amendment No. 130: Earmarks $136,801,000 instead of $169,001,000 as proposed by the House and $126,801,000 as proposed by the Senate for operation and maintenance.

The conferees recommend an additional $10,000,000 for the increased audit and investigative workload of the Office of the Inspector General.

CONSOLIDATION OF DEFENSE CRIMINAL INVESTIGATIVE FUNCTIONS

The conferees are deeply concerned about the effectiveness and efficiency of the Department's criminal investigative functions. In an attempt to address these concerns, the possibility of consolidating criminal investigative functions under the Department of Defense Inspector General was considered by the conferees in each of the past two years. However, the conferees recognize that such consolidation should take place based on careful analysis of the problems inherent to the current structure, and on a thorough review of possible alternatives.

The conferees support the DoD plan to form an Advisory Board which will perform a comprehensive review of all the issues relating to the conduct of investigative functions. The Secretary of Defense is directed to submit an interim report, not later than June 30, 1994, which describes the status of the Advisory Board's review of these issues, including the consolidation of criminal investigative activities, and provides preliminary findings and conclusions. In particular, the conferees direct that the report include, but not be limited to, consolidation of procurement fraud investigation. Finally, the conferees direct the Department to submit a final report of the findings and recommendations of the Advisory Board before the end of calendar year 1994.

TITLE VII

Amendment No. 131: Restores House language "National Foreign Intelligence Program" as the title.

Amendment No. 132: Deletes the House provision which abolishes the National Security Education Trust Fund and appropriates $10,000,000 from the fund.

Amendment No. 133: Appropriates $151,288,000 for the Community Management Staff, instead of $114,688,000 as proposed by the House and $115,788,000 as proposed by the Senate.

The conferees agree that the Community Management Staff was established to assist the Director of Central Intelligence (DCI) in his community-wide functions. Therefore, the conferees have transferred funds into this account in order to fund those programs that are DCI related. The conferees agree to provide $24,000,000 for the Environmental Task Force.

NATIONAL FOREIGN INTELLIGENCE PROGRAM (NFIP) BUDGET JUSTIFICATION

The conferees agree to delete the provision proposed by the House requiring by law that the budget justification material for the NFIP be significantly improved. However, the conferees agree fully with the intent of the House and direct that the NFIP budget material submitted in conjunction with the fiscal year 1995 request clearly display all programs, define all requirements, and justify all resource requests. The conferees also explicitly stipulate that each individual program must provide complete details for the entire request, not simply any changes from the "base" level provided in the prior fiscal year.

NATIONAL FOREIGN INTELLIGENCE PROGRAM (NFIP) REQUIREMENTS BOARDS

The House included a provision directing that a majority of the members of all NFIP requirements boards, committees, and panels represent the ultimate users of the intelligence information being required. Currently, all such panels are composed entirely of career intelligence professionals. The conferees are encouraged with recent steps taken by the Director of Central Intelligence (DCI) to improve the responsibleness of the intelligence requirements, collection, production, and dissemination process. The conferees, therefore, agree to delete the provision proposed by the House in order to allow the DCI one additional year to implement demonstrable improvements.

AUTHORIZATION OF INTELLIGENCE PROGRAMS

The conferees agree to include section 8152 which provides that funds appropriated by this Act for intelligence or intelligence-related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 until such time during fiscal year 1994 as the Intelligence Authorization Act for fiscal year 1994 is enacted into law.

TITLE VIII—GENERAL PROVISIONS

Amendment No. 134: Inserts Senate language to exempt foreign nationals employed in the Republic of Turkey from the limitations prescribed under the provision.

Amendment No. 135: Restores House language which extends an Administration disapproval notification period from six to eighteen months for a GP-160 AIDS vaccine trial.

Amendment No. 136: Places a ceiling on the transfer of funds between accounts at $2,500,000,000 instead of $2,000,000,000 proposed by the House and $1,500,000,000 as proposed by the Senate.

Amendment No. 137: Deletes House language which provides for a civilian military technician floor and an active Guard or Reserve ceiling, and inserts Senate language allowing Operation and maintenance funding to be used for civic action teams and transporting civilian personnel to various Pacific treatment facilities.

AGR'S/CIVILIAN TECHNICIANS

The conferees agree to delete section 8012 as proposed by the House in order not to conflict with or prejudice the President's Report of the National Performance Review.

In taking this action, the conferees urge the reserve components to adhere to the intent of the House provision. The Assistant Secretary of Defense for Reserve Affairs shall monitor the reserve components to make sure that they do not convert technician positions to AGRs, and that technician personnel are not included in any administratively imposed freeze on civilian positions. The following table shows the breakout of the AGRs/technicians.

	Budget	Conference	Conference versus budget
AGR/TARS:			
Army Reserve	12,542	12,542	....
Navy Reserve	19,369	19,369	....
Marine Corps Reserve	2,119	2,285	+166
Air Force Reserve	648	648	....
Army National Guard	24,180	24,180	....
Air National Guard	9,389	9,389	....
Total	68,247	68,413	+166
Technicians:			
Army Reserve	7,159	7,159	....
Air Force Reserve	10,484	10,541	+57
Army National Guard	27,259	27,259	....
Air National Guard	24,251	24,251	....
Total	69,153	69,210	+57

The Department submits a monthly report on active duty personnel end strengths to the defense committees. The conferees direct that the Department resume submitting a monthly end strength report on the Selected Reserve and AGRs and begin a monthly end strength report on technician personnel.

Amendment No. 138: Restores House language prohibiting management of DOD civilian personnel on the basis of end strength and retains Senate language which limits the number of civilian workyears that DOD may fund outside the United States and its territories.

Amendment No. 139: Restores and amends House language which provides that the automated information systems oversight review board will be independent of any other department review function; provides open systems capability to the Composite Health Care System (CHCS); and provides for the inclusion of anatomic pathology and blood components; and deletes two Senate provisions, the first regarding major automated information systems which have not completed oversight reviews required by Department regulations, and the second had set a limit of $1,600,000,000 as the total life-cycle cost for the CHCS.

DEFENSE BLOOD STANDARD SYSTEM (DBSS)

The conferees support the House position with regard to the deployment of the Defense Blood Standard System (DBSS), but have expanded its deployment to include, for medical readiness requirements, ten Primary Casualty Receiving Hospitals (PCRHs) and two military hospitals outside the continental United States with transfusion services only. The conferees direct that a competitively procured commercial-off-the-shelf (COTS) product, open system complaint and fully compatible with CHCS, shall be the blood bank application for all remaining Department hospital-based transfusion services.

Amendment No. 104: Inserts Senate language requiring the Department to develop and implement a nationwide managed health care program with stated characteristics, and directs entire system implementation to be completed by September 30, 1996. In addition, restores and amends House language requiring the Department to competitively award at least four new region-wide contracts, provides preemption for these contracts, directs the Department to award two contracts for managed mental health services consistent with the Department's managed mental health care contract, and provides for managed health care in the Homestead catchment area.

MENTAL HEALTH CARE

The conferees are pleased with the delivery of mental health benefits through the competitively procured, at-risk managed care project to over 250,000 CHAMPUS beneficiaries in the Tidewater area of Virginia. The General Accounting Office documented that the cost savings from this project alone were $148,000,000. Because of the Department's severe funding constraints, the conferees would like to see similar savings achieved in other high mental health cost areas as soon as possible, along with the concurrent high beneficiary satisfaction, and therefore include a provision to competitively expand the Tidewater concept as a step toward cost-effectiveness and nationwide beneficiary equity.

HEALTH CARE REFORM

The conferees direct the Department to establish a nation-wide military health care system featuring a uniform, stabilized benefit structure for all military members, retirees, and their families. The conferees understand that this direction entails a radical restructuring of the current military health care system. As such, they intend to work closely with the Department to establish an appropriate implementation schedule for this new program. In particular, the conferees believe it essential that details regarding the provision of health care for eligible beneficiaries at bases to be closed, over-the-counter prescription drug programs, dental benefits, mental health care benefits, and the role of the uniformed service treatment facilities be included in the plan to be provided to Congress.

The conferees are concerned that, as the Department transitions from health care demonstrations to the new nationwide program, some beneficiaries already participating in ongoing managed care programs within regions could have their care disrupted. The conferees encourage the Department to continue to closely monitor this concern, and to phase implementation of managed health care whenever possible, so that beneficiaries will continue to receive access to uninterrupted quality health care when necessary.

Amendment No. 141: Restores and amends House language providing funds for the Reserve Component Automation System and mandating other limitations; and inserts and amends Senate language limiting expenditures for Computer Aided Acquisition and Logistics Systems without approval of Departmental officials.

Amendment No. 142: Restores House language prohibiting the purchase of certain molded shipboard anchor and mooring chains outside the United States and inserts and amends Senate language directing the Department of Defense to replace old security locks with GSA approved locks, except for certain locks required by the Central Intelligence Agency.

Amendment No. 143: Restores House language providing authority for DOD to exempt military technicians and medical personnel and programs from sequestration; and inserts Senate language requiring calculation of total costs for ship overhaul competition.

Amendment No. 144: Restores and amends House language restricting the expenditure of funds for specific Department of Defense consolidations or realignments without certain required certifications by the Department of Defense Comptroller.

The conferees specifically state that the provisions of this section only apply to the sites listed in the section. It is the conferees' firm intention that none of the provisions of this section impact, in any way, the current Base Closure and Realignment Act or its 1993 implementation. However, the conferees direct the Department of Defense to follow the direction provided in House Report 103-254, pages 306-308, especially regarding the circumvention of Congressional oversight and the utilization of criteria for future consolidations or realignments below threshold. The conferees direct the Comptroller General to provide an analysis as to whether or not the Department's submission of the DOD Data Center consolidation to the Defense Base Closure and Realignment Commission violated the funding restrictions or reporting requirements of section 9047, P.L. 102-396 in effect at the time of the submission to the Commission. The conferees direct the Secretary of Defense to provide to the Appropriations Committees a cost comparison and feasibility analysis of having the Department of Agriculture National Finance Center provide financial management support services through cross servicing arrangements for Defense Department and service civilians and civilian systems.

Amendment No. 145: Inserts Senate language which requires any pay raise to be absorbed within amounts funded in the bill.

Amendment No. 146: Deletes House language and inserts Senate language to apply restrictions on bone trauma research to any Army research laboratory.

Amendment No. 147: Restores House language which limits funds for relocation of an organization, activity or function into or within the National Capital Region and inserts and amends Senate language regarding high unemployment in noncontiguous states.

Amendment No. 148: Deletes House language that provided a floor on medical personnel end strength overall and at a select location; and inserts and amends Senate language concerning Indian Tribal corporations and Alaska Native corporations.

MEDICAL PERSONNEL END STRENGTH

The conferees agree to remove a provision establishing a floor on medical personnel end strength levels. However, the conferees urge the Department to carefully monitor the level of all medical and medical support personnel to ensure that CHAMPUS costs do not escalate.

The conferees strongly support sound Graduate Medical Education (GME) for the Military Health Services System. Every effort should be made by the Department to maintain high quality and cost-effective GME programs. The size of individual GME programs (within accreditation constraints) should be reduced only to reflect the decline in the requirements for Interns-Residents—Fellows and be based on the Services' demonstrated need for given types and numbers of specialists and subspecialists. Duplicative GME programs in close geographical proximity may be closed where the patient population clearly cannot support multiple programs and the Services cannot demonstrate requirements for the types and numbers of specialists to be trained.

TRIBAL AND ALASKA NATIVE CORPORATIONS

The conference agreement on Indian Tribal corporations and Alaska Native corporations assures that they will not be precluded from having their offers considered for a contract opportunity being solicited and awarded pursuant to section 2323 of title X, United States Code, on the basis that the firm is offering the product as a regular dealer and will be supplying a product furnished by suppliers who are responsible small business manufacturers (or processors) of the product. The provision is designed to overcome obstacles erected by certain DOD buying organizations through unpublished deviations to published procurement regulations.

Amendment No. 149: Provides $11,679,000 as proposed by the House for Civil Air Patrol instead of $10,596,000 as proposed by the Senate.

Amendment No. 150: Restores House amount for operation and maintenance funding for the Civil Air Patrol.

Amendment No. 151: Restores House language on the National Drug Intelligence Center and inserts Senate language for environmental cleanup and remediation of Kahoolawe Island.

Amendment No. 152: Restores and amends House provision concerning multibeam sonar mapping systems and inserts and amends Senate provision concerning the Indian Financing Act.

The conference agreement on multibeam sonar mapping systems conforms the provision to last years legislation.

The conference agreement on the Indian Financing Act changes section number and makes clear that Indian subcontracting incentive payments are available under any prime contract or covered subcontract (those in excess of $500,000) which require the submission of a subcontracting plan pursuant to Section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

Amendment No. 153: Restores House language providing "appropriations as necessary" to continue CHAMPUS benefits for disabled care and deletes the Senate language.

CHAMPUS BENEFITS FOR THE DISABLED

The conferees have been frustrated by the Department's inability to provide data on the economic impact of this provision. Therefore, the conferees agree to remove the spending cap on this fund. Thus, the Department is directed to specifically track the benefits paid as a result of this language and provide this data to the Committees on Appropriations of the House and Senate every six months, beginning March 1, 1994.

Amendment No. 154: Restores and amends Senate language concerning Federally Funded Research and Development Centers (FFRDCs). The conferees agree to place a ceiling on funds to finance FFRDCs at $1,352,650,000, a reduction of $200,000,000 of funds for FFRDCs in this Act to reflect the ceiling, and adds a reduction of $200,000,000 in titles III and IV to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

Amendment No. 155: Restores House language on the procurement for carbon, alloy, or armor steel plate; deletes House language on sealift funds; inserts Senate language on the Common Airborne Instrumentation System; and restores Senate language on research grants from unobligated balances available in the National Defense Stockpile Transaction Fund.

Amendment No. 156: Restores and amends House language providing funds for the cleanup of hazardous waste contamination at Hamilton Air Force Base and provides for other requirements to complete the cleanup; and inserts Senate language on Defense Technology and Industrial Base Analyses.

HAMILTON AIR FORCE BASE

The conferees have included bill language addressing the disposition of the real property at the Hamilton Air Force Base in California. The General Services Administration is still negotiating the sale of this property to a private concern, including the possible sale of the complete parcel at a renegotiated price.

The bill language permits transfer of the property to the City of Novato in the event that the private concern withdraws from its agreement to purchase the entire parcel. The conferees have considered this language carefully, particularly the terms permitting the city to sell portions of the property following improvement or development.

In the event the city of Novato sells a parcel of land for a price which exceeds the combined value of the unimproved property and the cost of improvements made by the city, the Army is to receive all proceeds less the demonstrated reasonable costs of conducting the sale and the actual cost of any improvements.

In the event the city of Novato sells a parcel of land for a price which is less than the combined value of the unimproved property and the cost of improvements, the Army still is to receive an amount equal to the full value of the unimproved, environmentally restored property.

According to the recommended provision, the full cost of improvements can only be deducted from the sale price if the improvements provide an increase in the value of the property which equals or exceeds the total cost of the improvements.

The recommended provision also requires the Defense Contract Audit Agency (DCAA) to complete a thorough, independent audit of all of the purchaser's predevelopment costs and claims. To avoid undue delays in reimbursing valid purchaser claims, the conferees expect DCAA to expeditiously complete this audit and provide it to the congressional defense committees. DCAA may consider data obtained by other audit agencies in completing its review.

Amendment No. 157: Restores House provision concerning chromite ore and manganese ore in the National Defense Stockpile and inserts and amends Senate provision concerning chemical weapons studies.

The conference agreement on chemical weapons studies changes section number and provides that chemical weapon transportation studies requested of the General Accounting Office by a Member of Congress or a Congressional Committee are permitted.

Amendment No. 158: Inserts Senate language that restricts construction of the Pentagon facility and deletes House language.

Amendment No. 159: Deletes House language restricting construction of an integral part of the Pentagon facility.

Amendment No. 160: Restores House language prohibiting construction of Ground Wave Emergency Network sites in fiscal year 1994.

Amendment No. 161: Inserts Senate provision concerning participation of Naval shipyards in manufacturing extension programs and changes section number.

Amendment No. 162: Inserts Senate language to allow availability of funds for covering relocation costs from the Philippines to sites in the United States.

Amendments No. 163: Restores House language prohibiting the use of funds to relocate the 116th Fighter Wing from Dobbins Air Reserve Base or to convert that wing to B-1B aircraft and restores and amends Senate language regarding the relocation of headquarters functions from Charleston, South Carolina.

Amendment No. 164: Restores House language that allows the exchange of real estate property in Texas and deletes Senate language contained in FY 1993 Defense Appropriations Bill that permanently allows firms of NATO members or any major non-NATO ally to bid on any maintenance of equipment for the Department of Defense.

Amendment No. 165: Restores and amends House language concerning the procurement of aircraft fuel cells; and inserts and amends Senate language concerning B-2 maintenance support.

Amendment No. 166: Restores House language allowing the Department to conduct an ROTC demonstration project at the University of Indiana-Northwest and deletes Senate language regarding certain funds for university research grants.

Amendment No. 167: Inserts Senate amount of $25,000 limiting item unit cost that can be purchased with operation and maintenance funds instead of $50,000 as proposed by the House.

Amendment No. 168: Deletes House language prohibiting the use of funds for indirect support of the joint Department of Defense/Department of Energy Safeguard C program.

DEFENSE NUCLEAR AGENCY (DNA)

The conferees agree to realign funding for support of certain Johnston Atoll military operations, transferring all funds included in the DNA budget request for this program to the Army. Also, the conference agreement eliminates all Department of Defense funding for the Safeguard C program. The conferees recognize that Department of Defense/Department of Energy contractual arrangements on Johnston Atoll provide base support for other non-Safeguard C activities. These include a Defense Nuclear Agency plutonium cleanup and the Army Johnston Atoll Chemical Agent Demilitarization System (JACADS). The action directed here is not intended to affect the current support arrangements for non-Safeguard C activities on the Atoll. The conferees, however, direct the Department to include, in the fiscal year 1995 budget, the transition of Johnston Atoll base support functions from the current joint DOE/DNA arrangement to the Army.

Amendment No. 169: Restores House language which allows DOD to consider qualified bids from any eligible country under the Caribbean Basin Economic Recovery Act; and inserts Senate language which provides funding for the mitigation of environmental impacts resulting from military operations on Indian lands.

Amendment No. 170: Deletes House language regarding Senior Executive Service positions in the office of the Assistant Secretary of the Army for Civil Works; deletes Senate language which restricts the use of funds for the training of psychologists in the prescription of drugs; and inserts language that transfers funds to the National Park Service for various projects and programs.

CORPS OF ENGINEERS

The conferences agree to delete section 8096 as proposed by the House concerning the Office of the Assistant Secretary of the Army for Civil Works. In doing so, the conferees remain very concerned about the lack of responsiveness in this Office to explicit Congressional direction. Not more than $530,000 of the funds appropriated in title II of this Act for the Office of the Assistant Secretary of the Army for Civil Works may be obligated or expended until the Secretary of Defense has submitted a report to the Committee on Appropriations outlining the mission of this Office and its responsiveness to Congressional statements of intent as written in statute and accompanying reports over the past ten years. The conferees direct that the Office of the Assistant Secretary of Civil Works respond to Congressional inquiries through the normal budget and policy liaison offices designated to work with the Congress.

NATIONAL PARK SERVICE

The conferees agree to provide an additional $25,000,000 to be transferred to the National Park Service for these purposes: (1) $10,000,000 to repair and rehabilitate military structures transferred from the Department of Defense to the National Park Service as part of the Golden Gate National Recreation Area and, of this amount, $7,500,000 shall be provided for the repair and rehabilitation of military structures to be outleased after transfer to the National Park Service; (2) $10,000,000 to convert and rehabilitate military structures at Fort Wadsworth, New York, for National Park Service purposes, but these funds shall not be used to mitigate any toxic hazards on the site; and (3) $5,000,000 for the National Park Service's cultural cyclic resource system.

Amendment No. 171: Restores House provision concerning the use of the Defense Business Operations Fund for investment items and deletes Senate provision which keeps stock fund obligations-to-sales ratio at 70 percent.

DBOF INVESTMENT ITEM PROHIBITION

The conferees agree to restore the House provision restricting the introduction of procurement end-items into the supply system managed under the Defense Business Operations Fund (DBOF). This provision, however, does not restrict the introduction into the DBOF supply system of initial or replenishment spare parts that are now or were at one time purchased with procurement funds.

Amendment No. 172: Deletes House provision permitting the procurement of Apache and AHIP aircraft and inserts Senate provision limiting certain equipment modifications.

Amendment No. 173: Inserts and amends Senate language concerning the purchase of alcoholic beverages for resale by nonappropriated fund activities. The conferees deleted Senate language which included cigarettes in this provision.

Amendment No. 174: Restores House language on intelligence personnel compensation and reductions and inserts Senate language on National Defense Science and Engineering Graduate Fellowships.

Amendment No. 175: Restore House language making permanent a provision on Central Intelligence Agency construction projects.

Amendment No. 176: Restore House language making permanent the provision that waives monetary limitation on the purchase price of passenger vehicles for intelligence activities.

Amendment No. 177: Restore House language making permanent a provision on transfer of funds between the Central Intelligence Agency and the Department of Defense.

Amendment No. 178: Restores House language concerning the General Defense Intelligence Program; deletes House language concerning the National Foreign Intelligence Program; restores House language concerning the Defense Mapping Agency; restores House language providing a pay raise for the United States Coast Guard; deletes House language on depot-level maintenance; restores House language concerning Letterkenny Army Depot; deletes House language concerning the USH-42 Mission Recorder program; restores and amends House language concerning the Marine Corps Air Ground Combat Center; restores House language concerning the DDG-51 destroyer program; restores House language concerning the Mine Warfare Center of Excellence; deletes House language placing an outlay ceiling on funds in the Act; inserts Senate language concerning military treatment facilities; deletes Senate language concerning summer school operations at DODDS schools; inserts Senate language extending obligations on funds for international sporting competitions; inserts Senate language concerning the Airborne Warning and Control System (AWACS) Radar System Improvement Program; inserts Senate language concerning the transportation of chemical munitions to Johnston Atoll; inserts Senate language concerning the Naval Air Station at Barbers Point; deletes Senate language restricting B-1B funding; inserts and amends Senate language concerning Italian air defense agreements; deletes Senate language concerning the 52 caliber-variant of the M109 howitzer; and inserts Senate language concerning high frequency satellites. Also, amends section numbers.

Amendments No. 179–189: Amends Senate language which makes transfers of funds required to finance prior year shipbuilding program.

Amendment No. 190: Deletes House language defining the membership of intelligence requirements boards, deletes House provision directing obligation of $55,500,000 provided in fiscal year 1993 solely for the Space Nuclear Thermal Propulsion (SNTP) program, and inserts a provision deleting the statutory requirement reserving the funds exclusively for the SNTP program; the conferees agree to transfer the fiscal year 1993 SNTP funds to the Navy to help meet ship cost adjustment funding needs. Inserts and amends Senate language on the High Performance Computing Modernization program, and inserts Senate language on the National Science Center for Communications and Electronics.

Amendment No. 191: Restores and amends House provision concerning procurement of enclosed lifeboat systems (changing percentages from 75 to 50), restores House provision concerning a United Nations peacekeeping facility, deletes Senate provision concerning sale of tanks and infantry fighting vehicles, and deletes Senate provision concerning the Small Business Innovation Research Program and the Small Business Technology Transfer Pilot Program.

Amendment No. 192: Inserts and amends House language to consolidate four Buy American provisions into one provision; deletes Senate language on the Electro-magnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program; inserts and amends Senate language on Separation Benefits; inserts Senate language on the Assistive Technology Center at the National Rehabilitation Hospital; deletes Senate language on the Marshall Center, and inserts language on the purchase of United States coal or coke. Also, amends section numbers.

Amendment No. 193: Deletes Senate language which extends obligational authority for funds provided for disaster relief efforts.

Amendment No. 194: Inserts Senate language expanding existing authority to allow funds from the Defense Emergency Response Fund to cover disaster relief operations costs.

Amendment No. 195: Deletes Senate language that sets a ceiling on U.S. funding of the NATO headquarters.

The conferees agree to remove the NATO headquarters obligation limitation included in the Senate bill. Nonetheless, the conferees remain concerned about the apparent lack of fiscal restraint exhibited by NATO budget managers in the face of continuing allied force reductions and constrained economic conditions. As such, the conferees urged the Department, in cooperation with the other NATO allies, to reduce administrative overhead and other management costs. The conferees intend to review the Department's progress in this regard. Should adequate fiscal constraint not be obtained, the conferees will consider proposing remedies in future legislative actions.

Amendment No. 196: Inserts Senate language on contracts for studies, analyses, or consulting services, and amends section number.

Amendment No. 197: Inserts Senate language which transfers a tract of land at Charleston Naval Base to the Secretary of State.

Amendment No. 198: Inserts and amends Senate language which provides $5,300,000 in additional funds for a death gratuity to a beneficiary of a deceased service member who died after October 28, 1992 and before December 1, 1992.

Amendment No. 199: Deletes Senate language regarding transfer from the National Defense Stockpile Transaction Fund.

Amendment No. 200: Deletes Senate language regarding managed health care at Homestead Air Force Base, Florida, since this provision is addressed under Amendment No. 104.

Amendment No. 201: Inserts and amends Senate language which provides for the rescission of certain fiscal year 1992 and fiscal year 1993 funds.

RESCISSION OF FUNDS

	House	Senate	Conference
FISCAL YEAR 1992			
PROCUREMENT OF AMMUNITION, ARMY			
8-inch M1 green bag propelling charge	0	−$8,181,000	−$8,181,000
M762 electric time artillery fuze	0	−22,000,000	−22,000,000
Subtotal	....	−30,181,000	−30,181,000
OTHER PROCUREMENT, ARMY			
LSDIS	0	0	−4,000,000
WEAPONS PROCUREMENT, NAVY			
DRONES AND DECOYS	0	−10,000,000	−10,000,000
Environmental support equipment	0	−5,000,000	−5,000,000
Subtotal	0	−15,000,000	−15,000,000
PROCUREMENT, MARINE CORPS			
Light anti-armor weapon	0	−7,130,000	−7,130,000
Items less than $2 mil	0	−1,144,000	−1,144,000
Subtotals	0	−8,274,000	−8,274,000
OTHER PROCUREMENT, AIR FORCE			
Items less than $2,000,000 (cartridges)	0	−3,768,000	−3,768,000
BSU–85/93 inflatable retarder	0	−888,000	−888,000
Sensor fuzed weapon	0	−778,000	−778,000
Spares and repair parts	0	−4,790,000	−4,790,000
Items less than 42,000,000 (other items)	0	−5,152,000	−5,152,000
FMU–139 fuze	0	−1,900,000	−1,900,000
Subtotal	0	−17,276,000	−17,276,000
TOTAL FISCAL YEAR 1992	0	−70,731,000	−74,731,000
FISCAL YEAR 1993			
AIRCRAFT PROCUREMENT, ARMY			
AH–64 Mods.	0	−42,700,000	−42,700,000
PROCUREMENT OF AMMUNITION, ARMY			
155mm M203 red bag propelling charge	0	−21,493,000	−21,493,000
.45 caliber cartridges	0	−987,000	−987,000
Volcano	0	0	−30,000,000
Subtotal	....	−22,480,000	−52,480,000
WEAPONS PROCUREMENT, NAVY			
Drones and Decoys	0	−7,500,000	−7,500,000
OTHER PROCUREMENT, NAVY			
Nuclear Alterations	0	−26,600,000	−26,600,000
PROCUREMENT, MARINE CORPS			
Linear charges, all types	0	−1,231,000	−1,231,000
Grenades, all types	0	−1,801,000	−1,801,00
Items less than $2 mill	0	−3,476,000	−3,476,000
Subtotal	0	−6,508,000	−6,508,000
MISSILE PROCUREMENT, AIR FORCE			
Target drones	0	−6,000,000	−6,000,000
OTHER PROCUREMENT, AIR FORCE			
Cartridge chaff RR–180	0	−2,426,000	−2,426,000
Items less than $2,000,000 (bombs)	0	−1,070,000	−1,070,000
Flare, IR MJU–7B	0	−618,000	−618,000
Spares and repair parts	0	−5,948,000	−5,948,000
Modifications	0	−750,000	−750,000
Items less than $2,000,000 (other items)	0	−2,894,000	−2,894,000
Subtotal	0	−13,706,000	−13,706,000
RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
Classified	0	0	−45,000,000
EW Technology (Target Drones)	0	0	−6,000,000
Subtotal	0	0	−51,000,000
TOTAL FISCAL YEAR 1993	0	−125,494,000	−206,494,000
TOTAL FY 1992/1993	0	−196,225,000	−281,225,000

155MM LIGHTWEIGHT HOWITZER PROGRAM

The Conferees agree not to rescind the $13,100,000 provided in fiscal year 1993 for the development of the 155mm Lightweight Howitzer as proposed by the Senate. The Conferees, however, do direct that no more than 50 percent of these funds may be obligated until a Joint Operational Requirements Document (JORD) is signed by the Army and Marine Corps and provided to the defense committees.

Amendment No. 202: Deletes Senate provision appropriating $25,000,000 for a loan guarantee subsidy program.

Amendment No. 203: Inserts and amends Senate language concerning the Defense Nuclear Agency.

Amendment No. 204: Deletes Senate language which prohibited funds to be expended for the purpose of establishing the Antler Military Operations Area in Pennsylvania.

ANTLER MILITARY OPERATIONS AREA

The conferees are aware of recent aircraft conversions and modernization programs in the Air National Guard and the effect these conversions will have on training requirements in existing military training airspace in the Northeastern United States. The expansion of an existing training route in Pennsylvania, Antler MOA, is proposed to permit low altitude intercept training. The conferees agree the Air National Guard should not obligate or expend any funds for the implementation of Antler MOA until the Department provides all the information requested, the defense Committees have determined that no additional information is needed, and the Congress has had an opportunity to hold hearings on this issue.

Amendment No. 205: Inserts Senate language which provides for the modification and transfer of certain vessels to the government of American Samoa.

Amendment No. 206: Deletes Senate language which placed a cap on Seawolf attack submarine procurement costs.

Amendment No. 207: Deletes Senate language which directed the Comptroller General to study the cost effectiveness of nuclear powered aircraft carriers and submarines.

Amendment No. 208: Inserts Senate language which permits military installations scheduled to be closed to compete for overhaul and depot maintenance workload.

Amendment No. 209: Inserts Senate language which permits operators of industrial facilities at military installations scheduled to be closed to compete for overhaul and depot maintenance workload.

Amendment No. 210: Deletes Senate language which prohibits funds to carry out a test program for determining the cost effectiveness of transferring to the private sector the operation of the Academy preparatory schools.

Amendment No. 211: Inserts Senate language regarding unresolved commercial disputes in Saudi Arabia.

Amendment No. 212: Inserts and amends Senate language that the Secretary of the Air Force consider the interests of the representatives of the Duck Valley Reservation of the Shoshone-Paiute Tribes involving decisions on the use of airspace above the Reservation.

Amendment No. 213: Deletes Senate language which clarifies the eligibility for assistance for certain levees affected by the flooding in the Midwest during 1993.

The conferees believe that the Army Corps of Engineers should develop a plan to rebuild all primary levees located in the area affected by major, widespread flooding in the Midwest during 1993. The plan should cover levees designed for a 5-year flood or higher, regardless of the status of participation (or lack of participation) of the public sponsor in the levee rehabilitation assistance program. Not later than 45 days after enactment of this Act, the Chief of the Army Corps of Engineers shall submit to the House and Senate Committees on Appropriations a report detailing how he plans to address the need to repair these primary levees.

Amendment No. 214: Inserts Senate language that the President should declare for purposes of section 112 of the Internal Revenue Code of 1986 that service in Somalia should be treated as service in a combat zone.

Amendment No. 215: Deletes Senate language expressing the sense of the Senate concerning hearings on the commitment of combat troops in Somalia.

Amendment No. 216: Inserts and amends Senate language regarding the obligation of funds for the USH–42 mission recorder within sixty days.

Amendment No. 217: Inserts and amends State language which requires a report on the cost of cargo preference laws.

Amendment No. 218: Inserts Senate provision concerning progress payments for C–17 aircraft and changes section number.

Amendment No. 219: Deletes Senate language providing limitations on certain research and development programs.

Amendment No. 220: Inserts Senate language expressing the sense of the Congress on funding for U.S. forces in Bosnia-Herzegovina.

Amendment No. 221: Inserts Senate language expressing the sense of the Congress on the use of funds for military operations in Haiti.

Amendment No. 222: Inserts and amends Senate provision concerning the Department of Defense Mentor-Protege program, and inserts eight new provisions: a provision to provide authority to transfer energy savings to various accounts; a provision to transfer the U.S.S. Blueback; a provision regarding U.S. operations in Somalia; a provision regarding funds for intelligence and intelligence-related activities; a sense of the Congress provision requiring the President to consult with Congress when U.S. armed forces are used for peacekeeping or peace-enforcement operations; a provision on A-6 rewing program; a provision which will lower progress payments based on costs to 75 percent for large businesses; and a provision on payment of logistical support costs for Somalia operations.

MENTOR-PROTEGE PROGRAM

The conference agreement changes section number and provides flexibility so that funds for the Mentor-Protege program may be used for programs funded by research and development and operation and maintenance appropriations.

A-6 CANCELLATION

The Navy has recently moved to terminate contracts associated with the rewinging of A-6 aircraft. At the time of the President's budget submission, it was fully expected that these contracts would be completed in their entirety. Thus, CBO and OMB scoring of prior year program outlays occurring in fiscal year 1994 included outlays associated with these efforts. Since the funds associated with the terminated contracts are expired and no longer available for new obligation, the resultant contractual actions should result in real outlay savings in fiscal year 1994. It is estimated that the Defense Department will recoup at least $460 million in termination costs and that approximately $260 million in outlays will be avoided in fiscal year 1994 that were originally expected to occur.

The conferees have included a general provision to ensure that the Defense Department proceeds on its present course of action and that the funds recouped are not used for any other purpose. This will ensure that actual outlay savings are realized during this fiscal year.

PROGRESS PAYMENTS

The conferees agree to a general provision which will lower progress payments based on costs to 75% for large businesses. This action is recommended because DoD has failed to reduce progress payment rates in accordance with its own regulations. Progress payments are supposed to be adjusted when interest rates change. While DoD has proposed lowering the progress payment rate provided to large businesses from 85 to 80 percent, this is not sufficient to account for the precipitous drop in interest rates.

Based on calendar 1992 and 1993 short-term commercial borrowing rates, DoD regulations require that fiscal year 1993 and 1994 progress payment rates to large business concerns be made at the rate of 75%. DoD ignored this policy in fiscal year 1993. Additionally, government regulations allow for five and ten percent increases above this rate to be used for small businesses and small disadvantaged businesses respectively. The DoD is expected to maintain these percentage differences.

The conferees take this action recognizing that it will reduce government outlays by $358,000,000 during fiscal year 1994. By making this appropriate policy adjustment, the conferees are thus able to provide for additional worthy programs to be funded and still live within the restrictive budget caps.

SOMALIA LOGISTICAL SUPPORT

The conferees have included a general provision which allows the Defense Department to use up to $100,000,000 of the funds provided in this Act to pay the costs of logistical support of non-U.S. forces in Somalia. By March 31, 1994, U.S. forces will have left Somalia. At that time, the provision of logistical support to maintain essential services will become the responsibility of others. There is a concern that the U.N. will be unable to meet this responsibility by that date. This provision would allow for the U.S. to contract with an independent entity to perform these functions. The conferees understand that the United Nations plans to sign a Letter of Agreement with the United States to reimburse the U.S. for any such costs.

The conferees insist that any funds transferred for this purpose be subject to a prior approval reprogramming in accordance with the policy agreed to by the conferees regarding any such transfer.

Amendment No. 223: Deletes Senate language urging the Department of Justice to investigate certain actions during riots in Crown Heights.

Amendment No. 224: Inserts Senate Title IX on operational control of U.S. armed forces during peacekeeping operations.

Amendment No. 225: Inserts and amends Senate Title X on the conveyance of Kahoolawe Island, Hawaii to the State of Hawaii.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1994 recommended by the Committee of Conference, with comparisons to the fiscal year 1993 amount, the 1994 budget estimates, and the House and Senate bills for 1994 follow:

New budget (obligational) authority, fiscal year 1993	$254,112,739,000
Budget estimates of new (obligational) authority, fiscal year 1994	241,081,531,000
House bill, fiscal year 1994	239,601,539,000
Senate bill, fiscal year 1994	239,177,885,000
Conference agreement, fiscal year 1994	240,569,945,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1993	−13,542,794,000
Budget estimates of new (obligational) authority, fiscal year 1994	−511,586,000
House bill, fiscal year 1994	+968,406,000
Senate bill, fiscal year 1994	+1,392,060,000

JOHN P. MURTHA,
NORMAN D. DICKS,
CHARLES WILSON,
W.G. (BILL) HEFNER,
MARTIN O. SABO,
JULIAN C. DIXON,
PETER J. VISCLOSKY,
GEORGE (BUDDY) DARDEN,
WILLIAM H. NATCHER,
JOSEPH M. MCDADE,
C.W. BILL YOUNG,
BOB LIVINGSTON,
JERRY LEWIS,
JOE SKEEN,
Managers on the Part of the House.

DANIEL K. INOUYE,
FRITZ HOLLINGS,
J. BENNETT JOHNSTON,
ROBERT C. BYRD,
PATRICK J. LEAHY,
JIM SASSER,
DENNIS DECONCINI,
DALE BUMPERS,
FRANK R. LAUTENBERG,
TOM HARKIN,
TED STEVENS,
ALFONSE D'AMATO,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
DON NICKLES,
PHIL GRAMM,
CHRISTOPHER S. BOND,
MARK O. HATFIELD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2520, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. YATES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the conference report on the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, with the remaining amendment in disagreement and that the House recede from its amendment to the amendment of the Senate numbered 123 and agree to the action of the Senate.

The Clerk read the title of the bill.

The text of the House amendment to Senate amendment No. 123 is as follows:

In lieu of the matter proposed by said amendment, insert:

SEC. 317. GRAZING.

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding the following new sections:

"SEC. 405. GRAZING FEES.

"(A) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of Agriculture shall annually establish grazing fees.

"(b) PHASE-IN.—The grazing fee for the grazing years 1994, 1995, and 1996 shall be as follows:

"(1) Grazing Fee for 1994=$2.39 per AUM.
"(2) Grazing Fee for 1995=$2.92 per AUM.
"(3) Grazing Fee for 1996=$3.45 per AUM.

"(c) CALCULATION.—Beginning in the grazing year 1997, the grazing fee per AUM shall be equal to a $3.45 base value multiplied by the forage value index computed annually from data supplied by the National Agricultural Statistics Service, in accordance with the following formula:

"Grazing Fee Per AUM=$3.45 Forage Value Index.

"(d) DEFINITIONS.—For the purposes of this section—

"(1) the term 'Forage Value Index (FVI)' means the average estimate (weighted by AUMs) of the annual rental charge per AUM for pasturing cattle on private rangelands in the 17 contiguous Western States (Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming) divided by $8.67 (average for the years 1990, 1991, and 1992); and

"(2) the term 'Animal Unit Month (AUM)' means the amount of forage necessary for the sustenance of 1 cow or its equivalent for a period of 1 month.

"(e) INCREASES OR DECREASES.—Any annual increase or decrease in the grazing fee occurring after 1996 shall be limited to not more than 15 percent of the fee in the previous year.

"(f) LANDS AFFECTED.—Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management and the National Forest System lands in the 17 contiguous Western States, excluding the National Forests in Texas, at a specified rate per animal unit month.

"(g) GRAZING AFFECTED.—The full fee shall be charged for each paying animal unit which is defined as each animal 6 months of age or over at the time of entering the public lands, or National Forest System lands, for all weaned animals regardless of age, and for such animals as will become 12 months of age during the authorized period of use. No charge will be made for animals under 6 months of age at the time of entering the public lands, or National Forest System lands, that are the natural progeny of animals upon which fees are paid, provided they will not become 12 months of age during the authorized period of use, or for progeny born during that period.

"SEC. 406. RANGELAND REFORM.

"(a) REGULATIONS.—The Secretary of the Interior shall promulgate regulations to establish payment dates, late fee assessments, and service charges for the grazing fee established pursuant to section 405 of this Act and as provided for in section 4130.7–3 of title 43, Code of Federal Regulations.

"(b) EXECUTIVE ORDER.—Executive Order No. 12548 (43 U.S.C. 1905 note) shall not apply to grazing fees established after the date of enactment of this section.

"(c) PROPOSED DECISIONS AND APPEALS ON PERMITS OR LEASES.—The Secretary of the Interior shall issue regulations providing for decisions and appeals of final decisions on grazing permits or leases. Such regulations shall provide the following:

"(1) CHANGES IN LIVESTOCK MANAGEMENT PRACTICES.—After consultation, reductions of permitted use or changes in livestock management practices necessary to protect rangeland ecosystem health shall be implemented through a documented agreement or by decision of the authorized officer. Determinations regarding the ecological health of ecosystems or the actions necessary to achieve healthy ecosystems shall be based on the standards and guidelines promulgated pursuant to subsection (o), or monitoring, inventory, or other forage production data acceptable to the authorized officer.

"(2) OTHER CHANGES.—When the authorized officer determines that the soil, vegetation, or other resources on the public lands require protection because of conditions such as drought, fire, flood, or insect infestation, or when continued grazing use poses a significant risk of resource damage from these factors, after consultation with, or a reasonable attempt to consult with affected permittees or lessees, other interested parties, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock, or modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals.

"(d) WATER RIGHTS.—Subject to valid water rights existing on the date of enactment, no water rights shall be obtained for grazing-related actions on public lands except in the name of the United States.

"(e) SUBLEASING.—A leasing surcharge shall be added by the Secretary of the Interior to the grazing fee billings for authorized leasing of base property to which public land grazing preference is attached or authorized grazing of livestock owned by persons other than the permittee or lessee. The surcharge shall be in addition to any other fees that may be charged for using public land forage. Surcharges shall be paid for grazing use calculated in accordance with the following:

"(1) 20 percent of the grazing bill for the permitted grazing use that is attached to a leased base property by an approved transfer, or that was leased and attached to the base property of another party through an approved transfer.

"(2) 50 percent of the grazing bill for pasturing livestock owned by persons other than the permittee or lessee under a grazing authorization.

"(3) 70 percent of the grazing bill when base property is leased and a transfer has been approved and livestock owned by persons other than the permittee or lessee are pastured under a grazing authorization.

"(f) UNAUTHORIZED GRAZING USE.—

"(1) VIOLATIONS.—

"(A) Violation of section 4140.1(b)(1) of title 43, Code of Federal Regulations, constitutes unauthorized grazing use.

"(B) The authorized officer shall determine whether a violation is nonwillful, willful, or repeated willful.

"(C) Violators shall be liable in damages to the United States for the forage consumed by their livestock, for injury to public lands and other property of the United States caused by their unauthorized grazing use, and for expenses incurred in impoundment and disposal of their livestock, and may be subject to civil penalties or criminal sanction for such unlawful acts.

"(2) NOTICE AND ORDER TO REMOVE.—

"(A) Whenever a violation has been determined to be nonwillful and incidental, and the owner of the unauthorized livestock is known, the authorized officer shall notify the alleged violator that a violation has been reported, that the violation must be corrected, and how it can be settled, based upon the discretion of the authorized officer.

"(B) Whenever it appears that a violation exists and the owner of the unauthorized livestock is known, written notice of unauthorized use and order to remove livestock by a specified date shall be served upon the alleged violator or the agent of record, or both, by certified mail or personal delivery. The written notice shall also allow a specified time from receipt of notice for the alleged violator to show that there has been no violation or to make settlement under paragraph (3).

"(C) When neither the owner of the unauthorized livestock nor his agent is known, the authorized officer may proceed to impound the livestock under paragraph (3).

"(3) SETTLEMENT.—

"(A) The authorized officer shall determine whether the violation is nonwillful, willful, or repeated willful. Where violations are repeated willful, the authorized officer shall take action under section 4170.1–1(b) of title 43, Code of Federal Regulations. The amount due for settlement shall include the value of forage consumed as determined under subparagraph (B). Settlement for willful and repeated willful violations shall also include the full value for all damages to the public lands and other property of the United States, and all reasonable expenses incurred by the United States in detecting, investigating, resolving violations, and livestock impoundment costs.

"(B) For purposes of subparagraph (A), the value of forage consumed shall be determined as follows:

"(i) For nonwillful violations, the value of forage consumed as determined by the average monthly rate per AUM for pasturing livestock on privately owned land (excluding irrigated land) for the 17 Western States as published annually by the Department of Agriculture. The authorized officer may approve nonmonetary settlement of unauthorized use when the authorized officer determines that each of the following conditions are met:

"(I) Evidence shows that the unauthorized use occurred through no fault of the livestock operator.

"(II) The forage use is insignificant.

"(III) The public lands have not been damaged.

"(IV) Nonmonetary settlement is in the best interests of the United States.

"(ii) For willful violations, twice the value of forage consumed as determined in clause (i) of this paragraph.

"(iii) For repeated willful violations, three times the value of the forage consumed as determined in clause (i) of this paragraph.

"(iv) Payment made under this paragraph does not relieve the alleged violator of any criminal liability under Federal or State law.

"(v) Violators shall not be authorized to make grazing use on the public lands administered by the Bureau of Land Management until any amount found to be due the United States under this section has been paid. The authorized officer may take action under section 4160.1–2 of title 43, Code of Federal Regulations, to cancel or suspend grazing authorizations or to deny approval of applications for grazing use until such amounts have been paid. The proposed decision shall include a demand for payment.

"(g) RESOURCE ADVISORY COUNCILS.—

"(1) One or more resource advisory councils, as provided for in section 309, shall be established for the area within the jurisdiction of each Bureau of Land Management State Office to provide guidance on the management of public lands and resources.

"(2) The Secretary or a designee of the Secretary shall appoint not less than 10 nor more than 15 members to serve on each resource advisory council. One appointee of each resource advisory council shall be an official elected to a position in State or local government serving the people of the area for which the council is established.

"(3) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding multiple use plans and programs for public lands and resources within its area.

"(4) A resource advisory council and its subcommittees shall meet at the call of the designated Federal officer and elect their own officers. The designated Federal officer shall attend all meetings of the council and its subcommittees.

"(5) Administrative support for a resource advisory council and its subcommittees shall be provided by the office of the designated Federal officer.

"(h) RANGE IMPROVEMENT FUND.—

"(1) With respect to public lands, in addition to range developments accomplished through other resources management funds, authorized range improvement may be secured through the use of appropriated range improvement fund provided for by section 401 of this Act. One-half of the available funds shall be expended in the State and district from which they were derived. The remaining one-half of the fund shall be allocated, on a priority basis, by the Secretary or designee for on-the-ground ecosystem rehabilitation, protection and improvement.

"(2) All appropriated funds for range improvement are to be used for cost-effective investment in improvements that benefit all rangeland resources, including riparian area fish and wildlife habitat improvement or protection, rehabilitation, improvement, or protection, soil and water resource improvement, wild horse and burro habitat management facilities, vegetation improvement and management, and livestock grazing management. The funds may be used for activities including the planning, design, layout, modification, and monitoring and evaluating the effectiveness of specific range improvement projects.

"(3) During the planning of the range development or range improvement programs, authorized officers shall consult affected permittees, lessees, and other interested parties.

"(i) RANGE IMPROVEMENT OWNERSHIP.—

"(1) With respect to public lands, any permittee or lessee may apply for a range improvement permit to install, use, maintain, or modify range improvements that are needed to achieve management objectives within his or her designated allotment. The permittee or lessee shall agree to provide full funding for construction, installation, modification, or maintenance. Such range improvement permit may be issued at the discretion of the authorized officer.

"(2) The permittee or lessee may hold the title to all temporary range improvements authorized as livestock handling facilities such as corrals and dipping vats and temporary, readily removable improvements such as troughs for hauled water. The authorization for permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreements to protect the public interest for multiple use of rangeland ecosystems. The United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon.

"(3) Where a permittee or lessee cannot make use of the forage available for livestock and an application for nonuse has been denied or the opportunity to make use of the available forage is requested by the authorized officer, the permittee or lessee shall cooperate with the temporary authorized use of forage by another operator, when it is authorized by the authorized officer following consultation with the preference permittee or lessee.

"(4) A permittee or lessee shall be reasonably compensated for the use and maintenance of improvements and facilities by the operator who has an authorization for temporary grazing use.

"(5) The authorized officer may mediate disputes about reasonable compensation and, following consultation with the interested parties, make a determination concerning the fair and reasonable share of operation and maintenance expenses and compensation for use of improvements and facilities.

"(6) Where a settlement cannot be reached, the authorized officer shall issue a temporary grazing authorization including appropriate terms and conditions and the requirement to compensate the preference permittee or lessee for the fair share of operation and maintenance as determined by the authorized officer under subpart 4160 of title 43, Code of Federal Regulations.

"(j) MANDATORY QUALIFICATIONS.—

"(1) Except as provided in sections 4110.1-1, 4130.3, and 4130.4-3 of title 43, Code of Federal Regulations, to qualify for a grazing permit or lease on the public lands an applicant must own or control land or water base property, and must be—

"(A) a citizen of the United States or have properly filed a valid declaration of intention to become a citizen or a valid petition for naturalization;

"(B) a group or association authorized to conduct business in the State in which the grazing use is sought, all members of which are qualified under subparagraph (A); or

"(C) a corporation authorized to conduct business in the State in which the grazing use is sought.

"(2) Any applicant who currently holds or has previously held a Federal grazing permit or lease, either directly or indirectly, must be determined by the authorized officer to have a satisfactory record of performance.

"(3) The applicant and any affiliate must at the time of permit or lease issuance be determined by the authorized officer to be substantial compliance with the terms and conditions of any Federal or State grazing permit or lease presently held and with the rules and regulations applicable to those permits and leases. The authorized officer may take into consideration circumstances beyond the control of the applicant or affiliate in determining whether the applicant and affiliate, if any, are in compliance with existing permit or lease terms and conditions and applicable rules and regulations.

"(4) Any applicant or affiliate who has had any Federal or State grazing permit or lease canceled for violation of the permit or lease within the 36 calendar months immediately preceding the date of application shall be deemed to have an unsatisfactory performance record.

"(5) In determining whether affiliation exists, the authorized officer shall consider all appropriate factors, including, but not limited to, common ownership, common management, identity of interests among family members, and contractual relationships.

"(6) Applicants shall submit an application and any other information requested by the authorized officer in order to determine that all qualifications have been met.

"(k) SUSPENDED NONUSE.—The Secretary shall promulgate regulations to remove references in existing regulations to long-term suspended nonuse.

"(l) PROHIBITED ACTS.—The Secretary shall promulgate regulations which would make violations of the Wild Horse and Burro Act, Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other Federal or State laws concerning conservation, protection of natural or cultural resources, and protection of environmental quality prohibited acts. Upon the expiration of appeal or review periods following a conviction for violation or an administrative finding of violation of these laws the authorized officer may consider cancellation or suspension of permits and leases when the violation occurred on public land or is found to be related to authorized grazing of public land.

"(m) RANGE IMPROVEMENTS.—Subject to valid rights existing on the date of enactment of this section, all rights to permanent improvements contained on or in public lands are vested in the United States.

"(n) CONSERVATION NONUSE.—The Secretary shall promulgate regulations to authorize persons or entities owning or controlling base property which is capable of serving as a base for livestock use of public lands to apply for up to 10 consecutive years of conservation use of a permit or lease, and up to 3 consecutive years of temporary nonuse.

"(o) STANDARDS.—The Secretary of the Interior shall develop standards and guidelines that establish minimum conditions for the protection of rangeland ecological health. These standards and guidelines shall be promulgated pursuant to the National Environmental Policy Act of 1969, and chapter 5 of title 5, United States Code, to the extent each is applicable. Permits and leases shall incorporate applicable standards and guidelines to ensure the proper management of public rangelands. These standards and guidelines shall provide for—

"(1) the restoration and protection of riparian values, such as healthy wildlife and fish habitat and diverse vegetation;

"(2) compliance with the Clean Water Act (33 U.S.C. 1251 et seq.);

"(3) compliance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(4) restoration, maintenance, and improvement of ecosystem health, such as diversity, resilience, and sustainability.".

SEC. 318. USE OF FUNDS.

Except as provided by this Act, none of the funds made available to the Secretary of the Interior by this Act may be used to implement any grazing reform program, including a grazing fee increase, unless Congress has approved such program or fee increase. Nothing in this section shall prohibit the Secretary from promulgating regulations, modifying existing regulations, or taking other actions, as necessary, to implement the provisions of sections 405 and 406 of the Federal Land Policy and Management Act of 1976 as added by this Act.

SEC. 319. REPEAL.

Section 403 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1753) is repealed.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from Illinois?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I do so in order to inquire of the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], after we have dealt with this conference report, if the next item would be Somalia, as Members have been told earlier?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the majority leader under my reservation.

Mr. GEPHARDT. I thank the gentleman for yielding.

I would like to tell the gentleman and the other Members that our intention after the matter with the Interior bill is to go straight to the Somalia matter.

There will be an hour of general debate, a half-hour on the Gilman amendment and a vote, and then a half-hour on the Hamilton amendment and a vote. That will be the last vote.

Mr. GINGRICH. I thank the majority leader and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. REGULA. Mr. Speaker, reserving the right to object, I reserve the right to object in order to advise the House as to what has happened on this.

On September 29 this House, by a vote of 314 to 109, instructed the House conferees to reject the Senate amendment to this bill which put a moratorium on the Secretary of the Interior. I am pleased to inform the House Members that the House has prevailed. The moratorium has been taken out of the bill and the Secretary of the Interior will now be free to, by executive action, deal with the grazing-fee issue and also with whatever regulations he may choose to promulgate.

This reflects exactly the House position as we, as conferees, were instructed by that vote on September 29.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA

Mr. HAMILTON. Mr. Speaker, pursuant to House Resolution 293, I call up the concurrent resolution (H. Con. Res. 170) directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia by January 31, 1994, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of the committee amendment in the nature of a substitute recommended by the Committee on Foreign Affairs is as follows:

H. CON. RES. 170

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from Somalia by March 31, 1994 (unless the President requests and the Congress authorizes a later date), except for a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens, and noncombatant personnel to advise the United Nations commander in Somalia.

The SPEAKER pro tempore pursuant to House Resolution 293, the committee amendment in the nature of a substitute printed in the concurrent resolution is adopted.

Pursuant to the order of the House of Monday, November 8, 1993, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield 6 minutes to the distinguished chairman of the subcommittee, the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. I thank the chairman for yielding this time to me.

Mr. Speaker, just a brief review to my colleagues: On December 9 of last year President Bush went into Somalia literally without the advice and consent of Congress and within a matter of a few weeks there were 25,000 troops in Somalia over the Christmas period.

I supported the President in his mission there. I supported him very strongly.

I really felt it was the obligation and responsibility of the United States to go in there, and I repeat to you his mission at that time: He said, No. 1, to stop the starvation in Somalia and, No. 2, and I quote, "to secure the environment of this country."

One problem though is the mandate did not request that we disarm this country. Time and time again the military came back to the President and said "We want to disarm the clans that created this problem in the first place," and it did not.

The one area though that people do not emphasize is there has been a huge success in Somalia. We kept 400,000 Somalians from starving to death after 300,000 Somalians had already died.

☐ 1720

Any of you who happened to listen to Boutros Boutros-Ghali, the Secretary-General of the United Nations today, knows there has been tremendous success there. There is civility being returned to Baidoa, to Kismayu, to the other areas of the country. Three hundred thousand children have been inoculated for disease there. We are establishing and training police in the major cities there.

It is only 2 percent of this country, South Mogadishu, that has not been civilized.

President Bush stated that when we went into Somalia that he would have the troops out by Inauguration. He did not.

On January 20 of this year when President Clinton was sworn in, there were 28,000 American troops there; but by spring we had stopped the starvation in this country.

But going back to President Bush's original mandate, there was no securing of the environment.

In July of this year I went to the Horn of Africa. First I went to Mombasa and Kenya and visited a refugee camp there of 45,000 Somalians. To the person, they came to us and said, "We cannot return to Somalia until civil order has been restored and the clans have been neutralized."

I then went to Mogadishu. I met with our military general there. I met with the U.N. representatives.

I also met with 70 members of various clans there, members also of Aideed's clan. They professed the same thing, that you cannot go back there and they cannot establish civil order until the clans have been neutralized.

Today by the Gilman amendment to the bill by the committee chairman, we are trying to micromanage the operation of the military, of the Commander in Chief of the United States.

I said in this very Chamber when President Bush on his third address to the Nation on the State of the Union said that Congress should stop trying to micromanage the Pentagon. The entire left side of the Chamber stood up and applauded him tremendously. That is exactly what the Gilman amendment is trying to do is micromanage this.

What is our mission? I ask you, what was our mission in Panama? What was our mission in Granada, where no one could define it?

People do not realize that we lost more troops in those two skirmishes in 17 days than we did in Somalia in the last 11 months.

March 31 is the date that we have agreed on that we will leave. It is something that the President has agreed on and it is something that the Republican leadership has agreed on. There are a lot of reasons why we need to stick to this date. No. 1, we form a new coalition with replacements. We are taking our troops out and we are bringing other U.N. troops in.

The United Nations has a definite timetable and it will send the wrong message to them and to the world that they will have to reconsider their commitment.

The house of cards literally may collapse if we pull out prematurely here. We need this particular time. We need the next 140 days to have an orderly withdrawal.

I would like to read a statement that has become famous in the annals of foreign relations by Senator Arthur Vandenberg, a Republican Senator from Michigan 40 years ago. He states:

> To me bipartisan foreign policy means a mutual effort under our indispensable two-party system to unite our official voice at the water's edge.

He has said that and we have repeated it again and again.

We have far exceeded politicizing this foreign policy beyond the water's edge. We have crossed the Atlantic. We have crossed the Mediterranean. We have crossed the Red Sea and we have gone into the Indian Ocean.

I am very, very disappointed at what is happening here today, and it is a very dangerous thing. Isolationism lies at the very heart of what is being proposed by the Gilman amendment.

The primary purpose of this is to embarrass the President of the United States, our Commander in Chief, and also to embarrass Senator DOLE, if you really want to know the truth.

The resolution is nonbinding. It will have no effect on policy at all. It will never get out of this Chamber.

To my colleagues, we have lost 30 brave soldiers in Somalia. I ask that they do not die in vain. By pulling out early, we can create a monster here, and I am sure that this body does not want to do so.

Please vote against the Gilman amendment and vote for the chairman's amendment.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, today we have the first opportunity for a serious debate on Somalia in the House of Representatives since last May. For too long, the House has sat on the sidelines while the administration negotiated the terms of United States involvement in Somalia with other countries, with the United Nations, with the other body, with Somali warlords, but not with us. Today, finally, for the first time in almost 6 months, the House has the opportunity to be heard.

Shortly I will introduce a substitute amendment to the Hamilton resolution as reported by the Committee on Foreign Affairs. The purpose of my amendment will be to move up by 2 months the target date for withdrawing United States forces from Somalia, from March 31, 1994, to an earlier date of January 31. My amendment would restore the date contained in the resolution when originally introduced by me and the distinguished ranking Republican member of the Committee on Armed Services, the gentleman from South Carolina [Mr. SPENCE].

It would be far better if we could debate the question of when United States forces should be withdrawn from Somalia on a measure that had binding legal effect. Regrettably, because House Concurrent Resolution 170 is a concurrent resolution rather than a joint resolution and therefore will not be presented to the President for his signature, it will not be legally binding.

Mr. SPENCE and I first tried to prompt this debate with a bill that would have been legally binding, H.R. 3292. It was only when we were stymied in that effort that we introduced this concurrent resolution.

I stress to my colleagues that the fact that this resolution is not legally binding should free you to vote your conscience on my amendment. Because neither the January 31 nor the March 31 date will be legally binding, no one need to vote against the amendment in order to protect the President. The only reason I can think of not to vote for my amendment is because you genuinely believe that the departure of United States forces from Somalia should be delayed until March 31.

I believe that the United States accomplished its legitimate humanitarian objectives in Somalia months ago and that our forces should now be withdrawn at the earliest practicable date.

Early on, when our mission was to alleviate the suffering and feed the hungry, the Somalia operation was successful and had the support of the American people. This administration, however, did not leave well enough alone. The mission soon evolved from feeding the hungry to nation building. And when the administration's ambitions to remake Somali society ran into the entrenched interests of Somali warlords, armed conflict was inevitable. The warlord we fought with was Mohamed Farah Aideed, but if it hadn't been him it would have been another one. And if we had defeated Aideed, another warlord would have stepped forward to resist us, because none of the warlords had any real interest in cooperating with us in their own political emasculation.

Neither the American people nor the Congress had signed onto fighting a war in Somalia to wrest political power from warlords. So the administration tried to pretend that we could defeat the warlords on the cheap. And regrettably we all know how that played out. The administration left out forces in Somalia without the wherewithal to accomplish their expanded mission, or even to defend themselves adequately. Calls from our military commanders on the scene for more firepower were ignored by civilian political appointees.

As a result, tragically on October 3, 18 Rangers were killed and 75 wounded.

In the wake of the October 3 debacle, President Clinton reexamined his policy and reached the inescapable conclusion that it was off course. Our nation-building goal was then repudiated.

A date for withdrawing our U.S. forces was set, but far enough in the future that it wouldn't look bad. Military reinforcements were belatedly dispatched, as was a special U.S. envoy. The U.N.-directed hunt for warlord Aideed was called off. He would no longer be deemed a war criminal, but our political interlocutor.

It was all a big misunderstanding, the President explained. The U.N. took advantage of our good will and his administration's inattention to detail to foist the nation-building agenda on us. And the finger pointing did not stop at the United Nations. The senior U.S. diplomat in Mogadishu was unceremoniously dumped, amid press leaks suggesting that he was single-handedly responsible for the mess.

Mr. Speaker, this is a disgraceful foreign policy. The American people don't want excuses. They don't want scapegoats. They want leadership. They want hard decisions. And that's not what they're getting.

The New York Times got it exactly right in their editorial of October 8 entitled "Somalia: Time To Get Out." Listen to what they said:

> Rather than make a decision either to cut American losses and withdraw now—the preferable course of action—or tough it out until [his] goals are achieved, the President succumbed to the tempting illusion that he could manage a little of both. * * * It's painfully reminiscent of Lyndon Johnson's escalation in Vietnam.
>
> The Administration could easily find itself spilling considerably more blood, both American and Somali, for the next six months without accomplishing much in a cause unrelated to any direct American interest.

I ask that the full editorial be included in the RECORD.

Mr. Speaker, if the President can't make the hard decisions that have to be made in Somalia, we must show him the way. We must protect our forces from any senseless, unnecessary risks. Accordingly, I urge the adoption of the amendment I will offer to bring our forces home by January 31.

[From the New York Times, Oct. 8, 1993]

SOMALIA: TIME TO GET OUT

American casualties in Somalia have been steadily rising, political support at home has evaporated and an emotionally wrenching hostage crisis has begun. The mismatch between modest American means and ambitious political goals was painfully clear. President Clinton had to do something.

And he did. But rather than make a decision either to cut American losses and withdraw now—the preferable course of action—or tough it out until those goals are achieved, the President succumbed to the tempting illusion that he could manage a little of both. Mr. Clinton announced a six-month target date for complete American withdrawal but ordered the number of U.S. troops more than doubled, to 10,000.

It's painfully reminiscent of Lyndon Johnson's gradual escalation in Vietnam. The Administration could easily find itself spilling considerably more blood, both American and Somali, for the next six months without accomplishing much in a cause unrelated to any direct American interest.

The better call would have been temporary reinforcements to protect American troops from further attack while taking immediate steps to withdraw U.S. forces from Somalia. The remaining humanitarian tasks should be left to the U.N.

Americans need feel no shame in withdrawing now. The mission to Somalia was undertaken as a humanitarian gesture, to get food to starving people. The American public did not sign on to armed intervention in the clan politics of a chaotic country that poses no international threat.

The heart of the problem remains the highly personalized vendetta that has developed between the U.N. Secretary General, Boutros Boutros-Ghali, and a single Somali warlord, Mohammed Farah Aidid The U.S. and other Security Council powers initially agreed to target General Aidid after forces thought to be loyal to him gunned down Pakistani peacekeepers in June. More recently, in response to public misgivings, the major powers have urged a reversion to less confrontation policies. But the Secretary General won't back down.

The original humanitarian mission, though it continues, has now been overshadowed by the deadly urban warfare in Mogadishu. This combat has forced peacekeepers and relief workers to hunker down in fortified compounds, turned Somalis against a U.N. presence they once welcomed and multiplied U.N. and civilian casualties.

While humanitarian aid can't be delivered without a minimum of order, the U.N. has no business arrogating to itself the role of restructuring Somalia's chaotic politics through outside force.

Two weeks ago it looked as if Washington were ready to use diplomatic muscle to force an end to the U.N.'s fruitless hunt for General Aidid and its destructive efforts to pacify south Mogadishu. But since Mr. Boutros-Ghadi has resisted the pressure, the U.S. now seems ready to settle for new political and diplomatic efforts under Ambassador Robert Oakley without insisting that the U.N. break off the Mogadishu showdown.

The cost of prolonging the ordeal for six months could prove high indeed—in American lives, in American support for peacekeeping activities and in Mr. Clinton's capacity to focus his political energies on domestic reform.

□ 1730

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Mr. Speaker, I rise before this body today to say that our mission in Somalia is not over. I weep for the parents and spouses and children of soldiers killed or wounded in Somalia, and won't insult their intelligence by using the phrase "patriotic duty." But we do have a duty in Somalia—to fulfill the promises that we have made and which were originally extracted from us by those same people who are now demanding that we leave.

Our constituents were all for intervention in Somalia when the 7 p.m. news was flashing clips of starving children with flies crawling over their faces. Those same people criticized the Clinton administration when their favorite media celebrity was shown raising money to send to the poor Somali because their own Government would not take a step to stem the tide of the Somali suffering. The images of dead children prompted the U.S. public to call for U.S. and U.N. intervention. And now the pictures of dead Americans in Mogadishu are prompting those same Americans to demand the withdrawal of U.S. troops. But our mission must be defined by empirical realities, not television sound-bites.

We must stay to complete our humanitarian mission. While the mass starvation seems to have been prevented for the time being, we must give the United Nation's adequate time to bring stability to the area. Don't think that starvation was caused because they ran out of spam at the local 7-11; mass starvation is the result of political and social anarchy.

We ought not jeopardize the overwhelmingly positive results of the last 11 months. The prevention of anarchy and mass starvation must be our long-term foreign policy goal for Somalia. The United States has always played a crucial role in advancing international humanitarian protection for those who live in fear of danger and violence. Outside of Mogadishu, our presence has brought about enough stability to enable the local community to achieve a political solution. If we stay put a little longer, only until March 31, perhaps we can achieve that much more.

We committed to lend our considerable talents toward resolving some of the more solvable problems in Somalia. To remove ourselves in January will cripple the United Nations effort, and will leave the United Nation's impotent in the face of future conflicts. If we vote today to remove ourselves, and thereby undermine the United Nation's, we will forever forfeit the right to complain about actions taken or not taken, on the next international conflict coming down the pike and into our television sets.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], a member of the Committee on Foreign Affairs.

Mr. GOODLING. Mr. Speaker, we had a great mission, and the mission was to provide humanitarian aid in Somalia. We did it. We did it well. We were accepted beautifully by the Somalis. The hatred for us did not come until the mission changed, and I would like to briefly talk about that because I think we are asleep while the United Nations is changing their mission. Their mission is being changed from peace keeping to nation building. We cannot build nations, the United Nations cannot build nations, and we better understand that.

Now we were told, "You can't remove these troops that quickly." Well, let me tell my colleagues that a couple of weeks ago we had 200-plus there. Now we have 11,000. If we can do that in 2 weeks to build up, why can we not do that in 4 weeks to build down, which is what I offered, to have them home by Christmas.

We were told by the Secretary General this morning that, as a matter of fact, it is just small groups in a small area of Somalia causing the problem. If that is true, then 28,000 troops that are there from other nations should be able to handle that situation very well, and they are going to build up to 32,000 within 2 months' time.

We have been accused of micromanaging. Well, if it is nation building, if we change to chasing warlords and building nations, and we do not protect our troops, and we do not give them the tools they need to take care of the changed goals, then we better not micromanage.

But the cheapest shot of all is when someone tries to say that this is politically motivated, we want to embarrass the President. Nobody wants to embarrass any Commander in Chief in the Congress of the United States. What we want to do is try to save the lives of American young men and women until we decide what our policy really is, No. 1, and then No. 2, determine how we are going to carry out that policy, and, No. 3, how does it benefit the United States?

Support the Gilman amendment when it is offered.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Speaker, I rise in opposition to this blatant partisan attempt to tie the President's hands in foreign policy.

The debate on United States policy toward Somalia is over. Everyone agrees that terrible mistakes were made. The administration has indicated that it will stop combat operations in Somalia. Everyone agrees that we will withdraw.

In consultation with top military officers, the President has outlined a schedule for withdrawal that protects the safety of U.S. troops. Multilateralism is no substitute for foreign policy—a lesson the administration has taken to heart on Haiti.

What we are debating today is nothing more than a symbolic rebuke of our President's right to conduct foreign policy. Such a rebuke may feel satisfying, but it will not serve our interests in the long term.

Think of how much concern you will provoke among our allies by this act. Think of the delight you will cause among our adversaries.

Imagine General Aideed reading with glee your statements in the CONGRESSIONAL RECORD attacking the President. Imagine Kim Il Sung, or Saddam Hussein, or Mohammar Ghaddafi's delight because of what has been said here today.

Think, too, of the jobs and security you will cost Americans because you send President Clinton to the APEC and NATO summits with an even weaker hand than he has today.

I am frankly shocked at the arguments of my colleagues who stood here not 3 years ago and talked of the need to support President Bush in the Persian Gulf. I agreed with them, as did nearly 100 Democrats, who put partisanship aside and cast a vote for American power and influence.

But apparently, for some in this body, Presidential power, the authority of our Commander in Chief, the image of the United States abroad, are only important when a Republican is in the White House.

This is no time to be sending more signals about the weakness and indecision of U.S. foreign policy. This is no time to be playing partisan politics with the security of the American people. Our soldiers did not die in vain—they have saved thousands of lives, and we should not take action that devalues their sacrifice.

I urge a rejection of the Republican alternative, and a vote for the Hamilton resolution.

□ 1740

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], a senior member of our Committee on Foreign Affairs.

Mr. LEACH. Mr. Speaker, in a narrow sense, Somalia symbolizes the lack of rigorous attention given by policymakers to defining in advance the objectives of U.S. involvement in U.N. military operations abroad. In a broader context, the debate over Somalia symbolizes the historic American ambivalence about entanglement in the world beyond our borders, whether that engagement relates to multilateral cooperation on international security issues or the economic interdependency inherent in U.S. participation in international economic agreements and institutions.

At the outset, let me deal with the more poignant and urgent problem of United States military involvement in Somalia.

The original Bush administration mission was unprecedented in its idealism: the humanitarian commitment of U.S. Armed Forces of the United States to feeding a starving population. Beginning in January 1992 with the adoption of U.N. Security Council Resolution 733, the United Nations began actively addressing the humanitarian crisis in Somalia. Consistent with the humanitarian impulses of our citizens and the best traditions of American foreign policy, the United States actively assisted the United Nations' effort to deal with a serious human catastrophe.

The United States provided food aid as well as joined in a military airlift—Operation Provide Relief—to bring critical nourishment into the heart of the country. Nevertheless, by December of last year, over 300,000 Somalis had died of starvation. In addition, five times that number were believed to be at risk, outside the reach of international relief efforts because of the ongoing civil conflict.

Therefore in November 1992, the United States supported U.N. Security Council Resolution 794, which authorized Member States to use all necessary means to establish a secure environment for humanitarian relief operations in Somalia. President Bush judged that the deployment of U.S. Armed Forces was necessary to avert a major humanitarian calamity, avert related threats to international peace and security, and protect the safety of Americans and others engaged in relief operations. On December 8, 1992, United States Armed Forces entered Somalia to secure the airfield and port facility of Mogadishu and to achieve the objectives of U.N. Security Council Resolution 794. The U.S. initially encountered little organized resistance.

As President Bush stated in December of last year, "U.S. armed forces will remain in Somalia only so long as necessary to establish a secure environment for humanitarian relief operations and will then turn over the responsibility of maintaining this environment to a U.S. peacekeeping force assigned to Somalia." In other words, the mission of the military was to provide security to allow the delivery of food.

About 26,000 United States troops were deployed in Somalia for Operation Restore Hope. Those forces, augmented by 13,000 troops from other countries, operated under the U.S.-led Unified Task force, or UNITAF. UNITAF's strictly humanitarian mission was largely successful. Enough civil order was established to permit international aid workers to distribute food to all but a few of the most at risk in Somalia. Markets reopened and crops were planted. According to Secretary of Defense Aspin, by the spring of 1993 chaos and banditry throughout much of Somalia had been greatly reduced.

In addition, this spring, a U.N.-led process of national reconciliation appeared to gain the support of a broad spectrum of Somali leaders. In March 1993, under the so-called Addis Ababa accords, Somali leaders appeared to be observing a ceasefire and had committed themselves to complete disarmament.

Under the strictly humanitarian mission laid out by President Bush, the United States should have withdrawn its armed forces from Somalia in late February or March 1993. Instead, the mission changed by American troops remained.

The Clinton administration determined that success could only be declared and American troops completely withdrawn when we "institutionalized the gains," i.e., restored enough civil order and built a governing structure to prevent the county "from backsliding into the chaos that cause the famine in the first place."

Thus the new administration supported U.N. Security Council Resolution 814, passed in late March of this year. This unprecedentedly ambitious operation—known as UNOSOM II—called for the U.N. not only to continue its humanitarian work, but to rehabilitate their political institutions and economy, promote political settlement and national reconciliation, and develop an adequate system of justice and police to maintain order. As agreed, the U.S. quickly reduced its group levels from more than 25,000 to 4,000.

Only then did Congress act. In May of this year the congress not only gave belated authorization to the President to use U.S. Armed Forces to implement U.N. Security Council Resolution 794 of December 1992, but also similar authorization to the President to implement Security Council Resolution 814. The legislation constitutes specific authority for military operations in the event of hostilities under section 5(b) of the War Powers Act. The authorization for U.S. military participation in UNOSOM II expires in late March 1994.

Somalia represents the first United Nations-led multinational peace enforcement mission. Under the terms of U.S. participation in UNOSOM II, about 28,000 troops from 27 countries operating under U.N.-command were authorized to be deployed throughout Somalia. The United States agreed to provide troops for logistic support and contribute about 4,000 troops for a quick reaction force. The U.S. quick reaction force, not under U.N.-command, was tasked to support UNOSOM II missions.

The command and control structure established for UNOSOM II placed an American, retired U.S. Adm. Jonathan Howe, in overall command of the U.N. operation as Special Representative of the U.N. Secretary General. Admiral Howe was to coordinate all non-military aspects of UNOSOM II. The UNOSOM II forces are commanded by Turkish Gen. Cevik Bir. General Bir had worked with Joint Chiefs of Staff Chairman Gen. Colin Powell in NATO and was General Powell's top choice for the position of UNOSOM II commander.

U.S. Maj. Gen. Thomas Montgomery is the Deputy Commander of the U.N. forces. General Montgomery commands the U.S. logistic support contingent participating in UNOSOM II as well as the U.S. quick reaction force. Here it is key to note that operational command and control of the U.S. quick reaction force has been placed solely under the authority of General Montgomery, who reports through the Joint Chiefs of Staff structure to the Commander-in-Chief in Washington.

The Clinton administration admitted that the process of nation building would take time and require a combination of diplomacy and force. The Undersecretary of State for Political Affairs, Peter Tarnoff, testified late this July before the Senate Foreign Relations Committee that for UNOSOM II to accomplish its mission a secure environment must be restored—requiring if necessary the forceful disarmament of all factional militias.

In this context, things began to go awry. On June 5 Somali militia forces loyal to Mohammad Farah Aideed brutally attacked Pakistani peacekeepers in Mogadishu, killing 23 Pakistani soldiers and wounding 3 Americans. According to the Clinton administration, the attack on June 5 represented "a fundamental challenge to UNOSOM's mandate to provide humanitarian assistance and foster reconciliation."

The means by which political reconciliation was evidently to be achieved was by a de facto U.S. and U.N. declaration of war against Aideed. On June 6, the U.N. Security Council unanimously adopted Resolution 837, which authorized the U.N. to take "all necessary measures against those responsible for attacks against UNOSOM, including their arrest, detention, trail, and punishment." On June 16 the overall U.N. commander, Admiral Howe, declared Aideed to be a criminal and placed a public price on his head. U.S. Ambassador to the U.N. Madaeleine K. Albright branded Aideed a thug, and the State Department coordinator on Somalia affirmed that Aideed should "be removed from the equation." Indeed, in August, the Clinton administration dispatched 400 elite Army Rangers to Somalia with the understood—if undeclared—mission of neutralizing Aideed.

For the administration, from an intelligence perspective, to think it has command of the situation in Mogadishu is troubling. For the administration to think that special operations assaults are either effective or likely to win the hearts and minds of the citizenry—in an operation which by its very nature must place heavy emphasis on civic action—is foolhardy.

Only now are the American people beginning to understand that under UNOSOM II the mission became something very different from urgent and temporary humanitarian relief: The military effort to impose order on a fractious and often very violent population of a country enmeshed in fundamental nation-building. The security function for achieving the original short-term humanitarian mission was accomplished; establishing security has not yet and possibly cannot be accomplished without unacceptable cost under the second mission because the fundamental object to be achieved involves not relief but the distribution of power within a civil conflict over who governs Somalia.

In his speech before the U.N. General Assembly on September 27, President Clinton asserted that if the American people are to say "yes" to U.N. peacekeeping, the United Nations must know when to say "no." That is wise and sound advice, advice which unfortunately the President himself forgot to observe earlier this year with regard to Somalia. Contrary to what the administration now appears to be saying, the United Nations did not change its mission over the objection of the United States. We are the most important voice within the U.N. Security Council. No plan was likely to proceed over our informal objections. As a Permanent Member, we have the veto—which we apparently never contemplated exercising in this circumstance. In fact, the Clinton administration fully supported the resolutions authorizing UNOSOM II as well as the capture of the warlord Aideed.

I believe the administration would be well advised to shift gears and order a rapid orderly withdrawal of U.S. combat forces as contemplated under the Gilman amendment. Our primary humanitarian mission has, at least in the short term, been met. It is for the people of Somalia to resolve their own nation-building challenges.

Reliance on the United States or any other countries for internal security is likely to be counterproductive. Nations are built by citizens, not foreign nationals. To the degree other parties may be relevant in this task, the Organization of African Unity probably has more to offer than the United Nations or any nation-state, including the United States.

The U.S. role should be that of the original mission: the provision of food and the utilization of our good offices for diplomatic give and take. It would be better in today's context to ask a retired soldier, Gen. Colin Powell, to serve as a diplomatic emissary than to call on young American servicemen to fight in a quasi-civil war setting for an undefined, uncompelling cause.

Instead the news of the past few months is that troops were sent to defend troops, that escalation was the answer to problems associated with civilian leaders who earlier blocked armored protection for troops in the field. Is there no sense that lives are more important than pride, that hearts and souls aren't likely to be won over by air power?

Is there no sense that public support for peace enforcement in more critical geo-political settings than Somalia is jeopardized by the false priority given multinational operations in Somalia? By failing to apply intellectual rigor to our Somalia policy the Administration is responsible for a policy that lacks persuasiveness to the American public and convincingness to peoples of the world. Above anything else, Somalia symbolizes a want of intellectual discipline.

Our military hasn't let us down; political leadership has. It does no good to blame the United Nations. We led it more than it misled us. This is a time for responsibility taking, not blame shifting.

It is important to recognize this circumstance. Otherwise peacekeeping, peacemaking and enforcement as well as multilateral approaches to other problems in other countries at other times will be foiled before they are undertaken.

In a broader context, however, the compelling and often tragic news of recent weeks from Moscow, Mogadishu, Sarajevo and—in the context of debate over the North American Free Trade Agreement (NAFTA) and open multilateral trade—the union halls of San Francisco, underscores the emergence of a profound debate in this country about the nature of the unfolding post-Cold War world and American national purpose.

Will the post-cold war world be hallmarked by a strengthening of the bonds of international society or a disintegration of those bonds within and between nation-states?

Will America drift into self-centered isolationism, as in the disastrous interwar era of the 1920's, or lead in expanding an open world economy and institutionalizing a civil international society from which all countries derive benefit?

The answer, I fear, is in some doubt. After having aggressively promoted a foreign policy doctrine of assertive multilateralism, the President has been placed on the defensive by those who allege that American foreign policy is increasingly divorced from the national interest and, in a sovereignty context, is ceding its foreign policy decisionmaking to a foreign bureaucrat: the U.N. Secretary-General. Likewise, on international economic issues, the President has largely ceded the rhetorical initiative to economic nationalist opponents of NAFTA, the failure of which could be catastrophic for the still uncompleted Uruguay Round of the General Agreement on Tariffs and Trade [GATT] and the future of the world trading system itself.

Yet despite the wrenching difficulties in Somalia, and the intractable and bloody welter in the Balkans, the end of the cold war has created the most propitious moment since 1945 for a U.S.-led U.N. to fashion common responses to the common problems of mankind. The manifest limits of American power and the contrasting global reach of American interests make multilateral cooperation and burden-sharing imperative; they make U.S. leadership in an effective United Nations essential.

With regard to international security, the American people are reluctant to assume the lonely and costly role of policeman of the world. On the other hand, they are willing to accept as a collective responsibility the obligation, together with other countries, to part of an international highway patrol.

But the key to U.S. military participation in U.N. collective security endeavors is a compelling and clear mission and operational effectiveness. With the distinction between traditional peacekeeping and peace enforcement—as well as between international and civil conflict—becoming ever more opaque, clarity of mission and professionalization of U.N. collective security operations becomes ever more crucial.

Thus, as the U.S. Commission on Improving the Effectiveness of the U.N., which I co-chaired, recently recommended in its final report, when sending blue helmets into action "the United Nations should be guided by clear standards. Only under the most extraordinary circumstances should operations be launched if these standards are not met. In addition, operations that do not have a high probability of success should not be sanctioned. The United Nations cannot afford to support missions that will fail because their mandate is politically weak or operationally unfeasible."

For peace enforcement operations (like UNOSOM II in Somalia) where all nonviolent policy means have failed, the Commission recommended the application of the following standards which, in retrospect, might have averted tragedy if followed by the current Administration:

A clear and unambiguous mandate must be expressed in the Security Council, and widely supported in the international community generally, that U.N. intervention is called for and that the U.N. is capable of making a constructive contribution to the preservation or restoration of peace and security.

The purpose of the action, its duration and conditions and rules of engagement must be carefully defined, with costs projected in advance by credible professional experts.

The mandate of the force should be broad enough to allow a full range of operations within a specified geographic area in pursuit of the force's objectives.

The intervention of the force should come at a critical juncture, where the prospect of stabilizing an area, politically and economically, for the long term exists.

Hence it is key that the Clinton administration understand that there are times and places where U.N.-sanctioned and U.N.-led peacekeeping and peace enforcement operations is appropriate and that the U.S. should be prepared, where missions are compelling and well-defined, to play a role. The time and the place, however, is not now, not in Somalia.

Likewise, the administration should not capitulate to the narrow, insular nationalism that appears to be stalking the land. Isolationism and belligerent nay-saying is not a realistic prescription for the advancement of American national interests. To default leadership in the world's principal arena of multilateral diplomacy amounts to strategic retreat.

In the twilight of the 20th century nothing is more naive than to suggest that the U.S. national interest should rely on the advancement of a narrow, nationalistic foreign policy. With the health of the American and world economy dependent on open markets and free trade, with the proliferation of weapons of mass destruction, and with ethnic, religious and racial divisions rising in the geographic cockpits of historic conflict, U.S. national purpose cannot afford to be diverted by ideological posturing or rudderless, meandering diplomacy.

In America in particular there is no place for self-centered isolationism or uncertain international leadership. The stakes are too high.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS], a member of the Committee on Foreign Affairs.

Mrs. MEYERS of Kansas. Mr. Speaker, we are having this debate much too late. The House has not carried out its responsibility to debate our policy in Somalia. America has had at least four separate missions in Somalia, and we have only considered one. Let me go over some of the history of our involvement with Somalia. In December of 1992, then-President Bush ordered 25,000 troops to that country pursuant to the U.N. Resolution 794 to protect humanitarian relief efforts. This was done when Congress was out of town, but I think the vast majority of members and the American people supported it. It was done with clear military thinking and committed more than adequate troops to accomplish the mission. It was very similar to the other successful military operations in the recent past. We went in with more than enough force to accomplish a clear mission, and got out when the mission was completed. The difference this time was we stayed around after we finished what we originally went in to do.

In early February, the other body voted unanimously to authorize the use of American forces to implement Resolution 794 to protect relief shipments and feed starving people. The House never quite got around to considering that question. In March, the UN Security Council—with the Administration's strong support—decided to add nation-building to the agenda. And on May 25, the House considered the resolution authorizing American troops to participate in the peacekeeping mission. As you may remember, many Members warned that the United Nations was not capable of accomplishing this mission, and that American troops would be at grave risk. Republicans voted overwhelmingly against this measure, but it passed. So the House did vote to support the peacekeeping and nation-building, to try and put Somalia's Government back together.

Then in June, things got personal. The mission became one of capturing Mr. Aideed. For the past 4 months, the United Nations and the United States have taken sides in the Somali civil war against Mr. Aideed's faction. This was with greatly reduced forces that were not armed for the mission and did not have adequate equipment. And when the field commanders asked for what they needed, they were rebuffed.

Since that time, all the demands for a vote in the House on this radical change in policy have fallen on deaf ears. There have been 10 separate pieces of legislation introduced to withdraw our troops from Somalia. But the only debate allowed was in September, to the watered-down amendment that asked the President to provide Congress with a report.

It is not a question of credibility or implying that America will cut and run when the going gets tough. The President has agreed that American forces will be withdrawn from Somalia. The January 31 deadline is a more appropriate choice for a withdrawal date. How is it in our national security interest to keep our forces there for an additional 60 days? Nothing in the President's report to Congress gives an adequate answer to that question.

Mr. Speaker, I don't think Congress should micro-manage foreign policy. But first there has to be a policy. Congress has to take a role when the Administration can't decide what its policy is. America's military belongs to the American people. It does not belong to the United Nations. And we cannot let Boutrous Boutrous-Ghali decide on the use of our troops by default. Vote for the Gilman amendment. Don't keep our forces bogged down in Somalia for 60 more dangerous days.

Mr. Speaker, I think history will indicate that we have had four separate missions. We have been allowed in this House to vote on one. Vote for the Gilman amendment.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, this is indeed a very disappointing moment for the House. Let me, if you will, also review history, without as great specificity, but in general.

Mr. Speaker, it is disappointing, because our friends on the other side came to us at a point in time not too many years ago and told us, rightfully so, that we should not bicker over foreign policy; we should not undermine our President; we should stand as one when staring down dictators and tyrants, murderers, and international renegades. And they asked us to stand with President Reagan in Lebanon, a very difficult move indeed, and we did. We put partisanship aside in our national interest.

Yet again they came to us under the administration of President Bush and said we are all Americans, let us stand side by side. Let us back up our President. Let us not undercut him. Let us not show all of our cards. Let us as a Congress not micromanage a war. And we did that. We provided the votes to make sure that there was a unified American policy behind our American President.

Difficult though it was, and indeed, nobody likes bloodshed, I stood holding the hand of a mother in my district as she buried her son who was killed in the Persian Gulf. It is difficult duty indeed to suffer the consequences of our actions and to witness that firsthand. But we live in a very cruel and tough world, and tough decisions have to be made. And pain is involved. And, sometimes, yes, suffering and death are involved. And that is why nations have armies. But we were asked to stand as one, and indeed we did.

And now, Somalia. We are there. We are there on a humanitarian mission. We are there with the United Nations. We are there under the request of President Bush, if you recall. The previous speaker asked where is our policy? Our policy in Somalia started with President Bush, who put the troops in, who said we would have them out before the end of the year.

President Bush is out, the troops are still there. If it was that easy, why did he not pull them out?

There is no difference between March 31 and January 31. There is no difference between this administration and other administrations, other than politics.

Mr. Speaker, let us not change our values when we change administrations. Let us not become political patriots. Let us be the Americans we should be.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana [Mr. BURTON], a member of the Committee on Foreign Affairs.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from New York [Mr. ACKERMAN] just said there is no difference between this administration and the Bush administration and the Reagan administration. Let me refresh the gentleman's memory just a little bit.

When we went into Grenada, we went in with overwhelming force. We had a goal, an objective. We did the job and we got out.

When we went into Panama, we went in with overwhelming force. We did the job, and we got out.

When we went into the Persian Gulf, we went in with overwhelming force. We had General Schwarzkopf. We did the job, did it very well, and we got out.

When we went into Somalia, we went in to feed the starving masses, and were supposed to be out by Inauguration Day, or very close to it. President Clinton went out on the White House lawn with the troops and declared victory over starvation in Somalia. Then he brought home, out of the 28,000 troops, all but 3,500. Then what did he do? He expanded the mission into nation-building.

The problem we have is not that this administration is not any different than the previous administrations. It is. That is the problem. They do not have a clue on how to conduct foreign policy and foreign military operations. And anybody who has really taken a good hard look at what is going on does not have confidence in what this administration is doing.

Can you imagine Saddam Hussein or anybody saying this: We are calling for the U.S. troops to confine themselves to their positions at the airport to avoid a repetition of the unfortunate events of the past?

Mr. Speaker, you have got a tinhorn dictator over there, a warlord, who does not have over maybe 400 or 500 or 1,000 followers, telling the United States, the greatest country on the face of the Earth, stay in your barracks there or we are going to kill a bunch more Americans.

Mr. Speaker, do you know why that happens? It is because they know they can push this administration around. They know this President does not know what he is doing. If they had President Reagan or President Bush to deal with, they would not be doing that, because they know they knew how to deal with these kinds of problems.

The problem is, we have on-the-job training with this administration. You have a Governor of Arkansas with no background in foreign policy making monumental decisions. And it is unfortunate. We need to replace some of these people in leadership over there so we have some real expertise in foreign policy.

□ 1750

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of the Hamilton amendment which supports the President's policy decision to commit United States Forces in Somalia until the end of March 1994.

Mr. Speaker, it was not so long ago that the world bore witness to unspeakable horrors unfolding in Somalia. Countless numbers of Somali men, women, and children and elderly withered and died of hunger before our eyes in a gruesome, daily ritual through the media. Five hundred thousand Somalis faced immediate starvation, and half of Somalia's population, upward of 4 million people were at risk.

Our Nation, under the leadership of then-President Bush, moved by this senseless tragedy, sent our troops over to ensure that humanitarian relief supplies were delivered to those that desperately needed them, in the midst of anarchy and widespread fighting by rival clans. Having been to Somalia, I can personally attest that the United States-led relief effort, a tremendous success, was directly responsible for saving hundreds of thousands of Somali lives.

The amendment offered by the distinguished chairman of the Foreign Affairs Committee, the Honorable LEE HAMILTON, ensures that this hard-won victory over mass starvation and death will not be short lived. By supporting the President's plan for commitment of United States Forces in Somalia until March 31, the Hamilton amendment provides the greatest chances for stability and the timeframe necessary for negotiation of a new Somali Government and strengthening of the U.N. Peacekeeping Force.

Mr. Speaker, at this delicate juncture, it is absolutely vital that the United States protect against a premature force withdrawal that would surely result in the return of civil war, anarchy, and chaos to Somalia. To do less would make us party to the inevitable rebirth of famine, mass starvation, and needless suffering amongst the Somali people.

Mr. Speaker, in the aftermath of Saddam Hussein's invasion of Kuwait, I recalled when the Congress raised the question of United States troop mobilization in the Middle East, our President Bush said it was necessary to protect our interests in Saudi Arabia—and we all accepted the President's leadership and initiative to save Saudi Arabia, then suddenly, our people were told that our policy was not to save Saudi Arabia from invasion, but was to liberate Kuwait. The President was given that courtesy to revise our policy as it was in the best interests of country. The same thing can be said of President Clinton. Let's give our President a chance to conduct our foreign policies as it should be afforded him just like we've done for Presidents Reagan and Bush.

Mr. Speaker, our Nation intervened in Somalia because it was the right and honorable thing to do. To pull out prematurely, cut and run before we have finished the job in Somalia is neither right nor honorable—and, in my humble opinion, I believe will make a mockery of those brave American soldiers who sacrificed their lives on behalf of the humanitarian interests of the Somali people. I strongly urge our colleagues to support the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina [Mr. SPENCE], a cosponsor of my amendment and the ranking member of the Committee on Armed Services.

Mr. SPENCE. Mr. Speaker, I cannot believe what I am hearing here this afternoon. With a straight face, some of my colleagues on the other side of the aisle are trying to compare what is happening in Somalia with the Persian Gulf. They are trying to compare it to a war. We are not talking about a war. Even the President admitted that we do not have a military mission in Somalia, not a wartime mission.

American troops are being killed. American troops have been killed. That is our business in this Congress. When mothers and fathers and sisters and brothers and wives have their loved ones killed, that is our business. It is not a question of micromanaging. It is my business as a Member of this body. It is our business.

And the blame is shared by us, if we do not take action. The blood is on our hands. We will not in the future be able to simply say, the United Nations did this, the President did this. That we did not have anything to do with Somalia, with the change of policy that resulted in our people being killed, many of them wounded, taken captive, some had their bodies desecrated and dragged through the streets. This is our business, and we cannot lay it off on the United Nations, as the President has done, and say it is not our doing.

The administration claims the United Nations had the wrong mission but they were party to the changed mission, with our representative to the United Nations supporting that change in mission in the Security Council.

Now I understand that we are going to go back into the streets of Mogadishu. And by so doing we will once again take sides in the internal conflict of Somalia. We are putting our people at risk again. And if they are killed in the future without us taking some kind of action, at least in an advisory way, the blood is on our hands, and my colleagues will have to explain that away to their people back home. I maintain, there is no way they can do it.

This is a nonbinding resolution. It gives Members the way out. And my colleagues, we are going to need a way out real bad. We better take advantage of it. Vote "yes" on the Gilman amendment.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. LANTOS], chairman of a Subcommittee of the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Speaker, the United States speaks with a strong voice, when we speak with a united bipartisan voice.

I rise in praise of some great Republicans, not great Republicans of bygone days, like Senator Vandenberg, but great Republicans of today: Senator CHAFEE of Rhode Island; Senator DANFORTH of Missouri; Senator DOMENICI of New Mexico; Senator HUTCHISON of Texas; Senator JEFFORDS of Vermont; Senator KASSEBAUM; Senator SIMPSON of Wyoming; Senator SPECTER of Pennsylvania; Senator WARNER of Virginia; and the outstanding Republican expert on foreign policy in the U.S. Senate, Senator DICK LUGAR, and yes, on behalf of the Senate Republican leader, BOB DOLE of Kansas, who voted with the Democratic majority 76 to 23 to stand by the President of the United States in fulfilling our obligation.

Now, the Gilman proposal is not only nonbinding and unconstitutional, it is also snake oil, because it proposes a risk-free, cost-free universe.

We are in for some troubled times, and we better learn that we do not speak with an uncertain trumpet, that we stick together, that we stand up for our obligations.

We have three options, Mr. Speaker: We can either be the policeman of the world that none of us wants; we can claim that the world can be stopped and we are going to get off, which is the avenue of lunacy that the ultra-isolationists are peddling; or we can work together with a group of nations committed to building in the post-cold-war world a system of security.

I am calling on my Republican friends on that side of the aisle to stand with BOB DOLE and DICK LUGAR and ALAN SIMPSON and STEVENS of Alaska and all the others who had the courage and the guts to recognize that we have one President at a time and we ought to have one foreign policy at a time. Cheap political rhetoric is no substitute for a steady foreign policy.

I strongly urge the defeat of the Gilman proposal, and I support the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from New York [Mr. LEVY], another member of the Committee on Foreign Affairs.

Mr. LEVY. Mr. Speaker, as we debate this issue from the comfort and safety of this room, surrounded by barricades and protected by the Capitol Hill Police, the people who are most affected by what we do here tonight face danger and the potential of injury or death every hour of every day. The risk is always present that one or more of our people will be hurt or killed.

Why are we subjecting American soldiers to that kind of danger? What will be true on March 31 that will not be true on January 31 or, for that matter, is not true today?

□ 1800

What American interests are we protecting by keeping troops in Mogadishu for 2 additional months? I keep hearing about the signals that we send as a country if we pull out of Somalia now. Are we talking about public relations here? Are we putting American lives at risk because there is some PR interest in doing so, just as we were told there was some PR interest in denying the armaments and manpower that were requested by our people in Somalia a month ago?

Mr. Speaker, this is not like health care or the budget fight that we had on this floor. If the President was wrong on the budget, as so many of us think he was, then taxes rise and the deficit increases anyway. If the President is wrong on health care, we create a bureaucracy and we still do not bring the costs down.

However, if we make the wrong choice tonight, American soldiers may die unnecessarily. Let us get out of Somalia. A couple of minutes ago my colleague, the gentleman from Pennsylvania [Mr. CLINGER] spoke about the allegations that Republicans are trying to embarrass the President. Let me suggest that nothing would be more embarrassing to the President than the loss of American soldiers in February or March for no reason. Support the Gilman substitute. Bring our people home.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, in the period of 1991–92 the world watched with horror as the collective response to meeting humanitarian needs in Somalia by multilateral and bilateral agencies was an absolute failure due to the lack of security.

Without strong regional organizations to assist, the United Nations was requested to add the matter to their agenda.

President Bush addressing the Republican National Convention made a case for the airlifts to the starving Somalia people as the least the United States could do—a belated push to attract African-Americans to Republican ranks.

The mission called Operation Provide Relief failed because food could not be safely landed in all areas, and even those where it was possible, the food could not be transported to surrounding areas due to fighting by rival factions and unaffiliated armed bands of Somali young men realizing that food was money, and money was power.

President Bush faced with this dilemma, committed U.S. Ground Forces under the banner of Operation Restore Hope. There was bipartisan support for this effort even though some felt the mission to secure the safe delivery of humanitarian aid should also include disarming warring factions as U.N. Secretary General Boutros Boutros-Ghali had pleaded.

In Namibia the peace process was successful because disarming took place, while in Angola peace is yet to be achieved because disarming never took place before elections.

While disarming did not happen as part of Operation Restore Hope, President Clinton gave full support to pursue this task by assigning U.S. troops under the U.N. Command of UNOSOM II which was operating under U.N. Security Council Resolution 814 which set reconciliation and rehabilitation as the fundamental U.N. objective, but also factored in disarming as a means to these objectives. U.N. Resolution 814 was passed under chapter 7 of the U.N. Charter, which allows the use of force.

The Senate took the first step toward authorizing the use of U.S. forces in Somalia on February 4, 1993, by passing Senate Joint Resolution 45. The House passed an amended version on May 25, 1993, which also authorized the troops to remain for 1 year and most importantly to implement U.N. Security Council Resolution 814. Also, a war powers authorization to be used in the event that U.S. troops are engaged in hostilities.

The Senate never acted on the amended Senate Joint Resolution 45. One can speculate the killing of 24 Pakistani peacekeeping troops on June 4 and the controversy over the best way to handle the General Aideed crisis probably slowed up the Senate consideration.

The passage of the Byrd amendment to the Senate's defense authorization bill was a quick out. Negotiated with the administration it called for the withdrawal of U.S. troops by March 31, 1994.

The House soon followed the passage of the companion Gephardt amendment.

Now Mr. GILMAN wants to move the date up to January 31 on the premise that an early departure will save lives. In the Foreign Affairs markup of GILMAN's bill witnesses for the Defense Department argued that an early withdrawal could actually put remaining U.S. troops in danger—not to mention other U.N. troops remaining.

Let us not blame the present administration nor the U.N., even though we may wish the U.N. had performed more effectively. Let us be clear that the blame lies with Mr. Aideed, who is now responsible for the death of the majority of the 82 peacekeepers killed to date—of whom 34 are Pakistani, 25 American, and the balance from France, Italy, Morocco, Nigeria, Turkey, and Malaysia.

It is important to note that there has been considerable success in re-establishing the Somalia police and local government councils almost everywhere in Somalia with the exception of southern Mogadishu. And in Kismayu, a former trouble spot, Belgian peacekeepers have organized negotiations among clan elders.

It is clear that a change in tactics of the U.N. and U.S. Rapid Deployment Forces in Mogadishu was needed to minimize civilian deaths and the risking of the lives of peace keepers. The U.N. has now refocused on the fundamental U.N. objectives of reconciliation and rehabilitation. Neighboring Eritrea and Ethiopia have volunteered to help in this process.

Let us not forget that before the U.S. and U.N. intervened in Somalia, over 300,000 Somalians had died from starvation. If we withdraw now, before the country is stabilized, there is a good chance that civil war and mass starvation will resume. Other clan leaders such as Mohamed Ali Mahdi have already indicated they may have to re-evaluate their decision to disarm.

As Robert Press of the Christian Science Monitor, one of the few Americans reporting on the spot in Mogadishu states, "Somali intellectuals express concern that if the country has not achieved peace by the end of next March, the United States exit will only enhance prospects of renewed civil war and famine. And, they add, the withdrawal will weaken America's credibility elsewhere."—As it already has done in Haiti.

Let me also not forget that the guns that need to be gathered and stacked were provided by the United States and the former Soviet Union in pursuit of the cold war agenda. We fought the cold war on African soil.

Americans have a moral responsibility to bring peace to this troubled land and finish the job we started.

Now is the time for America's diverse population to come together in a show of unity for its commitment for Africa. To run when the going gets tough will not only be divisive for Somalia, but for America as well.

For too long African-Americans have watched the second rate treatment of Africa by United States foreign policy. Committing United States troops to save the lives of black Africans was an event many of us never expected to see happen after our neglect of the victims of the civil war in Liberia. Don't disappoint us now!

I was so proud the morning when I saw Sgt. Bobby Jackson on TV from a hospital in Germany an African-American who was wounded with those on that tragic day we lost 18 soldiers. He said he was proud to be in Somalia. He said he had a mission. He said he volunteered in this all-volunteer army. He said he hopes he recovers to go back to complete the mission.

Yes, we in America, black and white, have a mission to complete. A mission to improve race relations in our own country at a time we are starting to head backwards.

A mission to make Martin Luther King's dream a reality, and to remember his words that "Injustice anywhere is injustice everywhere". Finally, I would remind my Republican friends that African-Americans were proud to be Americans when President Bush announced his new world order, where the strong would protect the weak. Let us together complete the mission.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Kansas [Mr. ROBERTS], the ranking member of the Committee on Agriculture.

Mr. ROBERTS. Mr. Speaker, in supporting the so-called Gilman amendment, I do not want to tie the hands of the President in an emergency. Let me suggest, it is not partisan, it is not weakness to suggest that we must not permit the continued mindless intervention where we have no clear objective or national interest. Those who cannot remember and learn from the past are condemned to repeat it.

Mr. Speaker, let us hear what Senator Richard Russell said back at the height of the Vietnam war: "We hear a great deal about limited wars, but there is no such thing as a limit on the actual combat in which our men are engaged."

Back during the rather infamous briefing on Somalia, Secretary Aspin told us the administration's plan was not working. They needed a new plan and a new timetable. Then he said, "What do you think?" I think the policy is no more clear today than then. American service personnel are in a combat zone with no military objective other than self defense. That violates a basic commitment this Nation should honor with our men and women in service.

Today is the 218th birthday of the U.S. Marine Corps. No, we are not going to practice isolationism. No, we are not going to cut and run, but when a marine is wounded or pinned down or killed, we send the platoon, the company, the battalion, the regiment, or the whole damn corps. That is not a clear military commitment in Somalia. We should support the Gilman amendment.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise in strong support of the Hamilton resolution and against the Republican amendment. The question here is not should we get out of Somalia. Everyone agrees we need to get out of Somalia. The question is when do we get out of Somalia, when do we get out of Somalia that is most prudent for this country, for this country's foreign policy, for our troops in Somalia. When is the best time?

As far as I am concerned, the 60-day extension is nothing more than an attempt to embarrass the President. Foreign policy should be bipartisan. It should be treated in a bipartisan manner. Let me remind my colleagues on the other side of the aisle that it was President Bush that sent our troops into Somalia, a move which many of us supported because, again, we felt that America as the last remaining superpower has a responsibility in the world. It does not mean we ought to be the policemen of the world. No one is saying we ought to stay in Somalia, but we were sent there with a mission. The President has redefined that mission. He has said we will get all our troops out of Somalia by March 31. That seems infinitely reasonable to me.

Mr. Speaker, isolationism, despite what some of my friends on the other side of the aisle say, islolationism is isolationism. With the collapse of communism too many of my friends on the other side of the aisle are willing to go, in my opinion, into a very dangerous phase of isolationism. We have a responsibility. The world looks to us. We have a goal, and we have goals. We need to fulfill those goals.

If we cut and run, and we would be cutting and running, we will tell the Aideeds and all the tinhorn dictators all over the world that "All you need to do to change American policy is to kill a few Americans and then the Americans will get scared and cut and run." We have to show the Aideeds and the Saddam Husseins and others that we are not going to cut and run.

Mr. Speaker, I supported President Bush in the Persian Gulf war. It was not an easy vote to take on this side of the aisle. I believe that as President, he needed bipartisan support. I wish some of my friends on the other side of the aisle would give President Clinton the same courtesy.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2½ minutes to the gentlewoman from Maine [Ms. SNOWE], a senior member of the Committee on Foreign Affairs.

Ms. SNOWE. Mr. Speaker, today we are presented with a clear, simple choice. The Hamilton resolution was reported out by committee on a razor-thin vote of 22 to 21—by no means a mandate on this critical foreign initiative. The Gilman amendment on the same issue was the only amendment attracting bipartisan support.

The Gilman amendment recognizes that United States forces in Somalia have accomplished the purpose of humanitarian relief that tragically resulted in the loss of American lives. It calls for the removal of United States combat troops from Somailia no later than January 31, 1994.

Ironically, the committee resolution does not argue against the near-term withdrawal of American combat forces from Somalia. However, it recommends that those forces remain in Somalia—devoid of any genuine mission—for an additional 2 months. This presents supporters of the resolution with a quandary. They propose that we use American troops to purchase a face-saving decent interval and/or to advance the United Nation's ambitious nation-building exercise in Somalia.

Some might argue that the January 31 deadline in the Gilman amendment is arbitrary. But any deadline is by its very nature arbitrary. Since it is nonbinding, what the Gilman amendment does is express the view that we should withdraw from Somalia as quickly and safely as possible. Frankly, I believe that we should pull out our troops well before January 31, and in committee I supported a Goodling amendment calling for withdrawal within 30 days. But the committee resolution would extend the deadline to March 31. If we adopt the committee resolution, this House would go on record urging the President to allow our troops to remain in positions of danger months after they could have been safely withdrawn.

The question before us is clear: How much longer does this administration intend to allow the lives of our soldiers to be placed at risk in a country which obviously harbors no good will to the United States and in a campaign which has no focus or cohesion? This is a policy which has no overriding support among the people we are here to represent?

On a question of intent of mission, let there be no misunderstanding: according to the Red Cross, mass starvation in Somalia has ended. Our brave troops should take great pride in that accomplishment. Our original humanitarian mission was over 6 months ago when the famine ended and Operation Restore Hope changed to Operation Get Aideed. We should have withdrawn from Somalia at that time, as President Bush originally intended.

Yet, along the way, this administration has deluded themselves into thinking that we can go further and that we must inspire our troops with some magic notion that we can convert Somalia into a stable Jeffersonian Democracy in a matter of a few months. But the administration which wants our troops and the American public to believe this can be achieved is the same administration where critical National Security Council briefings go unattended, where field general's requests are rejected, and whose policy drifts to and fro like a reed in the wind.

Every day, yet another confused message comes out of the administration. After the October 3 ambush and massacre, U.S. forces withdrew to their compounds. According to numerous press reports, the focus of their mission since then has been to defend their own barracks. The administration was clearly embarrassed by these reports—particularly a Washington Post article last Wednesday—because they revealed the continuing, fundamental lack of purpose to our continued presence.

Suddenly, on Thursday, 1 month later, the administration announced that U.S. troops would resume joint patrols with U.N. forces to reestablish an aggressive foreign troop presence on the streets of Mogadishu. But then the administration ran into another snag. On Sunday General Aideed, still formally subject to a U.N. arrest warrant, held a rare press conference. He warned that U.S. participation in such patrols would be a provocative violation of the truce he had agreed to with Ambassador Oakley. He warned that if U.S. troops returned to their earlier mission, it would risk another bloody confrontation.

President Clinton has a serious obligation to steer a clear, definable course of foreign policy for our Nation, to set a standard for our Government when this Nation should properly engage itself and its Armed Force in any conflict. I have always believed, as I believe now, that we should only ask U.S. servicemen and women to put their lives on the line to defend American national security.

It is not too late to set our country back on course. Nothing can bring back the lives of those servicemen who perished on a dusty street in Mogadishu. But we have a definitive moral obligation to ensure that no more lives are sacrificed in vain in a conflict we are likely to only deepen and widen by our presence.

In casting our votes today, we must keep foremost in our own minds the October 3 massacre of our finest young Americans, when 18 Rangers were killed, 2 of them from my own district, and 75 others were wounded. We watched horrified as the bodies of two American servicemen were dragged through the streets of Mogadishu to ecstatic, cheering Somali crowds.

Since that debacle—and even before then—many have questioned whether we really have any fundamental interests at stake in Somalia. But I would argue that today we do indeed have many national interests in Somalia. Over 10,000 interests, in fact, and every one of them should be brought home as soon as possible.

Mr. Speaker, I urge adoption of the Gilman amendment.

☐ 1810

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise to urge support for the Hamilton amendment.

One year ago, I traveled to Somalia with other Members of Congress. We were appalled by what we saw. We saw suffering and starvation on a scale that is incomprehensible to those who did not see it with their own eyes. I saw a young child starving to death in her mother's arms. I saw death all around.

The country was in chaos. Warlords and young thugs roamed the country with guns of all kinds. No one was safe.

Now 1 year later, our young men and women have served well in Somalia. Because of U.S. aid and intervention, farmers are planting crops. Rival warlords came together in a historic gathering. Rebuilding has begun throughout the country.

Peace has been restored to much of Somalia. We have saved hundreds of thousands from starvation. We have much to be proud of. Our success has been dramatic.

I agree that we must withdraw our troops. But we must do it in an orderly fashion so that we do not destroy everything good we have done over the past year. In the meantime, we must be on guard. But we cannot second guess the President every step of the way. If we do that, we risk confusion in the command. We also risk hurting our troops on the ground.

The President has set a date for withdrawal. He is very aware of our concerns. I say to you, my colleagues, do not endanger our good work, do not endanger our young men and women, by second guessing the President every step of the way.

Our mission has been noble. We used our military in the best possible way—to save lives. We did the right thing by helping the people of Somalia.

Support the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, as a new Member of Congress I find it disappointing that many majority party Members cry gridlock, partisanship, obstruction anytime there is a good piece of legislation that they disagree with. This tactic, of course, is easier than debating the merits of a bill.

I ask: What are you afraid of? Let us stop the rhetoric and look at the facts. Regardless of the situation last December, it is a new game. We are now involved in another country's civil war. The drought is over, but the chaos continues, and it will continue whether we get out January 31 or March 31.

We have heard a lot of talk today, but not much substance. Not one speaker has told us why 60 more days really makes a difference. And that is because no one can explain why we are still there in the first place.

Let us support the Gilman amendment and get our soldiers home sooner than later.

Mr. HAMILTON. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. OLVER). The gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 8½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, the purpose of the War Powers Resolution, enacted into law on November 7, 1973 over President Nixon's veto, is to ensure both Congress and the President share in making decisions that may involve the U.S. in hostilities.

Compliance becomes an issue whenever the President introduces U.S. Armed Forces abroad in situations which might be construed as hostilities or imminent hostilities.

Criteria for compliance include: prior consultation with Congress, never happens; fulfillment of reporting requirements; and congressional authorization.

If the President has not complied fully, Congress must decide what action it should take to bring about compliance.

Now, President Clinton has already committed to withdraw troops from Somalia by March 31 and provisions in the DOD Appropriations Bill will cut off funding for the operation by this date. In practical terms, this debate has more to do with legitimizing the War Powers Resolution than with bringing our troops home.

But a total of 23 U.S. soldiers have been killed in Somalia including 18 killed and 75 wounded in the ill-fated October 3 attack on Aideed's headquarters.

Instead of declaring victory over hunger and getting our troops out of Somalia, the President expanded our mission to "nation building" and the capture of Aideed.

Mr. Speaker, because of our change in mission from feeding to fighting Somalis, we have suffered tragedy and mishap, and now we find ourselves in an unsteady truce, while humanitarian aid continues and our troops are holed up in barracks in Somalia.

But there is no government in Somalia, no structure, no guarantee that whenever we leave the anarchy will not be rekindled. No matter how long we stay, we have done good for the Somalians.

But we did a great disservice to our troops when we abandoned our original mission to feed the people and began to fight them. And we continue to do a disservice to our troops by leaving them in Somalia.

We cannot change the circumstances in Somalia. We wish we could, but we cannot. So we dare not expose our sons in uniform to the unnecessary and inevitable danger without giving them a definite and achievable mission. There is none. So we can leave them in Somalia to become the targets of Lebanese-style catastrophes, or we can declare victory over hunger, as I said last January, and pull our troops out of that unfortunate land.

We cannot control that situation. It is a powder keg, and we should pull our boys out before it blows up.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, the debate about whether or not America should remain in Somalia in fact ended a long time ago. Now it is only a question of ensuring that there is an orderly withdrawal and all that America fought for and some died for is not lost.

America can take enormous pride because indeed no other nation in the world would have sent her sons and daughters so far for such a noble purpose, simply to feed the hungry and to save lives. And yet, all of us want to ensure that in these final months of this mission that we remain true to our cause of ensuring that it is both completed and that American lives are saved.

Mr. Speaker, only moments ago the distinguished chairman of the committee, Mr. HAMILTON, received a letter from the Secretary of State. At this point, if I could, I would like to engage in a colloquy.

Mr. Chairman, is it your understanding that indeed while American forces remain in Somalia that their mission will be limited to protecting their bases, responding on an emergency basis in case United Nations forces are in trouble, and keeping lines of communication and supply open?

Mr. HAMILTON. Mr. Speaker, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, that is my understanding. And may I quote a paragraph from the Secretary of State's letter addressed to me November 9:

> In his address to the Nation, the President made clear that the core of our mission is to protect United States troops in Somalia and their logistic bases, and to keep open and secure the key roads and lines of communication that are essential for the United Nations and relief workers to keep the flow of food supplies and people moving freely throughout the country. There has been no change in our mission as stated by the President.

Mr. TORRICELLI. So indeed Members can be assured that for the safety of American forces, that this is their mission, it is well defined, it is being coordinated with the Somali factions to minimize the risk to American forces and to ensure that we are solely completing the mission that we went there to do, while having an orderly withdrawal and giving the greatest chances for other forces to replace the United States so that our work is not lost when we depart?

Mr. HAMILTON. I think Members can be so assured.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. TORRICELLI. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am reading from a White House bulletin dated November 8, 1993, in which United States Special Envoy Robert Oakley told Somali clan leaders that American troops will "resume patroling city streets, clearing roadblocks, and disarming technicals."

Mr. TORRICELLI. Reclaiming my time, I think this is what remains critical, is the difference is that it is now done in conjunction with Somali factions and the United Nations, and that these missions are only done to ensure that the roads are open to deliver supplies and communication lines. But that there are no offensive patrols. The mission has changed and our forces, for as long as they remain, remain safe in that mission. That is the distinction, and that is an enormous difference.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER].

□ 1820

Mrs. FOWLER. Mr. Speaker, I rise today to support the Gilman amendment to withdraw United States forces from Somalia by January 31.

The original United States mission in Somalia initiated by President Bush, which ended last May, was a huge success. With food supplies safeguarded and order restored, we turned the situation over to the United Nations and began to withdraw.

Unfortunately, the United Nations soon alienated certain Somalis. The result was the ambushing of Pakistani troops and President Clinton's subsequent determination that United States troops in Somalia should come to the United Nations' aid.

The problem was that this new U.S. mission was no longer peacekeeping. Rather, it was peacemaking. The United States abandoned its previous policy of neutrality and using minimal force, and instead committed itself to use significant military force against specific parties to the conflict.

This is not a course we should have pursued. We saw the result on October 3d—18 U.S. deaths and scores more wounded.

Today, the goodwill we developed with the people of Mogadishu during Operation Restore Hope has dissipated. The situation remains volatile, and any spark might set it off. We should withdraw our forces now, before hostilities recur. This ill-defined mission is not worth one more American life.

Mr. HAMILTON. Mr. Speaker, we have only one speaker left. Is it correct that we have the right to close?

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman is correct. The gentleman from Indiana has the right to close.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, much has been said about Somalia in this Congress. Unfortunately nothing has been done by this Congress about Somalia.

Months ago one did not need to be a war strategist or a Ph.D. in international affairs to know that the United States was headed down the wrong path in Somalia.

But we did not learn easy lessons in Somalia. We did not learn that our presence was no longer welcome.

We did not learn that we should not become involved in the civil disputes of another nation. We did not learn that our ill-protected troops should not be needlessly sacrificed.

And we did not learn that this is still a dangerous world where peace is only obtained through strength.

Unfortunately today, my colleagues, we cannot undo what has been done.

We cannot bring back the precious lives that have been lost. And we cannot recoup the hundreds of millions of dollars that have needlessly been spent on the military fiasco in Somalia.

What we can do today is to learn from the costly lessons from the past.

What we can do today is to act now—in our last opportunity to save lives—to save taxpayer dollars and hopefully to learn from the lessons of the past.

Therefore, I urge my colleagues to support the Gilman amendment which offers us today the only opportunity to correct the mistakes made yesterday.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished majority whip.

Mr. GINGRICH. I thank the gentleman for yielding this time to me.

Mr. Speaker, I really rise in some anguish. I frankly do not believe that the Congress should tie the Chief Executive's hands in foreign policy except under the most difficult of circumstances. And I suspect if this were a binding resolution, I might well vote "no" just because the world is a dangerous place, things happen overnight, and you cannot be sure.

But as we watch what is happening and we watch the confusion and we watch the inability of the administration to explain itself or to have a clear policy and you get up one morning and it says American troops are going to patrol Mogadishu and then you hear them say, "Well, not really, except occasionally," and then they explain that occasionally only means when it is really dangerous but it will not really be dangerous because after all they would not do anything to put our guys in danger unless of course they happen to get killed.

You go through these discussions, and frankly we in the Congress have an obligation to send a signal to the President. I think the signal we have to send is that we are not satisfied with the way this foreign policy is being run; we are not satisfied with the way the Defense Department is being run; we do not think our young men and women are being given the right backup; we do not think there is a clear policy in Somalia as there is not a clear policy, frankly, in Haiti or in the Balkans, and somehow those of us who are worried both about the lives of young Americans and about America's role in the world have to send a signal.

I frankly came to the conclusion that voting "yes" on this resolution, voting for Gilman is the right signal. It is a signal that says to the President there is not support in this Congress for a muddled, confused, and unexplained policy which risks the lives of Americans for what seems to be no purpose.

I think it is very important for this President to understand that he has a deep, serious foreign policy crisis and that he needs to thoroughly overhaul his defense and foreign policy establishment and he needs to find a way to calmly and consistently lead Americans in a way that we can support and follow. And, frankly, today, from every meeting I have been in, from every report I have seen, that is not the case. That is why I will vote "yes" on Mr. GILMAN's amendment.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, the reason I brought this picture on the floor is that I will not take a second seat to anyone on foreign affairs or defense, or any Member of the House, as far as working on this issue is concerned. I went to Mogadishu, took 39 hours of flying to get there. Since I have come back, I have been to Fort Benning, I have been to Fort Bragg, and this weekend I was at Fort Campbell and met with CWO Michael Durant and the widow of the legendary helicopter pilot from the best helicopter regiment in the world, the 160th special ops aviation regiment, Cliff Walcott's widow Christine.

The reason that I am supporting Mr. GILMAN, and I do not think any dates should have been drawn in the sand ever, the President should have said we will try to be out by the spring. It was an embarrassment and political pressure that forced him to pick March 31. We could have been out sooner. He was just telling Aideed, "I will jerk the Rangers out, and you release Mike Durant, and then we will go from there."

Aideed is now threatening us. As of Monday they killed the Somalia security head of one of the volunteer organizations, CARE, yesterday. A colonel spokesman there is saying our soldiers are going back out on the street.

The reason this photograph is important—and some of you cannot see it over there on the majority side, but believe me, our camera crews downstairs, come in close on this and you can see it clearly in all the homes around America that follow our discourse here—these are 5 of 14 Russian-designed main battle tanks, P-72's owned by the Indians. The Italians had a dozen M-60's that are every bit as heavy as our Abrams, to blow through road blockades.

There were 12 M-48 tanks owned by the Pakistanis, and none of this armor was available when our Rangers and special ops guys were pinned down in a 15-hour firefight from hell. There is no coherent policy there, as Mr. GINGRICH just said, and that is why any Congressman with any common sense is going to have to vote for the earlier pullout date.

Now, here is why Aideed is so angry at us: There are eight of his armored tanks and armored personnel carriers that we blew up with our gunships earlier in the summer. There are his roadblocks all over the city. And we are going to send our people in harm's way again to try to knock out of the way, with every building a sniper's nest.

There is another roadblock across one of the major arteries, the October 21st highway that you can hardly drive down today. And there is what we pulled out on August 23, 2 days before the Rangers and the special forces arrived, we pulled out the world's biggest, most effective fighter, the AC-130 Spectra gunship.

Why do we leave our men, who train with us all the time, unprotected? It is because we have no coherent policy in Somalia, as we do not have a coherent one going into the Balkans, God forbid, or going into Haiti. We simply must get out as quickly as possible. And if those beautiful little black children start starving again with their mothers, we can get food to them lots of other ways. We do not have to stay in this scorpions den and get our young people killed in Mogadishu itself.

□ 1830

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Speaker, it was clear to me and to most Americans why we went to Somalia. It was clear that we had finished our mission and should have come home a long time ago.

Now we have drawn a date in the sand. I never understood why we would do that, totally counterproductive. It tells Aideed that he simply has to vacation, come back in 6 months. He will be a winner.

As long as we have set a date, we might as well make that date nearer, rather than further away. It will cost us less money and put our young men less at risk.

I strongly support this amendment.

Mr. HAMILTON. Mr. Speaker, I yield myself the final 3 minutes.

Mr. Speaker, the issue that we face today is really very straightforward and simple. House Concurrent Resolution 170, as reported by the Committee on Foreign Affairs, directs the President to withdraw the troops by March 31. The Gilman substitute directs U.S. troop withdrawal by January 31.

I think it is time to put this divisive debate about Somalia behind us.

I want to say to my colleagues on the Republican side who have argued here that there has been no coherent policy that I do not argue this evening that there have been no mistakes made in Somalia. I happen to believe that the burst of criticism that came from this body and from the American people has been helpful. The aggressive effort to capture Aideed should not have been allowed to supplant the political process, and all of us, including the President, acknowledge that.

The President made a mid-course correction. That mid-course correction was away from increased involvement and toward gradual disengagement.

The criticisms of U.S. policy have been heard. They have been heeded, and it is now time to put this divisive debate behind us.

The President has announced a policy of gradual disengagement, and what we do here tonight will not have any impact on that policy.

I have heard it said over and over again tonight that there is no coherent policy. Read the President's October 7 speech. Read the letter that the Secretary of State has sent to us.

The President has made clear that the core of our mission there is to protect our troops. That is the first priority, and the second priority is to open and secure the key roads and lines of communication so that the humanitarian aid can flow.

March 31 is the date that the President has announced. March 31 is the date in the Defense Department appropriations bill that we are going to vote on tomorrow.

How does it look if the House of Representatives tonight votes for a date of January 31 and then turns around tomorrow and votes for March 31? How is that for constancy and consistency in American foreign policy? What kind of signal does that send to the world? It sends a signal of confusion that we cannot get our act together.

We are leaving Somalia. The date of March 31, as the President said and the Secretary of State said, was set on the basis of military advice.

The Senate of the United States has approved it by 3 to 1. There is no disagreement.

Mr. Speaker, I urge the defeat of the Gilman amendment and support the Hamilton resolution.

Mrs. LLOYD. Mr. Speaker, I had hoped that when we voted a few weeks back to instruct conferees on the Defense bill to accept a Senate provision imposing a March 31 deadline for complete United States withdrawal from Somalia, that we laid this issue to rest. I believe it was the right vote and I stand behind it.

Mr. Speaker, what has happened in Somalia over the past several months is horrible. We all agree on that. We have all read the news stories and seen the graphic media footage. Given the deaths and treatment of U.S. servicemen at the hands of rebel forces, it is understandable that emotions are high and the calls for quick withdrawal are loud and clear.

When a government is tasked with developing a coherent, viable, foreign policy, it must not be rooted in emotion. Our policies should be based on reason, logic, and means. Can we achieve our desired goal given the resources at hand, in a timely manner, with a minimum amount of hardship? Knee jerk, reactionary foreign policy may seem to offer a quick fix, but in the grander picture, it does more harm than good. Some have argued that this has been the case with the United States in Somalia; we have been a day late and a dollar short. Perhaps, they are right.

President Clinton has wisely redefined and narrowed the focus of the United States mission in Somalia. The Senate acted to codify part of the new plan in an amendment to the fiscal year 1994 Defense appropriations bill on October 15.

I believe we need to get our forces out of Somalia as soon as it is safe and possible to do so. Immediate withdrawal is not logistically possible and it would severely cripple the U.N. effort there. The question now is: What is a fair date for U.S. withdrawal?

If the Gilman amendment is adopted and the Hamilton substitute defeated, January 31, 1994, will be the date for a complete U.S. withdrawal. Could we meet this deadline if we absolutely had to? Probably. What are the drawbacks? First, we scuttle the October 15 compromise worked out in the Senate regarding our involvement in Somalia. Further, in agreeing to Gilman, we in Congress tell the President that we know better than he how to run our foreign policy. We essentially tie his hands.

I believe U.S. foreign policy should be a joint product between the administration and the Congress. The administration provides the policy expertise and the Congress provides the input of the Nation.

Admittedly, the administration policy in Somalia has been disjointed. The President inherited the Somalia crisis from the Bush administration—who I am sure never anticipated the escalation of violence that we have witnessed over the past several months. But if there is a chance of restoring order to Mogadishu at least in part, then the most underlying goal of our policy—a goal that has been consistent almost throughout our entire deployment—is reached. A January withdrawal could undermine our ability to leave Somalia in some resemblance of order so that the U.N. forces can easily assume full control of the mission there.

Another reason I fear that a quick withdrawal is dangerous is, that I believe it sends the wrong signal to our allies and our enemies throughout the world. If it is understood that once an American serviceman/woman is killed on a peacekeeping mission, then the message is: If you don't want the United States around, take a couple of shots at us, and we'll turn tail and run.

My colleagues, before you cast your votes, please understand that this debate is not only about United States involvement in Somalia, it also makes a statement about just what the future of United States foreign policy will look like.

Mr. GALLO. Mr. Speaker, I rise today in support of this important sense of the Congress resolution calling on the President to remove United States forces from Somalia and urge my colleagues to support the amendment which our colleague from New York, Mr. GILMAN, will be offering that would establish December 31, 1993, as the date by which we believe our presence in Somalia should end.

When President Bush sent American troops to Somalia in order to help the starving people of that beleaguered land, I supported him and the mission to which he had committed us. The President defined a limited mission, committed the troops and resources necessary to achieve it, and knew when and how we would end our involvement.

Once we had done what we could to make certain that food was again available to the Somali people, President Clinton, who endorsed and supported President Bush's actions in support of a limited mission, should have brought our troops home. Unfortunately, at some point last spring, our new President decided to widen the mission, reduce the number of troops, and limit the resources available to them to achieve the mission—all without any idea about how or when we would end our involvement.

The results of the President's tragic policy—and I use the word policy generously—have been tragic. The most grievous example of the failure of the Clinton policy in Somalia was the disaster in Mogadishu on October 3. Some of the finest young men in our military service lost their lives that day because the Clinton administration denied them the support they needed to achieve the expanded mission the President had laid out for them.

One of those brave fallen warriors, Ranger Cpl. James E. Smith, was a resident of Long Valley, NJ. His father, James H. Smith, a disabled infantry veteran of the Vietnam war, is proud of his son—who saw his duty and bravely did it—and is disappointed in his son's Commander in Chief, who failed to support the troops under his command.

The elder Mr. Smith wrote a powerful letter to the President expressing his feelings—both as a father and a combat veteran—about this issue. I ask that the text of his letter be printed in the RECORD immediately following my remarks. I urge each of my colleagues to read what Mr. Smith has written. He puts a human face on the situation and helps prevent us from turning this into an impersonal policy debate on a discussion about protecting the President's political capital.

It is time for our troops to come home. The mission that President Bush committed us to has been completed. No constructive purpose is served by leaving American forces in Somalia any longer. Support this resolution and support the Gilman amendment.

The letter follows:

LONG VALLEY, NJ,
October 25, 1993.

President WILLIAM CLINTON,
The White House,
Washington, DC.

PRESIDENT CLINTON: As a warrior who was disabled in the Vietnam War and as a father of a warrior killed in action in Somalia, I cannot accept your letter of condolence for the death of my son Ranger Corporal James E. Smith. To accept your letter would be contrary to all the beliefs I, my son and the Rangers hold so dear, including: loyalty, courage and tenacity.

During the battle for Anzio, in World War II, an inept indecisive field commander sent the Rangers into battle where they were slaughtered. Fifty years later the Rangers again were ordered into battle, where they were surrounded and outgunned. But this time it was not the fault of the field commanders. No.—this time it was the fault of the Commander in Chief, the President of the United States. Your failure to provide the requested combat support reveals a lack of loyalty to the troops under your command and an extreme shortage of moral courage.

I had the honor to meet the Rangers who fought alongside my son and were with Jamie when he died. I heard of magnificent acts of courage and sacrifice. I had Rangers, with tears in their eyes, apologize for letting my son die or their failure to break through and rescue the trapped Rangers. The failure is not theirs, it is yours. Trucks and Humvees cannot replace the requested tanks, armored personnel carriers and Spectre gunships.

As a combat veteran I know that there are no certainties on the battlefield; however, as an Infantry Officer I will always speculate that significantly less casualties would have resulted if you, as Commander in Chief, provided the Rangers with the requested combat support—equipment with which Rangers routinely train and for which approval should have been automatic. The Rangers were pinned down for twelve hours—long hours when the Rangers were fighting for their lives and a Delta Force medic fought to save my son. Jamie bled to death because the requested armor support was not there to break through to the Rangers.

Rangers pride themselves on the Ranger Creed. "Driving on to the Ranger objective", or "Surrender is not a Ranger word" are not hollow phrases to the men of the black beret. These soldiers understand the word tenacious and wanted to complete their mission. As Ranger after Ranger told me, they were hitting Aidid's forces and command structure hard. But, the United Nations was actually impeding Ranger missions by offering sanctuary to Aidid's supporters. Your willingness to allow this dangerous situation demonstrates a lack of resolve in supporting the men you sent into battle.

My son is no longer here to "Lead The Way"; however, I am. Until you as President and Commander in Chief are either willing or able to formulate a clear foreign policy, establish specific objectives and, most important, support the men and women in uniform, I will "Lead The Way" in insuring that you no longer send America's finest to a needless death. When you are capable of meeting these criteria, then I will accept your letter of condolence.

Sincerely,

JAMES H. SMITH,
Captain/Infantry (retired).

Mr. LEWIS of Florida. Mr. Speaker, unfortunately, I could not be here for this vote due to a death in my family. Had I been here I would have voted in opposition to this resolution, which allows for troops to remain in Somalia until March 30, 1994, and in favor of the Gilman resolution to bring them back sooner.

I must comment about those who claim opposition to the President is brought on by partisan concerns. This is wrong and callous. Let me take a moment to read my statement when President Bush placed these troops in Somalia. I said in December 1992: "I am adamant that the Somali mission should be limited to creating an environment for distribution of relief supplies by international agencies. This mission should be clearly defined and not be open-ended." I maintain that position.

Early this year, I wrote the President and asked him to remove our troops. This was not done for public relations purposes, I believed it was the right thing. It is still the right thing.

I agree that we cannot oppose the President because he is from another political party. Neither can we support him in a bad policy because he is from our party. This is not about politics, it is about saving American lives. Let's finally bring our troops home.

Mr. POMEROY. Mr. Speaker, I rise today in opposition to the Gilman amendment and in support of the Hamilton amendment.

Mr. Speaker, tonight we must put the debate over Somalia behind us. U.S. policy has been decided. We are leaving Somalia. The President, in consultation with military commanders in Somalia, has set March 31, 1994, as the deadline for the withdrawal of United States troops. This policy was affirmed by the U.S. Senate when a strong bipartisan majority voted to support the March 31 deadline in an amendment to the Defense appropriations bill. Tomorrow, when the House considers the Defense appropriations conference report, it will also vote to reaffirm the United States policy for withdrawal from Somalia. The nonbinding Gilman amendment would serve only to confuse U.S. foreign policy in the eyes of the world.

In light of this agreement, it is ironic that my colleagues on the other side of the aisle are tonight offering an amendment to curtail the foreign policy powers of the President. How many times in the past 12 years did Republican Members ask Democrats to stand by the President, to speak with one unified voice in foreign policy matters? And yet, tonight, those same members want the House to overturn the foreign policy position of the President and the Senate to score partisan points.

I urge my colleagues to vote for the Hamilton amendment and support the prerogatives of the President to execute a responsible withdrawal from Somalia.

Mr. SPENCE. Mr. Speaker, a previous President said one time, "Let us reason together."

All of us here tonight, I think, agree that the wrong policy in Somalia resulted in the unnecessary wounding and death of our troops as well as many of them being taken captive. We also agree that we should come home from Somalia either on January 31 or March 31. On these points, I believe, we are all in concurrence.

But something new has happened, as I mentioned earlier tonight, we have a new policy being enunciated now in Somalia. We are putting our military people back into the street, taking sides in a general conflict which led to the death of our people before. Last week it was announced that our military would resume clearing the streets of roadblocks in Mogadishu.

Somali militiamen toting automatic weapons set up road blocks and checkpoints due to their conflict with other clans in the area. If we attempt to clear these streets we put our military in the position of taking sides in the internal war in Somalia after just admitting that our humanitarian effort had been completed and subsequent United Nations and United States military mission directed toward one side in the conflict has been discontinued as being inappropriate.

We are again taking sides in this conflict and exposing our military to unnecessary risks. If this happens, and we don't vote for this resolution, we in this body, will share the blame with the President for the ones who will be killed or wounded in the future. Until now, those of you who have voted against this resolution, for whatever reason, could blame the United Nations or the President for what has happened but if you vote for this amendment you are affirmatively voting to be a part of a failed policy and for an extended time for withdrawal and for a new policy that could result in more casualties in the future.

This is a nonbinding, Sense of Congress resolution, which does not legally require the President to act, and, therefore, does not infringe on the authority of the President as Commander in Chief. The President can also come back and get an extension of time if he deems it necessary.

We are getting ourselves right back into the same position that we have renounced before.

Mr. Speaker, let us take this way out by sending this message to the President that we do not want to put the lives of our people at risk any longer.

The SPEAKER pro tempore (Mr. MCDERMOTT). All time for general debate has expired.

It is in order to consider the amendments in the nature of a substitute printed in House Report 103-328. The amendments may be offered only in the order printed and by a Member designated in the report, and shall be considered as read. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted.

Pursuant to the rule, it is now in order to consider the amendment in the nature of a substitute printed in part 1 of House Report 103-328.

For what purpose does the gentleman from New York rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. GILMAN: Strike all after the resolving clause and insert in lieu thereof the following:

SECTION 1. FINDING THAT THE UNITED STATES ARMED FORCES IN SOMALIA ARE ENGAGED IN HOSTILITIES.

For purposes of sections 5(c) and 7 of the War Powers Resolution (50 U.S.C. 1544(c) and 1546), the Congress finds that the United States Armed Forces in Somalia are engaged in hostilities without a declaration of war or specific statutory authorization.

SEC. 2. REMOVAL OF ARMED FORCES FROM SOMALIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove the United States Armed Forces from Somalia by January 31, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], a senior member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I wish I had more than 2 minutes; however, let me try to digest this and say that the people of Somalia do not want us in Somalia. I mean, what more stark proof do you need than when our soldiers were killed and they pulled their dead bodies through the streets of Somalia, threw their dead bodies on the streets of Somalia, poking them with sticks, and we are supposed to stay there and keep our troops there longer?

I just think we need a quick refresher course. We went in there in December and we were told that we were going to be out by January 20, Inauguration Day. Remember that? But Inauguration Day came and went and we were still there.

Then we were there in the spring. On May 25 we had an amendment here to be out of there by June 30. We had 127 votes for that amendment. Had the majority in this House gone with us on that amendment, our troops would be home today and these 18 young Americans would not have died on that weekend and these 75 young Americans would not be in hospitals today because of what happened on that weekend.

Now we are told that we are supposed to have trust and confidence in this administration, that they know what they are doing. Do you not ever read the paper? Look at this morning's headline, the front page. Your second man in command at the State Department left. Why? Because he does not want to be blamed for the misadventures in Somalia.

Now, come on. We have an obligation to the people who wear our uniform. They have been over there long enough and they have done the job.

Now we are saying that we want them out within the next 82 days. The Democrats are saying no, we have got to keep them there for 5 more months.

We are having a debate basically between the realists here in foreign affairs and the interventionists. The interventionists will drag you into every fight in the world, every dogfight in the world. We are nothing but a 911 for every trouble spot in the world.

I think it is about time that we assess and ask ourselves, where do our loyalties lie? Do they lie with our troops, or do they lie with everyone who is going to call us into their fights?

Mr. Speaker, let me just tell the gentleman from New York, I hope that when we vote here we vote for the Gilman amendment and think of our troops for a change.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS], the ranking member on the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, I rise in support of the Gilman amendment.

The original United States mission in Somalia was to feed the starving millions, and in achieving that mission, to quell the street gangs and thugs that prevented the food and medicine from getting through. It was the first time in American history that our military had been ordered into such a mission.

Mr. Speaker, we achieved that goal months ago. Why are we still in Somalia? Because the United Nations changed the United States mission from feeding the hungry to "nation building," a political settlement between the Somalian factions which have been warring from time immemorial and will be warring until time is no longer.

There is no vital United States interest at stake in Somalia. International peace is not threatened in Somalia. The only reason we went was to stop overwhelming starvation. It has stopped.

Whatever happens when we leave, whether it is March 31 or January 31, is going to happen.

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Why prolong our stay and expose American mothers' sons and daughters to injury or death needlessly and for no purpose other than to try to satisfy the personal vendetta of the Secretary General of the United Nations? Let the United Nations fulfill whatever mission it wants. The U.S. mission is fulfilled.

One further word, Mr. Speaker:

Make no mistake. Many international thugs, such as North Korea's Kim Il Sung, and others, are watching now. They see the United States forces doing nothing in Somalia but defending their barracks. They have no other mission. The powerful images from the overwhelming force of the tremendous victory of Desert Storm is being dissipated in Somalia by the new image of military ineffectiveness being seen. To let this continue will reap the whirlwind, Mr. Speaker. This administration is inviting some powerful dictator somewhere to test it, and I hope our interests are not at stake there.

Mr. Speaker, January 31 is better than March 31. Support the gentleman from New York [Mr. GILMAN].

Mr. HAMILTON. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from New York [Mr. GILMAN] and ask to control the time in opposition.

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Indiana [Mr. HAMILTON] is recognized for 15 minutes.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MURTHA], chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. MURTHA. Mr. Speaker, let me just make a couple of points.

I expressed my opposition to our deployment to Somalia when it began. When I went to the White House, I expressed my concern to President Bush.

I said, "This is a mistake, we shouldn't deploy under these circumstances, and it's going to deplete the resources of the Armed Forces," and I asked him how we were going to get out and when we were going to get out.

Mr. Speaker, he said, "I'll have these troops out by Inauguration Day."

Well, Mr. Speaker, the United Nations was slow in its deployment to basically take over the U.S. role. The United Nations came to depend heavily on the United States. That was a mistake, no question about it. The administration has learned substantially from this and it has listened to our voices and our advice.

When I went to Somalia the first time, Mr. Speaker, my reservations remained the same. I told the new administration, when it came in, "We should get out of Somalia as quickly as possible," and in the middle of July I said, "Get our troops out because this could deteriorate into a very tragic situation."

I made a second trip to Somalia in October. I know the gentleman from California [Mr. DORNAN] also went there. I talked to the Rangers about the October 3 incident. It was a bloody battle. The troops conducted themselves well. They fought valiantly in a congested urban environment.

The President has reassessed the situation. He called everybody in. He listened to what was suggested by the military commanders, and that was, "We need time, first of all, to put forces in place in order to protect our American forces." They also stated that, because the United Nations has extremely limited logistics capability and poor communications and intelligence, time was needed for the United Nations to develop these functions which had been conducted almost exclusively by U.S. forces.

Now how are we to get out of there? General Bir, the U.N. commander, said, "It would be chaos, a debacle, a disaster if the United States pulled out too quickly. We have to have time," and these are his words, "in order to replace the logistic support the United States has been providing." Now how do we do that?

They have a plan. They are going to do that with a civilian operation. We have provided, in our conference report tomorrow, the authority to the Department of Defense to allow them to contract with a civilian authority to provide these administrative logistics type capabilities.

Not only that, but in the conference report we set aside a sense-of-Congress resolution that says: "In the future, before you get involved in these kinds of operations, have consultation with the Congress. Don't wait until there's a tragedy. Consult with the Congress beforehand."

In working with the gentleman from Indiana [Mr. HAMILTON], and the gentleman from California [Mr. DELLUMS], and the gentleman from Pennsylvania [Mr. McDADE], and the gentleman from New York [Mr. GILMAN], and all the other Members, we have tried to work out some kind of a reasonable process where Members of Congress are consulted, with all the experience in the House and in the Senate, before something like this happens.

But I have to say this:

One thing we have learned from Vietnam is that we cannot from the Halls of Congress dictate to the military the strategy for any kind of operation, but we have got to leave it up to the military to make the tactical onsite decisions.

On the ground, every military commander is saying, "I need until March 31." The recommendation by General Hoar, who spent over 2 hours briefing me about what happened in that tragic event, was "I need until March 31, because I cannot attain our objectives any quicker. Even if he gets a protective buildup done within a month, it will take considerable time beyond that to phase our forces out in a reasonable manner and to establish adequate logistic administrative support to take care of the U.N. mission. Ambassador Oakley also told me he needed until March 31. I realize this is a nonbinding resolution, I realize the Congress wants to speak on this situation, and I think the administration has heard the objections. The administration came to a conclusion—March 31 is the earliest date we can complete our withdrawal.

Mr. Speaker, I would urge the Members to vote against the amendment offered by the gentleman from New York [Mr. GILMAN] and give the President an opportunity to get the troops out in an orderly manner as quickly as prudently possible.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, let us set the record straight here. This President did not reach the date of March 31 based upon some intense discussion and analysis. Most of us were in attendance of that debacle of a briefing in early September where Warren Christopher and Les Aspin had no idea what our policy was in Somalia. As recently as August 15 in the Chicago Tribune the United States Special Coordinator to Somalia, David Shin, spoke of getting out in 1994 or 1995. The only reason we have a date certain is because the chairman of this committee, and the ranking member, and the chairman of the Defense Appropriations Committee and others have forced this administration to come to its senses, that we have to bring our troops home.

Why are we waiting until March 31, Mr. Speaker? We have already spent over $2 billion in Somalia. We have lost 35 lives. The Red Cross, Mr. Speaker, certified on November 4 that officially the famine has ended, and I am going to insert this news release in the RECORD:

[News release from the American Red Cross]

SOMALIA FACT SHEET: 1 YEAR LATER

Somalia is emerging from two years of vicious and debilitating civil war and anarchy. The good news is that throughout the countryside, people are returning home to rebuild their lives. The current harvest is a good one. The violence we have seen is, at this point, confined to Mogadishu. However, there is no government and essential life-support structures have broken down completely. The road to recovery will be long and difficult.

THEN (1992)

As the lead relief agency throughout the famine in 1992, the Red Cross conducted the largest relief operation in its history with the single exception of World War II, consuming one third of its global budget. However, it is estimated that between a quarter to one half of a million people died, in spite of all best efforts, due to famine and anarchy. While it is hoped that there will not be a need to resume such an operation, the Red Cross is ready to intervene should the situation demand it.

Tons of food distributed from 1992 to present: 254,000 metric tons. Through a system of 900 feeding kitchens throughout the country, the Red Cross was able to feed one million people per day under extremely difficult circumstances.

Other assistance: Over 100,000 families received cooking utensils, plastic sheeting, clothing, blankets and mosquito netting.

Medical: The International Committee of the Red Cross and the Somali Red Crescent operate Keysaney hospital in north Mogadishu, funded by the American Red Cross. Two teams of flying doctors, nurses and anaethetist travelled the country performing war surgery and helping to train Somali doctors.

Water and sanitation: A direct result of the civil war and anarchy is the destruction of water and sanitation systems. The Red Cross has established shallow wells, bore holes, latrines and rubbish disposal projects, in addition to health education on water-borne diseases.

Total dollar value: $196,000,000

Somali Red Crescent volunteers: 1500 men and women. The Somali Red Crescent remains one of the only functioning indigenous organizations in Somalia with a nation-wide network of local units.

NOW

Current humanitarian situation in Mogadishu: The American Red Cross continues to provide the operating cost of Keysaney hospital which has an average of 200 emergency cases per month, primarily gunshot wounds. A six person ICRC surgical team permanently is based there as well as another surgical team in south Mogadishu. The ICRC is also providing Benadir and Digfer hospitals with surgical supplies. Stocks of surgical supplies sufficient to treat up to one thousand war wounded are warehoused in Mogadishu. Fighting on the weekend of Oct. 3-4 resulted in 700 new cases in the three hospitals within a two day period.

Current humanitarian situation outside Mogadishu: The famine is over. In contrast to scenes of violence in Mogadishu, elsewhere in Somalia people are focused on rebuilding their lives. Greater emphasis by Red Cross is now being placed on health care and agricultural assistance in those areas where farmers are less advantaged and have had difficulty recovering from crop losses. Or who have just recently returned from refugee camps and are now in the process of resettling in their former homes.

Total seeds to restart crops: 2,820 metric tons of maize, sorghum and cow pea seed; 183,700 packets of vegetable seeds and 162,000 farming and fishing tools.

Total cattle inoculated: Over 7 million heads of cattle (sheep, goats, cows, camels) inoculated to maintain herds.

Health services: The Somali Red Crescent, with the help of the International Federation of Red Cross and Red Crescent Societies, has initiated a health, relief and rehabilitation program to establish an integrated health service by establishing up to 50 mother/child and primary health clinics for half a million people. These have begun in Belet Huen and Garoe.

Tracing/Red Cross message: The ICRC processes an average of 10,000-15,000 messages per month between family members separated by the conflict. The American Red Cross has processed 4,000 cases between Somalis in the U.S. and relatives in Somalia or refugee camps.

Protection: The total number of Somali detainees held by Unison visited by ICRC is 172. They also visited U.S. pilot, Michael Durant, and a Nigerian from UNISOM, Who were held by forces loyal to Mohammed Farrah Aideed. Both were released to the Red Cross.

American Red Cross: Through the help of its chapters in local communities, the American Red Cross contributed $2.6 million dollars to relief operations, including 42 kitchens, blankets, cloth, and plastic sheeting. It also provided eight staff.

Mr. Speaker, the Somalis do not want us there. Nothing will change by March 31. I think the date should be earlier than January 31. We have completed our job. General Johnson before our Committee on Armed Services a month ago said that our job was completed in the spring of last year. I was over there in February, and he told us the same thing at that time.

In a nutshell, Mr. Speaker, when it all is said and done, our colleagues have to answer a simple question: Can we justify going to that family of that young person who was killed in January, February and March and tell them that their mission in Somalia was justified and that their death was justified for this country, for our national security?

I say not.

This President has done a terrible job in Somalia. We need to send a signal to him, binding or nonbinding, that we want these troops home as soon as practicable and as soon as possible.

I urge support for the amendment offered by the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise in support of Mr. GILMAN'S resolution regarding Somalia. Like most Americans I supported our humanitarian mission in Somalia. When our role changed there under the direction of the United Nations, I strongly objected. I joined a number of my colleagues back in May calling for our troops to be removed.

Since then we have experienced the terrible tragedy of losing 18 killed and 70 percent casualties, in one battle—America's best fighting men—Army Rangers.

Soon after that incident, I went to the floor of the House and called for Secretary Aspin to resign because of his tragic decision. Many of my colleagues have joined me in that request and Mr. Secretary we are not going away. But our troops are still in Somalia sitting and waiting, at the President's order, until spring. Why? There is no good reason—our troops are not engaged in humanitarian work or police work or peacekeeping. Are we there to show we won't be pushed out? If so, we've proved that. Let us leave now before we're drawn in further, before we have more hostages and more Americans dragged through the streets of Mogadishu.

I am also very concerned about our overall foreign policy vis-a-vis the demilitarization of our Armed Forces. Daily here on the Hill we are asked to further cut our military, yet daily we hear the President talking tough around the world. He has challenged the Serbs with military flights, the Haitians with American troops off shore, and Somalis and their warlords. And just recently, the North Koreans. The President told them that any attack on South Korea would be considered an attack on the United States. Mr. Speaker, if we keep cutting our Army, Navy, Air Force, and Marines maybe—just maybe—someone will take up the President's challenge and then we'll have to put up or shut up.

Finally, Mr. Speaker, we all need to involve ourselves in determining what our post-cold war foreign policy will be. There is obvious confusion and disarray in how we now approach political crises in the world. In the meantime, let's err on the side of nonintervention unless American interests are clearly at risk, or a defined humanitarian goal can be achieved and concluded quickly.

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Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Indiana [Mr. HAMILTON] said that it would appear that we cannot get our act together. I think that is exactly the case when it deals with Somalia. When we have got 35 dead and 72 wounded, there is no way that a sense of Congress is going to solve that problem, and I agree with the gentleman from Indiana.

But Aideed is going to be there today. He is going to be there tomorrow. If not, his henchmen are still going to be there. And our pulling out today, or January, or March is not going to make a difference.

Mr. Speaker, there is no one on that side of the aisle I respect more than the gentleman from Pennsylvania [Mr. MURTHA], and I sincerely say that. But I would say to my friend that maybe we could have pulled out troops when we did not, when we added another 22,000, that it would have been easier. I would say that there was another blunder made; that we should have made the decision then and gotten our troops out.

Mr. Speaker, I would ask what can we do by pulling our troops out now? One, we can lessen the risk to American men and women and their lives, because we are going to lose more American lives between now and March. We should not sacrifice 1 for 1000 or even 1 million Somalis.

Second, the cost to the American people, and what it is going to cost, we were willing to pay that cost for humanitarian aid. But that message is gone.

Mr. Speaker, my friend, the gentleman from Pennsylvania [Mr. MURTHA], has mentioned the depreciation on the armed services, on their equipment and the rest of it, which is being depleted in the Clinton budget. We are cutting defense by $127 billion, and we do not know where we are going to come up with the Defense to act now.

Mr. Speaker, I would laud President Clinton in staying out of Haiti and staying out of Somalia. In my opinion, the real threat is going to be, in the near future, North Korea. That is what we ought to focus on.

Let us get out of Somalia. Let us save our troops and support the Gilman amendment.

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I rise tonight to ask Members to vote against the Gilman amendment and to vote for the Hamilton amendment. We have had an extended, and I think very important and meaningful, set of communications over the past days with the administration and between our administration and our military leaders in the field in Somalia. As a result of all those meetings and communications, it was clear that our military leaders in the field believe that to have the optimal chance to leave Somalia in a condition so that the needed foodstuffs can continue to be delivered, that they need until the end of March to have the best chance to make that happen.

They also said clearly that if we were to obtain greater participation by other U.N. countries, and in particular Egypt and Pakistan, that it was important that we have the optimal chance to leave Somalia in a condition where the U.N. forces that would be left and that would be beefed up by Pakistan and Egypt would have the best possible chance of bringing about the kind of lasting peace and lasting food delivery so that we do not wind up back in the condition we were in a year ago.

A number of our young people have died, very unfortunately. It would not be a fitting tribute to them and their families if, at the end of all this, we do not succeed.

I hope we can succeed. I think we can succeed. Our military leaders on the ground believe that we can succeed. The United Nations is working to bring more people to follow us so that we can succeed. The President, in consultation with us and in consultation with military leaders on the ground, is telling us that this is the plan that he wants to try to follow.

Mr. Speaker, it is not right tonight for us to try to micromanage our foreign policy. We need to give him the benefit of the doubt tonight, that what they have come up with is sensible and can work. I ask Members to give him and give us and give the United Nations and give our military leaders that prerogative and that possibility. It is the right thing to do.

America did the right thing in going to Somalia in the beginning, and we have done good service, service that is moral, service that is right, service that will be looked back on in the world's history as a high act of generosity and an act that needed to be done and that only we could do. We did it. We succeeded. And even though, unfortunately, some of our young people died in the doing, we must not now try to micromanage, try to turn back, and try to walk away from what is succeeding and can succeed.

Mr. Speaker, one final point: Just in the last day there have been renewed negotiations with Mr. Aideed and the other factions on the ground. Let us give that a chance. Let us give that an opportunity.

If the Congress and the House says tonight that we, even in a nonbinding resolution, want to leave at the end of January, imagine the signal that goes out to our military, to the United Nations, and to the entire world. This will be heard around the world, and it will not be the right action or the right message.

Mr. Speaker, let us stand behind our President tonight and behind our policy. It will work, and we will be proud of it. I urge Members to vote against the Gilman amendment and for the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I rise in favor of the Gilman amendment. The humanitarian need was over 9 months ago. The troops should have come home 9 months ago. Bring them home now.

Mr. Speaker, I rise in strong support for the Gilman amendment.

This debate should have taken place more than 3 months ago, and I very much regret the inattention and lack of cooperation that have been exhibited by the Democrat leadership of this House.

Thanks to the persistence of Mr. GILMAN, the House is finally being accorded the opportunity to have this debate.

But he had to resort to the virtually unprecedented step of invoking the War Powers Act to force this debate.

But, Mr. Speaker, if the intention of the leadership in denying for so long an opportunity for the House to debate United States participation in Somalia was to spare the administration of embarrassment, it must be candidly admitted that such a delay did not work.

Indeed, nothing said or done in this House could possibly have been more embarrassing to the administration than its own blundering.

The United States participation in Somalia has evolved from a humanitarian mission, which was performed with professionalism and skill, to an ill-defined course that has, by turns, represented everything from law enforcement to nation building to outright involvement in the Somali civil war.

All the while, this administration was content to subcontract responsibility over to the United Nations for the decision making and policymaking that should have been done in Washington.

Only when it became undeniably clear that our forces were pinned down in a hostile and primitive environment, without any of the training or equipment they needed to deal effectively with the situation, did anybody wake up at the White House.

That is why, Mr. Speaker, I believe we need to get our troops out of Somalia as soon as possible.

Keeping them there another 5 months serves only one purpose: To help save face for this administration.

As flimsy as all the other reasons may be for keeping them there, a political face-saving mission is the worst one of all.

Bring the troops home as soon as possible. Support the Gilman amendment.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER], a member of the Committee on Foreign Affairs.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of the Gilman amendment.

Mr. Speaker, as we discuss Somalia today, I would like to take this opportunity to speak of an old family friend. In fact, my brother's best friend in those years that are memorialized on television as the happy days, the time before Vietnam, when patriotism was part of the landscape.

I remember Dwight Battle, whom we all called Davey, palling around with my brother, playing rough and tumble tackle football and hitting the pool on a hot summer's night. After high school, Davey immediately joined the Marine Corps, just like his dad before him.

Davey served two terms in Vietnam. Got married and was in the process of raising two kids. He had a 12-foot motorboat and when he was off duty he'd be out digging clams or oysters, or fishing in the North Carolina inlets near Camp Lejeune.

My family visited Davey shortly after Ronald Reagan was inaugurated President in 1981. He was a master gunnery sergeant then, only a couple of years left and he could retire, but he was planning to stay in a while. He was needed, and, now, with Reagan as President, folks in the service were going to get a better deal.

I worked in the Reagan White House for 7 years. I remember vividly the day the marines relanded in Beirut. I searched in vain to find someone who could explain what our marines were supposed to accomplish. Their mission was to be a presence, I was told.

In reality they had no mission to accomplish and within a short time our forces had become enmeshed in local politics, which was a blood feud between heavily armed warring factions. Eventually, our marines, Davey Battle among them, were hunkered down in the low ground near the Beirut airport.

Sgt. Dwight Battle is the first name on the memorial in Camp Lejeune, a memorial to the 241 Americans killed when their barracks was obliterated by a carbomb. I could never look his wife or children, or his parents in the eye again. I have no answer to their unspoken question asking why Davey had to die.

Our country is free and prosperous today because men and women like Sergeant Battle have been willing to put their lives in harm's way to protect our national interests. The Marines have saluted and gone off to do many a dirty and dangerous job. Their sacrifice was for the country, for us, and all the Americans who will follow us.

These heroes are willing to go to places like Beirut, Iwo Jima, Belleau Wood, because they care about us and about our country. But we in Congress must hold up our end of the bargain. They have got to know that we don't take their lives for granted. That they are precious to us, that we will not put their lives in danger unless it is vital to the security of our country or paramount to our national interests. This was not the case in Beirut. It is not the case in Somalia.

Next month is the 50th anniversary of Tarawa, tomorrow is the Marine birthday, and it is Veterans Day on Thursday. This is when we remember Davey Battle and the marching parade of fallen heroes. We owe it to them to be courageous as they. We owe it to them, never to put the lives of those who serve in jeopardy, even for 60 days, unless it is incumbent on us to do so.

I am voting in support of the Gilman substitute. Semper Fi, Davey.

□ 1900

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, the longer American troops stay in Somalia, the more likely that more fighting will erupt and more Americans will be killed. Tensions in the capital city appear to be flaring again, and I say we ought to get out of Somalia as soon as possible, and January 31 is a reasonable time. General Aideed and his whole ragtag army are not worth one more American life.

Since 30 Americans were killed in Somalia last month, President Clinton still has not spelled out our objectives in Somalia, or explained clearly why we are there. When President Bush sent our troops to Somalia, the mission was clear: to provide humanitarian assistance and put an end to the famine, and then to get out. That mission has been accomplished.

I believe President Clinton should get our troops out of Somalia immediately. I strongly support the amendment offered by Mr. GILMAN, which calls for our troops to be out of Somalia by January 31, two months earlier than the committee recommends. I hope the President will get our men and women home in time to enjoy Christmas with their families here at home.

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this debate revolves itself around one issue: the position of the House on the issue of bringing our U.S. forces home sooner rather than later. Nothing more. Nothing less.

Opponents of my amendment have suggested four reasons to prolong the exposure of our United States troops in Somalia for an additional 60 days: First, to continue humanitarian relief operations; second, to give the United Nations time to find troops to replace departing United States forces; third, to allow negotiations a chance to take hold; and finally, to end a divisive debate on United States policy on this issue.

Let me respond to these arguments. The United Nations does not need the U.S. military in order to continue humanitarian operations; in fact, it is unclear to me exactly how the United States is ensuring the delivery of relief supplies when our forces remain sequestered in vast protected enclaves connected with specially constructed bypass roads.

Second, we don't need to give the United Nations any more time to find more troops. Right now there are nearly 32,000 UNOSOM forces in Somalia. That's 3,000 more than the United Nations indicated it would ever need. And the United Nations predicts that on January 31, there will be over 22,000 non-U.S. forces in country.

Third, do my colleagues really believe that keeping our United States forces in Somalia for 60 additional days will make it any easier for us to negotiate a peace accord? Do my colleagues truly believe that the extra 60 days will be critical to Aideed's decision on whether to negotiate with us or wait us out until the Senate-adopted deadline of March 31.

And finally, I know that opponents of my amendment want to avoid a divisive debate. They want to avoid it because they know the President has had a failed policy in Somalia. But that is not any valid reason to avoid a debate; in fact it is exactly why we should be here this evening considering this amendment.

Indeed, each Member in this body should be distressed by the fact that the House has sat on the sidelines while the administration has negotiated the terms of United States involvement in Somalia with other countries, with the United Nations, with the other body, with Somali warlords, but not with us.

Now is the time to right that wrong. Accordingly, I urge my colleagues to vote for the Gilman amendment to bring our U.S. forces home.

Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], a senior member of the Committee on Foreign Affairs.

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Illinois [Mr. HYDE] is recognized for 2 minutes.

Mr. HYDE. Mr. Speaker, Santayana once said, "Those who do not read history are condemned to relive it." If we go past the Archives building on Pennsylvania Avenue, the building bears the words, "What is past is prologue." Do we never learn? We seem to have no institutional memory.

Democracy is marvelous, but we keep changing teams and people forget what happened in the recent past.

On October 23, 1983, 241 marines were killed in Lebanon. We should not have been there. And I offer my own mea culpa, because I voted to support our President then and send our troops there, and they all got killed. And we got out in a hurry, because we should not have been there in the first place. And we recognized our mistake and we left. We are enmeshed in Somalia, and it is another mistake, and we should leave now.

Unfortunately, the poor judgment of defining our mission as nation building, transforming it from humanitarian feeding of starving people was an exercise in terrible judgment. It was the United Nations, I take it, that motivated this change, but we acquiesced.

I might say, speaking of poor judgment, many Members in this Chamber or within the sound of my voice, when Desert Storm was being voted on and it was a question of supporting the President then, found their best judgment, the prudential vote was to vote no against the President. Nothing wrong with that. It is the American way.

Tonight American fighting men are thousands of miles away from home, engaged in a mission impossible of achievement, something for which they are not capable nor qualified; namely, nation building in a country run by six or seven clans and countless subclans.

Let those with cultural, political, and geographic ties with the region help the nation build, but let us bring our boys home with honor, with integrity. They have fed the hungry. They have seen the end of the famine, and it seems to me that we can now come home safely and with our heads up high.

I think we need to reestablish the notion that our national interest must control. GILMAN tells the American people, "Yes, we hear you."

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of my time.

I think there are several reasons to vote against the Gilman amendment.

The first one simply is that the U.S. policy has been decided. We are not going to change that tonight. Let us not send a confused signal about what American policy is going to be. The President has decided March 31. He did that after consultation with Members of the Congress. He has set the date.

Tomorrow we are going to vote on the Defense Department appropriation bill. All of us will vote or almost all of us will vote for that bill. That bill provides for March 31.

We are going to say, tomorrow, and we are going to enact into law March 31.

Now, let us not come along tonight and say, advice to the President of January 31, that is not a clear signal at all.

U.S. policy has been decided. We are going to confirm it tomorrow, and there is no sense muddying the waters here and giving another date tonight.

The second reason we should vote against the Gilman amendment is, we ought not to micromanage. Now, in some ways this policy debate tonight approaches the ridiculous. We are arguing about 60 days, whether U.S. troops should come out January 31 or March 31.

The Congress of the United States has an appropriate role to play. We help the President formulate policy, and we have done that. But it is the President's responsibility to implement policy, and let us let the President implement the policy.

The policy is a policy of gradual disengagement. Let us not argue over January 31 or March 31. Let the President implement the policy.

Let us be clear, next, that the Gilman resolution will not bring our troops home sooner. It is a sense of Congress resolution. Members should be very clear about that point. This substitute does not change policy. It will only send a confused and a mixed signal around the world.

Next, the United States does have a mission in Somalia for these next several months. A U.S. presence there will give more time for negotiations. It will give more time for the political process to take root, and there are encouraging signs about that today. It will give us time for the humanitarian mission to be completed, and it will give the United Nations time to find troops to replace U.S. forces.

Nobody here can assure anybody that if we wait until March 31, all these things will be accomplished. All we are doing is trying to provide a reasonable chance for the Somalis, for the United Nations, for the negotiations to succeed.

□ 1910

By staying longer, we will leave Somalia pointed toward survival, rather than toward chaos.

Finally, we should support the Hamilton resolution and defeat the Gilman resolution, because the President has made a commitment to our U.N. partners to stay until March 31. The U.S. Senate now overwhelmingly has agreed to that commitment, and we will agree to it tomorrow in the Defense Department conference report.

I have heard it said here, "I want to send a signal to the President." The problem with that is when we vote tonight, we send a signal to a lot of other persons, not just the President. We send a signal tonight to the United Nations. We send a signal tonight to the factions in Somalia. We send a signal tonight to Ethiopia and to Eritrea, that are trying to help us in the peace negotiations.

If the Gilman resolution is approved, that message will be that the United States has lost hope for Somalia. Once we send that signal, our U.N. partners will withdraw at least as fast as we do. The conflict will resume, Somalia returns to chaos, and United States forces, I think, will be at greater risk. That is not the signal we want to send.

By supporting my resolution and rejecting the Gilman substitute, we will send a far better signal. That signal is that the United States will not be intimidated. That signal is that we cannot solve all of the problems of Somalia, but we will meet our commitments and we will give them a reasonable chance to succeed.

Mr. Speaker, I rise in support of the Gilman amendment. I approach this issue very cautiously because I believe foreign policy is an area where the President must be the leader of all Americans. I have defended a previous administration's right to formulate and enact policies designed to roll back Soviet expansion in our hemisphere. Too much intervention by Congress does weaken the President's ability to conduct foreign policy.

But in my tenure in Congress I have also never known a Secretary of Defense that would deny our troops the equipment they needed because he was more concerned with public opinion than his troops. I have also never worked with an administration that excuses its action by saying: "We inherited these problems." That's simply pathetic.

Let us put this miserable excuse behind us once and for all. George Bush never envisioned a long-term American presence in Somalia. George Bush resisted attempts by the United Nations to draw us deeper into rebuilding Somalia.

Does Somalia need to be rebuilt? Yes, it does. But George Bush realized that American troops are the wrong tool for rebuilding Somalia. He intended our forces to stabilize the terrible humanitarian situation and bring our troops home. And that is all.

The withdrawal of our troops from Somalia by March 31 has nothing to do with any strategic or logistical reality and everything to do with the President trying to save face. Well Mr. President, I think the world has figured out our credibility in Somalia is zero, so let's bring our troops home as quickly as possible.

Let me just close by suggesting the President get himself some new foreign policy advisors. It's clear that his current ones are not up to the task of conducting a foreign policy in transition. After all, a President willing to hire a former Reagan administration official as a spokesman ought to be willing to get some competent foreign policy help no matter what party they might be.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 203, not voting, 7, as follows:

[Roll No. 555]

YEAS—224

Abercrombie
Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Machtley
Maloney
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Murphy
Myers
Nadler
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—203

Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barton
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Farr
Fazio
Fields (LA)
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Klein
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mollohan
Moran
Murtha
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Scott
Serrano
Sharp
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Grams
Lewis (FL)
Moakley
Morella
Petri
Rostenkowski
Wilson

□ 1931

The Clerk announced the following pair:

On this vote:

Mr. Grams for, with Mr. Moakley against.

Mr. VALENTINE changed his vote from "yea" to "nay."

Mr. NADLER changed his vote from "nay" to "yea."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MCDERMOTT). Pursuant to the rule it is now in order to consider the amendment in the nature of a substitute printed in part 2 of House Report 103–328.

PARLIAMENTARY INQUIRY

Mr. GILMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GILMAN. Mr. Speaker, would the Chair explain to the House the procedure we are about to follow?

The SPEAKER pro tempore. The Chair will reread his statement. Pursuant to the rule, it is now in order to consider the amendment in the nature of a substitute printed in part 2 of House Report 103–328.

Mr. GILMAN. Mr. Speaker, am I correct—and I submit a rhetorical question—that if there is a vote against the Hamilton amendment, it would be perceived to be support for the Gilman amendment, is that correct?

The SPEAKER pro tempore. The Chair cannot characterize the meaning of Members' votes.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, pursuant to the rule I offer the amendment in the nature of a substitute printed in part 2 of the report to accompany House Resolution 293.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute. The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. HAMILTON: Strike all after the resolving clause and insert the following:

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM SOMALIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from Somalia by March 31, 1994 (unless the President requests and the Congress authorizes a later date), except for a limited number of members of the Armed Forces sufficient only to protect United States diplomatic facilities and citizens and noncombatant personnel to advise the United Nations commander in Somalia.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LINDER. Mr. Speaker, is it correct to say that a vote in favor of the Hamilton amendment will negate the Gilman amendment?

The SPEAKER pro tempore. Under the rule, if both amendments are adopted, only the last amendment will be finally adopted.

Mr. LINDER. Further parliamentary inquiry: So those 220 Members who voted to——

The SPEAKER pro tempore. The gentleman must state a parliamentary inquiry.

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LINDER. My inquiry is, will the vote that we just had that passed by 220 positive votes to end the involvement in Somalia earlier be negated by a passage of a subsequent amendment?

The SPEAKER pro tempore. The Chair has already stated the effect of the vote.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the chairman for yielding this time to me.

Mr. Speaker, I would ask my colleagues to take this moment seriously. It is easy to pass this off as simply a decision that affects one country far off and not necessarily the central focus of the American public today.

There are moments when a country is tested as it enters a new era. And as we have, as a Nation, following World War II and Vietnam, tried to assess America's commitment to international diplomacy and international participation, this vote tonight and support for the Hamilton amendment may determine the ability of not just this President but future Presidents to marshall international efforts that have far-reaching consequences.

If you take a look at America's withdrawal from Somalia prior to the President's date of March 31, we could find America undercutting our involvement in all multilateral activities in the Middle East, in peacekeeping efforts there, not just in Africa, in Central America, in Asia, in every continent, as America tries to move from a single power placing its policies on the globe, to multilateral actions with multinational forces, today's actions will cripple not just this President but future Presidents as well.

What we do here today will send a signal: "If you want to end a multilateral activity, shoot at Americans, because the Congress will pull the rug out from under the President in a matter of days." The debate here is not whether or not we stay in Somalia; the President has committed, and we, in law, have committed ourselves, to the removal of these troops by March 31.

□ 1940

What advantage to America's policy, to America's interest and to the lives that have already been lost to remove our troops 60 days earlier? Will there be an international effort where America will have credibility?

I can remember hearing in the well of this House Democrats and Republicans condemning our European allies for failing to support multinational efforts in Yugoslavia, standing by and watching citizens annihilated, men, women and children, the frustration in this body as well as in the White House for the failure of Europe to act.

Today the amendment of the gentleman from New York will put the same stamp on this Congress.

There are risks in every action. There are risks if we stay, but there are clear risks if we remove our troops prior to the date the President is committed to.

Frankly, the President may get us out there earlier, but we do not have the time to negotiate under the Gilman proposal.

Those who want to bring death and destruction back to Somalia simply need to wait until the 31st.

It seems to me not too much to ask to give the President of the United States 60 additional days for diplomatic effort. It is not too much to ask for those who have already perished while carrying out America's policy to give us some time to work.

Americans tend to respond quickly to scenes on television, children dying and starvation a short time ago gave a strong support to the American people to move into Somalia with a multi-national force.

We have taken some casualties. There has clearly been a tragedy inflicted on American service personnel there.

But how do we serve those men who died under the American forces, how do we serve this country by taking away from the President of the United States 60 days of negotiations? How will this President or any future President convince our European and Asian allies to join with us if America's Congress pulls out from the President a matter of 60 days of additional negotiations time?

We have sent a message that Congress wants this policy over quickly. The last bill sent that message.

Now support the Hamilton amendment which will give the President the time he needs without undercutting us in every other international effort.

My generation learned a lesson in Vietnam. A previous generation learned a lesson when the Germans went into the Sudetenland, and everyone was silent.

In this new era of international diplomacy, let us not undercut the ability of America to participate in international efforts, and should they fail, the replacement will be American efforts.

We do not want to see America being the cowboy, the sole participant. Give this President a chance. Vote for the Hamilton substitute.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore [Mr. McDERMOTT]. Is the gentleman from New York [Mr. GILMAN] an opponent of the amendment?

Mr. GILMAN. Yes, Mr. Speaker. I am an opponent of the Hamilton amendment.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] will then control 15 minutes of debate time on this amendment.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, earlier today I met with about 17 people from fledgling democracies throughout Eastern Europe. It was Poland, it was Hungary, it was Czech and Slovakia, it was Rumania, it was Albania. They all said to a man, they want us to come in and help protect them from outside aggressors that would try to take away their sovereignty, but to a man and woman they said they do not want us interfering in their personal internal affairs.

Mr. Speaker, the Members were sincere when they voted to a man and woman to go on a humanitarian need into Somalia to help those starving people. That humanitarian effort ended 9 months ago. That is when we should have brought our troops home.

American foreign policy has always been to protect those sovereign nations against outside aggressors with our military intervention, never to interfere in internal affairs.

The Somalian people are a nomadic people. They have never had a stable government there. We should not be there on a nation-building effort. We should bring our troops home. We can do it in 60 days.

Mr. Speaker, we should pass the Gilman amendment that we just voted for. We should not now renege and pass the Hamilton amendment. Please vote no on the Hamilton amendment.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in support of the Hamilton amendment; however, I do so reluctantly because it would be my wish that we have no date set forth toward the withdrawal of our troops.

Of course, it was a mistake to set a date in January. I think setting a date at the end of March merely tells Mr. Aideed that all he has to do is hold out until then and he owns the place.

We could probably have withdrawn our troops before March 31, but since that option is not before us, I intend to vote for the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, again I rise to applaud the ranking member of the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], for his foresight in offering this amendment, as I also applaud the chairman of this committee for having the guts to stand up and get this administration to respond to the concerns of the American people that we need to bring our troops home sooner, rather than later; as I have applauded the chairman of the Defense Appropriations for that same action.

Fifty-five of our Democratic colleagues joined with 160 Republicans to send a signal, not a binding resolution, but to send a signal that enough is enough.

Thirty-five young Americans dead; $2 billion down the drain. We have done our job.

General Johnston before our committee 1 month ago said our mission was completed in May.

It is time to bring our troops home.

The Red Cross this week certified on November 4 that the famine has ended.

Mr. Speaker, this is our chance to stand up for those troops that are in Somalia, to let them know that we want them brought home as soon as possible.

Mr. Speaker, on this vote I ask our colleagues to do what they just did on the previous amendment offered by the gentleman from New York [Mr. GILMAN]: reject the Hamilton amendment.

Think of those families who lost their youngsters in September in that street in Somalia when that helicopter attack occurred.

I talked to Ben Pilla, the father of Dominick Pilla from Vineland, NJ, who asked me the question about what our mission was and why the proper support was not there.

We do not want to have to answer those questions in January, February, and March. This is our chance to send a signal that the time has come to pull our troops back home.

Mr. Speaker, I ask my colleagues who voted for the Gilman amendment to reject the Hamilton amendment. Stand up for the American troops. Bring them home as quickly as possible.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

□ 1950

Mr. OBEY. Mr. Speaker, the world is a risky place.

Remember: Tonight it is not just Americans who are watching. Mr. Milosevic in Serbia is watching. The North Korean dynasty is watching. Do not send them the wrong message. Do not let them conclude, and do not let anyone else conclude, that the easiest way to change American policy is by simply killing an American soldier, or killing an American diplomat or killing an American tourist. Do not convey a sense of panic by what we do here tonight.

Yes, America needs to leave Somalia, but it needs to leave on America's terms. I ask my colleagues to vote for the amendment offered by the gentleman from Indiana [Mr. Hamilton], and, I say to my colleagues, "When you vote remember the issue is not how good that vote looks tonight. The issue is how good that vote will look a year from now, 2 years from now, 5 years from now. Vote for the Hamilton amendment. It is the right vote for America."

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH], a senior member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], my friend, for yielding this time to me.

Mr. Speaker, one of the speakers on the other side of the aisle said that it does not make any difference whether we leave on January 31 or whether we leave March 31.

"Yes," I say to my colleagues, "it doesn't make any difference if you're the President of the United States sitting in the White House or if you're a Congressman sitting at home in the warmth of your home, but it does make a difference if you're serving over there because you're not home for Thanksgiving with your family, you're not home for Christmas, you're not home for New Year's. If you're not going to bring them home for Thanksgiving, New Year's or Christmas, at least bring them home in time for Valentine's Day."

Some people say, "What kind of a signal are you sending?" Hey, the signals have already been sent. We are leaving. Whether we are leaving March 31 or January 31, that is the question, and the gentleman from New York [Mr. GILMAN] is right by saying we should leave January 31.

The other involves third grade psychology. Make no mistake about it. If we vote tonight, it is a vote that we are going to look back on. On May 25, we had a vote in this body to leave by June 30. Had we left by June 30 instead of 127 votes, had we had 218 votes, those 18 American service people would be alive, those 85 in the hospital would not be in the hospital.

Yes, it does make a difference how we vote. It makes a big difference to the people who are wearing the American uniform.

Basically we have this age-old debate between the realists and the interventionists. By listening to the interventionists we not only stay there until January 31, March 31, but we would be there forever, we would be there for eternity.

One of the speakers on the other side of the aisle said it does not make much difference whether we are there until January 31 or March 31. It makes a big difference to the people who are serving there. An extra 60 days is an eternity in Somalia, and not one thing, not one thing, can be gained by staying that additional time.

Yes, this vote we cast tonight is important. It is most important for my colleagues, but it is much more important to the people who are serving in Somalia. Think of those people, my colleagues, when voting tonight.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding this time to me.

Mr. Speaker, I urge my colleagues to vote "no" on the amendment offered by the gentleman from Indiana [Mr. HAMILTON]. I say to my colleagues, be consistent. If you voted for Gilman, vote against Hamilton. Don't concern yourself with threats of tin pot dictators rising up against us. Saddam Hussein will serve as a reminder. If American interests are clearly at stake or if there is a clearcut humanitarian goal that can be accomplished quickly, I have a feeling that we will be there. Our mission in Somalia is complete. Bring our troops home. Remember their families and the American people support you.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, tonight we set a date, tonight we set a date. The question is: Is it January or is it March?

This is not a Republican issue. This is not a Democrat issue. This is not an issue of national security. This is an issue for many of my colleagues who, after the night that we saw the bodies of our servicemen dragged through the streets of Mogadishu, said, "I wish we had a vote, I wish we had the opportunity to fulfill the wishes of the American people that our troops should not be in Somalia. They don't want us there. We do not have a defined mission there. It is time we leave there."

Mr. Speaker, my colleagues asked for a vote. Tonight we have an opportunity for that vote. We will decide a date tonight that will be March 31 on January 31. I ask my colleagues to defeat the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentlemen from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services and the cosponsor of our amendment to bring our troops out on January 31.

Mr. SPENCE. Mr. Speaker, as a private said one time, "Let us try to reason together."

All of us here tonight, I think, agree that the wrong policy in Somalia resulted in the death of our troops, many of them being wounded, others taken captive. We also agree that we should come home from Somalia either on January 31 or March 31. We agree on all that.

But something new has happened, and, as mentioned tonight, we have a new policy being enunciated now in Somalia. We are now putting our military people back into the streets, taking sides and in a general conflict which led to the death of our people before. We are getting ourselves right back into the same position that we have renounced before.

Mr. Speaker, let us take this way out and get out.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, 220 Members voted to get out of Somalia by January 31 in the amendment offered by the gentleman from New York [Mr. GILMAN]. I laud those votes. What a great start it would be in the year of 1994 where we can start debates on issues like the other side of the aisle and the President wants to on health care and not be worried about Somalia. I say to my colleagues, take a look at why you voted, you voted not to risk the lives, the future lives, of our men and women, and again 220 votes voted for that.

□ 2000

Mr. Speaker, given a choice between the President's face or a Ranger's rear-end, I choose the Ranger.

Second, why did you support the Gilman amendment? Not to deplete the limited military equipment needed to support actual American interests. If the Members take a look at what the real threat is in North Korea, we are going to need that equipment in the near future.

The third reason that you voted for the Gilman amendment, that would be wiped out by the Hamilton amendment, is to save millions of dollars.

Mr. Speaker, it is time to let Africa resolve its own problems. It is time for Europe to resolve Bosnia. It is time for the Papa Docs and the Baby Docs to resolve Haiti. And it is time to withdraw our troops.

To those Members that say we cannot remove our troops, remember, two-thirds of our forces in Somalia are at sea on Navy ships. It would be very easy to remove our troops. Those people on ships, they have a ticket to ride.

Mr. Speaker, we need to get our troops out and attend to domestic ideas.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. LANTOS], a subcommittee chairman of the Committee on Foreign Affairs.

Mr. LANTOS. Mr. Speaker, the great moments of this House over two centuries have been real debates. This is not a real debate. This is a phony, sham debate. There is not a Member on that side who does not know that the troops will come out on March 31. This is a public relations amendment, and everyone knows it.

Mr. Speaker, I want this House to know that there is such a thing as bipartisanship in the Congress of the United States, and it is exemplified by the other body. I want to read the names of the majority Republicans who are standing with the majority of the Democrats and the President of the United States in speaking with a single voice: Senators BENNETT, BOND, CHAFEE, COCHRAN, COHEN, COVERDALE, DANFORTH—

The SPEAKER pro tempore (Mr. MCDERMOTT). The Chair would state that personal references to Senators are out of order.

Mr. LANTOS. Mr. Speaker, I would merely like to suggest that the reason why this debate is so shabby and so perfunctory, because everybody in this House knows and everybody in the country should know, is that this is not a decision about when the troops come home. That decision has been made. This is an attempt to score political points, plain and simple. That is beneath the dignity of this House.

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the House has just voted on the Gilman-Spence amendment to withdraw United States forces from Somalia by January 31, 1994.

The distinguished chairman of our Foreign Affairs Committee, my good friend from Indiana [Mr. HAMILTON], now calls upon the House to change its mind and vote for a withdrawal date of March 31.

The chairman's amendment would extend the exposure of U.S. troops in that troubled land for an additional 60 days, until March 31, 1994.

A majority of the House has voted not to put our U.S. forces to this unnecessary risk.

Mr. Speaker, this is not like votes on the budget resolution where the last measure adopted prevails and Members can vote for budgets they like, knowing that only the last vote counts—then go home saying they voted for budget cuts.

On this issue, the House cannot have its cake and eat it too. A vote in favor of the Hamilton amendment cancels a vote in favor of my amendment and is a vote to keep American forces in Somalia and at risk for 2 additional months.

Mr. Speaker, I ask my colleagues to think very carefully about the position in which the chairman's amendment would place United States forces in Somalia.

Before voting to reverse yourselves, I urge my colleagues to pose this question. What happens if, sometime after January 31, United States forces were in a firefight in Mogadishu and American personnel were killed or wounded in that firefight?

Will my colleagues then be able to tell the families and friends of those who were killed and wounded that their sacrifices were in the vital security interests of the United States?

I certainly would not—and I do not think any of my colleagues could either. Mr. Speaker, as I have previously noted, helping the authors of our failed policy in Somalia save face is not worth the life of one more American soldier.

A vote in favor of a March 31 withdrawal date may be a vote in support of our President, but it is not a vote in support of our men and women in the field in Somalia.

Accordingly, I urge my colleagues—stay true to their convictions—and vote no on the Hamilton amendment—do not put our troops at risk for 2 additional months.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], the distinguished deputy whip.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am sorry that the issue was characterized a moment ago in the way that it was, because it is a serious action that we take here this evening and it is not a sham. We are making a serious decision.

Earlier today there was a vote about whether we mean what we say in the votes that we cast. Many Members of Congress, under extreme pressure, decided to stick with where they had stood before. This is yet another vote just like the one before.

Mr. Speaker, a few minutes ago the House did the right thing on a bipartisan basis. Fifty-five Democrats joined with Republicans in voting the way the House decided to go a few moments ago. The House said in that vote that we should not put our soldiers in harm's way for any longer than necessary or for any purpose short of our national interests.

The question before us now could not be clearer: A few minutes ago we said our troops should come home from Somalia on or before January 31. Now we are being asked to change that date to March 31.

Mr. Speaker, do you believe our national interest will be served in the additional 2 months? If not, you must vote no. Do you believe that our young men and young women should stand in harm's way for an additional 2 months, for a policy that does not exist? If not, you must vote "no." Mr. Speaker, I would ask Members, did their vote a few minutes ago mean something, or was it just another political action? If they want their vote to not count toward stopping our military action in Somalia, vote "no" on the Hamilton amendment.

Mr. HAMILTON. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Washington [Mr. FOLEY], the Speaker of the House.

Mr. FOLEY. Mr. Speaker, it ought to be clear what is transpiring tonight in this Chamber. We are not making a decision that is binding on the President. I think even the sponsors of the Gilman amendment recognize that since the Chadha decision of the Supreme Court, this has no binding effect, and they describe it as a nonbinding resolution.

What it does, however, if it is not followed by the adoption of the Hamilton amendment, is drive a public wedge before the world between the U.S. House of Representatives and the President.

I do not question the sincerity of any Member on the other side, but I am deeply troubled that on this issue, a virtually solid partisan vote has occurred on the Republican side, on an issue which has never occurred, never occurred, in my judgment, when it came to a foreign policy issue of a Republican President of the United States.

But, letting that aside for the moment, those who suggest that it is in the interest of the safety of our troops that we vote this breach between what the President has promised and what they now ask the House to state, is, I think, the greatest danger to the troops. There is no single danger to Americans abroad greater than the sense that by inflicting casualties, we can panic the Congress into immediate efforts to cut and run.

☐ 2010

Our position will be vulnerable throughout the world if reckless dictators believe that by that kind of a tactic they can underpin their demands for American withdrawal.

We have a decision made by the President on October 7, which was based on military advice, military advice that it would require perhaps up until March 31 for an orderly withdrawal of our forces under conditions where they were protected and where the mission for which we went to Somalia could be continued in the meantime.

I do not think we should forget what American Forces have done in Somalia. They have saved the lives of somewhere between 500,000 and a million people. Americans can take some great pride in that. We have acted to save the lives of upwards of a million people, who would be dead today. Three hundred thousand people starved in the 6 months before President Bush decided to intervene in Somalia. Now we would risk that, where we still feed 1 million people, by a signal that the United States was about to panic and leave, that the Congress was not going to support the President's orderly withdrawal. That would be, in my judgment, a tragedy. And it would go far beyond Somalia.

It would go into every place in the world where Americans stand, in Korea, for example, and in other places where it would be thought that if Americans will not stand to face the possibility of warlords in Somalia, after we have faced Hitler, and we have faced Stalin, and we have faced Saddam Hussein, it would be a tragic moment for American resolve, American principle, and American position around the world.

Do not do this to the President of the United States. We should not do this to any President, Republican or Democrat.

I hope the day will come when Republicans and Democrats will, for any President, stand to ensure that when he speaks for our country, he speaks with the authority of the Congress of the American people. Any other course is reckless and dangerous, most of all to the brave troops who serve our country around the world.

The SPEAKER pro tempore (Mr. MCDERMOTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Indiana [Mr. HAMILTON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 7, as follows:

[Roll No. 556]

AYES—226

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wynn
Yates

NOES—201

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Derrick
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Evans
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lightfoot
Linder

Livingston
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Hayes
Hunter
Lewis (FL)
Moakley
Petri
Schroeder
Wilson

□ 2031

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McDERMOTT). Pursuant to House Resolution 293, the previous question is ordered on the concurrent resolution, as amended.

The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: Concurrent resolution directing the President pursuant to section 5(c) of the War Powers Resolution to remove United States Armed Forces from Somalia.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislature days in which to revise and extend their remarks on House Concurrent Resolution 170, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3116, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1994

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-340) on the resolution (H. Res. 301) waiving points of order against the conference report to accompany the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1025, BRADY HANDGUN VIOLENCE PREVENTION ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-341) on the resolution (H. Res. 302) providing for consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 322, MINERAL EXPLORATION AND DEVELOPMENT ACT

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-342) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 288, FURTHER CONTINUING APPROPRIATIONS, 1994

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 103-343) on the resolution (H. Res. 304) providing for consideration of the joint resolution (H.J. Res. 288) making further continuing appropriations for the fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE HONORABLE CHARLES H. TAYLOR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHARLES H. TAYLOR, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 1993.

Hon. TOM FOLEY,
Speaker of the House, Washington, DC.

MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLES H. TAYLOR,
Member of Congress.

REPORT ON CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-163)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on April 21, 1993, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

On April 5, 1990, President Bush issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that the President directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

Since the last report, $400,000 has been unblocked by specific license. Of the approximately $5.9 million remaining blocked at this time, some $5.3 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the blocks of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1993.*

CHILD CARE AVAILABILITY INCENTIVE ACT

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. PRYCE of Ohio. Mr. Speaker, today I rise to introduce, with my friend, the gentleman from Indiana [Mr. ROEMER], the Child Care Availability Incentive Act to increase access to child care for America's working parents.

Today, few parents have the luxury of sacrificing an income to stay at home with their children. The number of single-parent households has increased dramatically and dual income families have become the norm.

Unfortunately, the availability of child care has not kept pace with the demand, and many parents have difficulty finding safe, affordable care.

My bill addresses this crisis by offering tax incentives to businesses to provide licensed, on-site child care for their employees.

This approach benefit both employer and employee. Child care available at the work site improves productivity, cuts down on absenteeism, and makes for happier, healthier, less stressed parents and children.

This is not a mandate on business—it's simply a way our government can encourage business to appreciate and protect the importance of our families.

Mr. Speaker, I invite my colleagues to join me and the gentleman from Indiana [Mr. ROEMER] and cosponsor this urgently needed legislation.

Mr. Speaker, I include for the RECORD a statement of the gentleman from Indiana [Mr. ROEMER].

Mr. Speaker, today I come before this body with my colleague, Ms. Pryce, to address an issue of deep concern to working Americans. For many people in our country, child care is a serious question that couples and single parents struggle with day-to-day. The Child Care Availability Incentive Act strives to address this problem.

Everyone of us knows constituents who struggle with the child care dilemma. Couples face the prospect of deciding whether the mother should work outside the home—and then watch as the bulk of her earnings go to pay for the daily care of their child—or remain at home with their child—and struggle to make ends meet on a single paycheck. For single parents, the prospects are more stark, since the alternative to work is to remain at home and draw on the welfare system.

The Child Care Availability Incentive Act addresses this "catch-22" by providing a tax credit of up to 50% of the cost incurred for businesses willing to provide on-site or site-adjacent day care for their workers'children. It is a step toward fixing and reforming our welfare system. It is progress toward helping our middle-class families. And it is important toward assisting our children in keeping them in safe environments away from violence.

Mr. Speaker, studies have shown that when employers provide on-site care for their employees' children, the effects are overwhelmingly positive: worker productivity increases, days missed to illness are decreased, on-the-job stress is reduced, and company health care expenses go down.

Mr. Speaker, this legislation is a firm step in the right direction and I urge my colleagues' support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. MONTGOMERY). The Chair advises our Members not to characterize the Members of the Senate.

AMERICA BETTER OFF WITH NAFTA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, something very interesting and unfortunate has been happening related to the NAFTA issue. It has become a lightning rod for everyone who has something that troubles them. We have Members of Congress who are, unfortunately, not looking at the agreement in the depth they should. We have misinformation about it that is almost incalculable. And what we need to have instead is a little leadership from Members of Congress who examine the issue and then try to avoid feeding the fears of those constituents who are understandably concerned about a potential loss of their jobs.

Many Americans simply do not like the way the world is going. They say "Stop the world, I want to get off." But each time, on each issue or provisions in NAFTA, we need to look at it and ask are you better off with the status quo or with the changes offered by NAFTA. Are we and the Mexicans better off with the Mexican human rights abuses that one gentleman talked about here a few minutes ago? Are we better off with the status quo with the declining trade balance mentioned by the gentlewoman from Connecticut a few minutes ago or with the improvements offered by NAFTA? Are we better off with the loss of those jobs at Zenith and other firms mentioned by the gentlelady from Illinois [Ms. COLLINS] under the status quo? Or are you better off with the reductions of Mexican tariffs under NAFTA?

Mr. Speaker, almost without exception, in fact, without exception, as far as I have been able to discern yet, America will be better off with NAFTA instead of the status quo. You are better off making the changes.

We are said to have a reduced trade surplus with Mexico today under current tariffs. We need, for example, to eliminate it. To reduce those Mexican tariffs which are on average nearly three times as high as our own. Reducing those Mexican tariffs is a step in the right direction.

Mr. Speaker, opponents of NAFTA also say it is not an agreement on trade but an agreement on investment. In that regard, they are partially right; NAFTA is both an agreement on trade and investment.

Mr. Speaker, opponents of the North American Free-Trade Agreement claim that its rules on investment will send United States factories and jobs to Mexico. In that regard, they are not even half right; they are dead wrong. Apparently they are unhappy with the status quo and so am I. That is why we must grasp the array of positive changes offered by NAFTA.

Mr. Speaker, the biggest myth surrounding debate over the North American Free-Trade Agreement is that Congress or the President can stop the loss of U.S. jobs to the developing world. Mr. Speaker, Congress or even the President cannot and should not dictate where Americans invest their money, and if they choose to invest overseas, then that is where many jobs will be created.

Americans opposed to NAFTA might be surprised to find their pensions being invested in Southeast Asia, South America, or, yes, Mexico for that matter. Mr. Speaker, American companies are voting with their pocketbooks and their investing their retirement savings in the developing world.

Like it or not, Mr. Speaker, the U.S. Congress cannot stop the American public from investing their retirement savings in a shoe factory in China or a widget maker in Mexico. Once Congress and the American people understand that important reality, we can pass the North American Free-Trade Agreement and get to work on issues like taxes, regulation, infrastructure, and technology. In the meantime we must approve NAFTA to increase jobs by reducing Mexican trade barriers, tariffs, quotas, and nontariff barriers to open up large Mexican markets. These are proper actions America must take to keep jobs in the United States—not my defeating NAFTA.

TRANSFER OF SPECIAL ORDER

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Indiana [Mr. BURTON] be allocated to the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. GENE GREEN of Texas). Is there objection to the request of the gentleman from Massachusetts?

There was no objection

REFORMING OUR WELFARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I am here today to address one of the most pressing issues our country faces, the state of our welfare system and the immense need to reform it.

The current welfare system has failed. In many cases, it has not helped those in need, but has instead locked them in a cycle of long-term dependency.

At any one time, some 65 percent of welfare recipients have been on welfare for 8 years or more. Figures show that some 80 percent of illegitimate babies born to teenage mothers will be on welfare within 5 years.

In the 1992 campaign, President Clinton promised to end welfare as we know it. I want to go along with the Republican Members of the House of Representatives to help President Clinton achieve this goal.

Tomorrow, the Republican welfare reform proposal will be introduced.

The major aspects of the Republican welfare reform proposal include:

First, attacks one of the fundamental causes of welfare, non work. When fully implemented, the bill requires 63 percent of mothers who have been on AFDC for at least 2 years to work 35 hours a week for their benefits. The work can be done in either the public or the private sector depending on what programs have been established in the States.

Second, attacks a second major cause of welfare, illegitimacy. All mothers applying for welfare must identify the father or they will not receive benefits. Mothers receive a reduced benefit until paternity is established. In addition, deadbeat dads with children on welfare are required to pay child support or work.

Third, expands flexibility for States. They will have the ability to adapt welfare programs to their needs. Some of these include AFDC block grants, school attendance requirements, and refusing payments for additional children born to AFDC recipients.

Fourth, requires immunizations. Parents must certify that their children have been immunized before AFDC benefits can be paid.

Fifth, expands State waiver authority so States may implement innovative welfare reform programs.

Sixth, establishes a nationwide system to increase child support enforcement.

Seventh, restricts welfare benefits for noncitizens.

In addition to helping break the dependency of welfare, the Republican welfare reform proposal includes a net savings of $19.5 billion over 5 years. The proposal efficiently uses the money which is already allocated to welfare programs.

Welfare reform must be undertaken by our Nation or we will never beat the poverty trap in which so many American families are stuck.

Welfare must be available for short-term assistance only, as it was originally intended. We can no longer allow the welfare state to worsen rather than improve the lives of needy Americans.

Mr. Speaker, I hope that leadership will move quickly to bring forward legislation to reform the welfare system.

□ 2040

INDIAN HERITAGE MONTH AND INDIAN EDUCATION

The SPEAKER pro tempore. Under a previous order of the house, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, in support of November as National American Indian Heritage Month, I wanted to take a few minutes this evening to discuss education and the American Indian, its history, achievements, and problems.

The education of American Indians has gone through periods of varying emphases as the policies of the U.S. Government toward the Indians have changed. Between policies of recognition, termination, and assimilation of Indian tribes have been several efforts to educate American Indians. Real movement in providing higher education to American Indians did not begin until about 25 years ago.

Until 1969, there were no Indian-controlled colleges. On January 16 of that year, the Navajo Community College opened its doors for the first time, and began providing higher education for Indians. This institution has now grown to become an integral part of the education system of the Navajo Nation and is developing a role as a research facility with agencies such as the Department of Energy and the Department of Education.

On February 3, 1971, classes opened for the first time at Sinta Gleska College on the Rosebud Indian Reservation in South Dakota. This college continued to flourish, and in February of last year the college celebrated its designation as the first American Indian university.

These accomplishments speak highly of the strength and commitment of these communities and of the American Indian people's desire to provide a quality education to their youth.

Mr. Speaker, another important date in the history of Indian education is January 4, 1975, when the Indian Self-Determination and Education Assistance Act became law.

The declaration of policy of this law states:

> The Congress hereby recognizes the obligation of the United States to respond to strong expressions of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

The declaration continues:

> The Congress declares its commitment to the maintenance of the Federal Government's unique and continuing relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.
>
> The Congress declares that a national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.

Mr. Speaker, these words are as true today as they were in 1975, and Congress continues to provide funds to support this statement of policy. In 1975, funding for Indian education was $42 million, and we have continued to increase this funding to $83 million for fiscal year 1994. I urge my colleagues to remember these words and our previous support as we review our efforts for American Indians, and that we honor our obligations to the American Indian people.

But words alone, Mr. Speaker, are not enough. Despite this Nation's efforts over the past 30 years, we still have a long way to go. Even with these substantial improvements and years of effort on the part of hundreds of Indians and non-Indians, unrelated factors on reservations make further progress all the more difficult. The statistics speak for themselves: Over one-third, or 36 percent, of Native American students drop out of high school after the 10th grade. This compares to 28 percent for Hispanics, 22 percent for African-Americans, and 15 percent for Caucasians.

Reasons given for this poor statistic are: schools that discourage the use of native language in classrooms, weakening the students' cultural ties; curricula presented from a European perspective; and economic and social problems in families and communities including poverty, single-parent homes, and substance abuse.

Mr. Speaker, in response to statistics such as this, in 1991 the White House convened a conference on Indian education. I was 1 of 234 delegates selected nationwide, and I still consider it an honor to have participated in this conference. Based on this conference and other work, reports were completed in 11 areas, and these reports are the basis for continued improvements in Indian education. The action taken by the State of Oklahoma is a good example.

The Oklahoma Superintendent of Public Instruction, Sandy Garrett, adopted a statewide plan of education.

The elements of this plan included adding Native American history, literature, language, and culture to school programs to make the programs more relevant to Indian students. It is also hoped that Indian parents will also get more involved with the education of their children.

In summary, Mr. Speaker, let me say that while there is much good work going on in Indian education, there remains much, much more which needs to be done, and I hope my colleagues will renew their efforts in this area next year as we consider the fiscal year 1995 budget.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

[Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

□ 2050

JANET RENO AND PARTISAN POLITICS

The SPEAKER pro tempore (Mr. GENE GREEN of Texas). Under a previous order of the House, the gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes.

Mr. LIVINGSTON. Mr. Speaker, I rise reluctantly to address the House today about a very serious matter, one which is worrisome to me as an ex-prosecutor at the Federal, the State, and the local levels, and that is the ever-increasing political nature by which our Justice Department and its chief, Janet Reno, conducts their business.

Even before Janet Reno assumed her duties as Attorney General, the Clinton administration put its partisan imprimatur on Justice Department policies by appointing Hillary Clinton's former law partner, Webster Hubbel, as the White House liaison to the Department of Justice. As we all may remember, Hubbel fingerprints were all over the Department of Justice's ill-advised and unprecedented interference in a jury trial on behalf of one of our Democratic colleagues, since acquitted. But the Department's heavyhanded attempt to have the jury dismissed led to the resignation of the Memphis U.S. attorney and two local prosecutors. The political manipulation was so transparent that the sitting judge harshly criticized the Justice Department in his written opinion.

Now, one might think that the White House would have learned from this debacle, and when they announced that their nominee for Attorney General would take the politics out of our Nation's leading law enforcement agency, I, for one, was encouraged. I was further encouraged by Mrs. Reno's remarks during her confirmation hearing when she said, "Let me try to be the Nation's lawyer and stay out of politics." Instead, however, one of her first official acts was to fire all the various State U.S. attorneys, an act unprecedented in modern times, and which just happens to open the very many 50-plus, or actually hundreds perhaps of prime political appointments for the Clinton White House.

Incidentally, Mrs. Reno's act resulted in the firing of the U.S. attorney, John Stephens, who was in the midst of an investigation of misappropriation of funds by the House Postmaster and certain Members of Congress.

The grand jury impaneled by Mr. Stephens has now since expired, and it has expired without taking any action against any Member of Congress, even though the House Postmaster pled guilty to a charge of illegally exchanging stamps for cash for two unnamed Members of Congress.

Frankly, in what I consider to be incompetence, perhaps even bordering on malfeasance, the Justice Department then in July refused to identify the two Members of Congress in its Bill of Information and instead listed them as Congressman A and B. To this day, November 9, A and B have not been named; so virtually every single Member of Congress is sitting here with a cloud of suspicion over their heads as if we are A and B.

Now, that is incredible, and they let the Grand Jury expire. You would think they would take action. I would have thought they would have taken action a week after they accepted that charge. Here 5 months later they have not clarified it, and they let the Grand Jury expire. It is just beyond belief.

Furthermore, in direct violation of Justice Department regulations, Mrs. Reno has appeared at partisan political fundraisers, most recently for failed Democrat gubernatorial candidate Jim Florio and for the Women's Legal Defense Fund.

She has yet to respond to my letter asking for her interpretation of the regulation, the governing law, which states specifically, "The Attorney General shall not make speeches or otherwise lend her name or support in a prominent fashion to a fundraising event or similar event intended for the benefit of any person."

Mr. Speaker, most recently I am disturbed by the Justice Department's lackadaisical attitude toward the mounting evidence against Secretary of Commerce Ron Brown, and his close association with Vietnamese officials. The Justice Department does not seem to be calling even the proper witnesses in. I am concerned about that.

This is obviously a situation which deserves much closer scrutiny by this Justice Department than it has received. However, if recent experience with the House Post Office scandal sheds any light and offers a precedent, the best we can expect is another partisan whitewash by Mrs. Reno. I hope not.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I would ask my colleagues if they could indulge me for a second until I receive word from the Speaker's Office with respect to the issue that we were discussing.

Mr. Speaker, I will move into the question of the North American Free-Trade Agreement.

May I ask if the gentleman could bring the charts up here and put the Wall Street Journal charts up first. That will be nice.

Mr. Speaker, I would say to my friend, the minority whip and the deputy minority whip, that we are making calls right now to our colleagues to see in fact if they cannot be here at 9:30, instead of 10 tomorrow, so we can get an earlier start during the day so Members can catch their planes at 4 or 5 o'clock to get back to their districts for the Veterans Day period.

I know our colleagues have Veterans Day events starting very early in the morning on Thursday. It would be advantageous for them to get a reasonably good start late tomorrow afternoon. The way the debate is structured tomorrow on the DOD appropriation bill, as well as the Brady bill rule and amendments, it could take us into late in the afternoon, which would inconvenience many Members and cause them to miss events back in their districts celebrating and honoring our men and women who served in the Armed Forces.

So we are making calls right now with the appropriate committee people to see in fact if we can get in touch with them so they could come in half an hour earlier.

Mr. GINGRICH. Mr. Speaker, will my friend, the gentleman from Michigan, yield?

Mr. BONIOR. I yield to the gentleman from Georgia.

Mr. GINGRICH. It just occurred to me for people who are watching this who are sort of experts in how the Congress works and who watch C-Span regularly, this is a reminder a little bit, and I see my friend, the gentleman from Washington is here, that this is a continent wide country and that Washington, which is on the eastern extremity of the country, if you do not get done by certain times in order to get to airports, you literally cannot physically get to where you are going. So for a lot of Members, people may say, "Gee, I represent Atlanta and I can get to the Atlanta airport in about 1 hour and 40 minutes," but if you start moving beyond a nearby adjacent area, suddenly it becomes much more complicated.

I want to thank the Democratic leadership, because on a bipartisan basis, I know it is late in the evening, but we are trying to sort out how to maximize a chance for every Member from every part of the country to be able to get home for Veterans Day and to participate in the very important Veterans Day Memorial Day services around the country.

Mr. BONIOR. Mr. Speaker, I have been advised that the subcommittee chairman on Appropriations says it is fine, coming in at 9:30, and that is not a problem on our side. Perhaps if the gentleman wants to make a unanimous consent agreement, we would be happy to agree to it. I know they are trying to contact the ranking minority member as well.

HOUR OF MEETING ON WEDNESDAY, NOVEMBER 10, 1993

Mr. GINGRICH. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of November 9, 1993, it adjourn to meet at 9:30 a.m. on Wednesday, November 10, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. GINGRICH. Mr. Speaker, as I understand it, the Speaker would retain the right to roll votes, so that those Members, we are going to try to reach the key Members who have to be in this debate on both sides, but other Members if they did not get this information if they are not at home watching C-SPAN right now, since this is a very important debate that may start soon, a lot of people will not be watching C-SPAN, they would be protected in their rights.

Mr. Speaker, as I leave the dialog, I would like to say to my friend, I think the gentleman would agree, it is nice to find some things we can work together on. I am delighted that on a bipartisan basis we can work this out, and I thank the gentleman.

Mr. BONIOR. Mr. Speaker, I am sure we will find others, and I thank my colleague for his courtesies.

□ 2100

Mr. Speaker, this is not the only debate in town tonight obviously, but some of us who actually will be voting on this agreement in almost 1 week from today want to talk about the issue of NAFTA again.

Mr. Speaker, this NAFTA debate comes down, I think, to basically one simple question:

"Whose side are you on? Are you on the side of the Fortune 500, or are you on the side of the unfortunate 500,000 Americans who will lose their jobs if NAFTA is passed?"

That is the question.

Mr. Speaker, the White House, regrettably, has sided with the Fortune 500, but we are going to stand and fight for the 500,000 Americans who will lose their jobs if this deal goes through.

Mr. Speaker, one thing is clear about the effect of the last few days and the last few weeks. If NAFTA passes, Henry Kissinger would not be put out of work. The Fortune 500 executives would not lose their stock options. And Lee Iacocca would not lose his job. But 500,000 Americans will, and we cannot let than happen. We have got to dump this NAFTA.

A few weeks ago the Joint Economic Committee confirmed what we have known for a long time. In an analysis of 16 major NAFTA impact studies the J.E.C. found that in the United States, and I quote, NAFTA could result in gross job dislocation of 500,000 or more and downward pressure on U.S. wages. That is lowering the standard of living of those people who remain working in the United States.

Now this report is confirmed, and it is confirmed by business leaders. They have told us long ago as this ad from the Wall Street Journal points out—last year the Wall Street Journal asked business leaders what impact NAFTA would have on their business decisions. I think the headline here says about all one needs to say on this:

"Heading South U.S. Companies Plan Major Moves Into Mexico."

The study found that in a sign of American eagerness to expand in Mexico 40 percent of the respondents say it is very likely or somewhat likely that they will shift some production to Mexico in the next few years, and if my colleagues were to talk about companies with sales of a billion or more, the big companies, that number jumps from 40 percent to 55 percent of the executives who say that they are somewhat likely to move production or likely to move production to Mexico.

And what is more damning is what we hear about wages. Even if they do not move directly to Mexico, the poll found that about one-quarter of the executives surveyed say they are very likely, or somewhat likely, to use the trade accord as a bargaining chip to try to hold down wages in the United States.

Now what has business told us? They have told us that they are going to go and threaten us they are going to use this as a bargaining chip to keep our standard of living down low.

Now we know they have been invited. This ad here that we have been showing and I think bears repeating again indicates why working people in America today are sending a very clear message that we cannot and will not let NAFTA make jobs the No. 1 export.

This ad says, "I can't find a good loyal worker for a dollar an hour within a thousand miles from here."

Yes, they can, if they come down to Mexico, if they come down to Yucatan.

This is an ad put in trade publications in the United States that ran for a good number of months which says in effect that they pay a dollar or less in wages and benefits and that if you come down here, you can save $15,000 a year per worker, and you and your plant manager can live very well.

That is why working people are upset. They have been invited to come down and take their businesses away from this country by the Mexican Government. The business community says they are going to go. What do we expect working families and small people in communities that are dependent upon these industries—how do we expect them to feel? We have seen too many jobs lost. We have seen too many families uprooted, and we have seen too many communities destroyed in this past 12 years to let NAFTA do it all over again.

Even conservative economists say there will be a massive job dislocation if this deal goes through.

Do my colleagues know what happened to the 500,000 people who lost their jobs to Mexico in the last decade? Well, most of them did eventually find work, just as many of those who will lose their jobs, if NAFTA passes, will find work, but at dramatically, and I mean dramatically, reduced wages. One Department of Labor study concluded that many people who lost their jobs during the past decade took a 50-percent pay cut when they finally found work.

Last Saturday the New York Times had another story about some of these people. It was a story about the Zenith plant in Springfield, MO, and the 673 workers who lost their jobs in the plant moved on to Mexico. Now many of these workers are in the kind of job retraining programs that are supposed to help workers who lose their jobs to Mexico. But do my colleagues know what the New York Times found? They found that the jobs that hundreds of former Zenith workers have been training for often, most often in fact pay much less than their former jobs, simply do not exist at all. Nearly a third of the workers found new jobs that paid below $15,000 a year, and many of the workers found new jobs earning less than $6 an hour as nurses aides, as janitors, file clerks, hotel maids, and cashiers at Wal-Mart. Many have seen their wages literally cut in half, if they can find jobs at all, and others throughout this country are finding only temporary work with low wages, and no benefits and no future.

Are these the people who have gone through job retraining? What happened to the people who are not retrained?

Mr. Speaker, this is not theory. This is not just statistics. These are real people, and they bleed, and they hurt. This is real life. It is what happens when jobs move to Mexico, and NAFTA will only bring more of the same.

Now, months after this debate has commenced, the White House last week finally submitted to Congress legislation that would implement this NAFTA. The legislation includes more slaps at the face of the American worker. Not only is the administration asking us to send our jobs to Mexico, they are asking us to raise our taxes to do it. Let me say that again. We are being asked to raise taxes in order to send our jobs to Mexico, and no wonder James Baker likes this NAFTA. It is a George Bush NAFTA with a tax increase, and for Members of Congress searching for a reason to oppose NAFTA this tax increase could be the straw that broke the camel's back.

Mr. Speaker, I do not think Members of Congress want to go back to their district and explain why they raised taxes in order to send United States jobs to Mexico. But the sad part is the tax increase the administration is proposing is only a drop in the bucket. It will only pay about 5 percent of the actual costs. It will only pay for part of the $2.5 billion we will lose annually in tariffs if NAFTA passes. The administration has not even addressed how they intend to pay for the rest of it.

Well, today the Joint Economic Committee released another report, another report about the overall cost of NAFTA, and the J.E.C. found that the administration has seriously, seriously underestimated the cost of implementing NAFTA.

In fact, the J.E.C. found that the direct implementation cost over the next 5 years might nearly be a billion dollars more than the administration estimates. More importantly, the J.E.C. found that the overall NAFTA-related costs could reach at least $20 billion over the next decade.

Now what does that include? $8.8 billion for lost tariff revenues, $3.9 billion for new spending needed for dislocated workers, and $7.4 billion to pay for the environmental and infrastructure costs, $20 billion, Mr. Speaker, and even the J.E.C. admits that their estimates are only for, and I quote, direct possible revenue losses or expenditures. They do not include the ripple effect of NAFTA on job loss, wages driven down, communities affected.

Now other studies that we have seen have shown that the costs could be much higher, in the neighborhood of $40 to $50 billion to pay for this NAFTA. The Sierra Club, for instance, estimates it will take $21 billion to take care of the cleanup on the border. The Secretary of Commerce, our own Secretary of Commerce, has said it will take $15 to $20 billion to rebuild roads, and sewers and water projects. The State of Texas alone has requested $10 billion for NAFTA. We have not even gotten requests yet from Arizona, New Mexico, and California. They are preparing their lists right now, and I say to my colleagues, "You can bet your bottom dollar it's going to exceed that $18 billion request that came in from Texas."

□ 2110

Nobody has even talked about the billions it will take to pay for added unemployment benefits, increased agricultural supports NAFTA will force, and the need for more Customs inspectors to stop drugs from coming over the border. And that is not even counting the loss of revenue and the dislocation costs we experience when 500,000 Americans lose their job if this deal goes through.

Well, the question is how are we going to pay for this. Mr. Speaker, I remind my colleagues that the European Community took over 40 years and they spent over $100 billion since 1989 to integrate their economies, much more similar than ours is to Mexico. Yet we are trying to rush through this in months, what it took the European Community years, and nobody knows how we are going to pay for it. That is the $50 billion question that the administration cannot answer.

We could not even come up with $1 billion to pay for extended unemployment benefits in this body over the last several weeks. We are going to be on the floor in the next week talking about additional budget cuts in the neighborhood of tens of billions of dollars, and many of those same people will be voting for those cuts and yet have no intention, no desire, to deal with the added $50 billion budget costs that this NAFTA is going to be placing upon the American taxpayer.

These people ought to be accountable for how they are going to pay the bill on this. They could not come up with the $16 billion in stimulus when we had it before us last spring, and now that we have a price tag of $50 billion, they are running away from it and talking about other budget cuts.

The only thing the administration has proposed is a tax increase that will pay for less than 5 percent of the total cost. And how are we going to pay for the rest?

Well, this month Congress has struggled to come up, as I mentioned, with a bill to extend unemployment benefits for jobless workers. Where are we supposed to find this $50 billion in order to send our jobs to Mexico? How many times will we be asked to raise our taxes to send our jobs to Mexico?

Will laid off auto workers in Michigan be asked to pay higher taxes to clean up environmental waste coming from Mexican factories that took their jobs? Will garment workers in North Carolina be asked to pay higher taxes to pay for new bridges carrying products from Mexico that used to be made in North Carolina? Will laid off furniture workers in California be asked to pay higher taxes to rebuild the roads that carry the trucks that took their jobs to Tijuana?

Where does it end? Well, I say it has got to end here, Mr. Speaker. The buck has got to stop here on the 17th of November. I say let the White House have the Fortune 500. We are going to stand and fight with the unfortunate 500,000, who will lose their jobs if this deal goes through. And we are going to fight for an agreement that will benefit the people, the workers, the small businessmen, the independent farmers of Mexico and Canada and the United States of America.

But this NAFTA will not do that. This NAFTA is nothing but a job stealing, tax raising, community destroying agreement. And we have got an obligation to do all that we can within the next week to make sure that it does not happen, that we go back to the bargaining table with a new Prime Minister in Canada, with a new President of the United States, Bill Clinton, who has been there for less than a year, and with a new Mexican President who will be elected and will take office a year from now. With the advancements we have had in the debate on this issue, for workers' rights, for human rights, for a decent wage, and all the things that we have fought for for years, that we have been in government for, and our fathers and grandfathers and grandmothers and grandparents have fought for, those are the standards we want for our friends and neighbors to the south. Those are the standards that some of the reformers in Mexico have worked so hard to get for their country.

If we say yes to this NAFTA, we say to those reformers in Mexico, you do not matter. We say to the corrupt government in Mexico, who have imprisoned journalists, who have assassinated opposition leaders, who have a corrupt judicial system, who have kept wages low, we reward them. We say to them that it does not matter. We will deal with you anyway.

When we do that, we send a terrible message to Chile, Brazil, Argentina, Venezuela, and Colombia, because we will be doing agreements with them and they will say to us, "Well, you did this thing with Mexico, and they are not free. Everybody knows they are not free. They subjugate their workers. They don't adhere to human rights. Look at the Amnesty International reports. Why should you hold us to those standards?"

When the President goes to Seattle in a little over a week and meets with leaders of China, what will he say to them? That human rights do not matter anymore. That all this bravo that I have been yelling about for the last year and during the campaign about most-favored-nation treatment only if you reform yourself on human rights and worker rights does not mean anything, because I pushed it aside when it came to Mexico? How is he going to justify himself at that meeting with the Asian and Pacific leaders?

This is a terrible, terrible agreement for workers, for business people, for the small farmers in Mexico, the 3 million small independent farmers in southern Mexico who will be stripped of their land by large landowners, be forced to come to Mexico City or to the maquiladorus or even across the border to the United States. We will destroy their way of life. Can people not see the basic indecency of this proposals?

So I beg my colleagues, Mr. Speaker, on behalf of all of our ancestors who stood by these principles that we hold so dear and fought so long for, to say no to this NAFTA, so we can go back and do a better deal, a deal in which workers and small farmers and small and independent businessmen will be at the table speaking English, French, and Spanish, and working out their differences in a harmonious way that will benefit the people of all three countries.

I yield to my good friend from Michigan [Mr. STUPAK], who has been vigilant and tenacious and is concerned about a variety of issues on this most important treaty. He has been a leader on the issue of worker rights, a leader on the issue of human rights. He has been there on the issue of the environmental stealing of our natural resources, including water. He wants to talk about extradition issues that matter to the people that we both represent. I thank him for sharing this evening with us tonight.

Mr. STUPAK. I thank the gentleman from Michigan. I appreciate again the opportunity to join with our colleagues. I see the gentleman from Ohio [Mr. BROWN] has come in, the gentlewoman from Washington [Mrs. UNSOELD], and our friend, the gentlewoman from Michigan [Miss COLLINS], to join us in this special order as we attempt to educate our colleagues and the American people about NAFTA.

Every day in this Congress, somewhere in the buildings, there are subcommittee hearings on different aspects of NAFTA. The more I learn, the more I am convinced that with this NAFTA, and we have said it on the floor, we, the American people, get the shafta.

Mr. BONIOR speaks of cost. He speaks of the hidden costs, the cost in human values, the cost in our human standards. The American people are waiting for some answers that I outlined last week in our special order about Great Lakes water diversion.

I wrote to the President, because last week we talked about how under NAFTA our fresh water, Great Lakes water, could be diverted to NAFTA. It could be diverted under NAFTA to Mexico.

Why would Mexico want our waters? Twenty-five percent of the Mexican people do not have access to clean pure water. Fifty-five percent of the water found around Mexico is used for agriculture and industrial use. So the majority of the water will go for industrial purposes, not for their people.

Last week, when we discovered through some hearings and some other checkings that we had done, that Great Lakes water could be diverted under NAFTA, we wrote a letter to the President. We said that over the last decade Michigan leaders have been vigilant in protecting Great Lakes water resources. Since the early 1980's, Michigan has taken a number of important steps to protect Great Lakes water assets.

The Great Lakes Charter, which was signed in 1985, which is an agreement between the Governors of the Great Lakes States and the Premiers of Canada, calls for cooperation on any diversion or large-scale water consumption projects.

The United States Water Resources Act, which was enacted in 1986, gave the Governors of all of the eight Great Lakes States a veto power over any proposed diversion of Great Lakes water by any other State in this country, a veto power on any attempt to significantly increase the existing Chicago diversion of Great Lakes water downstream to the Mississippi River.

□ 2120

A recent analysis conducted by the Clean Water Fund of Michigan indicates that NAFTA could undermine the important achievements by severely constraining the ability of our regional State and local governments to regulate the export or the diversion of fresh water resources. Specifically, the clean water report stated significant weaknesses in NAFTA that could nullify the existing protections against any diversion of Great Lakes water.

Therefore, I respectfully requested the President to respond to a number of questions that I raised last week during our special order. Chapter 3 of NAFTA sets our blanket prohibitions against government regulation of the natural resource trade. No government is permitted to regulate or prohibit the flow of natural resources, including water.

Specifically, article 309 of NAFTA states, parties may not adopt or maintain any prohibition or restriction on the importation of any good of another party or the exportation of any good destined for another country.

The report indicates that there is no clause in NAFTA that exempts water exports from these provisions. It further notes that water is subject to the same requirements as other goods that are defined in Article 309, and the definition is not confined to bottled water. Water is listed as item 2201 in the NAFTA tariff headings, and they define water as "waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter, not flavored, ice or snow." But most importantly, when we talk of natural resources, raw logs, timber, raw logs are exempted from the ban on export controls, suggesting to me and to many of my colleagues that the inclusion of water was deliberate. It was deliberate.

What assurances and safeguards exist in the NAFTA that could protect Michigan and the Great Lakes region against water diversion? We have yet to receive an answer.

The Clean Water Report also states that national treatment provisions of NAFTA prohibit governments from according foreign investors any less favorable treatment than is already provided domestic corporations. Would the NAFTA, my question to the President, would the NAFTA provide foreign corporations the same access to water resources that domestic consumers have? We believe it does.

The possibility of water diversion under NAFTA poses a great threat to the economy and the environment of the Great Lakes region. Tomorrow we have another subcommittee hearing, the Merchant Marine and Fisheries. We are going to have the Trade Ambassador there, at least they have been invited. We have invited the EPA chief, Ms. Browner. They have been invited, and we are going to ask these questions of Great Lakes water. And maybe we will get some answers. And the question was asked long before I did my special order, and it was sort of just brushed aside. It is no big deal. But you exempt raw logs or timber, but you do not exempt water.

I am concerned that with NAFTA is a 15- to 20-year agreement. This administration, if it serves two terms, plus another administration for two terms, then another administration for one term, about 20 years, will NAFTA, will our water, will our precious resources go with the whim of the current administration or the current Trade Representatives? Will we have a minimum of 3 different Presidents? How many Trade Representatives or Trade Ambassadors will we have in the next 15-to-30 years?

Mr. BONIOR. And how many Trade Representatives do you know that have come from the Midwest to represent the interests of this country or that resource of which you speak this evening, water, which is so vital?

Mr. STUPAK. I do not know of any. And I am afraid that even if they came, once this agreement is passed, Article 309 prevents us from putting any restriction on natural resources.

This NAFTA is a failure by this and past administrations to adequately address our concerns and the concerns of the American people. But we are not done yet.

We found another interesting thing today. I was a law enforcement officer for 13 years, being a local city police officer and a Michigan State police trooper. In my district, which is northern Michigan, I have five native American Indian tribes, recognized tribes with their own reservations.

As a police officer, when crimes occurred either on the reservation, which is a sovereign nation within our border, or off the reservation, we had cooperation and agreement between our native American friends and the State of Michigan. Or Canada, which borders my district and, of course, the State of Michigan, if a U.S. citizen committed a crime in the United States and then fled to Canada, we had an extradition law. If a Canadian citizen committed a crime in the United States, we had an extradition law, and we all worked together. Never a problem.

We would extradite. We used a provisional arrest procedure. But today, in the Government Operations Subcommittee, we had testimony from a mother whose 4½-year-old daughter was abducted out of their bedroom, raped by a Mexican citizen who went back to Mexico.

They know where the individual lives. They know where he is located. But despite requests to extradite under the provisional arrest procedures that we have in the 1978 agreement with Mexico, they refuse.

Or we heard from the father of another individual, a young lady that was at Loma Linda Medical Hospital in California. And as she walked out of the hospital, she was gunned down by her estranged husband who was a Mexican citizen. And he went into California for a while, and then he went back to Mexico.

We know where he is. We know he is wanted for this murder. We have witnesses, and they refuse to extradite.

Do you know, underneath the 1978 Extradition Act, how many people have been extradited from Mexico, Mexican nationals, to this country for crimes that have been committed in the United States?

Mr. BONIOR. How many?

Mr. STUPAK. None; not one Mexican national has ever been extradited to stand trial for their crimes here in the United States.

But what happened when we, and wrongfully so, went down and kidnapped a Mexican person who killed our DEA agent? The big uproar. You could not do that. And that individual was set free under our laws and went back to Mexico.

There were negotiations and promises that we would not do that. Why is not the same courtesy shown to the United States and its people?

This agreement, we talk about human rights. We have had a side agreement on the environment that did not include water. We have had side agreements on workers rights and human rights, and it does not take in extradition.

The gentleman from Florida [Mr. SHAW] has tried to pressure the Mexican Government for extradition of the person who raped the 4-year-old little girl, and we are not getting anywhere. And we have to use the threat of this NAFTA to try to bring people to justice. And I asked the gentleman from Florida [Mr. SHAW] and other Representatives, Representative BROWN and others who were there today, what happens come November 17? In this agreement, defeated or passed, what incentive is there to get the Mexican Government to cooperate in extradition?

There has been no incentive now. They do not expect these people to be extradited by November 17. Nothing. They said, "Honestly, Congressman, there is nothing we can do because they just refuse."

□ 2130

I asked how many cases of serious crime that we know of in Riverside County alone, and they figure there are 24 major crimes, murders, rapes, committed by Mexican nationals. After they commit their crime, they go to Mexico.

"How many down in the southern part of the United States," where our border is? They said, "Congressman, it is a hundred-fold." I do not mean to stand here and criticize or dump on the Mexican people, but you talked about human rights, you talked about American values, and we have an agreement. We are going to give them our jobs. We are going to pay $50 billion so they can have our jobs, give them our jobs. We have to open up our wallets and pay for it, too.

However, the human, basic human dignity and rights of extradition, standing for crimes of murder and rape, and they will not even honor the agreement of 1978. What makes us think they are going to honor any type of agreement in NAFTA?

When we look at our natural resources, and hopefully we will have some more answers on the water issue tomorrow, and when we look at human basic dignity and crimes against mankind and one another, we cannot even get any cooperation. Is this the type of agreement we want? Is this going to be our economic partner, when we have close to 1 million people crossing back and forth between our borders? Where are our protections? Where are our safeguards? That is why, when we say "not this NAFTA," it is more than just jobs. It is more than just wages. It is more than even our precious environment. It is human rights. It is a right to know that we are secure, with a government that will work with us.

If we do not protect our natural resources, our water, if we do not protect our American people through extradition processes, as the gentleman said earlier, the Majority Whip, how can the President in 2 weeks after this vote deal with countries like China, with Tiananmen Square? What guarantees are there?

I would hope that our colleagues who are listening tonight and the American people take these issues to heart and tell their representatives "not this NAFTA," at least for the grieving parents over a lost daughter, a lost child who was violated at the age of 4. Don't we have some responsibility here, other than to the almighty dollar, other than to corporate profits? Don't we have a responsibility to our own people and to our own moral sense and outrage? Not this NAFTA.

Mr. BONIOR. Mr. Speaker, I thank my colleagues for a very eloquent statement on natural resources and human dignity and human rights. He said it very, very well. I do not think I could say it any better this evening.

Mr. Speaker, this goes much, much deeper than the economics or econometric models in Mexico and Canada and the United States. It really goes to the heart of what we are all about as a people, and what our grandparents have struggled for in terms of human dignity and human rights and decency, and the laws that we have that uphold those standards.

Some of my colleagues will say to me occasionally, as we discuss this issue, "Aren't you making too much of this? Really, it is not going to affect our economy that much. It is really not that important. Both sides are exaggerating the impact this will have."

I really, honestly, and I have been in public life, elected public life, for going on 22 years, I cannot think of another issue that rivals this in its overall importance to our people and to our standing within the international community. This is a very, very important issue for this country. It will say a lot, how people vote, on how they are viewed with respect to these issues of human dignity, these issues which our party has stood so gallantly for for so many years: for worker rights, for human rights, for judicial rights, for the issue that the gentleman talked about, the natural resources of our country, protecting them, as well as the extradition question that he raises so beautifully and eloquently this evening.

These are very basic things we are dealing with here. I thank the gentleman for shedding some light on them this evening, and for staying this late hour to express his views, and for his leadership.

Mr. Speaker, I now yield to the gentlewoman from Washington, JOLENE UNSOELD, who has been with us and has been vigilant, has worked hard, and who I know shares some values we have just shared with each other this evening. Then I yield to my friend, the gentlewoman from Michigan, BARBARA ROSE COLLINS, as well as the gentleman from Ohio, SHERROD BROWN, who is with us this evening.

Mrs. UNSOELD. Mr. Speaker, my colleagues have so eloquently and passionately described today the costs to those who are living in these countries today, but there are other costs, costs that would be paid by our posterity. It is for those future generations that we must ask: Will there be fish in the seas for their generations?

If NAFTA passes and GATT continues down the present path, the answer will be, "No."

With all the tug-of-war over jobs lost versus jobs gained and environmental destruction versus environmental protection, the frenzied debate on NAFTA has overlooked a primary mandate: We must manage this Earth's natural resources so that our children and their children will still have an abundance of renewable resources in the future.

In negotiating NAFTA (North American Free Trade Agreement) and GATT (General Agreement on Tariffs and Trade), the trade negotiators in the Bush Administration failed to understand this point, and President Clinton has inherited fatally flawed international agreements.

From my own experience as a representative of the Pacific Northwest and a member of the House Merchant Marine and Fisheries Committee, the best way for me to illustrate this alarming shortcoming in our trade agreements is to look at three fisheries management issues: large-scale driftnet fishing, overfishing in the "Donut Hole," and shrimp fishing in the Gulf of Mexico.

After I was elected to Congress, fishermen from Southwest Washington alerted me to the problem of foreign large-scale monofilament driftnets—nets 20, 30, or more miles long—and the terrible devastation they were bringing to international marine resources as well as our native salmon and steelhead. I fought our own State Department and foreign driftnet nations to get legislation passed through Congress. Finally, the State Department came around and we got the United Nations to impose an international ban on driftnets that took effect January 1, 1993. Although I wasn't successful in getting an international enforcement provision adopted, I did help get sanctions established in U.S. law against driftnet violators.

But those sanctions aren't being used. Earlier this year our Coast Guard observed and intercepted four driftnet vessels, three of which were from China. I repeatedly urged the State Department—without success—to begin the process that could lead to sanctions. I have every reason to believe one of the principal reasons they would not budge is the near certainty that sanctions would have been found in violation of GATT.

If that were not enough to convince me our trade agreements are not satisfactory, another high-seas fisheries issue with consequences to the Pacific Northwest brought it home even more forcefully. In the Bering Sea, just beyond the 200-mile territorial limits of the United States and Russia, there is a fishing area called the Donut Hole. Neither nation has been able to enact conservation measures even though fish caught in the Donut Hole originate in the waters of the two countries.

Fishing for pollock in the Donut Hole began in the mid-1980s and quickly expanded from a total harvest of about 360,000 metric tons in 1985 to a peak of roughly 1.4 million metric tons in 1988 and 1989. Both the United States and Russia imposed restrictions on their own fishing vessels to protect the stocks, but other nations continued their fishing frenzy. Eight international meetings have been held in a desperate attempt to stem the destruction of the fishery, but they came to nothing because our trade agreements simply will not allow for effective enforcement of any fisheries management scheme in international waters.

The result? By 1992 fishermen harvested only 10,000 metric tons of pollock. The fishery is decimated.

□ 2140

In the South Pacific, the tuna is nearly gone.

Mr. BONIOR. What does that mean in terms of jobs, if I may ask the gentlewoman from Washington?

Mrs. UNSOELD. It is more than just immediate jobs. It is how future generations are going to be fed, because once these fisheries are depleted, how we will replace them in the future for those generations is beyond our knowledge at this point. And we have no tool, no tool in any kind of international agreement that allows enforcement of an international agreement to protect the sustainability of those resources.

The final example is in the Gulf of Mexico, where five species of sea turtles are listed as endangered or threatened under the Endangered Species Act. To reduce incidental killings of these turtles in the Gulf of Mexico shrimp fishery, the National Marine Fisheries Service requires U.S. fishermen to use turtle excluder devices [TED's] in their nets.

After U.S. fishermen pointed out that TEDs made shrimp fishing less efficient and put them at a competitive disadvantage with Mexican fishermen who aren't required to use the devices, the Congress acted. We enacted a law prohibiting shrimp imports from Mexico until Mexico's fishermen reduced the number of turtles killed to levels comparable to those of U.S. fishermen. This tough law forced Mexico to negotiate with the United States and to begin to take responsible action.

But, under NAFTA, could U.S. laws prohibit importation of shrimp from Mexico caught in violation of our laws? NAFTA backers cannot provide assurances, and that would be worse than just ignoring an environmental issue—it would be a step backward.

Around the globe, we are destroying our marine resources and little can be done because trade negotiators don't seem to think such things are worthy of their attention. Well, we must get their attention.

I must vote no on this NAFTA and use this debate to highlight the issue of fisheries management for sustainable development. International sustainable management practices are crucial if our children and grandchildren are to enjoy the rich resources of the seas—and trade sanctions are the most effective enforcement tool we have.

Used correctly, trade agreements provide leverage we cannot afford to lose if we are to prevent the decimation of the world's natural resources. Used incorrectly, as in NAFTA and GATT, they will cause irreparable harm.

We must send our negotiators back to the bargaining table with instructions to get it right.

Mr. BONIOR. I thank the gentlewoman from Washington for her eloquent statement of concerns about the future of our resources and how it affects future generations. And you are absolutely right, we can do much much better at the bargaining table the next time around.

Mr. Speaker, I yield to my friend, the gentlewoman from Michigan [Miss BARBARA-ROSE COLLINS] who has been so diligent and so hardworking on this.

Miss COLLINS of Michigan. Mr. Speaker, I thank the gentleman from Michigan for allowing me to participate in this discussion.

I would like to discuss my many reservations about the North American Free-Trade Agreement and explain my major objections to the agreement. In just 8 days, House Members will cast historic votes for or against NAFTA, an issue that has captured the attention of this Congress and the American people.

Ross Perot and Vice President GORE will debate the agreement tonight. Their debate, like most of the discussions surrounding NAFTA for the past 2 to 3 years, will likely focus on the issues of the economy, jobs, the environment, national sovereignty and the Mexican export markets, to name but a few.

Unfortunately, throughout the nearly 3 years of debate on NAFTA, there is one issue of special importance to me that I believe has been given a back seat—the issue of NAFTA's impact on minority, particularly African-American, communities.

Earlier this year the Congressional Black Caucus officially took a position opposing the NAFTA agreement as it was negotiated, as did the National Association for the Advancement of Colored People [NAACP], as well as many of America's other elected African-American officials at State and local levels. However, in the voluminous and sometimes turbulent public debate, little attention has been paid to the harm that NAFTA will spread to African-American communities. In fact, it almost appears that the NAFTA agreement was drafted without any sensitivity to minorities. Perhaps NAFTA's originators, the Bush administration, thought that we would stand back and stay silent, that because we had no interest in this agreement, we would give silent acquiescence. But now, as the Congressional Black Caucus swells its rank to some 40 strong, our voice is one that cannot be snubbed or ignored.

This fall, I have had the honor to chair the CBC NAFTA task force and to closely study this agreement's impact on the African-American community.

Mr. BONIOR. I want to thank my colleague for her leadership as the chair of the anti-NAFTA task force in the Congressional Black Caucus. She has done a fantastic job, and I think when we vote on this the result of those votes will indicate all of her hard work. We expect, as she probably knows, over 90 percent of the members of the Caucus to be opposed.

Miss COLLINS of Michigan. Yes, at least.

This was no easy task, since as I mentioned previously, African-Americans were really not considered in the negotiating of NAFTA. Comprehensive and expensive studies abound on NAFTA's ramifications, from impacts on air quality to the effects on exports of ceramic tile. But little to no research or study has been done on the impact of NAFTA on minority communities. However, as I looked deeper into this issue, it became increasingly evident that the concerns of the majority of Americans with NAFTA are amplified when you consider African-American people. Those concerns shared by organized labor, environmentalists, and consumer advocates are all relevant to, but it is the economic consequences of NAFTA that are particularly devastating to African-American families.

A FAILED LEGACY

The 1992 election was a clear referendum on the failed Reagan/Bush economic "program". Over those 12 years,the American people endured serious economic stagnation and hardship. This NAFTA is another arm, perhaps a tentacle, of those failed policies, an approach I find impossible to support.

Mr. BONIOR. Will the gentlewoman yield just on that point, because I think you hit upon a very important point in this debate. It is an extension of the policies of the last 12 years of really trickle-down economics where the idea is you keep wages and benefits low for working people, and somehow you give everything to the top and it kind of trickles down.

The gentlewoman I know knows this, but I am sure some of our colleagues do not know that 54 percent of the wealth in Mexico is controlled by 36 families working through 21 working groups. They control the telephone companies, the television companies, they control the trucking business, they control all of the avenues of power and resources within Mexico.

Mexico 2 years ago had 2 billionaires; in just 2½ years it has increased to 13. It is a very top-heavy society that earns its resources off the burdens of the laborers who suffer at slave wage-rate levels. Wages are incredibly low. They have been kept low, and they will be used to bring down our wages here in this country.

So the gentlewoman is absolutely correct. If you like trickle-down economics, over the last 12 or so years, then you might be attracted by the economic reality of this treaty.

Miss COLLINS of Michigan. And that is not all. To expound on that, the land that has been farmed by Mexicans for many, many years, for centuries, under the NAFTA agreement that land will be appropriated by the Government and sold to the investors coming into Mexico seeking to build firms in Mexico.

In fact, to rush into an agreement while not fully understanding its economic effects on all of our people would be irresponsible, and a betrayal of the trust that my constituents placed in me through my election to the Congress. I would just like to point out that the three Presidents most aggressively promoting NAFTA, Ford, Carter, and Bush, were voted out of office because of questionable economic policies.

THE REAL REASON FOR NAFTA

I am not an economist; however, it seems to me that the idea for a NAFTA has its roots in the political circles of Mexico City. It is my understanding that the NAFTA concept has been brewing since the mid-1980's as an attempt to alleviate the massive debt crisis in Mexico. Mexican President Salinas, the man that so many people blindly label as a great reformer and visionary, opened Mexico's very closed markets to capital investment in the 1980's in an effort to cure his nation's anemic economy, while simultaneously devaluing the peso. But by 1986 or so, he realized that Mexico needed more foreign capital if they were to evolve into a modern economy. Enter free trade, or more appropriately, the concept of economic union, regardless of whether Mexico's economy was ready.

In my view, NAFTA was designed as an investment agreement to lure more American capital into Mexico. That is why American business interests are practically salivating at the doors that will open to new investment. But why? United States firms can invest in Mexico today, and in fact have operated in Mexico for more than 25 years with a large degree of success. General Motors, for example, which has its headquarters in my district, is Mexico's largest single private employer. So, since many companies are already there, NAFTA has to make the deal they have now even better; and it does.

NAFTA gives favored treatment to future U.S. investments. This point of critical importance. Up to now, the major United States investors in Mexico have been large businesses. However, with investment in Mexico as safe as investment in the United States, small- and medium-sized companies can now look to Mexico as well, no longer fearful of lost investments.

□ 2150

JOB LOSS FOR AFRICAN-AMERICANS

NAFTA proponents believe Mexico to be (1) a great export market for U.S. goods and services, and (2) especially a great market for American consumer goods. NAFTA proponents argue that we will open up a market of 360 million people with a $6 trillion economy. Closer scrutiny shows that more than $5.6 trillion of that $6 trillion total is from the United States. In reality, Mexico's buying power is only around 5 percent of U.S. gross domestic product [GDP]. With Mexican hourly compensation ranging from $1 to $3, which is a 30 percent decrease since 1980 and average yearly incomes between $2,000 and $3,000 annually, the purchasing power of the 86 million Mexican people is equal to that of African-Americans. In even more specific terms, it is equivalent to the GDP of the State of Michigan. In other words, the Mexican market for United States products is a mere speck in terms of real purchasing power.

So why are these manufacturers not investing in the urban communities and in the African-American communities, creating jobs for Americans?

Mr. BONIOR. Because the minimum wage is 58 cents an hour, because they can get away without paying benefits, because they do not have to worry about health care benefits, because they do not have to worry about health and safety benefits, because they do not have to worry about consumer protection. That is why. That is exactly what will happen if NAFTA passes, it will increase the exodus, it will roll out the red carpet, get rid of the additional impediments that they have now—tariffs. It will give them protection against nationalization, copyright protection, and of course they will ignore the communities in which they are now and leave people stranded, uprooted, and of course we have seen the devastation that has created in our own area.

Miss COLLINS of Michigan. Absolutely. One thing I wanted to ask the big three car companies: Who will buy your cars?

Mr. Speaker, I have traveled pretty much around the world, and I have come to the conclusion that the only ones who buy American cars are Americans. But if American cars are manufactured in Mexico and the people are put out of work here in America, who then will buy those cars?

Mr. BONIOR. Well, it certainly will not be the Mexicans because the Mexican workers, as good workers as they are, earning those types of slave wages, earn enough money in a week to buy a set of sparkplugs let alone an automobile. And if indeed we continue to send high-paying auto jobs south as we have and we will continue to—and it is not just the autos, it is, for instance, Hughes Aircraft Co. that moved out of Los Angeles, a thousand jobs at $17 an hour that they were paying for sophisticated electrical circuitry work, they moved to Tijuana, $6.90 a day—not an hour but a day—and getting good productivity because they are good workers down there. Where are people going to get the funds to purchase the commodities that need to be sold? Certainly they do not pay enough in Mexico for them to purchase. And in the United States we are, as we have talked about this evening, decreasing tremendously the buying power of people who lose their jobs and who on average get a job 50 percent less than what they were earning before.

It is a downward escalation in our standard of living, and it will accelerate tremendously, I believe, if this NAFTA passes.

Miss COLLINS of Michigan. Mr. Speaker, my constituents sent me to Washington to help create jobs, not destroy them. My constituents sent me to Washington to create hope, not extinguish it. My constituents sent me to Washington to reinvigorate the economy, not to drain it.

NAFTA is called a trade agreement. It certainly is. In my view, it trades away good American jobs at good wages. It trades away the aspirations of many hard-working Americans, and particularly African-Americans, to make life better for themselves and their families. And it gives back very little in return.

Before I close tonight, I would like to thank the gentleman from Michigan [Mr. BONIOR], the distinguished majority leader and my very good friend, for his assistance and passionate leadership on this issue.

Mr. BONIOR. I thank my colleague from Michigan for her eloquent statement and leadership.

Mr. FORD of Michigan. Mr. Speaker, Plymouth Salem High School, in my district, held a debate on the North American Free-Trade Agreement on October 20. The students researched and wrote arguments for and against NAFTA. I would like to read the speech that one of my constituents, Liz Ebersole, a 10th grader, delivered to that gathering. I think it makes the case against NAFTA as well as anything I have heard on this floor.

The speech follows:

Good evening ladies and gentleman. My name is Liz Ebersole. I am a sophomore at Plymouth Salem High School. I am here as a representative for the Close-Up Class. Tonight I am here to give my opinion on NAFTA. My opinion on this is firmly negative.

I am a strong believer in my country. I believe that NAFTA will tear my country apart with the tremendous job loss. An estimated 350,000 jobs are supposed to be gained through NAFTA, but the job loss will be 500,000 to 1 million. Instead of helping our country, we will be sending our jobs down to Mexico.

Let me tell you a little bit about Mexico. You would think twice if you were to be moved down there after hearing this. In the last decade 52 members of the opposing political party have been killed, 26 journalists since 1988. Amnesty International has cited Mexico for "widespread use of torture" by law enforcement agents. Do you still think working with Mexico is such a good idea?

Not to mention the unfairness of our workers having to compete with Mexicans on a salary and standard of living basis. Do you know how much the average wage worker in America makes an hour? The lowest salaries are $4–$5, with the highest ranging from $9–$11 per hour. Do you know how much a Mexican worker makes per hour? In 1988 it was about $1.50. In 1992 it was about 63 cents. Sixty-three cents in comparison to $11 an hour? How can Americans keep their jobs when companies move to Mexico because it is cheaper? How can they compete?

People for NAFTA will argue that Mexico will buy more of our goods through the agreement. This is a demented truth. The truth is that 24 percent of the "goods" bought will be and currently are capital goods—which are manufacturing plants and equipment. A towering 61 percent are intermediate goods—parts to make final products—that are then shipped back to the U.S. Only 15 percent of the goods bought are consumer goods ready for sale, and how can Mexicans afford our products when they can barely live off of their salaries?

What about the environment? Are we willing to endanger much more to an already endangered environment? Under NAFTA several American environmental laws will be changed by Mexico. A few toppers are the Dolphin Act, Wildlife Preservation Act, Endangered Species Act, Wild Bird Protection Act, and there are so many more!

Did you know that Mexico uses 17 pesticides we don't allow? Seventeen! And under NAFTA they can challenge our environmental laws and beat them. What will happen is we will be importing Mexican fruits and vegetables, exporting cars to Mexico that on one can buy because they don't make enough money, and having serious health problems because people are eating poisonous pesticides on their food. Some trade off!

I mentioned before that 500,000 to 1 million jobs will be lost to NAFTA but, that isn't all. If NAFTA goes into effect, part-time jobs in America will be eliminated. Did you know that 70 percent of the workers in America are unskilled? Can we afford to feed that many more homeless? Do you know how many homeless we have already? About 13 million Americans are homeless, and how much of this does Michigan foot? Michigan doled out $1,186,125,452 in assistance payments to the homeless and unemployed in the last year. The average monthly case load of people who need this assistance is 227,639. How many more hungry mouths can we afford to feed?

With part-time jobs eliminated and unfair competition between Mexico and America, how do we stand a chance? Who will win? The big corporation raiders. But how many people own their own big company in comparison to how many people work for them? The middle class will lose. Let's not forget that this is the "me" generation we are dealing with here. A group of middle to upper-class middle-aged group of people who have been titled as only caring about themselves and not each other.

This country was founded under love, honor and protect they neighbor, and in turn will do the same for you. Why would we want to sacrifice our people for some cheap Mexican labor? Greed! That's what is it, plain and simple. But will the big businesses really win after they pay to retool and ship factories and retrain workers?

Workers we have here who are qualified to do the job. Our own Michigan Representative David Bonior is against NAFTA because he knows America, and Michigan especially (seeing as how this is a big car manufacturing state) will lose many jobs.

In the last decade many people were without jobs and suffered long periods of unemployment, with a 50 percent pay cut when they started work again: this was concluded by the U.S. Department of Labor. Are we willing to take such a risk when the economy is finally starting to lift again? Can we afford such a step? No, we cannot! Too many jobs and living standards are threatened by this agreement. It is very porous in that it lets key issues slip through it. There are too many things wrong with NAFTA for it too be a good idea.

"Fix it or nix it". This is my motto. Maybe eventually we will be able to work out a good NAFTA. But at this point, the one we have stinks. So this is what I say "Not this NAFTA, not now!"

SUMMING UP ON NAFTA OPPOSITION

The SPEAKER pro tempore (Mr. GENE GREEN of Texas). Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 15 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I want to just add a few comments to what my distinguished colleague, the gentleman from Michigan [Mr. BONIOR], the gentlewoman from Washington [Mrs. UNSOELD], the gentlewoman from Michigan [Miss COLLINS], the gentleman from Michigan [Mr. STUPAK] were talking about. During the last 8 or 10 or 12 perhaps 15 weeks that Majority Whip BONIOR has led us on the floor in these special orders in terms of defining the NAFTA debate, we have talked about everything from how NAFTA is a job-killer, how it is bad for small business, the problems with truck safety, food safety, human rights in Mexico, political assassinations, all of the problems of the North American Free-Trade Agreement. I think those have been summed up again tonight with Mr. STUPAK talking about water problems and environmental problems which Mrs. UNSOELD talked about, human rights, wage issues, how NAFTA depresses American wages in addition to encouraging American companies to move to Mexico to which Miss COLLINS and Mr. BONIOR referred.

I want to just summarize as we move into the last 8 days of this debate what the lobbying effort for this entire pro-NAFTA movement has been all about.

The Mexican Government, in a historical phenomenon, basically, has spent somewhere in the vicinity of $30 million to $35 million to lobby the American Congress to pass the North American Free-Trade Agreement. Thank about that for a minute.

Mr. Speaker, I yield to the gentleman from Michigan.

Mr. BONIOR. It has been unprecedented.

Mr. BROWN of Ohio. Unprecedented.

Mrs. UNSOELD. Would the gentleman repeat the statement?

Mr. BROWN of Ohio. Yes. The Mexican Government has spent in the vicinity of $30 million to $35 million of Mexican Government money, mostly the 36 families that control 50 percent of the wealth in that country; they spent $30 million to $35 million to convince American elected officials, this Congress, to pass the North American Free-Trade Agreement. Never in history has one country spent that kind of money to lobby another country.

Mr. BONIOR. And how have they done it?

Mr. BROWN of Ohio. They printed up very fancy brochures, mailed them to everybody; they hired people all across this country. One of the things they did was try to identify people in every congressional district that they could hire and have them personally lobby their friend the Congressman or their friend the Congresswoman. We all know people like that who were hired to lobby some of us, any number of us, because they had so much money to throw around; not to mention television ads and things that none of us could figure out what they have done.

Mr. BONIOR. They have hired the best lobbyists in town, the best firms here, at least the ones that are considered the best. They hired the best and the biggest law firms in Washington, DC.

Mr. BROWN of Ohio. Public relations firms.

Mr. BONIOR. Public relations firms. They have spent millions of dollars on television. They have spent millions of dollars on other forms of information and propaganda throughout this country; radio time. They have run a full-scale assault in concert with our major American corporations, the same corporations, by the way, who have located along the maquiladora, who have poisoned those citizens, paid them slave wages, who have abused children and employed them in child labor; all the things we have fought against for so many decades and so many years they have just transferred over the border.

And now they have collected the profits of the toils and labors of those workers, sent them back across the border to be used to try to influence the votes of Members of Congress to vote for this agreement so they can again increase the wealth, their independent wealth, and the wealth of those few families in Mexico.

□ 2200

Mr. BROWN of Ohio. That is exactly what happens, so you have the $30 million or $35 million the Mexican Government is spending. You add that to the money that USA NAFTA, that is a large corporation group that the gentleman from Michigan [Mr. BONIOR] just mentioned that is lobbying hard for NAFTA, and that corporate group, as he said, by and large is the same group of people who have located plants in Mexico and have avoided American environmental regulations by going to Mexico and avoided American labor regulations, child labor laws and safety laws and minimum wage laws and all that so they could steal American jobs and not have to live under the kind of environmental good water quality and air quality standards that we as a society have, public health standards that we as a society in this county have put together by consensus, because we know it is good for our people. They have ignored that because they have gone to Mexico and been able to do that.

So USA NAFTA is spending the same kinds of tens of millions of dollars of money and that is all the biggest corporations that we all are familiar with in this country, any big corporation you can think of almost it seems is a member of USA NAFTA.

Something happened today that all of us saw. In our offices today there was a huge basket of food that showed up. I know the gentlewoman from Washington [Mrs. UNSOELD] got one and I am sure that the gentleman from Michigan [Mr. BONIOR] did. All of us got this huge basket of food. We just figured it was again food from the food industries in this country who are lobbying for NAFTA. It was representative of every major company in this country that makes any food products.

We figured out the value of these, that they were giving to Members of Congress. It was somewhere around $100 or $110. We figured out how many hours would it take a Mexican worker, working in a plant that might make some of these things in Mexico, how many hours would it take for them to be able to buy a basket like this. Most of us had the sense, and I know all of us here did, to donate those baskets to somebody who could use it more than we needed it, frankly.

Mr. BONIOR. Let us assume those baskets were $100 or $150. According to this Mexican ad, they pay $1 an hour in wage and benefits, so if someone worked 8 hours a day, that is $8 a day, 5 days a week.

Mr. BROWN of Ohio. It takes about a month.

Mrs. UNSOELD. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentlewoman from Washington.

Mrs. UNSOELD. Mr. Speaker, while the monied interests in Mexico are spending these hugh amounts lobbying this issue, what are they doing to their own workers in Mexico? What is happening to them?

Mr. BROWN of Ohio. Clearly what is happening, I say to the gentlewoman from Washington [Mrs. UNSOELD], as the gentlewoman knows and we have talked about over time, is that the 36 families in Mexico in concert with their puppet leaders, like Salinas and the President of this one party government, and this one party government has been in power longer than since the Bolsheviks fell in Russia, longer than any single party in the world, in concert with them and in concert with American companies and other foreign companies that have gone down there, they have exploited workers. They have polluted the environment. They have not paid people a living wage, and the country continues to have a very, very rich sliver at the top and poverty at the bottom.

Mrs. UNSOELD. Can those workers organize?

Mr. BROWN of Ohio. Those workers cannot organize.

Mr. BONIOR. Can they fight back in any way? What recourse do they have at the ballot box?

Mr. BROWN of Ohio. They can vote and have their vote not count. They pretend to have this veneer of a free society because they have elections, but the President hand picks the successor. There is no real opposition party that has any real strong legal standing or any real power, and as a result you have a government that keeps wages down, that will make sure there is no middle class created in that country, and that is why they cannot buy American products. That is why NAFTA is a bad deal. If Mexico had a middle class, like Canada does, NAFTA would be a good deal for everybody, but it does not, and the Government will make sure it does not. That is why the Government is spending the kind of money they are spending to pass NAFTA in this country. That is why USA NAFTA is spending the kind of money they are for NAFTA in this country.

Mrs. UNSOELD. So the Mexican Government continues to exploit their workers in order to keep the wages down, in order to attract industries there?

Mr. BROWN of Ohio. Exactly.

Mrs. UNSOELD. And their workers are not going to have the benefit that is being advertised.

Mr. BROWN of Ohio. The Mexican workers do not like NAFTA, either. The people who like NAFTA are the elite in each country. They are the wealthy families in Mexico. They are the people who own the TV stations, as the gentleman from Michigan [Mr. BONIOR] said, the people that own the telephone companies, the people who run the Government, all those people, and in this country people who benefit from NAFTA are equally as obvious. It is the top executives and the top stockholders, the largest corporations. It is the major newspapers. It is people like former Secretaries of State, and former Secretaries of the Treasury, many of whom write articles, op-ed pieces in the Washington Post and also many of whom happen to have business interests in Mexico.

Mr. BONIOR. And may in fact be getting some of that $30 million in lobbying money.

Mr. BROWN of Ohio. And they are getting the money to lobby, so it is a nice little deal.

Mr. BONIOR. It is a nice arrangement.

Mr. BROWN of Ohio. But the media, the Washington Post, loves to talk about how fair they are. We understand editorially they are all for NAFTA. That is OK, but the op-ed pieces, the page across from the editorial section, is supposed to be a forum for free thought and free thinking and exchange of ideas and the free flow of information. The Washington Post op-ed piece has had about a 6 to 1 ratio for NAFTA and against. The gentleman knows we have sent articles, he has and I have, and the gentlewoman from Washington [Mrs. UNSOELD] has.

Mr. BONIOR. I sent a letter to the editor in the Washington Post in response to an editorial they did and they called me up and they wanted to negotiate with me what I could include in my letter to the editor.

I finally got to the point where I told them to take it and—to take it.

The upshot of it was I told them, "Don't print my letter if you don't want to know what my ideas are and what I am suggesting."

I mean, it has been quite an interesting experience.

Mr. BROWN of Ohio. If the gentleman's name were Henry Kissinger or Bob Strauss, it would have been on the op-ed page.

Mr. BONIOR. Let me tell you an interesting thing about Henry Kissinger. I have rarely seen this happen, but Henry Kissinger writes these op-ed pieces. They like to give him three times or twice as much space as they will give anybody else. It is almost a whole page.

Maybe it was about 5 months ago or 4 months ago, he had this huge piece in the Los Angeles Times. It was not but a day later or within the week, I do not recall exactly, the exact same piece appeared in the Washington Post.

Now, major newspaper publications of national importance like the Los Angeles Times or the New York Times and the Washington Post, they do not deal with one author twice. Either you have your shop here or that is it. You do not get to publish in one, two, or three different major publications, but Henry Kissinger did.

Mr. BROWN of Ohio. But the interesting thing about that is with all those elite being for NAFTA, with the newspaper coverage overwhelmingly pro-NAFTA in their content and in their excluding our side so often, with all the former Secretaries of State and all the business interests and all the kinds of things, all the information they have been able to get out, nonetheless the American public does not like it because the American public has a basic intuition that this is a bad idea. They do not get as much information because it has not been as available to them as with the pro-NAFTA people, but they have a basic understanding that Mexican workers are treated badly in this agreement. American workers are treated badly, that small business in this country will get hurt.

It is real clear that the more people in this country who know about NAFTA, the less they like it, to the point a Member of Congress not so long ago was quoted on a TV show as saying, "I hate weekends because on weekends all these Members of Congress go home back to their districts and all they hear about is all this anti-NAFTA stuff."

Mr. BONIOR. From workers, from farmers, and small business people.

Mr. BROWN of Ohio. From real people. So what is going to happen, one of the great things for us is that right before the NAFTA vote is the Veterans' Day weekend. We are going out of session on Thursday and Friday, so we are all going to be home listening to veterans, people who have given themselves to their country. We are going to hear them on Thursday, Friday, Saturday, and Sunday. We are going to come back and vote. You can bet the people in this country are going to talk about, "We don't want this NAFTA. We want you to defeat it. It is a job killer. It is a small business killer. It devastates our community."

Mrs. UNSOELD. I was in a parade last Saturday, and it was coming from the sidewalks.

Mr. BROWN of Ohio. Except for the newspaper publishers, who were telling you no. I think it is clear, people are against it.

Mr. BONIOR. I think the gentleman has raised a very important point. I think the people of this country, they have 8 days left or 7 days left, whatever now before we vote on this, it really is to a large extent in their hands and they have remarkably put up a tremendous fight. It is a people issue. It is something in which the American people have said to their elected representatives, "Don't do this one. Don't do this."

They understand free trade. They understand the concept. They like the concept. They want to make sure that things are balanced.

The bottom line I find for workers and small farmers and independent business people is that our standard of living has to remain high, not sink to their level. Theirs has to rise to our level. If we can come to an agreement and reach that goal, I think we can come together in this Congress. We will eventually come together on an agreement of that sort. If we do not, we set a terrible pattern with this agreement.

Mrs. UNSOELD. That would be a NAFTA we could support.

Mr. BROWN of Ohio. I think all of us, in conclusion, I think all of us want to support a free-trade agreement because we know Mexico is important. We care about both countries. We care about workers in both countries.

□ 2210

Both countries can win on this, not just the elite, but all people in both countries, or almost all people in both countries, would win if we negotiate a little bit more slowly in a fairer NAFTA. It uplifts both countries, the people in both countries, and then Mexican workers will be able to buy American products.

We were talking a minute ago about how in Mexico one of the distinctive things about a Mexican auto plant an American notices when he or she visits it is that they do not have parking lots because they cannot buy cars that they make, and does that not tell us something? That is something I want people to keep with them.

Mr. BONIOR. I remember that photo that the gentlewoman from Ohio [Ms. KAPTUR] had of the plant along the border in Mexico, the automobile plant that is just as the gentleman described it, a huge plant with no parking lot, and there was a huge sign on the corner of where that plant was: Michigan and Ohio Boulevards.

Mrs. UNSOELD. What leverage does NAFTA give those workers so that they will in the future be able to have cars?

Mr. BONIOR. No leverage at all. Locks them into a corrupt system that exploits them.

ORDER OF BUSINESS

Mr. DREIER. Mr. Speaker, I ask unanimous consent to vacate my 60 minute special order and address the House for 15 minutes instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair recognizes the gentleman from California [Mr. DREIER].

NAFTA

Mr. DREIER. Mr. Speaker, I thank the Chair, and the staff and our very distinguished friends here for indulging us. I have been watching in my office the Larry King Live program with Mr. Perot and Vice President GORE, and I wanted to take just a few moments as they enter into their last 15 minutes to respond to a number of things that have been said on the program, and during the commercials I happened to channel surf just a little and heard some of the things that were being said here on the House floor over the past hour or so, and I think that we really should respond to some of those things, too, because we have heard more than a few inaccuracies as to the North American Free-Trade Agreement.

One of the things that I was struck with, which was stated by Mr. Perot just a few minutes ago, was the fact that he continually has been saying over the past hour and 15 minutes that the people of Mexico are so poor that they cannot afford to buy anything, and I am struck with that, Mr. Speaker, because I last Sunday happened to go to a store that has been opened for 5 weeks. It happens to be the largest Wal-Mart in the world, and every American knows about the tremendous success of Sam Walton and Wal-Mart, and an amazing partnership has been put together in Mexico with Wal-Mart and a company called Sefra.

Well, what I witnessed on Sunday was certainly much different than anything that Mr. Perot has been talking about for the last hour and 15 minutes. What I saw in Mexico was a tremendous demand by the Mexican people, and I am not talking about those 36 families or 13 billionaires to which Mr. BONIOR referred a few minutes ago. I am talking about working Mexicans who desperately want American products.

Now, as we went into this store Sunday morning, our delegation, we moved throughout and saw people pushing carts, and it was jam packed. Again, the store has been opened for 5 weeks, and people came up to me, and they said, "Please send us more U.S. products."

Mr. Speaker, 55 percent of the products which are on the shelves in that Wal-Mart store are products manufactured right here in the United States, and, Mr. Speaker, the people of Mexico can afford and want to be able to purchase even more United States manufactured goods, and while we hear of the fact that there are so few who can afford these things, Mr. Perot should be made aware of the number.

There are between 20 and 25 million people in Mexico who are middle wage earners. That, Mr. Speaker, is the size of the entire population of Canada, and I think we need to point to the fact that, as the economy has improved, which Vice President GORE has pointed out on the program this evening, people have been able to afford more goods that are manufactured right here in the United States.

At this point I yield to my friend from Tucson, AZ [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding, and I think he makes a very good point. We have heard a lot of comments that have been made during the course of this debate and in a lot of the special orders on this floor which unfortunately have some very unfortunate tones of being paternalistic about Mexico, frankly some of them being in a very sub rosa manner kind of racist in their overtones.

Mr. Speaker, I heard one Member of the House was quoted in the Cleveland Plain Dealer as saying that Mexico was filled with scrawny little kids who sell Chiclets and that is what Mexico was all about. That is such a tragedy that this kind of misinformation and disinformation should be put forward, that we should have this kind of view of a country like Mexico that is struggling to make a better life for its people and, in the process, is trying to buy more products from the United States.

I say to my colleagues, you don't have to go just to the store that you mentioned in Mexico City. You can go to almost any city in the country. This summer I spent some time in the middle part of Mexico in the capital of one of the States, went to department stores there and saw the kinds of goods in those department stores that are being sold, almost all of them coming from the United States. There is a growing, as you say, and correct me, but there is a growing middle class all over Mexico that is buying our goods.

I think there is a fact that is little understood by many Americans. It is that Mexicans, despite the fact they have an income one-seventh as great as that of the European Community or of Japan, despite that they buy more consumer products per year per person than do either of those other areas I mentioned, let us say Germany and Japan.

So, here is a country that is not rich yet but is already buying more products from the United States per person than is either Japan or Germany. Imagine, just imagine, as that economy grows, and those people, as the gentleman pointed out, that 20 million middle class, becomes 30 million, and 40 million, and their income is not just one-seventh of the United States, but one-fifth, and one-third, and one-half of that of the United States. Imagine the opportunities for American businesses to sell our products down there.

Mr. DREIER. Of course, and I thank my friend for his contribution.

Of course the Vice President has talked on the program this evening about the fact that that tax exists for the consumers of Mexico on United States manufactured goods that are trying to get in there, and that tax is one which is being shouldered by consumers in Mexico.

We all know that at Wal-Mart and other department stores throughout the country they are paying a higher price for these goods made in the United States of America than Wal-Mart shoppers here in the United States, and the idea that has really stuck with me is that obviously these people, they are going to be able to buy even more when we bring that tariff barrier down. I mean we ought to really underscore again the fact that a tariff is a tax and that tax is going to come down to zero enhancing the chance for us to sell even more.

And moving throughout that store, Mr. Speaker, I think one important point that also needs to be made is that, as one looks at products that are there from Taiwan, from China, from Singapore which are on the shelves in department stores in Mexico, we have got to realize that we are going to create a tremendous advantage for United States manufacturers to provide goods in those stores on those shelves that are greater than from those countries in the Pacific rim, or Europe, or any other part of the world. Why? Because the tariff barrier that exists today for the United States and will come down under NAFTA will continue to exist for other countries that are seeking to get their products there. So, that 55 percent on the shelves in Wal-Mart today, and in other stores, will go up because there will a greater attractiveness for U.S. manufactured products to get down there than there will be those items from the Pacific rim.

Happy to yield.

☐ 2220

Mr. KOLBE. You have said it as succinctly as anybody possibly could. Your comments bring to mind another illustration. Sometimes it is not just that it is more expensive for Mexico to get those products. Sometimes they cannot get them at all.

Automobiles is a very good example of that. We cannot produce an automobile in this country and take it to Mexico. It just cannot be done. There are not only tariff barriers, but absolute barriers that prohibit us from taking those automobiles down there.

The result, in Mexico this summer I was riding around with a young person who was an instructor in my Spanish language course. He had a little For Sale sign in his window of his 1983 or 1984 Mustang. The thing was a clunker, rusted out, stalling at every intersection.

I said, "What price are you asking for this thing?" And he said, "Oh, I think I'm going to get about $9,500, $9,800 for it."

I said, "$9,500?" He said, "Oh, yea. That is what it is worth down here."

Of course, the reason was because they cannot get new cars, and no used cars can be brought into Mexico. If we had the ability under NAFTA, which we will, to ship those cars down to Mexico, the prices for Mexicans will come down and they will be able to have choices and they will be able to buy it. They already have a market for new cars of 700,000, which has doubled in 5 years from what it was. It is estimated that it will double again in the next 5 years. Our opportunities for getting a larger share of that market with our Big Three auto producers, producing cars here in this country and taking them down there, will be tremendous. That will mean thousands of Americans are going to be employed making those cars.

Mr. DREIER. My friend makes a very good point. We have to look at the fact that there is one automobile for every 2½ Americans. In Mexico there is 1 automobile for every 123 Mexicans. That clearly demonstrates that there is a potential market down there that is great.

Now, one might surmise from that that we will see these partnerships like the ones that exist in the United States with Honda, Toyota, and other manufacturers in the Pacific rim, or in Western Europe. But we have to realize there is a great chance for that to take place, to see manufacturers in the Pacific rim and Western Europe join with Mexico, if we defeat NAFTA.

If we pass the North American Free-Trade Agreement, it is important to remember that there is a 62.5-percent North American content requirement that goes into the manufacture of those automobiles, underscoring the fact that there is a greater opportunity for us to sell U.S.-manufactured automobiles, U.S.-manufactured automobile parts, that are from this continent, rather than partnerships that we see developing with the Pacific rim and Western Europe. I think that that is often forgotten. I know that Vice President GORE has mentioned it this evening. But we have to underscore the fact that this is not a completely level playing field. This is a field which creates an advantage for the United States of America. It stands to reason that as we develop the largest market in the world, a growing market, we should be able to compete with the European Community and the Pacific rim. And that is very beneficial.

Mr. KOLBE. Following up on your comments, which I certainly think are accurate, you have to ask the question, or at least I find myself asking the question, this almost seems to be such a no-brainer to be for a free-trade agreement. You sound like Lee Iacocca there. It allows us to sell more products in Mexico, in a foreign country. You have to ask why is there this opposition? I think you have to look at and realize a lot of this opposition comes from people who think back into the old days at the end of World War II, when we were astride the world's economy and did not have to worry about competition from anybody else.

Those days are gone. We know that from our competition with Japan. Japan knows it, as they are finding from their competition with China and Indonesia. This is a global marketplace we are in. We stand to isolate ourselves totally as we watch the European Community form their alliance that allows them to share production in those countries, and as we watch Japan forming their alliance with other Asian countries.

We now have that alliance with Canada. We can bring in Mexico, and ultimately the rest of Latin America, into this alliance. We will have the strongest trading alliance of any of those blocs. But if we fail to do that, we are totally, utterly, completely isolated from the rest of the world, and we will fail because we cannot share our production, we cannot share our ability to produce things with other countries and compete in the world.

Mr. DREIER. Mr. Speaker, my friend makes a very good point here. This issue of sharing is one that we need to address. I know my friend is well aware of this figure, but shared production is something that has created success in Europe and the Pacific rim.

Not everyone is aware of the fact that Japan's exports, 35 percent, consist of partnership arrangements with other countries. My friend knows, of course, what the percentage of partnership arrangements for U.S. exports is. It is only 5 percent today. Why? Because we do not have the kind of favorable arrangements that are made.

We have Japan dealing with maquiladoras in countries that are throughout the Pacific rim, Vietnam being just one of them. Yet, we, in the United States, have failed to put together the kinds of partnerships that NAFTA will give us the opportunity to create.

Thirty-five percent of Japan's exports come from partnership arrangements. Only 5 percent in the United States. The NAFTA will allow us to greatly enhance that so we can get the best aspect of each of the countries involved in our exports.

Mr. KOLBE. If I could just take one more moment of the remaining time to talk about one of those partnerships, and in fact the Vice President tonight alluded to it. I hope maybe he got the example from me. But not long ago I had a chance to visit a factory that was under construction down in Hermosillo, which is the capital of the State directly to the south of me. This is a factory that makes products under license for Mattel toys. They are going to bring all the Barbie doll production, now done in the People's Republic of China, and move that over to Hermosillo, because they are going to be closest to the biggest market, the United States.

You say what is the advantage to the United States of that? the answer is 85 percent of the value of that Barbie doll is in the plastic. Right now all that plastic comes from Japan. Under this change, all that plastic will come from the United States.

There will not be any sign up or anybody that puts out a sign that says "We are hiring jobs to produce jobs for Mexico." But the reality is, scores of people in the United States will get their jobs because we are going to be producing those hundreds of millions of dollars worth of plastic production that is going to be going down there.

Why are we doing that? Because the tariffs have come down as much as they have, which makes it possible for them to do this production in Mexico, and do it in a cost effective way.

Mr. DREIER. My friend is absolutely right. As we close here, I would simply like to thank my friend for contributing to this hastily arranged special order and do so by saying, once again, I would say, and I know I am not going to address anyone else other than you, Mr. Speaker, but if I were talking to Mr. Perot, I would say Mr. Perot, please, go to the department stores in Mexico. I would say go to that 5-week old Wal-Mart store. You will see that we have the people of Mexico, 20 to 25 million strong, who are middle-income wage earners and want to have the opportunity to purchase U.S. goods.

We try to send milk down. Milk trucks go to this one store that I visited on Sunday. They cannot keep the shelves filled with enough milk that is coming from the United States. Loads of other products are there.

Mr. Speaker, it seems to me we have to realize, we are not just dealing with poor Mexicans who cannot afford to purchase anything. Passage of the North American Free-Trade Agreement is the single most important thing that we can do for our economy, the people of this hemisphere, and consumers throughout the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Florida (at the request of Mr. MICHEL) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TORKILDSEN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 60 minutes, on November 15.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. LIVINGSTON, for 5 minutes, today.

Mr. KINGSTON, for 60 minutes today, in lieu of 5-minute special order previously agreed to.

Mr. DORNAN, for 5 minutes today, in lieu of 60 minutes previously ordered.

(The following Members (at the request of Mr. KENNEDY) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. VENTO, for 60 minutes, on November 15, 16, and 17.

Mr. DEAL, for 30 minutes, on November 18.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Ohio, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. PACKARD, in 3 instances.
Mr. DORNAN.
Mrs. MORELLA in two instances.
Mr. POMBO.
Mr. CRANE in two instances.
Mr. LIGHTFOOT.
Mr. SCHAEFER.
Mr. GILLMOR.
Ms. MOLINARI.
Mr. DOOLITTLE.

(The following Members (at the request of Mr. KENNEDY) and to include extraneous matter:)

Mr. NATCHER.
Mr. HAMILTON in two instances.
Mr. HOYER.
Mr. DE LUGO.
Mr. BROOKS in two instances.
Mr. REED in two instances.
Mr. STARK.
Mr. WAXMAN.
Mr. TORRICELLI in two instances.
Mr. TOWNS.
Mr. ENGEL.
Mr. ORTIZ in three instances.
Mr. TRAFICANT.
Mr. SWIFT.
Mr. MORAN.
Mr. BOUCHER.
Ms. KAPTUR.
Mr. PICKLE.
Mr. ANDREWS of New Jersey.
Mr. COSTELLO.
Mr. CLEMENT.
Mr. STUDDS.
Mr. BACCHUS of Florida.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. BACCHUS of Florida.
Ms. MOLINARI in two instances.
Mr. FRANKS of Connecticut.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes.

S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

S.J. Res. 139. Joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

ADJOURNMENT

Mrs. UNSOELD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 10, 1993, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2130. Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certification regarding Government actions to terminate chemical weapons proliferation activities of foreign persons, pursuant to 50 U.S.C. app. 2410c(b)(2); to the Committee on Foreign Affairs.

2131. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the resort of political contributions by Edmund T. DeJarnette, of Virginia, to be Ambassador to the Republic of Angola, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources, H.R. 322. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; with an amendment (Rept. 103–338). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURTHA: Committee of Conference. Conference report on H.R. 3116. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–339). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 301. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes (Rept. 103–340). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 302. Resolution providing for consideration of the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm (Rept. 103–341). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 303. Resolution providing for the consideration of the bill (H.R. 322) to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes (Rept. 103–342). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 304. Resolution providing for the consideration of the joint resolution (H.J. Res. 288) making further continuing appropriations for the fiscal year 1994, and for other purposes (Rept. 103–343). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON (for himself and Mr. GILMAN):

H.R. 3471. A bill to authorize the leasing of naval vessels to certain foreign countries; to the Committee on Foreign Affairs.

By Ms. PRYCE of Ohio (for herself, Mr. ROEMER, Mr. BILBRAY, Mr. BLUTE, Mr. DIAZ-BALART, Mr. DORNAN, Ms. DUNN, Mr. EMERSON, Mr. FINGERHUT, Mrs. FOWLER, Mr. GALLO, Mr. GILCHREST, Mr. GREENWOOD, Mr. HOBSON, Mr. HYDE, Mrs. JOHNSON of Connecticut, Mr. KIM, Mr. KLUG, Mr. KNOLLENBERG, Mr. KYL, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LINDER, Mr. MCHUGH, Mr. MCKEON, Ms. MOLINARI, Mr. PETRI, Mr. QUINN, Mr. SHAYS, Mr. SOLOMON, Mr. TORKILDSEN, Mr. UNDERWOOD, and Mrs. VUCANOVICH):

H.R. 3472. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself and Mr. FINGERHUT):

H.R. 3473. A bill to amend the Federal Deposit Insurance Act to provide an alternative disclosure precedure for institutions that are not federally insured with respect to customers who are already depositors on the effective date of section 43(b)(3) of such act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GONZALEZ:

H.R. 3474. A bill to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ANDREWS of New Jersey (for himself, Mr. PORTER, Mr. BILIRAKIS, and Mrs. MALONEY):

H.R. 3475. A bill to prohibit all United States military and economic assistance for

Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligation under international law; to the Committee on Foreign Affairs.

By Mr. BOUCHER (for himself, Mr. BROWN of California, and Mr. BOEHLERT):

H.R. 3476. A bill to amend the National Science and Technology Policy, Organization, and Priorities Act of 1976, and for other purposes; to the Committee on Science, Space, and Technology.

By Mrs. MALONEY:

H.R. 3477. A bill to prohibit defense contractors from being reimbursed by the Federal Government for certain environmental response costs; to the Committee on Armed Services.

By Mr. MANTON:

H.R. 3478. A bill to provide for the death penalty for homicides involving firearms; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself, Mr. OWENS, Mr. VENTO, Mr. ANDREWS of New Jersey, Ms. WOOLSEY, and Mr. BAESLER):

H.R. 3479. A bill to reauthorize certain programs under the Stewart B. McKinney Homeless Assistance Act; to the Committee on Banking, Finance, and Urban Affairs.

By Mrs. MORELLA (for herself, Mr. BACCHUS of Florida, Mr. BROWN of California, Mr. HALL of Texas, Mr. COPPERSMITH, Mr. CRAMER, Mr. CONDIT, Ms. DUNN, Mr. FINGERHUT, Mr. MOLLOHAN, and Mr. ROHRABACHER):

H.R. 3480. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 25th anniversary of the Apollo 11 Moon landing; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. ROEMER (for himself, Mr. SAWYER, and Mr. OBERSTAR):

H.R. 3481. A bill to provide participants in private pension plans which were terminated before September 1, 1974, the nonforfeitable pension benefits which were lost by reason of the termination, and for other purposes; to the Committee on Education and Labor.

By Mr. RUSH (for himself, Mr. CLAY, Mr. LIPINSKI, Mr. FOGLIETTA, Ms. NORTON, and Mr. RANGEL):

H.R. 3482. A bill to establish a system for regulating the possession and transfer of handguns and handgun ammunition, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. SCHAEFER:

H.R. 3483. A bill to establish a Mandatory Spending Control Commission to determine appropriate methods to limit the growth of mandatory spending; jointly, to the Committees on Government Operations and Rules.

By Mr. STUDDS (for himself and Mr. DINGELL):

H.R. 3484. A bill to abolish the Council on Environmental Quality and to provide for the transfer of the duties and functions of the Council; to the Committee on Merchant Marine and Fisheries.

By Mr. NATCHER:

H.J. Res. 288. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes; to the Committee on Appropriations.

By Miss COLLINS of Michigan (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BISHOP, Mr. BLACKWELL, Mrs. BENTLEY, Ms. BROWN of Florida, Ms. BYRNE, Ms. CANTWELL, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Ms. DANNER, Mr. DELLUMS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FLAKE, Mr. FIELDS of Louisiana, Mr. FORD of Tennessee, Mr. FROST, Ms. FURSE, Mr. HASTINGS, Mr. HILLIARD, Mr. HOCHBRUECKNER, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KINGSTON, Mr. KOPETSKI, Mr. KANJORSKI, Mr. LEWIS of Georgia, Mrs. LLOYD, Mrs. MALONEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mrs. MORELLA, Ms. MCKINNEY, Mrs. MEEK, Mr. MENENDEZ, Mrs. MINK, Ms. MOLINARI, Ms. NORTON, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. QUINN, Mr. RANGEL, Mr. DE LUGO, Mr. REYNOLDS, Mr. RAVENEL, Mr. SISISKY, Ms. SLAUGHTER, Mr. STOKES, Mr. TORRES, Mr. TOWNS, Mr. THOMPSON, Mr. TEJEDA, Mr. TUCKER, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. VALENTINE, Ms. VELÁZQUEZ, Mr. WASHINGTON, Ms. WATERS, Mr. WHEAT, Mr. WILSON, and Mr. WYNN):

H.J. Res. 289. Joint resolution designating May 6, 1994, as "African-American Women Positive Role Model Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 290. Joint resolution designating June 17, 1994, as "African-American Men Positive Role Model Day"; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of New Jersey (for himself and Mr. ZELIFF):

H. Res. 300. Resolution providing for the consideration of the bill (H.R. 3266) to provide for automatic downward adjustments in the discretionary spending limits for fiscal year 1994 set forth in the Congressional Budget Act of 1974 equal to the amount of rescissions contained in this act; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 69: Mr. SMITH of New Jersey.

H.R. 93: Mr. PETRI, Mr. EWING, Mr. HOLDEN, Mr. BUYER, Mr. ROGERS, Mrs. VUCANOVICH, Ms. SNOWE, Mr. GILLMOR, Mr. ROBERTS, Mr. NUSSLE, Mr. CANADY, Mr. HUTCHINSON, Mr. TALENT, Mr. MCINNIS, Mr. BOEHNER, Mr. GALLO, Mr. CAMP, Mr. CASTLE, Mr. FISH, Mr. ALLARD, Mr. TRAFICANT, Mr. BILIRAKIS, Mr. DELAY, Mr. DICKS, Mr. KASICH, Mr. ROHRABACHER, Mr. SMITH of Texas, and Mr. LEACH.

H.R. 145: Mr. CANADY.

H.R. 212: Mr. UPTON.

H.R. 216: Mr. DIAZ-BALART.

H.R. 326: Mr. TORRES, Mr. BLUTE, Mr. NEAL of North Carolina, Mr. KOPETSKI, and Mr. BUYER.

H.R. 429: Mr. KASICH.

H.R. 441: Mr. UPTON and Mr. SHARP.

H.R. 509: Mr. CRAPO.

H.R. 656: Mr. PASTOR.

H.R. 662: Mr. ZELIFF.

H.R. 672: Mr. MCDERMOTT.

H.R. 688: Mr. SMITH of Texas and Mr. SWETT.

H.R. 702: Mr. BONILLA.

H.R. 723: Mr. ZELIFF.

H.R. 739: Mr. THOMAS of Wyoming and Mr. ZELIFF.

H.R. 823: Mr. REED.

H.R. 846: Mrs. LOWEY, Mr. EWING, Mr. KLEIN, Mr. TORRICELLI, Mr. ANDREWS of Maine, Mr. ABERCROMBIE, and Ms. SNOWE.

H.R. 1078: Mrs. LOWEY.

H.R. 1080: Mr. ALLARD.

H.R. 1082: Mrs. LOWEY.

H.R. 1089: Mr. MINGE.

H.R. 1126: Mr. STEARNS.

H.R. 1128: Mr. STEARNS.

H.R. 1129: Mr. STEARNS.

H.R. 1209: Mr. ZELIFF.

H.R. 1286: Mr. EMERSON, Mr. BROWN of Ohio, Mr. SWETT, Mr. MCHALE, Mr. MEEHAN, Mr. DOOLITTLE, Mr. JACOBS, and Mr. ZELIFF.

H.R. 1295: Mr. JOHNSON of South Dakota, Mr. ROEMER, Mr. FROST, and Mr. BAKER of California.

H.R. 1322: Mr. FIELDS of Texas, Mr. MINGE, Mr. WHITTEN, and Mr. SMITH of New Jersey.

H.R. 1392: Mr. ZELIFF.

H.R. 1596: Ms. SHEPHERD.

H.R. 1604: Mr. UPTON.

H.R. 1608: Ms. MARGOLIES-MEZVINSKY, Mr. SAWYER, and Mr. STUMP.

H.R. 1738: Ms. MARGOLIES-MEZVINSKY.

H.R. 1801: Ms. FURSE.

H.R. 2019: Mr. LEWIS of Georgia.

H.R. 2043: Mr. BARRETT of Wisconsin.

H.R. 2093: Mr. SMITH of New Jersey and Mr. WILSON.

H.R. 2221: Mrs. MEYERS of Kansas and Mr. POMEROY.

H.R. 2443: Ms. LONG, Mr. HOAGLAND, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. KASICH, Ms. MARGOLIES-MEZVINSKY, Mr. ZELIFF, Mr. LAUGHLIN, Mr. FOGLIETTA, Mr. CUNNINGHAM, Mr. BISHOP, Mr. HAMBURG, Mr. BURTON of Indiana, Ms. HARMAN, Mr. SENSENBRENNER, Mr. HOLDEN, Mr. PAYNE of New Jersey, Mr. PALLONE, Mr. DORNAN, Mr. DOOLITTLE, Mr. FARR, Mr. MATSUI, Mr. DARDEN, Mr. HERGER of California, Mr. GENE GREEN of Texas, Mr. DE LA GARZA, Mr. ROWLAND, Mr. ROEMER, Mrs. MEYERS of Kansas, Mr. COLEMAN, Mr. WILSON, Ms. ESHOO, and Mr. SMITH of New Jersey.

H.R. 2467: Mr. BAKER of California, Mr. CRANE, Mr. DEUTSCH, Mr. DICKEY, Mr. DURBIN, Mr. GUTIERREZ, Mr. HOYER, Mr. KOPETSKI, Mr. KREIDLER, Mr. LEWIS of Florida, Mr. RAMSTAD, Mr. REED, Mr. SPENCE, Mr. SWETT, and Mr. SWIFT.

H.R. 2469: Mr. TORRES and Mr. REGULA.

H.R. 2488: Mr. PASTOR.

H.R. 2573: Mr. MCHALE, Mr. JOHNSON of South Dakota, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. WYNN, and Mr. SCOTT.

H.R. 2623: Mr. STUMP.

H.R. 2662: Mr. DIXON and Mr. VENTO.

H.R. 2663: Mr. RAHALL and Mr. PASTOR.

H.R. 2666: Mr. STUDDS, Mr. HASTINGS, Mr. DELLUMS, Mr. JOHNSTON of Florida, Mr. LEWIS of Georgia, Mr. BARRETT of Wisconsin, and Mr. MANN.

H.R. 2697: Mr. LEWIS of Florida, Mr. GORDON, Mr. FORD of Tennessee, Mr. FROST, and Mr. ENGEL.

H.R. 2710: Mr. MARTINEZ, Mr. VENTO, Ms. PELOSI, Mrs. UNSOELD, Mr. GUTIERREZ, and Mr. FILNER.

H.R. 2712: Mr. JEFFERSON.

H.R. 2759: Mr. HINCHEY and Mr. MORAN.

H.R. 2837: Mr. SPRATT.

H.R. 2886: Mr. HOLDEN, Mr. JOHNSON of South Dakota, and Mr. GEKAS.

H.R. 2890: Mr. DELLUMS, Mr. STUDDS, Mr. LAFALCE, Mrs. SCHROEDER, Mr. SERRANO, Ms. FURSE, Mr. BARCA of Wisconsin, and Mr. GUTIERREZ.

H.R. 2898: Mr. FILNER and Mr. FISH.

H.R. 2921: Mr. WATT.

H.R. 2950: Ms. LONG.

H.R. 2975: Mr. HOLDEN.

H.R. 3017: Mr. SLATTERY.

H.R. 3023: Mrs. CLAYTON, Mr. BILIRAKIS, Mr. GUNDERSON, Mrs. LLOYD, Mr. SKEEN, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. SCOTT, and Mr. COLEMAN.

H.R. 3086: Mr. BAKER of Louisiana and Mr. STEARNS.

H.R. 3097: Mrs. UNSOELD, Ms. BYRNE, Mr. JEFFERSON, Mr. LEVY, Mr. HOCHBRUECKNER, Mr. FROST, Mr. FILNER, and Mr. SCHUMER.

H.R. 3182: Ms. VELÁZQUEZ.

H.R. 3224: Ms. HARMAN, Mr. HEFLEY, and Mr. ANDREWS of New Jersey.

H.R. 3246: Mr. BARLOW, Mr. BARTON of Texas, Mr. BROWN of Ohio, Mr. ENGLISH of Oklahoma, Mr. GILLMOR, Mr. GUNDERSON, Mr. GUTIERREZ, Mr. HASTINGS, Mr. JOHNSON of South Dakota, Ms. LONG, Mr. MCCLOSKEY, Mr. MURTHA, Mr. STUMP, Mr. WALSH, Mr. WILSON, and Mr. YOUNG of Alaska.

H.R. 3372: Mr. DEUTSCH, Mr. BATEMAN, Mr. FISH, Mrs. UNSOELD, Mrs. SCHROEDER, Mr. MCHUGH, Mr. ROEMER, Mr. DE LA GARZA, Mr. GORDON, Mr. HUTTO, Mr. SARPALIUS, Mr. MURTHA, Ms. FURSE, Mr. MOAKLEY, and Mr. EVANS.

H.R. 3386: Ms. DANNER, Mr. GUNDERSON, Mr. ROTH, Mr. ALLARD, Mr. EMERSON, Mr. COBLE, Mr. STENHOLM, Mr. SLATTERY, and Mr. BATEMAN.

H.R. 3392: Mr. RICHARDSON, Mr. ROMERO-BARCELÓ, Mr. BISHOP, Mr. EMERSON, Mr. DARDEN, Mr. MONTGOMERY, and Mr. CAMP.

H.R. 3440: Mr. TUCKER, Ms. HARMAN, Mr. HUNTER, Mr. THOMAS of California, and Mr. ANDREWS of New Jersey.

H.R. 3458: Mr. GOODLING.

H.J. Res. 90: Mr. PAYNE of Virginia, Mrs. MORELLA, Mr. GORDON, Mr. BACHUS of Alabama, Mrs. MEYERS of Kansas, Mr. SMITH of New Jersey, and Ms. WATERS.

H.J. Res. 113: Mr. INHOFE and Mr. TORRICELLI.

H.J. Res. 131: Mr. ROGERS, Mr. ANDREWS of Maine, Mr. MCCOLLUM, Mr. SABO, and Mr. HANSEN.

H.J. Res. 165: Mr. HUTTO, Miss COLLINS of Michigan, Mr. KLECZKA, Mr. PORTER, Mr. BACCHUS of Florida, Mrs. LLOYD, Mr. FINGERHUT, Mr. WHEAT, Mr. PRICE of North Carolina, Mr. LEVIN, Mr. GRAMS, Mr. SMITH of Michigan, Mr. DICKEY, Mr. MCKEON, and Mr. KANJORSKI.

H.J. Res. 197: Mr. BARCA lf Wisconsin, Mr. BURTON of Indiana, Ms. DELAURO, Mr. DEUTSCH, Mr. GORDON, Mr. HOAGLAND, Mr. HUTTO, Mrs. LLOYD, Mr. MONTGOMERY, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SOLOMON, Mr. STUDDS, Mr. THOMPSON, Mr. UPTON, Mr. WHEAT, Mr. WHITTEN, Mr. WILSON, Mr. GALLO, Mr. BROWN of California, Mr. FOGLIETTA, Mr. GILMAN, Mr. BAKER of California, Mrs. KENNELLY, Mr. NADLER, Mr. RAMSTAD, Ms. DANNER, Mr. HUNTER, Mr. WASHINGTON, Mr. HALL of Ohio, Mr. ZIMMER, Mr. GREENWOOD, Mr. FIELDS of Louisiana, Ms. ENGLISH of Arizona, and Mr. HOEKSTRA.

H.J. Res. 209: Mr. MORAN.

H.J. Res. 211: Mr. ANDREWS of New Jersey.

H.J. Res. 216: Mr. SKEEN, Mr. BARRETT of Nebraska, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. FAWELL, Mr. GOODLING, Mr. KING, Mr. KLUG, Mr. LEVY, Mr. MCHUGH, Mr. MCKEON, Ms. MOLINARI, Mr. MYERS of Indiana, Mr. PAXON, Mr. SMITH of Oregon, Mr. WELDON, Mr. YATES, Mr. MINETA, and Ms. PRYCE of Ohio.

H.J. Res. 240: Mr. HINCHEY.

H.J. Res. 246: Mr. BLACKWELL, Ms. BYRNE, Ms. DELAURO, Mr. DINGELL, Mr. FAWELL, Mr. HILLIARD, Mrs. KENNELLY, Mr. LEACH, Mr. MOAKLEY, Mr. OWENS, Ms. SLAUGHTER, Mr. SOLOMON, and Mr. WAXMAN of California.

H.J. Res. 257: Mr. BATEMAN, Mr. DELLUMS, Mr. FISH, Mr. GORDON, Mr. TEJEDA, Mr. TAUZIN, Mr. EWING, Mr. WYNN, Mrs. MORELLA, Mr. PRICE of North Carolina, and Mr. KLINK.

H.J. Res. 274: Mr. BATEMAN, Mr. SERRANO, and Mr. SOLOMON.

H. Con. Res. 107: Mr. TORRICELLI and Mr. HOAGLAND.

H. Con. Res. 110: Ms. DUNN, Mr. ACKERMAN, Mr. FILNER, Ms. SHEPHERD, Mr. GEJDENSON, and Mr. MACHTLEY.

H. Con. Res. 111: Mr. LEACH and Mr. GILMAN.

H. Res. 38: Miss COLLINS of Michigan and Ms. WATERS.

H. Res. 202: Mr. GORDON.

H. Res. 234: Mr. HAMBURG, Mr. VALENTINE, Mr. BILIRAKIS, Mr. DELAY, Mr. POMEROY, Mr. THOMPSON, Mr. PORTMAN, Ms. ROYBAL-ALLARD, Mr. SWIFT, Mr. ROGERS, and Mr. SYNAR.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the third calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER ______________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation
Pamela Abney, 1101 Vermont Ave., NW, Suite 700 Washington, DC 20005	American Veterinary Medical Assn
Daniel C. Adcock, 1533 New Hampshire Ave., NW Washington, DC 20036-1279	National Assn of Retired Federal Employees
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Kendall Square Research Corp
Advocacy Group, 1350 I St., NW Suite 680 Washington, DC 20005	Intel Supercomputing Division
Do	National Fuel & Energy, Inc
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Kendall Square Research Corp
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	Jerome Levy Economics Institute
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Elekta Instruments, Inc
Do	Port of Palm Beach
Do	Summa Corp
Marco A. Alcantara, 227 East Ontario Street #11-177 Chicago, IL 60611-0177	Cooney & Rans
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
David L. Allison, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Kollmorgen Corp
Timothy Anson, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:U.S. Multinational Corp Tax Policy)
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn
Do	Children's Health Fund
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives
Do	Girling Health Care
Do	Nintendo of America
Do	US Long Distance Corp
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products
Do	Center for Excellence in Education
Do	Northeast Public Power Assn
Do	Source Northwest, Inc
Kelli Back, 1227 25th Street, NW, Suite 610 Washigngton, DC 20037-1156	American Managed Care & Review Assn
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Rochester Healthcare Coalition
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Fairchild Aircraft
Do	Martin Marietta Corp
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Truck Rental & Leasing Assn
Virginia Bartlett, Sony Drive Park Ridge, NJ 07656	Sony Electronics
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce
Scott Bass, 1200 19th Street, NW Washington, DC 20036	National Nutritional Foods Assn
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	SPI
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Intermedia Partners
Do	Parsons Corp
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Rubber Pavements Assn
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)
Elizabeth J. Bedient, 1700 Lincoln Street, Suite 4100 Denver, CO 80203	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)
Catherine A. Belter, 700 Rush Street Chicago, IL 60611-2571	National Congress of Parents & Teachers
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	Tenneco, Inc
Cynthia Berry, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Tea Assn of the USA, Inc
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Equity Assets Management, Inc
Do	Magal Security Systems, Ltd
Do	Parking Authority
Do	United Parcel Service
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Electric Generation Assn
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work committee
Christina Moser Bolton, 1133 Connecticut Ave., NW Washington, DC 20036	Societe Nationale d'Etude et de Construction de Moteurs
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Union Texas Petroleum Energy Corp
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Gerald Crispino
Karen L. Braunstein, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc
Wilbur E. Brewton, 225 South Adams Street, Suite 250 Tallahassee, FL 32302	Taylor Brion Buker & Greene (For:PRIDE of Florida)
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Pegasus Gold Corp
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Asset Investors
Do	ORNDA
Do	US West
Do	Vail Associates, Inc
Hayden G. Bryan, 1326 North Lynnbrook Drive Arlington, VA 22201	Advocacy Group
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	Air Transport Assn
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc
Do	Pheasants Forever
Robert Leon Buckner, 30420 Revells Neck Road Westover, MD 21871-3368	Inmate Underground Intelligence Organization
Barbara G. Burchett, 1615 L Street, NW, #1220 Washington, DC 20036	Wiley Rein & Fielding
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Lewis-Burke Associates (For:U.S. Committee for UNICEF)
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Del Webb Corp
Do	Towers Perrin
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Electronic Space Systems Corp
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Alliance for Eye & Vision Research
Do	Parking Authority of Camden
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn, Inc
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Ralvin Pacific Properties, Inc
Do	120 Church Street Associates
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	ARCO Chemical Americas Co
Do	Bentley College
Do	City of Fairfield, CA
Do	Dowling College
Do	Elliott Homes
Do	Energy Partners
Do	Evergreen Airventure Museum
Do	Federal Express
Do	Florida Power Corp
Do	Lahey Clinic
Do	McDonnell Douglas Corp
Do	Medicon
Do	Philip Crosby Associates, Inc
Do	Smokeless Tobacco Council
Do	Unified Industries, Inc
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	ATA Environmental Cleanup Group
Robert E. Chapman, 2300 M Street, NW, Suite 910 Washington, DC 20037	Police Executive Research Forum
Evelyn B. Cherry, P.O. Box 256 Simpsonville, MD 21150	
Sidonie Chiapette, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin
Jeri L. Chittick, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn
Michael J. Cino, 140 County Road Tenafly, NJ 07670	

Organization or Individual Filing	Employer/Client
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193	
Elizabeth Clifford, 1101 Connecticut Ave., NW, Suite 700 Washington, DC 20036	American Assn of Preferred Provider Organizations
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company
Coet Combs, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers
Coldwater Corp, 2001 Commonwealth Blvd, Suite 202 Ann Arbor, MI 48105-1568	Guardian Industries Corp
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Western Farmers Electric Cooperative
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	National Pork Producers Council
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc
Compressed Gas Assn/Industrial Gas Manufacturers Council, 1725 Jefferson Davis Hwy., Suite 1004 Arlington, VA 22202-4102	
Cooney & Rans, 227 East Ontario Street #11-177 Chicago, IL 60611-0177	
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	California League of Savings Institutions
Do	JAYCOR
Do	Nomura Enterprises, Inc
Do	South West Marine
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp
Council for Marketing & Opinion Reserach (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766	Council for Marketing & Opinion Research (CMOR)
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Allen Organ Co
Do	Allnet Communication Services, Inc
Do	Transmedia Network, Inc
Do	White Pine Renaissance
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Ad Hoc Coalition on Intermarket Coordination
Do	Bacardi Corp
Do	Bankers Trust Co
Do	Columbia Capital Corp
Do	Corporate Governance Task Force of the Business Roundtable
Do	Kansas City Royals
Do	State of Missouri
Do	State of New Jersey
Do	State of New Mexico
Victoria C. Craig, 112 S. West Street, #400 Alexandria, VA 22314	Council for Affordable Health Insurance
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company
Do	American Assn of Advertising Agencies
Do	American Fiber Manufactures Association
Do	American Nuclear Energy Council
Do	Invest to Compete Alliance
Do	Securities Industry Association
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)
Do	Westinghouse Electric Corporation
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Endangered Species Coordinating Council
Barry Cullen, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:Clean Waer Ace Reauthorization Coalition)
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority)
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Greenpeace
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Aircraft Owners & Pilots Assn
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	Elevator-Escalator Safety Foundation, Inc
Mary Dewhirst, 2104 North Scott Street, #30 Arlington, VA 22209	America's Public Television Stations
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:Interim Services, Inc)
Ducheneaux Taylor & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Gila River Farms
Francis J. Duggan, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Mullenholz & Brimsek (For:American Shooting Sports Council)
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Arizona Afiliated Tribes, Inc
Do	Medallion Knitwear, Inc
Do	National Ground Water Assn
Do	San Xavier Indians Project
Do	Todhunter International, Inc
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	National Maritime Alliance, Inc
Do	Panhandle Eastern Corp
Do	Schnitzer Group
Do	Shell Oil Co
Echo Group, P.O. Box 647 Forest Hill, MD 21050	
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Specialty Equipment Companies
Education Legislative Services, Inc, 5855 Stadium Way San Diego, CA 92122	Fresno United School District
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright & Tremaine (For:EG&G)
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes for the Aging
Electric Generation Assn, 2715 M Street, NW, Suite 150 Washington, DC 20007	
Susan Emmer, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)
Anita R. Estell, 1420 New York AVenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:MetaNetworks)
Ellen Evans, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute
Do	Zeneca, Inc
Janice O. Faiks, 1401 I Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc
Joseph T. Findaro Jr., 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Bayh Connaughton Fensterheim & Malone (For:Alliance for Radon Reduction)
Do	Bayh Connaughton Fensterheim & Malone (For:Hutchinson Kansas)
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	RF Flippo & Associates, Inc (For:Ad Hoc Coalition to Preserve Stock-for-Debt Exception)
Do	RG Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)
Do	RG Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs)
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Community College at Jacksonville
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee
Michael Fortier, 1227 25th Street, NW, Suite 610 Washington, DC 20037-1156	American Managed Care & Review Assn
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Dietetic Assn
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington , DC 20036	Chrysler Corp
Leslie C. Francis, 1000 Potomac St., NW, #401 Washington, DC 20007	American Consulting Engineers Council
Do	Environmental Products Corp
Do	McDonnell Douglas Space Systems Co
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund
Gerald Davis Fuller, 150-973 Revells Neck Road Westover, MD 21871-3368	
Daniel J. Funsch, P.O. Box 7613 Missoula, MT 59807	Alliance for the Wild Rockies, Inc
Colleen Furukawa, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports
Kathleene E. Gallegos, 1925 N. Lynn Street., #502 Arlington, VA 22209	Global Environmental Solutions
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey
Reginald R. Garcia, 216 South Monroe Street, #300 Tallahassee, FL 32301	Taylor Brion Buker & Greene (For:PRIDE of Florida)
Robert Garcia, 301 SE Harbor Point Drive Stuart, FL 34996	Puerto Rico Federal Affairs
Sara G. Garland, 312 Massachusetts Avenue, NE Washington, DC 20002	Association of America's Public Television Stations
Do	Children's Television Workshop
Do	Earth Sciences & Resources Institute
Do	Red River Trade Corridor
Do	Swope Parkway Health Center
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	USX
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dyncorp)
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)

Organization or Individual Filing	Employer/Client
Do	Robertson Monagle & Easthaugh (For:Seafreeze)
Angela Giroux, 1320 19th Street, NW, Suite 300 Washington, DC 20036	Assn of Independent Television Stations, Inc
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Advocates for Fertility Treatment
Do	ABC Home Health Care
Do	Gold & Leibengood
Do	Southwestern Bell Corp
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Afin Casa De Bolsa, SA de CV
Do	Bridgeport Regional Business Council
Do	James Capel & Co
Do	Joint Commission on the Accreditation of Health Care Orgs
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)
Amanda L. Goodmand, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause
Todd Gray, P.O. Box 100262 Ft. Lauderdale, FL 33310	Audio Track, Inc
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	DARE AMERICA
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn
Jim Greenwood, 1350 Eye Street, NM, Suite 1240 Washington, DC 20005	Valero EnergyCorp
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	American Red Cross
Do	Eli Lilly & Co
Do	Fluor Corp
Do	Precision Co
Riley Grimes, 6410 Rockledge Drive, #203 Bethesda, MD 20817	Association of American Cancer Institutes
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Boston Area Mutual Fund Group
Gregory V. Haledjian, 444 North Capitol Street, NW, Suite 711 Washington, DC 20001	Keefe Company (For:Radiofone, Inc)
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute
Robert C. Harrison, 6641 Wakefield Drive, #914 Alexandria, VA 22307	Browning Kaleczyck Bery & Hoven
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	Gamma of Illinois, Inc
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Scott D. Hatch, 1615 H Street, NW Washington, DC 20062	Us Chamber of Commerce
HealthPlus, Inc, 7601 Ora Glen Drive, Suite 200 Greenbelt, MD 20770	
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Citizens & Business for D'Oench Duhme Reform
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause
Sarah M. Hildebrand, 8634 Vernon Avenue Alexandria, VA 22309	American Forest & Paper Assn
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Hoover Group
Do	Nalco Chemical Co
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Carpet & Rug Institute
Do	Louisiana Pacific
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)
Do	Bannerman & Associates, Inc (For:Government of Egypt)
Paul J. Hirsch, 1130 Connecticut Ave., N.W., Suite 300 Washington, DC 20036	City of Norwalk
Do	Webb Group
Mary Jo Hoeksema, 519 C Street, NE Washington, DC 20002	National Assn for Home Care
Judith L. Hofmann, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences
Do	Blue Cross & Blue Shield Assn
Do	Genentech, Inc
Do	General Mills, Inc
Do	Monsanto Co
Do	Retail Confectioners International
Do	Southeast Peanut Assn
Do	Taco Bell Corp
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:National Assn of Health Underwriters)
Timothy J. Holeman, 1625 Broadway, Suite 1800 Denver, CO 80206	City of Broomfield
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	FMC Corp
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Life Resources Corp
Do	United Bus Owners of America
Jessica J. Holliday, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Co, Inc
Stewart E. Holm, 1875 Eye Street, NW, Suite 775 Washington, DC 20006	Georgia-Pacific Corp
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Catellus
Hopkins & Sutter (Chicago), Three First National Plaza, #4200 Chicago, IL 60602	Chicago Board of Trade, Commodities Exchange
Do	Chicago Mercantile Exchange, Commodities Exchange
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Council for Affordable Health Insurance
Do	Puerto Rico Bankers Assn
Do	Puerto Rico Savings Bank Assn
Lorraine Howerton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	GE Aircraft Engines
Do	Hughes Aircraft Co
Do	Litton Industries, Inc
Do	Rockwell International Corp
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Molten Metal Technology, Inc
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Metallgesellschaft Corpo
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Erik S. Jaffe, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)
Thomas M. James, 818 Connecticut Ave., NW, Suite 1020 Washington, DC 20006	Furman Group
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn, Inc
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	AEG/Westinghouse Transportation Systems
Do	City of Tampa
Do	College of Medical Technologists of Puerto Rico
Do	Dallas Area Rapid Transit
Do	Embry-Riddle Aeronautical University
Do	Greater Orlando Aviation Authority
Do	Inter American University of Puerto Rico
Do	Municipality of Barceloneta
Do	Municipality of Carolina
Do	Municipality of Cayey
Do	Municipality of Mayaguez
Do	Municipality of San Juan
Do	Municipality of Trujillo Alto
Do	Seminole Tribe of Florida
Do	University of Miami
David M. Jenkins II, 1125 Basil Rd. McLean, VA 22101-1803	Council for Responsible Nutrition
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Industrial Gas Manufacturers Council
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:U.S. Long Distance Corp)
Susan E. Johnson, 2000 Pennsylvania Avenue, NW, #3100 Washington, DC 20006	Sears Mortgage Banking Group
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Barnes & Tucker
Do	Coalition for the Fair Treatment of Environmental Cleanup
Do	Mountain Laurel Resources, Inc
Do	Zeneca Pharmaceuticals Group
Cheryl C. Kagan, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc
Jack Kalavritinos, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Softward Publishers Assn
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	Monsanto Co
Andrew R. Kelley, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)

Organization or Individual Filing	Employer/Client
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	Overlook Hospital
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	Kiewit Construction Group, Inc
Do	Kimberly-Clark Corp
Do	Mercer County Improvement Authority
Do	National Cardiovascular Network
Do	Upper Duck River Development
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Society of Hospital Pharmacists
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America
Do	National Computer System
Kathleen D. Kinka, 1331 Pennslvania Ave., NW, Suite 650 Washington, DC 20004	Digital Equipment corp
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)
Drew A. Kleibrink, 1300 Spring Street, Suite 120 Silver Spring, MD 20910	Florida Solar Energy Center
Stephan O. Kline, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Central Arizona Water Conservation District
Do	Upper Yampa Water Conservancy
Nicholas P. Koskores, P.O. Box 763 North Andover, MA 01845	Lau Technologies, Inc
Peter M. Kravitz, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers of America
David Kwong, P.O. Box 8000-1B Bradford, PA 16701	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	NTS Contractors Assn
Barbara Leach, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)
Jeff Levey, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)
Do	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company
Eric N. Lieberman, 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Sentara Norfolk General Hospital)
Lipsen Hamberger & Garrett, 1455 Pennsylvania Ave., NW, Suite 1160 Willard Office Building Washington, DC 20004	AEA Industrial Technology
Do	British Ministry of Defense
Do	Martin Marietta Corp
Do	Rolls Royce, Inc
Do	Vickers Shipbuilding & Engineering, Ltd
Do	Westinghouse Electric Corp
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Digitran Systems Inc.
Timothy J. Lockhart, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)
Thomas G. Loeffler, 555 13th Street, NW Washington, DC 20004	Arter & Hadden (For:Girling Health Care)
Do	Arter & Hadden (For:US Long Distance Corp)
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Medical Matrix, Inc
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co
R. Gary Magnuson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Cornel Martin, 300 Robin Street Wharf New Orleans, LA 70130	Delta Queen Steamboat Co
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Proctor & Gamble
Alexander S. Matthews, 1700 North Moore Street, Suite 1600 Arlington, VA 22209	American Meat Institute
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	American Automobile Manufacturers Assn
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Conservation Trust Fund of Puerto Rico
Do	Crystal Holdings Corp
Do	Gardner Carton & Douglas
Do	Jones Intercable
Do	National Cable Television Assn
Do	Telecommunications Industry Assn
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Bitor America Corp)
Venita McCellon-Allen, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Euro-Nevada Mining Corp, Inc
Do	Franco-Nevada Mining Corp, Inc
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Crop Protection Coalition
Do	Genesis Eurasia Corp
Roland McElroy, 1250 Connecticut Ave, NW Washington, DC 20036	American Forest & Paper Assn
Iola McGowan, 5839 West Midway Park Chicago, IL 60644	Small Business Alliance on Communication
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	NYMA, Inc
Jack V. McGrann, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)
Do	McGuiness & Holch (For:RJR Nabisco)
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	DSE Industry Coalition
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco EnergyCo
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06256	Aetna Life & Casualty Co
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Food Lion, Inc
Do	Harnischfeger Industries, Inc
Myron Meche, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation
Mehl & Pickens Associates, Inc, 1400 L Street NW Suite 625 Washington, DC 20005	Syscon Corp
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	Monsanto Co
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:Girling Health Care)
Do	Arter & Hadden (For:US Long Distance Corp)
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Amway Corp)
Peter R. Merrill, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists
Stephen Michael, 1337 14th Street, NW Washington, DC 20005	ACT UP SAC
Michigan Biotechnology Institute (MBI), 3900 Collins Road Lansing, MI 48909	
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn
Thomas M. Miller, 1005 Elm Avenue Tacoma Park, MD 20912	Center for Marine Conservation
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Federal Savings Bank of Rogers, AR
Do	Leighton Parks Roper
Do	O'Connor & Associates
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Toy Manufacturers ofAmerica
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
Minority Asset Recovery Contractor's Assn, 200 L Street, NW, Suite 200 Washington, DC 20036	
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University
Do	Worldspace, Inc
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Chemical Manufacturers Assn
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation
Do	Dean Witter Discover & Co
Do	National Assn for the Superconducting Super Collider
Do	NationsBank, Inc
Do	Southwestern Bell Corp
Do	Trans Union Corp
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	State of Bahrain
New York Capitol Consultants, Inc, 120 Washington Avenue Albany, NY 12210	Sidney Frank Importing Co, Inc
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	UNUM Life Insurance Co
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual
Do	Harris Corp
Do	Naturan Disaster Coalition
Coleman C. O'Brien, 1709 New York Ave., NW, #801 Washington, DC 20006	Savings & Community Bankers of America
Do	Transportation Brokers Conference of America

Organization or Individual Filing	Employer/Client
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Allied-Signal, Inc
Do	Anheuser Busch Co
Do	Health Insurance Assn of America
Do	Sears Roebuck & Co
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Institute of International Bankers
Do	Little Six, Inc
Do	O'Sullivan Graev & Karabell
John O'Donnell, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Transamerica HomeFirst
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania
Ohio Forestry Resource, P.O. Box 696 Mt. Vernon, OH 43050	
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty
Do	American Airlines, Inc
Do	Ford Motor Co
Do	General Electric Co
Do	Proctor & Gamble co
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	ConAgra, Inc
Do	Ross Laboratories
Jose A. Ortiz-Daliot, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group, Inc (For:Municipality of Vega Baja)
Kathleen Galiher Ott, 1000 Wilson Boulevard, #2700 Arlington, VA 22209	TRW, Inc
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Planned Parenthood Federation of America
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatcher Assn
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	DuPont-Merck
Do	FAG Kugelfischer Georg Schager KGaA
Do	Major League Baseball Players Assn
Do	Manor Care
Do	Mashantucket Peqush Tribe
Do	Mitchell Energy & Development Corp
Do	Pacific Lumber Co
Do	Travelers
Do	TANO Marine Systems
Do	US Surgical Corp
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Americable International, Inc
Kerry Pearson, 700 13th Street, NW, Suite 950 Washington, DC 20005	Pearson Group
John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Trend Star Continental, Ltd
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	Compuware Corp
Thomas J. Petrizzo, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Organized Village of Kake
Do	Sitka Tribe of Alaska
Do	Yakutat Native Assn
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:US Long Distance Corp)
Margaret B. Podlich, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Kraege Polann, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)
Kathryn Pontzer, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Occupational Therapy Assn, Inc
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Business Software Alliance
Do	Empire Cruise Line Ltd.
Patricia Pride, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation
Curtis A. Prins, 5101 Wisconsin Avenue, NW, Suite 500 Washington, DC 20016	Adams Cohen Securities, Inc
Proskauer Rose Goetz & Mendelsohn, 300 Park Avenue New York, NY 10022	Healthcare Imaging Services
Ward L. Quaal, 401 North Michigan Ave Chicago, IL 60611	Ward L. Quaal Company
Joel R. Quine, 2401 Pennsylvania Ave., NW, Suite 350 Washington, DC 20037-1718	Assn of Reproductive Health Professionals
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	Contrade Agri USA
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp
Charles R. Ranson, 215 South Monroe Street, Suite 804 Tallahassee, FL 32301	USA NAFTA
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Assn for Enterprise Opportunity
Do	Bedford Stuyvesant Restoration Corp
Do	Bethel New Life
Do	Chicanos Por la Causa
Do	Community Development Corp of Kansas City
Do	Delta Foundation
Do	Eastside Community Investments, Inc
Do	Kentucky Highlands Investment Corp
Do	National Cooperative Bank
Do	New Community Corp
Do	Southern Cooperative Development Fund, Inc
Do	TELACU
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Paging Network, Inc
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Embassy of the Republic of Uganda
Do	United Republic of Tanzania
Julia Renjilian, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders and Contractors
Steve Repp, 1001 Los Molinos Way Sacramento, CA 95864	
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn
E. Allen Richardson Jr., 1513 16th Street, NW Washington, DC 20036	Air Conditioning Contractors of America (ACCA
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Assn for Governmental Leasing & Finance
Do	Chicago Department of Aviation
Do	Chicago Educational Television Assn
Do	Consolidated Rail Corp
Do	CO2 Coalition
Do	Forest City Ratner
Do	Gibson Dunn Crutcher
Do	Harvard Corp
Do	HJ Heinz Company
Do	Intergacro Insurance Co
Do	Itel Corp
Do	Katten Muchin Zavis... (for Saginaw Community Hospital)
Do	Merrill Lynch & Co
Do	National Assn of Independent Colleges & Universities
Do	National Council of Health Facilities Finance Authorities
Do	Natural Gas Vehicle Coalition
Do	New York State Medical Care Facilities Finance Agency
Do	North American Vaccine, Inc
Do	Town of Avon
Do	World Cup USA
Do	Writers Guild of America, West, Inc
George Roberts, 1201 16th St., NW Washington, DC 20036	
Lara E. Robillard, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Major League Baseball Players Assn
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:Interim Services, Inc)
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	Interim Services, Inc
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon, P.C. (For:National AG Underwriters, Inc)
Ilene Rosenthal, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	National Assn of Security Companies
Sacks Tierney & Kasen, 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	USA Group, Inc

Organization or Individual Filing	Employer/Client
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp
Robert S. Salomon, 1300 Group 1300 19th Stret, NW Washington, DC 20036	American Cancer SocietyMissouri Division
Babette P. Salus, 600 S. Second Street, Suite 1100 Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm
Wendy B. Samuel, 900 19th Street, NW Washington, DC 20006	Fannie Mae
Laura Saul-Edwards, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians
Sheldon L. Scheiberg, 1300 19th Street, NW Washington, DC 20036	J&B Management Corp
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafargo Corp
Leah Webb Schroeder, 1030 15th Street, NW, #1100 Washington, DC 20005	American Academy of Physicians Assistants
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Grant County PUD, Chelan County PUD, Douglas County PUD
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Ship Finance Assn, Inc
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Twin City Pipe Trades Welfare Trust
Do	Unisys Corp
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Tenneco, Inc)
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Schnell-Bruter-Kernkraftwerksgesellschaft MbH
Do	Southeastern Star, Inc
L. Philip Sheldon Jr., 1071 Snapper Dam Road Landisville, PA 17538	Child Protection Lobby
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Campaign for Military Service
Mollie Shields, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Marriott Corp)
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Angelo Brothers Co
Do	Prudential Insurance Co of America
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Co (For:ASCA Treatment Centers)
Do	E. Del Smith & Co (For:City of Newport Beach)
Do	E. Del Smith & Co (For:Deskin Research Group)
Do	E. Del Smith & Co (For:Disproportionate Share Hopsitals of L.A. County)
Do	E. Del Smith & Co (For:Wickland Oil Co)
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815	
Jack Sobel, 654 E Street, SE Washington, DC 20003	Center for Marine Conservation
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036	
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd. Floor Chicago, IL 60606	Trek Bicycle Corp
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Insurance Assn
Anna-Maria Stephens, 1250 Eye Street, NW, Suite 300 Washington, DC 20005	Mitsubishi Motors America, Inc
Gordon Stevens, 1275 K Street, NW, SUite 700 Washington, DC 20005	National Center for Housing Management
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co
Jay R. Sullivan, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Douglas County Oregon
Do	Sodak Gaming, Inc
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	City of San Liandro
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	New York Mercantile Exchange (NYMEX)
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Intermedia Communications of Florida, Inc
Do	Metropolitan Fiber Systems Communications Co, Inc
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Cigarerra La Moderna
Taxpayers Against Fraud, Inc, 1330 Connecticut AVe., NW, Suite 220 Washington, DC 20036	
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce
Technical Group, Inc, 1300 I Street, Nw, Suite 100 West Washington, DC 20005	
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc
Laura I. Thevenot, 1350 Eye Street, NW, #1030 Washington, DC 20005-3305	Health Insurance Assn of America, Inc
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)
Do	Kent & O'Connor, Inc (For:US Shoe)
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	Jerome Levy Institute
Do	Naitonal Bareboat Charter Assn
Kirstin D. Thompson, 1819 L Street, NW, Suite 200 Washington, DC 20036	Matsushita Electric Corp of America
Tracy L. Thompson, 1225 I Street, NW, #825 Washington, DC 20003	Beer Institute
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp
Paula Pleas Timmons, 1250 Connecticut Ave., NW, Suite 401 Washington, DC 20036	McCaw Cellular Communications, Inc
Tobacco Consumers Assn, Inc, P.O. Box 25711 Washington, DC 20007	
Victor Todd, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition
Jonathan M. Topodas, 151 Farmington Avenue hartford, CT 06156	Aetna Life & Casualty Co
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group
Trade Partnership, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn
Leslie Anne Tucker, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	Burger King Corp
Jane L. Turner, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	USA Healthnet, Inc
Philip J. Ufholz, 1615 L Street, NW, #1210 Washington, DC 20036	American Forest & Paper Assn
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson
Ellen Valentino-Benitez, 12 Francis Street Annapolis, MD 21404	National Trooper Coalition (NTC)
Laura Van Etten, 1747 Pennsylvania Ave., NW, #875 Washington, DC 20006-4604	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	Bulova Technologies, Inc
Do	Fischer Imaging corp
Do	E. Bruce Harrison
Do	Magnavox Government & Industrial Relations Co
Do	Martin Marietta Corp
Do	Omni-TECH Medical
Do	Southern California Gas
Do	Southern Maryland Naval Alliance
Do	Vanguard Research, Inc
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	City of Tacoma, WA
Do	GE Industrial & Power Systems
Do	Simpson Paper Co
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:MetaNetworks)
Do	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)
Sophia Stratas Varlas, 1730 K Street, NW, Suite 1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee
Vedder Price Kaufman Kammhoz & Day, 919 18th Street, NW Washington, DC 20006	Coalition to Preserve Self-Insurance
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	CliniCorp, Inc
Patrice Vincent, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Mennonite Mutual Aid Assn
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Direct Marketing Assn
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers
VALOR, P.O. Box 6393 Arlington, VA 22206-0393	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nulear Energy Council
Do	NEDA/RCRA Project
Do	Pacific Lumber Co
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Environmental Transportation Assn, et al.
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Power Co
Anne Marie Walsh, 1101 Connecticut Ave, NW, #700 Washington, DC 20036	American Assn of Preferred Provider Organizations
Michael d. Walsh, P.O. Box 591 Parishville, NY 13672	Michael D. Walsh
Helen Ward, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc
Ann D. Warner, 1220 - 19th Street, NW, Suite 200 Washington, DC 20036	Airports Council International - North America
Ernest R. Warner Jr., 1133 Connecticut Avuenue, NW Washington, DC 20036	Societe Nationale d'Etude et de Construction de Moteurs
David L. Warren, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn

Organization or Individual Filing	Employer/Client
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	Government of Sao Tome & Principe
Do	National Fertilizer Co of Nigeria (NAFCON)
Do	Republic of Cameroon
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Envirocare of Utah
Do	National Assn of Counties
Kathleen Weiss, 200 Park Avenue New York, NY 10171	Westvaco Corp
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Air Conditioning & Refrigeration Institute
Do	American Dental Assn
Do	Fleischman & Walsh
Do	Guardian Industries Corp
Do	OIS Optical Imaging Systems, Inc
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	McGaw, Inc
Do	Mtel
Williams & Jensen, P.C., 1155 21st. Street, NW Washington, DC 20036	California independent Mortgage Brokers Assn
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Hispanic Information & Telecommunications Network
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Lifschultz Fast Freight, Inc
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Ewing Kauffman Foundation)
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Airlines
Do	D.E. Shaw & Co, L.P.
Do	Entergy Corp
Do	Financial Guaranty Insurance Co
Do	Fire Island Assn
Do	Great Northern Insurance Annuities, Inc (GNA Annuities, Inc
Do	GNA Corp
Do	Hearst Corp
Do	Mayflower Contract Services, Inc
Do	McClure Gerard & Neuenschwander, Inc
Do	Newport News Shipbuilding
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Corporate Health Care Coalition
Do	Monsanto Co
Do	Schering-Plough Corp
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	MAGMA Power Co
Samuel B. Witt III, 500 Sheperd Street, Suite 200 Winston-Salem, NC 27103	Lawyers for Civil Justice
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Karsten Manufacturing Co
Do	Neurology Center
John R. Wylie, 90 South Cascade Avenue, #1300 Colorado Springs, CO 80903	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)
Susan Wysocki, 2401 Pennsylvania Ave., NW, Sutie 350 Washington, DC 20037-1718	National Assn of Nurse Practitioners in Reproductive Health
WALAR Group, Inc, P.O. Box 40187 Nashville, TN 37204-0187	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER__________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............."Expense Money" and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	16,250.00	103.57
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	13,975.00	
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Do	CANAMCO (For:Canadian Shipowners Assn)		
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	2,200.00	878.00
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	1,000.00	
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,153.00	1,489.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute		
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Do	Cohn and Marks (For:Maclean Hunter Cable TV)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Kendall Square Research Corp	500.00	3.00
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		7,271.00	7,271.00
Advocacy Group, 1350 I St., NW Suite 680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc.		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, inc		
Do	Georgia Southern University		
Do	Intel Supercomputing Division		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,651.90	5,651.90
Samuel J. Agger, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036	DGA International, Inc (For:Zenith Data Systems)		
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	35.52	
Judith A. Ahrens, 326 19th Street, NE Cedar Rapids, IA 52402	Steel Tank Institute		
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	81.53
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		325.00
Air Conditioning Contractors of America, 1513 16th Street, NW Washington, DC 20036			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		147,793.00	118,786.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	800.00	15.00
Airports Council International - North America, 1220 19th Street, NW, #200 Washington, DC 20036			19,514.25
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America	16.75	
Do	Alleghany River Mining Company	9,670.00	171.00
Do	Alliance of American Insurers	752.25	16.00
Do	Amerada Hess Corp	300.00	
Do	American Airlines, Inc	3,540.00	57.00
Do	American Financial Corp	16.75	
Do	American Share Insurance Corporation	2,300.00	38.00
Do	American Telephone & Telegraph Co	3,770.00	57.00
Do	Bank of America National Trust & Savings Assn	590.00	
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc	16.75	
Do	Bolt Beranek & Newman, Inc		
Do	Chiquita Brands International, Inc		
Do	City of Houston	1,060.00	19.00
Do	Columbia Government Trade Bureau (PROEXPO)	3,160.00	57.00
Do	Consumers Power Company		
Do	Cotton Bowl Athletic Assn	500.00	
Do	Disabled American Veterans		
Do	Dow Jones & Co	4,720.00	76.00
Do	Fremont Group, Inc	16.75	
Do	Fujitsu America, Inc		
Do	Government of Norway	7,680.00	133.00
Do	W. R. Grace & Co	230.00	
Do	Guardian Industries		
Do	GTECH Corp	5,430.00	95.00
Do	International Bank of Commerce	100.00	
Do	Kendall Square Research Corp	370.00	
Do	Ladies Professional Golf Assn		
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	100.00	
Do	Management Compensation Group		
Do	Mazda (North America), Inc		
Do	Medical Protective Company	810.00	
Do	Mesa, Inc	250.00	
Do	Metropolitan Transit Authority of Harris County	7,715.00	144.00
Do	Miller Brewing Company		
Do	Money Store		
Do	Morgan Stanley & Co, Inc	1,795.00	19.00
Do	Mortgage Guaranty Insurance Corp	16.75	
Do	Mortgage Insurance Cos of America	1,875.00	19.00
Do	Motion Picture Assn of America, Inc	1,940.00	38.00
Do	MAXXAM, Inc	13,400.00	247.00
Do	MCA, Inc		
Do	National Football League		
Do	Nationwide Mutual Insurance Company	234.50	
Do	Natural Gas Vehicle Coalition	10,550.00	190.00
Do	New York Public Library	480.00	
Do	Ongard Systems, Inc		
Do	Riggs National Corp	110.00	
Do	Robert Mondavi Winery	2,700.00	38.00
Do	Ryder System, Inc	1,025.00	19.00
Do	RJR Nabisco, Inc		
Do	Southern California Edison Co	615.00	
Do	Time-Warner	115.00	
Do	Upjohn Company		
Do	USA Group,Inc	8,400.00	132.00
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp	665.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	6,300.00	210.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	10,500.00	455.00
Do	Albertine Enterprises, Inc (For:Greater Kansas City Chamber of Commerce)	1,155.00	53.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,772.00	45.00
Do	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)	3,300.00	105.00
Do	Albertine Enterprises, Inc (For:Lenox, Inc)		
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	1,260.00	53.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	1,750.00	53.00
Do	Albertine Enterprises, Inc (For:Primark Corp (TASC))	1,167.00	53.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	5,250.00	525.00
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)		
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		72.00
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)		
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	11,700.00	390.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	19,500.00	845.00
Do	Albertine Enterprises (For:Greater Kansas City Chamber of Commerce)	2,145.00	98.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,166.00	82.00
Do	Albertine Enterprises, Inc (For:Jerome Levy Economics Institute)	3,300.00	230.00
Do	Albertine Enterprises, Inc (For:Lenox, Inc)		
Do	Albertine Enterprises, Inc (For:National Bareboat Charter Assn)	2,340.00	97.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)		
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	2,145.00	92.00
Do	Albertine Enterprises, Inc (For:Primark Corp)	2,166.00	97.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	9,750.00	975.00
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	ARCTICO, Inc		
Do	AST Research, Inc		
Do	Beckman Instruments, Inc		
Do	Castle Harlan, Inc		
Do	Council for Superfund Fairness, Inc		
Do	Exide Electronics	18,000.00	600.00
Do	Fruit of the Loom, Inc	30,000.00	1,300.00
Do	Greater Kansas City Chamber of Commerce	3,300.00	150.00
Do	ITRON and AMR	3,333.00	125.00
Do	Jerome Levy Economics Institute	10,000.00	300.00
Do	Lenox, Inc		
Do	National Bareboat Charter Assn	2,000.00	150.00
Do	Polaris Industries, LP		
Do	Potomac Capital Investment Corp	4,999.98	150.00
Do	Primark Corp		
Do	SMS Corp	15,000.00	1,500.00
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	650.00	
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	7,500.00	
Do	Cargill Fertilizer, Inc	7,500.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Jacksonville	15,600.00	
Do	City of Virginia Beach	15,000.00	
Do	Computer Sciences Corp	3,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	15,000.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Research to Prevent Blindness	6,250.00	
Do	State Road 7 Association, Inc	16,800.00	
Do	Summa Corp	12,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	69.24
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America)		
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
Ronald A. Allbee, P.O. Box 9205 South Burlington, VT 05407	Arter & Hadden		
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	2,650.00	116.33
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			172,994.13
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		2,447.31	11,098.57
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
David W. Almy, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	42.00
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	5,000.00	29.00
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
America for Worldwide Balanced Trade Agreement, Inc, 2236 Java Plum Avenue Sarasota, FL 34232			35.00
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		46,557.74	46,557.74
American Advertising Federation, 1101 Vermont Ave.,N.W., Suite 500 Washington, DC 20005			
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		42,261.00	42,261.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			6,164.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		44,718.00	44,719.31
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			44,285.89
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		74.45	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			369.92
American Automobile Assn, 1440 New York Ave., NW, Suite 200 Washington, DC 20005			
American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202		178,771.11	178,771.11
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		170,656.92	170,656.92
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		3,087.00	5,199.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		43,149.00	43,149.00
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		171,693.00	181,173.00
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		2,104.02	1,473.40
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	12,368.67
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			7,798.50
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,343.44	12,548.06
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,443.00
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		7,366.00	7,366.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		270,708.00	146,502.00
American International Group, Inc, 70 Pine Street New York, NY 10270			63,950.00
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		129,431.00	178,746.46
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,945.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001			11,214.64
American Library Assn, 50 E. Huron St. Chicago, IL 60611		1,251.00	11,909.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	1,387.54
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		11,111.60	3,487.86
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		292,833.14	38,381.38
American Medical Association, 515 North State Street Chicago, IL 60610			144,069.72
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		25,200.00	24,976.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		23,137.48	23,137.48
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			8,982.00
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		114,025.86	85,076.97
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		110,069.06	110,069.06
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725		9,776.95	9,776.95
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	32,917.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		405,954.26	382,009.46
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		11,399.08	11,399.08
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			23,392.61
American Portland Cement Alliance, 1212 New York Avenue, NW, #520 Washington, DC 20005			65,832.69
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		49,653.00	49,653.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Re-Insurance Co, 555 College Road, East Princeton, NJ 08543			12,000.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		200.00	200.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			35.00
American Soc for Clinical Laboratory Science, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			13,696.99
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			44,199.06
American Society of Clinical Oncology, 750 17th Street, NW, Suite 1100 Washington, DC 2006			
American Trucking Assns, Inc, 430 First Street Washington, DC 20003		13,000.00	93,375.00
American Tunaboat Assn, 1 Tuna Lane San Diego, CA 92101			
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1101 Vermont Ave. NW Suite 710 Washington, DC 20005-3621		10,741.40	241.40
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		68,375.00	48,065.65
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		11,920.79	31,912.46
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,042.50	13,042.50
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		2,739.00	2,739.00
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	American Assn of Pharmaceutical Distributors	5,000.00	
Do	Kollmorgen Corp	10,000.00	
Do	Northrop Corp	9,000.00	
Do	Rand Eye Institute	5,000.00	
Do	Tenneco, Inc	8,000.00	
Do	Thompson Medical Co	3,000.00	
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501		67,500.00	15,578.58
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	42.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	300.00	35.43
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	550.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	1,730.77	510.00
Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Frederick M. Anderson, Box 2000 - 1B White Deer, PA 17887			
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	4,061.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	11,369.00	
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,293.40	
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	500.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,268.07
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	276.50	276.50
Do	GNB, Inc		
Do	RSR Corporation		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			21,295.66
Timothy Anson, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:U.S. Multinational Corp Tax Policy)	600.00	8.00
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Apartment & Office Building Assn of Metropolitan Washington, 1050 17th Street, NW, #300 Washington, DC 20036	Apartment & Office Building Assn		
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	9,184.00	
John Archer, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	693.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,695.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn		365.82
Do	American Assn of Bioanalysts	31,374.86	2,696.91
Do	American Assn of Occupational Health Nurses	21,053.87	1,016.26
Do	Jean-Bertrand Aristide	122,500.00	684.68
Do	Central States SE & SW Areas Health Welfare & Pension Funds	49,886.77	166.58
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Children's Health Fund		33.59
Do	Guardian Life Insurance Co of America	42,166.13	93.71
Do	Independent Federation of Flight Attendants	1,600.00	70.00
Do	International Society for Clinical Laboratory Technology	3,015.69	2.69
Do	Mercy Hospital of Des Moines, Iowa	5,653.00	327.82
Do	National Parking Association		
Do	Navajo Nation		
Do	SO-PAK-CO, Inc		320.90
Do	Video Software Dealers Assn	1,132.74	10.90
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	800.00
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		1,207.67
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Ashland Oil Co	240.00	
Do	Corporate Property Investors	1,666.67	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants		
Do	American Red Cross		
Do	ACPC		
Do	AFL-CIO		
Do	Building and Construction Trade Department, AFL-CIO	4,382.50	63.55
Do	Caribbean International News Corporation		
Do	City of Reading	3,242.28	236.48
Do	Commissioner, Dept of Telecommunications City of New York		
Do	Computer Sciences Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Continental Corporation		
Do	Federated Investors		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	990.00	17.94
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	477.00	
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	182.53
Do	Philip Morris, Inc	1,064.00	
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute	7,395.00	260.06
Do	Stanford University	363.39	
Do	State Farm Mutual Automobile Insurance Co	109,848.75	1,353.73
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	FMC Corp	4,000.00	436.95
Do	Guam Airport Authority	2,000.00	135.43
Do	Technology for Communications, International		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	882.00	401.00
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	8,871.30	213.89
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Central & South West Corp	640.00	822.00
Do	Central Union of Agricultural Cooperatives		
Do	Citicorp	2,880.00	2,406.25
Do	Electronic Data Systems Corp		
Do	Girling Health Care	400.00	495.00
Do	International Hardwood Products Assn		
Do	Mesa Petroleum	2,100.00	2,271.25
Do	National Assn of Broadcasters	3,150.00	2,427.50
Do	Nintendo of America	137.50	
Do	South West Florida Enterprises, Inc		
Do	Tesoro Petroleum	1,300.00	1,608.75
Do	United Services Automobile Assn	1,075.00	923.75
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	7,425.00	388.43
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Builders & Contractors, Inc, 1300 North 17th St. Rosslyn, VA 22209		2,500.00	
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,051.00	18,051.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		199,716.69	199,706.69
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Independent Television Stations, Inc, 1320 19th St., NW, Suite 300 Washington, DC 20036		4,500.00	4,500.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			1,204.00
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State and Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		11,028.75	11,028.75
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	391.70
Richard C. Atchison, 1377 Camino Teresa Solana Beach, CA 92101	American Tunaboat Assn		
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,212.00
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute	2,000.00	1,500.00
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	1,250.00	
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group	6,730.71	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,127.12	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	1,780.00
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	6,750.85	
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	AEC Forest Products	720.00	12.50
Do	Center for Excellence in Education	875.00	
Do	City Utilities of Springfield	240.00	44.01
Do	Clark Public Utilities		
Do	Colorado River Energy Distributors		
Do	Englehard Corp	2,062.50	
Do	Gerber Products Company	530.00	
Do	Heart of America Northwest	1,725.00	57.49
Do	Hoffmann-La Roche Inc		
Do	Northeast Public Power Assn		
Do	Pennsylvania Power & Light	1,575.00	
Do	Sacramento Municipal Utility District		
Do	Southern California Public Power Authority		
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	320.00	21.45
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			1,036.57
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Michael G. Bader, P.O. Box 8731 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	650.00	1,291.75
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn (IHPA)	4,550.00	723.28
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Kingsley E. Bailey, 50 Quincy Place, NE Washington, DC 20002	International Foundation for the Mentally Ill		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Case Management Society of America)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Unisys Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Company	15,000.00	
Do	Blue Cross of Western Pennsylvania	22,500.00	
Do	Case Management Society of America	18,000.00	
Do	Natural Disaster Coalition	15,000.00	
Do	Natural Gas Vehicles Coalition		
Do	Oralco Management Services	30,000.00	
Do	Utilities Telecommunication Council	4,125.00	
Do	UNISYS Corp		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	582.30
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,830.90	
Baker & Botts, 555 l3th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technologies	20,480.00	236.85
Do	BrightStar Group Limited		
Do	Computer & Business Equipment Manufacturers Assn	14,270.00	180.70
Do	Elken Metals Co		
Do	Ferro-Alloys Assn	118,547.21	667.72

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mickey Leland National Urban Air Toxics Research Center		183.32
Do	Ministry of Foreign Affairs of the Republic of Yemen		18.75
Do	Rhone-Poulenc, Inc		592.67
Do	Westinghouse Electric Corp	13,254.00	8.00
Do	Zinc Corporation of America		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	750.00	750.00
Do	American Football Coaches Assn Retirement Trust	5,000.00	5,000.00
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	California Independent Casualty Companies of America	6,000.00	6,000.00
Do	Canadian Sugar Institute		
Do	Chubb Corporation	3,612.49	3,612.49
Do	Cleveland Clinic Foundation		
Do	Cominco, Ltd		
Do	Corroon & Black Corp	750.00	750.00
Do	Edison Electric Institute	5,491.88	5,491.88
Do	Financial Holding Corp	2,000.00	2,000.00
Do	Fireman's Fund Insurance Co	14,485.46	14,485.46
Do	Flexi-Van Leasing/Pacific Holding Company	5,000.00	5,000.00
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc	5,000.00	5,000.00
Do	Johnson & Higgins	750.00	750.00
Do	Marsh & McLennan Companies	750.00	750.00
Do	Mitsui & Co (U.S.A.), Inc	82.50	82.50
Do	National Assn of Casualty & Surety Agents	5,000.00	5,000.00
Do	National Assn of Insurance Brokers, Inc	5,000.00	5,000.00
Do	National Assn of Professional Insurance Agents	5,000.00	5,000.00
Do	North American Reinsurance	2,500.00	2,500.00
Do	Rollins Burdick Hunter	750.00	750.00
Do	Sedgwick James, Inc	750.00	750.00
Do	St. Paul Fire & Marine		
Do	Travelers Insurance Co	6,000.00	6,000.00
Do	United Fidelity Life Insurance	2,000.00	2,000.00
Do	Vaulted Aboveground Storage Tanks Assn	18,853.82	18,853.82
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	562.50	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,211.28
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,761.19	493.81
Do	City of Portland, OR	21,012.53	2,245.47
Do	City University	17,685.00	3,289.66
Do	Clackamas County	9,515.50	1,432.36
Do	CPAFB (Committee to Preserve the American Family Business	15,000.00	1,552.80
Do	Greenbrier Leasing, Inc	49,377.00	4,429.46
Do	Harsch Investment Corporation		338.71
Do	Mt. Hood Meadows Oregon, Ltd		
Do	Northwest Industrial Gas Users		
Do	Northwest Marine Iron Works		
Do	Northwest Woodland Owners Council	16,000.00	3,709.08
Do	Oregon Department of State Lands	10,500.00	1,454.51
Do	Oregon Department of Transportation	23,082.64	2,180.56
Do	Oregon Graduate Institute of Science & Technology	2,689.50	515.14
Do	Oregon Museum of Science and Industry	632.00	
Do	Oregon Partnership for Metals Research	6,000.00	345.06
Do	Portland CommunityCollege	6,000.00	789.24
Do	Schnitzer Steel Industries	5,903.00	756.94
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,500.00	
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Corp		
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc		654.03
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	250.35
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	32.00
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	70.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		300.00
Linda W. Banton, 1331 Pennsylvania Ave., NW Washington, DC 20004	Martin Marietta Corp	1,540.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	5,250.00	
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	2,673.55	297.98
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	195.59
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc	15,000.00	348.45
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	98.75	10.00
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	8,705.00	170.35
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	999.99	
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:IBM)	604.09	
Do	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)	723.24	
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	5,245.00	110.00
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	900.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	2,037.50	1,340.00
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,500.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corp	5,837.50	
Thomas M. Barry, 1667 K Street, NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	10.00
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	500.00	426.00
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	1,375.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	10,375.00	286.52
Do	Family Violence Prevention Fund	575.00	91.38
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,425.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,348.46
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,700.00	
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	312.93	
Lana R. Batts, 919 18th Street, N.W. Washington, DC 20006	American Financial Services Assn	250.00	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,481.00	
Patricia Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	22.50
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	80.00
Hobart Bauhan, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn	100.00	
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	18,615.00	5,927.45
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
James R. Baxter, 3517 Launcelot Way Annadale, VA 22003	Associated Specialty Contractors	2,000.00	2,000.00
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	144.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Citicorp	9,000.00	275.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Cook Group	2,513.62	325.00
Do	Joseph E. Seagram & Sons	3,698.30	225.00
Do	Lender's Coalition	10,000.00	325.00
Do	Massachusetts Institute of Technology	1,000.00	150.00
Do	National Soft Drink Assn		
Do	Pennsylvania Savings Assn Insurance Corp	1,200.00	110.00
Do	PIE Mutual Insurance Co		
Do	Real Estate Capital Recovery Assn	6,000.00	
Do	SPI		
Do	TENNECO	32,221.87	350.00
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Company	320.00	42.00
Do	Distilled Spirits Council of the U.S.	750.00	22.50
Do	Southwest Airlines	200.00	
Do	Southwestern Bell Corp	1,025.00	
Do	Stewart & Stevenson Services, Inc	300.00	
Kim Koontz Bayliss, 317 Massachusetts Ave., NE Washington, DC 20002	United Video, INc	20,625.00	4,202.00
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Big Brothers & Big Sisters of America		1,182.07
Do	Cummins-Allison Corp	2,600.00	24.00
Do	Museum of Science & Industry	5,500.00	223.76
Do	Mystic Seaport Museum	9,000.00	238.63
Do	National Coalition for Volunteer Protection		57.50
Do	National Crime Prevention Council	13,500.00	268.17
Do	National Museum of Health & Medicine Foundation	15,000.00	326.79
Do	New England Conservatory of Music	13,500.00	426.04
Do	Orton Dyslexia Society		
Do	Rubber Pavements Assn	18,000.00	7,261.93
Do	TDS Healthcare Systems Corp	11,685.60	3,470.35
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	390.40	65.94
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	2,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)		
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	1,500.00	
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	1,500.00	
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	652.75
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	777.10
Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	9,502.96	35.00
Elizabeth J. Bedient, 1700 Lincoln Street, Suite 4100 Denver, CO 80203	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	769.97	109.64
Teresa G. Beeman, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co (ARCO)		
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			2,551.46
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	2,684.27
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	677.90	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak, 1325 G Street, NW, #1000 Washington, DC 20005	Humane Society of the US	8,256.00	254.05
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	191.00
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	11,000.00	
Daniel J. Bennet, 1300 North 17th St Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Mary C. Bennett, 815 Connecticut Avenue, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents	8,500.00	
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		504.22
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	155.00	
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Bostrom Corp (For:Passenger Vessel Assn)	1,950.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	3,045.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	4,000.00	1,000.00
Do	Capital Research & Management Company	2,000.00	500.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Dow Chemical Co	1,200.00	900.00
Do	Edison Electric Institute	2,000.00	500.00
Do	Elanco Animal Health	1,000.00	500.00
Do	Enseco	1,000.00	700.00
Do	Flo-Sun Land Corp	4,000.00	1,530.00
Do	Fox Broadcasting Company	3,000.00	563.43
Do	Friendship in Freedom Assn	1,000.00	550.00
Do	Glaxo, Inc	2,000.00	643.28
Do	HealthCare COMPARE/AFFORDABLE Corp	2,000.00	970.27
Do	Mallinckrodt Specialty Chemical Company	2,000.00	500.00
Do	McDonnell Douglas Corp	1,000.00	537.77
Do	Metpath	1,200.00	298.28
Do	National Assn of Business & Educational Radio, Inc	500.00	501.39
Do	National Soft Drink Assn	3,000.00	762.44
Do	Ogden Martin Systems, Inc	2,000.00	1,169.09
Do	Okeelanta Corp	5,000.00	1,680.00
Do	Orange & Rockland Utilities	4,000.00	1,400.00
Do	Petroleum Marketers Assn of America	2,000.00	1,471.31
Do	Philip Morris Co, Inc	2,000.00	553.28
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Smokeless Tobacco Council	1,000.00	
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	37.98	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	547.95	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
William R. Berman, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,750.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		208.76
Dina L. Bernstein, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn	2,000.00	
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,749.00	3,152.62
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	4,770.69
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Cynthia Berry, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	471.74
Michael J. Bertelsen, 453 NewJersey Ave. SE. Washington, DC 20003	Investment Company Institute	103.02	218.01
Maria L. Berthoud, 1455 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	New England Council, Inc		
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	14,250.00	696.97
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	1,063.75	2,140.98
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	490.75	237.34
Everett E. Bierman, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden	200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Arter & Hadden (For:Citicorp)	12.00	
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		496.10
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Main San Gabriel Basin Water Quality Authority	15,000.00	
Do	Manville Corp	32,875.00	
Do	South Coast Air Quality Management District	16,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	20,737.50	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,979.19	4,475.47
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,329.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc	240.00	17.00
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			334.58
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		3,540.12	3,540.12
Birch Horton Bittner, Inc, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Alaska Wetlands Coalition	1,000.00	1,000.00
Do	Calista Corp	2,000.00	2,080.00
Do	E.O.N., Inc	500.00	500.00
Do	Fish Alaska, Inc	1,000.00	1,000.00
Do	Florida Coastal Landowners' Coalition	2,000.00	2,000.00
Do	North Slope Borough	1,450.00	1,471.69
Do	Old Harbor Corp	1,400.00	1,490.00
Do	Sealaska Corp	700.00	740.00
Do	Wildlife Legislative Fund of America	12,000.00	12,000.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc	225.00	
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,218.39	
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971			38,361.20
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	750.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life & Casualty		
Do	Embry-Riddle Aeronautical University		
Do	Health Images, Inc		
Do	Midland Risk Insurance Company		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	
Do	American Airlines	15,000.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	172.67
Do	Clark Construction Group	9,000.00	
Do	Congressional Youth Leadership Council	6,000.00	
Do	Cooper Hospital/University Medical Center	22,500.00	
Do	Delaware North Companies	9,000.00	
Do	Equity Assets Management, Inc	5,625.00	
Do	First National Bank of Chicago	22,500.00	40.71
Do	Government of Nigeria		
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	100.67
Do	Kashmiri American Foundation	35,000.00	144.54
Do	Katun Corp		
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	45,000.00	91.16
Do	Magal Security Systems, Ltd	6,000.00	
Do	Morton International	22,500.00	
Do	NOVA University		
Do	Parking Authority	11,250.00	
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	
Do	Republic of Kenya		
Do	Textron	3,750.00	37.70
Do	Tobacco Institute	22,500.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA		162.58
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	1,062.00	
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	1,037.40	
Julia M. Blankenship, 2715 M Street NW, #150 Washington, DC 20007	Electric Generation Assn	1,615.39	83.19
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc	600.00	91.10
Do	Audre Recognition Systems, Inc	825.00	88.74
Do	Consumers Paint Factory, Inc	575.00	27.40
Do	Figgie International, Inc	562.50	133.53
Do	Hunter Industrial Facilities, Inc	1,075.00	63.50
Do	National Paint & Coatings Assn, Inc	1,500.00	122.40
Do	National Spa & Pool Institute	700.00	56.97
Bliss and Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	4,053.96	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	4,050.00
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	12,300.00	
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	2,491.25	
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	3,087.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,246.41
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	6,191.11	136.00
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Do	Miles, Inc		
Do	Graham & James (For:Milk Specialties Co)		
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Judith Ann Boddie, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	7,687.59	724.49
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		150.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Larry A. Boggs, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	
S. Alexander Bohler, 8001 Braddock Road Springfield, VA 22160	National Right to Work committee	600.00	
John K. Boidock, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,500.00	
Patricia Boinski, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	843.69
Terry K. Bolger, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	558.00	4.65
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corp	1,200.00	57.00
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	3,875.00	1,595.70
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Society of Anesthesiologists	5,000.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Glenda Booth, 750 17th Street, NW, Suite 1100 Washington, DC 20006	National Organization for Rare Disorders	23.44	16.00
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22134	American Federation of Home Health Agencies	10,000.00	4,800.99
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	3,333.00	221.00
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	120.00	
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company (Imaging Group)	800.00	80.00
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.	1,100.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	1,650.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	274.50
Beau Boulter, ANB Plaza II 500 Taylor, Suite 504 Amarillo, TX 79101	United Seniors Assn, Inc	7,600.00	10,119.67
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	332.50
Laura L. Bourne, 800 connecticut ave., n.w. Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,375.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	15,000.00	92.03
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	19,113.51	396.86
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	1,463.31
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Charles H. Bowser, 1511 K Street, NW, Suite 51. Washington, DC 20005			
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	104.00	16.00
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		2,872.27
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co		
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	250.00	5.00
Do	Kemper Investors Life Insurance Company		
Do	Kemper Reinsurance Company		
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	200.00	34.92
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,538.00	317.00
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Louis L. Boyle, 2717 North Front Street Harrisburg, PA 17110	Pennsylvania Newspaper Publishers' Assn		
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp	1,237.50	742.50
Do	Chemical Manufacturers Assn, Inc		
Do	COMDISCO, Inc		
Do	Edison Electric Institute	962.50	577.50
Do	Enron Corp		
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	893.75	536.25
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co		
Do	Joseph E. Seagram & Sons, Inc		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation		
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Assn	5,000.00	250.00
Do	American Society for Bone & Mineral Research	6,000.00	100.00
Do	Arkla, Inc	7,000.00	130.00
Do	City of Klamath Falls	7,000.00	110.00
Do	City of Tucson	7,000.00	100.00
Do	Coin Coalition	15,000.00	350.00
Do	County of Winnebago	400.00	60.00
Do	Daylight Saving Time Coalition	1,000.00	50.00
Do	Energy Absorption Systems, Inc	8,000.00	75.00
Do	Greater Rockford Airport Authority	5,000.00	100.00
Do	Southern California Edison	12,000.00	240.00
Do	St. Louis Airport Authority	4,000.00	150.00
Do	United Technologies Corp	4,000.00	60.00
Susan G. Braden, 1401 16th Street, NW Sherman House Washington, DC 20036	Ingersoll & Block, Chtd	8,200.00	2,105.51
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).	3,375.00	
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,578.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	2,006.68	105.00
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,055.16	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	427.08	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell	687.50	
Do	Gerald Crispino	560.00	
Do	Federal Data Corp	460.00	
Do	Hewlett-Packard Co	10,469.00	20.00
Do	Hospital Systems, Inc		
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	1,522.50	
Do	NCube		
Do	Oracle Corp	2,813.00	
Do	Seafarers International Union		
Do	Unisys	1,617.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	13.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	2,319.85
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	1,744.63	
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Thomas R. Bretz, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Tenneco, Inc)	380.00	
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		849.37
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative	200.00	6.32
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc	250.00	7.93
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	44.02
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,437.50	1,280.26
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		1,000.00
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
John J. Brittle, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	15,593.00	
Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	10.00
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney, P.C. (For:City of Detroit, Michigan)	13,272.18	
Do	Plunkett & Cooney (For:NBD, Inc)	5,625.00	1,787.21
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,200.00	4,415.25
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BASF Corp	700.00	
Do	Corn Coalition		
Do	Corning, Inc		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	75.00	
Michael J. Brokovich, 8201 Greensboro Drive, #1000 McLean, VA 22102	Unisys Corporation	1,000.00	360.00
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	10,082.58	
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			2,840.75
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	100.00	
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	150.00
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	16,257.42	156.60
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		52.96
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	240.35
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons	753.84	281.50
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	2,500.00	
Do	Klein & Saks (For:Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	675.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,683.00	575.03
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	4,500.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		
Thomas H. Brownell, Martin Marietta Corp. 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp.	1,355.00	171.00
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	2,100.00	
Do	Glass Packaging Institute	1,500.00	
Do	Joint Board of Control for Flathead Irrigation Project	300.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp.	1,800.00	
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	5,912.50	659.67
Do	Blood Center of Southeastern Wisconsin	2,162.50	108.74
Do	Children's Hospital of Wisconsin	4,600.00	906.55
Do	EDS Corp	10,600.00	225.30
Do	Milwaukee Metropolitan Sewerage District	775.00	4.81
Do	Oneida Nation	41,018.75	2,190.71
Do	Plumbers Local #75	115.00	
Do	PrimeCare Health Plan	1,506.25	158.93
Do	Waste Management, Inc	21,050.00	506.30
Do	Watertown Hospital	100.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	761.92	75.00
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	41.55
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	61.70
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Co	1,997.50	885.03
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	Air Transport Assn	35,000.00	27.00
Do	PHP Healthcare Corp	33,694.08	
Bryant Miller & Olive, P.A., 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc	25,000.00	
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	4,000.00	1,354.00
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Guaranteed Annuity Fund).		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Pension Fund)		
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club	1,054.40	8.80
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Do	J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn)		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			12,800.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	10,300.00	70.50
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp	4,017.64	
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	4,170.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc	959.82	566.00
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Pfizer, Inc		5,313.00
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Association of Independent Research Institutes (AIRI)	600.00	
Do	California Institute of Technology	1,000.00	
Do	Lewis-Burke Associates (For:Edison BioTechnology Center)	300.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	7,390.00	340.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		80,031.25	2,825.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,356.25	13.23
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	73.00
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Energy Alliance	5,000.00	
Do	Clark Oil and Refining Company		
Do	Degussa AG		
Do	Ethyl Corporation		
Do	Korea Iron & Steel Assn		
Do	McDonnell Douglas	2,000.00	
Do	MAPCO		
Do	Republic of Indonesia		
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		114.00
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,681.25	921.72
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Nicholas J. Bush, 1129 20th Street, N.W., #300 Washington, DC 20036	Natural Gas Supply Assn		
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		2,451.83
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	1,320.00	79.06
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	Havasupai Tribe of Arizona		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209	MacAndrews & Forbes Holdings, Inc	15,000.00	354.79
Do	Western Resources	15,000.00	354.79
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,120.00	
Elizabeth B. Cady, 815 Connecticut Avenue, NW, #710 Washington, DC 20006	Steel Service Center Institute		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,595.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,475.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	501.64
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	308.49	108.48
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Transmission	600.00	
Do	Eastern Technologies, Inc		
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	Lukens General Industries, Inc	1,080.00	
Do	Potters Industries, Inc	540.00	
Do	Safetran Systems Corporation	2,250.00	
Do	Stimsonite Corporation	720.00	
Do	3M Company	4,200.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,910.00	2,910.00
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	2,860.18	6,893.39
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	BankAmerica Corp	1,250.00	935.77
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Camp & Barsh, 2550 M St., NW, #275 Washington, DC 20037	Anglo American Auto Auctions, Inc	2,970.00	
Do	Ater Wynne Hewitt Dodson & Skerritt		
Do	BellSouth Corp		
Do	Chemical Manufacturers Assn, Inc	125.00	
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn		
Do	Pennzoil Co		
Do	Shell Oil Co		
Do	Texaco, Inc		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		11,942.30	13,104.23
Carolann Campana, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	3,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,912.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	2,000.00	
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,000.00	
Thomas Campbell, 1301 K Street, NW, #900, East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)	18,814.25	1,904.74
W. Donald Campbell, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	4,120.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,362.70
William Canary Jr, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	3,000.00	
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	700.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	52.50	
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)	443.33	
Do	Stewart & Stewart (For:Torrington Company)	443.33	
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Charles H. Cantus, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,721.22	139.00
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp	7,200.00	
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Alliance for Eye & Vision Research	1,500.00	
Do	American Assn of Cancer Research	600.00	
Do	American Health Foundation	800.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	350.00	
Do	Carnation Co	3,500.00	
Do	Center for Science in the Public Interest	200.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	
Do	Collagen Corp	400.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	10,500.00	
Do	G-Tech Corp	800.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	800.00	
Do	Lipomatrix	200.00	
Do	Massachusetts General Hospital	2,400.00	
Do	National Assn of Addiction Treatment Providers	400.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	600.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Ohio Communities I-670, Inc	1,000.00	
Do	Parking Authority of Camden	2,000.00	
Do	Partnership for Organ Donation	800.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp	1,000.00	
Do	Smith Barney	1,000.00	
Do	U.S. Healthcare, Inc	1,000.00	
Do	Wellman Laboratory	1,000.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,487.00	
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002		20,079.00	20,079.00
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	300.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	23,686.00	2,521.07
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	50.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	1,000.00	64.00
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	4,562.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	832.66	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	3,849.75	32.50
Do	Ralvin Pacific Properties, Inc	1,180.00	
Do	120 Church Street Associates	590.00	
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Dan Carol, 7003 Carroll Avenue, Suite 200 Takoma Park, MD 20912	Sonoran Institute		
Do	3Com Corp	5,000.00	
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	479.34
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,600.00	
Charles T. Carroll, 2011 Pennsylvania Avenue, N.W. #301 Washington, DC 20006	National Assn of Stevedores		
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,371.11	536.08
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Assn of Home Appliance Manufacturers		
Michael K. Casey, 7105 Fort Hunt Road Alexandria, VA 22307	Nationwide Insurance Companies		
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	384.44
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc		
Do	Council on Education Development and Research	300.00	
Do	Strategic Agricultural Management Corp		
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	3,000.00	
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		981.15
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		141,566.56	4,855.85
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	24,000.00	8,077.97
Do	Lockheed Corp	25,000.00	2,290.00
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp	6,000.00	1,093.00
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	5,000.00	
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	844.13	422.94
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Jerry L. Chambers, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	5,000.00	
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Belk Stores Services, Inc	300.00	
Do	Coalition of Publicly Traded Limited Partnerships	900.00	
Do	Council of Infrastructure Financing Authorities	1,275.00	
Do	Manville Corporation	600.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	U S West, Inc	500.00	
Do	USX Corp		
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	15,675.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	6,150.00	84.76
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	49.46
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	16,015.50	3,543.08
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	15,765.00	707.27
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			805.46
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	69.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			121,985.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			2,000.00
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University		108.00
Do	Bishop Museum		8.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	18,740.00	646.00
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		108.00
Do	Isabella Stewart Gardner Museum		8.00
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		1,100.00
Do	Museum of Northern Arizona		
Do	National Council for the Traditional Arts	4,950.00	1,609.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		1,100.00
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		108.00
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum		8.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1725 Jefferson Davis Hwy, Suite 900 Arlington, VA 22202	Vought Aircraft Co		
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,125.00	555.00
Sidonie Chiapette, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	137.95	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Child Protection Lobby, Inc, 101 E. Holly Avenue, #2 Sterling, VA 22170		148,138.31	135,422.17
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph L. Choquette III, Vermont Petroleum Assn P.O. Box 566 Montpelier, VT 05601-0566	American Petroleum Institute		
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	22,689.96	354.45
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			34,636.66
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	9,775.00	2,072.20
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,787.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		17,500.00	17,329.00
Citizen's Committee to Save the Federal Center, c/o Mr. Michael J. Jackson Battle Creek Area Chamber of Commerce 34 W. Jackson, 4 River Battle Creek, MI 49017.			
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		22,483.59	11,627.00
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	4,912.50	821.36
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	3,237.50	357.03
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)	1,799.88	642.49
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)	20,001.00	175.00
Do	Strategic Management Associates (For:Healthcom International)		
Do	Strategic Management Associates (For:Hospital for Special Surgery)		
Do	Strategic Management Associates (For:Lenox Hill Hospital)		
Do	Strategic Management Associates (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates (For:Montefiore Medical Center)		
Do	Strategic Management Associates (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	30,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	52,500.00	
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	Metromedia Communications		
Do	Metromedia Company	30,000.00	
Do	RJR-Nabisco Washington, Inc	52,500.00	
Richard Clarke, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		728.88
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	3,500.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Copolymer Rubber & Chemcal Corp		
Do	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Fleet/Norstar Financial Group, Inc		
Do	Government Representatives Cmte Securities Industry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	10,649.35	705.87
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			1,095.00
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers Assn	978.47	
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	375.00	
Do	Coalition of Higher Education Assistance Organizations	420.00	
Do	Consumer Bankers Assn	13,583.33	
Do	Student Loan Funding Corp of Ohio	26,139.00	
Do	Very Special Arts	1,000.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn		
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006			30,119.58
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		15,500.00	4,576.00
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	1,800.00	
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		
W. J. Michael Cody, Burch Porter & Johnson 130 North Court Memphis, TN 38103	Monsanto Company	225.00	
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,325.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,000.00	160.54
Catherine Grealy Cohen, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	900.00	86.00
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #I500-North Washington, DC 20004-1703	National Assn of Manufacturers	200.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	540.00	1,005.09
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	34,587.19	863.08
Do	Maclean Hunter Cable TV		
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		170.81
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,340.00	
Eleanor Cole, 820 First Street, NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	417.43
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	200.00	24.00
Walter S. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Alabama State Docks		
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	35.00	
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn	400.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	American Car Rental Assn	3,625.00	3,625.00
Do	American International Group	10,500.00	10,500.00
Do	American Textile Machinery Assn	560.00	560.00
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board		
Do	Bicycle Manufacturers Assn of America		
Do	Carfax	1,725.00	1,725.00
Do	Coalition for Safe Ceramicware	140.00	140.00
Do	Crop Insurance Research Bureau	385.00	385.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Fidelity Investments	1,250.00	1,250.00
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co	172.50	172.50
Do	Golden Gate Petroleum International		
Do	Hyster		
Do	Independent Lubricant Manufacturers Assn	1,412.50	1,412.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Inland Steel Corp	1,120.00	1,120.00
Do	International Crystal Federation	140.00	140.00
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council		
Do	National Assn of Convenience Stores	3,635.00	3,635.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	National Pork Producers Council	975.00	975.00
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	1,580.00	1,580.00
Do	Petroleos de Venezuela, S.A.	10,250.00	10,250.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	6,797.00	6,797.00
Do	Specialty Steel Industry of the United States	1,225.00	1,225.00
Do	Steel Manufacturers Assn		
Do	Wickland Oil Co	870.00	870.00
John Collins, 2200 Mill Road Alexandria, VA 22314	American Trucking Assn, Inc	11,000.00	
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		2.00
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,077.50	213.89
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	348.58
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Company-Mesquite		
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			13,282.00
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		33,057.00	3,659.76
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			1,975.00
Common Cause, 2030 M St., NW Washington, DC 20036		1,993,314.00	490,776.65
Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	United Way/Community Service Council of Central IN, Inc		3.73
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		89,500.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		44,000.00	44,000.00
Compressed Gas Assn/Industrial Gas Manufacturers Council, 1725 Jefferson Davis Hwy., Suite 1004 Arlington, VA 22202-4102.		102,000.00	
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,500.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	30,000.00	
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,156.67	
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		561.00	569.84
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	252.16
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	25,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	11,921.25	2,968.75
Do	Laborers National Health & Safety Fund	5,898.75	2,968.75
Do	Laborers/AGC Education & Training Fund	18,013.25	2,968.75
Do	National Coordinating Comm for Multiemployer Plans	420.00	2,968.75
Catherine Connor, 700 11th Street, NW Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	189.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	12.00
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,443.60	
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		18,000.00	18,729.13
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Continental European Insurance Coalition, 815 Connecticut Ave., NW, Suite 900 Washington, DC 20006-4078			
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	640.05
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			48,197.34
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,187.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	12,500.00	
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	33,000.00	34.02
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	211.00
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	15,983.70	
Do	Biomagnetic Technologies	15,271.69	
Do	California League of Savings Institutions	825.00	
Do	County of Alameda	19,200.00	
Do	County of Merced	4,500.00	
Do	CALSTART	5,126.20	
Do	Dillon Development	7,500.00	
Do	Hazardous Waste Action Committee	5,355.16	
Do	International Bottled Water Assn	11,391.82	
Do	ICF International	9,176.59	
Do	Monarch Wine Company	2,250.00	
Do	ORINCON Corp	12,728.27	
Do	Pacific Mutual Life Insurance Company	8,492.67	
Do	San Diego State University Foundation	30,192.66	
Do	Santa Barbara Metropolitan Transit District	12,306.99	
Do	South West Marine	5,000.00	
Do	Westlands Water District	15,368.98	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,243.00	
Michael J. Copps, 1700 North Moore Street, #1600 Arlington, VA 22209	American Meat Institute	6,312.00	267.80
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404			
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	17,181.15	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First National Bank of Maryland	500.00	192.32
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,375.00	68.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,025.76	297.67
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	900.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		2,100.00	2,100.00
Council for Marketing & Opinion Reserach (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766	Council for Marketing & Opinion Research (CMOR)		
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		154,206.00	154,090.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,058.35
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Ad Hoc Coalition on Intermarket Coordination	1,437.50	12.00
Do	American Assn of Oral & Maxillofacial Surgeons	3,240.00	
Do	American PCS, L.P.	7,185.00	
Do	Anchorage Telephone Utility	3,962.00	
Do	Association of Maximum Service Television, Inc.	1,095.00	
Do	Attorneys Liability Assurance Society, Inc		
Do	Bacardi Corp	3,762.50	7.00
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Committee on Royalty Taxation	1,917.50	
Do	Consolidated Natural Gas Company		
Do	Council for Marketing & Opinion Research	1,075.00	375.00
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee		4.00
Do	International Business Machines Corp		
Do	Investment Company Institute	125.00	
Do	John E. Simon Trust	962.50	97.18
Do	John Hancock Mutual Life Insurance Co	1,815.00	
Do	Lutheran Brotherhood		
Do	National Football League		
Do	NationsBank Corp		
Do	Private Benefits Alliance		
Do	Public Broadcasting Service	82.50	
Do	Harry Shooster		
Do	State of Alabama, Dept of Human Resources Legal Office	1,875.00	
Do	State of California, Dept of Health Services		
Do	State of California, Dept of Social Services		
Do	State of Florida, Dept of Health & Rehabilitative Services		
Do	State of Georgia, Division of Family & Children's Services	6,250.00	
Do	State of Idaho, Dept of Health & Welfare		
Do	State of Illinois, Department of Public Aid (Food Stamp Act)	625.00	
Do	State of Illinois, Dept of Public Aid (Social Security Act)	2,525.00	
Do	State of Indiana		
Do	State of Kentucky, Dept of Social Insurance		
Do	State of Louisiana (Medicaid/QC)		
Do	State of Louisiana, Food Stamp Director		
Do	State of Maryland, Dept of Health Services		
Do	State of Missouri	1,625.00	
Do	State of Missouri, Dept of Social Services		
Do	State of Nebraska, Dept of Social Services		
Do	State of New Jersey		
Do	State of New Mexico	625.00	
Do	State of New York Bureau of Deferrals & Disallowances		
Do	State of New York, Dept of Social Services	6,250.00	
Do	State of Ohio, Dept of Human Services	5,625.00	
Do	State of Oklahoma (Food Stamp/QC)	634.50	
Do	State of Oklahoma (Medicaid/QC)		
Do	State of Rhode Island, Dept of Human Services		
Do	State of Washington Office of Analysis & Medical Review		
Do	State of Washington, Dept of Social & Health Services	1,562.50	
Do	State of West Virginia, Bureau of Human Resources		
Do	State of West Virginia, Office of Medical Services		
Do	State of Wisconsin, Dept of Health & Social Services	2,000.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,097.41	43.53
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	416.00	137.93
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	2,025.00	
W. Bruce Crain, 900 19th Street,NW Suite#400 Washington, DC 20006	Savings and Community Bankers of America	18,818.75	331.50
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	377.91
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	1,000.00	
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	12,000.00	314.25
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Cement Alliance, Inc	15,000.00	97.61
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	28.74
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	2,419.80	143.82
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004	U.S. Interactive Microwave Television Assn		
Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210		385.00	385.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers	17,382.54	40.00
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		1,272.45
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	2,681.25	36.00
Do	American Land Conservancy		
Do	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Canyon Resources Corp	550.00	8.00
Do	City of North Miami		
Do	Communications Satellite Corp		
Do	Cook Inlet Region, Inc		
Do	Eagle-Picher Industries, Inc	81.25	10.00
Do	Eli Lilly & Company	635.50	10.00
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	Independence Mining Company, Inc	6,943.75	44.00
Do	ICF International, Inc & Subsidiaries		
Do	L&F Products Group	70.00	
Do	Meridian Minerals Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	2,887.50	10.00
Do	National Risk Retention Assn		
Do	New York Life Insurance Co	275.00	
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	United Cities Gas Co		
Do	Western Governors' Assn		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		611.98
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	6,266.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	1,586.00	
Do	McCutchen Doyle Brown & Enersen (For:Clean Waer Ace Reauthorization Coalition).	29,894.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	14,196.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	1,534.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	19,604.00	
Do	McCutchen Doyle Brown & Enersen (For:Massachusetts Water Resources Authority).	25,038.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	7,748.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)	130.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Songwriters Guild of America	7,500.00	18.00
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
J. Courtney Cunningham, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	6,000.00	
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn	210.00	
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,000.00	163.00
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	2,000.00	
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	4,836.00	7,963.31
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
Norman E. D'Amours, 135 Chase Way Manchester, NH 03104	American Council of State Savings Supervisors		
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	16,860.00	1,849.39
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028		14,000.00	5,585.80
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:US Telephone Assn)		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,675.00	524.64
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	761.82
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	5,842.85	129.51
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	8,100.00	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	12.74
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	American Advertising Federation	545.83	108.52
Do	American Assn of Advertising Agencies	658.33	108.52
Do	Association of National Advertisers, Inc	545.83	108.52
Do	Caraustar Industries	78.75	15.36
Do	Direct Marketing Assn	545.83	108.52
Do	Dun & Bradstreet Corporation	1,183.50	22.60
Do	Field Container Corp	11.25	2.19
Do	Garden State Paper Company	33.75	6.58
Do	Grocery Manufacturers of America, Inc	545.83	108.52
Do	Halltown Paperboard Co	5.63	1.10
Do	Homedco	6,459.75	349.77
Do	Lincare	3,225.00	174.91
Do	Magazine Publishers of America	4,014.58	117.75
Do	Media General, Inc	1,275.00	
Do	Miller & Chevalier, Chtd	132.50	
Do	National Assn of Broadcasters	2,364.58	117.75
Do	Newark Group	106.88	20.85
Do	Newman & Company	5.63	1.10
Do	Newspaper Assn of America	1,727.08	117.75
Do	Rock-Tenn Company	84.38	16.45
Do	Sonoco Products Co	112.50	21.95
Do	Southeast Paper Manufacturing Co	67.50	13.17
Do	Waldorf Corp	50.60	9.88
Do	White Pigeon Paper Company	5.63	1.10
Do	Yellow Pages Publishers Assn	545.83	108.52
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	47.88	59.00
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,781.46	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,554.70	
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,123.92	177.00
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	386.24	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	157.50	
Do	Aircraft Owners & Pilots Assn	3,343.00	
Do	Alcoma Packing Company, Inc	700.00	
Do	American Automotive Leasing Assn	7,200.00	413.34
Do	American General Life Insurance Co	990.00	
Do	American Home Life Insurance Co	3,125.50	9.00
Do	American Horse Council	2,160.00	
Do	American Integrity Insurance Company		
Do	American Investors Life Insurance	1,200.00	
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.20	651.18
Do	Columbia Gas Development Corp	3,000.00	25.33
Do	Committee of Annuity Insurers	600.00	122.09
Do	Dresser Industries, Inc	100.00	
Do	First Penn-Pacific Life Insurance Co		
Do	Florida Power & Light	415.00	
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	218.83
Do	Hughes & Luce	2,607.50	
Do	James Graham Brown Foundation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Lincoln National Life Insurance Co	1,238.50	
Do	National Business Aircraft Assn	1,500.00	218.83
Do	National Cattlemen's Assn	900.00	
Do	National Lime Assn	3,000.00	
Do	Retired Lives Reserve Group	262.00	
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	129.01
Do	Underwriters of Lloyd's London		
Do	William H. Williams	3,000.00	139.73
Do	Worldspan	587.50	
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	650.00	13.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	1,800.00	43.00
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	American Honda Motor Co, Inc	943.00	11.50
Do	Seattle Times Company		
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	653.00
Leslie Dawson, 1901 L Street, NW, Suite 300 Washington, DC 20036	Savarese & Associates (For:National Assn for the Superconducting Super Collider).	4,000.00	
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	518.33
Michael P. Day, 101 North Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)		
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	2,696.00	380.63
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto International Assn	33.00	43.16
Do	Coalition of Automotive Assns	75.00	70.47
Do	Specialty Equipment Market Assn	303.00	330.03
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	13,975.00	2,235.16
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101			
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,090.00	
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	315.00	19.50
Do	New Jersey Turnpike Authority	2,047.50	131.60
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)	60.00	
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	4,502.50	91.00
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	1,888.00	
James A. Delaney, 9402 Lost Trail Way Potomac, MD 20854	American Society for the Prevention of Cruelty to Animals	1,264.00	1,400.00
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc		
Do	National Assn of Independent Insurers	22,500.00	5,060.01
Do	National Council of Business Advisors		
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	Bishop State Community College		
Do	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc	1,000.00	1,000.00
Do	Madison County Commission		
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute	2,000.00	
Do	General Atomics		
Do	Westinghouse Electric Corp		
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	357.27
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
Lane Denton, 610 Brazos, Suite 410 Austin, TX 78701	Texas Highway Patrol Assn		6,240.89
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	8,696.10	192.50
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	4,500.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	1,353.20
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	33.66	
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	SEMATECH		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	15.00
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas	1,813.00	
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,461.38
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,216.90	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	547.35
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	3,610.00	145.34
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments	3,750.00	162.50
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,628.18	201.11
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	4,333.50	1.80
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		679.75
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	1,500.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	6,203.77	
Do	Apple Computer Corp		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Cordova District Fishermen United, Inc		
Do	CoreSource	5,914.15	
Do	Electric Generation Assn	1,200.00	
Do	Federal National Mortgage Assn	946.88	
Do	Federated Cash Management Systems	6,000.00	
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	1,997.50	
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	2,256.25	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises	2,877.50	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute	600.00	
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	5,850.00	3,042.00
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)		
Do	Lumbermens Mutual Casualty Company	2,100.00	1,172.30
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		149,974.83	149,974.83
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Do	National Education Assn		
Vanessa Dixon, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	25.00	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann DiDonato, 2266 Chimney Ridge Road Madison, OH 44057	Centerior Energy	2,954.00	1,905.32
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For:Tom Gosnell)	4,550.00	345.50
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	1,942.50	20.00
Rose M. DiNapoli, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,500.00	30.00
Anna-Marie DiPasquale, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn		
Lucia DiVenere, 925 15th St., NW Washington, DC 20005	National Assn for Home Care	62.40	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	425.51
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	600.00	
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	488.78	48.00
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
John D. Doherty Jr., 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates, Inc (For:Olin Brass)	5,475.00	2,924.38
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	190.00	35.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	394.15	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	13,200.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc		
Do	Philip Morris Management Corpp	2,196.50	362.90
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	1,070.00	17.25
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)		
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J. P. Morgan and Co., Incorporated (parent company)	73.81	73.81
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
David L. Donovan, 1320 19th St., NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	77.10
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	2,602.50	223.30
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	142.50	
Do	Cerrell Associates, Inc (for Calif Indep Mortgage Brokers..)	1,387.50	
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	5,077.50	257.01
Do	New Jersey Turnpike Authority		
Do	Proctor & Gamble Mfg Co	285.00	8.00
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	90.00	
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	410.00	61.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	10,245.00	861.51
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		9,347.25
Do	Hercules Engine Co		6,330.84
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	1,186.95
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	6,720.00	80.00
Do	City of St. Paul	3,240.00	24.00
Do	Guam Commission on Self Determination	6,093.50	48.00
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc	637.50	8.00
Do	United HealthCare Corp	4,422.50	24.00
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	459.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	U.S. Surgical Corp	2,000.00	
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	118.60
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		2,357.57
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	99.22	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,899.12	63.84
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	126.37
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)		
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,468.00	
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	128.00	371.98
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	10,082.89	
Do	PHLCORP	18,000.00	117.47
Pamela J. Driver, 1250 Connecticut Ave., NW Washington, DC 20036	American Paperboard Packaging Environmental Council		
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	5,600.00	
Do	Anheuser-Busch Companies, Inc	800.00	
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation	4,960.00	
Do	Federal National Mortgage Assn		
Do	General Motors Corp	4,080.00	
Do	Goldman Sachs & Co	3,600.00	
Do	Healthcare Leadership Council	6,720.00	
Do	Monsanto Company	14,720.00	
Do	National Cable Television Assn, Inc	1,600.00	
Do	Shell Oil Company	5,120.00	
Do	United Air Lines, Inc	2,880.00	
Do	Warner Communications, Inc	11,760.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	2,500.00	
Ducheneaux Taylor & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Campo Band of Mission Indians		
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Crow Creek Sioux Tribe	400.00	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Intertribal Agricultural Council	150.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	Siletz Tribal Council	900.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Arianne M. Duddy, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	11.24
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	110.12
Trent D. Duffy, 700 11th Street, NW, Suite 710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc	100.98	
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action	1,406.25	
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	23,750.00	17.25
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	28.00
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	627.84
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	11,052.16	1,761.60
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William C. Dunning, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	798.68	324.10
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	700.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	17,810.00	387.20
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	267.12	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	950.00	
Do	Graham & James (For:National Assn of Dredging Contractors)		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America		
Do	American Healthcorp, Inc	8,535.46	652.51
Do	American Lithotripsy Society	8,366.60	412.81
Do	Atlantic Richfield Company	23,939.04	185.92
Do	ARCO Transportation Company	17,564.90	296.66
Do	Bay Area Renal Stone Center		
Do	Bender Shipbuilding & Repair Co, Inc		11.60
Do	BP America, Inc		1,058.57
Do	East Asiatic Company, et al.	2,597.59	
Do	Greek Shipping Cooperation Committee	26,250.00	595.89
Do	Heritage Surgical Corp		
Do	International Air Transport Assn (IATA)	10,933.55	
Do	Isolyser Company		
Do	JM Family Enterprises, Inc	4,397.34	97.19
Do	Liberty Maritime Corporation	122,363.85	4,525.26
Do	Medical Care International, Inc	6,347.45	484.61
Do	National Maritime Alliance, Inc		181.04
Do	National Steel & Shipbuilding Co	12,142.04	6.00
Do	Northstar Shipping, Inc		15.25
Do	Panhandle Eastern Corp		204.86
Do	Physician's Remedy, Inc	1,000.00	
Do	Praxis Community Healthcare Information		256.76
Do	Psychological Associates	6,002.42	835.43
Do	Radiation Care, Inc	31,249.05	649.71
Do	Riverview of Frankenmuth, Inc	5,198.05	6.92
Do	S.A.I.L., Inc		
Do	Shell Oil Co		248.54
Do	Surgical Care Affiliates, Inc	5,446.36	235.12
Do	T/2 Medical, Inc	28,826.54	403.93
Do	U.S. Naval Institute		5.13
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center		
Do	Comerica		
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	840.00	1,135.00
Do	Discovery Cruises, Inc		
Do	Ferris State University	885.00	
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)		
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center	2,712.50	
Do	Wayne State University	1,837.00	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Societe Nationale D'Etude et de Const de Moteurs D'Aviation		
Do	Sofreavia		
Do	Zenith Data Systems		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,000.00	
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	2,283.23
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	35.00
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	2,500.00	60.87
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20002			10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,400.00	
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Specialty Equipment Companies		
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		603.75	97,095.65
Christopher Edley Jr., Harvard Law School Cambridge, MA 02138	Covington & Burling		
Education Legislative Services, Inc, 5855 Stadium Way San Diego, CA 92122	Central California Legislative Consortium	1,250.00	208.48
Do	Fresno United School District	1,250.00	1,613.88
Do	Long Beach Unified School District	3,750.00	4,830.51
Do	Oakland Unified School District	3,200.00	4,121.25
Do	San Diego Unified School District	5,001.00	6,441.73
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,500.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn		
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	483.75	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	176.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Conrad Egan, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	NHP, Inc	5,000.00	40.00
Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007	Vietnam Veterans of America, Inc	13,587.00	194.53
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		2,289.84
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		695.71
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,191.29	162.97
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	110.00
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright & Tremaine (For:EG&G)		
Do	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		46.02
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	16,750.00	91.98
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	12,500.00	782.00
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes for the Aging		
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electric Generation Assn, 2715 M Street, NW, Suite 150 Washington, DC 20007		9,336.83	7,587.71
Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003			3,402.00
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,549.63
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		170.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	31.00	
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)	1,750.00	5,597.26
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	3,700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	10,438.50	98.71
Do	St. Charles County	11,250.00	11.68
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp	16.00	
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		38,323.92	26,773.46
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			711.16
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	595.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	1.31
Susan Emmer, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,125.00	674.00
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			3,910.39
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		5,850.00	
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		363.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
English First, 8001 Forbes Place, #102 Springfield, VA 22151		166,032.27	166,454.77
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	234.21
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	11,250.00	
Do	Southern California Edison Co	12,000.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	56,681.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Panhandle 2000	30,000.00	3,882.91
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	300.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	14,581.77	889.00
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Anita R. Estell, 1420 New York AVenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:MetaNetworks)	1,000.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	107.29
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	8,200.00	609.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	9,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Sarah Evans, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral, Psychological & Cognitive Science	127.70	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	7,200.00	
Do	Republic of Cyprus	22,000.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Edison Electric Institute		
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	5,200.00	91.11
Do	Zeneca, Inc		
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			1,461.35
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	Employee Relocation Council		
Do	National Cable Television Assn, Inc		
Do	Northrop Corp		
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		27.182.00	11,859.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001			
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	8,458.76
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		230,935.00	97,481.07
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	20,640.92
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	9,000.00	
Do	Central Utah Water Conservancy District	22,927.50	
Do	Clark County Nevada	17,597.25	
Do	Clark County Nevada-McCarran International Airport	15,607.50	
Do	Kirton McConkie & Poelman		
Do	Las Vegas Valley Water District	18,645.00	11.80
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	14,031.25	188.02
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	646.80	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	12,075.00	2,254.87
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,292.00	14.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		8,451.00	103,499.05
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			5,496.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		2,273.35	2,273.35
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		17,165.00	17,165.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		250.00	1,375.16
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			448.50
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	262.88
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		2,913.75
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,667.00	121.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,952.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,667.00	
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,135.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn		
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	200.00
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,000.00	1,105.12
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council		
Ferris State University, c/o Steven E. Stanley 901 South State Street Big Rapids, MI 49307-2295			885.00
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	13,021.86	7.25
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Fighting Apartheid Confrontation Transformation Systems, 209 Underwood St., NW Washington, DC 20012			
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	184.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,250.00	1,375.00
Linda D. Findlay, 1015 15th Street, NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	104.39	
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		
M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League		
First National Bank of Boston, 100 Federal St. Boston, MA 02110			1,821.59
H. David Fish, 5855 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	173.00	
Do	Education Legislative Services (For:Fresno Unified School District)	363.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)	1,087.00	
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	927.40	
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	1,449.60	
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	328.72	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Martha Fisher, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	7,725.00	
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
George R. Fister, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	191.80	10.00
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		2,847.00
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	230.00
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	295.05
Linda Doorfee Flaherty, 1129 20th Street, NW, Suite 200 Washington, DC 20036	Greater Washington Board of Trade	8,335.00	400.00
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	1,536.00	
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	30,000.00	1,112.36
Do	American Optometric Assn	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Association of American Railroads	24,999.99	
Do	Baxter Healthcare Corp	90,000.00	2,255.32
Do	Children's Hospital Medical Center of Northern California	30,000.00	223.35
Do	Douglas Clark	12,000.00	235.99
Do	Clark Oil and Refinery Corporation		
Do	Farmers Mutual Fire Insurance Co of Okarche		
Do	Global Communications Consultants	18,000.00	
Do	Hispanic Business	5,000.00	156.15
Do	Institute of Scrap Recycling Industries	12,000.00	
Do	International Sleep Products Assn		24.00
Do	Levi Strauss & Company	45,000.00	
Do	Litton Computer Services	25,000.00	220.83
Do	Marazul Charters	45,000.00	728.09
Do	MasterCard International	24,000.00	
Do	McDonnell Douglas		
Do	Merco Consultants	12,000.00	
Do	Minot Area Development Corp	13,500.00	
Do	National Assn of Business & Education Ratio	9,663.00	
Do	National Auctioneers Assn	22,500.00	185.98
Do	National Collegiate Athletic Assn (NCAA)	4,188.00	
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	2,960.00
Do	Nintendo of America, Inc	29,052.50	302.95
Do	Novell, Inc	27,500.00	410.93
Do	People's Electric Cooperative	7,500.00	
Do	Pharmaceutical Coalition (Sandoz)	8,305.00	
Do	Public Broadcasting Service	12,500.00	
Do	Safe Tire Disposal Corporation	24,000.00	124.49
Do	Sony Corp of America	60,000.00	
Do	St. Louis NFL Partnership		
Do	Syva Company	28,000.00	
Do	Third District Industrial Development Initiative Fund	7,500.00	
Do	Wackenhut Educational Services	18,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Lynne M. Fletcher, 1700 Pennsylvania Avenue, NW, #950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	54.00
Nancy J. Fletcher, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc	20,000.00	325.61
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	RF Flippo & Associates, Inc (For:Ad Hoc Coalition to Preserve Stock-for-Debt Exception).	6,000.00	
Do	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	RG Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:Reynolds Metal Co)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	RG Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	100.00
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	4,340.00	398.00
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	454.30
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers	1,355.00	9.00
Do	Global Technology Systems, Inc		1,450.00
Do	Real Estate Services Providers Council		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,778.00	16,778.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			3,950.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	62.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			8,998.60
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	246.00	38.00
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.		
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		430.00
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		430.00
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	19,900.00	753.27
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	3,451.00	10.00
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Nancy E. Foster, 1300 L Street, NW, Suite 950 Washington, DC 20005-4107	American Dietetic Assn	1,000.00	
Foundation for Environmental & Economic Progress, 1350 I Street, NW, Suite 700 Washington, DC 20005		31,250.00	40,819.81
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine	7,687.50	1,844.39
Do	AT&T	12,000.00	2,866.89
Do	Chem-Nuclear Systems, Inc	4,406.25	1,472.97
Do	Greenwood Development Corp	11,830.00	3,910.10
Alissa T. Fox, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,949.00	803.01
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,000.00	771.00
Mary E. Fox-Grimm, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	326.45
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,140.00	
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)		
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort Development Assn	1,500.00	
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	712.40
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	378.00
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		38.19
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,500.00	
Do	Montgomery Ward & Co, Inc	235.00	
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	130.00	5.02
Do	Lonza, Inc	593.50	73.35
Do	Virgin Islands Rum Industries, Ltd	2,450.00	
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)	216.25	
James M. Friedman, 1100 Citizens Bldg. Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc		
Friends of NIDCD, Inc, 262 Pennsylvania Avenue Freeport, NY 11520		1,825.00	6,069.70
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	8.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		600.00
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Association	1,667.00	545.80
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	30.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	994.30
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	5,250.00	7,918.00
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	2,422.00	22.77
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Daniel J. Funsch, P.O. Box 7613 Missoula, MT 59807	Alliance for the Wild Rockies, Inc	250.00	50.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,067.50	
Furman Group, 818 Connecticut Ave., NW, #818 Washington, DC 20006	Basic Management, Inc		
Do	Central Basin Municipal Water District	7,500.00	250.00
Do	Central Utah Water Conservancy District	15,000.00	220.57
Do	Kamm & Associtės, Ltd	12,000.00	200.00
Do	Las Virgenes Municipal Water District	15,000.00	1,163.00
Do	Upper San Gabriel Municipal Water District	6,000.00	150.00
Do	West Basin Municipal Water District	37,500.00	306.84
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System		
Do	National Coalition of Burn Center Hospitals		
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	9,000.00	
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,254.94	
William C. Gager, 4401 Fair Lakes Court, #210 Fairfax, VA 22033-3805	Automotive Parts Rebuilders Assn	500.00	76.20
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	2,000.00	
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute	449.04	9.50
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Composite Fabrication Assn		
Do	Mobile Industrial Caterers Assn		
Do	National Assn of Theatre Owners		
Do	Textile Rental Services Assn of America		
Kathleene E. Gallegos, 1925 N. Lynn Street., #502 Arlington, VA 22209	Global Environmental Solutions	1,000.00	
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey	500.00	27.21
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	10,564.00	42.00
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	4,912.50	
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	7,081.00	20.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	23.34
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Gardner Carton & Douglas, 1301 K Street, NW #900 East Tower Washington, DC 20005	Adventist Health System/Sunbelt Hospital System	105.00	434.31
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Sara G. Garland, 312 Massachusetts Avenue, NE Washington, DC 20002	Association of America's Public Television Stations		1,500.00
Do	Children's Television Workshop	7,326.00	19.20
Do	Earth Sciences & Resources Institute	2,000.00	1,505.20
Do	Prairie Public Broadcasting, Inc	1,500.00	9.50
Do	Red River Trade Corridor		5.20
Do	Swope Parkway Health Center		60.58
Do	University of North Dakota	10,800.00	208.46
Anthony Garrett, 150 andover San Francisco, CA 94105-1611	Citizens for Reliable and Safe Highways (CRASH)	585.00	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	7,350.00	252.40
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,050.00	732.68
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Patrick J. Garver, 201 South Main Street, #1800 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)	3,000.00	2,000.00
Do	Parsons Behle & Latimer (For:Barrick Resources USA, Inc)	3,000.00	2,000.00
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	1,153.09	
Do	George Gabriel		
Do	Interocean Management Company		
Do	J & B Management Company	5,099.94	
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities		
Do	Totem Ocean Trailer Express, Inc	37,640.63	
Do	USX	3,430.31	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209		3,536.13	1,202.21
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	100.00
Philip Gasteyer, 900 19th Street,NW Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores		
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,600.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		25,640.11	25,640.11
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	3,000.00	1,611.04
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,282.00	155.96
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	1,253.34
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	100.00	
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	345.25
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	45.87
Alvin J. Geske, 888 17th Street, NW, Suite 820 Washington, DC 20006	Renewable Fuels Assn	340.00	
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform	1,500.00	261.38
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,671.00	
Giauque Crockett & Bendinger, 500 Kearns Building 136 South Main Salt Lake City, UT 84101	Intermountain Health Care, Inc		
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	2,500.00	
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	750.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	6,090.00	43.99
Judy Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,075.00	
Michael Gill, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	3,284.74	164.08
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,300.00	102.42
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	1,298.74
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		2,314.73
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	263.90	924.28
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	20,235.00	
Do	Pacific Lumber & Shipping Co	1,700.00	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,150.00	13.23

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:All Alaskan Seafoods. Inc)	1,575.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:Ocean Shipholdings, Inc)	1,125.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	
Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920	Brother Industries (USA), Inc		
Do	Brother International Corporation		
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	8,000.00	286.11
Do	Firearms Training Systems, Inc	10,000.00	354.23
Do	Lockheed Corporation	12,000.00	435.98
Do	Oglethorpe Power Corp	8,000.00	286.11
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	244.00
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			3,558.85
Angela Giroux, 1320 19th Street, NW, Suite 300 Washington, DC 20036	Assn of Independent Television Stations, Inc	250.00	
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	585.00	9.00
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	1,279.58
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		54.00
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd		
Do	Sage Alerting Systems, Inc		
Do	South Louisiana Port Commission		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,470.00	
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	167.00	
Donald G. Goff, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	6,416.76	
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Amercan College of Cardiology	4,500.00	2,540.00
Do	American Academy of Dermatology	12,000.00	2,540.00
Do	American Academy of Ophthalmology	9,914.00	2,540.00
Do	American Mental Health Counselors Assn	4,000.00	2,292.00
Do	Beretta U.S.A. Corp	14,400.00	2,540.00
Do	Caremark, Inc	10,000.00	2,540.00
Do	Chemical Manufacturers Assn, Inc	555.00	2,438.00
Do	Coca Cola Company	7,200.00	2,634.00
Do	College of American Pathologists	4,000.00	2,540.00
Do	County of Fairfax, Board of Supervisors	7,380.00	2,240.00
Do	Electronic Data Systems Corp	5,250.00	2,438.00
Do	Equitable Life Assurance Society of the U.S.		2,240.00
Do	Eye Bank Assn of America	3,257.00	2,513.00
Do	Federated Investors, Inc	15,000.00	2,540.00
Do	Fiat, U.S.A., Inc	6,400.00	2,540.00
Do	Ford Motor Co		2,240.00
Do	Genentech, Inc	16,000.00	2,540.00
Do	Global Excess Re, Inc	5,000.00	2,375.00
Do	Hopi Tribe	25,920.00	2,240.00
Do	International Council of Shopping Centers	15,000.00	2,240.00
Do	Investment Company Institute	1,994.00	2,526.00
Do	Kidder Peabody & Co	5,000.00	
Do	LEGI-SLATE		2,240.00
Do	Mutual Of Omaha	4,000.00	2,540.00
Do	MAPCO, Inc	13,500.00	2,240.00
Do	MCI Communications Corp	14,700.00	2,540.00
Do	National Football League	9,723.00	2,590.00
Do	National Restaurant Assn	39,000.00	2,590.00
Do	National School Transportation Assn	4,500.00	2,540.00
Do	Nestle USA, INC	2,400.00	2,540.00
Do	Pacific Enterprises	15,000.00	2,540.00
Do	Pennzoil Co	4,000.00	2,540.00
Do	Philip Morris Co	35,000.00	2,540.00
Do	Regional Transportation District	8,000.00	2,240.00
Do	Salomon Brothers, Inc	4,435.00	2,540.00
Do	Thomson-CSF, Inc	17,235.00	2,540.00
Do	Thunder Child Veterans Administration Hospital	1,000.00	2,367.00
Do	Times Mirror Co	3,960.00	2,540.00
Do	Washington Metropolitan Area Transit Authority	11,000.00	2,240.00
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	830.77	4.00
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			6,050.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,950.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc		
Do	Nike, Inc		
Do	Southern Pacific Transportation Co		
Do	U.S. Generating		
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	40.00
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	2,254.31
James L. Good, 1725 K Street, NW, Suite 1212 Washington, DC 20006	National Assn of Water Companies	34.62	9.00
Larry I. Good, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)		
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	375.00	281.67
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,750.00	
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	5,890.31
Do	Export Processors Industry Coalition (EPIC)	3,000.00	2,270.08
Do	Iowa Pork Producers Assn	2,500.00	3,184.27
Do	National Sunflower Assn	7,500.00	4,838.20
Do	U.S. Canola Association	9,000.00	3,373.90
Anna Pegler Gordon, 2030 M Street, NW, Washington, DC 20036	Common Cause	4,004.00	
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	838.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	10,000.00	1,400.00
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	20,488.72	76.65
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	8.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Edward J. Gorman III, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,911.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	100.00	1,471.01
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		460.21
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,750.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Ed Graves & Associates (For:Brickfield Burchette & Ritts)		
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)		
Do	CBI Sugar Group	500.00	
Do	Ed Graves & Associates (For:Emerald Resources, Inc)		
Do	Furman Group		
Do	McAuliffe, Kelly & Raffaelli		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Capitoline International Grouo, Ltd (For:MCI Communications Corp)		
Do	Ed Graves & Asociates (For:OPEDA)	843.75	
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn of America).		
Do	Republic of Azerbaijan	218.75	
Do	South Dade Land Corp	1,200.00	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW Washington, DC 20005	IBM	538.59	148.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	1,973.27
Neil A. Gray, 1776 Massachusetts Ave., NW, #500 Washington, DC 20036-1993	Highway Users Federation	1,455.00	45.00
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	2,160.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		200.00	200.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	412.44
Deborah Green, 610 W. 110th Street #7C New York, NY 10025	Americans United with the Congolese People (For:Ross & Green)	39,500.00	31,930.15
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	362.59
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	502.31
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	7,500.00	1,682.91
Do	DARE AMERICA	2,500.00	559.35
Do	National Center for Missing & Exploited Children	7,500.00	1,682.91
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc	3,000.00	
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	500.00	500.00
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,010.00	92.41
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Richard Grefe, 6352 31st Place, NW Washington, DC 20015	America's Public Television Stations		8.00
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	900.00	34.86
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	129.82
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 fPenfnsylvania Ave., NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,062.00	117.44
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	5,750.00	184.00
Do	American Nuclear Energy Council	8,750.00	236.00
Do	American Petroleum Institute	5,000.00	160.00
Do	American Psychological Assn	5,000.00	160.00
Do	American Red Cross	5,000.00	160.00
Do	Appalachian Coalbed Methane Assn	13,750.00	440.00
Do	Arthur Andersen & Co	5,000.00	160.00
Do	Blue Cross & Blue Shield Assn	1,500.00	48.00
Do	Central and South West Services, Inc	2,750.00	88.00
Do	City of Broomfield, CO		
Do	Coal Industry Health Protection Coalition	7,750.00	248.00
Do	Coopers & Lybrand, et al.	13,500.00	432.00
Do	Council for Marketing & Opinion Research	5,250.00	168.00
Do	Council of Smaller Enterprises (COSE)	5,000.00	160.00
Do	CBS, Inc	3,750.00	120.00
Do	COMSAT Corp	1,750.00	56.00
Do	Delta Dental Plans Assn	10,750.00	344.00
Do	Fireman's Fund Insurance Cos	2,000.00	64.00
Do	Fluor Corp	4,250.00	136.00
Do	Galileo International	750.00	24.00
Do	General Atomics	4,000.00	128.00
Do	Grumman Corporation	1,250.00	40.00
Do	Halliburton NUS Environmental Corporation	3,000.00	96.00
Do	Heartland Health Systems	1,500.00	48.00
Do	Hong Kong Trade Development Council	250.00	8.00
Do	Human Rights Campaign Fund	750.00	24.00
Do	Martin Marietta Corp	6,250.00	200.00
Do	McCaw Cellular Communications, Inc	5,250.00	168.00
Do	Merck & Co, Inc	2,000.00	64.00
Do	Motorcycle Industry Council, Inc		
Do	National Coalition of Burn Center Hospitals		
Do	National Football League	1,000.00	32.00
Do	National Independent Energy Producers	8,750.00	280.00
Do	National Music Publishers Assn, Inc	4,000.00	128.00
Do	Natural Disaster Coalition	11,250.00	360.00
Do	Precision Co	1,500.00	48.00
Do	Primerica Corp	7,750.00	248.00
Do	Software Productivity Consortium	2,500.00	80.00
Do	Tobacco Institute	3,250.00	104.00
Do	Waste Management, Inc	5,000.00	160.00
Do	Yale-New Haven Hospital	4,750.00	152.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co	115.00	421.53
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	146.97
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology	790.00	153.70
Do	American Society of Hematology	1,790.00	163.00
Do	Cooley's Anemia Foundation	800.00	140.70
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	Guerra & Associates, Inc (For:Mexican Dept of Commerce & Industrial Development).	73,858.23	7,257.14

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	94.50
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)	85.00	
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	500.00	60.00
Do	Marine Shale Processors, Inc	1,000.00	70.00
Do	McDermott, Inc	1,000.00	120.00
Do	Walk Haydel & Associates, Inc	1,000.00	100.00
Deborah H. Gum, 9167 Stevens Ct. Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		134,194.69	151,097.10
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	2,908.10
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	13,972.20	3,559.05
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation		
Sherry J. Haber, 1821 Michael Faraday Dr., #400 Reston, VA 22090	National Wholesale Druggists' Assn		
Hackard & Holt, 3620 American River Drive, Suite 125 Sacramento, CA 95864	Hillman Properties		
Do	National Clay Pipe Institute	10,000.00	6,288.52
Hackard & Taylor, 1435 River Park Drive, Suite 300 Sacramento, CA 95815	Hillman Properties West, Inc	30,750.00	
Do	National Clay Pipe Institute		
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	232.46
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	92.00	95.31
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	6,250.00	6,372.23
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc	365.20	1,198.16
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
John F. Haifley, 1440 New York Avenue, NW,#200 Washington, DC 20005	American Automobile Assn		
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	EuroColumbus	10,433.25	10.00
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports and Security Assistance (ALESA)	2,100.00	32.49
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	339.66	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,067.01
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Harcourt Brace & Co	513.00	20.00
Do	Intra-Sonix	57.00	39.20
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	4,620.00	
Do	Northeastern University	855.00	58.00
Do	Park Electrochemical Corp	3,526.00	102.40
Do	Psychological Corp	5,956.50	308.31
Do	Thinking Machines Corp	199.50	39.60
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	800.00	
Anne Hall, 100 East Broad Street Columbus, OH 43271-0157	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,305.30
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	177.50	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,548.40
Lawrie Platt Hall, 3175 North Orange Blossom Trail Kissimmee, FL 34744	Dart Industries, Inc		25.00
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert P. Hall, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	5,000.00	240.10
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #402 Washington, DC 20003	San Diego Gas & Electric	3,437.00	2,770.97
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		215.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	509.51
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic	5,053.50	
Do	NYNEX	5,811.50	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	6,000.00	202.60
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	560.00	1,047.00
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,832.00	
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	179.88	
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,600.00	529.25
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.	8,687.50	1,246.84
Do	Silver Dollar City, Inc	20,000.00	78.38
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	972.17
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,318.88	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	695.83	
Do	Hazardous Waste Action Coalition	891.25	
Do	Ingalls Shipbuilding	870.38	
Do	Northrop Corp	1,441.65	
Do	Teledyne Industries, Inc	880.00	
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,172.00	305.13
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn	150.00	
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	8,749.98	209.47
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	6,000.00	
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		149.30
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	198.21
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,286.00	2,644.01
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn		
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	358.61
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	4,789.00	
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	967.50	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	660.00	321.37
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	5,000.00	151.60
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	7,000.00	3,000.00
Marilyn A. Harris, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation	150.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc	400.00	21.25
Do	Coalition of Food Importers Assn	960.00	4.50
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs		
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	460.00	4,661.39
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	3,000.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	687.50	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc	6,160.00	
Do	Gamma of Illinois, Inc		
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,241.36	
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	671.53
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Donald F. Haskell Jr., 400 Christiana Road Newark, DE 19713	MBNA America Bank, NA	134.00	
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	250.25	96.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,659.37
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	3,000.00	73.49
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	600.00	50.00
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	12,121.43
Do	Pharmaceutical Manufacturers Assn	21,000.00	
Hawkins Delafield & Wood, 1850 M Street, NW, Suite 540 Washington, DC 20036	Mortgage Bankers Assn	28,250.00	3,818.97
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	393.50	
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)	49.50	1.70
Do	Latham & Watkins (For:American Electronics Assn)	5,276.50	23.64
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	1,744.12	27.78
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists	5,000.00	32.72
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	509.20
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	42,680.00	588.49
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	401.20	9.48
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			933.98
Healthcare Leadership Council, 1500 K Street, NW, Suite 360 Washington, DC 20005			
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,450.00	27.00
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	200.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
Mary B. Heath, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Frank Russell Co)		
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	57.50
Timothy P. Hecht, 499 South Capitol Street, SW Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems Inc.		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Atomatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems, Inc		
Do	Hecht Spencer & Associates (For:IEMCA)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Digitran Systems Inc.		
Do	International Electronics Manufacturers & Consumers of Am		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn	1,000.00	
Do	Charles E. Smith Management, Inc	3,000.00	
James B. Hedlund, 1320 19th St., NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	1,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,322.54	
Claire Heffernan, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	17,897.42	
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	76.25
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	25,982.32	324.00
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,045.00	
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	108.12
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		222.92
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,419.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	1,081.00
Wallace Henderson, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		804.92
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	416.00	
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	12,000.00	4,695.90
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,535.00	68.47
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Michael D. Herman, 2000 M Street, NW Washington, DC 20036	Graham & James (For:RR Donnelley & Sons Company)		
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		64.41
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		6,569.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Davis S. Hess		6,560.67
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	402.28	
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	292.24
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	4,702.89
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc		
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,185.00	
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	500.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	84.14	233.84
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,229.00
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,300.00	4,253.21
Susan L. Hildenbrandt, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,875.00	145.18
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	73.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,560.00	253.79
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Blue Cross Blue Shield of Florida		
Do	Broward County	960.00	
Do	Carpet & Rug Institute		
Do	Colorado State University		
Do	Fujisawa/Lyphomed		
Do	Healthcare Leadership Council	500.00	
Do	Louisiana Pacific	2,500.00	
Do	McAndrews & Forbes Holding, Inc		
Do	Phillips Petroleum Company		
Do	Port Everglades	960.00	
Do	Republic of Turkey	250.00	
Do	Sallie Mae		
Do	Stelco, Inc		
Do	Tera Computer Company		
Do	TV Answer, Inc	35,650.00	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	11,467.50	381.18
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	33.66	
Sheila E. Hixson, 1730 Rhode Island Avenue, NW, Suit. 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	2,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Aroostook Band of Micmacs	100.00	
Do	Evergreen Legal Services	1,080.00	
Do	Menominee Indian Tribe	100.00	
Do	Narragansett Indian Tribe		
Do	National Indian Education Assn	280.00	
Do	National Minority Public Broadcasting Consortia	360.00	
Do	Northwest Indian Child Welfare Assn	70.00	
Do	Pueblo de Cochiti	200.00	
Do	Seminole Tribe of Florida		
Do	Three Affiliates Tribes of the Fort Berthold Reservation		
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		59.00
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,000.00	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	11,269.25	264.24
A.R. 'Trey' Hodgkins III, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,137.03	588.34
Mary Jo Hoeksema, 519 C Street, NE Washington, DC 20002	National Assn for Home Care		
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	12,675.00	423.93
Judith L. Hoffman, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		219.00
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	11,175.73
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences		907.98
Do	Alabama Contractors Coalition	6,435.00	824.75
Do	American Academy of Pediatrics	260.00	7.50
Do	American Coke & Coal Chemicals Institute		
Do	American College of Osteopathic Surgeons		
Do	American Frozen Food Institute		
Do	American Physical Therapy Assn		
Do	American Registry of Pathology		45.37
Do	Amgen, Inc	14,126.25	121.00
Do	Ansell	50.00	
Do	Auburn University	12,118.68	1,072.70
Do	B.P. America, Inc		
Do	Berg Steel Pipe Corp	1,126.25	4.00
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn		
Do	Brother International Corp	12,454.98	2,060.09
Do	Burger King Corp	14,420.00	317.21
Do	BE&K Construction		
Do	C C Distributors, Inc, et al.		
Do	California State Teachers Retirement System	4,542.50	
Do	Cholestech Corp	4,237.50	332.31
Do	Computer & Business Equipment Manufacturers Assn		
Do	Drummond Company, Inc	56,308.75	2,186.69
Do	Ductile Iron Pipe Research Assn		
Do	Farm Credit Bank of Baltimore	15,000.00	706.55
Do	Farm Credit Bank of Texas	12,137.50	1,404.52
Do	Freightliner Corp		
Do	Genentech, Inc		8.50
Do	General Electric Co	3,898.75	283.80
Do	General Mills, Inc	4,512.50	453.37
Do	Glaxo, Inc	210.00	
Do	Government of Haiti	137,550.00	9,083.19
Do	Grand Metropolitan	15,000.00	953.97
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	11,957.64	1,449.79
Do	Gulf Citrus Growers Assn	12,499.98	1,901.47
Do	Harbert Corp	79,115.00	1,554.23
Do	Hardie-Tynes Mfg Company	4,120.00	289.96
Do	Humane Society of the United States		84.31
Do	Infectious Diseases Society of America, Inc	2,402.50	28.00
Do	Intergraph Corp		
Do	JKC Stadium, Inc		
Do	May Department Stores Co	4,601.25	
Do	Medtronic, Inc	6,765.00	
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	37,432.50	6,458.67
Do	Michigan Consolidated Gas Co	15,079.06	650.40
Do	Mortgage Insurance Companies of America	23,000.00	1,578.65
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	20,580.00	940.86
Do	National Assn of Community Health Centers		
Do	National Broiler Council		
Do	National Child Care Assn	9,000.00	910.81
Do	National Consumer Bankruptcy Coalition	14,000.00	1,902.26
Do	National Hospice Organization	1,058.25	
Do	National Osteoporosis Foundation	36,955.95	238.85
Do	National Structured Settlements Trade Assn		
Do	National Tissue Bank Council		
Do	New York Assn of Homes & Services for the Aging		
Do	New York State Health Facilities Assn, Inc		
Do	Nuexco Trading Corp, et al.		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	PepsiCo, Inc	8,699.40	1,116.21
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	22,372.50	1,791.30

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Private Child Care Providers	24,000.21	1,230.09
Do	Product Liability Coordination Committee	30,000.00	2,071.51
Do	Rust Engineering	30,000.00	1,944.69
Do	Sierra Forest Products	4,116.25	155.20
Do	Soap & Detergent Assn	26,551.25	1,165.58
Do	Society of Critical Care Medicine		
Do	Southeast Peanut Assn	7,500.00	230.12
Do	Southern Company Services	40,000.00	4,748.77
Do	Storage Technology Corp		
Do	Tektronix, Inc		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc		
Do	United States Sugar Corp	7,765.00	1,070.20
Do	Visiting Nurse Service of New York		
Do	Vulcan Materials Company	40,000.00	3,591.07
Do	Jim Walter Corp	9,000.00	3,375.54
Do	Williams Telecommunications	37,036.25	1,249.37
Do	XXSYS Technologies,Inc		
Linda M. Hoggatt, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)	787.50	
Do	Oneida Indian Nation		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	800.00
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Life Resources Corp	1,030.00	
Do	Homestead Community Bank	1,000.00	
Do	International Taxicab & Livery Assn	400.00	
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority	690.00	
Do	United Bus Owners of America	17,500.00	
Do	VITAS HealthCare Corp of Florida	3,450.00	
Brant Patrick Hollenkamp, 517 Second Street, NE Washington, DC 20002	David Turch & Associates	2,200.00	
Jessica J. Holliday, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Co, Inc		227.46
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,432.40	1,638.34
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Stewart E. Holm, 1875 Eye Street, NW, Suite 775 Washington, DC 20006	Georgia-Pacific Corp	500.00	
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	35.50
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		25,000.00	24,610.69
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Jocelyn Hong & Associates, 207 Pennsylvania Ave., SE, #2 Washington, DC 20003	Organization Opposed to the Supercollider	18,000.00	531.35
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	2,577.20	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	American Waterways Operators	11,375.00	
Do	Arkla, Inc	7,800.00	
Do	Cap Rock Electric Cooperative, Inc	750.00	
Do	Catellus		
Do	City of San Francisco (Water & Power Div)	10,545.00	
Do	CSX/Yukon Pacific Corp	3,600.00	
Do	Destec Energy, Inc	1,582.00	
Do	Ebasco Services	5,400.00	
Do	Entergy Corp	7,500.00	
Do	Ewing Kauffman Foundation	7,135.00	
Do	ENSERCH Corp	1,500.00	
Do	ENSERCH Exploration	1,500.00	
Do	Fluor Corp		
Do	Goldstrike Mine	8,625.00	
Do	Guadalupe Valley Electric Cooperative, Inc	1,500.00	
Do	Hallmark Cards	4,687.00	
Do	Herzog Heine Gedold, Inc		
Do	Hubbell, Inc	7,500.00	
Do	Integrated Resources Group, Inc	5,250.00	
Do	Integrated Waste Services Assn	3,150.00	
Do	International Paper Co	7,500.00	
Do	IFINT, S.A	3,000.00	
Do	Jena Bank of Choctaw		
Do	John Hancock Mutual Life Ins Co	15,000.00	
Do	Kansas City Southern Industries	5,000.00	
Do	Mobil Corp	9,413.00	
Do	National Assn of Royalty Owners	625.00	
Do	National Rural Letter Carriers' Assn		
Do	Panhandle Eastern Corp	22,200.00	
Do	Pennsylvania Engineering Co	4,506.00	
Do	Phlcorp	9,369.00	
Do	Science Applications Intern COrp	11,250.00	
Do	Trammell Crow Co		
Do	Tulane University	2,400.00	
Do	TECO Energy, Inc	7,580.00	
Do	Ultramar, Inc	5,500.00	
Do	United Asset Management		
Do	Utilicorp United, Inc	3,000.00	
Do	Water Island Civic Assn		
Do	WMX Technology & Services	5,490.00	
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,250.00	52.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	SpaceCause	630.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,000.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	1,012.50	194.83
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Cook Inlet Region, Inc	1,890.00	
Do	Geonex Corp	1,518.75	
Do	Grand Trunk Corp	980.00	
Do	Puerto Rico Bankers Assn	24,000.00	125.00
Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,700.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	11,243.00	302.92
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,199.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	40.00
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Charles H. Hossack, 50 South First aVenue Coatesville, PA 19320	Lukens, Inc	364.00	239.00
Peggy A. Houlihan, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	19,650.00	93.35
Do	Western-Southern Life Insurance Co	2,625.00	150.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,574.70	2,530.74
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	4,613.76	
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,900.50	
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	7,000.00	
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	9,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	6,250.00	306.24
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	Brown & Williamson Tobacco Co	36,000.00	1,200.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,500.00	487.87
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University	1,000.00	
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J. Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc	12,000.00	768.73
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	875.00	13.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc	500.00	1,375.67
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	13,950.00	
B. Jeanine Hull, 1667 K Street N.W. #585 Washington, DC 20006	LG&E Power Systems, Inc	10,000.00	
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	8,447.50	868.50
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	25,050.24	64.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	10,725.00	9.00
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	2,782.99
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,486.03	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,470.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy (ALC)	365.82	3,381.68
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,155.26	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	9,499.98	
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Case Management Society of America)		
Do	Bailey & Robinson (For:Unisys Corp)		
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	4,400.00	104.00
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	271.22
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc		200.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	37.34
Lindalyn L. Hutter, 1605 King Street Alexandria, VA 22314-2792	National Assn of Convenience Stores		
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,343.14	886.57
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	1,200.00	
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,853.47
Torbjorn Ihre, 1634 I Street, NW ard Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Immigration Services Associates, 211 Wilson Boulevard, #850 Arlington, VA 22201-3008	Professionals for Spouse Reunification	348.00	5.78
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		1,549.00	1,549.00
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		71,068.00	71,068.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		1,412.50	1,412.50
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		5,000.00	164.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,060.00	224.61
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U. S. Chamber of Commerce	650.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,464.96	
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			28,706.59
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		143,537.14	143,537.14
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	21,883.00
International Advisory Services Group, 2550 M Street, NW, Suite 275 Washington, DC 20037	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		22,992.60	36,983.66
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			49,276.14
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	825.00	274.43
Do	Fashion Accessories Shippers Assn	4,315.50	60.85
Do	Hercules, Inc	1,006.25	
Do	Procter & Gamble	1,125.00	363.00
Do	Totes, Inc		
Do	Uniroyal Chemical Company, Inc	3,412.50	60.85
Do	USR Optonix, Inc		
Do	Wine Institute	17,213.69	275.28
Do	Xerox Corp	1,350.00	233.67
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		22,141.48	22,141.48
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			61,492.93
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,123.00
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	554.30
Investment Company Institute, 1600 M St., NW Washington, DC 20036			30,968.83
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,600.00	1,540.57
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washingon,, DC 20004	Tenneco, Inc	1,750.00	139.00
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		7,533.95	9,461.99
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,668.89	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006	Americans for Democratic Action	14,056.86	
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	393.75	
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers & Consumers of Amer.).	350.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	300.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		386.73
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)		
Dennis J. Jackman, 1700 Pennsylvania Ave., NW, Suite 950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	102.04
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	4,086.00	
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	832.03
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	153.75	
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	23,943.00	9,199.61
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	317.04
Jaffe, Raitt, Heur & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,525.00	101.10
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia Communications		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas M. James, 818 Connecticut Ave., NW, Suite 1020 Washington, DC 20006	Furman Group	5,000.00	406.46
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	50,932.50	36,927.24
Cy Jamison, 1101 30th Street, NW, Suite 300 Washington, DC 20007	Sodak Gaming, Inc	2,000.00	
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,675.00	1,675.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		8,617.00	14,940.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Richard B. Jarman, 1776 Eye Street, NW, #S-1050 Washington, DC 20007	Eastman Kodak Co	300.00	18.00
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn, Inc		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	884.00	
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Alliance for Corporate Growth		
Do	American Maritime Congress		
Do	Bell Atlantic		
Do	Council on Constortia		
Do	Crompton & Knowles		
Do	Currituck County-Outer Banks		
Do	COBIA		
Do	First Hospital Corp		
Do	Health Plus, Inc		
Do	Healthsource, Inc		
Do	ISEA Warning Labels		
Do	(For:Keystone Health Plan East, Inc)		
Do	Latin American Management Assn (LAMA)		
Do	Novo Nordisk		
Do	REN Corporation		
Do	Smith Corona		
Do	Torrington Company		
Do	Western Ohio Health Care Corp		
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	300.00	
Do	Rotary Power International, Inc	200.00	
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	8,054.55	378.24
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		2,803.45
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
Do	Compressed Gas Assn/Industrial Gas Manufacturers Council		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	283.00	
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	2,400.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	102.00	
Do	Arter & Hadden (For:Citicorp)	280.50	
Do	Arter & Hadden (For:Electronic Data Systems)		
Do	Arter & Hadden (For:Mesa Petroleum)		
Do	Arter & Hadden (For:National Assn of Broadcasters)	400.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:United Services Automobile Assn)	127.50	
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,700.00	303.43
Susan E. Johnson, 2000 Pennsylvania Avenue, NW, #3100 Washington, DC 20006	Coldwell Banker Real Estate Group		
Johnson & Gibbs, P.C., 1301 K Street NW Suite 800 East Washington, DC 20005	Centex Corp		
Do	Marine Preservation Assn		
Do	Permanente Medical Group, Inc	43,137.50	
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	18,802.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	8,257.36
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc	15,500.00	3,369.98
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	88.32
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	950.00	
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	661.52	
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Services, Inc	3,865.00	25.00
Do	County of Los Angeles	16,549.00	116.00
Do	Genentech	12,365.00	85.00
Do	Marathon Oil Co	2,304.00	
Do	Massachusetts Mutual Life Insurance Company	1,336.00	
Do	Nextel Communications, Inc	3,456.00	
Do	Pfizer, Inc	327.00	
Do	RJR Nabisco, Inc	12,640.00	51.00
Do	Sungard Data Systems, Inc	2,315.00	156.19
Do	Upjohn Company	3,366.00	32.00
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics		
Do	International Shipholding Corp	1,050.00	
Do	Jefferson Parish Council	225.00	
Do	Montana Sulphur & Chemical Company		
Do	Port of New Orleans	150.00	
Do	Tulane University	150.00	
Do	Turner Broadcasting System, Inc		
Patricia Jordan, 1130 Connecticut Avenue , NW #300 Washington, DC 20036	Aerospae Sales Tax Coalition		
Do	Ferguson Company (For:City of Alhambra)		
Do	Ferguson Company (For:City of Inglewood)		
Do	Ferguson Company (For:City of Livermore, CA)		
Do	Ferguson Company (For:City of Norwalk)		
Do	Ferguson Company (For:City of Provo)		
Do	City of Redondo Beach		
Do	City of Santa Ana		
Do	Ferguson Company (For:City of South Salt Lake)		
Do	Imperial Irrigation District		
Do	Ferguson Company (For:Irvine Company)		
Do	Ferguson Company (For:Long Beach Transit)		
Do	Ferguson Company (For:Oceanside Redevelopment Agency)		
Do	Ferguson Company (For:Oceanside Small Craft Harbor)		
Do	The Ferguson Company (For:Southeast Water Coalition)		
Do	Ferguson Company (For:West Valley City)		
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Columbia University	14,000.00	14,150.50
Do	Consortium for International Earth Science Info. Network	18,000.00	18,729.13
Do	Polytechnic University	4,000.00	4,000.00
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	50.00	
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,500.00	
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	1,731.50	
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Softward Publishers Assn	1,100.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	3,480.00	49.47
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,958.44
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	8,307.72	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	2,500.00	148.00
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments		
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Baxter Healthcare Corporation		
Do	Intercargo Insurance Co		
Do	NutraSweet Co		
Do	G.D. Searle		
Paul C. Katz, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L. Street, NW Washington, DC 20036	General Motors Corp	3,000.00	3,349.64
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Kraft, Inc		
Do	Londontown Corporation		
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	6,669.00	183.00
David Keaney, 655 15th Street, NW,Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	1,250.00	1,658.69
Do	NYNEX Government Affairs	1,250.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Do	Keefe Co (For:Sanders Associates, Inc)		
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,406.00	102.38
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	6.55	
Keene Shirley & Associates, Inc, 919 Prince Street Alexandria, VA 22314	American Freedom Coalition		
Melvin Keener, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw, Inc (For:Laidlaw Environment Service)	2,500.00	
David Keepnews, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571	American Nurses Assn	1,625.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	35.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	24,750.00	16,339.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	1,607.50	176.00
Andrew R. Kelley, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	600.00	47.16
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Shaw Pittman et al (For: Institute of International Bankers)		
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	400.00	
Glenn F. Kelly, 2000 M Street, NW, Suite 550 Washington, DC 20036	North American Telecommunications Assn	3,000.00	
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	14,000.00	
Do	Perdue Farms Inc	22,500.00	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,609.00	
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	4,771.60
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	6,000.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			
Kemper Securities, Inc, Chicago, IL 60601			234.92
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	7,725.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,500.00	
Do	Toyota Motor Sales, USA, Inc	1,500.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,448.61
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	7,892.75	2,513.68
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	2,775.00	246.79
Do	Pemco Aeroplex	4,875.00	99.00
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		3,329.22
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	600.00	107.00
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Development Corp		
Do	National Wood Energy Assn, Inc		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	582.30
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	260.00	
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:Adria Laboratories)	325.00	199.55
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgery)		
Do	Kent & O'Connor, Inc (For:American Supply Association)	6,000.00	3,193.08
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	1,791.88	898.00
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)	5,500.00	2,893.53
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)		
Do	Kent & O'Connor, Inc (For:MBI, Inc)	304.25	199.56
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	9,000.00	4,789.34
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)	1,000.00	498.89
Kathy Lee Kent, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	6,797.88	231.99
William Kenworthy, 410 First Street SE, Washington, DC 20003	American Nuclear Energy Council	1,943.80	804.17
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	292.24
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	1,154.00	
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	800.00
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn	99.00	62.48
Do	Coalition of Automotive Associations	227.00	79.53
Do	Specialty Equipment Market Assn	909.00	490.08
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Distilled Spirits Council of the US	5,000.00	366.53
Do	Kessler & Associates (For:National Assn of Beverage Importers)	7,500.00	443.60
Do	Kessler & Associates, Inc (For:Sandoz Corp)	9,700.00	929.08
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	9,000.00	1,253.61
Do	Kessler & Asso (For:Upjohn Corp)	15,000.00	6,373.60
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,562.20
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,396.15	
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Royal Teton Ranch		
Do	Textron Defense Systems	1,500.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	131.88
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	152.50
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Atlanta Committee for the Olympic Games (ACOG)	6,558.00	24.00
Do	Banca Nazionale del Lavoro		
Do	Charter Medical Corp	1,806.00	8.00
Do	Estate of Anne Grant Owens		
Do	Estate of Irene W. Michael		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste Incorporated		
Do	GPIA-Animal Drug Alliance		
Do	Martin-Marietta	752.50	
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)	7,125.00	
Do	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	4,400.00	39.98
Kathleen N. Kingscott, 6600 Rockledge Drive Bethesda, MD 20817	IBM Corp	301.41	29.00
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	6,000.00	
Do	National Computer System	10,500.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the United States	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	1,414.69
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,904.08	677.55
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	12,093.75	10,066.38
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	14,856.00	1,364.96
Rhona Kisch, 215 Pennsylvania Ave., NW Washington, DC 20003	U.S. Public Interest Research Group	1,326.93	
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn		
Steven B. Kistulentz, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,000.00	164.00
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	38,762.50	11,479.90
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)		
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,550.98	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,362.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	
Stephan O. Kline, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	292.50
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress	450.00	
Theresa Knieriemen, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			8,300.00
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	60.00	
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,455.45
Robert P. Koch, 1575 Eye Street, NW, Suite 325 Washington, DC 20005	Wine Institute	5,100.00	126.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Colorado Water Congress	1,300.00	
Do	Dolores Water Conservancy District		610.56
Do	Great-West Life Assurance Co	5,000.00	1,112.98
Do	Rio Grande Water Conservation District	3,000.00	427.58
Do	Rocky Mountain Health Care Corp	8,775.00	2,711.59
Do	San Juan Water Commission	1,755.00	1,233.97
Do	Southern Ute Indian Tribe	12,500.00	5,847.28
Do	Southwestern Water Conservation District, Durango County		10,238.23
Do	Ute Mountain Ute Tribe	21,667.00	
Do	Water Protection Assn of Central Kansas		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	9,596.25	
Leonard R. Kojm, 1850 K Street, NW, Suite 1190 Washington, DC 20006	EG&G, Inc	125.00	
James P. Kolb Jr., 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	62.84
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		376.15
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		53.00
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	28,653.75	4,517.53
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,500.00	369.10
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	7,500.00	9,200.00
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Lawrence B. Kraus, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	2,000.00	273.00
Robert S. Krebs, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		75.00
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Association	418.00	
Kreig DeVault Alexander & Capehart, 2800 One Indiana Square Indianapolis, IN 46204	Kreig, DeVault, Alexander & Capehart		
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	CM Services	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	850.00	25.00
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	3,500.00	431.38
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	800.00	137.00
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,332.03
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	6,875.00	364.53
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,650.32	117.81
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Jeffrey Kurzweil, 601 13th street, n.w. #1200 Washington, DC 20005	Jenner & Block (For:Marriott Corp)		
John R. Kyte, 1455 Pennsylvania Avenue, NW Suite 1000 Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Do	New England Council, Inc		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		2,928.03	3,750.52
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co		
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	3,836.25	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc	4,440.00	681.01
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	721.00	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	8,290.00	
Susan Lamson, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	3,000.00	224.11
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, Leboeuf, Lamb, Leiby & MacRae 1875 Connecticut Avenue, NW, Suite 1200 Washington, DC 20009-5728.	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
William C. Lane, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	7,000.00	824.64
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	240.00	14.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	678.01
Do	New York City Partnership, Inc	6,000.00	237.55
Do	School of Visual Arts	7,760.00	839.50
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,000.00	
Christopher D. Larsen, 412 First Street, SE., #300 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	11,100.00	
Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036	Air Conditioning Contractors of America	2,000.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	6,250.00	4,057.26
Do	Health Policy & Strategy Associates, Inc (For:Blue Cross & Blue Shield of Massachusetts).	6,250.00	3,806.49
Do	Health Policy & Strategy Associates, Inc (For:Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,112.60
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,148.62
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,584.45
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	5,000.00	2,556.30
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	23.59	
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	554.67
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	131.90
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	5,062.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company	39.09	
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,440.70	13.85
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,417.00	150.85
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company		
Do	Lamb-Weston, Inc		
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Home Finance Coalition		
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	NTS Contractors Assn	6,250.00	
Do	Sears Roebuck & Co	6,250.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	1,853.50	178.44
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc		
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Barbara Leach, 750 First Street, NE, #900 Washington, DC 20002	Career College Assn		
Laurel Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League of American Investors, 2416 Oakshore Dr. Westlake Village, CA 91361			
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		76,717.11	76,717.11
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150			2,274.28
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	2,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Preston V. Lee Jr., 1120 Connecticut Ave., NW, Washington, DC 20036	American Bankers Assn.	5,700.00	
Do	Federal Home Loan Mortgage Corp		
Susan J. Lee, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	46.50
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
Do	Midas International		
Do	Pet, Inc		
Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036	American Society for Payroll Management		
Do	Avon Products, Inc		5.00
Do	ACX Technologies, Inc		5.00
Do	Beckman Instruments, Inc		5.00
Do	Becton Dickinson & Co		5.00
Do	BellSouth Corp		5.00
Do	Briggs & Stratton Corp		5.00
Do	Burroghs Wellcome Co		5.00
Do	Carolina Power & Light Co		5.00
Do	Colgate-Palmolive Co	1,000.00	
Do	Coors Brewing Company and Subsidiaries		5.00
Do	Data General Corp	1,000.00	
Do	Deere & Co	1,000.00	
Do	Dun & Bradstreet Corp	1,000.00	
Do	Ecolab, Inc		5.00
Do	First Data Corp		5.00
Do	GTE Corp		5.00
Do	Johnson & Johnson		5.00
Do	Millipore Corp	1,000.00	
Do	Minnesota Mining & Manufacturing Co		5.00
Do	Nestle Holdings, Inc		
Do	Premark International, Inc		5.00
Do	Raytheon Co		5.00
Do	Reynolds Metals Company		5.00
Do	Riviana Foods, Inc		5.00
Do	RJR Nabisco, Inc		
Do	Sterling Winthrop, Inc		5.00
Do	Tandem Computers, Inc		
Do	Thiokol Corp		5.00
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	2,235.85
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc	1,400.00	
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	110.58
Carroll H. Leggett, 660 Maryland Avenue, NE Washington, DC 20002	Royal Embassy of Saudi Arabia	10,000.00	500.00
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	2,160.00	894.94
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	University of Pittsburgh	30,000.00	2,277.87
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	44.00
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Sarah Elizabeth Leitner, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition		
Ann Leonard, 1436 U Street, NW Washington, DC 20009	Greenpeace		
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,665.00	141.54
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	1,356.00	1,719.00
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)	15,253.66	
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	6,777.97	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	35,824.23	
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)	15,253.66	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	10,000.00	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	35,824.23	
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	10,185.55	543.49
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	159.60	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Monsanto Co		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,295.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	450.43
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Jeff Levey, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)	900.00	34.00
Do	Frank Russell Co		
Do	Price Waterhouse (For:Royalty Coalition)		
Do	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)	300.00	21.00
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	17,500.00	23,046.95
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	2,529.33	
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	811.81
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	594.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	3,000.00	200.00
Lewis Rice & Fingersh, 611 Olive St., #1400 St. Louis, MO 63101	John E. Simon Trust	940.00	913.23
Lewis White & Clay, P.C., 1300 First National Building Detroit, MI 48226	Powell Goldstein Frazer & Murphy		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	6,288.91	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,200.61	144.48
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,000.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp		
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	845.00
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	280.00	2,833.79
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	2,500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Asssn of Independent Colleges & Universities	10,584.00	117.00
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons		83.22
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			4,012.09
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,812.50	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	7,200.00	205.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,944.83	
Do	Michigan Dept of Transportation	17,680.15	
Do	State of Colorado, Dept of Highways	11,820.93	
Do	State of IL, Dept of Transportation, Div of Water Resources	34,518.30	
Do	Water Reclamation District of Greater Chicago	40,204.34	
Do	Wisconsin Power & Light Co	7,725.00	
Lionel Sawyer & Collins, 50 West Liberty Street, Suite 1100 Reno, NV 89501	Circus Circus		
Do	General Motors		
Do	Nevada Resort Assn		
Do	Sears Roebuck & Co		
Lipe Green Paschal Trump & Gourley, P.C., 15 East Fifth Street Suite 3700 Tulsa, OK 74103-4344	Thrifty Rent-A-Car System, Inc		
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	652.75
Little Sandy Hunting & Fishing Club, P.O.Box 6950 Longview, TX 75608			
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	200.00	
Do	Greater Washington/Maryland Service Station Assn	100.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	4,485.90
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	18,255.00
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	400.00	80.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	American Methanol Institute	8,810.00	108.25
Do	Biocraft Laboratories, Inc	330.00	0.23
Do	Generic Pharmaceutical Industry Assn	22,600.00	125.86
Do	San Francisco Bay Guardian		
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Co		
Paul Locigno, 2550 M Street, NW, #275 Washington, DC 20037	Edward J. Rollins Companies (For:City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Digitran Systems Inc.		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Lockheed Information Management Services Company, Inc, 1350 Connecticut Avenue, NW, #700 Washington, DC 20036			3,000.00
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		390.00
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central & South West Corp)		
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Girling Health Care)		
Do	Arter & Hadden (For:Mesa Petroleum)	435.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	1,110.00	119.62
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	412.50	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	165.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	676.50	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	390.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	13,000.00	70.41
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Coca-Cola Co	1,200.00	
Do	Employee Stock Ownership Assn		
Do	General Health, Inc		
Do	Greater New York Hospital Assn		
Do	Metropolitan Life Insurance Co	1,200.00	
Do	MicroGeneSys, Inc	1,200.00	
Do	Occidental International, Inc		
Do	United Companies Financial Corp	4,175.00	699.68
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	2,000.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	225.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	416.50
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	8,376.00	2,488.65
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	300.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	250.00	
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	6,247.50	742.10
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	600.00
Joe O. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	13,888.56	
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	32.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	132.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	City of Miami	11,250.00	
Do	City of Miami Beach	18,333.36	
Do	City of Palm Springs	6,000.00	
Do	Houston Independent School District	6,400.00	
Do	Metropolian Dade County	23,124.00	
Do	School Board of Dade County, Florida	17,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			4,927.30
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	481.50	40.08
Do	Pennsylvania Power & Light Co	2,160.00	274.14
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists	4,462.00	380.00
R. J. Lyerly, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Associations, Inc	15,000.00	
Eaton Lynn, 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	5,000.00	
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma care (CATC)		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	28,240.00	500.00
Robb S. Mackie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	1,576.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	952.80	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	1,010.15
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co	1,000.00	72.00
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	8,333.00	
Do	MarkAir, Inc	6,000.00	
Do	Sarasota-Bradenton Airport	6,500.01	
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	American Ship Building Company		
Do	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Shipbuilders Council of America		
Do	Short Brothers (USA), Inc		
Do	Sunquest Information Systems, Inc		
Do	Technology Applications and Service Co		
Do	Tenneco, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
R. Gary Magnuson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		665.75
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	9,375.99	86.22
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,951.00	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	
Christopher J. Mailander, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Unisys Corp)		
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			22,830.84
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,090.00	
Lawrence R. Malone, 4 Belknap Lane Rumson, NJ 07760	Hoechst Celanese Corp		
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	16,382.57	36.00
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Motorola)	5,000.00	
Do	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	20,013.00	104.39
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			22,466.00
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	456.12	
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 2550 M Street, NW, Suite 300 Washington, DC 20037	Smokeless Tobacco Council, Inc.	222.91	55.72
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			6,336.25
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			21,852.60
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co	15,000.00	
Do	Alaska Village Electric Cooperative	12,500.00	
Do	Anchorage Municipal Light & Power	7,560.00	
Do	City of Kake	10,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	INN Electric Cooperative	10,000.00	
Do	Kotzbue Electric Association	4,400.00	
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc	3,000.00	20,700.00
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Marks & Murase, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc	2,646.00	2,705.54
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Town of Longboat Key		
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	9,690.00	1,540.06
Edward C. Marshall, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	600.00	
Lynn Martenstein, 1250 Connecticut Avenue, NW Washinhton, DC 20036	American Forest & Paper Assn		
Cornel Martin, 300 Robin Street Wharf New Orleans, LA 70130	American Waterways Operators, Inc		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	5,000.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Howard R. Martin, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn		
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22203-4901	Nutritional Health Alliance	13,500.00	
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	462.50	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,288.00	302.68
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	9,000.00	75.00
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Society of Composers, Authors & Publishers		
Do	Atlantic Richfield Company		
Do	Cerrell Associates, Inc (for Calif Independent Mortgage...)	1,155.00	20.00
Do	Government Employees Hospital Assn	1,762.50	157.84
Do	Proctor & Gamble	600.00	17.50
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,200.00	96.00
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	827.88	41.53
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Massachusetts Mutual Life Insurance Co	3,000.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,423.62	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas		
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	565.96
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	1,125.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	500.00	120.00
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,241.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	15,645.00	443.98
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion	9,300.00	47.00
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	2,628.00
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	833.94	163.36
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Arthur Andersen & Co, et al.	2,300.00	26.44
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation	233.00	
Do	Brunswick Corp	233.00	
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc	1,175.00	
Do	Continental Bank, N.A.	2,700.00	2,762.28
Do	First Chicago Corp	350.00	
Do	FMC Corporation		
Do	GATX Corporation		
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	L & B Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Morton International	233.00	
Do	Nalco Chemical Co		
Do	NICOR, Inc	1,850.00	
Do	Outboard Marine Corporation		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,987.85
Rebecca Craford McAuliffe, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	3,500.00	
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Associacion de Hospitales de Puerto Rico	1,000.00	
Do	Association of Progressive Rental Organizations	1,000.00	
Do	Athena Global Management (former: Greenwich)	1,000.00	
Do	Buena Vista Golf & Country Club		
Do	Chabot Observatory & Science Center	300.00	
Do	City of Chattanooga	750.00	
Do	Conservation Trust Fund of Puerto Rico	1,000.00	
Do	Cooper Hospital/University Medical Center		
Do	Council of American Overseas Research Centers	100.00	
Do	Creative Discovery Museum	750.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	Ft. Worth Transportation Authority	3,000.00	
Do	Golden Hill Paugussett Tribe	2,500.00	
Do	HealthInfusion, Inc	1,000.00	
Do	Investment Management Services (former: Moore Capital)	1,000.00	
Do	Johnson Controls, Inc	800.00	
Do	Medi-Vu, Inc		
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	National Realty Committee	2,000.00	
Do	National Restaurant Assn	2,000.00	
Do	Nevada Power		
Do	Nevada Resort Assn		
Do	Orlando-Orange County Expressway Authority	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	RAILTRAN		
Do	Soros Fund Management	1,000.00	
Do	Tucker Flyer & Lewis	2,000.00	
Do	Tudor Investment Corp	2,000.00	
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Do	Viacom International	1,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,675.04	160.00
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc	3.71	
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	42.11	
Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003	Trust for Public Land	3,986.00	33.50
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco, Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Bitor America Corp)	1,150.00	10.00
Do	Price Waterhouse (For:Oralco Management Services, Inc)		
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	9,885.36	505.45
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Amax, Inc	30.00	
Do	American Mining Congress	30.00	
Do	Asarco, Inc	30.00	
Do	Barrick Resources (USA, Inc)	30.00	
Do	Battle Mountain Gold Company	30.00	
Do	Brush Wellman, Inc	30.00	
Do	Coeur d'Alene Mines Corp	30.00	
Do	Cray Research, Inc	200.00	
Do	Crown Butte Mines, Inc	30.00	
Do	Cyprus Minerals	30.00	
Do	Echo Bay Mines		
Do	FMC Gold	30.00	
Do	Hecla Mining Co	30.00	
Do	Homestake Mining	30.00	
Do	Idaho Power Company	125.00	
Do	Kennecott Corp	30.00	
Do	Magma Copper Company	30.00	
Do	Minorco, USA	30.00	
Do	National Endagered Species Act Reform Coalition	925.00	
Do	National Rifle Assn	400.00	
Do	Newmont Mining Corp	30.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	30.00	
Do	Phelps Dodge Corp	30.00	
Do	Placer Dome US, Inc	30.00	
Do	Santa Fe Pacific Gold Corp.	30.00	
Do	Stillwater Mining Company	30.00	
Do	World Cup USA 1994, Inc	650.00	
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company	20,001.38	764.00
Do	Motion Picture Assn America, Inc	3,866.25	39.66
Do	Paramount Communications, Inc	9,004.50	534.40
Do	Perpetual Corp	1,664.63	106.22
Do	Rank Video Services America	405.38	16.69
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Ad Hoc Group to Preserve the Deduction for Advertising)	1,975.00	72.00
Do	Price Waterhouse (For:Queen Emma Foundation)		
Do	Price Waterhouse (For:Royalty Coalition)		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	228.43	
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,723.00	
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Alaska Seafood Marketing Institute	1,064.00	
Do	American Meat Institute		
Do	California Avocado Commission	6,290.00	100.00
Do	California Canning Peach Assn	2,035.00	
Do	California Energy Commission		
Do	California Kiwifruit Commission		
Do	California Raisin Advisory Board	4,579.00	
Do	Chiquita Brands, Inc		
Do	Crop Protection Coalition	5,735.00	14.00
Do	Fundesa		
Do	Good Sam Club	185.00	
Do	Minor Crop Farmer Alliance	6,660.00	40.00
Do	National Potato Council	1,064.00	40.00
Do	Public Employees Retirement Assn of Colorado	480.00	
Do	Tropicana		
Do	U.S. Mink Export Development Council	648.00	
Do	Welch Foods, Inc	601.00	
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	30.00
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	500.00	35.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	1,951.00	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,812.00	
Robert M. McDowell, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	4,080.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	14,750.00	296.68
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	12.21	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	12,382.50	118.50
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	10,781.70	315.24
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	250.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn		
Do	AT&T Federal Systems		
Do	NYMA, Inc		148.65
Do	System Resources Corp		
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	400.00	
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	3,847.50	
Do	McGuiness & Holch (For:Arch Mineral)	1,800.00	
Do	McGuiness & Holch (For:Barr Laboratories)		
Do	McGuiness & Holch (For:Consolidated Rail Corp)	675.00	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	6,075.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)		
Do	McGuiness & Holch (For:RJR Nabisco)	875.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	2,663.50	198.45
Do	Farm Labor Alliance	7,360.00	120.05
Do	Workers Compensation Integrity Stability & Equity (WISE)	18,608.00	475.28
Mary Lee McGuire, 2300 Clarendon Blvd., #I0I0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	292.24
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Fertilizer Institute	468.00	
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,251.89	231.18
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,600.00	556.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	19,512.59	140.95
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,892.00	
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	9,360.45
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	812.50	
Do	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)		
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	2,500.00	
Do	Rowan & Blewitt (For:Monsanto Company)	6,375.00	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	375.00	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)	750.00	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	250.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	750.00	
Do	Rowan & Blewitt, Inc (For:Wadley Research Institute)	875.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,000.00	
Laure C. McLaughlin, 555 13th Street, NW, Suite 430 West Washington, DC 20004	Transco EnergyCo	3,000.00	275.21
Bob McLean, 490 L'Enfant Plaza, SW, #3200 Washington, DC 20024-2120	National Assn of Postal Supervisors	13,809.00	123.58
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	13,640.00	143.00
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		3,133.84
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation		113.00
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	AAI Corporation	50.00	
Do	Hydroacoustics, Inc	50.00	
Do	Litton Data Systems	50.00	
Do	McDonnell Douglas Corp	100.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	750.00	
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott/Babcock & Wilcox	8,000.00	3,867.63
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	20,000.00	382.33
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp		
Do	Harnischfeger Industries, Inc		
Do	International Assn for Financial Planning		
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co		
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter, Discover & Co	220.00	210.00
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	24,133.00	
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	7,154.00	214.00
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John J. McNichol, 900 2nd Street, NE, Suite 303 Washington, DC 20002	Tierney Group	22,500.00	83.50
John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102	Unisys Corp	2,500.00	762.99
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging		
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	13,974.00	111.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	15,628.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)		
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	Alliance of Nonprofit Mailers	4,500.00	
Do	Centerior Energy Corp	7,500.00	
Do	Eltech Systems Corp	6,000.00	
Do	Systech Environmental Corporation	5,200.00	
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	105.00	
John N. Meeks, 50 West Broad Street, Suite 2900 Columbus, OH 43215	Urbanistics, Inc (For:Dayton Area Health Plan)	5,000.00	5,000.00
Mehl & Pickens Associates, Inc, 1400 L Street NW Suite 625 Washington, DC 20005	Bogan Aerotech, Inc	10,000.00	
Do	Cessna Aircraft Company		
Do	Lockheed Aircraft Service Company	10,000.00	
Do	Syscon Corp	3,000.00	
Do	TCOM, L.P.	1,000.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	9,450.00	186.80
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	990.00	110.00
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	Monsanto Co	17,000.00	6,771.00
Do	National Rural Cooperative Business Center	3,000.00	336.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	37.00	
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc	1,250.00	
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)	200.00	
Do	Arter & Hadden (For:Citicorp)	90.00	
Do	Arter & Hadden (For:Electronic Data Systems)		
Do	Arter & Hadden (For:Girling Health Care)	120.00	
Do	Arter & Hadden (For:International Hardwood Products Assn)		
Do	Arter & Hadden (For:Mesa Petroluem)	270.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadde (For:Southwest Florida Enterprises, Inc)		
Do	Arter & Hadden (For:Tesoro Petroleum)	390.00	
Do	Arter & Hadden (For:United Services Automobile Assn)	60.00	
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	568.50
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	93.40	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Amway Corp)	120.75	
Do	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	405.38	
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,843.76	100.00
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	9,740.10	278.79
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		
Do	DGA International, Inc (For:Zenith Data Systems)		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	
Peter R. Merrill, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:US Multinational Corp Tax Policy Coalition)	875.00	30.50
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			37,530.00
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	50.00
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	600.00	97.45
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	2,500.00	154.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	216.30	7.00
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Forest & Paper Assn		
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	50.00	25.00
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Basil J. Mezines, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn	3,500.00	4,500.00
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	88.46	
Mark A. Micali, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	450.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,000.00	
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	86.28
Michigan Biotechnology Institute (MBI), 3900 Collins Road Lansing, MI 48909			1,627.50
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			4,659.51
Michigan International Trade Coalition, 1760 South Telegraph Road, Suite 207 Bloomfield Hills, MI 48302			25,691.54
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	8,045.94	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	1,204.66	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Dale Miller, 4000 Reno Road, NW Washington, DC 20008	Texasgulf, Inc		
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,125.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,000.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp	1,500.00	613.97
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	17,803.40	12,864.21
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	1,092.72
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	453.20	
Thomas M. Miller, 1005 Elm Avenue Tacoma Park, MD 20912	Center for Marine Conservation		217.11
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Jamestown		
Do	City of Laredo		
Do	City of St. Louis, Communications Division		
Do	Montgomery County Government, Cable Television Office		
Do	PRO-NAFTA		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	826.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation		
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 93	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	Waste Management Environmental Services, Inc		
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	2,000.00	72.00
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	112.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America	6,668.00	
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Cable Television Assn, Inc	7,500.00	454.53
Do	Newspaper Assn of America	15,000.00	246.98
Do	Sprint	5,000.00	
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	5,000.00	500.00
Anthony F. Mitchell, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	50.00	
Brian C. Mitchell, 18715 Martins Landing Germantown, MD 20874	Clark Atlanta University	10,345.70	
Do	Worldspace, Inc	1,500.00	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp	200.00	245.00
Do	Entergy	337.50	
Do	Golden Rule Insurance Co		
Do	Innotek Corporation		
Do	Loral Corp		
Do	Metropolitan Life Insurance Co	750.00	608.40
Do	Network Systems		
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	1,474.95
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	540.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	6,000.00	150.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Association	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,640.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn		
Do			
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	235.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	45.00
Ark Monroe, 1420 New York Ave, NW, Suite 750 Washington, DC 20005-Mon	Axciom Corp	848.00	245.00
Do	Metropolitan Life Insurance Co	245.00	348.40
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	4,550.00	263.75
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,200.00	148.00
Do	Underground Injection Practices Council	650.00	45.00
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,820.00	
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Karl R. Moor, 1101 Connecticut Avenue, NW, #800 Washington, DC 20036	Balch & Bingham (For:Alabama Power Co)	791.03	791.03
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,425.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	300.00	10.00
Donna Moore, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	3,481.25	
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Agusta Group)	600.00	
Do	Capitoline International Group, Ltd (For:Equifax Corp)	600.00	
Do	Capitoline International Group, Ltd (For:EH Industries, Inc)	500.00	
Do	Capitoline International Group, Ltd (For:Lockheed Corporation)	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).		
Do	Capitoline International Group, Ltd (For:National Association of Broadcasters)	2,100.00	
Do	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		
Do	Capitoline International Group, Ltd (For:U.S. Cane Sugar Refiners Assn of America).		
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Eli Lilly & Company	3,000.00	625.57
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,009.91
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		11.89	12.27
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,000.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,673.50	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Chemical Manufacturers Assn	797.50	
Do	City of San Antonio	1,350.00	10.50
Do	Coalition for an Undercharge Relief Bill	4,570.00	6.00
Do	Coalition of Supporters of the Shipping Act		
Do	Leadership Council on Advertising		
Do	National Fuel Gas Distribution Co		
Do	United Distribution Companies	1,500.00	41.34
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	81.75	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	21,363.42	108.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	90.00	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	513.74	2,167.02
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		40,150.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	4,062.50	7.00
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp		
Philip D. Morrisson, 815 Connecticut Avenue NW, #900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			95.00
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America		
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	752.19	357.63
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	40.00	84.00
Richard Moskowitz, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Reserve City Bankers	540.00	
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation		
Do	Dean Witter Discover & Co		
Do	National Assn for the Superconducting Super Collider		
Do	NationsBank, Inc		
Do	Southwestern Bell Corp	450.00	
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley III, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			7,952.60
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	1,098.63
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Anchor Savings Bank, FSB		
Do	Carteret Savings Bank, F.A.		
Do	Glendale Federal Savings & Loan Assn		
Do	Pelican Homestead and Savings Assn		
Do	Talman Home Federal Savings and Loan Assn		
Do	United Savings of Texas, FSB		
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education	3,186.33	20.87
Do	City of Fergus Falls, MN		
Do	Constitutional Rights Foundation	3,186.33	20.87
Do	Delaware & Hudson Railroad	2,500.00	
Do	Douglas County Hospital	297.00	
Do	Equifax	1,519.90	29.37
Do	Florida East Coast Railway Co	1,000.00	
Do	Lake Region Hospital Corp	297.00	
Do	National Institude for Citizens Education in the Law	3,186.33	20.87
Do	North American Equipment Dealers Assn	2,500.00	
Do	Search Group Inc.	9,100.00	253.98
Do	Soo Line Corporation	10,000.00	
Do	Trade Assn Healthcare Coalition	1,875.00	
Do	TACA International Airlines		
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	9,600.00	2,100.00
Do	Laidlaw Environmental Services	22,500.00	5,835.81
Do	Saluda River Cooperatives, Inc	30,000.00	2,100.00
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	2,265.36
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc		135.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	2,500.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Village of Schaumburg		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	433.01
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,063.00	173.60
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	375.00	5.50
Do	American Assn of Public Health Dentistry	250.00	16.50
Do	Atochem, N.A.	750.00	16.50
Do	Cleveland Cliffs Iron Co	350.00	15.00
Do	Coalition for Oral Health	2,125.00	27.50
Do	Connecticut Mutual Life Insurance Co	500.00	40.00
Do	Delaware River Port Authority	1,250.00	38.50
Do	Dynatech Corporation	150.00	35.00
Do	Independence Blue Cross		
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	100.00	
Do	International Assn of Environmental Testing Laboratories	500.00	35.00
Do	Iron Ore Assn	400.00	25.00
Do	LTV Corporation	300.00	20.00
Do	National Council of Coal Lessors	400.00	30.00
Do	New England Life Insurance Co	500.00	40.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	500.00	30.00
Do	Penn Mutual Life Insurance Co	500.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PepsiCo	400.00	45.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc	150.00	22.00
Do	Qualimetrics, Inc		
Do	Shubert Organization, Inc	2,200.00	75.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	300.00	25.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp	625.00	5.50
Do	Temple University	3,750.00	55.50
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc	300.00	
Mutual Life Insurance Co Tax Committee, 213 Washington Street Newark, NJ 07102-2992			
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	185.65
William G. Myers, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Christopher Alton Myrick, 1155 15th Street, NW, #900 Washington, DC 20005	Agricultural Retailers Assn	16,200.00	5,982.00
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	1,650.00
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe		
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		221,750.00	21,447.23
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,100.11	12,562.39
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			7,800.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		224,221.57	224,221.57
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			27,549.00
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			121.15
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			117,587.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		2,250,051.51	2,250,051.51
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		2,650.00	2,766.33
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		26,500.00	26,368.77
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			57,071.67
National Assn of Stevedores, 2011 I Street, NW, #601 Washington, DC 20006			
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,275.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598		58,036.00	22,128.68
National Clay Pipe Institute, 206 Vassar Place Alexandria, VA 22314			
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			12,100.00
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,540,069.40	18,482.63
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			
National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405		15,713.20	37,059.58
National Comm for Citizens in Education, 900 2nd Street, NE, Suite #8 Washington, DC 20007			
National Comm of Cities & States for Air Service, Transportation Bldg., Room 417 St. Paul, MN 55156		6,181.07	
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		3,436,235.00	3,436,235.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		102,189.39	48,501.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	18,500.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		35,122.45	35,122.45
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		22,122.29	30,660.72
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		675.00	953.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,614.58	8,014.34
National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005			4,780.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		6,616.44	6,616.44
National Employee Benefits Institute, 2445 M St., NW, #410 Washington, DC 20037			255.62
National Employment Lawyers Assn, 535 Pacific Avenue San Francisco, CA 94133			
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214			47,466.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	15,050.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			15.10
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality	852.00	358.00
Do	Wal-Mart	2,500.00	2,500.00
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,542.82
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		7,850.60	35,433.98
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		75,000.00	12,031.65
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	45,118.10
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			22,177.45
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		6,300.00	6,300.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		19,890.00	19,890.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			26,983.00
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		9,465.58	9,465.58
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,600.22
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		11,100.00	11,100.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			987.36
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314			16,128.00
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group	10,000.00	1,211.12
Do	Columbia Communications Corp	14,000.00	790.51
Do	DWG Corporation (Trian Group, L.P.)		13.99
Do	Ferrell Gas	540.63	22.96
Do	Instinet		105.11
Do	Mothers & Others for a Livable World		
Do	Propane Gas Marketers Coalition	22,500.00	2,016.15
Do	Reuters North America, Inc	6,465.63	48.59
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,229.63
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			5,068.00
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			78,992.84
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		4,000.00	4,000.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		306,852.00	91,020.37
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	141.20
Katherine Ben Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	45,000.00	150.00
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,175.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	35.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		74,433.00	108,793.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Community Services Society		74.02
Do	Embassy of the Republic of Korea	75,000.00	3,896.31
Do	General Electric Industrial and Power Systems		2,875.20
Do	Government of Jamaica	55,000.00	3,631.77
Do	Government of Trinidad and Tobago		2,714.34
Do	Islamic Republic of Pakistan		2,319.61
Do	Joint Diseases North General Hospital		22.44
Do	Kingdom of Morocco		1,020.08
Do	Marks & Murase	7,000.00	99.18
Do	Pasminco, Inc	6,000.00	458.25
Do	Queens Borough Public Library	24,000.00	915.78
Do	Republic of Cote d'Ivoire		69.62

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Republic of Guinea		798.94
Do	Republic of Kenya		10,610.85
Do	Republic of Tunisia		135.83
Do	Saipan Garment Manufacturers Assn	20,000.00	7,137.26
Do	Schomburg Center for Research In Black Culture	4,000.00	12.72
Do	State of Bahrain	180,000.00	17,748.00
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	2,103.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus		
Do	Institute of International Bankers		
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	78.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1320 19th street, n.w. #200 Washington, DC 20036	Cox Enterprises, Inc		589.42
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	3,132.00	
Network, 806 Rhode Island Ave., NE Washington, DC 20018		50,498.00	51,943.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,566.72	6,112.41
New York for NAFTA, 70 Pine Street, 36th Floor New York, NY 10270		4,500.00	
New York Capitol Consultants, Inc, 120 Washington Avenue Albany, NY 12210	Sidney Frank Importing Co, Inc		520.50
New York State Assn of Fire Chiefs, 1670 Columbia Turnpike Castleton, NY 12033			2,933.00
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017			2,165.00
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.00	100.00
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	3,771.62	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,250.00	
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank PLC	4,000.00	493.15
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	1,850.00	
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	75.00	
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	50.00	
Allan Noe, 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	7,663.42	67.45
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			74,567.94
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,550.00
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	475.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	125.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	2,300.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Ameritas Life Insurance Corp	45.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	Mutual of Omaha	450.00	
Do	National Assn of Chain Drug Stores	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	100.00	
Do	Washington National Insurance Company	450.00	
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			3,000.00
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Assn of American Railroads	5,433.32	336.89
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc		4,126.17
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc	288.00	
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,508.31	1,603.41
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Company	1,625.00	
Do	Mutual Life Insurance Co of New York		
Do	Naturan Disaster Coalition	1,050.00	
Do	Underwriters at Lloyd's London		
Do	Zeneca, Inc.	9,000.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc	5,333.33	143.45
Do	Primerica Financial Services		
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		468.42
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser Busch Co	117.00	
Do	Federal National Mortgage Assn		
Do	General Electric Co	500.00	
Do	Health Insurance Assn of America	94.00	
Do	Morgan Stanley & Co, Inc	125.00	
Do	Sears Roebuck & Co	73.00	
Do	Storage Technology Corp	500.00	
Do	Tax Reform Action Coalition	104.00	
Do	Westinghouse Electric Corp	500.00	
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	3,458.75	
John T. O'Connor, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	20,493.00	
Kelley E. O'Connor, 666 Pennsylvania Ave; SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	800.00	428.58
Do	Kent & O'Connor, Inc (For:American Supply Association)	6,000.00	3,428.93
Do	American Warehousemen's Association	1,200.00	642.85
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)		
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan Inc.	23,521.00	
Do	Alliance of Marine Parks and Aquariums	7,547.37	
Do	American Clinical Laboratory Assn	3,750.00	
Do	American Family Life Assurance Co	4,558.00	
Do	American Soc of Cataract & Refractive Surgery		
Do	Associated Credit Bureaus, Inc	12,000.00	
Do	Bear Stearns & Company, Inc	4,590.00	
Do	Bobby Berosini, Ltd		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council		
Do	Citizens Savings and Loan		
Do	Coalition for Tax Equity	7,900.00	110.00
Do	Coca-Cola Company		
Do	Colt's Manufacturing Company, Inc		
Do	Concerned Domestic Flower Growers and Handlers	715.00	
Do	CNA Insurance Co	9,626.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	Eastern Michigan University	395.00	
Do	Ecomarine USA		
Do	Electronic Data Systems Corp		
Do	Evangelical Lutheran Good Samaritan Society		
Do	First Winthrop Corp		
Do	Fishing Assn of Mexico		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	2,000.00	
Do	Government of the Philippines	30,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Government of Israel		
Do	Government of Netherlands Antilles	7,154.00	
Do	Government of Peru	24,000.00	
Do	Health Images, Inc	675.00	
Do	Healthcare Financing Study Group		
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	MasterCard International, Inc		
Do	Mercedes-Benz of North America, Inc	2,185.00	
Do	Miller & Schroeder		
Do	Mirage		
Do	Mullendore & Watt		
Do	National Apartment Assn		
Do	National Assn of Optometrists and Opticians, Inc	2,000.00	
Do	National Assn of Portable X-Ray Providers	200.00	
Do	O'Sullivan Graev & Karabell		
Do	Pacific Seafood Processors Assn		
Do	Pacific Telesis Group	5,860.00	
Do	Joseph E. Seagram & Sons, Inc	142.00	
Do	Securities Industry Assn	7,500.00	
Do	Soka University Los Angeles	6,927.25	
Do	Solid Waste Agency of Northern Cook County		
Do	State of Alaska		
Do	State Street Bank & Trust Company	11,250.00	
Do	Student Loan Funding Corp	9,662.65	
Do	Support Systems International, Inc	4,125.00	
Do	UST	3,680.00	
Do	VISA, USA, Inc		
Do	Wards Cove Packing Company	806.56	
Do	Westinghouse Electric Corp		
Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	23,750.00	
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,160.44	237.36
Terri O'Grady-Smith, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,489.48	732.83
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation	250.00	
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	1,091.54
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Klukwan, Inc	30,000.00	875.50
Do	Mutual of America	71,312.50	7,478.95
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America		
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	Goldman Sachs & Co		1,324.67
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,875.00	105.17
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	2,200.00	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn	1,260.00	
Do	Beth Israel Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute		
Do	JM Family Enterprises, Inc	2,355.00	
Do	Massachusetts General Hospital		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Texas Utilities Co		
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc	2,750.00	
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	12,800.00	29,627.00
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	278.18	41.44
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Strategic Management Associates, Inc (For:Healthcom International)		
Do	Strategic Management Associates, Inc (For:Hospital for Special Surgery)		
Do	Strategic Management Associates, Inc (For:Lenox Hill Hospital)		
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	302.60
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,775.82
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,429.40	266.13
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	7,200.14	
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	3,720.24	476.66
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
Ohio Students for Loan Reform, c/o Andrew Goldner 29 West Daniels Cincinnati, OH 45219	Student Loan Funding Corp	7,503.48	109.04
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	650.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,750.00	445.76
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	5,000.10	93.58
Do	Alleghany Health Education & Research Foundation		
Do	Alliance for Managed Competition	7,500.00	141.94
Do	American Airlines, Inc	8,000.00	
Do	American International Group	7,499.25	112.00
Do	Ashland Oil, Inc	1,875.00	27.66
Do	Association of American Railroads	12,500.00	407.58
Do	Avis, Inc	4,500.00	
Do	Baxter Healthcare Corp	500.00	10.58
Do	Burlington Resources, Inc	750.00	
Do	Commonwealth Edison	1,875.00	
Do	Federal Express	4,500.00	361.75
Do	Ford Motor Co	1,000.00	5.86
Do	General Electric Co	8,000.00	
Do	Investment Company Institute	7,500.00	329.19
Do	MCI Communications Corp	1,125.00	
Do	National Cable Television Assn	12,500.00	609.59
Do	Pfizer, Inc	4,500.00	172.95
Do	Phillip Morris, Inc	7,250.00	95.22
Do	Proctor & Gamble co	8,000.00	
Do	Republic National Bank	1,750.00	10.43
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	3,631.16	451.82
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lynnea J. Olsen, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	5,300.00	
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American-Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Gentrac, Inc		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	1,000.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	1,500.00	
Do	National Frozen Pizza Instutute		
Do	Pillsbury Company	200.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	500.00	
Do	Southern Star Shipping Company, Inc		
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,275.00	4,275.00
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		2,252.08	911.18
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,664.06	
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	148.35
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	2,081.45
Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	3,412.00	188.26
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Margaret Owens, 750 First Street, NE, Suite 700 Washington, DC 20002-4241	National Assn of Social Workers	6,475.00	
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	57,200.00	19,424.01
Do	Washington State University	1,500.00	1,077.12
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	144.00	
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		35,392.00	16,459.00
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	29.50
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	561.05
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	2,115.38	3,955.58
Pagonis & Donnelly Group, Inc, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Air Products & Chemicals, Inc	3,000.00	303.36
Do	American Commercial Barge Line Co	21,356.25	144.37
Do	Association of High Medicare Hospitals	4,406.25	
Do	Better Communications, Inc		
Do	Blue Cross & Blue Shield of Texas, Inc	3,600.00	342.20
Do	Burlington Northern Railroad, Inc	4,500.00	46.29
Do	Burroughs Wellcome Co	6,675.00	
Do	Children's Hospital	2,100.00	66.04
Do	CSX Corp	4,500.00	60.69
Do	Dow Chemical USA	8,293.75	503.29
Do	Government of the Republic of Transkei		
Do	Holiday Inn Corp	8,583.50	27.22
Do	Medi000.00	143.20	
Do	Planned Parenthood Federation of America	3,000.00	20.88
Do	Rowland Company		
Do	Tunisian Association for Freedom		
Denise A. Painter, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	15,000.00	
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP Inc	2,000.00	
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	12,350.00	406.45
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,987.50	61.00
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)	287.50	22.00
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospitalization Assn)	175.00	8.00
Do	New Jersey Turnpike Authority	1,037.50	36.00
Do	Proctor & Gamble Mfg Co	4,587.50	193.50
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	1,075.00	11.00
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	33,750.00	40,588.73
Do	Atlantic Richfield Co	18,000.00	6,749.84
Do	Cerrell Assocs, Inc (for Calif Indep Mortgage Brokers Assn)	13,000.00	4,256.08
Do	Government Employees Hospital Assn	30,000.00	11,321.62
Do	New Jersey Turnpike Authority	23,999.25	6,707.44
Do	Proctor & Gamble Mfg Co	52,500.00	17,900.84
Do	Southern California Rapid Transit District	18,866.70	8,497.44
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	2,062.61	369.76
James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,508.54	
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	12,999.80	3,172.66
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Federal Judges Association		
Do	Office of the Immigration Judges	400.00	
Do	Recording Industry Assn of America	1,200.00	
Do	Utah Natural Products Alliance	1,500.00	
Do	Won-Door Corporation	750.00	
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,004.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.67	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		2,647.64
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		16.43
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Alhambra (Long Beach 710 Freeway)	61.50	
Do	City of Bell & Bell Community Redevelopment Agency	6,068.00	116.48
Do	Burke Williams & Sorensen (For:City of Santa Ana)	82.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	11,087.72	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	610.00	70.00
Do	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn	113.75	20.00
Do	American College of Gastroenterologists	615.00	200.00
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	796.25	90.00
Do	Blair Corporation		
Do	Blue Cross of California		
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence	2,968.75	150.00
Do	Center for Molecular Medicine & Immunology		
Do	Center for Strategic Tax Reform (CSTR)	1,800.00	100.00
Do	Cherokee Nation of Oklahoma	2,420.00	350.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chicago Board Options Exchange	113.75	
Do	Christopher Columbus Center Development, Inc	1,000.00	
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati		
Do	Climate Council		
Do	Clorox Company		
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Dole Food Co	5,925.00	20.00
Do	Duty Free Shoppers Group, Ltd	2,370.00	10.00
Do	DuPont-Merck		
Do	Edison Electric Institute	980.00	
Do	Electric Reliability Coalition		
Do	Federation of American Health	728.75	50.00
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc	152.50	5.00
Do	Freedom to Advertise Coalition	1,750.00	175.00
Do	FAG Kugelfischer Georg Schager KGaA	181.25	
Do	Genstar Container Corp		
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	Greensboro-Jamestown Neighborhood Assn		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	Irvin Industries	135.00	
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau	495.00	20.00
Do	Johanna-Dairies, Inc		
Do	Kaiser Aluminum & Chemical Corp	3,950.00	25.00
Do	Landauer, Inc		
Do	Liggett Group, Inc	67.50	
Do	Loop, Inc		
Do	Loyola University		
Do	Major League Baseball Players Assn	341.25	40.00
Do	Manhole Adjusting, Inc		
Do	Manor Care	842.50	110.00
Do	Marathon Oil Co	555.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Mars, Inc	1,752.50	85.00
Do	Mashantucket Peqush Tribe	440.00	55.00
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp	3,307.50	
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	1,678.75	15.00
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters	615.00	50.00
Do	National Assn of Life Underwriters	77.50	
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	3,727.50	50.00
Do	National Cable Television Assn, Inc	113.75	20.00
Do	National Propane Gas Assn	3,000.00	
Do	National Retail Federation (RITAC)		
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	4,770.00	400.00
Do	New York Life Insurance Company	2,588.75	69.00
Do	Newspaper Association of America	1,470.00	275.00
Do	Northwestern Mutual Life Insurance Co	460.00	12.00
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	113.75	10.00
Do	Pepsico, Inc	980.00	60.00
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	3,000.00	
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc	152.50	5.00
Do	Republic of Guatemala		
Do	Republic of Uganda		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Charles E. Smith Companies	590.00	
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	4,350.00	150.00
Do	Sprat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman	520.00	
Do	Susan G. Komen Foundation	1,100.00	200.00
Do	Thomson US, Inc		
Do	Trans Ocean, Ltd	152.50	5.00
Do	Travelers		
Do	Triton Container	152.50	5.00
Do	U.S. Tobacco Company		
Do	University of Arizona Foundation	6,000.00	
Do	US Surgical Corp		
Do	USAir, Inc		
Do	USX Corporation		
Do	Villa Julie College	5,000.00	
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp	1,715.00	
Do	Woodlands Corp	595.00	20.00
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress	40.00	
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	3,500.00	61.80
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	4,427.50	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Trucking Assns, Inc	2,280.00	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	11,827.50	37.43
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	570.00	
Do	Novo-Nordisk Pharmaceuticals, Inc	937.50	92.10
Do	Siskiyou Co Board of Supervisors & Office of Education		
Do	Student Loan Marketing Assn	1,882.50	
Do	Tobacco Institute	712.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	80.00
Do	National Commitee to Preserve Social Security & Medicare		
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	
Do	Victims of Insurance Company Errors (Voice)	1,000.00	
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	287.69
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,980.00	
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Council for Rural Housing & Development	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	7,847.00	889.27
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For:Physicians Who Care)		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Edward L. Pecotte, 2700 First Avenue Seattle, WA 98121	IBEW Local 46		
John D. Pellegrin, 1140 Connecticut Ave., NW, Suite 606 Washington, DC 20036	Trend Star Continental, Ltd	5,387.50	
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,166.00	403.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			521.58
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			3,360.14
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			3,919.35
Pepper Hamilton & Scheetz, 1300 19th Street, NW Washington, DC 20036	Computer Sciences Corp		
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		250.00
Do	General Electric Co		
Do	James River II, Inc		
Do	Puget Sound Power & Light Company		
Do	Space Labs, Inc		549.00
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	5,000.00	291.02
Leonard Perlman, 1910 Asociation Drive Reston, VA 22091-1502	National Rehabilitation Counseling Assn		
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	435.68
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	69.39	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	173.61	30.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	2,500.00	66.76
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	10,366.99	2,557.09
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	654.00	
John W. Pestle, 333 Ridge Street NW Grand Rapids, MI 49504	Michigan Municipal Cooperative Group	43,521.00	3,037.00
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	300.00	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		15.10
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses Assn	5,124.60	
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	6,773.50	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,200.00	25.00
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	46,120.05
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	430.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,887.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	National Retail Federation	3,000.00	34.00
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		42,420.50	42,420.50
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,417.80	156.03
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	722.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	31,000.42	3,859.42
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	6,856.74	1,174.62
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	600.00	1,221.59
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	113.49
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	3,820.00	
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,460.00	170.87
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,800.00	1,335.84
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	828.70	
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate	1,700.00	
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	3,000.00	
Mary C. Pigott, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Susan G. Pikrallidas, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	City of Portsmouth, New Hampshire		
Do	Latin American Management Assn	3,500.00	
Do	Villa Banfi, U.S.A		
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn		
Do	Direct Marketing Assn	5,712.50	78.00
Do	Edison Electric Institute		
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	2,484.00	58.00
Do	PCS Action, Inc	31,163.75	252.09
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska		
Do	Ketchikan Indian Corp	42.48	
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Odawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	1,997.12	
Do	Organized Village of Kake	29.21	
Do	Prairie Band of Potawatomi Indians	2,635.40	
Do	Red Lake Band of Chippewa Indians	2,125.42	
Do	Saginaw Chippewa Indian Tribe	3,558.47	
Do	Sitka Tribe of Alaska	10.50	
Do	Yakutat Native Assn	5.27	
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		12,928.74	12,028.74

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	2,335.00	254.14
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	11,240.00	140.91
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Citicorp)	280.00	
Do	Arter & Hadden (For:Electronic Data Systems)		
Do	Arter & Hadden (For:Mesa Petroleum)	160.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)	340.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:United Services Automobile Assn)	80.00	
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,771.90	16.75
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Margaret B. Podlich, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		136.65
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	500.00	1,421.89
Kraege Polann, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	1,250.00	281.67
Thomas C. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006	Paramount Communications, Inc	3,750.00	278.38
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	786.73	1,108.01
Alfred M. Pollard, 900 19th Street, NW Washington, DC 20006	Savings & Commmunity Bankers of America	21,250.00	260.25
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		4,995.97
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
James J. Popham, 1320 19th Street, NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	1,000.00	
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	725.27
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	351.82
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		55.00
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,677.87	
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	5,880.00	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co		
Do	Business Software Alliance	2,385.00	
Do	Calista Corp		
Do	Computer Systems Policy Project	225.00	
Do	Council on Research & Technology	675.00	
Do	Delta Queen Steamboat Company	607.50	
Do	Dynasty Cruise Line, Inc		
Do	Empire Cruise Line Ltd.		
Do	ENVIROTIRE, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America		
Do	Kyokuyo Co, Ltd	7,713.57	
Do	Marine Resources Company International		
Do	Maruha Corporation	7,113.57	
Do	Microsoft Corp	3,375.00	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	7,713.57	
Do	Nissui Shipping Corp	7,713.57	
Do	OMI Corp	1,862.00	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rhone Poulenc, Inc		
Do	Rokuchu Marine Corp	1,990.54	
Do	Software Pubishers Association		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute		
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	Westinghouse Electric Company		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation		
Do	DuPont Co, et al.		
Do	General Electric Co		
Do	Investment Company Institute		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	1,050.00	66.15
Patricia Pride, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	200.88	
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Gwenyth Pritchard, 144 Mason Terrace Brookline, MA 02146	Foster-Miller, Inc	6,267.00	322.00
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	208.68
Sydney Probst, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	250.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	500.00	
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		63,075.00	68,175.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		86,921.24	29,045.96
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			180.00
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Hillwood Development Corp	2,400.00	69.07
Do	Southwest Airlines Co	4,800.00	95.53
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assns, Inc	15,000.00	
Do	Anheuser-Busch Co, Inc	30,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	30,000.00	
Do	Boston Capital Partners, Inc	3,000.00	
Do	G-Tech Corporation	31,500.00	
Do	Johnson & Johnson	10,000.00	
Do	Metallgesellschaft Corp	30,000.00	
Do	Mexican Department of Commerce & Finance	70,000.00	
Do	National Assn of Chain Drug Stores	24,999.00	
Do	Southwest Airlines	9,000.00	
Charles R. Pucie Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Theresa Pugh, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	American Electronics Assn		
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,000.00	277.34
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	4,894.00	1,993.00
Do	Florida Progress Corp	1,088.00	437.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM	1,104.70	251.02
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	3,037.50
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005			33,694.08
Ward L. Quaal, 401 North Michigan Ave Chicago, IL 60611	Ward L. Quaal Company		
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610			3,432.98
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,700.00	
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	1,500.00	
Patrick H. Quinn, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn	2,000.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	343.75	
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	1,218.75	
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd		
Do	Rafael Armament Development Authority	4,500.00	4,060.00
Do	TAAS, Israeli Industries LTD (IMI)	4,950.00	1,664.00
Do	Urdan Industries LTD		
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	American Society of Hematology	500.00	130.00
Do	Association of American Cancer Institutes	2,000.00	348.50
Do	Friends of the NIDCD	600.00	128.75
Do	P/C Advisors, Inc	1,500.00	354.20
Do	Washington Center for Internships		
Ragan & Mason, 1156 15th Street, NW, #800 Washington, DC 20005	Savings & Community Bankers of America		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)		
Do	Graham & James (For:Attorneys' Title Guaranty Fund, Inc)	5,100.00	
Do	Graham & James (For:R. R. Donnelley & Sons Company)		
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)		
Do	Graham & James (For:Federal Magistrate Judges' Assn)		
Do	Graham & James (For:Milk Specialties Co)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp	1,625.00	1,824.67
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	2,250.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	398.48	
Do	National Independent Dairy-Foods Assn		
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	200.00
Magda A. Ratajski, Norfolk Southern Corporation Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	American Forest & Paper Assn		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc	30.00	50.00
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	600.75	
Do	Bayley Seton Hospital	14,134.19	
Do	Lutheran Medical Center	11,436.42	
Do	Pegasus Foods, Inc	3,995.11	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	500.00	45.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies	300.00	
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	669.00
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	123.00
Clark E. Rector Jr., 1101 Vermont Ave., N.W.,Suite#500 Washington, DC 20005	American Advertising Federation		
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	749.87	48.00
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	912.49	56.00
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	84.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Certified Color Manufacturers Assn		
Do	Cincinnati Gas & Electric		
Do	CAFRI		
Do	Grocery Manufacturers of America, Inc		
Do	High Speed Rail Assn	8,300.00	321.30
Do	Paging Network, Inc	34,495.00	34,938.45
Do	Portland Cement		
Do	Radio-Television News Directors Assn	5,000.00	
Do	University of Cincinnati		
Do	Waste Management, Inc		
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	Songwriters Guild of America		
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	585.87
Reese Communications Companies, Inc, 3050 K St., NW, Suite 200 Washington, DC 20007	Philip Morris, USA		
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	137.50
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	66.44
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	4,000.00	1,384.82
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		6,732.00	2,150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		18,493.94	18,887.27
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	3,500.00	501.81
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation	4,633.16	5,015.53
Do	Embassy of the Republic of Uganda		112.53
Do	Interim Government of National Unity of Liberia		
Do	Republic of Guyana		3,512.38
Do	Republic of Nicaragua	16,823.64	3,544.79
Do	Saharawi Arab Democratic Republic		563.31
Do	Supreme Court of Justice of the Republic of Guatemala		458.38
Do	United Coconut Assn of the Philippines		
Do	United Front for Multiparty Democracy (Malawi)		0.23
Do	United Republic of Tanzania		10.60
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute		
Do	Kabi Pharmacia, Inc	3,083.25	106.72
Do	Minnesota Power	1,344.00	59.07
Do	MDU Resources Group, Inc		
Do	Nishika Corp	6,087.25	364.05
Do	Pride Refining, Inc		
Do	Tucson Electric & Power Co	2,710.00	
Do	United Illuminating Company	2,725.00	
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	652.75
Reinhart Boerner Van Deuren Norris & Rieselbach, 2445 M Street, NW, Suite 410 Washington, DC 20037	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	14.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	228.84
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		1,399,400.00	265,630.05
Julia Renjilian, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders and Contractors	2,500.00	
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	103.93
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	7,580.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
David M. Repass, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)		
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc		1,073.34
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	100.00	53.65

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005		13,500.00	
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		127,771.95	182,835.63
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	26,108.88	317.50
Mark E. Rey, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest Resource Alliance		
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart		
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		933.87
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	169.85
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,750.00	48.57
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	5,541.90	337.51
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,500.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,750.00	
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	625.00	4,432.62
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,135.00	
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	28,495.00	15.19
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		2,000.00
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	420.00	1,222.44
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute		
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn	378.00	360.21
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	151.12
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	800.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	599.45	
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	300.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		125.00	250.00
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	4,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,385.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	681.96	762.77
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,221.00	3,597.00
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	31.00	4.00
Do	Fragrance Materials Assn	31.00	4.00
Do	International Assn of Color Manufacturers		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		711.16
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	139.60
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	11,791.00	198.13
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc	2,320.00	21.00
Do	International Group of P&I Clubs		
Do	National Assn of Wheat Growers	6,530.30	1,826.05
Do	Polaris Industries, L.P.	2,370.00	
Do			
Do	U.S. Wheat Gluten Assn	1,045.00	
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	210.00	
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Kenneth L. Robinson, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	16,200.00	780.00
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey and Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Case Management Society)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Unisys Corp)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	3,000.00	
Do	Central Valley Project Water Association		
Do	Commission on Self-Determination		
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	2,000.00	
Do	Mesa Limited Partnership		
Do	Napa Flood Control and Water Conservation District		
Do	National Venture Capital Association		
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun-Diamond Growers of California	1,500.00	
Do	United States Banknote Corp		
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James Anthony Rock, 1101 Pennsylvania Avenue, N.W. # 530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	413.95
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort Development Assn	3,000.00	
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	108.00
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	1,500.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194	American Maritme Congress	15,000.00	42.00
Do	American Rice, Inc	15,000.00	66.00
Do	CBS, Inc	15,000.00	22.00
Do	Primerica Financial Services		
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,978.00
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	American Express Co		
Do	Canadian Pulp and Paper Association		
Do	Canadian Steel Industry Council	360.00	567.21
Do	Dofasco, Inc		
Do	Dreyfus Corporation	4,500.00	132.64
Do	Investment Program Assn	2,500.00	
Do	Italian Trade Commission		
Do	Kamehameha Schools/Bishop Estate		
Do	Major League Baseball Players Assn	3,230.00	228.42
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	Republic National Bank		
Do	Rutgers, The State University of New Jersey		
Do	RPM Securities, Inc	18,000.00	84.00
Do	Shearson Lehman Brothers, Inc		
Do	Wine & Spirits Wholesalers of America, Inc		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,000.00	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,755.00	1,319.11
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	292.24
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		1,925.07
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Cabot Corp		
Do	Enron Corp		
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn		
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,284.00	33.50
Do	Rosapepe & Spanos, Inc (For:Interim Services, Inc)		
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	9,750.00	4,300.24
Do	Interim Services, Inc		
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation	10,170.00	10,170.00
Do	Johnson Matthey, Inc	1,600.00	
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	SmithKline Beecham Corp	2,500.00	600.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	1,500.00	
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc		
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	14,122.92	17.00
Ilene Rosenthal, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	4,000.00	
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728		1,326.50	
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute	438.00	961.32
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Air Courier Conference of America	3,587.50	
Joseph L. Rosso, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	6,019.00	3,130.72
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,943.51	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	13,400.00	354.50
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	1,050.95
Do	Ralvin Pacific Properties, Inc, et al.		
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	450.00	55.00
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Karen Rotterman, P.O. Box 99667 Raleigh, NC 27624	Rotterman & Associates (For:Genentech)		
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,032.00	2,583.32
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	John Nuveen & Co, Inc		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	20,478.82	6,922.70
T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		
Rudder-Finn, Inc, 1615 M Street, NW, Suite 220 Washington, DC 20036	Republic of Bosnia-Herzegovina		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	251.80
Paul M. Ruden, P.O. Box 23992 Washington, DC 20092	American Soc of Travel Agents		
Ruder Finn, Inc, 1615 M Street, NW, #220 Washington, DC 20036	Republic of Croatia, Washington Office		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	1,000.00	
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	42,869.00	
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Tonda F. Rush, 1627 K Street, NW, #400 Washington, DC 20006-1790	National Newspaper Association		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 444 Saw Mill River Road Ardsley, NY 10022-699	CIBA-GEIGY Corp	4,375.00	28.48
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	500.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Richard M. Russell, 444 North Capitol Street Hall of States, Suite 326 Washington, DC 20001	Assn of California Water Agencies	400.00	47.02
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology	1,700.00	801.20
Do	American Optometric Assn	1,300.00	702.50
Do	American Society for Medical Technology	600.00	127.50
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	100.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			13,576.46
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	338.37
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	834.79
Lee Becker Salamone, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	10,442.00
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	500.00	35.00
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,300.00	133.54
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Wendy B. Samuel, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	201.30
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Sheldon W. Samuels, 815 16th Street, NW Washington, DC 20006			120.00
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	397.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	166.00
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	417.82
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			3,561.80
Ernie Satterwhite, 1301 K Street, NW Washington, DC 20005	IBM		
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	27.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Save Our Children National Alliance, Inc, Collin Creek Crossing P.O. Box 535 Livingston, TX 77351		267.50	1,547.11
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		6,090.00	19,009.99
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		51,407.00	94,926.73
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,756.25	4,507.08
Amy Schaffer, 1250 Connecticut Ave., NW Washington, DC 20036	American Forest & Paper Assn		
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	277.40	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Do	Bailey & Robinson (For:Unisys Corp)		
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Jeffrey L. Schlagenhauf, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc	22.83	
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		154.29
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	1,650.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,080.00	146.00
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	3,000.00	
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafargo Corp	23,952.50	1,956.59
Mahlon C. Schneider, 1000 N.W. 14th Austin, MN 55912	Hormel Foods Corporation		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	6,400.00	137.05
Do	PepsiCo, Inc	9,139.00	114.00
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			1,202.00
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	12,000.00	
Paul A. Schosberg, 900 19th Street NW Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,866.00	592.47
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,301.52	145.28
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	Lobel Novins Lamont & Flug (For:California State Lands Commission)		
Do	Washington State Department of Natural Resources	1,621.67	7.27
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	3,910.50	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	12,000.00	208.00
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Stephen I. Schwartz, 236 Massachusetts Avenue, NE, Suite 500 Washington, DC 20002	Tides Foundation	129.91	3,188.28
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	6,550.00	
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm		30.00
Yael Schy, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Michael C. Sciacca, P.O. Box 10314 Seattle, WA 98110	Washington Oil Marketers Assn		
Sally Sciacca, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			300.00
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	634.40
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	9,441.25	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,237.50	228.79
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	291.61
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,938.00	2,572.26
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	800.00	935.22
Do	Iroquois Gas Transmission Systems	850.00	793.69
Do	J. Makowski Co	600.00	619.33
Do	Mobil Corp	1,100.00	875.75
Do	Pfizer, Inc	900.00	690.84
Do	RBOC-GAPC Task Force	1,360.00	539.23
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	9,230.40	69.50
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters		
Do	Philip Morris Management Corp		
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			9,930.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		12,912.00
Ruth L. Segal, 1212 New York Avenue, NW, #1210 Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	128.26
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	2,500.00	19.55
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		1,393,824.32	761,828.40
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company	8,250.00	1,011.22
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,330.00	
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	329.91
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	4,702.89
Tess Serranti, 350 River Road South, C-1 New Hope, PA 18938	Enichem America, Inc		
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,517.95
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	25.65
Do	Council of Hawaii Hotels	2,486.25	
Do	Twin City Pipe Trades Welfare Trust	8,268.75	233.97
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Frank Russell Co)		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,500.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)		
Do	Price Waterhouse (For:Tenneco, Inc)	395.00	
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	22,903.02	5,374.31
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	1,601.56	1,291.56
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group		
Do	Senior Executives Assn	10,000.00	658.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp	1,930.50	22.72
Do	Edlow International Company		
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Institute of International Bankers		29,532.10
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization	1,529.85	34.00
Do	National Automobile Dealers Assn	270.00	8.20
Do	National Marine Manufacturers Assn	9,330.50	185.23
Do	Nuclear Fuel Services, Inc		
Do	Presbyterian University Hospital		
Do	RJR Nabisco	8,381.85	331.79
Do	Southeastern Star, Inc		
Do	Spectrum Astro, Inc	1,825.39	23.00
Do	University of Pittsburgh Medical Center		
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	9,073.00	269.23
Do	Waste Management, Inc		
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	400.00	50.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
P. Scott Shearer, 1600 M Street, NW, #702 Washington, DC 20036	Zeneca, Inc	12,000.00	949.00
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	416,700.00	157.29
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	16,852.26	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	2,520.01
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	105.96	
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	26.00	
L. Philip Sheldon Jr., 1071 Snapper Dam Road Landisville, PA 17538	Child Protection Lobby	9,000.00	451.94
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	960.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc	92.00	
Frances R. Shepardson, 1025 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	27.00
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	3,900.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	5,345.05
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	Commonwealth Edison Co		
Do	Donrey, Inc	247.24	
Do	W. K. Kellogg Foundation		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment)	375.00	
Do	Chambers Associates, Inc (For:Alarm Industry Communications Committee (AICC)).	1,275.00	62.26
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	2,000.00	67.99
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	2,000.00	34.04
Do	Chambers Associates, Inc (For:Management Insights)	1,000.00	27.72
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))	1,000.00	
Do	Chambers Associates, Inc (For:New York Hospital)	1,162.50	15.19
Do	Chambers Associates, Inc (For:PepsiCo, Inc)	2,073.75	129.90
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).		
Do	Capitoline International Group, Ltd (For:OHM Corp)	1,267.50	
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig)	2,300.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)	6,700.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	4,500.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,300.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		1,098.00	1,672.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	500.00	103.60
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	1,000.00	45.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	40.00
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	6,240.00	108.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	International Chiropractors Assn	3,000.00	
Do	IEEE	8,000.00	
Do	Life College	4,000.00	
Do	Monrovia Nursery Company	500.00	
Do	National Structured Settlements Trade Assn	14,000.00	
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	785.94	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	First Mississippi Corp	2,000.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc	1,000.00	
Do	American International Group, Inc		
Do	Armco, Inc	10,000.00	
Do	Bethlehem Steel Corp	10,000.00	
Do	County of San Joaquin, CA		
Do	Dun & Bradstreet		
Do	Edersheim Maurits/Amstel Hudson Management Corp		
Do	Enron Corporation		
Do	General Mills		
Do	Inland Steel Industries, Inc	10,000.00	
Do	LTV Steel Company, Inc	10,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Steel Corp	10,000.00	
Do	Sara Lee Corporation		
Do	Transco Energy Corp		
Do	USX Corp	10,000.00	
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Linda Arey Skladany, 1350 I Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	7,965.00	45.25
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	540.00	
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)		
Do	Proctor & Gamble Mfg Co	6,225.00	72.50
Do	Southern California Rapid Transit District		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	34.02
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	605.33
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	724.62	95.00
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		6,233.76	33,645.87
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America		
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20006	Xerox Corp	120.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	28,258.50	4,015.19
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	650.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Marc Smith, 714 Jackson St. Suite 939 Dallas, TX 75202			
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	2,000.00	45.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	928.10	391.65
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	7,200.00	1,975.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc		4,279.62
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA		
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	5,426.62	804.17
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	1,250.00	
Do	NYNEX Government Affairs	1,250.00	748.50
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	10,000.00	
Do	City of Eugene, Oregon	9,000.00	
Do	City of Gillespie, IL	6,000.00	
Do	City of Macon	4,500.00	
Do	City of Ontario, California	5,500.00	
Do	City of Springfield, Oregon	1,500.00	
Do	Coalition Advocating State Regulation of Insurance		
Do	Composite Technology Transfer Consortium	20,000.00	
Do	CRASH	6,000.00	5,000.00
Do	Haarmann & Reimer Corp	6,000.00	
Do	Kansas City Transit Authority	6,666.66	
Do	Lane County, Oregon		
Do	Metropolitan Water Reclamation District of Greater Chicago	7,000.00	
Do	N.Y. Metropolitan Transportation Agency	14,000.00	100.00
Do	National Assn of Foreign Trade Zones	3,500.00	150.00
Do	Port of San Francisco	4,500.00	
Do	San Francisco Public Utilities Commission		
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		14,834.71	14,834.71
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815		240.00	65.00
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	176.87	
Rand Snell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Broward County)	1,200.00	
Do	Hill & Knowlton, Inc (For:Port Everglades Authority)	1,200.00	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	14,000.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Soble & Associates, 1747 Pennsylvania Ave., NW, Suite 1200 Washington, DC 20006	National Coalition Government of the Union of Burma		35.47
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		11,277.46	19,739.09
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Lisa Sockett, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,400.00	250.00
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	651.92	307.59
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		18,750.00	8,786.27
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)		
Robert Sinclair Sollars, 1004 North Frederick Road Catonsville, MD 21228	Christian Ministries, Inc		123.00
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak	500.00	58.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	5,000.00	14.00
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		50.00
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)		
Do	Bannerman and Associates, Inc (For:Government of Egypt)	500.00	88.00
Do	Bannerman and Associates, Inc (For:Government of U.A.E.)	100.00	32.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		23,990.79	23,990.79
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			14,000.00
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	1,465.97	6,710.42
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	3,800.00	3,714.49
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avunue, #620 Fairfax, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,400.00	
Do	North American Interstate Weather Modification Council		
Richard A. Speizman, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)		
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City & County of Denver, Director of Aviation		
Do	City of St. Louis Airport Authority		
Do	Former Residents of Centralia Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	2,320.66	
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:American Telephone & Telegraph)	22,500.00	1,320.56

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Gardner Carton & Douglas (For:Jones Intercable)	2,782.50	8.00
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)	18,750.00	168.23
Do	Gardner Carton & Douglas (For:Perrigo Company)	502.50	
Do	Gardner Carton & Douglas (For:Rocky Mountain Health Maintenance Organization).	5,000.00	148.66
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)	5,000.00	
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)	18,814.25	1,904.74
Do	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)	1,551.00	23.75
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	563.00	8.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	7,436.25	
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,258.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	8,273.71	
Do	Stewart & Stewart (For:Novus International, Inc)		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	209.34
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	843.35	
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	2,000.00	1,100.00
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	141.24
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	3,250.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	5,949.00
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	943.02
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Association	400.00	50.00
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)	1,634.00	
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,294.19	969.01
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Health Care Association	17,490.00	
Do	American Insurance Assn	9,900.00	16.00
Do	AEtna Life & Casualty	19,467.50	130.46
Do	Johnson & Johnson	12,257.50	32.00
Do	Lockheed Information Management Systems Company	2,425.00	
Do	National Health Labs, Inc	10,597.50	
Do	Pfizer, Inc	11,910.00	66.00
Do	Pharmaceutical Manufacturers Assn	13,907.50	53.66
Do	Private Benefits Alliance		
Do	XOMA Corporation	20,000.00	
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	20,955.00	3,388.16
Do	Spiegel & McDiarmid (For:Guam Power Authority)	7,955.00	2,521.27
Anna-Maria Stephens, 1250 Eye Street, NW, Suite 300 Washington, DC 20005	Mitsubishi Motors America, Inc	360.50	
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Michael R. Stephens, 2429 W. Pensacola Ave. Chicago, IL 60618			
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co		
Do	Citizens Savings & Financial Corp	5,781.57	
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Del Webb Corp		
Do	Isolyser Company, Inc		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial	2,496.15	
Do	Yavapai-Prescott Indian Tribe		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	Investment Company Institute	3,354.39	1,134.07
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	600.00	
Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	4,250.00	
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	1,198.00	319.46
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,363.00	
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council	150.00	52.50
Do	Georgetown Railroad Co, et al.		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey Glass)	45,056.11	26,868.55
Do	Monsanto Co		
Do	Novus International, Inc		
Do	PPG Industries, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		887.20
Do	Timken Co	3,154.15	719.74
Do	Torrington Company	3,154.15	719.74
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,386.20	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	3,250.00	1,459.87
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	2,631.00	
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	1,895.56
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	322.00	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	694.21
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		100.31
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	12,000.00	
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	9,000.00	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	1,096.78
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,500.00	367.15
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	10,903.37
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc		5,000.00
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Brooklyn Hospital Center		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Healthcom International		
Do	Hospital for Special Surgery		
Do	Lenox Hill Hospital		
Do	Maimonides Medical Center		
Do	MicroGeneSys, Inc	7,500.00	200.00
Do	Montefiore Medical Center		
Do	Mount Sinai Medical Center		
Do	New York Hospital-Cornell Medical Center		
Do	Our Lady of Mercy Medical Center		
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Arthur Andersen & Co	416.60	6.40
Do	Coopers & Lybrand	416.60	6.40
Do	Deloitte & Touche	416.60	6.40
Do	Ernst & Young	416.60	6.40
Do	KPMG Peat Marwick	416.60	6.40
Do	Price Waterhouse	416.60	6.40
Do	US Healthcare	22,771.39	405.66
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	23.95
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
David A. Streilein, 5525 Reitz Avenue Baton Rouge, LA 70809-3802	Blue Cross & Blue Shield of Louisiana	1,200.00	940.76
Do	Blue Cross & Blue Shield of Mississippi, Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	71.42	
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	Advanced Telecommunications Corp	8,662.50	120.53
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	8,260.00	780.00
Do	Dreyfus Corporation		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Company, Inc	4,624.91	1,255.91
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	5,886.31	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	830.00	2,785.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	50.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	8,500.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	5,050.00	
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	1,900.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority (MBTA)	1,500.00	24.00
Do	Massachusetts Port Authority (MASSPORT)		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	City of San Liandro		
Do	National Utility Products Company		
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	500.00	
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	650.00	570.00
Julie Susman, 1341 G Street, NW, #1100 Washington, DC 20005	Jefferson Group (For:Florida Hospital Medical Center)		
Do	Jefferson Group (For:Lee Memorial Hospital)		
Do	Jefferson Group (For:Manatee Memorial Hospital)		
Do	Jefferson Group (For:Orlando Regional Medical Center)		
Do	Jefferson Group (For:PRC/ATI)		
Do	Jefferson Group (For:Sarasota Memorial Hospital)		
Do	Jefferson Group (For:Tandem Computers, Inc)		
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	1,402.28
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	3,000.00	
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,646.00	
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	25,645.49	
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	7,437.50	3,062.46
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	150.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	533.37
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Collier Shannon... (for Independent Gasoline Marketers Assn)		
Do	Integrated Waste Services Assn	933.75	
Do	MacAndrews & Forbes Group, Inc	2,396.25	76.00
Do	National Council of Community Hospitals	1,258.75	
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		120.00
Philip E. Swink, 1Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		110.50
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	6,517.93
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Systems Control, Inc, 10240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003		1,161.00	1,161.00
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	36.26
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,472.52	30.50
Tanner & Guin, P.C., P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co, Inc	85.00	135.00
Tapestry Consultants, Inc, 10507-A Braddock Road Fairfax, VA 22032-2236			
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	19,630.48	258.97
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,589.40	
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Television, Inc		
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,313.08
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	187.44
Leonard B. Terr, 815 Connecticut Ave, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	3,667.00	460.43
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	336.90	4.50
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		927.23	927.23
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		824.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Citicorp Washington		
Do	Massachusetts Bankers Assn	5,902.00	824.00
Do	Massachusetts State Carpenter's Guaranteed Annuity Fund		
Do	Massachusetts State Carpenter's Pension Fund		
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Terry V. Thiele, AP2-225 Appliance Park Louisville, KY 40225	General Electric Co	780.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company		500.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	675.00	26.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,890.00	500.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)	325.00	238.67
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	1,791.88	1,074.03
Do	Kent & O'Connor, Inc (For:US Shoe)	415.63	238.67
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,013.35	65.00
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	105.00	47.05
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	BellSouth Corp		125.00
Do	City of Kansas City, MO		
Do	Council for Superfund Fairness, Inc		125.00
Do	Duke Power Co	18,000.00	700.00
Do	Greater Kansas City Chamber of Commerce	5,000.00	350.00
Do	International Assn of Convention & Visitor Bureaus	1,500.00	100.00
Do	Itron and AMRplus Partners	15,000.00	550.00
Do	Jerome Levy Institute	4,999.98	120.00
Do	Lenox, Inc	666.66	95.00
Do	Naitonal Bareboat Charter Assn	732.66	1,300.00
Do	Polaris Industries, L.P.	8,249.56	120.00
Do	Potomac Capital Investment Corp	15,000.00	125.00
Do	Primark Corp	8,636.00	450.00
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	660.29	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Tracy L. Thompson, 1225 I Street, NW, #825 Washington, DC 20003	Beer Institute	100.00	
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	2,943.75	27.00
Do	Milliken & Company		
Thompson & Mitchell, One Mercantile Center St. Louis, MO 63101	U.S. Durum Milling, Inc		37.85
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	456.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,325.00	166.20
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn	10,000.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	2,860.00	123.40
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Paula Pleas Timmons, 1250 Connecticut Ave., NW, Suite 401 Washington, DC 20036	McCaw Cellular Communications, Inc	6,245.00	3,528.86
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Factory Trawler Assn	595.00	
Do	American Petroleum Institute	1,425.00	
Do	Amoco Corporation	2,325.00	
Do	Anheuser-Busch Companies, Inc	3,300.00	
Do	Association of Trial Lawyers of America	2,632.50	
Do	Capital Cities/ABC, Inc	4,200.00	
Do	Chrysler Corporation	2,925.00	
Do	General American Life Insurance Co	1,650.00	
Do	H.J. Heinz Co	4,800.00	
Do	Major League Baseball	7,050.00	
Do	National Rifle Assn	2,247.50	
Do	Northern Telecom, Inc	2,175.00	
Do	Northrop Corp	3,750.00	
Do	NutraSweet Co	1,275.00	
Do	G. D. Searle & Co	6,900.00	
Do	SCEcorp and Subsidiaries	2,625.00	
Do	Union Pacific Corp	1,725.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	37.87
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Joseph E. Seagram & Sons, Inc		
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Vought Systems Corp	2,500.00	125.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	250.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			3,675.00
George A. Tobin, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn	3,500.00	4,500.00
Erin Todd, 2626 Pennsylvania Aven, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	404.99
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	8,000.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	1,076.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, P.O. Box 500 Denver, CO 80202			
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,601.56
Trade Partnership, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004		300.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,561.05
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,175.00	
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Bernard R. Tresnowski, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Association		12.00
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	12,500.00	
Do	Van.Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	3,431.25	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	3,875.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		2,310.00
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	908.63	
Michael G. Troop, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America	17,000.00	
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	3,062.48
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	418.50
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	899.00	
Shannon B. Tuel, 1200 17th Street, NW Washington, DC 20036	Burger King Corp		201.00
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	180.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,344.00
Do	Inland Valley Development Agency	3,600.00	2,100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Recovery Engineering	6,000.00	2,521.13
Do	San Bernardino Associated Governments	4,400.00	2,100.00
Do	San Bernardino International Airport Authority	4,400.00	2,100.00
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,600.00	
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union	5,000.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		11,654.00	11,654.00
Max Turnipseed, 451 Florida Blvd., #948 Baton Rogue, LA 70801	Ethyl Corporation	2,050.00	363.71
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	American NuKem		
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers	4,306.25	141.19
Do	Sunkist Growers, Inc	25,212.50	1,416.94
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	20,000.00	
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	19,085.00	20,519.37
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,100.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	16.67	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,468.00	2,468.00
U.S. Border Control, P.O. Box 10800 Springfield, VA 22009-0800		17,160.08	16,801.49
U.S. Durum Milling, Inc, 7900 Van Buren Street St. Louis, MO 63111			
U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		63,201.75	88,578.74
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		4,541.23	4,541.23
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	61.00
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota		969.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		13,574.00
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			24,462.95
United Distribution Companies, 520 Madison Avenue, 29th Floor New York, NY 10022			1,541.34
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		1,172,540.51	301,414.34
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			3,608.63
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			491,797.00
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	15.00
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	14,346.30	32.00
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			4,763.06
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004		81,396.00	84,206.82
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	6,000.00	2.00
Do	American Insurance Assn	21,250.00	83.66
Do	Valanzano & Associates (For:American International Group)	2,000.00	
Do	Chubb Corporation	3,000.00	507.35
Do	Colonial Life & Accident Insurance Co	16,950.00	1,151.20
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	12,000.00	35.05
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,500.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Jeanette Van DeWater, 262 Pennsylvania Ave., NW Freeport, NY 11520	Friends of NIDCD, Inc	4,133.32	
Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Continental Airlines, Inc	8,500.00	5,647.00
Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037	American Gas Assn		
Do	General Aviation Manufacturers Assn		
Do	Pharmaceutical Manufacturers Assn		
Juliane H. Van Egmond, 7108 Beechwood Drive Chevy Chase, MD 20815	Miles, Inc	859.35	82.02
Laura Van Etten, 1747 Pennsylvania Ave., NW, #875 Washington, DC 20006-4604	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)		
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	1,680.00	
Do	Bar-S Foods Company		
Do	Barron Collier Co		
Do	Bio Resources, Ltd		
Do	Blackfeet Tribe		
Do	City of Tacoma, WA	136.50	
Do	City Public Service of San Antonio		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	70.50	
Do	Geothermal Resources Assn	144.00	
Do	GE Industrial & Power Systems	550.00	
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company	3,127.50	26.00
Do	Mack Trucks, Inc	642.00	20.00
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition	3,820.00	132.50
Do	National Wetlands Coalition	7,789.25	174.00
Do	Navajo Nation	315.00	17.00
Do	Ormat		
Do	Price Waterhouse		
Do	Sacramento Municipal Utility District	175.00	
Do	Simpson Paper Co	105.00	26.50
Do	Toyota Motor Corporate Services of North America, Inc	550.00	
Do	Uranium Producers of America		
Do	Young People for National Service		109.30
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	12,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	3,750.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)	3,431.25	
Do	Van Scoyoc Associates, Inc (For:MetaNetworks)	1,000.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Life Underwriters)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)	2,500.00	
Do	Van Scoyoc Associates (For:Quanex)	8,375.00	
Do	Van Scoyoc Associates, Inc (For:Regis Retirement Plan Services)		
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	3,875.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)	12,000.00	
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,955.20	345.68
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	32.00	
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	1,566.81	170.40
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	7,248.00	35.86
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	511.52	1,019.35
Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc	57.00	108.62
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	2,891.26
Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000	Energy Tax Coalition		
Do	New York Mercantile Exchange (NYMEX)		
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	19,500.00	10,782.90
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	114.00
Haleh Vaziri, 516 First Street, SE Washington, DC 20003	Gryphon International		
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		1,320.00
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	9,000.00	948.54
Do	National Ag Underwriters	21,000.00	891.59
Do	National Assn of Crop Insurance Agents	20,000.01	1,563.20
David Vienna & Associates; 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees		
Do	California Franchise Tax Board	5,460.00	
Do	California Public Employees' Retirement System	4,208.75	
Do	California State Senate	1,618.75	
Do	Pacific Stock Exchange, Inc	7,780.00	
Do	Regional Stock Exchanges Coalition	2,043.75	
Do	State Board of Equalization (Calif)	4,593.75	
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp		
Patrice Vincent, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	128.10
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorney's Liability Assurance Society, Inc	1,680.00	
Do	Bank Tax Group	20,212.50	
Do	Bank United of Texas FSB	1,894.00	
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc		
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co	10,307.50	
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Simmons Communications	4,617.50	
Do	Texas Veterans Land Board		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Continental Insurance Companies		
Do	National Fraternal Congress of America	250.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	15,585.28	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207			376.82
George A. Viverette Jr., 1440 New York Avenue, NW, Suite 200 Washington, DC 20005	American Automobile Assn		
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	15,785.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	505.00
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		890.00
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral, Psychological and Cognitive Scienc	37.80	
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	19,162.50	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn, Inc)	2,500.00	
Do	Direct Marketing Assn		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	100.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		27,000.00	11,146.00
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)	137.50	
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	3,750.00	269.58
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Advanced Material Resources, Inc		
Do	Committee of Publicly Owned Companies	1,340.60	75.21
Do	CVI, Inc	1,386.00	110.52
Do	Foreign Credit Insurance Assn Management Co, Inc		
Do	Fraternal Order of Police - National Headquarters	1,819.40	522.89
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	4,825.50	199.65
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters		
Do	Ohio Cable Television Assn	404.25	1.54
Do	Ohio Forestry Assn		
Do	Ohio Soft Drink Assn		
Do	Recyclers of Copper Alloy Products	9,396.25	377.07
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.	2,239.00	320.77
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	22,992.60	871.21
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
VALOR, P.O. Box 6393 Arlington, VA 22206-0393			17.50
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	681.74
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Robert Waffle, 1421 Prince Street, #230 Alexandria, VA 22314	International Hardwood Products Assn(IHPA)	875.00	1,536.56
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	9,000.00	820.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	4,125.00	879.00
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	101.88
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	225.00	41.90
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc	7,750.00	1,969.99
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	16,788.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Nulear Energy Council		
Do	American Telephone & Telegraph Co	5,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	2,187.00	
Do	Coalition for Competitive Capital		
Do	CSX Corporation	1,875.00	
Do	Federal Home Loan Mortgage Corp	2,400.00	
Do	GAF Corp		
Do	Mexican Department of Commerce & Industrial Development	70,872.00	
Do	Mid Continent Oil and Gas Assn	1,500.00	
Do	MBNA America Bank NA	4,000.00	
Do	National Assn for the Superconducting Super Collider		
Do	National Stone Assn		
Do	Northville Industries Corp		
Do	Northwestern Mutual Life Insurance Co	3,750.00	
Do	Pacific Lumber Co	3,000.00	
Do	Sony Music Entertainment, Inc	5,000.00	
Do	Sony Pictures Entertainment, Inc	2,500.00	
Do	Southern Company Services, Inc	2,500.00	
Do	USA Group, Inc	10,500.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	2,500.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	
Do	Alabama Power Co	25,000.00	
Do	American Soc of Farm Managers and Rural Appraisers	10,500.00	
Do	American Sugar Cane League	22,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Calgene, Inc	10,000.00	
Do	Cash America International	2,500.00	
Do	Cotton Warehouse Assn of America	22,500.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Kingdom of Saudi Arabia	60,000.00	
Do	Service Corporation International	7,500.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn		
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,062.50	210.97
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	1,420.52
Do	National Assn of Dredging Contractors	13,750.00	
Do	National Rifle Assn of America	35,000.00	1,909.93
Do	Textron, Inc	15,000.00	945.60
Do	Thiokol Corp	10,500.00	436.85
Do	TRW, Inc	30,000.00	465.13
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,625.00	161.91
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute		
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	4,500.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	20,438.73	273.08
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	3,262.50	32.00
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	1,535.76
Ann D. Warner, 1220 - 19th Street, NW, Suite 200 Washington, DC 20036	International Bridge Tunnel & Turnpike Assn		
Ernest R. Warner Jr., 1133 Connecticut Avuenue, NW Washington, DC 20036	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:SNECMA)		
Do	DGA International, Inc (For:Zenith Data Systems)		
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
David L. Warren, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges & Universities	999.00	
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	506.91
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,000.00	906.45
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn		
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,164.61
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Washington Public Affairs Group, 5910 Woodacres Drive Bethesda, MD 20816	National Union for the Total Independence of Angola (UNITA)		
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores	500.00	
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 313 St. Louis, MO 63105			150.00
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	14,619.24	102.55
Do	Wisconsin Counties Assn	12,816.57	100.57
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	64.85
Do	American Foundrymen's Society, Inc	75,000.00	1,172.61
Do	American Metalcasting Consortium (AMC)	11,500.00	752.85
Do	Cast Metals Coalition	7,500.00	237.27
Do	North American Die Casting Assn (NADCA)	18,249.99	513.28
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		149.69
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp	1,300.00	117.19
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	7,180.00	
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	50.00	
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,500.00	169.87
Nancy Watzman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,250.00	
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	15,475.00	2,835.20
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute		
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	500.00	
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	7,193.12	250.51
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Margaret L. Webber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	35.00
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	Envirocare of Utah	8,000.00	
Do	James W. Bunger & Associates	5,000.00	100.00
Do	Rural Utah Public Lands Council	75,100.00	10,000.00
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International	390.00	100.00
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	3,000.00	215.98
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV	1,408.00	1,979.00
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Michael C. Weland, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	1,900.00	106.00
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute	880.40	55.40
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	14,436.00	57.00
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	5,238.64
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,750.00	
Margaret A. Welsh, 2715 M Street, NW, #150 Washington, DC 20007	Electric Generation Assn	980.77	15.75
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	15,680.00	2,506.00
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,362.52	232.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	296.69
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	408.12
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		4,760.69	8,493.85
Michelle Westover, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc	12,292.00	
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	394.52	170.48
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp	1,200.00	
Do	Air Conditioning & Refrigeration Institute	945.00	
Do	Allied-Signal, Inc		
Do	American Airlines, Inc	23,400.00	62.44
Do	American Dietetic Assn	157.20	38.75
Do	American Public Transit Assn	9,322.50	140.25
Do	Anheuser-Busch Companies, Inc.	9,350.22	80.75
Do	AIDS Action Council	2,055.00	124.00
Do	ARCO	6,600.00	
Do	Camp Barsh & Tate	3,930.00	
Do	Catholic Health Assn of the U.S.	1,800.00	
Do	Century Council	3,638.32	
Do	Comcast Corporation	13,050.00	360.09

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Connie Lee Insurance Company	2,460.00	
Do	Consortium of State Maritime Schools	2,460.00	40.00
Do	Coopers & Lybrand		
Do	Crow Tribal Council	4,972.50	135.66
Do	Defense Rations Manufacturers Assn	6,300.00	109.75
Do	Fleischman & Walsh		
Do	Foothills Pipe Lines (Yukon) Ltd		
Do	Fox Bennett & Turner	5,880.00	
Do	FHP	211.50	15.75
Do	General Motors Corp		
Do	Grand Trunk Western Railroad, Inc	750.00	
Do	Guardian Industries Corp	9,300.00	60.05
Do	Hughes Aircraft Company Space and Communications Group	7,800.00	27.50
Do	J.P. Morgan & Co, Inc	2,100.00	
Do	Johnson & Johnson	3,825.00	33.00
Do	Joslin Diabetes Center	6,480.00	130.00
Do	Lamont-Doherty Geological Observatory	3,000.00	71.50
Do	Massachusetts Foundation for Excellence in Marine & Polymer	3,696.00	77.25
Do	MetPath, Inc		
Do	Motion Picture Assn of America, Inc		
Do	National Association for Music Therapy		
Do	National Gypsum Co		
Do	New England Aquarium	4,905.00	
Do	Oceanic Institute	5,616.00	97.71
Do	Ohio Edison		
Do	Ross Laboratories	135.00	
Do	Science Applications International Corp	3,180.00	
Do	Student Loan Marketing Assn	540.00	13.00
Do	U.S. Bioscience	1,140.00	
Do	USA NAFTA	780.00	3,806.39
Do	Washington Consulting Group	1,500.00	8.00
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	6,250.00	
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
David W. Wheeler, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Alabama Power Co	29,351.88	7,141.94
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,596.00	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	5,654.31
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam	5,000.00	
Do	Tobacco Institute	4,000.00	
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.00	
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	784.50	126.50
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,515.75
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	94.22
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	3,132.00	251.00
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	Cuyahoga County	6,500.00	190.00
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Houghton Mifflin Company	4,774.89	
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	10,965.00	2,396.18
Do	National Constructors Association	13,333.32	5,762.88
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	825.00	
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company	500.00	219.37
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		422.97
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Jones Intercable)	1,365.00	226.43
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)	18,814.25	1,904.74
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	410.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,525.00	2,885.04
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	22,390.38	792.25
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Association Council International	17,760.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)		
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes for the Aging	411.88	107.23
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,970.00	
Thomas D. Wilcox, 2011 Eye Street, NW, #601 Washington, DC 20006	National Assn of Stevedores		
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		887.28
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	10,812.50	
Do	Industrial Technology Institute	15,000.00	
Do	MERRA	3,750.00	
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,500.00	1,263.00
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	12,333.34	1,864.44
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Inc	27,083.80	3,244.41
Do	Northwest Hydroelectric Assn	6,000.00	250.00
Do	RECOLL Management Corp	3,287.80	243.44
Do	RMJ Options Trading Corp		
Do	Solano Water Authority		
Do	Suntrust Banks, Inc		
Do	Turlock Irrigation District	12,500.00	1,204.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	120.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,400.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,300.00	300.00
Do	Electro Com Automation, Inc	1,550.00	250.00
Do	Mid America Dairymen, Inc	1,500.00	200.00
Do	National Marine Manufacturers Assn	1,500.00	250.00
Do	Pacific Telesis Group	1,500.00	300.00
Do	Riceland Foods, Inc	1,400.00	350.00
Do	Tyson Foods, Inc	1,400.00	300.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	99.83

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,500.00	569.36
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	4,062.62	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	9,270.00	979.84
Williams & Jensen, P.C., 1155 21st. Street, NW Washington, DC 20036	American Home Products	4,710.00	
Do	Amos Tuck of the School of Business Administration		
Do	Association of Family Farmers		
Do	BancFirst, et al.		
Do	Robert M. Bass Group	1,370.00	
Do	British Petroleum	1,200.00	
Do	California independent Mortgage Brokers Assn		
Do	California Recycling Co		
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company	480.00	
Do	Continental Airlines Holding, Inc.	1,293.75	
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	4,370.00	
Do	Estee Lauder, Inc	1,330.00	
Do	First Boston Corp	1,080.00	
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Marks Murase & White		
Do	National Assn of Rehabilitation Agencies	140.00	
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn	2,650.00	
Do	Norfolk Southern Corp	2,727.00	
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co	5,800.00	
Do	Owens-Illinois, Inc		
Do	Pharmaceutical Manufacturers Assn	780.00	
Do	Pittston Co	5,600.00	
Do	Recording Industry Assn of America, Inc		
Do	Southern Pacific Transportation Co.	2,480.00	
Do	Southwest Airlines		
Do	Student Loan Marketing Assn (Sallie Mae)	980.00	
Do	Texaco, Inc	2,950.00	
Do	Turner Broadcasting System, Inc		
Do	TTX Company		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc	140.00	
Do	USAA Financial Service Co		
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Marsha Ann Willis, 371 South Emerson Street Denver, CO 80209	USA NAFTA	134.30	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,214.03	148.72
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	Association of Directory Publishers	2,585.00	53.76
Do	Browning-Ferris Industries, Inc	150.00	
Do	Council of Appraisal & Property Professional Societies		
Do	Morgan Guaranty Trust Co	3,427.50	131.00
Do	National Assn of Independent Fee Appraisers	990.00	
Do	Standard Commercial Tobacco Co, Ltd		
Do	Time Warner	1,262.50	
Do	Westinghouse Electric Corp	5,620.00	
Do	William M. Mercer, Inc		
Do	Yamaha Motor Co, Ltd, et al.	390.00	
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	American Cyanamid Co		
Do	Apple Computer, Inc		
Do	Business Roundtable		
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Long Island Savings Bank		
Do	Swiss Bankers Assn	9,346.00	1,587.89
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	7,500.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	1,230.72	1,952.84
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	20.00
Kate V. Wilson, 900 Franklin Street Alexandria, VA 22314	Education Legislative Services, Inc (For:San Diego School District, et al.)	1,500.00	
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc	87.50	40.00
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	203.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	67.50	
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)	45,000.00	
Do	Winburn & Jenkins (For:Bell Atlantic Capital Corp)	15,000.00	
Do	Winburn & Jenkins (For:BR Services)	15,000.00	
Do	Winburn & Jenkins (For:Champion International Corp)	20,000.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	15,000.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	30,000.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	22,500.00	
Do	Winburn & Jenkins (For:Ewing Kauffman Foundation)	25,000.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	15,000.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	45,000.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	21,000.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	30,000.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)	7,500.00	
Do	Winburn & Jenkins (For:Milliken & Co)	45,000.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	30,000.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	45,000.00	
Do	Winburn & Jenkins (For:Philip Morris)	71,000.00	
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Lehman Brothers, Inc	1,000.00	25.00
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	6,690.48	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	361.19
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	126.00
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Aldrich, Eastman & Waltch, Inc)	15,531.25	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	987.50	62.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corp		
Do	American Home Products Corp	2,491.25	50.88

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Hospital Assn	1,627.50	
Do	American Insurance Assn		
Do	Bedminster Bioconversion Corp		
Do	Bristol-Myers Squibb Co	2,491.25	50.88
Do	Carus Chemical Company	1,351.25	8.00
Do	Cellular Telecommunications Industry Assn	95.00	
Do	Colorado Bio/Medical Venture Center	4,836.25	8.00
Do	Compaq Computer Corporation		
Do	Cooper Tire & Rubber Company		
Do	D.E. Shaw & Co, L.P.	2,491.25	
Do	Data Transformation Corp	1,500.00	1,500.00
Do	Digital Equipment Corp		
Do	Entergy Corp	10,277.50	330.00
Do	ELGARD Corp	866.25	33.28
Do	Federal Intermediate Credit Bank of Jackson		
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	Harpo, Inc	673.75	10.00
Do	Hearst Corp		
Do	Illinios State Medical Society	6,392.50	23.00
Do	Jefferies & Co, Inc	947.50	
Do	Lockheed Air Terminal, Inc	7,266.00	48.00
Do	McClure Gerard & Neuenschwander, Inc	5,415.00	110.60
Do	Morongo Band of Mission Indians	2,500.00	
Do	MERCK & Co, Inc	2,491.25	50.88
Do	National Bulk Vendors Assn	3,500.00	3,500.00
Do	National Council of Health Facilities Finance Authorities		
Do	National Marine Manufacturers Assn	1,230.00	
Do	National Retail Federation		
Do	Newport News Shipbuilding	92,960.00	1,261.73
Do	NYNEX Corp		
Do	Port of Pascagoula (Jackson County, MS)	16,000.00	596.79
Do	Public Securities Assn		
Do	PFIZER, Inc	2,491.25	50.88
Do	Regional Transit Authority	4,455.00	12.00
Do	Sprint	8,063.75	
Do	Student Loan Funding Corp	412.50	16.00
Do	SPR Task Force for Southeast Mississippi		
Do	Waggoner Engineering, Inc	10,431.25	682.43
Do	Walt Disney Co		
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	256.65	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	American Automobile Manufacturers Assn		
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Fiberite Corp		
Do	Goldman Sachs		
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	Monsanto Co		
Do	MCI Communications Corp		
Do	MTN Coalition		
Do	Navajo Nation		
Do	North American Chemical Company		8.00
Do	North American Chemical Corp		
Do	Organization for International Investment (OFII)	8,856.25	160.00
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Saloman Brothers, Inc		
Do	Securities Industry Assn	62.50	
Do	Smith Corona		
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		
Do	Thrifty Rent-A-Car System, Inc		
Do	World Wildlife Fund		
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		195.00
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,375.00	485.86
Samuel B. Witt III, 500 Sheperd Street, Suite 200 Winston-Salem, NC 27103	Lawyers for Civil Justice	2,640.00	5.00
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,279.62
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	1,506.87
Do	Centennial Health Services, Inc		
Do	Children's Hospital of Philadelphia	51,000.00	2,463.54
Do	Children's Hospital of Pittsburgh	9,000.00	1,540.91
Do	Episcopal Hospital		64.05
Do	Healthcare Management Alternatives, Inc		
Do	Hospital of University of Pennsylvania Medical Center		64.05
Do	Magee-Womens Hospital	9,000.00	1,873.54
Do	Mercy Health Plan	1,600.00	124.84
Do	National Assn of Urban Critical Access Hospital	30,000.00	7,314.12
Do	North Philadelphia Health System		64.05
Do	Presbyterian University Hospital		64.05
Do	Thomas Jefferson University Hospital		64.05
Do	University of Pennsylvania	37,500.00	2,109.60
Do	Virginia Commonwealth University	15,000.00	
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	22.79
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	394.35	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	500.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	77.98
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	526.00	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,500.00	104.60
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,406.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance	700.00	
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)		
James H.B. Woodroffe III, P. O. Box 111 Tampa, FL 33601	Teco Energy, Inc	20,700.00	3,858.33
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	102.88
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae		
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co	260.00	260.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		32,500.00	42,939.00
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc		
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Kyra Wostoupal, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	1,500.00	977.82
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		105.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,050.00	50.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Assn of Airport Executives		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American International Group, Inc	4,075.00	28.88
Do	American Iron & Steel Institute		
Do	Ashland Oil Company		
Do	BellSouth Corp		
Do	Bermuda, Government of	2,073.75	109.00
Do	Committee Against Revising Staggers		
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	CSX Corporation	3,000.00	
Do	Guam Tax Code Commission	1,200.00	22.30
Do	HDTV 1125/60 Group	3,000.00	131.74
Do	Industrial Oil Consumers Group		
Do	Intermarine USA		
Do	Kohlberg Kravis Roberts & Co	2,964.50	255.89
Do	Maxxam		
Do	McDonnell Douglas	1,999.97	8.76
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Transportation	680.00	
Do	National Assn of Small Business Investment Companies	4,840.00	69.45
Do	Northwestern Mutual Life Insurance Co		
Do	RJR Nabisco	3,000.00	109.37
Do	Sony Corp of America	1,000.00	46.33
Do	South Dakota Dept of Transportation	680.00	
Do	Squibb Corporation		
Do	U.S. Telephone Assn		
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
John R. Wylie, 90 South Cascade Avenue, #1300 Colorado Springs, CO 80903	Holme Roberts & Owen (For:Navigators Overseas Missionary Fellowship)		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	175.00
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	2,290.75
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,606.00	1,606.00
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			1,530.87
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,745.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	2,956.89
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,310.07	234.17
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	50.34
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	2,504.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	115.80
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		113.65
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,462.81	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	141.98
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping		
M. Marty Youssefiani, 1615 L Street, NW, Suite 1150 Washington, DC 20035-6	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	10,500.00	200.15
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	203.15
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,167.91
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,417.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	284.67
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	212.70
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006	Illinois Power		
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	995.81
Bradley P. Ziff, 1270 Avenue of the Americas, #2118 Rockefeller Center New York, NY 10020-1702	International Swap Dealers Assn, Inc		148.39
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,132.07
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies	1,000.00	1,025.00
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	144.22
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	50.00	
Do	Kaman Diversified Technologies	75.00	
Do	Tenneco, Inc	50.00	
Do	Woods Hole Oceanographic Institution	50.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment? ☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "*Employee*".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "*Employer*".—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	("Period" from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*________________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	41,925.00	35,638.40
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	5,078.89
Do	Reclamation District 1000		19.93
Do	Tahoe Basin Assn of Governments	3,543.51	2,868.26
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	13,975.00	
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			12,810.22
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	750.00	
Stephen Ahnen, 50 F Street, NW, Suite 1100 Washington, DC 20001	American Hospital Assn	8,071.90	514.94
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		210.00
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201		1,014.12	1,014.12
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW Suite 1100 Washington, DC 20004-1707		92,115.91	92,115.91
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:West Point Pepperell, Inc)		
Albertine Enterprises, Inc, 1899 L Street, NW, # 500 Washington, DC 20036	AST Research, Inc		60.00
Dale L. Alberts, 401 East E Street Casper, WY 82601	Rio Algom Mining Corp	5,395.52	16,886.56
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	EMSA Limited Partnership	7,500.00	
Do	Jacksonville Chamber of Commerce		
Do	Towers Financial Corp	7,500.00	
Mary K. Alexander, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	300.00	38.52
Ronald A. Allbee, P.O. Box 9205 South Burlington, VT 05407	Arter & Hadden		
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,687.24	896.48
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	46.00
American Advertising Federation, 1101 Vermont Ave.,N.W., Suite 500 Washington, DC 20005			
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			6,826.00
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		47,804.00	
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		50,833.00	50,831.66
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Assn of Museums, 1225 Eye Street, NW, #200 Washington, DC 20005		6,900.00	16,835.96
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			693.35
American Consulting Engineers Council, 1015 15th Street, NW, #802 Washington, DC 20005		41,575.00	42,645.37
American Counseling Association, 5999 Stevenson Ave. Alexandria, VA 22304		90,795.00	33,528.00
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			151,798.79
American Forest Resource Alliance, 1250 Connecticut Ave., NW, #200 Washington, DC 20036			600.00
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		30,204.00	30,204.00
American Hellenic Institute Public Affairs Committee, Inc, 1730 K Street, NW, #1005 Washington, DC 20006			
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		485,104.00	145,178.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	4,343.79
American Managed Care & Review Assn, 1227 25th St., NW, #610 Washington, DC 20037		-	2,520.00
American Medical Peer Review Assn, 810 First Street, NE, #410 Washington, DC 20002			
American Orthotic and Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	56,184.00
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		252,691.37	550,628.53
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		75,530.66	90,891.16
American Radio Relay League, Inc, 225 Main St. Newington, CT 06111			16,392.00
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			51,419.56
American Society of Clinical Oncology, 750 17th Street, NW, Suite 1100 Washington, DC 2006			
American Wind Energy Assn, 777 North Capitol St. NE, #805 Washington D.C., DC 20002		101,633.00	62,687.88
Americans for a Presidential Line-Item Veto, 2020 Pennsylvania Ave.,NW, Suite 164 Washington, DC 20006		200.00	3,456.00
Americans for the High Frontier, 2800 Shirlington Road, #405A Arlington, VA 22206		75,949.63	35,928.68
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	84.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	400.00	
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,250.01	
Kenneth William Anderson, 1629 K Street, NW, #301 Washington, DC 20006	Evergreen International Aviation, Inc		888.00
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	10,281.50	1,994.57
Do	Bay Area Rapid Transit District		
Do	Evans Company	256.25	
Do	Liquidity Fund Management, Inc	550.00	
Do	Navajo Nation	2,150.00	231.00
Jill C. Andrews, 4527 North 16th Street, #200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	512.75
John K. Antholis, 22 Pine Street Morristown, NJ 07960	New Jersey Assn of Independent Car Rental Companies		
Appraisal Institute, 2555 M Street, NW, #301 Washington, DC 20037-1302		2,362.00	2,362.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Motor and Equipment Manufacturers Association		
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		8,543.00	8,543.00
Karen McGill Arrington, 1629 K Street, N.W., #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,513.93	
Associated Builders & Contractors, Inc, 1300 North 17th St. Rosslyn, VA 22209		2,500.00	
Association of Independent Television Stations, Inc, 1320 19th St., NW, Suite 300 Washington, DC 20036		3,550.00	3,550.00
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005			
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,200.00	28.00
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,127.12	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,026.07
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		750.00	750.00
John S. Autry, 1825 Eye Street, NW, S-400 Washington, DC 20006	JSA-1, Inc	10,000.00	1,713.25
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	City Utilities of Springfield	160.00	
Do	Clark Public Utilities	360.00	107.35
Do	Colorado River Energy Distributors		
Do	Englehard Corp		40.00
Do	Gerber Products Company		
Do	Heart of America Northwest		161.64
Do	Hoffmann-La Roche Inc		
Do	Pennsylvania Power & Light		
Do	Philip Morris Companies, Inc		
Do	Sacramento Municipal Utility District	255.00	
Do	Southern California Public Power Authority	160.00	5.68
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	240.00	
Wendy Baer, 1421 Prince Street, Suite 230 Alexandria, VA 22314	International Hardwood Products Assn (IHPA)	4,550.00	811.92
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Martini & Rossi Corporation		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Corroon & Black Corp	750.00	750.00
Do	Johnson & Higgins	750.00	750.00
Do	Marsh & McLennan Companies	750.00	750.00
Do	Rollins Burdick Hunter	750.00	750.00
Do	Sedgwick James, Inc	750.00	750.00
Do	Vaulted Aboveground Storage Tanks Assn	13,533.75	3,723.75
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	AFG Industries, Inc	3,222.30	160.02
Do	AT&T	99.00	
Do	Burger King Corp	8,611.00	
Do	Dallas/Fort Worth International Airport Board	702.00	
Do	Day & Zimmerman, Inc		
Do	Dinamo	5,727.50	238.02
Do	Duty Free International, Inc		
Do	Federal Express Corp		
Do	Grand Metropolitan, Inc	6,380.90	658.44
Do	Hashemite Kingdom of Jordan	4,494.00	180.00
Do	International Business Machines Corp (IBM)	412.50	
Do	Landauer, Inc		
Do	Los Angeles County Transportation Commission	8,189.00	56.00
Do	Morrison Knudsen Corp		
Do	Mutual Guaranty Corp	121.50	
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority		
Do	Occidental Petroleum Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pennzoil Co	4,411.80	
Do	Pillsbury Company	3,161.20	
Do	Pratt & Whitney		
Do	Salomon Brothers, Inc	7,667.00	
Do	Schelle Cellular Group, Inc		
Do	Schering-Plough Corp	1,932.00	95.90
Do	Southern Star Shipping Co		
Do	U.S. Sprint/Contel		
Do	U.S. Tobacco, Inc	405.00	
Do	United Technologies Corp	3,269.30	122.50
Do	Ventura Port District	4,049.40	
Do	Waste Management, Inc		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	57.50
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.	36,341.33	80.54
Emory W. Baragar, 1700 N. Moore St., #2120 Rosslyn, VA 22209	Boeing Company	3,062.55	23.00
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	12.40
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
Jim Barnes, 218 D St., SE Washington, DC 20003	Friends of the Earth		
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	Abbott Laboratories	744.48	3.75
Do	MFC Corporation	737.33	11.79
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Assocites, Inc)	500.00	500.00
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
David M. Barrett, 2550 M Street, NW, #375 Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	312.50	208.00
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	1,860.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	10,465.70
Jo-Anne R. Basile, 1133 21st Street 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Lezli Baskerville, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	41.00
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Attorneys' Liability Assurance Society, Inc	1,531.00	1,531.00
Russell B. Batson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,000.00	200.00
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	800.00	885.15
Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	41.21
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Big Brothers & Big Sisters of America		155.14
Do	Museum of Science & Industry	3,400.00	181.86
Do	Mystic Seaport Museum	9,000.00	379.66
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	13,500.00	625.98
Do	National Museum of Health & Medicine Foundation	15,000.00	1,026.52
Do	New England Conservatory of Music	13,500.00	364.28
Do	Orton Dyslexia Society		
Do	TDS Healthcare Systems Corp	11,685.60	3,804.22
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	2,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)		
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)	500.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	500.00	
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).		
Brenda Larsen Becker, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	761.00	795.14
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	14,500.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,391.49	223.25
Daniel J. Bennet, 1300 North 17th St Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Mary C. Bennett, 815 Connecticut Avenue, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
Do	Baker & McKenzie (For:Horsham Corporation)		
Jane W. Bergwin, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
Peter A. A. Berle, 950 Third Avenue New York, NY 10022	National Audubon Society	1,000.00	357.00
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,000.00	
Maria L. Berthoud, 1455 Pennsylvania Avenue, NW. #1000 Washington, DC 20004	New England Council, Inc		
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Corporation)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
John F. Betar, 700 13th Street, NW #1170 Washington, DC 20005	Association of Bank Holding Cos	3,190.00	
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	35.62	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Conference of National Park Concessioners		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,016.21	
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	14,171.75	282.00
McNair Bishop, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	335.00	409.00
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	14,166.68	289.59
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Friends of the Earth	959.82	
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	2,125.00	
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	5,390.00	721.77
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
John B. Blount Jr., 1212 New York Avenue, NW, #1250 Washington, DC 20005	Assn of Private Pension and Welfare Plans		
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society		
Bradley Bodager, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform		
Seth M. Bodner, 386 Park Avenue South New York, NY 10016	National Knitwear & Sportswear Assn	1,875.00	
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Association	10,000.00	
John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	56.00
Judith Bonderman, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Lizbet Boroughs, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	6,267.00	
Deborah L. Boudreau, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	1,650.00	
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	200.58
Michael Bowers, 1100 17th Strret, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	1,716.00	
Larry G. Bowles, 1150 - 18th Street, NW, Suite 200 Washington, DC 20036	Halliburton Co		26.00
Charles H. Bowser, 1511 K Street, NW, Suite 511 Washington, DC 20005			
Richard K. Boyd, 299 Park Ave. New York, NY 10171	Westvaco Corporation		3,330.36
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	51.52	8.00
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	161.78
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Birdsall, Inc		
Do	COMDISCO, Inc		
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,572.91	585.09
Dennis M. Bradshaw, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,578.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,566.81	1,398.67
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,782.86
Heather Harral Bremer, P.O. Box 25366 Washington, DC 20007-8366	Hawkins and Associates (For:Alza Corporation, et al.)		
Thomas M. Bresnahan III, 140; I Street, NW, #1200 Washington, DC 20005	Chevron Companies	6,000.00	55.00
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	National Newspaper Assn	4,000.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John J. Brittle, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	15,593.00	
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			9,078.73
Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875			23,973.74
Edward J. Brothers, 622 Barbados Drive, #3 Indianapolis, IN 46227			
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	792.28
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Association of Retired Persons	646.16	229.46
Jerry M. Brown, Post Office Box 1321 Springfield, VA 22151-0321	Bio-Technology General Corporation	6,000.00	400.00
S. M. Henry Brown Jr., 1776 Eye Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	7,683.00	223.63
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Asset Investors		
Do	Liberty Media Corp		
Do	US West		
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp	2,112.75	
Do	New York State Mortgage Loan Enforcement & Admin Corp		
Wolf Brueckmann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	69.19	4.00
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	653.08	119.00
Bryant Miller & Olive, P.A., 201 South Monroe Street, Suite 500 Tallahassee, FL 32301	Fernandina Cruise Lines, Inc	55,000.00	
Brydges Riseborough Morris Franke & Miller, 150 N. Michigan Ave. Chicago, IL 60601	School District 63, et al.	12,151.64	7,037.35
Don C. Buchanan, 1750 New York Ave., NW Washington, DC 20006	Sheet Metal Workers International Assn	18,327.00	
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Hoffmann-La Roche, Inc		
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		45.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,805.21	563.00
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,417.98	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	Scana Corp		22,302.96
Russell D. Butcher, 4380 North Cambell AVe., #204-C Tucson, AZ 85718	National Parks & Conservation Assn		
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	1,000.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	1,500.00	
Do	ADVANTA Corporation	2,500.00	
Do	Community Bankers Assn of New York State	1,500.00	
Do	Community Preservation Corp	500.00	
Do	CRISIS	10,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Edison Electric Institute		
Do	Federation for American Immigration Reform	4,000.00	
Do	Household International	5,000.00	
Do	NVR Savings Bank		
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,000.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Do	Towers Perrin	4,000.00	
Lynnea Bylund, 2300 M Street, NW, Suite 800 Washington, DC 20037	United States Independent Microwave Television Assn (USIMTA)		
Patrick J. Cacchione, 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health Systems		
Elizabeth B. Cady, 815 Connecticut Avenue, NW, #710 Washington, DC 20006	Steel Service Center Institute		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		8.00
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	123.70
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn, In	1,595.00	
Thomas Caldwell, 4-30-1-202 Nishi-Shinjuku Tokyo 160 Japan			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	835.00	
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		6,699.00	12,455.34
Carolann Campana, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Thomas Campbell, 1301 K Street, NW, #900, East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
Campbell Falk & Selby, 1101 30th Street, NW, #550 Washington, DC 20007	New York Power Authority	5,456.25	4,029.75
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	26,133.00	40,356.00
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth	23.77	
Charles H. Cantus, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation	46,000.00	6,900.00
Do	ATC Management Corporation		
Do	Hansen Engine Corp		
Do	North Metro Mayors Coalition	5,000.00	750.00
Do	RADAR	30,087.00	4,513.00
Capitol Strategies, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Equitable Capital Management Corp		
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,353.00	
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002		27,576.00	27,576.00
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	122.67
Carmen Group, 2100 Pennsylvania Ave., NW, #365 Washington, DC 20037	Carter Footwear		
Do	Kennametal, Inc		
George U. Carneal III, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
William Carney, 523 7th Street, SE Washington, DC 20003	American Nuclear Energy Council	20,000.00	
Do	Edison Electric Institute	15,000.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
David Carroll, 1212 New York Avenue N.W. #500 Washington, DC 20005	Lafarge Corp (For:Cement Kiln Recycling Coalition)		
James M. Carroll, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp	1,850.80	244.22
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,185.00	194.00
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	7,245.00	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Assn of Home Appliance Manufacturers		
Michael K. Casey, 7105 Fort Hunt Road Alexandria, VA 22307	Nationwide Insurance Companies		
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Hospital in Shanghai Foundation		
Do	ARCO Chemical Americas Co	1,125.00	
Do	Bentley College	1,375.00	15.00
Do	City of Fairfield, CA	2,925.00	
Do	Dowling College	2,925.00	233.00
Do	Elliott Homes		
Do	Energy Partners	4,800.00	375.05
Do	Evergreen Airventure Museum	825.00	
Do	Federal Express		
Do	Florida Power Corp	150.00	6.00
Do	T.L. James & Company		
Do	Jones Intercable, Inc		
Do	Lahey Clinic	1,700.00	105.00
Do	Mac Andrews and Forbes	600.00	
Do	McDonnell Douglas Corp	2,387.40	1,157.20
Do	Medicon	2,550.00	131.25
Do	Philip Crosby Associates, Inc		
Do	Smokeless Tobacco Council		
Do	Unified Industries, Inc	300.00	
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	912.50	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	5,500.00	996.00
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn)	2,200.00	2,200.00
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Neece Cator Barnicle & Associates (For:GMIS)		
Do	Neece Cator Barnicle & Associates (For:Hazardous Waste Action Coalition)		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).	1,500.00	1,500.00
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).	1,150.00	1,150.00
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	1,000.00
Red Cavaney, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005			
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	16,546.00	
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)		
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
John L. Child, 1725 Jefferson Davis Highway, #601 Arlington, VA 22202	Litton Industries		
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		6,017.69	5,892.94
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203		1,105.43	1,105.43
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,120.02	
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers Assn	1,583.25	
Lawrence Clinton, 900 19th Street, NW, Suite 800 Washington, DC 20006	U.S. Telephone Assn	1,250.00	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	18,852.43	
Coalition for Food Aid, 1237 N. Nash Street Arlington, VA 22209			
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		1,104,488.07	8,535.64
Coalition to Preserve the Low Income Housing Tax Credit, 2300 M St., NW Washington, DC 20037		2,000.00	2,000.00
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	1,787.50	112.80
Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	180.00	
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	764.00	
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,550.00	1,084.52
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	1,020.27
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	359.88
Robert E. Cole, 900 17th St., NW Washington, DC 20006	Kaiser Aluminum & Chemical Corp, et al.	180.00	18.00
Eileen M. Collins, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,391.19	
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	EG & G/Dynatrend	7,500.00	
Community Service Society, 105 East 22nd Street New York, NY 10010			13,158.00
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas		308.44
Harry J. Conaway, 1001 22nd Street, NW, #400 Washington, DC 20037	William M Mercer, Inc		
Concerned Women for America, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024		6,000.00	55.00
Conkling Fiskum & McCormick, 900 SW 5th Avenue, Suite 2300 Portland, OR 97204-1268	Electro Scientific Industries, Inc	3,074.60	
Do	Electronic Design Automation Council	5,148.54	
Do	Mentor Graphics Corporation	6,186.08	
Do	Sequent Computer Systems	3,545.89	14.00
Do	Sisters of Providence	6,750.00	37.00
Do	Tektronix, Inc	32,500.00	174.25
Do	Unified Sewerage Agency	4,538.24	
Do	Washington County	3,028.57	
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	National Ag Underwriters, Inc		2,704.00
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	324.00	39.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,135.11	
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		70,059.50	4,060.78
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		27,166.00	93,102.00
Continental European Insurance Coalition, 815 Connecticut Ave., NW, Suite 900 Washington, DC 20006-4078			
Alexandra W. Cook, 1331 Pennsylvania Avenue, NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	184.00	176.60
Liz Cook, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	4,204.34	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Josephine S. Cooper, 1250 Connecticut Avenue, NW Washington, DC 20036	American Paper Institute, Inc		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	932.61	9,475.61
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		72,038.17	11,176.33
Chuck Corbett, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' National Assn		
Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404			
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland	500.00	166.85
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	6,814.00	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	9,689.97	
William K. Coulter, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)		
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002		252,691.37	550,628.53
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		4,746.51	3,905.50
Council of Industrial Boiler Owners, 6035 Burke Centre Parkway, #360 Burke, VA 22015			
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		13,000.00	21,767.61
Council on Superconductivity for American Competitiveness, 1050 Thomas Jefferson Street, NW 6th Floor Washington, DC 20007.			
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Allen Organ Co		
Do	Allnet Communication Services, Inc		
Do	Coursen Group (For:Community Antenna Television Assn)	500.00	
Do	Continental Cablevision, Inc		
Do	Ten-Ten General Partnership		
Do	Transmedia Network, Inc		
Do	White Pine Renaissance		
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
John F. Cove, 1114 Fallsmead Way Rockville, MD 20854	Cove Associates, Inc (For:Association of U.S. Night Vision Manufacturers)		
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Anchorage Telephone Utility	1,186.00	
Do	Coalition to Preserve the Integrity of American Trademarks		
Gary D. Coxon, 1015 15th Street, NW, #700 Washington, DC 20005	Bechtel Group, Inc		
Bruce Craig, P.O. Box 677 Harpers Ferry, WV 25425	National Parks & Conservation Association	3,300.00	85.00
Sherry Tonubbee Cramer, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.00	539.75
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	2,824.00	
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Forest & Paper Assn	25,575.00	215.75
Do	American Land Conservancy		
Do	Canyon Resources Corp		
Do	City of North Miami		
Do	Cook Inlet Region, Inc		
Do	Independence Mining Company, Inc	7,906.25	40.00
Do	Meridian Minerals Co		
Do	Rocking K Development		
Do	Trust for Public Lands		
Do	Western Governors' Assn		
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	22,616.67	792.49
Do	National Coordinating Comm for Multiemployer Plans		
Kent T. Cushenberry, 1120 Connecticut Ave., NW, Suite 460 Washington, DC 20012	Sallie Mae		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	8,944.00	951.82
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			500.00
Norman E. D'Amours, 135 Chase Way Manchester, NH 03104	American Council of State Savings Supervisors		
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			145.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Patricia A. Daley, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:US Telephone Assn)		
Jim Daniels, 4759 S. Conway Rd. Orlando, FL 32812	National Assn of State Farm Agents		
Davis Wright & Tremaine, 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101	American Tunaboat Assn		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc		
Leslie Dawson, 1901 L Street, NW, Suite 300 Washington, DC 20036	Savarese & Associates (For:National Assn for the Superconducting Super Collider).	12,000.00	
Michael P. Day, 101 North Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)		139.14
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2	Blue Cross of California	11,250.00	8,566.01
Ralph De Gennaro, 218 D Street, SE Washington, DC 20003	Friends of the Earth	847.07	
Maryann M. Dean, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
Debevoise & Plimpton, 555 - 13th Street, NW, #1100 East Washington, DC 20004	International Assn of Broadcast Monitors		
Do	Sony Corp of America, et al.		
James A. Delaney, 9402 Lost Trail Way Potomac, MD 20854	American Society for the Prevention of Cruelty to Animals	1,264.00	1,400.00
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Deferral Coalition	96,500.00	
Gaelynn Demartino, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	5,388.12	40.28
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	4,088.00	710.65
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Department for Professional Employees, AFL-CIO, 815 16th St., NW, #707 Washington, DC 20006		15,651.23	15,651.23
Clayton S. Depue, 2020 Pennsylvania Ave., NW, Suite 164 Washington, DC 20006	Americans for a Presidential Line-Item Veto		1,204.00
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Beneficial Corporation		
Do	Boeing Company		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn		
Do	Federation of American Health Systems	2,000.00	
Do	Ft. Howard Corp		
Do	General Electric Co	1,600.00	
Do	General Electric Pension Trust	2,000.00	
Do	General Reinsurance Corp		
Do	Georgia-Pacific Corp	8,000.00	
Do	Goldman Sachs & Co	10,000.00	
Do	Household International	400.00	
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital	400.00	
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	PacifiCorp Financial Services	6,000.00	
Do	Potomac Capital Investment Corp		
Do	Primerica, Inc	1,200.00	
Do	Prudential Insurance Co of America	500.00	
Do	Sealaska Corp		
Do	SEMATECH		
Do	Thompson Publishing Group	2,000.00	
Do	U.S. Golf Association	1,200.00	
Do	U.S. Telephone Assn		
Do	Union Pacific Corp	10,000.00	
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	4,000.00	
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	MacMillan Bloedel, Inc		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	20.00
James A. DeChaine, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For:Allied Charities of Minnesota)		
Do	Hessian McKasy & Soderberg (For:City of Duluth)		
Do	Hessian McKasy & Soderberg (For:Control Data Systems, Inc)		
Do	Hessian McKasy & Soderberg (For:Minneopa Communications, Inc)		
Do	Hessian McKasy & Soderberg (For:Minnesota Assn of Townships)		
Do	Hessian McKasy & Soderberg (For:Northwestern National Life Insurance)		
Do	Hessian McKasy & Soderberg (For:Planning Research Corp)		
Do	Hessian McKasy & Soderberg (For:Red Lake Tribal Council)		
Do	Hessian McKasy & Soderberg (For:Wisconsin Towns Assn)		
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	6,317.00	242.75
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	224.00	5.00
Henry L. Diamond, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Conference of National Park Concessioners)		
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		50.65
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Home Box Office, Inc		
Do	Paulucci Enterprises	8,826.24	
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		
Robert E. Dillon, Sony Drive Park Ridge, NJ 07656	Sony Corp of America	2,000.00	
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	328.89
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	166.15
Vanessa Dixon, 818 Connecticut Ave., NW, #200 Washington, DC 20006	U.S. English	25.00	
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	
James F. Doherty, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
John D. Doherty Jr., 1421 Prince Street, #400 Alexandria, VA 22314	Federal Legislative Associates, Inc (For:Olin Brass)	18,690.95	3,170.31
Mark A. Dombroff, 1025 Thomas Jefferson St., NW East Lobby #700 Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	337.85	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	11,850.00	
David L. Donovan, 1320 19th St., NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	1,500.00	
Daniel Dooley, 1919 S Eads Street, Suite 103 Arlington, VA 22202	Kahn Soares & Company (For:Mid-Valley Water Authority)		
Linda Doorfee-Flaherty, 2555 M Street, NW, #301 Washington, DC 20037-1302	Appraisal Institute		
Doris Day Animal League, 227 Massachusetts Avenue, NE, Suite 100 Washington, DC 20002		173,314.00	46,662.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Home Shopping Network, Inc	297.00	
Do	Stelco, Inc	715.50	
Michael Draper, 2101 L Street, NW Washington, DC 20037	Forest Products Industry National Labor-Management Committee	5,454.05	5,454.05
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	201.50	360.10
Pamela J. Driver, 1250 Connecticut Ave., NW Washington, DC 20036	American Paperboard Packaging Environmental Council		
John V. Dugan Jr., 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics/Space Systems Division	1,000.00	460.14
Francis J. Duggan, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Mullenholz & Brimsek (For:American Shooting Sports Council)	1,000.00	2,000.00
Deborah A. Dull, 2200 Mill Road Alexandria, VA 22314	Scenic America		
Louise C. Dunlap, 418 Tenth Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)	2,700.00	73.56
Do	Dunlap & Browder, Inc (For:American Methanol Institute)	9,600.00	723.40
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission	4,500.00	73.56
Do	American Methanol Institute	15,000.00	723.40
Do			
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Andrea Durbin, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	175,000.00	524.50
Do	American Society of Cataract & Refractive Surgery (ASCRS)	20,000.00	1,938.09
Do	Arizona Afiliated Tribes, Inc		
Do	BOC Council	30,000.00	1,052.18
Do	Carpet and Rug Institute	30,000.00	2,386.23
Do	Child Care Support Council		
Do	Citgo Petroleum Corp	52,436.12	427.89
Do	Communications Satellite Corp	15,000.00	669.88

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Creditors Alliance for Freight Undercharge Assets	18,000.00	1,229.52
Do	CILCORP, Inc	24,000.00	607.92
Do	Domestic Priorities Leadership Council		560.74
Do	DSC Communications Corp	23,305.00	3,607.43
Do	Earth Observation Satellite Co	30,000.00	1,303.08
Do	Haldor-Topsoe, Inc	40,000.00	230.24
Do	Hart-Culp International		
Do	Hercules, Inc	6,462.50	98.50
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc	9,743.37	308.76
Do	Jewish National Fund	10,000.00	5,242.68
Do	Medallion Knitwear, Inc	6,000.00	205.97
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc		302.15
Do	National Accrediting Comm of Cosmetology Arts & Sciences	30,000.00	995.58
Do	National American Wholesale Grocers Assn	4,000.00	650.31
Do	National Cellular Resellers Assn	64,999.00	1,066.33
Do	National Ground Water Assn	10,500.00	4,695.76
Do	Oklahoma Basic Economy Corp		
Do	PacifiCare Health Systems	25,000.00	1,807.66
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	12,000.00	
Do	Rmax, Inc		
Do	San Xavier Indians Project	5,000.00	
Do	Satellite Broadcasting & Communications Assn	3,000.00	
Do	Tiregator, Inc		
Do	Todhunter International, Inc		
Do	Washington Research Group	15,000.00	555.10
Do	Wine Institute		166.19
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Hand Arendall Bedsole Greaves & Johnston (For:Northrop Corp)		
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		38,925.00	946.90
Edelman Public Relations, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen	30,955.00	610.15
Do	Specialty Equipment Companies	15,000.00	
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	11,493.11	897.24
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.	407.00	
J. Rodney Edwards, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn		
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		91,897.26	88,239.92
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		280.00
George E. Ellis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Waste Management, Inc		
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers		
Dorothy A. Ellsworth, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,929.95	218.84
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		1,578.08
Erisa Industry Committee, 1400 L Street, NW, #350 Washington, DC 20005		110,400.00	19,862.81
Gregory D. Erken, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	7,750.00	
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	521.81	
Pamela K. Ernest, 1100 Connecticut Ave., NW, #710 Washington, DC 20036	Honeywell, Inc	2,800.00	650.00
Ernst & Young, 1200 19th Street, NW,Suite 300 Washington, DC 20036	Coalition Against Expanding Subpart F	5,000.00	3,000.00
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Northrop Corp		
Sandra Bromberg Eskin, 5609 Jordan Road Bethesda, MD 20816		480.00	
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Matlack Systems, Inc		
Do	National Independent Automobile Dealers Assn	6,600.00	
Do	Republic of Cyprus	17,600.00	
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of Pennsylvania	5,000.00	462.18
Faegre & Benson, Suite 450 North 601 13th Street, NW Washington, DC 20036-4001	Church Alliance	4,781.25	3,082.30
Do	Multifoods	2,937.50	1,496.60
Do	National Car Rental	125.00	52.38
Do	Plaintiffs in Federal Dist Court litigation in Anchorage, AK		
Farris Hancock Gilman Branan & Hellen, 1400 Morgan Keegan Tower 50 North Front Street Memphis, TN 38103	Southern Towing Company	25,000.00	2,797.98
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			188.75
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			5,965.97
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,260.00	210.00
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy)		145.00
Mimi A. Feller, 1100 Wilson Blvd Arlington, VA 22209	Gannett Co, Inc	10,000.00	1,900.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	16,336.00	2,407.24
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,550.00	597.30
Do	Dillingham Construction Group	5,625.00	635.20
Do	Global Marine, Inc	3,750.00	620.31
Do	Klukwan, Inc	11,250.00	620.30
Do	Mountaineer Gas Co	12,500.00	630.72
Do	Northern Air Cargo	3,750.00	607.80
Do	U.S. Borax & Chemical Corp	7,500.00	582.50
Kirk Ferrell, 501 School Street, NW,#400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,938.17
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	1,436.15	
John L. Festa, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Edward G. Fickes, 900 17th Street, NW Washington, DC 20006	Wilderness Society	96.40	
Donald L. Fierce, Fierce and Associates 600 New Hampshire Ave., NW #I0I0 Washington, DC 20037	Liberty Maritime Company		
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe		
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	1,380.00	22.50
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	2,982.89	1,386.10
M. J. Fiocco, 1700 N. Moore Street, S-1900 Arlington, VA 22209-1904	National Industrial Transportation League	10,000.00	141.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	7,802.00	303.00
Martha Fisher, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	7,725.00	
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	25,000.00	194.01
Mac A. Fleming, 26555 Evergreen Rd. Suite #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,324.42	468.02
Fontheim & O'Rourke, 1129 20th Street, NW, Suite 500 Washington, DC 20036	Zerand-Beral Group, Inc		
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Fourdrinier Wire Council, 1818 N Street, NW, Suite 200 Washington, DC 20036		585.00	585.00
Alissa T. Fox, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,438.00	1,591.12
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	10,000.00	1,121.96
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		115.00
Do	Hoffmann-La Roche, Inc		
Do	Johnson & Johnson	780.00	58.75
Do	Lederle-Praxis Biologicals		160.00
Do	Memorial Sloan-Kettering Cancer Center		
Do	National Coalition for Cancer Research		
Do	National Coalition for Cancer Survivorship		
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	15,417.57	483.90
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	6,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas C. Franks, 1220 L St., NW, #510 Washington, DC 20005	American Resort Development Assn	1,500.00	
David J. Frantz, 1818 N Street, NW, Suite 200 Washington, DC 20036	Fourdrinier Wire Council	555.00	30.00
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp		
Do	Dairymen, Inc	10,780.00	678.62
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	140.07
Do	Gulf Coast Waste Disposal Authority	3,709.50	434.12
Do	Los Angeles County Sanitation District	14,383.00	399.36
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	G & K Management Company, Inc		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)	151.20	21.50
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		146,915.00	209,673.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	961.29
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	5,000.00	
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	883.00	239.00
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	9,000.00	
Julie Leigh Gackenbach, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,000.00	400.00
William C. Gager, 4401 Fair Lakes Court, #210 Fairfax, VA 22033-3805	Automotive Parts Rebuilders Assn	750.00	
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Thomas Gann, 1201 Pennsylvania Avenue, NW Suite 370 Washington, DC 20004	Sun Microsystems, Inc		2,625.00
Curtis B. Gans, 421 New Jersey Avenue, SE Washington, DC 20003	Committee for the Study of the American Electorate		10.00
Sara G. Garland, 312 Massachusetts Avenue, NE Washington, DC 20002	Association of America's Public Television Stations	2,812.50	1,809.90
Do	Children's Television Workshop	4,884.00	8.40
Do	Prairie Public Broadcasting, Inc	1,500.00	8.25
Do	Red River Trade Corridor	500.00	4.70
Do	Swope Parkway Health Center	2,000.00	9.75
Do	University of North Dakota	10,800.00	139.94
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	USX	16,052.43	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society	80.00	
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	503.17
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	312.50	208.00
Michelle Gibson, 1212 New York Ave. NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition		
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Michael Gill, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,100.00	63.24
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,408.00	54.25
Cynthia D. Gillespie, 250 Williams Street Suite 6000 Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		3,584.60
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	21,250.00	465.50
Mark R. Ginsberg, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	2,545.00	
Angela Giroux, 1320 19th Street, NW, Suite 300 Washington, DC 20036	Assn of Independent Television Stations, Inc	250.00	
Brenda M. Girton, 5999 Stevenson Avenue Alexandria, VA 22304	American Counseling Assn	17,253.00	
Earl E. Gjelde, 11240 Waples Mill Road, Suite 100 Fairfax, VA 22030	Waste Management, Inc.		
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		
Richard D. Gluck, 1801 K Stret, NW, Suite 1200 Washington, DC 20006	Robins Kaplan Miller & Ciresi (For:International Federation of Freight Forwarders Assn).		
Horace D. Godfrey, 15 Golf Course Road Littleton, NC 27850	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Gold Fields Operating Co-Mesquite, HCR 76, Glamis 100 Brawley, CA 92227			
Patricia R. Goldman, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	12,374.92	420.42
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	50.00
Jack Golodner, 815 16th St., N.W. Washington, DC 20006	Department for Professional Employees, AFL-CIO	5,865.66	
William J. Gordon, 1401 Eye St., NW, #200 Washington, DC 20005	Pacific Resources, Inc		
Gordy Associates, Susan K., 1 First National Plaza, #3175 Chicago, IL 60603	First Chicago Corp	12,000.00	1,600.00
John C. Gore, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	412.92	
Margaret A. Gottlieb, 1101 17th Street, NW, #705 Washington, DC 20036	Direct Marketing Assn		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	12,579.00	1,849.20
Gover Stetson & Williams, 2501 Rio Grande Blvd., NW Albuquerque, NM 87104-3223	Campo Band of Mission Indians	5,477.61	
Do	Colorado River Indian Housing Authority		
Do	Crow Tribal Housing Authority		
Do	First Mesa Consolidated Villages		
Do	Mescalero Apache Housing Authority		
Do	Minnesota Chippewa Tribe		
Do	Pueblo of Laguna Housing Authority		
Do	Pueblo of Pojoaque	1,180.89	
Do	Pueblo of Tesuque	6,444.57	
Do	Pueblo of Zuni		
Do	Santa Clara Indian Pueblo	212.50	
Do	Shoshone Tribe	16,090.36	
Do	Tonono O'odham Nation		
Do	Wind River Tax Commission		
Do	Yavapai-Apache Indian Community		
Do	Zuni Housing Authority		
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	9,864.16	
Neil A. Gray, 1776 Massachusetts Ave., NW, #500 Washington, DC 20036-1993	Highway Users Federation	1,455.00	56.00
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		47,383.90	2.79
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		737,068.00	61,568.00
Robert H. Green, 1625 K Street, NW, Suite 1090 Washington, DC 20006	National Foreign Trade Council	5,000.00	400.00
Rod Greenough, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn	200.00	711.00
Richard Grefe, 6352 31st Place, NW Washington, DC 20015	America's Public Television Stations	856.16	48.00
John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Janice M. Gregory, 1400 L St., NW, #350 Washington, DC 20005	Erisa Industry Committee	9,375.00	
Ginny Grenham, 1500 K Street, NW, #360 Washington, DC 20005	Healthcare Leadership Council		
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			33,150.00
Kathryn Griesinger, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	35.70
Jane Grimm, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	2,125.00	
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		680.83
Christina M. Groszer, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,900.00	160.00
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	Guerra & Associates, Inc (For:Mexican Dept of Commerce & Industrial Development).	129,571.94	9,238.96
Mary Scott Guest, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	O'Connor & Hannan		
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Dietetic Association	7,800.00	
Do	American Health Information Management Assn	5,000.00	
Do	Council on Accreditation of Services for Families & Children		5.27
Do	Manor Healthcare, Inc	16,000.00	
Do	Midwest Organ Bank, Inc	12,000.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	
Do	Puritan Group-Puritan Bennett Corp	4,250.00	
Do	Transtracheal Systems	500.00	
Barry Hager, Hager Assocites 1701 K Street, Nw, #900 Washington, DC 20006	Fund for Private Assistance in Internat'l Development (Paid)		
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Boston Area Mutual Fund Group	1,200.00	700.00
Gregory V. Haledjian, 444 North Capitol Street, NW, Suite 711 Washington, DC 20001	Keefe Company (For:City of Homestead, FL)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	Air Transport Assn of America	14,542.02	
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		110.00
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce D. Cameron (For:Fibromyalgia Network)		
Do	Bruce Cameron (For:National Council of Maubere Resistance)		
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	37,081.93	30,372.86
Susan C. Hammann, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	500.00	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,840,428.00	1,244,830.00
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Erling Hansen, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	8,749.98	898.47
Grant W. Hanson, 507 Second Street, NE Washington, DC 20002	Nike, Inc		
Harkins Cunningham, ATTN: A. Carl Kaseman, III 1300 19th Street, NW, Suite 600 Washington, DC 20036	Computer Sciences Corp	3,386.25	64.35
William G. Harley, 4301 North Fairfax Drive, #360 Arlington, VA 22203	National Utility Contractors Assn	500.00	
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Robert L. Harris, 608 Massachusetts Ave., NE Washington, DC 20002	Nutter & Harris (For:Aluminum Assn)	1,000.00	65.00
Do	Nutter & Harris (For:Lead Industries Assn)	2,400.00	150.00
Do	Nutter & Harris (For:Plum Creek Timber Company)	600.00	50.00
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc	27,020.00	38,469.96
Marilyn Beth Haugen, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Charles E. Hawkins III, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
James W. Hawkins III, P.O. Box 25366 Washington, DC 20007-8366	Hawkins & Associates (For:Alza Corp, et al.)		
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	3,950.00	
Steven L. Hayes, 100 N. Brand Blvd., #502 Glendale, CA 91203	Citizens for an Alternative Tax System		
Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	913.00	
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	968.31
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	99.00	
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	212.40	48.60
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		2,214.13	2,222.13
Brian Keith Heard, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	4,875.00	20,864.75
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Colton Communities, Inc	1,000.00	
James B. Hedlund, 1320 19th St., NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	1,000.00	
Joseph F. Heeney, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition		
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	190.24	
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,699.00
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,249.57	873.50
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Senior Army Reserve Commanders Assn	3,000.00	
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		
Wallace Henderson, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		214.73
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	1,089.00	
Charlotte W. Herbert, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	104.37
Hessel & Aluise, PC, One Thomas Circle, NW, #1250 Washington, DC 20005	National Housing Partnership		
Susan L. Hildenbrandt, 2021 Massachusetts Ave., NW Washington, DC 20036	American Academy of Family Physicians	3,875.00	400.25
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Sonoco Products Co	3,900.00	126.00
Patricia Hill, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	25,000.00	
James W. Hiney, 6538 Bay Tree Court Falls Church, VA 22041	Noise Cancellation Technologies, Inc		213.00
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	78.00	
Alex Hittle, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Bristol Bay Area Health Corp	790.00	
Do	Maniilaq Assn	10.00	
Do	Metlakatla Indian Community	110.00	7.00
Do	Miccosukee Tribe of Indians of Florida	490.00	7.00
Do	Mississippi Band Choctaw Indians		
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission	160.00	
Do	Three Affiliates Tribes of the Fort Berthold Reservation	100.00	10.90
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		94.50
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	11,096.16	1,282.20
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Government of Haiti		653.31
Do	New York Assn of Homes & Services for the Aging		
Do	New York State Health Facilities Assn, Inc		
Do	University of Pittsburgh Medical Center	3,170.00	26.50
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	American Life Resources Corp	1,269.00	
Michael J. Hoogendyk, 706 E. Bell Road, #101 Phoenix, AZ 85022	National Assn of Mortgage Brokers	1,875.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,338.46
Mark M. Hopkins, 2439 25th Street Santa Monica, CA 90405	SpaceCause	330.00	
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Alaska Joint Venture Seafoods, Inc		35.77
Do	Cook Inlet Region, Inc		12,861.80
Do	Council for Affordable Health Insurance		106.25
Do	Puerto Rico Bankers Assn	12,500.00	85.00
Do	Tandy Corporation	3,092.00	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	96.00	
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,076.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	50.00
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		10,734.10	10,734.10
Peggy A. Houlihan, 1801 K Street, NW, Floor 8 Washington, DC 20006	Coalition for Employment through Exports		
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Susan Howe, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Gary Howell, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc		
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper	2,000.00	240.00
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	8,000.00	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-Stock Corp	2,910.00	
Do	Government of Quebec, Ministry of International Affairs		
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		14.00
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	13,500.00	
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	425.00	1,297.68
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,025.77	
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America	3,874.98	2,699.26
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,470.00
Angela M. Hunter, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	11,155.26	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	9,499.98	
John A. Hurson, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Case Management Society of America)		
Geoffrey B. Hurwitz, 1667 K St., NW, #1210 Washington, DC 20006	Rohm & Haas Co	2,300.00	114.97
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	3,371.00	1,140.00
Immigration Services Associates, 211 Wilson Boulevard, #850 Arlington, VA 22201-3008	American Council on International Personnel (ACIP)	3,695.14	154.89
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		12,723.00	12,723.00
Institute for Responsible Housing Preservation, 2300 M Street, NW, #400 Washington, DC 20037		2,000.00	2,000.00
International Assn of Machinists & Aerospace Workers, 9000 Machinists Place Upper Marlboro, MD 20772			24,503.60
International Brotherhood of Teamsters, 25 Louisiana Ave., NW Washington, DC 20001			54,303.76
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		51,824.00	2,538.00
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			14,793.71
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washingon,, DC 20004	American Gas Assn	475.30	83.00
Amy F. Isaacs, 1625 K Street, NW, #1150 Washington, DC 20006	Americans for Democratic Action	14,056.86	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	6,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan A. Ishmael, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	11,080.34	
Beverly Roberson Jackson, 3707 Ingomar Street, NW Washigngton, DC 20015	National Center for Clinical Infant Programs	520.00	
Paul Jacob, 1511 K Street, NW, Suite #540 Washington, DC 20005	U.S. Term Limits		1,015.00
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	2,945.80
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	1,831.50	19.00
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		14,505.00	13,880.00
Dane B. Jaques, 1025 Thomas Jefferson Street, NW, East Washington, DC 20007-5201	Katten Muchin Zavis & Dombroff (For:Associated Aviation Underwriters)		
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	9,235.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	18,000.00	
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
Do	Waste Management Environmental Services, Inc		
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	21,399.82	866.31
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	884.00	
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	College of Medical Technologists of Puerto Rico		
Do	Inter American University of Puerto Rico		
Do	Municipality of Barceloneta		
Do	Municipality of Carolina		
Do	Municipality of Cayey		
Do	Municipality of Hormigueros		
Do	Municipality of Mayaguez		
Do	Municipality of San Juan		
Do	Municipality of Trujillo Alto		
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
David M. Jennings, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jennifer M. Jensen, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	8,980.00	160.94
Janet I. Jenson, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	2,227.50	
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		1,272.62
Ronald P. Johnsen, 700 Thirteenth ,NW, #900 Washington, DC 20005	Columbia Gas System Service Corp	175.00	872.24
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Michael A. Johnson, 200 S. Wacker Dr.- 33rd Floor Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company)		
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	8,185.25	111.00
Susan E. Johnson, 2000 Pennsylvania Avenue, NW, #3100 Washington, DC 20006	Real Estate Services Providers Council (RESPRO)		
Johnson & Gibbs, P.C., 1301 K Street NW Suite 800 East Washington, DC 20005	Centex Corp		
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Assn of Community Organizations for Reform Now (ACORN)	5,750.00	
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Affiliated Computer Services, Inc	4,728.00	131.10
Do	Amoco Corporation	6,112.00	13.00
Do	Citicorp		
Do	County of Los Angeles	41,383.00	1,154.00
Do	Genentech	12,946.00	30.00
Do	GNA Corp		
Do	Health Policy Coalition		
Do	Marathon Oil Co	2,368.00	8.00
Do	Massachusetts Mutual Life Insurance Company	3,766.00	339.00
Do	Nacco Industries, Inc	3,369.00	
Do	Nextel Communications, Inc	4,704.00	56.00
Do	Norwest Corp		
Do	Pfizer, Inc	2,450.00	
Do	RJR Nabisco, Inc	15,120.00	64.00
Do	Sungard Data Systems, Inc	10,863.00	133.10
Do	Upjohn Company	4,101.00	37.99
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Company	3,380.00	
Do	Utah State University	570.00	
G. Harris Jordan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn (AIADA)	25,000.00	
Jorden Burt Berenson Klingensmith & Suarez, 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007-0805.	City of Gainesville	13,740.00	144.29
Do	City of Newark	30,978.00	336.67
Do	Florida Endowment Fund for Higher Education	10,189.00	113.03
Do	Metropolitan Atlanta Olympic Games Authority	19,341.54	216.43
Do	New York University	41,721.10	456.91
Do	South Dade Land Corp	2,159.00	24.05
Do	University of Medicine & Dentistry of New Jersey	29,290.61	312.62
Do	University of Miami	44,969.44	492.98
Do	University of Tulsa	26,492.07	288.58
Diana Jost, 1310 G Street, NW , 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,007.00	
John J. Joyce, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	3,000.00	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			3,680.00
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	74.44	
Lisa Kahn, 218 D Street, SE Washington, DC 20003	Friends of the Earth	45.83	
Kahn Soares & Conway, 1919 S. Eads St., Suite 103 Arlington, VA 22202-3028	Central Soya/Novamont	15,000.00	7,450.75
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,938.00	108.00
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	383.06
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	18,539.30	578.00
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	7,120.00	634.99
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	12.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	741.58	197.45
Katten Muchin Zavis & Dombroff, 1025 Thomas Jefferson Street, NW, #700 E Washington, DC 20007	Associated Aviation Underwriters		
Anthony P. Kavanagh, 2100 Pennsylvania Avenue, NW, #675 Washington, DC 20037	American Electric Power Service Corp	174.59	1,706.52
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Instruments SA, Inc	2,313.72	3,423.00
Do	Kraft, Inc	4,500.00	525.00
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York	702.00	7,020.00
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,961.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	1,926.50	
Do	General Instrument Corporation		
Do	Group Health, Inc	42,360.09	
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Danea M. Kehoe, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	6,000.00	423.00
Susan Keith, 201 Massachusetts Ave., NE, #C-4 Washington, DC 20002	National Corn Growers Assn	3,575.00	20,864.75
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	7,500.00	
Donald E. Kelly, 2555 M Street, NW, #301 Washington, DC 20037-1302	Appraisal Institute	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Ernest B. Kelly III, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp	3,210.90	115.55
Harold V. Kelly, 410 Oberlin Road, SW Massillon, OH 44647	Republic Engineered Steels, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	19,000.00	
Do	Perdue Farms Inc	22,500.00	
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,316.00	
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc	6,000.00	
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			311.21
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
John Paul Kennedy, 1385 Yale Avenue Salt Lake City, UT 84105	•Edwards McCoy & Kennedy (For:Western Shoshone Judgment Distribution Assn)		5,596.80
Jeannine M. Kenney, 1840 Wilson Blvd., #400 Arlington, VA 22201	National Milk Producers Federation	718.10	
Michael L. Kerley, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	3,125.00	259.00
Susan Akers Kernus, 1424 Longfellow St., NW Washington, DC 20011	Synthetic Organic Chemical Manufacturers Assn, Inc		
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	34,657.31	19.75
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	963.45
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Kilpatrick & Cody, 700 13th Street, NW, #800 Washington, DC 20005-3960	Forest Farmers Assn	3,553.00	67.23
Do	Golden Rule Insurance Company		
Do	Greenpeace USA		
Do	Kiewit Construction Group, Inc		
Do	Kimberly-Clark Corp		
Do	Mercer County Improvement Authority		
Do	Municipal Electric Authority of Georgia		
Do	National Cardiovascular Network		
Do	Pepsico, Inc		
Do	Software Productivity Consortium		
Do	U.S. Sprint Telecommunications Co		
Do	United Airlines, Inc		
Do	University of Georgia		
Do	Upper Duck River Development		
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	12,606.40	4,438.63
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	14,097.00	16.00
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Royal Teton Ranch	2,167.00	
Do	Textron Defense Systems	2,056.00	
K. Kimball King, 2001 Pennsylvania Ave., NW Washington, DC 20006-1813	Electronic Industries Assn	750.00	152.87
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Atlanta Committee for the Olympic Games (ACOG)	18,711.00	102.00
Do	Charter Medical Corp	2,937.00	15.00
Do	GPIA-Animal Drug Alliance		
Do	Martin-Marietta	774.00	10.00
Kathleen D. Kinka, 1331 Pennslvania Ave., NW, Suite 650 Washington, DC 20004	Digital Equipment corp		28,000.00
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Dykema Gossett		
Do	Glendale Federal Savings Bank	451.50	
Do	Investment Company Institute		
Do	Republic National Bank of New York		
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	Council of European & Japanese National Shipowners' Assn	16,380.00	630.15
Frank D. Kittredge, 1625 K Street, NW Washington, DC 20006	National Foreign Trade Council	6,000.00	1,100.00
W. Klinefelter, 815 16th St., NW, #706 Washington, DC 20006	Industrial Union Department (AFL-CIO)	11,423.00	
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	33,000.00	
Do	Mid-Atlantic Medical Services, Inc	12,000.00	
James E. Kneale, 2335 South Meade Street Arlington, VA 22202	Lockheed Corporation	4,000.00	154.40
Anthony J. Knettel, 1400 L Street, NW, #350 Washington, DC 20005	Erisa Industry Committee	1,732.00	
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
Knights of Columbus, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004-2404			8,150.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	295.72	
Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	3,986.45	355.68
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Center for Applied Research	9,000.00	2,634.09
Do	Colorado Water Congress		
Do	Dolores Water Conservancy District	4,000.00	1,272.16
Do	Great-West Life Assurance Co	12,500.00	2,840.20
Do	Rio Grande Water Conservation District	3,000.00	67.90
Do	Rocky Mountain Health Care Corp	9,825.00	3,194.38
Do	San Juan Water Commission	1,895.00	979.76
Do	Southern Ute Indian Tribe	12,500.00	10,461.50
Do	Southwestern Water Conservation District, Durango County		10,677.90
Do	Ute Mountain Ute Tribe	21,667.00	
Do	Water Protection Assn of Central Kansas		727.52
Leonard R. Kojm, 1850 K Street, NW, Suite 1190 Washington, DC 20006	EG&G, Inc	125.00	
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		281.17
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	6,000.00	
Nicholas P. Koskores, P.O. Box 763 North Andover, MA 01845	Alpha Strategies (For:Thermo Electron Corporation)	27,000.00	
Gawain Kripke, 218 D Street, SE Washington C, DC 20003	Friends of the Earth	302.55	
Victor Krohn, 100 N. Brand Ave., S-502 Glendale, CA 91203	Citizens for an Alternative Tax System	176.43	
Steven Kroll, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
M. J. Kuehne, P.O. Box 11346 Tacoma, WA 98411	Northwest Independent Forest Manufacturers	2,400.00	1,693.00
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			62,465.39
Shirley Wiseman Lach, 337 11th Street, SE Washington, DC 20003			
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	EDS Corporation		
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc		
Betsy Laird, 729 15th Street, NW Washington, DC 20005	Associated Builders & Contractors	2,500.00	
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		1,000.00
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	6,462.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
Robert K. Lange, 1700 N. Moore St., #2120 Arlington, VA 22209	Boeing Company	6,046.00	1,071.70
Mary Ellen Larson, 1513 16th Sreet, NW Washington, DC 20036	Air Conditioning Contractors of America	2,000.00	
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Ahlstrom Development Corp	2,000.00	
Do	EUA Cogenex Corp		
Do	Manville Corp		
Do	National Independent Energy Producers	3,000.00	
Do	Sithe Energies USA, Inc		
Jonathan Lawniczak, 1331 F St. , NW, Washington, DC 20005	National Council of Senior Citizens	6,000.00	
Joan W. LaRock, 801 Pennsylvania Ave., NW, Suite 1213 Washington, DC 20004	LaRock Associates, Inc	5,000.00	
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		216,811.46	114,802.58
League of American Investors, 2416 Oakshore Dr. Westlake Village, CA 91361			
Bruce Lear, 1101 15th street, N.W., #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn	6,000.00	
Do	FMC Corp	6,000.00	
Do	General Dynamics Corp	2,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Rifle Assn of America	3,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Gerard Lavery Lederer, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	1,000.00	
Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036	American Society for Payroll Management	1,000.00	5.00
Do	Avon Products, Inc		5.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	ACX Technologies, Inc		5.00
Do	Beckman Instruments, Inc		5.00
Do	Becton Dickinson & Co		5.00
Do	BellSouth Corp		5.00
Do	Briggs & Stratton Corp		5.00
Do	Burroghs Wellcome Co		5.00
Do	Carolina Power & Light Co		5.00
Do	Colgate-Palmolive Co		5.00
Do	Coors Brewing Company and Subsidiaries		5.00
Do	Data General Corp		5.00
Do	Deere & Co		5.00
Do	Dun & Bradstreet Corp		5.00
Do	Ecolab, Inc		5.00
Do	First Data Corp		5.00
Do	GTE Corp		5.00
Do	Johnson & Johnson		5.00
Do	Millipore Corp		5.00
Do	Minnesota Mining & Manufacturing Co		5.00
Do	Nestle Holdings, Inc		5.00
Do	Premark International, Inc		5.00
Do	Raytheon Co		5.00
Do	Reynolds Metals Company		5.00
Do	Riviana Foods, Inc		5.00
Do	RJR Nabisco, Inc		5.00
Do	Sterling Winthrop, Inc		5.00
Do	Tandem Computers, Inc		5.00
Do	Thiokol Corp		5.00
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Public Resource Assn		
Carroll H. Leggett, 660 Maryland Avenue, NE Washington, DC 20002	Royal Embassy of Saudi Arabia	10,000.00	344.76
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,071.00	62.00
Leighton & Regnery, 1667 K Street, NW Washington, DC 20006	American Dairy Products Institute		
Do	Cordage Institute		
Do	Visiting Nurse Assn of America		
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	398.00	149.00
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund		
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 . Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)	1,963.00	
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	50,431.48	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	14,661.13	
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)	1,963.00	
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	14,661.13	
Jeff Levey, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Royalty Coalition)	270.00	26.50
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
David R. Levinson, 1133 15th Street, NW, #1200 Washington, DC 20005	Office & Professional Employees Intl Union, Local 2, AFL-CIO		
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
James E. Lewin, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	14,000.00	1,392.72
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	9,714.00	
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	800.00	
Lewis White & Clay, P.C., 1300 First National Building Detroit, MI 48226	Powell Goldstein Frazer & Murphy	2,956.25	
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	321.84
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (For:Embassy of Mozambique)		
Do	Bruce P. Cameron (For:Embassy of Nicaragua)		
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	5,400.00	95.00
Melvin J. Littig, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	1,000.00	
David A. Litvin, 1600 M Street, NW, #700 Washington, DC 20036	Kennecott Corporation	350.00	405.00
Livestock Marketing Association, 7509 Tiffany Springs Parkway Kansas City, MO 64153		33,500.00	19,839.00
Paul Locigno, 2550 M Street, NW, #275 Washington, DC 20037	Capitoline International Group Ltd (For:City of America)		
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		2,030.93
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	1,110.00	75.53
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Brian C. Lopina, 470 L'Enfant Plaza, SW East Bldg, #7112 Washington, DC 20024	Citizens for a Sound Economy		
Lord Day & Lord, Barrett Smith, 1201 Pennsylvania Avenue, NW, #821 Washington, DC 20004	American Corporations for Coastwide Trade		
Do	Coffee Sugar & Cocoa Exchange, Inc	8,946.75	
Do	Lafarge Corporation		
David Loveland, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Charles M. Loveless, 801 17th Street., NW Washington, DC 20434	American Fed of State County & Municipal Employees	19,177.00	821.34
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
Mark A. Lowman, 1201 K Street, #800 Sacramento, CA 95814	California Assn of Hospitals and Health Systems	13,000.00	13,305.00
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Carla Luggiero, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	9,306.38	711.17
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists	4,462.00	370.00
Janet Lynch, 601 13th Street, NW, Suite 1170S Washington, DC 20005	Microelectronics & Computer Technology Corp (MCC)	5,000.00	312.38
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	8,802.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	McLeod, Watkinson & Miller (For:PromoFlor)	1,000.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	10,523.07	390.56
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	2,959.61	39.63
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)	2,959.61	154.61
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation)	8,221.15	215.46
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	14,366.25	14,488.34
Do	Inter-Mountain Forest Industries Assn	3,750.00	4,004.70
Do	Kaibab Forest Products Company	3,750.00	4,004.70
Do	Northern Arizona University Foundation	11,250.00	11,229.59
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	4,138.21
Linda Major, P.O. Box 2801 Daytona Beach, FL 32120-2801	International Speedway Corp	150.00	1,009.67
Do	National Motorsports Council of ACCUS-FIA	150.00	1,009.67
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	355.00	10.00
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	14,922.46	
Manatos & Manatos, Inc, 1750 New York Ave., NW, #210 Washington, DC 20006	United Hellenic Amer Congress & Amer Hellenic Alliance, Inc		4,405.16
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	1,500.00	1,423.18
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Retailers of America		
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Motorola)	6,500.00	
Margaret A. Manthe, P.O. Box 16614 Arlington, VA 22215	National Steel & Shipbuilding Co	1,992.18	356.50
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot & Ankle Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	21,500.00	
Do	American Soc of Clinical Pathology		
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HME)	21,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Health Industry Manufacturers Assn (IOL)	3,000.00	
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	5,000.00	
Teresa Martin, 150 South 600 E., #5C Salt Lake City, UT 84102	National Parks & Conservation Assn	150.00	
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22203-4901	Nutritional Health Alliance	10,000.00	7,850.79
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc	1,014.12	
Daniel J. Mattoon, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	3,162.50	1,140.44
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	840.25
John S. Maxson, 1722 Eye Street, NW, 6th Floor Washington, DC 20006	Commonwealth Edison Co	12,500.00	15,900.00
Arnold Mayer, 4609 30th Street, NW Washington, DC 20008	Oil Chemical & Atomic Workers International Union	8,100.00	1,235.00
Maurice W. Maynard, 44 Fifth Avenue Brooklyn, NY 11217-2022			
McAdam Group, Inc, 1156 15th Street, NW, #502 Washington, DC 20005	National Computer Systems	9,000.00	
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,479.92
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Associacion de Hospitales de Puerto Rico	1,000.00	
Do	Association of Progressive Rental Organizations	1,000.00	
Do	Buena Vista Golf & Country Club		
Do	Chabot Observatory & Science Center	300.00	
Do	City of Chattanooga	600.00	
Do	Cooper Hospital/University Medical Center	400.00	
Do	Council of American Overseas Research Centers	100.00	
Do	Creative Discovery Museum	600.00	
Do	Dean Witter Realty, Inc	3,000.00	
Do	DeMarco Enterprises		
Do	Ft. Worth Transportation Authority	3,000.00	
Do	Golden Hill Paugussett Tribe	2,000.00	
Do	HealthInfusion, Inc	1,200.00	
Do	Johnson Controls, Inc	600.00	
Do	Medi-Vu, Inc	400.00	
Do	MASSPORT/Commonwealth of Massachusetts	15,000.00	
Do	National Medical Care	15,000.00	
Do	Nevada Power		
Do	Nevada Resort Assn		
Do	Orlando-Orange County Expressway Authority	2,600.00	
Do	RAILTRAN		
Do	Tucker Flyer & Lewis		
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	12,000.00	
Do	Viacom International		
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council	3,000.00	241.32
Do	Carolina Power & Light Co	900.00	
Do	Commonwealth Edison Co	300.00	
Do	Consolidated Edison Co of New York, Inc		
Do	Edison Chouest Offshore	2,400.00	201.32
Do	General Atomics	2,800.00	241.32
Do	ICF International	3,600.00	
Do	Louisiana Energy Services	1,200.00	
Do	Naitonal Assn for the Superconducting Super Collider	4,500.00	384.86
Do	Sealaska Corp	1,800.00	157.03
Do	Turlock Irrigation District	1,200.00	46.30
Do	Westinghouse Electric Corp	3,720.00	852.86
Do	Yukon Pacific Corp	2,400.00	241.32
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Society of Cataract & Refractive Surgery	6,865.63	848.54
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Royalty Coalition)	395.00	17.00
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	3,500.00	50.00
Todd McCracken, 1155 15th Street, NW, #710 Washington, DC 20005	National Small Business United	1,000.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	12,250.00	235.59
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	American Vintners Assn		
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	2,016.00	269.00
Jack McDonald, 901 15th Street, NW, #700 Washington, DC 20005-2301	Outboard Marine Corp	7,500.00	30.00
Christine W. McEntee, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Marianne McGettigan, 45 Memorial Circle Augusta, ME 04032-0957	Major League Baseball Players Assn	13,202.00	24,900.69
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals	10,003.32	322.76
McGuiness & Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	Arch Mineral Corporation		
Do	RJR Nabisco		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Farm Labor Alliance	2,475.00	
Robert McIntyre, 1311 L St., NW Washington, DC 20005	Citizens for Tax Justice	16,988.47	
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	1,556.73
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	4,244.00	102.41
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	8,148.00	84.87
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	8,750.00	381.59
Do	McLeod Watkinson & Miller (For:PromoFlor)	8,313.00	108.19
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	300.00	46.11
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus)	2,564.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	775.00	
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)		1,892.00
Victor McMahan, 218 D Street, SE Washington, DC 20003	Friends of the Earth	25.88	
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	9,687.00	1,272.34
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging		
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	Alliance of Nonprofit Mailers	1,500.00	
Do	BP America, Inc	4,250.00	
Do	Centerior Energy Corp	10,000.00	
Do	Eltech Systems Corp	6,000.00	698.43
Do	Systech Environmental Corporation	7,800.00	
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			8.00
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	620.00	
Mehl & Pickens Associates, Inc, 1400 L Street NW Suite 625 Washington, DC 20005	Bogan Aerotech, Inc	10,000.00	
Do	Cessna Aircraft Company		
Do	Lockheed Aircraft Service Company		
Do	Syscon Corp		
Do	TCOM, L.P.		
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	7,323.75	645.75
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	American Fed of State County & Municipal Employees	8,748.00	73.00
Do	Coalition on Human Needs	2,250.00	54.50
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	6,961.50	937.08
Do	Hall Estill et al. (For:Hoopa Valley Tribe)		
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	217.48

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Amway Corp)	552.00	
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	604.17	
Edward L. Merrigan, 6000 Connecticut Ave., NW Washington, DC 20815	Central Gulf Lines, Inc	10,625.00	166.43
Do	Merrill Lynch & Company, Inc		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	15.50
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	9,375.00	117.50
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Jeremy Metz, 260 Madison Avenue New York, NY 10016	American Forest & Paper Assn		
David A. Metzner, 499 S Capitol St., SW, #520 Washington, DC 20003	Van Fleet Associates	13,749.00	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,975.00	448.98
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,675.00	1,135.47
Basil J. Mezines, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn		
Michael G. Michaels, P.O. Box 150-160 Atlanta, GA 30315			
Richard P. Michalski, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	6,573.65	
Mid-Atlantic Medical Services, Inc, 4 Taft Court Rockville, MD 20850			12,000.00
Roger E. Middleton, International Square 1825 Eye Street, NW, #400 Washington, DC 20006	Martinez & Sandoval		
Rene Milam, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Leslie K. Miles, 1156 15th Street, NW, 7th Floor Washington, DC 20005	National Abortion Rigths Action League, Inc	9,187.49	
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Fred Millar, 218 D St., SE Washington, DC 20003	Friends of the Earth		
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health		
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health, et al.	3,500.00	1,939.75
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
G. Daniel Miller, Suite 450 North, Homer Building 601 - 13th Street, NW Washington, DC 20005-3807	Faegre & Benson (For:Church Alliance)	2,000.00	
Do	Faegre & Benson (For:Multifoods)	885.00	
Do	Faegre & Benson (For:National Car Rental)	38.00	
Do	Faegre & Benson (For:Plaintiffs in Federal Dist Court litigation in Anchorage, AK).		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	3,000.00	400.00
Do	LTV Aerospace & Defense Co		
Do	Northrop Corporation	3,000.00	400.00
Do	Vought Aircraft Co	3,000.00	300.00
Howard Miller, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Vincent J. Miller, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	2,400.00	
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA))		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	American Craft Council		
Do	American Nuclear Energy Council		
Do	Arizona Health Care Contract Management Services, Inc		
Do	Association of Financial Services Holding Companies	2,050.00	
Do	Blue Cross of California	4,700.00	
Do	Canadian Corps for Equitable Tax Treatment		
Do	Chevy Chase Savings Bank, FSB		
Do	CHAPS Health Services, Inc		
Do	Dun & Bradstreet Corp		
Do	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Government of British Columbia/Min. of Dev. Trade & Tourism		
Do	Great Northern Insured Annuity Corp	4,373.50	
Do	Hewlett-Packard Co	5,250.00	
Do	Humane Society of the U.S.		
Do	Land Rover of North America, Inc	3,000.00	
Do	Organization for Fair Treatment of Int'l Investments	6,125.00	
Do	Pulte Home Corp	13,950.00	
Do	SABIC Marketing Americas, Inc	750.00	
Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303	Helicopter Assn International	7,500.00	700.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
Minority Asset Recovery Contractor's Assn, 200 L Street, NW, Suite 200 Washington, DC 20036		6,500.00	6,855.00
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Communications Industries Assn of Japan	15,000.00	
Do	Siemens Corp	7,300.00	
Do	Turner Broadcasting System, Inc		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp		848.00
Do	Metropolitan Life Insurance Co	2,357.50	2,612.50
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	375.00	
Ark Monroe, 1420 New York Ave, NW, Suite 750 Washington, DC 20005-Mon	Axciom Corp		200.00
Do	Metropolitan Life Insurance Co	2,357.50	2,612.50
Michael Monroney, 1250 H Street, NW, #700 Washington, DC 20005-3908	Citizens for a Sound Economy		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	National Rural Water Assn	4,125.00	230.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,100.00	177.00
Do	Underground Injection Practices Council	700.00	50.00
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		38.00
Karl R. Moor, 1101 Connecticut Avenue, NW, #800 Washington, DC 20036	Balch & Bingham (For:Alabama Power Co)	738.18	738.18
Do	Balch & Bingham (For:Southern Company Services, Inc)	310.05	310.05
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement	200.00	44.86
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	Waste Management, Inc	5,750.00	16.00
Michael D. Moore, 601 13th Street, NW, Suite 850 Washington, DC 20005	El Paso Natural Gas Co	1,000.00	
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Eli Lilly & Company	3,000.00	56.72
Laura Moorhead, 1120 20th Street, NW, Suite 1000 Washington, DC 20036	NCR Corp		
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	16,450.00	
Robert J. Moran, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	3,000.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	96.00	8.50
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
John Morgan, 501 3rd Street, NW Washington, DC 20001	Communications Workers of America		
James W. Morrison Jr., 815 Connecticut Ave., NW, #800 Washington, DC 20006	ARA Services, Inc		
Do	Morrison Associates (For:Blue Cross & Blue Shield Assn)	34,864.68	397.73
Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corp	2,000.00	380.74
Philip D. Morrisson, 815 Connecticut Avenue NW, #900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
Michael L. Morton, 1301 Pennsylvania Ave, NW, S401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		23,980.68	23,980.68
L. A. Motley and Company, 1800 K Street, NW, #1000 Washington, DC 20006	Adical		
Do	Sawyer/Miller Group (for Philippine Sugar Regulatory Admin)		
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	53.82
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education	3,026.83	73.19
Do	Constitutional Rights Foundation	3,026.83	73.19
Do	Equifax	1,519.90	21.27
Do	National Institude for Citizens Education in the Law	3,026.83	73.19
Do	Search Group Inc.	9,023.75	237.24
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	85.50
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Cecilia Munoz, 810 First Street, NE, Suite 300 Washington, DC 20002	National Council of La Raza	21,948.36	21,948.36
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Village of Schaumburg		
Daniel H. Murray, 1133 21st St., NW, #900 Washington, DC 20036	BellSouth Corp	2,955.00	2,206.55
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	1,000.00	
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	224.00	
MHD Industrial Forum, 1730 M Street, NW, Suite 911 Washington, DC 20036			
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center	924.66	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		200.00	1,519.33
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		102,491.37	181,478.24
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		7,13,938.00	140,398.92
National Assn of Mortgage Brokers (NAMB), 706 E. Bell Road, #101 Phoenix, AZ 85022		44,752.28	61,353.31
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241		27,500.00	27,400.82
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		7,900.00	8,200.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			42,275.00
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		63,718.60	18,243.68
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		26,428.05	76,428.05
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,655,619.37	18,449.39
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			89.50
National Coalition for Marine Conservation, Inc, 5105 Paulsen Street, #243 Savannah, GA 31405		13,293.61	38,044.27
National Comm of Cities & States for Air Service, Transportation Bldg., Room 417 St. Paul, MN 55156		2,402.42	176.91
National Comm on Pay Equity, 1126 16th St., NW, #411 Washington, DC 20036		61,471.71	
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	18,570.00
National Corn Growers Assn, 201 Massachusetts Ave., NE Suite C-4 Washington, DC 20002		20,864.75	20,864.75
National Education Assn, 1201 16th St., NW Washington, DC 20036		101,914.87	101,914.87
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		214,011.00	885.00
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National Independent Automobile Dealers Assn, 2521 Brown Blvd., Suite 100 Arlington, TX 76006-5299			9,400.00
National Industrial Transportation League, 1700 N. Moore St. S-1900 Arlington, VA 22209-1904			
National Knitwear & Sportswear Assn, 386 Park Avenue South New York, NY 10016			2,472.84
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			42,080.00
National Leased Housing Assn, 2300 M St., NW, #260 Washington, DC 20037		2,000.00	2,000.00
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			2,757.71
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		75,844.00	11,196.20
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		144,889.89	138,558.38
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		285,211.20	570,035.69
National Rural Housing Coalition, 122 C Street, NW, #875 Washington, DC 20001		5,000.00	39.80
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314		12,000.00	8,833.00
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		18,239.00	21,371.00
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		7,166.00	7,166.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		52,767.00	52,767.00
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	23,681.14	208.75
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn)		
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Small Business United)	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association)	1,300.00	1,300.00
Terry Neese, 4527 North 16th Street, Suite 200 Phoenix, AZ 85017	Small Business Alliance on Communications, Inc	80.00	357.00
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:PromoFlor)	1,314.00	48.08
Do	McLeod Watkinson & Miller (For:Right Choice Task Force)	714.00	48.08
Do	McLeod Watkinson & Miller (For:United Egg Assn)	1,946.00	242.18
Do	McLeod Watkinson & Miller (For:United Egg Producers)	4,281.00	243.59
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Brydges Riseborough Morris Franke & Miller	3,703.00	
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	3,132.00	
Louis H. Nevins, Thacher, Proffitt and Wood 1500 K Street, NW, Suite 200 Washington, DC, DC 20005	Thacher Proffitt & Wood (For:Castine Partners)		
Do	Thacher Proffitt & Wood (For:G.E. Capital Mortgage Insurance Corp)		
Do	Thacher Proffitt & Wood (For:North Side Savings Bank)		
Do	Thacher Proffitt & Wood (For:Peoples Westchester Savings Bank)		
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	850.00	36.70
New York State Assn of Fire Chiefs, 1670 Columbia Turnpike Castleton, NY 12033			12,177.09
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	449.57
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		156,925.87	156,925.87
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
William W. Nickerson, 1919 Pennsylvania Avenue, NW, Suite 850 Washington, DC 20006	Esstar	29,309.64	
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Anne L. Nicoll, 50 F St., NW, #1100 Washington, DC 20001	American Hospital Assn	9,264.15	310.46
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	57.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	247.00	
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & Noone (For:American Retirees Assn)	3,000.00	24.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
J. Hallock Northcott, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	1,000.00	38.52
Northeast Utilities Service Co, Selden St. Berlin, CT 06037			4,368.99
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	382.00	94.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	4,000.00	2,720.79
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Nutritional Health Alliance, P.O. Box 267 Farmington, NY 11735		213,082.00	185,060.00
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,217.66	166.93
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser Busch Co	37.50	
Do	Federal National Mortgage Assn	211.50	
Do	General Electric Co	221.40	
Do	Storage Technology Corp	49.20	
Do	Tax Reform Action Coalition	186.00	
Do	Westinghouse Electric Corp	221.40	
Richard F. O'Connell, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	12,500.00	4,000.00
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
John T. O'Connor, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers' International Assn	19,490.00	
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Soc of Cataract & Refractive Surgery		
Do	Associated Credit Bureaus, Inc	8,000.00	
Do	Bear Stearns & Company, Inc	11,960.00	
Do	Citizens Savings and Loan		
Do	Electronic Data Systems Corp		
Do	Evangelical Lutheran Good Samaritan Society		
Do	First Winthrop Corp		
Do	Healthcare Financing Study Group		
Do	MasterCard International, Inc	1,090.00	
Do	Miller & Schroeder		
Do	National Apartment Assn		
Do	Pacific Telesis Group	5,890.00	
Do	Securities Industry Assn	7,500.00	
Do	State Street Bank & Trust Company	9,000.00	
Do	UST	1,250.00	
Do	VISA, USA, Inc	1,090.00	
Do	Westinghouse Electric Corp		
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	2,040.22
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	44,687.50	16,794.36
Joseph P. O'Neill, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assn	15,000.00	
Do	Anheuser-Busch Companies, Inc	30,000.00	
Do	Blue Cross Blue Shield Assn	90,000.00	
Do	Boston Capital Partners, Inc	14,000.00	
Do	Johnson & Johnson	30,000.00	
Do	Mexican Department of Commerce & Finance	150,000.00	
Do	Public Srategies Washington, Inc (For:National Assn of Chain Drug Stores)	26,572.80	
Do	Public Strategies Washington, Inc (For:Southwest Airlines)	9,000.00	
Do	Viacom International, Inc	10,000.00	
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,429.40	72.65
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	612.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
R. Michael Ochs, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	American Trucking Assn		
Do	National Assn of Chain Drug Stores	26,572.80	
Do	PUblic Strategies Washington, Inc (For:Southwest Airlines)	9,000.00	
Office & Professional Employees Intl Union, Local 2, AFL-CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320			
Sharon E. Ogawa, 1227 25th Street, NW, Suite 610 Washington, DC 20037	American Managed Care & Review Assn		120.00
James D. Ogsbury, 214 Massachusetts Avenue, NE, Suite 310 Washington, DC 20002	Salt River Project	3,521.00	1,997.35
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America		
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	4,333.00	
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 22166-6801			793.00
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604		5,500.00	10,802.00
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		2,884.82	1,113.25
Raul Ortega, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext	200.00	178.18
David E. Ortman, 218 D Street, SE Washington, DC 20003	Friends of the Earth	153.06	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	175.87	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Virginia N. Pape, 1250 24th St. NW, #300 Washington, DC 20037	Scripps League Newspapers, Inc	300.00	300.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry	2,692.65	
James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,425.60	81.03
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	363.25
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	956.00	
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	782.21
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Association of Chiefs of Police	9,410.40	1,666.81
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Edison Electric Institute		
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	Associated Materials & Supply Co, Inc	4,500.00	
Do	Payne Shea & Associates, Inc (For:Curbs, Inc)	2,750.00	
Do	National Women Business Enterprise Associates	5,000.00	
Do	Safe T Flare		
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	1,798.62	
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Coalition to Preserve the Low Income Housing Tax Credit	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Lee Peckarsky, South Lobby - 9th Floor 1800 M Street, NW Washington, DC 20036	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)	66,622.50	646.27
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,500.00	
Monica S. Penwell, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Jeffry L. Perlman, 1101 Vermont Avenue, NW, #500 Washington, DC 20005	American Advertising Federation	1,100.00	216.15
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Association of Private Psychiatric Hospitals	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	312.21
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	310.26	246.07
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		34.73
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	52,500.00	
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	17,000.00	
Do	Metro	12,999.99	
Do	Mothers Against Drunk Driving (MADD)	8,333.32	
Do	New York State Thruway Authority	13,500.00	
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	5,246.00	223.85
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	8,414.00	
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	2,264.00	133.62
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		14.00
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	14,006.24	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Biotechnology Software Manufacturers Assn		
Do	Direct Marketing Assn	11,651.25	91.20
Do	Information Industry Assn		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	17,192.50	60.23
Do	PCS Action, Inc	49,782.50	443.24
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)	3,247.00	
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)	3,212.00	
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,582.51	
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20006	Allied-Signal, Inc	1,312.50	
Do	Assn of Directory Publishers	5,500.00	155.22
Do	Committee for America's Copyright Community	7,500.00	421.65
Do	Computer & Business Equipment Manufacturers Assn	2,500.00	32.16
Do	Digital Equipment Corp	2,250.00	560.06
Do	Electronic Frontier Foundation	4,112.50	1,255.69
Do	Genentech, Inc	10,667.00	399.89
Do	National Assn of Broadcasters	5,333.00	878.35
Do	National Conference of Bankruptcy Judges	9,442.51	289.37
Do	Newspaper Assn of America	21,837.50	485.71
Do	PCS Action Committee	42,840.00	1,228.58
Do	Times Mirror	3,000.00	66.43
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	1,968.75	2,584.30
Jean S. Polatsek, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	7,647.45	652.95
Richard J. Pollack, 50 F Street, NW #1100 Washington, DC 20001	American Hospital Assn	5,437.38	200.77
Pollack & Greene, 206 King Street Alexandria, VA 22314	National Coalition of Abortion Providers	39,924.57	40,923.49
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,623.35	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Kathryn Pontzer, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy		
James J. Popham, 1320 19th Street, NW, Suite 300 Washington, DC 20036	Association of Independent Television Stations, Inc	500.00	
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			4,151.70
Porter Wright Morris & Arthur, 1233 20th Street, NW Suite 400 Washington, DC 20036	Analit USA, Inc	675.00	133.21
Do	Automanufacturas, SA de C.V.	2,659.25	195.76
Do	DSA America, Inc	378.00	40.91
David W. Powell, 30 Rockefeller Plaza, Room 3600 New York, NY 10112	Patterson Belknap Webb & Tyler (For:Ministers & Missionaries Board of American Baptist Churches).		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Dr. Pepper Co	3,481.00	
Do	International Telecommunications Satellite Corp	1,556.00	
Do	National Alliance for Infusion Therapy	14,044.00	
Do	NovaCare, Inc	3,816.00	
Prather Seeger Doolittle & Farmer, 1600 M Street, NW, 7th Floor Washington, DC 20036	Banker's Assn for Foreign Trade	15,500.00	114.38
Do	Government of Rheinland-Pfalz	36,500.00	3,100.60
Do	Lead Industries Assn, Inc	2,040.00	10.00
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	178.10
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Chrysler Corporation		
Do	DuPont Co, et al.	395.00	8.00
Do	General Electric Co		
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	1,050.00	82.22

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
George W. Pritts Jr., 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	1,875.00	110.45
Pro Life Congressional District 11, P.O. Box 6273 San Mateo, CA 94403-0991	Pro-Life Congressional District 11	42.00	150.21
Sydney Probst, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	3,280.00	
Nicolette P. Psyllas, 1215 Jefferson Davis Highway, Suite 100 Arlington, VA 22202	Association for Commercial Real Estate		
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			3,000.00
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assns, Inc	15,000.00	
Do	Anheuser-Busch Co, Inc	30,000.00	
Do	Beneficial Management Corp		
Do	Blue Cross Blue Shield Assn	90,000.00	
Do	Boston Capital Partners, Inc	14,000.00	
Do	G-Tech Corporation		
Do	Johnson & Johnson	30,000.00	
Do	Metallgesellschaft Corp	15,000.00	
Do	Mexican Department of Commerce & Finance	150,000.00	
Do	National Assn of Chain Drug Stores	26,572.80	
Do	Southwest Airlines	9,000.00	
Do	Viacom International, Inc	10,000.00	
PCS Action, Inc, 1200 19th Street, NW, 7th Floor Washington, DC 20036		125,000.00	92,622.50
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	4,735.25
Patricia A. Quealy, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	7,750.00	280.81
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	9,700.00	
Jeffrey L. Quyle, 720 N. High School Rd. Indianapolis, IN 46214	Indiana Statewide Assn of Rural Electric Cooperatives, Inc	5,000.00	1,407.94
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Health Industry Manufacturers Assn	1,440.00	35.00
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	918.85	
George Ramonas, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Capitol Strategies Inc (For:Arizona State University)		
Do	Capitol Strategies Inc (For:Georgia Southern University)		
Do	Capitol Strategies Inc (For:University of Utah)		
James D. Range, 11240 Waples Mill Road, #101 Fairfax, VA 22030	Waste Management, Inc	10,000.00	5.00
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	2,065.00	200.00
Charles R. Ranson, 215 South Monroe Street, Suite 804 Tallahassee, FL 32301	USA NAFTA	2,000.00	111.43
Robert A. Rapoza Associates, Inc, 122 C Street, NW, # 875 Washington, DC 20001	Assn for Enterprise Opportunity	323.00	
Do	Association for Health Services Research	380.00	60.82
Do	Bedford Stuyvesant Restoration Corp	136.35	
Do	Bethel New Life	136.35	
Do	Center for Community Self Help	62.70	
Do	Chicanos Por la Causa	136.35	
Do	Coastal Enterprises, Inc	199.05	
Do	Community Development Corp of Kansas City	136.35	
Do	Community Enterprise Development Corp of Alaska	136.35	
Do	Community Resource Group	174.71	
Do	Community Transportation Assn of America	380.00	
Do	Delta Foundation	136.35	
Do	Eastside Community Investments, Inc	136.35	
Do	Great Lakes Rural Network/WSOS	174.71	
Do	Impact Seven, Inc	62.70	
Do	Kentucky Highlands Investment Corp	136.35	
Do	Local Initiatives Support Corp	494.00	
Do	Midwest Assistance Program	174.71	
Do	National Congress for Community Economic Development	1,159.00	
Do	National Cooperative Bank	136.35	
Do	National Council of La Raza	62.70	
Do	National Rural Housing Coalition	456.00	
Do	New Community Corp	136.35	
Do	Northern Community Investment Corp	199.05	
Do	Ridgecrest Enterprises	199.05	
Do	Rural Community Assistance Corp	174.71	
Do	Rural Housing Improvement	174.71	
Do	Rural Opportunities, Inc	62.70	
Do	Southern Cooperative Development Fund, Inc	136.35	
Do	Southern Development Bancorporation	62.70	
Do	TELACU	136.35	
Do	Virginia Water Project/SE RCAP	174.71	
Do	YouthBuild, USA	1,235.00	35.52
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
Kenneth E. Raske, 555 West 57th Street, 15th Floor New York, NY 10019	Greater New York Hospital Assn	3,433.00	1,048.00
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	American Forest & Paper Assn		
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,264.00	577.20
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Recording Industry Assn of America, Inc, 1020 19th St., NW #200 Washington, DC 20036		32,320.00	32,320.00
Clark E. Rector Jr., 1101 Vermont Ave., N.W.,Suite#500 Washington, DC 20005	American Advertising Federation		
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	2,016.67	
Jerrildine Reed, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company	200.00	60.30
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	592.52
Reese Communications Companies, Inc, 3050 K St., NW, Suite 200 Washington, DC 20007	Philip Morris, USA		
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	Savings and Community Bankers of America		
Do	U.S. Chamber of Commerce	1,500.00	
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc		
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,447.41	575.65
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	11,693.75	
Do	Henschel, Inc		
Do	Parsons Brinckerhoff Quade & Douglas, Inc	2,748.80	
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	SPD Technologies	15,580.50	272.42
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Jerry Reinwand, 175 S. Franklin Street, #318 Juneau, AK 99801	Alascom, Inc		
Joan Reiss, 900 17th Street, NW Washington, DC 20006	Wilderness Society	912.23	
Rendon Group, Inc, 2000 S Street, NW Washington, DC 20009	Centro Industrial de Laboratorios Farmaceuticos Argentinos	160,307.12	46,845.25
Julia Renjilian, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders and Contractors	2,500.00	
M. Leu Rennebaum, P.O. Box 1636 Middlesboro, KY 40965	Blue Diamond Coal Co	3,750.00	57.32
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		4,364.00	20,411.00
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company	176.92	319.40
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	923.00	549.00
Jeffrey K. Richard, 317 Massachusetts Ave.,NW, #200 Washington, DC 20002-5701	J. Richard Government Strategies (For:City of Fort Worth, Texas)	19,750.00	17,041.55
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	178.38
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,853.00	
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc, Alaska Native Corp	6,000.00	1,500.00
Do	Old Harbor Native Corp	6,000.00	1,500.00
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		991.60
Do	National Motorsports Comm of Accus-FIA, Inc		991.60
James G. Rickards, 600 Steamboat Road Greenwich, CT 06830-7149	Greenwich Capital Markets, Inc		
Norbert J. Riedy Jr., 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,906.97	1,552.23
John S. Rippey, 700 13th Street, NW, #1170 Washington, DC 20005-3960	Association of Bank Holding Cos	2,210.00	
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	117.68
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Assn for Governmental Leasing & Finance	670.00	93.00
Do	Babcock & Brown		
Do	Cantor Fitzgerald & Co, Inc	10,500.00	3,905.47

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Chicago Department of Aviation	1,729.00	987.00
Do	Chicago Educational Television Assn		
Do	Consolidated Rail Corp	3,070.00	1,118.00
Do	CO2 Coalition	29,250.00	8,014.00
Do	Forest City Ratner	581.00	
Do	Gibson Dunn Crutcher	10,500.00	2,590.00
Do	Goldman Sachs & Co	27,275.00	1,838.00
Do	Harvard Corp	2,000.00	227.00
Do	HJ Heinz Company	12,500.00	2,908.00
Do	Intergacro Insurance Co		
Do	Itel Corp	44,897.00	4,126.00
Do	Katten Muchin Zavis... (for Saginaw Community Hospital)	4,420.00	364.00
Do	Merrill Lynch & Co	26,237.00	2,026.00
Do	National Assn of Independent Colleges & Universities	2,031.00	625.00
Do	National Council of Health Facilities Finance Authorities	7,500.00	1,022.00
Do	Natural Gas Vehicle Coalition	7,000.00	1,170.00
Do	New York State Housing Finance Agency	1,350.00	263.00
Do	New York State Medical Care Facilities Finance Agency	1,350.00	172.00
Do	North American Vaccine, Inc	1,500.00	85.00
Do	Phoenix House Foundation	3,375.00	167.00
Do	Project Orbis, Inc	1,500.00	356.00
Do	Reed Publishing (USA), Inc	27,076.00	2,873.77
Do	Scholastic, Inc	15,000.00	2,409.00
Do	Town of Avon	6,457.00	761.00
Do	Warburg Pincus Capital Corp	36,675.00	4,961.00
Do	Writers Guild of America, West, Inc	3,000.00	197.00
William J. Roberts, 1875 Connecticut Ave, NW, #1016 Washington, DC 20009	Environmental Defense Fund	15,750.00	300.00
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	Crystal Cruises, Inc	1,740.00	
Do	International Group of P&I Clubs	2,987.00	
Do	Polaris Industries, L.P.	5,335.00	48.20
Do			
Gail Robinson, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	485.00	
Nancy J. Robinson, 7509 Tiffany Spgs. Pkwy. Kansas City, MO 64190-1402	Livestock Marketing Association	16,200.00	2,364.00
Bob John Robison, 1 Massachusetts Avenue, NW, #800 Washington, DC 20001	Robison International, Inc (For:British Aerospace, Inc (Government Programs Office)).	1,000.00	
Do	Robison International, Inc (For:FMC Corp)	1,000.00	
Do	Robison International, Inc (For:General Atomics Technologies)	1,000.00	
Do	Robison International, Inc (For:McDonnell Douglas Corp)	1,000.00	
Robison International, Inc, 1 Massachusetts Ave. NW, #800 Washington, DC 20001	Allied-Signal Aerospace Company	2,400.00	2,416.85
Do	British Aerospace, Inc (Government Programs Office)	9,014.98	10,735.40
Do	FMC Corporation	1,663.63	1,681.28
Do	General Atomics Technologies	4,830.27	4,833.70
Do	Mas-Hamilton Group	12,037.82	12,259.47
Do	McDonnell Douglas Corp	3,600.00	3,432.68
Do	Oshkosh Truck Corp	500.94	507.88
Do	Solid Waste Composting Council	3,000.00	3,029.85
Do	SOFEC, Inc	2,256.00	2,276.78
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	2,513.98
Michael J. Rock, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn	13,651.19	824.36
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	92.91	24.63
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		
Margaret Rogers, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,987.00
Robert G. Rogers, 701 Pennsylvania Avenue, NW, Suite 720 Washington, DC 20004	Siemens Corp		
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp	4,755.00	3,033.03
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	8,400.00	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	18,347.49	
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	3,200.00	
Richard Rosen, 6707 Old Dominion Drive, #210 McLean, VA 22101			
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	3,000.00	
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon, P.C. (For:National AG Underwriters, Inc)	300.00	
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States	8,399.92	64.00
John C. Rother, 1909 K Street, NW Washington, DC 20049	American Assn of Retired Persons	1,665.87	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	Int'l Union of Electronic, Electrical, Salaried, Machine...	12,076.24	1,338.75
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	850.00
Do	Ralvin Pacific Properties, Inc, et al.		
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Glenn S. Ruskin, 444 Saw Mill River Road Ardsley, NY 10022-699	CIBA-GEIGY Corp	4,375.00	7,043.01
Cathleen Russell, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,250.00	1,157.32
Christine Anne Russell, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	9,875.00	
Richard M. Russell, 444 North Capitol Street Hall of States, Suite 326 Washington, DC 20001	Assn of California Water Agencies	1,200.00	172.30
Michael J. Ryan, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For:Allied Charities of Minnesota)		
Do	Hessian McKasy & Soderberg (For:City of Duluth)		
Do	Hessian McKasy & Soderberg (For:Control Data Systems, Inc)		
Do	Hessian McKasy & Soderberg (For:Minneopa Communications, Inc)		
Do	Hessian McKasy & Soderberg (For:Minnesota Assn of Townships)		
Do	Hessian McKasy & Soderberg (For:Northwestern National Life Insurance)		
Do	Hessian McKasy & Soderberg (For:Planning Research Corp)		
Do	Hessian McKasy & Soderberg (For:Red Lake Band of Chippewa Indians)		
Do	Hessian McKasy & Soderberg (For:Wisconsin Towns Assn)		
Ryan-McGinn, Inc, 2300 Clarendon Blvd., #610 Arlington, VA 22201	Cathedral Healthcare System	4,500.00	107.77
Do	General Pneumatics Corp		
Do	Hercules Engines, Inc		
Do	Independent Oil & Gas Association	1,800.00	100.64
RBC Associates, 122 C Street, NW, #850 Washington, DC 20001	Chicago & Northwestern Railroad	48,599.97	3,677.55
Do	Delaware Otsego System	6,032.59	3,677.55
Do	Environmental Transportation Assn	10,000.00	3,677.55
Do	Illinois Central Railroad	24,000.00	3,677.55
Do	Investment Counsel Assn of America, Inc	2,265.05	3,677.55
Do	Regional Railroads of America	54,000.00	3,677.54
Do	Turbomeca Engine Corp	52,000.00	3,677.54
Safe Streets Alliance, 1146 19th Street, NW, Suite 700 Washington, DC 20036			
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	City of North Las Vegas	4,266.67	112.99
Do	Ebasco Services Inc	3,000.00	34.10
Do	Erie County Industrial Development Agency		
Do	Goodwill Games, Inc	8,000.00	1,375.60
Do	Indiana Electric Assn	23,344.00	1,753.45
Do	Indiana University	4,320.00	21.22
Do	MSE Corp		
Do	United Student Aid Funds	6,280.00	489.35
Sheldon W. Samuels, 815 16th Street, NW Washington, DC 20006			
Arthur R. Sando, 6560 Rock Spring Drive Bethesda, MD 20817	Communications Satellite Corp (COMSAT)	2,500.00	
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
K.E. Santhanam, 91 Strawberry Hill Avenue, Suite 338 Stamford, CT 06902	American Occupational Therapy Assn, Inc		
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	National Parks Hospitality Association	6,000.00	471.40
Do	National Tour Assn, Inc	27,225.00	7,093.52
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	6,300.00	2,748.92
Do	ENS Resources, Inc (For:East Bay MUD)	2,200.00	1,072.21
Do	Union Sanitary District		
Do	Western Research Institute	897.50	71.15
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	Ebasco Services, Inc	2,865.00	756.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Save Our Security, 1331 F Street NW Washington, DC 20004-1171		40,865.00	28,986.13
Paulasue Sawyers, 1300 North 17th St. Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Charles Scalera, 1200 New Hampshire Avenue, NW, #200 Washington, DC 20036	Sharp Manufacturing Company of America		
Marc Steven Scarduffa, 15th & M Street,NW Washington, DC 20005	National Assn of Home Builders of the United States		
Scenic America, 21 Dupont Circle Washington, DC 20036			
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	American Gas Cooling Center	8,310.00	8,505.00
Do	Florida Solar Energy Center	800.00	1,002.00
Do	ICC Technologies	5,820.00	6,156.00
Do	University of Oregon	800.00	877.00
Schagrin Associates, 1140 - 19th Street, NW, Suite 600 Washington, DC 20036	Committee on Pipe & Tube Imports	6,887.00	75.00
Do	Tyco-Grinnell Laboratories, Inc	435.63	53.40
Do	Weirton Steel Corporation	6,070.00	96.31
Candace K. Schaller, 1129 20th Street,NW, #600 Washington, DC 20036	Group Health Assn of America, Inc		
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	24.70
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	7,995.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	30,000.00	21,767.61
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
Daniel J. Schulder, 1331 F Street, NW 7th Floor Washington, DC 20004	National Council of Senior Citizens	18,578.17	
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Nichols Institute	1,315.54	58.80
Do	Public Generating Pool	634.55	30.54
Do	Solid Waste Assn of Morth America	74.73	7.45
Do	Tri-Met	17,435.52	1,965.39
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	Washington State Department of Natural Resources	7,770.00	27.82
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	12,000.00	270.00
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,500.00	
Ellen Scott, 1750 New York Avenue, NW Washington, DC 20006	Sheet Metal Workers International Assn	9,441.25	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,240.00	158.58
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	3,621.13	59.45
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	9,999.60	202.41
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	International Brotherhood of Teamsters	3,258.28	
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
M. Mark Seklecki, 50 F Street, NW, #1100 Washington, DC 20001	American Hospital Assn		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Dealers & Lessors Assn		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		3,584,015.73	1,38,131.98
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	
Dennis P. Sharon, 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Mark J. Sharp, 1819 L Street, NW, #200 Washington, DC 20036-3822	Matsushita Electric Corp of America	100.00	38.52
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	16,517.00	172.86
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Waste Management, Inc		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	5,607.00	285.97
Karin P. Sheldon, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Sheridan/Group, 1775 T Street, NW Washington, DC 20009	Campaign for Military Service	60,000.00	25,163.43
Do	Cities Advocating Emergency Aids Relief (CAEAR)	76,750.02	11,530.99
Do	CFIDS Assn, Inc	15,000.00	3,009.73
Carl Shipley, 1575 Eye Street, NW, #325 Washington, DC 20005	Western Southern Life Insurance	3,000.00	316.00
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation		2,529.78
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,208.92	2,352.25
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,100.00	906.79
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Richard M. Siebert, 10 Whitestone Lane Rochester, NY 14618-4118	Association of Fire Districts of the State of New York, Inc		
Sierra Club, 730 Polk Street San Francisco, CA 94109		336,803.22	336,803.22
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Association (APGA))		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		39.50
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers)	6,000.00	
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	2,875.00	563.00
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	State of Mississippi	10,000.00	
Bonnie J. Singer, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	125.00	
Do	Computer & Business Equipment Manufacturers Assn		
Do	Conkling, Fiskum & McCormick	375.00	
Do	Council on Research & Technology	2,250.00	18.00
Do	Hewlett-Packard Company	23,922.00	160.00
Scott Sklar, 777 N. Capitol St. NE #805 Washington, DC 20002	Solar Energy Industries Assn	6,600.00	19,181.39
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc		
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Jeffrey Smedsrud, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture		5,000.00
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith & Co (For:ASCA Treatment Centers)		
Do	E. Del Smith & Company (For:BEMS)	1,533.91	
Do	E. Del Smith and Company (For:California Independent Producers Assn)	9,224.36	
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention)		
Do	E. Del Smith and Company (For:Cement Importers Group)	9,000.00	
Do	E. Del Smith & Company (For:CenterPort Int'l)		
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)		
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)	2,850.00	
Do	E. Del Smith & Co (For:City of Chino Hills)	3,000.00	
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)		
Do	E. Del Smith and Company (For:City of Long Beach, CA, Intergovernmental Relations).	22,395.00	
Do	E. Del Smith & Co (For:City of Newport Beach)		
Do	E. Del Smith & Co (For:City of Santa Barbara)	2,400.00	
Do	E. Del Smith and Company (For:City of Santa Monica)	4,500.00	
Do	E. Del Smith & Co (For:City of SouthGate)		
Do	E. Del Smith & Co (For:City of Victorville, CA)		
Do	E. Del Smith and Company (For:County of Los Angeles)		
Do	E. Del Smith & Co (For:Deskin Research Group)		
Do	E. Del Smith & Co (For:Disproportionate Share Hopsitals of L.A. County)		
Do	E. Del Smith and Company (For:Hidden Valley Resources, Inc)	1,500.00	
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn)	3,427.85	
Do	E. Del Smith & Company (For:National Independent Schools Assn)	2,400.00	
Do	E. Del Smith & Company (For:Nevada Resort Association)		
Do	E. Del Smith and Company (For:Northern California Power Agency)	14,632.07	
Do	E. Del Smith and Company (For:Port of Hueneme, CA, Oxnard Harbor District)		
Do	E. Del Smith and Company (For:Port of Long Beach, CA)	30,906.00	
Do	E. Del Smith and Company (For:Port of Santa Cruz, CA)	1,950.00	
Do	E. Del Smith and Company (For:Rancho Palos Verdes)		
Do	E. Del Smith and Company (For:Signal Landmark, Inc)	3,000.00	
Do	E. Del Smith & Company (For:Teague-McKevett Company)	3,600.00	
Do	E. Del Smith & Co (For:Wickland Oil Co)		
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20006	Xerox Corp		
Marc Smith, 714 Jackson St. Suite 939 Dallas, TX 75202			
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	2,200.00	9,410.03
Do	National Motorsports Comm of ACCUS-FIA, Inc	2,200.00	9,410.03
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Velma Smith, 218 D Street, SE Washington, DC 20003	Friends of the Earth	19.23	
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	26,249.99	74.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Composite Technology Transfer Consortium	20,000.00	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
Paul M. Snyder, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Forest & Paper Assn	25,000.00	
Do	Anheuser-Busch Companies, Inc	30,000.00	
Do	Blue Cross Blue Shield Assn	90,000.00	
Do	Boston Capital Partners, Inc	14,000.00	
Do	Johnson & Johnson	30,000.00	
Do	Mexican Department of Commerce & Finance	150,000.00	
Do	Viacom International, Inc	10,000.00	
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Thomas J. Soles Jr., 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	56,944.54	
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Association of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Southwestern Power Resources Assn, P.O. Box 1360 1800 Canyon Park Cr., #403 Edmond, OK 73083-1360			
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc		6,200.00
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avunue, #620 Fairfax, VA 22314			
Specialty Vehicle Institute of America, Inc, 1235 Jefferson Davis Hwy, Suite 600 Arlington, VA 22202			
Wilbur R. Speer, 1275 K Street, NW Washington, DC 20005	National Center for Housing Management	2,164.00	48.00
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,200.00	
Do	North American Interstate Weather Modification Council		
Sandra Spence, 888 17th Street, NW, #600 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
William B. Spencer, 1300 North 17th Street Rosslyn, VA 22209	Associated Builders & Contractors, Inc	2,500.00	
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World	1,120.00	
Squadron Ellenoff Plesent Sheinfeld & Sorkin, 551 Fifth Avenue New York, NY 10176	Screen Actors Guild, et al.		2,000.00
John W. Sroka, 4201 Lafayette Center Drive Chantilly, VA 22021-1230	Sheet Metal & Air Conditioning Contractors' Nat'l Assn		
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	250.00	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,590.00	77.20
David Stawick, 201 Massachusetts Ave., NE Washington, DC 20002	National Corn Growers Assn	3,643.00	20,864.75
Randolph J. Stayin, 1815 H Street, NW, Suite 800 Washington, DC 20006	Barnes & Thornburg (For:Indiana Glass Company)		
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			65,837.00
Steele Silcox & Browning, P.C., 1220 19th Street, NW, #400 Washington, DC 20036	Kmart Corp		
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	American Health Care Association	2,062.50	130.77
Do	AEtna Life & Casualty	21,604.00	130.77
Do	Johnson & Johnson	17,740.00	25,122.50
Do	Lockheed Information Management Systems Company	7,019.50	130.77
Do	National Assn for the Support of Long Term Care		
Do	National Health Labs, Inc	16,960.00	25,600.00
Do	Pfizer, Inc	17,737.50	25,495.00
Do	Pharmaceutical Manufacturers Assn	15,337.50	19,225.00
Do	Private Benefits Alliance		
Do	XOMA Corporation	15,867.50	23,355.00
Charles W. Stellar, 1227 25th Street, NW, #610 Washington, DC 20037	American Managed Care & Review Assn		
Jo Stephens, 139 Blue Ridge Acres Harpers Ferry, WV 25425	Farm Sanctuary	3,703.00	185.72
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc		
Robert B. Stewart, 1120 G Street, NW, #900 Washington, DC 20005	National Ocean Industries Assn	5,363.00	
Helen H. Stidham, 5999 Stevenson Avenue Alexandria, VA 22304	American Counseling Assn	7,708.00	
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	6,368.00	78.00
John E. Stiner, 1919 Pennsylvania Avenue, NW, #850 Washington, DC 20006	American Electronics Assn		
Alex Stoddard, 1250 Connecticut Ave., NW, #200 Washington, DC 20036	American Forest & Paper Assn.	1,200.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,440.25	
Dena G. Stoner, 2000 L Street, NW #601 Washington, DC 20036	Council for Educational Development & Research	1,162.50	115.49
David A. Streilein, 5525 Reitz Avenue Baton Rouge, LA 70809-3802	Blue Cross & Blue Shield of Louisiana	1,200.00	2,067.19
Do	Blue Cross & Blue Shield of Mississippi, Inc		
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	637.00
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilders)	138.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	97.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	102.00	
Do	Frank Sullivan Associates (For:Waste Management Inc)	163.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	11,000.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)		
Do	Richard J. Sullivan Associates, Inc (For:Harbor Dredging)	2,000.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)	4,350.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	1,950.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	4,700.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	Securities Industry Assn		
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	16,049.07
Do	City of San Liandro	2,500.00	6,049.07
Do	Design Professionals Coalition	5,000.00	6,049.07
Do	National Utility Products Company	5,000.00	8,899.07
Do	Northeast Ohio Regional Sewer District	5,200.00	6,499.07
Do	Water Environment Research Foundation	6,000.00	8,749.07
Charles Sunderlin, 21480 Pacific Boulevard Sterling, VA 22170	Heckler & Koch, Inc	500.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federation for American Immigration Reform		
David A. Sweeney, 25 Louisiana Ave., NW Washington, DC 20001	International Brotherhood of Teamsters	25,645.50	
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	496.00	386.24
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	American Bakers Assn		
Do	American Gas Assn		
Do	Bayh Connaughton Fensterheim... (for Merrill Lynch & Co Inc)		
Do	Collier Shannon... (for Independent Gasoline Marketers Assn)	783.75	
Do	Grocery Manufacturers Assn		
Do	Integrated Waste Services Assn	2,240.00	30.25
Do	International Service Agencies		
Do	MacAndrews & Forbes Group, Inc	3,506.25	202.56
Do	National Council of Community Hospitals	265.00	
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn	3,210.00	9.00
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
Szlavik Hogan & Miller, Inc, 1140 Connecticut Ave., NW, Suite 500 Washington, DC 20036		10,000.00	5,000.00
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext		
SPACECAUSE, 922 Pennsylvania Avenue, SE Washington, DC 20003		968.00	968.00
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	2,026.13
Jennifer Tanner, 1101 15th Street, NW Suite 425 Washington, DC 20005	Communicating for Agriculture		5,000.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lonnie P. Taylor, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	11,250.00	282.37
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Richard Taylor, CNG Tower 625 Liberty Avenue 21st Floor Pittsburgh, PA 15222-3319	Consolidated Natural Gas Co	200.00	
Sandra E. Taylor, 1600 M St., NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	228.33
Saramae Teich, 4527 North 16th Street, Suite 200 Phoenix, AZ 85016	Small Business Alliance on Communications, Inc		
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	282.01	
Leonard B. Terr, 815 Connecticut Ave, NW, Suite 900 Washington, DC 20006-4078	Baker & McKenzie (For:Continental European Insurance Coalition)		
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Castine Partners	14,568.00	850.00
Do	General Electric Capital Mortgage Insurance Corp		
Do	North Side Savings Bank	6,215.33	425.00
Do	Peoples Westchester Savings Bank		425.00
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	W.R. Grace & Co		
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Bill Thompson, 7700 Leesburg Pike, #421 Falls Church, VA 22043	Law Enforcement Alliance of America	14,559.93	9,817.00
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		210.00
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	800.09	
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	2,739.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacoma	4,275.00	5,176.72
Do	CH2MHill Hanford, Inc	5,808.00	8,026.92
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	4,106.25	24.00
Do	National Dual Shop Coalition		
Sarah R. Thomson, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc		
George A. Tobin, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn		
Greg R. Toomey, 655 15th Street, NW, Suite 350 Washington, DC 20005	Blue Cross and Blue Shield Assn	750.00	
Marijke Torfs, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group	25,000.00	
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Bernard R. Tresnowski, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Association	1,087.50	52.00
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	United Mine Workers of America		
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	3.64
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
Rowland V. Tucker, Box 133 Darby, PA 19023	Amtrack Conrail Pennsylvania Railroad Retirees	350.00	118.50
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	4,800.00	
Max Turnipseed, 451 Florida Blvd., #948 Baton Rogue, LA 70801	Ethyl Corporation	1,700.00	40.50
U.S. Border Control, P.O. Box 10800 Springfield, VA 22009-0800		8,913.79	15,494.51
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036			7,500.00
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under Proposed Radiation Exposure Compensation Act	47,000.00	
Mark J. Ugoretz, 1400 L St., NW Ste. 350 Washington, DC 20005	Erisa Industry Committee	2,062.00	
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
Donald W. Upson, 1500 PRC Drive McLean, VA 22102	PRC, Inc		1,676.11
Anne I. Urban, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	6,000.00	1,874.08
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004		983.50	2,288.02
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,851.00	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	1,031.11
Do	Harsco Corporation	27,000.00	10,440.90
Van Fleet Metzner & Meredith Corp, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	31,248.00	2,067.67
Do	DGA International	787.50	26.15
Do	Electrospace Corporation	10,500.00	172.23
Do	Fischer Imaging corp	5,400.00	275.94
Do	E. Bruce Harrison	600.00	
Do	Litton Applied Technologies	21,000.00	3,958.80
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	18,750.00	540.61
Do	Miltope Corp	7,500.00	414.83
Do	NCube	7,500.00	1,148.85
Do	Omni-TECH Medical	3,000.00	7.04
Do	Sea Beam Instruments, Inc	9,000.00	1,011.27
Do	Southern Maryland Naval Alliance		
Do	Thermo Trex	7,500.00	206.73
Do	Vanguard Research, Inc	6,000.00	55.81
Matthew Van Hook, 1250 Connecticut Avenue, NW Washington, DC 20036	American Forest & Paper Assn		
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Bronson Van Wyck & Co, 2141 Highway 224 East Tuckerman, AR 72473		12,235.05	21,519.77
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	941.00	
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	84.00
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	American Museum of Natural History		
Do	Ameritech		
Do	Association of American Railroads	570.00	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc		
Do	Central Gulf		
Do	Commonwealth of Puerto Rico	30,007.00	
Do	David Sarnoff Research Center	485.00	
Do	General Dynamics Corp	650.00	
Do	GenCorp	8,165.00	
Do	George Washington University	1,465.00	
Do	Guardian Industries	1,320.00	
Do	Hughes Communications, Inc	2,530.00	
Do	Hughes Network Systems, Inc	1,625.00	
Do	Insurance Solvency Coalition	4,163.00	
Do	Investment Company Institute	7,959.00	
Do	K Mart Corp		
Do	Kellogg		
Do	Large Public Power Cos		
Do	Manville Corp	4,973.00	
Do	Mars, Inc	8,134.00	
Do	McDonnell Douglas Corp	45,401.00	
Do	Merrill Lynch & Co, Inc	7,739.00	
Do	Michelin North America	1,878.00	
Do	Northwest Airlines	17,100.00	
Do	NBC	3,673.00	
Do	Puget Sound Power & Light Company	900.00	
Do	Rubber Manufacturers Assn		
Do	Travelers Companies	26,609.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Upjohn Co		
Do	Western Michigan University	2,574.00	
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	735.00	
Do	California Department of Insurance	1,706.25	
Do	California Franchise Tax Board	6,556.25	
Do	California Public Employees' Retirement System	13,518.75	
Do	California State Senate	6,100.00	
Do	Executive Life Insurance Company of California		
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	15,600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	State Board of Equalization (Calif)	218.75	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	3,861.71	1,069.33
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center	2,082.71	
Sarah C. Von der Lippe, 80 Trowbridge St. Cambridge, MA 02138	Kids Project	200.00	
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	National Council of Senior Citizens	13,755.12	217.79
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Advanced Material Resources, Inc		
Do	Ohio Soft Drink Assn		
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	200.00	1,319.33
Robert Waffle, 1421 Prince Street, #230 Alexandria, VA 22314	International Hardwood Products Assn(IHPA)	875.00	1,151.36
Timothy C. Wagner, 4301 N. Fairfax Drive, Suite 360 Arlington, VA 22203-1608	National Utility Contractors Assn		
James Wagoner, 1156 15th Street, NW, 7th Floor Washington, DC 20005	National Abortion Rights Action League (NARAL)	20,909.57	
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
James C. Waldo, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	City of Tacomo	3,050.00	1,780.14
Richard P. Walker, 801 Pennsylvania Avenue, NW, #352 Washington, DC 20004	Central and South West Services, Inc	7,750.00	889.90
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	16,313.00	
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kingdom of Saudi Arabia		
Lionel L. Wallenrod, 260 Madison Ave. New York, NY 10016	American Forest & Paper Assn		
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	Allied Signal Aerospace		
Anne Marie Walsh, 1101 Connecticut Ave, NW, #700 Washington, DC 20036	Health Insurance Assn of America, Inc		
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	900.00
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado	1,800.00	16.00
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland	5,534.00	300.16
Do	City of Miami	1,196.00	72.77
Do	City of Oakland	4,500.00	148.07
Do	Coca-Cola Company	907.00	165.74
Do	Gabonese Republic	123.75	
Do	Government of the People's Republic of Angola		
Do	Greater Cleveland Regional Transit Authority	1,000.00	48.77
Do	San Francisco Public Utilities Commission	1,077.00	30.21
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria		
Ronald D. Waterman, 900 2nd Street, NE, #109 Washington, DC 20002	Milwaukee County-Intergovernmental Relations	14,619.24	171.36
Do	Wisconsin Counties Assn	12,816.57	140.36
Waterman & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	All Industry Television Committee	6,000.00	826.70
Do	American Foundrymen's Society, Inc	24,000.00	742.02
Do	American Metalcasting Consortium (AMC)	11,500.00	984.66
Do	Cast Metals Coalition	7,500.00	46.80
Do	North American Die Casting Assn (NADCA)	18,249.99	1,157.78
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	560.48
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,002.00	
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc	23.00	
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	James W. Bunger & Associates		
Do	Rural Utah Public Lands Council	1,000.00	
Theodore F. Weihe, 1800 Massachusetts Avenue, NW 3rd Floor Washington, DC 20036	U.S. Overseas Cooperative Development Committee	2,000.00	
Deborah Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,400.00
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.		2,529.78
Arthur E. Weisberg, 220 South Sixth Street Minneapolis, MN 55402	Dorsey & Whitney		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Margaret A. Welsh, 2715 M Street, NW, #150 Washington, DC 20007	Electric Generation Assn	980.77	44.80
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	15,680.00	2,393.75
Sabrina L. Wesley-Nelson, 1819 L Street, NW, Suite 800 Washington, DC 20036	Consolidated Natural Gas Service Co, Inc		
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Allied-Signal, Inc		4.00
Do	American Airlines, Inc	14,427.00	211.81
Do	American Dietetic Assn	32.51	
Do	American Institute for Foreign Study Scholarship Foundation		
Do	American Public Transit Assn	14,049.75	30.65
Do	Anheuser-Busch Companies, Inc.	16,447.89	37.00
Do	ARCO	4,044.00	53.50
Do	Camp Barsh & Tate		
Do	Catholic Health Assn of the U.S.		12.00
Do	Century Council	11,452.39	128.00
Do	City of Petoskey, MI		
Do	Columbia Hospital for Women Medical Center		
Do	Comcast Corporation	9,037.50	53.75
Do	Connie Lee Insurance Company	5,868.00	21.80
Do	Consortium of State Maritime Schools	490.20	
Do	Coopers & Lybrand		
Do	Crow Tribal Council	1,363.50	76.41
Do	Defense Rations Manufacturers Assn	2,909.25	1,513.44
Do	Foothills Pipe Lines (Yukon) Ltd		
Do	Fox Bennett & Turner	3,573.00	7.75
Do	FHP		176.20
Do	General Motors Corp		
Do	Grand Trunk Western Railroad, Inc	525.00	
Do	Grant Communications		
Do	Hallmark Cards, Inc		
Do	Hughes Aircraft Company Space and Communications Group	8,632.50	128.90
Do	Intermountain Rural Electric Assn		
Do	J.P. Morgan & Co, Inc		9.50
Do	John I Haas, Inc		
Do	Johnson & Johnson	1,647.00	
Do	Joslin Diabetes Center	3,945.00	20.00
Do	Lamont-Doherty Geological Observatory	481.35	60.00
Do	Massachusetts Foundation for Excellence in Marine & Polymer	733.20	
Do	MetPath, Inc	345.00	7.75
Do	Motion Picture Assn of America, Inc		5.45
Do	National Association for Music Therapy		
Do	National Association of Community Health Centers		
Do	National Foundation of Women Business Owners		
Do	National Gypsum Co	240.21	6.00
Do	New England Aquarium	1,218.00	
Do	Oceanic Institute	2,115.60	
Do	Ohio Edison	4,653.75	
Do	Ross Laboratories	40.45	13.00
Do	Science Applications International Corp	1,414.20	
Do	South Fork Broadcasting Corporation		
Do	U.S. Bioscience		
Do	USA NAFTA	944.57	1,323.45
Do	Washington Consulting Group		
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	214.64	1,553.96
Thomas E. Wheeler, 1133 21st Street, NW, 3rd Floor Washington, DC 20036	Cellular Telecommunications Industry Association	5,250.00	261.00
John C. Whitaker, 1730 Rhode Island Ave., #206 Washington, DC 20036	Union Camp Corporation	4,144.00	54.00
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,846.00	200.08
Ward H. White, 900 19th Street, NW, #800 Washington, DC 20006	U.S. Telephone Assn	25.00	
Susan J. White & Associates, 1111 North Pitt Street, Suite 2-B Alexandria, VA 22314	County of Los Angeles	22,500.00	2,616.00
White Fine & Verville, 1156 15th St., NW, #1100 Washington, DC 20005	Houghton Mifflin Company	23,410.43	
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ronald P. Whitmire, 1120 G Street, NW, Suite 900 Washington, DC 20005	National Ocean Industries Assn	825.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Wickham & Associates, 1016 16th Street, NW, 6th Floor Washington, DC 20036	Times Square Center Associates		
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes for the Aging	376.91	161.18
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	BMW of North America, Inc		
Do	Ruddy Institute for Maritime Communications	2,476.00	24.76
Do	UtiliCorp United	2,338.00	
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	Martin Marietta Corporation	667.00	
Edward Rockne Wilkinson, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	5,416.66	66.00
Clark Williams, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	6,500.00	625.00
Perry F. Williams, 225 Main St. Newington, CT 06111	American Radio Relay League, Inc	4,412.00	2,980.00
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	JM Family Enterprises, Inc		
Williams & Jensen, P.C., 1155 21st. Street, NW Washington, DC 20036	American Home Products	6,610.00	
Do	Association of Family Farmers		
Do	BancFirst, et al.		
Do	Robert M. Bass Group	390.00	
Do	British Petroleum	1,590.00	
Do	Century 21 Real Estate Corp		
Do	College Board		
Do	Colonial Pipeline Company	4,800.00	
Do	Continental Airlines Holding, Inc.	2,645.00	
Do	Credit Suisse Financial Products USA		
Do	CIGNA Corp	2,520.00	
Do	Estee Lauder, Inc		
Do	First Boston Corp	2,095.00	
Do	Greenwich Capital Markets, Inc		
Do	GAMMA Corp		
Do	Kelly Appleman Hart & Hallman		
Do	Keystone Provident Life Insurance Co		
Do	Marks Murase & White		
Do	Mustang Fuel Corporation		
Do	National Assn of Rehabilitation Agencies		
Do	National Board for Professional Teaching Standards		
Do	National Soft Drink Assn		
Do	Norfolk Southern Corp		
Do	Normandy Foundation		
Do	Oklahoma Gas & Electric Co		
Do	Owens-Illinois, Inc	1,340.00	
Do	Pharmaceutical Manufacturers Assn	1,310.00	
Do	Pittston Co	10,800.00	
Do	Recording Industry Assn of America, Inc	870.00	
Do	Southern Pacific Transportation Co.		
Do	Southwest Airlines	290.00	
Do	Student Loan Marketing Assn (Sallie Mae)	13,072.50	
Do	Texaco, Inc	2,740.00	
Do	Turner Broadcasting System, Inc	1,450.00	
Do	TTX Company		
Do	U.S. English		
Do	U.S. Telephone Assn		
Do	Universal Foods, Inc		
Do	USAA Financial Service Co		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Council for Responsible Nutrition	7,254.00	
Do	Educational Testing Service		
Christopher J. Wilmot, 1400 16th Street, NW, Suite 320 Washington, DC 20036	Zero Population Growth		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	1,422.00	16.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	American Airlines, Inc		
Do	Brown & Williamson Tobacco Corp	1,912.50	41.45
Do	Monk-Austin, Inc	4,331.25	48.38
Do	Trading & Investment Corp		48.38
Judith A. Winchester, 1627 I Street NW, #1100 Washington D.C.	Lehman Brothers, Inc	1,000.00	24.15
Joseph B. Winkelmann, Winkleman & Associates, Inc. 9220 Byron Terrace Burke, VA 22015	American Resort & Residential Development Assn	6,000.00	
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	722.68
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Aldrich, Eastman & Waltch, Inc)	32,550.00	
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Alltel Corp		
Do	American Home Products Corp	4,750.00	40.13
Do	American Honey Producers Assn	4,000.00	36.00
Do	American Insurance Assn		
Do	Barr Laboratories, Inc	16,200.00	761.25
Do	Bayerische Vereinsbank AG, et al.		
Do	Bristol-Myers Squibb Co	4,750.00	40.13
Do	Carus Chemical Company	8,988.75	78.65
Do	Cooper Tire & Rubber Company	1,181.25	41.00
Do	CSR, Ltd	1,500.00	59.00
Do	Data Transformation Corp	1,500.00	1,500.00
Do	Federal Intermediate Credit Bank of Jackson	3,018.75	32.67
Do	Morongo Band of Mission Indians	1,000.00	
Do	MERCK & Co, Inc	4,750.00	40.13
Do	National Bulk Vendors Assn	3,000.00	3,000.00
Do	Port of Pascagoula (Jackson County, MS)	12,000.00	190.06
Do	PFIZER, Inc	4,750.00	40.13
Do	SPR Task Force for Southeast Mississippi	4,059.82	114.75
Do	U.S. Rice Producers Legislative Group	12,000.00	180.00
Do	Waggoner Engineering, Inc	10,300.00	121.42
Do	Western Peanut Growers Assn	2,220.00	
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	ANS		
Do	California Energy Company, Inc	1,500.00	
Do	Geotherman Resources Assn		
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	500.00
Do	Matthews Foundation for Prostate Cancer Research	3,000.00	155.00
Do	National Assn of Credit Management	12,000.00	680.00
Do	San Francisco Bar Pilots Assn	6,000.00	400.00
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		748.94
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	3,250.00	122.53
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,807.00	
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,310.00	15.00
James H.B. Woodroffe III, P. O. Box 111 Tampa, FL 33601	Teco Energy, Inc	20,700.00	
Irvin M. Woods, P.O. Box 521 The Plains, VA 22171-0521	National Assn of Air Traffic Specialists	7,800.00	600.00
Do	Woods Research Associates, Inc		
Laura Dallman Wooster, 1100 17th Street, NW, 10th Floor Washington, DC 20036	American Assn for Marriage & Family Therapy	5,241.00	
World Federalist Association, 418 7th Street, SE Washington, DC 20003			9,809.06
World University Games (for 1993), 1701 K Street, NW #400 Washington, DC 20006	Greater Buffalo Athletic Corp	105,000.00	106.04
W. Robert Worley, 190 St. Clair Drive St. Simons Island, GA 31522	Southern Company Services, Inc		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Assn of Airport Executives		
Do	American Iron & Steel Institute		
Do	Ashland Oil Company		
Do	Bituminous Coal Operators Assn	12,000.00	77.85
Do	Browning-Ferris Industries		
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Electronic Industries Assn	6,000.00	80.05
Do	General Motors Corp		
Do	Grand Metropolitan, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Guam Tax Code Commission		
Do	Industrial Oil Consumers Group		
Do	Intermarine USA	2,400.00	337.45
Do	North American Phillips Corp	2,113.44	78.85
Do	NESEA		
Do	NYNEX Corp	6,000.00	156.85
Do	Refiners' Coalition for Competitive Markets	2,720.00	72.90
Do	Westinghouse Airship Industries	6,000.00	
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	3,500.00	
Marc D. Yacker, 1250 Connecticut Ave., NW Washington, DC 20036	American Paper Institute, Inc	600.00	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John W. Yago, 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	12,500.00	123.92
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	10,281.00	227.68
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Jonathan P. Yates, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	143.70	
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,375.90	502.03
Ann S. Young, 1350 Connecticut Avenue, NW, Suite 200 Washington, DC 20036	Association of America's Public Television Stations	3,500.00	152.88
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates	4,500.00	
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute)	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		4,365.00	4,417.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,692.55	420.51
Bradley P. Ziff, 1270 Avenue of the Americas, #2118 Rockefeller Center New York, NY 10020-1702	International Swap Dealers Assn, Inc		1,225.88
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	36.30
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,683.00	135.25
John L. Zorack, 1111 14th St., NW, #1001 Washington, DC 20005	American Therapeutic Recreation Association		
Do	Federal Express Corp		

SENATE—*Tuesday, November 9, 1993*

(Legislative day of Tuesday, November 2, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

As we pray, let us remember in silence the mother of Senator MOSELEY-BRAUN.

Eternal God, sovereign Lord of history, the Apostle Paul shares a very basic insight in his epistle to the Romans:

For what the law could not do, in that it was weak through the flesh, God sending his own Son in the likeness of sinful flesh, and for the sin, condemned sin in the flesh: That the righteousness of the law might be fulfilled in us, who walk not after the flesh, but after the Spirit.—Romans 8:3-4.

Paul was talking about the perfect law of God which he reverenced. Even that law is inadequate—because of the "weakness of the flesh."

Patient Lord, we understand that law is important—freedom without law is anarchy. But law does have its limitations, and sometimes the problem seems to feed on the solution. Paul reminds us, gracious God, that the law is fulfilled by walking in the Spirit—rather than in the flesh. When there is no spiritual dimension—no spiritual consensus—flesh takes over, and greed, lust, pride, and anger find ways to subvert the law—even simple traffic laws.

Mighty God, our disorderly culture, without moral absolutes and spiritual restraint, can be redeemed only by a spiritual awakening which must begin in the churches and among the people of God. Grant it. Restore us to the faith of our fathers.

We pray in His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 9, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

MOTION TO INVOKE CLOTURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of the motion to invoke cloture on the conference report to accompany H.R. 2520, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 2520, an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. Time for the debate shall be limited to 1 hour with the time to be equally divided and controlled between the Senator from Nevada [Mr. REID] and the Senator from Oklahoma [Mr. NICKLES] or their designees.

The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, during the debate on the Interior appropriations bill, the President pro tempore of the Senate, Senator BYRD, said there came a time when someone had to acknowledge a loss and take it like a man. Well, I am here today, Mr. President, to acknowledge a loss, and I hope to take it like a man. But I also want to indicate that I am not taking this loss for me, HARRY REID, but also for the American public and the American taxpayer.

Mr. President, there are real problems facing this country: Health care, trade, the economy, foreign affairs, many things spread across the width and breadth of this country and this world. But here we are in the Senate once again tied up in knots, over what? We are tied up over herds of cattle in the Western States, less than 2 percent of the livestock industry of this country. We have stalled a $13 billion bill which funds our national parks, our public lands, Indian health services, and many other programs essential to the well-being of this country. The answer is that we are here because of a practice that is now being abused by Members of the Senate. This is known as filibuster. Some of us refer to this as gridlock.

Mr. President, this is not about grazing fees as indicated in a chart stuck up on a panel by my friend from New Mexico. This is not about grazing fees. It is about gridlock.

But I think, realistically, it is about grazing fees. It is about really a subsidy that people across this country should be tired of and should get rid of. It is about the multiple use of our public lands. It is about a minority of people, some 18,000 out of 250 million, who have controlled this Chamber since 1976.

As I have stated here on previous occasions, I am a westerner, and there are days that I wish that the West was the way it used to be. But it is not, Mr. President. The population of the Western States has increased 300 percent during my lifetime. Our resources are strained. Our cities are crowded. The West per capita is now urbanized more than any other region in the country. People do not understand that, but the fact is that is true. The West I grew up in is gone. We are fighting now to protect a new West, and we have got to continue fighting for this new West. That does not mean there is not room in this new West for ranching families, because there is.

We are not trying to drive anyone off the lands with the Reid amendment. I am just trying to say that the ranchers have a right to use the public resources, but the taxpayer has a right to a fair return. Others have a right to use those same public resources. I find a bit of irony in the zeal of the opposition to this compromise. Some of them say that they are fiscal conservatives. They say they want to cut Federal spending, but when it comes to subsidy, it is no longer a subsidy; it is a right. We found that with wool and mohair. We found it with honey. We found it during my amendments I offered to the farm bill, how we should cut Federal farm subsidies to the wealthy. We were unable to prevail on that issue. So, Mr. President, we are talking about subsidies. We are talking about the fact that they should stop.

We are all familiar with myths in the West, but in this debate I believe the myths have become pernicious. I believe that we have to realize there is a new West where people with four-wheel drive vehicles want to come out of Denver, Los Angeles, or Salt Lake and go into areas that at one time were the areas only for cattle, only for cattlemen.

That is no longer the case. Those who oppose this amendment even said that these land management reforms would affect oil wells, reservoirs, bridges, and dams. Of course, it is absurd, but it was the politics of fright, the politics of fright tactics.

After 17 years of contention, I stepped into this issue and tried to arrive at a compromise that I felt was appropriate and good. What I offered is very simple: Raise the fee to $3.45 instead of $4.28 and prevent the Bureau of Land Management and the Forest Service from raising that fee after 3 years by 25 percent a year. My amendment would only allow 15 percent. My base was $3.45. Under Secretary Babbitt's proposal it is $3.96. There were in my amendment certain Forest Service practices that were put into effect with the Bureau of Land Management that had been in place in the Forest Service for many years.

In addition to that, I prohibited in this amendment the Interior Department from certain management practices that I felt would not have been good for ranching communities and ranchers. Even after this modest increase that I suggested, the taxpayers would still subsidize this program. Today, the break-even point is about $3.70 an animal unit per month. At the end of 3 years, it would be $3.45. Even at that period of time we would not arrive at the ability to cover the costs of the program.

I do not think the opposition is so concerned about the changes I propose, but about change in and of itself. There has come a time in this country where after 15 years those people felt that there could never be changes in the way we graze cattle on public lands. They want no change. They want gridlock, and basically that is what they got for about a month.

The will of the majority of the House of Representatives, 317 votes, was thwarted. They thwarted the will of the taxpayers, the National Taxpayers Union, and the will of the majority of the Senate has been thwarted. They have talked about minority rights. But the fact is this is a tearing of the minority. The minority has been able to stop what the majority wanted in the House and in the Senate.

Mr. President, there has been failure to halt certain things, but the one thing that the people who oppose this amendment have been unable to halt is raising this issue to a level of national debate. Now this grazing issue has been brought to national attention. I think that is important. This issue has been recognized throughout the country as being a nuance. There is going to be change taking place across this country. It is inevitable. It is not going to be turned back. We all have to recognize that.

Let me take a brief overview of a few of the editorials, about 25 editorials, written on this subject, 25 favorable editorials from all over the country.

The Salt Lake City Tribune, among other things—headline:

> Ranchers Should Accept Compromise As Best Grazing Deal They Can Get.

So the argument is really over how long to delay the inevitable. That is really what it amounts to.

The editorial goes on to say:

> In Washington, these issues are not settled by the Old West form of high-noon confrontation; they are settled by compromise. And ranchers would be better off taking the compromise deal's 85 percent fee increase.

Lincoln Journal, the headline:

> Grazing Fees: Old Cowboys, But They're Wearing Guccis.

"Old cowboys," as one Senator called them, "struggling folks who would have to hang up their spurs if they had to pay any more."

The article says:

> Old cowboys? Hardly, judging from a review of the top 500 holders of federal grazing permits. According to the New York Times, they include the Metropolitan Life Insurance Co., which controls 800,000 acres, the Church of Jesus Christ of Latter-day Saints (Mormon), a Japanese conglomerate, the Nature Conservancy and several of the wealthiest families in the country.
>
> Interior Department records show that the top 10 percent of the permit holders control about half of U.S. public grazing lands. Only 12 percent of the permit holders are categorized as small operators.
>
> This doesn't sound like plain folks threatened by bankruptcy if the fees are increased.
>
> Oh? In this case, we suggest the rancher's brother, like Caesar's wife, needs to be above suspicion.

U.S.A. Today, headline:

> Raise Grazing Fees; End Subsidies to the Wealthy.
>
> Get out your crying towels.
>
> More than 300 of the nation's wealthiest corporations and individuals, including Union Oil, Getty Oil, Pacific Power, Union Power and Light, and four Forbes billionaires are in danger of losing a handout from the taxpayers.
>
> The issue: Who controls the public's resources, and particularly how much private parties should pay to let their cattle and sheep graze on public land.
>
> They now argue the issue isn't really the the grazing fee; it's the effrontery of the government in trying to reclaim the right to manage the land and resources that the public owns. But their doomsday scenarios—all rejected by the Interior Department—shouldn't scare anyone but those who've been enjoying the private use of land and water that belong to every American.

The Oregonian:

> The power of the filibuster is the power to thwart the will of the majority. It should be used sparingly, when significant rights of a minority are at risk. It is an inappropriate tool for every policy disagreement that comes along.
>
> This is nothing short of a back-door attack on prudent regulation of grazing.

New York Times:

> While some of the largest permit bolders say they are willing to pay more, most of the ranchers are fighting to hold on to what critics say is one of the great bargains in the Federal store. Rates for the 280 million acres of public rangeland available for lease are one one-fifth of rates on private grazing land in the West.

The Seattle Times has an excellent editorial talking about the giveaway programs.

The Denver Post:

> These and the other proposed changes should help enhance the condition of thousands of acres of public rangelands, mostly in the West, that have been routinely overgrazed for years.
>
> In sum, while the compromise wouldn't do everything the Clinton administration hoped, it would go a long way toward reining in the abuses these lands have suffered under for years. Congress should approve the reforms and put an and to this long-simmering debate.

But, Mr. President, even after all of these editorials, after even all of the debate that took place on the Senate floor, we still have gridlock. And who are we protecting by this gridlock? We are not protecting the small ranchers that have been the main focus of the debate by my friend from the opposite side of the aisle. The top 10 percent of permittees—I repeat, the top 10 percent of permittees—control half of our public grazing lands, 150 million acres.

One permittee in California and Nevada has permits covering 5 million acres, an area the size of the States of Connecticut, Rhode Island, and Vermont. Metropolitan Life, based in New York, controls 800,000 acres in Montana. There is even a Japanese company that controls a huge tract of land in Montana.

As I indicated earlier, Union Oil, Getty Oil, Pacific Power, Union Power, four Forbes billionaires, at least, are people who control lands and grazing who are receiving these subsidies as we speak. These are the entities in danger of losing a handout from the taxpayers.

I believe in the Western way of life, and I have fought for these 12 percent that make up the grazing permittees in this country, and I will continue to do that. But I am going to also fight for the American taxpayer so that they get a fair return.

Too often these "Old Cowboys," as referred to by one newspaper, "wearing" wingtips and "Guccis." What we are talking about is who controls the public resources and how much private parties should pay. I do not mean to be talking about whether the West will be independent as its history claims or dependent on the Federal dole. I think clearly this subsidy is a form of a dole. It is all it is.

So, Mr. President, it appears that we must drop this compromise. I have called my friend from New Mexico this morning, and indicated to him what I think the chairman of the Appropriations Committee will do, and that is ask unanimous consent to have the amendment, the Reid amendment, taken from the Interior appropriations bill. I understand that the other amendments will be accepted en bloc, and it should move over to the Senate in a matter of minutes.

But that, of course, will not end this issue. It appears that we are going to do what I said I did not want to happen, and that is that if the Reid amendment loses, the ranchers of the West lose.

But I am confident that the President, through his Cabinet officers who have made misstatements over the months, said that if the Reid amendment did not pass, they would move forward with regulations—I am confident that they will do that.

I am also confident that that will happen because, as most of you know, what is in my amendment is in AL GORE's, the Vice President's, reinventing Government, that there should be an equitable return on the grazing lands in much of the West.

As I have indicated earlier, Mr. President, when we drop this amendment, it will not be Metropolitan Life that suffers or a Japanese conglomerate. They can pay anything. It will be the people that I was raised with, the people that ranched around Searchlight, people like Mr. Meyers, or Ed Davis, people who are small ranchers who will have more difficulty paying the $4.28, and some other land management reforms that go into effect.

I, though, reach out to the President, and I reach out to Secretary Babbitt. I hope that during the administrative process, which will be completed about March or April of next year, that even in spite of the statements he has made about the $4.28 grazing fee and the indication that he is going to move forward on all these land reform loopholes, I hope that the President and Secretary Babbitt will take into consideration the small rancher and try to do what I was unable to do—that is, maybe develop a two-tiered grazing fee, where you would have the small rancher pay less than the big rancher. I hope that the Secretary will consider that.

As the Presiding Officer knows, we attempted that during the development of this compromise and were unable to do so. The fact that I was unable to do it under the constraints in which we worked in the conference does not mean it cannot be done. I reach out to Secretary Babbitt, and I would tell him this personally: The $4.28 may be the fee that the Japanese conglomerates pay and that Metropolitan Life pays, but let us work on a fee for the small ranchers.

I want to take a few minutes and talk about some of the people during this past month that I think deserve accolades and special attention. Mr. President, in my notes today, I have your name written. I had this not knowing that you would be the Presiding Officer. I was going to do this publicly and I will do it publicly now. I want to acknowledge how we vehemently disagree on this issue. But I think the people of Colorado are so well served by you, by the junior Senator from the State of Colorado, because even though you disagreed with my amendment vehemently, strongly, you approached this as a gentleman; you were never personally negative about me on any occasion or anybody pushing this amendment. And if there is anything that this Senator can do to impart to the people of Colorado how fortunate they are to have an advocate like you, all you have to do is raise your hand, and I will come charging to Colorado whenever it is necessary—even though I think you are wrong on this issue.

I also think it is important that I acknowledge the work done by the senior Senator from the State of Arizona [Mr. DECONCINI] who is retiring in about a year. It would have been easy for him, because he was the key vote in the appropriations conference, to have this matter brought to the floor. It would have been easy for him because there are lots of reasons for him not to support this amendment, but he believed, as some of us did, that it was time for us to put this issue before the American people and to have a full, complete debate and hopefully work out a compromise, as we did, that would be helpful to the ranchers of the West.

Even though he took that chance and now we are going to withdraw the amendment, I still acknowledge his courageous vote on the Appropriations Committee. Whether you agree or disagree with him, he was the crucial vote. I will always be indebted to him for allowing this matter to come before the Senate, which would not have been done otherwise.

I also have to acknowledge the chairman of the Appropriations Committee, who stood by one of the junior members of the Appropriations Committee, the Senator from Nevada, through this past month. We all know how much pride he has in the Appropriations Committee and especially the pride that he has in his Interior Appropriations Subcommittee, which he also chairs. He stood by me, as he indicated to everybody, "shoulder to shoulder" on this. I acknowledge the advice that he gave me during this process and, more importantly, the friendship he showed during this process.

Mr. President, I also have to acknowledge three people who have not been heard in the debate. But the States of Delaware, Maine, and Rhode Island are States that are well served by Senators ROTH, COHEN, and CHAFEE. I believe that these three Senators from the States that I have just mentioned are people who are statesmen. As I was told by numerous people on the other side of the aisle, this was a matter of solidarity, Republican solidarity. They did this as a matter of friendship, putting aside the fact that the merits, as a number of them indicated to me, were on my side. Senators ROTH, COHEN, and CHAFEE did what they felt was appropriate; they broke from the pack. It was not easy. It was not an easy vote for them. Theyhave to live within their caucus. I publicly applaud and commend these three statesmen for the work they did.

Mr. President, there was nothing we could do to work this out. We tried. As you know, there was a lot of debate on this issue about water. It is the water language. So I prevailed upon the House, could we change the water language and make it so that the attorney general of Oregon and other Western attorneys general who had written us letters, so that we would comply with their wishes. Would that be satisfactory? Sure.

We got the House to agree with those changes. But, of course, that was not enough. That was just opening the door, and the fact of the matter is that changing the water language was not enough. There was nothing you could do to satisfy the opponents of this amendment, because clarifying the water language was not enough. What they wanted was to go on since we have since 1976, where a grazing fee, for example, in the State of Montana on Federal lands is $1.86. On private lands, it is almost $12. In the State of Nevada, the grazing fee on Federal lands is $1.86; private lands, $10.23.

We know that the arguments are made, well, "I do not have to take care of the fences on private land." We have received scores of letters from people throughout this country who indicate that that is not the fact all of the time. In fact, on private lands you do have to do those kinds of things. I do not dispute that the grazing fee perhaps on private lands should be lower than that on public lands. But there should be, Mr. President, some comparability.

So, as I have relayed my message to the Senator from New Mexico and the chairman of the Appropriations Committee, either Senator BYRD or I or Senator NICKLES, whatever the chairman wants, will ask unanimous consent to drop the Reid compromise from the bill and strip all grazing provisions from it. But I will do this with the knowledge and conviction that despite the gridlock that has been illustrated this past several weeks here in the U.S. Senate on this issue, we will never return to a West that some in this body think exists, because it only exists in their minds.

I am hopeful that one day we can find a true compromise that includes ranchers, the wise use of public resources, and the taxpayers of this country.

Mr. NICKLES. Mr. President, first, I wish to compliment my friend and colleague, Senator REID of Nevada, for dropping this amendment. I do think this is the correct solution to this dilemma that we found ourselves in, because frankly I do not believe that the so-called Reid proposal should have been included in this conference report in the first place.

This language was not in the Senate bill. It was not in the House bill. As a matter of fact, there was no language in the House bill that dealt with grazing. There was no grazing fee increase. As some mentioned, it was originally reported out of committee, but it was stricken on the House floor.

In the Senate bill, there was a moratorium on regulations proposed by Secretary Babbitt. The Reid amendment came in as a substitute to that proposal and was not just raising grazing fees but also dealt with a lot of other issues, issues that are very important, issues that affect hundreds of millions of acres of land and, as pointed out so well by our colleague, Senator BROWN, of Colorado, it also affected water and affected water in every State in this country.

As acknowledged by my friend and colleague, Senator REID, this morning, I think Secretary Babbitt realized he made mistakes in water policy. The Reid proposal had mistakes dealing with the water issues. They agreed to possibly make changes in that area. Frankly, there may well be mistakes in the other 19 pages of legislation.

So maybe not all the proposal was wrong, I will tell my friend and colleague from Nevada. I, for one, am open as I stated in the past. I am not against raising grazing fees to some extent.

I also noted my colleague used the words "gridlock" and "continued gridlock." No, we do not have gridlock. There is no moratorium on regulations. So Secretary Babbitt will have the freedom to exercise his administrative regulations under the present law.

Included in that includes the right or the power to increase some grazing fees and make some other changes in public policy.

Some of us think before those regulations go too far, we should have some hearings. I do not think that is too much to ask. We never had hearings on the proposal submitted by my friend and colleague from Nevada. So it is only appropriate that we do so and have hearings and maybe have hearings out in the West and have hearings and find out what these proposals are. If they do affect water and land to such an extent, hundreds of millions of acres, certainly, we should take a close look at it, not an indefinite postponement, not indefinite gridlock, and allow the Secretary to make such changes which are proper, right, and fair, but certainly not to go so far as to confiscate individuals' property or the taking of individuals' improvements or not allowing permits to go forward on public lands.

Mr. President, I urge the Secretary to be prudent, to be fair, and to be just in these regulations. If not, I am sure that Congress will try to exert some influence on those proposals as they go forward.

I again think this solution by Senator REID by dropping this amendment is the right solution. Again, this proposal was not in the Senate bill; it was not the House bill. It does not belong in the conference bills. And I would just tell all the conferees on appropriations—and I am on the Appropriations Committee—or any conference to pull in a totally extraneous provision and try to adopt that which has never passed the House or the Senate, if it is a controversial provision, is not smart, and it is quite likely to bog down the legislative body.

There are reasons that we have procedures to go through the authorizing committees. There are reasons that a bill is supposed to be reported out of either the House or the Senate and go into conference and resolve those differences. That makes sense to work through the legislative procedure, and the correct way is not to pull in a totally extraneous provision that has passed neither House and try to insert that in conference when it is a very controversial provision that is not likely to succeed.

Mr. President, finally, I compliment my colleagues who worked very diligently in trying to stop this proposal, whichinclude Senator DOMENICI, Senator WALLOP, and Senator CAMPBELL, who is presiding, I think deserves extra credit for his courage; and Senator CRAIG, Senator BURNS, and Senator BROWN, who spoke out very forcibly trying to represent their constituents because they felt we are not just talking about an issue of grazing fees. I will repeat that, because I think I heard from everybody on my side who said they are willing to negotiate grazing fees.

So I hope the press will note that this was not just a debate on whether or not we are going to raise grazing fees by X percent. It really was a much broader policy on land, on water, and on governmental policy and regulations of vital interest particularly to Western States but I will say to all the States.

So I compliment my colleagues for their perseverance and their tenacity and compliment my friend and colleague, Senator REID, for withdrawing his amendment.

Mr. President, I ask unanimous consent that the Senator from New Mexico [Mr. DOMENICI] be in charge of the remainder of our time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator WALLOP.

Mr. WALLOP. I thank you, Mr. President, and I thank the Senator from New Mexico.

I say to my friend from Nevada that I think he has chosen a wise course.

He mentioned in his remarks it was a loss for the taxpayers. That is not true. They will not be hurt out of this. It was not the grazing issue.

Mr. President, I refer to a memorandum to Secretary Babbitt from Kevin Sweeney, dated June 23, 1993, in which they say the following:

> We realize you want to use price increases as a straw man to draw attention from management issues.

The management issues were the key. The management issues were the problem in the legislation that lay before us.

I also reiterate what has been said before. In this same memo, they said the following:

> Riparian Zones. Our own statistics can be used to show the range is in better shape than at any point in this century. With that in mind, we must make deliberate and public attempts to prove how bad the conditions are in many riparian zones.

Mr. President, that is what has been at the problem and the root of the differences between ourselves. I do not say in any way that the Senator from Nevada was trying to do the Secretary's bidding, but the effect was the Secretary's program and the straw man was what was dividing us. It was not the grazing issue. It was about 19 pages of new law.

The filibuster was not an abuse. The process was the abuse, the process that put in 19 pages of law that had never been heard and considered by either House, by any committee, and no hearings were held.

Mr. President, that is why we have a letter from seven Western Governors, Republicans and Democrats alike, asking us to stay with our opposition to this thing. Let me just read one paragraph of it.

> As governors of western states, we have serious concerns about the effects of the proposed legislation upon the citizens of our states . . . We do not believe the language was drafted with enough care to clarify the intent and scope of the proposed law.

These are elected people representing their States.

Mr. President, I ask unanimous consent that the Sweeney memorandum and the letters from the seven Western Governors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. LET'S NOT ISSUE DRAFT REGS WITH A RANGE OF POSSIBLE FEES

A shift in the Administration's approach to mining and grazing revenues was the most visible sign of backsliding on the budget. Part of our role this summer is to help them get back on track—to give them a clear victory in this area. For that reason, we do not think we should release draft regulations which have a range of possible fees. That might make it seem as if the Administration is unwilling to take the heat and it might drag the issue out over a much longer period. We can help the Administration look decisive.

We realize you want to use price increases as a straw man to draw attention from management issues. But there are other ways this might be done.

There are already people out there who are raising the specter of $8 and $12 AUMs. Others are raising expectations for us; we may not need to do this on our own.

We could also begin to talk about a range of possible fees during the month of July. We can do this through leaks, press releases, opeds, whatever. But we would keep this period of uncertainty limited—so that the Administration's position gets clear fairly soon.

2. WE NEED TO SELL THESE REGS—IN ADVANCE

We've not yet done enough to sell the public and media on what will be coming out in the regs. We should work to justify what is in the regs before they actually come out.

There are two major changes which will come out in the regs, and we should construct a few events that help us justify those changes.

Riparian Protection. We should have one or two field trips to focus on riparian zone protection. One is tentatively scheduled for Arizona on July 9—depending on DeConcini's schedule. If he can't make it, we should still do the event though we needn't do it in Arizona.

Grazing Committees. We may want to have one public meeting in the West where we have a panel of people who sit on grazing committees and multiple use committees talking about how their operations work. The goal would be to have the strengths and weaknesses of the various systems surface.

GRAZING POLICY COMMUNICATIONS PLAN, INTERIOR OFFICE OF COMMUNICATIONS, JUNE 23, 1993

I. GENERAL APPROACH

Project Goal:

The following are the goals for the communications strategy, which should last through the summer.

Introduce the new regulations into a Western environment that is somewhat receptive, and

Manage the first public comments so that the regs are perceived to be fair and in the long-term interest of the region.

Ultimate Story Lead:

We'd like stories and editorials to focus on the following points:

The new regulations show real balance: they call for greater protection of the land, but don't lead to excessive regulation or monitoring problems.

They recognize that many things are best done on the local level: riparian zone regulations are run out of Washington, but herd size will be determined at the local level. Local control has therefore been given when necessary.

The fee increases are not so bad, and are far below what many opponents said they would be.

They bring better participation to the process and help avoid past problems in grazing committees by shifting towards the Forest Service model.

II. STEPS PRIOR TO RELEASE OF REGULATIONS

Specific Goals:

Prior to the release, we should consider steps to adjust expectations in the following areas.

Riparian Zones. Our own statistics can be used to show the range is in better shape than at any point in this century. With that in mind, we must make deliberate and public attempts to prove how bad the conditions are in many riparian zones.

Grazing Committees/Multiple Use Committees. We shouldhighlight the difference between the Forest Service model and the BLM model. We may also want to prove to Westerners that the grazing committees have often abused their power and need to be reformed to allow the West to be more productive.

Tactics:

Early July: Series of Bob Armstrong and Jim Baca one-on-one interviews with western reporters focusing on grazing committee structural problems and riparian zone issues. Done from Washington or on the road.

Early July: Begin letting reporters know we are shifting away from the incentive-based approach to range management. The positive spin is that we heard during the hearings that this might not work and might require too much management: Secretary Babbitt is listening.

July 9: Western field meeting and tour focusing on the need for riparian zone protection. There can be public participation, but the majority of the activities must underscore riparian protection. This is more of a media event than the four previous hearings—we don't need to accommodate hundreds of people.

Mid-July: Hold a Western field hearing on the difference between different models for supervising committees affiliated with both the USFS and BLM. This would allow committee members to comment on the strengths and weaknesses of each system. It will pave the way for a major change in committees.

Mid-July: Congressional hearing on problems in the grazing committees—abuse of power and funds. We would need to request this very soon.

Mid-July: Secretary Babbitt, Lyons, Armstrong, Robertson and Baca op-eds focus on two main substantive issues: management of riparian zones and herd size.

Mid-July: Conference call press conference with Secretary Babbitt, focusing on grazing issues.

Late July: Briefing for Members of the House and Senate on the general approach.

Late July: Announce dates and locations for the hearings where the public will be allowed to comment on the draft regulations. By releasing this date before hand, we show that the process is still fluid and that people will still have a chance to weigh in. This may help to soften some opposition.

Late July: External affairs arranges briefing for cowboys and environmental groups on the general direction for changes in grazing policy.

III. STEPS DURING WEEK WHEN REGULATIONS ARE RELEASED

Goals:

Recognizing that the first impression often sticks, the primary goals for this period are to:

make sure our friends (and others) hear about the release prior to reading about it in the paper;

make sure our friends know what to say if they are interested in supporting our efforts; and

make sure editorial writers and others have the information they need to write favorable stories right away.

Tactics:

Prior to: Send FedEx packages to editorial writers so they have full information about the regs on the day of release. Included are press release, fact sheet, and supportive analytical documents.

Day of: Morning briefing for Senator and Members of Congress.

Day of: Mid-morning, pre-press conference briefing for environmental groups.

Day of: Late morning news conference on the day of the announcement.

Day of: Babbitt, Lyons, Armstrong and Baca do telephone interviews with editorial writers in the West.

Day after: Babbitt does one or two day road show to raise the flag for the new regs. Once done, his participation in this process is concluded.

IV. POST RELEASE

Hold public hearings to receive substantive comment on the new regulations. These may need to be held where there have been successful management efforts in riparian zones—we want some locals who will be vocal in their support of these proposals.

External affairs manages receipt of public comment at the outset only; responsibility then transfer entirely to BLM.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, November 8, 1993.

Hon. MALCOLM WALLOP,
Senator of Wyoming, U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: We the undersigned, as governors of western states, oppose passage of the proposed management provisions contained in the Department of Interior Appropriations Bill, H.R. 2520, and urge you to stand firm in your opposition to the entire rangeland management package. We do not oppose improvement of rangeland management priorities, nor do we think all provisions of the legislative package are bad. However, the legislative package lacks any provision for proper stewardship incentives. The Administration and the legislative sponsors have summarily dismissed the usefulness of incentives. We strongly support revisiting this idea.

The western governors, through the Western Governors' Association, have previously expressed consensus views on the Administration's proposal concerning rangeland management, and on early thoughts concerning the proposed legislation. In addition, individual governors have expressed different points of view on the legislative package.

As governors of western states, we have serious concerns about the effects of the proposed legislation upon the citizens of our states, and upon the jurisdiction of the various states. We do not believe the language was drafted with enough care to clarify the intent and scope of the proposed law. The explanations given by the Senators in favor of the package, and the explanations given by the Administration do not satisfy any of our concerns. Legislation that is open to multiple interpretations is not good policy. We are therefore compelled, as officers of the public trust, to oppose the legislation.

In addition, we also ask that you hang tough in your opposition to the entire package of management issues, and not be convinced to resolve a single issue and let the rest become law. All the management issues need serious work in open, public debate.

Sincerely,

Michael O. Leavitt, Governor of Utah;
Mike Sullivan, Governor of Wyoming;

Walter D. Miller, Governor of South Dakota; Bruce King, Governor of New Mexico; Ed Schafer, Governor of North Dakota; Fife Symington, Governor of Arizona; and Marc Racicot, Governor of Montana.

Mr. WALLOP. Mr. President, the Senator from Nevada refers to a new West. All of us who are westerners understand that it is a new West. We live in our States. We see them changing. We see people coming to live in our States because they do not like living in other States where crime and other kinds of things are a problem to their families and their security.

But that is why the western Governors wrote this because it is about a West which is a partner, not a colony, to the rest of America. That is why the argument arose between ourselves, because these 19 pages of law completely changed the relationship of the Federal Government to its western public land States. It was not about just a few odds and ends, administrative changes in the way the Bureau of Land Management and the Forest Service deal. It was a complete wholesale reorganization of the fundamental relationship of the Federal Government in those States.

I ask unanimous consent that a series of objections to that amendment be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONS TO REID AMENDMENT

GRAZING FEES

Sec. 405

The Reid amendment to the appropriations conference report defines a new forage value index with 1990, 1991, and 1992, as the base years. Four yearly increments will have passed by the time the new forage value index is used as a multiplier. The first year's increase above the $3.45 will likely exceed the 15% cap and it is safe to project that the 15% cap will be reached every year thereafter. The real grazing fee five years out will be in the $5.00 range which is above the $4.28 as originally proposed by Secretary Babbitt.

RANGELAND REFORM

Sec. 406

Under existing law, the authorized officer may make a decision regarding the amounts of active AUM's allowed on federal lands; however, the permittee can appeal this decision while continuing to work the land.

The Reid proposal makes the permittee guilty until proven innocent and forces the permittee to comply with the decision of the authorizing officer until an appeal is filed and completed. Appeals can take up to five years. Additionally, the authorized officer is not bound by science or fact to make his decisions on the state of the rangeland.

ALLOTMENT CLOSURES

Section 406 C2

Part of this proposed legislation requires the authorized officer to close allotments, or modify their use, pretty much at will.

Once again we are confronted with a provision that goes far beyond the current criteria for closing an allotment without even a pretense of objective criteria for the action.

SUBLEASING

Section 406 E

This provision of the amendment adds the common livestock business practices to the definition of "subleasing"— i.e., leasing base property, and pasturing livestock owned by persons other than the permittee or lessee. In addition, the provision imposes a punitive surcharge to AUM's increased under these two legitimate business practices.

First and foremost, subleasing is a misnomer, because the grazing permit is not a lease. Unfortunately, the rationale for a surcharge for leasing a permit has not been explained in comprehensive terms—it is just there. Nor do we know of any justification for the amount of the surcharges.

The proposed subleasing language will preclude those permittees who may have to sell their livestock to meet financial obligations from using the livestock of others to realize income from their private investments in infrastructure and water rights, simply because the financial penalty proposed will exceed the ability of the improvements to generate adequate income.

This provision will only further discharge financial institutions from accepting livestock and/or federal lands ranches as collateral for loans. Banking institutions have relied on the current partnership between the private sector and the government, but that partnership status will no longer exist.

Apparently this authorizing language also will prevent many family-owned operations from sharing grazing permits and will impose a completely irrational sanction on this common practice. There is no explanation of the problem this limitation is intended to remedy.

UNAUTHORIZED GRAZING USE

Section 406 F

Since these proposed regulations fail to distinguish which class of violation is subject to criminal penalty, the very real possibility exists that even a non-willful violation would be subject to criminal penalty.

The unauthorized grazing use provisions of this amendment result in a double penalty through loss of federal permit and state law sanction. If a finding is made that there has been any violation of federal or state laws or regulations affecting any part of the environment (i.e., putting pesticides in your flower bed, failing an auto emissions test) then a grazing permit could be lost under this legislative language.

What does "other property of the United States" entail?

What is the difference between "nonwillful" and "incidental" with regard to a violation?

RESOURCES ADVISORY COUNCILS

Section 406 G

The amendment by Senator Reid will do away with the two boards and replace them with resource advisory councils, members of which will be appointed by the Secretary or his designees and one or more councils will be established in each state.

Resource Advisory Councils cannot replace Grazing Advisory Boards. Grazing Advisory Boards were established to review the distribution of grazing fee revenues for range improvements.

Moreover, the new resource advisory councils won't concern themselves with ranch management plan, construction of range improvements, or related livestock grazing programs.

The new advisory councils will only advise the Bureau on multiple use plans, programs for public lands and resources within an area which could be the size of a whole State.

Further, what criteria would be considered for qualification for appointment. Do you have to be a resident of the state in which you are appointed?

In order to secure an appointment, are you required to be familiar with operating a business on public lands, must you possess knowledge of the Bureau of Land Management programs or be familiar with regulations controlling use of the public lands.

RANGE IMPROVEMENT FUNDS

Section 406 H

These regulations authorize use of federal grazing funds for projects not related to livestock grazing and range improvement. Since these are fee-derived funds, it is simply inequitable to authorize their use for vague broader purposes that have not received the benefit of public review and comment.

This section would place the burden for many reclamation activities on the livestock industry, when many other public land uses have much greater impact.

The provision regarding public involvement is also unnecessary since public involvement for all range improvements currently exists. It does serve to demonstrate the micro-management theme of this legislation.

In its "state of the public rangelands 1990" report, BLM states that "public rangelands are in better condition than at any other time in this century". So, what is the problem which is the focus of this provision.

Why should the federal grazing permittees pay for rehabilitation, protection and improvement of a public ecosystem.

There appears that there is no limit to the use of these funds. In fact, under the literal wording of this amendment, nothing would prevent the Secretary from using range improvement funds for aquatic public ecosystems such as those rumored to be in the US Virgin Islands.

RANGE IMPROVEMENT OWNERSHIP; RANGE IMPROVEMENTS

Section 406 I 1–6M

Under the Reid amendment, private investment will no longer be encouraged, since if any permittees, or lessee applies for a range improvement permit to install, use, maintain, or modify any range improvement, the permittee or lessee shall agree to provide full funding for construction, installation, modification or maintenance of the improvement. But, the permittee or lessee will not maintain ownership of the improvement. Ownership will vest in the government.

This proposal is a disincentive to the construction of improvements on public lands.

This proposal is a good example of the type of inverse condemnation caused by over-regulation of private property.Property which is constructed and maintained by the rancher but utilized by a wide variety of other users.

To believe that range improvements will be made or maintained to a much higher standard if title is in the United States rather than the individual who invests the time and money to make the improvement is contrary to common sense.

It is possible if this provision were enacted that it would preclude an entire segment of the Agricultural sector from being able to depreciate capital improvements.

MANDATORY QUALIFICATIONS

Section J1–6

The same section also requires permittees to be in substantial compliance with the terms and conditions of any federal or *state* grazing permit.

The federal government and its agents should have no authority, either expressed or implied, concerning state grazing permits, including the determination of the terms or conditions of these permits.

The whole section would seem to imply that if a permittee is in violation of one permit that all other permits shall be deemed to have an unsatisfactory performance record.

Finally, the "satisfactory record of performance" requirement is vague and is fraught with problems caused by the limited administrative appeal available. It could take up to five years to have Interior Board of Land Appeals render a decision. In the interim, the rancher could be out of business because there are limited private lands available for holding the livestock.

SUSPENDED NONUSE

Section 406 K

This criterion is so open-ended as to be useless at best and dangerous at worst. There is absolutely nothing in the amendment which explains what the standards and guidelines are, what they do, or how they operate.

More critically, the ownership patterns of the west—a patchwork of public and private lands—ensures that ranchers have no real choice between using public and/or private lands. They require a balanced mix of public and private land if their livestock operations are to be viable.

This section of the amendment ignores the fact that many conservation-minded and prudent operators regularly put some part of their grazing permit in suspended non-use during a drought, or other natural disaster.

Deletion of suspended non-use will wipe out otherwise valid grazing authorizations and will further punish the prudent and careful operator. This in turn only provides additional support for the conclusion that these provisions are geared towards removing livestock operators from the public rangelands, rather than protecting the range or providing for a sound range management program.

PROHIBITED ACTS

Section 406 L

This provisions says that a ranchers' permit can be suspended or revoked if there is an administrative finding of violation.

Anyone knows that an administrative finding is not necessarily a final ruling of the guilt or innocence of a person.

This is clearly overreaching and serves no identified legitimate purpose. Under this amendment, an individual may be punished or have his rights taken away by the government before he is found guilty of a violation.

CONSERVATION NONUSE

Section 406 N

This section provides that the Secretary will be able to terminate any permit for any area, for any reason that he deems should be set aside for conservation purposes, and eliminate any grazing activity for up to ten years

This could remove an allotment from grazing for its term and probably have the term permit renewed for any number of subsequent terms.

When "conservation non-use is put into effect, there will be a loss of taxes as well as a similar loss in payment in lieu of taxes—will the conservation non-use permit holder make up for the lost revenues?

One outgrowth of this provision of the Reid proposal would be to permit wealthy nonprofit organizations and others to purchase ranches and not use the federal grazing permits for up to 10 years.

STANDARDS

Section 406 O

The amendment does not specify by whose "common sense?" And by whose "minimum standards"? And which "rangeland ecosystems"?

Does diversity include the inclusion of the non-native plants that are causing so much range damage in some parts of the West? By including them, the goal of diversity could more easily be reached, but the cost to rangeland health could be great.

The amendment does not specify what constitutes an ecosystem. At one point the Secretary stated before a House hearing that "an ecosystem is in the eye of the beholder."

Mr. WALLOP. Mr. President, the Senator from Nevada said that his amendment was about multiple use, not a single use.

We believe the multiple use exists today. We do not believe that ranchers are the only interests that exist in the West. We know about multiple use. Our ranchers live with it. Our timber operators live with it. Our counties live with it. Our recreational interests live with it. All of us live with it.

What we were objecting to was the narrowing of uses, not the expansion of uses, that took place in this amendment. Again, I say it was not about grazing fees. Everyone has agreed there would be an increase in grazing fees.

The occupant of the chair and I have a bill in to increase grazing fees. That has not had hearings, not because of recalcitrance on our part, but because we were not able to get the committee to hold the hearings.

The complaints about Metropolitan Life and other wealthy people are yet another strawman. Metropolitan Life owns these things I tell my friend because they are a mortgagor and they have foreclosed on mortgages because grazing fees are a little bit too high.

If Secretary Babbitt wants to take revenge on this loss on the people of the West, he can. He should not, but he can. If he does, however, Mr. President, he will be accountable and he will not have had the Congress as his accomplice.

The ACTING PRESIDENT pro tempore. The time has expired.

Mr. WALLOP. I thank the Senator from New Mexico.

I ask unanimous consent that a couple additional remarks be printed in the RECORD together with some letters from people that supported our position.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PETROCHEMICAL ENERGY GROUP,
Washington, DC, November 5, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: I am writing you to express our deep concern with respect to Amendment No. 123 to the Conference Report H.R. 2520, pertaining to the Department of Interior Appropriations.

The Petrochemical Energy Group ("PEG"), an organization of petrochemical and allied companies who are not vertically integrated with major oil companies, respectfully request that our concerns be considered.

PEG is concerned that the passage of the Conference Report with new Federal Land Policy and Management Act Sections 406(l) and 406(m) would operate to reduce domestic supplies of natural gas, liquids, and crude oil. While PEG companies are not in the business of exploration and production of oil and gas, PEG companies are vitally interested in access to a viable domestic supply in order to be able to maintain production and jobs in this country. Undoubtedly, other manufacturers and consumers have the same interests.

One of these provisions has been interpreted by some to allow the federal government to cancel oil and gas leases without due process if an administrator in the bureaucracy is of the view that a federal or state environmental or conservation act has been violated. Another provision has been interpreted to give title to the federal government to natural gas liquid processing plants and other facilities built on federal leases. We have been unable to find any legislative history that would shed light on the situation, either in the Senate or in the House, and thus have no way to ascertain whether the interpretations are well grounded or not. If they are, then those who must live under the constant threat of what some might consider arbitrary cancellation and forfeiture of leases and facilities are not likely to be as motivated to develop our domestic resource base for crude oil, gas, and gas liquids. While this may be the chosen goal of some, we would recommend against making it more difficult for the domestic economy, both industry and personal consumers, to get energy and feedstocks from existing reservoirs, forcing up both prices and imports of energy and finished products.

May we respectfully suggest that this language not be included in the Conference Report and, instead, all affected persons be given an opportunity to be heard before Congress acts on such an important matter?

Sincerely,

DAVID DAMRON,
Chairman.

ROCKY MOUNTAIN
OIL & GAS ASSOCIATION,
Denver, CO, October 27, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR SENATOR WALLOP: The Rocky Mountain Oil & Gas Association (RMOGA) is a trade association with hundreds of members, both large and small, who account for more than 90 percent of the oil and gas exploration, development and transportation activities in the Rocky Mountain West. Our members rely upon public lands to sustain a healthy domestic oil and gas program. As such, we believe that proposals such as the grazing amendment to the Interior Appropriations Bill proposed by Senator Reid will clearly have a significant detrimental effect on western economies, land uses and water rights.

RMOGA is especially concerned that the broad changes proposed in the grazing amendment have been made hastily, without benefit of public hearings which are designed to aid Congress in drafting reasonably balanced legislative proposals. It is an important part of the process to determine the potential effects proposed legislative changes will have on existing programs and statutes, as well as on the states, the public and affected parties. The failure to hold public hearings is a clear indication that no attention has been given to the ramifications such profound changes in public land management will have on public land users in the affected states.

We believe the current grazing reform proposal will have much broader application than just livestock grazing. The water rights language alone would negatively impact the manner in which oil and gas operations, mining activities, irrigation on private lands, and municipal water requirements are managed on public lands. Moreover, the proposal appears to require private water rights holders and states to relinquish their water rights to the federal government in order to "benefit the public lands and the resources thereon". This is contrary to Constitutional law which guarantees that states have the authority and right to regulate, control and protect all waters within the state's boundaries. The taking of private and state water rights will severely compromise the future of western states where water is the lifeblood of the economy.

Moreover, the proposed amendment contains language which could require additional regulations to be promulgated by the Secretary of Interior. Subsection (l), Prohibited Acts, unnecessarily adds another layer of protection for wild horses and threatened or endangered species. These resources are already legally protected and regulated in conjunction with several existing statutes, including the Endangered Species Act of 1973 and the Wild Horse and Burro Act. There is no need to further complicate an already extremely complex process with additional law and regulation. The same can be said for Subsection (o), Standards, which would require the Secretary to establish minimum conditions for the protection of rangeland ecological health. Such guidance has already been instituted through the land management planning process as required by the Federal Land Policy and Management Act (FLPMA).

In conclusion, RMOGA strongly opposes the proposed grazing amendment to the Interior Appropriations Bill. Clearly, the annual appropriations process is not a suitable avenue to institute sweeping controversial and perhaps unconstitutional changes to long standing public land statutes and programs. It is ill-advised to circumvent the normal legislative process to accomplish far-reaching and potentially devastating changes which have not been properly aired before the public, the states or even the Congress.

We therefore urge you to vote against cloture on the Conference Report for the Interior Appropriations Bill. As discussions follow, we encourage you to ensure that any compromise includes the deletion of the Rangeland Reform provisions in this legislation.

Thank you for your consideration of these views.

Sincerely,

JESS COOPER.

ARCO COAL CO.,
Denver, CO, November 2, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR WALLOP: ARCO Coal Company and its affiliate Thunder Basin Coal Company have reviewed portions of the Conference Report on the Department of Interior's Appropriation Bill concerning amendments to Title IV of the Federal Land Policy and Management Act of 1973. Section 406 of H.R. 2520 entitled Rangeland Reform contains provisions which appear to extend well beyond the scope of this proposed legislation and cause us great concern.

Although it appears that the intent of this section is to control the impacts of grazing on federal lands and protect the ecological health of our national rangelands, Section 406(l) entitled "Prohibited Acts" appears suddenly to make a sharp left turn. This subsection, as presently drafted, would allow for the cancellation or suspension of any permits and leases on federal lands if a violation of any one of a whole host of federal laws occurs. In the case of a mining operation such as Thunder Basin's Black Thunder Mine, which annually produces more than 30 million tons of coal per year from federal lands; such a provision could have significant and potentially devastating impacts. Further this provision may supersede the current statutory and regulatory authority of the EPA, the Office of Surface Mining, the U.S. Forest Service, the Bureau of Land Management and the Wyoming Department of Environmental Quality, all of whom regulate our activities on federal lands under their respective laws and regulations. As drafted, Section 406(l) at a minimum would add yet another layer of bureaucratic review, which is both unnecessary, frivolous and redundant. We strongly urge that this provision be modified to reflect that it pertains only to grazing activities on federal lands and that coal mining operations on federal lands, which are already regulated by the abovementioned federal and state agencies, be expressly excluded.

Similarly Section 406(o) entitled "Standards" is clearly too broad in scope as well. This provision should not be applicable to operations on federal lands already governed by existing federal and state regulations such as coal mining. As you know, mining operations on federal lands are already required under the Surface Mining Control andReclamation Act as well as Wyoming Environmental Quality Act to restore the land to its premining condition and must comply with all applicable environmental regulations including, but certainly not limited to, the Clean Water Act and the Endangered Species Act. Again this provision should be redrafted to clearly indicate that it applies only to grazing operations on federal lands.

We sincerely hope that you will take these comments into consideration. If you would like any additional information, please do not hesitate to contact me at (303) 293-4680.

Sincerely,

TERRY L. O'CONNOR.

NOVEMBER 9, 1993.

Hon. MALCOLM WALLOP,
U.S. Senate,
Washington, DC.

DEAR SENATOR WALLOP: The undersigned organizations representing producers and consumers of the nation's natural resources hereby express their strong concern over Amendment Number 123 included in the conference report accompanying H.R. 2520, the Interior Appropriations bill. This amendment introduces broad and vague legislative language into the Interior Appropriations measure that could have significant consequences for anyone with an interest in development on public lands.

We are particularly concerned that the proposed new Federal Land Policy and Management Act Section 406 could seriously impact present and future development of natural resources on public lands. Though this section is entitled "Rangeland Reform," it contains provisions that have been interpreted by some as broad enough to affect the production and transportation of natural gas, natural gas liquids, crude oil, coal, hydropower, electricity and hard rock mining on public lands throughout the 50 states.

For example, Section 406(l) does not appear to be limited to controlling grazing on federal lands. As currently drafted, this subsection has been interpreted by some as allowing the cancellation or suspension of any permits and leases on federal lands if any one of a wide range of federal laws is violated. And, Section 406(m) can be interpreted to allow the federal government to claim title to any facilities built on federal leases.

Unfortunately, there is no legislative history in either the Senate or House to define Congress' intent in these matters. Hence, we strongly suggest that the legislative language included in H.R. 2520 be deleted from the bill, and given the benefit of thorough hearings and consideration by the appropriate authorizing committees. This will allow Congress to clearly define its intent and provide a forum for all affected parties to voice their concerns.

Sincerely,

American Mining Congress, Edison Electric Institute, Independent Petroleum Association of America, National Association of Manufacturers, National Coal Association, National Ocean Industries Association, Natural Gas Supply Association, Petrochemical Energy Group.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado, the occupant of the chair, and I ask that the time that is taken to relieve him of Chair duties not be counted against our time.

(Mr. REID assumed the chair.)

Mr. DOMENICI. I take 30 seconds of my time first.

Mr. President, I am not going to have enough time in my 5 or 6 minutes at the end to thank everybody I should. There are plenty of heroes on our side as Senator REID thought they were on his side.

I say I did not know the distinguished junior Senator from Colorado until this event. I really have great respect for the Senator from Colorado. He has been a stalwart. He has great courage. I compliment him for it. I hope it has paid off in the decision today because I think it is a very good one for our ranchers and those he was defending throughout these days.

I yield 5 minutes to the Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend from New Mexico.

Let me make a few very short comments. I certainly congratulate the people who had a very strong belief on both sides of this issue. I think they were doing what they believe was best for the West. I, obviously, took the position that, because we had not had any public input in what was done in the conference committee, it was not done in the scrutiny of the media or the people who were being involved, it was simply bad policy.

But, there were obviously some changes, and I think as people began to recognize how the changes were going to affect them, they came forward.

Yesterday, I had the opportunity, as my friend from New Mexico knows, to talk to the President, who called me at about 2 o'clock on this issue.

I, frankly, was amazed to find out that the President did not know that what we were being asked to codify was not in the House version of the bill and that we had not dealt with it on the Senate floor either and, in fact, it did come through the conference report. His exact words were, "I will get to work on it right now," which I took to mean he would personally get involved. I certainly commend the President for that. I know he is very busy with all the issues that we have on our plate now, with health care and Somalia and Haiti and many other extremely important issues.

He was not aware of what we were going through. And I repeat, I want to commend him for getting personally involved. I do not know if he had anything to do with this portion of the bill being pulled, but I think he probably did.

But this issue is still alive. As our colleague from Wyoming mentioned, we do have a bill in. We are not trying to promote gridlock. In fact, when you talk about gridlock, the only lock involved was us being locked out of the debate in the beginning. I am in hopes that we will be able to take this up now.

As my friends who live in the West know, the West is changing and we are going to have to do something about it. The bill we have does in fact raise the fee 25 percent, as my friends know. So we are not opposed to dealing with the issue. We are just opposed to having it come through kind of a back door system where we have nothing to say on it.

And I also believe, as I know my friends do, that because we won this particular go-around, we are not here on the floor to gloat about it or to brag about it. We were very, very concerned and we expressed our concerns. From my perspective, we are keeping our end of the bargain which we made with the President early in January when he dropped the language from the budget resolution and told us that we should come up with an alternative proposal.

I think we now have that opportunity to deal with it in a legislative manner in committee and I am looking forward to working with people on both sides of this issue and particularly my friend from Nevada, Mr. REID, who I know differs with me on this particular issue but has been a great friend in many areas and certainly a terrific Representative from his great State of Nevada.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 2 minutes to thedistinguished Senator from Utah. I thank him for his efforts. He has been a stalwart, and I am very appreciative and I know his people will recognize it.

Mr. HATCH. I thank my distinguished colleague from New Mexico.

I want to personally thank Senator DOMENICI, Senator CAMPBELL, Senator WALLOP, Senator BAUCUS, and all of the others who have worked so hard on this, including my own junior colleague from Utah, Senator BENNETT.

The reason I brought this map with me today is to talk about grazing advisory councils. I am very happy that Senator REID is willing to withdraw his amendment. That means a lot to me personally. We have to fight this thing out and do it right.

But just to show you what the Secretary of the Interior wanted to do in Utah, I refer to this map. We have five advisory councils, represented by the black line. In other words, each district in our State has its own advisory council for grazing and land management purposes.

If these rules are enacted or implemented by the Secretary of the Interior, there will be one grazing advisory council for the whole State. All of the individual and special needs of each of these five districts would be ignored.

And I have to tell you, it would be absolutely catastrophic in our State. That happens in every State, as I understand it. But in Utah, it would be just catastrophic.

So I just want to say that I could not be happier than to have this matter resolved in this way today. What it means is that we can now have hearings on this matter. We can now get the public involved. We can now get Governors to come in and say what they feel about it. We can get ranchers and others to come in and say what they feel about it. And then I think we will have some real advice on this matter, instead of just having a big Government bureaucracy tell us what we can or cannot do. I do not mean to accuse anybody of being a dictator, but that is the potential here.

But, frankly, if these grazing advisory boards were dissolved and made into one great big State advisory board, you can imagine how the people, individuals and individual areas in our State would have even less input in decisionmaking. This more restricted access would really hurt them.

So I want to personally thank my colleagues. This is one of the best things that has happened in a long time and that is to give us a chance to explain our side of this issue without the prejudice of no explanation. And I think we can show why we are so up in arms about what is really happening in here.

Mr. President, it is important to remember that the rangeland reform 1994 plan, the modified version of which is now embodied in the so-called Reid-Babbitt compromise in the Interior appropriations bill, is much more than just an increase in the grazing fee.

An increase in the grazing fee is detrimental enough to Utah and other western ranchers; but, the other elements of rangeland reform 1994—the land management reforms—are equally, if not more, harmful.

For example, section 406(g) of the Reid-Babbitt language proposes to eliminate the current authority that establishes grazing advisory boards and district advisory that establishes grazing advisory boards and district advisory councils and replace these boards and councils with entities called resource advisory boards. This policy shift does not make sense and should be rejected.

First and foremost, grazing advisory boards have proven their value as a systematic communication tool between ranchers and the local agency officials. The boards are compromised of informed individuals who are committed to the efficient use of Federal lands, who serve without pay, and who live in the local area of jurisdiction. In sum, these are people who make a living off the land and know the importance of stewardship of the land. These are people who know that there is no future in the reckless exploitation of the land.

Many professions benefit from a peer review board in order to assist individuals within that profession to act responsibly and to adhere to the standards of that profession. For the legal profession, the peer review role lies with a State bar association; for the medical profession, it is a State medical association. For the livestock industry, the grazing advisory board is the entity with the duty to monitor the practices of its professionals.

A free society is heavily dependent on the motivation of individuals not only to earn a profit, but also to maintain their own honor and integrity. And, since a person may be judged by the company he keeps, there is a clear reason and incentive for professional groups to voluntarily adhere to certain standards of performance and conduct.

The grazing advisory boards have provided the structure for this kind of professional monitoring in the ranching industry. The Reid-Babbitt proposal currently contained in the Interior appropriations bill eliminates this resource. In my view, however, this is a huge mistake. On the contrary, the grazing advisory board structure should be strongly supported and enhanced because of its ability to foster accountability and good stewardship of the public lands. After all, not even BLM can be everywhere, nor can a government agency apply what is often the most effective form of persuasion, namely peer pressure.

I do not think we can overstate the benefit to land management of maintaining a cooperative, collegial approach to policy development and enforcement instead of a heavy-handed, adversarial one.

Currently, there is a district grazing advisory board and a multiple use advisory council in each district of the Bureau of Land Management. In Utah, the BLM has a total of five districts—Salt Lake, Vernal, Richfield, Cedar City, and Moab—for a total of five grazing advisory boards and five multiple use advisory councils. The purpose of the grazing advisory board is to advise and to make recommendations to the local BLM district manager and his or her staff on range management policies, including the construction of range improvements and related livestock grazing programs. Members of the board are elected by rancher permittees who live within the geographic boundaries of that district.

The multiple use advisory councils are councils that advise the BLM on land use plans and the classification, retention, disposal, and general management of Federal lands. Members to these councils, on the other hand, are appointed by the Secretary of the Interior. Selection to these councils can be dominated by politics and by personal relationships rather than by an individual's specific expertise in land management issues.

Section 406(g) will replace these two boards, which are both located within each BLM district, and replace them with, as the report language says, "one or more resource advisory councils * * * for the area within the jurisdiction of each Bureau of Land Management State Office."

The language does not state that every BLM district office will have one of these councils similar to the existing structure; it says that each BLM State office will have a council. This means the entire State of Utah could have only one Resource Advisory Council to provide that BLM with advice and recommendations for all statewide BLM activities.

And in a State like mine, every district from border to border has its own unique natural resources, and their management decisions should be made locally by project land managers and local users and not by political appointees with hidden agendas who live 300 miles away.

There is good reason why grazing advisory boards are located in each district: they are in the best position to provide the most recent and most accurate information concerning the physical, economic, and local conditions of each district to the appropriate BLM officials. Now, all of a sudden, the Reid-Babbitt compromise would give the Secretary of the Interior the authority to organize an advisory council comprised of individuals who may not live anywhere near a BLM resource area.

For example, under this language, the Utah Resource Advisory Council could likely be dominated by individuals who reside along the Wasatch Front where 80 percent of Utah's population is located. People who live near Salt Lake city—a area of nearly 1 million people, few livestock, and very limited acreage of rangeland—may well find themselves providing advice on decisions affecting the management of a wide variety of resources located on Utah's BLM lands.

These areas include the wild buffalo herd of the Henry Mountains area of southeastern Utah, the oil—and tar sands-enriched Book Cliffs area of eastern Utah, the scenic Escalante Canyons region of southern Utah, and the arid West Desert and world renowned Bonneville Salt Flats of western Utah. All of these resources are located on BLM-managed land.

This language takes control away from those who must directly suffer the consequences of wrong decisions and centralizes both advisory as well as decisionmaking authority. And, it sets up the possibility that those who serve on the Resource Advisory Council will be isolated from the ramifications of their own advice.

In a State like mine where every region—from border to border—has its own unique natural resources and corresponding demands, like those I have just mentioned, the proper management of these resources should be made locally and not by individuals who live two or three hundred miles away.

If the goal of section 406(g) is to provide the best information and advice available concerning use of natural resources in each BLM district, then I fail to see how just one council, consisting of individuals appointed by the Secretary and conceivably without firsthand knowledge of lands under the council's jurisdiction, can replace the operations of the district boards. I also believe, Mr. President, that these boards should be comprised of professional land managers and local users, not political appointees with hidden agendas.

Moreover, Mr. President, I have yet to hear one valid criticism of the current advisory councils. There has been no accusation that they have not functioned well or fulfilled their purpose. There has been no assertion that they are partisan or dishonest.

Mr. President, "if it ain't broke, don't fix it."

And, this message is not just from me, but from the experts. For example, the National Association of State Departments of Agriculture recently adopted a resolution that states: Grazing advisory boards * * * are useful, necessary, and representative entities. * * * [They] provide the forum for cooperative, productive, and informed dialogue and interchange between BLM permittees and BLM administrators. The proposed resource advisory councils may lack the necessary background, education, and experience to adequately advise agencies in implementing their multiple use management mandates; rather, the councils may evolve into a forum for special interest groups to express their philosophies instead of sound ecologically based multiple use management principles."

The new resource advisory councils, proposed by the Reid-Babbitt compromise, at least on paper, will not address such resource issues as range management, the construction of range improvements, or related livestock grazing programs. Section 406(g)(2) of the Reid-Babbitt language identifies that one appointee to the council shall be an elected official; but, it stops there, without specifying any further backgrounds or positions required for the council. Absent, of course, is specific language identifying an appointee who is a livestock permittee or selected by the permittees in the local area.

It seems obvious that recommendations on the management of rangelands by the new council will be made by individuals who are not range specialists, who are not on the range on a daily basis, and who may have plans encouraging the use of Federal lands for purposes other than grazing related activities. How will this help improve the long-term condition of America's rangelands?

Mr. President, the new advisory councils will advise the BLM on "multiple use plans and programs for public lands and resources," as stated in 406(g)(3), within the council's geographic area. The Reid-Babbitt language raises many questions to which I believe our ranchers deserve answers.

For example, I have mentioned before the lack of specificity in the qualifications required for appointment to a council other than at least one must be a local government official. What other criteria would the Secretary use or consider for qualification for appointment?

We have already determined that a council member need not live near a particular resource, but does a candidate to the council need to be a resident of the State for which that person is appointed?

In order to receive consideration and secure an appointment, does one need to be familiar with operating a business on federal lands?

Must one possess a current knowledge and understanding of BLM programs, or at least familiarity with regulations controlling the use of Federal lands?

Should a candidate have a background that is familiar with the effective and efficient production potential of resources located on Federal lands? Should that background be extensive or simply a passing interest?

Mr. President, as with most sections of the Reid-Babbittlanguage, we do not have the answer to these and other questions related to the resource advisory councils that are established under section 406(g). Yet, we are about to eliminate the one effective tool that promotes proper stewardship of rangelands and replace it with an organization, comprised of novice and inexperienced individuals, that could cause more harm than good to our Nation's resources.

I repeat what I have attempted to make clear here today on this particular subject. The diversity of uses, activities, programs, and land management requirements across Utah and other Western States cannot be effectively addressed by one or two or three statewide councils. These issues can best be addressed at the district level by citizens who reside in the affected area and who have the most to lose if the rangelands are misused.

I can only surmise that the origin of this language is a fundamental distrust of the judgment of our rural citizens. I, for one, have great confidence in the people, including those who reside in rural areas, to manage the land for the future.

In closing, Mr. President, I would like to quote from a letter I recently received from Mr. Ray Yardley, president of the grazing advisory board for the BLM Cedar City District, which comprises the southwestern corner of Utah. Mr. Yardley is very outspoken in his opposition to the original rangeland reform 1994 proposal.

Regarding grazing advisory boards, Mr. Yardley states that "grazing advisory boards are the most efficient means of maintaining contact and continuity with individuals—that are—both interested and involved with management of public lands. * * * The present boards should be maintained to advise on-the-ground local, site-by-site decisions on grazing management schemes and problems."

Mr. Yardley even went so far as to recommend that the chairman of the grazing advisory board should be an automatic representative for grazing interests on the Multiple Use Board, which would include the Resource Advisory Council. I suggest to my colleagues that this is some food for thought from someone who lives and breathes these issues on a daily basis.

Mr. President, the rangeland reform 1994 plan goes way beyond a simple hike in grazing fees. It includes a number of substantive changes—like abolition of the locally based grazing advisory boards—that will have long-term impact not just for ranching and rangeland management, but also for the West as a whole. I urge my colleagues to delete the Reid-Babbitt language from the Interior appropriations bill.

I could go on and on on the issue of the rangeland reform plan, but I just want to personally thank my colleague from Nevada for withdrawing this amendment. It gives us a chance to get our side out there, gives us a chance to help to amend this proposal so that our people are not hurt as badly as they would have been had we not amended it.

There is one thing I do disagree with my friend from Nevada on: The Old West is still alive. The Old West is still there. And a lot of us belong to the Old West. The Old West represents the spirit of independence and determination that I am proud to share.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 4 minutes to Senator CRAIG.

The ACTING PRESIDENT pro tempore. The Senator from Idaho [Mr. CRAIG] is recognized for 4 minutes.

Mr. CRAIG. I thank my colleague from New Mexico for yielding. Let me personally thank him for the tremendous leadership he has demonstrated in opposition to this very improperly placed and crafted issue that we have had before us that has held the Senate and the appropriations legislation in its grip for the last several weeks.

Let me also say to the Senator from Nevada that I appreciate his willingness to pull this issue. But he is absolutely right. The issue has not disappeared.

Let me also say, in his closing remarks he said those of us who opposed him wanted no change. That is not a valid statement. That is an improperly placed statement. The Senator from Colorado and the Senator from Wyoming, with my cosponsorship, offered a very significant change in grazing fees.

What we did not want was the very issue I talked about a week ago on this, a major power shift away from the States of Nevada and Colorado and Idaho and New Mexico and all of those other Western States, to Washington, DC. I do not believe the Senator from Nevada, who spoke eloquently about the new West, would want the new West to have to constantly come to Washington as the throne of power to bow for the right to live and operate in their own State. That is not the new West, and that should not be the Old West either.

We once had an example of centralized power. It crumbled. It was the Soviet Union. It did not work. Now individual States are forming again to try to create their own independence and freedom. There is just a little bit, if not a lot, of that in the debate of the last several days.

I ask unanimous consent to have a letter from the attorney general of the State of Idaho, Larry Echohawk, printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRAIG. By the way, this attorney general happens to be a Democrat. This is not a partisan issue; it was a very real bipartisan issue.

This is a letter to Senator REID where he pleaded with him to pull his legislation because of the danger of the kind of water language that was in this legislation. We are right in the middle of adjudicating water in the State of Idaho for the whole of the Snake River drainage right now, and the Federal Government is coming in and filing right over the top of private water rights.

What this legislation would have done, it would have given them the power to do even more. We recognize the Federal Government ought to be able to obtain a right to water, but they ought to come through the State and through the water rights processes and understand the balance and importance of water rights usage instead of just saying, from the Federal level, "We have the right and we are going to take it," as this legislation did.

What this battle is about, and it is a battle that will go on whether it is in mining law reform—and we saw very important legislation that will pass in the House probably in the next few days. With that, again, the Senator from Nevada and I would not agree, probably. We have good mining legislation here.

The West is impacted by public policy because most of those States have a very significant amount of their land base controlled by Federal agencies. So what we do here on the floor, what the Reid amendment would have done, would have had tremendously significant impact on the lives of individual citizens.

Whether it is the small rural community or the big sprawling metro area of Las Vegas or Boise, the new West comes to the Old West because of the lifestyle that the Old West has. Whether it is the ranching family or the small community or the communities in which there is less crime and greater freedom—that is what the new West comes to obtain. How do you get there? You get there by keeping just a little bit of what you have had.

What this debate has been about for an awful long while is not grazing fees. We have all agreed there should be some increases. What it is about is who makes the decision on how you operate and how you run and how you function and how you live with those public lands. Why should States like Idaho, Colorado, Nevada, New Mexico, and Wyoming not have the right to determine some of their own destinies, instead of Bruce Babbitt and a couple of his cohorts sitting down and saying, "This will be the policy?"

I hope the Secretary does come back. But I hope he will come to the authorizing committee that I serve on and these other gentlemen serve on and run the process, have the public hearings. Let us look at the detail. Let us try to understand how this is going to impact grazing along with all other kinds of activities on our public lands. Our intent is not—nor should it be the intent of anyone in this Senate—to run people from the land; but to make sure that while they are on the land they use it wisely and appropriately. That has always been our process. That has been our responsibility. That is not what would have happened with the Reid amendment. We are very pleased it is pulled now. We hope the right process can go forward with substantive hearings, responsible to determining good public policy.

I yield the remainder of my time.

EXHIBIT 1

STATE OF IDAHO,
Boise, November 8, 1993.

Hon. HARRY REID,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR REID: I write to express a serious reservation about H.R. 2520, the appropriations bill for the Department of the Interior. The present language regarding water rights may make broad and undesirable changes to existing federal policy, and may have significant negative effects upon the states of the West.

I am concerned that the language in subsection 406(d), providing that all future water rights obtained for "grazing-related actions on public lands" must be in the name of the United States, may have implications for adjacent lands, not in the ownership of the United States, where water rights could be connected to grazing-related actions. I am similarly concerned as to the potential impact on state laws requiring ranchers to obtain water rights through the state regulatory process.

The language seems to permit no role for the procedural and substantive requirements of state law. The implications of this language threatens the delicate balance of interests which has been worked out in years past, particularly in the McCarran Amendment.

Also troublesome in subsection 406(i)(2), mandating that the "United States shall assert its claims and exercise its rights to water developed on public lands to benefit the public lands and resources thereon," Since 1877, the Congress has refused to create a reserved federal water right for general public lands, but this language may imply a federal nonreserved water right. The commandment that the United States assert its claims not only suggests such a right, but seems to guarantee that the United States will be pressing claims in contradiction to existing water rights acquired under state law.

The other portion of subsection 406(i)(2) is likely to cause equally grave problems. In what might have been an attempt to allocate ownership interests between the United States and its lessees, the section provides: "The authorization for permanent water developments, such as spring developments, wells, reservoirs, stock tanks, and pipelines, shall be through cooperative range improvement agreements to protect the public interest for multiple use of rangeland ecosystems." On its face, this section overrides all provisions of state laws which require authorization for permanent water developments to be acquired by state law processes. Negotiated range improvement agreements for the development of springs, reservoirs or pipelines. would by definition exclude state involvement.

I understand that the Department of the Interior disclaims an intention to change the fundamental structure of Western water law. Nonetheless, the language of this appropriations bill that I have identified creates more than a faint possibility of that occurring. I must also note that the short time available for review of the proposal has given me no confidence that I have identified all the provisions that may impact existing state law.

I know that you are striving to find a fair middle ground in the controversial area of grazing fees and the issues associated with the use of federal land for that grazing. I want to remove the issue of water rights from that debate. The cleanest way to achieve that goal would be to remove the entire subject of water rights from the appropriations bill. Removal of the language would permit the subject to be raised in the appropriate water policy committees, where there problems could be evaluated in a less frenetic atmosphere, and where the competing policy issues could be discussed and resolved more fairly.

Sincerely,

LARRY ECHOHAWK,
Attorney General.

Mr. DOMENICI. Mr. President, parliamentary inquiry. How much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has 7 minutes 16 seconds. The Senator from Nevada has 5 minutes 30 seconds remaining.

Mr. DOMENICI. I was expecting Senator BURNS. I yield 2 minutes to the senior Senator from Colorado.

The ACTING PRESIDENT pro tempore. The Senator from Colorado [Mr. BROWN], is recognized for 2 minutes.

Mr. BROWN. Mr. President, let me first of all say to the distinguished Senator from Nevada how delighted I am that this amendment will be pulled down and we will go through the normal process. I believe the Senator from Nevada is very sincere in his efforts. He is a very responsible legislator. I think what he has done is moved the process along. I pledge to him I want to work with him in this regard.

Let me simply add this. I ask unanimous consent to have printed in the RECORD a copy of an editorial from the Pueblo Chieftan as well as three letters on this subject.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exibit 1.)

Mr. BROWN. This issue struck at the very heart of the West because the fact is, whether it was the original amendment or even the later amendment, it established a new standard for renewing Federal permits. That standard was almost impossible to meet, at least in the view of many water attorneys who had looked at it. It is not the kind of thoughtful thing I think this Nation needs to move ahead. Having another barrier for a permit is not the kind of thing we ought to think about in terms of making this country more efficient, more productive, more effective, and more creative. We ought to be thinking of ways to simplify things and move things along.

Last, let me simply emphasize this. This battle has never been about grazing fees. The Secretary has the ability to increase grazing fees any time he chooses. My guess is he will move ahead with that process. This battle has been about making sure citizens all across this Nation do not lose the rights they have been granted and any time people's property is taken they ought to receive fair compensation.

I thank the Presiding Officer, and I thank the distinguished Senator from New Mexico for the job he has done in leading this debate.

EXHIBIT 1

[From the Pueblo (CO) Chieftain, Nov. 8, 1993]

WATER WAR

The liberal wing of the democratic party is pressing its assault on the long held multiple-use doctrine of public lands through subterfuge. In particular, it is an attack on Colorado and its water, an attack that could have debilitating consequences for this state's cities.

The Democrats have included in the Interior Appropriations Bill a "compromise" between the administration's insistence on increased grazing fees and those who would have no or moderate increases, such as the bill sponsored by Sen. Ben Nighthorse Campbell of Colorado.

The subterfuge is that drastic new environmental rules and regulations have been added to the appropriations bill. The liberals are trying to force them through with the threat that the bill's failure would shut down a giant federal agency. Grazing fees are but a smokescreen.

The bill contains 19 new pages of provisions asserting federal dominance over states' water laws. Sen. Hank Brown of Colorado complained last week that none of this new language has had proper hearing.

Gov. Roy Romer is alarmed that the bill would tear asunder Colorado's historic doctrine of allocating water for beneficial private and public use. In that vein, Rep. Scott McInnis notes that the bill could sharply curtail Colorado cities from using water which somewhere along a stream flow crosses public lands.

What is interesting is who is behind this, Interior Secretary Bruce Babbitt and Sen. Harry Reid D-New., the sponsor of the "compromise." Both have transparent parochial interests.

Babbitt is a former governor of Arizona. Limiting Colorado's access to its own water as determined by the Colorado River Compact would benefit Arizona, which already takes huge volumes from the river through the Central Arizona Project.

Likewise, Nevada would benefit from extra Colorado water as it builds huge casinos and golf courses on a thirsty desert floor. California politicians are on board, too, eying more water for the overbuilt Los Angeles Basin.

These politicians know they probably could not ride roughshod over the Colorado

River's Upper Basin states without more ammunition. So the grazing fees and other environmental provisions, popular with the anti-growth environmentalist industry, are in the bill. The combination of California and Nevada growth interests and the environmentalist lobby, while a marriage of strange political bed-fellows, makes perverse sense.

Some bureaucrat down the line could rule that the water shipped under the Continental Divide from the Colorado River Drainage Basin into the Arkansas River—including water owned by the city of Pueblo—should remain on the West Slope so as to maintain predetermined environmental standards there. And, by coincidence, flow on to Nevada, Arizona and California.

But then again, as Sen. Brown pointed out, the issue has not been forced to go through the legislative forge of full hearings.

During a demonstration by ranchers against the bill in Cancon City last week, one commented that "I am one of the biggest endangered species in Colorado right now." The residents of Colorado's cities are part of that species, too.

We urge Sens. Brown and Campbell to fight this attempted grab of Colorado water and water rights with all of the political coinage at their command.

This is war.

DAVIS, GRAHAM & STUBBS,
ATTORNEYS AT LAW,
Denver, CO, November 8, 1993.

Hon. HANK BROWN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: Upon review of the Skaggs proposed amendments to Section 406 offered as a compromise on the Interior appropriations bill, I would respectfully submit for your consideration that his amendments may offer some minimal improvements to Section 406(d) and Section 406(o). They do not cure the whole problem in my judgment. FLPMA would still require permits for cities and other water users to cross Forest Service lands and this certainly does not seem, in my estimation, to cure that situation. At most, it leaves FLPMA permits subject to all present rules and regulations that have been attempted to be imposed by the Forest Service for such rights-of-way.

More importantly, however, the proposed amendment does not do anything to cure the defects of Section 406(1)(2). This still leaves open, in my mind, the question as to whether the present administration is advocating the non-Federal reserved water right theory repudicated by opinion of Solicitor Martz. It is my wish that all language relating to water rights be deleted from the Interior appropriations bill so that it can proceed as it should, and not try to develop FLPMA legislation in an appropriation bill. Amendments to FLPMA should only be made after complete legislative hearings have been held and the public has been given an opportunity to comment upon any such proposals.

Sincerely,

JOHN M. SAYRE.

AURORA, CO, *November 8, 1993.*

Hon. BOB DOLE,
Senate Minority Leader,
Washington, DC.

Hon. GEORGE J. MITCHELL,
Senate Majority Leader,
Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: I am writing to add my concern to others which have been expressed about the Reid Amendment. The City of Aurora has a current population of 240,000. Located on the high and dry plains east of Denver, the City's entire water supply must be imported from Colorado's mountains. A large percentage of the supply originates from snow melt run-off from federal lands. The City owns an interest in 4 water resource projects which have easements and diversion points located directly on federal property.

The City of Aurora and other Colorado entities have developed water supplies with a reliance on the statutes and precedents of Colorado water law. This reliance has resulted in vested property rights owned and protected for the benefit of our citizens and businesses, present and future. These acquired water resources represent, in Aurora's case, an investment of hundreds of millions of dollars.

The current language in the Reid Amendment sends an alarming cloud over the City's investment and the future of water supply throughout the entire west. It appears that the intent of this language is to add yet another federal regulatory standard for the "protection and restoration of riparian values. * * *" The City of Aurora has taken significant steps to enhance the mountain environment which has been impacted by our projects. The language contained within the Reid Amendment could have a very negative impact on our urban environments.

The ambiguity in the Reid Amendment language causes us grave concern. The impact of this Amendment potentially extend far beyond concerns related to grazing on public lands. I urge caution and a full public process which can analyze these impacts.

Sincerely,

Mayor PAUL TAUER.

BOARD OF WATER COMMISSIONERS,
Denver, CO, November 5, 1993.

Senator HANK BROWN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: With the assistance of members of your staff, the staff of Denver Water has conducted a preliminary review of H.R. 2520 now under consideration in Congress.

We have concluded that some provisions of H.R. 2520 would affect, perhaps in significant ways, western water rights even though the bill purports to address the topic of grazing rights and fees on public land.

The Denver Water Department would like you to know that we are concerned by the language of H.R. 2520, because we believe it inappropriate that fundamental issues affecting western water rights should be ancillary topics to grazing or permit fee legislation. These issues are of critical importance to the water users and utilities throughout the western states, and should not be the subject of federal legislation without close and careful committee consideration by the Congress commensurate with the immense impacts for citizens of this region. We would very much appreciate your consideration and support in this matter.

Sincerely,

H.J. BARRY,
Manager.

Mr. DOMENICI. Mr. President, I have just talked a moment with Senator REID. Since I have committed a couple of minutes to Senator BURNS, I wonder if I might ask unanimous consent we each have an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I am going to leave 2 minutes for Senator REID. How much do I have? Do I have 5 minutes if I leave him 2?

The ACTING PRESIDENT pro tempore. The Senator from New Mexico has 7 minutes 24 seconds with the additional 2 minutes.

Mr. DOMENICI. I yield myself 5 minutes at this point, and I will have 2 left over.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, this is one of those occasions in the Senate that rarely comes, because, from the standpoint of this Senator, a very large group of Senators have supported us through three clotures. It is a rare, rare thing to see victory, to see us win on an issue of this type. So I have too many people to thank. I have other things to say, so in due course I will put each of their names in this RECORD because we had Senators who truly, based upon the political pressure, should have voted against us.

Some would say it was done out of personal friendship. I believe what we have done in the past three clotures with our debate, with all the things we have said and done in our States, with the help of our Governors—as Senator WALLOP has indicated—I think we have convinced a very large group of Senators that our issue was not a gridlock issue. Our issue was not an issue of unfairly using a filibuster, as some editor in some eastern or midwestern paper said.

If ever there is a cause for shedding light on an issue through the use of the Senate's time, it is this one, predicated upon a very basic principle: Fairness. How can you jeopardize, eliminate, take away rights from people without any hearings, without an opportunity for them to appear anywhere and make their case in Congress, by writing authorizing legislation changing their property rights, the value of their property, their families' future without even one single opportunity to be heard? That is why we got a lot of Senators who supported us. And we have won today, because all of that law has been stricken, or will be soon, and there will be no new law about the ranching interests of this country on the books in this rather unreasonable mode of writing it in the office of the Secretary of the Interior with a couple of other people helping him and then putting it on a bill.

So our cause was right. We used only legal and accepted methods here. And we have prevailed. Now it is in the hands of the Secretary. He can follow the old law, not the new law. This is not an issue of grazing fees. Already they were suggesting yesterday they ought to take out all the water law because it is written improperly. What about the rest of the bill? If we had a chance to shed light on it, we would find that they ought to start over. And that is exactly what they are doing. From my standpoint, the filibuster and three cloture votes with the threat of another one has done the following: It has caused a lot of heat and a lot of pressure. But it has shed light on the issue. Indeed, it will be a different environment for the Secretary of the Interior when he goes out there to accomplish this through rules. The Governors are going to be involved. They are not going to sit by and watch in some placid manner.

The citizens of our Western States are going to get involved and the Secretary, indeed, is not going to have the carte blanche he had a couple of months ago when he was going to proceed to change everything. Yes, he has the legal authority, but he will be operating in an environment of substantial constraint predicated upon the light that has been shed on this issue because of three cloture votes, the debates attendant to them and, indeed, a fourth was threatened, which brought us to this case.

A lot of things have been said in this Chamber that deserve rebuttal, but I am going to take only one, and that is the issue of the very large corporate entities that have permits. The New York Times, I hope, will accept a letter from this Senator rebutting with facts the article that was written that talked about the very large, large corporations and rich cowboys. Let me tell you why it is a distortion.

There are 28,000 permittees at least and there are 500 who are extremely wealthy or big corporations; 500, less than 2 percent. Indeed, there are only 3,300 very small ones. So it is the big middle again, the middle-class rancher who was not even mentioned in those articles and has nothing to do with Exxon, has nothing to do with the little tiny ones that this writer talked about, but rather trying to make a reasonable livelihood.

We only wanted fairness from the beginning. We will get fairness only if the Secretary will now be fair.

I want to close by saying today I am putting in the RECORD a copy of a letter we are sending to Senator BENNETT JOHNSTON, the authorizing committee chairman. We are saying to him, we have time now because these 19 pages of law—new law—are gone, and we are asking that he begin with us to conduct indepth hearings on grazing fees, on all of the range improvement proposals, and let us do right by a minority group in this country and let them be heard.

Mr. President, I ask unanimous consent to print that letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, November 9, 1993.

Senator J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR BENNETT: As this letter is being written, there is a very real prospect that the debate over the Reid Amendment will be removed from the Interior Appropriations Conference Report. While that result is certainly not our first choice, it is, under the current circumstances, the best possible result. This result prevents some truly bad provisions from becoming the law of the land, without Congressional hearings or consideration by more than a select handful of people.

This result also allows for Congressional hearings to take place in a timely manner to determine which changes in current law and practices are really necessary or appropriate. As Chairman of the Committee of jurisdiction, we urge that you commit to comprehensive hearings on the many complex issues involved and give all sides adequate opportunity to participate and be heard.

That opportunity, when all is said and done, is all we have sought through our opposition to the Reid Amendment, because without it the essential requirement of fairness is lost. We offer to assist and cooperate in every possible way in the series of hearings we request.

Sincerely,

PETE V. DOMENICI.
BEN NIGHTHORSE CAMPBELL.
CONRAD BURNS.
MALCOLM WALLOP.
LARRY E. CRAIG.

Mr. DOMENICI. Mr. President, how much time do I have left?

The PRESIDING OFFICER (Mr. KOHL). The Senator has 2 minutes left.

Mr. DOMENICI. I yield 2 minutes now to Senator BURNS.

The PRESIDING OFFICER. The Chair recognizes Senator BURNS.

Mr. BURNS. Mr. President, I thank my good friend from New Mexico. I thank him personally for the leadership he has shown on this issue. I also thank the Senator from Nevada, [Mr. REID], who has, in his judgment, done what he thought was right. That is kind of what makes this body, this U.S. Senate, a special place.

But the big thanks should go to the small farmers and ranchers and small-town business operators and people who are affected by policy change on public lands the most. They are the ones who went in the trenches, they are the ones who shored up the strength of those of us who represent those States and, yes, made their case to some people who did not come from those States that have a high propensity of public lands.

This is not a grazing fee issue, it is a policy issue. I want to publicly thank my farmers and ranchers in Montana for their steadfast support during this very, very important debate as it unfolded in the U.S. Senate.

I want to, again, thank and advise the chairman of the Energy and Natural Resources Committee of the U.S. Senate to start those hearings immediately, not only on grazing but on rangeland reform, what we can do to make it better, how we can all work together to make it better, because we know there are some areas in which we can do better and should do better, working with the Society of Range Management, working with professional people who understand range, to make it better. So I thank those folks.

I thank my friends, Senator WALLOP of Wyoming, and Senator BROWN of Colorado, who were first in doing the work to bring to our attention the issue of water—and, yes, water is an issue here—as we talked about these things. I thank my friend from New Mexico for his work on this.

I yield the floor.

Mr. DOMENICI. Mr. President, I close now by saying to my friend, Senator REID, before we started this debate the Senator from New Mexico and the Senator from Nevada had worked on a number of issues, not all of which were about the West, but many were. I hope we leave here today willing to do that again.

I want to say to him I am willing to work with him on the remaining issues of the West and on this issue. I do congratulate him on the way he conducted himself from the beginning of this to this very day. I submit that we had a difference of opinion, but I do not really think we had a difference in what we were trying to do, what we were trying to accomplish. We thought of different ways to do it.

I leave the Chamber today with mixed feelings because I wish we had been on the same side all the way through. I somehow feel it might have come out a little different than it has. I thank the Senator very much.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, if we have accomplished nothing else in this debate, we have accomplished the fact that now there is agreement with the minority and the majority that after 15 years there should be hearings and, I hope, a bill reported out of this Congress; that is, next year there be a comprehensive bill on grazing reform. That keeps in mind the fact that the Secretary is going ahead with his rulemaking. If the Congress does not like something in the rulemaking, they have the right to change it.

I hope everyone realizes we have accomplished that. We have elevated this debate to the point where now everyone acknowledges something needs to be done. I also will say to my friends who just spoke, that though some have declared this a victory, I want everyone in the Senate and everyone within the sound of my voice to understand that it probably is a victory for special interests, for the billionaires who graze on public lands, for the Japanese conglomerates. I am sorry to say it is probably a victory for gridlock.

I do understand that this debate has been about fairness—fairness to the taxpayers, fairness to the public, those who use the public lands. They say that there are those who want to change, and I agree there should be change.

I will also say, Mr. President, that I want entered in the RECORD letters that I received this day from the Board of Educational Lands and Funds from the State of Nebraska, which in effect says, among other things, that they want to take the opportunity to offer support for the changes suggested in my amendment. They say in Nebraska they have 1.2 million acres that they feel should be treated as indicated in my amendment.

I have a letter, that I ask unanimous consent be made part of the RECORD, from Garry Mauro from the State of Texas who is the commissioner of the land office. He supports the amendment, including the fee increases on the Federal rangeland leases. He expresses his support for this amendment in the strongest terms: Commonsense demands that for any and all use of the lands held in the public domain to the benefit of all citizens.

I have a letter from the State of Oklahoma land office, one Carol Ford. She encourages and supports the efforts to implement these changes.

I also have a similar letter from the State of Colorado. This is from the Board of Land Commissioners.

I ask unanimous consent that all those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BOARD OF EDUCATIONAL
LANDS AND FUNDS,
November 8, 1993.

Mr. JIM BACA,
Director, Bureau of Land Management, Washington, DC.

DEAR MR. BACA: We want to take this opportunity to offer our support for the BLM's efforts to implement changes in the grazing fee structure and lands management practices on Federal Lands.

This Board manages the approximately 1.5 million acres held in Trust for Nebraska's K-12 public schools. We have a mandatory fiduciary duty to maximize the income and preserve the value of this School Trust Land. This Board takes these obligations very seriously.

We manage slightly more than 1.2 million acres of pasture, which is about twice as much as the total Federal holdings in Nebraska, and our 1994 grazing rates will vary from $14.50 per AUM to $21.00 per AUM across the state. Our rent to value ratio exceeds 5% in all pasture areas. We offer all leases competitively at public auction with no preferential treatment given to the prior lessee. We are 99.9% leased and the range condition of our pasture is comparable to privately owned rangeland in the same vicinity. There is no logical reason why Federal grazing lands cannot, or should not, be leased and managed in a similar fashion.

Nebraska is entitled to 25% of the grazing revenue from its Federal Lands. It is perfectly obvious that Nebraska's share of the Federal grazing revenue generated within its borders should be substantially more than the entire rate the Federal Government is now charging. Furthermore, the unconscionably low Federal grazing rates also impair the ability of most western states to obtain fair market rent for their State Trust Lands.

We appreciate your strong leadership in making suggestions to manage the Federal Lands in a more business like manner and specifically your efforts to start bringing the Federal Grazing Fees more in line with private sector rates.

If we can be of assistance to you in this endeavor, please do not hesitate to contact us at your convenience. Thank you.

STATE OF COLORADO,
BOARD OF LAND COMMISSIONERS,
Denver, CO, November 6, 1993.

Hon. BRUCE BABBITT,
Secretary of the Interior, Washington, DC.

DEAR MR. SECRETARY: This letter of support is written as a personal perspective from my position as a State Board of Land Commissioner and Past President of the Western States Land Commissioners Association. I have been the Commissioner-Engineer in Colorado since 1985 and have observed the use of both federal and state lands by ranching and agricultural users during these past number of years.

I am in favor of an increase in the current federal AUM rate and support enhanced stewardship measures on public and state trust lands alike. The amount of increase and criteria for quality stewardship should be left to the federal government as managers of the public land. While President of the WSLCA, we invited distinguished speakers to address the association on federal grazing issues because of the co-mingled BLM, USFS, and state trust lands. Among those who made presentations was Representative Synar of the U.S. Congress

Under your leadership as Governor of Arizona, your Land Board was most innovative concerning trust issues for the common schools. With your currently assembled team in Interior, I expect no less and indeed am pleased with your review of all issues in your charge.

We, the Land Board in Colorado this year, reviewed our grazing and agricultural policies on trust lands. Our conclusions led us to increase over three years, our grazing rates to fair market value based on a five year private lease rate average in Colorado. Our AUM rate had been set at 50% of that average allowing for management. This year (Oct. 1, 1993) we will take 65% of the average, in Oct. 1, 1994, we will take 75% of the average and in Oct. 1, 1995, will take 100% less some per cent for outstanding stewardship practices. Such criteria must be established working with our lessees and others.

Because federal lands in Colorado are comingled with state trust lands, what you do in Washington impacts our ability to comply with our constitutional mandate to maximize income for the common schools. Our efforts are assisted by your efforts currently before the law makers. I encourage you to keep up the efforts in this important challenge.

My position does not reflect the official position of Colorado members of Congress, nor the Governor. Rather it is consistent with my constitutional responsibilities.

Thank you for letting me comment on this important issue to the country.

Sincerely,

JOHN S. WILKES III,
Commissioner.

COMMISSIONER, GENERAL LAND OFFICE,
Austin, TX, November 5, 1993.

Hon. BRUCE BABBITT,
Secretary of the Interior, Washington, DC.

DEAR SECRETARY BABBIT: As we discussed in our meeting on Monday, I support the amendment to the Department of the Interior appropriations bill which includes fee increases for federal rangeland leases.

I want to express my support for this amendment in the strongest terms: common sense demands that fair market value be obtained for any and all uses of lands held in the public domain for the benefit of all citizens. Most of the states charge more for rangeland leases than the federal government does, and all public lands, including those belonging to the states, are devalued because of these practices.

As President of the Western States Land Commissioners Association, I have followed developments in Congress on rangeland reforms with great interest. Your leadership on this issue will benefit both state and federal lands in the public domain, and I support you.

I and my colleagues in public land management will watch with great interest as Congress acts on these issues.

Sincerely,

GARRY MAURO.

COMMISSIONERS OF THE LAND OFFICE,
Oklahoma City, OK, November 5, 1993.

JIM BACA,
Bureau of Land Management, Washington, DC.

DEAR MR. BACA: I want to take this opportunity to encourage and support your efforts to implement changes in the grazing fee structure and land management practices on federal lands. As you know, Oklahoma has significant land holdings in Cimarron County, which is adjacent to New Mexico, Colorado and Kansas BLM lands.

We believe the current BLM fee structure may have a detrimental effect on the ability of the Oklahoma Land Office to achieve full market rates for grazing lands in Cimarron County. Though we receive 4–5 times more rental per AUM than the BLM, your grazing rates may nevertheless cause a lowering of demand for our grazing leases. For example, Texas County, adjacent east to Cimarron County brings in 8 to 10% more rental per AUM, which implies that Cimarron County's rental income is impacted detrimentally because of its contiguous positioning to BLM lands in New Mexico, Colorado and Kansas. This rental impact factor is even more pronounced in states such as Montana, Wyoming, New Mexico and Colorado, which have large holdings of BLM and school lands.

Your efforts to encourage stewardship are to be commended. It is our belief the key to insuring a good income stream from the lands is to make sure they are in very good condition. We have experienced better management on our land since we increased the rental rates in 1982. Obviously, this is a paradox to many people's thinking, but we have found a manager who does not take care of the land cannot afford the higher rates.

I wish you luck in your efforts. Should you have any questions, please call.

Sincerely,

CAROL J. FORD,
Secretary.

Mr. REID. Mr. President, I also think it is important to acknowledge and to reiterate what this amendment was all about. It was compromise. It was compromise from Secretary Babbitt's position, which I felt was a fair position. It was land reform, but in a modern version. All ranchers should understand, in the months and years to come, when these changes take place, remember, it would have been less had they supported this amendment. Whatever is going to take place is going to be more than has been set forth in this amendment.

There were no radical changes. No matter how much you talk about it, all we were doing was taking the Forest Service operatives that have been going on for decades. For anyone to suggest that this is like the former Soviet Union, I have to respectfully submit is not logical. The changes made were to give land managers the ability to do some things about those people who do a poor job of operating on Federal rangelands. Not a lot of people operate badly, but those who do should be taken to task. Under the present guidelines of the Bureau of Land Management, they do not have the rules they have in the Forest Service. The Forest Service and the Bureau of Land Management both should have these powers.

I do say to those who oppose this, I know they have strong feelings and I also recognize they did their best to prevail. I hope in the long run it will all come out better for the West. We all recognize there is a new West. We recognize things are never going to be the way they used to be, no matter how nostalgic we become. I am hopeful, as I said, Mr. President, that we can find a true compromise, one that includes ranchers, wise use of public resources and the taxpayer. I hope the chairman, BENNETT JOHNSTON, and the ranking member, Senator WALLOP, will move forward and hold hearings and have whatever input they feel is necessary and add to the spate of materials that have been developed over the years; that is, the studies made by universities, congressional hearings that have been held, General Accounting Office reports that have been made, some 380 in number. They can add to these or take from these the things they feel will be helpful,and I would hope report a bill because I personally hope that the grazing fee should be in law, not by administrative whim, whether it be Secretary Babbitt or Secretary Lujan. I think we should have matters in law so this does not become a continual battle with each President coming before us.

Mr. President, the chairman of the committee has asked that we take just a little bit of time before we end this subject so that this can be sent back to the House. I know that there are others in the Chamber who wish to speak. I am wondering how long the Senator from Pennsylvania desires to take.

Mr. SPECTER. Mr. President, I thank my colleague. I had notified the managers of the bill that I had come over for a few minutes in morning business. I am waiting to speak then. So I await that time.

Mr. DOMENICI. Why not ask for 10 minutes equally divided?

Mr. REID. I frankly think we have talked enough about this. Why not suggest the absence of a quorum and wait for the chairman to return. It should be just in a matter of a moment.

Mr. SPECTER. Mr. President, will the Senator wait on the suggestion of the absence of a quorum to permit me to speak in the intervening 5 minutes as if morning business?

Mr. REID. Yes. If my friend, when the chairman of the Appropriations Committee arrives, would not mind giving up the floor while we do about 3 minutes of business and return to the Senator.

Mr. SPECTER. I would be delighted to do that for the Senator from Nevada.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. DOMENICI. I would agree; so would the Senator be delighted to do it for me also?

Mr. SPECTER. I would.

Mr. DOMENICI. I thank the Senator.

LINE-ITEM VETO

Mr. SPECTER. Mr. President, I have sought recognition in morning business to urge the President of the United States to exercise the line-item veto at this time because I believe there is constitutional authority to do so without a constitutional amendment or without any other statutory authorization.

The line-item veto is the authority which would permit the President as Chief Executive of the United States to strike out individual items in the appropriations process without vetoing the entire bill. It has been the subject of extensive debate in the Congress of the United States and throughout the country because our appropriations bills are filled with many items of questionable value for the country, under the so-called category of pork politics.

It has generally been accepted that aconstitutional amendment or some additional statutory authorization would be necessary for the President to exercise the line-item veto. After considerable research, it is my conclusion that constitutional authority exists at the present for the President to exercise the line-item veto. I base this on the history of article I, section 7, clause 3 of the U.S. Constitution which was taken from the Massachusetts Constitution of 1780 under which the Governor of Massachusetts had the authority to exercise the line-item veto.

Massachusetts confronted the situation where the legislature was engaging in excessive spending, and the Massachusetts Constitution had language, which was later adopted for the U.S. Constitution, to authorize the Governor of Massachusetts to exercise the line-item veto. After the U.S Constitution adopted the provisions of the line-item veto, the provisions were adopted in the new constitutions of several States, specifically Pennsylvania, Georgia, Kentucky, and Vermont.

James Bowdoin, Governor of Massachusetts, argued during the Massachusetts ratifying convention that the veto power was to be read in light of the Massachusetts experience in which the line-item veto was exercised by the Governor.

In the Federalist No. 69, Alexander Hamilton wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which had the power to revise appropriations bills, not merely turn down the entire legislative enactment.

So there is clear-cut authority when article I, section 7, clause 3 of the U.S. Constitution was adopted that it was based upon the precedent for Massachusetts and the other States as already noted which had recognized a line-item veto.

Mr. President, it is worth noting that President Jefferson exercised the line-item veto in 1801 when he refused to spend some $50,000 on gunboats as appropriated by Congress. While in that situation the facts behind the appropriation had materially changed, it was clear that this was an exercise of the line-item veto.

Later, President Andrew Jackson declined over congressional objection to enforce provisions of a congressional enactment in 1830, and President John Tyler in 1842 refused to execute portions of a bill, in effect constituting a line-item veto.

These precedents and this historical basis I cite, Mr. President, for the proposition that the President of the United States currently does have the authority to exercise the line-item veto.

There is no doubt about the problem of the deficit. There is no need to discuss that issue. The provisions of constitutional authority, I submit, are solid. At the very least, the exercise of the line-item veto would result in a constitutional test, and in my legal judgment, based on these legal precedents, would be upheld.

I thank the Chair and yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, all sides are represented on the floor at this time with respect to the bone of contention that has kept the Interior Appropriations bill from being finally acted upon. I think all sides are in agreement with respect to the unanimous consent request which I shall take. I shall read it all but not put it until everybody hears it.

I shall ask unanimous consent that the cloture vote on H.R. 2520 currently scheduled for 2:15 p.m. today be vitiated and that it be in order to request the yeas and nays on the conference report on H.R. 2520. I will then further ask unanimous consent that the vote on the conference report occur at 2:15 p.m. today; that upon disposition of the conference report, the Senate concur en bloc with the amendments of the House to the amendments of the Senate with the exception of amendments numbered 123 and 124, and that it be in order that the Senate recede from its amendments numbered 123 and 124 and that the motions to reconsider en bloc be laid on the table en bloc, and that the preceding will all occur without intervening action or debate.

That will be the request that I shall make shortly.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, might I ask the distinguished chairman just one question and then clearly I am disposed to have no objection.

As I understand it, as to 123, which is the subject matter of this grazing and range management language, when the exception is taken for that amendment and all others are going to be passed, do I take it then that the bill is completed, that there is nothing for the House to do?

Mr. BYRD. That is correct.

Mr. DOMENICI. Mr. President, if the Senator propounds this request, and I hope he does, I will have no objection. And I understand Senator NICKLES, who cannot be here, has no objection either.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP], is recognized.

Mr. WALLOP. Mr. President, I may say that the staff of the Energy Committee has reviewed the language of this, also, and finds precisely what is described by the Senator from West Virginia.

I told him earlier that it is a pleasure for the Senator from Wyoming to be on the other side of the issue with the chairman of the Appropriations Committee. But I would have to say to the Senate that there is no more courtly, no more courteous, no more fairer opponent than the Senator from West Virginia. Indeed, the Senate is, after all, an arena, not a State. It is a place to do the combat. And the Senator from West Virginia has both ideas and the ability to do combat.

I want to express my admiration and respect for him. I thank him for his help in resolving this issue.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Wyoming for his overly generous remarks. I am very grateful.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, once again I want to say to my friend, the chairman of the Appropriations Committee, this has been a particularly difficult situation. I have told the chairman on numerous occasions I never intended to kill this bill—and I did not. My instincts and premonition about this body and Senators that are here, and will come back, all those things told me we would pass this Interior bill.

Frankly, there are other ways it could have been solved. But I am very pleased that it is solved this way.

I might say to my friend from West Virginia, one additional piece of information. We have every reason to believe that Senator BENNETT JOHNSTON, accompanied by the ranking member, Senator WALLOP, will have indepth hearings on all of the subjects that were in this authorizing language.

In fact, we have requested them formally of him today. I do not think there is any doubt that this debate has proven that we must do that in fairness to the U.S. Senate, but more importantly, to the people on both sides, those who want more reform, so-called, more changes, and those who are very worried about their future.

So, hopefully, if we do that right, we will not be here—I am not saying we never will on this issue in an appropriations bill. But our genuine hope is that we will find a way to do this by authorizing in the event the Secretary proceeds beyond what we think is the way to do it.

I thank the Senator once again.

Mr. BYRD. I thank my friend from New Mexico.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, my record on this debate this morning is replete with statements by this Senator, about the Senator from West Virginia—how much I appreciate his wisdom and guidance in working this bill to this point where we now have a resolution of the matter.

I am not entirely happy with it. But I want the record to reflect how grateful I am to the President pro tempore of the Senate for his leadership on this issue.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I thank all Senators, and I thank them for their dedication to the position which they have taken throughout the debate.

To use former Senator Baker's expression, "I did not have a dog in this fight," except the bill.

So I asked Senator REID to take whatever action that hecould to work out and would find necessary, and whatever that was, I would stay with him. And if his ship went down, I would go down with it.

I have complete confidence in Senator REID. That confidence is not something that did not spring up like a prophet's gourd overnight. It has been borne over many years of association with him.

I have not had my confidence in him shattered or impaired or in any way shaken. He is a vigorous fighter for his position or cause, whatever it is, at a given time. He is a determined, very knowledgeable, and extremely able Senator. He is loyal to his beliefs, loyal to his friends, he is fair, trustworthy, and he keeps his word. And whatever he says his position is, that is where it will be found.

So I want to extend my deepest expressions of appreciation to him for the good work that he has done on this bill. He often conducts hearings on my behalf in the subcommittee. However, this matter is finally concluded, I want him to take heart in the knowledge that he did his best and wants to do no more.

For those who took the opposite view, I thank them for their courtesies and for their dedication to their position, their cause. They were determined, and they presented a formidable and unbreakable line of defense with respect to the filibuster. I hope it will not happen again on my bill at some future time.

But I have respect for everybody involved in this. I respect them all. And I also have a great deal of respect for the Secretary, the Secretary of Interior.

I am just glad, Mr. President, that all minds seem to be in agreement now with respect to the request that I am about to make.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the cloture vote on H.R. 2520 currently scheduled for 2:15 p.m. today be vitiated; that it be in order to request the yeas and nays on the conference report on H.R. 2520.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I further ask unanimous consent that the vote on the conference report occur at 2:15 p.m. today; that upon the disposition of the conference report, the Senate concur en bloc with the amendments of the House to the amendments of the Senate with the exception of amendments numbered 123 and 124; and that it be in order that the Senate recede from its amendments numbered 123 and 124; that the motions to reconsider be laid on the table en bloc; and that the preceding all occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD a Senate precedent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE PRECEDENT

SUBJECT HEADING(S)

Amendments between Houses, Recede.
Amendments between Houses, Table.

HEADNOTE(S)

When the Senate is considering a House amendment to a Senate amendment to a House bill, it is in order for the Senate to either recede from its amendment or table its amendment.

STATEMENT OF FACT

On June 25, 1984, the Senate agreed to the conference report on H.J. Res. 492, making urgent supplemental appropriations for the Department of Agriculture, for fiscal year 1984, and had disposed of all amendments in disagreement except Senate amendment No. 14 (relating to aid to rebel forces in Nicaragua), to which was pending an amendment of the House (prohibiting such aid). Note the following:

The PRESIDING OFFICER (Mr. Kasten of Wisconsin). The Clerk will report the next amendment in disagreement.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid resolution and concur therein with an amendment as follows:

* * * * *

Mr. HATFIELD (of Oregon). Mr. President, this is the amendment dealing with the subject of Nicaragua, aid to Nicaragua. I now move that the Senate recede from its amendment numbered 14. * * * Mr. President, this is a motion to have the Senate recede from its original amendment, and that original amendment added $21 million for the CIA for covert assistance to Nicaraguan rebels, when we first considered the House-passed measure last March. Although the House subsequently concurred in our amendment with a further amendment, this motion will have the effect of deleting the entire issue from this measure, so there will be no funds, and neither will there be any language, with respect to Nicaragua.

Mr. President, I make this motion in order, in effect, to strike from this bill all matters dealing with Nicaragua—money, language, otherwise.

After several hours of debate on the motion to recede, Mr. Hatfield successfully moved to table the Senate amendment. Note the question of the majority leader (Mr. Baker of Tennessee) and the response of the Chair (Mrs. Kassebaum of Kansas):

Mr. BAKER. Madam President, am I correct now that the vote just taken, which disposes of the last remaining amendment in disagreement, is the final action required by the Senate on the measure?

The PRESIDING OFFICER. The majority leader is correct.

(CONGRESSIONAL RECORD: (98-2) pp. S8158, 8172-73.)

PARLIAMENTARIAN'S NOTE(S)

Note the following proceedings in the House the next day:

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H.J. Res. 492) making an urgent supplemental appropriation for the fiscal year ending September 30, 1984, for the Department of Agriculture, with the remaining amendment, and that the House recede from its amendment to the amendment of the Senate numbered 14 and agree to the action of the Senate.

This is necessary in order for the bill to go to the President, and as I say again, everyone that I have talked to agrees that it is necessary.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

(See CONGRESSIONAL RECORD (98-2) p. H6834.)

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1607) to control and prevent crime.

The Senate resumed consideration of the bill.

Pending:

(1) Gramm amendment No. 1130, to strike provisions repealing minimum mandatory sentencing, and to provide for increased mandatory minimum sentences for criminals using firearms.

(2) Dole amendment No. 1140, to make grants to States for enforcement programs to reduce the participation of juveniles in drug related crimes, and establish penalties for persons involved in criminal street gang activities.

(3) Lieberman amendment No. 1141, to make carjacking a Federal offense without regard to whether the offense is committed with the use of a firearm and to authorize imposition of the death penalty if death results from commission of the offense.

(4) Lieberman amendment No. 1143, to provide for the declaration of violent crime and drug emergency areas, and to provide emergency Federal assistance to protect property, public health, and safety.

Mr. BIDEN. Mr. President, I thank my colleagues on both sides of the aisle for their cooperation in the last several days in attempting to help the managers in how we proceed and to what amendments we proceed.

By way of recapping what we have attempted to do, we have attempted to deal with those amendments that relate to putting more crime prevention assets on the streets—that is, more police, dealing with the question of incarceration, boot camps, prisons. Yesterday, the Senator from Utah and I introduced a package that, understandably in the way this Byzantine process works, has essentially gone unnoticed, which is to drastically beef up the law enforcement in dealing with rural crime in America significantly by allowing them access to DEA agents, Federal agents to help provide significant sums of money to help an area where crime is escalating at a higher rate than in the cities—in rural America.

Maybe it is only Senators from not a city small in the geographic sense but small in population, with basically rural constituencies, small towns, like the Senator from Utah and I, who focus on this. But it is a big deal. The point is that we have attempted, with the help of many people on the floor, Democrats and Republicans alike, to deal with the only thing—not the only thing, but the thing that matters most in this crime bill; what matters most in this crime bill is getting help to local law enforcement where 96 percent of all of the crime occurs, and where 96 percent of all of the jurisdiction lies on all of the 5.7 million felonies committed, crimes are committed on a yearly basis here in the United States.

We have then moved basically to deal with penalties, Federal penalties, either by beefing up Federal penalties for violations of Federal law, which is totally within our purview and jurisdiction, to Democrats and Republicans coming to the floor and attempting to federalize State crimes. That has been done with some success. I suspect the Senator from Utah and I will disagree on the utility of that.

I think, quite frankly, I agree with the majority leader as it relates to the penalties we have imposed here. That and 85 cents will get you a cup of coffee on Amtrak when you ride down with me on the train in the morning. I think they are essentially worthless. There is a mood here that if someone came to the floor and said we should barb wire the ankles of anyone who jaywalks, I suspect it would pass, considering the mood we are in today. But I hope the press and others pay attention at least to one Senator's point of view that they do not mean anything. They do not mean anything of any consequence.

The thing that matters in this bill is that we have done two very important things. We have agreed to spend over $21 billion on law enforcement and prevention of crimes over a 5-year period. It matters because that is how we aid the States. We have in here significant pieces that have gone unnoticed, understandably, because there is no debate about them in the Biden underlying crime bill—significant pieces of legislation that in fact deal with prevention and diversion of first-time offenders from the criminal justice system, significant amounts of money for drug treatment, not because we are being noble about it, but because we know that if we do not treat drug addicts and get them off their habit, they commit 200 crimes a year. It makes sense for us to put them in prison and treat them there, instead of letting tens of thousands of them every year out of State prisons, untreated and still on drugs, and walking out the door and before they get to the bus stop, committing another crime.

So we do a lot in here that is going to have a phenomenal impact on the ability of local law enforcement to do their jobs to protect the communities and take back our streets.

In addition to that, today, with the help of the Senator from New Mexico and the help of the Senator from West Virginia, we are going to do what I suggested 5 years ago in the first Biden crime bill. We are going to add significant amounts of money for Federal law enforcement, for FBI agents, which we did yesterday, for prosecutors, for helping the Federal court system. That package is going to be about a billion dollars. It is a big-ticket item. But the interesting part of all thisis that this is the first debate—and I have been the primary author of every crime bill since 1975 because of my job on this committee, not because I know any more than the rest of these folks or have any more insight, it is because it lands on my plate. Budget matters lay on the plate of the Senator from New Mexico. Appropriations matters are on the plate of the Senator from West Virginia. This lands on my plate.

I want to tell you that this is the first time I can recall passing a crime bill—or about to pass a crime bill—where we are not arguing about whether or not we are going to pay for this. The real news about this debate is, you have Democrats and Republicans almost unanimously having gotten together and said, you know what, we are going to pay for this with real money. We are trading, in effect, in this bill bureaucrats for cops. CBO came along and said, hey, look, there is a real savings of about $22 billion on cutting 250,000 folks from the Federal work force. That real savings, we said as a unit, Democrats and Republicans, we are going to take that money and dedicate it to dealing with crime in America, to help the States and Federal law enforcement. That is a big deal.

But now we are getting into what I facetiously refer to—and I should not be so facetious, but after a while doing this, maybe you might argue you are entitled to be facetious once in a while—we are now into what I call the barbed wire amendments—those amendments that are going to show everybody how tough we are. Maybe they will have some effect. But I want to advertise as the author of the underlying bill, as the author of the death penalty amendments, they are not going to have much effect. They make sense and they are useful, but we should not overpromise the effect they are going to have.

We are actually going to take real money and give it to States to hire real cops and put them on real streets—not in their cars, but on their feet walking the beat—among other things we do in the bill. So we have left penalty amendments.

The second thing we have left on this bill are gun amendments and antigun amendments. The distinguished Senator from Ohio [Senator METZENBAUM], who has been the leader in the assault weapons fight for the last God knows how many years, and the distinguished Senator from California, who has taken a major role in that effort, as has Senator LEVIN from Michigan and the Senator from Arizona, whose bill is the only one that ever passed the Senate on assault weapons. They are all here and are ready to go shortly on an assault weapons ban.

The distinguished Presiding Officer has probably the only antigun amendment I have ever found that almost everybody is for, and for that I compliment him.

He has worked hard and long to fashion a bill that would make it illegal under most all circumstances to transfer a gun to a child. The irony is you cannot transfer a car to a child, you cannot transfer about anything to a child, but you can transfer a gun to a child. He has a major piece of legislation to deal with that.

There are other antigun amendments that are going to be offered today, I expect. And there are gun penalty amendments that will be offered today. My distinguished friend from New York is about to be recognized or will soon seek recognition. He has one that deals with penalties relating to the use of a gun, federalizing a number of State crimes.

Nonetheless, we have two types of amendments that will come up today relating to guns, those that increase the penalties for the misuse of those guns, and others that are going to be brought up today that attempt to limit access to certain types of guns under certain circumstances.

So that is the second batch of amendments we are going to try to deal with today.

There is a third group of amendments that we are going to be attempting to deal with today, and they are amendments that relate to habeas corpus. The distinguished Senator from Pennsylvania, who is someone who knows a great deal about habeas corpus, has some changes he wants to make. The distinguished Senator from California has views on habeas corpus as well, and she is going to have an amendment later today on habeas corpus. There are also what I refer to as miscellaneous amendments, and those amendments range everywhere, go to all parts of the bill. I cannot generically categorize them.

There are amendments like that of the distinguished Senator from Massachusetts [Mr. KERRY], who would like to be able to access moneys in other parts of the bill to pay for the police corps portion of the bill.

There are a number of amendments that go to all of the bill that are single rifle shots—no pun intended—at pieces of the bill attempting to improve it or, from my perspective, diminish the impact of the bill.

The reason I am bothering to say this is that a number of our colleagues wonder whether there is any order to this. I know those who manage massive bills will understand the dilemma the Senator from Utah and I are in as to our inability to say with certainty and outline how these amendments will be ordered. We do not have the authority to say you go first, you go second, you go third, and you go fourth, under our rules in the Senate. I am sure it confuses the public and the gallery on occasion that any Senator can stand up at any time and seek recognition. If he or she is the first on their feet, they can get recognition, and they can offer anything at all.

I expect before this debate is over we will be debating about everything from abortion to star wars. Some will have amendments on totally unrelated items, I expect.

But let me tell you what we are going to try to do, and then I will cease and desist. We have a number of votes ordered beginning at 2:15, three to be exact, and a fourth which we hope to get ordered; two Lieberman amendments, an amendment by the distinguished Senator, the Republican leader, Senator DOLE, and there was another amendment. It slips my mind at the moment. And there is a cloture vote on Interior.

What I would like to do this morning—and I ask for the attention of my friend from New York, Senator D'AMATO—isSenator D'AMATO has an amendment which he has been waiting to offer since we started the bill. Is he prepared to enter into a time agreement? I would like to attempt to get time agreements on all amendments if we can.

Mr. D'AMATO. I believe we agreed to a half-hour equally divided.

Mr. BIDEN. That has already been ordered?

Mr. D'AMATO. That is my understanding.

Mr. BIDEN. That is the order?

Mr. HATCH. I do not think it has.

Mr. BIDEN. I do not think it has been done.

It was agreed to between us, but we did not clear it with all sides last night.

So I ask unanimous consent that when we proceed to the amendment by the Senator from New York relative to guns and the death penalty that there be a half-hour equally divided—no. I take that back. It has not been cleared on the Democratic side. I cannot make that request.

So why do I not just yield the floor for whoever seeks recognition and let this thing roll.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I do not plan to take much time here. I compliment the distinguished Senator from Delaware for his outline of really where we are right now. He is absolutely correct.

For the first time in decades, we have a bill here that is going to be paid for, that is going to make a major difference in criminal activity in this society. The major difference it will make is by getting 100,000 policemen on the streets, by having adequate prison space to be able to house those hardened, violent, vicious criminals who are just going through the revolving door and walking out on society and committing more crimes. When the average murderer is convicted for only 15 years and spends less than 6 years in prison, you know darn well something is wrong. That is just one illustration. There are many, many others.

We have a chance here of amending mandatory minimums, that literally are tough for hardened criminals but with some flexibility. The judges throughout this country have asked both the distinguished chairman and myself to consider some flexibility with regard to first-time offenders who literally were not violent and who did not push drugs in the schools.

That is a major change. That is very, very important. It is one of the fine-tuning changes. But the Senator from Delaware is right. The importance of this bill is that we are going to pay for getting 100,000 people on the streets to help our cities, towns, and hamlets. We are going to have the prison space. We are going to have a domestic violence and violence-against-women approach that really is long overdue in this society.

We are beefing up the FBI and the DEA. We are going to provide the necessary construction moneys to do the job down at Quantico which attracts law enforcement people from all over the world, but primarily from our country, to go through the best course of instruction on law enforcement available anywhere in the world and to beef up that section, that psychiatric section that really is making a difference in all of our States and throughout the Federal Government with regard to serial murders, other vicious crimes, especially murder in particular.

There is no use kidding ourselves, some of these tough-on-crime amendments may not have tremendous effect because we do not have that many crimes that are handled by the Federal laws. On the other hand, they will make a difference because these amendments are sending the message across this country that the Congress has finally awakened, we are tired of our streets being overrun by the people who commit crime, tired ofthe viciousness going on, tired of the misuse of weapons throughout society, tired of illegal weapons throughout our country, frankly, tired of gangs and everything else.

We are going to have an opportunity to vote on a gang amendment filed by the distinguished Senator from Kansas, the minority leader, and I think it is an opportunity to stand up against gangs at a time we need to do that.

There is a variety of things that some feel are not that valid or that important, but they are important. Even though from a Federal standpoint we may not accomplish that much, the message we send out is very, very important.

Where we are in danger is on some of these, what the distinguished Senator from Delaware has categorized as barbed wire amendments. Let us face it. If this approach breaks down into a gun debate and certain gun amendments are put on this bill, the bill will break down like it always has. Frankly, there are those who do not want a tough-on-crime bill and who may do everything they can behind the scenes to stop it.

We have a chance here for the first time in decades to really put through a bill that will make a difference in our society. When I think of just the rural crime provisions that the distinguished Senator from Delaware and I and others have put in here, I have to say that that is the first time we have given that kind of consideration in a major way to rural crime in the history of the country.

This bill has all the earmarks of being one of the best anticrime bills, if not the best, in the history of the country. I am hopeful that we can get through some of these tough amendments. I am hopeful we will not enact a number of them, because if we do, then I have to say that both sides come unglued and what happens to be one of the finest crime bills in history, if not the finest, from the Federal Government's standpoint, could go down into a whimpering defeat rather than accomplish what we hope we will accomplish.

If we can keep this bill clean, if we can keep some of these amendments off and begin to argue against them—and I hope our colleagues will listen to these arguments—if we can keep it clean, then we have a chance of passing this wonderful bill, which right now is a wonderful bill, through both Houses of Congress with the President's blessing and giving the administration a tremendous victory but giving both sides, Democrats and Republicans, a terrific bipartisan victory that will benefit every American citizen.

So I hope that we will listen on this matter and try to keep this bill as clean as we can and worry a little bit more about the money issues, the help-to-the-States issues that we have, and if we will, we will get a bill that all of us will be proud of and every one of us will be glad we went through.

I have to admit some on the extreme in our society may not want anything to go through, but those of us who are responsible want this bill to go through.

I prefer if we could shut it down right now and put it through, we would have a wonderful bill here that could make a real difference in our society.

I know we have amendments. I know the distinguished Senator from New York is ready to go and others here on the floor. So I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the Gramm amendment No. 1130, as amended.

AMENDMENT NO. 1147 TO AMENDMENT NO. 1130, AS MODIFIED

(Purpose: To impose mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a State crime of violence or State drug trafficking crime, and the death penalty for murders involving firearms)

Mr. D'AMATO. Mr. President, I send to the desk an amendment on behalf of myself, Senators DOMENICI, STEVENS, DOLE, MCCAIN, PRESSLER, GRAMM, and others, and, Mr. President, I send to the desk a substitute amendment for the amendment of the Senator from Texas, as amended by the amendment of the Senator from Utah, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] for himself and Mr. DOMENICI, Mr. STEVENS, Mr. MCCAIN, Mr. PRESSLER, Mr. DOLE, and Mr. GRAMM proposes an amendment numbered 1147 to amendment No. 1130.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

Subtitle B—Mandatory Minimum Sentence Guidelines

SEC. 2911. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States

Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 0 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense; and

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense.".

"(G) The defendant did not own the drugs, finance any part of the offense, or sell the drugs.

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to 3553 (f) who is subsequently convicted to a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

SEC. . MANDATORY PRISON TERMS FOR USE, POSSESSION, OR CARRYING OF A FIREARM OR DESTRUCTIVE DEVICE DURING A STATE CRIME OF VIOLENCE OR STATE DRUG TRAFFICKING CRIME.

Section 924(c) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A person who, during and in relation to a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of any State—

"(i) in the case of a first conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) knowingly possesses a firearm shall be imprisoned not less than 10 years;

"(II) discharges a firearm with intent to injure another person shall be imprisoned not less than 20 years; or

"(III) knowingly possesses a firearm that is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler shall be imprisoned not less than 30 years;

"(ii) in the case of a second conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) shall be imprisoned not less than 20 years if the person was in possession of a firearm during and in relation to the violence or drug trafficking crime;

"(II) shall be imprisoned not less than 30 years if the person discharged a firearm during and in relation to the crime of violence or drug trafficking crime; or

"(III) if the person discharges a firearm that is a machinegun or a destructive device or is equipped with a firearm silencer or firearm muffler, shall be imprisoned for life; and

"(iii) in the case of a third or subsequent conviction of such a crime, shall be imprisoned for life.

"(B)(i) Notwithstanding any other law, a court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used.

"(ii) No person sentenced under this subsection shall be released for any reason whatsoever during a term of imprisonment imposed under this paragraph.

"(C) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if—

"(i) in the case of a crime of violence, the person touches a firearm at the scene of the crime at any time during the commission of the crime; and

"(ii) in the case of a drug trafficking crime, the person has a firearm readily available at the scene of the crime.

"(D) Except in the case of a person who engaged in or participated in criminal conduct that gave rise to the occasion for the person's use of a firearm, this paragraph has no application to a person who may be found to have committed a criminal act while acting in defense of person or property during the course of a crime being committed by another person (including the arrest or attempted arrest of the offender during or immediately after the commission of the crime).

"(E) In this paragraph—

"'crime of violence' means an offense that is punishable by imprisonment for more than 1 year and—

"(I) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(II) by its nature involves a substantial risk that physical force against the person or property of another may be used during the course of the offense.

"'drug trafficking crime' means a crime punishable by imprisonment for more than 1 year involving the manufacture, distribution, possession, cultivation, sale, or transfer of a controlled substance, controlled substance analogue immediate precursor, or listed chemical (as those terms are defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)), or an attempt or conspiracy to commit such a crime.

"(F) It is the intent of Congress that—

"(i) this paragraph shall be used to supplement but not supplant the effort of State and local prosecutors in prosecuting crimes of violence and drug trafficking crimes that could be prosecuted under State law; and

"(ii) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(G) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General.

"(H) There is a Federal jurisdiction over an offense under this paragraph if a firearm involved in the offense has moved at any time in interstate or foreign commerce.".

SEC. . MURDER INVOLVING FIREARM.

"(A) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 540(a), is amended by adding at the end the following section:

"§ 1122. Murder involving firearm

"(a) OFFENSE.—A person who has been found guilty of causing, through the use of a firearm, as defined in section 921 of this title, the death of another person, intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or through the intentional infliction of serious bodily injury, shall be punished by death or imprisoned for any term of years or for life. Whenever the government seeks a sentence of death under this section, the procedures set forth in title 18, chapter 228, shall apply.

"(b) JURISDICTION.—There is Federal jurisdiction over an offense under this section if—

"(1) the conduct of the offender occurred in the course of an offense against the United States; or

"(2) a firearm involved in the offense has moved at any time in interstate or foreign commerce.".

"(C) It is the intent of Congress that—

"(1) this paragraph shall be used to supplement but not supplant the efforts of State and local prosecutors in prosecuting murders involving firearms that have moved in interstate or foreign commerce that could be prosecuted under State law; and

"(2) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(d) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General.

(e) TEHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 504(b), is amended by adding at the end the following new item:

"Sec. 1122. Murder involving firearm.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term or imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401((b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end of the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonmentof a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence" and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

Mr. D'AMATO. Mr. President, I see my good friend, Senator STEVENS, who is here and would like to speak to the amendment.

I yield 5 minutes to Senator STEVENS.

Mr. STEVENS. I thank my good friend. I have another appointment and I am grateful to him for letting me speak first on his amendment.

Mr. President, I do support the D'Amato amendment for the simple reason that I believe the only way to curb gun crime is to make everyone know there are very strict penalties for the illegal use of guns. It is that simple.

A 1988 Department of Justice study of 36 States showed that average violent offenders' sentences were about 8 years, but the actual time spent in jail behind bars averaged less than 3 years, about 37 percent of the sentences imposed. Overall, 51 percent of the violent offenders in the survey were back on the streets in 2 years and 76 were out in 4 years.

And the study showed what felons do after they gain freedom. These are the violent, violent felons. The study found 63 percent were rearrested within 3 years and a third of those were for very violent offenses.

Now, the only proven way to make sure to keep these people from committing violent crimes with guns is to let them know that they will be kept in jail until they get the message. Once a person commits a violent crime with a gun, no other deterrent works. Rehabilitation does not work; gun control does not work.

The choice for society to be safe is to let everyone know that using a gun in the commission of a violent crime will lead to a very, very long sentence.

The D'Amato amendment guarantees long prison sentences with tough mandatory minimum sentences for those who carry a firearm in a violent or drug crime. The sentences are—and let me enumerate them:

Ten years for firearm possession during the commission of a crime; 20 years for firing a gun during the commission of a crime; and 30 years for using a machine gun or a silencer.

Now those have been absolutely prohibited for years but they are back on our streets.

The D'Amato amendment provides a death penalty if someone is killed when a gun is used in the commission of a violent crime.

I urge the adoption of this amendment. It is time we had such a law.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, my distinguished colleague from New Mexico has a committee hearing. He is an original cosponsor, along with Senator STEVENS. He would like to speak to this, so I would yield to him whatever time he might deem appropriate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 3 minutes.

Mr. President, first, congratulations to Senator D'AMATO for his persistence. This bill was a good law last year, a good law 3 years ago, and it is a better law today.

But somehow the crime bill did not make it through both Houses, although he has been trying to get those who use guns in the commission of crimes, get their penalties dramatically increased and increase the jurisdiction of the Federal courts when these guns have been used in interstate commerce.

Some people think we ought to control guns. I do, too. But I think the best control is to make crime with a gun not pay. And how do you do that?

You do it by adopting the D'Amato-Domenici amendment. It will spread through the hoods and street gangsters of America quicker than anything else if they find out that their buddies who have a gun in the commission of a crime get a 10-year mandatory sentence for the first time that happens, and it gets progressively worse after that.

Clearly, when you use a silencer or a machine gun, you get the death penalty.

I believe the various mandated prison sentences here, when we finally get this passed, when we finally get it into the Federal courts, which we are going to do when we adopt this amendment—hopefully, it will go through both

Houses—thosewho today run roughshod with guns, who are thumbing their noses at everyone who is saying we want to control guns, they are over there laughing while they use them, they will soon stop using them because they will be in prison. And the message to the others will be rampant and it will be immediately perceived as something that ought to stop.

So I am pleased to be on this. I hope the Senate adopts it. I hope the Senator is prepared to spend as much time as he needs to make sure we pass it.

I thank the Senator.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays. I see both floor managers here.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, I believe the D'Amato-Domenici legislation is long overdue. We passed it in the Senate. It died in the House. It was not enacted. It died because I believe there are people who are more interested in putting out press clips about regulating handguns.

I refer to an article that appeared in this week's, November 15, Newsweek, by George Will, in which Mr. Will says: "Ninety-three percent of the guns obtained by violent criminals are not obtained by legal means."

Now whether the Brady bill passes or not, do you think the 30 or 40 million guns that are out there on the streets now, that there is going to be any impact on those guns?

The fact of the matter is that you can have all of the licensing provisions in the world—and I am not going to argue or debate them. Whether or not they are going to be effective in curbing the violence and the crime, the drug crimes, the robberies, the assaults on innocent, decent people, I think is very, very speculative, to be charitable in one's assessment.

But let us look at the record. New York is probably one of the cities that is experiencing, like most of our urban centers, a rash of activities. Twenty percent of the deaths that take place by the use of handguns take place in New York City. Robbery, first degree, with a gun, the last figures we have are for 1990, possession of a weapon offense. In New York State, if you use a gun and you rob someone, you can expect to spend in prison, regardless of what they give you, the average of 244 days.

Mr. President, that is less than a year. We make a mockery and a sham out of the law.

So you can have a situation where someone comes in, uses a gun, robs someone, and the chances of that person being, by the way, convicted if they are arrested, are only about 40 percent. And if you convict him, what does he get? He gets less than a year, and he or she is back out on the streets, a predator once again. They have total disdain, total disdain for the law.

Mr. President, I quote a friend and someone who has been involved in the business of law enforcement and is a chief judge of the first department of the court system in New York, in New York City. Justice Francis T. Murphy, in a speech that he made to Fordham Law School in 1987, said: "Government has no more essential duty than the protection of the lives of its people. Fail in this and it fails in everything."

Mr. President, we have failed. We have failed, because, instead of going at the cause—and that is the people who use guns—we do not and say: If you use the gun inappropriately, if you use it in a robbery, you will go to jail for at least 10 years.

Now, I would like to know who has trouble with that theory. If you think that the use of a gun, which has become so pervasive, is something that should be stopped and deterred, then you have got to say, if you use it, by gosh, you will pay dearly.

Let the criminals, let the thugs—let them have fear.

Why the Federal Government in this battle? I will tell my colleagues why. Because our court systems in our urban centers are jammed because we plea bargain the most hideous crimes down to nothing. They do not have adequate court personnel, prosecutors, and prison space. So a combination of events has led to a deterioration of our justice system where justice is lost.

Who becomes the victim? The victims, as Justice Murphy said, are our citizens, the ordinary men and women. They ask, how is it that they can no longer take a walk in the park; no longer can they visit a house of worship? How is it, no longer can they use public transportation? How is it that the moral passion for justice has been drained out of a society and in its place is an overwhelming sense of helplessness?

Here we are, passing these wonderful platitudes about how this crime bill is going to make a difference. It is not going to make a difference, I suggest, unless we really use the resources of this Government and unless the United States says we will engage the criminal; unless we begin to understand—whether it is the little street punk who puts a gun into somebody's face and holds them up or someone who walks into a mom-and-pop shop here in Washington, DC, and after robbing them kills them, shoots them, and creates the overwhelming pervasive fear that grips society—unless we begin to say this is the battle that we must win today to give freedom to our people, this, all I have heard so far, is not going to do anything. We have not addressed that.

If you say that guns and the use of them by the predators who have taken over our streets should be stopped, then, by gosh, let us say we are going to engage them with the resources we have, and that is the Federal resources. For us to get letters from the judicial conference, from the Supreme Court Chief Justice saying the Federal courts are too important a place to try these cases, that these cases better should be handled in the local courts, I suggest demonstrates a total lack of sensitivity as to what is taking place to the people of our Nation throughout this country. They are being victimized. They see their loved ones imperiled. We see slaughter in the streets. To be quite candid, our State courts and our State prison systems in many cases are incapable of doing more.

If we do not come to the aid of our citizens, who will? What is a more important battle than providing for the domestic tranquility of our people? I would like to know.

As a practical matter, the first person who gets convicted of robbery in the first-degree with a weapon, by the time that happens, that is a person who has been arrested two, three, four, five times before, has been paroled, has been released, has had the previous arrest plea bargained down. They now have a total disdain and disrespect for the law. We understand, and most studies will tell you, that 3 to 4 percent of the criminal population creates 70 percent of the crime, the violent crime. So if we begin to use the resources of the Federal Government, if we, as I would envision, begin to get Federal prosecutors who say, "We see what is taking place," whether it be in the City of New York or the other great metropolitan areas, "and we are going to do our bit and take control of what heretofore we have viewed with disdain; the robbery cases, the violent cases where firearms have been used—" By the way, 90 percent of the firearms, and therefore the crimes that are being committed, would be covered under this legislation because 9 out of 10 guns cross State lines. Pursuant to the commerce clause, we could then take jurisdiction. Then I think we have a chance.

I think if we are passionate in our defense of our citizenry, and if we apply the law in the manner that will demonstrate to those who hear and see what is taking place that if you use a gun, you will go away for a long time, you will go to prison for 10 years; if you shoot the gun, 20 years; and if you kill someone, the death penalty—and if you get involved with machine guns, you know what? 30 years. If you use a silencer, that is a professional hit man—30 years. And, if you come out 10 years from now and you go back to your business, you go back for 20 years.

The death penalty, is it a deterrent? I am not going to get into that debate.

I believe it is. It is certainly goingto take that person, when the execution takes place—you are not going to worry about him going back out and killing more people, first. That may be over simplistic, but it is a fact.

Second, there are some crimes that are so heinous, where there is such a lack of regard for people in the killing of others, that it is an appropriate punishment. It is society's way of saying you will pay with your life. I understand people may have differences as it relates to that. But there should be no doubt that as it relates to people who use guns in the commission of a crime, that we should say clearly, "Use that gun and you will go to prison for a minimum of 10 years."

The Federal Government, instead of giving just rhetoric and lip service to this battle, will engage it, engage it with its resources, with its commitment, and it will attempt to give back some kind of life to the ordinary men and women who see their rights being trampled upon. They see the Constitution of the United States being made a sham as a result of the fact that we have lost the moral commitment, the passion to stand up and take on the violent predators who have beaten us to our knees. We have become a passionless, pitiless society. I think there is no bigger battle that we can undertake, no more important battle, than to give our people domestic tranquility.

I will leave my colleagues with this. I have spent some time in our large cities. If you want to find out what is happening, you speak, sometimes, to the cabdriver when you come into a new town. You find out what they think. I do that.

From time to time, I meet someone who is a recent emigre to the United States. Although they came here for economic opportunity, more often than not these people tell me of their fear. They tell me of the fear they go through that they may be 1 of the 50 victims of crime—I think we have had as many as 55 cabdrivers or delivery drivers who have been killed in any one city. They are trying to earn a living for their families. They bemoan the fact that this great Nation has seen the loss of domestic tranquility, that criminals today have made it impossible for so many of our people to conduct their lives without the fear that they or their families may become victims.

Mr. President, for these reasons and many others that my colleagues will speak to, I hope we agree to this amendment. It is long overdue. We agreed to it before.

We have allowed high jinks because some of our colleagues in the other body have not seen fit to really engage this battle. It is great to talk about the Brady bill and licensing provisions. Again, that would ignore the fact that more than 90 percent of the guns used to commit crimes are obtained illegally and all these well-intentioned provisions will fail to address that problem, will fail to take the predator off the streets. I say it is about time we really undertook that battle.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I thank our dear colleague from New York for his amendment. As the author of the underlying amendment, I am in favor of his addition and revision. I think we have put together here, now, if the D'Amato amendment to my underlying amendment is adopted, the nucleus of the toughest crime bill ever passed in American history.

I thought I would come over today, since much of this debate was done late last evening, and since yesterday because of the flu I was still pretty much unable to talk. I think today I have somewhat recovered from that. I thought it would be important to come over and talk about this amendment as a whole, now, with the D'Amato amendment in it, and to express my support for what the distinguished Senator from New York is trying to do.

The underlying amendment is an effort to set into law mandatory minimum sentencing for violent criminals.We have adopted in a previous amendment that I coauthored with Senator BYRD and with the chairman and ranking member of the Judiciary Committee a provision which cuts existing spending by $21.8 billion and then takes that $21.8 billion and uses it to put police officers on the street and to build 10 regional security prisons to enter into a partnership with the States to incarcerate violent repeat offenders.

In order to participate—and I believe every State will participate because public opinion is on the side of this new bill—the State has to do two things: One, it has to have a truth-in-sentencing provision so that if somebody is sent to prison for a long time, they end up spending a long time in prison. As all of our colleagues know, as the American people are painfully aware, today we basically have crime without punishment in America. We have people who go out and brutally murder our fellow citizens and if we are fortunate enough to apprehend them, it seems so often what we find is that these are the same people who had been apprehended before, had been convicted before, had been sent to prison before, but they had not been kept in prison before.

I could rattle off a long list of people, from the hoodlums who killed Michael Jordan's father to numerous other crimes that I am sure people hate to have brought back to their memories, but it seems that every day when we open the newspaper there is another additional violent crime committed by somebody who should have been in prison, somebody who, had they served out their sentence, clearly could not have committed the violent crime because they would have been behind bars.

So what we have done to this point in this bill is cut existing Government programs to provide the money to construct 10 regional maximum security prisons to house violent criminals for both the State and the Federal system. In order to participate, the States are going to have to adopt a truth-in-sentencing provision which means in my State when somebody gets 10 years in prison, they are not going to serve 20 months; they are going to end up serving out their terms.

The second thing the States have to do to qualify is to match the Federal penalties in these areas of violent crime.

Now, the underlying amendment is an amendment that I offered that has our three fundamental mandatory minimum provisions in it: 10 years in prison without parole for possessing a firearm during the commission of a violent crime or drug felony, no matter what sentence you get for the violent crime or drug felony; 20 years for discharging the firearm; life imprisonment if you kill somebody, and we have provisions in the bill that in aggravated cases you can be put to death.

The second provision of the underlying amendment is the three-time loser provision which says that when someone has been convicted the third time for a major drug felony or a violent crime, it is time for us to recognize that we are dealing with a predator criminal and that the way to protect society from them is to keep them in prison. So the underlying amendment provides life imprisonment without parole for a third felony conviction for a violent crime or a major drug felony.

Finally, the underlying amendment contains a provision that gets really tough on people who sell drugs to minors or people who use minors in the commission of drug crimes: 10 years in prison without parole for selling drugs to a child; no matter who your daddy is or how society has done you wrong, you sell drugs to a child and you are apprehended and convicted, you are going to prison and you are going to serve in the Federal penitentiary every day of 10 years. And if you get out of prison and you are stupid enough to do it again, you will never do it again because you are going to get life imprisonment.

Now, the distinguished Senator from Utah raised a concern about first-time offenders and offered an amendment to the underlying amendment which we ended up negotiating on to try to deal with the following problem.

Last year, 9,220 people in America got minimum mandatory sentencing under the Federal drug statutes. When you take out the people who did not carry a gun, when you take out the people who had not previously committed a crime, when you take out the people who did not have extensive juvenile records for serious crimes, when you take out illegal aliens, when you take out people who were not leaders in the drug conspiracy, when youtake out those cases where people were not hurt, by my figuring you come up, for the people we actually have data for, with about 180 people who got mandatory minimum sentencing who did not fall into any of those categories. These are people who the critics of mandatory sentences argue just happened to be in the wrong place at the wrong time doing the wrong thing.

I am not sympathetic to that argument. My view is if somebody is selling drugs, no time is the right time, no place is the right place. But because we have written a great bill and because I want it to become the law of the land, we worked out a compromise to deal with those particular first-time offenders. But part of the compromise is that if they are apprehended and convicted again, they get not just the mandatory minimum sentence of 10 years but they get 15 years.

Now, the final amendment which I believe completes the mandatory sentencing section of the bill has been offered by our dear colleague from New York. What he has done is deal with the problem of repeat offenders in gun violations. He has dealt with using machineguns and using destructive devices such as explosives. He has also dealt with the problem where people bring guns across State lines and then commit murder.

Under the D'Amato amendment, what will happen is that those cases can then be prosecuted, and in cases where you had a brutal murder, where you have circumstances that justify it, under the D'Amato amendment, even in a State that does not have the death penalty at the State level, if somebody brings the gun across a State line making it a Federal crime, they can be put to death.

I believe this is a very tough package. Now, there are some people who would say, "What are you mandating all these sentences for?"

I guess I would respond to them by saying, first of all, we have dealt with what some thought was a legitimate concern about the first-time offender who was not a leader in the drug conspiracy, who was not carrying a gun, where no one was hurt. I think that is a very small number of people. I believe that is 180 people, probably less than that, out of 9,220 last year. We have dealt with that problem but with a provision that says if this did not just happen to be an accident and the judge deals with them lightly and they come back and do it again, then we are going to throw the book at them.

I believe that we need mandatory minimum sentencing because our Nation is being brutalized by violent criminals. I think until those of us who are blessed by not being victims of crime can be as outraged as the people who are victims of crime, we are not going to deal with this problem. And because we have put together a bipartisan bill, because we have actually provided funding, we, I believe, are on the verge of doing something about this problem. I am hopeful that we are going to adopt the pending amendments to really put teeth in our mandatory minimum sentencing provisions;that we are going to adopt the funding mechanism that we have agreed to, and that we are then going to have the President and the House to agree to stay with our funding methods. I know as we go through the conference there will be a necessity to try to work out various agreements. But I think we are on the verge of passing a really historic crime bill.

I want to say to our chairman that I appreciate his leadership. The chairman and I have been on opposite sides of many issues. But I think the bottom line is that we share a common objective. I think the chairman's leadership has been very important in helping bring this bill together.

So far as I am concerned, with the adoption of this amendment we have given some flexibility where it was deserved. We have eliminated it where it was not. And I am now ready to help push us through to successfully passing this bill. I intend to fight very hard for it in conference. I am sure there are some in the House who plan to try to kill this bill, try to get rid of our funding mechanism so that we can promise to do things but not actually do them. But I do not believe the American people would tolerate that.

Finally, I believe that we are on the verge of doing something very important. I am sure there are a lot of people that have despaired at ever dealing with violent crimes in America. I am sure there are a lot of people who feel that somehow we in Congress who are somewhat sheltered, though none of us are truly sheltered, have sort of lost touch with the reality of the pain that the American people have felt imposed by violent criminals.

But I believe this bill is different. I believe it is going to have a very large effect on America's No. 1 problem. And I am very proud to be part of it. I look forward to the bill being passed.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Delaware [Mr. BIDEN].

Mr. BIDEN. Mr. President, let me begin by thanking my friend for his kind references. I do appreciate it.

I have a question for my friend from New York. As we say in this body, he is my friend.

If you look on page 11 of the amendment, subsection F., it says it is the intent of Congress.

I preface my precise question with why I am asking the question. There are a number of people, even those who support the death penalty, who are wondering whether or not it is the intent of the Senator from New York to in effect override State laws where they do not have a death penalty. For example, in Wisconsin, there is no death penalty, I believe in New York State, there is no death penalty. The legislature, the Governor, or a combination of both, whatever the rules are, there is no death penalty in several States in the Nation.

So on page 11, subsection F., it says it is the intent of the Congress—that is subparagraph (i)—this paragraph shall be used to supplement but not supplant the efforts of and local prosecutors in prosecuting crimes of violence and drug trafficking crimes that could be prosecuted under State law, and the Attorney General—I assume that is the Attorney General of the United States—shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

My question is this: Does that mean that if the State prosecutor, the district attorney in New York City, chooses to prosecute under State law a person who otherwise would fall under this law as well; that is, a drug kingpin, a drug trafficker, and/or someone carrying a handgun in the commission of a felony, will that be automatic? Will the State prosecutorin the case of the Manhattan DA, be able to take jurisdiction whether or not the U.S. attorney—I am apologizing, I do not know who the U.S. attorney is in the southern district—in New York State says, no, I want to prosecute that person under Federal law.

Mr. D'AMATO. Clearly, the intent is to permit the utilization of these additional resources that would come by use of Federal courts, Federal prosecutors, Federal resources, prisons, but not to supplant, and therefore it would be the local district attorney who would make that determination.

Clearly, we say in the following subsection that the Senator has alluded to, the Attorney General of the United States will give due deference to the interests.

So that in almost all of these cases you would have to have that cooperation that today exists.

I might point out to the distinguished chairman, as he well knows, in just a whole number these cases, kidnapping, gambling, arson, robbery, extortion, drug cases, you have that same shared jurisdiction, and that we have come a long way as it relates to the relationship.

So I thank the Senator for bringing that question up because I do not want our colleagues to think that this is a total usurpation, that the State laws would be usurped, the State prosecutor would be pushed aside. Indeed, we have heard from a number of our local prosecutors who welcome the additional support that might be implemented.

So this by no way would wipe them out. It would be that supplementary effort.

Mr. BIDEN. Mr. President, the first time the distinguished Senator from New York proposed a similar amendment it did not have this. I think after some discussion the Senator and I had, he was kind enough to insert language to the effect that I have read.

As I said, I do not oppose the death penalty. What I personally oppose is—this sounds strange. It is strange for me to be making this argument. I expected some of my Southern colleagues, not the border State Senators like me, making this argument. But what I do think we should honor is a State judgment for State crimes that the State concludes whether or not the death penalty should pertain.

So what I want to make sure, because the death penalty does pertain in parts of the amendment of the Senator from New York, that is, if the individual were tried and convicted in a Federal court, that person would under Federal law, if this becomes law, be eligible for the death penalty, eligible to be put to death; whereas, if that same trial, that same person, that same offense, were tried in State court in Wisconsin, or State court in New York, that individual would not be eligible to be put to death.

So I take my friend back to subsection F.(ii) where it says the Attorney General shall give due deference.

I want the record to be clear on what that means. That means if the State prosecutor says I do not want you, the Federal prosecutor, to try this case, I am going to try this case, that the State prosecutor will prevail.

Because the Senator from New York is correct. There are a number of State prosecutors who will welcome this.

Mr. D'AMATO. Some will oppose it.

Mr. BIDEN. There are a number who will say I very much would like the Federal Government to try this person because I know the Federal penalty is stiffer than the State penalty, and I think this is such a bad person, I would like to see him tried in Federal court. And I would like to see him get the death penalty, and my State does not have a death penalty, or even if my State does have a death penalty, I feel more comfortable being tried in Federal court.

I understand that part. What I do not understand is that the State prosecutor says, no, I do not want this defendant tried in Federal court, and the U.S. attorney, that is, the Attorney General, the Attorney General speaks for all of the U.S. attorneys, the Federal prosecutors throughout America. And the U.S. attorney says, no, I want to try Charlie Smith on this offense, and the State prosecutor says, no, I want to try Charlie Smith, does the "shall" language mean that as a matter of law the local prosecutor prevails?

Mr. D'AMATO. That is correct. Let me say that in New York State, each of the different attorneys are constitutional officers. So they would have the determination as to whether or not they want to pursue that matter. If they do, we should not then interfere, or the judgment will be made in the case of New York by those prosecutors. As you know, we do not have the death penalty. That would be a decision then that the prosecutor would make. But it would give him the ability, and I think as the chairman began, that there are many times when the conspiracy laws, for example as it relates to drug kingpins, you are tougher and the prosecutors are much more successful in using that.

We have had a number of very fine prosecutorial cases that both the State and Federal people have come together in joint operations. In most of those cases, the State prosecutors have stepped aside because it is easier to obtain a conviction under the Federal laws. I would anticipate the same kind of cooperative effort.

Mr. BIDEN. Mr. President, I do not take issue with anything the Senator said on the factual basis. He is absolutely correct. I have found because there are a number of initiatives that I have undertaken over the last 10 years where we have concurrent jurisdiction, particularly in drug matters. I find local officials are anxious, willing, and desirous to let the Federal Government try those, and convict and sentence those defendants.

But for example, in the crime bill, the Biden crime bill, there is a provision already, a death penalty provision, that I have written into that bill that includes the death penalty for the use of a gun during a crime of violence, or a drug crime.

So we do federally already in this bill what the Senator is attempting to extend to matters that are totally within State jurisdiction.

So I want to make it clear. I am not opposed to the notion that someone using a gun in the commission of a felony or a crime of violence should in fact be eligible for the death penalty if death results, nor am I one who believes that if there is a drug crime and in the use of a gun death results, that someone should, under Federal law, be subject to the prospect of the death penalty. What is happening here, to make it clear—and I see my friend from Wisconsin seeking recognition, and I will shortly yield—what is happening here, different from the Biden crime bill—the Biden crime bill speaks to Federal crimes, as defined in the bill and in the United States Code, title 18. What this speaks to is State crimes that, but for this amendment, could not be tried in a Federal court. The Federal court is reaching out and—not in this case taking—asserting concurrent jurisdiction with the States.

The Senator has answered my question thoroughly. If the Federal Government reaches out into the State where a State crime—not a Federal law—a State law is violated, where someone uses a gun in the commission of a felony under State law, the long arm of the Federal Government can reach out and claim concurrent jurisdiction, but only get that jurisdiction, as I understand my friend based on his characterization of the section relating to jurisdiction, only if the State authority prosecutor says: Federal Government, you take this one, I do not want to try this.

So in States like Wisconsin, if a State prosecutor, abiding by Wisconsin law, says, no, we do not have a death penalty here, we do not want it here in Wisconsin, so we are not going to let you take a Wisconsin citizen who has been accused of this crime and try them in Federal Court, thereby making them eligible for the death penalty; we are going to try them in State court and make them eligible for the State death penalty. What I wanted clarified—and I have had it clarified by my friend from New York—is where there is concurrent jurisdiction, the Federal jurisdiction is not intended to substitute for the local jurisdiction; it is attempting to be a supplement to. If the State does not want to try it, the Feds can, or if the State prefers the Feds to try it, the Feds can. But if the State does not want the Federal Government to try it, they must try it. Is that an accurate representation?

Mr. D'AMATO. That is an accurate representation. If the Senator will yield for an observation.

Mr. President, what we have today is a situation that approaches anarchy in our criminal justice system in our large metropolitan areas and a combination of two things. Number one is, generally, you will find at the local holding facility, where the criminal is arrested and allegations are made or an allegation is made against someone who committed a crime, they in many cases are paroled out on the streets because there is no room. In the case of an armed robbery, where a person has a rap sheet that has 8, 10, 12, 14 convictions and there is $5,000 bail, something like 10 percent of that money in cash, $500, gets that person out on the street.

Now they have a huge backlog in the local court systems. It is huge in these metropolitan areas. That person's case maynot come up for a year, 2 years, 3 years. What do you think that person is doing? He is out there marauding and robbing more places because he has to pay a lawyer now. So now he is sticking up more of these mom and pop places. That is why we say 3 or 4 percent of the criminals are committing all these crimes. Riker's Island is jammed in New York. They do not have anyplace to hold them. So here we have a fellow with all kinds of convictions, charged with another robbery, who is back out on the street.

If you give the local prosecutor and the local Federal official, the U.S. attorney, the ability to work together, so that the Federal resources—and by the way, I believe that the Attorney General would do well to instruct our U.S. attorneys to make a conscious effort. We had a situation in New York where there was a conscious effort, where once a week it was "Federal day" as it related to drug crimes. Nobody knew what day it would be. But on a particular day, anybody arrested for the sale of drugs went before the Federal courts.

Well, I have to tell you that the drug dealers were always anxious to find out which was Federal day. On that day, as soon as they heard it was Federal day, they stopped. They did not want to get caught. It meant real time, and they were not going to be put out on the street to continue to play. It meant they were not going to get 60 to 90 days and a plea bargain. We should have Federal days wherever we can, wherever the resources are being taxed beyond their ability to meet and deal with dangerous predators.

Second, take a look at New York and look at the other large urban centers. They are not going to be much different. Robbery, first degree, the guy that comes in with a gun, a man with prior felonies, when he is convicted, he serves less than a year and he is back out on the street. What we are saying here is: Let us stand up for the average citizen whose life has become a hell, a torment, who feels abandoned by Government, who sees the quality of life around him or her deteriorating, who is afraid to go to work, who is afraid in their offices to open the door. They operate behind little peep holes and buzzers. What kind of life is that, where somebody has to ride the subway or mass transportation at night in fear that they are going to be victimized? What kind of life is it for the woman who is waiting for her loved one who works in the off hours where there is a real threat to his or her life? Or the 50 fellows last year, or thereabouts, killed in New York while trying to make a living driving taxi cabs who were, in cases, assassinated? To shoot somebody for $50 or $100, assassinate somebody, life does not mean anything. We need to say to the predators, "If you use a gun, then we are going to put you away." And if the States abdicate their responsibilities and do not have resources, that is why these judges are putting people back out on the street.

I think it is the local assistant district attorneys, not the DA's, the people in the trenches. One of my best friend's daughter is an assistant district attorney in New York. She is leaving because of burnout. Judges, after conviction for robbery, sentence the criminal to suspended sentence, parole, no bail. She tells me of a case where they had someone with prior convictions and the judge set no bail. One week later the same fellow was involved in a homicide. They would not hold him. Because she requested $5,000 bail, the judge paroled him on the street.

Why? I will tell you—and if you would ask the judges, they would deny it—because they are being told by the chief administrative judges in these cases, do not hold but the most violent of the violent. Allow them to go out because we do not have room in the city jails.

What is taking place here in Washington, DC? Why we do not take absolute control of the criminal justice system in DC is beyond me. They cannot build a prison. That is incredible. So we have halfway houses that people run away from and go out and commit crimes. It is a huge percentage. We understand it is 30 and 40 percent, and they go out and maraud. Why is that? It is because we do not have the resources locally in many cases.

This Senator says that it is our responsibility to provide domestic tranquility. The people in the ivory tower over here, our Supreme Court Justices say: Wait a minute. You know there are important civil cases.

Tell me what civil case is more important than attempting to provide the domestic tranquility of our people, before we are beaten to our knees? At least this will give an opportunity and, by the way, if the local district attorneys do not want to use it and if the local Federal prosecutors want to hide behind their heavy caseloads, they can abdicate their authority. At least this Senator will feel we have made some attempt to involve fully this Nation in the war against our people—and there is war being waged against our people.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, let me tell you that I sympathize with what the Senator says. That is why I wrote this bill in the first place. There is a war going on and people in the country have awakened to it. This body has awakened to it.

For example, nobody is intending to, but the idea of filibustering this bill this year is beyond my comprehension. Woe be the woman or man for any reason who will stand up to try to filibuster this bill. I think they would be in dire political circumstances and should be.

So I understand what the Senator is saying, believe me.

But one of the things I am worried about in this amendment and similar amendments is right now—and I hope everyone is listening to this—right now, everyone, Republicans and Democrats, have said on the floor of the U.S. Senate the last 4 days: I want everybody to understand the Federal system works. It took us 10 years to fix it.

The reason why people do get tried in 2 years in the Federal system and do not have to wait 2 years is that I, along with a few others, wrote a bill called the Speedy Trial Act, which became law in the seventies. My liberal friends and conservative friends were a little offended. We did it. We wrote it and passed it.

The reason Federal prisoners are not out doing this is that I, along with Senator KENNEDY and Senator McClellan, who passed away, and several others, wrote the Sentencing Commission legislation. You have to go to jail and serve your time.

The reason they are not out on the streets and are in the Federal prisons is we have appropriated money to build the Federal prisons. There is no overcrowding in the Federal prisons because we stepped up to the ball and we built theprisons, unlike your State legislators who are not building prisons that you say you want—"you" meaning the American people.

The reason we do not have the backlog in the trials is we have Democrats—this Democrat, even under 12 years of Republican rule at the White House, getting to appoint judges, increased the number of judges by almost one-third so we would not have a backlog.

The point is the States have not done this. The Federal system works well now. It did not work well when I got here. I do not mean I fixed it; I do not mean to imply that. But it did not work well in 1968; it is working well now.

What I am afraid of with all these attempts to fix the State systems because the States will not step up to the ball and State taxpayers will not step up to the ball, what I am worried about is we are going to break the Federal system now.

Let me tell you why. There are 600,000 handgun crimes committed each year. All of sudden in one fell swoop when we adopt this amendment—and it may be adopted, that is why I am not going to take a lot more time talking about it. I want to make sure everybody knows from the Record what we are doing. There are 600,000 handgun crimes committed every year. We are federalizing them all now.

The Senator from New York is absolutely right. These prosecutors will be delighted to have this agreed to. They will be delighted for the Federal Government to be the ones to try these cases. So we will have an increased potential at least of 600,000 additional criminal cases at the Federal level.

And we have 80,000 Federal prison cells. They are not overcrowded now.

They are not overcrowded now, but if we try, like the Senator from New York wants us to do at the Federal level, a significant portion of these 600,000 cases with mandatory sentences attached to it, they will be overcrowded.

Second, these 600,000 handgun crimes that will be eligible for Federal jurisdiction now the way I attempted to take care of it in the bill in the beginning, and with the great help of the Senator from Texas and the Senator from West Virginia. We put $6 billion in this bill for States to be able to either build prisons or have access to Federal prisons. That is the way we should go at it.

We should say OK, States, you try them. Even though your taxpayers will not step up to the ball, even though you do not have the courage to ask for the money, even though you have the political out of saying, "it is not our problem," we are going to provide you the money. It is taxpayers' money, but we will take the heat for you. That is what this is all about.

Every Federal legislator is going to go home and the taxpayers will ask: "What? You are spending another $21 billion of our money and you are raising our taxes?" And the Governors are going to walk around saying, "I balanced my budget this year."

They are all wonderful, those Governors, God love them, Democrat and Republican. I love them all, the tall, the short, and the small. But they will all make the same speech: "We balanced our budget."

The reason they are able to balance their budget is we are taking Federal taxpayers' money and Federal taxpayers heat to give them money they should have the guts to go ask for.

So we are doing it to the tune of $21 billion here. That is OK. It abdicates the responsibility. I agree with the Senator, we should meet it. But what I worry about is the way we are deciding to meet it. I am willing to meet it by taking the heat for spending money and giving it to the Governors and the State legislators who do not have the courage to ask for it. I am willing to do that.

One hundred thousand cops. Who could imagine Thomas Jefferson here on the floor listening to this debate saying that the Federal Government was going to pay money to hire policemen in Philadelphia, New York, Wilmington, Dallas, and Houston. He would say, wait a minute, the Constitution we wrote, I thought it had something to do with federalism.

The reason we are here is the States are not doing the job. The question is how do we help the States do the job the best?

I respectfully suggest the basic premise of the Biden bill is the way to do it, augment significantly in a bipartisaneffort. That is, we will give them money to build prisons so they can try these people and not have to let them out of jail, because they now have a State prison to put the person in. Granted we will provide the bulk of the money, but so what. We need to do something about it.

Second, we will even allow them to use some of that money to hire prosecutors and use some of that money to go out and hire police. We are prepared to do that. But now what we are doing is we are doing it the other way. We are saying that in addition to giving you the money, we are going to claim the jurisdiction. And the Senator from New York is correct, there will be a hemorrhage of abdication of State responsibility to Federal prosecutors. It will be a veritable hemorrhage.

Mr. D'AMATO. Will the Senator yield for an observation?

Mr. BIDEN. I would be happy to.

Mr. D'AMATO. I think this goes a little more than that, if you attempt to follow what I thought was the logic and uniqueness of this bill. I hear the cry for Federal legislation as it relates to requirements being mandated for the purchase of a gun. I also hear the cry from sportsmen and others that say, look we are not the people in the purchase of these guns, in 99 percent of the cases they do not result in the kind of crime, the robberies, et cetera, that we see.

But if, indeed, there was logic in attempting to say we should have—whatever that registration bill—whether it was a 5-day period, 10-day period, then it would seem to me the Federal Government or those of my colleagues about to say the Federal Government has a stake in this for all the reasons you and I could enumerate, obviously, we should then say we also have a stake in regulating the use of those guns that come across State lines.

And so if, indeed, that logic—and we have to follow logical progression—if we say the Federal Government should have the right to license a gun, we do not even talk about the gun being used interstate. I say, well, if there is interstate use of that gun that comes across State lines—and 90 percent of guns do—therefore the Federal Government should have jurisdiction as it relates to the criminal activity of the people who use those guns that cross State lines.

Mr. BIDEN. I think the Senator from New York makes a valid point. Let me try to respond to it.

I am making two separate arguments, and I will now make the second argument, so I am clear what I am talking about.

The first argument is the practical effect of what is happening here. The practical effect is, in attempting to fix the State systems because of their abdication of responsibility, we are about to break the Federal system that took us 15 years to get fixed. That is No. 1. That is my first point.

Now the second point: The Senator says—and he is absolutely accurate; you can tell we both graduated from the same law school; he is absolutely accurate—logic should dictate. Now the logic of this is as follows: The logic is the reason why we, as it relates to the commission of a crime, should keep it in State jurisdiction—is because the State can impact on the outcome of crime on their streets by their willingness to exercise their authority. That is the premise of federalism: that where the States can do something on their own as well as the Federal Government can do it, you should let the States do it.

Now the reason we federalized, or some are going to attempt to federalize the sale of firearms, is because no local official—no matter how diligent, no matter what law they pass, no matter how thorough they are—can affect the ownership of guns within their States alone.

If I can make an analogy. It is a little bit like clean air. The reason we do not leave clean air alone to the people who live in a State is because the people of Delaware can pass the toughest clean air bill in the Nation. We happen to sit, 3 miles from my home, on the border of Pennsylvania. And Marcus Hook, PA, is on the southern border of Pennsylvania. Marcus Hook, I think, without exception, has more refineries per square mile than even places like Houston. And I am not being facetious. It is true. So if the State of Pennsylvania were to say, "We do not have any emissions control on any of those refineries," I still choke to death in Delaware. Living a mile across the State line, I die of cancer if the State of Pennsylvania does not regulate the refining industry in the State of Pennsylvania.

So we came along and said, "Look, this is a Federal problem. Because air"—to steal a phrase from our economist friends—"is sort of fungible." The air that gets polluted in Pennsylvania does not stay in Pennsylvania; does not go up 300,000 miles into the air just in a funnel. It flows into Delaware, New Jersey, Maryland, New York, and Canada.

And so we said, "Wait a minute. It does not make sense to do it that way. We have to have a Federal rule on clean air."

Now what about guns? We could say, in the State of Delaware, nobody in the State of Delaware can buy a gun at all. And there is no such rule, but the State of Delaware could pass that—nobody can manufacture a gun in Delaware. No one can doanything with guns in Delaware. You have to put them all in a big pile and melt them down. And we could pass that law and they could enforce that law.

But, guess what? If the State of Pennsylvania, New Jersey, New York, or Maryland has a law that you can buy all the guns you want under any rules you want, all I have to do is get in my car and go from my home, three-quarters of a mile across the State line, and buy all the guns I want, rendering useless the Delaware State gun control laws.

So that is why the logic of federalism says that the Federal Government should be involved in those things which States alone cannot control. States alone can, at least theoretically, control who they prosecute, because it is going to be a State official that arrests this person. This person is not going to get into Federal court because there is an FBI agent on the case. The FBI agent would not be allowed to be on the case, wandering the streets of New York or Pennsylvania or Delaware, unless it is a Federal crime they are investigating, unless they happened upon the commission of a crime, in which case they can arrest.

So, by definition, just to get the logic straight here, by definition, the reason it does not make sense to federalize State prosecutions—and, by definition, to federalize it, you have to have someone arrested. To be able to prosecute them, they have to be arrested by the State agency. The State agency has total control over if they wish to exercise the prosecution of that person. Whereas, the State agency, no matter how good it does it, does not have control over whether a citizen in Delaware or New York City can purchase a gun. They can avoid a waiting period; they can be a convicted felon.

Let me be precise, and I will stop. Right now, the State of Delaware has a law saying, in order to dissuade convicted felons from owning guns, the law says they cannot own guns. However, we do know that 1 in 6 of them walks into a gun store as a convicted felon and legally buys a gun. So the State of Delaware says, "You can't do that in Delaware."

So the Delaware felon who cannot own a gun does not go to a Delaware store. He walks across the line—and my State is so small, you can get to another State real quick. You can get to five other States real quick. He walks across the State line and walks into the State store that sells guns in the State of Pennsylvania, New Jersey, Maryland—New York "ain't" that far—and Virginia. He walks in and says, "You know, I can't buy a gun in Delaware because I am a felon, but you have no way to check on me here in Virginia, so I want to buy a gun here."

So he can walk into the Virginia store and he can buy the gun. But what does he do with the gun? It is not likely, when he crosses the State line, he says, "You know, I can't do this in Delaware; I wouldn't be able to buy it here, so I'm going to leave my gun right here at the pay toll on the turnpike. I'm not going to take it into Delaware."

Of course he takes it into Delaware. What does it do? It renders useless the Delaware State law, a State which has 700,000 people, renders useless the law when the surrounding States have 10 million—that is what the Delaware Valley is, about 10 million people—if they do not have similar laws.

That is why I say to my friend and fellow graduate of Syracuse University Law School, the logic is that you do not federalize those things that the States can handle if they stepped up to the ball. You do federalize those things that the State cannot handle, no matter how well they order their resources.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the ranking member from Utah.

Mr. HATCH. I would be happy to yield to the Senator to respond, but then I would like to make a couple of comments about this amendment.

By the way, I would like to be listed as cosponsor. I thought I was a cosponsor.

Mr. D'AMATO. I thought you were, also. Through inadvertence or transposition from one to the other, your name may have been left off.

Mr. President, I ask unanimous consent that Senator HATCH be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I will be happy to yield for that purpose and then I would like to make a few comments about this amendment.

Mr. D'AMATO. Mr. President, I thank the Senator from Utah for yielding. I thank my colleague, Senator BIDEN, the manager of the bill, my fellow alumni from Syracuse Law School, by the way—and our two sons are attending Syracuse. I hope they are in class at this very moment studying the law.

But when we look at New York, and I think New York—it is a big microcosm, but it is a microcosm of the urban problems that we face to a similar extent, whether it be in Chicago, Philadelphia—the States of Illinois and Pennsylvania, California, Texas. You will find the prison systems are bursting. And it does not do us or our citizens any good to say it should be a local responsibility.

By the way, the local officials say, "Listen, we did not manufacture the guns. These guns came from other places and these people are getting their hands on them and they are using them." So the fact is, as a result of the breakdown in these large urban centers—and there is a breakdown in the criminal justice system—our citizens are being victimized. We have lost domestic tranquility.

It is of little comfort to John Q. Citizen, regardless of what State, for their representatives in Washington to be saying, because we have had this battle, this is not just new—we have had the battle saying this is a State responsibility, that they should assume them when they cannot or will not. Whatever the reason, whether budgetary or fiscal considerations, whether the citizens of their State may vote down bond issues because they do not see them accomplishing anything.

But the fact is, we have millions of people who are not living a real life, who, as a result of the predators who have taken over the streets, they see themselves being the victims. That is why this Senator's amendment is aimed at attempting to get our resources into the real battle—going after the guy who uses the gun that holds up the deli owner and puts it in his face, because that is real, that is happening throughout America.

I do not care about the contract cases and civil cases that the Federal courts handle. They are secondary, as far as I am concerned. We have lost our way. We have lost our way. If it means we have to increase the resources of the Federal court system and the Federal prison system to deal with this battle, then we could not spend money for a better purpose—to get the violent predators off the streets with assuredness. When the word spreads that indeed they are serious about this war—because we have not waged a war. We have tried. I thank the Senator. We are indebted to Senator BIDEN and his leadership for indeed giving to our local Federal prosecutors and to the system the kind of resources necessary that have kept it from falling into that situation where we find hoodlums and dangerous predators being released on the streets simply because we do not have the resources. That is what is happening.

Again, it is that drug store and the mom-and-pop shop and the people who operate them. It is that person who works at a hospital who works a late shift and wants to come home on public transportation but is afraid to do it. It is the working families of America we are fighting for who I think have felt abandoned.

What we see is a "no life." Today they exist in an atmosphere where they are absolutely convinced that no one cares. I would say by our inaction we have given legitimacy to their feelings over the years. Whatever reason the bills gethung up; whatever reasons we fail to enact comprehensive legislation to take the thugs off the streets. I would like to see this go further, to be candid with you. I would like to see us at some point in time, and it may come—if this does not do the job I will then seek to get a total commitment from the Federal people, to actually—where we have a criminal justice system that has broken down—to take even greater authority, and give them that. But this is a first step.

I believe if a local government is not going to protect its citizens, then we on the Federal level have the absolute obligation to see to it we use our resources.

I yield the floor.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Utah.

Mr. HATCH. Mr. President, I support this amendment. I agree with the distinguished Senator from New York. This amendment does not supplant State jurisdiction. In fact the actual language of the amendment says,

> (i) this paragraph shall be used to supplement but not supplant the efforts of State and local prosecutors in prosecuting crimes of violence and drug trafficking crimes that could be prosecuted under State law;
>
> (ii) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

So what the distinguished Senator from New York is doing is not making a federalization of this whole area. He is just saying the Federal Government can lend its support. It should not supplant the States, but it can supplement the law. That is pretty important.

This bill contains tough, mandatory minimum penalties which are contained in the Gramm amendment, I might say the Gramm-Hatch amendment, with an enhanced jurisdiction for Federal prosecutors. That is all it does.

Senator GRAMM proposes we enhance mandatory minimum penalties for firearms-related crimes. For those of us who believe that there is an error in the way we have been debating this over the years, we are trying to prosecute—some are trying to prosecute through their gun control legislation, decent, law-abiding, honest sports people. When in fact what Senator D'AMATO and Senator GRAMM and I are trying to do is get tough on criminals, get tough on the criminal use of guns, get tough on the use of illegal weapons.

We want to get tough on crime, not get tough on honest, decent, law-abiding citizens who happen to want to own their own guns.

What Senator GRAMM and I, and now Senator D'AMATO, are trying to do, is we are trying to enhance mandatory minimum penalties for firearms-related crimes. We are tired of approaching this in a ridiculous way.

The Brady bill is not going to work. Everybody knows it. Everybody knows it will do little or nothing to resolve the problems.

The only thing that is going to make a difference is when we start getting tough on these criminals who use weapons. Senator D'AMATO gives the Federal Government supplemental jurisdiction to prosecute these crimes when the firearm travels in interstate commerce. That is not federalization of the whole area but it does give some additional help to the States that is needed at this particular time. And he supplements the amendment that Senator GRAMM and I have already propounded.

In addition, this particular full amendment contains the flexibility necessary for first-time offenders who are not violent, have not carried firearms, and they are not pushing drugs in the schools—which the courts have asked us to do, and rightly so. And that is an amendment that I and Senator DOLE put in here.

As I have stated earlier, claims that criminal cases are taking up a disproportionate amount of Federal filings and that the D'Amato amendment makes matters worse are not supported by the facts. According to the Administrative Office of the U.S. Courts, the criminal caseload per judge is nearly 50 percent below that of 1972. The number of criminal cases reached a 40-year peak in 1972, and despite all of the cries from the defense bar, the number of criminal cases filed in 1992 was actually 14 percent below the 1972 figure.

There were less criminal cases in Federal courts in 1992 than there were in 1972, 20 years before, even though the number of authorized judges is now 62 percent higher than in 1972.

What the distinguished Senator from New York is saying is, it is time to get tough on criminals. It is time to get tough on crime. What Senator GRAMM and I are adding to that and agreeing with him on is it is time to get tough on criminals, time to get tough on crime. The best way to do it is to get tough on violent criminals who use weapons. We are tired of decent, law-abiding sports people who own guns always being hit here on the floor. They think a 5-day waiting period is going to make a difference when, in fact, this will make a lot more difference. It makes a lot more sense. It really comes down on the people we should come down upon.

If we are going to make headway in this area, it is going to be here, not through devices like the Brady bill or other gun control methods that take away the time-honored second amendment right under the Constitution for people to keep and bear arms.

If I recall correctly, and I may not, a very similar amendment was voted upon here a year ago, and as I recall, everybody on this floor voted for it at that time. Everybody who is currently on the floor, except Senator FEINGOLD, and I think Senator LIEBERMAN voted with us. I believe the chairman voted with us. There were some technical difference, but the basic amendment we voted for.

Mr. D'AMATO. If the Senator will yield for an observation that relates to that?

Mr. HATCH. Sure.

Mr. D'AMATO. The Senator is absolutely correct. That vote was 88 to 11, the amendment was agreed to.

Mr. HATCH. That is my recollection. I do not see any reason for the debate here. The fact is, this is an amendment that can make a real dent in criminal activity in this society and lend a way to the Federal Government to supplement the States who are awash in criminal activity. At a time when we have more judges than we had in 1972 and fewer cases than we had in 1972, 20 years ago, which was the height of criminal filings at that particular time.

So I wish to commend the distinguished Senator from New York. I think his amendment will make a difference. It will make people think twice before they use weapons. They are going to have lots of time to think about it while they are in prison, with the new prison cells we are going to be building under this particular bill.

So this is a good amendment. It makes sense. It goes to the core problem of violence with weapons instead of a phony approach with 5-day waiting periods. All they are going to do is they are going to tell everybody who does not have a gun now that they better get out there and get their gun before they enact that 5-day waiting period, and you are going to have millions of people buying guns who do not even know how to handle them. That is what is going to happen.

So, Mr. President, I commend the distinguished Senator from New York and I hope his amendment will be agreed to.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair. I rise to oppose this amendment sponsored by the Senator from New York, and I strongly disagree with the statement of the Republican floor leader that there is no reason to debate it. There has been an effort here to minimize what this amendment does. What it would do, in my view, is make every gun murder or gun-related murder in this country potentially subject to the death penalty. While I share the concerns of all the speakers about the rise of gun-related homicides, I do not think this proposal is the answer.

There has been a good discussion led by the chairman of the Judiciary Committee and the floor manager about the fact, of course, this amendment does not literally mandate the death penalty. Supposedly there would be some due deference given to the State district attorneys.

I am not convinced that is a reality. I think the reality of it would be that most of these cases would go to Federal court and that there would be quite a bit of imposition on the State prosecutors to kick them over to Federal court where the death penalty could be imposed. But let us assume that discussion was right and that it will be up to the individual district attorneys. I have to tell you, that is not the same thing as leaving it up to the States.

As far as I am concerned, the district attorney of one of our 72 counties in Wisconsin has not been elected the legislature and the Governor. When a State has duly considered the death penalty and decided it is wrong and they do not want it, I do not think the Federal Government should intrude and give the power to one elected official in one county the ability to overturn the will of the State on that issue.

So let us not minimize this. This is what you are doing to those States which have made the judgment, which I consider to be the right judgment, that the death penalty is wrong. And that is my State, the State of Wisconsin. I think it is wrong for the Federal Government to impose the death penalty on States which have chosen in good conscience not to have a death penalty.

In our own State, the tradition goes back 140 years. It is a proud tradition. In 1853, led by the efforts of a State senator named Marvin Bovee, a farmer who turned legislator, the State of Wisconsin abolished the death penalty, and this was just 7 years after the antideath penalty delegates to the State constitutional convention had tried to do this and failed. But they saw one execution in Kenosha County, WI, in the early 1850's and they said in Wisconsin enough is enough.

But for 140 years I believe there has hardly even been a vote on the subject. Frankly, the members of the Republican Party in Wisconsin were very excited this year when the Republicans for the first time in 20 years took over the State senate. One of the first things they confidently slapped on the desk was the death penalty for Wisconsin. Some of the members of that party were going to repeal the ban on the death penalty and bring Wisconsin in line with the other States. They got a rude shock. When this was put before the Wisconsin State senate just a few weeks ago, two-thirds of that body said no to the death penalty, including I believe many, if not a majority, of the Republican members of the State senate.

My colleagues, those are the people who have been entrusted in Wisconsin to decide whether or not we should expand the death penalty for State crimes. It is not an individual district attorney, and it is not just Wisconsin. My information is that14 States do not have the death penalty, and that includes the State of the author of this amendment. The elected Governor of that State—I am very proud of him for this—has consistently vetoed the death penalty, and that is not an easy thing to do when you are the Governor of the State of New York. But that is what the elected representatives and Governor of that State have decided. I do not think it is the place of the Federal Government to undermine that.

How can this position of the Senate be consistent with the speeches that were given yesterday, and particularly the speech of the senior Senator from Utah, who said that it was wrong to impose on the States the requirement that they not execute kids under 18 years old? Those were his words. We should not impose this on the States. In my view, any State that takes great pride in executing kids under 18 ought to examine their values.

But surely you cannot be consistent with that statement and then turn around and undermine the considered judgment of the State of Wisconsin and 13 other States that we do not want individual district attorneys to be able to kick death penalty cases up to the Federal Government and in effect cause Wisconsin citizens to be executed in a manner that the State of Wisconsin has decided is not appropriate.

This, Mr. President, is inconsistent with our separate traditional notions of Federal and State spheres, where the Federal jurisdiction is to be a limited one. Our Founders contemplated a limited Federal jurisdiction, and although we have expanded that jurisdiction over the years, and most notably in the area of drug trafficking, the proposal of the Senator from New York in my view is an unprecedented, sweeping intrusion into an area which has historically and rightfully been the State's prerogative.

We also should have a little reality check about the costs that this proposal could pose for the Federal system. When the Senator from New York advanced this proposal in the last Congress, the administrative office of the U.S. courts estimated that if all the eligible cases covered were prosecuted in Federal court and the death penalty sought, the yearly cost to the judiciary would be $2.5 billion—not million, billion. The Congressional Budget Office estimated that if only 5 percent of all potential death penalty cases were prosecuted, the cost would be up to $150 million per year. So there are serious costs involved. Do we really want the FBI to be investigating every gun murder in this country? Do we really want our Federal courts, the dockets of which are already too crowded, hearing all these cases?

The answer, Mr. President, I submit is no. States have the right and the obligation to protect their citizens. I do not think the Federal Government should usurp that right in the area where a State has judged that the death penalty is inappropriate.

So I urge some restraint. We should not federalize all gun crimes, and we should not tell States which have said "no" to the death penalty that in effect they have to say "yes." Frankly, Mr. President, I resent the idea that this body would try to overturn the will of the people of the State of Wisconsin expressed consistently for 140 years and expressed just recently by the vote of its State Senate on this matter. That is truly Federal intrusion. That is truly against the will of the people of our State. I strongly urge that Senator D'AMATO's amendment be defeated.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are debating today very important issues, and they are issues where we can each attempt, it seems to me, to draw some kind of subtle line between the role of the Federal Government and State government. But I think the bottom line is that the people of America are outraged by violent crime. I think the American people want action. They want us to grab violent criminals by the throat and not let them go to get a better grip.

Something is wrong in America when people are afraid to go out of their homes at night. My mother would not think about walking around her own block after dark. We all go home and lock our doors.

In Washington, DC, people are concerned about coming to the door at night if somebody rings the doorbell or knocks on the door. The Nation's Capital is the murder capital of the country. The District of Columbia seems unable to enforce the law, unwilling to build prisons, unwilling to have minimum mandatory sentencing, and unwilling to put brutal murderers to death.

So what we are trying to do here today is react under our constitutional mandate to provide for domestic tranquility. We have before us a three-part amendment that does that with stiff mandatory minimum sentencing; and that gives the States the right, if they decide that they are willing to step aside, to let the Federal Government prosecute the death penalty.

The distinguished chairman of the committee raises a very real issue; that is, what about all of these gun violations? What are we going to do about it? How is it going to affect the system? It is a totally legitimate issue to raise.

So I would like to give my reasoning as to why my amendment has 10 years in prison for carrying a firearm, 20 years for discharging it, life imprisonment for killing somebody, and the death penalty in aggravated cases.

The fact that there are 600,000 gun crimes in America is an indication to me that the penalties for carrying guns in the commission of a violent crime or drug felony are not sufficiently high.

I do not know how many of these 600,000 gun crimes are committed by the same people. All of our colleagues are familiar with all of the studies done, especially the one in Philadelphia, PA, which concludes, after tracking a group of people over a lengthy time that basically about 7 percent of the criminals commit almost two-thirds of the violent crime. And the only way to stop these people that are committing hundreds of crimes a year is to arrest them, convict them, put them in jail, and keep them there.

So I do not know how many of these gun crimes are committed by the same people over and over. But I do know this: unless we act, this violence is going to go on. Unless we act, we are not going to be able to make America again the country we want it to be. I believe this is a wholesale failure of American Government on this issue.

I am proud of the fact that we have cut Government spending in other areas to provide this funding. I am often on this floor arguing for cuts in Government spending. But part of our problem is we are spending so much money in areas where Government, in my opinion as one Member, has no legitimate role, that we do not have enough money to spend in areas where we have a clear mandate.

I believe, in the minds of the American people in 1993, that clear mandate was to deal with violent crime. We have written into our prison construction provision a mandate that the States participate; they cannot pull back on their effort. They have to build the prisons to conform to the truth-in-sentencing provisions that we have in our bill, where if somebody is sent to prison for a long time they have to serve there for a long time.

But the bottom line is the Nation demands action, and our goal on these gun crimes is not really to put people in prison, though, if they are going to commit the crimes, we want them to go to prison. If they are going to brutally murder, we want them put to death. But that is not our objective. Our objective, the objective of my amendment and the amendment of the distinguished Senator from New York, is to deter crime.

How many of these hoodlums walking around with a gun intend to actually shoot somebody? Maybe if they knew they would get 10 years in prison without parole for having the gun, they would decide not to carry it. Maybe if they made the mistake of carrying it, if they knew they were going to get 20 years if they discharged it and they were going to serve, honest to goodness, every single day of 20 years, maybe they would decide, "I made a terrible mistake and I don't want to make it worse by trying to shoot somebody." Maybe they would decide to put down the gun.

Finally, maybe if they realize that they might be put to death, no matter what State they are in, that they will not be killing our police officers and they will not be walking into stores shooting clerks who have come to this country looking for opportunity and the American dream.

So my goal is not to send a single person to prison. My goal is not to put people to death. My goal is to get people not to commit these crimes.

There are some people who are going to do it. There are some people who are just plain mean, and we might as well accept it. Those people we are going to apprehend, put them in jail, and keep them there. And some of them are going to end up paying with their lives for what they have done. But there are a lot of people out there, I believe, who, if we have stiff sentences and if we mean it, will not commit the crimes.

The final point, and I will be through on this issue. One of the things that worries me most about our criminal justice system—I know the Senator from New York has to be worried about it because it exists in Dallas, Houston, New York, and, unfortunately, even in small towns. Some hoodlum with a lot of money, fancy clothes, driving a great big car is arrested for a crime. He lives across the street from a mother, probably a single mother, with two little children. She spends all of her time trying to say to the kids, look, the way you get ahead in America is, you go to school, make good grades, work hard, do what is right. That is the way you get a big car, that is the way you get a nice house.

But what happens is every day those children see that crime appears to pay. So the police come out, arrest this hoodlum, drag him off. Twenty-four hours later he is right back on the street. He ends up going to court, they convict him, send him off to prison. They read in the paper they got rid of Joe Hoodlum, they send him off to prison. And then 12 months later, or sooner, he is back.

What I want is when these people brutalize our country and we send them to jail, I do not want those kids to ever see them again until those kids have become adults. Maybe then mothers will have a chance in our poor neighborhoods to have some hope of getting their children to escape from the poverty cycle.

So I want these provisions for a whole lot of reasons, but basically the reason is to deter crime, and for the people that are just determined they are going to commit it, to be sure they do not commit many of them before we put them in jail and keep them there. Maybe, maybe, with this provision we will be looking at a trend in years to come, and we will see these gun violations, these violent crimes with guns going down.

Obviously, if we do not, then we are going to be coming back, looking at this again, and deciding what we are going to be doing about it. But I believe that there is an inverse relationship between crime and punishment.

With that, I yield the floor.

Mr. BIDEN. Mr. President, I would like to propound a unanimous-consent agreement relative to what we vote on this. I am prepared after a 12-minute summary to yield the floor. I do not know if anyone else is seeking recognition on this side.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. I would like to propound the following unanimous consent request.

I ask unanimous consent that upon the completion of the debate on this amendment prior to going to our respective conferences that the vote on the D'Amato amendment take place without any intervening action or debate upon the completion of the vote on the Lieberman amendmentwhich is scheduled to take place, as the third in the succession of votes to begin at 2:15.

Mr. GRAMM. Could we then do the Gramm amendment and finish the whole thing?

Mr. BIDEN. First, that is my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Secondly, it is my intention, upon the completion of that vote, to move to agree to by voice vote or rollcall, the Gramm amendment, the underlying amendment to which the D'Amato amendment is attached.

It is true that the Senator from Delaware did, last time out, after the Senator from New York was kind enough to make some changes in this amendment, vote for the amendment. That is why the Senator from Delaware included in the Biden bill, the underlying crime bill here, a death penalty where there is Federal jurisdiction for the exact same crime the Senator is calling for the death penalty on.

Unlike the Senator from Wisconsin, I do not have the same philosophic point of view relative to the death penalty. That is not my concern about this amendment. My concern can besummed up by a letter that I received from a not-so-conservative Supreme Court Justice, in which he said:

> I am writing in my capacity as Presiding Officer of the Judicial Conference of the United States to convey the opposition of the Judicial Conference to proposed legislation that would provide for federal jurisdiction over offenses traditionally reserved for state prosecution. I enclose a statement expressing the objection and the reasons therefor in more detail. I appreciate your serious consideration of these views.
>
> The Judicial Conference of the United States opposes legislation adopted by the Senate which would expand federal criminal law jurisdiction to encompass homicides and other violent state felonies if firearms are involved. Such expansion of federal jurisdiction would be inconsistent with long-accepted concepts of federalism, and would ignore the boundaries between appropriate state and federal action.
>
> The addition to federal jurisdiction of virtually any crime committed with a firearm that has crossed a state line will swamp the federal courts with routine cases that states are better equipped to handle, and will weaken the ability of the federal courts effectively to deal with criminal cases that present uniquely federal issues.
>
> Not only will bona fide federal criminal prosecutions suffer if the Senate's expansive

firearms provisions are adopted, but federal courts, overburdened by criminal cases, will be unable to carry out their vital responsibilities to provide timely forums for civil cases.

Second, I would like to introduce into the RECORD a letter from Judge Barry, speaking for the Committee on Criminal Law of the Judicial Conference of the United States.

I will read three paragraphs:

> Permit me to make one point crystal clear: the federal judiciary is not seeking to avoid a role in the effort to reduce crime and, in particular, crime involving firearms; indeed, we strongly endorse this effort. But there is already very strong and heavily utilized federal firearms law. A defendant who uses a firearm in connection with a federal offense is sentenced under current law to a stiff term of imprisonment, which is in addition to the sentence for the underlying federal offense.
>
> We oppose, however, any proposal which would make every state offense committed with a firearm a potential federal offense. Wholly aside from the massive influx of prosecutions which would ensue, such a proposal would be inconsistent with long accepted and traditionally honored principles of federalism and would adversely impact on the ability of the federal courts to function as intended.
>
> More specifically, the federal courts are designed to handle complex criminal cases—

That is, Mafia cases, organized crime cases, major complicated cases—

> with nationwide impact that states lack the resources and/or jurisdiction to investigate and prosecute. While the anticipated provision would presumably relieve the states of a small proportion of their criminal caseload, the potential addition to the federal caseload of thousands of cases that the states routinely and efficiently prosecute would severely reduce if not cripple the federal courts' ability to handle those types of cases that we are best able—and geared—to handle. Winning the war on crime requires an efficient use of resources and requires a recognition of the specialized role of the federal courts; indeed, the diversion of federal resources to these prosecutions might well lead to less effective law enforcement across the board.

I ask unanimous consent that the entirety of Judge Barry's letter be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 5, 1993.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write as chair of the Judicial Conference Committee on Criminal Law to comment on a provision that I understand may be offered by Senator D'Amato as an amendment to the crime bill currently under consideration by the Senate (S. 1607). This amendment would provide, under federal law, for a death penalty for homicides involving firearms that have moved in interstate commerce and mandatory minimum sentences for the use of firearms in connection with state crimes of violence or drug trafficking crimes. The Judicial Conference of the United States opposes such a provision.

Permit me to make one point crystal clear: the federal judiciary is not seeking to avoid a role in the effort to reduce crime and, in particular, crime involving firearms; indeed, we strongly endorse this effort. But there is already very strong and heavily utilized federal firearms law. A defendant who uses a firearm in connection with a federal offense is sentenced under current law to a stiff term of imprisonment, which is in addition to the sentence for the underlying federal offense.

We oppose, however, any proposal which would make every state offense committed with a firearm a potential federal offense. Wholly aside from the massive influx of prosecutions which would ensue, such a proposal would be inconsistent with long accepted and traditionally honored principles of federalism and would adversely impact on the ability of the federal courts to function as intended.

More specifically, the federal courts are designed to handle complex criminal cases with nationwide impact that states lack the resources and/or jurisdiction to investigate and prosecute. While the anticipated provision would presumably relieve the states of a small proportion of their criminal caseload, the potential addition to the federal caseload of thousands of cases that the states routinely and efficiently prosecute would severely reduce if not cripple the federal courts' ability to handle those types of cases that we are best able—and geared—to handle. Winning the war on crime requires an efficient use of resources and requires a recognition of the specialized role of the federal courts; indeed, the diversion of federal resources to these prosecutions might well lead to less effective law enforcement across the board.

In addition, this proposal would call for mandatory minimum sentences which the judiciary has consistently, vehemently, and virtually unanimously opposed. That opposition is based upon the recognition that the Sentencing Reform Act imposes on the United States Sentencing Commission the obligation to establish sentencing guidelines to create a comprehensive and rational federal sentencing system. Statutory provisions requiring mandatory minimum sentences not only subvert that scheme, but render it impossible for courts to ameliorate the harsh effects of mandatory minimum sentences even in cases in which not to do so would work a minifest injustice.

In sum, we agree with the principles enunciated by you at the last Third Circuit Judicial Conference that our limited federal judicial resources should be dedicated to cases in which the states are unable or unwilling to protect an important federal interest; in which the gravity of an important federal interest and the pervasiveness of the states' inaction together outweigh the burden on the federal system; or in which the conduct is occurring in many jurisdictions, overwhelming the ability of any one state to respond. Moreover, we strongly object to any characterization that the federal judiciary is not concerned about protecting the lives and the property of the citizens of this country or that it seeks to be above the fray, as Senator D'Amato suggests. The proper debate should center, as you propose, on where the federal courts can make the most meaningful contribution. Under virtually any standard for drawing such a line, the anticipated D'Amato provision fails the test.

The Judicial Conference is on record as opposing the anticipated provision. We reiterate that opposition now.

Sincerely,

MARYANNE TRUMP BARRY.

Mr. BIDEN. I conclude by again saying that I compliment my friend from New York. I said to my staff person, who is an expert in criminal law, sitting next to me here, that if I were the Senator from New York—I am not being facetious—I suspect I would do exactly the same thing out of absolute total frustration of what is not happening in his State and what is not happening, particularly in this city. I believe that is where I would be driven. But my responsibility as chairman of this committee, and hopefully as someone who knows a little bit about the subject, is to try to keep our eye on the ball here, and to keep our eye on the ball, it seems to me that we can do one of two things to help the States. We can give the States the tools to do the job, because they are fully capable if they have the tools. And in this bill we have; we have given them a great deal of money for prisons, $6 billion, and 100,000 police officers that the Federal Government is going to pay the lion's share of. In addition, we have given them several billion additional dollars for other police enforcement and prevention initiatives. That is one way to do it.

The second way to do it is to take over the jurisdiction of routine crimes committed at a Federal level—routine, although devastating to the person against whom the crime is committed. I think the preferred route is the first route.

I am worried. What is making me change my mind on the legislation today is two things, two facts I did not have last night. First is an estimate of the potential cost to the Federal Government of this, and, second, we finally have a Federal system that is working. I would rather not break it. I would rather try to fix the State system by giving them the resources and ability to do it. I acknowledge that this is a close call and, again, I compliment my friend, and I understand. As I said, if I were the Senator from New York, living in Long Island rather than living in suburban Wilmington, I suspect, I would be doing exactly the same thing.

The PRESIDING OFFICER. The hour of 12:30 p.m. having passed, the Senate is supposed to recess.

Mr. BRADLEY. Mr. President, I ask unanimous consent that the recess be postponed for 10 or 12 minutes until I have finished with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. BIDEN. Will the Senator yield for 30 seconds for an additional request?

Mr. BRADLEY. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. I ask unanimous consent that upon the disposition of the D'Amato amendment, the Senate, without any intervening action or debate, vote on the underlying Gramm amendment No. 1130, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN. If the Senator will yield, I ask unanimous consent that at the conclusion of his remarks, I might be permitted an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, if I might make a request, I ask unanimous consent that at the conclusion of the remarks of the Senator from Nevada I be permitted 5 minutes to respond and to have the time extended?

The PRESIDING OFFICER. Is there objection?

Mr. D'AMATO. If I might be permitted 3 minutes just to respond——

The PRESIDING OFFICER. The Senator from New Jersey has been recognized.

Mr. BRADLEY. Mr. President, I think the Senator wants to respond to the remarks made by the Senator from Delaware. I have no objection to deferring my time for 3 minutes and allowing him to go ahead on the issue.

Mr. D'AMATO. I thank my colleague from New Jersey.

Mr. President, I am going to repeat this again. There is no more sense of duty than the protection of the lives of our citizens. The Government has no other obligation that is greater than that. When they fail in that, they fail in everything.

When we look at the Preamble to the Constitution of the United States, it should come to us clearly. It says:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty * * *.

My gosh, what kind of liberty do our people have? Let us get into the real world of what it is like to live in the city of Washington, the city of New York, most of our urban centers.

Now we can go along with the judiciary, the chief judge, who says our courts are going to be overburdened. Make sure we give them the resources necessary to deal with the problem.

It is going to cost $2.5 billion to prosecute these cases. I will tell you something. You could not spend the money in a better place if you are going to make our communities safe. Ask the people, take it to the people.

For us to be passing the buck back and forth, "Oh, it is the failure of the local government," what does the local government say? They say: "We do not control the production and the distribution of drugs which powers so much of the crime. It is the Federal's responsibility."

What do we say to that?

No, Mr. President. The time for buck passing has stopped. It is time to take clearly a commonsense approach that we are going to help law enforcement because we are going to be working for our citizens, and that is our responsibility.

If you use a gun in the commission of a crime, we send you to jail. If the local people do not have the resources to do it, by gosh, it should be our responsibility and our duty to step in and do it. If you kill someone, yes, you will face the possibility of the death penalty. More importantly, hopefully, we demonstrate a commitment to bring civility to our country, we begin to reduce the dreaded statistics that show a rampage and 20 percent more felonies every year in the use of handguns. Up and up it goes.

Mr. President, I believe this legislation can make a difference. I urge my colleagues to support it.

Mr. President, I ask unanimous consent Senator GORTON be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank my colleague from New Jersey, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. BRADLEY. Mr. President, this evening on CNN there will be a debate about the North American Free-Trade Agreement between Vice President AL GORE and Ross Perot.

I think this highlights the importance of this issue to the American people, that there would be such a high visibility debate between a proponent and an opponent of the North American Free-Trade Agreement.

I have spoken on this floor as recently as yesterday as to why I think that the North American Free-Trade Agreement is in the national interest. Yesterday I spent about 10 to 12 minutes talking about why it will create jobs in the United States, and why it will create net new jobs, and why it will make us more competitive in international markets. I think we cannot forget that point.

Tomorrow, I will talk about what happens if the NAFTA is defeated and what the consequences are that flow for the United States if the NAFTA is defeated.

Today I would like to talk about why I think this is an historic moment.

Mr. President, on November 17, the House of Representatives will take a vote on the North American Free-Trade Agreement. If they pass the agreement, it will come to the Senate. If it is ratified here, it will go into effect January 1. If it is rejected in the House of Representatives on November 17, it is all over.

Mr. President, there are few moments that occur in a Congressman's tenure of service or a Senator's tenure of service that will affect generations to come. It is my view that the North American Free-Trade Agreement is such a moment. It will shape the kind of country we are for generations to come. It will determine whether we are willing to step forward and lead the postcold war world by the power of our example. The United States being an inclusive society and economy.

Mr. President, there are other moments when I have said to any number of Congress people that I have been talking to over the last several weeks, that this is an historic moment. On one hand some feel, if we do not get this NAFTA we will get another NAFTA and say "No, it is not this NAFTA."

If there is not an agreement to support this NAFTA, there will be no other NAFTA. It is now or never. It is up or down. The Mexican Government will not renegotiate another NAFTA. They cannot possibly, given their history and what they have done to bring themselves to the point to extend the hand north to the United States and say let us be a partner for the benefit of both of our countries.

If it is rejected by the Congress of the United States, it will be an indignity that the Mexican people will feel. It will not be an easy thing to overcome. To think you will have another NAFTA negotiated is, in my view, the height of folly.

Mr. President, there have been other moments in our history as a country when a decision had to be made. If a decision was made one way, we became quite a different country; if a decision was made another way, we became again quite a different country.

Let me give you just three examples:

Thomas Jefferson was elected President of the United States in 1800. He was elected by a diverse coalition, a new party that became the Democratic Party ultimately. He had strong support from westerners, those who lived in the Tennessee and the Mississippi territory. Traders and frontiersmen formed a big part of his coalition and he was elected. Those traders were sending those goods down the Mississippi River to New Orleans, where—at that time New Orleans was owned by the French—the French began to put tariffs, duties, on the goods that the American trappers were sending down the river. It began to create quite a storm.

There were elements of the Jefferson coalition that urged the United States to intervene militarily, for the new United States to invade and take control of New Orleans.

In 1803, the President thought of another course. He dispensed James Monroe and Livingston, who was the Ambassador of the United States to Paris, to the French Government with the instructions to buy New Orleans; buy it. They went in to see Talleyrand, who was the foreign minister, and unbeknownst to them Tallyrand had a conversation with Napoleon who earlier had decided because of a guerrilla war in Haiti taking 30,000 to 40,000 French lives that the French empire would not long be in the New World; they would invade Europe. When the United States representative went in to Talleyrand and said, "We would like to buy new Orleans," the French representative said, "What will you give us for all of Louisiana?" This was an historic moment.

Thomas Jefferson had to decide, "Do I go against my reading of what the Constitution allows me to do and purchase all of Louisiana, or do I shrink back; do I shrink back and not advance?" He made the decision to advance, and America became quite a different place. It became, in Jefferson's words, "the empire of liberty"; it became a continental nation.

It was a historic moment, where the decision transformed the kind of country we are.

Fast forward about 60 years. Secretary of State Seward decided he was going to buy all of this ice up in the north called Alaska, owned by Russia. People called it Seward's Folly. People asked, "What do you want with all that ice? It is nothing but frozen land, worthless."

Seward had a vision of what America needed and what it could become. He convinced Lincoln and then Johnson to buy Alaska. The United States bought Alaska for a few million dollars and transformed our prospects.

It was an historic moment. Had we decided the other way, we would have had quite a different country.

Another historic moment after World War II, occurred coming out of the depths of the depression, world trade had crumbled. Those who won World War II decided we were going to have to raise living standards based on world trade.

They drafted the General Agreement on Tariffs and Trade, the World Bank, the IMF, and produced the greatest prosperity the world has ever known. That prosperity flowed directly from those decisions. That was a third historic moment.

Had the United States turned inward, shrunk from the challenge, not only would our living standards be different, but our self-perception as a people would be different and our leadership in the world would have been nonexistent.

These were three moments in American history, historic moments.

Mr. President, I would argue that we are once again at one of those moments.

The vote in the House of Representatives next week will determine the future of this country in more ways than one. Not only will it mean more jobs for us, not only will it mean more competition and more ability to compete in world markets, but, it will help to curb illegal immigration. With a country where half the population is under the age of 19, if we reject the North American Free-Trade Agreement and jobs are not created in Mexico, there is only one way that those young Mexicans are going to head, and that is north. And when they come north, they will be displacing minimum wage workers in this country, because they will work for less than the minimum wage and social tensions will rise.

Last week, we had a debate on illegal immigration and social services. It was filled with a kind of anger at the illegal immigrants. That will only increase. There will be further polarization. There will be more meanness. There will be less opportunity. And in Mexico, there will be less democracy and less of a chance for people to build a better life for themselves.

Mr. President, this is a historic moment, not a free vote, not an appropriations bill that will come back next year. It is a moment in time when you either step forward and say, in the tradition of Thomas Jefferson or Secretary Seward, or all the leaders in our Government in the post-cold war era, yes, we are going to advance, we are going to take the leap, we are going to take the small risk to be bigger, because to be bigger is to be American. We are not a people that shrinks back. We are a people who advances.

And I am not implying that the United States is buying Mexico, not in any way whatsoever. There the example is dissimilar. There is, however, the similarity of this being a historic moment.

It is my hope, Mr. President, that the House of Representatives will respond to this moment in the best traditions of our American character and pass the North American Free-Trade Agreement.

I yield the floor.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the Chair.

AMENDMENT NO. 1140

Mr. BRYAN. Mr. President, I rise in support of the amendment offered by the distinguished Republican leader to make violent crimes committed by street gangs punishable under Federal law. The movement of drugs and gangs across State lines and their power to terrorize local communities provide the Congress with the authority and, in my view, the duty to declare Federal jurisdiction and appropriate penalties.

Mr. President, youth gangs have become more violent, particularly those engaged in street-level drug activity. Our local law enforcement officials, who are on the front line, need additional resources and penalties to help fight this rising tide of violent and drug-related activity.

Criminal gangs are groups that exhibit at least five of the following characteristics:

Formal membership with the required initiation or rules for members; a recognized leader; common clothing, language, tattoos; turf where the group is known; and a group name.

The Department of Justice reported 4,881 gangs, 249,324 gang members, 1,051 gang-related homicides, and 46,359 gang incidents in 1991.

Youth gangs are increasingly using guns and drugs. According to the Justice Department, juvenile arrest rates for heroin/cocaine escalated dramatically, more than 700 percent between 1980 and 1990. Juvenile use of guns in homicides increased from 64 percent to 78 percent between 1987 and 1991.

And, tragically, Mr. President, my home State of Nevada has not escaped this spiraling violent trend of youths using guns and intimidation to protect their drug trade and their turf.

In Las Vegas, there are 118 different gangs with 5,916confirmed members. In Reno, a city of 140,000 people, there are 23 different gangs with 865 confirmed members. It is clear that gang violence has crossed over the Sierra Nevada from California and has now permeated the daily life of Nevada's two largest cities.

In Las Vegas, in 1991, there were 130 drive-by shootings and 17 gang-related homicides. In the following year, 1992, that number had nearly doubled to 258 drive-by shootings and 18 gang-related homicides.

In Reno, since March of this year, there have been 75 gang-related crimes—2 homicides, 4 attempted homicides, and 12 felony batteries.

This kind of lawlessness, Mr. President, makes a mockery of Government's first and primary responsibility, and that is to provide a safe place for its citizens to live.

The Congress can pass all of the social programs in the world, but if we are unable to secure our streets, to make our playgrounds safe again, and our schools places in which youngsters can live and learn, all of these social programs will come to naught.

This amendment makes it a Federal crime to participate in, or to conspire to participate in, a criminal street gang. It makes it a Federal crime to recruit others to join the gang. The amendment provides for increased penalties for participating in a criminal street gang, for a crime against a victim under the age of 18, or conspiring to commit murder as part of the gang.

The amendment further authorizes $100 million to hire additional assistant U.S. attorneys to prosecute gang activity and establishes a $100 million grant program under the Juvenile Justice and Deliquency Prevention Act to States and nonprofit organizations to help get gang members on the right path.

This amendment permits the Federal Government to assist States and localities with their efforts to attack violent crime and the spread of illegal drugs.

Incidences such as these must stop—on June 18, 1993, a gang member in Reno fired several shots in the vehicle of an Hispanic family near Virginia Lake Park, killing a 3-year-old boy and wounding a 5-year-old girl. Another incident resulted in the stabbing death of a 19-year-old. The fight was gang related and involved members of two opposing Northeast gangs in the city of Reno.

For these reasons, Mr. President, I urge my colleagues to support the amendment offered by the Republican leader and I urge its passage as part of the crime bill.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak for up to 12 minutes, as if in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I rise today to commend the chairman of the Judiciary Committee for including the rural drug enforcement component in the Violent Crime Control and Law Enforcement Act of 1993, and to urge my colleagues and the administration to heed the warnings and concerns of Upper Midwest State and local law enforcement officials regarding the spread of the dangerous new drug, methcathinone by making northern Wisconsin a high priority for rural drug enforcement Federal assistance.

These provisions are important, and highlight why such rural drug law enforcement assistance is so critical. I am here to describe to my colleagues the problems associated with the drug methcathinone, better known as "cat," which the chairman alluded to in his opening remarks describing this bill. This drug is currently plaguing State and local law enforcement officers in over 22 counties which encompass the Northeastern portion of the State of Wisconsin.

"Cat" is the street name for the highly addictive new drug which resembles crack not only in appearance, but in potency as well. In fact, some law enforcement officials have even described it as more dangerous than cocaine or any of its derivatives such as crack, because of the combination its extreme addictive nature and the ease which it can be produced at low costs.

And probably the most disturbing aspect concerning thing about this drug is that it is not grown in or only native to another country in Central or South America, such as cocaine—but is produced with ingredients commonly available at almost any local drug and hardware store here in the United States.

This drug was first found in the United States during a drug raid in the Upper Peninsula of Michigan in 1991. Clandestine labs have since spread South to my State of Wisconsin where it has wreaked havoc on northern Wisconsin law enforcement agencies by exacerbating the problems associated with an already growing rural drug trade. This highly addictive drug has been known to produce a high for up to 14 hours and its user will at times go for several days without eating or sleeping.

The main ingredient is ephedrine, a mild stimulant sold over the counter as an asthma relief medicine and commonly sold in tablet form and used by some truckers and others to keep awake while driving over long distances. This key component, combined with other readily available ingredients such as epsom salts, drain cleaners, and battery acid, can be easily made in crude labs as mobile, as the back of a van, truck, or the trunk of a car, or even a bucket, making it both relatively inexpensive to manufacture and difficult for law enforcement to detect and apprehend its producers.

It has been determined that it costs as little as $400 to $500 to produce a kilo of "cat," resulting in a street value of up to $15,000, making it possible for an individual to achieve an all-day high for as little as $25, as well as return a substantial profit to the drug's producer and dealer.

It is this ease in the manufacturing of the drug, coupled with its low cost, that law enforcement officials fear the most.

I have been working with a group of sheriffs and other local law enforcement officials from 22 counties in northern Wisconsin who have created a task force in order to obtain Federal assistance to help in their efforts at stemming the flow of this drug.

I was pleased to inform them that the current anticrime bill would provide some assistance to their efforts in the long run and it was encouraging to see that the distinguished manager of this bill has recognized the inherent difficulties involved in rural State and local drug law enforcement efforts by including title XIV in this anticrime bill. Rural State and local law enforcement officers are saddled with the enormous burden of having to cover large and sometimes vast areas of land with only a handful of officers, limited resources, and little or no technical support, making drug enforcement an onerous operation at best. Title XIV not only authorizes $50,000,000 for rural law enforcement agencies and their drug enforcement operations, but also establishes rural drug enforcement task forces in each Federal judicial district encompassing significant rural lands. These task forces would be chaired by the respective district's U.S. attorney and would be comprised of representatives from both State, local law, and Federal law enforcement agencies, providing for greater cooperation and intelligence gathering capability.

I was also encouraged and eager to support the Senator from Utah's amendment which strengthened these provisions by requiring the Attorney General to create these rural drug task forces 90 days rather than 1 year after enactment of this bill.

Title XIV would also provide the potential for additional manpower for rural drug enforcement efforts by authorizing the Attorney General to cross-designate and assign Federal law enforcementofficers from other agencies such as the U.S. Park Police and the U.S. Forest Service for use in rural drug enforcement efforts.

And finally, title XIV provides the necessary rural drug enforcement training by requiring the Director of the Federal Law Enforcement Training Center to develop a specialized course of instruction for the training of local rural law enforcement officers on how to investigate drug trafficking and related crimes.

I am also encouraged to see that the senior Senator from Washington's Chemical Control Amendments Act was included in the bill in title XV of the bill Subtitle B—the Precursor Chemicals Act, will help control the diversion of chemicals used in the illicit production of drugs such as "cat", and will provide greater flexibility in the regulatory controls placed on the legitimate sale and manufacturing of those chemicals.

This section will help close the loopholes in existing law which make it difficult to combat illicit drugs that are made from legal chemicals used for legitimate purposes such as ephedrine.

This section would also impose liability on convicted laboratory owners, and operators for the environmental damages that sometimes result from manufacturing of some types of controlled substances.

This can be critical when dealing with the aftermath of a clandestine "cat" laboratory, which have to be treated as miniature toxic waste sites according to local law enforcement officials due to the inclusion of ingredients such as battery acid and drain cleaners in the manufacturing process.

These provisions when enacted will provide much needed training, resources, and law enforcement tools in the Nation's efforts at curbing the growing drug trade in rural America.

It is important that Congress pass these particular provisions if we are to deal with the rise of new drugs such as "cat" in a meaningful way. However, I am afraid that if we wait until this bill is passed, signed into law, and the necessary funds appropriated for the rural drug enforcement provisions, it will be too late to stem the flow of "cat" to the rest of the Nation.

In fact, "cat" has already surfaced outside of the midwest in the State of Washington and the city of Los Angeles. But if we provide assistance now we may be able to beat this drug.

As the distinguished majority leader pointed out on the floor last Friday, street crime is for the most part the responsibility of State and local law enforcement agencies. However, this is a situation in which Federal assistance is necessary and can provide important tools which can hopefully prevent another drug epidemic.

This drug is spreading like wildfire and unless we act to curb it now, its recipe will spread and it will be only a matter of time before a "cat" production and sales syndicate/operation is established. I urge my colleagues and the administration to not allow another drug to overrun our Nation's streets.

The administration has been criticized for all but halting our Nation's drug interdiction efforts, here is a situation in which a drug is not coming across our Nation's borders but is made from within. I have already sent a request to the former Administrator of the DEA to ask that northern Wisconsin be made a priority area for a task force to be located, and I plan on submitting another request to the administration and the Attorney General asking for priority status and the reassignment of agents in the interim.

To highlight the urgency in this matter, the head of the Wisconsin DEA has even suggested that he would be willing to close an office in south central Wisconsin located in Madison and reassign the agents to the northern portion of the State since the drug trade has reached disturbing proportions, and the northern county sheriffs have even offered office space and support staff to any DEA, agents that could be stationed in the area.

Although I do not agree with certain aspects of the entire anticrime bill, mainly the needless expansion of the death penalty, I support the rural drug enforcement component and hope that it will be passed and signed into law as soon as possible so that Federal assistance will be made possible and provided to help State and local law enforcement officer's efforts at containing, and hopefully halting the production, sale, and use of this destructive drug.

I look forward to working with the President, the Attorney General, the Administrator of the DEA and my colleagues in this effort, and would like to extend mine and the people of Wisconsin's gratitude in advance for any assistance in these efforts. Hopefully, if we act now, together we can at least prevent the manufacture and use of this drug from reaching national proportions and becoming an epidemic. The tragic stories we have heard all too many times in this body are already too much for our law enforcement officers, and our entire Nation to deal with.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate shall stand in recess until the hour of 2:15 p.m.

Thereupon, at 1:04 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1994—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2520, which the clerk will report.

The legislative clerk read as follows:

> Conference report to accompany H.R. 2520, an act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994.

The Senate continued with the consideration of the conference report.

Mr. SIMPSON. Mr. President, I am pleased that the Interior appropriations conference report includes the requirement that the U.S. Fish and Wildlife Service put together and maintain a data base on wildlife numbers in those areas where wolf reintroduction might occur in the future. We have learned from experience with wolves in Alaska that wolf predation can deplete our valuable big game herds and nongame wildlife populations and that wolf control is a very valid wildlife management tool.

The U.S. Fish and Wildlife Service will be required to set up a data base on wildlife populations so that any future wolf reintroduction can be monitored in terms of negative effects on wildlife populations. This monitoring will allow State and Federal wildlife managers to make scientific decisions about the need for wolf control, or decisions regarding sport hunting seasons for wolves, as a means of maintaining wildlife populations at proper levels without reducing sport hunting opportunities.

The Fish and Wildlife Service should use available data collected by the State game and fish agencies for wildlife populations in possible wolf reintroduction areas, and in adjacent areas. Data collected by other Federal agencies should be included as well. We should have a data base that goes back at least 10 years and then continues into the future. This data should be collected on a yearly basis and should include hunter harvest levels.

This activity would in no way usurp State law. In fact, I consulted with State game and fish personnel before drafting the amendment which I offered on the Senate floor. This should be a cooperative effort between the U.S. Fish and Wildlife Service and the State agencies and other Federal agencies.

The National Park Service compiled data for ungulate populations in Yellowstone Park for the period covering 1980–88. However, that type of data collection should be continued and should be made part of the data base. Nongame species should be counted as well. I envision the creation of a computer data base on wildlife population numbers that can be used to compare prewolf data and postreintroduction data should wolves ever be introduced in Wyoming and Idaho.

I trust the U.S. Fish and Wildlife Service will make funds available to the State game and fish agencies in order to assist in this data collection and will assist other Federal agencies in gathering data as well. It is just good common sense and sound wildlife management policy to develop such a data base and I am pleased my amendment was included as part of conference report. I would like to thank Senator BYRD and Senator NICKLES for their splendid assistance in this matter.

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order that I submit for the RECORD, and ask that there be printed in the RECORD prior to the vote on this Interior bill various editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Albuquerque Journal, Nov. 1, 1993]

RIDING A STRANGE HORSE

It's an awkward impasse between Secretary of Interior Bruce Babbitt and opponents of his proposed grazing fee reforms. Opponents of the reforms lack the votes to legislatively block them—but Babbitt and the administration lack the votes to force the issue.

Forty-four U.S. senators, including New Mexico's Pete V. Domenici and Jeff Bingaman, are using an arcane Senate parliamentary procedure to stall approval of Interior's spending authorization in an attempt to force a compromise. Unless 60 senators agree to consider the spending bill, no action can be taken on it. Other Senate business can continue. Congress was forced to pass a bill to provide the Interior Department with funding until Nov. 10.

Efforts to break the "filibuster" (not a true filibuster since the Senate no longer uses the tactic of talking a bill to death) have failed three times. Domenici has asked that management changes be delayed for a year so that they can be studied more. He said he could support a fee increase.

Babbitt wants to raise grazing fees on public land 130 percent over three years and make substantive changes in the way government manages its range lands. He has threatened to make the changes administratively if the deadlock in Congress continues. A compromise plan passed the House but has been blocked by Domenici and 43 other senators.

A compromise—an 85 percent fee increase and less stringent regulations—was offered by Sen. Henry Reid, D-Nev. Reid's compromise is the better of the two choices.

Babbitt's adamant against further compromise may serve the administration's campaign promises, but it could prove unnecessarily harmful to ranchers in states such as New Mexico and in the long term, lead to much higher costs for management of federal public lands in the West.

Given the current mood of the administration and a majority of Congress, higher grazing fees and changed regulations are certain to come. Better that they be worked out by Congress than jammed down ranchers' throats by the secretary of Interior. Further compromise as advocated by Domenici and his fellow senators is in order.

[From the Albuquerque Journal, Oct. 24, 1993]

RIDE 'EM, COWBOY

U.S. Sen. Pete Domenici has been accused of grandstanding for cowboys in his fight against a plan to reform federal grazing laws. But the New Mexico Republican's accuser, Sen. Harry Reid, D–Nev., has it wrong. Domenici isn't grandstanding; he's taking a stand.

Domenici, New Mexico Democratic Sen. Jeff Bingaman and several other Western senators are standing up for New Mexico ranchers. The ranchers need defenders in high places, because the Clinton administration and many members of Congress are trying to push through a grazing free increase that could hurt—and perhaps mortally wound—a lot of New Mexico ranchers.

Supporters of efforts to increase grazing fees rightly point out that ranchers hurt themselves over the years by adamantly opposing the most minuscule increases. Then, when a presidential administration sympathetic to higher fees came into office, the dam was ready to break. Interior Secretary Bruce Babbitt proposed increasing fees from the current $1.86 per animal unit to $4.28. Reid came up with a smaller increase—to $3.45—and inserted it into the Interior Department budget.

So, shouldn't Reid win support for his attempt at a compromise? If it were a true compromise, yes. But the increase backed by Reid, while less than Babbitt's, is substantial.

Contrary to the image many people may have of ranchers overseeing vast, Ponderosa-size operations, most ranchers in new Mexico have much smaller spreads. In our state, Domenici said, a medium-sized ranch would pay an extra $6,006 a year under the proposed hike contained in the Interior Department's funding bill.

"Can you imagine if every New Mexican was told their taxes would go up by $6,006—and there was nothing they could do about it?" Domenici said. "People would be outraged. That's one reason I'm determined to fight this."

Domenici, other Western Republican senators, Bingaman and a handful of other Democrats delayed a vote on the Reid measure last week. It will likely be a temporary victory. Sentiment in Congress appears to be with the Reid position.

Many Americans who live in cities might say, "So what?" Reid himself—although from a Western state—restated an unfortunate stereotype too many people have about ranching. He accused Domenici of grandstanding for "a West that no longer exists."

Well, maybe Reid should visit the many, many small ranches in New Mexico—the spreads owned by families for generations. Those ranchers could let Reid know they are real and they are the bedrock of much of rural New Mexico. However, they could also tell him that if his perception of reality isn't correct now, it will be if a big grazing fee goes through, without any provision for small operations.

And people who think ranching should be totally eliminated shouldn't assume that all those ranchers will be driven off the land if big grazing fees are enacted. Only the small ranchers will fold; the huge operations—many of them owned by out-of-state corporations—will survive.

City dwellers who don't particularly care about rural New Mexico should consider this: What will happen if the strongest threads in the fabric of some communities—the small ranching families—are ripped out by hefty fee increases? What else will unravel if those families are forced to leave and seek work elsewhere? Doesn't the economic health of New Mexico also depend on the strength of rural communities?

If members of Congress dismiss such concerns as representing "a West that no longer exists," then large swaths of rural New Mexico will suffer, Domenici and Bingaman are in a tough fight that they may well lose. But, even if they lose, they will be viewed by many New Mexicans not as grandstanders, but as people who took a stand to preserve rural communities.

[From the Canon City (CO) Record, Nov. 8, 1993]

RANCHERS WANT AN APOLOGY FROM INTERIOR CHIEF BABBITT

(By John Lemons)

CANON CITY.—More than 40 local ranchers demonstrated in front of the Bureau of Land Management (BLM) Friday morning in response to what they say is a "War on the West" by Secretary of the Interior Bruce Babbitt.

"Grazing is not the issue," said Aaron Atwood, president of the Freemont Cattlemen's Association. "The issue is water rights."

The speakers present at the demonstration Friday morning said they were concerned about the Rangeland Reform '94 Resolution, which is attached to an appropriations bill for the BLM. The bill is scheduled to be voted on Tuesday.

"We are mad as hell," Atwood said. "We have been painted and labeled as bad land managers."

Atwood also alleged that Babbitt had lied to ranchers at a Grand Junction town meeting when he promised more public meetings. So far, there have been no hearings held or dates announced.

Babbitt also is keeping the public misinformed by trying to hide BLM records that show the rangeland is in better condition now than at any time in this century, Atwood said.

Sen. Hank Brown also spoke out against the reform resolution at the demonstration. He spoke from Washington D.C. on the telephone, and his voice was amplified on a public address system in the BLM parking lot.

"The issue is one of the most important we have ever seen," Brown said. "We caught them red handed trying to steal Colorado water."

The reference was to the reform resolution that will take some private water rights from those who use private springs and wells to supply watering tanks for wildlife and cattle on public lands, Atwood said.

Another concern for ranchers and farmers is the elimination of the rangeland advisory board, which is made up of members of the community who advise BLM officials, he said. Local people would have no input to rangeland management if the local boards are eliminated.

The reform resolution would even limit access to public lands, said officials.

"The federal government is telling us to get off the land," said Steve Arveschoug, a representative for Congressman Scott McInnis.

The proposal by the demonstrators was that Babbitt stop his "War on the West" and withdraw the reform resolution, said Rod Carpenter of Texas Creek. A new process would begin to create a new consensus through the Western governors, ranchers, environmental interests and community leaders to develop a long-term, sustainable resolution on federal lands management issues.

"We think Babbitt should make a public apology to all western ranchers for his lying and misleading tactics," Atwood said.

If an apology is not made, the ranchers and others will participate in a White House phone-in campaign on Nov. 9 to demand that President Bill Clinton fire Babbitt, he said.

REGARDING RANGELAND REFORM COMPROMISE AND PUBLIC LAND POLICY

Mr. SIMPSON. Mr. President, when this proposal was first announced by the administration, shortly after Congress began its August recess, I looked long and hard for something good to say about this so-called rangeland reform initiative. I finally concluded that the best I could say was that there will be time for extensive public comment. Unfortunately, not even that small consolation proved to be true.

Western Senators were placed in a most difficult position. It was necessary for us to fiercely protect our States rights and interests by fighting this proposal on the floor of the Senate.

I understand the Senator from Nevada and carefully observed his dogged and unstinting commitment to his principles. Those of us who oppose rangeland reform can appreciate that. We, too, had to take a similar stand for our principles.

During the past month, we have spoken often of the potentially devastating impacts the administration's reform package would have on the Western States. I am most pleased that we can now go forward with the passage of this conference report.

I believe that the Senate is demonstrating by today's action that the main point of contention in this conference report was not the grazing fee increase. We knew it would—and should—be raised. Only the amount was in question.

This reform proposal went much farther: It rewrote the public land laws in broad and radical means. The so-called reform affected property rights, water law, the permitting process, the appeals process, and a number of other longstanding traditional land management practices.

This so-called reform changed management practices that have not only been successfully proven over time; but it changed practices and management policy that has served to dramatically improve the condition of our public rangelands.

The Senator from Nevada is correct in one respect: The West is changing. It is becoming more urbanized. We westerners recognize that.

However, Mr. President, change simply for the sake of change is not always a good idea. The Western ethic—the lifestyle of the West—does not have to be changed simply to force different, and even bizarre, management practices on our public lands. We in the West are always eager to act sensibly to improve those lands—these lands are the true basis for the lifestyle that we cherish so dearly. That is why this debate has been so passionate.

I am pleased the proponents of this proposal have now withdrawn it. I trust that the authorization committees of jurisdiction will now pursue their legislative obligation to conduct thorough and exhaustive hearings.

Mr. HARKIN. Mr. President, I rise to offer my strong support for the conference report, including funding for the National Endowment for the Arts. I would like to take a moment to talk about one of the important projects supported by the Endowment to illustrate how these tax dollars are spent.

The Des Moines Opera Co., receives funding from the NEA to operate OPERA Iowa—one of the most acclaimed art programs for Iowa schools. OPERA Iowa is a popular educational touring company that visits schools throughout the State each spring. This traveling company performs in large and small communities in every corner of our State. Because of OPERA Iowa, many students who could not travel to Des Moines or other cities have had the opportunity to experience live opera performances. Judging from the letters I have received from Iowa school children who have attended the performances, this is an experience they do not forget.

OPERA Iowa is one example of ensuring that the arts remain accessible and available to all individuals. This is especially important for those that might be denied access because of geographical location or family finances. OPERA Iowa is possible only because of the financial support of the NEA and I am pleased to support funding for such a fine organization.

REGARDING GRAZING FEES

Mr. DOLE. Mr. President, today's agreement is a major victory and I commend my colleagues for working so diligently on this issue. The myths that we have read in the press and heard on this very floor have made it difficult to keep the facts straight.

For a moment, I too, would like to separate myth from fact. I heard from the proponents of increasing grazing fees and all of the supposed benefits that would come with such action. These proponents paint the picture of a ravaged West, saying the western rancher is raping the land. Yet, we all know the land is better off than what the pioneer accounts show.

Keep in mind, the land we are talking about is owned by the Government because no one else wanted it. It was not suitable for grazing and certainly was not suitable for ownership. The forage value of an acre of rangeland in my home State of Kansas is certainly greater than that of an acre of rangeland in Nevada. Consequently, as livestock numbers increased in this country, so did the need for grazing lands and eventually, the Government leased this land to the public. Critics point out the difference between the current fee of $1.86 per AUM on public land and $8–$12 per AUM on private land. I would suggest to the critics they should also point out that when leasing from the Government, certain conditions have to be met by the tenant; conditions that are not required of private landowners.

Mr. President, ranchers pay more for private land because they get more. The fee is all encompassing. It includes fencing, water improvement, roads, and in many cases complete care for the livestock. To pay for private land also means that the tenant gets exclusive rights to the property.

Compared to public lands, the difference is significant. Ranchers leasing public lands must build the roads and watersheds, and they are required to build and maintain the fences at their own expense. Furthermore, their land is open to the public. I recently came across an analogy that illustrates the difference. "The difference between private and Federal land is much like the difference between dining in a restaurant and fixing your own dinner. Except that, on Federal land, you are expected to share your dinner with anybody who shows up at your table."

Clearly the Congress has spoken. I would encourage the administration to listen closely to what we have said through today's action.

GRAZING FEES

Mr. BAUCUS. Mr. President, I rise today to address the resolution of this grazing issue. As we witness the end of this extended and sometimes contentious debate, I have mixed feelings.

For sometime, I have stated that grazing fees should be increased. But I have also stated that any increase must be fair and must be determined through an open process based on public participation. I cannot support a fee which is brokered behind closed doors and then is shoved down the throats of those who depend on our public lands for their living.

I am pleased that the Reid compromise has been removed from the Interior appropriations conference report. This action is appropriate because, at long last, it will allow the very important Interior appropriations bill to be adopted by the Senate. While the filibuster was decried in some press and by some of my own constituents, it was a necessary effort to guarantee fair treatment for another group of constituents. It if unfortunate that preserving that fair treatment for one group resulted in the delay of critical projects. Today, we have taken an important step toward the completion of those projects.

Further, I support this move to allow the range reform operation to return to the rulemaking process initiated by the Secretary of the Interior. Public participation is of critical importance as policy is formulated. This action will ensure that the public has their say in any policy revision which is so important in Montana and throughout the American West.

I am very disappointed that we failed to resolve the issue of fees for grazing on Federal lands. I agree with my colleague from Nevada, Senator REID, in his statement that this fee should be established by Congress. The Senate has lost an opportunity to accomplish that goal and end years of heated debate. Instead, the opportunity has slipped away. While some might believe the fee will be resolved in the reform Secretary Babbitt has proposed, I have reservations. I believe the fee and management reforms may ultimately be separated. And I know that we have not heard the last of the infamous grazing fee debate. I fear it will return, another day, to once again haunt our Halloween deliberations.

While the rematch of Holyfield and Bowe was a sporting spectacular, a replay of this filibuster would be grave disappointment. Instead, we must work to accomplish grazing reform using the appropriate processes.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I am pleased that the filibuster is over and that the Senate was able to pass the Interior appropriations bill. By withdrawing his proposal, Senator REID has given us the opportunity to deal with the issue of rangeland reform in the appropriate arena: The authorizing committees of jurisdiction.

In the interest of fairness to those New Mexicans whose livelihood depends on grazing public lands, I remain convinced that many of the provisions of Secretary Babbitt's proposal need to be carefully examined by Congress, and that the authorizing committees should play a role in that. I believe that is the only way to adopt reform that is thorough and lasting.

New Mexicans and other westerners deserve the opportunity to express their concerns to the administration and the Congress on how their lives would be impacted by rangeland reform. The time for reform is now. Let us proceed to do it the right way.

Mr. STEVENS. Mr. President, I want to thank the members of this body's Interior Appropriations Subcommittee, as well as those of the House, for their acceptance of the Glacier Bay historic rights amendment. In particular, I want to thank Senator BYRD and Senator JOHNSTON for their support.

This amendment is important to Alaska because Glacier Bay visitation by cruise ships is the underpinning of tourism in our State. Each year, one out of every four tourists who visit Alaska does so via cruise ships and Glacier Bay is the premier attraction. The growth of tourism in Alaska depends, in large part, upon the ability of cruise ships to call on Glacier Bay.

Today, with the passage of the Interior appropriations bill, we are assured that Holland America Line-Westours, the cruise line that first enabled cruise ship passengers to see the wonders of Glacier Bay over 30 years ago, will be guaranteed the rights to which it is entitled under section 1307 of the Alaska National Interests Lands Conservation Act. This amendment will redress the failure of the Interior Department to properly apply section 1307 as to Holland America Line-Westours. Accordingly, with the passage of this amendment, Holland America Line-Westours will be able to forever continue providing cruise ship visitor services in Glacier Bay. Again, I thank the chairman for his understanding and support of this amendment.

RANGELAND REFORM

Mr. GORTON. Mr. President, I would like to take this occasion to express my approval of the Senate's decision to remove the Babbitt-Reid rangeland reform language from the Interior appropriations bill. In striking this provision, I believe the Senate has properly rejected the legislation by stealth approach which seems to be attractive to some inside the beltway, but which ignores the legitimate concerns of the people and communities whose livelihoods depend on the use of public lands.

This debate was never about grazing fees. If the grazing fee increase were all that was included in the Interior bill, the Senate would have passed it weeks ago by a large majority. I would have voted in favor of the bill.

Neither was this debate about partisan politics. There are several Democrats who have led the charge against the Babbitt-Reid proposal, and there are several Republicans who have embraced the proposed reforms. To call this a case of partisan gridlock is to engage in petty demagogery.

What this debate has been about, Mr. President, is the 19 pages of sweeping land use and private water rights legislation that was added to the bill at the tail end of the appropriations process as a result of a back room deal between Secretary Babbitt and a small group of Members. This language could undermine long-standing water rights of thousands of Washingtonians, could adversely affect permits and leases for nongrazing uses on Federal lands, and could invite a flood of lawsuits from all sides of the issue.

While I respect the views of Secretary Babbitt and my colleagues who are advocating this proposal, I cannot consent to this way of changing the law.

Let's take a minute to review the history of this debate. After Secretary Babbitt proposed his rangeland reform initiative in August, the Senate Appropriations Committee opted to place a simple, 1-year moratorium on changes in range policy to give the authorizing committees and the American public an opportunity to evaluate the Secretary's proposal. The appropriations bill passed by the House was silent on the issue.

In the Interior appropriations conference, we could have simply chosen between the House and Senate provisions. If the moratorium was unacceptable to the House conferees, they could have refused to agree to the Senate position and we would have eventually passed a bill that was silent on the grazing fee issue. At the very least, the authorizing committees would have been afforded the opportunity to address the issue, and people throughout the West would have been given the chance to comment on the Secretary's plan.

But this wasn't good enough. Instead, Secretary Babbitt and a very few Members of the House and Senate took it upon themselves to negotiate a compromise that would codify the Secretary's rangeland reforms. They did so behind closed doors and without consulting other Members or any part of the general public. I must say, Mr. President, that it was difficult for this Senator to tell the difference between the compromise and Secretary Babbitt's original proposal.

After the Babbitt-Reid language became public, I think its proponents expected a little grumbling but a quick surrender. But opposition was firm, and has solidified as more Senators have become aware of its potential impact. This is one backroom deal that has withered under the light of public scrutiny.

Mr. President, we have authorizing committees for a reason. It is their job to hold hearings, establish legislative history, resolve drafting problems, and address the concerns of those who will be affected by a particular piece of legislation. The authorizing committees were given no opportunity to perform these functions with regard to Secretary Babbitt's rangeland reform proposal.

I am the first to admit that Congress does not always take quick action on such difficult issues, and that the rangeland policy bills that have been introduced are moving slowly. But the breadth of the Secretary's proposal does not warrant a hasty approach. We are talking about changing the fundamental relationship between the Federal Government and the people who have made productive use of its lands for generations. A back door approach to this matter is unacceptable.

I understand that the Energy and Natural Resources Committee intends to hold hearings on rangeland issues. I wholeheartedly support the committee's efforts, and look forward to hearing from western Governors, Federal permit and license holders, and the concerned public. I trust that the committee will give the issue the attention it deserves.

In the meantime, Secretary Babbitt is free to impose higher grazing fees by administrative action. I hope the Secretary will not use this opportunity to punish those who have questioned his proposed reforms. I will understand if he seeks to raise grazing fees to a level that better reflects his view of the value of public grazing lands, but hope with all my heart that he will not impose fees so high that they will drive people off Federal lands. I think the Secretary is a better person than that. I think he also knows that he will be held accountable for any such actions, whether it be by Congress or by the people of the West at the next election.

Finally, I would like to address those who criticized me and other opponents of the Babbitt-Reid proposal for jeopardizing the many valuable programs that are funded elsewhere in the Interior bill. Mr. President, such criticism is absurd. No one has worked harder than I to gain approval for the many Washington State projects that are included in this year's bill. If these projects were ever seriously threatened, I would have been compelled to consider some sort of compromise rangeland language. That was never the case. Those who thought that this Congress would abandon Interior Department funding in order to support 19 pages of untested, poorly understood authorizing language either have a warped view of Congressional priorities, or are engaging in the same type of scare tactics of which they accuse opponents of the Babbitt-Reid proposal.

The Senate today will pass an Interior appropriations bill that is fully intact, with the exception of the rangeland reform provisions. This should come as a surprise to nobody. I am pleased to vote in favor of the bill.

Mr. WALLOP. Mr. President, during the filibuster debate on the Reid amendment to the Interior appropriations bill, my office was inundated with hundreds of letters from citizens of Wyoming and throughout the West. I wish we could give public voice to all the numerous letters I have received over the past few weeks, but limited resources will not permit.

However, as we are about to vote on the final conference report on the Interior appropriations bill, I would like to insert in the Congressional Record a sampling of letters from the people of my State that reflect the widespread concern about this issue as well as its complexity.

Of course, my heartfelt appreciation goes out to all who took precious time out of their busy days to share their experiences and perspectives on this matter.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Wyoming Bankers Association,
Casper, WY, October 25, 1993.
Senator Malcolm Wallop,
Senator Pete Domenici,
U.S. Senate, Washington, DC.

Dear Senators Wallop and Domenici: The Wyoming Bankers Association has been following the proposed changes in federal grazing fees closely and we are very concerned about the impact that increased fees will have on our livestock producers, our banks, and our communities. In Wyoming, a federal grazing permit is not just a supplement to a ranching operation but it is an integral part of the ranch. In many instances, a substantial increase in the cost of these permits or a reduction in the animal units will eliminate the ranching operation altogether.

As lenders, we are concerned about the quality of our loan portfolios. The increased fees would not only reduce the rancher's profit potential but also reduces the value of his deeded land which is often part of our collateral.

As community bankers, we know that decreased agricultural income and a decrease in the number of animal units in any area has an immediate and significant negative effect on the entire community. The proposal to increase grazing fees has already had an effect on the way we view agricultural loan applications. I have spoken to many bankers throughout the state who are approaching agricultural loans with far more caution than they had before this proposal was presented.

My bank in Sheridan has been very active in both operating and real estate loans to livestock producers. In the past we have always placed a dollar value on the number of federal grazing permits that a producer owned. This dollar value became part of that producers's total assets, part of his net worth, and in many instances, part of the collateral assigned to the bank. We no longer give any value to grazing permits and when looking at a loan application, if the ranch cannot stand on its own without the benefit of federal grazing permits, we will most likely deny the loan request.

This is a drastic change in the way we have done business but we do not feel that we can put the bank or the producers at risk knowing how questionable the value of federal grazing permits has become.

We wholeheartedly support your efforts to combat this change in the way we use federal lands and if there is anything that the Wyoming Bankers Association or I can do to help in the effort, please contact us immediately.

Sincerely yours,

Ed Garding,
President, Wyoming Bankers Association; President, First Interstate Bank.

October 19, 1993.

Dear Senator Wallop: This last gasp letter is written on behalf of ourselves and especially our relatives and neighbors who have a longer heritage of sheep and cattle ranching on the west side of the Big Horn mountains. Several participated in the Bozeman, MT hearing held by Secretary Babbitt and responded in writing as he requested, and again in response to "Rangeland Reform '94."

None of us are against a fair increase in grazing fees and all want to continue to improve rangeland conditions. We sincerely believed in July that the current Administration would sort out fact from rhetoric, as Secretary Babbitt repeatedly stated. The facts would speak for themselves, and we assumed he would work with the western states, governors, local communities and others through the hearing process.

It is now obvious we were wrong. The Administration has become increasingly arrogant and clearly intends to increase fees by 125% and implement new regulations designed to force many small business ranchers into liquidation. Mr. Babbitt concealed his true agenda while in the West. He obviously planned all along to drastically reduce livestock grazing on public lands as part of the political commitments to the new big business environmental groups. Many of us were naive to believe the Interior Department appointees would do what is right for our country, and that jobs would be considered somewhat important.

Unless you and your fellow senators are successful in achieving a common sense compromise that establishes a fair fee system and responsible regulation changes through the EIS process, you can be assured that up to ⅓ of western federal land livestock producers will be out of business in 3 years. Up to 50,000 jobs will be lost only to be exported. Imports of boxed beef will increase by over 300 million pounds per year with an equivalent annual increase in the deficit. Social impact and welfare payment increases of another $400 million per year are the last thing our country needs at this time. All for what—a $30 million maximum increase in annual fees and questionable environmental improvement. If this keeps up, our economy will collapse.

Jim and Virginia Foreman.

Wyoming Game and Fish Commission,
Greybull, WY, October 20, 1993.
Senator Malcolm Wallop,
U.S. Senate, Washington, DC.

Dear Senator Wallop: As a member of the Wyoming Game and Fish Commission, I write to you regarding the proposed grazing fee increase.

Speaking from a wildlife habitat perspective, I believe that efforts to remove grazing from public lands will only be injurious to wildlife populations in our Western states. Unrealistic price increases and management schemes will ultimately harm our wildlife populations.

The balance between public lands and private lands wildlife habitat is a fragile one. Private lands do indeed provide the critical winter habitat for most of our game populations. This will not change, even if there is no domestic livestock on the BLM or USFS. Instead, private lands will be used much more intensively, more possessively, and the tolerance for wild game species will be greatly diminished. An extreme increase in the grazing fee will create a scenario where landowners will simply want wildlife removed from their private lands.

This situation is readily understood by knowledgeable people in both the livestock and wildlife-related professions. It will not be to the advantage of wildlife in Western states, to manage public lands from Washington, DC, or to price Western ranchers off the public lands.

Thank you for your consideration.

Sincerely,

Mary Flitner.

Sun Ranch,
Rawlins, WY, October 20, 1993.
Open Letter to Secretary Babbitt and Jim Baca:

As ranchers, our backs are to the wall and our lives are passing before our eyes. Our destiny seems to rest on Malcolm Wallop and his ability to avoid cloture and filibuster the appropriations bill that contains the death sentence for the western livestock industry as we know it.

A segment of people in this country want an end to livestock grazing on Federal lands. That is a given. Right now those people have the upper hand.

The stated goal of the Clinton administration in proposing "rangeland reform '94" is to alleviate the "poor" condition of the western range. Let's take them at their word and assume they really want to improve rangeland conditions.

Each ranch is different. Each allotment is unique. Each should be studied by range conservationists in complete cooperation with the rancher involved. The type of soil, topography, vegetation, precipitation and climate, including micro-climates, wind direction, etc. must be considered. There are many things that can be done that are productive, at least as long as it rains.

As an example, Dr. Alan Savery has had great success with his holistic resource management techniques. Intensive grazing, when thoroughly understood and done properly can produce astounding results. Let's use it on Federal land.

The rating system used by BLM, at least in this area, is very inadequate. While I understand the system is being changed, or is going to be, it has resulted in very misleading ratings in many areas.

Kathleen Sun.

Fisher Ranches,
Medicine Bow, WY, October 20, 1993.

Dear Senator Wallop: I am writing to express our concerns about the proposed grazing act. We are a family ranch that supports four families. We ranch near the town of Medicine Bow, Wyoming. The ranch we lease is owned by Edison Development Company of Chicago. Approximately 33,000 acres of the land we ranch on is deeded land while 18,000 acres are BLM leases. All of this is arranged in a checkerboard pattern. If the grazing act is passed with a surcharge of 20% on the lease base property we face an increase of $9,420. If we face both types of leases, and we could as we have pastured 1,200 yearlings, the 70% increase would be an additional $16,530. This will be our second major crisis as eighteen years ago we were faced with estate taxes when the exemption was only $60,000. You can obviously read between the lines, we no longer own the ranch. We lost it!

The proposed grazing fee hikes will not only detrimental to our livelihood but also to the towns and business that depend on us for their livelihood. This means grocers, feed dealers, repair shops, service and sales stores, implement dealers and banks will be adversely affected. Rural America will have to migrate and fine new jobs and more small towns will become ghost towns.

As ranchers we have to be good stewards of the land or we wouldn't exist today. We hope that you will take into consideration that the grazing fee act will do to the small business person and the family ranch in the West. We are proud to have contributed to America and its way of life. Please help us keep it that way.

Sincerely,

Rob Fisher.
Richard Fisher.
Thomas Fisher.

Riverton, WY,
October 19, 1993.

Dear U.S. Senator Malcolm Wallop: Here in Fremont County we have seen the land management decisions made in Washington, D.C. shut our mining, timber, retail, agriculture, and many other businesses down. Our county assessment [has decreased in value] from $760 million to $201 million. We have lost 6,000 jobs paying [an] average of $20 per hour. Now we have 5,000 jobs [left] that pay an average of $5.50 per hour, and land values [have] dropped [to] less than tax assessment value.

The people [who] made this country strong and free are the bad guys and the fee loading free loaders are the heros. Well this county has had enough and we are organizing to fight the Green Belt with our own Black Sweaty Belts. The voters and taxpayers here have had enough immature decisions made without facing the consequences or realities of real life.

Thank you,

Melvin Gustin.

October 20, 1993.

Senator Malcolm Wallop,
U.S. Senate, Washington, DC.

Dear Malcolm: In reference to the Rangeland Reform Proposal. It would completely eliminate me from the use of public lands. The effect of the increased fee, nonfee costs, governmental intervention and control of both public and private property rights together with the uncertain livestock prices, it would be too costly to operate.

Our ranch is one of the oldest ranches in this area, with territorial rights and has been operating all that time successfully. With the rangeland reform which is being proposed, the margin between profit and loss would narrow and it would result in a complete loss for me in this area and one more blow to the economy of our nation.

Sincerely,

Don Kortes,
Rancher.

Kemmerer, WY,
October 22, 1993.

To all in Washington who are elected to protect us, not exploit us:

If you insist on adversely altering our present grazing and water rights on Federal Land, then you leave me and others like me no choice but to retaliate in kind by forcing public-owned wildlife off of our deeded land.

I own twenty-one hundred acres of deeded forties in the tops of the Wyoming Range, some of which have natural spring water. Up to now, I have allowed wild animals to roam, graze and drink on my lands free of charge. Also, I have allowed herds of wild animals to graze in my cultivated hay fields. I have numerous pictures and could obtain hundreds of sworn affidavits of the presence continually of these wild animals in my fields.

If you push through this insanity (raising grazing fees, altering water rights/use) I will go down fighting. I will organize and institute a class action against the United States Government for unpaid AUM's on my private land for the last fifty years, with interest, which will amount to far more than the government will ever gain from increasing our grazing fees. I'm calling the Fish and Game today to photograph and document the presence of these public animals on our private land. In the future I will require the Federal Government to either pay me for feeding their animals and giving them my water, or the Government will have to erect and maintain fences to keep them out (ten feet tall).

In the past, I have been happy to feed and water these animals for nothing and still pay a fee to graze my few animals on public land. Obviously, you're ungrateful. So I'll play according to the rules you're stupidly instituting, and you'll learn the hard way what a good deal the Government has been getting up to now.

Very, very sincerely,

Carol H. Jones,
Rancher, Lincoln Co., WY.

P.S.—I've fed many hundreds of public animals on my private land year round for many years and have only put 75 of my animals on Federal Land for three months each year, and have paid for that "privilege." If I'd paid nothing the public would still owe me money were we to figure a fair exchange.

Boulder, WY,
October 20, 1993.

Senator Malcolm Wallop,
Russell Senate Office Building, Washington, DC.

Dear Senator Wallop: Hello, my name is Suzy Michnevich. I am one of three working partners on our cattle ranch in Sublette County, Wyoming. We own 3,083 deeded acres. We also hold one state school section and a 583 AUM Forest Service lease most of which is on the Bridger Wilderness and 1,043 AUMs of Bureau of Land Management leases located in two tracts, one 14 miles southwest of and the other two miles northeast of our deeded land. We have approximately 1,000 cattle, 20 horses, several herds of antelope, deer, elk, and a few moose, many birds, rabbits, rodents, trout, and three families including six children for which we feel responsible.

My great-grandfather took excellent care of his and the government's land by being instrumental in the formation of the New Fork East Fork Grazing Association in 1902. Today, we are still members of this association which is committed to the conservation of our resources. So much so that in 1992 our association was nominated by the U.S. Forest Service for a stewardship award. My family is involved in agriculture for the long haul. For as long as we can afford to raise cattle, we will do so. We raise our children beside us feeding cattle, moving cattle, irrigating, fixing fences, and putting up hay.

My son spent his first two years with me in a backpack or in a truck or tractor, not in daycare. He is taught our work ethic and our morals from before sunup to after sundown. He is not raised by someone else. Now as a kindergartner, he reflects this by going to school and enjoying his classmates and taking his classwork seriously. He is one confident little boy.

My husband is a carpenter and works away from the ranch as does my sister-in-law. We could not make ends meet were it not for their outside jobs. Both of them help on the ranch when they can.

Our deeded ranch land along with the state and federal leases has a greater carrying capacity than we now utilize so we are in the painful process of rebuilding. Each partner receives $800 per month.

Sincerely,

Suzy Michnevich,
Rancher, Sublette County, WY.

Pinedale, WY,
October 20, 1993.

Dear Senator Wallop: I am writing to you concerning the Grazing Reform Act of 1993. As now proposed, the change in the fee structure and in particularly the changes in the management regulations will decimate the entire ranching industry in the western United States. These changes will put me out of business. I am a member of the Little Sandy Grazing Association. Last year, under the current system, we had to charge our members $12.00 per month per AUM. If the new fee structure and other reforms go into effect, I estimate that we will have to charge around $16.00 per AUM to meet the expenses of the fee increase and regulatory changes. Each succeeding year the cost would increase as the higher fee structure was implemented. This increase in cost removes what little profit remains and makes the entire system bankrupt. The 100 AUM's which I paid $22,500.00 for will become worthless. The value of my cattle will decrease it there will be a flood of them to the market, depressing prices further. The value of my deeded property will decrease as it will not have affordable pasture to support any cattle during the summer and fall. I estimate that these changes will cost me over $150,000.00 in lost equity the first year alone. Since when is it the purpose of Government to Bankrupt Small Family ranches. Is the government going to reimburse me for these losses? When the smoke has cleared from all this, there will only be rich Corporate ranches left that are run as tax shelters, with no vested interest in efficiency or range conservation. The more money they loose, the less taxes they will pay. Does the United States of America want to rely on a food production system that deliberately runs at a loss? I believe the Soviet Union tried this system and as we all know, their agricultural industry was a world class joke. How are the Senators from back East, who have almost no true comprehension of agriculture and what it takes to make it work, going to explain to their voters the rising prices of food that this will cause. I would like to point out that 1992 was the first year in American history that we were a net exporter of beef. I wonder if the Senators are aware of this. If not, they should give it some serious thought. If the 30,000 small family ranch permitees go under because of the changes, how will they explain this in economic terms of balance of trade, lost jobs, and higher food prices?

30,000 ranches 200 head/year=6,000,000 head/year in lost production.

6,000,000 head 1,100 pounds/head $.75/pound=$4,950,000,000.00.

How much increased revenue is the government going to get for this 4.95 billion dollar loss?

These corporate ranches also have no vested interest in passing on to future generations the knowledge and skill required to manage and conserve the cattle industry and the rangeland itself. Most of the skills required to be a good cattleman, are not taught in college classrooms. Once these skills and knowledge are lost, they will be lost for a very long time.

This proposal must be stopped. I hope the Senators consider these facts as they vote on this proposal.

Sincerely,

John Wells.

Lathrop Feed & Equip. Co.,
Casper, WY, October 21, 1993.

Senator Malcolm Wallop,
U.S. Senate, Washington, DC.

Dear Malcolm: I am the owner and manager of a John Deere farm equipment dealership in Casper, Wyoming. Two thirds of my customers operate on either Forest Service or BLM land.

Should your efforts at compromise on the impending grazing bill fail, this company could be forced out of business, resulting in the loss of 26 jobs.

As you well know, Malcolm, these western ranchers were pushed as far as they could go in the 1980s and only recently began to heal up. Now, this new bill proposes to raise their fees, seize their improvements, change their grazing boards, take their water rights, and further keeps them from fencing the federal land off. This results in the largest seizing of private property in the history of the republic.

It is our hope and prayer that your efforts can change this onerous legislation, preventing this business and others like it from disappearing.

Sincerely,

Gary C. Lathrop,
President.

October 20, 1993.

Hon. Malcolm Wallop,
U.S. Senate, Washington, DC.

Dear Honorable Senator Wallop: We are writing in protest of Rangeland Reform '94, a dictate that would subject the livestock industry to ruin. We ask: What happened to government "for the people"?

We operate a small family based cattle ranch with approximately 300 head of mother cows. It is at present a struggle for us to stay in business and we fear that the current proposals would terminate our operation. In order to provide for our personal needs—food, clothing & medical costs—both our parents and we have supplemental employment.

We would first like to establish that we do not abuse the federal rangeland that our cattle graze upon. We are not in the business to destroy our bread and butter. As permittees we have made many improvements on the range, such as water development and seeding. These improvements also benefit the game in our area.

We also maintain that the comparisons made by the government concerning the cost of private pasture versus federal grazing are not legitimate. First, how does one compare desert-type sage brush grassland, which is what our rangeland mainly consists of, to irrigated meadow land, which is what private pasture is largely comprised of? Another factor that is constantly overlooked is the amount of time it takes the rancher to oversee his cattle on federal rangeland. A great deal of time is spent moving and keeping cattle in the proper allotments. Over a month is spent in the fall gathering and backriding for cattle. We attend meetings with BLM and Forest Service officials. Time and money is spent maintaining and repairing water developments and fences. Time is money. Please add that cost to federal grazing.

We feel the government is acting hastily and without consideration of the affect this proposal will have on the people in this business. We would like to have more of a voice and request that hearings be held in our state concerning the proposed rule making. America is not a communistic dictatorship, is it?

We seek to defend our way of life, which is not an easy life in country where the winters are −50 F and where it snows 12 months out of the year. But it is in our blood and we love it. Our children are fifth generation ranchers to whom we have taught the work ethic as was taught to us. It doesn't make sense to us that the government wishes to destroy this way of productive life, but dishes out federal aid to the violent indigents in the cities. What kind of message does this give to our children?

We appreciate and support your efforts to see that the cattle industry is not destroyed. We also support your proposed legislation for fee increases as fair to the livestock industry.

Respectfully,

Steve and Susan Hoffman,
Mosquito Creek Ranch, LaBarge, WY.

Sundance, WY,
October 20, 1993.

Hon. Malcolm Wallop,
Russell Senate Office Building, U.S. Senate, Washington, DC.

Dear Senator Wallop: My husband, Robert, and I operate a small ranch in the northeast corner of Wyoming. Although we do not have an allotment in federal lands, we do have many neighbors who do depend on their allotments to operate their ranch business.

Our county has approximately 5,300 residents, 2,800 of them from the ranching industry. Three towns and many small communities depend, in part, on this industry.

My concern with the Reid/Babbit proposal lies with the economic impact the Rangeland Reform Proposal will have on these families. We are an important part of the tax base in these communities and the State of Wyoming, as well as a stable contributor to the national tax base.

In the many hearings and meetings discussing this proposal no one has given a concrete figure on the cost of administration to put this in place. If the issue is raising revenue and the ranching industry paying their fair share, shouldn't administrative costs be considered? And if fair share is at issue, why shouldn't all users of public lands contribute?

Ranchers attending the hearings have given evidence of sound grazing and management practices supported by studies done outside the industry. We have given hours of testimony explaining the economic impact a major fee increase would have with regard to the varying types of allotments and their permittees. In view of the final proposal, one wonders if any testimony was studied or if the bureaucracy had its mind made up before the expensive hearings were held.

I challenge the body of the Senate of these United States to ascertain the cost of implementing this proposal and taking a long hard look at the number of people and communities this proposal places at risk to survive before they vote this into law.

Sincerely yours,

Pat Frolander.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 359 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—9

Brown
Faircloth
Gregg
Helms
Hutchison
Kohl
Pressler
Roth
Smith

So the conference report was agreed to.

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, under a prior order, there are now three votes on amendments to the pending bill. I ask unanimous consent that each of these three votes be 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate recedes from its amendments 123 and 124, and the Senate concurs, en bloc, in the House amendments of the remaining Senate amendments reported from the conference in disagreement.

VOTE ON AMENDMENT 1140

The PRESIDING OFFICER. The question is now on amendment No. 1140 offered by the Senator from Kansas [Mr. Dole].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Nebraska [Mr. Kerrey] is necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska [Mr. Kerrey] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. Danforth] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 360 Leg.]

YEAS—60

Baucus
Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kohl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Reid
Riegle
Robb
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—38

Akaka
Biden
Boren
Boxer
Bradley
Bumpers
Chafee
Cohen
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Glenn
Harkin
Hatfield
Hollings
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Rockefeller
Sarbanes
Simon
Wellstone
Wofford

NOT VOTING—2

Danforth
Kerrey

So the amendment (No. 1140) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1141

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1141) of the Senator from Connecticut [Mr. LIEBERMAN].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] is necessarily absent.

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—65

Baucus
Bennett
Biden
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Dole
Durenberger
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Hatch
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Murkowski
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—34

Akaka
Bingaman
Bond
Coats
Cohen
Danforth
Domenici
Dorgan
Feingold
Glenn
Gregg
Harkin
Hatfield
Heflin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Packwood
Pell
Simon
Wallop
Wellstone

NOT VOTING—1

Nunn

So the amendment (No. 1141) was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1147

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The question is on the adoption of amendment No. 1147, offered by the Senator from New York, as a substitute for amendment No. 1130, offered by the Senator from Texas [Mr. GRAMM].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—58

Baucus
Bennett
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Hatch
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—42

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Bumpers
Chafee
Coats
Cohen
Danforth
DeConcini
Durenberger
Feingold
Glenn
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Simon
Wellstone
Wofford

So the amendment (No. 1147) was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Madam President, I rise in support of the Gramm amendment. I would commend my colleagues for adopting, as part of this amendment, a modification of the legislation that Senators THURMOND, KENNEDY, and I introduced on October 30, which directs the sentencing commission to reexamine our policies for first time, nonviolent offenders.

It is my understanding that my colleague, our distinguished ranking member, Senator HATCH, has embraced this concept and I understand and have heard his thoughtful concerns. So I will be casting my vote in favor of this amendment.

Madam President, I share this body's frustration with the regularity of how some very violent offenders find themselves back out on the street after serving only a portion of their sentence. That is why I supported the Byrd amendment that we have already adopted. We do need to provide funding for alternative institutions for medium- and low-security inmates at the State level so we can free up the necessary space to keep violent offenders exactly where they belong: Behind bars.

But, Madam President, in the rush to get tough on crime and criminals, we should be careful not to lose our judgment compass. We should provide younger, nonviolent first-time offenders a chance to straighten out their lives before they are faced with hard time.

That is just what the Kennedy-Thurmond-Simpson legislation would do.

Currently, these nonviolent first-time offenders are being sentenced to terms under the Federal system that, as a practical reality, far exceed the terms served by some of the most violent criminals punished under other laws and guidelines. This legislation will correct that injustice.

This legislation will accomplish two important objectives. First, it directs the U.S. Sentencing Commission to reexamine the minimum mandatory sentencing rules for nonviolent, first-time, offenders, to allow the individual to be judged and sentenced according to that person's unique circumstances.

This will restore ever greater justice to our system of justice.

But this legislation accomplishes another equally important objective. It sends a message to our judges that we do, indeed, expect them to exercise their proper common sense, knowledge and discretion and allows these judges the flexibility to impose tough, but fair, sentences, based on the facts of each individual case.

The judicial confirmation process is a highly charged and grueling thing, Madam President. Nominees are thoroughly screened and interviewed not only on their knowledge of the law, but on their temperament and their compassion. We demand the highest standards on all factors. Yet, Madam President, once having demanded that a judge be able to judge fairly and compassionately, we enact some sometimes unfortunate minimum mandatory sentencing guidelines which prevent them from being both fair and just.

Thus, this legislation will restore a higher degree of fairness and justice in our sentencing guidelines. I am pleased to support these amendments and I thank my colleagues for their leadership and concern on this issue.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I urge adoption of the underlying Gramm amendment.

The PRESIDING OFFICER. The question is now on agreeing to the GRAMM amendment 1130, as amended.

The amendment (No. 1130), as amended, was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed.

Mr. DOLE. Third reading.

Mr. HATCH. Madam President, I now urge adoption of the Lieberman amendment. We can withhold for a few minutes until the Senator speaks.

The PRESIDING OFFICER. Is there further debate?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1143

Mr. LIEBERMAN. Madam President, the Senate debated this amendment at length last night, and I wish to just speak very briefly on it.

I thank the chairman of the committee, the Senator from Delaware, and the ranking member, the Senator from Utah, for their thoughtful encouragement and support.

This amendment will enable the chief elected official of a State or local government to apply to the President of the United States to declare an area within their jurisdiction a violent crime or drug emergency area.

If a President so declares, the President will be authorized to send whatever help he can, personnel, resources, equipment, financial assistance, within the law. That is within existing appropriations available to the President; indeed, within appropriations that will be made possible by this very strong anticrime package that we are in the process of adopting here in the Senate this week.

Madam President, stated simply, we have seen it in my State in Hartford, New Haven, Bridgeport, at different times. Unfortunately there are moments when the local law enforcement officials are outgunned and outmanned by the criminals. Just as in cases of natural disaster, when local officials—whether it is a flood, a hurricane, or the fires that have spread in California in these recent days—when local officials are overwhelmed, the problem is larger than they can handle, they turn to the President and ask for a declaration of natural disaster.

Here in a sense what we are saying is the President can declare an unnatural disaster, an unnatural disaster caused by violent crime and drugs, an emergency, and can use whatever resources are at his control on a short-term basis to help local officials restore order, and to protect law-abiding citizens.

Madam President, I again thank my colleagues for their support. I urge adoption of the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, we believe this to be a great amendment, and both sides are willing to accept it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator fromConnecticut. The amendment (No. 1143) was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, we are now at the point on this bill where we have a bill that can really make a difference in this country. We have taken a lot of these amendments—many of them are very thoughtful and will make a difference in our efforts against crime in this country.

This is a bill that is going to spend over $20 billion in helping the States and the Federal Government to complete their missions against criminal activity in this country. Never in the history of this country have we come so far on an anticrime bill as we have on this one. There has never been anything like it. I have never seen anything come close.

We have had bipartisan help on this bill. Both Democrats, and Republicans have worked together. We have provisions in here that would solve many, many problems in our society and help us toward a solution to make it happen.

We have had the help of the distinguished chairman of the Appropriations Committee, who has provided a means whereby we have the funding to do this, which has always been a problem in authorizing a crime bill. I cannot imagine the President not being proud of what we have done up until now. In fact, I cannot imagine anyone not being proud of what we have done up to now.

If I had my way, and I think the way of most in this body, we would go to third reading right now. We would pass this bill in its current form, and I think it would be almost impossible for anybody to reject it. I personally believe it would pass so overwhelmingly that there would not be any question about it.

If we do not do that and we start now into the problems that could arise, we may never get a crime bill.

We need to do one other thing, and that is, we need to delete the habeas corpus provision of this bill. I think both sides would like to do that because we know that that is highly controversial. We know that that could stop the passage of this bill if it is not handled exactly right.

At the appropriate time we will move to strike the habeas corpus provisions, as much as I feel deeply about it. By the way, nobody in this body feels more deeply. It was the Hatch amendment in 1991 that passed the Senate 58 to 40. It would have reformed habeas corpus and solved that problem for every State in the Union from that time on.

I feel very deeply about the habeas corpus problem, and I would like to resolve and reform it. But we cannot do that and pass a bill like this.

So, as deeply as I feel, as much as I think that needs to be done, as important as that may be, I am willing to forgo my own interests on habeas corpus—even though I think we can win again on the Senate floor—in favor of my colleagues on the other side who happen to differ with me because they believe that it would break down this bill. I am willing to forgo my own self-interest in this, my own deeply felt interest in this in order to have a bill that really could do some good against crime in this country.

I hope that my colleagues are listening because if we get into these gun amendments, we are going to have problems passing this bill. The country will be the loser, and our families will be the losers.

Frankly, I am very concerned about it. I think we need to strike habeas corpus from the bill, and I hope we can avoid the gun amendments. Everybody knows that if they pass, the House is not going to pass it, and they will not pass this bill. And if we go down that route, we could stop, it seems to me, the most important crime bill in history.

I happen to know that my colleagues on the other side may feel the same way. We cannot tell colleagues what to do or not to do. But I will tell you this. We would be a lot better off not moving ahead on the gun area and wait until the Brady bill comes up and fight it out there on all gun issues. And both sides can put the other side on the spot all they want to onthat. But why get into that battle when we have had such cooperation on this bill?

If we do that, we risk losing this bill, we risk not having a good anticrime measure at a time in our history where we have got to do something about it, where people are looking to us to do something about it.

So this is very important. It is important to those of us who fought so hard to get this bill to this point. Frankly, everybody knows that it is a game from here on in if we get into the gun amendments. I would like to avoid it. Some will say it is not. Some will say that it is not, but it really is. It is a political game, I think a cynical political game, if we get into this.

Mr. BIDEN. Madam President, it is true that I wanted to have a clean bill, the underlying crime bill, the Biden crime bill, to which we are adding all of these amendments. I attempted to put together such an agreement.

But in fairness to my friends who are about to introduce an antigun amendment, the horse was let out of the barn a couple of days ago, or at least a day ago.

My friends are now going to exercise great restraint. What is left to restrain? I mean, you know, there is no amendment on jaywalking, no death penalty on jaywalking. So there is some restraint. But short of that, there is not a whole lot of restraint here.

There have been a lot of gun amendments that have been added to this bill. We just voted on a bunch of them. Granted, they were gun penalties as opposed to gun limitations. It is true I would rather deal with these issues separately on the Brady bill and following the Brady bill. But I want to make it clear. My friends who are about to introduce legislation relating to limitations on access to guns, I support them. I support what they are about to do.

We had tactical disagreement on whether or not it jeopardizes or enhances, not the crime bill—that is not my concern—whether it jeopardizes or enhances the prospects of getting done what they want to do.

I lost that argument with my friends. They believe, in the collective wisdom they possess, that it is likely to exceed that possessed by the Senator from Delaware. It does exceed that by the Senator from Delaware. That is where I have been up to now, but that is lost. I lost that argument.

Let me make it clear the distinguished Senator from Wisconsin, and then separately, the Senators from California, Ohio, Arizona, and others, have very important legislation. I do not believe that the concern of the Senator from Utah is well placed. For just as those who oppose the death penalty are not likely to filibuster this bill to keep it from becoming law, I doubt whether anyone who opposes the Feinstein amendment, if it is adopted—and I hope it is adopted—if it is adopted, are going to bring down a $21 billion bill because the NRA does not like it.

I do not think that will happen. These concerns about filibustering, if any of these are adopted, and that is not what the Senator said, but others have said it, I quite frankly take it with a grain of salt. If somebody wants to take on the responsibility of bringing down this entire bill because there is some limitation on access to some assault weapons, if it were to pass, then that is their right, but it is also their responsibility.

I will, quite frankly, enjoy watching that, if that were to happen. I want to make it clear: My disagreement with my friends who have amendments to come related to how best to get their amendments enacted into law, not whether or not it would jeopardize this crime bill, I do not think anything jeopardizes this crime bill but for—well, I will not characterize it. I think it is best to sit down. I thank the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Madam President, I think it is fairly obvious what is going to happen. We are going to have a series of 8 or 9 or 10 gun amendments, and I think we are going to be asked to participate in those and not offer any amendments on this side on habeas or on our version of the Brady bill, and that is not going to happen. It is fairly clear that the agreements we thought we were prepared to enter into on two occasions on this very issue, about whether we are going to save gun amendments for the Brady bill or put them on this bill—I do not have a quarrel with the fact that it is now back to square one. But I think my colleagues on the other side should know that if we are going to have this debate, let us have it all on the crime bill, not just the debate they want on the crime bill, and have all the debate again on the Brady bill. I do not believe that will be possible on this side of the aisle.

I do not quarrel with what anybody does, but we might as well be prepared for taking up the Brady bill on this crime bill, also. Let us have it all together. We are not going to separate the two. We will have it all together. We are prepared to work to that end, too, if we can accommodate all of our colleagues with one big package.

I do not know what happens to habeas in that instance, but I think we understand what would happen. I know the Senator from Wisconsin is going to offer his amendment. One little change would almost make that unanimous. If we get 99 percent unanimously, why try for 100 percent that may take the rest of the day? I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1148

(Purpose: To amend chapter 44 of title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile)

Mr. KOHL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. MITCHELL, Mr. THURMOND, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. CRAIG, Mrs. KASSEBAUM, Mr. PRYOR, Mr. LAUTENBERG, Mr. CHAFEE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. WOFFORD, Mr. MATHEWS, Mr. SIMON, and Mr. SIMPSON, proposes an amendment numbered 1148.

Mr. KOHL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 127, between lines 15 and 16, insert the following:

Subtitle D—Youth Handgun Safety

SEC. 631. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 632. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) under the personal supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) with the permission of the juvenile's parent or legal guardian; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 13 months, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law)."

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

AMENDMENT NO. 1149 TO AMENDMENT NO. 1148

(Purpose: To amend chapter 44 of title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile)

Mr. MITCHELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maine [Mr. MITCHELL], for himself, Mr. KOHL, Mr. THURMOND, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. CRAIG, Mrs. KASSEBAUM, Mr. PRYOR, Mr. LAUTENBERG, Mr. CHAFEE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. WOFFORD, Mr. MATHEWS, Mr. SIMON, and Mr. SIMPSON, proposes an amendment numbered 1149 to amendment No. 1148.

Mr. MITCHELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

Youth Handgun Safety

SEC. 631. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel

to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 632. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) under the personal supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) with the permission of the juvenile's parent or legal guardian; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

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(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Mr. KOHL. Madam President, I rise today to offer an amendment to the Mitchell amendment based on the Youth Handgun Safety Act, which would prohibit the transfer of handguns to minors, and the possession of handguns by minors except under certain circumstances. The amendment is offered on behalf of myself, Mr. THURMOND, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. CRAIG, Mrs. KASSEBAUM, Mr. PRYOR, Mr. LAUTENBERG, Mr. CHAFEE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. WOFFORD, Mr. MATHEWS, Mr. SIMON, and Mr. SIMPSON.

But before I begin, let me remind you that we already prohibit 12-year-old from drinking, and driving, and voting—but not possessing handguns. Now let me tell you, more specifically, why we need this measure.

Madam President, we are witnessing a tragedy of epidemic proportions—the explosion of handgun violence among our youth. Across our Nation, the number of children killing people—and being killed—has exploded. You need only to open a newspaper any day to find the horrifying proof: A 15-year-old Madison girl shooting her teenage boyfriend; the drive-by shooting of a 12-year-old Milwaukee boy; a 14-year-old Milwaukee boy shooting an elderly woman who was walking her dog; an Anacostia student shooting his 13-year-old classmate in the locker room of their junior high; and a 4-year-old District of Columbia girl killed in the crossfire of a brutal gang shootout. The list goes on, Mr. President, and unless we do something about it the problem will get worse.

The national statistics on youth violence are equally disturbing. Just look at these charts. In 1984, a total of 1,134 juveniles were arrested for murder. But by last year, that number had more than doubled—to 2,829. According to the Justice Department, the vast majority of these murders were committed with firearms, and most were committed with handguns.

Again, looking at the charts, you can see the juvenile weapons arrests. In 1982, 21,122 juveniles were arrested on weapons charges nationally. But by last year, that number had soared to more than 46,000. Again, guns were involved in the vast majority of these arrests, and handguns in most of them.

Wisconsin's increases in these categories were even worse: My State went from 12 juvenile murder arrests in 1982 to 94 in 1992. That is not only unacceptable, Madam President, it is intolerable. And Madam President, the situation continues to intensify even as we speak. Just this week, U.S. News & World report—in its lead article—stated that 270,000 guns are brought to schools on a daily basis.

This is not the kind of world that our children deserve. This is not the kind of world we ought to give them.

But we can change that world. Not easily. Not quickly. Not painlessly. Not with a single, simple solution. But we can change it.

We need to start with new laws to restrict the flow of handguns to our children. Madam President, right now, only 18 States have laws that prohibit the possession of handguns by minors. That is, in most States in this country, a 10-year-old can walk down the street unimpeded with a pistol. We desperately need to change that situation and the Youth Handgun Safety Act takes a step in that direction. It would make it a Federal crime to sell or give a handgun to a child under the age of 18 and also for a minor to possess a handgun, under most circumstances.

More important, it will put the Federal Government on record once and for all as saying kids should not have handguns. It will begin to change our culture, and I believe that it will begin to save lives.

Make no mistake, Madam President: This proposal will hold juveniles accountable for their acts. A child in possession of a handgun with no record gets alternative sentencing. But a child with a prior record can be put away in a juvenile institution. And judges can throw the book at the older criminals and gang members who are arming our Nation's youth: Any adult caught giving a handgun to a child to facilitate the commission of a crime can be put away for up to 10 years.

If you ask me, Madam President, judges should throw the book at the adult felons.

However, the amendment also ensures that minors can use handguns for legitimate sporting purposes. It creates exceptions for parentally approved target shooting and hunting, and an affirmative defense for defense of self or others. And the amendment only applies to handguns—not long guns.

Many of these provisions were crafted with the assistance of the distinguished ranking member of my Juvenile Justice Subcommittee, BILL COHEN, and other with assistance of the distinguished Senator from Idaho, LARRY CRAIG. His help was invaluable.

Madam President, since I introduced our legislation in June, it has garnered broad backing. The measure has already been endorsed by President Clinton, Attorney General Reno, police organizations, and Sarah Brady. My good friends STROM THURMOND and CAROL MOSELEY-BRAUN are among the many cosponsors. The Companion bill—introduced by DAN GLICKMAN—will be moving through the House Judiciary Committee shortly. Even the NRA has told my subcommittee—at one of our June hearings—that it is generally supportive of the bill's approach.

Madam President, we all know this amendment will not end youth violence by itself.

How indeed can it when so many of our kids come from broken homes? When so many are raised in front of TV sets which teach them that violence is a normal, natural, appropriate way to act? When guns and crime and violence are seen, by some, as the only way to get ahead? When some parents can not discharge their primary responsibility of supervising their kids? When government provides substandard education and communities inadequate alternatives?

So there are many causes for this problem, as Senator COHEN alluded to in his statement last week. And we need many different initiatives to solve it.

But our Juvenile Justice Subcommittee held hearings on kids and guns in Washington, Wisconsin, and Arizona. It heard from an array of witnesses: teachers, doctors, ministers, police, victims, and teens. And, Madam President, the verdict was unanimous: Kids and handguns do not mix.

Even some gun manufacturers agree. The retired president of Browning Arms, Harmon G. Williams of Utah went further: he now supports a ban on handguns for juveniles.

Let me quote from an article in the October 14 New York Times:

> For most of his life, [Williams] said, he viewed such measures as "absolutely unnecessary," but now supports outlawing handguns for minors. "All of a sudden," he said, "we're looking around at what's happening—all this terrible violence—and thinking, things have gotten out of hand. Something has got to be done."

Madam President, Mr. Williams was absolutely right. Something has got to be done. That something—or at least a start—is the enactment of the Youth Handgun Safety Act.

Unless we act now, the future we are creating is one that too many of our kids will not live to see. And it will also be a future we will not want to live in.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise today as a cosponsor of the amendment offered by my good friend and colleague from Wisconsin, Senator KOHL. All too often we hear news accounts of children being killed or wounded from guns being used by other children. This amendment addresses the problem of handgun violence by juveniles and seeks to prevent young people from unsupervised access to handguns.

Currently under Federal law, the sale or delivery of handguns to persons under 21 years old is prohibited by federally licensed dealers. However, others without firearms licenses can legally sell handguns to juveniles. This amendment would correct this inconsistency and establish a clear Federal policy concerning juveniles and handguns.

This proposal would make it a crime to sell or give a handgun to a minor under the age of 18 and for a minor to possess a handgun under most situations. There are exceptions in this provision to allow minors to use a handgun under appropriate circumstances. For example, this language would not apply in those instances where the juvenile possesses the handgun for target practice, hunting, a course of instruction in the use of a handgun, under the personal supervision of an adult, or with the permission of the juvenile's parent or legal guardian. Also, this legislation defers to State and local exceptions on this issue. For instance, in my home State of South Carolina, persons under 21 years old may not possess or acquire a pistol except as a temporary loan while under the immediate supervision of a parent or adult instructor.

Madam President, I believe that there is justification for this proposal.

The FBI has found there to be an unprecedented level of juvenile violence over the last decade. The arrest rates for criminal homicide among teenagers over the last several years has been alarming. Between 1985 and 1991, the arrest rates for criminal homicide among 13- to 14-year-old males increased by 140 percent, among 15-year-old males by 217 percent, among 16-year-old males by 158 percent, and among 17-year-old males by 121 percent. While this is not a panacea to end the senseless violence among juveniles, I firmly believe it will lead to a reduction in incidents of violent youthful offenders.

I wish to commend the able Senator from Wisconsin for offering his amendment.

Mr. KOHL. Madam President, I thank my colleague and I deeply appreciate his cosponsorship and support of this bill. It means a great deal to me and to the positive outcome of this bill.

I wish to recognize Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I thank my friend from Wisconsin, Senator KOHL. As we know in the Senate, Senator KOHL from Wisconsin is the chairman of the Subcommittee on Juvenile Justice, and I compliment him on his fine efforts in that subcommittee.

Senator KOHL has come forward with this piece of legislation that is today before the U.S. Senate for our consideration. I truly think it is one of the best contributions that we could make to this crime bill.

Madam President, first I would like to say a word generically about this crime bill and especially about our colleague from Delaware, Senator BIDEN, and our colleague from Utah, Senator HATCH, who have taken this bill and achieved bipartisan support for almost every section of this very complex and thorough piece of legislation. They are to be complimented and congratulated for their outstanding efforts.

Madam President, a few moments ago I was looking through the various titles of this bill. We have talked about a few sections, a few titles of this so-called crime bill that is now before the Senate. I think it would be worthwhile if all of our colleagues in the Senate and if the American people had the opportunity to know about the various titles that we find in this particular piece of far-reaching legislation.

Title V, for example, the obstruction of justice; title VI that deals with youth violence and gangs; and title VII, terrorism. We have some 30 titles that touch almost every life in America. I think that this is a very good piece of legislation. I think that it will be a better piece of legislation should Senator KOHL's amendment become a part of S. 1607, the crime bill of 1993.

Madam President, Senator KOHL has come forward and stated what has happened in his own State of Wisconsin and the entire United States, but let me, if I could, state what is happening in another part of America, the State of Arkansas.

The most populated county in our State is Pulaski County, AR. That is the county where Little Rock, of course, our State capital, is located.

A recent survey of Little Rock students indicates that 39 percent of the junior high school students and 58 percent of the senior high school students believe that weapons in schools are a problem. This is not in New York. It is not in Chicago. It is not in Los Angeles. This is Little Rock, AR.

Once again, in Little Rock, AR, in Pulaski County, lastyear saw 61 homicides. One of the highest homicide rates in the entirety of the United States of America is in Little Rock, AR. I hate to report that, but the facts speak for themselves. Thirty-eight of those homicides were against persons 24 years of age or younger. This is over one-half of all the homicides being committed mostly by young people and against young people.

Nationwide, we have seen an 88-percent increase of juvenile crimes in the past decade. What a tremendous rise in the past 10 years, an 88-percent increase.

We have also seen, and I think that Senator KOHL had a chart to this effect, a 111-percent increase has taken place in the past decade for weapons violations among juveniles.

Madam President, I am going to repeat that fact, because I think it bears repeating—a 111-percent increase in the past decade of juveniles arrested for weapons violations.

This is a shocking fact. This is a shocking time. I can only say that Senator KOHL's amendment, I think, goes to something that we must address today, and that is juvenile crime. We must prohibit juveniles from having guns in their possessions and especially taking those guns to school.

Madam President, in conclusion, I state that many of the States are one by one today passing laws similar to the amendment offered by the Senator from Wisconsin [Mr. KOHL]. However, this particular amendment is critical to this legislation, the overall crime bill, because it does two things—it plugs two specific loopholes in the current Federal gun laws. First is the loophole that allows nonlicensed gun sellers, for example, one individual, to sell a gun to another individual who is unlicensed, to sell handguns to minors without it being a criminal offense.

Let me state that this is the first loophole that the amendment offered by Senator KOHL, of which I am proud to be a cosponsor, plugs.

There is a second loophole that this amendment addresses. It is the loophole that does not prohibit nor preclude the possession of a handgun by a minor. This bill makes it a crime for a minor to possess a handgun.

Madam President, that is simply what this bill does. It does two things. We think that it is drawing tremendous bipartisan support.

It is such a pleasure to see the distinguished Senator from the State of South Carolina [Mr. THURMOND], as a cosponsor of Senator KOHL's bill. I am very proud to be an original cosponsor of this amendment. I hope that it will receive universal acceptance by our colleagues in the U.S. Senate.

Madam President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Madam President, I rise to support Senator KOHL's youth handgun safety bill. Senator KOHL, as chairman of the Subcommittee on Juvenile Justice, has taken the lead in doing something about the violence that pervades the lives of so many of our young people. I find it simply appalling that people between the ages of 16 and 24 are more likely to be victims of handgun crime than any other age group. Firearm homicides are the second leading cause of death for all youngsters ages 15 through 19.

Recognizing that there is no simple solution to the problem of kids who carry guns, Senator KOHL has attacked this crisis on several fronts. A long time supporter of the Brady bill Senator KOHL authored the gun-free school zones bill which is now putting people who bring guns near schools in jail. The amendment which he offers today, the Youth Handgun Safety Act, would make it a Federal crime to sell, deliver, or transfer a handgun or handgun ammunition to a minor. This bill makes it clear that we will hold people liable for contributing to and profiting from juvenile violence.

The bill would also prohibit juvenile possession of a handgun. One would think that most states already have such a common sense law on the books. But the Center to Prevent Handgun Violence reports that 22 States permit the carrying of handguns out in the open, by some or all persons under age 18. In some States it is perfectly legal for gang members to walk around with guns strapped to their hips. To permit this to go on in the name of the second amendment or States rights is simply insane.

Although I fully support Senator KOHL'S efforts to end this madness, I believe that the provision prohibiting possession of handguns by juveniles needs some clarification. Thanks to Senator KOHL's hearings on juvenile violence throughout the country we know that children of all ages are forced to eat, sleep, play, and go to school in the constant presence of guns. For example, we know that many kids are left home alone with their parent's gun that is readily accessible.

Clearly, such a child who did not buy the gun, did not leave it lying around the House, never touched it, and is in no position to tell mom or dad to get rid of it, should not be held liable under this bill. Well established principles of fairness require that the crime of possession of a handgun be something more than mere presence near a gun or mere knowledge of where a gun is located.

I appreciate Senator KOHL's pledge that my concerns about defining the term possession will be addressed. I applaud him for his leadership on this issue which is so important to us all.

Madam President, this is a good amendment. This is an amendment that should be adopted.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Madam President, I, too, rise as a cosponsor of this legislation and in strong support of the amendment offered by my colleague from Wisconsin, Senator KOHL.

Just 130 years ago our Nation was in the depths of a ghastly Civil War. Americans killed Americans, neighbor killed neighbor, and brother killed brother. Many times in that war Abraham Lincoln spoke eloquently about that awful conflict. He spoke of a nation conceived in liberty and of people equal before the law and the eyes of their Maker. A few generations before, Thomas Jefferson had created from parchment and inspiration the Constitution Lincoln pledged to preserve. Jefferson, too, wrote of life and liberty and people with inalienable rights to both.

Today, the Nation conceived in liberty lives in terror. City to city and house to house, the ringing words of freedom are drowned in a roar of gunfire. The rights we prize are bolted behind doors that cannot protect families cowering behind them. Millions of Americans think equality springs not from words or law or a Divine Maker's gift of human dignity, but from the barrel of a gun. More than 15,000 times a year, they use that gun to snuff out a life. A century after Lincoln, Americans are still killing Americans, neighbors are killing neighbors, brothers are killing brothers. And worse, strangers are killing anyone who chances by.

A few days ago, Hillary Clinton said she could not bear to read another news story about a child in a rain of bullets. I cannot bear it either, but I also cannot stop reading those stories.

A few weeks ago here in this city a 4-year-old girl was killed by a stray bullet while her father was in prison for shooting another 4-year-old girl. He saw no parallels between his dead daughter and another man's wounded one.

A few weeks ago in Nashville, my hometown, a 16-year-old girl was using her automated bank card for the first time, withdrawing some of the money she'd earned on her first job; 16-year-old girls will do many things for the first time, but this young woman will not. A young man put a gun to her chest and pulled the trigger. For $20. I mention the sum because even though we have become inured to the horror of murder, the pettiness of the take still draws our attention.

I cannot stop reading those stories because the stories do not stop: A 17-year-old arrested for shooting a 3-month-old baby—a juvenileshoots his girlfriend to death at dinner. In Memphis, TN, at Raleigh-Egypt High School, a 17-year-old high school student was shot and wounded when she attempted to convince a gunman to put down his weapon. All he wanted to do was rob her of a jacket she was wearing at the time.

In one nationwide poll, 20 percent of adults knew someone whose child had been shot by another child. Another poll shows 40 percent of high school students know someone killed by a gun; 15 percent and carried a gun that month; 224 kids under age 18 killed by gunfire in the District of Columbia in 5 years.

Within sight of where I stand now, grade school children so firmly believe their violent death is imminent that they have planned their own funerals. I have two granddaughters in grade school. I cannot imagine what would run through my heart if one came up to me and said, "Grandpa, will you make sure I'm buried in my prettiest dress?"

Lincoln and Jefferson vowed that our Republic would last. But I ask plainly and simply: If we stay this murderous course, what will last? And who?

Our police are undermanned, and their adversaries have greater firepower. Our young people kill each other with weapons a so-called adult sold them or gave them. Mothers send children to a public school or a public park, and that afternoon identify their bodies in the public morgue.

Many people say we do not need to stem the flow of weapons but to build more prisons, lock criminals up, and throw away the key. I agree we have to be hard as nails in punishing gun-related crime, but more prisons and tougher sentences are not a full solution. Over the past 5 years, Tennessee has built 6 new incarceration facilities, and our judicial system is filling them. Yet guns crimes continue to rise.

Guns are absurdly plentiful and preposterously easy to get. Let us face the truth: If we are going to curb gun-related crimes, we have to contain the flow of firearms.

The problems are rampant and expensive. The yearly cost of firearm injuries of the U.S. health care system exceeds $3 billion. The average cost of a single firearm injury is nearly $54,000, and 85 percent of that cost is paid by the taxpayer, for the victims are generally uninsured. The average cost of a fatality approaches $374,000. The taxpayer bears about $317,000 of that cost.

The incredible financial cost is not the only one we pay. There are countless losses beyond price—the grief of friends and family, the contributions that never will be made, the lives that never will be touched by those who have been shot and killed. The life of our Nation is made poorer with each life gunned down and cut short.

Madam President, too many people—including too many in Congress—say there is no legislative remedy for this enormity. They say felons always will find guns. Reckless adults will hawk them to minors. Worse, they parrot the fractured sense of groups who think keeping guns from criminals and children means taking guns from them. So we should simply accept butchery with firearms as a fact of American life and grow tougher callouses.

Madam President, I think not. I think all of us are tired of putting up with people who miss the point. I think you made that point yourself recently.

The point is not what legislation cannot do. The point is that Congress has not tried hard enough. Time and again, we have had chances to act. And we have ducked, dodged, delayed, and detoured while more people die. We should be ashamed.

Madam President, we are about to get another chance. The Kohl amendment will stop the appalling spread of handguns among our children. And it will do so without abridging rights of law-abiding Americans to own firearms. In the name of everything that is moral and just about America, I will support this amendment. I ask all Members of this Chamber to look into the terrified eyes of their constituents, consult their conscience, summon their courage, and do what is right. Let us support this Kohl amendment because it is the right thing to do.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I, too, want to speak as a cosponsor of the Kohl amendment. I urge my colleagues to support this important proposal to keep handguns out of the hands of children.

As our colleague from Wisconsin explained, it is fairly simple. The amendment would generally prohibit children from possessing handguns. He provides the appropriate kinds of exceptions, if the handgun is necessary in the pursuit of work on a ranch or hunting lodge or something of that nature. It is very well balanced. But I commend our colleague for reaching out to do something about the level of crime that has overtaken our country, and particularly the shock and astonishment at little kids having guns in their possession.

It is time we did something about it. For the past several legislative days here, we have many times imposed harsher and harsher penalties upon youngsters who commit crimes. We are down to age 13. We may even drop it lower if the anguish continues to permeate our communities.

There is ample evidence that increasing numbers of children are gaining access to guns and then using these guns to kill, to maim. According to the National School Safety Center, each day over 135,000 kids carry guns to school.

We have magnetometers, we have inspections, we are wondering how many police we have to put in the schools throughout our country. There is one way to help us deal with the problem. We should do it.

Gunshot wounds to children 16 years and under have tripled in major urban areas since 1986. Between 1985 and 1991 arrest rates for criminal homicide among 15-year-old males have increased by over 200 percent.

The problem of juvenile gun violence, however, is not limited to our inner cities. It pervades our Nation in suburbs and small towns alike. By way of example, in an exclusive neighborhood in Pasadena, CA—not exactly a low-income community—two teenage boys reportedly shot three young women to death at close range. When asked why, they simply said to the police that they had angry words with the victims. They could not even remember what the fight was about.

This kind of callous insensitivity to gun violence is becoming increasingly tolerated and prevalent among our Nation's young people. We have to stop it in any reasonable way we can. Perhaps it is no accident that kids raised on Rambo are more willing to murder people over minor disagreements. But whatever the cause, no American is entirely safe when kids carrying guns are on the loose.

As a nation, we have committed ourselves to keeping drugs and alcohol out of the hands of children. We have adopted strict laws to punish those who would involve children in drug-related crime. And we have passed, at this Senator's insistence, a law to establish a national drinking age of 21-year-olds.

A lethal weapon in the hands of an unsupervised child is far more dangerous than a can of beer. But you could not tell it by looking at the United States Code.

Current Federal law does prohibit gun sales to minors, but only if the seller is a licensed firearm dealer, importer, manufacturer, or collector. There are no Federal limits on private transfers of firearms to children. In other words, astreet criminal or drug dealer could transfer a handgun to even a very young child without breaking the law in many States.

That does not make sense.

Many children obtain their guns from family members and friends and from people on the street. So a Federal ban on transfers by licensed gun dealers just is not good enough. We need to better limit private transfers. State laws in this area are scattered and inadequate. In more than half of all States, children are allowed to possess handguns, and to do so legally. Federal action is needed.

So, in conclusion, given the death and destruction associated with the possession of guns by young people, we should do everything we can to keep guns from falling into our children's hands. It is long past time to establish a national minimum handgun age.

I urge all of our colleagues to think about the revulsion, the shock, the surprise, the anguish that all of us see when we hear about a 13- or 14-year-old kid pulling a gun out in a school yard, or just random shooting and shooting anybody in sight.

It is time to send a message if we are serious about crime, this is one relatively painless way—totally painless way—of doing something about it.

I once again commend our colleague, my friend from Wisconsin. I hope he will have the kind of support this amendment deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank my colleague from New Jersey, Senator LAUTENBERG, whose support is very important. I do appreciate his support, his cosponsorship of this amendment, and thank him very much.

Madam President, I ask unanimous consent to list Senator BOXER and Senator MIKULSKI as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I ask unanimous consent to have printed in the RECORD a letter of support for this amendment by Attorney General Reno.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> OFFICE OF THE ATTORNEY GENERAL,
> *Washington, DC, November 4, 1993.*
>
> Hon. HERB KOHL,
> *U.S. Senate, Washington, DC.*
>
> DEAR SENATOR KOHL: I am writing to commend you for your leadership in protecting young people from gun violence, and to lend my support to the Youth Handgun Safety Act (S. 1087). It has become far too easy for young people to acquire guns, and I believe your bill is a common-sense approach to addressing the problem.
>
> Again, I applaud and support your initiative. I look forward to working with you in the future to curb crime and gun violence in America.
>
> Sincerely,
> JANET RENO.

Mr. KOHL. There are only 18 States which have laws that prohibit a minor from possessing a handgun. Only 18 States have laws, I want to say it again, which prohibit a minor from possessing a handgun.

For the information of my colleagues, I would just like to read off those States that do have laws; 32 States have no laws which prohibit the possession of a handgun by a minor but Arizona, Arkansas, California, Colorado, Illinois, Massachusetts, Minnesota, Nebraska, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Carolina, Utah, Virginia, West Virginia, and Wisconsin do. That is 32 States, as I said, have no laws which prohibit the possession of handguns by minors.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me quote from the Dallas Morning News, August 1, 1993:

> "* * * Twice in the wee hours last Saturday, Mrs. Virgen Blanca and her three children awoke in terror to the sounds of a prowler."
>
> When police arrived, "they found only a message scratched in a light switch beside the apartment door: 'I'll be back.'
>
> "The next day, Mrs. Blanca bought a .38 caliber Bryco semiautomatic pistol. When the man made his third visit a day later, [Mrs. Blanca's 15-year-old son] Roel shot him."

While we would like to focus on the fact that we have experienced unprecedented violence amongst juveniles in our society today, we must not forget to focus on the fact that there is a legitimate use of the firearm by young people inappropriate and designated circumstances. Self-defense happens to be one of those, whether it is of themselves or of their parents as in the case of Roel Blanca, of Dallas, TX.

But clearly, hunting and target practice, and training in the proper use of a firearm are also a legitimate pursuit because we want to be responsible in providing for our young people the proper environment in which, if they choose to want to learn how to handle a firearm, they learn to handle it in an appropriate fashion.

I have just said all of that for a purpose, because it might sound ever so slightly contradictory that I am a cosponsor of the Kohl amendment. In the course of all of this debate this afternoon, if we fail to focus on the broad range of violence among juveniles today, and focus only on the gun, then we really have missed the whole of the debate and the whole of the crisis in America today.But there is no question there is a crisis. There is no question that we must speak out about juveniles and possession of weapons—in this case firearms—and their misuse.

I believe the legislation Senator KOHL has put before us is a responsible gesture in that direction. The Senator has been most receptive in his cooperative work with me and my staff to work down through this legislation so that we would not deny the legitimate and the responsible use of a weapon, a firearm, for purposes of self-defense—I guess you would call it a weapon then—or for the legitimate purposes of hunting or target practice or proper education and training.

It is interesting that we link all of these together, but we have to. We have said throughout history that juveniles could be held to certain standards, whereas adults should not be because of constitutional rights, and that we could provide laws that establish a standard for a juvenile who we believe to be less responsible by his or her age, but an adult had to assume the responsibility, and in the assumption of that responsibility came certain "inalienable rights."

So do we want to talk about rights today? Yes, we have in the expression of this amendment. I think the Senator's amendment is appropriate in doing so. For example, I was concerned, in a western State, where we do not have as much of the difficulty as the inner-city areas have with juveniles, that we have young people, sometimes very young people, legitimately using firearms because they have been properly trained by their parent or they have gone through a gun safety course that gives them that kind of understanding as to not only the lethal aspect of an improperly used firearm but the importance of a wisely used firearm.

So as a result we have said in the course of employment for target practice, hunting, or instruction in safe handling of a handgun, and under adult supervision, and is with the permission of the juvenile's parent or legal guardian, and in accordance with State and local laws.

I think there will be a colloquy and some discussion this afternoon as to what permission means. I think that is an important discussion. Senator KOHL and I are in reasonable concert over that, but there remains a problem. And later I would like to visit for the record with him about that particular problem.

But this amendment recognizes by controlling the irresponsible use of the handgun in this instance not always is it improperly used. In fact, as I have said, there are young people all over this Nation who know how to use handguns safely and responsibly, and in my State—not just Idaho but across the country—kids who hunt and target practice and kids in rural areas who use handguns to destroy varmints and pests that threaten crop and property. This amendment allows that activity, and it should. It is important that the record show that we are talking about the irresponsible use of the handgun and not the responsible use of the handgun.

There is also, sadly, kids who may need to use a handgun, as I mentioned in the case of Roel, in self-defense. Doggone it, we cannot deny the fact that in our society today there is a responsible position for the right of the individual to assume self-defense, no matter how young he or she may be and how tragic the environment in which it has to be conducted. But we cannot, nor should we, deny that inalienable, responsive right of the individual to protect his or her property or family, and we call that self-defense.

The target of this amendment, as I have said, is the juvenile who uses a handgun to commit a crime and the adult who knowingly provides the weapon. That is part of the tragedy that we deal with today.

But let us keep the focus. To fight crime we must attack the criminal and not the weapon. I am disappointed when some of my colleagues come to the floor today and suggest that we will resolve this great crisis of criminality in juvenile America by simply attempting to remove the handgun.

Folks, it is not going to happen. Now, it will help if we do it right. But we have a larger issue today that I think for a few moments deserves some limited amount of discussion, because if we are going to talk about criminal activities with juveniles today, let us not talk about the gun. Let us talkabout the why of its happening, because if we take away this weapon of choice today in a very violent young America, it does not take away the violence. It simply suggests that they must find an alternative weapon to conduct a violent act that seems now to be the standard, and that is tragic.

So while we talk about playing slightly on the edge of second amendment rights today, there is another amendment right in this country that ought to be talked about, and that is first amendment rights and something that for some strange reason in our country today has provoked a generation of young people to be increasingly more violent than a generation prior to them.

We should not deny, and it ought to be said for the record, from a very large body of study out there—some 3,000 different studies that we as a policymaking body have somewhat skated around the edges of—now in almost every case we cannot deny that young people's constant watching of violence on television has begun to provoke a very violent young America.

Two doctors from Chicago, Leonard Devlin and Russell Hosmond, followed the viewing habits of a group of children for 22 years. They found that watching violence on television is the single best perpetrator of violence or aggressive behavior later in life, ahead of such commonly accepted factors of parent behavior, poverty, and race. And here is a figure that is very hard for me to understand until I turn on the television set and begin to observe.

They discovered in their studies that the rate of violence in children's programs is three times the rate in primetime shows, and that by the age of 18 the average American child has witnessed at least 18,000 simulated murders on television.

Now, if this Senate is going to skirt on the edge of second amendment rights for the average citizen in this country, then we better be willing to skirt on the edge of first amendment rights, that right of free speech and free expression, because clearly it is generating in our society today a massive problem and young people are dying through acts of violence because they have begun to believe that it is the proper action, and therein lies the great tragedy of the debate we have today. Any Senator who wants to come to the floor and suggest hurrah, hurrah, that we are going to stop criminal activities amongst juveniles by taking away their firearms, it will not take away violent activity.

Another study on children watching violence on television. Last year there were 32 acts of violence per hour on children's show times—32 acts per hour. By the time our children finish elementary school, they have witnessed 8,000 murders on television —100,000 acts of violence on television annually.

Where does this fit in all of this debate? We are talking about dealing with a symptom of the problem. Senator KOHL in a very honest and forthright way is speaking out to that issue. But it is not the problem. Young people today, raised on modern violent television, when put in a stressed situation, resort to violence 6 to 1 over what they did simply a generation ago. While I cannot stand with a blind eye to this issue, it is very important that we address it in a responsible way. But I will not, and I am so pleased that the Senator has in a very cooperative fashion worked not to deny the legitimate use of a firearm, in this case a handgun, to teenagers, juveniles under the appropriate supervision and under the appropriate conditions to deal with all of these kinds of concerns.

I ask my colleague to discuss with me a couple of issues of concern.

Page 5, line 13 dealing with the issue of personal supervision. I know that my colleague from Alaska has great concern about this issue, as do others, as it relates to the adult and what is required for a child to possess and use a handgun.

I think it is extremely important that we clarify what all of this means as it relates to the presence of an adult. For example, some States have laws allowing children to hunt alone. Some States allow children to hunt but without a hunting license until they are aged 16 or 18.

Now, if they have a hunting license—and this general provision makes the assumption of a hunting license, as required by State law or to conform with

State law—my concern is should Congress override the State's judgment in this area especially since the amendment is trying to target violent crime? I wish the Senator could respond to this. It is very important that we establish a record in this area, moving toward the implementation of this potential law.

Mr. KOHL. I thank my colleague from Idaho, with whom I have worked very carefully. It has been a mutually satisfactory effort on our part. He has commended me, but I want to commend the Senator for his willingness to sit down and discuss this thing in a very rational and open way.

I think what we crafted together speaks for how people with slightly differing views on such a very important subject like gun control can work together to do something very important. I appreciate the Senator's efforts.

With respect to some of the language, parental supervision, we have been working with the Senator from Idaho and others on this, and we have some language which Senator DOLE has sent over, and Senator MURKOWSKI, and others that we think is going to be adequate and satisfactory so as to not create too many difficulties for young people who want to use handguns in a responsible fashion that we have discussed and which this bill encompasses.

The exceptions would be, as the Senator pointed out, hunting, target practice, and farm work in and round ranches and farms. We originally said "under supervision," and the Senator from Idaho suggested language which might indicate parental consent, a letter from a parent, would be adequate and satisfactory to permit those kinds of activities. I believe that kind of language would be acceptable.

Mr. MURKOWSKI. Madam President, will the Senator yield?

Mr. CRAIG. I yield to the Senator from Alaska for the purpose of a question.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, the Senator from Wisconsin I think has done an exemplary job of addressing the tremendous difficulties we have in this Nation relative to minors possessing handguns for criminal purposes. I could go on at great length. But suffice it to say he has my total admiration. However, as he knows, and my friend from Idaho knows, rural parts of the country have different needs. It is quite common, for example, for young people in our State to work a trap line at the age of 15 or 16 years. They are out in the wilderness. Clearly, they have a need for some type of protection. More often than not, a handgun is carried for that type of protection.

Berry picking is another such activity. Oftentimes in the fall you run into a bear. It is pretty handy to have a handgun as opposed to the alternative of not having anything.

I could cite numerous examples associated with rural living in the West and Alaska where a handgun is very much a part of the lifestyle of a young person.

So my question specifically to the Senator from Wisconsin is—does he recognize the legitimate need for the carriage of handguns in outdoor pursuits such as I have described; activities that may be a step out from traditional ranching, or activities of that sort, but which would include the more traditional use in Alaska and other wild areas of handguns for self-protection, trapping, and so forth, under the appropriate State laws?

Mr. KOHL. Yes; I would like to respond to my colleague from Alaska and indicate to him that I do understand what he is saying. I understand the particular needs in areas as remote as we find in Alaska. The Senator indicated some outdoor activities like tending trap lines, indicated activities that an individual might come upon a bear. I have no doubt that as we move to conference, we can craft the language that he is looking for that will satisfy the needs of Alaskans.

Mr. MURKOWSKI. I understand, Madam President——

Mr. CRAIG. I continue to yield to the Senator from Alaskafor purposes of a question.

Mr. MURKOWSKI. I appreciate that. Without delaying the Senate's deliberation, it is my understanding from the remarks of the Senator from Wisconsin that basically the second degree that we have been preparing to proceed with has in spirit and in actuality been accepted by the Senator from Wisconsin.

If that is the case, Madam President, the Senator from Alaska thanks the Senator from Wisconsin and the Senator from Idaho and all those who are responsible for working to curb the illicit use of handguns among juveniles and still recognize that in many areas of the United States, handguns serve a very appropriate and practical purpose for responsible juveniles who have the training and background and know the responsibility associated with the use of such firearms.

So with that, I thank my friends. I thank my colleague from Idaho for allowing me to enter into the dialog with the Senator from Wisconsin.

Mr. CRAIG. I thank my colleague from Alaska for dealing with that important issue. It is unique in its concern, and I think he spotted the issue very clearly.

In western environments, I, as a youth growing up, would find myself still on my family's property but miles from the house carrying a handgun at age 12 for a variety of reasons, but primarily to shoot rattlesnakes. That was a matter of self-protection. Yet I was near public property, or I was clearly where I could become subject to a law enforcement officer miles away.

I think that addresses it. I appreciate the sensitivity of the Senator from Wisconsin to this issue.

There is one other area that I think deserves some discussion. I wish the Senator from Wisconsin would respond to the relationship between the Federal Government and State government. The Federal Government generally has left juvenile matters to the States.

Can he clarify for our colleagues why this amendment is needed, and how he envisions the relationship of Federal, State, and local governments in carrying out this very important amendment?

Mr. KOHL. I thank the Senator from Idaho for his question.

He is right. The need for this legislation, as he knows, comes about because there are only 18 States that deal with the possession of handguns by minors. If all 50 States had dealt with the problem, we would not be talking here today about it. But we have this legislation to address the problem, which all across our country is not being addressed.

In the case of a juvenile, first offense, we will have alternative sentencing, and there will not be any problem. But what we will do in most cases is mandate juveniles to State and local authorities who will deal with them according to the Federal legislation that we are passing here today.

So I do not anticipate that juveniles in very many cases, unless there are very serious crimes involved, will be dealt with at the Federal level. They will be dealt with at the State and local level.

Mr. CRAIG. I thank my colleague for responding to that.

Madam President, in closing, let me reiterate what the Senator from Wisconsin has said, as it relates to 18 States and the District of Columbia having adopted strict antigun legislation regarding juveniles. I mention that not only for the importance of recognizing that this legislation is in part patterned after some of those States, but also showing the innate conflict we find ourselves in when we target an inanimate object like a gun and say: This is the problem, and if we remove it from the scene, the problem of violence will go away. We know what is happening right here in the District of Columbia. It is almost an every-night scene on the evening news. It is phenomenally tragic in the history of modern day America that this is going on.

In the District of Columbia, the law prohibits anyone under the age of 18 from possessing a handgun without a registered certificate. The argument is that they get it from Virginia. Well, Virginia prohibits anyone under the age of 18 from possessing a handgun, except for supervised target shooting. So it is not allowed in the State of Virginia. Maryland has restrictive laws.

The reason I mention this is to point out once again part of my premise, which is that we have to address the root cause.

It is, someday, going to dawn on this Senate that we will have to trample—I hope cautiously—in areas where we have not yet tread, and that is as it relates to suggesting, as Senator SIMON, who has led in this area, and Senator DURENBERGER, who has also led in this area, that our young people are being raised on violence. And doggone it, violence begets violence. Until we deal with this in a societal way instead of a piecemeal way—and that is to not in any way lessen the importance of this legislation—but until we recognize this as a massive societal problem, it is potentially possible that a violent young America growing up could produce as their offspring an even more violent America. That would be a phenomenal tragedy, and we would be standing on this floor, or our counterparts will a generation from now, wondering why Senators in the 1990's did not deal in a more appropriate fashion to bring down the communicative tools of ongoing violence as seen by modern-day juveniles.

Eighteen thousand murders are viewed on television by the time you are age 18. By the time you leave junior high, you have witnessed 8,000 murders and 100,000 acts of violence on television. That is why we are here today, not because some inanimate metal object is inherently dangerous, but because we have created a very violent young society, and we are not yet ready to deal with it.

I yield the remainder of my time.

Mr. BIDEN. Madam President, I listened with great interest to my friend from Idaho, and I think he makes some very valid points about violence and television and children, and I, too, think—whether I want it to or not—we are going into that area, whether the Senator from Delaware thinks it makes sense or not. But one of the things I thought I heard him say was: "Why are we federalizing this relative to young people?"

Mr. CRAIG. If the chairman will yield, I had questioned the historic relationship that the Federal Government had with State and local governments as it related to juvenile crime. I engaged the Senator from Wisconsin in a colloquy about that. I think there is some concern there, and if you could address that in a broader sense, I would greatly appreciate it, because while we sense the need to respond, we are treading in fairly new areas that we have allowed largely to remain at State and local levels, am I not correct?

Mr. BIDEN. The Senator is correct. That is why I wonder—and I see the distinguished Republican leader on the floor—why he voted for the Republican leader's amendment on gangs. We just federalized, for all children, every crime you could possibly think of. I wonder how he could vote for that and have any question about this? That is my question, and I do not have any more to say. That is a rhetorical question, I guess.

Mr. KOHL. Madam President, I ask that Senator PELL be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I believe the Republican leader is prepared to speak.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Madam President, I want to ask the sponsor of the amendment a question. There has been some discussion about a couple of minor modifications in the amendment, which I think would make it acceptable to most everyone in the Chamber. I wonder if there might be some way to resolve that problem. We have talked about it.

If those changes were made, I think the Senator from Wisconsin would have almost unanimous support.

Mr. KOHL. We have looked at some of the modifications made with respect to some of the language, and the language as we read it and understand it is acceptable to us.

Mr. DOLE. If the Senator from Wisconsin would modify his amendment at the appropriate time,

Mr. BIDEN. If the Republican leader will yield, I think he is prepared to do that now. It would take unanimous consent since this is a second degree. I suggest that he ask unanimous consent to so modify his amendment, and we may be able to move on.

Mr. KOHL. The same modification we talked about?

Mr. BIDEN. Madam President, I have been informed there is no need for unanimous consent.

Mr. DOLE. There would be a modification on page 5, starting on line 19, and page 6 starting with line 15.

Mr. KOHL. That is correct. The modification on page 5, reads: "with the prior written consent of the juvenile's parent or guardian." And on page 6, it reads, "the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile."

Mr. DOLE. That is correct. If the Senator would send that modification to the desk.

Mr. KOHL. Madam President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 1148), as modified, is as follows:

On page 127, between lines 15 and 16, insert the following:

Subtitle D—Youth Handgun Safety

SEC. 631. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 632. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile.

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law)."

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

Mr. DOLE. Madam President, I thank the distinguished Senator from Wisconsin. I think at least some perceive this as a problem. Maybe it was not. There was concern of creating two classes of juveniles, one who lived on the farm and one who might have lived in a small town right next to the farm, a son or daughter of a mechanic, or whatever. I think this makes it clear that that is certainly not the intent and will not happen under the Senator's amendment. I thank him for making that modification.

Mr. CHAFEE. Madam President, I would like to ask the distinguished Senator from Wisconsin if this is the proper time for me to make a couple of comments on the bill.

Mr. KOHL. Go ahead.

Mr. CHAFEE. Madam President, I strongly support and am a cosponsor of the amendment offered by the Senator from Wisconsin. This amendment makes sense. Indeed it makes so much sense that I was very surprised—and distressed—to find that it is not already part of our Federal handgun laws. It is past time to rectify that oversight.

Under current law, a handgun may not be sold to someone who is a juvenile. Yet it is perfectly legal to give or lend a juvenile a handgun. It is perfectly legal for a juvenile to have a handgun in his or her possession. The only illegal action is the formal sale of a handgun to a juvenile.

This is ludicrous. Handguns are dangerous and lethal weapons that if handled at all, should be handled by adults—and in my view even then under strict conditions. Children simply should not have handguns. The fact that children and teens may possess a handgun perfectly legally is, in my view, one reason why we see such utter slaughter among our young people today.

I want to take a moment to emphasize that this slaughter is part of a bigger problem: That of the widespread availability of handguns in our society. We now have in circulation more than 70 million handguns, which are increasing at a rate of 2 million per year. These are a significant threat to public welfare. It is a shameful fact that this threat is particularly serious for our Nation's children. Today there is virtually no place in which children can find safe haven from handgun violence. Homes, schools, parks, playgrounds, shopping malls, streets, yards, cars, buses: wherever they go children are exposed.

Some horrifying examples:

In Miami, last June, a 6-year-old boy was hit by a stray bullet and killed while walking along busy Biscayne Boulevard with his brother. The boy crumpled to the sidewalk. A nurse driving by stopped to try to save his life but couldn't. The shot came from an argument more than a block away.

In Monroe, NC, a 5-year-old was playing ball last May with his 7-year-old brother at a recreation center when shots rang out. The 5-year-old was hit and killed.

One year ago, a 6-year-old Connecticut boy was riding the schoolbus home from kindergarten when he was hit in the head by a 9-millimeter slug from a handgun.

These incidents clearly demonstrate how the presence of handguns generally in our society is harming our youngsters. It is a key reason why I have introduced legislation to ban handguns altogether with certain limited exceptions. The amendment before us does not go as far as I would like, but it has my strong and wholehearted support. We should—we must—at the very least prohibit children from having handguns. It is horrible enough when a child is shot by an adult wielding a handgun, but it is even more ghastly when the bullet comes from a handgun wielded by another child.

In the hands of a youngster, a handgun is a tragedy waiting to happen. Children who find others' handguns or have handguns of their own often accidentally shoot themselves or a sibling. More than 500 children die each year this way. The cases are horrifying:

In June, in Pittsburgh, 3-year-old Andre Butler shot Robert Broadus, also age 3, in the right arm with a handgun. The bullet passed through Robert's arm and came within two inches of hitting his chest.

In May, in St. Louis, a 6-year-old girl shot her 4-year-old brother at home after she found a fully loaded .32-caliber revolver belonging to a relative.

In April, in Cleveland, a 3-year-old shot himself in the head with a gun he found.

Or, in a moment of teenage depression, children may impulsively use a handgun to attempt suicide: every year, nearly 1,500 children successfully commit suicide with a gun, and this number is rising.

And children are finding and using handguns at school. In every state, children are carrying handguns to school as if they were lunchboxes. An estimated 135,000 boys carry guns to school every day. And it's not just the big urban cities: roughly 1 of every 8 rural principles reports more guns than ever before in their schools.

These handguns cause tragedy:

In March 1992, a Chicago third-grader pulled a handgun from his bookbag and shot a student in the spine.

In my own State of Rhode Island, this year alone we have had 15 school handgun incidents.

It is to the point where school budgets must allocate money for $4,000 metal detectors and $150 wands.

Administrators are donning bulletproof wear, and school police are carrying guns. Parents of wounded children are suing school boards for negligence.

The Kohl amendment makes illegal the possession of a handgun by a juvenile, except in certain limited cases. It makes sense. If we want to take a first step toward ensuring that our children do not continue to be killed or permanently disabled by gunshot wounds, we must approve this amendment. It is the very, very least we can do for our youngsters.

I congratulate my colleague on his thoughtful amendment.

Mr. LIEBERMAN. Madam President, I wholeheartedly support Senator KOHL's amendment. I am proud to be a cosponsor of his Youth Handgun Safety Act of 1993 bill on which this amendment is based. The fact that our Nation is full of children and teenagers wielding guns is a national disgrace.

Last week in New Britain, CT, a student walking to high school was shot five times in front of the school just as classes were about to begin. A day later, the student, Miguel DeJesus, died. This story of senseless violence among teenagers is repeated again and again in communities across the Nation. Disputes that used to be resolved in fistfights, now end in gunfire. We have to end this kind of senseless violence. Getting handguns out of the hands of teenagers is a first step in that direction.

Senator KOHL's amendment provides reasonable restrictions on the availability of handguns and possession of handguns by young people. It is shocking that this law is necessary, but it is. In too many of our communities, children are killing children, and anybody in between.

This amendment will allow Federal law enforcement to weigh in on the side of States and localities in the fight to take dangerous guns out of the hands of unsupervised children and teenagers. In Connecticut, State law currently prohibits possession of loaded firearms by minors under the age of 16. State law also prohibits the sale of handguns to minors under 18. This amendment will bolster the efforts of State law enforcement in my own State and others which do have tough restrictions on youth handgun possession and end the leakage of guns from States that do not.

The fact that so many of our most brutal and coldblooded criminals are children and teenagers who gun each other down—and anyone else in their way—without a second thought is one of the most shocking aspects of our crime problem. The interviews with these young people are chilling. In some cases, they seem utterly without consciences. We need to begin to treat some of these juveniles as adults and sentence them as severely as the crimes they commit deserve. We have to recognize that some of these youths simply need to be taken off the streets and put into jail cells.

We also have to make it harder for them to get handguns and to provide the police with another tool that will allow them to go after the ones that are now being carried on the streets, in schools and elsewhere. Last year over 3,000 juveniles were killed by guns, and some estimates suggest that over 100,000 students carry guns to school every day. This law would help us turn those numbers back and convince young people that the possession and use of handguns is a serious offense and no longer acceptable. I urge my colleagues to support Senator KOHL's amendment.

Mr. HATCH. Madam President, I acknowledge the severity of the problem my colleague seeks to address through his amendment. I commend my colleagues for their leadership in this area.

Americans are rightly shocked by the rising tide of violence among our children. Juvenile violence is a tragic problem across the country. My home State of Utah has seen increased violence among teenagers. Much of this violence can be traced to increased gang activity and drug trafficking. For example, in October, two teenagers were wounded in a shooting outside a Salt Lake City high school. In another case, a star high school football player was charged with the murder of a fellow student. But it is important that we address this problem in a way that will truly solve it, and in a way that ensures that our constitutional rights remain protected.

In response to the escalating violence among young people, the Utah Legislature recently passed legislation prohibiting the possession by minors of handguns, sawed-off shotguns, automatic weapons, and dangerous weapons. It also banned the sale of guns to minors unless accompanied by an adult. The new Utah law also includes important protections for the legitimate use of firearms by minors. After a close review of this legislation, I find that it is compatable with current Utah law.

Madam President, the problem of teen violence is serious. We must ensure that the solution will stem the violence, that it will protect the rights of law-abiding citizens, regardless of their age, and that it is respectful of the proper roles of the State and Federal governments in our system.

Gun control legislation is not a panacea to the problem of violence by our youth. There is no doubt that youths who wish to commit crimes with handguns will continue to get them by illegal means. The solution is to make it clear by our laws and by our punishment that violent crime, whether committed by an adult or by a juvenile, will not be tolerated. Juveniles who commit adult crimes must be consistently treated as adults by our courts.

Most violent crime by juveniles in this country is committed by a small, hardened core of violent offenders. A study conducted by the National Institute of Justice found that 79 percent of violent crime by youths is committed by just 7 percent of violent teenage criminals. In California, there is a 70 percent juvenile recidivism rate, and 50 percent of California's juvenile inmates have been arrested more than six times. [Bruce Fein, Washington Times, October 26, 1993]

The appropriate solution, then, is to reform the juvenile justice system to ensure that appropriate sanctions are applied to juvenile offenders. What we should not do is trample on the Constitution in our zeal to address the serious problem of youth violence. Both handguns and rifles are legitimately owned and used by juveniles for hunting, for target shooting and competition, and for self-defense in the home. These issues are of particular concern in rural areas. Moreover, the decisions of parents that their children be permitted to engage in these lawful activities deserves our deference. Requiring constant adult supervision dilutes this deference.

Madam President, my colleagues' amendment balances the need to keep handguns out of the hands of violent young offenders with the legitimate rights of law-abiding citizens. Protections for the legitimate use of guns by law-abiding citizens, young and old alike, must be preserved in any action we take and I am satisfied that this amendment does so.

Mr. KENNEDY. Madam President, I rise in support of the Kohl amendment to strengthen Federal laws regarding underage possession of handguns.

Violent crime has reached unacceptable levels in this country, and the ability of children to obtain guns is at the heart of the problem.

The rate of homicides committed by teenagers increased over 130 percent between 1985 and 1991. Many of the victims in these cases are themselves teenagers. Gunshot wounds are now the second leading cause of death for this age group.

Current Federal law prohibits licensed firearm dealers from selling handguns to individuals who are less than 21 years of age. This amendment would—for the first time—prohibit minors from possessing handguns. This is an important addition to Federal law.

I would have preferred that the threshold age in this amendment be set at 21, not 18, so that we might avoid the inconsistency between the legal age of sale for dealers and the legal age of possession. But this is a matter that can be addressed in the future, and this amendment is a sensible first step.

Later in this debate, Senator CHAFEE and I expect to offer an amendment dealing with State and local efforts to reduce youth access to handguns. Local law enforcement officials are on the frontlines in the battle against youth violence.

But it is also important to bring our Federal laws into line, and the Kohl amendment is an important contribution to that effort.

I urge my colleagues to support the amendment.

• Ms. MOSELEY-BRAUN. Mr. President, there is no doubt that we are facing a rapidly rising violent crime rate, and that we have a rapidly increasing number of young people using guns to commit murder and other violent crimes.

The statistics are appalling, but are beyond dispute. Between 1987 and 1991, the number of juveniles arrested for murder increased by over 85 percent, over four times more than the murder rate for adults increased. In 1990, one-third of all murders were committed by those under 21.

In 1991, over 122,000 juveniles were arrested for committing a violent crime, the highest number in history, even though the number of juveniles in the 13–17 age bracket was decreasing. And between 1987 and 1991, the number of juveniles arrested for all violent crimes increased by 50 percent, twice the increase for persons over 18.

This bill contains a number of provisions, including some authored by this Senator, that attempt to get violent juveniles off the street. The amendment now before us is another critical component of our anticrime arsenal. It attempts to help deal with the problems of violent juvenile crime by taking a couple of key steps to prevent violent juveniles from getting guns in the first place.

The amendment bans transfers of a handgun to a minor, and the possession of a handguns by a minor without permission of his or her parent. It also incorporates an amendment of mine that makes it a new, separate offense to provide a juvenile with a weapon if the person providing that weapon has reason to believe it will be used in the commission of a crime.

Guns are tearing apart our society, and I know that the American people are outraged by gun laws that make it so easy for juveniles to obtain guns. Make no mistake. Our Nation's young people are not manufacturing their own guns, and they are not stealing every weapon they use. The sad truth is that they get them, in many instances, from people who bought them legally, and who then sell them, at great profit, to young criminals.

What the Kohl amendment does is what we must do—toughen our laws against providing weapons to juveniles.

The current situation is clearly out of control. Between 1988 and 1992, juvenile arrests for weapons violations increased by 66 percent. More and more juveniles are carrying guns and using guns. During the 1991–92 school year, over 200 guns were confiscated in the Chicago public schools, and the Chicago situation is far from unique. The truth is—and I can hardly believe it—that 135,000 juveniles are carrying guns to school every day.

Madam President, we cannot continue to permit this kind of deterioration of the environment in which our children are being raised. We cannot continue to permit our Nation's schools to deteriorate into armed camps. No child can learn in that environment. We simply must act.

Now, I do not pretend to believe that this amendment will solve all of the problems associated with juvenile violence. However, I have worked with Senator KOHL in developing this amendment, and I have cosponsored this amendment, because we will never solve the problem of juvenile violent crime unless we can do better in keeping guns out of their hands in the first place.

This amendment will help us do that, and I therefore strongly urge its adoption by the Senate.•

STATUS OFFENSE

Mr. KOHL. Madam President, several people have raised concerns about the creation of what some would call a status offense for the possession of handguns by minors. A status offense, as many of you know, is an offense by a minor that would not be an offense if the person committing the act were an adult. Truancy and drunkenness are two examples.

Well, I am concerned about incarcerating juveniles for status offenses. In general, we should not do it. And that concern is embodied in our Juvenile Justice Act. But possession of a handgun by a minor is different than truancy. A truant is a danger to himself, but a kid with a handgun is a danger to all of us.

So while I would oppose the creation of other status offenses, this one is just different. In my mind, we need to allow the Federal Government to go after kids with handguns. And my bill, I should note, prohibits first-time offenders from going to jail.

POSSESSION

Madam President, Senator METZENBAUM has raised a question about whether the language prohibiting a juvenile from possessing a handgun could be fine-tuned, so as to ensure that only juveniles with actual possession of a handgun can be prosecuted.

I want to tell my good friend from Ohio that I promise, before we go to conference to take a fresh look at the possession language with an eye toward fine tuning.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Madam President, I join my colleagues in expressing the gratitude and admiration for the Senator from Wisconsin.

This is an important amendment. It is consistent with Senator KOHL's approach to problems that he thought it through very carefully, prepared a good amendment, and worked to develop support for it. I believe it will now be agreed to by a substantial margin.

This is not the first occasion in which Senator KOHL has demonstrated this kind of ability. All of us will recall 2 years ago when we took up what was then and is now known as the Brady bill. It was the subject of a great deal of controversy. A small group of Senators, led by Senator KOHL, Senator METZENBAUM, Senator DOLE, and myself, and others, over a period of time worked out some changes in that measure to the point where it received 67 votes in the Senate and is now the bill that has been introduced in the House.

That bill for good reason is still called the Brady bill, but the provisions of that bill are significantly different from the provisions of the bill which was initially introduced in the House of Representatives. The prospects for the bill passing and becoming law are substantially increased as a result of those changes. Senator KOHL deserves a great deal of the credit for participating in and helping lead the effort to make those changes.

So I commend him for this effort. I simply note for the RECORD that it is a consistent action with what he has done in the past and what I know we can expect in the future.

The PRESIDING OFFICER. Who yields time?

The minority leader, the Senator from Kansas.

Mr. DOLE. Madam President, I ask unanimous consent to be made a cosponsor of the amendment, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, I guess a procedural matter now will be the majority leader will withdraw the second-degree amendment.

Mr. MITCHELL. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MITCHELL. Madam President, is it now appropriate for me to withdraw my amendment and to seek consent to vote on Senator KOHL's amendment without further amendment or any intervening action or debate?

The PRESIDING OFFICER. The majority leader has a right to withdraw his amendment, and it will require unanimous consent.

Mr. MITCHELL. I withdraw my amendment.

The amendment (No. 1149) was withdrawn.

Mr. MITCHELL. Madam President, I propound the unanimous consent request as stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1148, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1148), as modified, of the Senator from Wisconsin [Mr. KOHL].

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 363 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 1148), as modified, was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Later the following occurred.)

CHANGE OF VOTE

Mr. JOHNSTON. Mr. President, on vote No. 363, I inadvertently entered the wrong vote. Since the outcome of the vote will not be changed, I ask unanimous consent that the permanent RECORD reflect that I voted "yea" on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

SALUTE TO PRESSLER

Mr. DOLE. Madam President, as we continue to make progress on the crime bill, I wanted to take a minute to call attention to the efforts of my colleague, Senator LARRY PRESSLER.

On October 23, Senator PRESSLER delivered the Republican response to the President's weekly radio address. Senator PRESSLER devoted his remarks to the topic of crime, and, in the past few days, we have seen some of the Republican approaches he emphasized incorporated into the crime bill before us.

These approaches include truth in sentencing at the State level, and the need for more prison space. As we continue deliberating this bill, it is my hope that the remaining tough anticrime approaches so well defined by Senator PRESSLER will become part of the final crime bill.

For the benefit of my colleagues and others who way be interested in reviewing Senator PRESSLER's remarks I ask that it be included in the RECORD following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REPUBLICAN RESPONSE TO PRESIDENT CLINTON'S RADIO ADDRESS ON CRIME—SENATOR LARRY PRESSLER, OCTOBER 23, 1993

Hello I'm Senator Larry Pressler, a member of the Senate Judiciary Committee. And I'll be involved in the Senate debate on crime next week.

I'm going to respond directly to President Clinton's remarks on crime. There is a big, big difference in the Republican bill now in the Senate, known as the Dole-Hatch bill, and the Democrats' bill, the Biden bill, which President Clinton supports.

Now this morning, President Clinton's remarks glossed over the differences in the approach on crime between the Republicans and the Democrats. There are big, big differences in the two bills the Senate will be debating, although the rhetoric about each bill is similar. The devil is in the detail.

President Clinton would have you believe that he is supporting a tough crime bill. In Fact, it is a weak crime bill. Ours is much tougher.

Here are some examples of the differences. First of all, the Republicans want the death penalty for drug kingpins. The Democrats don't.

The Republicans want to stop the endless legal appeals that keep States from enforcing the death penalty. Hardened criminals on death row should only get one bite at the apple. That's it. Democrats want to make appeals easier by overturning crucial pro law enforcement Supreme Court decisions. Democrats don't seem to mind giving endless appeals to society's most violent offenders, and endless pain to crime victims and their families.

Another big difference the Republican bill provides that a crime committed with a gun would require an additional mandatory 10 year sentence. If the gun is fired, he will get 20 years. If he uses an assault weapon, he will get a 30-year mandatory sentence. And anyone convicted of a gun-related offense three times gets either life in prison or a death penalty. A career criminal should be a career prisoner. That's a real tough approach.

There's a big difference between the two bills. Now, both bills provide money for additional police officers, but the difference is that the Republican bill does not handcuff those additional police officers.

Now, in many States prison sentences are a bad joke, and law-abiding citizens are not laughing. A typical murderer is sentenced to 15 years, but serves only 5½ years. A typical rapist is sentenced to 8 years, but is back on the street in only 3 years.

What do these dangerous career criminals do when they are paroled from prison? You know as well as I do. Many of them are soon committing the same crimes that sent them to prison in the first place. The Republican bill has a solution. It is called "truth in sentencing." If States want to send their criminals to one of our new prisons, they must adopt laws which require that a criminal sentenced to 15 years will be in prison 15 years. No parole, no probation.

So those are two bills that will be debated in the Senate next week. President Clinton is speaking of the weaker bill. I hope the American public learns the difference between the two bills.

President Clinton and the Democrats talk about rehabilitation and alternative sanctions. Republicans know that talk is cheap. We share the common sense of the American people that the best and only place for a violent criminal is behind the bars of a prison cell.

Thank you for listening. Please continue to write and call your Senators and Representatives with your thoughts and concerns. And be informed that the rhetoric we heard from President Clinton this morning on the crime bill is hallow, because he is supporting a very weak bill.

The Republican bill is a tough bill. It is more than tough talk. Our bill provides tough actions that will fight crime.

The public should know the difference.

Mr. BIDEN. Madam President, I ask unanimous consent that a technical correction be made to the Kohl amendment as modified which was just adopted. I ask unanimous consent that on page 6, line 17, add the word "is" between "handgun" and the word "in."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

Mr. DOLE. Madam President, I wonder if I could make an inquiry of the distinguished manager of the bill.

Mr. FORD. May we have order so we can hear the minority leader?

Mr. DOLE. I just wanted to inquire of the distinguished chairman if we are going to rotate amendments. We just had one from that side. We have one on this side that will not take long.

I know the Senator from California has been here. So has Senator ROTH been in the back room. Then I assume—how long will the Senator from Delaware's amendment take?

Mr. ROTH. We have reached agreement that will limit it to a half-hour.

Mr. BIDEN. Mr. President, I say to the Republican leader in the past we have attempted to do that, although we have not done it thus far.

Yesterday we had several amendments in a row, Republican amendments. I think it is generally good practice.

Frankly, the Senator from California has been here waiting to introduce this amendment. I think generally that is a good practice but it is nothing we have unanimously agreed upon.

Mr. DOLE. I wonder if the Senator from California might agree we can have 30 minutes on this amendment, and she would be recognized following this one. That would be rotation. There would be a certainty there.

I do not want to offer the amendment on behalf of the Senator from Delaware because then the majority leader could offer an amendment on behalf of the Senator from California. We do not want to get into that kind of a situation.

Mr. BIDEN. I suggest the Senator from Kansas ask the Senator from California that question.

The PRESIDING OFFICER. Does the Senator from California yield for a question?

Mr. DOLE. I will just raise the question with the Senator from California. If she has any objection to the Senator from Delaware proceeding for 30 minutes—is that equally divided?

Mr. ROTH. Equally divided.

Mr. BIDEN. On an amendment totally unrelated to guns.

Mr. DOLE. I do not know what the amendment is. It is not a gun amendment. What is it? And then the Senator from California be recognized, probably for the remainder of the day.

Mrs. FEINSTEIN. If I may, Mr. Leader, would I have your agreement that directly following this half-hour, Senator LEVIN would be recognized for purposes of a first-degree and I would be recognized for purposes of a second-degree?

Mr. DOLE. Is this going to happen on all the gun amendments? We are going to be locked out? I know the majority leader can do that, and probably would do that, so I do not know what we would gain. I would certainly be agreeable to suggesting that after this amendment, the Senator from Michigan be recognized. Then I am certain, if the Senator does not offer the second-degree, the majority leader will. I know the practicalities.

Mr. METZENBAUM. Will the Senator from Kansas yield for a question? I think we are at the point of agreement here, but I just want to be certain. The Senator from Kansas is the minority leader, actually has priority as we know. Do I understand the Senator from Kansas to indicate that if there is agreement to go forward with the Roth amendment, that immediately thereafter Senator LEVIN could be recognized for a first-degree amendment and Senator FEINSTEIN would be recognized for a second-degree amendment?

Mr. DOLE. I would have a hard time agreeing on the second-degree. I know it can be done as a practical matter.

Mr. BIDEN. Will the Senator yield? There may be a practical solution to this.

I would consider propounding the following unanimous-consent request: That the Senator from Delaware be able to proceed for 30 minutes equally divided in the usual form, and that there be no second-degree amendments in order to the Senator from Delaware's amendment. Upon completion of his amendment, the Senator from California be able to introduce her amendment with no time agreement, but no second-degree amendments in order?

Mr. GRAMM. No; I cannot.

Mrs. FEINSTEIN. I would not.

Mr. LEVIN. No second-degree amendment in order to my amendment.

Mrs. FEINSTEIN. That is agreeable.

Mr. DOLE. I object to that. I think we are going to get there the same way. Why do we not just go ahead, agree to the Senator from Delaware followed by the Senator from Michigan. You are going to get it done. I just cannot agree to give up the second-degree amendment. You will get it. Otherwise I will just offer the amendment of the Senator from Delaware while I have the floor.

Mrs. FEINSTEIN. Am I a first-degree with no second-degree? That is acceptable to me.

Mr. METZENBAUM. They have not agreed to that.

Mrs. FEINSTEIN. It is not acceptable to me then. I am prepared to put forward a first-degree and a second-degree, if that is helpful.

Mr. FORD. Mr. President, may I help you a little bit?

The Senator from Kansas makes a good offer, and the Senator from Delaware made a good offer that we have the Senator from Delaware for 30 minutes, equally divided with no second-degree amendments. The Senator from California would have it, without any second-degree amendments. I think that would satisfy the Senator from Kansas without any second degrees.

Mr. DOLE. I would say to the Senator from Kentucky, ordinarily it might. We are dealing with gun amendments now. We are getting into an area we did not think we would even get into on this bill.

It is not I do not want to cooperate with the Senator from California. She is going to be able to do what she wants to do. But I think the important thing is we recognize the Senator from Delaware, then the Senator from Michigan.

I am certain you are going to accomplish your objective.

Mr. BIDEN. I agree.

Mr. President, I ask unanimous consent that the Senator from Delaware be able to proceed for 30 minutes, with the time equally divided in the usual form; that no second-degree amendments be in order; and that upon completion of the Senator's amendment and a vote thereon, if it requires a vote, that the Senator from Michigan be recognized.

The PRESIDING OFFICER (Mr. MATHEWS). Is there objection?

Mrs. FEINSTEIN. For purposes of an amendment.

Mr. BIDEN. For purposes of an amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry. Did we move to reconsider the vote by which the amendment of the Senator from Wisconsin was adopted?

The PRESIDING OFFICER. The Senator did not.

Mr. BIDEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

AMENDMENT NO. 1150

(Purpose: To require State and local governments to cooperate with the United States Immigration and Naturalization Service regarding enforcement of immigration laws)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 1150.

Mr. ROTH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . STATE AND LOCAL COOPERATION WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

(a) STATE AND LOCAL COOPERATION.—Notwithstanding any law, ordinance or regulation of any State or subdivision thereof to the contrary, officials of any State or local government or agency, upon the request of any duly authorized official of the United States Immigration and Naturalization Service, shall provide information regarding the identification, location, arrest, prosecution, detention, and deportation of an alien or aliens who are not lawfully present in the United States.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Attorney General, in concert with the Commissioner of the Immigration and Naturalization Service, shall report to the Congress and the President on the extent to which State and local governments are not cooperating with the United States Immigration and Naturalization Service. This report shall identify any State or local governments that have adopted laws, policies or practices of non-cooperation with the United States Immigration and Naturalization Service, the specific nature of those laws, policies or practices, and their impact on the enforcement of the immigration laws.

(c) FUNDING BASED ON COOPERATION.—No State or local government or agency which has been identified in the Attorney General's report required by the preceding paragraph, which has a policy or practice of refusing to cooperate with the Immigration and Naturalization Service regarding the identification, location, arrest, prosecution, detention, or deportation of aliens who are not lawfully present in the United States, shall be eligible for any Federal funds from appropriations made pursuant to a provision of this Act or of an amendment made by this Act authorizing appropriations, as long as such policy or practice remains in effect.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today to offer an amendment to the crime bill addressing an issue which is at the heart of the success or failure of any law enforcement operation—cooperation among law enforcement agencies. We know that cooperation among Federal, State, and local law enforcement agencies is essential to any effective governmental response to crime, no matter what the issue. Over the years, we have worked hard in the Congress to try and promote such cooperation.

Given these efforts, I am concerned about the fact that, over the last decade, some local jurisdictions have enacted laws that attempt to limit local government's cooperation with the Immigration and Naturalization Service in its efforts to enforce our Nation's immigration laws. These local laws are often referred to as "sanctuary," "refuge," or "noncooperation" laws and often limit or sometimes entirely prohibit city officials from cooperating with the INS.

Surprisingly, these local laws or policies of noncooperation have most often been adopted in some of the nation's largest cities, which, we all know, often have the most serious problems with illegal aliens. They have been adopted by cities in all regions, including New York, Chicago and Los Angeles.

Here are a few examples of what I speak.

In 1986, the Oakland City Council unanimously adopted a resolution declaring Oakland to be a city of refuge for certain foreign nationals and instructed all Oakland city employees to "refrain from assisting or cooperating" with the INS relating to alleged violations of the civil provisions of the immigration laws.

In 1989, San Francisco adopted an ordinance even broader than Oakland's, declaring San Francisco a city and county of refuge and not limiting that to any specific foreign nationals. This ordinance generally prohibited the use of "City funds or resources to assist in the enforcement of Federal immigration law * * * unless such assistance is required by federal or state statute, regulation or court decision." The only general exception applies to persons booked for allegedly committing a felony.

In Los Angeles, a written police department policy permits officers to notify the INS only in limited circumstances when they come in contact with illegal aliens.

While the State of California has recently enacted a statute prohibiting certain local noncooperation laws, this law applies only to persons arrested and booked for allegedly committing a felony. As a result, the new State law still allows noncooperation regarding large numbers of illegal aliens, those who may have been arrested or convicted of misdemeanors and those who are administrative violators.

A broadly worded Chicago executive order of April 25, 1989, prohibits city officials from investigating or assisting "in the investigation of the citizenship or residency status of any person unless such inquiry or investigation is required by statute, ordinance, Federal regulation or court decision." This order thus appears to prohibit local law enforcement authorities from voluntarily cooperating with the INS. In fact, the INS has informed my staff that this executive order has resulted in "zero cooperation" in terms of street level law enforcement in Chicago.

A New York City executive order of August 7, 1989, prohibits city officials from transmitting information regarding any alien to Federal authorities unless required by law to do so. While the New York City order also specifically instructs law enforcement agencies to continue to cooperate with Federal authorities, my staff has been informed by the INS that this executive order inhibits cooperation from local authorities regarding noncriminal aliens or so-called administrative violators.

Cooperation among public officials at all levels is essential to any effective law enforcement effort. My amendment requires that, consistent with the supremacy clause of the U.S. Constitution, State and local governments provide information to duly authorized Federal immigration authorities when such information is necessary to enforce our Nation's immigration laws. I am confident that State and local governments will understand the importance of this cooperation and will comply with the requirements of this amendment if it is adopted.

My amendment also calls for the Attorney General, together with the Commissioner of the Immigration and Naturalization Service, to report to the Congress and the President 6 months after this legislation is enacted regarding the level of State and local cooperation in this important area. This report will enable the Congress to assess the extent to which State and local non-cooperation with the INS is an obstacle to enforcing our Nation's immigration laws. Any jurisdiction the Attorney General determines is not cooperating with the INS would not be entitled to share in funds appropriated under this pending legislation until that noncooperation policy is discontinued.

My amendment does not require State or local governments to become responsible for enforcement of Federal immigration laws. That is a Federal responsibility. But my amendment does say that those localities that have adopted official policies of noncooperation with Federal law enforcement authorities on immigration issues are not entitled to share in funds appropriated under this pending legislation.

While enforcement of immigration laws is a Federal responsibility and enforcement of criminal laws is generally a State and local responsibility, clearly the two are not mutually exclusive domains. In the current public debate regarding U.S. immigration laws and policies, many State and local officials have been highly critical of what they see as the Federal Government's inability to effectively police our Nation's borders. Yet, by adopting noncooperation laws and policies, these jurisdictions are only making it that much harder to adopt an effective governmental response to this most serious problem.

I believe this amendment will help achieve the important goal of getting State and local governments to work together with Federal authorities. Only through such cooperation can we hope to resolve this most difficult problem. I urge my colleagues to support this amendment.

Mr. President, I yield the floor, but I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, shortly I am going to put in a quorum call because I am told that two of my colleagues may want to speak in opposition to this amendment.

There are a couple of concerns about the amendment that I have. One is that the police with whom I have spoken, local police, because something along the lines of what my colleague from Delaware has introduced has come up in other immigration bills, have indicated they strongly oppose this, not because they do not want to cooperate with INS but in those areas where there are large immigrant populations they find it eliminates their ability to get cooperation in those communities unrelated to INS. In other words, they rely significantly, as every police agency does, on informants. They rely on cooperation within those communities for efforts in locating and preventing crime and with apprehending criminals.

So that is the reason they do not like it, but, quite frankly, I am surveying to determine whether or not my colleagues on the immigration subcommittee wish to speak to it.

What I am going to do is put in a quorum call. If they are not here by the time my time expires, I am going to accept the amendment. But they are entitled to have their say. I am told that one of my colleagues, Senator SIMON, is on his way to speak against the amendment. So I would in the meantime suggest the absence of a quorum.

The PRESIDING OFFICER. The presence of a quorum has been questioned. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. We are under a time agreement. The Senator from Delaware, Mr. ROTH, has 5 minutes and 42 seconds remaining; the Senator from Delaware, Mr. BIDEN, has 7 minutes and 24 seconds remaining.

Mr. ROTH. I yield 3 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. SIMPSON. Mr. President, I certainly commend my friend from Delaware. This is a special man. I have watched him through my years of legislating. He gets into an issue and pursues it with great vigor and energy, and he has done it again. I am very pleased to support Senator ROTH on this amendment.

Hear what is happening. In this immigration debate, which is ongoing in our country, just like crime—it will always be an ongoing issue—we continually hear from the local and State governments that illegal immigration is the Federal Government's responsibility. How many times have you heard that in the Chamber in recent times, and that because then we do a miserable failure in the Nation in our responsibility to prevent illegal immigration, and yet we certainly are doing some significant things in a bipartisan way, the States are then burdened with the costs and expenses attributed to the unauthorized immigrants.

It is a travesty, in my mind, for the State and local governments on the one hand to expect the Federal Government to reimburse them for costs attributable to illegal immigrants, when on the other hand the State and local governments prohibit their own law enforcement and other officials from cooperating with the Immigration and Naturalization Service to locate or apprehend or expel illegal aliens.

In the last decade, we have even seen these sanctuary cities and towns, we have seen city councils in their misguided zeal ordering law enforcement officials not to communicate with immigration officers regarding illegal aliens and other types of actions like that by local governments to frustrate the Immigration Service in its work.

If the State and local governments wish to have such a policy, that is their business. But I fully support Senator ROTH in his bill to prevent those local government entities from receiving funds under this crime bill if they do not cooperate with the Federal law enforcement officers.

It is very simple. It is where the rubber hits the road. You cannot have them complaining in one breath about the Federal Government exposing them to all of these laws and then thwarting the Federal Government at every turn when they will not come up with information when it has to do with crime in their own community.

So here is a chance to clear away some of the underbrush of confusion on an issue. If they want to do that, fine, but you do not get the Federal funds. Either join the United States of America in fighting crime in your community or forget it.

Thank you, Mr. President.

Mr. SIMON. Mr. President, there is one of these amendments that looks good on paper, and I respect my colleague from Delaware who I know is on this occasion wearing a much less conservative tie than he usually wears here on the floor of the U.S. Senate. But when I asked how will this apply to, for example, the city of Chicago, or the schools in Chicago, the reality is the potential that they may be denied aid simply because they do not want to serve as agents of the Federal Government in this regard is why the police organizations are opposed to this.

I have not checked with any of the education groups. But I have to believe the education groups would be opposed to this. The amendment says, among other things, this report—referring to the report about local cooperation with the Immigration and Naturalization Service—says that the State and local government or agencies have to provide information. That means, for example, the Chicago schools have to provide information about who is a legal resident and who is not.

That is a very, very difficult thing for the Chicago schools to assess. Frankly, it is almost impossible. The Chicago schools are just trying to survive, just trying to teach reading, writing, and arithmetic, much less get burdened with something like this.

And the amendment says this report shall identify any State or local governments that adopt the laws, policies, or practices of noncooperation with the United States Immigration and Naturalization Service.

So that if the Immigration Service would ask the Chicago schools, will you tell us which of your students are from families who are here legally and which are not legally, and the Chicago schools decide they are not going to help, then the school safety provisions that are in this bill will be denied to the Chicago schools.

I think you put the schools in an impossible situation. It would mean that under the policies now practiced by the city of Chicago and the police there, the police do not ask people, are you a legal resident here, if you are arrested for a traffic violation or whatever it is. All of a sudden, the city of Chicago could be totally exempt from the system. And my assumption is Los Angeles and San Francisco also—I see Senator FEINSTEIN here—would be in precisely the same situation. I do not know what the situation is in Memphis, Nashville, Knoxville, for the Presiding Officer, but I assume there may be some illegal immigrants in those places.

I think there are ways to handle the problem. And I think on the basic issue of having penalties for employers who hire illegal immigrants, that is the way to approach this.

That is what Senator SIMPSON has advocated. I understand he advocates the Roth amendment right now. But I think it is bad public policy that is going to hurt particularly a lot of urban areas in the country if it were to be adopted.

So I am going to, with all due respect to my friend from Delaware, be voting "no" on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH].

Mr. ROTH. I yield myself 1 minute.

Mr. President, this is a very simple piece of legislation. All we are doing is asking State and local governments to cooperate with the immigration people in determining who are illegal aliens. We are not asking them to do any special investigation. All we are asking is that they disclose what information they have available.

No one is at risk because, first of all, the legislation does not take effect for 6 months, and all it would take, in the case of Chicago, for example, is the stroke of a pen insofar as the mayor is concerned in eliminating the legislation now on the books.

The PRESIDING OFFICER. The Senator has spoken for 1 minute. The Senator has 1 minute remaining.

Who yields time?

Mr. ROTH. Mr. President, I ask for the yeas and nays.

Mr. BIDEN. Mr. President, if my friend from Illinois is finished, I am prepared to yield back the remainder of my time.

Mr. SIMON. If I could have 1 minute.

Mr. BIDEN. I yield control of the time on the amendment to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, the chairman of the Judiciary Committee is very generous.

I would just point out to my friend from Delaware, Senator ROTH, that the Immigration Service under this amendment can request a great deal of information from the Chicago schools. And if they do not provide that information, which they do not collect right now, then they cannot get Federal funds under this bill.

I just think that is bad policy.

Mr. President, if the Senator from Delaware yields back his time, I will yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The PRESIDING OFFICER (Mr. FEINGOLD). All time is yielded.

The question is on agreeing to the amendment of the Senator from Delaware. On this question, the yeas and nays have been ordered, and the Clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 364 Leg.]

YEAS—93

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—6

Durenberger
Feingold
Gregg
Moseley-Braun
Simon
Wallop

NOT VOTING—1

Campbell

So, the amendment (No. 1150) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

AMENDMENT NO. 1151

(Purpose: To improve Federal and State automated fingerprint systems to identify more criminal suspects)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1151.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TO IMPROVE FEDERAL AND STATE AUTOMATED FINGERPRINT SYSTEMS TO IDENTIFY MORE CRIMINAL SUSPECTS.

The FBI shall report by June 1994 to the Congress regarding how it can accelerate and improve automatic fingerprint systems at the State and Federal level in order to use fingerprints found at the scene of a crime to identify more criminal suspects more quickly and effectively.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I am going to present an amendment in the second degree on behalf of a number of Senators. Senators DECONCINI, METZENBAUM, DANFORTH, PELL, MOSELEY-BRAUN, BOXER, PRYOR, LAUTENBERG, KENNEDY, MURRAY, MIKULSKI, LEVIN, and WELLSTONE. And we would be willing to have any other cosponsors.

Mr. President, I want to tell you a little bit about this amendment and how it came about.

AMENDMENT NO. 1152 TO AMENDMENT NO. 1151

(Purpose: To restrict the manufacture, transfer, and possession of certain semiautomatic assault weapons and large capacity ammunition feeding devices)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. DECONCINI, Mr. METZENBAUM, Mr. DANFORTH, Mr. PELL, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. PRYOR, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, and Mr. WELLSTONE, proposes an amendment numbered 1152 to amendment No. 1151.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. FEINSTEIN. Mr. President, the amendment I have sent to the desk deals with a problem that 66 percent of all American citizens want addressed. Asked in a recent poll, "Would you favor a law banning the manufacture, sale, and possession of semiautomatic assault guns such as the AK-47," 66 percent said yes; only 30 percent said no. There is no reason for weapons of war, Mr. President, to be used freely on the streets of America—where they are weapons of choice for every assassin, terrorist, gang member, drug syndicate, drive-by shooter, Mafioso, or grievance killer.

The most troubling of these categories is the grievance killer, someone who takes out their wrath on anyone who happens to be around—children in a school yard or a swimming pool or walking down a street; workers in offices or post offices; innocent people eating hamburgers in a restaurant; or the grandmother watching television in the privacy of her own living room, when a high velocity bullet from a semiautomatic assault weapon comes through the wall and pierces her chest.

Mr. President, I believe it is time to stop the sale, the manufacture, and the possession of more semiautomatic assault weapons on the streets of America.

This amendment today is a compromise amendment. It takes elements from proposals by the distinguished Senators from Ohio and Arizona. It stops the sale and manufacture of 19 weapons of war based on those listed in the legislation by Senator DECONCINI.

Like legislation put forward by Senator METZENBAUM, this amendment lists other certain specific physical characteristics of semiautomatic assault weapons. If several of those deadly traits are found, the manufacture and sale of these weapons would be stopped as well.

This prevents the copycat model from being produced and sold on our streets.

We have joined in this bipartisan effort to offer an amendment that prospectively bans these high-powered weapons of mass destruction. The bill also explicitly recognizes legitimate United States hunting and recreational rifles by exempting them.

This amendment would stop the proliferation of semiautomatic assault weapons in two ways.

First, it stops—by name—the most commonly used, the most deadly semiautomatic assault weapons:

The TEC-DC9 used to kill eight people in a San Francisco law firm this summer.

The AK-47 and all models of the Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs, designed in the U.S.S.R. in 1947.

The AK-47 is the most widely used semiautomatic assault rifle in the world, there are an estimated 20 to 50 million of these rifles in circulation worldwide.

These rifles come equipped with a 30-shot magazine, but any size up to 100 rounds is available.

The SWD M-10, M-11, M11-9, and M-12.

Based on the design of the MAC-10, their fully automatic cousin, these small, compact high-capacity assault pistols are designed to spray bullets over a wide area in seconds.

The Street Sweeper and Striker 12, and other revolving cylinder semiautomatic riot shotguns, that are sold so easily through the mail.

The Beretta AR-70.

This weapon is issued by armed forces in a number of countries including Italy, Jordan, and Malaysia. The semiautomatic version was introduced in the United States in 1984—and comes standard with 8-and 30-shot magazines.

The Colt AR-15, used on October 30 by an avowed child hater in El Cajon, CA, who killed a woman and a 9-year-old girl.

Several weapons—FN/FAL, FN/LAR, and FNC—manufactured by Fabrique Nationale.

One of these weapons—the FN-LAR, which stands for light automatic rifle—has been used by the armed forces of more than 90 countries. It comes standard with a 20-shot magazine.

The Steyr AUR, which stands for army universal rifle.

Used by the Austrian Army for over 10 years, it is specifically designed with its magazine located behind the trigger guard to reduce its weight. It has become a favorite of drive-by shooters because of its light weight and firepower.

Unfortunately, these weapons were designed for warfare—but the only battlefield in America is right here on the streets of our communities.

Second, it prevents the situation where a particular gun model—such as the TEC-DC9—is banned and the gun manufacturer simply creates a copycat version—such as the INTRATEC DC9, used to wreak havoc in San Francisco this summer.

To stop this loophole, this legislation describes certain characteristics for different types of guns that would also result in banning the weapon.

SEMIAUTOMATIC PISTOLS

Let me give an example. If the weapon is a semiautomatic pistol, it would be banned if it had a detachable magazine and two or more of these characteristics:

A threaded barrel, which permits the gun to accept a barrel extender, flash suppressor, forward hand grip, or silencer;

A barrel shroud that permits the shooter to hold the firearm and the non-trigger hand without being burned;

Also, an ammunition magazine that attaches to the pistol outside of the pistol grip.

A manufactured weight of 50 ounces or more when the pistol is loaded;

A semiautomatic version of an automatic firearm.

I just gave five specific physical characteristics. Any two of them, plus the detachable magazine, would qualify them as a semiautomatic pistol, subject to the cessation of their manufacture and their sale.

SEMIAUTOMATIC RIFLES

If it is a semiautomatic rifle, the gun would be banned if it had a detachable magazine and two or more of the following characteristics:

A folding or telescoping stock;

A pistol grip that allows the weapon to spray fire from the hip and that helps stabilize the weapon during rapid fire;

A barrel or bayonet mount;

A threaded barrel that permits the gun, for example, to accommodate a flash suppressor, which allows the shooter to remain concealed when shooting at night; and

A grenade launcher.

Surely, weapons that have grenade launchers have no place on our streets.

SEMIAUTOMATIC SHOTGUNS

If it is a semiautomatic shotgun, it would be banned if it had at least two of the following characteristics:

A folding or telescoping stock;

A pistol grip that protrudes conspicuously beneath the action of the weapon;

A fixed magazine capacity in excess of five rounds; and

An ability to accept a detachable magazine.

This legislation also applies to any device—like a chip, belt, or drum—designed to hold more than 10 rounds of ammunition. Possession of the components which could be assembled to form such a large capacity device would also be banned.

This bill, however, is not just about banning weapons of war.

As we were putting this legislation together, it became apparent to me that many Members of this body feel they could not support legislation that did not protect the rights of those who collect or hunt and use weapons for legitimate recreational purposes.

To that end, this legislation specifically protects, by name, 650 weapons, all of which fall under these categories:

Centerfire rifles: autoloaders;
Centerfire rifles: lever and slide;
Centerfire rifles: bolt action; and
Centerfire rifles: single shot.

DRILLINGS, COMBINATION GUNS, DOUBLE RIFLES

Rimfire rifles: autoloaders; and
Rimfire rifles: bolt action and single shots.

COMPETITION RIFLES—CENTERFIRE AND RIMFIRE

Shotguns: autoloaders;
Shotguns: slide actions;
Shotguns: over/unders;
Shotguns: side by sides; and
Shotguns: bolt action and single shots.

As a matter of fact, every single rifle, shotgun that has been on the market this year is specifically exempted from this legislation.

So, just as this legislation employs a list of named guns and objective criteria to stop the sale, possession and manufacture of semiautomatic assault weapons, it uses the same techniques to protect virtually all current hunting or recreational weapons—any firearm that uses a bolt action, pump action, lever action, or slide action hunting weapons is excluded.

Removed from this legislation is any discretion by the Bureau of Alcohol, Tobacco, and Firearms to ban any weapons in the future.

Added to this bill is a 10-year sunset provision so that the effectiveness of the cessation of the manufacture and sale of these weapons can be evaluated—and a determination can be made about whether or not to continue the ban.

What we are essentially saying is: Give this a chance. Let this freeze on the manufacture and sale of semiautomatic assault weapons become law.

What can a crime bill be that does not take into consideration the assault weapons that are used to spray children in a Washington, DC, swimming pool; in a Stockton schoolyard; in a McDonald's; in an office; in a post office? At least this will stop the proliferation of these weapons on our streets.

The harsh reality is semiautomatic assault weapons are turning America's streets into war zones. True, they are not responsible for a large number of homicides, but what they do offer is the possibility of the deranged killer, the grievance killer to take out a whole room of people without having to reload.

On October 30, in El Cajon, a 62-year-old man who had been described as a child hater fired a semiautomatic assault weapon, a Colt AR-15, from his window. One woman died, a 9-year-old girl died and five others were wounded. His gun is one of those banned under this legislation.

Earlier this year, a lone gunman carrying two TEC-DC9's and more than 500 rounds of 9mm ammunition, walked into the Petitt & Martin law firm high in one of San Francisco's premier office buildings. He opened fire. Eight people were killed. One woman held her husband dying, pleading on 911 for help while he died in her arms. Six were wounded.

The TEC-DC9 is simply a copycat version of the Intratech TEC-DC9 already banned under California State law.

What he did is he went to another State, he bought the weapon, he came back. Let me tell you something most people do not know. The only thing that stopped him was the building employees, when he went into the fire well, locked the smoke doors so he could not get out. He thought he was trapped and he killed himself. He was going to another floor to kill more people—the grievance killer who could take out a whole floor of offices if he wants with one of these weapons.

I remember well when a man by the name of James Huberty walked into a McDonald's in San Ysidro, CA, with an Uzi. Twenty-one people were killed eating hamburgers, 19 were wounded.

I remember in 1989, an unstable drifter with an assault weapon, modeled after the AK-47, walked into a Stockton schoolyard in northern California. He fired 106 rounds of ammunition. Five small children were killed, 29 were injured. The AK-47 would be banned under this legislation.

What in the past have been shocking episodes are now becoming the norm. I know there is going to be an effort to table this legislation, and if it is tabled, there are going to be other incidents. There is no question about that. No one should ever think that this is going to stop. It started, it is going to continue and it is going to grow. Sixty-six percent of the people of this country say, "We don't want assault weapons on our streets."

Nationally, it is estimated by the Bureau of Alcohol, Tobacco and Firearms that there are about 1 million of these weapons in circulation in America, and the estimate is that in California, 30 to 60 percent of these weapons are in this State. That is 300,000 to 600,000 of the weapons.

Yes, it is true, guns do not fire themselves, nor, however, do they thrust themselves into the hands of the distraught, the deranged, and the disaffected. They have to be bought or stolen.

Today, in all but four States—California, New Jersey, Connecticut, and Hawaii—they can be bought legally over the counter. Yes, over the counter. That is how Gian Luigi Ferri got his TEC-DC9. As I said, he was a California resident for less than a year. He did what thousands of people do: He crossed the State line to buy a weapon of choice, used a former Nevada driver's license, went in, bought this Uzi-like weapon in Las Vegas. He waited the 3 days, he returned to pick it up. Two weeks later, he purchased an identical weapon at another Las Vegas gunshop. Then he returned to California with two TEC-DC9's in his possession. Ferri's assault weapon, the Miami-made Intratech TEC-DC9 is typical of its ilk. It is cheap, easily concealed, it holds 30- to 50-bullet magazines and can fire as fast as a demented killer or gang member, drug dealer or assassin can squeeze the trigger. Most sickening of all, though, it sported a special spring-loaded hellfire switch, legal even in California, that allowed the gun to be fired as fast as a machine gun.

Ironically, he could have bought the gun he was after in California because California State law does not ban copycat weapons. This legislation would.

This photograph shows a semiautomatic assault pistol that had been banned by the State in 1989, and yet this gun, used by Ferri, is simply the copycat version of the weapon. It is still legal today almost anywhere across America. He killed eight people, he wounded six and he shattered the lives of scores more.

One of the victims, Steven Sposato, came to Washington this August to testify before the Judiciary Committee. He had his small child strapped to his back, and he asked the U.S. Senate to please stop these weapons so that other women, like his beautiful wife, would not be killed randomly, in cold blood by a deranged killer.

Then he wrote a letter to the President, and I want to quote that letter because it is very germane to what we are considering today. He said:

"Recently, my beloved wife, Jody, died a brutal and unnecessary death when bullets from a semiautomatic weapon took her innocent life in San Francisco. Her right to live has beenviolated. She has rights to live and they were violated. Our 10-month-old daughter's right to her mother"—yes, right to her mother—"has been violated. My right," he said, "to have this family has been violated. It is indeed a tragedy when a person can purchase and use a weapon that takes the lives of so many people and alters the lives of so many others, especially my very dear late wife, Jody, and my daughter, Meghan Marie. The laws that permit the sale and use of semiautomatic weapons in the United States must change" to protect the lives and the rights of the good people of this Earth.

What further evidence in this tragedy do we need to classify semiautomatic assault weapons as those of mass destruction?

I think the answer to this is self-evident. I believe the time has come to stop the manufacture, the sale, and the possession of more semiautomatic weapons of war.

Let me give you an example of how readily these weapons are made available today. One of the weapons is the Street Sweeper, known as the Striker 12. It is a shotgun designed and developed in South Africa as a military and riot gun. With its revolving 12-shot cylinder magazine, it can fire all its 12-gauge shotgun shells in less than 3 seconds.

Importation of this weapon was banned in 1989. Yet, the manufacturer found a way around that ban. Today, it is produced domestically by two companies. Even worse, it can be purchased through the mail.

This chart shows a flier presented to me by an official with the Government of the District of Columbia that boldly claims, and let me read it:

Our customers know us as the company that fought ATF for 3 years to allow import of this superior weapon for them. * * * Appeal after appeal, BATF said no. * * * Did we let BATF stop us delivering the goods to our customers? No. They've gotten theirs. * * * Now you can get yours.

In the mail, without any restrictions for $540, you can get this 12-shot, 12-gauge shotgun, semiautomatic attack weapon.

More than 10,000 guns were stolen in Los Angeles County alone just this last year. A scant 200 of these have been recovered. Nearly 15,000 guns were stolen elsewhere in California. And in one case, a gun store located on 77th Street in Los Angeles, looters made off with 1,150 guns, nearly 600 semiautomatic assault weapons. Where do you think these guns are today? They are not in the hands of legitimate collectors and sportsmen, I can guarantee you that as sure as I am standing here now. They are in the hands of gang members; they are in the hands of criminals. They are eligible for people who are mentally unstable. They are sold in lots behind fences all over the city of Los Angeles.

I am astonished to learn that, with the exception of the Kohl legislation, no major gun control legislation has passed the Congress in the last quarter of a century. Not since 1968, following the assassinations of Dr. Rev. Martin Luther King and Senator Robert F. Kennedy, has Congress been willing to reasonably regulate the flow of guns to our streets.

In that quarter of a century, we have witnessed dramatically rising crime and rising fear. According to figures by the FBI, the number of people killed by guns increased 76 percent from 1968 to 1991, the last year for which figures are available.

This Congress has before it tonight an omnibus crime bill. There is no better vehicle for imposing a ban to stop the manufacture and the sale of weapons of war which fall into the hands of the grievous killers, the gangs, the terrorists, the assassins, and the drive-by shooters. So it really comes down to a question of blood or guts, the blood of innocent people or the Senate of the United States having the guts to do what we should do when we take that oath to protect the welfare of our citizens.

I thank the Chair. I should like to terminate by paying respect both to Senator DECONCINI and Senator METZENBAUM, who for years have offered legislation. Senator DECONCINI's legislation passed this body with 51 votes. Senator METZENBAUM has been in the forefront of pioneering important legislation. We have come together, and I earnestly and sincerely hope that this vehicle will be looked at seriously by this Senate.

I thank the Chair. I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise today in support of the amendment pending before the Senate, an amendment that has been joined by the distinguished Senator from Arizona, myself, and a number of other Senators.

As a matter of fact, this subject is not a new one to the Senate. It is a subject that we fought and battled for in this Chamber over a period of many years. We have come close, but we have never been successful. Meanwhile, the assault weapons are out there on the streets of America mowing down innocent people day in and day out. I think the most serious and pervasive crime problem that exists in America today is the easy availability of military-style semiautomatic assault weapons in the streets of America.

I am deeply disappointed that there is nothing in the crime bill itself that would address this problem. A crime billwithout an assault weapons provision in it is not a strong enough bill for the people of this country.

The President has repeatedly called the country's attention to the dangerous problem of assault weapons and indicated his desire to ban them. President Clinton, Attorney General Janet Reno, and other members of the administration have emphasized the many dire effects from assault weapons—their effect on violent crime in this country, on law enforcement efforts, on drug-related crime, on the health care system, and on our children. As President Clinton told the Nation in his October 9 radio address, "We cannot go along being the only country on Earth to let teenagers roam the streets with assault weapons."

Attorney General Reno has said, "We must ban assault weapons and we must do it now. It's time for Congress to move."

On another occasion Attorney General Reno added, "The President and I are committed to a national ban on semiautomatic assault weapons. These weapons," said she, "have no legitimate purpose. They are being used to outgun America's police and spray bullets throughout this country's neighborhoods. They cause multiple injuries that emergency room doctors compare to horrible combat wounds. The men and women of America's police departments have asked their legislators to ban assault weapons. How can we ignore their pleas?" said she.

How, indeed, can we? How can we consider passing a crime bill that does not do anything about getting rid of these semiautomatic assault weapons that are mowing down Americans every day of the week. There can be no serious attempt to fight crime in this country without doing something to stop the easy availability of these weapons of destruction.

We have joined together in offering this as an amendment now rather than wait any longer. Some have suggested we wait for another day. This is an issue that cannot wait. Assault weapons are wreaking havoc and death across this Nation, and any delay means lives lost.

I am frank to say I had hoped the amendment would be stronger than it is. It is not as far as I would like to go. But the fact is I think it will be a major step in achieving the objective that we have in mind.

I also believe that the amendment represents a compromise among myself, the Senator from California, and my good friend, Senator DECONCINI, from Arizona. My assault weapons bill would have gone much further than the compromise. It does not do all the things I think need to be done in order to address the problem in the most comprehensive and thorough manner.

We must act as soon as possible on this issue, and it is for that reason I accepted this compromise approach. I think it is a major step in the right direction.

The time is long overdue for the Federal Government to act on this issue. There are 1 million deadly assault weapons currently in circulation in this country—military style assault weapons such as UZI's and AK-47's and TEC-9's and MAC-10's, and so many more.

I am frank to say I rattle off those names as if I knew what I am speaking of, but I do not know much about those specific weapons, and my guess is there are not many in the Senate who do. We have seen them. They are brought in the hearing rooms. We have looked at them. They look quite ominous. We have pictures of them. The pictures are not quite as ominous as the weapons themselves. But we know those are weapons that every day of the week are killing Americans across this country.

Each of those weapons is designed to spray-fire a hail of bullets within seconds. Each has become the weapon of choice for mass murderers, drug traffickers, youth gangs, and hate groups, and we are paying the price. Law enforcement officials report that they are being outgunned by criminals and drug dealers armed with weapons of war, and innocent people are getting caught in the crossfire.

Assault weapons originally were designed specifically for combat. They were weapons of war. Now they are being used for civilian combat against our police, against our citizens, against our children. They are legally sold with almost no Federal restrictions. The steady barrage of horrible and tragic events in communities across our Nation speaks so loudly and clearly as to the impact of these weapons.

In July of this year, a gunman killed 8 people and wounded 6 others at the San Francisco law offices of Pettit & Martin, using two TEC-DC9 semiautomatic assault weapons with 50-round magazines.

In February, while attempting to serve Federal search and seizure warrants at the Branch Davidian Compound in Waco, TX, 4 Federal agents were killed and 16 others were wounded with an arsenal of assault weapons. These weapons were bought legally from gun dealers and at gun shows.

In January, a Pakistani national entered this country, purchased a semiautomatic AK-47 assault rifle, equipped with a 30-round magazine, from a northern Virginia gun shop. He shot 5 people, killing 2 CIA employees in the CIA's own front yard.

And before that there was Patrick Purdy, who on January 17, 1989, killed 5 small children and wounded 29 others and 1 teacher at an elementary school in Stockton, CA, using a copy of an AK-47 and a 75-round drum magazine. Purdy shot 106 rounds in less than 2 minutes.

I remember after Purdy did that we held hearings here in the Senate. My recollection is that the teacher of that school came before us and told us what a tragedy it was, how those little children were hiding under desks and under tables. It was a touching moment. In spite of that, in spite of the Purdys, the others who have mowed down innocent children and adults in this country, you can still find semiautomatic assault weapons all over the streets of America.

I talked just about some of the most recent, most publicized tragedies. But the fact is we are delaying. Every day that we sit here and that we talk, every day that we do not pass legislation to do something about semiautomatic weapons, we are failing to meet our responsibility. Oh, the NRA does not like it. I know that. But the American people like it. And they expect more of us than that which we are doing, and have done so far.

The incidents of assault weapon violence can go on and on. I can stand here all evening to tell you about it.

These tragedies are a grim reminder that any delay in enacting sensible legislation to restrict free access to semiautomatic assault weapons means that more people will be killed. Right now, there are street gangs and drug kingpins with stockpiles of assault weapons. There are more tragedies just waiting to happen.

Frankly, the lack of a sensible, comprehensive approach to regulating semiautomatic assault weapons is appalling. In most States, there are virtually no restrictions on the purchase of assault weapons. Anyone 18 or older can walk into a gun store, show some ID, sign a form, which no one checks, stating that he is not a felon or drug addict, and walk out with an AK-47 or Uzi assault weapon and ammunition within minutes. That is how assault weapons currently are sold in this country—on the honor system.

The honor system is bringing about a great deal of dishonor in this country. We in this U.S. Senate cannot stand with our heads held high and be proud if we fail to enact this amendment.

This is how the Federal Government protects its people from deadly weapons. But not enough. So when it comes to the semiautomatic assault weapon, this is absolutely insane. It is time to stop this sham.

I am especially troubled by the effects of widespread access to assault weapons on our children. Time magazine and other national publications recently have devoted cover stories detailing this terrible problem. Assault weapons have made their way onto our streets, into our neighborhoods, and into our schools. Youth gang violence has taken on a far more deadly dimension. And our children, especially in inner cities and especially minorities, are turning to assault weapons to settle their disputes.

Recently, in Richmond, VA, an 18-year-old boy walked into a gun store and tried to buy a handgun. He was told that he was under age to buy a handgun but that he could buy an AK-47 instead. Can you believe it? The boy bought the AK-47 and promptly used it to shoot and kill a 17-year-old boy.

How crazy can we be in this country to make it possible to stop the young boy from buying a revolver but making it possible for him to buy a semiautomatic assault weapon?

Every major national law enforcement organization in America supports a nationwide ban on assault weapons, including the International Association of Chiefs of Police, the National Sheriffs' Association, the National Association of Police Organizations, and the National Fraternal Order of Police.

The 1992 resolution of the International Association of Chiefs of Police states,

> The increase of criminal mayhem perpetrated by individuals having access to semiautomatic weapons continues to increase and escalate daily, as evidenced by the national and worldwide criminally initiated tragedies that have befallen innocent victims.

I cannot imagine what it must be like for police to be placed at such a disadvantage. And we are the ones placing them at that disadvantage.

In addition to law enforcement groups, dozens of leading labor, medical, religious, civil rights, and civic groups support such legislation, including the AFL-CIO, American Academy of Pediatrics, American Association of Retired Persons, American Bar Association, American Jewish Congress, American Public Health Association, National Association of Counties, National Urban Coalition, U.S. Conference of Mayors, and so many more.

Most important, the people support a ban on assault weapons. The vast majority of Americans simply do not understand why military-style assault weapons are so readily available in this country. That is why two-thirds of all Americans want an immediate ban of these weapons. A March CNN/Gallup/USA Today poll reported that 66 percent of Americans favor a law banning the manufacture, sale, and possession of semiautomatic assault weapons. And a recent Louis Harris nationwide poll, sponsored by the Harvard School of Public Health, found that 63 percent of Americans favor a Federal law banning the sale of all semiautomatic guns—not just assault weapons. Even gun owners want to see assault weapons outlawed. Earlier this year, a USA Today poll showed that 60 percent of gun owners favored a total ban on assault weapons—in an impartial poll done by USA Today. The American people want us to do something about assault weapons—and they want action now.

So who is opposed to banning assault weapons—the leadership of the NRA.

Praise be thou, leadership of the NRA. Let us bend down and salute to them.

The NRA is opposed and has fought every reasonable, common-sense firearms bill that has ever been proposed. They have made a very successful business out of it. The NRA does not agree that any semiautomatic assault weapon should be banned. But the NRA is more and more out of touch with the American people, with gun owners, and, increasingly, with elected officials.

In the last few years, we have seen some very significant developments in the States with respect to assault weapons. In 1989, California became the first State to ban the sale of assault weapons. Since then, New Jersey, Hawaii, and Connecticut have enacted assault weapons bills. More than 30 cities and counties across the country have banned assault weapons. These recent victories signal that the tide is finally turning against the NRA.

But we cannot rely on piecemeal State regulation, however laudable some States' efforts have been. We need a uniform, comprehensive, national solution to the problem.

We need a national ban to get assault weapons off our streets, so that strong State laws cannot be thwarted by weak or nonexistent laws in other States. Strong State laws presently can be evaded by people who purchase banned weapons in a neighboring State with weaker laws and import them into the State in which they are banned. This problem was clearly highlighted in the San Francisco massacre. California bans semiautomatic assault weapons, but the gunman was able to go to neighboring Nevada, which has no assault weapons ban, purchase two TEC-DC9 assault pistols, and come back into California to perpetrate his evil deed.

Is this some radical new measure? Absolutely not. Since 1968, the Bureau of Alcohol, Tobacco and Firearms has had the broad authority to prevent the importation of guns which are not "particularly suitable for or readily adaptable to sporting purposes." In 1989, the Bush administration permanently banned the importation of 43 models of semiautomatic assault weapons which were determined not to have a sporting purpose.

I have not spoken out on this subject before. But I have to tell you that is one of the most preposterous acts that any President of the United States ever took, to ban the importation of the semiautomatic assault weapons and to do nothing about the semiautomatic assault weapons being manufactured and sold here in this country. What a foolish, what an act totally without relevance. It accomplished nothing. It was just for show. We are going to ban the import of semiautomatic assault weapons. I have a lot of respect for President Bush, and I think he attempted to serve his Nation well.

But in that one particular act, in banning the importation of semiautomatic assault weapons, I think he was either attempting to kid the American people or did not realize the fact that that act of his would have really no significant impact.

The problem now is that 75 percent of the assault weapons are being made in the United States of America. American manufacturers are copying the designs of previously imported assault weapons that have been banned making them here at home. But there is currently no mechanism to prohibit domestic assault weapons sales. It is absurd solely to ban the importation of assault weapons while allowing them to be freely made and sold right here in the United States of America.

Let me take a few moments to explain the assault weapons amendment before us. With all of the deception that invariably surrounds any attempt at reasonable gun control legislation, it is important for Members and the American people to know exactly what this legislation would and would not do.

First, it would prospectively ban a short list of named semiautomatic assault weapons. This Senator thinks there ought to be more of this in the bill. But in an effort to move this forward, I went along with a limited list. These weapons are the most infamous of all assault weapons and have no place in a civilized society.

I believe this list should have been much longer, like the list that was originally included in my own assault weapons bill. But at least it covers some of the most dangerous weapons.

Second, this amendment would ban copies of those listed assault weapons, so that manufacturers cannot evade the restriction simply by changing the names of the weapons. The gunman in the San Francisco slaughter used a copy of a semiautomatic assault weapon that would be on any reasonable list of banned weapons. We also know that U.S. manufacturers are producing copies of semiautomatic assault weapons that are banned from being imported into this country.

For example, after BATF banned the importation of a South African riot-control shotgun called the Striker-12 in 1986, American manufacturers subsequently marketed a copy of the Striker-12, which they renamed the Street Sweeper, boasting that it was barred from importation. The same thing happened with the USAS-12 Assault Shotgun, which was banned as imported from South Korea, but which is now manufactured in the United States under a different name.

There is strong evidence that it is not enough just to list the assault weapons that are banned. There must be some mechanism to restrict copies of banned weapons. Otherwise, manufacturers, in order to get around the ban, will simply make new assault weapons which are only slightly different from those on the list of banned weapons. More simply, they will just change the names of the guns.

This amendment also would ban the manufacture of newly developed assault weapons. It would do this by using a very strict definition of assault weapons that focuses on the objective features that distinguish such weapons from legitimate hunting or sporting guns.

The reason for this provision is simple. It is clear that any list of banned weapons will soon become obsolete. We need to make sure that the prohibition remains current through the use of a tightly controlled mechanism for prohibiting new assault weapons.

The NRA claims that it is impossible to distinguish a semiautomatic assault weapon from a hunting gun. That is utter, total nonsense. The BATF has been making this distinction for years with respect to imported weapons. It has determined that assault weapons can be distinguished from hunting and sporting weapons by their combat hardware, such as large capacity ammunition magazines, pistol grips, bayonets, flash suppressors, silencers, grenade launchers, and folding stocks. The NRA claims that these combat features just make these weapons look ugly. That is like saying that the combat features on a military jet fighter are there just to make it look fierce.

In addition to the assault weapons ban, the amendment would prospectively ban large-capacity ammunition magazines, which are defined as magazines that contain more than 10 rounds of ammunition.

Former President Bush, a long time hunter and NRA member, tried to ban magazines of more than 15 rounds. As he remarked in 1989:

> One thing we do know about these assault weapons is that they invariably are equipped with unjustifiably large magazines.

As my distinguished colleague from South Carolina, Senator THURMOND, noted as he introduced a ban on large-capacity magazines as part of President Bush's 1989 crime package:

> As a direct response to the deadly firepower used by the drug kingpins, hired thugs, and other violent offenders, the President is calling for important restrictions on clips and magazines that hold more than 15 rounds. Legitimate sportsmen and hunters can still pursue their avocation without undue interference.

My feeling is, and the plain fact is, that nobody needs a large-capacity 30-round ammunition magazine to spray-fire at targets or game. Nobody needs a 75-round drum magazine—except maybe the Patrick Purdy's of the world.

The amendment also would contain a long list of 650 examples of hunting and sporting guns that are exempt from the prohibition. This list is not actually necessary, since none of these guns would be covered by the definition of semiautomatic assault weapons in the amendment. But for the sake of clarity and to demonstrate the legitimate hunting or sporting guns are not affected by this bill, the amendment includes a list of as many hunting guns as we could find and expressly exempts them from the ban.

Other exemptions are provided for law enforcement, military, testing purposes.

Finally, the amendment would sunset after 10 years. Frankly, I am opposed to any sunset provision and had none in my assault weapons bill, and I do not think we should have it. I think we ought to ban semiautomatic assault weapons once and for all, permanently. But the amendment provides for study by the Attorney General on the effectiveness of the ban, and I am quite convinced that this study will show future Congresses that the ban is effective in fighting crime and saving lives. So I am willing—reluctantly—to go along with the 10-year period.

That is what the amendment would do, and we think it represents a modest attempt to prohibit only the most dangerous semiautomatic assault weapons.

Let me tell you what it would not do. It would not give the BATF the power or discretion to prohibit legitimate hunting or sporting guns. I have already mentioned a list of 650 excluded hunting and sporting guns.

In addition, the prohibition does not cover any manually operated guns, whether by slide action, pump action, bolt action, or lever action.

Not even all semiautomatics are covered because not all semiautomatics are assault weapons. There are many legitimate semiautomatic rifles, shotguns, and pistols, that do not have the killing capacity of assault weapons.

This amendment also would not take any gun away from anybody. This is a prospective measure only. No one's gun would be confiscated if this amendment were to pass and become law. Anyone who lawfully possesses a gun now, even if it is a semiautomatic assault weapon, would lawfully possess the gun after the law takes effect. And any gun that is lawfully possessed now could be lawfully transferred, sold, or purchased after the law takes effect.

There is no reason why weapons of war should be made available to the public in an unrestricted manner and in unlimited quantities. No hunter needs assault weapons. It was possible to hunt before the AR–15 or TEC–9 was developed. No marksman needs assault weapons. No true sportsman needs an Uzi, an AK–47, a Street Sweeper, or any semiautomatic assault weapon. Let us face it, semiautomatic assault weapons are useful for one thing: The killing or maiming of people.

I really wish we could do more than what this amendment would do—to deal with this problem in a more comprehensive way. But I recognize that some of my colleagues do not feel as strongly about it as I do. I feel that this issue is so critical in fighting crime and saving lives, and because this measure is a step in the right direction, I fully support it.

I yield the floor.

Mr. DECONCINI. Mr. President, I rise in support of the amendment of the Senator from California. I compliment her for the work she put in, in crafting the amendment that was able to bring the Senators from Ohio and Arizona together. We are longstanding friends and we work together on a lot of legislation, but we have had a true disagreement over a number of years as to how far we should proceed in the first effort by the legislative body here to ban some assault weapons. He and I have worked for many years on it, and he knows how much respect I have for him and how I understand his strong commitment to banning assault weapons. But we have genuinely not been able to reach an accord over the past several years. Consequently, he has offered amendments that have not passed, and he has supported an amendment that barely passed, accommodating this Senator when, in fact, he really did not believe the amendment that this body adopted two times here really did what it needed to do for this problem.

So the Senator from Ohio has really been on the cutting edge of this issue long before this Senator stepped into it.

I thank him for his leadership and his willingness to be involved in this issue and never giving up on this Senator, and others, and compromising in the sense that he was willing to pass something even though he did not believe it was near enough.

The Senator from California, new to this body, is certainly not new to the process of putting together what is necessary, I believe, to bring about a realistic approach, one better than the one the Senate did pass last year, and one that provides some very strong protections of individual rights under the second amendment.

So, Mr. President, the Senate cannot debate the issue of crime, in my judgment, without the opportunity and hopefully passage of some ban on assault weapons.

In the two Congresses, the Senate has included an assault weapon ban in the crime bill.

Unfortunately, that is not the case today. Now we have a President who has stated publicly on numerous occasions that he strongly supports a ban on assault weapons. So it is time to send him a bill that will end the production of these military-style assault weapons, and I emphasize military-style assault weapons. These are not hunting weapons, and I will go into it a little bit later.

In the amendment before us by the Senator from California, the Senator from Ohio, and myself, we have worked very hard to come up to this particular compromise legislation. Although we come from quite different directions, we have agreed on an amendment that is comprehensive in its approach to banning assault weapons but also provides many, many protections of the individual that I feel are fundamental under our Constitution.

Senators METZENBAUM and FEINSTEIN would like to go further, I believe. My concern, as it has always been, in this area is not to infringe on the rights of honest law-abiding gun owners. This amendment brings together our separate bills and approaches.

I believe we have a good proposal. It protects the rights of honest law-abiding gun owners. It protects the rights of these gun owners and hunters while confronting the crime problem caused by assault weapons.

What we are offering is not a panacea for crime. Nobody is going to say by adopting some assault weapon prohibition or antiassault weapon legislation we are going to stop crime. I think it is important to always confront that issue that is used particularly by the NRA and opponents of any kind of restriction of the second amendment. They will say that it is not guns that kill; it is people that kill.

That is true, but people have to have guns. They have to have the semiautomatic weapons to do the damage and carnage that they do.

What they are offering to me is a reasonable approach. It is our belief that a comprehensive solution to crime plaguing our country must include some ban on these weapons, truly weapons of mass destruction.

Mr. President, the need for the legislation has not decreased one bit since the last time we approved an assault weapons bill. In fact, there is even more compelling evidence for this assault weapons ban. Since the last time we approved this assault weapons ban, we have seen drug-related violence continue and to escalate.

Assault weapons continue to proliferate in drug violence. Police officers continue to be gunned down in the streets of America by all types of weapons but, in particular, semiautomatic assault weapons. Time and time again this country has graphically witnessed the destructive use of assault weapons.

The tragic situation in Waco, TX, was only one of many recent examples in which criminals have used assault weapons to overpower law enforcement. Look at what David Koresh armed himself and his followers with. According to an ATF affidavit, Koresh had stockpiled nearly 200 assault weapons that included AK–47's, AR–15's, MAC 10's, and MAC–11's. In addition, ATF estimated he had accumulated 2 million rounds of ammunition. He also had a machinegun that had been adapted for use. Koresh did not buy these guns to go deer hunting in Texas. He went hunting for Federal agents. He shot 19 of them and killed 4 of them in cold blood.

In my own State of Arizona, law enforcement officials along the Mexican border wage a constant battle against smugglers who arm themselves with military-style weapons. The sheriff of Maricopa County, Joe Opal, a former agent in charge of the Phoenix, AZ, Drug Enforcement Administration, a 31-year member of NRA and currently a member of the NRA, has continuously supported legislation that I have introduced. He said that it is time to protect the people of the city of Phoenix and the county of Maricopa as well as his police officers, and he supports it. So he is able to differ and to split away from the NRA on this issue.

In cities across America, gangs fight turf wars, armed with assault weapons, often killing or severely wounding innocent bystanders because of the capability of these weapons to spray hundreds of rounds within seconds.

Police officers throughout this country will tell you that these killing machines are the weapons of choice for drug dealers and violent criminals. And why are they the weapons of choice? Listen to the words of a police officer who has to face gangs and drug dealers every day. This is what one police officer said in testimony that we have here before us. We have the complete record of that testimony.

> Criminals today have used assault style weapons to fire dozens of semiautomatic rounds into crowds on public streets in order to kill a single target. Their large capacity and quick firing capability are what make ride-by style shootings possible. They enable one or two criminals to endanger dozens of people.

This is what an officer said. He has seen one individual who wants to kill one individual in fact kill many because of the disregard and the capability that that person has in having that kind of weapon.

(Mrs. BOXER assumed the chair.)

Mr. DECONCINI. Madam President, these assault weapons are designed for a specific reason—to shoot as many people as possible as quickly as possible. No hunter in his right mind would use a street sweeper to shoot an elephant or a deer or a rabbit. The fact of the matter is that with an assault weapon a criminal will commit crimes that he would never risk with a normal handgun.

We have witnessed in the last few years a profound change in criminal firepower. Criminals have gone from using defensive weapons, like small handguns, to offensive weapons, such as the AK-47 or the Uzi.

The cop on the street is being outgunned. Overall, the figures reveal a clear trend on the part of criminals to upgrade their arsenals with weapons that fire faster and hold more ammunition than the police have.

In the Judiciary Committee's hearings on assault weapons this year, Chris Sullivan, of the International Brotherhood of Police Officers testified for quite sometime. One of the things he said was the following:

> Many departments are upgrading their service weapons from .38 caliber revolvers to 9 millimeter semiautomatics because they are unable to keep up with the firepower which they are facing as criminals move to these assault weapons.

The message is clear. We need to bring some sanity back to our streets in America.

Madam President, this amendment is a direct attack on the spread of assault weapons and their use in the commission of violent and drug-related crimes. It is tightly focused on specific types of assault weapons that have emerged as the firearm of choice of violent criminals.

The amendment includes a limitation on the size of gun clips. This provision was initially proposed in a bill by President Bush and sponsored by many of my Republican colleagues in this Senate. Furthermore, the recordkeeping system in this bill is neither onerous nor burdensome. But more importantly, this bill does not give the Federal bureaucracy or the bureaucrat the discretion to add guns to this list.

So we are not turning this over to some unknown body downtown that is going to decide that tonight or tomorrow or next week we are going to add guns. It cannot be done with this bill.

At the suggestion of some Senators, we included a list—not comprehensive but suggestive—of expressly exempted manual and semiautomatic guns by name. We did this so that sportsmen and hunters will be guaranteed that this bill will not affect them.

Madam President, we will hear several arguments, as usual, tonight as we get into a debate—and I hope we do because I think the American public needs to hear those bogus arguments that are going to be put forward. We should not just sweep this aside by a motion to table. One will be that such legislation as this is unconstitutional.

Our Constitution protects the right to bear arms. We all understand that. There is no question in this Senator's mind about that. There is no question that this bill does not infringe on that at all. But it does not protect the right to bear any arm that some citizens might decide they have a right to possess. We should not permit people to walk around with a Street Sweeper.

Let me just show you what a Street Sweeper looks like, Madam President. That is a gun, Madam President, that is a very interesting weapon. The Street Sweeper was developed in Rhodesia and perfected as a crowd-control weapon in South Africa. It was not ever put together for the purpose of hunting, or even sportsmen uses. They do not have contests to see how well you can fire these, how many rounds you can shoot out in a minute, how many bottles you can knock down, or how many mannequins, or what have you, you can knock over, although that is what it should be used for, because that is what it has been used for.

This is a shotgun. It fires 12 rounds in less than 3 seconds. In 3 seconds this will rotate and propel 12 shotgun shells. It is a light weapon. It is a lightweight weapon. It can be fired from the hip like a pistol, and it is just one indication of what we have here.

Madam President, we need not have this kind of gun available. We need an America where you cannot buy one of these.

Let me just show you an ad of how easy it is to buy a Street Sweeper. This is in a local magazine for guns. Can you buy one of these nifty little things? "Yes, there is a difference." This is the Striker. For $540, you can buy one of these sweet little things; just have it shipped to you.

You cannot buy a bazooka in this country, or a machinegun. And do not tell me this is not similar to a machinegun, because it is. People who walk the streets with these kinds of weapons, it would be like walking the streets with a bazooka or a machinegun. They want to kill people. They are not interested in hunting.

Time and time again, courts have upheld the constitutionality of assault weapon bans. We ban machineguns now, or you have to get certain permits from the Government to have them, and other weapons, as well. So it is not an infringement on our constitutional rights.

Throughout my years in this Senate, I have strongly opposed gun control measures because I have always been worried about bureaucrats deciding what guns can be made available to the citizens; that they can just decide that we do not like this revolver or we think too many guns are out there, so let us just stop them all. I have constantly been very, very careful on any restrictions on guns, and have voted so.

The NRA has strongly endorsed my past two elections. I only wish I was running again this time, because they would not endorse me and I would take that as an issue that that organization has lost touch with America.

At one time I was named, with pride, I must say, as legislator of the month by the NRA. But after I spoke with members of law enforcement, I determined that something had to be done about these assault weapons. I discussed it with the NRA. We had a good discussion. We tried hard; I believe they really tried for awhile to help draw a definition of a semiautomatic assault weapon that would be banned. It did not work out. I went ahead. I went ahead because law enforcement in Arizona and around this country told me time and time again that this is dangerous; it is killing their members, as well as the public.

I came to the conclusion that something could be done without infringing on the rights of law-abiding citizens, without taking away any constitutional rights under the second amendment. The amendment we are proposing does not eliminate the right of honest, law-abiding citizens to buy guns for protection, hunting, or other recreation.

We are merely taking off the streets of America weapons that have no purpose other than to kill human beings.

No one buys an AK-47 to keep under their bed for their safety in case someone breaks into their home. No one buys a Street Sweeper to go hunting, to go target practicing. They just do not.

Does this ban affect honest sportsmen? Honest sportsmen do not go hunting with a Street Sweeper. Street Sweepers were made for riot control and used for riot control and now they are used to kill people in this country, as well as in other countries.

Assault weapons are not sporting weapons—unless you consider murder a sport.

Madam President, opponents of this measure would like to make this an "either/or" situation. They say either tough penalties or ban weapons. They are wrong. We need tough penalties, and this bill has them. We need to end the proliferation of some assault weapons. This amendment has it. And we also need to enact tough penalties for criminals, and this bill really has it, as explained by the Senator from California.

For over 3 years, we have been working to pass a ban on assault weapons. And while we debate this issue, police officers continue to patrol our streets, risking their lives against these weapons.

There is no question where law enforcement is on this particular issue. So make no mistake: If you vote to table this or vote against this, you are not supporting law enforcement. If you are talking about a crime bill that is going to go out there and help the people to be safer, you have to vote for this because this is where law enforcement is. Clearly, both management and rank-and-file organizations that are often at odds in law enforcement supports a ban of assault weapons. Every one of them.

The Senator from Ohio has pointed out that the National Association of Police Organizations, the Fraternal Order of Police, the International Brotherhood of Police Officers, the National Sheriffs' Association, the Police Executive Research Forum, the Major Cities Chiefs, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, and the Police Management Association, members of these organizations have testified before Congress on many occasions on the need to ban these types of guns. And they speak for their members.

Let me read to you a quote from Dewey Stokes, president of the Fraternal Order of Police. And let me say, Mr. Stokes is an active police officer who goes out on the beat, as well as the executive director. This is the largest organization of law enforcement professionals in the country.

Dewey was in front of a House committee last year testifying on the assault weapons ban. I think his words should ring loud and clear to all of us who are going to vote sometime tonight or tomorrow on this issue. He said, among other things:

> As to how important the issue of the increased spread of semiautomatic assault weapons is to the cop on the street, I think it is safe to say that all of us who put on the uniform every day have to sometimes wonder about our own mortality. * * * The issue of these weapons may be a political one to some of you. * * * but it is potentially a "life or death" issue for us every day we step out of the front door of our homes to go to work.

That is a cop on the street. That is the executive director, representing over 200,000 police officers, cops on the street. They go to work knowing that these kinds of weapons are out there in the hands of people who will use them against them. I think his comments pretty well sum it up, Madam President. We can sit here and debate about the politics all we want to tonight. We can invoke the second amendment when it sounds handy. But the bottom line is that police officers are out there every day, risking their lives and fighting an arms race, and they are losing—not only their lives, they are losing the arms race.

We made a bold decision the last time we passed a ban on assault weapons. We chose to vote with law enforcement, and by doing so we pledged our support to them and we should do it again tonight.

Now is not the time to turn our back on law enforcement officers throughout this country.

Now is not the time to betray our commitment to the law enforcement officers who go out on the street every day to protect us.

How can we say to police officers of this country: Gee, I voted with you last time because you are getting outgunned by criminals. But even though the assault problem worsens, even though you are losing an arms race and losing more officers every year, I am pulling my support for this year's assault weapon man.

On issues of crime and violence I think we should consult those who risk their lives every day for our safety. Law enforcement stands united behind an assault weapons ban and this particular amendment. Every major law enforcement organization, management and labor, support this.

Even conservative leaders, politically on the Republican side of the aisle—Senator Barry Goldwater supports a ban on assault weapons; Jack Kemp, former Member of the House and Secretary of HUD supports limiting the sale of assault weapons.

There is plenty of room for everybody under this umbrella, because it supports law enforcement more than any other part of this bill, in my judgment.

This is not a partisan issue, but a humanitarian one. Not only do we have the opportunity to pass a ban on assault weapons, we have the responsibility to do so and to put ourselves on record.

Let me just take a couple of minutes Madam President, to show a few other of the weapons.

This is a picture of the Tec-9. It is a very well-used gun. It is manufactured in the United States; 3,000 copies are manufactured and sold every month. This gun is equipped with a 36-round magazine. It is a favorite for drug dealers. It shoots at a rate of approximately 1,000 rounds, if it is modified, per minute. Imagine, take 60 seconds off that clock, this weapon can shoot 1,000 rounds.

Its list price—do you know what you can buy one of these for? Three hundred and eighty dollars. That is a pretty devastating weapon for a small amount of change.

Ten assault gun models account for 90 percent of crime involving assault guns. One out of every 10 assault weapons traced is one of these. It ranks number one among assault weapons traced by the Bureau of Alcohol, Tobacco and Firearms.

Let me show another one, Madam President. I know the Senator from New Jersey wants to talk, and I do not want to keep him waiting much longer. This is the Uzi pistol. You have all heard of the Uzi carbine, the so-called Uzi gun used around the world by all kinds of organizations; legitimate military organizations and so-called rebel organizations.

This one, the Uzi pistol has a 32-round magazine. It is a favorite for soldiers of fortune. It also is used by legitimate armies throughout the world—armies who are trying to defend borders from other armies who are coming in. The list price for this is between $200 and $300. It is advertised as "the gun that made the '80's roar." Based on the 1988 BATF statistics, the Uzi pistol here accounts for the highest number of traces in that particular year.

Let me just see whatever else we have here. We have a number of others. This is the MAC–11 and MAC–9. That only shows us why our police officers are scared. They are not so scared they will not go out, but they are scared because when they go out they are confronted with those kind of weapons on a daily basis.

I truly hope this body will have the courage to stand up for law enforcement. The opponents can say, "Oh, we are for tougher penalties. We have to do something to put those people away." We do that. We have done that over the years. We passed amendments here putting people away forever because they are carrying one of these.

Do we have the courage to put them away here, be it by eliminating these guns so if they are caught with one—just caught with one—they are going to go away for a long time?

This is a good amendment. It is a sound amendment. It is the right thing to do. It is going to take some guts, it is going to take some people who want to stand up to the NRA, who want to do what is right for law enforcement. I truly hope when and if the motion comes to table, that this amendment is not tabled.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I am a cosponsor of this amendment to ban assault weapons. I am struck by the fact that my colleague, Senator DECONCINI, the distinguished Senator from Arizona, has taken the strong stand that he has because he is someone who believes—and has established that over the years—that sportsmen, those who want to own weapons, ought to be able to do so under certain conditions. And the fact that he is as committed, as passionate, if you will, about banning these weapons tells me something about where we ought to be on assault weapons.

I come from the State of New Jersey and I am proud of my State for many reasons. But one of the things that has made me especially proud of our State is that we have taken the lead in battling the menace of assault weapons.

We in New Jersey have proven that the pro-gun extremists can be beat and that reasonable measures to control gun violence can be approved.

But we New Jerseyans cannot be secure with our own State assault weapon ban because, while the weapons are prohibited in our State, they are not in most other parts of the country. Until we have a nationwide ban, it will remain easy to bring assault weapons into New Jersey from other States.

As a matter of fact, we had an assault weapons ban on the books for a couple of years, and there was a turnover in the legislature such that the Republican Party came into power under a Democratic Governor, and they had a veto override majority in both Houses in the Assembly and in our State Senate. They felt that by getting together they could respond to the NRA's protest, to take away, to prohibit taking away assault weapons, as preposterous as that seems, because, Madam President, assault weapons as we know are not designed for legitimate sporting purposes. They are designed for military use, for war.

I was struck by Senator DECONCINI's exhibit here, when he showed a weapon called the Striker, with its horrendous output. One of the things that was featured in the ad is the fact that this is good for military and police use. It does not really point to its value as a sporting weapon.

I carried a weapon in World War II, and during the period of the breakthrough in Belgium, I was given more ammunition for my weapon, which was a carbine. It did not fire as often, as effectively, nor with as much damage as guns we are seeing now sold on the streets. And I was a soldier, an American soldier at war.

So what are we looking at? What are these weapons good for? Certainly—and I want to commend the Senator from California for her initiative here—certainly, if one is interested in fighting crime, then one must be interested as well in protecting those in law enforcement, as well as the citizens of our country. These weapons are for killing people, lots of people, and quickly. We have seen the devastation of their damage.

I do not know whether it is coincidence, but I notice that side of the aisle has nobody on the floor. I want to see, when the vote is finally counted, where the votes are to get rid of these weapons in the interests of crime fighting. Or are we doing something different when we try to take away these weapons, than fighting crime?

This is not a review of sporting clubs or target shooting or hunting. The amendment that is on the floor is designed to deal with the crime bill. These deadly assault weapons are the weapons of choice of increasing numbers of drug dealers and organized crime figures and they are being used in lots of crimes. While semiautomatic weapons comprise only one-half of 1 percent of the privately owned guns in this country, they have accounted for 8.4 percent of all firearms traced to crimes between 1988 and 1991. In other words, assault weapons were about 17 times more likely to be used in a crime than a conventional firearm.

Madam President, as more and more criminals buy assault weapons, America's police officers find themselves increasingly outgunned, and that is wrong. The brave men and women who serve as police officers in our Nation deserve better. We try to help them. Wherever possible, we give them bulletproof vests; wherever possible, the procedures are developed such that one is not exposed without another officer being nearby if it can be done. We think constantly about repaying them with enough interest to try to protect their lives. Everyday they put their lives on the line for their communities, and the least that they should be able to expect is that we will not encourage having them outgunned by criminals.

A wide variety of police organizations support a ban on assault weapons, Madam President. You have heard them, but I will repeat them: The Fraternal Order of Police, International Association of Chiefs of Police, and the National Association of Police Organizations—just to name a few. But despite this broad support, for too long now, political leaders have kowtowed, have bent down, in front of a narrow special interest and refused to face reality. "Who is calling the shots?"—to use the expression on the other side. It is NRA and their friends and you would think that they have enough vision to understand that America does not want to have these kinds of weapons in the hands of those in the community who would create crime and take the lives of our law enforcement people and innocent civilians.

So what we have to do is put the interest of the police and the law-abiding citizens first. As I see it, this is not just another policy issue. It is a moral issue; it is a matter of life and death and nothing less.

So, Madam President, while I suspect that this amendment is as strong as any assault weapons ban could be, to have a chance of passing the Senate, I do want to note that my own preference would be far better to have an even stronger version of the ban. I am an original cosponsor of S. 653, which was introduced earlier by Senator METZENBAUM, a broader bill which would have made the ban a permanent feature of the law.

I said before that New Jersey had an assault weapons ban on the books. After a change in legislature took place, they tried to overturn the ban. The Governor of the State, though he faced a veto override majority, went to the public and said, "For God's sakes, protect our citizens, let your Senator, State senator, let your assembly person, your Representative know how you care about that," and the phones rang off the hook and the telegrams came and the faxes came. They did not have the guts to stand there and remove a ban that had been put in place after a significant struggle. So we ought to take a step here that is consistent with crime fighting and rid the community of these weapons.

Having said that, I wanted something stronger. I do want to just take a minute to commend the distinguished Senator from California [Mrs. FEINSTEIN]. She has only been here a short while, but she has taken the leadership role in so many things and her interest in fighting criminals and weapons is well known. She has put together, I think, a masterful piece of legislation. She has recognized the reality that some people are going to want to be able to hold possession of their weapons. These people are grandfathered. I assume these people will have passed some kind of a requirement that said they legitimately own these weapons and listed very specifically, and I again commend her for it, those weapons that would be excluded.

So there cannot be any debate about does this cover this or does this cover that. We know exactly where she wants to take us. I commend her for her outstanding work in developing this compromise. She deserves a lot of credit for her leadership. She also deserves enough votes to pass this.

Madam President, I hope that my colleagues will stand up to the NRA—do what is right. Let us ban these weapons. Let us protect our law enforcement people. Moreover, let us show we mean it when we say we want to fight crime.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I, too, want to join in voicing my support for the amendment which has been offered by Senator FEINSTEIN, Senator DECONCINI, Senator METZENBAUM, Senator DANFORTH, and many others this evening. I firmly believe that this proposal will provide extraordinary strength in the efforts to try and deal with the violence in our society.

Having been here in 1968 when we passed the first, what they called gun law at that time, we could hear so many of the same arguments: There is no sense passing a bill because there are so many guns out there.

We hear the same argument again. The estimates of 125 or 150 million guns that are out there, they said in 1968, we cannot really do much about crime and violence in our society because there are so many guns out there, and the NRA opposed that particular legislation.

Then in 1986, when we had the McClure-Volker legislation, there were many of us who said, "All right, what we are really interested in are the Saturday night specials, the small concealable weapons that are used in the crimes of violence. We will go ahead and actually deregulate any kind of long gun."

We were talking then about long guns, hunting weapons that are used by legitimate sportsmen and hunters in this country, and let them wipe away any kind of restrictions. They talked about licensing, having a license in terms of the purchase, some interstate restrictions were there, because around 85 to 90 percent of all the killings that were using guns were the Saturday night specials, the small concealable weapons. But the NRA said absolutely no to that—absolutely no. They said we are going to oppose even that kind of limitation, the small Saturday night specials that have virtually no hunting purpose whatsoever. It cannot hit the side of this desk over here from 12 or 15 feet. It is virtually unnecessary in terms of legitimate sportsmen and women, and the NRA resisted what I think would have been an extremely responsible position for them to take that said, "OK, for the legitimate sports person, we will make available those long guns that are used for hunting," and it would have been helping us to deal with the problems of crime and violence in our society.

We were unable to have that. We understand why. Many of us have friends in the NRA. What they need to do is be able to take the position, the nose under the tent: You give them a little bit on the guns of violence, they will be back to you again and again and again. We know the millions, the tens of millions of dollars every single year that they raise in trying to misrepresent the motivations of many of us in trying to deal with the guns of violence in our society. We know that they need in order to bolster their membership and to raise the millions and millions of dollars which they use for political activities and for other kinds of activities.

Now we come here in the recent years. We had President George Bush identify a limited number of these assault weapons, prohibiting their entrance into the United States because they pose some kind of threat to the security of Americans, and then we asked, "Why don't you do that in terms of what is being produced back here at home?" "Oh, no, we can't touch those, we can't touch those."

They were identical kinds of weapons that were being prohibited from entering the United States that he was prepared to take a position on, but he would not take any step at all in trying to deal with those same weapons that are being manufactured here in the United States of America. It is a completely irrational position. I have yet to hear possibly the justification or the rationale for that position.

Then we know the long period of time that many of us had in terms of resisting the thrust of the NRA on the cop-killer bullets. These are cop-killer bullets that can penetrate armor vests that our law enforcement officials wear.

I actually heard statements made by Members of this body that said we want to have them so when an animal is wounded, we will really make sure that animal is not going to be wounded for a long time. This is a humane act, cop killer bullets. And you ask them, well, what about the cops, what about the policemen and women who are risking their lives and they can penetrate those armored vests? What about their being wounded, their bleeding, their suffering, and what about their families?

It took us 3½ years—3½ years—to take meaningful steps on cop killer bullets with the resistance of the National Rifle Association.

Now we come back to these assault weapons. I agree with my friend and colleague from New Jersey. If I had my option, it would be a prohibition on the manufacture and distribution and the holding of these assault weapons that have absolutely no purpose in hunting whatsoever.

It is an interesting fact that many of these similar kinds of weapons are actually the weapons of choice in Peru and Colombia among the Medellin and other drug producing gangs—not just in this country but in those countries as well. Manufactured where? Here in the United States of America. They are being utilized in many of those countries.

It is scandalous that we talk of trying to do something about the drug rings and all those involved in street gangs and all of the rest and here we are permitting the manufacture, distribution, purchase, and ownership of these weapons and exporting them where they are being used in crimes in these other countries. It is a scandalous situation, Mr. President.

This measure which has been developed by the Senator from California, with the cooperation of Senator DECONCINI and Senator METZENBAUM, is a very important and meaningful step. It is a downpayment to the people in this country, particularly those who live in the cities of this Nation, that we are going to try to do something about the weapons that proliferate in our communities.

There are other ways and means. The Senator from New York deals with the issue of ammunition, which I think is enormously commendable and I wish, quite frankly, we would have an opportunity —maybe we will—to debate that on this bill as well, and other proposals that have been made by the Senator from Rhode Island and others dealing with other aspects of the gun issue.

Mr. President, this really is enormously important. It is a real indication of who wants to talk tough and who wants to really do something about violence. We have heard with extraordinary eloquence of how we are going to be tough on the criminals in our society. The case has been made by the Senator from California and others in comparing the issues of violence in other countries around the world, the availability and accessibility of guns and the incidents of violence.

How many years do we have to make that case? How long do we have to make that declaration and that plea? Still we find that the long tentacles of the National Rifle Association are able to penetrate this body and many other legislative bodies across the country. I think it is enormously detrimental to the efforts which are attempted to deal with the issues of violence.

Madam President, I had the opportunity to speak at the graduation ceremony at Simon's Rock College, one of our very fine small colleges, buried away in the heart of the Berkshires, where a disturbed student, who was temporarily mentally incompetent as a result of significant depression, went down and was able to buy the long gun—tragically, the kinds of restrictions which would have prohibited that individual from being able to purchase that long gun had been lifted in our own State a few months before—and come back and spray a message of death and wounding to individuals in the school as well as those associated with and who work for the school.

Going to that school several months later, the campus was not the same. The impact and the scarring and the loss not only of the families immediately affected but among young and old alike was so deep and so searing. These matters of violence are not statistics but real human beings, real people, real families, real tears, real blood, and they deserve to have some action in the Senate. I hope the Senator's amendment is accepted.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment is an absolutely critical component of this crime bill. Any legislation worthy of the title "crime" bill must have an amendment that addresses the semiautomatic assault weapons which our police face on our streets every day and are pleading with us to control.

This amendment does two things at once. It supports our police. It stands with our police. It says yes to our police who are pleading with us to restrict the military-style assault weapons that are not used for any legitimate purpose. It also protects the ability of hunters and other legitimate and recreational gun users to continue to pursue hunting and sporting activities. It does them both at once.

The Federal Bureau of Alcohol, Tobacco and Firearms finds that these types of assault weapons addressed by the amendment of the Senator from California were about 17 times more likely to be traced to crime than conventional firearms. Our law enforcement officers are asking us over and over again, as they have for many years, to take these assault-style weapons out of the hands of people that they face on the street.

To whom are we going to listen? That is the issue. Is it going to be the lobbyists of the NRA or is it going to be men and women who put their lives on the line every day defending us? To whom are we going to listen? I suggest we listen to the police.

We ought to listen to Bob Scully, executive director of the National Association of Police Organizations, NAPO. He is a former police officer in Detroit, by the way, and he testified at a Judiciary Committee hearing as follows:

> NAPO has been on record in support of a ban on military-style semiautomatic assault weapons since 1989. We know firsthand that assault weapons are the preferred weapon of drug dealers, gang members and mass killers.

Listen:

> We know firsthand that assault weapons are the preferred weapon of drug dealers, gang members and mass killers. The only purpose of an assault weapon is to kill and wound as many people as possible as quickly as possible.

And Bob Scully went on to say:

> According to an Alcohol, Tobacco and Firearms affidavit, Koresh—

At that Branch Davidian compound in Waco, David Koresh—

> had stockpiled nearly 200 assault weapons that included AK-47's AR-15's MAC-10's and MAC-11's. In addition ATF estimated he had accumulated two million rounds of ammunition.

Scully went on to say:

> We know that David Koresh did not buy the 123 Colt AR-15 assault rifles to go deer hunting. He went hunting for Federal agents and shot 19.

This is just a guy who runs the National Association of Police Organizations who is reminding us of that.

We also ought to listen to Kenneth Lyons, the national president of the International Brotherhood of Police Officers, the largest police union in the country. At that same Judiciary Committee hearing, he said:

> The increased destructive possibilities of semi-automatic assault weapons increase the risk to those officers who put their lives on the line every day. Each traffic stop, each pursuit of a dangerous felon, each knock on a door to serve a warrant can end in disaster for the officer. Our organization and our membership are in a good position to judge the debate on gun control. We are aware of the legitimate and illegitimate uses of firearms. Many of our members are hunters and sportsmen. Many of those same members tell us that these weapons have no legitimate sporting purpose.

Many people may not realize that there is a clear difference between a semi-automatic assault weapon—which this amendment aims to ban—and legitimate hunting and sporting weapons—which this amendment explicitly protects. The difference is in the combat hardware attached to semiautomatic assault weapons. The assault weapon hardware attached to the assault weapons this bill aims to ban includes grenade launchers; and threaded barrels capable of accepting a silencer, or barrel extender, or flash suppressor. It's obvious that these are military hardware accessories that are designed to kill people. They are clearly not used for hunting or for target practice.

Past examples prove this type of ban on certain military-style assault weapons show results. The 1989 ban on the importation of assault weapons resulted in a 40-percent reduction of imported assault weapons traced to crime. While the number of domestic assault weapons traced to crime increased, murders, assaults, drug crimes, and property crimes linked to assault weapons all declined from 1989 to 1991 as a result of the import ban. We need to continue this trend.

The Feinstein-DeConcini-Metzenbaum amendment is a reasonable proposal. It restricts the manufacture, transfer, or possession of certain semiautomatic assault weapons by specifying 13 specific weapons such as the Beretta AR-70, the MAC 10, the M-10 and the MAC 11. It also restricts additional weapons if they meet a specific test in assault weapons. That specific test is whether a semiautomatic rifle has an ability to accept a detachable magazine and has at least two specific physical characteristics such as a bayonet mount or a grenade launcher. For a semiautomatic pistol, that specific test is whether it has an ability to accept a detachable magazine and has at least two specific physical characteristics such as a threaded barrel capable of accepting a barrel extender, a flash suppressor, or a silencer.

The amendment grandfathers in existing weapons—even those that violate the criteria set forth in the amendment and, thus, deals only with the future manufacture, transfer, and possession of these weapons. And very importantly, the amendment specifically protects lawfully held hunting and sporting firearms.

Let me close by simply saying this. We are going to be making a fundamental decision here tonight on the floor of the Senate. Who are we going to listen to, and who are we going to stand with? That is what it is going to come down to. The experts, the real experts, are not the people who write these technical descriptions, although they are important. And the Senator from Arizona [Mr. DECONCINI], Senator METZENBAUM, and so many others have worked for years to make sure we protect the legitimate rights of hunters at the same time we try to take weapons out of the hands of drug dealers whose only purpose is to kill cops.

That technical effort has been made, I think, very carefully in this amendment. But way beyond that is whether or not we are going to listen to and stand with the men and women who put their lives on the line every day to defend us, who are asking us, pleading with us, to pass this amendment, or whether we are going to listen to and stand with the lobbyists of the NRA.

I think this choice is a clear one. I think we must stand with our law enforcement community. I think that when we do, we will find that, just like with the teflon bullets and the machineguns before them, that when we decided to take a courageous step, that seemed courageous at the time, to ban them, that we did not affect one iota the rights of sportsmen, hunters, or target shooters. This amendment will not affect them, either.

It will help our police. They deserve our help. Let us stand with them.

I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Madam President, I support the very thoughtful amendment offered by Senator FEINSTEIN. I do so after long and careful consideration. The issue in this amendment is how do we feel about guns. Are they sacrosanct? Are they somehow beyond governmental regulation? Are we in Congress prevented from regulating their use? I answer these questions emphatically, "No."

Neither the second amendment, nor the Constitution read as a whole, provides for such a blanket restriction on the reasonable regulation of firearms. Because Congress has this power and because guns and violence are blanketing our cities and our country, it is time to add my voice to the growing call to stop our country's obsession with guns.

Our constitutional rights are precious. They are the cornerstone of our great democratic structure, and they must be vigilantly protected. There are those who argue that waiting periods and other limitations prohibiting immediate access to handguns or semiautomatic guns are unconstitutional; that they infringe on the constitutional right of the people to "keep and bear arms."

But, the Preamble to the Constitution states that the very purpose of the Constitution is to "ensure domestic tranquility." That purpose is not served if any person has access to any weapon at any time.

Existing case law clearly rejects the argument that the second amendment confers an absolute and unrestricted personal right to bear arms. As stated by then-president of the American Bar Association, L. Stanley Chauvin, "* * * the U.S. Supreme Court had several occasions to review State regulation of firearms in the context of the second amendment. A review of these cases reveals the courts have uniformly held that the second amendment relates merely, solely, totally and only to the unhampered regulation of State militia. It does not confer an individual right."

And listen to the words of former Chief Justice Warren E. Burger who said, "* * * one of the frauds, and I use that term advisedly, on the American people has been the campaign to mislead the public about the second amendment. The second amendment doesn't guarantee the right to have firearms at all."

Even if the second amendment were read to protect an individual right to own a handgun or a semiautomatic weapons, this would not be an unfettered right. Constitutional rights are not absolute. There is a constitutional right to travel, but that right is not absolute. Government regulates speed limits and the safety of vehicles. People have to register their cars, even if that takes 5 days. People have to get a license to drive their cars. People cannot race along at 120 miles an hour in order to get to their destination. We must and should put restrictions on those things which pose a threat to public safety.

Even speech is not an unlimited right. Certain types of speech are prohibited. One cannot use fighting words which tend to provoke acts of violence. One cannot libel or slander another citizen. All types of speech are subject to reasonable time, place and manner restrictions. Officials can require that public demonstrations be licensed, and that they be confined to certain areas at certain times. In fact, one might have to wait 5 days to have a public demonstration. This kind of political expression at the core of our constitutional values can be reasonably regulated. Surely, we can regulate the use of inherently dangerous guns?

The time has come for the reasonable regulation of firearms. I do not want to burden law-abiding citizens who want guns for lawful purposes. But, the present situation is insane.

Let me acquaint you with insanity.

Insanity is the New Orleans mother who, in September, said that her son, accused in the drive-by shooting of a 12-year-old girl could not have done it. She was sure of that, she told reporters; because at the time of the shooting, her son was participating in another shooting at a housing project.

Insanity is 2-year-old Jonathan Williams of Chicago, who suffered a critical head wound while he was out for a walk with his family. Jonathan was hit by bullets from a drive-by shooting when a man picked him up to use him as a bullet shield.

Insanity is the public school district of East Palo Alto, CA, where drive-by shootings are an epidemic. The district is discussing offering parents insurance policies to cover the cost of burying their children.

And it is not just in California. There is evidence of a surge of life insurance policies being taken out by parents on their children in New York and in inner city areas across the country. This kind of thinking, this terrible resignation and loss of hope, is the new pragmatism. Perhaps it is pragmatic in the same way that schoolchildren in Washington are pragmatic when they plan their own funerals. It is pragmatic in the same way schools are pragmatic when they have drive-by shooting drills as well as fire drills. These are appropriate responses to a much greater insanity.

People in America are going crazy. They are going gun-crazy. And whether the insanity is the result of social problems or poverty or violence on television probably will never be resolved. We may never know. So we have to deal with the facts that we do know. For instance, every 14 minutes of every day an American dies from a gunshot. While I stand here, at least one person will die.

For instance, there are now over 200 million guns in the United States, including 70 million handguns.

For instance, there are almost twice as many federally licensed gun dealers, 286,000, as there are grocery stores.

For instance, the cost of gun-related injuries to the American health-care industry is estimated at $4 billion every year.

For instance, an estimated 270,000 guns are brought to school every day.

Those are facts we do know. So, it is embarrassing to pretend rational discourse while schools buy metal detectors and teachers buy bulletproof vests.

It is a mockery to pretend reasoned compromise while families cower in bathtubs to escape the stray bullets flying through their homes.

And it is a tragedy to pretend concern for individual rights when children are shooting their mothers and mothers are shooting their children.

All of those terrible, unimaginable things are happening in America. Last year, over 30,000 Americans were killed by guns. Almost eight times as many—236,000—were wounded. And I do not buy the argument that people, and not guns, kill people.

The effect of guns in this equation is clear. They are directly responsible for the death toll. We have always had gangs in America. We have always had teenage toughs. They fought. They used their hands and fists and knives; and sometimes, once in a while, someone was killed. Today, gangs are armed with guns. And every day, not once in a while, lots of people are getting killed. And those people are often innocent bystanders sprayed indiscriminately by bullets from a car.

There is no such thing as a drive-by knifing.

There were always bullies in school. And kids get black eyes sometimes. But they did not shoot each other. Now we have 6-year-old babies bringing guns to school. So schools are budgeting for metal detectors and body armor. In the schoolyard as in the streets, guns make the difference between walking away from conflict and getting shot in the back. Guns kill.

Last year, 18,200 Americans used guns to commit suicide. There are many tragic ways for people to take their lives. But there is evidence that the risk of suicide doubles when there is a gun in the house. This is particularly true when there are teens in the house. Teenagers are volatile creatures. Their perspective is different. They do not take slights in stride. When they lash out it is impulsive. Sometimes they take it out on themselves. When guns are at hand, guns kill.

There were always household accidents. Last year, 1,400 of those involved guns and resulted in death. Because guns are terrific killers. That is what they are made for, to kill. People kill people. Yes, and guns kill people. Terribly. Efficiently. Easily.

And that ease, combined with the proliferation of guns is affecting us—our sanity—profoundly. The cover story of the November 8, 1993, issue of U.S. News & World Report is called "Guns in the Schools: When Killers Come to Class." The story confirms for me, at least, my belief that the nature of the problem has radically altered in a very short time. "Behind the rash of violence" says the report, "is a startling shift in adolescent attitudes. Suddenly—chillingly—respect for life has ebbed sharply among teenagers—and not just in embattled inner cities."

All over this country, our citizens, young and old, are treating guns, and lives, like playthings. Right outside this chamber, right on our doorstep, kids are playing a new game. They drive around Washington at night with their headlights off. And they shoot—they try to kill—the first passing driver whomakes the fatal mistake of flashing his lights as a neighborly reminder. The wheels are just coming off.

The wheels are coming off in Missouri, just as much as anywhere else:

Not long ago in St. Louis, a 14-year-old pulled out his gun and demanded that his 13-year-old schoolmate hand over his jacket. Instead, the younger child pulled out his own gun and shot him.

In Kansas City this year, gang members have shot bullets into the sides of schoolbuses filled with students coming home from high school.

This summer in Kansas City five teenagers, two of them just 13 years old, kidnaped and shot a 19-year-old boy because they wanted his fancy pickup truck.

And, as if these stories were not grotesque enough, a mother in St. Louis, irritated at her children for changing channels while she watched television, shot her 12-year-old son. She shot her own son. She is not alone. Mothers have shot and killed their children across the country this year. Because their children came home late. Because they did not like their children's friends.

And this August in Kansas City, a 15-year-old boy shot and killed his mother while they were out together watching a Mel Brooks movie. Police say he shot her four times. He says that he just did it; he does not know why.

Newspaper stories testify to the insanity daily. Children, barely toddlers, kill their brothers and sisters playing cowboys and indians with real guns they find in the park. Older children, still in grade school, are carjacking cars with guns they find on the way to the zoo. And teenagers are impressing their friends by blowing their own brains out during games of Russian roulette. Guns do kill people.

I realize that I am spending a disproportionate amount of time on shootings involving children. There are hundreds of thousands of instances of gun violence in which children are not the immediate victims. Guns, workplace arguments, barroom brawls and on and on. They have also become entangled in the drug trade. It is beyond human capacity to describe all the horrors wrought by guns in America. I focus on children, because I want to demonstrate that the gun death rate is not just a function of adult criminal intent.

It is also because I feel that our country can be judged by the future we promise our children. For too, many, life as an adult is just a distant, bleak possibility. Hardly worth thinking about; certainly not worth sacrificing for.

Today, the burden of ensuring our security rests on our police forces. And the law enforcement community has overwhelmingly spoken in favor of increased regulation. They say it will help them fulfill their brave and dangerous charge. Even those who are the strongest proponents of individual second amendment rights are beginning to call for change. Across America, in Missouri, NRA members are supporting a proposal like the Brady bill by more than 2 to 1.

I know that many Americans, Missourians among them, will disagree with my decision. Many Americans explain patientlythat this problem is not their problem. That they are law-abiding. That they live far from the inner city. That they and their fathers have carried guns with good judgment and respect for generations. That, precisely because of the misusers of guns, they need guns to protect their lives and their families.

(Mr. ROCKEFELLER assumed the chair.)

Mr. DANFORTH. Mr. President, when times were more rational, I found this reasoning more persuasive. But, I have tried to demonstrate today that the wheels have come off; that the proliferation of guns, combined with the utter disregard for human life has resulted in widespread human carnage. We have to begin limiting access to guns. Their unrestricted availability is destroying much of what we know as American life.

It is everyone's problem because we all pay for it. Over 80 percent of the health care costs of gun wound treatment are borne by taxpayers. Nationwide, that is over $3.2 billion each year.

It is everyone's problem, because those who rely on guns for protection may actually be endangering their families. The October 7, 1993, issue of the New England Journal of Medicine reported the results of a study of gun ownership as a risk factor for homicide in the home. After studying 1,860 homicides in three counties in Tennessee, Washington, and Ohio, the study concluded that "a gun in the home is independently associated with an increase in the risk of homicide in the home." The practice of keeping a gun in the house for protection is demonstrably counterproductive. In layman's terms, that means "guns kill people."

Mr. President, the Senator from California has constructed a bill that responds to the concerns of gun violence as well as protected individual rights. I would not support taking legitimate hunting guns away from the hunters of my State. Reasonable regulation of guns is not tantamount to their confiscation, and I would not support the confiscation of weapons, regularly made and used for hunting. Senator FEINSTEIN's amendment will affirmatively protect almost 700 different types of hunting rifles. This amendment targets semiautomatic assault weapons—the weapon of choice for gangs. It targets the guns that are 20 times more likely to be used in a crime than conventional guns.

Perhaps only a few of the Americans I talked about today would still be alive if we had enacted more restrictions on guns previously. Perhaps such measures would not have helped them at all. I will support this initiative anyway.

First, because there are cases and statistics which prove that regulating the purchase and availability of guns will save lives. Second, because, even without the studies, I will take the police at their word that they are outgunned and need relief. Third, because the NRA inside-the-beltway leadership by adopting an absolutist position has abandoned its rank and file. Gun owners understand the insanity just described, and they are willing to sacrifice absolute, untrammeled access if it will help a little. They are willing to wait 5 days if that will help. They are willing to ban semiautomatic assault weapons if that will help.

Finally, and perhaps most importantly, I will support reasonable regulation of firearms because I think it is time that we put ourselves on record as ending our love affair with guns. We have the constitutional authority, and in 1993, in a year where tragic deaths are mounting at record numbers, we must exercise it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, because the Senator from Rhode Island has been graciously waiting, I ask if I could go prior to him and he agreed I will take just 5 minutes. So if you would be good to tell me when that 5 minutes are up, I will appreciate it. Then I will wrap up at that point.

First, Mr. President, I want to compliment the Senator from Missouri before he leaves the floor, and perhaps I could get his attention. I say to my colleague that his statement was really extraordinary. I only hope that the Members of the Senate, who are not here in the Chamber, heard what the Senator said, the way he said it, the examples that he gave, and his conclusions.

I am very moved by his statement, and I know my colleague, the senior Senator from California [Mrs. FEINSTEIN], feels the same, because I saw the way she walked up to the Senator from Missouri. I think it is a breakthrough in this debate. As I say, I only hope that many others heard his fine statement.

Mr. President, to me it is incredible that we are even debating this. It is incredible that an overwhelming majority of the Senate is not on the floor now rushing over to the Senator from California [Mrs. FEINSTEIN] and saying, "Thank you for your leadership, and put me on this bill."

Why do I feel this way? I feel this way because America has become a place where assault weapons are simply out of control. You do not need a doctorate to know that. You do not need a Ph.D. in any field to know that. All you have to do is be alive, lucky to be alive, to know that.

Kids are killed while they are eating hamburgers at restaurants. Grocery store owners and jewelry store owners, people trying to support their families in the retail business, are killed and wounded. Postal workers are killed or wounded in the workplace. People are being killed at work, at play, on the street, just walking, sitting in their homes, because a bullet might ricochet through and kill a baby sleeping in her crib.

It is a collage of death in America. Any of us could close our eyes and just think back to our own communities, our own States, and we can put that collage together. We know those stories. We are not hardened to them yet. I do not want us to get hardened to them, because then we will do nothing.

My own son lost a best friend in John Scully. John Scully did not go to war. He was a brilliant young lawyer working in a law firm. A gunman, on the loose, bought one of these weapons that Senator FEINSTEIN is going to outlaw, comes into the office. John Scully's wife is a lawyer. He throws himself in front of her, takes the bullets, and dies.

He never lived to be a father, to see his children, to enjoy life. He was a young man who had every single thing going for him at work.

It is insane. The Senator from Missouri says it is insane. And where are the Senators? Are they listening? We are going to find out when and if there is a motion to table the Senator's amendment.

This amendment does not stop gun ownership, legal gun ownership, ownership of guns that are needed for hunting, even to protect oneself in one's home.

Mr. President, our hospitals are becoming training grounds for the military. This is insane. Doctors in training who want to know what it is like to treat war wounds are in our hospitals, in our county hospitals. Enough is enough.

When you hear some of these stories you think: Am I in Sarajevo? Am I in Croatia? Am I in a war zone? The answer to that question is no and yes. This is the real threat to our people, as I see it, today.

We cannot allow America to become a killing field. This amendment was so carefully planned by my colleague. She has been so tenacious about making it work. This amendment will lead us in the right direction.

So, in conclusion, let me say that law enforcement supports this and the people of America support this. Let us do the right thing. Let us stand proud this evening. Let us support the Senator, and let us stop the insanity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I commend the Senator from California who just spoke.

When she was speaking, she brought to mind a memory that I have. She pointed out that our military physicians today are getting their training for handling military wounds, the terrible destruction that comes in war, by working in our hospital emergency rooms.

My uncle was a doctor. I can remember him telling us—he trained in New York City—I can remember him telling us, when he was in the emergency room, of the number of knifings and razor wounds that would come in, but never did he mention a shooting wound. All that is past.

Once upon a time, as was pointed out by the distinguished Senator from Missouri, fights were settled with fists and sometimes with knives, but never with handguns. All that has changed.

The senior Senator from California has brought forward this very fine amendment. This amendment deals with assault rifles and assault weapons. That is what it is talking about, semiautomatic assault weapons. She carefully has delineated those hunting rifles and shotguns that are not covered. On and on it goes, for page after page here, what is not covered by it—a Marlin Model 880 bolt action rifle.

So the suggestion that she is getting hunting rifles or shotguns is nonsense. All of that has been carefully excepted from the bill that she has produced.

Mr. President, I have been a longtime supporter of the ban on assault weapons. I supported the Metzenbaum bill. I was a cosponsor of that; the DeConcini bill later on, I was a cosponsor of that. And I wish to be a cosponsor of this legislation this evening.

In 1990, we had a vote on the Metzenbaum amendment; 17 for it —I was one of the 17—because it was considered too broad. And so, later on, we dealt with the DeConcini amendment. And the DeConcini amendment prevailed by two votes. Regrettably, that provision was voted down by the House. And now, 3 years later, we have a more carefully drawn amendment that, as I say, deals with semiautomatic weapons.

Mr. President, let us dispose of, once and for all, the constitutional bugaboo that is raised by the NRA. We have all seen the NRA put up on the wall the following words: "The right of the people to keep and bear arms shall not be infringed." The second amendment; very clever. The trouble is, it is not the second amendment. It is part of the second amendment. And, indeed, it is the second clause to the second amendment.

What does the first clause say? The first clause governs the second clause. The first clause says:

> A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

That has been interpreted in the Federal courts time after time. Always the same. Always the same—that a community, a State, a municipality, a nation has a right to restrict the bearing of arms.

What it cannot do is restrict the bearing of arms by the militia. The militia is something quite different from an individual walking down the street with a .9 millimeter on his hip.

And so, Mr. President, let us blast away once and for all the constitutional amendment argument that we in the U.S. Senate and the U.S. Congress cannot regulate who has a weapon and who does not.

Mr. President, I have here a couple of pictures that have been shown. Here is an AK-47. Now, there it is. Is anybody suggesting that this is a hunting weapon? Any animal that is hit by this weapon, there would be nothing left of the animal. And so it goes for the rest of the assault weapons.

Mr. President, I for a long time have been sponsoring legislation here that would ban all handguns. I do not deal with rifles and shotguns and I do not deal with, actually, the assault weapons, but I deal with all handguns. My legislation would ban the possession, the manufacture, the sale, and the transfer of all handguns in the United States of America, except for the police, the military, licensed security guards, and certified target clubs who keep the weapons under lock and key.

As the Senator from Missouri pointed out, there are 70 million handguns in the United States of America today, with 2 million being added every single year. And the mayhem that is taking place in our society cannot continue to be tolerated.

We have 12,000 handgun deaths a year, and we have 12,000 handgun suicides a year—24,000 Americans die as a result of handguns every single year. In our country, there are 12,000 shot and murdered with handguns; 173 in Canada. Now, think of the difference.

And people say this is radical legislation to suggest banning handguns. The situation that exists in our country today is radical. That is something that is off kilter, not banning them.

Every civilized nation in the world bans handguns and will not let you walk around with a handgun or go in to buy one.

Up until the legislation that was passed in Virginia restricting the purchase of one handgun a month, sort of a gun-a-month club—that was considered a great achievement, and I commend Governor Wilder for getting that legislation passed. Previous to that, you could back a truck up to a Virginia rifle and handgun store and buy all you wanted. And, indeed, that was what was taking place, and they were taking them to New York and other States to sell.

Mr. President, something has to be done about the slaughter that is taking place in our society today with guns. It is affecting our educational system, our schools. It is affecting our health care system. The statistic is given that $4 billion a year is added to our health care system because of the destruction brought by guns. I think that is a modest figure. That is the hospital costs. That is not the rehabilitation costs, that can add up to hundreds of thousands of dollars.

Mr. President, I have here a magazine. Actually, it is the Harvard Magazine. In it there is an article, "Screen Violence; It's Killing Us." Screen violence is not killing us. Guns are killing us. And that is what has gone wrong in our society today.

Mr. President, we have the possibility of taking a slight step forward tonight. What we do tonight is not going to solve everything. All the amendment of the Senator from California does is deal with semiautomatic assault weapons. It does not deal with all handguns. I wish it did. But I think she is wise to take this step as far as she has, and I hope she succeeds.

I hope everybody will join in support of this amendment. It is a good amendment. It is going to make this Nation of ours a better place if it passes.

I thank the Chair.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank my colleague from Rhode Island for his remarks.

If I may have his attention—and he is speaking with Senator DANFORTH. Let me just say, Senator DANFORTH's speech is a good illustration why he is going to be missed in the U.S. Senate. He has been a person of conscience, and I am proud to serve with him in this body.

The Senator from Rhode Island picked up a magazine, the Harvard magazine, in which on the front cover is a story "Screen Violence; It's Killing Us."

Let me tell you how that is tied in with what we are talking about here tonight.

As some people say, the king of crime is the TEC-9 assault pistol. That is outlawed in this bill. The TEC-9 was used in San Francisco by a man who walked into a law firm, killed eight people, and wounded six.

If I may have the attention of my colleague from Rhode Island, the New York Times interviewed the manufacturer of the TEC-9, this champion of all assault weapons in terms of being used in crime. The manufacturer said:

> Our gun just was not selling at all. And then it was used in a television series and sales boomed all over the country.

The reality is, we have to deal with this problem of weapons in our country. But we also have to deal with the problem of television violence, and the two are tied in together. I thank my colleague for those remarks.

I live in southern Illinois, Mr. President. It is hunting territory, much like West Virginia. We have 12 acres out in the country right next to the Shawnee National Forest. I do not get there very often, just as my colleague from West Virginia does not get to his home very often.

But when I am home, I literally see more deer than people on the days when I am home. I am around hunters all the time.

I have never seen a hunter with an AK-47 or an Uzi, or one of those weapons I see in the back of the Chamber here depicted. They use hunting rifles. They use the instruments that are legal under this particular amendment. We simply have to do something about it.

These assault weapons are 17 to 20 times more likely to be used in a crime than other weapons.

In the city of Chicago—a great city, I do not happen to be from Chicago but I spend a lot of time there—last year, 927 people were killed by firearms there. In the city of Toronto, with roughly the same population, 17 people were killed by firearms. There were 4½ times more people killed in the city of Chicago than in all of Canada last year.

We have to face it. Something is wrong, and it is not just one thing but part of it is the proliferation of weapons.

I wish every Senator could have been there—Senator METZENBAUM was there, I believe—to hear a teacher who taught in California, where that man came along with an AK-47 and killed 5 children, wounded 30. He had an AK-47 that had 75 rounds in it.

What are we doing tolerating a weapon like that?

I can remember the gripping story that teacher told about what happened in that schoolyard, and how she broke down telling that story. If every Member of the Senate could have been there, I am confident we would get rid of these kind of weapons.

Why do we want them? I was at a town meeting in Rockford and somebody got up and said he was strongly opposed to my trying to outlaw these assault weapons. I asked him, "Why do you want the assault weapon?"

He said, "I enjoy going out and shooting tin cans." That was literally his answer.

If we have to take away his ability to shoot tin cans with one of these semiautomatic rifles or weapons, and we can save lives, he can fire at tin cans with something else. This just does not make sense.

The Atlanta Journal Constitution studied all guns traced by the BATF between January 1, 1988, and March 27, 1989. Let me just read three things:

> Assault guns * * * were used in one of every 10 crimes that resulted in a firearms trace last year.
>
> Of the thousands of gun models sold in the United States, just 10 of them—all members of the so-called assault gun family—accounted for 12.4 percent of the Nation's drug-related crime.
>
> One of every five [assault guns traced to crime] was a weapon known as the TEC-9.

We have to do something. And this phony argument about the second amendment—the second amendment says we have to have the right to militia, to State militias, so you do not have a concentrated Federal Government. That is all it says. The right to bear arms is not an unrestricted right. No one has a right to have a nuclear weapon. We know it is a restricted right.

So I hope we do the right thing. We have a choice tonight and it is a fairly simple choice. We can side with the gun lobbyists who do not want to change anything, who represent, among others, the manufacturers of these weapons, or we can side with the police, the people who risk their lives to protect us each day.

I do not have a hard time making a decision on that. I think we ought to be standing up for our law enforcement people. I think we ought to be standing up, protecting our citizens. I am certainly going to vote for the Feinstein amendment. I am pleased to be a cosponsor of it.

Mr. AKAKA. Mr. President, I am pleased to be a cosponsor of Senator FEINSTEIN's amendment to restrict the use and possession of assault weapons. It is absolutely imperative that we rid the streets of these weapons of destruction that have no place on our streets.

Throughout the debate on the crime bill, many members have related personal events that have affected their lives. Several months ago, I didn't think I, too, would have a story to relate, but sadly, I do. Only last month I met with the family of John Scully, a young attorney from Hawaii, who was one of the eight people murdered by a lone gunman with two assault guns during a rampage through a San Francisco law firm this past summer.

As I sat with John's parents, Niall and Pegi Scully of Honolulu, his wife, Michelle Spiess Scully, who was injured during the shootings, his sister, Megin Scully-Minuth, and her husband, Reed, I became personally involved with the tragedy of a violent crime. Having one son who is a police officer with the Honolulu Police Department, and another who is a physician, I was no longer able to listen to these fine people as merely their Senator. I listened as a parent, a grandfather and a friend.

Despite there recent loss, the Scully family is channeling their grief through the establishment of the John and Michelle Scully Fund, which seeks to reduce handgun-related violence in this country. They were visiting Capitol Hill to urge Members of the Senate to support the Brady bill. Their selflessness was remarkable; their commitment to change Senators' minds steadfast; and their ability to relate as personal a tragedy as this inspiring. Pegi spoke of having a contact her six surviving children to tell them the John's death. Michelle, who was injured in the attack, quietly retold her husband's last words as he shielded her from the gunman. Megin explained that as a physician, the medical costs related to gun violence are staggering. And her father, also a physician, called gun-related violence as a devastating public health issue.

Mr. President, I bring this to my colleagues' attention because the seriousness of allowing individuals to own, or have access to, weapons of such dramatic destruction is unacceptable. We cannot have a crime bill, without dealing with the issue of the availability of military-style assault weapons. I urge adoption of this amendment.

Mr. GORTON. Mr. President, this Senator has dedicated his public life as State attorney general and U.S. Senator toward making our homes and neighborhoods safe from criminal violence and secure in their civil liberties. I have consistently voted against broad bans on firearms, such as the Feinstein proposal, precisely because they do not make our neighborhoods safer, nor make our families more secure in their homes.

I, too, feel the frustration to do something to combat the gun violence and to end the daily tragedies where innocent lives are lost to drug-dealing thugs or deranged lunatics. I realize that the easy thing to do would be to vote for this legislation, win the praise of editorial boards, and walk away feeling as if I did something to stop gun violence. But when I remember that 93 percent of guns obtained by violent criminals are not acquired legally, I conclude that the focus on banning firearms is misplaced and misguided.

Instead, we must have the courage to pass and enforce measures which will give law enforcement officials the resources to put violent offenders away for life and make gang members think twice before picking up a firearm. This morning I have cosponsored amendments to this crime bill which will do just that—if an individual uses an assault weapon in commission of a crime, he will face a minimum of 30 years imprisonment. That, Mr. President, deals with our gun violence head on. I support the motion to table.

Mr. DASCHLE. Mr. President, I had not initially planned to participate in the debate on this amendment. I do not serve on the Judiciary Committee, which crafted the crime bill. I do not live in a State with large urban centers that are struggling daily to deal with the human consequences of violent crime. And I do represent a constituency that largely rejects gun control as a policy approach to combating crime, a view that I strongly share.

As many of my colleagues know, I am a hunter and a sportsman. And I am not in the habit of supporting measures designed to restrict access to firearms. I have always felt we should get tough on criminals rather than penalize legitimate gun owners. I respect, and will vehemently oppose any challenge to, the second amendment to the Constitution.

But I also watch television. I read the newspapers. I talk with my colleagues who represent urban America. I understand the concerns of the residents of those cities and of the families of the men and women who constitute their law enforcement community.

We all understand that crime is a complex social problem that requires a comprehensive response. It requires more resources for law enforcement. It demands swifter and surer punishment of criminals. It requires more attention to the underlying social causes of crime, such as poverty, drugs, and the breakup of the family.

After careful deliberation, I have decided to support the Feinstein amendment. As a Senator from a rural State, I want to explain briefly why I have come to this position.

The debate on the Feinstein amendment should have less to do with its quantitative effect on reducing violent crime, and more to do with whether it will help the law enforcement community in its uphill struggle with criminals.

The Feinstein amendment is reasonable. It will help in our struggle to keep the most dangerous weapons off our streets. And it will not undermine legitimate gunowners' rights.

Like many of my colleagues, I would prefer not to place any restrictions on access to guns. I would prefer to live in a world where placing restrictions on access to guns is not even an issue because there is no reason for it. My greatest wish, however, is to live in a society where I do not have to fear for the safety of my children.

I know many of my colleagues have shared very personal experiences on this subject. Others have related stories they have heard secondhand, but that nonetheless touched them deeply. Regrettably, there is no shortage of such stories from which to choose. I have been fortunate in that I have had no brush with crime. And my family has been relatively safe from this terrible madness—so far. But that does not mean that I sleep easily at night. I still worry, and I still empathize with those who have suffered tragic losses as a result of the wave of violence sweeping our country. And I still join with them in their plea to stop this madness. We must stop this madness.

While I continue to believe that the key to fighting crime is stiffer penalties for criminals and resolution of the underlying societal problems that lead to crime, each day I am becoming more and more convinced of the necessity for reasonable measures like Senator FEINSTEIN's proposal.

And I believe it is reasonable. The Feinstein proposal would prohibit a specific number of guns classified as semiautomatic assault weapons. It would include an objective list of features and would allow additional weapons to be banned only if they contained two or more of these features. At the same time, the proposal includes a comprehensive list of sporting and hunting guns, to the tune of 600 or 700 guns, that could never be banned under this legislation. Finally, the proposal would prohibit large capacity ammunition feeding devices that can hold over ten rounds of ammunition, with a specific exemption for devices that handle .22 caliber rimfire ammunition. The weapons the Feinstein amendment would restrict are not hunting or sporting weapons. The guns it would take off the streets are the weapons of choice for the cold-blooded killers that are terrorizing our society today.

Mr. President, there is no single solution to the crime problem we are facing today. The effect of this isolated amendment may be limited. But it will contribute to our overall effort, and it will not affect legitimate gunowners. This proposal is practical; it is reasonable; and it is fair. I urge my colleagues to support the Feinstein amendment.

Mr. BAUCUS. Mr. President, I rise today in support of the amendment offered by the Senator from California.

RIGHTS AND RESPONSIBILITIES

Throughout my service in Congress, I have been a strong supporter of second amendment rights. And I remain firmly convinced that the legitimate rights of American sportsmen must be protected.

Yet no right is absolute. Just as the right to free speech does not cover slander, certain fighting words, or yelling fire in a crowded theater, the right to bear arms must necessarily be limited when it is clearly necessary to protect society.

For this reason, I believe that every right carries with it a responsibility—a responsibility to, at a minimum, do no harm to others in the exercise of that right.

I am fortunate to represent a state where, for the most part, people exercise their second amendment rights responsibly. Montana is a State of sportsmen. Hunting is part of our heritage. it is something that makes life in Montana special.

And I take a back seat to no one—absolutely no one—in protecting the legitimate rights of Montana's hunters and sportsmen.

Growing up on a ranch, I also grew up around guns. My father taught me to hunt and to handle firearms responsibly. In the process, I developed a healthy respect for firearms and the damage they can do.

Sadly, though, this respect seems to have faded away in many communities throughout this Nation. The right to bear arms is alive and well, but the responsibility that should accompany this right is nowhere to be found. Too many guns—and too little respect for human life—have caused too many Americans to live in fear.

Just blocks away from this Capitol, people are dying virtually every night from gunshot wounds. Washington has become known as the murder capital of the Nation. And that is a national disgrace.

And Washington, DC, is not unique. The story is the same in New York, Los Angeles, Detroit, and many cities across this Nation.

Beyond our cities, it is clear that crime has become a serious problem in rural America. Several years ago, I worked with the distinguished chairman of the Judiciary Committee, Senator BIDEN, to add a comprehensive rural crime title to the crime bill.

Up until recently, violent crime—gun-related crime—was something that most Montanans just did not worry about. Yet, today, I cannot say that Montana has escaped the increase in gun violence.

Several weeks ago, for instance, two rival youth gangs met in a confrontation in the parking lot of a Billings fast food restaurant. While most of the injuries were caused by baseball bats, one young man took a hand gun and shot a rival gang member in the arm.

And last July, a Billings man shot and killed his sister-in-law. He then grabbed his two young children and fled in his car, with the police in hot pursuit. Once cornered, he attempted to use his own children as human shields while firing at the police.

THE NEED FOR DECISIVE ACTION

To be frank, this is an agonizing issue for me and many of my fellow Montanans.

For many years, I have contended that this and other gun control measures would not work. I continue to believe that stiff penalties, more police, and better law enforcement were the best ways to stem the violence. For this reason, I have supported virtually every amendment that would have imposed the death penalty for gun-related killings. Earlier today, for instance, I supported Senator D'AMATO's amendment imposing stiff mandatory sentences for gun crimes.

But, despite all we have done—and all the money we have spent—to clamp down on crime, we have still fallen short. The killings continue.

According to the FBI, the number of violent crimes committed with a firearm has almost quadrupled over the past three decades. And these numbers have risen most sharply over the past 8 years.

While my vote on the amendment by the Senator from California will cause some controversy at home, I am not the first Senator from Montana to have reached the conclusion that we must take action to halt the spread of guns and violence in our society.

Back in 1968, in the wake of Robert Kennedy's assassination, our former majority leader, Mike Mansfield, reached a similar conclusion.

Senator Kennedy's assassination had a profound effect on Senator Mansfield. Yet it was the senseless Washington murder of Thad Lesnick, a young marine lieutenant from Fishtail, MT, that Senator Mansfield said "was finally decisive in persuading me to the need for adequate firearms control legislation."

Although Senator Mansfield addressed this issue over 25 years ago, his words and his wisdom can provide guidance for us here today. Senator Mansfield said:

> I have made my decision because I believe a Senator owes the people of his State not merely an echo but also a judgment. And in my judgment, dangerous and disturbing trends have developed in gun traffic and gun usage in this Nation. Guns as such are not the source of the difficulty, but these trends in irresponsible handling are part and parcel of the rising tide of violence that has come to plague the land. In these circumstances, I can no longer accept the position that the best response is no response. In my judgment, that is not an acceptable answer in view of the spread of murder and mayhem by firearms. * * * It is not an answer in view of the easy access to deadly weapons which is open to maniacs and madmen. It is not an answer in view of the problems of maintaining law and order which confront the hard-pressed police in the Nation's cities. To leave things as they are, in short, is not an adequate answer to one of the highest rates of gun killings and maiming—accidental or deliberate—in the world.

PROTECTING THE PUBLIC SAFETY AND SPORTSMEN

When I began this statement, I stressed the importance of protecting the rights of sportsmen—the hunters and marksmen who enjoy shooting sports; who understand the importance of exercising their second amendment rights responsibly.

Moreover, I believe that most of Montana's sportsmen understand the need to control the spread of gun related violence. And I believe most of these Montanans are also willing to accept reasonable restrictions on access to the most dangerous types of firearms. So long as these restrictions do not threaten their rights to use and purchase sporting weapons.

I share this concern. I see the need to restrict access to truly dangerous weapons—weapons like the so-called Street Sweeper shotgun. But any such restrictions must meet two fundamental tests: First, they must be narrowly crafted so as to protect the legitimate second amendment rights of hunters and sportsmen; And, second, they must be directly related to reducing gun related violence.

I believe the amendment before us today meets both elements of this test.

It is narrowly crafted. This amendment would provide iron-clad, copper riveted protection for over 650 models of rifles, pistols, and shotguns presently lawfully in the hands of American sportsmen. Not a one of these weapons would be affected by the passage of this amendment. Mr. President, I ask that a list of these protected weapons be printed in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. Beyond this, a number of provisions adequately protect the rights of American sportsmen. These include:

A grandfather provision that will prevent the confiscation of any weapons already legitimately in the hands of any American citizen—absolutely nobody who lawfully owns one of these weapons today will have it taken away; an exclusion for all weapons manually operated by bolt, pump, lever or slide action; an exclusion for semiautomatic with a fixed magazine; an exclusion for ammunition feeding devices capable of feeding less than 10 rounds; and an exclusion for permanently inoperable and antique firearms.

Along with the narrow scope of this amendment, it is clearly directed at reducing gun violence. The Senator from California has spoken eloquently about the tragedies assault rifles have caused in her native State.

Yet, even in a relatively low crime State like Montana, the proliferation of assault weapons is causing serious problems.

I was shocked to learn that in the city of Billings alone, there have been three recent potentially violent incidents involving assault weapons.

On two occasions over this past summer, Billings police apprehended a skinhead on his way to a local bar. On both occasions this skinhead possessed an assault rifle. And on both occasions, he told the police he wanted to "kill some Mexicans."

Billings Police Chief Wayne Inman—who also supports passage of this amendment—recently learned of a threat upon his life by an individual known to own an assault rifle.

If these sorts of incidents can occur in Billings, MT, they can occur anywhere in America. No American is safe. And Congress must act.

CONCLUSION

In closing, Mr. President, I urge my colleagues to support this amendment. It is not a panacea for the problems of violence in our society. But it will help. And it is the right thing to do.

EXHIBIT 1

ASSAULT WEAPONS COMPROMISE DISCUSSION DRAFT—PROPOSED APPENDIX A: PROTECTED GUNS

CENTERFIRE RIFLES—AUTOLOADERS

Browning BAR Mark II Safari Semi-Auto Rifle.

Browning BAR Mark II Safari Magnum Rifle.

Iver Johnson M-1 Carbine.

Iver Johnson 50th Anniversary M-1 Carbine.

Marlin Model 9 Camp Carbine.

Marlin Model 45 Carbine.

Remington Model 7400 Auto Rifle.

Remington Model 7400 Special Purpose Auto Rifle.

Ruger Mini-14 Autoloading Rifle (w/o folding stock).
Ruger Mini Thirty Rifle.

CENTERFIRE RIFLES—LEVER & SLIDE

Browning Model 81 BLR Lever-Action Rifle.
Browning Model 81 Long Action BLR.
Browning Model 1886 Lever-Action Carbine.
Browning Model 1886 High Grade Carbine.
Cimarron 1860 Henry Replica.
Cimarron 1866 Winchester Replicas.
Cimmarron 1873 Short Rifle.
Cimarron 1873 Sporting Rifle.
Cimarron 1873 30″ Express Rifle.
Dixie Engraved 1873 Rifle.
E.M.F. 1866 Yellowboy Lever Actions.
E.M.F. 1860 Henry Rifle.
E.M.F. Model 73 Lever-Action Rifle.
Marlin Model 73 Lever-Action Carbine.
Marlin Model 336CS Lever-Action Carbine.
Marlin Model 30AS Lever-Action Carbine.
Marlin Model 444SS Lever-Action Sporter.
Marlin Model 1894S Lever-Action Carbine.
Marlin Model 1894CS Carbine.
Marlin Model 1894CL Classic.
Marlin Model 1895SS Lever-Action Rifle.
Mitchell 1858 Henry Replica.
Mitchell 1866 Winchester Replica.
Mitchell 1873 Winchester Replica.
Navy Arms Military Henry Rifle.
Navy Arms Henry Trapper.
Navy Arms Iron Frame Henry.
Navy Arms Henry Carbine.
Navy Arms 1866 Yellowboy Rifle.
Navy Arms 1873 Winchester-Style Rifle.
Navy Arms 1873 Sporting Rifle.
Remington 7600 Slide Action.
Remington Model 7600 Special Purpose Slide Action.
Rossi M92 SRC Saddle-Ring Carbine.
Rossi M92 SRS Short Carbine.
Savage 99C Lever-Action Rifle.
Uberti Henry Rifle
Uberti 1866 Sporting Rifle.
Uberti 1873 Sporting Rifle.
Winchester Model 94 Side Eject Lever-Action Rifle.
Winchester Model 94 Trapper Side Eject.
Winchester Model 94 Big Bore Side Eject.
Winchester Model 94 Ranger Side Eject Lever-Action Rifle.
Winchester Model 94 Wrangler Side Eject.

CENTERFIRE RIFLES—BOLT ACTION

Alpine Bolt-Action Rifle.
A-Square Caesar Bolt-Action Rifle.
A-Square Hannibal Bolt-Action Rifle.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700D Bavarian Bolt-Action Rifle.
Anschutz 1733D Mannlicher Rifle.
Barret Model 90 Bolt-Action Rifle.
Beeman/HW 60J Bolt-Action Rifle.
Blaser R84 Bolt-Action Rifle.
BRNO 537 Sporter Bolt-Action Rifle.
BRNO ZKB 527 Fox Bolt-Action Rifle.
BRNO ZKK 600, 601, 602 Bolt-Action Rifles.
Browning A-Bolt Rifle.
Browning A-Bolt Stainless Stalker.
Browning A-Bolt Left Hand.
Browning A-Bolt Short Action.
Browning Euro-Bolt Rifle.
Browning A-Bolt Gold Medallion.
Browning A-Bolt Micro Medallion.
Century Centurion 14 Sporter.
Century Enfield Sporter #4.
Century Swedish Sporter #38.
Century Mauser 98 Sporter.
Cooper Model 38 Centerfire Sporter.
Dakota 22 Sporter Bolt-Action Rifle.
Dakota 76 Classic Bolt-Action Rifle.
Dakota 76 Short Action Rifles.
Dakota 76 Safari Bolt-Action Rifle.
Dakota 416 Rigby African.
E.A.A./Sabatti Rover 870 Bolt-Action Rifle.
Auguste Francotte Bolt-Action Rifles.
Carl Gustaf 2000 Bolt-Action Rifle.
Heym Magnum Express Series Rifle.
Howa Lightning Bolt-Action Rifle.
Howa Realtree Camo Rifle.
Interarms Mark X Viscount Bolt-Action Rifle.
Interarms Mini-Mark X Rifle.
Interarms Mark X Whitworth Bolt-Action Rifle.
Interarms Whitworth Express Rifle.
Iver Johnson Model 5100A1 Long-Range Rifle.
KDF K15 American Bolt-Action Rifle.
Krico Model 600 Bolt-Action Rifle.
Krico Model 700 Bolt-Action Rifles.
Mauser Model 66 Bolt-Action Rifle.
Mauser Model 99 Bolt-Action Rifle.
McMillan Signature Classic Sporter.
McMillan Signature Super Varminter.
McMillan Signature Alaskan.
McMillan Signature Titanium Mountain Rifle.
McMillan Classic Stainless Sporter.
McMillan Talon Safari Rifle.
McMillan Talon Sporter Rifle.
Midland 1500S Survivor Rifle.
Navy Arms TU-33/40 Carbine.
Parker-Hale Model 81 Classic Rifle.
Parker-Hale Model 81 Classic African Rifle.
Parker-Hale Model 1000 Rifle.
Parker-Hale Model 1100M African Magnum.
Parker-Hale Model 1100 Lightweight Rifle.
Parker-Hale Model 1200 Super Rifle.
Parker-Hale Model 1200 Super Clip Rifle.
Parker-Hale Model 1300C Scout Rifle.
Parker-Hale Model 2100 Midland Rifle.
Parker-Hale Model 2700 Lightweight Rifle.
Parker-Hale Model 2800 Midland Rifle.
Remington Model Seven Bolt-Action Rifle.
Remington Model Seven Youth Rifle.
Remington Model Seven Custom KS.
Remington Model Seven Custom MS Rifle.
Remington 700 ADL Bolt-Action Rifle.
Remington 700 BDL Bolt-Action Rifle.
Remington 700 BDL Varmint Special.
Remington 700 BDL European Bolt-Action Rifle.
Remington 700 Varmint Synthetic Rifle.
Remington 700 BDL SS Rifle.
Remington 700 Stainless Synthetic Rifle.
Remington 700 MTRSS Rifle.
Remington 700 BDL Left Hand.
Remington 700 Camo Synthetic Rifle.
Remington 700 Safari.
Remington 700 Mountain Rifle.
Remington 700 Custom KS Mountain Rifle.
Remington 700 Classic Rifle.
Ruger M77 Mark II Rifle.
Ruger M77 Mark II Magnum Rifle.
Ruger M77RL Ultra Light.
Ruger M77 Mark II All-Weather Stainless Rifle.
Ruger M77 RSI International Carbine.
Ruger M77 Mark II Express Rifle.
Ruger M77VT Target Rifle.
Sako Hunter Rifle.
Sako Fiberclass Sporter.
Sako Safari Grade Bolt Action.
Sako Hunter Left-Hand Rifle.
Sako Classic Bolt Action.
Sako Hunter LS Rifle.
Sako Deluxe Lightweight.
Sako Super Deluxe Sporter.
Sako Mannlicher-Style Carbine.
Sako Varmint Heavy Barrel.
Sako TRG-S Bolt-Action Rifle.
Sauer 90 Bolt-Action Rifle.
Savage 110G Bolt-Action Rifle.
Savage 110CY Youth/Ladies Rifle.
Savage 110WLE One of One Thousand Limited Edition Rifle.
Savage 110GXP3 Bolt-Action Rifle.
Savage 110F Bolt-Action Rifle.
Savage 110FXP3 Bolt-Action Rifle.
Savage 110GV Varmint Rifle.
Savage 112FV Varmint Rifle.
Savage Model 112FVS Varmint Rifle.
Savage Model 112BV Heavy Barrel Varmint Rifle.
Savage 116FSS Bolt-Action Rifle.
Savage Model 116FSK Kodiak Rifle.
Savage 110FP Police Rifle.
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T.
Steyr-Mannlicher Luxus Model L, M, S.
Steyr-Mannlicher Model M Professional Rifle.
Tikka Bolt-Action Rifle.
Tikka Premium Grade Rifles.
Tikka Varmint/Continental Rifle.
Tikka Whitetail/Battue Rifle.
Ultra Light Arms Model 20 Rifle.
Ultra Light Arms Model 28, Model 40 Rifles.
Voere VEC 91 Lightning Bolt-Action Rifle.
Voere Model 2165 Bolt-Action Rifle.
Voere Model 2155, 2150 Bolt-Action Rifles.
Weatherby Mark V Deluxe Bolt-Action Rifle.
Weatherby Lasermark V Rifle.
Weatherby Mark V Crown Custom Rifles.
Weatherby Mark V Sporter Rifle.
Weatherby Mark V Safari Grade Custom Rifles.
Weatherby Weathermark Rifle.
Weatherby Weathermark Alaskan Rifle.
Weatherby Classicmark No. 1 Rifle.
Weatherby Weatherguard Alaskan Rifle.
Weatherby Vanguard VGX Deluxe Rifle.
Weatherby Vanguard Classic Rifle.
Weatherby Vanguard Classic No. 1 Rifle.
Weatherby Vanguard Weatherguard Rifle.
Wichita Classic Rifle.
Wichita Varmint Rifle.
Winchester Model 70 Sporter.
Winchester Model 70 Sporter WinTuff.
Winchester Model 70 SM Sporter.
Winchester Model 70 Stainless Rifle.
Winchester Model 70 Varmint.
Winchester Model 70 Synthetic Heavy Varmint Rifle.
Winchester Model 70 DBM Rifle.
Winchester Model 70 DBM-S Rifle.
Winchester Model 70 Featherweight.
Winchester Model 70 Featherweight WinTuff.
Winchester Model 70 Featherweight Classic.
Winchester Model 70 Lightweight Rifle.
Winchester Ranger Rifle.
Winchester Model 70 Super Express Magnum.
Winchester Model 70 Super Grade.
Winchester Model 70 Custom Sharpshooter.
Winchester Model 70 Custom Sporting Sharpshooter Rifle.

CENTERFIRE RIFLES—SINGLE SHOT

Armsport 1866 Sharps Rifle, Carbine.
Brown Model One Single Shot Rifle.
Browning Model 1885 Single Shot Rifle.
Dakota Single Shot Rifle.
Desert Industries G-90 Single Shot Rifle.
Harrington & Richardson Ultra Varmint Rifle.
Model 1885 High Wall Rifle.
Navy Arms Rolling Block Buffalo Rifle.
Navy Arms #2 Creedmoor Rifle.
Navy Arms Sharps Cavalry Carbine.
Navy Arms Sharps Plains Rifle.
New England Firearms Handi-Rifle.
Red Willow Armory Ballard No. 5 Pacific.
Red Willow Armory Ballard No. 1.5 Hunting Rifle.
Red Willow Armory Ballard No. 8 Union Hill Rifle.

Red Williow Armory Ballard No. 4.5 Target Rifle.
Remington-Style Rolling Block Carbine.
Ruger No. 1B Single Shot.
Ruger No. 1A Light Sporter.
Ruger No. 1H Tropical Rifle.
Ruger No. 1S Medium Sporter.
Ruger No. 1 RSI International.
Ruger No. 1V Special Varminter.
C. Sharps Arms New Model 1874 Old Reliable.
C. Sharps Arms New Model 1875 Rifle.
C. Sharps Arms 1875 Classic Sharps.
C. Sharps Arms New Model 1875 Target & Long Range.
Shiloh Sharps 1874 Long Range Express.
Shiloh Sharps 1874 Montana Roughrider.
Shiloh Sharps 1874 Military Carbine.
Shiloh Sharps 1874 Business Rifle.
Shiloh Sharps 1874 Military Rifle.
Sharps 1874 Old Reliable.
Thompson/Center Contender Carbine.
Thompson/Center Stainless Contender Carbine.
Thompson/Center Contender Carbine Survival System.
Thompson/Center Contender Carbine Youth Model.
Thompson/Center TCR '87 Single Shot Rifle.
Uberti Rolling Block Baby Carbine.

DRILLINGS, COMBINATION GUNS, DOUBLE RIFLES

Baretta Express SSO O/U Double Rifles.
Baretta Model 455 SxS Express Rifle.
Chapuis RGExpress Double Rifle.
Auguste Francotte Sidelock Double Rifles.
Auguste Francotte Boxlock Double Rifle.
Heym Model 55B O/U Double Rifle.
Heym Model 55FW O/U Combo Gun.
Heym Model 88b Side-by-Side Double Rifle.
Kodiah Mk. IV Double Rifle.
Kreighoff Teck O/U Combination Gun.
Kreighoff Trumpf Drilling.
Merkel Over/Under Combination Guns.
Merkel Drillings.
Merkel Model 160 Side-by-Side Double Rifles.
Merkel Over/Under Double Rifles.
Savage 24F O/U Combination Gun.
Savage 24F-12T Turkey Gun.
Springfield Inc. M6 Scout Rifle/Shotgun.
Tikka Model 412s Combination Gun.
Tikka Model 412S Double Fire.
A. Zoli Rifle-Shotgun O/U Combo.

RIMFIRE RIFLES—AUTOLOADERS

AMT Lightning 25/22 Rifle.
AMT Lightning Small-Game Hunting Rifle II.
AMT Magnum Hunter Auto Rifle.
Anschutz 525 Deluxe Auto.
Armscor Model 20P Auto Rifle.
Browning Auto-22 Rifle.
Browning Auto-22 Grade VI.
Krico Model 260 Auto Rifle.
Lakefield Arms Model 64B Auto Rifle.
Marlin Model 60 Self-Loading Rifle.
Marlin Model 60ss Self-Loading Rifle.
Marlin Model 70 HC auto.
Marlin Model 9901 Self-Loading Rifle.
Marlin Model 70P Papoose.
Marlin Model 922 Magnum Self-Loading Rifle.
Marlin Model 995 Self-Loading Rifle.
Norinco Model 22 ATD Rifle.
Remington Model 522 Viper Autoloading Rifle.
Remington 552BDL Speedmaster Rifle.
Ruger 10/22 Autoloading Carbine (w/o folding stock).
Survival Arms AR-7 Explorer Rifle.
Texas Remington Revolving Carbine.
Voere Model 2115 Auto Rifle.

RIMFIRE RIFLES—LEVER & SLIDE ACTION

Browning BL-22 Lever-Action Rifle.
Marlin 39TDS Carbine.
Marlin Model 39AS Golden Lever-Action Rifle.
Remington 572BDL Fieldmaster Pump Rifle.
Norinco EM-321 Pump Rifle.
Rossi Model 62 SA Pump Rifle.
Rossi Model 62 SAC Carbine.
Winchester Model 9422 Lever-Action Rifle.
Winchester Model 9422 Magnum Lever-Action Rifle.

RIMFIRE RIFLES—BOLT ACTIONS & SINGLE SHOTS

Anschutz Achiever Bolt-Action Rifle.
Anschutz 1416D/1516D Classic Rifles.
Anschutz 1418D/1518D Mannlicher Rifles.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700 FWT Bolt-Action Rifle.
Anschutz 1700D Graphite Custom Rifle.
Anschutz 1700D Bavarian Bolt-Action Rifle.
Armscor Model 14P Bolt-Action Rifle.
Armscor Model 1500 Rifle.
BRNO ZKM-452 Deluxe Bolt-Action Rifle.
BRNO ZKM-452 Deluxe.
Beeman/HW 60-J-ST Bolt-Action Rifle.
Browning A-Bolt 22 Bolt-Action Rifle.
Browning A-Bolt Gold Medallion.
Cabanas Phaser Rifle.
Cabanas Master Bolt-Action Rifle.
Cabanas Espronceda IV Bolt-Action Rifle.
Cabanas Leyre Bolt-Action Rifle.
Chipmunk Single Shot Rifle.
Cooper Arms Model 36S Sporter Rifle.
Dakota 22 Sporter Bolt-Action Rifle.
Krico Model 300 Bolt-Action Rifles.
Lakefield Arms Mark II Bolt-Action Rifle.
Lakefield Arms Mark I Bolt-Action Rifle.
Magtech Model MT-22C Bolt-Action Rifle.
Marlin Model 880 Bolt-Action Rifle.
Marlin Model 881 Bolt-Action Rifle.
Marlin Model 882 Bolt-Action Rifle.
Marlin Model 883 Bolt-Action Rifle.
Marlin Model 883SS Bolt-Action Rifle.
Marlin Model 25MN Bolt-Action Rifle.
Marlin Model 25N Bolt-Action Rifle.
Marlin Model 15YN "Little Buckaroo".
Mauser Model 107 Bolt-Action Rifle.
Mauser Model 201 Bolt-Action Rifle.
Navy Arms TU-KKW Training Rifle.
Navy Arms TU-33/40 Carbine.
Navy Arms TU-KKW Sniper Trainer.
Norinco JW-27 Bolt-Action Rifle.
Norinco JW-15 Bolt-Action Rifle.
Remington 541-T.
Remington 40-XR Rimfire Custom sporter.
Remington 541-T HB Bolt-Action Rifle.
Remington 581-S Sportsman Rifle.
Ruger 77/22 Rimfire Bolt-Action Rifle.
Ruger K77/22 Varmint Rifle.
Ultra Light Arms Model 20 RF Bolt-Action Rifle.
Winchester Model 52B Sporting Rifle.

COMPETITION RIFLES—CENTERFIRE & RIMFIRE

Anschutz 64-MS Left Silhouette.
Anschutz 1808D RT Super Match 54 Target.
Anschutz 1827B Biathlon Rifle.
Anschutz 1903D Match Rifle.
Anschutz 1803D Intermediate Match.
Anschutz 1911 Match Rifle.
Anschutz 54.18MS REP Deluxe Silhouette Rifle.
Anschutz 1913 Super Match Rifle.
Anschutz 1907 Match Rifle.
Anschutz 1910 Super Match II.
Anschutz 54.18MS Silhouette Rifle.
Anschutz Super Match 54 Target Model 2013.
Anschutz Super Match 54 Target Model 2007.
Beeman/Feinwerkbau 2600 Target Rifle.
Cooper Arms Model TRP-1 ISU Standard Rifle.
E.A.A./Weihrauch HW 60 Target Rifle.
E.A.A./HW 660 Match Rifle.
Finnish Lion Standard Target Rifle.
Krico Model 360 S2 Biathlon Rifle.
Krico Model 400 Match Rifle.
Krico Model 360S Biathlon Rifle.
Krico Model 500 Kricotronic Match Rifle.
Krico Model 600 Sniper Rifle.
Krico Model 600 Match Rifle.
Lakefield Arms Model 90B Target Rifle.
Lakefield Arms Model 91T Target Rifle.
Lakefield Arms Model 92S Silhouette Rifle.
Marlin Model 2000 Target Rifle.
Mauser Model 86-SR Specialty Rifle.
McMillan M-86 Sniper Rifle.
McMillan Combo M-87/M-88 50-Caliber Rifle.
McMillan 300 Phoenix Long Range Rifle.
McMillan M-89 Sniper Rifle.
McMillan National Match Rifle.
McMillan Long Range Rifle.
Parker-Hale M-87 Target Rifle.
Parker-Hale M-85 Sniper Rifle.
Remington 40-XB Rangemaster Target Centerfire.
Remington 40-XR KS Rimfire Position Rifle.
Remington 40-XBBR KS.
Remington 40-XC KS National Match Course Rifle.
Sako TRG-21 Bolt-Action Rifle.
Steyr-Mannlicher Match SPG-UIT Rifle.
Steyr-Mannlicher SSG P-I Rifle.
Steyr-Mannlicher SSG P-III Rifle.
Steyr-Mannlicher SSG P-IV Rifle.
Tanner Standard UIT Rifle.
Tanner 50 Meter Free Rifle.
Tanner 300 Meter Free Rifle.
Wichita Silhouette Rifle.

SHOTGUNS—AUTOLOADERS

American Arms/Franchi Black Magic 48/AL.
Benelli Super Black Eagle Shotgun.
Benelli Super Black Eagle Slug Gun.
Benelli M1 Super 90 Field Auto Shotgun.
Benelli Montefeltro Super 90 20-Gauge Shotgun.
Benelli Montefeltro Super 90 Shotgun.
Benelli M1 Sporting Special Auto Shotgun.
Benelli Black Eagle Competition Auto Shotgun.
Beretta A-303 Auto Shotgun.
Beretta 390 Field Auto Shotgun.
Beretta 390 Super Trap, Super Skeet Shotguns.
Beretta Vittoria Auto Shotgun.
Beretta Model 1201F Auto Shotgun.
Browning BSA 10 Auto Shotgun.
Browning BSA 10 Stalker Auto Shotgun.
Browning A-500R Auto Shotgun.
Browning A-500G Auto Shotgun.
Browning A-500G Sporting Clays.
Browning Auto-5 Light 12 and 20.
Browning Auto-5 Stalker.
Browning Auto-5 Magnum 20.
Browning Auto-5 Magnum 12.
Churchill Turkey Automatic Shotgun.
Cosmi Automatic Shotgun.
Maverick Model 60 Auto Shotgun.
Mossberg Model 9200 Regal Semi-Auto Shotgun.
Mossberg Model 9200 USST Auto Shotgun.
Mossberg Model 9200 Camo Shotgun.
Mossberg Model 6000 Auto Shotgun.
Remington 11-87 Premier Shotgun.
Remington 11-87 Sporting Clays.
Remington 11-87 Premier Skeet.
Remington 11-87 Premier Trap.
Remington 11-87 Special Purpose Magnum.
Remington 11-87 SPS-T Camo Auto Shotgun.
Remington 11-87 Special Purpose Deer Gun.
Remington 11-87 SPS-BG-Camo Deer/Turkey Shotgun.

Remington 11–87 SPS-Deer Shotgun.
Remington 11–87 Special Purpose Synthetic Camo.
Remington SP—10 Magnum-Camo Auto Shotgun.
Remington SP—10 Magnum Auto Shotgun.
Remington SP—10 Magnum Turkey Combo.
Remington 1100 LT–20 Auto.
Remington 1100 Special Field.
Remington 1100 20-Gage Deer Gun.
Remington 1100 LT–20 Tournament Skeet.
Winchester Model 1400 Semi-Auto Shotgun.

SHOTGUNS—SLIDE ACTIONS

Browning Model 42 Pump Shotgun.
Browning BPS Pump Shotgun.
Browning BPS Stalker Pump Shotgun.
Browning BPS Pigeon Grade Pump Shotgun.
Browning BPS Pump Shotgun (Ladies and Youth Model).
Browning BPS Game Gun Turkey Special.
Browning BPS Game Gun Deer Special.
Ithaca Model 87 Supreme Pump Shotgun.
Ithaca Model 87 Deerslayer Shotgun.
Ithaca Deerslayer II Rifled Shotgun.
Ithaca Model 87 Turkey Gun.
Ithaca Model 87 Deluxe Pump Shotgun.
Magtech Model 586–VR Pump Shotgun.
Maverick Models 88, 91 Pump Shotguns.
Mossberg Model 500 Sporting Pump.
Mossberg Model 500 Camo Pump.
Mossberg Model 500 Muzzelloader Combo.
Mossberg Model 500 Trophy Slugster.
Mossberg Turkey Model 500 Pump.
Mossberg Model 500 Bantam Pump.
Mossberg Field Grade Model 835 Pump Shotgun.
Mossberg Model 835 Regal Ulti-Mag Pump.
Remington 870 Wingmaster.
Remington 870 Special Purpose Deer Gun.
Remington 870 SPS–BG–Camo Deer/Turkey Shotgun.
Remington 870 SPS-Deer Shotgun.
Remington 870 Marine Magnum.
Remington 870 TC Trap.
Remington 870 Special Purpose Synthetic Camo.
Remington 870 Wingmaster Small Gauges.
Remington 870 Express Rifle Sighted Deer Gun.
Remington 879 SPS Special Purpose Magnum.
Remington 870 SPS–T Camo Pump Shotgun.
Remington 870 Special Field.
Remington 870 Express Turkey.
Remington 870 High Grades.
Remington 870 Express.
Remington Model 870 Express Youth Gun.
Winchester Model 12 Pump Shotgun.
Winchester Model 42 High Grade Shotgun.
Winchester Model 1300 Walnut Pump.
Winchester Model 1300 Slug Hunter Deer Gun.
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun.
Winchester Model 1300 Turkey Gun.
Winchester Model 1300 Ranger Pump Gun.

SHOTGUNS—OVER/UNDERS

American Arms/Franchi Falconet 2000 O/U.
American Arms Silver I O/U.
American Arms Silver II Shotgun.
American Arms Silver Skeet O/U.
American Arms/Franchi Sporting 2000 O/U.
American Arms Silver Sporting O/U.
American Arms Silver Trap O/U.
American Arms WS/OU 12, TS/OU 12 Shotguns.
American Arms WT/OU 10 Shotgun.
Armsport 2700 O/U Goose Gun.
Armsport 2700 Series O/U.
Armsport 2900 Tri-Barrel Shotgun.
Baby Bretton Over/Under Shotgun.
Beretta Model 686 Ultralight O/U.
Beretta ASE 90 Competition O/U Shotgun.
Beretta Over/Under Field Shotguns.
Beretta Onyx Hunter Sport O/U Shotguns.
Beretta Model SO5, SO6, S09 Shotguns.
Beretta Sporting Clay Shotguns.
Beretta 687EL Sporting O/U.
Beretta 682 Super Sporting O/U.
Beretta Series 682 Competition Over/Unders.
Browning Citoria O/U Shotgun.
Browning Superlight Citori Over/Under.
Browning Lightning Sporting Clays.
Browning Micro Citori Lighting.
Browning Citori Plus Trap Combo.
Browning Citori Plus Trap Gun.
Browning Citori O/U Skeet Models.
Browning Citori O/U Trap Models.
Browning Special Sporting Clays.
Browning Citori GTI Sporting Clays.
Browning 325 Sporting Clays.
Centurion Over/Under Shotgun.
Chapuis Over/Under Shotgun.
Connecticut Valley Classics Classic Sporter O/U.
Connecticut Valley Classics Classic Field Waterfowler.
Charles Daly Field Grade O/U.
Charles Daly Lux Over/Under.
E.A.A./Sabatti Sporting Clays Pro-Gold O/U.
E.A.A./Sabatti Falcon-Mon Over/Under.
Kassnar Grade I O/U Shotgun.
Krieghoff K–80 Sporting Clays O/U.
Krieghoff K–80 Skeet Shotgun.
Krieghoff K–80 International Skeet.
Krieghoff K–80 Four-Barrel Skeet Set.
Krieghoff K–80/RT Shotguns.
Krieghoff K–80 O/U Trap Shotgun.
Laurona Silhouette 300 Sporting Clays.
Laurona Silhouette 300 Trap.
Laurona Super Model Over/Unders.
Ljutic LM–6 Deluxe O/U Shotgun.
Marocchi Conquista Over/Under Shotgun.
Marocchi Avanza O/U Shotgun.
Merkel Model 200E O/U Shotgun.
Merkel Model 200E Skeet, Trap Over/Unders.
Merkel Model 203E, 303E Over/Under Shotguns.
Perazzi Mirage Special Sporting O/U.
Perazzi Mirage Special Four-Gauge Skeet.
Perazzi Sporting Classic O/U.
Perazzi MX7 Over/Under Shotguns.
Perazzi Mirage Special Skeet Over/Under.
Perazzi MX8/MX8 Special Trap, Skeet.
Perazzi MX8/20 Over/Under Shotgun.
Perazzi MX9 Single Over/Under Shotguns.
Perazzi MX12 Hunting Over/Under.
Perazzi MX28, MX410 Game O/U Shotguns.
Perazzi MX20 Hunting Over/Under.
Piotti Boss Over/Under Shotgun.
Remington Peerless Over/Under Shotgun.
Ruger Red Label O/U Shotgun.
Ruger Sporting Clays O/U Shotgun.
San Marco 12–Ga. Wildflower Shotgun.
San Marco Field Special O/U Shotgun.
San Marco 10–Ga. O/U Shotgun.
SKB Model 505 Deluxe Over/Under Shotgun.
SKB Model 685 Over/Under Shotgun.
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays.
Stoeger/IGA Condor I O/U Shotgun.
Stoeger/IGA ERA 2000 Over/Under Shotgun.
Techni-Mec Model 610 Over/Under.
Tikka Model 412S Field Grade Over/Under.
Weatherby Athena Grade IV O/U Shotguns.
Weatherby Athena Grade V Classic Field O/U.
Weatherby Orion O/U Shotguns.
Weatherby II, III Classic Field O/Us.
Weatherby Orion II Classic Sporting Clays O/U.
Weatherby Orion II Sporting Clays O/U.
Winchester Model 1001 O/U Shotgun.
Winchester Model 1001 Sporting Clays O/U.
Pietro Zanoletti Model 2000 Field O/U.

SHOTGUNS—SIDE BY SIDES

American Arms Brittany Shotgun.
American Arms Gentry Double Shotgun.
American Arms Derby Side-by-Side.
American Arms Grulla #2 Double Shotgun.
American Arms WS/SS 10.
American Arms TS/SS 10 Double Shotgun.
American Arms TS/SS 12 Side-by-Side.
Arrieta Sidelock Double Shotguns.
Armsport 1050 Series Double Shotguns.
Arizaga Model 31 Double Shotgun.
AYA Boxlock Shotguns.
AYA Sidelock Double Shotguns.
Beretta Model 452 Sidelock Shotgun.
Beretta Side-by-Side Field Shotguns.
Crucelegui Hermanos Model 150 Double.
Chapuis Side-by-Side Shotgun.
E.A.A./Sabatti Saba-Mon Double Shotgun.
Charles Daly Model Dss Double.
Ferlib Model F VII Double Shotgun.
Auguste Francotte Boxlock Shotgun.
Auguste Francotte Sidelock Shotgun.
Garbi Model 100 Double.
Garbi Model 101 Side-by-Side.
Garbi Model 103A, B Side-by-Side.
Garbi Model 200 Side-by-Side.
Bill Hanus Birdgun Doubles.
Hatfield Uplander Shotgun.
Merkell Model 8, 47E Side-by-Side Shotguns.
Merkel Model 47LSC Sporting Clays Double.
Merkel Model 47S, 147S Side-by-Sides.
Parker Reproductions Side-by-Side.
Piotti King No. 1 Side-by-Side.
Piotti Lunik Side-by-Side.
Piotti King Extra Side-by-Side.
Piotti Piuma Side-by-Side.
Precision Sports Model 600 Series Doubles.
Rizzini Boxlock Side-by-Side.
Rizzini Sidelock Side-by-Side.
Stoeger/IGA Uplander Side-by-Side Shotgun.
Ugartechea 10-Ga. Magnum Shotgun.

SHOTGUNS—BOLT ACTIONS & SINGLE SHOTS

Armsport Single Barrel Shotgun.
Browning BT–99 Competition Trap Special.
Browning BT–99 Plus Trap Gun.
Browning BT–99 Plus Micro.
Browning Recoilless Trap Shotgun.
Browning Micro Recoilless Trap Shotgun.
Desert Industries Big Twenty Shotgun.
Harrington & Richardson Topper Model 098.
Harrington & Richardson Topper Classic Youth Shotgun.
Harrington & Richardson N.W.T.F. Turkey Mag.
Harrington & Richardson Topper Deluxe Model 098.
Krieghoff KS–5 Trap Gun.
Krieghoff KS–5 Special.
Krieghoff K–80 Single Barrel Trap Gun.
Ljutic Mono Gun Single Barrel.
Ljutic LTX Super Deluxe Mono Gun.
Ljutic Recoilless Space Gun Shotgun.
Marlin Model 55 Goose Gun Bolt Action.
New England Firearms Turkey and Goose Gun.
New England Firearms N.W.T.F. Shotgun.
New England Firearms Tracker Slug Gun.
New England Firearms Standard Pardner.
New England Firearms Survival Gun.
Perazzi TM1 Special Single Trap.
Remington 90–5 Super Single Shotgun.
Snake Charmer II Shotgun.
Stoeger/IGA Reuna Single Barrel Shotgun.
Thompson/Center TCR '87 Hunter Shotgun.

Mrs. FEINSTEIN. Mr. President, if no one else seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I just took a phone call from the President who said that if I thought it would do any good, to please come to the floor and indicate that this bill has his strong support.

I also have a letter from the Attorney General which has just arrived, saying:

> Your amendment is a well reasoned and balanced approach to the problem of the proliferation of assault weapons on our Nation's streets. The President and I strongly support this measure and hope that it will be adopted.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, November 9, 1993.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: I commend you for your leadership in seeking a ban on new semiautomatic assault weapons. These weapons have no sporting purpose, but instead are used all too often in violent crimes with tragic consequences.

Your amendment is a well reasoned and balanced approach to the problem of the proliferation of assault weapons on our nation's streets. The President and I strongly support this measure and hope that it will be adopted.

Sincerely,

JANET RENO.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent that a list with the endorsements of 53 different organizations that have endorsed a ban on assault weapons be printed in the RECORD. These involve labor organizations, police organizations, religious organizations, and medical associations.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

A.F.S.C.M.E.
AFL–CIO.
AFL–CIO, Public Employee Department.
African Methodist Episcopal Church.
Amalgamated Clothing and Textile Workers Union.
American Academy of Pediatrics.
American Academy of Physical Medicine and Rehabilitation.
American Association of Retired Persons (AARP).
American Bar Association (ABA).
American College of Emergency Physicians.
American Federation of Teachers (AFT).
American Jewish Committee.
American Jewish Congress.
American Medical Association (AMA).
American Medical Student Association.
American Psychiatric Association.
American Public Health Association.
Americans for Democratic Action (ADA).
Anti-Defamation League of B'nai B'rith.
B'nai B'rith International.
B'nai B'rith Women.
Emergency Nurses Association.
Episcopal Church, Washington Office.
Federal Law Enforcement Officers Association.
Fraternal Order of Police (FOP).
Gray Panthers.
International Association of Chiefs of Police (IACP).
International Brotherhood of Police Officers (IBPO).
International Ladies' Garment Workers' Union.
League of Women Voters.
Major Cities Chief Administrators.
Mennonite Central Committee, Washington Office.
National Association for the Advancement of Colored People (NAACP).
National Association of Counties.
National Association for Multi-Cultural Counseling and Development.
National Association of Police Organizations (NAPO).
National Baptist Convention, U.S.A.
National Congress of Parents and Teachers.
National Council of Jewish Women.
National Education Association (NEA).
National Leagues of Cities.
National Organization of Black Law Enforcement Executives (NOBLE).
National Rainbow Coalition, Inc.
National Sheriffs' Association.
National Urban League.
Police Executive Research Forum (PERF).
Police Foundation.
Religious Action Center of Reform Judaism.
Southern Christian Leadership Conference (SCLC).
Union of American Hebrew Congregations, Religious Action Center.
Unitarian Universalist Association, Washington Office.
United Church of Christ, Office for Church in Society.
U.S. Conference of Mayors.

Mrs. FEINSTEIN. Mr. President, I thank those colleagues who come forward tonight, indicating their support for this. My understanding is that Senator BOREN and Senator DASCHLE were, hopefully, going to come to the floor also to speak on it.

I would like, if I might, just to quickly recap what this amendment does. It does three things. It incorporates the specific list from Senator DECONCINI's prior legislation.

Second, these are the most common military assault weapons, all of which were developed originally for weapons of war. It takes from Senator METZENBAUM's legislation certain physical characteristics. If the weapons have enough of these physical characteristics such as, in a certain category the detachable magazine, and two other characteristics, they then are prohibited for future manufacture and sale.

It sets penalties. It has a 10-year sunset clause so it can be evaluated. It calls for a study after 5 years. Then it exempts and protects all guns with internal magazines, 650 to 700 current-model hunting and recreational weapons, which are listed in the appendix and are made expressly part of the law. All manually operated weapons are exempted: Bolt, slide, pump and lever action. And all guns lawfully possessed before the date of enactment are grandfathered by this legislation.

In essence, what this legislation does is protect the legitimate rights of collectors, of sportsmen, of hunters, but says to the people who are afraid to walk to the bank at night, that they might be part of a casual assault, a drive-by shooting or whatever, that we are going to do our level best to curb the proliferation of these weapons.

As I said, there are 1 million of them in the United States. As you and I both know, these weapons can be easily bought, with the Street Sweeper, through a catalog by anybody for $540.

They are capable of enormous violence and damage. Somebody walking in this Chamber, firing just a couple of rounds with the right shot could wipe out everyone in the Chamber. No one is given a chance with these kinds of weapons.

I hope that after all the examples everyone has spelled out—Senator DANFORTH, Senator BOXER, Senator METZENBAUM, Senator DECONCINI, Senator KENNEDY, everyone who has spoken on this bill—that there will really be an opportunity. I know we are very close to the votes. It is very important, I think, that we protect the people of our Nation with this one.

I want to thank the Chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, could I speak for 8 minutes as in morning business?

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, reserving the right to object, I would not ordinarily object. I simply ask my colleague from Iowa, is he addressing the matter before the body or is it another matter?

Mr. GRASSLEY. Another matter that took place in the House of Representatives today.

Mr. EXON. I will not object, Mr. President, although there have been some of us who have been waiting to talk to this matter. I will not object if I can have the assurance of my friend and colleague from California that she will be available for some questions that I have. If she is going to be available for 8 minutes, I will be glad to try and accommodate my friend from Iowa. Although I do hesitate objecting, I do say that I have concern about this matter of interrupting legitimate debate on a matter at hand when people are waiting to address this in order to accommodate——

Mr. GRASSLEY. I will make it easy for my colleague. I will withdraw my request.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, could I ask the courtesy of my colleague from California if she would try and answer a question or two I have regarding the legislation?

Mrs. FEINSTEIN. If I can.

Mr. EXON. First, could you clarify for me what rights or what adverse effects would the legislation in the form of an amendment that you are offering to the important crime bill, what adverse effect would this have on collectors of guns, of which there are many in the United States? Can they still buy, sell, and trade, getting down to the transfer issue?

I recognize that, of course, they can buy, sell, and trade all of the hundreds of weapons that you have excluded, by definition, in your amendment.

How about the 13 classes of weapons generally called automatic weapons that are the heart and soul, as I understand it, of your amendment. How would those be affected with regard to collectors or owners of such guns and especially the transfer issue, as I understand it, references?

Mrs. FEINSTEIN. To the distinguished Senator from Nebraska, the answer to your question is, yes, they can sell weapons legally in their possession at the time the act is enacted. This legislation is essentially a freeze on the production of new weapons, but everything that is legally in possession is essentially grandfathered.

Mr. EXON. If I stand corrected, I hold a picture of a SWD M-11/9. I do not have one, but if I had one of these guns now, then I could sell or dispose of it in any fashion I wished, if I had it. But what your amendment would really do is to end, as I understand it, the availability of such weapons in the future.

Mrs. FEINSTEIN. That is correct.

Mr. EXON. That is part and parcel of the grandfather clause.

Mrs. FEINSTEIN. That is correct.

Mr. EXON. Let me then further make sure that I understand this. Once again, if I were critical of your legislation that it did not go far enough—I do not intend to be in that position; I am only phrasing the question in this manner for clarification purposes—what you are really doing then is saying that anyone who now owns one of these 13 classifications of weapons that you reference, a collector or otherwise would have the full right to sell or transfer those weapons now owned to any other party.

Mrs. FEINSTEIN. That is correct. All guns, lawfully possessed before the date of enactment, are exempt from this legislation.

Mr. EXON. That is also true then, if I may pursue the questioning one step further, with regard to the death of a gun owner, it could be transferred under a will as directed by the person who is deceased or could be awarded by the courts in a legal proceeding with regard to the disposition of an estate?

Mrs. FEINSTEIN. The answer to the Senator from Nebraska isin the affirmative. The answer is "Yes."

Mr. EXON. I thank my friend from California.

Mr. President, I am a gun owner. I own hunting rifles and hunting shotguns. I have been a gun owner all of my adult life. Even before I was an adult, I owned a gun. Save one or possibly two, I do not know a single male member of my family who does not own a hunting gun of some type. But even if they did not, they would all know that dad or grandfather has an adequate inventory of hunting guns that would be available to them any time they wanted to use them.

I say that only to try and set what I am about to say in a realistic, reasonable, and honest manner. I will simply say that I have never been a member of the National Rifle Association, but I have been supportive of the basic tenets of what the NRA has subscribed to over the years. I first got into some difficulty with the National Rifle Association, although it had not been mentioned on the floor, I think one of the first times that we were able to pass legislation here opposed by the National Rifle Association. Those who have been here long enough will remember that as the plastic gun problem. Plastic guns were becoming very common. They were guns that could be smuggled very easily through any surveillance system at an airport, for example, or any public facility where we have certain regulations and equipment to detect weapons.

I crossed the NRA on that particular proposition, and we were able to solve that finally by not outlawing plastic weapons but requiring, by law, that the weapons no longer be invisible to screening devices in public places because they had to have something that would show up on the screen that does the screening when we go through, for example, airport security.

I have supported and will continue to support many of the worthy goals of the National Rifle Association.

I did so last week when we appropriated money once again basically that went to the National Rifle Association for the purpose of providing safety schools, safety training, rifle shooting facilities that I think have been one of the great contributions the National Rifle Association has made.

I would simply say, though, that in this particular situation I will ask to be a cosponsor of the legislation introduced by my colleague from California, and I wish to make a few remarks on how I reached this decision, as difficult as it was.

First, I would like to say that our office has been flooded the last couple of days with my constituents back home and other people from around the country calling in to say "vote against the ban on guns."

I do not believe that the amendment carefully crafted by the Senator from California bans guns. It does ban—and I think correctly so, given the situation that faces America today—13 classes of killer weapons never designed or thought of for the legitimate purposes of hunting. This does not affect the sale or ownership of any legitimate hunting rifle or shotgun, and as has been just demonstrated by the responses to questions that I have asked the author of the legislation, this does not ban guns except and unless you wish to have further production and availability of more automatic killer weapons designed primarily for the killing of people and not legitimate hunting.

What this bill will not do—and I emphasize this—it is my view that this bill, unfortunately, will not stop most of the killings that we are now witnessing in horror and disbelief. But it will surely help end the rate of increases in the future and begin to eliminate the primary weapon for these types of killings and mass destruction.

It is time, Mr. President, that the Senate and hopefully the House of Representatives, that will have to take up this measure, recognize we have killing fields all over America today. We have abhorred the killing fields in different parts of the world, but I believe that in the United States of America the average citizen is more fearful today for the safety of themselves and their loved ones than ever before. Unfortunately, I believe that the Senator from California would be the first to agree that passage of this act is not going to eliminate all or most of those fears.

But what the Senator from California is addressing is, is it not about time that we stop, look, and listen, and pass reasonable legislation such as that offered by the Senator from California to try to cut down the availability of these weapons of killing in the future.

I simply say, Mr. President, that in addition to all of this, although I have not heard from our police forces in America, I would have to think if we can pass this type of legislation, once again in the future we will have the hope of beginning to level the playing field that is now swiftly moving to supremacy by the outlaws and the killers against the police. Oftentimes, our law enforcement officials themselves are the first ones to be mowed down in the killing fields.

I simply say, Mr. President, that it seems to me this is the time when we must step up to the bar. If there is anything more important about the future that our crime package is trying to address, it has to go to the heart of these weapons of mass destruction. Certainly this does not mean that some of the hunting rifles that I own and are very prevalent in the United States of America cannot or will not be used—or handguns—for drive-by shootings. We are not going to solve that problem.

If there is any criticism of this legislation, it might be considered too fainthearted, not tough enough. I am not subscribing to this, but I would simply point out, make it clear to those who have not studied this piece of legislation that it does not confiscate any guns. It makes no significant change whatsoever, no change whatsoever in the right of an individual to own and buy legitimate hunting rifles or shotguns.

I would simply say, Mr. President, that while there will be attacks made on this as antigun ownership, I repeat once again I think it would not be unfair to characterize the amendment offered by my colleague from California as the hunting gun ownership rights act because it spells out very distinctly that certainly hunting rifles owned by law-abiding citizens can and should be a part of our society, and I would hope that because of this debate, although I assume there will be arguments to the extreme contrary in this Chamber, the Senate will rise to the occasion at this juncture and take what I think is at least a tiny step forward to addressing the serious crime problem of which guns are an important part as we address the future of our country.

Mr. President, I thank my friend from California for answering my questions. I believe that she has accepted the fact that I would like to be a cosponsor of the measure, and I urge its adoption by the Senate.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I know the Senator from Oklahoma has been waiting. If I can just take 1 minute. It would be our intention to move to table this amendment maybe in about—it will take time for some people to get back. If we set it at 9:30, that would give everybody an opportunity to return to the Capitol.

Let me tell you why. We have all kinds of gun amendments, and there is going to be a gun bill up here as soon as we finish the crime bill. It seems to me that is the appropriate time to talk about different gun amendments. We would hope that in an effort to complete the crime package—we think we have a good one—we would not start down this road. I know anybody has a right to do whatever they want. But it would seem to me if we can table this amendment and let it come back up at the appropriate time on the Brady bill, whatever, it would be in the interest of getting a good, tough crime package out of here, into conference, wherever. And so at 9:30, there will be a motion to table the pending amendment.

Mr. BIDEN. Will the Republican leader yield for a question?

Mr. DOLE. I would be happy to yield. I do not want to delay the Senator from Oklahoma.

Mr. BIDEN. Knowing the Republican leader and what a very good counter he is, I suspect he would not be moving to table unless he thought he had a reasonable chance of tabling. But let me ask the question. Has the Republican leader contemplated what might happen if in fact there is, if a tabling motion fails?

Is there a desire then to move tonight to a vote on this measure?

Mr. DOLE. That would probably be unlikely. We would not want to do that, at least until the debate was over on NAFTA.

Mr. BIDEN. The vote or the debate?

Mr. DOLE. Maybe even the vote. That would be coming up soon. But we have another idea in mind. We can maybe have a cloture vote tonight on the amendment and on the bill tonight. If the Senator from California gets cloture, we might be willing to surrender. If not, then we could get cloture on the bill, and wrap this bill up in about 30 minutes.

Mr. GRAMM. Will the distinguished leader yield?

Mr. DOLE. Would that be satisfactory?

Mr. BIDEN. I would have to consult with my leader on that.

Mr. GRAMM. Mr. President, I want to thank the distinguished Republican leader. I believe there are Members of the Senate who support this amendment. I am not one of them. But I think there are Members who support it. I have several gun amendments that I intend to offer. I think the people living in the District of Columbia who have no convictions ought to be able to have a firearm in their home to protect themselves. I want the Senate to vote on that.

We have an instant check amendment which we are ready to have the Senate vote on. We probably have 25 gun amendments either on the Democratic side of the aisle or the Republican side of the aisle.

The relevant point here is that we have crafted now what I believe is a potentially historic crime bill. If we start on guns tonight and we end up with 25 amendments, we are going to greatly delay this bill. We are certainly not going to pass it before we go home. I am afraid in this whole process that the fragile alliance we put together could be torn apart. And, finally, when this bill is finished, when we have passed a crime bill, we are going to immediately go to a gun bill. And we are all going to have an opportunity to offer our amendments. The amendment that we are talking about tonight will be offered again. It will either be accepted or rejected on a bill that is dedicated to the gun issue.

The amendment that I want to offer giving law-abiding citizens the right to have a firearm to protect themselves in their own homes in the "murder capital" of the country will be debated and voted on. But I do not want to offer it here as something that would be destructive of our efforts to pass the crime bill.

So I hope that people who want to vote for the motion to table, whether they are for the amendment or not, so that we can pass a crime bill, hopefully tomorrow, and then we can bring up the gun bill, the distinguished Senator from California can then offer her amendment. It will be voted on. I can offer my amendments. They can be voted on. Others can do the same.

We will have the crime bill. We will have an opportunity to have a gun bill. It seems to me that is the logical direction that we should go in. I hope people will keep that in mind when they vote.

(Mrs. MURRAY assumed the chair.)

Mr. BIDEN. Madam President, I say to my friend from Texas, in my experience I have found the Senator from California to be a very bright and insightful Senator. I think that she has found that the crime bill may be a better horse to ride than the Brady bill.

But I understand the Senator's point. He has made it clear.

I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, I thank my colleague. I want to begin by complimenting Senator EXON, our colleague from Nebraska, for the remarks he made just a few moments ago. I think very often we find ourselves incapable of addressing this very important issue to our society because we are in the midst of a debate that is often distorted by those with polar positions.

Like the Senator from Nebraska said, if this were an amendment to ban guns, if this were an amendment to confiscate guns, if this were an amendment to deny to those who wish to use weapons for sport legitimately in this country, I would be opposed to it. If this were an amendment that was aimed at taking away the rights guaranteed under the second amendment to the Constitution to keep and bear arms, I would not be supporting this amendment.

That is not at all what this amendment does. This amendment does exactly what we should seek to do as responsible representatives of the people; that is, strike a fair balance, one that addresses a dire need in our society to curtail the violence in our communities and in our streets, to protect those law enforcement officers who are out defending us and yet find themselves the principal victims and targets of assault weapons that are in use by the criminal community in this country; that seeks to reduce that violence and to protect law enforcement people while at the same time recognizing the legitimate constitutional rights of Americans to keep and bear arms and to keep them for proper purposes.

I commend the Senator from California for striking that balance so carefully, so thoughtfully in this amendment.

Like the Senator from Nebraska, I wish to ask unanimous consent, Madam President, that I be added as a cosponsor of the amendment of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Madam President, I go back to the point at hand. None of us wants to infringe constitutional rights. None of us wants to see weapons banned that have a legitimate sporting purpose. This amendment does not do that.

But we have to face the fact that when we talk about the wave of violence in our society, when we talk about a bill that is aimed at reducing crime and the threat of crime in our society, some meaningful provisions that govern the use of certain kinds of weapons are not only relevant to this bill, but they are at the very heart of the objective of this bill of reducing the level of violence and crime in our society.

The facts speak for themselves. Semiautomatic assault weapons are a significant crime problem in America's increasingly violent society. It is estimated that 1 million semiautomatic assault weapons are currently on the streets in this country. These weapons are designed to maximize lethal effects. They are not sporting weapons. They are designed to kill, to kill people through a rapid rate of fire, firing dozens of bullets in seconds. They have become the gun of choice for the commission of crimes, violence, gang wars, and the armies of drug lords.

Just look at the statistics. Less than one-half of 1 percent of privately owned guns in this country are assault weapons, and yet they are used in 12.5 percent of all the narcotics crimes, 25 times the rate of the ownership of these guns in our society. They are one-half of 1 percent of privately owned guns, but they are used in 11 percent of Gun Control Act violations. That is the use of guns by repeat offenders and convicted felons to commit crimes after they have served their original prison sentences.

While they are only one-half of 1 percent of the guns privately owned in this country, they are used in 30 percent of all of the crimes carried out by organized crime in our society.

So the figures speak for themselves. If we are serious about trying to find a way to reduce violence in our society, to reduce violent crime in our society, to protect those law enforcement officers, those men and women who are putting on the uniform and going out on the streets to defend us and to make sure that we are safe and to make sure that our families are safe and that our children are safe on the way to and from school, if we are serious about meeting our responsibility to those law enforcement officers, then we should stop and take a close look at this amendment. And after we do, I think we are going to find very strong reasons to support it.

Assault weapons are 17 times more likely to be traced to crime than conventional firearms. The United States already bans the importation of semiautomatic assault weapons. This legislation would just also prohibit domestic production in the future of these firearms.

A recent study found that two-thirds of assault guns traced to crime are manufactured domestically. We have already recognized the special category into which assault weapons fall. We have already recognized that in our law and by the action of our Government by banning their importation. That is simply not going to do the job when two-thirds of those being used in crimes in this country are domestically produced.

The Feinstein amendment represents a carefully crafted approach, designed to get these guns off of our streets while at the same time protecting the legitimate interests of law-abiding Americans to own guns. The ban is prospective only. As the Senator from Nebraska just said a moment ago, it is not going to confiscate weapons that are now lawfully owned by Americans. Moreover, all guns made in the future will have the date of manufacture on them so the act can be enforced without requiring all gun owners to register their weapons.

The legislation exempts from coverage approximately 700 guns, by name. Again, as the Senator from Nebraska has indicated, in many ways, this bill could be hailed as a bill which recognizes the rights of American citizens to legitimately own guns that are used for the right kinds of purposes, instead of eating away at the right of Americans to keep and bear arms appropriately.

This legislation underlines and recognizes and enforces that right. It is not a radical proposal; it is a proposal in keeping with the Constitution; it is a proposal that should be embraced and supported by those who uphold the right of American citizens, peacefully, to keep and bear arms for legitimate purposes, including for sporting purposes.

These guns are weapons that have legitimate sporting purposes, and it is important to remember that not all semiautomatics are assault weapons. But such sporting guns do not have the killing capacity of assault weapons. The comprehensive list of over 700 is far-reaching and covers every sporting weapon that could be identified by the author of the amendment.

The amendment simply bans a very short list of specific semiautomatic assault weapons. It also adopts a clear objective test for semiautomatic assault weapons that will be banned in the future. Such weapons must have a detachable magazine and at least two other physical characteristics, such as a grenade launcher, bayonet mount, or folding or telescoping stock.

So this is the kind of legislation that promises to protect our citizens from the terror and violence of assault weapons, while safeguarding the rights of law-abiding Americans who use guns to hunt or to protect their homes and their families.

Madam President, it is often said every time we consider legislation of this kind: Well, any time you make any exception at all, any time you ban any category, any time you try to take action of any kind in this area, it is the nose of the camel under the tent. It is the beginning of the end. It is going to end up depriving all Americans of the right to legitimately keep and bear arms under the Constitution.

Madam President, it is time that we take a more mature approach than that. In fact, I think that attitude of saying we are not going to take any reasonable steps to curtail the use of these kinds of weapons to commit violent crimes in our society undermines, because of the lack of logic of that position and lack of reasoning and lack of balance, the arguments of those of us who fervently believe in the constitutional right to keep and bear arms for legitimate purposes.

I heard the Senator from Nebraska talk earlier about proposals that we struggled with on the floor of the U.S. Senate in regard to those weapons—we called them plastic weapons at that time, weapons not detectable by devices in airports and by our Customs Service, as those people were searched to come into our country. At the time that amendment came to the floor, I was privileged to serve in this body as chairman of the Senate Select Committee on Intelligence, during a period of time in this country in which we were acutely aware of the threat posed by terrorists who were attempting to smuggle different kinds of weapons into this country and do so in ways in which they could not be detected. It would have been irresponsible had we closed our eyes to the threat of terrorism in our society by arguing simply that we cannot do anything atall and pass any amendment with the word "gun" in it, because somehow we are striking at the basic constitutional right to keep and bear arms.

Madam President, we must not forever be frozen into inaction by the fear that our legitimate concerns and reasonable actions in keeping with the Constitution, in keeping with the desire to protect those who have legitimate sporting purposes for having guns, rifles and shotguns—we must not be frozen into inaction by the fear that our motives can be distorted, or that somebody can oversimplify our position, or that somebody can produce a 30-second spot in the heart of a campaign that distorts our position, that tries to make our constituents believe that just because we are for banning weapons that terrorists might bring into this country, that could be used against their own families in their own communities, or that just because we want to put a stop to the use of assault weapons in our societies, that are used to kill people and threaten the law enforcement officers that put their lives on the line for us, that somehow we are then against the constitutional right to keep and bear arms, that we are against people having the right to have guns for sporting or other legitimate purposes.

Madam President, I believe that fear underestimates the intelligence of the American people. I do not think people from any other State in the Union in which more people own guns for sporting purposes than is true in my State. I do not think you would find constituents in any State represented in this Chamber where people feel more strongly about the constitutional right to keep and bear arms than do the people of my State. I share their convictions. But, at the same time, I have enough faith in the common sense of the people who sent me here to know that while they uphold the constitutional right, and while they do not believe in banning all guns, and while they do not want to interfere with legitimate sporting activity, I know that they have the common sense not to want to allow the criminal element of this country to be armed with assault weapons, to go out and outgun and outfight law enforcement officials who are spread so thin across this country trying to protect us.

Let us have faith in the common sense of our constituents. Let us have faith in our own judgment and to know that just because we take a responsible action to stop the spread of these kinds of weapons in our society, that it does not mean that any of us are going to stand here and allow for the erosion of the basic constitutional rights of the American people.

No, the people are ahead of us on that. They know better than to just be taken in by slogans or propaganda. Many members of organizations who are dedicated to protecting the constitutional rights to keep and bear arms are concerned that by taking extreme positions, these organizations began, over time, to erode public support for legitimate gun ownership in this country. The best thing we can do to protect the constitutional right to keep and bear arms, the best thing that we can do to protect the right of those who want to use weapons for legitimate sporting purposes or for self defense or to protect their homes and families, the best thing that we can do is be responsible and strike a responsible balance by taking care of those weapons that are simply out on the streets as a danger to our society and not for legitimate use.

So, Madam President, I am proud to cosponsor the amendment of my colleague from California. I sponsor it as one that is devoted to the right to keep and bear arms, as one who believes that legitimate sporting weapons should never be banned in our country, or the right to have them. We should not put undue interference in the way of those who want to use guns for legitimate reasons.

But I also do it as one who sees what is happening to our society. It is being torn apart. It is being torn apart by violence, by crime, by drive-by shootings.

I was riding the other day with a person back from the airport. The person spoke with some accent. I turned to this particular gentleman, who was sharing the taxi with me. I asked him where he was from. He told me what country.

I asked: "Are you just visiting our country?"

He said: "No. I've lived here a number of years."

I said: "Are you an American citizen?"

He said: "I am considering becoming an American citizen." Then he said something that really chilled me. But, he said, "I have not done it yet because I have been so concerned by what I see is the rising tide of violence in American society."

I was shocked. I was struck down by his comment. I was hurt by it. I thought surely I would never live to hear that comment made about the United States of America and about our society, about a place that has been known for a spirit of community and civility and care for one another, a place where we never had to lock our doors—at least when I was growing up in a small community in Oklahoma and even in some of our cities, as well, a place where agreements were sealed with a handshake, a place where we thought of only other areas of the world where people had to live behind walls with barbed wire at the top and hire personal bodyguards to get to and from work.

We all visited those countries, those other countries where that kind of fear and that kind of concern reigned.

Madam President, we have to face the fact that it is beginning to happen here. When the mayor of our capital city even seriously considers requesting the National Guard, using the military to patrol the streets, again something we only think of in other countries of the world where regrettably they have not shared our own commitment to constitutional process and democratic Government. Even think about the possibility of that happening here, to think about the rate of violent crime in our society, to think about young people in our schools who have now large numbers, according to polling data, are afraid of their own schools, are afraid to go to and from school, parents that are afraid to send them. This is the United States of America?

Madam President, we cannot let that happen. We cannot stand by any longer and allow those who put their lives on the line for us to be without protection in the face of assault weapons where they are able to fire so many more rounds at our police officers than they are able to fire back in defense of ourselves and the defense of us.

We cannot wait any longer. It is not right for us to wait until another police officer is gunned down, another man or woman in uniform, sent there to play a role to defend our institutions and society. It is not right for us to wait until 10 more are killed or 100 are killed or other innocent victim is killed on the street corner, all because we are paralyzed in inaction because we have somehow polarized ourselves into the belief that we should act on the basis of what can be said in an oversimplified 30-second spot, or we have to be put in one camp or another, either you have legitimate gun ownership or banning all guns, or you are for the right to keep and bear arms under the Constitution, or you are against it.

Madam President, we are not forced to those extreme choices. There is another choice, a responsible choice, a reasonable choice. The Senator from California has had the courage, the foresight, and the intelligence to present us with that choice, one that protects legitimate gun ownership and the constitutional right while at the same time it begins to strike a fair balance in protection of law enforcement officers.

That is why the Fraternal Order of Police, the National Sheriffs Association favored the amendment of the Senator from California. That is why so many right-thinking people who own supporting weapons in this country favored the amendment of the Senator from California. That is why even many members of organizations which are devoted to try to preserve the right to keep and bear arms support the amendment of the Senator from California.

She has had the foresight to offer it. I say to my colleagues that it belongs on the crime bill because it strikes at the heart. It is relevant to the heart of what is fuelingincreased crime in this country, along with other factors. It is a majoring factor. Let us not pretend it is not.

She had the intelligence and the foresight to present us with a choice, a middle path, a reasonable path that strikes a fair balance.

Let us have the wisdom and the courage to support her in voting for this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, we have allowed this debate to go on for quite a time now. Frankly, I want to compliment the distinguished Senator from California because she has presented this amendment in good faith, I am sure, and she has presented it in a very intelligent way. We admire that.

But it does not negate the fact that there are a lot of people opposed to it. It does not negate the fact that if this amendment becomes part of this bill, the best crime bill in history may go down to defeat.

I know the distinguished Senator from Delaware and I have worked our hearts out to try and bring the best crime bill together we possibly can, and it happens to be that now. I do not think you can beat what we have right now, considering the fact that we probably, and I hope will, strike the habeas part of this bill, even though that issue is something near and dear to my heart.

I led the fight 2 years ago to really reform our habeas corpus system in this country. It passed the Senate 58 to 40. It would stop the unnecessary frivolous litigation after litigation, appeal after appeal, that has been going on all over this country. It would stop it just like that while still protecting the constitutional and other rights of every convicted person.

I would like to do that again, but because we know that the habeas part of this bill can hang this crime bill up, both the distinguished Senator from Delaware and myself are willing to give up that debate, as important as it may be. It is important to me personally, and I think to anyone else who really looks at the travesty that goes on with multiple repeated appeals by people in prison; frivolous appeals that cost the taxpayers of every State millions and millions of unnecessary dollars.

But we both know we have to give that up, even though we would both like to resolve that problem in the interest of having a crime bill that will do something against crime in this country.

I have to tell you this particular amendment could cause us to lose this bill, not because standing alone it is going to be the worst thing that ever happened to any of us. It is because it will provoke all kinds of other amendments and cause us a lot of difficulty that will kill this bill. If that happens, the whole country ought to come down on us, because as important as this may be to those who sincerely advocate it, as important as it may be, there are others who have a different view. Their view is very strongly held also and in good faith. And I happen to be on the other side.

Be that as it may, the amendment offered by my colleague would prohibit the transfer or possession of semiautomatic assault weapons. However, it has not been adequately explained just what an assault weapon is. In the wrong hands, any weapon is an assault weapon.

According to the FBI, in 1991 nearly five times as many individuals were murdered at the hands of criminals wielding knives, 3,405 people killed, than were murdered with rifles, 741, and most of those rifles were not the assault weapons listed in this amendment. In fact, all of them were not, according to what our facts are.

In fact, more people were murdered by criminals using blunt objects, such as hammers, 1,082, compared to the 741 with rifles. More people were murdered by criminals using their hands, their fists, or feet, 1,189.

You have 1.9 million violent crimes in our society committed in 1992. Less than 10,000 involved so-called assault weapons, and anything can be an assault weapon.

These statistics are from the 1992 FBI uniform crime reports.

But even if you disagree with that, the fact is whichever side you are on, if this amendment passes, we are endangering this bill.

There are sincere people on both sides of this amendment, although some may not like the tough-on-crime aspects of this bill.

Frankly, this is our one time in the last 8 years where we could really do something for our society, where we could really put the money behind our words because of the work of the distinguished chairman of the Appropriations Committee. This is where we really could put 100,000 new policemen on the streets and help our cities, towns, and hamlets throughout this country. This is where we could put $6 billion into new prisons to take care of these hardened, vicious, violent criminals who are just walking out of the revolving doors. This is where we could have a law against violence against women that would help to make tremendous inroads in that area; where we could beef up our FBI, our DEA, the Drug Enforcement Administration; where we could beef up Quantico, the greatest police academy in the world, where at least 1,000 top police people go and learn the very best methods of criminology and law enforcement available every year; where we can do something against rural crime. And, Mr. President, it is all financed, all paid for.

This is the first time in the whole time I have been here in 17 years where we have been willing to do that, thanks to our distinguished chairman of the Appropriations Committee. And it is all going to go down the drain.

Now in a few minutes, the Republican leader is going to move to table the amendment. I hope my colleagues will consider tabling it. Because if this amendment passes, it is just the floodgate for everything else in our society, every other amendment that anybody has an idea about.

We have been able to keep some amendments off that literally would have hurt this bill terribly. We have worked very hard. It has been a day and night effort.

And I have to tell you, I hate to see this bill hurt because of any amendment, no matter how sincere, no matter how well thought out, no matter how important. Because I have to tell you, as important as many people feel this amendment may be, it is not as important as getting 100,000 police out there on the streets, or putting $6 billion into building prisons, regional prisons, boot camps, and so forth, to take care of these hard and vicious criminals. It is not as important as the violence against women bill that women all over this country have begged us for. For years the Senator from Delaware and I have worked on this bill, along with Senator DOLE, for so many months and years. It is not as important as the beef-up of our courts, our prosecutors, our FBI, our DEA; or the effort in rural crime. All of these provisions could help make a tremendous dent in what is wrong with our society today.

Madam President, I hope that we will vote to table this amendment, not because it cannot come back for another day. The fact of the matter is that the distinguished Senator from Delaware offered to his side to bring up, to allow the Brady bill to come up right after this bill, where we will debate every one of these amendments straight up and fight them at that time. This amendment has every chance of coming up and being passed on that bill without harming this bill.

If there were no other opportunity for the distinguished Senators who feel so strongly about this amendment to bring it up, then I could understand. But there is going to be an open, important, valid, and fair good-faith opportunity immediately following the passage of this bill; immediately following.

The majority leader has promised that he will bring up the Brady bill and we can fight it out at that time. Then the substantive arguments can be made on our side against this amendment.

But, to be honest with you, this is a procedural problem. The offer has been made. There is no question that this amendment can be seen and can be debated and be voted up or down on the Brady bill. And that is where it ought to be. It should not be here destroying what all of us have done and worked so hard to do.

I do not care how well thought out it is or how important it is. These provisions that we have already passed and worked on so hard are more important. And our society's problems are more important than having any single amendment added to this bill at this particular point, including this one. As well thought out and sincere about it as they are—I acknowledge that—I do not happen to agree with it. But the fact of the matter is that that is neither here nor there.

If there were no other opportunity to bring it up, I could understand it. But there is every opportunity, and we could have it out then at that time in a full and open debate and let the chips fall where they may. Why ruin this bill with this amendment at this particular time?

Now, I know there are those who feel that they should, no matter what. But, to be honest with you, this bill is more important than this amendment.

I yield the floor.

Mr. MATHEWS addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Madam President, I am proud to stand with my colleague from California and to be a cosponsor of this amendment which she has so courageously offered.

If we finish our work tomorrow evening, my plans are to go back to Tennessee and spend the next 3 days hunting. I am ready to take with me two shotguns, a Remington 1100 and another gun. I have a couple of rifles that I am going to take.

But these are not the type of guns we are talking about tonight. We are not talking about the guns that are used for sporting purposes.

The amendment which the Senator from California is offering would banthe manufacture, import, sale, possession, and transfer of at least 19 types of military-style semiautomatic weapons, as well as other weapons that meet objective, physical features criteria. It defines combinations of features that no longer would be permitted on future editions of firearms, thereby preventing embargoed weapons from being reissued under new names.

Weapons banned by this amendment are not by any stretch of imagination sporting firearms.

They are not weapons kept in private homes for family defense.

They are not weapons that I, as a lifelong Tennessean, see passed responsibly from generation to generation as honored emblems of family heritage.

These weapons are nothing but work tools for triggermen.

The names of these weapons are an ugly litany of violence: Uzi, Street Sweeper, Striker, you name it.

The Communist-designed AK-47 is the most widely used military assault rifle in the world, and it has a gory history of massacring Americans, starting in Vietnam.

The AR-15 is the civilian version of the standard U.S. military rifle, and it has been serving soldiers of drug dealers, crime bosses, and armed cults equally well.

You will recall, Madam President, that more than 100 of these 2 weapons were uncovered at the Branch Davidian compound, and we know the terrible effect with which they were used.

Weapons restricted by this amendment are killer weapons intended only to kill people.

They do so with horrible firepower. They are murderous, bloody, and full of blame for the carnage that afflicts America.

Madam President, these guns have become weapons of mass destruction.

Their unchecked spread is an arms race in every sense.

It is a domestic arms race, and law enforcement authorities are losing it to drug dealers, drive-by shooters, gangs, carjackers, and crazies who have access to these weapons.

This amendment is a step away from terror on our streets and dread in our homes.

This amendment is a step toward assuring that the police who protect us are not outgunned by criminals.

That is why every major law enforcement organization in America supports this amendment.

I know—as does every Member of Congress—the concerns of law-abiding gunowners. I assure them that this amendment defines precisely the weapons affected by it.

The Senator from California, in her opening remarks, indicated that specifically some 650 to 700 weapons are exempted from the ban that is imposed herein.

The amendment is confined to weapons that have one purpose and that purpose is blowing human beings to bits. Our future is in doubt because we are slaughtering one another. We are a Nation of 250 million people with 250 million guns aimed at ourselves. We have a thousand Mogadishus in America and a thousand Bosnias. The American streets and neighborhoods have warlords and armed gangs and loan predators who do not need centuries-old hatred to justify the killing that is taking place everyday.

No feature of any weapon and no amount of firepower are too outlandish to be tolerated.

As any sports enthusiast will tell you, even the traditional 5-round shotgun must be plugged to fire no more than 3 rounds for most sporting purposes. No shotgun that can shoot 20 rounds can be considered a sporting weapon. Yet in my hometown of Nashville, TN, a company presently manufactures a 12-gauge semiautomatic shotgun fed by a 20-round drum. The manufacturer calls it a combat shotgun. I call it a problem which we, as taxpayers, have to clean up.

An America in which children are slaughtered on public streets by the spray of automatic weapons is not a more perfect union. An America in which the police are outmanned and outgunned is not a nation that assures the general welfare. An America in which law-abiding men and women are trapped everyday in the crossfire is not a nation that knows domestic tranquility and the blessings of liberty. Yet that is precisely what is happening through the uncontrolled spread of these weapons.

Make no mistake about it, it is uncontrolled.

I support the right to own guns but not guns that are made and sold for the exclusive intent of killing people and not when those guns wind up in the hands of schoolchildren.

Let me quote testimony from a veteran police officer before a symposium on crime in America. It reads:

> One day while sitting in my office * * * one of my officers * * * walked into the room and set upon my desk a fully loaded AK-47 with a banana clip which had been taken from a ten-year-old in one of the middle schools in the City of Detroit. * * * Visions of a classroom full of dead children raced through my head. * * * When I attempted to find out how those kids felt once they discovered this AK-47 was in their classroom * * * the children didn't think it was that big of a deal. That, ladies and gentlemen, is indicative of the illness that plagues our America.

Mr. President, I support the right to own guns, but not guns that are made and sold with the exclusive intent of killing people.

And not when those guns wind up in the hands of schoolchildren.

I support American police officers who call out to Congress for a fighting chance.

I support an America where playgrounds are not places of fear, where intersections are not killing fields, and where gun-toting thugs are not allowed to defame the second amendment rights of honest Americans.

That's why I have cosponsored this amendment, and that is why I urge every Member of this Senate to vote it into law.

Mr. CRAIG. Madam President, let me for a few moments this evening discuss the legislation that is before us, offered by the Senator from California, that I am extremely frustrated by—not the language of the legislation but what it may ultimately undo.

I was on the floor earlier today with my colleague from Wisconsin to propose to the Senate gun-limiting legislation, speaking to juvenile crime in this country. We got a unanimous, or near unanimous, vote in the Senate on that legislation. Why? Because it was compatible with the crime legislation that, in a very real and bipartisan way, this Senate is now trying to pass and that I believe, and I think most of my colleagues believe, the country desperately wants and needs.

Does an assault weapon ban per se fit into the context of that legislation? For a few moments this evening, if we could do a bit of a reality check, I think what I am about to say will suggest that it probably does not fit. Politically, it is extremely popular.

What we have heard tonight on the floor of the Senate is the kind of political rhetoric that will make exciting headlines in tomorrow's newspapers and it will probably bring about a couple of excellent editorials on behalf of Senators who stand and talk about their brave and bold approach to changing the face of gun-owning America and removing from the streets of America all these dangerous weapons. We have heard the language tonight that these are weapons of choice by drug dealers, kingpins, criminals. Let us do some reality checks this evening for a few moments to see if all of those arguments really fit in the context of this important debate.

Mr. DOLE. Madam President, I indicated earlier I would about 9:30 or 9:35 move to table the amendment. I will be happy to wait until the Senator finishes his statement.

Mr. CRAIG. All right.

For a few moments this evening let us do some reality checking. The Senator from California, in her arguments tonight I must say, was somewhat typical of those who study the issue for the first time and then, in a very sincere and honest way—and I do not question that in any sense of the word—begin to make statements that I think are important for the record, that we establish the true context.

Earlier this evening Senator FEINSTEIN said that street sweeper shotguns can be purchased through the mail without any restriction at all.

That is simply not true. The Gun Control Act of 1968 banned all mail order sales of all firearms. If it is purchased through the mail today, it is an illegal act. And that is a fact.

The law also prohibited residents of one State from going into another State to obtain a firearm. Further, it is a $5,000 fine and 5-year Federal felony for any person to transfer any firearm to anyone in one State from another State. And that is a fact of law.

The killer in those legal offices in San Francisco was able to obtain guns in Nevada only because he had identification showing him a resident of Nevada. There is a perfect case in point where that person by his act was already in violation of the law. But somehow the law did not stop it.

If we are going to pass a law, it ought to work. It ought to not be political window dressing that sounds awfully good, that might create a false illusion of security, but will not address the problem of increased violence in America.

The only Supreme Court decision on the second amendment in this century, at which only one side was argued, indicated that it was particularly military-style firearms which are protected by the second amendment.

The most protected guns are the very ones which the Senator is trying to ban. Why? Because the Constitution does not speak to sporting purposes, does not speak to hunting, but in its context, speaks to self-defense and the defense of a nation. And it is not by accident that you might use a military gun for that purpose, or one of a military viewing.

The advocates of this legislation, I think, are inaccurate in distinguishing some of the arguments. Let me give another fact that is very frustrating to me in the whole of this debate.

The Senator from Tennessee just left the floor. He was talking about his plans to go hunting this weekend with shotguns, legal weapons. They are weapons to hunt with. But the Senator from California wants to ban those kinds of weapons that were used by James Huberty, in San Ysidro, CA.

Remember, he is the fellow who went into the McDonald's restaurant and killed 19 people. What did he go in there with?

He went in there with an Uzi—and she wants to ban those; a 9 mm carbine, conventional 9 mm pistol, and a 12-gauge model 12 shotgun. Where did the bulk of the killing come from? Eleven people were killed in the first minute and a half with the shotgun. Huberty used the shotgun first. He killed most of the people with the shotgun, that the Senator from Tennessee is going hunting with this weekend.

That is the reality check for tonight. She is banning the gun that was used second and third. Reality check says any gun, if the intent of those who hold it is to wreak havoc upon society, it can become an assault weapon. That is the whole of the text.

I could go on and often with these kinds of issues.

So the Senator from California needs to become a little more familiar with firearms and their deadly characteristics. I say that——

Mrs. FEINSTEIN. Will the Senator yield for a point of personal privilege for a moment, please?

Mr. CRAIG. Yes, certainly.

Mrs. FEINSTEIN. I am quite familiar with firearms. I became mayor as a product of assassination.

Mr. CRAIG. I am aware of that.

Mrs. FEINSTEIN. They found my assassinated colleague and you could put a finger through the bullet hole. I proposed gun control legislation in San Francisco. I went through a recall on the basis of it. I was trained in the shooting of a firearm when I had terrorist attacks with a bomb at my house when my husband was dying, when I had windows shot out. Senator, I know something about what firearms can do.

Mr. CRAIG. Senator, I am not accusing you of not knowing. What I am accusing you of is not framing the issue to understand the debate because what you just referenced in your tragic experiences, to my understanding, dealt with no assault weapons. That is reality. Your experience is a sad one. I hope I never have to go through that.

But it is legitimate to say in this debate that when you begin to ban assault weapons, you are not addressing the problem. The problem is not bound up in taking away guns. The problem is bound up in returning criminals to the streets and allowing them to repeat and repeat and repeat again.

Our colleague from Utah tonight made it very clear. This is an excellent crime bill. What did we do yesterday? Three strikes and you're out. That would have provided protection in the streets of San Francisco a great deal more than taking guns from law-abiding citizens. That is the issue at hand here.

There is no accusation, but it is darned important that we do a reality check, and a reality check says you get the criminals off the streets, you deal with it in a way that is important to not provide false security but to allow the American citizen to know that we are responding responsibly to a crime wave that is sweeping America, and that we deal with the criminal and not with the political pizazz of the weapon.

Madam President, it might be helpful to have reality check on some of the statements made tonight.

The Senator from California is somewhat typical of those who want additional gun laws in that she does not understand current law.

Earlier this evening, Senator FIENSTEIN said that the Street Sweeper shotgun "can be purchased through the mail—without any restrictions at all."

That is simply not true. The Gun Control Act of 1968 banned all mail order sales of all firearms.

That law also prohibited residents of one State from going into another State to obtain a firearm.

Further, it is a $5,000 fine and 5-year Federal felony for any person to transfer any firearm to anyone in another State or from another State.

The killer at those legal offices in San Francisco was able to obtain his guns in Nevada only because he had identification showing him as a resident of Nevada.

I am afraid that the Senator from California also does not have much familiarity with firearms. She said the guns on her list were selected on the basis of "deadly physical characteristics."

One of those "deadly physical characteristics" that she mentioned are bayonet lugs.

With all due respect, I have yet to hear of a single case of drug dealers making a bayonet charge.

The statement has also been made several times that these firearms are not used by marksmen. On the contrary, one of them, the Colt AR–15, is a standard rifle at the National Rifle Matches in Camp Perry, OH, and at hundreds of lesser competitions throughout the United States.

It has also been said tonight that this legislation does not affect second amendment rights, because these guns are not used for hunting. Again, that demonstrates a lack of understanding about the second amendment—which has nothing to do with hunting.

The second amendment was written to protect the rights of citizens to defend themselves and their communities.

The only Supreme Court decision on the second amendment in this century—at which only one side argued—indicated that it was particularly militia-style firearms which are protected by the second amendment. Those most-protected guns are the very ones that would be banned by this amendment.

Rather than get into a debate as to the meaning of the second amendment on this floor, I would refer my colleagues to an article in the December 1989 Yale Law Journal, written by constitutional scholar Sanford Levinson. It was entitled "The Embarrassing Second Amendment"—and he pointed out that the amendment is indeed an embarrassment to those who, like himself, would like to ban firearms.

The advocates of this legislation are carefully—though inaccurately—distinguishing between these guns and what they call conventional hunting guns. For instance the gentlelady from California referred to James Huberty, who killed 19 people at the MacDonald's in San Ysidro with, she said, "an Uzi."

In fact, Huberty was carrying three guns. A 9mm Uzi carbine, a conventional 9mm pistol and a 12-gauge model 12 shotgun. Eleven people were killed in the first 1½ minutes with that shotgun, before he switched to the other two guns. It is not known how many were killed with the Uzi or the conventional pistol, for both those guns use the identical 9mm cartridge.

The point is: It was Huberty who killed those people. The type of gun had nothing to do with it—except that the 12-gauge shotgun is far more lethal than the 9mm pistol.

That is not the conventional wisdom among this body, but that is a fact—and will be attested to by any firearms expert.

The statement by my friend from Arizona, that the "TEC–9 will shoot 1,000 bullets per minute, if modified" is in error. Firearms experts tell me that they know of no method of converting the TEC–9 to full automatic fire. If one were somehow converted, it would be a violation of the existing 1934 and 1986 Federal laws.

And finally, no magazine-fed machinegun is capable of shooting a thousand rounds in 1 minute.

But that's mere quibble. I stoop to quibbling only because it corrects the record and I do believe this record should be accurate.

It is not correct, as my friend of New Jersey stated, that the guns on this list are "17 times more likely to be used in a crime than conventional guns." There is simply no reliable source for such a statement; my friend or his staff has been misled.

That statement is an interpolation of data from a study of BATF traces by the Atlanta Constitution. The data are incomplete because only 10 percent of guns coming to the attention of police are traced.

The fact is, all the available data show that very few crimes are committed with the guns that would be banned tonight.

I know that police often claim that these guns are "the choice of drug dealers" and similar flights of rhetoric. A couple of years ago a Baltimore police official made such a statement to a Maryland legislative body considering—and rejecting—legislation similar to that which we are debating.

One of the members of that committee, after hearing the assertion challenged by the Maryland State Rifle and Pistol Association spokesman, went to the Baltimore Police Department that very night and asked to see all those guns. There were only two—taken in a traffic stop, and not used in any known violent crime.

What has been ignored in tonight's debate is that these guns, though most are not used in hunting, are regularly used for self-defense—as many shopkeepers in the Los Angeles riots will testify.

A member of the committee, the late Congressman Larkin Smith, of Mississippi, a former sheriff who had had a long record of fighting drug gangs, said "I would."

No, the streetsweeper shotgun is not used for hunting or skeet shooting. But as Congressman Smith knew, it was a tremendously effective home defense gun. That factor of self-defense is being totally ignored in this debate.

Madam President, I ask unanimous consent that an article by George Will entitled "Are We 'a Nation of Cowards'?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE WE "A NATION OF COWARDS"?

(By George F. Will)

Jeffrey Snyder's timing is either perfect or perfectly awful. Just as there seems to be a coalescing consensus that the keys to controlling violent crime are more police and fewer guns, along comes Snyder to trouble the conscience of anyone who thinks so. In his essay "A Nation of Cowards" in The Public Interest quarterly, he argues, with a potent blend of philosophy and fact as follows:

"Crime is rampant because the law-abiding, each of us, condone it, excuse it, permit it, submit to it. We permit and encourage it because we do not fight back immediately, then and there, where it happens . . . The defect is there, in our character. We are a nation of cowards and shirkers."

Strong words, those, but not stronger than his argument the gravamen of which is that the crime problem cannot be addressed without confronting the moral responsibility of the intended victim. Taking responsibility for one's life, family and community requires fighting back when threatened with violence. How? By possessing and mastering the means of resistance. He means an "equalizer"—a handgun. A responsible citizen, he says, "will be trained in the use of his weapon, and will defend himself when faced with lethal violence."

Before examining his argument for an armed citizenry, consider the freshest evidence of the nation's quickened concern about crime.

On Election Day voters in liberal Washington state gave emphatic (76 percent) approval to the "three strikes and you're out" initiative which mandates life imprisonment without parole for people convicted of three major felonies. California, although taxaphobic, nevertheless voted to make permanent an existing tax to provide $1.5 billion for public safety—more police and firemen. (Arson has made fire a facet of California anxiety about crime.) Fiscally conservative Texas endorsed a $1 billion bond issue to build more prisons and mental health facilities.

The day after the elections the House of Representatives, with a familiar mixture of posturing and false advertising, passed yet another crime bill, this one purporting to subsidize the hiring of 50,000 police officers. It probably would fund fewer. The Senate promptly pumped up the money. For 40 years Congress has passed a crime bill in every two-year session, except the last one. The criminal class has not been impressed.

The day after the elections the president held a ceremony to push the bill that would require a five-day waiting period for the purchase of a gun. The attention given to this "Brady bill" seems disproportionate, given that 93 percent of the guns obtained by violent criminals are not obtained through lawful transactions that are the focus of most gun control legislation.

More interesting, the day after the elections Sen. Pat Moynihan proposed whopping tax increases on various kinds of handgun ammunition. He even favors a 10,000 percent tax on the Winchester 9-mm hollow-tipped Black Talon cartridge. ("Penetrates soft tissue like a throwing star—very nasty," boasts an advertisement.) That tax would make 20 cartridges cost about $1,500. In large portions of Moynihan's New York City people are slain by stray—that's right, stray—bullets. Moynihan says: Guns do not kill people, bullets do. We have a 200-year supply of guns and a four-year supply of ammunition, so concentrate on the latter.

Snyder, an attorney in Washington, where the mayor begs for military help against crime, demurs, comprehensively. America, he says, is wrongly called an "armed society." He thinks we would be better off if it were. Most of the guns owned by law-abiding citizens are kept at home, but 87 percent of violent crimes occur outside the home. The constantly armed portion of the community consists primarily of the police and violent criminals. Multiplying the former cannot make us safe from the latter.

Self-respect: It is, says Snyder, foolish and craven to expect police to perform as personal bodyguards. The existence of police does not relieve individuals of all responsibility for self-protection. That judgment has both prudential and moral dimensions. Gun owners like to say, "Call for a cop, call for an ambulance and call for a pizza. See which come first." The Department of Justice reports that in 1991, for all crimes of violence, only 28 percent of calls to the police were responded to within five minutes. And it is now more likely that an American will be injured by violent crime than that he will be injured in an auto accident.

Feminists, says Snyder, rightly insist that rape is not about sex but about domination. What is at issue in crime is not just property but dignity. Crime, he says, always violates the victim's dignity, which can hardly be said to exist if the victim does not deem it worth fighting for. Crime is "an act of enslavement" and a personal readiness to resist it should be regarded as a prerequisite of self-respect, properly understood. He notes that "self-respect," which implies standards by which one judges oneself, has been supplanted in public discourse by the locution "self-esteem," which simply means having warm feelings about oneself. Repeating the shibboleths of the gun control movement makes many people feel good about themselves. Snyder's argument should disturb their peace.

Much gun control advocacy is directed against normal citizens, who are depicted as at best benighted and at worst barbaric. Gun owners are routinely characterized as uneducated, intolerant, possibly paranoid rednecks—people urgently in need of re-education and "consciousness-raising" from the liberal agenda. In Mario Cuomo's depiction, gun owners are "hunters who drink beer, don't vote and lie to their wives about where they were all weekend." (Cuomo quickly recanted this. Gun owners do vote.) Actually, the gun-owning population is pretty much like the general population because approximately one of every two households has a gun.

Now, Snyder is right that the gun control movement often radiates distrust of average citizens, whose supposed mental and moral deficiencies are such that "only lack of immediate access to guns prevents the blood from flowing in the streets." Nevertheless, it is reasonable to wonder whether a nation whose citizens cannotprogram their VCRs and who increasingly will not respect stoplights (surely you have noticed the increasing lawlessness of drivers) is a nation whose citizens are insufficiently dexterous and too aggressive to be safely armed.

Snyder says the idea that only the police are qualified to use firearms is akin to saying that "only concert pianists may play the piano and only professional athletes may play sports." The flaw in Snyder's analogy is that if you play the piano unskillfully, you neither kill nor wound anyone. However, Snyder has evidence more powerful than his analogy.

In 13 states citizens who wish to carry arms may do so, having met certain requirements. Consider Florida, which in 1987 enacted a concealed-carry law guaranteeing a gun permit to any resident who is at least 21, has no record of crime, mental illness or drug or alcohol abuse, and who has completed a firearms safety course. Florida's homicide rate fell following the enactment of this law, as did the rate in Oregon after the enactment of a similar law. Through June 1993, there had been 160,823 permits issued in Florida. Only 530, or 0.33 percent, of the applicants have been denied permits. This indicates that the law is serving the law abiding. Only 16 permits, less than 1/1000th of 1 percent, have been rescinded because of the commission, after issuance, of a crime involving a firearm.

Ninety percent of violent crimes are committed by persons not carrying handguns. This is one reason why the mere brandishing of a gun by a potential victim of violence often is a sufficient response to a would-be attacker. In most cases where a gun is used in self-defense, it is not fired. Can the average citizen be trusted to judge accurately when he or she is in jeopardy? Snyder answers that "rape, robbery and attempted murder are not typically actions rife with ambiguity or subtlety." Furthermore:

"Florida State University criminologist Gary Kleck, using surveys and other data, has determined that armed citizens defend their lives or property with firearms against criminals approximately 1 million times a year. In 98 percent of these instances, the citizen merely brandishes the weapon or fires a warning shot. Only in 2 percent of the cases do citizens actually shoot their assailants. In defending themselves with their firearms, armed citizens kill 2,000 to 3,000 criminals each year, three times the number killed by the police. A nationwide study by Don Kates, the constitutional lawyer and criminologist, found that only 2 percent of civilian shootings involved an innocent person mistakenly identified as a criminal. The 'error rate' for the police, however, was 11 percent, more than five times as high."

Concerning what we may call "the running of red lights syndrome" in contemporary America, I put the point to Snyder and he fired back a fax:

"Regarding your observation about our society's general level of aggressiveness and disregard for rules, you may wish to consider Robert Heinlein's famous dictum that 'An armed society is a polite society.' Knowing that one's fellow citizens are armed, greater care is naturally taken not to give offense. The proposition is, of course, difficult to prove, but you can find some support for it in English literature. Observe the polite formality with which strangers address each other in inns in, for example, Fielding's 'Tom Jones' or (with comedic exaggeration) in Dicken's 'Pickwick Papers.' While no doubt attributable in part to England's class structure and the education received by the aristocracy, I would hesitate to say that it had nothing to do with the fact that gentlemen generally were armed."

Or as is famously said in American literature, by the hero of Owen Wister's "The Virginian," "When you call me that, smile!" Such was politeness in the armed society of 19th-century Wyoming.

Finally, there is the matter of the Second Amendment. This Republic's Founders constitutionalized, which means they made fundamental, the right to possess firearms, and they did not do so unreflectively. They placed that right second in the Bill of Rights, yielding precedence only to rights pertaining to speech, worship and association, and they did that for philosophically serious reasons. The philosophy of classical republicanism recognizes a crucial relationship between personal liberty and possession of arms by a people prepared to use them. Snyder believes that the Second Amendment is as much a product of this philosophy as of the Revolutionary War experience or the exigencies of frontier life: "To own firearms is to affirm that freedom is not a gift from government * * * As the Founding Fathers knew well, a government that does not trust its honest, law-abiding, taxpaying citizens with the means of self-defense is not itself worthy of trust."

Yes, and yet * * * no society can be called successful where violence is so prevalent and random that lawful citizens must go about prepared to dispense violence in self-defense. No one wants to live, raise children and grow old in such a society. But government is constituted to provide, first and foremost, domestic tranquility sufficient to make unnecessary the sort of personal measures that Snyder recommends. If such measures are becoming necessary, do not blame Snyder.

Snyder writes that "the association of personal disarmament with civilized behavior is one of the great unexamined beliefs of our time." Not anymore it isn't. His searching examination of it may not compel your assent—I remain unpersuaded—but it must shake some soothing assumptions regarding crime and civic responsibilities. I am among those whom Snyder faults, civilly but firmly, for insufficient rigor in reasoning about these matters. I find being reproved by him a bracing experience because it enlarges my understanding while subtracting from my certainties. I salute him and thank him.

Mr. CRAIG. Madam President, I yield back the remainder of my time for the purpose of the Republican leader moving to table.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I think we just had a little exchange that indicates why we should not be debating all these gun amendments on what started to be a pretty good crime bill. The very reason I will now move to table the underlying amendment, amendment No. 1151, in my view, is we have done some pretty good work in the past few days. Much of it has been bipartisan.

Now we are getting into an area where we have strong differences of opinion, some on each side of the aisle. I understand there are 20 or 25 gun amendments that may be offered since now we have sort of thrown down the gauntlet. Some of us would like to pass a tough crime bill. Some of us would like to finish work on it by tomorrow evening. We know that is impossible to even think about until we come back if we are going to continue to go through 20, 25 gun amendments.

So for all those reasons, I move to table and I ask for the yeas and nays. But before the vote, I ask that the Senator from Illinois have 2 minutes to summarize her statement. But I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Madam President, I make this motion on behalf of myself and the distinguished manager, Senator HATCH. I ask unanimous consent that the vote not start until the Senator from Illinois has 2 minutes to make a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Madam President, first, I want to make crystal clear the issue before the Senate—a very simple choice, we can vote to keep these deadly, military-style assault weapons on the streets, where we know they have one purpose, and one purpose only: Killing other human beings. Or, we can vote to take these deadly military-style assault weapons off our streets. The choice is that simple.

The choice is that stark—stand with the NRA or stand with the overwhelming majority of the American people. Stand with the NRA or stand with the Nation's law enforcement officers.

The military-style assault weapons are not designed for hunting—for weapons like the Street Sweeper are meant to spray bullets from the hip; and they would leave any deer carcass mangled beyond recognition.

It has been more than 3 years since the Senate first passed Senator DECONCINI's legislation banning the manufacture and importation of 14 military-style assault weapons—on May 28, 1990, the Senate voted twice to defeat amendments to strip this legislation from the 1990 crime bill.

Later, the Senate acted again to support the ban on military-style assault weapons by passing the 1991 crime bill, including the DeConcini language, through the full Senate, 71–26.

The need for this action is as clear today, as it was when the Senate took action more than 2 years ago—for killer, military-style assault weapons have become the weapons of choice for drug dealers, violent juvenile gangs, and other dangerous criminals.

According to one study, an assault weapon is 20 times more likely to be used in a crime than a conventional firearm.

These military-style assault weapons have no legitimate hunting or sporting value. That is why President Bush banned the importation of 43 types of assault weapons in early 1989.

That is also why President Clinton added—in August—military-style assault pistols to the import ban.

In fact, 8 of the 18 firearms banned by the Feinstien-DeConcini-Metzenbaum bill are on the President Bush list of 43.

If these guns are so dangerous that an import ban is necessary, why not ban domestic-made assault weapons?

Recent events illustrate again—and with chilling vividness—the tragedy that results from the wide and easy availability of guns with firepower that overwhelms our police; or weapons that have no place in hunting or sport, whose only function is to kill human beings at a ferocious pace.

Earlier this year, on July 1, Mr. Gain Luigi Ferri fired more than 75 rounds from two intratec TEC-D.C.-9 assault weapons in a San Francisco office tower—minutes after the shooting started, six innocent victims were dead, two more would die in San Francisco General Hospital, and six more were left wounded.

But, whatever year, whatever month you choose, examples of this kind of senseless, horrifying human carnage exists.

I would like to acknowledge the hard work of Senators DECONCINI, METZENBAUM, and FEINSTEIN in crafting this comprehensive bill to get these deadly weapons off our streets and out of the hands of criminals.

Over the past 4½ years, the Judiciary Committee has heard days of testimony, and reviewed reams of documentation. And, the record is clear—

According to all of the nation's leading law enforcement officials, military-style assault weapons are the "guns of choice" for the drug kingpins and violent street gangs;

In case after case of murderous rampages by disturbed and violent thugs, the ability of military-style assault weapons to kill and maim not just a few, but 8 or 10 or 14 or 35 in just minutes has been proven;

At a Judiciary Committee hearing convened in February 1989, we heard testimony from Ms. Lori Mackey, an elementary school teacher in Stockton, CA—and a firsthand witness to the killing of 5 children and wounding of 29 other children by Patrick Purdy; a killer able to bring such carnage in the space of just 5 minutes because he was armed with a semiautomatic AK-47.

Just a few months ago, in August, the Judiciary Committee heard testimony from two more Americans—both had lost loved ones in assault weapon attacks, and both will never be the same.

Four years passed between this testimony, and 4 years of obstruction by the NRA, kept our Nation at the mercy of these military-style assault weapons.

In addition, the committee has heard testimony from the Nation's leading hospital emergency room surgeons. They have pointed out—time after time—that these weapons of death leave bodies so shattered that even our best medical experts cannot save them.

The Nation's law enforcement officers are also united in their cry to get these deadly, military-style assault weapons off our streets. For these guns pose a particular danger to police officers. A senior official with the National Fraternal Order of Police [FOP]:

> We know of numerous instances where police officers have been shot and in some cases killed by these assault weapons. * * *

The National Fraternal Order of Police voted overwhelmingly to endorse a ban on assault weapons in August at their annual meeting in Kentucky.

The assault weapons provisions would ban the domestic manufacture, sale and importation of 18 types of military-style assault weapons—guns that were identified by law enforcement experts as most likely to be used in crime and that have little or no hunting or sporting value.

To avoid the so-called copycat problem—where manufacturers simply rename guns to avoid State assault weapons legislation—the amendment makes clear that replicas and duplicates of the listed firearms are covered as well.

In addition, to make clear that this ban applies only to military-style assault weapons, this ban would apply only to semiautomatic rifles and pistols that can accept detachable magazines that have at least two of the following characteristics: A grenade launcher; a flash suppressor; a bayonet mount; a folding stock; or a pistol grip.

Let me emphasize, even if a semiautomatic rifle or pistol that can accept clips of bullets has only one of these five characteristics—the weapon is not affected by this amendment.

But, if it has two or more—how can anyone argue with a straight face that this is a hunting rifle? How can anyone argue that these weapons belong on our streets?

In addition, this amendment expressly exempts more than 650 manual and semiautomatic guns from the ban—listing each of these weapons by name, and making it clear that they will not be subject to any of the restraints of this amendment.

And, this amendment includes a measure very similar to that of President Bush's 1991 crime bill (introduced by Senators, THURMOND, DOLE, SIMPSON, HATCH, D'AMATO, STEVENS, LUGAR, HELMS, DOMENICI, COATS, WARNER, NICKLES, MACK, LOTT, WALLOP, MCCAIN, MCCONNELL, GORTON, SMITH, BROWN, and CRAIG). That is, the Bush bill banned ammunition clips that hold 15 or more rounds. This amendment bans clips that hold 10 or more rounds.

Finally, this bill doubles the penalty for committing a crime with a military-style assault weapon—from 5 to 10 years.

It is important to know what the bill does not do:

It does not take guns away from legitimate owners; the ban applies only to future sales.

It does not require assault weapons owners to register their guns; it merely requires them to complete the same form that every other gun buyer must complete.

It does not give the Treasury Secretary authority to arbitrarily add guns to the list of banned weapons; only those weapons that fail the very specific test outlined in this legislation may be banned.

An assault weapons ban can work. Since the 1986 ban on the domestic manufacture of machine guns was passed, seizures of machine guns by Federal, State, and local law enforcement officials dropped dramatically in

1987, 1988, and 1989; the latest figures—from 1992 indicate that machine gun seizures have remained at less than one-half the pre-ban level.

Four years ago, it was clear to me that the Congress needed to take immediate action to get these deadly military-style assault weapons off our streets. And today, 4 years later, the case is clearer still—these weapons of death have taken the lives of too many Americans.

Now, it is time for all of us to choose—we can stand with the 500,000 law enforcement officers who have begged us to help protect them and vote to control these weapons of death, or we can stand with the NRA. It is just that simple.

Mr. HATCH. Mr. President, I rise in strong opposition to the amendment offered by my colleague. At the outset, I want to express my compassion for the millions of honest law abiding citizens victimized by crime in this Nation. In Utah, violent crime increased at a rate higher than the national average. We are here today debating how best to protect the safety of law-abiding citizens. They are why it is imperative that Congress pass a crime bill which will truly take steps to make our streets and neighborhoods safer.

The time for grand-standing and for feel-good measures which have no effect on controlling crime has long passed. The test by which our efforts here will be judged is whether law-abiding citizens will be safer in their homes and communities. Any provision which does not meet this goal has no place in this anti-crime legislation.

I admire and respect my colleague from California. But I must oppose her amendment, because like the proposals it attempts to bridge, it will do nothing to stem the tide of criminal violence in this country, and will do much damage to the rights of law-abiding citizens. In fact, in several key aspects, my colleague's amendment is the same as Senator METZENBAUM's bill, which is strongly opposed by many in the Congress.

The amendment offered by my colleague would prohibit the transfer or possession of semiautomatic assault weapons. However, it has not been adequately explained just what an assault weapon is. In the wrong hands, any weapon is an assault weapon. According to the FBI, in 1991 nearly 5 times as many individuals were murdered at the hands of criminals weilding knives, 3,405, than were murdered with rifles, 741. In fact, more people were murdered by criminals using blunt objects, such as hammers, 1,082. More people were murdered by criminals using their hands, fists, or feet, 1,189. Of the over 1.9 million violent crimes committed in 1992, less than 10,000 involved so-called assault weapons. (Florida State Study using 1992 FBI Uniform Crime Reports.) Yet, instead of centering its attention on how Government can better apprehend and severely punish these heinous criminals, the Senate is considering an amendment which will, for the first time, ban the legal ownership of semiautomatic rifles. Yet, does anyone seriously doubt that criminals who wish to use such weapons will be able to do so? Instead of assaulting the criminal forces of society, this amendment assaults the rights of honest, law-abiding citizens.

Senator FEINSTEIN's legislation makes it unlawful to transfer or possess at least 20 firearms singled out by make and model. The fact is that the firearms this amendment targets are functionally the same as any other semiautomatic firearm. The only true distinction is their appearance. The characteristics which would define an assault weapon in my colleague's amendment are largely cosmetic characteristics which have no bearing on the weapons' function.

These characteristics include a folding or telescoping stock, a pistol grip that protrudes conspicuously beneath the action of the weapon, a bayonet mount, and a flash suppressor. In the case of pistols, it also includes a barrel shroud. None of these characteristics has any demonstrable effect on the function of the weapon, or on its alleged popularity as a weapon for criminal activity. Moreover, none of these characteristics make the weapon any more lethal.

Mr. President, we already strictly limit the sale and possession of automatic firearms—firearms which shoot automatically more than one shot by a single pull of the trigger. A semiautomatic firearm, in contrast, fires only one shot for each pull of the trigger. Regardless of its appearance or any label of assault weapon placed on it, every semiautomatic fires one bullet for each pull of the trigger. Nor are these weapons more powerful than all others. Some sporting rifles—Remington semiautomatic 30.06—are more powerful than some so-called assault weapons.

The firearms this amendment would ban are not the weapon of choice of criminals. They rank behind handguns, shotguns, blunt objects, and knives. The vast majority of the semiautomatic firearms already owned around the country are used for legitimate lawful activities such as self-defense in the home, target shooting and competition, and collecting. Some are even used occasionally for hunting. In fact, millions of Americans own and use semiautomatic rifles and shotguns, and have for decades.

Banning these weapons will have no appreciable effect on the level of violent crime. There is simply no correlation between gun control laws and a reduction of crime. Police agree. The only scientific gun control survey ever conducted of law enforcement this past June found that 65 percent of police felt that stricter gun control laws would be the least effective method of reducing violent crime. Only 1.1 percent cited guns and firearms as the most pressing cause of violent crime. [Southern States Police Benevolent Association, June 1993.] Despite the claims by this measure's proponents that law enforcement supports this measure, when the Judiciary Committee held hearings on this legislation in August, we learned that none of the law enforcement organizations which claim support for this bill has ever bothered to poll its members on this issue. To my knowledge, the June study I cited, which demonstrates little support for gun control among law enforcement is the only scientific survey on the subject.

Mr. President, what banning assault weapons will do, however, is do violence to the Constitution. Some will argue that the second amendment only grants to states a right to maintain a militia and confers on Congress the right to bar the ownership of guns which are not used for hunting purposes. I would simply note that the second amendment says nothing about limiting the use or ownership of firearms to hunting. Indeed, the history of the amendment clearly shows that the Drafters intended the second amendment as a personal liberty, and that it was seen as one of the cornerstones of our ability to resist tyranny.

Most of my colleagues justifiably take great pride in their zealous defense of individual liberties. Recently, we passed the Religious Freedom Restoration Act, insuring that the free exercise of religion would continue to be protected in this country. Some of my colleagues are equally proud of their steadfast defense of the constitutional rights of accused, and convicted, criminals. I respect and admire their positions. Yet, when the second amendment rights of law-abiding citizens are at issue, their fervor for the rights of individuals wanes.

Mr. President, the Bill of Rights is not a menu of rights from which we can pick and choose those worthy of continued protection. Laws which diminish one of our rights diminish them all. Disregard for one of these rights is a dismissal of them all. The fact is that gun control strikes at the heart of our constitutionally protected right to keep and bear arms.

The proponents of this amendment claim that it will make our streets safe. This is not so. Banning the lawful ownership of semiautomatic weapons by law-abiding citizens will not keep weapons out of the hands of criminals. Nor will it prevent criminals from committing violent crimes. Benjamin Franklin said that "those who would give up essential liberty to purchase temporary safety deserve neither liberty nor safety."

In this case they would indeed get what they deserve. Our liberties would be greatly diminished, and both our liberty and our lives would be more endangered than before. I firmly believe our focus should be on crime control, not gun control. Let us create a credible criminal justice system, in which the criminals are behind bars. That is the only gun control that will make our neighborhoods safe.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Madam President, my thanks to the Senator from Kansas for his graciousness.

Every major law enforcement organization in America supports this amendment and so do the American people. The public, which overwhelmingly supports a ban on assault weapons, understands that we are talking about banning instruments of mass destruction and we are talking about being proactive, instead of reactive, in our approach to crime. That is the reality check, whether or not we are going to get these weapons of destruction off the street before hundreds of people, thousands of people are killed or wait until the deaths have occurred, then talk about locking up the criminals.

These are guns that are designed exclusively to spray large groups of people with gunfire in a short period of time, guns that are designed not to fire precisely but to fire quickly. In other words, we are talking about guns that have no other purpose but to kill as many human beings as quickly as possible.

The testimony over the last couple days shows us very clearly that gun violence is tearing apart this society and assault weapons are one of the chief culprits. Semiautomatic weapons are disproportionately involved in crime. In fact, recent statistics show the semiautomatic weapon is 17 times more likely to be involved in a crime than a conventional firearm. And who in the society prefers these weapons, Madam President? The criminals who prey on us all.

In a survey of State prisoners conducted by the Bureau of Justice Statistics, of all the inmates who admitted to owning a gun, more than 21 percent stated they had owned an assault weapon. In contrast, less than 1 percent of law-abiding gun owners possess these kinds of guns. It is time to stop the madness.

It may surprise some to know that in my youth in Illinois, I hunted small game and birds with my father and with my family. I would never favor gun control measures which would take guns away from hunters. I feel very strongly about protecting the second amendment. One thing I do know, Madam President, and that is you do not need an assault weapon or 70-shot magazine to hunt small game or even big game for that matter.

That is why Senator FEINSTEIN's amendment takes the right approach. It uses both a list of existing weapons and a set of functional characteristics to ban both those assault weapons which are on the street today and those which manufacturers may try to slip past us tomorrow.

And equally as important, to protect legitimate hunters and sports men and women, this amendment lists more than 600 rifles and sporting weapons that are explicitly exempted from the ban and also provides a set of functional characteristics to protect their successors.

It should always be legal in the United States to hunt game or enjoy target practice. But people are not targets, and we cannot continue to allow violent criminals to legally acquire the weapons to hunt people. It is time that we put an end to the slaughter. We talk about the need to disarm the so-called technicals in Somalia to preserve the peace in Mogadishu, yet on the streets of America we let every gangster or drug lord or grievance shooter walk around with weapons more deadly than those used by half of the armies in the world.

It just does not make sense.

All week long, we have been talking about crime. We have been talking about making the streets of this country safe for American citizens. I respectfully suggest, that there is no clearer test of our determination to do precisely that than whether we are willing to enact an assault weapons ban. I urge all of my colleagues to support this measure.

Mr. LEVIN. Mr. President, I rise to explain the amendment underlying the Feinstein amendment relating to the automated fingerprint identification systems which exist at the local, State, and Federal law enforcement levels. This amendment says that the FBI shall report to the Congress regarding the cost, benefit, and desirability of an improved automated fingerprint system which would make it more feasible for fingerprints found at the scene of a crime to be identified and used in the apprehension of suspects.

The automated fingerprint systems store the fingerprints of suspects and convicted felons in an automated file. These systems can be used to compare latent prints lifted at a crime scene against fingerprints of prior offenders already on file, and when comparing prints of a suspect against those of persons wanted, charged, or convicted for offenses committed in other jurisdictions.

The FBI is planning on fully automating its fingerprint identification and criminal history record system including implementation of a Federal-State-local partnership for maintaining and exchanging fingerprint and criminal history records.

The integrated system, known as IAFIS, permits law agencies to run far more fingerprint checks than are feasible with manual processing. Many States and the FBI have made significant progress over the last decade in automating these systems. But the extent of automation and quality of records varies widely, and significant gaps in automation and record quality exists.

IAFIS emphasizes the electronic scanning, transmission, processing, and storage of fingerprints. The full transition from paper to electronic is expected to take years. Most record activity is within the home States because most criminals commit crimes near where they live. About 20 percent of State offenders have multi-State records. States face a major challenge as it is in maintaining high-quality criminal history records on their own. For IAFIS to work, each State would have to upgrade and automate its recordkeeping system and have systems that are compatible with the FBI system.

There are examples of the potentially high success rate of automated latent searches conducted at the State-regional-local level and many States report that old and/or difficult criminal cases have been solved due to latent matches that could not have been conducted manually.

California's system is one example. California has a satewide automated fingerprint identification system which provides automated fingerprint and criminal record services to local, county, and State law enforcement agencies. It searched over 7,000 crime scene fingerprints against the database yielding positive identifications in over 600 cases.

Each State's capabilities differ. The system is a tiered system where searches are first done at the local level—police departments, since most criminals live in the same locality where they commit crimes—and unmatched prints are sent to the State level, and finally to the FBI. The latent data is collected by caseload where there could be from 1–100 latent prints per case.

A fairly good automated fingerprint system could match 15–20 percent of latent print cases at the local level leading to the identification of a suspect in the crime. The State level could match another 5–15 percent of the latent cases sent there. Currently, approximately 15 percent of the latent cases sent to the FBI identify a suspect. For example, in 1992, there were about 13,000 latent cases sent to the FBI. Of that, about 2,000 of the cases identified suspects. That's a 15-percent success rate. In those 2,000 cases, a total of 2,427 suspects were identified because in some cases there are multiple suspects. And currently, most of the identification at the FBI level are not done through a modern automated system because the FBI does not currently have a very good automated system. That is why this system needs to be improved.

If a totally automated system were developed where the FBI can access every State system, with the most advanced equipment, we'll see an appreciable percentage of increased matches leading to the identification of additional suspects. The increase could range as high as 30 percent more matches made, depending on how good the system is to start with on the local and State levels.

Using the 1991, 50 State latent caseloads as the base, I'll give you an example of what this might mean in raw numbers. In 1991, in the 50 State latent cases, there were 113,085 total cases of which 43,038 cases were submitted to States' automated systems and of that, 6,400 suspects were identified through those systems. That's a 15-percent match rate at the State level in 1991. An improvement of 30 percent over that base would mean roughly 13,000 more suspects would be identified.

The fight on crime has many battlegrounds. We need to consider whatever advanced technologies in fighting that battle. Improving the automated fingerprint system is one tool that we must explore. This amendment will help us do that.

The PRESIDING OFFICER. The question is on the motion to table amendment No. 1151 by the Senator from Michigan.

Mr. BIDEN. Madam President, those in favor of the Feinstein amendment would vote no; is that correct?

The PRESIDING OFFICER. The Chair is not in a position to interpret the meaning of that particular amendment.

Mr. DOLE. Everybody ought to vote aye and then we can go on with the bill.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1151. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 365 Leg.]

YEAS—49

Bennett
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Jeffords
Johnston
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—51

Akaka
Baucus
Biden
Boren
Boxer
Bradley
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Inouye
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Simon
Wellstone
Wofford

So the motion to lay on the table the amendment (No. 1151) was rejected.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Madam President, I think what we should do now is just pass this bill. We have heard speeches from everybody—Democrats, Republicans, and folks who are not categorized—saying how important and significant this bill is. The fact of the matter is, the assault weapons provision is now attached to the bill. I am asking to pass the amendment, to be more precise. Let us pass the amendment and get on with the business of the Senate.

Look, anybody who voted on this amendment tonight, the likelihood of those who voted for the amendment of the Senator from California—by voting "no", they voted for the Senator from California—are very unlikely in the near term to change their vote without running the risk of changing their address and location, in terms of whether or not they continue to serve in the United States Senate. So the likelihood of those who voted like I did, for the Senator from California, changing their vote is about zero.

Consequently, we know there are 51 votes for this measure, as there were 4 years ago when we passed a similar amendment on assault weapons—different but similar—by 51 votes. Now it is a simple proposition. My Republican friends can either acknowledge the inevitable or they can filibuster a bill they have all stood up and said—not all, but many—is the most significant Federal effort to deal with violent crime in the history of the United States of America.

I cannot believe that, in the end, there will actually be a real live filibuster to bring this bill down. I find it incomprehensible that that will occur, although, some incomprehensible things have occurred in the Senate in the 20 years I have been here. I just think why do we not save everybody a lot of difficulty. I support this assault weapons provision. Let us pass it and go over and fight it out in the House. That is the next place they can fight it. Why bring down an entire crime bill because they lost? This is a little bit like "I lost, so I am taking my ball and I am going home."

Now, we can dither around here for a day, 2 days, 3 days, but we all know that there is no way to sustain in the end, 41 people to say we are not going to give the American people relief from crime. This is a $21 billion relief package, with 100,000 police officers, $6 billion for prisons, $1.2 billion for drug courts, and, before this is over, probably $1.1 billion for FBI agents and for help at the Federal level.

Are you all telling me that because you lost by two votes, you are going to deprive the American people of this bill? I do not think that is where we are going to end up. Why waste the time and try to prove to the world the Senate cannot act very well? Why not move forward? I asked my friend from Utah about that, and he said, "Let us just bring the whole bill down." Well, what an unusual position to take—as hard as he has worked to get much of what is in this bill for rural law enforcement, for help to local police, and all his work on violence against women with me and the majority leader and minority leader. That is what is in this bill. All of what everybody has said in every speech I have heard in the last few days, everybody is talking about how critical this is. It is critical.

So I really hope that we will just go ahead and vote on this thing and be done with it and fight it out in the House, fight it out in conference. But are you really going to bring this bill down? Are you really going to bring this crime bill down and do what you did for 2 years? In the last 2 years, everybody said the real reason why the Republicans filibustered the crime bill that in the last 2 years we passed in the conference was because of habeas corpus. Malarkey. It was about guns then; it is about guns now. The whole world sees it.

So why do we not just vote and give the distinguished Senator from California, who has done a masterful job—I do not know many freshmen who have come here and in this short a time put together such a significant vote. Why not lose gracefully? Why do you not lose gracefully and let the woman win?

She has the votes. Let us move on. Let us vote.

I yield the floor.

EXPLAINING VOTE AGAINST THE AMENDMENT CONCERNING PROSECUTION OF JUVENILES INTRODUCED BY SENATOR MOSELEY-BRAUN

Mr. DODD. Madam President, I rise to explain my vote against Senator MOSELEY-BRAUN's amendment which would require the prosecution as adults of juveniles aged 13 or older who are charged with certain Federal offenses. The amendment passed the Senate on November 5.

Clearly, the problem of juvenile crime has reached a crisis level. It seems that every day there is another story in the newspapers about a child committing a violent crime. Frequently, these crimes involve the use of a firearm or other weapon. Between 1987 and 1991, juvenile arrests for weapons violations increased by 62 percent.

In order to combat this crisis, I have been working on several measures that will help make our schools and streets safer for our children. The Safe Schools Act, which I introduced on behalf of the Clinton administration earlier this year, would provide grants so that schools could create a safe and secure environment for students. Additionally, my Police Partnership for Children Act would link police and child and family services agencies in an effort to help children deal with violence. Of course, I also support the provisions in the crime bill that will help local police crack down on gangs.

Although I support efforts to reduce juvenile crime, the Moseley-Braun amendment raised some serious concerns. As was pointed out by Senators BIDEN and SPECTER during the debate, the amendment would severely limit the discretion of prosecutors in cases involving juveniles. Certainly, there are some juveniles who commit horrible crimes, and they should be tried as adults. However, there will also be cases in which a Federal prosecutor will not want to try a juvenile as an adult, because there are circumstances warranting leniency. Under the Moseley-Braun amendment, Federal prosecutors will lose that discretion.

Furthermore, 13 is a very young age. Again, there are juveniles who commit crimes when they are very young. But is 13 really the best place to draw the line? The underlying Biden bill would provide grants to States to prosecute violent 16- and 17-year-olds as adults. We think of juveniles at those ages as being more responsible for their actions. But juveniles at that age are very close to what society generally considers to be adulthood—18. The logic for picking age 13 is not clear. If it is simply because juveniles at that age commit crimes, then the same logic would justify moving the age down to 12, 11, or even 10.

In short, I opposed the Moseley-Braun amendment because it would take away an important tool for prosecutors in cases where circumstances argue against treating a juvenile as an adult; it undermines an important principle underlying the juvenile justice system—that some criminals are too young to give up on; and it draws a line concerning the age at which juveniles should be tried as adults that is based on fear as opposed to rational analysis. I will continue to fight, however, for measures that will help police officers put an end to juvenile violence.

AMENDMENT NO. 1140—THE DOLE AMENDMENT TO THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT

Mr. KERREY. Madam President, I was unavoidably detained in a meeting with the Speaker of the House and unable to vote for the Dole amendment to the Violent Crime Control and Law Enforcement Act today. Had I been present, I would have voted in favor of the amendment.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN addressed the Chair.

Mr. DOLE. I object.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, I have just concluded a meeting with Senator DOLE, Senator BIDEN, and Senator HATCH on how best to proceed with respect to the pending bill.

We had a very good, forthright, and good faith discussion. We considered a number of alternative ways to proceed, and feel it now appropriate that we consult with our respective colleagues to determine their reactions to some of these suggestions that were made during our meeting.

Therefore, I believe the best course of action for all concerned would be to discontinue this session of the Senate to give both sides the opportunity to engage in those consultations. I emphasize the good faith nature of the discussions, and there clearly is no desire on anyone's part to delay at this point, but rather it is appropriate, and indeed necessary, that we consult with our colleagues on both sides, get their reactions, and be in a position to attempt to bring this matter to a conclusion.

Therefore, there will be no further rollcall votes this evening. It is my intention immediately upon the conclusion of my remarks to invite the distinguished Republican leader to make such remarks as he may wish, and following that to conclude this session for today with the intention to resume tomorrow morning, at which time it is my hope that after consultations I will be in a position to make my decision.

Mr. President, I therefore yield to the distinguished Republican leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I think the majority leader has fairly stated our discussion. We had an earlier discussion with the Republicans, and we had discussions, as the majority leader has indicated, with myself, the majority leader, Senator HATCH, and Senator BIDEN, I think, frankly trying to find a way to expedite—not to slow up but to expedite—final passage, and what might be necessary to get there.

It is now my understanding that we will have discussions with Members on our side in the morning, and I assume discussions on that side with Members who may have amendments. I think our problem is setting aside the pending amendment. There are still, I think by actual count, a couple of hundred amendments. How do you complete action?

It seems, just speaking for this side, that there may be some way to accommodate some of the concerns raised so we can see the end.

We think we are going to complete action hopefully by midafternoon tomorrow. As the majority leader made clear, there is no one attempting to delay action, but just trying to determine if there is some way to expedite it.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there be a period for morning business for up to 8 minutes, with Senators permitted to speak therein for up to 5 minutes.

NEW OPPORTUNITIES FOR ENVIRONMENTAL POLICY

Mr. BAUCUS. Mr. President, 2 weeks ago Environmental Protection Agency Administrator Carol Browner delivered a very important and thoughtful speech to the Society of Environmental Journalists. In that speech she highlighted the unique opportunity we now have to make some fundamental and substantive changes to our environmental laws that will carry us into the next century.

Specifically, she called on Congress, industry, environmentalists and the public to help make four fundamental changes to our environmental decision-making.

First, fix the process so we leave behind the gridlock, expensive litigation, redtape, mixed signals and inefficiencies of the past. Second, use commonsense solutions by focusing on pollution prevention. Third, move policy-making closer to the States and communities that are affected by it. And fourth, involve more people in environmental protection.

Mr. President, I couldn't agree more. Like Administrator Browner, I believe we now have a unique opportunity to make these changes—for we are on the verge of a renaissance—a rebirth of environmental policy. At the core of this renaissance, as at the core of the Renaissance in Europe hundreds of years ago, is better understanding. Clearly after 25 years of environmental policy we have a much better understanding of our problems and our ability to solve them. We must now use this accumulated knowledge to tackle today's, and tomorrow's environmental problems, which in the words of Senator Muskie are "more complex, subtle and politically challenging" than in the past.

The four principles outlined in Administrator Browner's speech—fixing the process, preventing pollution, getting the States more involved, and taking every opportunity to involve people in protecting their own environment—speaks to this new direction.

It speaks to using our resources more efficiently, setting clearly defined responsibilities for States, cities, and the EPA, and establishing priorities so we can tackle our most urgent problems first. Most importantly it speaks to reestablishing trust between all levels of government, business, and the public, so that more innovative, cutting edge solutions needed for today's and tomorrow's problems will be used.

Mr. President, I urge my colleagues to take the time to read Administrator Browner's remarks to the Society of Environmental Journalists and I ask unanimous consent to place Administrator Browner's remarks in the RECORD immediately following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY CAROL M. BROWNER, ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY TO THE SOCIETY OF ENVIRONMENTAL JOURNALIST, DURHAM, NC, OCTOBER 23, 1993

I'm glad to have this opportunity to talk with environmental journalists. I want to commend you for helping Americans to see the connections between environmental issues and their own lives. You've taken on the things that are too big to see, like global warming—and you've taken on the things that are too small to see, like microorganisms in our drinking water. When the issues are close and emotional, like the toxic dump in the backyard, you've helped give a larger perspective. When the issues seem far away, like the hole in the ozone layer, you've drawn the connection with air conditioners, with aerosol cans—you've brought the story down to earth, into people's homes. In this way, you've played a vital role in shaping our nation's effort to understand and sort through difficult problems, protect our environment and promote public health.

EPA has an opportunity in the next three years to make fundamental and substantive changes that could well be felt for the next three generations. As you know, many of the laws that govern environmental protection are up for reauthorization, ready to be strengthened and refined so that they do a better job of protecting our health, our economy, and our children's future.

We have an opportunity to make change in four ways:

First, EPA has an opportunity to fix the process so that we're absolutely committed to the goal of protecting health, while incorporating a new measure of innovation and flexibility in how we reach that goal. We can leave behind the gridlock, expensive litigation, red tape, mixed signals, and inefficiencies of the past.

Second, EPA has an opportunity to use common sense for a change—to get Americans on board to prevent pollution, not just clean it up after it happens.

Third, EPA has an opportunity to move policy-making closer to the communities that are affected by it, by empowering state government to play a bigger role in environmental protection.

And finally, EPA has an opportunity to involve many, many more people in protecting their own environment.

My vision for EPA is that we take those opportunities and turn them into the most ambitious and aggressive agenda in the history of the Agency. I am going to walk you through a part of that agenda today. The laws we are about to reauthorize are the most significant and meaningful vehicles for change that will be available to us in the next decade.

One of the most important and most challenging is Superfund. When I came to Washington, it was immediately clear to me that the Superfund law needed not just cosmetic changes but a major overhaul. One in ten Americans lie within four miles of a Superfund site. After 12 years, we've carried out thousands of cleanups, we've spent billions of dollars and gotten billions more dollars committed to the cleanup effort, yet much more remains to be done. There may be thousands more sites that are nearly as serious as our National Priority List.

At both the federal and local levels, we need to act more swiftly, more fairly, more efficiently, and with more consistency. I put together an advisory council composed of state and local government representatives, private industry, environmental groups, community representatives, and university experts. I told them, leave your litigation hats at the door. Don't join this group if you're just interested in posturing. Join this group only if you're ready to take a fresh, and very intense look at what's wrong and what will really work for American communities. Over the past five months this group met and talked through what was working, what wasn't working, and what needed to be changed.

After months of serious discussion I am now looking at three areas that will be part of what we present to Congress this fall:

(1) Make the process more fair. Get the lawyers out of the process. Put fair procedures in place so we can focus on cleaning up the sites, not haggling about who owes what.

The Upjohn drug company was ordered to clean up a toxic landfull in Kalamazoo Michigan. They agreed to do it, but then they turned around and sent out letters to everyone they could find who had ever sent any trash to the landfill. They sent out 741 letters, saying: you're liable, and pay us now or we'll take you to court. They sent a letter to the phone company, the school district, the Little League, the Kalamazoo Symphony Society, and Charlie's Pizza. The company president's own mother received a bill for $12,000.

Yes, the cost of the cleanup need to be shared, but this is ridiculous. Small business owners are coming in and telling us they've been driven almost to bankruptcy by the legal costs associated with Superfund. We can stop that. I want to put strict limits on the liability of people who have contributed only small amounts to these toxic sites—both to streamline the settlement process and also as a simple matter of fairness.

(2) We need to make the cleanup process more efficient and more consistent. Since Superfund was passed 12 years ago, we've learned a great deal about which remedies make sense in a given situation. Yet from place to place, the goals, the remedies, and the costs are not consistent. I want to develop national standards and presumptive remedies to help companies and communities spend less time studying how to clean up these sites, so they can be cleaned up as quickly as possible.

(3) We need to return these sites to productive community use as quickly as possible.

I've met with people who have lived with a contaminated site in the middle of their community for years. Even after the immediate danger has been removed, the problem isn't over. That land sits there, unused, while the neighborhood loses jobs, loses its tax base, loses hope. Developers won't touch the land because of their fear of liability. Banks won't touch it. And meanwhile, development goes on outside the city, in places never developed before—forests, fields—which leads to more driving and more pollution out in the suburbs and the countryside.

Right now, the Superfund law can get in the way of reusing these old industrial sites. I say change it. People who want to buy a piece of contaminated land and redevelop and reuse it should not be liable for past contamination caused by a previous owner. We must change the law to remove the barriers to economic redevelopment that currently exist in cities across the country.

I am convinced it is crucial to bring the community into the process much earlier—instead of simply letting them comment in the last phases of the cleanup. EPA needs to listen to the community right from the start about how the land should be used in the future. That will help us determine the remedy. Where an industrial plant is going to move in, it may not make sense to clean up every trace of contamination—but if you're planning to build a school or a home or a playground on that site, that's a different story.

We need to move toward what happened in the town of Kellogg, Idaho, where a lead smelter closed down and left behind dangerous levels of lead in the ground. The recommended remedy in such cases is encapsulation—capping the dirt. The community of Kellogg came up with a solution. They successfully encapsulated the lead, painted yellow lines on the concrete and called it a parking lot, and built a ski lift on the adjacent hill. Now that land no longer poses a threat to the community, and it is generating jobs and contributing to the tax base.

Very soon we'll be sitting down with people on Capitol Hill to discuss these ideas in detail. By early in 1994, I expect to see a bill come forward with substantial support from the Hill, from community groups and from industry.

I think everyone realizes the need to reauthorize this bill next year. If we don't, we'll have a situation like what happened in the mid-80's, where we had temporary reauthorizations month by month. That merely freezes the law at the status quo and does nothing to solve the problems. And it basically brings cleanup to a halt—because we can't plan ahead; we can't contract for the multi-year cleanup that is necessary at virtually every site.

My sense is that the will exists to get Superfund reauthorized by next fall. And that's a testament to the fact that we've brought all the parties into the process, listened to their problems, and worked hard to find solutions that work.

This same process is going on all over EPA. We're bringing people together to hash out the issues, figure out the problems, propose solutions, and get moving after years or gridlock and paralysis.

Let me quickly mention a couple of other areas where change is underway.

First, food safety. As you know, last month we presented to Congress a proposal for reforming our food safety laws—the first realistic proposal in decades. We're proposing to bring the pesticide laws up to date and protect public health with a single health-based standard. We're proposing to reform our antiquated regulatory system, which had the perverse effect of keeping dangerous pesticides on the market and creating barriers to getting safer pesticides developed. And because our plan was developed with the full participation of the Agriculture Department, we've been able to sit down with American farmers and plan how they can reduce the use of pesticides altogether—and let me assure you, American farmers are very much interested in reducing pesticide use.

We have broken the logjam in the executive branch and I am confident that we have given the Congress a blueprint it can finally work with. For the first time in years, the Congressional people who come at this issue from the farm standpoint are really talking to the people who come at this from the public health standpoint. We're seeing a greater degree of cooperation than we've seen in years. Within the next three or four weeks we expect mark-up to begin in the Agriculture Committee.

Water pollution, just briefly, is another area where we're proposing to strengthen the law. Two laws are up for reauthorization. Both in the Clean Water Act and the Safe Drinking Water Act, we're proposing to build pollution prevention, technological innovation, and community participation right into law. These are new areas of lawmaking that will help our public policies catch up with public opinion—to give Americans the active role in environmental protection that they are ready and asking for. They're concerned about safe drinking water and they want fishable, swimmable rivers, lakes and streams.

Congress is currently considering both the Clean Water Act and the Safe Drinking Water Act. By Thanksgiving, we expect we may have the Clean Water Act reauthorization bill voted out of the Senate committee—and we may have the Safe Drinking Water Act bill out by then as well.

We also must move forward the one vital vehicle that uses international law to protect both health and the environment—NAFTA. NAFTA would launch a new era of environmental protection and environmental planning among the three nations, on a scale never seen before anywhere in the world. NAFTA is the first trade agreement ever to acknowledge the importance of environmental protection. It's the first trade agreement ever to require enforcement of environmental laws. And it gives us an opportunity to clean up the U.S.-Mexico border—currently a disaster area that desperately needs funding for safe drinking water projects, wastewater projects and other efforts to stop water pollution and air pollution. NAFTA will also create a tremendous market for American environmental technology—and that means more American jobs.

Superfund, food safety, water quality, NAFTA—in each one of these areas, EPA's aggressive agenda will bring about change. Each part of our agenda will reflect the four basic principles I mentioned earlier—fixing the process, preventing pollution, getting the states more involved, and taking every opportunity to involve people in protecting their own environment.

For those of you who have covering us for a long time, that means you'll be seeing an Environmental Protection Agency that won't just be imposing rules or operating in the same old way. The changes our agenda will bring about will require everyone to change the way we work together to protect our environment. And so, today, I'm calling for the Congress, industry, environmentalists, and the American people to make those changes along with us—to make those changes fair, to make them work, and to make them stick. Nothing less than the health of our families, the health of our economy, the health of our environment, and the health of our nation are at stake.

Thank you.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, November 8, the Federal debt stood at $4,427,227,098,976.32, meaning that on a per capita basis, every man, woman, and child in America owes $17,236.02 as his or her share of that debt.

KRISTALLNACHT: NEVER FORGET

Mr. GRAMM. Mr. President, today marks the 4th anniversary of the fall of the Berlin Wall. It also marks the 55th anniversary of Kristallnacht, the Night of the Broken Glass. Both of these events were turning points in world history, yet no two events could be more different.

The fall of the Berlin Wall was a triumph of the human spirit, a key victory in mankind's age-old battle for freedom and dignity. It signaled the beginning of a new era—what we now call the post-cold war world.

Kristallnacht also ushered in a new period—what might well be called the darkest days of mankind. During the late night and early morning of November 9, and 10, 1938, the Gestapo methodically orchestrated an orgy of violence in Germany and Austria which resulted in the destruction of 7,500 Jewish businesses and 275 synagogues, the arrest and deportation of 30,000 Jewish men to concentration camps, and the loss of nearly 100 Jewish lives. In short, Kristallnacht signaled the beginning of the Holocaust.

As we stand on the threshold of a new era—one that we very much hope will have prosperity, peace, and growth as its hallmarks—it is fitting that we recall the lessons of this earlier, darker time. And the great lesson of Kristallnacht is this: We must resolve, always and everywhere, to resist bigotry and oppression in any form, lest the smallest spark engulf us all in flame. Only if we learn this lesson well, and act on it, will the great promise of the future be fulfilled.

VIETNAM WOMEN'S MEMORIAL

Mr. BINGAMAN. Mr. President, Thursday is Veterans Day, a day set aside on the Nation's calendar to honor those who have served and sacrificed for our country.

Each year, there are ceremonies and speeches all across the country to recognize the service of veterans. Each year, our hearts leap with gratitude for what they have done.

This year, a different kind of event will be added to our national program of remembrance as a new statue is dedicated on The Mall. The Vietnam Women's Memorial will be unveiled on Thursday afternoon, acknowledging the service of 11,000 women who went to Vietnam. The eight women who did not return are listed on the Wall. The thousands who did come back to us returned to a country which was bitter and divided. They are now receiving the official regard they so richly deserve.

Under the able leadership of Diane Carlson Evans, a nurse who served with great distinction in Vietnam, this memorial project will be completed with Thursday's dedication. It will be a reminder of those who served so well.

As a New Mexican, I am especially honored that Glenna Goodacre, a Santa Fe sculptor, was chosen to re-create in bronze the hope, fear, courage, and devotion of those women. Her grouping of three women tending a wounded soldier tells a story full of suspense and compassion. It is a memorial to those who bravely and lovingly did their duty.

To Ms. Evans and the memorial project, to Ms. Goodacre for the sculpture, but mostly to those here honored, I say, thank you and well done.

TRIBUTE TO MATTHEW PELCZYNSKI

Mr. D'AMATO. Mr. President, I rise today to pay tribute to Matthew Pelczynski, who passed away in Cheektowaga, NY on November 4, 1993, at the age of 82. The contributions of Matthew Pelczynski to the Polish-

American community of western New York are vast and worthy of our recognition.

Matthew Pelczynski was born in Buffalo, NY. He was educated at St. Stanislaus Grammar School, Mastern Park High School, Bryant & Stratton Business Institute and the State University of New York at Buffalo. After his graduation, he began his career in the newspaper industry. From 1933 to 1958, Matthew Pelczynski was employed by Everybody's Publishing Co., publisher of Everybody's Daily and later became the general manager. In 1958 he started the Buffalo Standard Printing Corp. and became the president. He also became owner and publisher of the weekly newspaper, Am-Pol Eagle.

During the course of his life, Matthew Pelczynski was a leader in the Polish-American community of western New York. He served as president of the General Pulaski Association of the Niagara Frontier. During his tenure, he built the Pulaski Day Parade into an event that attracts 150,000 people annually. He was a past director of the Polish Singing Circle and the Bailey-Delavan Businessmen's and Taxpayers Association. He was a member of the Chopin Singing Society, Knights of Columbus, Polish Union of America, and the Polish-American Congress. He was one of the leading fundraisers for a statue of Pope John Paul II that was dedicated in June 1987 in the western New York area. Among Matthew Pelczynski's honors were being named Citizen of the Year by the Cheektowaga Chamber of Commerce and Man of the Year by the Polish-American Solidarity Club of western New York. Matthew Pelczynski will be sadly missed in the Buffalo area and especially in the Polish-American community.

REGARDING INDEPENDENT COUNSEL REAUTHORIZATION BILL

Mr. McCAIN. Mr. President, for the information of my colleagues, I have absolutely no objection to the majority leader or any other Senator bringing legislation to reauthorize the independent counsel before the Senate at any time and I have not taken any action that would prevent consideration of this issue.

As is my right, I intend to seek to amend the independent counsel reauthorization so as to make it a better bill. I believe my right, and the right of others to do so, must be preserved. Further, in my capacity as an individual Senator, I am more than happy to sit down with the majority leader or any other Senator to discuss entering into time agreements regarding any amendments that I may offer.

When the independent counsel bill was being considered by the Governmental Affairs Committee, of which I am a member, I stated for the record that I would seek to offer on the floor of the Senate an amendment to fully include Congress under the provisions of the bill.

I believe the issue of the act's coverage of Members of Congress must be addressed.

Currently the Independent Counsel Reauthorization Act places approximately 50 top executive branch officials in the mandatory coverage section of the bill. These officials include members of the Cabinet, individuals working in the executive branch compensated at a rate of pay at, or above, level III of the Executive Schedule under section 5314 of title V, and the Directors of the CIA, FBI, and IRS. Although the legislation specifically authorizes the Attorney General to appoint an independent counsel to investigate a Member of Congress, it does not make such appointment mandatory as it does for the above noted individuals.

This is yet another disturbing and egregious example of the Congress imposing one standard on the executive branch and creating a separate, lesser standard for itself. There is no justification for this unequal standard, and I intend to correct this inequity.

Mr. President, I hope this issue is now clarified.

UNCONSTITUTIONALITY OF THE DAVIS-BACON ACT

Mr. CRAIG. Mr. President, I rise to commend and congratulate the Institute for Justice on its announcement today of a lawsuit by minority businesses and public housing residents to strike down the Davis-Bacon Act of 1931 as unconstitutional on the basis of racial discrimination.

Davis-Bacon is an outdated law that hurts minorities, and women, employees, and employers. It was enacted with clear discriminatory intent and it produces discriminatory results. It is perhaps the last Federal Jim Crow law still on the books.

Like so many discriminatory laws before it, the oft-stated purpose of Davis-Bacon sounds benign. On its face, it requires the application of locally prevailing labor standards when contracts are let on Federal public works projects. The purpose, we are told, is to prevent local economies from being disrupted, and local workers and contractors from being displaced, by unscrupulous, fly-by-night contractors who might undercut the bids of local firms.

As we know all too well from history, a prevailing practice is not necessarily a just one. Davis-Bacon is even more insidious: It says prevailing but it means exclusionary.

One of the very few cases ever cited to justify the act concerned a group of African-American laborers from the South being brought into New York Representative Robert Bacon's district to build a veterans hospital. With a wink and a nod on the House floor, one southern supporter of the bill sympathized with Bacon's concern about "labor of that sort that is in competition with white labor throughout the country."

The act requires Federal construction projects to apply 1930's-style union work rules and craft distinctions that are out of touch with today's construction industry. It is so arbitrary in its standards, so incredibly complicated in its operation, and so cumbersome to comply with, that it discourages small and minority-owned firms from even bidding on Federal work.

As a result, Federal contracts are reserved for a closed club of a few large contractors who specialize in milking the Federal procurement systems, and who go so far as to move work crews around the country, taking work away from local, small, and minority contractors.

The open marketplace rewards quality, initiative, and value; it is totally blind to color, creed and gender. Likewise, government contracts should be awarded on the basis of competency and value and should reflect market competition.

For these reasons, I have sponsored legislation in the past to repeal Davis-Bacon altogether. In this Congress, along with Representative CHARLES STENHOLM and others, I have introduced S. 916/H.R. 2042, the bipartisan Davis-Bacon Reform Act. Our bill would remove the discriminatory effects of Davis-Bacon by replacing its rigid, arbitrary, and outdated rules with market-based standards. I encourage my colleagues to cosponsor this bill.

The Institute for Justice is to be commended for its diligent legal research, and the minority employer plaintiffs in this case ought to be recognized for their courage, in bringing this case. This suit strikes a blow for equal opportunity and for the constitution principle of equal protection under the law.

I ask unanimous consent to insert into the RECORD a Litigation Backgrounder prepared by the Institute for Justice which explains in detail the suit being brought by the plaintiffs in Brazier Construction, et al., versus Reich, et al. I also ask consent to insert an article written for the Wall Street Journal sometime back that remains one of the best, most succinct expositions on this aspect of the Davis-Bacon Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 25, 1990]

DAVIS-BACON: RACIST THEN, RACIST NOW

(By Scott Alan Hodge)

Two years before the 1964 Civil Rights Act was passed, local construction unions in

Washington, D.C., prevented black electricians from working on one of the capital's premiere building projects: the Rayburn House Office Building. This week in that very same building the House Subcommittee on Labor Standards will be working on legislation that will perpetuate discrimination in the construction industry. Instead, that legislation should be repealed, once and for all.

At issue is the 1931 Davis-Bacon Act. Davis-Bacon requires contractors to pay all workers on federally funded construction projects valued at more than $2,000 the "prevailing wage" for the type of work, as determined by the U.S. Department of Labor. In practice, the Labor Department uses local union wage scales as a proxy for the "prevailing wage." Thus, any laborer who does not have the skills to command union scale is frozen out of these jobs. Typically, those frozen out are black or Hispanic.

The original supporters of the law could not have hoped for more—because, as the historical record shows. Davis-Bacon was written to prevent black workers, mostly from the South, from competing with the Northern construction trades.

So far, debate on Davis-Bacon has focused primarily on its costs, the estimated $1.5 billion it costs U.S. taxpayers to pay union scale when qualified workers are available at lower rates. But that complaint avoids the real evil of Davis-Bacon: discrimination against black Americans.

The original Davis-Bacon Act was drafted in 1927 by New York Rep. Robert Bacon after an Alabama contractor won the bid to build a federal hospital in Bacon's district. As Bacon reported at the first hearing on his bill. "The bid . . . was let to a firm from Alabama who brought some thousand non-union laborers from Alabama into Long Island, N.Y., into my congressional district." What he meant, of course is that many of the workers were black—and willing to work for less than local building tradesmen.

Bacon's complaints brought a knowing smile from Georgia Rep. William Upshaw, who commented: "You will not think that a southern man is more than human if he smiles over the fact of your reaction to that real problem you are confronted with in any community with a superabundance or large aggregation of Negro labor."

Four years later during the floor debate on the bill. Alabama Rep. Miles Allgood echoed Upshaw's sentiments: "That contractor has cheap colored labor. . . . and it is labor of that sort that is in competition with white labor. . . . This bill has merit . . . it is very important that we enact this measure."

There was little difference between the language of Reps. Upshaw and Allgood and the language of an 1857 petition from white tradesman to the Atlanta city council. "We, the undersigned, would respectfully represent . . . that there exists in the city of Atlanta a number of men who . . . are of no benefit to the city. We refer to Negro mechanics [who] . . . can afford to underbid the regular resident mechanics . . . to their great injury. . . . We most respectfully request [the council] afford such protection to the resident mechanics."

Blacks dominated the skilled trades in the South after emancipation: In some trades there were five times as many black workers as whites, according to one estimate. In response, white workers used every political tool available to restrain black competition. In some cases, officially sanctioned licensing boards were established to "ensure the quality of local tradesmen." In other cases, whites sought to outlaw blacks from practicing specific trades, and even passed laws to prevent the recruitment of black laborers by Northern employers.

But, until the passage of Davis-Bacon, the federal government's policy of accepting the lowest bid on construction projects allowed black laborers to compete freely for federal work. Many blacks traveled great distances and endured harsh conditions for the chance to work, as Rep. Bacon discovered. The Davis-Bacon Act put a sudden end to this. Following enactment of Davis-Bacon, black tradesmen were shut out of many federal construction projects. Of the 4,100 workers on the Boulder Dam project in 1932, only 30 were black.

Blacks were also shut out of the massive public housing projects sponsored by President Roosevelt's Public Works Administration. Roosevelt sent representatives to Chicago to institute a quota system which required that a minimum percentage of a project's payroll be directed toward black tradesmen. The result: The blacks got all the low-pay, unskilled positions.

Despite all the civil rights laws on the books today, little has changed. According to Ralph C. Thomas III, executive director of the National Association of Minority Contractors. "The law in its current form is poison to minority contractors [and to] minority employment in general. . . . The law stifles the minority contractors efforts to not only hire as many minority workers as possible, but it also hinders minority contractor efforts to introduce new workers to the construction field."

Mary Nelson, director of Bethel New Life Inc., a church-affiliated social service organization in Chicago, has found that Davis-Bacon adds as much as 25% to her total budget and often prevents her from using the local unskilled poor to help refurbish the projects they themselves live in. Robert Woodson, president of the National Center for Neighborhood Enterprise, reports that public housing residents who want to help refurbish their own apartments often are forced to "volunteer" half a day's work in order to avoid Davis-Bacon requirements.

Davis-Bacon was intended to discriminate against blacks, and that is precisely what it has done. It's time for Washington to bid good-bye to Jim Crow.

[Institute for Justice, Litigation Backgrounder]

REMOVING BARRIERS TO OPPORTUNITY: A CONSTITUTIONAL CHALLENGE TO THE DAVIS-BACON ACT

On November 9, 1993, the Institute for Justice filed a lawsuit challenging the constitutionality of the Davis-Bacon Act. A relic of an era when laws were passed to prevent blacks from competing for economic opportunities, the Davis-Bacon Act has racist origins and continues today to have a devastating impact on economic outsiders. If successful, the Institute's lawsuit will open employment opportunities for thousands of workers and save taxpayers billions of dollars in unnecessary spending.

The Davis-Bacon Act passed by Congress in 1931, requires private contractors to pay "prevailing wages" to employees on all federally funded construction projects over $2000. Most often, the "prevailing wage" corresponds directly to the union wage. This is especially true in urban areas, where union membership tends to be higher.

The Davis-Bacon Act covers a significant portion of the projects undertaken by the construction industry. Approximately 20 percent of all construction projects in the U.S. are covered by the Act, affecting more than 25 percent of all construction workers in the nation at any given time.

The Act was passed with the specific intent of preventing non-unionized black and immigrant laborers from competing with unionized white workers for scarce jobs during the Depression. This invidious law continues to have devastating discriminatory effects, as minorities tend to be vastly under-represented in highly unionized skilled trades, and over-represented in the pool of unskilled workers who would benefit, if the prevailing wage laws were abolished.

Davis-Bacon restricts both contracting and employment opportunities for minorities. Most minority-owned firms are small and non-unionized. Davis-Bacon mandates inflated wage rates (*e.g.*, $40,000 a year ditch digger and $60,000 a year carpenters) and creates rigid job classifications and procedures which, though standard operating procedure for unions, are anathema to small non-unionized firms. Such firms literally have to become less-efficient in order to compete for Davis-Bacon contracts. Workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate (*e.g.*, a general laborer who hammers a nail must be paid as a "carpenter," at perhaps three times the company's regular wage rate). Unskilled workers can be employed only if the company can afford to pay high wages, and training can be provided only through limited and heavily regulated apprenticeship programs. Paperwork is voluminous, complex, and cumbersome, accompanied by the constant threat of fines or litigation from government officials or unions. Not surprisingly, small minority-owned companies are often placed at a serious disadvantage in competing for Davis-Bacon contracts and are often discouraged from doing so, which was, of course, the motivation for the law in the first place. And entry-level employment and training opportunities are lost by the tens of thousands in an industry where such opportunities otherwise would be plentiful.

THE INSTITUTE'S LAWSUIT

The Institute for Justice is committed to a program of litigation that will help restore judicial protection of "economic liberty"—the basic right of every American to pursue a business or profession free from arbitrary or excessive government regulation. The Institute is especially concerned with the way that government actions affect those with relatively fewer economic opportunities. The challenge to the David-Bacon Act is the Institute's most ambitious undertaking to date in support of these goals.

The minority contractors challenging the constitutionality of the Davis-Bacon Act in this lawsuit have been business opportunities lost and their ability to hire minority workers from their communities greatly restricted because of the requirements of the Act. From 1984 to 1990, Tyrone Dash of Seattle, Washington, owned and operated his own company, T&S Construction, and hired as many as 25 employees for work on highway jobs installing guardrails and other safety items. For a small, new company, the prevailing wage requirements and administrative costs of the Davis-Bacon Act had a particularly devastating effect on the ability to successfully compete for federal contracts. The Act required that Dash pay his workers almost $19 an hour, regardless of their experience or skill levels. Because the company could not afford adequate administrative help, Mr. Dash, even after a long day on the construction site, would often do the work himself in order to meet the burdensome paperwork requirements of the Act. Finally, in

1990, his company went bankrupt due to its inability to control labor costs. Today, Dash is out of the construction business and his workers are out of jobs. Dash would go back into business immediately paying his employees competitive wages, if the Davis-Bacon Act were eliminated.

Other minority-owned contractors in this lawsuit have had similar experiences with the Davis-Bacon Act. Martin and Nona Brazier own a recycling company and a construction firm. Their construction business has mostly been inoperative due to unsuccessful bids on federal contracts. Again, the wage requirements of the Davis-Bacon Act have made their company uncompetitive with larger, more established (and usually non-minority) construction firms. In addition to lost business opportunities, Art Pearson Electric & General Contracting Co., Square C Construction, and John B. Cruz Construction Co., Inc., three other companies challenging the constitutionality of the Davis-Bacon Act, have found that the Act severely limits their ability to hire and train minority youths from their communities. Smaller construction companies simply cannot afford to train their workers at close to $20 an hour. The approved union and federal apprenticeship programs under Davis-Bacon do not allow Messrs. Pearson and Cruz and Mr. Ellis of Square C, to go into their own communities or local schools to recruit young people and train them in various construction skills in company-sponsored apprentice programs.

Kenilworth-Parkside Resident Management Corporation has been a model for other resident initiatives in public housing throughout the country. Kenilworth-Parkside in Washington, D.C., was once a community rife with crime, drugs, and deteriorating housing conditions. The residents, led by activist Kimi Gray, gained management and power of the development from the public housing authority and thereby regained control over their community, improving the quality of life for the residents. However, the Davis-Bacon Act has proved over the years a major impediment to introducing public housing residents into rebuilding programs at their developments.

In the late 1980s, Kenilworth-Parkside secured an $18 million grant for a rehabilitation and modernization program, but due to Davis-Bacon workplace rules, not one of the construction jobs was filled by a public housing resident. Public housing resident groups in developments throughout the country have experienced similar difficulty introducing residents into construction projects. Because of their desire to empower residents of public housing and remove impediments to residents working on construction projects in their own communities, the National Association of Resident Management Corporations has also joined as a plaintiff in the lawsuit to overturn the Davis-Bacon Act.

The defendants in this lawsuit are officials of the Department of Labor charged with implementing and enforcing the Davis-Bacon Act, including Secretary of Labor Robert Reich, Acting Assistant Secretary for Employment Standards John Fraser, and the Administrator of the Department's Wage and Hour Division, Maria Echaveste.

THE HISTORY OF THE DAVIS-BACON ACT

Prior to the enactment of the Davis-Bacon Act, the construction industry afforded tremendous opportunities to blacks, especially in the South. In at least six southern cities, more than 80 percent of unskilled construction workers were black.[1] Blacks also represented a disproportionate number of unskilled construction workers in the North and constituted a sizable portion of the skilled labor force throughout the country.[2]

This was so despite the fact that most of the major unions that represented construction workers excluded blacks, and that blacks faced widespread discrimination in occupational licensing and vocational training.[3] These unions felt seriously threatened by the competition from blacks, and favored any attempt to restrict such competition.[4]

The co-author of the Davis-Bacon Act, Representative Robert Bacon, represented a congressional district in Long Island. Bacon's opinions on issues like immigration demonstrate the extent to which his views were patently racist. For example, in 1927, the same year he introduced the Davis-Bacon Act, he submitted the following statement from 34 university professors concerning a new immigration law into the Congressional Record:

"We urge the extension of the quota system to all countries of North and South America from which we have substantial immigration and in which the population is not predominantly of the white race. * * * Only by this method can that large proportion of our population which is descended from the colonists * * * have their proper racial representation. * * * Congress wisely concluded that only by such a system of proportional representation * * * could the racial status quo be maintained."[5]

In 1927, Bacon submitted H.R. 17069, "A Bill to Require Contractors and Subcontractors Engaged on Public Works of the United States to Comply With State Laws Relating to Hours of Labor and Wages of Employees on State Public Works."[6] This action was a response to the building of a Veterans' Bureau Hospital in Bacon's district by a contractor from Alabama, who employed only black laborers.

Representative William Upshaw, understanding the racial implications of Bacon's proposal, stated: "You will not think that a southern man is more than human if he smiles over the fact that your reaction to that real problem you are confronted with in any community with a superabundance or large aggregation of Negro labor."[7]

In the course of the next four years, Bacon submitted 13 more bills to regulate labor on federal public works contracts.[8] Finally, the bill submitted by Bacon and Senator James Davis was passed in 1931, at the height of the Depression, with the support of the American Federation of Labor. The Act required that contractors working on federally funded public works projects over $5000 pay their employees the "prevailing wage."

The Act was amended in 1935, reducing the minimum to $2000 and delegating the power of determining the "prevailing wage" to the Department of Labor. The Department of Labor responded by promulgating regulations governing the determination of wages that remained basically unchanged until 1983. Under these regulations, the prevailing wage was equated with the union wage in any area that was at least 30 percent unionized. In practice, however, the "prevailing wage" was almost universally determined to be the same as the union wage.[9]

The comments made by various congressmen during the debate over the different bills submitted by Bacon betrayed the racial animus that motivated the passage of the law. Representative John Cochran stated, "I have received numerous complaints in recent months about southern contractors employing low-paid colored mechanics getting work and bringing the employees from the South."[10] Representative Clayton Allgood similarly complained, "That contractor has cheap colored labor that he transports, and he puts them in cabins, and it is labor of that sort that is in competition with white labor throughout the country."[11]

Other derogatory comments were made about the use of "cheap labor, "cheap, imported labor," "transient labor," and "unattached migratory workmen."[12] Thus, while the sponsors and supporters of the Act also intended it to disadvantage immigrant workers of other races, these thinly veiled references make it clear that the Act was primarily intended to discriminate against blacks.[13]

The statements made by many Congressmen during the debates over the various prevailing wage bills were also replete with anti-capitalist rhetoric, with the representatives railing against "unfair contractors." In reality, such contractors wanted only to establish a national market in labor and pay their workers the actual market value of their services. Representative McCormack said of Davis-Bacon, "It will force the contractor who heretofore has used cheap, imported labor to submit bids based upon the 'prevailing wage scale' to those employed. It compels the unfair competitor to enter into the field of fair competition."[14]

Two important modifications have been made in the way that the Davis-Bacon Act is enforced in the past decade. In 1982,the Department of Labor altered the basis for determining the prevailing wage in a given area, by only equating the union wagewith the "prevailing wage" in places where the construction industry was 50 percent unionized. This change had little effect on minority-owned firms' ability to secure contracts covered by Davis-Bacon, because union membership tends to be much higher in urban areas, where large minority populations reside.[15]

The Department of Labor has also attempted to alter its regulations to allow contractors to hire a limited number of unskilled "helpers" to work on Davis-Bacon projects for less than the prevailing wage. If implemented, this change would diminish some of the discriminatory effects of the Act. Despite the fact that this new rule went into effect on February 4, 1991, thus far Congress has prevented the Department of Labor from enforcing it.[16] Labor unions began pressuring Congress and the Clinton Administration to repeal the changes, and on October 21, 1993, the Labor Department officially suspended implementation of the helper regulations.[17]

The provisions of the Davis-Bacon Act were suspended by President Bush in South Florida, coastal Louisiana, and Hawaii in October, 1992, following Hurricanes Andrew and Iniki. These emergency waivers were granted in order to expedite the clean up efforts in those areas.[18] Bush's policy of suspending Davis-Bacon in the hurricane-damaged areas was reversed by President Clinton upon entering office.

Legislation sponsored by Senator Hank Brown (R-Colorado) which would repeal the Davis-Bacon Act was introduced in the Senate on July 14, 1993. A similar bill was introduced in the House of Representatives Tom DeLay on June 14, 1993, and is still pending before the House Education and Labor Committee.[19] Both bills have attracted congressional co-sponsors, but have not attained majority support.

EFFECTS OF THE DAVIS-BACON ACT

Enforcements of the Davis-Bacon Act imposes tremendous economic and social costs.

Footnotes at end of article.

Repealing the Act would save the federal government $1 billion on construction costs[20] and $100 million in administrative costs each year.[21] Costs of compliance with the Act for the construction industry total nearly $190 million per year.[22] The Act's repeal would also result in the creation of an estimated 31,000 new construction jobs, most of which would go to members of minority groups.[23]

Over the past six decades, the Davis-Bacon Act has had a devastating impact on the ability of minorities to find work in the construction industry. As was stated earlier, blacks tend to be disproportionately represented among the ranks of unskilled or low-skilled laborers. This has been true since the time of the passage of the Act.

The initial set of regulations promulgated by the Department of Labor relating to Davis-Bacon's enforcement did not recognize categories of unskilled workers except for union apprentices.[24] As a result of this failure, the regulations required a contractor to pay an unskilled worker who was not part of a union apprenticeship program the same wage paid to a skilled laborer. Given that blacks were poorly represented in the unions and their apprenticeship programs, unskilled minority workers were almost completely excluded from working on Davis-Bacon projects.[25] This exclusion effectively foreclosed the only means by which unskilled blacks could learn the necessary skills to become skilled workers.[26]

This claim is borne out by the available statistical evidence. Prior to the passage of the Davis-Bacon Act, blacks suffered from unemployment at approximately the same rate as the general population. After Davis-Bacon became law, the rate of minority unemployment began to deviate from that of whites.[27] This problem persists today. In the first quarter of 1992, the rate of unemployment among blacks was 14.2 percent, even though the overall national unemployment rate was only 7.9 percent.[28]

The difference in unemployment rates between blacks and whites is especially pronounced in the construction industry. According to a recent study by the National Urban League, in the fourth quarter of 1992, 26.8 percent of all blacks involved in the construction industry were unemployed, compared to only 12.6 percent of white construction workers.[29]

Barriers to entry spawned by Davis-Bacon at the time of its passage remain today. According to a study conducted by the American Enterprise Institute in 1980, union apprenticeship programs, even if it is assumed that they no longer discriminate, strictly limit the number of enrollees and impose arbitrary educational requirements on potential applicants. Thus, the most disadvantaged workers remain excluded from such programs.[30]

Davis-Bacon's requirements also make it extremely difficult for minority, open-shop contractors to employ and train unskilled minority workers. Given that unskilled workers must be paid the same wage as a skilled worker, there exists no incentive to hire the unskilled worker. Ralph C. Thomas, executive director of the National Association of Minority Contractors, stated that a minority contractor who acquires a Davis-Bacon contract has "no choice but to hire skilled tradesmen, the majority of which are of the majority. This defeats a major purpose in the encouragement of minority enterprise development—the creating of jobs for minorities. * * * Davis-Bacon * * * closes the door in such activity in an industry most capable of employing the largest numbers of minorities."[31]

The evidence supports Thomas' claim. The Department of Labor frequently sets wages at unreasonably high levels, forcing the contractor to pay laborers considerably more than the market value of their work. For example, in Philadelphia, electricians working on projects covered by the Davis-Bacon Act must be paid $37.97 per hour in wages and fringe benefits.[32] The average wage of electricians working for private contractors on non-Davis-Bacon projects is $15.76 per hour, with some laborers working for $10.50 per hour.[33] Similarly, in Chicago, electricians working on projects subject to Davis-Bacon must be paid $31.32 per hour,[34] where workers employed on projects not covered by Davis-Bacon are paid on average $18.72 per hour, with some workers earning $11.00 per hour.[35]

The amount of paperwork that a contractor is required to fill out as a result of regulations governing Davis-Bacon also prevents small, minority-owned firms from seeking Davis-Bacon projects. Many small firms do not have available personnel with the necessary expertise to complete the myriad forms and reports the regulations require.[36] This provides a great advantage to the larger (and usually highly unionized) firms who have more resources to devote to complying with the Act's requirements.

One of the most severe problems with the current way the Davis-Bacon Act is administered is that it destroys the ability of rural and inner-city laborers and contractors to work on projects in their own communities. This is especially ironic since this is one of the difficulties Davis-Bacon was intended to prevent. Representative Bacon said during the debate over the Act, "Members of Congress have been flooded with protests from all over the country that certain Federal contractors on current jobs are bringing into local communities outside labor, cheap labor * * * and giving rise to the complaint by local labor that the government is in league with contract practices that make it possible to further demoralize local labor conditions."[37]

Such a claim could easily be made today by inner-city and rural contractors. A 1982 Oregon State University Study found that the Davis-Bacon Act drove up construction costs in rural areas by 26 to 37 percent.[38] Yale Brozen, an economist at the University of Chicago found that the "prevailing wage" set by the Department of Labor for the Appalachian region of Western Pennsylvania is set at the same level as that of Pittsburgh, a city with a high concentration of union workers. This is so despite the fact that the wages normally paid by the rural contractors are only half of what union contractors in Pittsburgh tend to pay.[39] The same is true of the inner cities, where small, minority owned open-shop firms are forced to pay union wages when working on Davis-Bacon projects, because of the high concentration of unionized workers in other parts of the city.[40]

The result of these inflated wage rates is two-fold. First, inner-city and rural contractors are deterred from seeking Davis-Bacon contracts because they cannot afford to pay the higher wages to their employees.[41] Second, larger and more highly unionized firms that are able to pay the higher wages are given an incentive to seek out such contracts.[42] The result makes it clear that the government is in fact "in league with contract practices" that "demoralize local labor conditions," only now at the expense of minorities rather than whites.

The results of this practice were clearly demonstrated in Los Angeles after the riots. In the parts of the city where the riots occurred, the rate of unemployment for black workers is 27.6 percent.[43] Despite the fact that there is an ample supply of local labor to help with the rebuilding of the city, Davis-Bacon has and continues to freeze out local unskilled minority workers from those available jobs.[44] This provides a stark contrast to the situation in South Florida and coastal Louisiana, where the Davis-Bacon Act was suspended by President Bush in the wake of Hurricane Andrew. In those areas, the suspension of Davis-Bacon was responsible for the creation of 5,000 to 11,000 jobs.[45]

In addition to this statistical evidence, many individuals tired directly to the construction and renovation of low-cost public housing in the inner-cities have testified to the disastrous effects of the Davis-Bacon Act. Ralph L. Jones is the president of a company that manages housing projects for the Department of Housing and Urban Development. When his company gained control of a pair of dilapidated 200-unit buildings in Tulsa, Oklahoma, Jones intended to hire many of the building's unemployed residents to tear out the unsalvageable part of the structures and then assist skilled craftsmen in restoring the property. He planned to pay the workers $5 per hour, in hopes of helping them to acquire some skills in the building trades. The Davis-Bacon Act prevented him from pursuing this plan, as it required him to pay everyone working on the project $14 per hour. Jones was forced to hire only skilled laborers, very few of whom were minorities or residents of the developments.[46]

Mary Nelson, director of Bethel New Life Inc., a social service organization located in Chicago, has found that the Davis-Bacon Act adds up to 25 percent to her total costs and frequently prevents her from hiring unskilled low-income workers to work on projects renovating the public housing that they themselves live in.[47]

Elzie Higginbottom, builder of low-income housing in Chicago's South Side, has complained of the same problems. Davis-Bacon requires him to pay carpenters (defined by the Act assomeone who hammers in a nail) $23 per hour. For obvious reasons, Higginbottom is prevented from hiring unskilled minority workers from the community. He stated, "I've got to start out a guy at $16 per hour to find out if he knows how to dig a hole. I can't do that."[48]

These examples illustrate perhaps the most pernicious of Davis-Bacon's effects: the imposition of arbitrary barriers to the empowerment of low-income people. By ruling Davis-Bacon unconstitutional, the courts will open opportunities to thousands of individuals to gain greater control over their destinies as productive members of society.

LITIGATION STRATEGY

The constitutional challenge to Davis-Bacon is a cornerstone of the Institute for Justice's program to restore economic liberty as a fundamental civil right. The Institute for Justice challenges the Davis-Bacon Act on the grounds that it is racially discriminatory. The Act was passed with a specific intent to discriminate against blacks and immigrants, and as a result, it violates the equal protection guarantee of the Fifth Amendment. If the courts determine that racial discrimination was among a law's purposes, it will be declared unconstitutional, even if it appears to be racially neutral on its face.

In order to make this determination, the courts can look to the legislative and administrative history of the law.[49] In the case of

Davis-Bacon, such records are replete with both explicitly and implicitly racist statements. Consequently, the Act should be rendered unconstitutional. As the Supreme Court stated in *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, "Where there is proof that a discriminatory purpose has been a motivating factor in the decision * * * judicial deference [to the legislature] is no longer justified."[50] The Institute will also demonstrate to the court that the law continues to have lingering discriminatory effects.

The Davis-Bacon Act also imposes on the right of individuals to pursue employment opportunities and thus violates guarantees of the Fifth Amendment's due process clause. The Act prevents individuals from freely bargaining for employment opportunities, by setting the terms of such contracts at a rate beyond the means of those who would employ them, with no rational basis for doing so.

CONCLUSION

The Davis-Bacon Act has undermined the efforts of economic outsiders to find employment in the construction industry for more than six decades. Borne of racial animus, the law continues to disrupt the efforts of blacks and other minorities to gain precious employment and contracting opportunities and to establish for themselves more prosperous communities. Given the influence that the labor unions exercise over Congress and the Clinton administration, it is highly unlikely that either of these branches of government will repeal or substantially modify the Davis-Bacon Act. The only avenue that remains is litigation. If successful, the Institute for Justice's efforts will constitute a tremendous victory for the cause of economic liberty and individual empowerment.

(Prepared for the Institute for Justice by Scott Bullock and John Frantz.)

FOOTNOTES

[1] Mark Kruman, "Quotas for Blacks: The Public Works Administration and the Black Construction Worker," *Labor History* 16 Winter 1975, p. 38.

[2] *Ibid.*, pp. 38–39.

[3] David Bernstein, *The Davis-Bacon Act: Let's Bring Jim Crow to an End*, Cato Institute Briefing Paper, Number 17, January 18, 1993, pp. 4–5.

[4] Johnson, "Negro Workers and the Unions," The Survey, April 15, 1928.

[5] *Congressional Record*, January 18, 1927, Vol. 68, Part 2, p. 1904.

[6] *Hours of Labor and Wages on Public Works*, Hearings Before the Committee on Labor, House of Representatives, 69th Congress, 2nd Session, February 28, 1927, pp.2–4.

[7] Ibid., p. 3.

[8] Stuart Schulman, "The Case Against the Davis-Bacon Act," *Government-Union Review*, Winter 1983, p. 23.

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[10] *Employment of Labor on Federal Construction Work*, Hearings on H.R. 7995 and H.R. 9232 Before the House Committee on Labor, 71st Congress, 2nd Session, March 6, 1930, pp. 26–27.

[11] *Rates of Wages for Laborers and Mechanics on Public Buildings of the United States*, 74 *Congressional Record* 6504, 6513 (1931).

[12] *Ibid.*, pp. 6515–6520.

[13] Bernstein, p. 3.

[14] *Employment of Labor on Federal Construction Work*, 6516.

[15] Bernstein, p. 8.

[16] *Ibid.*, p. 8.

[17] Herbert Northrup, "The Helper Controversy in the Construction Industry," *Journey of Labor Research*, Fall, 1992, p. 421.

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[23] "Davis-Bacon Meets Jim Crow," *The Wall Street Journal*, May 22, 1992, p. A10.

[24] Bernstein, p. 4.

[25] *Ibid., p. 4.*

[26] *Ibid., p. 5.*

[27] Richard Vedder and Lowell Galloway, *Racial Dimensions of the Davis-Bacon Act*, prepared for the Heritage Foundation, November, 1990, presently unpublished.

[28] National Urban League, *Quarterly Report on the African American Worker*, First Quarter 1992, No. 32, p. 1.

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[31] Testimony by National Association of Minority Contractors before House Subcommittee on Labor Standards of the Committee on Education and Labor, September 30, 1986, p. 3.

[32] Government Printing Office, *General Wage Determinations Issued Under Davis-Bacon and Related Acts*, Volume 1, East Region, Philadelphia County.

[33] Bureau of Labor Statistics, Division of Occupational Pay and Employee Benefits, *Occupational Compensation Survey*, November 1992, p. 15.

[34] Government Printing Office, *General Wage Determinations Issued Under Davis-Bacon and Related Acts*, Volume 1, Cook County.

[35] *Occupational Compensation Survey*, p. 15.

[36] Barry, pp. 12–13.

[37] *Employment of Labor on Federal Construction Work*, p. 6511.

[38] Barry, p. 10.

[39] Miller, p. 16–17.

[40] Bernstein, p. 8.

[41] Barry, p. 13.

[42] Miller, p. 17.

[43] *Ibid., p. 15.*

[44] "Davis-Bacon Meets Jim Crow," *The Wall Street Journal*, May 22, 1992, p. A10.

[45] "Asides: Hurricane Relief," *The Wall Street Journal*, October 20, 1992, p. A20.

[46] Steven Chapman, "Loss for Public Housing Tenants," *The Washington Times*, July 24, 1990, Commentary, p. 1.

[47] Scott Hodge, "Davis-Bacon, Racist Then, Racist Now," *The Wall Street Journal*, June 25, 1990, p. A14.

[48] Barry, p. 11.

[49] *Village of Arlington Heights* v. *Metropolitan Housing Development Corporation*, 429 U.S. 252, 266 (1977).

[50] *Ibid., p. 265.*

ON THE RANGELAND PROVISIONS OF H.R. 2520, THE INTERIOR APPROPRIATIONS BILL

Mr. McCAIN. Mr. President, I rise to state my support for Chairman BYRD'S decision to remove from this bill provisions relating to rangeland reform. As you know, I strongly opposed these provisions because they had not gone through the proper legislative process.

I agree with the Secretary of the Interior that the Federal Government should promote wise stewardship policies that are fair to the rancher and to the general public. I and other western Senators did not oppose these provisions because they would increase grazing fees or for fear of changing our Nation's rangeland policy, but rather that it had not gone through the proper legislation process, and the people affected by it were not given the opportunity to help shape it.

The so-called compromise considered by this body contained legislation which would have drastically affected Federal lands, including water rights. If you include Indian Trust lands. Seventy percent of Arizona is under the direct control of the Federal Government that would be affected by this measure. In my opinion, policy changes affecting this much of my home State and other western States must be closely scrutinized. Clearly, these proposals were not carefully reviewed and many people have expressed serious concerns about it.

I have heard from Arizona Governor, Fife Symington, the Arizona Department of Water Resources, and many of the country officials of my State expressing their concerns about the proposed reforms. Additionally, thousands of rural Arizonans have contracted me for fear that their livelihoods and communities might be destroyed. In light of all of these concerns, I believe it would be reckless and unwise for us to go forward and enact a measure without having even one congressional hearing on it.

My colleagues are well aware that normally when legislation is passed by this body, hearings are held, changes are made by committees, and all Members have the opportunity to offer amendments on the Senate floor before it is voted on.

This proposal was not considered by the appropriate committee, no hearings were held and Members could not offer amendments to modify it. Supporters of this provision have argued that the general topic has been the subject to many studies and hearings, therefore, we should move forward and enact this so-called reform. I do not agree.

My colleagues know that this legislation has not been the subject of congressional hearings nor has it been thoroughly examined. It was crafted and adopted by a few Members of this body during a conference with the House of Representatives. This is not how important public policy should be decided.

Mr. President, now that this issue has been resolved in relation to the Interior appropriations bill, I hope that it will not lose our attention. I urge the Senate Energy and Natural Resources Committee to take up this matter and begin hearings that can lead to reform which will protect both the precious natural resources in our western States and the economies of western rural communities.

As result of this provision being stripped out of the conference report, Secretary Babbitt can proceed administratively with rangeland reform. I continue to believe that these important public policy issues should be decided by Congress. However, it is my hope and expectation that he will hold public hearings and carefully consider the views of all interested parties.

THE PRESIDENT'S CONSTITUTIONAL AUTHORITY TO USE THE LINE-ITEM VETO

Mr. SPECTER. Mr. President, I have long supported a line-veto for the President. I have proposed constitutional amendments to grant the President such authority, and I have supported statutory enhanced rescission authority.

As these measures have failed, after extensive legal research and analysis, I now urge the President to exercise the line-item veto without further legislative action. I do so because I believe, after a careful review of the historical record, that the President already has the authority under the Constitution to veto individual items of appropriation in an appropriations bill and that neither an amendment to the Constitution nor legislation granting enhanced rescission authority is necessary.

The line-item veto would be effective in helping to reduce the huge deficit that now burdens our country. While alone it is no panacea, its use would enable the President to veto specific items of appropriation in large spending bills, thereby restraining some of the pork barrel or purely local projects that creep into every appropriations bill. With the broad national interest rather than purely local concerns at work, the President's use of the line-item veto would cut significant amounts of this type of spending.

The line-item veto would also have a salutary effect on Members of Congress. Knowing that their attempts to insert items into appropriations bills will be subjected to presidential scrutiny, Members are likely to become more reluctant to seek special favors for the home district at the expense of the Nation at large. While such discretionary programs and earmarks do not account for a large part of Federal spending, getting control over them will improve the authorization and appropriations process. The President could use the veto to eliminate funding for unauthorized programs. Such a message would motivate Congress to reauthorize programs with regularity, improving our oversight and the effectiveness of the government.

The line-item veto is not a partisan issue. It is a good government issue. Many Democrats support the line-item veto; some Republicans oppose it. As a candidate in 1992, Bill Clinton firmly embraced the line-item veto. As President, he has the opportunity to make effective use of it to help control in some small measure the deficits we accumulate. By exercising this option, the President can provide a check on unfettered spending and carve away many of the pork-barrel projects contained in both versions of the budget that serve primarily private, not national interests.

Beyond the specific savings, the presence and use of the line-item veto by the President could give the public assurances that tax dollars were not being wasted. Each year the media reports many instances of congressional expenditures which border, if in fact they do not pass, the frivolous. Those expenditures are made because of the impracticality of having the President veto an entire appropriations bill or sometimes a continuing resolution. That creates a general impression that public funds are routinely wasted by the Congress.

The line-item veto could eliminate such waste and help to dispel that notion. The resentment to taxes is obviously much less when the public does not feel the monies are being wasted. Notwithstanding the so called taxpayers' revolts in some states, there is still a willingness by the citizenry to approve taxes for specific items where the taxpayers believe their funds are being spent for a useful purpose. The line-item veto could be a significant factor in improving such public confidence in governmental spending even beyond the specific savings.

I now turn to the basis for my position that the President already has authority under the Constitution to exercise the line-item veto, without a need for additional constitutional or statutory legislation.

The constitutional basis for the President's exercise of a line-item veto is found in article I, section 7, clause 3 of the Constitution. Clause 2 of article I, section 7 provides the executive the authority to veto bills in their entirety. The question of conferring on the President the power to veto specific items within a bill appears not to have been discussed at the Constitutional Convention. During the drafting of the Constitution, however, James Madison expressed his concern that Congress might try to get around the President's veto power bylabeling "bills" by some other term. In response to Madison's concern, Edmund Randolph proposed and the Convention adopted the third clause of article I, section 7, whose language was taken directly from a provision of the Massachusetts Constitution of 1780.

Clause 3 of article I, section 7 provides that in addition to bills (the veto of which is set forth in clause 2),

> Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.

While the clause does not explicitly set out the executive authority to veto individual items of appropriation, the context and practice are evidence that that was its purpose. According to noted historian Professor Forrest McDonald of the University of Alabama, the clause was taken directly from a provision of the Massachusetts Constitution of 1780. In his article entitled "The Framers' Conception of the Veto Power," published in the monograph Pork Barrels and Principles: The Politics of the Presidential Veto 1–7 (1988), Professor McDonald explains that the provision dates back to the state's fundamental charter of 1733 and was implemented specifically to give the royal Governor a check, on the unbridled spending of the colonial legislature, which had put the colony in serious debt by avoiding the governor's veto power by appointing money through "votes" rather than through legislation.

Professor McDonald also points out that the time of the Constitution's ratification process, anti-Federalist pamphleteers opposed the proposed Constitution and in particular clause 3 of article I, section 7, precisely because it "made too strong a line-item veto in the hands of the President."

Federalists, on the other hand, saw clause 3 and the power to veto individual items of appropriation as an important executive privilege—one that was essential in assuring fiscal responsibility while also comporting with the delicate balance of power they were seeking to achieve. For example, during his state's ratifying convention, James Bowdoin, the Federalist governor of Massachusetts, argued that the veto power conferred to the President in the Federal Constitution was to be read in light of the Massachusetts experience under which, as I have already noted, the governor had enjoyed the right to veto or reduce by line-item since 1733.

In the Federalist No. 69, Alexander Hamilton, a member of the Constitutional Convention who was soon to become the first Secretary of the Treasury, wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely accept or reject legislation enactment in their entirety. This power was not unique to New York, as the Governors of Massachusetts, Georgia, and Vermont—soon to be the first new State admitted to the new union—also enjoyed revisionary authority over legislative appropriations.

As many of my colleagues know, our distinguished colleague from West Virginia, the chairman of the Appropriations Committee, has made a serious of speeches on the Senate floor drawing on his vast knowledge about the historical underpinnings of our republican form of government and on the Framers' rationale for the checks and balances they created. His review of Roman history is apt, because, as he knows, the Framers were acutely aware of Roman history. This awareness helped them develop their government of limited powers and of checks and balances. The Framers knew that the vice of faction, the desire to pursue one's private interest at the expense of the public interest, had helped bring on the downfall of the Roman Republic. Madison and others were convinced that by diffusing power and balancing it off in different branches of government, we might avoid to the fullest extent possible, the defects of faction.

In another sense, however, the distinguished chairman of the Appropriations Committee, overlooks the fundamental differences between Rome's ancient government and ours. In ours, the people have a direct say. In Rome's the male citizens had a limited, indirect say, but mostly the ruling class was hereditary or was based on wealth. We have a democracy; Rome did not.

This fundamental difference between our Nation and ancientRome means that there are more factions with which our Government must contend. With so many different factions, or interest groups as we call them today, it is much easier for one of them to capture a single Member of Congress to advance its cause and to fund it. Each Representative has a much narrower focus than a Senator, each of whom has a much narrower focus than the President. Thus, Congress is more susceptible to pressure from factions, as one Member who wants a favor for a particular faction trades his or her support for another Member's preferred faction. We all know that this appropriations log-rolling occurs. Ultimately, the President is presented with one large spending bill, much of which reflects the political horse-trading that occurs.

The line-item veto sheds light on the power of private interests that seek to use the appropriations process for their own private benefit. By excising line items and making Congress vote on them individually in an effort to override the veto, the President can shed light directly on these private interests and force Members to be more accountable to their constituents by voting on the projects identified by the President as unnecessary and wasteful.

Some, like the distinguished chairman of the Appropriations Committee, contend that the line-item veto would result in an intolerable shift of power from Congress to the Executive. To this argument, I have two responses. The first is that, as I believe I show, the framers of the Constitution intended that the President have the authority to veto individual items of appropriations. Thus, in their concept, the line-item veto does not offend the balance of powers.

The second response is related to the entire structure of the Government. The Constitution places the power of the purse in the hands of Congress. It is a peculiarly legislative function to decide how much money to spend and how to allocate these expenditures. In this regard, however, spending is no different than any other legislative function. Thus, there is no reason to consider the line-item veto any more of an infringement of the separation of powers than the President's ability to veto bills at all. Hamilton recognized the structural importance of the veto in the Federalist 73, when he wrote that the veto provides "an additional security against the enaction of improper laws * * * to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of [the legislative] body" from time to time. The framers were acutely aware that it is the legislative branch that is most susceptible to factional influence. Thus, they understood that the veto served a critical role.

But, opponents of the line-item veto argue, Hamilton's point went to bills as a whole, and not simply pieces of them. The legislative process necessarily relies on horse-trading to get things done, and nowhere is such trading more important than in the appropriations process. This response, while acknowledging the reality, is an answer that directly contradicts the framers' intent and leads to bad government, for it accepts the premise that factions and the prominent Members of Congress who support their causes much be bought off with goodies in appropriations bills. But that is precisely the evil that the framers sought to insulate against with the veto.

Given the role of factions in the appropriation process, the use of the line-item veto is completely consistent with the framers' conception of the veto power. Indeed, that is not surprising, as the framers believed they had granted the President a line-item veto. Despite the arguments of the distinguished Chairman of the Appropriations Committee to the contrary, the line-item veto was not only intended by the Framers but is an appropriate limitation on congressional authority to combat the force of faction.

This process would not surprise the framers of the Constitution. Madison and the others who met in Philadelphia in 1787 were not just knowledgeable about history. They were practical men of affairs and politics who understood human nature. They knew the dangers of faction and the likelihood that faction would influence Congress more so than the President, who is responsible to the entire Nation, not a single district or State.

Thus, it is only to be expected that the framers provided Congress with the power to appropriate funds, tempered with executive authority to line-item veto as a means of expunging special interest spending was their resolution, and history bears this out. The line-item veto is entirely consistent with the framers' conception of government and the dangers of faction.

Shortly after the new federal Constitution was ratified, several states, including Georgia, Vermont, Kentucky, and my home state of Pennsylvania, rewrote their constitutions to conform with the federal one and specifically incorporated language to give to their executives the authority to exercise a line-item veto. These states were in addition to the states like Massachusetts and New York, where the governor's power to revise items of appropriation was well-established. For example, article II, section 10 of the Georgia Constitution of 1789 gave the governor the power of revision of all bills subject to a two-thirds vote of the general assembly. Section 16 of chapter II of the Vermont Constitution of 1793 vested in the governor and council the right to revise legislation or to propose amendments to the legislature, which would have to adopt the proposed amendments if the bill were to be enacted. Article I of the Kentucky Constitution of 1792 and section 23 of article I of the Pennsylvania Constitution of 1792 and section 23 of article I of the Pennsylvania Constitution of 1790 tracked the language of article I, section 7, clause 3 of the new United States Constitution.

The chief executives of both the State and new Federal governments immediately employed the line-item veto. On the national level, the early practice was one in which the President viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary Hamilton assumed the authority to shift appropriated funds from one account to another. Although his party had at one time opposed such transfers, once he became President, Republican Thomas Jefferson also embraced the practice, and at least on two occasions, he refused to spend money that the Congress had appropriated.

The practice continued. As late as 1830, President Andrew Jackson declined to enforce provisions of a congressional enactment. Likewise in 1842, President John Tyler signed a bill that he refused to execute in full. It was not until after the Civil War that a President assumed he did not already have the authority to veto individual items of appropriation, when President Grant urged the Congress to grant him such authority.

But President Grant's view was anomalous. The framers' understanding and their original intent was that the Constitution did provide the authority to veto or impound specific items of appropriation. The states understood that to be the case, and many in fact embraced the federal model as a means of providing their own executives this same authority.

I believe that the evidence strongly supports the position that under the

Constitution the President has the authority to employ the line-item veto. At the very least, the President's use of the line-item veto will almost certainly engender a court challenge if the veto is not overridden. The courts will then decide whether the Constitution authorizes the line-item veto. If they find it does, then the matter will be settled. If they find it does not, then Congress may revisit the issue and decide whether to amend the Constitution or grant statutory enhanced rescission authority to the President.

In conclusion, I urge the President to employ the line-item veto if he is seriously committed to deficit reduction. As I have argued here today, the authority to exercise this power is not dependent on the adoption of a constitutional amendment or any additional legislation; it already exists. The framers' intent and the historical practice of the first Presidents serve as ample evidence that the Constitution confers to the executive the authority to line-item veto. Given President Clinton's use of the line-item veto as governor and his support of it as a candidate, I urge him to act on that authority consistent with his rightful power to do so.

I ask unanimous consent that a copy of a memorandum I have prepared summarizing my research into the Framers' intent to establish a line-item veto and the early national practice be included in the RECORD at the conclusion of my remarks.

I thank the Chair and yield the floor.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM—PRESIDENTIAL AUTHORITY TO EXERCISE A LINE-ITEM VETO

The President currently enjoys the authority under the Constitution to exercise a line-item veto without any additional constitutional or statutory authority. The constitutional basis for the President's exercise of a line-item veto is to be found in article I, section 7, clause 3 of the Constitution.

The first article of the Constitution vests legislative authority in the two Houses of Congress established thereunder. Clause 2 of section 7 of the first article provides the presidential authority and procedure to veto "bills." This is the basis for the President's clearly established authority to veto legislation. The provision also established the procedure under which Congress may override the President's veto.

The question of conferring authority on the President to veto specific items within a bill was not discussed at the Constitutional Convention. During the drafting of the Constitution in 1787, however, James Madison noted in his subsequently published diary that he had expressed his concern that Congress might try to get around the President's veto power by labeling "bills" by some other term. In response to Madison's concern and in order to guard the President's veto authority from encroachment or being undermined and preserve the careful balance of power it sought to establish, Edmund Randolph of Virginia proposed and the Convention adopted language from the Massachusetts Constitution which became article I, section 7, clause 3.

This clause requires that in addition to bills:

"Every Order, Resolution, or Vote to which the Concurrent of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill" [these being set forth in article I, section 7, clause 2].

In combination with the preceding clause 2 of section 7, this third clause gives the President the authority to veto any legislative adoption of Congress, subject to congressional override.

The historical context of its adoption supports the position that clause 3 vests the President with authority to veto individual items of appropriation.

According to the noted historian Professor Forrest McDonald in his paper "The Framers' Conception of the Veto Power," published in "Pork Barrels and Principles: The Politics of the Presidential Veto" 1–7 (1988), clause 3 was taken directly from a provision of the Massachusetts Constitution of 1780. This provision set in the State's fundamental charter Massachusetts law dating to 1733 first implemented to give the Royal Governor a check on unbridled spending by the colonial legislature, which had put the colony in serious debt by avoiding the governor's veto power by appropriating money through "votes" rather than legislation. Professor McDonald has also noted in an oped article published in the Wall Street Journal, that the agents of the King of England could disapprove or alter colonial legislative enactments "in any part thereof."

Discussion and debate at the Constitutional Convention over the meaning of clause 3 was scant. In his notes of the proceedings of the Convention, our main source for the intent of the Framers of our fundamental Charter, Madison noted only that Roger Sherman of Connecticut "thought [article I, section 7, clause 3] unnecessary, except as to votes taking money out of the Treasury." No other member of the Convention appears to have discussed the clause. Sherman's comment was important, as it demonstrates the context in which the Framers saw the newly added provision: it was needed only insofar as it pertained to votes appropriating money from the Treasury. Perhaps discussion was so scant because the meaning of the clause was clear to the Framers.

In his 1988 article, Professor McDonald notes that two Anti-Federalist pamphleteers opposed the proposed Constitution in part because article I, section 7, clause 3 "made too strong a line-item veto in the hands of the President." The Federalist Governor of Massachusetts, James Bowdoin, argued during the Massachusetts ratifying convention that the veto power was to be read in light of the Massachusetts experience in which, as noted, the line-item veto was exercised by the governor. In The Federalist No. 69, Alexander Hamilton wrote that the constitutional veto power "tallies exactly with the revisionary authority of the council of revision" in New York, which, according to Professor McDonald, had the power to revise appropriations bills, not merely turn down the entire legislative enactment. Massachusetts, Georgia, and Vermont also gave their executives revisionary authority over legislative appropriations.

Roger Sherman's comment was prescient, as he focused on the issue confronting us over 200 years later. The language of clause 3 has proven to be redundant, as Congress has not attempted to avoid the strictures of the second clause. Butclause 3 is not superfluous as regards, in Sherman's language, "votes taking money out of the Treasury." In order to give effect to this provision, the President must have the authority to separate out different items from a single appropriation bill and veto one or more of those individual items.

This reading is consistent with the early national practice, under which Presidents viewed appropriations as permissive rather than mandatory. President Washington and his Treasury Secretary, Alexander Hamilton, assumed that the President had the authority to shift appropriated funds from one account to another. The former Anti-Federalists, having become the Republican party, objected to these transfers. Once a Republican, Thomas Jefferson, became President, however, he too considered appropriations bills to be permissive and refused on at least two occasions to spend money that had been appropriated by Congress.

Professor McDonald points out in his 1988 article that shortly after the new Federal Constitution was ratified, several of the States rewrote their constitutions to conform their basic charters to the new Federal one. The contemporaneous experience of these States is highly relevant to the Framers' understanding of the text they had devised. Several States adopted new constitutions in 1789 or the early 1790's. Of these, Georgia and Pennsylvania, and the new States of Vermont and Kentucky all adopted constitutions that included the phrasing of article I, section 7 to enable their governors to exercise the line-item veto.

According to a 1984 report of the Committee on the Budget of the House of Representatives, "The Line-Item Veto: An Appraisal," the practice at the national level of the President's exercise of a line-item veto continued. President Andrew Jackson declined, over congressional objection, to enforce provisions of a congressional enactment in 1830. In 1842, President John Tyler signed a bill that he refused to execute in full. Instead, he advised Congress that he had deposited with the Secretary of State "an exposition of my reasons for giving [in bill] my sanction." Congress issued a report challenging the legality of the President's action.

Professor McDonald noted that between 1844 and 1859, three northern States, responding to fiscal problems, adopted constitutions explicitly providing their governors with power to veto individual items of appropriation. Building on this history, the provisional Constitution of the Confederate States of America also made explicit that the President of the Confederacy had line-item veto authority.

It was only after the Civil War that President Grant suggested that he did not already enjoy the authority to veto individual items of appropriation and other specific riders to legislation and urged that he be granted such authority. President Grant's position that he did not enjoy a line-item veto under the Constitution was directly contradictory to the original understanding of the Constitution, a position endorsed by Presidents Washington, Jefferson, Jackson, and Tyler through usage. It ignored the original understanding of the Farmers of the Constitution and the historical context in which that document was drafted. Proposals for a Federal line-item veto have been made intermittently since the Grant Administration.

An alternative argument based on the language of article I, section 7, clause 2, but consistent with the original understanding of the veto power, has also been made to support the President's exercise of a line-item veto. In discussing why the issue of a line-item veto was not raised during the Constitutional Convention, Professor Russell Ross of the University of Iowa and former United States Representative Fred Schwengel wrote in an article "An Item Veto for the President?," 12 Presidential Studies Quarterly 66 (1982), "[i]t is at least possible that this subject was not raised because those attending the Convention gave the term 'bill' a much narrower construction than has since been applied to the term. It may have been envisioned that a bill would be concerned with only one specific subject and that subject would be clearly stated in the title."

Professor Ross and Mr. Schwengel quote at length the former Chairman of the House Judiciary Committee, Hatton W. Sumners, who defended this view in a 1937 letter to the Speaker of the House that was reprinted in the Congressional Record on February 27, 1942. Chairman Sumners was of the view that the term "bill" as used in clause 2 of section 7 of the first article was intended to be applied narrowly to refer to "items which might have been the subject matter of separate bills." This reading he thought most consistent with the purpose and plan of the Constitution. Thus, Chairman Sumners believed that clause 2, as originally intended, could also be relied upon to vest line-item veto authority in the President.

Chairman Sumners's reading is also consistent with the practice in some of the colonies. Professor McDonald cites to the Maryland constitution of 1776, which expressly provided that any enacted bill could have only one subject. Several other States followed Maryland during the succeeding decades and limited legislative enactments to a single subject.

A review of the contemporary understanding of the veto provisions of the Constitution when drafted supports the view that the President currently enjoys line-item veto authority, which several Presidents have exercised.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUED BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report on April 21, 1993, concerning the continued blocking of Panamanian government assets. This report is submitted pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

On April 5, 1990, President Bush issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that the President directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

Since the last report, $400,000 has been unblocked by specific license. Of the approximately $5.9 million remaining blocked at this time, some $5.3 million is held in escrow by the Federal Reserve Bank of New York at the request of the Government of Panama. Additionally, approximately $600,000 is held in commercial bank accounts for which the Government of Panama has not requested unblocking. A small residual in blocked reserve accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509, remains on the books of U.S. firms pending the final reconciliation of accounting records involving claims and counterclaims between the firms and the Government of Panama.

I will continue to report periodically to the Congress on the exercise of authorities to prohibit transactions involving property in which the Government of Panama has an interest, pursuant to 50 U.S.C. 1706(d).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 9, 1993.*

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, each without amendment:

S. 836. An act to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentrol (The Royal Road of the Interior Lands), and for other purposes.

S. 983. An act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

S.J. Res. 139. Joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 457. An act to provide for the conveyance of lands to certain individuals in Butte County, California.

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 2722. An act to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters and law enforcement officers; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.

H.R. 3161. An act to make technical amendments necessitated by the enactment of the Older Americans Act Amendments of 1992, and for other purposes.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility."

H.R. 3285. An act to redesignate the postal facility located at 1401 West Fort Street, Detroit, Michigan, as the "George W. Young Post Office."

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day."

H.J. Res. 79. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1993, and November 20, 1994, as "National Family Week."

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 654. An act to amend the Indian Environmental General Assistance Program Act of 1992 to extend the authorization of appropriations.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 88. Concurrent resolution recognizing and commending American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 836. An Act to amend the national Trails system Act to provide for a study of El Camino Real de Tierra Adentrol (The Royal Road of the Interior Lands), and for other purposes.

S. 983. An Act to amend the National Trails System Act to direct the Secretary of the Interior to study the El Camino Real Para Los Texas for potential addition to the National Trails System, and for other purposes.

S.J. Res. 139. Joint Resolution to designate the third Sunday in November of 1993 as "National Children's Day."

At 6:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House recedes from its amendment to the amendment of the Senate number 123 to the bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, and agrees to the action of the Senate on the aforesaid amendment.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2639. An act to authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes.

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 457. An act to provide for the conveyance of lands to certain individuals in Butte County, California; to the Committee on Energy and Natural Resources.

H.R. 2440. An act to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2639. An act to authorize appropriations for the promotion and development of the United States national telecommunications and information infrastructure, the construction and planning of public broadcasting facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2722. An act to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters and law enforcement officers; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; to the Committee on Labor and Human Resources.

H.R. 3197. An act to redesignate the postal facility located at 2100 North 13th Street in Reading, Pennsylvania, as the "Gus Yatron Postal Facility"; to the Committee on Governmental Affairs.

H.R. 3285. An act to redesignate the postal facility located at 1401 West Fort Street, Detroit, Michigan, as the George W. Young Post Office"; to the Committee on Governmental Affairs.

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day"; to the Committee on the Judiciary.

The following measure was read and referred as indicated:

H. Con. Res. 88. Concurrent resolution recognizing and commending American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1299. A bill to reform requirements for the disposition of multifamily property owned by the Secretary of Housing and Urban Development, enhance program flexibility, authorize a program to combat crime, and for other purposes (Rept. No. 103–174).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Jonathan Z. Cannon, of Virginia, to be Chief Financial Officer, Environmental Protection Agency.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Robert T. Watson, of Virginia, to be an Associate Director of the Office of Science and Technology Policy;

Jane M. Wales, of New York, to be an Associate Director of the Office of Science and Technology Policy;

Mary Rita Cooke Greenwood, of California, to be an Associate Director of the Office of Science and Technology Policy; and

the following officers of the U.S. Coast Guard for appointment to the grade of rear admiral (lower half) Douglas H. Teeson, II, Edward J. Barrett, Robert C. North, and Timothy W. Josiah.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 1268

At the request of Mr. WOFFORD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1268, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits.

S. 1329

At the request of Mr. D'AMATO, the names of the Senator from Maryland [Mr. SARBANES] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 1329, a bill to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

S. 1425

At the request of Mr. CONRAD, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1425, a bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes.

S. 1450

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1450, a bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

S. 1491

At the request of Mr. FORD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1491, a bill to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations, and for other purposes.

S. 1495

At the request of Mr. INOUYE, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from New Hampshire [Mr. GREGG], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Montana [Mr. BURNS], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Mr. SARBANES], the Senator from Georgia [Mr. NUNN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. MATHEWS], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 139

At the request of Mr. WOFFORD, his name was added as a cosponsor of Senate Joint Resolution 139, a joint resolution to designate the third Sunday in November of 1993 as "National Children's Day."

SENATE RESOLUTION 128

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Resolution 128, a resolution expressing the sense of the Senate regarding the protection to be accorded United States copyright-based industries under agreements entered into pursuant to the Uruguay round of trade negotiations.

AMENDMENT NO. 1130

At the request of Mr. SMITH his name was added as a cosponsor of amendment No. 1130 proposed to S. 1607, a bill to control and prevent crime.

AMENDMENT NO. 1140

At the request of Mr. BRYAN his name was added as a cosponsor of amendment No. 1140 proposed to S. 1607, a bill to control and prevent crime.

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 1140 proposed to S. 1607, supra.

AMENDMENT NO. 1141

At the request of Mr. LIEBERMAN the names of the Senator from Florida [Mr. MACK] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of amendment No. 1141 proposed to S. 1607, a bill to control and prevent crime.

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 1141 proposed to S. 1607, supra.

AMENDMENTS SUBMITTED

OMNIBUS CRIME CONTROL LEGISLATION

MOSELEY-BRAUN AMENDMENT NO. 1146

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted the following amendment intended to be proposed by her to the bill (S. 1607) to control and prevent crime, as follows:

At the appropriate place insert the following:

SEC. . PROVISION OF FIREARM OR AMMUNITION TO JUVENILE HAVING REASONABLE CAUSE TO BELIEVE THAT IT WILL BE USED TO COMMIT A CRIME.

(a) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s) It shall be unlawful for a person over the age of 18 to provide a firearm or ammunition to a person who he knows or has reasonable cause to believe is under the age of 18 if the person who provides it has reasonable cause to believe that the person is acquiring the firearm or ammunition with the intent that it will be used to commit a crime.".

(b) PENALTY.—Section 924(e) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(5) A person who violates section 922(s) shall be fined under this title, imprisoned not more than 10 years, or both.".

D'AMATO (AND OTHERS) AMENDMENT NO. 1147

Mr. D'AMATO (for himself, Mr. DOMENICI, Mr. STEVENS, Mr. MCCAIN, Mr. PRESSLER, Mr. DOLE, Mr. HATCH, Mr. MURKOWSKI, Mr. SMITH, Mr. GORTON, and Mr. GRAMM) proposed an amendment to amendment No. 1130 proposed by Mr. GRAMM to the bill S. 1607, supra, as follows:

In lieu of the language proposed to be inserted, insert the following:

Subtitle B—Mandatory Minimum Sentence Guidelines

SEC. 2911. FLEXIBILITY IN APPLICATION OF MANDATORY MINIMUM SENTENCE PROVISIONS IN CERTAIN CIRCUMSTANCES.

(a) AMENDMENT OF TITLE 18, UNITED STATES CODE.—Section 3553 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(f) MANDATORY MINIMUM SENTENCE PROVISIONS.—

"(1) SENTENCING UNDER THIS SECTION.—In the case of an offense described in paragraph (2), the court shall, notwithstanding the requirement of a mandatory minimum sentence in that section, impose a sentence in accordance with this section and the sentencing guidelines and any pertinent policy statement issued by the United States Sentencing Commission.

"(2) OFFENSES.—An offense is described in this paragraph if—

"(A) the defendant is subject to a mandatory minimum term of imprisonment under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960);

"(B) the defendant does not have—

"(i) more than 0 criminal history point under the sentencing guidelines; or

"(ii) any prior conviction, foreign or domestic, for a crime of violence against the person or drug trafficking offense that resulted in a sentence of imprisonment (or an adjudication as a juvenile delinquent for an act that, if committed by an adult, would constitute a crime of violence against the person or drug trafficking offense);

"(C) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person—

"(i) as a result of the act of any person during the course of the offense; or

"(ii) as a result of the use by any person of a controlled substance that was involved in the offense;

"(D) the defendant did not carry or otherwise have possession of a firearm (as defined in section 921) or other dangerous weapon during the course of the offense and did not direct another person who possessed a firearm to do so and the defendant had no knowledge of any other conspirator involved possessing a firearm;

"(E) the defendant was not an organizer, leader, manager, or supervisor of others (as defined or determined under the sentencing guidelines) in the offense; and

"(F) the defendant was nonviolent in that the defendant did not use, attempt to use, or make a credible threat to use physical force against the person of another during the course of the offense.".

"(G) The defendant did not own the drugs, finance any part of the offense, or sell the drugs.

(b) HARMONIZATION.—

(1) IN GENERAL.—The United States Sentencing Commission—

(A) may make such amendments as it deems necessary and appropriate to harmonize the sentencing guidelines and policy statements with section 3553(f) of title 18, United States Code, as added by subsection (a), and promulgate policy statements to assist the courts in interpreting that provision; and

(B) shall amend the sentencing guidelines, if necessary, to assign to an offense under section 401 or 402 of the Controlled Substances Act (21 U.S.C. 841 and 844) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to which a mandatory minimum term of imprisonment applies a guideline level that will result in the imposition of a term of imprisonment at least equal to the mandatory term of imprisonment that is currently applicable unless a downward adjustment is authorized under section 3553(f) of title 18, United States Code, as added by subsection (a).

(2) If the Commission determines that an expedited procedure is necessary in order for amendments made pursuant to paragraph (1) to become effective on the effective date specified in subsection (c), the Commission may promulgate such amendments as emergency amendments under the procedures set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271), as though the authority under that section had not expired.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and any amendments to the sentencing guidelines made by the United States Sentencing Commission pursuant to subsection (b) shall apply with respect to sentences imposed for offenses committed on or after the date that is 60 days after the date of enactment of this Act. Notwithstanding any other provision of law, any defendant who has been sentenced pursuant to 3553 (f) who is subsequently convicted to a violation of the Controlled Substances Act or any crime of violence for which imposition of a mandatory minimum term of imprisonment is required, he or she shall be sentenced to an additional 5 years imprisonment.

SEC. . MANDATORY PRISON TERMS FOR USE, POSSESSION, OR CARRYING OF A FIREARM OR DESTRUCTIVE DEVICE DURING A STATE CRIME OF VIOLENCE OR STATE DRUG TRAFFICKING CRIME.

Section 924(c) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) A person who, during and in relation to a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of any State—

"(i) in the case of a first conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) knowingly possesses a firearm shall be imprisoned not less than 10 years;

"(II) discharges a firearm with intent to injure another person shall be imprisoned not less than 20 years; or

"(III) knowingly possesses a firearm that is a machinegun or destructive device or is equipped with a firearm silencer or firearm muffler shall be imprisoned not less than 30 years;

"(ii) in the case of a second conviction of such a crime, in addition to the sentence imposed for the crime of violence or drug trafficking crime—

"(I) shall be imprisoned not less than 20 years if the person was in possession of a firearm during and in relation to the violence or drug trafficking crime;

"(II) shall be imprisoned not less than 30 years if the person discharged a firearm during and in relation to the crime of violence or drug trafficking crime; or

"(III) if the person discharges a firearm that is a machinegun or a destructive device or is equipped with a firearm silencer or firearm muffler, shall be imprisoned for life; and

"(iii) in the case of a third or subsequent conviction of such a crime, shall be imprisoned for life.

"(B)(i) Notwithstanding any other law, a court shall not place on probation or suspend the sentence of any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment including that imposed for the crime of violence or drug trafficking crime in which the firearm was used.

"(ii) No person sentenced under this subsection shall be released for any reason whatsoever during a term of imprisonment imposed under this paragraph.

"(C) For the purposes of paragraph (A), a person shall be considered to be in possession of a firearm if—

"(i) in the case of a crime of violence, the person touches a firearm at the scene of the crime at any time during the commission of the crime; and

"(ii) in the case of a drug trafficking crime, the person has a firearm readily available at the scene of the crime.

"(D) Except in the case of a person who engaged in or participated in criminal conduct that gave rise to the occasion for the person's use of a firearm, this paragraph has no application to a person who may be found to have committed a criminal act while acting in defense of person or property during the course of a crime being committed by another person (including the arrest or attempted arrest of the offender during or immediately after the commission of the crime).

"(E) In this paragraph—

"'crime of violence' means an offense that is punishable by imprisonment for more than 1 year and—

"(I) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

"(II) by its nature involves a substantial risk that physical force against the person or property of another may be used during the course of the offense.

"'drug trafficking crime' means a crime punishable by imprisonment for more than 1 year involving the manufacture, distribution, possession, cultivation, sale, or transfer of a controlled substance, controlled substance analogue immediate precursor, or listed chemical (as those terms are defined in section 102 of the Controlled Substance Act (21 U.S.C. 802)), or an attempt or conspiracy to commit such a crime.

"(F) It is the intent of Congress that—

"(i) this paragraph shall be used to supplement but not supplant the effort of State and local prosecutors in prosecuting crimes of violence and drug trafficking crimes that could be prosecuted under State law; and

"(ii) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(G) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General.

"(H) There is a Federal jurisdiction over an offense under this paragraph if a firearm involved in the offense has moved at any time in interstate or foreign commerce.".

SEC. . MURDER INVOLVING FIREARM.

"(A) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 540(a), is amended by adding at the end the following section:

"§ 1122. Murder involving firearm

"(a) OFFENSE.—A person who has been found guilty of causing, through the use of a firearm, as defined in section 921 of this title, the death of another person, intentionally, knowingly, or through recklessness manifesting extreme indifference to human life, or through the intentional infliction of serious bodily injury, shall be punished by death or imprisoned for any term of years or for life.Whenever the government seeks a sentence of death under this section, the procedures set forth in title 18, chapter 228, shall apply.

"(b) JURISDICTION.—There is Federal jurisdiction over an offense under this section if—

"(1) the conduct of the offender occurred in the course of an offense against the United States; or

"(2) a firearm involved in the offense has moved at any time in interstate or foreign commerce.".

"(C) It is the intent of Congress that—

"(1) this paragraph shall be used to supplement but not supplant the efforts of State and local prosecutors in prosecuting murders involving firearms that have moved in interstate or foreign commerce that could be prosecuted under State law; and

"(2) the Attorney General shall give due deference to the interest that a State or local prosecutor has in prosecuting a person under State law.

"(d) This paragraph does not create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor does it place any limitations on otherwise lawful prerogatives of the Attorney General.

(e) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 504(b), is amended by adding at the end the following new item:

"Sec. 1122. Murder involving firearm.".

SEC. . MANDATORY MINIMUM PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR WHO USE MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 18.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) (first offense) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term or imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (b) (second offense) by inserting after the second sentence "Except to the extent a greater sentence is otherwise authorized by section 401((b), a term of imprisonment under this subsection in a case involving distribution to a person under 18 years of age by a person 21 or more years of age shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by adding at the end of the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be not less than 10 years. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence."; and

(2) in subsection (c) (penalty for second offenses) by inserting after the second sentence the following: "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment of a person 21 or more years of age convicted under this subsection shall be a mandatory term of life imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence.".

SEC. . LIFE IMPRISONMENT WITHOUT RELEASE FOR DRUG FELONS AND VIOLENT CRIMINALS CONVICTED A THIRD TIME.

Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence" and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 (21 U.S.C. 859, 860, and 861) or a crime of violence after 2 or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony punishable by a maximum term of imprisonment of 10 years or more and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.".

KOHL (AND OTHERS) AMENDMENT NO. 1148

Mr. KOHL (for himself, Mr. Mitchell, Mr. Thurmond, Mrs. Feinstein, Ms. Moseley-Braun, Mr. Craig, Mrs. Kassebaum, Mr. Pryor, Mr. Lautenberg, Mr. Chafee, Mrs. Murray, Mr. Lieberman, Mr. Wellstone, Mr. Wofford, Mr. Mathews, Mr. Simon, Mr. Simpson, Mrs. Boxer, Ms. Mikulski, Mr. Pell, Mr. Akaka, Mr. Graham, and Mr. Dole) proposed an amendment to the bill S. 1607, supra; as follows:

On page 127, between lines 15 and 16, insert the following:

Subtitle D—Youth Handgun Safety

SEC. 631. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 632. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) Definition.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) Offense.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) under the personal supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) with the permission of the juvenile's parent or legal guardian; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) Penalties.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 13 months, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) Technical Amendment of Juvenile Delinquency Provisions in Title 18, United States Code.—

(1) Section 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) Section 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) Technical Amendment of the Juvenile Justice and Delinquency Prevention Act of 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law).".

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

MITCHELL (AND OTHERS) AMENDMENT NO. 1149

Mr. MITCHELL, (for himself, Mr. KOHL, Mr. THURMOND, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. CRAIG, Mrs. KASSEBAUM, Mr. PRYOR, Mr. LAUTENBERG, Mr. CHAFEE, Mrs. MURRAY, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. WOFFORD, Mr. MATHEWS, Mr. SIMON, and Mr. SIMPSON) proposed an amendment to amendment No. 1148 proposed by Mr. KOHL to the bill S. 1607, supra; as follows:

Strike all after the first word and insert the following:

Youth Handgun Safety

SEC. 631. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) Crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem.

(2) Problems with crime at the local level are exacerbated by the interstate movement of drugs, guns, and criminal gangs.

(3) Firearms and ammunition, and handguns in particular, move easily in interstate commerce, as documented in numerous hearings in both the Judiciary Committee of the House of Representatives and Judiciary Committee of the Senate.

(4) In fact, even before the sale of a handgun, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce.

(5) While criminals freely move from State to State, ordinary citizens may fear to travel to or through certain parts of the country due to the concern that violent crime is not under control, and foreigners may decline to travel in the United States for the same reason.

(6) Just as the hardened drug kingpins begin their life in the illicit drug culture by exposure to drugs at a young age, violent criminals often start their criminal careers on streets where the ready availability of guns to young people results in the acceptability of their random use.

(7) Violent crime and the use of illicit drugs go hand-in-hand, and attempts to control one without controlling the other may be fruitless.

(8) Individual States and localities find it impossible to handle the problem by themselves; even States and localities that have made a strong effort to prevent, detect, and punish crime find their effort unavailing due in part to the failure or inability of other States and localities to take strong measures.

(9) Inasmuch as illicit drug activity and related violent crime overflow State lines and national boundaries, the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to combat these problems.

(10) The Congress finds that it is necessary and appropriate to assist the States in controlling crime by stopping the commerce in handguns with juveniles nationwide, and allowing the possession of handguns by juveniles only when handguns are possessed and used for legitimate purposes under appropriate conditions.

SEC. 632. PROHIBITION OF THE POSSESSION OF A HANDGUN OR AMMUNITION BY, OR THE PRIVATE TRANSFER OF A HANDGUN OR AMMUNITION TO, A JUVENILE.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.".

(b) OFFENSE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a juvenile, or to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile—

"(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

"(ii) under the personal supervision of an adult who is not prohibited by Federal, State, or local law from possessing a firearm, except—

"(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

"(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm.

"(iii) with the permission of the juvenile's parent or legal guardian; and

"(iv) in accordance with State and local law;

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

"(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "paragraph (2) or (3) of"; and

(2) by adding at the end the following new paragraph:

"(5)(A)(i) A juvenile who violates section 922(s) shall be fined under this title, imprisoned not more than 1 year, or both, except that a juvenile described in clause (ii) shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation.

"(ii) A juvenile is described in this clause if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(s)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(s) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(B) A person other than a juvenile who knowingly violates section 922(s)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a crime of violence, shall be fined under this title, imprisoned not more than 10 years, or both.".

(d) TECHNICAL AMENDMENT OF JUVENILE DELINQUENCY PROVISIONS IN TITLE 18, UNITED STATES CODE.—

(1) SECTION 5031.—Section 5031 of title 18, United States Code, is amended by inserting "or a violation by such a person of section 922(s)" before the period at the end.

(2) SECTION 5032.—Section 5032 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph by inserting "or (s)" after "922(p)"; and

(B) in the fourth undesignated paragraph by inserting "or section 922(s) of this title," before "criminal prosecution on the basis".

(e) TECHNICAL AMENDMENT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking "which do not constitute violations of valid court orders" and inserting "(other than an offense that constitutes a violation of a valid court order or a violation of section 922(s) of title 18, United States Code, or a similar State law)."

(f) MODEL LAW.—The Attorney General, acting through the Director of the National Institute for Juvenile Justice and Delinquency Prevention, shall—

(1) evaluate existing and proposed juvenile handgun legislation in each State;

(2) develop model juvenile handgun legislation that is constitutional and enforceable;

(3) prepare and disseminate to State authorities the findings made as the result of the evaluation; and

(4) report to Congress by December 31, 1994, findings and recommendations concerning the need or appropriateness of further action by the Federal Government.

ROTH AMENDMENT NO. 1150

Mr. ROTH proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place, insert the following:

SEC. . STATE AND LOCAL COOPERATION WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

(a) STATE AND LOCAL COOPERATION.—Notwithstanding any law, ordinance or regulation of any State or subdivision thereof to the contrary, officials of any State or local government or agency, upon the request of any duly authorized official of the United States Immigration and Naturalization Service, shall provide information regarding the identification, location, arrest, prosecution, detention, and deportation of an alien or aliens who are not lawfully present in the United States.

(b) REPORT.—Not later than 6 months after the enactment of this Act, the Attorney General, in concert with the Commissioner of the Immigration and Naturalization Service, shall report to the Congress and the President on the extent to which State and local governments are not cooperating with the United States Immigration and Naturalization Service. This report shall identify any State or local governments that have adopted laws, policies or practices of non-cooperation with the United States Immigration and Naturalization Service, the specific nature of those laws, policies or practices, and their impact on the enforcement of the immigration laws.

(c) FUNDING BASED ON COOPERATION.—No State or local government or agency which has been identified in the Attorney General's report required by the preceding paragraph, which has a policy or practice of refusing to cooperate with the Immigration and Naturalization Service regarding the identification, location, arrest, prosecution, detention, or deportation of aliens who are not lawfully present in the United States, shall be eligible for any Federal funds from appropriations made pursuant to a provision of this Act or of an amendment made by this Act authorizing appropriations, as long as such policy or practice remains in effect.

LEVIN AMENDMENT NO. 1151

Mr. LEVIN proposed an amendment to the bill S. 1607, supra; as follows:

In the appropriate place in the bill, add the following new section:

SEC. . TO IMPROVE FEDERAL AND STATE AUTOMATED FINGERPRINT SYSTEMS TO IDENTIFY MORE CRIMINAL SUSPECTS.

The FBI shall report by June 1994 to the Congress regarding how it can accelerate and improve automatic fingerprint systems at the State and Federal level in order to use fingerprints found at the scene of a crime to identify more criminal suspects more quickly and effectively.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 1152

Mrs. FEINSTEIN (for herself, Mr. DECONCINI, Mr. METZENBAUM, Mr. DANFORTH, Mr. PELL, Ms. MOSELEY-BRAUN, Mrs. BOXER, Mr. PRYOR, Mr. LAUTENBERG, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. WELLSTONE, Mr. CHAFEE, Mr. EXON, Mr. BOREN, and Mr. BRADLEY) proposed an amendment to the bill S. 1607, supra; as follows:

At the appropriate place insert the following.

TITLE—SEMIAUTOMATIC ASSAULT WEAPONS

SEC. 01. SHORT TITLE.

This title may be cited as the "Public Safety and Recreational Firearms Use Protection Act".

SEC. 02. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s) It shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.".

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'semiautomatic assault weapon' means—

"(A) any of the firearms, or types, replicas, or duplicates in any caliber of the firearms, known as—

"(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

"(ii) Action Arms Israeli Military Industries UZI and Galil;

"(iii) Beretta AR-70 (SC-70);

"(iv) Colt AR-15;

"(v) Fabrique Nationale FN/FAL, FN/LAR, and FNC;

"(vi) SWD M-10, M-11, M-11/9, and M12;

"(vii) Steyr AUG;

"(viii) INTRATEC TEC-9, TEC-DC9 and TEC-22; and

"(ix) any shotgun which contains its ammunition in a revolving cylinder, such as (but not limited to) the Street Sweeper and Striker 12;

"(B) a semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a bayonet mount;

"(iv) a flash suppressor or barrel having a threaded muzzle, and

"(v) a grenade launcher;

"(C) a semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of—

"(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(ii) a barrel having a threaded muzzle;

"(iii) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;

"(iv) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(v) a semiautomatic version of an automatic firearm; and

"(D) a semiautomatic shotgun that has at least 2 of—

"(i) a folding or telescoping stock;

"(ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(iii) a fixed magazine capacity in excess of 5 rounds; and

"(iv) an ability to accept a detachable magazine.

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(s).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or (q) of section 922" and inserting "(q), or (s) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1) of title 18, United States Code, is amended in the first sentence by inserting ", or semiautomatic assault weapon" after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following new sentence: "The serial number of any semiautomatic assault weapon manufactured after the date of enactment of this section shall clearly show the date on which the weapon was manufactured.".

SEC. 03. EXEMPTION FOR FIREARMS LAWFULLY POSSESSED PRIOR TO DATE OF ENACTMENT.

Section 922(s) of title 18, United States Code, as added by section——02(a), is amended by adding at the end the following paragraph:

"(2) Paragraph (1) shall not apply to the transfer or possession of any firearm that was lawfully possessed before the effective date of this subsection.".

SEC. 04. EXEMPTION FOR CERTAIN HUNTING AND SPORTING FIREARMS.

Section 922 of title 18, as amended by section——03, is amended by adding at the end the following paragraph:

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) is an 'unserviceable firearm"; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.".

SEC. 05. EXEMPTIONS FOR GOVERNMENTAL AND EXPERIMENTAL USE.

Section 922(s) of title 18, United States Code, as amended by section——04, is amended by adding the following paragraph:

"(4) Paragraph (1) shall not apply to—

"(A) the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State; or

"(B) the manufacture, transfer, or possession of any firearm by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary, or for exportation.".

SEC. 06. RECORDKEEPING REQUIREMENTS AND RELATED RESTRICTIONS.

(a) OFFENSE.—Section 922 of title 18, United States Code, as amended by section——05, is amended by adding at the end the following new subsection:

"(t)(1) It shall be unlawful for a person to sell, ship, or deliver an assault weapon to a person who does not fill out a form 4473 in connection with the purchase of the assault weapon.

"(2) It shall be unlawful for a person to purchase, possess, or accept delivery of an assault weapon unless the person has filled out a form 4473 in connection with the purchase of the assault weapon.

"(3) If a person purchases an assault weapon from anyone other than a licensed dealer, both the purchaser and the seller shall maintain a record of the sale on the seller's original copy of form 4473.

"(4) An owner of an assault weapon on the effective date of this subsection who requires retention of form 4473 under this subsection shall, within 90 days after publication of regulations by the Secretary under paragraph (5), request a copy of form 4473 from a licensed dealer in accordance with those regulations.

"(5) The Secretary shall, within 90 days after the date of enactment of this subsection, prescribe regulations for the request and delivery of form 4473 under paragraph (4).".

(b) PENALTY.—Section 924 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(i) A person who knowingly violates section 922(t) shall be fined not more than $1,000 (in accordance with section 3571(e)), imprisoned not more than 6 months, or both.".

(c) DISABILITY.—Section 922(g)(1) of title 18, United States Code, is amended by inserting "or a violation of section 922(t)" before the semicolon at the end.

SEC. 07. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, as amended by section——06, is amended by adding at the end the following new subsection:

"(u)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

"(2) This subsection does not apply to—

"(A) a transfer to or by, or possession by or under the authority of, the United States or any department or agency of the United States or a State, or a department, agency, or political subdivision of a State;

"(B) the lawful transfer or lawful possession of a large capacity ammunition feeding device that was lawfully possessed before the effective date of this subsection; or

"(C) the transfer or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Secretary.".

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United States Code, as amended by section——02(b), is amended by adding at the end the following new paragraph:

"(30) The term 'large capacity ammunition feeding device'—

"(A) means—

"(i) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(ii) any combination of parts from which a device described in clause (i) can be assembled; but

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(c) LARGE CAPACITY AMMUNITION FEEDING DEVICES TREATED AS FIREARMS.—Section 921(a)(3) of title 18, United States Code, is amended in the first sentence—

(1) by striking "or (D) any destructive device."; and

(2) by inserting "(D) any destructive device; or (E) any large capacity ammunition feeding device.".

(d) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by section——02(c), is amended by striking "or (s)" and inserting "(s), or (u)".

(e) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by section——02(d), is amended by adding at the end the following new sentence: "A large capacity ammunition feeding device manufactured after the date of enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Secretary may by regulation prescribe.".

SEC. 08. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this title and the amendments made by this title, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over a period of 18 months, commencing 78 months after the date of enactment of this Act.

(b) REPORT.—Not later than 8 years after the date of enactment of this Act, the Attorney General shall prepare and submit to Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 09. EFFECTIVE DATE.

This title and the amendments made by this title—

(1) shall take effect on the date of enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date.

SEC. 10. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States code, is amended by adding at the end the following appendix:

"APPENDIX A

Centerfire Rifles—Autoleaders

Browning BAR Mark II Safari Semi-Auto Rifle.
Browning BAR Mark II Safari Magnum Rifle.
Browning High-Power Rifle.
Heckler & Koch Model 300 Rifle.
Iver Johnson M-1 Carbine.
Iver Johnson 50th Anniversary M-1 Carbine.
Marlin Model 9 Camp Carbine.
Marlin Model 45 Carbine.
Remington Nylon 66 Auto-Loading Rifle.
Remington Model 7400 Auto Rifle.
Remington Model 7400 Rifle.
Remington Model 7400 Special Purpose Auto Rifle.
Ruger Mini-14 Autoloading Rifle (w/o folding stock).
Ruger Mini Thirty Rifle.

Centerfire Rifles—Lever & Slide

Browning Model 81 BLR Lever-Action Rifle.
Browning Model 81 Long Action BLR.
Browning Model 1886 Lever-Action Carbine.
Browning Model 1886 High Grade Carbine.
Cimarron 1860 Henry Replica.
Cimarron 1866 Winchester Replicas.
Cimarron 1873 Short Rifle.
Cimarron 1873 Sporting Rifle.
Cimarron 1873 30" Express Rifle.
Dixie Engraved 1873 Rifle.
E.M.F. 1866 Yellowboy Lever Actions.
E.M.F. 1860 Henry Rifle.
E.M.F. Model 73 Lever-Action Rifle.
Marlin Model 336CS Lever-Action Carbine.
Marlin Model 444SS Lever-Action Sporter.
Marlin Model 1894S Lever-Action Carbine.
Marlin Model 1894CS Carbine.
Marlin Model 1894CL Classic.
Marlin Model 1895SS Lever-Action Rifle.
Mitchell 1858 Henry Replica.
Mitchell 1866 Winchester Replica.
Mitchell 1873 Winchester Replica.
Navy Arms Military Henry Rifle.
Navy Arms Henry Trapper.
Navy Arms Iron Frame Henry.
Navy Arms Henry Carbine.
Navy Arms 1866 Yellowboy Rifle.
Navy Arms 1873 Winchester-Style Rifle.
Navy Arms 1873 Sporting Rifle.
Remington 7600 Slide Action.
Remington Model 7600 Special Purpose Slide Action.
Rossi M92 SRC Saddle-Ring Carbine.
Rossi M92 SRS Short Carbine.
Savage 99C Lever-Action Rifle.
Uberti Henry Rifle.
Uberti 1866 Sporting Rifle.
Uberti 1873 Sporting Rifle.
Winchester Model 94 Side Eject Lever-Action Rifle.
Winchester Model 94 Trapper Side Eject.
Winchester Model 94 Big Bore Side Eject.
Winchester Model 94 Ranger Side Eject Lever-Action Rifle.
Winchester Model 94 Wrangler Side Eject.

Centerfire Rifles—Bolt Action

Alpine Bolt-Action Rifle.
A-Square Caesar Bolt-Action Rifle.
A-Square Hannibal Bolt-Action Rifle.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700D Bavarian Bolt-Action Rifle.
Anschutz 1733D Mannlicher Rifle.
Barret Model 90 Bolt-Action Rifle.
Beeman/HW 60J Bolt-Action Rifle.
Blaser R84 Bolt-Action Rifle.
BRNO 537 Sporter Bolt-Action Rifle.
BRNO ZKB 527 Fox Bolt-Action Rifle.
BRNO ZKK 600. 601. 602 Bolt-Action Rifle.
Browning A-Bolt Rifle.
Browning A-Bolt Stainless Stalker.
Browning A-Bolt Left Hand.
Browning A-Bolt Short Action.
Browning Euro-Bolt Rifle.
Browning A-Bolt Gold Medallion.
Browning A-Bolt Micro Medallion.
Century Centurion 14 Sporter.
Century Enfield Sporter #4.
Century Swedish Sporter #38.
Century Mauser 98 Sporter.
Cooper Model 38 Centerfire Sporter.
Dakota 22 Sporter Bolt-Action Rifle.
Dakota 76 Classic Bolt-Action Rifle.
Dakota 76 Short Action Rifles.

Dakota 76 Safari Bolt-Action Rifle.
Dakota 416 Rigby African.
E.A.A./Sabatti Rover 870 Bolt-Action Rifle.
Auguste Francotte Bolt-Action Rifles.
Carl Gustaf 2000 Bolt-Action Rifle.
Heym Magnum Express Series Rifle.
Howa Lightning Bolt-Action Rifle.
Howa Realtree Camo Rifle.
Interarms Mark X Viscount Bolt-Action Rifle.
Interarms Mini-Mark X Rifle.
Interarms Mark X Whitworth Bolt-Action Rifle.
Interarms Whitworth Express Rifle.
Iver Johnson Model 5100A1 Long-Ranger Rifle.
KDF K15 American Bolt-Action Rifle.
Krico Model 600 Bolt-Action Rifle.
Krico Model 700 Bolt-Action Rifles.
Mauser Model 66 Bolt-Action Rifle.
Mauser Model 99 Bolt-Action Rifle.
McMillan Signature Classic Sporter.
McMillan Signature Super Varminter.
McMillan Signature Alaskan.
McMillan Signature Titanium Mountain Rifle.
McMillan Classic Stainless Sporter.
McMillan Talon Safari Rifle.
McMillan Talon Sporter Rifle.
Midland 1500S Survivor Rifle.
Navy Arms TU-33/40 Carbine.
Parker-Hale Model 81 Classic Rifle.
Parker-Hale Model 81 Classic African Rifle.
Parker-Hale Model 1000 Rifle.
Parker-Hale Model 1100M African Magnum.
Parker-Hale Model 1100 Lightweight Rifle.
Parker-Hale Model 1200 Super Rifle.
Parker-Hale Model 1200 Super Clip Rifle.
Parker-Hale Model 1300C Scout Rifle.
Parker-Hale Model 2100 Midland Rifle.
Parker-Hale Model 2700 Lightweight Rifle.
Parker-Hale Model 2800 Midland Rifle.
Remington Model Seven Bolt-Action Rifle.
Remington Model Seven Youth Rifle.
Remington Model Seven Custom KS.
Remington Model Seven Custom MS Rifle.
Remington 700 ADL Bolt-Action Rifle.
Remington 700 BDL Bolt-Action Rifle.
Remington 700 BDL Varmint Special.
Remington 700 BDL European Bolt-Action Rifle.
Remington 700 Varmint Synthetic Rifle.
Remington 700 BDL SS Rifle.
Remington 700 Stainless Synthetic Rifle.
Remington 700 MTRSS Rifle.
Remington 700 BDL Left Hand.
Remington 700 Camo Synthetic Rifle.
Remington 700 Safari.
Remington 700 Mountain Rifle.
Remington 700 Custom KS Mountain Rifle.
Remington 700 Classic Rifle.
Ruger M77 Mark II Rifle.
Ruger M77 Mark II Magnum Rifle.
Ruger M77RL Ultra Light.
Ruger M77 Mark II All-Weather Stainless Rifle.
Ruger M77 RSI International Carbine.
Ruger M77 Mark II Express Rifle.
Ruger M77VT Target Rifle.
Sako Hunter Rifle.
Sako Fiberclass Sporter.
Sako Safari Grade Bolt Action.
Sako Hunter Left-Hand Rifle.
Sako Classic Bolt Action.
Sake Hunter LS Rifle.
Sako Deluxe Lightweight.
Sako Super Deluxe Sporter.
Sako Mannlicher-Style Carbine.
Sako Varmint Heavy Barrel.
Sako TRG-S Bolt-Action Rifle.
Sauer 90 Bolt-Action Rifle.
Savage 110G Bolt-Action Rifle.
Savage 110CY Youth/Ladies Rifle.
Savage 110WLE One of One Thousand Limited Edition Rifle.
Savage 110GXP3 Bolt-Action Rifle.
Savage 110F Bolt-Action Rifle.
Savage 110FXP3 Bolt-Action Rifle.
Savage 110GV Varmint Rifle.
Savage 112FV Varmint Rifle.
Savage Model 112FVS Varmint Rifle.
Savage Model 112BV Heavy Barrel Varmint Rifle.
Savage 116FSS Bolt-Action Rifle.
Savage model 116FSK Kodiak Rifle.
Savage 110FP Police Rifle.
Steyr-Mannlicher Sporter Models SL, L, M, S, S/T.
Steyr-Mannlicher Luxus Model L, M, S.
Steyr-Mannlicher Model M Professional Rifle.
Tikka Bolt-Action Rifle.
Tikka Premium Grade Rifles.
Tikka Varmint/Continental Rifle.
Tikka Whitetail/Battue Rifle.
Ultra Light Arms Model 20 Rifle.
Ultra Light Arms Model 28, Model 40 Rifles.
Voere VEC 91 Lightning Bolt-Action Rifle.
Voere Model 2165 Bolt-Action Rifle.
Voere Model 2155, 2150 Bolt-Action Rifles.
Weatherby Mark V Deluxe Bolt-Action Rifle.
Weatherby Lasermark V Rifle.
Weatherby Mark V Crown Custom Rifles.
Weatherby Mark V Sporter Rifle.
Weatherby Mark V Safari Grade Custom Rifles.
Weatherby Weathermark Rifle.
Weatherby Weathermark Alaskan Rifle.
Weatherby Classicmark No. 1 Rifle.
Weatherby Weatherguard Alaskan Rifle.
Weatherby Vanguard VGX Deluxe Rifle.
Weatherby Vanguard Classic Rifle.
Weatherby Vanguard Classic No. 1 Rifle.
Weatherby Vanguard Weatherguard Rifle.
Wichita Classic Rifle.
Wichita Varmint Rifle.
Winchester Model 70 Sporter.
Winchester Model 70 Sporter WinTuff.
Winchester Model 70 SM Sporter.
Winchester Model 70 Stainless Rifle.
Winchester Model 70 Varmint.
Winchester Model 70 Synthetic Heavy Varmint Rifle.
Winchester Model 70 DBM Rifle.
Winchester Model 70 DBM-S Rifle.
Winchester Model 70 Featherweight.
Winchester Model 70 Featherweight WinTuff.
Winchester Model 70 Featherweight Classic.
Winchester Model 70 Lightweight Rifle.
Winchester Ranger Rifle.
Winchester Model 70 Super Express Magnum.
Winchester Model 70 Super Grade.
Winchester Model 70 Custom Sharpshooter.
Winchester Model 70 Custom Sporting Sharpshooter Rifle.

Centerfire Rifles—Single Shot

Armsport 1866 Sharps Rifle, Carbine.
Brown Model One Single Shot Rifle.
Browning Model 1885 Single Shot Rifle.
Dakota Single Shot Rifle.
Desert Industries G-90 Single Shot Rifle.
Harrington & Richardson Ultra Varmint Rifle.
Model 1885 High Wall Rifle.
Navy Arms Rolling Block Buffalo Rifle.
Navy Arms #2 Creedmoor Rifle.
Navy Arms Sharps Cavalry Carbine.
Navy Arms Sharps Plains Rifle.
New England Firearms Handi-Rifle.
Red Willow Armory Ballard No. 5 Pacific.
Red Willow Armory Ballard No. 1.5 Hunting Rifle.
Red Willow Armory Ballard No. 8 Union Hill Rifle.
Red Willow Armory Ballard No. 4.5 Target Rifle.
Remington-Style Rolling Block Carbine.
Ruger No. 1B Single Shot.
Ruger No. 1A Light Sporter.
Ruger No. 1H Tropical Rifle.
Ruger No. 1S Medium Sporter.
Ruger No. 1 RSI International.
Ruger No. 1V Special Varminter.
C. Sharps Arms New Model 1874 Old Reliable.
C. Sharps Arms New Model 1875 Rifle.
C. Sharps Arms 1875 Classic Sharps.
C. Sharps Arms New Model 1875 Target & Long Range.
Shiloh Sharps 1874 Long Range Express.
Shiloh Sharps 1874 Montana Roughrider.
Shiloh Sharps 1874 Military Carbine.
Shiloh Sharps 1874 Business Rifle.
Shiloh Sharps 1874 Military Rifle.
Sharps 1874 Old Reliable.
Thompson/Center Contender Carbine.
Thompson/Center Stainless Contender Carbine.
Thompson/Center Contender Carbine Survival System.
Thompson/Center Contender Carbine Youth Model.
Thompson/Center TCR '87 Single Shot Rifle.
Uberti Rolling Block Baby Carbine.

Drillings, Combination Guns, Double Rifles

Baretta Express SSO O/U Double Rifles.
Baretta Model 455 SxS Express Rifle.
Chapuis RGExpress Double Rifle.
Auguste Francotte Sidelock Double Rifles.
Auguste Francotte Boxlock Double Rifle.
Heym Model 55B O/U Double Rifle.
Heym Model 55FW O/U Combo Gun.
Heym Model 88b Side-by-Side Double Rifle.
Kodiak Mk. IV Double Rifle.
Kreighoff Teck O/U Combination Gun.
Kreighoff Trumpf Drilling.
Merkel Over/Under Combination Guns.
Merkel Drillings.
Merkel Model 160 Side-by-Side Double Rifles.
Merkel Over/Under Double Rifles.
Savage 24F O/U Combination Gun.
Savage 24F-12T Turkey Gun.
Springfield Inc. M6 Scout Rifle/Shotgun.
Tikka Model 412s Combination Gun.
Tikka Model 412S Double Fire.
A. Zoli Rifle-Shotgun O/U Combo.

Rimfire Rifles—Autoloaders

AMT Lightning 25/22 Rifle.
AMT Lightning Small-Game Hunting Rifle II.
AMT Magnum Hunter Auto Rifle.
Anschutz 525 Deluxe Auto.
Armscor Model 20P Auto Rifle.
Browning Auto-22 Rifle.
Browning Auto-22 Grade VI.
Krico Model 260 Auto Rifle.
Lakefield Arms Model 64B Auto Rifle.
Marlin Model 60 Self-Loading Rifle.
Marlin Model 60ss Self-Loading Rifle.
Marlin Model 70 HC Auto.
Marlin Model 9901 Self-Loading Rifle.
Marlin Model 70P Papoose.
Marlin Model 922 Magnum Self-Loading Rifle.
Marlin Model 995 Self-Loading Rifle.
Norinco Model 22 ATD Rifle.
Remington Model 522 Viper Autoloading Rifle.
Remington 552BDL Speedmaster Rifle.
Ruger 10/22 Autoloading Carbine (w/o folding stock).
Survival Arms AR-7 Explorer Rifle.
Texas Remington Revolving Carbine.
Voere Model 2115 Auto Rifle.

Rimfire Rifles—Lever & Slide Action

Browning BL-22 Lever-Action Rifle.

Marlin 39TDS Carbine.
Marlin Model 39AS Golden Lever-Action Rifle.
Remington 572BDL Fieldmaster Pump Rifle.
Norinco EM-321 Pump Rifle.
Rossi Model 62 SA Pump Rifle.
Rossi Model 62 SAC Carbine.
Winchester Model 9422 Lever-Action Rifle.
Winchester Model 9422 Magnum Lever-Action Rifle.

Rimfire Rifles—Bolt Actions & Single Shots

Anschutz Achiever Bolt-Action Rifle.
Anschutz 1416D/1516D Classic Rifles.
Anschutz 1418D/1518D Mannlicher rifles.
Anschutz 1700D Classic Rifles.
Anschutz 1700D Custom Rifles.
Anschutz 1700 FWT Bolt-Action Rifle.
Anschutz 1700D Graphite Custom Rifle.
Anschutz 1700D Bavarian Bolt-Action Rifle.
Armscor Model 14P Bolt-Action Rifle.
Armscor Model 1500 Rifle.
BRNO ZKM-452 Deluxe Bolt-Action Rifle.
BRNO ZKM 452 Deluxe.
Beeman/HW 60–J–ST Bolt-Action Rifle.
Browning A-Bolt 22 Bolt-Action Rifle.
Browning A-Bolt Gold Medallion.
Cabanas Phaser Rifle.
Cabanas Master Bolt-Action Rifle.
Cabanas Espronceda IV Bolt-Action Rifle.
Cabanas Leyre Bolt-Action Rifle.
Chipmunk Single Shot Rifle.
Cooper Arms Model 36S Sporter Rifle.
Dakota 22 Sporter Bolt-Action Rifle.
Krico Model 300 Bolt-Action Rifles.
Lakefield Arms Mark II Bolt-Action Rifle.
Lakefield Arms Mark I Bolt-Action Rifle.
Magtech Model MT–22C Bolt-Action Rifle.
Marlin Model 880 Bolt-Action Rifle.
Marlin Model 881 Bolt-Action Rifle.
Marlin Model 882 Bolt-Action Rifle.
Marlin Model 883 Bolt-Action Rifle.
Marlin Model 883SS Bolt-Action Rifle.
Marlin Model 25MN Bolt-Action Rifle.
Marlin Model 25N Bolt-Action Repeater.
Marlin Model 15YN "Little Buckaroo".
Mauser Model 107 Bolt-Action Rifle.
Mauser Model 201 Bolt-Action Rifle.
Navy Arms TU–KKW Training Rifle.
Navy Arms TU–33/40 Carbine.
Navy Arms TU–KKW Sniper Trainer.
Norinco JW–27 Bolt-Action Rifle.
Norinco JW–15 Bolt-Action Rifle.
Remington 541–T.
Remington 40–XR Rimfire Custom sporter.
Remington 541–T HB Bolt-Action Rifle.
Remington 581–S Sportsman Rifle.
Ruger 77/22 Rimfire Bolt-Action Rifle.
Ruger K77/22 Varmint Rifle.
Ultra Light arms Model 20 RF Bolt-Action Rifle.
Winchester Model 52B Sporting Rifle.

Competition Rifles—Centerfire & Rimfire

Anschutz 64–MS Left Silhouette.
Anschutz 1808D RT Super Match 54 Target.
Anschutz 1827B Biathlon Rifle.
Anschutz 1903D Match Rifle.
Anschutz 1803D Itermediate Match.
Anschutz 1911 Match Rifle.
Anschutz 54.18MS REP Deluxe Silhouette Rifle.
Anschutz 1913 Super Match Rifle.
Anschutz 1907 Match Rifle.
Anschutz 1910 Super Match II.
Anschutz 54.18MS Silhouette Rifle.
Anschutz Super Match 54 Target Model 2013.
Anschutz Super Match 54 Target Model 2007.
Beeman/Feinwerkbau 2600 Target Rifle.
Cooper Arms Model TRP–1 ISU Standard Rifle.
E.A.A./Weihrauch HW 60 Target Rifle.
E.A.A./HW 660 Match Rifle.
Finnish Lion Standard Target Rifle.
Krico Model 360 S2 Biathlon Rifle.
Krico Model 400 Match Rifle.
Krico Model 360S Biathlon Rifle.
Krico Model 500 Kricotronic Match Rifle.
Krico Model 600 Sniper Rifle.
Krico Model 600 Match Rifle.
Lakefield Arms Model 90B Target Rifle.
Lakefield Arms Model 91T Target Rifle.
Lakefield Arms Model 92S Silhouette Rifle.
Marlin Model 2000 Target Rifle.
Mauser Model 86–SR Specialty Rifle.
McMillan M–86 Sniper Rifle.
McMillan Combo M–87/M–88 50-Caliber Rifle.
McMillan 300 Phoenix Long Range Rifle.
McMillan M–89 Sniper Rifle.
McMillan National Match Rifle.
McMillan Long Range Rifle.
Parker-Hale M–87 Target Rifle.
Parker-Hale M–85 Sniper Rifle.
Remington 40–XB Rangemaster Target Centerfire.
Remington 40–XR KS Rimfire Position Rifle.
Remington 40–XBBR KS.
Remington 40–XC KS National Match Course Rifle.
Sako TRG–21 Bolt-Action Rifle.
Steyr-Mannlicher Match SPG–UIT Rifle.
Steyr-Mannlicher SSG P–I Rifle.
Steyr-Mannlicher SSG P–III Rifle.
Steyr-Mannlicher SSG P–IV Rifle.
Tanner Standard UIT Rifle.
Tanner 50 Meter Free Rifle.
Tanner 300 Meter Free Rifle.
Wichita Silhouette Rifle.

Shotguns—Autoloaders

American Arms/Franchi Black Magic 48/AL.
Benelli Super Black Eagle Shotgun.
Benelli Super Black Eagle Slug Gun.
Benelli M1 Super 90 Field Auto Shotgun.
Benelli Montefeltro Super 90 20-Gauge Shotgun.
Benelli Montefeltro Super 90 Shotgun.
Benelli M1 Sporting Special Auto Shotgun.
Benelli Black Eagle Competition Auto Shotgun.
Beretta A–303 Auto Shotgun.
Beretta 390 Field Auto Shotgun.
Beretta 390 Super Trap, Super Skeet Shotguns.
Beretta Vittoria Auto Shotgun.
Beretta Model 1201F Auto Shotgun.
Browning BSA 10 Auto Shotgun.
Browning Bsa 10 Stalker Auto Shotgun.
Browning A–500R Auto Shotgun.
Browning A–500G Auto Shotgun.
Browning A–500G Sporting Clays.
Browning Auto-5 Light 12 and 20.
Browning Auto-5 Stalker.
Browning Auto-5 Magnum 20.
Browning Auto-5 Magnum 12.
Churchill Turkey Automatic Shotgun.
Cosmi Automatic Shotgun.
Maverick Model 60 Auto Shotgun.
Mossberg Model 5500 Shotgun.
Mossberg Model 9200 Regal Semi-Auto Shotgun.
Mossberg Model 9200 USST Auto Shotgun.
Mossberg Model 9200 Camo Shotgun.
Mossberg Model 6000 Auto Shotgun.
Remington Model 1100 Shotgun.
Remington 11–87 Premier shotgun.
Remington 11–87 Sporting Clays.
Remington 11–87 Premier Skeet.
Remington 11–87 Premier Trap.
Remington 11–87 Special Purpose Magnum.
Remington 11–87 SPS–T Camo Auto Shotgun.
Remington 11–87 Special Purpose Deer Gun.
Remington 11–87 SPS–BG–Camo Deer/Turkey Shotgun.
Remington 11–87 SPS–Deer Shotgun.
Remington 11–87 Special Purpose Synthetic Camo.
Remington SP–10 Magnum-Camo Auto Shotgun.
Remington SP–10 Magnum Auto Shotgun.
Remington SP–10 Magnum Turkey Combo.
Remington 1100 LT–20 Auto.
Remington 1100 Special Field.
Remington 1100 20-Gauge Deer Gun.
Remington 1100 LT–20 Tournament Skeet.
Winchester Model 1400 Semi-Auto Shotgun.

Shotguns—Slide Actions

Browning Model 42 Pump Shotgun.
Browning BPS Pump Shotgun.
Browning BPS Stalker Pump Shotgun.
Browning BPS Pigeon Grade Pump Shotgun.
Browning BPS pump Shotgun (Ladies and Youth Model).
Browning BPS Game Gun Turkey Special.
Browning BPS Game Gun Deer Special.
Ithaca Model 87 Supreme Pump Shotgun.
Ithaca Model 87 Deerslayer Shotgun.
Ithaca Deerslayer II Rifled Shotgun.
Ithaca Model 87 Turkey Gun.
Ithaca Model 87 Deluxe Pump Shotgun.
Magtech Model 586–VR Pump Shotgun.
Maverick Models 88, 91 Pump Shotguns.
Mossberg Model 500 Sporting Pump.
Mossberg Model 500 Camo Pump.
Mossberg Model 500 Muzzleloader Combo.
Mossberg Model 500 Trophy Slugster.
Mossberg Turkey Model 500 Pump.
Mossberg Model 500 Bantam Pump.
Mossberg Field Grade Model 835 Pump Shotgun.
Mossberg Model 835 Regal Ulti-Mag Pump.
Remington 870 Wingmaster.
Remington 870 Special Purpose Deer Gun.
Remington 870 SPS–BG–Camo Deer/Turkey Shotgun.
Remington 870 SPS–Deer Shotgun.
Remington 870 Marine Magnum.
Remington 870 TC Trap.
Remington 870 Special Purpose Synthetic Camo.
Remington 870 Wingmaster Small Gauges.
Remington 870 Express Rifle Sighted Deer Gun.
Remington 879 SPS Special Purpose Magnum.
Remington 870 SPS–T Camo Pump Shotgun.
Remington 870 Special Field.
Remington 870 Express Turkey.
Remington 870 High Grades.
Remington 870 Express.
Remington Model 870 Express Youth Gun.
Winchester Model 12 Pump Shotgun.
Winchester Model 42 High Grade Shotgun.
Winchester Model 1300 Walnut Pump.
Winchester Model 1300 Slug Hunter Deer Gun.
Winchester Model 1300 Ranger Pump Gun Combo & Deer Gun.
Winchester Model 1300 Turkey Gun.
Winchester Model 1300 Ranger Pump Gun.

Shotguns—Over/Unders

American Arms/Franchi Falconet 2000 O/U.
American Arms Silver I O/U.
American Arms Silver II Shotgun.
American Arms Silver Skeet O/U.
American Arms/Franchi Sporting 2000 O/U.
American Arms Silver Sporting O/U.
American Arms Silver Trap O/U.
American Arms WS/OU 12, TS/OU 12 Shotguns.
American Arms WT/OU 10 Shotgun.
Armsport 2700 O/U Goose Gun.
Armsport 2700 Series O/U.

Armsport 2900 Tri-Barrel Shotgun.
Baby Bretton Over/Under Shotgun.
Beretta Model 686 Ultralight O/U.
Beretta ASE 90 Competition O/U Shotgun.
Beretta Over/Under Field Shotguns.
Beretta Onyx Hunter Sport O/U Shotgun.
Beretta Model SO5, SO6, SO9 Shotguns.
Beretta Sporting Clay Shotguns.
Beretta 687EL Sporting O/U.
Beretta 682 Super Sporting O/U.
Beretta Series 682 Competition Over/Unders.
Browning Citori O/U Shotgun.
Browning Superlight Citori Over/Under.
Browning Lightning Sporting Clays.
Browning Micro Citori Lightning.
Browning Citori Plus Trap Combo.
Browning Citori Plus Trap Gun.
Browning Citori O/U Skeet Models.
Browning Citori O/U Trap Models.
Browning Special Sporting Clays.
Browning Citori GTI Sporting Clays.
Browning 325 Sporting Clays.
Centurion Over/Under Shotgun.
Chapuis Over/Under Shotgun.
Connecticut Valley Classics Classic Sporter O/U.
Connecticut Valley Classics Classic Field Waterfowler.
Charles Daly Field Grade O/U.
Charles Daly Lux Over/Under.
E.A.A./Sabatti Sporting Clays Pro-Gold O/U.
E.A.A/Sabatti Falcon-Mon Over/Under.
Kassnar Grade I O/U Shotgun.
Krieghoff K-80 Sporting Clays O/U.
Krieghoff K-80 Skeet Shotgun.
Krieghoff K-80 International Skeet.
Krieghoff K-80 Four-Barrel Skeet Set.
Krieghoff K-80/RT Shotguns.
Krieghoff K-80 O/U Trap Shotgun.
Laurona Silhouette 300 Sporting Clays.
Laurona Silhouette 300 Trap.
Laurona Super Model Over/Unders.
Ljutic LM-6 Deluxe O/U Shotgun.
Marocchi Conquista Over/Under Shotgun.
Marocchi Avanza O/U Shotgun.
Merkel Model 200E O/U Shotgun.
Merkel Model 200E Skeet, Trap Over/Unders.
Merkel Model 203E, 303E Over/Under Shotguns.
Perazzi Mirage Special Sporting O/U.
Perazzi Mirage Special Four-Gauge Skeet.
Perazzi Sporting Classic O/U.
Perazzi MX7 Over/Under Shotguns.
Perazzi Mirage Special Skeet Over/Under.
Perazzi MX8/MX8 Special Trap, Skeet.
Perazzi MX8/20 Over/Under Shotgun.
Perazzi MX9 Single Over/Under Shotguns.
Perazzi MX12 Hunting Over/Under.
Perazzi MX28, MX410 Game O/U Shotguns.
Perazzi MX20 Hunting Over/Under.
Piotti Boss Over/Under Shotgun.
Remington Peerless Over/Under Shotgun.
Ruger Red Label O/U Shotgun.
Ruger Sporting Clays O/U Shotgun.
San Marco 12-Ga. Wildflower Shotgun.
San Marco Field Special O/U Shotgun.
San Marco 10-Ga. O/U Shotgun.
SKB Model 505 Deluxe Over/Under Shotgun.
SKB Model 685 Over/Under Shotgun.
SKB Model 885 Over/Under Trap, Skeet, Sporting Clays.
Stoeger/IGA Condor I O/U Shotgun.
Stoeger/IGA ERA 2000 Over/Under Shotgun.
Techni-Mec Model 610 Over/Under.
Tikka Model 412S Field Grade Over/Under.
Weatherby Athena Grade IV O/U Shotguns.
Weatherby Athena Grade V Classic Field O/U.
Weatherby Orion O/U Shotguns.
Weatherby II, III Classic Field O/Us.
Weatherby Orion II Classic Sporting Clays O/U.
Weatherby Orion II Sporting Clays O/U.
Winchester Model 1001 O/U Shotgun.
Winchester Model 1001 Sporting Clays O/U.
Pietro Zanoletti Model 2000 Field O/U.

Shotguns—Side by Sides

American Arms Brittany Shotgun.
American Arms Gentry Double Shotgun.
American Arms Derby Side-by-Side.
American Arms Grulla #2 Double Shotgun.
American Arms WS/SS 10.
American Arms TS/SS 10 Double Shotgun.
American Arms TS/SS 12 Side-by-Side.
Arrieta Sidelock Double Shotguns.
Armsport 1050 Series Double Shotguns.
Arizaga Model 31 Double Shotgun.
AYA Boxlock Shotguns.
AYA Sidelock Double Shotguns.
Beretta Model 452 Sidelock Shotgun.
Beretta Side-by-Side Field Shotguns.
Crucelegui Hermanos Model 150 Double.
Chapuis Side-by-Side Shotgun.
E.A.A./Sabatti Saba-Mon Double Shotgun.
Charles Daly Model Dss Double.
Ferlib Model F VII Double Shotgun.
Auguste Francotte Boxlock Shotgun.
Auguste Francotte Sidelock Shotgun.
Garbi Model 100 Double.
Garbi Model 101 Side-by-Side.
Garbi Model 103A, B Side-by-Side.
Garbi Model 200 Side-by-Side.
Bill Hanus Birdgun Doubles.
Hatfield Uplander Shotgun.
Merkell Model 8, 47E Side-by-Side Shotguns.
Merkel Model 47LSC Sporting Clays Double.
Merkel Model 47S, 147S Side-by-Sides.
Parker Reproductions Side-by-Side.
Piotti King No. 1 Side-by-Side.
Piotti Lunik Side-by-Side.
Piotti King Extra Side-by-Side.
Piotti Piuma Side-by-Side.
Precision Sports Model 600 Series Doubles.
Rizzini Boxlock Side-by-Side.
Rizzini Sidelock Side-by-Side.
Stoeger/IGA Uplander Side-by-Side Shotgun.
Ugartechea 10-Ga. Magnum Shotgun.

Shotguns—Bolt Actions & Single Shots

Armsport Single Barrel Shotgun.
Browning BT-99 Competition Trap Special.
Browning BT-99 Plus Trap Gun.
Browning BT-99 Plus Micro.
Browning Recoilless Trap Shotgun.
Browning Micro Recoilless Trap Shotgun.
Desert Industries Big Twenty Shotgun.
Harrington & Richardson Topper Model 098.
Harrington & Richardson Topper Classic Youth Shotgun.
Harrington & Richardson N.W.T.F. Turkey Mag.
Harrington & Richardson Topper Deluxe Model 098.
Krieghoff KS-5 Trap Gun.
Krieghoff KS-5 Special.
Krieghoff K-80 Single Barrel Trap Gun.
Ljutic Mono Gun Single Barrel.
Ljutic LTX Super Deluxe Mono Gun.
Ljutic Recoilless Space Gun Shotgun.
Marlin Model 55 Goose Gun Bolt Action.
New England Firearms Turkey and Goose Gun.
New England Firearms N.W.T.F. Shotgun.
New England Firearms Tracker Slug Gun.
New England Firearms Standard Pardner.
New England Firearms Survival Gun.
Perazzi TM1 Special Single Trap.
Remington 90-T Super Single Shotgun.
Snake Charmer II Shotgun.
Stoeger/IGA Reuna Single Barrel Shotgun.
Thompson/Center TCR '87 Hunter Shotgun.".

KENNEDY (AND OTHERS) AMENDMENT NO. 1153

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. CHAFEE, Mr. SIMON, Mr. DECONCINI, and Mr. AKAKA) submitted an amendment intended to be proposed by them to the bill S. 1607, supra; as follows:

At the appropriate place insert the following:

SEC. . GRANTS FOR PROGRAMS DESIGNED TO RESTRICT ACCESS TO HANDGUNS BY MINORS.

(a) IN GENERAL.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751), as amended by section 621, is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(24) comprehensive, coordinated efforts designed to restrict access to handguns by minors.".

(b) STATE APPLICATION.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753), as amended by section 1002(b), is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2)(A) A plan that is designed to and can reasonably be expected to reduce access to handguns by persons under the age of 21.

"(B) A plan under subparagraph (A) may include—

"(i) efforts to pass or strengthen State laws and local ordinances prohibiting the sale, distribution, or transfer of a handgun to a person under the age of 21 except in limited circumstances;

"(ii) efforts to pass or strengthen State laws and local ordinances prohibiting possession of a handgun by a person under the age of 21 except in limited circumstances;

"(iii) efforts to pass or strengthen State laws and local ordinances requiring the sale or use of trigger locks to prevent use of guns by children in their homes;

"(iv) gun amnesty or buy-back programs targetted especially at minors; and

"(v) strategies to strengthen enforcement of existing State and local laws pertaining to firearms dealers, such as zoning, tax, and licensing requirements, including enhanced coordination with the activities of the Bureau of Alcohol, Tobacco, and Firearms.".

SEC. . STATE AND LOCAL REQUIREMENTS RESTRICTING ACCESS TO HANDGUNS BY MINORS.

(a) IN GENERAL.—Section 506(f) of title I of the Omnibus Safe Streets Act (42 U.S.C. 3756(f)), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(2)(A) If, on the first day of a fiscal year, a State does not meet the requirement of subparagraph (B), the Director shall reduce the amount of funds that would otherwise be allocated to the State under subsection (a) by up to 20 percent.

"(B)(i) The requirement of this subparagraph is met with respect to fiscal year 1995 if a State certifies in its application that the

State has developed, in collaboration with local law enforcement agencies in the State, a plan described in section 503(a)(2).

"(ii)(I) The requirement of this subparagraph is met with respect to a fiscal year after fiscal year 1995 if a State certifies in its application that the State will implement the plan described in section 503(a)(2).

"(II) The Attorney General in consultation with the Secretary of the Treasury shall certify that the implementation strategies meet the requirement of this subparagraph based on review of reports submitted by the States.

"(III) Each State that applies for a grant under this part for a fiscal year shall annually submit to the Attorney General a report describing—

"(aa) the activities carried out during the preceding fiscal year to reduce the availability of handguns to persons under the age of 21;

"(bb) the extent of success that the State has achieved in reducing the availability of handguns to persons under the age of 21;

"(cc) the strategies to be utilized by the State for enforcing laws restricting access to handguns by persons under the age of 21 during the next fiscal year; and

"(dd) efforts undertaken to detect and take appropriate action with respect to firearm dealers who are not in compliance with Federal, State, or local laws.".

(b) MODEL COMPREHENSIVE PLAN.—The Attorney General, in consultation with the Director of the Bureau of Alcohol, Tobacco, and Firearms and the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, shall develop a model plan consisting of—

(1) model State laws and local ordinances regarding sales, transfer, and possession of handguns by persons under the age of 21;

(2) enforcement strategies for maximizing the effectiveness of such legislation; and

(3) enforcement strategies for detecting and sanctioning firearm dealers who are not in compliance with Federal, State, or local laws.

(c) TECHNICAL AMENDMENT OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 TO ACCOMMODATE AMENDMENT MADE ELSEWHERE IN SUBSECTION (a).—Section 506(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756(f)) is amended—

(1) in subsection (a) by striking "Of" and inserting "Subject to subsection (f), of";

(2) in subsection (e) by striking "or (e)"; and

(3) in subsection (f)—

(A) by striking "(f)(1) For" and all that follows through "in such fiscal year," and inserting the following:

"(f)(1)(A) If, on the first day of a fiscal year, a State does not meet the requirements of subparagraph (B), the Director shall reduce the amount of funds that would otherwise be allocated to the State under subsection (a) by 10 percent.

"(B)(i) The requirements of this subparagraph are met if a State has in effect, and enforces, a law";

(B) by striking "(A) to administer" and inserting "(I) to administer";

(C) by striking "(B) to disclose" and inserting "(II) to disclose";

(D) by striking "(C) to provide" and inserting "(III) to provide";

(E) by striking "(3) For purposes of this subsection" and inserting "(ii) For purposes of this paragraph";

(F) by striking "(A) the term" and inserting "(I) the term"; and

(G) by striking "(B) the term" and inserting "(II) the term".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on pending nominations on Wednesday, November 17, 1993, at 9:30 a.m. in SR 332.

For further information please contact Christine Sarcone of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agriculture Research, Conservation, Forestry, and General Legislation be authorized to meet during the session of the Senate on Tuesday, November 9, 1993, at 2 p.m. to hold a hearing on ecosystem management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, November 9, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., November 9, 1993, to receive testimony on the use of risk analysis and cost-benefit analysis in setting environmental priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, November 9, beginning at 10:15 a.m. to conduct an oversight hearing on the 1993 floods in the Midwest.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, November 9, 1993, at 1:30 p.m. to hold a nomination hearing on Mark Schneider, to be Assistant Administrator for Latin American and Carribbean Affairs of the Agency for International Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, November 9, at 10 a.m., for markup on S. 1535, the Federal Workforce Restructuring Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 9, 1993, to hold a hearing on the nominations of David Hagen to be U.S. District judge for the District of Nevada; Raymond Jackson to be U.S. District judge for the District of Virginia; Joanna Seybert to be U.S. District judge for the Eastern District of New York; David G. Trager to be U.S. District judge for the Eastern District of New York; and Claudia Wilken to be U.S. District judge for the Northern District of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the Health Security Act of 1993: The Role of the Insurance Industry, during the session of the Senate on November 9, 1993, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. FORD. Mr. President, I would like to request that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Tuesday, November 9, 1993, at 2:30 p.m., to hold a hearing on Oversight of the FDIC: Are Investors Cashing in on FDIC Mismanagement?

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CHILDREN AFFECTED BY THE FLOOD OF 1993

• Mr. SIMON. Mr. President, as we are all aware, this summer's flooding in the Midwest has been difficult on everyone. Recovery from this unprecedented natural disaster has been trying for all of the families, but we must not forget to recognize the hardship on the children throughout these hard times. Many children have lost their homes to the flood and watched their parents agonize over their losses. Others are unable to live with their parents. Some parents have had to leave their towns temporarily to find work. I have recently received a letter from second grade students at Hardin Grade School in Hardin, IL. They enclosed their journal entries that depict the problems they face daily. I found the comments from these students enlightening and I ask that these journal entries be printed in the Record. My heart goes out to the victims of this unforeseen disaster, and I would like to recognize the courage of the children throughout this entire crisis.

The comments follow:

THE FLOOD OF 1993

The flood has damaged homes. I got scared when the levee broke. My mom went down the street and almost drove in it. The bridge really didn't do us well except when we had to drive around. It flooded more than I thought it would.—Jim, second grade.

The flood waters really messed up everyone's house, even mine. It really scared me. My house is really a mess. It's gross and it's stinky, but we're cleaning it up. I think that the sandbagger's were nice. Well, some of them were nice. My dad tried to be nice to the prisoners, but the people in charge of them said that if you can't be mean to them, then don't talk to them. I thought that was mean of them. I wish that the flood would never come again!—Mary Beth, second grade.

The flood was horrible and nasty. When the levee broke, we had to go around to go back and forth to Jerseyville. When I got back, I sandbagged again. I hope there is never a flood this big again. (Maybe just a little one.) Roger, second grade.

The flood is horrible. We need to fix the flood. The Red Cross helped some people, but we still need help cleaning up.—Mary Mikuleza, second grade.

The ferry closed at 9:00 p.m. last night. The water is up. If it comes up much it will be on our bus route. I don't like the back roads.—Richard Gibbs, second grade.

The flood was the worst flood of all. I am mad that the water is going up. I am going to do more sandbagging.—Eric Benoist, second grade.

Flood of 1993. The worst flood of 1993. My mom and me went sandbagging at my friend, Mary Beth's house. We had to get food at the Red Cross. Most of the people got thrown out of their houses. Water got in their house, but it didn't get into ours. It was right across the street from our house. We live on a hill, so I didn't think it would get in our house. We got to eat at the Red Cross place in Kampsville. It wasn't as fun as eating out there. The school didn't get flooded, but I think it got into the church. I don't know for sure.—KacyLynn Barnes, second grade.

I saw the flood of '93 and made a movie of it. It showed the water going up and a house that fell in it while we were filming it. We have more movies of the flood, too! It is very sad. I hope it will stop forever!—Amanda, second grade.

The flood was nasty. It wasn't so good. Some of the sandbagger's were nice. I didn't like the flood at all. The Red Cross brought us food. I was happy then when they brought us food. What I am saying is true. Finally, the flood went down. I was happy.—Virginia, second grade.

The flood has taken over. It has flooded all the homes and businesses, or most. It did not get in my home. It was close, but we sandbagged. It went over the top of them. They were five feet high. It was on my front porch and my Grandma's basement. It was neat, but too neat for me. Downtown it got in the lumberyard.—Scott Wyatt, second grade.

My dad went sandbagging. The second time he took my brother, Roger. The next day we went to Wal-Mart. We saw a National Guardsman in Wal-Mart. My Aunt Monica told us on our way to Jerseyville that they were going to let the levee go. If we wanted to go across the bridge we need to go. So we went and we got across.—Lindsey Woelfel, second grade.

I don't like the flood. I had to do sandbags and I saw the Red Cross. They gave milk to a store. Prairie Farms helped. My Great Uncle Ed and Aunt Barb helped bring over the Prairie Farm truck. They live in Carlinville.—Karina Jo Godar, second grade.

I went sandbagging. I took three days off swimming. I took one day off squirrel hunting. I shot about twenty squirrels. I sandbagged more and more then I quit because the levee broke. I was mad. I hate staying home. I like going to Jerseyville.—Zak Blumenberg, second grade.

My river house is flooded. I am very sorry that it is flooded. I am sad. I am very mad because it flooded my river house and I can't go there. It went to the roof with water.—Maya Samuels, second grade.

Since the flood has been up, our mom and dad has been boating across the river. Josh and me had to stay at our grandma's and our aunt's. Sometimes I cried, but sometimes she called us and we got to see my mom and dad more often.—Adam Bailey, second grade.

I sandbagged my Grandma Laura's in Hardin. It was flooded. They have to tear the dry wall out and reinsulate everything. While Grandpa was working, he got very sick and they had to chopper him out to the hospital.—Kevin Gauntt, second grade.

The water got higher and higher. We sandbagged. We then went to Saint Louis to stay at my aunt's home.—Jeremy Freidel, second grade.

My aunt's house is under water, because of the levee break and you can hardly see it. I have sandbagged and everytime I carried one hundred sandbags my dad had to stay all night and watch the pumps until six o'clock in the morning. Another guy was watching the pumps, too, and he got tired. After that, the flood went back down.—Blake Buchanan, second grade.

I feel sorry for the flood victims. My mom and dad were sandbagger's. The Red Cross helped Batchtown. The levee broke on July 18. Mary Beth Garner is a flood victim. You should believe me, it is true. Love.—Michelle Webster, second grade.

The flood has been tearing up houses and the people could not put them back together again. My Aunt, Peggy, has tried to save her house. The water has got there really big since I have been there. I was really sad when I saw the pictures of the bridge. The bridge is not broke.—Jessica, second grade.

In the flood, I helped sandbag. I finished on sandbags and got food from the Red Cross. In Grandma Jean's basement, she is still trying to pump out water. The flood isn't over.—Eric Benoist, second grade.

This year my Grandma Mary's house got flooded. I helped her move in with us. It was fun. I helped my Grandma Mary move into her new trailer. It was also fun. I then got to sandbag in Hamburg with my brother.—Cory Lynn Poore, second grade.

I sandbagged. I threw sandbags. The Red Cross was nice. They fed me while I worked. My mom is helping to clean up houses. The sandbag's broke, but it didn't get in Scottie's Grandma Wyatt's houses. I'm sorry people—it was terrible!—Richard Gibbs, second grade.

The worst flood of '93. Most of the time I helped sandbag. It is hard to do it with just ten or twelve people. Just because of this, my mom, Betty, my sisters, Mandy and Amy, and my dad, Jerry Crader, and me, Lyndsey, sandbagged. My dogs name is Kissie. I love her so much, but she didn't help sandbag. My Grandma and Grandpa helped sandbag, too. Mikie's mom and dad and Mikie were there, too. My great Grandma and great Grandpa were there, too.—Lyndsey Crader, second grade.

It was miserable while the flood was going on. The Red Cross was nice. The Levee broke across the bridge. My brother sandbagged the bank. You couldn't get out of the town. They were nice about the free stuff. I hope the flood never happens again! If it does again I hope it doesn't do as bad as it did this year.—Jennifer Burk, second grade.

We were flooded in Mozier. We still boat out of our house. Water was all over Mozier. It got really deep in our store. Many people lost their homes. Some are completely gone including the pretty pink house. I'm tired of the water, but you have to live with it.—Christa McCormick, second grade.

The Flood of 1993 was a big disaster! There were tons of homes washed away. I sandbagged. At first it was fun, but after awhile it got boring. The levee broke, but I wasn't surprised. Thousands of dollars worth of things were washed away. It was sad.—Travis Frazier, second grade.

The flood ruined many houses. The Red Cross helped us and other people. It wasn't so good to all. Calhoun Bank got flooded and the Townhall got flooded, too.—Kyle Foiles, second grade.

My Grandma's house got flooded. They have to live with us right now because the levee broke. I hope that the flood does not come back up.—Karrie, second grade.

The flood of 1993 was bad. I had to sandbag my mom's house. My grandma and I had to get to work to save my mom's house. It was bad in Hamburg. I had to go sandbag. The flood was very hard on my grandma.—John, second grade.

This flood is terrible. The levee has sticks and rocks and trash by it. July 18th is when the levee broke. The flood went down. The tree's are no good any more. There are more gardens. The flood damaged houses. The bridge is damaged, too.—Shawn, second grade.

The flood of '93 has been horrible. Many lost their homes because of the flood. The Red Cross helped us and we helped them. I helped sandbag with my mom, dad, and Roger Woelfel.—Brandon, second grade.

The flood was horrible. I never liked the flood at first. My Grandma Prange left during the flood. My dad was helping the people sandbag. I was helping the Red Cross. I hate the flood.—Karla, second grade.

My friend was in the flood. I felt sorry for them, but they got out of the house. They got out of the house and they are living in Kampsville housing. Now they are fine.—Danielle Sanzotera, second grade.

The flood was terrible. I wish the water would go down on the other side of the bridge. The Red Cross helped us. I hope there aren't any more floods.—Joe Roth, second grade.

I did not like it when Joe's levee broke. I was a flood victim and I liked being a flood victim, because it brought out the spirit in people. Love.—Andy Bailey, second grade.●

"CENTURION" COST AND OPERATIONAL EFFECTIVENESS ANALYSIS

● Mr. D'AMATO. Mr. President, I am very disturbed by the results of the *Centurion* cost and operational effectiveness analysis [COEA]. A cost comparison between *Centurion* and *Seawolf* equalized for production rate projects a unit price for *Centrion* approaching that of *Seawolf*. This is a shocking outcome considering the original intent of the program was to design a submarine with a unit cost roughly approximately that of the improved *Los Angeles*-class.

To fully achieve the affordability goals established for *Centurion*, I believe it will be necessary to pursue a more measured development program geared to thoroughly exploiting new technologies to ensure that significant savings are realized. An extension of *Cenrurion* development will, in turn, require the procurement of a small number of *Seawolf* subs to sustain the submarine industrial base.

Although the *Centurion* COEA was received too late to affect this year's Defense Appropriations markup, I proposed, as a conference matter, transferring funds from various *Centurion* accounts to the submarine industrial base line, leaving only enough *Cenurion* R&D funds to maintain the level of effort necessary to preserve core submarine design capabilities. Accompanying language would have required that, prior to the release of funds, the Navy to report on the cost-effectivness, particularly over the FYDP, of using pooled fiscal year 1994 *Centurion* funds to: First, partially offset the cost of completing the SSN-23, or second, continue *Centurion* development at the current pace. The Navy would have been further required to reflect in the fiscal year 1995 defense budget request the proposed use of fiscal year 1994 funds.

Senators are familiar with the overall funding crisis in the shipbuilding and conversion, Navy account, so I will not belabor the point. At a minimum sustaining rate of roughly one boat every 2 years, a rate that will protect the current submarine industrial base, the *Seawolf* has a unit cost of ±$2.35 billion. For $3.5 billion in development, a less capable *Centurion* is projected to cost ±$1.4 billion per unit at a rate of 1.5 to 2 boats per year. Even if these projected costs prove accurate, *Centurion* will, at a minimum, require almost twice the funding of *Seawolf* ($4.2 plus billion vs. $2.5 billion) every 2 years.

By continuing to build *Seawolf* at a minimal rate and delaying *Centurion*, we can save money outright, then save additional funds by amortizing *Seawolf* production and O&S costs over a greater number of hulls, project the industrial base, manage the total fleet size better, and engage in a measured development of *Centurion* geared to generating true savings.

Understandably, my colleagues were reluctant to consider such a sweeping proposal during conference. Fortunately, the rescission bill expected in January and the Somalia supplemental offer other opportunities to implement my plan. If accepted, we can put submarine development and acquisition spending on a realistic, affordable footing.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mitch McConnell:									
United States	Dollar				2,216.45				2,216.45
Russia	Dollar				115.00				115.00
Ukraine	Dollar		488.00						488.00
Switzerland	Dollar		232.00						232.00
Robin Cleveland:									
United States	Dollar				2,216.45				2,216.45
Russia	Dollar		1,280.00		115.00				1,395.00
Ukraine	Dollar		488.00						488.00
Switzerland	Dollar		232.00						232.00
Total			2,720.00		4,662.90				7,382.90

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 25, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Ukraine	Dollar		702.00		10.00				712.00
Albania	Dollar		136.00						136.00
Latvia	Dollar		260.00						260.00
Estonia	Dollar		96.00						96.00
Czech Republic	Dollar		182.00		20.00				202.00
United States	Dollar				3,047.00				3,047.00
Senator Daniel K. Inouye:									
Israel	Dollar		630.00						630.00
United States	Dollar				6,118.00				6,118.00
David Morrison:									
Israel	Dollar		630.00						630.00
United States	Dollar				1,678.27				1,678.27
Senator Barbara Mikulski:									
Germany	Mark	873.69	508.84					873.69	508.84
France	Franc	1,068	178.00					1,068	178.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				3,132.35				3,132.35
Total			3,322.84		14,005.62				17,328.46

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Oct. 21, 1993.

ADDENDUM TO CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR 1, TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Japan	Yen	40,074	374.00					40,074	374.00
Japan	Dollar				1,640.45				1,640.45
China	Yuan	3,488.81	603.99					3,488.81	603.99
China	Dollar		610.00						610.00
Steve Cortese:									
Japan	Yen	40,074	374.00					40,074	374.00
Japan	Dollar				1,640.45				1,640.45
China	Yuan	3,488.81	603.99					3,488.81	603.99
China	Dollar		610.00						610.00
Total			3,175.98		3,280.90				6,456.88

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Nov. 2, 1993.

ADDENDUM TO CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Inouye:									
Japan	Yen	98,900	923.00					98,900	923.00
China	Yuan	3,488.81	603.99	636.20	111.42			4,125.01	715.41
China	Dollar		610.00						610.00
Richard Collins:									
Japan	Yen	98,900	923.00					98,900	923.00
China	Yuan	3,488.81	603.99	1,336.73	234.10	68.96	12.07	4,894.50	850.16
China	dollar		610.00						610.00
Total			4,273.98		345.52		12.07		4,631.57

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Oct. 21, 1993.

ADDENDUM TO CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Rogoff:									
Great Britain	Pound	640.98	1,010.00					640.98	1,010.00
Sweden	Krona	6775	1,000.00			1,355	200.00	8,130	1,200.00
Germany	Mark	333.52	216.57	139.35	90.49	39.86	25.88	512.73	332.94
France	Franc	2,006.25	375.00			2,279.10	426.00	4,285.35	801.00
United States	Dollar				2,167.50				2,167.50
Total			2,601.57		2,257.99		651.88		5,511.44

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Oct. 21, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John McCain:									
Ukraine	Dollar		976.00						976.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Albania	Dollar		299.00						299.00
Latvia	Dollar		255.00						255.00
Estonia	Dollar		178.00						178.00
Czech Republic	Dollar		280.00						280.00
Marshall A. Salter:									
Ukraine	Dollar		976.00						976.00
Albania	Dollar		299.00						299.00
Latvia	Dollar		255.00						255.00
Estonia	Dollar		178.00						178.00
Czech Republic	Dollar		280.00						280.00
John J. Hamre:									
Germany	Dollar		394.00						394.00
Senator Richard C. Shelby:									
Thailand	Baht	15,072.48	599.00					15,072.48	599.00
Vietnam	Dollar		130.00						130.00
Korea	Won	392,690	486.00					392,690	486.00
Japan	Yen	71,054	678.00					71,054	678.00
Thomas J. Young:									
Thailand	Baht	16,079	639.00					16,079	639.00
Vietnam	Dollar		157.00						157.00
Korea	Won	376,530	466.00					376,530	466.00
Japan	Yen	71,893	686.00					71,893	686.00
Frank Norton:									
Hong Kong	Dollar	42,550	329.00					42,550	329.00
Thailand	Baht	21,439	879.00					21,439	879.00
Vietnam	Dollar		257.00						257.00
Korea	Won	392,690	486.00					392,690	486.00
Japan	Yen	82,373	786.00					82,373	786.00
Senator Bob Smith:									
Thailand	Baht	10,714	426.00					10,714	426.00
United States	Dollar				3,898.45				3,898.45
Vietnam	Dollar		768.00		3,254.10				4,022.10
Dino L. Carluccio:									
Thailand	Baht	10,714	426.00					10,714	426.00
United States	Dollar				3,898.45				3,898.45
Vietnam	Dollar		768.00		3,254.10				4,022.10
Lisa B. Stocklan:									
Thailand	Baht	10,714	426.00					10,714	426.00
United States	Dollar				3,898.45				3,898.45
Vietnam	Dollar		768.00		3,254.10				4,022.10
Total			14,530.00		21,457.65				35,987.65

SAM NUNN,
Chairman, Committee on Armed Services, Sept. 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Ribbentrop:									
Ukraine	Dollar		622.00						622.00
Albania	Dollar		96.00						96.00
Latvia	Dollar		143.00						143.00
Estonia	Dollar		96.00						96.00
Czech Republic	Dollar		208.00		25.00				233.00
United States	Dollar				3,047.00				3,047.00
Total			1,165.00		3,072.00				4,237.00

DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing, and Urban Affairs, Sept. 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David R. Williams:									
United Kingdom	Pound	288.44	424.00					288.44	424.00
Germany	Mark	321.68	189.00					321.68	189.00
Belgium	Franc	18,948	530.00					18,948	530.00
United States	Dollar				3,948.00				3,948.00
Germany	Mark			86	50.53			86	50.53
Barry L. Strumpf:									
United Kingdom	Pound	288.44	424.00					288.44	424.00
Germany	Mark	321.68	189.00					321.68	189.00
Belgium	Franc	18,948	334.00					11,940.50	334.00
United States	Dollar				3,948.00				3,948.00
Germany	Mark			86	50.53				50.53
Total			2,090.00		7,997.06				10,087.06

JIM SASSER,
Chairman, Senate Budget Committee, Oct. 20, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
Japan	Dollar		2,500.00						2,500.00
United States	Dollar				995.45				995.45
Total			2,500.00		995.45				3,495.45

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, Oct. 1, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Leslie Cordes:									
Switzerland	Franc	910.15	602.75	117	77.48	136.60	90.46	1,163.75	770.69
United States	Dollar				791.45				791.45
Richard Grundy:									
Switzerland	Franc	2,013.75	1,324.85	342	225.00	173.14	113.91	2,528.89	1,663.76
United States	Dollar				882.35				882.35
Senator J. Bennett Johnston:									
France	Franc	4806	801.00					4806	801.00
Total			2,728.60		1,976.28		204.37		4,909.25

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Oct. 13, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384-22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Edward Gresser:									
Japan	Dollar		484.57				367.28		851.85
China	Yuan	5,404.88	938.35	7,110	1,234.38			12,514.88	2,172.73
Hong Kong	Dollar	4,704.25	607.00	336	43.35			5,040.25	650.35
Thailand	Dollar		336.00						336.00
United States	Dollar				2,695.45				2,695.45
Total			2,365.92		3,973.18		367.28		6,706.38

MAX BAUCUS,
Chairman, Committee on Environment and Public Works, Sept. 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Japan	Dollar		484.57				367.28		851.85
China	Yuan	5,404.88	938.35	7,110	1,234.38			12,514.88	2,172.73
Hong Kong	Dollar	6,486.80	837.00	336	43.35			6,822.80	880.35
United States	Dollar				6,874.35				6,874.35
Sharon L. Peterson:									
Japan	Dollar		484.57				367.28		851.85
China	Yuan	5,404.88	938.35	7,110	1,234.38			12,514.88	2,172.73
Hong Kong	Dollar	6,486.80	837.00	336	43.35			6,822.80	880.35
United States	Dollar				2,380.45				2,380.45
Lawrence O'Donnell:									
United Kingdom	Dollar		896.00		883.25				1,779.25
Ireland	Dollar		1,242.00						1,242.00
United States	Dollar				3,439.45				3,439.45
Total			6,657.84		16,132.96		734.56		23,525.36

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Sept. 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
United States	Dollar				792.95				792.95
Mary Foley:									
Mexico	Dollar		77.75				6.43		84.18
United States	Dollar				436.15				436.15
Senator Bill Bradley:									
Mexico	Dollar						137.45		137.45
United States	Dollar		100.54		910.65				1,011.19
Total			178.29		2,139.75		143.88		2,461.92

Note.—Expenses include direct payments and reimbursements to the Department of State under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Finance, Aug. 12, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard G. Lugar:									
Poland	Zloty	9,321,500	515.00					9,321,500	515.00
Czech Republic	Koruna	15,119	516.00					15,119	516.00
Croatia	Dinar	913,395	195.00					913,395	195.00
Belgium	Franc	3,006	85.00					3,006	85.00
France	Franc	3,118	534.00					3,118	534.00
Hungary	Dollar		219.00						219.00
Germany	Mark	702	456.00					702	456.00
Senator Larry Pressler:									
Hong Kong	Dollar			2,000	258.07			2,000	258.07
China	Yuan	8,586.42	1,492.00					8,586.42	1,492.00
United States	Dollar				1,940.44				1,940.44
Senator Charles S. Robb:									
Singapore	Dollar		549.00						549.00
Malaysia	Dollar		188.00						188.00
Thailand	Dollar		426.00						426.00
Cambodia	Dollar		288.00						288.00
Vietnam	Dollar		257.00						257.00
Taiwan	Dollar	1,185	267.00					1,185	267.00
United States	Dollar				5,024.45				5,024.45
Peter M. Cleveland:									
Singapore	Dollar		549.00						549.00
Malaysia	Dollar		188.00						188.00
Thailand	Dollar		426.00						426.00
Cambodia	Dollar		288.00						288.00
Vietnam	Dollar		257.00						257.00
Taiwan	Dollar	1,185	267.00					1,185	267.00
United States	Dollar				5,024.45				5,024.45
Shannon Garry:									
Hong Kong	Dollar			2,000	258.07			2,000	258.07
China	yuan	8,586.42	1,492.00					8,586.42	1,492.00
United States	Dollar				1,940.44				1,940.44
Kenneth A. Myers:									
Poland	Zloty	20,217,693	1,117.00					20,217,693	1,117.00
Czech Republic	Koruna	14,474	494.00					14,474	494.00
Croatia	Dinar	852,570	182.00					852,570	182.00
Belgium	Franc	2,759	78.00					2,759	78.00
France	Franc	3,118	534.00					3,118	534.00
Hungary	Dollar		219.00						219.00
Germany	Mark	702	420.00					702	420.00
George Pickart:									
Turkey	Dollar		2,466.00						2,466.00
Turkey	Lira	3,460.464	300.00					3,460.464	300.00
United States	Dollar				4,524.45				4,524.45
Frank Sieverts:									
Switzerland	Franc	2,107.28	1,434.00					2,107.28	1,434.00
United States	Dollar				2,401.45				2,401.45
William C. Triplett, II:									
Hong Kong	Dollar			2,000	258.07			2,000	258.07
China	Yuan	8,586.42	1,492.00					8,586.42	1,492.00
United States	Dollar				2,443.44				2,443.44
Amendments to report for 2d quarter, 1993:									
Senator Charles S. Robb:									
South Korea	Won	193,180	243.00					193,180	243.00
Japan	Yen	39,809	342.00					39,809	342.00
United States	Dollar				4,917.45				4,917.45
Peter Cleveland:									
South Korea	Won	193,180	243.00					193,180	243.00
Japan	Yen	39,809	342.00					39.809	342.00
United States	Dollar				3,866.45				3,866.45
Senator John Kerry:									
Thailand	Dollar						67.75		67.75
Scott Bunton:									
Thailand	Dollar						67.74		67.74
Larry Carpman:									
Thailand	Dollar						67.74		67.74
Nancy Stetson:									
Thailand	Dollar						67.75		67.75
Total			19,360.00		32,857.23		270.98		52,488.21

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Oct. 29, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Leonard Weiss:									
United States	Dollar				3,149.13				3,149.13
Germany	Mark	2,308.63	1,334.01	613.30	383.31			2,921.93	1,717.32
Czech Republic	Koruna		1,400.00		50.56				1,450.56
Slovakia	Koruna		624.00		367.00				991.00
Hungary	Forint	83,474	876.00	6,846	72.06			90,320	948.06
Poland	Zloty	5,349,400	249.25	420,000	23.33			5,769,400	317.58
Total			4,528.26		4,045.39				8,573.65

JOHN GLENN,
Chairman, Committee on Governmental Affairs, Oct. 28, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
R. Ian Butterfield:									
Germany	Dollar				1,961.25				1,961.25
Total					1,961.25				1,961.25

JOHN GLENN,
Chairman, Committee on Governmental Affairs, Oct. 28, 1993

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Timothy Carlsgaard			1,280.00		3,230.45				4,510.45
Alfred Cumming			1,022.00		3,230.45				4,252.45
Alfred Cumming			317.00		3,969.05				4,286.05
Peter Dorn			317.42		3.996.05				4,313.47
Senator J. Robert Kerrey			420.00		829.95				1,249.95
Christopher Straub			420.00		788.95				1,208.95
Judith Ansley			1,354.75		3.935.55				5,290.30
Gary Reese			1,411.00		3,935.55				5,346.55
Jennifer Sims			1,520.10		3,935.55				5,455.65
Arthur Grant			2,192.00		4,238.07				6,430.07
James Martin			453.57		4,179.05				4,632.62
Total			10,707.84		36,268.67				46,976.51

DENNIS DeCONCINI,
Select Committee on Intelligence, Sept. 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, AUG. 29–30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert J. Dole:									
Mexico	Peso	506.50	163.00					506.50	163.00
Senator Orrin G. Hatch:									
Mexico	Peso	353.01	113.60					353.01	113.60
Senator Phil Gramm:									
Mexico	Peso	506.50	163.00					506.50	163.00
Senator John McCain:									
Mexico	Peso	353.01	113.60					353.01	113.60
Senator Judd Gregg:									
Mexico	Peso	506.50	163.00					506.50	163.00
Sheila Burke:									
Mexico	Peso	506.50	163.00					506.50	163.00
Theresa Oviedo:									
Mexico	Peso	506.50	163.00					506.50	163.00
Kristin Hyde:									
Mexico	Peso	506.50	163.00					506.50	163.00
Rolf Lundberg:									
Mexico	Peso	443.99	142.88					443.99	142.88
Paul Redifer:									
Mexico	Peso	506.50	163.00					506.50	163.00
Jan Paulk:									
Mexico	Peso	506.50	163.00					506.50	163.00
Steven Benza:									
Mexico	Peso	506.50	163.00					506.50	163.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, AUG. 29–30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation expenses [1]									
Mexico							2,476.25		2,476.25
Total			1,837.08				2,476.25		4,313.33

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954 as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

ROBERT J. DOLE,
Republican Leader, Oct. 21, 1993.

THE IMPORTANCE OF THE POSITIVE MESSAGE

• Mr. SIMON. Mr. President, today, I would like to commend the National Broadcasting Co.'s efforts to promote positive messages on violence prevention. While I have made many statements on the floor of the Senate on the issue of television violence, I also want to be sure to commend those efforts to use television in a positive way.

NBC's "The More You Know" campaign is the cornerstone of the network's violence prevention strategy. Through a variety of public service announcements featuring celebrities and popular sports figures, NBC has helped to promote nonviolent solutions to conflicts. The frank and hard-hitting messages have encouraged kids to stay away from gangs, guns, drugs, and crime, discussed the difficult issues such as prejudice and teenage pregnancy, and targeted the importance of education and parental involvement.

In addition to the public service announcements, the network has encouraged conflict resolution and antiviolence messages through their entertainment programming. Several of the network's programs have incorporated antiviolence themes into their storylines. For example, programs popular with preteens and teens, such as "Blossom," "A Different World," and "The Fresh Prince," have addressed a wide variety of issues such as peer pressure, gun control, substance abuse, and racism.

Finally, many of the NBC affiliates have embraced the efforts of the network and have taken steps to promote and assist comprehensive public service efforts. For example, many communities have enhanced NBC's efforts by implementing homework hotlines, education programs, adopt-a-school programs, job fairs, student assistant programs, and substance abuse treatment centers. Many affiliates have also addressed concerns specific to their own communities through additional public service announcements.

With assistance from the Children's Defense Fund, the Carnegie Foundation for the Advancement of Teaching, the National Education Association, and the National Parent Teacher Association, NBC has created an award-winning program which deserves our applause. The campaign has been honored with a Presidential Citation for Private Sector Initiatives and the National Education Association's Award for the Advancement of Learning Through Broadcasting. Local educational organizations have also commended the program based on the efforts of the networks' affiliates.

Mr. President, as violence continues to plague our society, I wholeheartedly thank the National Broadcasting Co. for pursuing their earnest and creative venture. NBC has discovered the potential of television to promote great good. Their use of the broadcasting medium to advance positive, antiviolence messages should serve as a model to all in the entertainment industry.•

EXCEPTIONAL PERSONS, INC.

• Mr. GRASSLEY. Mr. President, on the occasion of its annual dinner, I would like to recognize and congratulate Exceptional Persons, Inc., of Waterloo, IA. Exceptional Persons, Inc., is an organization whose mission is to empower people with disabilities, support families, and serve communities.

Exceptional Persons, Inc., was founded in 1957, in response to the needs of people with disabilities and their families. The organization has grown significantly over the years and currently provides, on an annual basis:

Coordination and program planning on a local, State and regional level;

Transportation services for 625 children and adults;

Residential services and support for 310 people;

Individual and group counseling for 225 people;

Child care referral information and support to 790 families;

Training and support to 383 providers of child care services; and,

Assistance with durable medical equipment to 210 people.

Exceptional Persons, Inc., holds, as a foundational concept, that all people have inherent worth and should be afforded an opportunity to make their unique contribution in the community of their choice.

I salute the staff, board members, volunteers, and consumers of Exceptional Persons, Inc., and wish them continued success in the years to come.•

NCAA WOMAN ATHLETE OF THE YEAR

• Mr. HARKIN. Mr. President, I rise today to offer my heartfelt congratulations to three female athletes from Iowa who are among the 10 finalists for the prestigious NCAA Woman Athlete of the Year Award.

Nearly 500 institutions named a Woman Athlete of the Year and tonight 1 will be chosen Woman Athlete of the Year. These outstanding young women are being recognized by the National Collegiate Athletic Association for their athletic, academic, and leadership abilities.

I'm not surprised that Iowa, ranked 30th in population, took 3 of the 10 spots. Good things are going on in Iowa communities, schools, and colleges to promote opportunities for female athletes. For example, last year the University of Iowa's Board in Control of Athletics unanimously passed a proposal that would accelerate a Big 10 Conference proposal toward achieving gender equity in athletics.

The State of Iowa has officially sponsored girls athletics since 1920 when first state championship in basketball was held. Interscholastic athletic programs have existed in Iowa schools for girls as long as they have for boys. The Iowa Girls High School Athletic Association reports that an annual survey sponsored by the National Organization for Women says Iowa as the largest percentage of young women participating in athletics of any State in the Nation.

The Equal Opportunity Act of 1972 barely made a ripple in Iowa because the State already has 16 State championships in various sports for girls. And, in that same year, Sports Illustrated came to Iowa and did a series of articles on how girls athletics should be run, based on the Iowa model.

Mr. President, we have a long and proud history in the area of women's sports. This year we are very proud that the NCAA will be honoring two Iowa natives and a recent University of Iowa graduate at the 1993 Woman Athlete of the Year ceremony.

I would like to take a moment to talk about these three outstanding young women—Andrea Wieland, Karen Jennings, and Sara Edmonds.

Andrea Wieland is from Atlanta, GA, and is a recent graduate of the University of Iowa. She was the captain of the Iowa field hockey team and led the team to four straight Big 10 championships. Andrea led the 1992 team to a perfect 10–0 regular season record and a second place national finish. She was a member of the U.S. national field hockey team, a member of the NCAA all-tournament team, first team All-America, first team all-regional and first team all-Big 10. As a senior, Wieland earned the Big 10's Medal of Honor and was a 1993 NCAA Top Six Award finalist. She was also named Iowa's team MVP.

Andrea graduated with a 3.49 grade point average in psychology, was treasurer of the Mortar Board National Honor Society, and was a leader in several school organizations.

Karen Jennings is from Persia, IA, and played high school basketball for Tri-Center Community Schools in Neola. She attended the University of Nebraska where she was a 4-year starter on the women's basketball team and the all-time leading scorer for the Cornhuskers. She has received many of the top honors in the Big Eight Conference including the 1992–93 Big Eight Female Athlete of the Year and was twice named the Big Eight Women's Basketball Player of the Year. Karen is the conference's second all-time highest scorer and set the Big Eight single game scoring record with 48 points.

With a 3.898 grade point average, Karen was an exercise physiology major and has achieved a number of academic honors. She received the Ventures in Partnership Award of Excellence for her community service, has served as president of the Nebraska Student-Athlete Advisory Board, volunteered for the Nebraska Special Olympics, and spoke frequently at leadership seminars and local high schools.

Sarah Edmonds is from Sioux City, IA, and graduated from North High School where she was a member of the track team. She attended Gustavus Adolphus University in St. Peter, MN, and as an outstanding cross country and track athlete led her team to the NCAA Division III cross country championship last fall. As a track standout, she earned all-conference honors in the 5,000-meter race during the 1992-93 indoor season. In a remarkable effort, Sarah won all seven races during the season to finish her career undefeated.

Sarah was a religion major and graduated with a 3.71 grade point average. She earned impressive academic accolades including membership in the prestigious Phi Beta Kappa Honor Society. She volunteers for the Big Brother/Big Sister Program and Planned Parenthood.

Mr. President, I congratulate Andrea, Karen, Sarah, and the other finalists on their outstanding accomplishments and wish them well. I also applaud the NCAA for its efforts to recognize the fine achievements of female athletes across the Nation.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 477, Calendar No. 480, Calendar No. 492, and Calendar No. 496.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF LABOR

Martin John Manley, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF ENERGY

Corlis Smith Moody, of Minnesota, to be Director of the Office of Minority Economic Impact, Department of Energy.

GOVERNMENT PRINTING OFFICE

Michael F. DiMario, of Maryland, to be Public Printer.

DEPARTMENT OF DEFENSE

Frederick F. Y. Pang, of Hawaii, to be an Assistant Secretary of the Navy.

NOMINATION OF MICHAEL F. DIMARIO

Mr. FORD. Mr. President, the Committee on Rules and Administration has completed its consideration of the nomination ot Michael F. DiMario, of Maryland, to be Public Printer of the United States. At a meeting November 4, 1993, the committee unanimously reported the nomination with the recommendation that it be confirmed by the Senate.

At a hearing held October 28, 1993, Mr. DiMario testified and responded to a wide range of questions by the Members. The committee heard from representatives of the Printing, Publishing, and Media Workers Sector of the Communications Workers of America and the Joint Council of Unions of the Government Printing Office that represent employees at the Government Printing Office; the Printing Industries of America and the American Library Association. Statements were also received from the University of Kentucky and the American Association of Law Libraries.

Mr. President, this was truly a singular experience in the consideration of a nominee—all of the witnesses and statements received were favorable to the confirmation of Mr. DiMario. Not a single contrary viewpoint was received or presented. I think it is also significant that this is also the first time in many years that the person nominated for this position has had any experience in the Government Printing Office.

Mr. DiMario's experience with that agency is certainly extensive, covering a wide range of responsibilities and a period of more than 20 years. He was appointed Acting Public Printer last February. Before that appointment, Mr. DiMario served that agency in many capacities, including Chief Negotiator for Labor-Management Relations, General Counsel, Superintendent of Documents, Administrative Law Judge, and Director of Procurement Services.

We are fortunate, I think, to have as the nominee for Public Printer, a person who will bring to that position such an extensive background of experience with the Government Printing Office. That broadly based experience should serve him, and the agency well during these times when the Government Printing Office is confronting the uncertainty of change as the subject of Government reorganization proposals.

Mr. President, I am pleased to support the confirmation of Michael F. DiMario to be Public Printer and I urge my colleagues to confirm his appointment.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. Wednesday, November 10; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that immediately following the announcement of the chair, the Senate resume consideration of S. 1607, the crime bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL WEDNESDAY, NOVEMBER 10, 1993, AT 10 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the

Senate today, I ask unanimous consent that the Senate now stand in recess, as previously ordered.

There being no objection, the Senate, at 11:32 p.m., recessed until Wednesday, November 10, 1993, at 10 a.m.

NOMINATION

Executive nomination received by the Senate November 9, 1993:

PEACE CORPS

CHARLES R. BAQUET III, OF MARYLAND, TO BE DEPUTY DIRECTOR OF THE PEACE CORPS, VICE BARBARA ZARTMAN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate November 9, 1993:

DEPARTMENT OF DEFENSE

FREDERICK F.Y. PANG, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DEPARTMENT OF LABOR

MARTIN JOHN MANLEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF ENERGY

CORLIS SMITH MOODY, OF MINNESOTA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY.

GOVERNMENT PRINTING OFFICE

MICHAEL F. DIMARIO, OF MARYLAND, TO BE PUBLIC PRINTER.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

MY FRIEND, ERNEST S. PETINAUD

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. NATCHER. Mr. Speaker, instead of "my" friend, I could without any difficulty say "our" friend. Everyone who knew Ernest S. Petinaud liked him and he certainly loved the House of Representatives. He knew as much about the membership of the House during his tenure on Capitol Hill as anyone that has ever served in the House since March 4, 1789.

When you enter H–117, the Members' dining room, you see the name—Ernest Petinaud Room. We honored our friend Ernest S. Petinaud who served his final days as the maitre d' in the Members' dining room for many years and this honor was certainly well deserved. He was never too busy to help find a table for you and the members of your family or for your close associates and constituents. He had a wonderful memory and one that placed him in a position where for many years after meeting the members of the family, he could call the names of the children and the spouse.

Mr. Speaker, Ernest Petinaud, age 88, who retired in 1973 as the maitre d' of the House restaurant died on November 8, 1993 at the Washington Hospital Center of injuries suffered on November 4, 1993 in a fire at his home here in Washington. He was a native of Jamaica and he came to this country and settled in Washington in the mid-1920's. He started out initially in the House restaurant as a busboy and from 1930 to 1938 he served as a steward on ships sailing the St. Lawrence River and the Great Lakes. He then returned to the House restaurant as a waiter and was made maitre d' in 1962.

Our friend, Ernest S. Petinaud, was a Mason and Shriner and he was a member of the Scottish Rite and Plymouth Congregational Church here in our Nation's Capital. His lovely wife, Jeannette Petinaud, died in 1988.

During his service as an employee of the House of Representatives, he established an outstanding record. Words are absolutely inadequate to fully appraise Ernest Petinaud's tremendous love for the most powerful legislative body in the world and his loyalty and love of his country. His service in all of his assignments was marked by a high sense of conscience and duty. His character, his achievements and his faithful service to the members of the House of Representatives will be an inspiration to generations yet to come. He was always thoughtful and kind, and ready to serve and be of assistance and always remembered the birthdays of our membership and those who worked with him here in our Nation's Capitol building. He had, in his work with the House, acquired a high level of competence and special knowledge and his willingness to share with younger, less experienced members of the staff earned him a reputation as a valuable team member.

Mr. Speaker, since I have been a member of the Committee on Appropriations, I have served as chairman of a number of the subcommittees. One, for the duration of 16 years, was the District of Columbia Budget Subcommittee. During my tenure as chairman of this particular subcommittee, which was the first subcommittee chairmanship I had the honor to serve in, my friend Ernest Petinaud, from time to time, would make suggestions to me concerning our Capital City that were not only beneficial, but accepted. He always believed that Washington, DC was the most beautiful city in the world and notwithstanding the fact that we have some problems here from time to time, none was so difficult that they could not be resolved.

When a complete history of the House of Representatives, beginning with the first day on March 4, 1789 up to the time of the finished product is written, the name of Ernest S. Petinaud certainly must appear. Although never a Member of the House, he loved the House and the leadership on both sides of the aisle.

Mr. Speaker, we have all lost a true friend and a gentleman of dignity and stature who will be long remembered and missed by all of those who had the privilege of knowing him and his many good deeds while serving with us here on Capitol Hill.

I want to express my deepest sympathy to the members of his family.

NAFTA

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. SWIFT. Mr. Speaker, "You're retiring from this place. At least the NAFTA vote will be easy for you," a colleague said to me on the floor the other day. Wrong. Deciding whether to vote for the North American Free Trade Agreement or not is the most difficult vote I will cast in my 16 years in Congress.

My close relationship with organized labor has never been a matter of political convenience. I believe that workers should be able to organize so they can speak for themselves. It is a logical extension of our free enterprise system.

My voting record these past eight terms is strongly pro-labor, and of that I am very proud. But a person cannot agree with best friends, always. I have disagreed with labor from time to time on trade issues. The NAFTA, however, is not just another trade issue, and I have worked hard to understand the thinking of both its supporters and opponents.

The decision has been agonizing because, after meeting with rank and file workers both at home and here in the Capitol, I am convinced that their opposition to the NAFTA is very real and based upon a certitude that it will threaten their jobs and reduce their standard of living.

In talking with the workers themselves, you quickly see this is not a case of their repeating arguments suggested by labor leaders. There is real fear and real anxiety about the NAFTA.

But that begs another question: How did American workers become so anxious, their confidence in their future become so fragile?

I have had more than one business person express to me their utter consternation at the vehemence of individual workers' opposition to the NAFTA. To business the issue is, to use Lee Iacocca's words from his TV ad, "a no brainer." The fact business people are surprised is, in itself, a little startling in light of labor's opposition to our even negotiating the treaty.

More importantly, the surprise of American business at worker reaction reflects, in a very basic way, a major part of the problem because it demonstrates how extremely out of touch business and industry is with their employees and their lives, aspirations, and anxieties.

If the NAFTA is defeated, this attitude—which ranges from mere disinterest to overt delight with the decline of the lot of organized labor in recent years—will be at the root.

THE ANTI-WORKER ACTIONS OF THE EIGHTIES ARE A MAJOR CAUSE OF ANTI-NAFTA REACTION

Review the record. Labor—and I mean unorganized workers as well as members of unions—has suffered enormous set-backs over the last dozen years or more. Some have resulted from unforseen events as when the collapse of the Soviet Union resulted in severe cut-backs in many defense-related industries. Some grow out of a determined and active antilabor policy, especially in the Reagan administration.

Specifics? President Ronald Reagan's huge over-reaction to the Air Traffic Controllers' strike. By firing all striking controllers he rejected any effort to resolve the matter amicably. Intentionally or not, he initiated a new era of labor-management conflict.

His firing of striking Government workers encouraged business and industry to take a harder line with their employees—stealing techniques directly from the administration.

Labor responded by trying to pass a bill that would prevent management from firing employees who were engaged in a legal strike. Management set up the cry that this would disturb the "traditional balance" between them and labor. The truth is that Ronald Reagan upset the traditional balance because American industry has really never used the technique before. But the bill that, in truth, would have restored the balance was fought bitterly by both the Reagan-Bush administrations and industry. Now "striker replacement" legislation has support from President Clinton and was

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

passed in the House of Representatives last June, but has not yet passed the Senate.

Look at other efforts to help American workers.

A bill that simply required a company that was actively considering the closing of one of its plants to tell its workers a few weeks in advance, was fought as hard as if it actually prevented plant closures.

The effort to revise the Hatch Act to let Federal Government workers participate in the political life of this country like every other citizen was rejected repeatedly for years. It was only recently passed into law.

Just this year we finally passed a family leave bill which sought to establish for American workers what workers in virtually every other industrialized nation in the world has: The right to stay home to care for family in emergency circumstances without losing their job—and, notably, without being paid. This was opposed bitterly by the Reagan and Bush administrations.

None of these proposals was remotely radical.

And most recently, one of the first actions of the Clinton administration, to try to create jobs in the present recession, was turned down by Congress. The opposition mindlessly cried "Spending!" at a time President Clinton knew we needed to put Americans back to work. Surely its passage would have addressed some of the concerns of working Americans and reduced anxiety enough to make less adamant their opposition to the NAFTA.

Business cannot expect to stick its thumb in the eyes of its workers for more than a decade without a reaction. What goes around, comes around, and relentless opposition to the NAFTA by labor is best understood in the context of relentless opposition to workers' interests.

If the NAFTA is defeated, it will be, in my judgment, the direct result of policies and actions by Government and business over the last dozen years or so which have treated workers with such disrespect and caused such a high level of frustration and worry that labor has no trust left, little faith left, and no capacity to resist the fear of change.

NEW ECONOMIC CLIMATE MAKES NOW A BAD TIME FOR BUSINESS AND LABOR TO FIGHT

All of this has been occurring during a period of jarring transition. Not only has the demise of the Soviet Union changed many economic equations, technology is making the world smaller and demanding major changes in our economic thinking. It is not a matter of whether we want to have a world marketplace. Rather it is that there is a world marketplace and we have to figure out how to function in it.

That requires change.

American industry was slow to embrace change. The best example is probably our automobile industry.

Government is slow to change. Every single one of our trade competitors has a government-private sector cooperative system to advance its best interests. It's called industrial policy. Yet, right up to and through the Bush administration we have adamantly refused to consider such a strategy. We sat here happily believing that others could go into the game with talent and a game plan and we could win with talent alone, no game plan. What arrogance. What stupidity. Only with the Clinton administration are we beginning to maximize our opportunities in foreign trade by developing strategies to do so.

Further, it must be noted that Ronald Reagan's idea of free trade was to talk about it but not lift a finger to insist on fair treatment in return. His reputation for forceful military policy hid his monumental timidity in trade policy.

That has changed. Under Trade Representative Mickey Kantor the Clinton administration has been pursuing a free-trade policy, but with a vigorous insistence on fair trade response from our trading partners.

And labor has been slow to change. That labor has little control over events that impact on it makes this transition an especially threatening one for workers. But, wishing for the sixties, hoping change will go away, mistaking new challenges for old frustrations or letting the fear of the unknown force you into reactionary policies will not serve the interests of American workers in this changed world.

AND THAT BRINGS US TO THE NAFTA

Into this time of uncertainty and transition comes the issue of the NAFTA.

I have listened to the arguments with care, asked many questions, reviewed many responses. Having tried to understand the natural complexities of the issue, I now try to reduce it back to basics, for that is what policy ultimately is.

Much of the analysis has been little more than "my economist can beat up your economist" which makes it difficult for mere mortals to sort out. But there are some exaggerations and contradictions.

Example: Pro-NAFTA forces say the reason NAFTA will not result in low Mexican wages reducing high American wages to some mediocre level in between is that the entire Mexican economy is no larger than the economy of Los Angeles. Even if the blending were to occur it would have minimal effect on U.S. wages.

Then, pro-NAFTA forces tell you how great it will be for American products to have tariff-free access to the huge Mexican market. Well, I don't know of a company that would not want access to the Los Angeles market under any circumstances. But either the Mexican market is relatively small or relatively large. It can't be both.

My view? It's a modest but worthwhile market. Just as we wouldn't want to exclude ourselves from selling into the LA economy, we should be interested in that of Mexico. Perhaps more important, however, are the economies of the rest of the Western Hemisphere which can follow Mexico in opening up to us. There lies great potential.

Example: What will happen if we defeat NAFTA? I have been assured by pro-NAFTA forces that Mexico will be embarrassed, could not and would not renegotiate and would enter into negotiations for a similar trade agreement with Japan.

Anti-NAFTA forces say, "Of course, they have to say that." But they go on to assure me that Mexico will leap at the chance to renegotiate a better treaty if this one is turned down.

Pro-NAFTA people respond, "Of course, they have to say that."

Who knows what the truth is? I don't. It's speculation on both sides. It does seem reasonable, however, that Mexico would be at least a little miffed at a rejection of the treaty. And, why would Japan not try to exploit that irritation by discussing a treaty that would give them a trade beachhead on our side of the mutual, natural market of the Pacific rim?

THE SUCKING SOUND: WILL THE NAFTA EXPORT JOBS TO MEXICO?

There are a few central issues to each side of the debate. First, the anti-NAFTA side has been worried from the beginning about the loss of high paying American jobs to low-paid Mexican workers if the NAFTA is passed.

Ross Perot has called this, "The great sucking sound."

I have concluded that the sucking sound is, in fact, Ross Perot sucking up to American workers by trying to exploit their fears and anxieties. Perot has, to quote the Washington Post, "spun the public's reasonable anxieties into a web of dark conspiracies, fabricated numbers and fantastic claims."

But think about it. For many industries in America such a move would not make sense because the savings in labor costs would not compensate for the capital expenditure of duplicating in Mexico existing United States plants, the costs of dealing with Mexico's poor infrastructure and, often, the much lower productivity of largely poorly trained Mexican workers. Besides, if Mexico is such a draw, they could have already moved there without a treaty.

Another truth is that for many, many products, labor costs are not the most important consideration. Other costs of doing business exceed labor costs in importance. I've taken a little malicious delight in asking business people who tell me that, why they don't just share that fact with their workers. I get usually only embarrassed hems and haws, but a few have frankly said that such an admission would not be useful when it's time to bargain the next labor contract.

If business has been exaggerating the proportional cost of labor in order to keep wages down, one can forgive workers if, based on that exaggeration, they fear low-wage Mexican competition. But it doesn't make it true.

OUR STANDARD OF LIVING: IS THE NAFTA A THREAT TO IT?

Tied with the wage issue are workers' concerns about their standard of living. We all know that today there are more families where both parents have to work to earn the same standard or living one parent could provide just a few years ago. We all see homeless people on our streets that were not there a decade ago.

However, NAFTA did not cause those problems. Defeating NAFTA will not cure them.

To deal with this disturbing trend in our quality of life is going to require that we do some thing differently. Change always causes uncertainty. Uncertainty causes anxiety. Anxiety can cause timidity. Timidity can prevent one from acting when you need to.

NAFTA, as renegotiated by the Clinton administration, offers the prospects of some positive change in things that having been driving our standard of living down. Defeating NAFTA does absolutely nothing whatever to change the conditions that have led us to our unsatisfactory status quo.

MEXICAN LABOR CONDITIONS: DOES THE NAFTA DO ENOUGH?

Late in the debate a new and very legitimate issue was raised by those who oppose the NAFTA. Pointing to the sorry lot of Mexican workers, the point has been made that the NAFTA does not do as much as we'd like to improve labor laws and working conditions for Mexican workers. Further, the enforcement procedures of the provisions that do exist are too weak, it is asserted.

There is little there to argue with, except that what NAFTA does contain is better than the status quo. It is not often that we can achieve an ideal goal with any single effort. Most goals are achieved a piece at a time. This NAFTA is not where we should stop in efforts to improve conditions in Mexico, but it is a place to begin. This NAFTA does too little. Defeating NAFTA does nothing whatever.

DOES THE NAFTA CREATE U.S. JOBS?

Proponents make huge claims for job creation growing out of the NAFTA. I think these are exaggerated. But I believe that it does move us in that direction. When you cut through the war of economic projections, "expert" analysis and all the rest, what is left is this: we presently have few trade barriers against Mexican goods coming into the country, while Mexico has substantial tariff barriers slowing our exports to them. NAFTA makes those barriers go away. That creates new opportunities for American sales which create jobs. Let's just not exaggerate.

DOES THE NAFTA RECOGNIZE THE NEW ECONOMIC REALTIES?

Most important of all to me is the question: Does the passage or defeat of NAFTA help move the United States aggressively into the new world economic climate?

As a nation, we've had it pretty good most of the time since 1945. We were the industrial nation in the world then. Everyone else had been bombed flat. We bestrode world commerce. And, I believe, we grew to believe that was our birthright—to always lead, to always be first and best. The attitude made us a bit complacent and, in time, we were shocked to find that other nations could create and produce and have strong economies too. We were slow to respond and then spent a precious decade, when we should have been catching up, listening to a President wandering around the south lawn murmuring the mantra of free trade rather than moving us vigorously into effective competition.

That has changed. We have a President now who sees clearly what we must do by the end of this century to assure that the next is another "American" century. The NAFTA, rightly or not, will be seen as a major symbol of whether we are willing to do the things necessary to be a vibrant, successful and prosperous leader in the new world economy.

Passing the NAFTA says "yes." Defeating NAFTA will be interpreted by our competitors as evidence that we are no longer flexible enough to change, no longer confident enough to grasp new challenges and no longer ambitious enough to want to compete with the best.

It will be felt first in GATT and there is no telling when it will be felt last. We must simply acknowledge that this NAFTA is neither ideal nor fatally flawed. Rather it is a step—a necessary step—we have to take on the way to a better future.

For those reasons, I will vote for the NAFTA. But even so, this is not an easy decision: there is yet a caution.

A LAST OBSERVATION

Just as I have suggested that there are serious repercussions if we defeat the NAFTA, I think there are some equally serious things we must prepare to meet if the NAFTA passes.

In effect, I have argued here that organized labor specifically and American workers generally have been "fighting the last war"; the frustrations of the last dozen years or more have so savaged their confidence and optimism, have so threatened their capacity to provide a secure future for their families that they can see the NAFTA only in terms of its risks, not its opportunities.

If that is true, passage of the NAFTA—especially in the short run—is going to send a new wave of anxiety through the working people of the land. You cannot have listened carefully to the rank and file on this issue and mistake their sincerity or their fear.

After one particularly wrenching session in my office with some union folks from home, a young staffer in my office looked at me and said, "My, God. Those people are scared to death."

That is a reality that every NAFTA supporter better deal with. Ours is a time of considerable political unrest. American workers can easily be radicalized. The things they asked for in the eighties and were denied will look like sweet reason itself compared to their demands if workers become completely disassociated from mainstream American political life. We are closer to that right now than I think politicians generally realize. It will come as a thunderbolt of surprise to those leaders of business and industry who even now say they have no idea why workers oppose the NAFTA.

Creation of a radical workers movement including a new political party is not impossible. The capture of their support by politicians who wish to exploit their frustrations is not a technique exclusive to bored and egomaniacal billionaires. All sorts of demagogs can play at that game.

And such political chaos would come at a time we should be tending to other serious business if we are going to compete effectively in tomorrow's world.

Should that unpleasant vision become our future, there will be lots of blame to go around. But it will be a pointless, pathetic argument that can roil along while other nations tie up the markets of the world.

To guard against such an eventuality if the NAFTA passes, the administration and Congress with the active participation of American business needs to signal a new and more balanced attitude toward American workers. It needs to encompass a Government willingness to include labor along with business in forging basic decisions affecting the economy. Government and the private sector must cooperate with labor to find and provide ways to achieve greater economic security for workers during this period of transition. And business, working with labor, must find and implement new models of management that treat workers like the essential players they are, rather than as expendable commodities to be sacrificed at will.

If the NAFTA passes and those things are not done, the victory party will be short and bitter. The NAFTA is not an end. It is a beginning. But its passage will require a whole new agenda—not only for planning our trading policy and strategy, but for addressing the domestic implications of those policies. Secure jobs is what it's all about. Those who envision that goal in the NAFTA have a responsibility to reassure with deeds the promise they see in that approach.

The opponents of the NAFTA, many of whom are my friends, are looking backward. Defeating NAFTA will change nothing for the better. The proponents of the NAFTA are looking ahead. The important questions: Are they looking ahead far enough? And will they follow through?

NAFTA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. PACKARD. Mr. Speaker, my colleagues may be interested in an editorial printed in the San Diego Union Tribune which I wrote in support of NAFTA. I would like to submit that statement for the RECORD.

[From the San Diego Union Tribune, Nov. 9, 1993]

SCARE TACTICS USED TO ASSAIL NAFTA

(By Ron Packard)

In his book about the history of our city, author Michael Grant writes, "San Diego, after a long adolescence, has suddenly emerged as a civic Cinderella, ready to take her turn on the international ballroom floor."

Nothing could ring truer. San Diego is poised to lead California out of the economic doldrums. The city is endowed with many resources which will ensure economic leadership into the 21st century. Therefore, I believe we must seize a historic opportunity to capitalize on San Diego's natural gifts. We must support the North American Free Trade Agreement (NAFTA) in order to break down barriers and unleash the economic productivity of San Diego, California and the nation.

Many have sought top portray NAFTA as an economic toad. NAFTA opponents have resorted to the usual arguments based on fears and not facts. I would like to enumerate some facts about San Diego's strong stake in passage of NAFTA, and dispel some of these myths about it.

San Diego is the only major U.S. city at the border with Mexico. If an entrepreneur were calculating the benefits that NAFTA would provide to San Diego because of its unique position, he would embrace the agreement as a historic opportunity for our city.

San Diego boasts an educated, young, expanding work force and sound infrastructure and a wealth of high-tech businesses and industries. Nearly 80 percent of all San Diegans in the private sector work for firms of 10 people or less and nearly 90 percent work in firms of 20 people or less. Small businesses, because of their lean structure and an ability to adjust and innovate quickly and creatively, stand to reap huge benefits from exporting their products into the Mexican market of 90 million people, eager for American-made goods.

A report by the Small Business Development and International Trade Center released in 1992 concluded that NAFTA, if enacted, would produce significant benefits for San Diego in every sector. "San Diego is well-placed to become a center of U.S.-Mexican trade and to reap the benefits—as well as sidestep the drawbacks—of the expected increase in border activity."

The San Diego area exports goods and services worth $1 billion a year to Mexico. In 1992, this figure was 10 percent of San Diego's gross regional product. Lowered tariffs and increased investments after NAFTA is passed are expected to boost that figure by $200 million to $300 million a year, for San Diego alone.

The San Diego business community is overwhelmingly supportive of the agreement. A broad cross section of businesses which generate the majority of all jobs in the region has concluded that NAFTA will mean a net increase of jobs nationally and is crucial to the future economic health of the San Diego region.

Among those who informed me of their support of the agreement were Simon Wong, president of the Asian Business Association; Gilbert Partida, president of the Greater San Diego Chamber of Commerce; Robert Lichter, chairman of the CEO Roundtable; Mayor Susan Golding, and Gerri Warren, head of the San Diego County Black Chamber of Commerce.

These business leaders realize that NAFTA will allow San Diego firms to provide linkages and connections for increased trade, investment, services, goods, education and information. It also will open up the Mexican market to San Diego's most competitive industries, including electronics, medical equipment, computer software, telecommunications equipment and our service sector.

NAFTA opponents' chief arguments are based upon scare tactics and fear. If one believed their rhetoric, the day after NAFTA passed, employers and businesses nationwide would spontaneously decide to flee American soil and relocate south of the border in Mexico. Opponents also say that passage of NAFTA will reduce wages of U.S. workers who will be forced to compete with Mexican wage earners who earn significantly less.

These contentions are not supported by the body of economic evidence, or by decisions most businesses and employers have made, and will continue to make, in the future.

Dire predictions about the giant "sucking sound" of jobs being lost as San Diego companies flee to Mexico are unfounded. What do businessmen and women know that the anti-NAFTA forces do not?

The cheap labor alone is not sufficient enough to bring economic success. If it were, the Dominican Republic would be an economic powerhouse. It is not. No matter how cheap labor is, the bottom line to business is that the work force must have a level of education equal to or greater than the task at hand. U.S. workers are nearly five times more productive than their Mexican counterparts—this more than offsets the lure of cheap labor and provides businesses with a compelling case to remain in San Diego.

Mexico also lacks the superior infrastructure which San Diego provides. Our road and water systems far outdistance those in Mexico. As they have in the past, businesses will continue to think twice about moving production to a country with an antiquated infrastructure.

There are companies which have chosen to relocate to Mexico, taking with them American jobs. However, these jobs were lost primarily because we do not have a free trade agreement with Mexico. Current Mexican trade barriers put U.S. employers and businesses at a competitive disadvantage in Mexico. Businesses must pay a 20 percent tariff on their American-made exports.

With a free trade agreement, San Diego businesses will not have to pay these high tariffs and will not be compelled to move their companies to Mexico in order to compete in the market. Without NAFTA, U.S. companies have an incentive to move to Mexico if they want access to the Mexican market.

New and virtually untapped markets like Mexico are, after all, where profits for business lie. When businesses can expand and grow to meet the increased demand of larger markets, jobs are created. Every $1 billion in exports supports 20,000 high-wage jobs. In a nutshell, exports equal jobs, NAFTA equals more exports from San Diego, therefore, NAFTA means high-skill, high-wage jobs for San Diegans.

NAFTA is key to San Diego's vision of the future. Because of the city's unique resources and position, it will become a gateway to emerging international markets—Mexico, Latin America and the Pacific Rim. If we have the vision to embrace the opportunity of international free trade, to allow our civic Cinderella to truly step out onto the ballroom floor, we must marry her to an economic winner: NAFTA.

ORTIZ COMMENDS DUSTY KNOBLAUCH, DEVOTED ADVOCATE OF ROBSTOWN RETIRES AS ADVERTISING MANAGER OF RECORD-STAR

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute and commend one of the all-time great ladies of Texas, Mrs. Dusty Knoblauch. Dusty has served as the advertising manager of my hometown newspaper. When I first worked there, the paper was called the Robstown Record. That's what it was called when Dusty began working at the paper as a typesetter back in the 1960's.

Today, as she retires from journalism, our hometown paper is called the Nueces County Record-Star—and Dusty has been the advertising manager there since 1975. Prior to that she only worked part time. When she became advertising manager, however, she finally joined the staff full time, I actually came to know Dusty as a friend after I left the newspaper for the Army. She was very active in some of my early campaigns for public office.

Dusty has been one of the strongest, most articulate supporters Robstown has ever known. She has an undying passion for our hometown—and any fool who has the nerve to speak ill of Robstown is quickly ripped to shreds, for Dusty has a red-hot temper, which some people say matches her hair. She is roughly the equivalent of our hometown head cheerleader.

I have always been so very impressed with her work on civic and community projects. Her talents for advocacy made her a natural for special projects in conjunction with the chamber of commerce. During my tenure as a public servant, I have always tried to set an example for other people—telling them that if I can make it, anybody can. Dusty has been my most consistent conveyor of that message. Dusty has been almost as big an advocate for me, as she has been for Robstown.

Mr. Speaker and colleagues, I ask that you join me today in commending Dusty Knoblauch for her years of service to our community. Thanks, Dusty.

THE CLINTON HEALTH PLAN: A RECIPE FOR RATIONING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. CRANE. Mr. Speaker, under President Clinton's health care reform package, a National Health Board would establish and enforce an annual limit on how much money our country could spend on health care. At the same time, the President's plan guarantees a standard health benefits package to every American. As a result of this added demand for services combined with fiscal constraints, I believe that providers will be forced to ration health care to meet the Government imposed spending limit. Indeed, an editorial from the October 29, 1993, issue of the Wall Street Journal gives us an idea of what health care in the United States might become if we allow the Government to control our health care system as President Clinton has recommended. I urge my colleagues to read this alarming editorial and to support health reform alternatives which propose private sector solutions to control costs and expand coverage.

[From the Wall Street Journal, Oct. 29, 1993]

YOU BET YOUR LIFE

As the Clinton health plan unfolds, we should all be on the lookout for lessons from other countries with a long history of having governments rather than markets run a health system. One that caught our eye recently on the Reuter news wire came out of the Netherlands.

The Dutch socialized health-care system is so deep in red ink that the Netherlands Ministry of Health is financing a TV game show in which a studio audience votes on which of two real-life patients receives life-saving medical care. The TV show is called "A Matter of Life and Death." Lest anyone think we're making this up, here is the text of the full Reuter dispatch, with headline.

"DUTCH TV GAME SHOW IS A MATTER OF LIFE AND DEATH

"(By Andrew Kelly)

"AMSTERDAM, Netherlands.—Imagine a television game show in which a studio audience must decide which of two patients should receive life-saving medical treatment.

"Too controversial to screen? Not in the Netherlands where a series called "A Matter of Life and Death" has been confronting viewers with exactly this type of dilemma. Originally intended to stimulate debate on how to control health spending, the series has triggered criticism of its unorthodox approach to the issue.

"'This is a revolting program * * * improper and almost immoral,' said Fons Dekkers of the Dutch patients' federation.

"In one recent episode the studio audience had to choose between two cancer patients who both wanted treatment with an expensive new drug which could prolong their lives.

"Viewers were reminded several times that doctors make the real decisions about the patients who volunteer to take part.

"But that has not dampened criticism of the series, which was partially financed by the Ministry of Health.

"'You shouldn't treat such serious matters in a caricature manner,' said Theo Berkestijn of the Dutch medical association.

"Critics say the series has done more harm than good by misrepresenting the complex issue of how best to allocate finite health care resources as a simple choice between two patients."

We can see where the ethic of the Roman Colosseum might offend some sensibilities. But it also strikes us as one of the great conceits of the intellectual and caring classes that only they can figure out all the complex decisions and equations that inevitably flow from their instinct to somehow control the economics of a good such as medicine. The fact is that whatever considerations may go into choosing care for one cancer patient over another under conditions of "finite resources," we suspect that the average studio TV audience would bring as much common sense to picking the winners as any team of doctors or government-paid bureaucrats.

TRIBUTE TO MICHAEL ROTONDO, EAGLE SCOUT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Michael Rotondo of Troop 22 in Johnston and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For his Eagle Scout project, Michael cleaned out a cemetery in Cranston that had been allowed to become overgrown and where tombstones were not even visible due to excessive overgrowth.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Michael Rotondo. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, 2 dozen of whom now serve in the House.

It is my sincere belief that Michael Rotondo will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family who this week salute him.

U.N. PEACEKEEPING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. HAMILTON. Mr. Speaker, there has been a great deal of confusion surrounding U.N. peacekeeping operations and the role of the United States in such operations. I am therefore inserting in the RECORD material provided to me by the executive branch which I hope will help to improve the accuracy of information in current policy discussions.

The first set of documents provide a schedule of peacekeeping renewal mandates. Only two U.N. peacekeeping operations have indefinite mandates. The others have mandates of fixed duration which the Security Council must periodically renew. Included is a list of the renewal dates for all U.N. peacekeeping operations, both by calendar month and by operation. In this way Congress can remain informed as to when Security Council votes to extend peacekeeping mandates are expected.

The second document is financial. I must note that even though the United States is at this moment current on its peacekeeping assessments, this was achieved only by using fiscal year 1994 appropriations to pay calendar year 1993 assessments. There is only $8 million in fiscal year 1994 funds remaining to pay 1994 peacekeeping assessments, of which the U.S. share may reach $1 billion. Congress and the executive branch will have to address this shortfall in the months ahead.

I will submit additional material for the RECORD on peacekeeping issues in the coming days, in an effort to keep my colleagues informed on this important issue.

RENEWAL DATES FOR U.N. PEACEKEEPING MANDATES

(PREPARED BY HFAC STAFF)

Background

Only two of the oldest UN peacekeeping operations have indefinite mandates: UNGOMIP (India/Pakistan), and UNTSO (Middle East).

The remaining peacekeeping operations have mandates of fixed duration which the Security Council must periodically extend. Most are set at six months, but others vary.

Occasionally, mandates are extended for only a day or two in order to give the Security Council time to address new questions before a longer mandate is approved.

The following list indicates when mandates are due to be extended by calendar month.

The Administration is now asking that when the Security Council extends mandates, a review is specified mid-way through the mandate term to force the Council to assess any new developments.

SECURITY COUNCIL RENEWAL DATES FOR PEACEKEEPING FORCES

(BY MONTH)

October 1993: ONUMOZ (Mozambique) expired October 31, extended until November 5; UNOSOM II (Somalia) expired October 31, extended until November 18.

November 1993: UNAVEM II (Angola) review due by November 1; UNFICYP (Cyprus) review due by November 15; UNTAC (Cambodia) will permanently end November 15; limited extensions until November 31/December 31 for mine-clearance and military police/medical personnel; ONUSAL (El Salvador) expires November 30; MINURSO (W. Sahara) expires November 30; UNDOF (Golan Heights) expires November 30.

December 1993: UNPROFOR (Yugoslavia) review due by December 4; UNMIH (Haiti) review due by December 7; UNAVEM II (Angola) expires December 15; UNFICYP (Cyprus) expires December 15; UNOMIL (Liberia) review due by December 16.

January 1994: UNOMUR (Rwanda) review due by January 5; UNIFIL (Lebanon) expires January 31; UNOMIG (Georgia) expires January 31.

February 1994: ONUMOZ (Mozambique) review due by February 5; UNOMIL (Liberia) review due by February 16.

March 1994: UNMIH (Haiti) expires March 23.

April 1994: UNPROFOR (Yugoslavia) expires April 4; UNIKOM (Iraq/Kuwait) expires April 9; UNOMUR (Rwanda) expires April 5; UNOMIL (Liberia) expires April 22.

May 1994: ONUMOZ (Mozambique) expires May 5; UNFICYP (Cyprus) expires May 15; UNDOF (Golan Heights) expires May 30.

June 1994:

July 1994: UNIFIL (Lebanon) expires July 31.

NOTE: Above assumes in some cases that mandates continue to be extended for same time periods as before. Also, some dates could vary if short, temporary extensions are made.

ACTION DATES FOR UN PEACEKEEPING AND OBSERVER MISSIONS AND KEY SANCTIONS RESOLUTIONS

Country	Authorizing resolution	Resolution expiration date	Next SYG report expected	Comments
Libya:				
Sanctions	#748 of 3/31/92	n/a	120 days, next: 12/13/93	Resolution tightening sanctions under consideration 11/5/93.
Haiti:				
UNMIH	#867 of 9/23/93	3/23/94	o/a 12/6/93	Deployment delayed due to Haitian military refusal to respect accords.
Sanctions and enforcement	#873 of 10/13/93, #875 of 10/16/93	n/a	n/a	Sanctions part of international efforts to compel military to implement accords.
Somalia:				
UNOSOM II	#878 of 10/29/93	11/18/93	11/15/93	Resolution to extend 6 mos. under review 11/2/93.

ACTION DATES FOR UN PEACEKEEPING AND OBSERVER MISSIONS AND KEY SANCTIONS RESOLUTIONS—Continued

Country	Authorizing resolution	Resolution expiration date	Next SYG report expected	Comments
Iraq:				
UNSCOM	#687 and others	n/a	11/18/93	UNSC review each 60 days; UNSC action needed to lift sanctions.
UNIKOM	#687 and others, #806 2/5/93 (no exp)	n/a	6 mo. SC review; next: 4/94	UNSC action needed to terminate UNIKOM.
El Salvador:				
ONUSAL	#832 of 5/27/93	11/30/93	o/a 11/30/93	Renewal or extension is subject to SYG report and UNSC decision.
Israel/Syria:				
UNDOF	#830 of 5/26/93	11/30/93	prior to 11/30/93	
Angola:				
UNAVEM	#864 of 9/15/93	12/15/93	o/a 12/10/93	UNAVEM only partially deployed due to conflict; as of 11/2/93 ceasefire talks underway.
Cyprus:				
UNFICYP	#831 of 5/27/93	12/15/93	o/a 12/10/93	UNFICYP is largely funded by Cypus & Greece.
Western Sahara:				
MINURSO	#809 of 3/2/93	n/a	mid-November	Funds run out in 1994.
Georgia:				
UNOMIG	#881 of 11/4/93	1/31/94	Before 1/31/94	
Lebanon:				
UNIFIL	#852 of 7/28/93	1/31/94	prior to 1/31/94	
Liberia:				
UNOMIL	#866 of 9/22/93	2/16/94	12/16/93 and 2/16/94	
Former Yugoslavia:				
UNPROFOR	#871 of 10/4/93	4/1/94	12/4/93	
Rwanda:				
UNAMIR	#872 of 10/5/93	4/5/94	1/5/94	Continues beyond 1/5/94 only upon UNSC review of the SYG report.
Mozambique:				
ONUMOZ	#8?? of 11/5/93	5/5/93	o/a 2/5/94	Vote scheduled 11/5/93.
Cambodia:				
UNTAC	#880 of 11/4/93	n/a (UNTAC departs before 12/31/93)	"lessons learned" requested by UNSC	20 observers will remain until 5/4/94, mission was under consideration 11/2.
India/Pakistan:				
UNMOGIP	#201 of 9/6/65	(no expiration)	none scheduled	Funded from the UN general budget.
Jerusalem:				
UNTSO	#50 of 5/29/48	(no expiration)	none scheduled	Funded from the UN general budget.
South Africa:				
UNOMSA	#772 of 8/17/92	(no expiration)	quarterly next: 12/93	

U.S. Contributions for international peacekeeping—(million of dollars)

UN force	*Fiscal year 1994 (est)*
UNDOF: Golan Heights	11.6
UNIFIL: Lebanon	46.7
UNIKOM: Iraq/Kuwait	7.5
UNAVEM: Angola	29.7
MINURSO: Western Sahara	12.8
ONUSAL: ElSalvador	10.9
UNTAC: Cambodia	54.9
UNPROFOR: Former Yugoslavia	281.0
UNOSOM: Somalia	301.6
UNOMOZ: Mozambique	72.9
UNOMUR: Rwanda	4.0
UNFICYP: Cyprus	—
UNMIH: Haiti	27.3
UNOMIG: Georgia	9.4
UNAMIR: Rwanda Expanded	38
UNOMILS: Liberia	17.1
Total Estimated Assmts	925.4

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES* FUND USE—1993 ACTUAL/1994 PROPOSED

[Thousands of dollars]

	1993 amounts paid	1993 assmts unpaid	1994 Funds—additional		
			Already paid	Proposed to pay	Total**
UNDOF: Golan Hts	10,787				0
UNIFIL: Lebanon	38,342				0
UNIKOM: Iraq/Kuwait	13,701				0
ONUSAL: El Slvdr	8,544				0
UNTAC: Cambodia	240,963				0
UNPROFOR: Fmr Yugo	70,051	176,203	159,254	16,949	176,203
UNOMOZ: Mozambique	13,277	45,724		45,724	45,724
UNAVEM II: Angola	1,791	8,872		8,872	8,872
UNOSOM II: Somalia	40,917	141,300	141,300		141,300
Subtotal	438,323	372,099	300,554	71,545	372,099
Arrears	21,992	0	20,892	0	20,892
Total	460,315	372,099	321,446	71,545	392,991
1994 remain**					8,616
1994 Total appropriation					401,607

* Assessments recalculated at 30.387 percent.

** With total allocated of $392,990,532 leaves $8,616,468 available for all other requirements.

THE NEED FOR AN ADDITIONAL AIRCRAFT CARRIER

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. TORRICELLI. Mr. Speaker, I rise to address one of the central questions affecting future U.S. defense planning in this age of declining defense expenditures—whether to fund construction of an additional aircraft carrier.

The turmoil surrounding the breakup of the Soviet Union has increased the importance of being able to deploy a determining amount of firepower to far-off crises. The American aircraft carrier is uniquely suited for this mission. Indeed, both the President and the Congress agree that another carrier is needed. We should fund it now.

Some want to ignore the dangers we face. They say the Soviet Union is gone and there are no more serious threats to our Nation's security. They say we are the sole remaining superpower—this is true. However, that does not mean that there are no nations that could directly challenge the interests of the United

States. No one thought Saddam Hussein would be crazy enough to invade Kuwait and threaten the oil supply of the West—but it happened. And, it took more than 500,000 American soldiers, sailors, and airmen and tens of billions of dollars to restore peace to the Middle East. Tens of thousands of lives were lost, the environment was severely damaged and some of America's young men and women had to die to defeat Saddam Hussein's Army.

Mr. Speaker, I believe that a lean but strong U.S. military is the best means of preserving the peace. We now need to ensure that our military forces are well equipped to meet the emerging dangers we will face in the 21st century at the most cost-efficient price.

The most likely threats will arise in the regional states most hostile to the United States and the interest of democracy and freedom. However, as we close more military bases in Europe, the Philippines, and throughout the world, America's capability to respond quickly to crises diminishes.

Iraq, Iran, Syria, and North Korea are but a few examples of rogue states that have expressed open hostility to the United States, and to Israel, our key democratic ally in the Middle East.

Mr. Speaker, in each of these cases, aircraft carriers would be a critical element in crisis management or, if hostilities broke out, a critical element in a military response. I would like to quote briefly from the executive summary of an excellent study authored by Dr. Jacqueline K. Davis:

> Because the aircraft carrier platform is large enough to integrate a mix of Marine, Army and Air Force assets with its own considerable striking power, it will be central to U.S. joint planning in the future—both for peacetime forward presence missions and wartime operations. By virtue of its geography, the United States is a maritime nation whose welfare and global role depends on unimpeded access to the world's sea lines of communication (SLOCs). Although there may be comparatively little direct threat to U.S. navigation on the open seas (now that the Soviet Union has imploded), the potential for conflict in key regional theaters is very real—conflicts that could escalate into open welfare either involving the engagement of U.S. forces, or posing a threat to U.S. (and allied) commercial and strategic interests, or both. With the proliferation of weapons technologies and the growing lethality of the forces of potential regional adversaries, the capability of the aircraft carrier battle group will provide to a joint commander or theater CINC an important enabling force to facilitate crisis response, sustained military operations, conflict escalation and war termination.

Mr. Speaker, President Clinton already discovered the value of aircraft carriers in fulfilling his duties as Commander-in-Chief. He sent carriers to Somalia, Iran, Iraq, Bosnia and even Haiti. He said on March 12 of this year:

> When word of a crisis breaks out in Washington, It's no accident that the first question that comes to everyone's lips is: "Where is the nearest carrier?"

We in Congress are now faced with the issue of whether to fund a new aircraft carrier in this year's defense budget.

The question boils down not to whether we should fund the carrier, but when. This year or next year?

If this is the question—and I think it is the pertinent question—then my answer is we should fund it this year.

The Congress already decided to build the carrier last year. As a down payment, $832 million was authorized and appropriated by both houses. Now, we are really just debating the structure of the payment plan.

The House and Senate Appropriations Committees recommended that funding the carrier this year would be more cost-effective then reopening the construction line next year. Both committees stated that moving ahead this year will reduce the cost of the carrier by at least $200 million. The Senate version also provides that none of the funds appropriated be obligated or expended until authorized by law.

In addition, the Clinton administration concluded in its Bottom-Up Review that a replacement carrier is needed to maintain a 12 carrier fleet and to help preserve the U.S. shipbuilding industry.

Mr. Speaker, my constituents want me to vote for common sense and against waste. I cannot see any reason to wait a year, when waiting will waste $200 million of the taxpayers money. We should fund the additional carrier now.

THE BROOKS ACT, UNDER ATTACK AGAIN

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. BROOKS. Mr. Speaker, the Brooks Act is under attack, again. Some of the names and some of the titles have changed, but the complaints are the same as we have heard periodically for the past 28 years: burdensome, causes delays, costs too much. But when I hear these complaints and calls for repeal or gutting of the Brooks Act, I think of an inscription found in one of John F. Kennedy's notebooks, "Don't ever take down a fence, until you know the reason why it was put up." The Brooks Act for many years has served the taxpayers well as a fence against waste and abuse in Federal procurement. According to executive branch figures, it has saved the Government over $21.7 billion since its enactment in 1965 and $1.6 billion in fiscal year 1992 alone.

The Brooks Act, which I sponsored, gives the General Services Administration [GSA] authority to manage and oversee Federal acquisition of computers and telecommunications equipment and services, so-called ADPE. At his discretion the GSA Administrator may delegate purchasing authority for ADPE to individual agencies. However, while the Act permits the Administrator to use his judgment regarding delegation, that does not mean the Administrator should abolish GSA's central role in the process by delegating most or all of GSA's authority. Such a move would be considered an abdication by GSA and would effectively eviscerate the Brooks Act.

Centralization of ADPE purchases achieves tremendous savings through economies of scale as a result of consolidated purchases. Further, it enhances the Government's ability to move computerized data and programs between agencies and promotes sharing and compatibility across the Government. When agencies are left to their own accord, the result is too often waste, fraud, and abuse. For example, a rash of disastrous ADPE procurements in recent years has demonstrated the critical necessity for the planning requirements, oversight, and practical remedies contained in the Brooks Act and its implementing regulations. The following are just a few examples.

In a review of major Navy ADPE procurements in 1990, the Government Operations Committee found an appalling lack of competition in Federal ADPE procurement. Unnecessary compatibility restrictions, wired specifications, agency nonfeasance or misfeasance, and questionable tactics by the industry's dominant vendor had resulted in the majority of Federal mainframe computer procurements being awarded without competition or with woefully inadequate competition.

In 1991, the General Accounting Office investigated an $806 million computer procurement by the National Institutes of Health. GAO found that this procurement, known as DCRT, was conducted virtually without agency oversight. The new computer system was rarely used for scientific computing projects, even though it was justified on the basis of an alleged need by NIH scientists for such a system. GAO also found that NIH officials planned the procurement so poorly that competition was severely restricted, resulting in only one company bidding on the huge contract.

In 1992, GAO found that the Air Force's Standard Systems Command [SSC] had demonstrated a pattern of mismanagement that resulted in the purchase of millions of dollars in unneeded ADPE equipment and services. The Air Force could not control a nearly $1 billion ADPE contract because it had no effective means to account for orders, deliveries, and payments. In addition, the Air Force inappropriately limited competition by ordering equipment and services that were not within the scope of the contract and should have been subject to open competition. GAO found that the Air Force wasted millions of dollars by purchasing equipment that was not justified by valid user requirements or convincing cost-benefit analysis.

These examples are just a few of the hundreds of calamity-ridden ADPE procurements conducted by Federal agencies over the past few years. The Brooks Act is the Government's best defense against such squandering of the taxpayers' money. Repealing or gutting the Brooks Act now would be like abolishing the police department in response to a crime-wave.

It is indisputable that there are long delays in some ADPE procurements. The contention that the Brooks Act plays a major role in those delays, however, is based largely on unsupported anecdotes. Much, if not all, of the delays in ADPE procurements can be traced to burdensome agency redtape, failure to conduct adequate planning and to define requirements, and failure to follow Federal procurement laws and regulations, resulting in protests.

Complaints by agency procurement officials about the Brooks Act are like the traditional complaints by soldiers about messhall food—the anecdotes, once told and retold, take on a life of their own, not necessarily hampered by attention to the facts. There has been, however, an objective, professional study of this issue. A few years ago, the General Accounting office studied DOD's use of the so-called Warner amendment, which—unadvisedly in my view—exempts from the Brooks Act DOD's procurement of certain types of ADPE equipment and services. GAO compared the timeliness of DOD procurements under the Warner amendment to the timeliness of DOD procurements subject to the Brooks Act. GAO found as follows:

> In the 22 selected examples we reviewed, we found that there is little difference between the Warner Amendment and the Brooks Act procurements in the acquisition procedures followed and the total time needed to complete procurements. Defense could not provide studies or other support for claims of shorter acquisition time for Warner Amendment procurements.

It is clear that when we look beyond the anecdotes, claims of long delays caused by the Brooks Act do not stand up under rigorous, unbiased scrutiny.

A common lightning rod for complaints about the Brooks Act are the requirements in the Federal information resources management regulation [FIRMR], the Brooks Act's implementing regulations, that a Federal agency conduct a requirements analysis and an alternatives analysis before proceeding with an ADPE acquisition. But the critics seldom explain how the taxpayers would benefit if Federal agencies were able to conduct multimillion-dollar computer and telecommunications procurements without verifying their requirements or checking alternatives. Further the complex, burdensome analyses that critics complain of are not required by the FIRMR. All the FIRMR requires is that these analyses be done commensurate with the size and complexity of the need. For small, commercial item acquisitions, this could be as simple as a brief memo or even a notation on an order form. If, as some critics say, agencies are overinterpreting these requirements, the solution is a change in agency practices, not evisceration of the Brooks Act or the FIRMR.

But perhaps the feature of the Brooks Act that draws the most cannon fire is the protest authority granted the General Services Board of Contract Appeals [GSBCA]. In my view, however, the protest authority is the crown jewel of the Brooks Act. It is a bedrock principle of economics that an increase in competition among sellers is beneficial to prospective buyers. In Federal ADPE procurement, the Brooks Act protest process has helped ensure rigorous—some would say cutthroat—competition for Federal contracts. The beneficiaries of this competition have been Federal agencies and the taxpayers.

Fortunately, we do not need to depend on foggy anecdotes to demonstrate these benefits. In 1991, the Brooks Act protest system was subject to a rigorous, nonpartisan, economic, and legal analysis by professors of economics at Duke University and the University of Pittsburgh. Professor Robert Marshall and his colleagues studied the Brooks Act protest process in detail, and found that "protests are an effective means of deterring and correcting agency problems among procurement personnel and, consequently, accomplishing the procurement objectives of the government." The three professors concluded:

> The protest process at the GSBCA has had a significant impact on [ADPE] procurements over the past eight years. The Request for Proposals (hereinafter "RFPs") and Invitation for Bids (hereinafter "IFBs") that are issued now for federal [ADPE] procurements are far less restrictive than they were years ago, permitting larger numbers of firms to participate. Questionable practices of procurement officials [POs], such as favoring particular vendors or biasing product evaluation towards excessively high technology items, have been deterred and corrected by the GSBCA protest process. In addition, GSBCA protests have provided the makers of new or unique products, whose exclusion from federal [ADPE] procurements was often a fait accompli, a means to gain access into the federal ADPTE market.

In addition to the beneficial economic effects the presence of GSBCA has on competition in the Federal ADPE market, some protests result in immediate, quantifiable, cash savings to the Government. For example, in the recent Desktop IV computer procurement, the Air Force attempted to award one of the largest ADPE contracts ever with no discussions with the vendors, 6 weeks after receipt of proposals. Agency mistakes resulted in three separate protests—just the sort of situation cited as a problem by critics of the Brooks Act. But the fact is that by the time the smoke had cleared, the final price paid by the Government was half a billion dollars less than the price offered by the original contract awardee. That half a billion dollars saved on a single procurement probably exceeds the entire cost of implementation of the Brooks Act for many years.

In another example, the FAA was forced by a protest to readmit to a competition a vendor that had been improperly excluded. That competitor ultimately won the reopened competition at a price $13 million less than the original contract awardee.

In yet another example, the Department of Agriculture was forced by a protest to readmit two vendors that had been excluded improperly from a competition. These vendors' offers were $10 million and $40 million less than the original contract awardee's offer.

The attack on the Brooks Act is bound up in the recent campaign to reform Federal procurement so that the Government buys goods and services like a commercial firm buys goods and services. But there is a tendency among critics of the Brooks Act and other procurement laws to be too slippery with the words they use to talk about this, confusing "buying commercial products" with following "commercial buying practices."

Practically everyone involved in Federal procurement agrees that the Government should buy off-the-shelf, commercial products whenever possible, instead of having things built from scratch to special Government specifications. Nobody wants the Government to be paying $50 for a screwdriver and $500 for a coffeepot. But adopting commercial buying practices, that is, buying goods and services the same way commercial firms buy goods and services, is an entirely different matter. Such a change would require a radical, ill-advised transformation in Federal procurement.

The simple fact is that the Government is not a commercial firm and has different motivations, interests, and goals than commercial firms. The Government answers to the voters; commercial firms answer to the stockholders. The Government is concerned with the welfare of all Americans; commercial firms are concerned chiefly with profit. The Government must treat all potential sellers, that is, its citizens, fairly; commercial firms need only be concerned with efficiency. The Government has an interest in protecting all segments of our society, including small businesses, minorities, women, and the handicapped; commercial firms have an interest in the bottom line.

Mr. Speaker, I agree with critics of the Brooks Act that we need faster and more timely ADPE procurements. But ADPE procurements will not be made faster and more timely by abandoning careful preacquisition planning. I agree that we need an efficient Federal procurement system. But we cannot permit that efficiency to be achieved by permitting the Federal Treasury to be raided through waste, fraud, and abuse. I agree that procurement regulations and procedures should be made simpler, both for ADPE and non-ADPE procurements. The executive branch needs to devise improved oversight of agency procedures and provide increased training of program and procurement personnel in order to achieve greater simplicity and improved procurements. But the price of simplicity and improvement of procurement actions cannot be a procurement system in which the same large corporations win Federal contracts with tiresome predictability.

Mr. Speaker, the Brooks Act works. It has saved the taxpayers billions of dollars and has resulted in a vibrant Federal ADPE market. It should be left alone.

THE ENTITLEMENTS SPENDING SPIRAL: RHETORIC VERSUS ACTION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. SCHAEFER. Mr. Speaker, when Congress narrowly passed the President's tax package late in the summer, Capitol Hill optimists hoped the Federal budget deficit crisis would ebb for awhile. Unfortunately, deficit figures now indicate that, despite the largest tax increase in history, the deficit continues to plague Congress' every move. After briefly dipping to only $200 billion in 1996, the deficit will soon climb back to its current level and then explode off the charts after the turn of the century.

Eliminating waste and fraud in a $1.5 trillion budget—everybody's favorite solution to reducing the deficit—will not alone cut it. In fact, Congress could slash all discretionary spending in half—including programs like defense, education, housing, and law enforcement—yet still not eliminate the deficit.

The dirty little secret of budget politics is entitlement spending. Congress has set welfare, health care, retirement security, agricultural price supports, student loans, and many other programs on budgetary autopilot by declaring such spending as mandatory. Unlike discretionary programs, Congress does not examine and approve such mandatory spending on an annual basis. At best, such programs are reviewed and reauthorized every few years—if ever.

Next year alone, Congress will spend $808 billion on mandatory spending, over half of the budget, without casting a single vote. Clearly, true and lasting deficit reduction will never take place until Congress honestly deals with the politically touchy subject of entitlements.

Many of us in Washington have long recognized this fact. Others, like President Clinton, are just beginning to acknowledge the problem. Last week, the President established a Bipartisan Commission on Entitlement Reform to recommend savings in entitlement programs. Senator BOB KERREY, who cast the critical deciding vote for the President's tax bill and has pushed for the Commission, will be its chairman.

President Clinton has grabbed some headlines without solving any problems. His Commission will hold some hearings and formulate a "wish list" of cuts, but nothing in the President's Executive order can force Congress to act on these recommendations.

In the end, the Commission's report will likely end up gathering cobwebs in the same Government warehouse as has the extraordinary report on Government waste written by the Grace Commission in 1984. Like the Grace Commission, the President's Entitlement Commission will lack the power to force congressional consideration of its recommendations and, therefore, will have a correspondingly little chance of fostering substantive change.

Don't get me wrong. The idea of a Commission tasked to proposed entitlement savings is itself a fine idea. Congress has certainly proven itself incapable of even engaging in an honest debate on the subject. But to be truly effective, such a Commission needs to be modeled after a more successful model—the Base Closure and Realignment Commission. This panel, statutorily established in 1988, has had remarkable success in closing military installations—nearly 400 to date—in the districts of even the most politically powerful Members of Congress.

The Base Closure Commission has been effective because not only does it make difficult recommendations, but Congress is required to consider an unamendable proposal, subject to a single "yes" or "no" vote. In effect, this little independent, nonpartisan Commission gave Congress a much-needed backbone transplant by forcing it to make the tough choices it would have otherwise ducked.

There are striking parallels between Congress' past inability to close military bases and its current inability to cut mandatory spending. That is why I have introduced legislation creating a Mandatory Spending Control Commission that builds on the success of the Base Closure Commission.

My legislation would establish an independent, nine-member Commission of private citizens to examine mandatory spending. The President, in consultation with Congress, would appoint commissioners to serve single 3-year terms. Each year, the Commission would review the myriad of mandatory spending programs and present to the President and Congress a proposal to limit the annual growth of these programs to 3 percent. Since, on average, mandatory spending programs have grown over 12 percent annually since 1965, limiting the growth to 3 percent is a tall order, but a pressing one if we are to get a handle on the deficit.

Once the Commission submits its recommendations to Congress, my bill would require Congress to consider the legislation quickly and vote on the proposal. Congressional committees would have the opportunity to review and amend my Commission's recommendations, but the final bill would have to maintain the level of savings achieved by the Commission—without substituting cuts with new taxes. The House and Senate would then have one "yes" or "no" vote on the entire proposal. No floor amendments. No partisan parliamentary tricks. No hiding.

Unlike the President's Commission, my bill requires Congress to continually address its spending addiction. The President's Commission is just one feeble shot at a problem that demands constant attention. My Commission would continue to submit recommendations to Congress until a balanced budget is achieved 2 years in a row, thus keeping Congress' feet to the fire. Further, my bill would ensure that Congress cannot simply turn around and spend the Commission's savings on other programs.

More importantly, my bill would eliminate the budget deficit simply by controlling the growth of mandatory spending. If Congress passed my Commission's recommendations each year beginning in 1995, the budget would be balanced by 2001, assuming discretionary spending is not increased. By the year 2002, the United States would actually have a $32.2 billion budget surplus under my bill, as opposed to the $320 billion budget deficit currently projected.

President Clinton's panel may focus attention on the issue of mandatory spending, but will not force Congress to do anything. My bill requires Congress to consider a proposal to cut mandatory spending, vote on it, and demonstrate to the American people its budgetary fortitude. My legislation would help our Nation take significant strides toward a rational budgetary policy. Make no mistake, the President's Commission will create only a few headlines. The Mandatory Spending Control Commission will force Congress to take action.

THE NAFTA DEBATE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. PACKARD. Mr. Speaker, passage of NAFTA will begin the creation of the largest free-trade zone in the world—over 370 million people.

Tonight Vice President GORE will debate NAFTA's chief critic, Ross Perot. Hopefully, in this neutral forum, the obvious, long-term benefits of NAFTA will shine.

Mr. Perot has made opposition to the North American Free-Trade Agreement the platform for his political aspirations. Unfortunately, instead of entertaining and articulating some of the valid concerns Americans have about NAFTA, his platform is built upon exaggerations and hollow soundbites. In his attempt to undermine public support for this agreement, Mr. Perot has ironically aligned himself with the entrenched status quo.

It was Mr. Perot's plain-spoken, commonsense attacks on the wastefulness and largess of official Washington which brought him to national prominence during the 1992 Presidential election cycle. He rode a wave of voter anger about business-as-usual in our Nation's Capital. Why then, if Mr. Perot was the champion of reform, did he choose to embrace the status quo and stir up public opposition to NAFTA that is not even based upon facts?

NAFTA is one of the most progressive, reform-minded votes Congress can make this session. It will open up a vast and largely untapped market of 90 million Mexican citizens, eager to buy American goods. It will tear down the old walls of protectionism that have weighed down American businesses trying to compete in the Mexican market. It will create more high-wage, high-skilled jobs. More trade is, by definition, better for America.

As America watches the debate tonight, I hope that they will weigh the facts for NAFTA against the demagoguery against it. Mr. Perot, as a businessman himself, should put his political aspirations aside, and should stick to the facts about NAFTA.

HONORING WILLIAM D. ROEBUCK

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. DE LUGO. Mr. Speaker, the quality of life each of us is able to enjoy is largely dependent upon the economy that underpins our Nation and each community within it. A strong economy means jobs, jobs mean opportunities, and opportunities are the road to success.

The economy of my community, the U.S. Virgin Islands, is far more sound, and the quality of life that Virgin Islanders enjoy is much better, because of the excellent work of William D. Roebuck.

Bill Roebuck recently stepped down as the director of the Virgin Islands Industrial Development Commission where he provided both vision and leadership.

Bill saw to it that the Virgin Islands continued to attract light industry to our shores while making sure that the companies he attracted would contribute to the islands in meaningful ways in exchange for the benefits they received.

Attracting industry and investment to any community is an extraordinarily difficult job, particularly when its more than a thousand miles from the U.S. mainland where the costs and logistics of doing business are far more complex. But there are advantages, and Bill was an expert seeing them and promoting them.

However, there is a very fine line and balance between providing benefits and being sure that those who benefit also invest in the community around them particularly in their hiring practices.

Bill Roebuck never forgot that the actual gain to our community was not in the taxes a company contributes at the moment but in the jobs it produces and the skills that it teaches. In years to come, when a company experiences success, then is the time to exact taxes.

Bill Roebuck also was able to put in place the Virgin Islands' first light industrial park. Located in St. Croix, it was so successful that it expanded from one building to three and is being copied on St. Thomas as well.

I want to thank William Roebuck for the fine job he did as the director of industrial development and wish him as much success in the private sector as he had during his years in government.

ORTIZ COMMENDS LIVE NOW MINISTRIES—BROWNSVILLE BASED MINISTRY COULD TEACH CONGRESS ABOUT DEALING WITH POVERTY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an organization which deals realistically with the problems of poverty and indigence among the citizens of my community of Brownsville, TX.

Live Now Ministries has worked tirelessly since June 1986 to deal with the needs of those in our community who are destitute and needy—and has focused the attention of our community on the underlying causes of poverty, and what each individual can do to bring about change. That, Mr. Speaker, and colleagues, is a tall order, and one of which I am most proud.

Live Now Ministries incorporates the mission and the spirit of the Good Samaritan, as illustrated in the Bible. In the mission's statement of purpose, they ask the penetrating question: "Who is our neighbor? Must we step over the sick, hungry, homeless, naked bodies of our immediate neighbors to reach those who are far away?" Live Now Ministries is a revolutionary idea whose time is now. We learned when we were young that if you give someone a fish, they can eat for a day—but if you teach them to fish, they can eat for a lifetime. Live Now Ministries has turned that parable into a practical application for our time.

Live Now Ministries has made dealing with the disadvantaged citizens within our borders a priority—and has done so with no funding from the Federal Government. It is an organization which is there to aid anyone with any need, no matter how big, no matter how seemingly trivial. My office receives a great many requests for help with various Government services, but as many of you know, sometimes Federal regulations prevent my office from helping them. When that is the case, we send people to Live Now Ministries.

With an invaluable network of medical, legal, business, educational, city, county, and State representatives comprising the advisory council—Live Now has found the combination to the lock which has for so long kept the problem of poverty low on our national priority list. By combining all the necessary elements of society which are in a position to help the needy, one organization has gently forced us to focus our attention on real ways to help the needy in our area.

Live Now is a single force for social change. Live Now's advisory council has instituted a two-pronged approach to deal with poverty. First, the network of Live Now Ministries has designed a framework for creating industrial enterprises such as farming, sewing, and marketing a host of goods for profit.

The ministry also understands that a lack of education is the fundamental underlying cause of poverty. So, the second tier to the ministry's approach is one dedicated to education—the teaching of carpentry, cake decorating, plumbing, sewing and office skills. The idea is to teach skills which are in demand in the community.

In 1991, Live Now instituted a highly successful pilot project which provided summer activities for the local, high-risk youth. Taking them to the beach, fishing, etc., kept them occupied and, as a result, none—none—of these young people had problems with the authorities. In fact, most showed a remarkable improvement in their attitudes and behavioral patterns.

As this Congress looks at the societal problems of poverty, hunger, and homelessness—we would do well to listen to the lessons taught by the Live Now Ministries.

TRIBUTE TO ANGELINA JULIA PALUMBO

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. HOYER. Mr. Speaker, it is with great pleasure that I extend my warmest wishes to Mrs. Angelina Julia Palumbo who will celebrate her 90th birthday on November 25, 1993.

Mrs. Palumbo truly personifies the traditional definition of the American dream. She was born in 1903 in the Italian province of Bari. At the young age of 9 she traveled by boat with her parents to begin their new lives in the United States of America. Mrs. Palumbo's first impressions of America, like many immigrants in the early 1900's, were at Ellis Island. Her family settled in Brooklyn, then moved to join the large Italian-American community in Newark, NJ.

In 1917 Mrs. Palumbo married Pasquale Palumbo, who has also immigrated from Italy as a child. Together, Mr. and Mrs. Palumbo successfully built a heating and fuel company and, more importantly, they created a strong and loving family. They raised nine children, eight boys and one girl.

Although she began her family many decades ago, Mrs. Palumbo was in many ways a modern woman. She was a mother and a businesswoman. As the bookkeeper for their business she spent many hours working to provide a livelihood that would support her large family. The room behind her office served as a kitchen so that after many hours of work she could cook and maintain a sense of family unity often felt during meals together.

Mr. Speaker, Angelina Julia Palumbo was a businesswoman, but first and foremost she was a mother. She recognized the abundant opportunities available to her children that were not accessible to her as a young woman and that the only reliable means to success is a good education. She instilled this conviction in her children and sacrificed vacations and material possessions so that each of her 9 children could attend college.

Today her children are all successful professionals. They are doctors, lawyers, and businessmen. The importance of a good education is a belief that she has imparted not only to her children, but also to her 22 grandchildren and 9 great-grandchildren.

Mrs. Angelina Julia Palumbo is truly a remarkable woman. She successfully raised 9 children who all, in their own right, may be counted among the outstanding people of our country. For her unremitting devotion to her family and countless hours of work she has their eternal admiration and love. As Americans we are very lucky Mrs. Palumbo was brought to this country in 1912. For her many positive contributions to our country I applaud her. She truly exemplifies everything that makes the United States great.

U.N. PEACEKEEPING—PART II

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. HAMILTON. Mr. Speaker, in a continuing effort to keep my colleagues informed on matters relating to peacekeeping, I am today submitting a summary prepared by Foreign Affairs Committee staff on the process by which the Security Council approves peacekeeping operations. Although it may seem to some in Congress that the Security Council approves new operations casually and quickly, that is not in fact the case. There is a clear process, usually requiring months of preparation, before a new peacekeeping operation is brought to a vote in the Security Council. I am submitting a description of that process, as well as the chronology of the approval process for the four most recently approved peacekeeping operations.

PROCESS FOR APPROVING PEACEKEEPING MISSIONS

(Prepared by HFAC staff)

BACKGROUND

There is an unwritten but fairly standard procedure followed by the U.N. in approving peacekeeping missions.

Generally, this procedure requires months of preparations before the Security Council votes to establish a peacekeeping mission.

Because the process relies on consensus, proposals which are unlikely to be approved by the Security Council usually do not evolve beyond the exploratory stage.

Following is a generic description of the process by which peacekeeping missions are approved.

Also included are brief descriptions of the timelines on the most recent four peacekeeping missions approved.

Only three new countries have moved even part-way through this process as of now: Tajikistan, Nagorny-Karabakh, and Burundi. Other than those two, and the ongoing peacekeeping missions, the Security Council has not approved statements on any other countries.

PEACEKEEPING APPROVAL PROCESS

A country (or another interested party) requests the Security Council for assistance, either because a ceasefire is in place or is anticipated.

The Secretary General informs the Security Council that he proposes to name a Special Envoy to undertake a good offices visit to the country (sometimes this is a survey mission instead).

The Security Council approves a statement of its concurrence with this action.

The envoy/survey mission makes a visit.

The Secretary General submits a report to the Security Council on the visit.

The Security Council approves a statement requesting the Secretary General to keep it apprised of developments.

The reporting process is repeated until a ceasefire or political agreement is reached.

The Secretary General then submits a report recommending that the Security Council approve a peacekeeping mission, along with his recommendations on size and estimated costs. (NOTE: often a small group of military observers is first approved, while more details are worked out for a full-fledged peacekeeping mission)

The Security Council votes on a resolution establishing the mission for a fixed period of time, while asking the Secretary General for periodic reports.

A Security Council vote to extend a mandate is always preceded by a report from the Secretary General.

TIMELINES FOR RECENTLY APPROVED PEACEKEEPING MISSIONS

(NOTE: some steps in each case have been omitted in the interest of brevity)

GEORGIA

September, 1992: Security Council requests periodic reports from the Secretary General.

October–June: Secretary General sends "good offices" missions and Special Envoy.

June, 1993: Georgian President requests UN military observers.

July 1, 1993: Secretary General recommends 50 U.N. military observers.

August 6, 1993: Security Council approves 10 U.N. military observers.

August 24, 1993: Security Council approves UN observer mission in Georgia, UNOMIG (88 observers authorized).

NOTE: Subsequent Security Council action has revised the UNOMIG size and mandate.

RWANDA

February/March 93: Rwanda and Uganda ask for UN assistance.

March 12, 1993: Security Council asks Secretary General to explore the situation.

April, 1993: UN team visits Rwanda.

May, 1993: Secretary General recommends UNOMUR (UN observer mission, Rwanda).

June, 1993: Security Council authorizes UNOMUR.

September, 1993: Secretary General recommends a Rwanda peacekeeping operation, UNAMIR (UN assistance mission, Rwanda).

October, 1993: Security Council approves UNAMIR.

LIBERIA

November, 1992: Security Council ask Secretary General to review Liberia (in response to Liberian request).

August 4, 1993: Secretary General recommends 30 UN military observers.

August 10, 1993: Security Council approves 30 UN military observers.

September 9, 1993: Secretary General recommends UNOMIL.

September 12, 1993: Security Council approves UNOMIL.

HAITI

February 1993: UN and OAS establish an International Civilian Mission.

July 3, 1993: Governor's Island agreement signed.

July 27, 1993: Government of Haiti requests UN aid.

August 25, 1993: Secretary General recommends UNMIH.

August 31, 1993: Security Council approves 30 man advance team (one month mandate).

September 21, 1993: Secretary General again recommends UNMIH.

September 23, 1993: Security Council approves UNMIH.

TRIBUTE TO EUGENE CALLAHAN

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to an outstanding public servant and the former "third Senator" from the State of Illinois, Mr. Eugene Callahan.

Gene Callahan worked for over 25 years as the top aide to many of Illinois' most prominent and successful political figures, including Senator PAUL SIMON and former Senator Alan J. Dixon.

He has been a leader for both Members of Congress and their staffs for many years, and his talents were recently recognized by National Journal in a long profile of his outstanding career.

Mr. Speaker, I ask permission to include the following profile of Gene Callahan in the CONGRESSIONAL RECORD:

[From National Journal, Oct. 2, 1993]

BASEBALL'S BIG HITTER IN WASHINGTON

(By W. John Moore)

Talk a little baseball with Gene Callahan and you realize that this transplanted midwesterner is no ordinary fan. He played baseball in grade school, high school and at Illinois College. "I saw my first [Major League] game in 1945, the last year the Chicago Cubs won the pennant," Callahan recalled in a recent interview. Every summer when he was a boy, he and his uncle drove the 96 miles to Chicago's Wrigley Field to see a Cubs game.

In college, Callahan saw his first St. Louis Cardinals game—the beginning of true fandom. Although he lived more than 90 miles away, in Springfield, Ill., Callahan attended 22 Cardinal home games one summer.

"I've seen 27 opening games," he said. "To me, opening day is the greatest sporting event there is, better than a World Series, an All-Star Game or anything."

Maybe the game's in his genes. His father played professional ball. His son signed with the San Diego Padres, played a year in the minors and now coaches baseball at Eastern Illinois University.

In January, Callahan, 59, finally did what most fans only dream about: He turned his passion into a job by becoming the first head of Major League Baseball's new Washington office. One reward is good seats at Oriole Park at Camden Yards. This season, Callahan said, he's missed only seven Baltimore Oriole home games.

With the position of director of governmental relations comes an office that looks like a cubbyhole in Cooperstown. Pennants of all Major League teams fill one wall.

A long, winding but classic Washington trek brought Callahan from a small town in downstate Illinois to one of the best jobs in the nation's capital. At Illinois College, he was the sports editor of the school newspaper for two years. Callahan wanted to be a sportswriter after college, but the only job opening at the Illinois State Register in Springfield was for a police reporter, and he took it. He worked for 10 years at the newspaper, eventually becoming its chief political reporter. That, in turn, led to a series of political jobs with top Democrats in the state: assistant press secretary to Gov. Samuel H. Shapiro, administrative assistant to then-Lt. Gov. Paul Simon and, beginning in 1973, a long stint with Alan J. Dixon, the state treasurer and later secretary of state. When Dixon was elected to the Senate in 1980, Callahan, somewhat reluncantly, came to Washington as his administrative assistant.

When Dixon was upset in last year's Democratic primary by now-Sen. Carol Moseley-Braun, Callahan started looking for a public relations job with a baseball team. He contacted the Cubs, the Chicago White Sox and the Cardinals. Although the teams had no openings, Major League Baseball wanted to establish a Washington office.

"We thought we needed a Washington office because baseball has a lot of business going on in Washington," Allan H. (Bud) Selig, the president of the Milwaukee Brewers and the chairman of Major League Baseball's Executive Council, said in a telephone interview. "And Gene came very highly recommended by people as very knowledgeable, very conscientious." Among Callahan's backers were Dixon and Sen. Herbert H. Kohl, D-Wis., a close friend of Selig's.

The high-powered lobbying firm of Timmons and Co. Inc. has long represented baseball. But the team owners "wanted someone who would speak for baseball and baseball only," Callahan said. "They wanted a proactive office that could sell baseball."

Callahan gives baseball the benefit of a dozen years of experience on Capitol Hill. "Gene has an enormous reservoir of goodwill" in the Senate, William H. Cable, a vice president of Timmons, said. Callahan still has close ties to his former boss, Sen. Simon, a key member of the Judiciary Committee, which will soon act on the legislation most critical to Major League Baseball—a proposal to eliminate its long-standing exemption from the antitrust laws. Callahan argues that the exemption protects fans by giving baseball's commissioner the clout to stop owners from moving their teams. Removing the exemption, he adds, would also devastate the minor leagues, because teams wouldn't spend money to develop players if they were free to shift teams.

Antitrust is not the only issue that baseball faces. Some critics contend that baseball's television contracts, which always provoke a controversy, could shift more games to cable or pay TV. And House Majority Whip David E. Bonior, D-Mich., has introduced a bill that would prohibit baseball teams from demolishing their old ballparks.

Every time Major League Baseball lights a match, our critics call it major arson," Callahan said.

Baseball's biggest need right now is finding a new commissioner. The new leader of Major League Baseball could replace Callahan, though it's not likely.

But Callahan says that he won't stay in Washington forever. At some point he wants to go home to Springfield, his family and, of course, more baseball.

THE PUERTO RICO PLEBISCITE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. TORRICELLI. Mr. Speaker, on Sunday, November 14, the people of Puerto Rico will exercise their right to self-determination by voting in a nonbinding plebiscite. Their choice will be: statehood, continued commonwealth, or independence. I will work to implement their will and see that Congress carries out, as soon as possible, their expression of self-determination.

I would urge Members to take note of a report issued by the Congressional Research Service last week. This report concludes—as earlier reports have also concluded—that Puerto Rican citizenship can be revoked unilaterally by Congress because it was granted only by an act of Congress in 1917. The report also concludes that under the current Commonwealth, Congress places limits on Federal funds that are given to American citizens who are residents of Puerto Rico even though that type of discrimination would not be possible if Puerto Rico were a state.

Mr. Speaker, I will be watching this Sunday's vote with great interest and excitement and I renew my commitment to honor the expressed self-determination of the people of Puerto Rico.

TRIBUTE TO MARK VAN ROTZ AND MATTHEW VOCCIO, EAGLE SCOUTS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. REED. Mr. Speaker, I rise today to salute two distinguished young men from Rhode Island who have attained the rank of Eagle Scout in the Boy Scouts of America. They are Mark Van Rotz and Matthew Voccio of Troop 22 in Johnston and they are honored this week for their noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 merit badges, 11 of which are required from areas such as Citizenship in the Community, Citizenship in the Nation, Citizenship in the World, Safety, Environmental Science, and First Aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. These young men have distinguished themselves in accordance with these criteria.

For their Eagle Scout projects, Mark and Matthew each cleared a different section of Johnston Memorial Park of debris and undergrowth. The town of Johnston will landscape these areas for the enjoyment of the residents of the town of Johnston.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scouts Mark Van Rotz and Matthew Voccio. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 80 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Mark Van Rotz and Matthew Voccio will continue their public service and in so doing will further distinguish themselves and consequently better their community. I join friends, colleagues, and family who this week salute them.

TRIBUTE TO FRANK M. LEMAY

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. BROOKS. Mr. Speaker, today, I bring to the attention of my colleagues the passing away of Frank M. Lemay, a senior State Department economist, who warned in 1989 of evidence that U.S. loan guarantees to Iraq were being used illegally to build Baghdad's military arsenal.

Mr. Lemay testified before the Committee on the Judiciary in June 1992 concerning the contents of a memorandum he wrote in 1989 that Iraq apparently had spent part of a $1.8 billion loan package to buy nuclear arms technology illegally. The loans had been guaranteed by the Department of Agriculture's Commodity Credit Corporation, ostensibly to purchase U.S. farm products.

Mr. Speaker, when Mr. Lemay testified before the Judiciary Committee his testimony was riveting. I was struck by his refusal to back down from the contents of his memorandum in the face of such intense scrutiny and obvious pressure by the administration and the Congress. He took full responsibility for the contents of his memo and testified that he had no motivation to lie about any of the information contained in the memo. He came across as honest, diligent, and loyal. Throughout that long morning, he never lost his cool.

Mr. Lemay was a 12-year veteran of the State Department. He served as a consular officer and assistant services officer in the Dominican Republic, a staff aide to the assistant secretary of state for inter-American affairs, a policy planning officer in the Bureau of Inter-American Affairs and deputy director of the economic section of the U.S. Embassy in Colombia. More recently, he served as a senior economist in the policy planning office of the Secretary of State.

His was an accomplished career that I am sure will be remembered in the years to come.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service Agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

EXHIBIT C—AFFIDAVIT

1. On April 21, 1992, I executed an affidavit for Staten Island Borough President Guy V. Molinari where I provided testimony that former Federal Agent Joseph Occhipinti was set up my major Dominican drug lords Jose Liberato, Elias Taveras and others.

2. I voluntarily agreed to work in an undercover capacity to help expose the conspiracy and prove that the complainants who testified against Mr. Occhipinti are involved in criminal activity. My investigation disclosed the following evidence:

(a) On or about April 28, 1992, I met with Jose Elias Taveras at his garage, Concourse Auto Repair, located at 245 East 138th Street, Bronx, New York 10451. Mr. Taveras believes I am a drug dealer and offered to sell me his business. I agreed to buy his garage for $125,000 in order to help me launder my drug money. I explained to Mr. Taveras my concerns that I could not have a legal sales contract since I was a drug dealer who doesn't pay taxes, and I didn't want problems with IRS. During the conversation Mr. Taveras admitted to me having financial problems and that he was involved with a loan shark called "Benny", who works for Sea Crest Trading Company. While at the garage I had a conversation with Mr. Taveras brother who admitted to me and others that his brother, Elias has set up Occhipinti and head him convicted. At the garage, was a uniformed New York City Police Officer, called Jackson, Badge #1544. According to Mr. Taveras, the officer was Dominican and was a personal friend. Elias told me it was "OK" to talk business in front of him but I didn't. Elias and I finally agreed to draw up a contract showing the selling price to be $40,000 not $125,000. The conversation was tape recorded an attached is Mr. Taveras business card.

(b) On or about April 29, 1992, Mr. Taveras arranged an appointment with me and his attorney, Nestor Rosado, at his law office located at 2710 Broadway, New York, New York. The purpose of the meeting was to close on the business deal for the garage. In a conversation with Mr. Rosado I explained to him the fact I was a drug dealer and could not show on the contract the selling price of $125,000. We all agreed that the contract would show $40,000 and the fact I gave a $25,000 deposit, the balance would be paid off in installments. Mr. Rosado was aware that this transaction was illegal and voluntarily went ahead to fill out the legal papers. I eventually left the office to get the $125,000, but never returned. I made up an excuse I had been arrested on an outstanding warrant. Attached is a copy of Mr. Rosado's business card. The conversation was tape recorded.

(c) On or about April 23, 1992 I had a conversation with complainant Rhadames Liberato at the Medina Grocery located at 1502 St. Nicholas Avenue, New York. In the conversation, I discussed with Rhadames about the sale of cocaine and loan sharking activities with Sea Crest Trading. Also, I supplied Rhadames Liberato with my telephone number in the event he wants a new source for cocaine. While at the Bodega, two drug deals took place involving employees. The conversation was tape recorded.

3. This affidavit has been given freely and voluntarily. No promises or threats were made in exchange for my testimony. My undercover investigation is still ongoing.

EXHIBIT D—AFFIDAVIT

My true and correct name is * * *.

I am a native and citizen of the Dominican Republican and resident of the State of New York.

I was a registered informant for the Drug Enforcement Administration during the periods of 1988 until June, 1991. I also work as an informant for the U.S. Secret Service, Alcoholic, Tobacco and Fire Arms and the New York City Police Department. I primarily worked with the DEA Group 33 Unit which investigated mostly Dominican Drug Dealers. (Attached as Exhibit A is DEA Form 356 which reflects my employment record with DEA).

On or about November, 1991, I had a conversation with Elias Taveras, a good personal friend from the street, who owns the Yeya Grocery in upper Manhattan. Mr. Taveras knew me because I had a friend who was selling him drivers licenses in different names. Mr. Taveras was bragging to me how he was responsible in convicting a federal agent from Immigration for stealing money and doing an illegal search of his bodega. He personally admitted to me that he lied to the jury about the theft of monies and the illegal searches. Mr. Taveras also told me that a Dominican woman called Altagracia Crucey, who owns a Bodega on Broadway near West 162nd Street, New York, New York was also one of the witnesses who also falsely testified against the Immigration Officer. I had personally known about Altagracia Crucey from three local Dominican Drug dealers called, Arturo, Moreno and Junior, who admitted to me that Altagracia was their source of heroin. As for Mr. Taveras, he is involved in the sale of numbers, gambling, illegal drug money transfers to the Dominican Republic and also arranging drug sales. About six times I was present when Mr. Taveras arranged as middle man to buy cocaine and received a commission. The names of the people who bought the Drugs were Adalberto, Manolo, Jose and the others I don't remember at this time. The reason why we had the conversation was because I told him I had seen him on Spanish television.

On or about January, 1992, I met Jose Liberato at his new Bodega at West 163rd Street and Broadway, New York. I was with a friend called Angel Ignacio who was negotiating the sale of 11 kilos of Cocaine. I was not present for all the actual price negotiation for the drugs because Liberato and Angel went into a private office. After the private conversation, I went to the office and we began to drink. Mr. Liberato began to brag how he "—— the federales". He was explaining that when the Immigration had gone to his Bodega they never found 18 kilograms of cocaine that was secreted in a hidden floor panel. He explained that he had falsely testified against the Officer in court about stealing money and doing illegal searches because they (Federales/Immigration) were hurting the Bodega owners who he had lent money to. Mr. Liberato, is a loan shark. Mr. Liberato lends money to Bodega owners at high interest rate. Mr. Liberato explained that Immigration was arresting people and seizing contraband at the Bodegas which owed him money, and was creating a lot of problems for him. So, he and others organized many of the Bodegas to falsely testify against the officer. Many of the Bodega owners were family members. I personally know that Mr. Liberato is a major distributor of cocaine, who could handle purchases of 50 to 100 kilo's at a time. At this meeting, he admitted that he was smuggling the cocaine into the United States in frozen "Yuka", which is Spanish vegetable. About two weeks later, I accompanied Angel Ignacio back to Liberato in order to pick up a sample of the cocaine. The sample was about a one ounce rock of cocaine. Mr. Liberato is a very dangerous man, who was very close friends of a Cuban man called "Papito," a known Assassin who owns the El Baturo Restaurant. I personally know about the people that was murdered through Papito—It is common knowledge that no one crosses Liberatoi or they get murdered.

I ceased being a DEA Informant in June, 1991 after I had a problem with a Federal prosecutor called David Lewis. I negotiated the sale of 2 kilos of cocaine in 1989 from a Dominican Drug Dealer called "Luis". The case went to trial and I explained to Mr. Lewis what happened in the buy. Sometime thereafter, Luis approached my mother and threatened her. I was extremely afraid for my mother and family's safety, so I decided that this was one case I should not testify in. I had never had a family member threatened before. So, at a second meeting, I changed my story with Mr. Lewis about what happened. Eventually, I explained to Mr. Lewis the truth and why I didn't want to testify. Mr. Lewis was not sympathetic to my concerns about my families safety. He directed that DEA no longer use me as an informant. It should be noted that at that time, I was working on a major investigation involving a Dominican lawyer called "Aranda", from the law offices of Aranda and Guthlein. I had learned that Aranda was representing Dominican Drug Dealers and receiving cocaine as payment. One day in June, 1991, I met with Aranda at the Court House in Manhattan in order to negotiate the purchase of 5 kilos of cocaine. He agreed to sell it to me. However, when I reported it to DEA, they told me that they couldn't work the case because of my problem with David Lewis.

On or about February, 1992, I went to Immigration to speak to one of its officers. At that time, I learned that the Immigration Officer who was set up by Mr. Liberato and others was Joseph Occhipinti. I never personally met Mr. Occhipinti or knew him previously. I saw him only on two occasions at DEA. When I realized what happened, I reported it to DEA Special Agent the evidence I had.

I am willing to testify before court or the Congress as to the facts contained in this affidavit. I voluntarily agree to work in an undercover capacity to prove that Mr. Occhipinti was set up and that Mr. Liberato, Mr. Taveras and Ms. Crucey are involved in drug trafficking and related criminal activity. No promises or threats were made in exchange for this affidavit or my offer to work undercover.

TRIBUTE TO ONLINE RESOURCES & COMMUNICATION CORP.

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. MORAN. Mr. Speaker, I would like to take just a moment to tell you of an exciting development that has taken place in my district. I think it demonstrates what can happen when a small company with dedicated employees commits itself to finding a better way.

A constituent company has just received a major patent for a new low-cost, efficient and easy-to-use system that will help make the information superhighway more accessible and less expensive for consumers.

Online Resources & Communications Corp. of McLean, VA, has accomplished this remarkable technological feat not by spending millions of dollars developing a new solution, but by ingeniously combined existing technology infrastructures to create a new system for paying for electronic services delivered to home. Combining public telecommunications data networks with the automated teller machine, or ATM, networks of the banking industry, Online Resources helps keep the cost for such services low.

Because Online is committed to delivering low-cost banking and retail services electronically to the home, it's been recognized as a leader in its field. Its low cost ScreenPhone has received rave reviews in the press and from thousands of consumers in the Washington area who use Online's home banking service for only a few dollars a month. Now banks nationwide are calling Online Resources to learn of its unique and low-cost system.

I'm very proud of what the employees of Online Resources have accomplished because they've proven once again that small companies are leading the way in developing new technological solutions that will ensure our national competitiveness. We cannot, Mr. Speaker, ask the American people to pay high prices for the services and information that will make them more aware and more informed while at the same time less hassled by life's day-to-day chores. Online's systems can help give Americans that rare combination of convenience and control over their financial affairs that will make them more productive.

Online's patent for this payment method is a breakthrough for the banking and telecommunications industries. And to its credit, Online Resources' plans are to use the patent responsibly to help accelerate the acceptance and adoption of electronic services in the home. President Matt Lawlor tells me he wants industry leaders to come together to adopt standards that will ensure that the consumer is always foremost. He plans to continue to promulgate to the industry Online's low-cost, easy-to-use approach because the employees of Online recognize that as a provider of electronic services to the home, they have a responsibility to serve as many Americans as they can.

Mr. Speaker, we hear a lot these days about industry giants forming alliances to develop new technologies. But I hope this body always remembers that the truly great ideas, the unique jewels of creative thinking, often come from smaller companies that are dedicated to finding a better way for a lower cost. That's exactly what Online Resources, a company of just 30 people, has been recognized for with the issuance of this patent. I ask you and the members of the House to stand with me to applaud Online Resources as one of the truly innovative companies of our era.

TRIBUTE TO SUZANNE DE PASSE AND MIMI AND BERNIE WEST

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. WAXMAN. Mr. Speaker, we ask our colleagues to join us in paying tribute to three outstanding supporters of the Friends of the Los Angeles Free Clinic.

At its annual dinner show on December 2, the Los Angeles Free Clinic will honor Suzanne de Passe and Mimi and Bernie West for their unstinting efforts to extend quality health care to those who have fallen through the cracks of our current inadequate health care system.

Ms. de Passe and Mr. and Mrs. West have built the Los Angeles Free Clinic into a nationally known and admired institution. The free clinic provides a full range of high quality health services to those without health insurance, those who are ineligible for government health programs, and those who have personal problems and health needs that require the clinic's unique atmosphere of tolerance and compassion.

Were it not for the efforts of individuals like Suzanne de Passe and Mimi and Bernie West, it would be impossible for the free clinic to provide state-of-the-art medical, psychological, legal and dental services to tens of thousands of clients without ever levying a charge. As we pay tribute to Suzanne de Passe and Mimi and Bernie West, we should also recognize the hard work of the staff, contributors, and volunteers who make possible the free clinic's treatment of 40,000 needy patients each year.

SEMATECH PROVES TO BE IDEAL GOVERNMENT/INDUSTRY CONSORTIUM

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. PICKLE. Mr. Speaker, SEMATECH, the 6-year-old Austin semiconductor manufacturing research consortium, has reached the summit in the existence of Government-subsidized consortiums. Founded during a crisis in the U.S. semiconductor industry, SEMATECH "has achieved its early goal of reviving this country's chip-making powers to match or beat the Japanese, say SEMATECH officials and supporters of the consortium," according to this past Sunday's Austin American Statesman.

The well-being of the American chip industry and its equipment suppliers, once considered in trouble, has shown signs of revival in the past 2 years. SEMATECH has played a role in keeping jobs at home by making it possible to produce state-of-the-art semiconductors on all American-made machines.

Advanced tools and processes have enabled U.S. companies to move from dawdler to forerunner in chip manufacturing technology. SEMATECH can also claim credit for improving communication between equipment manufacturers and chip makers within the industry.

The Austin American Statesman article goes on to say, that now that its success has been proclaimed, the consortium may need an encore performance. The key to a new stage, according to SEMATECH's chief executive William Spencer, is to do more work with less money. This year the consortium has broadened its research scope, shifted spending priorities and cut spending by 10 percent, or $20 million a year. SEMATECH's 11 industrial members put up half, or $90 million, of the organization's annual budget. The Department of Defense Appropriations Conference Report for fiscal year 1994 will appropriate $90 million from the Defense Department's Advanced Research Projects Agency.

President Clinton last February called SEMATECH, "a model for Federal consortiums funded to advance other critical technologies." A congressional field hearing was held in Austin this past summer by the Science and Technology Committee and "was more of a love feast than an inquiry: everyone from Governor Ann Richards of Texas to the House Majority Leader, Richard A. Gephardt, heaped praise on SEMATECH," according to this past Sunday's New York Times.

The New York Times also states that other industries now hold up SEMATECH as an example for American industry. The aerospace industry, increasingly threatened by Europe's Airbus consortium, would benefit from proposed legislation that helped create and finance a consortium called Aerotech. American textile manufacturers have created a consortium called AMtex that receives Government assistance. And the Big Three auto companies recently announced a Government-backed partnership to design a fuel-efficient super car.

Congress should be proud of starting this highly successful consortium and promoting U.S. success in international competition in the semiconductor industry. SEMATECH should be a model for all industries to join together keeping the United States a step ahead of foreign competitors in high technology.

NATIONAL SCIENCE AND TECHNOLOGY POLICY, ORGANIZATION, AND PRIORITIES ACT AMENDMENTS OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. BOUCHER. Mr. Speaker, today I am introducing, along with Mr. BROWN of California and Mr. BOEHLERT of New York, the National Science and Technology Policy, Organization, and Priorities Act Amendments of 1993.

This legislation is the culmination of an ongoing review of U.S. science policy conducted by the Subcommittee on Science. Our review was conducted against a backdrop of a dramatically changed world. New opportunities and new challenges for the Nation's research enterprise have been crated by the end of the cold war, the rise of multilateral economic competition, and the emergency of global environmental problems. Coupled with these changes is the increasing role of science and technology in promoting our economic well-being and our quality of life.

The subcommittee conducted a broad-based inquiry into the adequacy of the Nation's Federal science and technology policy and the directions that policy should take as we approach the 21st century. Our goal from the beginning has been to shape science policies that allocate resources more efficiently, set priorities more clearly, and measure performance more precisely, while at the same time preserving the best parts of an research system that remains the envy of the world.

Our inquiry was also driven by the inability of the Government's growing research and development budgets to keep pace with the explosive growth in the size of the Nation's research force. We also had to consider the ever-present debate about the effect of "Big Science" undertakings such as the human genome project and the space station on the size and number of grants available to individual researchers who collectively account for much of the Nation's innovation. The time has arrived for hard decisions to be made about the research and development projects that are most important to enhancing our qualify of life.

At the core of our legislation is an effective mechanism for the Federal Government both to establish long-term science priorities and to assure that those priorities are reflected in the budget. To achieve this result, the bill requires the President, in consultation with the Office of Science and Technology Policy [OSTP] and the Office of Management and Budget [OMB], to report annually to the Congress on the administration's specific priorities for science and technology, along with the rationale for those policies and a statement setting forth how they will address long-term societal goals.

This report will also present one consolidated national research and development budget, which is intended to bring coherence to a more than $70 billion research budget that is scattered across more than 20 departments and agencies. It addresses those critics who charge, with some justification in my view, that American science cannot be all things to all people—that we must set priorities.

To assure that the President's science policies will actually be reflected in the budget, the legislation gives greater responsibilities to OSTP in formulating the Federal science and technology budget. Under the bill, OSTP and OMB are required to work jointly at every stage of the budget process. Most importantly, the bill requires OMB to obtain the concurrence of OSTP before transmitting final budget guidance to Federal departments and agencies. This concurrence authority will help to assure that the final budget guidance which is transmitted to the agencies will be consistent with the President's science priorities and the administration's broader societal goals.

This provision also recognizes the unique position that science and technology has in the Federal budget and is consistent with the key recommendation contained in the Carnegie Commission's report, "Enabling the Future: Linking Science and Technology to Societal Goals."

The bill will improve science policy in several other important respects:

First, it will codify the National Science and Technology Council [NSTC] that was recommended by the National Performance Review. The Council will parallel the National Economic Council and the National Security Council. It will bring high-level decisionmaking to science and technology policy.

The NSTC replaces the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET], which in the words of the National Performance Review, "lacks the teeth to set priorities, direct policy, and participate fully in the budget process." The bill does, however, preserve what I believe are the best elements of the FCCSET process. It authorizes the NSTC to establish interagency working groups comprised of officials who work directly with the research and development projects that cut across agency boundaries.

Second, the bill sets up a Committee of Advisers on Science and Technology to provide the President with regular advice and recommendations on science and technology issues. I think all of us would agree that when dealing with these often complex matters, it is critically important for the President to be able to turn to a balanced panel of eminent scientists who can render advice free of agency bias.

Third, the legislation establishes for the first time a regular specific assessment of the Nation's research capabilities. This function will be carried out by the National Sciences and Technologies Assessment Panel, comprised of distinguished Americans from Government and the private sector. This reconstituted panel will continue to report biennially to the President on technologies that it deems critical. The President will be responsible for the development of a multiyear strategy for federally supported research and development of critical technologies.

Mr. Speaker, the legislation that I am introducing today achieves the goals of an improved science policy—one that will help our Nation set clear priorities in science, adhere to those priorities in the budget, and most importantly, measure the results of our enormous investment in research and development. This bill is wholly consistent with the President's reinventing government initiative and with the recommendations of some of America's leading scientists and public policy experts, many of whom served on an advisory committee to the subcommittee during the development of this legislation.

Mr. Speaker, the Carnegie Commission summed it up well when it said, "America faces a choice between business as usual in science and technology policy and a new approach that would place more emphasis on long-term S&T goals and on clarifying the linkages between the S&T enterprise and societal goals."

This legislation meets the challenge that is implicit in these words. I urge my colleagues to join as cosponsors of this important measure.

HONORING ITALIAN BENEFICIAL CLUB ON THE OCCASION OF THEIR 60TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to take this opportunity to pay tribute to the Sandusky-based Italian Beneficial Club on the occasion of its 60th year of service.

On November 13, 1993, a dinner will be held to pay tribute to the club's 60 years of continuing service to the Italian community of Sandusky. The club has provided social, cultural, and educational facilities for approximately 5,500 members, including information on obtaining citizenship for immigrants.

Named after the Italian mapmaker, Amerigo Vespucci, the new world and our Nation's history is filled with the hard work and labor of Italian families. Ohioans need to look no farther than our State capitol to see the admiration the new world feels for the great Italian explorer, Christopher Columbus.

As the club marks its 60th anniversary, we commemorate the past and celebrate the future. The anxieties and doubts faced by the immigrants of today are no less than 100 years ago. The Italian Beneficial Club can be a link between Italian culture and heritage and American opportunity.

Mr. Speaker, I ask my colleagues to join me in congratulating the members of the Italian Beneficial Club for their past achievements and encouraging them to continue to hold themselves to its high standard of integrity and dedication.

IN SUPPORT OF FOREIGN-BASED MEDICAL SCHOOLS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. ENGEL. Mr. Speaker, the President has unveiled to the American people his specific plans to reform the Nation's health care system and has taken a bold step to inspire fundamental change in the manner in which Americans receive health care. The American people are now looking to Congress to assure that reform efforts are equitable, fair, and affordable.

A major focus of the President's package involves the need to increase the number of doctors providing primary care services. Today, too many new physicians elect to practice specialized medicine where they can earn higher salaries. As a result, there is a deficiency in the number of physicians that practice general family health care or primary health care.

I would like to direct my colleagues attention to the efforts of Dr. Robert Ross, chairman and founder of Ross University School of Medicine located on the Island of Dominica in the Caribbean. Dr. Ross has greatly contributed to reversing the trend of declining numbers of primary care physicians. Dr. Ross opened Ross University in 1978 with just 13 students. Since that time, over 1,500 students have received medical degrees from the university.

The graduates from Ross University have continued on into medical residency training and medical practice all over the United States. In addition, many Ross University graduates have set up their primary care practices in rural and urban areas that would otherwise go without proper medical care. These foreign born or trained medical students help fill the critical shortage of primary care physicians produced by American medical schools. In fact, over 20 percent of the practicing doctors in the States of Michigan, North Dakota, Illinois, Connecticut, and Delaware were educated outside the United States. In New Jersey, the figure is 33 percent in New York it is nearly 50 percent.

Dr. Ross and his foreign-based medical school provide a valuable service to the American people. U.S. health care policy should encourage, not discourage, such contributions. As Congress begins debate on health care reform, I urge my colleagues to examine the great contribution foreign medical schools can make with respect to primary care.

THE HALPERIN NOMINATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. CRANE. Mr. Speaker, I have been heartened by the increase in attention and opposition to the nomination of Dr. Morton Halperin to be the Assistant Secretary of Defense for Democracy and Peacekeeping.

Nothing in Dr. Halperin's background would lead a rational, dispassionate observer to the conclusion that he should be given an important post in the Pentagon. To the contrary, that observer might well conclude that the Pentagon is the last place Dr. Halperin should be working.

What is even more disturbing is the tactic pursued by his supporters. Unable to defend his record and actions, supporters of the nomination have resorted to attempts to discredit those who raise legitimate questions about the nomination.

I am inserting for the RECORD a response to a Washington Post editorial written by the ranking member of the Senate Armed Services Committee, Senator STROM THURMOND. He responds to some of the slanderous attacks he has endured and further outlines the concerns about Dr. Halperin.

The fact of the matter is that Dr. Halperin has engaged in activities which raise serious questions about his judgment and qualifications. If there are answers to those questions, his supporters should be supportive of our attempts to discover them.

[From the Washington Post, Oct. 18, 1993]

THE HALPERIN NOMINATION

(By Strom Thurmond)

An Oct. 11 editorial carried a staunch defense of Morton Halperin, nominated to be assistant secretary of Defense for Democracy and Peacekeeping. While such an editorial, which did not offer an outline of the concerns I shared with fellow members of the Senate, is your prerogative, I feel entitled to reply.

Mr. Halperin's troubles are not the fault of a "partisan hit squad" or of the Senate Armed Services Committee. In fact, Republican members of the committee have avoided partisan battles over Defense Department nominees. With little dissent, we have voted to confirm every Department of Defense nominee—even those about whom we have serious reservations. Rather, Mr. Halperin's problems are of his own making, the inevitable result of the controversial 30-year record that the editorial cited.

The questions about Mr. Halperin's qualifications and motives are far more serious than any the committee has encountered, and our concern is broad-based and bipartisan. Mr. Halperin's record shows a man whose judgment about the nature of conflict and international relations is deeply flawed. He is a leading advocate of subordinating U.S. military power to multilateral interests in the apparent belief that the United States can't be trusted to act unilaterally for the good of mankind.

It is true that recent news stories reporting Mr. Halperin's advice not to send additional equipment to protect our troops relied on unnamed sources. But that should be nothing new to The Post. They are nameless because they are military officers whose careers will be destroyed if they speak out publicly. It is to their credit that they are willing to come forward, even in anonymity, out of concern for American lives. After all, Department of Defense nominations—unlike domestic policy appointments—can be a matter of life and death.

In the days since these stories appeared and I expressed my concern on the floor of the Senate, Pentagon spokeswoman Kathleen deLaski is reported to have admitted that on the subject of Mr. Halperin's influence she does not know "what he might have said in conversations to people in this building."

To many of us, Somalia is a clear case of Halperinism at work, a striking example of how bad policy can result in dead young Americans. Our country now appears to be embarking on an even more ill-defined and ill-conceived operation in Haiti, and there are indications that Mr. Halperin had a hand in its design as well.

Republican members have good reason to believe that Mr. Halperin's advice will lead to more United Nations "peacekeeping" operations like Somalia. Possibly more Americans will be killed or wounded for no clear national purpose. Consequently, we have no choice but to oppose him.

I believe senators of both parties have a moral obligation to make sure that his kind of misguided and discredited policy does not gain a beach-head of influence in the Pentagon.

TRIBUTE TO THE ADELPHI UNIVERSITY SCHOOL OF NURSING

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. TOWNS. Mr. Speaker, I would like to pay special tribute to the Adelphi University School of Nursing. Inaugurated in 1943 by Mrs. Eleanor Roosevelt as part of the United States Nurse Cadet Corps, the Adelphi University School of Nursing became the first baccalaureate nursing program on Long Island. It is one of the preeminent schools of nursing in the country. Adelphi offers a state-of-the-art curricula and awards undergraduate, masters, and doctoral degrees. It also offers continuing education courses in nursing. Graduates of the school hold prestigious positions in nursing and have earned national and international distinction.

This school exemplifies the ethic of social responsibility in preparing its students to meet the challenges that health care providers face in a rapidly changing world. The institution has proven itself as a forerunner in the health care field. As a major center for advanced clinical practice and research, the school has modified its curriculum to respond to new needs and knowledge.

The school is accredited by the National League for Nursing and the Continuing Education Program by the American Nurses Association. It maintains affiliations with more than 100 health care facilities and hospitals in the greater New York metropolitan area and throughout the Nation.

It is with great pride that I commend this institution.

SUPPORTING THE NORTH AMERICAN FREE-TRADE AGREEMENT

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. CLEMENT. Mr. Speaker, I rise today to endorse the North American Free-Trade Agreement. Throughout modern history, the world has come to view America as a trendsetter and worldwide leader. As the Earth's remaining superpower, America has the responsibility to take leadership roles that forge new paths of international economic cooperation. NAFTA offers us that opportunity.

The 103d Congress has the plan before it today to create the world's largest trading partnership. With nearly 360 million consumers and an annual production rate of over $6 trillion, North America will undoubtedly become the single most vital and influential market on the globe.

Lowering our trade barriers and expanding our economic markets just makes good common economic sense. If I were to approach any small business in America and tell them that I had the ability to open and broaden the market for their goods with a minimal increase in competition, do you not think they would jump at the chance? Of course they would; it makes good common sense.

After World War II, America and its Allies were embroiled in the controversial debate of whether or not to commit themselves to rebuilding and reconstructing strong economies in Germany and Japan. The theory at the time was that there were only so many riches to go around, and increased investment in these countries would result in decreased wealth at home. Fortunately, America and her Allies did not heed this assumption and looked toward the long-term benefit of economic investment in these wrecked economies. As a result of this foresight, the average person in the world today has a much higher standard of living than in those days, even while the population has increased exponentially. More importantly, for many of those years the United States was a net exporter to both Germany and Japan, creating thousands of American jobs.

The current problem facing working men and women is much more complex than can be summed up in this NAFTA debate. The bottom line is that while NAFTA will have a positive impact on this country by itself, the positive effect of this treaty is not the cureall for our Nation's economy. Overall, it is estimated that there will be a net increase in the first year of over 170,000 jobs in our Nation's work force, a drop in the bucket for a nation with 240 million residents. Instead, our leaders must be willing to create opportunities that improve the skills of our work force and invest in the education of our children.

In my home State of Tennessee, we have increased our trade with Mexico and Canada by over 310 percent in the past 5 years, becoming the 15th largest exporter of American goods to Mexico. Last year alone, Tennessee exports to Mexico were valued at over $413 million. Tennessee's trade with Mexico will certainly strengthen with NAFTA, creating an increase in export-related jobs for our citizens.

At issue here, however, is America's willingness to reach out to new markets for its products and end the status quo. America continues to lose jobs without NAFTA and we no longer can afford to sit back and watch our labor move to Pacific rim countries that have ineffective labor, environmental, and minimum wage laws.

The North American Free-Trade Agreement is about investment in our national economic security in the long term. This country cannot afford to adopt the position that continued closed borders and tariff restrictions are in the best interest of its citizens. Failure to pass NAFTA sends a strong and clear message to those currently involved in the GATT Treaty negotiations that the North American region is ill prepared to serve in a 110-nation trade agreement, virtually ensuring the failure of these discussions.

Mr. Speaker, this NAFTA gives us the opportunity to invest in a country that has one of the fastest growing economies in the Western Hemisphere with nearly unlimited potential for future growth. That country is Mexico. Already, lowered trade restrictions with Mexico have made that country our third largest trading partner behind Canada and Japan and the second largest export market for manufactured goods. Furthermore, Mexico is the third largest market for United States agricultural products. With over 225,000 jobs in America directly dependent upon trade with Mexico, another

700,000 United States jobs indirectly dependent upon trade with Mexico, and 45 of the 50 States in America reporting increases in trade with Mexico since 1986, it becomes quite clear that free trade with Mexico is good for American workers and manufacturers.

The debate over NAFTA has been a long journey that has forced Americans to take a second look at our Nation's international trading partnerships. I intend to support NAFTA based upon my belief that this country can no longer afford to leave its borders closed in the face of an increasing global economy and this NAFTA creates jobs for our Nation's workers. I urge my colleagues to take a bold stand for investment in our country and support this NAFTA.

ELLA JONES: A COMMITTED LEADER, A SUCCESSFUL ORGANIZER

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. POMBO. Mr. Speaker, I rise today to demonstrate special recognition for Miss Ella Jones, a constituent residing in Stockton, CA.

Miss Jones has demonstrated exceptional leadership in making the Village East Apartments in Stockton a safer place to live.

She received recognition recently for her accomplishments by receiving a prestigious Jefferson Award from the American Institute for Public Service. From 40,000 nominees nationwide, 150 finalists were chosen. Of these, only five, including Ella, were named national award winners for their remarkable achievements.

Mr. Speaker, this is Ella Jones story. Ella Jones has been living in the Village East public housing complex since 1969. During the 1970's, she helped organize a tenant's association and served as its president. The association's activities were primarily recreational, and focused on the children. Eventually, drug and gang troubles became a dangerous issue.

In 1982, Michael McCormick, a youth of 19, died of a stab wound in the chest. The argument which finally caused his death began at the apartment complex, but ended at a local vocational school. He was Ella's son.

In 1983–84, local gangs were in the area and occasional beatings and shootings occurred in the neighborhood regarding drugs. A territorial dispute between members within the same gangs occurred, and a member was shot and killed on the property. Neither the victim nor the killers, which were arrested, were residents of the complex. The issue was gang territory.

In 1987, the city of Stockton was forced to cut back its police department. This coincided with the arrival of the Bloods and Crips, gangs from the larger urban areas of Los Angeles and San Francisco.

Problems continued to ebb and flow in the complex. In March 1988, a blind youth, John Riley, an innocent bystander, was caught in the crossfire of gang activity and killed.

In June 1988, the Stockton Record reported on Ella Jones' efforts to rid Village East of drug-related criminal activity. The Record cited her efforts to patrol the complex with her megaphone. She quizzed children and youth about why they were hanging out at Village East, determining whether or not they actually had relatives, friends, or reasons to be there. Her involvement earned the respect of gang leaders because she was not afraid to confront them.

Helva Doyle, who assisted Jones, wasn't so lucky. She had her car windows shot out in reprisal.

In 1990, a brother of a gang member was shot and killed on the property. Both boys were residents. Management established a job training program with the Boys and Girls Club to employ residents and neighborhood youth to teach them construction skills. The youth were involved in making repairs in the complex. The intent of the program was to provide skills, distract teens from the street, and to provide income.

In September 1992, the San Joaquin Prevention Partnership awarded Village East and the Boys and Girls Club $5,000 toward recreational equipment and programs on safety and substance abuse.

Ella Smith participates in the San Joaquin Prevention Partnership. The partnership's vision is "an empowered community that collectively addresses issues to assure a Safe, Healthy, and Drug-Free Environment." Their mission statement continues, "through collaborative public and private prevention efforts, the prevention partnership will plan, coordinate, and develop programs, services, and resources based on community priorities and will enhance and assist leadership."

A three-bedroom unit has been transformed into an activity center in which to provide after school recreational and educational activities for the 260 children of the complex. Ella Jones is now the program coordinator. Her job description includes coordinating the above-mentioned activities, as well as health care—eye exams, blood pressure clinics, and so forth—for residents and activities geared toward seniors and the disabled.

In 1989, over 100 residents of the Village East neighborhood staged their first "Just Say No" anti-drug rally. The "Just Say No" Club was started with the interest earned from residents' security deposits. The coordinator of these activities is Ella Jones.

Much of her drive, enthusiasm and commitment to the cleaning up process occurs through this club, which involves youth from 3 or 4 on up to 15 years of age. With the children continuously involved, parents become aware, involved and finally committed to standing up for themselves in taking back their neighborhood.

The "Just Say No" Club meets every 2 weeks at Village East. Special programs are offered about safety issues for kids, substance abuse, and even personal grooming. Jones plans tutoring programs using community college students.

Jones relies on her "Just Say No" Club kids to help with all the activities as well. They hand out flyers and announcements, and help decorate for the holiday parties at Halloween and Christmas, the annual Thanksgiving Dinner, the Easter Egg Hunt and other events like skating parties.

Over the years, Jones has connected with resources from all areas to bring much needed programs and services to Village East. She has worked with the city's parks and recreation department providing community input on needed repairs, maintenance, and programs at the centers. She has prodded the city planning department and public works about stop signs and street lights. Public school truant officers have been regulars to the complex, escorting nonresidents off the ground, to their homes, or to school.

County public health has responded to Village East with eye testing and blood pressure clinics. Seniors have benefited from Meals on Wheels and Dial a Ride Transportation. In October 1992, the King School offered a health fair for the neighborhood, and Jones promoted the event for the Village East residents.

At any time, Jones can rely on a core group of 25–30 residents who will assist her efforts to mobilize the complex. It's a tiring task maintaining motivation in people. Setbacks tend to cause discouragement. Constant reinforcement of people's self-esteem and their ability to create change is necessary.

Ella tells a good story about a recent community meeting. She got to the Martin Luther King School auditorium, just a few blocks away, and there were only 25 people from the complex. On the agenda were several city officials including the mayor and chief of police.

She went back to the complex telling people, "You have got to show yourselves at this meeting. I can represent you, but I can't stand up for you. You've got to stand up for yourselves. I don't have no babies, you've got babies to protect. Come on out of your apartments and stand up for yourselves." Back at the auditorium, she had 150 people. "All right," she said. "All right."

Mr. Speaker, Ella's dedication and commitment are an inspiration to all of us.

WORLD WAR II VETERANS MEMORIAL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Ms. KAPTUR. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD this letter I received regarding legislation I introduced to authorize construction of a World War II Memorial in our Nation's capital.

KANSAS CITY, MO, *July 21, 1993.*

DEAR CONGRESSWOMAN KAPTUR: I am a World War II veteran who served as a first scout and Combat Infantryman with the 103rd Infantry division in Europe. Through the grace of God and my mother's prayers, I survived the death and destruction that claimed many American soldiers while in defense of our country.

While our nation may be great, almost fifty years have passed with no meaningful or permanent memorial for our World War II veterans. For this reason, I have also been trying for years to fire up our leaders in America to honor those that deserve honor with a World War II memorial in the Washington D.C. area. I have also suggested issuing US commemorative stamps in honor of the POW-MIA's, the combat soldier, and in some way, all the members of our military, male and female.

I have written President Bill Clinton, Veterans Affairs Secretary Jesse Brown, Congressman Alan Wheat, my 5th District Representative from Missouri, and others. Congressman Wheat remains supportive and informed me about your efforts as sponsor of legislation that would create a World War II memorial. I have not heard from President Clinton or Secretary Brown. I guess we all have our own priorities.

I want to take this opportunity to thank you from the bottom of my heart for your untiring efforts. I don't believe World War II veterans want glory or individual recognition, only remembrance. We want to feel needed and appreciated.

I am enclosing correspondence relating to my efforts, including a letter dated July 14, 1993, from the US Postal Services. The example I submitted for a US stamp of the Combat Soldier and his badge of honor could be used for a statue within the World War II memorial. I have other ideas relating to the World War II memorial. I hope members selected for the World War II memorial Advisory Board are knowledgeable and worthy of this honor. Someone like Mr. Roger Durbin.

Please convey the appreciation of this old warrior to all those that supported you in your efforts. There is power in a dedicated few. Our country should consider the fact there will always be trouble spots in the world. We must show appreciation to our old warriors now, in a meaningful way, to indicate to our young defenders what to expect from a grateful nation when they, too, may become old warriors.

Fine ladies have played a major role in my life. My mother who prayed constantly for me during World War II. My sisters who cared and wrote me regularly while I was in military service. My late wife, Rachel, who guided me and supported me for over forty years. Many ladies I have met in volunteer community and church activities. And now, Congresswoman Kaptur, it is an honor to be writing to you to let you know that, although I have never met you, your efforts on behalf of World War II veterans indicates to me that you possess those fine qualities which seemed to have escaped other legislators for so long. May God continue to bless you in all your efforts to retain a sense of humanness in our society.

I have always felt that tears and fears throughout the years were this old soldier's souvenirs. But after almost fifty years, I am finally feeling a sense of accomplishment and peace. World War II may finally be over. I firmly believe that faith, hope, and sheer determination in all fronts gained us victory in World War II.

Please keep me informed on the progress of the World War II memorial and let me know if I can be of any help.

God bless you as He has blessed me. A grateful World War II veteran.

MIKE MORADO.

LEGISLATION TO REPLACE THE COUNCIL ON ENVIRONMENTAL QUALITY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. STUDDS. Mr. Speaker, in February of this year, the President announced his proposal to abolish the Council on Environmental Quality [CEQ] in his effort to streamline the Federal Government and bring the development of environmental policy closer to the Oval Office. Related to this proposal were initiatives to elevate the Environmental Protection Agency to cabinet level status, the establishment of the White House Office of Environmental Policy, and the reassignment of most of CEQ functions.

Although generally supporting the administration's efforts to recognize some of the environmental functions of the Government, JOHN DINGELL, the father of CEQ and the National Environmental Policy Act [NEPA] in the House, and I, as chairman of the committee with jurisdiction over CEQ and NEPA, asked the White House to explore more fully the broad range of policy matters that would be affected by its proposal.

Chairman DINGELL and I were particularly concerned with the implementation of NEPA, called by many the "Magna Carta" of environmental policy in the United States. CEQ is the institution that administers that law and oversees federal agency compliance with this important 1969 statute.

We wanted to make certain that the key NEPA functions would continue to be administered by a unit codified in law in the Executive Office of the President [EOP] and for which the top officer or director would be accountable to Congress. In these ways, the NEPA unit would be similar to the structure of CEQ. At the same time, we also agreed with the administration that many of the functions in the 1969 NEPA statute or its companion Environmental Quality Improvement Act of 1970 [EQIA] could be transferred to the new cabinet level EPA. We also recognized that, for a few select functions, the President should be able to determine which institution would more effectively serve his environmental policy coordination requirements.

I want to commend the open-mindedness and flexibility with which the administration entered into these discussions. In particular, the White House Office of Environmental Policy, the EPA, and the Office of the Vice President were extremely responsive to our concerns and willing to review the broad range of activities of CEQ that are related to the NEPA process.

After a thorough consideration of all the issues, an agreement with the administration has been reached which protects the integrity of NEPA, addresses the concerns that Chairman DINGELL and I raised and, at the same time, provides the administration with broad discretion for environmental policy development in the White House and a more tightly structured office to focus on NEPA compliance.

One of the most important features of our agreement is the section delineating the core NEPA functions to be carried out by the Office of NEPA Compliance. For the first time, the central NEPA functions will be statutorily specified and consolidated into a single title of NEPA. This will make the new office a leaner unit in the EOP but one for which its mission is abundantly clear and NEPA-specific. Efficient and clear administration of the law should be the result.

This agreement is embodied in the bill that JOHN DINGELL and I have introduced today entitled the National Environmental Policy Act Administrative Reorganization Amendments of 1993. A summary of the legislation is included with this statement. I intend to present this bill to the Rules Committee as a proposed amendment to the EPA cabinet bill when that legislation is considered in the House. A CEQ provision is in the Senate-passed EPA cabinet bill; thus the issue will be part of the conference committee deliberations.

SUMMARY OF LEGISLATION—NATIONAL ENVIRONMENTAL POLICY ACT ADMINISTRATIVE REORGANIZATION AMENDMENTS OF 1993

A new Office of NEPA Compliance with be established in the Executive Office of the President to replace the Council on Environmental Quality (CEQ) and the Office of Environmental Quality (OEQ).

The new Office will be headed by a Director who is appointed by the President by, and with the advice and consent of, the Senate. The Director is required to keep the congressional committees of jurisdiction informed about the policies and practices of the Office.

The Office of NEPA Compliance will be a significantly smaller office than the present CEQ. It will have seven professional staff plus support staff and an authorization of $1 million in Fiscal Year 1994; there will be modest increases in the out years. This compares to a CEQ/OEQ staff of 32 personnel and a budget of $2.5 million at the end of the last Administration.

In part, this reduction reflects the repeal of the requirement for the mammoth annual CEQ Report, the transfer of a number of functions in existing law to the new Department of Environmental Protection (when that legislation is enacted), the opportunity for the President to assign even further environmental functions to other units in the EOP, and the streamlining of the mission of the new Office to fewer, but critically important, "core" NEPA functions.

Most of the functions now carried in NEPA and EQIA will be transferred directly to the new Department of EPA. These include research, analytical, system evaluation, and data collection activities that can better be carried out by the new cabinet department.

Those functions of CEQ that involve cross-agency appraisals of programmatic contributions to the goals of NEPA and coordination of environmental policies are statutorily granted to the new Office but may be assigned by the President by executive order to another unit in the Executive Office of the President (EOP) or, for certain of these functions, to another federal agency.

Additionally, there are clarifying provisions based on the accepted and historical practice of CEQ in implementing NEPA. These include explicit authority to promulgate NEPA regulations, oversee agency compliance with the regulations, interpret NEPA for federal agencies and citizens, and mediate interagency disputes. These functions are based on present authority in NEPA, various executive orders, or by established CEQ practice. These "core" NEPA functions are granted directly to the Office of NEPA Compliance and may not be reassigned.

LIST OF FUNCTIONS IN NEPA AND THE ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970 THAT WOULD BE DIRECTLY TRANSFERRED TO THE NEW DEPARTMENT OF ENVIRONMENTAL PROTECTION

The following functions shall be transferred to EPA and shall not be construed to affect, alter, or amend any other law or regulation administered by the Secretary of the Environment:

(1) Gather timely and authoritative informaion concerning the conditions and

trends in the quality of the environment both current and prospective, analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in NEPA, and compile and submit to the President studies relating to such conditions and trends;

(2) Conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(3) Document and define changes in the natural environment, including the plant and animal systems, and accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(4) Report at least once each year to the President on the state and condition of the environment;

(5) Review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(6) Promote the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(7) Assist the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established throughout the Federal Government; and

(8) Collect, collate, analyze, and interpret data and information on environmental quality, ecological research, and evaluation.

EXISTING CEQ/OEQ STATUTORY FUNCTIONS TO BE GRANTED TO THE NEW OFFICE OF NEPA COMPLIANCE BUT ASSIGNABLE BY THE PRESIDENT TO OTHER ENTITIES

Existing statutory language from Title II of NEPA and section 203(d) of EQIA (functions presently carried out by CEQ):

A. The following functions are to be carried out by the Office of NEPA Compliance unless assigned by the President, by executive order, to another unit in the EOP:

(1) Review and appraise the various programs and activities of the Federal Government in light of the policy set forth in Title I of NEPA for the purpose of determining the extent of which such programs and activities are contributing to the achievement of such policy, and make recommendations to the President with respect thereto;

(2) Coordinate the development of recommendations to the President on national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation; and

(3) Coordinate or facilitate the development of such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request;

B. The following functions are to be carried out by the Office of NEPA Compliance unless assigned by the President, by executive order, to another unit in the EOP or to another federal agency:

(1) Assist the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, those specific major projects designated by the President which and do not require individual project authorization by Congress, which affect environment quality; and

(2) Assist in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality.

"CORE" NEPA FUNCTIONS TO BE CARRIED OUT BY THE OFFICE OF NEPA COMPLIANCE (NONASSIGNABLE)

The following provisions specifying and clarifying NEPA-related functions that have been carried out by CEQ, are necessary to enable the Office of NEPA Compliance to execute NEPA functions, and are directly or indirectly authorized under NEPA or Executive Order 11514 of March 5, 1970, as amended by Executive Order 11991 of May 24, 1977, or historically practiced by CEQ in furtherance of its NEPA responsibilities, are nonassignable:

(1) Promulgate regulations governing the implementation of NEPA by all Federal agencies (including independent regulatory commissions) which include provisions for public review and comment on the detailed statements required by section 102(2)(C) of NEPA and, as appropriate, on other documents prepared pursuant to NEPA;

(2) Mediate interagency disputes and receive referrals of interagency disagreements under section 102(2)(C) of NEPA or matters under section 309(b) of the Clean Air Act for, as appropriate, resolution by the President;

(3) Monitor federal agency implementation of NEPA and the Office's regulations, including: review and approve agency NEPA regulations; determine lead agency for purposes of compliance with NEPA when there is an interagency disagreement; develop alternative NEPA procedures in cases of an emergency; develop alternative NEPA procedures in cases in which there is a change in a proposed agency action or new information becomes available; provide guidance to Federal agencies regarding NEPA implementation; and address such other environmental functions as the President may specify.

TRANSITION PROVISIONS

The bill contains a number of transition provisions to provide for the change from the CEQ and OEQ to the Office of NEPA Compliance, will require a few pages of legislative text to address such matters as:

1. References in other federal laws, executive orders, rules, and regulations;

2. Savings provisions for the continuation of orders, rules, regulations, grants, and other administrative actions;

3. Continuation of proceedings and applications;

4. Suits involving the CEQ or OEQ;

5. Protection for existing CEQ NEPA regulations;

6. Transfer of existing amounts available for CEQ to the Office of NEPA Compliance; and

7. Technical and conforming changes to title I of NEPA and the Environmental Quality Improvement Act.

ORTIZ SALUTES WELDON HILLIS—PRODUCTION SUPERVISOR, FORMER PRINTER'S DEVIL, HERALDED FOR 51 YEARS OF SERVICE

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a longstanding friend—my supervisor in the first real job I had as a teenager—Weldon Hillis. When I was a young teenager, Carroll Keach of the Robstown Record, my hometown newspaper, gave me the first job I ever had—aside from the migrant work with which I helped my family—and that job was one as a printer's devil.

That was when newspaper operations included the old time letterpress system, whereby the printer's devils would tediously apply ink to the assembled characters that made the words, sentences, paragraphs and so on. They called us printer's devils because the work with ink was so filthy. I don't think you could walk through the room without getting dirty.

Weldon Hillis was the linotype operator then, and he supervised all the printer's devils. Weldon had a very unique way of communicating with us—he said nothing, yet we knew exactly what he meant. He would occasionally convey orders to me or one of the other printer's devils to deliver papers downtown.

I always admired, respected, and loved Weldon Hillis. He is a good and decent man who taught me much about the world from my little corner of it in Robstown. That admiration for Weldon Hillis runs deep in our hometown—Weldon is well loved throughout the community.

Weldon retires today after 51 years of service to the newspaper and to our community. He is now the production supervisor for the same publication now named the Nueces County Record-Star, having left the soot of the printer's devil long ago.

Mr. Speaker, today I salute Weldon Hillis and I commend him for his outstanding service to our community over the course of his lifetime. Thank you, Weldon.

APOLLO 11 MOON LANDING COMMEMORATIVE COIN TO BENEFIT MATH AND SCIENCE EDUCATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to introduce legislation, along with Congressman JIM BACCHUS, my distinguished colleague from the space coast of Florida, authorizing the minting of a silver dollar to commemorate the 25th anniversary of the Apollo 11 landing on the Moon—an epoch journey and one of the greatest achievements of mankind.

In the decade prior to the lunar landing, the U.S. space program captured the imagination of all Americans, especially our Nation's youth. First, the Mercury Program, then Gemini and the Thundering Apollo missions atop the Saturn V rockets. And then finally, on that special evening of July 20, 1969, the Apollo 11 mission brought Neil Armstrong and Buzz Aldrin—the first humans—to the Moon.

The Apollo 11 lunar landing had been only a dream a decade before, and it was a victory celebrated in many ways. It was a triumph and a wave of reassurance for a nation ill at ease on the battlefield of the cold war. It was also a culmination of President John F. Kennedy's vision.

President Kennedy had announced in May of 1961 that America "should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth." Accomplishing the feat eventually took 8 years and the work of 400,000 dedicated men and women.

July 20, 1994, marks the 25th anniversary of the Apollo 11 mission. The commemorative silver dollar that this legislation authorizes is a tribute to the thousands of people involved in the space program who made the lunar landing possible. It will serve as a reminder of what can be achieved as a nation when working together for a common goal.

In the 1960's, the space program inspired tens of thousands of students to study engineering and science with an eye toward reaching great milestones of their own. It is appropriate, then, that the legacy of the Apollo program continue to inspire another generation of young people.

A $10 surcharge on the sale of each silver dollar will go to the Aerospace Education Alliance, a nonprofit organization whose members include the Young Astronaut Council, the Challenger Center for Space Science Education, U.S. Space Camp, Astronaut Memorial Foundation, and the U.S. Space Foundation.

These five leading organizations have come together to assist in Goals 2000, the national strategy to improve math and science education. Among its milestones is the immediate upgrading of the existing teacher work force * * * to improve student performance significantly by the year 2000.

Building on the success of their earlier programs, the Aerospace Education Alliance plans to implement a coordinated strategy of change in America's K–8 teaching process, using aerospace concepts to improve student interest and achievement in math, science, and technology.

The program goal is to provide graduate level instruction for teachers that is recognized as a substantive professional credential. University collaboration will provide academic credit, and a certification process will ensure quality. Evaluation criteria will be established to ensure the effectiveness of the program in the classroom.

Honorary board members of the Aerospace Education Alliance who support this effort include astronauts Buzz Aldrin, Tom Stafford, and Eugene Cernan; former Senator and astronaut Jake Garn; Aerospace Industries Association President Don Fuqua; Planetary Society Executive Director Louis Friedman; Jack Anderson; June Scobee Rogers; John Hendricks, chairman and CEO of Discovery Communications; Lockheed Space Operations President Gerald Oppliger; TRW Director Emeritus Dr. Simon Ramo; CTA Founder and President Tom Velez; John Logsdon, director of the Space Policy Institute at George Washington University; Dr. Edward Fort, Chancellor of North Carolina A&T State University; and Dr. Wes Posvar, president emeritus of the University of Pittsburgh.

Apollo 11 silver dollar is patterned after the successful White House 200th Anniversary coin, released in 1992 and will not compete against larger issue coins such as those produced to support the World Soccer Cup. A contest will be held to select a design, and the coin will be unveiled and available for sale near the time of the anniversary in July 1994.

The production of the Apollo anniversary silver dollar comes during an era of great change in the world and will serve to remind us of the possibilities for even greater accomplishments in the future. America's teachers will guide our children toward that horizon, and it is particularly appropriate that this anniversary benefit them.

THE BRADY HANDGUN WAITING PERIOD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. STARK. Mr. Speaker, this week we will vote on the Brady handgun waiting period. NRA advocates often try to confuse the issue by claiming that waiting periods won't work. I want to share some statistics on the remarkable effectiveness of California's 15-day waiting period and background check which have been in place since 1975 for handguns and 1991 for long guns.

From January, 1991 through September, 1993, California's waiting period stopped 7,017 convicted felons and 7,477 people convicted of misdemeanors from purchasing guns. The following chart, based on data provided by the California Department of Justice, shows the major reasons why purchases were denied.

An ineligible person who buys a gun on the black market is guilty of a public offense—or felony depending on previous offenses—and faces up to a year in jail and a $1,000 fine. A gun dealer who does not comply with the waiting period or sells a gun to a person he knows or suspects to be ineligible, is guilty of a misdemeanor with the same penalties.

I hope my colleagues will remember the effectiveness of California's law and support the Brady handgun waiting period.

16,420 Illegal gun purchases stopped by California's 15-day waiting period—January 1991 to September 1993

Reason for Denial	*Purchases Denied*
Assault or Homicide Conviction	8,060
Drug Conviction	1,959
Theft, Burglary, Robbery, Weapons Offense	1,752
Mental Disorder/Illness	827
Under Age 21	720
Kidnapping, Restraining Order, Sex Crime Conviction	618
All other illegal purchases	2,584
Total	16,420

Source: California Department of Justice

BREAK DOWN BARRIERS: SUPPORT NAFTA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. PACKARD. Mr. Speaker, the article from today's San Diego Union-Tribune follows:

[From the San Diego Union-Tribune, Nov. 9, 1993]

SCARE TACTICS USED TO ASSAIL NAFTA

(By Ron Packard)

In his book about the history of our city, author Michael Grant writes, "San Diego, after a long adolescence, has suddenly emerged as a civic Cinderella, ready to take her turn on the international ballroom floor."

Nothing could ring truer. San Diego is poised to lead California out of the economic doldrums. The city is endowed with many resources which will ensure economic leadership into the 21st century. Therefore, I believe we must seize a historic opportunity to capitalize on San Diego's natural gifts. We must support the North American Free Trade Agreement (NAFTA) in order to break down barriers and unleash the economic toad. NAFTA opponents have resorted to the usual arguments based on fear and not facts. I would like to enumerate some facts about San Diego's strong stake in passage of NAFTA, and dispel some of these myths about it.

San Diego is the only major U.S. city at the border with Mexico. If an entrepreneur were calculating the benefits that NAFTA would provide to San Diego because of its unique position, he would embrace the agreement as a historic opportunity for our city.

San Diego boasts an educated, young, expanding work force and sound infrastructure and a wealth of high-tech businesses and industries. Nearly 80 percent of all San Diegans in the private sector work for firms of 10 people or less and nearly 90 percent work in firms of 20 people or less. Small businesses, because of their lean structure and an ability to adjust and innovate quickly and creatively, stand to reap huge benefits from exporting their products into the Mexican market of 90 million people, eager for American-made goods.

A report by the Small Business Development and International Trade Center released in 1992 concluded that NAFTA, if enacted, would produce significant benefits for San Diego in every sector. "San Diego is well-placed to become a center of U.S.-Mexican trade and to reap the benefits—as well as sidestep the drawbacks—of the expected increase in border activity."

The San Diego area exports goods and services worth $1 billion a year to Mexico. In 1992, this figure was 10 percent of San Diego's gross regional product. Lowered tariffs and increased investments after NAFTA if passed are expected to boost that figure by $200 million to $300 million a year, for San Diego alone.

The San Diego business community is overwhelmingly supportive of the agreement. A broad cross section of businesses which generate the majority of all jobs in the region has concluded that NAFTA will mean a net increase in jobs nationally and is crucial to the future economic health of the San Diego region.

Among those who informed me of their support of the agreement were Simon Wong, president of the Asian Business Association; Gilbert Partida, president of the Greater San Diego Chamber of Commerce; Robert Lichter, chairman of the CEO Roundtable; Mayor Susan Golding, and Gerri Warren, head of the San Diego County Black Chamber of Commerce.

These business leaders realize that NAFTA will allow San Diego firms to provide linkages and connections for increased trade, investment, services, goods, education and information. It also will open up the Mexican market to San Diego's most competitive industries, including electronics, medical equipment, computer software, telecommunications equipment and our service sector.

NAFTA opponents' chief arguments are based upon scare tactics and fear. If one believed their rhetoric, the day after NAFTA passed, employers and businesses nationwide would spontaneously decide to flee American soil and relocate south of the border in Mexico. Opponents also say that passage of NAFTA will reduce wages of U.S. workers who will be forced to compete with Mexican wage earners who earn significantly less.

These contentions are not supported by the body of economic evidence, or by decisions most businesses and employers have made, and will continue to make, in the future.

Dire predictions about the giant "sucking sound" of jobs being lost as San Diego companies flee to Mexico are unfounded. What do businessmen and women know that the anti-NAFTA forces do not?

That cheap labor alone is not sufficient enough to bring economic success. If it were, the Dominican Republic would be an economic powerhouse. It is not. No matter how cheap labor is, the bottom line to business is that the work force must have a level of education equal to or greater than the task at hand. U.S. workers are nearly five times more productive than their Mexican counterparts—this more than offsets the lure of cheap labor and provides businesses with a compelling case to remain in San Diego.

Mexico also lacks the superior infrastructure which San Diego provides. Our road and water systems far outdistance those in Mexico. As they have in the past, businesses will continue to think twice about moving production to a country with an antiquated infrastructure.

There are companies which have chosen to relocate to Mexico, taking with them American jobs. However, these jobs were lost primarily because we do not have a free trade agreement with Mexico. Current Mexican trade barriers put U.S. employers and businesses at a competitive disadvantage in Mexico. Businesses must pay a 20 percent tariff on their American-made exports.

With a free trade agreement, San Diego businesses will not have to pay these high tariffs and will not be compelled to move their companies to Mexico in order to compete in the market. Without NAFTA, U.S. companies have an incentive to move to Mexico if they want access to the Mexican market.

New and virtually untapped markets like Mexico are, after all, where profits for business lie. When businesses can expand and grow to meet the increased demand of larger markets, jobs are created. Every $1 billion in exports supports 20,000 high-wage jobs. In a nutshell, exports equal jobs, NAFTA equals more exports from San Diego, therefore NAFTA means high-skill, high-wage jobs for San Diegans.

NAFTA is key to San Diego's vision of the future. Because of the city's unique resources and position, it will become a gateway to emerging international markets—Mexico, Latin America and the Pacific Rim. If we have the vision to embrace the opportunity of international free trade, to allow our civic Cinderella to truly step out onto the ballroom floor, we must marry her to an economic winner: NAFTA.

TRIBUTE TO JERRY GIUSTRA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Ms. MOLINARI. Mr. Speaker, on November 21, 1993, friends and colleagues of Mr. Jerry Giustra will gather at the Precious Hearts Association for Exceptional Adults seventh annual dinner and dance in Brooklyn, NY. They will gather to pay tribute to Mr. Giustra's untiring contributions to the betterment of our community. It is truly a pleasure for me to have this opportunity honor Mr. Giustra for being a longtime supporter of Precious Hearts Association, and a community leader in Bensonhurst and Bay Ridge.

Mr. Giustra has always been an important member of his community, and a credit to his country. He served 3 years of active duty in the U.S. Army in World War II. During his time in the military he became a war hero and received various commendations, including a purple heart for bravery when he was shot in the leg while attempting to the aid a fellow American soldier.

He has been an active member in the Kiwanis Club of Bensonhurst and Bay Ridge—Ben-Bay—since 1972. In 1987–88 he became distinguished president. He has been an active member of the Kiwanis Council, Brooklyn Division, and has served as the house chairman for the past four administration. He has chaired and co-chaired a drive, through his club, to raise funds for the Bensonhurst Volunteer Ambulance Service, which resulted in the clubs donation of a fully-equipped ambulance.

He has been a supporter of Precious Hearts Association For Exceptional Adults since 1987. Through Mr. Giustra's love and concern for our mentally handicapped young people, and the generosity of Kiwanis, and, in particular the Kiwanis Club of Bensonhurst and Bay Ridge—Ben-Bay—Precious Hearts For Exceptional Adults has been able to jointly sponsor, with the club, many parties and social activities for young adults, which helps to enhance their self esteem thus giving them a feeling of self worth. Through the continued support of Kiwanis, and their belief in what good people can accomplish together, Precious Hearts has been able to help many who cannot help themselves.

Mr. Speaker, Jerry Giustra is a man who has always extended himself for others, putting the needs of others before his own. It is my pleasure to have the occasion to give thanks to a dedicated family man who has demonstrated both leadership and commitment in improving the quality of life of his neighbors and all the people of Brooklyn.

RABBI EDWARD AND SARAH GARSEK RECOGNIZED

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. KAPTUR. Mr. Speaker, it is with great pleasure that I rise today in recognition of Rabbi Edward and Sarah Garsek who will receive the State of Israel Award on November 16 for their continued support of the congregation, our community as well as Israel's economic development through investments in Israel bonds.

Rabbi Garsek has dedicated his life to the service of his community. Beginning in 1975, he has been an outstanding spiritual leader in the Etz Chayim Congregation, and teacher at the Toledo Board of Jewish Education Schools in the Hebrew Academy, the High School for Jewish Studies and the Adult Institute of Jewish Studies. Rabbi Garsek also teaches bible and codes classes for the Congregation Etz Chayim. He also serves as the chaplain for the Ohio State prisons and mental institutions.

Rabbi Garsek received his rabbinical ordination from the Hebrew Theological College in Skokie, IL, and a bachelor of Hebrew literature and a master of pastoral counseling. He also holds a Masters degree in Education from the University of Toledo and a bachelor of arts in history and philosophy from Loyola University in Chicago, IL.

Rabbi Garsek has lent his abilities to many organizations by serving on their board of executives. Some of the organizations that he serves in this capacity include the Rabbinical Council of America, the Hebrew Academy of Toledo, the Toledo Jewish Book Fair, and the Toledo Jewish Educator's Council. In addition, he has served on the organizational boards of the Economic Opportunity Planning Association of Greater Toledo, Inc. [EOPA], and continues to serve on the Foundation for Life, Toledo B'nai B'rith Lodge No. 183, the Mental Health Association of Greater Toledo, the Toledo Board of Jewish Education, Toledo Jewish Home for the Aged, the Toledo Jewish Family Service, the Toledo Jewish Community Center and the Toledo Jewish Federation of Greater Toledo.

Beginning with her great grandfather, Sara Garsek has always been part of a rabbinical family. She serves on the Cherva Kadisha and is Mikvah Attendant for the Netay Etz Chayim Synagog and previously served as president. She is also the previous vice president of Etz Chayim Sisterhood and ORT. For the past 12 years Sara has been a community Hebrew school teacher and a Hebrew teacher at the Hebrew Academy. She continues to give of herself tirelessly, providing behind the scenes support and serving as a visible symbol of Jewish hospitality.

In addition to their selfless contributions to the community, the Garseks have successfully raised six children: Cheryl Ester, Deborah Elka, Zev Yosef, Shoshana Ruth, Rachael Nachama, and Yitzchak Raphael.

Mr. Speaker, I am privileged to represent these extraordinary people. I ask that my colleagues join me today in extending our heartfelt congratulations to the Garseks on the receipt of this much deserved award.

DEMOCRACY IN RUSSIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. DOOLITTLE. Mr. Speaker, last month as we watched Boris Yeltsin's courageous struggle against the hardline communists in Moscow, Robert H. Krieble and Paul M. Weyrich of the Krieble Institute were eye-witnesses to this historic event. Mr. Krieble and Mr. Weyrich have been training Russian and eastern European leaders in the principles of democracy ever since the opening up of the former communist bloc. They were on such a training mission when the seige of the Russian White House began. I have submitted for the RECORD their account of these exciting events.

THE KRIEBLE INSTITUTE,
Washington, DC, October 8, 1993.

DEAR FRIEND: We would be hard pressed to convey to you our thoughts on that dark Sunday night of October 3rd as we headed for Moscow and an uncertain fate.

We had completed our second training conference in Voronezh and were headed for Novosibirsk. On the chartered bus taking us to the airport, radio Moscow reported that former Russian Vice President Alexander Rutskoi had dispatched a mob of 10,000 armed communists to take over City Hall, the main television channel, the central communications center and other key facilities. "Civil war has begun in the streets of Moscow," the newscaster announced.

Once inside the airport we learned that our flight to Novosibirsk has been cancelled and no flight was available for days. We managed to get booked aboard an old turbo prop leaving for Moscow two hours later. Meanwhile, we heard that special forces units had defected from the Yeltsin side and were assisting Rutskoi.

A black gloom descended over our group. As we boarded that small plane there was none of the excitement and banter usually associated with our travelling troupe. There are usually seven or eight of us who teach, several interpreters, some of our fieldmen and logistical people. We have a great time on these trips as it is an adventure to go to the far reaches of the old Soviet Empire to speak of freedom and democracy.

But who could think of that now? The flight was less than two hours but it seemed an eternity. Our usually upbeat Moscow director Mikhail Reznikov was more troubled than we had ever seen him. The interpreters—one quietly sobbing—spoke of their families and worried for their safety.

We, who have spent years now laboring in this vineyard, wondered if it had all been in vain. We knew that if the Rutskoi group prevailed our Russian staff would be in immediate danger. We knew we must see to their well being, as association with us had made them marked people.

Mikhail Reznikov's brother Yuri met us at the regional airport. There in the dim light in the cold of a Russian fall, he gave us the latest. The communists had taken over City Hall. They had captured Ostankino, the main Russian TV facility. They were on their way to the central news agency and the Moscow police had collapsed and all but disappeared.

What of Yeltsin's response? We were told there had been no response. No one could understand what was happening.

On that long, long ride from the regional airport to the international airport hotel where—without reservations—we had determined to stay to insure communication with the outside world, we passed an armored personnel carrier being driven by uniformed troops and trucks with soldiers huddled in the back. What did it mean?

When at last we reached the hotel we were told the news was worse. Dozens dead at Ostankino. Eight different attacks all over the city and the Communist mob on its way to the Kremlin. Rutskoi had said it was time to oust Yeltsin.

"Don't worry," said Reznikov. "These criminals won't defeat the majority of the Russian People."

He wasn't kidding. For after he left us, he and thousands of others committed to freedom and democracy formed units to create a blockade to prevent the communist advance on the Kremlin. They had no weapons. But to capture Yeltsin the criminal band would have had to kill thousands of their fellow citizens who erected barricades with old bathtubs and street sweeper equipment and trucks and cars.

Together they waved the Russian flag and sang songs of freedom all night. Former Moscow police chief Arkady Murashev emerged as the chairman of the "Committee to Protect Moscow". Neighborhood groups—in anticipation this day might come—had practiced working together in small regiments. Murashev dispatched them to guard every cross street for miles leading to the Kremlin.

Meanwhile a stunned Boris Yeltsin returned to the Kremlin from his summer home by helicopter. He came to a disorganized and chaotic Kremlin where, as one reporter who stayed inside the Kremlin walls put it, "Indecision reigned. It was not a pretty sight."

To the rescue came two old colleagues of Yeltsin. Mikhail Poltoranin and Gennady Burbulis. Burbulis and Yeltsin had not spoken since, under Communist pressure last December, Yeltsin sacked his life long friend who had masterminded the end of the Soviet Union.

But this was a crisis and Burbulis, the brilliant strategic thinker, understood what was at stake even more than Yeltsin did. Burbulis and Poltoranin took command and began to bring order out of chaos. By late Sunday night a spokesman for Yeltsin emerged to say there would be a response—that the insurrection would be broken.

All night they planned the attack. In the morning tanks advanced on the Russian White House. Because the media had bought the false report that the Special Forces had defected to Rutskoi, when the tanks appeared on Moscow streets, no one was sure if they were there to help Yeltsin or to defend Rutskoi.

It turned out that there were no defections. Rutskoi, fervently believing that he would have a third of the armed forces with him, now pleaded with those he thought would defect to come forward. None did. This was consistent with information given to us a week earlier when two high ranking colonels of the Air Force assured us that the armed forces would be loyal to Yeltsin. They laughed heartily when we asked about rumored defections.

As we watched the events unfolding on television we were talking hour by hour to our various friends in the Democracy movement.

Late in the morning, we headed for downtown and the Freedom and Democracy House, which only 10 days earlier had been dedicated by Burbulis, Mistlav Rostropovich (the conductor of the Washington National Symphony, who years ago had defected but who is now helping Yeltsin) and the two of us in front of a large gathering of the most ardent democrats, many of them part of the Yeltsin government.

Far from the merriment of that gala reception to commemorate the opening of this Freedom and Democracy House where The Krieble Institute now has its permanent headquarters in Russia (44 Gercen Street), the place was now a madhouse of people rushing about with the latest information of sniper fire or troop action. An assistant to Murashev prepared a list of Communist groups for Yeltsin to outlaw.

In the background we could hear small arms fire and the occasional thump of cannon fire from the tanks surrounding the White House.

We pleaded with our cautious hosts to take us where the action was. They urged us not to go—citing those killed and injured by stray gunfire. But the stand for democracy was too dear not to take the chance, so we headed for Freedom Square—so named after the triumph of Yeltsin following the 1991 coup attempt.

There along the Moscow River we made our way alongside the thousands of Muscovites who turned out to witness history. At last we were there—a few feet from one of the active tanks looking at the incredible sight of fire and smoke pouring from the upper floors of the White House. Gunfire echoed everywhere and, as the military responded, the crowd panicked and nearly trampled us. We hung on to each other for safety.

Presently a column of police marched across the overpass above us, their shiny shields glistening in the sun of the beautiful October afternoon. At once the police came down the steps from the overpass to the street along the Moscow River where we stood transfixed in the middle of the revolution.

Soon men with their hands on their heads were marched down the stairs and were told to face the retaining wall. This was surrender. The siege of the White House was ending.

Above us Rutskoi and Parliamentary Speaker Ruslan Khasbalatov were being ushered into a bus to be carted off to prison. The gunfire continued unabated. But the battle was won.

The smell of gunpowder, the faces of those who surrendered, the blackened White House—these were sights which shall live with us forever.

We rushed to Tverskaya Prospect, the large street leading directly to the Kremlin, which was filled with citizens as all traffic had been blocked by the barricades. There in front of the old city council chambers we stood with eager—mostly young—democrats waiting for the latest word. As Russian flags flew everywhere, a man stepped out on the third floor balcony and spoke slowly in distinct tones to the crowd. "They are coming forth with white flags. They are surrendering," he said and the crowed went wild. Democracy had triumphed. There we were witnessing the finish of the second October Revolution. How different the ending this time! How blessed we were to have been a part of that extraordinary moment.

Late that night as we watched the fire continue to rage at the Russian White House our thoughts moved back to the happier times we had spent there. Our meeting with Yeltsin, our midnight meeting with Burbulis. The training conference we had conducted there for the pro-democracy members of the Russian Parliament. (Russian Democrats have told us that, were it not for our early training, Yeltsin would never had had the support necessary to get elected by the parliament in the first place and without that crucial first event, he likely would not have been there to act in this time of crisis.)

Yes, to save democracy, Yeltsin had to destroy the parliament.

We then heard a report that a list had been captured at the parliament building with the names of the reformers on it. Included in this list were our associates! Had Rutskoi won, they were to have been rounded up. The document even included instructions to customs officials to detain any who might try to leave the country.

Indeed we had stayed here to insure that, if need be, we could get them out of the country. Had Rutskoi won, our people and not Rutskoi and Khasbulatov would have been in prison. We shudder to think of it.

Now the real work begins in earnest. Much of what we have done here these past five years has been leading up to this moment.

Alexei Golovkov, an assistant to Deputy Prime Minister Egor Gaidar told us Tuesday that, in the next two weeks, Yeltsin intended to move swiftly to dismantle the remaining Communist structures throughout Russia. No doubt there will be pressure from the West for him to stop this.

But such dismantling is necessary if there are to be truly free and fair elections. In rural areas and regions of Siberia the old structures are fully in place. They must be removed and this is Yeltsin's window to do so.

As for the work of The Krieble Institute, our efforts could hardly have been more timely. A hugely successful conference in Perm, for example, has prepared the democratic forces there for the upcoming elections. We intend to be very active between now and the elections.

And our efforts on behalf of a market economy now should be stepped up. We believe private property will be completely legal in a matter of a few months. Title of ownership can be defended in the courts at every level. This is what foreign capital has been waiting for. The sort of progress we expected two years ago can now take place. For the first time can we honestly recommend business investment in Russia.

Few people ever get a chance to see history in the making. We consider ourselves greatly blessed that we have been a part of this continuing saga as true change comes to Russia.

As remarkable as our memories have been these past years, Monday, October 4, 1993, is one day we shall never, ever, forget. The day the Communists lost the Second October Revolution.

Sincerely,

ROBERT H. KRIEBLE.
PAUL M. WEYRICH.

MY VOICE IN AMERICA'S FUTURE

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. BACCHUS of Florida. Mr. Speaker, I insert the following for the RECORD:

MY VOICE IN AMERICA'S FUTURE

(By Kris Havens, Florida winner, 1992/93 VFW Voice of Democracy Scholarship Program)

On a dark stage, an actor waited. Suddenly a small yet brilliant spotlight grew, as if it gave life to the actor. It was at this time when that person could say anything, do anything, be anything, knowing that he would affect every member in the audience. The greatest playwright, William Shakespeare, once expressed, "The world is a stage." If this is true, then we are all the actors. Through our actions and voice we will touch each other.

Voice.

This five letter word presents not only the verbal, but the nonverbal actions as well. If a person looks deep enough into this word, they may be able to see how each letter represents a different performance. Those activities are the ones where the power of My Voice rings.

"V" represents Volunteer. Just as the spotlight grows and gives life to one actor, the performance of volunteering gives hope to many players. It is true, people are ripped out of their homes by environmental disasters. It is true, some children go to bed hungry. It is true, we all are vulnerable to incurable diseases. No matter what the case, everyone needs one thing—aid. Whether it's one's money, one's time, or one's heart, it helps. Edward G. Bulwar-Lytton once said, "When a person is down in the world, an ounce of help is better than a pound of preaching." When I attend Project Response and hug those unfortunate people who have acquired the HIV virus, or even worse, AIDS, nonverbally the power of My Voice rings.

"O" stands for Opinions. Before the cast is picked and any staging is done, it is the director who performs first, by deciding on how to interpret the play. In this remarkable country the people are free to believe in anything they desire. Thomas Mann once said, "Opinions cannot survive if one has no chance to fight for them." I will fight for my opinion in public forums, through voting and serving my country in military service. As I prepare myself for these duties, in the end the power of My Voice rings.

"I" represents being informed. The entire cast and crew of a play must take on the responsibility of being aware of what is going on at all times. Going through life blindfolded shows ignorance and weakness. We must keep in touch with what is going on in our city, state, country, and world. "America is not just a nation but a nation of nations," stated our 36th President of the United States, Lyndon B. Johnson. We must not ignore any problems that occur in this world; because in the end, it may be on our doorsteps and more likely, too difficult to control. By picking up a newspaper and reading more than just the comics and horoscope, softly, the power of My Voice rings.

"C" stands for Choice. An actor may choose many ways to portray his character to display the best of his talents. Everyone, as a United States citizen, has to choose to speak up for change. William James believed, "When you have to make a choice and don't make it, that in itself is a choice." I choose to be proud of my country, and its flag, and its opportunities. By choosing to act on these convictions, the power of My Voice rings.

"E" represents Education. Without light, nothing breaths on stage. Without knowledge, the light in a man's mind is dark. One must know the past to prevent future decisions from failing. One must know the present, as well, to aid in the future. "Education is growth * * * Education is not a preparation for life; education is life itself," explained Professor John Dewey. By enrolling myself in challenging classes and helping those struggling to gain knowledge, the power of My Voice rings.

The words from Johnson, Shakespeare, Dewey symbolize how the power of Their Voices still ring. Yet not only can their words be recalled, but their performances as well, therefore, I choice that my deeds speak for me through volunteering, holding opinions on current issues, staying informed, making choices, and striving for the best education possible. The power of My Voice Will Ring in America's Future!

THE CLAIM OF GIBBS & HILL, INC., AGAINST THE GOVERNMENT OF SAUDI ARABIA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to insert in the RECORD a statement I made at the October 21 meeting of the Foreign Affairs Subcommittee on Europe and the Middle East. This statement and the questions contained in it were directed at the witness before the subcommittee, Assistant Secretary of State for Near Eastern Affairs, Edward Djerejian. Mr. Djerejian was and continues to be responsive to my concerns and the serious concerns of other members of the committee on this issue of unresolved claims of United States corporations against the Government of Saudi Arabia.

STATEMENT FOR CONGRESSMAN ROBERT ANDREWS BEFORE THE EUROPE AND MIDDLE EAST SUBCOMMITTEE, OCTOBER 21, 1993

Mr. Assistant Secretary, I would like to make a brief statement and ask a few questions about an issue which greatly concerns me.

My comments relate to the resolution of the remaining long outstanding commercial disputes involving American companies and the Government of Saudi Arabia, which was the subject of the report submitted by the Department of Defense in June of this year, and specifically the resolution of the claim of Gibbs & Hill, Inc.

It is my responsibility and the responsibility of this committee to insure that the Saudi Government honors its commitment to expeditiously and fairly resolve the remaining unpaid claims of American companies noted in the DOD report. It is also my responsibility and the responsibility of this committee to insure that our Government, and specifically the Departments of State, Commerce and Defense fulfill their commitments to these American companies to bring about the fair and expeditious resolution of their claims.

Gibbs & Hill, Inc., an internationally recognized engineering company, with a large number of employees located in my district, was noted in the DOD report as one of the last claims remaining to be resolved by the Saudi Embassy. Gibbs & Hill had provided design and engineering services to the Saudi Government for the Yanbu Industrial City in the late 1970's. Gibbs & Hill incurred significant additional costs as a result of the Saudi Government's failure to perform its contract obligations. At the time that Gibbs & Hill's additional costs were incurred, the Saudi Government committed to fairly compensate Gibbs & Hill for these additional costs. However, the Saudi Government failed to live up to this commitment, and the Saudi grievance system also failed to equitably adjudicate Gibbs & Hill's claim.

The Saudi Ambassador, Prince Bandar Bin Sultan, had personally committed to me and other of my colleagues in the Congress in writing that the claim of Gibbs & Hill would be resolved in a "fair and expeditious manner" and that "no effort" would be spared in resolving Gibbs & Hill's claim. The DOD report stated that it had received the same assurances regarding the Gibbs & Hill claim from the Saudi Embassy and had also been assured that the Saudi Government would "proceed with determination and diligence to negotiate satisfactory conclusions to the remaining claims." Similar assurances had also been given the Departments of State and Commerce by the Saudi Government with regard to the Gibbs & Hill claim.

The Saudi Government has failed to live up to its commitments to me, my colleagues, this committee and our Government. Despite the multiple assurances by the Saudi Embassy that the claim of Gibbs & Hill would now be fairly resolved, Ambassador Bandar in a recent letter to me, as well as to Secretaries Christopher, Brown, and Aspin, reported that his Government's review of Gibbs & Hill's claim concluded that Gibbs & Hill was not entitled to payment of its additional costs. Ambassador Bandar's letter also wrongly accused Gibbs & Hill of attempting to bypass the Saudi grievance system, when, in fact, Gibbs & Hill was one of the few claimants identified in the DOD report who had fully complied with this system. In reaching its conclusion, the Saudi Government did not review documents repeatedly offered by Gibbs & Hill regarding the merits of its claim. Ambassador Bandar also contradicted his previous actions in resolving claims listed in the DOD report by stating that he could not intervene in cases which had been prosecuted under the Saudi grievance system.

The Saudi Government's review of Gibbs & Hill's claim and its conclusions as stated in Ambassador Bandar's letter are not acceptable to me, nor to this committee, and should not be acceptable to our branches of our Government. The actions by the Saudi Government are nothing more than a continuation of the unfair treatment and unfulfilled commitments to which Gibbs & Hill has been subjected for more than 12 years.

On September 24, I wrote to Secretary Christopher, as well as to Secretaries Brown and Aspin, to express my extreme displeasure at the continued unfair treatment of Gibbs & Hill by the Saudi Government and asked them to report to me what actions our Government intended to take to insure that the Saudi Government fulfills its commitments to Gibbs & Hill to expeditiously and fairly resolve its long outstanding claim.

Therefore, Mr. Secretary, I ask you today:

1. What actions are you taking to insure that Gibbs & Hill's claim is paid now.

2. As you know, Gibbs & Hill got all the commitments for resolution from the Saudi Government when the claims issue was hot. Then, when many of the claims were taken out, the story changed, perhaps because the pressure was off. I am here today to tell you that the pressure is back on. I am also here to urge you to join this committee in applying that pressure for satisfactory resolution of Gibbs & Hill's claim so we can quickly end this unfortunate chapter in our bilateral relationship.

I will quickly conclude this by assuring you that I, and this committee, will continue to push our Government and the Saudi Government for as long as is necessary to ensure that Gibbs & Hill's claim is paid.

TRIBUTE TO IRENE H. IMPELLIZZERI, PH.D.

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Ms. MOLINARI. Mr. Speaker, on November 21, 1993, friends and colleagues of Dr. Irene Impellizzeri will gather at the Precious Hearts Association for Exceptional Adults Seventh Annual Dinner and Dance in Brooklyn, NY. They will gather to pay tribute to Dr. Impellizzeri's untiring contributions to the betterment of our community. It is truly a pleasure for me to have this opportunity to honor Dr. Impellizzeri for being a distinguished member of the education community and for doing so much to further the education of special education students.

As a teacher, researcher, administrator, psychologist and community worker, Dr. Impellizzeri has crowded many accomplishments into an intense professional career. At each phase of her career, she had manifested a striking commitment to people. Even as she has responded to the myriad new challenges confronting the educational community in New York City, especially in the last few years, she has never lost her basic belief in the value of each individual and the potential of each student.

From her early days as the teacher in the elementary and secondary schools, then at the university level, and now as vice president of the New York City Board of Education, Dr. Impellizzeri has always focused her interests and energy on students. With successive degrees from New York University, Columbia University Teacher's College, and Fordham University, she moved from adjunct professor at Fordham University to professor at Brooklyn College where she became department chairman, and, in 1971 dean of The School of Education. In January 1987, she was appointed by the board of trustees of The City University of New York to the position of university dean for teacher education, a post from which she retired in July, 1991.

Mr. Speaker, Dr. Impellizzeri, is a woman who has always extended herself for others, putting the needs of others before her own. It is my pleasure to have the occasion to give thanks to a dedicated educator who has demonstrated both leadership and commitment in improving the quality of life of youth at all ages and levels of proficiency.

THE 55TH ANNIVERSARY OF KRISTALLNACHT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, today marks the 55th commemoration of the Nazi pogroms in Germany and Austria known as Kristallnacht, the Night of the Broken Glass.

On the evening of November 9 and morning of November 10, 1938, the Gestapo methodically orchestrated the destruction of selected targets within the Third Reich, including 275 synagogues and 7,500 Jewish businesses. Kristallnacht resulted in 91 Jewish deaths and 30,000 deportees to concentration camps.

This event was not an isolated incident. Instead, Kristallnacht marked the intensification of the 5-year, anti-Semitic program initiated by Hitler in 1933 and signaled the beginning of the Holocaust. This event, and the ensuing horror, terror, and inhumanity that defined Hitler's reign, happened because otherwise decent, caring people let it happen.

A half century later, here in our own country, there has been an alarming rise in crimes motivated by hate or religious, ethnic, and racial intolerance. Last year alone in my home State of New Jersey there were over 1,300 incidents of bias crimes. That represents a 34-percent increase from the previous year.

Mr. Speaker, on the 55th commemoration of Kristallnacht, we must commit ourselves to ensuring that such intolerance has no place in our society. Only through our sustained vigilance can we guarantee that such atrocities are neither forgotten nor repeated.

THIRD BAPTIST CHURCH CELEBRATES 125 YEARS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1993

Ms. KAPTUR. Mr. Speaker, it is with great pleasure that I rise today in recognition of the 125th anniversary celebration of the Third Baptist Church, the oldest African-American Baptist congregation in Toledo. Spanning a century and a quarter, Third Baptist Church enjoys a rich, deep history beginning in 1868 and continuing through to the present. In the early years, the congregation took strong leadership roles in the community and nurtured the birth of the Indiana Avenue YMCA, the Colored Girls Working Home and the Frederick Douglass Community Center. While community involvement took a firm hold, the structure of the church was manifested with a strong and active Sunday School and Missionary Society. Two of the five church clubs, the Willing Workers and the Y.W. Senior Clubs were also formed.

It was during this time that the church grew from a one-room frame structure to the edifice at its present location under the diligent leadership of Dr. Benjamin F. McWilliams, a man with courage, determination, and vision. He was well respected in the community, undertaking the most ambitious building program of its kind with the purchase of real estate and later construction on the site. The church was completed in three units from 1915 to 1927, each unit completely paid for before construction on the next began.

In 1933, Rev. Calvin Stalnaker became pastor of Third Baptist when Dr. McWilliams' health began to fail. It was a challenging period due to the tremendous progress made during this 10-year tenure. At that time there was phenomenal growth in the church membership, the budget was met, and the mortgage was paid in full.

Upon his resignation in 1944, Rev. Elliot J. Mason was elected pastor and remained the next 15 years. Reverend Mason's contributions were numerous, including an expansion program and completion of the church annex. In the years to follow, the church continued to grow spiritually under the vigorous leadership of Rev. H.W. Mason, Rev. Vincent M. Brown, Dr. Finis H. Austin, Dr. H. Clark Nabrit, and Rev. Donald Washington.

Today, with nearly 500 members under the dynamic leadership of Dr. Langston C. Bannister, the church has broadened its horizons even more. To his credit, significant projects have been completed including renovation of the kitchen and addition of a new roof.

Major improvements in the sanctuary are also being implemented. Dr. Bannister recognizes that the church has always been a protector and a provider for African-American people.

It has always given them the faith and hope needed to survive and grow in a sometimes hostile environment, thereby sustaining the needed outreach ministry into the community. Support programs such as youth development through the Cub Scouts, Boy Scouts, and Girl Scouts, the Pastor's Pantry, bus and tape ministry and Feed Your Neighbor have been implemented. These are tremendous resources within our community. The church also offers financial planning services, group discussions addressing the needs of single parents, as well as a multifaceted counseling program. Food baskets are given to numerous families during Thanksgiving and Christmas. Additionally, the congregation is very supportive and participates in the local Angel Tree Program.

Mr. Speaker, I ask that my colleagues join me today in extending our heartfelt congratulations of Third Baptist Church on its 125th Anniversary. May the congregation continue to enrich our community for many years to come.